

REMARKS

SENATOR HUBERT H. HUMPHREY

"POWER, POLITICS AND CURRENT ISSUES IN REHABILITATION"

MANKATO STATE UNIVERSITY WORKSHOP

MANKATO, MINNESOTA

JULY 6, 1977

yesterday
N.E.A.

Mr Hopper

President Moore

Adjunct Prof
Weberman

"Experts on top"
not on top

I'm no Expert
I'm a Generalist

“MY HAND TREMBLES, BUT MY HEART DOES NOT.”

STEPHEN HOPKINS REPORTEDLY SAID OF HIS SIGNATURE ON
THE DECLARATION OF INDEPENDENCE. HISTORIANS DO NOT

AGREE WHETHER THIS FOUNDING FATHER SUFFERED FROM

CEREBRAL PALSY. BUT THAT SENTIMENT STANDS AS A
REMARKABLE EXPRESSION OF MIXED STRENGTHS AND

WEAKNESSES OF EVERY HUMAN BEING.

RECALL FRANKLIN D. ROOSEVELT. WOULD YOU CATEGORIZE

THAT GREAT LEADER BY HIS AFFLICTION? WHETHER HIS
POLITICS INSPIRES OR ALIENATES YOU, HE REPRESENTS

ACHIEVEMENT, STRENGTH AND LEADERSHIP.

THERE IS NO SHORTAGE OF INSPIRING EXAMPLES OF

PERSONS WHO OVERCAME HANDICAPS, SOMETIMES IN A

SPECTACULAR MANNER. THE CURRENT ISSUE IS THE EXTENT

TO WHICH PUBLIC POLICY CAN AND SHOULD HELP MAKE THIS

OPPORTUNITY WIDELY AVAILABLE TO ALL DISABLED PERSONS,

REGARDLESS OF THEIR INDIVIDUAL SITUATION.

↳ HAD FRANKLIN D. ROOSEVELT BEEN SEEKING THE MOST
ORDINARY EMPLOYMENT, HE MIGHT WELL HAVE ENCOUNTERED
DISCOURAGING PHYSICAL, ARCHITECTURAL AND PSYCHOLOGICAL
BARRIERS.

↳ THIS SUGGESTS SOMETHING OF THE ARBITRARY NATURE
OF THE PREJUDICE THAT CONFRONTS ANY OPPRESSED AND
LABELED GROUP.

↳ DISCRIMINATION IS CLEVER AND PERVASIVE. ↳ PERHAPS
ITS MOST ESSENTIAL CHARACTERISTIC IS THAT IT DEFINES
WHICH PERSONAL STRENGTHS WILL BE ASSIGNED SOCIAL VALUE
AND IMPORTANCE.

↳ BECAUSE EACH HUMAN BEING IS A MIXTURE OF SKILL AND
INEPTNESS, STRENGTH AND WEAKNESS, APTITUDES AND INTERESTS,
IT IS SURPRISING HOW LONG IT HAS TAKEN TO CHANGE PUBLIC
POLICY TOWARD THOSE WHOSE DISABILITIES HAVE BARRED THEM
FROM THE MAINSTREAM OF AMERICAN SOCIETY.

↳ THE FOCUS USED TO BE TO TREAT WEAKNESS AND OFTEN,
INVOLUNTARILY, TO PERPETUATE DEPENDENCE. ↳ A NEW HORIZEN
IS OPENING TO THE POSSIBILITY AND THE DESIRABILITY OF
PROGRAMS THAT EMPHASIZE AND BUILD ON STRENGTHS.

↳ I AM PROUD AND HONORED TO SPEAK TO A GROUP WHOSE
PROFESSIONAL PURPOSE IS TO CREATE A MORE JUST AND
COMPASSIONATE SOCIETY, AND TO HELP THE "LOST MINORITY"
OF THE PHYSICALLY AND MENTALLY HANDICAPPED TO ASSUME A
MEANINGFUL, SATISFYING AND PRODUCTIVE ROLE IN THIS
NATION'S ECONOMIC AND CULTURAL LIFE.

↳ I SUSPECT THAT MANY OF YOU CHOSE THIS CAREER
BECAUSE OF A BASIC OPTIMISM ABOUT THE RESILIENCE AND
POTENTIAL OF HUMAN BEINGS, AND THE DIVINE SPARK SHARED
BY EVEN THE MOST SERIOUSLY AFFLICTED.

↳ MY PURPOSE TODAY WILL BE TO DESCRIBE VERY BRIEFLY
HOW I VIEW THE PRESENT CLIMATE OF CONCERN FOR THE
HANDICAPPED AND SOME OF THE PROGRESS THAT HAS BEEN MADE.

↳ I ALSO WILL SUGGEST HOW WE CAN EXPAND AND
CONSOLIDATE THAT PROGRESS.

↳ IT HAS BECOME A TRUISM THAT THE 1970'S IS THE
DECADE OF THE HANDICAPPED, ^{just} AS THE 1960'S WAS THE
DECADE OF CIVIL RIGHTS. ↳ I UNDERSTAND THAT THE 1980'S
HAS BEEN PREEMPTED AS THE DECADE OF OLDER AMERICANS,
AND THAT WILL SUIT ME JUST FINE! ↳ I WILL BE COMING OF
AGE JUST IN TIME TO BE IN STEP WITH THE CROWD,

↳ THE 94TH CONGRESS ENACTED MAJOR LEGISLATION IN
THE AREAS OF DEVELOPMENTAL DISABILITIES, EDUCATION OF
THE HANDICAPPED, VOCATIONAL REHABILITATION AND MENTAL
HEALTH.

↳ AS YOU KNOW, THE DEVELOPMENTAL DISABILITIES ACT
PROVIDES SUPPORT TO STATE EFFORTS TO PLAN, COORDINATE
AND IMPLEMENT PROGRAMS FOR DEVELOPMENTALLY DISABLED.

↳ TO QUALIFY FOR AID, STATES MUST SUBMIT PLANS FOR
BOTH DEINSTITUTIONALIZATION AND INSTITUTIONAL REFORM.

↳ ANOTHER VERY SIGNIFICANT FEATURE OF THIS
LEGISLATION IS THE INCLUSION OF A BILL OF RIGHTS WHICH
ASSERTS THE RIGHT OF THE MENTALLY RETARDED TO APPROPRIATE
TREATMENT AND SERVICES AND IT BACKS UP THOSE RIGHTS
WITH THE DEMAND THAT A SPECIFIC SYSTEM BE DEvised TO
PROTECT AND ADVOCATE THESE RIGHTS.

↳ ANOTHER LEGISLATIVE STEP, WITH REVOLUTIONARY
POTENTIAL, WAS PASSAGE OF THE "EDUCATION FOR ALL
HANDICAPPED CHILDREN ACT". ↳ UNDER THIS LAW, IN ORDER
TO BE ELIGIBLE FOR FEDERAL AID, A STATE MUST PROVIDE
A FREE AND APPROPRIATE PUBLIC EDUCATION FOR ALL
HANDICAPPED CHILDREN BY SEPTEMBER, 1980. ↳ AND
PRIORITY ATTENTION MUST BE GIVEN TO THE MOST
SEVERELY HANDICAPPED.

FOR THE LESS SEVERELY HANDICAPPED WHO ARE ABLE TO LEARN WORK SKILLS, AND EVEN BECOME SELF-SUPPORTING AND CONTRIBUTING MEMBERS OF THE COMMUNITY, THE REHABILITATION ACT OF 1973, AS AMENDED, PROVIDES IMPORTANT SUPPORT FOR TRAINING PROGRAMS. BUT THIS LAW ALSO MANDATES PRIORITY ATTENTION FOR THOSE WITH THE MOST SEVERE HANDICAPS.

ONE MEASURE OF THE IMPACT OF THIS LAW IS THE INCREASING NUMBER OF SEVERELY DISABLED BEING SERVED IN THIS NATION'S REHABILITATION PROGRAMS, INCLUDING SHELTERED WORKSHOPS. IN THE PAST, THESE PEOPLE HAD LITTLE HOPE OF ACHIEVING THE SENSE OF PURPOSE, SATISFACTION AND SELF-RESPECT THAT COMES WITH SUCCESSFULLY PERFORMING A USEFUL AND PRODUCTIVE TASK.

MANY OF THE SEVERELY HANDICAPPED CANNOT HOPE TO EARN A DECENT WAGE BASED ON PRODUCTIVITY ALONE. I HAVE INTRODUCED A PROPOSAL TO PROVIDE WAGE SUPPLEMENTS THAT WILL REWARD THE EFFORTS OF LONG-TERM WORKERS IN SHELTERED WORKSHOPS WITH A LIVING WAGE.

I SINCERELY HOPE THAT CONGRESS WILL ENACT THIS MEASURE.

LAST WEEK WE SUCCEEDED IN PASSING AN ENORMOUS LABOR-
HEALTH, EDUCATION AND WELFARE APPROPRIATIONS BILL. THE
MOST CONTROVERSIAL AND DIVISIVE PROVISIONS OF THIS BILL
WERE WIDELY PUBLICIZED. BUT LITTLE EMPHASIS WAS PLACED
ON THE TREMENDOUS FINANCIAL COMMITMENT EXPRESSED IN THE
BILL TO PROGRAMS OF HEALTH AND EDUCATION THAT HELP TO
PREVENT CRIPPLING DISEASE, TO RESTORE HEALTH, TO
REHABILITATE THE DISABLED, AND TO PROVIDE THE EDUCATION
AND SERVICES THAT ENABLE THE HANDICAPPED TO ASSUME A
PROUD AND PRODUCTIVE ROLE IN OUR NATIONAL LIFE.

I COULD LIST DOZENS OF INITIATIVES, BUT I AM SURE
YOU DO NOT WANT AN ORAL BIBLIOGRAPHY. THERE ARE
EXCITING NEW EFFORTS TO HELP THE HANDICAPPED ACHIEVE
INDEPENDENT LIVING, TO COORDINATE THE PROGRAMS THAT
SERVE THEM AND TO MAKE TRANSPORTATION BOTH FINANCIALLY
AND PHYSICALLY ACCESSIBLE.

THESE EFFORTS ARE PARALLELED BY DEVELOPMENTS IN OUR STATE LEGISLATURES. THAT IS AN IMPORTANT AREA OF GOVERNMENT AN EFFORT THAT SHOULD NOT BE OVERLOOKED.

IN OUR FEDERAL SYSTEM, STATES TRADITIONALLY AND IDEALLY SERVE AS THE LABORATORY FOR REFORM LEGISLATION. THIS IS TRUE OF MINNESOTA, WHICH HAS BEEN A LEADER AND MODEL IN MEDICAL GROUP PRACTICE, IN CATASTROPHIC AND NO-FAULT INSURANCE, IN ELECTION-DAY REGISTRATION, IN SUPPORT FOR CRIPPLED CHILDREN, AND IN MANY SOCIAL WELFARE PROGRAMS.

I HAVE LISTED SOME OF OUR RECENT LEGISLATIVE ACHIEVEMENTS AND CONCERNS.

BUT PERHAPS MOST SYMBOLIC OF THIS NEW SOCIAL SENSITIVITY AND PERSONAL ACTIVISM ARE THE RECENTLY SIGNED SO-CALLED 504 REGULATIONS.

AS ALL OF YOU HERE KNOW, THESE REGULATIONS
STEM FROM A BRIEF PROVISION IN THE REHABILITATION
ACT OF 1973,

(X) SECTION 504 SAYS:

"NO OTHERWISE QUALIFIED HANDICAPPED INDIVIDUAL IN
THE UNITED STATES...SHALL, SOLELY BY REASON OF HIS
HANDICAP, BE EXCLUDED FROM PARTICIPATION IN, OR BE
DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION
UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL
ASSISTANCE..."

↳ THAT IS A BEAUTIFULLY SIMPLE AND DIRECT STATEMENT.

↳ IT EXPRESSES A SOUND PRINCIPLE FEW COULD OPPOSE,

↳ I HAVE BECOME AWARE, JUST AS SECRETARY CALIFANO
DID WHEN HE THREADED PAST THOSE WHEELCHAIRS BLOCKING
HIS ANTEROOMS, THAT THE LANDMARK IMPORTANCE OF THAT
STATEMENT RESIDES IN THE RECOGNITION THE DISABLED HAVE
GIVEN IT AS THEIR DECLARATION OF INDEPENDENCE.

THEY -- NOT JUST THEIR SPOKESMEN -- ARE
DETERMINED TO GIVE ITS PROMISE SUBSTANCE AND REALITY.

↳ IN FACT, DEVELOPMENTS REGARDING SECTION 504
OFFER INSIGHT INTO THE PROCESS OF SELF-GOVERNMENT
WHICH NOT ALWAYS IS AS SCIENTIFIC AND CAREFULLY
CALCULATED AS ONE MIGHT THINK. ↳ IF IT WERE MORE
CALCULATED, IT CERTAINLY WOULD BE LESS DEMOCRATIC.

↳ I WILL NOT DENY THAT MANY OF US WHO INSISTED
THAT THIS PROVISION BE INCLUDED IN THE REHABILITATION
ACT, HAD NOT CONSIDERED EVERY IMPLICATION OR CONSEQUENCE: *For example*

↳ WHAT CONSTITUTES DISCRIMINATION? ↳ WHO SUFFERS FROM IT?

↳ HOW CAN YOU ENFORCE NONDISCRIMINATION? ↳ WHAT IS THE
MEANING OF EQUAL ACCESS TO BUILDINGS AND PROGRAMS?

↳ WHO SHOULD PAY THE COSTS INVOLVED? HOW IS DISABILITY
TO BE DEFINED?

↳ DESPITE UNANSWERED QUESTIONS, SOMETIMES IT IS A
SUFFICIENT BEGINNING TO DO WHAT IS RIGHT, AND TO
ASSUME THAT WE WILL FIND THE STRENGTH AND WISDOM TO
HANDLE THE RESULTING PROBLEMS AND CHALLENGES AS
THEY ARISE. ↳ IF YOU DON'T HAVE THAT FAITH, YOU WOULDN'T
BE MUCH OF A LEGISLATOR.

↳ LAW IN THIS COUNTRY IS DYNAMIC. ↳ THIS IS NOT THE
FIRST LAW IN WHICH THE U. S. CONGRESS HAS EXPRESSED
ITS INTENT AND CONVICTIONS, AND THEN TURNED TO THE
PEOPLE AND TO MUCH-MALIGNED BUREAUCRATS TO HELP FLESH
OUT THE MEANING, AND TO DETERMINE ITS APPLICATION.

↳ NOR IS THAT ALWAYS NECESSARILY BAD. ↳ WHEN WE HAVE
Congress
A ~~SENATE~~ FULL OF EXPERT REGULATION WRITERS WE WILL HAVE
A FOCUS FAR TOO NARROW TO ACCOMMODATE THE BURSTING
VITALITY AND DIVERSITY OF AMERICA'S CULTURE, VALUES AND
ASPIRATIONS.

Two ADMINISTRATIONS FAILED TO COME TO GRIPS WITH THE ISSUES OF COST, AND THE GOALS OF EQUALITY MANDATED BY THAT BRIEF 504 PARAGRAPH. SECRETARY CALIFANO, TOO, WAS TAKEN ABACK MOMENTARILY BY THE IMPLICATION OF THE IMPLEMENTING REGULATIONS.

BUT THE EXISTENCE OF THE LAW HAD A PWOERFUL AND PERVASIVE INFLUENCE IN THE FOUR YEARS THAT THE GENERAL PUBLIC, THE SPECIALISTS SERVING THE HANDICAPPED, THE DISABLED THEMSELVES AND THEIR LOBBYISTS, TESTIFIED AND NEGOTIATED, INTERPRETED AND COMPROMISED, AND FINALLY HAMMERED OUT THE DEFINITIONS AND CRITERIA TO GIVE THIS SECTION REALITY.

SECTION 504 GAVE IMMEDIACY TO A GOAL THAT OTHERWISE MIGHT HAVE REMAINED IN THE REALM OF THEORY.

IT HELPED TO DEFINE THE GOALS AND FOCUS THE EFFORTS OF THE PERSONS AFFECTED.

↳ IT GENERATED A NATIONAL AWARENESS OF THE
PROBLEMS OF THE HANDICAPPED, AND A NEW QUESTIONING
OF THE GOALS, PRINCIPLES AND ADEQUACY OF CURRENT POLICY.

↳ IT FOSTERED A SENSITIVITY TO THE PROBLEMS OF
THE HANDICAPPED, AND A REALIZATION OF THE HOPES AND
FEELINGS EACH OF US SHARES WITH THOSE LESS FORTUNATE.

X MOST IMPORTANT, IT FORCED ACTION. !

LAWMAKING SHOULD CAPTURE THE CURRENTS OF PUBLIC
SENTIMENT AND OPINION, AND HELP TO MOLD AND GUIDE THEM.

↳ IT IS A DYNAMIC, RECIPROCAL PROCESS. ↳ BUT IT ALSO
IS AN IMPERFECT AND IMPRECISE ART. ↳ MEASURED BY RIGID
STANDARDS, SOME MIGHT CONSIDER EVEN THE BILL OF RIGHTS
SOPHOMORIC, BECAUSE IT STILL GIVES RISE TO CONFLICTING
CLAIMS AS WE STRIVE TO DETERMINE JUST WHICH RIGHTS ARE
COVERED, AND HOW THEY OUGHT TO BE RESPECTED AND PROTECTED
AND, BY EXTENSION, WHAT KIND OF A SOCIETY WE WANT.

THAT IS MY MESSAGE TODAY, I CAN SUMMARIZE
IT IN A FEW BRIEF PHRASES:

↳ THE NATIONAL CLIMATE IS RECEPTIVE TO A NEW
AND MORE HUMANE APPROACH TO REHABILITATION.

↳ OPPORTUNITIES FOR PROGRESS ALREADY ARE WRITTEN
IN DOZENS OF STATUTES AND REGULATIONS. KNOW THEM.
USE THEM. TEST THEM.

↳ ZERO IN ON CHAPTER AND VERSE. DEFINE LIMITED
AND SPECIFIC GOALS, AND THEN FOCUS YOUR EFFORTS ON
THEIR REALIZATION.

↳ BUILD A WIDE BASE OF PUBLIC SUPPORT.
↳ YOUR LEGISLATORS RESPOND. AND THEY RESPOND BEST
TO DEMANDS FOR JUSTICE AND NATIONAL PRIORITIES THAT
ARE WIDELY HELD AND ACCEPTED.

THANK YOU.



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