

Commission on Human Rights

Eight year old Jennifer Keelan – The Capitol Crawl Protest, Americans with Disability Act is 25 years old

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I'll take all night if I have to!

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Yesterday marked a quarter-century since the United States passed the Americans with Disabilities Act of 1990 (ADA). The ADA officially outlawed discrimination against disabled persons in employment, transportation, communication, public accommodation and access to public facilities and services. Like all victories in the ongoing struggle for civil rights, passage of the ADA was only achieved by the blood and sweat of its dedicated advocates. On March 12, 1990, while the legislation was being debated in Congress, activists engaged in a protest that has since become known as the "Capitol Crawl Protest." Hundreds of persons with disabilities left their wheelchairs and got down on their hands and knees to slowly crawl up the 83 steps toward the Capitol building's west entrance. One of the crawling protestors was 8 year-old Jennifer Keelan, who had cerebral palsy. As she struggled, dragging her body from step to step, Jennifer Keelan defiantly declared, "I'll take all night if I have to!"

Today, the ADA and the Kentucky Civil Rights Act protect disabled persons in Kentucky from discrimination in housing, employment, and public accommodations.

In housing, a person with a disability may request a landlord to allow a reasonable accommodation to its rules, policies, practices or services, when such accommodation may be necessary to afford him or her equal opportunity to use and enjoy a dwelling. For example, a disabled tenant should be permitted to have a service or support animal even though the landlord has a no-pets policy. In addition, a landlord may be required to permit a disabled tenant, usually at the tenant's expense, to install a ramp for ingress and egress to his or her apartment as a reasonable modification of the existing premises which may be necessary to afford such person the full enjoyment of the premises.

In employment, a person with a disability who is otherwise able to perform the essential functions of the job, has the right to request the employer to provide a reasonable accommodation that would allow him or her to work. The requested accommodation must be granted unless the request imposes an undue hardship on the employer.

In public accommodations, like stores and restaurants, people with disabilities are required to have equal access, and must be permitted to be accompanied by trained service animals. Theatres may be required to provide closed caption and other audio/visual aids to ensure equal access and enjoyment to movies by persons with disabilities.

These laws are becoming more critical than ever. The U.S. Census Bureau American Community Survey reports that 717,889 Kentuckians had a disability in 2013.

According to the Kentucky Commission on Human Rights 2013 Annual Report, the commission filed for people in the state, 380 complaints of discrimination in 2013. Eighty-four of these were based on disability; this is 22 percent of all the discrimination complaints received by the commission during that year. Race was the only protected class that exceeded disability; complaints based on race accounted for 32 percent of the commission's complaints in 2013.

"The Kentucky Commission on Human Rights rigorously investigates disability discrimination complaints," said commission Executive Director John J. Johnson, "and, we are committed to providing critical education and raising public awareness about the rights to equal access and equal opportunity under the law," he said.

"There are many people who continue to work very hard to advocate for the civil rights of people with disabilities, and we highly commend them for their dedication," Johnson said.

The victory for equality and justice for persons with disabilities only began with the passage of the 1990 ADA legislation. In 2008, certain ADA provisions were amended to provide additional protections and enforcement capabilities. In 2010 President Obama issued an executive order requiring the federal government to hire more people with disabilities. In a speech earlier this week, the President recognized the progress made since 1990, but acknowledged, "We've still got to do more to make sure that people with disabilities are paid fairly for their labor, to make sure they are safe in their homes and their communities...I don't have to tell you this fight is not over."

In honor and tribute to the courage 8 year old Jennifer Kean, we must continue the valiant struggle to obtain and ensure the civil rights of all persons, regardless of their race, color, national origin, religion, sex, sexual orientation, gender identification, age, familial status and/or disability. Paraphrasing Jennifer, we must take all night if we have to!

The Kentucky Commission on Human Rights is the state authority that enforces civil rights laws, which prohibit discrimination. For more information, contact the commission at 1.800.292.5566.

