



# News

JUNE, 1987

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## WE THE PEOPLE....VISIT THE GOVERNOR



Over 300 people from more than 30 organizations gathered outside the locked gates of the Governor's mansion Wednesday June 24, to send Clements a message to raise revenue for human services.. The candlelight vigil, co-sponsored by CTD, the Texas Alliance for Human Needs (TAHN) and the Gray Panthers, brought participants from El Paso, Dallas and Houston as well as a large San Antonio and Austin crowd, In addition simultaneous vigils were held in Dallas, El Paso and Houston.

The Austin vigil started at the north steps of the Capitol where Carl Sigenthaler, Board member of TAHN, read aloud, "The Texas People's Bill of Rights ", a document modeled on the U.S. Constitution's Bill of Rights and developed for the event. Thirty plus endorsing organizations signed the document.

The group lined up to march over to the mansion and deliver it, along with a dozen yellow roses. Tied to each rose were black ribbons with the names of services which are in jeopardy of being cut printed on them.

Amid chants of "More revenue, no cuts" and "Governor Clements we can

see, your public housing is paid by me" the protesters called for the Governor to come out and receive the proclamation and roses. However, although he was seen inside through a window, Clements refused to come out.

A yellow ribbon wrapped around the fence outside the mansion symbolized how the governor is "holding poor people hostage," explained Charlotte Flynn of the Gray Panthers.

In Houston the vigil was held around the reflecting pool at city hall. Over 100 protesters gathered in support of human services. Sixty were deaf. Peg Nosek, Michelle Bailey and Steve Masters read the Texas People's Bill of Rights. Elaine Johnson and Rand Metcalf are to be commended for their organizing efforts.

CTD Board Member Jim Parker helped coordinate the El Paso vigil which was held at San Jacinto Plaza. The President of TAHN, Patricia Roybal-Sutton spoke to the group, many of whom were from the El Paso Center of the Deaf, pointing out the unfairly heavy burden low income Texans and human service recipients would be shouldering.

The Dallas vigil, organized on short notice by Atlantis/ADAPT of Dallas and the Dallas Center for Independent Living was also a success. With about 26 representatives from ARC Dallas, the Hellen Keller National Center and the Association of the Disabled in attendance, the vigil was held at City Hall Plaza. Linda Johnstone, spokesperson for the group explained the purpose of the vigil and called for full funding for human services.

Our state ranks 49th in its spending for human services. Texas ranks third in business wealth, yet we are 46th in total tax load on business. We are 48th in tax revenue per \$1,000 of personal income, we are not a high tax state. As the preamble of our declaration states,..."A government of the people, by the people and for the people must have the well being of its people as its highest priority. The resources for our state must be used equitably for the sake of the people."



"WE THE PEOPLE"

TEXAS PEOPLE'S BILL OF RIGHTS  
AND  
DECLARATION OF INTERDEPENDENCE

Preamble

We the people believe that all people have certain basic human rights and only when these rights are realized will Texas have a sound democracy. A government of the people, by the people, and for the people must have the well being of its people as its highest priority. The resources of our state must be used equitably for the sake of the people. All people must be able to exercise and enjoy these rights regardless of race, creed, color, age, sex, religion or disability.

Because many people have again and again been denied the right to fully participate in Texas society as free and equal members, we the people, state and affirm these rights:

1. The right to live independent, active, and full lives.
2. The right to support services necessary for full participation, provided in a way that promotes dignity and independence.
3. The right to raise children and have a family.
4. The right to a liveable income or wage, substantial enough to provide food, clothing, shelter, and other necessities of life.
5. The right to training and employment without prejudice or stereotype.
6. The right to legal representation and full protection of all legal rights.
7. The right to a barrier free environment.
8. The right to accessible, integrated and affordable housing.
9. The right to quality physical and mental health care.
10. The right to a free and appropriate public education.
11. The right to protection from abuse and neglect.
12. The right to accessible, affordable transportation and freedom of movement.
13. The right to communicate freely with all fellow citizens and to be recognized by decision makers.

14. The right to full access to all voting and other political processes.

Signed this 24th day of June, 1987.



## 70th LEGISLATURE REGULAR SESSION WRAP UP

In reviewing the legislation passed by the 70th Regular Session, one feature dramatically stands out. While no disability agencies were merged or shut down this session, human services will be getting intensive review in preparation for the next session. By our count no less than seven different committees, councils and task forces will be reviewing various aspects of the state's human service delivery system. HCR 36, by Representative Stiles squeezed through and passed at the last moment (indicating some powerful players were behind this resolution); this is the bill to "study" combining all 200 plus state agencies into 26 agencies. In addition, Representative McKinney sponsored a successful resolution HCR165 which creates an interim committee to review specifically Texas' Human Services. Two other Interim task forces will also look at the the needs of nursing home residents and develop a plan for services to disabled children. Transition services are the focus of two other resolutions, one of which continues the TRC, MHMR and TEA interagency agreement while the other establishes formally the Transition

Services Task Force which Advocacy, Inc. has been staffing. The DHS Sunset Legislation creates a task force to look specifically at programmatic accessibility of DHS services for disabled persons and DHS's relationship with other agencies providing disability services. At least five written reports will be created through these various efforts. In addition to these interim efforts the Texas Planning Council for Developmental Disabilities, the Council on Disabilities, the Governor's Committee for Disabled Persons and the Health and Human Services Coordinating Council will all continue their efforts. Disability advocates will need to keep on top of these various efforts, particularly since combining agencies is a popular idea these days and there is no guarantee of coordination of efforts between agencies.

CTD's Deaf Issues Organizer, Leigh Leslie, has been very successful this session. Her efforts in cooperation with the deaf community have lead to many victories. The Commission for the Deaf was continued for 12 years. Legislation requiring visual smoke detectors be provided by hotels, and stricter qualification for court room interpreters passed. Also passed was a bill permitting (but not requiring) deaf drivers to use a decal indicating their disability to law enforcement officers for safety reasons. One bill which did not pass would have mandated development of mental health services for deaf persons; however, efforts for addressing this issue in the 71st Legislature are being organized.

Another important success was the passage of the In Home and Family Support Bill which will provide

support services for mentally and developmentally disabled persons living in the community and for their families. ARC - Texas spear-headed the effort, and an informal coalition of disability advocacy groups helped pass this model piece of legislation. Services covered include: respite care, purchase of special equipment transportation, housing modification, and more. This is one of the biggest victories for disabled persons this session.

In the Tort Reform battle, disabled Texans had mixed results. We were able to fend off attempts to cap non-economic damages, narrow extremely the definition of economic damages and include periodic structured payments. However, joint and several liability (toxic waste) punitive damages and similar consumer protection aspects of tort law were severely reduced.

Two bills which CTD was backing and which got caught in the crush of the end of session politicking and did not pass were, HB 330 (Guerrero) and HB2295 (Aikin). HB 330 would have mandated access to all future public facilities and equipment of mass transit systems in Texas. HB 2295 would have strengthened enforcement and revenue generation for the Architectural Barriers office. Getting these issues considered by the Legislature was an important first step. CTD will be mounting campaigns for passage fo these bills in '89. Also, will be trying to expand the Architectural Barriers Law to cover counties with populations under 45,000 and to cover public accomodations such as restaraunts, etc. We will ned lots of help now to strengthen our position for the next round in these battles.

If you would like a more complete summary of legislation from this past session dealing with disability rights contact the CTD central office. We will be happy to send it to you.

## ATTORNEY GENERAL OPINION FAVORABLE

Texas Rehabilitation Commissioner Vernon "Max" Arrell asked for an Attorney General's opinion on the language in the Texas Human Resources Code relating to accessible public transit. In a vague but favorable ruling, the Attorney General stated that public entities (including public transit services) cannot deny access to persons with disabilities. The opinion was careful to point out that public, in this code, does not refer to funding but to use.

The following summary of the opinion appeared June 2nd in the Texas Register.

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JM-700 (RQ-996). Request from Vernon M. Arrell, Commissioner, Texas Rehabilitation Commission, Austin, Concerning whether all disabled persons have a right of access to transportation supported by public funds.

Summary of Opinion. All persons, regardless of any physical disability, have the same right of access to public transportation facilities that operate in this state. No physically handicapped person may be refused acceptance as a passenger on any mode of public transportation solely because of his handicap.

TRD-8704406





## TO THE EDITOR

Where have all the advocates gone?, short time passing! Where have ALL the advocates gone?, from not too long ago!

Say what!

It was with many memories that I attended the May board meeting of CTD in San Antonio-- a City of Texas history. Discussions about forming CTD actually were given a birth in Alamo City. The board meeting was in the same CTD forming motel--El Tropicana-- that housed many of us 10 years ago.

Ten years of progress!?

Well, not exactly, In the City there have been some changes, but not so many as to be wide-eyed about. The beautiful Riverwalk has a way to go to be accessible to mobility impaired people--many steps along the walkway make the walk from Houston Street back to the El Tropicana unusable and dangerous. It can easily be corrected with targeted money to eliminate the barriers.

But, the most glaring and damning problem in the City--for a City that has prided itself on its advocacy for disabled people and strong organizational involvement--is the VIA system and its policy of excluding disabled people from public financed transportation.

I remember the strong voiced advocates from San Antonio and the large numbers of CTD organizational members and

wondered--Why is the VIA system the lone transit system in Texas with any history and size the ONLY public transit system to NEVER have had any mainline (regular public) buses with access lifts for people with mobility impairments--elderly, crutches, wheelchairs, etc. THE ONLY ONE!

The only reason I could come up with is that there is a "segregated" special transit second to none and it serves the needs of the City--whether one is a resident or visitor. But, I guess I "got stoned and missed it" as the song line goes. Or, maybe have the same memory problems as "Ron Headspace" and just couldn't recognize what was actually there, but not seen.

What I did find is--1) the VIA limo service from the airport to any downtown hotel/motel have signs that say no mobility impaired people allowed on board--no lifts; and what a service, every 30 minutes to your motel until 9pm and then every hour; but, I didn't get to use the service for the public, 2) regular buses that come through the airport as a matter of route; same as #1 for use; 3) tourist and resident use of the downtown rubber-tired trolleys for just seeing the City and going numerous places; same as #1 and #2 4) an obvious lack of concern on the part of the City's disabled community to correct the problem, 5) a virtual monopoly of the "segregated" system by basically the same people, who can pretty much come and go as they please (as one driver told me, "When he/she calls we HAVE to go pick him/her up."; and, that person could have easily used regular transit, If it was accessible and let those with severe impairments use the special system.

It seems that only in Austin, and now Dallas (with the national ADAPT office) have disabled advocates pursued a course of access-- and not without resistance from many "supposed" advocates for access for all disabled people.

When will we ever learn? When will we ever learn!

Access to public transit is our most winnable issue, but we continue to step on our success with leaders with disabilities that place their own personal desires and ideals over the greater need and good for the larger numbers of our brothers and sisters.

Our "elite" leaders seem more than willing to let the services, in the supply-side (voodoo economics as Vice-President Bush once said) economics terms, "trickle down" to the "rest of us".

When will we ever learn?

Jim Parker  
ADAPT of El Paso

Are we all waiting to be healed before we fight for our principles and issues of access?

**DE-MEDICALIZATION  
BATTLE CONTINUES  
WHOSE LIFE IS IT ANYWAY?**



Another major obstacle in the battle to de-medicalize the lives of disabled people is being challenged by CTD and several other disability rights advocates. On June 30th the Board of Nurse Examiners (BNE) will hold a public hearing on their soon to

be implemented regulations regarding delegation of nursing tasks to unlicensed personnel. These regulations which were adopted by the BNE some months ago are beginning to be implemented by several agencies and their chilling effects are being felt by disabled people who use attendants.

Specifically tasks which unlicensed personnel (ie attendants) could not perform according to these regulations, would include assisting disabled people with: medications, catheterization, dressing and care of wounds or burns, and similar tasks. The result would be descriminatory on the basis of disability.

On one hand, a paraplegic could live on his/her own because she/he has the manual dexterity and strength to perform these tasks. A quadriplegic, on the other hand might well have to move to a nursing home if he/she needed assistance due to the extent of disability, since paying for a registered nurse to come in and assist would quickly get prohibitavely expensive. Strangely the regulations exempt nursing procedures in the school setting.

## TRC FORUMS TO BE HELD IN JULY

The Texas Rehabilitation Commission will be holding two more public forums in the Panhandle and East Texas. They are a chance for consumers, disability advocates and others interested in rehabilitation issues to give TRC feedback on their programs.

Those who cannot attend the forums can send written comments to:

Commissioner, c/o Public Information Office, Texas Rehabilitation Commission, 118 E. Riverside Dr., Austin, Texas 78704.

The forums' sheduled are:

Amarillo Tuesday July 21 4-7 pm  
Center for Community Health  
1200 Wallace Blvd. 806/378-4522

Nacogdoches Thursday July 23 4-7pm  
Nacogdoches Treatment Center  
119 Hughes Street 409/569-8190

FRIEND TO THE DISABLED



Bob Doyle of Kansas, the Senate minority leader who lost the use of his right arm as a result of wounds in World War II, wants to ensure that the disabled can participate equally in the Presidential nominating conventions next year.

Mr. Dole, an expected contender for the nomination, has expressed his concerns in letters to both the Republican and Democratic national committees.

"More than 37 million Americans have some form of disability," Mr. Dole wrote. "It just seems to me that if the national conventions in New Orleans and Atlanta are symbols of the political process, then they must be open to every American."

He singled out New Orleans, the site of the next Republican National Convention, for criticism, saying it had failed in the past to provide adequate public transportation for the handicapped.

He also called on 1988 convention managers to provide interpreters for the deaf and materials in Braille.



### INDEPENDENT LIVING AIDS:

The Gadget Book: Ingenious Devices for Easier Living edited by Dennis La Buda, 156 pages, 1985. A handy guide of low-technology products to make everyday tasks easier. Sections on personal care, home maintenance, communications, mobility, health care, and leisure and recreation. Available for \$10.95 from AARP Books, Scott Foresman & Co. 400 S. Edward St., Mount Prospect, IL 60056.

### Radio Shack

Radio Shack has issued a new catalog, Selected Products for People with Special Needs, featuring products designed to aid persons with hearing or visual impairments. Among the devices featured are phone flashers that light up when the telephone rings, oversized number buttons on telephones, and emergency message dialers. Write for the free catalog to Radio Shack Circulation Department, 300 One Tandy Center, Fort Worth, Texas 76102.

## Employment

The JOBS NOW network of the Illinois Department of Rehabilitation Services (DORS) enables employers to tap into a free placement service that instantly screens and matches employment openings with qualified local candidates who have disabilities. DORS has in-depth knowledge of the applicants and their abilities and a long-term commitment to assuring that each placement is successful. Every JOBS NOW candidate brings his or her employer extra savings in the form of federal tax credits. Call 1-800-JOBS NOW.



**MARK YOUR CALENDARS AND COME TO HOUSTON!**

Where it all began nine and a half years ago... the idea for a state coalition of citizens with disabilities. And that is where we will be holding our 10th Annual CTD Convention. The dates...and mark them well on your calendar now...October 30- November 1, 1987. You can help make this convention the biggest and the best....by your being there.

**Don't miss the convention!**



# Coalition of Texans with Disabilities

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