

1 Mobilizing against Inequality

In 2019, disability activist Jennifer Bartlett joined the New York Metropolitan Transit Authority (MTA) President's Office for Systemwide Accessibility. Before that, she led the Elevator Action Group. Its main target was the MTA seeking to ensure that accessibility remain a top policy priority. It is one of several "action groups" within Rise and Resist (RAR), an organization formed in response to emerging threats associated with Donald Trump and the 2016 US presidential election. That year, Bartlett organized a protest purposely coinciding with the Women's March. The event's links to a broader network of New York based activists as well as the Women's March raised visibility and helped expose inaccessible transit to a wide audience receiving considerable media coverage. In addition to getting a place at the table, Bartlett's protest achieved its main objective: broadcasting grievances and goals to new activists and conscience constituents (Della Porta and Mattoni 2014). This case demonstrates how threats turned into opportunities for new groups and activists to energize public discourse on long-standing grievances like inaccessibility.

Bartlett and the Elevator Action Group also found new opportunities to challenge the very movements aligned with their cause. The Women's Marches were not accessible to all activists. As a RAR newsletter noted, "The Disabled Women's Non-March is a response to the Women's March Alliance's failure to fully engage around disability justice and accessibility, and a celebration of the contributions that disabled women make to the resistance movement and to the world at large."¹ Activists saw the protest as a success. Not only did it increase visibility of a core movement grievance (inaccessible public transit), it drew attention to a system and culture of disabling environments inside and outside of the movement.

Accessible transportation dates back to the origins of the disability movement in the early 1970s. It is an issue area that subsequently helped define a second visible protest wave in the 1980s and 1990s, generating some of the most disruptive protests in the movement's sixty-year history. Rise and Resist helped to recenter inaccessibility around the social justice issues of the Women's March in the third disability protest wave creating a path for disability activists to address exclusion within the broader American Resistance movement.

These recent examples of disability movement mobilization raise several key questions I seek to answer in this work: Why do protest waves (re)emerge when they do in addressing long-time grievances? How do factors like political opportunities, threats, and organizational resources mobilize discontent? What do protest waves say about the relationship between elites and challengers over

¹ riseandresist.medium.com.

time and across the different issue areas movements work in? How do grievances, political processes, and groups and networks maintain continuity between waves and what does this mean for elite-challenger interactions, targets, strategies, and tactics? What are the outcomes of visible protest in challenging inequalities?

Bartlett, RAR, and the Elevator Action Group's efforts reflect elements of change and continuity. They were part of the American Resistance – an historical moment which reframed long-standing inequalities evermore so around entrenched systemic oppression and structural injustice, providing new opportunities, tools, and resources for disability activists. It helped tie the disability cause to various other cause fields including racial justice, the women's movement, immigration rights, reproductive rights, and the LGBTQ movement. By situating disability alongside and as intersecting with other marginalized statuses, contemporary mobilizing efforts placed front and center the relational and contextual dimensions of inequality illustrating how inequality, exploitation, exclusion, and injustice are grievances shared by multiple communities and constituencies (Maroto and Pettinicchio 2022; Tomaskovic-Devey and Avent-Holt 2019).

Activists also thought their protests were having an impact. Disability activists in the Resistance took credit for preventing the repeal of the Affordable Care Act along with other social welfare policies. They managed to put pressure on the Democratic Party to take its grassroots elements more seriously, distinguishing the Resistance from prior large-scale coalitions (Fisher and Nasrin 2021) like those mobilized in the Reagan era (Pettinicchio 2019). Their efforts were a reminder that disability remains a chief axis of inequality in contemporary society (Mauldin and Brown 2021).

At the same time, many of the underlying factors recently mobilizing disability activists were variations of the same grievances that mobilized activists in the first and second waves tied to the same key issue areas like social welfare, health, and transportation. The collective efforts of numerous communities brought together by the Resistance punctuated a third wave of disability activism that began in the late 2000s following the decline of the second protest wave and a relative period of quiescence or abeyance (Rupp and Taylor 1987). Transit protests have ebbed and flowed over the last sixty years, seeing successes, as well as continued challenges. The same is true for another core disability movement issue: the fight for home or community-based care. It is an area that has also seen progress, as well as pushback, rollbacks, and threat, which continue to mobilize activists.

Although grievances have often been discounted in favor of political process models and the role of organizational resources in shaping mobilization,

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grievances do tell us something about what has changed, but also what remains unresolved. It is difficult to link the emergence and decline of protest waves to grievances which are seemingly constant. Yet, grievances remain relevant for understanding protest when activists and groups meaningfully convert grievances into movement objectives, situate them in relation to the goals of protest, and challenge relevant targets of action. These efforts then point to other endogenous factors (i.e., organizations, networks) and exogenous factors (opportunities, threats) that explain the structure and timing of protest (Opp 1988). Protest waves reflect new opportunities for movements to activate preexisting grievances where threats and backtracking *regularly* play a role.

1.1 The Regularity of Protest

Much has been written about why movement activity seems to come and go. Tarrow's (1994) classic cycles of contention identifies a regularity in protest – that protest activity rises, intensifies, and subsides, only to resurface once again. This suggests that issue areas experience periodic instability (Baumgartner and Jones 1993) potentially because they remain open or unsettled even after intense periods of grassroots and elite activity. This also implies that grievances are not totally resolved, or that partial gains lead to future discontent fueling subsequent mobilization. Extant grievances may be activated by new exogenous developments including threats – like the rise of Trump – which refocuses movement resources on orchestrating visible disruptive action. Accordingly, social movement scholars rightfully highlight the interplay between political opportunity, threat, and resources motivating visible protest wave (re)emergence (Koopmans 2004).

Tactics like visible protest became a routine part of the disability movement's repertoire because early in the first wave, disruptive attention-grabbing protests were generally seen by activists and the media as achieving some success (Soule 1999) – whether success involved getting material change like policy reform or meetings with elites, or raising broad awareness of inequality. Early in the first disability protest wave, a nationwide seventeen-day sit-in targeted regional offices of the Health, Education, and Welfare Department in April 1977 for failing to sign Section 504 regulations – the rights and antidiscrimination language in the 1973 Rehabilitation Act. Even though disability activists and groups had been working with elites to expand disability rights, when it came to implementation, activists increasingly saw institutional activism and the use of regular political channels as unable to effect change on its own (Pettinicchio 2012).

Protesters including movement leader and founder of the group Disabled in Action (DIA), Judy Heumann, held vigils day and night, met with some administration officials and allies in Congress, writing letters demanding that

regulations be signed. Disabled in Action was joined by the newly created American Coalition of Citizens with Disabilities (ACCD) and more established groups like Paralyzed Veterans of America (PVA) and the National Paraplegia Foundation both founded in 1946. Signing the regulations was seen as a movement success – materially and symbolically – providing activists with a sense of collective efficacy that visible protests directly helped to produce positive change, at least for the time being.

Waves reflect distinct historical moments within which strategic innovations like visible protests are organized, implemented, and then presumably, lead to some outcome. As Maher et al. (2019) claim, “understanding movement protest activity depends on the particular historical moment of interest,” such that opportunities, resources, and frames are a function of both externalities and internal movement dynamics in each period. Protest waves also embody adaptation to new realities (Tilly 1978). Adaptation might mean borrowing and tweaking tactics from prior waves, borrowing from efforts in one issue area and applying it to another, and from other social movements altogether. For example, in the first disability protest wave, stopping traffic to protest inequalities in public transit, sit-ins and ride-ins, and creating human blockades, were tactics borrowed from the Black civil rights and women’s movements. These became part of the disability movement’s tactical repertoire across all its protest waves. Not only that, but the expansion of minority rights to other constituencies (Skrentny 2002) and the rise of institutionalized and professional advocacy (Minkoff 1999) in the 1970s shaped the internal dynamics of the disability movement making protests more viable.

This had important consequences for the second and third disability visible protest waves. As relatively short-term events, visible protests were transformative for the disability rights movement, producing longer-term impacts not just for subsequent protests, but for the structure and culture of the movement more generally (Della Porta 2011; Sewell 2005; Wood et al. 2017). Visible protests set the tone for the ongoing interactions between activists and elites often over a similar core set of grievances. The interaction between challengers and elites is marked by a series of social movement outcomes. Each protest failure, success, or more likely something in between, shaped what was next for activists.

Protest waves bring to light the ways in which movements adapt to new organizational and resource environments as well changing issue politics which may be peppered by both new opportunities and threats. These include the passage and implementation of the Rehabilitation Act in the mid-1970s, Reagan and the rights counterrevolution of the 1980s, the alleged failures of the Americans with Disabilities Act in the 1990s, the fight against

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so-called unfunded mandates in the 1990s, the rise of Trump and the Resistance in 2016, and so on. The realities of these political developments reflect their own dynamics, but they, like mobilization, also reflect the political and movement processes that led up to those moments.

Issues and movements are intertwined and move together influencing each other in non-recursive ways. Perhaps not surprisingly, the way opportunities and threats across historical moments motivated direct action shared a lot in common. Social Movement Organizations (SMOs) and activists adapt tactics and strategies based on what groups and actors believed worked in similar past circumstances. These mobilizing structures too are an important dimension of continuity. Protest waves carry with them the experiences and developments that came with prior waves sustained by activists and groups via so-called submerged networks (Melucci 1996) even when protest activity appears to wane or move into periods of abeyance. These continuities are fostered by collective memory, organizational and tactical experience, and ongoing interactions between challengers and targets that do not simply disappear, but rather adapt to new circumstances. Adaptation may mean shifting efforts away from visible protest, to less attention-drawing tactics like lobbying, lawsuits, and regular meetings with elites.

1.2 Protest within and between Issue Areas

The disability movement is not a single-issue movement. As I have already alluded to, core disability movement grievances are embedded in defined issue areas: employment, transportation, healthcare, education, social welfare, rights and discrimination, and media depictions of disability. This also means that each is governed by its own issue politics informing issue-specific political opportunities, threats, tactics, goals, and outcomes.

Opportunities and resources may activate grievances closely tied to a specific issue area, like for example, discrimination in the 1970s. Opportunities and resources may be largely absent in other areas within the same period, like media representations. It therefore makes sense that some issue areas experience more activity than others across each visible protest wave. With each subsequent wave, discrimination protests declined significantly while protests around media representations increased significantly.

The rise and fall of protest waves depends in large part on how politics and social movements interact with multiple issue areas simultaneously. But issue areas are not impermeable silos and core grievances around inequality and injustice transcend these issue boundaries. Healthcare and rights/discrimination are a good example of how developments in one issue area like disability

6 *Contentious Politics*

antidiscrimination impacted the way policymakers and activists understood Medicaid, Social Security, and the provision of nursing home and home-based care. The same can be said for transportation. Transportation moved from a service-provision problem, to one of civil rights because of the work of activists and elites.

Additionally, threats and opportunities coupled with movement responses in one issue area can shape issue politics and mobilization in another. New opportunities around public transit accessibility which drew from the politics of rights mobilized activists and groups and, when threats of backtracking surfaced, protest groups like Americans Disabled for Accessible Public Transit (ADAPT) helped sustain protest in the area of public transit. When later, in the second protest wave, new political opportunities around healthcare reform surfaced, ADAPT (now called Americans Disabled for *Attendant Programs Today*) diverted its protest efforts to home care, given the perceived success of its transit-related protests.

Mobilization across issue areas is therefore also connected through the SMOs orchestrating visible protests. More formal disability organizations were emerging out of activist networks throughout the first protest wave in the 1970s promoting and sustaining the use of visible disruptive protest (see Figure 1). Groups like DIA, ACCD, and later ADAPT heavily associated with the use of early disruptive protests, were by disabled people for disabled people. Their memberships soon cut across disability type. And, although many nascent groups were motivated by problems tied to specific issues like public transit, antidiscrimination laws, or social welfare, they began linking grievances and

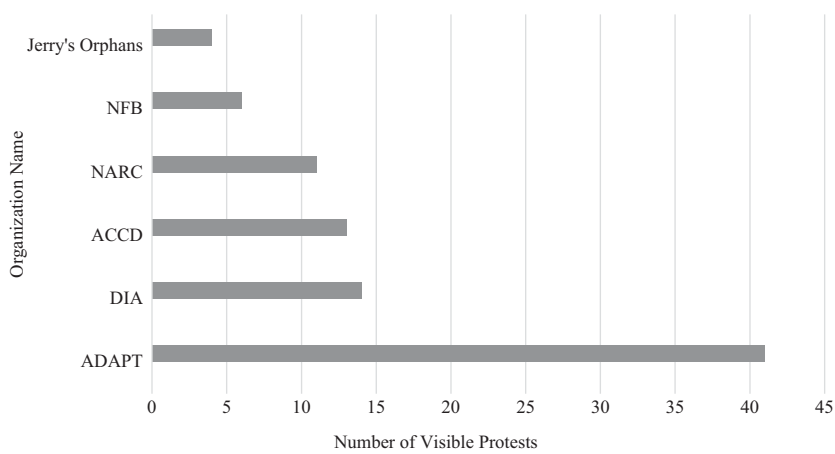


Figure 1 Disability organizations most associated with visible protests, 1961–2021

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mobilizing efforts to broader inequalities that cut across issues. This represented a major change in the disability organizational field (Pettinicchio 2019).

Focusing on issue areas is more conducive to linking together protest activity, protest goals, and protest outcomes. Roughly about half the time, disability protest events experience failure and about a quarter of the time, protest waves end up constituting a series of partial victories. Outcomes vary across issue areas where outcomes may not lead to resolutions further down the road, even if objectives are met with success in the short term. Both homecare and accessible public transit are salient examples of wave after wave of successes and failures that kept grievances on the table. More recently, these issues were re-energized in a context of new political, social, and cultural norms which included the efforts of BLM, #MeToo, the Women's Marches, and the Resistance. Disability activists saw new opportunities to tie their outstanding issues of accessibility and the right to homecare to a fight about broader structural inequalities challenging a privileged, ableist, heteronormative, White status quo.

But even Resisters modeled their activism on the decades-old activism of the civil rights and disability rights movements which mobilized around a not too-different-set of grievances like inaccessible spaces, poverty and economic precarity, discrimination, and barriers to adequate healthcare. Indeed, on the 2019 Non-March Facebook page, a statement reads, “the disability justice movement goes far beyond access . . . As the social model of disability details, we may be impaired by our bodies or mind, but it is the daily prejudice we face, as well as inaccessible spaces, that disable us.” Overhead, a photograph of a 1970s protest organized by disability rights leader and founder of DIA, Judy Heumann.

1.3 The Three Waves of Visible Disability Protest

The first disability protest wave is intimately connected to important policy developments beginning in the late 1960s including efforts to make transit and public buildings accessible. This eventually led to more forceful rights legislation like Section 504 of the Rehabilitation Act and the Education for All Handicapped Children Act. By the mid-1970s, disability activists had new policy tools at their disposal that helped transform disability politics, if not social policy more broadly in the US (Pettinicchio 2012, 2019; Scotch 2001). But the first wave also includes “reactive mobilization” (Van Dyke and Soule 2002) where visible protests were responding to threats and prospective losses that do much to mobilize constituents perhaps even more so than the prospect of new gains (Almeida 2019; Snow et al. 1998). Just as critical legislative gains were made, Nixon vetoed the Rehabilitation Act twice, the administration showed reluctance in enforcing rights laws, the Supreme Court went even

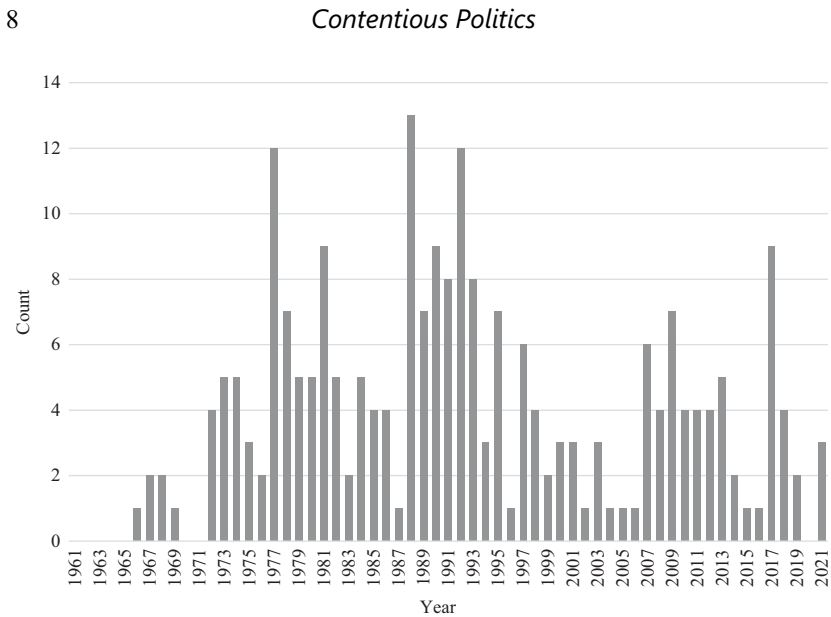


Figure 2 Disability visible protests, 1961–2022, $n = 234$

further to narrow the scope of disability rights laws (notably in *Davis v. Southeastern Community College*), and by the end of the 1970s, opposition to disability social policy seemed to be coming from all sectors. Thus, both the availability of new policy and organizational resources and threat by way of policy retrenchment went a long way in sustaining the first protest wave (see Figure 2).

These early disability visible protests had a long-term impact on the disability movement. They were seen as useful and successful in addressing grievances very early in the disability rights struggle. On November 3, 1972, about thirty disability activists blocked traffic in Manhattan followed by a second staging of fourteen protesters later that day on Madison Avenue.² Protesters had two objectives: to get Nixon and his reelection campaign to publicly speak about his veto and second, to get “the public to be aware of the plight of the handicapped.” This and the protests to come would certainly do that. They were a model for the transit protests that soon followed and served as a model for protest in subsequent waves.

Early movement leaders challenging entrenched norms and attitudes about disability like Ed Roberts, Judy Heumann, Eunice Fiorito, and Julius Shaw were joined by growing networks of activists in San Francisco and New York City. By the early 1970s, new organizational resources became available to activists.

² Disabled Tie Up Traffic Here to Protest Nixon Aid-Bill Vote, *New York Times*, November 3, 1972.

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Heumann sought to build stronger ties among people with disabilities³ highlighting their common struggles as opposed to their individual differences. In an interview published on DIA's webpage,⁴ Heumann remembers her role in helping to create the modern disability rights movement:

I think DIA was a very important organization at the time because it was cross disability, it did deal with multiple issues, it was a political activist organization, made no bones about it, wasn't shy about it. Really felt that we had to take what we considered the anger and oppression that we were experiencing as disabled people and not sit around and complain about it. But basically really create an agenda for change and to work collaboratively with other people and other organizations. I think that was a very strong premise of the organization but we really felt that we wanted to be thoughtful and thorough in any of the work that we were doing but we didn't want to be daunted.

Heumann saw opportunities to build a political constituency by activating existing grievances around numerous key issues and energize activists in a productive way to effect change. Both inaccessible transit and the lack of disability rights regulations following the passage of the Rehabilitation Act fueled much of the early part of the first wave of protest. In December 1976, activists in the newly founded ACCD led by Eunice Fiorino protested the opening of an inaccessible DC transit station – Gallery Place. The General Services Administration waved a prior court ruling that prevented the inaccessible station from opening under the 1968 Architectural Barriers Act. One of the protesters told reporters that the decision to open the station means he was “reclassified not as a second-class citizen because I’m Black, but third-class because I’m a disabled individual.”⁵ Protest worked, and Metro promised the station would be accessible in one year.⁶ The late-70s saw other successful transit protests by ACCD. By 1981, the American Public Transportation Association (APTA) estimated that about 30 percent of all public

³ In my writing, I refer to both “people with disabilities” and “disabled people” to follow how different people with disabilities refer to themselves. Although person-first language has become more common within the social sciences and among researchers, many individuals within the disability community prefer to use identity-first language because it better demonstrates how disability is a political identity.

⁴ www.disabledinaction.org/heumann.html.

⁵ Gallery Pl. Station Opens to Protest, *Washington Post*, December 16, 1976

⁶ In addition to public transit, in 1978, blind protesters, many associated with the long-time advocacy group National Federation of the Blind (NFB) chanted “Fly me cane and all” targeting FAA regulations requiring canes be stowed (meaning blind passengers would not have access to them during the flight). Activists had been in talks for possible compromise over folding canes and lawyers filed suit in DC as well. In addition to visible protest, blind passengers were victorious in a 1978 court case (Blind Picket to Keep Canes on Planes, *Los Angeles Times*, July 6, 1978). Still, regulations today are unclear about airlines asking or requiring blind passengers to stow or give up their canes. Airlines continue to receive thousands of complaints from blind passengers (<https://nfb.org/sites/default/files/images/nfb/publications/bm/bm18/bm1809/bm180908.htm>).

transit buses now had lifts and although this was nowhere near the goal of total accessibility, it is important to note that just a few years earlier, there were no accessible buses.⁷ It is a good example of the kinds of partial success associated with protest, the ongoing resistance against fully addressing grievances, and the tentative nature of conflict resolution.

By the end of the 1970s, the disability rights movement found itself up against growing efforts to slide back on rights across numerous issue areas including education, social welfare, and health. In August 1979, the ACCD held a demonstration at the West LA Federal Building protesting the Davis decision, joined by Ed Roberts and the AFL-CIO. Protesters held banners reading “U.S. Supreme Court handicaps the disabled” and “Congress giveth . . . The Supreme Court taketh away July 11, 1979.” Roberts felt betrayed. He told reporters “The Carter Administration made tremendous commitments . . . Not only have they not delivered but they actually have hindered us and made it very difficult to get new legislation to help us take our place in the mainstream.”⁸ For activists, Carter was a false dawn. Judy Heumann, who like Eunice Fiorito, worked for Carter’s presidential campaign, told reporters, “I was ashamed I helped Carter get elected.”⁹

The times were changing. No single movement could stop the seemingly bipartisan neoliberal turn away from “the Great Society” placing limits on social policy under a regime of decentralization, deregulation, privatization, and austerity. New political realities made implementing rights difficult in part because rights were increasingly tied to spending and financial burdens. It also made it harder to get anything done when it came to expanding direct benefits which inherently involve overcoming budgetary hurdles in an era of cutbacks. By the middle of the first protest wave, activists increasingly responded to new levels of threat imposed by the Reagan administration that would eventually evolve into a more widespread neoliberal turn affecting states and local governments, especially when it came to budgetary politics and cost control.

In 1981 and 1982, more than half of all disability protests targeted the Reagan administration and congressional Republicans over proposed widespread budget cuts. Groups like the AFL-CIO, Sierra Club, National Education Association, Consumer Federation of America, National Council of Churches, and the Congressional Black Caucus along with 104 other organizations in March 1981 called for the “Nationwide Action for a Fair Budget.” They received public support from some Democratic members of Congress. The protests included many people with disabilities fearing Congress-approved cuts would mean

⁷ A Question of Access, *Washington Post*, March 15, 1988.

⁸ Handicapped Protest High Court Ruling on Education, *Los Angeles Times*, August 18, 1979.

⁹ HEW Offices Blocked to 20 Disabled Who Demand to Meet with Califano, *Cincinnati Enquirer*, April 23, 1977.