

# Disability: From Rights to Justice

Jason Glozier,  
Department of Civil Rights

In my office, I have two pieces of art. The first is a photo of the signing of the Americans with Disabilities Act (ADA) autographed by George Bush to Evan Kemp, the man sitting to his left. The blue ink thanking him for his contribution now a faded brown. The second is a painting of two Black women sitting at a court bench with their attorney with the phrase, “waiting for justice, it just stepped out.” This piece commemorated the Supreme Court’s Olmstead Decision, which reaffirmed the human rights of disabled people. These events happened 31 and 21 years ago, respectively, and serve as a reminder that rights-based laws are not sufficient to achieve justice. The systems that were supposed to be fixed by the ADA still persist and still oppress the disability community. The work needs to continue to reach a truly just system.

Although this time of year holds anniversaries of several significant disability rights victories, and is a time to celebrate how far we have come, it should serve as a reminder that the ADA has done little to end the systemic oppression of disabled

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people. This is why equity and social justice work is so important. To highlight this we will look at three systemic barriers that persist within the Social Security system even after the enforcement of civil rights laws.

## The Institutional Bias

For disabled people who rely on long term care services like attendant care to move through the world, living in the community interdependently is not a guaranteed right. The Social Security Act, which includes Medicaid programs through Title 19, has a section which directs federal funding for these services to institutional settings, forcing disabled people to waive their right to an institutional bed before they can live in the community. This imbalance of funding should have been resolved when the [Olmstead Decision](#) asserted

## Madison Parks Accessibility Initiatives

Four years ago Madison Parks built their first barrier free playground in Brittingham Park, the success of which led to a commitment to build five total. With Elver Park getting a barrier free playground two years ago and two more planned for this upcoming year, the Parks Department will be one playground away from their initial goal. This work shifted the focus of the Parks Foundation to include accessibility as a core component of their efforts, and—through a donation this year—funded the first accessible beach mat on Madison beaches. To further their efforts to improve park accessibility the foundation also recently announced the creation of a \$10 million endowment for accessibility kicked off with a \$100,000 gift from the Pleasant Rowland Foundation. With this guaranteed funding we can look forward to continually improving accessibility in Madison parks. ■■

*Continued on page 3*



who fought in guerrilla actions during the Mexican Revolution.

## August 21

### Hawaii becomes a state

On this day in 1959, Hawaii became the 50th state of the United States of America. It is also the last state to be admitted to the union. Hawaii has the largest percentage of Asian Americans of any U.S. state.

## August 26

### Women's Equality Day

Introduced by Rep. Bella Abzug (former member of the U.S. House of Representatives, lawyer, writer, news commentator, and feminist) and established in 1971, this day commemorates the passage of the 19th Amendment, the Woman Suffrage Amendment to the U.S. Constitution, which in 1920 gave women in the United States full voting rights. Visit the National Women's History Museum for education.

## September 7

### Labor Day

Labor Day honors the American worker and acknowledges the value and dignity of work and its role in American life. Labor Day was first celebrated on September 5, 1882, in New York, and continued to be celebrated until June 28, 1894, when Congress passed an act making the first Monday in September of each year a legal holiday.

## September 8

### International Literacy Day

Celebrated since 1965, when it was established by the United Nations Educational, Scientific, and Cultural Organization (UNESCO), this event focuses on reading from a global perspective.

## September 15-October 15

### Hispanic Heritage Month

National Hispanic Heritage Month is a national observance authorized

that nursing homes and other institutions were discriminatory settings because people should be served in the most integrated setting.

This issue also connects to housing in a significant way because of the lack of affordable accessible housing. The need for housing within the disability community has continued to be overlooked because residents in nursing homes and other institutions are often excluded in homelessness counts despite these being medical facilities.

## The Marriage Penalty

This issue has gotten a lot of air time this year thanks to the Social Security Restoration Act, and continues to keep disabled people from achieving marriage equality. In addition to being needs-based, Medicaid services are based on a person's finances—aside from a car and a house a person cannot have more than \$2000 in assets. This

by Public Law 100-402. The observation was initiated in 1968 as National Hispanic Heritage Week.

## September 16

### Mexican Independence Day

September 16 is Independence Day in Mexico and is considered a patriotic holiday. Each year, the president of Mexico rings the bells of the National Palace in Mexico City, celebrating the start in 1810 of Mexico's struggle for independence from Spain.

## September 17

### Citizenship Day

On this day in 1787, the 55 delegates to the Constitutional Convention met to sign the Constitution of the United States of America. By presidential proclamation, the entire week is given to observing this important anniversary. ■■

asset limit isn't modified in any way through marriage even though a partner's income is counted against that limit. This means that a person who receives long-term care services is unable to marry someone who would earn a higher income without losing their services. This wouldn't be an issue, however there are no affordable private insurance providers who offer long term care as a service.

## Disability Determination

Social Security determines your disability status by your ability to do work. Regardless of whether or not you have a condition covered by the ADA, if you can earn an income you are not viewed as disabled. Since the goal of anti-discrimination work is to reduce systemic barriers this determination process should change, however the ability to get the services needed to live in the community are tied to whether or not someone can qualify for Social Security. This issue also affects the way people with disabilities are counted with regards to employment. Because it is based on your ability to work, people who receive SSI or SSDI are not counted as unemployed since they have been determined unable to work. Consequently unemployment data for people with disabilities only reflects those not receiving public benefits even if they are capable of work.

Over the past 30 years the work of disability rights has morphed into the work for broader disability justice, and has begun a transition to end these discriminatory policies and practices. Many more structural barriers exist that impact the lives of disabled people from transportation to education, and as we look back on our successes let us look forward to a future of liberation from oppressive systems. ■■

# Diversity Equity and Inclusion in the Corporate World

Rebecca Below, Department of Civil Rights

The April 2021 RESJI Speaker Series featured Angela Russell, Vice President of Diversity Equity and Inclusion (DEI) for CUNA Mutual Group. Angela leads a team of 14 doing DEI work. Angela and her team are responsible for leading the development, direction, and implementation of short and long-term strategies that support diversity and inclusion within the organization.

Angela became interested in public health during her undergraduate studies and was specifically interested in race and health outcomes. Angela had served as a Health Equity Coordinator for Public Health Madison Dane County and a variety of other roles prior to joining CUNA Mutual Group. Angela shared some of the strategies and initiatives in place at CUNA and some of the differences in doing DEI work in the private versus public sector.

Angela described four areas in which the team at CUNA targets their DEI efforts: 1) Workplace – including the creation of (currently 13) Employee Resource Groups to create and maintain a sense of community with coworkers; 2) Business – which involves hiring decisions and bringing cultural competency into products and services; 3) Community – which focuses on decolonizing wealth and using philanthropic efforts to address upstream needs like education, economics and emergency needs as well as downstream needs; 4) Talent – which focuses on attraction and retention of talent and creating leadership opportunities.

CUNA's CEO added inclusion as one its corporate values, and Angela believes CUNA has shown it is intentional and committed to doing the work of DEI because she has been given the resources she needs to expand staff and build capacity. Angela also expressed the importance of the executives at CUNA embodying the notion of confident humility – essentially remaining open to the notion of learning and growing, while still projecting strength and competence.

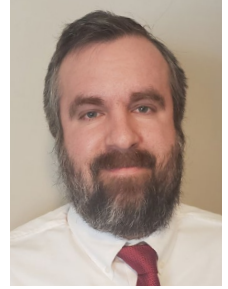
Some of the differences Angela shared between public and private sector work were that in the private sector, DEI affects the bottom line, so there are resources, funding and freedom to do the work; that leadership acts as mentors and champions of the work; and that they care and check in. ■■

■ [RESJI Speaker Series Presenter: Angela Russell, CUNA Mutual Group](#)

# Welcome Aboard ● ● ●

EOD Paralegal Intern Neal Remington

Born in Madison, WI, but raised in Nairobi, Kenya. Current MATC student in the Paralegal Program. My professional interests are Civil Rights and low-income Legal Services. In my free time, I support my favorite soccer team Liverpool FC, and try to get out on my bike weather permitting. ■■



## NEWS & VIEWS

Thanks for reading! We'd like to hear from you regarding racial equity and social justice in your work or your department.

**Contact** newsletter editor Donna Collingwood at [dcollingwood@cityofmadison.com](mailto:dcollingwood@cityofmadison.com)

## Ideas for Observing Disability Pride Month

Gabriela Arteaga, Building Inspection

- Watch the videos from our [Inclusive Leadership Series!](#) My favorite is [Cole Sorensen's \(he/him\) presentation](#) from our Disability and Leadership Day. His presentation starts at the 42-minute mark (ish). Highly recommended!!
- In presentations, introduce yourself with your name, pronouns (if you're comfortable), and a brief [image description](#). Describe all images and graphics on your slide. Don't rely on people having to read the slide.
- Input your public communications through the [Hemingway Editor](#) and simplify your language. The Obama administration developed this app to help federal agencies write in plain language.
- Remove justified text and italics from your documents. Both are difficult to read for people with dyslexia and other reading issues.
- Wear a mask or stay home if you're sick. Even the common cold can be an ordeal for people with weakened immune systems.
- Use the built-in [accessibility checker](#) for your Word documents and PowerPoint presentations.
- When choosing font colors, use this Contrast Checker to make sure that your text is readable.
- Check if your emails are accessible. ■■