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ACLU Urges Supreme Court to Protect Rights of Disabled Prisoners (11/9/2005)

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WASHINGTON -- The Supreme Court today heard oral arguments in combined cases that will determine whether disabled prisoners may sue state officials for violating the Americans with Disabilities Act (ADA).

""Prisoners rely on state officials to meet their basic needs, and persons with disabilities are particularly vulnerable to neglect or mistreatment,"" said Steven R. Shapiro, Legal Director of the American Civil Liberties Union, which filed a friend-of-the-court brief in today's case. ""Congress understood that problem and the ADA was designed to address it.""

The ACLU submitted its friend-of-the-court brief along with 18 other civil rights organizations and advocates for people with disabilities, including the American Diabetes Association, the American Council of the Blind and the National Multiple Sclerosis Society. The groups argue that the High Court should overturn a lower court decision and allow paraplegic Georgia inmate Tony Goodman to pursue a civil lawsuit against the state.

Goodman charges that the Georgia Department of Corrections violated the ADA by intentionally refusing to provide adequate conditions to meet his disability. According to Goodman, his cell at the state prison was cramped and could not accommodate his wheelchair, leaving him immobile for as much as 23 hours a day. Goodman also says that prison officials refused to give him the help he needed to use the bathroom and showers. On one occasion, when Goodman attempted to hoist himself onto the toilet in his cell, he fell onto the floor, breaking a toe and crushing his right knee. Goodman was at the Georgia State Prison from 1995 to 1999 before he was moved to the Augusta Medical State Prison.

The ACLU said that Goodman's experience is not an isolated case. According to the friend-of-the-court brief, there is overwhelming evidence of state violations of the constitutional rights of inmates who have mobility impairments, physical illnesses, mental illness, and vision and hearing impairments. As one court put it, the frequent denial of basic medical treatment for prisoners with disabilities ""illustrate[s] the pervasive and gross neglect of prisoners' medical needs.""

Prisoners with chronic illnesses also suffer significant harm and disparate levels of restrictiveness as a consequence of denial of care and accommodations required by their disability. Such prisoners are often exempt from participating in prison programs available to other inmates, which the ACLU says deprives the prisoners of fundamental constitutional liberties.

""Prisoners with disabilities are often met with deliberate indifference from officials, and are forced to endure even more humiliation and discomfort than their fellow inmates,"" said David C. Fathi of the ACLU's National Prison Project. ""Making prison officials liable for violating the ADA will be a major

step in improving conditions for disabled prisoners.""

The brief argues that Congress was concerned with unconstitutional discrimination by states against prisoners with disabilities when it enacted the ADA, and intended the law to be a remedy for such prisoners. In explaining the need for the ADA, Congress relied on a U.S. Commission on Civil Rights report that identified discrimination in prisons as one of the ""major social and legal mechanisms, practices, and settings in which handicap discrimination arises.""

The Court has issued conflicting decisions on related questions in recent years. In 2001, the Court ruled in *Alabama v. Garrett* that state officials could not be sued for employment discrimination under the ADA. Three years later, in *Tennessee v. Lane*, the Court ruled that state officials could be sued under the ADA for failing to make their courthouses accessible to people with disabilities.

For more information on the combined cases *Goodman v. Georgia* and *U.S. v. Georgia*, go to:  
[www.aclu.org/supremecourt](http://www.aclu.org/supremecourt).

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