

Is Your Site Accessible?

Wheelchair ramps for the Information Superhighway

By Adam Clayton Powell III

Some day soon, you may open your morning newspaper and discover a few features are missing:

- Sports scores will be mostly gone, with only the home teams' games and national championship results reported.

- The color weather map will be replaced by a black-and-white version with 1950s-era isobar lines.

- The stock tables will have been dropped in favor of lists of the five most active stocks traded, and perhaps the day's biggest winners and losers.

What will have happened? Under an order from the U.S. Department of Justice, your local newspaper will have been forced to drop those and other features because they are not accessible to people with disabilities.

So say goodbye to small type (too hard for some to read), thus ending comprehensive lists of sports statistics and securities trading. And of course that weather map has to go: It's not accessible to the color-blind.

Sound crazy? Does the Justice Department really have the power to review the design of newspapers? Well, maybe—though not yet the print versions. It may well be assuming the power to review any newspaper's online design.

Webmasters, Uncle Sam wants you to make your Web site more accessible to those who are blind, deaf, or otherwise disabled. And it's not a suggestion: It's the law. The new rules are mandated by a little-known provision of the Workforce Investment Act enacted by Congress last year. Under Section 508 of that law, the new rules will apply later this year to all Web sites operated by federal agencies, by anyone doing

business with the federal government, and by many—perhaps all—state governments.

But those guidelines might also soon apply to everyone who puts up a Web site anywhere in the country. For now, the Section 508 rules will be voluntary guidelines. But members of the new federal Web site commission were quoted by the trade news service Ziff Davis in April as asserting that companies and individuals who do not adopt the rules "voluntarily" could soon face a legal mandate to comply—or be exposed to lawsuits filed by any disabled individual who could not read all of the information on a site.

Section 508 is one of those laws that sounds as controversial as apple pie: It simply requires that Web sites be adjusted so that disabled persons can read them. Web site designers will be required to restructure their content, design, and underlying technologies to allow individuals with disabilities "to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities." Who could object to helping the disabled?

But the real question is: Just how should the Internet be "fixed" to be more accessible? The new federal Web site commit-

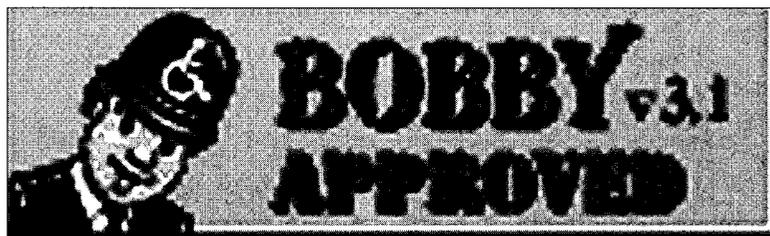
tee established by the U.S. Architectural and Transportation Barriers Compliance Board (the people who regulate wheelchair ramps and hallway widths) offered its answer in May, drafting new rules for online publishing. Provisions required that streaming audio or audio files be accompanied by simultaneous text, including, "where appropriate, in tactile form"; that streaming video be captioned; that the use of color to convey information be restricted; and that webmasters "provide at least one mode that does not require user vision" by formatting all information so that it is compatible with braille and speech synthesis devices.

Other regulations ban touch screens, prohibit moving text or animation (unless the user can go to a static display with the same information), and require all Web sites to "provide at least one mode that minimizes the cognitive, and memory ability required of the user."

Web site problems that need fixing were discussed in an attachment to a memorandum from Attorney General Janet Reno that explained the new law. "For example, a system that provides output only in audio format would not be accessible to people with hearing impairments," reads the explanation, "and a system that requires mouse actions to navigate would not be accessible to people who cannot use a mouse."

So say goodbye to streaming audio and video, unless you can provide simultaneous text translation. Say goodbye to graphical user interfaces, unless you can provide simultaneous keyboard commands—available in braille and audio.

Who is affected by the new rules? Advocates of last year's legislation say it applies only to federal Web sites. That may (or may not) have been what Congress intended, but that is clearly not what is being planned. For example, the U.S. Department of Education asserts that "states which receive Federal funds under the Technology Related



Cyber Cop: The seal of approval that your Web site complies with handicapped accessibility guidelines.

Assistance for Individuals with Disabilities Act of 1988, are required by that Act to comply with Section 508." Those words open the scope of the law to every state.

The people drafting the rules believe they should apply to everyone. Who are they? As is customary, the federal government asked interested individuals to nominate themselves to serve on the drafting committee. In this case, Section 508 required consultation with "public or non-profit agencies or organizations, including organizations representing individuals with disabilities." Not surprisingly, most of those appointed were representatives of such groups as the American Council of the Blind, the American Foundation for the Blind, Easter Seals, the National Association of the Deaf, the National Federation of the Blind, and the United Cerebral Palsy Associations.

Members of the committee assert that the federal government has the power to regulate the form and content of online information—as opposed to print, where the government does not have such power—because the federal government paid for the development of the Internet. "The Internet is subject to market forces, but it didn't start through market forces, it was started by the federal government," said Jenifer Simpson, a committee member and manager of technology initiatives at the President's Committee on Employment of People With Disabilities, in an interview with Ziff Davis. Simpson added that the rights of the disabled must prevail over other considerations. "This is really a civil rights issue," she said.

And if online publishers decline to adopt the committee's new guidelines voluntarily, the guidelines could become mandatory under federal law for all Web sites, according to both Simpson and Judy Brewer, another committee member who is also director of the Web Access Initiative.

Janet Reno believes the new law covers more than just Web sites. "The scope of Section 508 is expansive," she wrote in the memorandum describing the law's jurisdiction, and "potentially includes all telecommunications devices (including telephones, voice-mail systems, pagers, facsimile machines, and related technology) and any technology used to convey, trans-

mit, or receive any kind of information."

The new rules will become final early next year, but it is already possible to see how they would work. For those inside the government, Attorney General Reno announced the creation of a federal Web site (www.508.org) to help Webmasters ascertain whether they are in compliance with the new law. But this site was only accessible from government computers—specifically, according to the attorney general's memorandum, from .gov and .mil domains.

For everyone else, the Web Access Initiative developed and published its own set of proposed guidelines that could be adopted as federal law (www.w3.org/TR/WAI-WEBCONTENT). The first guideline

If online publishers decline to adopt committee's new guidelines voluntarily, the guidelines could become mandatory under federal law for all Web sites.

requires Web sites to supply text alternatives for all images and graphics. "Thus, a text equivalent for an image of an upward arrow that links to a table of contents could be 'Go to table of contents,'" the provision reads. A second provision bars the use of color to convey information unless explanatory text is also available, because "people who cannot differentiate between certain colors and users with devices that have non-color or non-visual displays will not receive the information."

Other requirements prohibit using multiple languages on the same page, because that can hinder translation by braille readers, and discourage the "use (or misuse)" of tables and other formatting that "makes it difficult for users with specialized software to understand the organization of the page or to navigate through it." Yet another provision requires webmasters to "ensure that moving, blinking, scrolling, or auto-updating objects or pages may be paused or stopped" and to design all pages so they are "usable by people without mice, with small screens, low resolution screens, black and white screens, no screens, with

only voice and text output, etc."

Another Web site lets online publishers test their sites using some of the suggested guidelines that soon may have the force of federal law behind them. The Center for Applied Special Technology (www.cast.org) has posted free software it calls Bobby, illustrated with an image of a jovial waving policeman. That cheerful logo doubles as a seal of approval that can be downloaded and used by Web sites that meet Bobby's accessibility guidelines. Bobby has already flunked a number of widely used Web sites, including the White House site, where the software identified "13 accessibility problems that should be fixed in order to make this page accessible to people with disabilities."

Bobby may be waving with his right hand, but in his left hand, not visible in the logo, may be a billy club: Section 508. ♦

Adam C. Powell III (apowell@alum.mit.edu) is vice president of technology and programs at The Freedom Forum, a non-partisan international foundation dedicated to free press and free speech.

Improve Your Spanish

Practice your Spanish reading world news, culture, business, science and more with *Perspectiva* or *El Puente*. Easier to read than imported magazines — it's almost like having a private Spanish tutor.

Read Spanish with more comprehension and less frustration!



- Spanish at YOUR level — boosts comprehension
- Glossary next to articles — improves vocabulary
- Spoken Idioms & Grammar — increases fluency

Perspectiva

Intermediate Spanish
\$39: 12 issues, 24 pgs ea

El Puente

High-Beginning Spanish
\$39: 22 issues, 8 pgs ea

SUBSCRIBE TODAY, or ask for your FREE BROCHURE
with sample articles and sample glossary.

EDUCATIONAL NEWS SERVICE
PO Box 60478-RES
Florence, MA 01062-0478
E-mail: info@ednews.com

(800) 600-4494

Lawyers, Gums, and Rummies

Why do we hate attorneys?

By Walter Olson

Few movie scenes of recent years have been bigger audience pleasers than the one in *Jurassic Park* where the dinosaur eats the lawyer. Audiences typically burst into laughter and cheers. Which raises the question: Do they react this way because Steven Spielberg has tainted their minds against this great profession, subtly planting the message that it's OK to laugh at attorneys? Or did Spielberg arrange his plot to get a lawyer munched like a cherry off the top of a sundae because he knew full well what would make audiences laugh and cheer? In other words, do lawyers have an image problem because Hollywood and the press keep picking on them, or do Hollywood and the press keep picking on lawyers because they know the public already has a low opinion of them?

The current unpopularity of lawyers has been the subject of much hand wringing and indignation on the part of the American Bar Association. In the ABA's view, the American public has been terri-

itself would be impossible. This slogan delights me because it calls to mind the slogan used by one of the big chemical manufacturers back in the 1970s, when terror about toxic substances was everywhere: "Without chemicals, life itself would be impossible." In a sense, of course, this point is very well taken: Without oxygen or water or salt we'd all be in big trouble. It's just that it may not seem very responsive to the grievance of someone who lives downstream from a factory dumping vinyl chloride.

You see similar arguments in the P.R. campaigns of other interest groups that find themselves unpopular at any given moment. "Without oil companies, driving itself would be impossible": equally true, and equally unsatisfying after a big tanker spill. Or try "without agribusiness, eating itself would be impossible" after an outbreak of food poisoning. The public is smart enough to recognize that whether there's going to be an oil industry is not really the issue. It wants to know: If you

Lawyers have not always been this unpopular.

Today's abuses are not wholly new, but they were formerly considered the unrespectable fringe of the profession.

bly misled about lawyers. If it only knew more about how they do their work, it would not be so upset. Its antipathy arises from false consciousness.

If the problem is bad public relations, then the solution must be better public relations. And so our bar establishment has labored mightily to come up with talking points about the good lawyers do. Among my personal favorites is the official slogan of the 1996 ABA national convention: "Freedom, Justice, Liberty—Without Lawyers They're Just Words." Or, to paraphrase slightly: Without lawyers, justice

practice this line of work, how careful are you to avoid spills, and how willing are you to clean up when you do have one?

There are, of course, more sophisticated theories as to why lawyers' popularity stands so low. The "dentist theory" is based on the observation that people encounter lawyers at unhappy, painful times in their lives. They've been indicted, or they're being audited, or they're involved in a lawsuit. These are among the most unpleasant things that happen to people, and so, the theory goes, they transfer their pain into anger against those who accompany

them through these ordeals.

I am not impressed with the dentist theory, in part because surveys show dentists themselves are not all that unpopular. Most Americans are not especially critical of dentists, even if they wince at the memory of their last visit. One reason is that most dentists try hard to minimize the pain they inflict. People shop for dentistry for themselves and their loved ones, and dentists compete with each other in promising to keep the pain to a bare minimum. They boast of practicing "gentle" dentistry, "dentistry for cowards." I have yet to see a billboard advertising "gentle family lawyering," "painless lawyering," or "law for cowards." Maybe those would work as ads for mediation services. But when people buy "legal services," they are often buying something to be inflicted on their enemies, so services minimizing pain may not fit the bill.

This brings us to the somewhat more plausible "bartender theory," which begins with the observation that clients actively seek out many of the lawyers' worst attributes. The vindictive spouse looks for the carpet-bombing divorce lawyer; the dishonest business wants shady help in stiffing its creditors; the person nursing a dubious injury claim looks for the skilled exaggerator. Alan Dershowitz, when criticized for some of his stratagems in criminal defense—things like telling the client on first meeting, "Don't tell me whether you're guilty or not; it would tie my hands to know; leave me free to come up with the best defense"—has defended himself by saying, Look, if your kid were arrested and charged with something, you'd want a lawyer just like me.

As a predictive matter, surely Dershowitz is right. Up against the wall, many of us would call the lawyer whose ethical code allowed him to, um, retain a lot of options in vigorous representation. But as federal appeals court judge Laurence Silberman has observed, just because we play the horses doesn't mean we respect the bookies.

So there's something to the bartender analogy. Many of us do head for the mix-