

UNITED SPINAL^{NOW}

Koch, Cuomo And The ADA

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Thirty-one years after Pres. George H.W. Bush told the crowd of people with disabilities assembled on the White House lawn, “Let the great wall of exclusion come tumbling down,” as he signed the Americans with Disabilities Act (ADA), consider the “contributions” of two New York elected officials – New York City Mayor Ed Koch and New York State Gov. Mario Cuomo – to the disability rights movement and its ability to get ADA passed. Their pre-ADA actions definitely facilitated its passage.

The ADA created the concept of “reasonable accommodation,” and defined discriminatory practices as not only excluding people with disabilities, but failing to accommodate disabilities if such accommodation is reasonable, i.e. does not cause undue hardship. This mandate has resulted in barrier removal, accessible construction and diversity and inclusion policies that finally are including people with disabilities. It has facilitated entrance for millions into the American mainstream.

The disability rights movement itself was responsible for the passage of the Americans with Disabilities Act, but Ed Koch’s vociferous opposition to accessible transit infuriated the disability community, galvanized them and engaged them in a civil rights struggle. Mario Cuomo’s support, however, provided credibility to complement the passion of rights pioneers.

In 1979 Eastern Paralyzed Veterans Association (EPVA), now called United Spinal Association, sued NYC and MTA, seeking to enjoin subway station renovation, unless access was provided, and require lifts on newly-purchased buses. Mayor Koch was outspoken in opposition to accessible public transit. “It would be cheaper to pick them all up in limousines,” Koch said. New Yorkers with disabilities came together to fight Koch and support accessibility.

Koch, who said New Yorkers would resent being slowed by wheelchair boardings, together with MTA Board Chair Richard Ravitch, led the opposition. Koch decided to run for governor in 1982. So did Lt. Gov. Mario Cuomo. Koch’s mockery of upstate Chinese food and other gaffes, and not his opposition to accessible transportation, cost him the Democratic primary, but Cuomo’s election gave disability advocates a guy who “got it” on the 2nd floor of the Capitol.

In 1981, the Lieutenant Governor was given one of “those Lieutenant Governor assignments.” He led the New York delegation for the International Year of Disabled Persons. He met paralyzed Vietnam veterans, people with traumatically-acquired and congenitally-acquired disabilities and diagnoses, who did not want to stay home. They wanted to work, socialize and shop. Accessible transportation was the key to it all in NYC, and Cuomo saw that.

Cuomo replaced the MTA Board Chair, and told the new Chair, Bob Kiley, to settle the EPVA litigation. He brought MTA and EPVA to Albany. The 1984 legislative session was ending, and Cuomo wanted a statutory solution. Because of Cuomo, MTA had to accept the notion that all people, and not just those who could walk, were their customer base.

Cuomo knew transit access was vital to the economic and social viability of people with disabilities.

With the governor’s support, people with disabilities forced the largest purchaser of buses and the oldest, largest rail system in the U.S. to buy only accessible buses; make, at least, key rail stations accessible; renovate accessibly; and provide paratransit services, as well, for those who could not use mass transit.

Koch’s statements, which essentially meant, “They are not worth it,” energized the disability community. Cuomo’s support made the ADA’s accessible transportation mandate realistic and supportable by Congress when ADA was considered in 1989-90. The provisions of the New York agreement became the accessible transportation requirements for the whole nation, because of Koch’s arrogance and intransigence and Cuomo’s intelligence and compassion.