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From the Government to the Streets: Why the U.S. is a Policy Innovator in Disability
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Abstract

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When it comes to disability rights, the U.S. is a policy innovator rather than a policy laggard. Understanding why the U.S. was ahead in disability rights involves addressing the link between institutional activism and grassroots mobilization and between supply-side and demand-side explanations for sociopolitical change. I expand on the concept of political entrepreneurship and institutional activism to shed light on the relationship between nonprofit advocacy organizations, the use of direct-action tactics, and political institutions. An important theme in my dissertation is the way in which governments *invite rebellion* by providing rights through legislative action, and consequently, politicize new constituencies that then mobilize around those rights. Rather than assuming that social movements can only influence policy, I find that the non-recursive

relationship between social movement activity and legislative outcomes fluctuates over time. I use original longitudinal organizational data on over 800 nonprofit organizations, protest event data from four newspapers, congressional testimony based on 1275 hearings, and data on the over 300 disability-related public laws passed by Congress across a 45-year period (1961-2006). I draw from a growing body of work in sociology and political science that explains the dynamic interplay between elite insiders and outside challengers.

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ABBREVIATIONS

3-SLS	Three-stage least squares regression (a.k.a., structural equation)
AAPD	American Association of People with Disabilities
ABA	American Bar Association
	Architectural Barriers Act
ACCD	American Coalition of Citizens with Disabilities
ADA	Americans with Disabilities Act
ADAPT	Americans Disabled for Access to Public Transit
	Americans Disabled for Attendant Programs Today
AFDC	Aid to Families with Dependent Children
APTA	American Public Transit Association
CIL	Center for Independent Living
COS	Congressional opportunity structure
CQ	Congressional Quarterly
DI	Disability Insurance
DIA	Disabled In Action
DOJ	Department of Justice
DOT	Department of Transportation
DREDF	Disability Rights Education Defense Fund
DRM	Disability rights movement
EEOC	Equal Employment Opportunity Commission
EPA	Environmental Protection Agency
ERA	Equal Rights Amendments

FAP	Family Assistance Program
GDP	Gross Domestic Product
GSA	General Services Administration
HEW	Department of Health, Education and Welfare
LGBT	Lesbian, Gay, Bisexual and Transgendered
NAACP	National Association for the Advancement of Colored Peoples
NARAL	National Abortion Rights Action League
NARC	National Association for Retarded Children (a.k.a. The Arc)
NCD	National Council on Disability
NCLH	National Center for Law and the Handicapped
OASI	Old Age Survivors Insurance
OCR	Office of Civil Rights
OE	Organizational Ecology
OEO	Office of Economic Opportunity
OLS	Ordinary least-squares regression
OMB	Office of Management and Budget
OVH	Office of Vocational Rehabilitation
PCEH	President's Committee on Employment of the Handicapped
PEA	Protest Event Analysis
PL	Public law
POS	Political Opportunity Structure
POMS	Public Order Management System
PPT	Political Process Theory

SMO	Social movement organization
SNCC	Student Nonviolent Coordinating Committee
SSA	Social Security Administration
RSA	Rehabilitation Services Administration
RMT	Resource Mobilization Theory
VRA	Vocational Rehabilitation Administration
UMTA	Urban Mass Transportation Act

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DEDICATION

To my family and friends.

CHAPTER 1: AN AMERICAN INNOVATION

In 1975, the Subcommittee on Investigation and Review of the House Committee on Public Works and Transportation held hearings regarding the effectiveness of the Architectural Barriers Act of 1968 (P.L. 90-480). This is arguably the first rights-oriented federal disability legislation enacted by Congress. Seven years later, and following a 1970 amendment, subcommittee members met to discuss what, to some, was a failure on the part of Federal agencies to comply with the Architectural Barriers Act. Committee deliberations, along with extensive congressional testimony beginning in the late-1960s, reveal a certain entrepreneurship¹ on disability rights policy in the United States. Take this statement by the Subcommittee Chair, Jim Wright made on October 7th, 1975:

Americans instinctively feel emotion and sympathy for our handicapped citizens. But emotion and sympathy do not provide much assistance to the person in a wheelchair seeking access to his post office, or trying to visit a pigeon-holed local social security office. His plight can be aided, however, by sensible action programs of government, involving the design of buildings and transportation systems. We have set a national goal of barrier-free movement for the disabled and handicapped. It can be reached only by sustained commitment, involving both the application of public and private resources and the reshaping of public attitudes.

This statement is indicative of the growing entrepreneurship within the government that eventually led to a disability rights revolution. Wright's statement not only assumes that public attitudes will not change on their own but that it is government that must lead the way for a rights-based paradigm shift. But this entrepreneurship also invokes what many disability activists

¹ I use political entrepreneur to refer to elite political activism. That is, the actions of political elites are not simply a response to demands by voters or social movements, but are themselves innovations. As Schneider and Teske (1992:737) explain, entrepreneurs are "individuals who change the direction and flow of politics."

see as a paternalistic motivation that underpins government intervention not only because “assistance became seen as oppression,” but also because early rights-related laws were pursued without significant involvement of the disability community. This runs counter to the activist slogan, “not about us without us.” Nonetheless, the government – more specifically, entrepreneurial elites in both the elected and executive branches of government – helped transform how the public thinks about disability even when there was little outside pressure to do so. These efforts will later be taken up by the emerging disability rights movement (DRM) which continued the struggle for rights particularly when entrepreneurs were met with obstacles within the government.

Disability rights emerged in a period of activist government whereby elites acted entrepreneurially across a variety of policy domains, and as was the case with disability rights, did so without a clear articulation from either constituent preferences or organized social movements that such action was necessary. The Congresses of the 1960s, and to a lesser extent, the early 1970s, are considered fairly productive, enacting a host of welfare and civil rights related policies. This was preceded by a shift in public opinion, in the 1950s, towards favorable attitudes regarding government involvement in social welfare issues (Stimson 2004). And, as Mettler (2007) argues, the more the U.S. government intervened in social provision, the more individuals saw the government as making a difference in their lives. Not surprisingly, throughout the 1960s, most Americans believed government intervention had positive effects (Bennett 2001) and Congress held about a 30-40 percent public approval rating. Although, by the late 1960s, public opinion began to swing the other way as a response to government expansion, the American state continued to grow in multiple ways: from increases in nondefense spending, to increases in regulatory policy, spending and staffing, to increases in rights-based

policies and increases in tax subsidies (Pierson 2007). Disability rights came onto the political scene at the end of a period of rapid increase in social spending and regulatory policy. Indeed, the mid-1970s reflects a rapidly closing opportunity within Congress for the passage of minority rights legislation. Ironically, the institutional transformation that occurred between 1960 and 1980 created a subsequent opportunity for conservative counter-mobilization or backlash against “big government” which had important effects on both disability policy and grassroots mobilization.

The concern over big government is quite central to the political rhetoric surrounding recent electoral campaigns. The auto industry bailouts, health care reform (a.k.a., “Obamacare”), and the threat of government shutdown, have many, whether Republican presidential hopefuls, conservative movement elites, or regular folks, asking about the role of government. In addition to the worry about “government mandated healthcare”, calls have also been made to get the government out of education and to dismantle the Environmental Protection Agency (EPA). Republican presidential hopefuls have echoed Ronald Reagan’s famous words “government is not the solution to our problem; government is the problem.” Recently, Republican presidential nominee, Mitt Romney, proclaimed that, “The true strength of America is self-rule, and a government that answers to a free and independent people.” This view is also promoted by elite actors and organizations in the conservative movement such as the Koch brothers and Americans for Prosperity. Thus, the belief here is one where government can never identify or fix problems: that “regular” people (and sometimes, business elites and entrepreneurs) know best and these individuals should keep the government in check.

As these attitudes increasingly gained prevalence, and have convinced some Americans that government is indeed the problem (see Frank 2005), many political elites have sought

measures to block what they see as increasing government regulations and expenditures (although they have sought alternative means to expand government to benefit their constituents, see Pierson 2007). At the same time, the public's approval of Congress has declined since the 1970s. A February 2012 Gallop poll shows that 86 percent² of Americans disapprove of Congress' job. The blame is usually placed on partisan politics impeding "real action" by failing to compromise on legislation. The growing public disenchantment with government, especially the notion that Congress is ineffective, has been accentuated by public reactions to government's solution to the health care problem, housing crisis, and economic recession. While some of this public discontent has been voiced through more organized grassroots mobilization via the Tea Party Movement, conservative elites have also been able to use this grassroots support to advance their projects (see Skocpol and Williamson 2012). But, backlashes against big government and liberal policies are not new. People "wanted" big government after the Depression and small government after the Great Society programs (Stimson 2004). There is more to it than the public reacting to perceptions of "activist" governments on one side and broken or ineffective governments on the other. There is a fairly widespread view in the U.S. that government is "the problem" and cannot (nor should it) provide solutions. Rather, problems can be fixed by charitable and business organizations, and the good deeds of common citizens.

It would be difficult to argue, however, that discrimination in employment and housing for African Americans, equal pay for women, or even changing workplace norms for persons with disabilities, would have come about without government involvement (Reskin 2001). That is not to say that the government pursues social policy so readily as to ignore opposition (for instance, the Kennedy Administration and civil rights). Most of the time, government requires a

² Gallup Poll: Record low 10% approve of Congress, USA Today

strong push either from voters, or from social movement organizations, interest groups and activists at some point in the agenda-setting and legislative processes. Nonetheless, the government – especially through congressional committees – is in the business of identifying problems and providing solutions to them (see Baumgartner and Jones 1993). Political entrepreneurs may not frame problems in obvious ways (indeed, they may do so for more self-interested reasons, which I discuss in chapter 4), nor do they always provide workable or popular solutions. Yet, they play an important role in determining the public policy agenda. Disability rights is an American political innovation that required political entrepreneurship in order to emerge and flourish. Not only did political entrepreneurs create a rights framework, they also provided the tools necessary for outsiders and “regular citizens” to challenge the state on the grounds the government itself laid out. It is an excellent example of how, in Andrea Campbell’s (2005) words, “policies make citizens.”

WHAT DRIVES POLICY CHANGE?

Perhaps the more convincing argument about why we have the policies we do is that the government appeals to the wishes of its citizens. *Demand-side* (or bottom-up) explanations of social/political change, like democratic theory, essentially assume that government only acts when public preferences suggest action is necessary (Burstein 1979; 2003; Page and Shapiro 1983). After all, politicians must win elections and thus it makes sense that they seek public approval. The notion that government responds to public demands also makes citizens feel good about their democracy since democracies are often compared according to their level of responsiveness. That the government responds to challenges from the outside is an important assumption in the work on social movements as well (see Rochon and Mazmanian 1993; Meyer,

Jenness and Ingram 2005; Giugni 1998) whereby policy responses are often seen as a product of outside interests and mobilization.

To be sure, government pays attention to voter preferences, interest organizations and other “outside” challenges, like social movements. Scholars of democratic politics have shown that governments tend to respond to public preferences more often than not (Stimson et al. 1995; Monroe 1998; Burstein 2003). This suggests that when important social policies are passed, the public should have, prior to legislation, *clearly* preferred such a course of action. This also implies that the public is aware of such a policy and has opinions about it: what sociologists and political scientists call issue salience. Burstein’s (1979) work on antidiscrimination legislation shows that, by the time Congress passed laws prohibiting discrimination in education, employment and housing, more than 60 percent of whites believed that those forms of discrimination were wrong. Of course, the civil rights movement helped change public perceptions throughout the U.S. by encouraging national media coverage and forcing northern political elites to pay closer attention to the plight of African Americans in the South (McAdam 1982). Burstein (1979) also shows that antidiscrimination policies did pass shortly after peaks in civil rights demonstrations.

A number of studies have shown a similar pattern when it comes to social welfare policies. Despite populist and progressive movements of the early twentieth century, by and large, before the Great Depression, the public believed corporations and philanthropy would rectify social problems, and the federal government largely agreed (Orloff 1988). However, although Americans like to think that they care for their own, they in fact take for granted government policies meant to help disadvantaged and vulnerable groups (Newman and Jacobs 2010). By the 1930s, a majority of the public wanted the Social Security Act (Amenta and Parikh

1991). At the same time, the Townsend Movement forced Congress to deal with old-age pensions (Amenta, Caruthers and Zylan 1992). Welfare programs and spending are also intimately linked to public preferences (Quadagno 1990; Schram and Turbett 1983). Until its termination in 1996, changes in Aid to Families with Dependent Children (AFDC) spending have, in part, been a function of public support for the program (Kail and Dixon 2011).

Indeed, Stimson's (2004) pendulum or Wlezien's (1995) thermostat analogies suggest that the Great Society Programs of the 1960s were a response to liberalizing attitudes in the late 1950s. In fact, the public became more critical of government involvement at the height of the Great Society (suggesting the public was responding to a policy shift to the left) that eventually led to a more conservative and austere Carter and Reagan Administration. It was during this public shift towards less government that disability rights emerged on the political scene. Like Pierson (1994), Newman and Jacobs' (2010) analysis of public opinion polls and letters written to the president by ordinary citizens suggests a complicated relationship between public sentiments and social welfare policies. While public support declines after strong government action, many Americans do not favor undoing many of these policies once they take effect. Thus, at different points in time, the public has cared about some issues more than others, and has often expected the government to get involved. As Brooks (1999:137) explains, "a number of researchers have reported that while Americans tend to resist an activist conception of the federal government, they often give high levels of support to specific social programs." From this bottom-up perspective of change, regardless of whether one focuses on activism, interest groups or public preferences, the assumption is that elites respond to new demands for government intervention.

But this begs the question as to whether the U.S. was politically innovative in disability rights because elites were responding to a demand either from voters or social movements, or both. To answer this question, it is important to establish not only whether the public supported disability rights policy in the 1960s and onwards, but whether the public even had an opinion on this issue, and whether these public attitudes were actually known to elites. Likewise, if social movements mattered in pressuring the government to be innovative, then social movement organizations (SMOs) should have been actively promoting civil rights for the disabled in the 1960s. I claim that neither of these scenarios was sufficiently present *before* the government became involved in disability rights.

Issues like social security, civil rights, and the Great Society Programs, are all “big” issues. In many cases, polling agencies ask the public their opinion about education, welfare, taxes, defense and the economy, as well as whether they think these are important issues. Although the public may have more tolerance for government involvement on one or two “specific social programs,” the more specific the issue, the less likely individuals are to be aware of the details (Brooks 1999). In fact, as Stimson notes regarding policies of the New Deal, only sporadic polls exist on specific policies because there is no sustained controversy surrounding those issues over a long period of time. For example, the environment did not generate much controversy before the 1970s, and I would argue, neither did disability or disability rights. So what of issues that the public does not think much about yet affect a large number of people? Disability is one such issue. About 15 percent of Americans claim they are disabled and most Americans know someone with a disability. However, with the possible exception of insurance, veterans, and the enactment of the Americans with Disabilities Act (ADA) in 1990, few if any polls have been systematically conducted on issues of disability. It might be the case that broader

public support for social welfare and civil rights might indirectly extend to disability. However, without direct and systematic public opinion questions on handicap and disability, it is difficult to prove that changing public preferences about disability led to increasing government attention on the issue, let alone to specific government policies.

Although we have little knowledge about disability policy-opinion responsiveness, it appears that *disability is simultaneously ubiquitous and inconspicuous*. Note that unlike other constituencies, disability has always had a place on the congressional agenda. Disability-related issues tend to be connected to a wide array of policy domains including veteran affairs, healthcare, transportation and education. This continuous presence and issue diffusiveness is not a result of elites responding to constituents' demands about disability. Furthermore, framing disability in terms of rights involved contending with an existing social welfare paradigm, both rehabilitative and medical. Even with what Skrentny (2003) calls "the minority rights revolution," social welfare remains a salient part of disability politics. The Rehabilitation Act of 1973 is a perfect example of an intertwining of rights and social welfare. The shift towards rights is not a function of a shift in public attitudes such that the public suddenly in the 1960s saw disability as a minority deserving of rights or that they drew a connection between the plight of African-Americans and disability. Rather, much like Armstrong (2002) argues regarding gays and lesbians, disability was not an obvious political constituency until entrepreneurs framed it as such. Political entrepreneurs (elected and nonelected) within a policy community began to frame "disability" as an issue of rights. If the government has been long engaged with issues related to disability, but it is unlikely that it was so because of public preferences or social movements, it raises two important questions: Why is government paying attention to disability and how is it paying attention?

Stimson (2004) claims that as few as 10 percent of the public could care about an issue in order to generate government interest. Other scholars have suggested additional reasons as to why political elites act with little outside pressure. I call this a *supply-side* (or top-down) approach to social change, which is a major theme of this project, especially how entrepreneurship leads to policy that in turn mobilizes constituencies. Perhaps the first systematic large-scale empirical work that has shed a great deal of light on why government pays attention and how it does so over time is Baumgartner and Jones' *Policy Agenda Project*. A key theme in their work, which is based on extensive data collection, is that the government, much like the public, has a limited attention span. Therefore, even though the committee and subcommittee structure allows for simultaneous discussion of issues, the government cannot address all issues at once. A second point made by Baumgartner and Jones (1993) is that issues lie within policy communities made up of "insiders" including interest groups, committees, and federal agencies who seek some equilibrium on an issue. They do so by obtaining and interpreting information and by regulating the policy images they put out. In their subsequent work, Jones and Baumgartner (2005) focus on disproportionate information processing which exists because, in an environment filled with information, political entrepreneurs have to sift through, rather than search for, information. Disproportionate information is important because it shapes how problems are identified and how subsequent solutions emerge. Thus, the agenda-setting scholarship suggests that there is a set of constraints placed on the ability of outsiders to influence policy.

The growing body of work on agenda setting in politics alludes to the entrepreneurial nature of legislative behavior, suggesting that legislative outcomes are not merely a product of the influence of public preferences or organized interests. Thus, while political entrepreneurs

may be responsive to outside pressures, they also pursue policy because of personal histories and experiences, biographical characteristics, ideology, and career ambitions (Costain and Mastrovic 1994; Reichmann and Canan 2003; Sulkin 2005). Since political entrepreneurs select information to frame policy, “framing the problem” and the institutionalization and propagation of issues can come from the inside (see Reichman and Canan 2003 on “ozone entrepreneurs” and Skrentny 2003 on “idea entrepreneurs”). This means that political elites can often be innovators on issues whereby their actions lead to both intended (i.e., policy) and unintended (i.e., grassroots rebellion) consequences.

Policy communities also change over time (albeit slowly). King’s (1997) *Turf Wars* suggests that establishment of committee jurisdiction over issues and the work of policy entrepreneurs are very closely related. Policy entrepreneurs seek to expand their turf by introducing bills that are only marginally related to the committee of which they are members, and they propose bills with language that might influence parliamentarians to assign the bill to their committees. As King notes, committees might have statutory jurisdiction on some issues (these are formally written down and often get changed in committee reforms), but most issues, particularly those sociologists might be interested in (including disability), are “jurisdictionally ambiguous,” which means it is not written anywhere that a given committee should be referred the bill. For example, farm bills are closely associated with the work of the Committee on Agriculture, but disability issues were, by no means, confined to the Senate Subcommittee on the Handicapped.

Issues related to disability have ranged from access to federal buildings, housing and transportation, to veterans, civil rights, health and the elderly (see chapters 3 & 4). Although a significant number of hearings were held before a small number of committees, disability does

not have as tight of a policy community as one might think since more than a dozen congressional committees have held disability-related hearings over the last 50 years. Indeed, as chapter 4 illustrates, disability went from policy monopoly to policy community in the late 1960s and early 1970s. In addition, many disability-related issues transcend committee jurisdictions. Are architectural barriers under the jurisdiction of House Committee on Public Works (where most hearings surrounding the Architectural Barriers Act of 1968 were held) or the House Committee on Labor and Public Welfare (where access became much more of a concern for this committee particularly following the Rehabilitation Act)? In the Senate, the Special Committee on Aging held several hearings on access, but was later joined by the Subcommittee on Handicapped within the Committee on Labor and Public Welfare. And what of transportation for the disabled? Is it an issue for the Senate Committee on Labor and Public Welfare (Subcommittee on Handicapped), the House Committee on Banking and Currency, or the House Committee of Public Works? In the late 1960s and early 1970s, all three held hearings where disability-related issues to transportation were raised. Later, the ADA was referred to four different committees which, according to Smith and Deering (1990), slowed progress on the legislation.

Turf wars also exist within the executive branch. Fewer studies exist on jurisdictional wars within the bureaucracy but, nonetheless, accounts suggest that agencies seek to aggrandize and claim their jurisdiction over issues. Entrepreneurs in the executive branch are important players that allow agencies to claim turf. Disability, especially disability rights, is a particularly salient example of this (see Katzman's 1986 on transportation policy and disability). Once policies are passed, they are assigned to a branch of the executive (or sometimes create an agency, like the Clean Air Act and the EPA, or the Civil Rights Act and the EEOC) so that

regulations could be written for the implementation of the policy. In the case of the Rehabilitation Act, the first disability policy with antidiscrimination language, the Office of Civil Rights (OCR) within the Health, Education and Welfare Department (HEW) was assigned that role. This was a significant change since the Rehabilitation Services Administration (RSA) had been the primary agency dealing with disability (particularly rehabilitation). Senate committee staffers, rather than members of Congress, were critical in promoting the law as affirmative action. They then found entrepreneurial allies within the bureaucracy, namely the OCR within HEW because they believed that they were (1) ideologically congruent and that (2) they understood that this was a *civil-rights* law. In fact, it was institutional entrepreneurs in HEW who added a compliance mechanism enforcing an antidiscrimination provision.

There was clearly an opportunity here for the OCR and HEW to aggrandize and assert their power because all other agencies in the executive would be bound by HEW regulations. This need not lead to conflict but the disability-related policy community had become fairly diffuse, and other agencies had already been dealing with disability. In the 1960s, members of the Department of Transportation (DOT) pursued an effective mobility approach in dealing with access to public transit. Effective mobility refers to providing the disabled access but not equal access. Rather, it emphasizes a cost effective, separate-but-equal solution that is fairly consistent with how government and the public understood disability at the time. HEW's position on equal rights forced DOT to abandon their efforts. In addition, entrepreneurs in HEW sought to assert their authority by generously interpreting Congressional intent regarding Section 504 of the Rehabilitation Act (the rights and affirmative action sections of the law). Critics accused the

executive of taking a compassionate position of Congress and turning it into an inefficient and costly policy that Congress never wanted.³

Elected officials often work behind the scenes in conjunction with the bureaucracy, which means that the ways in which policy – even rights-based legislation – comes about can have little to do with demand-side factors. In this case, elites helped to reframe disability in terms of equal rights. This represents a paradigm shift because, although disability always had a place on the policy agenda, political or public discourse never revolved around minority rights. So what drives policy change? It is true that changes in public attitudes and preferences, the work of SMOs and interest groups, and direct-action, put pressure on elites to act. This dissertation addresses these variables in more detail (see Chapters 5 & 6) but the point is that, in the case of disability rights, there is little evidence to suggest that these factors existed prior to the introduction of the Rehabilitation Act. This suggests that outside pressure does not always explain why government officials pursue certain policies, or why they pursue them in the particular way that they do. This is not to say that these outside pressures do not matter. In the case of disability rights, they mattered *after* elites reframed policy in terms of rights. This implies that, in order to understand why the U.S. was an innovator rather than a policy laggard on disability rights, it is necessary to explain the dynamic and non-recursive nature of bottom-up and top-down forces of change.

³ Representative Cleveland of New Hampshire (R) stated that “The Congress wrote into statute and attractive-sounding, compassionate, fair minded, right-thinking statement of good intentions with no earthly idea of the consequences. Then the fanatics at DOT [who were actually implementing HEW regulations] got hold of it and we wound up with a costly, inefficient and disruptive set of regulations to impose requirements which the Congress never intended, much less specified” (Congressional Record, December 1980).

INSIDERS, OUTSIDERS AND SOCIAL CHANGE

When one begins to link supply-side and demand-side explanations for why social change happens, it blurs the lines between who is an insider and who is an outsider. Traditionally, institutional actors were considered insiders and social movement activists and organizations outsiders. Indeed, where institutional analysts emphasize how (usually elite) actors facilitate change within institutional contexts, social movement scholars focus on how outsiders, usually with few resources, manage to promote social change from the outside. That is, social movements pressure insiders to provide public goods and address grievances.

Scholars (e.g., Tilly 1978; Pierson 1994) interested in explaining social change, particularly policy change, have used *institutional activist* to refer to individuals with access to institutional resources and the decision-making process who are actively working on movement issues. By and large, social movement scholars have treated institutional activists as those who take up *an already existing* cause championed by social movements either because insiders are sympathetic or because they themselves were, or continue to be, participants in those social movements. But there is a broader problem here. If, as I mentioned earlier, there is little evidence that changing public preferences and/or mobilization and framing of rights by SMOs preceded government action, then how can institutional activists only champion existing outsider goals? In fact, a central claim of this project is that institutional activists are far more entrepreneurial than is traditionally thought.⁴ Entrepreneurs do not have to be social movement activists to promote social change, but their involvement can have profound implications for social movements because they can actually create opportunities for mobilization.

⁴ Institutional activist and political entrepreneur are distinct but potentially overlapping concepts. In other words, not all institutional activists may be entrepreneurial but all entrepreneurs have to be activists (as Schneider and Teske 1992 note).

Disability is a particularly interesting example of the ways in which social change moves back and forth between insiders and outsiders. There is a dynamic interplay over time between the actions of the former and those of the latter. First, through policy innovation, entrepreneurial institutional activists reframed disability in terms of rights by adopting some of the language of the Civil Rights Act. This is important because it suggests that the link between civil rights and disability rights is most direct at the policy level rather than at the grassroots. In many ways, insiders created the *collective action frame* (a frame that identifies justice and rights and the efficacy and collective identity needed to mobilize) that would shape the emergence of the DRM. Indeed, entrepreneurs politicized a constituency. Disability activists now had the political tools and the language to frame their grievances in terms of injustice and inequality. Second, when institutional entrepreneurs were met with obstacles, for instance when those in the OCR could not get the HEW secretary to sign Rehabilitation Act regulations, they appealed to the growing protest-oriented activism and new disability groups that coordinated them. Again, this showcases the back and forth nature of the relationship between insiders and outsiders.

Mobilizing a Constituency

Policy is often seen as an important (although not singular) goal or outcome of social movement mobilization. From the perspective of resource mobilization theory (RMT) and interest-group model politics, formal organizations continuously work with elites to maintain issue salience within the political arena and to influence policy. Political process theory (PPT) suggests that mobilization, particularly protest, declines following a response from political elites, such as policy enactment, which usually institutionalizes elements of the movement. Scholars have begun to recognize a “chicken and egg” type relationship between movement emergence and

policy enactment. Echoing Ingram and Smith's (1993) work, Meyer (2005; 2007) argues that policies can politicize constituencies that later monitor the implementation and renegotiation of policies. I claim that policies like the Architectural Barriers Act (ABA) and the Rehabilitation Act were opportunities for the expansion of disability advocacy organizations and protest, rather than a consequence of these. Whereas most of the work in the field of social movements does not consider movement emergence and outcomes together, I suggest that, in the case of the DRM, social movement emergence and policy outcomes cannot be treated separately.

In 1972, a series of protests coordinated by the young advocacy/protest organization Disabled in Action (founded in 1970) targeted Nixon's vetoing of the Rehabilitation Act. For the first time in the history of disability politics in America, protest was sustained over an extended period. Prior to the 1970s, the disabled taking to the streets using disruptive tactics and demanding civil rights was uncommon. The overall paradigm or worldview was one of rehabilitation and adaptation – of clients requiring social services – not one of rights, equality and injustice. Organizations were largely oriented towards service provision rather than advocacy. Many were created and managed by non-disabled individuals such as rehabilitation professionals and parents. They raised funds, sought to expand services and programs through political channels, and provided rehabilitation, health, and employment services. Disability organizations have existed since the late nineteenth century and, given that disability has always been on the policy agenda, they were embedded in, and often perpetuated, a social services and rehabilitation model. As Scotch (2001:34) writes, although existing organizations “had varying degrees of political involvement... none was oriented toward the general issue of civil rights for all disabled people.”

With minimal involvement of a key set of “outside” (but elite) players,⁵ institutional entrepreneurs advocated for laws that fundamentally created conditions necessary for the DRM to flourish. Following the introduction of the Rehabilitation Act, political elites like Senate staff, ensured that the affirmative action and antidiscrimination language of Section 504 remained present in subsequent bills. The language of these policies was championed by those within government agencies, namely the OCR in HEW, and extended beyond this particular legislation to a variety of existing issues such as education and transportation.

As the government became more involved in disability rights, the period also marked the beginning of organizational advocacy expansion and sustained confrontation between challengers and the state. Although neither the Architectural Barriers Act nor the Rehabilitation Act were a result of movement activism, these policies (especially the latter) gave the DRM new tools, civil rights/justice framing and a new target of collective action. Organizations like Disabled in Action (DIA), and persons who would become prominent movement figures such as Judith Heumann (the founder of Disabled in Action), more readily promoted or engaged in direct-action compared to long established groups. These organizations became the foundation of the DRM as it entered into the 1980s and challenged not only government, but also public and private corporations.

New Organizations, New Goals and New Strategies

The DRM shares similar structures with other social movements, but it is also an interesting example of how, in Gamson’s (1975) terms, “new advantages” such as policy are realized,

⁵ I refer to these groups as elite outsiders because they are, as Gamson (1975) might suggest, incumbent and government legitimated organizations. They followed the government’s lead in shifting their attention from strictly health and welfare service-provision towards equal rights.

mainly through the work of institutional activists. Until the 1970s, disability organizations, including the *Muscular Dystrophy Association*, *March of Dimes*, *National Society of Crippled Children*, and the *Easter Seals* (see Longmore 2003), were largely service-provision organizations, usually not run by disabled people, complimenting the dominant paradigm of rehabilitation and the medical model of handicap. Even their political involvement by and large was based on expanding social services that benefit the handicapped, rather than civil rights. The struggle for nascent advocacy organizations was not just about dismantling the medical model but also about fighting the “rehabilitationists” who generally did not promote a civil rights agenda (see Berkowitz 1987 on “assistance as oppression”). Rather, the dominant worldview, which is reflected in political discourse of the time, was based on the belief that “disabled people accommodate society rather than society accommodate them” (O’Brien 2001:5). Thus, the few attempts at rights-based direct-action and organizing that took place before the 1970s were short-lived (see chapter 5) and overshadowed by service provision in the form of vocational rehabilitation.

Accounts of the movement, as well as the organizational data I analyze in my dissertation, suggest that organizational change began in the late 1960s and early 1970s, just as disability rights discourse and a policy frame emerged in Congress. At this time, organizations like *Easter Seals* and *United Cerebral Palsy* moved away from telethons that pitied the disabled⁶ to a frame that empowered disabled individuals. These organizations demonstrated that they could raise money without relying on pity and tragedy. At this time, the disabled became active constituents, rather than passive beneficiaries. DIA, which used direct action, emerged directly as a response to the politics surrounding the Rehabilitation Act (Katzmann 1986).

⁶ The Muscular Dystrophy Association’s Jerry Lewis Telethon has been begun in 1965 but for many in the DRM, this is an appeal to pity in order to raise funds for cures. Thus, “Jerry’s kids” has often been a target for the DRM.

Throughout most of the 1960s, few organizations had political or legal targets. Only a subset of organizations in this early period was involved in the political process, and their objectives involved the expansion of services and programs. However, while social and health services were still an important target following the Rehabilitation Act, as rights became an increasingly salient feature of political discourse, the government became a more prominent target of direct action. When institutional activists framed handicap in terms of rights, they not only dictated the content of subsequent mobilization, but they also turned the federal government into a target of action from both the inside and the outside. Congressional initiatives made the government a player, not only in expanding services for the handicap, but also in providing rights to persons with disabilities.

The disability organizational field has undergone important changes since the early 1960s. In addition to these overarching patterns, disability organizations have also become more multi-issue and run by individuals with disabilities coinciding with the nascent disability identity or consciousness which further empowered this constituency. These organizational changes reflect the stories told about disability rights in America in the twentieth century: The shift away from single-focused parent-run organizations to more inclusive, multi-issue, disability-run groups; the independent living movement and the emergence of a more inclusive and political “disabled” identity; the growing political education and direct action of the late 1970s; the effects of the conservative backlash against disability rights in the 1980s creating a heightened period of mobilization; disability culture, integration, and separation; and the continued fight for improved policy, especially related to school integration, and the emergence of the self-advocacy movement (see Longmore 2003; Fleisher and Zames 2001; Scotch 2001; Shapiro 1993; Berkowitz 1987).

Importantly, these organizational changes, which include both the overall expansion of the field, and the shift towards advocacy, as well the increased use of direct action, happened after rights-based legislation was enacted. In turn, these groups and their use of protest mobilized around these rights to continue to pressure the state to maintain or extend these policies.

THE EMERGENCE OF DISABILITY RIGHTS IN AMERICA

How did disability rights emerge in America? The scant literature on the topic suggests two possible answers to this question. One perspective sees the rise of disability rights as a direct consequence of grassroots mobilization much like the Civil Rights Act is attributed to the work of civil rights movement activists: these movements are connected via a broader cycle of contentious politics of the sixties and seventies (see Fleisher and Zames 2001 and more recently, Pelka's 2012 *What Have We Done*). A second, more top-down approach, claims that the actual movement was in the government (e.g., Skrentny 2002; Scotch 2001). In other words, important legislative gains were made through the efforts of political entrepreneurs, and they did this not because they were pressured by outside challengers, but because of extant personal and policy experiences and career ambitions. Neither perspective alone fully captures the reasons behind the rise of disability rights because they fail to account for the back-and-forth nature of institutional activism and grassroots activism over time. For instance, the DRM did not begin with radical or informal outside organizations or the use of disruptive tactics to gain political leverage. The use of protest and an organizational shift towards advocacy did later become important but only after entrepreneurs reframed disability discourse in terms of equal rights. Thus, the question about why the U.S. is a policy innovator on disability rights requires particular attention to the

relationship between politics and policy, protest and organizations, in linking demand-and-supply-side explanations for social change.

Social Movements: Organizations and Opportunities

A key argument in this dissertation is not that outside mobilization was absent in the expansion of disability rights. Rather, the DRM became increasingly relevant after the government extend civil rights to the disabled. Thus, an important part of this project involves shedding light on the role of the DRM in promoting social change vis-à-vis elites and entrepreneurs in the government. Two complimentary theoretical perspectives have been used in the study of social movements: resource mobilization theory (RMT) focuses on organizations and resources, while political process theory (PPT) focuses on political opportunities, timing, and protest waves (or contentious politics).

RMT emphasizes the ability of professional organizational entrepreneurs to mobilize external resources. This theory focuses on the entrepreneurial nature of social movements and is not wholly dissimilar from the interest group model of social change, which assumes that elites are influenced by institutionalized interactions with interest organizations. PPT claims that political opportunities are necessary for understanding the timing of mobilization, especially the rise of contentious politics on the part of political outsiders with few resources (Tilly 1978). Where RMT focuses much more on the institutionalized or professional nature of social movements, traditional PPT links movement emergence (and subsequent outcomes of mobilization) to the conflict between outsiders and elites (Piven and Cloward 1979; Costain 1992). Unlike RMT, it has traditionally focused on the relationship between political

opportunities and protest and the ways in which outside challengers use disruptive tactics to gain political leverage (Eisinger 1973; Meyer 2007).

From the perspective of RMT, the emergence of a movement begins with organization building. Organizations (particularly formal and professional organizations) are necessary in forming important links with institutional entrepreneurs and for aggregating external resources (Oberschall 1973; McCarthy and Zald 1977; Johnson, Agnone and McCarthy 2010).

Organizations tend to be large professional advocacy groups because, as organizational scholars suggest (Hawley 1968; Aldrich and Pfeffer 1976; DiMaggio and Powell 1983; Cress and Snow 1996; Skocpol, Ganz and Munson 2000), these groups maximize their ability to obtain resources when they reflect their resource environment. Organizations ensure their survival by adopting a strategy that is considered legitimate (Meyer and Rowan 1977; DiMaggio and Powell 1983). Indeed, institutional entrepreneurs in the government play an important role in legitimizing organizational challengers (and in turn their organizational forms) by creating new policy innovations, frames and opportunities of which organizations can take advantage (Gamson 1975; Roa, Morrill and Zald 2000; Campbell 2005). What this perspective highlights is the importance of the existing organizational base in the process of movement emergence (Minkoff 1995).

In the case of disability, old and established groups like the ones mentioned earlier, are in Gamson's (1975) terms, "*innocuous*" or incumbent and state-legitimated elite organizations that had fairly close ties to politicians, their staffs, and administrative agencies, and often were involved in protecting or extending social services through the political process. But, much like political elites of the time, these organizations were not championing rights. Instead, they worked with elites to ensure the expansion of health and social welfare services. The kind of advocacy

organizations scholars point to when they refer to movement emergence really occurred after political entrepreneurs framed disability political discourse around rights.

PPT links the emergence of social movements to changes in the political opportunity structure (POS). Unlike the interest group model RMT presents, PPT has traditionally seen movement emergence as synonymous with the start of contentious politics and/or a protest wave (Tilly 1978; Tarrow 1998). Although contemporary versions of PPT do not ignore institutional tactics in mobilization (see for instance, political mediation theory, Amenta, Caren and Olasky 2006; Johnson, Agnone and McCarthy 2010), the theory emphasizes conflict between resource-poor individuals and influential authorities usually through “non-institutionalized means” (McAdam 1982). Protest is often seen as accelerating a movement’s course as it solicits either a favorable or unfavorable response on the part of elites. In addition, PPT emphasizes the timing of mobilization, particularly across a variety of constituencies; hence Tarrow’s *cycle of protest/contention* and its characterization of the “movement decade” of the 1960s. PPT thus addresses two deficits in organizational and resource-oriented theories of movement emergence. First, it sheds light on the emergence and decline of mobilization but does not assume that the presence of formal organization is necessary for these processes (see Piven and Cloward 1977). Second, it speaks to the extent in which challengers can work closely with elites, as well as the nature of resource flows available to SMOs. After all, interest organizations’ influence is partially determined by the nature of political opportunities (Meyer and Imig 1993). For this and other reasons, scholars have advocated a synthesis of organizational and political process theories (McCarthy, McAdam and Zald 1996), leading PPT scholars towards a “more dynamic analysis of the reoccurring mechanisms and processes of contentious politics” (Carens 2007:1).

According to Tilly (1978), social movements will have the most influence when they are small but have close ties to the government. In some ways, disability fits the bill in that the government was already paying attention to this constituency, and the DRM, in comparison to black civil rights and feminist movements, was fairly small in scale (particular as this pertains to the use of disruption). At the same time, the case of disability challenges PPT for two main reasons. First, protest or contentious politics did not emerge until after political elites shifted their focus from services to rights, suggesting that elites were not reacting to protest but rather the opposite. In other words, the extension of rights facilitated the DRM rather than DRM facilitating the emergence of disability rights policy. Second, organizations prior to the Rehabilitation Act seldom, if ever, engaged in any form of direct action, preferring to work with elites in a non-contentious way, as evidenced by their role in testifying at congressional hearings. Thus, what one might think is an outcome of mobilization, such as Section 504 of the Rehabilitation Act, is not. The timing of such outcomes simply does not support that thesis. And, although incumbent disability organizations working closely with elites tends to fit well with RMT, these groups were not advocating for rights, and in many ways reflected the status-quo on handicap, not innovation.

However, a changing political climate characterized by the pursuit of rights by political entrepreneurs can help explain the emergence of new advocacy organizations, while existing groups began to broaden their constituencies, their strategies and their targets, as a result of new policies. The POS can also, if properly specified (for instance, by focusing on issue-specific government attention via congressional committees, hearings, and legislative action), explain why protest became more widely used in this period. More importantly, the fact that a rights-oriented movement emerged after government action, and that the extent to which insiders and

outsiders have influence varies over time, suggests the presence of non-recursive ties (or a feedback effect) between political opportunities, organizations and direct-action. The concepts of institutional activism and political entrepreneurship help specify the link between politics, protest and organizations.

Outside Influence on the Policy Process

Demand-side explanation of social/political change tend to implicitly and sometimes explicitly assume that public preferences, social movements and other forms of “outsider” pressure, directly influence politicians and, in so doing, influence the legislative process (Burstein and Hirsh 2007). But, as Burstein (2003) argues, other factors like party ideology and platforms, interest organizations and public preferences condition or mitigate the influence of movements and public opinion. Work on agenda setting in Congress, as noted earlier, suggests that entrepreneurs often promote policy, not because their constituency or interest groups demand it, but because they wish to expand their committee’s territory, because of personal histories and experiences, and because they are career ambitious. Committees and the hearings they hold shed a lot of light on when and how political entrepreneurs focus on certain issues. In addition to bills and legislation, as Smith and Deering (1990:1) note, it is in committees where “the careers and reputations of individual members of Congress also are molded by their committee activities. It is through committees that members most frequently contribute to policy, gain media and constituency attention for their involvement with an issue, and develop their closest working relationships with colleagues, executive officials and lobbyists.” Thus, if outsiders are to influence agenda setting and legislation, they must contend with these sets of constraints.

Jones and Baumgartner's (2005) and King's (1997) work alludes to a set of factors other than democratic responsiveness that shape the focus of political entrepreneurs. Jones and Baumgartner argue that there is abundant information on issues (since the committee and hearing process is literally an information gathering machine) and, due to bounded rationality, emotion and personal interest, political entrepreneurs sift through information and disproportionately focus on some issues over others (much like the public). King focuses on how political entrepreneurship is the mechanism by which committees seek to maintain or claim new jurisdiction over issues, since entrepreneurial committee members actively work to define issues so as to stake a claim on them. This does not mean that outside pressure plays no role in how issue attention occurs, but it is only one factor and outsiders are generally fairly limited in what they can do to affect attention or influence how entrepreneurs think about issues. Indeed, recent work (for instance, see Ellerman 2009 on immigration policy) has shown that the U.S., compared to proportionally representative political systems of Europe, has a rather poor record of supplying policies the public actually demands. This means that although entrepreneurship and innovation within institutions has a large effect on policy output, given the U.S.' weak state, policy compromises and stalemates often produce ineffective policy and unintended effects (I return to this point in chapter 7).

Recent work by movement scholars has become more sensitive to just how movements can influence policy and vice versa. This work has acknowledged two important points. First, legislative enactment is but the final stage of the process where outsiders are likely to have the least amount of influence. This means that outside influence is stronger earlier in the policy process. Movements can attempt to exert influence on government agencies (Banaszak 2010) as well as on the public agenda (Baumgartner and Jones 1993; King, Bentele and Soule 2007). It is

argued that social movements have more influence on the hearing phase of the political process than on policy outcomes themselves for three reasons. First, and drawing from Gamson (1975; see also Rochon and Mazmanian 1993), few social movement groups can influence policy outcomes without first gaining legitimacy through inclusion in the political process. When organizations routinely interact with entrepreneurs and committees, they eventually are guaranteed a place at the table when committees hold hearings about relevant topics. Second, unlike policy outcomes, it is not necessary to influence all of Congress but only a few key institutional activists within committees that hold hearings (Johnson 2008). Third, less energy is required to influence elites in the agenda-setting phase because organizations do not necessarily have to jointly use institutional tactics and direct action. In fact, according to political mediation theory, protest may actually be counterproductive when the POS is already open (Johnson, Agnone and McCarthy 2010). Thus, congressional hearings are not merely a symbolic formality that precedes legislative action. Hearings become an important locus of influence particularly in terms of issue framing and information gathering and dissemination. At the same time, growth in the number of hearings may also signal issue interest by the government.

Second, recent work alludes to the fact that legislative action need not be an outcome of social movement activity; rather legislation can influence movements (in other words, the relationship between political action and mobilization is non-recursive). This, in part, is what scholars like Ingram and Smith and Meyer think of as a “chicken and egg” problem as well as Campbell’s (2005) and Skocpol’s (2007) work on the effects of policy on civic engagement and voluntary associations. While the work of entrepreneurs mobilized a disability constituency, the relationship between government action and the DRM shifted back and forth, suggesting a

feedback effect between insiders and outsiders. I discuss this in greater detail in the following section.

Political Entrepreneurs Invite a Disability Rebellion

The question about the link between movements and elites is not about whether RMT and PPT can be appropriately applied in explaining the rise of disability rights. Rather, my dissertation seeks to specify when and how elite action, political opportunities, organizational dynamics, and direct action matter in relation to each other across time. As PPT and RMT became increasingly synthesized into one theory of mobilization (McAdam, McCarthy and Zald 1996; McAdam, Tarrow and Tilly 2001), and as the social movements that sparked theoretical shifts in the area became more “institutionalized,” the line between insider and outsider became harder to draw with great certainty. As a result, more attention has been paid to the importance of activism by political entrepreneurs, particularly how they create new opportunities for mobilization by acting as issue initiators, usually through policy or government programs, subsequently encouraging mobilization. In other words, government action, rather than signaling a decline in mobilization, can signal the emergence of a movement.

I borrow from the book title “Inviting Women’s Rebellion” because in that book, Costain (1992) argues that Congress acted as an “initiator” on women’s issues (see also Costain and Majstrovic 1994) mostly as a way to gain votes. It stands to reason that increasing congressional attention on an issue can create an opportunity for organizational expansion and the use of both protest and institutional tactics, depending on the degree of conflict surrounding the policy community. I suggest that *the government invited a disability rebellion*. Institutional activists reframed disability political discourse around rights for a number of reasons ranging from

personal and professional experiences, to aggrandize committee or agency jurisdiction, and to further their careers. Although it is not clear whether entrepreneurs sought to be active on disability rights as a way to gain votes, disability is an issue that has little direct opposition and consequently, little risk in its pursuit. Nonetheless, cost did become the major frame for opponents of disability rights expansion which may explain why Congress retreated from disability rights. Yet, they ensured that entrepreneurship would continue through the non-elected executive branch (namely the OCR in HEW), where staff expanded the intent of the law. But, when the executive sought guidance (and support), Congress remained silent. The early to mid-1970s marks a rapidly closing opportunity for “costly” liberal policy where the government eventually became more hostile towards the laws they enacted. The so-called cost of disability rights most definitely loomed over the politics of the Rehabilitation Act, but in addition, the balance of political power also began to shift. Meanwhile, more organized opposition outside the government emerged in response to policy regulations and compliance; especially vocal were public educational institutions and public transit corporations that relied on federal moneys and contracts.

To understand the rise of disability rights, it is important to begin with the premise that “movements respond to, as much as create, changes in public policy...” (Meyer 2007:169). With a few exceptions, (Gamson 1975; Amenta, Caruthers and Zylan 1992; Giugni 1998; Burstein 2003; Meyer, Jenness and Ingram 2005), political outcomes are often ignored in the scholarship on social movements. Policies not only frame “the problem” but also bring new constituencies into the political process (Campbell 2005). It is not surprising then, that these constituencies, when mobilized, “often appeal to pre-existing entitlements” (Reese and Newcombe 2003:296). I suggest that the DRM is an especially pertinent example of the ways in which institutional

activists initiate outside mobilization. When political elites promoted a disability rights policy agenda, they did not do so because protesters pressured them. Rather, elites, many of whom were involved in the Great Society Programs of the 1960s and many of whom had personal ties to disability and disabled people, reframed “handicap” in terms of rights. When Congress retreated from that role, outside pressure came to play a more central role. Mobilization can therefore be both an outcome and a cause of congressional action (Soule, McAdam, McCarthy and Su 1999).

What did Policy Entrepreneurs do?

Many social movements owe a great deal to early-risers like the civil rights movement. From framing grievances, to tactics and strategies, to organizational forms, the civil rights movement clearly shaped, and created an opportunity for, subsequent social movements. The DRM is not an exception. Pelka’s (2012) recent work includes several accounts of future disability activists who were influenced by the social movements of the 1960s and 1970s. No doubt, many people who came to participate in a variety of social movements would cite the civil rights movement as a major influence. But my dissertation raises and addresses two related puzzles. First, civil rights language did not find its way into policy because disability activists on the streets demanded it, or even because established disability organizations were pressuring elites in Congress to adopt a minority rights perspective. Second, unlike the civil rights movement, the shift towards a rights framework and expansion of disability rights policies occurred in a much more antagonistic political climate. The Civil Rights Act was enacted at the height of the liberal Great Society era. On the other hand, disability rights came onto the political scene just as the POS was contracting, not to mention that rights for the disabled did come to mean costs during a period of austerity and recession. This means that institutional activists or political entrepreneurs played a

particularly critical role in promoting disability rights in this rapidly closing window, and by also encouraging outside mobilization when institutional activists became less effective from within.

In the 1960s, institutional activists in the government, both in Congress and within government agencies, framed the problem of accessibility for the handicapped in terms of rights. Although this may appear, in hindsight, as a logical extension of the work of the civil rights movement and the Civil Rights Act of 1964, it is important to note that historically, disability discourse revolved around social services, framed in very pragmatic ways, such as vocational rehabilitation, and expanded educational and health services. The “special efforts” language that began to appear in political discourse of the time came to be framed by those in government (including those in government agencies such as HEW), as meaning equal rights. Policies like the Rehabilitation Act, introduced with little outside pressure, changed the definition of the problem. It redefined grievances in terms of equality and justice which is an important characteristic of collective action frames (see Gamson, Fireman and Rytina 1982; Gamson 1992). It politicized a constituency and because the government subsequently retreated from disability rights, the government turned itself into a target of grassroots mobilization.

Whether Klandermans’ (1984) “consensus mobilization,” Melucci’s (1989) “collective identities” or Gamson’s (1988) “ideological packages,” most accounts of the origins of collective action frames claim that these frames emerge from the outside. That is, through submerged networks and oppositional consciousness, shared personal experiences, and existing repertoires of action, actors develop collective action frames and mobilize. Gamson (1975) alluded to a few important characteristics of collective action frames: they are about *injustice*, they help define the *identity* of the group and create solidarity, and they also suggest that something can be done to *right* those wrongs. Both Gamson (1992) and Klandermans and Goslinga (1996) suggest how

these frames might emerge and they place some emphasis on the media and the public's role, but do not say much about the role of political elites. Yet, the social problems literature in sociology (for example, the term "moral entrepreneur," see Becker 1963; Gusfield 1963; Beckett's 1994 work on the war on drugs and crime, and more recently, Bonn's 2010 moral panics surrounding the war in Iraq) as well as the work in political science on agenda setting, congressional committees, and policy entrepreneurs (see also issue entrepreneurs, Carpenter 2011), suggests that political elites play a tremendous role in framing issues. In the same volume featuring Klandermans and Goslinga piece, Zald discusses the role of strategic framing by issue entrepreneurs alluding to the ways in which frames also evolve within the government. Roa, Morrill and Zald (2000) extend this concept in their work on institutional entrepreneurship and strategic action fields. The point here is that framing, including collective action framing, can have roots in institutions.

Since I argue that there is little evidence that either disability activists or groups mobilized around a rights-based identity that emphasized injustice until after political entrepreneurs provided them with the tools and framing to do so, it would be difficult to ignore the role of elites in setting the stage for the rise of a disability collective action frame. Indeed, collective action frames are part of the mechanism by which institutional entrepreneurs consequently helped mobilize a constituency. The shift from social and health service provision to rights created a justice (and injustice) framework; it provided a concrete rights policy to mobilize around no doubt creating a sense of efficacy; and as Armstrong (2002) would argue, elites helped in identity-building at the very least by politicizing disability through rights policy. In addition, entrepreneurs can encourage the use of protest either directly by forging ties with activists or indirectly by signaling a retreat from their entrepreneurial role leading activists to

take up the cause in the streets (elements of both were present for disability rights, see chapter 3). And, through the laws they enact, entrepreneurs change the interaction between a constituency and the government. In so doing, they affect the voluntary sector by changing the demand for certain types of organizations (in the case of disability, reducing a demand for service groups and increasing the demand for advocacy groups), as well as the availability and suitability of tactics.

The rise of disability rights in America can only be fully understood by specifying the relationship between insiders and outsiders – a divide that has, of late, become less significant as older movements have increasingly institutionalized (Pettinicchio 2012). Importantly, I raise doubts that the U.S. was innovative on disability rights because of pressure from voter preferences or organized interests. Sociologists and political scientists recognize the institutional constraints placed on outsider influence. There had long existed a disability policy monopoly composed of political entrepreneurs and incumbent disability organizations that were not advocating for rights, let alone direct action against elites. Although theories of social movements can be applied to disability rights, this case also challenges the assumptions of these theories, namely that advocacy organizations and contentious politics precede a fundamental reorientation of political discourse in the government towards rights. Rather, entrepreneurs generated a collective action frame that facilitated mobilization “on the streets.” The issue of disability rights raises important questions about the link between policy innovation and mobilization and requires particular focus on how formal organizations and political entrepreneurship matter at different points in time. The case of disability rights also highlights the importance of considering the nature of both social movement emergence and outcomes simultaneously, particularly since there is feedback between government action and social movement mobilization.

WHY THE U.S. IS NOT A POLICY LAGGARD ON DISABILITY

I began this chapter by suggesting, in essence, that the terms “innovation” and “entrepreneurial” are today seldom associated with politicians and political institutions. I argue that Congress has in fact acted innovatively, and that disability rights is one important example of such innovation. In addition to dynamic aspects of political opportunities noted earlier and throughout the dissertation such as shifting elite alignments, social movement scholars have also noted more stable features of POS (Kitschelt 1986; Kriesi 1993; Meyer and Gamson 1996; Corcoran, Pettinicchio and Young 2011). Indeed, policy innovation by political entrepreneurs is facilitated by broader institutional rules governing U.S. politics and government that do not frequently change over time. Although I do not claim to provide a full comparative analysis about why, compared to other western countries, the U.S. was a policy innovator on disability rights, the back-and-forth nature between the role of institutional entrepreneurs and social movements and the environment that facilitated this relationship is a major part of the disability rights story.

Wilensky (1974:118) was the first to refer to the U.S. as a “welfare laggard.” Welfare state scholars have long noted the divergent path the U.S. took following the Great Depression producing a fairly limited welfare state in comparison to other industrialized countries (Orloff 1988; Skocpol 1995; Pierson and Skocpol 2007). The U.S. is often seen as a policy laggard when it comes to the welfare state, but this is not the case when it comes to disability rights. It is true that an individual rights model emerged early on in America. The more interesting matter here is that political entrepreneurs came to see a constituency imbued with a health and social welfare paradigm as a minority group entitled to rights. This has not been the case in many other countries, including those with more entrenched welfare states.

In the U.S., disability has always had a place on the public policy agenda and in the late-1960s, the government began to pursue a rights based agenda. The Canadian government, partly influenced by the U.S. initiative on disability rights policy in the early 1970s as well as pressure from the growing disability rights movement in Canada, began to deal with disability rights and discrimination when it passed the Canadian Human Rights Act of 1977 and again when it repatriated its Constitution in 1982. However, neither of these approaches reflected a comprehensive policy specifically dealing with the needs of people with disabilities. Australia passed the Disability Discrimination Act in 1992 which is similar in scope to the ADA but, not unlike the Canadian example, is enforced by the Australian Human Rights Commission. Western European countries have lagged considerably behind. France and Germany have had a relatively poor policy record on disability rights while the UK (often seen as the pinnacle of the modern welfare state) enacted the Disability Discrimination Act in 1995. Interestingly, neither the DDA in the UK nor the ADA in the U.S. has curbed the declining employment rate of persons with disabilities in those countries respectively, nor has Canada's constitutional approach to disability rights help reduce disability unemployment in that country. Some Eastern European countries have shown progress. Two countries stand out in particular: The Czech Republic, which began dealing with disability issues in the early 1990s, and Hungary which enacted the Provision of the Rights of the Persons Living with Disability and their Equality of Opportunity in 1998. Turkey has also shown some development on disability policy. The Council for the Disabled has, since the 1990s, been the main policy recommending body and in 2005, upon recommendation, the Grand Assembly passed the Turkish Disability Act. While the U.S. Congress was debating the failures of the ADA (which took effect in 1992) and introduced the ADA Restoration Act in 2007, European countries were ratifying the U.N.'s Convention on the Rights of Persons with

Disabilities, although this did not necessarily translate into any comprehensive national disability rights policy in those countries. Ironically, while the Convention is largely based on the American example of rights for the disabled, the Senate recently voted against signing the treaty.

What is particularly striking is that countries that have often been contrasted with the U.S. on welfare state development, like Sweden, did not approach the issue of disability in terms of rights until much later. Although Sweden extended welfare state policies (health and social benefits) to include persons with disabilities early on, it was only in 1999 that Sweden recognized employment discrimination based on disability when it amended existing laws on discrimination based on ethnic origin. That is twenty-six years after the Rehabilitation Act, and almost a decade after the ADA. In 2009, the Swedish parliament passed the Discrimination Act which brings together existing antidiscrimination legislation into one policy and includes disability as grounds for discrimination.

Indeed, the U.S. has been, perhaps an innovator on several issues, for example, the right-to-choose (Linders 2004) and sexual harassment policy (Zippel 2006) both because of facilitative institutional and grassroots contexts in that country. The reason the U.S. was a policy innovator on disability is only partially explained by the efforts of the DRM which played a pivotal role only after the government extended rights to the disabled. The key to understanding disability rights is the role of political entrepreneurs as it relates to outside mobilization and the context within which both of these operate together. Although more difficult to establish their motivation, as I discuss in Chapter 3, a mix of personal stories, policy experience and professional aggrandizement explain the expansion of disability rights. First, the Civil Rights Act provided important legislative and experiential tools for entrepreneurs like Charles Vanik and Hubert Humphrey, who not only saw disability as a an issue of rights, but also directly borrowed

from the language of the Civil Rights Act and, indeed, tried to amend the Civil Rights Act to include disability as grounds for discrimination. Second, legislators found allies in the bureaucracy both in terms of committee staffers, but also entrepreneurs within the executive branch. The story about the link between disability and civil rights is not so much about how activists pressured the state to adopt a similar policy (in fact, most outsiders were not aware of Section 504 of the Rehabilitation Act when it was enacted), but how institutional activists used their experiences (both political and personal) to seize upon an opportunity to expand the rights agenda.

An especially conducive environment for entrepreneurs in the U.S. is their independence from broad national political agendas as well as the lack of party discipline. Electoral autonomy and the parochial nature of U.S. politics create opportunities for individual mandates; entrepreneurs latch onto issues so as to advance their careers by creating visibility. Entrepreneurs benefit from the committee and subcommittee structure of Congress where they are free to pursue these issues (not coincidentally, committees have often been referred to as fiefdoms, see King 1997). An important part of individual mandates as this relates to issue expansion is the freedom to avoid public justification of the costs of policy. Thus, entrepreneurs also benefit from what Posner (1998) calls “unfinanced mandates,” referring to laws and statutes that require some sort of action with no specification of cost or, consequently, financial support. Unfinanced mandates are much less prevalent in parliamentary systems, which may explain the slow move towards rights in Europe. With unfinanced mandates, politicians are not only free to champion rights, but also future spending (Pierson 2007) without facing blame later when, as was the case with the Rehabilitation Act, the extension of rights came with a price tag. The separation of social policy from the budgetary process also explains, in part, why the situation became much

more antagonistic in the 1980s when the Reagan Administration required all regulations and agencies to undergo cost-benefit analysis by the Office of Management and Budget (OMB). Institutional entrepreneurs who championed disability rights increasingly encountered a hostile environment within the government. This also led to an important battle between DRM activists and transit corporations on the issue of equal access, whereby the government sought to undo past transportation policy that effectively required transit corporations to provide equal access.

Some issues like for instance, anti-drinking and driving campaigns (McCarthy and Wolfson 1992), are difficult to argue against. Disability is also such an issue. Because it is relatively easy to decouple policy from the budgetary process, there is a lot to gain, and very little to lose, politically in declaring support for rights for the disabled. A recent book by Sherry (2012) on disability-related hate crimes essentially raises the question as to who is against disability. This is a complicated question. Historically, disability, and even disability rights, has remained fairly bipartisan (for instance, the Architectural Barriers Act received no votes against it). In addition, well before the federal government enacted the ADA (which passed 403-20), most states had already enacted similar laws that were even more liberal than the ADA with a proliferation of such laws between 1973 and 1979. This is not to say that legislation simply sailed through Congress because no one opposed it. As I discuss in chapter 3, this is far from the case. Indeed, an ongoing problem with the ADA is that it has done little to change employer attitudes that the disabled simply are unable to work (hence why Congress held hearings and eventually enacted the ADA Restoration Act in 2007). Again, ineffective policy is perhaps a consequence of a weak state. But, opposition to disability rights is not like that of, for instance, rights for gays and lesbians, the right to choose, or even the rights of African-Americans. First, it seems everyone, especially elites, believed people with disabilities should have a better quality

of life (as evidenced by the long history of political discourse and legislation) well before the Rehabilitation Act. Second, unlike affirmative action for African Americans or gay marriage, there is no organized discourse or countermovement that elicits vitriolic reactions against the disabled. The opposition that does exist revolves around costs and the so-called inefficiency and “unintended harms” of disability rights policies, as well as whether it is the place of government to intervene on disability, particularly in employment. It was the promise of rights, and the subsequent retreat by the government (framed in terms of cost), as well as growing opposition in the 1980s by industry, bolstered by a conservative turn in politics, that continued to mobilize the disability community. In turn, institutional entrepreneurs were able to rely on outside efforts, particularly the growth in disability advocacy groups willing to use disruptive tactics, when it was clear that activism within the government was no longer effective.

ORGANIZATION OF THE DISSERTATION

This project seeks to address an historical evolution of disability rights with a special emphasis on the interplay between political entrepreneurs and outside challengers, namely advocacy organizations and the use of direct action. Chapter 2 outlines the theoretical foundation on which the main thesis of the dissertation rests: that in order to understand why and how sociopolitical change occurs, in this case, the rise of disability rights, it is important to link demand-side and supply-side explanations of change. Chapter 3 provides a brief historical account as to how, given the long history of disability discourse in the government, a rights frame emerged. First, I discuss the relationship between disability and the welfare state, namely how these grew together. Second, I describe the paradigm shift that occurred in the late 1960s, paying special attention to the role of institutional entrepreneurs in promoting a disability rights policy agenda.

I then describe the relationship between entrepreneurs and social movement leaders, particularly the close relationships they formed following the introduction of the Rehabilitation Act.

Chapters 4, 5 and 6 draw on the Congressional, organizational and protest data I have collected. These empirical chapters build on each other. I begin with an analysis of the politics of disability, then analyze the role of protest in shaping government attention and legislative outcomes, and conclude with an analysis of the role of disability groups in influencing the policy agenda. In Chapter 4, I describe the historic nature of Congressional attention to issues of disability particularly as this relates to other issues such as race, gender, and the environment. I also examine the link between public support for civil rights and social welfare and media attention to these issues, and government attention to disability. Since the committee system plays a crucial role in how elites pay attention to issues, I describe just where in Congress disability discourse takes place. That is, which committees and subcommittees dealt with disability, what particular issues were dealt with, and how this changed over time. I then focus on the over 300 public laws Congress enacted between 1961 and 2006, especially how the nature of these laws changed over time (for instance, laws regarding the deaf and blind experienced a sharp decline just as rights and learning disability-related laws increased). I present formal models that predict disability-related Congressional hearings and public laws. I also test whether a feedback effect exists between agenda-setting and legislative outcomes.

After describing the politics and institutional aspects surrounding the rise of disability rights, I analyze the role of so-called outsider influence on agenda-setting and legislative action, namely the use of direct action and the role of disability non-profit and social movement organizations. I begin Chapter 5 by describing the rise of a disability protest wave, particularly how the average size, duration and intensity of protest events changed over time. Because I geo-

coded the protest data, I also briefly describe particular disability movement centers where protests were most prominent, and how the geography of protest changed over time. Not only did the geography of protest change, but so too did the goals and targets of protest. Thus, I also describe the nature of this shift towards the goal of rights, and the government as a target of direct action. I then analyze the effects of protest on House and Senate hearings, as well as on public laws. Because a major component of my thesis is that there is a feedback effect between outside challenges and insider activity, I also test for non-recursive relationships between protest and hearings, and protest and public laws using simultaneous equations. The last part of my analysis, presented in Chapter 6, is based on the organizational data I collected on disability organizations between 1961 and 2006. I begin the chapter by briefly describing the nature of the disability nonprofit sector, especially the growth in organizations and eventual decline (i.e., organizational density). I also compare disability organizational density to other constituencies, including African-American, women and ethnic organizations. I present models that predict organizational formation and organizational mortality separately in order to establish what ecological and political environmental factors shape organizational growth and decline. I then test the effects of organizational density (often used as a measure of social movement capacity) on House and Senate hearings, as well as on legislative outcomes. Similar to the feedback effects between protest and government attention, I also test for non-recursive relationships between organizational density and hearings, and organizational density and public laws. Given the focus in the social movement literature on the interplay between organizations and protest, I also test for non-recursive relationships between organizational founding rates and protest.

In my concluding chapter, I address important contributions of the project. For instance, my dissertation demonstrates that political opportunities and organizations are not enough to

generate a social movement revolving around rights. It is only when the government re-framed disability that it invited a disability rebellion. It also makes an important claim about the role of institutional entrepreneurs, particularly their connection to outside activists. It also raises a peculiar dilemma. Many disability rights activists have championed the slogan “not about us without us” which essentially puts entrepreneurs, often seen as paternalistic, at odds with a disability rights agenda. While this may characterize their motivation, my dissertation showcases the importance of entrepreneurship and the ways in which government can innovate.

CHAPTER 2: FROM THE TOP, DOWN, AND UP AGAIN: THE DYNAMIC INTERPLAY BETWEEN INSTITUTIONS AND GRASSROOTS MOBILIZATION

The slogan “nothing about us without us” has an important meaning for disability rights activists. It is an expression of self-determination. It is meant to undermine the belief that the disabled are incapable of advocating for themselves, especially since persons with disabilities were left out of the policy-making process for decades. Medical professionals, followed by so-called rehabilitationists, who were considered more progressive on issues of disability than the medical establishment, as well as professional disability organizations and politicians, decided the fate of persons with disabilities. This has been true for most of U.S. history until the early 1970s when broader societal critiques of the medical profession and deinstitutionalization (and the rise of independent living) undermined some of its authority. Nevertheless, Section 504, the provision in the Rehabilitation Act that spelled out rights for the disabled, had little input from the actual community. Indeed, the first major rights-based law that had notable involvement of persons with disabilities was the ADA passed in 1990. On the one hand, “nothing about us without us” stands up against a paternalistic type of institutional activism that is often contrasted with grassroots mobilization. On the other hand, had it not been for these entrepreneurs – who very well may have been driven by this paternalistic motivation (I address this in chapter 7) – it is unlikely that the U.S. would have been a forerunner in disability rights.

The rise of disability rights presents an interesting dynamic between institutional entrepreneurs and grassroots activism. The contemporary DRM emerged with the politics surrounding the Rehabilitation Act of 1973. Indeed, Congress began to take a much more active

interest not just in terms of disability-related issues such as health, rehabilitation and educational services (which have almost always been on the political agenda), but on rights for the disabled. There is not a single reason for why this shift occurred, but it is clear from scholarly and popular accounts, as well as testimony in the Congressional Record, that personal experiences with disability, as well as a policy legacy tied to the Great Society, influenced entrepreneurship. In addition, there is also evidence that some saw disability as a vehicle to further their own careers, as well as to aggrandize committee and executive branch turf. Ultimately, as Scotch (2001) explains, with little grassroots involvement, the Rehabilitation Act was introduced in 1972 and passed in 1973. Key organizations and their leadership who had strong historical ties to the government and more importantly, institutional entrepreneurs like Humphries and Vanik who introduced the Rehabilitation Act and the numerous other members of government (elected and non-elected) who influenced both major and minor legislation affecting the disabled, changed the discourse on disability in America.

These institutional entrepreneurs or activists reframed handicap in terms of rights often “analogizing” (King, Bentele and Soule 2007) disability in terms of the recent gains made by the black civil rights movement (indeed the Rehabilitation Act was originally proposed as an amendment to the 1964 Civil Rights Act). This was not a unique phenomenon. As Skrentny (2002) argues, the minority rights revolution, following the civil rights movement, saw not only a reframing of many issues in terms of minority rights, but similar use in strategy, tactics and rhetoric. More unique to the DRM was the passage of a key piece of legislation with little grassroots mobilization, but which consequently spurred mobilization as the government realized the costs (and other pragmatic issues) related to implementation, and consequently retreated. When Congress retreated from disability rights in the mid 1970s, the locus of contention shifted

towards the executive branch, namely HEW, the agency charged with writing regulations to accompany the Rehabilitation Act. At this time, there was not only a growth in new organizations, like DIA whose original protests were aimed at Nixon's vetoing of the Rehabilitation Act in 1972, but established organizations also changed their strategy and many participated in protest events. Protest peaked in the late 1970s and was sustained through the early 1980s by the growing tension with the more conservative Reagan administration and the backlash from public and private transportation companies. This new advocacy grew until the passage of the ADA in 1990 where disability activists played a far larger role in the legislative process surrounding that law. In other words, the early 1970s definitely marked a change in how disability was seen, and made disability something it politically never was: contentious.

This chapter lays out the theoretical basis that informs my broader project. Since I argue that neither demand-side nor supply-side approaches alone can explain the rise of disability rights in the U.S., I seek to link the two approaches. When looking at change over an extended period of time, it becomes apparent that sometimes, top-down explanations work well at explaining political outcomes, like agenda setting and legislation. At other times, because of a realignment of political elites, and a change in issue focus, government retreats from an issue or may even act antagonistically towards an issue such that further expansion becomes highly unlikely from within institutions. When political entrepreneurs are confronted with obstacles, issues cannot remain salient or expand unless outsiders put pressure on elites. In fact, as is the case with disability rights, insiders sought the help of the growing number of activists within the nascent DRM following the introduction of the Rehabilitation Act. This suggests that at times, bottom-up explanations appear to be better suited at explaining why sociopolitical change

occurs. There is thus a dynamic interplay between insiders and outsiders that social movement, institutional, and democratic theories alone will not capture.

As I noted in the introductory chapter, I use the term “bottom-up” to refer broadly to theories or explanations that emphasize the role of “outside” forces, like changing public preferences or organized social movements that *create a demand* for government intervention, like policy. Public opinion scholars and proponents of democratic theory often refer to the opinion-policy consistency meaning the extent to which government actions are consistent with the preferences of the public (Burstein 2006; Monroe 1998; Page and Shapiro 1983). In a similar vein, until recently, social movement scholars have also promoted a strict bottom-up view of social change. Not always directed at policy innovation, social movement scholars have argued that movements also forge collective identities, create oppositional consciousness and change the hearts and minds of the general public about an issue or constituency. On the other hand, I use “top-down” to refer to theoretical claims about social change that are based in institutional analysis. By this, I am specifically referring to the rules and norms within political institutions that shape how policy comes about. Research on agenda setting, for instance, focuses on the limits of the system in addressing all issues at one time (Birkland 2010; Baumgartner and Jones 2005). Similarly, the work on Congressional committees emphasizes the norms of conflict (King 1997) and cooperation (Baughman 2006) which influence when and how issues get heard, and in turn, shapes how policies are packaged and whether or not they are successful. Similarly, scholars have discussed the ways in which political elites take up a cause for reasons other than an attempt to appeal to constituents. Ambitious political entrepreneurs wishing to show “they’ve done something” or their use of issues as a way to get onto committees, or their personal ties to an issue, are all factors that shape policy outcomes (Sulkin 2005; Reichman and Cannan 2003).

The interplay between supply-and-demand side explanations for policy change is not new, but has often been implicitly, rather than explicitly, shown. Importantly, numerous scholars working within different but related areas of sociology and political science have demonstrated the important positive feedback loops that exist between policy, public attitudes and mobilization (Baumgartner and Jones 1993; Costain 1994; Pierson 1994; Baumgartner and Mahoney 2004; Meyer 2005; Pierson 2007; Skocpol 2007). Research has shown time and again and on a variety of issues the ways in which media and state framing of an issue convinces the electorate that there is a problem and with public support, policy entrepreneurs have an easier time pursuing that agenda (Beckett 1994; Bonn 2010). Others have shown that policies, even controversial or unpopular ones, can eventually change public preferences which serve to ward off attacks from opponents (see Pierson 1994 on the welfare state, and Pettinicchio 2010, 2012 on gay marriage). In the public policy literature, scholars have used top-down to refer to how decision makers unequivocally make policy and use bottom-up to refer to the ways in which bureaucracy and even interest groups negotiate policy with political elites (Pulzl and Treib 2007). However, there has been a trend in combining these into a hybrid explanation which emphasizes, as Sabatier's (1986) synthesis suggests, the learning process of policy as it moves from the top down and eventually back up again. Finally, social movement scholars appear to have recently taken a cue from political scientist and other institutional scholars (for instance, Campbell's 2005 "How Policies Make Citizens") in focusing on the ways in which policies create or politicize constituencies. This represents a shift away from the traditional view of policy as the outcome of mobilization and from the broader notion that a response from "insiders" signals the closing of political opportunities for mobilization. Rather, as Skocpol (2007) notes, policies, especially those of activist governments, create opportunities for mobilization. Meyer (2005; see also

Meyer 2007; Ingram and Smith 1993) describes this chicken-and-egg paradox or policy feedback loop such that policies mobilize individuals under new entitlements and that mobilization helps protect and expand policy (Reese and Newcombe 2003). In this chapter, I describe these two approaches in greater detail.

SOCIAL CHANGE FROM THE BOTTOM-UP

There are two main demand-side factors than can account for why government creates new policy: elites are appealing to public preferences and/or organized interests/social movements. These need not be mutually exclusive - indeed, as scholars note, they may be mutually reinforcing (McAdam 1982; Burstein 1979; Giugni 2004) – but the idea here is that political elites either see electoral rewards for pursuing issues people want, or feel pressure by interest groups to pursue a certain legislative course. In other words, *elites act to address preexisting demands*.

Public Preferences and Democratic Theory

Political elites may act to promote legislation because public preferences have moved in a particular direction and because people start caring about an issue more than they have in the past. Recent work, however, shows that policy output in the U.S. is the least influenced by public preferences among OECD countries (for instance, Ellerman 2009 on public opinion and entrepreneurship on immigration reform). Nevertheless, despite the popular belief that politicians do not listen to the public and that there is a failure in democracy, studies tracking opinion-policy consistency both longitudinally and comparatively show relatively high consistency (Monroe 1979; 1998; Stimson et al 1995; Brettschneider; Burstein 2003; 2006). Sometimes, changes in public preferences are absolute and will never shift backwards. Coggins, Stimson, Atkinson and

Baumgartner (2012) refer to this as absolute change. On the other hand, a more common trend in changing public preferences is what Coggins and colleague call *relative change*. This is essentially the argument made by Wlezien (1995) and Stimson (2004) who use a thermostat analogy and pendulum analogy, respectively, to characterize changes in public opinion. In this case, the public can go back and forth on a broad set of issues because they are responding to government action which itself was a response to prior public preferences. That is, public opinion that presumably created, in part, conditions ripe for the Great Society programs of the Johnson administration actually peaked in the late 50s and early 60s and already began to shift to the right as government passed these policies. As Coggins et al (2012:2) claim, “The public demands less government during times of government expansion and more during times of government contraction.” The pendulum can never be still because government responses to preferences always lead to some shift in the public mood in the other direction. This is at the heart of any public choice model that links public preferences to policy agendas (Baumgartner and Jones 2009). This is important not only because it suggests a negative feedback loop between preferences and policy, but also because disability rights discourse came onto the scene just as public preferences were shifting to the right again and eventually would give way to a more conservative turn in government.

Political elites are also more likely to act consistently with public preferences when the public cares about an issue (Burstein 1979). There are potential costs and risks associated with pursuing a political course of action. When the public has stable opinions about an issue, and consistently care about it, those costs are reduced, assuming that politicians know about voter preferences. As Page and Shapiro (1983) show in their longitudinal analysis, congruency between public preferences and elite responses is highest on salient issues. The public is more

likely to have a better grasp on the issue when it cares a lot about it. Consequently, if the public cares about an issue, it is also more likely that they will consider those opinions, and the ways in which elites have acted around those preferences, at the ballot box. If the issue is not highly visible to the public, it is easier for elites to pursue an issue based on personal beliefs or party preferences and ideology, or to pursue an issue “behind the scenes.” That is, politicians, policy experts, interest organizations and other elites work on expanding and framing issues, and may think an issue is important, when it is not necessarily an issue the public thinks is a priority. However, when the public does care, it changes the conditions under which policy entrepreneurs can act. For example, Pettinicchio’s (2010) work on gay marriage legalization in Canada shows that political elites were able to pursue gay marriage legislation even when the public was not in favor of legalization since the public also did not care about the issue ranking sixteenth of sixteen issues they did care about. I suggest that when it comes to disability, most Americans spend little time thinking about the issue, let alone whether persons with disabilities are deserving of rights. Since there are no consistent polls taken over time regarding disability, we can only assume that political elites paid little attention to constituents’ preferences on disability rights. However, if disability rights was ever salient with the public, it became so when the government already began to pass rights-based legislation. Indeed, a quick look at Roper polling data suggests that the public became most aware of disability rights surrounding the politics of the ADA more than a decade after the provisions set forth in Section 504 of the Rehabilitation Act.

This does not mean that public opinion can only drive policy responses when a majority of the public cares. Not every issue the government pays attention to has to instigate a culture war, media campaign or movement activity around it. Stimson (2004: 15) suggests, “Some people some of the time care what government does.” The media contributes a great deal in

making an issue salient with the public and thus determining what the public should care about (Collins et al.; Snyder and Kelly; McCarthy et al; Oliver and Haney). Not only does it raise awareness, but it also determines which issues are important, frames issues in a particular way, persuading the public in one direction or another (McCombs and Shaw 1972; Baumgartner and Jones 1993; Mutz and Soss 1997). It is no wonder that both government officials and social movement leaders target the media such as to influence the way an issue is framed or packaged. As McCarthy, Smith and Zald (1996:293) claim, “In Western democratic societies the mass media are central purveyors of information and images. Although injustices and deprivations may be directly experienced in local contexts, the larger public and reference elites learn of them mainly through the media.”

In trying to ascertain whether the public drives policy responses, particularly on salient issues on which activists and organizations have mobilized, it becomes difficult to disentangle which variables affect policy more. Social movement scholars would argue that mobilization leads to policy change yet political scientists have shown that what matters for policy change is far more than protest demonstrations. More importantly, the set of constraints I laid out in this chapter as well as in chapter 1, like political entrepreneurship, the committee system, incumbent interest organizations, and elite personal histories and experiences, not to mention party ideology, issue salience, and public preferences, constrain the ability of social movements to affect policy (Burstein 1979; 2003; 2006). The relationship between media, political elites, and public opinion is complex and alludes to an important feedback process I address later in this chapter; one that forces scholars to think about the connection between “insiders” and “outsiders” and bottom-up and top-down approaches. The extent to which entrepreneurs shape public perceptions of issues varies. Baumgartner and Jones (2009) find that in some cases, like

nuclear power, pesticides and tobacco, the media picked up on those issues even though the government was paying little attention. On other issues, like drugs, they find that the government acted first, and that media then followed suit. They also suggest that sometimes, government attention can remain high even when the media no longer cares about an issue, as was the case with urban affairs.

So the picture of bottom-up influence is not at all straightforward and is quite variable depending on the nature of the issue. In addition, the term public mood is often used to describe how the public feels or thinks about some issue, but in reality, it may mean a lot more than that. Kingdon's (1994) interviews with political elites reveal that when politicians use the term "public mood" they not only refer to public opinion, but also to what is going on in state legislatures and to what interest groups and professional groups want. Again, the emphasis here is on demand. However, the assumption is that political elites know the opinion of their constituents and while that is true on some "big issues", they cannot possibly know that about every issue. In other words, demand-side explanations are highly conditional on existing information about issues and that this information is actually reaching elites, which I argue was not the case for disability. I put forth that policy innovation here had little to do with elites responding to some public demand for rights for persons with disabilities. It might be that, as Burstein (1979) and McAdam (1982) have noted, social movements change the hearts and minds of the public which then shapes policy outcomes. But this too assumes that elites had information about constituent preferences on specific issues, and that social movements were working to change the attitudes of the public prior to government involvement in rights. Neither of these conditions exists in the case of disability rights.

SOCIAL MOVEMENTS

The rise of minority-rights based movements in the middle of the last century – what Skrentny (2002) calls the “minority rights revolution” – has shaped sociological explanations of the ways in which individuals collectively organize to produce social change. Social movement scholars have argued that formal organizations, resource availability and political opportunities explain movement emergence and affect movement responses and outcomes in similar ways. Indeed, many studies of the civil rights and women’s movements, as well as studies on the environmental and peace movements, have revealed certain common structures of activism. The expansion of formal advocacy organizations and improvements in political and resource environments has similar positive outcomes regardless of the constituency (see Minkoff 1995).

However, as resource mobilization (RMT) and political process (PPT) theories were increasingly applied to diverse social movements, scholars began to note certain discrepancies – what Armstrong and Bernstein (2008) call “awkward” social movements. For example, Armstrong (2005) finds a tenuous link between the proliferation and institutionalization of LGBT organizations and political process, and thus turns to organizational theories to explain the crystallization of the LGBT organizational field. On the other hand, Costain (1992) finds a much closer relationship between women’s movement emergence and the political process. Costain argues that RMT, which focuses on the ability of formal organizations to obtain resources and on their use of institutionalized tactics (i.e., interest-group politics), does not adequately explain the rise of the women’s movement because “careful, incremental” approaches did not precede large

scale mobilization, nor are these related to the ebb and flow of congressional attention on women's issues.

Disability would also fall into this category of “awkward” for a number of reasons. First, disability has been a ubiquitous issue such that it has had a long history within Congress and is an issue that touches many, yet also an issue that until the 1970s, was dominated by a policy monopoly whose framing of disability was seldom questioned. Second, despite its prevalence, it is not an issue that has been on the minds of most people, nor has it determined the outcomes of elections, or spurred massive political and resource mobilization. Third, unlike issues of race and sexual orientation, it is hard to find someone with strong opposing feelings against the disabled or even that persons with disabilities should be entitled with the same rights as other minorities. Fourth, it is also an issue that has had strong bipartisan support and much of the successful opposition that has arisen had almost everything to do with costs of accommodation, and much less to do with attitudes about persons with disabilities (at least publically)⁷. Indeed, there is no countermovement to disability rights nor has disability rights policy served to garner strong political opposition.

Fifth, and an important theme in my dissertation, disability rights is an example of rights-based policy that came about without grassroots activism pressuring the government to pass such a policy. Unlike, for example, the Civil Rights Act where civil rights activists eventually, through the use of nonviolence, broke a stalemate in the government forcing Democrats to act, this is not at all the case with disability rights. In fact, the public and activists alike were largely unaware of the Rehabilitation Act. Sixth, disability organizations are old and established. These

⁷ Indeed, with the recent failure of the Senate to vote in favor of ratifying the U.N. Convention on disability, detractors were quick to proclaim that this was not a vote against the disabled or their rights.

are legitimated groups (see Gamson 1975) that were helpful in maintaining or expanding social services and forging relationships with political elites (indeed, throughout much of the 1960s and early 1970s, these kinds of organizations continued to be involved in the political process), but were also somewhat of an impediment to the establishment of a rights-based agenda. Rather, these groups, much like medical and social welfare professionals, as well as political elites of the time, promoted social services and, as committee hearing data and Scotch's (2001) analysis reveals, these groups seldom, if ever, brought up civil rights. Finally, the advent of rights discourse, which began when political entrepreneurs introduced rights legislation, came into conflict with the traditional social welfare image but, it never completely displaced a social welfare/health paradigm. Disability activists and advocates are in a unique situation where equal rights and health and welfare policy cannot be fully separated out. Minority rights are important, but so too are medical and health innovations, insurance, education and housing. The disability rights case poses important challenges to RMT and PPT. Formal organizations are present prior to movement emergence but they did not mount large-scale action around rights. Political opportunity existed, but in this case, rights-based policy pursued by political entrepreneurs with little involvement from the grassroots acted as a catalyst for the rise of the modern DRM.

Resource Mobilization and Political Process

In order explain the rise of the modern DRM and to situate its influence among the work of political entrepreneurs within the confines of political institutions, it is necessary to link disability organizations and the use of direct action to the political opportunities created by institutional activists via government attention and rights-based legislation.

RMT posits that organizations are necessary for mobilization and that organization building marks the beginning of a social movement (McCarthy and Zald 1977; Johnson 2008; Johnson, Agnone and McCarthy 2010). Originally, the focus of resource mobilization scholars was on formal external organizations that mobilize certain kinds of elite resources and cultivate relationships with insiders (Oberschall 1973; McCarthy and Zald 1973; Jenkins and Perrow 1977). Of late, a synthetic approach (see McCarthy, McAdam and Zald 1996; McAdam, Tarrow and Tilly 2001) has lead scholars to refer to mobilizing structures more broadly. Nonetheless, the theory is much closer to an interest-group model of influence than it is to a model of grassroots protest that may or may not be coordinated by informal and fleeting groups. To be clear, I conceptualize resource mobilization as its authors have, that “social movements, while perhaps not synonymous with formal organizations, were nonetheless known by and became a force for social change primarily through the social movement organizations (SMOs) they spawned” (McAdam, McCarthy & Zald 1996).

Although RMT points to formal advocacy groups as the emergence of social movements, the theory itself is not, as is admitted by its proponents (see McAdam, McCarthy and Zald 1996: 4), specifically one about how movements start. RMT is much better equipped to explain what social movement structures look like once they are already in place. Thus, one deficit in resource and organizational theories is that they often ignore timing. PPT emerged in the 1970s and 1980s and addressed this shortcoming. Unlike RMT, PPT has traditionally seen movement emergence as beginning with the use of disruptive tactics on the part of grassroots challengers (Costain 1992). Rather than focusing on organizational capacity, PPT emphasizes the changes in political alignments and the presence of political elites that create or constrain opportunities for mobilization. As McAdam (1996:23) explains, “the timing and fate of movements as largely

dependent upon the opportunities afforded insurgents by the shifting institutional structure and ideological disposition of those in power.” Timing is a key feature of PPT, since as Olzak (1989) argues, process-oriented approaches necessarily explain movement dynamics over time (although static approaches in PPT are also commonly used, particularly in comparative analyses, see Gamson and Meyer 1992). PPT speaks to the nature and availability of the resources that SMOs are supposed to mobilize (especially external resources that are important for RMT) as well as the relationship between the political and resource environment and the forms and structures SMOs take (Kriesi et al 1992 Kriesi in 1996).

The key concept associated with PPT is the political opportunity structure (POS). Lipsky and Eisinger are credited as thinking about protest in relation to a dynamic political process model. Lipsky (1970) was referring to the receptivity of the American political system to protest. It was Eisinger (1973) who used the term “political opportunity structure” to refer to structures outside a movement or protest but which also has an influence on the shape of that movement or protest because the political environment affects the costs and benefits of protest. Borrowing from Eisinger, Tilly (1978) argues that national institutions can also shape the costs and benefits of protest. There is a link between RMT and PPT; most notably, that favorable political and institutional arrangements affect resource flows and the type of access organizations have to political elites. Thus, organizational expansion and tactical choices are shaped by changes in the POS (Kriesi 1995; Meyer and Imig 1993; Kitschelt 1986). More recently, institutional scholars have treated government social interventions as a new political opportunity for interest organizations because “New modes of ongoing access to government favored the proliferation of professionally run advocacy groups and nonprofit institutions” (Skocpol 2007:45).

Advocacy Organizations

Early work in the study of social movements highlights the importance of resources and organization in reducing the costs of participation in collective action (Olson 1965 on the free-rider problem and Oberschall's 1973 work on resource management). These works, in addition to McCarthy and Zald's (1977) pivotal paper outlining the basic premises and assumptions of RMT shifted the focus of the study of collective action from social psychology and collective behavior to the kinds of resources made available by the social structure and the ways in which SMOs are able to obtain and use these resources to affect change.

One important claim of this perspective is that grievances alone cannot explain the emergence of social movements since there is always a constant amount of discontent in any society (McCarthy and Zald 1977 and Tilly 1978). Grievances themselves are often socially constructed in that professional social movement leaders craft them, provided that there are resources available to initiate and sustain a movement (Staggenborg 1988). As Buechler (2000) notes, organizations are required to turn beliefs and opinion in a population into goals for mobilization. What is therefore necessary for collective action is a minimal form of organization that allows for the aggregation of resources. Social movements are "successful" if they are capable of mobilizing these resources in order to grow and/or maintain themselves within or outside of protest cycles. As Jenkins (1983) explains, "mobilization is the process by which a group secures collective control over the resources needed for collective action." Thus, RMT's primary focus is on the relationship between SMO's, the available pool of internal and external resources, and the political environment that in part determines resource availability.

Although Zald and Ash's (1966) earlier work suggested that organizations could have different forms depending on their goals, McCarthy and Zald's (1977) influential paper claimed that formal organizations are necessary for social movements. This view has been met with criticism. Piven and Cloward's (1977) work on the poor people's movement suggests that formal organizations are counterproductive to mobilization turning rather to political opportunities, especially structural and institutional crises, to explain mobilization of the poor. Morris's (1984) work on the early civil rights movement took exception to the importance placed on formal organization, suggesting that RMT ignores the ways in which preexisting indigenous social networks, such as the black church, planned disruptive non-violent tactics, and created organizations within local movement centers to oversee their implementation.

Why the focus on formal, professional advocacy organizations? In short, according to RMT, these organizations are critical in maintaining important routine ties to political elites. Staggenborg's (1988; 1989; 1991) early work on both the women's and pro-choice movements demonstrates the ways in which organizational structures not only sustain movements (particularly as these increasingly engage with political institutions directly through the political process), but also the tactical consequences which result from professionalization and formalization. They are especially important once a protest cycle or heightened period of mobilization begins to decline so as to maintain the cause (see also Rupp and Taylor 1987 on abeyance structures). SMOs that survive tend to formalize. In addition, given the trend towards professionalization and formalization of voluntary groups, and these groups' reliance on external and institutional resources (increasingly so from grants and patrons and less so from membership dues, see Skocpol 2007), organizations are less likely to engage in disruption. These groups are more likely to work within institutional channels and thus use "institutionalized" tactics such as

lobbying and legal mobilization since these are not at odds with the political process (see Cress and Snow 1986). Indeed, these tactics are only meaningful if groups gain legitimacy and can work with elites. In any case, tactics like lobbying and legal mobilization require skilled professionals and resources usually not available to informal groups. It is therefore not surprising that certain tactical repertoires become associated with particular organizational forms. Another reason why organizations are tied to particular tactical repertoires has to do with the extent to which certain tactics become part of an organization's identity. As surviving organizations professionalize and alter their organizational forms, their internal cultural orientations change too which justifies new goals, targets, structures and tactics (see Clemens 1993; Whittier 2002; Rohlinger 2002). Thus, these organizations may become strongly committed to one tactic or set of tactics and will not abandon these at whim even if changing political circumstances demand new strategies (including the use of direct action).

What scholars have noted, however, is that while it may be extremely difficult for informal groups to use institutional tactics (because they are costly and require routine access to elites), professional and formal groups can engage in protest although perhaps not a preferred tactic. Cress and Snow's (1996) work on the homeless people movement found that the link between external funding sources for SMOs did not necessarily preclude them from using more militant actions because benefactor organizations are a) not always "elite" and b) may sometimes support more direct-action tactics. Similarly, Fisher, Stanley, Berman, and Neff's (2005) work on transnational social movements finds that SMOs are especially crucial in organizing and coordinating non-local participants for large-scale protests. This suggests that professional and formal organizations can be quite flexible when it comes to using institutional and direct-action tactics (such as protest), and if necessary (usually when entering a protest

cycle) can resort to direct action (although these are usually well-planned and coordinated) (Staggenborg 2001). It is thus not surprising that modern formal professional SMOs use tactics ranging from sit-ins to legal assistance. This raises broader questions about the extra-institutionality of protest in contemporary western societies as scholars recognize the blurring lines separating protest from more conventional forms of influence (Goldstone 2003). The current standing on the nature of organizations in social movements is that a strong organizational capacity, organizational variability, and tactical flexibility are central in affecting political change (Andrews 2001; Johnson, Agnone and McCarthy 2010).

The preceding discussion paints a picture of organizations as both having the ability to adapt to new political environments but also organizations constrained by their own forms, identities and experiences. A major tenet of social movement theory in sociology is not only that groups respond to changes in the POS, but also that organizational change is fairly frequent – indeed inevitable – as a result of the environment. Work in organizational ecology (for instance Minkoff 1995) as well as qualitative work on SMOs (for instance, Staggenborg 2001) remind us that: 1) political institutional arrangements are more stable and slower to change than social movements; 2) organizational change occurs less frequently than for instance, political turnover; 3) organizations do not necessarily abandon what they know because they are adapting to a changing environments; and 4) there are other constraints on organizational adaptation imposed by the social movement sector and industry that cannot be ignored. In the case of disability, extant organizations formed ties with political elites. Eventually, many of these incumbent groups took on an advocacy component to their work especially following the politics of the Rehabilitation Act. Yet, they rarely abandoned their traditional focus on health and welfare service expansion even though this organizational change coincides with the rise of new protest-

oriented groups championing rights over social welfare. At the same time, in order to gain more legitimacy, challenging organizations that arose in the 1970s also developed a more formal federated structure. Eventually, the disability organizational field would give rise to a hybrid social service-advocacy organizational form that is quite reflective of the interaction that constituency has had with the state.

Organizational Fields

Social movement capacity to influence the legislative process is often measured using the number of existing active organizations (see Johnson 2008; Johnson, Agnone and McCarthy 2010). Indeed, movement capacity, as it is measured, is precisely what ecological scholars call organizational density which is characterized by the density of organizations within a set of boundaries that constitutes an organizational field⁸. The link between environment and organizational forms has a long history in organizational ecology. This approach essentially claims that the environment selects out the most suitable organizational type (see Campbell 1969; Aldrich 1971; Hannan and Freeman 1974; Wholey and Brittain 1986). However, this seems to fly in the face of organizational heterogeneity and the ways in which organizations come and go over time (Zald and Ash 1966; Zurcher and Curtis 1973). Aldrich and Pfeffer (1976) criticized the natural selection approach as being too environmentally deterministic (see Astley & Van de Ven 1983) and ignoring how interorganizational relationships shape organizational structures. What they refer to as the “resource dependency model” suggests that organizational survival is dependent on the *ability of organizations* to secure a stable flow of resources. Indeed, this is, in part, the basis of RMT in the study of social movements. This

⁸ Organizational density equals the “total number of organizations active at the end of the prior year, plus the number of new entrants, minus the number of groups that exited (either because they failed, became inactive, or did not respond to repeated requests for updated information)” (Minkoff 1997: 787).

approach treats organizations as agentic rather than passive subjects of selection processes. This alludes to strategic adaptation on the part of organizations. Once organizations adapt based on both organizational dynamics (such as density dependence) and environmental considerations, they should increase their chances of survival – what Aldrich and Pfeffer (p. 96) referred to as “retention [or institutionalization] of successful adaptation.” This approach also implies that multiple organizational structures can exist at a given time, rather than one best fitting type which complicate how scholars understand the process of isomorphism (DiMaggio and Powel 1983). In turn, with adaptation comes the idea that there is some variation in organizational forms, making it especially important to understand how these organizations and their respective forms relate to one another in an ecological system. For instance, when disability-related groups shifted towards advocacy following the Rehabilitation Act, it alluded to some form of adaptation to new demands brought on by a policy reorientation towards rights and away from health and welfare. Yet, not all groups changed and many that did not become complete advocacy organizations (and some never had any real advocacy component) and continued to succeed at protecting and extending services.

If organizational capacity is fundamental to social movement mobilization (see Andrews 2001; Johnson, Agnone and McCarthy 2010), then the ecology of organizations sheds a great deal of light on the nature of this capacity over time. As Hannan (1988:95) states, “almost all collective action takes place in organizational contexts; and organizations are the main vehicles for action in modern society. When interest groups, social classes, and ethnic groups take collective action, they do so increasingly by using organizations such as political parties, occupational associations, and labor unions.”

The first obvious link between organizational ecology and the study of social movements is the notion that the environment plays a large role in shaping what organizations look like, and what they do. Scholars like Campbell (2007) Skocpol (1992; 2007) have shown how broad changes in the organization of political parties, the rise of professional movement entrepreneurs, new technologies and sources of funding, and the policies of activist governments, shape the nature of interest and voluntary groups. In addition, both RMT and PPT in social movements claim that organizations are created and shaped by the political and resource environments within which they exist. Social movement scholars (see Staggenborg 1988; Tarrow 1991; 1998; Cress and Snow 1996; Kriesi 1993; Kitschelt 1986 and Useem and Zald 1982) have demonstrated how the POS affects organizational forms (via membership size, resource availability, etc.) and the kinds of strategies and tactics at their disposal. Minkoff's (1995) systematic longitudinal work on women and racial-ethnic minority non-profit organizations finds that improvements in welfare spending reduces founding rates because this signals that the government is acting to improve challengers' circumstances (so there is no demand for more organizational building). Organizations also respond to their resource environments. Minkoff finds that the amount of foundation and corporate philanthropy increases organizational founding. She also finds that organizations are more likely to be founded during "open political opportunities" (under Democratic regimes, and as the number of African American elected officials increases), a finding later confirmed in Meyer and Minkoff (2004).

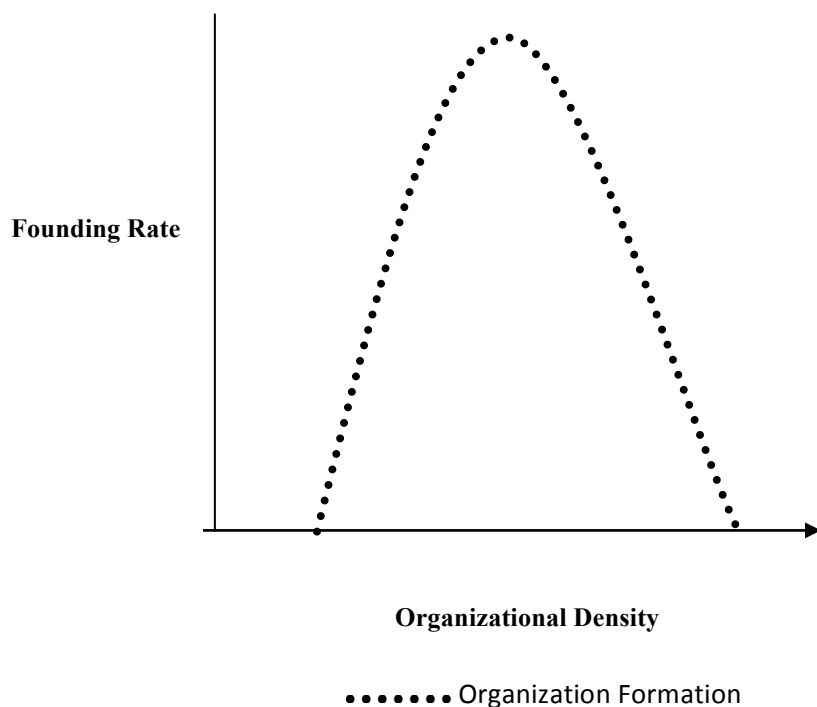


Figure 1: Organizational Formation

The second link involves the role of organizational competition. Tarrow (1989b) claimed that an increasing number of organizations entering into a protest wave due to the apparent success of early-risers consequently increase competition, forcing organizations to adopt either more radical tactics or more institutionalized ones in order to set themselves apart. Minkoff finds support for the ecological hypothesis (see Figure 1 as an example of a non-monotonic relationship) that organizational density increases founding of new groups at a decreasing rate. However, as Minkoff (1995) suggests, organizational density need not necessarily lead to competition so as to have an adverse effect on organizations but rather, that if a stable flow of resources exists and organizations have the ability to adapt, they will find a niche for themselves. First, organizations focused mainly on community building and organizational maintenance are especially likely to compete with protest groups only when movements enter into periods of

abeyance – when the cause is less salient, and resources are scarcer. For instance, Morris' (1984) account of the early civil rights movements reveals the tension between the NAACP, an established organization that preferred the use of institutionalized tactics, and organizations like SNCC that coordinated the efforts of local movement centers and promoted the use of direct non-violent tactics. Eventually, newer civil rights groups and the NAACP entered into an interdependent relationship whereby each benefited from the activists of the other. Therefore, SMOs may not be in direct competition with other prevailing organizational forms, especially if they are filling a niche in the social movement sector, enter into coalitions or form interdependent relationships with other organizations. Despite the wealth of research on movement groups and their strategies and tactics, the link between political opportunities, organizational capacity, growth and decline, and the use of direct action can be further developed.

Organizing Protest?

Direct-action is an important part of social movements, especially because tactics like protest are extremely visible (compared to say, lobbying) to movement activists, targets (like politicians) and the general public. Protest events can signal to those who are dissatisfied but have not identified their grievances as common or collective (see Oberschall 1989). Protest events, especially successful ones, can signal appropriate timing (Conell and Cohn 1995) and may also signal that disruption is appropriate (see Gamson 1992). Protest is often seen as necessary for getting elites' attention and for overcoming important hurdles in obtaining legislative gains (Gamson 1975; Olzak and Soule 2009; Johnson, Agnone, and McCarthy 2010). What is the relationship between organizations and protest?

When scholars refer to organizational capacity, they refer to the capacity of organizations to affect change (Andrews 2001; Soule, McAdam, McCarthy and Su 1999; Johnson 2008; Johnson Agnone, and McCarthy 2010; King Bentele and Soule 2007). Organizations use both institutional and extra-institutional tactics. As King, Bentele and Soule (2007) claim, protest is an important part of the social movement tradition by and large because protest distinguishes SMOs from interest groups. This, however, seems to run counter to RMT which generally treats the interaction between SMOs and elites as that of typical interest organizations (which typically rely on lobbying rather than direct action). There are several issues here: are organizations required for protest and if so, what kinds of organizations? Do organizations matter similarly throughout the protest cycle? Do protests generate organizational expansion, or is it the other way around (i.e., a non-recursive feedback effect)? Explanations in the literature have ranged from organizations playing a critical role in mobilizing direct-action to having countervailing effects on protest.

Classical understandings of how protests emerge and spread (i.e., contagion and spontaneous coordination) either make little reference to organizations, or treat organization-building (particularly formal organizations) as antithetical to protest coordination (see Piven and Cloward 1977; Opp, Voss and Gern 1995; Conell and Cohn 1995; Pfaff and Kim 2003). There is some evidence supporting this overall view. For example, Meyer's (1993a) study of the Nuclear Freeze Movement finds that prominent, well-established organizations felt it necessary to focus on maintenance during the nuclear freeze campaign – namely membership drives and activities to draw in new members – not protest. Other newer organizations that arose as a direct result of the campaign were protest innovators, while established groups sought to distinguish themselves from the broader protest coalition that had formed during the campaign. Meyer concludes by

stating that “The growth of more moderate arms control organizations may even serve as an impediment to broader mobilization, for they have won not a victory, but a place in the political arena” (p.176). Meyer’s account thus pits internally directed organizational maintenance activities at odds with externally directed activities where focus on one detracts from the other. In this case, organizational development deters investment in protest.

Yet, most studies (Morris 1984; Rochford 1989; Cress and Snow 1996; Soule et al. 1999; Staggenborg 2001) have shown that SMOs do coordinate protest events, and Piven and Cloward’s argument may be limited to only the most formalized large-scale organizations (see Snow and Soule 2010). The accepted understanding of the link between protest waves and organizations is that waves usually generate broad interest thereby increasing the heterogeneity of members, as well as the growth of new organizations to capitalize on new resources and increasing saliency of the issue. In other words, the rise of protest should signal organizational growth. Much like Meyer’s account of peace demonstrations, new groups like *Disabled in Action* mounted protests directly related to the politics surrounding the Rehabilitation Act. It is also reminiscent of Morris’ discussion of the rise of the modern civil rights movement since given that established disability groups, although somewhat adapting to new circumstances, maintained their role as legitimate groups seeking to work with elites on health/welfare policy.

But, while organizations grow to take advantage of new opportunities afforded by protest, this may lead to a negative feedback effect on protest. One observation that has been made is that as the organizational field grows in size (presumably with protest), so too does competition between these groups (McCarthy and Zald 1977). Organizations must then divert attention away from externally directed activities, like protest, and focus on organizational maintenance so as to secure resources that are finite and increasingly scarce. Thus, if organizations are coordinating

protest events, but they must then turn to self-preservation activities, competition will hurt protest (see Olzak and Uhrig 2001). Tarrow (1989b) argues that organizations help the proliferation of protest early in the cycle because an increasing number of organizations drawn to the saliency of the cause compete for attention and attempt to outbid one another, some becoming more radical (see Haines 1984 on radical-flank) as a way to establish a niche for themselves. However, his own analysis of Italian protest reveals that when protest was highest and most diffuse, organizations were less relevant for protest which also suggests that competition has little effect on protest at least when protest is at its height. It also alludes to a non-linear (or non-monotonic) relationship between organizations and protest. In other words, an increasing number of organizations do not necessarily increase incidents of protest, suggesting that organizational involvement becomes irrelevant for protest diffusion.⁹

Koopmans' (1993) analysis of West German data also finds that organizational competition is not related to the proliferation of protest. Rather, At the beginning of the cycle, organizations mount protest campaigns but become less important as protest diffuse without organizational involvement (hence a monotonic relationship, see Figure 2). This is because the costs of innovating and mounting protests have been paid by organizations allowing unorganized protests to follow suit. As elites attempt to appeal to challengers, more formal and professional organizations become prominent at the decline of the cycle as does a smaller segment of organizations using more radical tactics. As Koopman states, "Only after the peak of disruption do organizations become a moderating force, as professional SMOs and established allies join the movements to exploit the pool of members, adherents, and voters revealed by the eruption of protests" (p. 653).

⁹ However, Tarrow (1989b) does find that unorganized protest was weaker than organized protest

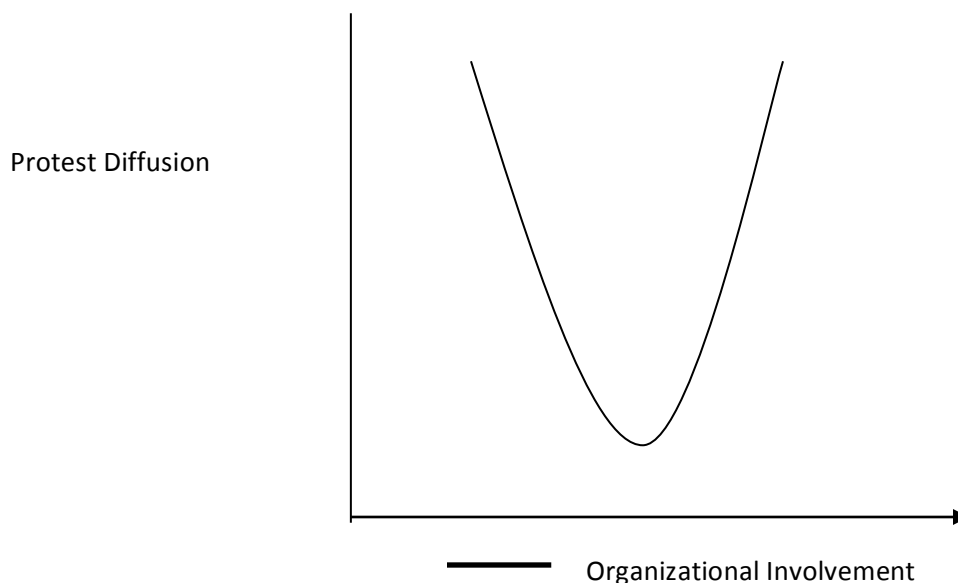


Figure 2: Organizations and Protest

Although formal organizations are often not the initiators of protest, their tactical flexibility and ability to maintain the movement cause make them critical in sustaining collective action (including in periods of abeyance, see Rupp and Taylor 1987, Melucci 1989). We would thus expect SMOs, whether formal or informal, to be especially important in initiating and maintaining a protest cycle (Staggenborg 1998). Evidence suggests that protest cycles begin with non-violent direct action (usually where most tactical innovation occurs through informal organization), more moderate, but increasingly mass-based direct- action (presumably large and formal organizations play an important role in recruiting participants) , followed either by radicalization (by radical SMOs and other informal groups) or institutionalization (carried on by formal and professional SMOs) or both (McAdam 1982; Tarrow 1989a; Koopmans 1993). Indeed, the proliferation of disability organizations, including advocacy groups, began after the Rehabilitation Act which also coincides with the rise of a protest wave. While protest oriented groups like DIA and later Americans Disabled for Access to Public Transit (ADAPT) were both

a response to new politics and subsequently propelled disability activism to new heights, most disability advocacy organizations engaged in both institutional and direct-action tactics, and importantly, many organizations never gave up their traditional role in social welfare and health-related areas, or their lobbying activities in Washington.

The literature on the link between protest and organizations suggests two different relationships: on the one hand, protest is an outcome of organizations while on the other hand, organizations are an outcome of protest. Findings, however, do not side overwhelmingly with one or the other of these relationships. Following Morris (1984), Biggs and Andrews (2010) hypothesize that protest (civil rights sit-ins) has a positive effect on organizational founding, organizational expansion, and growth in membership. However, they do not find this to be the case. Instead, they find organizational expansion in the civil rights movement occurred in cities with an open political opportunity, where an established organizational field was already in place. They also find competition between formal and informal organizations. Similarly, Minkoff (1995; 1997; see also Meyer and Minkoff 2004) finds no significant effects of protest on women's organizational founding, and actually finds a negative relationship between protest and civil rights organizations.

There are also numerous studies treating organizational capacity as the independent variable and protest as the outcome. Again, findings do not tend to strongly support this contention either. Andrews and Biggs' (2006) study of the civil rights movement finds that the best predictor of protest is existing social networks, not organizations (echoing Morris' work). Organizations mattered for protest coordination once protest was already under way. Minkoff (1994; 1997) and Meyer and Minkoff (2004) have systematically sought to determine whether environmental factors (such as the POS) that explain protest are the same as those that explain

the emergence of organizations. Minkoff (1997) argues that Tarrow's understanding of protest cycles undervalues the role of organizational dynamics. She argues that increasing organizational density provides (a) the resources and information for protest diffusion, (b) a niche in the organizational field for protest organizations, and (c) a demonstration of movement success in mobilizing resources. However, Minkoff also argues that organizational expansion by early risers means increasing competition (as Tarrow and Koopmans also claim) which may actually limit protest later on in the cycle. Minkoff's findings largely support the work of these other scholars such that there is a trade-off between organization building and protest as these variables are inversely related (as Piven and Cloward might argue).

The work on organizations and protest shows different relationships given whether the variable is "capacity" rather than "founding." Minkoff finds weak evidence for the relationship between organizational capacity and protest. Meyer and Minkoff (2004) find that organizational mobilization and protest are not related. Meyer and Minkoff do find, however, that *organizational foundation* is higher when there is a favorable political opportunity and, when that change toward a favorable opportunity is predictable (i.e., in the absence of electoral instability). In addition, when POS is seen as having an issue-specific signaling effect (i.e., not translatable across movements) on SMO foundation (in this case, civil rights groups), they find that presidential attention to the cause as well as previous movement gains depresses organizational foundation. This suggests that when the government begins to pay attention to the cause, it may signal to organizers that there is no need to expend resources on organization building, and that prior movement gains signals a trend towards goal attainment with existing organizational resources, not requiring new organizations. It also means that the relationship

between protest and the political environment, and organizations differs depending on whether one is explaining founding rates, or actual organizational capacity.

Thus, research shows a fairly complex relationship between organizations and protest. “Scattered remarks” (Biggs and Andrews 2010:189) on protest diffusion and organizations have provided conflicting claims, but in general organizations do seem to be related to protest in some way. A potential reason why empirically, these relationships have either little, or conflicting support is that the relationship between organizations and protest is bidirectional. This literature essentially, perhaps unintentionally, alludes to theoretical basis for possible positive feedback effects between protest and organizational founding and/or capacity. It is non-recursive for the following reason: organizations are necessary (at least initially) to coordinate protest while protest signals an opportunity for organizational expansion because protest diffusion signals growing interest or issue salience, it facilitates recruitment, and may even expand resource flows from which organizations benefit. In other words, the relationship between protest and organizations is non-recursive which means that their effects must be determined simultaneously (see Chapter 6). It is particularly important to do so in the case of disability rights because the movement itself emerged alongside a new government focus on rights, and existing organizations with ties to political elites were confronted with a new set of goals and demands from the grassroots that emphasized rights (over services) and direct-action (over lobbying).

SOCIAL CHANGE FROM THE TOP-DOWN

In democratic societies, individuals like to believe they have a say (whether by voting, organizing, or protesting) in the policies that affect their daily lives. Many find the idea of seeming non-responsiveness or so-called overhead democracy distasteful. Often times, top-down

approaches are referred to as elite theory and contrasted to pluralist understandings of government and policy. Simultaneously, critics worry that in weak, open, and decentralized democratic regimes such as the U.S., a combination of inclusiveness and overhead democracy allows interest groups to collude with political elites and cause policy stalemates in government. Both these views tend to exaggerate the role of insiders and outsiders. Concepts like “overhead democracy” and “juridical democracy” suggest that important policy change occurs without the participation of the public. But this is often the case on low-key issues because the public has no opinion these. As King (1997) notes, letting, for instance, committees work on issues often with little knowledge from outsiders is the price we pay as issues become increasingly complex and specialized. It is therefore important to consider the institutional rules and norms, as well the context within which the public forms opinions about issues, that constrain or limit what kind of influence can be exerted over change by both insiders and outsiders.

Public opinion might be the “drive wheel” of American politics, as Stimson (2004:24) suggests, but it does not always determine what the government pays attention to, or how it does so. At the same time, while social movement scholars emphasize the important role of SMOs and direct-action in influencing public policy, the data, as Burstein and Hirsh (2007:175; see also Burstein and Linton 2002) note, is inconclusive. Why? It may be the case that SMOs do not provide the kind of information political entrepreneurs seek, or because the use of direct-action is not proximate enough to elites as might be information-providing activities like testifying at hearings. It may also be the case that because on salient issues the electorate is more likely to have an opinion, politicians are more inclined to listen to their constituents than they are to social movement groups. In any case, work on political institutions suggests there are important factors that constrain the role of outside influences on agenda setting and policy making (particularly the

latter). Jones and Baumgartner's (2005) extensive analysis of issue attention does not find strong relationships between public preferences and government attention. However, their work in *Agendas and Instability* finds a moderate negative relationship between federal grants and whether people think the government is doing too much. This leads them to conclude, much like Stimson (2004), that "public opinion reacts to public policy more than it causes it" (p. 247). This is not say that public opinion does not have any role to play in shaping what the government pays attention to, but as, Kingdon (1994)'s notion of public mood suggests, there is a far more complex, possibly non-recursive relationship (or policy feedback loops) between what the public cares about, how the media frames issues, and what sorts of ideas policy entrepreneurs put out into the marketplace. Similarly, social movement scholars have noted a weak or limited effect of movements on agenda setting and policy (Olzak and Soule 2009; Johnson, Agnone and McCarthy 2010).

By and large, influence over issues, jurisdiction, content, and the nature of policy proposals remains fairly stable over time. When it comes to political entrepreneurs seeking to lay claim on already claimed issues (claimed by other entrepreneurs and congressional committees and executive branch agencies), they work around the edges of an issue producing incremental changes. They can shift jurisdictional boundaries in government over issues, but they can also reframe issues, and ultimately change the course of policies. Since, as King (1997: 20) claims, "institutional changes are ongoing," it is often hard to detect. Visible change, the kind the public would notice, happens infrequently, usually at critical points in time - what Baumgartner and Jones call punctuated equilibrium. During these times, new ideas are introduced, and potentially new players become involved in the issue. A major part of punctuations is a reframing of the issue such as to garner new constituents and new allies which become self-reinforcing through a

feedback mechanism. A major reason, as Jones and Baumgartner argue, for punctuated equilibriums and idea bottlenecks is that information is disproportionately processed by political entrepreneurs. The committee system and the hearings associated with it - as well as the agencies of government - are a massive information gathering enterprise (Arnold 1990:85). Entrepreneurs usually pick and choose information and package or frame that information in particular ways. When and how they do this is not necessarily explained by actual objective conditions, but by limited attention spans, issue momentum, turf wars, and issue overcrowding. Indeed, entrepreneurs, for political and personal gain, might shop not for solutions, but for problems in a sea of issues and then for venues, such as committees, to promote those issues. By virtue of limited attention spans, both at the individual and structural level, selecting one issue often precludes the selection of another. Thus, in a path-dependent way, some issues are prioritized, framed in particular ways, and in turn, this characterizes periods of change in a long history of issue stability. This means that the rules and norms that govern the committee system (committees being an important venue whereby ideas are framed and propagated) plays an important part in creating or constraining issue entrepreneurship. It is in these times of punctuated equilibrium where paradigm shifts, like for instance, the reframing of disability from social welfare - which had long been the sable policy image associated with handicap - to rights occurred.

Congressional Opportunity Structure

The work on agenda-setting and institutional entrepreneurship reveals the sets of constraints placed on outsiders seeking to influence government action. Constraints change over time to the extent that opportunities emerge for outsiders to have more influence than they previously had. Linking supply-side and demand-side understandings of social change helps specify aspects of

politics and political institutions that can shape both policy outcomes but also outside mobilization.

Drawing broadly from Sheingate's (2006) concept of the congressional opportunity structure (COS), I focus on two important aspects of politics that shape when and how government pays attention: the role of policy entrepreneurs and, the context within which they operate, namely committees and the hearings they hold. COS, which draws from the concept of POS, is premised on the fact that changes in public preferences, events and crises, and even organized mobilization, are not enough to explain what the government pays attention to. In other words, like Baumgartner and Jones' (1993) claim, it is the institutional context within which entrepreneurs work which shapes issue attention. From this perspective, policy domains and committees become the focus of analysis, and key variables revolve around the nature of committee work and entrepreneurial activity of political elites embedded in those policy communities (see King 1997).

Baumgartner and Jones describe issue attention in terms of punctuated equilibrium. Most of the time, there is stability on issues (which makes sense since committees create stability by protecting their turf and institutional rules keep conflict in check). At certain points, conflict arises as issue momentum builds, but eventually returns to some new equilibrium. This follows a path dependent model whereby at these critical junctures, new directions on issues are taken, which eventually institutionalize such that it is difficult to backtrack. It is during these critical junctures that new players, both insiders and outsiders, can make claims on issues and change the discourse surrounding issues. Within the context of committees who control policy issues, this can either mean cooperation or turf war. Importantly, this periodic conflict cannot be explained simply by electoral change or outside pressures because these come and go much more

frequently than punctuations. In other words, stability cannot be explained by political turnover and indeed, the length of time between punctuated equilibriums, if they even occur, varies by issue domain. Since critical junctures act as opportunities for both insiders and outsiders to influence the policy process, the concept of punctuated equilibriums is quite compatible with Sheingate's COS. They both allude to the fact that as government pays more attention to issues - via the number of congressional hearings held - SMOs are more likely to be invited into the discussion (see for instance, Johnson, Agnone and McCarthy 2010). This also supports political mediation theory's assertion that facilitation on the part of elites reduces the need for direct-action and further outside mobilization such that these organizations are more likely to use institutional tactics (Amenta, Caren and Olasky 2006).

Committees and Hearings: The Context of COS

As Smith and Deering (1990:1) note, "Committees have long been the central structural components of Congress...They have been called petty baronies and fiefdoms, the little legislatures, the nerve ends, and the workshops and laboratories of Congress." Or as King (1997:11) describes committee turf wars, "These battles are about power and influence in their rawest forms. They are about property rights over public policies." Since committees claim jurisdiction on issues, sometimes narrow sometimes broad, and they hold hearings whereby entrepreneurs make claims about issues, frame issues, and invite elite outsiders to testify on issues, scholars have used these as a measures of issue salience and political attention (see Costain 1992; King, Bentele & Soule 2007; Johnson 2008). Burstein and Hirsh (2007:179) summarize the importance of Congressional hearings:

A particularly important source of information is committee hearings. Members of Congress believe that hearings provide an efficient way to gather information

and exert influence. They often testify before committees they are not on. Their colleagues take the time to listen to them. The content of bills is often affected by conflicts among witness about how issues should be framed. Because committee resources are limited, simply holding a hearing on an issue communicates a committee's belief that an issue is important.

Committees, and the hearings they hold, are a central feature of the COS. Thus, the public agenda is not just about which policies are enacted, but the discourse surrounding policies (both failed and realized) which is controlled by the committees who claim jurisdiction over those issues. The work of committees - their jurisdictional change and stability, their information gathering and sorting, and the entrepreneurs they bring to the table - represent a set of institutional rules and norms that govern their interaction with each other, elected officials, staffs, other branches of government, and elite outside players as well, such as interest groups. Thus, these institutional norms can often constrain the role of outside factors in shaping what the government pays attention to (Baumgartner and Jones 2009). It does not mean that outside factors such as public preferences and social movements do not matter in shaping the agenda, but that they, much like institutional entrepreneurs, work within a political system that can either facilitate or constrain their actions. Indeed, the notion of “policy communities” suggests that interest organizations can have a place at the table and, as I mentioned in my introductory chapter, social movement scholars have also recognized how incumbent and legitimate organizations cultivate routine relationships with elite insiders. In turn, what issues are selected, and how they are framed, is determined by the ways in which entrepreneurs work on issues within the committee context, and how this context shapes how much influence outsiders can have.

Indeed, the nature of committee structures (particularly how committees overlap on issues) can have profound effects on which issues are given attention, and how they are paid

attention to. Depending on the issue, one committee can have a great deal of control over entry into the policy domain (sometimes called a policy monopoly, see Baumgartner and Jones 1993), and at other times, an issue is so complex that multiple committees have a stake. King (1997) refers to the latter as fragmentation. Although it has been argued that fragmentation leads to stalemates and little progress on policy, King sees fragmentation as potentially beneficial. First, when “more people are at the table” (including possible elite incumbent interest organizations) it is difficult for one frame to dominate and thus, at the end of the process, policy is less biased. And second, fragmentation creates more points of entry not only for issue entrepreneurs but also for interest organizations to influence the framing and content of policy (hence, a “congressional opportunity structure”).

The work on committees and agenda setting has led to two types of views: one characterized by conflict and the other by cooperation. The former, based on King’s (1997) turf wars, claims that issue entrepreneurs seek to eat away at the edges of another committee’s jurisdiction so as to aggrandize not only their committee, but their role as entrepreneur as well. The latter is Baughman’s (2006) *Common Ground*. Baughman does not discount the possibility that committees enter into jurisdictional conflict but suggests this is rather infrequent. Most often, committees cooperate on most issues because it is in their best interest to do so. On issues that are jurisdictionally proximate, whereby committees will have to come into contact frequently on that or related issues (which according to Baughman should be a large portion of issues as issues have grown increasingly complex leading to committee overlap), it is unlikely they would engage in turf wars. Thus, according to transaction cost theory, turf wars are mostly likely brought on by new issues that bring together committees that typically are jurisdictionally far apart (that is, interact infrequently).

Whatever the case, both imply that jurisdictions are not always fixed (see King's 1997 common law v. statutory law analogy) and that, particularly around the edges of an issue, can be moved into one or more committees. Disability, for example, was not confined to only one committee, and in fact, throughout the 1970s, the number of committees holding disability-related hearings increased. This usually happens gradually over time although becomes particularly noticeable during punctuations. Some issues appear obviously related to a committee's jurisdiction, but other issues can be framed so as to fit across several. Particularly when issues are new and greater ambiguity exists around them, there is more opportunity for turf wars as entrepreneurs seek to stake a claim. Sheingate (2006) also argues that the greater the overlap, meaning the more committees working on the same issue, and the larger the policy domain, the more opportunity exists for entrepreneurship. He notes that "Committees with complex jurisdictions appear to offer would-be entrepreneurs with greater resources and opportunities to introduce new issues that further stretch the boundaries of committee authority" (Sheingate 2006: 856). At the same time, when issues are complex, and multiple committees are involved, hearings will also increase, especially if there is uncertainty about the eventual outcome of the policy process and committee entrepreneurs seek to stake a claim. Since entrepreneurs play a key role in shaping discourse, committees also play an important role in either constraining or facilitating the expansion of new ideas by affecting the role of entrepreneurs. At the same time, complex issues with overlapping committees and increasing congressional hearings also suggest an opening in the COS for outsiders.

Issue/Policy Entrepreneurs, Strategic Motivation and Bounded Rationality

When it is said that committees engage in turf wars, or that coalitions are formed between committees particularly when they are jurisdictionally proximate (or overlap) and are required to

interact often, it really means that political entrepreneurs largely make those relationships happen. Political entrepreneurs are architects of ideas and policies and forge new connections between different actors (Canan and Reichman 2002; 2003). King's (1997:22) main characterization of political entrepreneurship is that entrepreneurs stake claims on new issues that are jurisdictionally proximate to issues the entrepreneur and/or committee already has jurisdiction over. Clearly, committees that deal with more issues are more likely to have members with entrepreneurial behavior simply because they cover a wide range of issues. But, as King notes, issues must also be proximate and committees must be willing to allocate resources to the issue (such as holding hearings), and potentially initiate a turf war. Thus, committees are the venue where policy entrepreneurship takes place. As Sheingate (2006:845) explains, "Congressional institutions structure opportunities for the entrepreneurial introduction of new issues."

Although political entrepreneurs do care about their constituents' preferences and often invite interest groups to the table, this is not enough to explain why entrepreneurs pick some issues over others. Often times, issues are already selected and framed by entrepreneurs before interest groups and SMOs are brought into the agenda-setting process. When King (1997:25) explains the "tenacity" by which entrepreneurs pursue issues, constituency preferences is but one of several reasons why they do so. He states that "Entrepreneurial activity...depends on much more than constituency interest" (p. 132). Yet, entrepreneurs' actions are generally, above all else, meant to get them reelected (Mayhew 1974; Sulkin 2005) and thus, the issues they are entrepreneurial on are usually strategically selected such that at the very least, electoral consequences of pursuing issues are thought out. This does not mean that the public is ignored. What might be as important as responsiveness to public demands is "credit-taking" and "hard

work.” If a political entrepreneur shows that he or she follows through consistently and “does something” when elected, he/she will more likely be reelected as opposed to someone who is inconsistent, has not staked a claim on anything, and has not demonstrated action. Indeed, some issues are easier than others to “look good” on (as I note in chapter 1, disability is one such issue), and sometimes, issue entrepreneurship can make an issue important to constituents simply by focusing on them (I discuss feedback later in this chapter). Thus, issue entrepreneurship may not be directly related to public preferences on all issues (that is, entrepreneurs are not usually going to pick controversial or unpopular issues to expand), but their record on issues shows constituents that he/she is hard at work. As Sulkin (2005:30) claims, “It might not particularly matter what issues legislators are position-taking or credit-claiming on, as long as they are doing so on something.”

How do entrepreneurs stake claims on issues? Sulkin provides one explanation (i.e., issue uptake) which is based on the idea that opponents, if elected, will take on the issues of the incumbent in order to expand their appeal. Entrepreneurs also pick issues because they have personal ties or histories which connects them to the issue; because they are easy issues (that is, have no natural opponents of yet); because they are new and there is less entrepreneurial competition; because he/she is new to Congress and “needs” an issue to be entrepreneurial on; because they serve on committees wherein the issue falls jurisdictionally; because they sit on a committee that wishes to stake a claim on the issue; and because it is jurisdictionally proximate to other issues an entrepreneur has worked on. Indeed, King claims that the primary reason why entrepreneurship exists is to exploit jurisdictional ambiguities. Or in other words, jurisdictional ambiguities serve as an opportunity for entrepreneurship and in turn, issue expansion. This sheds

some light as to how government pays attention to issues which are not especially salient to the public.

One major feature of entrepreneurship is issue framing and it is no coincidence that scholars describe policy entrepreneurs as engaging in the “act of creative discovery” (Teske and Schneider 1994) and seek to “sell their ideas” (Kaji & Mintrom 1995). How issues are framed varies, but one important consideration is that entrepreneurs will select frames or will sell their ideas within the context of their committee’s jurisdiction. This means that new issues will be framed in terms of the existing discourse within a jurisdiction and with the experience of the entrepreneur. Committees are in the business of gathering, but more importantly, prioritizing information. Hearings are a primary venue through which information is gathered, prioritized and presented. Hearings sometimes are entirely informational (and not bill related) and are often used as a way to stake the claim over policy domains to ensure bills are referred to that committee by parliamentarians. What gets prioritized? While political entrepreneurs are strategic actors (Canan and Reichman 2002) and may be *strategically motivated* in issue selection (Sulkin 2005), they are also *boundedly rational*. Indeed, a key component of Baumgartner and Jones’ agenda setting thesis is that it is a process that involves information prioritizing by individuals with inherent biases (political or personal) and limited attention spans. Fortenbaugh (1975:17) may be putting it best when he suggests that policy entrepreneurs’ “beliefs may be erroneous and their anger unreasonable, but their behavior is intelligent and cognitive in the sense that it is grounded upon a belief which may be criticized and even altered by argumentation.” As boundedly rational entrepreneurs, some issues are picked over others, and on those issues, ambiguous information is framed in such a way as to stress one perspective over potential others, often leading to a path dependent road to policy.

When scholars talk about the policy iron-triangle, they refer to, as Miller and Demir (2006) claim, a tight-knit, closed community of elites. While this is sometimes the case, particularly on newer issues, it often gives way to a loosening of boundaries as momentum builds towards punctuations in equilibrium or openings in the COS. Iron-triangles are often contrasted with the concept of policy communities and issue networks (or Velcro triangles), which suggest a much more fluid or open environment for ideas to flourish. The implication is that it allows for more attention on the connection between outsiders (albeit often elite outsiders) and political entrepreneurs who work within a set of institutional constraints. To reiterate, public preferences and social movements are still relevant to issue attention, but these are constrained by institutional norms. For instance, members who sit on jurisdictionally distant committees but serve constituents who are demanding change outside of that jurisdiction will have difficulty acting entrepreneurially on that distant issue. As I noted, entrepreneurs are constrained by institutional norms and rules, including the COS. Indeed, the COS allows entrepreneurs to move beyond the particular issues they are required to address given the committees they are on (indeed, both King and Sulkin note that this is how committees engage in turf wars) but within limits. The fact that resources such as staff and information made available through congressional committees (especially of those which entrepreneurs are actual members) make it easier to focus on some issues over others, or that it is easier to be entrepreneurial on more ambiguous issues with no expected outcome, or more opportunity to be entrepreneurial on complex issues with multiple overlaps are a feature of the context within which entrepreneurs act (Sheingate 2006).

SYNTHESIZING BOTTOM-UP AND TOP-DOWN APPROACHES

Figure 3 is meant to illustrate a basic theoretical model drawing from various literatures bringing together both outsider and insider variables that shape policy outcomes. In other words, it is a summary of the prominent relationships discussed in the literature regarding the political process and legislative outcomes. The COS constrains the ability of entrepreneurs to set the agenda, which in turn, shapes policy output. At the same time, interest organizations and SMOs also seek to influence agenda setting because it is here where they have most influence (not directly on policy). SMOs, as movement research shows, can also affect protest and protest in turn can also influence which issues gain prominence in Congress with elites in committees. But the movement literature is also ambiguous about whether protest itself can have a feedback effect on organizations depicted by the dotted line in Figure 3. Finally, according to democratic theory or the pluralist model, public preferences should dictate policy responses, although it is unclear whether it is meant to do so directly (hence the dotted line) or by way of shaping the public agenda in Congress. The arrow from public laws to public preferences is based on the policy feedback literature which suggests that policies eventually created constituencies which come to protect and often expand those policies.

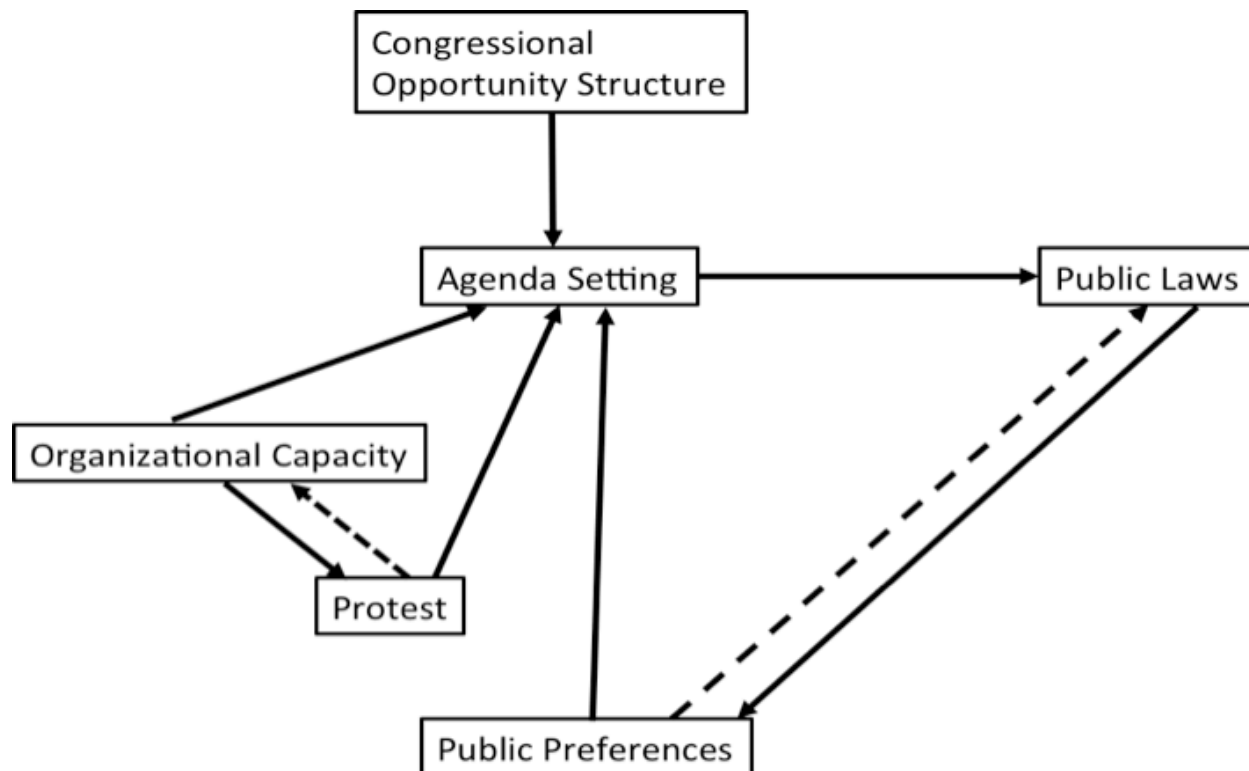


Figure 3: Theoretical Model

A major component of my dissertation revolves around the meeting of political entrepreneurs and outside challengers within particularly institutional and social contexts. Their dynamic interaction and subsequent influence on policy evolves over time. There are four related ways in which the synthesis of supply-and-demand-side explanations of social change can be understood: through policy communities, feedback effects, policy narratives and frames, and institutional activism.

Policy communities as Strategic Action Fields

An important way of linking bottom-up and top-down approaches is by considering how some outsiders maintain regular access to political entrepreneurs and elites. Years ago, Lowi (1964) discussed the decentralized nature of policy making in the U.S. given the “numerous veto points

for aggrieved interests” (Price 1979), and how decentralization or control varies by issue. Similarly, Fenno’s (1977) policy coalitions emphasized how members of government have to adapt to outside interests rather than the other way around. It is true that some issue or policy domains are based in closed or exclusive networks that make it difficult for non-regular or illegitimate players to gain access. However, policy scholars have since the 1970s begun to think of relationships more like a policy community that can potentially incorporate members of the executive branch and interest organizations. As Price (1979) notes, Fenno’s claim is problematic because it ignores the rules and norms as well as the existing relationships and discourse created by already involved players that limit the ability for outsiders (especially new entrants) to have influence. That is, fluidity does not mean a free for all, nor does it mean that all outsiders get a place at the table as my earlier discussion of committees and policy communities suggests.

Indeed, the very notion of a COS – which can be open or closed – closely resembles the contrast between an "iron triangle" and an "issue network." In the case of the former, the boundaries that demarcate membership in a policy community are clearly defined; in the case of the latter, participation is more fluid (Sheingate 2006). This is an important point because if outside groups are to have a say, then there has to be an institutionalized means by which they can have some kind of routine access or how else would they provide the kind of information that scholars say matters to political elites? Studies have provided mixed evidence regarding the influence of movements on the policy agenda but they clearly agree that movements and organized interests matter more in the early stages of the policy process, especially the hearings phase (King, Bentele and Soule 2007; Johnson 2008; Olzak and Soule 2009; Johnson, Agnone and McCarthy 2010).

Following in the tradition of RMT and the strong focus on formal organizations, Fligstein and McAdam's (2011) "Toward a General Theory of Strategic Action Fields" seeks to link the activities of various incumbent, challenging and elite actors within a "meso-level social order where actors (who can be individual or collective) interact with knowledge of one another under a set of common understandings about the purposes of the field, the relationships in the field (including who has power and why), and the field's rules" (p. 3). What Fligstein and McAdam are describing is, in essence, a policy community. Unlike an iron triangle or policy monopolies (like what had existed with disability until the late 1960s), policy communities represent the "interstice between and among government agencies, interest groups, corporations, industry associations, elected officials and other institutions and individuals" (Miller and Demir 2006:137; see also Roa, Morrill and Zald 2000 on interstice). Because these tend to be more fluid, they are juxtaposed to the more tight-knit iron triangle. The policy community plays an important role in bringing certain kinds of "outsiders" to the table. It emphasizes horizontal rather than vertical connections in the policy environment. This notion also has broad appeal because it tends to undermine the idea of overhead or juridical democracy. In the case of social movements, it means that they do have some influence in setting the public agenda. McCarthy's (2005) "Velcro triangles" (meant as a play on iron triangles) suggests that groups can come in and out of coalitions, including, presumably, policy communities, which also undermines the notion of tight policy monopolies.

In trying to ascertain when and how SMOs might indirectly affect policy, sociologists have borrowed from political scientists who study the work of interest organizations and have suggested that a key way to influence the agenda is by providing relevant information to elites on committees (Burstein and Hirsch 2007). Since "hearings are the first occasion for providing

information publically” not surprisingly, interest organizations and SMOs see this venue as an important way to be heard. As part of the institutional norms and rules of policy change, interest organizations and SMOs may be invited to provide expert testimony on an issue, or the bill itself and sometimes, to express grievances. As Rochon and Mazmanian (1993:78) note, “By providing such opportunities for input and review, grievances are channeled into institutionalized means of participation.” This is also an important characteristic of the COS. But not all outside groups get invited. McCarthy’s discussion of Velcro triangles suggests that despite fluidity, organizational involvement is still limited to certain elite groups (see also McCarthy and Zald 2002).

Not all organizations are part of a policy community and thus, they may not be considered legitimate by political entrepreneurs, which in turn might reduce the weight of their influence. The notion that political elites confer legitimacy status to groups is not a new idea. It was Gamson (1975; 1990) who suggested that some elite organizations are incumbent rather than challenging groups. This distinction is crucial in understanding whether or not SMOs are at all important in the policy process. It is not just whether their activity, broadly construed, is linked to policy change, but rather, whether they are accepted as a legitimate player within the policy process (Rochon and Mazmanian 1993) - in other words, whether they are recurring actors in the policy community. Outsider groups’ routine access and ties to insiders is paramount in understanding their influence. Importantly, political entrepreneurs find it easier to work with incumbent groups because not only do they have a rapport with this group and know what to expect, they can also make concessions without appearing to appeal to movement demands, particularly if these demands are not congruent with public preferences. Not all groups have that status. It is not that challengers must be part of a strategic action field such as a policy

community to have influence, but as Fligstein and McAdam (2011) note, these groups are far less privileged.

Just because the concept of policy communities implies a more fluid and horizontal composition does not mean that in turn, policy communities cannot once again return to a monopoly or oligopoly. This depends on the nature of the players, how stable they are, as well as the nature of the issue. On issues that move beyond one committee jurisdiction, or have many different types of interest organizations competing to affect change, then there is more fragmentation than monopolization. This can be seen with disability as more committees began to hold hearings on disability-related issues just as rights were emerging, and outside mobilization increased.

Policy communities do not only include politicians and interest groups. They also comprise of non-elected individuals primarily congressional staff and members of the executive branch. If, as Baughman (2006) argues, committees overlap and cooperate, so too must their respective staffs. Indeed, staff makes routine communication possible and the trust that arises from the networks they form influences the information staff brings back to legislators and committees. In some cases, staff interaction can help smooth out conflicts while their work usually flies under the radar. Congressional staff has ballooned over the last one hundred years (see Baumgartner and Jones 1993; see also Skocpol's 2007 discussion). Many argue that this is due to the complexity of issues Congress has become involved with as well as the rise of interest organizations that seek to forge ties with members of Congress. Critics worry that these non-elected staff hold considerable power in the legislative process. They schedule and influence hearings and play a key role in researching and drafting legislation. They too work with others in the policy community, including interest and social movement organizations. Elected officials

(and sometimes, interest organizations) forge ties with those in the executive branch hoping that this will ensure that policy is sent to the “right” agency for implementation (see Tobin’s 1986 *Hidden Power*). This was the case when it came to assigning the Rehabilitation Act to the OCR in HEW rather than the traditional RSA as congressional staffers and executive branch staff worked to ensure this agency could claim jurisdiction over disability rights.

In the vertical model of the policy-making process, bureaucrats in the executive branch largely come in once a policy is enacted and are trusted with implementing that policy. Sometimes, legislation creates the agency, such as the EPA or EEOC, and other times, legislative entrepreneurs seek out agencies to implement their will. In what Weingast (2005) calls the *political-bureaucratic system* in the U.S., bureaucrats often have considerable leeway in developing regulations about how some policy should be implemented and enforced especially if legislators in Congress are ambiguous with their intent. Bureaucrats can do this because legislators often defer to them because they are considered “experts.” In addition, bureaucrats in the executive branch do not only answer to the members of Congress but to the president as well – what Weingast calls the multiple principal problem. Also important is that the bureaucracy is a far more stable feature of the political landscape. Unlike elected officials who may be voted out, bureaucrats do not turnover as frequently meaning they can establish control over policy. The extent to which bureaucrats have control or “capacity” over policy varies over time and by agency and policy domain (see Huber and McCarty 2006). By no means are members of the executive branch insulated from outside influence. Entrepreneurs within the executive branch can seek outside help if they struggle to expand policy and their jurisdiction (see Scotch 2001). Stearns and Almeida’s (2004) *state actor-social movement coalitions* focuses on loosely coupled coalitions between social movements and the executive branch. This is particular the case when

an agency has already dealt with an issue of interest to the social movement, especially if members of that agency are institutional activists and entrepreneurial on that issue. Disability rights is a particularly relevant example of the ways in which elected officials, congressional staff, movements figures and members of the executive branch worked together to expand the Rehabilitation Act.

Policy feedback: The Chicken and the Egg Analogy

We often see legislation as the outcome or the end of a long process of actors - from voters to elites – seeking to change a set of rules, norms, and behaviors through policy. But sometimes, policy enactment marks the beginning of new politics. It was Schattschneider (1935) who more than seventy years ago wrote that “policies create new politics.” As Pierson and Skocpol (2007:6) outline, “policies can influence elite and mass understandings of political issues and possibilities; policies can change governmental capacities to propose and implement subsequent policy changes; and policies can influence the identity and goals of organized groups that get involved in subsequent rounds of policy making.”

When the political process or policy-making process is seen as non-recursive and assumes some fluidity through Velcro triangles, issue networks and the “advocacy coalition framework” proposed by policy scholars, the distinction between policy formation and implementation and between causes and consequences of policy becomes blurred (see Mazmanian and Sabatier 1983; Pulzl and Treib 2007). As policy and social movement scholars increasingly emphasized the fluidity of policy communities, particularly as these came to include elite organizations and potential challenging groups as well, questions have arisen about the relationship between government interventions and social movement activism. Specifically, and

a main theme of this project, is the ways in which the outcomes of elite entrepreneurship can shape the actions of outsiders.

Research has shown that political outcomes – the actions of institutional entrepreneurs – can influence mobilization. This need not only apply to policy outcomes, but as both Banaszak (2010) and Katzmann (1986) note, it can also include the work of government officials within agencies that seek to expand their jurisdictions and maintain their control over policy implementation. Movements often form strong ties with these political elites which helps the movement gain legitimacy and in turn, movements can help promote the interests of government agencies from the outside (Stearns and Almeida 2004). When entrepreneurs become involved in an issue, they can create an opportunity for organizational expansion (see Roa, Morrill and Zald 2000; also Walker 1991 on interest groups and policy-making). Indeed, a key argument made by Skocpol (2007) is that the activist government of the 1960s - through the creating of new constituencies - created a new political opportunity for professional advocacy organizations.

Baumgartner and Mahoney (2005; see also Baumgartner and Jones 2002 and the Public Agendas Project) argue that social movements change the nature of the policy agenda, but the policy agenda too changes political opportunities for social movements. Policies and programs transform social movements, including organizational forms and tactics. Their work emphasizes the ways in which political elites are not simply passive recipients or targets of action but active entrepreneurs that create future opportunities for action. McCammon, Newman, Muse et al's (2007) work on the women's jury movement also alludes to the notion that existing policy can shape subsequent mobilization. Platt's (2008) study of black activists suggests that policy interests are not only about enacting new policies, but that existing policy interests may also be

threatened, and thus increase participation. This means that threats to existing policy is also an opportunity for mobilization – for example, Reagan’s position on civil rights in the 1980s.

Social movement scholars like Ingram and Smith (1993), Reese and Newcombe (2003) and Meyer (2007) have emphasized the chicken-and-egg problem - that often times, constituencies are able to mobilize because they can appeal to preexisting entitlements provided by government. Disability rights in the U.S. emerged not because constituents or a social movement demanded rights, but because institutional entrepreneurs - elected officials, their staffs, the executive branch, and later, elite movement players – reframed disability discourse within an ever-expanding disability policy community. In turn, this created an opportunity for the rise of the DRM especially when the state began to retreat from rights. The DRM became an important force in fighting for rights when the government did (or could) not.

Issue Entrepreneurs, Policy Narratives and Collective Action Frames

Setting the public agenda is about how issues get framed. A major component of Baumgartner and Jones’ politics of issue attention is the way in which issues are characterized or problematized by issue entrepreneurs. How problems are defined determines how solutions and goals are laid out. “For example, if we define the problem of poverty as being strongly related to nutrition and educational opportunity, then some obvious solutions are implied. These differ from solutions that would be implied if we saw the issue as fundamentally related to family structure, the structure of the economy, individual motivation, personal choice or job training” (Baumgartner and Jones 2005:35). Their punctuated equilibrium thesis involves how boundedly rational entrepreneurs frame and reframe issues particularly in times of punctuation. As Gottweis (2007:237) notes, “Many key policy decision processes seem to be neither the outcome of the

application of scientific rationality nor the result of deliberation processes, but can only be explained by the appeal and impact of the personality of a key decision maker and his or her skills to persuade, the credibility of certain actors, or the anxieties or hopes that influence the dynamics of decision making.” Many times, policy entrepreneurs use stories or what Roe (1994) and van Eeten (2007) describe as *policy narratives* which serve to frame an issue in a relatable way. These narratives make the most sense when we know their architects. The language and rhetoric used to describe issues is critical in understanding issue attention, how issues become policy, what actors want from policy and how policy gets implemented. The COS is related to framing because framing only becomes apparent when the field is open enough to include competing actors that reveal opposing views and alternatives. Idea expansion, critical junctures, punctuated equilibrium and open congressional opportunities go hand in hand. The COS, in part, shapes what Steensland (2008:1028) refers to the “coevolution of actors and ideas in a discursive field.” Players and their ideas about an issue change over time and they are, in part, influenced by the prevailing mood in and outside of government.

Framing issues is not necessarily about objective conditions but as Gottweis claims, about convincing sympathetic and unsympathetic others that something is a problem, and that it should be interpreted in a particular way. Both Gottweis and Steensland suggest that policy making involves performances and symbolic contestation. Framing, which has its roots in symbolic interaction (Goffman 1974; Turner and Killian’s “emergent norms”) essentially refers to how people see the world they encounter. In the study of social problems (see Blumer 1971) it has referred to the process by which objective conditions become socially constructed so as to reveal a problem in a particular way such that certain solutions can be proposed. In this sense, issue framing in policy is the exact same process as defining social problems, or creating

mobilizing grievances in social movements though frame alignment. Yet, these projects have generally remained separate with some exception (see Gamson and Modigliani 1989; Gamson 1992 on policy frames and the media) and more importantly, collective action frames have almost completely been seen as emerging from grassroots mobilization, not from within institutions.

Although scholars who write on framing processes acknowledge the interplay between activists and political elites, they tend to treat the emergence of collective action frames as a process beginning almost exclusively from the work of activists – from the grassroots. It emphasizes how activists, leaders and organizations work to interpret issues, with the intention of appealing to a wide base of support (although this has been critiqued, see Reese and Newcombe 2003). Snow et al (1986) as well as Tarrow (1993) suggest that frames emerge in cycles of protest/contention. Benford and Snow (2000:613) treat movement actors as “signifying agents actively engaged in the production and maintenance of meaning for constituents, antagonists, and bystanders or observers.” Soule (2009) treats frames as an “internal factor” of the movement. Campbell (2005) claims that movement frames are a way to convince people of the problem and to legitimize subsequent courses of action. Naples (2002) argues that these frames can become institutionalized suggesting that they begin outside of institutions.

Benford and Snow (2000:614) define collective action frames as “action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement organization.” This is important for the study of social movements because the way issues are interpreted shape the nature of grievances, strategy, tactics, targets, resources and outcomes (Snow et al 1986; Benford 1993; Soule 2009). For example, black civil rights activists framed mobilization in terms of injustice drawing from the broadly appealing notion in America

of inalienable rights (Noonan 1995). In turn, this shaped targets of mobilization (governments and businesses that discriminated) and the use of non-violent direct-action tactics. A common theme in collective action frames that transcends many social movements is justice (or injustice). This is no doubt in part because the civil rights frame, which problematizes the plight of minority groups in terms of injustice, inequality and discrimination, is embedded in the culture of individual rights in the U.S. Among the first to discuss injustice frames are Gamson, Fireman and Rytina (1982) which they define in terms of “encounters with unjust authorities.” They argue that authorities “assume the right to define the penumbra of social expectations that surround the primary framework” (p. 15). Authorities establish norms that legitimate their interaction with challengers. Thus, Gamson and colleagues argue that injustice frames challenge these norms and treat these frames as antithetical to legitimizing frames which are determined by authorities. Injustice frames determine targets and justify the use of disruptive tactics. There is a clear adversarial component to collective action frames as described by Gamson and colleagues. Gamson (1992) highlights two other related components of collective action frames. One is *agency*. That is, there must be a sense of efficacy such that there is a perception that actors can rectify injustices. The other is *identity* based on interests that are distinct and often antithetical to those of authorities.

Framing has been used as a way to specify mechanisms in RMT and PPT (see McAdam, McCarthy and Zald’s 1996 “synthetic approach”). Scholars argue that SMOs work to frame issues so as to gain legitimacy and to appeal to a broad range of supporters (Campbell 2005). Reese and Newcombe (2003) argue that organizational ideologies mediate the effects of the political environment and framing strategy. Other scholars have claimed that framing helps explain the nature of political opportunities. Mobilization does not always occur when

opportunities seem open and this may be because these opportunities have not been interpreted as such. Gamson and Meyer (1996) and Benford and Snow (2000) argue that framing is necessary to perceive an opening in the POS. For this reason, Campbell (2005) argues that frames mediate the relationship between POS and collective action.

On the other hand, those who study policy framing, although not blind to the possibility that outsiders influence the policy process, place more emphasis on the agenda of political elites which is not always influenced by outside pressures from constituents or movement activists. This is what Sulkin (2005; see also Costain and Mastrovic 1994) calls an “agenda-based” approach to understanding issue politics in Congress. Policy framing is a product of idea entrepreneurship (see Skrentny 2002), negotiation, change, and coalescence. For instance, the environmental movement’s focus on the depletion of the ozone layer and solutions to fight against it came from what Reichmann and Canan (2003) call “ozone entrepreneurs” who are elites within a global policy community. And, as Zippel (2006) claims, sexual harassment as a form of gender discrimination which continues to be a major aspect of women’s movement activism, is a product of institutional arrangements and institutional activism specific to the U.S. Thus, policy images are affected by the population of elites working on issues which tends to change over time. The frames that get attached to policies by issue entrepreneurs in turn shapes subsequent discourse (Steensland 2008). Social movement framing and policy framing are very similar processes because both attempt to define an issue in a particular way, and then offer solutions to those problems. More importantly, policy frames can be the basis for collective action frames.

If political elites are entrepreneurs, then they too must have considerable influence on how policies are framed. For this reason, Steensland (2008) places a great deal of emphasis in

linking political actors working on issues to the frames that emerge. And, if it is indeed the case, as Reese and Newcombe (2003) and Meyer (2007) argue, that policy can create constituents and thus influence the work of social movements, then the way elites frame policies should have a substantial effect on mobilization. The notion of policy communities and feedback effects offers a way to think about how issue frames from the top (that is, from a supply-side perspective) can actually encourage grassroots collective action because certain policy images can serve as collective action frames. Roa, Morrill and Zald (2000) suggest that institutional entrepreneurs legitimize, frame and create new advantages which can increase organizational growth. For example, health care was a matter for the *American Medical Association* until the government intervened in the 1960s shifting the issue from *quality* to *equality*. In doing so, the issue had to be reframed. This suggests that framing can be a negotiated process among elite actors within strategic action fields which then can lead to broader mobilization. Recall that disability had traditionally been framed by political and professional elites in terms of health and welfare (as well as “efficient mobility” in the case of transportation) and it was not until political entrepreneurs adopted a rights-based language - for instance, Section 504 of the Rehabilitation Act - that a growing number of movement activists were able to frame their grievances and goals in terms of minority rights.

Institutional Activism

A recent wave of studies has focused on the importance of the legislative agenda on mobilization and how Congress can act as an initiator on issues that overlap with those of social movements (King, Bentele and Soule 2007; Johnson 2008; Olzak and Soule 2009; Johnson, Agnone and McCarthy 2010). This is part of an existing trend among scholars who have sought to move beyond the conventional notion that institutionalization is synonymous with demobilization and

the decline of a protest wave (Katzenstein 1998). This work conceptualizes policy responses as actually mobilizing rather than demobilizing constituencies. Baumgartner and Mahoney (2005; see also Baumgartner and Jones 2002) argue that the policy agenda affects opportunities for mobilization. Sheingate's (2006) work illustrates how issues gain attention within the context of the COS. And, McCammon, et al.'s (2007) work on the women's jury movement and Costain's (1992) work on political process and the women's movement suggest that policy can shape subsequent mobilization. Collectively, their work emphasizes the ways in which political elites are not simply responding to outside pressures, but rather, act as institutional activists promoting social change while often times creating new opportunities for outside challenges.

Conventional ways of thinking about social movement mobilization has often precluded the important role of institutional activists who work on movement causes from the inside. The insider/outsider dichotomy raises broader questions about the nature of contemporary social movements in democratic states or what Meyer and Tarrow (1998) call "movement societies." Some social movement scholars have come to ask whether social movements exclusively (or even mostly) operate outside the normal political process (see Meyer and Minkoff 2004; Goldstone 2003; Goldstone 2004; Banaszak, Santoro and McGuire 1997). First, and drawing from RMT and the interest group model, scholars have shown that SMOs can simultaneously operate on both the inside and the outside to affect social change (see Cress and Snow 1996; Minkoff 1999; Meyer and Tarrow 1998; Staggenborg 2001; Fisher, et al. 2005). Similar research on policy communities has come to the same conclusion (Fenno 1977; Miller and Demir 2006). The boundaries between SMOs and the state can often be blurry and fluid. As Goldstone (2003:8) claims, "Social movement activity and conventional political activity are different but

parallel approaches to influencing political outcomes often drawing on the same actors, targeting the same bodies, and seeking the same goals.”

Second, the growing recognition that social movements and institutional activists overlap – that social and political change can come from both the bottom and the top – has refocused attention on the role of movements within the broader political process. What is the influence of outside challengers net the effects of other variables such as party politics, ideological commitments, and the public’s policy preferences? If SMOs seek to influence politicians, it is important to know when and how they will be influential particularly if the goals of a movement are not congruent with those of the electorate or with the agenda of political elites (see Pettinicchio 2010; Burstein and Linton 2002). In other words, exploring the role of institutional activists also means understanding how social movement activists and groups work with insiders, or themselves become insiders. Both outsiders and insiders play a role in framing issues and setting the policy agenda.

The concept of institutional activist or activism (Tilly 1978; Pearson 1994; Santoro and McGuire 1997; Banaszak 2005) is not a rigid one. Basically, institutional activists are individuals who affect change (from changing organizational norms to policy reform) from within organizations and institutions. However, the concept’s flexibility has also led to important variations of its use. Institutional activist and activism is similar to, and often times (depending on the movement in question) interchangeable with, concepts like sympathetic elites (Tarrow 1998), institutional entrepreneurs (Roa, Morrill and Zald 2000; Reichman and Canan 2003), idea/issue/meaning entrepreneurs (Skrentny 2002; Steensland 2008), moral entrepreneurs (Gusfield 1963), elite mobilization (McCarthy 2005), state-movement coalitions (Stearns and Almeida 2004), and inside agitators (Eisenstein 1996). These terms denote varying degrees of

elite claims making because, as Banaszak (2005:156) argues, different movements have different degrees of outsider status. Constituents can be legally or normatively excluded from the political process, they can be included but marginalized, or they can be included and highly influential. For instance, where blacks in the United States were legally excluded from the polity, the disabled were normatively excluded as it was believed that they could not advocate on their own behalf. Thus, the role institutional activists' play is highly dependent on how much exclusion a movement or constituency experiences.

Traditionally, institutional activists are thought of as insiders working on outsider causes (Santoro and McGuire 1997). This implies that institutional activists take up an *already existing* cause championed by outside challengers. That is, issues are defined and framed by social movements before reaching insiders echoing the assumption that collective action frames must originate from the grassroots. For instance, Santoro and McGuire (1997) find that black elected officials and feminist politicians actively promoted affirmative action policy. They also find that feminist politicians were largely responsible for including comparable worth policies in the political agenda. Institutional activists play an important role following protest cycles when often times, elite responses push movements into the political arena (see Staggenborg 1991). Ruzza's (1997) study of the Italian peace movement shows that institutional activists are important when protest cycles decline suggesting that they help outsiders when their influence becomes less efficacious. On the other hand, Ruzza also claims that institutional activists are more widespread when the cause is politically salient which implies that the main reason elites take on issues is because they are either pressured or influenced by social movements and/or public opinion.

Institutional activists can be much more entrepreneurial than is suggested by the conventional understanding described above. As I already noted, a growing literature in

sociology and political science has shown that elites do not always take on issues because they are pressured to do so by public preferences or organized interests (Costain and Mastrovic 1994; Reichmann and Canan 2003; Sulkin 2005). Framing the problem and its remedies can be done on the inside (see Reichman and Canan 2003 on “ozone entrepreneurs” and Skrentny 2003 on “idea entrepreneurs” and Steensland’s 2008 “ideational diffusion”). In turn, the actions of elites, such as policy, programs, and the creation of government agencies, can create new constituencies (see Meyer 2005) as well as new opportunities for mobilization (see Baumgartner and Mahoney 2005; see also Baumgartner and Jones 2002 and the Public Agendas Project). Banaszak (2005; 2010) emphasizes how policies create accompanying regulatory agencies and staffs with whom movement actors can develop a relationship, especially the ways in which these can come to incorporate movement activists into the government. In addition, personnel within the legislature and the executive branch may actively create new opportunities for movement actors while in some cases, governmental and bureaucratic rules and norms may encourage activism within the government.

Scattered studies have provided a framework for understanding the dynamic interplay between insiders and outsiders. Their work showcases the flexibility of the concept. Some scholars focus on the ways in which opportunities for mobilization are initiated by institutional activists (e.g., Katzmann 1986; Costain 1992; Scotch 2001), some on how insiders take on a movement cause (e.g., Santoro and McGuire 1997), and others on how outsiders become insiders while remaining movement activists (e.g., Banaszak 2005; 2010). Drawing from these works, we can make some general conclusions about the role of institutional activists. First, they are not just reactionary, but rather, they proactively work on issues that can overlap with social movements. This is what makes them entrepreneurs. Second, institutional activists have access (or gain

access) to institutional resources and have some influence over the policy-making/implementation process. Third, they not only believe in the cause, but will promote that cause even after mobilization declines (especially if outsiders are brought into the state). And finally, institutional activists may pursue favorable policy or expand existing policy without any push from outsiders.

CONCLUSION

Although the case of disability rights is on many levels somewhat a unique story of mobilization, it does share commonalities with other policy issues that have mobilized constituencies. For instance, even though Costain (1992) argues that political process explains women's movement emergence better than resource mobilization, she too acknowledges that favorable government action, like the creation of the Presidential Commission on the Status of Women, and the link between the Equal Employment Opportunity Commission and the creation of the National Organization of Women, were important precursors to second wave feminism (see also Rupp and Taylor 1987). Similarly, as Johnson (2008) describes, the modern environmental movement began with the proliferation of national, professionalized movement organizations in the 1960s and 70s, which coincided with a heightened period of congressional attention to environmental quality, not with radical groups using disruptive tactics.

As I alluded to in my introductory chapter, the disability case supports some elements of RMT, PPT, political mediation, and theories about agenda setting, but also highlights important gaps in these theoretical accounts. The explanation for why the U.S. is a policy forerunner on disability rights requires synthesizing top-down and bottom-up perspectives of social change. Why is the disability rights case theoretically interesting? Disability rights came onto the

political (and public) scene at a time when the public mood was becoming more conservative and indeed, the 1970s signaled a rapid closure in the POS when it came to rights expansion. It is an issue that had little media attention yet government paid quite a bit of attention to disability issues. Despite the social welfare legacy associated with disability policy, it was still an ideal situation for certain political entrepreneurs and interest organizations to develop a rights framework with little public input. Although incumbent organizations had ties to political elites (as RMT would point to) and were part of the disability policy community, they were, in many ways, an obstacle to a rights framework as they championed the expansion of rehabilitative, social and medical services for their constituents. In addition, the government was paying attention to disability and in some ways, sympathetic elites were present (as PPT might point to) but this was not enough to generate a social movement. Since disability has had a long history on the congressional agenda with a well developed policy community, but then experienced issue expansion and reframing in the early 1970s, it fits well with the concept of punctuated equilibrium. A major part of punctuations is a reframing of the issue such as to garner new constituents and new allies which become self-reinforcing for policy. It was during this period of punctuation that the COS opened and allowed more outsiders in. At this time, jurisdictional proximity over disability became increasingly muddled as the policy community expanded and more committees heard disability-related hearings. The early 1970s marks a critical juncture for the paradigm shift towards disability rights.

Not only were new alliances forged between disability organizations and members of Congress at this time, but elected officials and their staffs also sought alliances within the executive branch (namely OCR in HEW) that they believed would help expand disability rights. Bureaucrats often have considerable leeway in developing regulations about how some policy

should be implemented and enforced especially if legislators are ambiguous with their intent. Indeed, Congress remained relatively silent on its intentions with the Rehabilitation Act and left much of the interpretation (and consequent expansion) to entrepreneurs in the executive. The case of disability - particularly why the U.S. was innovative - highlights the link between entrepreneurship in the legislative branch, executive branch (particularly the politics of policy implementation), and the nascent DRM. Those who would become elites in the movement formed close ties to political entrepreneurs at this time. These movement leaders were first institutional activists before they were grassroots organizers. Thus, the rise of disability rights showcases how constituencies are politicized by the actions of government and how government can invite rebellion.

CHAPTER 3: IT TOOK AN ACT OF CONGRESS: THE RISE OF DISABILITY RIGHTS IN AMERICA

The U.S. is a policy innovator on disability rights. A major reason for this innovation is that political entrepreneurs pursued rights-based legislation within a facilitative institutional environment. Later, with the help of emergent disability activists from the DRM, many of whom had pre-existing ties to entrepreneurs in government, they were able to ensure continued disability rights discourse through grassroots mobilization especially when the political environment was no longer favorable for rights expansion. There are many contextual factors that explain why entrepreneurs led a paradigm shift towards rights. One such factor is the unfunded mandate and parochial nature of U.S. politics, as well as the nature of the congressional committee structure all of which shape entrepreneurship. It is also true that these entrepreneurs were heavily influenced by the policies of the Great Society and by civil rights. However, many policy entrepreneurs also had personal ties to disability, and importantly, pursued a disability rights agenda without any push from outsiders.



Figure 4: An Act of Congress

Figure 4 shows a poster from the Easter Seals commending the ADA for requiring companies to furnish relay services suggests in order persons with disabilities to have equal access and rights. Indeed, it did take an “act of Congress.” But, as my dissertation illustrates, Congress acted well before the ADA and the reason why Congress acted specifically on disability rights is not adequately explained by a demand-side approaches. It is also important to note that disability, unlike other constituencies, has always had a place on the policy agenda, and thus, re-orienting political discourse around rights meant moving away from an existing paradigm of health and welfare service provision. For this reason, it is important to discuss some of the preexisting logic behind handicap prior to the rise of rights. Like homosexuality, disability was not an obvious political constituency until entrepreneurs and policies treated people with disabilities as such. In this chapter, I outline the rise of disability rights in the U.S. I begin first

with a brief historical account of disability policy as it related to welfare state politics in the U.S. I then discuss the evolution of disability policy throughout the 1950s and 60s, and the eventual retrenchment and judicial resistance that characterized disability rights in the decades following both the Rehabilitation Act, but also the Americans with Disabilities Act. I discuss in great detail the role of political entrepreneurs in championing rights focusing on who they were, what common characteristics they possessed, and how they forged close ties to nascent grassroots activists. I conclude with a discussion of disability in the twenty-first century focusing specifically on the post-ADA politics of disability

DISABILITY AND WELFARE STATE POLITICS

The growth of modern disability political discourse in the U.S. is no doubt linked to broader institutional changes namely, the increasing intervention of the U.S. government in social welfare since WWII which lead to the growth of new advocacy groups which sought to take advantage of this new political opportunity (Baumgartner and Mahoney 2004:67; Pierson and Skocpol 2007). The rise of the American welfare meant a new institutional logic emerged across a set of policy domains (e.g., health, education, housing, the elderly and the handicap) in a path-dependent way (Brooks 1999:140). Not surprisingly, since modern disability policy grew alongside the American welfare state, welfare (namely rehabilitative and health-related services) dominated political discourse and policies that reflected the broader worldview about what societal responses should be towards persons with disabilities.

As policies and policy communities continue to follow a particular course or logic, it is difficult to simply do away with that institutional logic. For instance, the disability-related policies and policy monopoly of the 1950s and early 1960s that had a strong rehabilitative and

social welfare component dominated the congressional agenda. These policies are, as Pierson (1994:42) put it, locked in often exclude alternative approaches (like for instance, an equal rights agenda). This helps explain the challenges involved in changing opinions about how disability should be viewed by government and society: as clients of social services or members of a minority group entitled to rights? In many ways, disability discourse went through two transitions: first, the shift away from medicalization toward rehabilitation, and then from rehabilitation to rights. Political entrepreneurs played a role in both. The late 1960s reflected a critical juncture for disability political discourse - punctuation in equilibrium or opening in the congressional opportunity structure – where a welfare paradigm began to give way (although never entirely) to equal rights.

Disability and Social Welfare

Until the late 1960s and early 1970s, the politics of handicap revolved around a fairly close-knit policy community of incumbent organizations, such as Easter Seals and March of Dimes, and political entrepreneurs, working to evaluate, protect, or expand health and welfare services. It is therefore impossible to explain how government has expanded disability policy without understanding the American approach to providing public assistance, especially to injured veterans. As Levitan and Taggart (1976:36) assert, “From the beginning of the nation, the government had aided disabled veterans and their survivors.” An early example is the Civil War pension system which was locally administered. This system then developed into a more comprehensive system of old-age and disability pensions. At the turn of the twentieth century, and into the Progressive Era, states enacted workers’ compensation programs (mostly due to pressure by labor organizations), but the federal government did not express interest in co-opting these programs (Orloff 1988:56). Although WWI brought an end to the Progressive Movement,

it did see a more centralized, more involved federal administration. However, these federal programs were dismantled in the post WWI period.

As I noted in chapter 1, attitudes about government involvement in social welfare in the early twentieth century were fairly unfavorable. As Orloff (1988:40) argues, with the exception of the Progressive Movement, prior to the 1930s, there was largely a rejection of public social protections. Well into Roosevelt's administration, the prominent belief among members of Congress (Republicans and Democrats alike) was to keep the federal government as small as possible while deferring welfare responsibilities to states. Entrenchment of social welfare was not possible because neither outsiders nor insiders pursued such policies.

But, the Great Depression was a critical juncture or political opportunity that allowed for a break away from this ideological understanding and political approach to social welfare. Charity and private business were no longer seen as adequately taking care of Americans. Despite public support for government intervention, pressures from the Share Our Wealth, the National Union for Social Justice, and Townsend movements ultimately did little to change politicians' beliefs about the role of government in social policy (Orloff 1988). Roosevelt, and those who Roosevelt appointed to write policy, was fiscally conservative. As Weir (1988:186) argues, "Policy outcomes in the United States thus reflect accommodations and trade-offs among the many conflicting interests represented in Congress." White southerners were important to the Democratic coalition. Despite minority and working-class support for the Democrats (the Democrats' victory in 1932 brought new groups into the coalition), Roosevelt's Administration was cautious not to alienate the South. For this reason, Congress did not accept all recommendations from the President's Committee on Economic Security (created in 1934) which had devised the first comprehensive social security program in less than a six month

period. Despite committee recommendations, Congress did not extend protections to domestic and agricultural labor, since these sectors were predominantly black. Although the new Northern Democratic constituency represented organized labor and wanted permanent national programs (see Quadagno 1988:237), Roosevelt largely approached federal relief so as to protect “states’ rights.”

Nonetheless, under the Roosevelt administration, the federal bureaucracy grew (see Peabody and Rourke 1965:809) as did welfare spending. Title II of the National Industrial Recovery Act of 1933 allocated \$3,300,000,000 on everything from highway development to public assistance (Hawley 1966:33). Following the National Industrial Recovery Act, the Civil Works Administration and the Civilian Conservation Corps were established. In 1935, the Social Security Act was passed. A major reason for Congress’ acceptance of social security was the distinction that was made between employable and unemployable persons. Social security should apply to “employables.” This distinction reiterates the concern over persons with disabilities as to whether they were considered to be the “deserving poor.” As Patterson (2000:60) notes, “social insurance, not welfare, was to lead the fight against poverty.” The groups targeted for assistance included the elderly, who had already begun to have considerable influence through lobbying, the blind and dependent children. These types of government actions created an opportunity for disability social welfare organizations to work with elites so as to expand social services for their constituents.

Importantly, the public mood towards government involvement had changed in the 1930s. Not only did the public become more confident in the ability of the government to provide assistance, they also had new expectations about government involvement that did not exist before the New Deal (Patterson 2000:77). Here, we have the beginning of a changing

institutional logic – a logic that includes more involvement in social policy by a larger federal government. Champagne and Harpham (1984:3) say it best when they claim that “the social security program had become an entrenched part of the American welfare state since its inception in 1935 and had strong supporters both inside and outside Congress.”

With further expansion in 1939, new amendments to social security included survivors and dependents. Though unevenly applied, these amendments were an example of the possibility of expanding social security (Orloff 1988:78). Despite this entrenchment of welfare policy, expanding the welfare state proved difficult in the post WWII period with one exception: the 1944 GI Bill, which covered physical and unemployment insurance, and which helped pave the way for future social and health provisions for disabled people. There was also a push by some political elites at the end of 1930s to include disabled veterans within larger programs that served the entire population (Amenta and Skocpol 1988: 82). This signaled a new interest in government towards a more comprehensive social welfare policy for persons with disability.

Disability policies in the 1930s and 40s

Before the 1930s, perhaps the single most important piece of disability-related legislation was the Smith-Fess Act of 1920 which setup vocational rehabilitation in the U.S. In fact, the Rehabilitation Act of 1973 was meant to be a reauthorization and extension of such programs. The 1930s and 1940s saw legislation mainly revolve around veteran’s issues, mental retardation, and blindness. In general, these policies either established or extended services or provided funds for services, particularly rehabilitation services meant to encourage employment. One of the more important disability-related policies following the New Deal was the Randolph-Sheppard Act of 1936. Like vocational rehabilitation measures, the Randolph-Sheppard Act was meant to

correct what Jennings Randolph saw as massive unemployment among the blind. The act assisted the blind in establishing concession stands or vending locations in government facilities. The 1940s saw similar measures related to improving employment like the 1944 GI Bill (PL 78-346) dealt with a broad range of issues from housing, to education to employment for veterans. Many of these provisions would later find themselves in other policies directed towards the general population of disabled individuals. A year later, in 1945, came Truman's Employ the Physically Handicapped Week - 1945 (Public Resolution 176) whereby "the first week in October of each year shall be designated as National Employ the Physically Handicapped Week. During said week, appropriate ceremonies are to be held throughout the Nation, the purpose of which will be to enlist public support for and interest in the employment of otherwise qualified but physically handicapped workers."

Economic prosperity after WWII led to a slowdown in welfare state expansion. However, the bureaucracy continued to grow. As Patterson (2000:93) writes, "thanks to the efforts of an ever-expanding and shrewdly persistent social welfare bureaucracy which labored for incremental improvements in social policy, this liberal outlook slowly advanced under both Democratic and Republican administrations in the 1940s and 1950s." Political entrepreneurs and institutional activists played an important role in promoting further expansion of welfare policies, although perhaps incrementally and unnoticed by the public.

With the diminished role of external pressures, institutional activists within the government were necessary in order to expand welfare policy (Amenta and Skocpol 1988). Throughout this period, however, there was little opposition to veteran organizations seeking to expand social services. Truman promoted disability insurance (DI) as part of social security. There was, of course, resistance from the insurance industry and U.S. Chamber of Commerce.

For example, a representative of Provident Mutual Life Insurance Company “doubted that disability could adequately be defined so as to keep the ineligible people of the benefit rolls. Moreover, paying benefits to the disabled would destroy their incentive to work and cause them to remain on the benefit rolls even when no longer disabled” (Weatherford 1984:39). Worries about welfare dependency continued into the 1940s. The attitude expressed by Provident is one that will later resurface in full force as the backlash towards the Great Society Programs of the 1960s grew (see Skocpol 1988:294). In the 1940s, Congress still opposed disability insurance, and continued to push for grants-in-aids to states. Thus, despite early government involvement in providing benefits to disabled veterans, there was, and to some extent, continues to be much more reluctance to extend benefits to the non-veteran disability population. And, the belief that extending benefits to the disabled will keep them out of work still remains today, more than 20 years after the passage of the ADA.

Another powerful group that acted largely as an impediment to the expansion of disability rights, and opposed disability insurance is the American Medical Association (AMA). The AMA saw a federal system of full cash benefits for disabled persons as a path towards state-funded medicine, which it opposed. However, support for disability insurance had several institutional activists – both in Congress and in governmental agencies. The Senate Finance Committee did not support Congress’ grant-in-aids proposal (Weatherford 1984: 41-42) which was not unusual given that the executive branch supported nationalization while Congress defended states’ rights (Weir 1988:187). This is not wholly dissimilar from the situation that arose following the Rehabilitation Act where the executive branch was far more supportive in extending rights to the disabled than Congress. By the early 1950s, support for federal disability insurance permeated into the Social Security Administration and by the late 1950s, Democrats

regained control of Congress. In 1956, DI became part of the broader social security program. Again, however, this resembled unemployment insurance such that one had to contribute in order to qualify.

Disability policies in the 1950s

The growth of the welfare state persisted in the 1940s and 50s carrying with it the same considerations that had defined social security in the 1930s. Although growth was slow, Truman, in attempt to appeal to the Democratic coalition, kept alive discussion of social security. And, the 1950s saw the inclusion of disability insurance within social security. Perhaps more symbolic of the new role of the federal government on social matters and civil rights was the enactment of the Civil Rights Act of 1957 which pertained to voting rights for blacks. Champagne and Harpham (1984:13) best summarize the relative growth of the welfare state in the 1950s, suggesting that increasing payroll taxes “budgeted partisan conflict by providing liberal benefits under conservative financial auspices.” Institutional entrepreneurs on both sides played a roll in shaping welfare policies, but it in the end, proponents of further government involvement and expansion of social security had the upper hand due mainly to the growing entrenchment (or lock-in effect) of government involvement in social welfare. Returning to Stimson’s (2004) pendulum, the 1950s actually saw a shift in public attitudes favoring more government involvement in social policy perhaps explaining the enactment of these policies prior to the Great Society.

Federal spending on social welfare increased in the middle of the twentieth century. American Families of Dependent Children (AFDC) was the most expensive public assistance program; increasing from \$565 million in 1950 to \$1.4 billion in 1962. Or, put differently,

AFDC increased payments by 77 percent between 1940 and 1962 (Patterson 2000:86). Between 1950 and 1965, federal welfare expenditures increased by 4.6 percent, most of the increase being for old age benefits (Patterson 2000:106 and 164). Welfare spending as percent of the GDP grew as well; from 4.0 percent in 1950, to 5.8 percent in 1965, to 11.2 percent in 1975. It grew the most between 1965 and 1967, then growth dropped by 5 percent by 1974 (Levitan and Taggart 1976:20). OASI contributions increased from \$16 billion in 1965 to \$30.1 billion in 1970 (Champagne and Harpham 1984:14). Between 1969 and 1973, social security benefits increased 51.8 percent (Pratt 1976:154). Thus, despite the shattering of the New Deal coalition and disenchantment with the Great Society programs, welfare spending as percent of the GDP, though slowing, still increased under Nixon's and Ford's Administration.

The 1950s saw important legislation that sought to extend existing provisions that affected people with disabilities, such as the 1956 and 1958 Social Security Act Amendments. One of most important policies passed in the 1950s was the Rehabilitation Act Amendments of 1954 (P.L. 83-565). It expanded federal spending, and increased its federal matching on state dollars spent on rehabilitation. The amendment also expanded services and programs for mentally and psychiatrically challenged individuals, as well as providing rehabilitation counselors to education institutions. As director of Vocational Rehabilitation, Mary Switzer, who would later become a champion of disability rights, oversaw the expansion of rehabilitation programs across university campuses.

Disability in the Great Society

Despite retrenchment efforts by future conservative governments, federal involvement in social welfare policy by the 1960s was here to stay. Welfare entrepreneurs of the decade included

presidents, members of Congress, Supreme Court justices and government bureaucrats. The House Ways and Means Committee's special session on Medicare and the White House Conference on Aging illustrates the greater involvement on the part of elected activist political entrepreneurs within the government in expanding welfare policy. Institutional activism can also be seen within the executive branch. HEW's assistant secretary, Wilber Cohen, led a 1960 task force which proposed that AFDC coverage should be extended and Congress approved the extension in 1961 (Patterson 2000:130). As Pratt (1976:62) asserts, the Democratic Party played an active role in politicizing old-age issues. Older politicians were retiring, and Democrats worked to replace senior conservative southern Democrats on committees with younger, more liberal Democrats. Federal agencies also took an active role. For instance, HEW created the Special Staff on Aging. As Patterson (2000:182) describes, "HEW...was a liberal bureaucracy with every reason to aggrandize itself." Indeed, the OCR within HEW will play a critical role in interpreting and expanding the rights provisions of the Rehabilitation Act when Congress retreated.

The year 1964 saw the Civil Rights Act, the Job Corps, the Neighborhood Youth Corps, Head Start, Upward Bound, and Medicare/Medicaid. The Economic Opportunity Act of 1964 "authorized several federal agencies coordinated by the U.S. Office of Economic Opportunity (OEO) to encourage, negotiate and enter into contractual relations with, and fund the anti-poverty efforts of, local organizations or local federations" (Turk 1970:1). In 1965, a legal services program which provided resources to the poor in civil rights matters was established under the OEO. The American Bar Association (ABA) provided resources to the OEO. As Dunn (1984: 132, see also Patterson 2000:179) argues, these lawyers were paid by the government, and "could shield more activist causes." The Ford Foundation also sponsored activist legal assistance

programs. In 1965, the Voting Rights Act and the Older Americans Act were passed. Along with the Older Americans Act came the Administration on Aging. It is no wonder that Levitan and Taggart (1976:29) refer to the role of the federal government at this time “as a lever of institutional change.”

By the mid-to-late 1960s, according to Stimson’s (2004) pendulum, the public had already begun to respond to these policies and was becoming more critical and conservative. The end of the 1960s saw the beginning of a welfare backlash which did slow policy innovation in the area of social welfare. Although we begin to see some early efforts in welfare state retrenchment, Richard Nixon had little impact on interrupting the already entrenched welfare state. Nixon proposed replacing AFDC with the Family Assistance Program (FAP). Ironically, FAP would have added millions to the payroll (Levitan and Taggart 1976:36). Congress did pass H.R. 1 “which guaranteed a minimum income to the aged, the blind and the disabled” (Dunn 1984:99-101). Thus, while some welfare programs experienced a slowdown in the early 1970s, others continued to grow including the food stamp programs, AFDC, OASI and veterans’ compensation (Levitan and Taggart 1976:63, Champagne and Harpham 1984:4). Despite a more conservative turn Congress, agencies of the executive branch, like HEW remained entrepreneurial on welfare state expansion and had close ties to non-profit organizations and elite interest organizations. One example is Tom Joe’s departure as activist in the American Public Welfare Association to become the deputy undersecretary of HEW’s aide. Joe was a strong advocate on rehabilitative and vocational services for the disabled (I discuss the link between insiders and outsiders later in this chapter).

Many examples exist of social welfare expansion during Nixon’s Administration. As Patterson (2000:182) claims, “State social service agencies were authorized to use federal

welfare funds to underwrite a range of traditionally state-financed activities, including services dealing with drug abuse, alcoholism, mental illness, and mental retardation.” Welfare expenditures increased while, in 1972, the Equal Employment Opportunity Act gave the EEOC the ability to file suits on behalf of individuals. At the same time, however, OEO was slowly being dismantled (and ended in 1974) and replaced by Judicare which paid lawyers to take clients on a case by case basis. The American Bar Association (ABA) lobbied heavily to maintain some sort of legal services program. The House also placed restrictions on legal services activities. Unlike the more pro-active role of the federal government in civil rights issues of the 1960s, the Nixon Administration was reluctant to cut funding to schools that would not desegregate. In 1970, NAACP served HEW with a lawsuit based on forced termination of funds for non-compliance and the Supreme Court upheld the suit in 1973. When it came to old-age benefits, Nixon vetoed more bills than he signed (Pratt 1976:177). Nixon also vetoed the Rehabilitation Act twice.

It was just when public opinion turned away from wanting more government involvement and when a subsequent conservative turn in Congress took place that the new perspective on disability policy grew in prominence. The 1960s is a period characterized by extensions of the same disability-related policies of decades past, but the latter part of the decade marked the beginning of a departure from social service provision. Throughout much of the decade, attention was mostly focused on services and programs for the deaf, blind, and veterans, and general policies not directly aimed at the disabled but which do have an impact on the disabled. In 1961, Kennedy created the President’s Panel on Mental Retardation and signed the Maternal and Child Health and Mental Retardation Planning Bill in 1963. Some important public laws enacted by Congress before the Rehabilitation Act include the National Technical Institute for the Deaf Act

of 1965 (P.L. 89-36), Social Security Amendments of 1967 (P.L. 90-248), Urban Mass Transportation Act (UMTA) of 1964 (P.L. 88-365) and the Vocational Rehabilitation Act Amendments of 1967 and 1968 (P.L. 90-99 and P.L. 90-219). With the Architectural Barriers Act of 1968, and in 1971, the civil rights focus of Humphrey and Vanik which created momentum for Section 504 of the Rehabilitation Act, challenged existing discourse around disability. During the 1960s and early 1970s, as Katzmann's (1986) account of transportation policy suggests, the government decided to "define the problem" of disability in terms of equal rights across a variety of policy issues. And so, despite this lengthy legislative history revolving around service provision, it is not until this period that institutional entrepreneurs began to frame disability in terms of rights.

POLITICAL ENTREPRENEURS AND INSTITUTIONAL ACTIVISTS

"Handicapped persons should not have to thank legislators for giving them rights which other people have without any legislation. Rights such as easy access to polling places to housing, and to employment without discrimination should be automatic for all people in our society, but they are not. Currently, handicapped persons are not equal to people who have rights without any legislation. Therefore, legislation in these areas is essential."

-Karen Clark, North Carolina Section 504 steering committee (in Gray and Coble 1983)

The main mechanism which explains the link between legislative outcomes and social movement activism is the role of institutional entrepreneurs and the collective action frames they created. Disability which was imbued in a logic of health and welfare service provision – first medical, then rehabilitative – became a politicized constituency as political entrepreneurs reframed political discourse around rights. The following discussion seeks to shed light on who these entrepreneurs were (see Table 1) and what may have motivated their pursuit of disability rights.

The Architectural Barriers Act, introduced in 1967 by Senator Robert Bartlett of Alaska, is the first law to frame “access” as something that should be proactively pursued by the government with the belief that the environment needed to be changed, not the disabled. Although limited in scope (it only required new federal construction projects to be accessible), it was the first major proactive policy by the federal government to require adaptation so as to make the environment accessible to the handicapped. Returning to Jim Wright’s quote from Chapter 1, it is clear that many political entrepreneurs in Congress believed this legislation was meant not only to change physical space, but also to change the hearts and minds of citizens regarding disability. Bartlett’s personal experience with disability dates back to 1965 when his aid was not able to access the National Gallery. Bartlett ensured the Gallery was made accessible. By the early 1970s, many elites took the government’s position on disability rights further. Senator Humphrey and Congressman Vanik originally introduced the Rehabilitation Act at the end of 1971 as no less than an amendment to the Civil Rights Act of 1964. Although this failed, it was always the intention of institutional activists to make the law rights-based, and not simply “An act to replace the Vocational Rehabilitation Act.” When the bill was reintroduced, a small text remained - Section 504 - which appears at the end of the act: “No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Considering the original intent of legislators to frame the law as rights-oriented, it is not surprising that once subsequent bills were referred to committee, elected officials and legislative staff ensured that legislation retain its rights component. Both Humphrey and Vanik had prior interests in civil rights and social welfare policy and both had personal connection to disability:

Vanik had worked closely with local disabled constituents in his district and his legal aid was disabled; Humphrey's granddaughter had Down's syndrome.

Key Institutional Entrepreneurs in Disability Rights		
Name	Affiliation/Position	Role
Quie Albert	Representative, R-MINN	Member of the House Committee of Education and Labor.
Cranston Allan	Senator, D - Cali	Member of Senate Subcommittee on the Handicapped; strong proponent of equal access in transportation.
Beckman Ann	OCR staff	Attorney and Wodatch's deputy; played a key role in drafting regulations.
Abzug Bella	Representative, D-NY	Championed equal access; critic of transit corporations.
Adams Brock	Secretary of DOT	Accepted full accessibility approach; Supported Transbus; Supported HEW regulations.
Bennett Charles E.	Representative, D-Florida	Introduced identical bill to Bartlett's in the House.
Percy Charles	Senator, R-IL	Supported Rehabilitation Act.
Vanik Charles	Representative, D-OH	Introduced Rehabilitation Act.
Dodd Christopher	Senator, D-Connecticut	Supported equal access in transportation; supported Cranston and Riegle.
Pell Claiborne	Senator, D-RI	Chair of Senate Subcommittee on Education; Worried about sending the Rehab Act back to Congress .
Pepper Claude	Representative, D-Florida	Chairman, House Select Committee on Aging; Major proponent of equal access and Transbus; supported Biaggi's amendment.
O'Neil Dave M.	Public Interest Institute (private consulting firm)	Worked closely with Beckman and Lynch in the OCR.
Riegle Donald	Senator, D-Michigan	Sought to Amend the Surface Transportation Assistance Act of 1982 requiring it issue regulations and monitor compliance regarding

		transportation services for the disabled.
Bartlett E.L.	Senator, D- Alaska	Introduced the ABA in 1967.
Lynch Ed	OCR staff	Attorney with experience on issues of mental retardation; Assigned temporary position in OCR for helping draft regulations.
Koch Edward	Representative D-NY	Generally supported disability protestors.
Herringer Frank	UMTA Administrator	Supported equal access and Transbus.
Fallon George H.	Representative, D-Maryland	Sought to amend the ABA to require Washington DC station to be accessible.
Miller George	Representative D-CA	Held Hearings in the federal building in SF being picketed.
Russell Harold	Chairman, PCEH	In 1957, Created an <i>ad hoc</i> group to investigate architectural barriers.
Harrison Williams	Senator, D - NJ	Created the Senate Subcommittee on the Handicapped (and member of); Chair, Committee on Labor and Public Welfare; championed equal rights access to transportation; pushed for OCR to get jurisdiction over regulations.
Schadeberg Henry C.	Representative, R-WI	Supported Fallon's bill to amend the ABA to require Washington DC station to be accessible.
Humphrey Hubert	Senator, D-Min	Introduced Rehabilitation Act.
Gallagher Hugh G.	Legislative aide	Disabled Aide to Bartlett, the driving force behind the ABA.
Laster Ira	Staff for the Office of the Assistant Secretary for Environment and Urban Systems (within DOT)	Had prior experience with social service agencies beyond transportation; believed DOT should do more on equal access.
Duncan Jack	Staffer for Brademas, Chief majority staff member in House Education and Labor. Also had worked for Switzer at RSA.	Had been the assistant to the VRA commissioner and had ties to the rehabilitation community.

Javits Jacob	Senator, R- NY	Member of Senate Subcommittee on the Handicapped; pushed for OCR to get jurisdiction over regulations.
Pedley James K.	Vanik's Aide	Proponent of introducing Rehab Act as amendment to Civil Rights.
Randolph Jennings	Senator, D - W VA	Involved in many social welfare issues; involved in transportation policy; Supported Bartlett's ABA; Senate Public Works Committee Chairman; Chairman, Senate Subcommittee on the Handicapped; pushed for the OCR to get jurisdiction over regulations.
Brademas John	Representative, D-IND Leader	Chair. House Committee of Education and Labor, supported Rehab Act.
McFall John	Representative, D-CA	Transportation appropriations subcommittee chair; Supported Biaggi's amendment.
Volpe John	Republican, Secretary of Transportation, former MA governor	Nixon appointed Secretary of DOT; Broadly supported accessibility to transportation with no specific measure in mind. As MA governor, pushed for desegregation of schools and liberalized birth control.
Wodatch John	Staff attorney for OCR	Responsible for Section 504 regulations.
Steinberg Jonathan	Staffer for Cranston, Senate Subcommittee on the Handicapped	Had experience with health policy; Worked closely with Senators on Section 504 (antidiscrimination provision).
Arneson Kathleen	Assistant to Mary Switzer; Director, National Commission on Architectural Barriers	She pushed for the ABA regulations stay in the VRA within HEW, not the GSA.
Gray Kenneth	Representative, D-IL	Subcommittee on Public Buildings and Grounds chairman; Proponent of uniform accessibility of DC public transit.
Baldwin Leslie	DOT Staff	Worked with Laster and Convisser on regulations.
Kaam Linda	General Counsel	Supported a full rights approach to transportation; Had worked with

		Adams in the past; Brought DOT more in line with HEW.
Walker Lisa	Staffer for Williams, Senate Subcommittee on the Handicapped	Worked closely with Senators on Section 504 (antidiscrimination provision).
Biaggi Mario	Representative, D-NY	Proponent of equal access and Transbus; Championed section 504.
Convisser Martin	Staff for the Office of the Assistant Secretary for Environment and Urban Systems (within DOT)	Had prior experience with social service agencies beyond transportation; Becomes Acting Assistant Secretary in 1977; Ensured that DOT consider HEW's Section 504 regulations .
Gerry Martin	Deputy director (OCR)	Had been involved in other issues of discrimination within OCR; Oversaw writing of Rehab Act regulations
La Vor Martin	Staffer for Quie, a House Republican	Had interests in, and championed for, child care legislation.
Switzer Mary	Director of VRA	Established within HEW National Commission on Architectural Barriers to Rehabilitation of the Handicapped in 1965.
Burns Michael	Staffer for Cranston, Senate Subcommittee on the Handicapped	Worked closely with Senators on Section 504 (antidiscrimination provision).
Francis Michael	Staffer for Stafford, Senate Subcommittee on the Handicapped	Worked closely with Senators on Section 504 (antidiscrimination provision).
Edes Nik	Staffer for Williams, Senate Subcommittee on the Handicapped	Worked closely with Senators on Section 504 (antidiscrimination provision).
Forsythe Patria	Staffer for Randolph, Senate Subcommittee on the Handicapped	Interests in children with disabilities especially education and rehabilitation
Schroeder Patricia	Representative D-CO	Generally supported disability protestors.

Sarbanes Paul	Senator, D-Maryland	Supported equal access in transportation; supported Cranston and Riegle.
Holmes Peter	Director of OCR	Gave jurisdiction over Rehab Act regulations to Martin Gerry who headed OCR.
Burton Phillip	Representative D-CA	Held Hearings in the federal building in SF being picketed.
Keith Raymond	OCR staff	Assigned temporary position in OCR for helping draft regulations (was disabled).
Humphreys Robert	Staffer for Randolph, Senate Subcommittee on the Handicapped	Worked closely with Senators on Section 504 (antidiscrimination provision).
Stafford Robert	Senator, R - VT	Member of Senate Subcommittee on the Handicapped; was involved in transportation issues; pushed for OCR to get jurisdiction over regulations.
Millenson Roy	Staffer for Stafford, Senate Subcommittee on the Handicapped	Worked closely with Senators on Section 504 (antidiscrimination provision).
Foley Sally	OCR staff	Proponent of accommodation.
Parrino Sandra	Chair, National Council on the Handicapped	Worked on a report that suggested discrimination still a problem; Helped draft ADA.
Conte Silvio	Representative, R-MA	Ranking minority member of Transportation Appropriations subcommittee; supported Biaggi's amendment.
Harkin Tom	Senator, D-IOWA	Introduced IDEA in 2004; Co-Sponsor of ADA in 1988; Introduced the ADA Restoration Act in 2007.
Coelho Tony	Representative, D-CA	Primary Sponsor of ADA in 1988; Active in the ADA restoration act 2007; Board member of Epilepsy Foundation.
McCahill William	Executive Secretary of PCEH	Promoted full accessibility (equal access) of public transit.

Table 1: Political Entrepreneurs

As Table 1 shows, institutional entrepreneurs ranged from elected officials to committee staff, to members of the executive branch and their respective staff. Their major time of influence was the mid 1960s until about the enactment of the ADA, although their role was particularly critical in the 1970s. Along with declining government attention, outside mobilization, and slowing rate of organizational foundation, the presence and work of institutional entrepreneurs also diminished following the ADA. It is important to expand on this summary table so as to provide some potential background characteristics that shed light on the possible motivations behind disability rights entrepreneurship. In other words, who are these entrepreneurs? There are some key characteristics they share: (1) personal stories and connections to disability, (2) lengthy history with generic social welfare policy and civil rights policy, (3) professional aggrandizement. What these variables suggest is that the pursuit of disability rights had little to do with satisfying public demand and, that many saw their role in disability rights as beneficial to their political careers and the committee or agency they served.

Personal Stories

Disability knows no socioeconomic boundaries. You can become disabled from your mother's poor nutrition or from falling off your polo pony. It doesn't matter if your name is Kennedy or Rockefeller, or Smith or Jones, your family's been touched.

-Patrishia Wright, DREDF (in Shapiro 1993:7-8)

Personal stories and experiences with disability appear to be at the heart of some of the most important advances in disability rights policy. As I noted earlier, Humphrey and Vanik both had personal stories regarding disability. Vanik, supported by his aide, was troubled by the fact that persons in wheelchairs could not board planes, while his granddaughter who had Down's

syndrome no doubt influenced Humphrey's attitudes. Apparently, he was particularly troubled when his daughter tried to register his granddaughter for school. The school did not want to register Humphrey's grandchild because she was "retarded." Bartlet was also motivated by his aide's inability to access the National Gallery because he was in a wheelchair. There appears to be a lengthy history of personal stories that motivate entrepreneurship. For instance, the President's Committee on Employment of the Handicapped was honoring Hugo Deffner who worked locally to promote wheelchair accessibility, with the 1957 "Handicapped American of the Year" award. Unfortunately, the auditorium where the event was taking place was not accessible and thus Deffner had to be lifted up the stairs by two Marines. This so upset the president of the committee, Harold Russell, that he vowed to make architectural barriers a priority (Katzmann 1986).

Two prominent disability institutional activists, Raymond Keith of the OCR and Tony Coelho (D-CA), were instrumental in Section 504 and promoting the ADA respectively. Raymond Keith joined the staff of the OCR when ten temporary positions were authorized after Martin Gerry was charged with implementing Section 504. He was one of only two (Ed Lynch being the other) staff members who had experience with disability-related policy. He was among the few staff members who had a disability. As Scotch (2001) recounts, like many in the OCR, Keith had ties to key disability rights movement figures who had become prominent in the early to mid 1970s. People like Judy Heumann and Ann Rosewater had urged already receptive entrepreneurs, like Keith, to maintain a civil rights agenda when it came to writing regulations for Section 504. In fact, Lynch and Keith acted specifically as liaisons between the OCR and organizations like the ACCD, American Council for the Blind, and National Association of the Deaf. Tony Coelho, who had epilepsy, came into office in 1978 at the tail end of the contention

surrounding the Rehabilitation Act. Coehlo was probably the person whose political career was most dedicated to disability rights. As Bernie Sisks' Congressional staff, he was involved in the initial proceedings that created C-SPAN; he specialized in disability rights, but had experience in agriculture as well as veteran affairs (Pelka 2012).

Although several political entrepreneurs were themselves disabled, the majority who cite some personal experience are not disabled. Rather, their experiences stem from their family members' disability, or, general contact with situations whereby a disabled person was simply denied access because they were in a wheelchair. But personal stories are only part of their background. Many of these entrepreneurs had little direct experience with disability policy, but many did have experience with the broad range of policies of the Great Society.

Political Experience

Institutional entrepreneurs tended to have prior experience of some kind with either civil rights related-issues, or social welfare policies of the Great Society era. Prominent elected political elites, like Humphrey, Cranston, Vanik, and Bartlett had been involved with an array of social welfare issues. Indeed, as early as the 1930s, Randolph Jennings had been involved in issues of the blind and elderly and had a long and varied policy history. Many institutional entrepreneurs had been involved in labor-related policy as well as a host of social issues like urban renewal, transportation, and education (see Table 2). Thus, their legislative experience was quite varied across different social welfare domains and with some exceptions, their experience did not come specifically from disability issues or from more general health policy. This diversity may also explain why the disability policy community, at one time, grew so large.

Key Disability Rights Entrepreneurs' Legislative Record Prior to Disability		
Name	Affiliation	Other Legislative work
Cranston Allan	Senator, D - Cali	Involved in EEOC-related legislation (91 S. 2453-1969); worked with Department of Labor on affirmative action monitoring (early 70s); involved in a variety of labor legislation and HEW appropriations hearings (91 H.R. 13111 -1969); Supported amendments to increase federal funds to planned parenting (91 S. 2108-1970).
Vanik Charles	Representative, D-OH	Involved in housing legislation (84 H.R. 5827-1955); Involved with minimum wage increases (84 H.R. 64-1955); Involved in civil rights expansion in the 1950s; Also supported student aid expansion in 1958; Some experience with mass public transportation in the 1960s; In the mid-1960s, Vanik was involved in civil rights, economic opportunity, urban renewal (88 H2020-7-A-1963), HEW appropriations and environmental issues (89 PL 753-1966). In 1969, he supported the Full Opportunity Act (91 S. 5-1969).
Bartlett E.L.	Senator, D- Alaska	In Alaska, he sponsored the Alaska Mental Health Enabling Act of 1956; In the 1960s, he was involved in health and safety policies, increases in minimum wage (86 S. 256 - 1961), federal aid extensions to education (89 S. 600- 1965) and HEW appropriations.
Humphrey Hubert	Senator, D-Min	Introduced the first Peace Corps bill in 1957; In the late 1950s and throughout the 1960s, he was involved in nutrition programs of various kinds, unemployment compensation and the Work Hours Standards Act (87 PL 581-1962), and played a pivotal role in passing the Civil Rights Act in 1964.
Conte Silvio	Representative, R-MA	Conte was a major proponent of federal research money including NIH; in the early 1960s, Conte was involved in wildlife preservation (88 PL 577 -1964) but with the possible exception of Economic Opportunity Act programs extension (90 H.R. 8311-1967) and public transportation, he did not play a major role in social policies.
Randolph Jennings	Senator, D - W VA	Key sponsor of an early disability law- the Randolph-Sheppard Act (P.L. 74-732) in 1936; In 1938, he co-sponsored the Civil Aeronautics Act (PL 75-706); In the late 60s and early 70s, he was involved in issues of the elderly, and amendments to the Randolph-Sheppard Act (91 S. 2461-1970); Co-sponsored ERA in 1972.

Table 2: Entrepreneurs' Legislative Record

It is also important to note the backgrounds of some non-elected entrepreneurs. Early entrepreneurs include Mary Switzer, director of the Office of Vocational Rehabilitation (OVR). She promoted the Vocational Rehabilitation Amendments of 1954 which allowed, among other things, states to create their own departments of vocational rehabilitation. There was no push for civil rights, but rather, an extension of social services in line with the social welfare programs of the 1960s. As Scotch (2001:24) notes, “The concept of rehabilitation was at the core of the ideology of the emerging American welfare state.” Mary Switzer continued to push for expansion during the Johnson administration and when OVR became part of the RSA, Switzer became its director. Yet, there was not a complete disconnect between the RSA and the work on the Rehabilitation Act. In fact, as Pelka (2012) claims, Switzer was seen more of a break away from that paternalistic nature of rehabilitative services. In 1965, Switzer and her assistant Kathaleen Arneson, strongly supported barrier free environment initiatives and their report on the matter was incorporated in the 1965 Vocational Rehabilitation Act Amendments (Katzmann 1986).

Note that the idea of civil rights, which had been originally part of the Humphrey-Vanik bill, did not resurface again until much later in the committee deliberation process and in fact, was largely a product of senate staffers, not elected officials. As bounded rationality in policy-making tells us, time constraints and limited attention spans constrain what elected officials can focus on. Section 504 was in many ways overlooked by legislators. Therefore, staffers like Jack Duncan who was Rep. John Brademas’ staffer, worked under Switzer and was one of the few staffers working on the Rehabilitation Act who actually had experience with rehabilitation policy.

Other Congressional staffers and members of the executive branch had varied backgrounds. Ed Lynch, probably the only staffer other than Jack Duncan, who had specific experience with disability policy, was an attorney who specialized in mental retardation and worked for the President's Committee on Mental Retardation. Nik Edes, a staffer for Williams was a labor lawyer with experience in affirmative action cases. Jonathan Steinberg, one of Cranston's staffers, had health policy experience (no experience on disability). These staffers, along with Michael Francis (who had no experience in either health or disability issues), Lisa Walker, Robert Humphreys, Roy Millenson and Michael Burns, played a critical role in drafting Section 504. As Edes remarked, (in Scotch 2001:57), senate staff were "the Martin Luther Kings of the disability movements on Capitol Hill and in the government...The movement [of disabled people] was stimulated by the acts of a very few individuals who were in the legislative branch."

Within the executive branch, Martin Gerry, who headed OCR policy was given control over Section 504 regulations by Peter Holmes, the director of the OCR under Casper Wienberger, secretary of HEW. As Scotch notes, Gerry was a key player because he had some specialty in dealing with new definitions of discrimination (for instance, non-English speakers). In addition, Gerry did not believe that cost associated with access was a legitimate critique for expanding rights for the disabled. Gerry continued to be entrepreneurial even under the new HEW secretary, Matthews, who was far more cautious and reserved about the OCR's "liberal" interpretation of Section 504. Indeed, Gerry and John Wodatch, the man Gerry put in charge of the day-to-day dealings of Section 504, encouraged demonstrations in 1976 of HEW offices when HEW was showing reluctance to act on Section 504.

Professional Aggrandizement

Few political elites made an entire career out of disability or have focused most of their time in politics on disability. One exception is Tony Coelho. The other is Harkin whose social policy focus for much of the 1990s has been the judicial resistance of courts when it came to the ADA as well as biases in Medicare. I suggested two characteristics that may help explain why these elites were so entrepreneurial on disability: personal history and prior political/policy experience. This clearly explains in part Coelho's and Harkin's work on disability rights. But might there be other, perhaps more self-interested reasons for this kind of entrepreneurship? To be clear, I do not mean to suggest a sinister ulterior agenda. Rather, as political scientists have shown, political elites, in order to make a name for them or to expand turf, claim jurisdiction on issues, particularly new issues with little competition. This can be seen on disability issues both in the legislature and in the executive.

Take Mario Biaggi. He was elected in 1969 and had no real policy record or any particularly strong ties to a policy agenda prior to his entrepreneurship on disability rights. Katzmann (1986) provides an interesting and thoughtful account of Biaggi's rise as a disability rights entrepreneur. In the 1960s, the federal government sought to address the decaying state of urban mass transit. One way to reinvigorate mass transit is to appeal to new customers such as the elderly and disabled: not by providing equal access, but some form of separate-but-equal, effective mobility system. Much of the politics around mass transit had little to do with the handicapped or elderly. Neither the Senate nor House Committees on Banking and Currency or the Department of Transportation had any interest in issues of disability, even as this might pertain to transportation. According to Katzmann, the disabled were mentioned once by Republican John Volpe (Secretary of Transportation, 1969-1973) who believed those who rely

on public transit, including the disabled, should have access to it. No disability group was involved in transportation issues during this period. What seemingly appeared to be out of the blue in 1970, Biaggi who had no ties to transportation, proposed an amendment to the Mass Transportation Act that the disabled “have the same right as other persons to utilize mass transportation...that special efforts be made in the planning and design of mass transportation facilities...” This eventually led to the DOT having to draft regulations about what special efforts in transportation meant. When DOT was not enforcing the 1970 regulations, Biaggi proposed an amendment through the appropriations process prohibiting federal funds on the purchase of busses and rail cars if they were not accessible. Meanwhile, the Rehabilitation Act had come into play and now HEW was also charged with the task of defining rights and the implementation of section 504. With a clear rights agenda provided by the Rehabilitation Act, Biaggi even though he never had a position within the Public Works Committee, would go on to champion Transbus, which promised to make transportation equally accessible. According to Katzmann who interviewed Biaggi’s assistant, Peter Ilchuck, Biaggi was looking for an issue to champion.

Committee relationships over disability can be characterized as both turf war and common ground. The “conflict” was mainly due to the fact that two different frames existed surrounding disability, which also meant two conflicting understandings of the problem and two conflicting solutions. The key committees and subcommittees involved in the issue were the Subcommittee on Urban Mass Transportation (created in 1973) under the House Banking and Currency Committee, the House Committee on Public Works, and the Senate Labor and Public Welfare Committee which contained the Senate Subcommittee on the Handicapped. Each had some claim on the issue (see Table 3).

The House Banking and Currency Committee had not proposed to deal with disability specifically in its deliberations regarding urban mass transportation other than to provide more funds for services. The committee did not have any ties to disability groups either, meaning that this committee was not a “venue” for disability organizations. The Subcommittee on Urban Mass Transportation was, according to Katzmann, attempting to maintain jurisdiction over transportation because the committee quickly found itself competing with the House Public Works committee. This was a losing fight because in 1975, Public Works won jurisdiction over transportation. This is important because Public Works, unlike Banking and Currency, was more rights-oriented. In fact, within Public Works was the Subcommittee on Public Buildings and Grounds which had already held hearings in the late 1960s and early 1970s regarding full accessibility of D.C.’s metro whereby disability organizations like the National Paraplegia Foundation testified at its hearings. Indeed, Kenneth Gray who chaired the committee was a major proponent of full accessibility.

Committees in Conflict?		
House	Senate	Subcommittee
Banking and Currency.		Urban Mass Transportation.
Public Works (a.k.a. Public Works and Transportation).		Surface Transportation; Public Buildings and Grounds.
	Labor and Public Welfare.	Handicapped .
	Banking, Housing, and Urban Affairs.	Housing and Urban Affairs.

Table 3: Committees in Conflict

Entrepreneurs played an important role within the committee context of ensuring that a rights and equal access frame continued to be the prominent framing of disability policy. Senator Harrison Williams bridged the gap between the Subcommittee on the Handicapped and transportation. Williams created the Subcommittee on the Handicapped in 1972 when he was the Labor and Public Welfare Committee chair. He also went on to become a prominent figure in the Senate Banking, Housing, and Urban Affairs Committee which had jurisdiction over transportation. Williams used his influence on that committee to promote the Biaggi Amendment (a rights-oriented amendment) which was in direct conflict with effective mobility (separate-but-equal approach) - the overarching logic on transportation issues regarding disability. According to Katzmann's account, Williams insisted that DOT finally act on regulations. Although at the time, DOT was likely to comply with an effective mobility approach, Williams held hearings under the Subcommittee of Housing and Urban Affairs which invited established groups like Paralyzed Veterans of America that pushed for a rights approach. Those hearings served to undermine the effective mobility paradigm by introducing a competing framework of rights.

The work of entrepreneurs in committees - that is, staking their turf and trying to promote a rights framework - had effects on the relationship between agencies in the executive. Note that although HEW was assigned the task of writing regulations for Section 504 (an executive order signed by President Ford which came after tremendous pressure on the president from political entrepreneurs in the executive branch), other players outside HEW, namely the DOT, were already involved in issues of disability transportation. With entrepreneurs now clearly promoting rights, and entrepreneurs like Williams who made the frame central in the Senate Banking, Housing and Urban Affairs Committee, DOT was eventually forced to abandon its guidelines.

Professional aggrandizement was also a central feature of jurisdiction claiming within the executive branch. A key to the success of executive branch aggrandizement is having important elected entrepreneurs ensure that a specific office be given jurisdiction over policy. Williams, along with other entrepreneurs like Cranston and Randolph, believed OCR in HEW was best suited for writing regulations. The OCR was, at the time, particularly entrepreneurial in expanding its role in civil rights matters, and presumably saw the Rehabilitation Act as an important part of that project. The OCR, often without the knowledge of HEW, made every effort possible to secure jurisdiction. Members of the OCR even drafted the executive order in consultation with senate subcommittee staff. Later, the OCR would put pressure on its parent office, HEW, to sign its Section 504 regulations.

Interestingly, Martin Gerry and John Wodatch, two key players who oversaw the regulations for Section 504, did not have prior experience with disability policy. However, Wodatch saw this as a way to grow professionally. As Scotch (2001:64) notes, “Wodatch felt that the job provided him with a good opportunity to be in charge of a big project from start to finish and to gain experience with policy development.” The assigning of regulations to OCR in HEW also brought in new people like Raymond Keith and Ed Lynch who fit well with the entrepreneurial spirit of the office.

Thus, entrepreneurship is multilayered. There are important links between elected officials, committee staffers, and top officials in the executive branch, as well as executive branch staff. The relationships between these individuals do not just happen because they are ideologically congruent. Relationships are strategically formed so as to ensure that an issue or policy maintains support even during inopportune times. The early 1970s was a time of growing criticism towards civil rights related policy and it was clear to many sympathetic politicians that

these issues would decline in Congress. Key entrepreneurs in a liberal environment provided by the House Committee on Labor and Education and Senate Subcommittee on the Handicapped promoted the rights frame despite a broader conservative political context within government. They used their influence within the committees to promote a particular framework of rights that competed with existing notions of effective mobility and social service provision such as rehabilitative and vocational services. It is not surprising that elected officials would seek out certain departments and individuals within the executive branch who are not as susceptible to electoral change and that would continue to promote rights when elected officials no longer could in the legislature. What this story reveals is that institutional entrepreneurs on disability rights were a combination of individuals with considerable experience on social issues, but according to Scotch's interviews with Lisa Walker, these entrepreneurs were only "marginally" familiar with civil rights policies including Title VII. Keeping in mind that HEW was not necessarily the most obvious choice for another disability policy (why not the RSA, or the fact that DOT had been working on regulations that affected disability in transportation), entrepreneurs saw to it that OCR would be the key site for further extending antidiscrimination and affirmative action which entrepreneurs interpreted as congressional intent. The OCR in HEW was only *THE* obvious choice for those who saw the Rehabilitation Act as a civil rights law. Because OCR staff forged ties with key disability groups (including the ACCD, National Association of the Deaf, and American Council of the Blind) and movement leaders, they relied on "outside" pressure to force HEW to sign regulations when OCR was met with obstacles within institutional channels. According to Scotch, both Wodatch and Gerry encouraged demonstrations at HEW offices.

The Disability Rights Movement

I have argued that as social movements become part of “everyday” politics, the line between an insider and an outsider in the producing social change becomes so blurred that “activism” and “activist” really cannot be understood by whether actors are within or outside of an institution. If anything, the case of disability rights innovation in the U.S. highlights the close connection between insitutional activists and key movement figures and organizations. The kind of mobilization that is considered grassroots really cannot be disentangled from the entrepreneurial work of political elites. A recent book by Pelka (2012) whose title, “What we have done” is an example of the perpetuation of the insider/outsider dichotomy and in many ways, devalues the kind of activism or entrpreneurship that occurs within insitutions. He often contrasts “activism” with “behind the scenes” work, as though the latter, which takes place within insitutions, is not activism. Note that a central feature of my dissertation is that outside mobilization, although not leading to rights legislation (but rather the opposite), was necessary in protecting rights when it was no longer possible for institutional activists to do so.

Disability had a long historical presence on the congressional agenda where key established groups along with political elites and their committees formed a fairly tight policy communities around issues of social service provision and rehabilitation. Thus, by the time movement activists began to create advocacy and protest-oriented groups like Disabled in Action, and encouraged the use of more dirsputive tactics, there was an already existing link between organizations and political elites in the legislative and executive branches. Indeed, the founding of such groups and the use of protest really began after political entrepreneurs shifted discourse around disability rights.

Many insituitional entrepreneurs saw themselves as in fact just that - entpreneurial. For instance, aides like Robert Humphreys claimed that Section 504 was “essentially self-generated on the part of staff of the [Labor and Public Welfare Committee] and Nick Edes went as far as to refer to Senate staffers as “the Martin Luther Kings of the disability movements on Capitol Hill and in the government.” He even claims that the disability rights movement emerged out of the work of these institutional entrepreneurs: “The movement [of disabled people] was stimulated by the acts of a very few individuals who were in the legislative branch” (Scotch 2001:57).

Indeed, the protest wave that continued into the 1980s really begins after the introduction of the Rehabilitation Act especially when it became clear that HEW was stalling the publication and implementation of regulations. The first draft of the Rehabilitation Act regulations was completed in April 1975 (18 months after the law was passed) without any external consultation (that is, without consulting disability groups). In July 1975, the new HEW secretary, David Matthews, wanted further study of Section 504 and ordered an Inflation Impact Statement. After a series of resubmissions, the results of the draft inflation analysis were published in May 1976 (now 30 months after the Rehabilitation Act was passed). Many in the OCR were dismayed by the delay and encouraged disability activists to protest against the HEW secretary in spring of 1976 (see Scotch 2001). Once the analysis was published, Congressional staff that had been involved in drafting the legislation pressured HEW to write and publish regulations. Instead of publishing the regulations, HEW published “an intent to publish regulation” which Scotch claims is uncommon. The Action League of Physically Handicapped Adults filed a lawsuit and HEW was ordered to establish and make public those regulations. In late 1976, the OCR began to consult with outside organizations through various town hall meetings across the country, and extended the original sixty-day comment submission period to October of 1976. The comments

are analyzed and a report is submitted to the HEW secretary, Joseph Califano, on January 10th 1977, but he does not sign the regulations. This reluctance on the part of HEW forced those in the OCR who had formed strong ties to disability organizations to encourage and rely on their sit-ins directed at Califano.

Once regulations were implemented, it was now possible to file suit in court. In 1979, the first case (*Davis v. Southeastern Community College*) was heard involving the Rehabilitation Act. The Supreme Court ruled against Davis, a disabled person who was denied access to the college, because “there was no language in section 504 or its regulations to support affirmative action type remedies” (Percy 1989: 87, 91). It implied a removal of a proactive approach (an approach which had been championed by entrepreneurs in the OCR) by public institutions in accommodating the disabled. The outcome of this case is indicative of what will become increasing judicial resistance on both the Rehabilitation Act and the ADA. The OCR could also no longer be relied upon to maintain its vigilance. The Office of Management and Budget (OMB) as well as the Department of Justice (DOJ), composed of young conservative lawyers, took over from the OCR (Percy 1989: 88, 95). This had drastic effects on disability legal mobilization. The DOJ deleted “or benefits from” from Section 504 in order to limit requirements for accessibility to institutions and programs that directly receive government funding (Percy 1989:90). The Reagan Administration continued to weaken federal requirements for implementation of the provisions found in the Rehabilitation Act while dismantling the requirements for transit adaptability created under the Carter Administration.

It was in this context of continued threat that the Disability Rights Education and Defense Fund (DREDF) joined in a coalition with Paralyzed Veterans of America and the National Center for the Deaf (Percy 1989: 89). This coalition targeted the DOJ’s new definition of

accessibility as well as the House Subcommittee on Civil Constitutional Rights and William Bradford Reynolds, who headed the Civil Rights Division under Reagan. In 1983, a media report suggested that certain lawyers had left the DOJ accusing the Department of not fulfilling its mandate of protecting citizens' civil rights (Percy 1989:100). Fuelling the fire among all civil rights groups, Reagan, in 1985, appointed Reynolds to an upper-level position in the DOJ. In the late 1980s, DREDF advocated for the passage of the Handicapped Children's Protection Act of 1986 and the Fair Housing Amendments Act of 1988. Through the Individualized Educational Plan (IEP), they encouraged parents to apply for all the services to which their disabled children were entitled (Fleischer and Zames 2001: 78). Following protests from various civil rights groups, major success came in 1988 with the Civil Rights Restoration Act. This act revised the *Grove City v. Bell* decision which stated that only the division of a corporation to which a claim was brought regarding accessibility had to comply and ensure accessibility – not the corporation as a whole (Scotch 1989: 395; Fleischer and Zames 2001: 78).

Transit companies became a major target of disability protest. As Fleischer and Zames (2001: 82) suggest, between 1983 and 1990, disability activists, namely through ADAPT, targeted transportation because they saw compliance as an attainable goal (perhaps because political elites had long championed equal access to transportation). ADAPT conducted bus stoppages and sit-ins – a so-called free ride – tactics borrowed from the civil rights movement. Wheelchair users would get out of their wheelchairs and wriggle up the stairs of the bus. This protest was brought on by a complaint against a local bus company that would not provide accessible transportation yet provided free bus fares to business people (Mackelprang and Salsgiver 1999: 32).

The 1980s marks a peak in disability advocacy which also coincides with the increased dispersion and acceptance of a disabled identity and a disability culture. The Gallaudet campus uprising brought to the forefront Deaf culture which emphasized separation rather than integration (Mackelprang and Salsgiver 1999: 32). But, material concerns still dominated. By the mid-1980s, many advocates became aware that new disability civil rights legislation targeted particularly at private sector employment was in the works. In 1988, the Task Force on the Rights and Empowerment of Americans with Disabilities was created, and Republican Lowell Weicker introduced a disability rights bill that was wide-sweeping and whose enforcement mechanism was modeled after Title VII of the Civil Rights Act (O'Brien 2001). The bill was heavily influenced by a lengthy report produced by the National Council on the Handicapped. This first "liberal" draft of the ADA, which required that everything would have to be made accessible within two years of its passage, was written in 1988 but ignored by the Reagan administration (Shapiro 1993:114). It was a team of Republicans on the National Council on the Handicap who drafted the original Americans with Disabilities Act. Ironically, subsequent drafts of the ADA were left in the hands of disability advocates, like Patrisha Wright who created DREDF's lobby office, but they were actually more conservative in their scope. This perhaps was due to the concern among advocates that costs would create too many obstacles for its passage. The ADA did specify that companies had to adapt *only* if modifications "were easily achieved and at a reasonable expense" (Shapiro 1993:115). And thus, a new, less sweeping bill was introduced later that year by Senator Harkin and representative Coelho and after some important revisions described by O'Brien (e.g., weakening employment discrimination provisions, not giving a private right to action or punitive damages). The ADA passed 403 to 20.

George H.W. Bush, although an opponent of Section 504 during the Reagan years came across as a strong proponent of the ADA and, in some ways, was seen as an ally for disabled activists in the late 1980s. Shapiro offers several explanations for why this is so. First, Bush, like many of the entrepreneurs of an earlier time, was personally affected by disability. His daughter died from leukemia. Second, the disabled were becoming recognized as a potential constituency to appeal to. And third, the ADA fit nicely into Bush's "kinder, gentler America" campaign that got him elected. It may also be because Bush and the Republicans saw the ADA as a means to "get the disabled off welfare."

Political entrepreneurs and elite activists were instrumental in pursuing the ADA. Yet, unlike the politics of the Rehabilitation Act, movement figures and key advocacy groups were more involved in the legislative process. Although for instance, Bush may have been genuinely sympathetic, disabled voices had also gotten louder. ADAPT, founded in 1983 and known for its use of disruptive tactics, occupied a federal building in Atlanta just before the passage of the ADA. Interestingly, they were allowed to remain as per a call from President Bush himself, most likely because supporters of the ADA (both inside and outside of government) needed to put pressure on Republican holdouts (Shapiro 1993: 128). The protest was relatively small and it was not even mentioned in the Washington Post. By the time the ADA was passed, it was clear to disability advocates and to the public at large that there was disability advocacy and a DRM. When the ADA was passed in 1990, Justin Dart, co-chair of the Task Force, attributed the success partly to "a ragtag hodgepodge of advocates with disabilities, families and service providers" and Representative Coelho suggested that "the disability movement boasts a hidden army" (Fleischer and Zames 2001: 92). But how "outside" the political process were these activists?

Example of Insider-Outsider Connections		
Name	Insider Position	"Outsider" Role
Boggs Elizabeth	Kennedy appointed her to the President's Panel on Mental Deficiencies (1961); Co-Chair, Congressional Task Force on the Rights and Empowerment of People with Disabilities (1988-1990).	In 1950, Founded NARC - National Association for Retarded Children.
Burgdorf Robert L.	Law Professor; Staff counsel, National Council on the Handicapped (NCH) (1986); Key figure associated with writing the ADA (1989/1990).	Member of the National Center for Law and the Handicapped (NCLH) (mid-1970s);
Dart Justin	Member and chair of the Texas Governor's Committee for Persons with Disabilities (1980-1985); Reagan appointed him to NCH in 1981; involved in drafting the ADA (1988-1990); Co-Chair of the Congressional Task Force on the Rights and Empowerment of People with Disabilities (1988-1990).	One of the leaders of the Independent Living Movement in Texas in the mid 1970s.
Frieden Lex	Executive Director, NCH (aka NCD) (1984); involved in drafting the ADA (1989/1990); Chairman of NCD (2002-2006).	Served as secretary of ACCD (1974).
Heumann Judy	Intern for Lisa Walker where she helped drafted the Education for Handicap Children Act and also learned about the tensions surrounding Section 504 (1974/1975). Assistant Secretary, Office of Special Education and Rehabilitation Services (1993-2001).	Founded Disabled In Action (1971); Deputy Director of Berkeley Center for Independent Living (1975); Organizer in ACCD (1974); Co-Founder of the World Institute on Disability (1983).
Roberts Ed	Director of the California Department of Vocational Rehabilitation (1976).	Founded the Berkley CIL (1972); Co-Founder of the World Institute on Disability (1983).
Robinson Jill	Community Services Administration staff member (mid-1970s).	Interned at the NCLH (early 1970s); Participated in the sit-ins at HEW (1977).

Table 4: The Insider-Outsider Connection

Scholars of the disability rights movement highlight certain key figures associated with the DRM. People like Judy Heumann, Ed Roberts and Justin Dart (see Table 4). However, these

figures all share something in common, and that is that they all had close ties to so-called insiders, or were insiders before they were grassroots activists. As I already noted, committee staffers as well as those in the OCR, had forged important ties with movement leaders. Judy Heumann, perhaps one of the most noted figures of the DRM, was influenced like many in this period, by the civil rights movement. Heumann is the founder of one of the first truly broad protest group (i.e., Heumann was a proponent of bringing different disabled individuals together into a single organization). Disabled in Action was founded by bringing together activists from existing organizations. The organization emerged largely as a response to the politics surrounding the Rehabilitation Act (mobilizing against Nixon's vetoes). But, Heumann had a very close relationship to the legislative process. She interned for Lisa Walker who was Harrison Williams' aide. It was there that Heumann learned about the Rehabilitation Act and Section 504. She was instrumental in disseminating information about Section 504 not only outside the government to other activists and groups, but also within the government, like for instance, to the Board of Veterans Appeals.

Other key movement figures also had strong ties to political entrepreneurs. Ed Roberts, who is often considered the "father of independent living" (see Pelka 2012:13) and the co-founder (with Heumann) of the World Institute on Disability (founded in 1983), was made the director of the California Department Rehabilitation by Gov. Jerry Brown in 1975. Justin Dart, who is more closely associated with the politics of the ADA came from a political family. According to interviews with Pelka, (2010:430) Dart's father was a "major player" in the Republican Party. In 1984, Dart headed Disabled for Reagan Campaign. In 1986 Dart became commissioner of the RSA but due to his advocacy and conflict with the "rehabilitationist" position of the agency (he apparently testified against the organization), he was asked to resign.

His role in the ADA was largely through his Reagan appointment to the National Council on the Handicapped. According to Pelka's interview with Dart, he was instrumental in convincing many, namely in the Republican Party, that a civil rights approach was necessary. He appealed to Bradford Reynolds, the attorney general for civil rights, who was sympathetic to the cause. In the end, what many believed would be something Reagan would not support found favor with the President. Much of Dart and Burgdorf's draft would become the ADA, although as I noted, a much-watered down version is actually passed and signed by President George Bush.

The rise of disability rights in the U.S., and as I claim, a major reason why the U.S. was an innovator rather than a laggard, has a great deal to do with the dynamic interplay between political entrepreneurs in government and "outsiders" such as key movement figures and organizational founders, leaders and lobbyists. As Table 4 shows, the relationship between government, service provision and advocacy organizations is quite porous. In some cases, those involved in professional social-service oriented groups become advocacy oriented. In other instances, the government creates an opportunity for advocacy and there are also examples where those involved in advocacy then become insiders promoting change within institutions.

The reframing of existing disability discourse around rights by key entrepreneurs within an ever-growing policy community politicized the disability constituency. In turn, new advocacy and protest-oriented groups emerged and key movement figures (most of whom had some relationship to the government) gained prominence and were critical in promoting disability rights when those within first the elected branch, and then the executive, could no longer. While much of the 1980s can be characterized by contention between disability activists and the government, by the late 1980s, government and disability community elites came together to draft what would become the ADA.

RETRENCHMENT, JUDICIAL RESISTANCE AND DISABILITY IN THE 21ST CENTURY

As I mention in chapter 1, one key contextual feature of U.S. politics that contributed to political innovation on disability rights is the unfinanced mandate (Posner 1998). This is particularly relevant for disability rights because, unlike other minority rights, there are potential costs associated with equal access and accommodation which eventually came to the forefront of disability politics. Thus, what can be initially characterized as entrepreneurs making promises about rights without cost justification in the 1960s and early 1970s came under fire when economic concerns and austerity measures dominated politics. The 1970s signaled a closing opportunity for both social welfare policy and civil rights based legislation, which makes it all the more fascinating that Section 504 of the Rehabilitation Act survived the legislative and committee hearing process. Entrepreneurs (with the eventual help of so-called outsiders) played a particularly critical role in this inopportune time within more liberal congressional committees, and by ensuring continued entrepreneurship within the executive branch which at this time, had a contentious relationship with the president. But, the conservative turn that began in the early 1970s, and the backlash against civil rights oriented laws, was a sign of things to come.

Pierson (1994:8) defines retrenchment “as a delicate effort to transform programmatic change into an electorally attractive proposition, or at least minimize the political costs involved.” Why should an administration even bother making retrenchment attractive to the electorate? We would expect that a public who elects a conservative government desires a conservative approach to federal spending. The fact of the matter is that despite changes in public attitudes about government intervention, the public generally does not approve of cutbacks, especially regarding programs to which they have grown accustomed (see Mettler

2007). Many point to the Reagan Administration as a clear example of attempts at welfare and civil rights retrenchment. But rollbacks began before Reagan even took office. In fact, some of the federal bureaucracies that once called for more were now proponents of cutbacks. When it came to OASI (a program that rose from \$16 billion in 1965 to 30.1 billion in 1970) Ford's Domestic Council, much like Nixon's Administration, supported wage indexing. However, under the Carter Administration, Joe Califano, director of HEW, proposed cutbacks for the first time since OASI's inception and an increase in payroll tax (Champagne and Harpham 1984:20-22). The Carter Administration began investigating ineligibility for DI payroll (see Pierson 1994:141). Carter also proposed to essentially dismantle AFDC and replace it with the Program for Better Jobs and Income which failed to pass and like Nixon, Carter's attempt to dismantle the most expensive social welfare program failed. Ultimately, systematic retrenchment was limited. Nonetheless, as Patterson (2000:212) claims, "one sign of Reagan's determined conservatism was his effort to reduce federal disability benefits." The Omnibus Budget Reconciliation Act of 1981 clearly signaled an attack on the welfare state. In 1982, the Social Security Administration dropped 50% of people on the payroll leading to a rise in court appeals. Often, the SSA refused to comply with circuit court decisions. State governors began to worry that recipients (or former recipients) of disability insurance would turn to state legislatures for assistance (Pierson 1994:141-142).

Thus, even unfinanced mandates have their limits. In the case of disability rights, fiscal conservatism and economic recession clearly limited the facilitative context than once allowed political entrepreneurs to pursue disability rights discourse (particularly once costs became associated with rights). The contentious politics that characterized the 1980s was generated by threats to rollbacks on disability rights by the Reagan administration, as well as the

administration's support of public transportation authorities and their lobby group, the American Public Transportation Association's (APTA) refusal to comply with equal access. Nonetheless, the 1980s also saw a proliferation of ADA-like laws at the state level (as though states had taken cues following the Rehabilitation Act) whereby most states had some form of disability antidiscrimination legislation by 1990. As the federal government became increasingly hostile, states had taken the initiative to expand the language of the Rehabilitation Act into their disability legislative agenda.

After the ADA: Judicial Resistance and the ADA Restoration Act

Like the cases heard following the publication of Rehabilitation Act regulations by the executive branch in 1979, the courts ruled very conservatively on disability cases following the ADA. With the passage of the ADA was an increase in litigation, in fact more so than the period following the Rehabilitation Act. Yet, although 650 lawsuits resulted in the five-year period following the ADA, this is a small number considering all the private and public entities that were required to comply. Since the ADA, approximately 80 percent of cases under Title I were thrown out on summary judgment, 94 percent of the remaining 20 percent of cases ruled in favor of the employer, and about 80 percent of decisions in the federal appeals court did not result in favorable decisions for disabled people (O'Brien 2001:163, 177). In 1999, the Supreme Court, in several important cases, not only reaffirmed conservative lower court rulings, but also further argued that if a person can mitigate his/her impairment, he/she is effectively not disabled. In addition, the courts largely ignored recommendations and mandates from the Equal Employment Opportunity Commission (EEOC). Thus, while litigation did become a potential tool for disability organizations, it is clear that the success rate was very low (and presumably made legal mobilization fairly unattractive for the DRM).

Although the ADA was passed within a context of “civil rights restoration” and was seen by some as the most important civil rights law since the Civil Rights Act, it also intensified the debate over the costs of accommodation since it now applied many of the provisions of the Rehabilitation Act to the private sector. Many employers were now major opponents of Title I of the ADA (the title dealing with discrimination in employment). But, O’Brien argues that the reluctance to extend rights is more deeply rooted than costs since not all accommodation requires expenses and yet still is met with reluctance. She (2001:3) claims that “...when employers realized that disability rights could turn this subversive potential into a reality, they turned to the federal courts, which concurred, rendering a very narrow construction of these rights.” More importantly, the ADA also reopened the definition of disability. Recall that as early as the 1950s, the American Medical Association and other elite professionals were concerned about broad definitions such as it was believed this would lead to a large number of people seeking to claim benefits. However, the courts have interpreted “functional disability” so as to exclude a large number of people who can be defined as disabled, and have defined disability on a case-by-case basis. Consequently, someone who can mitigate his/her disability by using a wheelchair is not considered disabled. In the end, Title I of the ADA proved to be a disappointment. Courts created a catch 22 because a person was either too disabled to work, or not disabled enough to qualify for rights (O’Brien 2001). Many have referred to this as judicial resistance which limited the impact of this policy.

Many activists and advocates inside and outside of government have claimed that the ADA was never fully implemented because the courts’ interpretation of congressional intent in a series of well-known cases (e.g., *Williams v. Toyota* and *Sutton et al. v. United Airlines*) eroded

the original provisions of the law. As Andrew Imparato, head of the *American Association of People with Disabilities* (AAPD), testified:

...because of Supreme Court decisions like the 2002 Toyota v. Williams [...], we have come to a point where the Supreme Court has opined that the term 'disability' is to be, quote, 'interpreted strictly to create a demanding standard for qualifying as disabled,' and victims of disability discrimination are finding it harder and harder to reach the issue of how they were treated by their employer. (2008-H341-30)

Most activists and sympathetic political elites blamed the courts for undermining Congress' will. Leaders of disability groups were highly critical of the situation. Critics have referred to the law as “illogical,” “hyper-technical,” and a “Catch-22” (Mayerson 1997; O'Brien 2001). As court cases continuously undermined the ADA, neither political entrepreneurs nor DRM activists appeared to have played a role in reversing the effects of these rulings.

Finally, in the late 2000s, with the help of political entrepreneurs and the input of some key disability rights movement organizations, Congress proposes the ADA Restoration Act. As former Representative Tony Coelho, who co-sponsored the ADA in 1988, stated in a 2007 congressional hearing:

America and Congress when it passed the ADA, proposed a true model to the rest of the world - because of our goal and dedication to the full inclusion of all Americans into the mainstream of life. This includes our understanding and belief that people who have disabilities are fully capable of working in competitive employment and being productive members of society...we all understood that if we do not integrate people with disabilities, we not only cause them and ourselves to suffer, we also expend enormous resources to support people who actually want and are capable of supporting themselves. (2008-H521-9)

Coelho's statement describes what both political entrepreneurs and activists believed to be congressional intent on ADA. However, even after the ADA's enactment, rates of employment

have declined and economic hardship among those with disabilities has not been alleviated. Congressional testimony, reports, and proposed amendments acknowledge many of its failures. A 2004 *National Council on Disability* report titled “Righting the ADA” found that the ADA had not delivered, particularly in relation to the economic wellbeing of persons with disabilities. At a Congressional hearing a few years later, Naomi Earp, Chair of the EEOC, testified that the “employment of people with disabilities has presented the greatest ADA challenge” (2007-H521-10). The ADA Restoration Act of 2007, as its title suggests, sought “to amend the Americans with Disabilities Act (ADA) of 1990 to restore its original intent and protections” (2008-H521-9).

While the period between the Rehabilitation act and the ADA marked tremendous growth and advocacy, government attention, protest and issue diversification in the DRM, the years following the Americans with Disabilities Act of 1990 marked a period of demobilization for both disability and the DRM. Following the ADA, there was an overall decline in the number of hearings, advocacy organizations, protest activity, and to a lesser extent, the number of overall policies enacted. This may, in part, explain the absence of any major push by either political entrepreneurs or DRM leaders to address the shortcomings of the ADA until 17 years after its enactment. By the end of the 1990s, disability protest largely ceased.

Despite demobilization, political discourse, legislative measures, the disability voluntary sector, the disability community, and broader public attitudes can never return to the strict social welfare paradigm of the past. While the DRM did much to transform the overall worldview of handicap, entrepreneurs in the government spearheaded the legislative aspects of this transformation. In the late 1960s and early 1970s, political entrepreneurs in Congress and the executive branch helped define disability as a political constituency deserving of equal rights. As

I illustrate in this chapter, they did so through a series of confluent factors (supply-side factors) both at the individual and institutional levels. Broad structural features of U.S. politics such as unfinanced mandates and the ability of congressional members to pursue interests outside of official party mandates facilitated the expansion of disability rights. Entrepreneurs in Congress used their positions on committees to expand their jurisdiction over disability, as what was once a policy monopoly with few elite players became a community of many elite players. Committee staffers forged important ties with members of the executive branch which also sought professional aggrandizement and this ensured the expansion of rights even when the elected branch of government could no longer aggressively pursue rights. As I noted, these elites saw themselves as entrepreneurial and integral to the disability rights struggle. Although one motivation for pursuing disability rights is committee/agency aggrandizement, as well as professional aggrandizement, many entrepreneurs, had a particularly professional orientation around broad social welfare policies, and to a lesser extent, civil rights. Importantly, many had personal experiences regarding disability (from observations in social settings to family members with disabilities) that should not be dismissed in understanding their motivation for policy innovation. With this new rights-based orientation rose the DRM whose leaders had ties to institutional entrepreneurs. The DRM and the new advocacy and protest groups that were founded in the 1970s were able to continue the pursuit of rights when it became difficult to do so within institutions.

Even with eventual decline following the ADA, by this time, the DRM had been transformed tactically and organizationally. Although Congressional attention declined, it did not totally disappear, and important policies, like the Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446) were enacted. And, although the number of advocacy

groups declined, a new hybrid service-advocacy organizational form emerged and became increasingly more common during this time. By 2006, this organizational form represented about one-third of the disability organizational field. The combination of service provision and advocacy reflects the somewhat unusual intertwining of civil rights and social welfare/health policy domains that characterizes disability political discourse. There may also be certain advantages associated with a hybrid form. As Minkoff (2002) suggests, hybrid organizations maximize their ability to mobilize resources, which is especially important if resource flows diminish and the movement cause is not as salient as it once was: both are possible characteristics of demobilization. Perhaps more broadly, as Tarrow (2010) notes, SMOs, once they are engaged in prolonged interaction with institutions such as the government (particularly when their interaction is contentious), are transformed by that interaction. Ultimately, the politicization of disability forever transformed that constituency especially as result of political entrepreneurship on rights and the subsequent contentious politics that gave rise to the DRM.

CHAPTER 4: PAYING ATTENTION TO DISABILITY

“You have to understand that the 1970s began really the emergence of the Congress as an institution in really initiating substantial amounts of social policy, important social policy. We had an executive branch, which at the time was considered to be the enemy for many reasons. We in the Congress therefore as a matter of self-defense and as a matter of Democratic Party politics felt that it was important to take the initiative because otherwise the initiative would not be taken elsewhere.”

-Nick Edes (from Scotch 2001:47)

Nick Edes was a staffer for Senator Harrison Williams and worked closely with other senators on Section 504. His statement above alludes to three important points that partially inform my analyses. First, Edes, like many other disability rights entrepreneurs, saw himself as an entrepreneur (as I noted in chapter 3) and his role as necessary in promoting rights (e.g., “taking the initiative”) and Congress (presumably via the committees on which entrepreneurs served) as the site for social policy innovation. Second, his statement highlights the importance placed on party dominance in Congress – in this case, the Democrats – in pursuing a disability rights agenda. In the early 1970s, despite Democratic control of both chambers, there was a growing backlash against Johnson’s Great Society and the 1970s did reflect a closing opportunity for that kind of legislation. Democratic party politics became more important in promoting social issues within this growing hostile political environment which suggests that party control of the chambers should matter in explaining disability-related congressional attention and policy output. Finally, Edes also notes the important relationship between entrepreneurs in Congress, especially those on sympathetic committees, and the executive branch, in this case, the OCR in HEW. The OCR was sympathetic to, and entrepreneurial on, disability rights while the rest of the executive, including the HEW department as a whole, began to express doubts over the intent of Section 504 of the Rehabilitation Act. His sentiment reflects a fairly pervasive belief among

entrepreneurs that they were working within favorable contexts (either congressional committees or specific offices within the executive) embedded in a growing hostile environment.

This chapter seeks to contextualize the nature of entrepreneurship and committee relationships described in chapter 3. It situates rights entrepreneurship within a broader historical institutional context related to congressional committees, party dominance in the chambers, and issue attention across various policy domains. A major theme of this project is to establish both why and how the government pays attention to disability rights. Olson (1965), in his classic book on collective action, argued that political mobilization is not solely based on the fact that members of a given group are seen as sharing common characteristics. This is not enough to activate or politicize a community. This is a theme picked up by social movement scholars, for example, Klandermans' (1988) consensus mobilization or Gamson's (1992) collective action frames, or Jenkin's (1983) discussion of mobilizing potentials. Indeed, people as diverse as wheelchair users, persons with learning disabilities, and those with psychiatric disorders have been viewed historically as "handicap" but this loose grouping did not translate into solidarity or any sustained form of mobilization in the form of minority group rights. But, disability is, in some ways, a unique constituency and policy issue in that despite being largely non-political before the 1970s, still had inclusion and representation within political institutions. This means that access to political elites, particularly via incumbent and state-legitimated service-provision oriented groups like Easter Seals and March of Dimes, did not involve nor require grassroots mobilization based on identity-politics. The point here is that government was already paying attention to disability a priori to any discussion of rights, and most certainly before the rise of the DRM.

CONGRESSIONAL ATTENTION

The number of congressional hearings has often been used as a measure of the amount of attention the government spends on an issue. Hearings have become a growing focus for social movement scholars as it has been argued and found that movement activity is particularly important at the agenda-setting phase of policy, not the final stages of legislative enactment. Indeed, some scholars have seen hearings as a measure of the openness of the House and Senate to a given issue (Soule, McAdam, McCarthy and Su 1999). Agenda setting refers to the process by which issues are selected, expanded on and, importantly, how they are framed. It is during this phase of the policy process where information is particularly critical. Indeed, the committee system (and the hearings committees hold) is an information gathering institution. Hearings are a place where information is presented and discussed publically, and, where framing contestation occurs (Baumgartner and Jones 1993; Jones and Baumgartner 2005). If SMOs and interest organizations wish to influence the legislative process, then they must provide the kind of information that legislators care about when it comes to policy (Burstein and Hirsh 2007). Of course, as the agenda-setting literature suggests, politicians' attention span, as well as agenda space, is limited and thus, issues compete for attention. Since, as Burstein and Hirsh (2007) argue, simply holding hearings signals that a committee thinks an issue is important, growing congressional attention also legitimizes issues (see Gamson and Modigliani 1989; King, Bentele and Soule 2007) and as a consequence, legitimate issues subsequently receive priority. Frame contestation occurs within an issue as well to the extent that a particular framing of the issue wins out over other possible frames. For this reason, King et al (2007:143) refer to congressional hearings as a "gate-keeping mechanism." Note that hearings need not necessarily be tied to any specific bill, and they are most certainly not required to lead to any particular policy proposal

(Soule, McAdam, McCarthy and Su 1999). Hearings can be a way for entrepreneurs and committees to establish interest on a policy issue (see King 1997 on turf wars) particularly if committees are seeking bill referral. In fact, Talber, Jones and Baumgartner (1995) show how non-legislative hearings are a way for entrepreneurs and committees to stake a claim on an issue. This is especially useful if the committee is holding hearings on a new, but jurisdictionally proximate issue (that is, an issue that is close enough to existing committee turf such that a legitimate claim on the given issue can be made by a committee).

Thus, committee hearings are not merely a formality on the road to policy enactment. They are a way to gather and prioritize information; they are used in the process of claiming jurisdiction over issues; they are part of a legitimation process where elites elevate issues to importance; they are the site for issue framing; and they also provide avenue for interest organizations and SMOs to express their concerns. What explains ebbs and flows in attention? There are numerous explanations. Professional and personal ambitions as well as internal dynamics associated with issue jurisdiction have been shown to matter in issue expansion (Sulkin 2005; King 1997). Furthermore, as Jones and Baumgartner (2005) note, broader changes like the growing complexity of issues (meaning that more entrepreneurs can take up segments of the same issue and create competition within the issue area) as well as liberalizing public opinion in the late 1950s (see Stimson 2004) and the subsequent rise of the Democratic Party and its lengthy control especially of the House, also explain activist government particularly between 1964 and 1980.

Indeed, the rise in disability-related hearings does fit with the broader rise in government attention on many social issues discussed in Jones and Baumgartner. However, congressional attention remained quite high for disability and only really declined after the politics surrounding

the ADA between 1988 and 1992. It may be the case that congressional hearings related to disability declined as many other issues did in the 1990s when Republicans took control of the House and Senate. However, declines in congressional attention on disability seem to have come after the overall decline in government attention to social issues. Also note that there does not appear to be a strong relationship between congressional attention and objective changes. That is, that attention to disability increased in the 1960s does not appear to follow any change in the condition of persons with disabilities. When the issue rapidly declined in the 1990s, it did so while employment and income gaps between the disabled and non-disabled continued to increase.

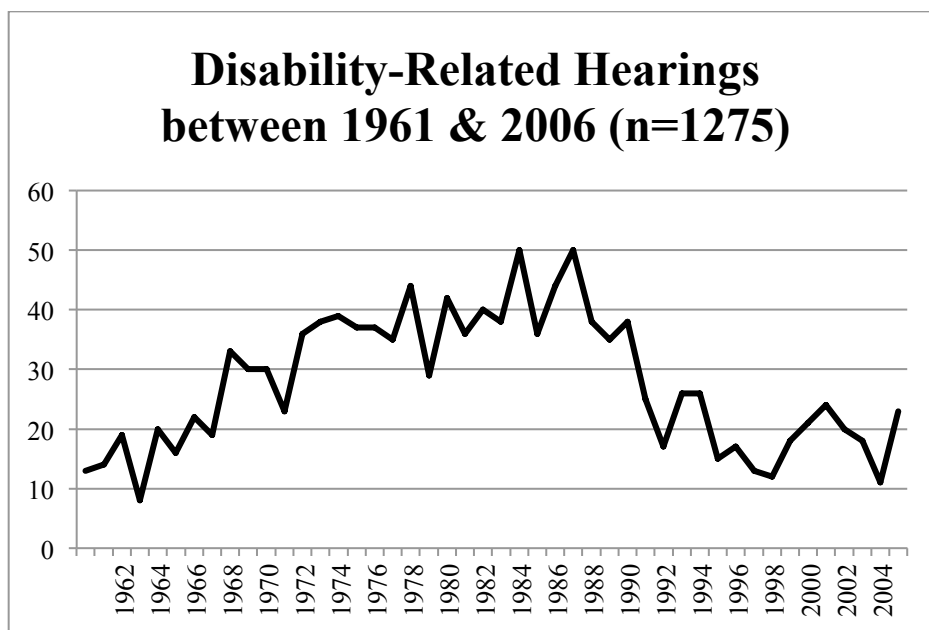


Figure 5: Disability Hearings

Importantly, As Figure 5 shows, disability-related hearings, although low, were never quite at zero, and although the data presented here begins in 1961, accounts describing disability-related policy output between the New Deal and the Great Society suggests that government was paying attention to disability issues and passing legislation (see Katzmann 1986; Scotch 2001).

By the time the Rehabilitation Act is passed in 1973, the number of hearings per year more than quadruples and stays at a fairly constant level until the years immediately preceding the ADA. This period of increased attention also saw a growth in the variation of themes within disability, which touches on topics of education, health, social services, transportation, telecommunications and technology. Thus, when rights entered into the picture, there was already a growing heterogeneity in the subtopics within disability. Much of the 1990s sees a gradual decline in the number of disability-related hearings until it levels off at about the number it was in the early 1960s. This rise in congressional attention coincides with the Great Society of the 1960s but importantly, levels of attention remain constant well passed the Great Society era even in times of fiscal austerity and opposition to government expansion in the 1980s. This might be because once an issue gains some attention in the policy agenda, and committees and entrepreneurs stake claims and have vested interests in those issues, the issue tends to stick around. It may also be the case that disability remained a fairly bipartisan issues (despite the counter-framing of cost) and this maintained a constant level of interest.

It was in this time of growing congressional attention – this critical juncture or punctuation in equilibrium (1960s and 1970s) – that entrepreneurs were able to shift political discourse from health and social welfare towards rights. Policies like the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973 served to enshrine equal rights for the disabled and in turn, politicize disability. Scholars, like for instance, Armstrong (2002), suggest a similar history with the LGBT community whereby the group had always existed, but it took SMOs and advocacy organizations to turn that group into a political constituency. Other scholars, like Campbell (2005) and Skocpol (2007) argue that policies create constituencies. Where does disability fit? To some extent, both theories apply to the case of disability but it is important to

qualify these claims. First, policies did indeed shape disability as a political group. There is an obvious connection between the policies of the early-to-mid twentieth century – which focused mostly on vocational rehabilitation and other health and social services – and the way the disabled were viewed and treated by government and by the service-oriented disability organizations that dominated the nonprofit sector and the limited political space afforded by a fairly close-knit policy community in Congress. Then, when political entrepreneurs reframed disability discourse around rights in the late 1960s and early 1970s, once again, policies shaped the way government, organizations, and the public viewed disability: now as a minority deserving of rights. To what extent did organizations continue to politicize disability? Following the introduction of the Rehabilitation Act, new advocacy and protest oriented groups emerged while older organizations also shifted their focus away from services to equal rights. These groups, particularly organizations like DIA which emphasized solidarity between individuals with different types of disabilities, no doubt further entrenched this comprehensive and politicized collective identity which spurred continued mobilization in the 1980s.

It is important, though, to place disability hearings into context. The number of annual disability-related hearings is considerably higher than gender-related, race-related and civil rights-related hearings, but pales in comparison to environmental hearings (see Figure 6). In addition, unlike the environment and disability, these issues were paid little attention to prior to the 1960s. As Johnson suggests, the extent to which government pays attention to issues signals where the focus of discourse and contention lies, and in the case of women and ethnic/racial issues, during the 1960s and 70s especially, the locus of attention may have been outside the government. The environment (and I would argue, disability-related issues), have a particularly prominent place in the government even though in both cases, issues evolved and changed

through agenda setting processes. For example, environmental issues moved away from a frame of conservationism and preservation towards one of pollution, degradation, and protection.

Likewise, disability moved away from social and health services and effective mobility, towards an equal rights frame.

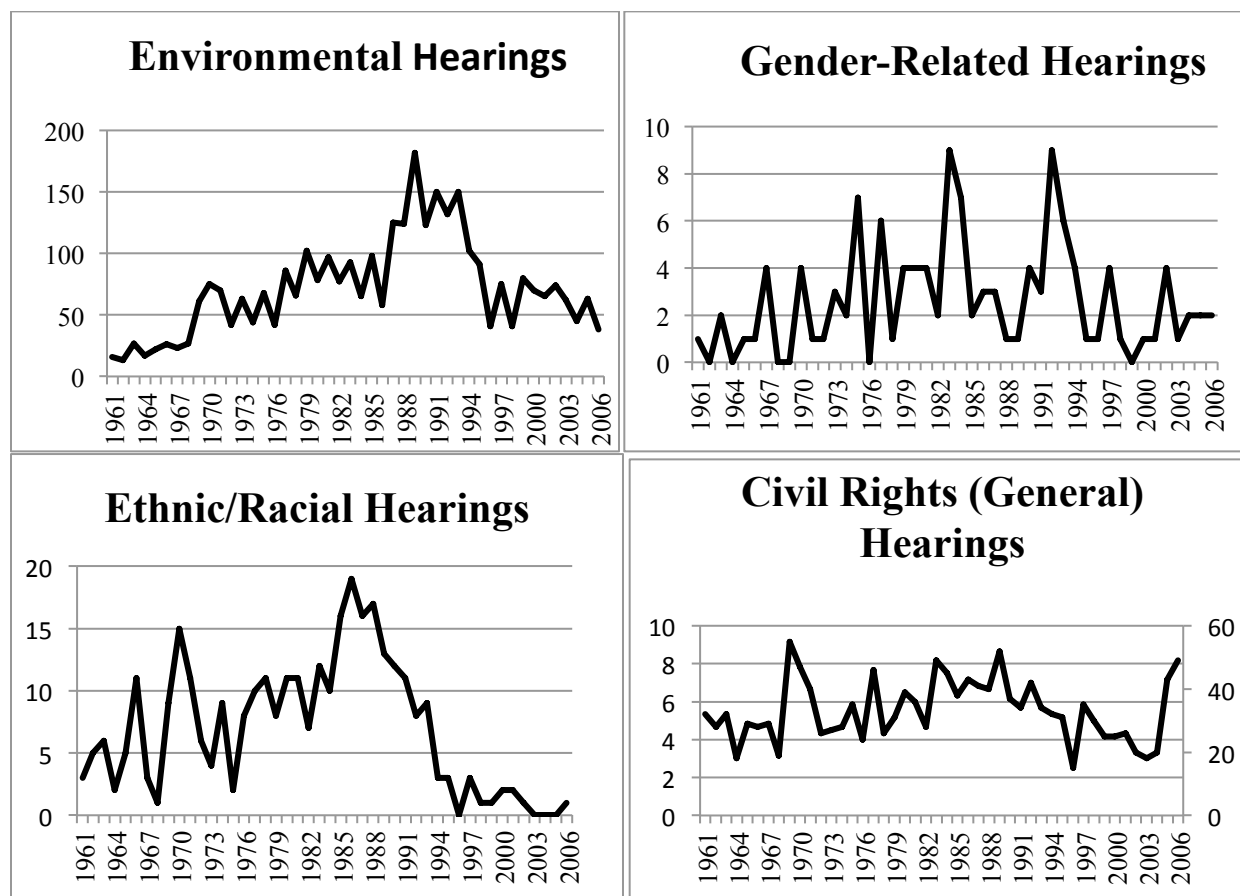


Figure 6: Hearings by Issue

The amount of congressional attention paid to both women's issues and the environment follow important political and organizational changes in government towards the issues. In the case of women, the amount of attention Congress paid to the issue increased following Kennedy's creation of the President's Commission on the Status of Women (See Costain 1992; Rupp and Taylor 1987). As Costain (1992:20-21) notes, "The shift from a friendly but somewhat

ambiguous relationship between government and women in the fifties to unalloyed support at the federal level in the sixties seems promising as an explanation for the timing of the women's movement." Congressional interest peaked in the early-to-mid 1970s surrounding the ERA amendments (Soule, McAdam, McCarthy and Su 1999). Although the issue declined afterwards, women's issues continued to have a place on the agenda. And, not coincidentally, the rise in congressional attention regarding the environment increased around the same time as the Clean Air amendments established the Environmental Protection Agency which also coincides with the rise of large professional environmental advocacy groups. As Johnson (2008:3) notes, "The year 1970 marked the beginning of an environmental era in American public policy." Similarly for disability, punctuation occurs right before the Architectural Barriers Act of 1968 and continues well into the 1970s.

Although these cases suggest by and large that the 1960s and 1970s saw an increase in the amount of attention on multiple issues, we are reminded by the literature on agenda setting (Baumgartner and Jones 1993) that the government does have a limited attention span. While it might be true that many issues expanded as a result of a growing activist government in the 1960s, the contemporaneous rise of multiple issues means that there is increasing competition among these. With limited space on the congressional agenda, some issues will win out which, as King, Bentele and Soule (2007) suggest, means that social movements and protest are particularly critical in ensuring that issues are disproportionately heard in Congress. They claim that "After race-oriented rights became central to the policy agenda, other groups (e.g., ethnic, women) analogized their situation to those of racial minorities and, as a result, were able to capture a place on the agenda." They find that what explains the variation in the proliferation of civil and political rights issues is the greater than average (or disproportionate) amount of

protests associated with that issue. But the rise in disability-related congressional attention is not a result of protest (since few if no protest events existed in the 1960s, see Chapter 5) nor is there evidence to suggest that a rise in politically oriented advocacy groups emerged in the 1960s (rather this seems to have occurred after the Rehabilitation Act of 1973, See Chapter 6). King et al's own data (which seems to underreport disability-related protests) show virtually no disability protests between 1960 and 1986 (with the greatest number of protests, 5 events, sometime in the late 1970s). If, as I argue, demand-side considerations mattered little in explaining why the government started paying more attention to disability, then what does?

In addition to hearings as a measure of attention and importance, an additional way of determining issue salience and agenda setting is the use of the Congressional Quarterly (CQ). Issues reported in the CQ signal their importance within the government (Jones and Baumgartner 2005; Baumgartner et al 1997). Jones and Baumgartner (2005:189) describe CQ coverage as “wilder than press coverage or hearings. CQ coverage is clearly indexed to the lawmaking activities of Congress, with more emphasis on the ‘downstream’ activities related to lawmaking than on the ‘upstream’ activities of agenda-setting.” In other words, the CQ reports on legislative activity from the top-down rather than on discourse in the agenda-setting phase. While Congress was dedicating more space to disability, disability did not become an increasingly salient issue in that critical time period of the late 1960s and 1970s (see Figure 7). In other words, policies like the Architectural Barriers Act and the Rehabilitation Act received little attention despite the fact that these are pivotal moments for the rise of disability rights.

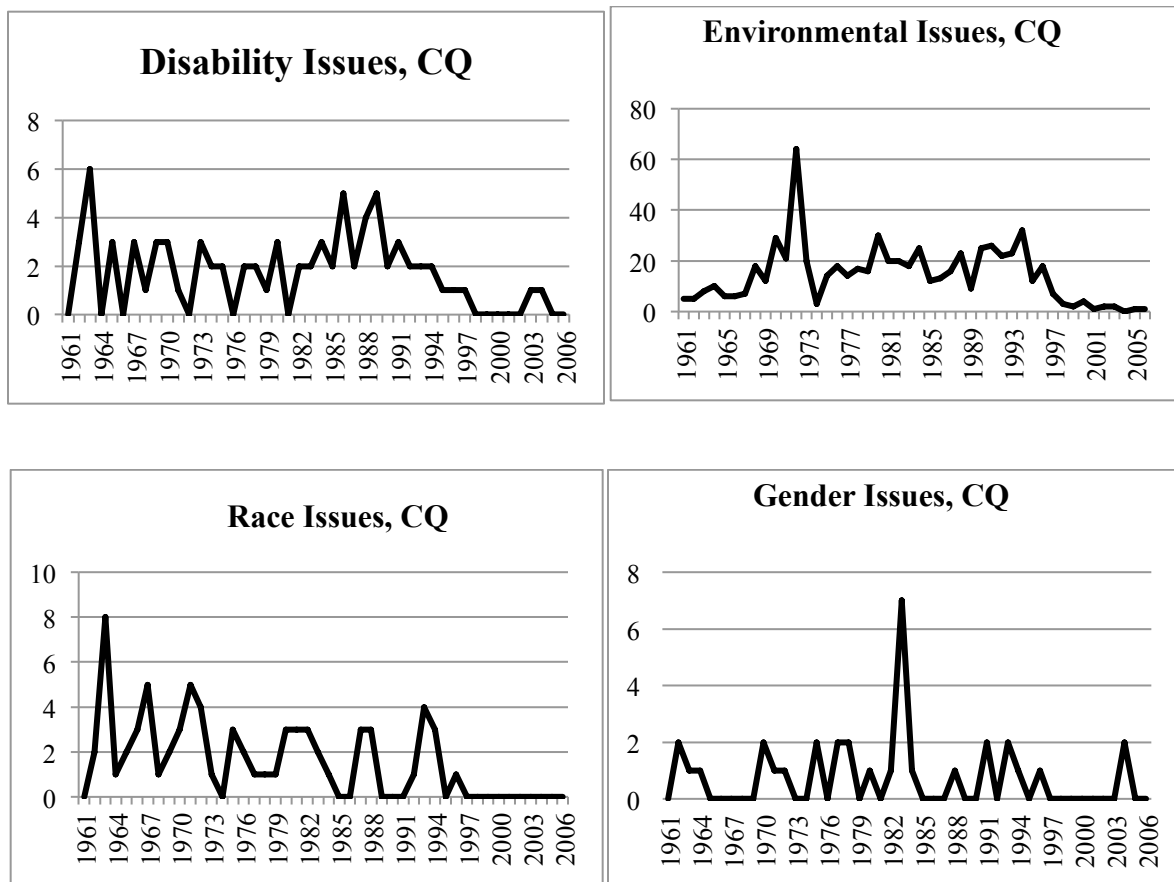


Figure 7: Issue Interest in the CQ

In fact, issue salience in government remained constant until the years immediately preceding the ADA where there was a slight peak followed by an almost complete lack of interest in the late 1990s and early 2000s. In some ways, this is not particularly unique to disability. The salience of race issues is roughly like that of disability while gender is relatively stable except for a peak in 1983 most likely coinciding with the failure once again to pass the ERA. On the other hand, there appears to be quite a bit more attention to environmental issues as reported in the CQ with a peak surrounding the Clean Air Act Amendments and a particularly stable amount of salience between the mid-1970s and the late 1990s. The possible unique attribute about disability is that saliency, although never having a tremendous peak, is fairly low, but consistent between the early 1960s and the mid-1990s. Race issues on the other hand,

experienced a slow decline while gender-related issues experience multiple consecutive years with no CQ coverage. The peak in gender might be related to the last attempt to pass the ERA and the increasing attention in the wage-gap issue. Note, however, that CQ coverage is often associated with issue attention to legislative action and thus, the fact that disability receives a constant but low amount of coverage suggests that disability legislation flies under the radar. I discuss the relationship between CQ coverage of disability and legislative activity later in the chapter.

DEMOCRATIC THEORY: PUBLIC PREFERENCES AND ISSUE SALIENCE

According to demand-side explanations about sociopolitical change, outside forces including changing public preferences and pressure from organized interests and social movements shapes agenda setting and ultimately, policy change. While Chapters 5 and 6 more systematically deal with the role of protest and organizations in promoting change for persons with disabilities, I address whether public preferences might explain the rise of disability issue attention in Congress here.

Jones and Baumgartner's (2005) work show some clear links between what Congress focuses attention on and what the public thinks are the most important problems facing the country. In other words, they find considerable congruency between the public agenda and the congressional agenda. Nonetheless, they also find that with few exceptions, two big issues dominate the public agenda: national security and the economy. When these two issues decline in importance, a window of opportunity for other issues emerges – for instance civil rights in the 1960s emerged as a salient issue among the public and was one of few issues to significantly displace security and the economy. It is important to note that Jones and Baumgartner, in the

tradition of Stimson and Wlezien's conceptions of policy mood, are using broad policy domains (such as civil rights, health, education, crime, welfare, commerce, defense, etc.), which of course, the public is bound to have some opinion about. But the more specific the issues, the less likely the public has thought about the issue and the more difficult it is to link opinion to agenda setting, especially if few questions were asked about those specific issues. As I noted in Chapter 1, in order to establish whether public opinion – ideally in this case, a marked shift in public opinion indicating favorable attitudes towards extending rights to the disabled (or any public preferences about disability-related issues) – influenced congressional attention and agenda-setting, one must show that a) public opinion polls on the issue were conducted and b) that political elites were aware of changing public preferences prior to changing patterns in issue attention and policy enactment.

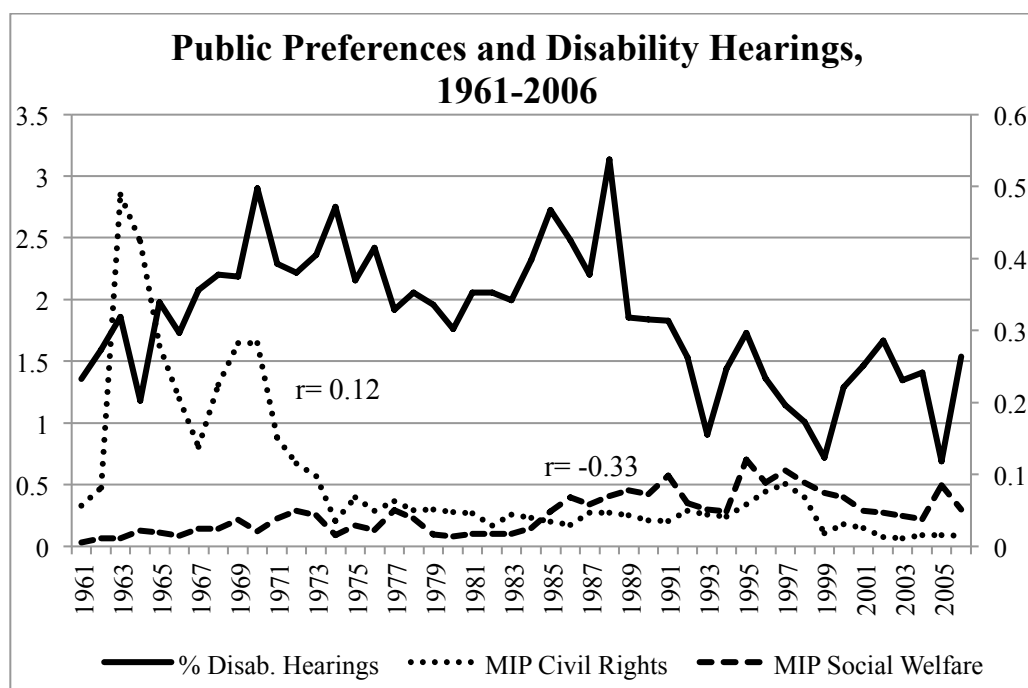


Figure 8: Public Preferences and Hearings

Since no systematic polls were ever conducted on disability-related issues (for instance, Roper data shows that polls were only conducted surrounding the passage of the ADA), it is impossible to determine whether public preferences directly mattered. At the same time, the fact that no polls exist suggests that political entrepreneurs were not responding to constituent demands when they acted on disability-related issues in the 1960s and 1970s. It begs the question as to whether disability-related issues were ever a policy priority for the public. However, it might be the case, as Stimson (2004) might argue, that increasing congressional attention on disability is a result of a changing overall public mood. That is, interests in disability might be a result of indirect changes in public preferences regarding either civil rights issues and/or social welfare.

As Figure 8 shows, there are fairly weak relationships between disability hearings and whether the public believed that either civil rights or social welfare were the most important problems facing the country (data from the Policy Agendas Project). Just as interest in civil rights was declining, the percent hearings related to disability were on the rise. It might be, however, that attitudes about civil rights generated an atmosphere in Congress that allowed elites to pursue a rights-based agenda for persons with disabilities. It would still be difficult to argue that the importance placed on civil rights by the public between 1963 and 1969 would have the lasting effect on disability congressional attention as far into the 1980s and 1990s when public opinion on civil rights is at an all-time low. Note that peaks in beliefs that either civil rights or social welfare are the most important problem do not coincide at all with peaks in congressional attention to disability and even if public preferences on these issues did have some role in disability issue attention, it appears to be a fairly tenuous link. Although not shown, I also examined relationships between congressional attention on disability and all of the issue topics

listed in the Policy Agenda Project and not one issue exceeds a correlation of 0.5 (the closest highest were perhaps not surprisingly health at 0.41 and education at 0.49). I also broke down congressional hearings by House and Senate since it has been argued that the House is more susceptible to outside influence and again, there appears to be no strong correlation between any of these issues and attention to disability in government. Note that despite Jones and Baumgartner's (2005) overall claim that there is congruency between the public agenda and the congressional agenda, not all issues seem to have high congruency. For instance, according to their own data, civil rights are at 0.27, labor is at -0.11, and housing at 0.13. Even the relationship between welfare as the most important issue and proportion of welfare-related hearings is only 0.41. In fact, the only strong undeniable congruency is with the economy (0.81), energy (0.76), environment (0.63), and foreign trade (0.61).

The link between media coverage of civil rights and welfare – often used a measure of issue salience among the public (Burstein 2006; Collins et al. 2006; Oliver and Maney 1999; McCarthy et al. 1996; Snyder and Kelly 1977) – and congressional attention on disability is also tenuous. As Figure 9 shows, media attention to civil rights was declining as congressional attention on disability was on the rise. Likewise, congressional attention on disability was already on the rise before the spike in media coverage on welfare issues in the late 1960s. I also examined correlations with other issues (not shown) and found weak associations between media coverage on issues (conventionally used as a measure of public issue salience) and congressional attention to disability (for instance, among the highest, education at 0.31 and oddly, crime at 0.39).

There are no doubt important examples of the ways in which changing public preferences eventually led to policy change. For example, the Civil Rights Act as well as subsequent

antidiscrimination legislation in the late 1960s coincides with a favorable opinion among whites (Burstein 1979). On the other hand, congressional attention sometimes generates media interest and can act as a catalyst for changes in public preferences (a noteworthy example is the war on drugs and the war on crime, see Beckett 1994). This was the case with environmental issues whereby congressional attention preceded movement in public opinion towards believing that environmental issues were the most important problem facing the country. But in the case of disability, there is little evidence that increasing congressional attention and subsequent passage of legislation is related to changing public preferences or increasing media attention on civil rights or social welfare. This suggests that factors other than those proposed by democratic theory are driving increasing congressional attention and agenda-setting processes. The rest of this chapter examines characteristics particular to Congress as an institution that may affect why the government pays attention to issues of disability.

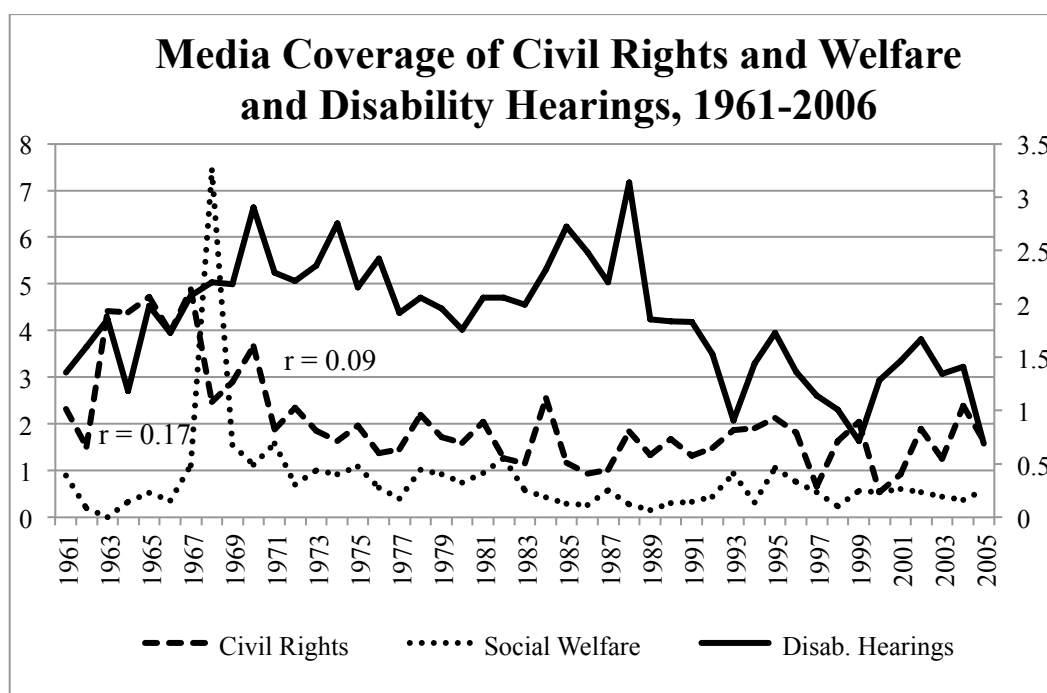


Figure 9: Media and Hearings

THE HOUSE, SENATE AND PARTY CONTROL

While public preferences may not have led directly to disability-related policies, public opinion may influence disability agenda setting and legislative action via the party voters elect into office. As Jones and Baumgartner (2005:234) claim regarding the ability of Democrats to mobilize liberalizing public opinion, “the agenda is set by parties and by opinion, as it should be in a democracy.” As Williams’ aide, Nick Edes, noted in the introductory quote, there was a belief that the Democrats, would continue to be entrepreneurial on social issues in Congress in the 1970s as they had been in the 1960s. Indeed, the House was controlled by the Democrats 35 of the 45 years covered in my study. On the other hand, the Senate did change hands twice within the 45-year period, which may demonstrate some variation related to party control and congressional attention on disability. Jones and Baumgartner’s extensive data seems to support Edes experience in government: that the peak of government activism and attention was 1970 and lasted until about 1978. However, this period does not represent the peak of influence for the Democratic coalition (that was in the mid 1960s). By the mid 1970s, the Democratic Coalition was already in decline, and in 1981 the Republicans gained control of the Senate. It also does not neatly correspond to liberalizing public opinion. At this point, as Stimson reminds us, public opinion was becoming more conservative as a response to increasing government activism (that is, a negative feedback effect). However, regardless of shifting public opinion and a weaker Democratic Coalition, it suggests that having the Democrats in control of the Senate and House should create favorable conditions for disability issue expansion. But there may also be reason to believe that the general pattern found in Jones and Baumgartner may not apply as neatly to disability. First, as I have shown, there is a very tenuous link between public attitudes and congressional attention to disability. That might mean a more indirect tie between public wants

and government action – that is, by continuously electing Democrats to Congress. And second, as I note in chapter 3, disability has tended to be a fairly bipartisan issue and there may not always be a clear overlap between party affiliation and support for disability policy and disability rights. It is therefore important to describe the relationship between party control and congressional attention and to do so separately for the House and Senate.

Between 1961 and 2006, Congress heard 1275 disability-related hearings. Importantly, while the House heard almost twice as many hearings as the Senate (875 to 400), the Senate appears to have been slightly more entrepreneurial whereby the number of disability related hearings peaked in the early 1970s and began a slow decline while the House a much more gradual increase in hearings with its highest point just prior to the passage of the ADA (see Figure 10).

The attention to disability in the Senate appears to reflect the increased peak in government action that Jones and Baumgartner find between 1970 and 1978, while the peak in attention in the House is well after that period (a gradual increase with a peak in 1985). The extent to which either chamber pays attention to disability, given that they do not neatly overlap, suggests that different processes might be at work here, and whether this is due to which party controls the chamber is an empirical question. As I show later, these differences may go beyond party control.

I begin first with a discussion of political party affiliation and possible ties to congressional attention on disability. What Figure 10 illustrates is that the rise and fall of congressional attention may be related to party control of Congress. It is clear that the initial increase in attention to disability-related issues occurred when Democrats controlled both the

House and the Senate. That is, in the 1960s, as the Democrats continued to pursue the Great Society programs especially civil rights and social welfare policy, disability also became increasingly more salient. But this is only part of the story. The House, which is less entrepreneurial than the Senate and more easily influenced by outsiders had a longer period of uninterrupted Democratic control yet the increase in attention was slower and peaked towards the end of Democratic reign (in fact, the 1970s reflected a weakening of the Democratic Coalition). On the other hand, the Republicans controlled the Senate for a short period in the early 1980s where disability-related hearings remained constant. Note that while an argument can be made for the link between Democratic control and increasing attention, it is difficult to argue that declining interest is necessarily the result of Republican take-over since in both the House and the Senate, initial and steep declines in attention occurred under Democratic regimes. Thus, there is more to explaining increasing attention to disability issues than public preferences and which party has control over the respective chambers.

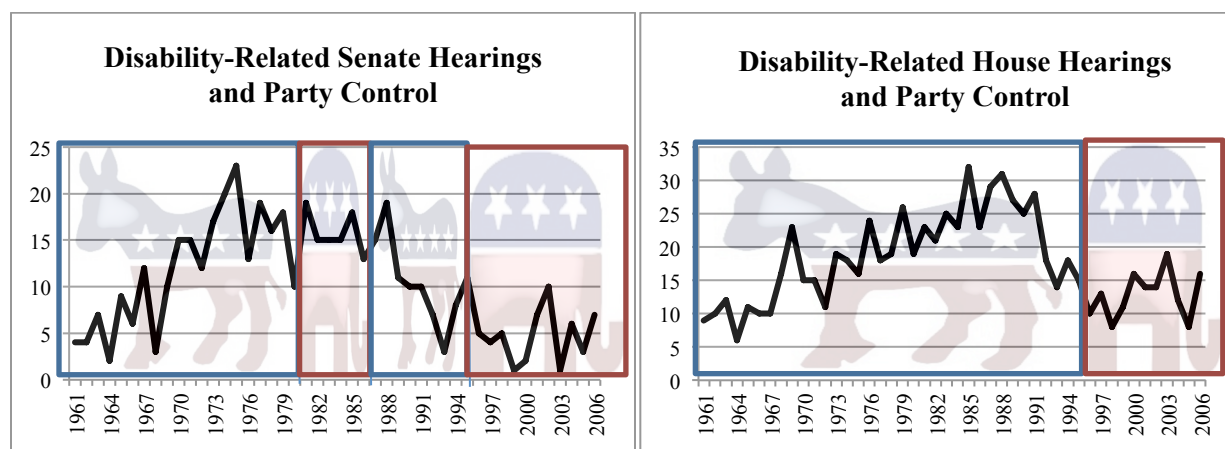


Figure 10: Party Control and Hearings

One possible factor contributing to the complex link between attention and party control is that disability has tended to be a fairly bipartisan issue despite a backlash in the 1970s and

1980s regarding costs of accommodation. Indeed, as I note in Chapter 3, the reason entrepreneurs, especially newly elected politicians, like Mario Biaggi, needing a cause to champion so as to get onto congressional committees, pursued disability is that there was no obvious opposition to providing services and even equal rights to the disabled (note that with the exception of a few in government, the notion that costs would come with rights was not especially widespread either within or outside of government).

Sponsored Bills by Disability-Related Topic							
	Total Bills	Percent by Topic	Total Sponsored	D-Sponsored	R-Sponsored	D Percent	R Percent
Civil Rights	34	14.6	17	10	7	58.8	41.2
Mental Health/Retardation	28	12.0	12	6	6	50.0	50.0
Rehabilitation services	40	17.2	20	11	9	55.0	45.0
Special Education	58	24.9	40	16	24	40.0	60.0
Social Welfare	73	31.3	44	29	15	65.9	34.1
Total	233	100	133	72	61		

Table 5: Disability Bill Sponsorship

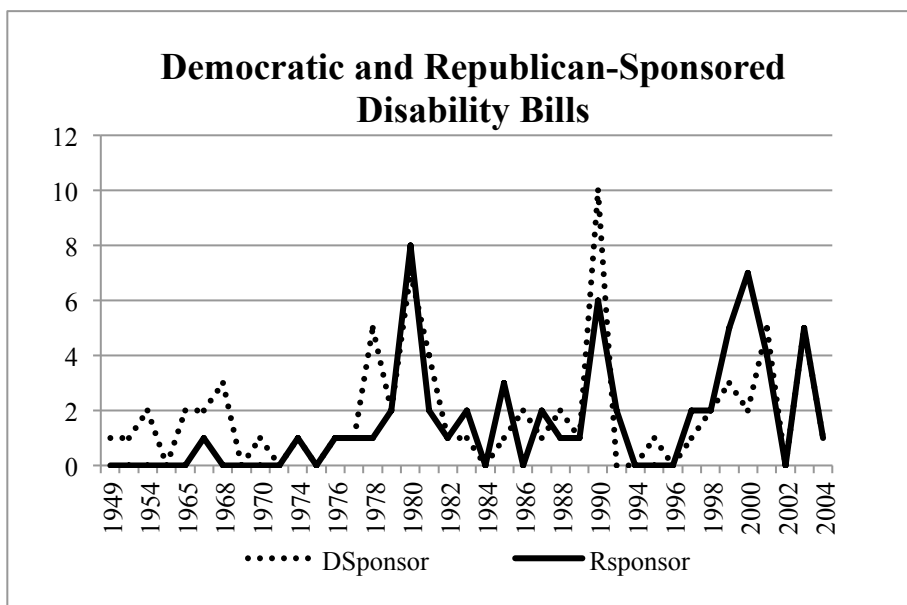


Figure 11: Bill Sponsorship by Party

Based on the Congressional Roll Call Voting Dataset from the Policy Agendas Project, which uses subtopic codes (such as rights for the disabled, mental health/retardation, rehabilitation services, special education and welfare for the handicapped), I find rather compelling evidence for bipartisanship on disability. Of the 133-sponsored disability bills obtained from this dataset between 1949 and 2004, 54 percent were sponsored by Democrats and 46 percent sponsored by Republicans. This is by no means a drastic difference that would support the claim that disability is a “Democratic” issue (as one might argue social security is). Indeed, although Democrats seem to have sponsored slightly more bills than Republicans before the 1970s, as Figure 11 shows, the trends for Democratic and Republican sponsorship look extremely similar. Overall, there appears to be a bipartisan feel to disability politics. But, when sponsored bills are broken down by subtopic (using Baumgartner and Jones’ classification), two striking differences are revealed (See Table 5). First, where the greatest gap between Democratic and Republican bill sponsorship exists is not on civil rights (where a fairly significant number, 41 percent, of civil rights-related disability bills were sponsored by Republicans), but rather, on social welfare (where there are almost twice as many social welfare related disability bills sponsored by Democrats). Second, Republicans appear to be entrepreneurial on special education-related bills sponsoring 60 percent of all special education bills and tied with Democrats when it comes to sponsoring bills related to mental retardation. This data, as well as my discussion of entrepreneurship in chapter 3, and the notable examples of Republicans sponsoring important legislation (for instance Robert Dole, who’s very first speech in the Senate was about extending federal aid to the handicapped, John McCain spearheading the telecommunications for the deaf act, and Bush’s signing of the ADA in 1990), make it difficult to claim that disability is a partisan issue. However, as disability social welfare issues (often

associated with the Democrats, especially of the 1960s) took a hit when an overall backlash against welfare emerged in the 1970s, Republicans were less inclined to sponsor welfare-related disability bills. Given that the patterns of congressional attention does not neatly overlap with party control and that the issue of disability comes across as bipartisan, this suggests that there may be more structural reasons beyond party affiliation and control that shed light on expanding congressional attention. Overall, the pattern of bill sponsorship looks fairly similar between Democrats and Republicans despite change of party control in the House and Senate. Note that the Republicans, when they were in control (such as the early 1980s and the 2000s), sponsored as many if not more bills than Democrats.

There may be, for instance, indirect ways that party control of Congress can influence issue attention and agenda setting related to how the party in power seeks to change the rules of the game. Perhaps a more telling reason as to how exactly disability issues expand in both congressional bodies might be what Polsby (2004) refers to as “liberalization” of congressional rules and norms especially how committee structures changed to benefit the Democrats. Many younger, northern Democrats who supported civil rights and social welfare programs complained that they had little influence in the current composition of committees since the system was based on seniority, which favored conservative Southern Democrats. Although change was slow since most committees’ composition remained quite stable, and many in the Democratic leadership saw to it that younger northern liberals were assigned to small subcommittees with little impact (especially on the budget and appropriations), eventually, younger liberals changed the composition of the House Democratic caucus where the number of southern Democrats in the caucus dropped by 10 percent between the end of the 1950s and the late-1970s. What this suggests is that the committee system is particularly crucial in understanding how issues get onto

the policy agenda, which bills get attention and what legislation gets passed – an issue I discuss in the next section of this chapter.

It is also possible that the fact the party control varies in the Senate and less so in the House contributed to a different distribution of disability-related hearings. However, this may only partially explain attention since having Republican control did not necessarily lead to a decline in attention. Interestingly, social movements scholars have come to note that the House and Senate behave differently (see Soule, McAdam, McCarthy and Su 1999: 253). This is important for scholars attempting to determine the extent to which outside factors, like for instance, public preferences and interest organizations, affect agenda setting. If the chambers behave differently, then presumably the influence of outsiders may also vary. In their study, Soule et al. find that when the Senate is less receptive to an issue, “outsider” events are higher. On the other hand, they find no evidence that the use of either outsider or insider tactics is affected by whether the House is paying attention to an issue. Importantly, they also find that while insider events shape roll call votes in the House, they do not, nor do outsider events, have any relationship to Senate roll call votes. Although the fact that the two bodies of Congress might behave differently, and congressional hearings have become particularly important to social movement scholars who conceptualize these as a measure of political opportunity, few studies since have disaggregated hearings by the two houses. And, few studies in sociology employing these variables, including Soule et al., have provided an explanation for why these chambers might behave differently.

Turning to political scientists who study issue politics may provide some answers to this question. The Senate tends to be more entrepreneurial on issues than the House. An important reason for why this is so, as Sulkin (2005:38) suggests, is because Senate terms are considerably

longer than representatives' terms. It is not that elections do not matter for Senators. On the contrary when it is electoral season for the Senate, senators tend to face greater challenges than House Representatives. But, Representatives spend much of their term in Congress worrying about reelection. Thus, the Senate facilitates entrepreneurship because senators have considerably more time to pursue issues and are not constantly campaigning or appealing to voters. The House, therefore, might be more susceptible to outsider influence and thus, agenda setting in the House might grant more space to outsider issues as Representatives seek to appeal to outsiders. On the other hand, entrepreneurship is more prevalent in the Senate because senators are "inoculated" from electoral pressures (see Sulkin on Inoculation hypothesis and Electoral Selection hypothesis).

Others, like Erikson, MacKuen and Stimson (2002) have argued that both chambers are equally responsive but for different reasons. While House Representatives respond to outside demands in anticipation of winning an election, the Senate is responsive because unresponsive Senators get voted out and replaced by presumably responsive Senators. However, as Sulkin points out, Erikson et al.'s study was based strictly on roll call voting not agenda setting. It is also important to note that, following Baumgartner and Jones' (1993) argument about limited attention, the Senate is particularly constrained given that there are only 100 senators and not the over 400 Representatives in the House. This means that more competition for issue attention exists in the Senate and that Senators cannot be specialists or focus on single issues. Consequently, as Sulkin (2005:40) writes, "With this comparatively heavier workload comes greater freedom to choose issues and design their agendas." Entrepreneurship is also likely related to the fact that senatorial elections are much more issue-driven than the House elections

such that issues become closely identified with individual senators more so than with representatives.

In sum, the Senate has limited space compared to the House, as well as more issue competition. But, it also provides greater freedom to senators to choose issues of personal interest; that is, it facilitates entrepreneurial behavior. This helps explain why the Senate, while smaller, held fewer but more disability hearings *earlier on*, and the House, while larger and holding more hearings, attention peaked *more than fifteen years after the Senate*. Since entrepreneurship occurs within committees (see King 1997; Baughman 2006), it is important to explain the role of both Senate and House committees in increasing congressional attention to disability.

THE COMMITTEE STRUCTURE: THE RISE OF A POLICY COMMUNITY

When Edes referred to Congress as a an institution engaged in the production of social policy, a major reason why Congress could be so innovative was because of the committees (and their entrepreneurs) involved in increasing attention around issues and promoting legislation. An important part of understanding why there was an expansion in disability-related attention between the late-1960s and the passage of the ADA in 1990 is the increasing number of, and diversity in, committees that began to hold hearings related to disability.

Although it might seem obvious that the more committees there are, the more hearings there will be, it is not always the case that more committees lead to dramatic increases in hearings. Not every committee may be in a position to hold multiple hearings, especially if it is not interested in obtaining new information on a specific sub-issue, or if the issue is an old one. However, as issues, especially newer issues become complex and generate subtopics that have

yet to be claimed, it may be the case that an increasing number of committees seeking to stake a claim increases competition between these committees and between entrepreneurs (King 1997). In other words, turf wars. Of course, entrepreneurs are not fighting over issues that are clearly within the jurisdiction of a given committee. Rather, entrepreneurs seek to stake claims on the periphery of issues – issues whereby a committee can, with some legitimacy, claim what King calls “common law jurisdiction.” That is, these are issues that not inherently or obviously the territory of any one committee and can be considered a topic for the committee initiating the turf war. Note, however, that issue expansion and increasing committee involvement on issues is not always characterized by a turf war. As Baughman (2006:31) argues, according to transaction cost theory, entrepreneurs (and committees) will not engage in a turf war if they frequently interact with each other on other issues. Committees might be more cooperative in their interaction.

With disability, there is anecdotal evidence of a turf war especially since, for example, Banking and Currency lost jurisdiction over transportation to Public Works which was a much more facilitative environment for expanding equal rights to transportation for the disabled. Using Baughman’s logic, several committees involved in disability are not particularly proximate. For instance, Veterans and Banking and Currency are fairly distant while Veterans and Education and Workforce are less jurisdictionally distant (even though Baughman refers to Veterans as a constituency committee and Education and Public Works as a policy committee because it has greater scope). In other words, depending on the committees involved, there is a potential for both turf wars and cooperation where both processes increase the amount of attention on disability.

There are two related consequences to issues expansion (which, as is often noted, occurred between the mid 1960s and late 1970s with an activist government): first, committees

come to interact a lot more frequently than in the past (Baughman 2006). They are now addressing specialized aspects of the same issue and thus, are required to communicate. Second, jurisdictional fragmentation occurs because it is no longer clear whether a committee has statutory control over an issue. Consequently, many committees may get involved in staking claims over a given issue (King 1997).

It is clear that the 1960s and 1970s – a period of punctuation or critical juncture for disability issues – saw an increase in the kinds of disability-related issues being dealt with and the number of committees involved. Thus, while committees might have to interact more, the increasing heterogeneity of committees may increase jurisdictional distances (that is, there are more committees that hardly interact now involved on disability). For King, jurisdictional fragmentation is not necessarily a bad thing: after all, it is “how legislatures embrace new social and economic problems” (p.9). King (1997:21) goes on to note, “The instability of a committee system has its roots in the entrepreneurial motivations of legislators. When the turfs of the committees on which members serve do not match their interests, and if the members have institutional assets to prosecute a turf war, legislators try to grab territory that will benefit them.” The more committees are involved (as a result of fragmentation), the more likely multiple entrepreneurs are working on related issues, and the more likely entrepreneurs and their specific issues compete for attention. Hearings may be held as a way to establish jurisdiction, but also as a way for entrepreneurs to publically frame issues. It is therefore not surprising that there is a great deal of overlap between concepts like congressional opportunity, punctuated equilibrium, critical junctures and jurisdictional fragmentation. They all suggest a change in the political and institutional context, a change in the nature of the players involved, and an increase in the amount of issue attention and space allotted to an issue. They also allude to an opening for

outside players and new ideas. All of these characterize the expansion of disability in the policy agenda in the 1960s and 1970s.

Thus, a key issue here is the extent to which a relatively tight-knit policy monopoly over disability (which existed throughout most of the early twentieth century) expanded in this period and grew into more of a policy community. It developed into a “Velcro triangle” (McCarthy 2005) rather than an iron triangle consisting of elected elites, congressional committees, executive branch agencies and interest organizations. Indeed, the proliferation of committees and the increasing number of hearings created new entry points for emerging disability advocacy organizations in the mid-1970s and onwards.

	Committees	Hearings
House		
	Committee on Veterans' Affairs. House	173
	Committee on Appropriations. House	171
	Committee on Education and Workforce. House	165
	Other	291
Senate		
	Committee on Health, Education, Labor, and Pensions. Senate	153
	Committee on Appropriations. Senate	121
	Committee on Veterans' Affairs. Senate	77
	Other	124

Table 6: Hearings by Key Committees

Before describing the nature of committees over time, it is important to situate just where the majority of disability hearings are located within Congress in this 45-year period. Table 6 reports the top three House and Senate committees with the most number of disability-related hearings between 1961 and 2006. Note that by and large, both chambers show a similar distribution. That is, most hearings dealt with appropriations, veterans and, perhaps the most central to rights-oriented policy, health, education and welfare. Combined, these committees

make up 63 percent of the hearings held in the House, and 74 percent of the hearings held in the Senate. The fact that these committees have the lion's share of disability-related hearings is not surprising. A vast amount of disability policy output is related in some way to issues of health and human services (and the Senate Subcommittee on the Handicapped is within Health, Education, Labor and Pensions), and of course, to veteran's issues. It is also not surprising that Appropriations holds such a large number of hearings because it is an "authorizing committee" (it appropriates funds once legislation from another committee is referred) and often deals with multiple (and overlapping) referrals.

Breaking down these three main committees into relevant subcommittees also reveals where the locus of attention regarding disability rested in Congress (see Table 7; note that the totals will not reflect those in Table 6 because not all hearings were held before subcommittees). When it comes to appropriations, much of the focus was on Labor, Health and Human Services where more than two-thirds of appropriation hearings are held. This also means that a significant amount of requests for funding are related to health and human services. Also striking is that 72 percent of all disability-related subcommittee hearings within Education and Workforce were held in Education even though the Education and Workforce committee contained a Subcommittee on the Handicapped which only held four hearings. However, Education and Workforce, formerly Education and Labor, was in the early 1970s, chaired by John Brademas, a key supporter of the Rehabilitation Act. In fact, Lisa Walker (whose intern was Judy Heumann, founder of DIA) had worked for both Brademas and Williams (Williams established the Senate Subcommittee on the Handicapped).

Subcommittee Hearings within the Top House and Senate Committees							
Committee on Appropriations. House	LHHS	Transportation	HUD	Legislative	Treasury	DC	Total
	116	29	14	5	3	1	168
%	69	17	8	3	2	1	
Committee on Veterans' Affairs. House	Benefits	Ed, Training & Emp.	Health	Hospitals	Housing	Other	Total
	36	35	11	28	12	8	130
%	28	27	8	22	9	6	
Committee on Education and Workforce. House	Education	Labor	Handicapped	CYF	Ed & Civil Rights	Other	Total
	105	22	4	3	8	3	145
%	72	15	3	2	6	2	
Committee on Appropriations. Senate	LHHS	Transportation	HUD	Legislative	Other		Total
	75	11	12	4	4		106
%	71	10	11	4	4		
Committee on Veterans' Affairs. Senate	Benefits	Health & Hospitals	Ed. and Emp.				Total
	6	5	3				14
%	43	36	21				
Committee on Health, Education, Labor, and Pensions. Senate	Education	Labor	Handicapped	Health	Veterans	Other	Total
	8	6	68	19	6	16	123
%	7	5	55	15	5	13	

Table 7: Subcommittee Hearings

The Senate is similar in that the Senate Subcommittee on Labor, Health and Human Services, held 71 percent of appropriation hearings. However, the Senate Subcommittee on the Handicapped held 55 percent of the hearings within Health, Education, Labor and Pensions. Despite the fact that the Senate Subcommittee on the Handicapped held a relatively small percentage of all Senate hearings in this time period (about 15 percent), recall the committee's importance described in chapter 3. It was Williams who championed equal access to transportation and pushed for OCR jurisdiction in the executive branch over Rehabilitation Act

regulations. As Scotch (2001:50) notes, when Williams became chair of the Senate Committee on Labor and Public Works, “he picked up disability as an area which no one in the Senate was working in a concentrated way.” The committee was also composed of key elite actors like Cranston, Javits, Jennings, and Stafford, and of course, their staff members who were also entrepreneurial on disability rights. Nonetheless, it still represents a fairly small share of all congressional hearings held.

What Tables 6 and 7 show is that disability political discourse, when pooled over the 45 years, is fairly concentrated within a certain set of committees and subcommittees. And, given the discussion in chapter 3 of entrepreneurs and their committees (House Banking and Currency, House Public Works, Senate Labor and Public Welfare, Senate Banking Housing and Urban Affairs, etc.), while they played a critical role in that period of punctuated equilibrium leading to a paradigm shift on disability, actually make up a fairly small segment of overall political discourse. Take for instance, the Senate Subcommittee on the Handicapped in the Senate Labor and Public Welfare committee. Important change occurred in that committee but in the grand scheme of things, this committee was not particularly important if measured in terms of the number of hearings it held. What the amount of hearings represents is a context for what happens within and across committees as they work on related issues. Committees also have their particular heydays. In fact, the Senate Subcommittee on the Handicapped was discontinued in 1995. It is therefore important to examine changes over time between (what proportion of hearings committees hold) and within committees (how many issue-specific hearings were held internal to that committee). What can we learn from establishing what committees sought to claim jurisdiction over disability?

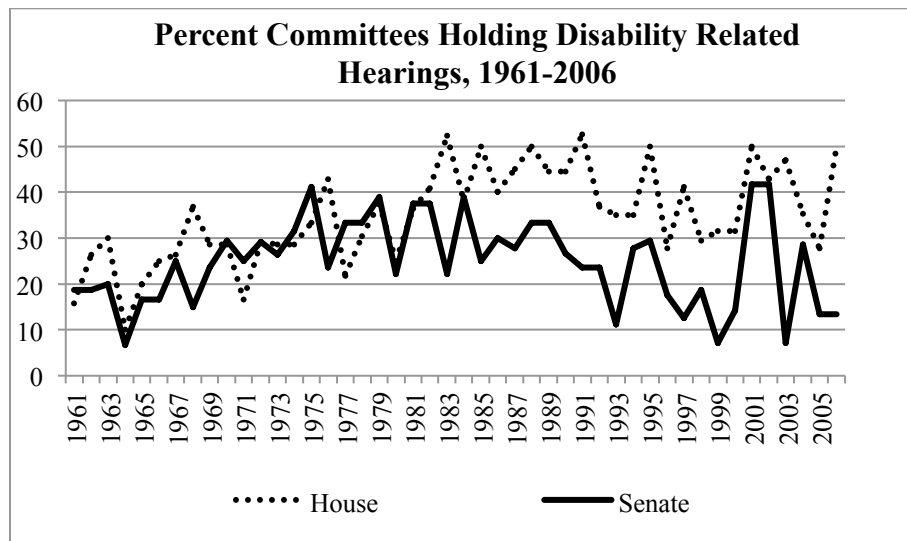


Figure 12: Committees Holding Hearings

When looking at committees over time rather than pooled cross-sectional, it reveals that the late 1960s and the 1970s represents an expansion in the number of committees holding hearings that have relevance to persons with disabilities (See Figure 12). During these formative years, the Senate and House moved in a similar direction while the proportion of Senate committees dealing with disability plateaued at a little under 40% in the late 1970s while the percent of committees holding disability-related hearings in the House rose to more than 50% in 1983 and hovered there until the early 1990s. That is, more than half of all committees in the House held some kind of disability-related hearing.

The increase in the percent committees holding disability-related hearings from about 20 to 30 percent in the early 1960s about 40 to 50 percent in the early-to-mid 1980s is very closely related to the rise in congressional attention during that same period. Note that the very sharp decline in the number of hearings (See Figures 5 and 10) coincides with a decline in Senate committees. However, there is not as much of a decline in House committees and in the late 1990s and early 2000s, there appears to have been a resurgence in the number of committees

holding disability-related hearings *yet there was not an uptick in hearings*. This suggests, as I noted early, that an expansion in the policy community need not always lead to an increase in hearings: it just so happens that in the case of disability in the 1960s and 1970s, new disability issues emerged (such as mass transit, architectural barriers, antidiscrimination, etc.), and new committees sought some claim over the issues by holding hearings. In the 1990s and 2000s, increasing committee involvement (most likely related to the new focus on special education and the build up towards the ADA Restoration Act) did not appear to generate greater attention to disability within Congress. This might be because disability was now an older, established issue and fewer entrepreneurs may have sought out to claim jurisdiction over the issue. In the language of Baumgartner and Jones (1993), the issue returned to equilibrium. During this period, for instance, fewer issues related to disability were part of the policy agenda, a far cry from the situation that emerged in the 1960s. At the same time, evidence also suggests that this period coincides with considerable overall demobilization in disability issue attention, disability organizational expansion, protest, and policy entrepreneurship.

Changes in issue attention within the committee structure also reveal the ways in which varying committee involvement shapes discourse. In the case of disability, especially at this critical juncture or punctuated equilibrium beginning the late 1960s and ending with the passage of the ADA in 1990, this meant shifting attention away from social services – namely vocational rehabilitation and health services – towards one of equal access and rights. As I noted in chapter 3, entrepreneurs used their influence to direct discourse on committees and across committees and they and their staff forged ties with members of the executive branch to ensure that a rights framework prevailed over existing separate-but-equal and client models of disability. Thus, not only did disability related-hearings increase within specific committees, but certain committees

also came to represent a greater share of all disability-related hearings while other committees' share declined.

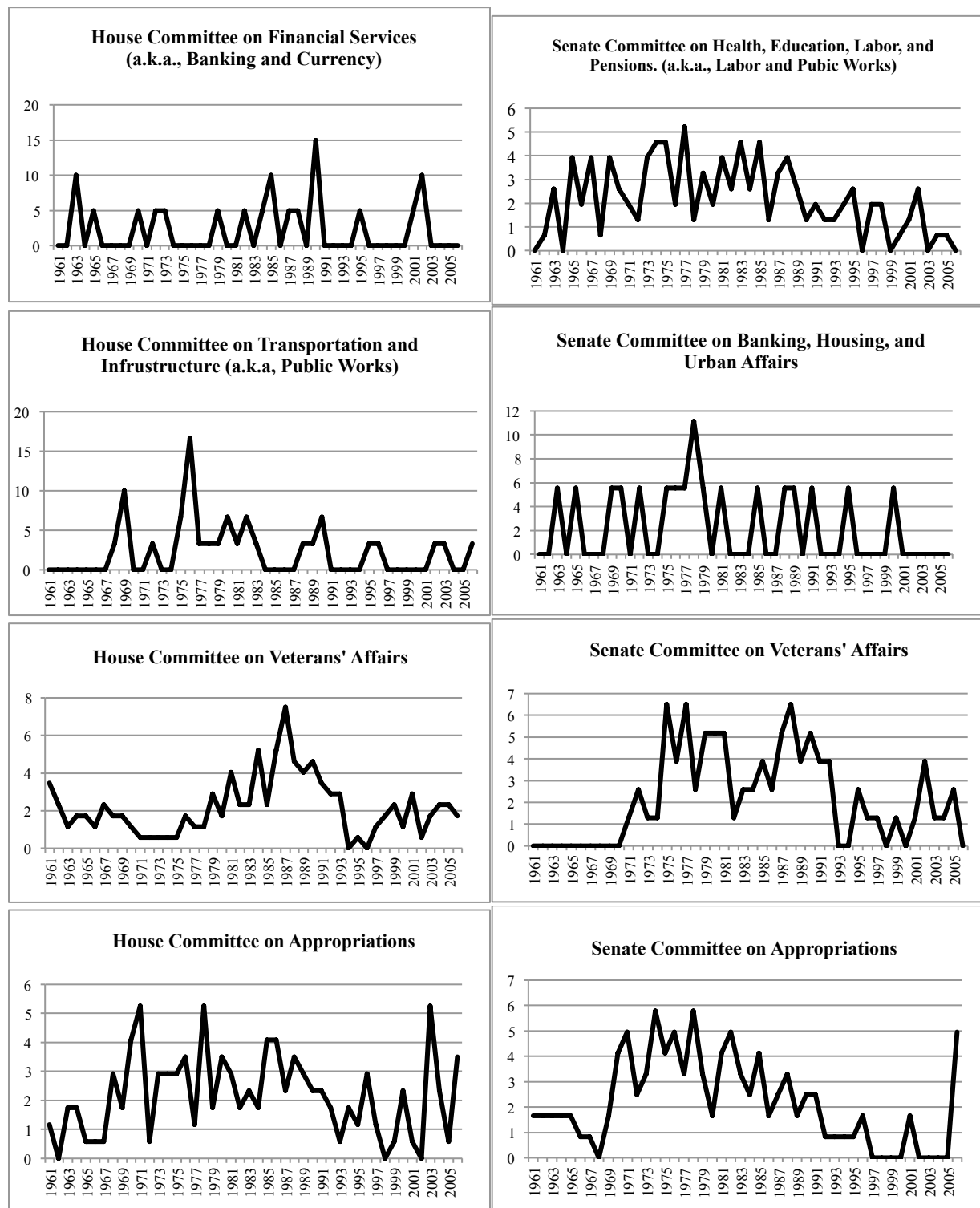


Figure 13: Hearings by Committees

Figure 13 includes graphs of key committees that demonstrate how some committees' attention increased particularly during punctuated equilibrium, how some declined and how some remained fairly stable. Clearly in both the House and Senate, appropriations hearings reflect most closely the rise in overall disability-related hearings. The Senate is also driven by an increase in veterans-related hearings, while the House actually experienced a decline at the beginning of punctuated equilibrium but then followed by a 15-year steady increase. But what of the key committees mentioned in chapter 3 where rights expansion was mostly taking place? Of the four key committees (Banking and Currency, Senate Labor and Public Works, House Public Works and Banking, Housing and Urban Affairs), only the Senate Committee on Labor and Public Works approximates the general uptick in attention on disability while the other committees, especially Banking and Currency and Banking, Housing and Urban Affairs remained fairly stable throughout that period.

What this suggests is that during punctuated equilibrium, some committees begin to hold more hearings (and others less) but it is not necessary that all committees change their behavior. In addition, it also shows that while rights became a more critical component of disability political discourse, and the locus of that discourse was in certain committees, on the whole, rights related hearings did not dominate congressional attention. Thus, while a policy reorientation occurred in this time of issue expansion, it did not seem to overtake business as usual (it did not displace social services): a pattern that is also found in disability protests and organizational expansion such that rights-orientation became a more central focus in both but it neither case, overtook access to services and social-service provision.

A somewhat similar story is told when looking at the percentage of total disability-related hearings associated with each committee (see Figure 14). However, by examining the percent of

total hearings each committee represents, it suggests that some committees during punctuated equilibrium, particularly committees that had little prior history with disability, experienced bursts of attention. This fits the pattern described in Jones and Baumgartner (2005:20) when they say, “Information processing in politics is disproportionate; it is disjoint and episodic; it is stasis interrupted by bursts of innovation.” House Banking and Currency is one such example where the committee is only a venue for disability-related discourse when it is dealing with specific issues. Note that this committee had gone through several consecutive years with absolutely no disability-related hearings and then experiences periodic spikes. The House Committee on Transportation and Infrastructure tells a similar story. The committee held no disability-related hearings until 1968, and that was followed by some subsequent bursts (e.g., in the mid 1970s, the committee heard 20 percent of all disability-related hearings in the House), with some sustained activity until the early 1980s, and then a return to periods of no attention, and punctuated with minor bursts. Indeed, overall, House committees tend to exhibit more “no attention-bursts” patterns than the Senate. This may be due, as noted earlier, to the electoral cycle of the House and the inability of representatives to maintain momentum on issues. Other committees are much more consistent in the amount of attention spent on disability.

The Senate Committee on Health, Education, Labor and Pensions has been a venue for disability discourse and the rise in the number of hearings in the mid 1960s suggests it was important in punctuated equilibrium (recall the Senate experienced an earlier increase in attention than the House). After a small decline, the committee was fairly consistent throughout the 1970s, 1980s and the early 1990s. Note too that this committee held the lion’s share of disability-related senate hearings.

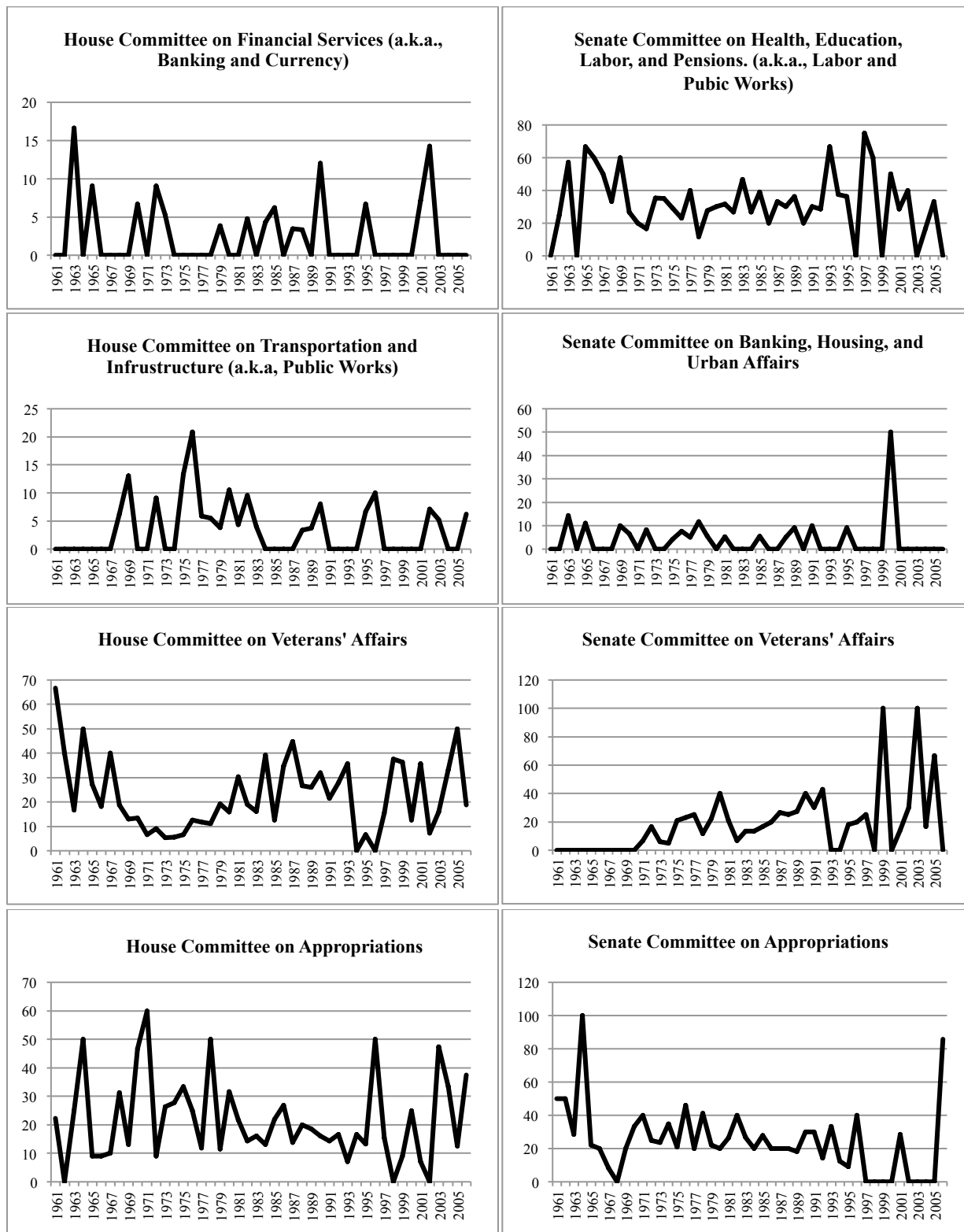


Figure 14: Percent of Total Hearings by Committee

On the other hand, the Senate Committee on Banking, Housing and Urban Affairs represents a consistently low share of hearings throughout much of this time period except in the year 2000 which appears to have been driven by a focus in Housing and Urban Affairs related to vulnerable communities. Note though that although this committee held 50 percent of all hearings, there were comparatively few hearings on disability held in 2000 than in for instance, the mid 1970s in the Senate (in other words, a larger share of fewer total hearings). There were also far more committees consistently involved in disability-related issues in the mid 1970s than there were in the 1990s and early 2000s.

In explaining the rise of congressional attention on disability, neither changes in objective conditions, such as employment or rehabilitative service provision, nor changing public attitudes appear to be driving government involvement. When there is legislative activity related to disability, it barely receives coverage in the CQ signaling that the issue is largely unnoticed. If demand-side factors like public preference or issue salience do not explain the ebb and flow in congressional attention, then other institutional factors might. The public may make its preferences known by which party they vote for and thus, that party's control of the chambers creates opportunity for disability and disability rights. There does appear to be a link between Democratic control and issue attention but this relationship only holds for agenda setting, and less so for bill sponsorship. In fact, the real disconnect between political party and disability bill sponsorship is on social welfare related issues, not civil rights. It would be difficult to claim that disability is a "Democratic" issue. Equally important is that the House and Senate have different institutional rules and norms, and consequently behave differently when it comes to issue attention and entrepreneurship. While committees whereby disability rights were flourishing reflect a fairly small proportion of all congressional activity, these committees, especially but not

limited to the Senate, experience bursts of attention where entrepreneurship took place. Following the work on agenda-setting processes, the growth in the number of committees (and the subsequent expansion of the policy community) characterizes punctuation that eventually returns to equilibrium as the number of issues, committees and hearings related to disability declines and stabilizes. The question remains, however, as to whether congressional attention is related to policy outcomes.

OUTCOMES: DISABILITY POLICY

A major reason scholars have focused so much attention on agenda-setting processes is because it is believed that a lot of what goes on in the early phase of policy making has considerable impact on legislative outcomes. Disability is a fairly broad policy area. Although often not considered to be a policy domain (rather, it is often considered to be a subset of a social welfare policy domain), disability-related policies can be quite diverse. Importantly, between 1961 and 2006, Congress enacted 393 disability-related public laws (see Figure 15) and also shifted on the types of legislation it enacted over this time period. One important reason for this variation is that disability encompasses many groups and thus, policies have historically addressed specific constituents such as the deaf, blind, learning disabled, and veterans. And, related to this fact is that disability underwent a few policy image shifts or “paradigm shifts” from medical, to rehabilitative to rights-based focus.

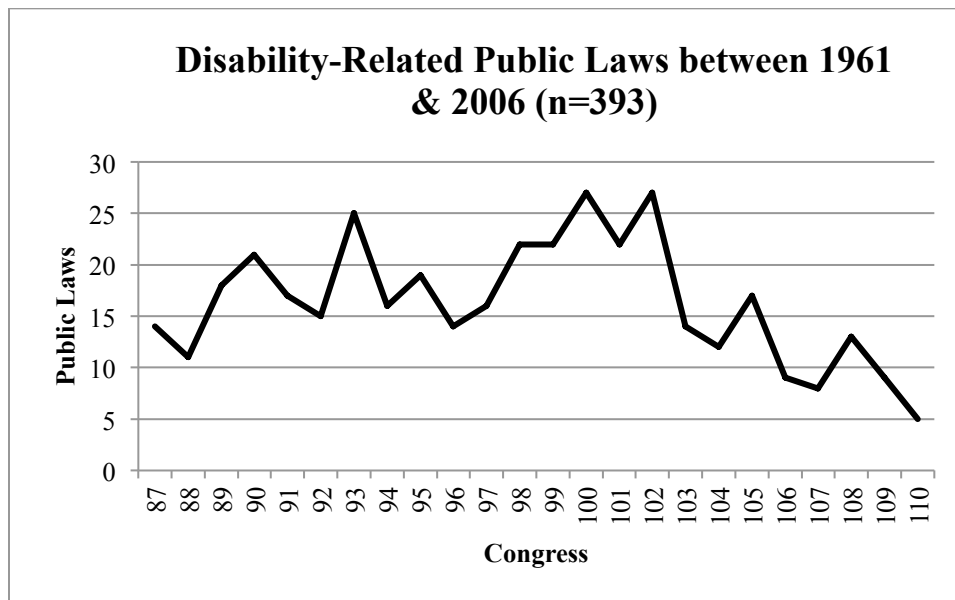


Figure 15: Disability-Related Public Laws

Approximately 90 percent of disability-related laws passed before the 1970s dealt with social services (particularly for the deaf and blind), veterans, and appropriations for social welfare and health legislation. The 1960s also marked a proliferation in disability-related public laws whereby the first 5 years of the decade saw the enactment of 43 public laws that affected persons with disabilities. As I note in chapter 3, policies of the 1960s include the National Technical Institute for the Deaf Act of 1965, Urban Mass Transportation Act of 1964, Vocational Rehabilitation Act Amendments of 1967 and 1968, and the Architectural Barriers Act of 1968. To some extent, this mirrors the increase in congressional attention on disability although the increase in the number of hearings does not neatly fit with the pattern of legislative action. That is, while both the House and the Senate experienced a steady increase in the number of hearings during this period of punctuation, public laws although increasing, also experienced more of an ebb and flow. However, the 1980s shows remarkable similarity in the increase in the number of hearings and the number of public laws. In fact, both the number of hearings and the number of public laws peak at about the same time, just prior to the passage of the ADA in 1990. Finally,

like overall congressional attention, the number of disability-related public laws passed by Congress declines following the ADA.

Using Baumgartner and Jones's (1993) policy agenda data, I identified strong correlations between the expansion of disability-related policy and other policy domains (see Table 8). Unlike agenda setting, there are some strong associations between policy areas. Disability policy output tends to be especially related to increases in education policy, and in community development and health legislation. There also appears to be a fairly strong correlation with civil rights legislation broadly defined, even though agenda setting for civil rights and disability are not at all strongly related. There tends to be a lower than expected correlation between social welfare policy and disability policy and this may be because disability was able to retain some independence from social welfare policy which declined after the 1970s. There is also a fairly weak link with transportation because overall, transportation policy only overlaps with disability when it came to urban mass transit and accessibility.

Pearson "r" for Disability Public Laws and Other Public Laws	
Civil rights	0.60
Health	0.68
Labor	0.32
Education	0.79
Transportation	0.30
Social Welfare	0.52
Community Development	0.67

Table 8: Disability and Other Public Laws

Note however, that in the 1960s and 1970s, while there appears to be an increase in public laws, CQ coverage (which tends to be a measure of salience related to legislative rather than agenda-setting activity) remains consistently low suggesting that these disability-related laws did not receive much attention. Recall that this is the period whereby the Architectural Barriers Act and the Rehabilitation Act were passed. There does appear to be an uptick in both legislative activity and reporting in the CQ in the 1980s leading up to the ADA, the policy that may have received the most coverage of any disability-related law. This is not at all the case with, for instance, environmental policy which appears to have received a great deal of coverage in the CQ across this time period.

Nonetheless, there are stronger correlations when it comes to legislative action than agenda setting. This suggests that while the disability agenda seems to be fairly independent of other broader issues, it is not independent of other policy output. Links between policy outputs across domains may be stronger than agenda setting and congressional attention across domains because legislative action itself may create an opportunity for like policy – for instance, the Great Society policies and programs of the 1960s. It might also be the case, as public opinion scholars like Stimson (2004) might argue, that public moods drive policy in broad ways and thus similarly oriented policies across different domains are enacted. This means that issue attention may occur at different points for different issues and over different time lengths so that they do not always have to overlap with policy output. But this does not mean that within any given issue, agenda setting is unrelated to legislative action. It might be that policy output might also be driving congressional attention through a feedback mechanism (I address this in my analysis).

What is the topic breakdown of disability-related legislation and does it fit with agenda-setting processes discussed earlier? Figure 16 seems to show that this is largely the case. When it

came to congressional hearings, appropriations, labor, health and human services, and veteran affairs dominated. Together, these three issue areas make up about two-thirds of disability related legislation. Importantly, rights-related legislation makes up only about 7 percent of all disability-related laws passed during this period which is not surprising given that a only a small subset of committees and hearings focused on rights, even though these were embedded in an expanding disability policy community and increasing issue attention. Thus, on the whole, there does appear to be a fairly consistent link between how much attention is placed on a given issue and eventual policy output.

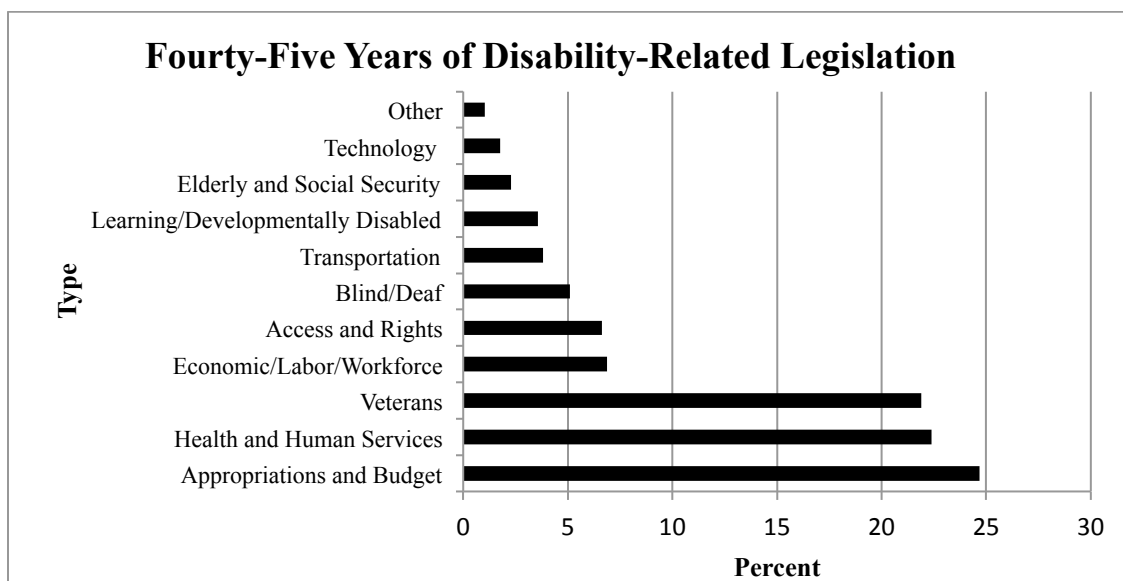


Figure 16: Types of Disability Legislation

However, this only provides a pooled overview of legislative outcomes. When each issue is examined separately over time, it suggests that policy output experienced ebbs and flows depending on the issue. This reflects the extent to which issues within disability are paid attention to at different points in time. For instance, as Figure 17 illustrates, access and rights-related legislation represents a greater share of all policy output throughout the late 1960s up to

the mid 1970s and then experiences a sharp decline only to increase again in the 1980s up until the ADA. This seems to fit the story of critical junctures and punctuated equilibriums whereby disability rights discourse became a more prominent feature of the policy agenda.

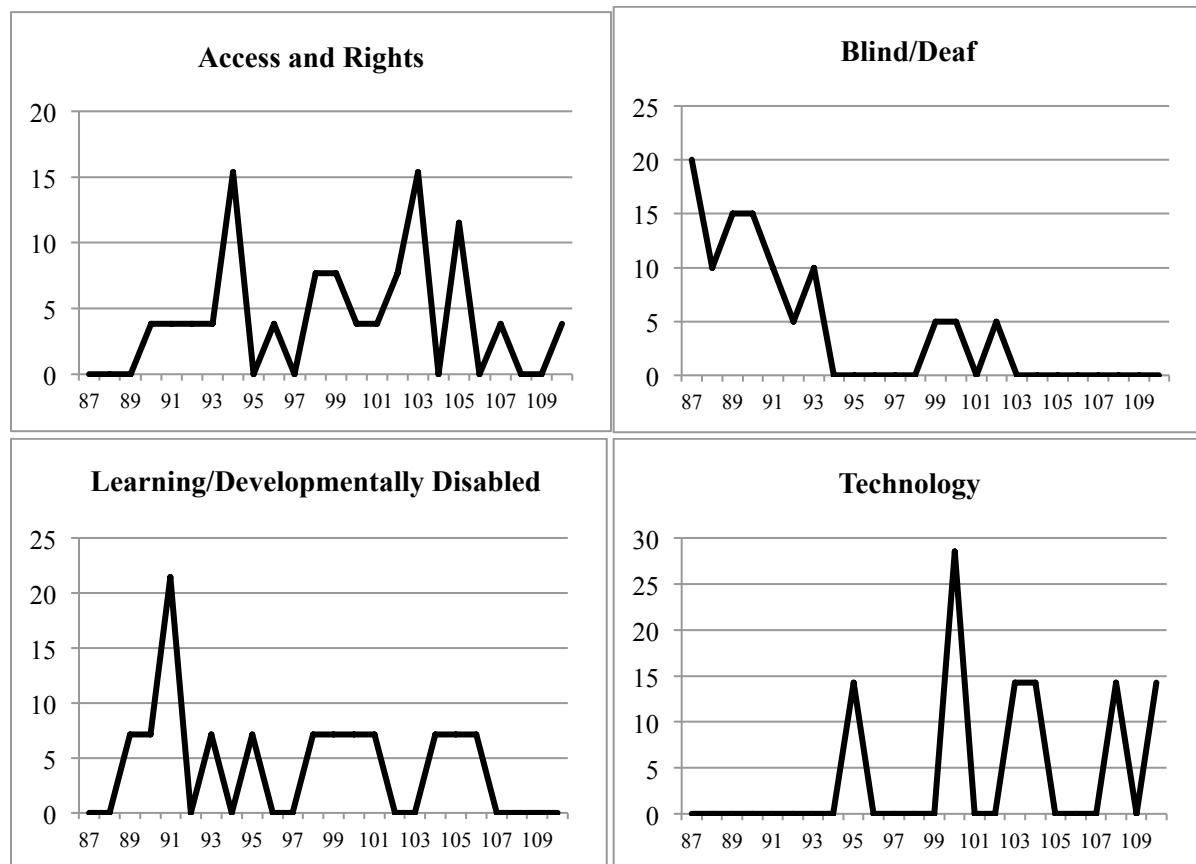


Figure 17: Type of Laws over Time

On the other hand, other issues, those that were once central policy concerns for disability like the deaf and blind, saw a sharp decline just as rights became more prominent. In 1961-1962, deaf and blind related policies made up 20 percent of all disability-related policy. Between 1976 and 1983, there were virtually no policies passed that specifically involved the deaf and blind. This is a clear example of an issue in decline that has never seen resurgence. Other issues, like developmental disability, saw an uptick in the mid-1960s during the Great Society era and although has never seen levels as high as those, there appears to be more consistent attention to

learning/developmental disability than to deaf/blind issues. Other issues are completely new and not surprisingly, like issues of mass transit accessibility, completely dependent on technological advances, such as Transbus (a.k.a., the kneeling bus). In addition, new technologies meant to make telecommunications more accessible grew in prominence in the 1980s. Thus, policy subareas within disability display differing patterns. Appropriations, veterans and social welfare policies (not shown) tend to be fairly consistent over time and their increases and declines tend to be very gradual. They are not as susceptible to punctuated equilibrium (but not totally immune either). On the other hand, some areas are more volatile. As we saw with rights and access, this increased in prominence just as disability entered into a period of punctuation while other issues experience a sharp decline and some short bursts followed by no activity.

One last important influence of an ever-expanding policy community and increased congressional attention to disability: at the onset of punctuated equilibrium in the 1960s, the variety of disability-related policy increased to encompass multiple subareas. Yet, to some extent, policies appear to also be somewhat independent of hearings and committee proliferation in the 1980s and 1990s when both of these were in decline yet variation in disability policy had a burst in the late 1990s. This is in part due to the nature of the policy areas within disability at a given point in time, but might also be a result of momentum created by increased attention, policy community aggrandizement, and prior policy expansion which might indicate a feedback effect between policy output and congressional attention.

ANALYSIS

Having established and described some key variables that may drive the increase and decline in congressional attention on disability-related issues, I present formal analyses first explaining the

number of total, House, and Senate hearings over time, followed by analysis testing for the possibility of non-recursive relationships between issue-salience in Congress and hearings. I then focus on the extent to which hearings explain legislative activity, and test for the mediating effect of agenda setting on the passage of public laws. Finally, I test for non-recursive relationships between agenda setting (i.e., hearings) and public laws to determine whether public laws can also further encourage issue attention in a reciprocating fashion.

There are four types of variables used to explain total disability-related hearings, as well as hearings disaggregated by House and Senate: issue salience in government (i.e., CQ), public opinion and issue salience among the public (i.e., media coverage), party control, and committees. Given that my sample of 45 years provides a limited number of degrees of freedom (typically, the ratio of cases to independent variables is 10:1), I was selective in what I included in my models. In order to determine which of the 12 measures associated with these key independent variables to include in statistical models, I used preexisting work and theoretical claims and then examined the nature of bivariate relationships (not shown) between these and my dependent variables. Bivariate relationships revealed that certain variables are fairly weak predictors of congressional attention. For instance, issue salience in the public (measured by media attention to social welfare) is not at all related to disability hearings. Second, it revealed that whether one uses total number of hearings, House hearings or Senate hearings will affect the results because these appear to respond differently to the independent variables. For instance, Senate hearings appear to be related to public opinion on social welfare (measured as whether social welfare is the most important problem facing the country), while the House is not.

Predicting Congressional Attention on Disability

	<i>Total Hearings</i>		<i>House Hearings</i>		<i>Senate Hearings</i>	
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
CQ (lagged)	0.45 (0.56)	-- --	0.8 (0.66)	-- --	0.01 (0.58)	-- --
MPI CR (lagged)	--	8.54 (12.45)	--	-22.56* (12.64)	--	--
MPI SW (lagged)	--	--	--	--	--	-68.47** (26.92)
Media CR (lagged)	--	-1.02 (1.16)	--	0.28 (1.31)	--	--
Media SW (lagged)	--	--	--	--	--	--
Party Control Senate	--	--	--	--	-4.02** (1.80)	-2.96* (1.58)
Party Control House	-5.99*** (2.00)	-6.8*** (2.25)	-2.42 (2.53)	-- --	-- --	-- --
No. Comm. Senate	--	--	--	--	1.41*** (0.44)	1.48*** (0.41)
No. Comm. House	--	--	1.38*** (0.59)	1.58*** (0.51)	--	--
No. Comm. Total	2.95*** (0.27)	2.93*** (0.38)	-- --	-- --	-- --	-- --
Constant	-4.14 (3.62)	-1.58 (5.90)	10.92*** (3.48)	12.36*** (3.33)	2.33 (3.14)	4.55 (2.96)

***p < 0.01, **p < 0.05, *p < 0.1, n=45; standard errors in parentheses

Table 9: Predicting Congressional Attention

Table 9 includes 6 models predicting three dependent variables: total hearings, House hearings and Senate hearings. Even though this is count data, I use OLS regression given that the distribution of hearings does not follow a Poisson distribution. However, I did test the same models using Poisson regression and the results were very similar. Note that the most consistent predictor of disability-related hearings, whether measured as the total number of congressional hearings or disaggregated by chamber, is the number of committees working on disability-related

issues. Also note that the party in control does play a role in shaping the amount of total congressional attention on disability but the relationship is not straightforward. While Republican control of the House decreases total attention by anywhere between 5 and 7 hearings, party control of Senate was excluded because it was not significant in the bivariate or in any model. Interestingly though, within the Senate, Republican control is associated with a decline in Senate hearings, but there does not appear to be a relationship between Republican control in the House and hearings. This might be because in the 45-year period covered in this study, Republicans seldom controlled the House while there were two transitions in the Senate (so there is more variation in the Senate).

The most consistent predictor of congressional attention is the number of committees involved in disability-related issues. The number of committees is statistically significant regardless of the dependent variable. In every scenario, the number of committees increases the number of hearings by about 2. This means that Democratic control and the expansion of the disability policy community, (whether via turf war or cooperation between the committees), explains the rise of congressional attention on disability. There are other noteworthy findings. First, there does not appear to be a link between the salience of disability as an issue in government and hearings (but I will address that later in a separate analysis). Second, democratic theory is not evidenced by this analysis. It is true that I do not include measures specific to disability media attention or public opinion because these do not exist in any systematic way (as I mention in chapter 1). Nonetheless, we might expect the amount of attention and concern on social welfare issues and civil rights to be somewhat related to disability. Instead, there is either no statistically significant relationship between public opinion and media attention and disability congressional attention, or, as is the case with the most important problem-social welfare (MPI-

SW) and most important problem- civil rights (MPI-CR), they are negatively related to disability. This might allude to possible competitive processes such that public preferences about these policy domains translate into increasing government attention on these issues, and not more specifically on disability-related issues.

Returning the point about issue attention within government, which is measured by the number of articles related to disability in the Congressional Quarterly (see Jones and Baumgartner 2005), it appears that the relationship between issue prominence and congressional attention (i.e., hearings) is more complicated than assumed. While Table 9 shows that CQ coverage is not statistically related to hearings (which makes some sense since CQ coverage is related more to legislation than agenda setting), there might be a feedback or non-recursive relationship between issue uptake and hearings that cannot be captured by a regular ordinary-least squares model.

Three-Stage Least Squares Estimation (Structural Equations) Estimating Issue Salience and Congressional Hearings

	Predicting Total Hearings	Predicting House Hearings	Predicting Senate Hearings
CQ_disab	4.14*** (1.47)	2.05 (1.28)	3.07** (1.43)
Committees†	2.66*** (0.40)	1.30** (0.59)	0.76 (0.76)
Constant	-8.87** (3.82)	8.35*** (2.4)	-0.11 (3.41)
	Predicting CQ_Disab	Predicting CQ_disab	Predicting CQ_disab
Hearings	0.02 (0.02)	0.04 (0.09)	0.16** (0.08)
Party Control House	-1.44*** (0.51)	-1.54** (0.67)	-0.67 (0.48)
Constant	1.42** (0.73)	1.49 (1.68)	0.35 (0.93)

***p < 0.01, **p < 0.05, *P < 0.1, n=45; standard errors in parentheses

Table 10: 3-SLS of Issue Salience and Hearings

As Table 10 shows, not only is there evidence of non-recursivity within the Senate, but that also that issue prominence (CQ_disab) is not at all related to House hearings while it recursively predicts total hearings. In other words, there are three different relationships here. The amount of salience disability receives in terms of legislative activity is related to an increase in total hearings (and not the other way around) while in the Senate, there appears to be a feedback effect between Senate hearings, and issue salience in the CQ. There is no relationship between CQ attention and House hearings. Again, this means that the Senate behaves differently than the House. A possible reason for the existence of this effect in the Senate but not in the House is that the CQ measures salience within the government based on policy output. Since the Senate is more entrepreneurial and less subject to outside pressures than the House, it may be more influenced by internal discourse surrounding legislative action.

A major reason for focusing on agenda setting is the belief that what occurs at this stage will subsequently affect policy outcomes. Movement scholars have become particularly interested in the agenda setting phase of policy making because it is believed that it is here where outside influence matters most. That means that what occurs in agenda setting will translate into policy outcomes. In terms of bivariate relationships (not shown) between public opinion, parties, committees and hearings and public laws enacted, it is clear that demand-side factors like issue salience and public preferences have no statistical relationship with public laws. What bivariate analyses reveal is that hearings, congressional issue salience or prominence, and party control shape legislative action.

This is inline with recent work in social movements that shows the ways in which agenda-setting shapes policy (e.g., Johnson, Agnone, and McCarthy 2010; Olzak and Soule 2009). Of interest to movement scholars is that the agenda-setting phases (measured through

hearings) is where outsider interests, like SMOs, are the most influential. Most studies have found little direct effect between social movement influence and legislative action. I address more specifically the link between protests and organizations and agenda setting and policy making in chapters 5 and 6 respectively.

Testing the Mediating Effect of Disability-Related Hearings on Disability Public Laws			Testing the Mediating Effect of Disability-Related Hearings on Disability Public Laws		
	Model 1	Model 2		Model 3	Model 4
CQ (lagged)	0.0004 (0.04)	-.03 (0.04)	CQ (lagged)	-0.01 (0.36)	-0.33 (0.46)
Party Control Senate	-.04 (0.16)	-.07 (0.16)	Party Control Senate	0.48 (2.07)	-1.02 (1.86)
Party Control House	-.43** (0.21)	-0.32 (0.22)	Party Control House	-4.35** (2.1)	-2.27 (2.36)
No. Comm. Total	0.03 (0.02)	-.01 (0.03)	Senate Hearings (lagged)	--	-0.01 (0.13)
Total Hearings (lagged)	--	0.02** (0.01)	House Hearings (lagged)	--	0.25** (0.12)
Constant	1.95 (0.26)		Constant	9.54*** (1.27)	5.94*** (2.08)

***p <0.01, **p<0.05, *P<0.1, n=45; standard errors in parentheses

***p <0.01, **p<0.05, *P<0.1, n=45; standard errors in parentheses

Table 11: Mediating Effects of Hearings on Laws

Importantly, scholars have argued that the policy agenda may mediate the effects of other predictors on legislative action. Although I test the mediating effects of hearings on policy outcomes net the effects of protest and organizations later in the dissertation, I apply the same logic of mediation here. That is, if issue salience in government and party control shape hearings, they may also indirectly shape public policy because their effects are mediated by hearings. Evidence of full mediation requires that hearings are statistically significant and other predictors lose all of their significance, while statistical significance for both hearings and other predictors would be evidence for partial mediation.

Three-Stage Least Squares Estimation (Simultaneous Equations) Predicting Public Laws		
	Predicting PL	Predicting CQ_disab
CQ_disab	1.82** (0.84)	-- --
Committees	0.18 (0.23)	-- --
PL	-- --	0.04 (0.32)
Party Control House	-- --	-1.26 (1.20)
Party Control Senate	-- --	-0.11 (0.60)
Total Hearings	-- --	0.02 (0.03)
Constant	3.34 (2.24)	1.17 (2.46)
Predicting PL Predicting Hearings		
Hearings	0.51** (0.24)	-- --
Committees	-1.24 (0.82)	-- --
PL	-- --	11.09 (8.5)
Party Control House	-- --	24.11 (24.12)
Party Control Senate	-- --	0.23 (9.17)
CQ_disab	-- --	-3.7 (7.43)
Constant	-- --	-65.9 (65.29)

***p < 0.01, **p < 0.05, *P < 0.1, n=45; standard errors in parentheses

Table 12: 3-SLS of Public Laws

Table 11 presents 4 models. Note that hearings are lagged by one year because presumably hearings from the year before are more likely to have bearing on legislation the year after. The first two models do not disaggregate hearings by chamber while Models 3 and 4 do. Models 1 and 3 show the base model, while Models 2 and 4 show any possible mediating effects of hearings on legislative action. Table 11 makes three important points. First, note that only Republican control of the House significantly decreases disability-related public laws, not

Republican control of the Senate (ultimately, Senate hearings are not statistically related to legislative action anyway). This is interesting because the opposite is true for agenda setting. This might be because legislative activity declines when the Senate was controlled by Democrats and continued that trend under Republican control while the only significant period of decline in the House as it relates to legislation is towards the end of my period when Republicans controlled the House. Second, hearings have a complete mediating effect on disability-related legislation. That is, when controlling for hearings, the effects of the only significant variable, party control of the House, disappears. But third, note that only House hearings mediate the effects of party control of House. Neither Senate hearings nor party control in the Senate are related to public laws. Indeed, taken together, this suggests that what goes on in the House is more influential on the final stages of the policy process when it comes to disability than what takes place in the Senate perhaps because public laws are more noticeable to the public and the House is more responsive to public concerns. It also means that having House Democrats shape the policy agenda is more critical than having Senate Democrats. However, the Senate (and Senate Democrats) is important in entrepreneurship especially in the late 1960s and early 1970s.

Both disability-related congressional hearings and the saliency of disability as an issue in government might be in a positive feedback loop with disability-related public laws. In other words, while agenda setting and issue salience might increase the likelihood of legislative action, legislative action might also in turn increase issue attention and perpetuate further congressional action via hearings. Table 12 includes models testing for non-recursive relationships between issue salience (CQ_disab) and public laws as well as hearings and public laws. Note that in both instances, no feedback effect is detected. That is, the relationship between issue salience and

legislative action, and hearings and legislative action, is recursive. Hearings and issue salience predict legislative action and this relationship is unidirectional.

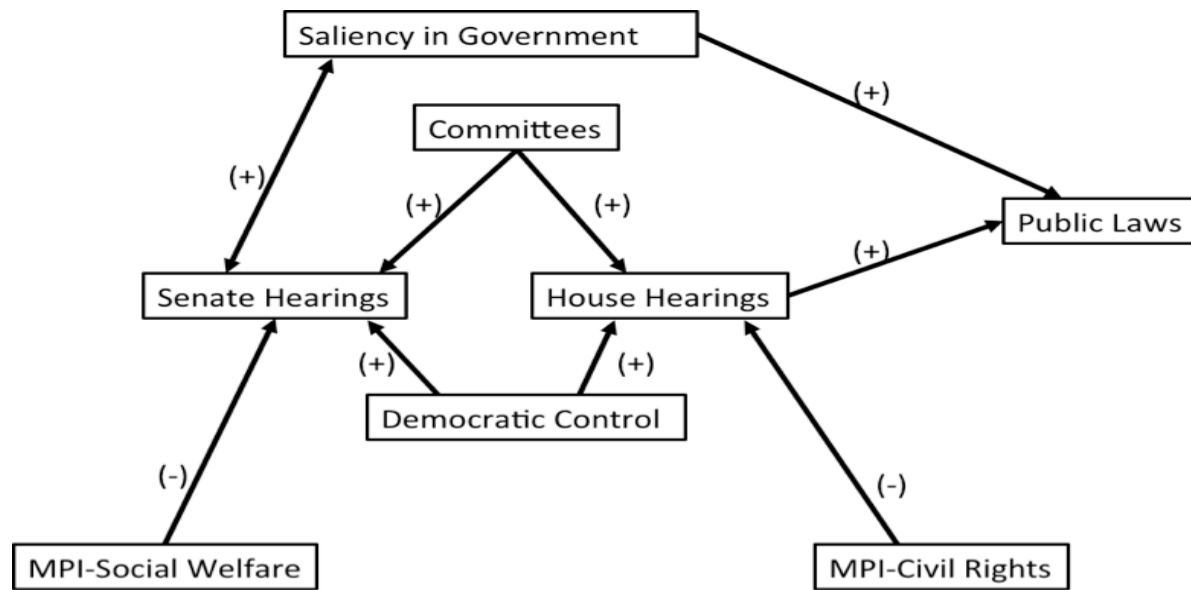


Figure 18: Empirical Model of Agenda Setting

Figure 18 summarizes the findings based on all the models presented in this chapter into a comprehensive diagram. What do these analyses tell us about supply-side explanations for the rise of disability? While I address demand-side factors like direct action and organizational growth later in chapters 5 and 6 respectively, the first take away point is that clearly, public preferences are not driving congressional attention or legislative action when it comes to disability. When they do, they have the opposite effect. This suggests that supply-side factors are especially important for understanding the rise of an issue. Does this mean that one should worry about “overhead democracy?” The simple answer is no. Disability, like many issues, has not consistently, if ever, been on the public’s radar. Taking this further, if elites only worked on issues the public greatly cares about, and entrepreneurship was driven by a desire to appeal to

public demands, it would not be the case that disability issues, including rights, would find a way on the policy agenda. Indeed, the fact that the public mood seems to be negatively related to disability attention and that the DRM became a more important driving force after the Rehabilitation Act, it begs the question as to when and how rights would have emerged without elite entrepreneurs.

Second, despite the bipartisan nature of disability and the fact that many Republicans have been quite supportive and entrepreneurial on disability policy, sympathetic allies appear to be supplied by the Democratic Party especially when they are in control of the Senate (which we know was more entrepreneurial on disability rights than the House especially during the period of punctuation or opening in the COS). But, attention in the Senate appears to have no effect on legislative activity and, when considering bill sponsorship, Republicans and Democrats have a similar pattern. Note that others have commented on the difference between examining roll call voting, bill sponsorship, and agenda setting (see Sulkin 2005). These are related, but not equal. Third, the number of committees increases the amount of congressional attention on disability. Presumably this is especially the case when Democrats are in control. Thus, having Democrats and a large policy community are important aspects of the COS that increase the prominence of disability on the policy agenda. Fourth, the salience of disability within government drives Senate hearings and hearings in turn also drive issue salience which suggests that amount of attention the Senate is spending on disability is somewhat a consequence of the Senate as an institution: that Senators are more entrepreneurial because they are less concerned about winning an election every other year than House representatives. It seems that while agenda setting in the House is important in shaping disability legislative activity, the Senate is especially important in getting the issue started earlier on. Yet, there does appear to be a link between CQ attention and

legislative action. Since Senate hearings are related to CQ attention to disability, Senate activity may indirectly influence legislative activity by raising attention within government and attention in the Senate is also a function of increasing salience of legislative activity. Interestingly, I find little evidence to suggest that the amount of policy in turn generates more congressional attention. Since there is no evidence for a feedback effect, policy outcomes appear to be the end point and do not contribute to further opening the COS for disability-related issues.

CONCLUDING REMARKS

What can we say about the link between congressional attention and agenda setting and legislative action when it comes to disability? One important point is that while disability agenda setting appears to be somewhat independent of broader agenda setting across relevant policy domains (like civil rights and social welfare), disability policy output is correlated with policy output in other domains. This appears to be the case even though disability legislation receives little (although stable) attention in the CQ. My analyses reveal that party control is an important predictor of attention, especially in the entrepreneurial Senate which is more in tune with internal issue attention rather than outside influence. No matter the chamber, the expansion in the disability policy community is also an important predictor of attention. Importantly, while the Senate has an entrepreneurial role, it appears that attention in the Senate does not predict disability legislative activity, but House attention does. Those House hearings have a complete mediating effect on party control and public laws which suggests that having sympathetic elites, namely Democrats in the House (not the Senate) might be critical for legislative action. My analysis also suggests that legislation does not appear to generate attention in Congress which

means that the amount of attention the government dedicates to disability is not itself influenced by legislative activity.

The fact that Democratic control and an expanding policy community contributed to a growth in the number of congressional hearings (first in the Senate then in the House), and that hearings provide a context in which outsiders can have a say, then the 1960s and 1970s represent an important opening in the COS. It is at this time that a rather stable issue becomes punctuated. This is a period characterized by increasing entrepreneurship and a loosening of a policy monopoly once composed mostly of rehabilitationists and other professionals, key elites interested in welfare and health services, and a few key innocuous disability groups that promoted services for the handicap. And, as disability became a more complex political issue, not surprisingly, more entrepreneurs had a hand in the issue, and also not surprisingly, it is here where a rights framework emerged in government. This period represents a change in political discourse away from client-service to minority group-rights. It is a period whereby new policy narratives emerge around rights, equality and justice. In other words, the 1960s and 1970s marked a change in the strategic action field where elites and outsiders, especially new outsiders, meet.

Thus presumably, the 1960s and 1970s provide an important opportunity for outsiders to influence the agenda and in turn policy. In the proceeding chapters, I examine the role of mobilization via protest and the rise in disability groups in shaping congressional attention. There are two key variables used to measure influence of social movements on issue attention and policy outcomes: protest and organizational capacity. Findings about influence are somewhat inconclusive and uncertain. Where some studies find that protest has little influence on congressional hearings (Johnson 2008), others find that it does have a significant impact (King,

Bentele and Soule 2007; Johnson, Agnone and McCarthy 2010). Despite this inconsistency, all scholars agree that the relationship between protest and hearings is complex. Organizational capacity is found to influence hearings but not policy (Johnson 2008). The relationship is further complicated by the fact that according to political process models, organizational capacity and protest are both partially determined by the political opportunity structure (hence political *mediation* theory; see Amenta et al 1994). Johnson, Agnone and McCarthy (2010) find significant interaction effects between POS and organizational capacity, POS and protest, and POS and institutional activity all of which suggests a meeting between institutional contexts and outside actors.

One criticism is that POS has come to mean too many things. As Gamson and Meyer (1996:275) argue, “Part of the problem is that analysts use political opportunity structure to serve a wide variety of functions, and define it accordingly.” More recently, Meyer and Minkoff (2004) provide a systematic critique of POS and suggest, among other things, that in conceptualizing political opportunities broadly, may ignore that issue-specific opportunities are really what explains mobilization (or lack thereof) for specific social movements. Presumably, agenda setting and political entrepreneurship on disability would help refine POS. It is therefore important to specify the proposed link between POS, mobilization and policy outcomes. Recently, Opp (2009), echoing many of the critiques discussed by Meyer and Minkoff, argues that there is an objectivist and subjectivist version of POS, where the former refers to actual characteristics of political institutions whereas the latter refers to individual expectations about opportunities for participation. He goes on to suggest that the objectivist version is especially problematic in setting up, a priori, dimensions of POS that are thought to affect mobilization,

because those dimensions are often determined by the dependent variable (mobilization), in order to justify why those dimensions should be important for social movements.

I suggest that the approach and analyses described in this chapter provide a context for understanding how elites might supply change through agenda setting and policy making that is independent of outside mobilization. The party and committee make-up of Congress, as well as the rules governing the House and Senate (especially since the Senate appears less responsive to outsiders than the House), and a host of other internal features of government, help refine the notion of POS particularly in establishing what POS is a priori to mobilization. Concepts like Baumgartner and Jones' punctuated equilibrium and Sheingate's COS are important operationalizations of POS that define the ways in which entrepreneurs and the committee context within which they operate either limit or encourage outside mobilization. These are based on the assumption that political elites are strategically motivated but also boundedly rational and that the extent to which organized interests and direct action matter is based on how these influence politicians' willingness to pay attention to an issue. This is especially important since institutional activists can be entrepreneurial without being pressured by outsiders, such that their motivation may be driven by personal, political and professional reasons that are not tied to outside considerations.

Nonetheless, entrepreneurship in the case of disability did have an important effect on outside mobilization in the early 1970s suggesting a chicken and egg relationship between political action and social movements. Entrepreneurial activity within an expanding policy community as well as the reframing of disability discourse around rights (which as I noted, created a collective action frame) created important opportunities for the rise of the DRM. In turn the DRM continued to pressure the government on entitlements it itself provided. This feedback

effect, described well in Campbell's (2005) work on seniors and social security, is crucial in understanding innovation on disability in the U.S.

CHAPTER 5: DISABILITY RIGHTS IN THE STREETS

A major objective of the dissertation is to explain the relationship between supply-side and demand-side factors that made the U.S. an innovator in disability rights. In chapter 4, I show the ways in which political entrepreneurs, using the context of the committee system and the hearings process, increased the amount of attention on disability in the policy agenda. The 1960s and 1970s reflect a transformation – an exogenous shock – brought on by the rise of the Democratic Coalition and the activist government that ensued which served to dismantle the extant disability policy monopoly that revolved around a client-service model of disability. The rise of a new policy community, which brought in new actors including new disability organizations, allowed rights entrepreneurship to flourish while changing the interaction between the state and challengers. As Berkowitz (1987) notes, the “rehabilitationists” for decades prevented the rise of a rights-based frame around which to mobilize. The few attempts at protest before the Rehabilitation Act were overshadowed by a focus on expanding social services via the political process by incumbent groups and political elites.

Only 6 protests took place prior to the Rehabilitation Act all between 1966 and 1969¹⁰. A common theme in these protests was cuts to wages, education (such as special education) and welfare programs – for instance, as the 1969 New York Times article, “Aged, Lame and Blind Protest Cutbacks in Welfare” suggests. But, much in the way policies prior to the 1970s

¹⁰ Based on the coding of four newspapers (New York Times, LA Times, Washington Post and San Francisco Chronicle) over a 45-year producing 179 total protest events. I selected these cities based on accounts and anecdotes about their relative importance as protest locations and because these newspapers had articles available across my entire time period either electronically or by microfilm. I coded every day (not only Mondays) because often times, Monday issues reflect events on the weekend which tend not to have disruptive events, like traffic blockades (Koopmans and Rucht 2002).

encouraged service-provision oriented groups to appeal to the state for social welfare improvements (see Skocpol 2007), the politics of the Rehabilitation Act generated a disability rights movement that was able to mobilize around new entitlements. It is not a coincidence that protest becomes a more prominent strategy following legislation.

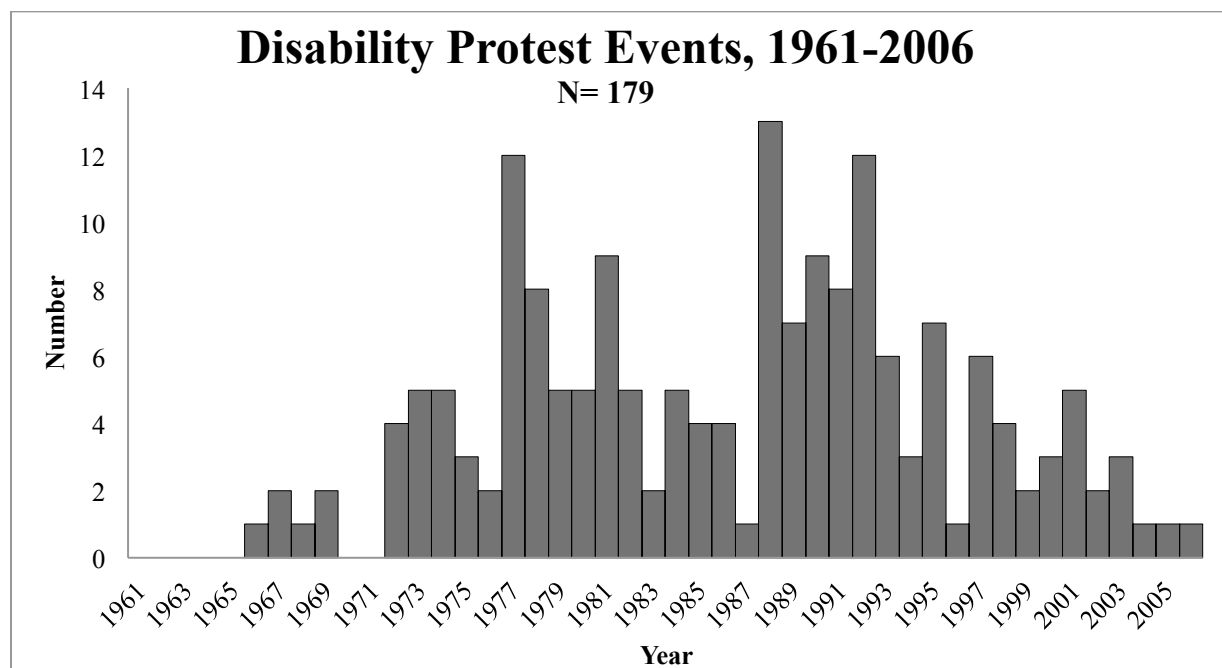


Figure 19: Disability Protest Events

As Figure 19 illustrates, disability experienced roughly two waves of protest. The first begins with the politics of the Rehabilitation Act in 1972. These protests targeted Nixon, especially when he vetoed the law (e.g., “Disabled Tie Up Traffic To Protest Nixon Aid-Bill” and “A Protest Is Staged By 150 Handicapped Over Job Bill Veto”). Once the Rehabilitation Act was passed, the focus of direct action in the late 1970s was directed towards the executive branch when HEW stalled in publishing Section 504 regulations (e.g., “HEW Protest by Handicapped” and Disabled Protesters Continue Sit-In at HEW Office Here). This is the heyday of rights-oriented protest. While much of the 1980s saw protest directed at a variety of actors with

different goals (I discuss this later in this chapter), the overriding theme of protest was equal access to public transit, which itself was made possible by the rights framework established in the Rehabilitation Act. Some of the most sustained disruption on the part of disabled activists had to do with transit (e.g., “If I Can't Go, You Can't Go,” “Disabled Protesters Block Bus at Transit Meeting Site,” and “Buses 'Captured' In Demonstration.”). In fact, although much of the protest that took place near the passage of the ADA (1988-1992) revolved around accessibility: protests at that time do not appear to be either a cause for the passage of the ADA or the result of the ADA. In addition, by this time, the federal government as a target of protest had begun to take a back seat to local and state governments and corporations. One reason for this is that transit was not directly a matter for the federal government. In addition, while the federal government in the 1960s and 1970s had put in place a framework for equal access to transportation, it was clear in the 1980s that Reagan would side with public transit interests and the American Public Transportation Association (APTA) undermining efforts to make local transit systems accessible. A second reason might be that the focus of legislative action in the 1980s was at the state level. For instance, most states had already passed laws similar to the ADA before the federal government passed the ADA in 1990. Therefore, the relationship between protest and legislation when it comes to the Rehabilitation Act and ADA are different. While both the Rehabilitation Act and the ADA involved the work of insiders and outsiders (albeit in different degrees), the Rehabilitation Act generated subsequent protests while there is little evidence to suggest that the ADA did the same. By the mid 1990s and into the 2000s, disability protest declined considerably reflecting a simultaneous decline in government attention and organizational capacity (something I discuss in greater detail in chapter 6).

How does disability protest compare with other constituencies and issues? Accounts of the women's movement seem to agree that the 1970s saw both a proliferation of women's advocacy groups as well as an increase in insider and outsider events (Costain 1992; Minkoff 1995; Soule et al 1999) which coincided with increasing government attention to women's rights (such as ERA, the right to choose, etc.). A similar situation seems to exist with the environmental movement whereby protest spiked just before, and especially following, the passage of the Clean Air Act amendments that established the EPA (Olzak and Soule 2009).

However, when it comes to overall rights-related protests, these peaked in the mid 1960s but experience a sharp decline throughout the 1970s and 1980s (King, Bentele and Soule 2007). King et al (2007) compare hearings and protests across different issues and constituencies by plotting where protest for each issue/constituency exceeds the overall (moving) average. While race, rights to privacy, choice, LGBT, gender, human rights and speech all had numerous instances where their respective protest levels exceed the average, other issues, including disability, had only once, if at all exceeded the average. Recall that King et al. are showing a moving average and this average number of rights-related protests was actually quite low in the 1970s. Exceeding the average in the 1970s is quite a bit more likely than it is in the 1960s when the overall number of protests for instance in 1963 was much higher than it was in 1976. Disability only exceeded the average once in the late 1970s just when average overall protests were at one of the lowest points. King et al.'s data seems to fit the pattern of protest depicted in Figure 1 such that one of the highest peaks in disability protest was 1977 – the height of rights-oriented protest.

What we can say about disability rights is that it is an issue where the focus was much more in the government (as I highlight in chapter 4) than it was in the streets especially when

compared to other issues (especially like race, gender, and choice). However, it is not the only issue that can be characterized that way. Following King et al.'s data, immigration (until recently), elderly, and tenant rights rarely if ever exceed the protest average. Johnson's (2008) work on the environmental movement also alludes to this pattern where the rise of the environmental movement has less to do with direct action than it does with shifts in political discourse and the rise of professional and formal environmental advocacy groups. Nevertheless, protest in the struggle for disability rights, although relatively limited in comparison to other issues and constituencies, still has an important place. It not only pressured the executive branch to pursue Section 504 rights regulations but it also drew attention to proposed cutbacks and potential rights retrenchment in the 1980s and the problems of equal access in public transportation.

GENERAL CHARACTERISTICS OF DISABILITY PROTEST EVENTS

Given that there were, compared to other issues and constituencies, few disability protests, but that these are still a critical part of the disability rights story, what are their overall characteristics? I follow scholars who use protest event analysis (PEA)¹¹ and describe key characteristics of disability protests. As Koopmans and Rucht (2002: 231) explain, PEA "is a method that allows for the quantification of many properties of protest, such as frequency, timing and duration, location, claims, size, forms, carriers, and targets, as immediate consequences and reactions..."

Table 13 shows descriptive characteristics of disability protest events by time period.

Overall, disability protest events, while relatively few, tended to be of small-to-medium size

¹¹ As Koopmans and Rucht note however, "very small and very moderate protests tend to be strongly underreported by mass media, whereas virtually very large and very violent protests are covered."

(following Oliver and Myers' 1999 categorization¹²), of short-duration with few protests resulting in arrests. How do disability arrests compare to other groups? While difficult to determine, it appears that protests leading to arrests are about average. For example, Everett's (1992) analysis of protest across different constituencies between 1961 and 1983 finds that about 16 percent of protests lead to arrests which is roughly the same as what my analysis reveals for disability (although as I discuss earlier, several key protest centers had low arrest rates, and arrest rates tended to be highest in particular time periods and with particular issues). Disability protests, much like other constituencies, were coordinated by an organization about half the time. However, when it comes to the average number of organizations at a protest event, disability appears to be somewhat low at an average of one group per event, while Soule and Earle (2005) find that in 1960, the average number of groups at a protest was slightly under two, and reached a high of 2.5 in the early 1970s, but declined to about 1.5 in the 1980s.

Describing Disability Protests

	Overall	1961-1971	1971-1979	1980-1992	1993-2006
Mean number of protests per year	4.00	0.60	5.00	6.50	3.20
Mean Size (# of protesters)	489.92	141.60	768.16	415.13	382.05
Duration (days)	3.90	7.04	7.02	2.93	1.67
Mean Number of protests with arrests	0.15	1.00	1.00	1.00	4.86
Mean Number of people arrested	37.50	27.00	5.00	32.00	53.88
Mean of events with Org. Involvement	0.51	0.50	0.45	0.54	0.53

Table 13: Describing Disability Protests

¹² Note that "medium" is also the modal category in Oliver and Myers' analysis of protest.

The first time period (1961-1971) reflects the pre-Rehabilitation Act years. This period should show smaller and less intense protests. The period with the largest and most numerous protest events should be the period following the Rehabilitation Act (1971-1979), and to a lesser extent, the 1980s (or pre-ADA years, 1980-1992) where the movement heavily targeted public transit corporations. The post-ADA years (1990-2006) should see a decline in the number of protests. This period should have smaller, less intense protest events. The evidence seems to support these expectations. The pre-Rehabilitation Act years had limited protests while the 1970s saw many large protests (larger than the average). Indeed, as accounts of the movement claim (see Scotch 2001), the 1970s, namely the late 1970s when disabled activists targeted the HEW offices, reflect the largest, most intense protests of the entire disability rights struggle. The average size of protests was over 700 with an average duration of 7 days although with relatively few arrests. A possible reason for the few arrests during this period is because government officials encouraged some of the larger protest events (especially against HEW), and they had become normative such that authorities made the call to not arrest protesters who had many sympathetic supporters in government (I discuss other reasons for low arrest rates later in the chapter).

Another important characteristic of disability protest is that during this heightened period (1971-1979), organizational representation was the lowest. This may suggest that diffusion processes became more prominent such that only a few key groups like Disabled in Action were necessary at coordinating initial protests but not especially important for spreading protest (see Pfaff and Kim 2003 and Pfaff 2006 on protest and preexisting mobilizing structures). Organizations may be more necessary when protest waves are declining (see Koopmans 1993; I discuss this in chapter 6). After the success associated with the publication of Section 504

regulations, and that some elites in government, in light of a new rights policy orientation, were now paying attention to transit accessibility (for instance, some championing Transbus or the “kneeling bus”), this may have created a new sense of efficacy among activists and a new opportunity for the emergence of a collective identity (see Melucci 1988; Opp 2009). Efficacy and identity may aid in diffusing protest while simultaneously reducing the need for organizations in convincing disabled activists of their political and personal influence, or that protest is necessary for change.

Following this period, the average size and duration of protest declined while organizational involvement and arrests increased. This suggests that organizational involvement is more relevant at the end of a wave particularly at maintaining momentum and translating protest into positive outcomes. But what of arrests? There were more arrests when protests were in decline. With the decline in rights-oriented protest directed at the federal government, as well as the overall decline in direct action as a strategy (the end of the “protest era”), protest became less normative (perhaps even garnering less sympathy from the public and elites) such that arrests became more common. The 1980s saw an increasing number of particularly disruptive tactics aimed at transit corporations and their lobby group, APTA that saw many arrests. The period of transit-related protests was 1975-2003, but 67 percent of those protests were held in the 1980s. These protests were held across the four key movement centers as well as other cities like Atlanta, Denver, Cincinnati and Louisville. Most importantly, a large percent of transit-related protests had arrests: 42 percent of transit-related protests had arrests compared to the overall percent of protests with arrests (14 percent). Ten of the these 33 protests were coordinated by ADAPT and seven of those ten events lead to arrests.

Thus, disability protest began with relatively small, unconnected events aimed at welfare provision and special education. The 1970s saw an increase in the number and intensity of protest. The first part of the decade saw protests against vetoing the Rehabilitation Act, followed in the late 1970s by protests aimed at the executive branch for their failure in implementing Section 504 regulations. By the end of the 1970s, protests surrounding access, especially to transit, sustained protest activity into the 1980s. Protests in the late 1970s and 1980s also reflect the rise of new organizations which sought to unite persons with disabilities and were more inclined to use protest. At this time, protests were not unconnected but organized and coordinated by the same groups across various issues and in various cities. The period prior to the ADA saw a shift away from the federal government as a target towards corporations and local/state governments. This is accompanied by a shift away from civil rights to a more specific focus on access and maintaining social/health services. This period also saw increasing diversity in the nature of the targets and goals of protest, but within an environment of demobilization.

Disability Protest/Social Movement Centers

In the previous section, I suggest that disability protest experienced several important transformations over 45 years. Changes occurred in terms of the goals of protest, their targets, and the organizations coordinating these protests such that by the 1980s, protests across the U.S. were connected via broad disability rights groups that had not really existed before the 1970s. Scholars who have focused on the grassroots elements of the movement (Fleischer and Zames 2001; Pelka 2012) as well as scholars who examine the politics of disability (Katzmann 1986; Scotch 2001) have suggested that certain cities were important centers of protest. This begs the question as to why some cities have more disability protests than others, and whether there is a

relationship between the goals and targets of protest and where they take place. Do some cities – disability protest or movement centers – have characteristics that facilitate protest?

Work on this particular question has focused mostly on African American protests and urban riots. Spilerman (1970), for instance, suggested that southern cities with large black populations are where protests are more likely to take place. Social movement and protest scholars have subsequently sought more nuanced explanations for the emergence of protest centers. For instance, Myer's (2000) event history analysis of racial rioting in the U.S. emphasizes the interdependence of protest events while considering some unique characteristics of the cities in which they take place. Larger more noticeable events will likely spur events in other cities (although their effect on diffusion dissipates quickly). As cities become protest centers, they may serve as models for smaller, up-and-coming, protest centers. However, as Myer (2000) notes, diffusion processes only go so far in explaining protest waves. This suggests that other national and local factors matter in explaining the spatial dynamics of protest.

Eisinger (1973) sought to explain why some cities in the U.S. tended to have rioting while others did not. He concluded that cities with governments extremely open to grievances are less likely to experience riots as are those totally closed to outsiders making protest too costly. Thus, cities where there is some contraction in the POS but where authorities are potentially still open to dealing with activists' grievances are most likely to experience protest (other scholars have also noted the curvilinear relationship between POS and protest, for example, McAdam 1982; Meyer and Minkoff 2004; Opp 2009). A decade later, McAdam (1982) showed that regional and local changes in policy, especially regarding lynchings, lowered the costs of mobilization which explains variation in protest. Cress and Snow's (2000) work on

homeless protests also finds that the presence of sympathetic elites was positively related to the use of disruptive tactics.

Other scholars have focused more specifically on protest policing, what Earl and Soule (2006) call a police-centered approach to protest. As Wisler and Kriesi (1998) note, the relationship between police and protesters evolve over time in different locations – what they refer to as routinization. A city’s public order management system (POMS) - for instance, the granting of permits or governments’ preferences for the use force or negotiation – shapes the nature of protest (McPhail, Schweingruber and McCarthy 1998). It is entirely possible that some constituencies simply will not get law enforcement’s attention (see Davenport, Soule and Armstrong 2011 on differential protest policing). In other words, whether POS or policing, scholars seem to agree that the nature of authority structures in a given location can either decrease or increase the cost of protest.

Alternatively Morris (1984), in his discussion of the role of local movement centers in the civil rights movement, suggests that local indigenous and grassroots institutions (in his case, the black church) were fundamental in generating direct action. It is a “social organization within the community of a subordinate group, which mobilizes, organizes, and coordinates collective action aimed at attaining the common ends of that subordinate group” (p. 40). Andrews and Biggs’ (2006) systematic study of civil rights protests finds that while organizations mattered, the presence of black college students was much more important. Through networks and the media, protests spread to other cities. They suggest that the timing of protest diffusion can be explained by increasing organizational presence and the expansion not of all activists, but specifically younger, student activists (that is, the increase in NAACP college chapters, not actual overall increase in membership), as well as the rise in the number of black youths attending colleges.

What these explanations suggest is that protest centers typically have (1) open POS or at least, that there are sympathetic elites that can be persuaded by protest. (2) An absence of an overly repressive authority structure – namely, a police force and control strategy that would make protests costly. (3) Resources, either internal or external, provided by an existing community or institutions that can be mobilized by activists and/or organizations. And (4), the presence of actors who are more likely to engage in protest (such as younger people and college students).

Protest Characteristics by Location

Location	Average Size	Modal Target	Modal Goal	Percent Equal Rights Goal
San Francisco	Small-Medium	Federal Government	Removing Barriers	20
New York	Small-Medium	State Government	Access/Programs/Services	10
DC	Medium-Large	Federal Government	Access/Programs/Services	14
Los Angeles	Medium	Federal Government	Removing Barriers	0
Combined Other Cities*	Small-Medium	State Government	Access/Programs/Services	0

**Albany, Atlanta, Austin, Baltimore, Cincinnati, Dallas, Denver, Little Rock, Louisville, Orlando, Richmond, Sacramento, San Diego, Trenton*

Table 14: Protest by Location

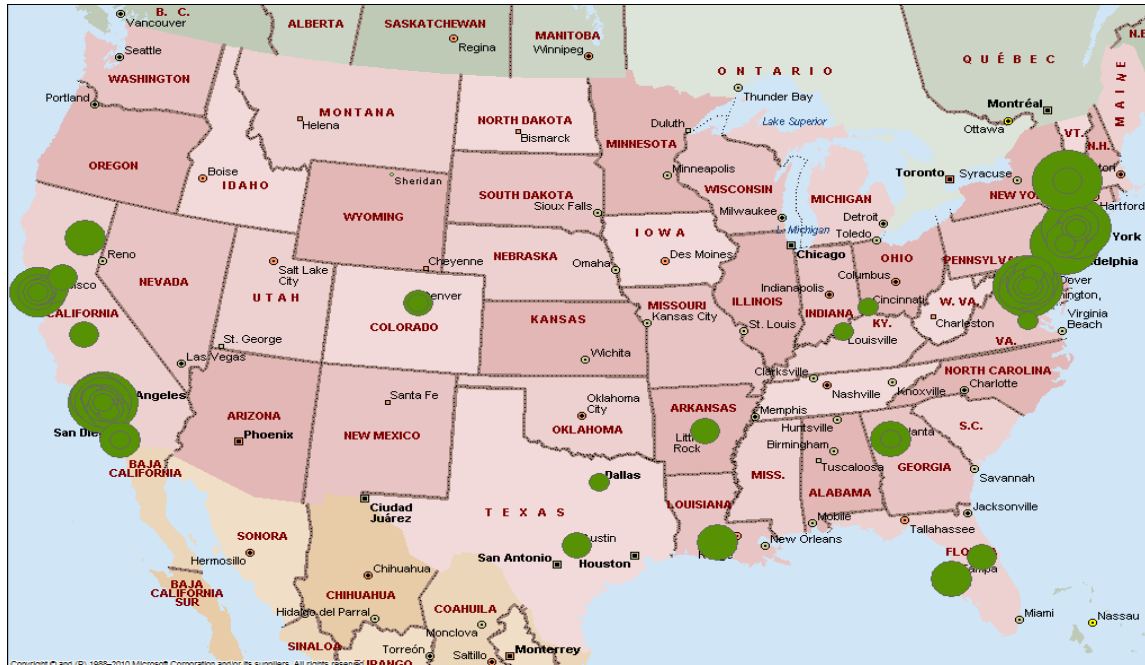


Figure 20: Protest Map, 1961-2006

In many ways, these factors characterize the spatial or geographical dispersion of disability-related protests. Table 14 and Figure 20 distribute protest events across the four key disability protest centers by size and location). Based on scholars' accounts of demonstrations, as well as the availability of historical newspaper coverage (available between 1961 and 2006) across different cities, I coded disability newspaper articles for San Francisco (the San Francisco Chronicle), New York (the New York Times), Washington D.C. (the Washington Post), and Los Angeles (the Los Angeles Times). Note that the New York Times and Washington Post also serve as national newspapers and thus their coverage often moves beyond local events. Approximately 70 percent of all protests occurred in these four cities leaving a substantial percent of protests that occurred outside New York, L.A., San Francisco, and D.C. Within the four key movement centers, D.C. had the most protests (at 30 percent), while San Francisco and L.A. combined represent 20 percent of protests, and New York 10 percent of protests. What characteristics do these centers have in common?

California, namely the San Francisco area, is home to the original independent living movement that was flourishing in the late 1960s and early 1970s as well as home to the first Center for Independent Living (CIL). By the early 1970s, California had already experienced the beginnings of a grassroots-oriented deinstitutionalization of sorts that attacked existing client-service models of disability as well as the institutions in which many persons with disabilities were housed. As Pelka (2012) explains, Berkeley became a magnet for persons with disabilities in the 1960s and 1970s when Ed Roberts challenged the university to provide access to people with disabilities across its campus. The independent living movement and the CIL not only provided momentum and a framework attacking a client-service and medical model of disability, it drew in a mobilizable pool of disabled individuals and provided an important network and resource-base for protest. CILs created a free space for young persons with disabilities to build a collective identity and oppositional consciousness (Groch 1994). It is however, important to note that with a few exceptions, San Francisco's peak as a protest center occurred in the late 1970s and 1980s, while other disability protest centers, like New York, had several, although unrelated and disconnected, protests in the late 1960s and early 1970s aimed at city and state government. On the other hand, D.C. was home to several protests aimed at the federal government organized by Disabled in Action in the early 1970s predating those in San Francisco.

Prior to the protest wave that emerged following the Rehabilitation Act, New York saw several unrelated protests in the late 1960s (recall that my content analysis only produced 6 total protests in the 1960s). These protests were largely about cuts to programs. For instance, in August of 1968, parents and students protested against city cuts to teleclass – an educational program that allowed students who were mobility impaired (so-called “shut-ins”) to participate in classes over the phone. A year later, the elderly, wheelchair users and the blind protested

against the governor of New York's cutbacks to Medicaid and also held protests at various welfare centers. These protests were organized by the Committee on Aging and Disabled for Welfare and Medicaid as well as social service groups and labor unions. Protests here were not coordinated by specific disability groups or by disability activists per se, but rather by a loose coalition of interested parties. Arrests were made (27 arrests of mostly women at a welfare center) on the basis of disorderly conduct.

The New York City area is the birthplace of Disabled in Action (founded in 1972, one of the first cross-disability rights-oriented protest/advocacy organization founded by Judy Heumann. Not surprisingly, the first protests aimed at Nixon's vetoing of the Rehabilitation Act were held in Manhattan coordinated by this group. On November 2nd, 1972, DIA, which brought out young disabled people, tied up traffic in New York twice that day protesting against Nixon's vetoing of the act. Note that Nixon never vetoed the law on the grounds of Section 504 (the rights language of the act as I mentioned earlier in my dissertation), and the article reports that the reason for the protest was cuts to certain services that would "have supplied funds for dialysis machines to prolong the lives of those suffering from kidney and would have set up centers for the deaf, the blind, and those suffering from spinal cord injuries." There is no mention of rights. Nonetheless, Heumann did tell reporters that another goal of the protest was to make "the public aware of the plight of the handicapped." But it is important to note that while the Rehabilitation Act prompted protests, it did not do so first around rights. The rights frame emerged later when it became clear that the government, especially the executive branch (namely HEW), became hesitant about Section 504. Many of those rights-oriented protests regarding the Rehabilitation Act occurred in San Francisco in the late 1970s.

While there was an increase in the number of protests targeting the federal government, some directed at Reagan cutbacks in the early 1980s, most protest events in New York City were in the 1980s, much like the protests in the 1960s: aimed at state and local government. D.C., along with New York and San Francisco are the only three protest centers whereby protests had an explicit equal-rights focus. But unlike New York, which had some minimal preexisting protests which were not aimed at the federal government, protests in Washington began with protests coordinated by DIA targeting the federal government. Indeed, the first three protests (one in 1972, and two in 1973) were coordinated by DIA. Not surprisingly, D.C. is an important protest center which was home to several large protests. In the early 1980s, the nation's capital saw increasing numbers of protests against Reagan cutbacks of programs and services that affected persons with disabilities, as well as the perception that rights established a decade earlier were under attack. While there were protests targeting mainly transit (organized by ADAPT), as well as the Gallaudet school, 56 percent of protests in D.C. targeted either Congress, the Supreme Court, the President, or agencies of the executive branch coordinated by large organizations like the National Federation of the Blind, Gray Panthers, and American Coalition for Citizens with Disabilities (ACCD).

While Los Angeles did not see much in terms of rights-related protests aimed at the federal government (i.e., protests targeted at the federal government were about federal budget cuts), it was a significant center of protests against state government cutbacks as well as the local transit authority. Again, L.A. did not appear to have a history of protest prior to the mid-1970s much like D.C., but unlike D.C., protests in L.A. were not spurred by actions of the federal government. Protests in L.A. which began in the mid-1970s and for the most part, well into the 1980s, revolved around cuts to programs that benefited the disabled. These protests were later

joined by transit-related protests which make their appearance in the mid-1980s and organized by ADAPT.

This suggests that while some protest centers had disconnected disability protest events earlier than others, there was a convergence in the late 1970s when disability protest groups (particularly DIA, ADAPT and ACCD) began to organize protests in various locations. Thus, while some of these events were locally organized, by the mid 1970s, there were strong ties between various movement leaders with common objectives across these locations. In 1974, leaders like Roberts in California and Heumann in New York created the ACCD. ACCD served much like a coalition of organizations and leaders which mobilized around a civil rights framework for the disabled and helped organize protests in San Francisco and DC in the late 1970s. Through Heumann's work and connections within the government, ACCD maintained close ties to OCR staff, like Raymond Keith (one of the few insiders who was disabled) who had been given a temporary position in the OCR to help draft Rehabilitation Act regulations (see chapter 3).

Another interesting characteristic of these four key protest centers is that they had relatively few instances of arrest, with the exception of San Francisco. For instance, L.A. had two protests (7 percent of all protests) that lead to arrests and in both cases, the number of arrests was less than ten and both protests were organized by ADAPT. New York also had only two arrests (10 percent of its total protests). D.C. saw 6 protests with arrests (12 percent of its total). Note that compared to the 14 percent of all protests that lead to arrests as well as the 21 percent¹³ of protests held in smaller centers resulting in arrests, these three protest centers had fairly low

¹³ Note that it is possible that the arrests rates are higher here because events with arrests in smaller cities were more likely covered by larger, national newspapers.

arrest rates. Only San Francisco had a higher percent of protests that lead to arrests (about 29 percent) but these protests occurred in the 1980s and 1990s (as I noted, this is largely a result of the shift towards transit-related protest). By and large, prior to the 1980s, there were not many arrests in these protest centers which may suggest that authorities were not interested in arresting disabled protesters despite disruption. In several newspaper articles of the time, there are signs that police and activists were not especially concerned about the possibility of arrest. For instance, in the 1969 case regarding teleclass, an activist told the reporter, “We only have four kids...the ones who can walk...the others can’t get there...but maybe it’s better this way because the cops won’t have to worry.” Even the disruption caused in Manhattan by DIA suggests that police were reluctant to make arrests or escalate the situation. Police directed traffic; they did not seek to end the blockade. The police captain was asked if the police planned to force demonstrators off the streets and he replied, “And where would we get the vehicles if we did something like that? Besides, traffic isn’t being tied up too much.”

Thus, these centers all meet some if not all the criteria that make a city a protest center: San Francisco is a pertinent example of an existing mobilizable pool of younger individuals within CIL and the Berkeley campus. For much of the 1970s, it was clear that elites were not going to stop disability protest; rather as I note in chapter 3, many in the executive branch encouraged it. In New York, police appeared uninterested in using force to stop disability activists. It was also a city that was witness to a few disconnected protest events in the late 1960s. D.C. and L.A. reflect the importance of organizational involvement in coordinating protests. Both cities saw the emergence of protest when new groups like DIA, ACCD and ADAPT mobilized activists in those locations.

Changing Locations, Goals and Targets

With regulations surrounding the Rehabilitation Act published, the 1980s marked a shift in the goals and targets of protest. Indeed, 37 percent of the 54 protests held in the 1980s directly involved access to transportation and Los Angeles, San Francisco and D.C. became important sites for protest against public transit corporations, while new centers of protest surrounding transit also emerged, most notably, Denver (see Figure 21). These protests were largely organized by the group ADAPT (founded in 1983) which is associated with ten protest events in the 1980s alone (more than half of all transit related protests). This suggests that a significant part of protest diffusion that came after the protests surrounding Section 504 was due to new organizations that had emerged in the 1970s and early 1980s that held protests in numerous locations beyond the four main protest centers.

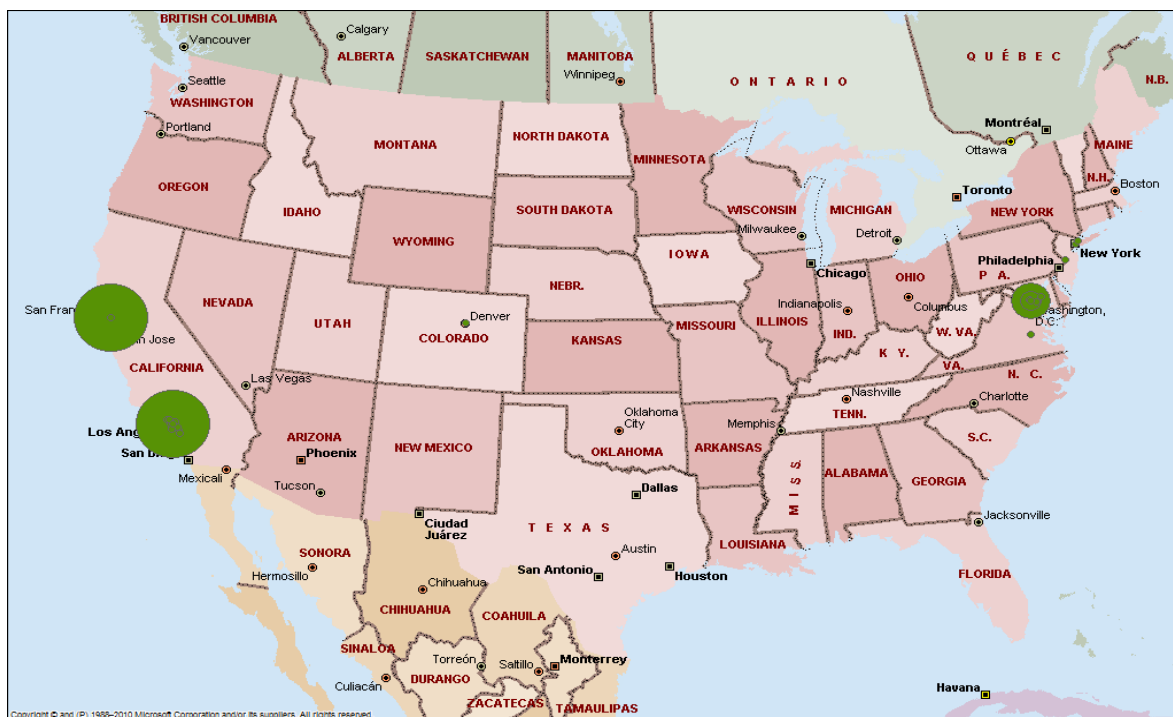


Figure 21: Protest Map, 1981-1989

Los Angeles and DC particularly saw an increase in public transit related protest, but Denver begins to emerge as a disability protest center in the 1980s as well. This is not surprising given that ADAPT has its origins in an independent living organization (i.e., Atlantic Community) in Denver and that Atlantis began to address transit accessibility in Denver as early as 1975 (See Pelka 2012). After having conducted a few protests in Denver against the public transit authority in the late 1970s, activists created ADAPT in 1983. ADAPT would go on to target APTA and hold protests in more established movement centers like Los Angeles, D.C., and San Francisco.

As Figure 22 shows, rights-related protests began following the introduction of the Rehabilitation Act and peaked when conflict arose surrounding the stalling of the executive branch in publishing regulations regarding section 504. Notice that few if any protests related to rights preceded the passage of the ADA. The end of the 1970s saw a decline in rights-related protests and an increase in both access-related and cutback-related (a.k.a., maintaining social services) protests. Access-related protests, which are indirectly a result of a new rights-related focus, are fuelled mostly by protests around public transit and in fact do not target either federal, state or local government, but transit corporations and their lobby group APTA, directly. On the other hand, protests around cutbacks are driven by attacks against the Reagan administration in the early 1980s. A substantial amount of cutback-related protests targeted state and local governments in the 1990s as well.

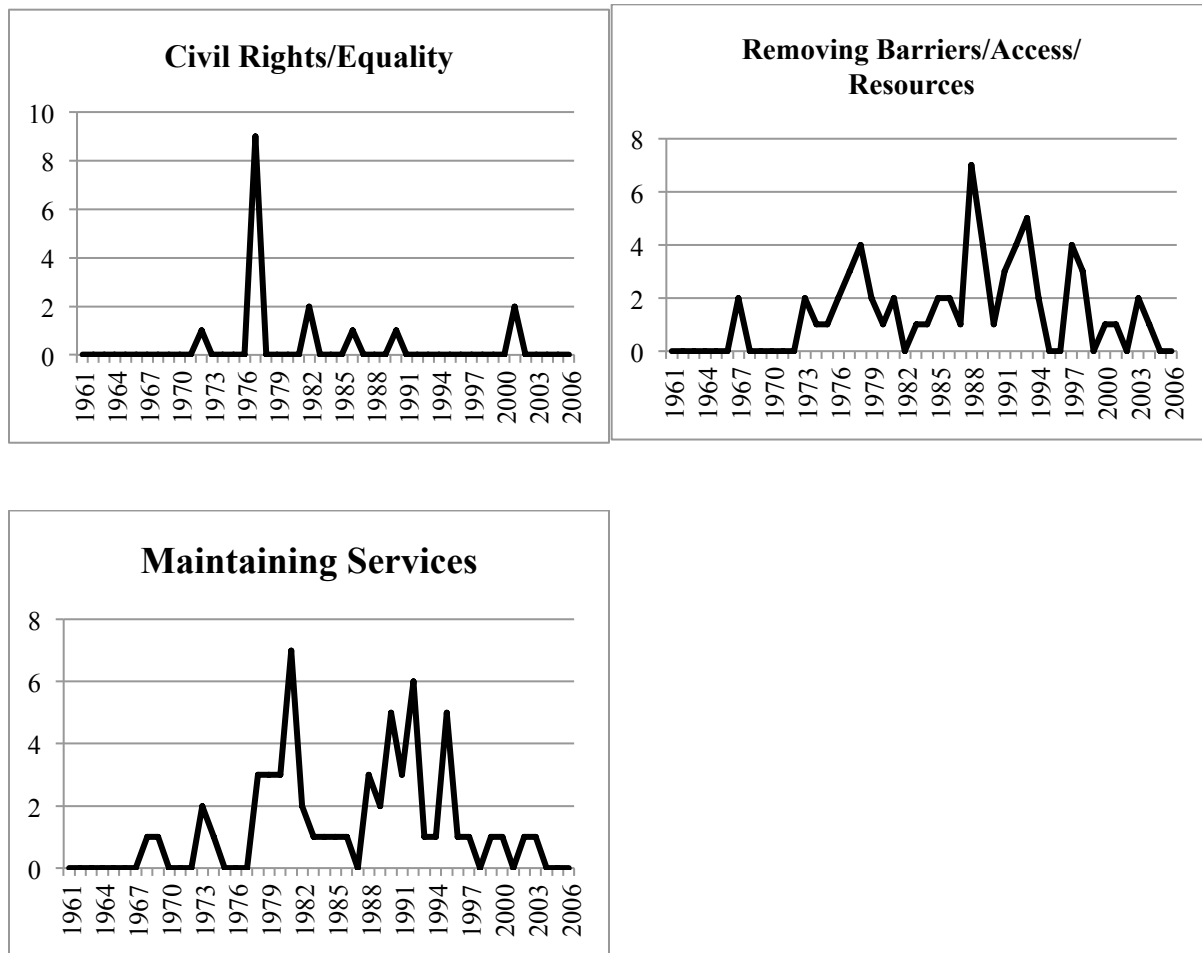


Figure 22: Protest by Goal

Not surprisingly, following the decline in contentious politics surrounding the Rehabilitation Act, the federal government became less of a target while local and state governments, as well as corporations became increasingly a target of disability protest. There is a fairly close link between goals of protest and targets of protest (see Figure 23). For example, the link between the federal government as a target and equal rights as a goal is strong (with a Pearson “ r ” of 0.7) while equal rights is very weakly related to local or state governments and corporations. On the other hand, there is a fairly strong relationship between targeting corporations and access ($r=0.6$) and targeting local and state government against cutbacks ($r=0.6$). There is virtually no connection between rights and local/state governments or

companies, and weak relationships between the federal government as a target and maintaining services/cutbacks ($r=0.2$) and accessibility ($r=0.4$).

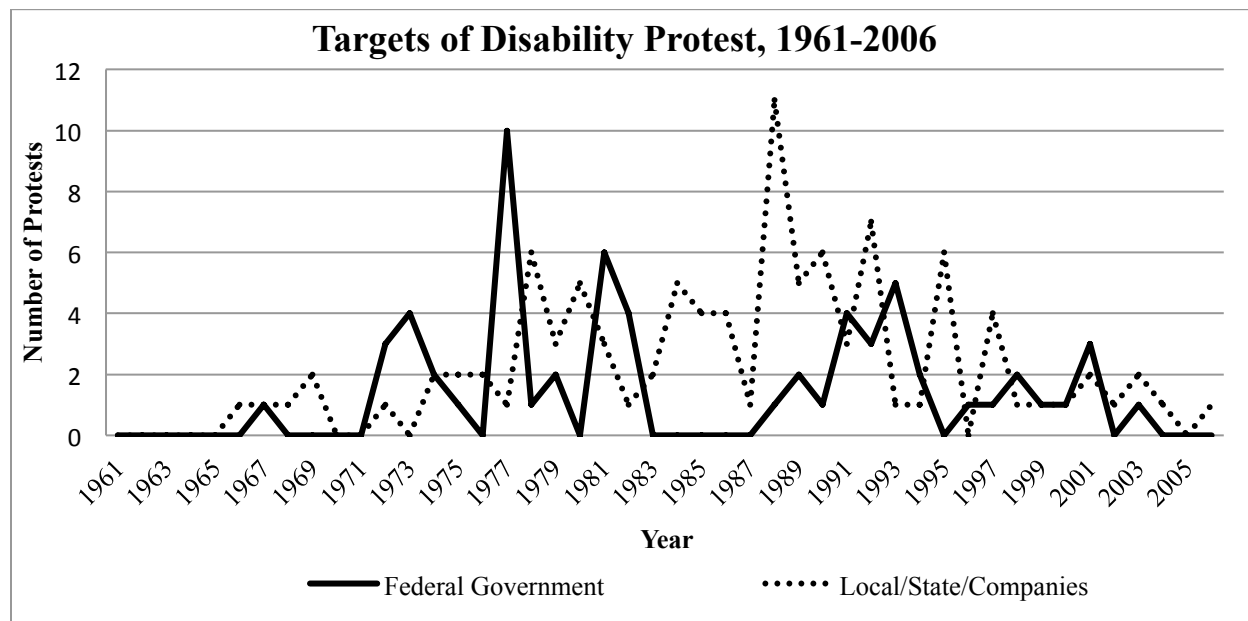


Figure 23: Targets of Disability Protest

The federal government is therefore a target of mobilization across most of the key protest centers at two points in time: the implementation of the Rehabilitation Act in the mid-to-late 1970s and the Reagan cutbacks and threat of rights retrenchment in the early 1980s. But symbolic of disability protests in the 1980s is accessible transit and the disruption of bus service (see chapter 3).

Decline in Protest

In the 1990s and early 2000s, Washington, D.C. and San Francisco continue to have a constant amount of medium sized protests (they represent about half of all protests held between 1990 and 2006), while New York sees an increase in larger protests and Los Angeles a decrease in both the total number and also in protest size (see Figure 24).

A key characteristic of the post-ADA era is the overall decline in disability direct action. While the 1990s saw a continuation of the transit related protests of the prior decade, issues related to disability became more heterogeneous – some as a consequence of the ADA but also demonstrations calling into question “disability collective identity.” There are three major issues that surfaced. For instance, a controversial issue that arose following the ADA was whether those with HIV/AIDS qualified as disabled. The early-to-mid-1990s saw several protests organized by ACT-UP which mostly targeted state governments and local businesses for either cutting services or refusing to treat patients with HIV/AIDS. Another controversial issue that emerged in the late 1990s and 2000s was euthanasia. Several protests organized by the anti-euthanasia group, Not Dead Yet, did not directly target the federal government. Finally, several protests (some organized by DIA) targeted the Jerry Lewis Telethon which had become viewed by disabled activists as an artifact of the past; indeed, as a reminder of the image once promoted by a policy monopoly that tended to view the disabled as a site for services and for pity. While new issues emerged, protest declined. Importantly, the federal government (including Congress, the President, the executive and the Supreme Court) became increasingly less significant as a target of direct action in the 1990s and 2000’s, representing only about 23 percent of all protests held in this period. Thus, this period has three important aspects: (1) a decline in the relevance of the federal government as a key player; (2) an increase in the issues protests are organized around; and, (3) an overall decrease in the number of protests.

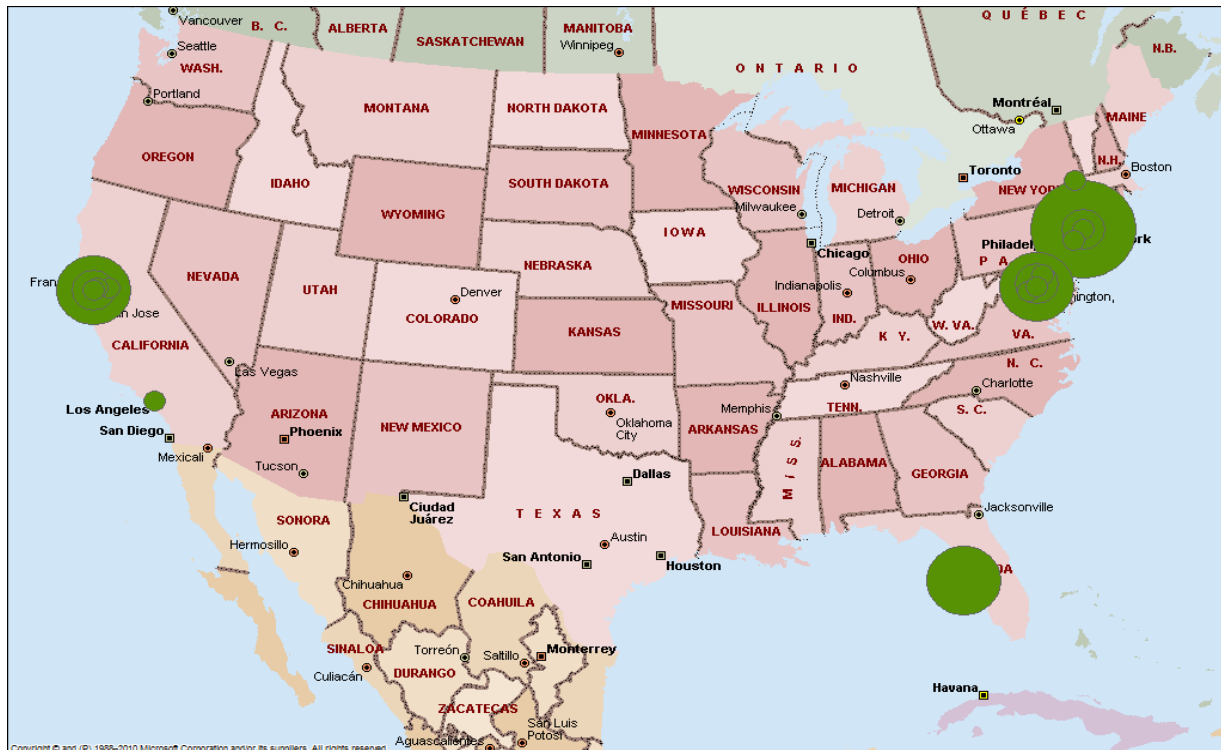


Figure 24:Protest Map, 1991-2006

Disability direct action began in the late 1960s as disconnected protest events in only a few cities directed mostly at state and local cutbacks to welfare, special education and wages/employment. A decade later, disabled activists mobilized specifically around rights when the HEW department delayed the publication of the Section 504 regulations. Because of the Rehabilitation Act’s reframing of the “solution to the disability problems” away from client-service and effective mobility in transportation, equal access to public transit became a growing focus of protest. The 1980s saw the use of disruption by new organizations like ADAPT which specifically targeted local transit corporations and APTA. Not surprisingly, the number of events leading to arrests was high in the 1980s when a large proportion of transit-related protests had arrests. The 1990s and 2000s saw an increasing variety of goals for protest within a context of demobilization paralleling the overall decline in government attention to disability.

My analysis of disability protest centers points to some key characteristics that facilitated protest: a mobilizable pool of young activists often tied to college campuses; the presence of sympathetic elites as well as what seems to have been, especially early on, a reluctance on the part of the policy to arrest disabled protesters; and the role of local and then national organizations in coordinating protest events in different cities. Through these new crosscutting disability rights groups, divergent interests in the disability community were channeled so as to mobilize simultaneously against a particular set of goals.

Disability protest, compared to most other issues and constituencies, is a relatively small part of the explanation as to why rights emerged in the U.S. Disability protests tend to be smaller than average, have about average arrests (although several protest centers have below average arrests) and average organizational involvement, but organizational involvement typically means one organization per event. Protests did play an important role following the Rehabilitation Act as well as by expanding to other related issues. Nonetheless, my discussion raises questions about the connection between protest and government attention (i.e., the Rehabilitation Act) particularly since sustained protest really began after legislation and protest appears to be largely disconnected (or at a minimum indirectly related) to the ADA.

ANALYSIS

Although I have argued that a great deal of social change regarding disability happened within institutions rather than the streets, disability protest events, though few, are quite varied, organized, and critical in raising awareness about disability issues and the disability community. The question remains as to whether protest helps explain why the federal government

increasingly dedicated more space in the policy agenda to disability and whether protest increased legislative action.

Table 15 includes 5 models predicting 4 dependent variables: Total hearings, House hearings, Senate hearings, and legislative activity. Note that the variable protest includes all protests. I also ran models that included only protests targeting the federal government but the results did not significantly differ. Note too that as others have done (Costain and Mastrovic 1994; Minkoff 1999; Olzak and Soule 2009; Johnson, Agnone and McCarthy 2010), I lag protest by one year given that it is unlikely that protest has an immediate effect on the policy agenda or on the enactment of public laws. Since protest may influence government attention at a decreasing rate, I also include a squared term in certain models (if this is the case, then the squared term or quadratic term for protest will be negative). Like my models predicting hearings in chapter 4, I report OLS coefficients because my data, although count, does not assume a Poisson distribution.

The models in Table 15 include the significant predictors of hearings established in chapter 4. The question is whether protest has a significant effect on increasing congressional attention to disability net the effects of other factors like public opinion, party control and committees. Protest does not predict total hearings (it did not predict hearings in the bivariate either, results not shown). Rather, Democratic control and the rise of a policy community (i.e., the number of committees) explains the increasing prominence of disability on the policy agenda. The same is true for House hearings where protests do not appear to have any effect (nor is there an effect when the quadratic term is included). However, protests do appear to explain Senate hearings at a decreasing rate. Thus, even though the Senate might be more insulated from public pressures, in the case of disability, it appears to be influenced by outsiders. Finally, as

others have found (King, Bentele and Soule 2007; Johnson, Agnone and McCarthy 2010) protest does not explain legislative activity suggesting that if protest does matter for policy, it does so indirectly by influencing the agenda (in this case however, through the Senate only).

Protest's Effects on Government Action					
	Hearings	House Hearings	Senate Hearings	Senate Hearings	Public Laws
MPI CR (lagged)	--	-15.41*	--	--	--
	--	(8.6)	--	--	--
MIP SW (lagged)	--	--	-80.87***	-86.63***	--
	--	--	(29.46)	(27.89)	--
Party Control †	-6.75***	--	-2.54	-3.68**	-3.38**
	(1.79)	--	(1.64)	(1.61)	(1.6)
Committees	2.93***	1.45***	1.30***	1.06**	--
	(0.29)	(0.50)	(0.44)	(0.43)	--
Hearings	--	--	--	--	0.04
	--	--	--	--	(0.07)
Protest (lagged)	0.02	0.39	0.26	1.84**	0.06
	(0.23)	(0.27)	(0.26)	(0.69)	(0.18)
Protest Squared	--	--	--	-0.14**	--
	--	--	--	(0.06)	--
Constant	-2.98	11.26	5.15*	5.03**	8.19***
	(3.36)	(2.68)	(3.02)	(2.85)	(2.16)

***p < 0.01, **p < 0.05, *P < 0.1, n=45; standard errors in parentheses; † House for total, House for house and senate for senate

Table 15: The Effects of Protest on Government Action

I have argued that much of what explains the increase in congressional attention to disability has to do with the rise of the Democratic Coalition, a new focus on social welfare policy via an activist government, and the subsequent collapse of the disability policy monopoly which acted as a gatekeeper and restricted the ability of new issues (such as rights) and new actors (such as rights entrepreneurs) to flourish. I also suggest that the disability rights movement, particularly the rise of disability groups and the use of protest, came after the government already started paying attention to disability – particularly with the introduction of

rights language in the Rehabilitation Act. This means that protest may be a consequence of government attention, and not the cause (see Costain and Mastrovic 1994). Bivariate relationships (not shown) indeed indicate that both lagged House hearings and lagged public laws are significant and positively related to protest. When controlling for other characteristics (not shown), hearings and laws still have a positive effect on protest, particularly in the seventeen-year period following the Rehabilitation Act. These findings allude to possible feedback effects between congressional attention and protest such that while protest may influence, for instance, Senate hearings, Senate hearings and legislative activity can further increase protest.

The models in Table 16 are structural equations using three-stage least squares regression predicting House and Senate hearings as well as public laws each simultaneously predicting protests. The findings in Table 4 corroborate those in the OLS regression where protest is meant to explain hearings and public laws (Table 15). By and large, protest has no effect on either hearings or public laws. Note that while protest appeared to have effects on Senate hearings in OLS models, that effect disappears in the simultaneous equation model. More importantly, note that Model 1 and 3 corroborate the OLS regression predicting protest: House hearings and legislative activity, while not determined by protest, themselves explain protest. A consistent finding across all the models is that the post-Rehabilitation Act period is associated with increasing protest, while the post-ADA period is not (indeed, while not significant it does indicate a negative relationship which is congruent with the overall mobilization that occurred in the 1990s and 2000s). Thus, the structural equation models in Table 16 do not show non-recursivity. Rather, they provide evidence for recursive relationships but not in the direction a

demand-side approach would suggest. Government action (House hearings and public laws) generated protest; it was not protest that demanded government action.

Three-Stage Least Squares Regression (Simultaneous Equations)						
	Model 1		Model 2		Model 3	
	House Hearings	Protest	Senate Hearings	Protest	Public Laws	Protest
House Hearings (lag)	--	0.28***	--	--	0.20**	--
	--	0.07	--	--	(0.1)	--
Senate Hearings (lag)	--	-0.08	--	0.07	--	0.05
	--	(0.11)	--	(0.12)	--	(0.11)
Public Laws (lag)	--	0.10	--	0.13	--	0.18*
	--	(0.09)	--	(0.10)	--	(0.10)
Protest (lag)	0.14	--	0.02	--	-0.1	--
	(0.23)	--	(0.26)	--	(0.18)	--
Committees	0.48	--	1.56**	--	--	--
	(0.49)	--	(0.55)	--	--	--
MPI CR (lag)	-0.31	--	5.6	--	--	--
	(8.31)	--	(11.02)	--	--	--
Party Control	-7.67***	--	-3.55**	--	-2.54	--
	(2.0)	--	(1.80)	--	(1.31)	--
CQ_Disab	--	--	-0.06	--	--	--
	--	--	(0.59)	--	--	--
Rehab Act	--	2.66***	--	3.58**	--	3.87***
	--	(1.32)	--	(1.44)	--	(1.42)
ADA	--	-0.16	--	0.10	--	-0.33
	--	(1.32)	--	(1.51)	--	(1.49)
Constant	19.9	-2.82	0.61	-0.63	6.05	-0.83
	(3.24)	(1.35)	(4.53)	(1.40)	(1.77)	(1.39)

***p < 0.01, **p < 0.05, *p < 0.1, n=45; standard errors in parentheses

Table 16: 3-SLS of Hearings, Protest and Laws

CONCLUSION

Why did persons with disabilities take to the streets even after the government began to pay increasingly more attention to disability and, through political entrepreneurship, established rights-based legislation attacking discrimination against the disabled? Social movement scholars have turned to numerous related explanations in attempting to address protest emergence.

Classical understandings focused on breakdown and strain, grievances, emotionality, and psychological deficits but the rise of RMT shifted attention to the role of organizations and resources in explaining the coordination of protest (see Morris 1984). However, organizational capacity and resource availability alone cannot set off a protest wave or cycle. As Opp (2009) explains, lowering the costs of collective action through organizations and the provision of selective incentives to members may be a necessary, but insufficient condition for protest to emerge. An opportunity must also exist to make claims and mobilize around those claims (Meyer 1999). Most scholars recognize that movement emergence must be understood both in terms of organizational capacity and political opportunity (Soule, et al. 1999).

My discussion of the role of cities as disability protest centers alluded to important characteristics that facilitated protest in those cities: an existing resource base and available pool of mobilizable people, local sympathetic elites and a non-repressive policy force, and the role of organizations and coalitions of groups in coordinating protest events around various issues. But this does not address the broader question about the timing of a disability protest wave; choosing direct action when there was little prior history of the use of such tactics, preferring to gaining institutional access over disruption. As I argue in prior chapters, protest emerged as a result to new rights language made available through policy. Although not all protest were directly related to rights, they are indirectly related in two ways: equal access to transportation was made possible by a new focus away from effective mobility towards rights. And, retrenchment under Reagan, which generated several protests, was in many ways an attack on the entrepreneurship a decade earlier establishing rights for the disabled. More broadly, while policy created a new opportunities for mobilization, it also changed the terms under which a new constituency mobilized to resolve grievances.

One of the major advantages of political process models is that they shed light on the timing of protest. Scholars have used this approach to describe the emergence of what some have called “new social movements” (Kriesi 1989; Koopmans 1993; Bernstein 2005), identity politics (Calhoun 1994) and the “minority rights revolution” (see Skrentny 2002). Thus, PPT and POS have been used to explain the rise of protest cycles suggesting, as Meyer (1993) claims, “The same institutional political structures shape the choices all dissident movements confront in the United States, so that social movements on a broad variety of issues may develop and decline in a characteristic pattern.” Tarrow (1998:141) describes protest cycles as resulting from the ways in which the POS facilitates or constrains the ability of activists to transform contentious frames into collective action. During heightened periods of mobilization (where contention is high), both organized and unorganized elements of a movement combine in implementing forms of collective action (usually more protest oriented, although not exclusively) directed at an external target whereby interaction between the targets and the challengers is sustained, and as Tarrow suggests, whereby challengers temporarily have leverage (or at least perceive that they do) in getting their demands met. Early risers like the civil rights movement created opportunities for subsequent movements. Opportunity has come to refer broadly to the tools (tactical repertoires), language and terminology, framing and access to political institutions. Often times, this is referred to as the repertoire of contention (Tarrow 1998:20), which is simply the “learned conventions of contention” used by many social movements.

Within this framework, how is protest emergence and decline explained? Tarrow claimed that protest cycles begin with openings in the POS (from early-risers like civil rights groups). However, this signals vulnerabilities in the political structure as well as commonalities between challenging groups (i.e., master frames, such as minority rights). Karstedt-Henke (1980)

provides a slightly different explanation. She suggests that protest catches elites off guard. Elites' first reactions to mobilization tend to be inconsistent which further increases protest. McAdam (1982), Tarrow (1989b) and Koopmans (1993) find that generally, protest waves begin with nonviolent direct-action, followed by more moderate but larger protest events. When these more moderate forms of protest go unnoticed, violent protest emerges as protest cycles decline and part of the protest is absorbed through institutionalization of the movement.

Why protest waves decline is more complex (Meyer 1993). One obvious reason for decline is that movements may obtain a measure of success (such as a policy response) and thus demobilize. At some point, the authority structure will attempt, according to Karstedt-Henke (1980), to institutionalize moderate elements of the movement to quell protest which in turn can lead to a radical-flank effect (see Haines 1984). Movements may also encounter failure, increased repression or unfavorably opportunity structures or they may be co-opted (Selznick 1949; Gamson 1975) thereby decreasing the benefits of protest. Movements may enter a period of abeyance where they are not engaged in outwardly directed activities but rather focus on self-preservation and/or identity building (Staggenborg 1991, Rupp and Taylor 1987).

What this demand-side approach and these explanations fail to consider is that policy, rather than an outcome of mobilization, can itself generate mobilization and protest. Political sociologists and social movement scholars alike have in the last few years, begun to recognize that fact. For instance, political scientists and political sociologists have explained the ways in which policy create constituencies that can mobilized around provisions in those policies (Campbell 2005; Pierson and Skocpol 2007). Social movement scholars have thought more about policy feedbacks – as Meyer (2005) puts it – the “chicken and egg” question about which comes first, mobilization or policy? Policies shed light on increasing protest because they

provide a framework, new entitlements, on which constituencies can mobilize (Ingrim and Smith 1993; Reese and Newcombe 2003).

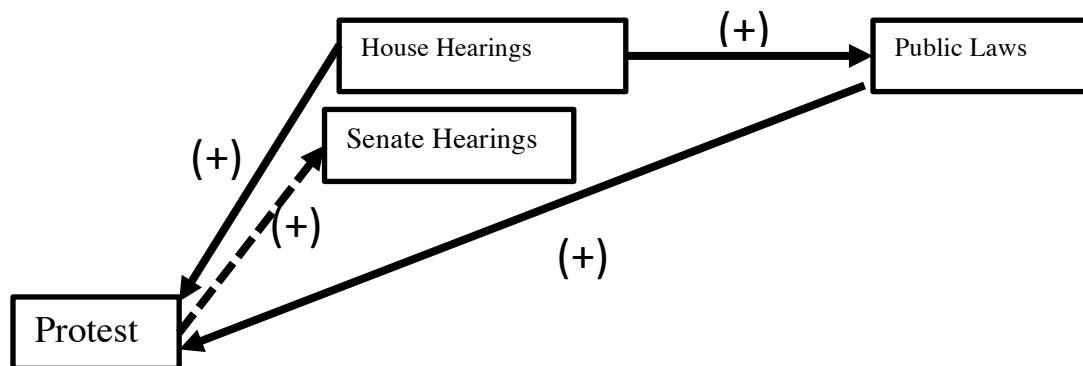


Figure 25: Empirical Model of Protest

Traditional demand-side explanations for the rise and fall of protest, including PPT, do not tell the whole story about the when and why of disability protests. My analysis reveals that timing simply does not support a bottom-up explanation for the link between protest and legislative activity. While protest does have an important place in the disability rights struggle – for example, ensuring that regulations were passed following the Rehabilitation Act and pressuring transit corporations to adapt their systems – protests are not the driving force behind governmental action. Figure 25 depicts the findings of the empirical models discussed in this chapter. Note that protest is neither directly nor indirectly related to legislative activity. While protest may explain increasing attention to disability in the Senate, the relationship is tenuous as it is not significant in the structural equation models (hence the dotted line). In any case, the Senate is not significantly related to legislative action. Rather, what the analysis and the diagram show is that government attention in the House as well as legislative activity explain the increased use of protest.

What my analyses thus far suggest is that the key factor explaining the rise in congressional attention to disability (and subsequently legislative activity) is political entrepreneurship within a facilitative institutional context. Rather than protest pressuring elites to pay attention to the disability cause, protest appears to be largely a consequence of policy creating citizens that mobilize around new entitlements. Throughout my discussion, I have alluded to the importance of disability groups whether incumbent or challenging groups. That is, while disability protest do not appear to have begun with disability advocacy or protest groups per se, and that there is evidence for diffusion processes not tied to organizations' role in protest, it is also clear that by the 1980s, new disability organizations helped focus disability protest around a certain set of issues (like transportation, cutbacks, etc.). The following chapter has two main objectives. First, I examine the relationship between organizational capacity/density and government attention and legislative activity. Second, I analyze the relationship between organizations and protest, particularly whether the relationship between organizational founding rates and protest is recursive.

CHAPTER 6: THE POLITICIZATION OF A CONSTITUENCY AND THE RISE OF DISABILITY ORGANIZATIONS

“He really just didn’t get the idea that these were rights and that you really weren’t talking about nice things to do for Easter Seal children...These were obviously derelicts and they were so far from Easter Seal children, things had truly run amok.”

- Martin Gerry, OCR

The rise of disability rights in America is due in large part to political entrepreneurship facilitated by the collapse of a disability policy monopoly. Recall that this policy monopoly was comprised of key institutional entrepreneurs serving on a few congressional committees, as well as members of the executive branch (particularly RSA and OCR in HEW) and select incumbent groups that had gained legitimacy through political elites (e.g., March of Dimes, Easter Seals, etc.). In the introductory quote (from Scotch 2001:88), Martin Gerry, a disability rights entrepreneur who was head of the OCR, was asked about HEW secretary David Matthew’s position on publishing Section 504 regulations. As Gerry explains, Matthew, like many other elites, had been accustomed to dealing with groups like Easter Seals who were about “doing nice things” – typically charity and service provision – not about forcing the rights issue which had made “things run amok.” Matthew’s attitude is a vestige of the policy monopoly composed of these organizations which had developed a cozy relationship with political elites. However, as I explain in chapters 3 and 4, the disability policy monopoly eventually fell apart and a policy community emerged expanding disability discourse in government. This meant that an increasing number of entrepreneurs became interested in disability and disability rights within new venues that had not existed before. Consequently, these institutional changes created favorable opportunities for new “challenging” organizations to enter into the political process and mobilize around new policy frames and entitlements.

The central claim of this project is that government attention and legislative action created or politicized a constituency. That is, the recurring theme throughout the dissertation is that the politicization of disability and the rise of the disability rights movement cannot be understood from a strict demand-side perspective on social change. As I show in chapter 5, demand-side explanations about the role of protest in influencing government attention and ultimately policy outcomes are inadequate. Rather, protest is more the outcome of increasing government attention to disability (particularly disability rights) than it is a cause of it. The explanation about the rise of disability organizations that I put forth in this chapter is not wholly different. The disability organizational field grew along side the American welfare state and in the 1960s and 1970s, expanded as the government became increasingly involved in social policy. But, unlike protest, which has no real history prior to the 1970s, the disability nonprofit sector is actually quite old, large (see Figure 26), and established when compared to other constituencies. This is expected because unlike other constituencies and issues, disability always had a place on the policy agenda. With the activist government of the 1960s, the disability organizational field expanded quite dramatically, adding to an already established set of groups.

In this chapter, I begin with a discussion of the disability nonprofit sector. I focus specifically on the close relationship between the rise of the American welfare state, disability policy and the well-established disability organizational field that emerged as a result of government attention. The connection between the welfare state and disability also shaped the nature of these organizations. In this section, I also discuss the changes that the disability organizational field underwent especially the rise of advocacy and the willingness of groups to use direct action. I then describe the nature of disability organizational formation and mortality and analyze mortality and founding rates separately in order to shed light on the factors which

explain organizational expansion and contraction. The second set of analyses presented in this chapter is two fold. First, I address the relationship between organizational capacity and agenda setting. Second, I test for reciprocating effects between organizations and protest. In the conclusion, I discuss the overall model linking government attention to protest and organizational capacity and the ways in which disability adds to our understanding of the politicization of constituencies.

THE DISABILITY NONPROFIT SECTOR

Contracting services out to organizations predates the American Republic. It is a system that appeals to both liberals and conservatives. For liberals, it means service provision to those in need, and to conservatives, it means providing those services while keeping the government small. As Smith and Lipsky (1993:3) argue, organizations “play a new political role in representing the welfare state to its citizens, providing a buffer between state policy and service delivery.” Thus, nonprofit groups are closely linked to the growth in the power and responsibilities of the federal government as well as the readiness of state institutions to subsidize organizations (Schlessinger 1944; Skocpol 1979; Walker 1991). Scholars have shown that organizations are often the product of legislation (or other government activity), not vice versa (see Pratt 1976; Walker 1991; Skocpol 2007, Campbell 2005). For instance, organizations found a reason to organize after breakthroughs in social security, Medicare and the Older Americans Act of 1965 because these policies created new clients who demanded services. Or, in Campbell’s (2005) words, policies created citizens. At the same time, national federal expenditures for social welfare services increased from \$812 million in 1965 to \$22 billion in 1970. This tremendous increase in spending created new resource opportunities, or at the very

least, signaled to various constituencies that organizational formation would be necessary to benefit from these new political and economic resources. From the 1960s to the 1990s, the number of interest groups in the U.S. tripled (Walker 1991).

What started off as small contracts to charitable groups with no strings attached evolved into contracting entire programs with more demanding terms (Smith and Lipsky 1993:9). In order to receive government attention (financial or otherwise) as well as legitimacy on the part of elites, organizations adapt to in such a way as to reflect their patrons or the institutions to which they are appealing (Meyer and Rowan (1977). Therefore, not only does activist government create an opportunity for organizational expansion, it also shapes the nature and quality of those organizations. This implies that if organizations are to survive, they will look like the government in terms of how they are structured and in turn, a lot like one another because they model themselves after the same environment. It is for this reason that a significant proportion of associations have a federated structure. Skocpol, Ganz and Munson (2000:528) find that “nearly three-quarters of the U.S. membership associations that grew very large before 1940 developed federated organizational arrangements that resembled the representative, three-tiered institutions of U.S. government.” And, McCarthy (2005) finds that 25 percent of local SMOs, while experiencing a decline in the total number local chapters, are still part of a national federation. This is because organizations structured around legitimate, tried and tested forms are rewarded by the state.

This is what Hawley (1968) called isomorphism – which is the increasing compatibility of organizational forms with their environment implying increasing homogenization of organizations within the field (Hannan and Freeman 1977; DiMaggio and Powell 1983). Organizations ensure their survival by adopting a strategy that is considered legitimate. This

premise shares much in common with the social movement tradition, particularly RM, which emphasizes the importance of formal and professional organizations and their ability to maintain routine access with entrepreneurs in government and mobilize so-called external resources. In this way, government does much to legitimize certain groups over others – a point made by Gamson (1975) nearly forty years ago. Specifically, institutional entrepreneurs are critical in legitimating organizational challengers since they create new innovations, frames, and opportunities to be taken advantage of (Roa, Morrill and Zald 2000).

It is within this institutional and organizational context that a disability policy monopoly emerged composed of rehabilitation and health professionals, incumbent organizations, and elites in the legislature and the executive. It promoted a social welfare or client-service model that fit well with the dominant paradigm of the time. Thus, as the state became increasingly active in an increasing number of issues after the Great Depression (including disability and handicap) this meant, for disability, an expansion in social, health and rehabilitative/vocational services. It also meant the expansion of the disability nonprofit sector. For this reason, the disability organizational field is quite large, old and established (see Figure 26). There were 253 active disability-related groups in 1961 (which is about twice as large as the next largest group, women) with an average age of 25 years. This suggests that a large share of the disability organizational field in 1961 comprised of groups formed in the late 1930s and 1940s following the New Deal. Even by 2006, 20 percent of all active organizations in 2006 were founded before 1950.

As Figure 1 illustrates, the late-1960s saw an expansion in the disability nonprofit sector¹⁴ – a pattern that continued until about 1989 (just prior to the ADA) which then plateaued

¹⁴ Organizational density is calculated by adding new entrants to existing active organizations in a given year, minus organizations that disbanded.

for a few years before beginning to contract. Since disability and handicap have long had ties to the state, and as Scotch (2001) claims, disability policy emerged along side the American welfare state, it is not surprising that there was already a large and old field in 1961 and that there has been such a proliferation of disability organizations beginning in the late 1960s. It is equally not surprising that the increasing attention paid to disability issues by the government corresponds to a growth in the disability nonprofit sector.

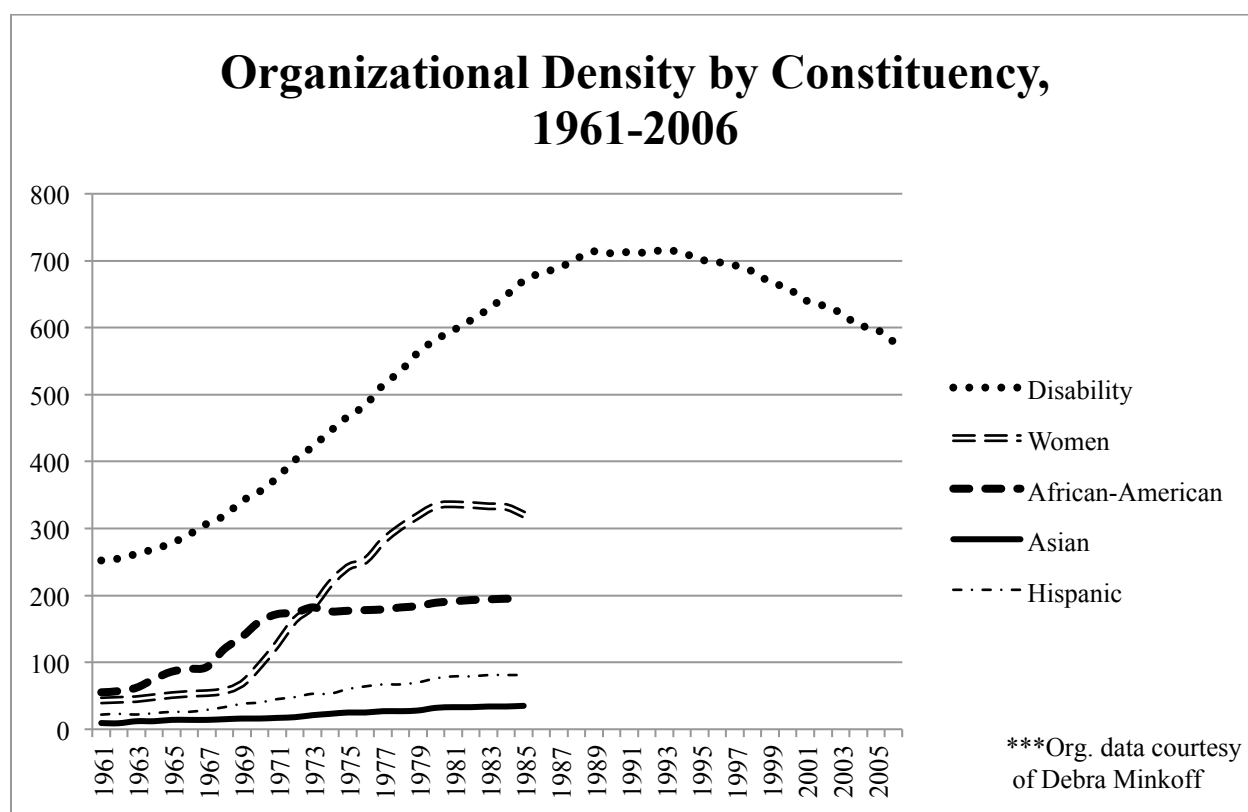


Figure 26: Organizational Density by Constituency

The disability sector has historically maintained strong ties to the state. For this reason, incumbent disability organizations adopted a federated system – that is one where powers are diffused to subunits (such as local, state and regional chapters) such that these have some

autonomy rather than being hierarchically structured or centralized (see Zald and Berger 1978; Young 1989). This division of powers resembles the U.S. government. Following McCarthy's (2005) description of federated SMOs, many established disability groups like NARC and Disabled American Veterans were structured exactly like classical national federations (much like NOW and NAACP). In 1961, approximately 37 percent of active disability-related organizations had some federated structure (either local, state or regional chapters). Disability groups are also fairly large where about 17 percent of all active organizations had more than 10 000 members. The average number of members in 1961 was 9053 with a median of about 1650. Disabled American Veterans is the largest organization with more than 175 000 members, followed by the National Multiple Sclerosis Society with about 117 000 members. Other large groups include the National Association of Retarded Children (NARC) founded in 1950 by Elizabeth Boggs (see chapter 3), which already had 1850 local chapters only a decade after being formed.

There is compelling evidence for isomorphism when it comes to disability groups. These incumbent disability organizations, given their close ties to the government (some being part of the policy monopoly of the time) tended to converge around a particular organizational form as well as around similar goals and tactics (i.e., expanding social services for their respective constituencies via the political process). While isomorphism is a process that explains convergence in organizational fields (see Coser, Kadushin and Powell 1982; Di Maggio and Powell 1983), it falls short in accounting for why, at some point, organizations diverge from traditional or legitimate organizational forms. Organizational ecologists suggest that organizations (either newly founded or existing organizations) adapt to changing circumstances, such as the political environment and the emergence of new policy (as was the case with

disability especially in the early 1970s). Organizations can also move away from the legitimate or dominant form because that form is seen as outdated (as may have occurred with disability when “assistance became seen as oppression”), because of increasing competition (e.g., density-dependence), or because organizations take advantage of niches in the field (Hannan and Freeman 1977; Hannan 1991).

No doubt, organizations might be strongly committed to one tactic or set of tactics as these may become part of the organization’s identity (see Clemens 1993; Whittier 2002; Rohlinger 2002). Therefore, organizations may not change despite changes in the political and organizational environment. Scholars (see Staggenborg 1988) have also shown the ways in which organizational structures, especially brought on by formalization and professionalization, leads to important tactical shifts away from direct action towards more institutional strategies like lobbying. In subsequent work however, Staggenborg (2001) argues that formal and professional organizations are quite flexible when it comes to using institutional and direct-action tactics. If necessary (usually when entering a protest cycle or heightened period of mobilization), formal groups can resort to direct action (although these events are usually well-planned and coordinated). This means that incumbent groups can be quite flexible and respond to changing demand created by, for instance, new policy.

Thus, both incumbent and challenging groups adapt to changing political circumstances such that they become hybrid organizational forms – a form that has come to dominate the nonprofit sector. As Minkoff (2002) claims, this new form of organization, which blends service provision and advocacy, is an important innovation in maintaining both important social services in a context of “politicized conditions.” Hybrid organizations of this kind appear especially well

suited to disability which is an issue and a constituency that has often walked a fine line between civil rights and access to social/health services.

The 1970s saw some important changes in the disability organizational field. In addition to the field becoming very large, the average age of disability organizations also gets younger as new groups are formed throughout the 1970 and 1980s. There is also a growing gap between the mean and median size of organizations. For instance, although the average membership in 1975 is 25 000, the median is much less at 1300. This suggests that while there are a growing number of smaller groups, already large incumbent groups became even larger. For instance, by the mid 1970s, Disabled American Veterans' membership increased nearly four-fold to 425 000 members (still the largest disability group), while NARC also grew becoming the second largest organization at 200 000 members although had fewer local chapters. The 1970s also shows a decline in the percent of federated organizations most likely because newly formed organizations did not adopt that existing structure, or had not yet become federated. The 1980s see a similar pattern with the exception of membership size which drops to a median of 950 members. With the exception of Special Olympics which becomes the largest disability group of the time with 1 200 000 members, and Disabled American Veteran membership increases nearly two-fold, other existing groups like Multiple Sclerosis Society and NARC see no increase in membership within that 10-year period. There is also a decline in the number of federated organizations as this structure (in 1986, 26 percent of organizations report local, state and regional chapters).

Following the ADA, there is a contraction in the disability nonprofit sector (see Figure 26). In 1992, average membership also appears to have declined. Disabled American Veterans and Special Olympics are still the two largest organizations but saw no increases in membership after the 1980s, while NARC experiences a 30 percent decline in membership and no is longer in

the top five largest disability groups. However, there does appear to be an increase in the percent of organizations that are federated (about 34 percent) as a result of newer organizations adopting a federated structure, and other groups that never adopted a federated structure disbanding.

The disability organizational field underwent important changes in the 1970s and 1980s when it comes to membership, structure, objectives and tactics. The post-Rehabilitation Act years saw a different kind of organization emerge – groups like DIA which were more grassroots with far fewer members than the large existing federated organizations. I suggest that these organizations, while not quite like their predecessors, were still a product of a new political focus on disability rights rather than on client-service. Therefore, whether service provision or advocacy, the expansion of the disability organizational field is intimately linked to government attention. The emergence of new disability groups like DIA, ACCD, and ADAPT cannot be understood without examining the opportunities for their mobilization created by government. Without the Rehabilitation Act, Section 504, the struggle in the executive branch, and the deliberate jurisdictional claim of the OCR on equal rights which forced other agencies, like DOT to change their policy (see chapter 3), there would have been no demand for these groups.

These newer organizations were important to the nascent disability rights movement following the Rehabilitation Act as they were much more willing to engage in disruptive action. Approximately half of the 179 protest events in my data report an organization as coordinating protest (see chapter 5). However, while this is about average in comparison to other constituencies and issues, disability protests tends to have, an average, one organization present at a protest event which is less than other issues and constituencies. As I discuss in chapter 5, organizations in the late-1970s but especially in the 1980s were critical in coordinating protest events in different cities across the U.S. No better example of this exists than ADAPT's focus on

local public transit authorities and APTA throughout the 1980s. As Figure 27 illustrates, ADAPT was by far the most active as measured by the number of events reporting that organization as having coordinated.

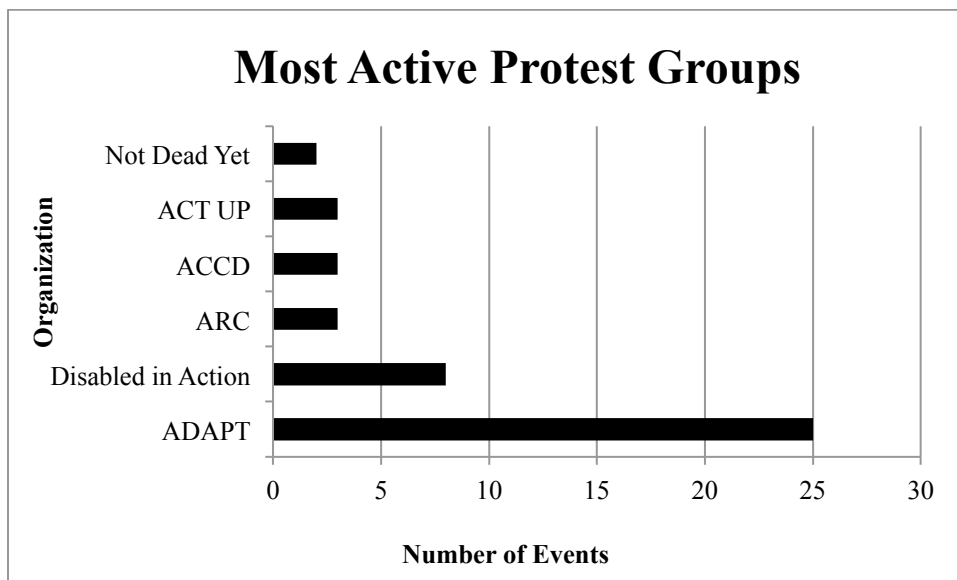


Figure 27: Most Active Protest Groups

Organizational involvement in protest had some important consequences. Although organizational presence does not appear to be associated with larger protests (in fact, the average size of protest where organizations were present was 251 while it is 743 when no organization is mentioned), organizational presence is important in maintaining protest (average of 3.8 days with and 2.4 without) and it is also associated with a higher average number of arrests (12 with and 3 without). Although protests may have diffused after the first wave of protest events coordinated by these new groups, organizations were still critical in making protests last and may also make protests more disruptive or at least create a perception that protests will be disruptive leading to more arrests.

While it is true that organizations like DIA and ADAPT mark a departure from the types of disability organizations that had long existed in the U.S., changes in the disability organizational field do not conform neatly to either isomorphic or density-dependent processes. On the one hand, many incumbent organizations eventually took on qualities of challenging groups, and on the other hand, many challenging groups came to look more like incumbents. Organizations like ADAPT, ACCD and DIA were more grassroots oriented than their established counterparts. Because of that, they were also very small in comparison to incumbent organizations. For instance, in 1986, DIA had about 1200 members and ACCD about 1400 members. In 1992, a period when ADAPT was very active, it had about 1500 members. Nonetheless, some of these groups did develop a federated structure like their incumbent counterparts. In the 1980s and 1990s, DIA had a few state and local chapters, as did ADAPT. These groups also used so-called institutional tactics. For instance, in the late 1970s, at the height of disability protest, DIA testified at several congressional hearings and later on, ADAPT was also involved in several committee hearings. In addition, as I note in chapter 3 and 4, DIA and ACCD had fairly close ties to the government, especially entrepreneurs in the executive branch.

But the trend among newer protest-oriented groups to become more professionalized and federated in structure is also accompanied by a trend by some incumbent organizations to adapt to a new political reality brought on by new and increasing government attention on disability rights. Although it is the case that newer organizations – groups founded after a rights framework became available via political entrepreneurship – Figure 27 also suggests that preexisting incumbent organizations, like NARC (a.k.a., The ARC), which by this time, were over 20 years old, large, federated and professional groups, engaged in protest. Indeed, 52 different organizations were involved in protest throughout my time period, not all of which were new

advocacy or protest groups. NARC was often involved in providing testimony at congressional hearings while in the late 1970s, also helped coordinate protest events. Other incumbent groups that were involved in protest include Disabled American Veterans and the National Federation of the Blind.

The disability organizational field did see a transformation in organizational forms and identities, as well as their goals and tactics. However, the case of disability organizational change is not just a matter of service provision giving way to advocacy groups. While indeed this did occur, mostly in the period between the Rehabilitation Act and the ADA, disability groups also show quite a bit of flexibility. In the 1970s, as advocacy became an increasingly legitimate strategy (especially since a new policy community invited protest/advocacy groups to the table), even existing organizations began to adopt advocacy but not necessarily abandoning their more historically service-oriented role. Likewise, protest and advocacy groups eventually adopted a federated system and later on, also became involved in social welfare issues (ADAPT for instance, changed its name to American Disabled for Attendant Programs Today) focusing on nursing homes and other institutions).

An institutional ecological approach to organizational development focuses on the ways in which organizational and environmental factors shape the nature of groups in a field. The development of the disability organizational field cannot be understood without considering the fact that disability – in the form of social, health and rehabilitative services – emerged along side the American welfare state. For this reason, and unlike other constituencies, there was an already large and established disability field before the government paid increasingly more attention to disability in the late 1960s. It is within this context that incumbent organizations together with rehabilitation and other social service professionals and political elites formed a disability policy

monopoly. Increasing government attention and legislative activity in the 1970s politicized disability. That is, the government created a new political constituency. The more space dedicated to disability on the policy agenda throughout the 1970s and 1980s, and the greater the disability-related policy output, the more the disability nonprofit sector expanded. Conversely, as the government began to pay less attention to disability issues following the ADA, the disability organizational field also began to contract such that by 2006, the field is about 15 percent smaller than what it was in 1993. The 1970s also represents a period of organizational change whereby both incumbent and challenging groups adapted to a new political environment. Neither isomorphism nor density dependence alone explain this change since this period represents the beginning of a shift to a hybrid form of organization such that incumbent groups adopted an advocacy component and challenging groups began to look more like their incumbent counterparts. Thus, the story of disability organizational expansion and change – from client-service to rights – is also one of organizational flexibility.

EXPLAINING ORGANIZATIONAL FORMATION AND DISBANDING

An important outcome of interest for both organizational ecologists and social movement scholars is the growth and contraction of an organizational field (a.k.a., organizational density or movement capacity). Organizational density is a function of organizational formation (or founding rates) and disbanding (or mortality rates). As I have already noted, unlike other constituencies, the disability organizational field was already established and quite large before it further expanded. A major reason for the existence of a well-established field is that disability and handicap rarely if ever experience protracted periods of no government attention (whether hearings or legislative activity). When the government, at the end of the 1960s, increased its

focus on disability-related issues, the disability nonprofit sector in turn expanded. Figure 3 compares the yearly number of organizations formed to the overall density of disability organizations between 1961 and 2006. Organizational formation is based on the year the organization is founded as reported in the Encyclopedia of Associations. As Figure 28 illustrates, between 1962 and 1979, disability organizational formation steadily increased from about 5 new organizations in 1962 to 36 new organizations at its peak in 1977 (over a 600 percent increase), no doubt contributing to the expansion of the disability nonprofit sector.

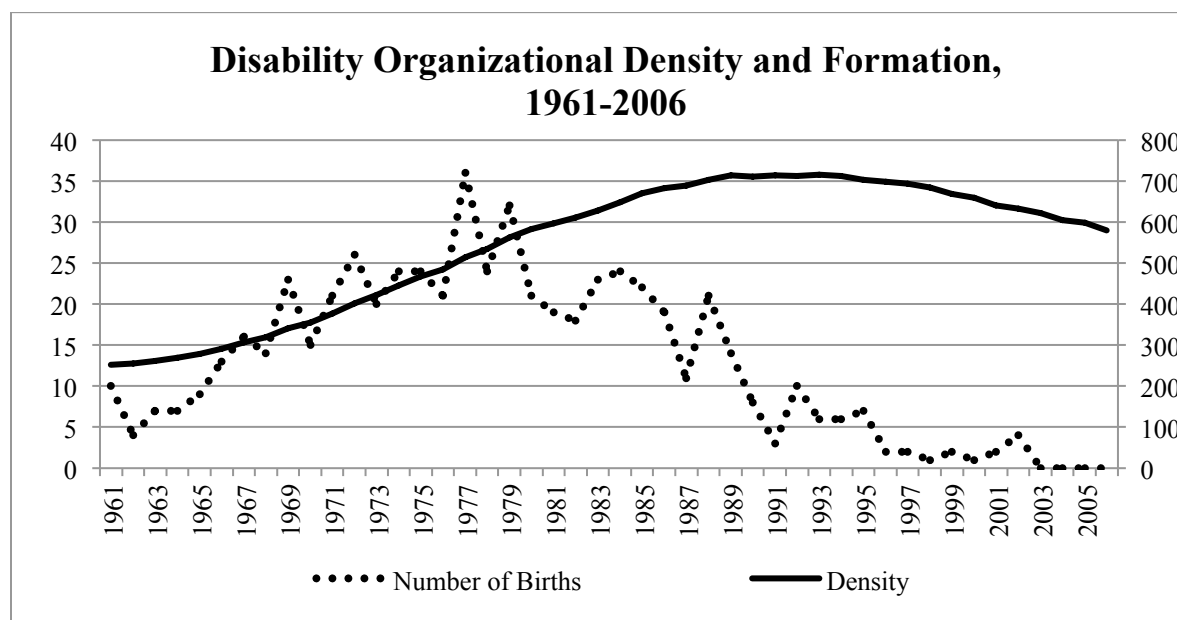


Figure 28: Organizational Density and Formation

On the flip side, organizational density increased not only because organizational founding increased throughout the 1960s and 1970s but also because organizational mortality was quite low. Between 1961 and 1975, virtually no organizations disbanded (see Figure 29). But by the late 1970s, just as organizational founding was at its highest, a slow increase in mortality which eventually surpassed the number of organizational formations in the late 1980s

lead to a contraction in the disability organizational field. As formation decreased and disbanding increased, organizational density plateaus in the early 1990s and begins to decline in 1994.

Just as organizational density can be explained by the amount of government attention and steady policy output on disability, so too can increasing organizational formation and low mortality. It is not a coincidence that organizational formation declines and mortality increases as disability-related issues became a smaller share of the policy agenda and legislative output diminishes. After the ADA, the disability organizational field begins to contract. This lends considerable credence to politico-institutional or environmental explanations for the rise and decline of disability groups.

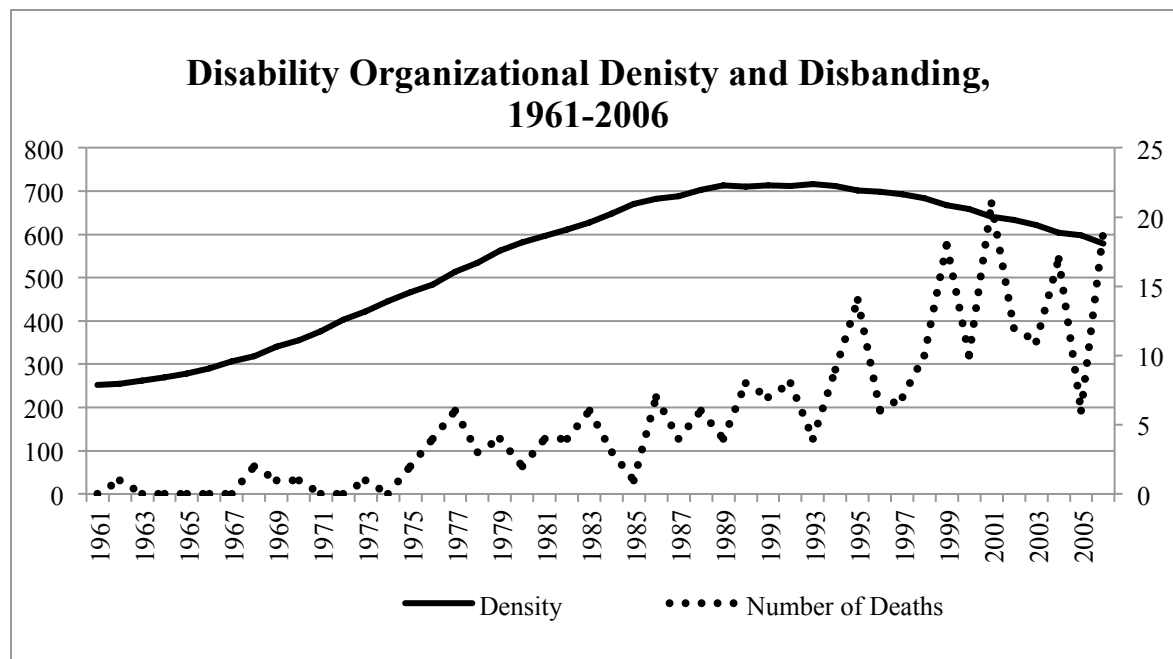


Figure 29: Organizational Density and Disbanding

Organizational ecologists have also turned to other more specific mechanisms like legitimation and competition within the organizational field which are meant to shed light on formation and mortality. Although legitimation should increase organizational founding since it

creates certain incentives for organizations like attention by political elites, it also increases organizational density and thus, competition. This means that the pre-existing density of disability organizations can have a positive effect on subsequent formation but then reaches a threshold whereby competition brought on by increasing density has a negative effect on founding, and presumably, a positive effect on mortality (that is, competition increases mortality). For this reason, the relationship organizational ecologists find between legitimacy and density is non-monotonic (usually captured using a squared term), as is the relationship between organizational founding and density (Hannan 1989; Carroll and Hannan 1989; Singh and Lumsden 1990; Hannan 1991; Minkoff 1995; Carroll and Hannan 2000).

The fact that the disability organizational field was already well established (or what Budros 1994 refers to as “mature”) before the rapid increase in organizational formation that occurred in the 1960s and 1970s may also have an impact on founding and mortality. There are two views on founding and mortality based on the age of a field. Lomi, Larsen and Freeman (2005) seem to suggest that organizational fields experience a great deal of organizational founding at first and then a stabilization period where organizational foundation lessens and mortality rates increase. This seems to be the pattern describing the disability field. Others have suggested that early in the history of an organizational field, mortality may be higher because there is no legitimate form as of yet (see Petersen and Koptut’s 1991 discussion). Eventually, organizations adopt similar forms (forms that reflect their environment) establishing legitimacy (which makes resources more accessible) and consequently, increasing foundation and decreasing mortality (Hannan 1986; 1989; Petersen and Koptut 1991). Minkoff provides an alternative understanding. Minkoff finds that overall newcomer African American organizations experienced a non-crowded organizational environment (which means competition is low and

mortality is low as well) but latecomer women's and ethnic minority organizations, while modeling themselves after African-American organizations, in most instances, density effects increased competition and may have limited their future founding.

Following Lomi, Larsen and Freeman (2005), if legitimacy is at work early in my time period, mortality rates should be low and formation high because the field in 1961 was already well established and consequently there is much greater certainty about legitimacy of organizational forms. Following Minkoff, if competition is high in this early period, then disability organization mortality should be fairly high and formation low. Figure 29 suggests that despite a very well established disability organizational field, mortality was very low in the 1960s and only begins to increase following the expansion of the organizational field in the 1970s.

Although it seems commonsensical that factors which have a positive effect on disbanding would have the opposite effect on formation, this is not necessarily the case. In her work on women's and racial-ethnic organizations, Minkoff (1995) finds that the variables that explain organizational founding do not necessarily have the opposite (or any effect) on mortality. Importantly, for instance, she finds that environmental factors matter less overall in explaining mortality than they do in explaining formation. In addition, Minkoff also finds her measure for demand for action (i.e., federal welfare spending) actually decreases organizational failure rather than increases it (the latter was expected since there is less demand for organizations when the government is responding to grievances). Alternatively, she suggests that government attention may be interpreted as a legitimation function rather than as a demand variable.

ANALYSES OF ORGANIZATIONAL FOUNDING AND MORTALITY

Since there are important reasons suggesting that inverse relationships for founding and mortality may not be the case, I model mortality rates and founding rates separately. Table 17 presents four models based on theoretical expectations based in social movements and organizational ecology. The first model (POS) is based in political process theory such that a favorable political environment should increase organizational formation. There is mixed support for this expectation. On the one hand, Democratic control of the House increases the formation of disability groups (note that the coefficient is negative because the referent category is Democratic). Party control of the Senate does not appear to explain organizational formation but this is not surprising in light of my other analyses that suggest that the House is more susceptible to outside activity than the Senate. Note however, that congressional attention to disability (measured as total number of hearings) does not significantly predict organizational founding. However, there does appear to be important period effects as expected such that organizational formation is more likely in the Rehabilitation Act years and, much less likely in the post-ADA era (which was a period of demobilization).

The second model (RM) focuses on whether resource availability shapes organizational formation. Note that both federal transfer payments and philanthropy (i.e., giving) are significantly related to the organizational founding rate. Minkoff (1995:88) interprets the negative coefficient for federal social welfare support as suggesting a lack of demand for organizations given that the government is seeking to improve conditions. Unlike Minkoff (1995:87), I find that government social welfare support actually increases organizational formation suggesting that either increasing government concern over social welfare (and

consequently issue legitimation) and/or the increasing availability of resources is driving formation. But, the amount of philanthropic giving (which Minkoff uses as a measure for the “availability of financial support from outside the constituent base” p. 89) is inversely related to organizational formation perhaps because these resources find their way into improving conditions for persons with disabilities without requiring organizations – in this sense, an actual declining demand for groups. The third model (OE) tests for the ecological effects of density and the findings support theories of legitimation and competition (or density-dependence) in that density increases formation but at a decreasing rate.

The final model combines the significant effects from the other three theoretical models. The key finding here is that Democratic control, federal social welfare support and density all matter in explaining disability organizational formation. Note that federal transfer payments changes signs when and is now inline with Minkoff’s argument that government spending in social welfare decreases the demand for organizations. Note that that period effects are not significant in the full model.

Predicting Founding Rate of Disability Organizations (Poisson regression)

	POS	RM	OE	Full Model
Hearings (Lagged)	0.002 (0.008)	--	--	--
Control House (Lagged)	-1.88*** (0.36)	--	--	-0.93*** (0.27)
Control Senate (Lagged)	0.22 (0.11)	--	--	--
Transfer Payments (logged & Lagged)	--	0.66** (0.30)	--	-2.81*** (0.66)
Giving (Logged & Lagged)	--	-1.49*** (0.46)	--	0.73 (0.56)
Density	--	--	0.01** (0.004)	0.05*** (0.01)
Density ²	--	--	-0.001** (0.0004)	-0.003*** (0.0005)
Period (referent <1968)	--	--	--	--
1969-1979 "Rehab Years"	0.43** (0.20)	0.61*** (0.23)	0.12 (0.25)	-0.02 (0.23)
1980-1988 "Pre-ADA years"	-0.53 (0.33)	0.52 (0.35)	-0.22 (0.32)	-0.27 (0.31)
1989-2006 "Post ADA years"	-1.36*** (0.15)	-0.72 (0.57)	-2.25*** (0.43)	0.06 (0.48)
constant	-3.39*** (0.19)	-1.84*** (0.57)	-5.37*** (0.95)	-5.50*** (1.20)

***p < 0.01, **p < 0.05, *p < 0.1, n=45; standard errors in parentheses

Table 17: Poisson Regression of Founding Rates

Table 18 presents similar models predicting organizational mortality. Note that the first model (POS) seems to suggest largely an inverse effect on mortality compared to formation – similar to what Minkoff (1995) finds for disbanding of women’s and ethnic-racial organizations. That is, where Democratic control of the House increased formation, it decreases mortality. Similarly, period effects are also consistent with my claims about founding and mortality following the Rehabilitation Act. While formation is higher in the Rehabilitation Act years, Table 18 shows positive effects on mortality in the pre-ADA and post-ADA years which

confirms the pattern shown in Figure 4 suggesting an increase in mortality and a contraction in the disability organizational field following the ADA. Thus, while Minkoff finds that environmental effects appear less relevant in explaining mortality, I find that certain political-environmental factors do explain increasing mortality of disability groups.

When it comes to the resource environment however (Model 2, RM), there does not appear to be any significant effects on mortality. This is not that different from Minkoff's findings where federal welfare support is significant only at the 0.10 level and philanthropic spending is not significant at all. Interestingly, organizational density appears to have the same effect on mortality as it does on formation suggesting that competition caused by density might be leading to mortality although it does so a declining rate. Since Minkoff does not find the linear effect of density on mortality to be significant (although the squared term is), she suggests that at first, density has a legitimating effect but then leads to heightened competition. My analysis shows a linear relationship to disbanding due to increasing competition, but since the squared term is negative and significant, it suggests that there is a declining effect of density on mortality. This might be because organizational density also begins to decline just as mortality is at its all time high in the 1990s and 2000s (see Figure 29) such that high mortality cuts down on competition by shrinking the field. This relationship is important as the full model shows, controlling for a variety of factors, organizational density is the key predictor of disbanding.

Predicting Disability Organizational Mortality Rate (Poisson Regression)

	POS	RM	OE	Full Model
Hearings (Lagged)	-0.001	--	--	
	0.02	--	--	
Control House (Lagged)	0.66*	--	--	0.21
	0.37	--	--	0.32
Control Senate (Lagged)	-0.23	--	--	
	0.23	--	--	
Transfer Payments (logged & Lagged)	--	0.98	--	
	--	0.73	--	
Giving (Logged & Lagged)	--	0.26	--	
	--	0.67	--	
Density	--	--	0.04***	0.04***
	--	--	0.01	0.01
Density ²	--	--	-0.003***	-0.003***
	--	--	0.001	0.001
Period (referrent <1968)	--	--	--	--
1969-1979 "Rehab Years"	1.06	-0.41	-1.41	-1.31
	0.74	0.90	1.17	1.12
1980-1988 "Pre-ADA years"	1.74***	-1.19	-1.38	-1.33
	0.78	1.10	1.37	1.30
1989-2006 "Post ADA years"	2.18***	-1.39	-0.51	-0.63
	0.69	1.26	1.37	1.32
constant	-6.51***	-10.80***	-15.23***	-14.43***
	0.65	1.33	3.00	3.02

***p <0.01, **p<0.05, *P<0.1, n=45

Table 18: Poisson Regression of Mortality

Importantly, my analyses corroborate Minkoff's assertion that the factors which explain founding are not those that explain mortality. Specifically, I find much as Minkoff's (1995) analyses find for women's and racial-ethnic organizations, that political and environmental factors are much more relevant in predicting formation than they are at explaining mortality. One reason for this is that organizations, once established, are less susceptible to or protected from changes in the political environment. There are key differences however when it comes to disability compared to the constituencies Minkoff examines. First, it is not just political environments that have no effect on mortality, but also funding environments. Second, I find stronger evidence for a competition argument rather than legitimation since the linear density

term explains increasing mortality, although it does so as a declining rate. This suggests that given the already dense disability field at the beginning of my period, density had a much earlier start in explaining mortality. However, as mortality reduced the size of the field (i.e., made the field less dense), density has a declining role in predicting mortality as competition also declines. Thus, while mortality was fairly low at the beginning of my period despite an already well-established disability field, with the rapid proliferation of groups in the 1970s adding to the field, density does at some point begin to cause mortality to increase.

ORGANIZATIONS, POLITICS AND PROTEST

In sociology and political science, the idea that organizational dynamics can be explained in large part by political change has a rather long history (see Stinchcombe 1965; Skocpol 1979). In the study of social movements, POS has been conceptualized as changes in elite support, elite divisions, electoral change, and legal and policy change, and suggests a link between political environment, organizations, and protest. Both organizational capacity and protest are thought to be influenced by the POS (Meyer and Minkoff 2004). And, as political mediation theory suggests, POS as well as institutional entrepreneurs mediate the effects of SMO's and the effects of protest on legislative outcomes (see Amenta, Caren and Olasky 2005; Johnson, Agnone and McCarthy 2010). The literature offers competing claims about the link between POS, organizational formation/capacity and protest, particularly whether POS has the same effects on organizations as it does on protest, and whether organizational formation/capacity is at all related to protest. Closed opportunities weaken organizational capacity, and potentially create smaller more radical SMOs (see Kriesi 1993; Kitschelt 1986). At the same time, when opportunities are open, organizational formation may increase while protest declines. Under these conditions,

nothing may be gained from further protest when sympathetic elites are in power and it may be more appropriate to influence sympathetic elites by using institutional tactics.

While Tarrow argued that the growth of organizations and the rise of protest are two key components of contentious cycles, he treats protest diffusion and the proliferation of groups as independent processes. Minkoff (1997) called this into question arguing that organizations and protest are interrelated. First, organizational proliferation (presumably either formation or density) might signal success in mobilization which further legitimates the cause creating favorable conditions for protest. Similarly, organizations may directly coordinate or provide resources for protest activity, and thus, organizational capacity should be positively related to protest. As Minkoff (1994) notes in her early work, “opportunities for protest increase because the organizational infrastructure is less vulnerable to changes in political conditions.” In other words, in addition to providing legitimacy, information and signals, organizations can help protest when opportunities are closed (see Johnson et al 2010). Soule et al (1999) make similar arguments and find, in their work on the emergence and outcomes of the women’s movement, that indeed, organizational capacity (the number of active groups in a given year) is positively related to both protest and insider challenges. Second, like Koopmans and Tarrow, who focus on organizational competition, Minkoff suggests that organizational density may increase protest but at a declining rate (as measured by a quadratic term) because organizational density may close opportunity for protest (Soule et al 1999 do not appear to test that relationship). Third, it may also be possible, as Koopmans (1993) and Tarrow (1994) argue, that protest can lead to institutionalization at the onset of its decline characterized by the rise in professional SMO’s as well as a response to changes in the political opportunity structure (repression or facilitation).

This implies that protest would lead to subsequent organizational formation rather than protest as the outcome of organizational capacity.

The findings are equally mixed. On the one hand, Minkoff (1997) finds that favorable environments, such as Democratic control, is negatively related to both protest (Soule et al 1999 find the same) and organizational formation. On the other hand, Meyer and Minkoff (2004) find that Democratic control of Congress does increase civil rights protest but has no effect on civil rights organizational formation. They also find that certain forms of government attention, like federal monies spent on civil rights, decreases protest and organizational formation, again suggesting that when government pays attention, it reduces the demand for outside mobilization. But other forms of attention, such as presidential attention increase protest, but decrease organizational formation. Soule et al (1999) also find that attention, this time operationalized as the number of hearings, is positively related to protest but not government action while Olzak and Soule (2009) find no relationship between government attention and protest.

As for the reverse hypothesis (or more demand-side explanation) that protest and organizations explain government attention, findings again are mixed. While Soule et al (1999:251) that neither organizations nor protest predict agenda setting (i.e., hearings), leading them to conclude that “these findings support the argument that movements themselves do not cause social change, but are instead a result of social changes,” King et al (2007) find that protest, but not organizational strength, predicts hearings. To further complicate matters, Johnson (2008) and Johnson et al’s (2010) work on the environmental movement finds that movement capacity (i.e., organizational density) is positively related to environmental hearings (but not legislative activity) and that organizations matter more when Congress is controlled by Democrats. They do not find that protest affects environmental agenda setting but rather,

Johnson et al (2010) do find that protest actually has a negative effect on legislative activity when Democrats control Congress.

There are considerably fewer studies that systematically test the relationship between organizations and protest. Although, as I note, Minkoff (1997) theorizes that it is possible that organizational density have a positive effect on protest at a declining rate, she does not find a curvilinear relationship between protest and organizational density, suggesting that organizational competition is not related to protest. Rather, she finds evidence for the protest dynamic hypothesis such that feminist protest increases women's organizational formation. On the other hand, Soule et al (1999) finds the opposite in that women's organizational capacity predicts protest.

Thus, the literature is inconsistent. This may be due to the cases that are being analyzed – from civil rights, to women's rights to the environment – as well as the kinds of measures that are used especially for political opportunity and agenda setting. For instance, while Soule and colleagues disaggregate Congress by chamber and find that the Senate and House may actually be affected differently by movement action, they do not provide a theoretical motivation for doing so, nor do they separate the chambers in their final analyses. There is also a disconnect in how scholars conceptualize causal order. Costain and Mastrovic's (1994) work on the women's movement shows that relationships between outside challenges and insider actions are reciprocating. Ironically, several of the studies cited here allude to non-recursive relationships between organizations and protest, and political process, but never test for these. For instance, Soule et al find that neither organizations nor protest predict political opportunities (aka, agenda-setting, hearings). However, they do not test for non-recursivity or simultaneity so it is unclear whether hearings influence protest while protest simultaneously pressures the government to pay

attention. Olzak and Soule also seem to be alluding to a non-recursive relationship between social movement activity and government attention but also do not test for this. It may be that protest and hearings and/or laws are endogenous whereby, for instance, protest explains government attention but government attention simultaneously explains protest. If this is the case, lagging variables will not capture reciprocating or feedback effects. There may also be reciprocating effects between protest and organizations. For instance, as I already noted, Minkoff (1997) provides a theoretical justification for organizations' effect on protest, as well as protest's effect on organizations.

ANALYSES: POLITICAL PROCESS, ORGANIZATIONS AND PROTEST

Having established those factors that account for organizational formation and disbanding, I will now address more specifically demand-side claims about the role of organizations, protest and political opportunities in shaping agenda setting and policy outcomes. I have two main objectives. First, I address the extent to which organizational capacity or movement infrastructure (see Johnson 2008) affects congressional hearings and legislative activity. If indeed, disability emerged as a political issue because an ever expanding disability nonprofit sector pressured the government to respond, then organizational density should have a positive effect on hearings, especially in the House given that the House is typically more susceptible to outside influences than the senate (chapter 4). However, if disability grew in prominence as a result of political entrepreneurship, then organizational density should be a result of increasing government attention – that is, government involvement creates an opportunity for organizational expansion (Skocpol 1979; Skocpol 2007).

My second objective is rooted more specifically in the social movement literature which focuses on the relationship between organizations and protest. Both classical and recent scholarship has focused a great deal of attention on the link between political opportunity, organizational formation/density and protest – particularly whether protest and organizational formation are functions of the same environmental characteristics and whether they influence each other. While some scholars (see Tarrow 1998 for instance) have argued that organizational process and protest diffusion are unrelated processes, some scholars, like Piven and Cloward (1977) have suggested they are antithetical to one another, while others claim that protest and organizations are intimately linked (see Minkoff 1997).

Soule et al (1999) motivate their study on the link between POS, organizations and protest in the women's movement because favorable opportunity, increasing organizational capacity, and increasing use of protest coincide in the 1970s. While government attention on disability, disability organizational expansion and the use of direct action by disability groups coincide, it may not necessarily mean that they are related causally particularly in the way a demand-side approach might posit. Since I argue that both organizational expansion and the rise of protest came after increasing interest in disability within the House and Senate, both organizational formation/capacity and protest should be explained by similar environmental characteristics. I do not expect protest to explain either government attention or policy output given the findings presented in chapter 5. Disability and disability rights is a case of a dynamic interplay between insiders and outsiders such that mobilization is really an outcome of policy. This complicates expectations about the link between protest and organizations because scholars have typically viewed this connection through a demand-side lens. If both protest and organizations are an outcome of increasing government activity (rather than they being the cause

of growing government attention), protest and organizations may only be related to each other via the political environment that facilitated their rise, but may not be directly related to one another.

The Link between Government Activity and Movement Infrastructure

Recent work in the social movement area has suggested that strong organizational or movement capacity (what Johnson 2008 refers to this as movement infrastructure), increases movement influence on agenda setting, and by doing so, indirectly influence legislative activity (Soule, McAdam, McCarthy and Su 1999; Andrews 2001; Johnson, Agnone and McCarthy 2010).

Table 19 presents four models predicting congressional attention on disability. Models 1 and 2 predict attention in the House while Models 3 and 4 predict Senate hearings.

Organizational density or capacity appears to explain increasing attention in the House, as does party control of the House. It may be the case that organizational capacity's effect on House hearings is conditional on party control (as Olzak and Soule 2009 and Johnson et al 2010 suggest). The second model supports this hypothesis in that the interaction term is significant suggesting that organizational density has a weaker effect on hearings when Republicans are in control of the House. This means that even when organizational capacity increases, its influence on agenda-setting may be mitigated by the absence of sympathetic elites. Johnson (2008) finds a similar relationship with the environmental movement. Note however, that as expected, the Senate is less susceptible to organizational influence. In fact, the effects of density on Senate hearings are negative while the key predictor of attention on disability in the Senate is the number of committees interested in the issue. This is congruent with the claim made in chapter 4

that typically, entrepreneurship is more important at increasing issue attention in the Senate than outside factors.

Organizational Capacity and Agenda Setting (OLS)

	House Hearings	House Hearings	Senate Hearings	Senate Hearings
Density (lag)	0.033***	0.03***	-0.01*	-0.14*
	2.12	0.006	0.008	0.008
Committees	0.61	0.64	1.75***	1.77***
	0.44	0.48	0.5	0.43
Control House	-10.71***	16.96	--	--
	2.12	14.07	--	--
Control Senate	--	--	-1.70	-6.10
	--	--	2.1	16.72
Protest (lag)	-0.36	-0.33	0.30	0.30
	0.26	0.24	0.31	0.28
Sen Hearings	--	--	--	--
	--	--	--	--
Hou Hearings	--	--	--	--
	--	--	--	--
OrgsXControlH	--	-0.042*	--	--
	--	0.022	--	--
OrgsXControlS	--	--	--	0.007
	--	--	--	0.03
Constant	1.48	1.09	5.71	5.75
	2.96	2.80	3.55	3.42

***p < 0.01, **p < 0.05, *p < 0.1, robust standard errors, n=45

Table 19: OLS of the Effects of Org. Capacity on Agenda Setting

If organizations are to influence policy outcomes, they can do so indirectly by influencing House hearings, particularly if Democrats are in control of the House. I already established in chapter 4 that the key predictor that mediates all other effects on legislative activity is congressional hearings. Net the effect of hearings, does organizational capacity directly predict the enactment of disability-related public laws? Like most other studies on the subject (see Johnson 2008; Olzak and Soule 2009; Johnson et al 2010), the answer is no. As Table 20 shows, the only consistent predictor of legislative activity is prior hearings. Like protest, organizational

capacity's influence on legislation is indirect. But unlike protest, there is greater evidence that organizational density has an indirect effect on legislative activity because recall that unlike protest, whose inconsistent effect was only on the Senate and Senate hearings do not predict public laws, organizational capacity does predict House hearings which in turn is significantly related to policy output.

The Effects of Organizational Capacity on Public Laws (OLS)

	Agenda-Setting Model	Outside Challenges Model	Org. Capacity Model
Total Hearings (lagged)	0.16*** (0.06)	0.18*** (0.06)	0.19*** (0.07)
CQ_Disab (lagged)	0.06 (0.43)	0.05 (0.43)	0.003 (0.43)
Protest (lagged)	-- --	-0.14 (0.20)	-0.07 (0.23)
Density (lagged)	-- -- -- -- --	-- -- -- -- --	-0.003 (0.004) -- -- --
Constant	3.97*** (1.57)	3.94** (1.58)	5.18 (2.53)

***p < 0.01, **p < 0.05, *P < 0.1, n=45; standard errors in parentheses

Table 20: OLS of the Effects of Org. Capacity on Public Laws

It may also be the case that organizational capacity, rather than influencing government attention on disability, is itself a product of increasing government attention. Table 21 presents three-stage least squares models (or simultaneous equations) for House hearings and Senate hearings. The key finding is that indeed, while organizational capacity influences the amount of attention on disability in the House, House hearings also simultaneously predict organizational

density meaning that this relationship is non-recursive. There are other important findings. For instance, structural equation models show that again, there is no relationship between organizational capacity and the Senate – a fairly consistent finding in all the models presented in here, and that federal welfare support is positively associated with organizational density. This is a finding that corroborates the findings in the models predicting organizational formation. It suggests that again, rather than signaling demand for organizations, federal social welfare support might be capturing legitimation and/or the availability of external resources which encourage organizational formation.

Thus, the disability movement infrastructure is as much a result of government attention as government attention is influenced by organizational density. When it comes to legislative activity however, there is a recursive relationship between organizational capacity and public laws but it is not one that supports a demand-side explanation. Rather, as Table 22 illustrates, while organizational capacity does not explain legislative activity (consistent with other models and other studies), public laws do explain organizational density as does the resource environment (in ways similar to models explaining organizational formation).

In establishing whether demand-side or supply-side factors are at work in explaining the link between organizations and government attention, there are four pieces of evidence to take into account. First, density does appear to influence House hearings, but not Senate hearings which is inline with expectations given the higher susceptibility of the House to outside pressure than the Senate. Second, density does not have an effect on public laws, which is also as expected since movement scholars argue that movements matter more in agenda setting than in the final stages of the policy process. Third, there is a non-recursive relationship between organizational capacity and House hearings suggesting a feedback effect whereby government attention explains

increasing organizational density and organizational density also explains increasing attention. Finally, rather than organizational density having an effect on public laws, legislative activity appears to have a significant and positive effect on organizational capacity which lends support to the claim that policies create a demand for group formation. Given these feedback effects, and the important role of policy in creating constituencies, moving beyond a strict demand-side approach becomes critical in understanding social change.

Three-Stage Least Squares Regression (Simultaneous Equations)				
	Model 1		Model 2	
	House Hearings	Org. Capacity	Senate Hearings	Org. Capacity
House Hearings (lag)	--	3.36** (1.31)	--	--
Senate Hearings (lag)	--	--	--	1.33 (1.89)
Org. Capacity (lag)	0.03*** (0.006)	--	0.0002 (0.01)	--
MPI CR (lag)	-13.19 (8.18)	--	--	--
MPI_SW (lag)	--	--	-79.89** (31.33)	--
Protest (lag)	-0.39 (0.24)	--	0.27 (0.28)	--
Committees	0.38 (0.42)	--	1.32*** (0.49)	--
Party Control	-11.4*** (1.96)	-74.22*** (28.54)	-2.61 (1.92)	-33.2 (20.26)
Log Transfer Pay (lag)	--	179.46*** (29.22)	--	257.44*** (47.7)
Log Giving (lag)	--	-59.7 (38.52)	--	-162.54*** (60.71)
Constant	6.52 (4.17)	-259.26*** (54.2)	4.8 (3.19)	-244.00*** (43.26)

***p < 0.01, **p < 0.05, *p < 0.1, n=45; standard error in parentheses

Table 21: 3-SLS of Hearings and Org. Capacity

Three-Stage Least Squares Regression (Simultaneous Equations)		
	Public Laws	Org. Capacity
PL (lag)	--	2.83**
	--	(1.29)
CQ_Disab (lag)	-0.32	--
	(0.41)	--
House Hearings (lag)	0.30**	3.21***
	(0.14)	(1.16)
Org. Capacity (lag)	-0.004	--
	(0.006)	--
Party Control House (lag)	-1.96	-67.95**
	(2.05)	(27.52)
Log Transfer Pay (lag)	--	228.22***
	--	(42.75)
Log Giving (lag)	--	-120.49***
	--	(50.69)
Rehab Act	--	-42.38
	--	(31.32)
ADA	--	28.12
	--	(20.29)
Constant	6.68***	-290.64***
	(2.04)	(54.58)

***p < 0.01, **p < 0.05, *P < 0.1, n=45; standard error in parentheses

Table 22: 3-SLS of Public Laws and Org. Capacity

Organizing and Protesting

The social movement literature has offered various contradictory hypotheses regarding the relationship between organizations, protest and POS. Table 23 presents two structural equation models. The first simultaneously predicts organizational founding rates and protest. As expected, this model shows no relationship between organizational formation and protest. What does matter for both protest and organizational formation are favorable political and environmental

conditions. For instance, density has a positive but declining relationship with founding (as was found in my previous models) and organizational formation is less likely when Republicans control the House and when the government pays more attention to social welfare. These findings are largely inline with the models presented in Table 17. Protest too is influenced by political factors, namely, whether the House is paying attention to disability-related issues. These findings are inline with a more supply-side explanation for the rise of disability as a political issue.

My analysis suggests that when it comes to disability, organizational formation/density and protest are independent processes influenced by political institutions. Much like Meyer and Minkoff's (2004) work, I find that organizational capacity and protest are both outcomes of the political process. However, unlike Minkoff (1997) who finds that Democratic control decreases protest (see also Olzak and Soule 2009; Johnson et al 2010) and organizational formation (presumably because these are not necessary when movements already gained the attention of sympathetic elites), and Meyer and Minkoff (2004) who find no effects for Democratic control of Congress, I find evidence for the opposite. That is, disability organizational formation is more likely when Democrats control the House and that there is a positive relationship between Democratic control and organizational density. On the other hand, protest is not related to party control and is mainly explained by actual congressional attention and legislative activity on the issue. Indeed, there is weak evidence that demand-side factors like organizations or protest shaped government attention on disability. King et al (2007) find that protest matters in agenda setting while organizations do not, while Soule et al (1999) find that neither organizations nor protest predict agenda setting. These findings are often treated as unexpected surprises but only because they are conceived through a demand-side framework. I find that protest is an outcome

of agenda setting, not a cause, and while organizational capacity does affect attention to disability in the House, the relationship is non-recursive (i.e., House hearings have a reciprocating effect on organizational density). Minkoff (1997) outlined numerous reasons as to why organizational formation and protest might be related (such as signaling effects, the protest dynamic hypothesis, or organizational support and legitimacy for the use of protest). Similarly, Koopmans and Tarrow, as well as Minkoff (1997), suggest non-monotonic effects of organizational density on protest (although Minkoff's findings do not actually support this claim), and Soule et al (1999) find that organizational capacity positively affected protest. However, my findings tend to suggest that protest neither facilitates nor inhibits organizational formation nor does movement infrastructure (operationalized as density) explain protest. Rather, organizations and protest, while both responses to political and resource environments, are themselves not connected.

Three-Stage Least Squares Regression Predicting Founding Rates, Density and Protest (Simultaneous Equations)

	Founding Rate	Protest	Org. Density	Protest
Protest (lag)	-0.001 (0.001)	-- --	2.79 (2.14)	-- --
Founding Rate (lag)	-- --	-38.39 (27.59)	-- --	-- --
Density (lag)	0.001 (0.0002)	-- --	-- --	0.02 (0.03)
Density Squared	-0.0001 (0.0002)	-- --	-- --	-1.57 (2.77)
Party Control House	-0.03 (0.008)	-0.74 (1.45)	-52.92 (29.79)	-2.01 (1.79)
House Hearings (lag)	-- --	0.28 (0.06)	3.36 (1.26)	0.17 (0.09)
Log Transfer Pay (lag)	-0.02 (0.01)	-- --	161.85 (29.89)	-- --
Log Giving (lag)	-- --	-- --	-47.65 (37.61)	-- --
Public Laws (lag)	0.001 (0.0004)	0.067 (0.10)	1.78 (1.29)	0.05 (0.1)
Constant	-0.04 (0.03)	-0.27 (2.04)	-240.73 (38.15)	-6.77 (5.91)

***p<0.01, **p<0.05, *p<0.1, n=45; standard errors in parentheses

Table 23: 3-SLS of Founding Rates, Density and Protest

There are two key related reasons which may explain why the case of disability does not fit the pattern established by existing studies. The first is that while many allude to reciprocating effects between political institutions, protest and organizations, few studies test these relationships. Since most approach these variables from a demand-side or bottom-up point of view, studies fail to consider the ways in which protest and organizations are outcomes rather than causes. As I argue in chapter 1 and demonstrate in chapter 4, the rise of disability and disability rights cannot be adequately explained from a strict demand-side perspective. Second, as I show in earlier chapters, the expansion of disability in the policy agenda is rather independent of outside pressures. While the organizational field expanded and organizations

increasingly turned to direct action, they did so as a result of not only a growing number of sympathetic elites in government, but the increasing amount of focus placed on disability as it expanded as an issue in Congress. Third, while organizations, following policy innovations like the Rehabilitation Act, did engage in direct action, the general pattern of organizational capacity and protest over the 45-year period covered by my study do not neatly coincide. Disability had a well-established and fairly dense organizational field by the 1960s with important ties to the state. The rise in organizational formation which peaked in the 1970s predates the rise of protest but then begins to decline dramatically just as protest peaks and is sustained throughout the 1980s. Both organizational expansion and protest are outcomes of increasing government involvement in disability, and when the government paid less attention to the issue, both organizational formation and protest decline.

CONCLUSION

The study of organizations and the study of social movements share many of the same theoretical considerations. This is the overarching theme of Davis, McAdam, Scott and Zald's (2005) volume on the subject. Since the rise of RM, social movement scholars have focused most of their attention on SMOs, especially nationally federated professional organizations (McCarthy 2005). Organizational ecology and social movements share that affinity because they explains organizational change through resource availability and competition as well as changes in the political environment. In that volume, Davis discusses the important role of legal and institutional environments in shaping organizations. Scholars of welfare state politics, nonprofits and interest organizations (Skocpol 1979; Walker 1991; Skocpol 2007; Campbell 2005) have also shown the ways in which organizational fields emerge as a consequence of increasing government involvement in social issues. With these studies, along with a growing interest in the

social movement scholarship on institutional activism (see Pettinicchio 2012), and the role of policy in creating a favorable opportunity for mobilization (see Meyer 2005), it is clear that understanding the relationship between demand-side and supply-side explanations is ever more necessary in explaining social change in modern societies.

Disability rights is a particular case in point for the important relationship between state, organizational field and direct action. It challenges scholars of social movements and social change to bridge the gap between favorable contexts for political entrepreneurship and the outcomes of that entrepreneurship. As a political issue, disability underwent important changes. Unlike other constituencies, disability rights emerged within an existing institutional and organizational context whereby the government had always paid some attention to handicap, and not surprisingly, the disability organizational field was by the 1960s, dense, large, and established. The interaction between the U.S. government and disability organizations is part of the story of the rise of the American welfare state. As government became increasingly involved in providing social and health-related services to all Americans, disability organizations benefited from increasing political attention and new resource flows like other nonprofit organizations. The form in which the direct link between state and organizations took is via a policy monopoly described in chapters 3 and 4. But this began to change as government involvement increased once again throughout the 1970s creating an opportunity for new groups to emerge and mobilize around a new policy framework of rights.

The history of the disability organizational field is one that begins with service provision nonprofit groups, experiencing a change caused by an exogenous political shock which subsequently introduced a new form of organization to the field, and that ends with a blending of

these two types into a hybrid form of service and advocacy by and for people with disabilities. Few have systematically examined the historical-institutional evolution of disability organizations or the ways in which the organizational field has changed over time. Nonetheless, accounts have suggested at least two characteristics: that the field was large and that organizations changed. According to Charlton (1998:81), “thousands of disability-related organizations, support groups, and self-help projects have materialized in less than two decades which can serve as webs of affiliation for people with disabilities.” Charlton also alludes to different general types of disability organizations: public policy groups (e.g., DREDF, World Institute on Disability), single-issue national advocacy groups (ADAPT), national membership organizations (does not provide any U.S. examples of these), national coalitions (e.g., National Council on Independent Living), and national single disability organizations (e.g., National Federation of the Blind). Also implicit in accounts of the DRM is that disability organizations have changed over time. For example, historical accounts (as well as organizational, protest and hearings data presented in this dissertation) suggest that veteran’s organizations, deaf and blind groups, and a few other large key professional organizations like United Cerebral Palsy and the March of Dimes were much more central to the early DRM than they were in the 1970s and onward. This is similar to my discussion of incumbent organizations working within a policy monopoly. While some early forerunners, like the League of the Physically Handicapped, were more like disability organizations of the 1970s and 1980s (see Longmore 2003), these were exceptions. As the government paid more political and legislative attention to disability rights, and indeed, reframed the issue in terms of rights (whether rights to access or to transportation), new organizations, like DIA and ADAPT emerged. This coincided with a broader transition from

single to multi-focused rights-oriented groups who now had a new legislative frame of rights to mobilize around.

Since the New Deal, but especially in the 1960s, nonprofit organizations became both more professional and more politicized. As Smith and Lipsky (1993:171) suggest, organizations became more politically savvy, attempting to gain favor with politicians while the government has also become dependent to some extent on nonprofits for policy implementation. These groups have affected issue politics in Congress and as my analysis suggests in the case of disability, there has been a close relationship between organizations promoting social change and institutional entrepreneurs. No doubt as organizations change, they must still remain to some extent accountable to their constituents. When organizations respond to environmental change, they walk a tightrope in attempting to be true to the wishes of their constituents while maintaining their ability to mobilize resources (Minkoff 2002). Some groups, despite new incentives created by changes in the political environment remain largely involved in providing services, while other groups more directly seek policy change (see Walker 1991; Minkoff 2002). In the case of disability, the 1970s reflected a change both among incumbent and challenging groups. While incumbent organizations grew more comfortable with the use of direct action, more grassroots challenging groups eventually developed a professional federated structure. This helps explain the proliferation and increasing legitimacy of hybrid organizational forms in the disability field.

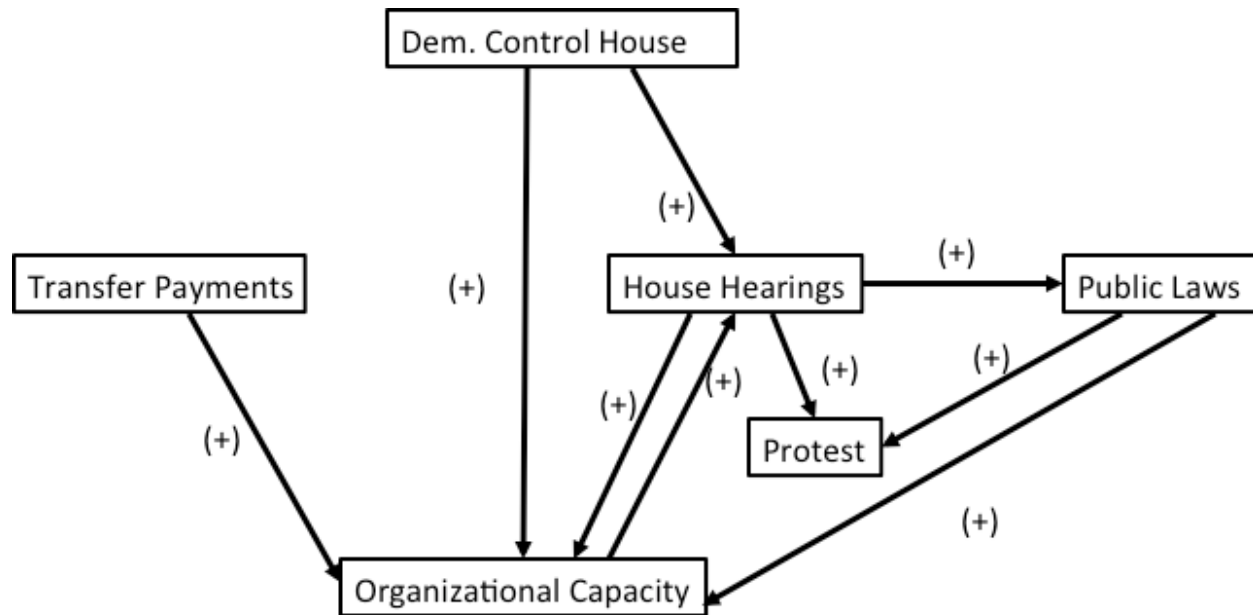


Figure 30: Empirical Model of Agenda Setting, Org. Capacity and Protest

Figure 30 builds on the models presented in previous chapters and summarizes the key findings presented in this chapter. First, political change is an important cause of the expansion of the disability organizational field. Both organizational expansion and protest are outcomes of increasing government involvement in disability, and when the government paid less attention to the issue, both organizational formation and protest decline. Indeed, environmental factors are especially critical at explaining organizational formation but not disbanding. Importantly, there is an important feedback effect between the amount of attention disability receives in the House and organizational density (shown by the two arrows from hearings to organizational capacity). Yet, this non-recursive relationship is only true for agenda setting, not legislative activity. On the contrary, there is no feedback between organizations and public laws but a recursive relationship suggesting that legislative activity promotes organizational expansion. Organizational capacity and protest (especially protest) are outcomes of government attention and because of this, organizational formation/density and protest may be produced simultaneously by political

change, but themselves remain independent of one another. That is, the relationship between organizations and protests is spurious in that both factors are preceded by institutional change. Together these findings suggest that there are important supply-side considerations in social change projects and only by linking supply-and-demand-side approaches can a true understanding of the politicization of disability be understood.

CHAPTER 7: ABOUT DISABILITY WITH AND WITHOUT THE DISABLED

The study of disability in the social sciences has generally taken a post-modern perspective, focusing on the social construction of disability as well as life narratives through case studies and ethnography. Topics of interest have included the body, identity, disability culture and social construction of space (see Ingstad and Whyte 1995; Corker and Shakespeare 2002). These approaches have in turn shaped research on the disability rights movement (DRM) which can be seen by the disproportionate amount of attention focused on social construction, collective identity, consciousness, and oppression. Far fewer examples exist that attempt to apply sociological theories of social movements (particularly those that emphasize movement structures, such as organizations and movement dynamics, particularly the relationship between challengers and elites) to explain the emergence of, and change in, the DRM. Most accounts of the DRM seldom refer to any social movement theory (see Barnartt's 2010; Skrentny 2003, King, Benetele and Soule 2007 for exceptions).

Many who have written on the movement have described it as a "popular" social movement. According to Charlton (1998:148) popular social movements "are focused on a set of issues that have to do with controlling immediately necessary resources, including housing, land, food, the environment, and the body." There are two broad approaches taken in explaining the DRM. The first is socio-legal and historical (see O'Brien 2001, Scotch 2001). The focus here is either on specific political change via policy, legislation and the law, or broader societal changes, such as war veterans, social security, and medicalization (e.g., Fleisher and Zames 2001, Berkowitz 1987). They often rely on individual accounts, policy records and other historical documents. The second approach focuses on identity (see Groch 1994) especially the

construction of disabled identity over time, and the rise of an oppositional consciousness. Both approaches shed a great deal of light on the emergence of a disability rights frame, particularly the politicization of disability, but they say little about the organizational and environmental dynamics that explain the rise of the actual movement itself and subsequently, its sustainability over time. In addition, these studies have fallen short in empirically and systematically accounting for organizational changes within the movement vis-à-vis political change over time, and have a tendency of ignoring the role of political entrepreneurship in disability. This may be because entrepreneurship does not fit the image of “not about us without us” which came to describe the DRM. The problem however, is that institutional, organizational and social movement processes have been largely ignored by the literature on the rise of disability and the rise of the DRM.

DISABILITY, SOCIAL CHANGE AND SOCIOLOGICAL THEORY

Disability rights is an American political innovation. Was the U.S. innovative because political elites were responding to changes in public opinion and pressure from social movements? Indeed, the public had and continues to have certain opinions and attitudes about disability. Most individuals directly or indirectly know of a person with a disability. However, disability is both ubiquitous and inconspicuous. It is an issue people know about and elites have paid attention to, but for years, had never become a political issue. I allude to a reason for this in the introductory quote in chapter 1 by Subcommittee on Investigation and Review chair Jim Wright. Wright claims that while individuals often have strong emotions about disability, they have not been enough to provide measurable improvements. What is needed, according to Wright, is

government commitment in providing both public goods as well as changing public attitudes about disability.

The case of disability challenges demand-side approaches to sociopolitical change. This project began with an assumption that disability rights, like other constituencies, arose because an aggrieved group mobilized resources and took advantage of new opportunities producing a favorable policy response. But this explanation was quickly met with counterevidence. First, the timing of events simply does not support a straightforward bottom-up explanation for the rise of either disability as a political issue, or rights. Second, it became clear that, after establishing a casual timeline, that disability is not just a matter of two distinct levels of actors where political elites are disconnected from a constituencies' organizational base or the work of activists. Rather, there is an intricate link between so-called insiders and outsiders.

An important part of understanding disability as a political issue, as well as innovation through political entrepreneurship involves shedding light on the political-institutional context. The rise of disability rights in America cannot be understood outside the extant institutional and organizational logic that, for a hundred years, dominated disability as a policy issue. In many ways, the politics of disability, and disability as constituency, depart from the other cases that have informed the social movement scholarship. Unlike black civil rights, ethnic and immigration issues, and gender, disability has always had a place on the policy agenda. This has important consequences for the emergence of rights for persons with disabilities in the 1970s, namely that even at a critical juncture, the outcomes of social change are still tied to the institutional legacy of disability. This historical legacy affected the existing framework surrounding disability by controlling access to political discourse via a policy monopoly. Preexisting institutional arrangements also had an effect on the disability nonprofit sector which

shaped how organizational formation and disbanding took place. The case of disability and the account I provide about the rise of disability rights is one that involves thinking about the dynamic interplay between insiders and outsiders; between institutional entrepreneurs and disability advocates; between incumbent and challenging organizations; and between service provision and direct action.

The disability rights case has several common characteristics with other constituents that have had social movements but is also an example of what Armstrong and Bernstein (2008) call an awkward social movement. By this, Armstrong and Bernstein mean that some movements call into question key theories in social movements, namely political process models. But disability also calls into question the ways in which organizational theories seek to explain movement emergence.

Specifying Opportunities: Government Action and Organizing for Change

A lingering problem with political process models is that it lacks specificity – that it often seems to just refer to “politics” in a very general sense. Meyer and Minkoff (2004) systematically sought to outline dominant criticisms of the theory and then attempt to shed light on those problems using data. They suggest that in order to specify opportunities, one should be able to answer who political opportunities are for, what they are for, and whether actors identify opportunities prior to mobilization (others have made similar recommendations, see Lichback 1994; Opp 2009). The account I provide in this dissertation takes the criticism into account especially since I seek to specify opportunities for disability mobilization and provide a mechanism by which that took place.

In the 1970s and early 1980s, RMT rose to become one of the, if not the, predominant theory in social movements. But it soon became clear to scholars that organizational involvement and resource availability alone cannot mobilize a social movement (Opp 2009). For instance Costain (1992) argued that RMT does not adequately account for the ebb and flow of women's movement activity. If, indeed, RMT emphasizes the stability of interest group involvement in politics, then why is government interest in women's rights not stable, and at times, nonexistent? As McAdam (1996:23) explains, "the timing and fate of movements is largely dependent upon the opportunities afforded insurgents by the shifting institutional structure and ideological disposition of those in power." Political process models highlight the importance of the timing of mobilization. This is important for understanding the DRM because the existing field of disability groups (many disability organizations were founded well before the 1960s) does not easily account for the timing of movement emergence in the 1970s because these existing groups acted as more of obstacle rather than facilitating mobilization. It also helps explain the forms and structures SMOs take and how these change over time. In many ways, the history of the disability organizational field fits well with Walker's (1991) account of "vulnerable constituencies." Before the 1970s, disability groups were largely service-provision oriented and worked closely with the government to expand social services. By the 1970s, a change in the political environment created an opportunity for mobilizing disability interests in a new way. What was this new opportunity?

Social movement scholarship has, by its very nature, focused on the ways in which outside challengers bring about social change by seeking mainly (but not exclusively) to influence political elites such that the interaction between movements and the state is seen almost exclusively as extra-institutional (Goldstone 2003; Jenkins and Klandermans 1995). Within this

context, PPT has traditionally understood policy as the outcome of grassroots mobilization such that the political opportunity contracts when political elites respond. In turn, this has led to a demand-side perspective which posits that policy responses should depress mobilization, protest, and organizational formation because it signals a contraction in political opportunities.

I have shown throughout these chapters that in the case of disability, policy is not an “outcome” of mobilization. Social movement scholars often struggle with identifying outcomes of mobilization, or what these outcomes should look like, especially when discussing success and failure (Giugni 1998). Take for instance the Occupy Movement, which has focused the attention of scholars on the issue of social movement outcomes. If policy is the outcome, then Occupy is a failure. If outcomes are broader, like changing public attitudes about inequality, then Occupy is successful. Similarly, claims that disability rights policy is largely the successful outcome of the disability rights movement are based on a false analogizing of disability rights to other social movements, namely civil rights.

Yet, social movement scholars have, in the past, sporadically focused on how government actions can facilitate mobilization, including legislative activity. For instance, Gamson’s (1975) pioneering work was one of the few that focused on outcomes. Gamson (1975) argued that two types of success exist: legitimation by elites and new advantages, such as policy. Indeed, Gamson found it rare for a movement to obtain new advantages without legitimacy. More recently, movements scholars have begun to question the role of policy as an opportunity for mobilization rather than as the end of mobilization (Reese and Newcombe 2003). They have also begun to note the dynamic feedback between government action and mobilization as denoted by Meyer’s (2005) chicken-and-egg paradox. Institutional scholars have, however, long

noted the important role of policy in creating constituents or citizens (Skocpol 1979; Campbell 2005; Skocpol 2007).

Indeed, scholars have also established the important ties between policies and these organizations which can mobilize resources for social change. Social movements and organizations are linked via the political environment. Campbell (2005:41) claims “both social movements and organizations are forms of coordinated collective action.” Organizations and organizational fields experience change while social movements can develop formalized components, including professional SMOs, over their life course. An important way in which social movements and organizations are linked is in understanding the process of institutionalization of the former within particular political and resource environments (see Lounsbury 2005). Similarly, in her work on the gay and lesbian movement, Armstrong (2005) shows how organizational fields crystalize and can become unsettled alluding to how consolidation processes within social movements take place as a consequence of changes in the political environment.

In the case of disability, one cannot ignore the established organizational field that existed well before rights ever entered into the political landscape. Since disability had always been the subject of government involvement, it is not surprising that a large nonprofit field emerged following the New Deal. By the 1960s, the disability field was already crystallized. However, the 1960s witnessed important political changes. This change can be characterized using similar concepts: exogenous shocks, critical juncture, punctuation and an opening in the congressional opportunity structure. In effect, a policy monopoly whereby incumbent organizations worked with elites to maintain or extend social welfare provisions broke down and a new policy community emerged with new political entrepreneurs who had a different take on

the “problem” of disability. In turn, this institutional change created new resources and political opportunities for challenging groups. The policies that emerged created a framework for mobilizing around rights.

This suggests that institutional and policy changes shape both the opportunities for mobilization by way of new sympathetic elites and venues of inclusion, and by providing resources and elite legitimacy to new challenging groups that found support among institutional entrepreneurs. Given the apparent link between opportunities and organizations, social movement scholars have in the last fifteen years sought to synthesize RMT and PPT (e.g., McAdam, McCarthy and Zald’s 1996 “emerging synthesis”). One important link between PPT and RMT is that the former may help explain the nature of the resources available to SMOs. Tarrow (1991;1998) argues that POS highlights the resources external to the group which helps explain how individuals with little relative power or clout can mobilize. This notion fits with Tarrow’s (p. 20) larger focus on contentious politics which “emerges when ordinary citizens, sometimes encouraged by counter elites or leaders, respond to opportunities that lower the costs of collective action, reveal political allies, show where elites and authorities are most vulnerable, and trigger social networks and collective identities into action around common themes.”

A great deal of work showcases the relationship between RMT and POS across a variety of empirical scenarios. For instance, Useem and Zald’s (1982) study on the pro-nuclear movement finds that when SMOs become included in the polity, they resemble pressure groups. However, if movement groups lose their position within the polity, they may once again target grassroots support and mobilize communities. Staggenborg’s (1988) work on the professionalization and formalization of pro-choice SMOs suggests that after *Roe v. Wade* in 1973, when the protest cycle declined, organizations like NARAL transitioned into the political

arena focusing their attention on the courts, legislatures and politicians until threatened by the countermovement. Consequently, these groups became more professionalized and formalized. Finally, Taylor and Rupp's (1987) argument about the rise of second wave feminism draws on both external environmental factors (changes in political alignments, issue salience in the legislature, etc.) as well as internal factors (like activist commitment and exclusivity of networks and organizational membership). During this period of abeyance (from the end of WWII to the early 1960s) women's groups focused on community building, culture and identity, rather than politically motivated collective action. Indeed, one important finding of my dissertation is that disability organizations are actually quite flexible. In the 1970s and 1980s, incumbent groups adopted advocacy, and challenging groups adopted a federated structure. Eventually, hybrid organizations combining service provision and advocacy increasingly represented a larger share of the disability organizational field.

Linking political opportunities to organizations also leads scholars to focus on how exactly organizations change as a result of their political environment. At the end of the protest cycle of the 1960s and 1970s, women's organizations, rather than retreating from political action to exclusively engage in community building, actually used a mix of both tactics. Staggenborg (2001) claims that some organizations, especially larger, formal and professional organizations, can engage in both protest and internally directed activities meaning that the use one strategy does not exclude the use of the other. Presumably their varied use depends on the POS. Staggenborg suggests that activities which are meant to increase movement community – these so-called cultural activities – help support protest activity when new protest cycles emerge. However, this argument still implies that political opportunities determine when these different types of movement strategies are used: protest during contentious periods and internally directed

activity in times of abeyance. When the POS becomes more restrictive and a movement enters into a period of abeyance, community-building and organizational maintenance activities begin to compete with externally directed activities like protest. Alternatively, during protest cycles, there is enough energy for organizations and activists to be involved in both types. For instance, at the onset of the second wave of the women's movement, women's centers were establishing newsletters while NOW fought for political rights and ERA. This implies that some organizations may continue to engage in community-building activities even during protest cycles. In fact, the costs of organizing such activities are not dependent on a favorable opportunity structure like protest, and can be used anytime. It also implies that movement organizations do not simply change their strategic preferences and tactics simply because they are responding to changes in the political environment. At the end of the protest cycle, more radical feminist organizations became increasingly involved in cultural activities although they did continue to work with moderate organizations on political campaigns. By the 1980s, organizations were more exclusively involved in community building and this detracted from efforts at mounting political campaigns. I return to this point later when I discuss demobilization in the DRM following the ADA.

Yet new questions about the connections between POS, organizations and protest have emerged especially as "awkward" social movements have increasingly become the focus of movement scholars. Work by Piven and Cloward (1977), Jenkins and Perrow (1977), Tilly (1978), and Skocpol (1979) emphasized the importance of structural crises and "stormy politics" in shaping uprisings, protests and revolutions, rather than the role of formal organization and external resources (which formed some of the basis for the critique of RMT by some movement scholars). What, then, is the relationship between POS, organizations and protest? Classic

approaches have treated organizational-building and protest coordination as antithetical (Piven and Cloward 1979) or as unrelated (see Opp, Voss and Gern 1995; Pfaff and Kim 2003). Others have suggested that organizational processes and mobilizing direct action are related processes (Minkoff 1997). Scholars remind us that organizations use both institutional and extra-institutional tactics, influenced by their form, their goals, and the political environment (Zald and Ash 1966; Rupp and Taylor 1987; Staggenborg 1988; 1989; 1991; Cress and Snow 1996; Fisher, Stanley, Berman, and Neff 2005). In other words, SMOs can use various types of tactics – from disruptive to institutional – concurrently, depending on the political environment (see Meyer and Tarrow 1998; Staggenborg 2001). As I indicated in chapter 6, recent work on the link between POS, protest and organizations has been fairly conflicted and inconclusive. I find that when it comes to disability organizations and protest, both are outcomes of political change but remain disconnected from one another. This is due to the nature of disability – that a preexisting organizational field grew when new attention was placed on disability and this new attention, because it emphasized rights and injustice, also generated another outcome, protest.

Protest cycles and the Minority Rights Revolution

The discussion of the link between political change, organizational formation/capacity and protest also raises questions about the connection between the rise of disability rights and the broader cycle of protest or contention often associated with that period. Although it is true that following WWII, there has been a recurring pattern of protest across different movements, treating periods of heightened mobilization without identifying specific political opportunities blurs important difference between each movements' protest wave. This is especially problematic in understanding "awkward social movements." Protest cycles emerge for some movements earlier than for others, and protest cycles decline for some movements and not for

others even though they are contemporaries and may have entered at roughly the same time. They may decline because resources are depleted, because they are met with success, because the opportunity structure closes and becomes less receptive to them, or because the movement becomes co-opted or institutionalized. For instance, following *Roe v. Wade*, the pro-choice movement had exited a protest cycle and moved into political arenas using more institutionalized tactics. However, it quickly reentered a heightened period of mobilization when the pro-life countermovement rapidly mobilized and challenged the law. At this time, the women's movement, whose second wave occurred in the late 1960s, helped shape the nature of the pro-choice movement and became heavily involved in that movement while the women's movement encountered defeat over ERA amendments. The pattern of protest in the gay and lesbian rights movement does not seem to neatly fit the overall cycle of contention either. Although there is a lengthy history of gay male mobilization in the 1930s, mobilization by the gay and lesbian rights movement happened after the height of the women's movement protest wave. One might argue that we are currently in a gay and lesbian movement protest wave, first surrounding "don't ask don't tell" and the ongoing gay marriage debate across the United States. Similarly, the disability rights movement had no substantial period of mobilization until the mid-to-late 1970s, even though an organizational resource base had existed since the early 20th century (although not politically oriented), important legislative changes affecting the disabled were made in the late 1960s and early 1970s, and organizations had become more advocacy oriented in the early 1970s. Since, accounts of the DRM seem to suggest that protest was more likely a result of threats after the Rehabilitation Act was passed, rather than the Rehabilitation Act being a result of protest, this means that threat rather than facilitation explains mobilization and that persons with disabilities had a new policy frame to mobilize around.

The dissertation sheds light on the timing of organizational change and protest. Disability organizations have existed in America since the late nineteenth century. Before the mid-1970s, the disability organizational field, with few exceptions, was largely dominated by service-provision organizations, and included few advocacy groups and virtually no protest organizations. This is unlike African-American (see Morris 1984 on the origins of the civil rights movement) organizations that were protest oriented through much of the 1950s and part of the 1960s, and women's organizations that were protest oriented throughout most of the 1960s and early 1970s. The early twentieth century saw occasional protests organized by a few disability groups, and the entire twentieth century is littered with examples of policy responses regarding disability by the state. Yet, a disability protest cycle clearly emerges after the Rehabilitation Act of 1973 (corroborated with my data as well as Barnartt's data). Attributing the timing of disability protest to repertoires of contention in the 1970s masks the more direct causes of mobilization in the DRM.

Thus, to what end is social movement mobilization related to a general cycle of contention? It is true that repertoires of contention begun by early risers are similarly available to all challengers, but there is variation in terms of when disparate challengers enter and exit a protest wave. This again goes back to Meyer and Minkoff's (2004) finding that issue-specific political opportunities are more directly influential on mobilization than general features of the political opportunity structure. If this is the case, then mobilization across different movements is affected by changes in political opportunities that are specific or relevant to that movement (in other words, whether Republicans or Democrats are in power may not be enough to account for how political opportunity affects mobilization). Thus, the first protest wave for the disability rights movement was in the late 1970s and early 1980s as a response to increasing conservative

rhetoric surrounding the costs of the provisions in the Rehabilitation Act, and the various attempts at rolling back those rights. It is unlikely that these would serve as opportunities for the mobilization of other constituencies.

THE MODEL AND MECHANISM

In addition to specifying opportunities for the rise of disability and disability rights, I also outline a mechanism that links institutional changes which opened the congressional opportunity to mobilization. Congress is an information-gathering machine. Political elites are often confronted with a variety of information on an issue, sometimes competing information. As the work in agenda setting suggests, members of Congress disproportionately process information when they select information such as to frame issues in particular ways. An important consequence of thinking about issue framing and the emergence of policy images in this way is that there are important constraints placed on agenda setting that limit the role of outside pressures in shaping issue expansion.

Thus, agenda setting and legislative outcomes are influenced not only by public preferences but by factors like entrepreneurs' personal histories and experiences, biographical characteristics, ideology, and career ambitions. Entrepreneurship and committees go hand in hand. Committees are the venue whereby entrepreneurship can take place. Prior to the 1960s, political elites along with incumbent organizations formed a policy monopoly which prevented entrepreneurship since the policy image for disability was already defined and maintained by this monopoly. But the 1960s represents an exogenous shock – a period of punctuation in a long period of equilibrium – such that this monopoly began to collapse. With this, entrepreneurship, especially rights entrepreneurship, became possible as new actors and venues became available;

that is, as the congressional opportunity structure opened. In the early 1970s, a new policy emerged which rather than focusing only on service provision, introduced a language of rights. Institutional entrepreneurs in Congress and in the executive branch ensured this rights-based language (Section 504) be included in the Rehabilitation Act. In so doing, entrepreneurs reframed the long established disability political discourse around rights. This means that rather than analogizing civil rights activism with disability rights activism at the grassroots level, the more direct link between civil rights and disability rights is at the agenda-setting and policymaking level. In effect, what entrepreneurs did was create a collective action frame around rights and justice by providing the nascent disability rights movement with new tools and a new language for mobilization.

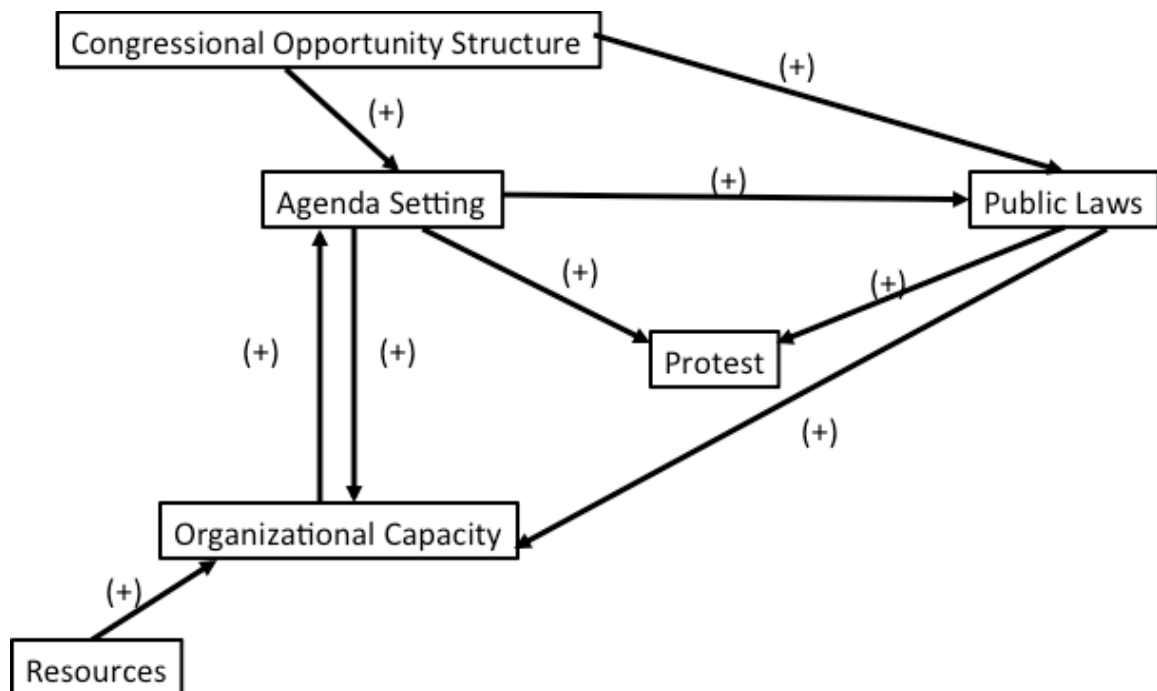


Figure 31: Comprehensive Empirical Model

This story clearly does not fit well with the theoretical model presented in chapter 2. The theoretical model draws from the literature in political sociology and social movements. It

suggests that congressional opportunities, such as issue salience in Congress, party control and the number of committees holding hearings on an issue determines the policy agenda. From a demand-side perspective, democratic theory, public preferences should also be driving which issues are focused on in Congress. And, interest groups and SMOs also seek to shape the agenda in hopes that this will indirectly affect policy output (since it has been repeatedly shown by scholars that social movements have little effect on legislative activity). Organizations can also coordinate protests which in turn shapes agenda setting. Finally, the model theoretical model in chapter 2 also depicts an arrow from public laws to organizations based on the policy feedback literature which suggests that policies eventually create constituencies which come to protect and often expand those very policies.

Figure 31 depicts the empirical model based on a combination of all the models presented in chapters 3 through 6. For the most part, the supply-side triangle between congressional opportunity, agenda setting and legislative activity remains in tact and is inline with theoretical expectations. However, the empirical models calls into question demand-side explanation for the rise of disability rights. First, note the absence of public preferences. I do not include these variables for two reasons: they are not direct measures of public attitudes about disability and they are either not related or negatively related to government attention. They do not explain why the government is dedicating more space to disability in the policy agenda. The second important difference involves the link between protest, organizations and agenda setting. While the theoretical model expects that organizational capacity would affect protest and agenda setting and that protest would also affect agenda setting, the empirical model finds that only organizational capacity shapes agenda setting. More importantly, the relationship between organizational capacity and agenda setting is non-recursive meaning that organizations also

respond to increasing government attention. Also important is that protest is only ever an outcome and never a cause of attention. Agenda setting and policy output explain protest, but protest does not lead to changes in attention or legislative activity. Note too that there are no ties between organizations and protest as predicted by the social movement scholarship. Thus, what the empirical model illustrates is a dynamic interplay between institutions and challengers. Congressional opportunities shape the agenda and legislative activity, but agenda setting and legislative activity also affect the actions of challengers. There is an important feedback loop whereby increasing attention on disability shapes disability policy output that increasing policy output in turn also increases organizational capacity which influences the policy agenda, and so on.

CONCLUDING REMARKS

Most social movement scholars turn to organizational expansion, an opening in the POS and the availability of collective action frames to explain social movement emergence. While these variables are all present in the case of disability and disability rights, their proposed relationship is not fully explained by bottom-up understandings of sociopolitical change. What this case highlights is that government action has important consequences for mobilization. Given that public preferences had little to do with the expansion of disability on the policy agenda, this begs the question of whether this is another case of “overhead democracy?” I have suggested that what many see as a sinister attempt by elites to implement a will that is not of that of voters, others see as innovation and entrepreneurship when the public has no meaningful opinion on an issue. Counterfactually, had entrepreneurship not been an important part of the disability rights story, would there have been a rights-oriented policy as early as 1973?

The disability rights case is contrasted against the recent a backdrop of the fiscal cliff debate and the belief that government is largely ineffective and that Congress is broken. Whether this is true or not is outside the scope of this project but what is clear is that there was a period of time where the government did a lot and on issues like disability, with tremendous bipartisanship. While scholars have acknowledged the role of institutional activists, I argue that elites can be more entrepreneurial than the concept of institutional activism in the social movement literature actually implies since they still treat institutional activism as following from social movements. But entrepreneurs need not be motivated by outside pressure and they include both elected and nonelected persons who work within different layers of government.

More importantly, as I discuss in chapters 1 and 2, the U.S. provides a favorable context for political entrepreneurship. First, U.S. federal politics is parochial. With loose party discipline and a decentralized legislature, elected officials and their staff are often free to pursue issues that are neither important to their constituents nor their party platform. This is especially true for the Senate, which not surprisingly, tends to have more entrepreneurship than the House. Since being attached to an issue is incentivized within the committee and hearings context of Congress, it is also not surprising that political elites act entrepreneurially and consequently expand issues as they expand their role and the role of their committee. Second, the U.S. has an independent executive. This had profound implications for disability rights in that once Congress retreated from its focus on disability rights, members of the executive, namely the OCR in HEW who had formed ties with congressional legislative aides continued to push for Section 504. They went so far as to encourage activists to protest their offices when they were no longer able to work from within institutions. Third, unlike other rights-related issues that predated disability namely rights for African-Americans and women, rights for persons with disabilities does have a cost

component. However, entrepreneurs were able to avoid a public discourse on cost by relying on the committee process and their legislative aides in adding rights language to a piece of legislation that mostly dealt with amendments to existing vocational rehabilitation policy. One contextual feature that made this possible is the disconnect between legislative and budgetary processes such that entrepreneurs can make sweeping claims and platitudes without having to justify any potential costs – what has been referred to as the unfunded mandate. Fourth, what the case of disability illustrates well is the porous nature of government and “outside” advocacy. As I note in chapter 3, the relationship between outsiders and insiders takes three forms. There were those who had been involved in the established nonprofit sector which then championed advocacy and rights for the disabled. There were those in government who later championed disability rights from “the outside.” And there were those who were activists who were later brought into the government usually through political appointments. There was a great deal of movement inside and outside the government.

Interestingly, some of the features that made entrepreneurship possible – like decentralized government, an independent executive and the freedom of politicians to pursue their own issues – are also to some extent characteristics of weak states. It was Kitschelt (1986) who discussed political systems as open or closed and weak or strong. Beyond the obvious scenario of closed strong states and closed weak states, it was not clear whether open/strong or open/weak states were most favorable for social movement and social change. Some might argue that weak states, given that they have a weak capacity to act and typically are confronted with policy stalemates, would not be ideal for implementing social change. However, I suggest that innovation and entrepreneurship were so critical in making the U.S. a policy innovator on disability rights precisely because it is a weak state. The disability rights story is by no means an

example of a strong centralized state imposing its will in the face of public preferences or conflicting political interests. In fact, most of the politics surrounding the Rehabilitation Act occurred behind the scenes and Section 504 was added to the legislation with little public debate. It is true that the kind of negotiations and compromises that occur within government can lead to a policy no body wants (for instance, Ellerman's 2009 argument about immigration reform in the U.S.), in the case of disability, it is not clear if anyone did not want disability rights policy since few had thought about it before hand. On the other hand, the failure to implement the ADA showcases what potentially can occur in weak states. Interestingly, Kitschelt claims that strong states have innovative policy. The case of disability rights in the U.S., a weak state, seems to contradict this assumption. In fact, it makes sense that centralized states with a strong capacity to act find it less important to have to use innovative measures to develop and implement policy. In many respects, the U.S., while often seen as a welfare laggard, may actually be innovative even in that regard since the welfare state that emerged in the U.S. is a product of the political process and policy compromises. Indeed, as Pierson (1994) notes, if the U.S. state was strong, then attempts at retrenchment in the 1980s would not have to have taken such a complicated and innovative route. In other words, innovation on the part of entrepreneurs may be an important part of the political process in weak decentralized states. Thus, the case of disability showcases the importance of open states and the ability of entrepreneurs to work with outsiders on policy, while simultaneously demonstrating the problems of implementation and unintended effects of policy outcomes in weak states.

Following Costain's (1992) book, I suggest that innovation on the part of entrepreneurs, both purposely and inadvertently, invited a disability rebellion. Organizations and political access are not enough to generate a rights movement. Indeed, several established disability

organizations were also involved in the Congressional hearing process related to a variety of disability-related bills in the 1960s but their involvement in rights-based legislation was fairly limited. Policies like the Architectural Barriers Act and later, the Rehabilitation Act, crafted and introduced by political elites, created an opportunity for the expansion of advocacy organizations, as well as the use of protest when obstacles were met in passing the Rehabilitation Act and its regulations. While Costain (1992:22) claimed that, “The government played a far more supportive role toward the women’s movement than toward most other movements that have been looked at using a process approach,” it seems that the disability rights movement may be a much more salient case of entrepreneurship in social change.

Social movement scholars often focus on the emergence of a social movement. Similarly, I focus on how policy – something which would be considered an outcome of social movements - actually generates mobilization. Yet, much less is known about processes of demobilization. As Johnson, Agnone and McCarthy (2010) suggest, relationships between organizations, politics and tactics may be entirely different in periods of demobilization, but scholars seldom consider the nature of movements when they are not in a period of heightened mobilization. The time periods of both Costain’s work on the women’s movement and Johnson’s work on the environmental movement do not extend far enough to examine the context of demobilization. However, both show that by the 1980s and 1990s activity, including Congressional attention on environmental and women’s issues declined. Together with organizational and protest trends, data on hearings also suggests that the years following the Americans with Disabilities Act of 1990 marked a period of demobilization for the DRM: there was an overall decline in the number of hearings, advocacy organizations, protest and, to a lesser extent, policies. By the end of the 1990s, disability protest largely ceased. However, by this time, the DRM had been transformed

tactically and organizationally. Although Congressional attention declined, it did not totally disappear, and important policies, like the Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446) were enacted. And, although the number of advocacy groups declined, a new hybrid service-advocacy organizational form emerged and became increasingly more common during this time.

While the 1990s and 2000s were a period of demobilization, this period was also characterized by important challenges to disability rights – particularly legal challenges. Where the courts tended to rule favorably on discrimination cases following the Civil Rights Act, they have ruled conservatively on disability cases, interpreting the law such as to create major hurdles for disabled plaintiffs. For instance, unlike women and racial minorities, persons filing under the ADA are required not only to prove that they have a disabling condition, but that their disability impairs performance in a “major life activity” (Colker and Milani 2010). Following the *Sutton* case (until the ADA Restoration Act of 2007), disabled plaintiffs had to show that they are “disabled enough” so as to be precluded from an entire class of jobs, not just the job at hand. Additionally, if plaintiffs are able to mitigate their disabilities with medical supply, technology, or medication, they were not considered disabled by the courts and could not file under the ADA (Lee 2003; see *Williams v. Toyota*). At the same time, and for related reasons, the ADA seemed to have almost no effect on persons with disabilities when it came to improving employment and economic outcomes. In fact, unemployment among persons with disabilities remained relatively steady at about 70 percent in the 18 years following the ADA, and persons with disabilities still earn \$10 000 less than their nondisabled counterparts (Maroto and Pettinicchio 2012).

But the disability rights movement seemed less involved in the political process during this time period and shifted its focus on more “cultural” aspects of mobilization. Perhaps the DRM entered a period of abeyance focusing more on internal matters than external targets. As Shapiro (102) notes, new autobiographies of disabled people, magazines, actors, and theatres emerged during this period. There were also internal schisms regarding a disability collective identity. For instance, Heumann (who founded Disabled in Action) was a proponent of separate disability culture that encompassed all persons with disabilities. Others saw integration into mainstream society as more important and the policies that were enacted typically were meant to integrate, not separate persons with disabilities. There was a growing disconnect between identity and policy (Shapiro 103). A salient example is the Deaf. Members of Deaf culture do not consider themselves disabled, and thus, have distanced themselves from the disability rights movement. Others have even rejected broad policies meant to integrate persons with disabilities. Other groups sought integration above all else. For example, some from the National Federation of the Blind did not support the ADA because it was a policy which singled out persons with disabilities, and believed to treat the disabled as inferior and as requiring special treatment.

My analysis suggests that entrepreneurs were motivated by personal stories and by the belief they were doing the right thing. In addition, entrepreneurs also shared a particular policy experience around health and welfare, and to a lesser extent, rights. However, disability is not immune from desires for political gain. Some entrepreneurs saw disability as an issue that would further their careers (a fairly politically safe issue), and as a way to expand the turf of their committee or executive branch agency. There is an interesting dimension to institutional entrepreneurship that is raised in Lee Ann Banaszak’s work (2005; 2010): that institutional activism varies on a spectrum depending on how much exclusion a constituency experiences

from the political process. For instance, where African-Americans were legally excluded from the polity, and women mostly normatively excluded, the disabled were excluded mainly because it was believed that they could not advocate on their own behalf. This begs the question as to whether the central role of institutional entrepreneurs in disability rights was influenced by the belief that these entrepreneurs needed to advocate on the behalf of the disabled almost in a paternalistic manner. Thus, one of the objectives in the dissertation is to reconcile the slogan, “not about us without us” with political entrepreneurship. Rather than conceptualizing entrepreneurship as paternalism, the kind of entrepreneurship that occurred in the 1970s seems to have been more of a breakaway from the old logic that had been perpetuated by the policy monopoly that had long existed in the U.S. Indeed, it was not about fighting on behalf of the disabled because they cannot self-advocate, but rather, as Wright’s statement suggests, that emotion and compassion was not enough to drive equal rights. Government had to make that happen.

Whether or not there was doubt about advocating on their own behalf, the political situation created by entrepreneurs allowed for a new political savvy among emerging disability activists that was important for subsequent mobilization. More concretely, it created a demand for advocacy, and this can be seen in the nonprofit sector which changed to incorporate advocacy in its collective objectives. Even with an obvious period of demobilization in the 1990s and 2000s, there will never be a complete return to pre-Rehabilitation Act politics. Sometimes, on any given issue, there will be behind the scenes work without the knowledge or input of and by those that a policy may affect. At other times, policy beneficiaries take it upon themselves to become involved in the political process. The trick is knowing when, how and why

constituencies become political as well as the ways in which the work of political entrepreneurs and that of activists becomes linked through a feedback mechanism producing social change.

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