

Wheelchair Santas everywhere agree: Support the work of ADAPT! Become Incitefull

This holiday season, become a part of the growing list of Incitement supporters. Your dollars will help keep the voice of ADAPT speaking out!



YES! I support ADAPT!
Here is my contribution for Incitement:

\$10 _____ \$15 _____ \$25 _____
\$35 _____ \$ 50 _____ \$100 _____
Other _____

Name _____

Send to: ADAPT/Incitement
1339 Lamar Square Dr #B
Austin, TX 78704

Address _____

City _____ State _____ ZIP _____

ATLANTIS COMMUNITY INC.
ADAPT/Incitement
1339 Lamar Square Dr #B
Austin, TX 78704

NON PROFIT
ORGANIZATION
US POSTAGE
PAID
PERMIT NO. 166
AUSTIN, TX

ADDRESS CORRECTION REQUESTED

INCITEMENT INCITEMENT INCITEMENT

Vol. 7, No. 4

A Publication of Atlantis/ADAPT

December 1991



Over 200 strong, ADAPT marched in Orlando to "Free Our People." Activists came from around the county to join us. Photo: Tom Olin

WHERE FANTASY MET REALITY: ADAPT IN ORLANDO

The American Health Care Association got its first full taste of ADAPT's wrath at their annual convention in Orlando FL this past October, and apparently it was bitter medicine. Over 200 activists gathered from across the US to send a message to this industry lobby group that people with disabilities will no longer stand quietly by as our brothers and sisters are sacrifice to the industry and needlessly incarcerated so that outdated institutions can gobble up the lions share of federal funds for long term care services.

There was an air of unreality to the entire action. We were staying in a brand new hotel and many members of AHCA were staying there with us. As we moved through the halls

Continues p. 2

FREEDOM DAY!!!

ADAPT groups all over the states are gearing up for another series of Freedom Day actions on

January 15th!!!

Each community will do its own action to Free Our People

Actions will include:

ADAPT style visit to Governors, visits to state Health Care Assns, exposes of nursing homes, etc.

Don't miss out on this chance

Add your voice to the call:

FREE OUR PEOPLE!

Call Denver ADAPT for more info:

303/733-9324

talk to: Wade, Mike or Robin



ADAPT rushed the Peabody, AHCA's hotel Photo: Tom Olin

Orlando, continued from p.1

and lobby our protest posters were constant reminders of the ongoing conflict AHCA must face.

Orlando wanted to play it tough, and that's what they got from ADAPT. 72 people were arrested the first day of the action. At our hotel local police tried to wire tap and listen in on ADAPT's meetings to organize and inform the group about what was going on. They pre-prepared arrest sheets with all the information possible typed in ahead of time to speed up arrests. They set up a booking area in the basement of the convention center. And when ADAPT sent a small decoy over to the convention center and the bulk of our wheelchair warriors to the Peabody Hotel (AHCA's main hotel) to "greet" the conventioners the police were caught completely off guard. Tables were thrown up to create a barricade, but not fast enough to prevent dozens of ADAPT activists from getting through. Others crawled under cars, up on the grass and around the barriers, bodies and wheelchairs were flying every which way but loose in a mad dash to get to the Peabody. Struggles ensued and a Peabody Security Guard swung a lock and hit an ADAPT protester in the head.

It took over three hours to move away all those who were arrested. The police decided to hold all 72 until the end of the convention. Areas had been set aside in the jail, but typically, some arrangements were made while others were long in coming. ADAPT was tough though, and stood up to their test of our commitment. A group of ADAPT folks set up a vigil outside the jail, in solidarity with those inside, remaining present until everyone was released.

Meanwhile ADAPT did not let up on the AHCA convention. Monday was the official opening of the convention, and ADAPT was there, chanting and picketing, to welcome the nursing home owners and administrators. AHCA threw out an offer to get ADAPT off their backs: a couple of their officers would meet with a couple of people from ADAPT on Thursday (after the convention was over) if no one protested between now and then. It was a ridiculous offer and ADAPT quickly turned it down.

At the President's Reception Tuesday ADAPT was there again, forming a gauntlet through which the convention goers must walk to get to and from their fancy soiree. Wednesday, as AHCA members attended workshops on how to keep people in nursing homes, and get as much money as possible for doing so, ADAPT held an "alternative seminar" outside. Those who had lived in nursing homes told of the abuses and the routines which rob people of their freedom and dignity. Some described their fight to get out and the vast improvement in their lives once they were free. Emotions ran high, as memories were rekindled and shared. Even the cops guarding AHCA seemed uncomfortable listening to the industry's work from the receivers point of view.

Continues ... p. 9

A man needs a little madness,... otherwise he will never cut the rope and be free.

- Zorba the Greek,
Nikos Kazantzakis

JERRY'S ORPHANS

According to *US News and World Report* the protest MDA \$6 million dollars. "The thing just took off and organized itself" Mike Ervin said. "Back in 1990 I read Jerry [Lewis'] article in *Parade Magazine*, and it just crossed over the line. I said to myself someone has to do something about this."

Ervin, Chris Matthews, and others from around the country found they had started an avalanche when, with unexpected ease, they found Denver, LA, Memphis and four other cities were joining with Chicago to protest on Labor Day. The target? The Jerry Lewis Telethon for the Muscular Dystrophy Association for its dehumanization of people with Muscular Dystrophy specifically, and people with disabilities generally.

In Chicago protesters blocked the entrance to the Telethon for five hours from 8:00 pm to 1:00 am, several got inside but were eventually thrown out. In Denver the Tune Out Jerry Coalition got on the stage with "Jerry's Orphans" signs in front of the TV viewing audience! In LA they went to ADAPT's old camping grounds the Bonaventure Hotel where the telethon was being taped, and blocked elevators. The next day another group, the Alliance for Research Accountability, turned out about 100 folks to protest MDA.

The national media got excited and did several stories on the protest over the next several days, as well as follow up on how the funds raised are used. MDA's newsletter on the other hand, featured letters and articles grovelling at the wonderful work of Jerry, and railing at the protesters. MDA even published the names and addresses of some of the protest organizers so they could get hate mail.

THEY'RE BACK...

Unless Jerry steps down and the telethon is redesigned to more positively portray people with MD, Jerry's Orphans will be back next Labor Day at the telethon. Organizers are looking for people interested in this national protest. If you are interested contact:

Mike Ervin
PO Box 388246
Chicago IL 60638
312/281-5599



ADAPT's welcome gauntlet for AHCA at their President's reception at the Convention Center. Photo: Carloyn Long.

"What if.... a twist of fate.... I decided after 41 years of battling this curse that attacks children of all ages, I would put myself in that chair, that steel imprisonment that has been deemed the dystrophic child's plight.... I know the courage it takes to get out on the [basketball] court with other cripples.... I just have to learn to be good at being half a person."

-- Excerpts from Jerry's article "If I had MD...." in *Parade Magazine*



ADAPT's vigil outside the jail. Photo: Carolyn Long

A STATE THAT SAW THE LIGHT

The New Jersey Health Department is trying to call a halt to all construction of new nursing homes. Instead, the state wants to expand home care and similar alternatives. Why? Funding is a primary reason. According to NJ Health Department officials, by the year 2000 New Jersey would spend \$1 billion of its Medicaid budget on nursing homes alone, while the proposal to use alternative services would save \$116 million a year. This savings includes the start up costs for new alternative care programs, said Dr Bruce Sigal health policy and research director.

State Health Commissioner Dr. Frances Dunston said the New Jersey proposal "start[ed] with the people first" -- to offer more choices, and cost containment grew from this foundation. "There is a high demand or these types of services" Dr Dunston recognized, adding "this proposal is going to take New Jersey out in front." The New Jersey plan, based on a similar program in Oregon, would require Medicaid waivers but would save the feds 50 cents on every dollar shaved from the state's budget. It would set up a system of foster care and expand existing community services. Existing local boards would determine the menu of services, but building more nursing homes would not be an option. The plan could begin to be implemented within a year, officials project. Hearings will be held to get input from the public. Needless to say nursing home industry representatives, both for-profit and non-profit, were not too enthused and are already calling into question whether such an idea could possibly work in their state.



WHY SHOULD I CARE ABOUT NURSING HOME LOCK UPS?

"Over a lifetime, the risk of entering a nursing home and spending a long time there is substantial," concluded a recent federal survey by the US Agency for Health Care Policy Research. The survey, published in the February 1991 *New England Journal of Medicine*, also suggested "when one in seven men and one in three women who reached the age of 65 in 1990 are projected to spend at least one year in a nursing home, society needs to take a fundamental reassessment of long term care, rather than simply paying for what has been done in the past." Researchers Peter Kemper and Christopher M. Murtaugh also found:

- * 66% of nursing home residents are women,
- * 13% of all women will spend at least five years in a nursing home (compared with 4% of men),
- * 33% of all people who reached 65 in 1990 will spend at least 3 months in a nursing home, 25% at least a year, and 9% at least 5 years,
- * 38% of whites, 27% of blacks used nursing homes before they died, 1986 figures showed,

The number of people using nursing homes almost tripled between 1964 and 1985. (In 1964 there were about 500,000.)

Even *Parade Magazine*, the Sunday supplement in so many newspapers, has taken note of the need for community based attendant services and the dislike of nursing homes. According to *Parade*, eight out of 10 American families will be faced with the long term care dilemma. "The financial burden is especially pronounced for the 10 million families with disabled children" writer John F Wasik noted. Medicaid, Medicare and employers insurance often do not cover enough if any of the cost. "Often... the only recourse is to institutionalize the child - at great cost and heavy emotional sacrifice ..." added Wasik.

"For over 20 years I lived at the Paul A Dever school. But as a hospital is not home to a patient, a nursing home is not home to the elderly, the Dever school was never home to me. I hated all my years in that institution, and I thank God I am free!"

- Ken Nowicki, former resident of the Dever State "School".

HUEY AND DEWEY ARE STILL LOOKING FOR LOUIE

ADAPT is still on the look out for Sullivan. If you or anyone you know finds out Sullivan is going to be in your neck of the woods, let ADAPT know ASAP. Call your local ADAPT folks or national ADAPT at 303/733-9324.

THE PLEDGE

*I pledge allegiance to the cause
Of a community inclusive of all,
And to the right of every person
Regardless of disability
To live in a real home
And to be a visible, active, integrated,
commonwealth
Based on liberty and justice for all.*

-- John Reis

UPDATE ON SULLIVAN

The University of Texas Medical Branch in Galveston was the site of the latest zapping of Dr. No (a.k.a. HHS Secretary Louis Sullivan), as he addressed a local medical association conference on November 9th. A group of about 20 ADAPT members and local supporters of attendant services gathered at the back of the auditorium. This was the only accessible level since Sullivan's security forces had blocked off wheelchair access to the floor level. As Sullivan began his speech, several members of ADAPT climbed down from their chairs and started down the long stairway which was the only access to the ground level. Guards, who had confiscated *Wanted: Sullivan* flyers earlier, stepped to block their passage -- badly bruising one protester's arm in the process. Sullivan had tried to continue speaking, despite a quiver of emotion in his voice, but stopped as someone cried out in pain. A low chant of "UP WITH ATTENDANT SERVICES! DOWN WITH NURSING HOMES" rose from the ADAPT group. All the doctors and other medical pros in the packed audience looked back in amazement. A new chant of "WHY WON'T YOU MEET WITH ADAPT?" began as the guards started to remove the demonstrators from the lecture hall. Outside reporters questioned ADAPT about the issue, and Sullivan's PR person hovered around cranking out the standard excuses of being powerless to address the changes wanted. Clearly this was a first exposure to the issue for many of the medical professionals attending.

BITS AND PIECES

A recent University of Missouri study found, in 1988, almost half of the state's nursing home Medicaid residents had been prescribed psychotropic drugs but did not have the condition the drug was intended for. Drugs included: anti-psychotic, anti-depressant, and anti-anxiety/hypnotic drugs. The researchers concluded in 80% to 90% of the cases the drugs were being used as a medical restraint. *Quality Care Advocate*, the newsletter of the National Coalition for Nursing Home Reform, also reports researchers are now working on a follow up study on the relationship between use of these drugs and other factors like bed sores, contractures, malnutrition, dehydration, etc.

Spending for paid long term care totaled roughly \$58 billion dollars in 1988 reports *Policy Choices for Long Term Care* a publication of the Congressional Budget Office. Nursing homes used \$44.3 billion of this total, while home and community based care received only \$13.6 billion. About half of these costs are paid from public funds, \$34.6 by Medicaid alone.

Separate the financing of "nursing and rehabilitative care" from the room and board factor, suggest nursing home policy analysts Kane and Kane in an August, 1991 article in the *New York Times*. The Kanes point out that in Oregon where this is being tried with community based services in the state's Assisted Living program, costs are only about 80% those of nursing home costs.

Low wages for health care aides is the focus of another article in the *Times* this past September. The writer, Kilborn, reports the roughly 1.5 million aides in the US (20% of all health care workers) earnings average minimum wage, \$4.25 per hour. 91% are women, 31% are black. 60% work for nursing homes, and there is an annual turn over of 100%, according to an industry spokesperson. due to low wages. Hospitals which are not as closely tied to Medicaid funding are beginning to increase wages, and nursing homes and other health care aide employers will soon have to follow suit.

YELLOW DREAM MACHINE

Incitement is available on a computer bulletin board out of Austin Texas, the Yellow Dream Machine. This BBS also has a wide variety of other disability related information you should check out! You can reach it by calling: 512/473-3222.(modem)

LONG TERM CARE AS PART OF A NATIONAL HEALTH PROGRAM

by Bob Kafka

"Long-term care should be a right of all Americans, not simply a commodity available only to the wealthy and the destitute" said Dr. Sidney Wolfe, director of Public Citizens Health Research Group in a recent call for drastic improvements in America's long term health care. In the Dec. 4th issue of the *Journal of the American Medical Association*, the Physicians for a National Health Program proposed a universal, publicly funded, long-term care system. It would replace Medicare, Medicaid, the Veterans Administration, the Older Americans Act, Title XX Social Services and many of the other 80 federal programs that finance long-term care. The proposal would phase out for-profit nursing homes and other long-term care facilities and prohibit private health insurance that duplicates public coverage.

"Today our nursing homes are often just warehouses, while in millions of homes relatives and friends care for loved ones without pay, without help and without respite" said Dr. Steffie Woolhandler, co-founder of Physicians for a National Health Program and an author of the long-term care proposal.

For more information call Steffie Woolhandler at (617) 661-1064

TAPES FOR SALE

ADAPT activism in the streets of Baltimore, Kenyan university campus and the world's women's gathering there in 1985 are chronicled in poems by Laura Hershey. Available on two high quality 45 minute audio tapes - The Prostitutes of Nairobi (1) and You Get Proud by Practicing (2) -- can be ordered from the author for \$10 each or \$19 for both (plus \$1.50 postage and handling).

Mention ADAPT & \$3 of the proceeds will be donated to ADAPT.

Mail your order & check/money order (payable to Laura Hershey) to:

Laura Hershey
PO Box 9004
Denver CO 80209

Indicate which tape(s) you're ordering.

Or you can get them at the next ADAPT action!

Q: **WHEN IS YOUR BODY EVERYBODY'S BODY?**

A1: **WHEN YOU ARE DISABLED**

A2: **WHEN YOU ARE PREGNANT**

The reality that disabled people's personal reproductive rights are anybody's business hit the Los Angeles airwaves this summer, when radio station KFI talk show host Jane Norris did a show on whether Bree Walker-Lampley had a right to have a kid. Walker-Lampley is a TV news anchor and disability activist who has a genetic disability, ectodactyly, which can cause fingers and toes to fuse. Norris seemed to be practicing some kind of reverse radio psychology show in which she tried to get the audience to help her work on her own personal problems relating to disability. The show, in which Walker-Lampley was not invited to participate, was a sickening but real glimpse of the dark underside of society's attitudes about disability, perhaps best summed up as: better dead than disabled. Norris cut off or dismissed people who called in supporting Walker-Lampley, and cheered on misinformation and negative stereotypes about disability. A follow up talk show took much the same tone. ADAPT of

Southern CA protested outside the radio station and a complaint was filed with the FCC, but it seems from what FCC officials told New York Times reporter Steve Holmes, the FCC does not have a lot of concern about bigotry in talk shows. Here is more proof we live in a society where it is OK to ask any personal question about a stranger's disability, or exert uninformed control over other people's lives, sterilize people without informed consent, or even lock people away because they are different. Women have long known these realities during pregnancy: strangers can touch your stomach, spout advice on lifestyles (without benefit of having been pregnant), and decide for you your sexual and reproductive rights.



AHCA members try, unsuccessfully, to ignore ADAPT. Photo: Tom Olin

— RITES OF PASSAGE —

The fight for disability rights has two parts. One is the struggle against a society which at best ignores so many of the realities of disability, and at worst actively works to keep us down and dependent, feeding the system with our lives. The second part of the struggle is keeping ourselves energized, keeping alive and focused the dream/vision of a better society. Sometimes this struggle seems like trying to put up the Ringling Brothers Barnum and Bailey Circus tent with five people, twenty poles and no equipment.

The death of Tim Cook, activist and disability rights attorney, is a great loss to our movement. For those who did not know him, Tim was the President and Director of the National Disability Action Center (NDAC). He was also ADAPT's main lawyer, most notably in ADAPT v. Skinner: our case for lifts on buses. The list of cases in which he was counsel or



Tim Cook at ADAPT's action in Baltimore. There was more ADAPT in Tim than some would like to admit. Photo: Tom Olin

amici curiae reads like a bibliography in key cases in disability rights. Transportation access however, was one of his specialties, as was desegregation of children and adults with disabilities in education and living situations. Recently he forced the State Department to allow a diplomat who is blind to serve overseas (overturning a policy which dates back to the days of Ben Franklin.) In addition Tim had won several court victories relating to discrimination by airlines, and one on behalf of an ADAPT member helped force the Department of Transportation to finalize and publish the Air Carriers Access Act regulations. A memorial service was held in Washington, DC, and Tom Harkin spoke about Tim on the floor of the Senate.

A Tim Cook fund to help his wife and small baby has been set up, as has a fund for the National Disability Action Center, which like many small non-profits, has bills to be paid. (Contact NDAC for more information: 202/775-9231).

Another light has gone out in the fight for disability rights. Lee Jackson died of a heart attack just before thanksgiving. To say he will be sorely missed does not even begin to tell our sorrow at his loss. Lee was one of the most committed and outspoken ADAPT members on our new issue of attendant services. A leader at the local and national level, Lee had spent several years in a nursing home after his injury. Lee was not only active with ADAPT but also Life Worthy of Life. He was also an artist. Shaila Jackson said Lee had been energized by the success of the action in Orlando and was looking forward to the upcoming events. He will be missed.

Lillian Baker has also passed away, leaving another hole in the web of ADAPT activists. Mrs Baker, along with her son and husband, took part in many ADAPT actions and her quiet strength will be greatly missed, both locally in Chicago and nationally.

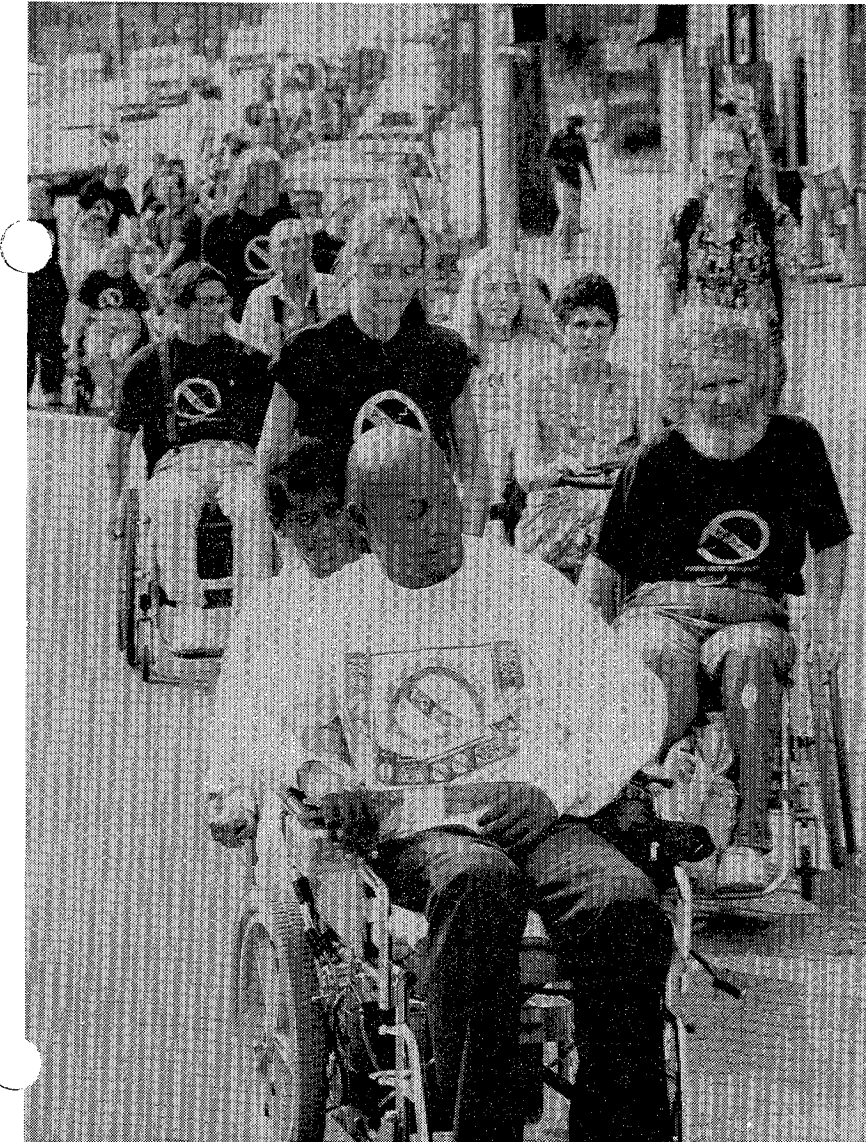
On a happy note, Chicago ADAPT received a \$10,000 Social Justice Award from the Crossroads foundation. Crossroads, a national foundation which supports grassroots activist

— RITES OF PASSAGE —

ganizations dealing with issues from peace to homelessness to civil justice, decided to give a special award to mark their 10th anniversary. ADAPT of Chicago was picked from groups from across the United States. Congratulations!!!

Another piece of good news is that Life Worthy of Life, an affiliate of the Atlanta ADAPT group, received the Grassroots Organizing award from the American Public Health Association. This national award was given for Life Worthy of Life's work on long term care services. Congratulations!!

The best news of all though, is that Bernard and Marilyn Baker are the proud parents of a bouncing baby girl Emily, born August 24, 1991!!



Lee leading our march in Atlanta. Photo: Tom Olin

Orlando

continued from p.12

By Tuesday the jail was fed up with dealing with the needs of prisoners with significant disabilities. ADAPT had gone on a hunger strike, and the jail was not able to provide all the needed supplies like respirators, and medications, etc. Everyone was released Wednesday afternoon, and as we celebrated their return AHCA members had to pick their way through our crowds to get to another of their parties.

The police told organizers if any of the ADAPT folks who had been arrested were seen on the street near AHCA's main hotel or convention center, they would be arrested. So Thursday evening ADAPT held the last action, a press conference in our hotel. A cross with a wheelchair

hanging from it was erected to symbolize those whose lives are being sacrificed to feed an industry no one wants to be served by. ADAPT members once again outlined our demands. Two of the women who had been in jail spoke about the problems those who had been locked up faced.

AHCA had definitely felt ADAPT's pressure. Their press packet had eight pages of material on ADAPT and four on AHCA and the convention. Those attending AHCA's convention were faced with ADAPT's protests every day, in person and on the news. One local columnist Beverly Chapman started her column: "Last week, disabled protesters disrupted the Southern charm of Orlando, 'The City Beautiful.' Some called the protesters derelicts, others said they were nothing more than a ragtag bunch...I call them soldiers."

AROUND THE WORLD



Activists in England were ready for ADAPT! When organizers Mike Auberger and Babs Johnson arrived, there were plenty of folks ready to fight for their rights, and transportation was a burning issue. Several had blocked buses last year, and now were ready to escalate! These wheelchair warriors, with CAT, used chains when they blocked buses in London this time, which the bobbies did not appreciate. Eight were arrested and taken to an inaccessible police station for booking. The bus blocking in London eventually backed up until over 20 buses were involved!

Oh for the smell of CO2 and rubber in the morning...

ADAPT's organizers also did a training in a city in northern England, Manchester. When the trainees blocked buses there, the drivers turned off the buses and left them for the protest! Two local singer/wong writers of note came out for the protests, Trajic Mike and Jonny Crescendo. Hopefully their songs will be available here in the U.S. soon.

Another big issue in Great Britain is their telethon. A major protest against the telethon was held this fall. It turned violent though, activists there report, and some protesters, including Johnny Crescendo, were injured.



Upper left: CAT members chained themselves to buses in London to protest the lack of accessible transit. On left: Eventually the protest involved over 20 buses, as crowded streets and narrow lanes made barriers which escalated CAT's impact. Above: Protesters in Manchester blocked several buses as part of the ADAPT "OJT" training in disability activism. Photos by Babs Johnson.



AROUND THE NATION

Atlanta, GA -- Atlanta ADAPT has been working to keep the issue of lack of community based attendant services on the front burner and finding new recruits who are living through the struggle. Local disability rights activist Jenny Lind Langley (former equestrian, who now is a ventilator user) has joined in the struggle. A year ago NPR did a story on her family's struggle and bankruptcy due to their efforts to get her community based attendant services. Since then a waiver program has offered new hope, and NPR is returning for a one year later follow up on what her life is like now. Miranda Ivy is helping ADAPT tell the story of those who are locked away in "rehab hospitals" until their insurance runs out, and then are suddenly ready for discharge. (Thanks to Mark Johnson for this information.)

Arlington, TX -- State Senator Chris Harris was surprized this past October when a group of ADAPT folks and other disability activists with the Arlington Disabled Association protested the lack of access to his office. "We're tired of meeting Senator Harris in the parking lot and we wanted to see what he was doing about making it accessible" said ADAPT organizer Margie Homan. The impact did not stop in the parking lot however. Calls ricocheted through-out the Texas Senate; many members and staff were deeply surprized to learn of their responsibility to be accessible to people with disabilities. Senator Harris told the protesters and media he was relocating to an accessible building next month. They wondered why Harris had not bothered to tell them earlier. (Thanks to Carolyn Long and Margie Homan for this information.)

Austin, TX -- The TX Health Care Assn's annual state conference was again the site of ADAPT protests! 30 people from around the state gathered at the posh Arboretum in Austin to protest the nursing home industry's affair. Fresh in everyone's mind was the recent expose of the abuses by the Texas nursing home industry by ABC's 20/20. The group marched to the front of their hotel where ADAPT held a press conference and a short workshop giving the insiders view of life in a

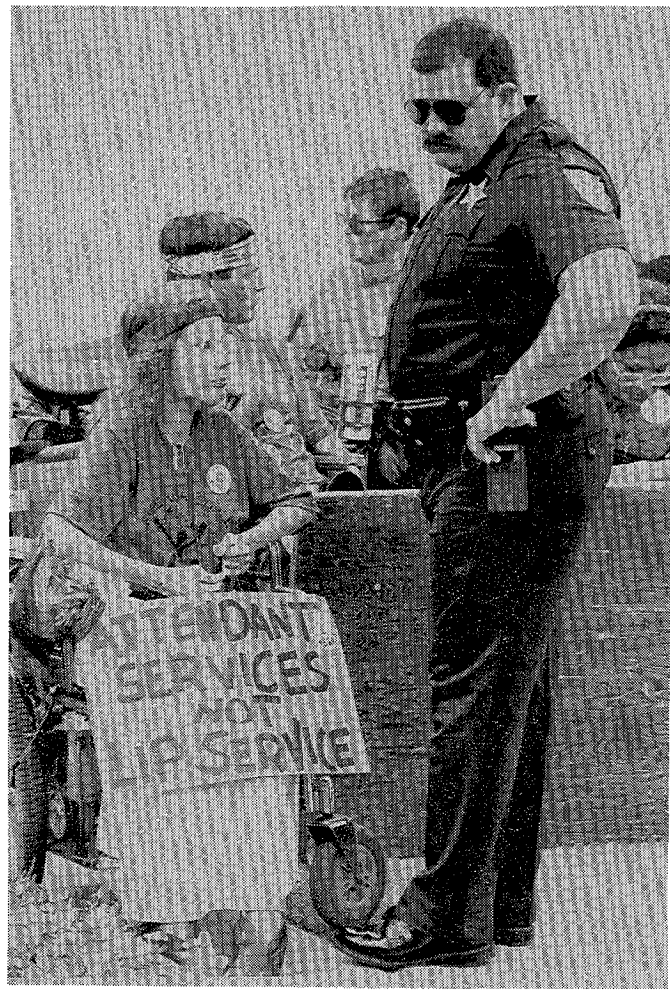
nursing home. A cross with a wheelchair hanging from it was erected to symbolize the sacrifice of the nursing home resident's lives for industry profits. Those who had lived in nursing homes told stories of their lives inside and the improvements once they escaped. Then the group took up the march again, going inside to take our message right to the door of THCA's banquet.

Charleston, WV -- A report from the Council of Senior West Virginians says that by the year 2,000 almost a quarter of all West Virginians will be over age 60. It goes on to say that currently one in five seniors live below the poverty line; the incomes of 53% of people 65 and older are within 200% of poverty. The state now pays 32% of its Medicaid budget on nursing home beds for just 2% of the Medicaid recipients. The report predicts the number of the state's seniors in nursing homes will jump by 66% by the year 2,000 unless something is done now. What should be done? Focus on community care! (From *Voice of Senior West Virginians* newsletter.)

Chicago, IL -- Members of TFAS (pronounced tough-ass) and ADAPT are meeting with state officials to improve the pay situation for personal care attendants. These activists won a COLA (Cost of Living Adjustment) built into the attendants' pay scale last legislative session, and increases of about \$70 million in the state human services budget. (Thanks to Judy Savage for this information.)

Evanston, IL -- A nursing home masquerading as an apartment complex was the target of a protest and on-going campaign of reform by local ADAPT folks. The "Over the Rainbow Association", whose purpose is allegedly to serve "people with more extensive disabilities", built a brand new building in violation of the state and HUD architectural barriers codes. Attendants wore white coats; administration wanted to know who was going in and out of each "apartment". The sorest point however, was the required payment of \$100 per month for five dinners a week, not complying with this precondition of the lease means an eviction notice. It will probably not surprize readers to know one of the

AROUND THE NATION



Face off in Orlando Photo: Tom Olin

Rainbow board members told an ADAPT person "we wanted to serve the 'basket cases'... This is not a civil rights issue, but providing for the needs of the handicapped." Isn't that special? (Thanks to Rene Luna for this information.)

Hyannis, MA -- CORD continues its campaign to FREE OUR PEOPLE from the oppressive state institutions euphemistically called "schools". CORD continues despite threats against the group and individual members. Massachusetts Department of Mental Retardation (DMR) Commissioner Phil Campbell met with CORD members to discuss deinstitutionalization. CORD folks compared the positives of living in the community to the grim reality of the institutional existence. Commissioner Campbell said the state is committed to closing four

of these facilities and moving 800 people out. (That will still leave 2,000 locked away however.) CORD's experience at a public hearing at one of the "schools" was telling of the problems and prejudices faced in this battle. Over 350 Dever State "School" employees were there arguing for their jobs, and local politicians were moaning over effects on the local economy. As one CORD spokesperson spoke of the documented abuse a former resident had received at Dever, a man screamed "What about our jobs?" Was his job abusing patients? (Thanks to Kent Killam for this information.)

Los Angeles, CA -- You know you've made an impact when you are alerted to the possibility of an action by the police calling you up to ask what you are going to do. That's just what happened after Orlando; Denver got a phone call from the Orange County police asking what they were planning to do at the Health Care Association's meeting in Anaheim. When the Southern CA ADAPT member arrived at the state Health Care Association (CHCA) convention they were greeted by 20 security officers as well as Orange County police. CHCA's press release was half about ADAPT. ADAPT activists Beth Navarro and Randy Horton eventually negotiated a meeting with the current president, the incoming president, the executive director and the board secretary but it was more industry pap: we're your friends, you should be advocating for national health care... (Thanks to Lillibeth Navarro for this information)

Nashville, TN -- "In response to your letter which I received yesterday, the Tennessee Health Care Association has no intention of considering a resolution that completely ignores the high cost of individualized care by a group that characterizes nursing homes as prisons. We must decline your presumptuous request." Thus wrote sincerely the Executive Director of the TN Health Care Assoc. (THCA) to Diane Coleman and ADAPT of TN. What had ADAPT wanted to present to the THCA convention? A resolution supporting a plan for Tennessee to ADD a "personal care" Medicaid option to allow some community based attendant services.

AROUND THE NATION

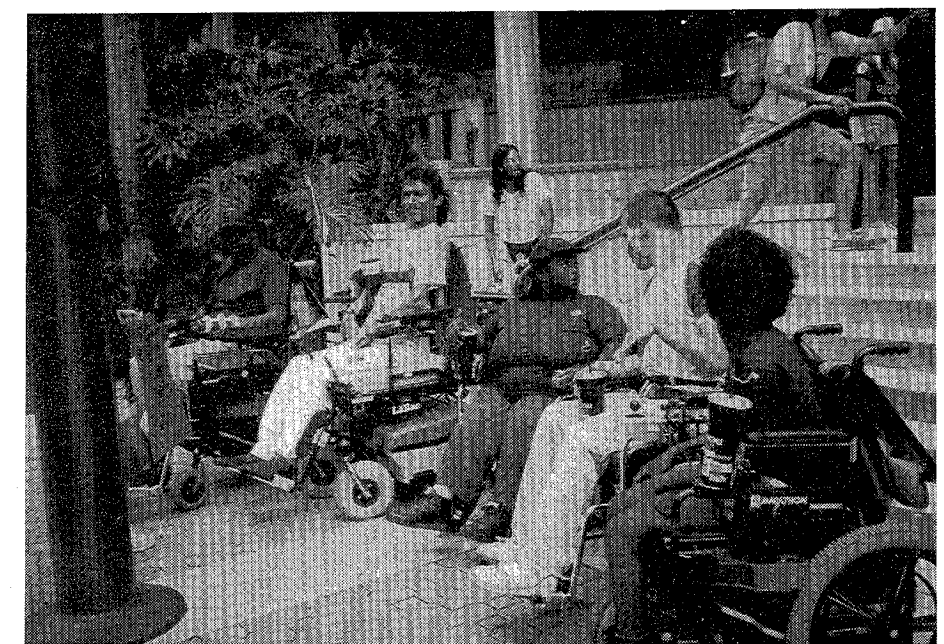
So, while THCA tried to play at their convention in Opryland, ADAPT protested to remind them, and any one passing by, THCA oppressively refuses to even consider giving people an option other than their nursing "homes". In November, THCA was to hold a *Networking in the '90's Conference*, but they apparently only wanted to network with "the right people". ADAPT was not invited, for instance, and members of the TN Health Care Campaign were turned away. When ADAPT got wind of the event however, each of the TN groups sent in a THCA registration form anyway. It asked what issues they wanted to network about. Surprise, surprise ADAPT wrote in they wanted to network on community based services vs nursing homes. What was THCA's response? They cancelled the event. When a friend of ADAPT asked why the Conference was cancelled they were told two reasons: (1) not enough interest (yet they turned people away); and (2) ADAPT wanted to come.

Nashville, TN -- Just before the start of the Orlando action ADAPT of Tenn was thrust into action to respond to the blatant discrimination against a homeless woman in a wheelchair. Toni Funderburk was crossing the country in her chair to call attention to the fact that many homeless shelters exclude people with disabilities, "I went down to the Woman's Shelter in Nashville and the Union Shelter, and they refused me...They said the law forbid them from taking me..." Funderburk was picked up by the cops on Interstate 40, and although they claimed they were buying her a bus ticket, she somehow wound up in the Middle Tennessee Mental Health Institution. Saying she posed a danger to herself state officials tried to keep her against her will, in an inaccessible state facility. The bathroom was not accessible so they put her in diapers. ADAPT's intervention saved the day and Funderburk was

released just before a scheduled hearing the next day. What do the wheelchair-using inmates of this facility normally use for a bathroom? Does the state of TN really think diapers are a reasonable accommodation, providing equal opportunity?

Palm Springs, CA -- Mayor Sonny Bono is running for US Senate, to the disgust of many members of the local disability community. One of the most vocal is Susan Cote who originally was a Bono supporter. Cote was run over by a pickup truck while sitting in a cross walk, because she could not get up onto the sidewalk due to a lack of curb cuts Bono had promised her during an earlier campaign. Palm Springs police cited her, in the emergency room, as the cause of the accident because they considered her chair a motor vehicle. It seems Bono had held several campaign meetings in the inaccessible upstairs of his restaurant so Cote had to be carried upstairs. Maybe Cote found Bono was not worth the price she paid. (Thanks to Gary Bosworth for this information.)

Philadelphia, PA -- Disability Rights Advocacy Group, Inc won a victory with the installation of sidewalks and curb cuts providing



ADAPT protesters block an entrance to AHCA's hotel in Orlando. Photo: C. Long

AROUND THE NATION

access to a local recreation facility (see *Incitement* v.6 no.3)! Building on this, DRAG has taken on the issue of access to Automated Teller Machines (ATMs). Meridian Bank is the first (perhaps first in the nation) to commit to making all 200 of its ATMs accessible by April 1997. DRAG is keeping the pressure up on Pennsylvania's other 19 banks however, and full compliance/full access is their goal. (Thanks to Bruce McElrath for this information.)

Taunton, MA -- December 4th CORD co-sponsored, with over 30 other groups, a Real Homes Day rally outside the Dever State "School". The event marked, in celebration, the proposed closing of the Dever State "School", and along with three others. Their message: people with disabilities want to live in real homes. (Dever, like so many similar institutions, has been under court order regarding the services given since a lawsuit in the 1970's; now Dever has been threatened with revocation of its Medicaid funding if services do not improve.) Ironically, Dever was a prison camp during World War II. Former residents were the keynote speakers. They went straight to the point: "I hated institutional life, I never want to go back" ADAPT activist Sybil Feldman said, adding "I spent 21 years, four months,

and two weeks of my life in an institution." Another speaker laid out the issue simply: "Do you want to take a group shower? Do you want 80 people in your bedroom?" Dolores Rios boiled it down to "I hated building Two!" Tim McCarthy, former resident of the Belchertown State "School" summed up the difference between inside and outside very well: "Belchertown was very onfining. I had no choices or private space. I was always being told what to do and when to do it. Since I've gotten out of Belchertown, I have been involved in many things. I have friends and I can help people. My life today is better than it ever was at Belchertown." 140 people braved the 15 degree wind chill factor to show their support for real homes for real people. But things heated up as 25 of those in support of continuing the state's institutions came too. One had a sign calling a CORD activist "a Judas' Goat" (the goat which leads other goats to slaughter.) Sadly, many of those on the other side were parents, with attitude frozen back in another time. One mother blustered "Look at all these kids here; it's freezing out." She was, of course, referring to adults with disabilities, eternal children in her eyes. (Thanks to Bill Henning for this information.)



ADAPT tip-toed through the tulips at the Peabody, AHCA's main hotel in Orlando. Photo: Tom Olin

INCITEMENT

is available on cassette tape for people who have print disabilities. If you need *Incitement* on tape, give us a call (512)442-0252 or drop us a line:

ADAPT/*Incitement*
1339 Lamar Square Dr #B
Austin, TX 78704

Do you have information, photos, cartoons, etc. you would like to share with *Incitement*? We want to hear from you! Send your stuff in or give us a call.

We Will Ride

For those who fought so long and hard for lifts on buses, it is a little disturbing to see how much ADA transit effort is focused so strongly on paratransit these days. It might be helpful to point out some of the ADA requirements regarding mainline bus service. Yes there are a number of requirements for providing accessible mainline, or fixed-route service.

First and most important, ever since one month after the ADA became law (in other words since August 26, 1990) any new fixed route transit vehicle has to be lift equipped. This was the first part of the ADA to come into effect. It applies not only to new buses, but also to used and refurbished buses.

University shuttle systems must buy accessible buses, when they buy buses, but they do not have to provide paratransit.

Access features (like lifts, signage, securement devices, communications systems, etc.) must be maintained in good working condition, AND they must be used.

Personnel must be trained to use the equipment, and must, when necessary, help riders (with lifts, ramps, tie downs, etc.) even if it means leaving their seats. Riders must be given enough time to get on or off the vehicle.

If equipment breaks, it must be fixed quickly. Public transit operators must do regular and frequent maintenance checks on lifts. A broken lift must be taken off the service. If the headway between buses is more than 30 minutes, the transit provider must provide prompt, alternate service. If a system has no spare buses to replace those with broken lifts the vehicle can remain in service up to three days if the service area has a population of 50,000 or more, and up to five days if the population is 50,000 or less.

Drivers must announce stops at major intersections, transfer points and requested stops. Information must be available in accessible formats, and proper technology must be available. At stops which serve two or more routes, people with visual impairments must be able to identify which is the proper vehicle.

Disabled people who do not use wheelchairs must be allowed to use the lifts or ramps. Service animals must be allowed to accompany their owners. Respirators and portable oxygen must be accepted. Fixed route transit must carry all common wheelchair users, including three wheelers, and chairs with four small wheels.

Transit providers do not have to carry wheelchairs out of the securement area. They can require that a wheelchair be secured, but they can NOT deny a rider service if the securement does not work, for whatever reason. Providers can recommend a rider transfer from wheelchair to a bus seat, but they can NOT require it. Operators can not stop a lift user from using a stop unless it would break the lift, or unless any rider is stopped from using the stop because it is not safe for anyone to use.

Public transit providers must make an effort to remove barriers from facilities, including bus stops. Of course new and renovated facilities must be accessible.

Also local governments, like your city are required to put in curb cuts on existing curbs within the next three years (under Title II of the ADA).

Questions? Or to get your copy of the transit regulations, contact the DOT:
202/366-9304 voice or 202/755-7687 TDD
Robert Ashby, Dpty Asst General Council for Regulation & Enforcement
Department of Transportation
400 7th ST SW Rm 10424
Washington, DC 20590

NEW ADA TOLL FREE NUMBER

The Disability Rights Education and Defense Fund (DREDF) has a new number (voice and TDD) 800/466-4ADA or 800/466-4232