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The Tulsa Club

Where the city's movers and shakers gather

By JIM DOWNING

THE TULSA CLUB — 57 years old in 1980 — has survived to achieve that maturity despite hell and high water and the competition of swinging rivals, in the face of changing times, customs, mores and all the other social yardsticks because of a simple, inarguable fact:

The Tulsa Club, although housed in a 11-story building at Fifth and Cincinnati, is a state of mind.

Aristocracy is a squeamish word in a democracy. It implies that there are betters and lessers. Perish such a thought, but it is safe to say that if there were such a thing as aristocracy, it would have a membership in The Tulsa Club.

Even at its lowliest beginnings —

such as the concept of a bunch of men gathered around a boarding-house luncheon table — it was as top drawer as was possible in an uncurried oil town with no claim whatsoever to social slickness.

But even then, in 1923, the men who thought it up were birds of a feather. They were the movers, the men with ideas, with at least a dim vision of what was to come.

Primarily they were oil men, but with a liberal sprinkling of real estate developers, bankers, hoteliers, attorneys and heads of various businesses. And even then, they liked to rub elbows with their own kind.

Such men still do. Thus the Tulsa Club.

There are perhaps gayer, more

social, more active — one almost writes “glamorous” — clubs. But the researcher has no difficulty in uncovering — always from “don’t quote me” sources — club members’ own conception of why the Tulsa Club has prevailed:

“The Tulsa Club always has had its membership among the owners of the businesses. The others claim the second echelon people.”

Another: “A member of the Tulsa Club has no point to prove. He has made his point.”

It is a fact that among the 900-odd proprietary (stockholding) members of the 1,500-member outfit are the town’s shakers and bringers-about. One simply takes it for granted that the owner of Gigantic Realty or the founder of Colossal Petroleum is a member.

Membership is open today. A man may become a member by invitation or by application. In any case, his petition must be signed by two proprietary cardholders and reviewed and passed by the anonymous membership committee.

Johnson Hill, the insurance man who was president in 1963, recalls the attitude toward new members of his day:

“We didn’t turn anyone down, necessarily, on the basis of race or religion or ethnic origin.

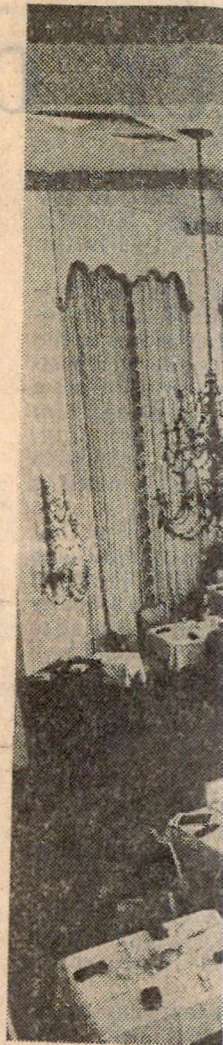
“There have been changes in attitudes — wasn’t it Pliny the Elder who said, ‘One must live in his own time?’

“When you get into the question of membership in a club, you get into the question of what is palatable with the others, of where you are and what the climate is.”

The club today is essentially a business luncheon facility, handy to downtown, where one knows that the people at the next table are at the same level in financial-social standing. It also serves dinner six nights a week and is mobbed on Sunday when up to a thousand may show up for brunch.

The club is proud of its cuisine under head chef Fernand Payette, a French-Canadian who has been a fixture for 10 years. The kitchens cater to innumerable weddings and various social affairs in its many private dining-meeting rooms and even has carried out meals to wakes.

Although many a plush wedding with all the fixings comes off there, Club manager Mike Crawshaw was



THE CLUB, IN every other leg town, attempts to do against selling liquor. It is, in fact, impossible with the law unless brings in his own served exclusively. In practice, men pooled to buy bar stools those who wish it. Nobody will be quod stands to reason that is a popular place.

The Tulsa Club has its membership, coming upon the young as they come along something to offer them.

Five years ago it athletic facilities to floor. It offers the a clined four racquet gymnasium, saut steamroom, a whirlp area, weight lifting banked running track to the mile.

“The young are c says Crawshaw, a Yorkshireman who 1965 and has been m 1969. “We wanted to were looking in 1975



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The Tulsa Club's dining room

Tribune photos by Ben Newby

THE CLUB, IN common with every other legitimate club in town, attempts to observe the law against selling liquor by the drink. It is, in fact, impossible to comply with the law unless the member brings in his own bottle and is served exclusively from that bottle. In practice, members' dues are pooled to buy bar stock from which those who wish it are served.

Nobody will be quoted on it, but it stands to reason that the men's bar is a popular place.

The Tulsa Club has maintained its membership, constantly drawing upon the younger generations as they come along, by having something to offer the juniors.

Five years ago it expanded its athletic facilities to another full floor. It offers the athletically inclined four racquetball courts, a gymnasium, sauna baths, a steamroom, a whirlpool, a workout area, weight lifting — even a banked running track with 17 laps to the mile.

"The young are our lifeline," says Crawshaw, a not-so-dour Yorkshireman who came here in 1965 and has been manager since 1969. "We wanted to hold them. We were looking, in 1975-76, at a hundred or more juniors, so we ex-

midweek

The feature magazine of
The Tulsa Tribune
WEDNESDAY, APRIL 23

1 B

"We have junior memberships in different categories and age brackets from 21 to 35. By the time a boy is 35, we have to have something to hold him as he becomes eligible for senior membership."

As a matter of fact, there is little dropping out, it would seem. Among the veteran staff of about 105 who are dining room captains and waitresses there are some who, Crawshaw notes, "are taking care of the children of the original children they were serving when they came here."

Today he estimates there are about 225 juvenile members.

It isn't that the club resists change, or simply does not change. To a degree it has an open mind. But the end result is that it has not changed much since its early days in spite of economic pressures.

which still has women elevator operators. Each floor has a sort of lobby into which the elevators disgorge their passengers — a hold-over from the construction days when the Tulsa Building Corp., a joint venture with the Chamber of Commerce, built the building with crossed fingers. It was designed so that, if it didn't pan out as a club, it could be turned into an office building.

As to the elevator operators, says Crawshaw:

"I'm so used to it that when I get on an automatic elevator somewhere else, I forget to punch the button until I realize that nobody has asked me what floor I want."

AS A MATTER of record, the issue has come up. A few years ago the matter was researched and the board found it would cost about \$340,000 to convert the three cars to automatic operation. The idea was shelved.

"But there is an advantage," says the manager. "Those women know who is in the building at all times, and if someone comes in who doesn't belong here, the operators know who to call to have them checked on."

The building is solely owned by

The Tulsa Club: A top-draw

Continued from page 1B

the club today, but it was begun by the Chamber of Commerce which leased the land from the Tulsa Board of Education in 1925. At that time, the Tulsa Club was only two years old and met for lunch in the former quarters of a defunct restaurant in the basement of the Kennedy Building.

The Tulsa Club wanted in on the deal and the chamber agreed to put up \$120,000 to the club's \$380,000 for a half-million-dollar building, the chamber to get four floors.

John Barhydt, current vice president of administration for the Metropolitan Tulsa Chamber of Commerce, unearthed the minutes of the chamber's board for Oct. 25, 1925, showing that an agreement had been reached with the Tulsa Club. On Nov. 16, 1927, the board was told that Patterson Steel Co. had begun putting up the framework.

Eventually, the club bought out the chamber's interest when that organization needed more room and built its new building on Boston Avenue.

Where did it really start? In 1967 a man named E. H. Salrin, long retired from Tidewater Oil Co. and its successors, recalled in dim notes recorded on, of all places, the cardboard backing of a book of original stockholders' certificates, that there truly was a beginning in 1923:

"Several of us met at a little club across from the high school, and the little club was in a bad way.

"R. Otis McClintock, J. L. Shakely, Henry McGraw and myself decided to start another club."

Salrin, the note goes on, was made chairman of the house committee which met "at Sixth and Boston" and organized the Tulsa

Club. The four each took 25 names and began soliciting memberships. The prospects were asked to meet in Salrin's apartment for organization.

Soon afterward, the refugees from the boardinghouse cooking took over the former restaurant quarters in the Kennedy basement and the rest, as they say, is history.

Those stock certificates represent a cross section of early Tulsa's business community, with a heavy percentage of oil people.

No. 1 was Rush Greenslade of Gypsy Oil Co. Among the others on the list, thanks to the keen memory of P. C. Lauinger of the Oil and Gas Journal, we can identify Jack Shakely, an oil supply man; Henry McGraw, also of Gypsy; C. C. Herndon of Skelly Oil; Murray M. Doan of Gypsy; James A. Veasey, general counsel for Carter Oil Co.; George Moody, vice president of Mid-Continent Petroleum Co.; C. W. Titus and George Bole, both independents; Clyde H. Pape of Lewis Production Co.; W. Frank Walker, owner of the Alvin Hotel; attorney Edgar A. "Judge" deMeules, and a dozen others whose names are big in business history.

"Why has it survived?" Johnson Hill echoed the question.

"Well, it has always been the club of business leaders. It survived the Great Depression that saw the University Club, a similar outfit, fall. As a matter of fact, the Tulsa Club took in University Club members at no membership fee if they wanted to join. Many of those people, their widows and descendants are members today.

"Birds of a feather, you know — and the Tulsa Club has been known as the club where the top businessmen in Tulsa meet."

Some of the newer clubs "have a lot more traffic and are marvelous," he acknowledged.

"Everything over at the Petroleum Club is beautiful," he said. "But for whatever reason, it's not the tops. I don't know how much overlap in membership there is between the Tulsa Club and the Petroleum Club, but most of them over there don't belong over here.

"The Summit Club is, of course, a promotion of that building, and a strong effort was made to move the Tulsa Club over there. But cooler heads prevailed in the Tulsa Club and we did not move. It would have involved the sale of the building here for pie in the sky there, and it didn't come to pass."

Women are active in the Tulsa Club, with strong programs and activities of their own, a social secretary, various monthly and annual events.

This history is a sketchy one. It has been, after all, 57 years and none of the founders are with us. As to the beginnings, there also are these notes from, it says here, Henry McGraw, that say:

"Hunter L. Martin ... R. Otis McClintock and Henry Hunter started the club at dinner at Boarding House across from Central ... Everyone was invited to join. Mr. Fred Cook was chairman of the nominating committee, Rush Greenslade, president and Hunter Martin, treasurer...."

W. K. Warren, now 82, the oldest living member of the club and oldest living former president, recalled its dubious beginnings.

"It met over on Sixth Street — all oil men — and it was really a kind of gambling thing, craps and stuff. Some of the guys, I guess, got dissatisfied with that arrangement, and decided to make something more lasting out of it so they moved

it to the basement Building.

"That was in 1923 the time I joined up there. It wasn't very many members."

But, Warren recalled, the club never had any worries, even during the depression that did the Club in.

"See, it was pretty much the oil and gas club and mo-

Bird

Continued from

until recently, science piled relatively little migration. But of planes, radar and gear attached to binging them has helped lore of migration.

Tests have shown serines — the small birds — migrate larger birds, such as and shore and water in daylight. Flycatchers, diurnal fliers, since the insects they eat

Although some robins and some hawks migrate only a few times a year, many migrate for thousands of miles. How the birds measure their energy requirements for long flight migrations is not understood by ornithologists. The arctic tern is believed to migrate distances of 12,000-mile trips a year.

Richard Plunkett, director of the National Audubon Society, noted in an article that many observers of fall bird migration

WE'VE SAID IT BEFORE — WE'LL SAY IT AGAIN:

IF YOU'RE WILLING
TO WORK A LITTLE

WE CAN SAVE YOU

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it to the basement of the Kennedy
Building.

"That was in 1923 or '24 — about
the time I joined up - somewhere in
there. It wasn't very big — maybe
60 members."

But, Warren remembers, the
club never had any real financial
worries, even during the Great De-
pression that did the University
Club in.

"See, it was primarily a lun-
cheon club and most of the guys in

those days were on their company
expense accounts. The club always
has been more or less company
supported.

"Of course, all things are rela-
tive. At the time of the Depression,
you could get a lunch, a good lunch,
at the Tulsa Club for \$1. We had
what we called the Round Table,
about a dozen of us, and we'd
match to see who picked up the
check.

"I got stuck once four days in a
row, but at a \$1 a head it wasn't any

big deal."

Warren does remember the club
of those days as more satisfactory,
by his standards, than the current
edition. Service was better then —
"we had a bunch of waiters who
really knew how to serve a meal"
— he insists, and the menu was
more lavish.

"It (the club) is still what it was
in the beginning. It fills the need
and it is and always has been finan-
cially solid."

Bird migration still an enigma . . .

Continued from page 1B

until recently, scientists had com-
piled relatively little data on bird
migration. But observation by
planes, radar and radiotelemetric
gear attached to birds after trap-
ping them has helped add to the
lore of migration.

Tests have shown that most pas-
serines — the small, perching song-
birds — migrate at night. Most
larger birds, such as eagles, hawks
and shore and water birds, migrate
in daylight. Flycatchers are also
diurnal fliers, since they must see
the insects they catch on the wing.

Although some birds, such as
robins and some hawk species, mi-
grate only a few hundred miles in
spring and fall, many kinds of birds
migrate for thousands of miles.
How the birds meet the tremen-
dous energy requirements of long-
flight migrations is still not fully
understood by ornithologists. The
arctic tern is believed to hold the
migration distance record — two
12,000-mile trips a year.

Richard Plunkett, the staff ecolo-
gist of the National Audubon So-
ciety, noted in an interview that
many observers of the spring and
fall bird migrations in North

America are unaware that the fall
migration is about twice as large
as the spring event.

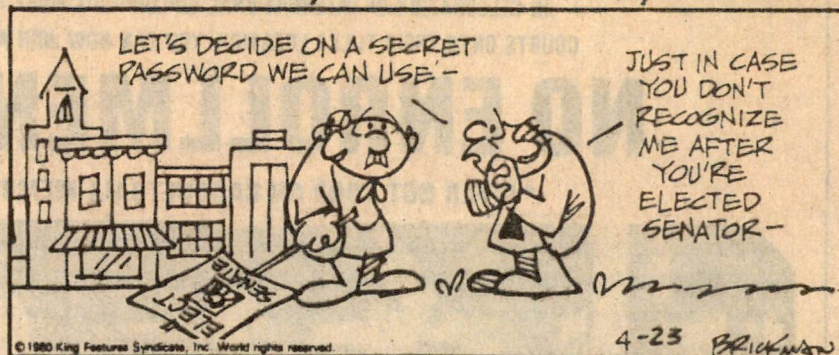
"In the spring it's mostly mature
birds, the parents and their off-
spring that have grown up over the
winter, that are winging north,
some 10 billion of them," he said.
"During the summer they breed
and double their population, so
that's why there are about 20
billion birds heading south in the
fall," he added, pointing out that in
their wintering grounds, old age,
disease and predators reduce the
bird population by half.

"The study of bird migration is
becoming more complex," said
Donald R. Griffin, a Rockefeller
University biologist who has stud-
ied bird migrations in many sec-
tors of the world. He noted that
migration "is still, to a large ex-
tent, a mystery to us."

"We are getting small, fragmen-
tary pieces of a large jigsaw puz-
zle," he added, "but most of the
theories haven't yet been proved.
And the more things we learn, the
more complicated the puzzle
becomes."

the small society

by Brickman



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4-23 BRICKMAN

SAY IT AGAIN:

WILLING TO
LITTLE—
YOU A LOT





BANQUET PRINCIPALS—Lex Frieden, director of Independent Living Research Project at the Institute of Rehabilitation and Research in Houston, guest speaker for the

East Texas Treatment Center banquet last night, is flanked by other program participants. Standing, left to right: Don Pringle, incoming president of

the center's board; Al Pierce, the center's executive director; and Leon Gibson, retiring president. Related photo on Page 8. (News Herald photo)

*Kilgore, Texas Page 1
8/26/87*

Community challenged

By MARY MEADOR

Lex Frieden, a quadriplegic, Tuesday night challenged East Texas Treatment Center board members and friends not only to do everything possible for handicapped people at the center here, but to restore self-reliance and pride to those persons when they return to society.

In other activities at the banquet, leadership of the treatment center board of directors was handed by outgoing president Leon Gibson of Kilgore to Don Pringle of Longview.

A check for \$20,000 from the East Texas Oil Men's Golf Association was presented to the center by Greg Claeys, the association's president. Claeys said he expects \$3,000 more to be donated when the final accounting is made.

Ken Gipe, a board member, spoke about plans for the East Texas Pro-Am on Oct. 8, a fund raiser for the treatment center. He

said 40 topnotch pros will be here for the event, topping last year's 26 and the previous year's 20. One hundred eleven amateurs are already signed up, and the sponsors hope for 456.

The speaker asked, "Can (handicapped persons) take part in things in the community? Do you offer reader services to the blind? Hearing interpreters to the deaf? Do you provide access to buildings, stores, transportation and sidewalks?"

He added, "We want to be at home as long as we can. With appropriate service, you can facilitate those things."

Frieden is director of the Independent Living Research Project at the Institute of Rehabilitation and Research in Houston, and provides a persuasive voice in urging the public to be aware of the needs of the handicapped so they may be as independent as possible.

The speaker shared with banquet

guests some of his experiences. As a college freshman he and several other boys were involved in a head-on collision which resulted in a few broken bones, cuts and bruises for his companions and a broken neck for him.

Frieden credited his growing-up years in a small northwestern Oklahoma town for giving him a sense of independence and self-respect and pride in the community.

After his accident, his self-reliance and pride were challenged, but he soon came to believe what a doctor at the rehabilitation center told him: "You can do anything you could have done, except you will have to do it from a wheelchair."

"We really do not know much about disability until after we have already got it," he commented wryly.

After his dismissal from treatment, he discovered at first hand what discrimination means.

He was denied admission to Roberts University in because the institution did not accommodate wheelchair students. However, he was admitted to older University of Tulsa some of his self-respect dignity began to come back.

"We in our society do not go far enough ahead. We all have a risk of becoming disabled," commented.

In this part of Texas, he said, 15.6 percent of the population is disabled in some way — wheelchairs, mentally retarded, hearing and vision impaired, or other disability.

"We need to provide people with options. People who are disabled really do want to make a contribution to the community. Too often we are not helping to support things in the community. We need to recognize individual needs and forget the people really do need opportunity to make decisions."

See CENTER, Page 7

ET PRINCIPALS—Lex Frieden, director of Independent Living Research Institute and Research in Motion, guest speaker for the

East Texas Treatment Center banquet last night, is flanked by other program participants. Standing, left to right: Don Pringle, incoming president of

the center's board; Al Pierce, the center's executive director; and Leon Gibson, retiring president. Related photo on Page 8. (News Herald photo)

Community challenged

MARY MEADOR

Frieden, a quadriplegic, last night challenged East Texas Treatment Center board members and friends not only to do everything possible for disabled people at the center but to restore self-reliance to those persons when they return to society. Other activities at the center, under the leadership of the center board of directors, was handed by outgoing president Leon Gibson of Kilgore.

Pringle of Longview. A check for \$20,000 from the Texas Oil Men's Golf Association was presented to the center by Greg Claeys, the association's president. Claeys said the center gets \$3,000 more to be used when the final accounting is made.

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After his dismissal from treatment, he discovered at first hand what discrimination means.

He was denied admission to Oral Roberts University in Tulsa, because the institution did not accommodate wheelchair students. However, he was admitted to the older University of Tulsa, and some of his self-respect and dignity began to come back.

"We in our society do not think far enough ahead. We all have a risk of becoming disabled," he commented.

In this part of Texas, he said, 15.6 percent of the population is disabled in some way — in wheelchairs, mentally retarded, hearing and vision impaired, or other disability.

"We need to provide people with options. People who are disabled really do want to make a contribution to the community — help to support things in the community. Too often we address individual needs and forget that people really do need an opportunity to make decisions

See CENTER, Page 7

about their lives," he declared.

Going back to his early upbringing, Frieden commented: "There is a quality of life in rural communities that is important. You don't have to compromise that quality of life — extend that quality to people with disabilities."

Outgoing directors J.G. Burton, Tommie Carlisle, Tom Crawford, Mel Lewis and Margaret Noe were presented gifts for their years of service. Mrs. Noe was presented the President's Award for outstanding service.

Greenhouse workers who kicked off the center's endowment fund with a gift of \$10,000 were recognized. Included are Lavada Thomas, Edith McKinney, Helen Wylie, Marguerite Wylie, Bobbye Wylie, Marge Robertson, Zelna Kane, Vera Laird, Lou Laird, Virginia Wallace, Ruth Drawhorn, Pat Pate and Ernest Andrews.

Allied Citizens Bank was recognized as the institution which has provided exceptional service to the center. Wilbur Yates and Alvin Wylie accepted an award for that service.

Also singled out for honors were Allied Citizens Bank, outstanding service by an institution; and Dr. Robert B. Echols, for his work on the medical advisory committee.

Recognized for their foresight as founders 34 years ago were Alvin and Marguerite Wylie, Wilma Spear, Grady Coates, Zelna Kane, Juanita Houston and Bud Still.

Accompanying Frieden here were Malcolm Brodie, Laurie Gerkin and Kathleen Hampton.

Outlook on life not crippled

Houstonian moving on

By ALLAN C. KIMBALL
Post Reporter

Lex Frieden's future looked bleak after his neck was broken in a 1967 car accident.

Even though it was a tribute to modern medical advances that he was still alive, the virtual quadriplegic college freshman was expecting the remainder of his life to be spent in institutions.

But on Dec. 3, Frieden is going to Washington, D.C., to become executive director of the National Council on the Handicapped.

He was selected to head the independent government agency Nov. 7. The 15-member group, appointed by the president, advises the administration and Congress on matters concerning disability policy and programs.

Although his movement is limited to his head and his right hand, Frieden never doubted for a moment that he would finish college, live on his own and be a success in life.

"I never thought I wouldn't be able to do all those things," Frieden said.

He was graduated from the University of Tulsa with honors in 1972 with a degree in psychology. He got his master's degree from the University of Houston.

As assistant professor of rehabilitation at the Baylor College of Medicine in Houston and as director of the Independent Living Research Utilization project at the Institute for Rehabilitation and Research in Houston, Frieden has done everything he can to enable the handicapped to live independent of institutions.

Medical advances have meant that many people who might have died just a couple of decades ago, like Frieden himself after his accident, now survive. Their survival is enhanced by further technological advances, allowing the disabled to live more and more on their own, he said.

Society changing

Frieden said he was turned down when he applied to one college simply because he was confined to a wheelchair. Such a judgment today seems old fashioned, he explained, because society has begun to accept the fact that the handicapped can be independent.

The biggest problem for the disabled has always been one of getting around, he explained, but today there are mass transit systems like the subway in Washington, D.C., which is totally integrated for the handicapped, and other programs like Houston's MetroLift that cater to the disabled.

Schools progressing

Some of the most important progress is being made by schools, Frieden said.

"Ten years ago, many disabled people had to go to segregated schools," he said. "Now integrated schools result in better education for them, and other children learn that kids are kids regardless of color, nationality, or disability."

The long-range effects of this may be enormous, Frieden said, because such integration will eliminate the fear society has about the disabled.

Frieden found a symbiotic solution to one obstacle common to many disabled people.

"Many of us have to depend on others for assistance in dressing and other personal requirements," he said. "We don't have any community-based personal care attendants in this country, and that makes things very difficult."

While living in a halfway house for the physically disabled in 1974, Frieden met a brain-damaged Vietnam veteran living in a halfway house for the mentally retarded. They talked and realized they could both become independent if they formed a partnership.

"I help him on things he needs help with like memory tasks, and he helps me with physical tasks," Frieden said.

The biggest obstacle for the handicapped in becoming independent, Frieden said, is society's attitude.

"It's one barrier that is common to us all, regardless of disability," he said. "That attitude rubs off on the disabled. If people expect you not to accomplish anything, you won't. We have to project the attitude that people with disabilities can be successful, can achieve their goals, and can have a high quality of life."

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Society changing

Frieden said he was turned down when he applied to one college simply because he was confined to a wheelchair. Such a judgment today seems old fashioned, he explained, because society has begun to accept the fact that the handicapped can be independent.

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While living in a halfway house for the physically disabled in 1974, Frieden met a brain-damaged Vietnam veteran living in a halfway house for the mentally retarded. They talked and realized they could both become independent if they formed a partnership.

"I help him on things he needs help with like memory tasks, and he helps me with physical tasks," Frieden said.

The biggest obstacle for the handicapped in becoming independent, Frieden said, is society's attitude.

"It's one barrier that is common to us all, regardless of disability," he said. "That attitude rubs off on the disabled. If people expect you not to accomplish anything, you won't. We have to project the attitude that people with disabilities can be successful, can achieve their goals, and can have a high quality of life."



Post photo by Manuel M. Chavez

A new challenge awaits Lex Frieden.

THE HOUSTON POST

FINAL EDITION

SATURDAY
★★ Nov. 24, 1984 25¢

Outlook on life not crippled

Houstonian moving on

By ALLAN C. KIMBALL
Post Reporter

Lex Frieden's future looked bleak after his neck was broken in a 1967 car accident.

Even though it was a tribute to modern medical advances that he was still alive, the virtual quadriplegic college freshman was expecting the remainder of his life to be spent in institutions.

But on Dec. 3, Frieden is going to Washington, D.C., to become executive director of the National Council on the Handicapped.

He was selected to head the independent government agency Nov. 7. The 15-member group, appointed by the president, advises the administration and Congress on matters concerning disability policy and programs.

Although his movement is limited to his head and his right hand, Frieden never doubted for a moment that he would finish college, live on his own and be a success in life.

"I never thought I wouldn't be able to do all those things," Frieden said.

He was graduated from the University of Tulsa with honors in 1972 with a degree in psychology. He got his master's degree from the University of Houston.

As assistant professor of rehabilitation at the Baylor College of Medicine in Houston and as director of the Independent Living Research Utilization project at the Institute for Rehabilitation and Research in Houston, Frieden has done everything he can to enable the handicapped to live independent of institutions.

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Society changing

Frieden said he was turned down when he applied to one college simply because he was confined to a wheelchair. Such a judgment today seems old fashioned, he explained, because society has begun to accept the fact that the handicapped can be independent.

The biggest problem for the disabled has always been one of getting around, he explained, but today there are mass transit systems like the subway in Washington, D.C., which is totally integrated for the handicapped, and other programs like Houston's MetroLift that cater to the disabled.

Schools progressing

Some of the most important progress is being made by schools, Frieden said.

"Ten years ago, many disabled people had to go to segregated schools," he said. "Now integrated schools result in better education for them, and other children learn that kids are kids regardless of color, nationality, or disability."

The long-range effects of this may be enormous, Frieden said, because such integration will eliminate the fear society has about the disabled.

Frieden found a symbiotic solution to one obstacle common to many disabled people.

"Many of us have to depend on others for assistance in dressing and other personal requirements," he said. "We don't have any community-based personal care attendants in this country, and that makes things very difficult."

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LEX FRIEDEN MAKING CAREER OF HELPING THE HANDICAPPED

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72 of m/m's DE Frieden

Married to Frieden is a lawyer is a paraplegic

Not Cayman

Norm is born only 10 weeks after young man of the U.S. two years ago

Oklahoma Native to Head Council on Handicapped

Alva native Lex Frieden, a distinguished alumnus of Alva High School and the University of Tulsa, Monday became executive director of the National Council on the Handicapped in Washington, D.C.

The council is a new federal agency created this year. It is charged with reviewing laws and policies as they affect handicapped people and making recommendations to the president and Congress.

To take the position, Frieden,

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A traffic accident in 1967 left Frieden a quadriplegic.

Frieden was valedictorian and was voted "most likely to succeed" at Alva High School. He is a 1972 graduate of TU, which honored him as a "distinguished alumnus" in 1979.

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MEMORANDUM

From CHARLES SCHOENFELDT

TO

Dale & Electa Lee

DATE

12/14/84

*I intended to place this in your Christmas Card and told Marilyn I would; however, as you can see I forgot. Pass on our Congratulation to Lex and to both of you. Have a very happy holiday and wonderful New Year. Hope all of us can get together soon. *Chas**

commitments made regarding the use of the new tax funds for education were not fulfilled.

Among legislators sending messages to the meeting, Lewis Kamas, Freedom, said he would prefer not to have to support an extension of the sales tax, but wants other revenue measures to offset the

might be proposed, declaring that "we don't need more state bureaucracy telling us how to conduct our affairs."

He said fund limitations had forced cutbacks in staff, curricula, library services and other functions vital to students at his college. He also said he feared a degeneration of

"Money won't guarantee a good educational system," Dr. Palmer declared, "but no educational system can be good without money."

Lynn Hoskins of Alva said the schools here need a computer literacy program, but funds are not available to provide it.

Former Alvan named to head government agency

A former Alvan has been appointed Executive Director of the National Council on the Handicapped in Washington, D.C.

Lex Frieden, who grew up in Alva and graduated from Alva High, is an assistant professor of rehabilitation at Baylor College of Medicine.

Frieden was selected after a nationwide search among outstanding leaders in the field of rehabilitation. According to Sandra Swift Parrino, chairperson of the council, Frieden "will play a key role in implementing the responsibilities of the newly-reorganized council to advise the President of the United States, the Executive Branch and the U.S. Congress on all matters concerned with disability policy and programs."

Frieden, son of former Alvans Mr. and Mrs. Dale Frieden, was active in the community as a young man.

He was valedictorian of his senior class, an Eagle Scout, member of the First United Methodist Choir and



Lex Frieden

a former Alva Boys Choir member.

While a freshman in college, he was involved in a car accident in 1968 and suffered a spinal cord injury, resulting in irreversible paralysis of his arms and legs.

The director of the Alva Boys Choir, Fred Neuman, recalls that in 1969 he and Lex's boyhood friends from Alva took Lex to Mexico for a vacation despite his paralysis.

Neuman said the experience was "eye-opening" for both Lex and those who went with him as they realized first-hand the inaccessibility of public buildings and the lack of accommodations for the disabled.

Neuman believes this experience helped fuel Lex's vocational interest in helping the disabled learn to live

independently.

Frieden is a 1972 graduate of Tulsa University, which honored him as a Distinguished Alumnus in 1979. He earned a master's degree in social psychology from the University of Houston. He has done additional graduate work in rehabilitation psychology at the University of Houston and was awarded a World Rehabilitation Fund Fellowship in 1980 to study programs for disabled people in Europe.

Frieden has been involved in the organization of several groups of disabled persons, including the American Coalition of Citizens with Disabilities, the Coalition of Texans with Disabilities and the Houston Coalition for Barrier Free living.

Working in the independent living movement for severely handicapped people since the early 1970s, Frieden speaks frequently on the subject, consults with a variety of organizations, and has published several books and papers on independent living.

He was honored by the U.S. Jaycees in 1983 as one of America's Ten Outstanding Young Men.

The National Council on the Handicapped is an independent federal agency composed of 15 members appointed by the President and confirmed by the Senate. The council is charged with reviewing all laws, programs and policies of the federal government affecting the disabled, establishing overall policy for the Department of Education's National Institute of Handicapped Research and making recommendations to the President, Congress, the U.S. Rehabilitation Services Administration and other federal departments and agencies serving handicapped people.



formed some traditional Christmas

It's that time of year for children to take pen or pencil in hand to write what they dream of receiving this year from Old Saint Nick.

The Review-Courier will publish letters to Santa beginning with the Dec. 7 edition. Letters need to be turned into the Review-Courier office by Dec. 5. We can't guarantee it, but those special letters just might catch Santa's eye.

Write me!



USA TODAY Friday, March 22, 1985

SECOND F

NATIONLINE

FROM USA TODAY'S NATIONAL NEWS NETWORK

Space ride asked for handicapped

WASHINGTON — A House subcommittee Thursday voted to ask NASA to include a physically handicapped person on a future space shuttle mission. Lack of gravity would allow them more mobility, the panel noted. Lex Frieden of the National Council on the Handicapped said the decision reflects a growing awareness that the handicapped "are a part of our society and should be included in every aspect." But Rep. Don Fuqua, D-Fla., has reservations, saying he opposes legislating who should be a shuttle passenger. He chairs the full Science and Technology Committee, which must give the final OK.

Jury wants Goetz Monday



By David H. Wells
GOETZ: Felt like trapped mouse

like a mouse trapped by a cat when the youths approached him.

NEW YORK — A second grand jury investigating the shootings of four teen-agers on a subway train last December has accepted Bernhard Goetz's offer to testify. But the panel wants him Monday, not next Thursday as he requested. Goetz can refuse to appear Monday. Troy Canty, one of four teen-agers shot, told the grand jury Thursday Goetz stared at him before he "methodically" opened fire, his lawyer said. In a taped confession played Thursday night on ABC's 20/20, Goetz said he felt

Blacks back white member

JACKSON, Miss. — The Black Law Students Association at the University of Mississippi dropped affiliation with its regional and national groups after being disqualified from a court competition because one member is white. Members vowed not to rejoin until contest rules are changed. Sponsors of the Frederick Douglass Moot Court Competition held March 6 in Louisville, Ky., said the association's policy bans whites from the competition.

MIA next of kin notified

HONOLULU — The skeletal remains of five men — believed to U.S. servicemen killed during the Vietnam War — arrived Thursday for identification at Hickman Air Force Base. "We have some tentative Vietnamese identification and the next of kin have been told," said Air Force spokesman Lt. Col. Richard F. Stevenson.

A bloody ne S. African racism bri

By Karen De Witt
USA TODAY

A growing U.S. awareness of South Africa's racial policies was heightened Thursday by the killings of at least 17 black demonstrators there.

South African police in an armored truck Thursday opened fire on thousands of blacks in Uitenhage who defied a ban on demonstrations. At least 19 were wounded.

It was the worst such clash since the massacre of 69 blacks in Sharpeville, South Africa, exactly 25 years earlier.

"It gets so difficult to make a different comment on some-

thing that happened here," said the lobby's David S. "We find it credible that South African response to international pressure is repression."

South Africa's racial disharmony protest here, his demonstrations at the American Embassy and consulates around the world.

Thursday, there were demonstrations in D.C., San Francisco, Calif., and Chicago.

Scott said 2,530 people were arrested in the U.S.

Family reunite



Lex Frieden: Spokesman for the Handicapped

By MALVINA STEPHENSON

WASHINGTON — Lex Frieden sets an example for the policies he advocates.

He runs an independent federal agency. He commutes daily to his downtown office by bus and subway, and he flew to California this week on official business.

This activity would not be considered so challenging, except that this native Oklahoman is a quadriplegic. He bucks traffic in a wheel chair and maneuvers a prosthetic device on his right forearm.

Frieden, 36, is executive director of the National Council on the Handicapped, a job he took on this year. His continuing goal is to

promote "independent living" for the disabled, to help them be as active as possible.

Frieden cites the Tulsa Independent Living Center as a model that should be in every community. With such information, counseling and supplemental services, he said, "Many more disabled people could be productive."

Frieden, an Alva high school valedictorian, was a freshman at Oklahoma State University in 1967 when an auto accident left his arms and legs paralyzed. Since that time, he graduated from the University of Tulsa, was named by the Jaycees as one of the 10 outstanding young men, and has taken national leadership in the growing effort to improve the quality of life for the handi-

capped.

Frieden has good reason to believe strongly in the use of auto seat belts. He says, if he had been wearing one at the time of the accident, he probably would not have been injured so seriously.

As always, Frieden is making the most of his opportunities. In his new position, he can influence the national direction of policy and public opinion on the role of the disabled. The basic responsibility of the council is to advise the president and Congress.

"I hope to use the few resources and many opportunities available to me to make constructive recommendations that will result in the disabled making decisions affecting their own lives," Frieden said in an office interview. "Too

often, we assume we have to take care of them.

"With rehabilitation services, training, education and accommodations in the environment, people with disabilities can make their own decisions. If we build a ramp instead of a wall around an institution, they can come in (to town) to shop and work. When they become productive, we are in the long run saving money."

When he speaks of "access," Frieden is referring to public transportation, sidewalks, buildings, and housing. Ramps, sloping curbs, elevators and bus lifts, and wider doors are needed to accommodate wheel-chairs.

Another priority Frieden cites is home service for the handicapped. "A disabled person often can live at home alone instead of in an institution, if an attendant can come in at certain periods of the day," he points out.

The problems of the disabled are much more far-reaching than many people realize, according to Frieden — the current population numbers 36 million. Barrier-free designs, as he reminds, benefit not only those whose mobility is severely impaired, but people with heart conditions, arthritis, poor vision, and other ailments.

"There is not adequate compliance with the state and federal laws now on the books," Frieden declared. "If we don't provide appropriate conditions for the handicapped today, it will cost much more tomorrow, and the disabled will be less likely to become productive, independent citizens."

Frieden appreciated the barrier-free design at Oliphant Hall which he said made it possible for him to attend The University of Tulsa. In 1968, Congress passed a law that required access for wheel-chairs in federal buildings when they were remodeled.

Much more comprehensive legislation came in 1973: any agency or organization receiving federal funds must accommodate the disabled. As Frieden points out, if this



Lex Frieden

federal law were fully respected, access for wheel-chairs would be almost universal.

Now, Frieden and his council have a chance to fill in the gaps. By next February, they have been called on by Congress to produce a comprehensive study and recommendations "by which we can facilitate community-based living and eliminate disincentives to independence for those with both physical and mental disabilities."

Frieden calls this a great opportunity. "We are the only agency," he says, "that has the cross-cutting authority to study programs run by other agencies. Many of the problems for the disabled stem from the fact that we have a patch-work of programs and no central clearing house for information."

One current frustration for Frieden is the unavailability of data on the disabled from the 1980 census. Answers to two basic questions about employment capabilities and public transportation have been left in the computers, he said.

The over-all "Civil Rights Restoration Act," pending in the Senate and House, would cover the disabled, as well as minorities and women. Most of the disabled to whom Frieden has talked are optimistic that this will turn out to be their "final bill of rights," but he is "reserving judgment" on the ultimate impact, if passed.

Frieden says some communities have made "extraordinary effort" to accommodate the disabled. For example, Alexandria, Va., where he lives, has a mini-bus with a platform which provides him door-to-door service to the local subway station. Otherwise, he says he could take the regular bus which also has a lift and runs four blocks from his home.

Youthful at 36, Frieden looks healthy, eats well, and keeps interested in what he does. He spends time outdoors with his wife Joyce, whom he married in 1977.

Joyce also is a paraplegic with a neurological disease, but is more "functionally independent" than he. She drives their car, keeps house and loves to garden. Her 14-year-old sister lives with them and provides some assistance when needed.

After the University of Tulsa, Frieden received a masters degree in social psychology from the University of Houston. At the time of his current appointment, he was a professor of rehabilitation at Baylor College of Medicine in Houston. He pioneered in the "independent living" movement for the severely disabled, has published several books and papers, and has lectured on the subject here and abroad.

Now, he hopes he can use all that training and experience at the national level to bring about "independent living" for those whose problems he so well understands.

Malvina Stephenson is a columnist for the Tulsa World who lives in Washington, D.C.

Mother's Day is Fontanabulous!

permanently.

I had one month left on my trial work period. It was time to gather all my accomplishments, all my wits, and all my savvy to

sell myself to Purus. I really had a chance! I figured.

I met with Coldwell first. "Well, Mr. Coldwell," I said, "time's about up. Nothing's really

changed since I was hired insofar as what kind of money I need to provide for my family."

"Doug, I started here forty years ago, at the bottom, and

THOSE WORK DISINCENTIVES!

Like Doug Habere, 3.8 million Americans received benefits from the Social Security Administration under the Social Security Disability Insurance program in 1984 (the last year for which data is available). Like Habere, these were for the most part people who had once worked but who had become disabled and found they were unable to return to work. How much of their failure to return to work is due not to disability but to an employer's discriminatory attitudes is anybody's guess.

Currently, the federal government is spending \$19.6 billion in SSDI payments to people who might want to be working, but who aren't.

And a major reason a lot of them aren't working, say critics of Social Security programs, is that they stand to lose more benefits working than by not working.

"They literally cannot afford to work," says a recent report issued by the National Council on the Handicapped which recommends changes in the law.

As both Habere's story and our report on personal injury lawsuits have shown, it costs a lot more to live when you're disabled. Attendant care costs. Transportation costs if your public bus system isn't accessible — and who's is? Home modification, van modification costs. Costs for things like catheters, wheelchair upkeep, cassette tapes, braille paper, readers, interpreters. The list can go on and on.

Loss of SSDI payments, though, is just a small part of the

problem for people who contemplate returning to work. The far greater problem is loss of Medicare coverage. No insurance company writes medical coverage for "pre-existing conditions" like quadraplegia!

SSDI recipients who've returned to work since 1984 and made just \$300 per month or more have been allowed a nine month "trial work period," (which has been extended to 24 months), after which they're re-evaluated by Social Security. If evaluators think they are capable of continuing to earn the \$300 a month, benefits are stopped — benefits which most likely far exceeded their work earnings. Three hundred dollars a month is about three-fifths of the minimum wage for a fulltime worker, says NCI's report, *Toward Independence* (Appendix C).

These folks can work and still get Medicare coverage — for 3 years, after which it, too, stops. As people like Habere have reasoned, if private insurers won't insure you now — and you'll still be a quad in three years — what's the point of risking working when you'll be up against the wall again in 3 years? It's little wonder so few people have tried work under this "liberalizing" provision.

In 1981 Congress also passed Section 1619 — a demonstration program that allows people on SSI to continue to get cash benefits while working — as long as their earnings are under \$735 a month (1985 figures). And they're allowed to deduct expenses they incur because of disability —

such as the cost of wheelchair upkeep, attendants to get them ready for work, etc.

Section 1619 is a good idea; but the provisions of the program are so complicated that few Social Security case workers even understand them — and only a tiny fraction of eligible disabled people have ever heard of the program. In August 1984, only 406 people — out of the almost 2.5 million people receiving SSI benefits — had even attempted to work using the program, says NCI.

SSDI recipients aren't eligible for Section 1619. Since it's a "demonstration program, it runs only through 1987, anyway.

The National Council on the Handicapped has proposed to Congress that:

- SSI and SSDI recipients who get jobs be allowed to retain full medical coverage

- Medicare and Medicaid coverage be made available on a sliding fee scale to people with disabilities who can afford to pay but who can't obtain medical coverage through private insurers

- Section 1619 provisions be extended to SSDI recipients, and Section 1619 made a permanent part of the Social Security Act.

Copies of *Toward Independence* can be obtained by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Ask for publication No. 052-003-01022-4.

Cassette tape copies are available from Jim Baker, General Manager, Magnitex Corp., 770 W. Bay St., Winter Garden, FL 32787.

Illinois Gives Families a Way To Assist Disabled Members

By KATHLEEN TELTSCH

Special to The New York Times

CHICAGO — Danny and Fay Moore have lived with anxiety since the births of their daughter and their son, both mentally retarded as a result of the genetic disorder Down's syndrome. The Moores shape their family life around providing special schooling and

counseling for Stacey, 7 years old, and Aaron, 4, who are growing into adventurous, fun-loving children.

"Our concern is what happens to the children when we die," said Mr. Moore, a 36-year-old food service manager. "We're not wealthy people."

Some of the Moores' worries — and those of other families here in Illinois — have now eased with the beginning of an innovative trust fund to provide long-term care for the mentally or physically disabled.

The aim is to offer families a way to make a sound investment for their children's future, without affecting eligibility for government disability aid, impoverishing the family or adding a huge new burden on the state treasury.

It is an idea already being explored by other states to help millions of Americans who are mentally ill, physically incapacitated or developmentally disabled. Maine expects to enroll families in a program based on the Illinois model later this year.

The Illinois program, the Self Sufficiency Trust, is not intended as a substitute for Social Security disability or Medicaid benefits — what social workers sometimes refer to as the "sheets and eats" government services. Rather, it seeks to insure the extra care that would enhance the quality of life such as special therapy, transportation or recreation.

The concept of the Self Sufficiency

Trust was developed by the National Foundation for the Handicapped, based in the Chicago suburb of Elmhurst. According to James H. DeOre, the group's executive director, the aim was to eliminate a Catch-22 situation that hampered relatives from bettering the lives of disabled family members. Many wanted to provide income or make bequests, but doing so risked a cutoff or reduction of government aid restricted to those with limited resources.

At least four million disabled Americans now receive Federal benefits, but the Federal Department of Health and Human Services has estimated that the country has 35 million disabled residents.

Illinois's Self Sufficiency Trust actually consists of three trust funds. Participating families will pool assets into a federally insured Private Trust Fund for investment. The interest earned on these investments will be transferred to a State Trust Fund, and spent on services for the disabled family members, beginning soon after enrollment in the program. A Charitable Trust Fund is being set up for families not financially able to invest.

Developing a Care Plan

In joining the program, relatives or guardians and the trust's guidance counselors develop a life-care plan for the disabled family member. The program uses a computer data base in assessing the disabled participant's abil-

Maine plans a similar program and other states are watching.

ities and needs and in projecting the cost of current and future services.

The family then decides, in consultation with the program officials, what services are wanted for the disabled family member. The amount of the investment and whether it is immediate or delayed, lump sum or periodic, are determined in these negotiations. There is no minimum investment required, but families who want more services would have to invest more.

The services provided to the disabled family member are not regarded as "income" and thus do not affect eligibility for other government help.

Eight families are expected to be enrolled in the Private Trust Fund by mid-April and 50 families by the year's end, when assets in the Private Trust Fund are expected to reach \$10 million.

Charity Fund for Others

The Charitable Trust Fund will provide equivalent services for low-income or indigent disabled individuals who do not have financial support from relatives to enroll them in the Private Trust Fund. This fund is being built on contributions from foundations, corporations and private donors. In addition,

when participants in the Private Trust Fund die, at least half the principal from the family contribution is turned over to the charity fund. The rest of the principal reverts to the family.

The legislation was sponsored in Illinois by Lee Daniels, a state legislator who has a handicapped 23-year-old daughter. The program was inaugurated at ceremonies March 29 when Dr. Dennis O'Connell, superintendent of a Chicago school district, contributed \$16,090 to the trust for his 25-year-old son, John.

Young Mr. O'Connell has Tourette's syndrome, a neurological disease afflicting 100,000 Americans and characterized by involuntary muscular spasms, verbal outbursts and intense restlessness. He works for a food distributor and receives Social Security disability aid. He now lives with his parents at home, but because of the trust program, in July he and 14 other handicapped residents will move into a new supervised housing complex.

The prospect of living on his own with friends is "exciting," he said.

The Moores also plan to create the maximum possible independence for their children when they grow up. They want them to live in some semi-supervised environment but to know "they still have family," Mr. Moore said.

Plans for More Group Homes

For now, the opportunities for placement in group residences are limited, and there is a waiting list. However, Mr. DeOre said the foundation was seeking grants and loans to develop at least four additional group homes.

Developing the trust so that a disabled participant's entitlement to government benefits will not be jeopardized involved satisfying a dozen agencies and working through a tangle of 3,000 pages of rules and regulations, said Ann Kiley, director of the Illinois Department of Mental Health and Developmental Disabilities.

The department helped pay for the foundation's development of the trust concept. A number of state agencies, including the Attorney General's office with its legal expertise, are supervising the operations.

An incidental benefit of the program is that the computer data base being used will give Illinois officials a more accurate picture of the state's disabled population and its needs, thereby allowing improved government assistance.

Illinois has been praised for pioneer-

The New York Times

April 4, 1988

To: Lex

From: Dr. Spencer



The New York Times/Steve Kagan

Danny and Fay Moore with their daughter, Stacey, left, 7 years old, and son, Aaron, 4, at the Ray Graham Association in Elmhurst, Ill. The children, who have Down's syndrome, received special schooling there.

ing the trust concept, but critics say the state lags behind many others in providing group residences for the mentally ill and mentally retarded.

'More Than the Bare Minimum'

Larry Russell, executive director of the National Alliance for Research on Schizophrenia and Depression, said five state agencies had been sued for failure to provide adequate care. The suit, brought by the Association for Retarded Citizens of Illinois, charges that 3,000 retarded adults are inappropriately "warehoused" and receiving inadequate care in nursing homes meant for elderly people.

Mr. Russell intends to enroll his 40-year-old son, Jon, in the trust program. He said the son now lived in a group home in Austin, Tex., because there was no such place for him in Illinois.

Harold Unger, a Chicago chemical engineer who is the trust program's secretary, said he and his wife, Dorothy, were preparing to enroll their 24-year-old daughter, Carol Ann, who has Down's syndrome. She works in a sheltered workshop operated by Ray Graham Association for the Handicapped and in her spare time enjoys playing the piano.

"We want a quality of life for her that

will supply more than the bare minimum," said Mr. Unger. "That is what the Self Sufficiency Trust is all about."

Metro chief endorses buying lifts for buses

Disabled transit riders now await board vote

By JIM NEWKIRK
OF THE HOUSTON POST STAFF

Metropolitan Transit Authority Chairman Bob Lanier yielded to the demands of Houston's disabled transit riders Monday and said he will recommend that all new buses Metro buys be equipped with wheelchair lifts.

Lanier described his recommendation, which reflects a reversal of Metro's position on the need for the lifts, as "the right thing to do."

The recommendation is expected to be presented to the full MTA board at its July 27 meeting.

MTA directors have been under constant pressure from the Coalition for Barrier Free Living to make a commitment to fit all new buses with lifts. The advocacy group has filed a lawsuit to require the lifts on new buses the authority plans to buy to replace its aging bus fleet.

Metro also is faced with legislation pending in Congress that contains a provision that new buses purchased by public transit authorities be equipped with lifts.

Metro's position is that its curb-to-curb paratransit service called MetroLift provides the best, most cost-effective method of meeting the public transit needs of the disabled.

The authority has said studies of other cities have shown that wheelchair lifts on buses are seldom used. However, the coalition believes that access to buses with wheelchair lifts, as well as MetroLift, is a fundamental civil right.

Lanier said he had been focusing on what "simply delivered the most handicapped people for the money and I think the van system does that."

However, he said the coalition "persuaded" him that the basis for providing service to the handicapped ought to be broader than whether it is cost effective and that society should do what it can to enable handicapped people to use public facilities.

Metro already has ordered the first 60 of 300 buses to be delivered over the next five years. The 300 buses will cost \$52 million, but equipping them all with wheelchair lifts will add another \$5 million or nearly \$18,000 per bus, to the price tag.

The Urban Mass Transportation Administration, the agency that disburses federal transit dollars, will pay 80 percent of the cost of buses with lifts, officials said.

Lanier said the additional cost "bothered" him, but he doesn't feel extra expenditure will affect the quality of Metro's service.

Pressure from the coalition began mounting when a federal appeals court in Philadelphia ruled in February



Post photo by Mary Urech Roberts

MetroLift driver Jo Ann Bennett assists Lex Frieden, a member of the Coalition for Barrier Free Living, after meeting Monday.

that transit authorities must equip new buses to accommodate wheelchairs, in addition to offering paratransit services.

Metro agreed to purchase an undetermined number of buses to conduct an experiment on several routes to see how well the wheelchair lifts would be used.

The coalition, whose members have been a constant presence at board meetings since February, does not support the experiment and filed a lawsuit in May to prevent the purchase of any new buses without wheelchair lifts for use in Houston.

Laurie Gerken, vice president of the coalition, said the suit would be dropped if the MTA board approves Lanier's recommendation.

Early Monday, before Metro's announcement of Lanier's recommendation, both sides agreed to postpone any court action until Metro can discuss the issue at its July board meeting.

"I'm very, very pleased. We're hopeful that the entire board will approve the recommendation. We've been fighting for this a long time," Gerken said.

Lanier's recommendation is expected to win full support of the board.

Al Matta, an MTA board member, said purchasing lifts on buses is "the proper thing to do."

Louis Macey, chairman of the board's transit operations committee, said he is not enthusiastic about the planned change in policy, but will support Lanier's recommendation.

Bill for Disabled Holds Wide Impact

Continued From Page 1

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In the face of strong support from the White House and grass-roots political organizations, business groups are not trying to stop the measure. But they are concerned about how much it will cost them and are seeking amendments to clarify ambiguous language and to influence the regulations that will eventually define how the law is put into effect.

Phone Company's Costs

The American Telephone and Telegraph Company, for instance, has calculated that giving service to people with hearing problems would cost the telecommunications industry \$250 million to \$300 million a year.

And Greyhound Lines Inc., asserts that the company would have to spend \$40 million to \$80 million a year to meet such requirements as outfitting new buses with wheelchair lifts.

"Any increase in our costs results in a decrease in our service to small towns," said Fred G. Currey, chief executive of Greyhound, the nation's largest intercity bus company. Neither Congress nor the Bush Administration has completed calculations of the costs. A spokesman for the Office of Management and Budget said even a rough estimate was not ready. But the issue looms large to the many businesses the bill would affect, because passage appears inevitable.

Political Survival

"No politician can vote against this bill and survive," said Nancy Fulco, who is coordinating lobbying efforts for the United States Chamber of Commerce.

Businesses are actively trying to ease the potential burdens of legislation by getting Congress and the White House to modify some of the requirements and including further special exemptions. On Friday, representatives of architects met with President Bush to express their reservations, saying, for example, that the bill would cause a hardship for projects already under way.

"We are bringing up these concerns precisely because we do support this legislation," said Benjamin E. Brewer Jr., president of the American Institute of Architects. "We want it done right the first time."

The provisions of the proposed legislation would apply to businesses of 25 employees or more, but would be extended to businesses of 15 within two years of enactment.

Issue of Costs

Some of the bill's chief sponsors minimize the issue of costs, saying that it is overestimated and short-sighted.

"Costs do not provide the basis for an exemption from the basic principles in a civil rights statute," said Senator Tom Harkin, Democrat of Iowa. "The mandate to end discrimination must be clear and unequivocal."

Senator Harkin, whose brother is hearing impaired and whose nephew is quadriplegic, argued that to dwell on the costs "misses the bigger picture."



Associated Press

President Bush discussing the Americans with Disabilities Act with leaders of the disabled community in Washington last Friday. The bill would bar discrimination against the handicapped in the work place, in transportation and in public accommodations and is expected to cost businesses hundreds of millions of dollars a year.

Industry lobbyists are seeking amendments.

He said studies of accommodations made by employers affected under the 1973 act, covering Federal structures demonstrated that simple devices, costing as little as \$35 to \$50, were sufficient to assist a disabled person in performing a regular job.

"The economic benefits to society in terms of reductions to the deficit from getting people off welfare, out of institutions and onto the tax rolls cannot be ignored," he said.

Mr. Harkin said the Federal Government spent more than \$60 billion each year on people with disabilities. He said only \$3 billion of that was spent for education, training and rehabilitation, and that the rest was for benefits.

Robert S. Morgan, public affairs director for A.T.&T., said he had two concerns about the bill's requirement that

local, long distance and cellular phone companies provide services that would allow hearing-impaired people to communicate.

"We are not sure how this service is going to be paid for, and we don't know how many carriers are going to provide it on their own," Mr. Morgan said. "The legislation doesn't say, and you may have different carriers doing it on their own, which means you will lose the economy of scale. Ultimately, the shareholders or the consumers will end up paying."

The approval of the measure Aug. 2 by the Senate panel followed weeks of negotiations between the Administration, Senate sponsors and organizations representing business and the disabled. While business groups are supportive, they are working to clarify ambiguous language and to preserve compromises won during negotiations.

Both the public accommodation and workplace requirements provide exemptions, for example, if structural or operational changes would be unreasonable or would present an undue hardship for companies. But smaller businesses say they worry about who will decide what is reasonable.

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Test of Reasonableness

"What is the test of reasonableness?" said Bill Fisher, executive vice president of the National Restaurant Association, which represents 150,000 food service establishments around the country.

Mr. Fisher said, "The food service industry has already done a pretty good job of making its establishments accessible to the physically handicapped, because those people are our customers and it's good business. But the fear is of unequal enforcement and of what happens when the owner and the Government disagree."

Ms. Fulco of the Chamber of Commerce noted that many large companies already had made accommodations for the disabled under the 1973 law. In such cases costs for wheelchair access, ramps, elevators or modified work stations are built into the original contract bid or award.

The problem for smaller businesses, she said, is understanding what will be expected of them and a great fear of court challenges by disabled customers and employees.

"We're talking here about a whole universe of folks who've never had to deal with a law like this and have no idea what is involved," Ms. Fulco said. "Leaving reasonableness to the discretion of the courts is scary, and it's a mistake to think it's not going to cause litigation. We're going to see litigation all over the place. It's a certainty, a given."

Mr. Currey of Greyhound said that during the negotiations, his company had tried to make clear what the legislation would mean, but he added, "This discussion was not about mobility for the handicapped. It was about civil rights. We got caught in the political maelstrom and our ideas got traded away."

Under the legislation, private carriers in the transportation industry would have five years from the bill's enactment to comply with requirements that new buses, trains and subways be accessible to those with handicaps, including people in wheelchairs. City bus systems, many of which receive Federal funds and are therefore subject to the 1973 legislation, would have to comply within 30 days.

In Greyhound's case, Mr. Currey said, 400 new buses a year would have to be equipped with wheelchair lifts. His cost estimate of \$40 million to \$80 million includes buying and installing the lifts, installing specially designed rest rooms, loss of seating and package capacity to make space for the modifications, maintenance and training.

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National Edition

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MONDAY, AUGUST 14, 1989

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BILL BARRING BIAS

AGAINST DISABLED

HOLDS WIDE IMPACT

LAWSUITS SEEN OVER COST

Businesses Expecting to Pay

Hundreds of Millions to

Meet Rules on Access

By SUSAN F. RASKY

Special to The New York Times

WASHINGTON — Legislation to bar discrimination against the disabled in the workplace, public accommodations, transportation and communications services is likely to cost businesses hundreds of millions of dollars a year, representatives of trade and industry groups say.

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The sweeping antidiscrimination measure, which would affect 43 million Americans with physical or mental disabilities, has the endorsement of the Bush Administration and is expected to win final approval from Congress this year. It would also bar discrimination by private businesses against people with AIDS or its virus.

Wide Impact of Bill

The bill would require nearly every kind of retail establishment, from barbershops to banks, to be accessible to disabled and usable by them. While the legislation does not spell out precisely what changes would be necessary, in some cases this would mean installing access ramps, widening doorways and modifying rest rooms. The transportation industry would be required to make new buses and trains accessible to people in wheelchairs.

The measure would mandate elevators in new commercial and public buildings of more than two stories and calls for employers to provide special devices and services for those with impaired hearing or vision.

The legislation, the Americans with Disabilities Act, is a compromise measure that would extend to practically all private businesses antidiscrimination requirements of a 1973 law that apply now only to the Federal Government, Federal contractors or entities that receive Federal funds.

Approval by Senate Panel

The measure was unanimously approved Aug. 2 by the Senate Labor and Human Resources Committee and is expected to reach the Senate floor in September. In the House, where four separate committees share jurisdiction, hearings on a companion measure are scheduled for September. President Bush, who promised to aid the disabled in his 1988 campaign, has agreed

Continued on Page 9, Column 4

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Disabled in U.S. losing ground in jobs, earnings, agency finds

WASHINGTON (AP) — Disabled Americans are less likely to hold jobs now than they were earlier this decade, and those who do work have lost earning power, the Census Bureau reported Tuesday.

The share of disabled men who work full time dropped from 29.8 percent in 1981 to 23.4 percent last year, the report said. Disabled women had a slight increase in the same period, from 11.4 percent to 13.1 percent working full time.

Part-time disabled male workers dropped from 41.9 percent to 35.8 percent. Disabled female part-time workers rose from 23.5 percent to 27.5 percent.

Earnings of both disabled men and women declined in relation to all workers during the 1980s, the Bureau reported.

The earnings of disabled men fell from 77 percent of what all workers brought home to 64 percent, while for women the rate fell from 69 percent to 62 percent.

The figures came as no surprise to Paul Hippolitus, director of plans, projects and services for the President's Committee on Employment of the Handicapped.

Laws mandating equal employment for the disabled do not cover all employers and have failed to have a major impact, Hippolitus

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said.

In addition, he said, the Medicare and Medicaid system can trap disabled people who may be wary of losing their government medical protection if they accept jobs. There are also more older disabled people, who are less likely to be working, he said.

The likely reason for the relative income decline is that "most employers think only in terms of entry level positions (for the disabled) and tend to leave them there," he said.

"People with disabilities have the greatest problems with upward mobility and career advancement," Hippolitus said. "They are perceived as fitting into some particular area but not as moving up. As everybody else moves up the career ladder they don't."

He held out hope for improvement, however, in the Americans With

Disabilities Act, recently voted out of a Senate committee, which he said can act as a civil rights act for the handicapped.

The Census Bureau study, the first to compare the employment of disabled people over time, does not include explanations for the changes. It is based on the Current Population Survey, which conducts interviews with about 60,000 households every month.

The report classified people as disabled if they reported a health problem which prevented them from working or limited the types of work they could do, but it did not specify particular types of disabilities. The study covered people aged 16 to 64.

Average earnings of disabled males rose from \$12,579 in 1980 to \$15,497 in 1987, but in the same period earnings of all male workers climbed from \$16,362 to \$24,095.

For disabled women earnings rose from \$5,335 to \$8,075 while earnings of all women went from \$7,770 to \$13,000.

The years used to compare employment rates differ slightly from those used to compare income because, while people were asked about their disabilities at the time of the study they were asked to list their earnings in the prior year.

Trident-2 missile explodes in test firing at sea

Study Finds Good Jobs And Pay Elude Disabled

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Says Laws Have Failed

Paul Hippolitus, director of plans, projects and services for the President's Committee on Employment of the Handicapped, said laws requiring equal employment for the disabled do not cover all employers and have failed to have a major effect.

Mr. Hippolitus also said the Medicare and Medicaid system can trap disabled people who might be wary of losing their government medical protection if they accept jobs. In addition, he said, there are more elderly disabled, who are less likely to be working.

"Most employers think only in terms of entry-level positions for the disabled and tend to leave them there," he said.

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Opportunity and spending power decline in the 1980's.

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For males, full-time workers declined from 29.8 percent of people with disabilities in 1981 to 23.4 percent in 1988. Part-time disabled male workers dropped from 41.9 percent to 35.8 percent.

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Average earnings of disabled males rose from \$12,579 in 1980 to \$15,497 in 1987 — not enough to keep pace with inflation — but in the same period earnings of all male workers climbed from \$16,362 to \$24,095. The figures, not adjusted for inflation, are in dollars for the years cited.

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Jim Barlow

Disabled gain on-the-job rights

EMLOYERS have long been bombarded with pleas to hire the handicapped.

By the end of this year, it's probable that those kinds of pleas will be obsolete. Not to treat handicapped people exactly the same as you treat others will be against the law.

There is a problem out there, according to a U.S. Census Bureau study.

Fewer disabled Americans have jobs to day than they did 10 years ago. Those who are working are also making less money than they did a decade ago.

Only about 23 percent of all disabled men and 13 percent of disabled women work full time. Disabled men make 64 percent of what the able-bodied earn. For disabled women, the figure is 23.5 percent.

Of course, there are many disabled persons who can't work. But the majority can. Society will be better off, and without a doubt so will they — by helping them to find jobs.

I asked Michael T. McGuire, with the employee benefits consulting firm of Mercer Meidinger Hansen, how he thought the bill would affect business. McGuire said he expects the most trouble out of the bill's imprecise language.

What do the words "reasonable" and "qualified" and "undue hardship" really mean in this context?

Unless regulations written after the bill is passed do a better job of definition, it looks like we're in for another avalanche of lawsuits, similar to what occurred after Congress passed the Equal Employment Opportunity Act.

Problems must be worked out

There's also a real question about how the bill will clash with current efforts to build a drug-free work place. Some companies are taking the position that any use of drugs or alcohol on the job is grounds for discharge.

The bill requires a standard that "the current use of alcohol or drugs by an alcoholic or drug abuser not pose a direct threat to property of safety of others in the work place or program."

Again, what is a "direct threat."

We will doubtless work out those problems eventually.

There is one remaining question. If this bill is desirable — and it is — then why has Congress exempted its own members from obeying it.

There's nothing new about that. Look at the long line of social legislation enacted in the last several decades. Almost without exception, they don't apply to congressional staffs.

There, it's still plantation time.

Yet another example from Washington of the "do as I say, not as I do" syndrome.

There are now laws mandating non-discrimination toward the handicapped. A federal executive order requires that any company doing \$50,000 in annual business with the government must practice non-discrimination. There is also a state law in Texas.

But neither is all that effective. That situation should change soon. Zipping through Congress is something called the Americans with Disabilities Act, which in effect will be a civil rights act for the disabled.

Most legislation of this sort builds support slowly. There are hearings — sometimes several years worth. Bills are introduced, don't get out of committee and die, are reintroduced, defeated, reintroduced and finally after years of coalition-building are enacted into law.

Not this one. If swept into Washington this year, gained support from Republicans and Democrats, the Congress and President Bush, and should be enacted into law before the current session is over.

Changes brewing for businesses

So how's the bill going to change the way business operates?

For some, quite a lot. Municipal transit authorities and intercity bus lines are going to have to put lifts on all their vehicles to accommodate wheelchairs. Unless they can demonstrate it's not necessary, taxi companies will have to have all vehicles wheelchair accessible.

The only public transit that won't have to be wheelchair-accessible will be the airlines.

Businesses with more than 15 employees must "make reasonable accommodations" to the known physical or mental limitations of a qualified individual with a disability who is an applicant or employee unless such entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

That includes remodeling to make the building wheelchair-accessible, as well as installing special equipment needed by a handicapped person to perform work.

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The only public transit that won't have to be wheelchair-accessible will be the airlines.

Businesses with more than 15 employees must make reasonable accommodations to the known physical or mental limitations of a qualified individual with a disability who is an applicant or employee unless such entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

That includes remodeling to make the building wheelchair-accessible, as well as installing special equipment needed by a handicapped person to perform work.

I asked Michael T. McGuire, with the employee benefits consulting firm of Mercer Meidinger Hansen, how he thought the bill would affect business. McGuire said he ex-

I asked Michael T. McGuire, with the employee benefits consulting firm of Mercer Meidinger Hansen, how he thought the bill would affect business. McGuire said he expects the most trouble out of the bill's imprecise language.

What do the words "reasonable" and "qualified" and "undue hardship" really mean in this context?

Unless regulations written after the bill is passed do a better job of definition, it looks like we're in for another avalanche of lawsuits, similar to what occurred after Congress passed the Equal Employment Opportunity Act.

Problems must be worked out

There's also a real question about how the bill will clash with current efforts to build a drug-free work place. Some companies are taking the position that any use of drugs or alcohol on the job is grounds for discharge.

The bill requires a standard that "the current use of alcohol or drugs by an alcoholic or drug abuser not pose a direct threat to property of safety of others in the work place or program."

Again, what is a "direct threat." We will doubtless work out those problems eventually.

There is one remaining question. If this bill is desirable — and it is — then why has Congress exempted its own members from obeying it.

There's nothing new about that. Look at the long line of social legislation enacted in the last several decades. Almost without exception, they don't apply to congressional staffs.

There, it's still plantation time. Yet another example from Washington of the "do as I say, not as I do" syndrome.

BUSINESS

Finance & Energy



Disabilities hearing

Richard Carson / Chronicle

A crowd of about 300 people from across Texas, including many disabled people, attended a hearing on the American Disabilities Act, a bill pending before Congress that would

mandate non-discrimination toward the handicapped. The hearing was at the new Metropolitan Multi-Service Center: Page 15A.

Bill favoring disabled workers hailed

By PETE SLOVER
Houston Chronicle

Like many out-of-work rig hands, quadriplegic Eric Reed has turned to welfare to survive.

But unlike most Texans, Reed said Monday, he faces the double whammy of a depressed economy and discrimination against disabled workers, a combination that has left the 31-year-old El Paso resident frustrated and unemployed.

"I've been living on the social system for nine years," he testified at a local hearing on an anti-discrimination bill pending before Congress. "I have the potential to contribute."

About 300 people, many disabled, cheered and applauded Reed's testimony in support of the Americans with Disabilities Act, which enjoys bipartisan support in Congress and

from President George Bush.

The measure would guarantee disabled people equal access to private businesses and facilities not covered by current anti-discrimination statutes.

A procession of speakers Monday hailed the measure as the equivalent of landmark civil rights legislation of the 1960s, a law that will integrate disabled people into the mainstream.

The U.S. House Subcommittee on Select Education conducted the hearing at the Metropolitan Service Center, led by U.S. Reps. Major Owens, D-N.Y., Donald Payne, D-N.J., and Steve Bartlett, R-Dallas.

While the testimony was, predictably, in favor of the bill, state Rep. Ashley Smith, R-Houston, warned against making the law unduly harsh on small businesses, and recommended against punitive damage liability for companies found to have

discriminated.

Ralph Rouse, 46, is a paraplegic who lost the use of his legs at age 20 during a football accident in his junior season at the University of Arkansas.

He recounted the difficulty faced by disabled students in a time before equal-access laws guaranteed the use of public facilities and discrimination against wheelchair-bound people ran even deeper than today.

For the past decade, Rouse has worked as a civil rights adviser in the U.S. Department of Human Services, advising agencies and public contractors how to conform with anti-discrimination statutes.

He said the cost of providing equal access to work places — with lessons learned from the public sector — could be less than the cost of supporting disabled citizens.

300 speak up for bill to outlaw bias against disabled

By KATHERINE KERR
OF THE HOUSTON POST STAFF

About 300 disabled Texans appeared at a congressional hearing in Houston Monday to support a bill for the handicapped that has been equated with the Civil Rights Act of 1964.

The hearing, conducted by the House Subcommittee on Select Education, gathered testimony on the Americans with Disabilities Act of 1989, which prohibits discrimination against the disabled in private employment, accommodations and transportation.

The bill would extend rights to an estimated 36 million handicapped Americans.

The proposed law would make it illegal for businesses with more than 15 employees to refuse to hire people because of their disabilities. It also would give those who believe they have been discriminated against the right to seek legal recourse.

The legislation would require any new buses and trains built 30 days after enactment to have lifts or other ways to make them wheelchair accessible; require that new buildings more than two stories high to have elevators, and require that listening devices for the deaf be made available on office tele-

phone systems.

Such devices are now required on buses, trains and public buildings financed with federal funds, but the law would extend the requirements to private establishments.

JoAnn Priddy, whose left arm has been amputated and who suffers from cerebral palsy and epilepsy, testified she was paid less than able-bodied employees, was passed over for promotions and denied reviews for her work as a telephone receiver at a cab company where she worked for seven years.

"If this bill had been in effect, this discrimination would not have occurred," said Priddy, now unemployed and receiving Social Security disability payments.

Ralph Rouse, who has been in a wheelchair for 26 years since an accident left him paralyzed from the waist down, said he was told by a business school dean to forget pursuing his master's degree because he would never make it in the business world.

Rouse, who went on to get his master's degree, said unfortunately the dean was right because he had difficulty finding a job for several years and was not "taken seriously."

He recalled that in 1977 the education lobby opposed federal

regulations requiring accessibility for the handicapped and claimed that complying with the laws would bankrupt them.

"Now business is singing that same tune," Rouse said.

Congressional aides have said the new requirements would add about 1 percent to the cost of new construction costs, but the bill might save the government billions because the disabled would be employed rather than receiving dependency and disability payments.

Eric Reid, who suffered a spinal cord accident in a car accident, said that for nine years he has been forced to live on Social Security disability payments because discriminatory practices have prevented him from finding a job.

"I have the potential to become a productive citizen of the United States," Reid said.

U.S. Rep. Major R. Owens, D-N.Y., chairman of the subcommittee on select education that conducted the hearing, said Americans need "to continually extend the parameters of our democracy, to expand the scope of civil and human rights enjoyed by all of our citizens."

U.S. Rep. Steve Bartlett, R-Dallas, said the act promotes independent living, not increased dependence on government benefits.



Post photo by King Chou Wong

Disabled Texans attend hearing on legislation that extends rights to the disabled.

ROBERT C. (BOB) LANIER
CHAIRMAN, LANDAR CORPORATION AND THE
METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS

THE WHEELCHAIR LIFT'S WERE ADDED, NOT BECAUSE WE BELIEVE THEM TO BE THE MOST COST EFFECTIVE, BUT BECAUSE WE BELIEVE THEM TO BE RIGHT. THE CONTROLLING ISSUE, AS I SEE IT, IS AN ATTEMPT TO AFFORD ALL OUR CITIZENS THE RIGHT TO FULLY PARTICIPATE IN THE ECONOMIC AND POLITICAL PROCESS. THE ANALOGY THAT COMES TO MIND IS THE OLD CONTENTION THAT MINORITIES SHOULD BE SEGREGATED UNDER THE "SEPARATE BUT EQUAL DOCTRINE". I DO NOT SUBSCRIBE TO THAT, BUT SUBSCRIBE TO THE NOTION THAT, AS BEST WE CAN, WE SHOULD AFFORD ALL OUR CITIZENS THE RIGHT OF FULL PARTICIPATION. HOUSTON METRO'S DECISION IS A SMALL STEP IN THAT DIRECTION. A STEP WE ARE COMFORTABLE WITH BECAUSE IT IS SOUNDLY BASED IN AMERICAN VALUES AND OVERALL ECONOMIC HEALTH.

MANY ARGUE THAT ALLOWING FULL PARTICIPATION TAKES PEOPLE OFF THE WELFARE ROLL, MAKES THEM INTO TAX-PAYING CITIZENS. THAT IS ALL TRUE. BUT I THINK THERE IS A LARGER VALUE. HAD U.S. CONGRESSMAN MICKEY LELAND LIVED EARLIER IN MY LIFETIME, HE WOULD NOT HAVE BEEN PERMITTED HIS FULL PARTICIPATION. BUT, AS OUR SOCIETY BECAME MORE INCLUSIVE, IT IS NOT JUST HE, BUT US ALL WHO HAVE BENEFITTED FROM HIS LARGER THAN LIFE CONTRIBUTIONS.

WHO KNOWS WHAT OUTSTANDING CONTRIBUTION LIES DORMANT WITHIN SOME HANDICAPPED PERSON, THAT CONTRIBUTION TEETERING ON THE BRINK OF WHETHER HE OR SHE IS ALLOWED FULL PARTICIPATION IN OUR SOCIETY? THE MOBILITY PROVIDED BY A WHEELCHAIR EQUIPPED BUS FLEET IS AN IMPORTANT ELEMENT OF FULL PARTICIPATION IN OUR SOCIETY.

August 28, 1989

Houston, Texas

In the 27 years I have served in the Texas Legislature, I have seen many changes in the laws as well as in the attitudes of the public and legislative members. Awareness and sensitivity with regard to issues affecting people with disabilities have probably increased more significantly than most other issues in the health and human services realm. But we still have a long way to go to reach a barrier-free society.

In my opinion, we are fooling ourselves if we believe the issue of civil rights for people with disabilities cannot directly affect each and every one of us. Everybody is vulnerable - we are all just one car accident, one virus away from a disability. Medical advances in this country assure a growing disabled population, but our societal advances toward an integrated society are not keeping in stride.

Just as with other major civil rights issues addressed by our nation in the past, basic rights for people with disabilities have to be addressed at a national level. We cannot effectively piece these protections together state by state, person by person. Routinely my staff and I hear personal stories from individuals who have gone to their boss, their grocery store, their bank, and by requesting or demanding, have gained access to fundamental services necessary in every day life. There are even more stories of frustration when such efforts are unsuccessful or when initial successes are only met with yet another obstacle. This method of change is a never ending process, and, an ineffective approach toward broad, societal changes.

Can you imagine where we would be today if we had accepted such a piecemeal method of improving access to employment and businesses for

minority citizens? It would be unacceptable, and we all know it. Access for people with disabilities is no different, and obviously the many individuals involved in developing this legislation have realized this fact. The Americans with Disabilities Act of 1989 gets to the heart of the essential changes needed to create a semblance of a "level playing field" for the disabled --- employment, access to public transportation and public services, access to services provided by private businesses, and access to communication systems.

Legislators often complain about people who are too dependent on government. It's a big issue in our state legislature, as it is in Congress. In order to do something constructive about such "dependency", those of us in government must LISTEN more carefully to the people affected by our public policies. If we would just open the doors for people with disabilities, they would go through them. All they are asking from government leaders are assurances that obstacles to their self-sufficiency are removed so they can lead independent, productive lives. The Americans with Disabilities Act of 1989 will go a very long way toward this goal and I urge you and your colleagues to enact it into law.

Good morning. My name is Rob Mosbacher. I am President of Mosbacher Energy Company, an independent oil and gas firm, and Chairman of the Board of the Texas Department of Human Services. I offer my testimony today both as a private sector employer, and Board Chairman of one of our State's largest agencies.

We must remove the barriers and disincentives that prevent or inhibit people from moving off such income support benefits into the workforce. Clearly, the Americans With Disabilities Act, coupled with Federal financial assistance programs that reward, rather than penalize employment, will provide a pathway of support toward independence for disabled persons. It is not only good public policy, but it also makes sound economic sense.

From the perspective of a private sector employer, this legislation is also very important. If we are to remain competitive as a nation in the international marketplace, we must have a well-trained, well-educated, and well-motivated workforce. Millions of disabled Americans who have been denied access to the workplace are well-educated and can be easily trained. What is more, they are some of the more highly-motivated people in our society today. If we look at the demographic changes in the workforce that are taking place today, and will continue through the balance of this century, it becomes increasingly critical that we call upon disabled individuals to become an appropriate part of the American workforce.

I am convinced that our disabled citizens are anxious to fill that need; and with the enactment of this landmark civil rights legislation, we can achieve that goal.

Howard Wolf
Partner
Fulbright & Jaworski

In a country which prides itself on the opportunities it provides to all its citizens, and in which fundamental fairness and human rights are standards we hold for other nations to meet, we must continue to act upon opportunities to extend the full protection of our laws and full access to the benefits of living in this country to all our citizens. Citizens with mental and physical disabilities have long been excluded by the terms of our laws from full citizenship. We have not yet drawn upon the full strength of the Commerce clause or the Equal Protection clause to broadly prohibit discrimination against people with disabilities. Instead, we have tied basic protections against discrimination in employment, transportation, housing, education and services to receipt of federal funding, thus leaving the bulk of discriminatory actions against people with disabilities without private remedy under federal law. The same employer who by federal law would be prohibited from discriminating against a woman can refuse employment to a person with a disability, for no other reason than the disability. A hotel cannot refuse lodging to a Columbian because of that person's nationality, but can to a person with a disability, for no other reason than the disability. People who can walk into a bus can sit wherever they wish; a person in a wheelchair still cannot board most buses.

Strong remedies are essential to the effective implementation of this and other civil rights laws. The Civil Rights Act of 1964 is an effective law today because of the private remedy provisions contained in the 1964 Act and strengthened through the years by amendment. Civil rights laws depend heavily on private enforcement. Provisions such as the right to attorney's fees, injunctive relief and damages are essential to provide private citizens a meaningful opportunity to vindicate their rights. Attempts to weaken the remedies available under the ADA are attacks on the ADA itself and their success would make the ADA an empty promise of equality.

Other excellent civil rights laws, like the Fair Housing Act, have been on the books for twenty years, but have yielded no significant changes because of ineffective enforcement and remedies. In its last session, Congress made the FHA into a strong weapon against discriminatory housing practices by amending it to create meaningful enforcement mechanisms and remedies.

When we deny a disabled person the opportunity to work, travel, eat or be entertained or in any way to participate in activities with other people, everyone loses. The ADA is not just a bill for Americans with disabilities, it is legislation that will benefit all Americans. It is time to pass the ADA.

NIKKI R. VAN HIGHTOWER
HARRIS COUNTY TREASURER

THIS BILL TAKES US CLOSER TO AN IDEAL INHERENT IN OUR DEMOCRATIC VALUES THAT OUR INSTITUTIONS AND ORGANIZATIONS SHOULD ALLOW ALL PEOPLE TO PARTICIPATE ON AN EQUAL FOOTING. REGRETFULLY, OUR IDEALS ARE NOT ALWAYS PRACTICED WITHOUT SOME IMPETUS BY OUR INSTITUTIONS OF GOVERNMENT.

WHEN CONSIDERING THE MERITS OF THIS BILL, WE NEED TO ASK, IS IT NOT IN THE BEST INTEREST OF SOCIETY AND THE SELF-INTEREST OF EVERY INDIVIDUAL, TO PROVIDE FOR OUR SELF-RELIANCE AS MUCH AS IS HUMANLY POSSIBLE?

THE ISSUE INVOLVED HERE, HOWEVER, IS EVEN GREATER THAN THE FACT THAT PASSAGE OF THIS BILL WILL BENEFIT ALL AMERICANS THROUGH INCREASED ACCESSIBILITY AND BARRIER-FREE ACCOMMODATIONS. IT SAYS SOMETHING ABOUT WHO WE ARE AS A SOCIETY.

POLICIES THAT ALLOW FOR DISCRIMINATION ENDORSE SOME HIGHLY REPUGNANT IDEAS. THEY ENDORSE THE IDEA THAT WE WILL NOT TOLERATE HUMAN DIFFERENCES, THAT WE WILL ABANDON THOSE WHO DO NOT MEASURE UP TO SOME ARBITRARY LEVEL OF PHYSICAL PERFECTION. THEY ENDORSE THE IDEA THAT WE WILL PREY ON OTHERS' MISFORTUNES IN ORDER TO GAIN PERSONAL ADVANTAGE AND TO MAKE OURSELVES FEEL SUPERIOR.

MOST FAMILIES WOULD GLADLY MAKE WHATEVER SACRIFICES AND ADJUSTMENTS THAT ARE NECESSARY TO ALLOW THEIR LOVED ONES TO PARTICIPATE AS ACTIVE MEMBERS OF THE COMMUNITY. SHOULD WE EXPECT LESS FROM OUR INSTITUTIONS AND ORGANIZATIONS THAT ARE MADE UP OF DIFFERENT CONFIGURATIONS OF FAMILY MEMBERS?

THIS BILL WILL NOT IMPOSE GREAT HARDSHIPS ON OUR COUNTY GOVERNMENTS. TITLE II OF HB2273 PROHIBITS DISCRIMINATION AGAINST A QUALIFIED INDIVIDUAL WITH A DISABILITY. HOWEVER, COUNTY GOVERNMENTS ARE ALREADY PROHIBITED FROM SUCH DISCRIMINATION UNDER STATE LAW. (TEX. REV. CIV. STAT. ANN. ART 5221K, VERNON 1987). STATE LAW ALSO IMPOSES A DUTY ON COUNTY GOVERNMENTS TO MAKE REASONABLE ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES.

THE PROVISIONS OF TITLE III REQUIRING THAT PUBLIC SERVICES BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES IS ALREADY EFFECTIVELY COVERED BY SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C. 794). FURTHERMORE, UNDER STATE LAW, (TEX. HUM. RES. CODE 121.001 ET SEQ. VERNON 1980), PERSONS WITH DISABILITIES ARE ENTITLED TO THE FULL USE AND ENJOYMENT OF ALL PUBLIC FACILITIES IN THE STATE OF TEXAS.

PASSAGE AND COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT INVOLVES, AS MUCH AS ANYTHING, A CHANGE IN PERSPECTIVE. IT INVOLVES MOVING FROM A PERSPECTIVE WHEREIN EXCLUSION IS TOLERABLE TO ONE WHERE IT IS INTOLERABLE.

IMPOSED, ARTIFICIAL BARRIERS CREATE ARTIFICIAL DISABILITIES. AS WE ELIMINATE THE BARRIERS, WE ELIMINATE THE DISABILITIES. WE MAY BE SURPRISED AT HOW MINOR THE LIMITATIONS ARE OF THOSE WE CLASSIFY AS DISABLED WHEN THE ARTIFICIAL BARRIERS ARE REMOVED. IN MANY CASES THEY ARE PROBABLY LITTLE MORE THAN THE INVISIBLE DISABILITIES EACH ONE OF US CARRIES AROUND FROM DAY TO DAY BUT WHICH WE REFUSE TO RECOGNIZE.

FOR ALL OF THESE REASONS, I STRONGLY SUPPORT PASSAGE OF THE AMERICANS WITH DISABILITIES ACT.

STATEMENT OF
JUDITH L. COMFORT, DIVISION MANAGER-EXTERNAL AFFAIRS
SOUTHWESTERN BELL TELEPHONE COMPANY

SOUTHWESTERN BELL TELEPHONE APPLAUDS THE CONCEPTS OF THE AMERICANS WITH DISABILITIES ACT. WE ALREADY SUPPORT EMPLOYMENT OF DISABLED PERSONS AND HAVE MADE NECESSARY MODIFICATIONS FOR THEM TO DO THEIR JOBS WITHIN OUR COMPANY.

BUSINESS MUST HELP PROVIDE DISABLED PERSONS THE SAME EQUAL OPPORTUNITY THAT HAS BEEN PROVIDED TO OTHER MINORITIES AND WOMEN. WE MUST WORK TOGETHER TO END DISCRIMINATION AGAINST PERSONS WITH DISABILITIES.

1989

Dr. Howard Rusk

NEW YORK — Dr. Howard A. Rusk, who pioneered rehabilitation techniques for the physically disabled, died Saturday of a stroke. He was 88.

Rusk died in a nursing home where he had been for three months.

Rusk developed rehabilitation techniques for airmen injured in World War II and his methods became standard medical practice throughout the world.

He proposed some of the techniques in a weekly column he wrote for the New York Times from 1946-69.

Rusk was born April 9, 1901, in Brookfield, Mo. He earned his medical degree from the University of Pennsylvania in just two years instead of the usual four.

From 1926-42, he was an internal medicine specialist in St. Louis.

He leaves a daughter, Martha Sutphen of Manhattan; two sons, Howard A. Rusk Jr. of Scarsdale, and Dr. John M. Rusk of Philadelphia, 12 grandchildren and six great-grandchildren.

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