

# **"This is Our Law": The Section 504 Trainings, Participatory Administrative Law, and Disabled Citizenship**

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*[Working Paper – Do not cite or circulate without permission!]*

## **1. Introduction**

Sociologists and public administration scholars often suggest that we are living through a “participatory revolution,” given the rise of participatory budgeting, e-forums, citizen juries, and other initiatives wherein citizens can make their voices heard (Ganuza, Baiocchi, and Summers 2016, 328). Even in political theory, where participation was long thought to be dead, participatory democracy is returning from “a period in the theoretical wilderness” (Dacombe and Parvin 2021, 145; Hilmer 2010; Pateman 2012). Yet scholars have also argued that participatory governance necessarily perpetuates existing inequalities, given resource constraints and socioeconomic inequality in capitalist societies (Dacombe and Parvin 2021; Parvin 2021; Calhoun 2015). This paper seeks to test some of these theories about participatory democracy by excavating an understudied facet of its history in American politics—participatory administrative law. National institutions, including the federal bureaucracy, are rarely considered as sites of democratic contestation by participatory democrats—indeed, the bureaucracy is viewed as patently undemocratic by many. Yet political scientists have shown that the bureaucracy is frequently where intersectional interests are best represented (Dwidar 2022a; 2022b; Strolovitch 2006). Along the same lines, legal scholars Cristina Rodriguez and Anya Berstein (2022) have shown that administrators are much more richly engaged with members of the public than popular narratives suggest. Here, we develop a case study in the history of participatory administrative law to examine the opportunities and constraints of more participatory visions of citizenship—as well as the role the state might play in facilitating more participatory modes of citizenship.

A case study from the late 1970s is particularly valuable, we believe, because this was a moment of great excitement about participation—not unlike today. During the 1970s, the Federal Advisory Committee Act required administrative agencies to develop citizen advisory boards across the government, with 137 direct participation programs created over the decade (Roberts 2015, 9). Citizens participated on issues ranging from urban renewal, juvenile delinquency, and community mental health programs to poverty policy and job training programs. There are also

myriad examples from the War on Poverty and its successor programs of policies that funneled public money to non-governmental, community-based organizations for the purpose of performing quintessentially governmental functions, including keeping the peace, delivering public goods, gathering public input, building low-income housing, and redesigning urban neighborhoods. Policymakers relied on groups of private citizens and NGOs not because they did tasks more efficiently or at a lower cost—a logic that often arises in the related literature on “contracting out” or privatization—but because these entities had other strengths, such as relationships with affected communities or hard-to-find expertise. (Bach 2012; Cazenave 2007; McKee 2011; Youngblood Ashmore 2011; Murray 2017; Goldstein 2012).

Our specific case study arises from a series of federal grants to the Disability Law Resource Center (DLRC, now known as the Disability Rights Education & Defense Fund or DREDF) to educate disabled citizens about their new rights under Section 504, the first civil rights law for people with disabilities. Analyzing the “504 trainings” as modes of participatory administrative law and as acts of political theorizing, we explore both the emancipatory promise and pitfalls of participatory democracy for disenfranchised groups. Legal historian Karen Tani (2023) has documented a rich history, not yet explored by political scientists, of the federal government’s delegation and sharing of some of its interpretive and enforcement authority to disabled citizens<sup>1</sup> via advocacy organizations. Such delegation went beyond the absence of a robust bureaucratic enforcement scheme,<sup>2</sup> encompassing substantial contracts provided to non-profit civil rights and public interest organizations by the federal government between 1978 and 1982. Through these contracts, an estimated 25,000 disabled “consumer specialists,” many of whom had no prior ties to disability activism, received trainings in how to understand and

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<sup>1</sup> This paper uses both “identity-first” language, such as “disabled people,” as well as “person-first” language interchangeably and in different contexts for political reasons. Although “person-first” language like “people with disabilities” is preferred by some groups, namely many people with intellectual or developmental disabilities (I/DD), this is frequently not the case within the disability community. For example, autistic people, as well as culturally Deaf people often prefer identity-first language. Others may prefer terms such as “Mad” or “crip.” Suggesting that identity-first language is problematic implies that there is some form of deficiency inherent to being disabled. If disability is not a deficiency, why would it be bad to refer to someone as disabled? We note, however, that this decision is fraught and therefore use both terms to be broadly inclusive of varying preferences within the community. For further discussion regarding language, see Andrews, Powell, and Ayers (2022).

<sup>2</sup> The inadequacy of administrative enforcement measures for civil rights provisions is well-documented. Scholars have found that in the absence of administrative enforcement, civil rights in the United States are enforced primarily through the “litigation state” (Farhang 2010). The 504 Trainings represent both an alternative to the traditional litigation state, as well as an example of what Mulroy (2018) suggests were creative attempts by federal bureaucrats to build private enforcement capacity in the absence of administrative enforcement schemes.

enforce their new rights under Section 504.<sup>3</sup> Trainees were told, in essence, that the law’s real-world meaning depended on their efforts.

In this article, we argue that that trainers and trainees were in fact engaged in political theorizing—that trainings were spaces in which disabled trainers and trainees challenged received meanings of equality, citizenship, and rights, as well as debated the most effective strategies for disrupting the ableist foundations of a society that had long excluded them. Expanding on insights from scholars like Erin Pineda, we view DLRC activists as “engaged in the work of political theory” (2021, 18). Despite the fraught relationship between racial civil rights and disability rights discussed by this paper, we suggest trainers understood themselves as contributing to “an ongoing, contested discourse about how to build a new world” in a similar way to Black civil rights leaders (Pineda 2021, 15). Tani (2023) has elsewhere argued that the trainings and other activities by the DLRC contributed to an educated, organized community of disabled people to fight regulatory retrenchment. Here, we emphasize how the trainings allowed actors to reinterpret their relationships to the state—that is, how the 504 trainings contributed to the development of a narrative, or theory, about disabled citizenship.

The political theorizing that emerged from the 504 trainings had both emancipatory and exclusionary dimensions. In terms of emancipatory possibility, disabled trainers generated new visions of social citizenship by instilling a “rights-bearing attitude” in themselves and trainees. The participatory ethos of the trainings had tangible consequences for how people understood their relationships with the state. Trainings encouraged trainees to feel confident in negotiating with government agencies and other gatekeepers—to understand that they were entitled to go into publicly-funded spaces and contest the status quo. Trainees were encouraged to leverage their own access needs to give the law content and bring about the kinds of changes that, to them, represented legal compliance. There were also theoretical consequences—including the articulation of a fluid, participatory understanding of citizenship that has perhaps faded over time but retains promise in the present-day.

Yet there are trade-offs inherent to the liberatory model that these advocates pursued, echoes of which persist in contemporary disability policy. Trainers were chosen according to

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<sup>3</sup> The 25,000 figure comes from Alan Kalmanoff, who helped design and administer the trainings for the Center for Independent Living. (Alan Kalmanoff, interview, conducted by Karen Tani, Oct. 25, 2017, Dec. 18, 2017, and May 1, 2018) (hereafter "Kalmanoff interview") (on file with authors). It is merely an estimate but is likely accurate given figures in other source material.

idealized norms surrounding disability and aesthetics, and trainees with intellectual and developmental disabilities, especially if they did not conform to aesthetic standards, were notably absent. The trainings also coached trainers and trainees to communicate and negotiate in modalities that were not universally accessible. Moreover, the alternative worlds imagined by advocates were often whitewashed, relying on oversimplified narratives about race and disability (for example, suggesting that being disabled was akin to being racialized as Black and that White Supremacy and ableism were versions of the same phenomenon). Finally, the trainings reinforced the idea that disabled people *must* enact their own citizenship—or be consigned to second-class status. Assigning the responsibility on individual disabled people to remedy discrimination requires an already marginalized group to expend an onerous share of their personal time and resources. More insidiously, this form of “private enforcement” may undercut state-led efforts to enforce and recognize rights. Many of these problems persist in contemporary disability advocacy spaces; yet debates about these concerns persist.

We therefore conclude by connecting our historical findings to present-day debates about disabled citizenship. Specifically, we address the ways in which aesthetics still structure disability politics, as well as the disability advocacy community’s fraught relationship to Black civil rights organizations. We also address the expectations that disabled people enforce their own rights, frequently without pay. These more exclusionary features of disability law have remained, while more participatory visions of disabled citizenship of the late 1970s and early 1980s have disappeared into the background. We acknowledge the challenge of enacting alternative visions of disabled citizenship, given the ways that disability law has hardened but argue that the exigencies of the present make it all the more important to recover historical moments of greater openness and fluidity, such as by studying the 504 trainings. We also conclude that understanding the relationship between legal structures, funding streams, and citizen participation has broader import in a world where participatory budgeting and policy programs are increasingly the norm.

## **2. After the Ink Dried: The Background of the Section 504 Trainings**

Seventeen years before the Americans with Disabilities Act of 1990 (ADA), a provision of the Rehabilitation Act of 1973 laid the foundation for that landmark law—and, in doing so, helped make possible new ways of understanding disabled people’s place within the polity. “Section 504” prohibited federally funded programs and activities from discriminating against

qualified individuals because of disability. Given how many institutions relied on such funding, this provision represented a “transformation of federal disability policy,” in the words of Richard Scotch, and raised the prospect of “full social participation as a civil right” (2001, 3).

As the disability analog to Title VI of the Civil Rights Act and Title IX of the Education Amendments of 1972, Section 504 was not an unfamiliar type of law—but in the wake of the law’s enactment, the unease and reticence of high-level, politically appointed administrators delayed the issuance of enforcing regulations. Scholars and activists have chronicled this history well, including the important role of the “504 sit-ins,” the longest occupation of a federal building in United States history. The 504 sit-ins signaled political ferment and formation, as well as contestation over important values. And in retrospect, they not only affected the choices of politicians and public officials, but also foretold the rise of broader disability rights movement. And yet the 504 sit-ins represent just one part of a broader story, which extended well beyond the signing of the regulations in April 1977. Here, we tell part of the story of how Section 504 became law in a *practical* sense—how advocates given new interpretive power applied the law to real-world situations to put pressure on institutions across the country who received federal funding.

By analyzing the archival records of the most prominent training organization, the Disability Law Resource Center (which would become DREDF, the Disability Rights Education & Defense Fund), along with audio recordings of the trainings, oral histories, and interviews with trainers, we are able to offer to partially reconstruct the Section 504 trainings and extract important insights into the administration of Section 504 in the law’s crucial early years, when concepts of disability rights were nascent and fluid, as well as the experiences of citizen administrators, who were being invited, perhaps for the first time, to participate in public debates about the laws that governed their rights and responsibilities. Although the trainings were government-funded, disability advocacy organizations developed and administered them autonomously, with minimal government oversight. Moreover, disabled people led the trainings, providing role models for disabled trainees and encouraging those trainees to go out and train other disabled people about their rights. We therefore interpret these trainings as spaces in which disabled people and the organizations that represented them were given considerable scope in defining what the law meant for their community.

The trainings began as a form of “delegated governance”—that is, as a delegation of governing authority to non-governmental actors (Morgan and Campbell 2011). More specifically, the trainings were an example of grantmaking as a “governing strategy” (Dunning 2022, 27), whereby non-profit organizations became a crucial conduit of public power. This framing may seem counterintuitive to some readers because political science scholarship on delegated governance has focused largely on the arenas of social welfare provision, carceral management, and national security, rather than on the interpretation and enforcement of civil rights laws. Existing scholarship tends to focus either on for-profit entities or organizations that compete with for-profit entities for government contracts, and it has paid particular attention to the period after 1980 (Morgan and Campbell 2011; Ochs 2016; Cordelli 2022). But if we widen our view to consider the many ways in which citizens and community-based organizations were invited to participate in governance in the 1960s and 1970s, it becomes easier to understand the Section 504 trainings as a delegation of public power.

The Section 504 trainings were authorized by a provision of the Section 504 regulations (1977) that outlined how the Department of Health, Education, and Welfare (HEW), which sought to ensure compliance with Section 504. That provision required recipients of federal funding (e.g., schools, hospitals, local agencies) (1) to “evaluate” their own compliance with Section 504, (2) to “modify” any policies or practices that did not appear to meet the law’s requirements, and (3) to “take appropriate remedial steps to eliminate the effects” of any discrimination that their self-evaluation identified. *In addition*, the regulations required that funding recipients draw on “the assistance” of people with disabilities (at step 1) and act in “consultation” with them (at steps 2 and 3).<sup>4</sup> It was language that harkened back to the “maximum feasible participation” mandate of the War on Poverty while also recreating the “private enforcement” model embedded throughout the emergent civil rights state.<sup>5</sup> Via this approach, HEW’s Office for Civil Rights retained some enforcement power, as it would for any civil rights law under its purview, but it also made clear that it would rely on private citizens to share the enforcement burden—in ways that necessarily also called upon citizens to interpret for themselves the meaning of Section 504.

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<sup>4</sup> 42 Fed. Reg. 22677 (1977), § 84.6(c).

<sup>5</sup> For a more thorough discussion of private enforcement via litigation in relation to the bureaucracy, or what is commonly termed the “litigation state,” see Farhang (2010), Mulroy (2018), and Chen (2018).

Citing this self-evaluation provision, HEW officials made available hundreds of thousands of dollars in contract money for “consumer trainings” of Americans with disabilities.<sup>6</sup> Perhaps these officials realized that many of the law’s intended beneficiaries had no awareness of Section 504 and were therefore ill-equipped to do the kind of consultative work that the regulations intended. Perhaps some HEW officials wanted to quietly subsidize disability rights organizing. In any event, rather than deploying HEW personnel to find and educate disabled Americans, HEW outsourced this work to private contractors. These contracts ran from 1978 to 1982, when a change in administration appears to have prevented their renewal.

HEW training contracts flowed to several non-profit organizations, including the Boston-based Contract Research Corporation and Philadelphia’s Public Interest Law Center, but perhaps the most important and prolific training organization was the Center for Independent Living (“CIL”), based in Berkeley, California. (Tani 2023). By the late 1970s, CIL was a nationally recognized hub for disability-related activism, as well as a known quantity to HEW administrators. CIL personnel, such as Judy Heumann, were on the front lines of the Section 504 protests and had also played crucial roles in the drafting phase of the Section 504 regulations (Heumann and Joiner 2021). The disabled lawyers and administrators running CIL’s legal arm, the Disability Law Resource Center (“DLRC”),<sup>7</sup> were particularly keen to secure training contracts. Not only would such contracts provide CIL with badly needed funding,<sup>8</sup> but they would also provide an opportunity to advance DLRC’s vision for disability law and policy. At a time when multiple definitions of disability existed within the policymaking landscape and when the thrust of government policies ranged from “rehabilitation” to poor relief, DLRC sought to

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<sup>6</sup> For example, in 1979, CIL/DLRC was awarded \$658,976 and a \$50,440 contract modification by HEW’s Office for Civil Rights to provide training and technical assistance in the Western States. See “Providing Training and Technical Assistance in Section 504 to Handicapped Persons in the Western Region: Contract HEW 100-79-0134 Final Report,” Bancroft Library, DREDF, Carton 15, Folder 51. Another document suggests that the net total of funding provided by the Section 504 trainings was approximately \$1.6 million. See DREDF Memorandum: Funding Outline/Schedules, Bancroft Library, Carton 4, Folder 46.

<sup>7</sup> The DLRC subsequently split off from CIL and became the Disability Rights Education and Defense Fund. However, to avoid confusion, we refer to the organization as “DLRC” throughout the paper.

<sup>8</sup> CIL/DLRC’s precarious funding situation is documented extensively throughout the archival record. CIL lacked funds explicitly directed toward independent living and therefore needed to fundraise constantly. Much of the center’s budget consisted of governmental and philanthropic grants. Initially, a number of CIL/DLRC workers were paid via VISTA and CETA. The Section 504 trainings, as well as grants from agencies like the Community Service Administration (CSA) allowed DLRC, the legal arm of CIL, to hire more staff and to raise independent funding via grants like the training grants.

tether disability advocacy to the broader civil rights movement. Training disabled “consumers” in the meaning of this new civil rights law seemed like an ideal opportunity.

Between 1978 and 1981, DLRC secured multiple training contracts from HEW, covering regions that included the western states, the southwest (including, separately, the Navajo Nation), and the Midwest. DLRC training materials also informed trainings in the eastern U.S., via relationships with the North Carolina group Barrier Free Environments and with Philadelphia’s PILCOP. Training contracts contemplated hundreds of thousands of dollars of expenses, covering the costs of three-day trainings for as many as three hundred “consumers” at a time.<sup>9</sup> CIL/DLRC sources suggest that the trainee population had reached 13,000 by 1980 and an estimated 25,000 by the time the trainings ended, circa 1982 (Tani 2023).<sup>10</sup>

From archival records and interviews with former participants, it is possible to reconstruct a rich picture of DLRC’s trainings. The picture is incomplete in that our sources provide only a partial view, one that may be biased by the aspirations and imperfections of the historical actors who left the most visible marks in the available record. But we can nonetheless say a lot about the trainings, including how and where they operated, who ran them, who attended them, and more. Heeding Mettler and Milstein’s (2007) challenge to think about American political development from the perspectives of citizens, the sections that follow emphasize the choices made by the citizen-designers of these trainings, the training environment that they created for citizen trainees, and the messages that the trainings conveyed. We cannot know for certain what most trainees took from these trainings, but we can analyze the trainings as political texts, illuminating the possibilities offered to trainees, as well as the possibilities that were neglected or denied.

The Section 504 trainings are examples of what Carole Pateman calls “modes” of participation. Through the trainings, participants were both directly engaging with and encouraging others to negotiate the meanings of the Section 504 regulations for themselves. However, it is also interesting to note the “sector” of participation—which was the

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<sup>9</sup> The first contract, awarded in the fall of 1978, was for \$355,865. DREDF, F51, Box 15. The last contract, for services that ended in May, 1982, was for \$639,998. DREDF, F27, Box 16.

<sup>10</sup> In offering these numbers, we are not counting the trainees that went through other DLRC trainings during this era, some of which were funded by other federal grants. We are focusing only on the HEW-funded Section 504 trainings.



administrative state. Trainees were encouraged, and even expected, to make demands from administrative agencies they viewed as exclusionary.

### **3. Creating “Rights-Bearing Citizens”: The 504 Trainings and New Visions of Social Citizenship**

The 504 trainings were a vehicle through which DLRC and other advocacy organizations defined a new vision of social citizenship. Pivotal to the trainings’ ethos was the idea of disabled “consumer control”—with “consumer” in this context referring to consumers of public goods and services. Rather than allow doctors, social workers, or nondisabled family members to speak for them, confident disabled people would speak for themselves, and, in doing so, serve as role-models for others. In service of this vision, DLRC designed the trainings to be run by disabled people—people who were carefully selected, but meant to represent an attainable level of knowledge and civic engagement. In the words of a DLRC training manual, the presentation of a “successful disabled person” would offer an “alternative to the commonly held negative self-image” held by many disabled people and would help trainees develop “the skills and attitudes needed to effect community change.”<sup>11</sup>

Over the course of multiple days of trainings, we argue in this section, an idealized disabled citizen came into view. This citizen had the right and responsibility to articulate their own needs, assert their own capabilities, and demand inclusion. Thus, trainers challenged trainees to develop a “rights-bearing attitude” and demand the protections that Section 504 afforded them. The “rights-bearing attitude” also entailed the duty to identify exclusionary practices and try to remedy them, whether through simply educating uninformed local officials or adopting more controversial tactics. In other words, DLRC’s Section 504 trainings envisioned a concept of social citizenship that encompassed formal recognition by the state *and* civic obligation, all against a backdrop of an exclusionary status quo.

This vision of social citizenship was apparent from the opening moments of DLRC’s trainings, when disabled trainers introduced themselves to the trainees. These extended introductions involved poignant personal narratives, which were specific to particular trainers but which always ultimately emphasized Section 504’s potential to generate different relationships between disabled people, their communities, and the state. Consider, for example, trainer Gail Rinne’s personal narrative, as she recounted it to a group of trainees in Chicago. Like many

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<sup>11</sup> Carton 15, Folder 51 – Training Manual under “Accessibility,” pp. 16–19.

trainer narratives, Rinne's affirmed the importance of, first, being in community with other disabled people and, second, recognizing that her disability could be something more than a source of shame or pity. Rinne's narrative began with various examples of feeling like a "woman without a country"—of understanding that although she could not see as well as other people, she was not blind, and that she was supposed to "try to be as normal as possible," despite experiencing difficulties navigating everyday situations. This meant simply not using the bathroom when she had to go (because she could not read the sign) or always ordering hamburgers at restaurants (because she could not read the menu). Blackboards "were the ultimate symbol of [her] disability," Rinne recalled, because they created the risk that she would embarrass herself or someone else if she admitted she could not see something. In general, Rinne described trying to be a "good girl" growing up in the South, not causing too much trouble, and never identifying as a disabled person.

Continuing with her narrative, Rinne described being the recipient of affirmative, disability-based recognition, which opened up a new phase in her life, but left her just as alienated. Rinne was flummoxed, she recounted, when North Carolina offered her a college scholarship for blind students. "Wait a minute," Rinne recalled thinking, "It's good that the state is gonna pay for me to go to school. But what is this handicapped business. And blind? You know, I don't see so hot, but bl- You're blind [referring to the blind man who offered her the scholarship]. I'm not blind." Rinne took the money but continued to deny her impairment—even when it was a blatant source of job discrimination--and declined to associate with other disabled people. Rinne went on to attend graduate school, write a thesis on blindness, and work as a rehabilitation professional, all while "passing" as non-disabled. All along, she described feeling a "void," because she did not feel as though she belonged.

The turning point in Rinne's narrative was her move to Berkeley in 1978 and her interview for a position at CIL. There, she remembered finding herself in a room full of people who "looked like clients," but who were her interviewers—and who asked no questions about how her vision impairment would affect her ability to do the job. She realized that her "country" was at CIL. Rinne's narrative concluded by exploring the sense of sense of empowerment and belonging she gained through the disability community in Berkeley. In her telling, she found

power in “being a disabled person who had a stake in [her] future.” She challenged trainees to develop a similar stake in their own civil rights.<sup>12</sup>

Rinne’s narrative is especially interesting for our purposes because it so clearly articulated what it felt like to go from being a non-citizen to a citizen, a process that often perplexes political scientists and political theorists. Moreover, the narrative was both personal and *didactic*; it urged other disabled people to go on the same transformational journey—a journey that culminated in a particular relationship with the state and in a particular understanding of one’s stake in the political community. Phrased differently, her narrative invoked what Mettler (1998) describes as a “sense of the state” and it also described citizenship in terms familiar to Rogers Smith (1999), who has suggested that the crux of citizenship is having a stake in and a say over the political conditions under which one lives. In Rinne’s telling, “stake” and “state” were closely related: once she developed a “stake” in her political community and her future, she was drawn to participating in a government-led training for a statute that explicitly recognized her rights.

It is also possible to see in Rinne’s narrative “the embodied performance of citizenship,” specifically “how people negotiate rights, responsibilities and belonging through interactions with others in the course of daily life” (Kallio, Wood, and Häkli 2020, 713). The first part of Rinne’s narrative is filled with quotidian incidents interactions that caused her to feel powerless, ashamed, and marginal. Classically important spaces of citizenship, such as classrooms, restaurants, and workplaces, appear in Rinne’s telling as spaces of exclusion. By contrast, at CIL in Berkeley—where she interacts with people with range of embodiments (like “the bar scene of Star Wars,” she joked)—daily interactions allowed her to develop a sense of belonging, as well as a sense of a “stake” in her future. Rinne’s narrative also explores the embodied aspects of citizenship, discussing the war she experienced against her own body (for example hiding her eye movements behind amber glasses). Part of developing a stake in her future as a disabled citizen required accepting her embodied experience. She developed a sense of her own rights before standing in front of a room full of disabled people to encourage them to do the same.

Moving on from Rinne’s personal narrative to the content of the trainings, we see that the trainings’ idealized citizen actually had a complex relationship to the state. While participating in a government-funded training, Rinne and other trainers nonetheless expressed profound cynicism

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<sup>12</sup> Tape 36: Chicago, July 19, 1980. Allude to other narratives as well (put excerpts in appendices)

about the role of the state in bringing about disability rights and the need for disabled people themselves to initiate the process. We can see this in Rinne’s emphasis on the “rights-bearing attitude,” which she had to embrace as part of her journey and which she urged on others to adopt. Likewise, UC Berkeley student Steve McClelland, who ran the July 1980 Chicago training, repeatedly emphasized the importance of a “rights-bearing attitude.” “Once you have [a rights-bearing attitude], you can just do anything,” McClelland told trainees. “If you don’t have that attitude... you can’t really do much.”<sup>13</sup>

Crucially, having this attitude did not mean simply claiming the rights that the state offered up, although that was part of it; a “rights-bearing attitude” also meant claiming interpretive and definitional power over the content of those rights. Trainers emphasized that the law belonged to trainees; that there was nothing about the law that others understood any better than the trainees; and that ordinary people could play a significant role in defining the law on their own terms.<sup>14</sup> In practice, this required trainees to communicate their own access needs to federal agencies and federally-funded programs. Disabled people were the experts on their own access needs—not bureaucrats. Indeed, as trainers remarked multiple times, non-disabled people’s idea of equality would likely differ from that of disabled people; however, according to a rights-bearing mentality, disabled people were the authorities on their own needs.<sup>15</sup>

Finally, having a rights-bearing attitude was not merely a function of possessing *rights*—it also entailed *responsibilities*. Trainers appealed to a sense of civic and community obligation, arguing that disabled people must stay as informed as possible about the law to benefit themselves and the broader disability community. Although the trainings emphasized that trainees were “disabled citizens,” such citizenship entailed “a responsibility to let the courts and other enforcement agencies know what this regulation mean[t] to [them] and how [they]

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<sup>13</sup> Tape 33: Chicago. July 21, 1980: Side A. Notably, archival evidence indicates that HEW representatives also supported and endorsed this messaging. Kathy Condon, a regional representative of HEW’s Office for Civil Rights, told the Chicago trainees that the rights-bearing attitude is “the biggie.” She explained that “[o]nce you cease to apologize for our existence and say, you know ‘hey, we have a right to be here, and this is the way it’s gotta be,’ then half the battle is over.”

<sup>14</sup> For example, at a Chicago training, trainer Gail Rinne gave a pep talk, saying: “This is *your* This is *our* law. There’s nothing in this law that any person sitting in this room cannot understand and use. If you don’t understand it the first time we say it it’s because none of us understood it the first time we said it or read it. That’s what law is. It’s Washington’s verbal diarrhea that we can use and work with. If you remember nothing else out of these regulations, remember that these regulations are yours to use, ok?” Tape 36, Chicago, July 19, 1980: Side B .

<sup>15</sup> E.g. Tape 37: Chicago. July 19, 1980, Side A.

want[ed] it to be enforced.”<sup>16</sup> Trainers conveyed the message that disabled people had to do the “dirty work” of convincing agencies to comply with their obligations under Section 504. Because of Section 504’s breadth and its novelty, trainers explained, effective enforcement depended on creative advocacy.<sup>17</sup> Simultaneously, trainers and HEW bureaucrats alike expressed skepticism that HEW Office for Civil Rights employees could be depended on to interpret the new regulations in a consistent and favorable way.<sup>18</sup>

This “self-help” mentality enacted certain exclusions, as discussed in the next section. However, it also embraced participatory and emancipatory visions of citizenship. The accessible, inclusive training environments that DLRC labored to create – often in previously inaccessible spaces (e.g., nice hotels)—offered a sort of proof of concept of the trainees themselves could and must do out in the world. If DLRC could modify bathrooms in historic hotels to accommodate wheelchairs, then perhaps trainees could achieve similar gains in their communities—securing what disability scholar Jacobus tenBroek (1966) famously referred to as “the right to live in the world.” If DLRC could teach hotel staff to treat disabled guests in a humane, respectful way, then trainees could do similar educational work. Indeed, significant time was spent not on teaching the content of the law but on providing the disabled trainees with the opportunity to practice speaking for themselves so that they could produce change when they returned to their local communities. Trainers understood themselves as “training the trainers”—meaning they understood themselves as architects of a burgeoning disability rights movement. They also perceived the trainees as engaged—asking “how” questions, indicating that they intended to use

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<sup>16</sup> Tape 44: Cincinnati.

<sup>17</sup> Tape 33: Chicago. July 21, 1980, Side A (40k funded agencies under HEW alone)

<sup>18</sup> The trainers’ emphasis on a “self-help” model of enforcement reflected a broader cynicism on the part of DLRC (and even some HEW officials) about the role of the courts in civil rights enforcement. DLRC and HEW both expressed that negotiating directly with agencies was a more effective remedy than litigation. Specifically, trainers and training materials expressed concerns that courts were likely to weaken or misconstrue the new regulations and discouraged trainees from filing formal complaints with HEW’s Office for Civil Rights (OCR) or litigating. Trainers reasoned that the courts suffered from the same deficiencies as formal OCR processes—there was no guarantee of a favorable judge who understood access from a sympathetic perspective. Moreover, courts could always make bad law. Even sympathetic HEW-OCR officials who attended the trainings echoed similar concerns. For example, Kathy Condon, an OCR official, suggested that OCR, like every other branch of government, had its “good guys” and its “turkeys.” She implored trainees not to view OCR as their “ultimate resource” because Section 504 would not adequately protect them from discrimination by itself. She suggested the need for “good court cases” because of a shortage of attorneys, remarking: “[b]esides DLRC, what is there? Don’t know what’s going on with PILCOP...” She encouraged trainees only to go to court if they knew they had a good case—and if they found an attorney who was familiar with disability rights law.

the law. In the retrospective words of one trainer: “we created a generation of people that had rights.”<sup>19</sup>

The thrust of our argument so far is perhaps best captured in the words of one trainer, describing what they were trying to “model”: “We don’t need able-bodied people to do this. Like, we are disabled people.... And it doesn’t matter. We’re the ones who get to—This law is our law.”<sup>20</sup> It was an emancipatory vision, with the possibility of pride and affirmation,<sup>21</sup> and it was also a vision that implied obligation—if only from the sense that no one else would be as invested in Section 504’s success.

#### **4. Limits of Participatory Citizenship? Trade-offs and Burdens**

Even as the trainings embraced inclusive and emancipatory visions of disabled citizenship, the trainings themselves perpetuated inequalities. Records suggest that people with developmental and intellectual disabilities were not well represented, for example—even though the organizers succeeded in recruiting participants with a range of other impairments. One interviewee noted that even when people with visible impairments that might affect their motor skills like people with Cerebral Palsy were chosen, trainers from these impairment groups were chosen so that they conformed to a certain aesthetic ideal. Similarly, although some trainings included substantial non-white populations, white-identifying participants appeared to represent the majority of both trainers and trainees. Moreover, in our view, training materials adopted the unstated assumption that trainees were either white or un-raced. DLRC had some awareness of this problem—as evidenced by their efforts to design a special training for “minorities.” But in this era before the theorization of “intersectionality,” and at a time when many disability rights leaders came from relatively privileged backgrounds, the group seemed to struggle with how to adequately represent the lived experiences of Black disabled people and others who were

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<sup>19</sup> Anonymous interview, on file with authors. Although outside the scope of this paper, we note that a number of the trainers and trainees became leaders in the disability rights movement, going on to found and run Centers for Independent Living (CILs) or Protection & Advocacy Organizations (P&As), such as in Chicago, Houston, and Missouri, or to become active in the movement to pass the Americans with Disabilities Act (ADA). Anonymous interview, on file with authors.

<sup>20</sup> Anonymous interview, on file with authors.

<sup>21</sup> In the words of one trainee: “it was for me personally a real opportunity to find community and to find kind of this sense of belonging and empowerment ‘cause I grew up feeling pretty different as a child with a disability even though I had another sibling who was disabled... I had never heard of disability pride.” Anonymous interview, on file with authors.

multiply marginalized.<sup>22</sup> This section outlines the ways in which the Section 504 trainings appeared to have reproduced existing structural exclusions, even as they also aspired to create conditions of inclusion and empowerment for people with disabilities. As we consider the participatory and egalitarian modes of citizenship envisioned by the trainers, it is important to note where power dynamics reproduced and reinforced existing inequalities.

A. *“Disability Pretty”: Recruiting the Trainers*

DLRC recruited a relatively diverse training population, including people who had no prior involvement with the independent living or disability rights movements (Tani 2023). For the trainers, however, DLRC had a narrower vision. DLRC sought well-spoken and passionate people with disabilities who could model a “rights-bearing attitude.” As one report on the trainings noted, “[t]he absence of role models for disabled persons has been as handicapping as the lack of TTYs, the lack of a cohesive community, and the lack of jobs.”<sup>23</sup> The trainers would fill that gap. They were somewhat removed from the trainee population, in that they were uniformly articulate and conventionally attractive, but they were all people who identified as disabled and related to the experience of exclusion.<sup>24</sup>

Trainer Corbett O’Toole remembers that she and other trainers were chosen according to a set of prescribed aesthetics—the disabled trainers were generally conventionally attractive, articulate, and predominately white. DLRC may have attempted, consciously or not, to find trainers who conformed to what she referred to as a “Mr. Rogers” idea of the disabled citizens—someone who was as unthreatening and disarming to middle-class white norms as possible. According to O’Toole, people chosen to be trainers were expected to conform to certain standards of behavior, such as avoiding too much discussion of queerness and race. Trainers were also expected to adhere to a business-professional dress code, as well as to avoid behaviors

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<sup>22</sup> We cannot conclusively comment about the racial demographics of the trainings because we do not have a complete racial breakdown of trainers and trainees; however, there are indications in archival documents that DREDF strove, or at least intended, to reach a racially diverse audience. For example, DREDF’s 1980 report to HEW includes “Special Material Developed for Minority Training” (Carton 15 – F54). Yet one of Pelka’s interviewees, Johnnie Lacy, was a Black woman, who was asked to participate in the 504 trainings by Judy Heumann because DREDF was “really having a hard time recruiting people of color” (2012, 354).

<sup>23</sup> “Providing Training & Technical Assistance in Section 504 to Handicapped Persons in the Western Region, 1980 Final Report,” Carton 15, Folder 51 (p. 2).

<sup>24</sup> According to interviews with trainers, there was an understanding that trainers tended to conform to certain aesthetic ideals. Moreover, guidance on trainee qualifications suggests that even the trainees must have “excellent communication skills” and the ability to grasp new concepts and information quickly,” suggesting that the bar for trainers was likely even higher. See also Tani (2023) for further discussion on the mechanics of the trainings, including choices to hire trainers.

like swearing at the podium. O’Toole suggested that this was part and parcel of increasing acceptability by the American public, stating:

[W]e had to pretend to be heteronormative because that’s the way people could receive the message. Like the message about disability community was the only thing different about us is disability. And we needed—And America at that time, white America, was much more willing to kind of pretend like we were on the same team... We only have one difference. It’s only disability.<sup>25</sup>

Choosing trainers who were “disability pretty” allowed DLRC to present the movement in ways that were as nonthreatening to middle-class white citizens as possible. Yet this had the unintended consequence that a diverse array of trainees may not have been able to see themselves reflected in the trainers. Additionally, the rules were experienced by some trainers as cumbersome and alienating. O’Toole remembers locking herself in a room with fellow trainers during lunch—so that they did not have to be “on,” so that they could swear and talk about sex. She remembers having to perform as “the kind of disabled people that you would feel comfortable with attending the Methodist church” on stage while it was “drugs, sex, and rock and roll” behind the scenes. The image trainers had to portray was not one to which they themselves conformed—and therefore seems to have been experienced as alienating by O’Toole and others.

Moreover, it is likely that *trainees* were also chosen to be “disability pretty” and inoffensive to the general public. A brochure about the trainings outlined trainee qualifications as follows:

- Excellent communication skills, regardless of mode; ability to grasp new concepts and information quickly;
- Availability of time and energy to meet the expectations of the 504 Consumer Specialist (generally for no pay);
- Experience with advocacy;

*Additional personal characteristics:*

- Commitment to civil rights of all people, especially relating to people with disabilities
- Ability to work effectively and productively with individuals from diverse cultural, political, and economic backgrounds<sup>26</sup>

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<sup>25</sup> Anonymous interview, on file with authors.

<sup>26</sup> Bancroft Library, “DLRC Pamphlets,” Carton 1,



Trainees were also required to go through multiple rounds of interviews to secure their participation and to establish their access needs with DLRC. Because DLRC saw itself as training the next leaders of the disability rights movement, it is likely that trainees were also held to some aesthetic standards as well. Trainers confirmed that most people in the audience were “disability pretty.”

The experiences of trainers and trainees with idealized and impossible aesthetic norms is not an experience isolated to the 1970s—in fact, the historical narrative comports with more recent scholarship in disability studies. Disability scholars find that even during moments of emancipatory possibility, ideas of disabled citizenship and whose participation is valued are entangled with aesthetic indicators of respectability and normalcy. Disability organizations likely felt pressure to choose trainers who were “disability pretty” because they recognized the pervasive anxieties that the public (and even other disabled trainees) might feel around disability. Jasmine Harris (2019) suggests that visible encounters with disability can provoke strong affective responses that resist reason, leading even well-meaning people to behave prejudicially toward body-minds that deviate from social expectations or norms. Stacy Clifford Simplican (2015) describes similar experiences conducting fieldwork with organizations that work with people with intellectual and developmental disabilities—a sense of unease or anxiety that she could not quell. She describes her surprise that she was not a “cosmopolitan of cognitive difference” due to her personal experiences with disability (Simplican 2015, 2) Simplican argues that we experience collective anxiety around the aesthetic markers of disability for both existential and political reasons. She suggests that “disability reveals the deep discrepancy between the ways we conceptualize the demands of political participation and the actual range of ways people act politically” (Simplican 2015, 3). Indeed, the decision to include only attractive, well-spoken people among trainers and trainees mirrors Simplican’s observations about democratic anxieties in contemporary self-advocacy spaces. One of her core findings is that even in self-advocacy groups led by people with intellectual and developmental disabilities, those who most closely adhere to idealized norms of democratic participation are frequently chosen to be the leaders.

The exclusion of certain people from leadership positions based upon aesthetic and cognitive judgments limits a wholly emancipatory reading of the Section 504 trainings and suggests possible limitations of participatory democracy in a society riddled by aesthetic

anxieties about disability. Many people within the communities the trainings sought to empower would not have been “disability pretty.” Yet having trainers and trainees who were “disability pretty” representing the entirety of the disability community undermined the trainings’ stated goals of allowing disabled people to see themselves in the trainers. Furthermore, the choice to include only “disability pretty” trainees made it less likely that the broader disability community would relate to the trainees when they returned to their communities to engage in advocacy. Choosing trainers and trainees based on aesthetics and communication style may have had the unintended consequence of making disabled people who did not adhere to idealized aesthetics or modes of communication feel ostracized from the broader community. Moreover, allowing only certain disabled people to serve as leaders meant that a group of citizens who already enjoyed relative privilege within the disability community were disproportionately represented in the participatory processes of legal interpretation, negotiation, and enforcement we describe above. Therefore, insofar as Section 504 was brought to life by disabled consumers, it was interpreted and enacted by a partial and elite group of trainers. In this case, those trainers were articulate, primarily white advocates who were also “disability pretty.”

*B. “Minority Trainings” and 1-1 Analogies to Race*

The movements for racial civil rights and disability rights have often had a tenuous relationship. Despite early moments of solidarity, such as the Black Panther Party (BPP) providing food and security for the Section 504 sit-in, the nascent disability rights movement was not intersectional or adept at representing the interests of Black disabled people and other disabled people of color. The Section 504 trainings were no exception. Many training materials drew an overly simplistic comparison between racism and ableism, and between the long battle for racial justice and the comparably recent campaigns for disability rights. Moreover, despite the attempt to conduct a “minority training” that addressed the needs of Black disabled people, such attempts were limited in scope and treated disability and race as separate categories of analysis.

On participation and leadership, we find that DLRC made a genuine attempt to recruit a diverse set of trainers and trainees, but they sometimes went about securing racial diversity in awkward ways. For example, though African American trainee Johnnie Lacy argues that the 504 trainings “changed [her] life,” she also recounted an interaction with Judy Heumann wherein Judy told Lacy that DLRC was having a hard time recruiting people of color for the 504 trainings

(Pelka 2012, 354). One trainee suggested that she thought that everyone meant to be inclusive but often missed the mark. She explained that the movement was predominately white, and the leaders did not have a robust understanding of what it meant to be a disability, as well as a person of color.<sup>27</sup> This is broadly in line with what other political scientists have found—for example, Jennifer Erkulwater (2018) documents similar dynamics.

Many problems arose from the ways that DLRC understood and characterized racial civil rights, disability rights, and the relationship between the two. For example, the original “Consumer Training Curriculum” reads:

Like racial minorities and women, disabled people need protection against discrimination arising from attitudinal barriers about whatever makes them a minority, in this case, disability. However, we are not just overcoming attitudinal barriers. We are overcoming communication and mobility barriers as well. This means that identically equal treatment under the law is in fact discriminatory because of the nature and diversity of disability.<sup>28</sup>

Here, DLRC draws a 1:1 comparison between racial civil rights and disability rights, suggesting that discrimination against both groups arose primarily from attitudinal barriers. However, the passage also reduces discrimination against racial minorities to attitudinal barriers while implying that people with disabilities may face additional barriers above and beyond the barriers faced by, e.g. Black citizens. In a sense, disabled citizens are *more* disadvantaged. While DLRC is correct to suggest that disability rights require affirmative measures that may incur financial costs to covered entities, Black citizens’ experiences with discrimination are not the same as those of disabled people. Moreover, reducing discrimination to attitudes ignores the structural and state-sanctioned aspects of racialized discrimination.

The only time that the trainings address race as a factor that might compound disability discrimination was during one “minority training” held by DLRC in 1980.<sup>29</sup> The minority training was held during a local Community Action Program meeting and was cosponsored by the CAP (a vestige of the War on Poverty’s community participation requirements). All of the trainers were “disabled ethnic minorities with expertise in both 504 and the Civil Rights Act of 1964.” Ninety people participated in the minority training, according to DLRC reports.

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<sup>27</sup> Anonymous interview, on file with authors.

<sup>28</sup> DREDF, Bancroft Library, Carton 15, Folder 47, p. 13.

<sup>29</sup> See “Providing Training and Technical Assistance in Section 504 to Handicapped Persons in the Western States: Final Report, October 1980,” Bancroft Library, DREDF, Carton 15, Folder 53.

The minority training attempted to grapple with the ways in which racialized minorities may experience discrimination differently from white disabled people—the first explicit acknowledgment of this possibility in the archival documents.<sup>30</sup> The material for the minority training begins by stating that “[t]he disability rights movement has its origins in the minority civil rights movement of this nation” but also acknowledges a “tradition of racism that ruled more powerfully than law.” The materials give a full legal history of the racial civil rights movement, including a detailed breakdown of the laws that were passed. They culminate in discussing cases about affirmative action and “reverse discrimination,” acknowledging the Supreme Court’s recent decision in *Regents of the University of California v. Bakke*. The training materials acknowledge the need for affirmative action programs, suggesting that “the disparity between the economic situation of blacks and whites has grown, not lessened, since the late 1960’s.” The hypotheticals that trainees were asked to work through included thorny issues raised by affirmative action in both the disability and racial justice context.

However, the guide belies DLRC’s collective lack of understanding about racial issues, even as it indicates DLRC’s awareness that they did not have an adequate knowledge base on racial justice concerns. Most of the training is dedicated to identifying disability issues that may affect minorities differently. The goal of the training was to brainstorm problems, specific solutions, and next steps for trainees. Because the session was being held in conjunction with a local Community Action Program, it did seem that DLRC was trying to build solidarity between racial civil rights leaders and the disability rights movement. However, as one trainer remarked, one minority training was insufficient to make up for the movement’s failures with regard to race.<sup>31</sup> It is unclear that the leadership of DLRC understood the intersectional experiences of Black disabled people, or that they thought these experiences should in any way affect the content of the other (non-minority) trainings.

Work in disability studies, Black studies, and “DisCrit” suggests that what we see in the records of the Section 504 trainings represents a pattern, not an aberration: for all its radical potential and inclusionary rhetoric, the disability rights movement often centered white voices and narratives, with consequences that we are still discovering (Schalk 2022; Artiles and

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<sup>30</sup> “E.2: Special Material Developed for Minority Training,” Bancroft Library, DREDF, Carton 15, Folder 54.

<sup>31</sup> O’Toole Interview, on file with authors.

Kozleski 2015; Annamma, Connor, and Ferri 2013).<sup>32</sup> Destabilizing these narratives, Sami Schalk (2022) discusses the ways in which Black cultural workers engaged with disability between the 1970s and the 2010s. In doing so, she challenges the notion of that Black people were anti-disability, while also arguing for a more robust understanding of disability politics. She also challenges readers to rethink disability from the perspective of people who are, e.g., disabled by structural racism or state violence. Black populations are more likely to experience disability in terms of health conditions that arise from environmental or socio-economic factors created and/or exacerbated by explicit governmental action. Therefore, a “disability-pride-only analysis” may alienate Black disabled people who are disabled as the direct result of state-sanctioned discrimination (Schalk 2022, 6). The 504 trainings’ approach to discrimination (i.e. individualizing discrimination by attributing it to people’s attitudes) may have alienated Black disabled people by flattening their experiences of discrimination and drawing false equivalencies. Moreover, the lack of participation by Black trainers and trainees impoverished the early disability rights movement’s understandings of the causes and consequences of inequality.

### *C. Citizen enforcement: advocacy and administrative burdens*

The final feature of the Section 504 trainings that may have enacted additional exclusions was the emphasis on private enforcement. As we noted in Section A, the entire ethos of the trainings encouraged public participation and a “self-help” mindset. However, this same self-help mindset deflected responsibility away from the government and toward citizens. In this section, we suggest that the legacy of citizen enforcement is a complicated one—it can be liberatory, in that it fosters participation, but also creates an underlying expectation that disabled people must take on additional labor to “earn” their rights.

The political science adage that “policies make citizens” seems relevant at this juncture (Campbell 2005; Michener 2018). Participatory programming, like the 504 trainings, can have profound, positive implications for how people understand themselves as citizens and how represented they feel. However, as Michener (2018) shows through her analysis of Medicaid recipients and the administrative headaches they encounter in their daily political lives, increasing the administrative burden on people to enforce their own rights may compound

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<sup>32</sup> In our view, the mainstream disability rights movement also tended to downplay the economic need of disabled people, preferring to imagine that equal access and non-discrimination would address disabled poverty.

political inequalities. There is thus a paradox at the heart of some citizen enforcement regimes. The most marginalized and dispossessed people in a minority group stand to gain a great deal from participation and from the enforcement of their rights, but they also have the fewest resources to be “citizen enforcers.”

Citizen enforcement is also paradoxical from the perspective of the state. On one hand, we might read a citizen enforcement regime as an indicator of government failure. For example, in the 1990s, the federal government announced “Senior Medicare Patrol Project grants” that would train seniors to identify deceptive health care practices like overbilling, overcharging, or ordering superfluous services. Seniors were required to identify cases of fraud and medical abuse—in lieu of government enforcement. More recently, and more egregiously, in Flint, Michigan, “citizen water enforcers” are having to correct for the government’s failure to provide potable drinking water by monitoring water quality (Davis and Garb 2020; Lynch and Stretesky 2013). The citizens of Flint are victims of egregious state neglect, and yet they are having to take their lives into their own hands by ensuring that the water their communities drink is safe.

Yet even though citizen enforcement is often a convenient way to outsource services the government should be providing, it may paradoxically be an innovative bureaucratic response to political constraints as well. For example, Mulroy (2018) argues that Congress put significant constraints on agencies’ ability to enforce civil rights. Therefore, agencies took creative steps to build capacity for private enforcement, such as holding trainings. The 504 trainings may be understood through both lenses. The government, in some sense, failed to provide a robust administrative response to protect civil rights. However, the bureaucracy was also innovating and developing private capacity for civil rights enforcement, given the political constraints of the American political system.

Our findings in this paper do not resolve the paradox. Rather, we give it a different face, and call attention to the thread connecting the Section 504 trainings and the way disability rights laws operate today. We also note a deep irony. Many people today understand disability to mean inability to work, and yet the enforcement of disability rights has long depended on the labor of disabled people. Indeed, the burden may fall heaviest on multiply-marginalized members of the disability community. For example, the DLRC training materials cite IEP/Section 504 meetings as a primary issue affecting the disability community. Here, parents who are low-income and

parents who speak English as a second language are particularly likely to struggle. Moreover, Black students are disproportionately funneled into special education classes and diagnosed with learning disabilities, meaning these students' parents are often faced with the additional administrative costs associated with navigating the IEP process (Mayes 2023; Artiles and Kozleski 2015; Annamma, Connor, and Ferri 2013). Therefore, the most marginalized groups within the disability community will likely face the most significant administrative burdens associated with private enforcement of civil rights.

Advocating for oneself in an administrative setting; arguing to an agency that one deserves rights—both can be empowering, but citizens can also experience such environments as demeaning and disempowering. People participating in negotiations with agencies and enacting their own citizenship are likely to face hurdles in the form of reticent bureaucrats or systemic barriers. The pressure to enact one's own citizenship and toward private enforcement may paradoxically undermine attempts to create equitable lived citizenships.

## **5. Conclusion**

As Tani (2023) argues, the Section 504 trainings had profound consequences for the disability rights movement. They created an educated group of disabled people who were ready to fight regulatory retrenchment. Indeed, pushback from the Department of Education during the Reagan Administration indicates that the government started noticing the effects of an educated, empowered group of disabled citizens lobbying against regulatory reforms. Yet the 504 trainings also created a space for disabled people to develop an understanding of themselves as citizens—as people who were empowered to interpret Section 504 according to their own needs. The 504 trainings simultaneously encouraged the types of participation that are characteristic of citizenship while reinforcing norms of private enforcement that may have undermined people's ability to participate equally with other citizens. Disability law has subsequently hardened with the passage and judicial interpretation of the Americans with Disabilities Act—disability law no longer requires the same level of consultation and deference toward disabled citizens. Yet the early disability rights movement contains crucial insights for political scientists about the nature of participatory democracy, as well as participatory administrative law.

First, the 504 trainings reveal the productive potential of providing citizens resources to participate in governmental and bureaucratic processes. As with successful examples of Community Action Programs (CAPs) identified by Bach (2012), legal mobilization in the 504

trainings was successful because there was a statutory participation mandate that was funded *and* that gave power to autonomous, community-controlled groups. While many have argued that participatory democracy faded out during the 1980s and 1990s, there is a developmental rather than practical reason—the government stopped funding advocacy organizations, and as of the 1990s, advocacy organizations have been prohibited from receiving federal funds if they engage in impact litigation or policy advocacy. The 504 trainings identify conditions under which participatory democracy has a chance to create innovative solutions to social problems that involve impacted communities directly.

However, the 504 trainings also reveal what authors have called the “paradox” of participatory modes of citizenship—those who have the most resources, the most status, who are already the most privileged in a group are likely to reap the most benefit from these participatory processes. This is not only due to respectability politics identified above, but also because people who are more privileged have more time and resources to dedicate to participation. Ultimately, the 504 trainings may raise more questions than they do answers. But debates that advocates were having about whose responsibility it was to enforce rights; the most effective means of identifying rights; the best strategies for negotiating with covered entities; how to understand the relationship between race and disability—are all questions that activists grapple with today. Looking to a more fluid moment, before disability law hardened, and when the state was more supportive of efforts to secure disability rights may hold some insights as we continue to strive toward more equitable and participatory citizenships.

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