

Running Head**Title**

Americans with Disabilities Act of 1990

Introduction

The case study of Tom Jefferson presents a complex situation surrounding the conflict between a local authority and federal laws protecting Americans with disabilities. On the one hand, there is the local ordinance prohibiting the presence of live animals in public places that serve open-container food and drink, as enforced by Evelyn, the head of the food service. On the other hand, there are federal laws protecting Americans with disabilities, such as Tom Jefferson, who rely on service animals to facilitate their daily activities. An article by Guidry-Grimes and his companions point out that the Disability rights framework of America rests prevents anyone with a health problem from being convicted before a full medical test and is proven to be completely guilty, which then leads to a whole different set of punishment clauses for them (2020). In this case, Tom Jefferson is also disabled and relies on his canine companion Rex to help him navigate around campus and was attempting to enter the student center while carrying Rex when he was stopped by Evelyn. This created a conflict between what the local ordinance stated and what federal law protects – that people with disabilities are permitted to bring their service animals into places of business unless it would fundamentally alter or disrupt its operations or be a direct threat to safety. In this case, there was no evidence presented that having Rex in the facility would do either of those things, so Tom should have been allowed inside.

In this case, Evelyn provided Tom with an alternative solution where someone else could walk Rex outside while he grabbed a sandwich from within; however, this did not take into account Tom's need for assistance from his companion animal, who he relied upon for navigation and commands. Furthermore, her fear of receiving another citation from the health department carries little weight in regard to disability rights laws which supersede those regulations. Ultimately, this case highlights both sides of this debate, those which prioritize local ordinances

over disability rights and vice versa but also shows how federal law is designed to protect individuals like Tom Jefferson who depend on service animals for mobility assistance. It is important that everyone is aware of these regulations so they can continue to ensure that individuals living with disabilities receive fair treatment when accessing public spaces without discrimination or infringement on their civil rights.

After Tom Jefferson was arrested for violating the city ordinance, his case would typically start in the municipal court, where he would be arraigned and formally charged. At the arraignment, Tom and his lawyer would enter a plea of not guilty and can request a jury trial if they choose to do so. During the trial, all relevant evidence will be presented to the judge or jury, who will decide whether Tom is guilty or not. If found guilty, Tom could appeal this decision and take it up to a higher court. The next step in the judicial system would be an appeal to a state appellate court. Here, his lawyer could argue that the local ordinance violated a federal law protecting individuals with disabilities from facing discrimination based on their need for service animals. If successful at this level, he could then bring this case before the Supreme Court of the United States, at which point it would become a landmark ruling on disability rights.

Beyond going through legal channels, Tom may also have other options available to him, such as filing an administrative complaint or engaging in activism or awareness campaigns regarding disabled rights cases like his own. He may also join forces with other organizations that advocate for disabled civil rights, such as Disability Rights Advocates (DRA). All of these efforts could put pressure on local authorities to rectify any violations of disability rights laws and ensure that individuals living with disabilities are provided with equal access to public places without discrimination or infringement on their civil rights. An article by Dorfman (2019) points out that disability con is also a tactic used by many criminals to avoid a firm punishment. This

means that whatever route is chosen by Tom Jefferson and his legal team, their goal should be to create precedent-setting decisions that protect Americans living with disabilities and ensure that their civil rights are upheld by all levels of government throughout the United States. Doing so will help safeguard disabled citizens from unfair treatment while accessing public spaces and areas within our country that they are entitled to use freely, just like everyone else under American law.

The history of law has seen many cases in which there was a convict or potential criminal who was protecting himself under the disabilities law of America. Three specific examples are *Olmstead v. L.C.*, *National Federation of the Blind v. Target Corp.*, and *U.S. Airways, Inc. v. Barnett*. All three of these cases resemble the case of Tom Jefferson, in which they wrongfully use federal law, which is designed to protect individuals living with disabilities from facing discrimination or infringement on their civil rights while accessing public spaces. In *Olmstead v. L.C.*, the Supreme Court unanimously held that the unjustified institutionalization of people living with disabilities violates Title II of the Americans with Disabilities Act (ADA). This ruling ensures that individuals living with disabilities have the right to receive necessary care and services in the most integrated setting possible rather than being forced into institutions against their will.

Moreover, the *National Federation of the Blind v. Target Corp.* established a precedent requiring retailers to make their websites accessible for people living with disabilities or face legal action for violating Title III of the ADA. In this case, it was ruled that certain aspects of Target's website were not fully accessible for visually impaired shoppers and thus violated their rights under the ADA by denying them access to goods and services available to other customers because of physical or mental disability. Finally, *U.S. Airways, Inc. v. Barnett* established a

precedent that prohibits employers from unfairly denying reasonable accommodations for workers living with disabilities when such accommodations are necessary for them to perform their job duties as required by law under Title I of the ADA. This ruling specifically held that an employee who depended on a service animal could not be denied reasonable accommodation even though his employer had policies against animals in their work environment due to health concerns involving other employees who had allergies to animals present in their office building. These three cases illustrate how federal disability rights laws protect individuals like Tom Jefferson who rely on service animals for mobility assistance while accessing public places without fear of discrimination or violation of their civil rights based on inability or impairment caused by physical or mental disability, which may otherwise restrict them from doing so otherwise without such protection and access provided under these laws.

In my opinion, the City of Great Plains should immediately provide Tom Jefferson with a written apology for the way he was treated, as well as compensatory damages for the emotional distress and financial losses he incurred. In addition, the city should work to change its policies and procedures so that no other citizen is wrongfully denied access to public spaces because of a disability. Finally, all relevant personnel within the City of Great Plains should be retrained on how to properly interact with individuals who rely on service animals for mobility assistance in order to avoid similar incidents from occurring in the future. In conclusion, the disability act of America is a very important clause that needs to be respected at all costs; otherwise, criminals in the future might actually use it for the wrong purposes. Therefore, Tom Jefferson needs to be protected in this specific case.

References

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