RESOLUTION 2025-01

REGARDING THE IMMEDIATE WITHDRAWAL FROM AND DISMISSAL OF TEXAS V. KENNEDY

WHEREAS, Section 504 of the Rehabilitation Act of 1973 is a landmark civil rights provision for people with disabilities, protecting us from discrimination by federal agencies and recipients of federal funding in public education, work readiness programs, healthcare, elections, the court system, and more; and

WHEREAS, seventeen states’ attorneys general have filed suit in Texas v. Kennedy alleging that Section 504 is unconstitutional and should be entirely or partially enjoined, limiting it only to those programs, services, and activities directly funded by and through the Rehabilitation Act of 1973; and

WHEREAS, in a status report submitted on April 11, 2025, the seventeen states wrote that they “have no intention to seek any relief from this Court on Count 3 (Section 504 is Unconstitutional) of their Complaint . . .. And nothing in Plaintiffs’ Complaint seeks to restrain the disbursement of federal funds from the Department [of Health and Human Services] on the basis that Section 504 of the Rehabilitation Act is unconstitutional”; and

WHERAS, the Plaintiffs also seek for the Court to declare the Final Rule titled “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance” released by the United States Department of Health and Human Services on May 9, 2024, and which contains valuable website accessibility rules pertaining to federal government websites, as illegal and unconstitutional; and

WHEREAS, if Plaintiffs’ demand is granted, it will have a devastating impact on blind Americans’ rights to effective communication and reasonable accommodation in connection with government programs, services, and activities, including but not limited to education, employment, housing, healthcare, and other forms of civic life: Now, therefore,

BE IT RESOLVED by the Board of Directors of the National Federation of the Blind of New Mexico, this 4th day of August, 2025, that this organization immediately call upon the state’s Attorney General to withdraw their name from Texas v. Kennedy because of the far-reaching and harmful effects the lawsuit could have on Section 504 and the lives of blind and other disabled Americans generally; and

BE IT FURTHER RESOLVED that this organization call for the immediate dismissal of Texas v. Kennedy in order to protect blind people and all other Americans with disabilities by preserving the full force and effect of Section 504.