



**FOR IMMEDIATE RELEASE:**

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**Disability Rights Organizations Support Reasonable Accommodations for People with Disabilities in *Cushing v Packard***

*CONCORD, N.H.*— Access to the legislative process must not be denied to Granite Staters with disabilities. Today, the First Circuit Court of Appeals heard oral arguments in *Cushing v. Packard*, a case addressing the rights of people with disabilities and the reasonable accommodations that should be made so they can participate in the legislative process.

On July 23<sup>rd</sup>, Disability Rights Center-NH, the National Disability Rights Network, and ABLE-NH [filed an amicus brief](#) supporting the plaintiffs and people with disabilities in this case. The U.S. Department of Justice also [filed an amicus brief](#) in support of the plaintiff-appellants on July 30<sup>th</sup>.

The suit, first filed by House lawmakers after the Speaker of the House refused to grant them reasonable accommodations, claims violations of both Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Claiming legislative immunity, the Speaker contends that House rules trump federal civil rights law. As is made clear in the appellants' brief and those filed by the amici and the U.S. Department of Justice, when acting in a professional capacity, the Speaker of the House is a state actor and must comply with civil rights laws like the ADA and Section 504.

“Although the current question is one of legislative immunity, at the heart of this case are the people with disabilities – including both legislators and members of the public – who were unlawfully denied reasonable accommodations and were unable to participate in a fundamental aspect of our democracy- the legislative process,” said Stephanie Patrick, DRC-NH Executive Director. “For over three decades the ADA has been the law of the land and yet one of the most powerful institutions in our state, the N.H. House of Representatives, is defending rules which discriminate against people with disabilities. We look forward to a day when the nation’s largest state legislative body is also a welcoming, inclusive, and accessible one.”

“The NH House of Representatives is violating the Americans with Disabilities Act and discriminating against people with disabilities by denying reasonable accommodations,” said National Disability Rights Network Executive Director Curt Decker. “As our country faces critical

issues, it's never been more important for Americans to have access to their lawmakers and to the legislative process done in their name.”

“It's time to make lemonade out of the COVID lemons raining on our nation. This is a unique moment to implement universal access to the Granite State's legislative process for *all* citizens, not just the able-bodied. Indeed, this challenge existed for people with disabilities prior to the coronavirus, however, it came to light when people without disabilities needed access. As we strive toward an ever more perfect union by the people and for the people, we cannot return to this now broadly known lower standard, an existing violation of the ADA. We can't unlearn this lesson on what an inclusive, universally-designed approach looks like for citizen access to our precious democracy,” said Lisa Beaudoin, ABLE-NH Executive Director.

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### **About Disability Rights Center – New Hampshire**

Disability Rights Center-NH (DRC-NH) is New Hampshire's designated Protection and Advocacy system and is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities. More information about DRC-NH can be found at [www.drcnh.org](http://www.drcnh.org).

### **About National Disability Rights Network**

The National Disability Rights Network (NDRN) is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and the Client Assistance Programs (CAP) for individuals with disabilities. Collectively, the Network is the largest provider of legally based advocacy services to people with disabilities in the United States. More information about NDRN can be found at [www.ndrn.org](http://www.ndrn.org).

### **About ABLE New Hampshire**

ABLE NH is the Granite State's disability justice organization free of public funds, its mission is to advocate for the civil and human rights of children and adults with disabilities; and promote full participation by: improving systems of supports, connecting families, inspiring communities, and influencing public policy. More information about ABLE NH can be found at [www.ablenh.org](http://www.ablenh.org).