

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

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EQUAL ACCESS TO THE AMERICAN DREAM

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Representing National
Association of Rehabilitation
Facilities

August 30, 1988

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels
Wade Blank
David Bodenstein
Marca Bristo
Dale Brown
Philip B. Calkins, Ph.D.
David M. Capozzi, Esq.
Julie Clay
James DeJong
Eliot Dober
Don Galloway
James Havel
I. King Jordan, Ph.D.
Celane McWhorter
Paul Marchand
Connie Martinez
Oral Miller
Gary Olsen
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Tony Young

Marnie Sweet
Marcia Lee Nelson
Executive Assistants

Gwyneth Rochlin
Volunteer Staff

Subcommittee Liaisons
Maria Cuprill
Robert Tate
Patricia Laird

Executive Summary of Findings and Recommendations as of September 27, 1988

More than 5,500 persons with disabilities, families, advocates and service providers attending 49 Task Force Forums in 44 states have presented overwhelming evidence that:

- In spite of great progress in the area of disability during the past few decades, millions of Americans with disabilities are still subjected to massive discrimination in all significant aspects of life, including education, employment, communication, transportation, public access, insurance, recreation and access to vital health, legal and other services.
- Our very promising pioneer services for people with disabilities are severely restricted by lack of funds, fragmentation, bureaucratic and regulatory limitations, obsolete public attitudes and inadequate community access and support systems.
- Existing rights laws are poorly implemented and enforced.
- Millions of Americans with disabilities suffer unconscionable infringement of their human rights, segregation, unemployment, poverty, and physical and psychological deprivation.

The Task Force believes that:

- The more than 36 million Americans with disabilities will never achieve their full potential for equal participation in the productive mainstream of society until they are fully protected by comprehensive civil rights legislation and empowered to participate fully in the government and other decisions which control their lives.
- America cannot afford either the moral or economic cost of maintaining ever increasing millions of its potentially productive citizens in unjust, unwanted dependency. Investments in the rights and productive independence of all people with disabilities have proven to be immediately profitable to every citizen and to the nation as a whole.

The Task Force recommends that Congress:

- Enact an effective, enforceable form of the Americans With Disabilities Act.
- Continue to move toward a full spectrum of effective services, protections and support systems designed to empower all Americans with disabilities to fulfill their personal potential to be productive citizens of the first class.

EQUAL ACCESS TO THE AMERICAN DREAM

MISSION. The Task Force on the Rights and Empowerment of Americans With Disabilities was established on May 2, 1988, by Congressman Major R. Owens, Chairman of the House Subcommittee on Select Education. Composed of 31 distinguished representatives of major segments of the disability community, the Task Force is mandated to collect information and to make recommendations which will assist Congress as it considers the historic Americans With Disabilities Act, and other legislation designed to implement the rights of America's more than 36 million citizens with disabilities.

The Task Force believes that Americans with disabilities will never be able to achieve their full potential for equal participation in the productive mainstream of society until certain basic truths are understood and acted upon by the nation:

1. Disability is a universally common characteristic of human life; people with disabilities have the same inalienable rights and the same inalienable responsibilities as other people.
2. Equality cannot be handed down by paternalistic systems; people with disabilities must be empowered to participate fully in the government and other decisions which control their lives.
3. America cannot afford either the economic or the moral cost of maintaining ever increasing millions of its potentially productive citizens in unjust, unwanted degrading dependency; experience has demonstrated conclusively that investments in the equality and productive independence of people with disabilities will be immediately profitable to all citizens and to the nation in terms of both money and quality of life.

ACTIVITIES TO DATE. The Task Force has held four meetings. With the cooperation of Congressional staff, Task Force members, staff and volunteers and virtually the entire disability community, the Chairperson has presided over 49 public forums in 44 states, the District of Columbia and Guam, attended by more than 5,500 persons with disabilities, their families, advocates and service providers. He has also made Task Force issue presentations to numerous other meetings attended by more than 10,000 members of the disability community. The Task Force has collected and is in the process of analyzing thousands of documents submitted by citizens and organizations outlining discrimination and other barriers which limit the activities of people with disabilities, and proposals to eliminate those barriers.

FINDINGS TO DATE. While there is general recognition that there has been great progress in the area of disability during the past few decades, there is also overwhelming evidence that people with disabilities still suffer massive discrimination, segregation and deprivation which results in unconscionable injustice to millions of individuals, and unconscionable moral and economic costs to the nation.

1. Devastating discrimination and other barriers still exist in all significant areas of life, including education, employment, communication, transportation, public access, recreation, insurance and access to vital services.
2. Pioneer independence and productivity oriented service providers have struggled valiantly to achieve excellent initial results in certain areas, but are unable to meet all the needs of our rapidly increasing disability population due to obsolete public attitudes, regulatory and bureaucratic limitations and lack of adequate funding, authority, structure and community access and support systems.
3. The rights of citizens with disabilities are inadequately protected in

numerous areas, and too many protections which are provided by law remain largely unenforced. There is a clear mandate for vigorous action to implement and enforce existing and future laws and regulations. 4. Testimony in the forums seemed to reflect virtually unanimous support by the active disability community for the Americans With Disabilities Act and for a continuum of effective services and support systems designed to empower all people with disabilities as fully equal and productive participants in the mainstream of society.

PRELIMINARY RECOMMENDATIONS. The Task Force recommends that Congress: 1. Move decisively to enact an effective form of the Americans With Disabilities Act. 2. Provide aggressive national leadership in the affirmative employment and other meaningful involvement of people with disabilities in roles of significant responsibility. 3. Continue to move toward a full spectrum of effective services and support systems for all people with disabilities. 4. Give particular attention to ensuring the effective implementation and enforcement of rights and services legislation, to providing affordable, quality educational opportunities for all children, youth and adults with disabilities and to enabling all people with disabilities to secure adequate, affordable medical and other insurance coverage.

THE TASK FORCE WISHES TO ACKNOWLEDGE the magnificent support it has received from numerous members and staff of Congress, particularly Task Force founder Congressman Major Owens and the members and staff of the House Subcommittee on Select Education, Senators Tom Harkin and Lowell Weicker and the members and staff of the Senate Subcommittee on the Handicapped, and all the sponsors of the Civil Rights Restoration Act, The Fair Housing Act Amendments of 1988, the Technology-related Assistance for Individuals with Disabilities Act and the Americans With Disabilities Act, including Congressman Tony Coelho, Silvio Conte, and James Jeffords, and Senators Edward Kennedy, Robert Dole and Paul Simon. The Task Force has no public funding or private grants. Special recognition is due Task Force members, staff and volunteers, and the literally thousands of patriotic citizens and organizations in every state and territory who have contributed services, money and time to make the democratic system work.

Justin Dart
Chairperson

Dr. Elizabeth Boggs
Co-chairperson

Lex Frieden
Coordinator

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

August 1, 1988

Justin Dart
Chairperson

Honorable Lowell P. Weicker, Jr.
U.S. Senator
225 RSOB
Washington, D.C. 20510

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Dear Senator Weicker:

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

Eliot Dober

Don Galloway

James Havel

I. King Jordan, Ph.D.

Marca Bristo Kettlewell

Gordon Mansfield, Esq.

Paul Marchand

Oral Miller

Gary Olsen

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Joseph Rogers

William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patrishia Wright

Tony Young

As you know, Congressman Major Owens, Chairman of the House Subcommittee on Select Education has asked me to form and to Chair the Task Force on the Rights and Empowerment of Americans with Disabilities. Established on May 2 of this year, the Task Force is composed of thirty distinguished representatives of most of the nation's major disability constituencies. It is mandated to help the Congress consider the Americans with Disabilities Act and other pending and future legislative proposals by collecting evidence of discrimination and other barriers to people with disabilities, by collecting information on proposed solutions, and by making specific proposals for short and long range public and private action. The Task Force, which receives no public, foundation or corporate funding, is supported by in-kind contributions from its members and numerous public spirited individuals and organizations.

Although appointed by the House Subcommittee, the Task Force also reports to and receives guidance from the Senate Subcommittee on the Handicapped and other House and Senate entities. We are extremely grateful for the cooperation of Bob Silverstein, Terry Muilenberg and their associates on the Senate Subcommittee staff.

With the magnificent assistance of my colleague members and a large number of great individuals and organizations, I have presided over 29 Task Force public forums in 27 states, with attendance of more than 3100 people with disabilities, families, advocates and service providers. I have made Task Force presentations at several other disability community functions with attendance of more than 8,000 persons. More than 1000 documents describing discrimination and other barriers have been received from individuals and organizations.

Assessed in the context of six or seven previous national tours of a similar nature, results of the current meetings are truly impressive.

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

EQUAL ACCESS TO THE AMERICAN DREAM

Send congrats

1. Attendance is up dramatically, in some states by several magnitudes.

2. Whereas previous trips revealed sharply differing opinions and a certain degree of pessimistic apathy in regard to full equal opportunity protection for people with disabilities, I now find literally unanimous and generally enthusiastic support for the Americans with Disabilities Act. In meeting after meeting I have heard vigorous public endorsements from liberals, moderates and conservatives; Republicans, independents and Democrats; and people with disabilities, families, service providers and concerned citizens of all types. Not one single participant has even hinted at opposition to the Act.

3. While there is general recognition that there has been great progress for people with disabilities during the past few years and decades, there is also overwhelming evidence that massive, pervasive discrimination and other barriers still exist in all significant areas of life, including education, employment, transportation, housing, public access, communication, recreation, insurance and all other public and private processes. There is widespread concern about regulatory and bureaucratic disincentives to productive independence. There are serious problems with a service system which has demonstrated excellent pioneering results, but which lacks the funds, the authority and the structure to meet all the needs of our rapidly increasing disability population. There is a virtually unanimous mandate for vigorous action to implement and enforce existing laws and regulations.

This devastating combination of discrimination, traditional barriers, undersupported services, and apathetic enforcement results in unconscionable injustice to millions of individuals, and unconscionable moral and economic costs to the nation. Hundreds of thousands of potentially proud, productive human beings exist as virtual outcasts from the mainstream of society, jobless, homeless, penniless, hopeless. Tens of thousands die years and decades before their time.

Among my colleagues in the disability community there is a growing sense of outrage about these long-standing injustices. There is a rising chorus of the dramatic expression by the Students of Gallaudet University that, "We have waited long enough for equality, and we will wait no more. Enough injustice. Enough paternalism. Enough vague promises and token responses. We demand equal access to the American dream now!"

Thirty-seven years in the human rights movement have convinced me absolutely that public stereotypes rooted in millenia of misinformation, prejudice, paternalism and pity are the basis for almost every resolvable problem of disability. There is an

insidious assumption that people with disabilities are something less than fully human. I firmly believe that more than 36 million Americans with disabilities will never be able to reach their full productive and life quality potential until this nation makes a firm, formal, enforceable statement to all of its citizens that people with disabilities have the same inalienable rights and the same inalienable responsibilities as other people.

Certainly the Americans with Disabilities Act will not solve all of the problems of people with disabilities. But just as certainly, it is an essential foundation for all optimal solutions.

No nation can long afford either the economic or the moral cost of maintaining ever increasing millions of its potentially productive citizens in unjust, unwanted, unproductive dependency.

Establishing the rights and productive independence of Americans with disabilities in the consciousness, in the law and in the every day life of this society will be immediately and immensely profitable to every citizen of this nation, and to the nation as a whole, in terms of both money and quality of life. And it will definitely contribute to a reduction in public and private deficits.

The time has come for our national leaders to take a firm, public stand for the rights and productive independence of Americans with disabilities. It is morally imperative, economically imperative and politically imperative. Twenty-five million potential disability voters, plus their families, service providers and advocates will not be denied.

I remain deeply respectful of your constant, courageous advocacy over the years for the equality and productive independence of citizens with disabilities. Your hard work for the successful introduction and eventual passage of the Americans with Disabilities Act will be recorded in history as a monumental contribution to the fulfillment of the great American promise of liberty and justice for all.

Yours for equal access to the American dream.



Justin Dart

I am deeply respectful of your support for people with disabilities over the years, and particularly your courageous and forward-looking sponsorship of the historic Americans with Disabilities Act.

I am deeply respectful of your distinguished public service over the years and your concern for the needs of citizens with disabilities. I hope and trust that you will seriously consider becoming a cosponsor of the historic Americans with Disabilities Act.

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FORUM LOCATIONS AND CONTACTS

Sep 6 TUE Tokyo, Japan
Keio Internat'l Plaza
Intercont'l Hotel
9:00A

Sep 7 WED Guam
9:00A-12N Consumer Forum Albert Sanagustin 011-671-646-8841
12:30P-1:30P Luncheon Eddy del Rosario 011-671-646-9026

Sep 14 WED Portland, Ore
Joil Southwell 503/378-3850
Kathy Oxborrow 503/238-8375
Commission for the Blind
535 S.E. 12Th St.
10:00A-2:30PM Consumer Forum

Sep 15 TH Seattle, WA
Carolyn Brown 206/329-1632
Paul Wysocki 206/625-4381
Community Services for the
Deaf and Hard of Hearing
1609 19th Avenue 98122
10:00A-12:00P Service and Community Leaders
12:00P-1:30P Brown Bag Luncheon
1:30P-3:30P Consumer Forum

Sep 19 MON Anchorage, AK
Teleconference Room Kathy Metrone 907/465-2814
Legislative Info Room Duane French 907/248-4777
3111 C Street Rick Tessendore 907/479-7940
9:30A-12:30P Consumer Forum
2:00P - Ribbon Cutting-Accessible Playground
3:00P-5:00P Agency Open House

Sep 23 FRI D.C.
National Rehab Hospital Cherri Eitel 202/388-0033
102 Irving Street Price Baum 202/877/1777
2:00P-4:30P

Sep 26 MON Wilmington, DE.
The Wright Center Diane Treacy 302/571-3915
29th and Jessup Streets Bob Piech 302/998-8090
11:00A-1:00P

Sep 27 JOINT SENATE-HOUSE HEARING ON ADA Marnie Sweet
Room 216 Hart Senate Office Building 202-484-4939
Washington, D.C. 20150
10:A-12:00Noon

EQUAL ACCESS TO THE AMERICAN DREAM

Sep 29	TH Raleigh, N.C.	Deborah McKeithan	704/376-4735
	McKimmon Center	Bob Philbeck	919/733-3364
	North Carolina State U.		
Sep 30	FRI Baltimore		
Oct 04	TUES Los Angeles	June Kailes	213/390-3611
	Santa Monica Civic Auditorium-East Wing	Diane Colman	213/736-2505
	1855 Main St.		
	2:30P-5:00P Consumer Forum		
Oct 05	WED Las Vegas	Donny Loux	800/992-0900
	The Convention Center at the Hacienda		
	12N-3:00PM Consumer Forum		
Oct 06	TH San Francisco	Dianna Pogetto	415/841-4776
	Hyatt Hotel, Oakland		x13/14
	1:30P-4:30 Consumer Forum		
Oct 08	SAT Charleston, W.VA.	Jim Wagner	304/766-4607
	W.VA. Rehab Center		
	12:00Noon-2:00P Consumer Forum		
Oct 11	TUE Maine	Steve Tremblay	207/767-2189
	Sheraton Tara S. Portland		
	3:30P-4:15P		
Oct 14	FRI Washington, DC	Dr. Sylvia Walker	202/686-6729
	Ballroom, Howard Inn		
	2225 Georgia Ave, NW		
	10:00A-12:00N Consumer Forum		
Oct 15	SAT Albany, N.Y.	Darryl Jones	716/254-3650
	Turf Inn		
	205 Wolf Road		
	12Noon-1:00P Luncheon		
	1:15P-2:00P Keynote		
Oct 17	MON Philadelphia	Lucy Shumaker	717/783-3882
	Trevost Hilton	Jill Davis	215/735-5107
	2400 Old Lincoln Highway		
	11:00A-12:30P Luncheon		
	12:30P-02:30P Forum		
Oct 19	WED Williamsburg, VA	Ralph Shelman	804/873-0817
	Peninsula CIL		
	Hilton Conference Center		
	Kings Mill		
	11:00A-12Noon		
August	30, 1988		

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Jul29WGMIN

MEMBERS

TO: MEMBERS OF THE WORKING GROUP

Justin Dart
Chairperson

From: Justin Dart, Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Subject: Notes on the Working Group Teleconference July 29, 1988.

Lex Frieden
Coordinator

The first meeting of the Task Force Working Group was held on July 29, 1988 from 12 noon to 1p.m. EDST by teleconference.

Elmer Bartels

Teleconference participants:

Wade Blank

Philip B. Calkins, Ph.D.

Justin Dart, Chairperson, presiding

James DeJong

Elizabeth Boggs, Cochairperson

Eliot Dober

Lex Frieden, Coordinator

Don Galloway

Phil Calkins

James Havel

Jim Havel

I. King Jordan, Ph.D.

Tony Young

Marca Bristo Kettlewell

Dale Brown

Gordon Mansfield, Esq.

Marnie Sweet

Paul Marchand

Marcia Lee Nelson

Oral Miller

Chairperson's report of the teleconference.

Gary Olsen

Chairperson:

Ed Roberts

1. Roll Call

Joseph Rogers

2. Announcements:

William A. Spencer, M.D.

- Congressman Major Owens requests the August 9th meeting of the Task Force be held at 10am EDST so that he can attend.

Marilyn Price Spivack

Susan S. Suter

Patrishia Wright

Tony Young

- New members formally added to the Task Force since last meeting are: Connie Martinez, an active leader in People First; Julie Clay, fellow with NCH and a representative of Native Americans; Dr. Sylvia Walker, of Howard University; and Liz Savage of the Epilepsy Foundation.

Marnie Sweet

Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

There was a discussion concerning the Task Force Mission statement. TONY YOUNG was thanked for the excellent outline he produced in this regard.

-The mission statement will be somewhat expanded and will be illustrated through a preliminary report to be submitted to the joint Senate-House Hearing in September.

EQUAL ACCESS TO THE AMERICAN DREAM

-The Chairperson noted that the Task Force must now move forward, through the increased leadership role of Lex Frieden. It must:

- establish limited, achievable goals without unrealistic expectations;

- prepare hard-hitting, concise timely reports;

- assign tasks to Task Force/Working Group members carefully highlighting realistic, committed productivity;

- prepare a letter to constituencies in regard to witness selection for the Senate-House Hearing as outlined by Bob Tate;

- recognize financial constraints and time limitations; and,

- prepare a count of discrimination documentation for the August 9th Task Force Meeting.

ELIZABETH BOGGS called for a reaffirmation of the mission statement dated May 11, 1988, written by Justin Dart (AD21) excerpt quoted by Tony Young, as the draft and basis of the Task Force Mission Statement and requested that the Working Group lay claim to this and proceed.

Question was raised by Elizabeth as to the duration, focus, and purpose of the Task Force as projected by Congressman Major Owens and the Subcommittee. She noted that the mission was established by Major Owens et al. and is time limited. The people, recognizing a need for an ongoing, coordinated, unified, disability rights movement must overcome the past experience of "disaster". Elizabeth does not feel this is Congress's responsibility, individuals in the private sector must take hold. This is not an alternative to the Task Force, but could be an outgrowth, however. The goals and the accomplishments of the Task Force must focus on enactment of ADA, not on doing it all.

If communication with constituents is to be accomplished through the hierarchy of the Task Force, internal structure needs further discussion. Elizabeth requested that a formal draft, double spaced, mission statement be distributed amongst all for review, input, and/or editing. In regard to Tony Young's project management/working group outline, Elizabeth reaffirmed the need for a diversified structure as a means of sharing the load; as in any organization, coordination is needed to assure that all aspects are being covered and to delineate the essential activities of each unit. Elizabeth mentioned that she has a modem and would welcome instruction in its use.

BOB TATE repeated his discussion with Maria Cuprill and the Subcommittee in regard to their expectations of the Task Force.

The auspices of Congress are viewed solely as providing a channel for the disability rights movement; however, if another organization or ad hoc group wanted to form there is a willingness to talk. Lobbying is not a specific Task Force purpose, as Justin Dart emphasizes at each Task Force meeting. Enactment of ADA may take years. Activities to strengthen the Task Force should be included, however, since the projected 12-18 month duration of the Task Force is flexible, and the growing vision of the Task Force as a body involved in working, developing and broadening projects and deepening the disability rights movement is realistic and subject to discussion with the entire Task Force.

In regard to the September Senate-House Hearing, the original idea behind it has once again changed. As it stands now, a three panel "witness" presentation consisting of 1-2 disabled elderly, 3-4 disabled children, and 3 disabled working age adults including as many constituents as possible is being aimed for and is undergoing the approval process. LIZ SAVAGE is coordinating the witness selection panel and may be contacted for questions and/or suggestions. BOB also expressed an interest in modem instruction and utilization.

LEX FRIEDEN discussed how, in the interest of time, we must combine respect for the democratic process with businesslike progression; the working group will bring proposals to the Task Force meeting for a vote. A pre-review of what the members will be doing at the meeting is an unnecessary duplication and the large group working at the meeting would be laborious and unproductive.

Review of TONY YOUNG'S proposal:

TONY YOUNG introduced the mission statement (AD21), dated May 11, 1988, and his proposal "STRUCTURING THE ADA TASK FORCE", emphasizing short term, medium range, and long range goals and delineated seven committees to be supervised by a steering committee comprised of the Chairperson, Cochairperson and the seven committee chairs. Committees would draft goals and objectives for steering committee approval and then submit progress reports which then could be utilized for Task Force reporting.

JIM HAVEL expressed some concern as to TONY's projected functional approach versus a subject matter rationale and agreed to pursue this discussion further with Tony and Lex Frieden.

DALE BROWN requested inclusion in reviewing proposals and contributing to final drafts.

LEX will rework TONY'S proposal for the August 9th meeting. MARNIE SWEET announced that the Electronic Bulletin Board is up and running for TONY YOUNG, MARNIE SWEET, and LEX FRIEDEN. Others with requisite equipment may join any time by contacting TONY YOUNG.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

TFREP4B

August 9, 1988

To: Congressman Major R. Owens, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Peter Laurence, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson; Elizabeth Boggs, Cochairperson

Subject: Report on the August 9th, 1988, Task Force meeting; announcements and updating information:

ANNOUNCEMENTS:

THE NEXT MEETING OF THE TASK FORCE WILL BE HELD FROM 3:00pm TO 5:00pm ON SEPTEMBER 27th, in Ole Jim, at Gallaudet University, 800 Florida Ave, N.E., Washington, D.C., and by teleconference, following the Joint Senate-House Hearing. THE JOINT SENATE-HOUSE HEARING ON ADA, chaired by Congressman Major Owens and Senator Tom Harkins, is scheduled from 10am until 12 noon in Room 216, Hart Senate Office Building, Washington, D.C., the morning of SEPTEMBER 27th. All Task Force members and disability rights advocates are urged to attend, and to promote attendance by consumers.

THERE WILL BE A NEW ENGLAND REGIONAL FORUM, Congressman Major Owens, presiding, from 10am to 6pm on Monday, October 24, in Boston. Several Task Force Members plan to attend, including Dr. Elizabeth Boggs, Justin Dart, Elmer Bartels, and Eliot Dober. All members are invited. Disability rights advocates from Massachusetts, Vermont, New Hampshire, Maine, Connecticut, Rhode Island, New York, and all other states are invited to attend.

Congressman Major Owens will hear testimony regarding discrimination and other barriers to the full self-realization of Americans with disabilities as well as proposals for overcoming those barriers. This is a "peoples forum", which will emphasize the participation and 3-5 minute testimony of as many people with disabilities as possible. Families, service providers and concerned citizens are also encouraged to speak. Please encourage INDIVIDUALS to testify. For further details contact ERIC GRIFFIN at 508-559-9091(work)/ 508-947-8447(home) or JOHN CHAPPELL at 617-727-4828. Please give this event full publicity with your contacts.

EQUAL ACCESS TO THE AMERICAN DREAM

The Chairperson is proud to announce that David Bodenstein, of Washington D.C., has agreed to become a member of the Task Force. Mr. Bodenstein is a nationally respected leader of those who advocate equal rights and quality services for persons with AIDS.

We emphasize once again that cosponsorship of state forums by advocacy, professional and provider organizations is earnestly solicited. Task Force members who can attend any state forum are invited to cochair. In any case, members are urged to promote attendance by providing information to their local and state affiliates concerning the local forum contacts (per list enclosed) and the need to increase cosponsorship of ADA through home district constituent contacts with members of Congress (see also appeal on behalf of HJR 570 reported in minutes of the August 9th meeting.)

Attachments and enclosures:

1. Minutes of meeting of August 9th.
2. List of participants of August 9th meeting.
3. Updated schedule of state forums being conducted by chairperson with names of contact persons at each site.
4. List of current sponsors of ADA.
5. List of members of pertinent Congressional committees, by state, who have NOT YET co-sponsored ADA.
6. Statements by Presidential candidates re rights of person with disabilities.

MINUTES OF THE TASK FORCE MEETING OF AUGUST 9TH

The fourth meeting of the Task Force was held on August 9, 1988, from 10 a.m. to 12 noon at the President's Committee on Employment of Persons with Disabilities, and by teleconference, with the Chairperson, Justin Dart, presiding. (List of participants attached.)

The chair called the roll and introduced recently recruited Task Force Members: Julie Clay, fellow with NCH and a representative of Native Americans, Connie Martinez (assisted by Bob Rosenberg), an active leader in People First, and Sylvia Walker of Howard University. He reported that representatives of certain other constituencies are still being sought; Pat Wright has recently taken the lead in identifying an individual with AIDS who is a recognized leader in that community. He reemphasized that people with disabilities are EQUAL period. Nobody is to be left out.

He extended praise and thanks to all who have been actively participating in the work of the Task Force and requested that all issues and areas of concern be communicated in writing, particularly while the chair is in travel status.

The minutes of the July 15th meeting were approved.

The passage on the previous day (August 8th) of the Assistive Technology Bill and the Fair Housing Act amendments, both of which directly support greater independence for persons with disabilities, was noted with praise for those who have been most influential in these achievements. Pat Wright noted that the inclusion in the housing legislation of provisions that prohibit discrimination against people with disabilities in this field will make it possible to delete the corresponding section of ADA. Elizabeth Boggs circulated a copy of an article from U.S. News and World Report of 7/25/88 entitled "Shortchanging the Disabled", that documented the fact that high tech is a very useful to - but often out of the reach of - people with severe disabilities, due to high cost.

After reviewing the agenda, the chair summarized recent public forums and the preliminary analysis that staff have made of the documentation received thus far concerning incidents of discrimination.

Report by the Chair:

With the assistance of Task Force members, staff, volunteers, and hundreds of magnificent organizations and volunteers, the Chairperson has presided at 30 public forums in 28 states attended by about 3250 persons, and has made Task Force presentations at numerous other meetings with attendance of about 8,300 persons - total attendance of about 11,550.

ANALYSIS OF DOCUMENTATION:

PETITIONS.....970

"VOTES FOR JUSTICE"

outlining incidents of discrimination.....904

DIARIES, OTHER DOCUMENTATION

AND PROPOSED SOLUTIONS.....1,604

NEWS CLIPS describing

discrimination.....60

SUPPORT LETTERS FROM ADVOCATES.....308

TOTAL.....3,846

The above are based on a tabulation of approximately 85% of material received at Task Force office up to August 9th.

Justin noted that difficulties in obtaining insurance were repeatedly cited in the forums. At present insurance is not covered in ADA.

The Chair then recognized CYNTHIA FOLCARELLI, who spoke on behalf of Congressman Tony Coelho. Coelho is the principal sponsor in the House of House Joint Resolution 570 declaring the week of November 6-12, 1988, as National Disabled Americans Week. Senator Leahy's companion resolution in the Senate already has the required 50 sponsors but there are only 120 sponsors to date in the House, where 218 are needed to bring it to the floor. She requested that Task Force members secure additional sponsorship. Since the Week includes Election Day, it is proposed to focus on access to voting places. Incidents of discrimination at the voting place can be documented. In response to a question from Sallie Rhodes. Cynthia explained that the "People First language" was not used partly to differentiate this action from ADA.

SALLIE RHODES then reported that some concern had been expressed among those interested in people with developmental disabilities that ADA would have the effect of diluting resources available to them by making it discriminatory to restrict funding under developmental disability legislation to people so defined. Elizabeth Boggs responded that ADA was not designed to invalidate any categorical legislation, whether such legislation is specific to people with vision impairment, people who are deaf, or applies only to people over 65 etc. The Constitution permits differentiation or classification when there is a rational reason for special provisions. In the ADA fact sheet it is made clear that discrimination does not include rejection of a person seeking employment when the person's disability constitutes a specific disqualification for a particular job. When a new fact sheet is prepared it should similarly include explicit explanation that ADA will not invalidate categorical programs. Sallie Rhodes will prepare language that may be used in the revised fact sheet. In the mean time this message should be disseminated by other means.

LEX FRIEDEN reported for the Working Group and referred to its teleconference of July 29th. Lex complimented Tony Young on developing a proposal for organizing the Task Force work and spreading the work load. (Tony was not present because he was hospitalized at the time.) Lex proposed a modification of Tony's proposal involving a smaller number of subcommittees as follows:

I. ANALYSIS, task: to collect information/data, analyze and summarize through a methodological approach.

II. COMMUNICATIONS, task: to write and edit Interim and Final Reports.

III. OPERATIONS, task: management and logistics.

In discussing the task of the Analysis subcommittee, MARILYN SPIVACK asked whether it may be necessary to further divide the subcommittee according to area of discrimination. This issue will be addressed when the subcommittee has gained a sense of the size and nature of the response. Elizabeth Boggs noted that when the subcommittee has had an opportunity to look at the results according to area (e.g. transportation, housing, insurance, employment etc.) or according to disability group, we may find certain areas or groups underrepresented because we may have inadvertently failed to reach them (for example, young children as represented by their parents). In this case we may have to design some special outreach to assure that all areas in which significant discrimination is occurring are documented. In addition it may be desirable to develop specific issue papers around some topics. JULIE CLAY will prepare a draft on issues of special concern to Native Americans.

ORAL MILLER raised the question about channeling the responses. Are we encouraging people to write directly to their Congressional representatives or are we encouraging them to send their responses to us for use in our report and possible delivery in bulk to the Hill?

ON MOTION it was agreed that for maximum impact and for practical reasons both vehicles would be used.

ON MOTION the proposal of the Working Group concerning formation of three standing subcommittees was approved subject to future revision as necessary.

At this point CONGRESSMAN MAJOR OWENS joined the meeting; the chairperson introduced Congressman Major Owens as a champion of the rights of people with disabilities in the Congress, and a person that understood that empowerment is the key ingredient of democracy. He also expressed appreciation for the cooperation and support of Maria Cuprill, Bob Tate, Pat Laird and Laurence Peters.

CONGRESSMAN MAJOR OWENS

"Empowerment is the keystone, the special focus to our cause, 'government of the people, by the people'. Working with Congress for civil rights of the oppressed, empowerment and administration of services, we are in motion. What can we (the Hill) do to move this along? In February we must break through toward passage of ADA. We must confront the incoming administration and new Congress with issues in which all will win and all should be ready to do something about.

The Task Force has been guiding and leading us with an impressive record of cross country, cross disability education, information dissemination and documentation to further our cause. It is difficult, especially now, with elections upon us, to get into the mainstream of national media communication. Let us focus on grassroots, reaching out, building momentum through consumers, advocates, the local media. Later, through the national media we will gain the attention of Congress and the Senate for early passage of ADA. Let us set a timetable now through next March with the goal a climactic finale.

Do not be smothered by good will. Zero in on specific commitment...sponsorship....the vote. Smoke those out who cloak themselves in good will.

We have bipartisan support.

Let's move."

The Congressman asked how he could cooperate with the Task Force. The Chairperson suggested one or more forums chaired by the Congressman. Congressman Owens referred to a working group/staff discussion of holding such a forum in Boston in October, and expressed his approval. There was general discussion and approval by the members of the Task Force.

THE CHAIRPERSON CONCLUDED THE MEETING by expressing his most profound respect and admiration for all those individuals, nationwide advocates and consumers, and groups whose historic contributions have led to the passage of legislative acknowledgement to productive independence, equality, and quality of life of people with disabilities. "Thank you PAT MORRISSEY and MARILYN SPIVAK for your contributions to passage of The Information Technology by Users with Disabilities Act. With the assistance of Congressman Steve Bartlett a signing ceremony may be held at the White House. Thank you PAT WRIGHT for your magnificent leadership in the passage of the Fair Housing for Americans Act. Thank you, each and every member, and the hundreds of individuals who have cooperated to make this Task Force productive, to Cochairperson ELIZABETH BOGGS for strong leadership and hard work in organizing the Task Force and forums; to JAY ROCHLIN, PHIL CALKINS, and TONY YOUNG, for outstanding contributions to the Working Group; to ORAL MILLER and JIM HAVEL for the opportunity to make Task Force presentations at the ACB and at the NAMI National Convention; to LIZ SAVAGE, for the Cosponsors updates she so kindly provides, and to MARNIE SWEET, MARCIA LEE NELSON, GWYNETH ROCHLIN, and JOHN NELSON who have put in long, hard hours in staff duties."

"Together, we shall overcome."

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

AUG15WGMIN

Justin Dart
Chairperson

August 15, 1988

Elizabeth Boggs, Ph.D.
Co-Chairperson

To: Maria Cuprill, Bob Tate, Pat Laird, Peter Laurence
and

Lex Frieden
Coordinator

The Members of the Working Group: Elizabeth Boggs,
Lex Frieden, Phil Calkins, Jim Havel, Paul
Marchand, Joe Rogers, Dale Brown, Tony Young,
Marnie Sweet, Marcia Lee Nelson

Elmer Bartels

From: Justin Dart, Chairperson

Wade Blank

Philip B. Calkins, Ph.D.

Subj: Notes on the Working Group Teleconference August
15, 1988.

James DeJong

Eliot Dober

Don Galloway

The second meeting of the Working Group was held on
August 15, 1988, from 4pm to 6pm EDT by teleconference.

James Havel

I. King Jordan, Ph.D.

Marcia Bristo Kettlewell

Participants:

Gordon Mansfield, Esq.

Paul Marchand

Justin Dart, Chairperson, presiding

Oral Miller

Elizabeth Boggs, Cochairperson

Gary Olsen

Maria Cuprill, Staff Director, Subcommittee on Select
Education, Office of Congressman Major Owens

Ed Roberts

Peter Laurence, Legislative Analyst, Subcommittee on
Select Education, Office of Congressman Major Owens

Joseph Rogers

Lex Frieden, Coordinator

William A. Spencer, M.D.

Phil Calkins

Marilyn Price Spivack

Tony Young

Susan S. Suter

Paul Marchand

Patrisha Wright

Jim Havel

Tony Young

Harvey Evans for Elmer Bartels

Dale Brown

Marnie Sweet

Marnie Sweet

Marcia Lee Nelson

Executive Assistant

Due to staggered inclusion of teleconference
participants the initial portion of the meeting was
chaired by Lex Frieden. Roll call was performed at
intervals.

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

EQUAL ACCESS TO THE AMERICAN DREAM

During the period prior to Justin Dart's telephone connection being completed Lex conducted a discussion on the plans for the Joint Senate-House Hearing. This is scheduled for 10am to 12 noon EDST, room 216 Hart Senate Office Building.....a bulletin containing an update with this information is to be distributed to the entire Task Force with the next mailing. Request made that affiliates, consumers, advocates, be notified in timely fashion for news release purposes.

The next meeting of the Task Force is scheduled for September 27, 1988, from 3:00pm-5:00pm EDST, in Ole Jim, Gallaudet University, 800 Florida Ave, N.E., Washington, D.C.. A light lunch will be provided for Task Force members by Gallaudet, courtesy of Dr. Jack Gannon and Dr. I. King Jordan.

Lex requested that Hill staff make a witness list for the Senate-House Hearing available to the Task Force as soon as possible.

When the Chairperson was able to join the conference the following items remained on the agenda:

1. Overview of agenda items remaining.
2. Discussion of Boston Forum: history and concerns.
3. Discussion on formulation of three operating Subcommittees structuring the ADA Task Force.
4. Discussion of overall Task Force agenda and timeliness.
5. Discussion on formulation of a three stage Executive Report.
6. Assignment of responsibility for securing representation on the Task Force of the AIDS community.
7. Delegation of responsibility for securing a business liaison/representative to the Task Force.
8. Discussion of delegation of secretarial support services related to reporting of minutes of the meetings.

The next meeting of the Working Group will be decided following general discussion and announced at a later date.

BOSTON FORUM

The Chairperson reported that some concerns had been expressed to him that the choice of Boston just before the election might be considered a partisan move.

MARIA CUPRILL made clear that CONGRESSMAN MAJOR OWENS has agreed to and looks forward to presiding over a consumer hearing on October 24, 1988, between the hours of 10am-6pm EDST in Boston, Massachusetts. Another subcommittee member must be present with Congressman Major Owens in order to have the forum be an official hearing. Major Owens will attend, whether it can qualify as an official hearing or not. It is hoped that Congressman Jeffords (Vermont) can be present for part of the day, but we cannot count on this.

JAMES HAVEL expressed some concern over the political ramifications (both Parties) of the Boston Forum, particularly if shortcomings in public programs are targeted by witnesses.

PAUL MARCHAND pointed out that ADA focuses on protection of rights in the private sector rather than State/Federal responsibilities that are already covered in sections 503 and 504. Witnesses should be requested to focus on the need to combat discrimination in the private sector, e.g. in "public accommodation".

DALE BROWN offered suggestions on Forum structure and inclusion of all constituents.

ELIZABETH BOGGS moved that we decide definitely to hold the Forum.

LEX FRIEDEN seconded the motion.

VOTE: TEN IN FAVOR/ONE OPPOSED.

JUSTIN DART nominated Eric Griffin as Chairperson and primary contact person for an ad hoc arrangement committee. Elmer Bartels and John Chappel will be contacted in regards to providing more comprehensive local contact capabilities. Other ad hoc members: Justin Dart, Bob Tate, Eliot Dober, Elizabeth Boggs and Marilyn Spivak.

NOTE: The earlier decision to hold a Task Force Meeting in conjunction with the Forum in October was reconsidered due to logistical problems.

TASK FORCE SUBCOMMITTEES

JUSTIN DART re-emphasized that subcommittees are open to all for active participation in the Task Force, and that no matter what degree of participation, full information regarding Working Group activities will be provided to all. He reviewed the three subcommittees as previously outlined and facilitated the first stage involvement by members of the working group and nominees so that work can begin without further ado.

1. Subcommittee to promote the generation of materials on discrimination and how to overcome discrimination, to analyze this discrimination data and to distribute the findings.

Phil Calkins, Chair/Coordinator
Dale Brown
Don Galloway
Liz Savage and Julie Clay pending their formal acceptance.

2. Subcommittee to write Preliminary and Final Reports. There will be three reports: 1. In time for September 27 hearing; 2. February 1989, upon completion of forums and in line with new administration; 3. Late summer/early fall 1989, to undergird final push for passage.

Tony Young, Chair/Coordinator

Lex Frieden

Jim Havel

Paul Marchand

Draft reviews by Elizabeth Boggs, Bob Tate, J.

Gannon, G. Olsen, J. Rogers, Dale Brown, Sylvia

Walker, F. Weiner and Merv Garretson.

3. Subcommittee to oversee operations and logistics.

Lex Frieden, Chair/Coordinator

Elizabeth Boggs

Jim Havel

Elmer Bartels pending formal acceptance.

The Chairperson is an ex officio member of all subcommittees.

ANNOUNCEMENTS

Attempts between July 19th and August 9th to reach Jean Maguire, Executive Director of the Joint Council on AIDS, have been unsuccessful. Pat Wright and Liz Savage will make further contacts regarding appointment of a representative to the Task Force.

Jay Rochlin will contact a person who has been identified as a suitable business representative.

Tony Young, Marnie Sweet and Lex Frieden have been established on electronic bulletin board. Others are invited to access this communication network. Make calls regarding bulletin boards to Tony Young at 703-425-4506 (data) or 703-425-8633 (voice).

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

Task Force Meeting August 9th, 1988

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

Eliot Dober

Don Galloway

James Havel

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Marca Bristo Kettlewell

Gordon Mansfield, Esq.

Paul Marchand

Oral Miller

Gary Olsen

Ed Roberts

Joseph Rogers

William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patrishia Wright

Tony Young

Conference room participants:

Justin Dart, Chairperson, presiding

Dr. Elizabeth Boggs, Cochairperson

Dr. Phil Calkins

Paul Marchand

Susan Suter

Pat Wright

Dr. Pat Morrissey

King Jordan

Dr. Jack Gannon

Ann Vinup

Dale Brown

Celane McWhorter

Oral Miller

Julie Clay

Sallie Rhodes

David Capozzi

David Cunningham

Fred Weiner

Dr. Sylvia Walker

William Adams..interpreter

Congressman Major Owens

Maria Cuprill

Robert Tate

Cynthia Folcarelli, representing Congressman

Tony Coelho

Jodi Padden, representing Senator Simon

Chad Johnson, representing Senator Bob Dole

Marnie Sweet, Executive Assistant to the
Chairperson

Marcia Nelson, Special Assistant to the
Chairperson

Teleconference participants:

Lex Frieden, Task Force Coordinator

Elmer Bartels

Wade Blank

Eliot Dober

Eric Griffin, representing Marca Bristo

Marilyn Spivack

Ann Brogdan

Connie Martinez,

Bob Rosenberg

Susan Rogers

Ed Roberts

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

EQUAL ACCESS TO THE AMERICAN DREAM

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education
January 26, 1989

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels
Wade Blank
David Bodenstein
Marca Bristo
Dale Brown
Philip B. Calkins, Ph.D.
David M. Capozzi, Esq.
Julie Clay

James DeJong
Eliot Dober
Don Galloway
James Havel
I. King Jordan, Ph.D.
Celane McWhorter
Paul Marchand
Connie Martinez
Oral Miller
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Ed Roberts

Joseph Rogers
Liz Savage
William A. Spencer, M.D.
Marilyn Price Spivack
Susan S. Suter
Ann Vinup
Sylvia Walker, Ed.D.
Patrisha Wright
Tony Young

Marnie Sweet
Marcia Lee Nelson
Executive Assistants
Gwyneth Rochlin
Volunteer Staff

Subcommittee Liaisons

Maria Cuprill
Robert Tate
Patricia Laird

Dear Senator Dole:

Enclosed is the first interim report of the Task Force on the Rights and Empowerment of Americans with Disabilities. The Task Force was appointed by Congressman Major R. Owens, Chairman of the House Subcommittee on Select Education, to provide information and recommendations which will assist the Congress in its consideration of the Americans with Disabilities Act, and of other legislation to enable the more than 36 million people with disabilities in this nation to fulfill their potential for productivity and quality of life.

Task Force members include distinguished representatives of almost every major disability community constituency.

More than 8,000 persons with disabilities, families, advocates and service providers attending 63 Task Force Forums and two Congressional hearings in 50 states have presented overwhelming evidence that Americans with disabilities are subject to massive discrimination, physical and psychological deprivation, and segregation which results in unconscionable injustice to millions of individuals, and increasingly unaffordable economic costs to the nation.

The Task Force recommends that Congress take prompt action to consider and to pass the Americans with Disabilities Act in a form that will ensure the protection and enforcement of the civil rights of all people with disabilities to participate fully and equally in the mainstream of society.

Senator Dole the Task Force deeply appreciates the magnificent, consistent support that you have given to the cause of justice for people with disabilities over the years. We particularly appreciate your leadership of disability rights legislation such as the Civil Rights Restoration Act, the the Fair Housing Act Amendments and the Americans with Disabilities Act. My colleagues and I stand ready to assist you and your staff in any way possible as we work together to ensure that all people with disabilities have equal access to the American dream.

Sincerely,

Justin Dart
Chairperson

EQUAL ACCESS TO THE AMERICAN DREAM

*Justin Dart to Marleen: I look forward
to working with you for
a meaningful statement of
equality. Justin*

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Patrishia Wright
Tony Young

Marnie Sweet
Marcia Lee Nelson
Executive Assistants

Gwyneth Rochlin
Volunteer Staff

Subcommittee Liaisons
Maria Cuprill
Robert Tate
Patricia Laird

EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS AS OF JANUARY 18, 1989

MORE THAN 8,000 PERSONS WITH DISABILITIES, FAMILIES, ADVOCATES AND SERVICE PROVIDERS ATTENDING 63 TASK FORCE FORUMS AND TWO CONGRESSIONAL HEARINGS IN 50 STATES HAVE PRESENTED OVERWHELMING EVIDENCE THAT:

- IN SPITE OF GREAT PROGRESS IN THE AREA OF DISABILITY DURING THE PAST FEW DECADES, MILLIONS OF AMERICANS WITH DISABILITIES ARE STILL SUBJECTED TO MASSIVE DISCRIMINATION IN ALL SIGNIFICANT ASPECTS OF LIFE, INCLUDING EDUCATION, EMPLOYMENT, COMMUNICATION, HOUSING, TRANSPORTATION, INSURANCE, HEALTH AND PERSONAL CARE, RECREATION AND ACCESS TO PUBLIC FACILITIES AND SERVICES.

- OUR VERY PROMISING PIONEER SERVICES FOR PEOPLE WITH DISABILITIES ARE SEVERELY RESTRICTED BY LACK OF FUNDS, FRAGMENTATION, BUREAUCRATIC AND REGULATORY LIMITATIONS, OBSOLETE PUBLIC ATTITUDES AND INADEQUATE COMMUNITY ACCESS AND SUPPORT SYSTEMS.

- EXISTING LAWS PROVIDING FOR RIGHTS AND SERVICES ARE POORLY IMPLEMENTED AND ENFORCED.

- MILLIONS OF AMERICANS WITH DISABILITIES SUFFER UNCONSCIONABLE INFRINGEMENT OF THEIR HUMAN RIGHTS INVOLVING SEGREGATION, EXCLUSION FROM EDUCATION, UNEMPLOYMENT, POVERTY, AND EXTREME PHYSICAL AND PSYCHOLOGICAL DEPRIVATION AND ABUSE.

THE TASK FORCE BELIEVES THAT:

- THE MORE THAN 36 MILLION PEOPLE WITH DISABILITIES IN AMERICA WILL NEVER ACHIEVE THEIR FULL POTENTIAL FOR EQUAL PARTICIPATION IN THE PRODUCTIVE MAINSTREAM OF SOCIETY UNTIL THEY ARE FULLY PROTECTED BY COMPREHENSIVE CIVIL RIGHTS LEGISLATION AND EMPOWERED TO PARTICIPATE FULLY IN THE GOVERNMENTAL AND OTHER DECISIONS WHICH AFFECT THEIR LIVES.

- AMERICA CANNOT AFFORD EITHER THE MORAL OR ECONOMIC COST OF MAINTAINING EVER INCREASING MILLIONS OF ITS POTENTIALLY PRODUCTIVE CITIZENS IN UNJUST, UNWANTED DEPENDENCY. INVESTMENTS IN THE RIGHTS AND PRODUCTIVE INDEPENDENCE OF ALL PEOPLE WITH DISABILITIES HAVE PROVEN TO BE IMMEDIATELY PROFITABLE TO EVERY CITIZEN AND TO THE NATION AS A WHOLE.

EQUAL ACCESS TO THE AMERICAN DREAM

THE TASK FORCE RECOMMENDS THAT CONGRESS:

- TAKE PROMPT ACTION TO CONSIDER AND TO PASS THE AMERICANS WITH DISABILITIES ACT IN A FORM THAT WILL ENSURE THE PROTECTION AND ENFORCEMENT OF THE CIVIL RIGHTS OF ALL PEOPLE WITH DISABILITIES TO PARTICIPATE FULLY AND EQUALLY IN THE MAINSTREAM OF SOCIETY.
- MOVE TOWARD A FULL SPECTRUM OF EFFECTIVE SERVICES, PROTECTIONS AND SUPPORT SYSTEMS DESIGNED TO EMPOWER ALL PEOPLE WITH DISABILITIES TO FULFILL THEIR PERSONAL POTENTIAL TO BE PRODUCTIVE, FIRST CLASS CITIZENS.

MISSION - The Task Force on the Rights and Empowerment of Americans With Disabilities was established on May 2, 1988, by Congressman Major R. Owens, Chairman of the House Subcommittee on Select Education. Composed of 34 distinguished representatives of major segments of the disability community, the Task Force is mandated to collect information and to make recommendations which will assist Congress as it considers the historic Americans with Disabilities Act, and other legislation designed to implement the rights of America's more than 36 million citizens with disabilities.

The Task Force believes that people with disabilities in America will never be able to achieve their full potential for equal participation in the productive mainstream of society until certain basic truths are understood and acted upon by the nation:

1. Disability is a universally common characteristic of human life; people with disabilities have the same inalienable rights and the same inalienable responsibilities as other people.
2. Equality cannot be handed down by paternalistic systems; people with disabilities must be empowered to participate fully in the governmental and other decisions which affect their lives.
3. America cannot afford either the economic or the moral cost of maintaining ever increasing millions of its potentially productive citizens in unjust, unwanted degrading dependency; experience has demonstrated conclusively that investments in the equality and productive independence of people with disabilities will be immediately profitable to all citizens and to the nation in terms of both money and quality of life.

ACTIVITIES TO DATE. The Task Force has held seven meetings. With the cooperation of Congressional staff, Task Force members, staff and volunteers and virtually the entire disability community, the Chairperson has presided over 63 public forums in 50 states, the District of Columbia, Guam and Puerto Rico, attended by more than 7,000 persons with disabilities, their families, advocates and service providers. He has also made Task

Force issue presentations to numerous other meetings attended by more than 16,000 members of the disability community. Task Force members have participated in two Congressional hearings on disability discrimination attended by more than 1,000 persons. The Task Force has collected and is in the process of analyzing several thousand documents submitted by citizens and organizations outlining discrimination and other barriers which limit the activities of people with disabilities, and proposals to eliminate those barriers.

FINDINGS TO DATE. While there is general recognition that there has been great progress in the area of disability during the past few decades, there is also overwhelming evidence that people with disabilities still suffer massive discrimination, segregation and deprivation which results in unconscionable injustice to millions of individuals, and unconscionable moral and economic costs to the nation. 1. Devastating discrimination and other barriers still exist in all significant areas of life, including education, employment, housing, communication, health and personal care, transportation, public access, recreation, insurance and access to vital services. 2. Pioneer independence and productivity oriented service providers have struggled valiantly to achieve excellent initial results in certain areas, but are unable to meet all the needs of our rapidly increasing disability population due to obsolete public attitudes, regulatory and bureaucratic limitations and lack of adequate funding, authority, structure and community access and support systems. 3. The rights of citizens with disabilities are inadequately protected in numerous areas, and too many protections which are provided by law remain largely unenforced. There is a clear mandate for vigorous action to implement and enforce existing and future laws and regulations. 4. Testimony in the forums reflected virtually unanimous support by the active disability community for the Americans with Disabilities Act and for a continuum of effective services and support systems designed to empower all people with disabilities as fully equal and productive participants in the mainstream of society.

PRELIMINARY RECOMMENDATIONS. The Task Force recommends that Congress: 1. Take prompt action to consider and to pass the Americans with Disabilities Act in a form that will ensure the protection and enforcement of the civil rights of all people with disabilities to participate fully and equally in the mainstream of society. 2. Provide aggressive national leadership in the affirmative employment and other meaningful involvement of people with disabilities in roles of significant responsibility. 3. Continue to move toward a full spectrum of effective services and support systems for all people with disabilities. 4. Give particular attention to ensuring the effective implementation and enforcement of rights and services legislation, to providing affordable, quality educational opportunities for all children, youth and adults with disabilities and to enabling all people with disabilities to secure adequate, affordable medical and other insurance coverage.

THE TASK FORCE WISHES TO ACKNOWLEDGE the magnificent support it has received from numerous members and staff of Congress, particularly Task Force founder Congressman Major Owens and the members and staff of the House Subcommittee on Select Education, Senators Tom Harkin and Lowell Weicker and the members and staff of the Senate Subcommittee on the Handicapped, and all the sponsors of the Civil Rights Restoration Act, The Fair Housing Act Amendments of 1988, the Technology-related Assistance for Individuals with Disabilities Act and the Americans with Disabilities Act, including Congressmen Tony Coelho, Silvio Conte, Chester Atkins and Joe Moakley, and Senators Edward Kennedy, Robert Dole, James Jeffords, Paul Simon, and John McCain. The Task Force has no public funding or private grants. Special recognition is due Task Force members, staff and volunteers, and the literally thousands of patriotic citizens and organizations in every state and territory who have contributed services, money and time to make the democratic system work.

Justin Dart
Chairperson

Dr. Elizabeth Boggs
Cochairperson

Lex Frieden
Coordinator

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

TFAGENDA.M9

Meeting of the Task Force, March 9, 1989, 2-5 pm EDT, President's Committee on the Employment of Persons With Disabilities, 1111 20th Street NW, Suite 636, Washington, DC 20036. Tel. 202-653-5044, TDD 202-653-5050, Fax 202-653-7386

AGENDA

Welcome by the Chairperson

Introduction of those on site and by teleconference.

Old business

Review and approval of the minutes of January 18 meeting

Summary report by Chairperson and Cochairperson

Remarks by Congressional staff, with emphasis on how Task Force members and the organizations they represent can cooperate with Congress to pass an effective form of ADA

Report of the working group - Lex Frieden, with special emphasis on future activities regarding interim and final Task Force reports

Reports of the research group and the writing group - Phil Calkins and Tony Young, with special emphasis on the development of documents summarizing discrimination against specific persons with disabilities

Reports of Task Force members on the same subject

Other old business

New business

Site and time of next meeting, with suggestions from the members

EQUAL ACCESS TO THE AMERICAN DREAM

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

CPTFREP.J30

January 30, 1989

To: Task Force members, advisers and volunteers

From: Justin Dart

The next meeting of the Task Force will be held on March 9, 1989, 2-5 pm EDT, President's Committee on the Employment of Persons with Disabilities, 1111 20th Street NW, Suite 636, Washington, DC 20036. Tel. 202-653-5044, TDD 202-653-5050, Fax 202-653-7386. For information call Gwyneth Rochlin 703-525-5692 or Marcia Nelson 202-554-3499, 202-488-7684.

The honeymoon for ADA is over. Significant opposition is surfacing. Many opponents say they are not aware of discrimination against people with disabilities that would warrant strong federal civil rights protection.

Our friends in the Congress have asked for clear, well communicated evidence to support ADA. As you know, the Task Force has collected a great deal of such evidence through its public forums and other outreach. But we also realize that you and the organizations you represent are aware of particularly dramatic examples of discrimination against members of your constituency.

I APPEAL TO EACH TASK FORCE MEMBER TO SEND ME AT LEAST FOUR ONE PARAGRAPH SUMMARIES OF SPECIFIC DISCRIMINATION AGAINST SPECIFIC PEOPLE - YOUR MOST STRIKING EXAMPLES, OR THOSE USED BY YOUR CONSTITUENCY ORGANIZATION, OF THE MASSIVE, BLATANT DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES THAT WE ALL KNOW EXISTS.

Incidents should support the absolute necessity for civil rights protection in areas covered by ADA - transportation, employment, communication, public access, public services, and/or for a dramatic, enforceable declaration to all people by the Congress and the President that discrimination against people with disabilities has no place in American democracy, that it will no longer be legally or morally acceptable.

EQUAL ACCESS TO THE AMERICAN DREAM

Example of discrimination specifically covered by ADA:

A blind woman in California wrote to the Task Force: "I am a trained news reporter and have been applying for jobs at radio stations throughout the country. I have been repeatedly told that I am the most qualified candidate, but since there has never been a blind reporter before, they cannot hire me. I would like the chance to succeed or fail based on my ability as a reporter rather than on my lack of vision."

Example of discriminatory attitudes which can only be dealt with by a dramatic national declaration of equality like ADA:

On December 28th, 1988, in Tacoma Washington, two year old Dylan Day and his grandfather Hollis Day were found shot to death, an apparent murder-suicide. According to the child's mother, her father had been "very, very concerned about my child's condition." Dylan had "a mild form of cerebral palsy, and was considered to be developmentally disabled."

Tragically, these are not isolated instances of extreme behavior based on paranoid or mistaken perceptions of discrimination. The estimated 12.8 million citizens with significant visual impairments and the 700,000 citizens with cerebral palsy, as well as the more than 23 million Americans with other disabilities, face this same violent prejudice every minute and day of their lives.

While the Task Force and the Congress need a steady stream of such illustrations of discrimination over the next few months, the Congressional sponsors of ADA have asked for strong beginning documentation now. I will appreciate receiving your first four examples by February 21st, or as soon thereafter as possible. These can be sent to me at the Task Force address.

I ALSO APPEAL TO YOU TO URGE YOUR SENATORS AND REPRESENTATIVES TO COSPONSOR ADA WHEN IT IS REINTRODUCED.

I enclose a copy of the first official interim Task Force report and recommendation to Congress, in which we report massive discrimination against Americans with disabilities, and strongly recommend "that Congress take prompt action to consider and to pass the Americans with Disabilities Act in a form that will ensure the protection and enforcement of the civil rights of all people with disabilities to participate fully and equally in the mainstream of society."

The Task Force will distribute this document to all members of the House and Senate, however it will be vitally important that you, your colleagues and your constituency organizations bring it directly to the attention of your Congresspersons, along with your personal advocacy. Please feel free to quote or duplicate any or all of the report.

The National Council on Disability (formerly the National Council on the Handicapped), of which I am a member, has, on January 19th, released and communicated to Congress a statement on the current situation of ADA which I believe is similar in intent to the statement that from our January 18th report, quoted above:

"The National Council on Disability supports the current bipartisan negotiations to improve the civil rights aspects of the Americans with Disabilities Act and any other negotiations which protect the general scope and coverage preventing discrimination based upon disability in all categories. The National Council on Disability will not support any actions which would fail to provide the strong protections to which persons with disabilities are entitled."

Sandy Parrino, Lex Frieden, Bob Burgdorf, Paul Hearne, Kent Waldrep and all the members and staff of the National Council are to be commended for their dynamic, democratic development of ADA, and for their consistent advocacy for the passage of the Act in a form that will truly establish the equality of all people with disabilities in the consciousness and life of this nation.

ON JANUARY 18TH A BIPARTISAN GROUP OF MORE THAN 1,500 PERSONS ATTENDED AN OFFICIAL DISABILITY CONSTITUENCY CELEBRATION OF THE PRESIDENTIAL INAUGURATION IN THE GREAT HALL OF THE HUBERT HUMPHREY (HHS) BUILDING. A COPY OF THE PROGRAM IS ENCLOSED. PRESIDENT BUSH, VICE PRESIDENT QUAYLE, SENATOR DOLE, HHS SECRETARY BOWEN, HHS SECRETARY DESIGNATE SULLIVAN AND MRS. VIRGINIA THORNBURGH ALL PARTICIPATED PERSONALLY. THE PRESIDENT, THE VICE PRESIDENT AND MRS. THORNBURGH ALL ENDORSED ADA. SENATOR DOLE AND SECRETARY BOWEN ALSO MADE STATEMENTS SUPPORTING THE RIGHTS OF AMERICANS WITH DISABILITIES TO PARTICIPATE IN THE MAINSTREAM OF SOCIETY.

THIS CONSTITUTES LANDMARK RECOGNITION OF OUR RIGHTS, AND OF THE DEVELOPING MATURITY OF OUR CONSTITUENCY IN THE DEMOCRATIC PROCESS. CONGRATULATIONS TO FORMER TASK FORCE MEMBER GORDON MANSFIELD, WHO SPEARHEADED THE ORGANIZATION OF THIS HISTORIC EVENT, AND TO HIS HARDWORKING COLLEAGUES, TINA ALVARADO, ANN BELL, JUDY BROTMAN, PHIL CALKINS, OSMOND DAY, BOB FUNK, MARTIN GERRY, EVAN KEMP, SHARON MISTLER, DEBORAH MCFADDEN, GWYNETH ROCHLIN AND ROBERTA VAN BEEK. FINANCIAL CONTRIBUTORS INCLUDED PVA, MICHAEL ROSE, JOE DUSENBURY, DON FIRON, KENT WALDREP, INVACARE CORPORATION AND AT&T.

In closing, I remind you of the absolute necessity to recommend and to vigorously advocate for proven supporters of independence and equality to be appointed to positions of significant public responsibility in the Bush-Quayle administration. On January 6th President-elect Bush and Vice President-elect Quayle met with a small group of disability rights leaders to discuss disability policy. It was my privilege to participate in that meeting. On that occasion the President-elect pledged that he would support the appointment of qualified persons with disabilities, but stated very forcefully that it was our responsibility to recruit, recommend and advocate for appropriate candidates.

No matter how good the intentions of the President, no administration can be any better than the thousands of individuals it appoints to make and implement policy on a daily basis. No President can personally research, recruit and train qualified candidates for these positions, but essentially relies on constituency groups to perform and/or to watchdog most such functions. If we do not unite and act through the democratic process to present candidates who can compete successfully with those put forward by proponents of the status quo, we have no one to blame but ourselves.

I would like to express once again my most profound gratitude to all of you who have made possible the work of the Task Force, which does not receive any public funding or formal private grants. Literally hundreds of you - individual and organizational members of the disability community, have contributed your time, talents and money to make the democratic process work. It is you who inspire hope that irrationality can be overcome - that authoritarian paternalism, discrimination, physical and psychological deprivation and violence, and premature death can eventually be eliminated. It is you who inspire action to establish a just society in which all individuals cooperate to maximize quality of life for themselves and for all. It is you who make life worth living.

It is a privilege to be associated with you.

Together, we shall overcome.

Justin Dart

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

February 25, 1989

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Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels
Wade Blank
David Bodenstein
Frank Bowe, Ph.D.
Marca Bristo
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Philip B. Calkins, Ph.D.
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Don Galloway
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Paul Marchand
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Ed Roberts
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Liz Savage
William A. Spencer, M.D.
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Ann Vinup
Sylvia Walker, Ed.D.
Patrisha Wright
Tony Young

VOLUNTEER STAFF

Douglas Burleigh, Ph.D.
Marcia Lee Nelson
Gwyneth Rochlin

SUBCOMMITTEE LIAISONS

Maria Cuprill
Robert Tate
Patricia Laird

TO: Congressman Major R. Owens, Members of the Task Force on the Rights and Empowerment of Americans with Disabilities, advisors and contributors.

FROM: Justin Dart, Chairperson

SUBJECT: Report on January 18, 1989 meeting of the Task Force: summary of major discussions and decisions

Conference participants:

Task Force Members

Justin Dart, Chairperson
Elizabeth Boggs, Cochair
Dale Brown
Julie Clay
Susan Daniels
Jack Gannon
Jim Havel
Paul Marchand
Celane McWhorter
Oral Miller
Jay Rochlin
Liz Savage
Ann Vinup
Sylvia Walker
Tony Young
Gwyneth Rochlin

Congressional Staff

Jo Ellen McBride
David McIntyre
Bob Silverstein
Bob Tate

Guests

Bill Adams, interpreter
Laurel Beedon
Mary Jane Owens
Kathy Roy
Naomi Staley
Marnie Sweet

Teleconference Participants

Elmer Bartels
Phil Calkins
John Chappell
Lex Frieden
Keith Gann
Eric Griffen
Ed Roberts
Joe Rogers
Bob Rosenberg for Connie Martinez
Doug Burleigh

EQUAL ACCESS TO THE AMERICAN DREAM

The seventh meeting of the Task Force was held on January 18, 1989 from 11:00 a.m. to 12:45 p.m., E.S.T., at the President's Committee on the Employment of Persons with Disabilities; 1111 20th Street, N.W.; Suite 676; Washington, D.C., and by teleconference, with the Chairperson, Justin Dart, presiding.

WELCOME AND REPORT BY THE CHAIRMAN

Chairman Dart called the meeting to order and called the roll of participants on-site and those participating by telephone. He asked for additions or corrections to the minutes of the November 30, 1988 meeting of the Task Force. Dr. Boggs pointed out a technical error: in the list of conference participants, Mr. Tate, Mr. Silverstein and Ms. Folcarelli were erroneously identified as "Congresspersons," when, in fact, they are Congressional staff or representatives of Congresspersons. With that correction, the minutes were approved.

1. Forums and Hearings

All scheduled forums have been completed: sixty-three forums in fifty states, Guam and Puerto Rico, attended by over 7000 persons. The public meetings which included successful Congressional hearings in Boston and Vermont, produced a great deal of evidence of discrimination.

2. Interim Report to Congress

The proposed interim report was distributed to those conference participants on-site. Mr. Dart stated that the interim report is similar to the October 31 draft with modest editing to bring it up to date.

The next major task of the Task Force is to prepare a summary of the discrimination evidence and communicate that briefly and succinctly to assist Congress in advocating for the ADA. Mr. Dart thanked Mr. Silverstein for his very helpful guidance on the importance of communicating specific and numerous examples of discrimination. Mr. Dart stated the intent of the Task Force to prepare a document comprised of about 100 three or four sentence descriptions of specific instances of discrimination against specific individuals. The case examples will be arranged according to five areas of discrimination: transportation; employment; communications; public accommodations; and architectural accessibility. Mr. Dart asked each Task Force member to submit two or three of their best stories, perhaps used by them or their organizations at Congressional hearings. He stated that he would issue a request and guidelines in writing.

Mr. Dart recalled the considerable discussion during the previous meeting of the Task Force and in meetings of the Work Group regarding the posture which the Task Force should take in working with Congress to pass the ADA: i.e., should the Task Force recommend specific amendments to the ADA or should the Task Force recommend re-introduction of the ADA as written? With the advice and counsel of Congressional staff, a group of Task Force members developed the

following wording which would become part of and conclude the interim report to Congress:

"The TF recommends that Congress take prompt action to consider and to pass the Americans with Disabilities Act in a form that will assure the protection and enforcement of the civil rights of all people with disabilities to participate fully and equally in the mainstream of society."

Mr Dart thanked Bob Silverstein, Bob Tate, Paul Marchand, Lex Frieden, Phil Calkins, Tony Young, Liz Savage, Elizabeth Boggs and many others for their great help in developing the wording.

Mr. Dart concluded his opening remarks by recognizing the contributions of Marcia Nelson, Marnie Sweet, Gwyneth Rochlin and the President's Committee on Employment of Persons with Disabilities for its staff, facilities, and resources in supporting this meeting of the Task Force.

REMARKS BY CONGRESSIONAL STAFF

The schedule for re-introducing the ADA has not yet been determined; nor, have staffers decided on a strategy for building co-sponsor support. They are considering "one-tier" and "two-tier" strategies. The "one-tier" approach involves "going after everybody." The "two-tier" approach consists of (1) pursuing friends who were co-sponsors before the election or who are supporters but not on record as co-sponsors because of tough re-election campaigns; and, (2) continuing to talk to all members of Congress, explaining discrimination issues, discussing problems they may have with the bill, and carefully seeking to build support via an edification process. It is too early to judge which strategy is called for.

Congressional staff repeated Chairman Dart's comments that the Task Force can be most effective, at this time, by providing evidence, specific examples of discrimination, for use in the hearings.

ADDITIONAL REMARKS BY CHAIRMAN DART

Following the remarks by the Congressional staff, Chairman Dart had this to say:

"As we enter a new phase of the TF work and of advocacy for the ADA, I would like to say that your leadership and your sacrifices over the years have brought us to the ADA and the threshold of a great victory for human justice. Thanks to you, the ADA is off to a good start, during this post election year. You have recruited a significant number of prominent, national sponsors and leaders in both parties and in both houses of Congress. We saw both presidential candidates issue endorsements of the ADA. Now, however, we have to face some reality; the honeymoon is over. The election promises were yesterday and now we will not get anything free or easily. I believe that the ADA as a meaningful civil rights act will face powerful and significant opposition. If we are going to overcome that opposition and create a chance for the ADA to pass, we must work harder than ever before. We must be more united than ever before. We must engage new colleagues and members in the disability community. It will be a massive task. As Martin Luther

King said, freedom has always been an expensive thing. We are going to have to pay the price. we can and will do it. I look forward to working with each of you on this historic task."

Paul Marchand spoke next, to expand upon the issue of coordination, touched upon by Mr. Dart in his comments. Mr. Marchand reported on a meeting hosted by NCD, which among other things, addressed the need for coordination among NCD, Task Force members, Washington-based disability groups "Hill leaders," and others in working for the passage of the ADA. Mr Marchand argued that all the players must meet in the near future to divide the roles and responsibilities to assure coordinated efforts. Mr Marchand requested that such a meeting occur before this Task Force next meets.

REPORT OF THE WORKING GROUP

Mr. Frieden reported that the Working Group met during the holidays to plan this Task Force meeting and discuss two major issues: (1) the wording of the interim report and recommendation to Congress; and (2) the need for descriptions of specific incidences of discrimination. The Working Group developed two recommendations: (1) that an interim report be submitted to Congress and be made public to our colleagues throughout the United States, recommending that the ADA be re-introduced generally as written; and, (2) that the current report be updated to include additional data from the forums and additional recommendations of the Task Force and be prepared for distribution in public form. The Research Group and Writing Group have been given assignments for these tasks. Mr. Dart again pointed out that the major difference in the October 31 version of the report and the updated version to be voted on at this meeting is the wording he read at the beginning of the meeting. Mr. Dart re-read that wording and concluded that we are advocating prompt action because we have received opinions from Congressional staff that any extensive delay in considering or rewriting could very well prevent the re-introduction of the ADA in this session in time to have meaningful hearings and to actually bring the matter to a vote.

On behalf of the Working Group, Mr. Frieden moved that the interim report be updated as indicated, including the formal recommendation as read, and that it be forwarded to Congress and be made public. The motion was seconded and passed unanimously.

REPORT OF THE RESEARCH GROUP

1. Discrimination Stories

The Research Group needs 100 good reports of discrimination for use in Congress. From about 1000 letters and stories generated by the forums, the Research Group has gleaned a few dozen usable stories; that is, stories which explain what discrimination is all about, in clear and "everyday" terms. To select 100 good examples, the group needs to examine 500 stories. Dr. Phil Calkins and Ms. Liz Savage asked the Task Force members to submit stories. According to Dr. Calkins, if every member contributed four good stories, the diverse disabilities represented on the Task Force would produce the desired distribution of stories across disability types. In particular, the group lacks usable stories describing discrimination of persons with mental retardation, mental illness and AIDS. The stories on file concerning these types of

disabilities are deficient, in general, because they describe restricted access to services in certain settings or by certain providers not covered by the ADA (see discussion below). The stories which are submitted must give accounts of discrimination in areas covered and correctible by the ADA.

The stories should convey messages succinctly. They need not exclusively describe discrimination of the type that ends up in litigation and goes before the Supreme Court. The day to day experiences of discrimination are just as persuasive and graphic. As stated by Mr. John Chappell, we are talking about everyday experiences taken for granted by everyone, but because one happens to have a disability, one's life is turned upside down.

If contributors believe they are submitting very good stories, they should send more fully developed and detailed background information to accompany the succinct, "bullet" descriptions of the discrimination event. The background information can be used by the Writing Group for press purposes and for testifying.

The stories can be sent either directly to Bob Silverstein or to Liz Savage at the Epilepsy Foundation of America; 351 Garden City Drive; Landover, Maryland, 20785.

2. Confidentiality of Information Maintained

The confidentiality of the people reporting discrimination will be guaranteed in all respects. Names will not be used. As stories are gathered, however, some method of identification must be used; if later verification of the stories is necessary. Furthermore, the willingness of the contributors to reveal their identity should be determined.

3. Expand Affected Population

Participants pointed out the importance of broadening the constituency to include the American Association of Retired Persons (which was, in fact, represented at the meeting by Ms. Laurel Beedon) and members of families of persons with disabilities. Ms. Savage particularly requested stories of family members sharing in or being affected by discrimination. According to Ms. Savage, such stories significantly increase the population Congress will see as being affected by discrimination.

4. Record Keeping

All material received to date has been catalogued and categorized. It was recommended during this meeting that, as letters and reports are received, they be numbered and indexed according to such indices as geographic location, disability type, discrimination area, and particular statute not enforced resulting in discrimination incident (e.g. Section 504 and 94-142).

5. Purview of ADA

Several participants described examples of discrimination whose relevance to the ADA was questioned. Those examples included physical inaccessibility of commuter boats and airplanes; a person "imprisoned" in a nursing home; exclusionary zoning in housing; persons with mental

retardation denied emergency medical treatment in a hospital outpatient unit; and, educational segregation.

According to Ms. Liz Savage, the ADA is patterned after Title II of the Civil Rights Act of 1964. It is intended that ADA coverage parallel Civil Rights Act coverage. The Civil Rights Act prohibits discrimination in public accommodations, the definition of which does not include hospitals and universities. So, for example, inability to access medical treatment in a hospital would not be a violation of the Civil Rights Act and consequently would not be a violation of the ADA. If the hospital, in question, received Federal funds, the inaccessibility would be a Section 504 issue and illegal. Therefore, despite the many and varied types of clearly unfair and discriminatory episodes reported to the Task Force, the capacity of the Task Force to remedy those problems by redrafting the ADA is limited by the parallelism of the ADA and the Civil Rights Act and the legal limits within which Congress can legislate. Furthermore, there may be differences of opinion among TF members concerning what, in fact, characterizes discrimination and what represents an acceptable solution. For example, while one participant in the meeting argued against segregation in schools as a general rule, another participant pointed out that the educational mainstreaming of deaf children is not seen as desirable; and, "that this is something deaf people feel strongly about."

6. TF Responsibilities Regarding Unenforced Statutes

Some of the reports of discrimination presented during the meeting clearly represented a violation of existing disability rights statutes; e.g., Section 504 and 94-142. Other participants mentioned that a fact repeatedly found during the forums is that existing disability statutes and regulations are not being adequately enforced. Chairman Dart stated that this Task Force has the responsibility for describing areas of discrimination not covered by or germane to the ADA and recommending corrective actions. The Task Force is currently occupied primarily with the reintroduction of the ADA; however, it is the function of the Task Force, as a whole, to educate for the elimination of discrimination in all areas, both those areas covered by existing disability rights statutes and those areas not yet outlawed by any statute, including the ADA.

Given the inadequate enforcement of current statutes, participants argued that (1) the Task Force must assure that the ADA is written so that it is enforceable; (2) the Task Force should consider a linkage between the enforcing of the ADA, 504 and 94-142; and (3) the Task Force should inform pertinent Federal agencies about the many incidences of discrimination resulting from inadequate enforcement of the disability rights statutes or regulations they administer. With regard to the third concern, participants moved and seconded the following motion:

"That the interim report of the Task Force be sent to appropriate departments -- e.g., Justice, Education, Transportation -- with a cover letter reporting the deficient enforcement of disability rights laws and regulations (including the citing of specific examples), asking for feedback from the departments, and suggesting a formal meeting."

The motion was passed unanimously.

REPORT OF THE WRITING GROUP

Biographical statements have been received from over one-half of the Task Force members. Mr Young asked that the remaining statements be mailed to him within the month. Because the draft interim report was discussed earlier in the meeting, Mr. Young concluded his report.

OTHER OLD BUSINESS

Mr. John Chappell pointed out that certain areas of transportation are not covered in the ADA as presently drafted; e.g., ships, commuter boats and airplanes. Because the ADA specifically lists things that are covered, then by exclusion, things not listed may not be covered. Dr. Boggs responded that the Task Force would investigate this concern.

NEW BUSINESS

No other new business was raised.

SITE AND TIME OF THE NEXT MEETING

The Working Group will select a site, date and time within the next few days and report to the Task Force.

Chairman Dart adjourned the meeting at 12:45 p.m.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

April 16, 1989

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Robert Tate
Patricia Laird

TO: Congressman Major R. Owens, Members of the Task Force on the Rights and Empowerment of Americans with Disabilities, advisors and contributors.

FROM: Justin Dart, Chairperson

SUBJECT: Report on March 9, 1989 meeting of the Task Force: summary of major discussions and decisions

Conference participants:

Task Force Members

Justin Dart, Chairperson
Elizabeth Boggs, Cochair
Lex Frieden, Coordinator
David Bodenstein
Dale Brown
Phil Calkins
Susan Daniels
James Havel
Celane McWorter
Paul Marchand
Liz Savage
Ann Vinup
Sylvia Walker
Tony Young

Teleconference Participants

Frank Bowe
Marca Bristo
Andrea Brogdan for
Marilyn Spivack
Jim DeJong
Keith Gann
Patrick Connally for
Ed Roberts
Joe Rogers
Doug Burleigh

Others

Nac Brodie, PCA to Lex Frieden
Marcie Marr, attendant to Terry Carroll
Lisa Thies, PCEPD

Congressional Staff

Bob Tate
Mark Buse
Cynthia Folcarelli
Pat Morrissey
Maureen West

Guests

Bob Brabham, NRA
Beth Anderson, NRA
Curt Decker, NAPAS
Eric Griffen, NCIL
Paul Hearne, NCD
Jay Rochlin, PCEPD
Mary Jane Owens, NOD
Bonnie O'Day, NCIL
Marsha Mazz, ECVN
Mark Lewis, NOD
Jonathan Edelstein,
Senator Riegel's staff
D. Ray Fuller, RSA

Volunteer Staff

Marcia Nelson
Gwyneth Rochlin
Terry Carroll

EQUAL ACCESS TO THE AMERICAN DREAM

The eighth meeting of the Task Force was held on March 9, 1989 from 2:10 p.m. to 4:55 p.m. E.S.T. at the President's Committee on the Employment of People with Disabilities; 1111 20th Street, N.W.; Suite 636; Washington, D. C., and by teleconference, with the Chairperson, Justin Dart, presiding.

WELCOME AND REPORT BY THE CHAIRMAN

Chairman Dart called the meeting to order and called the roll of participants on-site and those participating by telephone. He thanked the participants for their attendance and outstanding cooperation and contributions.

1. Announcements by Mr. Jay Rochlin, Executive Director, President's Committee on Employment of People with Disabilities.

Mr. Rochlin informed the participants that the Chairman of the President's Committee had been badly injured in an accident and is recuperating. Cards and letters can be sent to his home address at 34 Old Towne Road, Hyannisport, Mass., 02601. Mr. Rochlin announced that Dr. Phil Calkins is the new Director of the Office of Public Affairs of the President's Committee. There will be a special edition of the newsletter of the President's Committee detailing actions of the Committee, Chairman Russell and Mr. Rochlin in pulling their 1991 annual meeting from San Antonio, Texas because of that city's rigid transit policies. Consequently, a number of other organizations have moved their meetings and conventions from San Antonio. According to Mr. Rochlin, there was excellent media coverage of the press conference in San Antonio when the pull out decision of the President's Committee was announced. Finally, Mr. Rochlin announced that on February 27, Chairman Russell wrote to the President, the Attorney General and the Transportation Department Secretary requesting their careful consideration of the decision of the 3rd Circuit Court of Appeals and to not petition the 3rd Circuit Court. Chairman Dart congratulated Mr. Rochlin on the stand taken by him and the President's Committee in San Antonio and on their recent statements to the President. He thanked him for his support of this Task Force, including the use of the PCEPD facility and teleconference services and equipment.

2. Approval of Minutes

Chairman Dart asked for approval of the minutes of the January 18, 1989 meeting of the Task Force. Mr. Jim Havel pointed out that the minutes did not reflect his comments at that meeting, which were "that the ADA, as good as it is, did not address a lot of the problems of discrimination that confront people with disabilities, and that it was the consensus of that group at that time that we would commit ourselves to addressing those issues once we concluded the work on the ADA itself." Mr. Havel asked to have these comments contained in the minutes of this meeting. With that addition, the minutes were approved.

3. Report of the Chairperson

Mr. Dart stated that he has participated during the last few weeks in a large number of meetings dealing with the development of the ADA and the subject of its reintroduction. He met with the Senate subcommittee staff; the staff of Congressman Coelho and Congressman Owens; (who appointed this Task Force); Senator Joe Lieberman and his staff, twice with the Consortium of Citizens with Disabilities; with the National Council on Disability; with Ralph Neas of the Leadership Council on Civil Rights; with Nancy Fulco of the U.S. Chamber of Commerce, who is coordinating a group to develop their ADA position; with Evan Kemp; with the staff of Senator Hatch; and, with others. There have been meetings almost on a daily basis; and, without going into all the details of those meetings, Mr. Dart expressed his encouragement that there is a developing consensus among all the people he met with, including staff of the U.S. Chamber of Commerce, that there must be a civil rights law for people with disabilities. While there is some debate about details and definitions, Mr. Dart is encouraged that we have arrived at an apparent consensus. The consensus is that while time limits and definitions are negotiable, the principle of equality is not negotiable.

Mr. Dart said he was told of rumors that the Administration is preparing a separate bill; however, he has also been told by people close to the process that this is not the case. Mr. Dart was informed yesterday that the ADA sponsors in the Senate and House are working hard on the process of reintroduction and we should be receiving a draft in a reasonable period of time. No specific period of time was or could be mentioned to him; however, Mr. Dart got the impression that we're talking about weeks and not months. Mr. Dart also stated he got the impression that the co-sponsors are encouraged with their progress and by their conversations with other Congresspersons and members of our community. Additionally, although their policy has not yet been developed, Mr. Dart considers the preliminary position of the Chamber of Commerce staff person to be extremely encouraging and positive; and, she convinced Mr. Dart that she hopes the Chamber of Commerce can support an ADA.

According to Mr. Dart, the National Council on Disability and the Consortium of Citizens with Disabilities have taken a firm stand on the ADA and are working hard on it. Mr. Dart commended Paul Marchand, Liz Savage and Pat Wright on their leadership at the CCD.

Mr. Dart repeated his call for paragraphs describing particular discrimination against particular individuals, for use with our Congressional sponsors. While the Task Force has collected a very large amount of evidence given by individuals in 63 public forums; it will not replace the distilled experiences of the advocacy organizations represented on the Task Force or the classic examples of discrimination which the organizations have developed for their own use. Mr. Dart again asked for at least four paragraphs from each organization.

Mr. Dart reported that pursuant to the Task Force's directions voiced at the January 18 meeting, he wrote letters to the Attorney General and several other Cabinet Secretaries describing the massive evidence of lack of enforcement of disability rights and service statutes. Mr. Dart has asked that the Secretaries meet with him and other members of the Task

Force who wish to attend.

REPORTS OF CONGRESSIONAL STAFF MEMBERS AND GENERAL DISCUSSION

Mr. Dart called upon the several representatives of Congresspersons who were present and requested their guidance.

Ms. Cynthia Folcarelli was in attendance, representing Congressman Coelho. Ms. Folcarelli reported that Congressman Coelho sees the ADA bill as the civil rights bill of the 101st Congress and that is how he and his staff intend to approach it. The ADA is a priority for Congressman Coelho and he plans to have it on a very fast track once it is introduced. Ms. Folcarelli said that as soon as she knows the introduction date she will immediately contact members of the Task Force so that members can mobilize support. She expressed appreciation to the members for their help and hard work and assured the members that all of their comments to her are going on to Congressman Coelho. According to Ms. Folcarelli, Congressman Coelho will introduce the bill in the House and Senator Harkin will introduce the bill in the Senate.

Chairman Dart thanked Ms. Folcarelli and Congressman Coelho for their magnificent support.

Several of the task Force members expressed concern about rumors of modifications to the bill being considered, planned, negotiated or completed without interaction with the Task Force. Concerns were expressed that Congressional staffers were meeting with a small group of persons, including individuals not in the disability or advocacy community, and that essential protections in the bill might be negotiated away. Members asked that the Task Force be made aware of contemplated modifications and their rationale, so that Task Force members can explain them to their constituents. Several members stated that they are being asked questions they cannot answer because they lack information. Their constituents want to know what provisions of the bill are being modified and/or negotiated and who is doing the negotiating. Several of the members stated their opinions that rumors cannot be quieted by Task Force members because they simply don't know what provisions, if any, are being changed. They must be informed so that they, in turn, can inform their constituents and educate them about the realities of the political process, including the need to compromise."

Members stated they had a duty to review the draft bill and have the opportunity to influence its wording to benefit and protect the people they represent. The members insisted on sufficient time to review the draft bill prior to its being introduced.

Ms. Folcarelli responded by saying that there have been no decisions made yet to change wording. She and her associates have met with people from a variety of disability groups and with people outside of the disability community to receive their information and opinions. She assured the Task Force that negotiations are not occurring with any particular group or groups, disability or non-disability. The wording of the bill is not being reworked in consultation with a small select group of people outside the Congress. Meetings are taking place only to receive comments

from interested and concerned parties who are advocating their positions, just as this Task Force is. She informed the participants that Rochelle Dornatt, in her office, can provide the names of people who have provided comments. She said that she and her colleagues are very aware of people's concerns and frustrations, but she assured the members that Congressman Coelho is a strong advocate of persons with disabilities and he has not compromised principles in the past. He will not get behind a bill that he doesn't feel adequately protects the civil rights of persons with disabilities.

Mr. David Bodenstein was very specific regarding his deep and serious concern that the people he represents, people with HIV disease, are being "thrown overboard." Mr. Bodenstein said that because of the evanescent nature of the HIV disease, it is possible that the ADA could be modified in such a way that, unintentionally, protection of persons with HIV would be removed. Mr. Bodenstein stated his intention to examine every single word or letter proposed for elimination in order to guarantee protection of persons with HIV disease. Chairman Dart pledged that he and the Task Force are not going to except any members of our constituency from their civil rights. Someone reported that the National Organizations Responding to Aids (NORA), a group of ninety organizations, has committed itself to a set of principles and communicated them to Congress with the purpose of influencing the ADA bill and assuring that the protection of persons with HIV disease is part of the bill. Ms. Folcarelli stated that HIV disease is a controversial issue and that many Congresspersons are "anti-HIV." This issue will draw attention regardless of the language; and, we must anticipate that controversy and be prepared to lobby Congresspersons in key positions.

Chairman Dart brought this discussion to a close by stating that:

- (1) He will do everything possible to insure that we see the draft and have an opportunity to comment on it.
- (2) He believes there will be a sufficient period of time for comment, for all of us, before the bill is introduced.
- (3) As soon as he learns that the draft is available, he will quickly send it to the Task Force members and the authentic representatives of the significant constituency groups. He stated he has faith it will be a good bill, that Congress will listen to our comments and that we will end up, after input by the advocacy community, with a civil rights statement we can support.
- (4) Because we will see a draft in a very short while, he sees no need for a special clearinghouse or mechanism to handle rumors.

Chairman Dart called upon Ms. Maureen West, representing Senator Dole. Ms. West stated she is handling disability issues for Senator Dole. They have not yet seen a draft of the ADA and the Senator has no position yet; although, Senator Dole is a longstanding supporter of civil rights for persons with disabilities. Ms. West said she is assured that she will be part of the process and plans to meet with Bob Silverstein within the next few weeks. Mr. Dart expressed appreciation for Senator Dole's original sponsorship of the ADA in the last session of Congress.

Mr. Dart next called upon Dr. Pat Morrissey, of the House Education and Labor sub-committee. Dr. Morrissey stated her desire to be involved in

and supportive of the process. Mr. Dart expressed his appreciation for the support of Dr. Morrissey and Senator Stafford.

Mr. Bob Tate spoke, representing Congressman Major Owens. According to Mr. Tate, Congressman Owens has been assured by Congressman Coelho that he will see the bill. Congressman Owens is committed to broad based field input into the bill; i.e., that the content of the bill will reflect full input by the Task Force and the disability community. Mr. Tate said that he would relay to Congressman Owens the content and tone of the concerns about the process voiced at the meeting today. Mr. Tate communicated the request of Congressman Owens that the Task Force members send the following information which will be compiled and made part of the Task Force report: name of organizational affiliation; number of members in organization; number of chapters; nature of disabilities represented; approximate number of persons with that disability(ies) in the United States; and, nature of outreach activities the chapters are conducting throughout the country. This information will be compelling evidence of the widespread support of the ADA. Mr. Tate said that Congressman Owens greatly appreciates the cooperation of the Task Force in providing this information. Mr. Dart thanked Mr. Tate and Congressman Owens for their continuing support.

Mr. Dart next called on Mr. Mark Buse, representing Senator McCain, and thanked him for last year's support for ADA and the Civil Rights Restoration Act by Senator McCain. Mr. Buse said he is seeking copies of the bill; and, that Senator McCain wants major involvement. They are waiting to look at the bill and will not proceed until they have received comments from the field. Senator McCain's decision to co-sponsor the bill rests on the extent the bill is changed from its original wording. Any major changes may call for a re-evaluation of Senator McCain's position.

Mr. Jonathan Edelstein, representing Senator Riegel's office, gave a thorough and technical briefing on the Social Security Work Incentives Act. Senator Riegel is working closely with Senator Dole to develop a bill which would create improved work incentives in the Social Security Disability Insurance program. The legislation would allow a similar provision in the SSDI program as exists in the SSI program, under Section 1619; i.e., after income disregards, individuals' benefits are offset \$1 for every \$2 of increased earnings. Many members of the Task Force presented technical questions about the bill and, generally, there was evidenced considerable interest in the bill. Co-chairperson Elizabeth Boggs thanked Mr. Edelstein for his excellent presentation and pointed out that the Task Force members as individuals were obviously, personally committed to the bill.

Mr. Dart thanked all of the representatives of the House and Senate who gave their valuable time to be present and provide their guidance. Mr. Dart had the following to say:

"I think we have had a healthy discussion on the subject of participatory democracy. I think that our constituency is rightfully concerned about the subject of participatory democracy and our participation in decisions; and, I hope that members of the Congress will not take what

we've said as any criticism or lack of faith. We have suffered for an eternity under paternalistic systems that did not allow us to participate. We are all intensely aware that we represent the people in America who suffer the most serious discrimination; people living in the streets; people who are hungry; people who do not receive adequate medical care; people who indeed are taking their own lives; and, we do feel intensely about these matters. We do, therefore, appreciate enormously your support. We look forward to seeing the draft of the ADA and to hammering out with you a truly responsible civil rights statement and to uniting in support of that historic statement."

REPORT BY CO-CHAIRPERSON ELIZABETH BOGGS

Dr. Boggs addressed two issues: (1) She reported that Chairman Dart has acted on the motion of the Task Force and has expressed to various cabinet secretaries the attitude of the Task Force, which is that the enforcement of existing disability rights laws is inadequate; and, (2) She asked the members whether the Task Force should follow the PCEPD and petition the President, the Attorney General and the Transportation Department Secretary not to pursue an appeal of the 3rd Circuit Court decision. It was moved, seconded and unanimously passed that the Task Force issue such a letter.

COMMENTS BY MR. PAUL MARCHAND - ARC and CCD

Mr. Marchand made the following comments:

"One thing that we must do in the very near future, recognizing that all of us are curious about what the legislation is going to offer us, is to pursue a commitment from the White House, from the President, based on his campaign pledges of support, and his previous statements in a variety of places. There will be generated, very soon, a letter from the entire disability community asking the President to come on board right away and join our sponsors and the community on this issue. So I just want to bring this to your attention and give you something to think about; something you know will be coming; so that when it does come, we can expedite the signing of that letter. Liz Savage is putting on, for the CCD, a major event on Capital Hill where we can convey our needs to Congress. You are all invited.

At some point, the disability community is going to have to muster its grass roots for generating co-sponsorship. The anticipation is that we are going to like this bill and are going to support it; and, we are going to have to do a lot to make it pass. One of the most important needs is to generate as much support as we can thru co-sponsorship. There will be an orchestrated process whereby disability groups will be contacted by this body, the Council and the rights task force of our consortium, to generate as much interest, as much involvement as possible, in that drive. This assumes there will be enough time between when we see the bill, like the bill and they introduce the bill, that we will have a window there to find out who our supporters and co-sponsors are. Again, despite your anxieties, you ought at least to be tooling up your associations to make that major co-sponsorship drive with the rest of us. The timing is uncertain but it is coming soon."

REPORT BY LIZ SAVAGE

Ms. Savage expanded on the Capital Hill event referenced in Mr. Marchand's comments. The event will highlight several legislative issues affecting persons with disabilities: the ADA, independent living, Education of the Handicapped Act and respite care. Senator Dole and Congressman Coelho are co-sponsoring the event which will take place in Room 2237 of the Rayburn Building. The event will consist of a presentation by a panel of persons with disabilities and parents of children with disabilities; and, it will be moderated by Scott Marshall of the American Foundation of the Blind.

Secondly, Ms. Savage announced the availability of copies of a VHS videotape of C-SPAN's coverage of last fall's House-Senate hearing on discrimination and the ADA. Three hours of tape have been edited to 33 minutes containing abbreviated versions of presentations by most members of Congress and the witnesses who testified. Copies can be obtained by calling Donna Ledder at (301) 459-3700.

Chairman Dart congratulated Ms. Savage on both projects and mentioned that the PCEPD has purchased 55 copies; and, that the National Rehabilitation Association has purchased 60 copies.

COMMENTS BY DR. BOB BRABHAM

Chairman Dart introduced Dr. Brabham, who is Executive Director of the National Rehabilitation Association. Dr. Brabham reported that the headquarters office of NRA has distributed to its affiliate chapters around the country information descriptive and supportive of the ADA. He assured the Task Force that NRA is very much a part of this process. Mr. Dart reminded the members that NRA endorsed the ADA many months ago.

REPORT BY MR. MARK LEWIS - N.O.D.

Mr. Lewis reported that as a result of his ongoing relationship and advocacy with the producers of "Night Line" and "Charles Kuralt - Sunday Morning", both television shows may possibly cover disability discrimination and the ADA. Mr. Lewis said that Ted Koppel is interested in doing an entire show on disabilities and perhaps keying it to the introduction of the ADA. It is very, very tentative; and, decisions will be made based on information supplied only by Mr. Lewis. Regarding the Charles Kuralt show, Mr. Lewis said they have a new executive producer who is interested in disability issues and has introduced the idea of doing a special feature this summer.

Mr. Dart thanked Mr. Lewis for his advocacy and putting the ADA "up front." Considerable discussion ensued regarding the kind of person(s) the Task Force should recommend as participants on "Night Line." It was the consensus that the individual(s) (1) should be professional, highly skilled communicators, (2) should be able to describe the massive

discrimination we face and the urgency of having the ADA, (3) should be able to present the diversity of disability and not present a single image to stereotype who is disabled (4) should be sensitive to the needs of all our constituents and (5) should be a person with a disability. Congressman Coelho was mentioned as a well qualified spokesman, as was Mr. Dart. Mr. Dart declined, stating that our case for ADA should be presented by a better TV communicator than he.

Mr. Lewis, based on his familiarity with the formats and production techniques of both shows suggested that the Task Force select several examples of discrimination and ideas for events or human interest stories amenable to film clips (for the Koppel show) and on-site coverage (for the Kuralt show).

The Task Force passed a motion to collaborate with Mr. Lewis in his work with "Night Line" and the "Charles Kuralt Show." Recognizing that final decisions will be made by the production crews of both shows, Mr. Dart asked Ms Savage and Dr. Calkins to take the lead in identifying several spokespersons to recommend to "Night Line" and to screen examples of discrimination, human interest stories, and disability events for use in both shows. Mr. Lewis encouraged the Task Force members to be circumspect about these possible but highly tentative shows.

REPORT OF THE WORKING GROUP - LEX FRIEDEN

Mr. Frieden stated that the next report of the Task Force will be based on data currently being organized by the Research Group, directed by Dr. Phil Calkins. The report will be drafted by the Writing Group in consultation with the Working Group. There continues to be a need for more descriptions of discrimination, so that there can be an array of examples for the report. It makes no sense to write a second interim report which only restates the data presented in the initial report. So, new evidence of discrimination is needed to enhance and elaborate on our efforts to date.

The Working Group intends to hold a teleconference prior to the next meeting of the Task Force to identify other issues which the Task Force should consider in the future: for example, following the enactment of the ADA, providing leadership and direction for ways by which the public and the disability community is informed of and sensitized to the ADA.

Mr. Dart appealed to the members of the Task Force to convey their thoughts on the scope of the second interim and final reports. Obviously, the reports will recommend passage of the ADA and, perhaps, recommend legislation and/or administrative or regulatory actions to strengthen enforcement of existing disability rights statutes.

In response to this appeal, it was proposed that the Task Force commit itself to following through in assuring the implementation and application of the ADA; to oversee and act on related issues as they arise. Mr. Dart expressed his opinion that the current mandate from Congress does not take the Task Force to that point. He advised that a decision to perpetuate this Task Force should be made in very careful

consultation with Congress and among the members of the Task Force; in fact, it is not a decision that the Task Force itself can make. Mr. Dart cautioned that we would want to think very long before deciding to constitute ourselves as a permanent body representing persons with disabilities; particularly because of the existence of groups, such as, CCD and NCD.

To this, Mr. Bob Tate stated that he believes this Task Force is working because it is an extraordinary group of people working toward a common goal. Issues of the future should be dealt with later. The mandate now is to focus on disability discrimination and the ADA. Suggestions for future functions of this Task Force or some other group can be presented to Congressman Owens. Monitoring the implementation of the ADA, of course, is one such example.

Co-chairperson Boggs reminded the members that this topic has come up before and the discussions are always inconclusive. She suggested we table the discussion of this topic until the August meeting.

REPORT OF THE RESEARCH GROUP - DR. PHIL CALKINS

Dr. Calkins, once again, emphasized the necessity of Task Force members submitting their best examples of discrimination. Only a few members have submitted stories. Everyone's cooperation is needed.

REPORT OF THE WRITING GROUP - MR. TONY YOUNG

The Writing Group will be outlining the format and scope of the second interim report very soon. Meanwhile, the January 19 interim report has been widely distributed through the National Council on Independent Living (NCIL) network and other computer networks. Mr. Young estimates that nearly 1000 people have seen the report. Mr. Young also reported that a grass roots network is being formed in Northern Virginia to be ready to provide information when Congress begins considering the ADA.

OTHER BUSINESS

Andrea Brogdan announced that the National Head Injury Foundation is having a conference at the Hyatt Hotel in Crystal City on March 15-17 and anyone who is interested may attend. She also announced that the NHI Foundation has secured a \$50,000 grant for a leadership and advocacy conference. Ms. Brogdan requested guidance and assistance on the topic of advocacy, as the NHI Foundation is a relatively new organization.

NEXT MEETING

The next meeting of the Task Force will be on May 16, 1989 at the PCEPD, from 2:00 p.m. to 5:00 p.m., E.D.T.

There being no further business, Chairman Dart adjourned the meeting at 4:55 p.m., E.S.T.

Memorandum from Marcia

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

tfagend5.m16

Meeting of the Task Force, May 22, 1989, 2-5 pm EDT, President's Committee on the Employment of Persons With Disabilities, 1111 20th Street NW, Suite 636, Washington, DC 20036. Tel. 202-653-5044, TDD 202-653-5050, Fax 202-653-7386

AGENDA

Welcome by the Chairperson

Introduction of those on site and by teleconference

Old business

Review and approval of the minutes of March 9 meeting

Summary report by Chairperson and Cochairperson

Recognition of Marcia Lee Nelson, who will no longer hold a full time position with the Chairperson, but will continue to support the Task Force as a part time volunteer

Comments by Congressional Staff, with emphasis on how Task Force members and the organizations they represent can cooperate with Congress to pass an effective form of ADA

Comments by Ralph Neas, Executive Director, Leadership Conference on Civil Rights, on cooperative action by the civil rights community on ADA and other initiatives

Discussion by CCD leadership - Paul Marchand, Pat Wright, Liz Savage, Phil Calkins - on current ADA advocacy activities and plans.

Discussion by other Task Force members on ADA advocacy

Report of the working group - Lex Frieden, Phil Calkins, Paul Marchand, Tony Young, with special emphasis on future activities regarding interim and final Task Force reports

Discussion by Task Force members on the same subject

Other old business

New business

Site and time of next meeting, with suggestions from the members

EQUAL ACCESS TO THE AMERICAN DREAM

Maureen

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 863-0010 FAX (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels
Wade Blank
David Bodenstein
Frank Bowe, Ph.D.
Marca Bristo
Dale Brown
Philip B. Calkins, Ph.D.
David M. Capozzi, Esq.
Julie Clay
Susan Daniels, Ph.D.
James DeJong
Eliot Dober
Don Galloway
Keith Gann
James Havel
I. King Jordan, Ph.D.
Paul Marchand
Connie Martinez
Celane McWhorter
Oral Miller
Gary Olsen
Mary Jane Owen
Sandra S. Parrino
Ed Roberts
Joseph Rogers
Liz Savage
William A. Spencer, M.D.
Marilyn Price Spivack
Ann Vinup
Sylvia Walker, Ed.D.
Patrisha Wright
Tony Young

VOLUNTEER STAFF

Douglas Burleigh, Ph.D.
Gwyneth Rochlin

SUBCOMMITTEE LIAISONS

Maria Cuprill
Robert Tate
Patricia Laird

October 2, 1989

tfrepcol.02

Dear Colleague:

Enclosed is the Executive Summary of the findings and recommendations of the Task Force on the Rights and Empowerment of Americans with Disabilities as of October 2, 1989. I call your particular attention to pp. 3-7, which contain an item by item discussion of the major issues raised by opponents of the Americans with Disabilities Act, now before the House. This material will be useful for you as you advocate for the Act in your community.

Thanks to your advocacy ADA has been strongly supported by the President, and passed by the Senate, 76-8. But the vote in the House will be much more difficult. Stung by their loss in the Senate, the big money lobbies opposing ADA are going all out to promote killer amendments.

Your leadership is more important now than ever before. I ask each one of you to join me in launching a tidal wave of letters, calls and telegrams to Washington.

We must thank our supporters in the House and Senate, and the President. We must communicate to all members of the House and to the White House that ADA is the most important issue of our lives. It will define the humanity of people with disabilities to every citizen of this nation. It will be a model for the world. It must be enacted in a form that provides equal or greater civil rights protection for people with disabilities as S-933, passed by the Senate and endorsed by the President. THERE MUST BE NO WEAKENING AMENDMENTS. Because partial equality, written into law, will condemn millions in future generations to Jim Crow citizenship - in America and throughout the world. It will guarantee more segregation, more unemployment, more poverty, and more massive expenditures for unwanted welfare.

We cannot afford to fail our children's children.

Together, we shall overcome.



EQUAL ACCESS TO THE AMERICAN DREAM

To: Members and advisers
From: Justin Dart JD
Date: October 20, 1989

The Task Force has sent similar
letters to every member of
congress.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024

(202) 488-7684 Voice

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

October 2, 1989

tfrepltr.02

The Honorable Robert Michel
U.S. House of Representative
House Office Building
Washington, D.C. 20515

Dear Congressman Michel:

Elmer Bartels
Wade Blank
David Bodenstein
Frank Bowe, Ph.D.
Marca Bristo
Dale Brown
Philip B. Calkins, Ph.D.
David M. Capozzi, Esq.
Julie Clay
Susan Daniels, Ph.D.
James DeJong
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Tony Young

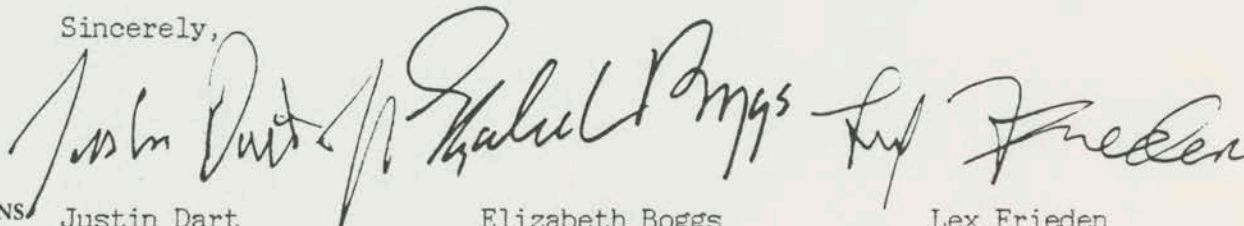
Enclosed is the Executive Summary of the findings and recommendations of the Task Force on the Rights and Empowerment of Americans with Disabilities as of October 2, 1989. We call your particular attention to pp. 3-7, which contain an item by item discussion of the major issues raised by opponents of the Americans with Disabilities Act, now before the House. In making its final decision on this historic civil rights legislation, it is vital that the Congress fully consider the opinions of the nation's leading authorities on disability issues, as well as the views of authentic representatives of the 43 million citizens with disabilities whose lives will be most affected by the Act.

The Task Force appreciates your support for people with disabilities over the years. Your leadership is more important now than ever before.

ADA will define the humanity of people with disabilities to every citizen of this nation. It will be a model for the world. It must be enacted in a form that provides equal or greater protection for people with disabilities as S-933, passed by the Senate, and endorsed by the President. There must be no weakening amendments. Partial equality, legitimized by law, will condemn millions in future generations to more segregation, unemployment, poverty and costly welfare dependency.

The members of the Task Force stand ready to assist you and your staff in any way possible in the process of completing action on ADA as a true mandate for equality.

Sincerely,



VOLUNTEER STAFF

Douglas Burleigh, Ph.D.
Marcia Lee Nelson
Gwyneth Rochlin

SUBCOMMITTEE LIAISONS

Maria Cuprill
Robert Tate
Patricia Laird

Justin Dart
Chairperson

Elizabeth Boggs
Cochairperson

Lex Frieden
Coordinator

EQUAL ACCESS TO THE AMERICAN DREAM

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

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ANSWERS BY THE TASK FORCE TO OBJECTIONS TO THE AMERICANS WITH DISABILITIES ACT.

Strong opposition to ADA in its present forms has been expressed by the representatives of business organizations, who argue that implementing the Act will result in massive financial and legal burdens for their members. The Task Force on the Rights and Empowerment of Americans with Disabilities believes that these arguments are based on obsolete, traditional assumptions, incomplete information and misinformation, and normal resistance to change.

Following is a discussion of the principal assertions made by the opponents of ADA. For the sake of brevity and clarity, discussion is limited to S-933, the Senate passed version of ADA, which has been strongly endorsed by the Bush administration.

OPPONENTS' ASSERTION: THAT AMERICA CANNOT AFFORD THE COST OF ADA, OF IMPLEMENTING EQUALITY FOR PEOPLE WITH DISABILITIES.

Would this assertion be made about the rights of Black, Hispanic or Jewish people? The very existence of the assertion reveals the insidious assumption of inequality that now prevents millions of people with disabilities from being employed and from fully exercising the other rights and responsibilities of citizenship. The very existence of the assertion reveals the absolute necessity for the national mandate of equality embodied in ADA.

OPPONENTS' ASSERTION: THAT ADA IS A HASTILY WRITTEN, ILL CONSIDERED "BLANK CHECK FOR THE DISABLED," AND "LAWYERS' EMPLOYMENT ACT." THAT ADA INVOLVES MASSIVE, UNKNOWN COSTS WHICH WILL OVERWHELM BUSINESSES, ESPECIALLY SMALL BUSINESSES, THREATENING THEIR PROFITABILITY AND VERY EXISTENCE. THAT ADA CONTAINS OVERKILL REMEDIES AND VAGUE NEW TERMS WHICH INVITE A FLOOD OF LITIGATION.

EQUAL ACCESS TO THE AMERICAN DREAM

- **HASTILY WRITTEN, ILL CONSIDERED?** On the contrary, ADA has been meticulously studied and refined over a period of more than six years. The Reagan appointed National Council on Disability studied costs and other ADA-related issues for more than three years before writing and unanimously recommending the Act in 1986. ADA's Congressional sponsors, representatives of the administration and the Task Force have further studied these issues for over a year. Numerous refinements have been made to accommodate the legitimate interests of business and of the nation. From the outset, participants in these processes have included many of the nation's leading authorities on the economics of disability and disability policy and law, as well as business persons.
- **MASSIVE COSTS FOR THE NATION?** The bottom line is that the costs of ADA are negligible and painless relative to the massive and rapidly escalating price of discrimination. Using data available from federal agencies, EEOC Chairman Designate Evan Kemp and President Bush have estimated that excluding 10 million citizens with disabilities from the workplace costs our society about \$300- billion annually.
- **UNKNOWN COSTS?** The specific costs of complying with ADA are no mystery. Every single policy or accommodation required by ADA has been implemented for more than a decade by a small but significant percentage of local communities and businesses throughout the nation, voluntarily, or pursuant to Title V of the Rehabilitation Act of 1973 (applying only to federally supported entities) and other federal, state and local legislation. There is a well documented track record of successful compliance, at modest cost. Indeed, most businesspersons who have implemented equality are vociferously proud of and pleased with their results.
- **OVERWHELMING COSTS FOR BUSINESSES?** The employment provisions of ADA explicitly excuse businesses from any compliance with the requirements of the Act which would constitute an undue hardship. The ADA definition of undue hardship as "an action requiring significant difficulty or expense" relative to the size, nature and situation of the affected entity, is particularly protective of the interests of small businesses.
- The public accommodations provisions of ADA covering existing facilities require only those accessibility modifications that are "readily achievable...without much difficulty or expense" - again relative to the particular circumstances of the business or other entity. Only newly constructed facilities and areas covered by extensive renovations are required to be completely accessible. Long experience has proven that with appropriate planning, totally accessible new facilities can usually be constructed at little or no extra cost.
- Economists predict a significant shortage of labor in the coming decades which will limit the potential of American business. By complying with ADA, businesses will gain millions of new employees and consumers, and will save millions through reduced taxes and public and private welfare costs.
- **OVERKILL REMEDIES? A FLOOD OF LITIGATION?** Hardly. The refined Senate version of ADA gives no incentive whatsoever for frivolous lawsuits. Plaintiffs cannot sue for punitive or compensatory damages. The authority to seek punitive damages is limited to violations of the public accommodations requirements of the Act, and is given only to the Attorney General in pattern or practice cases of general public importance. The limits of such damages, \$50,000-\$100,000, completely eliminate the problems associated with recent multi-million dollar judgments. Monetary relief for individual plaintiffs is available only in the form of back pay due from proven employment discrimination - a remedy which has been available to other minorities for over 25 years.

- **VAGUELY DEFINED TERMS?** Far from being vaguely defined, "reasonable" accommodation, "undue hardship" and most other terms and concepts set out in ADA are taken from the above mentioned federal legislation that has been in place for 15 years. They have been well defined through practice by courts, attorneys and many businesses, and have not resulted in confusion or excessive litigation. What ADA does do is to specify a rational flexibility in the application of requirements depending on the particular circumstances of each business. This is the kind of common sense law that business has been advocating for decades.

OPPONENTS' ASSERTION: BUSINESSES WITH LESS THAN 15 EMPLOYEES SHOULD BE EXEMPTED FROM THE REQUIREMENTS THAT THEIR FACILITIES MUST BE ACCESSIBLE TO PEOPLE WITH DISABILITIES.

- This is morally and economically unacceptable. Since it would exempt 75-80% of all places of business from the requirements of equal access, it would declare by law that people with disabilities are 75% less equal than other people. It would simply perpetuate the unemployment, isolation, poverty and costly welfare dependency of all those denied access. It would hurt small neighborhood businesses, because they would be deprived of the growing population of people with disabilities and frail elderly persons as much needed consumers and employees. It would be intolerable to the disability community and totally inconsistent with the sacred pledge of "liberty and justice for all."

OPPONENTS' ASSERTION: THAT ADA WILL REQUIRE BUSINESSES TO EMPLOY DRUG AND ALCOHOL ABUSERS.

False. ADA explicitly allows employers to discharge those who use or are under the influence of illegal drugs or alcohol in the workplace - and to test employees and applicants for employment for drug usage.

OPPONENTS' ASSERTION: THAT REQUIREMENTS FOR COMPLETELY ACCESSIBLE PUBLIC TRANSIT WILL RESULT IN SYSTEMS WHICH ARE UNAFFORDABLY COSTLY, IMPRACTICAL IN AREAS WITH INCLEMENT WEATHER, AND LARGELY UNUSED BY PEOPLE WITH DISABILITIES. SEPARATE, "PARATRANSIT" SYSTEMS ARE PROPOSED.

- "Separate but equal is not equal" applies particularly to transportation for people with disabilities.

- Prohibitions of discrimination in employment will have only limited effect if people with disabilities, who can least afford other transportation, are denied the regular use of mainline public transit to travel to work.

- Totally accessible public transit systems have been operating productively in many communities for many years - including communities with extreme weather conditions.

- As technology and public attitudes mature, as other aspects of the environment become accessible, and as people with disabilities gain confidence in the services, accessible transit will be accomplished with increasing economy and ridership. It will be increasingly profitable to operators, to taxpayers and to society as a whole.

- Paratransit systems for persons with certain types of very severe problems are essential not as a substitute for, but as a supplement to, 100% accessible public transit. The Task Force has overwhelm-

ing evidence that paratransit alone cannot provide equal access to society. Rides must be arranged one or two days in advance. Service is infrequent, unreliable and extremely costly. Paratransit was originally created to meet the minimal needs of isolated, dependent people, who require an occasional ride to receive medical or other essential services. It does not, and it cannot feasibly, meet the needs of a large population of fully employed, active citizens.

OPPONENTS' ASSERTION: THAT ADA WILL WORK PARTICULAR ECONOMIC HARDSHIP ON THE OPERATORS OF INTERCITY AND OTHER PRIVATE BUS SYSTEMS, WHO RECEIVE NO PUBLIC SUBSIDIES. LOBBYISTS FOR THESE OPERATORS ARGUE THAT THE COST OF MAKING SYSTEMS ACCESSIBLE WILL RESULT IN A SIGNIFICANT REDUCTION IN, OR THE ELIMINATION OF, SERVICES. THEY ASK TO BE EXEMPTED FROM THE REQUIREMENTS OF FULL EQUALITY.

- The private intercity bus systems have a virtual monopoly controlling the only public transportation available to millions of citizens in thousands of communities. These systems have a profound responsibility to meet the reasonable transit needs of the populations they serve. The current management of Greyhound-Trailways purchased the company only two years ago, presumably fully aware of and prepared to meet these needs. They have invested, and continue to invest, large sums in buses with optional amenities such as tinted glass, plush seats, restrooms and air conditioning, which cost much more than basic accessibility for people with disabilities. They are currently spending millions renovating and redecorating visible major terminals.

- ADA gives private bus systems a six to seven year period to plan, accumulate capital and develop economical technology before even one accessible bus must be ordered. The costs of achieving total accessibility would be spread over a period of 16-20 years. This would allow ample time for Congress to consider any legislative adjustments necessary to refine or facilitate the process.

- Greyhound projects a significant profit for 1989, and increasing profits in the coming years.

- Based on the actual costs of currently accessible bus systems and available new technology, experts in the area of accessible transportation state that the private bus owners have significantly exaggerated the costs of making their buses accessible. In addition, bus industry cost estimates are based on the assertion that ADA mandates wheel chair lifts and accessible bathrooms on all intercity buses. It does not. It simply mandates equal access, and a study to determine how equality can be implemented. The study could, but will not necessarily result in a requirement for lifts. There is absolutely no requirement in ADA for accessible bathrooms.

- In this context, it seems more than a little cynical and irresponsible for the private bus systems to assert that they cannot find any way to fulfill their most basic responsibilities to hundreds of thousands of the nation's poorest, most isolated citizens: rural and urban residents with disabilities and frail elderly persons. Denying these people the fully equal use of the only affordable intercity transportation serving their areas would simply result in more segregation, more unemployment, more welfare dependency and more second class citizenship.

OPPONENTS' ASSERTION: THAT PROVIDING TELECOMMUNICATIONS RELAY SERVICES FOR HEARING AND SPEECH IMPAIRED PERSONS WILL COST TELEPHONE COMPANIES \$250-300 MILLION PER YEAR.

- Many telecommunications experts say that these figures are exaggerated. They further point out that telephone relays have been operating successfully and without apparent economic problems for as long as five years in states such as California, Arizona, Oklahoma and New York.
- There are well over two million speech and hearing impaired persons in this country. Because of the impenetrable communication barriers which they face in 99% of their face-to-face encounters in today's communities, they rely far more than other people on telecommunications to be employed and to perform the normal functions of active citizens. This investment in their productivity will be returned to society many fold in terms of both economic productivity and quality of life.

Consortium for Citizens with Disabilities

TO: Disability Rights Advocates
FROM: Civil Rights Task Force
RE: URGENT ACTION NEEDED IMMEDIATELY IN HOUSE ON ADA!
DATE: September 28, 1989

Although the ADA was passed by an overwhelming vote in the Senate, it is in serious danger of being significantly weakened in the House. Grassroots activity is far more critical in the House than the Senate (for many reasons, including that House members run for re-election every 2 years). Right now we are losing this battle. The business community (including the National Federation of Independent Business, the Theatre Owners, the Hotel and Motel Association, Greyhound, the American Bus Association, and several other large national groups) are flooding all House offices with letters opposing or raising concerns about the ADA. THEIR LETTERS ARE OUTNUMBERING OURS BY AT LEAST 5 - 1. By next week, unless we move quickly, we will probably be outnumbered by 10 - 1.

Even our friends and cosponsors in the House are listening to the business communities from their states because they haven't heard enough from our side. In addition, some negative editorials have appeared in major newspapers, which the business community has distributed to all members of the House (see enclosed New York Times and Wall Street Journal editorials).

Both the public and private transportation sections of the ADA are in serious trouble. The public accommodations provisions may be severely limited by a small business exemption and some are even questioning the cost of providing telecommunications relay networks.

The only way to insure that we have the votes to beat amendments to weaken these provisions is to dramatically increase the volume of material to House offices from OUR side. Even though we do not have the enormous financial resources of the business community, we do have enormous numbers of voters. Members will listen if they hear from us.

THE TIME TO ACT IS NOW!!! THE ADA WILL PROBABLY BE ON THE HOUSE FLOOR WITHIN THE NEXT 3 WEEKS.

(see over)

Page 2

Letters are the most effective grassroots communication to Members. We have enclosed lists of the 4 House committees with jurisdiction of the ADA as well as the Small Business Committee list (these members are very powerful and may try to offer weakening amendments). EVERY member of the House, but especially those on these committees, even if he/she is a co-sponsor, should receive letters from their State, and if possible from their district. It is critical to write every Representative from your state, especially since many districts don't have strong disability organizations. All members are keeping a tally (pro and con) of the mail they receive. Particular attention should be given to the following members:

Bob Michel (R) - House Minority Leader (Peoria, ILL)
Newt Gingrich (R) - House Minority Whip (GA - Atlanta area)
John LaFalce (D) - Chair, Small Business Comm. (Buffalo, Rochester, NY)
Joseph McDade (R) - Ranking Minority, Small Business Comm. (Scranton, PA)
Jack Brooks (D) - Chair, Judiciary Comm. (Galveston, Beaumont TX)
John Dingell (D) - Chair, Energy & Commerce Comm. (Dearborn, MI)
Norman Lent (R) - Ranking Minority, Energy & Commerce Comm. (Long Island, NY)
John Paul Hammerschmidt (R) - Ranking Minority, Public Works and Transportation Comm., (Fayetteville, Ft. Smith, AR)
Bud Shuster (R) - Ranking Minority, Surface Transportation Subcommittee (south/central PA (Altoona))

The following members in leadership positions should be thanked for their support - they will be critical when the bill comes to the floor:

Tom Foley (D) - Speaker of the House, (Spokane, WA)
Richard Gephardt (D) - House Majority Leader (St. Louis, MO)
Bill Gray (D) - Majority Whip (Philadelphia, PA)
Glenn Anderson (D) - Chair, Public Works and Transportation Comm. (Long Beach, CA)

We have also enclosed a list of other activities to generate grassroots support for the ADA. We urge you to involve other non-disability organizations in your efforts. Here are some groups that are supporting the bill:

AFL-CIO,
Common Cause
National Council of Churches
National Council of La Raza
General Federation of Women's Clubs

American Nurses Assoc.
National Education Assoc.
The Gray Panthers
Assoc. of Junior Leagues

This is only a partial list. If you can, work with them and other groups to maximize your efforts.

REMEMBER, THE TIME TO ACT IS NOW!!!

REVIEW & OUTLOOK

The Lawyers' Employment Act

The easiest way to get a handle on the "sweeping" Americans With Disabilities Act that the Senate just passed is to consider this: Just days before the vote, in the middle of war-on-drugs week, the bill would have made it illegal for employers to discriminate against people who use crack and other drugs. That got removed. Also at the last minute, the Senate struck out language that would have encouraged people to file lawsuits on the grounds that they were about to be discriminated against.

The Americans With Disabilities Act, which breezed through the Senate Thursday, is loopy legislation in a good cause. It starts with the premise that 43 million people are handicapped, about one-sixth of the nation. The bill even declares that a person who is merely "regarded as having an impairment" should be considered disabled. That assertion prompted Senator Bill Armstrong to insist upon an amendment specifically stating that despite the vague wording, pedophiles, transsexuals, voyeurs and kleptomaniacs cannot be considered disabled and protected by the bill. There probably is a bevy of similar groups, beyond Senator Armstrong's imagination, who will be included under this definition, and who will use the act to file lawsuits.

Like so much recent federal law-making, the bill is a swamp of imprecise language; it will mostly benefit lawyers who will cash in on the litigation that will force judges to, in effect, write the real law.

Examples of vagueness abound. If the bill passes, as expected, owners of any new or altered buildings will be compelled to make "reasonable" accommodations for the disabled. The bill doesn't explain what "reasonable" entails.

The bill includes three separate definitions of discrimination, which seem to conflict. The most interesting declares that discrimination occurs when a business provides "a service, program, activity, benefit, job or other opportunity that is less effective than that provided to others." Let judges figure out what "effective" means. The bill says a company shouldn't incur "undue hardship" in meeting the standards.

Judging from the few places in which the bill is specific, the "undue hardship" provision could be pretty hard. For example, the bill does compel bus companies to install wheelchair lifts and toilets for the handicapped on inter-city buses. According to the industry, that will cost between \$200 million and \$666 million. Industries tend to exaggerate the costs of prospective laws, but even the lower

figure is much higher than the entire industry's net annual profits.

In other places where the bill is specific, it takes additional measures to encourage litigation. Plaintiffs will be able to sue not only for the usual monetary damages, but also for punitive damages ranging from \$50,000 to \$100,000. It is very rare for a civil-rights act to allow punitive damages. In this case, the punitive damages will foster suits, discourage settlements and arm plaintiffs as they negotiate for settlements.

Crafted primarily by Democratic Senators Kennedy and Harkin, the bill is based on the presumption that most Americans are hostile to the disabled and need this sort of blunt coercion. According to this thinking, it is the innate hardheartedness of society that causes the hardships suffered by the disabled; society needs to be redesigned.

This philosophy dovetails nicely with the prevailing idea that Senator Kennedy brings to other civil-rights issues, namely that the U.S. is fundamentally discriminatory. Not surprisingly, Ralph Neas, the affirmative-action spokesman whose specialty is blocking the Bush administration's appointments, is a vocal supporter of the bill.

It is surprising that George Bush and the White House inner circle would ally themselves with this crabby philosophy. They enthusiastically support the bill, even in its earlier, more monstrous forms. Tom Harkin is one thing, but why would this White House so willingly dump such direct costs and a litigation nightmare on small and often struggling companies?

We're certain that most Americans are instinctively sympathetic to the disabled's problems, and are willing to make a good-faith effort to enable them to live full lives. They don't need to be sledgehammered into decency.

There is, finally, one positive thing that can be said about this legislation. As usual, the original bill would have exempted Congress from the coverage of any new law for the disabled. But late Thursday night Senator Charles Grassley rose to propose that the bill apply to Congress as well; his amendment carried. The odds are that the amendment will be struck down in the House or in conference. But this alone is a historic occasion, the first time Congress has seriously entertained the idea that it too should live under the vague legal monstrosities it creates and imposes on everyone else. Maybe someone should try to put Congress on the receiving end of the act's first lawsuit.

Changing of the Prosecutors

Drexel Burnham Lambert today is scheduled to finally enter what amounts to its guilty plea. In lawyerly language, Drexel's attorneys will say the firm decided to plead guilty to six counts and pay \$200 million to settle

that Mr. Freeman didn't admit any securities violation, only mail fraud—whatever that means.

Judge Leval also learned that the prosecutors had no idea what actual

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THE NEW YORK TIMES, WED

The New York Times

Founded in 1851

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ARTHUR HAYS SULZBERGER, *Publisher 1935-1961*
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September 6, 1989

Blank Check for the Disabled?

With surprisingly narrow public scrutiny, Congress is moving swiftly to extend broad civil rights protection to the nation's 40 million disabled citizens. The sentiment is laudable: to bring the disabled closer to the mainstream of American society. But the legislation is vague; not even its defenders are able to calculate its benefits and costs. Those costs could be monumental. The proposal thus requires patient, unemotional examination.

That won't be easy. The bill was unanimously approved by the Senate Labor and Human Resources Committee last month, and though it still awaits hearings in four separate House committees, it commands strong bipartisan support in both House and Senate and the endorsement of President Bush. As one skeptic put it, "No politician can vote against this bill and survive."

The bill would ban discrimination in employment in all businesses with more than 15 workers. That's caused no controversy. What has is a provision requiring nearly every retail establishment, large or small, old and new — barber shops, banks, restaurants, movie theaters — to be accessible to the disabled. The legislation does not spell out how. But in many cases it would mean building ramps, widening doorways, modifying restrooms. Elevators would be required in all new buildings of more than two stories.

The bill would also require bus companies to include lifts, specially designed restrooms and other facilities on all new buses built five to six years after enactment. The bill calls for a study — after the bill is passed, not before — to determine how much this would cost the companies.

The bus companies are angry. Most businessmen are simply fretful and confused. That's partly

because the bill's language is so vague. It says that existing facilities must make only "readily achievable" changes that won't involve "burdensome expense." Yet what do these words mean in practice? Obviously, no bill can give precise instructions to thousands of individual businesses. But several states already have laws on the books that provide business more useful guidance than the Senate bill does.

Senator Tom Harkin, Iowa Democrat, argues that "costs do not provide a basis for exemption from the basic principles in a civil rights statute." Mr. Harkin has a hearing-impaired brother and a quadriplegic nephew. He's fought honorably for the bill, and has already made compromises.

He also points out that the Federal Government now spends nearly \$60 billion a year on benefits for the disabled — a sum that could shrink if the disabled had easier access to jobs and could move from welfare rolls to tax rolls. The Census Bureau reported last month that less than 25 percent of all disabled men and only 13 percent of disabled women held full-time jobs. And the earnings of those who do work average only two-thirds that of all workers.

Predictions about the bill's projected benefits are obviously speculative. Worse, nobody has even tried to speculate about its costs. But it shouldn't be impossible to provide estimates. The Office of Management and Budget has done so before in tough instances, like the costs of air bags.

Congress and the Administration now have a similar responsibility to stand back, to weigh, to calculate. No one wishes to stint on helping the disabled. It requires little legislative skill, however, to write blank checks for worthy causes with other people's money.



Office of the Attorney General
Washington, D. C. 20530

September 19, 1989

The Editor
Letters to the Editor
The New York Times
229 W. 43rd Street
New York, New York 10036

Dear Sir:

The Times editorial concerning the proposed Americans with Disabilities Act ("Blank Check for the Disabled," Sept. 6, 1989) reflects serious misunderstandings about both the process and the product of years of effort to enact comprehensive civil rights legislation for individuals with disabilities.

For too long federal policy has provided massive financial resources for income support programs to maintain individuals with disabilities in a state of dependency. The new disability legislation, on the other hand, will promote the independence of persons with disabilities to enable them to enter into the mainstream of American life. By removing barriers to full participation by disabled individuals, the bill will have direct and tangible benefits for the economy. The result will be more disabled persons working, increased earnings, less dependence on the Social Security system, increased spending on consumer goods, and increased tax revenues.

While it is by no means a perfect bill, the Americans with Disabilities Act is a carefully balanced measure. It provides an effective means of combating discrimination and yet gives enough latitude to employers, public accommodations, and other entities covered by the bill to allow them the flexibility to achieve compliance without unduly burdening their operations.

The Administration has taken great pains to ensure that any legislation requiring the removal of barriers to equal opportunity for disabled persons, a goal that we all share, not jeopardize in any way job creation and growth in the national economy.

- 2 -

The Editor
September 19, 1989
Page 2

Contrary to the Times assertion that the bill has received "surprisingly narrow public scrutiny," the legislation, in fact, has been the subject of extensive congressional hearings and consultation with concerned groups, including small businesses and bus operators. The Administration carefully considered the views of all interested parties and only after painstaking negotiations with the Senate sponsors did the Administration reach a compromise agreement that adequately takes legitimate cost concerns into account while ensuring that the intolerable isolation of disabled persons will be brought to an end.

The bill is not a "blank check" as the Times asserts. The bill clearly states, with respect to public accommodations, that barriers only need be removed in existing facilities if such removal is readily achievable, i.e., can be accomplished easily and without much expense.

This limitation, which the Times attacks as vague, is intended to be flexible because of its novelty and the wide variety of situations in which it must be applied. This flexibility will allow for further regulatory definition and refinement.

As an essentially forward-looking bill, the legislation reserves the most rigorous accessibility requirements for new construction, resulting in an estimated one percent increase in construction costs. Auxiliary aids such as readers for blind persons and sign language interpreters for hearing-impaired persons are not required if they would result in an undue burden.

The Times also misunderstands the requirements for private, intercity bus companies. The bill will not require accessible restrooms in buses if they would result in the significant loss of current seating capacity or if they are not technologically feasible. In fact, no bus company will be subject to these requirements for at least six years, which allows Congress and the Department of Transportation ample time to make appropriate statutory or regulatory modifications.

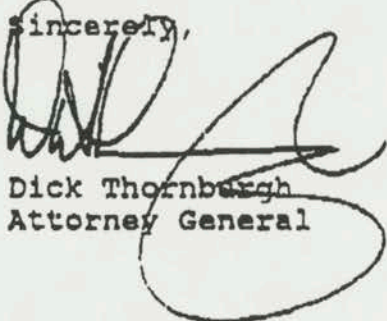
President Bush has consistently supported efforts to bring individuals with disabilities into the mainstream of American society. This requires comprehensive legislation to ensure equal access to education, jobs, public accommodations, and public transportation. The President and I remain convinced that the

- 3 -

The Editor
September 19, 1989
Page 3

bill, as passed by the Senate, will ensure that the intolerable isolation of persons with disabilities will be brought to an end without the dire economic consequences envisioned by the Times.

Sincerely,



Dick Thornburgh
Attorney General



Office of the Attorney General
Washington, D. C. 20530

September 19, 1989

Mr. Robert Bartley
Letters to The Editor
The Wall Street Journal
200 Liberty Street
New York, New York 10281

Dear Mr. Bartley:

The Journal's editorial concerning the proposed Americans with Disabilities Act ("The Lawyer's Employment Act," September 11, 1989) not only failed to grasp the importance of enacting comprehensive civil rights legislation for individuals with disabilities, but also contained several factual errors.

For too long federal policy has provided massive financial resources for income support programs to maintain individuals with disabilities in a state of dependency. The new disability legislation, on the other hand, will promote the independence of persons with disabilities to enable them to enter into the mainstream of American life. By removing barriers to full participation by disabled individuals, the bill will have direct and tangible benefits for the economy. The result will be more disabled persons working, increased earnings, less dependence on the Social Security system, increased spending on consumer goods, and increased tax revenues.

This is not "loopy" legislation or a product of a "crabby philosophy" as the Journal would have it. The promotion of long-term economic growth and an end to the intolerable isolation of individuals with disabilities are goals that all Americans share. In fashioning this legislation, the President has worked tirelessly and successfully with the Senate to ensure that these

Mr. Robert Bartley
September 19, 1989
Page 2

goals will be achieved without the negative effects that the Journal fears.

I would like to correct the record on several points. First, the editorial's prediction of a tidal wave of litigation resulting from the bill is based on a series of false premises. Contrary to the Journal's assertion, plaintiffs will not be able to sue for punitive damages under the bill. Rather, the authority to seek civil penalties is limited to violations of the public accommodation part of the bill, is given only to the Attorney General, and is limited to pattern or practice cases of general public importance. As Senator Dole aptly stated on the Senate floor, attorneys will not be able to build careers out of lawsuits against public accommodations.

Second, aware of the costs that litigation can impose on business, the Administration held fast, during negotiations with the Senate, in its opposition to any provision that would create any additional monetary incentive for private litigation. In fact, it is only in the employment area that any monetary relief is available, and that particular relief, in the form of back pay, has been available under other civil rights employment statutes for the last 25 years.

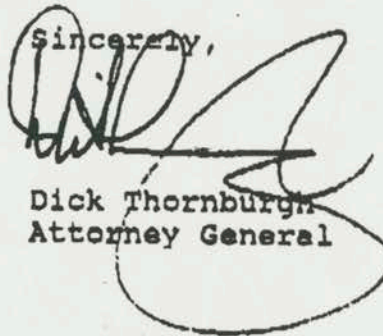
Third, you contend that litigation will also be fueled by the vagueness of concepts such as "reasonable" accommodation and "undue hardship." In fact, these terms as well as most of the key language incorporated in the bill, are taken from Federal laws prohibiting discrimination on the basis of handicap that have covered the Federal Government, its recipients, and contractors for over 15 years. Broad portions of the private sector, therefore, are already familiar with these concepts and have not been unduly burdened by litigation or, for that matter, the costs of complying with these laws.

Fourth, the Journal apparently fails to understand why comprehensive legislation to ensure equal opportunity for individuals with disabilities is needed. Good faith efforts have not proven to be enough. Congressional hearings on the legislation documented a litany of instances of discriminatory

Mr. Robert Bartley
September 19, 1989
Page 3

treatment against persons with disabilities in our society and detailed the inadequacies of current Federal and State laws to address this discrimination. Two-thirds of all disabled Americans between the ages of 16 and 64 are not working and the overwhelming majority of these persons say that they want to work.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dick Thornburgh', is written over the typed name. The signature is stylized with a large, sweeping 'D' and a long horizontal stroke.

Dick Thornburgh
Attorney General

6A • TUESDAY, OCTOBER 3, 1989 • USA TODAY



"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth
Founder
Sept. 15, 1982

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Face-off: Helping the disabled get around

Give the disabled bus-riding equality

By Marca Bristo
Guest columnist

CHICAGO — Equal access to transportation is a fundamental civil right guaranteed by the Americans with Disabilities Act, now before Congress. Since people with disabilities have drastically lower incomes than other Americans, private buses are often their only practical option for intercity travel. Full access to private buses is an essential component of full citizenship.

As a special concession to private bus companies, the proposed law gives them six or seven years before even one dollar must be spent on accessible buses — their total costs will be spread over 15 to 20 years.

Yet the bus industry has launched an 11th-hour campaign of deception and scare tactics. Led by highly paid lobbyists and Greyhound executives, they are spending thousands to convince Congress they cannot afford to serve millions of disabled consumers. There is an avalanche of threats: cancellation of service to 5,000 communities, firing 10,000 Greyhound employees. Cost estimates are grossly inflated.

The bus industry could find better use of its resources — starting now to develop cost-effective ways to eliminate discrimination against disabled people. It



By Lisa Ebright

Marca Bristo is past president of the National Council on Independent Living.

Jim Crow service and Jim Crow citizenship to millions.

Maintaining Americans with disabilities in unwanted dependency costs the USA \$300 billion annually. Extending equal opportunities to the disabled will create new workers, new consumers and new taxpayers. Most importantly, access is a civil right! Like the freedom riders in the 1960s, the real battle is not over dollars but over ignorance, fear and prejudice. It's a fight our nation cannot economically or morally afford to lose.

could study the numerous areas where accessible buses already operate profitably, at costs far below their estimates. They could study already available technology that is certain to improve cost effectiveness.

Why the scare campaign? Simple. This is the same explosion of bigotry that has greeted every expansion of civil rights. By offering to provide service on inaccessible buses only with advance notice, only to some people with disabilities, only to some cities, the monopolistic bus industry proposes

By Wayne J. Smith
Guest columnist

WASHINGTON — Give 'til it hurts? Maybe. Give 'til it's fatal? No. There must be a better way. Even in pursuit of a worthy cause, extreme caution should be exercised when the stakes might include extinction of a viable, public service-delivering industry.

Today, no less than the already frail economic life of the private intercity, charter and tour bus industry is jeopardized. Congress' Americans with Disabilities Act requires that every new bus put in service must be made "fully accessible" to the handicapped, including wheelchair users. Bus owners would be in violation of the law, not for denying services to a handicapped person, but merely for purchasing a non-accessible bus. Even if they can provide the service with leased vehicles. Even if they've never been requested to carry a handicapped person. Even if they never are asked.

The demand for every-bus accessibility is made without regard for a demonstrated need, the coach buyer's ability to pay or the loss of income-producing seats and resultant higher ticket prices for all riders. It demands compliance even if the operator would be forced out of business, abandoning both the riders and



By Reni Newsphotos

Wayne J. Smith is executive director, United Bus Owners of America.

communities now served.

Worst of all, the law's sacrifice of these vital transportation services is needless. Private motor-coach operators earn a fragile livelihood in a service industry. Whenever humanly and legally possible, operators already accommodate all riders, including the handicapped. And the industry is fully prepared to broaden accessibility system-wide. That doesn't necessarily mean every vehicle needs to be accessible.

With removal of the every-bus mandate, this bill could produce the goal everyone wants: full mobility for all Americans, including the handicapped. Without amendment, the bill will instead lead to the senseless destruction of the small businesses which deliver the USA's most wide-reaching and last truly affordable mode of public transportation to millions of low-income, elderly, rural and handicapped citizens.

"Equal access to transportation" shouldn't mean "everyone stays home." Not in the USA, anyway.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 863-0010 FAX (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

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Congress must act promptly to complete action on the Americans with Disabilities Act of 1989 in a form which provides equal or greater protection for people with disabilities as S-933, passed by the Senate. There must be no weakening amendments. Partial equality is no longer tolerable to Americans with disabilities. Partial equality, written into law, simply guarantees more segregation, more unemployment and more public and private expenditures for welfare.

EQUALITY FOR 43 MILLION AMERICANS WITH DISABILITIES, A MORAL AND ECONOMIC IMPERATIVE

The report of the Task Force on the Rights and Empowerment of Americans with Disabilities - Executive Summary of findings and recommendations as of October 2, 1989

The Task Force is mandated to make recommendations to Congress as it considers the Americans with Disabilities Act. This landmark human rights legislation will extend to people with disabilities the same comprehensive civil rights protection which has been enjoyed by all other major minorities for 25 years.

The Americans with Disabilities Act has been passed by the U.S. Senate 76-8, and cosponsored by a majority in the House. The Senate version has been endorsed by the President of the United States. ADA is supported by all major disability constituency organizations, and by over 99% of the thousands of persons with disabilities, their advocates and others presenting evidence to the Task Force and to the Congress.

The bottom line is that the costs of ADA are negligible and painless relative to the massive and rapidly escalating price of discrimination. EEOC Chairman Designate Evan Kemp and President Bush have estimated that excluding 10 million citizens with disabilities from the workplace costs our society about \$300 billion annually.

EQUAL ACCESS TO THE AMERICAN DREAM

THE TASK FORCE

The Americans with Disabilities Act was introduced in Congress on April 28, 1988. It was reintroduced, in a modified form, in the current Congress on May 9, 1989. On August 2, a bipartisan version of the Act was adopted 16-0 by the Senate Committee on Labor and Human Resources, and endorsed by President Bush. On September 7, this bipartisan version, with refining amendments, was passed 76-8 by the full Senate, with strong support from the President. The House is presently considering the Act as introduced on May 9, which has been cosponsored by a majority of the members. This historic legislation would extend to people with disabilities the same type of comprehensive civil rights protection that has been enjoyed by all other major minorities for 25 years.

The Task Force on the Rights and Empowerment of Americans with Disabilities was established on May 2, 1988 by Congressman Major R. Owens, Chairman of the House Subcommittee on Select Education. Composed of 35 distinguished representatives of every major segment of the nation's 43 million American citizens with disabilities, the Task Force is mandated to collect information and to make recommendations which will assist the Congress as it considers the Americans with Disabilities Act.

FINDINGS

The members of the Task Force, available research and more than 12,000 persons with disabilities and their advocates attending 63 Task Force forums and sixteen Congressional hearings in 50 states have provided overwhelming evidence that:

- In spite of great progress in the area of disability during the past few decades, millions of Americans with disabilities are still subjected to massive discrimination and segregation in all significant aspects of their lives. Too many suffer blatant infringement of their most basic human rights. Too many have little or no participation in the decisions that control their lives.
- Our very promising pioneer services to enable people with disabilities to be productive and independent are severely constrained by traditional discrimination, obsolete attitudes and inaccessible environments.
- Discriminatory attitudes result in widespread laxity in the enforcement of existing disability rights and services legislation.
- Blocked by discriminatory and paternalistic practices from fulfilling their potential for productive and satisfying lives, people with disabilities form this nation's most isolated, unemployed, impoverished and dependent minority. The depth of their spiritual suffering is impossible to express in words.
- This forced dependency of a large proportion of our increasing population of people with disabilities has resulted in heavy and rapidly escalating economic burdens on government, business, families and taxpayers.

SUPPORT FOR ADA

Besides the Bush administration and a majority of the members of the Congress, ADA has the strong support of all major disability constituency and civil rights organizations, and over 99% of the thousands of persons with disabilities, their advocates and others presenting evidence to the Task Force and to the Congress. Numerous other groups are also supporting the Act, including AFL-CIO, Common Cause, the National Council of Churches, the National Council of La Raza, the General Federation of Women's Clubs, the American Nurses Association, the National Education Association, The Gray Panthers, the Association of Junior Leagues and many businesspersons who have had actual experience making their facilities accessible and employing people with disabilities.

OPPOSITION TO ADA

Strong opposition to ADA in its present forms has been expressed by the representatives of business organizations, who argue that implementing the Act will result in massive financial and legal burdens for their members. The Task Force believes that these arguments are based on obsolete, traditional assumptions, incomplete information and misinformation, and normal resistance to change.

Following is a discussion of the principal assertions made by the opponents of ADA. For the sake of brevity and clarity, discussion is limited to S-933, the Senate passed version of ADA, which has been strongly endorsed by the Bush administration.

OPPONENTS' ASSERTION: THAT AMERICA CANNOT AFFORD THE COST OF ADA, OF IMPLEMENTING EQUALITY FOR PEOPLE WITH DISABILITIES.

Would this assertion be made about the rights of Black, Hispanic or Jewish people? The very existence of the assertion reveals the insidious assumption of inequality that now prevents millions of people with disabilities from being employed and from fully exercising the other rights and responsibilities of citizenship. The very existence of the assertion reveals the absolute necessity for the national mandate of equality embodied in ADA.

OPPONENTS' ASSERTION: THAT ADA IS A HASTILY WRITTEN, ILL CONSIDERED "BLANK CHECK FOR THE DISABLED," AND "LAWYERS' EMPLOYMENT ACT." THAT ADA INVOLVES MASSIVE, UNKNOWN COSTS WHICH WILL OVERWHELM BUSINESSES, ESPECIALLY SMALL BUSINESSES, THREATENING THEIR PROFITABILITY AND VERY EXISTENCE. THAT ADA CONTAINS OVERKILL REMEDIES AND VAGUE NEW TERMS WHICH INVITE A FLOOD OF LITIGATION.

- HASTILY WRITTEN, ILL CONSIDERED? On the contrary, ADA has been meticulously studied and refined over a period of more than six years. The Reagan appointed National Council on Disability studied costs and other ADA-related issues for more than three years before writing and unanimously recommending the Act in 1986. ADA's Congressional sponsors, representatives of the administration and the Task Force have further studied these issues for over a year. Numerous refinements have been made to accommodate the legitimate interests of business and of the nation. From the outset, participants in these processes have included many of the nation's leading authorities on the economics of disability and disability policy and law, as well as businesspersons.

- MASSIVE COSTS FOR THE NATION? The bottom line is that the costs of ADA are negligible and painless relative to the massive and rapidly escalating price of discrimination. Using data

available from federal agencies, EEOC Chairman Designate Evan Kemp and President Bush have estimated that excluding 10 million citizens with disabilities from the workplace costs our society about \$300- billion annually.

- **UNKNOWN COSTS?** The specific costs of complying with ADA are no mystery. Every single policy or accommodation required by ADA has been implemented for more than a decade by a small but significant percentage of local communities and businesses throughout the nation, voluntarily, or pursuant to Title V of the Rehabilitation Act of 1973 (applying only to federally supported entities) and other federal, state and local legislation. There is a well documented track record of successful compliance, at modest cost. Indeed, most businesspersons who have implemented equality are vociferously proud of and pleased with their results.

- **OVERWHELMING COSTS FOR BUSINESSES?** The employment provisions of ADA explicitly excuse businesses from any compliance with the requirements of the Act which would constitute an undue hardship. The ADA definition of undue hardship as "an action requiring significant difficulty or expense" relative to the size, nature and situation of the affected entity, is particularly protective of the interests of small businesses.

- The public accommodations provisions of ADA covering existing facilities require only those accessibility modifications that are "readily achievable...without much difficulty or expense" - again relative to the particular circumstances of the business or other entity. Only newly constructed facilities and areas covered by extensive renovations are required to be completely accessible. Long experience has proven that with appropriate planning, totally accessible new facilities can usually be constructed at little or no extra cost.

- Economists predict a significant shortage of labor in the coming decades which will limit the potential of American business. By complying with ADA, businesses will gain millions of new employees and consumers, and will save millions through reduced taxes and public and private welfare costs.

- **OVERKILL REMEDIES? A FLOOD OF LITIGATION?** Hardly. The refined Senate version of ADA gives no incentive whatsoever for frivolous lawsuits. Plaintiffs cannot sue for punitive or compensatory damages. The authority to seek punitive damages is limited to violations of the public accommodations requirements of the Act, and is given only to the Attorney General in pattern or practice cases of general public importance. The limits of such damages, \$50,000-\$100,000, completely eliminate the problems associated with recent multi-million dollar judgments. Monetary relief for individual plaintiffs is available only in the form of back pay due from proven employment discrimination - a remedy which has been available to other minorities for over 25 years.

- **VAGUELY DEFINED TERMS?** Far from being vaguely defined, "reasonable" accommodation, "undue hardship" and most other terms and concepts set out in ADA are taken from the above mentioned federal legislation that has been in place for 15 years. They have been well defined through practice by courts, attorneys and many businesses, and have not resulted in confusion or excessive litigation. What ADA does do is to specify a rational flexibility in the application of requirements depending on the particular circumstances of each business. This is the kind of common sense law that business has been advocating for decades.

OPPONENTS' ASSERTION: BUSINESSES WITH LESS THAN 15 EMPLOYEES SHOULD BE EXEMPTED FROM THE REQUIREMENTS THAT THEIR FACILITIES MUST BE ACCESSIBLE TO PEOPLE WITH DISABILITIES.

- This is morally and economically unacceptable. Since it would exempt 75-80% of all places of business from the requirements of equal access, it would declare by law that people with disabilities are 75% less equal than other people. It would simply perpetuate the unemployment, isolation, poverty and costly welfare dependency of all those denied access. It would hurt small neighborhood businesses, because they would be deprived of the growing population of people with disabilities and frail elderly persons as much needed consumers and employees. It would be intolerable to the disability community and totally inconsistent with the sacred pledge of "liberty and justice for all."

OPPONENTS' ASSERTION: THAT ADA WILL REQUIRE BUSINESSES TO EMPLOY DRUG AND ALCOHOL ABUSERS.

False. ADA explicitly allows employers to discharge those who use or are under the influence of illegal drugs or alcohol in the workplace - and to test employees and applicants for employment for drug usage.

OPPONENTS' ASSERTION: THAT REQUIREMENTS FOR COMPLETELY ACCESSIBLE PUBLIC TRANSIT WILL RESULT IN SYSTEMS WHICH ARE UNAFFORDABLY COSTLY, IMPRACTICAL IN AREAS WITH INCLEMENT WEATHER, AND LARGELY UNUSED BY PEOPLE WITH DISABILITIES. SEPARATE, "PARATRANSIT" SYSTEMS ARE PROPOSED.

- "Separate but equal is not equal" applies particularly to transportation for people with disabilities.
- Prohibitions of discrimination in employment will have only limited effect if people with disabilities, who can least afford other transportation, are denied the regular use of mainline public transit to travel to work.
- Totally accessible public transit systems have been operating productively in many communities for many years - including communities with extreme weather conditions.
- As technology and public attitudes mature, as other aspects of the environment become accessible, and as people with disabilities gain confidence in the services, accessible transit will be accomplished with increasing economy and ridership. It will be increasingly profitable to operators, to taxpayers and to society as a whole.
- Paratransit systems for persons with certain types of very severe problems are essential not as a substitute for, but as a supplement to, 100% accessible public transit. The Task Force has overwhelming evidence that paratransit alone cannot provide equal access to society. Rides must be arranged one or two days in advance. Service is infrequent, unreliable and extremely costly. Paratransit was originally created to meet the minimal needs of isolated, dependent people, who require an occasional ride to receive medical or other essential services. It does not, and it cannot feasibly, meet the needs of a large population of fully employed, active citizens.

OPPONENTS' ASSERTION: THAT ADA WILL WORK PARTICULAR ECONOMIC HARDSHIP ON THE OPERATORS OF INTERCITY AND OTHER PRIVATE BUS SYSTEMS, WHO RECEIVE NO PUBLIC SUBSIDIES. LOBBYISTS FOR THESE OPERATORS ARGUE

THAT THE COST OF MAKING SYSTEMS ACCESSIBLE WILL RESULT IN A SIGNIFICANT REDUCTION IN, OR THE ELIMINATION OF, SERVICES. THEY ASK TO BE EXEMPTED FROM THE REQUIREMENTS OF FULL EQUALITY.

- The private intercity bus systems have a virtual monopoly controlling the only public transportation available to millions of citizens in thousands of communities. These systems have a profound responsibility to meet the reasonable transit needs of the populations they serve. The current management of Greyhound-Trailways purchased the company only two years ago, presumably fully aware of and prepared to meet these needs. They have invested, and continue to invest, large sums in buses with optional amenities such as tinted glass, plush seats, restrooms and air conditioning, which cost much more than basic accessibility for people with disabilities. They are currently spending millions renovating and redecorating visible major terminals.
- ADA gives private bus systems a six to seven year period to plan, accumulate capital and develop economical technology before even one accessible bus must be ordered. The costs of achieving total accessibility would be spread over a period of 16-20 years. This would allow ample time for Congress to consider any legislative adjustments necessary to refine or facilitate the process.
- Greyhound projects a significant profit for 1989, and increasing profits in the coming years.
- Based on the actual costs of currently accessible bus systems and available new technology, experts in the area of accessible transportation state that the private bus owners have significantly exaggerated the costs of making their buses accessible. In addition, bus industry cost estimates are based on the assertion that ADA mandates wheel chair lifts and accessible bathrooms on all intercity buses. It does not. It simply mandates equal access, and a study to determine how equality can be implemented. The study could, but will not necessarily result in a requirement for lifts. There is absolutely no requirement in ADA for accessible bathrooms.
- In this context, it seems more than a little cynical and irresponsible for the private bus systems to assert that they cannot find any way to fulfill their most basic responsibilities to hundreds of thousands of the nation's poorest, most isolated citizens: rural and urban residents with disabilities and frail elderly persons. Denying these people the fully equal use of the only affordable intercity transportation serving their areas would simply result in more segregation, more unemployment, more welfare dependency and more second class citizenship.

OPPONENTS' ASSERTION: THAT PROVIDING TELECOMMUNICATIONS RELAY SERVICES FOR HEARING AND SPEECH IMPAIRED PERSONS WILL COST TELEPHONE COMPANIES \$250-300 MILLION PER YEAR.

- Many telecommunications experts say that these figures are exaggerated. They further point out that telephone relays have been operating successfully and without apparent economic problems for as long as five years in states such as California, Arizona, Oklahoma and New York.
- There are well over two million speech and hearing impaired persons in this country. Because of the impenetrable communication barriers which they face in 99% of their face-to-face encounters in today's communities, they rely far more than other people on telecommunications to be employed and to perform the normal functions of active citizens. This investment in their productivity will be returned to society many fold in terms of both economic productivity and quality of life.

CONCLUSIONS

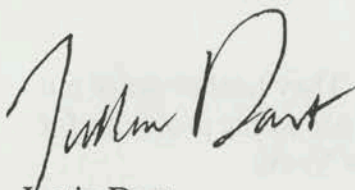
- America cannot afford either the moral or economic price of discriminatory practices. The cost of eliminating discrimination will be a small fraction of the cost of allowing it to continue. Initial investments in the rights and productive independence of people with disabilities have already proven to be profitable to every citizen and to the nation as a whole.
- Americans with disabilities will never overcome the massive injustice to which they are subjected, and achieve their full potential for equal participation in the productive mainstream of society, until they are fully protected by a comprehensive body of civil rights law. The Americans with Disabilities Act of 1989 is a good foundation for such a body of law.

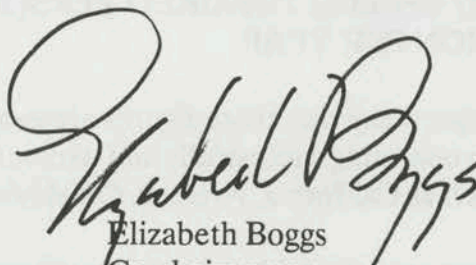
RECOMMENDATIONS

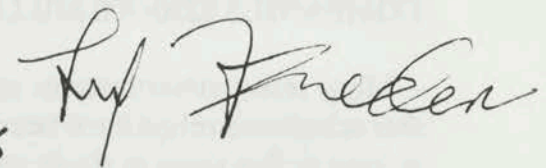
- Congress must take prompt action to conclude the passage of the Americans with Disabilities Act of 1989. The Senate and the House versions of the Act differ in some respects. Both represent substantial compromises by the disability community in order to minimize burdens on the private sector of transition to equal opportunity practices. Nevertheless, they are good basic mandates for eventual equality. The members of the Task Force unanimously endorse both the Senate and House versions of ADA, S-933 as amended and HR-2273. At the same time the Task Force urges Congress to be extremely cautious that the final writing of the Act truly accomplish its stated purpose: "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;"

It is vital that any further changes in ADA clarify and/or strengthen its present requirements that contribute to the fully equal participation of people with disabilities in the mainstream of society. Partial equality is no longer tolerable to Americans with disabilities. Partial equality, written into law, simply institutionalizes discrimination and guarantees more segregation, more unemployment, and more public and private expenditures for welfare. ADA must be consistent with the principle of full equality.

- The President and the executive branch should continue to provide vigorous public and administrative leadership for the passage and implementation of ADA.
- All citizens who believe in a just and productive America should advocate for the enactment of ADA as a true mandate for equality, and take decisive action to make ADA rights real in their communities.


Justin Dart
Chairperson


Elizabeth Boggs
Co-chairperson


Lex Frieden
Coordinator

H.R.2273

Cosponsors

CURRENTLY: 202 Democrats
28 Republicans

230 Cosponsors

ACKERMAN (D-NY)	As Introduced	05/09/89
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ANNUNZIO (D-IL)	Added	08/03/89
ASPIN (D-WI)	Added	08/03/89
ATKINS (D-MA)	As Introduced	05/09/89
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CONTE (R-MA)	As Introduced	05/09/89
CONYERS (D-MI)	As Introduced	05/09/89
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CROCKETT (D-MI)	As Introduced	05/09/89
DARDEN (D-GA)	Added	06/14/89
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DE FAZIO (D-OR)	Added	06/14/89

-2-

DE LUGO (D-VI)	As Introduced	05/09/89
DELLUMS (D-CA)	As Introduced	05/09/89
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ENGEL (D-NY)	Added	06/08/89
ESPY (D-MS)	As Introduced	05/09/89
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FASCELL (D-FL)	Added	06/14/89
FAUNTROY (D-DC)	Added	06/08/89
FAZIO (D-CA)	As Introduced	05/09/89
FEIGHAN (D-OH)	As Introduced	05/09/89
FISH (R-NY)	As Introduced	05/09/89
FLAKE (D-NY)	Added	06/23/89
FLORIO (D-NJ)	As Introduced	05/09/89
FOGLIETTA (D-PA)	As Introduced	05/09/89
FORD, HAROLD (D-TN)	Added	05/11/89
FORD, WILLIAM (D-MI)	Added	06/08/89
FRANK (D-MA)	As Introduced	05/09/89
FRENZEL (R-MN)	Added	05/18/89
FROST (D-TX)	As Introduced	05/09/89
FUSTER (D-PR)	As Introduced	05/09/89
GARCIA (D-NY)	As Introduced	05/09/89
GEJDENSON (D-CT)	As Introduced	05/09/89
GEPHARDT (D-MO)	Added	05/11/89
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GILMAN (R-NY)	Added	05/18/89
GLICKMAN (D-KS)	Added	08/03/89
GONZALEZ (D-TX)	Added	06/08/89
GORDON (D-TN)	As Introduced	05/09/89
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GUNDERSON (R-WI)	Added	08/03/89
HALL, TONY (D-OH)	Added	06/08/89
HAMILTON (D-IN)	Added	06/23/89
HAWKINS, AUGUSTUS (D-CA)	As Introduced	05/09/89
HAYES, CHARLES A. (D-IL)	As Introduced	05/09/89
HERTEL (D-MI)	Added	06/08/89
HOAGLAND (D-NE)	Added	08/03/89
HOCHBRUECKNER (D-NY)	Added	06/14/89
HORTON (R-NY)	Added	05/31/89

-3-

HOYER (D-MD)	As Introduced	05/09/89
HUBBARD (D-KY)	Added	07/20/89
HUGHES (D-NJ)	Added	06/14/89
HUTTO (D-FL)	As Introduced	05/09/89
HYDE (R-IL)	Added	09/27/89
JACOBS (D-IN)	As Introduced	05/09/89
JENKINS (D-GA)	Added	06/15/89
JOHNSON, NANCY (R-CT)	Added	08/03/89
JOHNSON, TIMOTHY P. (D-SD)	Added	06/15/89
JONES, BEN (D-GA)	Added	06/08/89
JONES, WALTER (D-NC)	Added	06/14/89
JONTZ (D-IN)	As Introduced	05/09/89
KAPTUR (D-OH)	Added	06/08/89
KASTENMEIER (D-WI)	As Introduced	05/09/89
KENNEDY, JOSEPH (D-MA)	Added	05/25/89
KENNELLY (D-CT)	Added	05/11/89
KILDEE (D-MI)	As Introduced	05/09/89
KLECZKA (D-WI)	As Introduced	05/09/89
KOLTER (D-PA)	Added	06/08/89
KOSTMAYER (D-PA)	Added	06/23/89
LANTOS (D-CA)	Added	05/16/89
LEACH, JAMES (R-IA)	Added	09/27/89
LEATH, MARVIN (D-TX)	Added	09/27/89
LEHMAN, RICHARD (D-CA)	Added	05/25/89
LEHMAN, WILLIAM (D-FL)	Added	05/18/89
LELAND (D-TX)	Added	06/14/89
LEVINE, MEL (D-CA)	Added	05/11/89
LEVIN, SANDER (D-MI)	As Introduced	05/09/89
LEWIS, JOHN (D-GA)	As Introduced	05/09/89
LIPINSKI (D-IL)	Added	06/08/89
LONG (D-IN)	Added	07/20/89
LOWEY, NITA (D-NY)	Added	08/03/89
MACHTLEY (R-RI)	Added	05/23/89
MANTON (D-NY)	As Introduced	05/09/89
MARKEY (D-MA)	As Introduced	05/09/89
MARTINEZ (D-CA)	As Introduced	05/09/89
MATSUI (D-CA)	As Introduced	05/09/89
MAVROULES (D-MA)	As Introduced	05/09/89
MCCLOSKEY (D-IN)	As Introduced	05/09/89
MCDERMOTT (D-WA)	As Introduced	05/09/89
MCHUGH (D-NY)	As Introduced	05/09/89
MCMILLEN, TOM (D-MD)	Added	06/23/89
MCNULTY (D-NY)	Added	05/16/89
MFUME (D-MD)	As Introduced	05/09/89
MILLER, GEORGE (D-CA)	As Introduced	05/09/89
MILLER, JOHN (R-WA)	As Introduced	05/09/89
MINETA (D-CA)	As Introduced	05/09/89
MOAKLEY (D-MA)	Added	05/11/89
MOLLOHAN (D-WV)	Added	09/27/89
MORELLA (R-MD)	As Introduced	05/09/89
MORRISON, BRUCE (D-CT)	As Introduced	05/09/89
MRAZEK (D-NY)	Added	06/08/89

-4-

MURPHY (D-PA)	Added	08/03/89
NAGLE (D-IA)	Added	09/27/89
NEAL, RICHARD (D-MA)	Added	06/08/89
NEAL, STEPHEN (D-NC)	Added	08/03/89
NELSON, BILL (D-FL)	Added	09/27/89
NOWAK (D-NY)	Added	06/23/89
OAKAR (D-OH)	Added	06/14/89
OBERSTAR (D-MN)	As Introduced	05/09/89
OWENS, MAJOR (D-NY)	As Introduced	05/09/89
OWENS, WAYNE (D-UT)	Added	05/23/89
PALLONE (D-NJ)	As Introduced	05/09/89
PANETTA (D-CA)	Added	06/14/89
PAYNE, DONALD (D-NJ)	Added	06/14/89
PELOSI (D-CA)	As Introduced	05/09/89
PERKINS (D-KY)	Added	08/03/89
PICKLE (D-TX)	Added	09/27/89
PORTER (R-IL)	Added	08/03/89
POSHARD (D-IL)	Added	06/08/89
PRICE, DAVID (D-NC)	Added	08/03/89
RAHALL (D-WV)	Added	05/11/89
RANGEL, CHARLES (D-NY)	As Introduced	05/09/89
RAVENEL (R-SC)	Added	06/14/89
REGULA (R-OH)	Added	07/20/89
RICHARDSON (D-NM)	As Introduced	05/09/89
RIDGE (R-PA)	Added	06/14/89
ROBINSON (D-AR)	Added	05/16/89
ROE (D-NJ)	Added	06/08/89
ROSE (D-NC)	Added	07/20/89
ROWLAND, JOHN (R-CT)	As Introduced	05/09/89
ROWLAND, ROY (D-GA)	Added	08/03/89
ROYBAL (D-CA)	As Introduced	05/09/89
SABO (D-MN)	As Introduced	05/09/89
SAIKI (R-HI)	As Introduced	05/09/89
SANGMEISTER (D-IL)	Added	06/15/89
SAVAGE (D-IL)	Added	06/08/89
SAWYER (D-OH)	Added	05/16/89
SCHEUER (D-NY)	Added	06/23/89
SCHNEIDER (R-RI)	As Introduced	05/09/89
SCHROEDER (D-CO)	Added	05/23/89
SHARP (D-IN)	Added	08/03/89
SHAYS (R-CT)	As Introduced	05/09/89
SIKORSKI (D-MN)	Added	06/14/89
SKAGGS (D-CO)	Added	06/15/89
SKELTON (D-MO)	Added	08/03/89
SLATTERY (D-KS)	Added	06/15/89
SLAUGHTER, LOUISE (D-NY)	Added	06/14/89
SMITH, LAWRENCE (D-FL)	Added	06/14/89
SMITH, PETER (R-VT)	As Introduced	05/09/89
SOLARZ (D-NY)	As Introduced	05/09/89
SPRATT (D-SC)	Added	09/27/89
STAGGERS (D-WV)	Added	08/03/89
STARK (D-CA)	Added	06/14/89

-5-

STOKES (D-OH)	Added	06/08/89
STUDDS (D-MA)	As Introduced	05/09/89
SWIFT (D-WA)	Added	06/23/89
TALLON (D-SC)	Added	07/20/89
TORRES (D-CA)	Added	06/14/89
TORRICELLI (D-NJ)	Added	06/14/89
TOWNS (D-NY)	Added	05/11/89
TRAFICANT (D-OH)	Added	06/14/89
TRAXLER (D-MI)	As Introduced	05/09/89
UDALL (D-AZ)	As Introduced	05/09/89
UNSOELD (D-WA)	Added	05/18/89
VENTO (D-MN)	As Introduced	05/09/89
VISCLOSKY (D-IN)	As Introduced	05/09/89
VOLKMER (D-MO)	Added	06/08/89
WALGREN (D-PA)	Added	05/31/89
WALSH (R-NY)	Added	06/08/89
WATKINS (D-OK)	Added	06/14/89
WAXMAN (D-CA)	As Introduced	05/09/89
WEBER (R-MN)	Added	08/03/89
WEISS (D-NY)	As Introduced	05/09/89
WHEAT (D-MO)	Added	05/11/89
WILLIAMS, PAT (D-MT)	As Introduced	05/09/89
WILSON, CHARLES (D-TX)	Added	06/14/89
WISE (D-WV)	As Introduced	05/09/89
WOLPE (D-MI)	As Introduced	05/09/89
WYDEN (D-OR)	Added	08/03/89
YATES (D-IL)	Added	05/18/89
YATRON (D-PA)	Added	06/15/89
YOUNG, DON (R-AK)	As Introduced	05/09/89

ROUGH DRAFT Z

APRIL, 1988

AD21

To: Congressman Major R. Owens, Maria Cuprill, Bob Tate,
Laurence Peters

From: Justin Dart

Subject: First outline draft of a report by the task force on the rights of Americans with disabilities, which you have asked me to chair - to be used in clarifying the project for prospective members and advisers, and soliciting input throughout the nation.

To: My colleagues in the disability community

From: Justin Dart

Subject: Task force on the rights, empowerment and productive independence of Americans with disabilities.

Chairman Major R. Owens of the Select Education Subcommittee of the House Committee on Education and Labor, has asked me to form and chair a bipartisan task force on the civil rights, empowerment, productive independence and quality of life of people with disabilities. The task force, initially intended to complete its work within 12-18 months, would focus on (1) examining evidence of discrimination against people with disabilities and other obstacles to the implementation of their civil and human rights to full and equal participation in the productive mainstream of society; (2) seeking examples of outstanding community, state, national and international initiatives to overcome barriers to the self-realization of people with disabilities and (3) recommending options for short and long range action to the Congress, the Executive Branch and the American people. Particular emphasis would be given to assisting the Congress to examine the issues raised by the introduction of the Americans With Disabilities Act, and similar proposed and possible legislation. The Task Force would, of course, not duplicate, but rather utilize, build on, distill and bring up to date the excellent work done by the White House Conference, the National Policy for Persons With Disabilities, Toward Independence and other distinguished local, national and international planning efforts. Whereas some areas of need, principally those addressed by major federal and private sector initiatives, have been the subject of considerable study, planning and action, other areas have had less attention. Efforts have too often been fragmented, sporadic and uncoordinated. It has for years been a commonplace that there is no comprehensive, implemented national disability policy.

Given these and other conditions, which reflect that approaches to disability are still in a pioneer phase, it would seem premature and perhaps wasteful for the task force to undertake a

detailed, comprehensive presentation of "final" proposals. Immediate action can never be rationally taken in isolation from a firm foundation of philosophy and planning, based on global considerations and the probabilities of the future. The task force will attempt to present a report that clearly supports the urgent need for selected, specific priority initiatives of a foundation-building nature, such as civil rights legislation, and places them in the context of a compact outline of complementary overall policy directions, based on universally agreed-upon principles. It is hoped that such information and recommendations will supplement excellent materials already available, and thus assist the new federal administration and Congress to lay a foundation for the development of a comprehensive national disability policy.

The task force is indeed fortunate that Lex Frieden has agreed to act as volunteer coordinator. He was, of course, chief editor and coordinator of TOWARD INDEPENDENCE, the National Council's widely acclaimed recommendations in regard to the future of disability related federal programs. And he has been associated in meaningful ways with a large number of other local, state, national and international research and planning activities over the last two decades. Lex has been intimately associated with the development of The Americans With Disabilities Act, which was the first recommendation of TOWARD INDEPENDENCE. We plan to recruit members, advisers and other volunteers of similar calibre, who will be truly representative of the diverse constituencies which form the disability community and who will bring to the task the best expertise available in each relevant area. We intend that the process will implement the principles of participatory democracy, independence, equality, empowerment and quality services to which our movement is dedicated.

In pursuance of this goal, I plan to travel extensively to solicit input from people with disabilities, their parents, advocates and service providers, and from other appropriate authorities and the general public. And Chairman Owens and his Subcommittee colleagues and staff members will be taking action to achieve the same result. Task force members and advisers will be appointed during the next few weeks, and perhaps throughout the process. A very limited budget will probably preclude the payment of travel expenses, so that regular face-to-face communication must be replaced in some instances by creative use of telephone, computer, mail and travel schedules. While it would be better to have abundant travel resources, this limitation does not seem insurmountable to me. As a long time member and student of the human rights movement, it is my impression that the quality and historical impact of truly progressive initiatives has been related very marginally to large budgets provided by the institutional status quo. It is envisioned that drafts will be developed by a compact writing committee, and circulated to task force members and advisers as our work progresses.

In the course of soliciting input for the Long Range Plan for Texans With Disabilities, the National Policy for Persons With Disabilities, Toward Independence, and for my use as Commissioner of RSA, I have travelled to each state at least twice, and have had the privilege of consulting with well over two thousand distinguished members of the disability community.

In order to provide a starting place for the task force I have attempted to distill the massive input of the past few years into a brief list of proposals on which to build. The following has been developed with the advice of Chairman Owens, Lex, the Subcommittee staff, and a few other colleagues. We earnestly solicit your frank criticism and advice for refinement, revision and expansion of the proposals to be made by the task force, and the process through which those proposals will be developed and implemented.

Toward Equality and Empowerment

The Empowerment of Americans With Disabilities to Achieve Their Full Potential for Independence, Productivity and Equal Participation in the Mainstream of Society

A Report by the Task Force on the Rights and Empowerment of Americans With Disabilities

Appointed by The Select Education Subcommittee of the House Committee on Education and Labor, U.S. Representative Major R. Owens, Chairman

A MIRACLE OF PROGRESS

THE TASK FORCE WISHES TO EXPRESS ITS MOST PROFOUND ADMIRATION AND RESPECT FOR THOSE COURAGEOUS ADVOCATES, PUBLIC OFFICIALS, COMMUNITY LEADERS, VOLUNTEERS AND SERVICE PROVIDERS WHOSE HARD WORK AND SACRIFICES HAVE CREATED A MIRACLE OF PROGRESS FOR AMERICANS WITH DISABILITIES DURING THE PAST SEVERAL DECADES. YOU ARE GREAT AMERICANS AT THE GREATEST OF ALL FRONTIERS - HUMAN JUSTICE AND HUMAN DEVELOPMENT. BUT WE ALL KNOW THAT THERE IS STILL A LONG, HARD ROAD TO TRAVEL TO THE PROMISED LAND OF FULL, FIRST CLASS CITIZENSHIP FOR ALL OF THE PEOPLE WITH DISABILITIES IN THIS NATION.

THE DREAM

WE OF THE DISABILITY COMMUNITY SHARE THE MAGNIFICENT DREAM OF GEORGE WASHINGTON, THOMAS JEFFERSON, ABRAHAM LINCOLN AND MARTIN LUTHER KING.

WE DREAM OF A GREAT SOCIETY WHICH WILL FULFILL THE VERY REAL

POTENTIAL OF AMERICA TO ENABLE ALL OF ITS PEOPLE TO ACHIEVE A FREEDOM, A DIGNITY AND A QUALITY OF LIFE WHICH IN PREVIOUS SOCIETIES HAS BEEN ASSOCIATED ONLY WITH THE PRIVILEGED FEW AND LIFE AFTER DEATH.

OUR TASK

OUR TASK IS TO TAKE ACTION THAT WILL TRANSLATE DREAM INTO REALITY. IN ORDER TO DO THIS WE MUST FIRST HAVE A CLEAR VISION OF PRINCIPLES, OUR OVERALL GOALS AND METHODS, AND A GENERAL CONSENSUS ON PRIORITY OPTIONS FOR UNIFIED ACTION.

YOUR DYNAMIC ADVOCACY DURING THE LAST FEW YEARS, AND MY DIALOGUES WITH YOU AND MORE THAN 2000 OF OUR COLLEAGUES IN EACH OF THE FIFTY STATES, HAVE CONVEYED TO ME A REMARKABLE UNITY IN SUPPORT OF COMMON PRINCIPLES, AND THE BEGINNINGS OF A CONSENSUS AGENDA. I WILL SUMMARIZE THESE PRINCIPLES AND THIS AGENDA FOR YOU, AND I RESPECTFULLY REQUEST YOUR CONTINUED GUIDANCE.

ESTABLISHING A FOUNDATION OF TRUTH: UNDERLYING PRINCIPLES

NONE OF OUR MAJOR GOALS WILL BE FULLY ACCOMPLISHED UNTIL DEVASTATING, AGE OLD ATTITUDES OF PREJUDICE AND PATERNALISM ARE DESTROYED. SUCCESSFUL SOLUTIONS CAN ONLY BE BASED ON THE UNDERSTANDING AND RESPONSIBLE IMPLEMENTATION BY ALL AMERICANS OF CERTAIN SELF-EVIDENT TRUTHS.

THAT DISABILITY IS A UNIVERSALLY COMMON CHARACTERISTIC OF THE NORMAL HUMAN CONDITION, THAT ALMOST ALL HUMAN BEINGS WILL EXPERIENCE THE IMPACT OF SIGNIFICANT DISABILITIES DURING THEIR LIFETIMES AND THAT ALL OF US ARE RESPONSIBLE TO PREVENT DISABILITY, AND TO DEAL WITH IT EFFECTIVELY WHEN IT OCCURS.

THAT THE VALUE AND DIGNITY OF EACH HUMAN LIFE IS EQUALLY SACRED AND INVIOABLE, AND THAT PEOPLE WITH DISABILITIES HAVE THE SAME INALIENABLE RIGHTS AND THE SAME INALIENABLE RESPONSIBILITIES AS OTHER PEOPLE.

THAT THE VALUE AND PRODUCTIVITY OF HUMAN BEINGS MUST BE MEASURED NOT ONLY IN TERMS OF SALARIED EMPLOYMENT, ECONOMIC BALANCES AND SOCIAL PRESTIGE, BUT MORE PROFOUNDLY BY THE EXTENT TO WHICH THEY ARE MAXIMIZING THEIR OWN QUALITY OF LIFE POTENTIAL AND THAT OF SOCIETY.

THAT AUTHORITARIAN PATERNALISM AND THE RESULTING SUBSERVIENT DEPENDENCY IS A PSYCHOLOGICAL AND SOCIAL CANCER WHICH CORRUPTS MASTER AND SLAVE ALIKE, PREVENTING THE FULL EXERCISE OF BOTH RIGHTS AND RESPONSIBILITIES, AND DESTROYING THE PRODUCTIVITY AND QUALITY OF LIFE OF INDIVIDUAL, AND OF SOCIETY AS A WHOLE.

THAT EQUALITY AND PRODUCTIVITY CAN NEVER BE SUCCESSFULLY MANDATED BY PATERNALISTIC AUTHORITY, BUT CAN ONLY BE ACHIEVED AS PEOPLE ARE ENABLED TO EMANCIPATE THEMSELVES FROM THE BONDAGE OF

DEPENDENCY, AND TO EMPOWER THEMSELVES TO PARTICIPATE FULLY AND RESPONSIBLY IN CONTROLLING THE PROCESSES THAT IMPACT THEIR LIVES.

THAT THE FUNDAMENTAL AND ONLY LEGITIMATE PURPOSE OF HUMAN SOCIETY IS TO PROVIDE THOSE ENVIRONMENTS, PROTECTIONS AND SERVICES WHICH ENABLE ALL OF ITS MEMBERS, INCLUDING PEOPLE WITH DISABILITIES, TO ACHIEVE THEIR FULL POTENTIAL FOR PRODUCTIVE SELF-REALIZATION AND LIVES OF QUALITY IN CREATIVE INTER-ACTION WITH OTHER HUMAN BEINGS.

THAT WHILE GOVERNMENT, REPRESENTING SOCIETY AS A WHOLE, HAS AN INESCAPABLE RESPONSIBILITY FOR THE SELF-REALIZATION OF ALL ITS PEOPLE, THE ULTIMATE RESPONSIBILITY FOR INITIATING AND IMPLEMENTING SOLUTIONS LIES COMPLETELY WITH INDIVIDUALS, WHOSE PERSONAL THOUGHTS AND ACTIONS FORM THE ENTIRE REALITY OF BOTH GOVERNMENT AND SOCIETY. GOVERNMENT, NO MATTER WHAT FORM IT TAKES, CAN NEVER DO MORE THAN ATTEMPT TO FACILITATE EFFORTS BY INDIVIDUALS TO SOLVE THEIR OWN PROBLEMS. ACTUAL SOLUTIONS OCCUR IN THE FAMILIES AND THE COMMUNITIES OF THE NATION, OR THEY DO NOT OCCUR AT ALL.

WE THE PEOPLE ARE THE GOVERNMENT. WE THE PEOPLE ARE THE PROBLEM.
WE THE PEOPLE ARE THE SOLUTION.

PROPOSALS FOR ACTION.

1. CIVIL RIGHTS.

CIVIL RIGHTS MUST BE THE FIRST PRIORITY OF OUR COMMUNITY. UNTIL WE FIRMLY ESTABLISH THE CONCEPT AND FACT OF OUR EQUALITY, WE WILL CONTINUE TO BE OBSTRUCTED AT EVERY TURN BY DEVASTATING DISCRIMINATORY ASSUMPTIONS AND PRACTICES; WE WILL CONTINUE TO BE FORCED TO NEGOTIATE EACH JOB, EACH SERVICE, EACH GRIEVANCE, EACH MODIFICATION FOR ACCESS ON THE BASIS OF CHARITY AND EMOTIONAL, POLITICAL AND ECONOMIC EXPEDIENCY; WE WILL CONTINUE TO RECEIVE THE LEFTOVER RESPECT AND THE LEFTOVER RESOURCES OF THIS SOCIETY.

WE STRONGLY RECOMMEND FULL CIVIL RIGHTS COVERAGE AT THE FEDERAL, STATE AND LOCAL LEVELS FOR ALL PEOPLE WITH DISABILITIES.

WE URGE THE CONGRESS TO IMMEDIATELY ENACT AND THE PRESIDENT TO SIGN LEGISLATION SUCH AS THE AMERICANS WITH DISABILITIES ACT OF 1988, WHICH WILL EFFECTIVELY GUARANTEE ALL PERSONS AGAINST DISCRIMINATION ON THE BASIS OF HANDICAP, AND ENSURE THAT ALL INDIVIDUALS WITH DISABILITIES IN THIS NATION WILL HAVE TRULY EQUAL OPPORTUNITIES TO ACHIEVE THEIR PERSONAL POTENTIAL TO PARTICIPATE FULLY IN THE MAINSTREAM OF SOCIETY AS PRODUCTIVE, INDEPENDENT CITIZENS OF THE FIRST CLASS.

2. EMPOWERMENT.

CIVIL RIGHTS LEGISLATION IS AN ESSENTIAL BEGINNING, BUT LAW ALONE WILL NOT MAKE US EQUAL. REAL HUMAN RIGHTS CANNOT BE HANDED DOWN

FROM ABOVE, BUT CAN ONLY BE ACHIEVED AS WE EMPOWER OURSELVES THROUGH FULL AND EQUAL PARTICIPATION IN THE PUBLIC AND PRIVATE DECISIONS THAT CONTROL OUR LIVES.

WE CAN NO LONGER BE SATISFIED WITH A FEW TOKEN ADVISORY AND FIGUREHEAD ROLES IN ESSENTIALLY PATERNALISTIC SYSTEMS.

WE MUST FOLLOW THE SUCCESSFUL EXAMPLE OF THE GALLAUDET STUDENTS TO DEMAND THAT PEOPLE WITH DISABILITIES AND THEIR AUTHENTIC REPRESENTATIVES ARE ENABLED TO ACHIEVE THAT FULL AND EQUAL PARTICIPATION IN THE DECISIONS OF GOVERNMENT AND SOCIETY WHICH ALONE CAN GUARANTEE THE DAILY EXERCISE OF THEIR RIGHTS.

GOVERNMENT MUST PLAY A DYNAMIC LEADERSHIP ROLE IN THE EMPOWERMENT PROCESS, THROUGH VIGOROUS PUBLIC ADVOCACY, THROUGH STRICT ENFORCEMENT OF RIGHTS LEGISLATION AND REGULATIONS, AND ESPECIALLY THROUGH AGGRESSIVE AFFIRMATIVE ACTION TO TRANSFORM ITS OWN EMPLOYMENT POLICIES INTO A SHINING EXAMPLE FOR THE NATION.

GOVERNMENT OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE INCLUDES PEOPLE WITH DISABILITIES AND THEIR SUPPORTERS.

3. EDUCATION.

EDUCATION WILL BE THE FOUNDATIONAL LONG RANGE SOLUTION. ALL EDUCATIONAL SYSTEMS MUST BE FULLY UTILIZED -- FAMILIES, THE PUBLIC MEDIA, BUSINESS, GOVERNMENT, PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES. MISINFORMATION MUST BE REPLACED BY FACTS, AND ATTITUDES OF PREJUDICE, PATERNALISM AND DEPENDENCY MUST BE REPLACED BY THE CONCEPTS AND PRACTICE OF INDEPENDENCE, PRODUCTIVITY AND DEMOCRACY. CHILDREN, YOUTH, AND ADULTS WITH DISABILITIES MUST BE BETTER PREPARED AND MORE EFFECTIVELY ASSISTED TO FULFILL THEIR POTENTIAL AS FULLY ACTIVE PARTICIPANTS IN THE MAINSTREAM OF SOCIETY. THERE SHOULD BE REQUIRED STUDIES, NOT JUST IN SPECIAL EDUCATION FOR PEOPLE WITH DISABILITIES AND IN PROGRAMS FOR DISABILITY-RELATED PROFESSIONALS, BUT IN ALL CURRICULA AT ALL LEVELS FOR ALL PEOPLE -- BECAUSE MOST PEOPLE WILL EVENTUALLY HAVE A SIGNIFICANT DISABILITY AND BECAUSE ALL PEOPLE WILL HAVE DIRECT RESPONSIBILITIES FOR OTHER PEOPLE WITH DISABILITIES. WE ALL MUST LEARN TO PREVENT DISABILITY, AND TO DEAL WITH IT EFFECTIVELY WHEN IT OCCURS.

4. SERVICES.

WITHOUT ADEQUATE SERVICES EQUAL OPPORTUNITY WILL EXIST LARGELY IN RHETORIC AND ON PAPER.

OUR INITIAL, PIONEER PUBLIC AND PRIVATE PROGRAMS OF INDEPENDENCE AND PRODUCTIVITY ORIENTED DISABILITY SERVICES HAVE PROVEN TO BE AMONG THE SUCCESSFUL INVESTMENTS THAT OUR SOCIETY HAS MADE. THAT VERY SUCCESS, IN COMBINATION WITH THE EXPLOSIVE DEMOGRAPHIC AND STRUCTURAL CHANGES OCCURRING IN OUR INCREASINGLY COMPLEX, INTERDEPENDENT, TECHNOLOGICAL SOCIETY, VIRTUALLY DEMANDS THAT WE PAUSE TO ASSESS AND TO PLAN.

WE RECOMMEND THE FUNDING AND ESTABLISHMENT BY THE CONGRESS AND THE EXECUTIVE BRANCH OF A MECHANISM TO UNDERTAKE A COMPREHENSIVE ASSESSMENT OF ALL OF OUR FEDERAL, STATE AND LOCAL PUBLIC AND PRIVATE SOCIAL SERVICES, AND TO RECOMMEND SPECIFIC FEDERAL LEGISLATION AND OTHER APPROPRIATE ACTION TO REFINE, EXPAND AND COORDINATE SUCH SERVICES TO MEET THE NEEDS OF ALL AMERICANS IN THE NINETIES AND THE TWENTY-FIRST CENTURY. THE NATIONAL COUNCIL ON THE HANDICAPPED SHOULD BE PROVIDED ENCOURAGEMENT AND RESOURCES TO EXECUTE THIS RESPONSIBILITY IN THE AREA OF DISABILITY. WHILE THE COUNCIL HAS ALREADY ACCOMPLISHED PART OF THIS TASK, MUCH REMAINS TO BE DONE. PARTICULAR ATTENTION MUST BE GIVEN TO THE ORGANIZATION AND COORDINATION OF FEDERAL DISABILITY PROGRAMS AND THEIR RELATIONSHIPS WITH OTHER FEDERAL AND STATE AND LOCAL PUBLIC AND PRIVATE DISABILITY AND SOCIAL PROGRAMS.

AN INITIATIVE OF THIS NATURE WOULD PROBABLY REQUIRE SEVERAL YEARS OF INTENSIVE ACTIVITY. MEANWHILE THE MASSIVE NEEDS OF MILLIONS OF AMERICANS WITH DISABILITIES DEMAND AND DESERVE IMMEDIATE ATTENTION. WE RECOMMEND THE CREATION OF AN ENTITY, OR SERIES OF COORDINATED ENTITIES, TO INITIATE THE DISABILITY PORTION OF THIS ENTERPRISE. SHORT AND LONG RANGE PLANS SHOULD BE MADE AND IMPLEMENTED, WITH CARE THAT SUCH PLANS ANTICIPATE AND BE FLEXIBLE ENOUGH TO FLOW EFFICIENTLY INTO THE PROBABLE EVENTUAL ADJUSTMENTS IN OVERALL SOCIAL SERVICE POLICY AND STRUCTURE.

AREAS FOR IMMEDIATE PLANNING ATTENTION INCLUDE THE UPCOMING REAUTHORIZATIONS OF DISABILITY RELATED LEGISLATION, THE REORGANIZATION OF OSERS-RSA-SEP-NIDRR AND THE STATE-FEDERAL PARTNERSHIPS IN REHABILITATION AND SPECIAL EDUCATION, THE NATIONAL COUNCIL ON THE HANDICAPPED, THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED, THE ARCHITECTURAL AND TRANSPORTATION BARRIERS BOARD AND THE VARIOUS OTHER PRESIDENTIAL COMMISSIONS AND COMMITTEES.

WE MUST BUILD ON THE MAGNIFICENT PIONEER FOUNDATION WHICH YOU HAVE LAID TO CREATE AN ACCESSIBLE, AFFORDABLE CONTINUUM OF PUBLIC, PRIVATE, BUSINESS AND FAMILY SERVICES WHICH WILL ENABLE ALL FUTURE AMERICANS, INCLUDING THOSE WITH THE MOST SEVERE DISABILITIES, TO ACHIEVE THEIR FULL POTENTIAL FOR PRODUCTIVE INDEPENDENCE, EQUALITY AND QUALITY OF LIFE IN THE MAINSTREAM OF SOCIETY. ESTABLISHING THIS CONTINUUM OF SERVICES MUST INVOLVE A COURAGEOUS REALIGNMENT OF PRIORITIES AND RESOURCES. WE MUST MOVE AWAY FROM OVER-EMPHASIS ON PATERNALISTIC CARETAKING, MAINTENANCE AND CHARITY. WE MUST MOVE VIGOROUSLY TOWARD THAT DYNAMIC COMBINATION OF BASIC LIFE SUPPORT SECURITY, SOUND GUIDANCE, FREEDOM AND OPPORTUNITY WHICH FOSTERS RESPONSIBLE SELF-DETERMINATION, CREATIVE PRODUCTIVITY, PERSONAL DIGNITY AND SOCIAL INTEGRATION. DECISIVE ACTION MUST BE TAKEN TO INSURE SECURE, AFFORDABLE, QUALITY, COMPREHENSIVE HEALTH AND PERSONAL CARE SERVICES FOR ALL PEOPLE WITH DISABILITIES. LEGISLATIVE AND REGULATORY DISINCENTIVES TO PRODUCTIVE ACTIVITY MUST BE ELIMINATED. MAXIMAL OPPORTUNITIES MUST BE CREATED FOR THE PROVISION OF SERVICES IN HOME, FAMILY AND COMMUNITY SETTINGS.

SPECIALIZED FACILITIES, WHEN NECESSARY, MUST BE DESIGNED TO MAXIMIZE THE QUALITY OF THE LIVES OF CLIENTS, AND MUST PREPARE THEM FOR OPTIMAL MAINSTREAM PARTICIPATION. CONSUMERS, FAMILIES AND ADVOCATES MUST BE FULL PARTICIPANTS IN ALL DECISIONS.

SPECIAL ATTENTION MUST BE GIVEN TO THE DEVELOPMENT OF PROGRAMS DESIGNED TO MEET THE NEEDS OF UNDERSERVED POPULATIONS SUCH AS MEMBERS OF RACIAL AND ETHNIC MINORITIES, RESIDENTS OF RURAL AREAS AND CORRECTIONAL INSTITUTIONS, SINGLE WOMEN WITH CHILDREN, THE VERY POOR, THE HOMELESS, AND PERSONS WITH MENTAL ILLNESS, MENTAL RETARDATION AND HEAD INJURY. SUCH PROGRAMS INCLUDE EARLY INTERVENTION, PRODUCTIVITY AND INDEPENDENCE ORIENTED EDUCATION, SCHOOL AND INSTITUTION TO WORK TRANSITION, INDEPENDENT LIVING COMMUNITY-BASED HOUSING AND SUPPORTED AND ADAPTED EMPLOYMENT.

SPECIAL ATTENTION MUST ALSO BE GIVEN TO THE DEVELOPMENT OF THE MASSIVE POTENTIAL OF FAMILIES, COMMUNITIES, INSTITUTIONS AND PUBLIC AND PRIVATE EMPLOYERS TO BETTER UTILIZE THE ABILITIES OF AMERICANS WITH DISABILITIES IN PRODUCTIVE ACTIVITIES.

IN ORDER TO BE EFFECTIVE, SUCH SERVICES MUST BE EXECUTED WITH THE HIGHEST STANDARDS OF ADMINISTRATION AND PROFESSIONALISM BY DYNAMIC PARTNERSHIPS INVOLVING PUBLIC AND PRIVATE ENTITIES AT THE NATIONAL, STATE AND LOCAL LEVELS, AND, OF COURSE, BY FULLY QUALIFIED PROFESSIONAL SERVICE PROVIDERS, WITH AND WITHOUT DISABILITIES, WHO ARE ABSOLUTELY DEDICATED TO THE PHILOSOPHY OF PRODUCTIVE INDEPENDENCE, EQUALITY, EMPOWERMENT AND INTEGRATION.

THE ENTIRE SPECTRUM OF PUBLIC AND PRIVATE SERVICES AND RELATED RESOURCES SHOULD BE ACCESSIBLE TO ALL CITIZENS THROUGH A SINGLE POINT OF ENTRY FOR INFORMATION, REFERRAL, ADVOCACY AND COUNSELING, BASED IN A NATIONAL COMPUTERIZED INFORMATION NETWORK. SUCH NETWORK WOULD LINK THE FILE OF EACH CLIENT ON A LIFETIME BASIS TO ALL LOCAL, STATE, NATIONAL AND INTERNATIONAL RESOURCES. IT WOULD INSTANTLY MULTIPLY THE POWER, INDEPENDENCE AND EFFECTIVENESS OF THE CLIENT-COUNSELOR PARTNERSHIP. IT WOULD GREATLY INCREASE THE INFORMATION AND OPTIONS AVAILABLE TO EACH CLIENT AND COUNSELOR. IT WOULD GREATLY REDUCE PAPER WORK, WAITING PERIODS AND RELATIVE COSTS. IT WOULD IMMEDIATELY MOVE TOWARD THE IDENTIFICATION AND ELIMINATION OF SERVICE GAPS. IT WOULD PRODUCE ACCURATE, UP-TO-THE MINUTE STATISTICAL INFORMATION. IT WOULD PROVIDE A DYNAMIC MEDIUM FOR UNITED ADVOCACY. IT WOULD, BY ITSELF, CONSTITUTE A QUANTUM LEAP FORWARD FOR AMERICANS WITH DISABILITIES IN THEIR EFFORTS TO HAVE AND TO CONTROL MEANINGFUL LIFE CHOICES, AND TO THROW OFF THE MULTIPLE YOKES OF FRAGMENTED AUTHORITARIAN PATERNALISM.

THIS POWERFUL MECHANISM COULD BE INITIATED BY CONGRESSIONAL ACTION. HERE IS ANOTHER TOP PRIORITY FOR ADVOCACY.

5. RESEARCH AND DEVELOPMENT.

GOVERNMENT AT THE HIGHEST LEVEL SHOULD INITIATE A NASA PRIORITY PROGRAM OF COORDINATED PUBLIC/PRIVATE RESEARCH, PLANNING AND

DEVELOPMENT DESIGNED TO RESULT IN A TRULY ACCESSIBLE SOCIETY. AREAS OF DEVELOPMENT INCLUDE: PREVENTION, MEDICINE, REHABILITATION, EDUCATION, TECHNOLOGY, COMMUNICATION, TRANSPORTATION, HOUSING, EMPLOYMENT, INDEPENDENT LIVING, CULTURAL INVOLVEMENT AND ENVIRONMENTAL DEVELOPMENT.

PREVENTION MUST BE ELEVATED TO A TOP PRIORITY. EDUCATIONAL, RESEARCH AND REGULATORY EFFORTS TO PREVENT INITIAL AND SECONDARY DISABILITY MUST BE INTENSIFIED AND EXPANDED BY SEVERAL HUNDRED PERCENT. SUBSTANCE ABUSE, SAFETY, ECOLOGICAL IMPROVEMENT, PUBLIC HEALTH, NUTRITION AND INDIVIDUAL, FAMILY, AND COMMUNITY PROGRAMS ALL OFFER POTENTIAL FOR DRAMATIC ADVANCES.

THERE MUST BE REASONABLE EFFORTS TO MAKE EXISTING PUBLIC AND PRIVATE PROGRAMS AND FACILITIES ACCESSIBLE TO PEOPLE WITH DISABILITIES. BUT THE MAJOR EMPHASIS OF THE RESEARCH AND DEVELOPMENT INITIATIVE MUST BE ON CREATING NEW FACILITIES, NEW SYSTEMS, NEW PROGRAMS AND PROGRAM ALIGNMENTS, NEW ENVIRONMENTS AND, INDEED, ENTIRELY NEW TYPES OF COMMUNITIES WHICH ARE TRULY ACCESSIBLE IN THE SENSE THAT THEY UTILIZE THE BEST OF OUR RICH EXISTING AND POTENTIAL RESOURCES TO MEET THE RAPIDLY CHANGING CHARACTERISTICS AND NEEDS OF OUR INCREASINGLY COMPLEX, TECHNOLOGY-BASED SOCIETY.

6. INTERNATIONAL OUTREACH.

WE MUST GREATLY DEVELOP POSITIVE WORKING RELATIONSHIPS WITH THE DISABILITY COMMUNITIES IN OTHER NATIONS, AND THE INTERNATIONAL ORGANIZATIONS WHICH SERVE THEM. IN AN AGE CHARACTERIZED BY INCREASING COMMUNICATIVE, TECHNOLOGICAL, ECONOMIC, POLITICAL AND SOCIAL INTERDEPENDENCE, WE SIMPLY CANNOT CONDUCT ANY SIGNIFICANT AFFAIRS WITH PRODUCTIVE EFFICIENCY OR MORAL RESPONSIBILITY WITHOUT GLOBAL INFORMATION AND GLOBAL COOPERATION. AND AS THE WORLD'S MOST AFFLUENT AND INFLUENTIAL CULTURE, WE HAVE A SPECIAL RESPONSIBILITY TO THE MORE THAN 500 MILLION PEOPLE WITH DISABILITIES WHO FORM THE MOST OPPRESSED AND DISADVANTAGED LARGE MINORITY ON EARTH. AS APOSTLES OF FREEDOM, PRODUCTIVITY AND PEACE, WE WILL FIND NO MORE PROFITABLE OR POPULAR INVESTMENT THAN POSITIVE ACTION TO EMANCIPATE PEOPLE WITH DISABILITIES FROM AN ETERNITY OF SLAVERY TO PATERNALISM, PREJUDICE AND PITY.

SUMMARY

DISABILITY EDUCATION FOR ALL CITIZENS; COMPREHENSIVE CIVIL RIGHTS LEGISLATION; EMPOWERMENT; A NATIONAL CONTINUUM OF COMPUTER CONNECTED SERVICES; A NASA LIKE PROGRAM OF RESEARCH, DEVELOPMENT, PLANNING AND PREVENTION; INTERNATIONAL OUTREACH.

THIS IS A MASSIVE, VISIONARY AGENDA. CAN WE AFFORD TO DO THESE THINGS? THE ANSWER IS A THUNDERING YES! THE ANSWER IS THAT WE HAVE NO OTHER RATIONAL OR MORAL CHOICE. NO NATION CAN LONG AFFORD THE ECONOMIC OR THE MORAL COST OF MAINTAINING EVER INCREASING MILLIONS OF ITS CITIZENS IN UNJUST, UNWANTED,

UNPRODUCTIVE DEPENDENCY. WE BELIEVE THAT EFFECTIVE IMPLEMENTATION OF THESE PROGRAMS WILL REDUCE THE PERCENTAGE OF NET PER PERSON PUBLIC AND PRIVATE DISABILITY COSTS IN THIS SOCIETY VERY SUBSTANTIALLY, AND WILL INITIATE A NEW ERA OF EXPLOSIVE PROGRESS FOR AMERICA -- ECONOMICALLY, AND IN TERMS OF QUALITY OF LIFE.

REQUIREMENT FOR VICTORY; UNITED ADVOCACY

COMPLETING THIS HISTORIC AGENDA WILL REQUIRE VIGOROUS ACTION BY THE CONGRESS, THE PRESIDENT AND OTHER PUBLIC AND PRIVATE SECTOR LEADERS TO ESTABLISH SOLUTIONS FOR DISABILITY AS A TOP NATIONAL PRIORITY. IT WILL REQUIRE EXPANDING THE ORGANIZED ADVOCACY OF THE DISABILITY COMMUNITY BY SEVERAL MAGNITUDES, INCLUDING THE DEVELOPMENT OF ADDITIONAL LEADERSHIP AT EVERY LEVEL, AND THE RECRUITMENT OF HUNDREDS OF THOUSANDS NOT YET INVOLVED. IT WILL REQUIRE STRENGTHENING OUR PRESENT ORGANIZATIONS AND CREATING NEW ONES, INCLUDING DYNAMIC COALITIONS AND, PROBABLY, A STRONG MEMBERSHIP ORGANIZATION LIKE AARP. IT WILL REQUIRE MUCH MORE VISIBLE AND SOPHISTICATED PARTICIPATION IN THE DEMOCRATIC PROCESS BY OUR LEADERSHIP AND BY MILLIONS OF PEOPLE WITH DISABILITIES AND THEIR SUPPORTERS. THIS HISTORIC ELECTION YEAR OFFERS AN OUTSTANDING OPPORTUNITY FOR OUR COMMUNITY TO LAY THE FOUNDATION FOR GREATLY INCREASED INVOLVEMENT IN PUBLIC DECISIONS.

SUCCESS WILL REQUIRE INCREASED, INSPIRATIONAL, OFTEN SACRIFICIAL COMMITMENTS BY ALL OF US. ABOVE ALL IT WILL REQUIRE THAT, LIKE THE FOUNDING FATHERS OF OUR NATION, WE OVERCOME POLITICS, PERSONAL HOSTILITY, TURF AND THE CORRUPTION OF POWER.

WE MUST UNITE -- ALL PEOPLE WITH DISABILITIES, THEIR PARENTS, ADVOCATES AND SERVICE PROVIDERS, AND ALL WHO LOVE JUSTICE.

WE MUST UNITE TO FULFILL OUR HISTORIC RESPONSIBILITIES TO MILLIONS IN THIS AND FUTURE GENERATIONS WHO RELY ON US FOR JOBS, FOR HOMES, FOR DIGNITY, FOR HEALTH AND FOR LIFE ITSELF.

WE MUST UNITE TO ESTABLISH THE RIGHTS OF PEOPLE WITH DISABILITIES IN THE CONSCIOUSNESS AND THE LAW OF THIS NATION, AND TO CONSTRUCT THE CONTINUUM OF SUPPORT SERVICES THAT WILL MAKE THOSE RIGHTS REAL IN EVERY DAY LIFE.

AVAILABLE TO US ARE THE VAST ECONOMIC, TECHNOLOGICAL AND HUMAN ASSETS OF THE RICHEST CULTURE IN THE HISTORY OF MANKIND.

WE HAVE NO EXCUSE TO FAIL. WE CANNOT AFFORD TO FAIL.

WE MUST UNITE.

TOGETHER, BUT ONLY TOGETHER, WE SHALL OVERCOME.

RNCPLTFM.M31

May 31, 1988

To: The Platform Committee of the Republican National Committee

From: Justin Dart, Jr.

Subject: The Republican commitment to Americans with disabilities

It is an honor to participate in the proceedings of the Republican Party led by great Americans like Ronald Reagan, George Bush and Frank Fahrenkopf.

President Reagan wrote to the National Council on the Handicapped on January 5, 1984:

"I agree...that this nation is founded on the principle that each human life is sacred and inviolable. People with disabilities have an absolute right and responsibility to participate fully and equally in society, and to maximize their quality of life potential in manners of their own choosing...Disabled people should have access to the best quality of life that our free nation has to offer."

1984 Republican National Convention Platform:

"The Republican Party is the party of equal rights...Americans demand a civil rights policy premised on the letter of the Civil Rights Act of 1964. That law requires equal rights; and it is our policy to end discrimination...."

There are more than 36 million Americans with disabilities, and this number is rapidly increasing due to advances in medicine which greatly prolong the lives of people who suffer previously fatal illnesses and trauma.

25 million potential voters with disabilities, plus several million more family members, service providers, friends and advocates form what Harris Poll President Humphrey Taylor has called "the sleeping giant of American politics." Substantially neglected by both major parties and their candidates, people with disabilities form a rapidly emerging and organizing minority. Recent national polls have revealed that they are significantly more interested in political issues than the average voter; that 95% favor increased investments by society in their productivity and independence, as opposed to social welfare; and that a very large majority supports federal legislation which gives them the full civil rights protection that has already been provided to every other major minority.

In the course of three Reagan administration appointments in the area of disability policy, I have visited each of the 50 states from two to seven times to take testimony from thousands of people with disabilities, their families, service providers and advocates. I must report to you that despite great progress in recent decades, people with disabilities are still subject to massive, traditional discrimination, paternalism and misinformation.

Recent reliable studies have revealed that our citizens with disabilities are less well educated, and suffer more unemployment, poverty, isolation and dissatisfaction with their lives than any other large group in this nation. Increasing millions are condemned to an existence of unjust, unwanted dependency on families, charity and social welfare. This is not only morally unconscionable, but also a major and totally unnecessary contributor to public and private deficits.

By firmly stating its resolve to take action to solve these problems, our great Party will gain increased honor, credibility and votes. Our 1984 platform was positive in this area, but vitally important improvements must be made.

The following recommendations reflect a strong consensus among our disability community, as well as policies officially commended to the administration and the Congress by the Reagan-appointed National Council on the Handicapped.

We must pledge that our Party will support:

1. Continued progress toward quality education for all citizens with disabilities in the most appropriate and least restrictive environment possible, designed to prepare them for maximal independence and productivity. Strict enforcement of present laws and regulations, such as Public Law 94-142, the Education for All Handicapped Children Act, which sets out the educational rights of people with disabilities, and Public Law 99-457, which establishes a new early-intervention program for infants and toddlers with disabilities, and mandates full education for pre-school children with handicaps.

2. The refinement and expansion of our excellent pioneering service and human support system to provide a continuum of quality public, private and family programs which will enable Americans with disabilities, no matter how severe those disabilities may be, to throw off the yoke of dependency, and to fulfill their potential for productivity, independence and quality of life in the mainstream of society. Areas of focus include, but are not limited to, vocational rehabilitation, independent living, supported employment, medical and attendant care, residential care, respite care and other family support services, accessible and affordable housing, accessible public accommodations and transportation, communication and insurance.

3. The elimination of the devastating disincentives to productive activity which still exist in law, regulation and public and private policy.

4. Greatly increased public and private research and development in all areas of disability.

5. A continuing and increased effort to empower people with disabilities, their families and advocates to participate fully in the decisions which control their lives, including appointments to positions of significant responsibility in government and in our Party.

6. Above all we must pledge ourselves to keeping the promises of the Constitution and the Declaration of Independence that all Americans will have equal opportunity for life, liberty and the pursuit of happiness. We must pledge strict enforcement of rights legislation such as Section 504 of the Rehabilitation Act of 1973, and the Civil Rights Restoration Act. We should endorse the passage of the Fair Housing Act, which would cover persons with disabilities for the first time in the area of housing. And we should give special emphasis to our support for the historic Americans With Disabilities Act of 1988, which was introduced, April 28-29 by distinguished members of Congress including Republican Senators Dole, Weicker, Stafford, McCain, Packwood and Chaffee and Representatives Conte, Jeffords, Schneider, Morella, and Shays. This historic legislation extends to people with disabilities those basic equal opportunity protections which our 1984 platform pledged to all minorities which suffer discrimination.

I would add that our platform policies in regard to people with disabilities should be referenced not only in the section referring to disability, but also in other sections such as housing, employment, welfare, health, equal rights and education, thus setting the stage for full integration of individuals with disabilities in programs covering these areas.

I have presented a challenging agenda. Can America afford it? Not only can we afford it, we cannot afford not to do it. Continuing to maintain a large proportion of our rapidly increasing millions of citizens with disabilities in unproductive dependency would be a disaster for our economy. The types of independence and productivity oriented programs recommended by the National Council on the Handicapped have already proven to be cost effective. Properly implemented on a society wide basis, these investments in productivity would result in immediate profit to every American citizen, and to the nation as a whole, in terms of both money and quality of life. And I believe it would trigger a new era of explosive productivity for this country.

In this watershed election our Party is confronted by great challenges.

The people demand eloquent, courageous leadership to emancipate them from both traditional prejudice and authoritarian paternalism, to enable them to exercise not only their inalienable rights, but also their inalienable responsibilities to their families, to their personal and national security, and to their personal and national productivity and economy.

Here is an outcry for a new idealism, a new, New Deal, based on Republican, Jeffersonian principles.

Will we seize the banner of human rights and human responsibilities, or will we be perceived as endorsing the new idealism only in reaction to political necessity?

The problems and potential of disability present our Party with an historic opportunity to reinforce and expand the revolutionary return to basic democratic principles led by President Reagan, and to firmly reestablish our image as the party of Lincoln, the party of emancipation from the slavery of dependency, the party of equal opportunity and equal responsibility for all.

Our early and aggressive endorsement of the Americans with Disabilities Act would be a landmark symbol of our continuing leadership at the great frontier of human justice and human productivity.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

June 15, 1988

MEMORANDUM

To: Congressman Major R. Owens, Dr. Elizabeth Boggs, Lex Frieden, Task Force members, Jay Rochlin, Maria Cuprill, Robert Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson

Subject: Notes on Task Force related activities by the Chairperson, report 1.

To date, the following have agreed to serve as members of the Task Force: DR. ELIZABETH BOGGS, CO-CHAIRPERSON, LEX FRIEDEN COORDINATOR, ELMER BARTELS, WADE BLANK, DR. PHILIP CALKINS, JAMES DEJONG, DON GALLOWAY, JAMES T. HAVEL, DR. I. KING JORDAN, MARCA BRISTO KETTLEWELL, GORDON MANSFIELD, PAUL MARCHAND, ORAL MILLER, ED ROBERTS, JOSEPH ROGERS, DR. WILLIAM A. SPENCER, MARILYN SPIVACK, PATRISHIA WRIGHT AND TONY YOUNG. Profound thanks to these distinguished Americans who are giving their valuable time and knowledge.

A hastily-organized planning meeting was held at the offices of the National Council on the Handicapped on May 11. Participating in person were: LEX FRIEDEN, PAUL MARCHAND, JIM HAVEL, DR. JACK CANNON for DR. I. KING JORDAN, DAVID CAPOZZI, ORAL MILLER, PHIL CALKINS, PAT WRIGHT, GARY OLSEN, my Executive Assistant, MARNIE SWEET, and myself; participating by teleconference were WADE BLANK, HALE ZUKAS for ED ROBERTS, JOE ROGERS, and MARILYN SPIVACK. TONY YOUNG, ELMER BARTELS and DR. WILLIAM SPENCER attempted to participate, but were cut off by the telephone system. The group discussed and agreed on general policy directions, including approaches to a credible final report, the implementation of Task Force responsibilities in the absence of public funding, the collection of material on discrimination, emphasis on advocacy through the democratic process, my national trip and outreach to those consumers who are not normally well-represented in public forums.

I have so far visited and held Task Force forums in thirteen states. Where it is indicated that meetings were addressed, I made full task force and ADA presentations, but without immediate verbal feedback from the participants.

Texas, Dallas, April 29: Task Force forum attended by about 120; marched in civil rights parade, addressed rally attended by 350-450; TV interview; award from civil rights group. Thanks to organizers and supporters RALPH ROUSE, STEVE JOHNS, KAY BENECKE and MAX ARRELL.

South Carolina, Columbia, May 23: Forum, about 35; addressed 325-50 South Carolina NRA members, advocates and public officials, 325-350 (aides to three SC Congressmen subsequently stated that they would recommend sponsorship of ADA to their members); appeared on live TV current events program. Thanks to organizers JOE DUSENBURY, CHARLES LAROSA and LOUISE RAVENEL.

Florida, Tallahassee, May 25: Forum, 85; addressed VR staff, 35-40; meeting with Governor and Secretary of Labor; Reception by Secretary of Labor. Thanks to Governor BOB MARTINEZ, Secretary of Labor HUGO MENENDEZ and organizers CALVIN MELTON, BARBARA BERNHART, PAT SUNSERI and others.

Tennessee, Nashville, May 26: Forum, 75-85, including heads of involved state agencies and advocates; meeting with VR agency leadership; radio interview; I was not able to keep a scheduled appointment with Governor MCWHERTER because of my return flight time. Thanks to organizers PATSY MATHEWS and FRANK LEE.

Georgia, Atlanta, May 27: Forum, 150, mostly advocates; meeting with VR agency Director. Thanks to organizers, MARK JOHNSON, TOM GAINES, TAMARA BIBB, TOM LAURIE, JEFF ROULSTON and others.

New York, Albany, June 1, forum, 70, mostly representatives of rehabilitation facilities, some advocates; meeting with about 20 state vocational rehabilitation agency staff and advocates. Thanks to organizer DICK SWITZER, the New York Association of Rehabilitation Facilities and official New York State Advocate FRANCES BERKOWITZ.

Vermont, Burlington, June 2, forum and buffet lunch, 35 representatives of most major constituency and service provider organizations; meeting at and with the participants in an excellent experimental consumer operated residential independent living program, 12; TV and newspaper interviews. Thanks to organizer RICK DOUGLAS, who also arranged an emergency medical examination and treatment for Yoshiko.

New Hampshire, Concord, June 3, forum in State Legislative Office building, 100 advocates and service providers, TV coverage and interviews. Thanks to organizers BRUCE ARCHIMBAULT, LARRY ROBINSON, SUSAN AUERBACH AND LINDA SHUTE, and to forum sponsor and Co-chair State Representative Matthew Sochalski.

Massachusetts, Boston, June 6, meeting with VR Commissioner and staff, 14; Westborough, forum with State Independent Living Advisory Council, 23; North Andover, June 9, addressed meeting

of state VR and mental health staff, 250, Boston, forum, 40.
Thanks to ELMER BARTELS and JOHN CHAPPEL.

Connecticut, Hartford, June 7, forum, 35; Waterbury, forum 100.
Thanks to ART PEPINE, PHYLLIS ZLOTNICK, JOHN GALIETTE and MARILYN CAMPBELL.

Maine, Portland, June 8, forum 14; newspaper and radio interviews. Thanks to RON HANSON.

Rhode Island, Providence, June 9, briefly addressed reception by New England Coalition for Independent Living, 100+, met Lt. Governor of Rhode Island, ERIC GRIFFIN, MC; June 10, forum, 120; addressed Rhode Island-New England Independent Living luncheon, 180; interview, ABC-TV Providence; panel on the empowerment of people with disabilities, 50. Thanks to ERIC GRIFFIN, AMY BRILL, BOB COOPER, JACK BAMFORD and SHERRY CAMPANELLI.

New Jersey, Saddlebrook, June 13, forum, luncheon New Jersey Rehabilitation Association, 82; Princeton, forum, 100+; thanks to KAREN SINNREICH, PEGGY HIMSL, GEORGE CHIZMADIA, and task force Co-chair ELIZABETH BOGGS, who helped to organize and Co-chair the Princeton forum.

Other meetings at which I made Task Force and ADA presentations:

April 19, Alexandria, Virginia, Spring Conference of the Council of State Administrators of Vocational Rehabilitation: plenary session, 350, board of directors meeting.

April 20, Alexandria, Virginia, National Council of the State Administrators of the Blind, 100.

April 21, Baltimore, ADAPT transportation rally, 8; TV coverage.

May 3, Savannah, Georgia, annual meeting, Southeast region National Rehabilitation Association, 350.

May 4, Washington, DC, annual meeting of the President's Committee on the Employment of Persons With Disabilities, 2000.

May 14, Washington, DC, annual meeting, National Council of Independent Living, plenary session, 400; panel on ADA ably chaired by LEX FRIEDEN: 150.

May 17, New York City, United Nations, annual awards luncheon of the Healing (religious) Community, 50 religious leaders involved in disability focus activities, coordinated by the Reverend HAROLD WILKIE.

May 20, Syracuse University, New York, National Conference on the Prevention of Disability, 70. Thanks to MIKE MARGE, organizer of the conference and an early supporter of ADA.

May 31, Kansas City, Republican National Committee forum on the 1988 party platform, 200 - RNC Chairman Frank Fahrenkopf presiding.

Summary:

All expenses of Task Force activities so far have been borne by the members, the state forum coordinators, and their organizations. Mrs. Dart and I have paid our own travel, staff and office expenses. I deeply appreciate all who have contributed. This is democracy at its best.

My presentations at the state forums and other meetings are essentially as set out in the package enclosed (already provided to Task Force members). Initial response has been excellent in terms of cross disability and major constituency representation. However, there is a definite need for followup to further encourage the generation of written materials describing specific discrimination to specific people, and specific proposals for implementing productive independence, equality and empowerment beyond the foundational rights set out in ADA.

There is virtually unanimous and enthusiastic support for ADA. No single person has voiced any type of opposition.

Specific material on issues raised will be provided to the Task Force members, the Congress and other interested parties after more meetings are held, and patterns are clarified. Preliminary indications are that the following issues will be widely discussed: the unification of the disability community; the true empowerment of people with disabilities and their families and advocates in decisions involving government and services; the ability to obtain adequate, affordable insurance; fully accessible transportation, housing, communications systems and public accommodations; greatly improved education for people with disabilities, service providers, families and the general public; the elimination of legal, regulatory and bureaucratic disincentives to productive independence and family, community and self-care, including those disincentives connected with SSDI benefits; a national personal care attendant program;; required disability focus education for all citizens; unemployment and underemployment; the special problems of women and minorities with disabilities; the creation of a continuum of effective services, including reliable information and referral. There was very considerable focus on the need for much more vigorous enforcement of laws and regulations setting out disability rights and services. Besides strengthening laws, regulations, protection and advocacy services and public enforcement personnel, it was suggested that specific national programs be created to educate consumers, families, advocates and service providers in regard to their rights and effective methods of pursuing those rights. This suggests the possibility of specific federal legislation focussing on the empowerment of people with disabilities.

Thanks to all of the very many magnificent individuals who have organized and participated in the above listed forums and meetings, and who have cooperated in a hundred other ways. Some of them are: Congressman MAJOR OWENS and colleagues, MARIA CUPRILL, BOB TATE, LAURENCE PETERS and PAT LAIRD, who have been totally supportive every step of the way, and who have been extremely sensitive in the creation of the Task Force to be true to the principles of independence, equality and empowerment; Senators TOM HARKINS, LOWELL WEICKER, BOB DOLE, EDWARD KENNEDY, JOHN MCCAIN, ROBERT STAFFORD, and Representatives TONY COELHO, JAMES JEFFORDS, SILVIO CONTE and others, who have provided historic leadership in the introduction of ADA; BOB SILVERSTEIN, TERRY MUILENBERG, PAT MORRISSEY, JUDY WAGNER, SUE ELLEN WALBRIDGE, JOE FAHA and MAUREEN WEST for their crucial support for ADA, and their counsel to the Task Force; SANDRA PARRINO, LEX FRIEDEN and BOB BURGDORF, who have spearheaded the drive for ADA, and have been eloquent spokespersons for it; PAUL MARCHAND and the Association for Retarded Citizens have given total support, not only to the Task Force and ADA, but to all disability rights legislation; as have PAT WRIGHT, DREDF and LIZ SAVAGE; JAY ROCHLIN and the staff of the President's Committee for putting their facilities, staff and other resources at our service. JAY has been an outstanding advocate for full civil rights coverage and empowerment; Disabled But Able to Vote and the Endependence Center of Northern Virginia. PHIL CALKINS, SHARON MISTLER and colleagues have given total support, manning the civil rights-DBATV suite at the President's Committee annual meeting, and printing and distributing much ADA-Task Force material; JOE OWENS and the members and staff of CSAVR, who have helped to arrange the Task Force forums in most states; the National Alliance for Mental Illness; CURT DECKER and the National Association of Protection and Advocacy Systems; MARCA BRISTO, MAGGIE SHREEVE and the National Council for Independent Living; the National Head Injury Foundation; the National Association of the Deaf; the American Council of the Blind; the National Mental Health Consumers Association; MORRIS WARD and the Mississippi Council of the Blind and ELTON MOORE and the Mississippi Commission for the Blind, who printed braille copies of the ADA for national distribution; CHARLES MCDOWELL, Kentucky Department for the Blind, who provided cassette tapes of ADA for national distribution, my magnificent Executive Assistant, MARNIE SWEET, who is in charge of coordinating my national trip and other Task Force affairs; and, of course, to YOSHIKO, who does everything.

The next meeting of the Task Force will be held at 2pm on June 15 in the offices of the President's Committee for the Employment of Persons With Disabilities, Washington, D.C., and by teleconference for those who are unable to attend in person. The agenda will include analysis of activities so far, and plans for the future, including increased involvement by task force members and their organizations.

It is a privilege and a great happiness to be associated with

each one of you in the potentially historic work of this Task Force. I solicit your ongoing guidance at any time, directly to me, or to Marnie Sweet, who can be reached at 202-484-4939 voice, or 202-484-1370 TDD - or at my home telephone number.

Working and advocating together, we shall overcome.

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TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

June 20, 1988

MEMORANDUM

To: Congressman Major R. Owens, Dr. Elizabeth Boggs, Lex Frieden, members of the Task Force on the Rights and Empowerment of People with Disabilities, Maria Cuprill, Bob Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson

Subject: Notes on the second meeting of the Task Force, and on the activities of the Chairperson

The Task Force has three new members: GARY OLSEN, Executive Director of the National Association of the Deaf, SUSAN SUTER, The Commissioner of the Rehabilitation Services Administration and ELIOT DOBER, Vice President, National Association of Protection and Advocacy Systems. We are honored by the participation of these distinguished advocates for the rights of people with disabilities.

The second meeting of the Task Force was held on June 15, from 2-4 pm at the President's Committee for the Employment of Persons With Disabilities, and by teleconference.

Conference room participants:

Justin Dart, Chairperson
Dr. Elizabeth Boggs, Cochair
Dr. Phil Calkins
David Capozzi for Gordon Mansfield
Don Calloway
Dr. Jack Cannon for Dr. I. King Jordan
Gary Olsen
Joe Rogers
Pat Wright
Tony Young

Bob Burgdorf, the National Council on the Handicapped
David Cunningham, AARP
Maria Cuprill for the House Subcommittee on Select Education
Pat Laird for the House Subcommittee on Select Education
Sally Lovejoy for Congressman Bartlett
Ronnie Krasnow, intern, House Subcommittee on Select Education
Dr. Pat Morrissey for Congressman Jeffords
Terry Muilenberg for Senator Weicker
Bob Silverstein for the Senate Subcommittee on the Handicapped
Bob Tate for the House Subcommittee on Select Education

EQUAL ACCESS TO THE AMERICAN DREAM

by teleconference:

Mike Auburger for Wade Blank
Ted Kennedy, Jr.
Marca Bristo Kettlewell
Ed Roberts

JUSTIN DART - Summarized his written report, describing 16 Task Force forums held with more than 1300 representatives of the disability community in 13 states, and 18 other ADA/Task Force presentations to more than 4600 persons at various disability-related functions. He reported that attendance and verbal input had been generally good, and that support for ADA had been virtually unanimous. He stated that while significant representatives of all constituencies had participated, this had not occurred in every state, and that the generation of written evidence of discrimination and proposals for action needed to be pursued. He commented on the lack of funding to employ staff to perform telephoning and mailing functions. He asked those present for guidance in addressing these and other areas of Task Force responsibility. He called particular attention to the need to cooperate closely with House and Senate subcommittee staff in preparation for the joint House-Senate hearing on ADA to be held at 9:30 am - 12:30 pm on August 2 in Room 216 of the Hart Senate Office Building.

BOB SILVERSTEIN - Senate Subcommittee would appreciate Task Force making special effort to generate not only endorsements of ADA, but also written statements by consumers, parents, service providers and advocates detailing specific cases and types of discrimination, proposals for solutions, and examples of effective local and state programs to overcome barriers.

A system to collect this material and make it available to the Congress should be agreed upon.

Explained that the purpose of the August 2 House-Senate hearing on ADA was to explore the rationale and need for ADA through verbal and written testimony on the nature and extent of discrimination, and on successful methods of overcoming such discrimination. The hearing will be held in a large room, capacity 250, which should be completely filled with concerned citizens.

TERRY MUILENBERG - Suggested that the Task Force attempt to categorize the documentation it collects to harmonize with the system being developed by the House and Senate subcommittees: communications, transportation, housing, employment, public access, physical and psychological abuse, etc.

MARIA CUPRILL - Spoke on the vital importance of empowerment in the process of achieving equality, and pledged the support of House Subcommittee Chairman Major Owens and the entire staff to the Task Force and the disability community in its efforts to

promote the empowerment and equality of all Americans with disabilities.

ELIZABETH BOGGS - Urged increased efforts to encourage cross disability representation at Task Force forums, and to systematize collection of discrimination material. JUSTIN DART explained that a shortage of staff prevented adequate execution in these areas. MARCA KETTLEWELL pledged cooperation by NCIL; GARY OLSEN stated that NAD would cooperate in mailings; JOE ROGERS said that the National Mental Health Consumers Association would collect evidence of discrimination at their national convention; JACK GANNON offered the cooperation of Gallaudet; DAVID CAPOZZI, DAVID CUNNINGHAM, ELIZABETH BOGGS and others indicated their willingness to give their personal time. PHIL CALKINS suggested that followup calls be made after Task Force forums. There seemed to be general agreement that all members and their organizations would accept responsibility to generate documented material on discrimination, and to promote cross disability participation in state forums and in the August 2 Congressional hearing.

ED ROBERTS - The World Institute on Disability may be able to contribute funds for Task Force expenses.

MARCA KETTLEWELL - NCIL will co-sponsor future Task Force meetings where possible to attempt better cross disability representation in each state. The Task Force should have at least one face-to-face meeting of all members. There appeared to be general approval of this concept.

TED KENNEDY - Offered to cooperate with the Task Force in any way possible. Urged efforts by all members to promote ADA issues as priority topics for media attention and public and political debate.

PAT WRIGHT - promoting letters to Congress supporting ADA and describing discrimination, always include a question to be answered such as, "Am I protected by law against this type of discrimination?" "What remedies do I have?" "Do you support ADA?"

The Task Force should have a member who is an advocate for the rights of people with AIDS.

JOE ROGERS - Rights advocates might hold "public speak-out" on discrimination and ADA in support of August 2 hearing.

Task Force should have a member representing the protection and advocacy area.

TONY YOUNG - Offered to help Task Force staff and members to set up computer communication network to facilitate communication. There was general approval of this concept.

MIKE AUBERGER - Get as many consumers as possible to meetings. Make sure to give voice to those who are confined in institutions.

DON GALLOWAY - Hope that Task Force can generate more of its essential material on tape as well as in Braille. Most blind people don't read Braille. We should make a special effort to reach out to minorities.

Suggested use of forms to be filled out by participants in Task Force forums indicating support for ADA and brief descriptions of discrimination experience, as well as guidance of how meetings and advocacy can be strengthened.

DAVE CAPOZZI - Task Force might form a working group to assist Chairperson and present staff.

BOB BURGDORF - Requested copies of discrimination documentation and press clippings for NCH.

DAVID CUNNINGHAM - Secure ADA endorsements from civil rights groups representing other minorities.

ELIZABETH BOGGS - Suggests face-to-face meeting of Task Force on August 2 afternoon, to allow members to support joint House-Senate hearing in the morning.

A Task Force forum was held in Richmond, Virginia, on June 16, attended by service providers and representatives of consumer organizations. There were two press interviews. Thanks to AL DICKERSON.

Thanks to all who have given their valuable support to the Task Force: our distinguished colleagues from the House and Senate and NCH for participating in the June 15 Task Force meeting, and for cooperating with us in every way possible - BOB SILVERSTEIN, TERRY MUILENNBERG, MARIA CUPRILL, BOB TATE, PAT MORRISSEY, SALLY LOVEJOY, PAT LAIRD, BOB BURGDORF and RONNIE KRASNOW; JAY ROCHLIN and his PCEPD colleagues for hosting and sponsoring our last and next scheduled meeting; GWYNETH ROCHLIN, who has come on board as volunteer staff person; my Executive Assistant MARNIE SWEET, who continues to work overtime coordinating arrangements for the Task Force forums and other activities; my new assistant, MARCIA LEE NELSON, and all Task Force members, advisers and volunteers, who have contributed, and offered to contribute, their time, abilities and resources.

LEX FRIEDEN indicates that he will be able to begin assuming duties as the Task Force Coordinator at his new office in Houston after the July 4th holiday.

The next meeting of the Task Force will be held at 2 pm Eastern

time Monday, on July 11, at the President's Committee on the Employment of Persons With Disabilities, 1111 20th Street, NW, Room 636, Washington, DC, and by teleconference. I will participate by telephone from Austin, Texas, and ELIZABETH BOGGS will act as on-site chair.

I continue to solicit your ongoing guidance and cooperation. Please call me any time at (202) 488-7684 or Marnie Sweet (202) 484-4939 voice, or (202) 484-1370 TDD.

I look forward to cooperating with you to maximize democratic participation in the Task Force forums, to generate substantial documentation on the nature and scope of discrimination, and methods of overcoming that discrimination, and to assure an overflow crowd of disability rights advocates at the August 2 House-Senate hearing on ADA. I will make a special flight to Washington to be with you on that day.

After millenia of oppression and decades of struggle, Congress and the nation appear ready to listen to our case for full equality. We must unite in inspirational action to take advantage of this historic opportunity which you and thousands have worked and sacrificed for so long to achieve.

Together, we shall overcome.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

FORUM LOCATIONS AND CONTACTS

July 01 FRI Albuquerque John Archuleta 505/827-3511
Albuquerque Convention Center
8:30A-3:30P

July 07 TH Oklahoma City Helen Kutz 405/521-3756
Rehabilitation Evaluation Facility 5813 S. Robinson
11:30A-1:30P

July 08 FRI Little Rock, Ark. Vince Bond 501/682-6709
Arkansas School for the Blind 2600 W. Markham St.
1:00P-3:00P

July 12 TU Austin, Tx. Burt Fusch 512/443-3811
Capitol Ballroom Radisson Plaza 700 San Jacinto
1:30P-3:30P

July 14 TH Kansas City, Ks. Peg Spencer 913/296-3911
Gina McDonald 816/361-0304
Holiday Inn KC Airport 1 Block East of Junction I29
and Rte. 435
1:30P-3:00P

July 15 FRI St. Louis, Mo. Max Starkloff 314/776-4475
Don Gann 314/751-3251
Holiday Inn Airport N. Lindbergh Bridgeton, Mo.
9:00A-1:00P

July 18 MON Omaha Peg Westfall 402/558-3411
Dennis King 402/554-2100

July 19 TU Des Moines, Iowa Harlan Weston 515/281-4154
Don Westergard 515/281-5969

July 20 WED Minneapolis, Mn. Jan Jenkins 612/296-2713
State Capitol Building Rotunda Major Hearing Room
10:30A-3:30P

July 21 TH Madison, Wisc. Ellen Daily 608/266-5378
Inn on the Park Capitol Square Madison
1:00P-3:00P

July 22 FRI Chicago Jim DeJong 217/522-7016
Americana Congress S. Michigan Avenue Chicago
9:00A-1:00P

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July 25	MON	Indianapolis	Barry Chambers	317/232-1139
July 26	TUE	Louisville	Kathy Williams	502/564-4566
			Vincent Brosky	502/589-6620
Aug 04	TH	Lansing, Mi.	Pete Griswold	517/373-3391
Aug 11	TH	New Orleans	Patsy Barrett	504/342-2723
			Mike Murzi	504/822-7941
		Quality Inn Tulane Avenue	New Orleans	
		1:00P-4:00P		
Aug 12	FRI	Jackson, Ms.	Morris Selby	601/354-6825
Aug 16	TU	Birmingham, Al.	Lamona Lucas	205/281-8780
Aug 18	TH	Billings, Mt.	Maggie Bullock	406/444-2590
Aug 19	FRI	Boise, Idaho		
Aug 22	MON	Bismarck, N.D.	George Saiki	701/224-2907
Aug 23	TU	Rapid City, S.D.	John Madigan	605/773-4354
			James Van DenUikel	605/773-3195
Aug 24	WED	Cheyenne, Wyo.	Joan Watson	307/777-7389
Aug 25	TH	Salt Lake City	Blaine Peterson	801/538-7545
Aug 26	FRI	Denver, Colo.	Carol Gaccetta	303/866-5196
		Downtown Holiday Inn 1450 Glenarm Place		
		9:30A-12Noon		
Aug 27	SAT	Dayton, Ohio	Dave Williams	614/466-9956
		Wright State University	Gov.'s Conference on Disabilities	
Aug 31	WED	Honolulu, Hi	Toshio Nishioka	808/548-4769
		Dept. of Human Services Liliuokalani Building		
		10:00A-2:00P		
Sept 12	MON	San Francisco		
Sept 13	TU	Las Vegas		
Sept 14	WED	Portland, Ore.		
Sept 15	TH	Seattle, Wa.	Carolyn Brown	206/329-1632
		Center Park Residence 2121 26th Avenue S.		
		10:00A-3:30P		

Sept 23	FRI	D.C.	Gregory Dougan 202/388-0033 Dale Brown 202/388-0033
Sept 27	TUE	Wilmington, De.	Diane Treacy 302/571-3915 Bob Piech 302/998-8090
Sept 29	TH	Raleigh, N.C.	Deborah McKeithan 704/376-4735
Sept 30	FRI	Baltimore	
Oct 08	SAT	Charleston, W.Va. W. Va. Rehabilitation Center	Jim Wagner 304/766-4607
Oct 11	TUE	Maine Sheraton Tara S. Portland 4:00P-5:00P	Steve Trembley 207/767-2189
Oct 17	MON	Pennsylvania	Lucy Shumaker 717/783-3882

June 30, 1988

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

Eliot Dober

Don Galloway

James Havel

I. King Jordan, Ph.D.

Marco Bristo Kettlewell

Gordon Mansfield, Esq.

Paul Marchand

Oral Miller

Gary Olsen

Ed Roberts

Joseph Rogers

William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patricia Wright

Tony Young

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

July 11, 1988 Task Force Meeting

- Opening:
1. Introduce new member(s), i.e.:
Celane McWhorter, TASH
 2. Brief History Summary
 3. Highlights: Forums and Organizers
 4. Issues
 5. Overview of Agenda

AGENDA

- I. WORKING GROUP
 - a. Propose to Name.
 1. To prepare House-Senate Preliminary Report (summary).
 2. To prepare House-Senate Statement of unanimous finding of discrimination and support of ADA.
 - b. Propose a Plan.
 1. Subcommittees vs. Consultants.
 2. To assemble information on discrimination and issues in preparation for final report.
- II. NEW MEMBERSHIP
 1. Representation, i.e.: AIDS, Education, Media, Learning Disabilities, etc.
 2. Functional capacity/role/responsibility.
- III. NEXT MEETING
 1. Pre House-Senate Hearing Teleconference.
 2. House-Senate Hearing Participatory Meeting.
- IV. GUIDANCE FROM MEMBERS/OPEN DISCUSSION

Closing: Thank you.

Justin Dart

JD:ml

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MEMBERS

Justin Dart
Chairperson

June 28, 1988

Elizabeth Boggs, Ph.D.
Co-Chairperson

To Task Force members and advisers

Lex Frieden
Coordinator

Dear Colleague:

Elmer Bartels
Wade Blank
Philip B. Calkins, Ph.D.
James DeJong

Enclosed are Task Force reports one and two, the most recent update of my forum schedule, and a copy of my presentation on behalf of the disability community to the Kansas City platform hearing of the Republican National Committee.

Eliot Dober
Don Galloway
James Havel
I. King Jordan, Ph.D.
Marca Bristo Kettlewell
Gordon Mansfield, Esq.

I will very much appreciate anything you can do through your personal or organizational channels to maximize community-wide participation in future forums, and to encourage your colleagues to send me statements of support for ADA, evidence of specific discrimination, and copies of their discrimination diaries and advocacy letters to their congressional representatives and candidates.

Paul Marchand
Oral Miller
Gary Olsen
Ed Roberts

Thanks again to all who have given valuable time, expertise and resources to enable the Task Force to go forward with minimal resources.

Joseph Rogers
William A. Spencer, M.D.
Marilyn Price Spivack
Susan S. Suter
Patrisha Wright
Tony Young

Please contact Marnie or me any time you have questions or guidance on how the work of the Task Force might be improved. Marnie has the telephone numbers of all the places I can be reached during my upcoming trip to the Southwest and Midwest.

I look forward to participating with you by teleconference in our July 11 meeting at the President's Committee in Washington.

Yours for equal rights,

Marnie Sweet
Executive Assistant

Subcommittee Liaisons
Maria Cuprill
Robert Tate
Patricia Laird


Justin Dart

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

July 11, 1988

MEMORANDUM

To: Congressman Major R. Owens, Dr. Elizabeth Boggs, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson

Subject: Notes on the July 11, 1988, meeting of the Task Force

The third meeting of the Task Force was held on July 11, 1988, from 2-4pm at the President's Committee for the Employment of Persons with Disabilities, and by teleconference.

Due to last minute difficulties with the telephone system the teleconference participants, including the Chairperson, were not connected with the conference room participants. The meeting was held in two sections, with the Chairperson presiding over the teleconference, and the Cochairperson presiding in the conference room. The following notes of the teleconference were recorded by the Chairperson. Notes by the CoChairperson summarizing the onsite meeting are attached.

Conference room participants:

Dr. Elizabeth Boggs, Cochairperson, presiding
George Arsnow, representing Susan Suter
Jay Benedict Centifanti, representing Joe Rogers
Dr. Phil Calkins
Dr. Jack R. Gannon, representing Dr. I. King Jordan
Jim Havel
Gary Olsen
Bob Palmer, representing Celine McWhorter
Sallie Rhodes, representing Eliot Dober
Tony Young

Cynthia Folcarelli, representing Congressman Tony Coelho
Stacy Hoffhaus, representing Senator Robert Dole
Ronni Krasnow, intern with the House Subcommittee on Select Education
Liz Savage, Epilepsy Foundation
Rhoda Straus, representing Senator Edward Kennedy
Robert Tate, representing Congressman Major R. Owens

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Marcia Nelson, Assistant to the Chairperson
Gwyneth Rochlin, volunteer with the Task Force
Marnie Sweet, Executive Assistant to the Chairperson

Teleconference participants:

Justin Dart, Chairperson
Lex Frieden, Task Force Coordinator
Elmer Bartels
Wade Blank
Jim DeJong
Eliot Dober
Pat Connally, representing Ed Roberts
Marca Bristo Kettlewell
Eric Griffin, representing Marc Kettlewell
Marilyn Spivack

Chairperson's report of the teleconference.

Chairperson:

1. Introduce new Task Force member, CELINE MCWHORTER of TASH.
2. summary of recent Task Force activities, including public forums (see attached report of the Chairperson).
3. summary of the purposes of the Task Force:
 - Gather, organize and make available to Congress evidence of discrimination and other barriers to the equality, empowerment and productive independence of people with disabilities, and proposals in regard to how such barriers can be overcome, including examples of successful local, state and national programs.
 - Facilitate cooperation by the disability community with related activities by House and Senate subcommittees, including maximal participation in hearings.
 - Make a report to Congress summarizing findings and make proposals for short and long range public and private action.
4. The Chairperson appointed a working group to prepare recommendations for:
 - a mission statement of the preliminary report by the Task Force to be presented at the upcoming joint House-Senate hearing on ADA.
 - a structure and process for the preparation of the final report of the Task Force, including possibly a compact, well presented report with specific recommendations and an executive summary prepared by the working group, and several longer, more detailed

sections setting out material related to specialized areas of disability, prepared with the cooperation of appropriate constituency groups and agencies.

- a structure and process to ensure maximally efficient and democratic operation of the Task Force within the limits of its resources, including assignment of tasks, the recruitment of new members and volunteers and the possible raising of funds.

The working group will include Justin Dart, Chair, and all members who wish to participate: so far, Elizabeth Boggs, Lex Frieden, Jim Havel, Phil Calkins, Paul Marchand (if he agrees-he was not present at the meeting), Celine McWhorter, Tony Young and Joe Rogers-J. Benedict Centifani. Dr. Jack Gannon and Gary Olsen wish to review working drafts.

5. The Chairperson called for discussion on new Task Force members from constituencies such as persons with AIDS, mental retardation, LD, etc.

ELLIOT DOBER, the Chairperson and others- an apparent consensus- felt that the representative of the AIDS community should be a person with AIDS. Executive Assistant will make inquiries. The Chairperson suggested and there was general agreement that there should be a member with mental retardation who is a leading advocate for disability rights. Names were suggested, and further recommendations are solicited. There was agreement that there should be representation from the LD community. DALE BROWN (consumer) was recommended by NNLDA, and ANN VINUP by ACALD. Both were appointed to membership by the Chairperson shortly after the meeting. Further suggestions for new members were solicited, particularly from the areas of business and the public media.

MARCA KETTLEWELL suggested a better representation from ethnic minorities. There seemed to be consensus, although not unanimous, that the total membership of the Task Force be kept to a size that is manageable with available staff and communicative methods - perhaps 35-40.

6. It was agreed that the next meeting of the Task Force will be on August 9 at the President's Committee for the Employment of Persons with Disabilities in Washington, and by teleconference. It was also agreed that the following meeting would be held on the same day as and immediately after the joint House-Senate hearing on ADA, which has been rescheduled from August 2 to a later time, possibly in September. There was agreement that an effort should be made to encourage the physical presence of the membership at the joint House-Senate hearing and the following Task Force meeting.

General discussion

MARCA KETTLEWELL - Task Force should resolve administrative issues quickly and get on to major focus on communication with the disability community and its report.

ERIC, WADE BLANK and JIM DEJONG called attention to the recent publication of unacceptable air access regulations, and suggested that the Chairperson raise this issue in the state forums. This is being done.

WADE BLANK suggested ITZAK PERLMAN, who has been a great supporter of our movement, as a witness at the joint House-Senate hearing on ADA. There was general approval.

MARILYN SPIVACK urged focus on the issue of inappropriate institutionalization, and cited the problems of survivors of head injuries.

WADE BLANK suggested that a Task Force forum should be scheduled in Los Angeles, and that ADAPT would be a cosponsor. This has been supported by JUNE KAILES, BRENDA PREMO, JUDY HEUMANN and others. A Los Angeles forum has been set, although due to previous commitments and problems involving coordination with other forums, it was necessary to settle on a day when many ADAPT members will be out of the city.

The Chairperson expressed appreciation to all members, advisers, volunteers, Congressional staff and forum sponsors who have cooperated, in the absence of public funding, to make possible presentations and forums involving almost 10,000 persons in about twenty states (as of July 11). He expressed special appreciation to hardworking staff, Marnie Sweet, Marcia Lee Nelson and Gwyneth Rochlin (volunteer), who have worked long hours and weekends, attempting to do the job of 20.

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

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Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill
Robert Tate
Patricia Laird

To: Members of the working group appointed by the Chairperson at the July 11 Task Force meeting.

From: Justin Dart.

Membership: Justin Dart, Chair, Dr. Elizabeth Boggs, Lex Frieden, Jim Havel, Paul Marchand, Dr. Phil Calkins, Celine McWhorter, Tony Young, J. Benedict Centifanti for Joe Rogers, and Dale Brown.

The first meeting will be held on at the President's Committee on Employment of Persons With Disabilities, and by teleconference.

AGENDA

1. Preparation of a draft mission statement for the Task Force.
2. Preparation of a brief draft report to be presented to the September joint House-Senate hearing on ADA:

- Task Force Mission
- brief summary of Task Force Activities
- preliminary findings of massive discrimination and virtually unanimous disability community support for ADA
- summary of issues raised
- possible preliminary suggestions for Congress

3. Discussion of proposals for Task Force structure and process designed to ensure maximally efficient and democratic operation within the limits of its resources, including the assignment of tasks, the recruitment of new members, advisers, and volunteers, and the solicitation of resources.

4. Preliminary discussion of an outline for the final Task Force report:

- a lean, well presented writing, summarizing Task Force activities and findings, and setting out specific short and long range proposals for public and private action, including concrete recommendations to Congress for legislative action, and outlined long range goals for the disability community and the nation
- a short executive summary that could be given wider circulation, possibly in brochure or pamphlet form
- appendices or otherwise designated sections probably prepared by or with the close cooperation of appropriate constituency organizations setting out evidence of discrimination and barriers in particular areas, and proposals to eliminate such barriers.

EQUAL ACCESS TO THE AMERICAN DREAM

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

July 15, 1988

To: Congressman Major R. Owens, Dr. Elizabeth Boggs, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson

Subject: Report by the Chairperson. Notes on the July 11th meeting of the Task Force and the agenda for the August 9 meeting of the Task Force are enclosed.

An updated state forum schedule, with the names and telephone numbers of contact persons, is also enclosed. Your assistance and that of your organizations in maximizing attendance and the generation of written materials will be appreciated.

Cosponsorship of scheduled state forums by advocacy, professional and service provider organizations is earnestly solicited, as well as opportunities for ADA-Task Force presentations at national, state and local meetings of concerned organizations. All Task Force members are invited to participate in and to cochair all scheduled forums.

The next meeting of the Task Force will be on August 9 at the President's Committee on the Employment of Persons with Disabilities, in Washington, DC, and by teleconference.

The announced August 2 joint House-Senate hearing on ADA has been rescheduled to a later time, possibly in September.

The Task Force has six new members: DALE BROWN, Legislative Liaison, National Network of Learning Disabled Adults, ANN VINUP, Chairperson, Legislative Services Committee, Association for Children and Adults with Learning Disabilities, CONNIE MARTINEZ, Capitol People First, SYLVIA WALKER, Ed.D, Director, Center for the Study of Handicapped Children and Youth, JULIE CLAY, Fellowship Recipient, National Council on the Handicapped, and LIZ SAVAGE, Assistant Director, Government Affairs, Epilepsy Foundation of America. We are honored by the participation of these distinguished advocates for the rights, empowerment and productive independence of people with disabilities.

A rough draft of proposals in regard to the mission and goals of the Task Force, previously provided to the Subcommittee staff and to several members, is enclosed. Your input on these subjects will be welcome.

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Report of the Chairperson's activities.

I have so far held 29 forums in 27 states with attendance of about 3100 persons, and have made ADA-Task Force presentations at numerous other meetings, with attendance of about 8,000, so that presentations have been made to slightly more than 11,000 advocates and service providers. The issues raised by people with disabilities and advocates remain consistent with the summary presented in my first report. There continues to be apparent unanimous support for ADA, for empowerment and for full, independence and productivity oriented services for all Americans with disabilities. Evidence of massive discrimination has been presented in all aspects of life; education, employment, transportation, housing, public access, communication, recreation and other public and private processes. There is widespread concern about discrimination in insurance, and the devastating effect of this in all areas of life. There is continuing concern about regulatory and bureaucratic disincentives to productive independence and problems with fragmented, uncoordinated, disability-related services. There is a virtually unanimous mandate for significant action to improve enforcement of existing and future laws, and to provide for adequate legal services and rights education for people with disabilities, their families and advocates. With the exception of two meetings, all of my travel and other expenses have been borne by Mrs. Dart and me, and all meeting expenses have been have been paid by the volunteer organizers.

State forums and other ADA-Task Force presentations:

Arizona, Phoenix, June 30. Forum, 65. Luncheon 12, TV interview. Thanks to JIM GRIFFITHS, BOB MICHAELS, FRANK KELLS, ED HOUSE, ABE JAFFE, NAOMI HARWARD, ELMER GUY and BILL SCOTT.

New Mexico, Albuquerque, July 1, Forum, 161. Luncheon 30-35, 2 TV interviews. Thanks to JOHN ARCHULETTA, CHRIS ISENGARD, TERRY BRIGANCE, HERMAN AGOYO, JIM JACKSON, JAMIL TOUBBEH, CLARA BARON and ROSS SWEAT.

Denver, July 1, National Convention of the National Alliance for Mental Illness, ADA-Task Force presentation, with written input by participants, 1,500. Thanks to JIM HAVEL, LAURIE FLYNN and DICK GREER.

Oklahoma, Oklahoma City, July 7, Forum, 50, Radio interview. Thanks to JERRY DUNLAP, A C ADAMS, PAUL BOWERMAN, SANDY BEASLEY, STEVE BROWN and HELEN KUTZ.

Arkansas, Little Rock, July 8, Forum, 87, ADA-Task Force presentation to National Convention of the American Council for the Blind, 1,500. Thanks to VINCE BOND, VERNON GLENN, RUSSELL BAXTER, NAN ELLEN EAST, DELBERT LEWIS, BOB SIMPSON, ORAL MILLER, OTIS STEPHENS and DURWARD MCDANIEL.

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Coordinator

Elmer Bartels
Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

Eliot Dober

Don Galloway

James Havel

I. King Jordan, Ph.D.

Marca Bristo Kettlewell

Gordon Mansfield, Esq.

Paul Marchand

Oral Miller

Gary Olsen

Ed Roberts

Joseph Rogers

William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patrishia Wright

Tony Young

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

TO: MEMBERS OF THE WORKING GROUP

From: Justin Dart, Chairperson

Subject: Notes on the Working Group Teleconference July 29, 1988.

The first meeting of the Task Force Working Group was held on July 29, 1988 from 12 noon to 1p.m. EDST by teleconference.

Teleconference participants:

Justin Dart, Chairperson, presiding
Elizabeth Boggs, Cochairperson
Lex Frieden, Coordinator
Phil Calkins
Jim Havel
Tony Young
Dale Brown
Marnie Sweet
Marcia Lee Nelson

Chairperson's report of the teleconference.

Chairperson:

1. Roll Call
2. Announcements:

- Congressman Major Owens requests the August 9th meeting of the Task Force be held at 10am EDST so that he can attend.

- New members formally added to the Task Force since last meeting are: Connie Martinez, an active leader in People First; Julie Clay, fellow with NCH and a representative of Native Americans; Dr. Sylvia Walker, of Howard University; and Liz Savage of the Epilepsy Foundation.

There was a discussion concerning the Task Force Mission statement. TONY YOUNG was thanked for the excellent outline he produced in this regard.

-The mission statement will be somewhat expanded and will be illustrated through a preliminary report to be submitted to the joint Senate-House Hearing in September.

EQUAL ACCESS TO THE AMERICAN DREAM

-The Chairperson noted that the Task Force must now move forward, through the increased leadership role of Lex Frieden. It must:

- establish limited, achievable goals without unrealistic expectations;

-prepare hard-hitting, concise timely reports;

-assign tasks to Task Force/Working Group members carefully highlighting realistic, committed productivity;

-prepare a letter to constituencies in regard to witness selection for the Senate-House Hearing as outlined by Bob Tate;

-recognize financial constraints and time limitations; and,

-prepare a count of discrimination documentation for the August 9th Task Force Meeting.

ELIZABETH BOGGS called for a reaffirmation of the mission statement dated May 11, 1988, written by Justin Dart (AD21) excerpt quoted by Tony Young, as the draft and basis of the Task Force Mission Statement and requested that the Working Group lay claim to this and proceed.

Question was raised by Elizabeth as to the duration, focus, and purpose of the Task Force as projected by Congressman Major Owens and the Subcommittee. She noted that the mission was established by Major Owens et al. and is time limited. The people, recognizing a need for an ongoing, coordinated, unified, disability rights movement must overcome the past experience of "disaster". Elizabeth does not feel this is Congress's responsibility, individuals in the private sector must take hold. This is not an alternative to the Task Force, but could be an outgrowth, however. The goals and the accomplishments of the Task Force must focus on enactment of ADA, not on doing it all.

If communication with constituents is to be accomplished through the hierarchy of the Task Force, internal structure needs further discussion. Elizabeth requested that a formal draft, double spaced, mission statement be distributed amongst all for review, input, and/or editing. In regard to Tony Young's project management/working group outline, Elizabeth reaffirmed the need for a diversified structure as a means of sharing the load; as in any organization, coordination is needed to assure that all aspects are being covered and to delineate the essential activities of each unit. Elizabeth mentioned that she has a modem and would welcome instruction in its use.

BOB TATE repeated his discussion with Maria Cuprill and the Subcommittee in regard to their expectations of the Task Force.

The auspices of Congress are viewed solely as providing a channel for the disability rights movement; however, if another organization or ad hoc group wanted to form there is a willingness to talk. Lobbying is not a specific Task Force purpose, as Justin Dart emphasizes at each Task Force meeting. Enactment of ADA may take years. Activities to strengthen the Task Force should be included, however, since the projected 12-18 month duration of the Task Force is flexible, and the growing vision of the Task Force as a body involved in working, developing and broadening projects and deepening the disability rights movement is realistic and subject to discussion with the entire Task Force.

In regard to the September Senate-House Hearing, the original idea behind it has once again changed. As it stands now, a three panel "witness" presentation consisting of 1-2 disabled elderly, 3-4 disabled children, and 3 disabled working age adults including as many constituents as possible is being aimed for and is undergoing the approval process. LIZ SAVAGE is coordinating the witness selection panel and may be contacted for questions and/or suggestions. BOB also expressed an interest in modem instruction and utilization.

LEX FRIEDEN discussed how, in the interest of time, we must combine respect for the democratic process with businesslike progression; the working group will bring proposals to the Task Force meeting for a vote. A pre-review of what the members will be doing at the meeting is an unnecessary duplication and the large group working at the meeting would be laborious and unproductive.

Review of TONY YOUNG'S proposal:

TONY YOUNG introduced the mission statement (AD21), dated May 11, 1988, and his proposal "STRUCTURING THE ADA TASK FORCE", emphasizing short term, medium range, and long range goals and delineated seven committees to be supervised by a steering committee comprised of the Chairperson, Cochairperson and the seven committee chairs. Committees would draft goals and objectives for steering committee approval and then submit progress reports which then could be utilized for Task Force reporting.

JIM HAVEL expressed some concern as to TONY's projected functional approach versus a subject matter rationale and agreed to pursue this discussion further with Tony and Lex Frieden.

DALE BROWN requested inclusion in reviewing proposals and contributing to final drafts.

LEX will rework TONY'S proposal for the August 9th meeting. MARNIE SWEET announced that the Electronic Bulletin Board is up and running for TONY YOUNG, MARNIE SWEET, and LEX FRIEDEN. Others with requisite equipment may join any time by contacting TONY YOUNG.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

FORUM LOCATIONS AND CONTACTS

Aug 04	TH Lansing, Mi. Kellogg Continuing Education Center Michigan State University East Lansing 11:00A-2:00P	Pete Griswold 517/373-3391 Judy Gentile 517/353-9642
Aug 11	TH New Orleans Ballrooms B and C Quality Inn 3900 Tulane Ave 1:00P-4:00P	Patsy Barrett 504/342-2723 Mike Murzi 504/822-7941
Aug 12	FRI Jackson, MS. Ramada Renaissance 1:00P-3:00P	Mark Smith 601/354-6825
Aug 16	TU Birmingham, AL. Highland Racket Club 3300 Highland Ave S. 2:00P-4:00P Public Forum 4:00P-5:30P Informal Public Reception	Peggy Anderson 205/939-6613
Aug 18	TH Billings, MT. Lewis and Clark Room Student Union Eastern Montana College Billings 11:00A-3:00P	Maggie Bullock 406/444-2590 Zana Smith 406-442-5755
Aug 19	FRI Boise, Idaho Red Lion Downtowner Teton-Selway Room 1800 Fairview Avenue 12:30P-3:00P	George Pellitier 208/334-3390
Aug 22	MON Bismarck, N.D. Pioneer Room Judicial Wing Capital Bldg 8:00A-9:00A Govt Agency Persons 9:00A-11:00A Consumer Forum	George Saiki 701/224-2907

EQUAL ACCESS TO THE AMERICAN DREAM

Aug 23 TU Sioux Falls, S.D. John Ellison 605/773-3195
Ben Soukup 605/339-6718
Voice/TDD

Communications Services Dennis Schmitz 605/339-6558
for the Deaf
3520 Gateway Lane
10:00A-12Noon Consumer Forum

Aug 24 WED Cheyenne, WYO. Marion Kotterman 307/777-6801
Holiday Inn
South Fork Room
204 W. Fox Farm Road
(cor. of Central and I-80)
12:30-3:00P

Aug 25 TH Salt Lake City Blaine Peterson 800/662-3662
Salt Palace
Suite B 2nd Floor
100 S.W. Temple
1:30P-3:30P Forum
3:30P-4:30P Informal Reception

Aug 26 FRI Denver, Colo. Carol Gaccetta 303/866-5196
Downtown Holiday Inn
1450 Glenarm Place
9:30A-12Noon

Aug 27 SAT Dayton, Ohio Dave Williams 614/466-9956
Governor's Conference
on Disabilities
Wright State University
2:45P-4:15

Aug 31 WED Honolulu, Hawaii Toshio Nishioka 808/548-3769
Board Room 4th Floor Mark Obatake 808/537-1941
Dept of Human Services
Liliuokalani Bldg
10:00A-2:00P

Sep 14 WED Portland, Ore Joil Southwell 503/378-3850
Kathy Oxborrow 503/238-8375
Commission for the Blind
535 S.E. 12Th St.
11:30A-2:00P

Sep 15	TH	Seattle, WA	Carolyn Brown Paul Wysocki	206/329-1632 206/625-4381
		Community Services for the Deaf and Hard of Hearing 1609 19th Avenue 98122 10:00A-12:00P Service and Community Leaders 12:00P-1:30P Brown Bag Luncheon 1:30P-3:30P Consumer Forum		
Sep 19	MON	Anchorage, AK	Kathy Metrone Duane French Rick Tessendore	907/465-2814 907/248-4777 907/479-7940
Sep 23	FRI	D.C.	Cherri Eitel	202/388-0033
Sep 27	TUE	Wilmington, DE. The Wright Center 29th and Jessup Streets 11:00A-1:00P	Diane Treacy Bob Piech	302/571-3915 302/998-8090
Sep 29	TH	Raleigh, N.C.	Deborah McKeithan Bob Philbeck	704/376-4735 919/733-3364
Sep 30	FRI	Baltimore		
Oct 04	TUES	Los Angeles Westside Center for 12901 Venice Blvd 2:30P-5:00P Consumer Forum	June Kailes Diane Colman	213/390-3611 213/736-2505
Oct 05	WED	Las Vegas The Convention Center at the Hacienda	Donny Loux	800/992-0900
Oct 06	TH	San Francisco 1:30P-4:30 Consumer Forum	Tom Anastasi Marilyn Golden	415/841-4776 415/644-2555 DREDF
Oct 08	SAT	Charleston, W.VA. W.VA. Rehab Center 12:00Noon-2:00P Consumer Forum	Jim Wagner	304/766-4607
Oct 11	TUE	Maine Sheraton Tara S. Portland 4:00P-5:00P	Steve Tremblay	207/767-2189
Oct 15	SAT	Albany, N.Y. Turf Inn 205 Wolf Road 12Noon-1:00P Luncheon 1:15P-2:00P Keynote	Darryl Jones	716/254-3650

Oct 17 MON Pennsylvania
Trevost Hilton
2400 Old Lincoln Highway
11:00A-12:30P Luncheon
12:30P-02:30P Forum

Lucy Shumaker 717/783-3882
Jill Davis 215/735-5107

Oct 19 WED Williamsburg, VA
Peninsula CIL
Hilton Conference Center
Kings Mill
11:00A-12Noon

Ralph Shelman 804/873-0817

July 29, 1988

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

August 1, 1988

Justin Dart
Chairperson

Honorable Lowell P. Weicker, Jr.
U.S. Senator
225 RSOB

Elizabeth Boggs, Ph.D.
Co-Chairperson

Washington, D.C. 20510

Lex Frieden
Coordinator

Dear Senator Weicker:

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

Eliot Dober

Don Galloway

James Havel

I. King Jordan, Ph.D.

Marca Bristo Kettlewell

Gordon Mansfield, Esq.

Paul Marchand

Oral Miller

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Marilyn Price Spivack

Susan S. Suter

Patrishia Wright

Tony Young

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

As you know, Congressman Major Owens, Chairman of the House Subcommittee on Select Education has asked me to form and to Chair the Task Force on the Rights and Empowerment of Americans with Disabilities. Established on May 2 of this year, the Task Force is composed of thirty distinguished representatives of most of the nation's major disability constituencies. It is mandated to help the Congress consider the Americans with Disabilities Act and other pending and future legislative proposals by collecting evidence of discrimination and other barriers to people with disabilities, by collecting information on proposed solutions, and by making specific proposals for short and long range public and private action. The Task Force, which receives no public, foundation or corporate funding, is supported by in-kind contributions from its members and numerous public spirited individuals and organizations.

Although appointed by the House Subcommittee, the Task Force also reports to and receives guidance from the Senate Subcommittee on the Handicapped and other House and Senate entities. We are extremely grateful for the cooperation of Bob Silverstein, Terry Muilenberg and their associates on the Senate Subcommittee staff.

With the magnificent assistance of my colleague members and a large number of great individuals and organizations, I have presided over 29 Task Force public forums in 27 states, with attendance of more than 3100 people with disabilities, families, advocates and service providers. I have made Task Force presentations at several other disability community functions with attendance of more than 8,000 persons. More than 1000 documents describing discrimination and other barriers have been received from individuals and organizations.

Assessed in the context of six or seven previous national tours of a similar nature, results of the current meetings are truly impressive.

EQUAL ACCESS TO THE AMERICAN DREAM

1. Attendance is up dramatically, in some states by several magnitudes.

2. Whereas previous trips revealed sharply differing opinions and a certain degree of pessimistic apathy in regard to full equal opportunity protection for people with disabilities, I now find literally unanimous and generally enthusiastic support for the Americans with Disabilities Act. In meeting after meeting I have heard vigorous public endorsements from liberals, moderates and conservatives; Republicans, independents and Democrats; and people with disabilities, families, service providers and concerned citizens of all types. Not one single participant has even hinted at opposition to the Act.

3. While there is general recognition that there has been great progress for people with disabilities during the past few years and decades, there is also overwhelming evidence that massive, pervasive discrimination and other barriers still exist in all significant areas of life, including education, employment, transportation, housing, public access, communication, recreation, insurance and all other public and private processes. There is widespread concern about regulatory and bureaucratic disincentives to productive independence. There are serious problems with a service system which has demonstrated excellent pioneering results, but which lacks the funds, the authority and the structure to meet all the needs of our rapidly increasing disability population. There is a virtually unanimous mandate for vigorous action to implement and enforce existing laws and regulations.

This devastating combination of discrimination, traditional barriers, undersupported services, and apathetic enforcement results in unconscionable injustice to millions of individuals, and unconscionable moral and economic costs to the nation. Hundreds of thousands of potentially proud, productive human beings exist as virtual outcasts from the mainstream of society, jobless, homeless, penniless, hopeless. Tens of thousands die years and decades before their time.

Among my colleagues in the disability community there is a growing sense of outrage about these long-standing injustices. There is a rising chorus of the dramatic expression by the Students of Gallaudet University that, "We have waited long enough for equality, and we will wait no more. Enough injustice. Enough paternalism. Enough vague promises and token responses. We demand equal access to the American dream now!"

Thirty-seven years in the human rights movement have convinced me absolutely that public stereotypes rooted in millenia of misinformation, prejudice, paternalism and pity are the basis for almost every resolvable problem of disability. There is an

insidious assumption that people with disabilities are something less than fully human. I firmly believe that more than 36 million Americans with disabilities will never be able to reach their full productive and life quality potential until this nation makes a firm, formal, enforceable statement to all of its citizens that people with disabilities have the same inalienable rights and the same inalienable responsibilities as other people.

Certainly the Americans with Disabilities Act will not solve all of the problems of people with disabilities. But just as certainly, it is an essential foundation for all optimal solutions.

No nation can long afford either the economic or the moral cost of maintaining ever increasing millions of its potentially productive citizens in unjust, unwanted, unproductive dependency.

Establishing the rights and productive independence of Americans with disabilities in the consciousness, in the law and in the every day life of this society will be immediately and immensely profitable to every citizen of this nation, and to the nation as a whole, in terms of both money and quality of life. And it will definitely contribute to a reduction in public and private deficits.

The time has come for our national leaders to take a firm, public stand for the rights and productive independence of Americans with disabilities. It is morally imperative, economically imperative and politically imperative. Twenty-five million potential disability voters, plus their families, service providers and advocates will not be denied.

I remain deeply respectful of your constant, courageous advocacy over the years for the equality and productive independence of citizens with disabilities. Your hard work for the successful introduction and eventual passage of the Americans with Disabilities Act will be recorded in history as a monumental contribution to the fulfillment of the great American promise of liberty and justice for all.

Yours for equal access to the American dream.

Justin Dart

I am deeply respectful of your support for people with disabilities over the years, and particularly your courageous and forward-looking sponsorship of the historic Americans With Disabilities Act.

I am deeply respectful of your distinguished public service over the years and your concern for the needs of citizens with disabilities. I hope and trust that you will seriously consider becoming a cosponsor of the historic Americans with Disabilities Act.

Meeting of the Task Force on the Rights and Empowerment of
Americans with Disabilities

August 9, 1988
10 a.m.

Chairperson Justin W. Dart called the meeting to order.

Cynthia Focovelli of Rep. Coello's office reported that H.J.R. 570--to establish Nov. 6 - Nov. 12, 1988, National Disabled Americans Week--has obtained over 50 cosponsors in the Senate but not enough in the House. Cynthia wanted to encourage members of the Task Force to put pressure on the Members of the House of Representatives which have not yet signed on.

Mr. Dart gave a report on the success of the conferences being conducted around the country by the Task Force. Over 3,250 people have attended the conferences. Mr. Dart went on to describe the other actions taken by members of the Task Force.

Lex Frieden gave a report via a teleconference line. He discussed the prospects for the ADA. He also suggested subdividing the Task Force into three sections in order to efficiently utilize the increasing resources of the Task Force: 1) collection and analysis of data on discrimination, 2) reporting of information and analysis, and 3) operational matters, logistics, and resources development. Another member of the Task Force suggested that the first subdivision be further divided into subcommittees which parallel Congressional subcommittees, i.e. discrimination in transportation, health care, etc.

Mr. Dart let a discussion of the minutes of the last meeting, July 11, 1988. The minutes were approved.

OLD BUSINESS

The Task Force continues to look for a member of the AIDS community for representation on the Task Force. Suggestions are welcome.

One member acknowledged the passing of the Fair Housing Act, indicating the support for this bill by the Task Force. She further indicated that a provision of the Fair Housing Act contains a provision of the ADA. Although I really didn't understand the content of this provision, the member stated that the provision in the ADA should now be removed???

Mr. Dart mentioned that there will be a Joint House-Senate hearing on the ADA sometime around Sept. 20 on the Hill. Someone suggested that the next meeting of the Task Force should coincide with that hearing.

NEW BUSINESS

A member suggested that there is some confusion about the ADA in that some groups who currently receive funding are concerned that passage of the ADA will result in less funding. The Task Force as a whole emphasized that the ADA is only a rights bill and that no funding is involved. They then discussed ways to correct this misconception. No good answer was given.

One member complained that the ADA bill used the words "handicapped" and "disabled" interchangeably. She suggested that the best language is "Americans with disabilities."

Congressman Major Owens of New York addressed the Task Force. Essentially, his visit was symbolic. Owens and Dart exchanged praise. Owens wanted to know the intended timetable for the ADA, suggesting that early February, 1989, would be a good time for a momentum peak.

Mr. Dart discussed the possibility of a big New England conference in Boston for this October.

Julia Clay, an native American, representing the National Counsel on the Handicapped, raised an issue regarding the affect of ADA on tribal governments. She wanted to know if the ADA bill would involve the tribal governments. Mr. Dart responded by citing his experiences with the handicapped on reservations. He indicated that the conditions for disabled Americans on reservations were absolutely pitiful. Disgusting. After acknowledging the problem, Mr. Dart made his opinion clear that because of sovereignty issues, the affect of ADA remains unknown.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

Task Force meeting, August 9, 1988, 10 A.M. EDT at the President's Committee on Employment of Persons with Disabilities, Washington, D.C., and by teleconference.

AGENDA

Welcome, introduction of new members, introduction of those present on-site and off-site.

Old business:

Review and approval of minutes of July 11, 1988 meeting.

Summary report by Chairperson and Cochairperson, including public forums held to-date and review of actions taken pursuant to guidance given and decisions made by Task Force members and Congressional staff.

Guidance from Congressional staff.

Report of the working group: Lex Frieden.

Discussion of report, including plans for cooperation with the joint House-Senate hearing on ADA, and the next meeting of the Task Force immediately after that hearing.

Other old business.

New business: comments and guidance by the membership.

EQUAL ACCESS TO THE AMERICAN DREAM

14ftelconf

TASK FORCE TELECONFERENCE
AUGUST 09, 1988

Off-site Participants

Elmer Bartels
Hado Blank
Eliot Dober
Lex Frieden
Eric Griffin
Connie Martinez/Bob Rosenberg
Ed Roberts
Marilyn Spivack
Ann Vinup

SIGN IN, PLEASE

AUGUST 9, 1988

NAME	ORGANIZATION
1. Phil Calkins	PCEPD
2. Julie Clay	Native American
3. Dale Brown	NNUPA
4. Ann Vinup	ACLD
5. Pat Wright	DREDF
6. Fred Weiner	NAD
7. Pat T. Overmyer	Eq + Labor
8. Chad S. Johnson	Senator Bob Dole
9. Lynn Walker	Howard University
10. Sallie Rhodes	NATAS
11. David Capozzi	POA
12. KING JORDAN	GALLAUDET UNIVERSITY
13. JACK R. GANNON	Gallaudet University
14. Jodi Padden	Senator Simon
15. E M Briggs	co chair
16. PAUL MARCHAND	ARC
17. Sue Suter	RSA
18. David H. Amigha	AARP
19. Bob Tate	
20. William Adams	Gallaudet (interpreter)

tfteleconf

TASK FORCE TELECONFERENCE
AUGUST 09, 1988

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EQUAL ACCESS TO THE AMERICAN DREAM

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		Communications Services for the Deaf 3520 Gateway Lane 10:00A-12Noon Consumer Forum	Dennis Schmitz 605/339-6558
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Aug 25	TH	Salt Lake City Salt Palace Suite B 2nd Floor 100 S.W. Temple 1:30P-3:30P Forum 3:30P-4:30P Informal Reception	Blaine Peterson 800/662-3662
Aug 26	FRI	Denver, Colo. Downtown Holiday Inn 1450 Glenarm Place 9:30A-12Noon	Carol Gaccetta 303/866-5196
Aug 27	SAT	Dayton, Ohio Governor's Conference on Disabilities Wright State University 2:45P-4:15P	Dave Williams 614/466-9956
Aug 31	WED	Honolulu, Hawaii Board Room 4th Floor Dept of Human Services Liliuokalani Bldg 10:00A-2:00P	Toshio Nishioka 808/548-3769 Mark Obatake 808/537-1941
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Community Services for the Deaf and Hard of Hearing 1609 19th Avenue 98122 10:00A-12:00P Service and Community Leaders 12:00P-1:30P Brown Bag Luncheon 1:30P-3:30P Consumer Forum				
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		Teleconference Room Legislative Info Room 3111 C Street		
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		McKimmon Center North Carolina State U.		
Sep 30	FRI	Baltimore		
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		The Convention Center at the Hacienda 12N-3:00PM Consumer Forum		
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		1:30P-4:30 Consumer Forum		
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		Sheraton Tara S. Portland 3:30P-4:15P		

Oct 15	SAT Albany, N.Y. Turf Inn 205 Wolf Road 12Noon-1:00P Luncheon 1:15P-2:00P Keynote	Darryl Jones	716/254-3650
Oct 17	MON Philadelphia Trevost Hilton 2400 Old Lincoln Highway 11:00A-12:30P Luncheon 12:30P-02:30P Forum	Lucy Shumaker Jill Davis	717/783-3882 215/735-5107
Oct 19	WED Williamsburg, VA Peninsula CIL Hilton Conference Center Kings Mill 11:00A-12Noon	Ralph Shelman	804/873-0817

August 4, 1988

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

LIAISONS, HOUSE SUBCOMMITTEE ON SELECT EDUCATION

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Co-Founder, Association
For Retarded Citizens of the
United States

COORDINATOR

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August 5, 1988

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education
July 11, 1988

MEMORANDUM

To: Congressman Major R. Owens, Dr. Elizabeth Boggs, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson

Subject: Notes on the July 11, 1988, meeting of the Task Force

The third meeting of the Task Force was held on July 11, 1988, from 2-4pm at the President's Committee for the Employment of Persons with Disabilities, and by teleconference.

Due to last minute difficulties with the telephone system the teleconference participants, including the Chairperson, were not connected with the conference room participants. The meeting was held in two sections, with the Chairperson presiding over the teleconference, and the Cochairperson presiding in the conference room. The following notes of the teleconference were recorded by the Chairperson. Notes by the CoChairperson summarizing the onsite meeting are attached.

Conference room participants:

Dr. Elizabeth Boggs, Cochairperson, presiding
George Arsnow, representing Susan Suter
Jay Benedict Centifanti, representing Joe Rogers
Dr. Phil Calkins
Dr. Jack R. Gannon, representing Dr. I. King Jordan
Jim Havel
Gary Olsen
Bob Palmer, representing Celine McWhorter
Sallie Rhodes, representing Eliot Dober
Tony Young

Robert Tate, representing Congressman Major R. Owens
Cynthia Folcarelli, representing Congressman Tony Coelho
Stacy Hoffhaus, representing Senator Robert Dole
Ronni Krasnow, intern with the House Subcommittee on Select Education
Liz Savage, Epilepsy Foundation
Rhoda Straus, representing Senator Edward Kennedy

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prepared by the working group, and several longer, more detailed sections setting out material related to specialized areas of disability, prepared with the cooperation of appropriate constituency groups and agencies.

- a structure and process to ensure maximally efficient and democratic operation of the Task Force within the limits of its resources, including assignment of tasks, the recruitment of new members and volunteers and the possible raising of funds.

The working group will include Justin Dart, Chair, and all members who wish to participate: so far, Elizabeth Boggs, Lex Frieden, Jim Havel, Phil Calkins, Paul Marchand (if he agrees-he was not present at the meeting), Celine McWhorter, Tony Young and Joe Rogers/J. Benedict Centifani. Dr. Jack Gannon and Gary Olsen wish to review working drafts.

5. The Chairperson called for discussion on new Task Force members from constituencies such as persons with AIDS, mental retardation, LD, etc.

ELLIOT DOBER, the Chairperson and others- an apparent consensus- felt that the representative of the AIDS community should be a person with AIDS. Executive Assistant will make inquiries. The Chairperson suggested and there was general agreement that there should be a member with mental retardation who is a leading advocate for disability rights. Names were suggested, and further recommendations are solicited. There was agreement that there should be representation from the LD community. DALE BROWN (consumer) was recommended by NNDA, and ANN VINUP by ACALD. Both were appointed to membership by the Chairperson shortly after the meeting. Further suggestions for new members were solicited, particularly from the areas of business and the public media.

MARCA BRISTO suggested a better representation from ethnic minorities. There seemed to be consensus, although not unanimous, that the total membership of the Task Force be kept to a size that is manageable with available staff and communicative methods - perhaps 35-40.

6. It was agreed that the next meeting of the Task Force will be on August 9 at the President's Committee for the Employment of Persons with Disabilities in Washington, and by teleconference. It was also agreed that the following meeting would be held on the same day as and immediately after the joint House-Senate hearing on ADA, which has been rescheduled from August 2 to a later time, possibly in September. There was agreement that an effort should be made to encourage the physical presence of the membership at the joint House-Senate hearing and the following Task Force meeting.

General discussion:

MARCA BRISTO - Task Force should resolve administrative issues quickly and get on to major focus of communication with the disability community and its report.

ERIC, WADE BLANK and JIM DEJONG called attention to the recent publication of unacceptable air access regulations, and suggested that the Chairperson raise this issue in the state forums. This is being done.

WADE BLANK suggested ITZAK PERLMAN, who has been a great supporter of our movement, as a witness at the joint House-Senate hearing on ADA. There was general approval.

MARILYN SPIVACK urged focus on the issue of inappropriate institutionalization, and cited the problems of survivors of head injuries.

WADE BLANK suggested that a Task Force forum should be scheduled in Los Angeles, and that ADAPT would be a cosponsor. This has been supported by JUNE KAILES, BRENDA PREMO, JUDY HEUMANN and others. A Los Angeles forum has been set, although due to previous commitments and problems involving coordination with other forums, it was necessary to settle on a day when many ADAPT members will be out of the city.

The Chairperson expressed appreciation to all members, advisers, volunteers, Congressional staff and forum sponsors who have cooperated, in the absence of public funding, to make possible presentations and forums involving almost 10,000 persons in about twenty states (as of July 11). He expressed special appreciation to hardworking staff, Marnie Sweet, Marcia Lee Nelson and Gwyneth Rochlin (volunteer), who have worked long hours and weekends, attempting to do the job of 20.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

July 15, 1988

To: Congressman Major R. Owens, Dr. Elizabeth Boggs, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson

Subject: Report by the Chairperson. Notes on the July 11th meeting of the Task Force and the agenda for the August 9 meeting of the Task Force are enclosed.

An updated state forum schedule, with the names and telephone numbers of contact persons, is also enclosed. Your assistance and that of your organizations in maximizing attendance and the generation of written materials will be appreciated.

Cosponsorship of scheduled state forums by advocacy, professional and service provider organizations is earnestly solicited, as well as opportunities for ADA-Task Force presentations at national, state and local meetings of concerned organizations. All Task Force members are invited to participate in and to cochair all scheduled forums.

The next meeting of the Task Force will be on August 9 at the President's Committee on the Employment of Persons with Disabilities, in Washington, DC, and by teleconference.

The announced August 2 joint House-Senate hearing on ADA has been rescheduled to a later time, possibly in September.

The Task Force has six new members: DALE BROWN, Legislative Liaison, National Network of Learning Disabled Adults; ANN VINUP, Chairperson, Legislative Services Committee, Association for Children and Adults with Learning Disabilities; CONNIE MARTINEZ, Capitol People First; SYLVIA WALKER, Ed.D, Director, Center for the Study of Handicapped Children and Youth; JULIE CLAY, Fellowship Recipient, National Council on the Handicapped; and LIZ SAVAGE, Assistant Director, Government Affairs, Epilepsy Foundation of America. We are honored by the participation of these distinguished advocates for the rights, empowerment and productive independence of people with disabilities.

A rough draft of proposals in regard to the mission and goals of the Task Force, previously provided to the Subcommittee staff and to several members, is enclosed. Your input on these subjects will be welcome.

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Report of the Chairperson's activities.

I have so far held 29 forums in 27 states with attendance of about 3100 persons, and have made ADA-Task Force presentations at numerous other meetings, with attendance of about 8,000, so that presentations have been made to slightly more than 11,000 advocates and service providers. The issues raised by people with disabilities and advocates remain consistent with the summary presented in my first report. There continues to be apparent unanimous support for ADA, for empowerment and for full, independence and productivity oriented services for all Americans with disabilities. Evidence of massive discrimination has been presented in all aspects of life: education, employment, transportation, housing, public access, communication, recreation and other public and private processes. There is widespread concern about discrimination in insurance, and the devastating effect of this in all areas of life. There is continuing concern about regulatory and bureaucratic disincentives to productive independence and problems with fragmented, uncoordinated, disability-related services. There is a virtually unanimous mandate for significant action to improve enforcement of existing and future laws, and to provide for adequate legal services and rights education for people with disabilities, their families and advocates. With the exception of two meetings, all of my travel and other expenses have been borne by Mrs. Dart and me, and all meeting expenses have been paid by the volunteer organizers.

State forums and other ADA-Task Force presentations:

Arizona, Phoenix, June 30. Forum, 65. Luncheon 12, TV interview. Thanks to JIM GRIFFITHS, PAT FORE, BOB MICHAELS, FRANK KELLS, ED HOUSE, ABE JAFFE, NAOMI HARWARD, ELMER GUY and BILL SCOTT.

New Mexico, Albuquerque, July 1, Forum, 161. Luncheon 30-35, 2 TV interviews. Thanks to JOHN ARCHULETTA, CHRIS ISENGARD, TERRY BRIGANCE, HERMAN AGOYO, JIM JACKSON, JAMIL TOUBBEH, CLARA BARON and ROSS SWEAT.

Denver, July 1, National Convention of the National Alliance for Mental Illness, ADA-Task Force presentation, with written input by participants, 1,500. Thanks to JIM HAVEL, LAURIE FLYNN and DICK GREER.

Oklahoma, Oklahoma City, July 7, Forum, 50, Radio interview. Thanks to JERRY DUNLAP, A C ADAMS, PAUL BOWERMAN, SANDY BEASLEY, STEVE BROWN and HELEN KUTZ.

Arkansas, Little Rock, July 8, Forum, 87, ADA-Task Force presentation to National Convention of the American Council for the Blind, 1,500. Thanks to VINCE BOND, VERNON GLENN, RUSSELL BAXTER, NAN ELLEN EAST, DELBERT LEWIS, BOB SIMPSON, ORAL MILLER, OTIS STEPHENS and DURWARD MCDANIEL.

Texas, Austin, July 12, Forum, 150, public TV talk show. Thanks to BURT PUSCH, JUDITH SOKOLOW, KAY BENECKE, ALAN MYERS, CAROL PATTERSON, VIRGINIA ROBERTS, JERRY HASSELL, PAT POUND, PAT WESTERBROOK, MAX ARRELL and many others.

Austin, July 13, ADA-Task Force presentation to the Southwest Region NRA Conference, 350. Thanks to ED WHITE, VIOLA LOPEZ, JEFF KAUFMAN, RAY VAUGHN.

Kansas, Kansas City, July 14, Forum, 85, two TV and one newspaper interview. Lunch, 15. Thanks to PEG SPENCER, IKE JOHNSON, GINA MACDONALD, DOUG BURLEIGH and STEVE SCHIFFELBEIN.

Missouri, St. Louis, July 15, Forum 176, Lunch, 13. Thanks to JIM DEJONG, MAX and COLLEEN STARKLOFF, DAVID VOGEL, JIM TUSCHER, GINI LAURIE and DON GANN.

Nebraska, Omaha, July 18, Forum, 96. Thanks to PEG WESTFALL, TOM NOONAN, DENNIS KING, DEE EVERRETT, MIKE SCHAFFER, JIM ROY, DONALD OLSEN and JASON ANDREW.

Iowa, Des Moines, July 19, Forum 65, two TV interviews. Thanks to HARLAN WATSON, DON WESTERGAARD, JOHN TENPAS and MERVIN ROTH.

Minnesota, Minneapolis, July 20, Forum 70, reception 50. Thanks to JUDY NORMAN-NUNNERY, TOM FELL, ELLEN DAILY and LOU BROWN.

Illinois, Chicago, July 22, Forum 240, two TV and one newspaper interview. Thanks to JIM DEJONG and MARCA BRISTO for the excellent job they did cochairing this extremely successful forum. Thanks too to PHIL BRADLEY, AUDREY MCCRIMON, JO HOLZER and many, many others.

Indiana, Indianapolis, Forum 200 meeting with VR staff, 15, one newspaper interview. The forum was cochaired by Task Force member GARY OLSEN. Thanks to JEAN MERRITT, NINA MCCOY, DENNIS BEGA, BARRY CHAMBERS, and ELLEN MCCLIMONS.

Kentucky, Louisville, July 26, Forum 175, one TV interview. Thanks to KATHY WILLIAMS, VINCENT BROSKY, BILL ROGERS, JOAN BARKER, MARY JOHNSON and 42 cosponsoring organizations.

I remain profoundly grateful to all Task Force members and the hundreds of other individuals who have cooperated to make this body productive. Special thanks to JAY ROCHLIN, PHIL CALKINS and staff MARNIE SWEET and MARCIA LEE NELSON and volunteers GWYNETH ROCHLIN, YOSHIKO DART and JOHN NELSON who have put in long, hard hours. I sincerely solicit your ongoing guidance and participation. Please call me or Marnie Sweet any time at (202)484-7684, or (202)484-4939 voice, or (202) 484-1370 TDD.

Together we shall overcome.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

July 15, 1988

MEMORANDUM

To: Congressman Major R. Owens, Justin Dart, Chairperson, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Laurence Peters, Pat Laird, Task Force advisers and contributors.

From: Elizabeth Boggs, CoChairperson

Subject: Notes on the July 11, 1988, Task Force Meeting

The meeting was opened by calling for self-introductions. The CoChair then reviewed the notes from the last meeting and noted the actions that had been taken in implementation of the decisions of June 15. These included appointment of certain new members. In response to the suggestion made at the June meeting to have a post office box with an easily-remembered number, in deference to staff preferences, mail will continue to be sent to the street address as listed on the letterhead.

House and Senate staff members present were recognized and their comments were invited. The hearing originally scheduled for August 2 has been postponed and a new date in September is being negotiated. The importance of communications to members of Congress that are in the form of individual, original letters, rather than petitions or other forms that are obviously generated en masse, was emphasized.

Reports were given by GARY OLSEN and JAY CENTIFANTI of the annual conventions of their respective organizations and for the strong support for ADA in their constituencies. Encouraging attendees to write down their recollected incidents of discrimination and/or express their support for ADA before leaving the meetings resulted in a very good response. MARNIE SWEET confirmed that many good letters of support were being received at the Task Force Office.

TONY YOUNG reported that he had sent out an alert on his computer bulletin board explaining the Americans with Disabilities Act and requesting that letters of discrimination be sent to Congressional representatives in care of Chairperson Dart.

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PHIL CALKINS raised a question about whether the information in and regarding these letters was being lost to the Task Force as some do not pass through the hands of the Task Force. Although we request writers to send copies to the Task Force office, many writers do not have the means to make copies. PHIL and others called for consensus on the types of evidence the Task Force wishes to collect, as well as clarification as to where to send both letters and diaries. House and Senate staff affirmed that letters arriving individually are more influential than batches delivered by an advocacy group.

GWYNETH ROCHLIN reported that response has been very positive to her notifying by telephone advocates, consumers, and major constituency representatives about the consumer forums.

MARNIE SWEET, who had been participating in the teleconference, summarized the Chairperson's report to the conference room participants (see report of Chairperson).

BOB TATE and others emphasized the need for increased efforts to involve all members of the Task Force in the making of policy decisions. In looking forward to 1989, BOB brought up the importance of seeking advance co-sponsorship by the Chairs of the various House Subcommittees to which ADA has been referred.

TATE also expressed the need for inclusiveness of constituency groups. While membership on the Task Force cannot be expanded indefinitely, it is important that there be broad participation and that no major interest groups be excluded. PHIL recommended that no limit be set on membership; JIM HAVEL cautioned against overextending staff's ability to handle the workload.

Members also recommended that there be an increased effort to increase representation on the Task Force of Blacks, Hispanics, Native Americans, women and other minorities; that Learning Disabled, AIDS, and mentally retarded constituencies be represented by a consumer advocate.

J. BENEDICT CENTIFANTI and PHIL CALKINS advised against arousing unrealistic expectations among consumers and thus engendering early burn-out. PHIL brought up the need for planning a strategy for long term advocacy: getting the ADA passed and developing an infrastructure for a grassroots consumer movement.

There was considerable discussion of the need for a concisely-written mission statement of the Task Force for public distribution. JIM HAVEL and others expressed concern for an organization plan which would maximize the participation and productivity of the members as well as redistribute some of the workload from Chairperson Dart and his staff. TONY YOUNG offered to prepare drafts of these items for the consideration of the working group. Chairperson Boggs encouraged TONY to proceed so as to give the working group a starting point.

The Washington-based group agreed to meet again on August 9th, the date also selected by the teleconference group. It is anticipated that the telecommunications problem will be resolved by that date.

STRUCTURING THE ADA TASK FORCE

A PROPOSAL

All great endeavors must necessarily begin with a statement of purpose. In his letter to the Task Force of May 11, 1988, Justin Dart has provided us with the following excellent declaration:

MISSION STATEMENT: Prepare Periodic and Final Reports to Congress in regard to evidence of discrimination against persons with disabilities which might be of help to the Congress in considering the Americans with Disabilities Act, and other legislation; and to prepare proposals for additional short and long range public and private sector action - beyond ADA - which will be necessary to implement the rights and empowerment of people with disabilities, including material in regard to successful state and local programs that might have national applications.

This statement could be broken down into a series of short, medium, and long range goals along these lines:

SHORT:

1. To build the Task Force infrastructure to an adequate level to support its responsibilities. (8/88 - 1/89).
2. To survey states and localities for programs which might have national applications. (9/88 - 6/89).
3. To educate the disabled and nondisabled public on the provisions and value of ADA; the process required for its enactment; the scope of the timeframes involved; and the level of commitment each individual and organization must make to ensure enactment. (7/88 - 7/89).

MEDIUM:

1. To collect evidence of discrimination from people with disabilities across the nation. (Ongoing).
2. To prepare interim reports on the activities and progress of the Task Force.

LONG:

1. To develop proposals to create the mechanisms for continuing national advocacy development. (1/89 - 7/90).
2. To prepare a Final Report on the Task Force findings to present to Congress. (1/90 - 7/90).

In order to achieve a policy of inclusion while simultaneously maintaining a manageable meeting size, it is possible to allocate

the considerable talent found in the TFREAD into working groups based on the Task Force's assigned outcomes.

The working groups would be directed by a **Steering Committee**, to consist of the Task Force Chair, Co-Chair, and Coordinator, and the seven Working Group Chairs. (10 persons).

In keeping with the generally accepted principle of an ideal span of control being 5 to 7 persons, and assuming a final task force membership of 40 to 50 persons, the following 7 Working groups could be formed:

RESOURCES - to recruit VOLUNTEERS to provide assistance with bulk mailings, data collection and analysis; to solicit funds for travel expenses, work group staff (where needed), and related expenses; and to locate sources of IN-KIND SERVICES of various types to compliment the funds raised.

MEMBERSHIP - to implement the Jacksonian ideal in the concept of the politics of inclusion.

EVIDENCE - to collect the evidence of discrimination through solicitation of letters, diaries, and petitions.

REPORT - to produce interim progress reports, as well as the Task Force Final Report, and to develop articles and Op-Ed pieces supporting ADA.

EVENT - to schedule and promote the events the Task Force deems necessary to carry out its mission, including speaking appearances by its members, Hearings, etc.

EMPOWERMENT - to research and propose strategies for long term advocacy development.

COMMUNICATIONS - to plan and conduct media relations, including the placement of articles and Op-Ed pieces, arrange interviews, schedule press conferences, etc.

Each working group need not have exactly the same number of persons in it. Groups with a larger scope of work, i.e., Evidence, could have more people, while others, i.e., Report or Communications, could have fewer. Indeed, not all the Groups need exist all throughout the project's life; should a group's charge be completed, the group members could be reassigned, or the group given a new charge.

Tony Young
July 25, 1988

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

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August 1, 1988

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Honorable Lowell P. Weicker, Jr.
U.S. Senator
225 RSOB
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Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Dear Senator Weicker:

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

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Subcommittee Liaisons

Maria-Cuprill

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Patricia Laird

As you know, Congressman Major Owens, Chairman of the House Subcommittee on Select Education has asked me to form and to Chair the Task Force on the Rights and Empowerment of Americans with Disabilities. Established on May 2 of this year, the Task Force is composed of thirty distinguished representatives of most of the nation's major disability constituencies. It is mandated to help the Congress consider the Americans with Disabilities Act and other pending and future legislative proposals by collecting evidence of discrimination and other barriers to people with disabilities, by collecting information on proposed solutions, and by making specific proposals for short and long range public and private action. The Task Force, which receives no public, foundation or corporate funding, is supported by in-kind contributions from its members and numerous public spirited individuals and organizations.

Although appointed by the House Subcommittee, the Task Force also reports to and receives guidance from the Senate Subcommittee on the Handicapped and other House and Senate entities. We are extremely grateful for the cooperation of Bob Silverstein, Terry Muilenberg and their associates on the Senate Subcommittee staff.

With the magnificent assistance of my colleague members and a large number of great individuals and organizations, I have presided over 29 Task Force public forums in 27 states, with attendance of more than 3100 people with disabilities, families, advocates and service providers. I have made Task Force presentations at several other disability community functions with attendance of more than 8,000 persons. More than 1000 documents describing discrimination and other barriers have been received from individuals and organizations.

Assessed in the context of six or seven previous national tours of a similar nature, results of the current meetings are truly impressive.

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1. Attendance is up dramatically, in some states by several magnitudes.

2. Whereas previous trips revealed sharply differing opinions and a certain degree of pessimistic apathy in regard to full equal opportunity protection for people with disabilities, I now find literally unanimous and generally enthusiastic support for the Americans with Disabilities Act. In meeting after meeting I have heard vigorous public endorsements from liberals, moderates and conservatives; Republicans, independents and Democrats; and people with disabilities, families, service providers and concerned citizens of all types. Not one single participant has even hinted at opposition to the Act.

3. While there is general recognition that there has been great progress for people with disabilities during the past few years and decades, there is also overwhelming evidence that massive, pervasive discrimination and other barriers still exist in all significant areas of life, including education, employment, transportation, housing, public access, communication, recreation, insurance and all other public and private processes. There is widespread concern about regulatory and bureaucratic disincentives to productive independence. There are serious problems with a service system which has demonstrated excellent pioneering results, but which lacks the funds, the authority and the structure to meet all the needs of our rapidly increasing disability population. There is a virtually unanimous mandate for vigorous action to implement and enforce existing laws and regulations.

This devastating combination of discrimination, traditional barriers, undersupported services, and apathetic enforcement results in unconscionable injustice to millions of individuals, and unconscionable moral and economic costs to the nation. Hundreds of thousands of potentially proud, productive human beings exist as virtual outcasts from the mainstream of society, jobless, homeless, penniless, hopeless. Tens of thousands die years and decades before their time.

Among my colleagues in the disability community there is a growing sense of outrage about these long-standing injustices. There is a rising chorus of the dramatic expression by the Students of Gallaudet University that, "We have waited long enough for equality, and we will wait no more. Enough injustice. Enough paternalism. Enough vague promises and token responses. We demand equal access to the American dream now!"

Thirty-seven years in the human rights movement have convinced me absolutely that public stereotypes rooted in millennia of misinformation, prejudice, paternalism and pity are the basis for almost every resolvable problem of disability. There is an

insidious assumption that people with disabilities are something less than fully human. I firmly believe that more than 36 million Americans with disabilities will never be able to reach their full productive and life quality potential until this nation makes a firm, formal, enforceable statement to all of its citizens that people with disabilities have the same inalienable rights and the same inalienable responsibilities as other people.

Certainly the Americans with Disabilities Act will not solve all of the problems of people with disabilities. But just as certainly, it is an essential foundation for all optimal solutions.

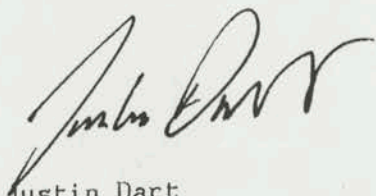
No nation can long afford either the economic or the moral cost of maintaining ever increasing millions of its potentially productive citizens in unjust, unwanted, unproductive dependency.

Establishing the rights and productive independence of Americans with disabilities in the consciousness, in the law and in the every day life of this society will be immediately and immensely profitable to every citizen of this nation, and to the nation as a whole, in terms of both money and quality of life. And it will definitely contribute to a reduction in public and private deficits.

The time has come for our national leaders to take a firm, public stand for the rights and productive independence of Americans with disabilities. It is morally imperative, economically imperative and politically imperative. Twenty-five million potential disability voters, plus their families, service providers and advocates will not be denied.

I remain deeply respectful of your constant, courageous advocacy over the years for the equality and productive independence of citizens with disabilities. Your hard work for the successful introduction and eventual passage of the Americans with Disabilities Act will be recorded in history as a monumental contribution to the fulfillment of the great American promise of liberty and justice for all.

Yours for equal access to the American dream.



Justin Dart

I am deeply respectful of your support for people with disabilities over the years, and particularly your courageous and forward-looking sponsorship of the historic Americans with Disabilities Act.

I am deeply respectful of your distinguished public service over the years and your concern for the needs of citizens with disabilities. I hope and trust that you will seriously consider becoming a cosponsor of the historic Americans with Disabilities Act.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

AUG15WGMIN

Justin Dart
Chairperson

August 15, 1988

Elizabeth Boggs, Ph.D.
Co-Chairperson

To: Maria Cuprill, Bob Tate, Pat Laird, Peter Laurence
and
The Members of the Working Group: Elizabeth Boggs,
Lex Frieden, Phil Calkins, Jim Havel, Paul
Marchand, Joe Rogers, Dale Brown, Tony Young,
Marnie Sweet, Marcia Lee Nelson

Lex Frieden
Coordinator

Elmer Bartels

From: Justin Dart, Chairperson

Wade Blank

Philip B. Calkins, Ph.D.

Subj: Notes on the Working Group Teleconference August
15, 1988.

James DeJong

Eliot Dober

Don Galloway

The second meeting of the Working Group was held on
August 15, 1988, from 4pm to 6pm EDT by teleconference.

James Havel

I. King Jordan, Ph.D.

Marca Bristo Kettlewell

Participants:

Gordon Mansfield, Esq.

Paul Marchand

Justin Dart, Chairperson, presiding
Elizabeth Boggs, Cochairperson
Maria Cuprill, Staff Director, Subcommittee on Select
Education, Office of Congressman Major Owens
Peter Laurence, Legislative Analyst, Subcommittee on
Select Education, Office of Congressman Major Owens
Lex Frieden, Coordinator
Phil Calkins
Tony Young
Paul Marchand
Jim Havel
Harvey Evans for Elmer Bartels
Dale Brown
Marnie Sweet
Marcia Lee Nelson

Oral Miller

Gary Olsen

Ed Roberts

Joseph Rogers

William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patrisha Wright

Tony Young

Marnie Sweet

Executive Assistant

Due to staggered inclusion of teleconference
participants the initial portion of the meeting was
chaired by Lex Frieden. Roll call was performed at
intervals.

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

EQUAL ACCESS TO THE AMERICAN DREAM

During the period prior to Justin Dart's telephone connection being completed Lex conducted a discussion on the plans for the Joint Senate-House Hearing. This is scheduled for 10am to 12 noon EDT, room 216 Hart Senate Office Building.....a bulletin containing an update with this information is to be distributed to the entire Task Force with the next mailing. Request made that affiliates, consumers, advocates, be notified in timely fashion for news release purposes.

The next meeting of the Task Force is scheduled for September 27, 1988, from 3:00pm-5:00pm EDT, in Ole Jim, Gallaudet University, 800 Florida Ave, N.E., Washington, D.C.. A light lunch will be provided for Task Force members by Gallaudet, courtesy of Dr. Jack Gannon and Dr. I. King Jordan.

Lex requested that Hill staff make a witness list for the Senate-House Hearing available to the Task Force as soon as possible.

When the Chairperson was able to join the conference the following items remained on the agenda:

1. Overview of agenda items remaining.
2. Discussion of Boston Forum: history and concerns.
3. Discussion on formulation of three operating Subcommittees structuring the ADA Task Force.
4. Discussion of overall Task Force agenda and timeliness.
5. Discussion on formulation of a three stage Executive Report.
6. Assignment of responsibility for securing representation on the Task Force of the AIDS community.
7. Delegation of responsibility for securing a business liaison/representative to the Task Force.
8. Discussion of delegation of secretarial support services related to reporting of minutes of the meetings.

The next meeting of the Working Group will be decided following general discussion and announced at a later date.

BOSTON FORUM

The Chairperson reported that some concerns had been expressed to him that the choice of Boston just before the election might be considered a partisan move.

MARIA CUPRILL made clear that CONGRESSMAN MAJOR OWENS has agreed to and looks forward to presiding over a consumer hearing on October 24, 1988, between the hours of 10am-6pm EDT in Boston, Massachusetts. Another subcommittee member must be present with Congressman Major Owens in order to have the forum be an official hearing. Major Owens will attend, whether it can qualify as an official hearing or not. It is hoped that Congressman Jeffords (Vermont) can be present for part of the day, but we cannot count on this.

JAMES HAVEL expressed some concern over the political ramifications (both Parties) of the Boston Forum, particularly if shortcomings in public programs are targeted by witnesses.

PAUL MARCHAND pointed out that ADA focuses on protection of rights in the private sector rather than State/Federal responsibilities that are already covered in sections 503 and 504. Witnesses should be requested to focus on the need to combat discrimination in the private sector, e.g. in "public accommodation".

DALE BROWN offered suggestions on Forum structure and inclusion of all constituents.

ELIZABETH BOGGS moved that we decide definitely to hold the Forum.

LEX FRIEDEN seconded the motion.

VOTE: TEN IN FAVOR/ONE OPPOSED.

JUSTIN DART nominated Eric Griffin as Chairperson and primary contact person for an ad hoc arrangement committee. Elmer Bartels and John Chappel will be contacted in regards to providing more comprehensive local contact capabilities. Other ad hoc members: Justin Dart, Bob Tate, Eliot Dober, Elizabeth Boggs and Marilyn Spivak.

NOTE: The earlier decision to hold a Task Force Meeting in conjunction with the Forum in October was reconsidered due to logistical problems.

TASK FORCE SUBCOMMITTEES

JUSTIN DART re-emphasized that subcommittees are open to all for active participation in the Task Force, and that no matter what degree of participation, full information regarding Working Group activities will be provided to all. He reviewed the three subcommittees as previously outlined and facilitated the first stage involvement by members of the working group and nominees so that work can begin without further ado.

1. Subcommittee to promote the generation of materials on discrimination and how to overcome discrimination, to analyze this discrimination data and to distribute the findings.

Phil Calkins, Chair/Coordinator
Dale Brown
Don Galloway
Liz Savage and Julie Clay pending their formal acceptance.

2. Subcommittee to write Preliminary and Final Reports. There will be three reports: 1. In time for September 27 hearing; 2. February 1989, upon completion of forums and in line with new administration; 3. Late summer/early fall 1989, to undergird final push for passage.

Tony Young, Chair/Coordinator

Lex Frieden

Jim Havel

Paul Marchand

Draft reviews by Elizabeth Boggs, Bob Tate, J.

Gannon, G. Olsen, J. Rogers, Dale Brown, Sylvia

Walker, F. Weiner and Merv Garretson.

3. Subcommittee to oversee operations and logistics.

Lex Frieden, Chair/Coordinator

Elizabeth Boggs

Jim Havel

Elmer Bartels pending formal acceptance.

The Chairperson is an ex officio member of all subcommittees.

ANNOUNCEMENTS

Attempts between July 19th and August 9th to reach Jean Maguire, Executive Director of the Joint Council on AIDS, have been unsuccessful. Pat Wright and Liz Savage will make further contacts regarding appointment of a representative to the Task Force.

Jay Rochlin will contact a person who has been identified as a suitable business representative.

Tony Young, Marnie Sweet and Lex Frieden have been established on electronic bulletin board. Others are invited to access this communication network. Make calls regarding bulletin boards to Tony Young at 703-425-4506 (data) or 703-425-8633 (voice).

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

aug26wgm

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

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William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patrishia Wright

Tony Young

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

To: Maria Cuprill, Bob Tate, Pat Laird, Peter Laurence, Members of the Working Group, the Task Force, its advisers and contributors.

From: Lex Frieden, Coordinator

Subj: Notes on the Working Group Teleconference
August 26, 1988.

The third meeting of the Task Force Working Group was held on August 26, 1988, from 4pm to 5pm EDST by teleconference.

Teleconference participants:

Justin Dart, Chairperson, presiding

Elizabeth Boggs, Cochairperson

Maria Cuprill, Staff Director, House Subcommittee on Select Education, Office of Congressman Major Owens

Lex Frieden, Coordinator

Eric Griffin, Ad Hoc Committee Chairperson

Elmer Bartels, Ad Hoc Committee Cochairperson

Phil Calkins

Jim Havel

Tony Young

Dale Brown

Phyllis Zlotnick for Eliot Dober

Susan Rogers for Joe Rogers

Marnie Sweet

Marcia Lee Nelson

Fred Weiner for I. King Jordan

Report by the Ad Hoc Committee Chairperson:

-three locations for the October 24, 1988, Hearing are being considered, one of which has been placed on hold.

-logistics are being worked out, framework established

-structure/format of testimony and activities being outlined

-the 14 ILC's of New England have already been recruited

-Tony Young will draft press release package for review, upon completion and approval Boston media associates will distribute

-method of notification/invitation needs clarification

-request for open discussion

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Discussion

-Coordination of securing stenographers, interpreters.

ON MOTION it was agreed that the Boston Working Group would secure supplementary personnel.

-Notification of members of Congress and Governors of the six New England States.

ON MOTION it was agreed that the Subcommittee, Office of Congressman Major Owens, will send official notification.

-Notification of key state leaders in various national constituencies.

ON MOTION it was agreed that Task Force members would provide contact listings to the Boston Working Group for notification. Networking is encouraged of all.

-Extent of structuring needed for hearing.

ON MOTION it was agreed that people wishing to speak would be encouraged to contact Eric in advance, and to limit themselves to 5 minutes, focussing on concrete experiences and examples. Eric and his colleagues will attempt to schedule non-local witnesses at their convenience if given advance notice of their intentions and wishes as to time of day.

The next meeting and teleconference of the Working Group and the Boston Forum Planning Group will be held at Howard University, from 2pm-3pm EDST, at the Howard Inn, following a light lunch, October 14th, 1988.

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

Task Force meeting, August 9, President's Committee on Employment of Persons with Disabilities, Washington, D.C., and by teleconference.

AGENDA

Welcome, introduction of new members, introduction of those present on-site and off-site.

Old business:

Review and approval of minutes of July 11, 1988 meeting.

Summary report by Chairperson and Cochairperson, including public forums held to-date and review of actions taken pursuant to guidance given and decisions made by Task Force members and Congressional staff.

Guidance from Congressional staff.

Report of the working group: Lex Frieden.

Discussion of report, including plans for cooperation with the joint House-Senate hearing on ADA, and the next meeting of the Task Force immediately after that hearing.

Other old business.

New business: comments and guidance by the membership.

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TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

Task Force Meeting August 9th, 1988

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

Elmer Bartels

Wade Blank

Philip B. Calkins, Ph.D.

James DeJong

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Paul Marchand

Oral Miller

Gary Olsen

Ed Roberts

Joseph Rogers

William A. Spencer, M.D.

Marilyn Price Spivack

Susan S. Suter

Patrisha Wright

Tony Young

Conference room participants:

Justin Dart, Chairperson, presiding

Dr. Elizabeth Boggs, Cochairperson

Dr. Phil Calkins

Paul Marchand

Susan Suter

Pat Wright

Dr. Pat Morrissey

King Jordan

Dr. Jack Gannon

Ann Vinup

Dale Brown

Celane McWhorter

Oral Miller

Julie Clay

Sallie Rhodes

David Capozzi

David Cunningham

Fred Weiner

Dr. Sylvia Walker

William Adams...interpreter

Congressman Major Owens

Maria Cuprill

Robert Tate

Cynthia Folcarelli, representing Congressman

Tony Coelho

Jodi Padden, representing Senator Simon

Chad Johnson, representing Senator Bob Dole

Marnie Sweet, Executive Assistant to the
Chairperson

Marcia Nelson, Special Assistant to the
Chairperson

Teleconference participants:

Lex Frieden, Task Force Coordinator

Elmer Bartels

Wade Blank

Eliot Dober

Eric Griffin, representing Marca Bristo

Marilyn Spivack

Ann Brogdan

Connie Martinez,

Bob Rosenberg

Susan Rogers

Ed Roberts

Marnie Sweet
Executive Assistant

Subcommittee Liaisons

Maria Cuprill

Robert Tate

Patricia Laird

EQUAL ACCESS TO THE AMERICAN DREAM

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

TFREP4B
August 9, 1988

To: Congressman Major R. Owens, Lex Frieden, members of the Task Force on the Rights and Empowerment of Americans with Disabilities, Maria Cuprill, Robert Tate, Peter Laurence, Pat Laird, Task Force advisers and contributors.

From: Justin Dart, Chairperson; Elizabeth Boggs, Cochairperson

Subject: Report on the August 9th, 1988, Task Force meeting; announcements and updating information:

ANNOUNCEMENTS:

THE NEXT MEETING OF THE TASK FORCE WILL BE HELD FROM 3:00pm TO 5:00pm ON SEPTEMBER 27th, in Ole Jim, at Gallaudet University, 800 Florida Ave, N.E., Washington, D.C., and by teleconference, following the Joint Senate-House Hearing. THE JOINT SENATE-HOUSE HEARING ON ADA, chaired by Congressman Major Owens and Senator Tom Harkins, is scheduled from 10am until 12 noon in Room 216, Hart Senate Office Building, Washington, D.C., the morning of SEPTEMBER 27th. All Task Force members and disability rights advocates are urged to attend, and to promote attendance by consumers.

THERE WILL BE A NEW ENGLAND REGIONAL FORUM, Congressman Major Owens, presiding, from 10am to 6pm on Monday, October 24, in Boston. Several Task Force Members plan to attend, including Dr. Elizabeth Boggs, Justin Dart, Elmer Bartels, and Eliot Dober. All members are invited. Disability rights advocates from Massachusetts, Vermont, New Hampshire, Maine, Connecticut, Rhode Island, New York, and all other states are invited to attend.

Congressman Major Owens will hear testimony regarding discrimination and other barriers to the full self-realization of Americans with disabilities as well as proposals for overcoming those barriers. This is a "peoples forum", which will emphasize the participation and 3-5 minute testimony of as many people with disabilities as possible. Families, service providers and concerned citizens are also encouraged to speak. Please encourage INDIVIDUALS to testify. For further details contact ERIC GRIFFIN at 508-559-9091(work)/ 508-947-8447(home) or JOHN CHAPPELL at 617-727-4828. Please give this event full publicity with your contacts.

EQUAL ACCESS TO THE AMERICAN DREAM

The Chairperson is proud to announce that David Bodenstein, of Washington D.C., has agreed to become a member of the Task Force. Mr. Bodenstein is a nationally respected leader of those who advocate equal rights and quality services for persons with AIDS.

We emphasize once again that cosponsorship of state forums by advocacy, professional and provider organizations is earnestly solicited. Task Force members who can attend any state forum are invited to cochair. In any case, members are urged to promote attendance by providing information to their local and state affiliates concerning the local forum contacts (per list enclosed) and the need to increase cosponsorship of ADA through home district constituent contacts with members of Congress (see also appeal on behalf of HJR 570 reported in minutes of the August 9th meeting.)

Attachments and enclosures:

1. Minutes of meeting of August 9th.
2. List of participants of August 9th meeting.
3. Updated schedule of state forums being conducted by chairperson with names of contact persons at each site.
4. List of current sponsors of ADA.
5. List of members of pertinent Congressional committees, by state, who have NOT YET co-sponsored ADA.
6. Statements by Presidential candidates re rights of person with disabilities.

MINUTES OF THE TASK FORCE MEETING OF AUGUST 9TH

The fourth meeting of the Task Force was held on August 9, 1988, from 10 a.m. to 12 noon at the President's Committee on Employment of Persons with Disabilities, and by teleconference, with the Chairperson, Justin Dart, presiding. (List of participants attached.)

The chair called the roll and introduced recently recruited Task Force Members: Julie Clay, fellow with NCH and a representative of Native Americans, Connie Martinez (assisted by Bob Rosenberg), an active leader in People First, and Sylvia Walker of Howard University. He reported that representatives of certain other constituencies are still being sought; Pat Wright has recently taken the lead in identifying an individual with AIDS who is a recognized leader in that community. He reemphasized that people with disabilities are EQUAL period. Nobody is to be left out.

He extended praise and thanks to all who have been actively participating in the work of the Task Force and requested that all issues and areas of concern be communicated in writing, particularly while the chair is in travel status.

The minutes of the July 15th meeting were approved.

The passage on the previous day (August 8th) of the Assistive Technology Bill and the Fair Housing Act amendments, both of which directly support greater independence for persons with disabilities, was noted with praise for those who have been most influential in these achievements. Pat Wright noted that the inclusion in the housing legislation of provisions that prohibit discrimination against people with disabilities in this field will make it possible to delete the corresponding section of ADA. Elizabeth Boggs circulated a copy of an article from U.S. News and World Report of 7/25/88 entitled "Shortchanging the Disabled", that documented the fact that high tech is a very useful to - but often out of the reach of - people with severe disabilities, due to high cost.

After reviewing the agenda, the chair summarized recent public forums and the preliminary analysis that staff have made of the documentation received thus far concerning incidents of discrimination.

Report by the Chair:

With the assistance of Task Force members, staff, volunteers, and hundreds of magnificent organizations and volunteers, the Chairperson has presided at 30 public forums in 28 states attended by about 3250 persons, and has made Task Force presentations at numerous other meetings with attendance of about 8,300 persons - total attendance of about 11,550.

ANALYSIS OF DOCUMENTATION:

PETITIONS.....970

"VOTES FOR JUSTICE"

outlining incidents of discrimination.....904

DIARIES, OTHER DOCUMENTATION

AND PROPOSED SOLUTIONS.....1,604

NEWS CLIPS describing

discrimination.....60

SUPPORT LETTERS FROM ADVOCATES.....308

TOTAL.....3,846

The above are based on a tabulation of approximately 85% of material received at Task Force office up to August 9th.

Justin noted that difficulties in obtaining insurance were repeatedly cited in the forums. At present insurance is not covered in ADA.

The Chair then recognized CYNTHIA FOLCARELLI, who spoke on behalf of Congressman Tony Coelho. Coelho is the principal sponsor in the House of House Joint Resolution 570 declaring the week of November 6-12, 1988, as National Disabled Americans Week. Senator Leahy's companion resolution in the Senate already has the required 50 sponsors but there are only 120 sponsors to date in the House, where 218 are needed to bring it to the floor. She requested that Task Force members secure additional sponsorship. Since the Week includes Election Day, it is proposed to focus on access to voting places. Incidents of discrimination at the voting place can be documented. In response to a question from Sallie Rhodes, Cynthia explained that the "People First language" was not used partly to differentiate this action from ADA.

SALLIE RHODES then reported that some concern had been expressed among those interested in people with developmental disabilities that ADA would have the effect of diluting resources available to them by making it discriminatory to restrict funding under developmental disability legislation to people so defined. Elizabeth Boggs responded that ADA was not designed to invalidate any categorical legislation, whether such legislation is specific to people with vision impairment, people who are deaf, or applies only to people over 65 etc. The Constitution permits differentiation or classification when there is a rational reason for special provisions. In the ADA fact sheet it is made clear that discrimination does not include rejection of a person seeking employment when the person's disability constitutes a specific disqualification for a particular job. When a new fact sheet is prepared it should similarly include explicit explanation that ADA will not invalidate categorical programs. Sallie Rhodes will prepare language that may be used in the revised fact sheet. In the mean time this message should be disseminated by other means.

LEX FRIEDEN reported for the Working Group and referred to its teleconference of July 29th. Lex complimented Tony Young on developing a proposal for organizing the Task Force work and spreading the work load. (Tony was not present because he was hospitalized at the time.) Lex proposed a modification of Tony's proposal involving a smaller number of subcommittees as follows:

I. ANALYSIS, task: to collect information/data, analyze and summarize through a methodological approach.

II. COMMUNICATIONS, task: to write and edit Interim and Final Reports.

III. OPERATIONS, task: management and logistics.

In discussing the task of the Analysis subcommittee, MARILYN SPIVACK asked whether it may be necessary to further divide the subcommittee according to area of discrimination. This issue will be addressed when the subcommittee has gained a sense of the size and nature of the response. Elizabeth Boggs noted that when the subcommittee has had an opportunity to look at the results according to area (e.g. transportation, housing, insurance, employment etc.) or according to disability group, we may find certain areas or groups underrepresented because we may have inadvertently failed to reach them (for example, young children as represented by their parents). In this case we may have to design some special outreach to assure that all areas in which significant discrimination is occurring are documented. In addition it may be desirable to develop specific issue papers around some topics. JULIE CLAY will prepare a draft on issues of special concern to Native Americans.

ORAL MILLER raised the question about channeling the responses. Are we encouraging people to write directly to their Congressional representatives or are we encouraging them to send their responses to us for use in our report and possible delivery in bulk to the Hill?

ON MOTION it was agreed that for maximum impact and for practical reasons both vehicles would be used.

ON MOTION the proposal of the Working Group concerning formation of three standing subcommittees was approved subject to future revision as necessary.

At this point CONGRESSMAN MAJOR OWENS joined the meeting; the chairperson introduced Congressman Major Owens as a champion of the rights of people with disabilities in the Congress, and a person that understood that empowerment is the key ingredient of democracy. He also expressed appreciation for the cooperation and support of Maria Cuprill, Bob Tate, Pat Laird and Laurence Peters.

CONGRESSMAN MAJOR OWENS

"Empowerment is the keystone, the special focus to our cause, 'government of the people, by the people'. Working with Congress for civil rights of the oppressed, empowerment and administration of services, we are in motion. What can we (the Hill) do to move this along? In February we must break through toward passage of ADA. We must confront the incoming administration and new Congress with issues in which all will win and all should be ready to do something about.

The Task Force has been guiding and leading us with an impressive record of cross country, cross disability education, information dissemination and documentation to further our cause. It is difficult, especially now, with elections upon us, to get into the mainstream of national media communication. Let us focus on grassroots, reaching out, building momentum through consumers, advocates, the local media. Later, through the national media we will gain the attention of Congress and the Senate for early passage of ADA. Let us set a timetable now through next March with the goal a climactic finale.

Do not be smothered by good will. Zero in on specific commitment...sponsorship....the vote. Smoke those out who cloak themselves in good will.

We have bipartisan support.

Let's move."

The Congressman asked how he could cooperate with the Task Force. The Chairperson suggested one or more forums chaired by the Congressman. Congressman Owens referred to a working group/staff discussion of holding such a forum in Boston in October, and expressed his approval. There was general discussion and approval by the members of the Task Force.

OTHER POINTS

SYLVIA WALKER commended all Task Force Members, especially Major Owens and Justin Dart, and acknowledged her new position on the Task Force with a commitment to participation.

CELANE MCWHORTER complimented the Task Force on its grassroots involvement and informed the Task Force that constituents are now calling their organizations for further instruction as a result of the forums.

DALE BROWN shared literature promoting requests for Discrimination Diaries and offered availability of such material to all.

PAUL MARCHAND AND PHIL CALKINS stressed the importance of pursuing additional co-sponsors during the period preceeding the election, more particularly during the summer recess when members will be at home campaigning from mid August until after Labor Day.

SUSAN ROGERS, representing Joe Rogers, informed the group that 8,000 mental health consumers were receiving Task Force information via their newsletter. She had also sent personal letters to 120 leaders requesting their support.

UNFINISHED BUSINESS

Membership in the various subcommittees is open.

It will be necessary to consider carefully if or how to address insurance issues and enforcement provisions in ADA.

We are still looking for a Task Force member identified with the media.

Task Force members with ideas on the above are invited to send them to Lex Frieden (see Task Force list for address).

THE CHAIRPERSON CONCLUDED THE MEETING by expressing his most profound respect and admiration for all those individuals, nationwide advocates and consumers, and groups whose historic contributions have led to the passage of legislative acknowledgement to productive independence, equality, and quality of life of people with disabilities. "Thank you PAT MORRISSEY and MARILYN SPIVAK for your contributions to passage of The Information Technology by Users with Disabilities Act. With the assistance of Congressman Steve Bartlett a signing ceremony may be held at the White House. Thank you PAT WRIGHT for your magnificent leadership in the passage of the Fair Housing for Americans Act. Thank you, each and every member, and the hundreds of individuals who have cooperated to make this Task Force productive, to Cochairperson ELIZABETH BOGGS for strong leadership and hard work in organizing the Task Force and forums; to JAY ROCHLIN, PHIL CALKINS, and TONY YOUNG, for outstanding contributions to the Working Group; to ORAL MILLER and JIM HAVEL for the opportunity to make Task Force presentations at the ACB and at the NAMI National Convention; to LIZ SAVAGE, for the Cosponsors updates she so kindly provides, and to MARNIE SWEET, MARCIA LEE NELSON, GWYNETH ROCHLIN, and JOHN NELSON who have put in long, hard hours in staff duties."

"Together, we shall overcome."

TASK FORCE ON THE RIGHTS AND EMPOWERMENT OF AMERICANS WITH DISABILITIES

Justin W. Dart, Chairperson
907 6th Street, S.W., Suite 516C, Washington, D.C. 20024
(202) 488-7684 Voice (202) 484-1370 TDD

Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

FORUM LOCATIONS AND CONTACTS

Sep 6	TUE Tokyo, Japan Keio Internat'l Plaza Intercont'l Hotel 9:00A		
Sep 7	WED Guam 9:00A-12N Consumer Forum 12:30P-1:30P Luncheon	Albert Sanagustin Eddy del Rosario	011-671-646-8841 011-671-646-9026
Sep 14	WED Portland, Ore Commission for the Blind 535 S.E. 12Th St. 10:00A-2:30PM Consumer Forum	Joil Southwell Kathy Oxborrow	503/378-3850 503/238-8375
Sep 15	TH Seattle, WA Community Services for the Deaf and Hard of Hearing 1609 19th Avenue 98122 10:00A-12:00P Service and Community Leaders 12:00P-1:30P Brown Bag Luncheon 1:30P-3:30P Consumer Forum	Carolyn Brown Paul Wysocki	206/329-1632 206/625-4381
Sep 19	MON Anchorage, AK Teleconference Room Legislative Info Room 3111 C Street 9:30A-12:30P Consumer Forum 2:00P - Ribbon Cutting-Accessible Playground 3:00P-5:00P Agency Open House	Kathy Metrone Duane French Rick Tessendore	907/465-2814 907/248-4777 907/479-7940
Sep 23	FRI D.C. National Rehab Hospital 102 Irving Street 2:00P-4:30P	Cherri Eitel Price Baum	202/388-0033 202/877/1777
Sep 26	MON Wilmington, DE. The Wright Center 29th and Jessup Streets 11:00A-1:00P	Diane Treacy Bob Piech	302/571-3915 302/998-8090
Sep 27	JOINT SENATE-HOUSE HEARING ON ADA Room 216 Hart Senate Office Building Washington, D.C. 20150 10:A-12:00Noon		Marnie Sweet 202-484-4939

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Sep 29	TH Raleigh, N.C. McKimmon Center North Carolina State U.	Deborah McKeithan Bob Philbeck	704/376-4735 919/733-3364
Sep 30	FRI Baltimore		
Oct 04	TUES Los Angeles Santa Monica Civic Auditorium-East Wing 1855 Main St. 2:30P-5:00P Consumer Forum	June Kailes Diane Colman	213/390-3611 213/736-2505
Oct 05	WED Las Vegas The Convention Center at the Hacienda 12N-3:00PM Consumer Forum	Donny Loux	800/992-0900
Oct 06	TH San Francisco Hyatt Hotel, Oakland 1:30P-4:30 Consumer Forum	Dianna Pogetto	415/841-4776 x13/14
Oct 08	SAT Charleston, W.VA. W.VA. Rehab Center 12:00Noon-2:00P Consumer Forum	Jim Wagner	304/766-4607
Oct 11	TUE Maine Sheraton Tara S. Portland 3:30P-4:15P	Steve Tremblay	207/767-2189
Oct 14	FRI Washington, DC Ballroom, Howard Inn 2225 Georgia Ave, NW 10:00A-12:00N Consumer Forum	Dr. Sylvia Walker	202/686-6729
Oct 15	SAT Albany, N.Y. Turf Inn 205 Wolf Road 12Noon-1:00P Luncheon 1:15P-2:00P Keynote	Darryl Jones	716/254-3650
Oct 17	MON Philadelphia Trevost Hilton 2400 Old Lincoln Highway 11:00A-12:30P Luncheon 12:30P-02:30P Forum	Lucy Shumaker Jill Davis	717/783-3882 215/735-5107
Oct 19	WED Williamsburg, VA Peninsula CIL Hilton Conference Center Kings Mill 11:00A-12Noon	Ralph Shelman	804/873-0817

August 30, 1988

Consortium for Citizens with Developmental Disabilities

MEMORANDUM

TO: Disability Rights Advocates

FROM: Civil Rights Task Force

RE: Update on ADA Co-sponsor List

DATE: August 17, 1988

Great news! We have passed the 100 mark -- We now have 106 co-sponsors in the House and 23 in the Senate! Since last week's list was compiled the following Members have been added:

Senate:

Barbara Mikulski (D-MD)
Brock Adams (D-WA)
Timothy Wirth (D-CO)
Claiborne Pell (D-RI)

House:

Benjamin Cardin (D-MD)
Louise Slaughter (D-NY)
David Bonior (D-MI)
James Bilbray (D-NV)
Robert Toricelli (D-NY)
William Gray, III (D-PA)
Jack Davis (R-IL)
William Lipinski (D-IL)
Nicholas Mavroules (D-MA)
Edward Markey (D-MA)

This is a great accomplishment -- everyone deserves a pat on the back! As you know, Congress is now in recess and the Members have returned to their home states. We now have an excellent opportunity for grassroots lobbying - to add even more co-sponsors before the September 27th hearing. Please encourage your constituencies to take advantage of this opportunity and to come to the hearing (Room 216 Hart Senate Office Building, 10 AM, Tuesday, September 27). If you have any questions, please call Liz Savage at (301) 459-3700.

Thanks for all your efforts!

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Appointed by Congressman Major R. Owens, Chairman, House Subcommittee on Select Education

MEMBERS

Justin Dart
Chairperson

Elizabeth Boggs, Ph.D.
Co-Chairperson

Lex Frieden
Coordinator

September 26, 1988

Dear Colleague:

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Enclosed for your information and guidance is a brief executive summary of our activities and findings as of September 27, 1988, drafted by me and edited with advice from Elizabeth Boggs, Lex Frieden, Tony Young, Phil Calkins and others. It will be made available to the participants in the September 27th joint House-Senate hearing on ADA, the participants in the Task Force meeting on the afternoon of that day and to selected advisers and members of the disability community.

I solicit your suggestions to refine and expand this material as a brief interim draft report of the Task Force for distribution after the completion of the present series of forums and preliminary analysis of material collected to date. The distribution of such skeleton draft would facilitate input by the Congress and the community, and the democratic development of a final report which would truly represent the whole disability community, and justify united advocacy for the principles, policies and actions which it recommends.

Marnie Sweet
Marcia Lee Nelson
Executive Assistants

Yours for equal rights and productive independence.

Gwyneth Rochlin
Volunteer Staff



Justin Dart

Subcommittee Liaisons
Maria Cuprill
Robert Tate
Patricia Laird

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Representing National
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Facilities

August 30, 1988

This document is from the collections at the Dole Archives, University of Kansas
<http://dolearchives.ku.edu>

NEWSLETTER

The following recommendations are pursuant to a request by the CoChair. The Working Group is developing refinements which will be presented at the Task Force Meeting to be held at 10am on August 9, 1988 at the President's Committee on Employment of Persons with Disabilities.

contact: Lex Frieden
(713) 528-0504

STRUCTURING THE ADA TASK FORCE

A PROPOSAL

All great endeavors must necessarily begin with a statement of purpose. In his letter to the Task Force of May 11, 1988, Justin Dart has provided us with the following excellent declaration:

MISSION STATEMENT: Prepare Periodic and Final Reports to Congress in regard to evidence of discrimination against persons with disabilities which might be of help to the Congress in considering the Americans with Disabilities Act, and other legislation; and to prepare proposals for additional short and long range public and private sector action - beyond ADA - which will be necessary to implement the rights and empowerment of people with disabilities, including material in regard to successful state and local programs that might have national applications.

This statement could be broken down into a series of short, medium, and long range goals along these lines:

SHORT:

1. To build the Task Force infrastructure to an adequate level to support its responsibilities. (8/88 - 1/89).
2. To survey states and localities for programs which might have national applications. (9/88 - 6/89).
3. To educate the disabled and nondisabled public on the provisions and value of ADA; the process required for its enactment; the scope of the timeframes involved; and the level of commitment each individual and organization must make to ensure enactment. (7/88 - 7/89).

MEDIUM:

1. To collect evidence of discrimination from people with disabilities across the nation. (Ongoing).
2. To prepare interim reports on the activities and progress of the Task Force.

LONG:

1. To develop proposals to create the mechanisms for continuing national advocacy development. (1/89 - 7/90).
2. To prepare a Final Report on the Task Force findings to present to Congress. (1/90 - 7/90).

In order to achieve a policy of inclusion while simultaneously maintaining a manageable meeting size, it is possible to allocate

the considerable talent found in the TFREAD into working groups based on the Task Force's assigned outcomes.

The working groups would be directed by a **Steering Committee**, to consist of the Task Force Chair, Co-Chair, and Coordinator, and the seven Working Group Chairs. (10 persons).

In keeping with the generally accepted principle of an ideal span of control being 5 to 7 persons, and assuming a final task force membership of 40 to 50 persons, the following 7 Working groups could be formed:

RESOURCES - to recruit VOLUNTEERS to provide assistance with bulk mailings, data collection and analysis; to solicit funds for travel expenses, work group staff (where needed), and related expenses; and to locate sources of IN-KIND SERVICES of various types to compliment the funds raised.

MEMBERSHIP - to implement the Jacksonian ideal in the concept of the politics of inclusion.

EVIDENCE - to collect the evidence of discrimination through solicitation of letters, diaries, and petitions.

REPORT - to produce interim progress reports, as well as the Task Force Final Report, and to develop articles and Op-Ed pieces supporting ADA.

EVENT - to schedule and promote the events the Task Force deems necessary to carry out its mission, including speaking appearances by its members, Hearings, etc.

EMPOWERMENT - to research and propose strategies for long term advocacy development.

COMMUNICATIONS - to plan and conduct media relations, including the placement of articles and Op-Ed pieces, arrange interviews, schedule press conferences, etc.

Each working group need not have exactly the same number of persons in it. Groups with a larger scope of work, i.e., Evidence, could have more people, while others, i.e., Report or Communications, could have fewer. Indeed, not all the Groups need exist all throughout the project's life; should a group's charge be completed, the group members could be reassigned, or the group given a new charge.

Tony Young
July 25, 1988

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Task Force Meeting - September 27, 1988

1:00 - 1:15 - Gallaudet bus will pick up
participants at the Hart
Senate Office Building, 2nd
Street and Constitution Avenue
N. E. (2nd Street entrance)

For participants traveling on
their own, parking is available
on the 6th Street parking lot;
three handicapped parking slots
available in parking lot just
north of Alumni House.

1:30 - 2:00 - Gallaudet University Visitors
Center - Edward Miner Gallaudet
Building (film and exhibit)

2:00 - 3:00 - Lunch - Alumni House

3:00 - 5:00 - Teleconference

5:00 - Bus departs from Gallaudet

For more information please contact Marnie Sweet at 484-4939

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BULLETIN

10am-12noon EDST
Tuesday

JOINT SENATE HOUSE HEARING
SEPTEMBER 27, 1988
Rm 216 Hart Senate Office
Building

Washington, D.C.
20150

Task Force Meeting: September 27, 1988, 3:00pm-5:00pm EDST, Ole
Jim, Gallaudet University, 800 Florida Ave, NE, Washington, D.C.

BOSTON FORUM

In cooperation with the staff of the House Subcommittee on Select Education the Working Group of the Task Force has voted to hold a Public Hearing in Boston on Monday the 24th of October, 1988, between the hours of 10 a.m. and 6 p.m.. The Honorable Congressman Major Owens will preside. Ad hoc Committee Chairperson for the Hearing is Eric Griffin, External Vice President, National Council of Independent Living Centers and President, New England Coalition of Independent Living Centers. John Chappell, Deputy Commissioner for Independent Living, The Massachusetts Rehabilitation Commission, has also agreed to serve as Coordinator and contact person. Future correspondence, inquiries or assistance in this regard should be directed to:

Eric Griffin508-559-9091(work)
508-947-8447(home)
John Chappell.....617-727-4828(work)

TASK FORCE SUBCOMMITTEES

- I. Data Analysis: PHIL CALKINS, CHAIRPERSON
Dale Brown Liz Savage
Julie Clay Don Galloway
- II. Reports: TONY YOUNG, CHAIRPERSON
Elizabeth Boggs
Lex Frieden Paul Marchand
Jim Havel Jack Gannon
- III. Operations: LEX FRIEDEN, CHAIRPERSON
Elizabeth Boggs Elmer Bartels
Jim Havel
Sylvia Walker

The Chairperson is an ex officio member of all subcommittees.
Additional volunteers are solicited.

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