

12 February 2021

Dr. Silke Hackenesch  
 SVL “Introduction to North American History”  
 Universität zu Köln  
 Winter Term 2020/21

### **Critical Contexts: Situating the *Capitol Crawl* in Disabled Americans’ Ongoing Fight for Civil Rights**

For this research paper, I want to take a closer look at an event referred to as the *Capitol Crawl*, taking place on 12 March 1990 in Washington, D.C. The Capitol Crawl featured a group of disability rights activists, most of whom had mobility impairments, leaving behind their wheelchairs, powerchairs, crutches, and canes to crawl up the steps to the Capitol. This event is significant because it specifically sought out the symbolically charged Capitol Building in order to advocate for the civil rights of a group who has historically, like other minoritized people(s), been demoted to second-class citizenship. Disability scholar Rosemarie Garland-Thomson, for instance, posits that “people deemed disabled are barred from full citizenship because their bodies do not conform with architectural, attitudinal, educational, occupational, and legal conventions based on assumptions that bodies appear and perform in certain ways.”<sup>1</sup> Garland-Thompson further conceptualizes disability as “a culturally fabricated narrative of the body,”<sup>2</sup> relying on a social model of disability. Her concept of disability as a constructed sociopolitical category grounded in certain biological attributes which are ascribed with various, often stigmatizing meanings will provide the necessary theoretical framework for parts of the analysis to follow.

In my analysis, I want to focus primarily on a short video<sup>3</sup> in which the Capitol Crawl is captured as it unfolded. The video footage, spanning 16 minutes and 5 seconds, showcases

---

<sup>1</sup> Garland-Thomson, Rosemarie, *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature*, (New York: Columbia University Press, 2017) 46, hereafter Garland-Thompson, *Extraordinary Bodies*.

<sup>2</sup> Garland-Thompson, Rosemarie. “Integrating Disability, Transforming Feminist Theory.” *NWSA Journal* 14, no. 3 (2002): 5, hereafter Garland-Thompson, “Integrating Disability”.

<sup>3</sup> Litowsky, Linda and Stephanie K. Thomas. *U.S. Capitol Crawl. Wheels of Justice Action. March 12, 1990. Afternoon.* (1990, ADAPTMuseum.net, 3 April 2019), online video file via <https://adaptmuseum.net/gallery/picture.php?/943/category/4>. The video file is included in the Appendix (A) and can also be retrieved via <https://vimeo.com/328233990>. I found the video during my early research into media coverage of the Capitol Crawl in the digital version of the ADAPT Museum, a web space dedicated to preserving the strides of the disability rights movement in over 60 years of grassroots organizing and protesting. According to the credits, the footage itself is excerpted from a longer documentary by filmmaker Linda Litowsky entitled “With Liberty and Justice for All,” however, at the time of writing this paper, no traces of this documentary ever being released or screened to the public could be found.

both the so-called “Wheels of Justice” rally and the ensuing Capitol Crawl. The Capitol Crawl was powerful in its non-violent obstruction of ‘business as usual’ at the Capitol, where a steadfast decision on the Americans with Disabilities Act<sup>4</sup> had come to a halt after being passed around the various chambers for review and approval. By occupying the marble steps, disabled activists pointed out the inherently inaccessible nature of many public buildings across the country. They resorted to crawling, heaving themselves up the stairs, resisting assistance in the process. One of the activists who became a national symbol for disabled Americans’ fight for inclusion, Jennifer Keelan – then just in the second grade – is shown on Litowsky’s video tape as well. In my analysis, I intend to take a closer look at why exactly Keelan became so synonymous with disabled Americans’ protest, if not emblematic of the Capitol Crawl itself. Keelan’s instrumentalization by the media exemplifies some of the key issues in disability history and activism. For this part of the analysis, an intersectional approach complements the framework posited by Garland-Thompson and grounds disability studies in the larger socio-historical context of American race relations. The Capitol Crawl featured a fairly diverse set of activists, including activists of color, and yet, a young white girl ended up becoming the figurehead of this protest in popular memory. My hope is to offer a nuanced perspective on this important event in American disability history.

### **A Very Brief History of Disability Rights Pre-ADA**

In order to properly situate the Capitol Crawl historically, it is important to look at disability legislation leading up to the events of 1990<sup>5</sup>. The Capitol Crawl itself was part of a series of protests organized, in large part, by a group of grassroots disability rights activists under the name of ADAPT<sup>6</sup> demanding the passing of the ADA, which came in effect on July 26, 1990 under President George H. W. Bush. The ADA, first and foremost, prohibits discrimination on the basis of disability and had been demanded by disabled Americans for decades, often citing

---

<sup>4</sup> Hereafter referred to as ADA.

<sup>5</sup> Though the U.S. has a long and complex history of disability-related laws, for the sake of brevity, I am focusing on laws departing from the post-war era and under the New Deal. See Davis, Lennard J, *The Disability Studies Reader*, (New York, NY: Routledge) 2013, especially Part I, “Historical Perspectives”; Scotch, Richard K, “Politics and Policy in the History of the Disability Rights Movement,” *The Milbank Quarterly* 67 (1989): 380-400 and Scotch, Richard K, ““Nothing About Us Without Us’: Disability Rights in America,” *OAH Magazine of History* 23, no. 3 (July 2009): 17-22; Garland-Thompson’s *Extraordinary Bodies*; Burch, Susan, and Lindsey Patterson, “Not Just Any Body: Disability, Gender, and History,” *Journal of Women’s History* 25, no. 4 (2013): 122–37 and many others have offered broader accounts of American disability history, though it should be noted that many scholarly endeavors focus quite heavily on the 20<sup>th</sup> century due to the increasing politicization of the disability movement from that point onward.

<sup>6</sup> The acronym initially referred to “American Disabled for Accessible Public Transport,” seeing as this was one of their primary causes, but later changed its name to “American Disabled for Attendant Programs Today” to broaden the scope and be more inclusive of people with varying disabilities and concerns.

strides made by other emancipatory movements such as the Civil Rights Movement as inspiration and grounds for further legal protection of vulnerable groups<sup>7</sup>. Disabled persons are also often referred to as the largest minority<sup>8</sup>, yet they received no comprehensive, broad-scale legal protection prior to 1990. While some laws such as the 1973 Rehabilitation Act, especially Section 504, offered basic protection, they only covered disabled citizens enrolled in federally funded programs and institutions and thus left out a large number of people with disabilities. As Davis notes, there were also a lot of legal loopholes within Section 504 that left the interpretation of responsibility for reasonable accommodation up to local governments rather than being uniformly enforced on a federal level<sup>9</sup>. Similarly, the passing of the first version of the IDEA<sup>10</sup> of 1975 helped to establish basic standards for disabled children's right to an adequate education but only covered public schools and, importantly, centered around children with disabilities. The ADA was thus truly groundbreaking in its scope and served as inspiration for protective legislation in other countries, including the 2008 UN Convention on the Rights of Persons with Disabilities.

### Analysis

One of the advantages of analyzing video footage in the context of the Capitol Crawl is the mimetic potential of the moving image – its approximation of the real. Video footage is, of course, framed and edited in order to establish a narrative and therefore not inherently more 'realistic' or lifelike than any other media. And yet, because the footage in question depicts activists during a protest and not actors rehearsing a script, a sense of physical proximity and

---

<sup>7</sup> There seems to be a consensus among disability researchers that disability activists drew massive inspiration from the Civil Rights movement and its highly successful protests and acts of resistance against the oppressive establishment. Cf. McCarthy, Henry. "The Disability Rights Movement: Experiences and Perspectives of Selected Leaders in the Disability Community." *Rehabilitation Counseling Bulletin* 46, no. 4 (July 2003): 210, hereafter McCarthy, "Disability Rights Movement"; Davis, Lennard J. *Enabling Acts: The Hidden Story of How the Americans with Disabilities Act Gave the Largest US Minority Its Rights* (Boston: Beacon Press, 2015), 25 and 55ff., hereafter Davis, *Enabling Acts*; Erkulwater, Jennifer L. "How the Nation's Largest Minority Became White: Race Politics and the Disability Rights Movement, 1970–1980." *Journal of Policy History* 30, no. 3 (July 2018): 371ff., hereafter Erkulwater, "Became White."

<sup>8</sup> Davis routinely refers to disabled Americans as the largest US minority in terms of numbers, basing his argument on census data and various other statistics; Erkulwater further cites activist Ed Roberts as having posited disabled people as the largest minority group during a 1977 protest in San Francisco, cf. Erkulwater, *Became White*, 368.

<sup>9</sup> Davis, *Enabling Acts*, 54-55. Additionally, claims made under Section 504 were notoriously difficult to win in court because the provision was worded in a way that left much open to interpretation, and only very few lawyers were willing to make claims against the federal government on behalf of disabled persons. Davis also notes that the Reagan cabinet repeatedly made attempts at and indeed succeeded in cutting funding for various disability-related programs and also took several jabs at disability legislation as part of the overall 'small government' and anti-welfare campaign Reagan platformed.

<sup>10</sup> Individuals with Disabilities Education Act, formerly referred to as the Education for All Handicapped Children Act (EHA) between 1975 and 1990.

intimacy is established over the course of the film – a sense of being there, on the ground, with the activists. This is further enhanced by the lack of long shots; even as she pans across the crowd of protestors, Litowsky mainly relies on close-ups and medium shots, usually filming at eye level or low angles. In the footage at hand, the narrative is undeniably on the side of the disability rights activists, highlighting their struggles and goals in protesting for a more accessible future. This is also important because it “challenge[s] the persistent assumption that disability is a self-evident condition of physical inadequacy and private misfortune whose politics concern only a limited minority.”<sup>11</sup> The first five minutes consist of short clips of the speeches given by prominent disability rights activists and community members, featuring in chronological order Justin Dart, wheelchair user and ADA advocate, Irving King Jordan, Gallaudet University’s first Deaf president who simultaneously interprets his own speech in American Sign Language, and Mike Auberger, founding member of ADAPT and prominent figure of the U.S. Disability Rights Movement. At 05:30, the voice of ADAPT founder and activist Robert “Bob” Kafka declares that “people are now climbing up the many steps of inaccessible stairs...”<sup>12</sup>, thus signaling the beginning of the Capitol Crawl.

Disabled activists’ use of their bodies to inconvenience able-bodied congresspersons was a powerful move. Not only did it force non-disabled onlookers to confront a group of people who are routinely ignored but it also highlighted disabled persons as agents of political change. The idea of the gaze is further doubly meaningful for disabled persons due to their history of social exclusion. The Capitol Crawl explicitly demanded bystanders and media to look at, to witness a group of persons whose bodily configurations challenge dominant notions of normalcy and functioning. Garland-Thomson posits that “the disabled body is the object of the stare,”<sup>13</sup> inciting a broad variety of affective responses by onlookers, ranging from disgust to pity to feelings of inspiration and even awe. If unwanted, the stare can be hurtful – but in the case of this protest, staring was invited and needed in order to raise awareness of the issue being protested. The video recording does not gloss over the struggles and immense physical effort of heaving oneself up 82 steps on a sunny day, but in doing so, it also shows very clearly the willpower and determination of every single activist crawling to the top of the stairs on that day. People with disabilities, in the source at hand, are shown as active political agents. The video is thus part of the larger project of normalizing and humanizing disabled people and their

---

<sup>11</sup> Garland-Thomson, *Extraordinary Bodies*, 22.

<sup>12</sup> Litowsky, Linda and Stephanie K. Thomas. *U.S. Capitol Crawl. Wheels of Justice Action. March 12, 1990. Afternoon*. (1990, ADAPTMuseum.net, 3 April 2019), online video file.

<sup>13</sup> Garland-Thompson, *Extraordinary Bodies*, 26.

bodies. And as legislative history seems to prove, the activists were successful – the ADA was passed in July, mere months after the Capitol Crawl.

Davis, however, complicates the activists' assertion that Congress was stalling on passing the ADA by revealing that the Energy and Commerce Committee had been "in the midst of approving ten bills, including the ADA. The latter passed by a vote of 40 to 3 as the demonstrators crawled up the steps."<sup>14</sup> It becomes apparent that there are significant tensions between accounts of the Capitol Crawl and its role in passing the ADA depending on who is asked to report on the event. While activists tend to maintain that the protest represents a climactic point – a "watershed moment in disability" history<sup>15</sup> – Davis' interpretation contests such a linear reading of the event. It is indeed enticing to situate the Capitol Crawl, one of only a few public events centering disabled Americans on their own accord and representing them as politically active, self-determined force to be reckoned with, as a turning point in disability history. Such an interpretation is, unfortunately, far too simplistic and, as Davis shows, it also leaves out much of the legislative history happening alongside the protest itself. Davis indeed goes so far as to speak of "a rewriting of the history of ADA,"<sup>16</sup> arguing that the Capitol Crawl was powerful in forging a collective identity for disabled Americans but did little in terms of moving along the vote on the ADA<sup>17</sup>.

Joseph Shapiro, on the other hand, counters this view by insisting that "grab[bing] the attention of the media is almost always the first step toward changing public policy."<sup>18</sup> While the Capitol Crawl may have been limited in terms of effecting the vote on the ADA, community building and increased visibility for disabled citizens and their concerns is inarguably an incredibly important achievement. A sense of affirmation and pride in a shared history of political action is not only vital to the disabled community but may also have a lasting effect on public perception of disability, argues McCarthy<sup>19</sup>. It is further meaningful to achieve public recognition of a disability protest because awareness of disability-related issues as *political* issues was limited even among disabled persons, as Richard Scotch asserts<sup>20</sup>. Consequently, the importance of the Capitol Crawl in building a community of disabled citizens and getting more people involved in campaigning for disability rights cannot be overstated.

---

<sup>14</sup> Davis, *Enabling Acts*, 195.

<sup>15</sup> *Ibid.*, 193.

<sup>16</sup> *Ibid.* 197.

<sup>17</sup> *Ibid.*, 198-9.

<sup>18</sup> Shapiro, Joseph. "Disability Policy and the Media: A Stealth Civil Rights Movement Bypasses the Press and Defies Conventional Wisdom." *Policy Studies Journal* 22, no. 1 (Spring 1994): 123.

<sup>19</sup> McCarthy, "Disability Rights Movement," 220.

<sup>20</sup> Cf. Scotch, Richard K, "Politics and Policy in the History of the Disability Rights Movement," *The Milbank Quarterly* 67 (1989): 382-5.

At the same time, it is critical to analyze who was being left out of the conversation surrounding disability rights. As mentioned in the introduction, one of the aims of this paper is to illuminate intersectional approaches to disability. Black disability scholars and activists have long pointed out that disability activism has a troubled history when it comes to racial equality<sup>21</sup>. When Garland-Thompson posits that “[a]s with gender, race, sexuality, and class: to understand how disability operates is to understand what it is to be fully human,”<sup>22</sup> her analysis fails to account for disabled people of color for whom the experiences of ableism compound with racialization in a way that complicates readings of disability as a stand-alone category unaffected by other social markers such as gender, race, and class. Additionally, low-income, working-class, and communities of color overall report higher numbers of disabled persons, which challenges the dominant notion of disability as a statistical anomaly or psychosomatic experience outside of the norm<sup>23</sup>. Much of the earlier scholarship in Disability Studies was conceived from a subject position marked by whiteness and the class and social capital afforded by a college education, and often also accompanied by gender bias. Feminist, materialist, and Critical Race Theorist interventions were necessary in order to open up discourses surrounding disability and accommodate the lived experiences of disabled people of color. In this regard, the Capitol Crawl becomes even more complicated. It should also be kept in mind that the persons with speaking power at the protest were all white disabled men. As Litowsky’s camera zooms in on protestors as they crawl, the frame lingers on white disabled persons and only briefly shows disabled people of color as audience members clapping and cheering on the crawlers. In this regard, disabled people of color remain sidelined and are not given a platform to speak. The following quote further illustrates the complexities of Black disability identity:

Historically, Black people have been valued for their utility, particularly in a former slave economy. For this reason, the stakes for identifying as disabled, or acknowledging a compromised relationship to labor and the ability to generate capital, is often not a viable option for most Black people. Stigma further complicates acknowledging disability, as it places an already precarious self at further risk of marginalization and vulnerability to state and medical violence, incarceration, and economic exploitation.<sup>24</sup>

Bailey and Mobley’s mention of the extant racist stigma against Black people highlights the double burden faced by those whose experiences of disability compound with racial

---

<sup>21</sup> See Erkulwater, “Became White,” 368-71, Mollow, “Disability Studies,” 345-7, and chapters 23 and 26 in Davis, Lennard, *The Disability Studies Reader*, (New York, NY: Routledge) 2013.

<sup>22</sup> Garland-Thompson, “Integrating Disability,” 28.

<sup>23</sup> Cf. Mollow, “Disability Studies,” 349-50.

<sup>24</sup> Bailey, Moya, and Izzetta Autumn Mobley, “Work in the Intersections: A Black Feminist Disability Framework,” *Gender & Society* 33, no. 1 (February 2019): 25.

marginalization. This is not to suggest that one group has it ‘worse’ than the other, but rather an attempt to point out the complexities and nuances within the already highly heterogeneous disability community, motivated by the understanding that nuance enriches discursive praxis.

Why, then, is Jennifer Keelan such a problematic icon of the Capitol Crawl? Around the 07:53 mark, Litowsky’s camera zooms in on the young girl, then just 8 years old. Keelan, whose cerebral palsy led to paralysis of her legs, had already crawled up the first set of stairs on her own and is shown taking a short break in order to drink some water (7:56 to 08:00). With great energy, but also great struggle, she is shown tackling the next set of steps. At 08:38, a voice addresses her, saying “Take your time, Jennifer. Just rest,” to which the young girl emphatically responds, “I’ll take all night if I have to!” as she continues to crawl up the stairs. Interestingly, Litowsky then juxtaposes footage of Jennifer with that of an unidentified<sup>25</sup>, disabled Black man heaving himself up the stairs visibly straining, from the 09:05 mark to 09:43 – a considerable amount of screen time. He appears to be fairly young, wears a suit and dress shoes; while he does not speak, his physical exertion is apparent through his distorted face and loud grunts. Once again, Litowsky’s footage shows Black disability activists, but they remain nameless and without speaking powers. The camera cuts back to Jennifer as she crawls up the last set of stairs; her name is mentioned repeatedly and loud cheers and claps erupt as she makes it to the top, awaited by a crouching crew of photographers taking the pictures that have since become emblematic of the Capitol Crawl. For some disabled activists, Keelan’s media attention actually presented a problem, as her youth invited a reproduction of the paternalistic, infantilizing view of disabled persons that is already deeply pervasive in our culture<sup>26</sup>. Her youth, coupled with gender and race, indeed evoke image of the inspiring and innocent disabled poster child. Garland-Thompson’s writing on the trope of Tiny Tim further illustrates why the medial representation of disabled children often only serves to make able-bodied people feel good and does not actually challenge the status quo of ableism and discrimination against people with disabilities<sup>27</sup>. Ableism, coupled with racial bias, makes someone like Keelan more appealing to an audience of white able-bodied persons. Lastly, one of the risks of singling out Jennifer also lies in reducing her to this singular event, when the young girl had actually been protesting alongside her parents her entire life and continues to advocate for people with disabilities to this day.

---

<sup>25</sup> The closed captions refer to him as “The Priest,” but I was unable to connect anyone under this alias, fitting his description, to the disability rights movement. In this regard, he remains an anonymous figure.

<sup>26</sup> Cf. Davis, *Enabling Acts*, 196.

<sup>27</sup> Garland-Thompson, *Extraordinary Bodies*, 10-12.

## Conclusion

Among disability studies scholars and historians, the Capitol Crawl remains a highly contested event, cited by some as the final push that brought about the ADA, and as merely one in a series of important protest acts by others<sup>28</sup>. As a whole, the Capitol Crawl nonetheless represents an example of non-violent direct action that brought disabled persons to the forefront of national discourse. Indeed, one of the most powerful aspects of the Capitol Crawl was the act of making visible – and therefore jolting into public consciousness – a group of people whose concerns and needs had remained obscure and who were considered “a special class of excluded untouchables and unviewables [sic]”<sup>29</sup> for the better part of US history. I hope, in contextualizing the Capitol Crawl in the larger history of disability rights activism, to have managed to illuminate the complexities and nuances of disabled people’s advocacy for their rights. I do not want to downplay the achievements of disability activists, nor do I want to suggest that Jennifer’s achievements do not deserve recognition. Rather, I hope to add to the ongoing conversation regarding disability history and its often troubled and troubling encounters with racial difference. Some of the footage presented by Litowsky helps to challenge this history, while also simultaneously reaffirming it in other ways. The very last shot features a Black woman, unnamed, sitting at the top of the stairs in front of the Capitol, exclaiming “ADA now!” She is not named, like all the other non-white disabled protestors featured throughout the video, while Jennifer and other white disability activists do get recognition. Black disabled voices matter, too, and are equally as deserving of a platform to tell their stories and voice their needs. Perhaps, this last image of Litowsky’s documentary footage can also serve as an inspiration for further research into disability history in communities of color across the U.S.

Word Count: 3.776

---

<sup>28</sup> Davis, *Enabling Acts*, 194ff; cf. Warden, “Americans with Disabilities Act at Thirty,” (July 26, 2020), *California Law Review*, Vol. 11, No. 308, 2020: 311.

<sup>29</sup> Garland-Thompson, *Integrating Disability*, 25.



## Bibliography

## Primary Source

Litowsky, Linda and Stephanie K. Thomas. *U.S. Capitol Crawl. Wheels of Justice Action. March 12, 1990. Afternoon.* (1990, ADAPTMuseum.net, 3 April 2019), online video file. Accessed via <https://adaptmuseum.net/gallery/picture.php?/943/category/4>, alternatively <https://vimeo.com/328233990>.

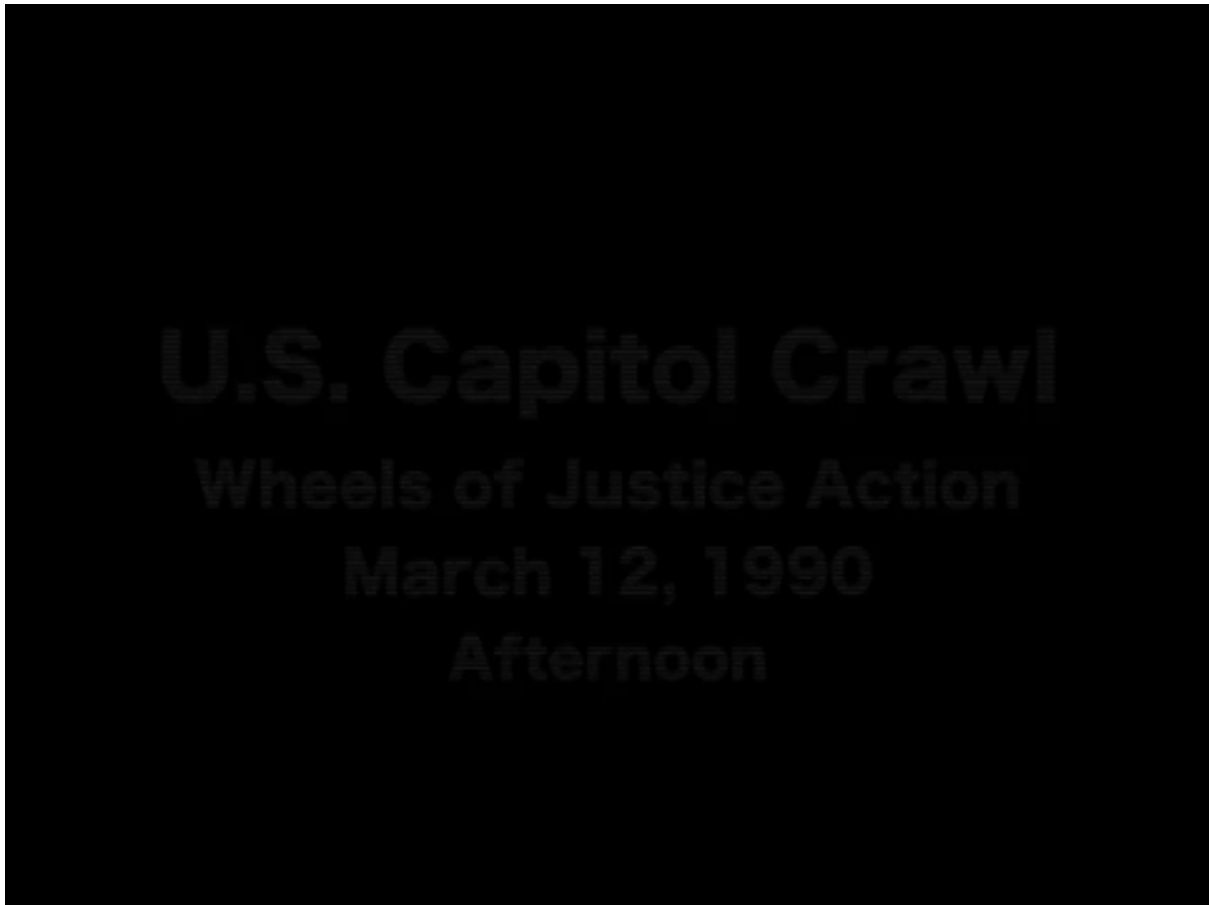
## Secondary Sources

- Bailey, Moya, and Izetta Autumn Mobley. "Work in the Intersections: A Black Feminist Disability Framework." *Gender & Society* 33, no. 1 (February 2019): 19–40. <https://doi.org/10.1177/0891243218801523>.
- Burch, Susan, and Lindsey Patterson. "Not Just Any Body: Disability, Gender, and History." *Journal of Women's History* 25, no. 4 (2013): 122–37. <https://doi.org/10.1353/jowh.2013.0060>.
- Davis, Lennard J. *Enabling Acts: The Hidden Story of How the Americans with Disabilities Act Gave the Largest US Minority Its Rights*. Boston: Beacon Press, 2015.
- . *The Disability Studies Reader*. 4th ed. New York, NY: Routledge, 2013.
- Erkulwater, Jennifer L. "How the Nation's Largest Minority Became White: Race Politics and the Disability Rights Movement, 1970–1980." *Journal of Policy History* 30, no. 3 (July 2018): 367–99. <https://doi.org/10.1017/S0898030618000143>.
- Garland-Thomson, Rosemarie. *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature*. Twentieth anniversary edition. New York: Columbia University Press, 2017.
- . "Integrating Disability, Transforming Feminist Theory." *NWSA Journal* 14, no. 3 (2002): 1–32. Accessed February 8, 2021. <http://www.jstor.org/stable/4316922>.
- McCarthy, Henry. "The Disability Rights Movement: Experiences and Perspectives of Selected Leaders in the Disability Community." *Rehabilitation Counseling Bulletin* 46, no. 4 (July 2003): 209–23. <https://doi.org/10.1177/003435520304600402>.
- Mollow, Anna. "Disability Studies." In *A Companion to Critical and Cultural Theory*, edited by Imre Szeman, Sarah Blacker, and Justin Sully, 339–56. Hoboken, NJ: Wiley Blackwell, 2017.
- Scotch, Richard. K. "'Nothing About Us Without Us': Disability Rights in America." *OAH Magazine of History* 23, no. 3 (July 1, 2009): 17–22. <https://doi.org/10.1093/maghis/23.3.17>.
- . "Politics and Policy in the History of the Disability Rights Movement." *The Milbank Quarterly* 67 (1989): 380–400. <https://doi.org/10.2307/3350150>.

Shapiro, Joseph. "Disability Policy and the Media: A Stealth Civil Rights Movement Bypasses the Press and Defies Conventional Wisdom." *Policy Studies Journal* 22, no. 1 (Spring, 1994): 123–32. Accessed February 8, 2021. <https://search.proquest.com/scholarly-journals/disability-policy-media-stealth-civil-rights/docview/1300119702/se-2?accountid=10979>

Warden, Derek. "Americans with Disabilities Act at Thirty" (July 26, 2020). *California Law Review*, Vol. 11, No. 308, 2020: 308–18. <https://ssrn.com/abstract=3730771>.

## Appendix A



Litowsky, Linda. *U.S. Capitol Crawl. Wheels of Justice Action. March 12, 1990. Afternoon.* (1990/2017)