

Civil Rights for People with Disabilities: Framing the Discussion

No discussion on accessibility is complete without understanding the history of accessibility as a civil right. The Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 are significant laws in the United States' long history of enacting legislation to ensure the civil rights of its people. The concept of civil rights in this country began with the signing of the Declaration of Independence. Unfortunately, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness," although promising in sentiment, did not provide specifics. Hence, the disability rights movement, although relatively new, vividly brings the needs, concerns and rights of people with disabilities to national attention.

1776: The Declaration of Independence states "all men are created equal."

1865: The Thirteenth Amendment to the Constitution abolishes slavery.

1868: The Fourteenth Amendment holds that no state can deny any U.S. citizen equal protection under the law.

1920: The Nineteenth Amendment grants women the right to vote.

1935: The League of the Physically Handicapped, New York City, protests discrimination against people with disabilities by federal relief programs with sit-ins, picket lines and demonstrations.

1964: The Civil Rights Act of 1964 prohibits employment discrimination based on race, sex, national origin or religion, and prohibits public access discrimination.

1967: The Age Discrimination in Employment Act (ADEA) prohibits age discrimination for 40 to 65-year-olds. In 1986, it is amended to remove the 65-year-old age cap.

1968: The Architectural Barriers Act mandates that federally constructed buildings and facilities be accessible to people with physical disabilities.

1970: Disabled in Action organizes, after a successful employment discrimination suit against New York City's public school system, and files litigation on behalf of disability rights in several cities.

1971: The U.S. District Court of Alabama, in a crucial victory for de-institutionalization, rules that people with disabilities cannot be locked away in "custodial institutions" without treatment or education.

1971: Disabled activists in Washington, DC demonstrate to protest the Presidential veto of what will become the Rehabilitation Act.

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- 1973:** The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in federal employment and the employment practices of federal contractors. Most importantly, Section 504 forbids discrimination against people with disabilities in any activity or program that receives federal financial assistance. The Secretary of Health Education and Welfare (HEW) did not issue regulations implementing Section 504 until April 28, 1977.
- 1975:** The Education for All Handicapped Children Act (EAHC) establishes the right of children with disabilities to an integrated public school education. In 1990 it is amended and renamed the Individuals with Disabilities Act (IDEA).
- 1976:** The fight by disability rights activists for accessible transportation starts with the Transbus group and continues with the organization of American Disabled for Accessible Public Transit (ADAPT) in 1983.
- 1977:** Disability rights activists in 10 cities demonstrate and occupy the offices of the Department of Health Education and Welfare (HEW) to force issuance of regulations implementing Section 504 of the Rehabilitation Act. The demonstrations galvanize the disability community nationwide. On April 28, the regulations are signed.
- 1981:** The Disability Rights Education and Defense Fund (DREDF) and the Disability Rights Center respond to the threat to amend or revoke regulations implementing Section 504 and the EAHC with intensive lobbying and grassroots efforts. After three years, attempts to revoke or amend the regulations are dropped.
- 1984:** The Voting Accessibility for the Elderly and Handicapped Act mandates that polling places be accessible or that ways be found to enable elderly and people with disabilities to exercise their right to vote.
- 1988:** Deaf students at Gallaudet University, Washington, DC, shut down and occupy the campus demanding selection of a deaf president. The Board of Trustees capitulate and announce the University's first deaf president.
- 1989:** The Congress and Senate take up the reintroduced second draft of the Americans with Disabilities Act (ADA). Disability organizations across the country advocate on behalf of ADA.
- 1990:** Hundreds of people with disabilities come to the nation's capital in support of the ADA. ADAPT activists occupy the Capitol rotunda and are arrested.
- 1990:** Americans with disabilities gain their full civil rights in the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation and telecommunications.