



# Disability Awareness, Rights, and Justice

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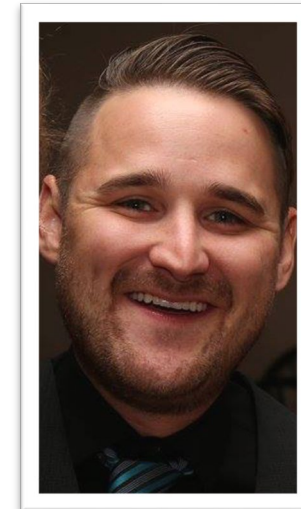
# Presenters



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# Learning Objectives

- Become familiar with the history of people with disabilities since the 1800's (strong language advisory)
- Learn the difference between the Medical Model and Social Model of disability
- Explore current disability language and perceptions
- ADA overview
- ADA in practice
- Meeting Accessibility
- Service Animals

Approximately  
25% of the  
population has  
a disability as  
defined by law.

52% of the  
population 65  
years of age  
and older has  
a disability.

Globally the  
disability  
community  
has exceeded  
the size of  
China at 1.3  
billion people.

## When I meet someone with a disability that I'm not familiar with...

- a) I often feel uncomfortable and/or ignorant.
- b) I am usually curious and/or sometimes stare.
- c) I often feel bad for them.
- d) Some combination of the above.
- e) Other



# What's Wrong with Saying...?

- “You don’t look disabled.”
- “You’re so independent for someone with a disability.”
- *(To someone who uses a wheelchair)* “I totally understand where you’re coming from. I got to try out a wheelchair for an hour when we were studying AT, and it was so hard to get around.”
- “It’s amazing you’re able to leave your home today.”
- “You’re an inspiration.”

A system of assigning value to people's bodies and minds based on societally constructed ideas of normalcy, productivity, desirability, intelligence, excellence, and fitness. These constructed ideas are deeply rooted in eugenics, anti-Blackness, misogyny, colonialism, imperialism, and capitalism.

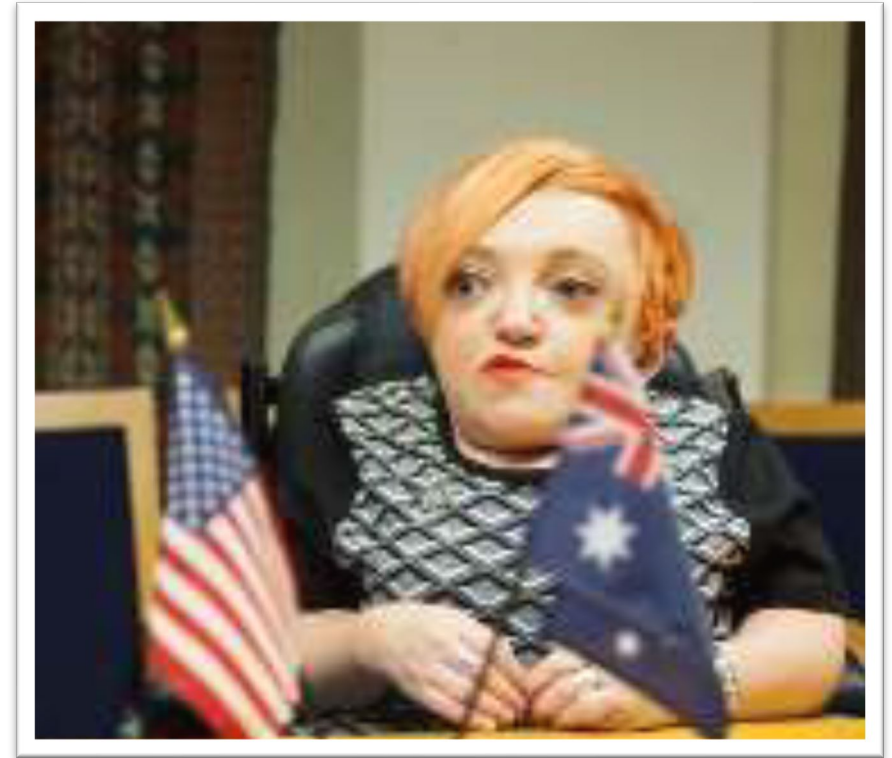
This systemic oppression that leads to people and society determining people's value based on their culture, age, language, appearance, religion, birth or living place, "health/wellness", and/or their ability to satisfactorily re/produce, "excel" and "behave." You do not have to be disabled to experience ableism.

Working definition by @TalilaLewis, updated January 2022, developed in community with disabled Black/negatively racialized folk, especially @NotThreeFifths. Read more: [bit.ly/ableism2022](https://bit.ly/ableism2022)

# Disability History is Important

“In days gone by, short statured people were not only labelled as ugly, stupid and freakish, they were often owned by aristocrats and treated, at best, as entertainment and, at worst, as pets.”

- *Stella Young, comedian, writer, and activist*





# The Medical Model and Eugenics: Early to mid 1900's

The study of how to arrange reproduction within a human population to increase the occurrence of heritable characteristics regarded as desirable. Developed largely by Sir Francis Galton as a method of improving the human race, eugenics was increasingly discredited as unscientific and racially biased during the 20th century, especially after the adoption of its doctrines by the Nazis in order to justify their treatment of Jews, disabled people, and other minority groups.



# Language and Methods of Eugenics



- Handicapped, impaired, gimp, cripple, deformed
- Undesirable, deviant, degenerate, defective, irregular
- Idiot, imbecile, moron, feeble-minded
- Mongol, Mongoloid
- Mentally unfit, lunatic
- Needy blind
- IQ Tests
- Forced Sterilization
- Institutionalization
- Medical rationing
- Organ Transplant Lists
- Genocide
- Segregation
- Police murders
- Incarceration
- Rape

# American States Legalize Forced Sterilization

- 1907: Indiana is first of 32 states to pass Eugenic Sterilization laws
- 1927: Buck v. Bell finds compulsory sterilization constitutional
- 1953: Radiation experiments conducted without consent
- 2022: Buck v. Bell ruling still stands





# Advocacy & Social Justice: Mid-1900s to 2000s

- Mentally-retarded
- Wheelchair-bound
- Shell-shocked
- Mentally limited
- Visually limited
- Down Syndrome
- Differently-abled
- Vegetable
- Crazy



# Institutionalization

## A Shock to the American Conscience: 1965 America's Treatment of People with Mental Illness and Intellectual Disabilities



“What can one do with those patients who do not conform? We must lock them up, or restrain them, or sedate them, or put fear into them.”  
– *Institution Attendant, 1965*



# Institutionalization in Minnesota

## *Welsch v. Likins*

- In August 1972, six people who were residents of six different Minnesota state hospitals, due to their developmental disabilities filed a lawsuit in the U.S. District Court for the District of Minnesota alleging that conditions in the institutions violated their constitutional rights.
- "The evidence in the instant case is overwhelming and convincing that a program of "habilitation" can work to improve the lives of Cambridge's residents. Testimony of experts and documentary evidence indicate that everyone, no matter the degree or severity of retardation, is capable of growth and development if given adequate and suitable treatment". *Welsch v. Likins*. 373 F. Supp. 487, 495 (D. Minn. 1974)

# 1950s to Present: TV Fundraisers and Pity

## Jerry Lewis Telethon: 1966 – 2010

- Plight
- Crippled
- Handicapped
- Curse
- Half a person
- Steel imprisonment

## Jerry Lewis to disability rights activists in 2001:

- They're sitting in chairs I bought them
- Pity? You don't want to be pitied because you're a cripple in a wheelchair? Stay in your house!



**Lewis:** "You know that I love you? Huh? Answer me."

**Child:** "Yes."

**Lewis:** "Now let's see if we can get the people out there to answer you, too."



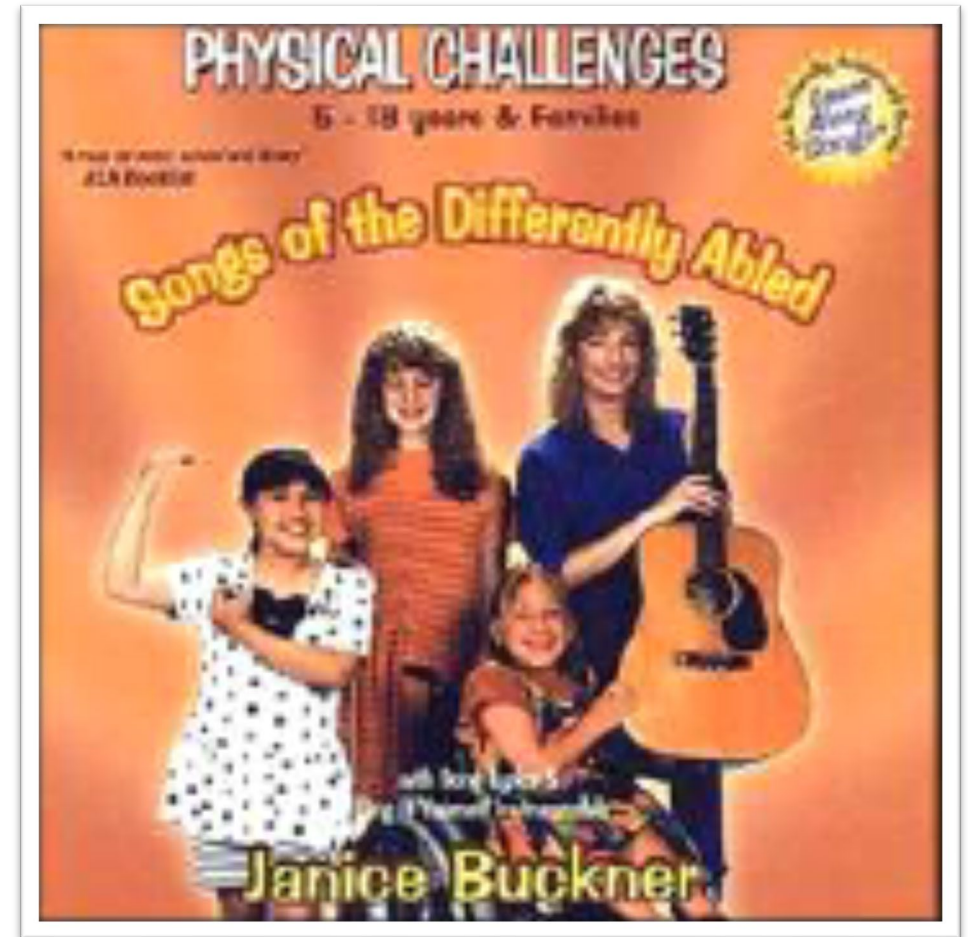
# Civil Rights: The Capitol Crawl and the ADA in 1990





# 1980s – early 2000s: Differently-abled

- Originated in the early 1980s
- Avoid perceived negative connotations of the prefix 'dis' in disabled
- Create a more acceptable, positive term than “handicapped”
- Relies on euphemisms like “special needs”



# Medical Model vs. Social Model

## Medical Model (predominantly accepted)

- Disability is a deficiency or abnormality
- Having a disability is negative (you are broken and need fixing)
- Disability is in you, and it is your problem
- Remedy disability through a medical cure
- The fix is found with a professional

## Social Model (requires paradigm shift)

- Disability is a difference, just as a person's gender, age or race is a difference
- Having a disability is neutral. It is a part of who you are.
- Disability exists in the interaction between the individual and society
- Remedy is a change in the interaction between the individual and society
- Fix can be found within the individual or anyone who wants people to be equally included in society

# Today's Language Models

People-First

“Person with a disability”

Identity-First

“Disabled person”



# People-First: “Person with a Disability”

- Personhood is mentioned first.
- Disability is a secondary aspect of a person.
- Affirms that a person has value and worth, and that their disability is separate from their self worth.
- Use in professional writing and speaking, and if not informed of individual’s preference.



# Why Some Prefer Identity-First Language

“‘Autistic’ is another marker of identity. It is not inherently good, nor is it inherently bad... I am Autistic. I am also East Asian, Chinese, U.S. American, a person of faith, leftist, and genderqueer.”

–*Lydia X.Z. Brown, writer, educator, organizer, speaker*



Ballerina or  
Person who does  
ballet?  
Women or People  
who are women?  
“Do you use  
identity first  
language for  
things you  
consider  
positive?”  
– *Amy Sequenzia,*  
*Activist*

# Examples of Disability Language in Writing

Use	Don't Use
Person with a disability	Disabled person, the disabled
People without disabilities	Normal, healthy, able bodied
Woman with paraplegia	Paraplegic
Person who has had a stroke	Stroke victim
Person with an intellectual disability	Slow, differently-abled, special, retarded, delayed
Man of short stature or little person	Dwarf, midget
Person with schizophrenia	Schizophrenic, schizo , insane, crazy
Person with a speech disability	Stutterer, stammered, mute, dumb
Person with epilepsy	Epileptic, epilepsy sufferer
Woman who uses a wheelchair	Wheelchair bound, confined to a wheelchair
Accessible parking	Handicapped parking

# Americans with Disabilities Act

- Title I – Employment
- Title II – Public Services: State and Local Government
- Title III – Public Accommodations and Services Operated by Private Entities
- Title IV – Telecommunications
- Title V – Miscellaneous Provisions

- Requires government to be accessible no matter what (unlike Title III's Readily Achievable)
- Agencies must have a Transition Plan
- Must Provide Reasonable Accommodations to the public (to employees under Title I)
- [Statewide Title II policy](#) reaffirms the ADA and has in-depth guidance
- Yay AG's Office, you have all this on your website
- Accommodation Language: "To request a reasonable accommodation or an alternative format of this information please contact..."



- Includes all disabilities (broadened definition)
  - Courts were taking a narrower view of disability
- Applies to all five titles
- No more “mitigating measures”
- Changed some of the technical guidelines (reach ranges)
- ADA applies in more circumstances
- [https://archive.ada.gov/regs2016/adaaa\\_qa.html](https://archive.ada.gov/regs2016/adaaa_qa.html)

# ADA = Civil Rights

- Enforcement: DOJ, MN Dept. of Human Rights, Litigation
- ADA is the bare minimum
- No grandfather provision
- Accommodation vs. Accessibility
- Everyone benefits from accessibility
- Privilege vs. Right

# Non-Apparent Disabilities and Communication Styles

- Is a physical, mental or neurological condition that is not visible from the outside, yet can limit or challenge a person's movements, senses, activities, speech and processing.
- Also known as “invisible” or “hidden” disabilities.
- People are often accused of faking or imagining their disabilities.
  - “You don't look disabled.”
- Accommodation process can be more difficult.
- Folks may process information and communicate in a different way than the general population.

# Service Animals

- Not only used by people who are blind.
  - There are PTSD, Deaf, wheelchair, mental health, seizure, etc. dogs.
  - Pulling a wheelchair.
  - Assisting an individual during a seizure.
  - Retrieving items such as medicine or the telephone.
  - Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
  - Alert person with diabetes when their blood sugar is low.



# Interacting with Service Animal Handlers

- Ignore the service animal, it is working.
- Ask the handler if they need more seating space for the service dog.
- If other service dogs are present, be sure to inform the handler and ask their seating preference.
- Service dogs need to be always under the control of their handler.



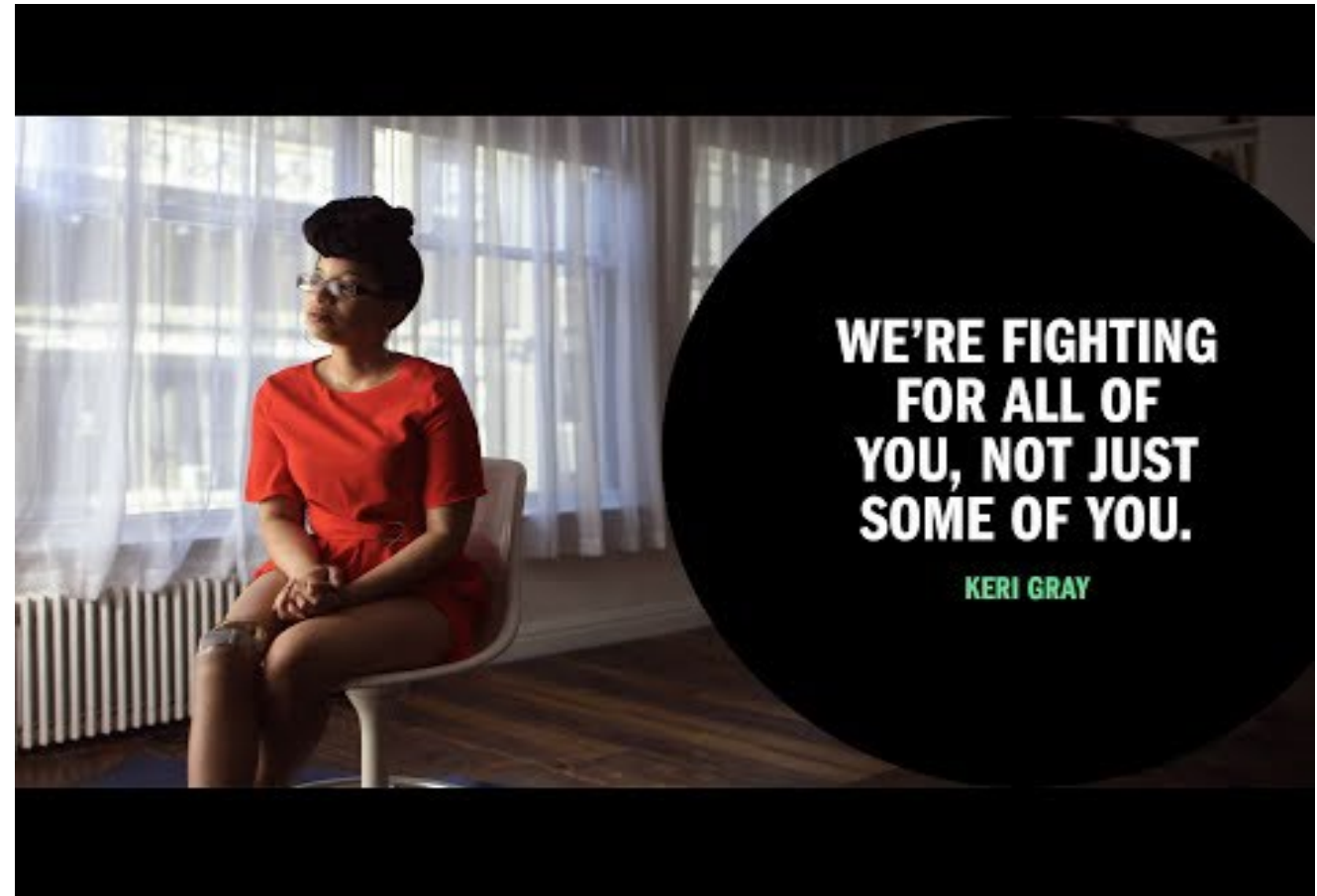
# Effective Communication

- The ADA requires public entities and public accommodations to provide effective communication including:
  - Qualified ASL interpreters
  - Audio recording
  - Live captioning (CART)
  - Braille
  - Large print
  - Accommodation language in all meeting invite

# Disability Justice is the Future

The movement is emerging and provides an opportunity for transformation. The framework of Disability Justice can help you make decisions that allow equitable futures for those most marginalized.

When we uplift those who are most marginalized, we naturally lift up everyone else.





Remember:

**People with disabilities are “just” people!**





- Don't hesitate to get personal.
- There are no stupid questions.
- We are here to help you learn.
- There's no need to be awkward!

# For Information or Assistance

## Minnesota Council on Disability

1600 University Ave., Suite 8

Saint Paul, Minnesota 55104

651-361-7800 (V/TTY)

1-800-945-8913 (V/TTY)

[www.disability.state.mn.us](http://www.disability.state.mn.us)



## Mid-Minnesota Legal Aid/ Minnesota Disability Law Center

111 N. 5th St., Suite 100

Minneapolis, Minnesota 55403

612-332-1441

<https://mylegalaid.org>





# Thank You!