INCITEMENT
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VICTORY VICTORY VICTORY

WE WILL RIDE!

by Bob Kafka

These new rules, which become final mid-September, are the culmination of a 15 year struggle led by ADAPT. The language in the new rules is similar to the language incorporated in the Americans with Disabilities Act.

The publishing of the DOT rules is a major vindication for the strategy and tactics of ADAPT.

The American Public Transit Assn., APTA, obviously gun-shy after their confrontations with the "wheelchair warriors" of ADAPT, have stated they will not challenge the new regulations.

The new rules allow a waiver of the lift requirement for new vehicles only if four conditions are met. All these conditions pertain to situations where there are no lift equipped buses available to be bought, and delay in purchasing buses would significantly impair transportation in the community.

It happened without fanfare and without the clamor that made it possible. ADAPT members are still in somewhat of a joyous trance. Thousands of disabled people are still unaware that it has occurred. To some it is still hard to believe. Others just smile.

Under orders from the U.S. Third Circuit Court of Appeals to revise their rules, the Department of Transportation issued regulations that will require that all new buses be accessible and require supplemental paratransit service for those who can't use the fixed route system. In addition the rules require that when purchasing used buses, a good faith effort must be made to find used buses with lifts. When buses are refurbished, lifts must be installed.

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Photo: Tom Olin

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OVER
700
MARCHED
IN THE
WHEELS
OF
JUSTICE
ACTION
(See
Article
p.3)
Victory continued from p.1

A requirement to purchase or lease new accessible vehicles would also apply to demand-responsive systems for the general public.

DOT is asking for public comment on alternative lifts and securement devices and the types of wheelchairs they can accommodate. They also want comments on who should be eligible for supplemental paratransit. Under the current rule a person who has no physical problem entering on a bus is not eligible for paratransit.

Though there has been no parades, and no "MIDNIGHT" interviews, the history of the disability rights movement will register ADAPT as changing the way disabled people advocated, and how victory was achieved.

The following are excerpts from Nelson Mandela's speech at Cape Town City Hall (South Africa), following his release after 27 years of imprisonment for fighting against apartheid, and for social justice.

Amandali! (Power!)  Ngwethu! (It Is Ours!)  Amandali! (Power!)  Ngwethu! (It Is Ours!)  l-Afrika! (Africa!)  Rahlalu! (Let it come back!)

---Kosha anti-apartheid chant led by Nelson Mandela at his Cape Town speech 2/11/90 after 27 years in prison for justice.

Our struggle has reached a decisive moment. We call on our people to seize this moment so that the process toward democracy is rapid and uninterrupted.

We have waited too long for our freedom. We can no longer wait. Now is the time to intensify the struggle on all fronts.

To relax our efforts now would be a mistake which generations to come will not be able to forgive. The sight of freedom looming on the horizon should encourage us to redouble our efforts. It is only through a disciplined mass action that our victory can be assured....

...Our march to freedom is irreversible. We must not allow fear to stand in our way....

In conclusion, I wish to go to my own words during my trial in 1964. They are as true today as they were then. I wrote: I have fought against white domination, and I have fought against black domination. I have cherished the idea of a democratic and free society in which all persons live together in harmony with equal opportunities. It is an ideal which I hope to live for and to achieve. But if need be, it is an ideal for which I am prepared to die.

Jennifer Desale is hugged by her mother Cindy as she reaches the top of the Capitol steps. Photo: Tom Olla

DC ACTION A HUGE SUCCESS

ADAPT's Wheels of Justice action in Washington, DC in March was a great success. Over 700 people participated in the march from the White House to the Capitol, Monday March 12th. Speakers at the rally after the march included: Justin Dart, Chairperson of the President's Committee on Employment of Persons with Disabilities; Pat Schroeder, Representative from CO and strong supporter of ADA; I. King Jordan, President of Gallaudet University; Mayor Owens, Representative from NY and one of the strongest supporters of the ADA; Bobby Silverstein, Staff Director to the Senate Disability Policy Sub Committee of the Labor and Human Resources Committee; Evan Kemp, Chairperson of the Equal Employment Opportunity Commission; James Brady, former Press Secretary to President Reagan; and Mike Auberger, Co-founder of ADAPT.

ADAPT's Monday's activities culminated with 60 people climbing the steps to the Capitol in a symbolic demonstration of our determination to not allow any barrier to stop us from gaining our civil rights. When all had reached the top of the 78 steps, we divided into two groups to deliver a message to Speaker Tom Foley and House Minority Leader Bob Michel to quickly pass the bill with no weakening amendments.

The Capital Rotunda echoed with ADAPT's chant "ADA NOW" at 104 arrested. Photo: Tom Olla

Tuesday over 200 folks gathered in the Capitol Rotunda and met with Speaker Foley, Minority Leader Michel and the primary House Sponsor of the ADA, Steny Hoyer of MD. ADAPT tried to impress on the Congressmen the importance to us, and millions of other disabled Americans, of quick passage of the ADA with no weakening amendments. Though Foley and Michel both talked of the ADA passing in May, they would not make any commitments. So the group began chanting and Capitol Police arrested 104 demonstrators.

ADAPT took over the office of the leading House opponent of the transportation sections of the ADA, Bud Schuster (PA), on Wednesday. The Washington Times (3/15/90) quoted Schuster saying "This [the ADA] is a feel good bill. There is no money accompanying the bill to pay for the costs it is proposing." ADAPT's demand was to meet with Schuster and that he end his opposition to the ADA. But Schuster would not meet with us, and at the close of that business day, he had the 64 ADAPT members who would not leave the building arrested.

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HUD GETS HIT!

In response to proposed weakening of the regulations for the Fair Housing Amendments, 40 people protested at HUD, Housing and Urban Development, offices in Washington DC on March 16th. The protest was organized by Concrete Change to send a message to HUD that disabled people are not happy with attempts to weaken and delay the accessibility goals outlined in the Amendments.

When it passed, the Fair Housing Amendments required that new public and privately owned family housing be accessible to people with disabilities. The National Association of Home Builders, NAHB, have fought access requirements and, according to Concrete Change Organizer Eleanor Smith, the National Spinal Cord Injury Association and the Paralyzed Veterans of America (claiming to represent the disability community) have been compromising access goals.

Some protesters were able to enter the building from two entrances, and we able to negotiate a meeting with Under-Secretary Alfred Dellibovi. Dellibovi listened to the protesters demands that: access features should comply with HUD guidelines, not weaker ones proposed by other groups; that buildings only be exempted from compliance on a building by building measurement basis... rather than a site average; and that HUD guidelines be published now, with no more delays. Dellibovi seemed open to protesters input, but the NAHB continues to lobby for weaker guidelines and a two year delay before anything is adopted.

THERE OUGHT TO BE A LAW.
...WAIT A MINUTE...?

One of the biggest ironies of the Wheels of Justice action was revealed by the DC justice system itself. When the five protesters received a year supervised probation went to file their paperwork, they were told to go to another building, Building B, to complete the process. But when they arrived there the supposedly accessible entrance had no ramp, nor was there a ramp on any of the other entrances!

17 years after the passage of Section 504 of the Rehab Act, this federally funded court system, could not even fit to have a ramp available.

A man standing nearby Building B said that a stone ramp was under construction, and that they used to have a wooden ramp — but it rotted away! There were marble steps for the able bodied folk entering the building but apparently no one felt it necessary to provide even a temporary ramp while the new ramp was being installed.

A 504 lawsuit has been filed by the National Disability Action Center on behalf of the five. Obviously it takes more than passage of laws to ensure our civil right to access.

Announcing:
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Do you know someone who would enjoy getting Incitement? Just drop us a note with name, address and zip code and we will add them to our list.

Marchers leave the White House for the Capitol. Photo: Carolyn Long
The battle for accessible public transportation has been the major focus of the disability rights community for almost two decades. TRANSIT was the first salvo, back in the 1970's, to get the transit industry to pay attention to our need for an accessible mode of public transportation. We called for retrofitting all buses in the days when the American Coalition of Citizens with Disabilities, ACCD, was in its prime. We thought we had victory in 1979 when the Department of Transportation issued regulations under Section 504 of the Rehabilitation Act of 1973 that required the purchase of accessible buses. The American Public Transit Assn., APTA, filed suit and we got an interim final rule that gave us "special efforts", not accessibility.

When ADAPT entered the public transportation arena in 1980, the battle took on a new tenor. We began demanding our rights. The cry "ACCESS IS A CIVIL RIGHT" resounded throughout the country. Though most disabled people shied away from the "militant" disabled people, more and more saw ADAPT as the organization that personified the term "Disability Rights". ADAPT folks felt the issue. The people in ADAPT are mostly low income, people who use public transportation, people who use attendant services, people who feel abandoned by the Independent Living Movement.

The strategy of ADAPT is to use tactics of other civil right organizations. ADAPT believes in grassroots organizing. It believes that 'People Power' is the way towards an accessible community. Disabled people, in the streets, doing aggressive non-violent civil disobedience changed the way people looked at the "Jerry's Kids" of the world.

The proof of ADAPT'S effectiveness is in the statistics. Over 50% of all the buses on the road today are lift equipped. This 25% increase has occurred at the same time that the budgets for the transit industry have been cut in half. This has not come about because of law suits, though they have helped. This has not come about because of legislation, though the potential of the passage of the Americans with Disabilities Act has helped. This has not come about because of bureaucratic sensitivity, though the sensitivity has improved.

It has come about because of the work of people committed to an issue. It has come about by using old fashioned community organizing.

Now that victory is so close, where do we go from here? ADAPT'S network of ADAPT is still out there. There is no shortage of issues. What shall it be? For this writer the next issue is clear: ATTENDANT SERVICES.

This is a subject people who are involved in ADAPT know in a very personal way. The lack of a clear attendant services policy in this country is hindering the independence of millions of disabled people.

Medicaid, one of the largest stream of dollars flowing from Washington, funds a hodgepodge of medically-created attendant services serving some disability groups better than others. Insurance companies have not done an adequate job of paying for attendant services. Vocational Rehabilitation's role is unclear. State funded services are limited and vary greatly from state to state.

The issue is ready for ADAPT to tackle. Our name could be:

**AMERICAN DISABLED FOR ATTENDANT PROGRAMS TODAY! (ADAPT)**

What do you think?
"Obviously I'm going through this for the second time. I learned the lesson in the civil rights movement of the 60's. This is different. I will have to do this again, and this is more intense because of the people..."

Charles Barksdale
Philadelphia, PA

"Sitting here today for a person in my state of Tennessee. ... Until..."

George Roberts
Denver, CO

"What this whole group, what this outpouring shows today is that we're solid. That we have solidarity. And if solidarity can make Poland free, it can make America free.

-Evan Kemp, Chairperson of the US Equal Employment Opportunity Commission

"I'm here today for the people who have died... and who have not seen what freedom is..."

Tom Hogan
Fairbanks, AK

"You are the pioneer patriots of the 20th Century. We are here today representing 43 million Americans with disabilities."

Christine Coughlin
Phoenix, AZ

"I'm not going to lie down and be told that I can't have a job."

Justin Dart, Jr.
Wheels of Justice Rally

"I was in a nursing home for thirteen years..."

Diane Coleman
Nashville, TN

"... I think we need to announce today that if we need to come back next year we will simply stay..."

I. King Jordan, President
Gallaudet University
"Let me say obviously God wants this to happen or you wouldn’t have the most glorious day. Washington has had more than that and they have a larger priority that vote, and I really gotten.

— Representative Pat Schroeder

"My heart goes out to them.... I’m in a unique position. My mother was a double amputee in a wheelchair. I have more intimate experience with the plight and problems of the disabled than perhaps any other member of Congress.

— Bud Shuster, (R, PA)

As quoted in the Washington Times

"We are not beggars. We are here to demand rights that are ours to complete a process that has been going on for so many years. We shall overcome and we want to overcome. This month or next month. Not forever. We want to overcome now!

— Representative Major Owens

The Greyhound driver's union, the Amalgamated Council of Greyhound Local Unions, endorsed federal action to ensure that those with disabilities will have access to all forms of public transportation; and

Whereas the Rails' Assistance Program adopted unilaterally by Greyhound Lines would have only limited effect in meeting the legitimate needs and rights of the disabled and should not be considered as an adequate substitution for effective legislation; Now therefore be it resolved:

1. That the Amalgamated Council support the passage of the ADA by the US House of Representatives; and

2. That a copy of this resolution be sent to the Speaker of the House of Representatives and each member of any committee with jurisdiction of the ADA.
ABA/UBOA MEETS ADAPT

Sixty disability activists gathered in Dallas last January for a direct action advocacy training and protest against two of the largest bus associations in the nation. Folks came from as far as Arizona, Denver and New Mexico, to Georgia and Tennessee, to take part in the week long event.

Protesters in front of the Loews. Photo: Carolyn Long

The American Bus Association, ABA, and the United Bus Owners of America were holding their first joint convention at the Loews Anatole Hotel in Dallas, and this convention became the focus of several ADAPT actions.

On Monday January 22nd 100 training participants and local supporters marched to the Loews Anatole Hotel. Despite the security pick-up truck which was parked to block the marchers' path, protesters were able to climb around and reach the front door to call for an end to the transit tour groups lobbying against access and the ADA. Although several of the participating bus companies pressured support for accessibility, they did not hesitate to shut the doors of their inaccessible busses in the faces of disabled folks trying to get a look inside. Wayne Smith, Executive Director of UBOA demonstrated his continuing lack of understanding of the issue when he, and several other UBOA members, suggested that if we were so into touring, ADAPT should start a wheelchair bus tour association.

Tuesday the focus turned to Greyhound, and their downtown bus terminals. At high noon ADAPT struck, and within minutes all bus bays were blocked, and nine buses were captured, some out in the street where they blocked traffic at the downtown lunch rush hour. In the end twenty eight protestors were arrested, a DART bus was commandeered by the police to take everyone to jail, and Frank Lozano was booked in the jail house garage because officials refused to let his dog guide Frazier in the jail.

ADAPT walked in on the ABA/UBOA bus expo, started mingling with ABA/UBOA folks and pointing out the need for access. Several ADAPT folks transferred to the bottom step of several of the buses on display, to try and get a glimpse of the glamorous interiors. These were pretty fancy busses, and not a one—not even the self proclaimed "Seniors Unlimted" bus—a lift, though many people admitted lifts could be installed. There were no arrests, and after about an hour of educating ADAPT left peacefully, warning this might not be our last visit.

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Greyhound Changes Policy

In an apparent move to get around the ADA, Greyhound finally came out with a revised set of regulations for disabled travellers, once known as their helping hands policy.

The new regulations, called the Travel Assistance Program, get rid of the requirement for a doctor's letter or other proof of disability, nor do you need to have someone travel with you. If you do bring someone to help you, that person can still travel for free on your ticket. If you travel alone you must call 1-800-720-4041 48 hours in advance to notify them of your plans. "Advance notice is required," according to Greyhound's statement. The company still reserves the right to decide if it is "safe" for you to travel alone, and to refuse to take you alone if they decide you can't travel safely alone. (Sorry all you folks with cooties, this may put a cramp in your travel plans.)

Greyhound has agreed to take some types of battery operated wheelchairs. According to their memo they take most types (but there are no specifics,) and taking a chair depends on whether or not it fits in the baggage compartment. They will provide battery boxes, through their "full service agency locations" so folks needing them at any other locations will have to make arrangements in advance. Their is no charge for the boxes, but they must be returned at the end of the trip.

Currently Greyhound's tariff only covers baggage for value up to $250, but you can pay an additional fee and declare a higher value up to $1,000.

Some people, like Greyhound's CEO and principal owner Fred Currey, think this policy plus the use of a ramp and aisle chair specially designed for buses should be the only requirements in the ADA, is no lift requirement.
A ROUND THE NATION

Nashville, TN — Tennesse ADAPT (American Disabled for Attendant Programs Today) and five disabled individuals filed an Amicus Curiae brief in a local "right to die" case of a woman who was diagnosed with ALS 14 months ago. The woman, who had received no independent home care or counseling, moved to adjust to her respirator, no suicide prevention counseling, also had no access to home-based attendant services. ALS (a type of muscular dystrophy) was presented as a terminal illness; yet as the ADAPT folks pointed out, the noted scientist Stephen Hawking also has ALS and has had it for about 25 years. Calling for equal access to suicide counseling, ADAPT asked that the request to die be treated the same as a non-disabled person's request of the same nature. "No, people, with severe health conditions are often deprived of these basic protections because a society concerned about limited resources increasingly devalues the lives of such individuals" stated Carol Gill in her affidavit. Sadly the Judge, within an hour decided this was not an area for the courts to intervene in, and the woman ended her life the next morning.

Los Angeles, CA — “Pardon me, Ms. Collins,” said Christy Brown. “I'm not 'Ugly'. He's a person with Cerebral Palsy.” Southern CA ADAPT held a press conference right after the Oscars to respond with outrage to Joan Collins’ off-the-record comment during Oscar night on how amazed she was at Daniel Day Lewis' (My Left Foot) talent at making someone as handsome as himself look as ugly as Christy Brown. Ab Hollywood and the body beautiful. Southern CA ADAPT said it was: “To trivialize the noble life of Christy Brown to superficial standards of cosmetic proportions. 'Ugly' is not how a person deviates from the physical norm, ugly instead is prejudice in all its forms.”

Denver, CO — When six ADAPT members went to lunch at a local restaurant TACO HOUSE, they weren't expecting a free lunch, but they also weren't expecting a free trip through town. They were expecting a free trip through town... to jail. But, that's exactly what they got. Several of them had gone through the Taco House drive through before and been served, but this time they decided to go inside. Passers-by helped them into the inaccessible restaurant, but the manager refused to serve them. Accusing the six of blocking aisles, though waiting customers and customers alike were getting by, he had the six arrested for trespassing and disturbing the peace. He then ordered the customers (in fact someone who had helped them inside) agreed with the ADAPT customers and refused to be served before the ADAPT folks, who had gotten there first. Charges carry a possible $990 fine and 180 days in jail. ADAPT is filing for a motion to dismiss, since they say they were neither blocking aisles nor disturbing the peace. In addition they say the restaurant manager was one violating another state law prohibiting restaurants from refusing to provide food, even if the facility is not accessible.

Protesters shout support for arrested as they are driven off in police vans.

Long Island, NY — The Long Island Railroad has recently been ordered by the courts to improve the access provided to the Beechfield Long Island Railroad was ordered to raise their high level stations originally built wrong, and to put lifts on their low level stations. The suit, brought by National Disability Action Center and Long Island ADAPT, has resulted in 75 to 80% of the 120 rail stations becoming accessible.

Fort Worth, TX — They're here! After eight years of having their lifts bolted down, Cowtown once again has made a real commitment step in the right direction. Once again, the Fort Worth Transportation Authority's lifts were rebuilt. "Despite some foot dragging by the T’s General Manager John Bartosciewicz and Board Chair Hershel Hightower" once again wheelchair users can get to the store for a half a gallon of milk or go to a movie -- "if you don't insist on a sit down time" smiled Walter Hart of Fort Worth ADAPT. He went on to explain "two reasons for the reinstallation. First, for the T are the prominent of the two aforementioned individuals. Both are very prominent in APTA and its little sister Southeast Public Transit Authority. In fact, the T will be co-hosting the APTA convention in Houston Sept. 30 -- Oct. 4th.

Desert Hot Springs, CA — A new ADAPT group formed here in February. 35 folks in chairs turned out for the initial meeting. Some of the first issues the group will tackle is curb cuts.

Colorado Springs, CO —

Colorado Springs activists led 18 ADAPT folks paid a call on a local 'Taco John's' restaurant. Their visit, came after a series of unscheduled visits to the corporate offices in the Springs and Cheyenne, WY. "I put up two tables on the sidewalk in front of the restaurant and brought tacos and sodas from Taco Boy and left all the bags and cups on the tables so the logo could be seen," explained Barbara Guthrie, community organizer with ADAPT. "We had people passing out leaflets to the cars coming into the drive-through, some of whom left after reading what we were there for. We waited a few weeks and then I wrote another letter to the Vice President in Cheyenne letting him know that to avoid another, more upgraded embarrassing situation I would advise him to write me back," Barry Wofford, VP for Operations "I'm only writing back," he outlined access plans for all the Colorado Springs sites, two to be done in January 1990, and the third by July.

Las Cruces, NM — Activists in Las Cruces have been stirring again lately. The protests at the New Mexico State University last fall, the less then high fruit in March when the first accessible university shuttle bus came on service. "We (handicapped students) were paying right along with other students a $5 activity fee that covered shuttle service around campus but we weren't getting it," explained NMSU student/New Vistas ILC worker, Cesar Rodriguez. Local activists, unable to travel to Washington DC for the Wheels of Justice action held a press conference at their local federal building to show their support of the national action and the ADA bill.


IF YOU WERE DENIED ACCESS TO THE HOTEL, AND DID NOT GO INSIDE OR ENTERED INTO THE GARAGE, OR KNEW THAT PEOPLE WERE BEING KEPT OUT AND WOULD, BUT FOR THE CLOSURE, HAVE GONE IN — YOU MAY BE ELIGIBLE.

FOR MORE INFO CONTACT: Diane Lipton/DREDF /2212 6th St Berkeley, CA 94710/(415)644-2555

DEADLINE TO HAVE YOUR CLAIM IN: MAY 15, 1990

Photo: Tic Olea

A ROUND THE NATION

Photo: Tic Olea