



News

February, 1986

ATTORNEY GENERAL DISABILITY RIGHTS TASK FORCE
AND NATIONAL COUNCIL ON DISABILITIES
LEGISLATIVE PUBLICATION UNVEILED

Attorney General Jim Mattox held a press conference to announce his new Task Force on Disability Rights and to give his support to the National Council on the Handicapped's Report, Toward Independence which the President just signed. Mattox pointed to the astronomical unemployment rate for disabled persons-65% nationally, the lack of enforcement of existing legislation, and better communication and transportation access as some of the issues he wants the Task Force to address.

The Task Force is preparing for a massive survey of disabled Texans to assess their needs and concerns. CTD is working closely with the Task Force to ensure true consumer perspectives are represented. The Task Force is also preparing informative publications on a series of disability related topics. Two radio shows on voting rights of disabled persons were produced and will be presented on the program "the People's Law Firm" in February and March.

In his press conference Mattox also announced he will be sending copies of the N.C.H. publications Toward Independence to the Texas delegation and the Attorney

NCI INTRODUCES ITS TELECAPTION II

Washington, D.C.- The National Captioning Institute (NCI) has announced its newest technological development- TeleCaption II-the second generation Line 21 decoder.

NCI had spent the last two years and a quarter of a million dollars in the research and development of TeleCaption II. NCI has responded to consumers' concerns about the cost of the present TeleCaption decoding device. Thanks to NCI's research and development monies and a 1.5 million dollar subsidy grant from the U.S. Department of Education, TeleCaption II will have a suggested retail price of \$199.99. The old unit (TeleCaption I) had a retail price of \$280.00. This price reduction should also dramatically increase the number of households that can take advantage of the closed-captioning service. The first TeleCaption Adapter was introduced in 1980, and presently about 100,000 households are equipped to receive the closed-captioned television service. NCI expects the new TeleCaption II will answer the cost concerns of hearing impaired people.

Some of the key features of the Tele-Caption II adapter are its modern design, remote control, and cable TV capabilities. Telecaption became available in January through the catalog departments of Sears and JC Penney, other national retail outlets, and local organizations serving the deaf. More information on TeleCaption II and where it can be purchased can be obtained by contacting : Office of Public Affairs & Development, National Captioning Institute, 5203 Leesburg Pike, Falls Church, VA 22041, (703)998-2471 (Voice &TDD).

INDIVIDUAL MEMBERSHIP

Do you know individuals who might be interested in becoming members of CTD? CTD is beginning a campaign to increase individual membership. Jim Parker, membership chairperson, has set a goal of recruiting 100 new members this year. At \$5.00 a year CTD individual membership is a great bargain, considering all members receive the monthly and quarterly newsletters, the legislative alerts and information on workshops, etc. In addition, individuals joining become part of one of the largest and most organized state coalitions in the country.

If you know of people who might want to join CTD please contact the Central Office -512/443-8282.

CTD WORKSHOP IN CORPUS CHRISTI

MARCH 22nd CTD will be holding a workshop "Organizing Around Disability Issues" in Corpus Christi. The enthusiastic response to the Public Forum held before the CTD Board meeting in Corpus Christi last January and the lack of representation from that area in CTD were two major reasons for putting on the workshop this spring. Forum participants brought up many important issues which are not being addressed adequately and had many questions about starting disability consumer groups. If you know of people who would be interested in coming to the CTD workshop please contact the CTD Central office.

T-SHIRT DEAL!!!!!!!!!!

CTD "DISABLED BUT ABLE TO VOTE" T-Shirts are going like hot cakes. Put your order in now (\$5.00 each) and show your support of disabled people's voting rights.



COURT RULES ON AIRLINE EXIT ROW SEATING CONTROVERSY

BY Lynn Abbott, Staff Attorney
From The Braille Forum

The United States District Court for the District of Columbia on September 30, 1985, filed an opinion in the case of Russell Wayne Anderson v. USAir Inc. Plaintiff Anderson, a member of the National Federation of the Blind, challenged USAir's rules regarding the exclusion of blind persons from emergency exit row seats (otherwise known as the "over-wing seats") on USAir's commercial aircraft. The District Court determined that Anderson had no legitimate grounds upon which to base his lawsuit and thus found for defendant USAir.

USAir has a number of safety policies regarding the carriage of passengers on airplanes. Specifically, incapacitated passengers, children aged 12 and under, women and/or men with babies, elderly passengers, prisoners, blind passengers, and obese passengers are not allowed to sit in the emergency exit row. This policy was designed with passenger safety in mind and to permit all passengers to exit the aircraft in the event of an emergency as expeditiously as possible. The District Court decided that contrary to Anderson's assertions, these safety provisions are not discriminatory against blind persons and do serve a legitimate public safety interest.

The Federal Aviation Administration requires that "an air carrier must be able to evacuate the passengers on an aircraft within a period of 90 seconds" and "ensure that access to emergency exit windows are free from obstruction." The District Court stated that "It is clear that the

policy addresses any class of individuals which, in USAir's opinion, would impede the evacuation of an aircraft."

It is important that persons sitting in emergency exit row seats be able to quickly and safely jump from the wing and assist other passengers once outside the plane. Emergency exit row seating policies should be distinguished from other policies which do not reasonably relate.

JURY ACQUITS COUPLE WHO REFUSED TO LEAVE EMERGENCY ROW SEAT

"All through my life," Steve Jacobson told the jury at his trial, "there were things I was told I couldn't do because I was blind. In college, they said I couldn't take math," the computer analyst for 3M testified. "I had to ignore it, and go on. "Where I work, I was told not to use the escalator. But I do it. To move from my seat would reinforce all that I've worked not to have happen. To move would say to the other people on the plane that I am less capable than any sighted person to open that emergency door. And that isn't the case," Jacobson insisted. "It just isn't".

On November 4, Steve and Nadine Jacobson were acquitted of charges of disorderly conduct filed against them July 7 in Louisville when they refused to vacate their exit-row seats on United Airlines flight 869 for their return to Minneapolis following the National Federation of the Blind's annual convention here.

Though the Jacobson trial was a trial on the charge of disorderly conduct-it was alleged the Jacobsons were "disorderly" by refusing to vacate seats on orders of United Airlines and Standiford Airport

security personnel-Attorney Peggy Pinder used the trial to expose the discriminatory practice by some airlines of refusing to allow blind passengers to sit in exit rows.

During the trial, Frontier Airlines' Mark D. Warriner testified their airline had discontinued discriminatory policies against blind people following evidence from a March, 1985 evacuation drill by World Airways that showed blind people more capable of exiting a plane during an emergency than sighted passengers.

United Airline policy, like that of many airlines, is based on Federal Aviation Administration advisory circular issued following a "test" involved blindfolded sighted people. When, blindfolded 2 hours before a mock evacuation, these "blind" people couldn't handle emergency exit door openings and other evacuation procedures, the FAA decided blind people shouldn't be allowed to sit in emergency exit rows.

United officials continued to insist to the Jacobsons that a "federal regulation" required them to move. But the Jacobsons, coming from a convention at which the issue had been discussed thoroughly, knew there was no such rule. And they didn't intend to move.

Passengers shouted at them. "I'll trade seats with you." "Come on! You're holding all of us up!" How can you be so selfish!" One woman, Nadine testified, said, "No wonder God punished her by making her blind!".

A plainclothesman who'd been involved in the arrest of the Jacobsons testified that "a near crisis or emergency had existed on the plane." "I myself have a handicapped child; I know how you feel,"

the plainclothesman insisted, "but this is not the way to handle the situation." The plainclothesman, who also told Nadine she was violating an FAA regulation, refused -as did all police officers involved with the incident-to give their names to the Jacobsons. Louisville Attorney Sara Pratt, who happened to be seated in front of the Jacobsons, wrote an officer's name on a piece of paper and gave it to them. "I was scared," said Nadine Jacobson, "I had never been arrested before. I felt really bad that people were angry and upset, and that the plane was being delayed."

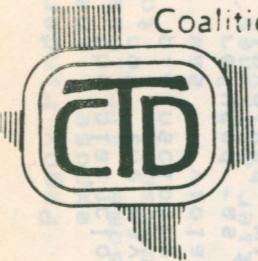
So why didn't she move, she was asked during the trial. "As a blind person, many times people make assumptions about what we can do and can't do. I knew that, if I moved from that seat everyone would think that anyone else was more competent than me. It's an issue of self-respect. I'm a citizen of this country, and a blind person, and I feel I have a right to travel in this country, and if I get assigned a seat, I have a right to sit there." Nadine Jacobson hailed the jury's verdict as "a step forward for blind people all over the country".

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Generals of the other states asking their support of this document.

Editor's note: Toward Independence is available on tape in limited quantities from NCH (202)1453-3846/ 800 Independence Ave. Sw, Washington, D.C. 20591. Print copies can be acquired from Superintendent of Documents/US Govt. Printing Office/ Washington D.C. 20402 Stock Number 052-003-01022-4 .



Coalition of Texans with Disabilities

P. O. Box 4709

Austin, Texas 78765

(512) 443-8252

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