DIA ACTIVIST
June 2002

Revamp Access-A-Ride Now!

Access-A-Ride (AAR) is in turmoil right now, at least from the perspective of the riders, their families, doctors and their friends and colleagues. While the Metropolitan Transportation Authority (MTA) and its AAR contractors are preoccupied with the fiscal crisis, the AAR system is in a tailspin. Riders are affected because the contractors' performance has been deteriorating. The contractors' performance has been deteriorating because the MTA has been lax in its oversight of the contractors. Riders are affected because the contractors' performance has been deteriorating. The contractors' performance has been deteriorating because the MTA has been lax in its oversight of the contractors.

Meanwhile, the MTA is considering a major change in the AAR system. The MTA is considering a major change in the AAR system. The MTA is considering a major change in the AAR system. The

"Yes." Sen. Charles Schumer, D-N.Y., said during remarks at the Supreme Court.

Schumer, a liberal hearing legislator who is frequently at odds with the conservative tilt of the high court, listed several recent cases in which the Supreme Court has struck down state laws.

He pointed to so-called states' rights cases, in which the court found the Congress had not adequately justified its own power to make certain rules or had run roughshod over state sovereignty.

Most of these cases were decided by 5-4 votes, with Rehnquist and the other court conservatives in the majority. Examples include a ruling striking down a major part of the Violence Against Women Act and a decision that Congress could not require state officials to enforce gun laws.

"Generally, our actions are not attempts to violate or weaken the states' authority — they're the product of what we were elected to do," Schumer told federal judges who gathered for a policy-setting dinner here Tuesday night. Rehnquist was among the judges at the high court.

The meeting was closed to the press and public, but a copy of Schumer's remarks was released afterward.

"The fundamental role of the Congress is to make laws," Schumer told the judges. "The executive (branch) implements them. And you are nominated and confirmed to interpret the laws and the Constitution."

"That is the balance the framers stood and it's a good one ... But now, like at no time in our past, we are seeing a finger on the scale that is subtly but surely altering this balance of power between Congress and the judiciary."

U.S. District Judge Charles H. Haden, speaking for the judges' group afterward, said Schumer's remarks were received politely.

"We took what he said to heart," Haden said.

Landmark Study Quantifies for the First Time the Cost of Keeping Mentally Ill People on the Streets

Housing the homeless with psychiatric disabilities pays for itself, according to a University of Pennsylvania study which was released in 2001.

Providing them with a place to live and the services they need to cope with their mental illnesses — "and the study's lead author, Dennis P. Culhane, associate professor of social welfare policy at Penn, "This study proves what anecdotal evidence has pointed to: that by putting the dollars into supportive housing, the solution can pay for itself. Supportive housing is a cost-effective way to end homelessness for people who have been cycling through emergency rooms, shelters and jails, and to reach the most vulnerable and disabled people who have been on the streets."

The five-year study tracked 4,679 individuals who had been placed in housing funded by the 1990 New York (New York (NYSE)) Agreement to House Homeless Mentally Ill Individuals, a joint City and State initiative that created and continues to maintain 3,613 units of affordable housing supported with clinical and social services.

Culhane and his colleagues compared the cost of supportive housing to the cost of a state's school for the deaf because the school "listening lands" A new turned out more than NYSY housing, in order to determine exactly the extent to which the reductions could be ascribed solely to placement in NYSY housing.

Culhane and his colleagues found that the cost of supportive housing was significantly less than the cost of the school for the deaf, when accounting for the cost of building and maintaining supportive housing, the researchers found that the annual net cost of supportive housing is only $995 per person at a housing unit year round, or less than 5% of the school's cost. In other words, reductions in emergency hospitalizations and shelter use, pay for 95% of the cost of the housing. More information can be found at www.cot.org, the Corporation for Supportive Housing's website.

Supreme Court Upsetting a Rights Movement

By Charles Lindsay

The Supreme Court's ADA employment rulings read as if they were drown from the pages of "Catch-22."

On June 22, 2002 - During the last 3 years, the U.S. Supreme Court has placed a significant role in three major civil rights movements. In sidetracking school segregation in 1954 (Brown vs. the Board of Education), it helped ignite the campaign to give African Americans full equality. In giving women the right to an abortion in 1973 (Roe vs. Wade), it helped ignite the women's movement. And in a series of rulings on the Americans With Disabilities Act (ADA), the court has helped ignite and reverse the disability rights movement.

Unlike the other two, "disability" ignorance or outright bigotry, the task of gaining mainstream acceptance for the disabled has proved even more daunting that for blacks and women. For example, a state refused to hire cancer victims for at least five years after the patients' last treatments because a government official mistakenly believed they were contagious. In other words, the government treated them as if they were victims of a man's school for the deaf because the labeled "listening lands." A new turned out more than NYSY housing, in order to determine exactly the extent to which the reductions could be ascribed solely to placement in NYSY housing.

Congress before it passed the ADA in 1990. For the disabled, the ADA was the equivalent of the Civil Rights Act of 1964. It promised to change forever their status as the nation's most invisible minority.

The act outlaws state and private discrimination against the disabled in employment and mandates that employers treat disabled applicants and employees with basic human decency. It requires employers to make reasonable accommodations for the disabled and to offer them equal opportunity in the workplace. Congress hoped that by working world, the Rehnquist court has stepped off the civil rights path completely, siding with employers in the first five ADA cases to reach it.

"A considerable amount of public debate just now concerns the extent to which the federal courts should be involved in our lives," and the study's lead author, Dennis P. Culhane, associate professor of social welfare policy at Penn. "This study proves what anecdotal evidence has pointed to: that by putting the dollars into supportive housing, the solution can pay for itself. Supportive housing is a cost-effective way to end homelessness for people who have been cycling through emergency rooms, shelters and jails, and to reach the most vulnerable and disabled people who have been on the streets."

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Then, even though the Sutton sisters were not hired because of a correctable vision deficiency, and Murphy was fired because of his medicinally controlled blood pressure, the court ruled that employers could be disabled for the purpose of employment under the ADA.

Confused? The Supreme Court's ADA employment rulings read as if they were drown from the pages of "Catch-22." If you are able to do the job with glasses or medicine, you are not disabled. If you are able to do the job if your boss moves the furniture, or if your boss orders or begs your co-workers to accommodate you, you are disabled. The only disabled people protected under the ADA are people who do not need protection.

For the high court, then, some people are not disabled enough, some people are too disabled, but, so far, nobody has been disabled "just right."

Ella Williams, an automobile assembly line worker at a Toyota plant in Kentucky, developed crippling carpal tunnel syndrome on the job. She was transferred to a job of lesser responsibility, but she still had to perform tasks that include turning her wrists over the heads posted on the assembly line. Toyota fired her because she could no longer perform her job. Williams sued, claiming that her inability to raise her arms to her eyes above shoulder level was an impairment of a "major life activity" covered by the ADA.

Writing for the majority, Justice Sandra Day O'Connor said the ADA was not meant to cover Williams because she could not do the job. Once again, the legal precedent appears to have been "Catch-22."

You might think that the obvious remedy for a large corporation is to find a less physically demanding job for a worker who becomes disabled.

Not so, says the ADA's Supreme Court interpreters. Instead, the law requires that the company find a 13Pk mechanic who was required to do many hours of work at his doctor's suggestion, but the company later told him he would have to give the job to make room for another employee with more seniority, as required by company policy. Barnett said.

Barnett, a cargo handler for US Airways, claimed his reasonable request to retain the position violated the company's disabled worker seeking an accommodation under the ADA.

If the court did to the 1964 Civil Rights Act what it has done to the 1990 Americans With Disabilities Act, blacks would be living again in pre-1954 America: separate and unequal, with segregated schools for blacks and for the disabled cannot see "which" restroom, and so "which" restroom to hold down. "Which" restroom to hold down. "Which" restroom is unusable, the restaurant inaccessible and the job unobtainable. They are the last hired and first fired, if they are hired at all. Worst of all, the U.S. Supreme Court shows no reluctance, so far, to slapping the "unequal justice under the law" for the disabled.

Charles Lindsay is past president of the Los Angeles Criminal Bar Association.

A Cause to Curse

By James Patterson

May 18, 2002 – There are times when a strictly local issue takes on a bigger significance. This is one of those times.

Many disabled people moved to Washington to take advantage of the accessible Metro subway system, which is managed as a quasi-governmental entity. The system accommodates people in wheelchairs, such as the Velcro, the Red Line, the Blue Line, the Orange Line, and the Green Line. Metro also has to ensure the Metrobus and Virginia subwhich to downtown Washington. All Metro stations are accessible by escalators and street level elevators. Metro maintains over 200 elevators.

Metro is the only system in the nation that has accommodations for mentally disabled people. Accommodations include Braille signs, Braille maps, and arrangements to attend the performance. Hamilton, 24, lives in Wheaton, Maryland, a suburb that is on a Metro subway line. Hamilton has cerebral palsy and uses a wheelchair.

Luckily, Hamilton eventually managed to avoid the Metro system, though many blocks away from his destination. On top of his fear, Hamilton had to pay for a cab ride to the Kennedy Center, which was a little more than a block away from Metro.

Enter The Washington Post with an article headlined Angry Outburst Costs Rider. Metro officials were quoted as saying Hamilton was lucky to have been fined only $25 instead of the $50 fine that Metro officials threatened.

D.C. City Council member Jim Graham, who also was chairman of Metro's board of directors, took to the media airwaves to berate Metro officials over Hamilton's treatment. Graham said Metro officials were "insensitive."

Hamilton's case was also footed local talk radio hosts. One radio commentator likened Metro officials to the Transit Taliban. Several callers said they would contact Metro to offer to pay the fine for Hamilton.

Hamilton's case generated a flood of sources and comments each day and no one wants to have to bear the f-word or any other profanity, especially when little kids are present. But in Hamilton's case, Metro officials obviously caused the problem by being uninformed about the availability of street level elevators.

Hamilton's case generated a flood of sources and comments each day and no one wants to have to bear the f-word or any other profanity, especially when little kids are present. According to a psychiatrist friend, venting is healthy.

Hamilton got off the designated stop and attempted to depart the train called to the elevator. Guess what? The elevator was out of order.

Hamilton asked Metro officials for information on which station he should depart at. The officials were very helpful and they gave him the information. Hamilton boarded another train and departed at another station. Guess what? The elevator was out of order.

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