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Haitians Confront Problems With Grit and Laughter

By David Beard
CAP-HAITIEN, Haiti (AP) - Huddled around the glow of an oil lantern, a half-dozen homeless Haitians did something unexpected while recounting the army's destruction of their mountain hometown.

They laughed. As a 19-year-old man recalled how the soldiers' stole a prize pig and ordered the owner to haul it to a troop truck, a listener asked if the army had also stolen the green sauce for grit, a Creole meat stew.

The spontaneous laughter, long and hearty, momentarily transcended a suffering so deep that it is difficult to convey to foreigners.

Haitians need their strength now more than ever to confront compounding hardships. The military has stepped up killings of civilians, and the U.N. Security Council on Friday tightened an embargo on

Haiti to cover nearly all trade.

"In this pit of misery, you would think there would be more suicides. But people are fighting, even with their last breath, to stay alive," said the Rev. Gerard Jean-Juste, who was a refugee leader in Miami before moving back to Haiti in 1992.

Haiti was born from struggle, in the modern world's first successful slave rebellion. Its people have since had to withstand an nearly unbroken string of tyrants.

Their adaptability since the army overthrew elected President Jean-Bertrand Aristide in 1991 has surprised the world. Already the Americas' poorest nation, diplomats believed the ruling military would be forced out by international economic sanctions first imposed in October 1991.

But the military rulers, while targeting Aristide opponents for

repression, enriched themselves by turning to smugglers. Crime became a growth industry, with thousands of people, including haulers of one-gallon jugs, crossing the Dominican Republic's black-market fuel line along a fume-filled stretch of highway known as the "au-Prince that's known as the City."

Energy-starved businesses, the small economic elite, private generators, battery inverters and solar panels in operations moving.

Farmers, unable to get crops to market, began selling off their mangoes, rice and

Some of the hundreds of thousands of children dependently food aid to survive separate their meals for other families, say officials of the American relief organization CARE.

(Continued On Page 3)

You and the Law

Americans with Disabilities Act

Nationwide over 43 million American with one or more physical disabilities have historically been isolated and segregated in society, and despite the passage of time and improvements in these individuals are still subject to several forms of discrimination. That 43 million approximately 1 million reside in North Carolina equates to 1 in every 7 North Carolinians. Furthermore, a breakdown of the population shows that 17.6% of the total black population and 13.7% of the total white population is disabled. When age and economic status are considered in those statistics, the prevalence of disability among people in the non-poor is 28.7% compared to 11.8%. After the age of 65 almost one of every two persons has a chronic condition that impairs normal activity.

In an attempt to eliminate this serious problem of discrimination, the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA consists of four separate titles which affect different areas. Title I covers employment; Title II covers public services; Title III covers public accommodations; and Title IV covers telecommunications. Each title has a different enforcement date, but as of July 26, 1992, all titles are enforceable.

One of the most important, if not the most important issue in the definition of a person with a disability. The definition will determine who is protected by the act. According to the Act, a person with a "disability" is an individual who:

- has a physical or mental impairment that substantially limits one or more of his/her major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

It is important to note that individuals who are currently using devices which are not protected by the Act, but individuals who have been disabled or in the process of completing a rehabilitation program are protected by the ADA. Also, the Act states that homosexuality and bisexuality are not impairments and therefore not disabilities under the ADA.

The next most important issue under the Act is if an individual is "able," what is the definition of a "reasonable accommodation." Speaking, a reasonable accommodation is any modification or adjustment to a job, facility, vehicle, any sort of environment that will enable a disabled individual to perform as if they were a non-disabled individual.

An overview of the four titles of the Act is as follows:

• Title I, which is employment, provides that covered entity (federal, state and county governments, local businesses) shall not discriminate against a qualified individual with a disability in regard to job application procedures, hiring, advancement, employee compensation, job training or other privileges of employment. It is important to note that employees with fewer than 15 workers are not covered by the ADA.

• Title II covers public services and provides that no qualified individual with a disability shall be excluded from participation in or be denied the benefits of the service's programs, or activities of public entities including transportation facilities. For example, as of August 26, 1992, new public buses and light and rapid vehicles are to be accessible.

• Title III covers public accommodations and provides that people with disabilities should have access to existing private businesses that are open to the general public; so long as required accommodations are "readily achievable." This list includes such establishments as hotels, restaurants, laundromats, theaters and the offices of health-care providers (physicians).

• Title IV, provides that interstate telecommunications relay services are available to hearing impaired and speech impaired individuals to the extent possible.

Many requirements of the ADA have yet to be tested due to the narrow and limited interpretation by the Courts, but it promises to be an effective and much needed weapon in fighting discrimination.

Michael Terry Hodges is a former legal services attorney in Charlotte. He currently services as the acting coordinator of the Americans with Disabilities Act for the North Carolina Department of Human Resources in Raleigh.

This article was prepared as a public service through the Georgia White Bar Association and is not intended to be a comprehensive statement of the law. If you have a specific questions with regard to any matters contained in this article or with regard to your specific problem, you are encouraged to consult an attorney of your choice.

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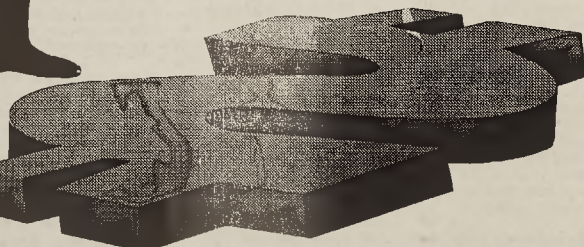
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