



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

SEP 05 1995

The Honorable Tom Harkin
United States Senator
131 East 4th Street
314B Federal Building
Davenport, Iowa 52801

Dear Senator Harkin:

I am responding to your letter on behalf of James Patterson that enclosed a letter from Mr. Patterson to John Wodatch, the Chief of the Division's Disability Rights Section. That letter asked for a status report on Mr. Patterson's complaint alleging that the U.S. Department of Agriculture had discriminated against him on the basis of his daughter's disability, and also asked whether the State Department is subject to the requirements of the Rehabilitation Act of 1973, as amended. Please excuse our delay in responding.

As Federal Executive agencies, both the Department of Agriculture and the Department of State are subject to the requirements of the Rehabilitation Act. Pursuant to that statute each of these agencies has established administrative procedures for resolving complaints that allege discrimination in the programs and activities of the affected agency.

Based on prior correspondence with Mr. Patterson, we understand that he has filed section 504 complaints with the Department of State and with the Department of Agriculture concerning this matter. His complaint to the Department of Agriculture was dismissed for failure to state a claim. Mr. Patterson then directed an appeal from that decision to the Equal Employment Opportunity Commission and asked the Department of Justice to intervene on his behalf.

Under Executive Order 12,250, the Department of Justice is responsible for coordinating Federal policy with respect to the implementation of section 504 of the Rehabilitation Act as it applies to programs and activities. In this role, the Department may be called upon to provide legal interpretations to Federal

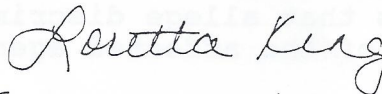
agencies implementing section 504. The Department has done so in this matter. In 1994, we provided an opinion to the Department of Agriculture with respect to some of the legal issues raised by Mr. Patterson's claim. That letter is part of the official record of this matter.

In implementing Executive Order 12,250, the Department does not act as an advocate for, or the representative of, individual complainants in pending investigations. Our role is to provide legal and policy guidance to Federal agencies. The Department's views on the application of section 504 are already on record in this matter and the resolution of the issues raised falls squarely within the authority of the Equal Employment Opportunity Commission. Therefore, it would be inappropriate for the Department of Justice to take any further action with respect to Mr. Patterson's complaint.

Because the Department of Justice does not monitor ongoing investigations or appeals in other agencies, we have no information about the current status of Mr. Patterson's complaint. Mr. Patterson should direct his inquiry about the status of his complaint to the officials at the Department of Agriculture and the Department of State with whom he has previously corresponded, or to the Equal Employment Opportunity Commission, which has received his appeal.

I hope this information will be helpful to you in responding to Mr. Patterson.

Sincerely,



for Deval L. Patrick
Assistant Attorney General
Civil Rights Division