

Fighting for Accessibility



Over 30 years have passed since the Americans with Disabilities Act (ADA) was signed into law, and there has been some progress, but it hasn't come easy - and here in Mississippi, often not willingly.

This common-sense law is all-too-often seen as merely a financial burden, and officials ignore regulations or exploit loopholes to evade adherence. In 2008, my colleagues and I had to sue in federal court just to access public transportation here in Jackson, the State's capital city. We still can't board aircraft in our wheelchairs, and many won't even fit in the cargo holds. Imagine wanting to travel but having to leave your legs at home! More than thirty years later, that's still what we live with.

I found myself back in front of a judge, fighting for ADA compliance in March 2017 after years of an exhaustive fight to make the Hinds County Courthouse in Mississippi accessible.

In October 2012, I received a summons for jury duty at the Hinds County Courthouse. When I arrived, I found the doors nearly impossible to open. The courtrooms I saw had a step-up and no ramps for people in wheelchairs to approach the bench, get to the plaintiffs'/defendants' areas, testify, or participate on a jury. The public bathrooms had stalls too small to fit a wheelchair. When I rolled across the street to file a complaint, I discovered that Hinds County had no ADA Coordinator. In fact, I had to explain what "ADA" stood for. At that time, I first bought up to county officials that our courthouse was not in ADA compliance.

I've been called four more times (for a total of five) for jury duty since then, and little changed. The devil is in the details; there are different standards for buildings built before the

ADA was passed. All buildings that are built pre-ADA must remove barriers so that those with disabilities can have program access – in my case, the “program” I needed to access was my civic duty to be a juror. But for the courthouse, what does it need to do to “remove” barriers? What does that have to look like? How many courtrooms have to be accessible? What about bathrooms? There **are** quantifiable, specific requirements to make pre-ADA buildings accessible, called the 2010 ADA Standards for Accessible Design (2010 ADAAG); but to what extent did the courthouse have to be modified to comply with those standards to achieve “program access”?



This is the largest courtroom, where all jury selection is done. It has a single six-inch step into the proceedings area. It could easily be ramped but wasn't.



This is a jury box... insufficient clearance to get in or sit in a wheelchair.



Once you get into the men's bathroom, try getting out! The handles are inaccessible.



I later found a more accessible bathroom, but it isn't public and is behind locked doors. There's no signage to it, and the only reason I knew it existed is because I had the assertiveness to ask. One has to find a bailiff and ask them to open the doors. However, it also has inaccessible door handles. My wheelchair just barely fits.

I felt like I needed to do something. I couldn't just turn a blind eye to all this injustice. So, in 2017, after years of education/persuasion failed, I filed suit against the county to enforce the ADA.

When we went to the trial, we thought the trial was for a limited purpose: to decide how accessible is accessible enough. That was what the trial was supposed to be about. But when we got there, the other side basically threw everything at the wall to see what would stick and brought up standing – which is determining if I even have the right to sue. The judge ruled that I did not have ground to bring the suit because no one could guarantee that I'd have to go back for jury duty in the future. I don't understand how guaranteeing how many times I must visit the courthouse has any relevance at all, because even **one** visit to an inaccessible courthouse is one time too many.

Serving as a juror is a public duty, and the county should have a vested interest in providing juries of one's diverse peers, and if you're excluding people in wheelchairs – even once – because they cannot access the jury box or use a bathroom in the courthouse, that is injustice.

My case made it all the way up to the U.S. Fifth Circuit Court of Appeals as I fought this decision.

ADA is not about filling out paperwork. It is not about “checking a box” on a form. It's about creating a society that welcomes participation from everyone, regardless of their ability. That means providing access in the form of doors that can be easily opened, public bathrooms that are fully accessible – even to those in wheelchairs – and meaningful access to the goods, services and proceedings open to the general public (e.g., people who are blind being able to vote on their own). This is what I fought for. And ultimately won.

We can help avoid mistakes and find innovative approaches that go **beyond** mere compliance with the letter of a regulation and move towards **true inclusion**. It's always better to do it right the first time rather than explain why we didn't.

The ADA remains an unfulfilled promise. The Act defines disability as a “physical or mental impairment that substantially limits one or more major life activities.” At any given time, disability affects about one in four Americans, but in Mississippi where I live, that rate is about one in three. Yet, it’s important to remember that over a lifetime, most of us will experience some kind of limiting condition. So, the ADA protects nearly everyone!

But it often falls on lay people like myself to enforce the law. I try to live by the principle, “silence is complicity”, and “if you see something say something”, but given the lack of adherence in so many areas – the fact that I can’t leave my house without encountering reportable barriers – it is exhausting, both physically and emotionally to document every last problem I encounter. So, I encourage everyone to get involved, to take a stand for inclusion, to use your voice. The words of Martin Luther King Jr. echo in my mind, “In the end, we will remember not the words of our enemies, but the silence of our friends.”

To the next generation, I say, don’t take the ADA for granted... it’s up to you to continue the struggle to make it a reality. Get involved. Push for adherence. Hold your leaders accountable, and most importantly, remember the words of Justin Dart – “Vote like your life depends upon it, because it does!”