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An Open Letter from ADAPT to the Disability Community in response to questions and concerns for targeting House Speaker Nancy Pelosi because of her lack of support for the Community Choice Act, July 2010

Sisters and Brothers in the Disability Community:

As the 20th anniversary of the signing of the Americans with Disabilities Act draws near, we approach the milestone with mixed emotions. Securing national civil rights legislation, protecting the rights of people with disabilities, was truly historic. It is important that we recognize the incredible nature of this accomplishment and the hard work of those that made this happen, but 20 years after President George H. W. Bush signed this civil rights legislation into law and as our community is preparing for the celebrations, we pause in disappointment that the promise of freedom has still not reached our sisters and brothers in nursing facilities and other institutions.

Our sisters and brothers remain locked away, unseen and unheard. For them, the act is just words on paper. They are not given the opportunity to exercise their civil rights under this law because they still do not have the basic freedoms that other Americans enjoy.

As the Anniversary date draws closer, they may hear about the progress our community has made over the past 20 years, but knowing that you are protected against discrimination in employment means nothing when the hub of your life is a bedroom you share with a stranger. Knowing that buildings and public accommodations are accessible means nothing when the facility staff won't let you leave; and even having access to lifts on buses - as dear to our hearts as that is - means nothing when you cannot afford to go anywhere on the allowance that is left over after the institution has taken its share of your money.

When we gather together as a community, we must remember that our sisters and brothers in institutions will not be toasting those that authored or advocated for the Act. They will not be celebrating independent living, either as a movement or personal achievement, and they certainly won't share in the power or pride of the disability community. For them, July 26th will be the same as every other day in the institution.

Recently, ADAPT has been criticized by some of the provider-based advocates in our community because we are publicly demanding that Speaker Pelosi sign onto the Community Choice Act and agree to eliminate the institutional bias once and for all. They tell us that publicly questioning "our friends" is inappropriate. We are told we should be grateful for the efforts that have been made so far, and that we must be patient because change takes time.

We will not apologize for our impatience. We do this because our brothers and sisters have waited long enough for their freedom. We cannot sit by, patiently and quietly waiting for our government to give our people the freedom which should be our birthright.

We had great hopes for President Obama and this Congress. Many of us believed that his promise for change included the promise of freedom. When President Obama was taking the oath of office with his hand on Lincoln's bible, it seemed like fate was telling us that he would free our people. When the President and Congress took up health care reform, we were sure that they would finally eliminate the institutional bias, and we hoped that this historic anniversary in the disability community would be celebrated with historic change. Unfortunately, the President and Congress did not have the political will to make this happen. While we recognize that some gains were made, unlike any other class of Americans, our freedom remains a state option.

It is, indeed, true that one of the tools we are using to help people leave institutions and move into the community is the Supreme Court's Olmstead decision, which is based on the requirements of the ADA, and it is true that President Obama's administration has demonstrated an unprecedented commitment to enforcing the Olmstead decision. But such efforts are transitory. We have seen, during the last 20 years, that new administrations have their own priorities, and although there may now be a commitment to enforce the

Olmstead decision, the pendulum will ultimately swing back in the other direction. We also know that the gains we may make in the courts are hard-fought, slow, and constantly subject to attack. Even right now, as many in the disability community commemorate the ADA's anniversary, the Attorney General in Connecticut is coordinating legal efforts by the states to fight against some of the recent gains we have made in court which will allow more of our people to live in freedom. Ironically, the deadline for states to join the effort is just one day after the anniversary, July 27th.

In America, freedom shouldn't ever be optional, but - in fact - for us it is.
While federal Medicaid rules require states to pay for institutional placement, community-based alternatives are state options and continually subject to elimination in state budget cuts. It is ironic that as we celebrate a civil rights victory that is 20 years old, our freedom is becoming even more precarious and the situation becoming more dire. States, facing record budget shortfalls, are cutting the services that support community living options for seniors and persons with disabilities. These budget cuts force people into unwanted placement, stealing from them much of what is most precious: their homes, their families and their freedom.

Some people have moved across the country to a different state to get supports and services to live outside of the institution. There, they have been able to share in the promise of the ADA, but many people don't know about the services available in other states or simply might not be able to make the journey on this modern underground railroad.

But as long as community services are only an option, those who have escaped to freedom cannot escape the fear. No place is safe because their freedom can easily disappear at the whim of state policy makers. They will be called upon to help solve their state's budget crisis by sacrificing their freedom, home and lives.

We all need to recognize that through personal circumstance or state policy change any of us can lose our freedom. No one in our community is exempt. No one is safe. No one in our community can afford to be comfortable, but it is also our hope that - from this discomfort - the disability community will be mobilized to take action and, together, we will build on a 20-year legacy to address this injustice. Our movement isn't about the civil rights for some of us; it is about the freedom of all of us.

We cannot wait any longer. ADAPT asks you, during this ADA 20th anniversary celebration, to recommit your energy to ending the institutional bias during the next Congress. The time is now to end the institutional bias and FREE OUR PEOPLE!

Sincerely,

The ADAPT Community

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Fourth Annual FUN*RUN kicks-off a week of Disability Rights Advocacy in DC

For the fourth year in a row, ADAPT’s Spring Action in Washington DC began with the FUN*RUN for Disability Rights on April 25, 2010. The FUN*RUN is the major national fundraising event for ADAPT. This year’s FUN*RUN held special significance because it commemorated the 20th Anniversary of the American’s with Disabilities Act (ADA) which was signed into law on July 26, 1990.

This year’s National “Celebrity” FUN*RUNNER was Chicago writer and disability rights activist Mike Ervin. Mike set a goal of having a “zillion” FUN*RUN sponsors and he evidently came near his goal being the biggest celebrity fundraiser ever.

Master-of-ceremonies Bob Liston spurred the FUN*RUNNERS on as the enjoyed the mild Spring weather, perfect for walking and rolling around the plaza in Upper Senate Park. This was a great way to prepare for the next few days of marching/rolling through the streets of our nation’s capital and the halls of Congress.

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*In memory of her late husband and renowned disabilty rights advocate Justin Dart, Yoshiko Dart pushes Justin's wheelchair with his signature cowboy hat on the seat in the 2010 Fun*Run.*

DOJ and NGA agree to work with ADAPT

The rainy morning of Monday, April 26, 2010 saw ADAPT headed to the offices of the U.S. Department of Justice (DOJ) to demand a meeting with the head of the Civil Rights Division, Deputy Attorney General Samuel Bagenstos, to discuss DOJ's duty to enforce the Supreme Court's 1999 *Olmstead* Decision. Olmstead said that the unnecessary institutionalization of people with disabilities is a violation of their civil rights under the ADA. Mr. Bagenstos had been quoted as saying, "ending the unnecessary institutionalization of people with disabilities is crucial to disability civil rights" and "to be denied the right to choose where one lives one's life is to be denied equal respect as a human being." ADAPT was intent on insuring that these encouraging words from a top civil rights enforcer at DOJ were put into practice.

500 ADAPT activists lined the sidewalk in front of the DOJ building and kept their vigil in the rain as negotiations on a meeting with Deputy AG Bagenstos proceeded inside.

Waiting in the rain outside the Department of Justice, veteran Utah ADAPT organizer Barb Toomer mused, "DOJ has screwed people with disabilities in their inability or unwillingness to back our civil rights. They certainly had no problem going into the South to defend the rights of black Americans, who certainly faces terrible discrimination, but [even though] blacks might have not been able to get into white restaurants and bathrooms, at least that had a restaurant or bathroom to get into! Maybe they were forced to ride in the back of the bus, but at least the had a bus to ride!"

Barb Toomer and the other demonstrators wait in the rain for word from the ADAPT negotiators inside DOJ.

Toomer's mood brightened when ADAPT negotiators Cassie James and Bruce Darling emerged with good news for the waiting throng. They reported that not only had Bagenstos agreed to work with ADAPT on Olmstead compliance, but he had agreed to come and meet with the entire group on Wednesday afternoon. James said she thought "this guy [Bagenstos] really gets it!" Known as one who is usually skeptical of bureaucratic promises, James said she felt that Bagenstos was sincere in his desire to work with ADAPT and she looked forward to the opportunity for us all to meet and speak with him later in the week.

ADAPT organizers Bruce Darling and Cassie James

Buoyed by the positive outcome at DOJ, ADAPT marched off to Hall of the States Building to pay a visit to the National Governors Association (NGA). Over a decade since the Supreme Court handed down the landmark *Olmstead* decision many states have still not fulfilled the mandate to provided long term services and supports for people with disabilities in the "most integrated setting". In fact, because of the current budget crunch, many states are cutting back on already underfunded home and community based waiver programs that provide people with disabilities on Medicaid the help they need in their own homes. Thousands of people are being forced to go without needed care or to enter institutions. This heart-wrenching example of our nation's upside down Medicaid long term care system, where costly institutional services are the entitlement and home and community based services are optional, creates a downward *inform the crowd of the positive results of the meeting wth Deputy AG Bagenstos*

spiral where states have less money to serve fewer people and more and more people are denied their *Olmstead* rights!

Despite the efforts of the local authorities to "head us off at the pass" hundreds of demonstrators were able to fill the courtyard in front of the Hall of the States, which amplified their chants of, "Our Homes, Not Nursing Homes," like a giant echo chamber. As a cordon of police and security personnel block entry to the building, ADAPT negotiators Dawn Russell, Barb Toomer and Mike Oxford met inside with NGA Executive Director Ray Scheppach and Health and Human Services Committee Director, Matt Salo.

After a short period of negotiations Scheppach and Salo agreed to meet with ADAPT and work on the demands that had been presented to them. ADAPT wants the NGA to:

ADAPT demonstrators filled the courtyard outside the NGA Headquarters at the Hall of the States.

- Endorse the Community Choice Act (S683/HR1670) and commit to working with ADAPT to end the federal Medicaid institutional bias that mandates that states pay for placement in nursing facilities and other institutions while leaving community-based services as options;
- Issue a letter from the NGA to the Governors urging them to begin working with consumer groups, including ADAPT, to apply for the Community First Choice Option and offering technical assistance through the Center for Best Practices on how states can select and implement this alternative to institutional placement;
- Commit to dedicating a plenary session at the 2010 NGA Annual Meeting that includes representatives from ADAPT and the Department of Justice discussing the state’s responsibility for complying with the Olmstead decision;
- Instruct the National Governors Association Center for Best Practices to work with ADAPT to develop an issue briefing that describes best practices states can use to contain Medicaid costs while promoting the independence and civil rights of people with disabilities, including the de-medicalization of services, increased use of consumer-directed models of providing assistance, and expanding the use of community-based alternatives to institutionalization; and
- Instruct the National Governors Association Center for Best Practices to work with ADAPT to develop and implement model projects in five states based on this issue brief.

Since the Action ADAPT had a meeting with NGA Executive Director Ray Scheppach and his staff in August. NGA agreed to on-going meetings to develop an *Olmstead* policy paper and to continue discussions on ending the nursing facility entitlement to give states more flexibility to design more community-based programs.

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ADAPT’s wake-up call for Nancy Pelosi

ADAPT Organizers Mike Oxford and Randy Alexander lead ADAPT through the darkness to their rendezvous with Pelosi

The next morning, April, 27, 2010, found ADAPT up before dawn preparing to march across town to the Washington Hilton Hotel. U.S. House Speaker Nancy Pelosi was scheduled to speak at the Annual Meeting of the American Hospital Association there that morning and ADAPT had bone to pick with her.

Speaker Pelosi, who currently is probably the most powerful women in Washington, prides herself on being a leading advocate on women’s issues and claims to support "full and equal access to all aspects of American society" for people with disabilities. Yet, even though most people who are long-term caregivers, nursing facility residents and people with disabilities in general are women and the community integration mandate of *Olmstead* and the ADA remains unfulfilled, she still refuses to work with ADAPT to pass the Community Choice Act (CCA). ADAPT had come to put her on notice that mere lip service wouldn’t get the job done and we expected real leadership from her to get CCA passed during this Congress.

Jennifer McPhail of Texas ADAPT said that ADAPT has been trying to get Speaker Pelosi’s to support CCA "for years … but, she refuses to sign on." McPhail remarked, "She bragged that she was the most powerful Speaker in history when healthcare reform passed, so let’s see that power spread out to some people that could actually us some assistance." McPhail said ADAPT was here to today to tell Pelosi “you should and you must” help ADAPT pass CCA!

The circuitous 3 mile march to the Hilton made it impossible to conceal our destination from law enforcement authorities, so the police were there waiting to greet ADAPT as we arrived. Nevertheless, the

ADAPT activists soon surrounded the hotel and even though police repelled those who tried to enter, there was no ignoring ADAPT's presence.

When Pelosi showed up at the Hilton she quickly dashed past the demonstrators into the hotel. Not long after her arrival ADAPT demonstrators at the rear of the hotel recognized the familiar face of television newsman Sam Donaldson as he approached the hotel. A group of demonstrators near the entrance spoke with Donaldson, who had come to interview Speaker Pelosi, and explained why we were there. Since we had been barred from entering the hotel, they asked him if he would be willing to deliver our demands to the Speaker to:

- Work with ADAPT to end the institutional bias, co-sponsor the Community Choice Act and work to pass CCA during the current session of Congress, and
- Participate in an ADAPT-sponsored press conference an April 28th at the Capitol in DC.

After talking to the activists about CCA and our goal of getting the Speaker to help us pass the bill, Donaldson said he was surprised that Pelosi wasn't already a co-sponsor of CCA and working to get it passed. He agreed to deliver our demands to Speaker Pelosi when he got a chance to talk to her.

Once she had finished speaking Pelosi again ignored the ADAPT demonstrators as she dashed to her limo and sped away. Pelosi can run, but she can't hide from ADAPT. The activists left the Washington Hilton determined to bird-dog Pelosi until she agrees to work with ADAPT to pass CCA.

Donaldson not only kept him word to deliver ADAPT's demands to Pelosi, but later that evening he contacted ADAPT to let us know that after he had given Pelosi our demands he asked her why she wasn't onboard with CCA already. Pelosi told him she supported the right of people

Police used their motorcycles to form a barracade in front of the Hilton

ADAPT demonstrators tried to get Pelosi's attention when she dashed in and out of the back of the Hilton.

with disabilities to live in their own homes, but was concerned about how to pay for the CCA. ADAPT vowed to make sure that Speaker Pelosi was well educated on the real cost of CCA and to persistently pursue her and win her support to pass the bill.

ADAPT surrounded the entrance to ACHA Headquarters

ADAPT stopped at DuPont Circle for some lunch and then it was on to the headquarters of the American Health Care Association (ACHA). ACHA is the nation's largest lobbying organization for nursing facilities and similar institutions.

The demonstrators packed the sidewalks and overflowed into the streets surrounding the corner where ACHA headquarters is located. In short order, ACHA staff emerged with ADAPT negotiator Mike Oxford. They agreed to meet with ADAPT to work with us on our demands to:

- Work with ADAPT to end the institutional bias, co-sponsor the Community Choice Act and work to pass CCA during the current session of Congress,
- Work with ADAPT to develop standards for implementing the new *Minimum Data Set* (MDS), including a process for contracting with peers to inform nursing facility residents of their right to live in the most integrated setting. (MDS is part of the federally mandated clinical assessment process for all residents in Medicare or Medicaid certified nursing facilities and includes information on residents who want to move back into the community),
- Support the definition of community living as a living arrangement of four or less people in one residence, with each person having the ability to lock his/her own door, and
- Establish training for assisted living facilities on their obligations under the Fair Housing Act.

The meeting with ACHA took place in early August. At the meeting they said they supported *Olmstead* and community choice, but would not commit to Supporting CCA. They also agreed to work wit ADAPT on making better use of the MDS data to facilitate community reintegration. No agreement was reached on privacy and fair housing issues in assisted living facilities, but ACHA agreed to a follow-up meeting to continue discussions on these unresolved issues.

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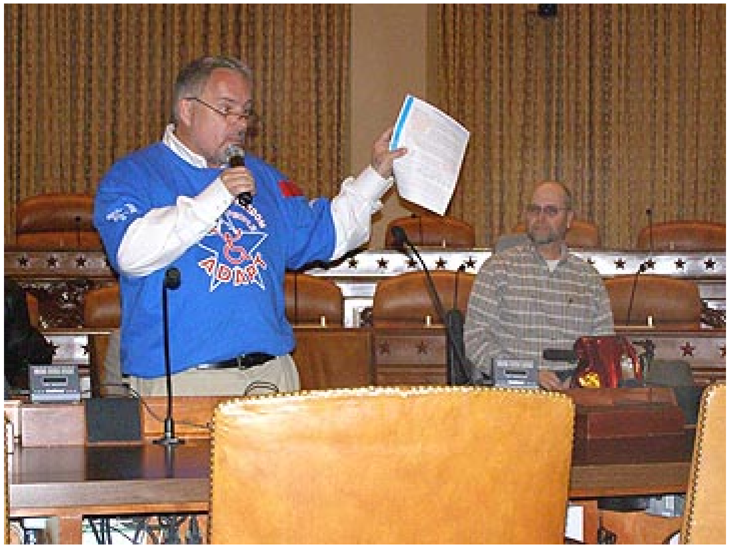
Americans are willing to pay two cents a day for CCA, says Harris Poll



ADAPT Organizer Bruce Darling shares the results of the Harris Poll at the Press Conference.

ADAPT Organizer Mike Oxford is joined by ACHA staff who agreed to a meeting to work on our demands.

On Wednesday, April 28, 2010 ADAPT marched up to Capitol hill to began a morning of Congressional visits with a press conference in the Longworth House Office Building. ADAPT held the press conference along with the Coalition for Community Integration, the American Association for People with Disabilities, the National Council on Independent Living, TASH and other disability rights groups from the Justice for All Action Network to announce the release of a new Harris Poll that shows American's preference for and the affordability of community-based long-term care.

The Harris Poll showing 89% of all Americans support legislation like the Community Choice Act (CCA) that give people the ability to choose home and community-based supports and services instead of being forced by the current Medicaid law into nursing facilities and other institutions.

That support jumped to 94% amongst the baby-boomer/retiree age group.

The poll also found that, contrary to the assertions of CCA naysayers and ill-informed policymakers (like House Speaker Nancy Pelosi) the cost of such legislation for the average working class American would be a mere $6/year in taxes – less than two cents a day!

Following the press conference ADAPT activists paid a visit to every member of Congress to share the information from the Harris Poll. This information help strengthen the position of CCA supporters in their argument for passage of the bill and should help persuade policymakers that they need to support CCA because it makes economic sense and more importantly it is what the American people want!

Printable Harris Poll Fact Sheet

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Bagenstos pledges to partner with ADAPT

Early Wednesday evening, during the big group meeting at the hotel, Deputy Attorney General Samuel Bagenstos met with ADAPT to talk to us about what DOJ is doing and how advocates can work with DOJ to protect the rights of people with disabilities.

ADAPT members applaud as Assistant AG Bagenstos tells them of DOJ's Olmstead enforcemant efforts.

Bagenstos began by saying that, while DOJ wants to vigorously enforce all disability rights laws, "Our biggest priority in disability civil rights enforcement it to making sure that, finally, after more than ten years, states respect the *Olmstead* decision of the Supreme Court." He explained that DOJ was doing a systematic analysis of all the states to see which are doing a good job of *Olmstead* compliance and which are not. Bagenstos said, "When comes to the good states, not a lot of fingers are needed to count them."

Bagenstos told ADAPT that DOJ has active cases in 13 states and is working hard to target a broad range of people with disabilities and situations where there are instances of "unnecessary institutionalization." He told the group, "One of the most significant ways we find out about where we can make the most difference is from people like you in this room, from people who are activists in their communities, who know what's going on in their communities and who can tell us the warning signs. Here's how the budget cuts are affecting us. Here's how the budget cuts are going to make it impossible for people to continue to live outside of nursing homes. Here is a place you can come in and if you come in you will get support from the disability rights community, from the consumer community, in your state."

As an example, he spoke about what happened in Georgia where the previous administration had entered into an *Olmstead* settlement with the state that lacked any effective compliance provisions. The advocates in Georgia came to DOJ and said they opposed the settlement because it wasn't working. Bagenstos said they realized that if DOJ would work with the local advocacy community, those advocates would still be there long after the Obama Administration is gone to make sure that compliance continues. "What I hope that says to you is, 'What we need to know from you is where are the places that we need to go. Where are that places that there will be a core group of activists that will work to make sure our work continues over the months and years after we're gone.'"


Assistant AG Bagenstos listens to a question from Steve Verriden of WI ADAPT

After he finished speaking Deputy AG Bagenstos stuck around for another 20 or 30 minutes to answer questions from the audience before he had to leave for another appointment.

After the successful Actions of the past few days and a meeting that presaged a potential partnership with DOJ. ADAPT was ready to party. The tradition end-of-the-Action party was a chance for folks to celebrate and get energized to continue the struggle to FREE OUR PEOPLE when they got back home.

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ADAPT confronts Pelosi at progressive conference, *Eye Witness Report by Cassie James*

On June 8, 2010, ADAPT exposed that the Institutional Bias was not fixed in Health Care Reform at the progressive America's Future Now! Conference.

Forty Activists from Philly, PA; Rochester, NY and Denver, CO went to hear Speaker Nancy Pelosi give her keynote speech. About five minutes into her speech, Code Pink stood up with a banner against the war in Israel. ADAPT had a similar plan. We had planned to listen to Nancy Pelosi a bit longer, but once that happened, we feared our message might not get out unless we acted quickly. Out of nowhere forty activists took off their jackets and were everywhere in orange shirts. One of us shouted out, “I won’t go back to the Nursing Home.” as the rest began chanting, “Our Homes, Not Nursing Homes.”

Speaker Pelosi downplayed the voice of ADAPT in our community and even implied we weren’t telling the truth. She crowed about the CLASS Act being included in healthcare reform. The ADAPT activists shouted back; “The CLASS Act won’t save us”! The CLASS Act will only save people who have jobs and most disabled people are unemployed and on fixed incomes. That’s why we need Pelosi’s help to pass the Community Choice Act!

As we chanted, “Community Choice Act Now, Our Homes Not Nursing Homes”, it felt like nobody was listening. Nancy continued to speak all the way through. About one out of every twenty people cheered ADAPT on our right to expose the institutional bias, but many shouted at us, called us names, threatened us.

They said “You’ll be in trouble now, she’s your only champion!”, but ADAPTERS knew they were already in trouble. The Department of Justice is in many states already fighting aggressively for our freedom. We are trying to encourage people to file complaints with the Office of Civil Rights about loosing hours, waiting lists and cutbacks that are forcing people back into institutions.

Someone shouted out: “I am sorry but the stakes are too high. Are you going to a nursing home?” And for one half hour Nancy Pelosi continued to give her speech and ADAPT continued to tell the truth.

This video of Cassie and the other ADAPT activists is from the Washington Post.

*Read the Post's article on the demonstration, **Pelosi delivers speech over screams of health-care activists**.*

In hindsight, maybe someone did hear us because there are some things coming out that might just assist us in our work to try to end the institutional bias. We will report on those in other updates. But with every action there is a reaction and often that is what drives resources. ADAPT has been doing this a long time, and we know that when we started, few people were living in the community who needed assistance to get in and out of bed or with meals or getting dressed. Because of our actions and policy work, many people are in the community and there is just too much to loose. We will never go down silently and we truly believe the People United Cannot Be Defeated.

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Voting is about Seizing the Power!, *By Cheri Mitchell*

I joined ADAPT because I was mad and I was not going to take it anymore and I saw the injustice all around me in the way People with Disabilities are treated. I feel that because of ADAPT, people with disabilities are taking their rightful place in society. We refuse to be hidden or locked away anymore! As members of ADAPT, we have joined together in advocacy and activism to change the world. In our activism the first and one of the most important things we can do is VOTE! Justin Dart said it best, "Vote as if your life depends on it, because it does!"

Here in Georgia, Atlanta ADAPT members get together and make a party of voting. You know ADAPT members know how to party! We organize the trip to vote and make sure everyone who needs assistance has that assistance from the person they want to help them. After we vote, we go out and eat and had a few drinks. We always go somewhere with a TV. We watch the Election coverage together. One year, a new ADAPT member told us, that this year was the first year; she got to vote for who she wanted to vote for. In the past, her family had always told her who to vote for instead of letting her vote for who she wanted to vote for. Voting for who she wanted to- now that is POWER! Elections are coming up. Please get out and vote and seize the power!

Is it important to vote?

- Do people with disabilities make a difference when they vote? YES!
- People with disabilities have been called the sleeping giant in the voting population
- It is time we woke up to be heard

- If you believe in self determination you should vote.

How do I know who to vote for?

You should vote for the person you feel will be the best candidate. You want to vote for someone who believes the way you do. As an ADAPT member, I would only vote for Congressional or Presidential candidates who support the Community Choice Act and other programs that help people with disabilities stay in their own homes. Likewise, I would support state level candidates who support programs like Money Follows the Person and the Community First Choice State Plan Option.

To find out if candidates support your right to live in your own home and other issues that are important to you:

- Write to candidates and ask where they stand on the issues,
- Go to public events where you can ask candidates their positions on issues that affect you,
- Listen to political debates, and
- Ask the opinions of people you respect who are involved in the political process.

Does the polling place have to be accessible?

Yes! It has to be accessible for everyone, including people with mobility, sensory or cognitive impairments. Examples of the aids and services that may be available to make voting and elections accessible:

- Touch screen electronic voting machines
- Paper ballots in alternative formats
- Audio recordings
- Braille
- Telecommunications Devices for the Deaf (TDD)
- The assistance of another individual of the voter’s choosing

How can I recognize if my rights were violated because of my disability?

The rights of voters with disabilities may be denied in a number of ways. For example:

- Poll workers may falsely assume voters with disabilities are incompetent to vote;
- They may deny voters with disabilities the accommodations they require and are entitled to in the voting booth;
- Voting locations and equipment may be inaccessible;
- Election officials may be unwilling to provide assistance to make the voting place accessible to a particular person with a disability; Example lower the voting machine.
- Poll workers may even try to deny you a ballot because of your disability!

What do I do if I have trouble voting?

No one can legally deny you your right to vote! Even if you don’t have the proper voter ID, or you are not on the list of registered voters, poll workers must offer you the opportunity to vote by provisional ballot. A provisional ballot is used whenever there is a question about your eligibility to vote. If a provisional ballot is not offered, you have the right to request and receive one from election officials.

If you vote by provisional ballot be sure to follow-up by contacting your local election office immediately after the election to be sure your vote is counted.

If you are denied a provisional ballot or have problems with inaccessibility at your polling place call your state’s Protection and Advocacy Agency, the local election office and your Secretary of State’s office.

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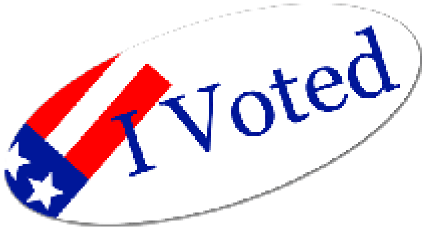
Seize the Power!

At nearly 20% of the population people with disabilities represent a potentially powerful voting bloc. Politicians court the vote of other minority groups, like seniors and union members. Why? Because they vote! Older Americans only make up 14% of the population, but 85% of them vote in a presidential election. Only 8% of the population belongs to a labor union, but 90% of them vote!

Just a little over half of eligible voters with disabilities actually vote. Think about the political power that older Americans and labor unions have and then think about the power people with disabilities could have if we all exercised our right to vote.

The power is in your hands. It is up to you to seize it and use it to FREE OUR PEOPLE!!



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ADAPT of Tennessee says, “Don't Be a Fool-Lifts Don't Work”, April 1, 2010, *by Randy Alexander*

Signs reading "Don't be a fool MATA-lifts don't work," and "Access is a civil right" were being held by members from ADAPT of Tennessee as they blocked trolleys on Main Street in Downtown Memphis.

ADAPT of Tennessee let MATA know they were fed-up with the lack of access to the trolleys.

Since the beginning, access to the Main Street trolleys has been an issue for people with disabilities. Memphis Area Transit Authority (MATA) and the city of Memphis installed lifts at trolley stops along Main Street in order to provide access to the trolleys, despite objections from the disability community. "I have been downtown a lot over the past few years and I have never been down here and NOT had a problem trying to access the trolleys," said Randy Alexander. "I have even been stuck on a trolley, in the heat of the day, in the middle of the summer, it was dangerously hot." The current trolley system was built in 1993, after the signing of the Americans with disabilities Act.

"We have always said we do not want lifts, we want ramps", said Deborah Cunningham, "lifts break, platforms with ramps don't," she continued. Since the beginning, the lifts have been nothing but a hindrance to accessing the trolleys. The lifts are constantly in disrepair despite MATA's constant maintenance. Even when they work, the lifts create significant issues when trying to access a trolley because it is a slow, cumbersome and time consuming task for the rider and the driver.

So ADAPT Of Tennessee blocked the trolley from running, directly in front of the Center City Commission (CCC), a public/private commission that has a lot of pull on everything down town.

With the trolley stopped on the tracks, it didn't take long for the President of the CCC, Jeff Sanford, to come out and negotiate with ADAPT. "Basically, Mr. Sanford agreed there were problems with the lifts, and that he would help convene a meeting with the Mayors office, MATA, ADAPT and others to address the problem," said Deborah.

Shortly there after, Will Hudson, President of MATA arrived. He agreed there were issues. Even though the disability community has raised the issue repeatedly since the beginning of the trolley system, Hudson seemed to not remember any instance of the community saying, no to lifts, yes to ramps. Which is concerning, because anytime ADAPT of TN and many others have had any discussion concerning lifts vs. ramps the community has SHOUTED, ramps not lifts!

Finally, Mr. Hudson agreed, "We will pursue that idea," as the cops begun threatening arrest, ADAPTers pushed on with Mr. Hudson. In the end Hudson admitted, "I don't have an issue with it."

How do you spell power? A-D-A-P-T! With this action ADAPT of Tennessee has commitments and looks forward to working with the Center City Commission to coordinate a meeting with city officials to address these issues.

ADAPT of Tennessee demonstrators block the trolley tracks.

ADAPT of TN Trolley action update: Since April 1st, ADAPT of TN has met with MATA officials to discuss adding two raised platforms with ramps on Main street. While MATA officials would not verbally commit to the raised platforms they did agree to work with us seeking buy in from the downtown organizations that run downtown. Plus, MATA has agreed to begin looking into designs and costs for raised platforms in the two locations requested by ADAPT of Tennessee and both groups will work towards a meeting with the Center City commission, the Downtown CDC and the Mayor Wharton seeking their support.

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ADAPT of Texas holds Press Conference on Harris Poll supporting Home and Community-based Services, by David Wittie

ADAPT of Texas held a press conference on Monday, May 10th at 10:30 am at the north plaza (near San Jacinto entrance) of the Federal Building at 300 E 8th Street to announce the results of a recent nationwide Harris Poll. The poll shows 89% of all Americans are willing to pay for legislation like the Community Choice Act which would provide home and community-based supports and services instead of older and disabled Americans being forced by the current Medicaid law into nursing homes and other institutional settings.

Jennifer McPhail, community activist, said "It's about time that Congress recognizes that the American people want to live in their OWN homes and not be forced into institutions against their will."

Danny Saenz, a longtime ADAPT member, recalled "The memories I have as a child in an institution were some of the roughest memories I think I will ever have. I am glad the data results (of the poll) reflect what I have known all my life."

Cathy Cranston, a mother and a personal attendant in the community, stated "During this week, the week of Mother's Day, it's important to recognize we are also talking about mothers who have children with disabilities, who may have disabilities themselves or often become the primary caregivers for other family members with disabilities. It just makes sense that, if it only costs about $6.00 a YEAR per middle class taxpayer to provide community services, that Congress should just go ahead and pass the CCA."

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ADAPT tells CNN's David Vigilante and Dr. Sanjay Gupta to tell the truth about CCA, *by Anita Cameron*

Check out this video from ADAPT. Last August, CNN's Dr. Sanjay Gupta stated that the Community Choice Act would help hospitals become more wheelchair-accessible. This is not true. CCA will give people with disabilities and seniors living in nursing facilities and other institutions a real choice to live in the community with the services and support they need to remain independent. CCA is a civil rights issue. Last October, ADAPT traveled to Atlanta, and while there, hit the CNN Center. ADAPT met with David Vigilante, the VP of Legal Services, who agreed to ask Dr. Gupta to do an on-air correction.

ADAPT hadn't heard from David Vigilante in quite some time. It seemed that he is just fooling around with us.

ADAPT created this video to get the message out that Vigilante and Gupta must tell the truth about CCA. Then, on April Fool's Day, advocates called or emailed David Vigilante and urged him to keep his promise to

ADAPT and ask Sanjay Gupta to make an on-air correction of the misinformation that he told about the Community Choice Act.

Here is the link:
http://www.youtube.com/watch?v=o5uTKatvkDk

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Wrong, Sanjay! CCA is about giving folks with disabilities the choice to get the help they need at home, instead of being forced into an institution!

Home Services Action in Chicago: 15 ADAPTers Arrested for Blocking Street, by Amber Smock

At 4:30 pm on Friday, May 28, 2010, sixty Chicago disability community advocates converged on the plaza at the State of Illinois building in Chicago's downtown Loop. Groups represented included Access Living, Progress Center, ADAPT, SEIU and others. The rally focused on protecting the state's home services programs that empower people with disabilities to live in the community. Illinois has just passed a state budget with a $10.4 billion deficit, and the Governor can cut up to $2.2 billion in human services. In addition it is a gubernatorial election year.

Advocates wanted to send a message to the current Democratic Governor, Pat Quinn, as well as his Republican opponent Bill Brady that they need to be outspoken about their commitment to home services and rebalancing the state's long term care budget towards community choice. The Green Party candidate, Rich Whitney, had signed a pledge to support home services, but neither Quinn nor Brady had signed such a pledge when submitted by ADAPT.

With the passage of the state budget mid-week, advocates wanted to act fast in response. The three main points of the rally were a) to ensure funding for Medicaid home services, b) to increase the asset limit for home services eligibility and c) to not have caps on service hours. In addition many advocates spoke against the introduction of a managed care pilot program in Illinois, which is set to impact more than 35,000 people with disabilities in the counties surrounding Chicago.

The rally was emceed by Chicago ADAPT's Mike Ervin, and a rep for the Green Party spoke for Rich Whitney. At the rally's conclusion, Mike Ervin announced that Chicago ADAPT would lead a march in protest, and the crowd moved to follow Brian Angle and Larry Biondi, the march leaders. As the light turned green, Brian and Larry set forth across the street towards City Hall...and just before riding up at the curb cut, turned so that everyone was stopped in the middle of the street. Randolph Street was then effectively blocked by the entire group. The "march" was into the street...shortest "march" ever!

Sixty activists blocked Randolph at Clark, between the State of Illinois building and City Hall.

We had wedged ourselves between the seats of state and city power in Chicago on one of Chicago's busiest streets. Although surprised, non-ADAPT advocates took events in stride and either remained in the street with us to chant, or assisted with distributing flyers to passers-by. ADAPTers worked to ensure the street was blocked with no holes in the line, that everyone was kept abreast of what was going on, and led the chanting. Folks began calling the media (we had about two or three cameras show up). The police took some time to arrive, presumably because the cops were focused on the other mass event in downtown, about a block away...Critical Mass.

Critical Mass is a monthly free-form bike ride attended by hundreds of Chicago bicyclists, which takes off from Daley Plaza in Chicago (the same place as the Chicago Disability Pride Parade fest). We had taken over the street just as bike riders began assembling, and as they whizzed by on their way to congregate, they cheered in support. Several gathered to watch us for a while. A woman in a leotard began dancing in time to our chants.

Once the police figured out what we were doing, they began redirecting traffic and initially they just let us block stuff for a while, figuring we would peter out. Critical Mass got its people together and led the entire Mass past us as they embarked on their route...but as they finished passing by, the

Critical Mass bike riders begin to cycle past....hundreds followed.

police let ADAPT know that they thought it was time for us to go home. ADAPT would not, and broke out the handcuffs. Three pairs of people linked up to each other: Adam Ballard and Carleda Johnson, Emmanuel Camargo and Mike Ervin, Scott Nance and Monica Heffner.

Police begin the laborious task of extricating the demonstrators from the street.

Chanting resumed louder than ever and the police decided that it was time to start arrests. They didn't want to take everyone away, so they asked that we simply group on the sidewalk and get citations. Of course it took a while to go one by one down the line and every minute counted. ADAPTers did a great job of being nonviolently disobedient. Scott Nance actually laid down in the street. 15 people received misdemeanor citations. Of the 15, four were being arrested for the first time ever.

It's going to be a long, long summer and fall as our state agencies battle out the allocations from the state budget, and Chicago ADAPT wanted to send a message that we will be right there every step of the way, and that we consider home services worth getting arrested for, any time. Our goal is to DEFEND OUR FREEDOM, now and forever, regardless of who sits in the office of the Governor, Democrat or Republican. FREE OUR PEOPLE!

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Disability and senior advocates rally to save independence: Service cuts threaten community-based services, *by Amber Smock*

(Chicago) -- "The 20th anniversary of the signing of the Americans with Disabilities Act is right around the corner, yet our legislative leaders in Springfield seem bent on setting people with disabilities back 40 years by cutting our most indispensible support services," said Mike Ervin of Chicago ADAPT, a person with a disability who uses a personal assistant through the Home Services Program. On Tuesday morning, June 29, Mike joined more than 100 other disability and senior advocates who rallied in downtown Chicago to protect the independence of people with disabilities and seniors living in their homes with the support of Illinois'

Home Services Program and Community Care Program. The advocates marched up Clark Street to the State of Illinois Building then blocked traffic at Randolph and Clark, demanding Illinois preserve services that enable people with disabilities and seniors to live in their own homes and save money.

The proposed 2011 Illinois State Budget includes cuts that will force people with disabilities and seniors into poverty, out of their homes, and into institutions. On average, institutional care costs three times more than home-based care. "It's regressive, it's brutal and it's not even fiscally wise. We will not surrender ourselves to a life of inescapable poverty and institutionalization just because our leaders don't have the courage to demand and pass a responsible budget," said Ervin.

Mike Ervin called the cuts regressive, brutal and ficsally unwise.

Under the Department of Human Services Home Services Program, eligible people with disabilities have access to personal assistants. By assisting with day-to-day tasks like cooking, bathing and dressing, personal assistants help people with disabilities live in their own homes. Without adequate personal assistant services, people with disabilities are often forced into institutions.

The current Illinois Budget for 2011 puts service caps on Home Service Hours and also reduces the Asset Limit from $17,500 to $2,000 a year for people eligible for Home Services. With the new service caps, some people with disabilities may lose the support they need to live on their own. The change in asset limit will force new members of the program into poverty.

"As a mother and a home care worker for nearly eight years, I've seen the important role home care has in the lives of Illinois families-and how important it is in keeping seniors and people with disabilities independent," said Flora

Disability and senior advocates blocking Clark Street in front of State of Illinois Building

Johnson, a home care provider through the Home Services Program and a member of SEIU Healthcare Illinois & Indiana. "My son has cerebral palsy. His life depends on the assistance he gets through the state's home care program. For lawmakers to even consider making deeper cuts to this vital care is heart wrenching."

Demonstrators completely blocked off Randolph Street.

The rally was led by the disability rights group Chicago ADAPT and by home care workers represented by SEIU Healthcare Illinois, with support from Access Living, Jane Addams Senior Caucus and Progress Center for Independent Living.

In addition to service caps and asset limits, the current Illinois budget includes cuts the to Community Care program, which helps senior citizens live in their own homes. On average, cuts in the proposed budget will mean a 20% cut in hours of care for seniors, and reducing eligibility for home care by lowering the asset limit. The cuts will impact 50,000 seniors statewide.

Blocking traffic in front of the State of Illinois Building, disability and senior advocates demonstrated that State cuts will result in increased unemployment, higher rates of unnecessary institutionalization, and the loss of jobs for personal assistants and home care workers, all of which will cost the state more money. For months, people with disabilities, seniors and the rest of Illinois have been waiting for leadership that will strengthen the state financially and will empower thousands of citizens in Illinois with independence. As long as the State leadership continues to make cuts that don't make fiscal sense and are at the expense of the freedom of people with disabilities and seniors, the communities will continue to fight back.

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Ongoing Action in California: Protest against Governor Arnold Schwarzenegger's proposed budget cuts to homecare program, *by Blane Beckwith*

The Arnieville encampment. (Photo by Dan McMullan)

Northern California ADAPT and other disabled/senior advocates have formed an organization, Californians United In Defense of Olmstead (CUIDO) to protest Governor Arnold Schwarzenegger's proposed massive budget cuts to IHSS, Medi-Cal, SSI, and other support programs.

The most devastating cuts would be to In Home Supportive Services (IHSS), the State funded attendant care program which over 400,000 disabled and seniors depend on to remain in their own homes, and out of nursing homes. Schwarzenegger is trying hard to cut this essential program by 50%, which could result in the forced institutionalization of an estimated 300,000+ of its current consumers.

To protest this deplorable act, CUIDO is staging an ongoing protest called "ArnieVille", a camp out protest in a median strip on a major street in Berkeley. The name ArnieVille is derived from the infamous "HooverVilles" of the Great Depression, of the 1930s.

For more info, check out our Facebook page at: http://www.facebook.com/group.php?gid=118834031486532&v=wall

Update: On July 22, 2010 the folks at ArnieVille closed up camp and are took their protest on the road. They marching with the Disability Pride parade in San Jose celebrated the 20th Anniversary of the ADA in San Francisco City Hall and Hayward. Since Mid August they have been holding demonstrations in Sacramento, the state capital.

Read **'Arnieville' Demonstrators Cited During Capital Protest** to see what they've been up to lately.

Arnieville advocates brought their giant effigy of Gov. Arnold "the Terminator (of HCBS)" Schwarzenegger to Sacramento with them. (Photo by HHS NetworkCA)

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Washington ADAPT Celebrates ADA 20th Anniversary, *by Don Locke*

July 26, 1990 according to his biography, President George H.W. Bush has referred to the signing of the American's with Disability Act as one of his proudest moments of his presidency. He stated, "... every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.'' and, "Together, we must remove ... barriers we have created and the social barriers that we have accepted, for ours will never be a truly prosperous nation until all within it prosper.

A Celebration

Over 150 people celebrated the 20th anniversary of the enactment of the "American's with Disabilities Act". ADAPT members, Don Locke, Karen Baker, Norm and Joyce Parks, participated with Coalition of Responsible Disabled (CORD) of Spokane, the Disability Action Center (DAC) of Coeur d'Alene, Disability & Business Technical Assistance Center of the Northwest, and The Arc of Spokane at Mirabeau Park in the Spokane Valley.

The celebration themed "ADA - Gateway to Freedom' was held on July 26, 2010. Many honored guests were present, including Steve Becker from the office of Governor Christine Gregoire, Mayor Tom Towey, Mayor of the city of Spokane Valley, Rob Horan, President of Washington State Independent Living Council, Mark Leeper, Executive Director of Disability Action Center (Coeur d'Alene, Idaho), Linda McClain, Executive Director of CORD, Barry Phundt, Attorney from Northwest Justice Project, Dan Teachman, CORD Board Member, and David Lord, Attorney for Disability Rights Washington. Each speaker spoke of where we started and how far we have come since the enactment of the ADA; we did not ignore how far we have to go and pledged to continue the fight.

We all had a great time with a games arena for the kids (no matter the age), and the local band PROTOCOL provided music, travelling clowns, raffle prizes and a delicious lunch from Christ's Kitchen. Proclamation(s) and Declarations in celebration were presented from the Governor's office, Spokane County and the City of Spokane Valley.

We continued our celebration in the afternoon, when we moved to the Thomas Foley Federal Courthouse in downtown Spokane for celebratory action. We conveyed our appreciation and information to the public as we marched around the courthouse plaza. We will continue our fight to ensure our rights are protected and equal.

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Still battling the Institutional Bias eleven years after Olmstead Decision at Woods School, *by Cassie James*

Bryan Nevins was a 20 year old man with Autism. He died a needless and tragic death when he was left in a van on the hottest day in the summer for over five hours. When he was located by the staff who after many hours discovered he was no where to be found, it was too late to save Bryan. He died in an inhumane way, yet somebody placed him at Wood School in the name of "care" and "Special Schooling". Bryan, even in his death is a hero because his twin brother was freed the day after Bryan died. His parents showed up at Woods and brought him back to Long Island, NY. And along with that eight other people are being relocated from the Woods Cottage that Bryan lived in. This action was coordinated by Alan Holdsworth an advocate for inclusive education. It was a partnership between the Alliance for Inclusive Education and Philly ADAPT and Kids Together. There were three people on the action that had Autism and were living in the community.

Richard Gold, who is in charge of Children and Youth Services, pulled the license for the cottage that Bryan was in and made a statement that this was a tragic and needless death. He actually did the right thing. There will be a huge investigation on Woods School and there will be no more admissions for quite awhile to Woods School.

Woods School now houses 1,400 people with disabilities from children to adults regardless of age. It is a huge institution with several different licenses and programs including Beechwood. Beechwood is a program for people with Brain Injuries. People are often sent there when they don't have a traumatic brain injury but have an organic brain injury. The COMMCARE waiver only covers people with a Traumatic Brain Injury and not an Organic Brain Injury despite the fact that the person might need the exact same services to live in the community.

This is an example of many disabilities that don't fit into the right square peg even though there are over 17 waivers in Pennsylvania. This highlights some of the ridiculous barriers in our system that continues to foster the institutional bias. Woods Schools gets paid $250,000 per person per year. States from all over this country send people to Woods School and pay the bill. Yet we are told there is not enough money to end the Institutional Bias and bring people into the community!

See more on the situation at:
Protesters call for charges, closure of Woods Services and

Advocates for the disabled voice outrage over man's death at Woods Services.

Johnny Crescendo, of ALFIE, leads a protest in front of Woods Services (Photo by Bucks Local News)

And be sure to check out the "Out of the Woods" Facebook page that advocates created.

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Passages ...ADAPT Family News

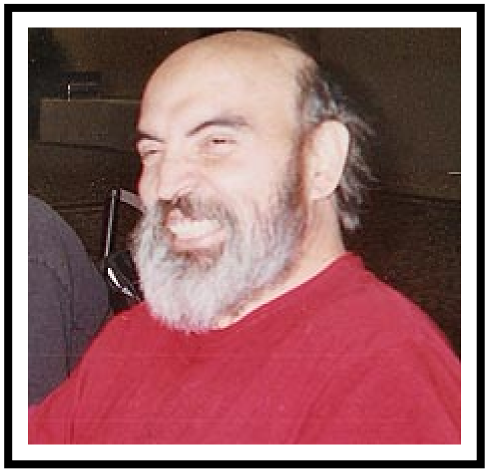
Joaquin Martinez

Desert ADAPT has lost one of their long time warriors. Joaquin Martinez, died on May 5th of kidney failure. He was 44. Joaquin had been fighting battles with bad health many times in the last few years. His attitude and perspective on life were always positive, and he was always ready to take up the battle to free our people. Celebrate his life of activism. He will be greatly missed.

Michael Champion

Michael Champion was a warrior in ADAPT early on, and his years spend in the DD state institution (so perversely called state schools here in TX) fueled his passion for liberty and justice for his brothers and sisters in the disability community. Michael fought for access, for liberty and the right to receive services at

home. He was an advocate to the end and will leave a hole in the web of the movement.
(This news from Sandra Bookman, HCIL Director)



Patty Winkle

Patty Winkle from Denver recently passed suddenly. She had just been into Atlantis, where she spent much time.   Her friendly face was worn with the years she had been warehoused, yet Patty never-the-less remained quirky, optimistic and ready to see the good. Part of Atlantis from the very early days, she came to early bus actions - at the beginning. She found community and enjoyed it and supported it for many years. She will be missed.

Joel Grissom

Joel hadn't been with ADAPT a long time, but he had a big impact on a couple of ADAPT groups. He came to the Memphis ADAPT group by being an intern with MCIL and on his way to his first national action discussed repeatedly how he was there to do whatever was needed but he just couldn't let himself be arrested. As with so many warriors before him, the next thing we all know in the heat of an action he made the decision to stay with his brothers and sisters even if it meant arrest, and it did. Through ADAPT he friended many, especially someone special to him, Flo. Unfortunately, after Joel and Flo moved to New Mexico, Joel had some health problems and did not pull through, but he will always be with us. Randy Alexander, Memphis ADAPT

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