On July 26, 1990, as he signed the sweeping civil rights legislation, the Americans with Disabilities Act, into law, President George H. W. Bush declared, "Let the shameful wall of exclusion finally come tumbling down."

He said a lot more than that, of course. He thanked Evan Kemp and Justin Dart, who flanked him during the signing, and he cited the mighty coalition that succeeded in getting the ADA before him to sign. He noted there were too many instrumental people to name, a salute to how robust the movement to pass the civil rights law was.

It was the most powerful coalition of people with disabilities and their allies ever assembled. They all had a stake in getting this law signed, from the mother who testified to Congress that she could not find an undertaker to bury her child who died of AIDS, to the Vietnam War vet who could not freely leave his housing project because the sidewalks were not accessible for his wheelchair.

There would be no ADA without thinkers like law professor Chai Feldblum, currently serving a second term as a commissioner with the Equal Employment Opportunity Commission, who was the lead attorney on the team that drafted the ADA, or Patricia Wright, nick-named “the General,” for how well she kept the lobbying heat on in Congress. Or without leaders like Lex Frieden, executive director of the National Council on Disability at the time, who oversaw early drafts of the law.

In fact, Feldblum, Wright and Frieden’s experience speak to how sweeping the ADA is, as their rights as people with disabilities are all covered, even though one has an anxiety disorder, one has a visual impairment and one has quadriplegia. These disabilities may seem dissimilar, but the discrimination faced as a result of each was effectively the same.

But when telling the tale of the ADA, most agree that the two men who flanked President Bush while he signed the law deserve special recognition. On his right sat Evan Kemp, who had muscular dystrophy, and on his left sat Justin Dart, who had polio.

Evan Kemp, the Inside Man
Kemp was the disability movement’s “inside man” in many ways. In the 1970s, Kemp worked as an attorney in Washington, D.C., and struck up a friendship with C. Boyden Gray, who years later would become Bush’s chief counsel. Through Gray, Kemp also became friends with Bush, for whom Kemp wrote speeches for disability-related events. Kemp, a wheelchair user, was a tremendous advocate for disability issues. He pushed back against the Reagan administration when it tried to weaken disability-related regulations in the early 1980s and also served as the chair of the Equal Employment Opportunity Commission.

Like many with disabilities, Kemp, a lawyer, was no stranger to the indignities of discrimination. Diagnosed with a form of muscular dystrophy when he was 12, he walked with a pronounced gait at a time when private law firms wouldn’t hire a man with a disability. So he worked for the federal government. At first he held a position with the Internal Revenue Service, and then moved up to the Securities and Exchange Commission. He became a wheelchair user in 1971 when a garage door slammed on his leg, fracturing it so badly that even after it healed he could...
no longer walk. “When I was walking I had the same disability,” he once said. “But when I was in a wheelchair it was more visible.” Formerly in line for a promotion, he was told a wheelchair user could not hold a supervisory position.

In 1977 Kemp was able to successfully sue for job discrimination — and win. But he had had enough of being denied positions for which he was more than qualified. So he left the government in 1980, took over as director of the Disability Rights Center, and became the most prominent disability rights advocate in Washington, D.C.

From his friendship with Gray and Bush to his experience working within government to his intimate knowledge of being excluded because of a disability, Kemp, a Republican, was in exactly the right place at the right time to help shepherd the ADA toward passage.

JUSTIN DART, THE ‘FATHER OF THE ADA’

While Evan Kemp and other advocates in Washington, D.C., kept the heat on Gray and Bush from inside the beltway, Justin Dart, a wealthy man from a wealthy family, used his fortune to fire up the grassroots. Dart’s father, Justin Whitlock Dart, Sr., was president of Dart Industries — the company’s most famous product is probably Tupperware — and his mother, Ruth Walgreen Dart, was the daughter of Charles R. Walgreen, of Walgreen Pharmacies.

Dart contracted polio in 1948 as he was preparing to enter the University of Houston. He earned degrees in history and education, but the university wouldn’t give him a teaching certificate because he was disabled. Today the university is home to the Justin Dart, Jr. Center for Students with Disabilities, which assists all students with disabilities to achieve their academic goals.

After graduating, Dart’s father sent him overseas to launch Tupperware Japan, a company that he grew from four employees to 25,000. He embraced the “corporate playboy” lifestyle — chasing booze, women and money. He founded a greeting card company staffed by employees with disabilities during this time period, but said he felt like a fraud, as if he’d fallen off the “Gandhi track” to race along the “Donald Trump” track.

This all changed dramatically when he came face-to-face with the evils of institutionalization. In 1966, he toured a facility for children with polio in Saigon, Vietnam. “The floor of the whole place was covered with children ages 4 to 10, with bloated stomachs and matchstick limbs,” he told New Mobility. “They were starving to death and lying in their own urine and feces, covered with flies. A little girl reached up to me and looked into my eyes. I automatically took her hand and my photographer took pictures. She had the most serene look I have ever seen — and it penetrated to the deepest part of my consciousness. I thought, here is a person almost dead, and she knows it. She’s reaching out for God and has found a counterfeit saint doing a photo op. I was engulfed by the devastating perception that I have met real evil, and I am...
When Dart and Yoshiko moved back to the United States, Dart began serving the public in high-level roles, including being appointed by President Ronald Reagan to be vice chair of the National Council on Disability, in 1981. Dart, like Kemp, was a high-profile Republican with a visible disability — and it didn’t hurt that Reagan was a close friend of the Dart family.

While vice chair of NCD, Dart used his own money to tour every state and territory to meet with all who were interested in disability policy. The tour allowed Dart to meet face-to-face with people who have every type of disability and hear their concerns. This trip took place in pre-ADA America, a time period where there were no guarantees of accessible hotel rooms or transportation. When Dart returned to Washington, D.C., he shared these conversations with his fellow councilmembers, and NCD drafted a report, “Toward Independence,” calling for a law that would protect the civil rights of people with disabilities. This would eventually become the Americans with Disabilities Act.

After the ADA was introduced as a bill, Dart and Yoshiko repeated their national tour, once more visiting every state and territory, to hold public forums about the ADA and to keep the grassroots engaged. It is estimated that over 30,000 people attended these forums, and many of them advocated for the civil rights legislation in one way or another.

These tours of the nation and subsequent personal connection to the grassroots of the still-young disability rights movement led to Dart becoming known as the “Father of the ADA.”

Those in power, too, connected Dart with the ADA. Once, when he saw Dart wearing his iconic cowboy hat at a White House reception, President Bush introduced him as “the ADA man.” That hat is now lodged in the Smithsonian, along with Dart’s basic steel-framed manual wheelchair. Although he could afford the finest equipment, Dart insisted on using a type of wheelchair afforded by impoverished Americans with disabilities.

SECTION 504 – THE ACCIDENTAL CIVIL RIGHTS LAW

These early origin stories of the ADA are stirring and dramatic — all the more because they’re true. But they can give the mistaken impression that America was a disability rights wasteland, and then along came the ADA. Certainly the nation was much less accessible, yet the ADA was built upon the solid work of earlier pieces of legislation. Part of its brilliance is how it took those earlier laws and wove them together into one comprehensive act.

Probably the most important precursor to the ADA was Section 504 of the Rehabilitation Act of 1973. It’s very short, a tiny part of the overall law: “No otherwise qualified handicapped individual in the United States, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or
be subjected to discrimination under any program or activity receiving federal financial assistance.”

Nixon refused to sign the Rehab Act into law, as it called for new funding for Independent Living programs, a new idea back then. The law came before him twice, and twice he would not sign it. The third time it hit his desk, it was watered down and most of the funding for Independent Living was removed. So he signed it, without understanding that the language in the law’s Section 504 would usher in civil rights for people with disabilities.

And this is where it gets interesting.

Dr. James L. Cherry, a veteran with quadriplegia who was a research patient at the National Institute of Health in Bethesda, Md., read Section 504 and asked the Department of Health, Education and Welfare when the regulations would be promulgated. HEW told him never, since it was just a policy statement.

“I aggressively disagreed,” wrote Cherry in the *Ragged Edge*. “I didn’t see mere ‘policy’ — I saw legal rights and power; and I wanted both.”

Cherry sought support from disability groups to push for regulations to be written, but didn’t have much luck. Finally he convinced attorneys from the Georgetown University Law Center to help him file a federal lawsuit, *Cherry vs. Mathews*, on Feb. 13, 1976. He won his case and HEW was ordered to develop regulations. At the same time, and unknown to Cherry, the new American Coalition of Citizens with Disabilities was also lobbying HEW for Section 504 regulations.

In 1977, the regulations were written, but HEW Secretary David Mathews refused to sign them, even though he was held in contempt. His days were numbered, anyway, as President Jimmy Carter was just taking office and had already appointed Joseph Califano as secretary of HEW. But Califano also did not want to sign off on them.

By this time, there was a groundswell movement among people with disabilities demanding those regulations be signed. “If the regulations were not signed by April 4 in the form they were in when Califano took office, there would be non-violent demonstrations in HEW offices nationwide,” wrote David Pfeiffer in Disability Studies Quarterly, which he edited. Pfeiffer was organizing demonstrations for the regulations in Boston and warned that demonstrations in San Francisco and Washington, D.C., would be large.

And thus the stage was set for the longest sit-in in U.S. history at that time. In San Francisco beginning on April 5, activists of different ages, races and socio-economic groups, with disabilities of all kinds, held a rally; then filed into the city’s HEW building and refused to leave until the regulations were signed. Up to 200 people participated. With the help of the Black Panthers, local church groups and even
local politicians who donated mattresses, they stayed 28 days. Finally, Washington, D.C, invited a contingent of the activists to the capitol for negotiations, and the regulations were signed soon after.

“We, who are considered the weakest, the most helpless people in our society, are the strongest and will not tolerate segregation, will not tolerate a society which sees us as less than whole people,” said Ed Roberts, who, along with Judy Heumann, is credited with helping to organize San Francisco’s sit-in. Roberts and Heumann are both well-known figures in the disability movement for founding and nurturing the Independent Living movement.

WHY THE RESISTANCE?
Why were these regulations so resisted? Discrimination against people with disabilities at the time was so common and so insidious that even many people with disabilities didn’t understand it for what it was. “People with disabilities ourselves didn’t think the issues we faced in our daily lives were the product of prejudice and discrimination,” wrote sit-in organizer Kitty Cone in her article, “Short History of the 504 Sit-in,” which can be found at www.dredf.org/504site/historical.html. “Disability had been defined by the medical model of rehabilitation, charity and paternalism. If I thought about why I couldn’t attend a university that was inaccessible, I would have said it was because I couldn’t walk, my own personal problem. Before Section 504, responsibility for the consequences of disability rested only on the shoulders of the person with a disability rather than being understood as a societal responsibility. Section 504 dramatically changed that societal and legal perception.”

Yet, like the ADA, Section 504 did not just spring into being from nothing. It was preceded, in 1968, by the Architectural Barriers Act, which required federal buildings and federally-funded buildings to be accessible to the public. This meant a way in, a way out, and — very important — accessible restrooms. Because of this law, Uniform Federal Accessibility Standards were developed by the Access Board, which still revises both UFAS and the ADA Accessibility Guidelines as well.

The Architectural Barriers Act owes its existence to historian Hugh Gallagher, who at the time worked as a legislative aide for Sen. Bob Bartlett. Gallagher, a wheelchair user since age 19 due to polio, shared his frustrations of trying to simply do his job, but being unable to access many federal buildings. In response, he and Bartlett wrote the Architectural Barriers Act. “I wanted it to be simple,” said Gallagher. “I wanted accessibility to be one of the items on the checklist of designers and builders.”

Referring to that earlier law, Sen. Bob Dole, a supporter of the ADA, wrote, “Hugh’s most outstanding contribution to the quality of life of people with disabilities was to successfully place disability on the agenda of the Congress for the first time.”

THE RIGHT PLACE
AT THE RIGHT TIME
Many other disability-related civil rights laws were passed in the years leading up to the ADA. The Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act, was passed in 1975 with the intent of ensuring students with disabilities equal...
access to education. The Air Carrier Access Act of 1986 and the Fair Housing Act Amendments of 1988 made it easier to travel and to have a home. And the rights of people with disabilities to live in the community also had begun to be recognized.

All of these laws, and many more not listed, had their own groups of supporters. The ADA could not have been passed in as strong a form as it did without all of these efforts.

Whose idea was the ADA? In a sense, it was everyone’s who was active in disability rights at the time. It was born in the Washington, D.C., beltway in discussions between Evan Kemp and Phil Calkins who dreamed about such a thing while serving together with the Equal Employment Opportunities Commission. It was born on the interstate highways connecting the public forums held by Justin and Yoshiko Dart. It was fought for in the HEW building of San Francisco and yearned for by young Judy Heumann who demanded the right to teach school in New York City — the first wheelchair user to do so.

When the ADA was signed on July 26, 1990, the president was flanked by two men, but those two were flanked by thousands more. The ADA was most certainly one-of-a-kind legislation, comprehensively granting broad civil rights to citizens with disabilities, but it came about because of a long history of legislative action.

When Bush proclaimed that the shameful walls of exclusion finally were falling down, thousands of activists nationwide felt a strong sense of accomplishment. But the ADA itself was neither a beginning nor an ending. It was a bold expansion of, and a future catalyst for, disability rights laws passed prior to and following its passage.

The movement for full recognition of the civil rights of people with disabilities has come a long, long way, and the 25th anniversary of the ADA deserves to be celebrated, as do those who helped to make it possible. But like those activists who have come before us, we must continually look to what can come next. And once we achieve that, we must reach for more, until every person with a disability has full and equal access to all our great society has to offer, and full inclusion is no longer a dream but a reality.

The Delaware Department of Transportation, in conjunction with the Delaware ADA25 committee, is celebrating the ADA with ads on bus shelters. Similar partnerships between advocates and government officials are taking place throughout the United States.

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