# BRAILLE MONITOR

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National Federation of the Blind

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Each issue is recorded on a thumb drive (also called a memory stick or USB flash drive). You can read this audio edition using a computer or a National Library Service digital player. The NLS machine has two slots—the familiar book-cartridge slot just above the retractable carrying handle and a second slot located on the right side near the headphone jack. This smaller slot is used to play thumb drives. Remove the protective rubber pad covering this slot and insert the thumb drive. It will insert only in one position. If you encounter resistance, flip the drive over and try again. (Note: If the cartridge slot is not empty when you insert the thumb drive, the digital player will ignore the thumb drive.) Once the thumb drive is inserted, the player buttons will function as usual for reading digital materials. If you remove the thumb drive to use the player for cartridges, when you insert it again, reading should resume at the point you stopped.

You can transfer the recording of each issue from the thumb drive to your computer or preserve it on the thumb drive. However, because thumb drives can be used hundreds of times, we would appreciate their return in order to stretch our funding. Please use the return envelope enclosed with the drive when you return the device.

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## Caravan for Disability Freedom and Justice visits the Jernigan Institute

The National Federation of the Blind was pleased to welcome the Caravan for Disability Freedom and Justice, or Disability Caravan for short, to the NFB Jernigan Institute on September 3 and 4, 2024. The Disability Caravan is a collective of disabled people, and our allies, driving across America this year, visiting several cities, including many that are important to the history of the disability rights movement. On the morning of September 3, the Caravan traveled from Wilkes-Barre, Pennsylvania, site of the Federation’s founding in 1940, to our headquarters in Baltimore. For the next two days, a number of Federationists and friends were able to visit the Caravan and learn about its mission to share a message that encourages civic engagement and voting, raises awareness of current issues facing the disability community, and works to organize a national approach to address these issues. The Caravan will continue its travels through November. If you’d like to know more about it and whether it will be coming to your city, you can visit its website at [www.thedisabilitycaravan.com](http://www.thedisabilitycaravan.com).

Photo/Caption: Sandy, Janet, and the National Federation of the Blind staff stand in front of the Caravan, a van equipped with a trailer and decorated with a vibrant design of the American flag featuring other imagery and text. Behind them is a large, four-story, brick building with a sign that reads National Federation of the Blind Jernigan Institute.

Photo/Caption: President Riccobono and Sandy stand in front of the Caravan.

Photo/Caption: President Riccobono, Sandy and Janet stand talking to each other outside of the Jernigan Institute. In the background is the Caravan.

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[PHOTO CAPTION: Julie Orozco]

## Being Trained in the Law but not Knowing How to Enforce My Right to Accessible Textbooks

**by Julie Orozco**

**From the Editor: What do people want from a print book? The most obvious answer is that they want the text and pictures, but in many respects, this is just the beginning of what we need if we are to compete. If we read a novel from the National Library Service, we may not care about when the author moves to a new paragraph or when the narrator turns a page. It may not matter that we cannot jump directly to page sixty-six. But when in school, navigation is almost as important as the accurate rendering of text, and small errors that we all have become accustomed to when using optical character recognition can directly translate to reductions in the letter grade we receive.**

**In this article, Julie talks about the frustration of needing to do well in law school and finding that her biggest barrier to doing so is not the ability to understand legal concepts or engage in hours of hard work. Instead, her problems were directly related to books that were provided by the publisher but had significant errors in their text and no way to navigate them. Imagine the frustration of training to become an advocate and coming to realize that you don’t really know how to advocate for yourself in a way that is timely and effective. Before I let Julie tell her own story, let me say that she has completed law school and passed the bar exam on her first try. This news does not lessen in any way the struggle she details here and the work we must do to see that blind students are graded on what they have the capacity to learn and on what they know. We must remain strong in our commitment to see that the letter grades they receive are a reflection of their accomplishments and not a reflection of the inaccessible materials they receive**.

I remember sitting in my first torts class on my second day of law school in August 2020. Torts felt like an intimidating subject, even though it was simply the study of legal wrongs like negligence. But my professor bellowed at us over Zoom as we tried to keep up. Everyone was lost and confused as he called out our names lightning fast, asking us questions we couldn’t pretend to understand, and then shouting, “wrong!” when we couldn’t answer adequately. Then, he started asking students, by name, to read sections of our textbook aloud. The moment he asked the first student to turn to page twenty-five and read the third paragraph, fear coursed through me. What if he called on me? What would I say? I couldn’t find page twenty-five, and I certainly couldn’t read a paragraph out loud in front of my class. I had already answered one of his questions wrong. What would this professor think when I couldn’t do something as basic as read words in a textbook?

When I began my law school journey, I did not anticipate the accessibility battles that awaited me. After successfully completing two undergraduate degrees and a master’s degree, I was confident in my ability to advocate for the accommodations I needed in school. I was also reassured by the nature of the law school curriculum itself. Two of my previous degrees had been in music, which required a variety of unique accommodations, including specialized Braille music software. Law school, I thought, would be all printed text and couldn’t be complicated. Our law school’s accommodations office met with me multiple times before the beginning of the semester and seemed to have a solid process in place for furnishing accessible textbooks to students and granting other accommodations. My access coordinator reassured me that the books would be in accessible formats and told me I would not need a reader for my classes because everything would be accessible for me with higher tech solutions.

I was wrong to place my trust in professionals who did not know what made a book accessible and did not understand the limits of screen reading and OCR technology for the blind. I discovered how wrong I was at the beginning of the first semester when I tried to open my torts book, and my computer froze. The PDF file our accommodations office sent to me was so large my computer could not open it. When I finally discovered a work-around for opening my book, I was astonished to find that I could not locate page numbers anywhere in the file. These huge files, containing over a thousand pages, did not include page numbers that my screen reader could read. In addition, my screen reader read the file in long blocks of text rather than paragraphs, encountered plenty of typographical errors, and would sometimes refuse to read by paragraph altogether. My torts book was the worst offender, but all of my textbooks presented similar challenges. My civil procedure book only gave me a page number at the beginning of each chapter. Most of my books would omit charts entirely and forget about photo descriptions.

When I approached our access office about the problems I was having with the books, they brushed off my concerns and assured me that they received these books directly from the publishers. Our university believed that the publishers were sending accessible books because that was the publishers’ duty, to send accessible copies of print textbooks upon request and with proof of purchase. But these books were not accessible and were not giving me the same reading experience as my colleagues. Our access office listened when I sent them a panicked email after the torts class described above. I attached the book and explained that I could not read aloud because I could not find the referenced page numbers. My accommodations office suggested that they tell the professor not to ask me to read aloud. This accommodation did not sit well with me. I wanted actual solutions, not exemptions. When I mentioned to friends and family that I could not read the page numbers on my books, I was almost universally met with blasé attitudes and dismissive shrugs. Some of these individuals had to scan their own books or dealt with texts they could hardly read, and all I was complaining about amounted to a fraction of my reading experience. Was I really dying on a hill made up of inaccessible page numbers?

I chose to push back against our accommodations office about these page numbers for a few reasons. First, I paid over $200 for some of these books and believed that I should have the same access to the text, including page numbers, as everyone else. I wanted to make things easier for blind students to come rather than falling in line with the inaccessible standard. Second, most of our assignments were built around page numbers. Our civil procedure professor would give us reading assignments hundreds of pages apart. Our torts professor would give us complicated instructions, asking us to skip some pages and read others. I didn’t know which cases and sections to read without the accommodations office speaking directly to my professors. Page numbers are also reference points. In study groups, in class, and in office hours, we all found cases and issues we wanted to review by turning to the relevant page. Finally, it wasn’t only about the page numbers. These books were clunky and formatted in such a way that I spent much longer on assignments than I should have. I wanted the conversation around these books to change, and the page numbers were an easy starting point.

Despite my advocacy, the access office seemed reluctant to reformat my books as I suggested. I started to speak to some of my academic advisors about my textbooks and get their input and support. At the same time, I began to realize that I needed a human reader as an accommodation after all.

In the middle of the semester, I received my first grade on a legal writing assignment. I had worked hard on this assignment, writing and revising long into the night and making all the changes my professor recommended. I was not expecting perfection, but when I saw my barely passing grade, I started to feel discouraged. Many of the errors for which my professor took off points were formatting mechanics. This was the semester when I learned about the difference between straight and curved apostrophes. Did you know there were two types of apostrophes? I also learned that the information my screen reader was giving me about heading formats was not entirely accurate. Some of my quotes were the wrong kinds of quotes. The list could go on. Some of the mistakes I made I could learn to seek out with my screen reader, but others amounted to aesthetics that I could not detect with my access technology.

I presented my disappointing legal writing grade to the accommodations office and began to lobby for a reader. They refused. In their words, I could not have an “assistant” because it would not be fair to the other students. I attempted to explain that plenty of blind professionals use readers to adjust formatting in their written work, but the office did not budge.

At this point, I was terrified. My legal writing class was only increasing in intensity, and I didn’t want to fail a class in my first semester of law school. Since it took me longer to complete my reading, and I spent additional time with our teaching assistants to work on my legal writing, I began missing required scholarship activities and internship fairs. I knew that I couldn’t continue doing school like this. But I felt alone. I didn’t know where to go for advice. Most people seemed to understand that law school was hard, particularly during the pandemic, but my battles for accommodations seemed insignificant when compared with the accessibility challenges faced by others.

I didn’t know where to begin, so I started talking to my professors on my own. My legal writing professor let me work with our teaching assistants longer than the other students. My civil procedure professor began modifying assignments by describing videos or condensing our readings so that I could have a lighter load. I did not ask for this, and she modified these assignments for everyone. I also continued discussions with my academic advisors, who started sending emails on my behalf. Once the accommodations office started hearing from my advisors, they changed their tune about negotiating with me. It helped that I also emailed one of the assistant deans to describe my situation.

I could not do anything to change my first semester grades or experience, but in the second semester, I started to receive textbooks in word documents, broken up by chapter with page numbers written out. The access office also granted me a human reader as an accommodation. This reader reviewed my formatting, helped me fill out inaccessible forms, and even typed out entire sections of one of my textbooks that were inaccessible. Not so surprisingly, my grades noticeably improved in the second semester.

Throughout the remainder of my law school career, I continued to fight for the accommodations I needed. The access office experienced a lot of turnover, and their policies changed as they integrated with the undergraduate office for accessibility. For the last two years I was in law school, I was given an Aira plan instead of one human reader.

I will never get my first semester of law school back. The grades I got are alive and well on my transcript. But I hope I can help other students advocate for the accommodations they know they need. Law school is a challenging environment. Students read up to hundreds of pages a night, prepare to be called on in class to recount all the facts and outcomes of legal cases they may not even fully understand, and face increasing pressures to find internships and build their resumes. Blind students shouldn’t be expected to spend our time worrying about how we learn when the learning itself is hard enough.

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[PHOTO CAPTION: Roderick Hairston]

## Raising Expectations at Social Security: The Influence of the Organized Blind in Improving and Modernizing Essential Programs

**by Roderick Hairston**

**From the Editor: We are always engaged in a dialogue with the Social Security Administration to improve services for blind people. It is more than just benefits; it is access to its website, kiosks, and the way the agency communicates with us. Mr. Hairston’s presentation dramatically shows how our work is paying off with a greater emphasis by the Social Security Administration in being responsive to the needs of blind consumers. Here is what the deputy associate commissioner for the Office of Electronic Services said to our 2024 National Convention on the morning of Monday, July 8, 2024:**

Thank you for having us here at the National Federation of the Blind convention. We really appreciate the invite and including us, and this includes thanks for our partnership.

Today, as I was introduced, I’m Roderick Hairston, and I had to come all the way to the NFB conference to meet my cousin, Ever Lee Hairston, which was a treat—A complete treat. She knows all of my relatives. Did you know that the Hairstons are the largest family in America? You probably know that if you know Ever Lee.

I am wearing a navy suit, a blue and white striped shirt, and a green tie. I’m vertically challenged, [chuckling] and a very proud member of the Hairston family.

It’s also good to see my peeps from Virginia and North Carolina. That’s where most of the Hairstons hail from. [Cheering] Good to see you.

The team and I are very excited to be here with you this week, and we hope you had a few moments to stop by our exhibit that was mentioned earlier with our check-in kiosk. With me here is my wonderful team of folks that have been here with you all week: Heather Gray, Jeremy Rouse, and Angela Love. Let’s give them a hand. [Applause]

I do believe it was a steady flow of folks who were coming through. I do believe we probably saw upwards of a thousand folks over the whole time. What was great about it was that it was a steady flow, and they got an opportunity to really work hands on, one on one, with a lot of you in terms of introducing the features at all of the kiosks. I’ll be telling you a little bit more about that. If you didn’t get to the exhibit, I’ll tell you a little bit more to tease you, and you’ll probably want to go to your [Social Security] office and find out more about it.

During the last few days, we have had the privilege to provide you with the opportunity to interact with a replica of the visitor check-in kiosk. As part of our commitment to making our benefits, services, and technology accessible to everyone, we have been very excited to share the kiosk with you this week.

As early as 2018, the Social Security Administration began the process of testing and working to modernize the kiosk by which visitors across the nation check in to Social Security offices. In doing so, we analyzed usability for users from various populations with varied types of disabilities. In tandem we continue to work on software improvements and enhancements to increase customer satisfaction and decrease cognitive overload while using our check-in equipment.

As mentioned in the introduction, my career started around twenty-nine years ago with the Social Security Administration. At that time, we assisted customers with paper tickets. Boy, am I dating myself.

At that time we had no way of knowing anything about the customer before we began our interaction. Customers didn’t have the ability to let us know if they had special needs, why they were visiting, or if we needed to provide any accommodation to ensure they had the highest quality of service available. As technology has evolved, we’ve continuously sought out partnerships with various communities to ensure the way we serve the public—make sure that it fits the needs and meets and exceeds the expectations of our customers.

We are continuing to enhance our public facing technology to provide an accessible experience, not only for customers who are blind or have visual impairments, but also for visitors with other accessibility concerns.

In 2023 we developed a truly accessible kiosk that would allow for an individual experience—an equal experience for all.

Our goal remains to offer a universally accessible kiosk system that ensures 100 percent equal access for all users, thereby promoting equity in service accessibility and user experience. Consistent with this commitment, we have installed new visitor check-in kiosks with enhanced accessibility features. Additionally, we’ve provided extensive training to our field office managers and staff on how to use the new kiosk, and we have taught them all about the new accessibility features. Our customers’ ability to check in at Social Security offices is now easier than it's ever been, regardless of a customer’s accessibility needs.

You may have had the opportunity to stop by the exhibit during the conference, but in case you didn’t, in case you missed it, I want to share a few other features. The kiosk cabinet itself is designed to meet accessibility needs of all field office visitors. The design includes specific features based on your input, government regulations, academic research, and user studies performed by the Social Security Administration. These studies and our continued testing of high-volume tasks related to Social Security services emphasize a user-centric approach to identify and address usability challenges, thereby fostering inclusive and accessible services.

The touchscreen, the buttons, and the Braille instructions are all set at an angle appropriate for all visitors. For durability the Braille instructions are printed on a steel plate. All components are mounted internally for security and provide a smoother surface for visitors to explore by touch. There are no sharp edges. To protect privacy, there is a headphone socket but no speakers. We supply complimentary headphones at the kiosk.

Plugging in headphones launches the audio interface and should be the only modification a user may need to enhance their check-in experience.

To serve customers who are blind or low-vision, JAWS has been installed on all kiosks. [Cheers and applause] It activates its audio feature when they plug in their headphones. During the check-in session, the audio interface tells customers what is on the screen and describes how to complete the tasks, for example, how to use the keypad to answer questions. The navigation keypad has a 3.5-millimeter headphones socket in the upper right-hand corner with an audio label in Braille above it. Although customers may have their own headphones, we also supply complimentary ones like I mentioned earlier. The navigation keypad can also be used without activating audio. This feature helps our customers in a wheelchair by providing an option much closer to them than the touchscreen. The keypad mirrors many modern TV remotes.

Along with the accessibility features of the kiosk, SSA has also dedicated an email address for you to report any accessibility concerns that you might have when interacting with the kiosk itself. That email is [section508@SSA.gov](mailto:section508@SSA.gov). That can be found on a Braille sticker on the kiosk itself.

In addition to that, we offer customers the ability to check in to our offices via their personal mobile device—mobile check-in. This means regardless of a customer’s need, they can use their personalized settings on their own device to navigate the check-in process according to their own preferences. [Applause] This allows for a truly personalized accessible experience even without the need to interact with our kiosk.

Since October 2023, more than twenty-two million customers have visited our offices already and interacted with our check-in kiosk and mobile services. I think that’s amazing. [Applause] And I’ve got to make a plug for our online services, in addition to our in-office services. There we provide several types of things that you can do to apply for many different Social Security benefits: retirement, spouse's benefits, disability benefits. You can apply for Medicare only and extra help with Medicare prescription drug costs. You can access our publication and our program rules to learn more about our services, including provisions for working while receiving benefits.

It may be important to note that there are provisions specific to customers who are receiving disability benefits on blindness and return to work. This information can be found in our publication titled “If You Are Blind or Have Low Vision, How We Can Help.” That was available in our booth this week, and you can also find that publication on our website at [SSA.gov/pubs/en-05-10052.pdf](http://SSA.gov/pubs/en-05-10052.pdf). If you did not have a chance to pick up one of those publications during the week, you can go there to find it. It’s offered in audio format as well as in languages other than English. Since everyone’s situation is different, whether you're on SSI or Disability Benefits, we suggest either reviewing our specific work-related publications or contacting your local field office and other resources to get personalized assistance.

Speaking of personalized information, if you haven’t already, we encourage you to set up your own My Social Security Account by visiting [SSA.gov/myaccount](http://SSA.gov/myaccount). I hope many of you already have that. It’s a great way to access services securely. This is a free and secure My Social Security Account that provides personalized tools for everyone, whether you receive benefits or not. I think you can already tell I’m a tech geek. I’m talking about my tools here. You can use your account to access certain notices online, request a replacement Social Security card, check the status of an application, get an estimate of future benefits, or manage the benefits you already receive. You can do all of that. You can make changes or update your benefits record, like your address or your direct deposit.

We also offer options for specialized notice formats to persons who are blind or visually impaired. These are notices that you can receive in other communications and formats other than standard print, including but not limited to options such as Braille notices, data CDs that have notices in Word format, large print notices, and audio CDs. You know, technology continues to change rapidly, so a lot of folks aren’t using CDs anymore, but we are assessing those types of advances continuously, evaluating and looking to make changes and updates in that regard. This allows our agency to make sure that we are serving the needs of all of our customers, so look for updates in that arena.

More than seventy million people depend on Social Security benefits, and millions more reach out each year for other services like requesting a new Social Security card. We’re working hard to provide our customers with the service that they expect.

In February 2024, Commissioner Martin O’Malley launched something called “Security Stat.” If you haven’t heard about that, it’s a performance measurement tool. He used it when he was mayor of Baltimore. He used it when he was governor of the state of Maryland, and he’s brought that right into his work as the Commissioner for the Social Security Administration. That tool is helping Social Security set goals. It’s helping us choose actions that are priorities and helping us track the progress in meeting these challenges. For information about these goals—you can find them, and you can also see our progress in each one of these areas on our website—again, [SSA.gov](http://SSA.gov/).

In discussions with NFB leadership, we understand that some of the areas of interest of NFB members are disability processes, return to work provisions, as well as overpayment remediations. We would also like you to know that these are some of the agency’s areas of focus with Security Stat. Commissioner O’Malley has implemented Security Stat to place emphasis and focus on these specific areas as well.

As part of Security Stat and to be transparent with the public, our progress is regularly updated on our website. Again, I’m talking about [ssa.gov/securitystat](http://ssa.gov/securitystat). You will be able to find that information for yourselves. Here you will find great information about the steps that the agency is taking to be more effective for the customers that we serve. You will learn about these things on which we already have begun to make progress: our work to reduce a number of pending hearings to the lowest level in over thirty years. [Applause]

Part of this success comes from our changes to policies involving disability determinations. We’ve updated the way we review a person’s relevant work history when making decisions on applications for disability benefits. There are a number of considerations in disability applications processes. In addition to reviewing medical records, we review the ability to continue to engage in work that will provide a substantial gainful income, or what some may know as SGA. Previously, we considered the past fifteen years of work when determining whether a person has the work experience to continue to earn SGA since the date their medical condition first affected their work activity. Moving forward we will now consider only the past five years of work experience in the disability determination process. [Applause] That’s a big one.

Also on Security Stat, you will learn about how we’ve changed our calculations for determining SSI eligibility and subsequently the SSI payment amount. Since SSI is a needs-based program, we have guidance on how to consider informal assistance that a person receives on a monthly basis. This informal assistance is sometimes counted as a form of income, thereby reducing the monthly SSI payment. However, we are updating these guidelines. For example, beginning September 30, we will no longer count assistance with food expenses as a type of informal income. [Applause] Yes! This change will bring more consistency in an individual’s monthly SSI payments and reduce some documentation requirements at the same time.

Additionally, Security Stat has information on how SSA is working to address improper payments, adjusting the way that we collect repayments, as well as implementing steps to reduce the backlog of pending underpayments to our claimants. Along with this information, you can also find information on how our agency is simplifying our processes with technology enhancements where we can. We are working to reduce the paper burden on both our customers and our employees.

These efforts will help streamline and modernize our workloads, ultimately resulting in better service to the public. We continue to strive for the utmost level of service to our customers, and we continue to lean into new technology and processes. We believe there is a bright future ahead, and we look forward to continuing our partnership with you to get to that future. [Applause]

In closing, again, I want to appreciate the National Federation of the Blind for inviting Social Security this week, allowing us to share with you the work that we’ve been doing to try to improve on the services we are providing, and we look forward to continuing the work with you and your membership for future endeavors. Again, we hope that you have the opportunity to interact with our accessible kiosk and hope you have a wonderful time during the remainder of this last day of your conference. Thank you so much for the opportunity. [Applause]

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[PHOTO CAPTION: Ronza Othman]

## Uber Almost Got Me Killed!

**by Ronza Othman**

**From the Associate Editor: This article originally appeared in the Summer 2024 issue of the *Braille Spectator*, the publication of the National Federation of the Blind of Maryland. We are reprinting it with light edits. Ronza Othman serves as president of that affiliate. She is also president of the National Association of Blind Government Employees and of the National Association of Blind Lawyers, chairperson of our Code of Conduct Feedback Committee, an active member of the Blind Muslims Group, and more, all on top of her high-pressure day job with the federal government. Despite already having all of these roles, she jokes she is eager to assume yet another as the next Disney princess. In a much less lighthearted vein, we note that the details in this article may profoundly disturb some readers, but we feel it is an important story to tell. It highlights not only the continued discrimination experienced by blind people at the hands of rideshare drivers but also how Ronza’s intersecting characteristics and ignorance of disability rights on the part of a member of law enforcement escalated an already tense situation to a traumatic, but thankfully not tragic, event. It is clear from Ronza’s experience that Uber has not done enough to educate its drivers, or even its customer service personnel and supervisors on its policy forbidding discrimination against blind passengers with guide dogs. That is why, as this issue of the *Braille Monitor* goes to press, Federationists from across the nation are preparing to conduct a rally before the headquarters of both Uber and Lyft, the country’s two leading rideshare providers. Here is Ronza’s story:**

Discrimination against the blind is an all-too-frequent occurrence, but sometimes how companies and law enforcement respond could literally get us killed. Uber discriminated against me and a fellow passenger who uses a guide dog in July of 2023, and instead of protecting me as the law requires, local law enforcement instead held me at gunpoint and treated me like I was the criminal. Then, after I didn’t die at the hands of the police (probably because my friends were filming the encounter on their phones) and filed a report with Uber, Uber summarily kicked me off their platform in retaliation for my complaint.

On the first night of the 2023 NFB National Convention in Houston, the National Association of Blind Lawyers got together for dinner at the home of one of our division board members. We brought along some other lawyers, because we tend to travel in packs, including Eve Hill, the lawyers’ lawyer and NFB General Counsel. I also brought along three NFB National Scholarship finalists, two of whom were going into law. One of the students had a guide dog. We had a wonderful dinner, and everyone left in a jubilant mood.

I called an Uber to take my group of four bipeds and a quadruped back to the hotel around 10:15 p.m.; the driver, Troy, was driving a black Mercedes—I’ll never forget that detail. I got into the vehicle first, sitting in the middle of the back seat. One of the students and her guide dog got in behind the driver. One of the other students got in the passenger-side back seat on my other side, and the third sat in the front seat.

The driver looked back as we were getting settled and asked, “Is that a dog?” I remember thinking something snarky, like “No, it’s a whale.” But I didn’t answer, because it wasn’t my service animal.

The student who was the handler said it was a guide dog. The driver, Troy, immediately started fussing at us, stating at least twenty times that this was a “sixty-thousand-dollar Mercedes.” The student calmly responded that her dog was a service animal that was protected under the ADA.

Troy began shouting at us to get out of his car. He said that he had the right to refuse to take whoever he wanted, and that we had to call Uber Pet. We responded that service animals are not pets, and thus we did not have to call Uber Pet.

The student with the guide dog and I decided we were not going to exit the vehicle because the driver had an obligation to take us under the ADA. The driver got out of the vehicle and began shouting in the street. This was a quiet neighborhood, fairly upscale, and fairly quickly we attracted notice.

Meanwhile, the rest of our friends came out of the house, and there was once again a gaggle of lawyers, this time standing on a Houston sidewalk nearing midnight. What happened next seems surreal.

As the driver continued to shout about his sixty-thousand-dollar Mercedes, both of the students on the passenger side of the vehicle decided to leave the car. The student with the guide dog and I decided to stay.

Troy then opened the driver’s side back door, reached into the car, and tried to physically yank the guide dog out of the car. The student was holding onto the dog’s harness, but when Troy started using his might to try to force the dog out of the vehicle, she wrapped her arms around the dog to keep her from being pulled away from her. She began to shout at the driver to stop pulling on her dog, that he was hurting the dog, and that she was a service animal. Troy did not stop for several minutes. The student began to slide out of the car herself because Troy was pulling on the dog so hard. I wrapped my arms around the student to keep her from being pulled out of the car. I believed if Troy was successful at forcing the guide dog or the student from the car, they’d both fall on the ground and be hurt.

As I held onto the student, Troy started pulling on me too. He used so much force that all three of us—the student, the guide dog, and I—were all sliding slowly out of the car.

I also started shouting at Troy to stop pulling on us. Eventually, he took a break and walked away from the car.

I called 911 to report a physical assault. They took my report and told me someone from the Houston Police Department would come soon. They did not stay on the phone with me like they show in the movies.

After I hung up with Emergency Services, I called Uber to file a complaint. While I was on the phone with Uber Support, Troy came back and did it again. He pulled, using all of his might, on the guide dog and the student to force them out of the car. I had my arm around the student’s shoulder to comfort her, so he pulled on me too. The Uber customer support person on the phone did nothing except take the report.

After this second assault and battery, the guide dog was very agitated, and the student was extremely upset. We didn’t know if the dog had been hurt, and if so, how badly. The student decided to get out of the car so she could have enough room to check out the dog and catch her breath. I stayed in the vehicle, because I knew that if I also got out, the driver would just get in the car and leave, resulting in no accountability for his actions.

I have to pause and give you a quick lesson in the law that you might or might not already know. Assault is a crime—it is when someone takes an action that places another in imminent fear of a battery. Battery means unwanted physical touching. So, Troy both assaulted and battered the student and me. To compound the issue, a guide dog, like a cane or wheelchair, is, under the law, an extension of the person with a disability. That means that if someone intentionally batters a guide dog while it is working, then they’ve battered the human handler. When Troy grabbed the guide dog and tried to forcibly remove her by pulling her from the car, and since the student was holding the harness and then the dog, Troy battered and assaulted the dog and the student. Then, when I tried to help her by anchoring her and he grabbed and yanked on me, he battered and assaulted me too.

They teach you about assault and battery literally on the first day of law school, but as you’ll come to see, somehow two police departments and a multi-national company don’t know what it is.

Apparently, in response to the commotion, one of the neighbors called their local police department, which resulted in a faster response from Harris County law enforcement compared with Houston PD. Two police officers from Harris County arrived within twenty minutes of the incident. However, they were not there to help! In fact, instead of helping the student and me, the clear victims here, they nearly shot me—an unarmed brown woman.

After hanging up with Uber, I called Cayte Mendez, who serves as the chair of the Scholarship Committee, to let her know that three scholarship finalists and I were in the midst of an Uber denial that turned into an assault, for which we were waiting for law enforcement intervention. I also asked my lawyer friends standing on the sidewalk to call Eve Hill, NFB General Counsel, who by that time had made it back to the hotel. Both Cayte and Eve were on the phone with us when the next horrible thing happened.

Troy managed to get to the Harris County police officers before anyone else, and as best as I can tell, he told them that he was afraid of me, that I refused to leave his vehicle after he decided he didn’t feel “safe” driving me, and that he believed I may have a weapon. He used incorrect and negative stereotypes about brown and Muslim people, and they believed him.

Throughout this ordeal, my lawyer friends, including the homeowner, were standing on the sidewalk, less than ten feet away from the car. When Harris County police pulled up, the homeowner shared with us that Harris County provides neighborhood support but that Houston police is the entity that handles real crime. He shared that the Harris police provide a sort of neighborhood watch function, similar to mall police.

As I sat in the back seat of the vehicle, with the windows open, talking to Cayte on the phone, a female police officer slowly walked up to the car on the right side. I learned later there was another police officer nearby covering her. She shouted at me to put my hands where she could see them. She did not identify herself, and I had no idea who she was or that she was a cop. I was holding my phone in one hand and the other was empty. My cane was telescoped on the floor at my feet. I was the only person left in the vehicle.

For a bit of context: I’m brown, Muslim, a woman, and blind. I wear a religious head covering called a hijab, which makes me very obviously Muslim to the sighted. My family are refugees, and I’m a United States citizen. Houston is much more open to immigrants and people of color than other places in the southern United States, but I still harbor the same anxiety as many immigrants and people of color do when visiting some of the southern states. In fact, I carry my US passport in my bra at all times for my safety so I can quickly prove I am a citizen.

I dropped the phone—I don’t know if I even said goodbye to Cayte or not—and raised my hands. The officer then directed a very strong flashlight into my face, which was incredibly startling. Once she saw me sitting there, she began to speak very loudly and slowly, as though I didn’t comprehend the English language.

As she continued to flash the light into my face, I told her that I was blind and needed her to identify herself. She initially did not and continued to speak to me in a loud, condescending voice. Eventually, she moved the flashlight away from my face, and as I readjusted to the lighting, I realized that she was gripping her weapon in her other hand. I was being held at gunpoint by Harris County police simply for being blind, brown, and Muslim.

She eventually told me she was Harris County police; I don’t know if she ever told me her name or not. She asked me if I had a weapon. I told her I did not. She asked me if anything was on the floor of the car. I told her, once again, while she held me at gunpoint, that I was blind and that my cane was on the floor at my feet. She asked me what else was on the floor, and I told her that I did not know because I did not own the vehicle.

She did not ask me any questions or take my statement before deciding I was the threat. I had called 911, but I was now the person with a gun on me.

She told me that since it wasn’t my vehicle, I was trespassing, and that the “nice gentleman” had a right to kick anyone he wanted out of his car. I told her that my friends and I were Uber passengers, that we had disabilities, and that he had a legal obligation to transport us under the Americans with Disabilities Act. Meanwhile, I was trying not to panic as she still held her weapon on me.

She ordered me out of the vehicle and told me to keep my hands up at all times. I told her once again that I was blind, that I needed my cane to safely exit the vehicle, and that I’d like to retrieve it first. Initially, she was not going to let me retrieve my cane, but at that point her fellow officer walked up and told her that she should let me use it. He whispered that everyone around the car had a cane, so I likely wasn’t making up my blindness.

She shone the light on the floor of the vehicle to see that the cane was the only item there, and she ordered me to pick it up with one hand while the other was still raised. I did so.

She opened the door, and I slowly exited the vehicle, still holding my hands up. I asked if I could retrieve my phone from the car, which was on the seat, and the other officer got it and handed it to one of my friends.

The female Harris County police officer asked for my name—still in that loud, slow tone—and I told it to her. She asked me for my driver’s license, and I told her I didn’t drive. She responded, “Undocumented, I thought so.” I replied that I had a valid ID, that I was a US citizen, and that I didn’t have a driver’s license because I am blind. She ordered me to show her my ID.

I began to move my hand toward my passport but quickly realized that given how ignorant and suspicious this officer had been thus far, moving my hand toward my chest rather than my purse would escalate the situation. I verbally talked her through what I was doing. I was wearing a very small cross-body purse, small enough to hold only my phone, a thin wallet, and my AirPods.

I narrated everything I did before I physically did it. I told her I was going to open the flap of my purse using just the thumb and forefinger on my right hand. I told her I was going to reach in with those same fingers to remove a pink wallet. I told her I was using those same two fingers to open the wallet to show her my state ID. I handed over the wallet, and she looked at it, then ordered me to remove the ID from the wallet and give it to her. At this point, she appeared to me to holster her gun, and I gave her my ID. I told her my passport was in my bra and asked if she wanted to see it. She responded, “Not yet.”

As she took my ID from me, one of my friends told her that she should Google me while she had my name and information. She ordered me to stay put and went off to her vehicle, I assumed to run me through law enforcement databases. I collapsed onto the ground, right there, at the side of the road. My legs could not hold me up anymore.

At some point, my friends had begun recording the encounter, but I’m not sure exactly when they began recording—I haven’t had the mental energy to watch the video. Eve Hill was also on the phone for all or most of it. But that wasn’t the end, not by a longshot.

While I waited to be run through all the law enforcement databases, my friends filled me in on what I’d missed, including what they heard Troy tell the Harris County officers. They also shared that several of them had showed Harris County PD the Uber website that specifically states Uber’s nondiscrimination policy and that denying service to service animal users violates the law and Uber’s policies. Apparently, that wasn’t good enough either.

We also realized that our host had a video surveillance system on his home that likely captured the incident and its aftermath. In fact, the camera footage shows the driver yanking on the dog, the student, and me both times and much of the Harris County police department’s actions. The cell phone recordings my friends took show much of the same with sound.

Eventually, the lady officer from Harris County returned, giving me back my ID. She told me again that Troy was just a “nice man” who wanted to keep his expensive vehicle clean. I responded that people with disabilities are not dirty, and neither are our dogs. I also reiterated that the ADA prohibits Uber drivers from refusing service to guide dog handlers and others with disabilities. She said that Uber had to handle this. I told her I had filed a complaint with Uber, but that since the driver assaulted and battered the student and me, this was now a criminal issue as well, and that law enforcement was required to enforce the antidiscrimination laws. The student and I told her we wanted to press charges against the driver. She ordered me to get the person from Uber with whom I filed the report on the phone. I told her I’d try, but Uber has a lot of customer service people. I called Uber, waited on hold, and eventually got connected to a different agent than previously.

I told Uber I was calling because I was with law enforcement who wanted to verify I’d called previously to file a report and to ask them questions. Initially, the Uber representative informed me that they would not talk to law enforcement. The female Harris County officer insisted, so I asked for a supervisor. I eventually was transferred to a supervisor, I explained the situation, and the supervisor agreed to talk to the police officer. This all was on speaker phone, and what happened next was also on speaker phone.

The police officer asked if a driver has the right to refuse to drive someone if they have a guide dog, and the Uber representative said, “Yes, the driver can refuse to drive anyone they wish.” If I hadn’t already been sitting on the ground, I’d have fallen over. This is a supposed supervisor in the escalation department at Uber, and they don’t even know the law or their own policies? We all, including Eve Hill on the phone, started shouting that this was not true.

The police officer asked the phone representative from Uber to share the policy that gives drivers the right to refuse anyone, which frankly stunned me because I didn’t think that Harris County officer was capable of getting to actual true facts. The Uber representative put us on hold, and after about ten minutes, returned and read from the website that my friends had previously shown the officer, which said the exact opposite of what the representative had originally said.

At no time did Harris County take my statement or anyone else’s. At no time did they gather evidence or try to figure out what happened. They took a cursory look at the dog and said, “She looks fine to me.” They told us this was a civil matter and to work through Uber. We reiterated we were assaulted and battered and wanted to press charges, and they reiterated that we and the dog weren’t physically hurt from their perspective, thus this was a civil matter.

At that point, about two and a half hours after the incident began, Houston PD finally showed up. This was a vastly different experience from Harris County. The responding Houston PD officers took our individual statements, understood that the driver could not refuse services to passengers with guide dogs, and treated us with dignity and respect. They also told Harris County PD they had it from there and sent the Harris County officers away.

We told them we had recordings and showed them to Houston PD. Nonetheless, they, too, did not immediately press charges or allow us to do so. They informed us that their local prosecutor would review the reports and videos and make a determination within a few days. They obtained Troy’s contact information and released him. Roughly three and a half hours after the ordeal began, we returned to the hotel. A few days later, Houston PD informed us that the local prosecutor had declined to bring criminal charges against Troy.

Meanwhile, I supplemented my report to Uber to add additional details. Three days after Uber nearly got me killed by Harris County PD, they kicked me off the Uber platform. Apparently, in an effort to try to save his job with Uber, Troy filed a complaint against me, stating I threatened him and had a weapon in his vehicle. This was in direct retaliation for my complaint against him. Though my supplemental report to Uber explained how Troy lied to law enforcement and the effect, Uber still, without ever talking to me or doing any sort of investigation, suspended my account. This is a gross injustice, because if anyone who complains is subject to retaliatory suspension, then every person with a disability who tries to protect their rights, as described by the law and Uber’s own policy, will be removed from the platform simply for exercising their rights.

I shared what had happened with President Riccobono, and he contacted Uber himself. Uber executives were at the convention, and President Riccobono arranged a meeting for those executives, John Paré, the scholarship finalists and me. Uber made a lot of promises and commitments, but more than a year later, I’ve not seen any of them come to fruition.

I filed two complaints with the [United States] Department of Justice (DOJ) about this experience—one against Harris County Police, and the other against Uber. DOJ closed the complaint against Harris County Police with no action. I have not yet heard any information about the Uber complaint.

What happened to my companions and me isn’t rare. There isn’t a week that goes by that I don’t hear from someone about a rideshare denial because of their guide dog or long white cane. These denials mean that blind people are late for work, medical appointments, worship services, and so on. The fact that Uber personnel didn’t know the law, or their own policies is unforgivable. The fact that law enforcement doesn’t know the law is disgusting and terrifying.

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[PHOTO CAPTION: Kyle Walls]

## From Lyndon Johnson to Joe Biden: A Journey through Sixty Years of White Cane Safety Day Presidential Proclamations

**by Kyle Walls**

The year is 1963, the month is September. NASA prepares its Project Gemini craft for an uncrewed mission that will launch in seven months. In the world of entertainment, Elizabeth Taylor’s *Cleopatra* dominates the box office for the third straight month, “My Boyfriend’s Back” by The Angels and “Blue Velvet” by Bobby Vinton top the radio requests, and classic television shows *The Fugitive*, *The Outer Limits*, and *Petticoat Junction,* all premier. CBS becomes the first network to broadcast a half-hour national news show with the premier episode of the *CBS Evening News*, anchored by Walter Cronkite. In sports, the 100,000th American Major League Baseball game is played between the Washington Senators and the Cleveland Indians (Washington wins 7-2), and the Pro Football Hall of Fame opens its doors for the first time in Canton, Ohio. On the American political scene, the White House confirms in a press release that President Kennedy will be making a now-infamous trip to Dallas, Texas, later in the year, and on September 24, a long-time representative from the state of Pennsylvania, Robert Corbett, at the urging of the National Federation of the Blind, introduces House Joint Resolution 753 in Congress. The resolution reads, in its entirety:

*To authorize the President to proclaim October 15 of each year as White Cane Safety Day.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to issue annually a proclamation designating October 15 as White Cane Safety Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.*

It takes almost an entire year before the resolution passes the House on August 17, 1964, and is then passed by the Senate a little over a month later, on September 24, exactly one year after its introduction. Just under two weeks later, the resolution officially becomes Public Law 88-628 when it is signed by President Lyndon Johnson. On that same day, President Johnson issues the very first White Cane Safety Day proclamation stating, “A white cane in our society has become one of the symbols of a blind person's ability to come and go on his own. Its use has promoted courtesy and special consideration for the blind on our streets and highways. To make our people more fully aware of the meaning of the white cane, and of the need for motorists to exercise special care for the blind persons who carry it, the Congress, by a joint resolution approved October 6, 1964, has authorized the President to proclaim October 15 of each year as White Cane Safety Day.” And with that, an annual day to recognize blind Americans and our most widely-used mobility aid is born.

Over the next couple of years, the text of President Johnson’s White Cane Safety Day proclamations would remain largely similar to that initial version. However, in 1967, he gets a little creative and decides to recognize the driving force for the proclamation in the first place. The 1967 proclamation reads, in part, “The White Cane has become the emblem of the blind American’s determination to live the most independent, constructive life possible. Since the foundation of the National Federation for [sic] the Blind in 1940, the White Cane has symbolized the aspirations and abilities of the blind. Available to every blind American, it is his passport to self-sufficiency.”

Two years later, President Richard Nixon releases his 1969 proclamation on May 20 (the White Cane Safety Day proclamations of the late 1960s and 1970s were frequently released in the summer, and sometimes even in the spring). As the entire nation would so proudly display its determination and confidence exactly two months later with the moon landing on July 20, President Nixon uses this proclamation to declare the white cane as “A symbol of the blind person's determination to help himself and to live a normal life,” and declare that, “A blind man or woman using a white cane can travel with greater confidence and safety on the Nation’s streets.”

In 1976, as the nation observes the bicentennial celebration of its independence, President Gerald Ford chooses to focus this year’s White Cane Safety Day proclamation on the independence the tool affords to the blind. He writes, “One of the basic rights which we as Americans cherish is the freedom of each citizen to move, without barriers, about this great land. . . the white cane is both an instrument and symbol of independence. . . A pathfinder, not a crutch. . . the white cane provides the confidence to venture forth, to experience the world, and to participate fully in life.”

As the United States approaches the end of a decade marked by an exit from the controversial Vietnam conflict, the Watergate scandal, and a turbulent economy, President Jimmy Carter writes in his 1978 White Cane Safety Day proclamation that for blind people, “the white cane is an invaluable tool with which they can move about confidently and, most important, independently. . . providing assurance that the path ahead is clear and safe.” It is highly unlikely that his words are intended to be a reassuring signal to a distressed nation, but looking back on history, they almost seem that way.

In the 1980s, a decade frequently remembered for its excesses, President Ronald Reagan keeps his White Cane Safety Day Proclamation of 1985 noticeably shorter, but no less on point. He writes, “Americans admire courage and respect independence.” He goes on to proclaim that the white cane is “carried by those blind and visually impaired citizens who believe freedom and independence are meant for all Americans. The white cane tells the world that its bearer expects not pity but fairness and consideration—on the street, on the job, and everywhere Americans’ paths cross.”

As the 1980s become the 1990s, all disabled Americans have another milestone to mark along the path toward equality. In his 1990 White Cane Safety Day proclamation, President George Bush writes, “Each year, during the observance of White Cane Safety Day, we renew our commitment to eliminating physical and attitudinal barriers that continue to hinder the full participation of blind persons in our society. On this White Cane Safety Day we also celebrate the Americans with Disabilities Act of 1990.” The Americans with Disabilities Act was signed into law by President Bush less than three months before his 1990 proclamation, but certainly gives cause for some additional celebration this year.

Nine years later, as the country approaches the end of the millennium, President Bill Clinton focuses on a somber moment in Federation history in his 1999 White Cane Safety Day proclamation. He chooses to pay a fitting tribute to an iconic leader of the movement when he writes, “Dr. Kenneth Jernigan, former President of the National Federation of the Blind who died just a year ago this month, was an early advocate of the white cane and the full integration of blind people into every aspect of society. Dr. Jernigan used the white cane himself and recognized its power as a means to allow blind people to leave the confines of their homes for the outside world—to go to school and to work and to make ever-greater contributions to their communities.”

With the turn of the millennium having passed and the fears of the Y2K glitch starting to subside, the United States turns its focus forward to the prospects and promises of a new era. White Cane Safety Day begins to take on a larger meaning. It becomes less about the white cane itself and more about the people who use it. In his 2001 White Cane Safety Day proclamation, President George W. Bush writes a message of hope for Americans with disabilities: “National White Cane Safety Day . . . represents a declaration of freedom . . . The core principles of our country promise freedom, justice, and hope; and these principles should guarantee the opportunity for every disabled American to live full and productive lives. The new millennium brings with it a renewed pledge to ensure that no citizen is prevented from realizing the American dream because of a disability.”

The United States would elect a new president to end the 2000s and usher in the 2010s, and at the beginning of the new decade, White Cane Safety Day would also get a new name to reflect the updated focus of the day begun under the previous administration. President Barack Obama, the nation’s 44th president, and the ninth president to issue annual White Cane Safety Day proclamations, renames October 15, 2011, to Blind Americans Equality Day. He writes in the opening paragraph of his proclamation: “Generations of blind and visually impaired Americans have dedicated their passion and skills to enhancing our national life—leading as public servants, penning works of literature, lending their voice to music, and inspiring as champions of sport. On Blind Americans Equality Day, we celebrate the achievements of blind and visually impaired Americans and reaffirm our commitment to advancing their complete social and economic integration.” The name change sticks, and October 15 of every year going forward is recognized as Blind Americans Equality Day.

Nearly one-fifth of the way into the twenty-first century, and more than fifty years since the first proclamation, the focus of Blind Americans Equality Day has now fully shifted from a day to celebrate the white cane as a symbol of independence and freedom to one that recognizes the potential of all blind Americans if granted equality and opportunity. In his 2018 proclamation, President Donald Trump renews the nation’s focus on the achievements of blind Americans and the importance of ensuring equality when he states, “On Blind Americans Equality Day, we recognize the contributions that Americans who are blind and visually impaired make to our country, and the value of creating greater opportunities for all people to live full and independent lives. Despite facing challenges, Americans who are blind and visually impaired continue to achieve their dreams and strengthen our communities.”

As we approach the end of our sixty-year trip through the history of these Blind Americans Equality Day presidential proclamations, it seems only fitting to use President Joe Biden’s 2022 proclamation as our last stop. In 2022, President Biden uses his proclamation to state both what the day has come to mean and remind us all how it came to be in the first place when he writes: “On Blind Americans Equality Day, we celebrate the essential contributions of blind and low-vision Americans, whose talents and strength shape every industry and every community. In 1964, President Lyndon B. Johnson issued the first Presidential Proclamation honoring the independent spirit of blind Americans and calling on us all to help build a more accessible Nation.”

And with that, we have reached our destination. Our journey spanned six decades, eleven presidents, sixty individual proclamations, and countless noteworthy events and milestones throughout the course of modern American history. But this story is far from over. We have merely reached the end of one volume and the beginning of another. For this year, as we celebrate the sixtieth anniversary of the first White Cane Safety Day proclamation, we look forward to sixty more, and dream of the achievements of the organized blind that are yet to come. We wonder how those will be forever immortalized in the seventieth, eightieth, ninetieth, or one hundredth proclamations, and how we will reflect on those future milestones every October 15th. Happy Blind Americans Equality Day, Federationists!

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[PHOTO CAPTION: Janna Kowalik]

## Consider Becoming a Teacher of Blind and Low-Vision Students or an Orientation and Mobility Instructor

**by Janna Kowalik**

**Thankfully taken from *Future Reflections*, Summer 2024.**

**From Editor Deborah Kent Stein: I hear the story from families all over the country: “My child needs Braille instruction!” “My child needs to learn access technology!” “We don’t have anyone to teach my child to use the long white cane.” The need is dire, especially in rural areas. In this article, Janna Kowalik writes about the joys and benefits of working in the field of blindness education. Janna is a teacher of the visually impaired (TVI) and orientation and mobility instructor based in Sacramento, California. And—full disclosure!—she’s also my daughter.**

The world of special education is filled with acronyms. If you are reading this publication, you already may know the significance of the letters TVI (teacher of the visually impaired) and O&M (orientation and mobility). However, you may not realize the high need for professionals in these fields. The scarcity of certified TVIs and O&M instructors has a negative impact on students across the country. I have worked as a TVI and O&M instructor for the past twelve years, and I love my career. So why are professionals in these fields so scarce?

I believe that lack of awareness is a key piece of the puzzle. In this article I hope to raise awareness of the job duties performed by TVIs and O&M instructors and to share the many benefits of working in these fields. Perhaps these words will reach someone who is choosing their first career, someone considering a career change, or someone who knows somebody who would make an amazing teacher but isn't sure where to start.

A teacher of students with visual impairments (known in some training programs as a teacher of blind students, or TBS) is a certified teacher who has received either a bachelor’s or master’s degree in teaching with an endorsement in visual impairments and blindness. TVIs are trained to teach the Expanded Core Curriculum (ECC). Blind and low-vision students need instruction in concepts and skills that will allow them to compensate for the decreased access to information that results from their visual impairment.

These concepts and skills fall into nine areas under the Expanded Core Curriculum: assistive technology, career education, compensatory skills (including Braille), independent living skills, orientation and mobility, recreation and leisure, self-determination, sensory efficiency, and social interaction skills. Within each of these areas, TVIs address the aspects of the ECC that relate to a student's visual impairment. For example, a TVI teaching social interaction skills might teach a student to hold their head up and turn toward the person speaking to them. Assistive technology within the ECC includes the use of screen magnification, screen-reading software, and refreshable Braille displays. A TVI teaching sensory efficiency skills might work on the use of tactile discrimination to complete daily tasks or on using visual scanning to locate a desired item in an array.

Orientation and mobility refers to safe and efficient travel skills such as indoor and outdoor wayfinding, mental mapping, and the use of the long white cane. It can only be taught by a certified orientation and mobility specialist.

TVIs and O&M specialists are often itinerant, traveling from school to school within a school district or throughout multiple districts. Some even travel by plane or helicopter to reach students who live in remote areas! Others work in resource rooms or at residential schools.

Many districts in my area have unfilled TVI and O&M positions. In fact, some of these positions have remained open for a year or more. I live in an urban area, where the likelihood of filling a TVI or O&M position is relatively high. In rural areas there may not be a qualified TVI or O&M instructor within one hundred miles of a given school district.

The nation currently faces a teacher shortage in all areas of pre-K-12 education. Districts are struggling to find and retain teachers in every discipline. However, the scarcity of TVIs and O&M instructors is nothing new. When I entered my graduate program in 2010, I was assured that my employment post-graduation was all but guaranteed, especially if I were willing to move to a less urban location. In fact, my graduate-school tuition was fully covered by a grant aimed at bringing more professionals into the field. I have heard employers refer to TVIs and O&M instructors as “unicorns” because we are so scarce we might as well be mythical creatures!

The need for qualified TVIs and O&M instructors has been dire for decades. As long as positions remain unfilled, students will not have access to vital areas of the Expanded Core Curriculum, instruction to which they are entitled under IDEA (the Individuals with Disabilities Education Act).

There are many benefits to working as a TVI or O&M instructor. For starters, many universities offer significant grant-funded tuition assistance for those enrolled in certification programs. Such assistance makes studying to become a TVI or O&M instructor more affordable than the pursuit of other disciplines. In addition, opportunities exist to work and be paid as a TVI intern while completing a certification program. Some districts unable to fill positions with certified TVIs are willing to employ students who are enrolled in a certification program. Due to the high number of open positions, certified TVIs and O&M instructors have the benefit of a less stressful job hunt. Someone entering the field will likely never have to compete against a pool of fifty other applicants for a job!

Then there are the many benefits of the job itself. Most TVI and O&M positions are itinerant, meaning that instructors travel from school to school and often town to town throughout the day. For this reason we enjoy a great deal more flexibility than typical classroom teachers experience. While we must take into account the availability of our students, making every effort to avoid pulling them from academic classes, we are granted the freedom to set our own schedules. For example, if I live close to a certain school, I may be able to start or end my day there to ease my commute. Itinerant TVIs and O&M instructors usually work one-on-one with students, which allows us to get to know our students on a level that is not always possible in a classroom setting. Also we only have to worry about the behavior of one student at a time, so classroom management is not usually an issue.

If you believe variety is the spice of life, you'll love working as an itinerant TVI or O&M instructor. You will have the chance to work with students of all ages, backgrounds, and abilities. I can assure you, boredom is never an issue in these fields! Depending on your students' needs, you will find yourself working on anything from Braille and activities of daily living to self-advocacy skills. You might teach all of the above to one student over the course of a school year. You might be at a kindergarten in the morning, encouraging Braille-letter recognition; and at a high school in the afternoon, helping a student prepare a scholarship application. You might spend time in a special education classroom, helping a student learn to press a switch to choose between two recreational activities. From there you might drop by a middle school to make sure one of your students has access to a large print copy of *To Kill a Mockingbird*. The variety of tasks within our field ensures that we are always growing as professionals, always adding to the skills in our toolkits.

The final job benefit I will discuss is the one I feel is the most important. As teachers of students with visual impairments or orientation and mobility instructors, we play a critical role in our students’ futures. Throughout my years as a TVI/O&M instructor, my colleagues and I have helped students learn Braille and assistive technology, and we have helped them learn to navigate their school campuses without sighted assistance. We’ve shown students how to access community resources and how to understand the accommodations provided in their IEPs. We’ve even taught students to send text messages using VoiceOver so they can communicate with their friends like any other teen. If we hadn’t been there, that instruction might have been provided piecemeal by overworked teachers in other disciplines—or those skills might never have been taught at all. Blind and low-vision students will always benefit from the contributions of their classroom teachers, other service providers, and supportive family members. However, as TVIs and O&M instructors, our roles are crucial. It is our job to prepare blind and low-vision students to be as independent and capable as possible. A good TVI or O&M instructor can make all the difference between student failure or success.

If you are interested in becoming a TVI or O&M instructor, please look up accredited programs in your area. To get more information about the job, join one of the many Facebook groups for TVIs and O&Ms. And if you are not interested in these careers yourself, please send this article along to anyone you know who might be.

If you are already a TVI or O&M instructor, ask about participating in career days at the high schools in your district. Help teens considering future careers become aware of these job opportunities. Ask about providing an in-service training for students in education courses at your local college. Post about the shortage on social media. Any degree of awareness might make a difference in getting future students access to qualified TVIs and orientation and mobility instructors.

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## We Need Your Help

*Attending my first National Convention in Orlando, Florida, I was overwhelmed by not only the resources, mentorship, and national community of students, but the love that filled every corner of the organization. The National Federation of the Blind gave me the world.* — Trisha

Blind children, students, and adults are making powerful strides in education and leadership every day across the United States, but we need to continue helping students like Trisha. For more than eighty years, the National Federation of the Blind has worked to transform the dreams of hundreds of thousands of blind people into reality. With support from individuals like you, we can continue to provide powerful programs and critical resources now and for decades to come. We hope you will plan to be a part of our enduring movement by including the National Federation of the Blind in your charitable giving and in your estate planning. It is easier than you think.

With your help, the NFB will continue to:

* Give blind children the gift of literacy through Braille.
* Mentor young people like Trisha.
* Promote independent travel by providing free, long white canes to blind people in need.
* Develop dynamic educational projects and programs to show blind youth that science and math careers are within their reach.
* Deliver hundreds of accessible newspapers and magazines to provide blind people the essential information necessary to be actively involved in their communities.
* Offer aids and appliances that help seniors losing vision maintain their independence.

Below are just a few of the many tax-deductible ways you can show your support of the National Federation of the Blind.

### LYFT Round Up

By visiting the menu, choosing donate, and selecting the National Federation of the Blind, you commit to giving to the National Federation of the Blind with each ride.

### Vehicle Donation Program

We accept donated vehicles, including cars, trucks, boats, motorcycles, or recreational vehicles. Just call 855-659-9314 toll-free, and a representative can make arrangements to pick up your donation. We can also answer any questions you have.

### General Donation

General donations help support the ongoing programs of the NFB and the work to help blind people live the lives they want. You can call 410-659-9314, extension 2430, to give by phone. Give online with a credit card or through the mail with check or money order. Visit our online contribution page at: <https://nfb.org/donate>.

### Pre-Authorized Contributions

Through the Pre-Authorized Contribution (PAC) program, supporters sustain the efforts of the National Federation of the Blind by making recurring monthly donations by direct withdrawal of funds from a checking account or a charge to a credit card. To enroll, call 877-NFB-2PAC, or fill out our PAC Donation Form <https://www.nfb.org/pac>.

### Plan to Leave a Legacy

The National Federation of the Blind legacy society, our Dream Makers Circle, honors and recognizes the generosity and imagination of members and special friends who have chosen to leave a legacy through a will or other planned giving option. You can join the Dream Makers Circle in a myriad of ways.

#### Percentage or Fixed Sum of Assets

You can specify that a percentage or a fixed sum of your assets or property goes to the National Federation of the Blind in your will, trust, pension, IRA, life insurance policy, brokerage account, or other accounts.

#### Payable on Death (POD) Account

You can name the National Federation of the Blind as the beneficiary on a Payable on Death (POD) account through your bank. You can turn any checking or savings account into a POD account. This is one of the simplest ways to leave a legacy. The account is totally in your control during your lifetime and you can change the beneficiary or percentage at any time with ease.

#### Will or Trust

If you do decide to create or revise your will, consider the National Federation of the Blind as a partial beneficiary.

Visit our Planned Giving webpage (<https://www.nfb.org/get-involved/ways-give/planned-giving>) or call 410-659-9314, extension 2422, for more information.

In 2023 our supporters helped the NFB:

* Send 401 Braille Santa and Winter Celebration letters to blind children, encouraging excitement for Braille literacy.
* Distribute over six thousand canes to blind people across the United States, empowering them to travel safely and independently throughout their communities.
* Deliver more than five hundred newspapers and magazines to more than 130,000 subscribers with print disabilities free of charge.
* Give over seven hundred Braille-writing slates and styluses free of charge to blind users.
* Mentor 321 blind youth during our Braille Enrichment for Literacy and Learning® Academy.
* Award thirty scholarships each in the amount of $8,000 to blind students.

Just imagine what we will do in 2024, and, with your help, what can be accomplished for years to come. Together with love, hope, determination, and your support, we will continue to transform dreams into reality.

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[PHOTO CAPTION: Geerat J. Vermeij]

## It Matters What We Do, Not Who We Are

**by Geerat J. Vermeij**

**From the Editor: When I see something from Dr. Vermeij, I know with certainty that I will be called upon to think, and when I share his articles, I know the same is true for others. In this particular issue we have this article, which clearly expresses the view that we put much too much energy into identity rather than focusing on what we can do and letting that become the positive that defines us. I think one of the purposes of the *Braille Monitor* is to get people to think about divergent points of view and then synthesizing them into something that makes each of us more successful than we would be without the perspectives we have considered and absorbed. Here is the article:**

Modern society seems obsessed with identity. Race, gender, sexual orientation, ethnicity, and disability—they all take center stage in defining us as individuals. At every turn, we are asked to identify ourselves according to society’s currently fashionable categories regardless of whether those categories can be unambiguously circumscribed. Thousands of sociological studies, government mandates, and policies at every level of society are founded on heterogeneous, ill-defined, and often highly fluid categories. Worse, these categories reinforce existing prejudices and biases. Those of us who are blind know all of this very well, yet even we often fall prey to this preoccupation with identity.

In his 1963 speech, “Blindness: Handicap or Characteristic” (reprinted in The *Braille Monitor*, Vol. 66, No. 6, June 2023), Kenneth Jernigan correctly asserted that blindness is a characteristic, one of many traits that affect a person’s life. With great clarity, he argued that blindness can be mitigated, so that it need not and should not be considered a sign of inability or inferiority. Indeed, a core mission of the National Federation of the Blind is to ensure that blind individuals have the tools, as well as the positive attitudes, to overcome the physical and social disadvantages that come with blindness. This necessary work continues, as it should.

But I would go a step further. Our characteristics, including blindness, do influence what we do and how others perceive us, but they do not define us. What matters, it seems to me, is what we do, not who we are.

Society’s preoccupation with identity is destructive. It reinforces stereotypes and prematurely determines the potential (or lack of potential) for individual accomplishments and diminishes the fairness of how the actions and contributions of individuals are judged.

My perspective on this issue derives not from social activism or advocacy, but from my lifelong study of the economic history of the world of living things, including our own species. Life-forms today and in the past have managed to persevere—and in the long run to improve—in a world full of changing challenges and opportunities. In my latest book *The Evolution of Power: A New Understanding of the History of Life* (Princeton University Press, 2023), I explore the premise that, like humans, all other forms of life have the ability to change and adapt to their surroundings to the extent that their power (the rate at which energy and material resources are acquired and deployed) allows. Although their station in the web of life is strongly affected by this power, it is the actions of living things that matter. By itself, power or energy, like money, means nothing. They become useful only when they are deployed to do something. In other words, characteristics in the abstract tell us nothing about what we do.

A shift in emphasis away from identity toward accomplishment would represent a healthy and refreshing reorientation in how we and others see ourselves. What can we do with the appropriate physical and educational tools? Isn’t it better to be evaluated on what we have done or are doing than to be classified according to preconceived, often socially loaded, categories based on characteristics in isolation? Our accomplishments and actions are far more diverse than our socially prescribed characteristics, and it is this diversity of doing that describes the richness of the human enterprise.

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[PHOTO CAPTION: John Paré]

[PHOTO CAPTION: Jeff Kaloc]

[PHOTO CAPTION: Justin Young]

[PHOTO CAPTION: Jesse Shirek]

## We Belong: A Report on Our Collective Progress toward Equality in America and Beyond

**by the Advocacy and Policy Team**

**From the Editor: Here are the words President Riccobono used to introduce our Advocacy and Policy Team:**

PRESIDENT RICCOBONO: All right. Our next presentation to continue hearing from our fine Federation staff says it all in two words: “We belong.” Here to talk about our collective progress toward equality in society, we have our Advocacy and Policy Group. I’m sure that they will tell you they’re only part of the group because another significant part of it is everybody else sitting in this room and folks who are listening virtually. But these are the ones who day to day are tracking, keeping up on things, helping to create a strategy, along with the board of directors, finding opportunities for us. I sometimes say that John Paré’s job is to make sure that no conversation in Washington, DC, happens without someone saying National Federation of the Blind when what is talked about might impact blind people. He does a great job at that, along with the other members of our group who all bring different talents to the work, and they’re all supported by a number of great folks. So, I’ll let John Paré introduce the rest of them. Here in what is now his seventeenth year as our executive director for advocacy and policy, John Paré!

JOHN: Thank you! On July 26, 2010, Anil Lewis and I, along with hundreds of our friends with disabilities, were on the South Lawn of the White House. We were there to celebrate the twentieth anniversary of the Americans with Disabilities Act and to witness President Obama sign the Americans with Disabilities Act Website and Software Application draft regulation.

While the Americans with Disabilities Act requires websites and applications to be accessible, many public and private entities were saying that the law is not clear on exactly what this means. The National Federation of the Blind carefully reviewed the document, did research, and drawing on our lived experiences submitted comments reflecting the voice of the organized blind.

Nearly six years later, instead of proceeding to a Notice of Proposed Rulemaking, the typical next step in the regulatory process, the Department of Justice asked over 120 questions in what amounted to a lengthy questionnaire.

Then on December 26, 2017, the Department of Justice suddenly announced that they were stopping all work on the website accessibility regulation. [Booing] We were shocked. We were incredulous. We were furious.

While the law is still on our side, with websites and applications becoming more and more integrated into everyday life, we knew that regulatory clarity was important.

Over the next several years, we broadened our reach, increased the intensity, and doubled down on our advocacy. On February 28, 2022, the National Federation of the Blind, along with over 180 other disability groups wrote the United States assistant attorney general for civil rights, urging her to move forward on the website accessibility regulation. Then, at our 2023 convention in Houston, we passed resolution 2023-01 demanding that the DOJ move forward on the regulation.

One month later, on August 4, the Department of Justice released the long-awaited ADA website Notice of Proposed Rulemaking. While there were many regulatory details which we agreed with, there were also seven exceptions which would not require content to be accessible. There were seven exceptions, two especially pernicious exceptions: one related to education for K-12 students, and one related to education for students in higher education.

We are sick and tired of blind students not having accessible instructional material at the same time as their sighted peers! [Cheers and applause] We prepared over twenty pages of well-documented, persuasive arguments urging the Department of Justice to eliminate the seven exceptions, especially the two related to education.

On April 24, just a few months ago, the Department of Justice released the ADA Website Accessibility final regulation. The two educational exceptions had been removed, and the remaining five exceptions had been brought substantially in line with the existing statutory principles of undue burden and fundamental alteration. It was our relentless determination that refused to quit after even more than a decade of delays, denials, and withdrawals. This regulation is a substantial step in the right direction won by the organized blind.

While it only covers state and local governments, we will apply the same relentless determination to advocate for regulations applicable to places of public accommodation. [Applause]

And to those still developing inaccessible websites, we want to be clear: the National Federation of the Blind will never stop advocating until all websites are fully accessible to all blind Americans.

Scott White is responsible for our NFB NEWSLINE® service. NFB-NEWSLINE is the largest, most effective audio newspaper service available for the blind anywhere in the world. It is available over the phone, the web, the Victor Reader Stream, the NLS Digital Talking Book player, the Amazon Echo, and the iOS app.

We also are working on an Android app which should be available later this year. We have 595 publications, and some portion of NFB-NEWSLINE is accessed every 1.85 seconds. Recent additions include *Midwest Living, Chicago Defender, Time for Kids, Rapid City Journal*, and the *Colorado Springs Indie*.

We have television listings for every cable and satellite provider, seven-day weather forecast, emergency alerts, and job listings. If you don't already use NFB-NEWSLINE, I urge you to sign up.

Sean Seward is our manager of the Independence Market. We have over four hundred items in our catalog, including white canes, Braille and audio watches, kitchen aids, measuring tools, and games. Some our most popular items include the Braille cell model fidget, our tactile Braille playing cards, our atomic talking watch with buckle band, and our regulation-size soccer ball with rattles. You can also get NFB logoed hats, shirts, and jackets. You can order items by calling our main number, and you soon will be able to order items using our new e-commerce system.

Sanho Steele-Louchart is our legal programs coordinator. Over the past year we have assisted with over 450 advocacy matters in the areas of parental rights, K-12 and higher education, test taking, employment, physical and digital accessibility, and social security.

We intend to fully participate in all aspects of society, and our advocacy work and legal work will help ensure that we are able to live the lives that we want.

Now, over to Jeff!

JEFF KALOC: Thank you, John. The Website and Software Application Accessibility Act, H.R. 5813 and S. 2984 was introduced in the House of Representatives by Congressman John Sarbanes from Maryland and in the Senate by Senator Tammy Duckworth from Illinois. Over the span of the 118th Congress, this bill gathered thirty-six cosponsors in the House and five in the Senate. This legislation is critical to making sure websites and apps are accessible by creating a statutory definition for accessibility, holding third-party vendors accountable, and providing Technical Assistance Centers to help businesses understand and comply with accessibility requirements.

The National Federation of the Blind will never stop fighting until all websites and apps are fully accessible to all blind Americans. [Applause]

High access technology prices have placed unrealistic burdens on those in search of employment. Many of these devices cost more than $4,000 per device, which is why the Access Technology Affordability Act is so imperative. The Access Technology Affordability Act, H.R. 3702 and S. 1467 was introduced in the House of Representatives by Congressman Mike Kelly from Pennsylvania and in the Senate by Senator Benjamin Cardin from Maryland. It currently has ninety-one cosponsors in the House and eighteen cosponsors in the Senate. Provisions in the bill will allow blind Americans purchasing access technology devices to utilize a $2,000 refundable tax credit. This bill will put more access technology in the hands of blind people, increase employment opportunities, and ensure independent living for blind Americans. The National Federation of the Blind will never stop working until this bill is signed into law. [Applause]

This is an election year, and ensuring voting is conducted both privately and independently is crucial to free and fair elections. Having accessible ballot marking devices or accessible remote options is critical to make certain that blind and low-vision voters can express their voice.

Thirty-four states plus the District of Columbia permit electronic ballot delivery, allowing blind and print-disabled Americans to mark their ballot accessibly and return their ballot. Thirteen states allow electronic ballot delivery and return, thereby allowing a blind or print-disabled voter to mark, cast, and verify their ballot from the comfort of their home. Those states are Colorado, Delaware, Hawaii, Indiana, Louisiana, Maine, Massachusetts, Nevada, North Carolina, North Dakota, Rhode Island, Utah, and West Virginia.

We have always understood that remote voting needs to be fully non-visually accessible. It didn’t take a pandemic and countless natural disasters for us to recognize the benefits. This process provides full accessibility as it does not require the voter to print and sign a hand-marked paper ballot.

While we have made great progress in the area of website accessibility, the ability to purchase access technology, and accessible voting, there is still work to be done.

None of this is possible if we do not organize, strategize, and mobilize to ensure that our voices are heard by those in power. And with that, now over to Justin. [Applause]

JUSTIN YOUNG: Thank you, Jeff. We continue to make great progress on the Medical Device Nonvisual Accessibility Act in the 118th Congress. In the House of Representatives, H.R. 1328 currently has eighty-four cosponsors, and some notable names include representatives Brian Fitzpatrick from Pennsylvania and Debbie Dingle from Michigan, who serve as the cochairs of the bipartisan Congressional Disability Caucus.

On January 18, 2024, the Medical Device Nonvisual Accessibility Act was introduced in the Senate as S. 3621 by Senators Maggie Hassan from New Hampshire and Mike Braun from Indiana. We need to keep up the effort to build more bipartisan support, ensuring these bills both in the House and the Senate one day soon will get passed. [Applause]

As it relates to accessible prescription labeling, in 2024, the governors of Virginia, Minnesota, and Colorado signed bills into law requiring the state board of pharmacies to begin the regulatory process. The states of Nevada, Oregon, and Tennessee have concluded the regulatory process and have fully implemented their bills on this topic.

It is anticipated the State of Washington's Board of Pharmacy will issue their rules by the end of this year.

Through our advocacy, we will make it possible for blind people to safely, effectively, and accessibly use medical devices and correctly identify our medication. [Applause]

We continue to approach the topic of ending subminimum wage with a two-pronged approach. At the federal level we continue to advocate for the passage of the Transformation to Competitive Integrated Employment Act, H.R. 1263 and S. 533. Currently, H.R. 1263 has thirty-three cosponsors, and S. 533 has three cosponsors.

During the week of May 20, 2024, the National Federation of the Blind and SourceAmerica, an organization dedicated to increasing employment for people with disabilities, sent a joint letter to the United States Congress urging further support for these bills.

At the state level, there are twenty-one states plus Washington, DC, and Puerto Rico that have either completely eliminated or reduced the payment of subminimum wages. [Applause] In 2024, the states of Kansas and Florida passed laws that we believe will reduce the numbers of people with disabilities being paid subminimum wages. It is time this discriminatory employment practice once and for all be eliminated. [Applause]

This year, the National Federation of the Blind strongly advocated for changes in the Federal Aviation Administration Reauthorization Act. These include better training for airline staff on how to interact with blind passengers, improving the ability to nonvisually access the in-flight entertainment features, and being able to fly with our guide dogs without having to provide documentation related to our guide dogs for every single flight.

The FAA Reauthorization Act instructs the United States Department of Transportation to create a Known Traveler Number system for service animal users, thereby eliminating the need for these burdensome forms. We deserve the right to fly with our canes and our guide dogs everywhere and anywhere we please without interference from airline staff. [Cheers and applause]

We will continue to advocate for accessible use of medical devices, accessible prescription drug labeling, the right to earn a fair wage, and the right to travel independently, ensuring we may live the lives we want, being productive members of society.

And with that, over to Jesse.

JESSE SHIREK: Thank you, Justin. On January 30, 2024, at the Washington Seminar Congressional Reception, Representative Pete Sessions from Texas made a promise. He pledged to introduce the Blind Americans Return to Work Act to Congress. And you know what—he’s kept that promise! [Applause] On June 28, 2024, H.R. 8878 was introduced by Congressman Sessions with lead cosponsor Kweisi Mfume from Maryland.

Now that we, an army of the Federation advocates have a bill number to fight for, we will change our collective future. In case you’re not aware of the problem, let me introduce you to David, a fellow Federationist from Wabasha, Minnesota. David’s journey reflects the struggles faced by many of us. Raised on a Texas cattle ranch, David later joined the Navy, ready to defend our country during the Iran hostage crisis. An honorable discharge led him to work in the Texas oil fields, where he soon learned to drive commercial trucks delivering construction materials.

But he didn’t know what his future had in store. A sudden accident left David blind. He didn’t give up. He received SSDI and acquired blindness skills training at BLIND Incorporated. His dedication led him to work at the Center, even volunteering during the Summer Buddies Program with blind youth.

Yet, the earnings cliff loomed over him. Earning more than $1,640 in 2009 would have cost him his entire benefits check, slicing his income in half. In 2017, David entered the Randolph-Sheppard Vending program, excited about his future in becoming a blind business owner. In 2020, the pandemic forced the closure of his vending stand, leaving him without income. He lost his house, and now, on the brink of retirement, he lives benefit check to benefit check. David’s story is not unique. Unfortunately, thousands of us face the same struggle. We are not mere numbers. We are human beings with our own lived experiences that deserve to be shared.

It is time we transform the earnings cliff into a true work incentive fostering financial security for all blind Americans. [Applause]

Unfortunately, the earnings cliff is not the only SSDI issue in need of a solution. I want to draw your attention to the We Can’t Wait Act, S. 4129 sponsored by Senator Debbie Stabenow from Michigan and lead cosponsor Susan Collins from Maine. Current law mandates that five months after the first full month after the beneficiary has been determined eligible for SSDI, they will receive their first benefit payment. This bill would give applicants the option not to wait and receive their benefit checks in exchange for a 6.1 percent reduction in total benefits. We believe the beneficiaries should have the choice to have financial security when it is needed most.

The Autonomous Vehicles Accessibility Act, H.R. 7126, sponsored by Congressman Greg Stanton of Arizona and lead cosponsor Brian Mast from Florida, protects the rights of all blind Americans. It ensures that eyesight is not a requirement to use fully autonomous vehicles. No driver’s license should be a barrier. We thought we won this battle long ago, but on February 9, 2024, we learned of H.B. 1447, a bill in the Maryland General Assembly threatened to strip away a fully autonomous vehicle technology by mandating a licensed driver behind the wheel of every autonomous vehicle in Maryland. Can you imagine in the backyard of the National Federation of the Blind, the home of our headquarters, our dreams were threatened. And how did we respond? We did not hesitate for one second. [Applause] We rallied our members and took action. Led by the fierce testimony of our own Federation affiliate President Ronza Othman, [Cheers and applause] we killed this bill in committee.

Now, let’s move together as we did in Maryland and fight for the Autonomous Vehicles Accessibility Act to ensure that we will always be in the driver's seat of our future.

Thank you. Back to you, John.

JOHN: Thank you Jeff, Justin, and Jesse. As you can see, we have a strong government affairs team with strong specialists in this area. I want to emphasize what President Riccobono said: our government affairs team consists of everybody in this room. It’s the big “we.” It’s we who are doing the collective action, that is making the progress over the past year, and we’re going to work even harder together as a team to do even more in the next twelve months, so we have more to report at our next convention.

So, for all of us, this is our report. Thank you, President Riccobono. [Cheers and applause]

PRESIDENT RICCOBONO: Let’s hear it for “We Belong!”

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## Another Extraordinary Experience at National Convention: A Journey Made for Two

**by Shelbi Felter**

**From the Editor: Each year we at the *Monitor* encourage and sometimes beg for folks to write about their first experience at convention. Our thanks to Shelbi for this article and her advice to guide dog users. Here is what she says:**

As the excitement of convention started to build, the first task was to pack. My black labrador guide dog, Kristen, and I usually share a large, checked suitcase, with packing cubes. This is my sixth national convention, and fourth with Kristen. With all the travel that we’ve done, I’ve learned it is much easier when Kristen has her own packing cube. In separate plastic bags, I was able to pack all of her food, her vitamins, her medication for the month, lots of poop bags, her light-up collar, Nylabones, stuffies, teeth-cleaning wipes, ear wipes, and wipes for her body. Yes, it is a lot, but it is like traveling with a baby. To keep Kristen cool, we used the Ruffwear cooling vest and Musher’s Secret. My girl does not like wearing booties, but Musher’s Secret protects the bottom of her paws throughout the day. I made sure we took lots of water breaks, with her collapsable bowl, and took advantage of air conditioning and shade as much as possible. I also packed a lightweight rain jacket for her, but we did not use it. Some items were definitely not essential, but my girl loves being dressed, so I also packed her princess dress, Minnie ears, Fourth of July dress, and dress for banquet.

This year, we took advantage of being in Orlando and began our trip five days before convention with a visit to Disneyworld. Kristen did amazing guiding around the theme parks. Although she does love to work, playtime—especially in these types of environments—is crucial. We roomed with my best friend, Lindsay, and her guide dog, Eve. This was great, since the dogs were able to play during their time off throughout the entire trip.

For me and Kristen to be successful and have less stress, if possible, we try to get to the convention hotel at least a day before everything starts. This allows us to walk around in a stress-free environment and have her start to locate a few of the important places we will be going throughout the week. Kristen’s favorite thing, while working and not, is targeting. For those who don’t know, targeting is when you task the dog with finding something. It can be as simple as an elevator button or the door to outside. The convention and hotel environment are full of constant targeting tasks. Although Kristen was working, it was also like a fun game for her. As the week went on, she started to memorize our routes to the hotel room, to the dog relief areas outside, to the escalators and elevators, to the meeting rooms, and to the microwave in the hotel lobby. Kristen even became adept at finding familiar friends in crowds.

Convention is very, very busy and packed with excitement, but it can also be very stressful. It is very important to be in tune with your dog and recognize their stress responses and how to fix them. This could mean knowing the best places to put them during a meeting, such as under the chair, so that way they are protected more from people walking by and canes. It is important to know your own stress levels as well. There were many times throughout convention when Kristen and I took a break from the large crowd and watched a couple of the meetings from our room on Zoom. Sadly, this did cause us to miss a door prize, but ultimately, I think it helped keep both of us sane.

We attended many meetings and met with many friends, old and new. I am truly grateful to have attended another convention with my amazing girl by my side. I also was elected as a board member for the National Organization of Blind Educators. This is an extreme honor; during the school year, Kristen and I work with elementary students with special needs. We also had the extreme honor at the National Association of Guide Dog Users business meeting of reading the NFB Pledge. This was amazing, since this year we celebrate a huge milestone anniversary, the fiftieth, of our pledge.

As always, this year’s convention flew by and created so many lasting memories. I cannot wait until we are all back together again next year, my guide dog by my side, in New Orleans!

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## Statement of ABA President Mary Smith

**From the Associate Editor: This is a statement issued by the president of the American Bar Association (ABA) to celebrate Disability Pride Month, which was observed in July. We received the statement too late for inclusion in earlier issues of this magazine. We are pleased to publish it now, however, because it demonstrates that we have allies in the legal community and expresses their solidarity with our cause. This is no accident or coincidence: Members of the legal profession who are also Federation leaders, such as the late Scott C. LaBarre and Denise Avant, have worked hard within the ABA to foster inclusion of blind and disabled law students and lawyers and awareness of the barriers faced by our community. This statement also reminds us that members of our Federation family may face other, less visible disabilities in addition to blindness, along with other intersecting challenges. Here is what the ABA president had to say:**

CHICAGO, July 9, 2024 – The American Bar Association is proud to recognize Disability Pride Month this July in celebration of the immense resilience, creativity, and contributions of individuals with disabilities. This month marks thirty-four years since the 1990 enactment of the Americans with Disabilities Act (ADA), a seminal piece of civil rights legislation that fundamentally redefined the landscape of accessibility and inclusion in America. By protecting against discrimination and mandating equal opportunities in employment, public accommodations, and government services, the ADA has been instrumental in shaping a more equitable society.

Disability Pride Month also challenges us to confront deep-seated prejudices that undermine the value of individuals with disabilities, while also highlighting the substantial barriers that persist towards achieving true equality. Approximately one in four Americans navigate life with a disability, according to the Centers for Disease Control and Prevention. Among these, ten percent grapple with invisible disabilities such as chronic pain, mental health disorders and neurological differences that can profoundly affect daily life and interactions. Additionally, the recent COVID-19 pandemic has brought challenges like long COVID into focus, emphasizing the urgent need for evolving policies and practices.

Many individuals with disabilities continue to face significant obstacles in accessing suitable employment, adequate health care, and accessible housing, as well as enduring discriminatory or harmful attitudes that undervalue their capabilities and worth. These challenges are often intensified for disabled individuals who are also people of color or members of the LGBTQ+ community, facing multiple layers of discrimination.

At the American Bar Association, we are driven to change this narrative while celebrating the diverse abilities that enrich our collective community. Our Commission on Disability Rights leads the charge in advocating for accessibility and inclusion. While we focus on enhancing opportunities for disabled lawyers, our initiatives also tackle disability-related public policy and law, promoting adaptive and inclusive policies that foster full participation for all individuals with disabilities. We are committed to ensuring that everyone can engage with the legal system and society at large without hindrance to fully realize their potential.

This Disability Pride Month, we invite the legal community to celebrate the strides and contributions of disabled individuals and engage deeply with the issues they still face. Join us in championing the #BeCounted campaign, which encourages individuals to map their presence as a bold statement of pride and a call for greater awareness and amplified visibility, and to cultivate a culture of respect and understanding.

The quest for comprehensive accessibility for disabled persons extends beyond physical spaces and encompasses the need for societal shifts to fully embrace and integrate individuals with disabilities into every aspect of public and professional life. Together, we can forge a path toward a truly inclusive society where disability is recognized not as a deficit but as an integral part of human diversity.

The ABA is the largest voluntary association of lawyers in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law. Follow the latest ABA news at [www.americanbar.org/news](http://www.americanbar.org/news) and on X (formerly Twitter) @ABANews.

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[PHOTO CAPTION: Kristen Clarke]

## Closing the Door on Discrimination: Championing the Blind in Society Through Civil Rights Protections at the Department of Justice

**by Kristen Clarke**

**From the Editor: This is the best presentation I’ve ever heard from the Department of Justice. To those who cynically ask whether government has a place in our lives, I suggest this begins to answer that question. Here is what President Riccobono said in introducing Ms. Clarke:**

This speaker today is the assistant attorney general for civil rights at the US Department of Justice. In this role she leads the Justice Department’s broad federal civil rights enforcement work on behalf of all Americans. The assistant attorney general is a lifelong civil rights champion. As a lawyer, she has worked very hard on a number of fronts to ensure that all people have their equal rights protected, and she's helped to expand those rights in many places.

I could read to you her extensive biography. I have to say it made me wonder—maybe I need to work a little harder. Her accomplishments are incredible in terms of what she has done to knock down the barriers, eliminate discrimination, and close the door on discriminatory practices. So, the blind have benefited from her work. [Applause] She speaks and writes widely about issues of race and law and justice. You can find her name in all sorts of places, and she is now one of the primary people at the Department of Justice working on using that government tool to expand the equal participation of blind people in society, as well as many others.

Her work directly impacts us. How do we know? Well, amongst her notable qualifications, most recently she was the lead champion for getting website regulations under Title II out the door. [Applause] So I’m really pleased to welcome to our stage for the first time but hopefully not the last time ever, in her capacity at the United States Department of Justice, please welcome the Assistant Attorney General Kristen Clarke.

KRISTEN CLARKE: Good afternoon. It is great to be here. I want to first start off by thanking President Riccobono for that very gracious introduction and for the honor of being with you all today. I want to note at the outset, again, my name is Kristen Clarke. I’m the assistant attorney general for the Civil Rights Division at the United States Department of Justice. I’m a five-foot four Black woman wearing a navy suit.

I just want to take a moment to acknowledge my colleagues who are with me: the extraordinary Jennifer Mathis, a long-time disability rights advocate, and Adam Lewis, a trial attorney at the Justice Department as well. [Applause] I just also want to take a point of personal privilege to acknowledge how exciting it is to share a stage today with Judge David Tatel whose career encompasses a wide range of civil rights issues and whose personal experiences and extraordinary contributions on the bench model courage and perseverance for this community.

I’m so thrilled to be here with you today during the National Federation of the Blind’s national convention to speak about the work of the US Department of Justice and to talk about how we are working to vindicate the rights of blind people and of other people with disabilities.

The Federation’s national convention is a marquee event for the disability rights and civil rights community every year. But this year in particular, we have some especially noteworthy achievements to celebrate, even as we recommit ourselves to the work that still lies ahead.

Two years ago, the participants at this convention adopted a resolution urging the federal government to take action to ensure the accessibility of websites and mobile applications. That resolution explained why the need for federal action was so critical. It noted how essential the internet has become in the lives of most Americans, citing, for example, that 85 percent of American adults visit the internet at least once a day, and that the digital economy alone accounts for nearly 10 percent of the United States gross domestic product. The resolution explained that despite the importance of digital spaces, they too often are inaccessible to blind people and others with disabilities. It cited studies which have found that accessibility barriers existed in more than 97 percent of websites, and it noted that these barriers prevented blind people and others with disabilities from fully participating in the mainstream of American economic, cultural, and political life.

Four months earlier in March ‘22, 181 disability rights and civil rights organizations, and that included you all, the NFB; the American Council of the Blind; the American Foundation for the Blind; and the National Disability Rights Network sent the Justice Department a letter urging us to finalize a rule on web and mobile application accessibility. We also heard loud and clear the disability community’s call for a web rule at our quarterly meetings with national disability groups.

At the Civil Rights Division, we listened. We too had been grappling with the need for a technical standard about the ADA’s web accessibility requirements as we sought to enforce the Americans with Disabilities Act’s protections in the digital world. We also knew this problem was growing increasingly acute as the internet became a more pervasive and essential part of all of our lives.

So, in the fall of 2022, we announced that we would be issuing proposed regulations under Title II of the ADA, setting forth specific requirements for web and mobile app accessibility for state and local government entities. Then, in the summer of 2023, we did exactly that.

I am not going to recount every administrative and bureaucratic hurdle that we encountered during the rulemaking process for you here today. If I did that, we’d probably have to add another two or three days to this convention and start distributing espressos and energy drinks. What I will say, though, is that no part of the federal rulemaking process is easy, and web accessibility is a particularly difficult field to promulgate regulations in because the slow-moving rulemaking process is not a natural fit with the rapidly evolving digital landscape.

We overcame these challenges because we had a team of tireless individuals working day and night on this, especially in our disability rights section. They were committed to getting the job done and doing it in the best way possible. These folks devoted weeks, months, and in some cases years of their life to analyzing and thinking through every wrinkle of the proposed regulation. They also were deeply committed to hearing from people with disabilities and to ensuring that the rule was genuinely responsive to the concerns that prompted the call for action.

We received public comments from a wide variety of stakeholders that included advocacy groups, state and local government entities, trade groups, and people with disabilities. Some of the public comments hammered home why the need for the rule was so critical. One commenter noted that the COVID-19 pandemic had reinforced just how dependent we are as individuals, a nation, and humanity on becoming and staying connected to and with each other and our government via the internet. Our education, physical, and mental health, sense of self, safety, security, life, liberties, and pursuit of happiness will increasingly be determined by whether or not we have ready, ubiquitous access to all digital content. [Applause] That same commenter noted that if people with disabilities are effectively barred from accessing websites and apps and exercising the personal agency that comes from doing so, their lives, opportunities, and futures will be even more limited, segregated, and marginalized.

Another commenter emphasized that, “As blind and visually impaired adults, we live just as independent, productive, and self-sufficient as anyone would. We use websites and mobile applications with screen readers on our computers and smart devices to complete any number of daily tasks, including banking; budgeting; shopping; scheduling rides; tracking health records such as vitals, glucose, water intake, and medication management; researching school assignments; career exploration; filling out paperwork; and staying connected to loved ones. Our privacy, confidentiality, and livelihoods depend on full unrestricted accessibility of any website and mobile app available to anyone else.” [Applause]

Our team read every single one of these comments, and we adjusted the final rule to respond to those comments and to balance the concerns of the diverse group of stakeholders that weighed in. At the same time the team deftly worked to navigate the substantive and logistical hurdles that are part of every federal rulemaking process. Some of our team members who had been part of the 2010 rulemaking process knew all too well that a final rule was not guaranteed until it was signed by Attorney General Merrick Garland and codified in the *Federal Register.* It was thus with great joy that we crossed that finish line earlier this year.

On Wednesday, April 24, the *Federal Register* published the department’s final rule under Title II of the ADA. [Applause] This landmark and historic rule will help ensure that the web content and mobile apps of state and local governments are accessible to people with disabilities. It is difficult to overstate the importance of this rule. Although the ADA has always required public entities to ensure that people with disabilities can access all of an entity's services and programs and activities, the initial ADA regulation didn’t include any specific standards for web accessibility, because the web was at its infancy when the ADA was passed. And as the NFB’s 2022 resolution made clear, and as we heard so often over the years from so many members of the public, the lack of a technical standard in this area created widespread barriers for people with disabilities to access state and local government websites and apps. The impact of these barriers has only grown as state and local governments have moved more of their services, programs, and activities online. It’s now commonplace to use websites and apps to apply for government benefits, register to vote, access course materials, renew government-issued IDs, file taxes, pay fines, obtain up-to-date health and safety resources, request copies of vital records, access mass transit schedules, and so much more. When people with disabilities are excluded from state and local government websites and mobile apps, it can be hard or impossible for them to access these and other critical services. We know this rule will help correct that injustice and will advance the ADA’s promise of full and equal participation in society for people with disabilities. It’s a huge step forward towards an America where people with disabilities are fully included in all spaces, regardless of whether the space is physical or digital. [Applause]

Now, I talked at length about our web rule and with good reason; it is an historic milestone. But the web rule is just part of the work that we do every day in this space. Web accessibility has been a division priority for many years. Even before enactment of the rule, the Justice Department had long maintained that the ADA applied to web content, and we repeatedly used our enforcement authority to ensure that people with disabilities had access to goods, services, programs, and activities that governments were making available online.

In recent years in particular, we have pursued enforcement actions in other critical areas, including voting, education, and healthcare. In the area of voting, just last month, we secured settlement agreements with several counties in Texas whose election websites were inaccessible for people with vision or manual disabilities. [Applause] A timely issue. These election websites provide essential information about how to vote, about registering to vote, identification requirements, early voting, and specific information for people with disabilities. Under the settlement agreements, these counties agreed to make all future and existing online content accessible, and they will adopt new policies and training for personnel, hire independent auditors to evaluate the accessibility of their sites, and solicit feedback from the community.

Just one day after announcing those agreements in Texas, we issued findings that Alaska violated the ADA by maintaining an inaccessible elections website. As in Texas, we found that voters with disabilities faced barriers to obtaining key information on Alaska’s election websites, including voter registration forms, candidate statements, voting dates, and polling site locations. This work is motivated by a simple principle: people with disabilities must be able to exercise their voice in our democracy. [Applause]

Now, public education in the United States is another area where the importance of the internet is ever increasing. Many public schools at all levels now offer programs and instruction online. Many public colleges and universities rely heavily on websites and other online technologies in the application process for prospective students, for housing eligibility and on-campus living assignments, for course registration and course content, and for a wide variety of administrative and logistical functions in which students must participate. Sadly, in many public elementary and secondary school settings, teachers and administrators communicate via the web with parents and students about grades, assignments, schedule changes, and safety alerts, sadly on platforms that are not accessible. When these online tools and content are inaccessible, it denies students and parents with disabilities an equal opportunity to participate in and benefit from educational programming. We are working to address this injustice. [Applause]

In 2022 we secured a consent decree with the University of California at Berkeley to resolve allegations that the school violated Title II by failing to make online content accessible to people with hearing, vision, and manual disabilities. The decree requires UC Berkeley to make the vast majority of its existing online content accessible, including a large collection of online courses, videos, and podcasts and to make all of its future online content accessible going forward. The school is also revising its policies, training relevant personnel, conducting accessibility testing, hiring an independent auditor, and more.

We followed that decree and amplified its impact by joining with the US Department of Education’s Office of Civil Rights to issue a Dear Colleague Letter in May of last year, reminding every college and university and postsecondary institution in our country about their obligations under the ADA and under Section 504 of the Rehabilitation Act. We do this work because blind people and people with disabilities deserve full and equal access to educational opportunity in our country, period. [Applause]

Now, healthcare is another area of American life that is increasingly moving online. It’s also an area where accessibility barriers can be a matter of life and death. In 2021 and 2022, in the midst of the COVID-19 pandemic, we reached settlement agreements with CVS, Rite Aid, Kroger, Hy Vee, and Meijer to eliminate barriers that prevented people with disabilities from effectively using those companies’ websites to book COVID-19 vaccine appointments. CVS, which is the country's largest retail pharmacy with 10,000 locations, had a COVID-19 registration portal that people using screen readers could not access. At the beginning of the scheduling process, the portal did not read aloud the types of vaccine appointments offered, and on the page where users were meant to pick an appointment time, screen reader users were told that all available times were checked, even when they made no selection.

At a time when the pandemic was raging across our country and many people with disabilities had underlying conditions placing them at higher risk of COVID infection or complication, it’s not hard to understand how barriers to vaccination like these were tremendously harmful. Together with the Department of Health and Human Services, in 2022 we issued guidance on non-discrimination in telehealth to explain the protections that laws like the ADA, Section 504, and Title VI of the Civil Rights Act of 1964, along with the Affordable Care Act provide. We explained how those laws apply to people who are blind or low-vision. The guidance is designed to help healthcare providers understand their obligations and empower patients by ensuring that they know their rights under federal law.

In America we deserve a healthcare system that treats people who are blind and low-vision with the full dignity and respect they deserve. [Applause] Most recently, in January of this year, we secured a settlement with Service Oklahoma to resolve findings that the state agency's mobile ID application was inaccessible. The app required users to take pictures of the front and back of their IDs and to take pictures of themselves by connecting dots that appear on the screen using only head and eye movements. Both tasks were difficult or impossible for blind people to complete because they received no verbal feedback.

In 2022 we reached an agreement with the Champaign-Urbana Mass Transit District in Illinois to resolve allegations that the district’s website and mobile apps, which allow users to plan trips and check arrival times and find fair information, were inaccessible to users with vision and manual impairments—just a snapshot of some of the broader work that we're doing to ensure that state and local governments make sure their websites and apps are accessible. [Applause]

Lastly, I have focused thus far on our enforcement work related to web accessibility, but I would be remiss if I didn’t note that this is just a part of the Justice Department’s broader work to vindicate the rights of people who are blind or low-vision. One area where we are deeply engaged, which coincidentally was also the subject of a resolution at the 2022 NFB National Convention, is in protecting the rights of blind people in our nation’s jails and prisons. The NFB’s 2022 resolution on this topic rightly noted that blind people held in jails and prisons throughout the country face disparate and discriminatory treatment that included being denied accommodations and effective communication and being denied equal access to training and work programs. Last November we secured a settlement agreement with the Arizona State Prison System to address findings that state prisons discriminated against people who are blind or low-vision. We found that Arizona prisons, which house more than 35,000 people, failed to reasonably modify their policies or provide auxiliary aids and services such as Braille materials and displays, audio recordings and screen reader software to ensure that people who are blind or low-vision could communicate effectively while incarcerated. [Applause] Thank you, and where is Arizona? [cheering] All right! The state also failed to provide accessible processes to request accommodations or file disability-related complaints. They also overrelied on other incarcerated people to help those who are blind or low-vision without properly training or supervising those providing help. Under our agreement, Arizona is adopting system-wide reforms to address our findings and to correct and prevent future discrimination. [Applause]

We are also engaged in robust efforts to address physical accessibility issues affecting people who are blind or low-vision. Most notably, in 2021, we intervened in a lawsuit in Chicago, the third largest city in the United States—where is Illinois? [Cheers] All right—alleging that the city failed to provide people who are blind, low-vision, or deafblind with equal access to pedestrian signal information at intersections. While Chicago currently provides sighted pedestrians visual crossing signals at nearly 2,800 intersections, we found that fewer than 1 percent of those were equipped with accessible pedestrian signals for people who are blind or low-vision. We can't tolerate this in our country today.

In March of last year, the federal court granted summary judgment in our favor and held Chicago liable for violating the ADA and Section 504. Now, we know that our work on all these fronts is far from done, and we appreciate the importance of addressing the intersectionality of disability and race, gender, sexuality, and classes of people who experience overlapping forms of discrimination and face unique challenges, and we bring that lens to the work every day. With regard to web access, we know that despite enactment of our Title II web rule, there's still much to do to educate public entities and other members of the public about the rule’s requirements and to vigorously enforce the law so that the increased clarity it provides results in increased compliance. We also know that Title II is just one piece of the web accessibility puzzle and that many folks in this room are advocating for regulations under Title III that will apply to the digital spaces of public accommodations. We appreciate the eagerness, and we appreciate your continued advocacy.

The publication of the web rule marked the culmination of years of hard work both inside and outside of government, but I would be remiss if I close today without thanking you. I want to thank the people in this room who pushed for and contributed to the development of this rule. Your advocacy, your voice has shown the power and agency of the disability community, and I’m confident that we will continue to work with you to open new chapters in the road ahead. Today I close by asking that we just take a moment to pause and to reflect on the great work that we have done together and to celebrate the huge steps that we have taken in recent years on our march towards a more just and accessible world.

The US Department of Justice looks forward to continuing that march alongside all of you, and we will keep marching with you until we achieve an America where every person who is blind or low-vision can live free from discrimination with equal access to opportunity and the full capacity to achieve their dreams.

Thank you!

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[PHOTO CAPTION: Judge David Tatel and Deepa Goraya smile together on the dais.]

## Telling Our Stories: A Conversation about Blindness, Justice, and Shattering Misconceptions from the Federal Bench

**by Judge David Tatel and Deepa Goraya**

**From the Associate Editor: On the afternoon of July 8, 2024, the final presentation of the 2024 National Convention prior to the banquet was a conversation between Deepa Goraya, a leader in the National Association of Blind Lawyers, and Judge David Tatel, who retired from the United States Court of Appeals for the District of Columbia Circuit in 2023 and recently published a memoir entitled *Vision*. The court on which Judge Tatel served is one of the most influential in our nation, other than the Supreme Court of the United States, because it has original jurisdiction over many cases in which the regulations and other activities of federal agencies are litigated. The conversation was both a fascinating glimpse of Judge Tatel’s personal and professional lives and a bracing reminder of how the advocacy of the National Federation of the Blind has changed history and why it will continue to be crucial if the blind and others with disabilities are to remain equal under the law. Judge Tatel not only reminded us of our progress but called us to work harder and more strategically at all levels of our government.**

**In introducing the presentation, President Riccobono pointed out that before Judge Tatel’s appointment to the federal bench, one of his jobs was heading the Office of Civil Rights in the Department of Health, Education, and Welfare (HEW), now the Department of Health and Human Services, during the Carter Administration. At that time, although the Rehabilitation Act (including its critical Section 504 banning disability discrimination in federal programs) had been passed in 1973, both the Nixon and Carter administrations had refused to issue regulations interpreting and enforcing it. The National Federation of the Blind was one of several disability advocacy organizations who sued HEW to force the release of the regulations. This is important context for understanding the part of the conversation in which President Riccobono participates toward its end. Here is the presentation:**

DEEPA GORAYA: Thank you, President Riccobono. Good afternoon, Federation family. [Cheers] I’m Deepa Goraya and I’m here with Judge Tatel. Good afternoon, Judge Tatel. I wanted to start out by asking you about your book. I’m in the middle of reading your book. It’s called *Vision*, and it’s on Audible and also on Amazon, and there is a QR code that gives 20 percent off to NFB members. So, I highly recommend it. And Judge Tatel, I wanted to ask starting out, is this your first NFB convention by the way?

JUDGE DAVID TATEL: Yes. [Cheers]

DEEPA: Awesome!

JUDGE TATEL: And I'm very pleased, I’m very—Edie and I are just totally delighted to be here.

DEEPA: Great to have you here. I wanted to start out by asking: you started to lose your sight as you became an adult, and in your book you talk about how you’re not known as the blind judge, but you regret not making that known. Can you talk about that inner struggle?

JUDGE TATEL: Deepa, you went right to the heart of the book awfully fast. [Laughter]

DEEPA: We only have twenty minutes. [More laughter]

JUDGE TATEL: I’m going to answer your question, but I want to thank President Riccobono for this wonderful opportunity to talk about my book. He already introduced my wife Edie, but I want to introduce her again. Much of this book is about Edie and me together and our lives together. And I also want to introduce my guide dog Vixen, who is right here next to me. [Cheers] So as I said, Deepa went right to the heart of the book. I was diagnosed with RP when I was fifteen years old in 1957. Like other people with RP, I had trouble seeing at night up until then, and no one knew what it was. This was a very long time ago. I was finally diagnosed at the National Institutes of Health. I was fifteen years old, and I tell the story in the book that I didn’t want to talk about it. I look back on that... that was sixty years ago. I can almost look back at fifteen-year-old David Tatel as if he's someone else. And I ask myself, why did he do what he did? Well, he was fifteen, he wanted to be like his friends. Kids want to be like their friends. I developed all kinds of techniques for covering up my growing visual disability, techniques that expanded as my sight declined more. When I went to college and law school, I was functioning as a sighted person, although problems at night were growing, my peripheral vision was declining, and I was struggling to find other ways to deal with it without having to discuss it. Finally, when I was thirty-five and director of the Lawyers Committee for Civil Rights under Law, the same job by the way that Kristen Clarke had years later, I finally couldn’t really function anymore sighted and I learned to use Braille and started using readers. So that's the background. In 1994, when President Clinton nominated me to the DC Circuit, I was using a cane, but I was still—it wasn’t much of a subject of conversation for me. And I wanted to be on the DC Circuit. It was the thrill of a life, but I wanted to be known as a judge who happened to be blind, not as a blind judge. And I would say that I’ve been in the court for thirty years until I retired, I had written over seven hundred opinions. And I like to think, I hope people think that I succeeded in those years in proving that I was a judge who just happened to be blind.

[Applause] And if I could say one more thing, Deepa, because it brings me to the point I want to make, which is that people ask, “Well, why did you write this book?” It’s not a book I really wanted to write. I was convinced by people who I care about that my story could be inspirational, not just to blind people, but to sighted people who hire blind people. And I hope that the story the book tells will demonstrate to the world, to both blind and to be honest mostly sighted people, that blind people can function at the very highest levels, and that the David Tatel who served on the DC Circuit for thirty years was a judge who just happened to be blind. So that’s my story.

DEEPA: Thanks for that. Going along with that, do you think your career would have been any different had you disclosed your blindness sooner, and have you experienced any discrimination in the workplace because of your blindness?

JUDGE TATEL: [Laughs] Sorry to laugh, but Deepa probably read this book more carefully than anybody so far. [Laughter] Deepa, I actually don’t know the answer to that question. And I think—I would really be interested to know what people think who read the book. When I was struggling with increasing deterioration of my sight, it was a very different world than it is today. Not as different as it should be, but still very different from it is today. I worried—this was in the 1970s, a long time ago, when I was beginning to practice law, going through law school and beginning to practice law—I worried that my employment opportunities would be limited if people knew I had a visual disability. It was that clear to me at that time. And I actually don’t think, as I look back on the experience, that thirty-year-old David Tatel was unjustified in thinking that. [Light applause] So Deepa, I don't know. I do know this: as hard as I worked to downplay my declining vision, people who knew me and who worked with me, they knew. As I wrote this book, I interviewed some old friends, quite a few of them, and I asked them, you know the old famous question, what did they know and when did they know it? [Some laughter] And they were aware of my declining sight long before I was prepared to talk about it. So, I guess the bottom line is I still don't know the answer to the question. I do know this: I talk in the book about how important role models were to me. Lawyers who were the kind of civil rights lawyer I wanted to be when I grew up. They were very important to me, because they gave me a symbol of what I wanted, but they were also helpful in my career. What I did not have when I was thirty years old was any role models who were blind. None. There were no blind appeals court judges that I knew of. There were no partners in law firms who were blind that I knew of.

So, I didn’t have that kind of a role model. And one of the reasons, I think, why I wrote this book is that I hope that people who are at the same stage of vision loss today that I was fifty years ago will see my story and my career as a role model for them. [Applause]

DEEPA: Thanks for that. A lot of us do experience this inner struggle where we try to figure out how much to disclose blindness and when, or in the workplace and not in the workplace, and especially those of us who have low vision or are not in that stage where we’re ready to make our blindness visible, the book really highlights that struggle, and I recommend people read that to understand that and know you're not alone in your struggle. In the book you talk about being a parent of four children and how your children kind of took your blindness in stride and did stuff, but that came naturally to them, like describing things, going on hikes with you. Was wondering if you could talk about your experiences as a blind parent and how that was, if you encountered any struggles with that.

JUDGE TATEL: By the time our first child Rebecca was four or five years old and aware of things around her, I at that point—I wasn’t using a cane, but I was learning to use recorded books and I was beginning to function more visibly as someone with a visual disability. I mention that only because all four of our children, their only experience was with a dad who had limited vision. We have four fabulous kids. They’re all parents. One is even a grandparent now. They’re four fabulous human beings and great parents. And we asked them at the beginning of the process, we sent them a questionnaire that Edie and I wrote, a dozen questions, and they all responded with written memos, which are just total treasures to us. And we learned a lot from them.

And I quote in the book in different places their observations about growing up with a blind dad. And there’s lots of them throughout. I’ll just mention two of them. One of them said... she went out with some friends, parents drove somewhere, and she came back, and she said to her siblings, “I didn’t know that dads drove cars.” Because in our house, Edie drove the car. And Emily, our youngest, tells a story that still moves both of us so much. She said one of her friends asked her, “What’s it like to have a blind dad?”

And she said, “It’s just like having any other dad. He loves us just the same way any other dad does.” She said, “I felt loved, and it didn’t make any difference to me.”

From my side of it, being a parent, I was more dependent—well, two things I want to say. One is at the same time we were having children—and it was the time when parents read to their children—I was learning to use talking books at the Library of Congress, and I learned to listen to books with the children. And that was magic. All four of the children grew up reading bedtime stories with me with talking books. I loved it and they loved it. And I don’t think I lost anything as a dad with limited sight because of the wonderful books. And I did it with my grandchildren too; it’s gone one after the other. And the other thing I will say is, you know, I was more dependent on my children than sighted dads are, both for just moving around. It was natural in our family for the children to take an arm when I needed it. And I never even had to ask, by the way, which has gone on to the next generation. Even the littlest grandchildren still do that in the Tatel family. And the book is full of stories about that. Probably the most dramatic example of a dad depending on his children is my years of skiing in Colorado with the BOLD program, and probably a lot of you know about BOLD in Colorado. But the end, the last four or five years of skiing, two of my children became my guides, and talk about a dramatic example of parents relying on their children, me skiing down the big berm led by my teenage daughter and son was about as dramatic an example you can find of anything. [Applause]

DEEPA: I’m learning how to ski myself.

JUDGE TATEL: We’ll talk about that afterwards. [Laughter]

DEEPA: I want to get to an important question before we run out of time. A big one. What problems do you see stemming from the Chevron decision that came out a few days ago from the Supreme Court for disability rights, and how can the blindness movement come together to combat these problems? [Laughter]

JUDGE TATEL: Do we need to say what Chevron is?

DEEPA: Sure, why don’t you?

JUDGE TATEL: Do you want to do it?

DEEPA: No, you go ahead.

JUDGE TATEL: Deepa asked an important question for our country as a whole, but also for the disability community. Chevron is the doctrine, named for a Supreme Court opinion, it’s not a gas station. [Laughter] It’s a major Supreme Court opinion, Chevron versus the Natural Resources Defense Council, from I think sometime in the 1980s, a unanimous decision of the Supreme Court, which said that when a court like mine reviews a regulation issued by an agency—let’s make this specific to the issue that everyone is concerned about. Let’s take, for example, the regulations issued by federal agencies under Section 504 and the ADA, all right? I mean, those are the regulations we all care about in this room. What Chevron says is that when the agency issues those regulations, or when it announces interpretations of them, and they’re challenged in court, which they always are, right? The Court has to ask two questions. The first is does the statute—that is 504, the ADA, whatever the statute is—does the statute clearly make the regulation invalid? In other words, has the agency exceeded its authority under the statute? And if so, the Court has no choice but to vacate it. But those are very rare cases. The second part of Chevron is, if the statute is unclear, if it’s ambiguous because it uses general language, then the courts have to defer to the agency's reasonable interpretation of the statute, okay? So, let’s take, for example, the disability laws, right? They're very general statutes. They speak in very general terms. Thou shalt not discriminate on the basis of a disability. [Applause] That’s what it says.

And the agencies, in my case HEW or Justice Department, interpret that general language by issuing specific regulations saying exactly what that means in practice. What exactly do the schools and universities have to do to accommodate blind students? What do they have to do in terms of Braille? What do they have to do in terms of readers? What exactly is their obligation? They flesh out the statutory language. When those get challenged in court, since obviously statute language says you can’t discriminate based on disability, does it clearly prohibit the agency from saying schools have to provide readers for the blind? The question is, is that a reasonable interpretation of the statute? And one of the reasons why I think the agencies that enforce these laws have been so successful—not as successful as they should be yet, but still successful—is because the courts have deferred to the agencies under those. That’s what happened for the past forty years. These agencies, these regulations that flesh out the general language of disability laws have survived legal challenge because the courts have deferred to them. The Supreme Court last week overruled Chevron. That’s no longer the law. So now the question will be, judges like me who have these cases will have nothing to go on but the general language of the statute. We'll have the agency’s interpretation, but we’ll have no obligation to “defer” to it. We can read it as we would a brief, but it has no binding effect on us. My worry is there will be a huge amount of litigation in the next few years challenging agency regulations, not just from the disability field but throughout, and the courts will strike down lots of these, because the language is so general. The courts will say—I’m talking about conservative courts—their view will be that unless Congress specifically authorizes something, the agencies can’t do it. And this is very dangerous right now, because it’s bad enough without Chevron, but our federal courts are becoming increasingly hostile to federal agencies and the regulations they issue, and I think it’s going to be a huge battle for civil rights advocates, whether under Title VI [of the Civil Rights Act of 1964] or the disability laws to defend the progress made with all of these regulations. I think this is a serious turning point. It’s going to be a major challenge for the lawyers working in the disability community to what has been accomplished and keeping agencies aggressively enforcing disability laws in the future. It’s a serious problem.

DEEPA: Do you have any ideas on what we can do as the organized blind movement or other disability groups, you know, combating these?

JUDGE TATEL: This isn’t the first time in my career we’ve faced a challenge from hostile courts. We faced it before. This is actually the worst, I think. It’s going to require superb lawyering. I’m looking at this from the point of view of a lawyer. There are so many things that groups like NFB can do in terms of organizing and bringing attention to the problem and raising money. But the fact is the battle is going to be fought out in the courts, and it’s going to require superb lawyering. So, the simple answer is, Deepa, people should go to law school. People should learn to litigate.

DEEPA: More lawyers, yep. [Applause]

JUDGE TATEL: And NFB and other groups should develop the toughest, most aggressive legal groups you can. Because they’re going to be badly needed. Can I say one more thing? One more thing I will add here. And this may sound naive, but our government has three branches of government, not just one. It’s not just the courts. It’s Congress and the president. And although it seems like an uphill battle, both of those branches can be a check on the courts. And so one thing we should be focusing on is Congress. We should be getting Congress to write legislation that is specific enough to support what the agency is doing, so it’s very clear that when the agencies issue strong disability regulations, it’s supported by the law. Same thing when it comes to presidential elections. You should be voting for presidents that understand what their obligations are to faithfully enforce the law. Then there is the entire fifty-state government system and state and local governments, which aren't affected by these regressive Supreme Court cases. A huge amount could be done at the state and local level. So that takes organizing state by state. It takes raising money. It takes electing good members of state legislatures. It takes supporting legislative activities of those bodies. It takes working with the governors’ offices, mayors’ offices, city councils. A huge amount can be done to protect civil rights at the state and local level in this country. [Applause]

DEEPA: More advocates, legal and otherwise.

PRESIDENT RICCOBONO: That’s right.

DEEPA: I don’t know how much time we have left, but I have a couple more questions.

PRESIDENT RICCOBONO: No time left, [Laughter] but there are many questions we could ask, so I hope this won’t be the last opportunity. But I do think, Judge Tatel, we should ask you to give a minute or a minute and a half to what role the National Federation of the Blind has played in your success, because I know you have had many intersections with the Federation over the years, and particularly one service can be but there might be others.

JUDGE TATEL: I think the point you made right at the beginning—when I became OCR director, it was the beginning of the Carter administration, which if you remember your history followed the Nixon-Ford administration, and the Nixon-Ford administration had done everything it could to close down the civil rights programs and even refused to issue the Section 504 regulations, and the civil rights groups, including the National Federation of the Blind sued HEW/OCR. So, when I became the director, I became the defendant in the lawsuit brought by the NFB to force HEW/OCR to issue the regulations and enforce the law. The reason that is so important is that it’s a great example of how advocates on the outside could work with advocates on the inside to do things that neither could do alone. I could not have gotten the 504 regulations issued or the policy interpretations we issued under them, I couldn’t have got that done without the pressure of NFB and the other civil rights groups. Because when I would make the case in the Carter administration for issuing these regulations and get pushback, my answer would say, “Well, you can push back all you want, but there is a federal judge supervising what we’re doing, and he’s going to rule against us if we don’t issue the regulations.” So it was a great example, as I said, of how powerful advocacy groups like NFB can shape how government agencies work, particularly if your allies take jobs in the administration. It’s a great combination.

PRESIDENT RICCOBONO: Thank you for being an ally, Judge Tatel. [Applause] We do need to say, though, that you are one of the most avid users of NFB-NEWSLINE®. I know that is a daily tool that you have used, and it’s talked about in the book, and Judge Tatel probably many questions we would love to ask. We’re pleased that you and Edie will be at the banquet tonight. But I want to point out an important moment here, speaking of NEWSLINE, in his book, Judge Tatel recognizes a number of people. One of them is one of our staff who works on NFB-NEWSLINE. This will be his final convention as a staff member, as he is retiring later this week. So we should give a round of applause to Bob Watson. [Applause] So Judge Tatel, there are many other topics that would be great to talk with you about. We’re going to give you the last word, okay? We will give you the last word. Let me say one more thing. Which is before you leave the stage, I just want to say, you know, the National Federation of the Blind has taken on many things, and you talk about some of those intersections in your book. One of the things that we did you discuss in your book is accessible currency, and we undertook in 2009, a little bit before that, to get the first ever US coin to have real readable Braille on it, the bicentennial silver dollar. So before you leave the stage we are going to give you a Louis Braille bicentennial silver dollar. [Cheers and applause] You get the last word, Judge Tatel.

JUDGE TATEL: In addition to thanking you for this wonderful opportunity, I want to say, and Edie will vouch for this, I probably spend three hours a day, seven days a week, with NEWSLINE. From the very beginning. And I don’t know how many times over the past many years I have sent emails to Bob Watson and Scott White. For all I know, all those emails to Bob, maybe one of the reasons he’s retiring is just to get away from them. [Laughter] But NEWSLINE is the best example I can think of, just a phenomenal program that allows blind people to function totally independently. I love it.

PRESIDENT RICCOBONO: Thank you for being here. I encourage you to read the book, and we look forward to having you at the banquet and look forward to the continued relationship to get your wisdom as we do our advocacy with the courts, and as we get out to vote to make sure we are represented in all the halls of power.

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## Settlement Agreement Improves Accessibility for Blind Test-Takers of the California Insurance License Exam

**From the Associate Editor: The following is a joint press release issued by the parties to a legal settlement, along with their legal representatives, that will ensure that blind people who want to pursue careers selling insurance in California will not be artificially prevented from doing so. The National Federation of the Blind was one of the parties to the lawsuit and the settlement agreement, and Tim Elder, our California president, is one of the lawyers who represented us. Here is the release:**

Berkeley, CA, September 5, 2024—In August, three blind individuals and the National Federation of the Blind reached a settlement agreement with the California Department of Insurance (CDI) and their licensing examination vendor, PSI Services LLC (PSI). The settlement resolves claims that both CDI and PSI failed to ensure the accessibility of CDI’s insurance agent licensing examinations for blind applicants who use screen reading software to non-visually access text.

This case was filed on October 12, 2021 by two blind individuals: Angela Fowler and Miguel Mendez. An additional blind individual, Hy Cohen, and the National Federation of the Blind later joined the case. All were impacted by the inaccessible licensing examinations.

Under the settlement agreement, among other things, CDI agreed to no longer require blind or low-vision test-takers who use screen access software to first provide medical documentation. Individuals will be able to self-certify their need for the technology based on blindness or low vision, without the burdensome accommodations process or delay in examination scheduling.

PSI will additionally ensure its online testing technology is independently usable by blind and low-vision users in accordance with Americans with Disabilities Act accessibility and communication regulations. It will develop online testing technology that permits the use of screen reader software and related policies and training for test proctors.

Blind and low-vision test-takers who use screen readers will have access to the same examination scheduling options as those offered to others without disabilities.

“Equal access to licensure examinations is an important part of finding employment and advancing careers for blind people,” said Mark Riccobono, President of the National Federation of the Blind. “This agreement is a significant step towards ensuring a society that provides equal opportunity to everyone. We are pleased that this settlement will eliminate obstacles for blind people and hope that it sets an example that other licensing bodies and providers of testing technology will emulate.”

“This important case establishes that people who depend on assistive technology do not need to first provide a doctor’s note before expecting accessibly designed online exams,” said Timothy Elder of the TRE Legal Practice.

“Licensing exams are crucial to moving forward in so many career paths, and this settlement reflects the commitment to ensuring that they are accessible to blind and low-vision people—and everyone with disabilities—as the law requires,” said Amelia Evard, Wolinsky Fellowship Attorney at Disability Rights Advocates.

The case is *Fowler, et al. v PSI Services LLC and California Department of Insurance*, Case No. 21CV000126, and was filed on October 12, 2021, in Alameda County Superior Court. Plaintiffs are represented by Disability Rights Advocates, a national legal nonprofit that protects and advances the civil rights of people with disabilities, and TRE Legal Practice, a law firm fighting for the rights of disabled people.

Disability Rights Advocates is the leading national nonprofit disability rights legal center. Its mission is to advance equal rights and opportunity for people with all types of disabilities nationwide in complex, system-changing class action cases. Thanks to DRA’s precedent-setting work, people with disabilities across the country have dramatically improved access to transportation, health care, voting, education and employment. Visit [dralegal.org](https://dralegal.org/).

The National Federation of the Blind (NFB), headquartered in Baltimore, defends the rights of blind people of all ages and provides information and support to families with blind children, older Americans who are losing vision, and more. Founded in 1940, the NFB is the transformative membership and advocacy organization of blind Americans with affiliates, chapters, and divisions in the fifty states, Washington, DC, and Puerto Rico. We believe in the hopes and dreams of blind people and work together to transform them into reality. Learn more about our many programs and initiatives at [nfb.org](https://www.nfb.org/).

TRE Legal Practice is a nationally renowned civil rights law firm focusing on the rights of the blind and other disabled people to access employment, education, government programs, public accommodations, accessible technology and all other aspects of society. It regularly works with the National Federation of the Blind to advance impact litigation for the benefit of blind and other disabled individuals. Visit <https://trelegal.com/>.

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[PHOTO CAPTION: Jonathan Mosen]

## Jonathan Mosen Brings His Expertise to the National Federation of the Blind

The National Federation of the Blind is excited to announce that we have engaged Jonathan Mosen to help advance our strategic priorities in technology, accessibility, and communications to build further capacity within the organized blind movement. Jonathan Mosen has been a well-known and trusted voice in the blind community for over a quarter of a century—his most recent work includes the *Living Blindfully* podcast and the internet radio station Mushroom FM. Along with podcasting and commercial radio experience, Jonathan is or has been a CEO, thought leader, advocate, change agent, government relations professional, author, information technology consultant, internet start-up founder, candidate for Parliament, IT product designer, and non-profit chair.

We commend and thank Mr. Mosen for the significant contributions to the global blind community, in acknowledgement of which we recognized his podcast with the Dr. Jacob Bolotin Award this year. Indeed, it is this stellar work on*Living Blindfully* and throughout his career that makes Mosen an ideal fit for our mission.

Jonathan Mosen discovered the organized blind movement through access to the CompuServe Information Service in 1986. He credits this discovery that others had a similar outlook on blindness to his own with helping him combat significant depression and probably saving his life. He attended his first NFB National Convention in 1995 and has attended several since then.

“The success of our movement has always come from the talent and leadership of blind people innovating and advocating for themselves by contributing to a shared mission,” said Mark Riccobono, President of the National Federation of the Blind. “Jonathan Mosen is one of the everyday blind people who has demonstrated an extraordinary commitment to living the life he wants while making the world better for all blind people. We are excited to have him provide strategic leadership as part of our movement as we confront the challenges and opportunities faced by the global blind community in the second quarter of the twenty-first century.”

Jonathan Mosen shared:

Having the opportunity to work with the organized blind movement feels like coming home. For decades, the Federation has provided me with solidarity and solace. Now, it is my honor to participate in its important work. The Federation is the most successful advocacy organization of the blind anywhere in the world. One reason for that is that it is constantly assessing what is going on in wider society and how the Federation must respond. The increasingly complex area of technology continues to offer opportunities and challenges, so President Riccobono has made the call that we must take our advocacy to a new level.

Gone are the days when the technology we used was developed by a handful of small companies dedicated to blindness. Now, many mainstream companies are access technology companies. We must ensure our issues are understood and given their rightful priority. If they are not, it directly affects the ability to live the lives we want. There is much to do, and I look forward to working with the Federation family and key players to deliver impactful change.

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[PHOTO CAPTION: Amy Buresh]

## Nebraska Center for the Blind Celebrating Fifty Years Honoring the Past, Shaping the Future

**by Amy Buresh**

**From the Editor: The program in Nebraska has long been a recognized leader in rehabilitation for the blind, its roots extending back into the 70s. It is with pleasure that we run this piece in honor of its programs and in honor of the Federation spirit of its author and so many of the staff who have worked and now work there.**

The Nebraska Center for the Blind, a cherished program of the Nebraska Commission for the Blind and Visually Impaired, is joyfully celebrating its fiftieth anniversary! Please join us in commemorating this milestone on Tuesday, October 15, 2024.

The celebration will take place at our NCBVI main office: 4600 Valley Road, Lincoln, NE 68510. **The festivities begin at 10:00 a.m.**

In honor of this special occasion, we invite you to share your heartfelt memories or congratulatory messages with us.

You can send your voice recordings or written messages to [ncbvi.anniversary@gmail.com](mailto:ncbvi.anniversary@gmail.com) or leave a voicemail by calling 402-413-1636. Your stories and well-wishes will add a personal touch to our celebration and help us reflect on the incredible journey we’ve shared.

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[PHOTO CAPTION: Amy Porterfield]

## National Association of Blind Rehabilitation Professionals Annual Division Meeting: A Summary

**by Amy Porterfield**

**From the Editor: These are the division reports we plead for after each convention. Here is a really good one from Amy:**

On Friday, July 5, 2024, the National Association of Blind Rehabilitation Professionals held its annual division meeting at the National Federation of the Blind convention in Orlando, Florida. The gathering was an opportunity for members to reinforce their positive philosophy of blindness and support each other in maintaining high expectations for both them and their blind consumers.

The meeting began with a networking session, where over eighty attendees reconnected with old friends and made new connections. This was a great opportunity for networking on job openings as well as the latest happenings in the blindness rehabilitation field. Attendees were reminded to check in with the division secretary and treasurer to join or renew their membership, with annual dues set at $5. It is suggested to pay ahead to remain current with the December 31 membership year-end.

### Becoming NBPCB Certified Instructors

Joni Martinez, a member of the National Blindness Professionals Certification Board, provided valuable information on obtaining various certifications, such as the National Orientation and Mobility Certification (NOMC), Rehabilitation Teacher National Certification (NCRTB), and Access Technology Instructor (NCATB). Martinez outlined several pathways to certification:

1. **Master’s Degree Programs**: Earn a master’s degree in guidance and counseling with specializations in Orientation and Mobility (O&M) or Rehabilitation Teaching (RT) from Louisiana Tech University. After completing the degree, candidates can sit for the certification exams.
2. **Graduate Certificates**: Obtain a graduate certificate from Louisiana Tech University, targeting the certification areas directly. Upon completion, candidates can take the certification exams.

Both routes require a three-month immersion program at an NBPCB training center, required coursework at Louisiana Tech University, and an internship at an approved training center.

1. **Apprenticeship Programs**: These do not require a degree but involve completing a full immersion program at an NBPCB training center, followed by a four-month apprenticeship at a different NBPCB training center. Afterward, candidates can sit for the NOMC, NCRTB, or NCATB exams.

Additionally, one may earn a National Certification in Unified English Braille (NCUEB) by passing an exam consisting of proofreading, writing, and multiple-choice questions.

### Business Enterprise Program Insights

Michael Colbrunn, Vice President of the National Association of Blind Merchants, shared his journey to becoming a BEP operator. He emphasized that quality operators are typically self-starters with strong core blindness skills, such as good travel, access technology, and independent living skills. Colbrunn addressed common misconceptions about the program, noting that some rehabilitation counselors mistakenly suggest it for consumers lacking other career goals. To combat this, NABRP and the Blind Merchants division will offer combined webinars to provide professional development on the Business Enterprise Program, its governing laws and policies, and how to best support blind consumers choosing BEP as a career.

### Consumer Certified Rehabilitation Counselor Training

Anil Lewis, Executive Director of the Jernigan Institute, National Federation of the Blind, gave an update on a new consumer-driven training initiative for rehabilitation counselors. This collaboration between the Jernigan Institute and NABRP aims to offer authentic, lived-experience-based training to counselors. The modules are nearly complete, with several states expressing interest in implementing the training by fall 2024. Lewis highlighted the lack of direct blindness training in typical Rehabilitation Counseling master’s degree programs and the need for authentic, consumer-driven education to better support blind consumers.

### Collaborating with the NFB Employment Committee

Lia Stone, Co-Chair of the NFB Employment Committee, led an interactive discussion on partnering with rehabilitation counselors. Key outcomes included plans for a joint meeting to set collaborative goals, developing webinars on making a career out of gig work, and creating a database of successfully employed consumers. This collaboration aims to enhance support for blind consumers and vocational rehabilitation counselors.

### Advances in AI for the Workplace

Ryan Jones (Vispero), Bryan Bashin (Be My Eyes), and Everette Bacon (Aira) discussed recent advancements in AI technologies for visual interpretation. Highlights included:

* **JAWS Picture Smart**: This tool allows users to select and analyze pictures for descriptions. Recent updates enable detailed descriptions within the application and access to Gemini and ChatGPT services for further information, revolutionizing access to charts, graphs, maps, and other images in educational and professional settings.
* **Aira**: Offers image description and access to ChatGPT within its Windows app. Aira is launching consumer-based training to improve AI interactions with blind users, offering additional free minutes for active users.
* **Be My AI**: The first to utilize and offer image description with ChatGPT, including facial descriptions. Its Windows-based AI app integrates seamlessly with other applications, and future updates will include on-the-fly visual interpretation using video feeds.

Presenters emphasized the importance of safe and effective nonvisual travel skills and environmental knowledge to maximize the benefits of these AI services.

### Accessible Job Seekers Toolkit

Richard Rueda from the APH ConnectCenter introduced an online job seekers toolkit developed by the American Printing House for the Blind. This free resource, available through the NSITE learning platform, provides comprehensive training for blind individuals seeking employment. It consists of five courses, each taking approximately one hour to complete. The National Association of Blind Rehabilitation Professionals Division will host a joint webinar to provide an overview of the training and how to access the course.

### Division Business Meeting and Elections

The meeting concluded with the Division business meeting and elections. The following individuals were elected to leadership positions:

* President: Amy Porterfield
* First Vice President: Pam Allen
* Second Vice President: Julie Deden
* Secretary: Jamie Sibson
* Treasurer: Amy Buresh
* Board Position 1: Shirley Robinson
* Board Position 2: Carly Prince
* Board Position 3 for one year: Melody Roane
* Board Position 4 for one year: Daphne Mitchell

As the meeting adjourned, attendees left with a renewed sense of purpose and commitment to advancing opportunities and support for blind rehabilitation professionals and the individuals they serve. We look forward to another year of progress and collaboration.

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[PHOTO CAPTION: Vincent Tagliarino plays the piano.]

## My Dream, My Business, and My Life

**by Vincent M. Tagliarino**

**From the Editor: One of the most popular articles it has been my pleasure to work on was run in March of 2013. It was popular then because it was written by a longtime Federationist whose commitment was longstanding, significant, and exemplifies what we look for in having people join us in this work.**

**I recently received this note from Chris Minkler, the president of the Buffalo Chapter of the NFB of New York.**

**“Gary, our longest serving member of the NFB of New York State died on Wednesday, July 24. Vinnie Tagliarino was a member of the NFB of New York State for sixty-eight years. Vinnie was a founding member of the NFB of New York State in 1956. He served for many years as president of the NFB Buffalo chapter, beginning in 1977. Except for one term in the eighties, he was the Chapter president until 1999. He then served fourteen years as Chapter vice president. Vinnie wrote an article about his life for the *Braille Monitor* years ago. Gary, I know you sometimes re-print old articles. I request that you re-print the article Vinnie wrote about his life. Regards, Chris Minkler president NFB Buffalo Chapter.”**

**Here is the editor’s note and the article we ran eleven years ago.**

***Most articles that come to my attention are in an electronic format. Occasionally I get an article in Braille, but less frequently do I get one in print. Never does anything these days come from a typewriter, with the mistakes and strikeovers that are so easily corrected with a word processor. This one did, but I hope you will agree it was well worth the effort to transcribe and edit.***

***Some of the history we have covered in recent issues has emphasized the importance of a university education, but a valid question that blind people whose strength isn’t found in books repeatedly ask is “What’s out there for me?” Vincent’s story shows that success comes in many forms and doesn’t always require a college education or an advanced degree. What is required is identifying one’s talent, exercising the discipline to develop it, and creating the opportunity to try to succeed in making a dream come true. Here is how it happened for Vincent Tagliarino, a charter member of the Buffalo Chapter of the NFB of New York:***

Most of my relatives and friends call me Vinny. I had sight until I was eleven years old. Then I started having problems reading the blackboard at a distance. The eye doctor told my parents that I should not strain my eyes, so a friend who had the same eye condition (retinitis pigmentosa) told me that there was a school for the blind in Batavia called the New York State School for the Blind. My parents applied on my behalf, and off I went.

The school made me repeat fifth grade because I had to learn how to read and write Braille. They said that it would take me about a year to do it well. I am extremely happy they made me learn Braille because to this day everything I do revolves around being able to read and write. Unlike the situation for today’s school children, I had no choice; Braille it was.

In addition to the normal subjects one studies in school such as reading, writing, arithmetic, and history, the school gave students the opportunity to learn several trades. It offered courses in music, piano tuning, woodworking, poultry (yes, the care and feeding of chickens), home economics, and others I don't now remember.

I knew what I wanted to be; my dream was to become a musician and own a music store. In elementary school I signed up for piano lessons and band. After I entered high school, I signed up to learn how to be a piano tuner. They offered excellent training, and I was impressed by the fact that my piano-tuning teacher was partially blind. After five years of piano lessons, I was able to sign up to learn to play the pipe organ. I stayed in Batavia for two extra years to learn other skills that would help me in starting and running a business: how to keep the books, make out bills, and write business letters.

The year I graduated I had to put on a graduation recital using the pipe organ and the piano. The public was invited, and my family came up from Buffalo to hear me play. After graduation I got a scholarship to a summer music camp and enough money for the first semester at Hartwick College in northeastern New York State. Unfortunately, my parents did not have enough money for me to continue my college education, so I returned to Buffalo to live.

The first thing I had to do was join the musician’s union in order to play in hotels and banquet facilities. The union listed me in the union directory as a piano, accordion, and organ musician. I was also listed as a piano tuner and technician. The latter was a fortunate listing because it helped me meet many piano players who needed someone to tune their instruments.

In my second year out of school and still with no work, I was fortunate to audition for a quartet that played on the road. They knew I was blind and didn’t care; all they cared about was that I play well enough to be in their band. I traveled extensively in New Jersey, Maryland, Pennsylvania, and New York state. Not only did I earn some money and do some traveling, but I proved that I could sell myself as a blind person and as a musician. This gave me the confidence to keep on trying when times got tough. It confirmed for me what the National Federation of the Blind said about blind people, and I have spent most of my life trying to communicate that message to blind and sighted people alike.

After six months on the road, I was offered a job playing piano six nights a week in Buffalo. I took that job because the band did not always have work, and this job let me stay home and avoid the expenses that came with traveling. A blind friend who also graduated from the school for the blind in Batavia was teaching organ and piano lessons in the Wurlitzer Music Store in downtown Buffalo. He was able to get a grand piano to work on and asked me if I could help him recondition it to sell. His idea was that in this way we could both make some money for ourselves. At no charge the store gave us a spot where we could recondition it, and we went to work. While at the store I met the other piano tuners who worked there and also got to know the salesmen. Six months later one of the piano tuners retired, and I was offered a full-time job as the inside piano tuner for this five-floor music store. Needless to say, I was very happy.

In my four years working in the store, I met many musicians and people who wanted me to tune their pianos. These became my private customers, and I handled their business on evenings and weekends. In 1960 I left the store and started my own business doing piano tuning. My mother helped me by driving three days a week, and I hired a part-time driver for the other two days. When I branched out and started to get busy doing repair work, my father let me use his workshop in the basement. Before long I got so much work that I needed more space. The work was starting to take over the house, so I asked my parents if I could build a shop in the back. They said okay, and I immediately went to the bank for a loan. I hired my uncle to do the work. He knocked down the old garage and built a thirty-by-thirty building. With this space I was able to bring in bigger items to work on, and I also started buying used pianos to recondition and sell.

Soon I got into the business of selling new pianos. Before long I once again needed more room. About a block away from my shop, I saw a “for rent” sign on a storefront property. I signed a one-year lease with the option to renew it for a second year. I soon realized I needed more money to buy merchandise and equipment to operate the store and made an appointment with the Commission for the Blind and Visually Handicapped to see if they could help me purchase these things. After I filled out the paperwork and waited several weeks, the Buffalo office of the agency okayed my application and sent it off to Albany, where the higher-ups had their headquarters. A few weeks later I received disappointing news; my request for money to expand my business had been rejected.

Now what could I do? I had already rented the store and ordered the merchandise to fill it. I and those from whom I had purchased my stock had assumed approval from the district office was sufficient. The warehouse had shipped my showcases and other equipment to the store. This was quite a blow to me, so I went to the owner of the warehouse and described my predicament. He felt very sympathetic and understood my situation. He made a deal with me. He asked how much money I could come up with, and, when I told him, he agreed to make me a loan from his own pocket at no interest. Even with this help I had to borrow more money from the bank, but I was able to open the store.

After a year I decided not to renew the lease. The expenses were a little too high. I moved back into my original shop, but several of my friends were excited about what I was doing and wanted to help me meet other people who might increase my business. I was encouraged to join an exclusive business club that offered me a deal I couldn’t refuse. In exchange for playing piano at their parties for no charge, I would not have to pay their membership fees, and I would get drinks and food at no cost to me. What a deal! I met a lot of great businesspeople, and, as my friends had expected, this paid off.

Eventually I was fortunate enough to get a franchise on new pianos. Again, I started running out of room, so I asked my parents if I could put a storefront on the house and open the whole downstairs area to the public. They said all right, and again I got a contractor to make the needed modifications to the building. Money being tight, I asked an aunt, with whom I was close, if I could borrow some money to pay the contractor, and she said yes. Once again, my business was growing and prospering.

Some eight years later I told my wife that I wanted a bigger store near the University of Buffalo. I found a store for sale on Main Street across from the University. Because of a fire in the building, it needed a great deal of remodeling, both inside and out. My wife joked that only a blind guy would buy it, but I saw visions of what this building could be when I was done with it. So, I put in a bid and got the building. To buy the building and remodel it, I went to the Small Business Administration for a loan and eventually got it.

What helped this business grow was the name. I named my business Buffalo Piano Sales and Tuning, Inc., with Tagg’s Music as a division of the corporation. I thought that with a big name like that I would get a great deal of business, and I did. Three large school systems, several nursing and assisted living facilities, a number of churches, and many residential customers came to trust me to do their work. My business soon employed three professional servicemen, including me. One tuner worked in the shop, one did the residential calls, and I did the commercial work. Because I could do anything required to service a piano, I did more concert work than any other piano tuner in western New York. I can say this with confidence because I worked with one promoter who sponsored concerts six nights a week, Monday through Saturday, and a different concert on Sunday. Many of these concerts were held in a large tent that held about 3,300 people. I had to tune every Monday before the opening night and Sundays before the evening concert. There were about fifty to sixty tunings in the summer alone. Two other big promoters held their concerts at the football stadium. Working for them meant I met many stars. I came to feel very good about myself, knowing I could compete quite successfully with sighted tuners and still manage to build a successful business.

In my many years in business I have learned that it is essential to know your profession thoroughly and to do anything you must do to satisfy the customer. This I was and still am able to do. In addition to tuning and repair, I write up insurance estimates on damaged pianos and give second opinions to many customers who have problem pianos and have been discouraged from fixing them. Many of these I am able to repair.

Back in 1956 I was involved in starting the Buffalo Chapter of the National Federation of the Blind. At that time it was called the Empire State Association of the Blind. I was a charter member, have been a member for fifty-seven years, and have been on the board of directors for most of that time. In 1977 I became president of the chapter and served for twenty-two years until 1999. At that time I asked the chapter to vote in my vice president as our leader; they voted me in as vice president, and I am still proudly serving today.

Since I joined as a charter member, this organization has been very dear to me. I have worked with Dr. Jernigan; Dr. Maurer, for whom I have tremendous respect; and James Gashel, who taught me much about how to work with other people who are blind. When we had a lawsuit against the Blind Association of Western New York, Mr. Gashel and I were on television several times. I was also on the radio for four hours talking about our issues concerning the blind in the sheltered shop. One thing I learned in working with James was that blind people, like sighted people, are quite different from one another, that we all have different wants and needs, and we all bring differing abilities to the world. I learned to understand blind people as individuals.

In the fifty-seven years I have been a member of the Buffalo chapter, the NFB has given me many awards. In 1982 I received my first plaque for distinguished service. In 2006, at our NFB state convention, the Buffalo chapter gave me a plaque for fifty years of service, for being a charter member, and for outstanding service working with the blind. In 2008 the National Federation of the Blind of New York gave me a plaque for my volunteer service.

I have long believed what the Federation says about getting out and mixing with the sighted public to demonstrate that blind people are capable, so I have made an effort to be involved in several activities outside my business. I have belonged to the Lions Club for fifty-six years, and in that time have received awards at all levels from my club, my district, and our International Lions Clubs. I also belong to the Lancaster Depew Chamber of Commerce and was nominated for the businessman of the year award in 2006.

On December 9, 2011, the *Herald* *Tribune* magazine and the front page of the *New* *York* *Times* newspaper ran an article about a famous jazz musician, Boyd Dunlop, who is in a nursing facility. He is from Buffalo and played in New York City, Chicago, Los Angeles, and other large cities. The nursing home had a piano which was in bad shape, and I was called upon to replace two keys and tune it back to pitch. Mr. Dunlop was so happy that he put my name in the write-up with him. I received calls from friends in Florida, Georgia, and North Carolina teasing me about being a celebrity. What fun!

I like the philosophy that the National Federation of the Blind has taught me: as a blind person, you can do it. I have often been encouraged by this and have tried hard to give that encouragement to others. When people care enough to help other people, wonderful things can happen. My story demonstrates it; my life is better for it; and because of my work, the world is just a little more in tune.

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## NFB Pledge

I pledge to participate actively in the efforts of the National Federation of the Blind to achieve equality, opportunity, and security for the blind; to support the policies and programs of the Federation; and to abide by its constitution.