

THE TEXAS TRIBUNE 5TH ANNIVERSARY

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by Christine Ayala

Texas Advocate Helped Mold Americans With Disabilities Act



photo by: Todd Wiseman

Lex Frieden is a disability advocate and a professor at the University of Texas Health Science Center at Houston, where he was treated after a 1967 car accident that left him paralyzed from the shoulders down. Frieden's advocacy helped shape the Americans with Disabilities Act.

HOUSTON — Nudging a joystick with the palm of his hand, Lex Frieden controls his motorized wheelchair with ease. He types emails with his knuckles on a phone fastened with a rubber band to his chair's armrest, making the most of the limited use of his hands. He's had practice, having been paralyzed since a car crash 47 years ago.

Back then, accommodations like ramps and automatic doors were rare.

“There was no dignity whatsoever when it came to trying to use public facilities at that time,” said Frieden, 66, a professor at the University of Texas Health Science Center at

Houston. “There were no protections for people with disabilities in terms of discrimination.”

Frieden pushed to make things like buses and restaurants more accessible in Houston, then statewide, and eventually played a key role in the 1990 Americans with Disabilities Act. Twenty-five years later, the law known as the ADA now seeks to protect the civil rights of the more than 39 million people with disabilities in the United States, including 3 million Texans. It requires that public spaces like doctor's offices and hotels be accessible to people with disabilities, and it bans discrimination based on a disability.

The anniversary — which comes as Texas has just inaugurated its first governor to use a wheelchair, Republican Greg Abbott — will be the focus of a celebration Sunday through Tuesday in Austin as part of a yearlong national bus tour. The tour, a rolling display of accessibility accomplishments organized by advocates for people with disabilities, includes several workshops and an event recognizing history-makers like Frieden.

"For us, Texas trailblazers like Lex Frieden, among others, played that pivotal role in writing and advocating and getting passed what we all consider landmark legislation that has impacted so many lives now," said Chase Bearden, director of advocacy at the Coalition of Texans with Disabilities. “It is great to know that we can still talk to the architects of this and learn about what we didn’t go through.”

Frieden's research at the university focuses on improving the lives of people disabled through injury, as he was.

A 1967 head-on car crash left Frieden paralyzed from the shoulders down. An 18-year-old freshman at Oklahoma State University, he found himself in a wheelchair on a campus where stairs were an impossible barrier and sidewalks were just beyond reach. He dropped out of school.

Later, he sought to continue his education at Oral Roberts University in Tulsa, but he was rejected because he used a wheelchair, he said.

“When I got the letter, I thought it was a mistake,” Frieden said. “That hurt a lot worse than the broken neck. That was the first time I understood discrimination and the civil rights movement I had seen growing up. People making decisions based on characteristics over which someone has no control.”

He went to the University of Tulsa instead. Armed with a psychology degree, Frieden moved to Texas. He pursued a master's degree at the University of Houston, where he met his wife, Joyce, who also uses a wheelchair.

Frieden joined an experimental cooperative housing project with other young disabled students. The students began pushing for greater access to the city’s restaurants, which they typically had to enter through a back door. (Sometimes restaurant staff carried them up stairs.)

Austinite Bob Kafka, an activist with ADAPT of Texas, worked with Frieden in Houston to shed light on inequalities for the disabled.

“In Texas, it was hit or miss. In some of the urban areas there would be accessibility in places; in the rural areas it was usually pretty much ignored,” Kafka said.

Rallies in Houston helped spur accessible bus systems there. In 1976, Frieden, Kafka and other young advocates organized wheelchair users to try riding city buses.

“We had about 50 people in wheelchairs lined up at the bus stop,” Frieden said. “People got out of their wheelchairs and started dragging themselves literally onto the bus. That continued for years until the metropolitan transit authority agreed to buy all accessible vehicles.”

The transit system was pushing back as late as 1989, when it sought to buy 300 inaccessible buses just before the law was expected to pass, according to Richard LaVallo, the legal director for Disability Rights Texas, one of several groups that sued the city's transit system.

“It would have made the whole metro system inaccessible for another generation, at least for the age of those buses,” LaVallo said.

Frieden was eventually appointed by Gov. Bill Clements to a panel with members of the Legislature. The group was tasked with making recommendations on improving accessibility, leading to the state's building codes.

Frieden later testified before Congress and joined the National Council on the Handicapped, where he helped craft the ADA in 1986.

"Some people thought we should just make an amendment to the Civil Rights Act and add the word 'disabled' next to 'race,'" Frieden said. He made the case that there was a difference between discrimination on the basis of race and on the basis of disability "because the remedies are different."

Frieden, now the father of a grown daughter, said Texas served as an example to states with leaders who argued that accommodations would be too expensive and difficult to implement.

“In Texas, we essentially had already done what we went to Washington to do a few years later,” Frieden said. “The fact that we had made progress in Texas made it much easier for us lobby for the ADA.”

The law led to the electronic voting system used today, allowing for blind voters to cast secret ballots. It prompted wheelchair-accessible bus stops, with curb ramps and sidewalks. It is involved in every new construction or restoration of older buildings, calling for hallways and elevators suitable for people in wheelchairs.

The ADA also targets employers, barring them from denying a qualified applicant because of a disability and requiring them to make accommodations such as accessible parking spots and bathrooms.

While many societal barriers are gone, people with disabilities still struggle to find adequate employment and health care, according to Bearden. He said the 25th anniversary of the ADA — and Abbott's rise to governor — may relaunch the conversation.

Abbott, who was paralyzed in 1984 by a falling tree, regularly referenced his wheelchair and "spine of steel" throughout his run for governor.

But his record when he was attorney general has been criticized by advocates for people with disabilities. His office, defending the state from a lawsuit, challenged a section of the ADA. Abbott told the *Austin American-Statesman* at the time that although he was personally a strong supporter of the ADA, his legal obligation was to defend the state.

Abbott said this week he is committed to ensuring Texas provides opportunity for all, including people with disabilities.

"I am living proof that here in Texas, a young man can have his life literally broken in half and still rise up and be governor of this great state," Abbott said in a statement.

Frieden said he hopes Abbott uses his platform to expand job opportunities for people with disabilities and help them live in the community rather than in nursing homes.

"I am hopeful that Gov. Abbott will choose to confront some of these issues, just as he has chosen to confront the physical implications of his disability," Frieden said.
