

A Brief History of the Disability Rights Movement

Americans with disabilities are a group of approximately 50 million people that today lead independent, self-affirming lives and who define themselves according to their personhood – their ideas, beliefs, hopes and dreams – above and beyond their disability. Since the mid 1900s, people with disabilities have pushed for the recognition of disability as an aspect of identity that influences the experiences of an individual, not as the sole-defining feature of a person.

People with disabilities have had to battle against centuries of biased assumptions, harmful stereotypes, and irrational fears. The stigmatization of disability resulted in the social and economic marginalization of generations of Americans with disabilities, and like many other oppressed minorities, left people with disabilities in a severe state of impoverishment for centuries.

In the 1800s, people with disabilities were considered meager, tragic, pitiful individuals unfit and unable to contribute to society, except to serve as ridiculed objects of entertainment in circuses and exhibitions. They were assumed to be abnormal and feeble-minded, and numerous persons were forced to undergo sterilization. People with disabilities were also forced to enter institutions and asylums, where many spent their entire lives. The “purification” and segregation of persons with disability were considered merciful actions, but ultimately served to keep people with disabilities invisible and hidden from a fearful and biased society.

The marginalization of people with disabilities continued until World War I when veterans with disabilities expected that the US government provide rehabilitation in exchange for their service to the nation. In the 1930s the United States saw the introduction of many new advancements in technology as well as in government assistance, contributing to the self-reliance and self-sufficiency of people with disabilities.

President Franklin Delano Roosevelt, the first president with a disability, was a great advocate for the rehabilitation of people with disabilities, but still operated under the notion that a disability was an abnormal, shameful condition, and should be medically cured or fixed.

In the 1940s and 1950s, disabled World War II veterans placed increasing pressure on government to provide them with rehabilitation and vocational training. World War II veterans made disability issues more visible to a country of thankful citizens who were concerned for the long-term welfare of young men who sacrificed their lives to secure the safety of the United States.

Despite these initial advancements made towards independence and self-reliance, people with disabilities still did not have access to public transportation, telephones, bathrooms and stores. Office buildings and worksites with stairs offered no entry for people with disabilities who sought employment, and employer attitudes created even worse barriers. Otherwise talented and eligible people with disabilities were locked out of opportunities for meaningful work.

By the 1960s, the civil rights movement began to take shape, and disability advocates saw

the opportunity to join forces alongside other minority groups to demand equal treatment, equal access and equal opportunity for people with disabilities. The struggle for disability rights has followed a similar pattern to many other civil rights movements – challenging negative attitudes and stereotypes, rallying for political and institutional change, and lobbying for the self-determination of a minority community.

Disability rights activists mobilized on the local level demanding national initiatives to address the physical and social barriers facing the disability community. Parent advocates were at the forefront, demanding that their children be taken out of institutions and asylums, and placed into schools where their children could have the opportunity to engage in society just like children who were not disabled.

In the 1970s, disability rights activists lobbied Congress and marched on Washington to include civil rights language for people with disabilities into the 1972 Rehabilitation Act. In 1973, the Rehabilitation Act was passed, and for the first time in history, civil rights of people with disabilities were protected by law.

The Rehabilitation Act of 1973 (Section 504) provided equal opportunity for employment within the federal government and in federally funded programs, prohibiting discrimination on the basis of either physical or mental disability. Section 504 of the Rehabilitation Act also established the Architectural and Transportation Barriers Compliance Board, mandating equal access to public services (such as public housing and public transportation services) to people with disabilities, and the allocation of money for vocational training.

In 1975, the Education for All Handicapped Children Act was passed to guarantee equal access to public education for children with disabilities. This act of legislation specified that every child had a right to education, and mandated the full inclusion of children with disabilities in mainstream education classes, unless a satisfactory level of education could not be achieved due to the nature of the child's disability.

The Education for All Handicapped Children Act was renamed in 1990 to the Individuals with Disabilities Education Act (IDEA), which further elaborated on the inclusion of children with disabilities into regular classes, but also focused on the rights of parents to be involved in the educational decisions affecting their children. IDEA required that an Individual Education Plan be designed with parental approval to meet the educational needs of a child with a disability.

In the 1980s, disability activists began to lobby for a consolidation of various pieces of legislation under one broad civil rights statute that would protect the rights of people with disabilities, much like the 1964 Civil Rights Act had achieved for Black Americans. The Civil Rights Act of 1964 prohibited discrimination on the basis of race, religion, national origin, or gender, but people with disabilities were not included under such protection.

After decades of campaigning and lobbying, the Americans with Disabilities Act (ADA) was passed in 1990, and ensured the equal treatment and equal access of people with disabilities to employment opportunities and to public accommodations. The ADA intended to prohibit discrimination on the basis of disability in: employment, services rendered by state and local governments, places of public accommodation, transportation, and telecommunications services.

Under the ADA, businesses were mandated to provide reasonable accommodations to people with disabilities (such as restructuring jobs or modifying work equipment), public services could no longer deny services to people with disabilities (such as public transportation systems), all public accommodations were expected to have modifications

made to be accessible to people with disabilities, and all telecommunications services were mandated to offer adaptive services to people with disabilities. With this piece of legislation, the US government identified the full participation, inclusion and integration of people with disabilities in all levels of society.

While the signing of the ADA placed immediate legislative demands to ensure equal access and equal treatment of people with disabilities, deep-rooted assumptions and stereotypical biases were not instantly transformed with the stroke of a pen. People with disabilities still face prejudice and bias with the stereotypical portrayal of people with disabilities in the movies and in the media, physical barriers to schools, housing and to voting stations, and lack of affordable health care. The promise of the ADA is yet to be fully realized, but the disability rights movement continues to make great strides towards the empowerment and self-determination of Americans with disabilities.

Glossary

Advocate: *a person that argues for a cause, a supporter or defender.*

Allocation: *to set apart for a special purpose, to distribute according to a plan.*

Marginalization: *to confine to a lower social standing.*

Mobilize: *to assemble, prepare, or put into operation for a purpose.*

Rehabilitation: *to restore to good condition, health, and capacity.*

Self-determination: *freedom of people to determine their own status and independence.*

Sterilization: *the act of making a person infertile, or unable to conceive a child.*

Stigmatization: *to characterize as disgraceful.*

Vocational training: *training for a job.*

Sources :

- *Disabled Rights: American Policy and the Fight for Equality by Jacqueline Vaughn Switzer (Washington, D.C., Georgetown University Press, 2003).*
- *The Disability Rights Movement: From Charity to Confrontation by Doris Zames Fleischer and Freida Zames (Philadelphia: Temple University Press, 2001).*

Text of Document: ADA Amendments Act of 2008
Back To Basics

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While the majority of Americans were preoccupied with the end of summer and an historic presidential election, Congress was busy passing a popular bipartisan bill that provides expanded protection under the Americans with Disabilities Act (ADA). The extensive support for this bill allowed Congress to move quickly, passing it in the Senate on Sept. 11, 2008, and in the House on Sept. 17, 2008.

On Sept. 25, 2008, the President signed the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) with an effective date of Jan. 1, 2009 (S. 3406). The ADAAA ensures protections for people with disabilities whose conditions have been denied as ADA eligible through years of Supreme Court ADA interpretation. The ADAAA greatly expands the number of persons eligible under the ADA of 1990.

Most importantly for employers, the new laws bring central focus to employer compliance. "Did the employer reasonably accommodate the disabled employee?" rather than "Is the condition really considered a disability?"

The amendments restore benefits by making changes to the definition of the term "disability" that more closely mirror the intentions of the original act as passed in 1990. Perhaps just as significantly, the ADAAA overturns more than a decade of court cases involving those with conditions such as epilepsy, diabetes, autism, attention deficit disorder, developmental delays, intellectual disabilities, muscular dystrophy and cancer. Additionally, other illnesses that affect major life activities such as working, communicating, concentrating, thinking, reading, and other activities of central importance now fall under the protections of ADA and are considered a protected disability under ADA.

As stated in the new legislation, the purpose of this act is:

(1) to carry out the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA.
