

# Beyond the Americans with Disabilities Act

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Hi. I'm Paula Wolff. In the Summer 2012 issue of *New Politics* Betty Reid Mandell has an article called "Means Testing Shredding the Safety Net." I wrote an article with a similar title called "Welfare Reform, Shredding the Safety Net" which appeared in *ABLE News* shortly after July 26, 1996 when, under the guise of national welfare reform, immigrant workers who were ill or disabled or became ill or disabled after working here in the United States at some of the poorest paid jobs with some of the worst working conditions trying to support themselves and their families, could no longer qualify for income support and health insurance even if they met the incredibly restrictive income levels required. This was a disgrace! But the federal government did nothing and a major advocacy agency for the elderly, AARP, also did nothing. As a civil and disability rights activist and social worker I found this a disgrace!

I was asked to speak tonight about the disability rights movement, and I will try to do so. Like any movement, we've had some stars over the past 40 or so years. But the disability rights movement didn't start in a vacuum. It started as a result of other civil rights struggles and what we learned from them. We witnessed the civil rights struggles of Black people in the south to integrate schools and public facilities like restaurants, and to sit anywhere they choose on a public bus. In fact, the disability rights movement fought for many of the same things: the right to have access to public facilities like restaurants, schools, and to public transportation when we fought for the Rehabilitation Act of 1973, which banned discrimination against persons with disabilities in places that receive federal funds. And there were 28 days of sit-ins in California for this. We fought to have this right expanded and not limited to places receiving federal funds and it was when we fought for and got with the Americans with Disabilities Act (ADA) signed into law on July 26 of 1990.

Although the passage of the ADA was a huge victory, and many people think of it as a kind of Declaration of Independence for Persons with Disabilities this is actually not the case. Although it is an important civil rights law trying to end or at least diminish discrimination faced by persons with all types of disabilities and those perceived as having a disability or a record of such an impairment, the ADA falls extremely short of reaching its intended goal. Why? For one thing, it is a law without teeth and is only enforced if those who feel their rights have been violated under this law choose to sue. It is also an unfunded mandate. Also, since the ADA passed, there have been many attempts to weaken it. In addition, our rights, such as the right of a person who uses a wheelchair to enter an older building, are dependent upon the cost of making the entrance accessible and whether the building with access issues requests a waiver due to financial hardship. So, our rights to access, to accommodation in the workplace, etc. are not guaranteed as civil and human rights even with the Americans with Disabilities Act. They are still dependent upon cost and the "good will" of the particular program, building, or workplace. That is not equality!

We've also learned from the struggles of the women's movement and by the struggles of gay, lesbian and transgendered people, who share many of the issues we still fight for—the right to work, the right to marry (since the need to qualify for government health programs forces many persons with disabilities to remain officially single, unable to marry out life partners), the right to housing, and the right to equality in healthcare access and education, and to an end to discrimination.

I've been involved in civil and disability rights for about 35 years and presently serve as president of Disabled in Action, a civil rights group for persons with disabilities and others who share our goals. DIA was started about 40 years ago by Judy Heuman. Ms. Heuman was a wheelchair user who had completed teacher training and wanted to get a license to teach in the New York City schools.

Although she had completed all the requirements, at that time a person with a disability had to go for a "Special Competency Test." Basically they placed you in a school and asked you to do whatever would be difficult because of your disability.

I'm happy to say that I was the last person with a disability going for a license to teach in the New York City schools who had to take that "Special Test." I was already working as a Special Education Teacher in a private school in New Jersey, and, no, that principal writing a letter that I was doing really good work and managing all teaching duties was Not good enough. As a teacher who was legally blind (I was not yet in the wheelchair) they asked me to lead all the students in the school in an assembly, describe what was on the walls in a large room (I had asked one of the teachers what was on the walls before they came), and when they handed me a newspaper and told me to read it I read them a headline. I showed them large print recordkeeping charts and they watched me work with students. I got the teaching licenses. That was back in 1984.

There have certainly been some changes in the past 35 years. We have civil rights laws. New construction is usually required to be accessible. We fought for and now have lifts on the city buses (myself and many other wheelchair users threw ourselves onto the lifts hundreds of times waiting for a bus) and a limited number of subway stations (yes, I know the gaps are a problem.) We will soon see accessible long distance buses. We often see wheelchair access seating at public events, and assistive listening devices at many public places such as movie theaters.

Do we have an end to employment discrimination? With an unemployment rate of around 70%, of course not. Do we have equality of access to education or healthcare? No again. Do we have to fight to maintain the gains we've made, and to work for more? Of course! Occupy gives those of us in the disability community a unique opportunity to join coalitions fighting for social justice. We've been able to help Occupiers see that as victims of oppression and poverty we are part of the 99%. Thank you.

*Paula Wolff is President of Disabled in Action and active in Occupy Wall Street. She has participated in the disability rights movement for more than 35 years. She is a social worker and direct services supervisor at the Center for Independence of the Disabled, New York.*