RESOLUTION 2025-01

REGARDING AN IMMEDIATE MOTION TO DISMISS TEXAS V. KENNEDY

WHEREAS, Section 504 of the Rehabilitation Act of 1973 is a landmark civil rights provision for people with disabilities, protecting us from discrimination by federal agencies and recipients of federal funding in public education, work readiness programs, healthcare, elections, the court system, and more; and

WHEREAS, seventeen states’ attorneys general have filed suit in Texas v. Kennedy alleging that Section 504 is unconstitutional and should be entirely or partially enjoined, limiting it only to those programs, services, and activities directly funded by and through the Rehabilitation Act of 1973; and

WHEREAS, those seventeen states submitted a status report to the Court on February 21, 2025, stating in pertinent part, “Plaintiffs clarify that they have never moved--and do not plan to move--the Court to declare or enjoin Section 504. . . as unconstitutional on its face. Plaintiffs have not sought and do not seek to enjoin the disbursement of funds from the Department on the basis that the statute is unconstitutional.”; and

WHEREAS, at the time of this resolution, Plaintiffs have chosen not to amend pages 37 and 42 of their complaint, which directly contradict the previous paragraph by stating: “Count 3: Section 504 is Unconstitutional,” and “Demand for Relief . . . d. Declare Section 504, 29 U.S.C. § 794, unconstitutional; e. Issue permanent injunctive relief against [the Department of Health and Human Services] enjoining them from enforcing Section 504.”; and

WHEREAS, when asked by members of the National Federation of the Blind, Plaintiffs have repeatedly directed those members to the quoted language from the status report without ever addressing the language in the actual complaint; and

WHEREAS, if Plaintiffs’ demand is granted, it will have a devastating impact on blind Americans’ rights to effective communication and reasonable accommodation in connection with government programs, services, and activities, including but not limited to education, employment, housing, healthcare, and other forms of civic life: Now, therefore;

BE IT RESOLVED by the Board of Directors of the National Federation of the Blind of Ohio, this 24th day of March, 2025, that this organization immediately call upon Texas Attorney General Ken Paxton to move to dismiss the Texas v. Kennedy lawsuit because of the far-reaching and harmful effects the lawsuit could have on Section 504 and the lives of blind and other disabled Americans.