DISABILITY AND THE #METOO MOVEMENT

This is a verbatim transcript of the March 29, 2019 symposium panel. The video of the panel is available at: http://bit.ly/MeToo_Disability.

Speaker names are in bold, followed by the minute and second marks in parenthesis to indicate the location at which the remarks begin on the corresponding video.

TRIGGER WARNING: This transcript focuses on the interactions between disability and the #MeToo movement. It contains descriptions of sexual assault and other gender-based violence.

Marcy Karin[1](moderator) (00:01)

Great. Thank you very much. Welcome to the Disability and #MeToo Movement plenary session. My name is Marcy Karin. I teach employment law and employment discrimination here and I direct our Legislation Clinic that teaches students how to be effective and reflective legislative lawyers that operate at the intersection of text, law, policy, and politics. I am also the faculty advisor for Law Review and for the Law Students and Disability Rights student group, and I so appreciate that all of you are here.

I apologize for the fact that I am sweating. I just assume that others in this room have the same experience that I am having right now. I promise you I have been on our facilities people and I hope that they will be coming in during this panel. Thank you in advance for being understanding about that.

I am not Tiana Gibbs who co-directs our General Practice Clinic and spent over a decade working at the local Legal Aid representing survivors. Professor Gibbs unfortunately had a last-minute conflict. I'm also not Rebecca Cokley, who directs the Disability Justice Initiative for the Center for American Progress. Unfortunately, Rebecca also had to cancel at the last minute. They are both here in spirit and I understand that some remarks will be filtered through some other co-panelists of theirs. I'm thrilled that everyone else that was scheduled to be here is here. So, thank you all for joining me.

Rather than spend any more time going through their detailed bios and talking about why I'm so thrilled that each one of them said yes to be here today, I'm going to

[1] Jack & Lovell Olender Professor of Law and Director of the Legislation Clinic, UDC Law.

ask them to introduce themselves and share anything else that they think this audience might want to hear about as they share their remarks about Disability and the #MeToo Movement. And I believe Dara, you are going to start us off, and I appreciate it. I forgot to ask if all of you could use the mics to make sure that everyone could hear. Thank you.

L. Dara Baldwin[2] (0:02:07)

Testing one, two, three. Perfect. Hi everybody. Power to the people. Power to the people. All right. That's why I'm an activist and policy person. Very rare, but I do exist. I'm here today to talk to you about disability policy and what's going on in the disability rights community. I'm L. Dara Baldwin. I am the director of national policy for the Center for Disability Rights. That is a CIL, which is a Center for Independent Living, for those you don't know. And CILs are non-residential places, centers where people go for services and we also have an advocacy side, and my CIL is located in Rochester, New York. The Executive Director is Bruce Darling and he wanted a presence in D.C. They wanted one. And we also work very closely with ADAPT, for those of you who know ADAPT.

ADAPT took over McConnell's office on June 22, 2017 to help fight the ADA. Anybody know why that date is of importance and why we picked that day? June 22nd is *Olmstead* case. So, we picked that day. All right.

So, I told you I have a presentation I don't know if you guys got it, but it will be on the website for you all. In social justice and social equity, I always use a quote from Steve Jobs. Unfortunately, he uses the word that we don't use, so I use extremely enthusiastic and it talks about taking people from a round peg and trying to put him in a square peg. And that people with disabilities are always like that and we don't do that in our work. Any questions you have, I guess we'll answer at the end. But we also do our work from inclusion justice and fairness and opportunity space. I work on twelve different issues covering criminal justice, juvenile justice, transportation, housing, and, of course, my one bill that I'm working on the DIA, Disability Integration Act, which is considered, we consider the next civil rights act for those with disabilities. I have flyers and things for you later to talk to you about it.

I'm going to talk to you about the disability rights movement. And I love that Joe Shapiro is on the panel here. I always tell people when I came in the disability community--which I can't believe it's been 10 years, 2009--I was given a couple of books and one was No Pity by Joe Shapiro. And I loved it and I got to read it and I got to know some of the people actually in the book who were at that time, many of them were still alive. And unfortunately many of them have passed away, but what I did also notice and Joe and I have talked about this is, it is a completely white book. And it is from a white lens. And everything you read about disability history you will see is usually lacks diversity. And so, a bunch of us got together, Rebecca Cokley was here,

[2] Director of National Policy, Center for Disability Rights.

her husband, and some other people, and we created the Lead On Network. And you can go to that when you get this presentation. It is called L-E-A-D O-N, keep calm, lead on, and we have information there around people of color and what they did in the community, like Harriet Tubman who people did not know had a disability, like Barbara Jordan who was a congresswoman in Congress who had a disability and helped move the ADA through the education and labor force. So those are the things you'd want to hear about, and we can talk about that later.

In disability rights, there are three areas on how people do disability rights. One is paternalism, woe is we and we have to take care of them. Two is clinical. We need to cure them. And, the third, serve them with human rights. We believe that's what we do with all people. No matter what your disability is you can and should live in the community and be in a safe, inclusive, and equitable environment in all that you do.

We also use intersectionality, which is a term from Kimberle Crenshaw. She's a critical race theorist. She's also a professor of law at UCLA as well as Columbia University. She's Executive Director of African American Policy Forum. She is my dear sister. She and I worked together on many things. I helped with *Say Her Name* and including disability in that. We also believe in what she's saying about critical race theory and the fact that people with disabilities are all things. So, we come from that perspective. We respect the fact that people with people with disabilities are different race, religions, multiple socio-economic status, sexual orientation, incarcerated, formerly incarcerated, refugees, and immigrants. And that is who we go out to help and we will always help. We believe in multi-marginalization.

Imagine an African American trans woman who is a Muslim refugee with a disability. They exist and we need to be there for them. So, I also want to discuss disability rights. People always say, "oh the ADA just came along," and it was just there and I'm like, "you know there's always a history to this." So, I, the Architectural Barrier Act of 1968 was the one said right to doors and ramps. So, and in my trainings, I do this so people understand, a student wants to come to UDC. He could get in, great. Teacher could still say, "nope" that I don't want to teach people who look you. This probably happens because he didn't have a civil right.

504 came along. Those places that are receiving federal funding, and I'm being very basic here. Sorry, Lord, I am not a lawyer. Sorry, I meant to say that, I'm being very basic here lawyers. So, please don't kill me while I'm doing this. This is basic training I do. When they are 504, if you are receiving federal funds, then the teacher had to teach right. Then the person came in with a wheelchair got in because of the doors and the ramps, so the teacher had to teach them. But the students want to go to McDonald's across the street, but McDonald's was not accessible nor did a McDonald's owner want to serve that person. He could still say, I don't want to serve you. Why? The McDonald's was not receiving federal funds. He is privately owned, and he could do that, and that person did not have what? A civil right.

Then in 1990 they created the ADA, and that's where civil right came in. Now the student can come to class, have his class, and go to lunch with his fellow students. But unfortunately, we still got McDonalds that are not accessible, so let's not get too happy. But, that's the basics of what we're talking about. You also have Air Carrier Access Act in case you don't know that one in reference to people flying we are still working on that. Lovely Heather Ansley is in the back there, PVA (Paralyzed Veterans of America), you should talk to her about that work. We want a private right of action in there and we also want restrooms to be accessible on airplanes. Oh, something big, as well as having people who are deaf being able to know what's going on when a plane something or emergency is happening and a whole lot of other things.

So that's kind of the ADA. ADA has five titles, you guys kind of know that. What we also talk about is disability sensitivity and language and how you speak to people with disabilities. There's a lot of research and test going on that talk to people and just like everything else, language changes. So, I have a chart that you'll see and some of those languages have changed, but we don't use “impaired,” or anything and imply someone with a disability has a problem or there's something wrong with them. If you take nothing else away from my training that I'm talking to you about is one that the ADA was based around community integration as a civil right. Doors and ramps are great, but community integration; they should be part of all life, so you create one program for one group of people you create them for all. That's community integration and then I'll say that there's nothing wrong with people who have a disability.

For many years people told my grandfather, my mother's father, there was something wrong with him as a black man. In fact, he was stopped from going to school after the eighth grade in Alabama. My grandfather put six of his brothers and sisters through college. Some of them are lawyers, doctors, teachers, and then he put his three children through college, and they have their master's degree. And we had a black man be the President of this here United States. But they told black folks there's something wrong with you. For many years, they told women they don’t play sports. “Oh, it's too dangerous for you to play sports.” That woman ran that marathon those men tried to bring her down and she ran the marathon. Oh now, women almost winning marathons.

They told women there’s something wrong with you. They always tell those who have the privilege, and those who are the majority always want to suppress those who are not. So, what I leave you with is that there's nothing wrong with people with disabilities and that also that language changes over the years. So just like you know years ago there was Negro, then there’s black, then there’s African American. That's language that changes all the time. Years ago, when I started doing this work, it was people first language: people with disabilities, because the word disabled usually meant like an object a disabled copier or a disabled car on a floor, on a on a highway. And what people with disabilities have done always, they empowered themselves and over the years, now disabled is kind of accepted.

People with disabilities want to use that language. What I tell people is, usually in my writing, I don't do that. I use people-first language, especially in writing bills and

things on the Hill. But in my everyday language, I may use disabled and talking to people, and I ask people what is best for you to use. Just like you hear me speaking, you will never hear me say I'm an African American woman, I'm a black woman. Black is proud. I'm black and proud. And so therefore that's the language I use. But when I write, I have to use African American because you want to be professionally correct. So, if I don't leave you anything else, those are the things I want to leave you with. And then, I'll speak for Rebecca for a real two seconds here.

There's also disability rights, and the fact that in a disability community you will rarely see people who look like me doing public policy. I'm one of the few African American people of color; no Native Americans, no Asian, no Latinas or Latinos. You will see very few openly gay. And you see very few women running organizations in the disability community. And that's a problem and a concern for many people around the country. And with the invention of social media for me, and for many of us, we found people around the country who were doing our work who looked like us. And I was like, "Wow! Oh my God you exist. OK. This is great." And one of them is Mia Mingus. And those who don't know her. I would Google her name is M-I-N-G-U-S. I see applause for Mia. All right. And she has created the platform along with Lydia, I think Lydia was here earlier today or is here. Lydia Brown and the structure our space on lands around disability justice and you can Google disability justice and 10 principles of disability justice. One of those principles is collective liberation.

That is not something you will find as a principle in the disability rights community. Now these are things we've been talking about and having conversations around with the erasure of race and the erasure of multi-marginalized people. I know people that's a new word for some people multi slash marginalized. Not multiple marginalized. It's "multiple." We have many marginalizations; the woman I discussed before: African American, trans, Muslim, refugee, formerly incarcerated, with disability.

So, disability justice has come around for about a good five years. People have been doing this work around the country people like [inaudible], the Harriet Tubman Collective, and many other have joined forces and together, Black Lives Matter movement for Black Lives, Patrice and us. We all work together to make sure they infuse disability in their work and make sure we infuse what they want to do around collective liberation and changing society here in Washington D.C.

Rebecca has done great work. She was the ED of the National Council on Disability. She left and has now at CAP, as you see in her bio, Center for American Progress. Sorry, we're speaking acronyms here, and disability justice is the basis of her work. She's hiring young people of color to do the policy work in D.C., which is again rare, not seen in D.C. a lot. And they are coming from the lands of collective liberation, which means we don't want to move the chess pieces on the board. We want to turn the chessboard over and change what's happening.

And when people find out that their leadership and their power is at jeopardy, people act very different. And we all as a society need to understand and know that

even in the progressive community we have: misogyny; xenophobia; homophobia; racism; supremacy; and all the other things that are so called in only the Republican and all conservatives side. It exists. If you all have not read Southern Poverty Law Center article around Morris Dees, who I knew years ago and my friends who worked there call that place the plantation. We got problems. They are just a scratch of the surface of what is happening in our own nonprofit organizations who are supposedly doing civil rights, human rights, disability rights for these people. Our people. And so, disability justice takes that on. I don't want to speak for Rebecca, but Rebecca and I tag team. So, I'm sure I did a good job, so I'm going to move on to the next person. [*Applause*]

Marcy Karin (0:15:00)

I'm not really sure how you move on to the next person after that.

Kristen Eliason[3] (0:15:07)

Yeah, oh ok. All right. Well wonderful. OK. Hey everyone. My name is Kristen Eliason. I am one of the two legal directors at the Network for Victim Recovery of DC. Here in the District. My organization provides, our mission is to provide holistic case management advocacy and legal services to victims of crime in the District of Columbia. We also run the advocacy portion of the District's Sexual Assault Crisis Response Project. What that is, when an adult is sexually assaulted in the District of Columbia and they want to receive a forensic exam, they can walk into Washington Hospital Center or call the D.C. Crime Victim Hotline and be connected to one of our advocates who will then remain with the survivor for the entirety of their exam, or as much of the survivor wants them to be in the exam.

If the survivor decides to report to the police, which is not required in the District of Columbia in order to access forensic services, if they decide to, our advocates will also be with them during the police investigation, or the police report, and any subsequent meetings with the Sexual Assault Unit at the Metropolitan Police Department or MPD. In addition to that, all of our case managers, who are on call 24 hours a day seven days a week for the hospital program, also provide case management advocacy for survivors of any type of crime that occurs in the District of Columbia. So, our organization sees about 700 crime victims in D.C., new crime victims in D.C. a year.

Additionally, my program, we provide legal services to survivors of crime in three different areas for survivors of intimate partner dating violence, romantic violence, sexual assault and abuse, and stalking. We can represent those survivors in seeking protection in D.C. Superior Court through the process of a Civil Protection Order--what a lot of folks call a restraining order, but it's very different in D.C. Civil protection orders where it's at. Additionally, if you're a campus survivor of sexual assault, we can assist

[3] Co-Director of Legal Programs, Network for Victim Recovery of DC.

you in your school's Title IX processes, or receiving accommodations from the school related to that assault. And then finally, we're very lucky in D.C. to have folks including my boss, Bridget Stumpf, advocate for the rights of crime victims in criminal investigations and prosecutions in the District. We'd like to say that it's not just about the defendant and the government. There is also a third person involved in this and that's the victim of the crime. We have federal legislation and local legislation that applies to crime victims in D.C. that entitles crime victims to legal representation throughout that process. So, myself and our eight other attorneys represent crime victims throughout that process and make sure that they have a voice in the process and that their rights are not just being recognized, but that they're being enforced.

So, I wanted to talk a little bit about the ways that we see challenges for folks who have disabilities when they are accessing our programs, when they're accessing other programs in the wake of sexual assault. As we all know the #MeToo movement wasn't started two years ago, it was started quite some time ago by Tarana Burke, a black woman, a woman of color. It has been, no surprise probably to most people in this room, co-opted by generally white women, who do not have disabilities, are not living with disabilities. So, part of our job is to make sure that services are being provided that the #MeToo Movement includes all of the voices of folks who have been survivors, or are survivors of sexual harassment, sexual assault, and abuse. Not just adult sexual abuse but child sexual abuse as well.

So, what we see a lot of times when folks are coming to the hospital who have a disability. I didn't press the start button on my things. OK, great. Sorry about that. A lot of times what we see challenges with our desire to help that survivor have their needs and their desire centered when perhaps they have someone who is their guardian or has a power of attorney over them, who is saying “you need to do this exam on my child or my adult child or my ward, you need to do this exam. They were sexually assaulted. Do this exam.” Get them treated. Where the survivor might not want that, that might not be something that the survivor desires. So, we are always, our staff, are always pushing themselves to really be centering the desires and the needs of the person who was sexually assaulted, not the person who might be their caregiver.

Additionally, what we're really seeing lack of accessible and appropriate services for folks with disabilities who've been sexually assaulted. We had a client who was a survivor of sex trafficking by a family member who had a disability that required her to need some accommodations that no service provider in D.C., no housing provider in D.C., could provide. Nobody in the local area, in the DMV region, could provide. And it took our staff almost half a year to be able to find that person accessible, appropriate services for that client.

So, we're seeing that often service providers maybe aren't educated on disability justice or disability rights. They aren’t using even appropriate language or they're not really advocating for their clients in a way that centers their client’s desires and needs and maybe are advocating in a way that that service provider thinks their clients’ needs or desires need to be met. And then finally, something that I often see when I'm working

with clients with disabilities, see this really often with clients with intellectual disabilities, they're not believed or found to be credible by our criminal justice system. I have a whole lot of feelings about our criminal justice system in general, and the way that it oppresses and marginalizes folks, but folks with intellectual disabilities are often not being heard or being found credible by the criminal justice or criminal injustice system as it often so often is.

So a big part of my job is to make sure that my client's experiences are being shared with the police and helping the police understand that survivors of trauma often are unable to recount things in a linear way. If that survivor maybe lacks the ability to verbalize what happened to them, part of my job is to help the police understand what's been happening. So, we see that a lot where maybe a survivor with an intellectual disability has come forward several times about being sexually assaulted, and the police maybe feel like they're crying wolf when really that's not the case that's happening. So a big part of our job at our organization is helping those folks voices or experiences be heard and shared so that folks in the criminal justice system know that these crimes are being committed and so that we can get services that match the needs of those survivors. Thank you. [*Applause*]

Joe Shapiro[4] (0:22:23)

All right. Thank you. I'm Joe Shapiro. First of all, it's good to be here at UDC as a law school that, for a long time from the get-go, has been committed to training future lawyers to work for the civil rights of people with disabilities. I've been, Dara, as she said, I've been writing about this for a long time. I've been doing this, I started, I'm a reporter now at NPR, but I started in 1987 when I got a tip from a PR woman who told me that there was a group of appointees by Ronald Reagan who were meeting in a hotel in Washington to draft something they were calling the Americans with Disabilities Act. And they were writing a law that said that disability was a civil rights issue not a health issue. And I went and I met Justin Dart and watched Lex Frieden in this hotel room where they were drafting the first version of the ADA. And I'd been writing about, and disability has been a great area for a journalist to write about.

There's always important stories in a social issue that I have ever written about, there's always an important disability angle, often an overlooked angle. And now I, as I said I'm at NPR, I'm on the investigation's unit, so I don't always write about disability. I've been writing a lot about criminal justice lately. I'm trying to do some stories now maybe people in the room can help me out and have some ideas trying to write about racial disparities in long term care nursing homes, long term care supports and services, who gets stuck in nursing home, who gets access to home and community based services. I'm trying to figure out a way to do that.

So today, I'm here to talk a little bit about a series that I did last year about the high rate of sexual assault of people with intellectual disabilities, a series that we called

[4] Correspondent, News Investigations, NPR.

Abused and Betrayed. And the headline on my first story on the print story said, the sexual assault epidemic that no one talks about. Epidemic because the sexual assault of people with intellectual disabilities is so common, and then the epidemic that no one talks about because the #MeToo Movement is helping us have this important national conversation now about sexual assault and sexual harassment of women. But I also wanted Americans to hear the voices of people with intellectual disabilities.

So, how did I get onto this? Well, first I heard about it from some advocates, people with intellectual disabilities themselves. For years they've been talking to me about this issue of the sexual assaults that they face in their lives. And the other reason was I knew that there were probably some unpublished federal data that showed the extent of sexual assault.

You may know that the U.S. Department of Justice does an annual report on crime against people with disabilities. People with all disabilities, but it doesn't break out sexual assaults against people with intellectual disabilities. I figure the Justice Department almost certainly had that data because the law that required that annual report. It's a 1988--a 1998 law called the Crime Victims with Disabilities Awareness Act, and it required the Justice Department to start collecting data to count crimes against people with developmental disabilities specifically.

But the Justice Department then expanded it, and then does this very valuable report every couple of years about crimes against all people with disabilities. But I figured they have these numbers on intellectual disability, and I ask for that data and we got numbers and we use some of their analysis in our analysis and the numbers were stunning. Women, I mean we knew, we already knew, that the rates were high, right. But this was still stunning, because it showed in this number and the state of the Justice Department had that women with intellectual disabilities are sexually assaulted at rates that are seven times higher than for adults without disabilities.

And these numbers show just how vulnerable people with intellectual disabilities are. They're targets at all times of the day. They're more likely to be assaulted by someone they know. We know that you're more likely to be assaulted by someone you know not by a stranger. So, for a woman who does not have a disability when there's a sexual assault, the rapist is a stranger, 24 percent of the time, but for a person with an intellectual disability, the person is a stranger just 14 percent of the time. It's a 24 percent—14 percent. So, they're almost all right, they almost always know that person and they're more likely to be assaulted in daytime hours. Half of the assaults are during the day for the rest of the population is 40 percent.

The assaults are often repeat assaults. They happen in places where people are supposed to be protected and safe and they are often done, they're often sexually assaulted by someone they've been taught to trust and rely upon. I asked the state of Pennsylvania, went through 500 allegations of sexual assault against people with intellectual disabilities over the last couple of years, and put together some numbers for me. They found that of the person who was accused of the sexual assault, 42 percent

were other people with intellectual disabilities. That was the highest group; 14 percent were staff, 12 percent were relatives, 11 percent were friends. So, we found, as Kristen said, that these crimes go mostly sort of unrecognized, unprosecuted, unpunished, and the abusers are free to abuse again and often because people with disabilities are not considered credible.

One of my stories, I want to play a couple of clips from short clips from my stories. One of my stories I went to meet two therapists who have a rare specialty. They do therapy for people with intellectual disabilities who are dealing with a trauma, in particular the trauma of sexual abuse. One of them, Nora Bulgarian, lives in Los Angeles. She was in D.C. one weekend and she said will come on by and meet me, and another therapist, a friend from Baltimore, Karen Harvey, is coming down and so I just went over for a lunch just to sort of shake their hands and just say hi. And they start talking just the two of them at this table. And the stories of the abuse that they heard their clients talk about was just staggering. Stunning. And I just turned on my tape recorder. And I ended up sort of unexpectedly doing a story of them just telling these horrible stories of just how pervasive and how awful this abuse is. So, let's play a little bit of that one.

Woman's Voice (from recording) (0:29:45)

The young woman was being taken by her taxi driver paid by Medicaid to take people to their medical appointments; people with developmental disabilities.

Joe Shapiro (from recording) (0:29:55)

For people with intellectual disabilities across America, there's a hidden epidemic of sexual assault.

Woman's Voice (from recording) (0:30:01)

So, they were driving home and he turned right, and she said no, no, no you're supposed to turn left. And he said, oh we're taking a shortcut. You know how many times have we heard that. So, he took her into the forest, where he raped her and then he started to go back to the car. And she said, "Wait a minute, I've got to get home my mom's going to be really mad that I'm late."

Joe Shapiro (from recording) (0:30:22)

People with intellectual disabilities can be easy to manipulate, because they've been taught to be trusting. Here's Karen Harvey.

Karen Harvey (from recording) (0:30:22)

Something that I've seen that happen in residential situations, I've seen a number of people where the staff have said, "I'm your boyfriend and we're in a relationship."

Joe Shapiro (from recording) (0:30:40)

They need to rely upon other adults: parents; teachers; staff who help them through.

Karen Harvey (from recording) (0:30:44)

Okay, well we're going to be boyfriend and girlfriend, so this is what we do every night. And so, there was ongoing sexual abuse.

Joe Shapiro (from recording) (0:30:51)

Women and men with intellectual disabilities do have romances, relationships. Sometimes they marry. They can have consensual sex. But Harvey's talking about how, for predators, it can be some of the easiest prey.

Karen Harvey (from recording) (0:31:03)

And the most shattering piece, because I've done the crisis counseling afterwards--this is five or six situations, finding out that that person was not their boyfriend because the woman is usually proud about it. This is my boyfriend and then we report and then the devastation is that I was raped. That's not rape. That was my boyfriend. I was deceived. He said he loved me.

Joe Shapiro (0:31:28)

I told you I knew about this because people with intellectual disabilities had told me about this issue. And I want to do something different than other folks' stories if they ever touched upon this issue. I want to make sure people heard the voices of self-advocates. And I made sure that I had their voices throughout. And you know this took some time. I had to make sure that the person with the intellectual disability understood what it meant to be on the radio, what it meant to be in a story on the web, and some cases that took a lot of communication with the individual or maybe a family member maybe a guardian or staff person, before I ever turned on a tape recorder.

Two women Pauline and Lynn said they both, they were insistent they wanted their stories told because they said we wanted each one and said to me I want to help other women and Lynn's guardian didn't want her to talk. Partly because the guardian was worried that it would reflect poorly on their agency.

But she was the one that was insistent that she should be allowed to tell the story on the radio, and we tried to provide some extra support. We went and we found court documents that backed up their stories. Lynn, everything she told me was backed up in those in those court records. And in fact, Pennsylvania, she was in Pennsylvania, the state refused to turn over those court records. NPR had to go out. We hired, we got

a pro bono lawyer to support us and help us get there to get those, get those court records.

And the last piece, so I did about I think six or seven pieces, and the last story was told totally in the voices of self-advocates. I was in it, but the only other people I interviewed were the only self-advocates and I will play a clip here. There are two self-advocates here. I don't know if people know Thomas Mangrum who's an advocate in D.C. So, he's the first voice you will hear.

Thomas Mangrum (from recording) (0:33:42)

We are taught to trust grownups more than anyone else would be. Because when you have a disability, people always telling you, "do as the person says." "Do what this person says," and all this other stuff.

Joe Shapiro (from recording) (0:33:58)

That's Thomas Mangrum. He says he was a young boy when he was assaulted by a deacon at his church. He told his parents, but they never said anything about it to him again. Mangrum says people with intellectual disabilities just aren't believed.

Thomas Mangrum (from recording) (0:34:15)

They think you got a disability, that means you lie. Then you can't really tell the truth, or you don't know what the truth is.

Joe Shapiro (from recording) (0:34:22)

People with intellectual disabilities often do have trouble speaking or describing things in detail or in proper time sequence. Our investigation found that makes it harder for police to investigate and for prosecutors to win these cases in court. But when sexual assaults go unpunished, then perpetrators are free to abuse someone again. It's one reason the NPR numbers show the rate of assault for this population is so high. Thomas Mangrum who lives in Washington D.C. thinks it's a matter of bias.

Thomas Mangrum (from recording) (0:34:53)

And a lot of us and thus in the community, people don't really see. People don't see us at all. They just see our disability and that's it.

Joe Shapiro (from recording) (0:35:09)

And yes, sometimes the sexual assault of people with intellectual disabilities does get discounted. In 2014, a judge in Georgia threw out a conviction. He said the woman with Down's Syndrome didn't behave like a victim. She'd waited a day to report

the assault. And in 2012 a psychologist testifying in Los Angeles said a 9-year-old girl who'd been assaulted by a boy at school was likely protected against the emotional trauma because of her low IQ. The jury was so offended it awarded the girl $1.4 million in damages far more than the family was even seeking. That kind of thinking that people with intellectual disabilities suffer less gets Carolyn Morgan of Philadelphia angry. She says, “We feel the same pain as everyone else.”

Carolyn Morgan (from recording) (0:35:57)

We do feel pain all the time. Don’t tell me that it will go away.

Joe Shapiro (from recording) (0:36:02)

She knows. She's dealt with the pain of her own rape and she says anyone who denies her pain is ignorant.

Carolyn Morgan (from recording) (0:36:09)

They can't see that. They don't want to see it. They close their eyes to it. Close their minds to it.

Joe Shapiro (0:36:18)

The--since I did these stories, there's been a lot of responses at the state level, but one of the nicest results is that some of the self-advocates who are my pieces have now gone around and spoken to groups like this and one has become most active as a man named James Medders of Texas. And I recently was at a meeting actually, it was last spring in New Jersey, they were trying to come up with a…It was the ARC brought together all the players of state officials; people on the disability community to come up with recommendations of what the state could do, and James Medders came from Texas to speak to that group and he said, and James said, his message was to get people to speak up. He said not to be quiet. He said because if you be quiet you cannot change things. If you have a voice you can change the world. [*Applause*]

Mia Ives-Rublee[5] (0:37:29)

Yeah, my name is Mia Ives-Rublee. I am the coordinator for Women's March Disability Caucus. I have a master's in social work and have been working in the disability community on the local level for a long time in North Carolina and have just started working on the national level, advocating for disabled women's rights and I began my work really, not really planning to work on the national level.

I had promised myself that I was going to start working on organizing about two years ago and I saw a post about women's march and began trying to wiggle my way

[5] Consultant and Founder/Coordinator of Women’s March Disability Caucus.

into the state organizing. But then saw a huge issue around disability inclusion on the national level. And just decide to send a bunch of emails to my friends who all had disabilities and also to the national organizers to see if there was a way that we could push the organization to be more inclusive of disabled women and issues around disability inclusion. That culminated in, in creating, a space and creating, pushing women's march to include disabled women within their platform and then also pushing them to make sure that there were accessibility services at the event, and also that there was a disabled woman speaking at the event.

And from that we began to think about sort of how disabled women are often silenced. And in our spaces not only in the disability community but and in women's spaces as well. And I wanted to start looking at how I could connect disability rights with women's rights and showing these mainstream organizations like the Women's March that our issues connected. And how they connected. And one of the things that I have been talking with organizations about is how women's issues connect with disability rights issues in the reproductive justice arena and talking about specific issues around body autonomy. And allowing disabled people to choose what they want to do with their body, especially since so many organizations focus on curing disabled people and treating disabled people and not allowing disabled people to decide sort of what they want and what their goals are.

And so, I started to talk to organizations about how that reflects within it, within reproductive justice arenas and around abortion and around being allowed to say what they want in terms of if they want to get pregnant or if they want to take care of children and just showing that connection. I also talked to them about consent, which is definitely something that Joe had in his series, that a lot of disabled people are told to trust medical providers and caregivers, and this can blur the lines for a lot of disabled people in figuring out sort of when they should report stuff and when, and also being believed when they report things. Another thing that I talk to groups about is parental rights and disabled women often are told that they aren't capable of taking care of children and this is across the board from if you have a physical disability to having a developmental disability and being told that you aren't able to take care of children. So, I try and talk to these organizations about how this connects within the broader dialogue that a lot of mainstream organizations are having. So, next, once we have that, that conversation and show how these things connect, I also talk to them about the issues around accessibility and services.

A lot of the services that I've seen as a social worker working with disabled people in the disability community is how many services are inaccessible, whether you are at the hospital receiving services after being a survivor of sexual assault. Being able to communicate with the people, whether it's your lawyers, whether it's the doctors, whether it's the police. And just discussing and pushing that conversation amongst a lot of the mainstream organizations and really talking about why it's so important to make sure that those services are accessible because of the high rates of sexual assault and in our community.

Next is one of the big things that I sort of focus on in particular is making events more accessible. Since doing the Women's March I've worked with numerous other organizations who have done large scale events anywhere--from Families Belong Together to Move On events--and talking to them about why it's so important to make the events more accessible, not only physically but emotionally. Because I think a lot of groups think about the physical accessibility they sort of have this sort of framework where, yeah, we need to have some of the larger organizations we need to have and so interpreting we need to have an area where disabled people can congregate so that they're not blocked or not tripped over. Thinking about these types of supports have we been able to push them on more inclusion and more accessibility in that regard.

However, we are still working on providing support emotionally, and this is extremely important within the #MeToo Movement, because we have individuals who have experienced severe trauma, individuals who may have never talked about their trauma before and may have never received treatment for their trauma coming out to a lot of these events, without any real supports at the events and after the events.

And so, I have actually started working with organizations to encourage them to look at peer support networks and to look at connecting with mental health centers so that they can provide services not only at the event, but also after event. Because we have a lot of people who are coming out telling their stories, which can be traumatic, can be make them relive their experiences, and then a lot of times things sort of drop off after the event. And I am extremely concerned about that. As we've seen in the gun reform movement is that a lot of people are committing suicide. And we're not seeing the support systems put in place to help support a lot of the activists, especially the new activists coming in to try and help make sure that we can continue our advocacy.

So, I have started talking with platform women and I've worked with some other organizations to talk about how they can sort of start working on creating that, that support system. Having peer support specialists on hand during the events, so that we can talk about the how they feel about talking about the trauma and how they feel if, and sometimes when, events don't go the way they want to especially when we look at the Kavanaugh protests and seeing people come out and tell the story and not see the changes that they want to see immediately happen.

I think that can be extremely traumatic on its own and the fact that they're telling their story they're putting themselves out there and then they can sometimes feel like nothing is happening and what they did was not worth the pain that they suffered during the event. So, I also want to work on with groups to create peer support networks so that they can contact the individuals a day afterwards and say, “hey, how are you doing? Are you doing some self-care? Have you connected with a mental health professional if you need it? Are you taking care of yourself? Have you eaten?” That kind of thing.

So, lastly, what I want to really emphasize, the importance of making sure that disabled women are included in all of these spaces, in advocacy, in the service provider

areas. And that they're helping drive sort of the policy and the decision making and the event planning because I believe that disabled women know and are extremely creative and how to deal with different events and different issues. And we're often not asked to support and lead these groups. So, not only would I say disabled women, but of course disabled women of color and ensuring that they are the ones that are helping lead some of the dialogue and lead some of these organizations. [*Applause*]

Marcy Karin (0:49:00)

We're going to open it up to questions right now. I see that Lydia Brown has joined us and since they got a shout out, I'm going to let Lydia ask the first question.

Lydia Brown (0:49:20)

Hi this is Lydia. I completely missed whatever was said about me. So, I hope it wasn't mean. [*Laughter*]

But I wanted to first thank all of you for being here and in particular Mia for your talking about the trauma that often accumulates through doing activism and organizing. We don't have these conversations often enough. And I really wish we not just have them centered them more. So, I appreciate that.

But I wanted to ask if any of you might be able to speak more specifically to the particular regime of sexual terror that afflicts black and brown disabled people in prisons and in police, incarcerel systems. Because I didn't hear that in this conversation, I may have missed it. I know I walked in a few minutes late, but when we're talking about what conversations and, not just conversations, but what action plans and strategies we're developing to address sexual violence by naming it as a component of weaponized ableism, by naming it as a component of weaponized racism. Are we talking about, and can you talk about, what that means as an active component of our criminal injustice system? Thank you.

L. Dara Baldwin (0:50:32)

So, I'll that one. I work on criminal justice and injustice system. It was me, I brought your name up. So, we work on, and I have worked on for many years in the criminal justice reform is what they call it, but whatever, number one, we're prison abolitionist. We want to end prisons completely. Number two is around PREA right--the Prison Rape Elimination Act. There are, 1, 2, 3, I think it's three different groups here in D.C. who work on this national level for Lydia, for everyone. And when I worked in the Army I used to work, National Disability Rights Network for the protection and advocacy programs, which are civil rights lawyers have worked on the national program with just detention, which is an organization that really got PREA going and they specifically work around ending the prison rape, and everything you discuss. Lydia has come up in those conversations.

We meet, even with this administration, we still meet with DOJ on a quarterly basis, because that's in the law and they have to. Now I will say this, it's constant conversations. We have not seen a lot of action. And that is the problem. We also see them hiring trainers who again, as I said, don't look like us, as far as being people of color, people of different sexual orientations, and people with disabilities and that is a problem we have put forth too. Unfortunately, now three different directors but there's room for people to get involved. And I try to bring that forward as much as I possibly can.

The National LGBTQ Task Force is sitting at that table with the National Transgender Equality, Center for Transgender Equality is there as well. The National Council for Lesbian Rights, and I think there's another group I can't think of right now. We all sit there and we bring them that forth and then there is a LGBTQ criminal justice collective that Alison, is right next to you, Nichols, she's part of that and I come there, and we do trainings and conversations around that. That's on a national policy level. Unfortunately, I don't know about organizing around that I have not seen that on a national level to bring forth about sexual trauma and how people of color with disabilities in prison are treated, you know, horrible at a higher rate and also raped at a higher rate, and that is continuously going on. And also, so you know, not just in prisons, but in the jail system, which is even worse. And we can talk about that later.

Marcy Karin (0:53:12)

Other questions?

Joe Shapiro (0:53:15)

Could, actually. I just want to add, Lydia, this sort of touches on I want to mention something that touches on your question that some reporting that I did recently with a colleague Jessica Pupovac with the Chicago Reporter. We looked at discipline of women in prison and started with the fact that 80 to 90 percent of women in prison come with a history of violence and trauma sexual or physical violence. And we found, one statistic we found, was that women in prison are more likely to have PTSD than people coming back from war because of the things that happened in their lives before they get to prison. Often some complicating thing that, that leads to prison.

So, there's so much sexual assault and physical violence of women before they get to prison. But one thing we did by way, so we looked at, we did a story where we looked at what, we did a Freedom of Information Act request to various states and we got data from about 15 states that showed women get disciplined more than men. Women in prison get disciplined more than men in prison for minor violations; the most minor violations of prison rules they get in and they get disciplined for things that are subjective. They get disciplined for things like insolence, talking back disrespecting an officer, and these things have consequences. They get, so they get this one far more three, two to three times more than men and these things have consequences because they can have time added to their time in prison.

They can go to solitary confinement. They can lose privileges to use the phone or visitation, which cuts them off from family. But it gets back to this issue of the trauma in their lives. Often something can trigger a reaction, especially if you have got a man who's a guard who's yelling at them or being aggressive and it can trigger a response that, that then the corrections officer can decide was disrespectful and they can write them up and give them tickets. So that the sentence has consequences. So, it's sort of the continuation that gets you more sort of a continuation of the sexual assault in the past.

Marcy Karin (0:55:42)

Thank you.

Natalie Chin (0:55:49)

Hi. Can everybody hear me? Hi, my name is Natalie Chin, and I'm a Director of the Disabilities Rights Clinic at Brooklyn Law School. This question is for Joe. I'm hoping there's going to be a part 2 of your segment on people with intellectual disabilities and sexual abuse and exploitation. I feel like one thing that was really missing is looking at the sexuality of people with intellectual disabilities and the history of the inherent desexualization of people with intellectual disability. I think is kind of easy to look at this population and focus on the vulnerability to focus on the abuse and exploitation, but there has to be a conversation related to civil rights and related to sexuality as a civil right. And I think it's wonderful that you heard the voices of self-advocates. But we have to also look at it from a policy angle and look at it from *Olmstead* for example.

You know this country spends billions of dollars on community-based supports and services for people with intellectual disabilities--none of which go toward positive sexuality supports and services. So, we're focusing on a community focus, and we're exclusively looking at sexual abuse and exploitation, but not recognizing that *Olmstead* in part is to integrate persons with disabilities into the community. And if you erase sexuality, to what extent is that person truly integrated?

And I think to highlight sexual exploitation and abuse without pairing it up with the fact that there is a systemic issues of ableism, of racism, of classism and linking it to the eugenics movement as to why those policies are even in place. And the impact they're having on this population that is largely poor, largely on Medicaid, largely people of color. You know we have to have that conversation. So, a really troubled me a little bit that there was a primarily the focus on sexual abuse exploitation. There was one segment you did have on education, which I thought was fine. It was only around seven minutes and I thought we could maybe have more time for that, but I would love to see a segment looking at more deeply able as and more deeply on the issue of *Olmstead,* more deeply on the intersections of ableism, racism, classism as it relates to sexual rights and people with intellectual disabilities. I really would love to talk to you about that.

Joe Shapiro (0:57:54)

Well thank you. It is an important point. I'm always looking for ways to do more stories. You're right. I did do one piece that was seven minutes: that's a lot on the radio. Actually, I always ask for more, but that seems like a lot to my editors. But here's what we did.

You mentioned that piece. I did do a piece where we went to a class where adults with intellectual disabilities are taking class in sexuality and relationships. Right. And that was being taught in Maine. And we made this and we certainly, I tried to make this point out the teacher made. I think Kath--Katie Park said how hard it is, just as you were saying, how hard it is for people with disabilities to have relationships, right. So, if they're in a group home, they're not given privacy. If they're living with their parents. Right. The people don't see them as being one having a right to be, have romantic relationships. They don't have cars usually. They don't have a lot of disposable income, so it's much harder for them so that. So yes.

So that goes to the core of integration. As you said, the people have this right and they want these things. Right. We, in my piece, as we heard people say, they want the right to have these, to have real relationships, but they're thwarted whenever they can. And so, the story about the class was interesting because it was people expressing these and wanting this and wanting to know how to have a good relationship and how to spot a bad relationship and how to speak about abuse. And I like that story because, so it was this room about 30 people, and it went on for about two and half hours and they were completely attentive. They took a couple of breaks in between and once they get up and dance and the music, they put on was Aretha Franklin's singing “Respect,” and the whole story was about them. About them asking for respect and respect being included, exactly this point about being respected and being able to have romance and to have sexual lives. And so, and I just threw up that piece the radio that piece where they got up and danced to Aretha.

Natalie Chin (1:00:24)

As I say one last thing, I thought that was great. I think one thing if you spoke to the person who gave that class there's no funding in terms of Medicaid supports and services to support sexuality supports and services for proactive learning around healthy sexual relationships, et cetera. And because you know the voice of public radio is so strong, I think it's important to recognize that this was one class and there should be thousands of classes like that. And maybe that, that would counteract the enormous issue of sexual abuse and exploitation for this particular population. If there was funding going toward these classes that are definitely positive for people with intellectual disabilities, and that's missing in federal and state funding. It doesn't exist. And there's studies that show that, and that if there was more funding for such classes it would counteract. Have a positive effect on counteracting all the terrible issues you cover, and rightly so around sexual abuse and exploitation of this particular population.

Joe Shapiro (1:01:26)

And I think you're right. I think that is one of the best things we can do to address this and one of the good things that came out of the series was that in a number of communities and states have actually added money. We don't have thousands of classes, yet. It's not, you know, we're not a big thing in Medicaid, but we did it. But, in some communities and states have had these classes.

L. Dara Baldwin (1:01:50)

This is Dara. I completely agree. Number one, it's too late. Adulthood, it's too late, right? You should be doing that early in your life. Let's start there. And number two, as I was saying in that first pill of paternalism you have is you still have a lot of family groups who are around blocking us to try to get that into federal funds that nobody wants to address. Right. And then back to what I was saying before when you don't have people who look like the people with the life experiences sitting at the table you will not get those policy agenda outcomes. That is the problem here too. It's not finding them. I mean it is allowing them to be at the table. Not saying we don't want volunteers to be part of our groups. Not saying that we don't want you to come. This is for the Beltway people, not you people, that kind of conversation and telling people not to be involved is not having people with life experiences there. And telling people and barring them from doing the things and so they go around you and go and do what they want to do. That's what you get. That's what I'm talking about. And that happens so much in the disability rights community.

Marcy Karin (1:02:55)

One more question.

Alison Nichols (1:03:16)

I don't actually have a question. Unsurprisingly, I want to thank everybody. I have learned a lot just from listening to you and I just wanted for 30 seconds to be in praise of victims. We've talked about victims of sexual assault. I've been in this business for a long time and for 29 plus years there's been a steady stream of people in all walks of life with varying abilities who have all been willing to have courage to stand up and make their personal stories public and to say we're not doing this anymore. And I, you know, I'm a civil rights lawyer. But the courage to do that, the willingness to have the patience to participate in a justice system that's often too lengthy and too tedious and can be emotionally very difficult for people, that's an amazing amount of courage. And, you know, I am just a functionary to bring that story from this side of the room to this side of the room to try and occasional remedy. But really important never to lose sight of the fact this all goes back to, to, to actual people living their everyday lives.

Marcy Karin (1:04:29)

Thank you, Alison. I want to allow each of the, both for that acknowledgement, which I could not agree with more, and the power behind people being able to tell their stories--whether it's at a mic or not, whether they're given the space to be at a place with a mic or not. I really appreciate that addition. And I want to invite any of the panelists to give a last remark, because there has been a number of people that have gone consecutively, so, if anyone wants to have a closing remark now is your chance to have the mic again.

L. Dara Baldwin (01:05:01)

I wanna say thank you to all of you for all that you do every single day. Please keep doing it. We are living in times that we need people like us and this spot, these things were here before he was in office. They will be here after he's in office. And we gonna need even more strength when he leaves office. Dear God, let him leave office. [*Applause*]

But also please support the DIA and you can go to disabilityintegration.org.

And I would be remiss as a D.C. resident not to bring up D.C. statehood. D.C. statehood. D.C. statehood. But we are going to have H.R. 51. Please support us and go out and tell your friends and families to get their Senators and Congress people on there. So, it is H.R. 51. and S.63. Yes. [*Applause*]

Kristen Eliason (01:05:45)

Again, thank everybody for being here, for all that you do. Thank you to Professor Karin and UDC. I want to say something that I kind of respond to that and thank you for those really beautiful words.

I also want to recognize that it often takes a large amount of strength and courage for survivors not to tell their story and to carry it with them for, you know, potentially their whole lifetime. So I think making ourselves a resource and a safe space for folks to be able to share their stories, their experiences, when they want to and how they want to do is also really important. And that's something I didn't think for a long time about that. It also takes a lot, you know, a lot of strength to carry it with you too. So, but thank you for all you do. And thank you to everybody here. [*Applause*]

Joe Shapiro (01:06:33)

I also will thank you for the work that you do and the people who taught me over the years. And I'm always open to story suggestions. Thank you. [*Applause*]

Mia Ives-Rublee (01:06:52)

I as well want to thank everybody who came out and also thank UDC for inviting us. And I think my mantra is to see where you can make connections and figure out sort of how to expand your framework around disability and really go after that. See how you can break the barriers around what is seen as usually a quote unquote disability issue and seeing how it connects with so many other issues that we're fighting against. Thank you. [*Applause*]

Marcy Karin (01:07:29)

So, I'd like to think Dara, when you mention that you wanted to overturn the board and or the system, I thought--wow, you fit in so well here at UDC. [*Laughter*] I'm glad that you were brought in today. Yes. Yes. Of course. Yes. Fair enough. Fair enough.

And I also appreciated the importance of being aware of the language and words you're using and so I appreciated your contribution to that. You made a joke about how in D.C. we use acronyms. The other thing we tend to do in D.C. is forget about people that live in D.C. Right. And so, it was really important to me now that I teach at the state law school, because in my mind, D.C. should also be a state, to make sure that there was the voice of a local group as part of this national conversation, along with so many people that are powerful on the national level. And so, I want to thank former clinic client NVRDC and Kristen and all of her colleagues for remembering the 700,000 people that live here without having a vote in Congress.

I also want to thank Joe Shapiro for being here and for fighting for more airtime. I can guarantee that you're going to get a fair number of pitches afterwards. So, I hope that you take at least a couple of them up and, you know, I'm happy to connect you to anyone in the room that you need to help for that expert. But we really appreciate that as well as your desire to make sure that there's space for people with disabilities on the air as well. So, thank you for that.

And, Mia, I appreciate it when you raised consent and accessibility of services. It's something that we're working on and I personally am continuing to learn about. So, it's really important. I, in particular, appreciated your reminder to follow up on their conversations like this one way to make sure that people are taking care of themselves and the people around them in a really critical way.

So, thank you all for adding your individual contributions, both what I just recapped and otherwise. I want to just give this panel one more round of applause, because I really appreciate that. [*Applause*]

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These resources are available to anyone that might find it helpful to process the remarks shared during this or any of other conversation from the symposium:

- *Support for survivors of sexual assault, domestic violence, and stalking*, https://nwlc.org/resources/additional-resources/ (this is a list of additional resources provided by the NWLC/Time's Up Legal Defense Fund); and
- *Our Services*, https://www.nvrdc.org/services-overview (this is a list of services that NVRDC provides to victims of crimes in DC).