

1 [DARE CASE AND THE MINNESOTA BRIEF.]
2 CONGRATULATING THE GOVERNOR OF CALIFORNIA ON HIS HANDLING OF THE DARE
3 CASE, AND URGING THE GOVERNOR TO CONTINUE HIS SUPPORT OF THE ADA BY
4 JOINING THE AMICI STATES IN THE GARRETT CASE SUPPORTING THE
5 CONSTITUTIONALITY OF THE ADA AND SIGNING MINNESOTA'S BRIEF.

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7 WHEREAS, The City and County of San Francisco has a long history of supporting and
8 extending human rights, including the civil rights of people with disabilities; and,

9 WHEREAS, The City and County of San Francisco has supported Federal civil rights
10 legislation; and,

11 WHEREAS, The City and County of San Francisco has consistently shown leadership by
12 initiating its own civil rights ordinances in many areas; and,

13 WHEREAS, The Americans with Disabilities Act is the single most important piece of Federal
14 legislation describing and protecting the rights of people with disabilities; and,

15 WHEREAS, The Americans with Disabilities Act was signed into law, July 26th, 1990, and
16 came into effect two years later; and,

17 WHEREAS, Title II of the Americans with Disabilities Act prohibits discrimination on the basis
18 of disability in state and local government services; and,

19 WHEREAS, People with disabilities are participating as full members of their communities in
20 greater and greater numbers; and,

21 WHEREAS, More and more children with disabilities are successfully integrated into their
22 neighborhood school; and,

23 WHEREAS, More and more people with disabilities are playing, worshipping, working, and
24 shopping along side their neighbors; and,

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1 WHEREAS, More and more communities are becoming inclusive and free of physical and
2 social barriers; and,

3 WHEREAS, Before the passage of the ADA, the United States had a history of discrimination
4 by the state against people with disabilities, including exclusion from the voting booth, public
5 education, employment, public transportation, housing, marriage and family rights, and state and local
6 government services; and,

7 WHEREAS, The Americans with Disabilities Act is an appropriate and proportional response to
8 this history of exclusion and segregation; and,

9 WHEREAS, A general attack on civil rights laws is under way, under the guise of “states
10 rights;” and,

11 WHEREAS, The constitutionality of the Americans with Disabilities Act as applied to the states
12 has been challenged in numerous states, and the ADA has been found unconstitutional as applied to the
13 states in the 8th Circuit; and,

14 WHEREAS, In the next U.S. Supreme Court term, the high court will be addressing the
15 constitutionality of Title II in the University of Alabama v. Garrett case; and,

16 WHEREAS, The State of Minnesota has prepared an amicus brief in the Garrett case supporting
17 the constitutionality of Title II of ADA, and has already been joined in this brief by many states,
18 including New York, Washington, Arizona, and Missouri; and,

19 WHEREAS, It is the position of the City and County of San Francisco that the ADA is not only
20 constitutional, but necessary; now, therefore, be it

21 RESOLVED, That that the Board of Supervisors congratulates the Governor of California on
22 instructing his attorneys to settle the Dare v. California case, which would have challenged the
23 constitutionality of the ADA; and, be it

24 FURTHER RESOLVED, That that the Board of Supervisors urges the Governor of California
25 to continue his support of the ADA by joining the *amici* states in the Garrett case supporting the

1 Constitutionality of the ADA, and signing Minnesota's brief in support of the Americans with
2 Disabilities Act.

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****SUPERVISOR SUE BIERMAN****
BOARD OF SUPERVISORS



City and County of San Francisco

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San Francisco, CA 94102-4689

Tails

Resolution

File Number: 001321

Date Passed:


Resolution congratulating the Governor of California on his handling of the Dare Case, and urging the Governor to continue his support of the ADA by joining the amici states in the Garrett Case supporting the constitutionality of the ADA and signing Minnesota's Brief.

July 24, 2000 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 001321

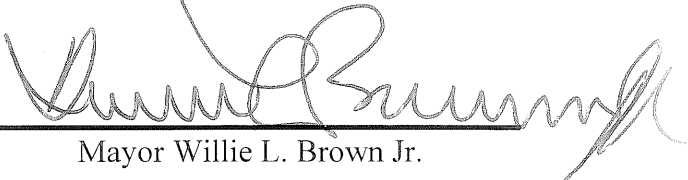
I hereby certify that the foregoing Resolution was ADOPTED on July 24, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

AUG - 3 2000

Date Approved



Mayor Willie L. Brown Jr.