

Six Presidential Hopefuls Weigh In With AAPD. Where Do They Stand On Disability Issues? AAPD Asked Them To Share Their Positions.

Nine Democrats have officially announced their candidacy for the party's Presidential nomination in 2004. These individuals will participate in primary elections and caucuses all across the country. Many of us will have the opportunity to vote for the candidate we believe is most in-line with our priorities. The Republican Party will run President George W. Bush for a second term and, therefore, will not conduct Presidential primaries or caucuses.

AAPD sent letters with questions regarding issues important to people with disabilities to all nine Democratic primary candidates. **In mid-2004, AAPD will look at the disability record and agenda of President Bush, the Democratic Party's nominee, and any other major candidates for President.**

Six of the nine candidates responded to our questionnaire — Wesley Clark, Howard Dean, John Edwards, Dick Gephardt, John Kerry, and Dennis Kucinich. For more disability information from Presidential candidates (including some who are not featured here) go to AAPD's web site at www.aapd-dc.org.

HERE ARE THE QUESTIONS AND THEIR ANSWERS:

Question 1: How will you make sure qualified people with disabilities will be a part of your political team and, if elected, a part of your Administration?

WESLEY CLARK

One of the most important things I learned during my service in the Army is that a strong team is one that embraces diversity and uses the different interests, backgrounds, and abilities of its members to their fullest potential. I am committed to building the strongest leadership team possible—one that will include people with disabilities.

HOWARD DEAN

Individuals with disabilities are already a part of my political team. Outreach to the disability community is an integral part of my campaign, and I frequently seek input on policy issues from members of the disability community. I am also working to ensure that all of my campaign events are accessible to all.

I would include people with disabilities in a wide spectrum of executive appointments. Individuals with disabilities provide a valuable perspective on federal policy and contribute immeasurably to the fabric of our nation.

If I am elected President, I will appoint a “Special Assistant to the President for Disability Policy.” Working with the disability community, this White House-level staff member would be responsible for implementing my disability agenda and ensuring agency compliance with existing laws.

JOHN EDWARDS

A diversity of perspectives is essential for any team, especially a Presidential Administration. I am already working to ensure the perspectives of people with disabilities are included in my campaign. If elected, I would appoint qualified people with disabilities to important jobs in the White House and throughout the government, including jobs that are not focused on disability policy. I would also make the federal government a model for the private workplace. Federal agencies would actively recruit qualified people with disabilities and would remove the obstacles for working Americans with disabilities, such as supporting initiatives for telecommuting and flexible work schedules.

DICK GEPHARDT

I believe that all individuals should have the equal opportunity to achieve, without obstacles imposed by the rest of society. As House Majority Leader in 1990, I helped pass the Americans with Disabilities Act (ADA) because I strongly believe that in order to have a great society, we have to truly make sure that no person is left behind for any reason. Every individual deserves the right to be self-sufficient and to have the means to lead productive lives. I believe in the ADA, and as President, I will have an Attorney General and a Department of Justice that will vigorously enforce the law.

JOHN KERRY

People with disabilities are already a part of my political team. I am proud to be working with an expert group of advisors I have assembled on disability policy issues. When I am President I can guarantee the disability community that qualified individuals with disabilities will play a pivotal role in my transition team and in my Administration. I will seek out the best and brightest to serve in multiple capacities throughout the government and in the White House. I will utilize the skills and wisdom of the disability community in shaping disability policy and programs. I will also reinstate the Executive Order by President Clinton to hire 100,000 qualified individuals with disabilities as federal employees.

DENNIS KUCINICH

One of the best ways of including individuals with disabilities in political life in general and our campaign in particular is by using computers and the Internet. Adaptive computer technology enables people with physical, sensory, and learning disabilities to communicate and contribute to society. In fact, one of our campaign’s research assistants has cerebral palsy and uses her computer to telecommute from California.

The federal government should provide a model for implementing the ADA by encouraging workplace accommodations. As mentioned above, telecommuting should be encouraged. Flexible scheduling and time off for one's own or a family member's medical appointments is a crucial accommodation for many. We can set a tone of inclusiveness by listening to current and potential employees and making them active participants in the design of their own workplace adaptations. When this happens, workers work better and earn the respect of their co-workers, feeding a virtuous cycle of workplace inclusion, productive work, and social inclusion.

In Congress, I have supported the Vocational Rehabilitation Act, which helps provide job training for people with disabilities; the Blind Employment Act of 2001, which increases disability insurance for blind individuals; and the National Health Insurance Act that would provide affordable, comprehensive health care to all.

Question 2: In recent years the disability community has become very concerned about judicial rulings and appointments that questioned the Constitutional basis of parts of the ADA. Of the existing members of the U.S. Supreme Court, which justices do you consider models for the kinds of federal judges you would appoint if elected President? Also, would you support legislation to restore civil rights protections to individuals with disabilities who have been harmed by Supreme Court decisions restricting the scope of the protected class under the ADA?

WESLEY CLARK

I strongly support civil rights protections for individuals with disabilities.

I would appoint judges with the highest qualifications, from diverse backgrounds, who are committed to enforcing fundamental Constitutional guarantees—rights that I, and hundreds of thousands of men and women, have fought to protect. I wouldn't impose a litmus test on any one issue on nominees; instead, I would look for judges who are committed to upholding the law instead of imposing their personal ideology on it. I would strongly advance and support legislative remedies to restore civil rights protections under the ADA that have been whittled away by the Rehnquist Court.

HOWARD DEAN

If I am elected President, I will appoint judges who understand that civil rights laws must be interpreted broadly, and who do not erect imaginary Constitutional barriers to the enforcement of civil rights. Justice Stevens maintains that in order to be faithful to the remedial purpose of the ADA, the Court should give it "a generous, rather than miserly, reading." Justice Breyer holds similar views, and has criticized the Court's harsh review of congressional power to remedy state discrimination.

On the other hand, Chief Justice Rehnquist and Justices Scalia and Thomas have narrowed the scope of the ADA. They have severely limited the employment protections in the act, dismissing cases brought by qualified disabled people, and interpreting the Constitution to shield state governments from lawsuits seeking to enforce rights under the ADA. Congress may need to amend the ADA to overcome adverse court decisions, and I would support such legislation.

JOHN EDWARDS

I am committed to protecting the civil rights of people with disabilities. I have voted against the nomination of judges such as Jeffrey Sutton, who argued the federal protections of the ADA were not needed. I opposed legislation such as the ADA Notification Act, which would have weakened ADA protections by giving employers an incentive to not comply until they were caught. I support measures to restore protections for people with disabilities that the U.S. Supreme Court has eliminated through narrow legal interpretation. We must ensure that the ADA remains consistent with Congress' original intent, and as President I would support legislation with this goal.

DICK GEPHARDT

Passage of the ADA in 1990 marked an important victory in the struggle for civil rights. I cosponsored the ADA and, as House Majority Leader at the time, helped guide the legislation through passage. I remember how hard-waged that fight was. I saw all of the uninformed corporate lobbyists who insisted they couldn't afford it, that it was too much trouble and too much cost. We stood them down, we did the right thing, and millions of people's lives have changed.

I oppose recent Supreme Court decisions that have the potential to weaken this important law. The Court has begun to interpret some cases which stop people from suing for damages after they have been discriminated against—and this is effectively cutting off an avenue that would help us enforce the law. As President, I would support legislation to restore civil rights protections to those who have been adversely affected by such decisions. As President, I would also seek to appoint federal judges and Supreme Court Justices who recognize the equality of all our citizens and who will interpret our laws and the Constitution in a manner that strengthens our civil rights protections, not diminishes them. I have been awed by the significance the ADA has had for so many people. I have a constituent in St. Louis whose name is Max Starkloff. Max has been disabled for a long time, he's confined to a wheelchair, and he has been one of our greatest and most active advocates for people with disabilities in the St. Louis area. I meet with Max and his wife, and they have taken me to the independent living facilities which now exist in St. Louis, they've taken me to buildings that had no access before the ADA, where now there is access. And most importantly, Max has helped me meet people who were, before the Act, confined to their homes or an institution, who are today living alone, paying taxes, and helping the whole community go forward. I can't think of a greater success.

JOHN KERRY

One thing is for certain: As President, I would never appoint the likes of a Sutton or a Pryor to the federal bench. I will nominate judges whom I believe will enforce and uphold our civil rights laws to ensure the protections promised under their enactment. I am a strong supporter of the ADA, and it pains me to see some in Congress put forward legislative proposals to delay ADA compliance enforcement actions. These waiting periods add up to a meaningless, unenforceable law. And restrictive decisions by the Courts that limit rights are no better. Justice delayed is justice denied. And none of this will stand in a Kerry Administration. I will support legislation to restore civil rights protections to individuals with disabilities who have been harmed by Court decisions restricting the scope of the protected class under ADA. I will also nominate an Attorney General for the U.S. Department of Justice and a Chair to the EEOC who will make enforcement of the ADA a top priority and use their respective offices as bully pulpits for tougher enforcement.

DENNIS KUCINICH

As President, I will nominate equal rights-oriented judges who interpret the ADA broadly. Of the existing Supreme Court members, I consider Justice John Paul Stevens, Justice David Souter, and Justice Ruth Bader Ginsberg to be models for the kinds of federal judges I would appoint.

Understanding that people with disabilities do need attention will be amongst the main criteria for my appointment decisions. I will propose an amendment to the ADA to ensure the coverage that was intended prior to restrictive rulings by Republican-appointed judges. I will also increase resources to the Equal Employment Opportunity Commission and to the Department of Justice, Education, and Health and Human Services civil rights divisions to enforce the rights of people with disabilities.

Question 3: Given the current economy and most states' economic struggles, Medicaid is a primary target for budget/program cuts. Knowing how vital this program is to people with disabilities and their families (frequently the only way some can get prescription drugs and long-term services and supports), how would you change the economic picture to ensure people with disabilities are able to get the services they need? How would you address the institutional bias in the current Medicaid system? Do you support passage of the Medicaid Community-Based Attendant Services and Supports Act and the Family Opportunity Act (MiCASSA)?

WESLEY CLARK

State and local governments are facing their worst fiscal crisis in decades. This fiscal crunch has hurt the economy and working families and forced states to make choices to cut much needed programs like Medicaid. That's why my first major policy initiative, my jobs plan, includes a proposal for a \$40 billion state and local tax rebate fund to lessen

the need for states and local governments to cut critical expenditures in state health care programs such as Medicaid. I think we need to make sure that affordable health care is available to everyone. My health care plan addresses these rising costs by making health care more affordable and providing health insurance for everyone under 22.

I believe that all people deserve choice, which is why I would work to eliminate the institutional bias in the Medicaid program. I believe that no one should be forced into an institutional setting based solely on his or her need for personal attendant services. Our long-term care policies should be brought into the 21st century with the underlying guiding principles of choice and independence. I support passage of the Family Opportunity Act—as I have said before, I think the health and education of children needs to be our top national priority. I think the Family Opportunity Act is a step toward getting help to families of children with severe disabilities.

HOWARD DEAN

First of all, I would strongly oppose any proposals that would remove the individual entitlement to Medicaid or that would move toward fixed allotments or block grants. Such proposals are life threatening to many individuals with disabilities. I would urge Congress to enact MiCASSA. MiCASSA would provide a new Medicaid benefit allowing individuals eligible for nursing home care access to community-based attendant services instead. As I testified before the Senate Special Committee on Aging in July, 2001, “If a long-term care system were being designed from scratch today, I do not think we would conceive of building a system in which a bias is shown for institutional care, rather than for services designed to keep people independent in their homes or the community.” Home health aides allow people to live more independently and relieve pressure on the family of individuals with disabilities.

I would also seek passage of the Family Opportunity Act. This proposal would expand Medicaid coverage to children with severe disabilities living in middle-income families. Currently, such families face an untenable dilemma: stay impoverished, place their child in an out-of-home placement, or relinquish custody to secure needed health care services. My health care plan would expand insurance coverage for children up to 300% of poverty, and this act would address the remaining need. I would also support increased prescription drug coverage for low-income individuals who are eligible for both Medicaid and Medicare.

JOHN EDWARDS

Americans with disabilities who need long-term health care should not be forced into a nursing home because it is all Medicaid covers. We must eliminate the bias towards institutional settings and give individuals the choice of community-based care. For many, community-based care allows them to retain their dignity and a greater sense of independence. I have cosponsored MiCASSA, so that individuals can choose community-based care and retain their Medicaid coverage. I also support the Family Opportunity Act. We need to ensure children with serious disabilities have the access to health and mental health services they need.

DICK GEPHARDT

States have been devastated by the failing economy, and face large-scale budget crises not seen in decades. That is why I have made state aid a key part of my bold new health care proposal. Under my health care plan, we will reimburse state and local governments for 60% of the cost of health care for their employees. This will provide new aid - more than \$53 billion in state and local aid in my first year as President, and a total of \$172 billion provided over three years. State and local governments could use the additional dollars to fund priorities like Medicaid. My health care plan would also expand coverage to the parents of children who qualify for SCHIP and Medicaid coverage.

Medicaid is a highly successful and vitally important program that has made a difference in the lives of low-income individuals and families across America. I believe every step necessary should be taken to preserve the integrity of this program in the states. States should not be forced to balance their budgets on the back of Medicaid recipients. Medicaid should be protected and, as President, I would take steps to ensure that states remain accountable for the Medicaid money they receive from the federal government. Strong standards are needed to ensure that Medicaid programs remain viable and active. Under no circumstances should the program be turned in to a system of block grants, where money is turned over to the states without accountability for how it's spent. In order for Medicaid to remain a success, the federal government must be involved.

I am a cosponsor of the MiCASSA. I support this bill because I strongly believe that disabled individuals should have the option to live independently, and receive treatment in their home, if that is the best choice for them. In-home treatment is less expensive than institutionalization and offers a better quality of life for so many people. I want all states to make in-home care an option for Medicaid recipients. Further, I support the Family Opportunity Act, which would allow parents of disabled children to buy Medicaid coverage for their children.

JOHN KERRY

I care very deeply about this issue and believe that we must strengthen and protect Medicaid, not tear it apart. I am firmly opposed to the Bush Administration's proposals to turn Medicaid into a block grant to the states. By investing in Medicaid, we can improve the health and independence of more than 10 million children, adults and older Americans with disabilities throughout our country. No one should be forced to be in a nursing home or have their most basic needs go unmet just because they live in a state that chooses not to offer needed community living services.

I support strengthening and improving Medicaid in several key ways. First, I believe that we must pass the Family Opportunity Act. Parents with disabled children are unjustly punished for working hard to support and provide for their families. Currently, low-income families of disabled children with severe disabilities receive federal disability benefits under Supplemental Security Income. However, if parents seek a better job or

earn higher wages, their disabled children lose Medicaid coverage, which is essential to providing comprehensive health care for children who require complex and often costly care. In a recent survey of 20 states, 64 percent of parents with disabled children reported that they turned down jobs, raises, and overtime pay to remain under the income limits required to qualify for Medicaid coverage.

No parent should have to turn down a job or give up the custody of a child to ensure that he or she gets health care. It defies both common sense and simple justice. The Family Opportunity Act will right these wrongs. It is also an essential investment in the health and independence of these young people that will strengthen America. This bill gives states the option to expand Medicaid coverage for children with disabilities up to age 18 in families with incomes up to 250 percent of the federal poverty level (or \$46,000 per year for a family of four). Among other important provisions, the bill also grants immediate access to Medicaid services for those disabled children who are presumed eligible for SSI. This is a bureaucratic barrier that often unnecessarily limits health care access and must be removed.

Second, I believe that states must be given increased resources and tools to carry out the Olmstead decision and that states must be held accountable for doing so. As with racial segregation, it is essential that we put an end to the institutional bias in Medicaid. States are facing large deficits and many have been forced to slash funding for Medicaid for home and community-based services. The Bush Administration has done nothing to prevent this from happening. We need to relieve pressures on state budgets and ensure that people with disabilities and older Americans receive the support they need to live in their own homes and communities. I have proposed spending \$50 billion over the next two years to help states struggling to bridge deficits.

Congress is currently debating how to structure the Medicare prescription drug benefit for seniors. One question on the table is whether or not 7 million low-income seniors and people with disabilities under age 65 eligible for both Medicare and Medicaid should receive their prescription drug benefit through the Medicare program or remain on Medicaid for that assistance. I believe that all Medicare beneficiaries should get the same benefit. However, I also think we have to get smart about tying strings to state fiscal relief. In exchange for relieving states of the cost burden for the prescription drug needs of seniors on Medicaid, we should require states to increase their spending on home and community based services by a commensurate amount.

Third, I am proud to be an original sponsor of MiCASSA and the Money Follows the Person Act. Passage of both of these bills is vital to ending the institutional bias that makes it impossible for millions of Americans to exercise the most basic human liberties, which should be the birthright of every American: freedom, choice, and independence. Yet, senior citizens and people with disabilities will never have real choices if there are no options. To make our system work, to offer REAL choices, we must ensure equal access to quality home and community services throughout our nation. We must provide freedom, choices, and independence for everyone and I will not rest until we do. As a member of the Senate Finance Committee, which has

jurisdiction over both pieces of legislation, I will work with key leaders in both parties to ensure that hearings are held on both over the next few months. I welcome the Administration's support for the idea that when someone is able to leave a nursing home that Medicaid funds should follow them back into the community and pay for needed support services. I am hopeful, therefore, that will translate into bipartisan support for the passage of such legislation this year. With your support, as the next President, I will work with the leadership from both parties in Congress to see to it that MiCASSA is enacted and on my desk for signature by July 26, 2005 – the 15th anniversary of the ADA.

DENNIS KUCINICH

I am a co-sponsor of MiCASSA (HR 2032). This bill would provide funds for personal care attendants and community-based services for people with disabilities. For many such individuals, young and old, the choice boils down to a personal care attendant or a nursing home. If it passes, MiCASSA will allow large numbers of people with disabilities to control their own lives. I also strongly support the Strengthening Our States Act, HR 2000, which contains provisions (such as the Family Opportunity Act) that will allow parents of children with disabilities to purchase Medicaid coverage for them. It also funds home and community-based psychiatric treatment for children and established a demonstration Medicaid funding project for children with potentially severe disabilities.

The best way to make sure people with disabilities can get the medical care they need is to make sure everybody can get the medical care they need. The Kucinich plan for universal single-payer health care coverage will make it possible for these goals to become a reality.

Question 4: The Individuals with Disabilities Education Act (IDEA) is undergoing reauthorization. Do you support full federal funding for IDEA? What ideas do you have for strengthening federal enforcement of IDEA and other federal disability rights laws? What ideas do you have for increasing the high school graduation rate for students served by IDEA?

WESLEY CLARK

We must meet the needs of children with and without disabilities. In the brief time I have been in this race, I have heard from countless parents of children with disabilities, local officials, and educators about funding and compliance issues associated with IDEA. While I think we need to look carefully at the timeline and the funding mechanisms, I certainly support meeting the full federal commitment to IDEA, and making that funding stream more reliable.

HOWARD DEAN

I vigorously support full funding of IDEA. When Congress enacted IDEA, it promised to pay 40 percent of the average per-pupil expenditure of educating children with

disabilities. Federal funding has never come close to meeting that promise. This failure has increased the burden on local taxpayers and made it harder to meet the educational needs of all children. In addition, we need to enforce the requirements of IDEA and hold schools accountable for teaching children with disabilities. I support real sanctions if a school district continuously fails to comply with this important law.

JOHN EDWARDS

With IDEA, Congress made a commitment to America's children. Having a disability should not stand in a child's way of receiving a quality education. The federal government has not lived up to its responsibilities, funding less than half its share. I believe we must get on the path to full funding of IDEA. I also oppose efforts to rollback key provisions of the law. Whether it is denying access to attorneys by putting artificial caps on fees or stripping children with disabilities of civil rights under the guise of reforming discipline rules, we must ensure IDEA is upheld. It is time that children with disabilities receive the education they deserve.

It is also time that we address the higher drop out rates and lower college enrollment rates for students with disabilities. I have a proposal to help change these statistics. My Breaking Down Barriers initiative will offer \$20 million to enable high school and college students find an internship, so they can experience the working world and be encouraged to stay in school. It will give students meaningful job experiences, creating a sense of the possibilities of their future. It will also provide them valuable skills and contacts for finding a job after graduation, helping them on the path towards success and self-sufficiency.

DICK GEPHARDT

I have supported efforts on the House floor to rescind tax cuts and fully fund IDEA. I agree that the federal government has unfairly placed unfunded mandates on states and local school districts—especially when it comes to IDEA. My education priorities include restoring funds for these programs and fulfilling the federal government's commitment to schools. Federal enforcement of disability rights laws can be strengthened with both increased oversight and by providing real, adequate resources to those who need them.

When it comes to laws like IDEA and other federal disability rights laws, the federal government has a responsibility to provide state and local entities with both the resources and the guidance to ensure compliance. Unfunded mandates are not fair to either those who must follow the law or to those who are protected by it.

Finally, a guaranteed public education is one of the most basic rights enjoyed by Americans today. Every high school student has the potential to succeed and one of my primary goals as President will be to ensure that all children have the tools to live up to their full potential. Steps should be taken to ensure that teachers who teach IDEA students receive the proper training and have access to professional development. Likewise, parents should have the opportunity to work with the schools and be involved in their child's education. No two students are alike, and we should use every tool at

our disposal to make sure that IDEA students get the particular instruction they need to graduate. However, the most important thing we can do to increase the high school graduation rate for those served by IDEA is to fulfill our commitment to funding these programs. Schools cannot make IDEA a success until they are given the resources to do so. Ensuring the federal government keeps its word, through full funding of both IDEA and the No Child Left Behind Act, is one of the most crucial steps to ensure schools have what they need to help all our children succeed.

JOHN KERRY

In 1975, Congress made a deal with our state and local school boards. Give children with special learning needs the education they deserve, and the federal government would pay 40 percent of the additional cost...no matter what it takes. An expensive commitment? You bet. But without it, our values of fairness and self-sufficiency are meaningless. Twenty-eight years later, the federal government is picking up less than 19% of the tab. Because of that broken promise, schools across the country have had to pit special education programs against all other programs. Class sizes increase, after-school activities are cut, and kids with special learning needs still aren't getting the services they need. We need mandatory full funding for IDEA, and we need it now.

But no matter how much money we put into a law, it will only be as good as its enforcement. Parents cannot and should not bear that burden by themselves. That's why strengthening disability-rights enforcement will be an important priority in my Administration. I believe that we should measure key educational and functional indicators at both the state and local levels. These indicators should include, but not be limited to, assessment performance, dropout rates, and graduation rates (in accordance with IEP timetables). It's vital that these results not be viewed in isolation, but in comparison to results for non-disabled children.

DENNIS KUCINICH

I support full funding for IDEA and have co-sponsored legislation to make such funding mandatory (HR 737) and close a loophole that allows school districts to spend IDEA funds on non-educational expenses (HR 5096). Recently, in the 108th Congress, I was an original co-sponsor of HR 2107, the Keep Our Pace Act, which requires the full financing of the IDEA.

The ADA has opened many doors—sometimes literally—for people with disabilities. Yet it would accomplish so much more if it were enforced more stringently. For example, cities build sidewalks that are barely wide enough for a 26" power wheelchair. The same goes for accessibility provisions of the Fair Housing Act. Some students with disabilities require a one-on-one attendant if they are to be mainstreamed. Others may need adaptive technology that their families cannot afford. All too often, parents have to fight their school districts, sometimes in court, to get these kinds of services. Students with purely physical disabilities are sometimes placed in classes for the mentally handicapped. IDEA is not adequately enforced, and this is reflected in the graduation rates for students who depend on it. This will be a top priority for change within a Kucinich Administration.