

July 26, 2017

Rosa Miriam Palmer Spellman
By Thomas Spellman Guardian
210 N 2nd Street
Delavan WI 53115

Edunud A Sargus Jr. Chief Judge
U.S. District Court Southern District of Ohio Eastern Division

Dear Judge Sargus

Re: Ball v. Kasich Case No. 2:16-cv-282

Please accept this communication as we do not have the means to do otherwise.

My wife and I are guardians for our daughter, Rosa, who has cognitive issues and has bronchiectasis which limits her lung capacity significantly. Only short walks now. No simple Ceili Dancing this August at Irish Fest in Milwaukee. First time in 31 years. She lives with us at 210 N 2nd Street in Delavan WI and works at VIP Services, a sheltered workshop, in Elkhorn WI.

Your decision in Ball v. Kasich will in the future directly impact the availability of sheltered work for Rosa. Attached is a copy of the Gifts of the Sheltered Workshop that we have written and today as I write this, the benefit that is most important in her life is stability. To KNOW where she is going and what she will be doing and WHO is there. That STABILITY is threatened, if not eliminated, if the ongoing attack by Disability Rights Ohio (DRO) and the National Disability Rights Network (NDR) is successful.

In order to understand where this effort is coming from one must go back to the National Disability Rights Network (NDRN) book Segregated and Exploited. The presentation was about how terrible, “sheltered work” is and how terrible the “subminimum wage” is, which incidentally is a term that was concocted by the NDRN folks.

The irony is, the story is a demonstration of how Governmental Agencies (the bureaucracy) FAILED those men and women who worked at the turkey farm. The State of Iowa and the U.S. Department of Labor FAILED those workers. Those individuals were WARDS of the State of Iowa and the State of Iowa FAILED THEM as did their Guardians. How the NDRN spun the tragic story of their lives as an attack on Sheltered Work, the Special Wage provision of the Fair Labor Act of 1938 is EVIL in plain and simple language.

Now 2 years ago I was educated about the efforts of the NDRN and to this day I am still in disbelief that a group of individuals who are CHARGED with protecting Rosa and ALL individuals with disabilities, ONLY represents those individuals with some cognitive abilities while actually attacking those individuals who benefit from congregate living, sheltered workshops and guardianship which are the very foundation for those who are more challenged.

I assume because of the need for the fiction of a class of individuals the NDRN et al have systematically denied the REALITY that there is a continuum from abled to disabled, that includes MANY, MANY steps along the way.

What is the perfect response for one group of individuals is absolutely the worst for another group of individuals. It is this systematic DENIAL of these most basic realities that is truly mind boggling. How is it possible for ALL these folks NOT TO SEE the difference between Rosa who sits someplace in the middle and those who have far more severe limits and those who can drive or go where and when they want to go someplace.

There is a continuum and the denial of the continuum DOES NOT NEGATE THE continuum. The denial only caused great HARM!

The NDRN CLAIMS that Rosa MUST work in the “community” while totally ignoring the COMMUNITY of individual she has where she works and this is TRAGIC.

While others have to be more nuanced I can be blunt That NDRN and their fellow travelers represent their OWN interest but not Rosa’s and the tens of thousands who are like her.

Let us look at that interest as expressed in Segregated and Exploited. It is contended that the workers who were all adults and chose to work there by their own authority or the authority of a guardian were being “Segregated” BAD!! and “Exploited” BAD. Note two of the most emotionally loaded words in our language today.

The segregation argument works for children, under the age of 18, but after that there is no segregation ie an African American attending Howard University or Morehouse College is not being segregated but attending a University of their CHOICE. I am sure there are other examples but at 73 my brain and time and patencies are limited.

The exploited argument is easier to deal with. Now almost 80 years ago when the Federal minimum wage was being discussed knowledgeable and caring people realized that there was a group of individuals who DID WORK but that work was not economically viable relative to the proposed minimum wage of twenty-five cents an hour. Their solution to the need TO DO WORK by these individuals which as not economically viable was to create the Special Wage Provision of the Fair Labor Act of 1938. The essence of the Special Wage Provision allows for a proportional wage relative to the amount of work performed. The Special Wage provision was to be and is administered by the Department of Labor (DoL). The Special Wage provision is not invalidated because the DoL does not do its job.

The NDRN has pursued their attacks of Sheltered Work based upon these two significantly FLAWED arguments.

Rosa or her legal guardians and the vast majority of those who are in the class as well are all over the age of 18 and are capable of choosing where they want to live and where they want to work and who they want to associate with.

Peace

Thomas Spellman
Guardian for Rosa Miriam Palmer Spellman

Cc: