

10 – Wheels of Justice

By Lisa Bennett

1977: Disability rights activist stage a month-long sit-in at a government building in San Francisco.

For decades, Americans with disabilities were unable to go to school with other children, get jobs like other adults or simply cross the street. Curbs, steps and stigmas stopped them everywhere they went.

But on a spring day in 1977, some disabled residents of San Francisco decided they were tired of being barred from the rest of society. To make their point, they staged a dramatic month-long sit-in at a government building, demanding - and ultimately winning - civil rights for the nearly 50 million people with physical and mental impairments living in the United States.

On April 5, 1977, Judy Heumann rolled her wheelchair through a crowd of 200 demonstrators who had gathered outside a government building in San Francisco. The protesters were demanding enforcement of a law that would guarantee Americans with disabilities access to public buildings.

Heumann asked one person after another: "Did you bring your toothbrush?"

Jeff Moyer, a blind folk singer, said, "No. Why?"

"We're staying," said Heumann.

"It's news to me," said Moyer.

In fact, only a few people - like Mary Jane Owen, who walked with a white cane and wore a long black skirt and shawl that could double as a blanket - had been warned that there would be a sit-in at the department of Health, Education and Welfare (HEW) that day. Heumann hadn't wanted word to spread to HEW authorities or they might prevent the protesters from entering the building.

With or without their toothbrushes, demonstrators did enter the building to discuss their demands with HEW officials. And when security guards prepared to lock the doors at 6 o'clock that night, about 100 of them stayed right where they were, despite threats of arrest.

Many were in wheelchairs. Some were blind and some deaf. Others had mental disabilities or emotional ones. At home, a few had to rely on aides for everyday needs ranging from using the bathroom to turning over in bed.

Still, they were willing to stay the night or longer without beds, food or wheelchair-accessible bathrooms, for one simple reason: The law had the power to change their lives by literally opening doors that had long been closed to them.

At the time, few people with disabilities could count on that kind of access, as Judy Heumann, the sit-in's leader, could attest. Judy had been paralyzed from polio in childhood.

When she was 5 years old, she was not allowed to attend an elementary school because the principal said her wheelchair would present a danger to other children in case of fire.

So she was schooled at home. A few hours a week, a teacher came to her; Judy spent the rest of her time reading and waiting for 3 o'clock when she could see her friends and attend Brownies.

She was, of course, lonely. But because this was the only life she knew, Judy did not think of herself as different from - or less able than - other children. Nor did her family and friends treat her as if she were.

But by 4th grade, when she was finally permitted to join her peers, she recognized that other people treated her differently because she sat in a wheelchair.

What other people could not so readily see, however, was that Judy was extremely intelligent. In fact, by age 10 she was reading at a high school level. Nonetheless, administrators at the new school Judy entered in 6th grade made plans to send her home. But this time, her mother organized with other parents and won the right for children with disabilities to stay in New York City public schools.

For Judy Heumann, it was the first of a lifetime of battles for access to the places and opportunities that most people take for granted. After high school, she fought for the right to attend college. And after college, she fought for the right to teach when school officials told her she wouldn't be able to manage a class.

Although she triumphed in both these personal battles, Heumann remained deeply unsettled by the many obstacles that still blocked the paths of millions of capable people who happened to have a disability. And so, in the early 1970s, she began to fight on behalf of all Americans with disabilities.

The most important battle, which would culminate in the 1977 sit-in, was over access to federally funded buildings through enforcement of a piece of law referred to as "Section 504." In 1973, Congress had passed a routine spending bill authorizing funds for rehabilitation and training programs for the disabled. Within the bill was the "Section 504" provision, which prohibited discrimination against people with disabilities in programs that received federal funding.

"Section 504" was modeled on Title VI of the Civil Rights Act of 1964, which bars discrimination based on race, and Title IX of the Education Amendment of 1972, which forbids discrimination based on gender. But the provision had been inserted by legislative aides, rather than studied and debated by Congress. It appeared that many Congressional representatives had voted for the bill without realizing the monumental ramifications of the section.

When it came time to sign the regulations specifying how the law would be enforced, HEW officials realized that Section 504 would require significant changes - and costs. At public schools and federally-funded colleges, for example, wheelchair ramps would need to be added and restrooms modified so disabled people could attend classes. In essence, the law would prohibit a principal from telling someone like Judy Heumann that she could not attend school because she was in a wheelchair and, instead, require schools to become accessible. To avoid such a tremendous undertaking, the chief official at HEW simply avoided signing the regulations.

Disability activists like Heumann were not about to let a good law slip through their fingers. They formed the American Coalition of Citizens with Disabilities and began lobbying for enforcement. In 1975, they won their first apparent victory when presidential candidate Jimmy Carter promised that if elected, his HEW chief would sign the regulations. But when Carter was sworn into office in January 1977 and named

Joseph Califano HEW secretary, Califano balked. It had been four years since Congress had passed the original bill. Meeting in Washington, Judy Heumann and her colleagues decided they had had enough.

They agreed that they couldn't allow this to become an endless process. They had to set a specific deadline for the signing of the legislation. And they resolved to hold demonstrations around the country if the demand wasn't met.

With a deadline set for April 5, 1977, Heumann flew to California and began organizing with other activists who had experience in a range of social movements, including women's rights, union organizing and the fight for racial equality. They distributed flyers, planned speakers, made banners, informed the news media, arranged transportation, and warned transit workers to expect many riders with disabilities on the day of the demonstration.

Jeff Moyer, who had progressive vision loss, was one rider on the subway that morning. He carried a guitar, a bullhorn, a pencil and a scrap of paper, and, as he traveled, he scribbled the words to a song that had become an anthem for African Americans during the Civil Rights Movement. Rephrasing the lyrics for this cause, Moyer wrote:

*We won't stop till the battle is won
And enforcement of the law begun
Keep your eyes on the prize, hold on!
Hold on, hold on -
Keep your eyes on the prize, hold on!*

At the rally, Moyer led the demonstrators in song, and the crowd listened to several speeches. Then Heumann urged everyone into the building that housed HEW's offices. Some hours later, officials threatened to have all of them charged with trespassing.

"Fine," Heumann replied, aware that, in these circumstances, their disabilities could be used to their advantage. "Just know that one among us is hemophiliac and could bleed to death if you hurt him."

Apparently unwilling to risk a public confrontation, police made no arrests. But still intent on gaining control, officials announced that food would not be allowed in; telephone lines would be cut off to outgoing calls; and protesters who left the building for any reason would not be allowed back in.

The news made some protesters nervous. But when journalists showed up to cover the event, Heumann, who had set up an office in an elevator shaft, reported confidently: "We're perfectly capable of staging a sit-in."

Similar messages were being conveyed at rallies in New York, Los Angeles, Seattle and Denver. Several hundred people also had staged a sit-in at the hew headquarters in Washington, D.C. But on the second day, the D.C. protesters were forced out, after being denied all food and drink except one doughnut and a cup of coffee.

But community support in San Francisco was swift and strong. Almost immediately, the Black Panthers delivered a pot of stew. McDonald's sent hamburgers. Safeway stores donated boxes of food. So did the staff of a lesbian cafe, the residents of a home for recovering drug addicts, and other groups. Two Catholic seminarians, dressed in blue robes, also showed up to prepare and serve meals. Soon the officials who had

declared that no food would be permitted in were forced to open their doors to the outpouring of assistance.

The community continued to throw its support behind the protesters. A group of gay men who patrolled against gay-bashing incidents donated walkie-talkies. The state Department of Health sent 100 mattresses. A local congressman installed portable phones, designed for people in wheelchairs. And the mayor delivered portable showers, although the HEW director complained: "I'm not running a hotel here."

Religious leaders, city council members and the human rights commissioner held a vigil and press conference. The National Organization of Women, the National Association for the Advancement of Colored People, the Gray Panthers (a senior citizens organization), the Communist Party, the American Legion, labor unions and farm workers also voiced their support. And, outside, city residents held a flurry of rallies to show theirs.

With every day that passed, however, the demonstrators wondered whether they should stay on. Whether food would hold out. Whether the physical toll would be too high. Whether anyone was paying attention.

Judy Heumann was worried about reports that the hew chief was considering weakening the regulations before signing them. She expressed this concern to two state Congressmen, George Miller and Phillip Burton, and they called an ad hoc congressional hearing on the subject, right at the site of the demonstration.

It was Friday, April 15, the 10th day of the sit-in. The national news media arrived. Several hundred supporters rallied outside. And an HEW representative outlined the changes the department was considering, including the possibility that people with disabilities might be educated in "separate but equal" schools, instead of having existing schools adapted for them.

Heumann appeared at the witness table, fighting back tears.

"The lack of equity that has been provided to disabled individuals, and that now is even being discussed by the administration, is so intolerable that I can't quite put it into words," she began. "But I can tell you that every time you raise the issue of separate but equal, the outrage of disabled individuals across the country is going to continue, it is going to be united. There will be more takeovers of buildings until finally, maybe, you will begin to understand our position."

Four days later, as some 50 protesters stayed on in San Francisco, Heumann led a contingent of 20 others to Washington, D.C., in the hopes that they could take their case directly to Califano and Carter.

Arriving at the airport, they were met by supporters from the International Machinists Union, who wheeled their chairs into the back of a rented Ryder truck. With nothing to hold onto but each other, their wheelchairs swerved across the floor as the driver wound his way through city traffic to Califano's house.

It was nearly midnight when they arrived. The driver opened the back door, and those on crutches and canes stepped down while those in wheelchairs were helped down via a hydraulic lift. Several neighbors turned on their lights. Then the protesters formed a circle and held candles in a silent vigil. A few minutes later, a police car arrived and asked the demonstrators to leave. But they refused and the police, seemingly uncertain of what to do, backed away and watched.

As the sun rose seven hours later, Heumann wheeled her chair to Califano's steps and called out: "Please open the door. I cannot get up your steps."

There was no reply. So she called out again. And again. Finally, an employee came to the door and said that Califano had left, apparently by the back door.

Exhausted and frustrated, but determined to fight on, the group returned to Califano's neighborhood another day and distributed flyers that charged him with blocking civil rights to people with disabilities. Again, they called to Califano from outside his door. But Califano refused to speak with them.

So they went to his office building. But federal guards saw them coming, locked the doors and stood in front of them, their legs spread wide apart to block their entry. Judy Heumann surveyed the scene in anger. At wit's end, she drove her chair into the door, backed up and rammed it again, while other protesters followed suit.

"These great big guards didn't know how to respond," recalled journalist Evan White. "They kicked their chairs to try to get them to stop."

The protesters moved to the next door. But guards blocked them there as well. They went on and tried the garage door. But, again, they were blocked.

They targeted President Jimmy Carter next. On a Sunday morning, they rolled and walked to the First Baptist Church, where President Carter worshiped, and waited for a chance to speak to him. Carter, however, entered through a side entrance and left using a rear one. His motorcade passed in front of the crowd, but the president did not look their way.

Several of the protesters cried in frustration and disappointment at being shunned. Still, they would not give up and called on White House staff members, HEW officials and members of Congress. The news media, meanwhile, increasingly reported on the issue. And finally the political pressure, which had been building for years, peaked.

On April 28, exactly 25 days after the demonstration began, a pay phone rang at the site of the San Francisco sit-in with the news: Califano had signed the regulations, unchanged, guaranteeing all Americans with disabilities access to schools, hospitals and other institutions that received federal funding.

"It was absolute delirium for us," recalls Raymon Uzeta. "Everyone's energy level went right through the roof. We were ecstatic, hugging and yelling. What a high." Instead of going home, however, they stayed on two more days, waiting for the Washington contingent to return. Then, on April 30, they emerged from the building as one triumphant group while several hundred spectators applauded and cheered.

The physical toll the sit-in took on many was obvious. Mary Jane Owen, who had gone in blind but walking, came out in a wheelchair because she had tripped and injured her knee. Steven Handler-Klein, who had multiple sclerosis, was gravely ill after spending nearly a month deprived of care because he believed that his participation in this sit-in was the most important event of his life. But emotionally, most were stronger and happier than they'd ever been.

"Instead of seeing myself as a weak person," one demonstrator said, "I found my strength reinforced by others like me."

"I discovered something about myself that I didn't know," said another, " - that I count as a person."

As their leader, Judy Heumann regretted that she had remained in Washington to attend to business details and missed the victory march by those who staged what, to this day, remains the longest sit-in at a federal building in American history.

The rights that were won for people with disabilities that April were not the result of the San Francisco sit-in alone, she observed. As in most battles for civil rights, victory also required years of activism, coalition-building and the support of allies. But those 25 days helped bring years of effort to a successful and moving close.

In addition to the political and social benefits, the victory was deeply rewarding to the protesters on a very personal level. "It showed all of us how much we could do," reflected Heumann - no small success for a group of Americans long accustomed to being told by the larger society what they could not do.

*This article is reprinted by from the Teaching Tolerance curriculum kit
A Place at the Table.*