

Duckworth: Congress wants to make Americans with disabilities second-class citizens again

October 21 2017 5:26 PM

WASHINGTON D.C. - U.S. Senator Tammy Duckworth (D-IL) penned an op-ed for [The Washington Post](#) explaining her opposition to an effort in Congress to roll back critical legal protections for Americans living with disabilities. The so-called “ADA Education and Reform Act,” which recently passed the House Judiciary Committee and is expected to receive a full House vote soon, would shield businesses who do not proactively comply with the Americans with Disabilities Act of 1990 from any legal



liability even if their building is not accessible.

[The Washington Post: Congress wants to make Americans with disabilities second-class citizens again](#)

BY: SEN. TAMMY DUCKWORTH (D-IL)

On May 28, 1988, Lisa Carl went to her local movie theater, something millions of Americans can do with ease and comfort. Yet when Lisa tried to go into the theater, the manager refused her ticket, denying her entry because Lisa had cerebral palsy and used a wheelchair. When an advocate called the theater owner about the incident, the manager coldly stated, “I don’t want her in here, and I don’t have to let her in.”

Lisa later testified before Congress, “I was not crying on the outside, but I was crying on the inside. I just wanted to watch the movie like everyone else.” While the cruelty is heartbreaking, the true outrage was that in 1988, the law actually sided with the theater owner, who was free to legally discriminate against Lisa and deny her access to a public theater because she was born with a disability.

Fortunately, millions of Americans with disabilities and their families refused to accept this discrimination. They shared their stories and pushed and prodded a bipartisan coalition of legislators to end decades of legally sanctioned discrimination through passage of the landmark Americans with Disabilities Act (ADA) of 1990.

At the signing ceremony, President George H.W. Bush noted that before the ADA, “tragically, for too many Americans, the blessings of liberty have been limited or even denied. The Civil Rights Act of ’64 took a bold step towards righting that wrong. But the stark fact remained that people with disabilities were still victims of segregation and discrimination, and this was intolerable.” Bush declared, “Let the shameful wall of exclusion finally come tumbling down.”

Decades later, the forces of discrimination are working hard to rebuild that wall. Led by the hospitality and retail industries, special interests want to shift the burden of ADA compliance away from business owners and onto individuals with disabilities. They’re backing a bill that has already passed the House Judiciary Committee, the so-called ADA Education and Reform Act, which would reward businesses that fail to comply with the law. The bill would allow businesses to wait until they are notified of their failure to meet legal obligations before they even have to start removing barriers that prevent Americans with disabilities from leading independent lives.

This offensive legislation would segregate the disability community, making it the only protected class under civil rights law that must rely on “education” — rather than strong enforcement — to guarantee access to public spaces. As the Consortium for Citizens with Disabilities Rights Task Force and other civil rights organizations wrote in opposing this bill, “We know of no other law that outlaws discrimination but permits entities to discriminate with impunity until victims experience that discrimination and educate the entities perpetrating it about their obligations not to discriminate.”

For decades, from enactment of the Civil Rights Act of 1964 through passage of the ADA, Congress has worked to enshrine the principle in law that no American should be denied access to a public space because of who they are, be it their race, nationality, religion, gender or disability. The ADA Education and Reform Act betrays this bipartisan legacy.

Businesses have had 27 years to comply with the ADA public-access protections. Yet rather than investing time and energy to achieve this goal, they are waging a propaganda campaign to convince Congress that their own lack of accessibility isn't the problem — so-called drive-by lawsuits are. Notably, supporters of the ADA Education and Reform Act often do not dispute that they are violating the law. Rather, they simply resent being sued for what they believe are “minor” ADA infractions.

Ever since I lost my legs when an RPG tore through the cockpit of the Black Hawk helicopter I was flying over Iraq, getting around has been difficult. I can't always enter restaurants or other public spaces. I have to spend a lot of time planning how to get from one place to the next.

An incline that is a few degrees too steep or an entrance that is a few inches off the ground can determine whether I am able to access an area without assistance. Being unable to independently enter a movie theater, store, hotel or restaurant is not only humiliating, it limits the freedom to pursue certain jobs, to access necessary services and to enjoy basic conveniences that most Americans don't think twice about.

I understand that not everyone thinks about these things because, for most of my adult life, I didn't either. But the truth is that everyone, whether they realize it or not, is just one bad day away from needing accessible options to help them get around their community.

While I understand people might not think of some ADA violations as significant at first glance, I can assure you they are more significant for those of us with disabilities than you know.

If Congress passed this misguided legislation, it would send a disgraceful message to Americans with disabilities that their civil rights are not worthy of strong enforcement. It is not too late to defeat this dangerous legislation and keep every American living with a disability from becoming a second-class citizen.