

Black Disability Justice and State Violence

Black Disability Justice is an initiative that addresses the systemic racism of disabled black individuals who are most vulnerable to state neglect and violence within the black community. The term *Disability Justice* was created in 2005 by disabled queer women of color activists in an attempt to interrogate radical movements that did not address ableism. Mia Mingus, a disabled queer activists, describes as, “a multi-issue political understanding of disability and ableism, moving away from a rights based equality model and beyond just access, to a framework that centers justice and wholeness for all disabled people and communities” [1]. Black Disability Justice is a term that considers this definition specifically in terms of black disabled individuals.

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Ten Principles of Disability Justice

This set of 10 principles on Disability were developed in 2005 by queer women of color disabled activists :

- 1) INTERSECTIONALITY
 - 2) LEADERSHIP OF THOSE MOST IMPACTED
 - 3) ANTI-CAPITALIST POLITIC
 - 4) COMMITMENT TO CROSS-MOVEMENT ORGANIZING
 - 5) RECOGNIZING WHOLENESS
 - 6) SUSTAINABILITY
 - 7) COMMITMENT TO CROSS-DISABILITY SOLIDARITY
 - 8) INTERDEPENDENCE
 - 9) COLLECTIVE ACCESS
 - 10) COLLECTIVE LIBERATION
- [2]

ADA and Government Policy on Disability

The *Americans with Disability Act*^[3] is a civil rights law enacted in 1990 prohibiting discrimination (e.g. employment, housing, education, public services) against individuals with disabilities. The law also requires that public accommodations are accessible to people with disabilities. According to ADA disability is any of the following:

1. "a physical or mental impairment that substantially limits one or more of the major life activities of the individual." 2. "a record of such impairment." or
3. "being regarded as having such an impairment."

Olmstead v. L.C.

Olmstead v. L.C. (1999) ^[4] is a landmark U.S. Supreme Court case ruled that unnecessary institutionalization of persons with disabilities was illegal under Title II of the American with Disabilities Act. Although *Olmstead* is a historic case for disability civil rights, knowledge of the decision and the alternative services that it provides are mostly unknown by individuals with disabilities and their families ^[5]. This case allows for the government implementation more cost-effective community-based services and essentially more options for care for persons with disabilities.

History of U.S. State Violence on Black Individuals with Disabilities

Post-Antebellum Slavery and Disability

Under the regulation of chattel slavery, black enslaved peoples bodies were valued according to their ability to perform as valuable property. As a result, those with disabilities were "categorized those with disabilities as "useless" and sometimes even "chargeable" (negatively valued because the cost of their care was a financial liability)" ^[6]. After slavery, antislavery activists from the North implemented ugly law and beggar punishing ordinances in the name of "free-market economy" that forced those categorized as

such to work. Their argument was that, beggars must be held “fast within the world of exchange, . . . charity reformers gave new moral legitimacy to labor compulsions that came perilously close to slavery,” such as the sentences to hard labor meted out under vagrancy law to offending paupers (1992, 1283, 1288, 1293)" [7].

Black people also faced greater health disparities and suffered the worst health outcomes throughout the twentieth century and into the new millennium . African Americans were "forced to utilize the worst health services of any racial and ethnic group (476)" [8]. As a result of presiding racism in health systems, black people were more likely to undergo procedures of disablement such as amputation at a rate of 3.6 times greater than white Medicare peers.

Racial Control, Subordination and Ugly Laws

The *Ugly Laws* also known as the "unsightly beggar ordinances were formed around 1880s, dissolved in 1978, created harmful discourse and knowledge production around disability. During this time, the laws deemed it illegal for "any person, who is diseased, maimed, mutilated or deformed in any way, so as to be an unsightly or disgusting object, to expose himself to public view" [9].

Ugly laws began to appear in urban spaces that had an influx of new residents that were often impoverished and of a different ethnic background than the existing communities. The change in the community population often strained social relations and made it so prominent community figures (e.g. ministers, city officials) made it their responsibility to address the situation through the implementation of Ugly Laws [10]. The First case of Ugly Law was found to be in San Francisco in 1867 [11], where the population boomed as people came to the city in search of gold and stayed when left empty handed. This created a surge in the population and the perceived necessity of Ugly Laws to be instated in the community. As a result, Chinese immigrants were discriminated under Ugly Law in San Francisco and quarantined because existing residents feared they would spread disease and cause an epidemic. Black people specifically were categorized within cities under “diseased, maimed, deformed, and mutilated” [12]. The fines for Ugly Laws ranged from \$1 to \$50 as well as the possibility of incarceration depending on the offense. Today(2018), the fine of \$1 equates to approximately \$20 [13].

In her book, *The Ugly Laws: Disability in Public* Susan Schweik states:

I frequently refer to the “ugly law” in the singular. Doing so allows me to underscore a certain strong and unified project shared by and across various city cultures, involving both a judgment about bodily aesthetics and the use of law to repress the visibility of human diversity in social contexts associated with disability and poverty—what we might call the sighting/citing of the ugly. At the same time, though, the singular “ugly law” implies more coordination than occurred.

National Black Disability Coalition

The **National Black Disability Coalition (NBDC)** [14] is an organization founded in 1990 “dedicated to examining and improving; community leadership, family inclusion, entrepreneurship, civil rights, service delivery systems, education and information and Black disabled identity and culture through the lenses of ableism and racism”. The NBDC was formed to promote collectivism within the black disabled community and meet needs the needs of the community that were previously ignored.

NBDC Goals

- To promote UNITY among Black people with disabilities, our families and our communities
- To advance EQUITY within the disability movement and our communities
- To foster OPPORTUNITY for Black people with disabilities

We believe that Black people with disabilities must unite to obtain and secure the rights and privileges of full participation in our communities. Using strategies from the civil rights movement, NBDC seeks to achieve collective power and inclusion for Black people with disabilities within our families, faith organizations and the greater disability community[15].

Harriet Tubman Collective

The Harriet Tubman Collective, is a Collective of Black Deaf & Black Disabled organizers, community builders, activists, dreamers, lovers striving for radical inclusion & collective liberation. [16]. The group challenges notions of a vision of black liberation from platforms like #blacklivesmatter arguing "any struggle against white supremacy must also address all of its interrelated flaws– including ableism and audism".

We believe in elevating the experiences and leadership of the most marginalized Black people... We are intentional about amplifying the particular experience of state and gendered violence that Black queer, trans, gender nonconforming, women and intersex people face. There can be no liberation for all Black people if we do not center and fight for those who have been marginalized. It is our hope that by working together to create and amplify a shared agenda, we can continue to move towards a world in which the full humanity and dignity of all people is recognized.[17]

People First Language

According to the National Black Disability Coalition it is most appropriate to use “People First Language”. The website details examples of appropriate language to use for Black people with disabilities .[18]

People First Language to Use	Stereotypes that devalue and label disabled individuals
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<ul style="list-style-type: none"> ·people/individuals with disabilities an adult who has a disability a child with a disability a person ·people/individuals without disabilities typical kids ·people with intellectual and developmental disabilities he/she has a cognitive impairment a person who has Down syndrome ·a person who has autism ·people with a mental illness a person who has an emotional disability with a psychiatric illness/disability ·a person who has a learning disability ·a person who is deaf he/she has a hearing impairment/loss a man/woman who is hard of hearing ·person who is deaf and cannot speak who has a speech disorder uses a communication device uses synthetic speech ·a person who is blind a person who has a visual impairment man/woman who has low vision ·a person who has epilepsy people with a seizure disorder ·a person who uses a wheelchair people who have a mobility impairment a person who walks with crutches 	<ul style="list-style-type: none"> ·the handicapped, the disabled ·normal people/healthy individuals atypical kids ·the mentally retarded; retarded people he/she is retarded; the retarded he/she's a Downs kid; a Mongoloid; a Mongol ·Autistic ·the mentally ill; the emotionally disturbed is insane; crazy; demented; psycho a maniac; lunatic ·he/she is learning disabled ·the deaf ·is deaf and dumb mute ·the blind ·an epileptic a victim of epilepsy
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Notable Black Disability Scholars and Activists

Leroy F. Moore Jr.

Leroy Franklin Moore Jr was born in 1967, is a famous African American disability scholar, activist, writer, poet and feminist. He currently holds a place as the Chair of the Black Disability Studies Committee for the National Black Disability Coalition [19]. Moore is famous for the creation of Krip Hop- a movement that uses hip-hop music as a means of expression for people with disabilities [20]

Sylvia Walker

Sylvia Walker (1937-2004) was Director of the Center for Disability and Socioeconomic Policy Studies and the Howard University Research and Training Center. Sylvia's research has helped propel the American with Disabilities Act and she continues to be an advocate for disability rights.

List of *some* Black Disabled/Deaf People Lost to Police Brutality

Tanisha Anderson, Sandra Bland, Miriam Carey, Michelle Cusseaux, Ezell Ford, Shereese Francis, Eric Garner, Milton Hall, Korryn Gaines, Freddie Gray, Quintonio LeGrier, Kyam Livingston, Symone Marshall, Laquan McDonald, Natasha McKenna, Stephon Watts, Darnell Wicker, Mario Woods

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- [Jump up](#) ["Krip-Hop Nation: Toronto". *utoronto.ca*. Archived from the original on 2015-02-02.]