

The ADA: 31 Years Looking back and moving forward

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Understanding 31 years of the ADA

- How did we get to the ADA? What were legal rights before the ADA?
- What is the ADA's purpose?
- What's been the impact of the ADA?
- How do we reinforce the intent of the ADA?
 - What's next?
 - What is beyond the ADA?
 - Where do we go from here?

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Before the ADA

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Ugly Laws: 1867 – 1970's

“Any person who is diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or disgusting object ... shall not ... expose himself to public view, under the penalty of a fine of not less than one dollar nor more than fifty dollars for each offense.



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American Eugenics Laws: 1900's



1907: Eugenic sterilization laws

1915: Passive euthanasia

1927: Buck v. Bell upholds forced sterilization

1953: Nonconsensual radiation experiments

2021: Buck v. Bell ruling still stands

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1918 - 1920: Rehabilitation Acts

1918: Soldiers Rehabilitation Act

- To provide vocational rehabilitation services for veterans who acquired disabilities during World War I

1920: Civilian Rehabilitation Act

- Extended services to all Americans with physical disabilities



FUTURE SHIP WORKERS
Disabled Men are Taught Oxy-acetylene Welding in the Red Cross Institute for Crippled and Disabled Men, New York City.

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1935: Social Security Act



To provide income maintenance

- To people with disabilities who contributed to the Social Security through their earnings
- To people who are unable to work

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1964: Civil Rights Act

- Outlaws discrimination and segregation based on race, color, religion, or gender
- People with disabilities excluded until 1988



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1965: Voting Rights Act, Medicare & Medicaid



Voting Rights Act

- People with disabilities may have assistance voting in elections

Medicare and Medicaid

- Subsidized health care to people with disabilities and older Americans

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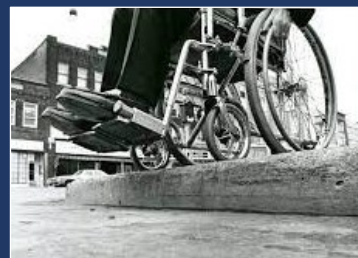
1968: Fair Housing Act (FHA), Architectural Barriers Act (ABA)

FHA

- Day of vote: Martin Luther King Jr. assassinated
- Didn't include people with disabilities

ABA

- Ensured physical access
- Mandated all federally funded buildings be built to be accessible



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1973: The Rehabilitation Act – sort of

Section 504: Prohibits discrimination by recipients of federal financial assistance

- Legislators called for studies of the impact of implementing Section 504
- Proposed rewriting the regulations to make them less comprehensive
- 3 years of inaction

Section 501 & 503: Employment

Section 508: Communication Tech incl WCAG

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1975: Individuals with Disabilities Education Act (IDEA)

- End separate, unequal education
- Free public education for children with disabilities
- Public schools accepting federal funds
- Educational plans with parent's input
- Mirror experience of non-disabled students
- “Education of All Handicapped Children Act”



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1973-1977: Push for 504 enforcement



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1977: Federal Rehabilitation Act – for real

San Francisco Federal Building occupation

- Began April 5, 1977
- 28-days
- 150 people with disabilities
- 8 on hunger strike
- Longest peaceful occupation of a federal building in U.S. history



April 28, 1977

Section 504 regulations issued – without any rewrites

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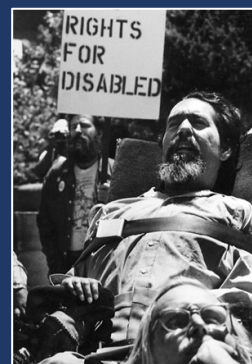
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1978: Rehabilitation Act Amendments

Rehab Amendments Act

- Federal funding for independent living centers
- National Council of the Handicapped
- Included provisions for Centers for Independent Living
- Provided VR grants to Native American tribes



Ed Roberts,
Father of Independent Living

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1986 - 1988: Carving the path to the ADA

National Council on Disability (NCD)

1. Justin Dart gathered nationwide public input resulting in "Towards Independence"
2. NCD drafted initial version of the ADA
3. The ADA is introduced in 1988
4. Bipartisan sponsorship
5. Obstruction by legislators



Justin Dart,
Godfather of the ADA

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1988: Fair Housing Amendments Act



Added protection for people with disabilities

Required a certain number of accessible housing units in all new multi-family housing

Both public and private homes

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1990: The Capitol Crawl

March 13, 1990

Over 1,000 people marched from the White House to the Capitol to demand that Congress pass the ADA

Roughly 60 people with physical disabilities left mobility aids and climbed the 83 Capitol steps



Jennifer Keelan-Chaffins
Photo by Tom Olin



Photo by Jeff Markowitz

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1990: Americans with Disabilities Act

“Let the shameful wall of exclusion finally come tumbling down.”

Modeled after the Civil Rights Act and the Federal Rehabilitation Act

Provides comprehensive civil rights protection for people with disabilities

Inclusion, integration, accessibility and accommodation



ADA signing ceremony, July 26, 1990

How it works: the ADA's five titles

Title I: Employment	Employers with 15 or more employees	EEOC
Title II: Public services	State and local government	DOJ
Title III: Places of public accommodation	Business, commerce	DOJ
Title IV: Telecommunications	Relay services; captioning	FCC
Title V: Miscellaneous		

The fight for ADA enforcement



ADAPT protest, Las Vegas, 1994



Madison Avenue march in New York, 1993
Photos by Tom Olin

1999: Olmstead Decision

“No one should have to live in an institution or a nursing home if they can live in the community with the right support.”

Decision based on ADA Title II



Elaine Wilson & Lois Curtis



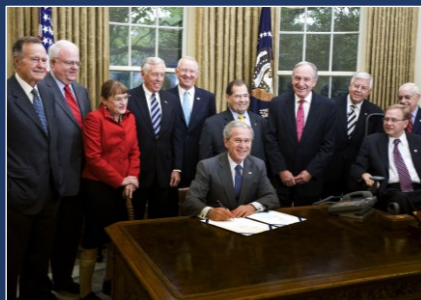
2008: ADA Amendments Act (ADAAA)

U.S. Supreme Court heard twenty ADA cases between 1990 and 2007

- Five cases narrowed definition of disability

ADAAA restored ADA's intent & protections

- Focus on whether discrimination occurred
- Interpret definition in favor of broad coverage of individual



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2010 ADA Standards for Accessible Design

DOJ regulations set minimum accessibility requirements for newly designed or altered structures and features



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Impact of the ADA

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Before the American Disabilities Act

- Employers could refuse to hire
- Could be paid less for the same work
- Public areas unnavigable to those who use mobility devices
- No wheelchairs on public transit; must travel without them
- Restaurants & businesses could refuse service
- Could be denied entry to and services of museums, libraries, other public spaces
- LGBTQ+ could be considered disabled
- Indignities in all areas of public life

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Positive Impacts of the ADA

- Transition plans
- ADA Coordinators
- Public Education
- Olmstead: Independent Living
- Legal recourse
- Enforcement
- Effective Communication
- TTY relay services
- Public transportation
- Integrated programs
- Access to programs & services
- Integrated programs
- Service animals
- Employment opportunities
- Reasonable accommodations
- Reasonable modifications
- Infrastructure: Accessible parking, curb cuts

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31 years after the ADA – now what?

Equality in theory vs. equality in practice

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- Disability-related civil rights violations
 - Discipline in schools
 - Criminal-justice system
 - Poverty
 - Access to voting
 - Employment
 - High school graduation and college attendance

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Beyond the ADA

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Legal & policy focus

- Enforcement & guidance
- SSD/SSI
 - marriage penalty
 - work disincentives
- Guardianship & conservatorship
- Sub-minimum wage
- Criminal justice reform
- 'Drive by' Title III lawsuits
- Healthcare
- Artificial Intelligence
- Funding
 - Education
 - Infrastructure
 - Technology

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Societal focus

“The existence of a “right” to live in the world has proven insufficient on its own to guarantee equal opportunities for people with disabilities.”

– *Jasmin E. Harris, U.C. Davis*

- Social Darwinism
 - Ableism
 - Racism
 - Disability hierarchy
- Adherence to custodial approach
- Expectation of aesthetic markers of disability
- Lingering stereotypes
- Low expectations
- Discomfort and fear
- Backlash

Making change

Real change means moving past simply asking what we need in order to exercise the rights that the ADA afforded us to live in this country.

Real change requires a commitment to determining and building the kind of country we want to live in.