At 33, The ADA Has Brought Us Far, With Far Still to Go

For people living with disability, the image is iconic: in front of a backdrop of the lush-green South Lawn of the White House, with throngs of activists blurred in the distance, then-Pres. George HW Bush sits at a makeshift Resolute Desk to sign the newly-passed Americans With Disabilities Act. Flanked by Chairman of the Equal Employment Opportunity commission, Evan Kemp, and Chairman of the President’s Committee on Employment of People with Disabilities, Justin Dart, President Bush signed into law the landmark civil rights legislation for people with disabilities. It was July 26, 1990 - the Cold War tensions between the US and USSR were beginning to recede, and political capital previously spent on defense and matters of foreign policy could be redirected to domestic policy. There were calls being made for many changes in US society - civil rights protections and economic policy reforms prioritized highly among them. Decades of civil rights activism among women and black Americans had paved the way for demands for fairness and equity across US citizens, and that needed to include people with disabilities.

In 1990, the Americans With Disabilities Act was a piece of legislation whose time had long come and whose passage was long overdue. The Civil Rights Act of 1964, which prohibited discrimination on the basis of race, color, religion, sex, and national origin, failed to include people with disabilities in its demands for a more equitable society and more perfect union over ¼ of a century before. The civil rights movement that characterized the 1960s in the US was critical for, but not inclusive of, demands for rights extended to Americans with disabilities. Decades of disability activism and protest brought to bear the idea that disability rights were, indeed, civil rights and deserving of codification in legislation. The Rehabilitation Act of 1973, which prohibited discrimination against people with disabilities on behalf of federal contractors, served as hard-fought and critically important initial steps toward addressing injustices perpetrated against Americans with disabilities, but it wasn’t until nearly 2 decades later that the ADA became law of the land, bringing with it into the US vernacular such groundbreaking concepts as “reasonable accommodation”, “essential functions”, and “least restrictive environment”. These ideas, wonky and jargony, to be sure, became some of the linchpins safeguarding rights for disabled Americans.

The centerpiece of the ADA is “equality of opportunity” for people with disabilities: equality in opportunities for employment; equality in opportunities for education; equality in opportunities for participation in their communities. The demands sought in the pursuit of the ADA were simultaneously groundbreaking and elementary - on the one hand, allowing people with disabilities the chance to thrive and live their lives with freedoms that had never been provided before, yet, on the other hand, demanding the
most basic opportunity for dignity and respect. The ADA stipulates that private employers and state and local governments with 15 or more employees cannot discriminate against qualified individuals with disabilities in the job application process. It makes no stipulation or even recommendation, though, that people with disabilities ought to be actively sought after for the skills and diversity they might bring to the workplace. The ADA calls for nondiscrimination on the basis of disability in public places so that disabled Americans can enjoy their communities and patronize local businesses. The ADA makes no prohibition, however, of the foundational ableism that has sat at the heart of so many urban development and architecture plans, which has historically made accessibility a retrofitted afterthought much more than a central part of design. The ADA provided assurances that people with disabilities could take part in their civic duties and vote with a semblance of freedom and independence. The ADA made no assurance, though, that people with disabilities would regularly be seen in decision-making bodies or positions of leadership for which these votes might be cast. The ADA, however necessarily, mandated many changes to how people with disabilities could be seen and take part in the world, but legislative mandates are only one part of social change. It is in this intersection, in this oddly contradictory reality of mandate without societal adaptation in which the ADA was crafted and has existed, that many problems have arisen: employers rebuffing requests for reasonable accommodations for disabled employees because they are assumed to be too costly or unnecessary; businesses accepting fines or citations rather than making accessibility an important part of their business model; communities and organizations developing without the invaluable insights or even participation of those who have seen the world from a vantage point sharply different from others. While many challenges have arisen in this contradictory existence, it is also at this intersection that the true opportunity lies, and a stronger, more inclusive, more just understanding of disability might emerge.

The ADA’s effects on the lives of people with disabilities are multitudinous in number and immeasurable in impact. Following the passage of the ADA, people with disabilities could make rights-based claims for access into buildings into which they may have been previously denied entry, quite literally opening doors of possibility and inclusion that had been, for far too long, beyond reach. Following the passage of the ADA, children with disabilities could be a part of a classroom, populated by their peers, learning in an environment that was prepared to meet their needs without denying them the chance to thrive. Following the passage of the ADA, people with disabilities could demonstrate their talents and begin to request necessary accommodations in the workplace, so they could have a chance at securing the dignity and self-respect found in having a job and living without the fear found in poverty. Following the passage of the ADA, people with disabilities could begin to view their lives as deserving of the very same inalienable rights that most others freely enjoy but had been systematically and systemically beyond their ability to access, signaling a
necessary yet laggard shift in how we, as a society, value human contributions and
worth. That was the promise of the ADA, and it remains that the promise of the ADA,
but it is a promise that has yet to be realized.

This July, we celebrate the 33rd anniversary of the signing of the ADA. This anniversary,
though, is as much a retrospective recognition of how far we have come as it is a
prospective call to action for how far we still have yet to go. Despite all the
achievements that the ADA has made and the accommodations it has mandated for
the involvement of people disabilities in daily life, the real work that sits at the
cornerstone of the spirit of this legislation has not yet been done. People with
disabilities still experience staggering disparities when it comes to not only achieving
but even merely accessing basic human rights like employment, education, healthcare,
freedom of mobility, safety during natural disasters, ability to live within the community.
33 years after the passage of the ADA, it is still not only unlikely but abjectly shocking
to see people with disabilities accurately represented in media, holding positions of
power or influence, participating in their communities at a rate that reflects their
percentage within them, or even being treated with the compassion, respect, and
humanity that we reserve for people, in general. The lives of people with disabilities,
though undeniably made better under the ADA, have miles to go before resembling
the lives of people who do not live with disability. The mandates that sat at the heart of
the ADA opened previously inaccessible doors only to a modest degree, and it has
become clear that justice and inclusion are the logical continuation but by no means a
guarantee of equality of opportunity.

The translation from equality of opportunity to the vision of justice has been paved in
the evolution from disability rights to disability justice, from the cries for, “nothing about
us, without us” to “nothing without us”. The work of the ADA, and everyone who cares
about its legacy, must follow the same path. We can reflect upon and hold as iconic the
image of the signing of the ADA, but understanding that moment as sufficient or
monumental, in itself, is to deny ourselves of the true opportunity to validate and give
meaning to the real work that the text and signatures codify. Realizing the vision of the
ADA is imperative if we are true and honest about creating a society that respects
diversity, pursues equity, and values inclusion. Realizing the vision of the ADA is a goal
that cannot be achieved on the shoulders or backs of any one group of people but,
instead, must be viewed as a collective commitment that brings about a better world
for everyone. Realizing the vision of the ADA is synonymous with deconstructing the
antiquated and wholly inaccurate misrepresentation of disability as forms of human
weakness or suffering, and reconstructing this with ideas of the virtues that disability
necessarily engenders: creativity, resilience, problem-solving, leadership, compassion,
all of the qualities we hold as most coveted. Realizing the vision of the ADA is a
commitment to creating a world in which everyone feels like she is a part, and in which
we are all seen for the contributions we make not the impediments we encounter. Realizing the vision of the ADA is recognizing its significance not only on July 26 but on every day, by everyone and for everyone.

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