

Judge orders Cuomo to add interpreter

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ALBANY – A federal judge has ordered New York Gov. Andrew Cuomo to add sign-language interpretation to his daily televised coronavirus briefings by Wednesday or offer an official explanation for why he cannot.

U.S. District Judge Valerie Caproni of Manhattan issued a preliminary injunction Monday requiring Cuomo’s office to “immediately implement in-frame (American Sign Language) interpretation during his daily press briefings,” which have been aired by state and national news networks for more than two months.

By Tuesday afternoon, Caproni pushed the order back a day after the state claimed “technical issues” prevented them from offering interpretation in the feed beamed out to television stations Tuesday.

Now, Cuomo must add sign-language interpretation to the feed Wednesday or file an affidavit with Caproni explaining the issues preventing it from happening.

Caproni’s injunction came after Disability Rights New York, an advocacy group, filed a lawsuit last month claiming Cuomo was violating the rights of deaf people by failing to provide an interpreter on the television feed.

The lawsuit sought an order requiring Cuomo provide sign-language interpretation viewable on television — not only on an online feed, as his office has provided since late March.

The three-sentence injunction Monday granted the advocacy group’s request. On Tuesday, Caproni issued a lengthier ruling explaining her rationale and pushing back enforcement to Wednesday.

In her order, Caproni said Cuomo’s office was preventing deaf New York residents who lack internet access or cannot read English from

“Responding to the community’s concerns and balancing the need to reduce density during this pandemic, we set up a dedicated ASL livestream channel that is being viewed by thousands of New Yorkers,” Cuomo senior adviser and spokesman Rich Azzopardi said Monday night.

Cuomo’s office added a sign-language interpreter to a video feed on the governor’s website in late March amid criticism from advocates who said closed captioning was unreliable and insufficient.

At the time, all 49 other governors had provided sign-language interpretation.

The state had resisted adding the interpreter to the televised feed, arguing that it had provided reasonable accommodations by providing the interpreter on the online feed.

At the time the lawsuit was filed, Azzopardi suggested the need for social distancing complicated efforts to add a sign-language interpreter in the room.

The interpreter on Cuomo’s online feed is in a remote location and shown on a split screen.

Cuomo delivered his daily briefing in the Binghamton area Tuesday afternoon, holding it in the early afternoon instead of his usual 11:30 a.m.

The governor’s office claimed the delay was not related to the judicial order, the enforcement of which wasn’t pushed back to Wednesday until early Tuesday afternoon.

Instead, Cuomo said he was watching the U.S. Senate’s coronavirus hearing, which wrapped up immediately before the governor started his briefing, which did not feature an ASL interpreter on the television feed.

In a statement Monday, Timothy Clune, Disability Rights New York’s executive director, said the deaf New Yorkers who brought the lawsuit

accessing necessary information about the state’s coronavirus response and steps to reopen the economy.

That put the state in violation of the Americans With Disabilities Act, which prohibits governments from excluding the disabled from government services or benefits or discriminating against them.

“Without immediate implementation of an in-frame ASL interpreter, Plaintiffs and other similarly situated deaf New Yorkers will continue to be denied timely access to this critical information, leaving them less able to comply with current orders and advice, less able to prepare for the future, and more anxious about current conditions and the future,” Caproni wrote.

A spokesperson for Cuomo said the governor’s counsel was reviewing the injunction late Monday.

“can no longer be an afterthought when it comes to daily life matters and especially emergency planning.”

“We should not have been forced to go to court to ensure the safety of thousands of deaf New Yorkers,” he said.