



Advocating for  
disability civil rights  
since 1979

**From Civil Rights to Human Rights**  
**Comments by Silvia Yee, DREDF Attorney**  
**April 23, 2007 – 30<sup>th</sup> Anniversary of the 504 Sit-In**

It is a pleasure and an honor to be here with you all today, celebrating the 30<sup>th</sup> anniversary of the 504 sit-in. I have been asked to just share a few thoughts with you about the relationship between civil rights and human rights, so I have scraped together a few things that are mostly personal reflections, and any flaws of logic or rhetoric are attributable entirely to me and not to my organization. (As a lawyer, it's difficult for me to speak without first issuing a disclaimer.)

Section 504, like all civil rights laws, cast what I think of as a spotlight on particular groups that historically were not acknowledged as legal persons or equals in American society. It was civil rights laws that forced Americans to acknowledge the “other,” people who had a different color of skin or racial identity, who had a different gender or sexual preference, who moved or responded or communicated differently. Moreover, civil rights *insisted* that this difference was not relevant when it came to jobs, to citizenship, to the right to get around, to access to goods and services, and to social participation and worth.

The video that we all just watched together was “in your face” proof that people with disabilities want the same things, have the same determination, and can achieve goals just like everyone else. It was battle cry to get rid of the many legal, societal, structural and procedural barriers that we've put up in this country

---

**DISABILITY RIGHTS EDUCATION & DEFENSE FUND**

Main Office: 2212 Sixth Street, Berkeley, CA 94710 • tel: 510.644.2555 [V/TTY] fax: 510.841.8645

Government Affairs: 1730 M Street NW, Suite 801, Washington, DC 20036 • tel: 800.348.4232

[www.dredf.org](http://www.dredf.org)



– the way we BUILD things and the way we're used to DOING things - and let people with disabilities get on with their lives and earn an equal place in society.

So, have disability civil rights law been effective?

In 2005, the National Council on Disability, a small independent federal agency charged with making recommendations to Congress and the Administration on issues, policies and laws affecting PEOPLE WITH DISABILITIES, selected my organization, DREDF, to conduct a study on the implementation of the Americans with Disabilities Act (ADA). The ADA, which among other things expanded Section 504's non-discrimination mandate to the private sector, is generally thought of as "the" U.S. disability civil rights law. For 12 months, DREDF conducted research and held stakeholder meetings across the country with large and small businesses, state and federal government representatives, private employers, people with disabilities and disability advocates, and attorneys and judges to identify ongoing problems and gaps in the law's implementation, and develop recommendations on innovative means and collaborations which could improve implementation.

It is clear that the ADA, along with other disability civil rights laws like Section 504 and the Individuals with Disabilities Education Act, has undoubtedly helped PEOPLE WITH DISABILITIES to achieve some amazing outcomes: the built landscape from East to West is truly different across the nation, Transportation – train, bus and auto – is accessible to an unprecedented degree, kids with disabilities go to school and young adults with disabilities go to college and get advanced degrees, people with hearing impairments can call friends across town or in other states, and people with visual impairments get their own bank statements in Braille. In many parts of the country, PEOPLE WITH DISABILITIES that were institutionalized or would have been candidates for large

nursing homes can instead move back to the community with appropriate supports and services.

At the same time we found that there are specific areas where there are stubborn pockets of resistance to change: small businesses across the country remain unaware of their access obligations and unwilling to take proactive steps to comply with the law. Employment remains an area where progress has been both elusive and difficult to measure. Healthcare in the private provider offices where almost 90% of outpatient visits occur continues to be rife with both structural and programmatic barriers, by which I mean office policies and procedures that do not take account of patient's who for example need lifting assistance or sign language or a little extra time for effective examinations. There is the ongoing factor of media that sacrifices reporting on larger social issues in favor of personal stories that either stereotype or demonize the person with a disability. And in all areas, there is not enough enforcement, not enough will, and too much inertia.

Do these findings indicate that that civil rights has nowhere else to go or has failed in its job? Quite the contrary, civil rights has been a critical tool that people with disabilities have wielded to crack open our ideas about "who is worthy." Civil rights put legal rights and access to administrative and judicial courts directly into the hands of those who were not accepted as "normal," so that they could force entry to schools, jobs, movie theaters, voting booths, buses, and subvert the idea of "normal" from an insider's position. If the gal next to you at work has diabetes, maybe diabetes is "normal." If you chat on the bus with someone who uses a wheelchair, maybe mobility aids are normal. If you sell groceries to a fellow who lives independently down the street in an apartment with his assistant, then maybe assisted living is normal.

Maybe, however, it's time for an additional tool. One that doesn't just provide a way to subvert our ideas of what is "normal," but actually aims at a complete overthrow of "the tyranny of the normal." Civil rights acknowledges that people with disabilities have a right to receive reasonable assistance that enables them to prove or attain their equal worth, but it does not necessarily ensure that EVERY person, regardless of what he or she can or cannot do, is accepted as someone who has inherent worth and an equal right to economic subsistence and needed social supports. Human rights, on the other hand, insists that the worth a human being does not lie in what they can or cannot do or express, with or without assistance, but in the simple fact of being human. It declares that the ideal of humanity is a family, a community, and not a "club."<sup>1</sup>

In highlighting the significance of human rights for PEOPLE WITH DISABILITIES, I would like to quote the following words written late in 2006 by an esteemed colleague, Gerard Quinn, who is professor of law at Galway and a member of the Irish Human Rights Commission. Professor Quinn was deeply involved in the United Nations process that eventually culminated in a UN Convention on the Rights of Persons with Disabilities, and he gave his personal thoughts on the treaty as follows:

I think a disability treaty was needed for many reasons – but one stands out for me. It has nothing to do with law – and everything to do with the war of ideas.

. . . persons with disabilities suffered a form of "civil death". It is remarkable how in many different cultures throughout the world persons with disabilities were effectively treated as lesser human beings. It is as if the rationality of our values (valuing each human being equally) pointed in one direction and our culture pulled in the other. And the contradiction was not even experienced or acknowledged a contradiction.

---

<sup>1</sup> I am indebted to Leo Kittay for the family/club comparison, Eva Feder Kittay with Leo Kittay, "On the Expressivity and Ethics of Selective Abortion for Disability: Conversations with My Son," in *Prenatal Testing and Disability Rights*, eds. E. Parens and A. Asch (Washington, D.C.: Georgetown University Press, 2000), pp. 165-195.

So, for me, the treaty basically places a mirror before society. It makes us face up to our own values – to our so-called ‘legacy values’ of dignity, autonomy equality and social solidarity. It forces us to acknowledge the large gap that still exists between the ‘myth system’ of our values and the ‘operations system’ of how these values are in fact dishonoured in daily practice.

. . . As with all mirrors we can refuse to look at it, or we can look at it but ignore its reflection or we can take notice of our reflection and commit to a process of change. The treaty is a trigger for this worldwide process of change which is likely to accelerate in the next five years.

I love Professor Quinn’s imagery of a mirror, because it provides a very neat contrast to the “spotlight” that I think civil rights tends to be. A mirror confounds the FICTION that each of us is wholly independent, capable of living our own lives without expressing our need for community or asking help of others. A mirror confronts us with the sad fact that even though we may like to speak of the human race as if we are a family – one where the members inherently value one another for who we are rather than what we do, we are still far more prone to treat one another like members of some exclusive “club.” A club in which each of us is only the sum of our parts, our abilities, as measured against some mythical “normal” person that is also, incidentally, in the prime of his or her life.

A mirror shows us ourselves as we age, as we grow and therefore inevitably change and experience gains *and* losses. It shows us people of color, people of various genders and sexual orientations, people with disabilities – many of who are in school, working, in relationships, traveling, and making myriad autonomous decisions. It also shows us people who may never, with the very latest technological and human assistance, “prove” that they can perform similarly enough to “pass” as normal.

Human rights dares to overthrow the “tyranny of the normal,” and accept that we don’t have to pass as anything. It asserts that humanity comes in a tremendous range of shapes, functioning, abilities, and expressive capability. Let’s just accept this, and together, get on with establishing a framework of social, economic, cultural, civil and political justice that will maximize the life that each of us has been given. On a very practical level, this means that even as the disability community continues to fight for access to voting places, buses, shops, and jobs, people with various disabilities must also have a place at the table as the nation and California and San Francisco talk about things like healthcare reform, social security benefits, environmental justice, and the uses of genetic technologies. We cannot resolve these issues without acknowledging and doing something about the human diversity that is reflected in the mirror of this latest UN Convention on the Rights of Persons with Disabilities. Let us walk and roll forward, and not only survive but thrive on this globe together.