Testimony of John Lancaster
1st Lt., U.S. Marine Corps (Ret.)
Retired Executive Director of the National Council On Independent Living

Before the Foreign Relations Committee of
the United States Senate

Regarding the Convention on the Rights of Persons with Disabilities

Thursday, July 12, 2012

Senator Kerry, Senator Lugar, and Members of the Foreign Relations Committee, thank you for the opportunity to testify on behalf of American veterans and civilians with disabilities on an issue extremely important to us, the Convention on the Rights of Persons with Disabilities. As a disabled veteran, I join 21 veterans service organizations and over 165 disability organizations in supporting the CRPD. I respectfully request that you support U.S. ratification of this disability treaty and move it to a floor vote in the Senate.

Let me provide some background on my career and experience. I have served the U.S. in a variety of capacities. First, as a Second Lieutenant in the Marine Corps during the Vietnam War, then as an attorney for the Board of Veterans Appeals, and later as an Executive assistant to the Chairman and then Executive Director of the President's Committee on Employment of People with Disabilities. I am currently a Board Member of the U.S. Institute of Peace. As a private citizen, I have also served as the Executive Director for the National Council on Independent Living, worked with Paralyzed Veterans of America, and sit on the boards of Handicap International, the United States International Council on Disabilities and the World Institute on Disability.

As you can likely surmise, I have focused my entire career on the rights of people with disabilities. My firsthand experience with disability was early in my youth. I was commissioned a Second Lieutenant in the Marine Corps upon graduation from the University of Notre Dame and the Naval ROTC program in June 1967. After additional training, I had orders to Vietnam. I joined the Marine Corps because of a firm belief in the liberty, freedom and opportunity our United States Constitution ensures. I believed then, as I do now, in our responsibility to serve our great country and what, at its best, we represent to all mankind. In 1968, I arrived in Vietnam during the Tet Offensive, assigned to the 1st Battalion, 27th Marines as an Infantry

Platoon Commander. Five months later, I was shot and injured in a firefight. After months of rehabilitation, I arrived back home in Western New York a disabled veteran. Although my friends and family welcomed me home, society did not receive me quite as well. While there was certainly tension around the politics of the Vietnam War, it was the inaccessibility of my environment that made me feel the least welcome. I returned to a country not ready to receive me as a man who now used a wheelchair. Let me give you some examples. Buses were not equipped for wheelchair users, neither were trains. Airline companies at the time did not want to deal with wheelchairs. Most buildings, including government buildings, were not accessible. I experienced denial of the simplest pleasures such as going to a restaurant with my family. Even my own alma mater wanted to deny me the opportunity to advance my education. When I applied for law school at Notre Dame, I was told that although I qualified they could not accept me because the school was inaccessible. It was only when I agreed to make my own arrangements and bring my own chair that they accepted me. I graduated in 1974 with a law degree in spite of these unfortunate barriers. The employment discrimination I experienced as a young attorney was unbelievable. The only ones who would hire me were the VA's Board of Veterans Appeals.

For many years, I struggled with needless environmental obstacles and barriers ever-present in my daily life. That is, until the U.S. enacted, in what I believe one of its proudest moments, the Americans with Disabilities Act under President George H.W. Bush. This law led the way for people with disabilities to be accepted in society. It removed people from isolation and segregation, and allowed us to enjoy the fruits of our country with our family and friends without having to bear the shame and stigma of being born with or having acquired a disability. In 1991, a year after the ADA passed, I had the pleasure to serve as an assistant to Justin Dart,

the Chairman of the President's Committee on Employment of People with Disabilities under the George H.W. Bush Administration. When President Clinton assumed presidency, the Committee's new Chair, Tony Coelho, appointed me as the Executive Director. In my nine years with the Committee, I traveled to every state in the country several times assisting business and government leaders in the ADA's implementation. I witnessed the historic changes brought about by the ADA. I can tell you that today our returning service members with disabilities are welcomed home to a country that will not deny them any opportunity or freedom. As President George H.W. Bush had intended, this law crumbled the shameful walls of exclusion. I am so pleased to see that that President Bush is an advocate for the CRPD and is able to now see the global impact that this law is making twenty-two years later.

I tell this story of the ADA in our country because it is the movement of the United States disability community that has sprouted similar movements abroad and has inspired this global treaty that we are here to discuss today. The American disability community as a whole worked tirelessly to see the ADA passed, including veterans, the deaf community, people with developmental disabilities, and parents of people with disabilities. Following its enactment, we saw an incredible rise in the development of disability civil society abroad taking similar action to achieve their rights. As we all began to work together and informally share ideas and experiences, we decided that it was time for a global framework that would pave the way for a world that would protect the dignity and freedom of people with disabilities. The U.S. disability community was eager to participate.

In 2001, the drafting of the Convention on the Rights of Persons with Disabilities began. Civil society contributed in an unprecedented way. Many of those in the room with us today were part of the disability community weighing in on the key principles of this important treaty.

Drawing from the ADA, the CRPD seeks to ensure that people with disabilities are accepted in society, receive reasonable accommodations (a concept invented by the United States), and are guaranteed options for community living and rights to a family life. The adoption of the treaty in 2006 was an incredible accomplishment and has led to the development of disability rights around the world. For the record, let me name a few. Kenya, who ratified the treaty in 2008, worked to specifically include the rights of persons with disabilities in their new 2010 constitution. Nigeria, a country that has a history of serious discrimination against children with albinism, has created a ministerial committee on albinism since their ratification of the treaty in 2010. Moldova, who also ratified in 2010, is currently using the CRPD to develop a roadmap for new methods to approach disability domestically with a particular focus on de-institutionalization. The United Arab Emirates, since ratifying the CRPD, has enacted a new law that focuses on promoting positive attitudes towards disability and improving building codes to provide accessibility. These are just a few examples, but the reality is that the CRPD is beginning to have a significant impact around the world.

If the United States has accomplished so much then why ratify, you might ask. For one, I believe that U.S. participation on treaty implementation will yield even more progress and will offer the expertise and technical knowledge that many of these countries do not have in the area of disability rights. From a veteran perspective, I think we have much to gain from the improved accessibility of the world. Today, some disabled soldiers and Marines remain on active duty in-spite of their disability, continuing to serve their country. These service members should be afforded the same rights outside the United States as they enjoy here. For a disabled veteran working abroad, the adoption of disability rights and implementation of disability laws allows them to do their jobs more effectively and reaffirms what they served for: liberty and the

opportunity to participate. Let me add, that I speak also for the many service members and veterans abroad who travel with their children with disabilities. A more accessible environment in the countries where they are stationed will no doubt serve these children well. Many veterans, like myself, are engaged in international work in some capacity. From 2000 to 2004, I worked in Hanoi as an advisor to the Vietnamese Government on disability law, policy and programs. The project was funded by the US Agency for International Development. In Hanoi, accessible transportation was rare so I would hold onto a cyclo, a bicycle rickshaw, to get around. Following their signature of the CRPD in 2007, Vietnam began planning for an accessible rapid bus system in Hanoi. This system is now under development. The CRPD is a wonderful tool to help ensure the sustainability of US AID dollars spent overseas on disability related issues while also expanding access for veterans with disabilities, like myself, who choose to work in these countries.

Veterans with disabilities have contributed to the American disability movement in many ways, including through participation in sport and recreation. This has destroyed stereotypes and created positive messages about equality, dignity and worth. Accessibility is a major challenge for American athletes with disabilities during these international trips. From being compelled to deal with air travel regulations that force them to sit in the back of an airplane and crawl to the aircraft bathroom, to pilots who refuse to take them or their gear onboard, to hotel accommodations that have limited or no accessibility, to competition facilities with inaccessible bathrooms, showers, and locker rooms – American athletes face countless discriminatory and inaccessible obstacles abroad.

Despite these challenges, the 2012 Paralympic Games later this summer demonstrates the growth and interest in sport for athletes with disabilities. As this Committee considers this treaty

the world will be turning their eyes to London for both the Olympics and Paralympics. The International Paralympic Committee has confirmed that 165 countries - 19 more than in Beijing four years ago – will send more than 4,200 competitors to the Games making it the largest Paralympic competition to date. The U.S., a leader in sport for people with disabilities, sends one of the largest teams, and our athletes are some of the best trained and coached in the world. This year's delegation will also feature many new athletes with disabilities - veterans and active duty service men and women – who are finding success competing in Paralympic sport. Regrettably they are subjected to the same inhospitable conditions created by the lack of accessibility in the international travel and sporting environments found in other countries. As we send our teams off this summer, and celebrate their success in international competition, we should do so with a favorable vote on the CRPD behind us. Ratification of the CRPD is a must for the U.S. to remain competitive since our athletes must compete in international competitions to obtain and maintain their international rankings.

These are just a few examples of why it is in the United States interest to ratify the CRPD. As the treaty package presented to the Senate reveals, the U.S. has an incomparable set of laws that protect the rights of people with disabilities. Looking around this room today, you can see the prosthetics, wheelchairs, software and communications technologies developed by the United States. As more countries ratify at an unprecedented pace, the need for accessible devices and software steadily increases for people with disabilities around the world. Many of these products are engineered, manufactured, or sold by U.S. corporations that can meet these new demands. Indeed, the CRPD is good for all American businesses. It will level the playing field for foreign businesses. They will now have to comply with the employment rights and the accommodation requirements that US businesses already meet. The United States has valuable

information to share with the rest of the world, not only for the benefit of the world's 1 billion people with disabilities, but specifically for the 54 million people with disabilities who may wish to work, serve, study, and travel abroad. In 2012, 22 years after the passage of the Americans with Disabilities Act, it is unacceptable that many Americans with disabilities cannot leave the borders of the United States without the fear of stigma, barriers, and denial of their rights.

Ratifying the CRPD costs nothing, will require no changes in law, and provides us the leadership opportunity to effectively guide a framework for countries to advance and sustain disability rights in their own country. Not joining this treaty, however, comes with a grave cost: the inability of the U.S. to participate and the loss of an opportunity to take a stand for what's right. 42 years after I served our country in Vietnam, I still believe in the same principles of why I first enlisted: I stand behind a firm belief in the liberty and freedom we enjoy in the United States and our responsibility to serve and participate. I am proud of this country and our laws and I urge you, on behalf of 21 veterans service organizations and 165 disability organizations, to support ratification of this treaty so that we can participate and continue America's noble history of leadership. Thank you.