

When The Media Fans The Flames

Telling only part of the story doesn't help anyone

There was a story on local news last night about an incident at a Trader Joe's. You may have seen it. A woman was in the store without a mask, and the situation escalated into her "having a tantrum" and being booted from the store.

The problem is, the media missed half the story.

I saw the story on two broadcasts and reached out to both reporters, telling them they, indeed, missed half the story and offering my expertise as an advocate for people with disabilities, an attorney, and a journalist to give them an objective understanding of the situation. I have not yet heard back from either. Maybe they'll respond or maybe presenting the whole story doesn't fit the media's agenda. Time will tell.

In the stories that aired, we see a woman in a Trader Joe's in the area of the store just beyond the cash registers, before you get to the aisles. She is holding a basket and surrounded by at least one employee and multiple customers. The employee apparently tells her she has to wear a mask. She tells him she has a breathing problem and her doctor does not want her to wear a mask. He may have countered that he was sorry, but it's store policy; she has to wear a mask. She starts getting agitated. Customers start watching. The situation escalates to the binge worthy drama we love to see on TV. And it was completely avoidable.

Why didn't Trader Joe's train its employees how to deescalate a situation where a customer doesn't want to or can't wear a mask? They knew the issue would arise.

If Trader Joe's had provided adequate training, the employee would have asked the customer to move to an area of the store that was out of view and earshot from customers, where they could talk privately. This would have been safer for all the people standing around watching who staunchly believe in wearing a mask at any cost, and it would have given the customer the ability to explain her circumstances in a less stressful, less hostile environment.

I think we can all agree that food is essential and that buying food is an essential activity. Taking at face value her statement that she has a respiratory condition and her doctor does not want her to wear a mask, let's look further.

A woman with a breathing condition has to leave her house during a pandemic that affects one's breathing because she needs food, which is essential, so she goes to the store to get essentials.

A store employee at the front of the store, in front of multiple customers, tells her she has to wear a mask. She says something back to him. He says something to her. She

responds. People are gathering. Now they're taking out their phones and recording her. When someone with a disability is thrust into a situation like this – when pretty much anyone is thrust into a situation like this -- not only do frustration levels increase, but fear appears. “Oh no, I'm not going to be able to get the food I need. If I'm denied service here and I try another store, am I going to be denied again? How much energy am I going to have to expend to hunt and gather? What am I going to do if I come up empty?” You can read my [recent article](#) to better understand this dynamic.

We go into the fight or flight response. And that's exactly what happened here. It's on video for the world to see. She started yelling, she started screaming her reasons for not wearing a mask: she fought. And then, when she realized the futility, she fled: she threw down her basket and stormed out of the market.

I would suggest that, if put in the same situation – disability, essential outing, essential outing being thwarted – many if not all of the gawking, judgmental customers would have done the same thing she did. I would further suggest that, if put in the same situation, many of you would have done the same thing, too.

Not only was this woman correct that the store's actions could have been a violation of federal law, what she failed to mention is that the store's actions could have been a violation of state law, and they were definitely a violation of the local ordinance Trader Joe's said it was enforcing.

Title III of the Americans with Disabilities Act prohibits discrimination against people with disabilities in places of public accommodation. Trader Joe's is a place of public accommodation. A person who could not wear a mask because of her medical condition is a protected class under the Act and could file a claim under Title III, requesting a policy change or modification. While such a case has not yet been tested, there is reason to believe the customer would prevail.

State law prohibits discrimination based on disability or medical condition.

The local ordinance requiring face masks in Los Angeles County specifically states that as of June 19, 2020, “[t]hose instructed not to wear a cloth face covering by a medical provider are exempt from having to wear one.”

So, the woman was right. And she was unjustly vilified. And everyone who judged her was part of the problem, which so easily could have been avoided.

People with medical conditions who are precluded from wearing face coverings should carry with them a copy of the ordinance and a doctor's letter they can present to store employees when they are questioned. But stores also need to provide adequate employee training regarding this ordinance.

One of the reasons telling half the story was so attractive to the media is that it draws

ratings.

And one of the reasons it draws ratings is because of the pictures in peoples' heads of what disability looks like.

Close your eyes. What images come to mind? Wheelchairs? People who are blind? People who use ventilators to breathe? Who require the care of an attendant? People perceived as trying to game the system?

Disability includes all of those people. But that's not the whole picture.

It includes athletes and lawyers and school teachers. It includes people with autism and people with cancer. It includes people whose symptoms are different than yours. And it includes people with respiratory conditions who are precluded from wearing masks, but who are trying to buy food during a pandemic.

As of the 2010 census, there are more than 56.7 million people with disabilities in the United States, reflecting nearly 20 percent of the population. This number is expected to increase with the 2020 census.

Eighty-five percent of people with disabilities were born able-bodied.

This means that disability is the one minority group anyone can join. That can be a scary proposition, so we tend to distance ourselves from people with disabilities. We want to be as different from them as we can. That's why we stare. That's why we judge. Because we don't want to be them. Because we don't understand what disability is.

It is not Us and Them. If you live long enough, you are going to be a member.

If we can change the pictures in people's heads of what disability looks like, we can change the conversation. And if we can change the conversation, stories like the one we saw on the news last night will no longer be news.

The fact that the woman was right may not fit with the media's narrative. And it may not fit with your feelings about wearing masks. But the law is on her side. And it's a shame the media and all those who were so quick to judge didn't get the facts before publically shaming her.

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