

Community help for disabled long overdue

February 9, 2009

The last century in American life is the story of a succession of heretofore marginalized groups standing up and demanding to be counted as citizens.

First women, who received the right to vote only in 1920, then African Americans, whose right to attend decent schools was backed up by law only in the 1950s and their right to vote, incredibly, established only in the mid-1960s.

In more recent years, gays have made strides in insisting that they, too, are Americans who should be able to live their lives and enjoy their families unfringed by a hostile legal system.

Gays continue to battle, as do our fellow citizens with disabilities, whose struggles to do the most basic things the rest of us take for granted -- get on a bus, go to a movie, live where they like -- has gone on below the radar, perhaps because there has been no dramatic moment, no Selma, no Stonewall, just millions of people trying to work their way through a society that can seem utterly indifferent to them.

The Americans with Disabilities Act of 1990 was the first great victory, ensuring that people who have disabilities cannot be kept from jobs unfairly, that accommodations such as bathrooms be modified for their use.

In 1999, the U.S. Supreme Court, in the Olmstead decision, told the State of Georgia that it could not force people with disabilities to live in institutions, but rather had to respect their wishes if they would prefer to remain in their communities.

The last decade has seen progress in fulfilling that "integration mandate" in most of the nation, but not in Illinois, which remains dead last -- 50 out of 50 states -- when it comes to supporting small community homes for people with disabilities.

Part of this is inertia, and bumbling in Springfield. Part of this is due to powerful unions representing nursing home workers, and cities that do not want to lose big employers. Several deadlines for change established by the Legislature have been missed.

Now an agreement, *Ligas vs. Maram*, has been reached, following a 2005 class-action lawsuit where plaintiffs forced to reside in state-funded institutions demanded the option of community services.

This consent decree does not require that any institutions be closed, nor would it prohibit anyone who wants to remain in an institution from doing so. What it would do is change the guidelines so that shifting to community settings is an option and, more importantly, change how money is spent so such shifts to community settings can be paid for.

This is a situation that calls for leadership, and Gov. Quinn is perfectly positioned, by merit of his newness and his history of activism, to step up and help navigate this long-overdue change in Illinois policy.

The consent decree states that the transition should take six years, a short time for the task at hand. Six years can go by quickly. The state needs to take real action to fulfill its legal obligations.

Individual liberty is a cornerstone of the American dream, for all of us.