

Dear Policy Watchers:

Here in DC we look forward to the first Monday in October as the day the Supreme Court [begins](#) its session each year. The federal courts sometimes serve as a sword to advance important civil rights for people with disabilities, such as the historic 1999 Supreme Court *Olmstead v. L.C.* decision which established the right for people with disabilities to receive state funded supports and services in the community. In other cases, they serve as a shield to protect our community from actions (usually by state actors) that would deprive us of the right to full community participation.

Many disability rights advocates were relieved when on their first day of the new term, the Supreme Court [refused](#) to hear Domino's Pizza's petition which would have argued people with disabilities could not file claims under the Americans with Disabilities Act about accessibility barriers on the company's website and in its mobile application. The case, [Domino's Pizza, LLC v. Robles, Guiollermo](#), is a [fascinating read](#). The plaintiff, a blind man, sued Domino's after their online website repeatedly failed to interact with software which allowed him to engage in online commerce. Instead of fixing the problem, Domino's fought the case all the way up to the Supreme Court!

Can you imagine if Domino's got its way, and people were not able to pursue their right to accessible online commerce? It would impact much more than ordering pizzas. It could have severely harmed full participation in other activities such as online banking, applying for jobs, and other activities that are very much a part of our everyday lives.

The fact Domino's fought this lawsuit at all shows how bold businesses are becoming in retreating from the ACA – legislation that was developed with the business community in mind. Is there really a business reason to make it impossible for people to buy your product or services? President Bush's comments on signing the ADA spoke directly to the business interests of inclusion of people with disabilities as workers and consumers when [he said](#), "Let the shameful wall of exclusion finally come tumbling down."

In other news...

**Congress is still on recess and will return October 15.**

**NACDD hosts "Defending our Rights in Federal Courts" webinar.** Earlier this week, NACDD's Quarterly Policy Call featured an update on employment legislation presented by NACDD staff and a presentation from Alison Barkoff, Director of Advocacy at the Center for Public Representation, about federal litigation in the interest of civil rights for people with disabilities. To download a recording of the NACDD Quarterly Policy Call, [click here](#).

Although NACDD does not represent individual clients, we support individuals and organizations who are pursuing justice through the federal courts. One way we do this is by signing on to amicus briefs. Alison gave an update on two of the cases we support: [State of Washington, et. al. v. United States Department of Homeland Security](#) and [Texas v. United States](#).

In [State of Washington, et. al.](#), NACDD joined in an amicus brief to challenge implementation of the Department of Homeland Security's new "public charge" rule that will prevent people with disabilities

from entering this country or becoming legal residents in violation of federal disability law. For more information about this new rule and the status of litigation, you can refer to [CPR's website](#) which will be updated. **UPDATE:** Great news on this Friday afternoon! The district court in New York just granted a nationwide preliminary injunction enjoining the public charge rule. The decision cited the arguments raised in our amicus brief as one part of the reason, saying "Plaintiffs have raised at least a colorable argument that the [public charge] Rule as to be applied may violate the Rehabilitation Act."

In [Texas v. U.S.](#), NACDD joined an amicus brief outlining the importance of the Affordable Care Act to people with disabilities. The [lawsuit](#) was brought by a group of states challenging the constitutionality of the Affordable Care Act individual mandate and provisions that guarantee coverage for everyone and stop insurers from charging people with disabilities higher costs. We will be following [CPR's coverage](#) for latest updates on this case.

**NACDD joins new coalition affirming mental health disabilities are not predictors of gun violence.** A steady drumbeat from [Republican lawmakers](#), President Trump, and gun-rights advocates, continue the misperception that there is a connection between gun violence and people with mental illness. NACDD remains concerned that policies are being developed to force mentally ill into institutions (whether they like it or not) and deprive them of constitutional rights. A [new study](#) found people are more and more likely to make this association, and that this misconception "reflect[s] political discourse, not scientific data, and could lead to policies that would be ineffective and misdirect the search for the underlying roots of violence while unnecessarily increasing stigma toward people with mental illness."

This past week, NACDD joined a [new coalition](#) of 38 organizations including leaders and allies in disability rights, civil rights, education, and privacy communities. People with mental health disabilities must not be scapegoated for the acts of mass gun violence in this country. This coalition condemns this false and dangerous rhetoric and urges legislators to reject any legislative proposals that are premised on this false assumption which puts the civil rights of Americans with disabilities at risk.

Thank you all for your advocacy! Have a wonderful weekend!

Sincerely,

Erin Prangley  
Director, Public Policy  
National Association of Councils on Developmental Disabilities