

IN SEARCH OF FREEDOM

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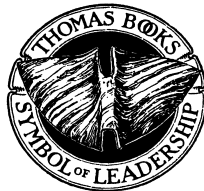
IN SEARCH OF FREEDOM

**How Persons with Disabilities Have Been
Disenfranchised from the Mainstream of
American Society and How the Search
for Freedom Continues**

By

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**This book is dedicated to the memory of my parents
Albert Ernest Bryan and Creamer Anne Bryan
and my grandparents
William Henry Lowe and Minerva Brannon Lowe
And
James Bryan and Sarah Bryan.**

PREFACE

Over the past half-century significant progress in the human relationship of persons with disabilities has been made. Laws have been enacted which have had the effect of opening doors of opportunities for persons with disabilities. The 1973 Rehabilitation Act, as well as the 1990 Americans with Disabilities Act (ADA) has made possible increased employment opportunities. Additionally, the ADA through its access provisions has created an atmosphere for more inclusion of persons with disabilities in American's societal activities. The Individuals with Disabilities Education Act (IDEA) has increased contact between nondisabled students and students with disabilities. Also this act has, when compliance occurs, helped insure that students with disabilities have the same quality education as their nondisabled counterparts. The amendments that brought forth section eight of the Rehabilitation Act provides opportunities for persons with disabilities to compete in the age of information technology. And finally, the Ticket-to-Work and Work Incentive Improvement Act offers some freedom of choice with regard to some persons with disabilities choosing the type of services they need to help make themselves more self-sufficient.

Although significant progress has been made, the previously mentioned laws as well as other unmentioned laws can only do so much with regard to helping persons with disabilities gain their freedom. Some laws to a major degree serve as blueprints or perhaps as a motivating force for positive human action and behavioral change. However, the most effective positive human behavioral change occurs when each individual recognizes a need for change and is willing to put forth the effort to institute such change. In the case of human relationship between persons with disabilities and nondisabled persons, the recognition and initiation of change is not a one-way street. Nondisabled persons must increase their understanding of what it means to be a person with a disability. Similarly persons with disabilities must continue to improve their self esteem.

W.V.B.

INTRODUCTION

In 1996 when the first edition of *In Search of Freedom* was published, the Americans with Disabilities Act (ADA) was barely a half-decade old. Many of the hopes and dreams for a more equal American society for persons with disabilities were being placed on this landmark civil rights legislation for persons with disabilities. Other significant legislation such as the 1973 Rehabilitation Act and the Individual with Disabilities Act (IDEA) as well as other significant events such as the disability rights movement had opened doors of opportunity for persons with disabilities. Despite these and other events persons with disabilities continue to lag behind their nondisabled counterparts in some areas such as education, income, employment and involvement in their community's social life.

Unfortunately, much of the zest and zeal that made the disability rights movement a success seem to no longer be present to carry on the fight for freedom for persons with disabilities. There have been a number of legal challenges to some of the rights initially made available through the ADA; some have been successful and other have not. However, there do not seem to be any strong voices or efforts coming from any direction that would make persons with disabilities take notice that their rights and freedoms are being challenged; therefore, persons with disabilities are **not free at last**.

The second edition of *In Search of Freedom* gives credit for many of the advances made with regard to human and civil rights of persons with disabilities. Although there may be some that will say the United States Congress has not done enough for persons with disabilities, the fact is Congress has passed numerous pieces of legislation that provide opportunities for persons with disabilities. Another reality is that most legislative bodies, whether they are local, state or federal, tend to react to situations rather than be innovative. This is not a criticism, but a fact of reality. Given this reality, it is imperative that persons with disabilities make the American public aware of the inequities that exist. The search for freedom must continue and the search should be inspired and led by persons with disabilities. Therefore, the second edition deals with both the needs of persons with disabilities and things that they must do to attain their freedoms.

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IN SEARCH OF FREEDOM

Chapter 1

FREEDOM FROM DISCRIMINATION

Purpose

The purposes of this chapter are to discuss: (a) how biases toward persons with disabilities are deeply rooted in the history of humankind; (b) some of the treatments persons with disabilities have experienced; (c) what it means to have a disability; (d) how disabilities are currently perceived; and (e) why we feel the way we do about disabilities.

Introduction

To live free from unreasonable restrictions, to have opportunities to advance one's life to its maximum potential, and to have access to goods and services which make life rewarding are only a few of the freedoms persons living in an open democratic society expect. If these and other freedoms are available to its citizens then it is logical to expect them to have a reasonable degree of control of their successes and failures in life. One may correctly argue that luck or providence with regard to being in the right place at the right time can contribute to one's successes. Conversely, being in the wrong place or being a victim of circumstances beyond one's control can be a contributing factor to some of life's failures. Despite the fact that these life anomalies do exist and occasionally impact one's life, the real measure of one's opportunities for success comes from more predictable events such as quality education and training, having a chance at securing gainful employment, and having appropriate social outlets to interact with friends and acquaintances.

The denial of opportunities resulting from poor education, lack of equal opportunities for meaningful employment and being excluded from a broad range of social interaction may sound like claims of dis-

crimination made by some ethnic and racial minority groups of the fifties and sixties. However, these minority groups are not the only ones who have experienced this type of discrimination. Persons with disabilities have for centuries been the receiver of discrimination, which has created disenfranchisement from the mainstream of society.

To better understand this discrimination one must look at the evolution of discrimination of persons with disabilities. This chapter will explore some of the events which have occurred that have contributed to the current disenfranchisement of persons with disabilities.

In the Beginning

Ever since humans left the Garden of Eden, undoubtedly disabilities have been part of human existence. One might quip that Adam had a disability given the fact he was minus one rib. Albrecht et al. (2001) in the following statement provide proof that disabilities have been part of the social order of humans for many years, "in a tomb dating to 300 B.C.E., a skeleton was found with an artificial lower right leg" (p. 16). Undoubtedly this was not the first and only person of ancient times to have a disability.

As one gives serious consideration to humankind's existence during antiquity, perhaps only the uninformed would argue that disabilities are modern-day human conditions. To the contrary, primitive living conditions and lack of appropriate child delivery systems and hostile conflicts, as well as inability to control disabling diseases contributed greatly to persons of ancient times having disabilities. "Given high rates of diseases and war, there was likely a higher prevalence of disability in ancient communities" (Albrecht et al., 2001, p. 16). Therefore, the question isn't whether humans in antiquity experienced disabilities, rather the question revolves around what did they do about those who had a disability? The answer to this question will help us better understand today's attitudes toward disabilities and those who have a disability. Faried Haj (1970) reminds us that crude negative attitudes toward persons with disabilities, once deeply rooted in the superstitions and mythologies of the ancestors of modern human, have evolved into present day sophisticated bigotry.

Mixed Beliefs and Treatment

Based in part on the need to survive, primitive societies were intolerant of the physically weak. According to Apton (1959), the individual did not count; the welfare of the group came before all other needs. Therefore,

anyone who was not physically strong enough to contribute to meeting group needs was expendable. This was certainly a period of the survival of the fittest. In primitive societies, persons with disabilities too frequently were considered economic, military and social liabilities that few groups could afford, or at least, thought they could not afford (Hinshaw, 1948).

Beliefs: Whenever people must struggle to extract their existence from the environment using speed, crude tools, and physical prowess, those who have significant disabilities run the risk of becoming an endangered group. Relatedly, most primitive people tried to eliminate those persons whom they believed did not contribute to the survival of the group by avoiding evil spirits thought to reside in the bodies of such individuals. Thus, persons with mental disabilities and/or significant physical disabilities were, generally speaking, viewed as being possessed by evil spirits. If after considerable coaxing, the spirits did not exist, this was believed to be indisputable evidence that the individual was being punished. It was a common practice, during that period of time, for nondisabled persons to consider persons with disabilities as being possessed with evil spirits and that these persons were to be avoided to eliminate any possibility of contamination.

Although we are relatively certain that in some ancient social orders the belief with regard to persons who appeared to be different from the accepted norm was to avoid, isolate and/or eliminate persons with significant disabilities; however, in all probability there existed some societies which had more favorable views of persons with disabilities. These views perhaps took the form of believing that persons with disabilities were “special people.” Special people who had mystical powers and could bring good or bad fortune for the group depending upon how the person with a disability was treated. This is a somewhat “backhanded” way of treating them “with respect.” Also quite plausible is the belief that some persons with disabilities were treated with some degree of respect, simply because they were a member of the group. If we look at current parental behavior, particularly the maternal behavior toward children, we see a tendency to protect their own. Some of this protective nature is societal imposed, but a great deal is instinctual. The instinctual part of parenting has been passed down for centuries. It is very difficult to imagine, although possible, that one’s ancient ancestors would not have empathy, sympathetic and warm loving feelings for their offspring, regardless of their conditions of birth.

The point being made is that in antiquity there probably was no single belief with regard to disabilities and persons who had disabilities, which is the case for today’s societies. Later in this chapter reasons why