



Hi. It's Larry and you're listening to *Disability Nation*, an audio magazine by and for people with disabilities.

And thanks as always for tuning in. I hope that things are going well for you. I can't believe it's already the first of August almost, and maybe even after the first of August for some of you hearing this. So summer is flying by for sure, but I hope things are going good for you.

Well, just a short time ago, on July 26th, the 18th anniversary of the Americans with Disabilities Act, there was an event held in Ohio called the National Forum on Disability Issues. And if you caught the last episode of *Disability Nation* we actually highlighted some things about that event. This time on the show I want to bring to you a specific presentation from that event by Senator Tom Harkin of Iowa. He was there on behalf of Senator Obama who could not attend.

Senator Harkin has been a long time leader and advocate for people with disabilities in the Senate in terms of getting legislation and programs through that benefit people with disabilities. And I think this is a good chance to learn about him and his work and some of the things he's done and some of the philosophy he has. It's really nice to see someone who is in a position where they can make change who actually gets disability. So I think this is a good presentation so I hope you enjoy it as well.

If you want to get in touch with me you can either send e-mail to contact@disabilitynation.net, or you can call the *Disability Nation* phone portal provided by phoneportals.com and that number is (480) 302-9300. Again, (480) 302-9300. And don't forget to stop by the *Disability Nation* website at www.disabilitynation.net. Thanks for listening.

Tom Harkin: What a great crowd. This is the kind of crowd that can get the Community Choice Act passed and signed into law.

Well, thank you very much, Mike, for that very generous introduction. I want to welcome the audience here in the auditorium. I also want to welcome people all across America who are tuned into this this afternoon, including in Centers for Independent Living who are watching this via the Internet.

I want to thank the American Association for People with Disabilities, the Ohio Disability Vote Coalition, and 82 other sponsors for sponsoring this nation event today; and I want to thank in particular Andy Imparato, the head of the AAPD for all of his leadership and service.

Well, my friends, Mike was right. Today is a great day and a great anniversary. Eighteen years ago -- eighteen years ago today -- when so many of us were there on the south lawn of the White House, it was at that time the largest gathering ever on the lawn of the White House for a Presidential signing of a bill. Largest gathering ever and what a day that was. We stood on a mountaintop that day. We stood on a mountaintop and we broke down the barriers for people with disabilities all over America. Now 18 years later we can look back and we can take pride in the progress we have made since 1990. It has indeed broken down many barriers and opened the door of opportunities to all Americans with disabilities.

And I want to thank my friend Senator Barack Obama, the next president of the United States, for inviting me to speak here today on his behalf. He wanted very much to be here but, as you know, he is on the last leg of his trip to Afghanistan, Iraq, the Middle East, and Europe.

As Mike mentioned, I've been working closely with Senator Obama on disability policy and I have become impressed by his passionate commitment to defending the rights of all people with disabilities. As a former professor of constitutional law, Senator Obama sees this as a bedrock matter of civil rights. But for him it's also a matter of the heart. As Mike said, his father-in-law -- Michelle's father -- Frasier Robinson contracted multiple sclerosis at an early age.

Michelle Obama watched her father go from a vigorous athletic man to a man who had to use two canes just so he could get himself to a job. But despite his serious illness Frasier Robinson never missed a day of work and he continued to do an excellent job. He never wanted special treatment; he just wanted what all people with disabilities want, to be a product citizen and to be treated like everyone else.

But today, ladies and gentlemen, the rights and opportunities of millions of Americans like Frasier Robinson are threatened. There are powerful forces that want to take us backward and that are indeed taking us backward. A series of Supreme Court decisions have greatly narrowed the scope of who is protected by the ADA. As a result, people with conditions that common sense would tell us are disabilities are being told by courts that they are not in fact disabled and therefore not eligible for the protections of the law.

Now, when I explain to people what the Supreme Court has done they're shocked. They can't believe it. Well, you've got to believe it. Impairments that the court says are not to be considered disabilities under the law are these. Now, look at this chart. You can't read it from there but I'll read it for you. Under the Rehabilitation Act that we're all familiar with it listed certain -- and under the ADA of 1990 -- things like amputation, epilepsy, intellectual and developmental disabilities, muscular dystrophy, multiple sclerosis, diabetes, vision loss, cancer, depression, asthma, heart disease; these are all listed as

disabilities. But because of the Supreme Court decisions they are no longer. Amputation is no longer a disability. Epilepsy is no longer a disability. Intellectual/developmental disabilities, no longer a disability. Multiple sclerosis, diabetes, vision loss, cancer, depression, asthma, heart disease, all of which were disabilities before, now no longer, according to the Supreme Court, are disabilities.

It boggles the mind that any court would rule that, for instance, multiple sclerosis or muscular dystrophy is not a disability, but that's where we are today my friends. And why? Because of an activist conservative majority on the Supreme Court that in ruling after ruling has been gutting key elements of the Americans with Disabilities Act.

Now, as many of you know, I am now working on legislation -- it was mentioned by Mike, the ADA Restoration Act -- to reverse some of the damage done by the Supreme Court. Last month the House of Representatives passed this version of the ADA Restoration Act by a strong bipartisan majority. I hope to introduce and pass a similar version in the Senate very soon.

Now, as many of you know I'm currently the chief sponsor of the Community Choice Act. I'm glad it's called that. Now, back in the '90s when we first started on it, it was called MiCASA; many of you remember that. I could never remember what MiCASA stood for. So now it's the Community Choice Act and now I can understand that; I can remember that. But do you know what it would do? It would allow people with disabilities to make their own living arrangements and their own decisions on where and how they want to live.

I am proud to say that Senator Obama is a proud co-sponsor of this bill. I can't tell you how excited I am to have a presidential candidate -- and of course I hope six months from now a president -- who shares my commitment to making the Community Choice Act the law of the land.

Now, in my mind I always tie together the ADA and Community Choice Act. Right after the ADA passed in 1990 I spoke on the Senate floor and I said, well, we've opened the doors for opportunity but now we've got to go through them. Now we've got to make it possible for people with disabilities to enjoy the pillars that we put under the ADA, especially the pillars of economic self-sufficiency and independent living, and also for full participation and equal opportunity.

So people with disabilities obviously needed the ADA to open the door for full participation, equal opportunity, but they need a choice about where to live. And by having that choice and that independence will then enable more to have economic self-sufficiency. Right now too many people with disabilities do not have that choice.

Let's tell it like it is. The current institutional bias in Medicaid has the effect -- hear me closely -- has the effect of incarcerating people in nursing homes and institutions. Our system effectively forces people into institutions. It denies families the flexibility to care for their loved ones in need. We have to change this. For anyone -- for anyone --

including people with disabilities, having independence is essential to a sense of dignity and self-worth.

I think of my nephew Kelly who became paraplegic after an accident while serving in the United States Navy. But Kelly is fortunate to have personal attendant services. This allows him to get up in the morning with his nurse, to get ready and to go to work so he can pay taxes and be a fully contributing member of our economy and our society. Now, how is he able to do this? Is he wealthy? No. My nephew's not wealthy at all. All he's got is his disability pension from the Navy. But what enables him to do this is because the VA picks this up. The VA thankfully picks up his personal attendant services and that's all well and good and I'm proud that they do that for him and for so many veterans.

But I have to ask this question, don't all individuals with disabilities deserve the same opportunity to become productive, contributing, included members of society? Of course they do. And that's what the Community Choice Act is all about. That's what it's about, enabling people to have independent living so that they can go to work and be productive members of society with personal attendant services.

A lot of times people said, "Well, gee, Tom, we can't do that. It would cost too much." Well, we had an earlier estimate about the cost of this when it was called MiCASA; that study was flawed. We have a new study now that shows that the cost of this would probably be somewhere in the neighborhood of about \$3.5 to \$4 billion per year. People say, "My gosh, that's a lot of money. That's a lot of money."

\$3.5 to \$4 billion a year to ensure that every person with a disability can choose where and how they want to live, to have personal attendant services so they can become productive members of our society. Too much? Too much. Well, we're spending about \$10 billion a month in Iraq. So for about a week and a half of what we're spending in Iraq we could provide this Community Choice Act for every single American with a disability for one full year. I don't want anybody to tell me it costs too much.

What costs too much -- what costs too much is the present system. That costs money too. Plus, it costs too much in denying people who can be productive members of society from fulfilling their God-given talents and making use of all their abilities for the benefit of our country. That costs us too much.

Now, I have to be honest with you. Regrettably, at a town hall meeting earlier this month Senator McCain said in no uncertain terms that he opposes the Community Choice Act. This is very unfortunate. Along with disability leaders across the country I have worked for more than a decade to try to pass this critically needed legislation. It has bipartisan support. In fact, I like to point out to people; you know who the first person was to introduce this in the House of Representatives? Newt Gingrich. Well, I'd hope if Newt could support it, maybe Senator McCain might want to support it too.

We've come so far. We can't turn back. We're getting the critical mass we need. We've got the studies supported. We are ready to pass the Community Choice Act. We are going to do it next year and I want a president who will commit to signing it into law.

And so this afternoon I am calling on Senator McCain to reconsider his opposition to this important legislation. Take a closer look at it, my friend. Take a closer look at it and come on board and support it. It has broad bipartisan support. It deserves the support of both presidential candidates.

And I'm very proud of the fact that when I came to the Senate in 1985 I said at that time, "For as long as I'm in the Senate I'm going to have one full-time disability person on my staff doing nothing but working on disability policy," and I've kept that promise. I will continue to keep it as long as I'm in the United States Senate.

It's amazing how many things just slip through and people don't notice. Like in Katrina when we found so many people with disabilities shunted aside, couldn't get into shelters, had to leave their wheelchairs, seeing eye dogs, and stuff left behind because there wasn't any plan within FEMA to ensure that they could reach out to people with disabilities. Well, if that happened I'd change the law and I'd put in there that FEMA now has to have a full-time disability coordinator in FEMA. Well, that's why it's so important to have a policy person in the White House, and Senator Obama has committed to do that.

Now, a couple of other things. You know, the fastest growing occupation in America right now is home healthcare workers. Sorely needed when we get the Community Choice Act passed and we get more people living in their homes and in community settings that need this help and support. Ninety percent of the people providing these services are women. About 1 million people are now providing physically and emotionally demanding and often life-sustaining care for the elderly and disabled in their homes. That will only grow when we pass Community Choice Act.

But here's the glitch. Because of a Supreme Court decision -- this Supreme Court this June made the decision -- these people are not covered by the Fair Labor Standards Act, which means they're not subject to minimum wage or overtime or any of the other protections of our labor laws. Well, I have a bill in, S. 2061 -- you can remember it; I need your support. S. 2061, which would extend the coverage of the Fair Labor Standards Act to home healthcare workers so they would be subject to minimum wage laws and overtime laws. And I'm proud to say that one of my first co-sponsors when I put this bill together was Senator Barack Obama.

So ladies and gentlemen, the American people face a profoundly important choice on November the 4th. The good news is that in the last 18 years since ADA was signed into law, attitudes have changed. Americans understand that the more we empower people with disabilities, the better off we all are. Americans recognize that people with disabilities, like all people, have unique abilities and talents and aptitudes; that our nation is a better, fairer, and richer country when we make full use of those gifts. We need a president who understands this, who will continue to take us forward, not backward. My friends, in my judgment that person is Barack Obama. Thank you very much.

Thank you very, very much. Thank you. Thank you all.

Moderator: Thank you very much, Senator Harkin. Senator Harkin has agreed to stick around for a few minutes to answer some questions and we appreciate that very much.

You raised a number of things, Senator, I want to ask you about; but first of all I want to come back to something that you and a number of others have touched on and that's the Veterans Administration. There's been a lot of publicity, a lot of information in the news media about budget shortfalls at the VA, difficulty meeting the needs of the men and women who have served our country. What would you recommend to President Obama, if he becomes the president, that he do to address some of these crises that have come out in the open at the Veterans Administration?

Tom Harkin: Well, first I would recommend -- and I know Barack feels very keenly about this -- that if we have sent our young men and women off to fight, die, and in many cases get severely injured in a war, it is perhaps a fundamental moral obligation that we have to make sure that if they are injured that they get the best care, they get the best support that our country can afford. Now, we need to support our troops just as we are all committed -- whether we agree with this war or not, we are all agreed on one thing. Every troop over there, every soldier over there ought to have the best support and the best weapons and the best unit and the best protections that anybody can provide.

But we also have to make sure that, God forbid if they get injured, they also get that support when they come home. That means having a Veterans Administration that is staffed. That means a Veterans Administration that has a system set up for people who are injured to come back to be rehabilitated. They get the best prosthetics and supports they can get, and to make sure they go through good voc rehab, to make sure they get trained for jobs, and then to give them support services they need when they get out.

Moderator: Senator Harkin, one of the things we've talked about here this afternoon is the fact that there are so many things that need to be funded. You've pointed out a number of things that you consider priorities -- you personally -- and your statement is that Senator Obama views them as a priority as well. This is at a time when the United States faces so many competing claims on our federal budget and what taxpayers can pay for. What do you say to those who say it's a great idea, it's worthy, but how do we fund all this? The Veterans Administration, the need is huge; we're talking in the billions and billions of dollars. How do you make these very tough decisions about what to spend money on and what you just can't spend as much as you would like to spend?

Tom Harkin: Well, Judy, first of all, there are those items that I consider a moral imperative that we can't shirk our responsibility from. So when we talk about veterans and their care, that's got to be upfront. You put that upfront. You pay for that upfront before you think about other things. And then when I talk about Community Choice Act and I talk about people with disabilities and providing personal attendant services and

things like that, this also is a moral obligation to make sure that every individual in our society can contribute their abilities.

I hope we've gotten somewhat beyond in the last 18 years of looking at a person with a disability and saying, "Oh, that person's disabled. They can't do anything," to looking at a person and saying, "What are your abilities? What can you do?" As my brother Frank used to say, he said, "The only thing deaf people can't do is hear." They can do a lot of other things. So again, looking on what people can do with disabilities.

Yes, we've got budget crunches and stuff like this, but we also have moral obligations I think to our troops. We have moral obligations to our society and people with disabilities. Plus, we also have an economic interest. I am sick and tired of hearing how much this is going to cost. They don't take into account the benefits later on. And I always point to my nephew Kelly. Yeah, if he didn't have all that he could sit at home and twiddle his thumbs all his life. But because he's able to get these services he goes to work. He's a taxpayer.

When 60 percent of people with disabilities in our country are unemployed, that's wrong. That's a moral imperative to reach out; plus, it's also an economic imperative. Think how much they can contribute to our society by becoming workers and taxpayers in this country. So every time someone says this is a cost, it's not a cost. It's a benefit to our country when we do these things.

Moderator: Well, on behalf of all of us we want to thank Senator Tom Harkin for being here to speak on behalf of Senator Obama. Senator, thank you so much.

Tom Harkin: Thank you, Judy.

Moderator: Appreciate it. Thank you.

Tom Harkin: Thank you all. I love you all. You're wonderful. Thank you. Fight on. Fight on.

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