

Issue Brief: Public Opinion/Disabled

Key Words:

Disabled, American disability act, public opinion, public policy, civil rights.

Description:

This issue brief addresses a minority group whose constituents are not only challenged individually but also within society at large. Furthermore, it investigates public policy issues relevant to the “disabled”.

Key Points:

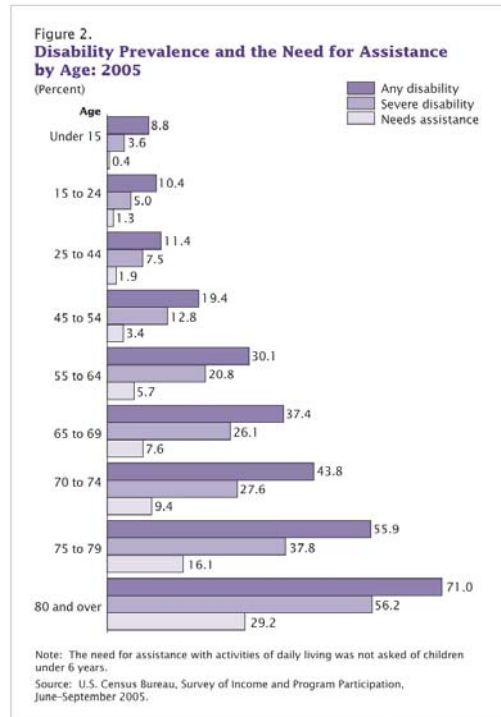
- The Disabled minority group comprise of individuals across the ethno-racial pentagon
 - *Temporarily-able (Age, elderly, accidental damages) vs. Differently-able*
- The public usually has a positive opinion on issues relevant to the “disabled”
- Opponents of the Americans With Disabilities Act argue that it has a huge financial impact on small businesses¹.
- Disabled face the most difficult challenges in society.

¹David T. Plesher and Ashlee D. Russeau-Pletcher. “*History of The Civil Rights Movement For The Physically Disabled*”. Page 7

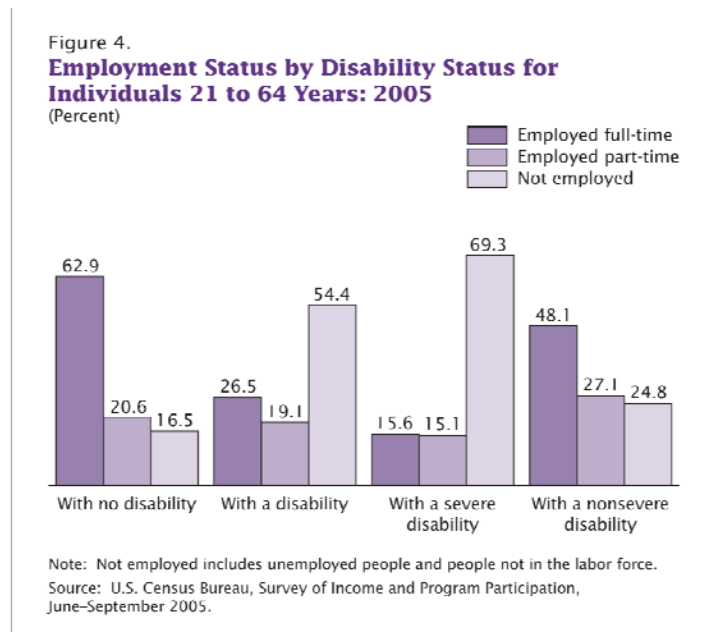
Images:



Marilyn Hamilton invented the Wheelchair²



Disability prevalence and the need for Assistance By Age³



Employment Status by Disability Status for Individuals 21 to 64 years: 2005⁴

² http://americanhistory.si.edu/disabilityrights/exhibit_heykids2.html

³ <http://www.census.gov/hhes/www/disability/sipp/disable05.html>

Issue Brief:

The civil rights movements of the 1960s led by African Americans paved the way for other minorities to challenge the status quo on issues related to their communities.⁵ One such group, the “disabled” led decades long of struggles in order to attain a certain form of equal treatment within American society. Finally, in 1990, president Georges Bush signed the American Disability Act into law. The measure intended to address issues such as equal employment opportunities, access to transportation, education etc. However, the “disabled” still face major challenges especially in today’s economy.

Disability encompasses first and foremost a problem within its own conception. For instance, the ADA defines disability as an impairment that can have an impact on an individual’s life in general⁶. However, this broad definition makes it very tricky to identify “disability”. On one hand it can be temporary i.e. its status can change. On the other hand it can be permanent i.e. “differently able”⁷. Consequently, it has been very difficult to effectively apply this law.

The passage of the ADA in 1990 came at a time when public opinion on people with disability had positively increased. This in part was the result of a gradual exposure to issues related to the disabled. For examples the difficulties that American War veterans faced, the Rehabilitation Act of 1973, the presence of a disabled family member have all

⁴ <http://www.census.gov/hhes/www/disability/sipp/disab05/ds05rf4.pdf>

⁵ David T. Pletcher and Ashlee D. Russeau-Pletcher. ***History of The Civil Rights Movement For The Physically Disabled***. Page

⁶ The full definition by the ADA is as follow: “With Respect to an individual, the term disability means: (A) a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; (B) A record of such an impairment; or (C) being regarded as having such an impairment.
(<http://www.ada.gov/archive/adastat91.htm#Anchor-Sec-47857>)

⁷ The concept of differently abled vs. temporarily abled.

played a role.⁸ On the other hand, the law did not pass without major challenges. For instance, business owners often argued that not only the disabled represented a very small margin of the general population, but also that it could be very costly for businesses to adjust to this new law. Furthermore, these arguments became the center of debate between legislators often backed by lobbyists.⁹ As a result the ADA bill entered in 1988 did not pass until 1990¹⁰.

Some statistical analysis gives an insight on the disabled and their living condition as related to the rest of society. A 2000 survey of Americans with disabilities found a large improvement of the quality of life of this minority especially in education¹¹. However, there still remains a huge gap between disabled and not-disabled in all the major issues such as employment, education, access to transport etc. For instance, only 32% of individuals with disabilities at the age between 18 and 64 are employed (*See Figure 3*). In contrast, people without disabilities occupy 81% of the work force.¹² One

⁸ See David T. Pletcher and Ashlee D. Rousseau-Pletcher. *“History of The Civil Rights Movement For The Physically Disabled”*. Page 3

⁹ David T. Pletcher and Ashlee D. Rousseau-Pletcher. *“History of The Civil Rights Movement For The Physically Disabled”*. Page 4

¹⁰ David T. Pletcher and Ashlee D. Rousseau-Pletcher. *“History of The Civil Rights Movement For The Physically Disabled”*. Page

¹¹ The survey found that 77% of disabled graduated from high school in 2000 compared to 61% in 1986 – See http://www.nod.org/research_publications/nod_harris_survey/2000_survey_of_americans_with_disabilities/

¹²http://www.nod.org/research_publications/nod_harris_survey/2000_survey_of_americans_with_disabilities/

interesting statistic concerns the rise in disability claims from 29% to 49%¹³. This increase can only trigger questions and has been used by opponents of ADA to insist that the process of identifying “disability” adds another burden to companies. In fact studies have shown that employment of the disabled in the ages between 21-39 has declined since the implementation of the law in part due to the rise in charges of “wrongful terminations” and high “costs of accommodations”.¹⁴

Contrasting the 2000 survey, a new 2010 survey shows that only 21% of disabled are employed vs. 59% of non-disabled¹⁵. This is a significant and reflective statistic to the current state of the US economy. In the case of the disabled, we observe an 11% drop of employment rate within a 10 years period. Furthermore, in an age of technology, only 54% of adults with disabilities have access to the Internet¹⁶. This statistic alone could explain the high unemployment rate among this minority in a society where technology is a major requirement for job seekers. Where the ADA’s goal is to empower the disabled through charges against companies violating the rules and regulations, an interesting finding shows that these charges are at the smallest with individuals over 40 years of

¹³http://www.nod.org/research_publications/nod_harris_survey/2000_survey_of_americans_with_disabilities/http://www.nod.org/research_publications/nod_harris_survey/2000_survey_of_americans_with_disabilities/

¹⁴ This is one of the main argument in the article. Study finds that overall the employment has declined especially in areas where the tendency of law suits has increased - See (Daron Acemoglu and Joshua D. Angrist, 2001. “Consequences of Employment Protection? The Case of Americans with Disabilities Act.” *Journal of Political Economy* 2001, vol. 109, no.5. Page 917)

¹⁵<http://www.2010disabilitysurveys.org/indexold.html>

¹⁶ <http://www.2010disabilitysurveys.org/indexold.html>

age.¹⁷ The study suggests that this is due to the fact that those workers were already protected by other civil rights measures such as Age Discrimination in Employment.

Statistics have shown that the American with Disability Act has helped improve the living conditions of the disabled. Furthermore, public opinion and approval of the ADA has positively increased overtime¹⁸. However, opponents of the ADA have argued that the rules and regulations are too broad and therefore favor “employer-defendants” in court cases.¹⁹ Furthermore, contrary to their general claim that the ADA affects small businesses, studies have shown that it has no effect because the regulations generally target mid to large sized companies.²⁰ In a staggering economy, this diverse minority faces huge challenges individually and within society. It will therefore be interesting to see how the public policy discourse will take shape with a new amendment of the ADA due to take effect in 2012.

¹⁷ Daron Acemoglu and Joshua D. Angrist, 2001. “Consequences of Employment Protection? The Case of Americans with Disabilities Act.” *Journal of Political Economy* **2001**, vol. 109, no.5. page 948

¹⁸ West, Janes. *“Implementing the American with Disabilities Act”*. Milbank Memorial Fund, Wiley-Blackwell, 1996 page 8

¹⁹ Big Talk, Broken Promises: How title I of The Americans With Disabilities Act Failed Disabled Workers. Hofstra Law Review Vol.34 1267

²⁰ See Daraon Acemoglu et al, Also **Title I** of the ADA exempt businesses of 15 or less employees. Although there is a conflicting account on the extent to which this exemption contrast to Title III it is still a significant indicator

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