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Discrimination: Now You See It, Now You Don't
The Invisible Woman
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I had a strong bond with my uncle Leopold — my mother's brother. He lived with us during my childhood and teenage years in The Bronx.

Leopold was bright, witty, fun, and energetic. When he was at home, the music was playing and there was always something interesting going on. Together, we'd sing, dance, cook, sew, paint, and tell stories. His energy was vibrant, electric, and contagious.

My girlfriends loved to come to my house and just hang out because he was there. A couple of them had a "secret" crush on him even though he was openly [gay](#). They didn't care. My uncle Leopold was just a handsome, charismatic guy.

So what does this have to do with discrimination? So far not much. But I'm just getting started.

In the late 80s, my uncle was diagnosed with full-blown AIDS. Not much was known about AIDS back then. Each downward milestone came quickly and unexpectedly. It was as if we were being pummeled with blows, one after another. There was no time to adjust, no time to catch our breath, no time to digest what was happening.

First, we were told of the diagnosis, then we'd learn of one opportunistic infection after another, each one taking a little bit of him away. In a matter of months, my uncle went from being a fit, athletic, strong young man who frequently bicycled around Manhattan, to one who needed a cane to walk, and then a walker, and then a wheelchair.

As the illness progressed, so did the medical equipment, the stockpile of pharmaceuticals, and the other paraphernalia in his tiny Manhattan apartment. Each time I visited, there was more — countless pill bottles, dietary supplements, bathroom assists, a walker, cane, mattress pads, bedpans, and yes, the wheelchair.

Leopold was still living in his Westside apartment when, shortly after the arrival of the wheelchair, I visited for a week. Living in Los Angeles with my then-husband and children made it difficult for me to see him as often as I wanted, but when I did, I stayed a while.

The morning after I flew in, the weather was beautiful. In good spirits that day, my uncle suggested we go out. He wanted to do a little shopping for new bed linens and we were entertaining the idea of having lunch at his favorite deli on Broadway and 80th. This was going to be a good day. Mom and I got him into his wheelchair and we left his 16th floor apartment, got into the elevator, exited, and wheeled him through the sunlit lobby.

It felt good being in New York, being outdoors away from the cramped apartment filled with medical paraphernalia, a constant reminder of what was to come. On this day, we were going to get away from it all and just enjoy the city.

Then, as we approached the corner of 59th Street and 10th Ave, just before crossing the street, I was struck with a sudden disturbing revelation. There was no ramp at the curb corner. Could we get him across the street without bumping and jostling him? The jarring would have caused him considerable pain. I looked at all four corners. There were no ramps at any of them. This was just the first of many corners we were going to encounter – the prospect of having a “fun day” began to fade.

In a flash, I thought about the subway, buses, and taxis – were they wheelchair accessible? Would we be able to get him around town without knowing these things in advance? I started thinking of how infrequently I saw wheelchairs among the thousands of pedestrians in Manhattan and began to get a sinking feeling.

In that moment, I experienced a shift in my understanding of the many layers of complicity involved in creating an unequal society. I also began to see how invisibility plays heavily in creating and maintaining a system of practices and policies that produce disparate outcomes.

It became all too clear how it is that an entire segment of a population can be discriminated against, in plain view, in a society that holds itself up as the beacon of

freedom and equality, yet no one except for those directly impacted utters a word or even notices.

It didn't turn out to be the fun day we were hoping for because we couldn't get past the corner. We had to return him to his apartment. Sadly, he remained apartment-bound until he was admitted to the hospital where he died four months later. His death, of course, had nothing to do with curb ramps, but the quality of the last few months of his life did. Being apartment-bound only added to his sense of powerlessness, hopelessness, and despair. Ultimately, he became clinically depressed; he would have committed suicide had I not caught him and pulled him back in the window. I can't imagine how many wheelchair-bound people have similar stories.

In 2002, more than 10 years after my uncle passed away, New York City agreed to install concrete ramps at the city's 158,000 curb corners. This was done in part to satisfy a settlement requirement that came as the result of a lawsuit against the city brought by a group representing thousands of New Yorkers in wheelchairs. Also, since that time, steps were taken to provide wheelchair-accessible taxis and subway stations throughout the city. The buses were made wheelchair accessible earlier but without curb ramps; the freedom to travel for people who used wheelchairs was still limited.

As a black woman living in a white world, I am all too familiar with the larger society's inability to "see" discrimination even when it's staring us in the face. As I've matured and because of experiences like my uncle's, I've come to understand that for many, this blindness is very real and not intentional. Unfortunately, intentions do little to lessen the impact discrimination has on its victims. It's unlikely the architect of the New York City sidewalks and curbs intended to design a system that limited the freedom of people who use wheelchairs. But their freedom was limited nevertheless.

For this reason, Congress established a department of government to protect the civil rights of all individuals and prohibit discrimination on the basis of race, color, sex, disability, religion, and national origin. The Civil Rights Division of the Department of Justice was created to enforce laws that protect civil rights and prohibit discrimination regardless of the perpetrator's intention.

During the Bush Administration, many civil rights attorneys left the department. Whether it was because of their departures or for other reasons, the Civil Rights Division did not act on many issues brought to its attention during that administration. However, this month, the Senate confirmed Thomas Perez as Assistant Attorney General of the Civil Rights Division. Perez was nominated by Attorney General Eric Holder in an effort to reshape the division.

In an interview in Los Angeles on October 29th, Tom Perez told Patt Morrison of KPCC, "There are two ways to prove discrimination. You can show that someone intentionally discriminated or alternatively you can demonstrate that a person or a company had a

practice or policy in place that while facially neutral had a discriminatory impact.” Perez, who began working for the department in 1989, plans to restore and transform the division so that it can more effectively protect the rights it was founded to protect.

The Civil Rights Division of the DOJ has been around since 1957 to enforce anti-discrimination laws in housing, employment, voting, lending, and other areas to ensure we all have equal access to the freedoms offered by this country. But, for the first time in America’s history, we have a President and a First Lady who have both experienced discrimination.

I don’t know if you have to experience discrimination first hand in order to be able to see it, but I do know that I learned a lot standing on that corner with my uncle in a wheelchair 20 years ago. For that reason, I have hope that maybe the Civil Rights Division under the Obama administration will do what it has often failed to do in the past – provide a line of defense for this country’s most vulnerable people.

BlackCommentator.com Columnist Sharon Kyle is the Publisher of the [LA Progressive](#). With her husband Dick, she publishes several other print and online newsletters on political and social justice issues. In addition to her work with the LA Progressive, Sharon is studying law at the People’s College of Law in Los Angeles. She is also mother and step-mother to four children, Wade, Deva, Raheem and Linnea and has three children-in-law, Dan, Kelli and Yoko. Click [here](#) to contact the LA Progressive and Ms. Kyle.



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