

## The Struggle And The Promise

BY JAMES WEISMAN  
CHIEF EXECUTIVE OFFICER



I've been a disability rights lawyer for 43 years – 41 of them at United Spinal Association (formerly Eastern Paralyzed Veterans Association, EPVA).

During that time, I have met thousands of people with disabilities, each of whom have unique and interesting stories, but I've been so busy that I haven't had time to tell them. As I am *easing* into retirement by stepping down as United Spinal CEO, and making room for Vincenzo "Enzo" Piscopo, our new CEO, I can't help but reflect on all we've accomplished, all that's yet to be done and all the people I've met along the way, who made it possible.

I thought I was going to be an assistant district attorney when I graduated law school, but the City had frozen hiring, and my friend since teenage years, Paul Hearne, was working in a Legal Services Corporation poverty law office in Brooklyn, which was up a flight of stairs. He and his wheelchair were carried up every day by coworkers. He invited me to help him write a grant proposal to practice poverty law for people with disabilities who couldn't get into architecturally inaccessible Legal Services Corporation offices.

This was 1977 and the first set of Section 504 regulations had just been signed. Section 504 prohibited discrimination on the basis of disability by recipients of federal funds. Legal Services Corporation was one hundred percent federally funded, yet 19 of 21 offices in New York City (NYC) were architecturally inaccessible, sign-language interpreters unavailable, and large print and Braille materials did not exist.

Paul got us an appointment with U.S. Sen. Jacob Javits, who said he was moved by the Section 504 demonstrations, and that he was shocked that even disabled veterans were protesting the way the U.S. treated its citizens with disabilities. He and Bronx Rep. Mario Biaggi got the Legal Services Corporation to give us a grant to provide legal services to people with disabilities. My starting salary was \$14,900. When bar exam results were announced a few months later, I got a \$1,200 raise for passing.

We were two young lawyers on a mission. We thought we'd be handling landlord-tenant, government benefits and domestic relations cases and we were, but in the door came New York City's nascent disability rights movement. Paul and I got involved in a big way.

### Taking on the MTA

Frieda Zames, a Ph.D. math professor at Newark College of Engineering, came into our office representing Disabled in Action. She convinced me to attend an MTA Board meeting, during which people with disabilities were ignored by MTA Board members when they testified. The "accessible transportation bug" bit me. Paul said, "You do transportation. I'll do employment." I was 26. He was 27. We actually thought we could change things.

By 1979, I had left Legal Services Corporation, and after a brief stint in a division of Gov. Hugh Carey's office, was offered a job at Eastern Paralyzed Veterans Association by Jim Peters, EPVA's executive director. In September of '79, we sued NYC, its Mayor, Ed Koch and MTA, and that has made all the difference, at least for me.

Our position was extremely unpopular. Almost every politician and editorial board opposed us, but the disability community was energized. The transit struggle involved a cross-disability effort in New York to get government to acknowledge the rights of New Yorkers with disabilities. By 1984, we had won. By 1988, we had won a lawsuit in Philadelphia, requiring similar access to its transit system.

When the Americans with Disabilities Act (ADA) was being drafted, our pioneering in New York City and Philadelphia transit access became the model for the transit provisions of the ADA and got me involved in drafting the ADA and lobbying for its passage.

### ADA Introduced

In 1988, Rep. Tony Coelho of California and Sen. Lowell Weicker of Connecticut introduced, for the first time, the Americans with Disabilities Act in bill form. The legislative session ended, and the bill needed to be reintroduced when George H.W. Bush began his term as president.

Despite opposing most of the things in the ADA under Pres. Ronald Reagan, Pres. Bush ran against Mike Dukakis as an ADA supporter and proved to be as good as his word after election. The ADA would never have passed without his support.

Rep. Major Owens, from Brooklyn, NY, was an early ADA supporter, and his staff knew of EPVA's success in transportation access in the two oldest, largest rail cities in the U.S. and reached out to us for input.

Democratic Rep. Bud Schuster of Altoona, Pa. chaired the Transportation Committee and opposed accessible mass transit.

Rep. Norman Mineta and his staff, who chaired the Surface Transportation Subcommittee of the Transportation Committee, broke with

Schuster and sided with the disability community. Mineta had been Mayor of San Jose, Calif. and had a real relationship with disabled constituents. Mineta, a former prisoner at a Japanese-American internment camp as a child, told me he had agreed to spend a day in a wheelchair when he was Mayor of San Jose. It was life-changing, he said, and he became an advocate.

It's hard to believe that in 1990, accessible buses were still controversial, but they were a deal-breaker for many Congressmen, almost up until the bill's passage. Mineta's leadership in the House made lifts on buses a reality for all wheelchair-using Americans.

After ADA's passage, United Spinal Association became advocates for enforcement. We eventually realized, however, after defeating the largest architecture firms, real estate developers, USDOT, MTA, USDOJ, NYC, NYS, Philly's transit system, etc., and having a sophisticated design and architecture staff of our own, that builders were now contacting us before they built. We have developed that into a consulting business that helps support our charitable efforts.

### Thirty Years Later

Thirty years later, people with disabilities have won access fight after access fight. Our efforts have defied the imagination of many—

1970s transit access?

1980s building codes and accessible multiple-dwellings? Colleges?

1990s stadiums? arenas? theaters? restaurants? businesses?

2000s taxis? autonomous vehicles? rideshares?

—but also captured the imagination of many, both with and without disabilities.

My future involves more advocacy on behalf of people with disabilities as a part-timer with United Spinal. I will also take the time to tell the stories of the disability rights movement from a New York perspective; the dynamic and prescient leadership of disability rights organizers; and the bone-headed responses of elected officials and government agency executives when confronted by people with disabilities who could articulate their needs and rights.

### Paul Hearne

It has been my honor to work alongside disabled leaders who are no longer with us, such as Paul Hearne, who went on to found American Association of People with Disabilities, and died way too young at 48.

Paul and I met as teenagers at what is now called the Viscardi Center. He was funny, had a driver's license (I was still on a bicycle), and had been homebound until he was 13. The school at Viscardi emancipated him, and he went on to be student body president at Hofstra University and graduated Hofstra Law School.

He ran Just One Break (JOB), an employment agency founded for people with disabilities by Henry Viscardi and Bernard Baruch after World War II, then the Dole Foundation for Employment of People with Disabilities, and then, with the support of Bob Dole and our mutual friend John Kemp, who currently runs the Viscardi Center, he founded the American Association of People with Disabilities in 1995 on July 26, the fifth anniversary of the passage of the ADA. I was on the first Board of Directors of AAPD, and stayed for 25 years.

### Jim Peters

Jim Peters, who ran EPVA and after whom the Bronx VA hospital has been renamed, was my boss when I came to EPVA. Jim, who grew up in Brooklyn, was a paraplegic Vietnam-era vet, hurt in a training accident with explosives. He wanted to be a construction worker after the war. Of course, he had to change his plans. He built EPVA and Paralyzed Veterans of America into giant veterans' service organizations.

After his spinal cord injury, while an inpatient at the Bronx VA hospital, he exposed poor treatment of paralyzed veterans in a Life Magazine feature. As EPVA executive director, he built a spinal cord injury research center at the Bronx hospital, which thrives today and together with "Born on the Fourth of July" author Ron Kovic, embarrassed, cajoled and persuaded the VA into replacing the hospital with the state-of-the-art facility that stands there now.

Without his support for the advocacy of EPVA and NYC's disability community, we never could have sued MTA. Jim was proud to be a plaintiff in the case. Jim died suddenly in 2002, shortly after EPVA made the decision to open its doors to national membership of people with spinal cord injuries and disorders and change our name to United Spinal Association.

### Terry Moakley

Terry Moakley and I became friends early in my career. When I worked in the Governor's office, my boss told me off in front of Terry for supporting the disability community over New York State. In the men's room at the World Trade Center, a few minutes later, Terry asked me if I wanted to leave this job. The next day, Jim Peters called and 41 years later, I still work for the organization.

Terry was a Renaissance man. He graduated St. John's as an English major at the height of the Vietnam War and was about to be drafted into the Army, so he enlisted in the Marine Corp. He broke his neck, and as a quadriplegic, went to Hofstra, where after teaching himself French, he earned a Master's degree in Comparative Literature. He joined the EPVA Board of Directors, and then its staff.

He was a kid from Queens and then Hicksville, who graduated Chaminade High School in Mineola, then a frat boy, then a Marine, then a scholar and then a disability rights leader. He was charming and able to get even our opponents to like him. He garnered the support of the transit workers' union for our efforts to make transit accessible; he said we had a common enemy - MTA management.

When the MTA Board said bus drivers would want more compensation to operate lifts on buses, TWU Pres. Sonny Hall said people with disabilities had every right to ride and the union would never charge for facilitating access. Terry co-founded the Taxis for All cam-

paign, but died before we made the deal with Mayors Michael Bloomberg and Bill De Blasio to make 50 percent of taxis accessible. I think of him every day.

Paul Hearne and Henry Viscardi himself, for that matter—taught me when I was a teenager that people with disabilities are everywhere, have the same needs as people without disabilities, and should be afforded the same rights. Paul was a disciple of Viscardi, who proved that people with disabilities are productive workers given the chance and accommodation.

Jim Peters was a workaholic who never accepted the status quo. The bigger the challenge, the more he embraced it. He challenged medical professionals, researchers, lawyers, veterans and disability advocates to change the world and they did.

*Able* has been the voice, if not the conscience, of the disability rights movement in the NYC metro area for 26 years. Angela Melledy, its publisher, has given United Spinal and me an outlet to address the community of people with disabilities about issues of the day and build support for disability rights. I am contacted by many of you about my columns and I thank Angela for the opportunity and readers for their interest.

So many advocates have been trained in our offices and gone on to positions in government and other social services organizations—some are business leaders, some politicians but they don't forget their roots and I will never forget mine.

I have been privileged to work in a field that was evolving, as I was. I matured as the disability rights movement matured. My first son was born in 1979, the week we opposed a Motion to dismiss our New York City transit case.

On July 26th, 1990, I had the privilege of being invited to watch President George H.W. Bush sign the ADA. The joy and exhilaration of the giant crowd of people with disabilities on the White House lawn will stay with me forever, as will the stories of the people who struggled to make it possible and those who live its promise.

*Editor's Note: Jim Weisman has brought valuable insight to Able readers. His monthly columns for the United Spinal Association have informed and advocated with his unique style and delivery. We are grateful for his years of input, dedication and friendship and look forward to his continued contributions in his new role.*