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### » AMERICA THE BEAUTIFUL «

An inspired phrase, it scarcely captures the grandeur of this great nation. Americans enjoy a thriving, prosperous economy, Americans enjoy nearly limitless opportunities to pick and choose among destinies, and Americans enjoy these things in a time of unheralded freedom. And yet, with all of our technology, with our international reputation as a champion of civil rights, we have acted slowly in ensuring that all Americans have the opportunity to enjoy the fruits of this great nation.

Nonetheless, America has acted and its action was profound. In July of 1990, at the hands of a Republican president and a Democratic Congress, the Americans with Disabilities Act (ADA) was passed by overwhelming bipartisan support. This great legislative edict, heralded by some as the "emancipation proclamation for the disabled," took a cherished principle and made it law. Americans with disabilities no longer need to suffer the indignity and frustration of segregation. Americans with disabilities are no longer at the mercy of insensitivity and discrimination.

The **CENTER FOR DISABILITY ACCESS (CDA)** is a law firm whose staff, attorneys, investigators, and consultants are committed to the principles contained within the ADA. The resources enjoyed by CDA are devoted solely to upholding the rights of persons with disabilities. CDA's founder, Mark D. Potter, exemplifies this commitment. In addition to serving as the secretary of the Californians for Disability Rights, Chapter Number One and on the Board of Directors for the prestigious Southern California Rehabilitation Services, Mark has travelled the State of California giving free ADA seminars and presentations to a variety of independent living centers, team empowerment leaders, and other disabled rights groups. Under CDA's leadership, an impressive network of experts and consultants stand ready to support the greater independent living movement. CDA's attorneys have successfully prosecuted hundreds of

## ADA lawsuits.

The ADA is a magnificent law. Americans with disabilities should not hesitate to take advantage of the rights that were fought so hard for by themselves and their predecessors. The most common type of discrimination encountered by persons with disabilities is when businesses fail to remove architectural barriers. Under the ADA, all businesses have the obligation to remove barriers. If a person with a disability encounters a lack of properly configured disabled parking, unramped steps or unramped paths of travel, a lack of grab bars in a restroom, or any number of other architectural barriers, they have probably been discriminated against. If so, they have a federally guaranteed right to make the business remove the barriers. If in California, they have a state right to recover their damages and a penalty assessment that can be as high as three times their damages (but "in no case less than \$4,000").

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## ADA "Title III" Snapshot

One of the wonderful promises of the Americans With Disabilities Act of 1990 is that America will become accessible to persons with disabilities. The question often arises, "**How does the ADA make America more physically accessible?**" Here is the answer in snap-shot format:

**General Rule of Title III of ADA:** No individual shall be **discriminated** against on the basis of a disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of **public accommodation** by any person who owns, leases (or leases to), or operates a place of public accommodation.

**"What is a "Public Accommodation?"** Public accommodations are privately owned businesses or facilities that are open to the public. Almost anything open to the public and selling goods, services, etc. qualifies as a "public accommodation." Here are a few representative examples: Inns, Motels, Hotels, Restaurants, Fast-food stores, movie theaters, theaters, stadiums, terminals, museums, amusement parks, grocery stores, hardware stores, shopping centers, video stores, Laundromats, beauty shops, gas stations, hospitals, gyms, bowling alleys, day-care centers, etc.

**"What is Discrimination?"** If one of these places of public accommodation fails to remove architectural barriers when those barriers are "readily achievable" or "easily" removed, then they are discriminating against persons with disabilities.

**What type of barriers are "Readily Achievably" or "easily" removed?** The answer to this question requires common sense. You compare the cost of removing the barrier against the financial ability of the public accommodation. Thus, installing a five foot hydraulic lift at a major theme park is probably "readily achievable" whereas installing the same lift at a "mom n pop" donut shop might not be.

To make things easier, the Department of Justice has given us a representative list of alterations that are presumed readily achievable everywhere:

- Installing ramps
- making curb cuts in sidewalks & entrances
- rearranging tables, chairs, vending machines, display racks, and other furniture
- repositioning shelves
- repositioning telephones
- adding raised markings on elevator control buttons
- installing flashing alarm lights
- widening doors
- installing offset hinges to widen doorways
- creating designated accessible parking spaces
- eliminating a turnstile or providing an alternative accessible path
- installing accessible door hardware

- **installing grab bars in toilet stalls**
- **rearranging toilet partitions to increase maneuvering space**
- **insulating lavatory pipes under sinks to prevent burns**
- **installing raised toilet seats**
- **installing a full-length bathroom mirror**
- **repositioning paper towel dispensers**
- **removing high pile carpet**

Let your imagine soar. Imagine that every place of public accommodation in America removed all of these barriers! Imagine that every facility sported disabled parking spaces, ramped stairs and curbs, 32" wide door passage widths, 36" wide paths of travel, accessible seating areas, accessible restrooms, accessible phones, accessible counters, etc.

Now . . . isn't it a shame that you have to "imagine" this world when a federal law has demanded it for nine years! If you are interested in learning more about your civil rights or want to assist in making America an accessible nation, we encourage you to contact us.

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## PRESS RELEASE:

### SETTLEMENT ENSURES WHEELCHAIR ACCESS TO MINIATURE GOLF COURSE

The Center for Disability Access, LLP, recently announced that a settlement has been reached in the lawsuit against the Family Fun Center located in San Diego, California. The settlement ensures that the batting cages, miniature golf-course, motorized go-kart track, and various facilities will be made accessible to wheelchair users. The suit arose out of an incident in which the plaintiff, Keith Roberts, who uses a wheelchair for mobility, encountered multiple barriers when he tried to enjoy a Saturday at the Family Fun Center.

"The case is a pivotal one for persons with disabilities," said Mark D. Potter, co-founder of the Center for Disability Access, and lead counsel in the lawsuit. "Miniature golf-courses are uniquely suited as a recreational sport for wheelchair users. Concrete runways and gentle-sloping ramps make miniature golf an ideal recreational choice. Given the barrier removal provisions the ADA, every miniature golf course should conduct an inspection of their facility and draft a 'compliance plan' with the goal of making their course available to wheelchair users."

Under the Family Fun Center settlement agreement, the Family Fun Center will be creating access to the slow-pitch softball batting cages, re-configuring the existing golf-courses so that there is an accessible course with wayward signage, removing other barriers, and designing employee training policies.

"Although this action has an immediate impact only on one San Diego site, it will, hopefully, have a further-reaching ripple effect," says Mark D. Potter. "Amusement parks, places of recreation, and places open to the public must understand that they have a legal obligation to remove barriers. Persons with disabilities enjoy a federally protected right to 'full and equal' access to all of these places. Recreational activities are just as important as food-shopping and transportation."

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## James's Story

### From Frustration to Freedom

The following story is based on real facts that happened within weeks of this article printing. Only the names have been changed for privacy reasons:

James is a sociable man, a hard-working single father of a 12 year old girl, and a credit to his community. James has a disability and uses a wheelchair for mobility. James recently experienced a series of frustrating incidents

First: James was invited by Kristi, an attractive young woman, to her company party at an upscale restaurant. He accepted and anticipated an enjoyable evening at the party. When James and Kristi arrived at the restaurant, James discovered, to his considerable frustration, that there was no accessible route through the front door of the restaurant. James was forced to travel down a dark alley, enter through the back door, and trek through the kitchen to finally enter the dining area of the restaurant. Then, having successfully entered the dining area, James discovered that the portion of the restaurant where the party was being held was completely inaccessible to wheelchair users. Kristi, a kind-hearted soul, spent the evening alternating between her work-mates and the part of the dining facility where James was located. An embarrassed James suspected that Kristi regretted inviting him to the party and, as the evening passed, James experienced a range of emotions: segregation, humiliation, anger and frustration.

Second: James took his 12 year old daughter to a medical specialist. When he arrived, he discovered that there was no parking reserved or striped for persons with disabilities. James parked in a space located in the remote corner of the parking lot in the hope that no one would park next to his van and, thereby, trap him from extending his lift when he was ready to leave. James and his little girl traveled to the front of the medical offices and discovered a 4 inch curb with no curb-cut or built up ramp to provide wheelchair access. A careful scrutiny of the facilities revealed no wayward signage indicating an alternative accessible route. James and his daughter eventually got his wheelchair onto the curb: James got the front wheels up and his 85 lb. daughter, heaving and straining, finally shouldered the back wheels up. When James complained to the receptionist about the complete lack of access, her comment was a syrupy, "Well, you obviously got in, didn't you?"

Third: James has gone to a hair salon every month for the last five years. The entire strip-mall where the salon is located has no parking reserved and striped for use by persons with disabilities. Moreover, although there is a built-up curb ramp, the ramp is not striped or painted and, consequently, cars are often parked over it. James has been dealing with parking and travel issues at this hair salon for years and, recently, the problems have become more aggravated as higher trafficking tenants have moved into the strip-mall. James could go elsewhere but he enjoys the friendship and quality service provided by his long-time stylist. James had unhappily resigned himself to suffering the obstacles located at this strip-mall.

James has dealt with and experienced varying degrees of frustration, humiliation, embarrassment, and anger of the type naturally felt by persons with disabilities who encounter and deal with the segregating effect of architectural barriers. But . . . James no longer has to suffer the indignities mentioned above: James discovered CDA

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James contacted CDA, he has a new sense of empowerment; he knows his rights; and he is confident that he will enjoy seeing the barriers removed; he will be compensated for the emotional distress and loss of civil rights caused by the barriers; and that he can continue life assured that he does not have to suffer barriers in silence--he can pick up the phone and set CDA into motion. Don't suffer in silence. Exercise your rights in an effective and organized manner: call CDA.

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## Resources

### [ADA Information Center On-Line](#)

Webmaster George Wolf's goal is "to make our site a one-stop off-ramp for anyone looking for ADA and other disability information." He succeeds admirably.

### [Ascot-World](#)

If you've read our articles about devotees, you've read about ASCOT-world. Here 8C Jama Bennett' amputee/devotee site where you can find everything from where to buy single sholes to where to find a (hopefully single) Russian devotee.

### [Articles for People with Multiple Sclerosis](#)

Excellent anthology of articles on all aspects of living with MS.

### [Closed Captioning](#)

All and everything about closed captioning.

### [Cure Paralysis Now](#)

Greg Winget's collection of resources focusing on SCI cure. Many other links to disability information.

### [Disability Links: Muscular Dystrophy](#)

Web links to muscular dystrophy organizations, information and interest groups world wide.

### [Ironsides: Links to Cyberspace](#)

Bob Lantrip's post-polio and disability related website. Information, games, links. A good place to compare search engines.

### [Multiple Sclerosis Foundation, Inc.](#)

Not to be confused with the National Multiple Sclerosis Society, MSF provides



information about both traditional and alternative treatments for MS. There's a good FAQ sheet, referrals to experiences = (and alternative) health care professionals, respite programs and links to other MS Resources.

### [\*\*NARIC SCI Resource Guide\*\*](#)

Funded by the National Institute on Disability and Rehabilitation Research, NARIC will tell you everything you ever wanted to know -- and much you didn't--about SCI. Extensive bibliographies.

### [\*\*NF.ORG\*\*](#)

Questions and answers, publications, research tracking and general news about this not-so-uncommon disease.

### [\*\*National Women's Health Information Center\*\*](#)

### [\*\*Polio Survivors Page\*\*](#)

From the introduction: "These pages are dedicated to those who fought dragons in their youth and now--when the world has grown cold--must fight again."

### [\*\*Rich and Joni's Amputee/Devotee Travel Area\*\*](#)

Sexuality for amputees and devotees, travel resources, funding information, more links.

### [\*\*RVL Score\*\*](#)

Robbie Vierra-Lambert's site dedicated to education, financial assistance and advanced therapies for people with spinal cord injuries.

### [\*\*Solutions Web Pages: Multiple Sclerosis\*\*](#)

Primarily devoted to multiple sclerosis, these pages offer innovative approaches to that and many of life's other conundrums. Diet, cures, MS links and more.

### [\*\*Spacecon-Braveheart BBS\*\*](#)

A great source for information about wheelchairs, post-polio syndrome, connecting to other people with post-polio and medical references.

### [\*\*Spina Bifida Home Page\*\*](#)

Mostly medical in focus, but also posts good links to other spina bifida web sites.

### [\*\*The Amputee Page\*\*](#)

Amputee sports, prosthetics, support groups, phantom pain management, funding, more links.

### [\*\*The Myelin Project\*\*](#)

A site under construction, but of interest to anyone with a demyelinating condition.

### **[The Northern Nevada Amputee Support Group](#)**

Readers familiar with Georgia Maxfield articles in New Mobility on amputation will be interested in this link offering support, information and links to related sites.

### **[The SPINAL CORD Information Network](#)**

Hit the Site Contents button, and you'll be in a cornucopia of useful and searchable information on spinal cord injury for both people with disabilities and providers.

### **[Magee Rehabilitation](#)**

Magee's a well known rehabilitation center, but look here also for links, information on accessibility, health advice, support groups and more.

### **[The Alternative Medicine Home Page](#)**

Information on a wealth of alternatives or adjuncts to allopathic medicine from the University of Pittsburgh.

### **[Disability Research Resources](#)**

Lots of resources: Disability studies, feminism, social, political and psychology links.

### **[Medline](#)**

As of June, 1997, the National Library of Medicine's Medline search engine for published journal articles is free to the public. This is what your doctor uses when he needs to know more.

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