

## **Americans with Disabilities Act of 1990**

by Beth Brownson

Generations of American schoolchildren have heard the story of Helen Keller, a woman who lost her sight and hearing in early childhood, but who, through the persistence of a dedicated teacher, learned to communicate using sign language and Braille, a raised text created for people with visual impairments. Today's students learn from the example of Stephen Hawking, a world-renowned British physicist who has a muscular disorder that has left him almost completely paralyzed, but which has not stopped him from making astounding contributions to science. It was these great stories, and those of countless others who have shared their great gifts with society, that gave rise to the Americans with Disabilities Act (ADA).

The ADA was enacted on July 26, 1990. It is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It affords similar protections against discrimination to

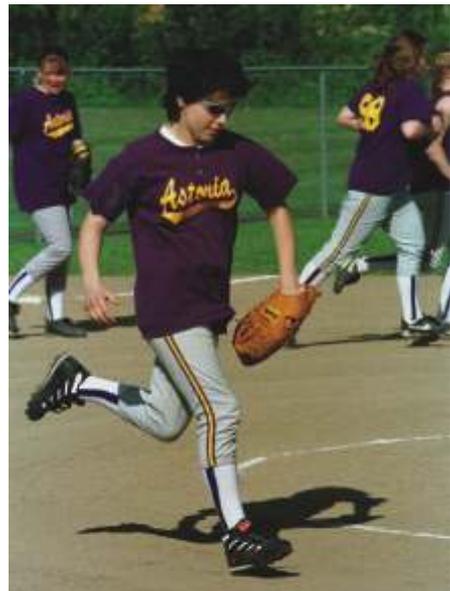
Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, gender, national origin, and other characteristics illegal. The ADA was the product of a long crusade by veterans' groups, senior citizens' groups, and those working with the disabled to demand equal rights for persons with disabilities. As set forth in the law:

In enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers.

The law recognized the fact that people in wheelchairs still have active minds that deserve to be engaged in the economy and for the betterment of society. It recognizes that the elderly who need a walker to get around, deserve



Casey Martin of Eugene, Oregon, watches his tee shot on the 16th hole at the Nike Lakeland Classic at Grasslands Golf and Country Club in Lakeland, Florida, January 11, 1998. Martin, who has a congenital leg disability that makes it hard for him to walk, is suing the PGA Tour under the Americans with Disabilities Act for the right to drive a cart in competition. (AP Photo/Lakeland Ledger, David Mills)



Anna Inskip runs onto the field for her first time in a game with the Astoria High School junior varsity softball team during their game against Banks High School in Banks, Oregon, April 29, 1999. Inskip, who is autistic, played her first game since a federal judge determined she should be allowed to play because of the Americans with Disabilities Act. (AP Photo/Don Ryan)

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### **The American Center**

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E-mail: [mumbaipublicaffairs@state.gov](mailto:mumbaipublicaffairs@state.gov); Website: <http://mumbai.usconsulate.gov>  
Office Hours: 8:30 a.m. to 5:00 p.m. (Monday through Friday)

### **H O L I D A Y S**

October 2 : Gandhi Jayanti  
October 12 : Columbus Day  
October 19 : Diwali (Bhaubeej)

## A WORD FROM THE CENTER

October is the first full month of autumn in the U.S. and also the month of one of my favorite holidays, Halloween. Although I grew up on the California coast, where we enjoyed temperate conditions year-round, autumn in many other places in the United States is the time to enjoy the change of colors in the foliage. On a family trip as a schoolchild, and later on as a student, I was able to personally witness the dramatic and beautiful fall color changes, as the leaves changed from green to golden yellow and red. The seasonal changes are a visual reminder of the passing of time, and we should enjoy each day and the beauty it brings.

October is also Disability Awareness Month. We began to commemorate this month at the end of August with a panel discussion on disability at the American Center, cosponsored by the Tata Institute of Social Sciences. The cornerstone of disability legislation in the United States is the Americans with Disabilities Act. An excellent summary of the history and parameters of the law is featured in this month's bulletin. Just like with the seasons, one often doesn't appreciate the benefits of the law until one's family is personally affected. My uncle underwent surgery close to two decades ago that left him paralyzed and with limited speech. My aunt has been caring for him ever since. She is now in her late seventies and I am amazed by their physical and mental courage in facing this difficult situation. Without the ADA, their struggle would be even more difficult. The same step that some might take for granted, could be insurmountable to others. The ADA allows for the inclusion of all into daily life, which ultimately benefits all society.

Sincerely,



Christine Dal Bello  
Acting Director

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dignity, and it recognizes that being blind or hearing-impaired does not make a person less useful. All have contributions to make to American society and the ADA helps make that possible.

The ADA guarantees that someone with a disability cannot be discriminated against in employment or access to public facilities.

Under the ADA, an individual with a "disability" is a person who:

1. Has a physical or mental impairment that substantially limits one or major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

The ADA requires that employers provide "reasonable accommodation," such as modifying the work space to allow access for wheelchairs, or modifying a computer so that visually-impaired people can read the screen, or even having voice reader technology so that a blind person can have e-mails read aloud to them. The level of accommodation required depends upon the size of the company so that the expense is not too great a burden.

The law also requires that public spaces be modified to be handicapped-accessible. In the U.S., sidewalks (footpaths) are sloped to the street level at intersections to allow those in wheelchairs or with other mobility impairments to move from the street to the sidewalk seamlessly. Entrances to public buildings include a ramp from ground level to the doorway and an electronic door that opens at the push of a button so that people in wheelchairs can enter. In all public restrooms in the U.S. there is at least one stall designated a handicapped stall, with a wide door to allow wheelchairs to enter, and handrails to allow people to hold themselves steady to move from the wheelchair to the commode. In elevators, the buttons are in Braille, and lower so that people in wheelchairs can reach them. Drinking fountains have a lower fountain for people in wheelchairs, and many have foot pedals for those who have lost arms. On all public buses and trains, special seating is reserved for the handicapped. In many cities, crosswalks include both a colored visual indicator telling pedestrians when it is safe to cross, and an audio beeping signal that indicates to blind pedestrians that it is safe to cross. These and many other structural changes are the result of the ADA.

Since its inception in 1990, several U.S. courts have tried to narrowly construe who qualifies as having a "disability" under the law, but Congress has responded by clarifying the law to override the courts and has made clear that the law must favor engaging more people in society, rather than allowing them to be excluded.

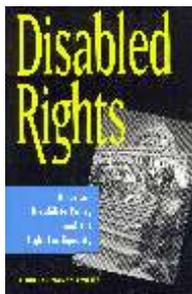
*Beth Brownson works at the U.S. Consulate General, Mumbai*



Vice President Joseph Biden announces that Kareem Dale, 3rd from left, was appointed Special Assistant to the President for Disability Policy at the Winter Special Olympics site at Boise State University, February 12, 2009, in Boise, Idaho. (White House Photo by Sharon Farmer)

## NOTES FROM THE AMERICAN LIBRARY

### Select Books and Periodicals Available on Disability Rights



#### ***Disabled Rights: American Disability Policy and the Fight for Equality***

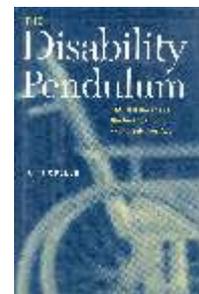
by Jacqueline Vaughn Switzer  
Georgetown University Press, 2003

This book explains how people with disabilities in the U.S. have been treated from a social, legal and political perspective. The author gives a comprehensive introduction and overview of America's disability policy in all facets of society, including education, the workplace, and social integration.

#### ***The Disability Pendulum: The First Decade of the Americans with Disabilities Act***

by Ruth Colker  
New York University Press, 2005

*The Disability Pendulum* presents the first legislative history of the enactment of the ADA in Congress and analyzes the first decade of judicial decisions under the act focusing on its three major titles: employment, public entities, and public accommodations. The author offers insightful and practical suggestions on where to amend the act to make it more effective in defending disability rights.



#### ***Disability Rights and the American Social Safety Net***

by Jennifer L. Erkulwater  
Cornell University Press, 2006

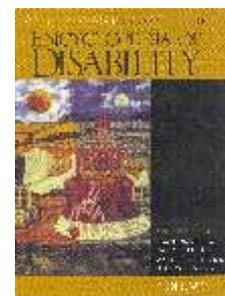
This book examines how entitlements for the disabled have fared in the wake of the disability-rights movement. This movement initially fought to end the institutionalization of the severely disabled and claimed that antidiscrimination laws would allow the disabled to work and become less dependent on welfare.



#### ***Encyclopedia of Disability, Vols. 1-5***

Sage Publications, 2006

The *Encyclopedia of Disability* is a five-volume set. The first four volumes cover disability from A to Z, including a Reader's Guide, comprehensive bibliography, and index. Volume five contains everything from photographs and correspondence, to poetry and excerpts from novels.



**Note: Please contact the Circulation Desk on ext. 2211 for information on Library membership and to borrow books.**

Note: The Library subscribes to several online databases which provide access to hundreds of peer-reviewed periodicals in addition to the printed versions also available.

For more information, please contact the Information Desk.

Reminder! The Library is now open on Saturdays and offers free wireless Internet.

Note: To access eJournal USA, please visit <http://www.america.gov/publications/ejournalusa.html>  
Ask a Librarian: Please write to the American Library at [libref@state.gov](mailto:libref@state.gov) for research queries related to information on U.S. international relations, education, law and legislation, English language, and literature.

**Frank Sinatra: The Man, The Music, The Legend**  
 Discussion led by Sandya Das

**Monday, October 26**  
**American Center Auditorium 6:00 p.m.**

Frank Sinatra was undoubtedly one of the greatest singers of the 20th century. Sinatra's versatile voice captured the full range of emotions people felt through several decades. From his beginning days as a lead singer of a quartet during the Great Depression, to a heartthrob during World War II, he was the original American crooner and pop idol. Sinatra influenced American society and culture as a singer, actor, and as an American success story.

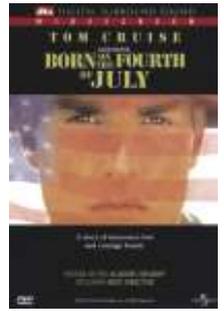
**Sandya Das** joined the Foreign Service in July 2008, and is serving her first tour in Mumbai. Prior to joining the Foreign Service, Sandya completed her M.P.A. in Public and International Affairs at Princeton University, and earned a B.A. in International Relations from Wellesley College in 2006. She interned in the State Department's Office of International Women's Issues and at the U.S. Mission to the Organization for Security and Cooperation in Vienna, Austria. Sandya speaks Hindi, Spanish, and limited Tamil. Sandya hails from California and enjoys playing tennis, performing Indian classical dance, and listening to Gershwin.

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**American Center Auditorium**  
**3:00 and 6:00 p.m.**

**Friday, October 9** **Born on the Fourth of July**  
 (1989, 145 mins)

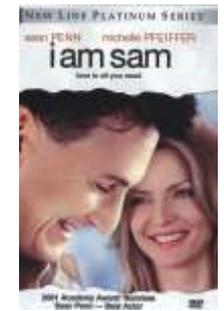
The gut-wrenching true story of Ron Kovic, a Vietnam veteran who was left paralyzed by a sniper's bullet in battle and returned home to eventually become an outspoken opponent of the war. Tom Cruise gives a knockout performance as Kovic; Oliver Stone directs. Willem Dafoe, Kyra Sedgwick and Tom Berenger costar.



**Friday, October 16**

Sean Penn is Sam, a mentally challenged coffeehouse worker whose life is radically changed when a homeless woman living with him gives birth to their daughter, then leaves. With a little help from his friends, Penn tries to raise the child until the courts want to take her away. Seeking help, he turns to self-absorbed attorney Michelle Pfeiffer who is forced to defend him. Dianne Wiest, and Richard Schiff costar.

**I Am Sam**  
 (2001, 134 mins)



On June 26, 2009, President Barack Obama became one of the very few sitting American Presidents to personally greet and welcome persons who are deaf-blind to the White House Oval Office. (Official White House Photo by Pete Souza)

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Admission to all American Center programs, restricted to persons over 16, will be on a first-come, first-served basis. The auditorium doors will open 30 minutes before the start of the program.