

July 12, 1995

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Mr. Jose R. Lifoifoi  
Chairman  
Land and Personal Rights Committee  
Third Northern Marianas  
Constitutional Convention  
Legislature Building, Capitol Hill  
Saipan, MP 96950

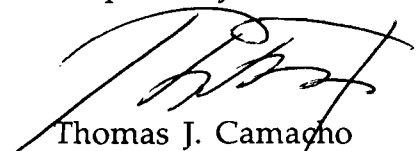
**RE: Position Statement of Proposed Amendment to Article I, Sections 6 & 9 to specifically include Persons with Disabilities**

Please find herewith my position and views on the above reference matter.

As a full time disability advocate and a believer in equal protection, I greatly support the Northern Mariana Islands Protection and Advocacy Systems, Inc. (NMPASI) advocacy efforts in arguing the issue of including the word "mental or physical disability" and "accessible environment".

Should you have any questions, please call at 322-3014 (V/TDD) or 322-3015 (Voice) at your convenience.

Respectfully submitted,



Thomas J. Camacho  
Disability Advocate

cc: Executive Director, Northern Marianas Protection & Advocacy Systems, Inc.  
Executive Director, CNMI Governor's Developmental Disabilities Council  
President, CNMI Special Parents Organization  
Director, CNMI Vocational Rehabilitation Services  
President, Saipan Disability Association  
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# **Position Statement**

**of**

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## **TO BOLDLY GO WHERE MEN HAVE GONE BEFORE!**

I personally believe that every person with a disability is unique, each with his or her own capabilities and limitations. There is immense variability among all people, including children with disabilities. Yet we recognize that people with disabilities and their families are more like everyone else than they are different.

People with disabilities and their families are people first. A disability should receive attention only when it is relevant and always in a cultural respectful manner.

Prejudice, stigma, denial of needed services and other forms of discrimination against citizens with disabilities, singly or in groups, should be fought by all legitimate and effective means.

A sense of control over one's destiny is essential. I affirm the right of citizens with disabilities to have the opportunity to make choices for themselves and to extent a measure of control over their physical, mental and social environment. The community has a responsibility to provide the support that is necessary for citizens with disabilities to function successfully as participants in our community and to offer them the opportunity to act and develop as citizens.

In summary, people with disabilities are citizens with all the rights and responsibilities that accompany citizenship. Encompassed in this right to life, liberty and the pursuit of happiness, is the requirement for equal treatment under the law and full enjoyment of civil rights. Further, we believe that citizens with disabilities have the right to individualized services designed to meet their specific needs and help ensure optimal functioning, that services should be provided within the generic system to the greatest extent possible and that full opportunity be given for meaningful life in the community.

### **ISSUE**

The fundamental rights of people with disabilities are not yet fully acknowledged or secured, despite the vigorous efforts of advocates to help them achieve the same basic human and constitutional rights as other human beings. There is also the controversial question of whether special rights, protections, and privileges are required or desirable.

Some believe that children and adults who are disabled have a "right" to more services and support than non-disabled citizens. Because of their disabilities, special services are necessary to allow these individuals to fully exercise their basic rights. Others challenge the validity of this stance in terms of "competing equities." Is it normalizing (and consistent) to demand equal protection and treatment while at the same pressing for "special privileges?" It is also argued that society simply lacks the resources to provide all of its citizens with the benefits that may be desirable.

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A related concern or issue is whether special legal protections should be provided for children and adults who are disabled. One question is the protection of rights through guardianship. Another is the question of providing special legal protections against parental decisions which may run contrary to the children's best interests. These become more critical when they arise in situations which involve the placement (e.g., residential, educational or vocational) of a person who is disabled or the withholding of potentially life-saving medical treatment because of perceived severity of the individuals intellectual disability.

The current traditional housing situation in the CNMI for persons with disabilities is ideal & unique and should be set as a example for the rest of the nation. As a result, the CNMI has no nursing homes, group homes, or other government sponsored residential dwellings common in the United States mainland for persons with disabilities. In our local society, nearly all persons with disabilities live with their families in the communities as dictated by cultural and customary norms. Both the Chamorro and Carolinian customs believe that responsibility for persons with disabilities, and other less fortunate lies with community members, particularly family members. Family members are responsible for providing the daily care and support necessary to promote a pleasant life for persons with disabilities, and others that are less fortunate.

Another additional asset that is prevalent in the CNMI is the use of the extended family concept. People belonging to the same clan each has an obligation to one another. So it is no surprise when one sees distant family members take turn in providing food and shelter to members who have disabilities. As a result, persons with disabilities continue to live with their families, and experience the same daily activities with them, This tradition has existed for centuries, and helps to keep a strong family cohesiveness. (source: DDPO 1990 Report)

However, the above issue may be contradicted with the unserved populations such as those referred to as "closet" case. This incidents occur daily when parents feel ashamed of their disable child, they say that it is a punishment of God, some say if we take them out into the community, they will stare and laugh at their disabled child and some say they don't include themselves in the community because most places are just inaccessible which concluded unwelcome.

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## **POSITION**

I believe people with disabilities have the same legal, personal rights under **constitution**, and civil rights under the federal and local laws as any other citizen. These rights, as for all citizens, should never be limited or restricted without compelling local interests and due process.

People who are disabled are entitled to the same services and protections as other citizens. Adults should allowed to fully exercise their citizenship rights and live as independently and normally as possible. When necessary, in light of the nature of their special disabilities, services and protections should include those, similar to those offered to other disadvantaged people, which allow individuals to exercise their rights in a meaningful way.

In accord with this position, I also believe that the rights and protections of minor children who are disabled and their parents are no more or no less than those for other children and their parents. The same presumptions pertain in favor of parental obligations and responsibilities to make decisions and act on behalf of their minor children. As with any child, parents of children with disabilities do not have the prerogative to make decisions or take actions which threatens the health or safety or lives of their children. In such situations, the same legal mechanisms--**constitutional**, legislative, administrative and judicial--which protect the lives and safety of all children should be vigorously and expeditiously pursued.

## **ISSUE**

### **Accessible Environment**

We like to solicit your utmost cooperation to use "PEOPLE FIRST LANGUAGE" in any single piece of conversation, please use "PEOPLE OR PERSON OR INDIVIDUAL WITH A DISABILITY(IES)" instead of handicapped, this is what our first class citizens prefer to be called. The handicap word is defined by our people with disabilities as beggars, poor and useless.

The ADA since its inception in 1990 has affected the over 43 million individuals with disabilities and its growing (U.S. Census now indicates an increase of 6 million people; total 49,000). However, ADA does provide benefits to our Citizens (US & Foreign alike) has since been enjoying equal access to private & public services, privileges, programs and facilities. But, there are still several entities who have not made enough or have not made effort in putting ADA to work. The ADA was

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created to eliminate attitudinal barriers such as prejudice, myth, stereotype toward people with disabilities in employment and to include them in "Main Street" USA, its Commonwealth & Territories. This is the most sweeping civil rights law ever enacted since the Civil Rights Act of 1964. The ADA opens the doors of opportunity for millions of isolated, dependent US citizens including our people & visitors alike to become employees, tax payers, and welcome participants in the life of their communities. People with disabilities in this community must communicate to the Commonwealth that full compliance with ADA can be profitable for all citizens, and they must join in cooperative action with government and the private sector to ensure that all will profit. But the ADA is only the beginning. It is not a solution. Rather, it is an essential foundation on which solutions will be constructed. We must undertake a courageous reallocation of our society's resources from paternalism to independence and productivity.

People who are really benefiting and will be benefiting from the protection of ADA are people with mental and physical impairment that substantially limits one or more "major life activities" such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working; Individuals with a record of such impairment that includes someone who is misclassified as having been impaired or disabled, such as child who was previously labeled "retarded" and was "institutionalized" but who is found later to be able to lead a regular life. Or you were refused a job today because the employer heard that you lost a job few years ago because of addiction to drugs; and regarded as having such an impairment could mean that those individuals who are regarded as impaired because of myth, fear or stereotype, such as short or little people or people with 'hunchbacks', as well as those disfigured, such as individuals with facial or growth anomalies; this part includes those individuals with high-blood pressure whose condition is controlled by medication. Even people who are temporarily impaired are protected class of citizens under ADA such as broken limb.

ADA was created to eliminate employment, architectural, transportation, and communication barriers. ADA is designed to be "reasonable" to business; no modification is necessary that is not "readily achievable" or without cause "undue hardship." Government services have different regulation. Existing government buildings & facilities prior to the passage of the ADA do not have to necessarily be retro-fitted if public programs, services & activities are accessible when viewed in its entirety, the ADA refers to it as "Program Access." Because the ADA is an unfunded federal mandate, government entities with existing buildings & facilities must identify funding to remove those barriers such as designating accessible parking, installing ramps, railings, accessible

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door knobs, accessible lavatory fixtures, etc. However, new construction of government building must be usable to and accessible by people with disabilities, design must conform to ADA Accessibility Guidelines (ADAAG).

Benefits to the business owner includes tax credit and deduction. Portions of the Internal Revenue Service Code allow certain entities to take tax credits and/or deductions for expenses related to accessibility and disability non-discrimination. However, new construction is not eligible to receive tax credit and/or deduction. Information can be obtain at the Division of Revenue & Taxation. For new construction only 1% of total construction cost is for accessibility according to History of ADA. Another benefit for businesses, if your premises is accessible, they will come and that means profit. Keep in mind that potential people with disabilities are paying customers too.

The ADA covers all public school systems' programs and activities, including those not covered by the Individuals with disabilities Education Act (IDEA) such as programs open to parents or the public, graduation ceremonies, parent-teacher organization meetings, plays, adult education classes.

One of our local schools' fundraising activity was held at a restaurant sponsored by a school's club, parent-teacher organization and of course by the school. The activities includes skits by the students, speeches among others. One of the student in the crowd has a hearing/speech impairment and does not understand what was going on. Not even the school officials, club members and parent-teacher organization including the student's parents were sensitive to the one single need of that student.....equal access to communication by means of auxiliary aids and services such as sign language interpreter. What the parents should have done is to request in advance for an interpreter. The school is responsible to provide the interpretive services including cost if any because it's an activity sponsored by the school, a public entity covered under Title II of the ADA.

People with disabilities needs access to parking, main entrance to building, to service areas, public restrooms, access to public notices in Braille, communications such as telephone that allows individuals with hearing/speech communicate or access to television programming such as closed or open caption, access to public transportation such as wheelchair lifts and access employment application, interview, benefits and activities sponsored by employer.

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## **POSITION**

The amendment of Article I, Section 6 & 9 will empower people to control their own lives. Article I, will be the first time, confers equal citizenship status on people with disabilities in the Commonwealth. Not only does this constitution will guarantee the right of people with disabilities to be free from discrimination in employment, public accommodations, public services, transportation, and telecommunications, it also sends a powerful message to societies throughout the world that the United States Commonwealth of the Northern Mariana Islands will no longer tolerate the exclusion and isolation of people with disabilities base on stereotype and prejudice. Article I will be the symbol and substance of the Disability Rights Movement. Article I, Sctions 6 & 9 if amended, shall henceforth send these messages: "no" to ignorance, "no" to prejudice and no to social barriers that we have created. And "yes" to dignity and respect for disabled people; "yes" to empowerment; and "yes" to judging people on abilities, not disabilities. People with disabilities as a class are now equal to all other people, both as a matter of fact and as a matter of law. Article I, Section 6 & 9 will not be like a building code or just another piece of constitution or a burden to our businesses and government services, but it will be a civil rights.

Installing ramps and lever-type door hardwares in accordance to specifications will not only be for people with disabilities, but for other people without disabilities. For example, ramps are easily available for baby or cargo loading & unloading on the other hand, lever-type door hardware is so useful when both your hands are tight-up; therefore, your arm can push the lever. These is what we call UNIVERSAL DESIGN.

Should Article I, Sections 6 & 9 passes, it will be the law of the land! People with disabilities would have waited 30 years for this equal rights, the ADA Federal Civil Rights Act took 26 years, we must now go forward in changing people's attitude, the foremost barriers people with disabilities faced with this very minute.

This measure if passed, will protect the more than 2,000 citizens with disabilities including our travelers (foriegn or U.S. citizen) with disabilities visiting our islands in support of our economy. **I strongly encourage the committees to reconsider their decision to include disability & accessible environment to help ensure the protection and welfare of our people with disabilities on the personal rights amendment of our very own Constitution.**



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**I leave you with this message, "The basis of people's lives with one another is twofold and it is one--the wish of each person to be confirmed as what each person is, even as what that person can become; and the innate capacity in each person to confirm others in this way. That this capacity lies so immesearably fallow constitutes the real weakness and questionableness of the human race; actual humanity exists only where this capacity unfolds.".....Martin Buber**

**Thomas J. Camacho**