

From the Editor's Email Basket

Technology, Access, and Personal Responsibility

Braille Monitor

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by Mike Freeman, Gary Wunder, and Dan Burke

From the Editor: Today's complex political, legal, and technological environment often creates complicated and ambiguous issues for blind people working to achieve equality, security, and opportunity for themselves and others. The NFB's philosophy of blindness is sound and pragmatic, but deciding to adhere to one's principles today and even determining what actions those principles demand can be a challenge. The following email exchange took place recently on the affiliate presidents listserv. The first message is from Mike Freeman, president of the NFB of Washington. The second is from Gary Wunder, president of the NFB of Missouri. The final one is from Dan Burke, president of the NFB of Montana. All three men are also members of the NFB board of directors and thoughtful shapers of NFB opinion and philosophy. Their concerns and cautions are worth serious thought. This is what they wrote:

Fellow Affiliate Presidents:

Mike Freeman We all know the basic tenets of NFB philosophy; we wouldn't be affiliate presidents were this not so. In most instances guidance from NFB philosophy is clear and straightforward. However, the most fascinating applications of NFB philosophy occur in situations that bring out its subtle nuances and force us to ponder what it means in the real world.

In my opinion one of these areas of subtlety concerns our desire for accessible documents and other materials. When should we ask for them, when should we demand them, and when should we take responsibility for gaining access to them by our own efforts (including use of readers)? I am concerned that, as it becomes easier to get accessible materials, we are losing our edge in critical thinking and in adhering to NFB philosophy. I am becoming increasingly worried that more and more blind people—

both NFB members and nonmembers—are failing to distinguish between that which is desirable and that which ought to be mandatory, between what should be ours by right and what is our own responsibility to procure for ourselves. The Americans with Disabilities Act and other laws have something to say about this under certain circumstances, but there is often room for disagreement, especially in employment situations, where I am afraid many blind people entering the workforce are confused about what is an employer's responsibility and what is the prospective employee's responsibility—where they begin and end, when failure to provide accessible materials is discrimination, and when it is just the way the world works. I am becoming increasingly concerned that we are not sufficiently educating our members in the arcana of NFB philosophy—a failing that is partly ours and partly that of the membership, who all too often want everything in ten-second sound bites.

This concern was crystallized for me by two incidents that I observed during the past twenty-four hours. The first came from a question of one of our members (a staunch Federationist), and the second came from a post on our BlindLaw list.

Incident one: A young lady called me up yesterday afternoon asking whether census forms were accessible and what blind folks who lived alone did to fill them out. I told her that I hadn't even considered the question; that I always just used an amanuensis and never worried about it. Apparently she called up the census office, and they have a form in Braille; she wondered how a blind person would handle this. I said that I supposed the Braille form was like the old Talking Book Topics Braille book request lists that had print under the Braille and one would just put a penciled line by the answer one wanted.

My point is merely that in the old days we would never have even considered the question; we all just used an amanuensis to fill out the form, and that was that. To what extent is it the responsibility of the Census Bureau to provide accessible forms, and to what extent should we just accept that the world predominantly uses print and that, if we are to compete on terms of equality and, perhaps more important, demand the right to compete on terms of equality, we should just learn to handle the print ourselves? I know what Dr. Jernigan would say (or I think I do); in the no-longer-distributed publication "Why the NFB?," he took one letter-writer to task for complaining that he (Dr. Jernigan) had sent him some print correspondence.

Incident two: A legitimate and interesting discussion has arisen on the BlindLaw mailing list concerning the rights of attorneys during the discovery process to receive materials in accessible form: what is the extent (if any) of these rights, and (a) whose responsibility it is to make documents accessible and (b) how should one get the job done, specifically with scanned PDF documents? The post that disturbed (nay, incensed) me was from a lawyer (I don't know whether or not he is in the NFB, and this is probably immaterial anyway) who said that one of his clients had gotten an adverse court ruling because the blind attorney hadn't been able to get a scanned PDF into a useable form in time to prevent it.

I'm sorry, but this enrages me! Were I that attorney's client, I'd fire him and sue the pants off him for incompetence; if the attorney wishes to be accepted as being able to compete on terms of equality, he should actually compete, and in my opinion it is no one's responsibility but his to see that he has at hand all the material he needs to do the best job he can for his client.

It will be interesting to see how others respond though I doubt many will put it in as stark terms as I do here. But my point is not to debate this particular issue: I am making like a foghorn in the night: ladies and gentlemen, we have a job to do. We not only need back-to-basics NFB philosophy seminars at the national level, but we need them in spades at the state-affiliate and local-chapter levels. The question then becomes how to get the membership to sit still long enough to absorb and consider the esoterica of NFB philosophy where the rubber really meets the road and get them to increase their critical thinking skills in this area, for I fear me greatly that we will face this issue more and more as the world increasingly adopts technologies and methodologies that involve use of sight under circumstances that heretofore they did not.

Mike Freeman

Hello Mike,

Gary Wunderl really like your post and admire you for taking the time to put it out on a list like this. I have to tell you that I'm amazed that many people, some of them state presidents, don't even pay for readers on a regular basis. I can't imagine how people pay their bills, fill out forms, and do all of the other things that being a state president requires without setting up some human help along the way. To me it is just a built-in cost of being blind, one I have taken to be a given for a long, long time now. I cannot imagine trying to make it the responsibility of opposing counsel to provide my blind lawyer a document in an accessible format, and I would be mighty upset with any of our blind lawyers who told me my case had been lost because they did not read the material available.

As for the census, our form was completed in less than five minutes by one of the readers we have come to our house. Currently we have two of them. One is a volunteer. The other uses the money she makes by working for us to buy groceries. Both of the people who work for us get something out of it, and, in addition to the reading we get, we get the joy that comes from the challenge of figuring out how to make our volunteer feel as good about knowing us as we feel about knowing her and the satisfaction of knowing that we have provided a job to someone who needs to eat.

I think our people are indeed in need of some good Federation philosophy about technology and personal responsibility, but, when we hold such seminars, we will have to be mindful of several realities that can make determining what responsibility rests with us and what rests with others a bit more difficult in the twenty-first century than it was in 1940 or 1975. If discrimination is truly something which must be both detrimental and unreasonable, then there was little discrimination when sighted people would pass around plain pieces of white paper—plain to us because we could not determine the black or the red ink on them. I think there is no discrimination when sighted people sit around and talk about the expression on the face of the Mona Lisa or the genius of the painter who put it there, or how different pictures can convey a different message when viewed at a different angle. There is no discrimination if my daughter can do magic with the Paint Program provided in versions of Microsoft Windows, and I can do nothing with the same program. I want to drive, but currently there is no discrimination when my daughter of sixteen can get a license, and I cannot. At this point in our history these things are inherently visual.

Now take the situation in which we have a device where everything can be recorded in a digital format, where every number and letter can be coded into a unique sequence that can be interpreted by a speech synthesizer, a Braille printer, or a text magnifier, and now consider that almost anybody who writes any kind of document uses this device. Then, to make it more glitzy, to allow for pictures more easily, or perhaps even to increase its security, they take what is inherently nonvisual and make it visual. Our own state government now writes most of its documents in Microsoft Word and then converts them to PDF for distribution. Is this sound public policy when the same state government and the federal government that provides most of the money for rehabilitation have entered into a contract with blind people saying, "If you will get the training and take going to work seriously, we will help you along the way?" Is it reasonable, when government and private industry actively support the creation, distribution, and purchase of project management tools that use numbers to calculate the criticality of a project and then turn those numbers into colors and graphs without providing a nonvisual solution so that we can get at those very numbers?

As some of you may know, tomorrow I go to a two-day session for an orientation with the Cerner Corporation. Their goal for me is to teach me about their company and to show me the tools and techniques that will immediately make me a productive Cerner associate. I'm excited about the trip. I love learning about new technology and thrill at being on the cutting edge of a new electronic medical record.

If I have any fear or reservations about that session, is it that I may not be capable of being a computer programmer? Absolutely not! Do I fear that I may behave in a socially inappropriate manner? No, I have no question about that. My fear is that, when they begin to show me the simplest of timekeeping functions, the way they track projects, and maybe even the way they sign into their system, we will find something in that mess that is inaccessible. Maybe it will be a button which was not coded as a button and therefore is not seen by a screen reader. Maybe it will look like a combo box but be nothing more than a series of links that in turn cause others to be displayed silently on the screen.

At one of my recent jobs, the way one logged a problem was not only to have a user ID and password, but to carry around an electronic card which actually received a code that was changed every fifteen seconds. Only if you got these three elements could you file a problem for the vendor to fix.

For me in this circumstance the question isn't whether I have a responsibility to deal with the printed word on a page, but whether I have the ability to decode a screen which, if created with nonvisual access in mind, I would have full access to, but, more times than not in the advanced world of technology, my needs as a blind person don't even place in the race to get something out the door.

My point in writing all of this is to say that there is something of a shared responsibility for all of this information we are forced to cope with every day. If I am the one most personally affected, then I believe I am the one most personally responsible, yet, if that translates to the need to have somebody with me during three-fourths of my work week, I reject that as reasonable, whether I pay for that assistance or whether somehow my employer is willing to pay for it. It just makes no sense, especially since it is completely avoidable.

I think all of this points to the absolute imperative that we pass H.R. 4533, the Technology Bill of Rights for the Blind Act. As I understand current law, there is nothing for blind people to do when their employment is threatened by technology which will not allow for nonvisual interaction except to sue their employer. This is not the way to show that you and they have a shared goal. This is not how a good employer-employee relationship is built. It is not the way you show your employer that you want to be a part of the team. At some point we must get to the place where these important decisions are handled at the procurement level and where a violation of the law is not revealed only after a blind employee finds himself at a significant disadvantage.

So I'm all for a seminar, a back-to-basics, take-some-personal-responsibility gathering, but it will have to be one that grapples with the technology of today and not just a session where we say, "Well, of course you will, from time to time, need to hire the services of a sighted person to get along in the world, so get on with it."

Gary Wunder

Mike, et al.:

Dan Burke Thanks for the post. I gave it plenty of thought this afternoon while thinning out the lilac hedge. Our previous efforts to ensure that electronic voting machines provided for in HAVA [Help America Vote Act] would be nonvisually accessible are an excellent example of Gary's points, as are our current efforts with the Technology Bill of Rights. Technology has changed the world in many respects because it can easily be made accessible.

Part of my duties at the University of Montana includes supervising alternate media production, that is, primarily ensuring access to textbooks. I am also called on quite frequently to identify inaccessible documents. If, for example, I receive an inaccessible PDF, I engage in a conversation with its originators about dissemination of or deployment of such formats and give directions to resources for creating accessible documents. However, I don't then sit back and wait for the accessible document to come if I must read and digest the material in short order. I convert it or, since I have the luxury of high-speed scanners and student labor, have it converted.

Philosophically, this question could be boiled down to whether blind people behave as actors or victims. I am keenly aware that, in fulfilling our ADA Title II obligation to provide accessible texts and documents in higher education, we may not always be preparing students to be actors in their professional lives. It is apparently quite possible to get all the way through law school without knowing how to convert paper or PDFs to accessible and usable documents. It may be posited that the lawyer in your story was a victim, or perhaps a less pejorative term might be recipient of accessibility. To be an actor in this case would require a strategy, the skills and resources or tools to get what one needed in a usable format in the most expedient manner--likely large amounts of material at times under severe deadlines.

One tool in any such strategy, of course, is the old-fashioned, nontechnological use of a trained and reliable human reader. I use my knfbReader Mobile quite a bit now to go through personal mail, but, if I have been neglectful in keeping up with it (or just too busy), I revert to a reader as the most efficient way to get through a pile of mail in a

hurry. The power company is not sympathetic to claims that I am not proficient in managing my personal business responsibilities.

It's an excellent topic for a seminar discussion.

Dan Burke

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