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Constructing a United Disability Community: The National Council on Disability's Discourse of Unity in the Deliberative System around Disability Rights

Jessica M. F. Hughes

University of Colorado Boulder, jessica.fridy@colorado.edu

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Abstract

The National Council on Disability (NCD) is a federal agency that connects members of a broad disability community to federal policymakers within the deliberative system (Mansbridge, 2012) that constitutes the disability rights movement in the U.S. In this critical discourse analysis, the author considers the Council's depiction of the deliberative system in its publication *Equality of opportunity: The making of the Americans with Disabilities Act* (NCD, 2010). Paying particular attention to discourses of unity and difference within this history of the ADA and in NCD's *About Us* web pages, the study looks to understand how the Council's depiction of the disability community and portrayal of its own role within the deliberative system impacts their legitimacy within the disability rights movement. Interrogating the ways in which unity is privileged over diversity in NCD's history of the ADA shows how the Council exhibits a consensus democratic orientation that presents the disability community as an unwavering force to be reckoned with, positions the National Council on Disability at a position of power within its deliberative system, and highlights the deliberative nature of NCD's mission. However, the ways in which NCD's history of the ADA downplays difference in favor of unity sidesteps stakeholder concerns and fails to engage with social difference as a resource for inclusion and collaboration. Further, NCD discourse works to define human worth in terms of work and deliberation in terms of consensus in ways that reinforce stigma around disability and exclude underrepresented groups. The author offers some practical suggestions aimed at helping the Council and other policymakers and leaders in social justice movements to incorporate more pluralist perspectives to address issues of exclusion.

Keywords

Deliberative system, deliberative democracy, critical discourse analysis, disability rights, discourses of unity and difference

Acknowledgements

July 26, 2015, was the 25th anniversary of the signing of the Americans with Disabilities Act. On the day itself and in the year leading up to it[1], citizens, activists, policy makers, and dignitaries commemorated the landmark U.S. legislation prohibiting discrimination against people with disabilities by telling histories of the ADA and stories about its significance.

'ADA25' commemorations often stressed the importance of history and storytelling in the ongoing U.S. disability rights movement. The centrality of history for disability rights advocates is evident, for instance, in the following mission statement for the ADA Legacy Project, an initiative launched by "disability rights advocates and cultural workers, disability studies scholars, historians, museum curators, documentary filmmakers, government agency representatives, and others" (ADA Legacy Project, 2013a) in celebration of the 25th anniversary. The Legacy Project looks to

> *preserve our past* by partnering with those who work to collect, promote, and exhibit materials from the disability rights movement . . . celebrate our present by partnering with those who work to *honor the milestones and accomplishments of the disability rights movement* . . . [, and] educate our future by partnering with those who work to raise awareness of the *history, contributions, and issues still facing people with disabilities* (ADA Legacy Project, 2013b, my emphasis).

According to ADA25 discourse, "preserv[ing] the past" by "honor[ing] milestones and accomplishments" and "rais[ing] awareness of . . . history" is especially vital because disability history is often left out of public discourse. "Despite the ADA's importance, . . . many Americans are unfamiliar with the events that led to its passage" (Office of Disability Employment Policy, n.d., p. 1). Though several states have legally mandated that school curricula include disability history and awareness (see Boston Center for Independent Living, n.d.; Disability Rights Washington, 2012-15; Kansas Youth Empowerment Academy, 2015), recent initiatives to pass such legislation point to the widespread absence of disability education in the U.S. ADA25 discourse also highlights the need for people with disabilities to tell their stories. As Alice Wong noted as rationale for starting the Disability Visibility Project [2] (another initiative launched in celebration of the ADA),

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[1] While ADA anniversary commemorations continued and the hashtag #ADA25 was still popular among disability advocates on Twitter throughout 2015, media publicity about the anniversary waned after July 2015.

[2] The Disability History Project is "a grassroots campaign . . . launched [in summer 2014] to encourage people with disabilities to record their oral histories at StoryCorp in celebration of the . . . 25th anniversary of the Americans with Disabilities Act" (Wong, 2015). StoryCorps is a

> Storytelling in all its forms . . . is incredibly important for people with disabilities. Too often, we are not in control of our own narratives, and historians and the media often tell our stories through a nondisabled lens. (Wong, 2015, my transcription)

Histories of the ADA are important. Not only do these stories fill gaps in civic memory and amplify disabled perspectives, they help to "[develop] our next generation of [disability rights] advocates" (ADA Legacy Project, 2013b). Histories of the ADA reiterate disabled people's rights to inclusion. As U.S. President Barack Obama stressed in his remarks commemorating the 25th anniversary of the ADA, these histories reiterate the need "to address the injustices that still linger, to remove the barriers that remain" (Whitehouse.gov, 2015). Histories of the ADA also shape the deliberative system around disability rights. These stories name and position key players in the movement. They foreground particular moments in the struggle and background others, framing the landmark disability rights victory from particular points of view. In doing so, they map the network of social actors and deliberative discourses that made the ADA possible.

The present study offers a critical discourse analysis of the history of the Americans with Disabilities Act as told by the National Council on Disability, the federal agency that advises the President and other lawmakers on disability and that first drafted the ADA. I focus on discourses of unity and diversity in the 163 page publication *Equality of Opportunity: The Making of the Americans with Disabilities Act* (NCD, 2010), a history linked to the ADA Legacy Project's ADA25 web page. Considering this text in light of NCD's mission, I trace discourses of unity and difference evident in NCD discourse in order to understand NCD's portrayal of the deliberative system around disability rights. My analysis is driven by the following questions: How are unity and difference oriented to in NCD's history of the ADA, and how do discourses of unity and difference in *Equality of Opportunity* (NCD, 2010) frame the deliberative system around disability rights? How might NCD's history of the ADA impact the Council's legitimacy and the deliberative system itself?

I start by describing the deliberative system around disability rights and NCD's role in it. Next, I offer an overview of my discourse analytic methods. I then move to an analysis of NCD discourse, paying particular attention to the ways in which the Council prioritizes unity over diversity in its history of the ADA. To conclude,

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project aimed at archiving oral histories. StoryCorp recording booths have captured over 50,000 interviews, all of which are archived at the Library of Congress.

I consider how NCD's history of the ADA impacts the deliberative system around disability rights and reiterate strategies that NCD might use to address exclusion.

The National Council on Disability and the Deliberative System around Disability Rights

> The mission of the National Council on Disability (NCD) is to be a trusted advisor to the President; Congress; federal entities; state, tribal, and local governments and communities; and private sector entities. NCD fulfills its advisory role by promoting disability policies, programs, procedures, and practices that enhance equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability and empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.
> - NCD Mission Statement (NCD, 2012, p. 4)

As an advisor to the President and Congress with ties to "local governments and communities; and private sector entities," the National Council on Disability is positioned at an important juncture within the U.S. disability rights movement. NCD has played a significant role in the implementation of U.S. disability rights policies at the federal level. It was NCD that recommended the enactment of the Americans with Disabilities Act in 1986, and the Council was responsible for writing the first draft of the bill, introduced in Congress in 1988 (NCD, n.d.a).

NCD is an independent federal agency that exhibits a deliberative orientation, and it is also a key component of the deliberative system around disability rights. A deliberative orientation is an approach to democratic practice that values deliberative principles. In this normative view, espousing and enacting deliberative principles around accountability and discussion (Chambers, 2003), collaboration, inclusion, equality, and legitimacy (Carcasson & Sprain, 2010) make democracy better. Deliberative systems are the formal and informal networks of talk through which "people come to understand better what they want and need–individually and collectively" (Mansbridge, 2012, p. 85). Viewed as part of a larger deliberative system around disability rights–comprised of discourse among individuals with and without disabilities, policymakers, activists and educators, as well as talk in the media, in courtrooms and Congress, in short, anywhere where speakers talk about disability–NCD inhabits a central position from which the Council has the power to "enhance equal opportunity for all individuals with disabilities . . . and empower individuals with disabilities" (NCD, 2012, p. 4).

Using CDA to Reconstruct Deliberative Systems

A discourse analytic approach is useful for the study of deliberative systems. Actors use discourse—that is, text and talk—to engage in deliberation and to talk about deliberative systems from their point of view. Systems are realized in and reinforced by this discourse. Deliberative systems can also be conceptualized as orders of discourse, networks of texts and talk that constitute socially shared beliefs.

The present study uses a critical discourse analytic (CDA) perspective that accounts for both little-d discourse (instances of text and talk) and big-D Discourse (socially shared beliefs evident in text and talk) (see Gee, 2011). Critical discourse analyses trace links between little-d discourses and the systems of belief that these semiotic practices instantiate, reinforce, and revise as a way of exposing and critiquing power structures (Wodak & Meyer, 2009).

By mapping common themes and linguistic forms that link texts and identifying discursive strategies that support Discursive structures, researchers can shed light on orders of discourse. Orders of discourse are "the totality of [a social domain's] discursive practices, and the relationships (of complementarity, inclusion/exclusion, opposition) between them" (Fairclough, 2010, p. 93). The order of discourse of disability rights advocacy includes online discourse, discursive practices in organizations, public protests, policymaking contexts, and community members' everyday interactions. Put another way, the order of discourse of disability rights advocacy is the deliberative system around disability rights. Taking in the totality of discursive practices that comprise the order of discourse of any social domain is an aim that can only be addressed bottom-up. To understand the order of discourse that comprises a deliberative system, researchers must reconstruct the larger system piecemeal, through analyses of deliberative texts and talk.

To begin to shed light on the deliberative system around disability rights, I reconstruct the system depicted in NCD's history of the ADA. In the analysis below, I examine how the National Council on Disability uses discourses of unity and difference to position itself within the deliberative system around disability rights, and how this positioning work situates other actors in relation to the disability rights movement. I utilize a rhetorical perspective, concentrating on discursive strategies and tropes in *Equality of opportunity: The making of the ADA* (NCD, 2010) that exclude members of the disability community from the deliberative system around disability rights.

As a critical scholar, I'm interested in processes of exclusion, particularly those that crop up in emancipatory discourse. The National Council on Disability uses its deliberative orientation in the service of ending discrimination against people with disabilities. Their mission is emancipatory and maximally inclusive, aimed at "*all* individuals with disabilities" (NCD, 2012, p. 4, my emphasis). However, as I show below, the Council utilizes discursive strategies that disenfranchise particular members of the disability community and thus undermine its mission. The present analysis is aimed at critiquing exclusionary rights discourse and envisioning ways to strengthen inclusion in policy discourse like NCD's history of the ADA.

While the present study is focused on *Equality of Opportunity* (NCD, 2010), this analysis is informed by examinations of discourse published on or linked to the Council's *About Us* web page, including a description of their mission and history; NCD's Strategic Plan for fiscal years 2012-2017 (NCD, 2012); and the NCD Authorizing Statute, the amendment to the 1973 Rehabilitation Act that created the Council in 1978 (Rehabilitation Act of 1973, n.d.). These texts are prime illustrations of NCD identity work, discourse in which the Council describes its values and presents itself in relation to other individuals and groups.

Equality of Opportunity: The Making of the Americans with Disabilities Act (NCD, 2010) describes the story of the first congressional act introduced by NCD. This history was first published by the Council in 1997, published again in 2010 with a new introduction for the 20th anniversary of the ADA, and publicized more recently as a resource linked to the ADA Legacy Project's ADA25 web page and the ADA National Network's digital *Timeline of the Americans with Disabilities Act*[3] (ADA National Network, n.d.). *Equality of Opportunity* (NCD, 2010) is also linked to NCD's *About Us* web page. NCD's "proud history" (NCD, n.d.a) and identity are bound up with the history of the ADA. In NCD's Facebook profile, the Council points to the centrality of the ADA to its ongoing mission:

> NCD is . . . working to advance the national policy goals enshrined in the Americans with Disabilities Act: equality of opportunity, full participation, independent living, and financial security for all people with disabilities. (NCD, n.d.b)

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[3] The ADA National Network's digital timeline was also linked to the ADA Legacy Project's ADA25 web page. Interestingly, the history of the ADA portrayed in the timeline began with NCD's 1986 report *Toward Independence* (NCD, 1986), in which the Council argued that "comprehensive" (NCD, 1986) legislation was needed to address discrimination against people with disabilities in the U.S. The digital timeline links to *Toward Independence* and several other NCD reports, including *Equality of Opportunity* (NCD, 2010).

NCD texts analyzed in the present study draw on dominant conceptions of unity and diversity by juxtaposing the two deliberative values. Like freedom of religion and the separation of church and state, diversity and unity are deliberative touchstones characterized by a degree of opposition. Democratic practices affecting diverse communities demand that actors prioritize competing values (Carcasson & Sprain, 2010). Unity and diversity are both vital deliberative ideals, but fighting for disability rights often entails prioritizing one over the other. Just as different ways of weighing the will of the majority against the rights of minorities support different goals in public debate (Tracy & Hughes, 2014), the stances speakers take with regard to values for diversity and unity serve particular strategies in rights discourse. As I discuss below, the ways in which the Council's history of the ADA prioritizes unity over and against difference helps to cast the disability community as a united front, and positions the Council at the forefront of the disability rights movement within a deliberative system characterized by collaboration, inclusion, consensus, and legitimacy. However, the value placed on consensus in NCD's history of the ADA ultimately undermines the Council's goal of comprehensive inclusion.

Unity Over and Against Difference

"Whether to stress sameness or difference in relation to the dominant group and in relation to each other" (Wendell, 1997, p. 261) is an ongoing dilemma for members of the disability community that is complicated by tensions between politics of unity and politics of difference within democratic contexts. Politics of unity prioritize similarity, universal principles, and widely shared identities, arguing that these values are what hold democracies together (Walsh, 2007). Politics of difference call attention to the marginalization and oppression of underrepresented groups, the empowering nature of subgroup identities, and the value of multiculturalism, arguing that democracy depends on the inclusion of all, especially minorities (Walsh, 2007).

Both diversity and unity are aligned with deliberative ideals. Unity is linked to legitimacy, established through common agreement about the proper course of action (Dryzek, 2012). Diversity is also linked to legitimacy. To be legitimate, representatives must take into account the diverse perspectives of all stakeholders impacted by any decision (Dryzek, 2012). Finding common ground and respecting diversity are both tied to the ideal of mutual respect associated with dialogue (Mansbridge, et al., 2006). Unity is constituted by consensus; consensus must also be built on a "free and reasoned" (Ahlberg, 2011) consideration of

diverse points of view. Arguments for equal rights are expressions of commonality. The concept of equality also rests on a value for inclusion that makes space for pluralism. Communities are united by shared beliefs and norms. The deliberative potential of these groups is also enriched by the diversity of perspectives embodied by community members.

In spite of both stances' deliberative orientation, disagreements over consensus set communitarianism and pluralism at odds. Debates over the degree to which "the common good can or should be comprehensive" (Gutmann & Thompson, 2004, p. 27) distinguish consensus democrats from pluralists. "Consensus democrats recognize that a comprehensive common good is an ideal and will not often, if ever, be achieved, but they regard the failure to achieve it as a sign of defects that can and should be remedied" (Gutmann & Thompson, 2004, p. 27). Pluralist democrats see political disagreement and moral differences as parts of civic life that can only be eliminated by oppression (Gutmann & Thompson, 2004). Such difference democrats stress that social justice requires free expression and recognition, particularly for stakeholders whose perspectives are not representative of—and may conflict with—dominant beliefs and communicative norms (Walsh, 2007). They argue that reasoned consensus can only be achieved by silencing minority viewpoints (Gutmann & Thompson, 2004), and that orientations toward consensus disregard the systematic barriers that exclude minority groups from participating in deliberative practices (Sanders, 1997).

Analysis of NCD discourse reveals a consensus democratic orientation. While the Council espouses value for both difference and unity in its mission statements, consensus is upheld as the driving force behind the passage of the ADA in *Equality of Opportunity* (NCD, 2010). Diversity is one of nine "Values & Commitment" (NCD, 2012, p. 6) in the Council's Strategic Plan[4], where it is described as foundational to NCD's overall mission:

> DIVERSITY – NCD will honor people with disabilities by embracing the broad spectrum of human difference and by learning about, including, and respecting the various perspectives and backgrounds reflected in the disability community. (NCD, 2012, p. 6)

According to the list of stakeholders named in NCD's Strategic Plan, the deliberative system around disability rights is composed of a vast, diverse network, including

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[4] The nine characteristics listed under "Values and Commitment" (NCD, 2012, p. 6) in order are: INTEGRITY, EXCELLENCE, RELEVANCE, DIVERSITY, INNOVATION, COLLABORATION, RESPECT, ENTHUSIASM, ACCOUNTABILITY (p. 6, authors' capitalization)

- **All Americans with disabilities** – a population diversified by geography, age, race, gender, ethnicity, sexual orientation, income, education, political party, type of disability, and other affiliations and identities;
- **Policymakers and decision makers** – including the President and all federal agencies, Congress, state, tribal, and local governments and communities—who create and implement federal policies and programs that affect people with disabilities;
- **Groups and organizations** concerned with people with disabilities;
- **Families and support systems** of people with disabilities, including parents and guardians; and
- **Society at large** – employers, educators, manufacturers, service providers, engineers, designers, entertainers, and other individuals and organizations who influence inclusion and participation of Americans with disabilities (NCD, 2012, p. 5, authors' emphasis)

NCD *About Us* texts suggest that the comprehensive inclusion of "[a]ll Americans with disabilities" and all other stakeholders, including "[s]ociety at large," is achievable through an aggregative model of democracy wherein stakeholder needs and concerns are compiled and prioritized by leaders who take the most widely shared preferences as the basis for policy making (Young, 2002). The Council describes its role as a federal representative for stakeholder concerns that

> closely consult[s] stakeholders as key advisors . . . and gathers information through . . . public testimony, national and regional forums, electronic mail or letters from the public, public consultations via the Internet, research reports, conferences and meetings of stakeholder groups, federal workgroups, and meetings with members of Congress or their staff . . . public-private working groups and/or federal advisory committees (NCD, 2012, p. 11).

In order to advise the President and Congress, evaluate the effectiveness of existing and proposed disability policies, and report to decision makers about issues that impact the disability community, NCD must seek out, compile, and make recommendations based on diverse stakeholder input (Rehabilitation Act of 1973, n.d.).

Within the vast network of groups and individuals in the deliberative system around disability rights, the Council positions itself in a leadership role, inhabiting an empowered space and maintaining multiple ties to the broader public space. Public spaces consist of the networks of everyday talk that help to constitute deliberative systems. Public space is characterized by "free-ranging and wide-ranging communication, with no barriers limiting who can communicate" (Dryzek, 2012, p. 11). Empowered spaces are institutional spaces where more formal

deliberation and decision-making occur (Dryzek, 2012). By engaging with stakeholders in public space and collaborating with lawmakers and advisory committees in empowered space, NCD takes on a unifying role, aggregating "identified need[s]" (NCD, 2012, p. 11) in the disability community and representing stakeholder concerns at the federal level.

While accounting for diversity is key to establishing the Council's legitimacy as a representative of all people with disabilities, NCD's history of the ADA portrays difference as a liability. As I show below, NCD discourse portrays unity within the disability rights movement as a fundamental value, a normative touchstone, and an unquestioned good. The Council's value for diversity is more conditional. According to NCD's history, unity and consensus were integral to the passage of the ADA, while diversity threatened to undermine the mission's success.

The danger of difference juxtaposed against the "strength that comes in unity" (NCD, 2010, p. 8) is illustrated in the following excerpt from the forward to the 2010 reissue of *Equality of Opportunity* (NCD, 2010):

> The ADA's history . . . provides a sober reminder to the disability community about the challenges of and need for cross-community collaboration. The ADA was a unique moment in disability history where diverse individuals and organizations rallied around a common cause. In doing so they showed the power of shared goals and coordinated action. Nevertheless, the years since enactment of the ADA have restored in large measure the longer tradition of a splintered community with myriad—and sometimes competing—priorities. The disability community is anything but homogenous. It is difficult to find a common ground of policy issues that are equally viewed as priorities for different types of disabilities and for discreet policy areas. The ADA reminds us that there is a profound strength that comes in unity of numbers and purpose. (p. 8)

Discursive strategies exhibited here are reinforced throughout NCD's history of the ADA. From the Council's perspective, "cross-community collaboration," "common ground," "shared goals and coordinated action" are fundamental; the ADA could not have passed without them. In the story of the "Making of the ADA" (NCD, 2010), the disability community is a united front "rallied around a common cause." It is because disability rights advocates "took a firm and united stand" (NCD, 2010, p. 117) that they "became a political force to be reckoned with" (NCD, 2010, p. 125) whose "profound strength" served as a driving force in passing the first comprehensive civil rights legislation for Americans with disabilities. In the passage quoted below, the ADA movement is similarly characterized by inclusion and consensus.

> The disability community's abiding commitment to act as one unified voice helped to keep the ADA a strong act and prevented exclusion of specific subgroups of disabilities. (NCD, 2010, p. 12).

By representing the disability community in this way, NCD unites a large group of "diverse individuals," including "specific subgroups of disabilities," under "one unified voice." The inclusion portrayed is comprehensive. In NCD's history of the ADA, the disability community rallied together and were able to "[prevent] exclusion."

The danger in diversity in the excerpts above is clear. While finding "common ground" comes with "challenges" due to the "anything but homogenous" nature of the disability community, "unity of numbers and purpose" is needed if the disability rights movement is to have the "profound strength" necessary to push forward comprehensive policies like the ADA. Acknowledging diversity is thus a discursive strategy that supports prioritizing unity. Discourse that points to strength in numbers works to unite members of the extremely heterogeneous disability community. According to NCD, diversity has the potential to support unity, as long as "diverse individuals and organizations [rally] around a common cause."

NCD's discourse of unity stresses a conception of the common good that prioritizes a commitment to the movement over "competing" commitments found within the advocate community (Young, 2002). According to this view, politics based on difference "[splinter]" commitment to the foundational beliefs and norms around which the disability community is defined. In the Council's conception of unity, difference threatens the disability rights movement and its capacity to ensure "equality of opportunity, full participation, independent living, and financial security for all people with disabilities" (NCD, n.d.b). As Young (2002) notes, this kind of

> emancipatory politics requires that all who are interested in justice put aside their particular claims of gender, sexual, race, or ethnic oppression and unite behind the common dream of a society that meets everyone's basic needs (p. 86).

Maintaining "shared goals and coordinated action" requires that advocates not only bracket aspects of identity highlighted above, they must also put aside membership claims to "different types of disabilities" and sub-group commitments to "discrete policy areas."

This way of ranking unity over diversity depends on a logic of identity that conceptualizes groups in terms of essential characteristics that constitute group identity (Young, 2002). This reductive logic constructs group identity in terms of

categorical distinctions attributed to individuals, thereby disregarding the internal diversity of the group, the fluid nature of social relationships that constitute community, and the ways in which group members are socially positioned (Young, 2002). By defining group identity in terms of a united disability community, NCD discourse of unity risks alienating community members they are working to unite. Creating a united front ignores the concerns of community members who see oppression tied to race, gender, and sexuality as important issues that impact disability rights. Reinforcing the expectation that members put aside their commitment to "competing . . . priorities" around minority issues works to marginalize minority concerns within the disability rights community. What's more, an essentialist logic of identity imposes a conception of group identity with which group members may not agree. Presumed group members who are perceived as displaying essential characteristics may not identify themselves as members of the group to which they've been assigned. Others may highlight other aspects of their identity as more important. This logic of identity is also inaccurate from an intersectional perspective. Because all individuals inhabit various different social positions and move fluidly between groups (Young, 2002), all group members embody and enact intersecting social identities that "serve as organizing features of social relations, [that] mutually constitute, reinforce, and naturalize one another" (Shields, 2008, p. 302) that reductive logics can't account for.

Thus, in constructing a united front, NCD endangers the "profound strength that comes in unity of numbers and purpose" that is so integral to its mission. When people feel that "their experiences, needs, and interests have been excluded or marginalized from the political agenda, or are suppressed in discussions or decision-making" (Young, 2002, p. 111)—as diverse and intersectional social identities are in NCD discourse—they may withdraw from the group or refuse to engage in group practices.

A blog post entitled "i love you[, disability rights movement]. (so please get your WPS [white people shit] together.)" (Cripchick, 2010) shows how this kind of logic of identity alienates members of the disability community. In this essay, Cripchick, a "powerchair-roaring disabled queer woman of color activist and writer," highlights the ways in which ignoring the intersectional nature of identity denies the root cause of oppression and alienates disabled activists like her.

> why does the disability rights movement refuse to acknowledge that the root of our oppression is not a lack of a curbcut but a culture that polices and otherizes bodies that are framed as deviant? . . .
> i guess it wouldn't be so easy to push a one-issue agenda if we had to talk about the fact that the bodies society considers deviant, dirty, or bad aren't

just disabled, but also are black, brown, poor, trans, female and living on the res.

Putting a premium on unity and defining group identity around common ground, discourse of unity in NCD's history of the ADA "otherizes" community members who might call into question whether the disability community was in fact a united front, along with those who might argue for putting a stronger emphasis on diversity.

Cripchick is not alone in her frustration with this kind of "white people shit" (Cripchick, 2010). On the 25th anniversary of the ADA, disability rights activist The Angry Black Womyn (2015) lamented that "though I am a person with disabilities who fought for the ADA, this day doesn't belong to me." She continued,

the way the story is told, you'd think Black folks just sat on our duffs and sucked up the benefits of the ADA while White folks and a few Latinos did all the work. . . Why is it that the face of the ADA, the disability community and the disability rights movement is White? Is it racism? Is it the system of White supremacy? Is it because White is the default condition or experience? I maintain that it's all of the above.

As Polletta (2002) notes, participatory democracy is already associated with white, middle-class politics. Though the Council includes members of color, its history of the ADA reads white—that is, coming from and privileging a white point of view—first by virtue of its deliberative orientation. The Council's failure to represent intersectional perspectives in its history of the ADA reinforces NCD's whiteness. By casting diversity as a liability and failing to acknowledge intersectionality, the Council depicts the deliberative system around disability rights as a white space, a movement that community members who inhabit intersectional identities may well feel alienated from. Such alienation is expressed in the disability justice movement, a contemporary "splinter" movement within the deliberative system around disability rights led by "queer crips of color" (Lamm, 2015) frustrated by the disability rights movement's inability to "[speak] to the needs of people who have to straddle multiple experiences of marginalization and oppression" (Lamm, 2015).

By taking a more intersectional perspective on group member identity and working to make more non-white, LGBTQ community members visible in its history of the ADA, the Council can address this problem. Taking into account intersectional perspectives from those who speak from a position of being disabled and/or also a person of color, queer, or committed to "discreet policy areas" that are important to their "[type] of disability" offers possibilities for engaging with disenfranchised groups within the disability community in ways

that may also help NCD rally support from other minority groups and disability justice advocates. Given NCD's emphasis on the importance of collaboration (a value described in more detail below), an intersectional logic of identity could help NCD forge common ground with other minority groups rallied around civil rights. Collaboration with the wider civil rights community and with AIDS activists is described as vital to the success of the ADA in NCD's history of the act (NCD, 2010). It seems that these collaborative efforts would be made stronger and with greater ease if NCD took a more intersectional approach to social group identity and recognized social differences around race, gender, and sexuality as a resource for collaboration with other minority communities. Representing intersectional perspectives may also enable NCD to promote disability perspectives within other civil rights groups, spaces that disability justice advocates note "[rarely address] disability or [connect] it with other issues" (Mingus, 2011).

By constructing consensus within the disability community, NCD discourse homogenizes disabled identities in ways that undermine its legitimacy as an independent federal agency whose role is to "enhance equal opportunity for *all* individuals with disabilities" (NCD, 2012, p. 4, my emphasis). The Council hints at the negative impact such threats to legitimacy can cause. Though minority perspectives remain silent in most of NCD's history of the ADA, NCD does make one mention that belies the idea that this silence is due to true consensus within the community. The NCD history of the ADA points to how "many people in the disability community viewed NCD with apprehension" (NCD, 2010, p. 53) because they felt that local disability rights organizations were not adequately represented by NCD at the national level. This caused "the relationship between much of the disability community and NCD [to be] strained" (NCD, 2010, p. 52). However, in NCD's history of the ADA, this reference to vague "apprehension" is the only reference that calls into question the consensus constructed through the Council's discourse of unity. And it is so brief as to suggest that this instance of "apprehension" was quickly resolved, either by establishing consensus or excluding those with concerns.

Given the disability community's history of institutional segregation and exclusion from deliberation about disability policy (Mayerson, 1992), such assimilation and exclusion evident in NCD discourse of unity are troubling. In order to fulfill their mission, it is important that NCD reflect on the ways in which discourses of unity work to exclude members of the disability community and craft discourse that does more to account for difference. Understanding the ways in which different social identities co-exist and co-construct one another can help to dismantle the essentialist logic of identity underlying NCD discourse of unity.

Appreciating how social identities position social actors in relation to others can then be seen as a group resource, rather than a liability (Young, 2002). In this alternative logic of identity, group identities are emergent attributes that come out of our relationships with and similarities to other individuals (Young, 2002, p. 90). Understanding the fluid, relational, and socially situated nature of social group identity is a resource for groups oriented to social justice because this perspective draws attention to structural relations by which people are socially positioned according to systems of oppression and dominance, and according to their own experience and knowledge (Young, 2002). While an essentialist logic of identity contributes to structural systems of dominance by excluding minority identities, this social logic of identity helps groups to better understand and thereby work to dismantle such structures.

There are other issues of exclusion in the depiction of deliberative communication in the Council's history of the ADA. While representing widespread disability rights issues at the federal level was hugely important in passing the ADA, the NCD's construction of consensus in doing so could not be as inclusive as the discourse suggests. Deliberative discourse that frames political discussion as a public process that excludes no one ignores the fact that privileging certain ways of speaking and participating over others necessarily excludes marginalized groups who communicate differently and face barriers to inclusion (Sanders, 1997). The forms of communication highlighted in NCD's strategic plan including "public testimony, national and regional forums, . . . letters . . ., public consultations . . . reports, conferences and meetings . . . [and] workgroups" (NCD, 2012, p. 11) are modes of political participation that

> [require] not only equality in resources and the guarantee of equal opportunity to articulate persuasive arguments but also equality in "epistemological authority," in the capacity to evoke acknowledgement of one's argument. (Sanders, 1997, p. 349)

As Sanders (1997) points out, this kind of equality does not currently exist and cannot be achieved unless we interrogate structural mechanisms of exclusion. Further, deliberative modes of communication defined by good argument and sound reasons like those above ignore the impact of such mechanisms of inequality, and are not equipped to dismantle them.

> Prejudice and privilege do not emerge in deliberative settings as bad reasons, and they are not countered by good arguments. They are too sneaky, invisible, and pernicious for that reasonable process. (Sanders, 1997, p. 353)

Deliberative modes of political practice are not accessible to many. Restricting proper deliberative practice to argument excludes those who are more fluent in

other modes of communication, like storytelling (Young, 2002). Expecting stakeholders to attend meetings or mail letters assumes that these group members have the time, means, ability, and income to participate (Sanders, 1997). And presuming that bringing people together is all that is needed for them to engage in deliberation ignores the kinds of prejudices that ensure that "[s]ome people might be ignored no matter how good their reasons are, no matter how skillfully they articulate them" (Sanders, 1997, p. 354). In these ways, deliberative norms constitute a kind of internal exclusion by excluding community members from engaging in community decision making (Young, 2002), and thus contribute to social structures that marginalize those who are non-white, women, people with low incomes, and people with disabilities (Sanders, 1997).

By promoting consensus in its history of the ADA, NCD perpetuates the idea that deliberation entails consensus forming through reasoned discussion (Sanders, 1997), when in fact more deliberative alternatives may entail modes of communication like greetings, narratives, and rhetoric (Young, 2002). In the case of deliberation around disability rights, I would also stress the importance of attending to nonverbal modes of communication. Including community members who are deaf, those who cannot speak, those whose "native language" (Baggs, 2007) is constituted by movement and a phenomenological engagement with the world rather than speech, and those for whom language ability waxes and wanes (Durbin-Westby, 2012) requires that disability community leaders recognize modes of communication that are not widely understood and often not understood as being communicative (Baggs, 2010). As part of its ongoing mission to reach out to stakeholders, the National Council on Disability would do well to interrogate the ways in which their modes of deliberative practice exclude community members, along with the ways in which underprivileged modes of communicating intersect with underrepresented group identities to exacerbate exclusion within the disability community. For the purposes of histories like *Equality of Opportunity* (NCD, 2010), the Council could simply acknowledge members of the community who may have been excluded. Otherwise, claiming to have "prevented exclusion of specific subgroups of disabilities" could read 'we accounted for everyone who matters to us' for audience members who don't see their subgroup represented in NCD's history.

United by Equal Rights

As shown above, unity within the disability community is described as essential to the disability community's ongoing fight for equal rights. As NCD's history of the ADA (NCD, 2010) describes, passing the Americans with Disabilities Act

mobilized every corner of the deliberative system around disability rights. It was the most comprehensive disability rights legislation passed at the forefront of a young and quickly growing civil rights movement, and therefore instrumental in constituting "crucial coalitions and networks" (NCD, 2010, p. 11) around disability rights.

> The extraordinary efforts of people with disabilities throughout the nation helped build a grass roots movement that resulted in . . . the development of crucial coalitions and networks within the civil rights community, Congress, and the White House. The ADA could not have succeeded without this foundation. (NCD, 2010, p. 11)

There are several vital connections between members of the disability community in the passage above, without which I would argue "[t]he ADA could not have succeeded." Apart from the "grass roots movement" constituted by "extraordinary efforts of people with disabilities throughout the nation," "the development of crucial coalitions and networks within the civil rights community, Congress, and the White House" is notable here. In particular, the civil rights movement laid the ideological, strategic, and institutional groundwork for the disability rights movement to follow.

> The civil rights movement . . . left a crucial legacy to African Americans and other disadvantaged groups, including persons with disabilities. They would seek the same protections and model the protest movement. First, the Civil rights movement legitimated and proved the success of civil protest to demand civil rights. Persons with disabilities, as other groups, would use the same sit-in and marching tactics. Second, the civil rights movement established a vital principle: discrimination according to characteristics irrelevant to job performance and the denial of access to public accommodations and public services was, simply, against the law. Once codified, logical implications extended well beyond race. Finally, the civil rights movement left a body of statutes and case law—models for future legislation. There would be no ADA were it not for the successful protests of African Americans, for their crowning achievement in the Civil Rights Act was also the philosophical foundation of the ADA. (NCD, 2010, p. 20)

Based on their shared "philosophical foundations," the budding disability rights movement worked hard to link up to the deliberative system around civil rights and bring civil rights leaders with extensive legislative contacts to the cause of disability rights.

Understanding disability rights in terms of civil rights was codified into federal policy with the passage of the ADA. This conception of disability rights not only

helped to forge important strategic alliances between the NCD and civil rights leaders, it constituted a discourse of unity around disability rights that enabled the movement to address social structures that contributed to disability discrimination in the U.S. According to this discourse of unity, the danger of difference lies in discrimination. From a civil rights perspective, "America . . . is not a good place to be different" (Mason, quoted in NCD, 2010, p. 67) because of the social stigma attached to minority identities. Both the civil rights and the disability rights movements

> argued forcefully and demonstratively that no person . . . should be discriminated against in obtaining access to public accommodations, use of transit, employment opportunities, services of state and local governments, and housing (NCD, 2010, p. 54).

In doing so, they used discourse of unity to argue that all people, regardless of race, gender, or ability, are entitled to equal rights and equal access to public services. While uniting all people according to social justice and equality was vital to the legislative success of these civil rights movements, aspects of this discourse of unity actually reproduce social stigma with regard to disability and threaten to undermine NCD's social justice orientation. Drawing on a discourse of unity in making a case for equal rights entails erasing difference in order to "make sure the disabled are included in the mainstream" (then-President George Bush, quoted in NCD, 2010, p. 64). Though NCD discourse espouses a value for community diversity, stressing the things that community members have in common with all US citizens dismisses diversity within the disability community.

A key strategy used in NCD's history of the ADA employs a discourse of unity around the ability and desire to work. *Equality of Opportunity* (NCD, 2010) stresses that people with disabilities can be "productive citizens" (p. 60) and that "[e]very American deserves a chance to participate in society" (NCD, 2010, p. 129). These sentiments are echoed in the header on the NCD website which reads "Living, Learning & Earning" (NCD, n.d.a). Along with enjoying the same rights to live and learn as nondisabled others, the earning potential of people with disabilities is mentioned throughout NCD's history of the ADA.

Pushing against the idea that individuals with disabilities cannot work and are therefore a burden on the state, ADA advocacy discourse cited in *Equality of Opportunity* (NCD, 2010) positions the disability community as an untapped economic resource for whom discrimination was the sole impediment to work.

> "Persons with disabilities want to be productive, self-supporting, and tax-paying participants in society," [Congressmen Tony Coelho (D-CA), Major R. Owens (D-NY), Silvio O. Conte (R-MA) and Hamilton Fish, Jr. (R-NY)] wrote [in a 1989 letter to Congress]. "[The ADA] will grant them that

dignity and that right." (NCD, 2010, p. 90)

Here, being a "[participant] in society" is tied to working, to supporting oneself, and paying taxes. Further, being a "productive [participant]" is closely tied to the worth of the individual themselves. Being allowed to be "productive" would "grant [people with disabilities] that dignity and that right" that they are entitled to as an "American [who] deserves a chance to participate" (NCD, 2010, p. 129) just like any other.

Evident in this passage is an essentialist conception of American identity that works to marginalize and stigmatize citizens who are poor, underemployed, and unemployed. Uniting individuals with disabilities with other "productive . . . participants in society," positions those who are not able to be "self-supporting, and tax-paying participants in society" as living lives lacking in dignity while squandering the right to work that characterizes American identity. This conception of productivity that determines a person's worth ignores the structural reasons behind poverty, particularly those that affect the disabled community, and those that impact people with disabilities who also face discrimination because of their membership to other stigmatized race, gender, and sexual identities. It also does not account for members of the disabled community who aren't able to work. And it does nothing to question the assumption that dignified participation in society must be economically "productive" and "self-supporting." If people with disabilities cannot work, does this mean that they are excluded from participating in society? How does this conception of Americans' with disabilities' rights, desires, and abilities to work position the 8.7 million Americans receiving federal disability incomes (Taormina-Weiss, 2012)?

NCD's ADA history repeatedly points to the potential productivity of disability community members and highlights stories linking working to self-worth like this: "Dimsdale, for example, said she felt 'useless, powerless, and demeaned' by her inability to get a job" (NCD, 2010, p. 80). This value for self-sufficiency is part of an overarching value for "one of America's central tenets: individualism . . . the principles of individual responsibility, individual productivity, and individual rights which have made America great" (NCD Vice-Chairperson Justin Dart, quoted in NCD, 2010, p. 80). This conception of productivity and individualism are characteristics of neo-liberal discourses that "convey widely accepted generalizations about how society operates" (Young, 2001, p. 685). According to this view, the most valued and apparently only way of participating in society is by earning enough to be self-sufficient and pay taxes.

Given the low rate of employment within the disability community in comparison to those who are not disabled (20.7% compared to 69.2%, respectively (US

Department of Labor, 2012)), stressing the earning potential of disabled workers not only excludes those unable to work, it reproduces hegemonic discourse that works to stigmatize those who are unable to work. The National Council on Disability would therefore do well to critically examine the ideological underpinnings behind their discursive emphasis on "Earning" as a way of dismantling the naturalized neoliberal assumptions that further disadvantage those with low socio-economic status within the disability community

Conclusions

Privileging unity over difference is a useful rhetorical strategy. Discourse of unity in *Equality of Opportunity* (NCD, 2010) presents the disability community as an unwavering force to be reckoned with, positions the National Council on Disability at a position of power within its deliberative system, and highlights the deliberative nature of NCD's mission. The ways in which NCD's history of the ADA downplays difference in favor of unity, however, sidesteps stakeholder concerns, fails to engage with social difference as a resource for inclusion and collaboration, and works to define human worth in terms of work and deliberation in terms of consensus in ways that reinforce social stigma around disability and exclude underrepresented groups from deliberative systems. Using critical discourse analysis to make plain the problems that go along with NCD's discourse of unity, I hope to highlight ways of improving the deliberative potential of NCD's already deliberative mission. My analysis may also prove useful for other policymakers and leaders in social justice movements who are concerned with maximizing their legitimacy to speak for diverse groups.

In light of contemporary 'splintering' within the deliberative system around disability rights and the continued lack of disability perspectives in public discourse and other social justice movements, it seems clear that NCD and other disability rights advocates should be concerned with expanding inclusion. Making room for disenfranchised members of the disability community could lead to strong coalition building and productive internal deliberation within the disability rights movement[5]. This could also help to grow the deliberative system around disability rights and thereby spread disability awareness. Moving closer to the ideal of inclusion could be achieved, to start, by implementing small discursive changes. By simply making more people of color, female and gender-non-conforming people, queer people, and people without mobility impairments visible in their discourse, NCD can start to address the criticism leveled by

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[5] Here and throughout I've used 'disability rights movement' as an umbrella term that includes all disability rights and disability justice advocates.

disability justice advocates, that "[the disability rights movement is too] single-issue focused[, . . .] dominated by whiteness, straightness, and maleness[, . . . and] concerned primarily with mobility impairments" (Lamm, 2015). Moving forward, the Council needs to interrogate its value for consensus. Explicitly acknowledging that consensus is rarely achieved and portraying a lack of consensus as a fact of democratic life rather than a liability to the movement are two simple discursive strategies that NCD could employ to downplay its emphasis on consensus as the gold-standard of democracy. In a community as diverse as the disability community, consensus almost always involves exclusion. Moving toward a more pluralist orientation aimed at "finding good ways of living with ongoing moral disagreements" (Gutmann & Thompson, 2004, p. 28) within the disability community will allow the Council to move closer toward the ideal of comprehensive inclusion. Maintaining a consensus democratic stance impedes this ideal.

This is not to say that consensus is not a worthy ideal. The history of the ADA is a story about the power of consensus. Though the Council's discourse of unity excludes many members of the disability community—as outlined above—its portrayal of the community as a "united front" in the fight for the ADA is not wholly inaccurate. In the years leading up to the ADA, everyone in the disability community agreed that ending discrimination against disabled people is a common good and that the ADA would make "[America] a better country" (whitehouse.gov, 2015). To be sure, these are moral commitments that still unite the 'splintered' movement.

Unity is a powerful deliberative ideal, a driver of social movement. But too strong an emphasis on unity risks undermining inclusion, a deliberative ideal that drives legitimacy. In a deliberative system as diverse as the disability rights movement, organizations and individuals in empowered spaces must do more to acknowledge diversity if they hope to represent the movement as a whole. *Equality of Opportunity* (NCD, 2010) positions unity and diversity in opposition, but a more productive conceptualization of the relationship between these ideals might be one of productive tension. Discourses of unity and diversity can be used in the service of checks and balances; a strong commitment to both ideals can help leaders address exclusion *and* build consensus. Rather than consistently privileging one over the other, the Council and other leaders in the disability rights movement must think of ways to balance a commitment to both ideals. Too strong an emphasis on diversity may be a liability to consensus and coalition, but diversity is also a strength that is underutilized by NCD. By listening to intersectional perspectives and considering how they might address minority underrepresentation, the Council will be better able to achieve its deliberative

mission. By emphasizing the value of diversity more, the Council will strengthen its legitimacy among underrepresented groups.

Given that ways in which histories of the ADA are mobilized to "rededicate [the movement] to the future" (Whitehouse.gov, 2015), and given histories' power to recruit—or alienate—the "next generation of [disability rights] advocates" (ADA Legacy Project, 2013b), the National Council on Disability would do well to consider who its history of the ADA leaves out. *Equality of Opportunity* (NCD, 2010) is an example of little-d discourse with a lot of power to spread big-D Discourses within the deliberative system around disability rights. By leaving out intersectional perspectives, promoting consensus, and warning against the danger of diversity, NCD's history of the ADA reinforces the exclusion of disenfranchised members of the disability community along with ableist notions of productivity and human worth. Leaders in the disability rights movement should do more to propagate Discourses that emphasize the value of disabled lives in all their diversity.

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