



The American Church and the Americans with Disabilities Act

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An Opinion

Rev. Harold Wilke can be seen in an iconic American photo alongside President George H. W. Bush and others in 1990, at the signing of the Americans with Disabilities Act (ADA). Wilke was a United Church of Christ minister, and he, like many others, worked tirelessly for greater disability awareness and equality. At the signing ceremony, Wilke delivered an invocation, an unprecedented event at a bill signing. He spoke of “the breaking of the chains which have held back millions of Americans with disabilities” (Morstad 2020). He did not speak of literal chains of disability, but of the physical and attitudinal barriers of American culture.

Religious groups have unique opportunities to promote inclusion and empowerment for people with disabilities. From jobs, relationships, and community connections, these groups provide gateways into community life for their members. Although changing somewhat rapidly, Christian churches continue to represent the majority of religious groups in America (71% in 2014, 78% in 2007 [Pew Research Center 2015, 3–7]). The American church holds tremendous tools and opportunities for access to the community for people with disabilities. However, while about 28% or 85 million Americans have a disability as of 2014 (Taylor 2018) disability leaders estimate only about 15% (9 million) of people with disabilities attend any kind of faith tradition (Hsu 2008).

The ADA is considered by many to be the most groundbreaking piece of American legislation since the Civil Rights Act of the 1960s. Since becoming law in 1990, the ADA has prohibited discrimination against individuals with disabilities in all areas of public life. This includes jobs, schools, transportation, and all public and private places that may be accessible

to the general public. The law, as it was drafted and approved, attempted to ensure people with disabilities have the same rights and opportunities as everyone else. The law provides protection to people with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. Before the ADA, no buildings were required to have ramps, parking lots did not require handicapped spots, and public transportation did not have to accommodate people who used wheelchairs. Anyone older than 30 years old in 2020 was born when people with disabilities people lacked the same basic rights as their fellow Americans.



President George H. W. Bush signs the Americans with Disabilities Act, July 26, 1990, alongside (standing, left to right) Rev. Harold Wilke; Sandra Parrino, chairperson of the National Council on Disability; (sitting, left to right) Evan Kemp, chairperson of the Equal Employment Opportunity Commission; and Justin Dart, chairperson of the President's Committee on Employment of People with Disabilities. Photo credit: George H.W. Bush Presidential Library and Museum (public domain).

The ADA is divided into five parts or titles. Under Title III, businesses that own, lease, lease to, or operate public accommodations like hotels, restaurants, theaters, shopping centers, banks, museums, zoos, daycare centers, private schools, and health spas must provide “reasonable accommodation” for people with disabilities to access and participate with their services and spaces. However, all religious groups are completely exempt from this title and from the ADA entirely. All religious groups’ facilities, programs, and activities, whether they are religious or secular in nature, are completely exempt. The title “religious groups” include places of worship, such as mosques, synagogues, and churches. However, the title also encompasses any places or programs controlled by the group including schools, hospitals,

daycare centers, adoption agencies, thrift shops, shelters, and food banks (ADA National Network).

The American church's historic relationship with the ADA and government overall is incredibly complicated and multifaceted. From the introduction of the ADA in Congress in 1989, religious groups, particularly the American church, have aggressively resisted participation. Exemption of these groups has been upheld primarily on the basis that requiring religious entities to comply with the ADA amounts to impermissible government interference with religion.

For example, in 1989 William Bentley Ball, an attorney representing the Association of Christian Schools International and numerous other Christian entities, lobbied against the ADA for two reasons: the cost of making schools accessible and concerns about government intrusion into religious institutions. In July 1989, he wrote to the director of the Office of Policy Development at the White House, "Religious exercise, within the meaning of the First Amendment will be directly involved if churches and religious schools are not expressly exempted from the terms of the ADA" (Ball 1989). Ball (1989) also argued that there was no compelling state interest in religious organizations being accessible noting, "Nothing has been shown to indicate that there is a national necessity to apply the ADA Bill to churches, religious schools, and other ministries."

The outcome of exempting Christian churches and schools from the ADA has been threefold. First, most Christian education programs like Bible studies and Sunday school groups statistically only serve people without disabilities. Second, few other religious groups made arguments similar to those Ball made on behalf of Christian groups lobbying against being included in the ADA. Christians stood nearly alone against access for disabled people as part of religious groups. Finally, many people with disabilities feel this outcome communicated that they did not belong in mainstream US Christianity as churches either actively opposed the ADA or passively did not abide by it because they were not required to do so legally.

Before the ADA, people with disabilities experienced inaccessibility to their communities. After the ADA, many more pathways into community participation were formed for them, but not through the American church. Leah Smith, project coordinator for the Center for Dignity in Healthcare for People with Disabilities notes, "We know this message was received by the disability community when we see that people with disabilities are 40% more likely than those without disabilities to report that they do not attend church. Further, they are 28% more likely to report that church is not important in their lives" (pers. comm.).

Erik Carter, the Cornelius Vanderbilt Professor of Special Education at Vanderbilt University, has gathered quantitative research on people with disabilities in the American church. He notes that:

- 56% of parents keep their children from participating in church activities because they experience a lack of support for their child;
- 32% of families changed their place of worship because they or their child was not "included or welcomed";

- 54% of parents say they have never been asked about the best way to include their child in religious activities (pers. comm.).

Bill Gaventa, past president of the American Association of Intellectual and Developmental Disabilities (AAIDD) notes

Most advocacy around disability has been in the public policy and human rights arenas. Rights may get you physically into a place that was inaccessible before, but they won't get you relationships. Beyond inclusion is belonging. While people were worried about how a rights-focused ADA would impact church hiring, or forcing them to accept people with HIV or other disabilities, it abdicated the moral call of welcome and the crucial role of religious groups as places of relationship, and abdicated the role of the church, for a long time, in advocacy circles (pers. comm.).

Because religious groups are exempt from the ADA as law, religious leaders have to empower their members to uphold ADA practices in terms of morality and decency — and civil rights. As an example, in 1993, the Christian Reformed Church of North America called its members to become ADA compliant to stop what they noted was tantamount to “churches committing disability discrimination even while at the same time they are trying to help people” (Frank 2013)

There is much that can be done to support people with disabilities within the American church, and there is much work to do. Bill Gaventa (pers. comm.) suggests starting by asking people with disabilities and their families what they feel, to ask them what their experience is or has been with churches. He also notes that if churches do approach being more inclusive towards people with disabilities, they should expect residual anger that has been hiding or deeply buried by people with disabilities. Even so, as churches pursue inclusivity they should start by having hard conversations to know what people with disabilities experience.

Rev. John Jay Frank provides a theological rationale for the concept of universal design. The universal design concept says that creators should take diverse abilities into consideration when designing programs, activities, materials, and spaces, Universal design can be applied in all areas of religious group activity, from leadership and design to membership and participation. Frank (2013) outlines concepts from the Bible that “tells us do not to dig a hole and leave it unattended, so as to avoid accidental injury or death, and to put up a railing around a porch, so people do not fall off or drop things on those below, and not to put a stone in the road where someone who is blind may trip on it, and not lead someone who is blind astray (Ex. 21:33–34; Lev. 19:14–15, Deut. 22:8, Deut. 27:18).” He notes (2013), “Christians should take care not to harm others with what we create and do, regardless of whether or not anyone falls into the holes we dig.”

Cost is often a reason given for exempting religious groups from the requirements of the ADA. It is true that costs for accommodation can be burdensome, especially when spent sporadically when special needs for accessibility arise. However, if resources are budgeted towards universal design and accessibility during design and planning, costs can be much smaller. As noted previously, about 20% of Americans have a disability. Therefore about 20% for each overall project may be directed towards including those individuals in church

participation. For example, a church remodeling may cost \$100,000. So about \$20,000 could go for accessibility features. \$10,000 may be spent on a new sound system so \$2,000 might go for an earloop system for hearing impairments. A new instrument might cost a certain amount. So about 20% of that cost might be directed towards the purchase of large-print songbooks or signs (Frank 2013).

The leadership of a church might adopt (and make known) a disability policy that includes adhering to the ADA to mitigate discrimination towards and provide a welcome space for people with disabilities. Churches might follow the lead of the Christian Reformed Church of North America as they universally adopted a disability policy for their entire organization. Individual members may also commit to providing an environment of universal design within their own area of responsibilities. A person who makes computer slides for a worship service might take the responsibility of making them accessible with high contrasting colors. A person who produces a church activity bulletin or newsletter might take responsibility for making their material accessible. A religious teacher might provide a sermon outline or study notes for people who experience difficulty managing attention for various reasons. Gluten-free wafers or sugar-free desserts at religious events are simple ways to welcome people.

With or without churches' legal obligation to the ADA, there exists a moral responsibility and a set stage to facilitate the fulfillment of its principles. Rev. Herald Wilkes entrusts us with this endeavor as he completes his invocation at the ADA signing. May his words provide a strong charge for American culture now, as they did then: "Today we celebrate the granting... of full citizenship and access to the promised land of work, service, and community... strengthen our resolve as we take up the task knowing that our work has just begun... Bless the American people and move them to discard those old beliefs and attitudes that limit and diminish those among us with disabilities".

Resources for Churches

Disability Concern's Accessibility Audit Tool: <https://network.crcna.org/disability-concerns/accessibility-audit>

Church Policy on Disability Template: <https://network.crcna.org/church-admin-finance/church-policy-disability>

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