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INCLUSION DAILY EXPRESS

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Your quick, once-a-day look at disability rights, self-determination and the movement toward full community inclusion around the world.

Friday, August 29, 2003
Year IV, Edition 137

This front page features 8 news and information items, each preceded by a number (#) symbol.
Click on the**"Below the Fold"** link at the bottom of this page for the rest of today's news.

QUOTES OF THE DAY:
"Our underfunded and discretionary systems of health and social care, coupled with rampant discrimination, are having fatal consequences for disabled people."
--Jane Campbell, disability rights commissioner and chairwoman of Britain's Social Care Institute for Excellence, arguing against "assisted suicide" (Second story)

"There were dreadful cases where young women were told they were having their appendix out, only to find years later that they had in fact been sterilised."
--Anita Smith, President of Tasmania's Guardianship and Administration Board, talking about what often happened to young Australian women with disabilities who were institutionalized in the past (Fourth story)

TRANSPORTATION / LAWS

Airlines Fined For Discrimination Against Wheelchair Users;
Most Penalty Money Given Back For Corrections
By Dave Reynolds, Inclusion Daily Express
August 29, 2003

WASHINGTON, DC--The U.S. Department of Transportation announced Thursday that it has fined three major airlines a total of $750,000 for discriminating against passengers that use wheelchairs. Most of the fines, however, were credited back to the airlines for them to use to comply with federal law.

DOT found that America West Airlines, JetBlue Airways and Southwest Airlines violated the Air Carrier Access Act (ACAA) and other federal regulations by failing to provide a place to stow standard-size folding wheelchairs inside their airplaines' cabins.

ACAA regulations require aircraft with 100 or more passenger seats, which were ordered after April 5, 1990 or delivered after April 5, 1992, to have space in the cabin designated to stow at least one passenger's folding wheelchair.

America West, which was fined $150,000, received a $135,000 credit; JetBlue, which had been fined $100,000, was given a $90,000 credit; and Southwest was credited back $450,000 of its $500,000 fine.

According to a DOT statement, America West will use its credit to provide stowage space on aircraft that were ordered or delivered before the requirement took effect. JetBlue will create a quality assurance team to learn more about providing service to passengers with disabilities, to provide information on its Web site about DOT's toll-free disability hotline, and to install teletypewriters at ticket counters to accommodate passengers who are

deaf and hard of hearing. Southwest will use its credit to cover part of the cost associated with retrofitting all its older Boeing 737s with a closet to be used for stowing folding wheelchairs.

ADVOCACY

Focus Should Be On Helping People Live, Not Die, Advocate Writes
August 29, 2003

LONDON, ENGLAND--The following four paragraphs are excerpts from a commentary which appeared in Tuesday's Guardian Unlimited, written by Jane Campbell, disability rights commissioner and chairwoman of the Social Care Institute for Excellence:

"Every day in Britain a disabled person is made fully aware that his or her life is contingent, reliant on the goodwill of others; that it is a life placing untold strain and pressure on somebody who was once their husband, daughter or parent but whose character has been eclipsed by their role as a full-time carer; that rather than a fulfilled life, theirs is a life that has become a burden to others."

"Such feelings are well-chronicled in research into why people choose to die. Studies in Oregon and Holland, where euthanasia is legal, revealed that a substantial number of people seeking assisted suicide gave 'not wanting to be a burden' as the principal reason for seeking death."

Despite the recent failure of a private member's bill to legalise voluntary euthanasia in this country, there is a sense that the British public favours legislation on the right to die. But many disabled people say that the focus should be on an agreed entitlement to essential services to independent living - an assisted living bill. Present reality, however, is a continent away from these aspirations.

Our underfunded and discretionary systems of health and social care, coupled with rampant discrimination, are having fatal consequences for disabled people. But, rather than tackle these issues head on - to choose life, in Irvine Welsh's now famous phrase - the warping effects of our discourse on disability seem to have made death the only humane option.

Entire article:
"Choose life" (Guardian Unlimited)
http://www.guardian.co.uk/comment/story/0,3604,1029148,00.html
Social Care Institute For Excellence
http://www.scie.org.uk

LAWS / SERVICE ANIMALS

Gallery Owner Calls Eviction 'Discriminatory'
August 29, 2003

LAS VEGAS, NEVADA--Earlier this year Laurel Morehouse was contacted by Frank Wheat, manager of the Neonopolis mall.

According to Morehouse, Wheat said he was trying to boost Neonopolis' visitor traffic and cultural amenities. So he asked her to move her gallery/store, Art Works for Everyone, into a first-floor space at the mall. Wheat offered to lease the space to her at no base charge, expecting only 10 percent of the store's sales in return, Morehouse says. He also did not require her to sign a lease agreement or to pay up-front deposits.

It seemed like a perfect match for Morehouse, who has avascular necrosis and founded Art Works for Everyone as a way to give back to her community.

For nearly three months Morehouse operated the gallery/store at the mall, with the help of about 10 homeless volunteers.

But Wheat resigned from his job on August 18.

And the new management team wants Morehouse and her non-profit to move out by this Sunday.

Mall management staff accused Morehouse of letting homeless people sleep in her store, a claim Morehouse denies. They also told her to remove her service dog, Goliath, claiming its urine posed a "biohazard".

"I told them that issue was resolved by the ADA years ago," said Morehouse, who has hired an attorney to fight the allegations. "It's just one more way they've tried to make things difficult for me."

Morehouse believes the mall is discriminating against her because she is trying to help homeless people, she told the Las Vegas Review-Journal.

Related article:
"Neonopolis tenant faces ouster" (Las Vegas Review-Journal)
http://www.InclusionDaily.com/news/03/red/0829a.htm

LAWS / ADVOCACY

Illegal Sterilizations Continue, Women's Group Claims
By Dave Reynolds, Inclusion Daily Express
August 29, 2003

HOBART, TASMANIA--The disability rights group Women With Disabilities Australia believes that hundreds of young women and girls in Australia are being sterilized illegally, the Mercury reported Thursday.

One official said the government is likely paying for some of the surgeries, which are being coded as "appendectomies" for Medicare billing purposes.

WWDA claims the problem is a social issue, made worse by a lack of government support for families.

"The denial of a young woman's human rights through an irreversible medical intervention with long-term physical and mental health risks is wrongly seen as the most appropriate solution to a social problem of lack of services and support," said WWDA executive director Carolyn Frohmader.

"While decisions are often made on the basis of the presumed best interests of the girl or woman, clarification of whose best interest is really at stake is necessary when the consequences are lifelong and irreversible."

Frohmader said sterilization could make girls more vulnerable for sexual abuse and could be used to cover-up abuse because there was no pregnancy as evidence.

Official data collected for Australia's Human Rights and Equal Opportunity Commission showed 1045 girls were sterilized -- operations paid by Medicare -- from 1992-97. Only 17 of those were legally authorized.

Related:
"Unlawful claim on sterilised hundreds" (The Mercury via News Interactive)
http://www.InclusionDaily.com/news/03/red/0829b.htm
Women With Disabilities Australia

http://www.wwda.org.au/
HREOC: The Sterilisation of Girls and Young Women
http://www.humanrights.gov.au/disability_rights/sterilisation/index.html

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ABUSE / EDUCATION

Teen Dies After Seizure And Restraint
By Dave Reynolds, Inclusion Daily Express
August 28, 2003

PORTAGE, MICHIGAN--Detectives and family members of Michael Renner-Lewis III are trying to figure out what happened to the 15-year-old who died Monday at Parchment High School after being restrained by four staff members.

Around 1:00 school officials contacted Michael's mother, Elizabeth Johnson, to tell her that her son had experienced a seizure at some point in the morning, but that he appeared to be recovering well. Johnson telephoned a back-up caregiver to go to the school to pick up Michael, who also had autism.

The teen's father, Michael Renner-Lewis Jr, said that when the caregiver arrived at the school she found Michael unconscious, lying on his stomach with his hands behind his back. The woman said she immediately started CPR. Parchment Police Chief William Bongers, responding to a 911 call, arrived at 1:57 and started using a portable heart defibrillator to try to resuscitate the teen.

Michael was pronounced dead at a local hospital.

An investigation has been launched into what happened between the time of Michael's seizure and when Bongers arrived on the scene.

According to a preliminary police report, Michael seemed to have recovered from the seizure, but later the 6 foot tall 200 pound teen "became combative" and apparently struck out at others.

Four staff members "tried to quiet Michael", each grabbing one of his limbs and sitting down on the floor next to him in a room behind the school auditorium, police said.

Michael soon appeared calm -- too calm. One of the aides noticed that Michael had closed his eyes.

It is not clear what took place next.

"I want to find out what happened," said Michael's father. "From when the incident happened to when the emergency (staff) arrived, that is the period for when I want to know what happened."

An initial autopsy report showed "no obvious anatomical causes" of death. Investigators are waiting for the results of toxicology tests.

Related article:
"Questions surround teen death" (Kalamazoo Gazette)
http://www.InclusionDaily.com/news/03/red/0829c.htm

TODAY'S FEATURED WEBSITE

National Association of Protection and Advocacy Systems, Inc.

The National Association of Protection and Advocacy Systems, Inc. (NAPAS) is the voluntary national membership association of the P&As and CAPs and it assumes leadership in promoting and strengthening the role and performance of its members in providing quality legally based advocacy services.

NAPAS has a vision of a society where people with disabilities exercise self determination and choice and have equality of opportunity and full participation. NAPAS believes this vision will be realized through the enactment and vigorous enforcement of laws protecting civil and human rights.

http://www.protectionandadvocacy.com/

EXPRESS EXTRA!!! From the Inclusion Daily Express Archives -- Two years ago

LAWS / DEATH PENALTY

Prosecutors Withheld Evidence, Death Sentence Thrown Out
By Dave Reynolds, Inclusion Daily Express
August 30, 2001

ALLENTOWN, PENNSYLVANIA--Eleven years ago, a jury convicted Dennis Countryman of starting the fire that burned his Allentown home, killing his three sons. He was then sentenced to die for the crime.

The New York Times reports that a judge has thrown out Countryman's conviction and death sentence because prosecutors had hidden important evidence from his defense attorneys, thereby denying him his Constitutional right to a fair trial. Some of that evidence had to do with conflicting statements from Countryman's wife, Janet, who reportedly has mental retardation.

During the trial, Janet testified that none of her children had a history of setting fires. But on the day of the fire, a neighbor told police that Janet had said her oldest son, Christopher, had burned his bedroom curtains. Another person told police that she had seen Christopher light a rug on fire.

Prosecutors did not give Countryman's defense team either of the police reports documenting those comments.

Mrs. Countryman also testified during the trial that she woke up on the day of the fire to the sound of a lighter and saw her husband standing at the bottom of the stairs. This contradicted statements she made to police on the day of the fire in which she said she had to wake her husband after Christopher had alerted her of the fire.

Defense attorneys were not aware of these statements because prosecutors whited them out before turning the police report over.

Judge Lawrence J. Brenner's ruling this week means that Countryman will get a new trial.

Countryman was "ecstatic" at hearing the news, said one of his attorneys on Wednesday. The attorney added that Countryman, who apparently "has an IQ in the mid-70s", did not understand why he will be going through a new trial.

For other news items related to recent death sentences that have been overturned, check out this Inclusion Daily Express web page:
http://www.inclusiondaily.com/news/laws/overturned.htm

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http://members5.boardhost.com/InclusionDaily

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http://www.InclusionDaily.com/news/03/btf/082903_48.htm

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