

You First Podcast Episode 18: 30th Anniversary of the ADA

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Announcer: Welcome to "You First," the Disability Rights Florida podcast.

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Keith Casebonne: Welcome to Episode 18 of You First. I'm Keith Casebonne, and I am really pleased that you are listening to this special episode.

In 1990, a civil rights bill known as the Americans with Disabilities Act passed through Congress and became law when it was signed on July 26, 1990, by President George H. W. Bush. Known by so many throughout the United States as the ADA, its goal is to ensure that people with disabilities have the same rights and options as everybody else, just like other civil rights laws that provide protections on the basis of race, gender, age, and religion.

It's now been 30 years since the ADA became law, and it has no doubt impacted the lives of millions of people with disabilities. The staff at Disability Rights Florida has witnessed this firsthand throughout our 40-plus years of existence.

In this episode of You First, we will hear from several staff members as they discuss the impact the ADA has had on them, how things might be different without the ADA, and what still needs to be accomplished even 30 years later to close the gaps in advocacy, equality, and dignity of people with disabilities.

We'll start with advocate investigator, Barb Page, whose comments emphasize how the ADA makes a daily difference in her life as a person with a disability.

Barb Page: As a person with a disability since early childhood, I have seen firsthand the great changes that have occurred since the ADA was passed into law. The ADA allows me to have increased access to my community, which means that I can go into stores, restaurants, movie theaters, and a hundred other places.

Not only do the required ramps and elevators create access into a building, the law also requires restrooms and features within the business to be accessible. In my professional role, I am able to use the ADA as a framework from which to advocate and use as a tool for getting positive outcomes and protections for my clients.

I lived half of my life without the ADA, and while there were other laws in place to help protect in some capacity, the ADA is more fully encompassing and transcends through all phases of daily life, including but not limited to communication, inclusion, access, and more.

I remember not being able to go into shops or restaurants with family and friends, because there was no accessible entrance. To know that there is a law mandating inclusion and accessibility is truly life changing for me and for my family.

I believe we have a head start with architectural accessibility, but we still have a long way to go with attitudinal barriers, communication barriers, and for those who have invisible disabilities. Still so many people don't fully embrace the talents and skills inside each person with a disability. The value of a person's life is not reduced because of a disability.

In my opinion, improved attitudes and acceptance of differences will create a more harmonious and successful society. Accepting differences is an opportunity to think outside the box, learn about someone or something new, and obtain personal growth.

Individuals with communication-related disabilities may feel isolated, which is why it's crucial to ensure everyone has the accommodations they need to clearly express, understand, and communicate in a meaningful way.

We as a society need to accept people as they are, whether there is a known disability or not. Let us embrace, accept, and encourage each other to reach success, however that is defined by each individual.

Keith: Next, we'll hear from Juli Pack, a member of our Social Security Representative Payee program, who tells us about how the ADA directly impacts her family.

Juli Pack: I've worked with and advocated for individuals with disabilities for over 20 years, most of my career, and it opened my eyes to many of the obstacles faced by those individuals, whether it be physical obstacles such as accessibility and accommodations, discrimination based on their disability, or the stigma that society puts on those with psychological impairments.

After years of advocating for those with disabilities, many of whom had psychological diagnosis, including drug or alcohol addiction, my oldest daughter was diagnosed as bipolar and schizoaffective. She'd struggled for many years with drug addiction and had been in and out of the court system for drug-related offenses. She was self-medicating, which is unfortunately way too common.

Then finally, a judge saw the benefit of putting her in a diversion court. She was given a psychological test, formally diagnosed, and put in a mental health diversion program in Oklahoma. My background and education is in social work in criminal justice, which helped pique my interest in programs such as these.

When my daughter entered the Anna McBride Mental Health Diversion Program, I was devastated and encouraged at the same time. She was finally getting the help she needed. The program included services from psychiatrist and nurse, medication, lab to monitor medication levels, case management, counseling including trauma counseling, which was very important, job and resume assistance, and many other forms of supports, which are vital to people like my daughter.

My daughter is getting ready to graduate from the Anna McBride program and just celebrated two years of sobriety. I truly believe this program saved her life.

Over the course of my career, I've watched and done all I could to advocate for many individuals with psychological disabilities, and many times, I had to watch them self-destruct, because they were unable or unwilling -- which is common -- to get the help they needed.

They were looked down upon and labeled as hopeless drug addicts, or just written off by society, when in truth, many of these were amazing and brilliant people just like my daughter. Title II of the ADA paved the way for removing the stigma of psychological impairments and laid the groundwork for many diversion programs and courts in our system today.

Though the creation of the diversion programs has made great strides in identifying those with disabilities, they're not as widely utilized as I feel like they should be, leaving many with disabilities to slip through the cracks.

These programs provide individuals with disabilities the formal supports and resources that are vital to their survival and success in this world. As the mother of a brilliant, beautiful, young lady who fights a daily battle with issues related to her impairment, my hope is that our society and our criminal justice system in every state would recognize the benefits of these diversion programs.

Keith: Curtis Filaroski is an attorney at Disability Rights Florida who works with people with disabilities in jails and prisons. He discussed with us the impact of the ADA on this unique population.

Curtis Filaroski: There are tens of thousands, possibly hundreds of thousands of individuals with disabilities who reside...well, certainly hundreds of thousands of individuals with disabilities residing at our country's jails and prisons. Thankfully, the ADA covers entities like jails and prisons.

I think the enactment of the ADA has made it so that things like wheelchairs for people with mobility disabilities, things like hearing aids for people with hearing disabilities are able to be obtained through a process while folks are at the jails and prisons. I think the ADA has had certainly, undoubtedly has had a positive effect on individuals, making sure individuals' rights are being maintained at the jails and prisons.

However, unfortunately in my experience, we still have a very long way to go, even 30 years after the enactment of the ADA. Unfortunately, we see a lot of times that people's rights are not being vindicated when it comes to the ADA in jails and prisons.

There is certainly a stigma attached to inmates who are residing at jails and prisons. Oftentimes, staff, in my experience, take a view that such a thing has to be earned or you have to constantly reinforce your disability status to maintain accommodations that should be a right of yours.

I think one step to making sure that this type of attitude doesn't prevail well into the future, to make sure that people's rights are being vindicated in the jails and prisons, is to continue to reinforce societal attitudes that while jail, while prison in a way may be a punishment, people still have rights when they go to jail, and a punishment is the fact that people are serving the jail time. A punishment is not saying, "You don't get a wheelchair now, because you're behind bars."

I hope that these attitudes improve in the future. Again, you don't lose every single one of your rights simply because you are arrested, or are charged, or convicted with a crime. I hope that these attitudes improve in the future. I certainly know that I will continue to work tirelessly on behalf of my clients to make sure their rights are vindicated.

Keith: We also spoke with our intake manager, Ann Robinson, who has been an advocate for people with disabilities well before the establishment of the ADA. Let's hear what she had to say.

Ann Robinson: The ADA was a needed catalyst for disability rights to stop discrimination and to enforce protections for individuals who did not have these protections before. I've seen government, communities, and employers remove barriers to promote inclusion and opportunities that were simply not there before the ADA. The philosophical statements of the ADA and the legal requirement opened our society to a degree not envisioned before the ADA.

The ADA has been a great advocacy tool in my career to ensure individuals with disabilities have a voice, a choice, and the same opportunities.

Having started my advocacy career well before the ADA, I know that individuals with disabilities were left behind. I witnessed the lack of protections provided to individuals with disabilities in school settings, reduced opportunities for employment, and lack of physical access in communities, buildings with no ramps at the entrance or heavy doors.

Individuals who are blind, hearing impaired, or deaf did not have equal access to information, including emergency management announcements, voting, and general ability to obtain state and local government services.

Application forms and computer systems were often inaccessible. We would not have universal design concepts for a future world without the ADA accessibility requirements.

However, a special note. Even in 2020, there are issues in Florida with emergency management access for all individuals. Although the ADA has resulted in massive improvements, there are still areas where improvement is needed.

Education sensitivity training began at an early age in the United States to explain that disability is a natural part of the human experience. This is an important foundation to planning so that accommodations are seen as a valuable tool that we all may need at some point in life. The ADA does not just serve one part of the population, because we all benefit from the ADA.

Keith: Andrea Jenkins is next. She is an advocacy specialist at Disability Rights Florida who is blind, and she discusses how the ADA regularly impacts her personal and professional life.

Andrea Jenkins: When the Americans with Disabilities Act was passed on July 26, 1990, I was just two years old at the time, and little did I know the impact that the ADA would have on my life going forward.

I can tell you that the ADA has quite frankly leveled the playing field for me and providing equal access to employment, transportation, public accommodations, and also telecommunications. I've been able to complete national service, and I'm able to go to my current job with the

understanding that my rights are protected under the Americans with Disabilities Act against discrimination based on disability.

I can also go to work every day knowing that I have accommodations under the Americans with Disabilities Act to perform my job duties successfully and effectively in order to assist the agency for whom I'm working.

I'm so grateful for the passage of the Americans with Disabilities Act, because if it had not been passed, I believe my life would be much more limited, and quite frankly, I would feel probably very isolated. I'm really grateful that the ADA was passed.

I believe that going forward, it's helpful for us to have dialogue between agencies, for example, within the telecommunications arena, to promote accommodations that would allow individuals with disabilities greater access to services through the agencies.

For example, there are a lot of phone companies and email providers who have applications that provide great programs and services. We want those services to be accessible for everyone, not just those without disabilities. We would greatly appreciate accessibility for all.

I believe that it's helpful to have an interchange of dialogue on how we can go forward and create greater means of access within these agencies to foster greater access in the community.

Keith: Finally, Disability Rights Florida public policy analyst, Olivia Babis, tells her story, and why she considers the ADA not the final step, but the first step towards civil rights for people with disabilities.

Olivia Babis: My [inaudible 14:58] and the one or two before are kind of the living embodiments of the disability rights movement. I know people who were in Willowbrook, have had conversations with some of them. I remember what life was like previous to the ADA. When I was little, the 504 regulations were just being implemented. IDEA had just been implemented.

I remember being at a school board meeting with my grandmother. This is one of my first memories. We were packed into this room, and people were yelling that they didn't want those kids in the classes with their kids. I was maybe three years old, and my grandmother was carrying me on her hip, and I had my head buried in her shoulder, and kept peeking around at people.

The parents didn't want to make eye contact with me, or they would give me this faint smile, but then look down and see that I had a disability, and so they would turn their eyes away. I just remember thinking at three what had I done to make these people so angry? Why did they seem to hate me so much?

I don't think a lot of people outside of the disability community really realize how bad some of these situations were, the circumstances so much people live, the struggles that we have to go through to access education just to participate in our communities without societal barriers and architectural barriers impeding us.

I think my life would be a lot different without the Americans with Disabilities Act. I don't know that I would have accomplished nearly the things that I have. I'm not sure that I would have

attended college. I think seeking employment may have been a lot more difficult than it was. I would not be able to access downtown areas, and go to restaurants, and just participate in life and be integrated into the community.

I know people that have the same disability that I do that have been kicked out of restaurants, because people didn't want to see them eating with their feet. It put into some of the more extreme discrimination ableism that the disability community faced.

I think that there are a lot of expectations and hope when the ADA passed and while we have seen a lot of changes, I think the disability community really saw the ADA as the first step and not the final step.

We've really in the past few years in particular treated this as a step. That was our Civil Rights bill, and that's what we get, and that's where we're stopping. There's a lot more that we need to address.

I think these are questions that have really plagued our society and that our country has wrestled with since its inception. How do we legislate away racism, and discrimination, and bigotry, and ableism in all of these things?

Those are questions that we're going to have to find answers for and be creative in solving if we really want to ever create full equity for the disability community, as well as other marginalized communities in this country.

Keith: As we prepared this episode, I was struck by each person's story, both in terms of what has been accomplished and what still needs to be done. Now we want to hear from you. Please share your with us your ADA story on our social media by visiting disabilityrightsflorida.org and clicking on the social media link of your choice in the footer. You can also learn more about the ADA on our website by visiting disabilityrightsflorida.org/ada.

Thank you again for listening to the You First podcast or reading the transcript online. Please email any feedback about the show to podcast@disabilityrightsflorida.org.

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