

Three

Chronology of Critical Events

It is controversial precisely when the history of disability policy and law begins. Religious texts proscribing the treatment of people with mental or physical impairments, the early legal definitions of people with sensory and mental impairments in classical Rome, the founding of almshouses and charitable foundations, and the beginning of wardship law in Middle Ages are all early versions of “disability law.” Still, it was not until the dawn of the 17th century that disability law and policy existed in forms recognizable today. Although we begin this chronology with the English Poor Law of 1601, this law was actually the last, and most influential, of a series of English statutes, going back at least to 1388, which were essentially regulatory laws for economic policy that distinguished between the “deserving poor,” who were incapacitated because of age or impairment and would be allowed to beg, and those “sturdy beggars” who could be diverted to public workhouses.

Disability ethics is another matter. Disability issues appear briefly and without much comment in ethical writings since the ancient Greeks, and there is also the well-known Biblical anti-discrimination injunction in Leviticus 19:14: “Thou shalt not curse the deaf nor put a stumbling block before the blind, nor maketh the blind to wander out of the path.” Still, one has to wait until the mid-20th century to find ethicists writing at length about the ethical dimension of disability in society, often in the bioethical context in response to high-profile legal cases.

What follows is a chronology of important events and milestones in disability law, policy, and ethics.

17th Century

1601

The English Poor Law (*Reginae Elizabethae Anno 43*) finalizes the distinction between “worthy poor” and “undeserving poor” and shifts the responsibility for both groups to the Parishes, giving them the power to raise taxes to support the worthy poor.

1620

Bethlem Royal Hospital (“Bedlam”) is established in London and becomes the model for other such hospitals in England.

1662

The Poor Law is extended to the English colonies, and the first almshouse organized in light of the principles in the Poor Law is established in Boston.

18th Century

1714

English law authorizes confinement for the “furiously mad.”

1751

The Pennsylvania Provincial Assembly establishes the first mental hospital in the American colonies, which is built the following year under the leadership of Benjamin Franklin and physician Thomas Bond.

1773

Virginia establishes the first hospital solely for the treatment of “idiots, lunatics, and other people of unsound mind.”

1774

England regulates mental health facilities by passing what becomes essentially the first mental health legislation in Europe.

1776

The Continental Congress decides to grant veterans of the Revolutionary War “disability” or “invalid” pensions for war-related impairments.

1783

Congress cuts back invalidity pensions for veterans of the Revolutionary War, and George Washington steps in to negotiate with a group of officers who, in protest, refuse to disband.

1793

The state of Kentucky passes legislation authorizing payment to families who are too poor to take care of relatives with mental illness or intellectual impairment.

1798

President John Adams signs into law the Marine Hospital Act, which is the first military disability act to provide relief to sick and disabled seamen.

19th Century

1817

The American School for the Deaf and, with Thomas Gallaudet’s assistance, the American Asylum for the Education of the Deaf and Dumb, are both founded in Hartford, Connecticut.

1830

The U.S. Census first begins to count deaf and blind people, and by 1840 begins to count people labeled “idiotic” and “insane” as well.

1832

What is later to be called the Perkins School for the Blind, directed by Samuel Gridley Howe, opens in Boston.

1841

Dorothea Dix begins her campaign to improve conditions in mental hospitals in New Jersey and to persuade the state legislature to step up the construction of new institutions. Her efforts lead eventually to the establishment of 32 state-run mental institutions across the country.

1846

Edouard Seguin publishes *The Moral Treatment, Hygiene, and Education of Idiots and Other Backward Children*, the first treatise on “special education.”

1850

Samuel Gridley Howe opens the first residential institution for people with mental retardation in Boston.

1855

Dr. Hervey Wilbur opens the Syracuse State School to train “improvable” children with cognitive impairments.

1857

The Columbia Institution for the Instruction of the Deaf, Dumb, and Blind opens in Washington, D.C. It changes its name to Gallaudet University in 1894.

1868

The first wheelchair patent is registered with the U.S. Patent Office.

1880

The National Association of the Deaf, the leading exponent of the “oralist” approach to deaf education, is formed.

1881

The Chicago City Council enacts the first “ugly law,” forbidding “any person, who is diseased, maimed, mutilated, or deformed in any way . . . to expose himself to public view.” This law remains on the books until 1974.

German Chancellor Otto von Bismarck’s legislation to guarantee health and accident insurance for workers and, by 1889, invalidity and old age insurance for workers, marks the origins of the “welfare state.”

1882

Congress endorses an immigration policy that excludes “defective” individuals, and the practice of intellectual testing to identify mentally deficient immigrants is instituted at all ports of entry.

1883

Sir Francis Galton coins the term “eugenics” for the science of “improving the stock” of humanity by preventing “undesirables,” including in particular people with disabilities, from being born. The eugenics movement takes root in the United States and forms the basis for several state eugenics laws preventing people with disabilities from immigrating, marrying, or having children.

1898

The first workmen’s compensation bill is introduced in the New York legislature, but it fails to pass.

20th Century**1902**

Maryland passes the first Worker’s Compensation Act, and other states quickly follow.

1907

Indiana passes the first law allowing for eugenic sterilization of persons with cognitive and other impairments; eventually 30 states pass such laws.

1908

England establishes an old-age pension system and, with the 1911 passage of the National Insurance Act, provides sickness and unemployment insurance benefits for workers.

Clifford Beer's book *A Mind That Found Itself* helps to initiate the mental health hygiene movement. Beer also establishes the Connecticut Committee of Mental Hygiene, which becomes the National Mental Health Association.

1912

Henry H. Goddard publishes *The Kallikak Family*, a best-seller purporting to link disability with immorality and alleging that both are tied to genetics.

1915

Dr. Harry Haiselden publicly recommends the practice of allowing disabled newborns to die as a way to reduce the disabled population. The 1916 movie *The Black Stork* further advocates this practice.

1917

The Smith-Hughes Act provides vocational education for disabled veterans of World War I.

1918

The Smith-Sears Act provides vocational rehabilitation and return to employment for veterans.

1920

President Woodrow Wilson signs into law the Vocational Rehabilitation Act (Smith-Fess Act), which extends the Smith-Sears Act to civilians.

1921

The American Foundation for the Blind is founded as a nonprofit organization with Helen Keller as a spokesperson.

1927

The U.S. Supreme Court's ruling in *Buck v. Bell* declares forced sterilization of the "feeble-minded" to be constitutional and affirms the right of states to sterilize citizens with disabilities against their will.

1932

President Franklin D. Roosevelt creates the Committee on Economic Security to make recommendations on a comprehensive program concerning old-age security, unemployment, sickness, and health insurance.

The Tuskegee Syphilis Study begins (and lasts for 40 years), in which African Americans with syphilis bacteria are purposely not treated nor informed that they have the disease in order to track the progress of the disease. The public outcry to this experiment when it becomes known leads to the institution and regulation of Research Ethics Boards.

1935

The League for the Physically Handicapped is formed in New York City as one of the first disability activist groups, staging sit-ins and other political actions to protest against discrimination by the city.

The first comprehensive federal welfare legislation in the United States, the Social Security Act, creates a system of old-age benefits, unemployment compensation, aid to "dependent and crippled children" and blind persons, and insurance to promote maternal and child welfare and public health.

1936

The Randolph-Sheppard Act allows blind individuals to be licensed to operate vending stands in federal buildings.

1937

The Fair Housing Act passes and is administered by the newly formed Federal Housing Administration to fund the cost of public housing for poor and disabled individuals.

1938

The Fair Labor Standards Act provides training and job opportunities for blind individuals, although the minimum-wage exception is used by states to launch sheltered workshop programs for blind workers.

1940

Lawyer Jacobus tenBroek helps to organize the National Federation for the Blind in Wilkes-Barre, Pennsylvania.

1943

The Vocational Rehabilitation Act (LaFollette-Barden Act) passes and is administered by the Federal Security Agency, led by Mary Switzer, who emphasizes the use of physical rehabilitation and medical services to meet the needs of Americans with physical and mental disabilities.

1950

The Social Security Amendments establish a federal-state program to aid the permanently and totally disabled, which later turns into the Social Security Disability Insurance (SSDI) program.

1952

The President's Committee on Employment of the Physically Handicapped is organized on a permanent footing to report to the president and Congress.

1954

The Vocational Rehabilitation Amendments Act, signed by President Dwight D. Eisenhower, provides funds for state vocational rehabilitation programs and demonstration projects showcasing how rehabilitation addresses the needs of America's disabled population.

The U.S. Supreme Court hands down the landmark *Brown v. Board of Education* decision, beginning an era of school desegregation. The ruling also serves as an inspiration to the emerging disability rights movement, which sees it as a realistic tool for anti-discrimination.

1956

The Social Security Disability Insurance program (SSDI) is enacted, becoming the primary system of old-age and disability benefits from the Social Security Administration.

1958

Congress passes the Social Security Amendments, extending SSDI benefits to the dependents of disabled workers.

1962

Edward V. Roberts becomes the first severely disabled student to gain admission to the University of California at Berkeley and begins to organize the group of student disability activists known as the Rolling Quads.

1963

Congress passes the Mental Retardation Facilities and Community Health Centers Construction Act, authorizing federal grants for the construction of public and private nonprofit community mental health centers.

1964

The Civil Rights Act outlaws discrimination on the basis of race in public accommodations, employment, and federally assisted programs; it is the model for all subsequent disability anti-discrimination legislation. Together with the Voting Rights Act of 1965 and the Civil Rights Act of 1968, the law not only addresses discrimination against African Americans but also establishes a constitutional doctrine granting the federal government power to legislate and enforce protections of civil rights.

1965

The Vocational Rehabilitation Amendments Act is passed, authorizing federal grants for the construction of rehabilitation centers, expanding existing vocational rehabilitation programs, and creating the National Commission on Architectural Barriers to Rehabilitation of the Handicapped.

Following passage of the Economic Opportunity Act, the Office of Economic Opportunity launches the Head Start program to promote school readiness by providing educational, health, nutritional, and social services to low-income children and families.

Passage of the Elementary and Secondary Education Act (ESEA) increases federal funding for education; 1966 amendments to the law establish programs for children with developmental disabilities.

1968

The Architectural Barriers Act mandates that federally constructed buildings and facilities be accessible to people with physical disabilities, and establishes what is now known as the Access Board. This is generally considered to be the first federal disability rights legislation, and it helped to set the stage for the Americans with Disabilities Act.

1970

Ed Roberts and other members of the Rolling Quads, including John Hessler and Hale Zukas, form the Physically Disabled Students Program (PDSP) at the University of California, Berkeley. The program provides for living arrangements, personal assistance services, and political advocacy for disabled students.

After a successful employment discrimination suit against New York's public school system, Judith Heumann founds Disabled in Action to pursue litigation for disability rights and to organize demonstrations (including, two years later, a highly successful sit-in on Madison Avenue to protest President Richard Nixon's veto of the Rehabilitation Act).

Max and Colleen Starkloff of St. Louis found Paraguard for people with spinal cord injury and establish one of the first federally funded independent living centers in the United States.

Originally passed in 1964 as one of President Lyndon Johnson's Great Society programs, the Urban Mass Transportation Assistance Act authorizes federal funding to ensure "that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services." The act lacks enforcement powers, so it has little impact.

1971

The first Center for Independent Living (CIL) is formed by members of the PDSP at the University of California, Berkeley.

The National Center for Law and the Handicapped opens at the University of Notre Dame. An early advocacy center for people with disabilities, it launches the careers of many influential disability lawyers, including Robert Burgdorf Jr.

On March 12, the U.S. District Court for Alabama rules in *Wyatt v. Stickney* that people in residential state schools and institutions have a constitutional right to receive treatment to give them a realistic chance to improve their mental condition, and cannot be put into indefinite “custodial institutions” without treatment or education. This decision is seen as the first victory in the fight for deinstitutionalization.

On October 7, the consent agreement in *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* holds that segregated education for disabled children is unconstitutional, sending the message that educational mainstreaming is the preferred option.

1972

The Social Security Amendments create the Supplemental Security Income (SSI) program. The law relieves families of the financial responsibility of caring for their adult disabled children. It consolidates existing federal programs for people who are disabled but not eligible for Social Security Disability Insurance.

The Rehabilitation Act is proposed, but President Nixon vetoes it, sparking disability rights protests across the country.

The Houston Cooperative Living Residential Project is established in Houston, Texas, by activist Lex Frieden. It becomes, along with the CIL in Berkeley, California, a model for independent living programs across the country.

The Judge David L. Bazelon Center for Mental Health Law is founded in Washington, D.C., to provide legal representation and advocacy for the rights of people with mental illness.

Decided on August 1 by the U.S. District Court for the District of Columbia, *Mills v. Board of Education of D.C.* holds that every child, regardless of the type and severity of his or her disability, is entitled to a free public education. This decision, along with *PARC*, leads to the passage of the Education for All Handicapped Children Act of 1975 (EAHCA).

1973

After twice vetoing similar legislation, President Nixon signs the Rehabilitation Act, including sections 501, 503, and 504. The act for the first time legally prohibits discrimination against “otherwise qualified handicapped individuals” that prevents their participation in, or causes them to be denied the benefits of, any federal program or service. Full implementation of the law, however, requires federal agencies to adopt regulations governing the implementation process, and these do not form part of the act for four more years. Nonetheless, lawsuits arising from Section 504 help to create important legal doctrines, such as “reasonable accommodation,” which become the framework for the Americans with Disabilities Act of 1990.

1974

After an inaugural meeting in Victoria, British Columbia, the first convention of People First is held in Salem, Oregon. People First becomes the largest American organization composed of and led by people with cognitive disabilities.

Ronald Mace, one of the developers of the principles of universal design, founds Barrier Free Environments to help create fully accessible buildings and products.

1975

The Education for All Handicapped Children Act (EAHCA) allocates federal money to states for the education of children with disabilities in the “least restrictive environment,” and preferably integrated into a public school. The act is renamed the Individuals with Disabilities Education Act (IDEA) in 1990.

After several years of underfunding, the Community Services Act creates the Community Services Administration as a successor to the Economic Opportunity Commission, increases funding for the Head Start program, and establishes the Follow Through program for children with disabilities.

The Developmentally Disabled Assistance and Bill of Rights Act provides federal funding to programs serving children and adults with developmental disabilities and includes a statement of rights for those who are institutionalized, including the availability of protection and advocacy services.

The first trans-disability, consumer-led advocacy group, the American Coalition of Citizens with Disabilities (ACCD), is founded, with Frank Bowe as its first executive director. Its members join in the sit-ins and other actions to protest the government's failure to implement the anti-discrimination provisions of the Rehabilitation Act of 1973. The ACCD grows rapidly until the early 1980s, when its funding base dries up during the Reagan administration, and by 1983 is dissolved.

The highly influential British civil rights organization the Union of Physically Impaired Against Segregation (UPIAS) is formed.

The U.S. Supreme Court rules in *O'Connor v. Donaldson* that states cannot commit to institutions non-dangerous individuals with mental health problems who are capable of living on their own.

1976

An amendment to the Higher Education Act of 1972 provides funding for services to support students with disabilities entering college.

The *Disabled in Action of Pennsylvania, Inc. v. Coleman* case is filed in Philadelphia, arguing that Section 504 of the Rehabilitation Act of 1973 requires the federal government to force states to make public transportation accessible. The *Coleman* case, better known as the "Transbus case," is settled later in 1976 when the Carter administration agrees to pass regulations making federally funded transit wheelchair accessible.

The right-to-die case of Karen Ann Quinlan causes controversy in the disability community. At the age of 21, Quinlan sustained serious brain

injuries, leaving her in a persistent vegetative state. Her parents requested that her life-support be removed, but the hospital refused. Following a high-profile legal battle, the New Jersey Supreme Court found in favor of the parents and her ventilator was turned off. Against the odds, she continued to breathe on her own for several years.

1977

The Carter administration organizes the first White House Conference on Handicapped Individuals, bringing together 3,000 disabled people to discuss federal disability policy. The conference focuses on health and other issues and acts as a catalyst for disability rights organizing.

On April 5, demonstrators led by Judy Heumann take over the San Francisco offices of the Health, Education, and Welfare Department to protest Secretary Joseph Califano's refusal to sign regulations to give effect to the anti-discrimination provisions of the Rehabilitation Act of 1973. Disability rights activists in ten other cities stage similar demonstrations. The demonstrators occupy the offices until Califano signs the regulations on April 28, making this the first major direct action victory for the American disability movement.

1978

The National Council on the Handicapped, later renamed the National Council on Disability (NCD), is established as an advisory board within the Department of Education to provide advice and research to promote policies and practices for inclusion, independent living, and equal opportunity for people with disabilities. NCD is made an independent agency in 1984.

The National Institute on Disability and Rehabilitation Research (NIDRR) is established within the Office of Special Education and Rehabilitative Services (OSERS) at the U.S. Department of Education. NIDRR supports research to "improve the abilities of people with disabilities to perform activities of their choice in the community, and also to expand society's capacity to provide full opportunities and accommodations for its citizens with disabilities."

The *Belmont Report*, released by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in the

Department of Health, Education, and Welfare, establishes ethical guidelines for the protection of the rights of human subjects of research.

Title VII of the Rehabilitation Act Amendments establishes the first federal funding for consumer-controlled independent living centers.

1979

The Disability Rights Education and Defense Fund (DREDF) is founded in Berkeley, California, and becomes an important disability rights legal advocacy center, participating in much of the landmark litigation and lobbying efforts of the 1980s and 1990s.

On June 11, the U.S. Supreme Court issues its decision in *Southeastern Community College v. Davis*. By rejecting the argument that reasonable accommodation is required by Section 504 of the Rehabilitation Act of 1973, the ruling is a setback for disability rights litigation.

1980

The Civil Rights of Institutionalized Persons Act gives the Department of Justice power to sue state mental hospitals, nursing homes, juvenile justice facilities, and other institutions if they violate the rights of people with disabilities held against their will. Despite its mandate, the department chooses instead to use voluntary conciliation to secure compliance, disappointing mental disability rights advocates.

1981

The United Nations establishes 1981 as the International Year of Disabled Persons with the theme of “full participation and equality.” The International Year leads to the World Program of Action Concerning Disabled Persons and the Decade of Disabled Persons, 1983–1992, both of which set the stage for the Convention on the Rights of Persons with Disabilities that is approved in 2006.

The Social Security Act is amended to allow states to provide home and community services for the elderly and those with physical, developmental, and mental disabilities as an alternative to institutionalization.

The Home and Community-Based Services (HCBS) waivers are quickly taken up by states, which appreciate the flexibility they provide.

In the case of *Halderman v. Pennhurst*, the U.S. Supreme Court rules in favor of residents of the Pennhurst State School and Hospital, who complained of poor conditions and lack of treatment at state schools for the “mentally retarded.” The case becomes an important precedent for the legal right to community services for people with developmental disabilities.

1982

The Telecommunications for the Disabled Act mandates that all public phones be accessible to the hearing impaired by January 1, 1985, and calls for state subsidies for production and distribution of teletypewriters (TTY) and other telecommunications devices for the deaf (TDD).

The National Council on Independent Living is formed by Max Starkloff and others to advocate on behalf of independent living centers and the independent living movement.

Alan A. Reich founds the National Organization on Disability (NOD) in Washington, D.C., as a follow-up to the United Nations International Year of Disabled Persons. NOD’s mission is to expand the participation and contribution of Americans with disabilities in all aspects of life and to close the participation gap by raising disability awareness through programs and information. NOD is an active player in the efforts to gain passage of the Americans with Disabilities Act of 1990.

The President’s Commission Report on Bioethics provides hospital guidelines for withholding lifesaving therapies for newborns with impairments, raising concerns among the disability community about so-called “quality of life” decisions that may undermine the respect for and rights of people with disabilities.

The infant labeled “Baby Doe” dies on April 15 after being born a week earlier with Down syndrome and an underdeveloped esophagus. Doctors advised the parents to refuse corrective surgery and to withhold nutrition and fluids so that the child would die, a decision supported by the case of *In re Infant Doe*. As this was the first such case to attract national attention,

it quickly led to the adoption of a Health and Human Services regulation of similar situations.

1983

The U.S. Commission on Civil Rights publishes *Accommodating the Spectrum of Individual Abilities*, which debates the issue of whether disability discrimination follows the pattern of race discrimination and requires a legislative response.

Americans with Disabilities for Accessible Public Transportation (ADAPT) is established in Denver, Colorado, and begins a national campaign for accessible public transit for people with disabilities.

Ed Roberts, Judy Heumann, and Joan Leon establish the World Institute on Disability (WID) in Berkeley, California, to spread the independent living approach to communities and nations worldwide.

The National Council on the Handicapped issues a call for Congress to “act forthwith to include persons with disabilities in the Civil Rights Act of 1964 and other civil and voting rights legislation and regulations.”

1984

In reaction to the “Baby Doe” cases, the Child Abuse Prevention and Treatment Act Amendments are passed to require states to put into place procedures for reporting medical neglect of children, including withholding medically indicated treatment from infants with disabilities with life-threatening conditions.

The Voting Accessibility for the Elderly and Handicapped Act requires that federal polling places to be accessible and accommodating to people with disabilities and the elderly.

In response to the Reagan administration’s attempt to revoke regulations implementing Section 504 of the Rehabilitation Act of 1973 and the Education for All Handicapped Children Act of 1975, Patrisha Wright and Evan Kemp Jr. organize a campaign that generates more than 40,000 cards and letters to President Ronald Reagan in protest.

1985

The Mental Illness Bill of Rights Act requires states to provide protection and advocacy services for people with psychological disabilities.

Helga Kuhse and Peter Singer publish the provocative book *Should the Baby Live? The Problem of Handicapped Infants*, which advocates euthanasia. It provokes a strong response from the disability community.

On January 9, the U.S. Supreme Court rules in *Alexander v. Choate* that Section 504 of the Rehabilitation Act of 1973 does not protect against “disparate impact discrimination,” which occurs when neutral legislation without discriminatory motive affects persons with disabilities more adversely than others. The decision is viewed by disability advocates as a setback for anti-discrimination protection.

On July 1, the Supreme Court holds in *City of Cleburne v. Cleburne Living Center* that communities cannot use zoning laws to prohibit a group home for people with developmental disabilities from opening in a residential area solely because its residents are disabled. Disability lawyers view the case as a positive sign of the court beginning to extend its narrow interpretation of the anti-discrimination protections in Section 504 of the Rehabilitation Act of 1973.

1986

The National Council on the Handicapped releases its report *Toward Independence: An Assessment of Federal Laws and Programs Affecting Persons With Disabilities—With Legislative Recommendations*, which makes the case that an effective anti-discrimination law is an essential component of an overall strategy for persons with disabilities. The report marks an important step toward the enactment of the Americans with Disabilities Act of 1990.

The Air Carrier Access Act prohibits airlines from refusing to serve people simply because they are disabled and from charging them more for airfare than non-disabled travelers.

On June 5, the California Court of Appeals overturns a lower court ruling in the case of *Bouvia v. Superior Court*. The decision affirms that Elizabeth

Bouvia, a 26-year-old, mentally competent woman with quadriplegia, has the right to end her life by refusing to take nourishment, arguing that the value of self-determination outweighs the state's legitimate interest in preserving life.

On June 9, the U.S. Supreme Court releases its decision in *Bowen v. American Hospital Association*, in which it rejects the argument that withholding lifesaving medical care from "handicapped infants" qualifies as discrimination under Section 504 of the Rehabilitation Act of 1973. The ruling invalidates the Department of Health and Human Services' "Baby Doe" regulations requiring hospitals to provide such care.

1987

Justin Dart resigns from his position as commissioner of the Rehabilitation Services Administration after saying in testimony before Congress that "an inflexible federal system, like the society it represents, still contains a significant portion of individuals who have not yet overcome obsolete, paternalistic attitudes toward disability."

On March 3, the U.S. Supreme Court releases the most positive Section 504 anti-discrimination decision since the provision was implemented in 1977: *School Board of Nassau County v. Arline*. School teacher Gene Arline had been dismissed because of unsupported fears that her tuberculosis might be contagious. The court affirms that she is a "handicapped individual" within the meaning of the Rehabilitation Act, and that her dismissal was the result of "prejudiced attitudes or ignorance of others" and as such was discriminatory.

1988

The National Council on the Handicapped releases its follow-up report *On the Threshold of Independence*, which contains the first draft of a bill titled the Americans with Disabilities Act of 1988. It is submitted by Senator Tom Harkin and Representative Tony Coelho on April 28.

Amendments to the Civil Rights Act of 1968, called the Fair Housing Amendments Act, require a proportion of new multi-family housing be accessible.

The Technology-Related Assistance for Individuals with Disabilities Act is passed, improving access, availability, and funding for assistive technology through state and federal initiatives.

The Congressional Task Force on the Rights and Empowerment of Americans with Disabilities, designed to create grassroots support for the passage of the Americans with Disabilities Act, is created by Representative Major R. Owens, with Justin Dart and Elizabeth Boggs as co-chairs.

Dr. I. King Jordan becomes the first deaf president of Gallaudet University in Washington, D.C., on March 13. The university's Board of Trustees had appointed a hearing person as president, but it was forced to rescind the decision in the wake of a week-long student demonstration demanding a "Deaf President Now."

1989

The Center for Universal Design, first called the Center for Accessible Housing, is founded by one of the developers of universal design, Ronald Mace, in Raleigh, North Carolina.

On May 9, Senator Tom Harkin introduces the Americans with Disabilities Act—a slightly redrafted version of the bill he and Representative Tony Coelho had sponsored the year before—to the Senate, which then sends the bill to committee.

1990

The newly renamed ADAPT (American Disabled for Attendant Programs Today) brings its "Wheels of Justice" campaign to Washington, D.C., in support of the Americans with Disabilities Act. ADAPT activists occupy the Capitol rotunda and are arrested when they refuse to leave.

The Surgeon General's office publishes *Healthy People 2000*, a national agenda for health promotion that includes new data on inequities in access to both basic and specialized health care needs for persons with disabilities and sets targets to reduce those differences in the next decade.

Following passage in the Senate on July 12 and the House on July 13, the landmark Americans with Disabilities Act is signed into law on July 26 by

President George H. W. Bush. He is joined at the signing ceremony by Justin Dart, the ADA's "founding father," and the original bill's sponsors, Senator Harkin and Congressman Coehlo. The ADA is the most comprehensive civil rights protection for people with disabilities in American history.

The Individuals with Disabilities Education Act (IDEA) requires states receiving federal education funds to provide children with disabilities with a free and appropriate public education designed to meet each child's specific needs. IDEA is based on the Education for all Handicapped Children Act of 1975.

1991

The Institute of Medicine publishes its first major report on disability, *Disability in America: Toward a National Agenda for Prevention*. The report sets out a new, non-medical conception of disability, based on the work of S. Z. Nagi, and introduces the health community to the sociopolitical dimension of disability.

1992

As the Decade of Disabled Persons ends, the International Day of Disabled Persons (December 3) is established by the United Nations to create awareness and understanding.

Amendments to the Rehabilitation Act are adopted that further promote the independent living philosophy by providing funding directly to Statewide Independent Living Councils (SILC), which are given broader responsibilities.

1993

In the *Holland v. Sacramento City Unified School District* case, an early test of the new Individuals with Disabilities Education Act, the U.S. Ninth Circuit Court affirms that children with disabilities have a right to attend public school classes with non-disabled children.

The United Nations passes the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which reorients the focus of

disability rights at the international level from rights to treatment to more broadly defined human rights. Although not legally enforceable, the Standard Rules offer concrete guidelines for countries to follow when developing and implementing disability law and policy.

1994

The 1994 National Health Interview Survey on Disability is released. The largest nationally representative survey on disabilities in 20 years, it reports that nearly 60 million Americans, or 23% of the population, have a long-lasting disability requiring long-term care or access to a work-related or other disability program, or a perceived disability.

1995

The American Association of People with Disabilities (AAPD) is founded by Paul G. Hearne in Washington, D.C., and becomes the largest national, nonprofit, cross-disability organization “dedicated to ensuring economic self-sufficiency and political empowerment for the more than 56 million Americans with disabilities.”

The U.S. Court of Appeals rules in *Helen L. v. Snider* that to continue the publicly funded institutionalization of a disabled woman in a nursing home, when not medically necessary, is a violation of her rights under the Americans with Disabilities Act of 1990. This case sets the stage for the powerful *Olmstead* decision later in the 1990s.

1996

Under pressure from a Republican congressional majority, President Bill Clinton signs the Contract with America Advancement Act and the Personal Responsibility and Work Opportunity Reconciliation Act, which are intended to reduce the numbers of successful SSDI and SSI applicants by requiring more stringent medical examinations, preventing people with drug addiction from applying, and terminating benefits for non-citizens.

The Telecommunications Act comprehensively overhauls telecommunication law in the United States. The law contains Section 255, which requires

all telecommunications products and services to be accessible to people with disabilities, to the extent that accessibility is “readily achievable.”

As a response to increased discussion of rationing health care to people with disabilities, the passage of laws such as Oregon’s Death with Dignity Act that decriminalize euthanasia, and the acquittal of Dr. Jack Kevorkian in the assisted suicides of two women with non-terminal disabilities, a group of disability advocates found Not Dead Yet.

1997

The Individuals with Disabilities Education Act (IDEA) is reauthorized to improve education programs and services for children with disabilities, and to strengthen the role of parents in their children’s education.

The Institute of Medicine releases its second major report on disability, *Enabling America: Assessing the Role of Rehabilitation Science and Engineering*. The report focuses on the role that assistive technology and other supports play in increasing the participation of persons with disabilities in all areas of social life.

In two unanimous decisions issued on June 26, *Vacco v. Quill* and *Washington v. Glucksberg*, the U.S. Supreme Court upholds the state prohibition on physician-assisted suicide. Chief Justice William Rehnquist draws a sharp distinction between ending life by refusing treatment and ending life by assisted suicide, insisting that the government has a legitimate interest in banning assisted suicide, since failing to do so would undermine the role of the physician as healer, expose the vulnerable to abuse, and initiate a steady slide toward euthanasia.

1998

The Rehabilitation Act of 1973 Amendments Act is signed by President Clinton, expanding Section 508 to require all federally funded electronic and information technology media to be usable by persons with disabilities.

The Assistive Technology Act provides federal funds to states in order to increase research and development of assistive technology to meet the need of individuals with disabilities.

A federal judge rules on January 11 that professional golfer Casey Martin, who has a rare circulatory disorder that severely limits his ability to walk, can use the Americans with Disabilities Act of 1990 to secure the right to use a golf cart, as a "reasonable accommodation," in PGA Tour tournaments.

On June 15, the U.S. Supreme Court unanimously rules in *Pennsylvania Department of Corrections v. Yeskey* that the Americans with Disabilities Act of 1990 extends protections to prison inmates.

Bragdon v. Abbott is decided by the Supreme Court on June 25. The court holds that a woman denied dental services because she was asymptomatic HIV-positive had been discriminated against.

1999

The Ticket to Work and Work Incentives Improvement Act becomes law. SSDI and SSI recipients who qualify and agree to participate receive a "ticket" that can be used to obtain vocational rehabilitation, employment, or other support services from an approved provider to help them go to work. The act also allows states to extend Medicaid coverage to those who are working.

In its May 24 decision in *Carolyn C. Cleveland v. Policy Management Systems Corporation et al.*, the U.S. Supreme Court holds that the receipt of SSDI benefits does not automatically prevent a complaint of discrimination under the Americans with Disabilities Act of 1990, but a court can take that receipt of benefits into account when the complainant argues that she or he is a "qualified person with a disability," that is, someone who can perform the essential functions of her or his job, at least with reasonable accommodation.

Widely viewed as the most successful ADA case, *Olmstead v. L. C. and E. W.* is decided by the U.S. Supreme Court on June 22. The majority holds that unjustified institutionalization is discrimination and that individuals with disabilities must be placed in the community "when the State's treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities."

Also on June 22, the Supreme Court issues rulings in the “Sutton Trilogy” of cases (*Sutton et al. v. United Air Lines, Inc.*, *Murphy v. United Parcel Service, Inc.*, and *Albertsons, Inc. v. Kirkingburg*). The overall outcome of these complex decisions is to severely restrict the applicability of the definition of “disability” in the ADA, in particular by arguing that “mitigating measures”—i.e., wearing glasses for severe myopia or taking medication for hypertension—disqualify the underlying impairment as one that substantially limits the person’s ability to perform a major life activity. These cases and others form the basis of what becomes known as the “judicial backlash” to the ADA and begin the process of lobbying for what will become the ADA Amendments Act of 2008.

The International Disability Alliance, a network of global and regional, trans-disability organizations of persons with disabilities, is created. Initially formed to further the aims of the United Nations’ Standard Rules for the Equalization of Opportunities for Persons with Disabilities, in later years the IDA promotes the implementation of the Convention on the Rights of Persons with Disabilities.

21st Century

2000

The National Council on Disability publishes *Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act*, a detailed account of the challenges in enforcing the ADA and the setbacks caused by recent Supreme Court decisions. The report provides a blueprint for addressing the shortcomings that have hindered ADA compliance and enforcement, including the possibility of amendments to the ADA.

The 2000 Census updates the number of Americans with disabilities: Not counting children under 5, the military, and people in institutional care, 49.7 million Americans, or 19.3% of the U.S. population, have some type of long-lasting health condition or disability.

2001

As a part of the New Freedom Initiative, President George W. Bush issues an Executive Order on Community-Based Alternatives for Individuals

with Disabilities that calls upon the federal government to assist states and localities in implementing the *Olmstead* decision.

The No Child Left Behind Act passes with overwhelming bipartisan support in Congress. The act entrenches the view that integration is always better for educational outcomes and social participation for students with disabilities. But because it relies on the mechanism of educational standards and requires states to develop assessment procedures for basic skills for students without providing sufficient funding, the aims of the act are not fully achieved in the following years.

The Commonwealth of Virginia House of Delegates approves a resolution expressing regret for its eugenics practices between 1924 and 1979.

The Social Security Advisory Board issues its report *Charting the Future of Social Security's Disability Programs: The Need for Fundamental Change*, calling for a complete revamping of the SSDI and SSI eligibility process. The SSA asks the Institute of Medicine to report back on possible reforms.

The Ad Hoc Committee on the Comprehensive and Integral Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities is formed in New York to begin the process of drafting a proposed United Nations Convention, which eventually becomes the Convention on the Rights of Persons with Disabilities.

The World Health Organization releases its International Classification of Functioning, Disability, and Health (ICF), which becomes the standard for disability data collection and provides a biopsychosocial conceptualization of disability for health and social policy.

2002

The Institute of Medicine releases its report *The Dynamics of Disability: Measuring and Monitoring Disability for Social Security Programs* in response to the Social Security Administration's request to lower the cost and increase the efficiency of the SSDI and SSI determination process. The report makes it clear that the difficulty lies in the fact that "there is no agreement on the definition and measurement of disability."

The President's Commission on Excellence in Special Education releases its report on the state of the nation's special education system, which notes that the No Child Left Behind Act had unfortunately created new complexities and administrative challenges, including an incentive to misidentify students with learning disabilities to qualify for state resources, and that these challenges were preventing the reforms from working.

The Help America Vote Act is passed and signed into law. Although the act was designed in reaction to the controversy surrounding the 2000 presidential election, it authorizes federal funding to states to make polling areas fully accessible to persons with disabilities.

The U.S. government inter-agency Web portal Disability.gov is launched to provide access to comprehensive information about disability-related programs and services in ten key areas: benefits, civil rights, community life, education, emergency preparedness, employment, health, housing, technology, and transportation.

On January 8, the U.S. Supreme Court rules in the case of *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams* that an impairment such as carpal tunnel syndrome must have a "substantial effect" on an employee's daily life, not just on that person's ability to perform a job. This decision further restricts the applicability of the ADA's anti-discrimination protections in the employment sector.

On June 20, the Supreme Court issues its ruling in *Atkins v. Virginia*, which prohibits, on the grounds of the Constitution's Eighth Amendment ban on cruel and unusual punishment, the execution of prisoners with "mental retardation."

Justin Whitlock Dart Jr., an advocate for persons with disabilities best known for his efforts in getting the Americans with Disabilities Act of 1990 drafted, passed, and signed into law, dies on June 22.

2003

Assistant Secretary of State for International Organization Affairs Kim R. Holmes informs National Council of Disability Chairman Lex Frieden that the United States will not be a party to any proposed United

Nations convention on disability, because “the United States has an outstanding record with regard to the promotion and protection of basic human rights and fundamental freedoms.”

2004

The National Council on Disability responds to the judicial backlash against the ADA by starting up its “Righting the ADA” series of reports, which examines each Supreme Court decision point by point, showing how the court’s activism contradicts the intentions of Congress. These well-researched reports make a strong case for a legislative overturning of the “Sutton trilogy” and other Supreme Court ADA cases.

The Individuals with Disabilities Education Act is reauthorized, with the aim of bringing this civil rights legislation closer in alignment with the No Child Left Behind Act of 2002, which is primarily concerned with ensuring standards of achievement and accountability. Education advocates argue that the two acts are not as fully complementary as they were hoped to be.

The Assistive Technology for Individuals with Disabilities Act creates the Assistive Technology Act Project, which provides funding to states for the research and development, marketing, distribution, and technical support of AT equipment to persons with disabilities.

The first annual Disability Pride Parade takes place in Chicago, inspired by the actions of ADAPT in the 1980s.

On May 17, the U.S. Supreme Court decides the case of *Tennessee v. Lane*, in which a person with a disability sued the state of Tennessee because it had failed to make courthouses accessible. At issue was whether the federal government could abrogate the sovereign immunity of the state, guaranteed by the Eleventh Amendment, to have citizens sue states under the ADA (which had been successfully argued in the 2001 case of *University of Alabama v. Garrett*). A narrow majority of the court concludes that the Fourteenth Amendment gives the federal government this authority.

2005

The Department of Housing and Urban Development, under the Fair Housing Act, expands its regulations and guidelines for accessible housing,

including “visitable” housing to ensure that homes can be visited by people with disabilities.

After several legal actions lasting seven years in Florida, passage of state and federal legislation, and four appeals to the Supreme Court, a Pinellas County judge orders the removal of Terri Schiavo’s feeding tube, and she dies a month later. Schiavo collapsed in 1990 from cardiac arrest, sustained massive brain damage from lack of oxygen, and was determined to be in a persistent vegetative state. After eight years of attempts to raise her out of her coma, her husband began legal actions to have her feeding tube removed, which were opposed by her immediate family and by various religious and disability groups. The situation generated political controversy at both the state and federal levels, and it raised public awareness about the ethical issue of involuntary euthanasia in the case of individuals in persistent comas with no identifiable brain activity.

Breaking the record set in 1977 by the Berkeley sit-in, disability rights protesters begin a 75-day sit-in at the office of Tennessee Governor Phil Bredeesen, who had asked for substantial cuts in the state’s Medicaid program.

2006

The Consortium for Citizens with Disabilities (CCD), a coalition of national disability organizations formed to advocate for national public policy, step up pressure on the federal government for a “restoration” of the Americans with Disabilities Act.

The National Council of Disability releases its final suggestions on how to “restore” the ADA by “addressing the barriers that are preventing full achievement of the overarching goals of the ADA,” and officially recommends that Congress adopt the ADA Restoration Act.

The “Road to Freedom” bus tour is launched from Washington, D.C., to travel to all 50 states in the coming year to promote public awareness of the rollback of disability rights protections by the courts.

Gallaudet University’s first deaf president, I. King Jordan, resigns and backs the Board of Trustees’ choice of successor, who is rejected by many students for being hard of hearing rather than deaf and for not having

been raised using American Sign Language. Despite Jordan's support, student protests force the board to rescind the appointment, and it takes four years to find a new president of the university.

On September 29, Representative Jim Sensenbrenner, chair of the House Committee on the Judiciary, and House Minority Leader Steny Hoyer introduce the ADA Restoration Act to "restore the intent of the Americans with Disabilities Act of 1990 to more fully remove the barriers that confront disabled Americans." Based on drafts produced and distributed by the NCD and CCD, the bill dies in committee soon thereafter.

After five years of drafting and debate among international organizations of persons with disabilities and governments around the globe, the Convention on the Rights of Persons with Disabilities (CRPD) is adopted by a consensus vote at the United National General Assembly in New York on December 13.

2007

The Institute of Medicine releases its final report on Social Security, *Improving the Social Security Disability Decision Process*. The expert committee returns to the traditional, and long-discredited, medical or impairment listings approach to eligibility, arguing that in the absence of a better and politically acceptable mechanism, the risk of false positives is worth the benefit of increasing the likelihood that true positives will be expedited.

The Institute of Medicine also releases its report *The Future of Disability in America*, in which it maps out recommendations for monitoring disability data, disability research, access to health care and support services, and professional education. The report has considerable impact within the agencies of the federal government.

On July 26, Senators Thomas Harkin and Arlen Specter, and Representatives Jim Sensenbrenner and Steny Hoyer, introduce companion versions of the Americans with Disabilities Act Restoration Act, which is described as "a bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act." It includes provisions on definitions of disability designed to set aside Supreme Court rulings on "mitigating measures" and other restrictions.

A negotiation coalition is formed by the American Association of People with Disabilities, the National Disabilities Rights Network, and the Epilepsy Foundation (representing the disability advocates), and the U.S. Chamber of Commerce, the Society for Human Resource Management, the National Association of Manufacturers, and the Human Resource Policy Association (representing the business community). They formally state that any agreement they mutually reach will be jointly supported and presented to Congress.

2008

The disability advocate and business community coalition negotiating the terms of the “restoration act” reaches agreement, and a new bill is substituted and renamed the Americans with Disabilities Act Amendments Act of 2008. At the last minute, Senators Harkin and Orrin Hatch propose a new definition of “substantially limits” with regard to activities of daily living, but the section is dropped before a vote takes place.

The United Nations Convention on the Rights of Persons with Disabilities, having reached the necessary number of signatories and ratifying countries, enters into force on May 3.

George W. Bush signs the Americans with Disabilities Act Amendments Act into law on September 25 after both houses of Congress pass it with overwhelming majorities. The compromise ADAAA broadens the scope of who is considered disabled under the law by ignoring the impact of mitigating measures and by requiring courts to consider how impairments impact major life activities when determining whether a person is “substantially limited.” The act also deletes the finding that “individuals with disabilities are a discrete and insular minority,” which had been relied on by the Supreme Court to restrict the application of the ADA to only those with very serious disability or health conditions.

2009

The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, also known as the Matthew Shepard Act, is signed into law by President Barack Obama to extend federal hate-crime law to include crimes motivated by the victims’ actual or perceived gender, sexual orientation, or disability.

The National Council on Disability releases its report *The Current State of Health Care for People With Disabilities*, which argues that the changes in health insurance being debated in Congress will improve the employment situation of persons with disabilities more than any other policy change.

On July 30, President Obama directs Susan Rice, his ambassador to the United Nations, to sign the UN Convention on the Rights of Persons with Disabilities, making the United States the 142nd country to do so.

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This chronology has benefited from a rich collection of existing chronologies of disability, of which three stand out and have been the most helpful:

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