Disability Rights as Civil Rights: a case study at the University of Illinois

The program for students with disabilities at the University of Illinois was the result of efforts by the Veterans Administration (V.A.), college administrators, and an initial group of students with disabilities. From its success and longevity, it is tempting to jump to the conclusion that there was abundant support from the institutions involved; however, archival evidence suggests that such support from the V.A. and certain sections of the college administration may not always have been enthusiastically forthcoming. By applying Derrick Bell’s theory of interest convergence, this paper aims to examine what motives the various institutions involved had in the initiation and continuation of the program, and in the process establish parallels between the disability rights and African-American Civil Rights movements.

In *Silent Covenants*, Derrick Bell proposes the notion of interest convergence in racial politics, postulating that the landmark ruling by the Supreme Court in Brown v. Board of Education in 1954 was motivated by a desire of the white government to improve its standing among third world nations, and not by the altruistic ideals of greater racial integration and equal opportunity as most would like to believe [Brophy]. In a similar vein, it has been put forth by both Shapiro and Bérubé in *No Pity* and *Life As We Know It* respectively that the development of the disability rights movement has often been the result of marriages of convenience. Specifically, as Shapiro describes
the passage of the Americans with Disabilities Act (ADA) as the culmination of bipartisan efforts by a ‘hidden army’ of support in Congress [105], Bérubé suggests that the apparent cyclic surges and declines in the advancement of disability rights could be tied to the state of the economy, that it has been an easy cause to champion in times of growth but easy as well to discard by fidgety administrations in recession [100]. Thus, we see how a form of interest convergence has been at work in the realm of disability rights, which in turn hints at broader similarities between it and the Civil Rights Movement.

The inception of the disability rehabilitation program at the Galesburg Division of the University of Illinois can be traced back to a conference held on July 23, 1947. From the list of parties present, the principal organizations that held a stake in the program can be easily discerned; namely, these were the V.A. and university administration [Graffouliere 1]. Notably, the intended beneficiaries – paraplegic veterans themselves – were absent, their interests presumably represented by the V.A.. Placed in the context of the post-war boom, this could ostensibly be seen as an instance of the federal government taking up the cause on their behalf due to relative economic convenience, precisely as Bérubé posits. Of course, it would be unfair to completely discount the impetus from the army and government’s moral obligation to afford such provisions; however, the widespread denial of reparations to Vietnam and Gulf War veterans [Fleischer 176], which incidentally coincided with periods of comparably slower economic growth, severely detracts from this. This mirrors the situation with segregation after Brown v. Board of Education: if the 1954 ruling was indeed based on a moral duty to right past wrongs, why did African-Americans such as the Little Rock Nine and James Meredith still face such prejudice in the late 50s and early 60s? Thus, in both movements, we see that moralistic arguments (the validity of
which have been continually contested), though perhaps appealing on an individual level, never really constituted enough of a motivation for real change from the government’s point of view.

Further examination of Graffouliere’s notes from the above-mentioned conference also reveals that its aim was ‘to determine the suitability and feasibility of [the Galesburg campus] to a project whereby approximately one hundred disabled veterans would enroll for training’ [1]. However, although the program was primarily meant to benefit veterans with disabilities, this aim was not the sole consideration on officials’ minds. In particular, the morale-boosting effects of such an arrangement on the able-bodied student-veteran population was also discussed [Graffouliere 3], demonstrating the idea of integration as a public good rather than as a right to be accorded to persons with disabilities regardless. Similarly, diversity as a public good has been adopted as an economic argument for affirmative action, on top of traditional, and perhaps more subjective reasons such as redress for past discrimination.

From correspondences released around when the rehabilitation program was initiated, we see as well that the circumstances under which the University of Illinois was even considered for it were far from deliberate. In fact, it was largely due to the fortuitous location of the Galesburg campus at the former Army Mayo General Hospital, and the favorable accessibility conditions as a consequence of this [Bradney 1], that made the University a uniquely suitable candidate. An element of chance would be present again, and with a more significant impact, in the inclusion and passage of Section 504 of the Rehabilitation Act: as Shapiro describes it, ‘Disabled people did not even ask for it. Nor had they lobbied for it. Section 504 of the Rehabilitation Act of 1973 was no more than a legislative afterthought’ [64]. Similarly, Bell argues that something as seemingly
unrelated as the geopolitical climate of the Cold War, rather than the struggle of the African-American community, proved to be the deciding factor in Brown v. Board of Education. From these two points, the respective movements then developed in similar ways – just as the 1954 ruling precipitated actions such as the Montgomery Bus Boycotts in 1955 and achievements such as the desegregation of Little Rock in 1957, the passage of Section 504 led to the sit-in at the Department of Health, Education and Welfare (HEW) in San Francisco in 1977 [Shapiro 66]. Thus, although the fortunate circumstances under which the respective movements claimed their landmark victories was unexpected, they nonetheless served to unleash fervors for self-determination – products of oppression stemming from racism in one and paternalism in the other [Murphy 120; Shapiro 74] – which were then demonstrated in the form of civil disobedience.

Despite the fact that their needs as persons with disabilities seemed to be more of an afterthought, and the paternalistic way by which said needs were deemed to have been addressed, there can be no doubt that veterans enrolled under the rehabilitation program at the Galesburg Division benefitted greatly from the resultant unprecedented opportunity to obtain a college education. With regard to them, then, it would seem that Bell’s theory of interest convergence would be moot, a point of interest for sure, but ultimately too cynical and unproductive to afford further study. However, due to their new situation, the paraplegic veterans now identified themselves not only as veterans but with the larger community with disabilities as well, in effect recognizing that as the V.A.’s interests had converged with their own, so did that of their civilian counterparts. In The Disability Rights Movement, authors Fleischer and Zames address the issue of preferential treatment of veterans with disabilities over their civilian counterparts, mentioning in particular the “veterans’ discomfort with the disparity between the treatment of disabled veterans
and that of disabled civilians”, a sentiment which arose as early as 1946 [173]. While there appears to have been no tangible evidence to suggest a similar ‘discomfort’ among the paraplegic Galesburg veterans, the mutual identification with disabled civilians was definitely present, as demonstrated when Harold Scharper, an incoming paraplegic veteran, went about convincing ‘several’ paraplegic non-veterans to enroll in the program along with seven other of his cohorts in Fall 1948 [“To Dean Giesecke” 1]. It should be noted here, then, that although the civilians enrolled in the program were not covered by PL-16, they doubtlessly would have benefitted from facilities and improvements paid for by V.A. funding regardless, in sort of an extension of both parties’ interests by virtue of their common association with the paraplegic veterans. This mutual identification among separate disability groups would notably be witnessed in 1990, as ‘groups representing all the major disabilities, including spinal cord injuries … and chronic fatigue syndrome’ [Shapiro 127] came together in Washington in support of the passage of the Americans with Disabilities Act (ADA). Another interesting instance of such identification between minority groups was also demonstrated during the San Francisco HEW sit-in (mentioned above), when the Black Panthers were noted to have assisted in the preparation of food donations for the protestors [Shapiro 67].

Evidence from the rehabilitation program’s annual reports suggests that while the paraplegic civilians were not eligible for V.A. funding under PL-16 (which provided for the vocational rehabilitation of disabled WWII veterans only), the cost of their enrollment was instead borne by both the Illinois State Division of Vocational Rehabilitation and the US Office of Vocational Rehabilitation (under the Department of Health Education and Welfare), under the Smith-Fess Act of 1920, also known as the Civilian Vocational Rehabilitation Act [Nugent, Annual Report 3;
Bone, “Mr. T. J. Nugent…”]. Amendments to the Act, under Public Law 565 (PL-565) passed in 1954, then not only increased federal funding from a ‘100% match to a 150% match’ against state funding, but provided for facility developments as well [“Disability Law”]. Serendipitously, this coincided closely with the cessation of V.A. funding in 1956, and is probably how the program managed to stay afloat through those few years, as it came into its own, away from its roots as a veterans’ program. Although the aim of the Smith-Fess Act and its subsequent amendments was to provide persons with disabilities with ‘counseling, training, prostheses and placement services’ [Neilson], the motivation behind expanding legislation to cover civilians as well as veterans, who were already covered under the Soldier’s Rehabilitation Act of 1918, is unclear. Equally curious was the transfer of rehabilitation ‘from the Veterans Administration into the new federal Department of Health, Education and Welfare’ in 1954, which Polly Welch attributes to the ‘polio epidemics of the 1950’s’ in Strategies for Teaching Universal Design [Welch]. Here then lies a unique difference, an advantage, so to speak, the disability rights movement has over the Civil Rights Movement: while racial lines are drawn at birth, ‘the disabled’ as a minority group is one anyone could conceivably join, and almost everyone has had an experience with a person with a disability – Shapiro refers to this as the ‘hidden army’.

Despite the legislation in place that seemed to assure funding for the program, Nugent’s recurrent mentioning in his annual reports of the shortfall of funds claimed from both the V.A. and the State Division of Vocational Rehabilitation [Nugent, Annual Report 3] seems to imply otherwise, that there was instead a chronic lack of funding from the program’s supposed backers, in a situation remarkably similar to federal reluctance in implementing Section 504 as described by Shapiro [65]. As it was the case with the HEW sit-in led by Judy Heumann and supported by Ed
Roberts, both of whom previously worked at the Center of Independent Living at Berkeley [Shapiro 66], and the numerous Civil Rights demonstrations and protests throughout the 50s and 60s, the situation of the program at the University spurred a trend of student fundraising and advocacy initiatives, which were worked into self-determination and rehabilitation groups such as Delta Sigma Omicron Inc. (DSO, short for Disabled Students Organization) and the wheelchair basketball team, the Gizz Kids [Nugent, “It is the desire…”]. These efforts were largely overseen by Nugent himself in his capacity as Director of the program, and through correspondences at the time between himself and the Assistant Dean of Men regarding certain violations of fundraising regulations [Hampton 1], one gets an impression of the state of affairs that necessitated such reckless actions. We witness here as well how the interests of the program and its students were closely intertwined, much like how Heumann and her cohorts held a stake in the honest execution of Section 504, and of course, how the achievements of the Civil Rights Movement represented the social ascension of the African-American community.

From the program’s financial situation, we observe the possible divergence of interests among members of the college administration itself, most notably with Nugent and Dr. Robert Bone (then Director of the Division of Special Services for War Veterans, whose charge the rehabilitation program had been put under) on the students’ side while administrators such as Hampton were generally unwilling to even compromise about its fundraising efforts. As stated previously, most of the program’s funding was derived from several state and federal sources, and although this reliance on external funding could be interpreted as a lack of support from within the university, it should be noted that in a correspondence with the Provost in 1949, Bone himself admitted to not having initially been ‘too enthusiastic when Mr. Harold Scharper … suggested that he and other
paraplegics enroll’ at the Urbana campus, a view which by then had evolved into one ‘in favor of helping them obtain an education’ [Bone, “Increased Paraplegic Enrollment…” 1]. The Provost’s response is similarly encouraging and supportive of increasing the enrollment of paraplegics [Griffith], and when considered together with Bone’s statement, seems to suggest not an outright unwillingness to help but rather a lack of knowledge on how to go about doing so. Similar misinformation was present when the time came to put Section 504 into practice as well, as Shapiro describes how ‘university officials and others wildly overestimated the cost of accommodating disabled people’ [71]. This, however, was in stark contrast to the case of civil rights prior to Brown v. Board of Education, where the course of action was clear, but hampered instead by an unwillingness to act.

In the course of archival research, it was noted that little mention was made of any motives for the enrollment of students with disabilities beyond possibly the generation of positive publicity for the University. While it was true that enrollment of students was in itself a source of revenue, it is clear from the overwhelming reliance of the rehabilitation program on external funding, as well as the chronic shortfall in claims (mentioned above), that the enrollment of students with disabilities was not at the time a profitable enterprise. Thus, it remains to be seen what other tangible interests the University may have had in not only maintaining but also expanding the program over the years. From the content and tone of his correspondences, however, it seems that it was in this apparent break between the interests of the University and that of his students that Nugent, with his tenacious personality and progressive view of disability rights, took it upon himself to ensure the success and consequent longevity of the program; the obvious parallels here would be the galvanizing effect leaders such as Ed Roberts and Martin Luther King, Jr. had on both their
comrades and their respective movements. Of course, the role of the students under Nugent’s charge was by no means small either, and the initiatives they took up in championing their own cause was definitely comparable, if not in scale, then at least in spirit to that of the Rolling Quads at Berkeley decades later [Shapiro 41]; the analogues here then, would be to grassroots organization and activism in both the greater disability rights movement and the Civil Rights movement.

To sum up, it is clear from the research presented that the convergence of various interests was pivotal not only in the initiation and success of the disability rehabilitation program at the University, but, with support from Shapiro and Bérubé’s arguments, really in the disability rights movement in general. Of greater interest, perhaps, are the prevalent inherent analogies between the disability rights and African-American Civil Rights movements; disability rights are thus really no different from basic civil rights. Consequently, lessons learnt from the Civil Rights Movement should be applied – there should be no questioning either the necessity or sanctity of disability rights, and persons with disabilities should settle for no less than this.

**Methodology**

Due to the historical base of the project, most of the contributing research was from archival work, with information from various other readings (both in and out of class) contributing to the general framework around which the archival research was structured and interpreted. Research at the university archives was a fairly straightforward task, facilitated as it was by the excellently organized digital database as well as the ever-helpful archives staff; the main challenge here was really to think of possible alternative keywords to search for in some cases (such as ‘Robert Bone’
instead of ‘Department of Special Services for War Veterans’), and sifting through the sometimes dauntingly large boxes of information for select nuggets that best reflect the point one was trying to put across, or even just selecting the appropriate boxes to look into in the first place.

**Further Research**

Due to the admittedly limited amount of time put into research for this paper, it is, at some points, not as well substantiated as it could be. Specifically, primary sources have not been as rigorously cross-referenced and verified as desired, and inferences at some points may seem to be quite a leap. Additionally, Bell’s theory has not been as well researched as it deserves, and more ambitious researchers attempting to relate the two rights movements could definitely glean a lot more information and content from his works than the role it plays here as more of a device.

Also, on top of the information presented, a secondary result of the research into this paper has been to cast Mr. Timothy Nugent in a positive yet enigmatic light, since the motivation behind his actions are unclear. Thus, it would certainly be interesting to delve into further research concerning him (an endeavor which would be aided greatly by the planned University-produced documentary of him), to perhaps find out what constituted his progressive view of disability and possibly utilize this information in present-day education and advocacy efforts.

**Recommendations**

The prevalent analogies between the disability rights and Civil Rights movements suggest a treatment of the two in tandem. Thus, lessons derived from the latter should be modified and taught with the added dimension of the former. For purely practical reasons, it would be beneficial
for education efforts to focus in particular on promoting integration and equal opportunity as a public good, one on which it is impossible to place a monetary value but which is deemed desirable to society nonetheless.

Despite the need to pander to the more practical and mercenary tendencies of society that Bell’s theory would suggest, it is important as well that the notions of integration and equal opportunity as ideals, desirable in and of themselves, should not be discounted in education efforts either. This is so because it is the empowerment to dream that this provides that, like the galvanizing influence of an inspirational leader, will hold the disability rights movement together when interest convergence turns against it, which it surely will at times.

In this two-pronged approach, it is thus necessary for the University at large to work more closely with DRES in efforts to both raise awareness and discourse regarding disability rights on campus, and possibly to offer courses that endeavor to treat such issues with a healthy balance of both cynicism and idealism. Also, disability studies classes should definitely be given a General Education classification as an American Minority Culture; this would not only acknowledge and highlight the fact, but make such classes more attractive to students as well.
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