

From Side Eddies to Main Stream:
The Rehabilitation Act of 1973 Section 504 Sit-Ins

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“From Side Eddies to Main Stream: The Rehabilitation Act of 1973 Section 504 Sit-Ins”

In 1973 Congress passed the Rehabilitation Act which included a Section 504. This section stops any group, organization, or institution receiving federal funding from discriminating against any United States citizen with a disability. This section is one sentence long and it reads,

No otherwise qualified individual with a disability in the United States, as defined in section 706 (20) of this title, shall, solely by reason of his or her disability, 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service.¹

On April 5, 1977, people with disabilities staged sit-ins at federal buildings all around the nation. These acts of civil disobedience were the demonstrators’ way of protesting the federal government’s delay in implementing the regulations for Section 504 of the Rehabilitation Act of 1973.

All of the Section 504 sit-ins of 1977, but especially the one in San Francisco, significantly helped to achieve the immediate goal of implementing the Section 504 regulations. These acts of civil disobedience also encouraged historians to begin to look at the history of the Disability Rights Movement and of Disability Culture. They began to change the view that society had towards people with disabilities, and people with disabilities had towards themselves. Finally, the sit-ins are significant events that grew into the first nationwide Disability Rights Movement in the later 20th century.

People with disabilities have always been a part of and have had an effect on society, but their history and their contributions to society have generally been ignored by

¹ U.S. Department of Labor, Section 504, Rehabilitation Act of 1973, <http://www.dol.gov/oasam/regs/statutes/sec504.htm>. This is the current wording of Section 504.

historians, up until the last third of the 20th century. During the first two thirds of the 20th century, people with disabilities were rarely mentioned in history, and when they were, the reference was only in the context of the primary interest of the historian, which might be economic, social, or even military. Beginning in the late 1970's, some historians, often with their own disabilities, began to shift their attention to the disabled and the struggle these people waged for recognition for their accomplishments, their influence, and their rights in society. It is no coincidence that this is the time of the passage of the Rehabilitation Act of 1973, the writing of the regulations governing Section 504 and the resulting demonstrations.

The sit-ins were not only a rights movement but also a cultural movement, and they were essential to changing the views that society had towards people with disabilities something that a legal challenge alone could not do. People with all types of disabilities from all over the nation gathered together to work for a common goal. They showed that they were not going to back down until they were victorious. In his victory speech, given at the section 504 sit-in victory rally in San Francisco on April 30, 1977, Ed Roberts states

... 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. But what we will, together, with our friends, will reshape the image that this society has of us.²

Because of this cultural movement, society's views, attitudes, and ideas began to change towards people with disabilities. Society began to see them as people of substance instead of objects of pity. The cultural movement brought people with disabilities, and some people without disabilities who supported them, together. When the San Francisco

² Ed Roberts, "504 Victory Speech," San Francisco, California, April 30, 1977, *Disability World*, http://www.disabilityworld.org/12-02_05/news/roberts504speech.shtml.

sit-in ended, on April 30, 1977, people with disabilities around the nation began to realize that they had their own culture. The Movement continued as these people achieved their goal; they became excited and passionate about Disability Culture and Rights. Judy Heumann, a leader in the demonstrations, recalls that “After the regulations were signed, people stayed involved. People got involved in training and monitoring in their communities. People got involved in lawsuits.”³ People with disabilities began to realize that they were real people, normal just as they were.

“From Side Eddies ...”

The change in status of people with disabilities is predicted in the article “Insiders and Outsiders in American Historical Narrative and American History” by R. Laurence Moore in 1982 when he wrote,

The last of the usual roles that outsiders play in narrative is, in fact, a nonrole. Obviously, consensus-minded historians, because of the inclusive nature of their mainstream, often simply omit some outgroups from any serious consideration. Unless an outsider group threatened to become disruptive, it can have no particular importance in historical narrative.⁴

After the Section 504 sit-ins, historians finally began paying attention to this group, now noticeably impacting society, and began asking why they had been ignored for so long.

During the first and second thirds of the 20th century, people with disabilities were rarely ever mentioned in historical writings. If they were mentioned they were not the focal point of the paper. One example of this is found in the article “The First Hayburn Case, 1792,” written in 1908 by historian Max Farrand. The article is about a dispute between Congress and the Supreme Court, in 1792, over passage of an act concerning

³ Judy Heumann, interviewed by Michael Ervin, April 18, 1986, “The 25 Day Siege That Brought Us 504,” *Independent Living Institute*, <http://www.independentliving.org/docs4/erwin1986.html>.

⁴ R. Laurence Moore, “Insiders and Outsiders in American Historical Narrative and American History,” *The American Historical Review* 87 (April 1982): 396. www.jstor.org/ (accessed February 12, 2005).

pensions for soldiers who had been disabled during the Revolutionary War.⁵ When it comes to the case, Farrand's interest is in the case law because he believes that it is the first time the Supreme Court found a law unconstitutional.⁶ It just so happens that the case has to do with disability.

There are other aspects of history, which relate even more to people with disabilities that historians have looked at, but have still not included the disabled as the focal point. In 1924, political economist, historian Reuben D. Cahn, in his article "Civilian Vocational Rehabilitation," writes about the first Vocational Rehabilitation programs in the United States, from an economic point of view. In the article, his interests are in costs of the Vocational Rehabilitation programs and who will be responsible for paying for them. He is not, however, interested in why the programs occurred (established for the disabled) or how the disabled were affected by them.⁷ Another example is when historians have looked at the history of medicine, which directly relates to people with disabilities, yet the disabled are not included in the historian's research. In fact, in the article "A History of American Medicine," written in 1982 by the medical historian Ronald L. Numbers, he talks about "Some of the most exciting ... medical history to come out of the past decade ..."⁸ This new history happens to be a focus on the medical history of blacks and women. He looks at the

⁵ Max Farrand, "The First Hayburn Case, 1792," *The American Historical Review* 13 (January 1908): 281. www.jstor.org/ (accessed February 11, 2005).

⁶ *Ibid.*, 282.

⁷ Reuben D. Cahn, "Civilian Vocational Rehabilitation," *The Journal of Political Economy*, 665-689, (December 1924): 688. www.jstor.org/ (accessed March 04, 2005).

⁸ Ronald L. Numbers, "The Field of American Medicine: A Field in Ferment," *Reviews in American History*, 10 (December 1982): 255. www.jstor.org/ (accessed March 03, 2005).

medical history of blacks and women, but he does not ever mention the disabled, except for a paragraph each on the history of mental hospitals and public health history.⁹

There are a variety of ideas as to why historians have ignored disability history for so long. Dr. Paul Longmore, Director of the Institute on Disability, a professor of history at San Francisco State University, and a man with a disability¹⁰, believes that a lack of sources, being uncomfortable with disabilities, and how the medical community has seen people with disabilities as individuals with a medical problem are the three main reasons why historians have ignored disability history.¹¹ The last idea, how the medical community has seen the disabled, has influenced historians during the time in which they live. This can be found in the article “The Future Progress of Medicine,” written in 1925, by Dr. Alexis Carrel, the 1912 Nobel Prize winner in Physiology or Medicine.¹² In his article, he discusses the “progress of medicine” and states that “We must always realize that the only purpose of medicine is to decrease human suffering by preventing disease or curing it.”¹³ In other words, “fixing” those who are disabled, and bringing them to “normal.” Though Dr. Carrel is not primarily known as a medical historian, he did write multiple articles on the topic of eugenics¹⁴. The attitudes of the medical community about people with disabilities easily have an affect on historians, as well as all of society, and how they perceive disability.

⁹ Ibid, 254.

¹⁰ Paul Longmore, “Electric Edge,” *The Ragged Edge*, January-February 1997, 13-15.

¹¹ Paul K. Longmore and David Goldberger, “The League of the Physically Handicapped and the Great Depression: A Case Study in the New Disability History,” *The Journal of American History* 87 (2000): 2. www.historycooperative.org (accessed February 14, 2005).

¹² Nobelprize.com, “Alexis Carrel-Biography,” <http://nobelprize.org/medicine/laureates/1912/carrel-bio.html>.

¹³ Alexis Carrel, “The Future Progress of Medicine,” *The Scientific Monthly*, 21 (July 1925): 54. www.jstor.org/ (accessed March 03, 2005).

¹⁴ Nobelprize.com, <http://nobelprize.org/medicine/laureates/1912/carrel-bio.html>.

As the century progresses, historians' interest in the disabled become more apparent. An article, written in 1994, by historian Seth Koven, is an example of this. In this article, Koven looked at the history of crippled children and disabled soldiers in the years 1880 to 1930 in England, primarily during WWI.¹⁵ Koven looks at how society viewed disabled people and shows the comparisons between crippled children and disabled soldiers that have been made unconsciously: "The links between crippled children and wounded soldiers," he observes "operated not only as the level of discourse (conversation) and representation (symbol/image) but also institutionally and medically."¹⁶ He talks about how adult male soldiers had been seen as an image of young crippled children who would never amount to anything. Koven also mentions that people with disabilities have been generally left out of history: "... this essay offers a preliminary exploration of a history that places disability and the disabled person at its center."¹⁷ Even though Koven has more interest in the disabled than other historians, and even mentions the lack of the disabled in history, he is more interested in how society views them, than the people with disabilities themselves.

In the last thirty years, historians have begun to write more about the history of people with disabilities. A very good example of this is, again, Dr. Paul Longmore, who looks at the issue of historians not writing about disability history and addresses why it is so important to include disability history in general history. In his article, *The League of the Physically Handicapped*, co-authored by David Goldberger, a professor of law at

¹⁵ Seth Koven, "Remembering and Dismemberment: Crippled Children, Wounded Soldiers, and the Great War in Great Britain," *The American Historical Review* 99 (October 1994): 1172. www.jstor.org/ (accessed February 12, 2005).

¹⁶ *Ibid*, 1185.

¹⁷ *Ibid*, 1172.

Ohio State University¹⁸ and written in 2000, Longmore writes about The League of the Physically Handicapped, the first disability rights group, established in 1935.¹⁹ The League held the first sit-in and protest against the government for job discrimination against the disabled.²⁰ He uses the League as an example of something that historians never wrote about until recently. He goes on to address the issue of adding disability history into general history by explaining that it is important in historical analysis, just like the history of other minorities: "As such, like gender, race, and class, it must become both a subject of comparative historical study and a standard, indispensable tool of historical analysis."²¹ Longmore feels that the "role of disability" needs to be studied as "central to modern history." He explains that the history of people with disabilities is important to the understanding of all parts of history. His final idea is that finally remembering and studying the accomplishments of the activists who were forgotten many years ago, will allow a "new history of disability" to be written.²²

A hundred years ago, historians were not including disability history in their studies. Historians did include people with disabilities in their work, but never looked at their topic from the viewpoint of the disabled. Instead, the disabled, the diseased, or the wounded were only facts in the exploration of the historian's subject. Finally, in the last thirty years, historians have begun to write about the history of people with disabilities as primary subjects. Historians writing about people with disabilities today feel that

¹⁸ David Goldberger, "Faculty and Staff: Professor David A. Goldberger," *Moritz Law* (publication of Ohio State University), <http://moritzlaw.osu.edu/faculty/facultyprofiles/goldberger.html>.

¹⁹ Longmore and Goldberger, 3.

²⁰ *Ibid*, 9-11.

²¹ *Ibid*, 3.

²² *Ibid*, 24.

disability history, like of histories of other "outsiders," has a place in general history and it needs to be used in historical analysis.

"... To Main Stream"

Beginning in the late 1970s and early 1980s historians began to realize that the disabled have a culture and they are a group so they must have a history. Why did historians begin to come to these conclusions at this time? Interestingly enough, at the same time other changes, related to people with disabilities, began to occur. Society's attitudes and ideas about the disabled began to change. In addition, the attitudes and ideas which the disabled had about themselves also began to change. Furthermore, the first national Disability Rights Movement was beginning. Why did these changes occur?

One view concerning the cause of these changes is the legal challenge, *Cherry v. Mathews*²³, filed by James Cherry, a disability advocate during the same time period. Cherry argues that it was a legal challenge which caused these great changes. In this lawsuit, James Cherry, in February 1976, sues the Secretary of the Department of Health, Education, and Welfare (HEW), David Mathews, because he refused to sign the Section 504 regulations. A few months later the U.S. District Court Judge rules in Cherry's favor. Cherry's legal team began to work with HEW to get the regulations signed, and then, in April 1977, the demonstrations began.

Cherry believes that without his lawsuit "... the history of disability law would be 'a litany of cases, a crazy quilt of decisions, narrowly defined, on issue, after issue, after

²³ *Cherry v. Mathews*, 419 F. Supp. 922 (D.D.C. 1976), http://www.legis.state.ga.us/legis/2005_06/fulltest/hr1828.htm. (Accessed on 5/29/2006.)

issue.”²⁴ He also thinks that “The protests delayed the signing of the Section 504 regulation ...”²⁵ The problem with Cherry’s argument is that for historians with, and associated with, disability to be considering disability history, they had to have been greatly affected by something more than just a legal challenge, by something truly motivational. Cherry, legally challenging the federal government to implement civil rights law for people with disabilities, and winning, may have greatly affected people with disabilities but how does that inspire historians to look at disability history? How is that going to affect society’s negative attitudes and ideas about disability and how is it going to affect of the first national Disability Rights Movement? Perhaps it wasn’t his legal challenge that did it.

However, there are many people who believe that the changes were caused because of a very strong a cultural movement which started in the early 1960s with the Independent Living Movement and exploded in 1977 with the Section 504 sit-ins. Pat Wright, a participant and strategist during the 504 demonstrations, observes,

... it really was this group effort. And it’s what I said earlier, I think the demonstration, the 504 demonstration created that understanding of how you truly work in coalition to attain a goal. And that not one person is more important than any other person. And as I said earlier, the person who licks the envelope is just as important as the person who sits negotiating it.²⁶

I believe that it was the Section 504 sit-ins, mainly the one in San Francisco, which inspired and ignited the changes, pertaining to people with disabilities, in the late 1970s and early 1980s.

²⁴ James Cherry, interviewed by Doris Zames Fleischer and Frieda Zames, October 16, 1996, quoted in Doris Zames Fleischer and Frieda Zames, *The Disability Rights Movement: From Charity to Confrontation* (Philadelphia: Temple University Press, 2001), xv.

²⁵ James Cherry, “Cherry vs. Mathews: 25 years and counting,” *Ragged Edge* 4 (2001), <http://www.raggededgemagazine.com/0701/0701cov.htm> (accessed February 1, 2006).

²⁶ Pat Wright, interviewed by Emily Kathryn Holmes, July 18, 2005.

Ed Roberts and the Independent Living Movement

The most exciting and moving times in the Disability Rights Movement (DRM), of the last hundred years, occurred in the late 20th century. The Movement started in the early 1960s with the Independent Living Movement (ILM). This movement was influenced by five previous movements, one of which was the Civil Rights Movement.²⁷ The Civil Rights Movement showed people with disabilities that it was possible for marginalized people to gain recognition and respect for their rights. Also, the Civil Rights Movement helped people with disabilities realize that legally securing their rights should be a top priority. While African Americans were struggling for their right to sit at the front of the bus, the disabled began to realize they experienced the struggle of even getting on the bus.²⁸ Over the last one hundred years, there have been both high times, when people were more actively involved in the movement, making progress towards rights for people with disabilities, and low times, when people were not much involved and not a lot of change was being made. The Independent Living Movement initiated a surge of progress for the Disability Rights Movement by showing people with disabilities in a positive light. This started the spark that eventually flamed into the Section 504 sit-ins.

Ed Roberts really helped get the Independent Living Movement started and moving in the 1960s and early 70s. Roberts contracted polio as a teenager. He was not able to function from the neck down and he had to use a respirator to breath.²⁹ After high school he decided to study political science and looked for a university that was not

²⁷ Gina McDonald and Mike Oxford, "History of Independent Living," *Access Center for Independent Living*, Dayton, Ohio, <http://www.acils.com/acil/ilhistory.html>.

²⁸ Ibid, <http://www.acils.com/acil/ilhistory.html>.

²⁹ Independent Living USA, "Ed Roberts: The Father of Independent Living," http://www.ilusa.com/links/022301ed_roberts.htm.

only accessible but also had a high quality political science program, he chose to attend the University of California at Berkeley. Though at first the university was doubtful that his being there would work, Roberts was eventually admitted in 1962.³⁰ He lived in the campus medical center, Cowell Hall, on the third floor, and because of this, he found it difficult to interact with students. His brother and another student often wheeled him from class to class in a manual wheelchair. The next year John Hessler was admitted to Berkeley. He, too, was severely paralyzed because of a spinal cord injury and he was also placed on the third floor of Cowell Hall with Roberts.³¹ Over the next two years, fourteen more quadriplegics (quads) were admitted to Berkeley and the university placed them all on the third floor in Cowell Hall.³²

Soon, Roberts and the other quads started to brainstorm and strategize ideas about how they could live independently on campus and around the area. They called themselves the “Rolling Quads,” and they began to pressure the school to make the campus more accessible for people with disabilities. Roberts’ leadership abilities quickly moved him into a prominent role. Independent Living USA views him as one who was “... quick to grasp that the struggle for independence was not a medical or functional issue, but rather a sociological, political, and civil rights struggle. He looked at other campus movements and learned from them when leading this one.”³³ Berkeley was the site of the beginning of the Free Speech Movement in 1964. David Lance Goines participated in the Free Speech Movement at Berkeley. In his book, *The Free Speech*

³⁰ Doris Zames Fleischer and Frieda Zames, *The Disability Rights Movement: From Charity to Confrontation* (Philadelphia: Temple University Press, 2001), 38.

³¹ Independent Living USA, http://www.ilusa.com/links/022301ed_roberts.htm.

³² Joan Leon, “Reminiscences of Ed Roberts, *Ed Roberts Campus*,” http://www.edrobertscampus.org/er_03.html.

³³ Independent Living USA, http://www.ilusa.com/links/022301ed_roberts.htm.

Movement: Coming of Age in the 1960s, he devotes more than 600 pages to recounting his participation and crediting Berkeley as the site of the beginning of the Free Speech Movement and the spawning of many other students protest movements. Perhaps the atmosphere unique to Berkeley also added to the Rolling Quads determination and confidence that now was the time to make changes.

Roberts secured a grant through the Student Special Services Program at the U.S. Office of Education, and “The Rolling Quads” started the first Physically Disabled Students Program (PDSP) that supported independent living for students with disabilities at Berkeley.³⁴ In 1972, “The Rolling Quads” expanded on this success, organizing the Berkeley Center for Independent Living (CIL), with a focus of taking the idea of independent living out into the off campus community.³⁵ The Berkeley Center for Independent Living was the first of its kind to be created and it eventually became the model for all Centers for Independent Living around the U.S.³⁶

Ed also began working with the Toomey J. Gazette, a national publication for people with disabilities, which would later be known as the Rehabilitation Gazette. The articles argued that the best way for a person with a disability to practice independent living was to share with and teach other about what they had learned from their experiences³⁷ This publication was probably instrumental in publicizing Roberts, his views and the changes happening at Berkeley. Ed Roberts’ views, attitudes, and ideas about disability symbolize the Independent Living Movement and the impact that it had on the U.S. Roberts was the executive director of the Berkeley Center for Independent

³⁴ Leon, http://www.edrobertscampus.org/er_03.html.

³⁵ Jonathan Young, “Americans with Disabilities Act, 1990: Ed Roberts,” *National Public Radio* http://www.npr.org/programs/disability/ba_shows.dir/revoluti.dir/highlights/ada.html.

³⁶ Independent Living USA, http://www.ilusa.com/links/022301ed_roberts.htm.

³⁷ Ibid, http://www.ilusa.com/links/022301ed_roberts.htm.

Living until 1975 when he was appointed, by Governor Jerry Brown, to serve as the director of the California State Department of Rehabilitation, which, ironically, was the same agency that had found him too disabled to employ years earlier.³⁸

Political Origins of Section 504

The Civil Rights Movement in the U.S. enjoyed political support from Senator Hubert H. Humphrey, (D., Minnesota), known for fighting for social justice and civil rights. Humphrey also had a grandchild with Down's Syndrome and because of this, he had a much more direct understanding of the problems and discrimination that people with disabilities faced everyday.³⁹ In January of 1972, along with Senator Charles Percy (R., Illinois) and Representative Charles Vanik (D., Ohio), he proposed amendments to the Civil Rights Act of 1964 to ensure that it would include people with disabilities. This change faced opposition by members of the Senate.⁴⁰ Some felt that if the Civil Rights Act was revisited, there would be others who might try to completely get rid of it. In his book, *From Good Will to Civil Rights*, Richard Scotch explains that

In earlier Congresses, southern Democrats and other conservatives had attempted to weaken existing civil rights legislation by expanding coverage beyond the capacity for enforcement, and the civil rights advocates were concerned that any significant broadening of the scope of the Civil Rights act would necessarily distract from and thus diminish enforcement of the existing provisions.⁴¹

The Humphrey, Percy, and Vanik proposal was never seriously considered on its merits.

Having failed to directly establish a framework under the Civil Rights Act, Humphrey tried a different tact. In 1972, the Vocational Rehabilitation program was up for reauthorization, in the form of the Rehabilitation Act of 1972. Senator Humphrey

³⁸ Leon, http://www.edrobertscampus.org/er_03.html.

³⁹ David Pfeiffer, "Signing the Section 504 rules: More to the story," *Ragged Edge* 1 (2002), <http://www.ragged-edge-maga.com/0102/0102ft6.html> (accessed February 19, 2006).

⁴⁰ Richard K. Scotch, *From Good Will to Civil Rights* (Philadelphia: Temple University Press, 2001), 43.

⁴¹ *Ibid*, 44.

was persuaded by Senate staff to include his idea for an antidiscrimination protections act for people with disabilities in the Rehabilitation Act of 1972.⁴² The Senate staff quickly added Section 504 to the bill late in the process. They realized that after people with disabilities had finished the Vocational Rehabilitation program and training, getting them into the “mainstream of society” would be very difficult. They could still be discriminated against because of their disability.⁴³ While the Act was being considered by Congress and the president, no one really noticed the Section 504. In his book, Scotch brings up one idea, that “... most members of Congress either were unaware that Section 504 was included in the act or saw the section as ... a statement of a desired goal with little potential for causing institutional change.”⁴⁴

Congress passed the Rehabilitation Act in the fall of 1972, however, parts of the legislation were controversial, especially when it came to, as David Pfeiffer’s explains in his article “Signing the Section 504 rules: More to the story” in *Ragged Edge Online*, “... providing financial assistance to the state rehabilitation agencies so that persons too severely disabled to work (or so it was thought) could live independently.”⁴⁵ After passage, the Act went to the President’s office to be signed just as the Congressional Session ended. It languished there, without President Nixon’s signature, and the bill died as a pocket veto. The Rehabilitation Act was reintroduced in the next session of Congress. Again, bitter debate followed about funding, but the Act did pass Congress, again without any mention of Section 504. Again, it went to President Nixon’s desk to be signed, but the President vetoed it, citing the costs that would be needed to support

⁴² Pfeiffer, <http://www.ragged-edge-maga.com/0102/0102ft6.html>.

⁴³ Ibid, 51.

⁴⁴ Scotch, 54.

⁴⁵ Pfeiffer, <http://www.ragged-edge-maga.com/0102/0102ft6.html>.

independent living.⁴⁶ The supporters of the Rehabilitation Act of 1973 decided to rework the Act. They took out and redid a variety of different things, including the proposed funding for independent living, while retaining the provisions of section 504, and in September of 1973 the Rehabilitation Act passed Congress, and Nixon signed it into law on September 26, 1973.⁴⁷

The U.S. Department of Health, Education, and Welfare (HEW) was made responsible for writing and implementing the regulations for the Rehabilitation Act. In his book, Scotch explains that one of the problems with writing the implementing regulations for the Section 504 is that “unlike the rest of the Rehabilitation Act and most other federal legislation, Section 504 contained no provision for its own implementation.”⁴⁸ Over the next two years, the Office of Civil Rights worked on the regulations, consulting disability organizations. When these draft regulations were finally presented to David Mathews, Secretary of HEW, he delayed signing, citing cost concerns. Over the next two and a half years the Office of Civil Rights continued to work on the regulations, trying to satisfy both people with disabilities and Secretary Mathews.⁴⁹

On January 10, 1977, the final revised draft of the regulations was brought to Mathews. By this time, however, Mathews’ term was almost over; the incumbent President Gerald Ford had lost the election to incoming President James Earl Carter. Mathews didn’t want to sign and approve regulations that he believed were so controversial and he left the responsibility to his successor. Later, in January 1977,

⁴⁶ Ibid, <http://www.ragged-edge-maga.com/0102/0102ft6.html>.

⁴⁷ Scotch, 55.

⁴⁸ Ibid, 60-61.

⁴⁹ Ibid, 89-92.

Carter took office as President and appointed Joseph Califano as the new Secretary of HEW. Right away Califano received information on the Section 504 rulemaking and was urged by disability groups, OCR staff, and his aide to sign the regulations. He decided not to sign the regulations because he wanted them studied. He wanted a report on the Section 504 regulations by March 22, and said a decision would be made soon afterwards, but by the end of March Califano still had not made a decision.⁵⁰ At this point, emerging leaders of the Disability Rights Movement decided the time had come for a more direct approach.

Leaders and Significant Persons of the San Francisco Sit-In

Many people were involved in the Rehabilitation Act of 1973 Section 504 sit-ins. They were held all over the country, with over 150 persons participating in San Francisco alone. Since the demonstration held in San Francisco lasted the longest, and spawned a second group that traveled to Washington DC, it is important to look at the leadership in San Francisco. Pat Wright, Judy Heumann, and Kitty Cone are among those important to the success of the Section 504 demonstrations in San Francisco. When Pat (Patrisha) Wright was in her 20s, in the 1960s, the degenerative muscle disease in her eyes became worse, leaving her with double vision and legally blind. Not able to continue her work as a physician, she decided to move to California where she got a job at the Berkeley Center for Independent Living (CIL). She later joined Antioch University as the Dean of the graduate program and when the Center for Independent Living asked Antioch University

⁵⁰ Ibid, 102-111.

if they could put an outpatient campus at the Center, Wright was charged with developing the program.⁵¹

Wright got involved in the sit-ins because all of her students from the Center for Independent Living had joined the demonstrations. Wright decided to follow and support them because "... accepting disability as a political movement was not difficult. ... I closed down the classes in that division of the college, and actually went in the building and found the building to be incredible from a sociological point of view, kind of very interesting."⁵² She was able to get in the building because she was from the university and was checking on students. Wright had planned to stay for the afternoon but once she was inside she never left: "You had a whole city formed on the floor of a building. It was a break out into a health care unit, people in charge of getting food in, people in charge of hygiene, people in charge of sleeping, people in charge of telephoning press, so it was fascinating to see a city within a movement kind of develop on this one floor of the building. So I ended up staying in, and stayed in the entire time."⁵³

Judy Heumann, a Section 504 sit-in leader, was born in 1947 in Brooklyn, New York. She contracted polio when she was 18 months old which required her to use a wheelchair. Thereafter, she had a very difficult time getting an education because the schools would not allow her in the building -- she was considered a "fire hazard." Later on she was able to attend a school for people with disabilities. She attended the University of Long Island where she majored in speech pathology but when the school would not give her a teaching degree because of her disability, she decided to sue, and

⁵¹ Wright, Interview.

⁵² Ibid, Interview.

⁵³ Ibid, Interview.

won. The lawsuit brought lots of media attention which she used to help start the organization Disability in Action (DIA).⁵⁴

For three years, she taught elementary school in New York and then in 1973, Ed Roberts asked her to apply to Berkeley for her Masters and to get involved with the Berkeley Center for Independent Living. She was accepted, moved to California, got onto the Center's board right away, and later graduated with a Masters degree in Public Health. She was on the Center's board from 1973 to 1975, and then in 1975 she became the deputy director of the Berkeley Center for Independent Living. Heumann worked in this position until 1981. In 1977 she was one of the people who organized and led the Section 504 sit-ins in San Francisco⁵⁵

Kitty Cone, primary organizer of the San Francisco Section 504 demonstration, was born on April 7, 1944 in Champaign, Illinois. At the age of 15 she was diagnosed with muscular dystrophy. In 1960, she began attending the Mount Vernon Seminary in Washington DC, but she was expelled after she went out onto the hockey field, where she wasn't supposed to go because of her disability: "Well, they had kicked me out of the boarding school. ... Can you imagine getting on an eleventh grader and just really coming down hard because they walked down to the hockey field?"⁵⁶ She attended the rehabilitation program for people with disabilities at the University of Illinois. While in college she was always involved in politics, civil rights, political organizing, and

⁵⁴ Judy Heumann, interviewed by Emily Kathryn Holmes, July 28, 2005.

⁵⁵ Ibid, interview.

⁵⁶ Kitty Cone, interviewed by David Landes, 1996-1998, *Online Archive of California*, "Political Organizer for Disability Rights, 1970s-1990s, And Strategist For Section 504 Demonstration, 1977," <http://ark.cdlib.org/ark:/13030/kt1w1001mt/>.

different organizations like the Student Non-Violent Coordinating Committee (SNCC) and the Young Socialist Alliance (YSA).⁵⁷

She moved to California in 1972 because she needed a new setting and she had friends in the area. She discovered the Berkeley Center for Independent Living in 1974 when her wheelchair broke and the man at the store where she had purchased the chair suggested she go to the wheelchair repair shop at the Center. She then started doing volunteer work at the Center and soon afterward she was hired as a political organizer. In early March of 1977, Judy Heumann asked Cone to help organize and work with the coalition which organized disability and civil rights organizations in the Bay area, and which sponsored the rally on April 5, 1977 at the San Francisco federal building. Cone then helped lead, along with Judy Heumann, and a few others, the Section 504 sit-ins.⁵⁸

Disability Activists Respond to Political Inaction

In March of 1977, during the American Coalition for Citizens with Disabilities (ACCD) board meeting, the chair, Eunice Fiorito, told the executive director, Dr. Frank Bowe, that something drastic had to be done to get the Section 504 regulations signed and also to make sure that Califano was not weakening the regulations. Judy Heumann later related,

...many of us had worked on the [presidential] campaign, and there had been a commitment that if [Carter] was elected, that the regulations would be signed, unchanged. ... We wanted the regulations in the format that they were at when Carter was elected. We didn't want any watering down of the regulations. And we knew that the secretary of Health, Education, and Welfare, whose name was Joseph Califano, was looking at reviewing the regulations and making changes.⁵⁹

⁵⁷ Ibid, interview.

⁵⁸ Ibid, interview.

⁵⁹ Heumann, interview, 2005.

Bowe came up with the idea of physically occupying the regional HEW offices as well as the HEW office in Washington D.C. He presented his idea at the ACCD board meeting and they agreed to support it. When Frank Bowe returned to Washington D.C., he sent out two letters, one to President Carter's office and the other to Joe Califano, the Secretary of Health, Education, and Welfare (HEW). The letter explained that if the regulations were not written to ACCD standards and signed by April 4, 1977, then there would be "nationwide political action."⁶⁰

The White House called Bowe for a briefing and the HEW sent him a return letter thanking him for his letter, saying that Califano was doing all he could.⁶¹ At that point, ACCD began planning for a nationwide sit-in at all the regional HEW offices as well as in the Washington D.C. office of HEW. Frank Bowe, along with others such as Kitty Cone, Judy Heumann, and other ACCD members, sent out letters, faxes, and phone calls to thousands of disability groups across the country, inviting them to help with the planning and also to participate in the sit-ins.⁶² Frank Bowe remembers, "The response was overwhelming! We put people in touch with their local demonstration leaders. People threw themselves into this. Nobody could have anticipated that kind of an outpouring!"⁶³

On April 5, 1977, the regulations still had not been signed, so people with disabilities, as well as some supporters who didn't have disabilities, began to physically occupy the regional HEW offices around the nation. Protests and sit-ins took place in

⁶⁰ Dr. Frank Bowe, interviewed by Michael Ervin, April 18, 1986, "The 25 Day Siege That Brought Us 504," *Independent Living Institute*, <http://www.independentliving.org/docs4/erwin1986.html>.

⁶¹ Ibid, Interview.

⁶² Kitty Cone, interviewed by Michael Ervin, April 18, 1986, "The 25 Day Siege That Brought Us 504," *Independent Living Institute*, <http://www.independentliving.org/docs4/erwin1986.html>.

⁶³ Bowe, Interview.

nine regional HEW offices, including Boston, Chicago, New York, Eugene, OR, San Francisco (SF), many district HEW offices, and the HEW headquarters in Washington D.C. David Pfeiffer led the sit-in in Boston, Dr. Frank Bowe led the one in Washington D.C., and Kitty Cone and Judy Heumann led the sit-in in San Francisco. After only 24 to 36 hours the sit-ins ended in all cities but one: San Francisco.⁶⁴

Short Term Action in Washington, D.C.

The Washington D.C. sit-in participants, numbering 300⁶⁵, like all of their colleagues around the country, prepared for the sit-ins to last only a couple of days. Once the sit-in began in the Washington D.C. office of HEW, Califano did something that non of the protestors expected -- he demanded that no food or medicine be allowed into the sit-in participants there. The Washington D.C. demonstrators contacted the media, hoping media pressure would reverse this decision, but the media was not interested: “We got the word out that people were in life-threatening situations because the Secretary issued this order,” Bowe explains. “When reporters called, they could not get any verification.”⁶⁶ With no pressure from the media, Califano’s tactics worked, and after only 28 hours, the D.C. sit-in was over. Bowe went back to his office and started working the “corridors of power,” and corresponding with those in the San Francisco sit-in, which was still left.⁶⁷

⁶⁴ Michael Ervin, “The 25 Day Siege That Brought Us 504,” *Independent Living Institute*, <http://www.independentliving.org/docs4/erwin1986.html> and Doris Zames Fleischer and Frieda Zames, *The Disability Rights Movement: From Charity to Confrontation* (Philadelphia: Temple University Press, 2001), xv.

⁶⁵ Joseph Shapiro, *No Pity, People with Disabilities Forging a New Civil Rights Movement* (New York: Three Rivers Press, 1993), 66.

⁶⁶ Bowe, Interview.

⁶⁷ Ibid, Interview.

San Francisco Sit-Ins

When ACCD decided to make a huge push for the regulations to be signed, by sponsoring the demonstrations, Judy Heumann, who was then executive director of the Berkeley CIL, worked with other Berkeley CIL employees to set up a committee in the Bay area to support what ACCD was doing. The committee was represented by a variety of different organizations in the community, including labor unions, religious groups, and deaf groups. The committee spoke with the public and educated the Bay area about Section 504 and why implementing the regulations was so important. The committee also began to plan for a rally scheduled for April 5, 1977 in front of the San Francisco federal building.⁶⁸ The rally preceded as planned and was very successful. After the rally, the committee met with regional representatives from Region 9 of the HEW in the HEW building. Judy Heumann recalls, "... we went inside the building and there was this small group of us, Kitty and myself and one or two other people who had decided that if it didn't feel like the meeting was going in the right direction, that we would encourage people to stay in the building. ... but we, I mean basically we were well planned. We got in the building." The meeting ended up not going the way that the committee had hoped, so when the meeting was over, the committee "... basically announced at the end that we weren't going to leave." They decided to stay one night.⁶⁹

More and more people with disabilities from the Bay area joined the committee in the HEW building. The HEW workers on the floor that was being taken over just moved to another floor. At one point the San Francisco police stopped people from coming into the building. The police were planning on removing the demonstrators from the building,

⁶⁸ Heumann, Interview, 2005.

⁶⁹ Ibid, Interview.

but for a couple of reasons, including that the city wouldn't provide the police the support they needed, the police left the people inside. Also, President Carter discouraged the police from arresting the demonstrators because he thought it would look bad arresting people who were disabled.⁷⁰

The next day the demonstrators learned about the Washington D.C. demonstrators and how they had been starved out of the D.C. HEW building. The San Francisco demonstrators decided that because of Califano's bad treatment of the D.C. demonstrators, they were not going to leave the HEW building.⁷¹ A couple of priests lived with the demonstrators and helped wherever they could as well as leading mass and celebrating Easter Sunday, and a Rabbi came to lead a Passover seder.⁷² The demonstrators communicated with ACCD and others in D.C., learning about what was going on and any possible changes to the regulations that were being discussed. Some of the media from around the area entered the building to interview the demonstrators. There was also media from other parts of the world who spoke with them. A medical team stayed in the building just in case anyone got sick. Some sit-in participants went on a hunger strike. Everyday there were protestors outside the building supporting what was going on inside.⁷³

At this time, of course, the restrooms in HEW were not accessible and there were no showers. During the San Francisco sit-in, there were many expressions of support from the public, the mayor's office, and the governor's office. Those who participated in the sit-in argue that the sit-in would not have continued as long as it did without the

⁷⁰ Pfeiffer, <http://www.ragged-edge-maga.com/0102/0102ft6.html>.

⁷¹ Heumann, interview, 2005.

⁷² Shapiro, 67-68.

⁷³ Heumann, interview, 2005.

support of the people in San Francisco. The demonstrators in HEW needed food, supplies, medicine, and other things, and the city of San Francisco provided it for them. San Francisco was very supportive and very helpful to the sit-in participants. Grocery stores, such as Safeway, donated groceries; the Black Panthers, gathered, prepared, and delivered food.⁷⁴ The mayor of San Francisco, George Moscone, brought portable showerheads into the building for the people to use.⁷⁵ Different unions, civil rights groups, women's groups, etc. supplied mattresses, medicine, and supplies. Pat Wright explains "... so it was like learning that, drawing all the civil rights communities, into that demonstration, made that 504 demonstration successful ..."⁷⁶

The sit-in participants relied on the city for their needs, but even more so they depended on each other. Those who participated in the sit-in worked together and helped each other in many ways. During the 25 days of the sit-in, everyone occupying the San Francisco HEW building became like one large family. Pat Wright remembers that "Everybody was really committed to the goal to have the regs come out. And everybody was doing what their part was."⁷⁷ They supported each other and worked together during the time that they were there because they were all fighting for the same thing and they knew that they had to come together if they wanted to win in the end. Those who participated in the sit-in kept busy with meaningful tasks. Everyone was broken up in to different committees. The food committee was in charge of handing out food, the fund raising committee, the Sunday morning religious services committee, the media

⁷⁴ Wright Interview and Heumann, Interview, 2005.

⁷⁵ Cone, Interview, 1986.

⁷⁶ Wright, Interview,.

⁷⁷ Ibid, Interview.

committee, and many others handled other tasks and responsibilities of this temporary encampment and community.⁷⁸

Transporting the Demonstration Back to D.C.

After about two weeks, demonstrators in the San Francisco HEW office felt that they needed to go to Washington D.C. because they "... wanted to work on giving more life to the 'nationalness' of the demonstration"⁷⁹ and to try and push the issue and meet with Califano and/or Stuart Eisenstadt, Carter's head of policy⁸⁰. They raised money for the trip and sent 21 people to D.C., leaving about 125 people behind to continue the sit-in in San Francisco. The group included Judy Heumann, Pat Wright, and Kitty Cone. They slept in the church at Thomas Circle in D.C., and the International Machinists union rented a big yellow moving truck for their transportation around the city: "... It was like a Rider rent-a-van. No windows, nothing. And so they put the lift down, and one-by-one we all loaded up into it ...," Pat Wright recalls. "And so they drove with the back of the truck door half way open so we could get air in the truck so we wouldn't like suffocate, and so we're all kind of like holding onto the wheelchairs, cause every time you went around the corner, there were no tie downs or anything!"⁸¹

The sit-in participants organized many demonstrations around D.C. They had two candlelight vigils at Califano's house. They went to his neighborhood and talked with the kids. They told the kids that "... Mr. Califano doesn't want disabled kids going to school."⁸² They went to, and then sang freedom songs across the street from President

⁷⁸ Heumann, Interview, 1986.

⁷⁹ Ibid, Interview.

⁸⁰ Wright, Interview.

⁸¹ Ibid, Interview.

⁸² Heumann, interview, 1986.

Carter's church. They picketed a hotel where Califano was speaking , forcing him to exit through the basement to avoid them. The 21 sit-it participants from San Francisco just followed Carter and Califano around trying to get someone to meet with them, and when no one would, the demonstrators just tried to make themselves as evident as they could.⁸³ Judy Heumann argues that these "... demonstrations were a defining moment in the movement because they showed us and they showed others that we were very powerful."⁸⁴

Results and Successes of the Sit-ins

On April 28, 1977, Joseph Califano finally signed the regulations to Section 504. The San Francisco demonstrators stayed in the building for two more days looking over the regulations, making sure that they had not been watered down. On April 30, over 150 demonstrators marched out of the HEW federal building, victorious, and they headed to a victory rally.⁸⁵ At the rally, Ed Roberts made an inspiring speech reminding everyone that they had come together to accomplish a common goal and they had been successful. In his speech Roberts said, "Winston Churchill once said, 'Never have so few, done so much, for so many.' And this example, this example of people loving each other, committed to something that is right, is one that I will always remember. ... We have never been defeated. You think about it. Whenever we have brought ourselves together, whenever we have joined various disabilities together, we find our strength."⁸⁶ Roberts also said, "We will storm the schools and open them up. We will be sure that each person with a disability who has special needs has the money and the power to gain what

⁸³ Wright, Interview.

⁸⁴ Heumann, Interview, 2005.

⁸⁵ Cone, Interview, 1996-1998.

⁸⁶ Roberts, http://www.disabilityworld.org/12-02_05/news/roberts504speech.shtml.

they need to move them back into the mainstream of society” and “... what we need to do is help raise the consciousness of our fellow Americans with disabilities, to help them come out from behind ...”⁸⁷ Judy Heumann, commenting about how the sit-ins made her feel, said, “So I guess, boil it all down? To pride. I think empowerment and pride.”⁸⁸

Continuing the Movement After the Sit-ins

The Disability Rights Movement didn’t end with the Section 504 sit-ins. A movement culture developed that included people with disabilities around nation. For example, Pat Wright stated, a group of sit-ins participants, including herself, “... decided that it was time that disability had a legal defense fund. That was kind of comparable to what race was doing. Race had the NAACP legal defense fund. And women had the women’s legal defense fund, and the Mexican-American legal defense fund ...”⁸⁹ Toward that end, in 1979, Wright and the others founded the Disability Rights Education and Defense Fund (DREDF). Wright became the Director for Government Affairs for DREDF and she has worked in this position ever since.

Judy Heumann continued to work at the Berkeley Center for Independent Living until 1981, when she joined Ed Roberts at the California Department for Rehabilitation. She was there for only 8 months when both she and Roberts left the department and along with Joan Leon founded the World Institute on Disability (WID) in 1983.⁹⁰ This organization was “... a progressive think tank focusing on independence and civil rights for people with disabilities.”⁹¹ Also, Kitty Cone continued to work at the Berkeley

⁸⁷ Ibid, http://www.disabilityworld.org/12-02_05/news/roberts504speech.shtml.

⁸⁸ Heumann, interview, 2005.

⁸⁹ Wright, Interview.

⁹⁰ Heumann, Interview, 2005.

⁹¹ Independent Living USA, http://www.ilusa.com/links/022301ed_roberts.htm.

Center for Independent Living until the early 1980's when she moved to Mexico to adopt her son. In 1984, Cone returned to the U.S. and started working for the World Institute on Disability. After helping found the World Institute on Disability in 1983, Ed Roberts also helped found the Disabled Peoples' International, later on in the 1980s. This organization worked to unite disability organizations around the world.⁹²

The progress of the Disability Rights Movement is also illustrated by the many, many more people working to develop the Americans with Disabilities Act (ADA) and the spread of Centers for Independent Living across the country. The Rehabilitation Act Section 504 sit-ins caused a snowball effect in the community of people with disabilities in the U.S. It got them excited and involved with disability rights and disability culture. They had learned to work together for a common cause, and they learned that together they were powerful. The Movement that began as a protest gained momentum. Since the sit-ins, and the signing of Section 504 regulations, many new laws formally recognize civil rights for people with disabilities. The laws include, but are not limited to the Air Carrier Act, passed in 1986, which prohibited airlines from discriminating against people with disabilities by not serving them or by charging them higher airfare than people without disabilities.⁹³ The Civil Rights Restoration Act of 1988 clarified the purpose of the Rehabilitation Act of 1973 Sections 501, 503, and 504, stipulating that, "... discrimination in any program, or service that is a part of an entity receiving federal funding – not just the part which actually and directly receives the funding – is illegal."⁹⁴ Finally, in 1990, Congress approved, and President George H.W. Bush signed into law

⁹² Young, http://www.npr.org/programs/disability/ba_shows.dir/revoluti.dir/highlights/ada.html.

⁹³ Disability Programs and Resource Center (DPRC), "A Chronology of the Disability Rights Movement: 1980-1989," San Francisco State University, <http://www.sfsu.edu/~dprc/chronology/chron80s.html>.

⁹⁴ McDonald and Oxford, <http://www.acils.com/acil/ilhistory.html>.

the Americans with Disabilities Act (ADA). This act was a continuation of Section 504, but it went into much more detail, clarifying what businesses, schools, hospitals, etc. were required to do.⁹⁵

Conclusion

The Rehabilitation Act Section 504 sit-ins occurred when the federal government refused to sign the regulations as written to implement Section 504. Instead of sitting back quietly as many probably expected them to do, people reacted, first within the political and legal arena. Then, when they felt that they were not being heard, they took to the streets (and the buildings), demonstrating for public support. These sit-ins, especially the one in San Francisco, caused a huge cultural movement to begin amongst the disability community. It allowed them to see that they were, in fact, a community. In addition, because people with disabilities began to see themselves differently, the cultural movement also began to change society's attitudes, ideas, and views about the disabled. As one evidence of this, we finally see historians acknowledging that yet another group who were perceived to be but a side eddy, are a vibrant, important part of the main stream. The cultural movement continues to excite and inspire people with disabilities to be passionate about being disabled, their civil rights, and their lives. This cultural movement, and the Disability Rights Movement continue today.

⁹⁵ Disability Programs and Resource Center (DPRC), <http://www.sfsu.edu/~dprc/chronology/chron80s.html>.

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