

RISING!

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Combining Forces: Delaware Advocates and Legislator Lift Work Barriers

by Wendell Howell

In January 2003, newly-elected Delaware State Senator Karen Peterson was surprised to learn of a pending bill to ease a prohibition against the issuing of cosmetology and barbering licenses to felons. Twenty years earlier, her mother had provided cosmetology training to more than 70 felons who faced no licensure restrictions. But Peterson found that Delaware now banned certification for felons in every licensed profession in the state.

As a statewide advocacy group serving people with addictions, members of the Addictions Coalition of Delaware realized that keeping people with drug convictions from jobs, housing and education makes it difficult for them to sustain their recovery. We helped returning offenders get low-paying jobs in construction and fast food, but licensing barriers kept them from opportunities leading to stable, higher paying jobs with benefits and chances for advancement.

‘Keeping people with drug convictions from jobs. . . makes it difficult for them to sustain their recovery.’

Delaware Governor Ruth Ann Minner’s staff told Peterson that the governor would support licensing for previously-trained cosmetologists and barbers, but nothing more. Senate Bill 5, which temporarily erased the felony bar only for those who had already completed their training, passed and was signed into law. Peterson, however, vowed to introduce new legislation to remove the

absolute felony bar for all occupations. The Addictions Coalition decided to get more involved in working to remove licensing restrictions.

Strategizing on Next Steps

The strategy started with research. Peterson combed the Delaware state code for felony licensure bars and found 37 occupations with licensing restrictions. We researched other states’ regulations and contacted the National HIRE Network, which provided model legislation and a briefing paper that detailed the issues surrounding employment and licensing barriers.



Photo courtesy Jim Russell

Faces & Voices of Recovery’s board of directors met for two days in Chicago in July to map out the next steps for the campaign. The newly-elected board includes 13 regional representatives and 8 at-large representatives. To get in touch with your regional representative, go to www.facesandvoicesofrecovery.org/about/steeringcmte/staff.php.

Board members will join hundreds of recovery advocates at the Rising! Recovery in Action National Summit in Washington, DC, September 6-8 to bring Faces & Voices of Recovery’s plans to life.

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Faces & Voices of Recovery
www.facesandvoicesofrecovery.org



NEWS FROM FACES & VOICES

Rising! Recovery in Action is a quarterly publication of Faces & Voices of Recovery. “Letters to the Editor” and your thoughts and ideas can be posted on our discussion board at www.facesandvoicesofrecovery.org. We welcome your feedback!

We are grateful to the Robert Wood Johnson Foundation and people in the recovery community for their support of this resource for people in recovery from addiction to alcohol and other drugs, their family members, friends and allies who are mobilizing to make recovery a reality for millions more Americans.

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Dear Recovery Advocate,

My life's passion is to eradicate discrimination and stigma against people in recovery from substance use disorders. Discrimination limits our choices and compromises our life quality every day. It's unfair, unethical and illegal.

I am an attorney recovering from addiction. I've represented recovering addicts and alcoholics in their struggle to live quality lives without drugs or alcohol. Over the past 10 years, I've witnessed the depths of discrimination in representing people in long-term recovery. Unfortunately, the effort to maintain sobriety does not compare to that required to challenge government-sanctioned, institutionalized discrimination in the criminal and family courts and to obtain life necessities such as employment, professional licenses, healthcare, housing, insurance and student loans.

Courageous people like Joel Hernandez, who took on one of the most powerful corporations in the country in order to get his job back, are among the many people using the courts to challenge the denial of basic rights.

But we know that these rights cannot be gained by using the legal system alone. It is up to us to create the tools that will help us to inform one another of our rights. And like the members of the Addictions Coalition of Delaware, or the Massachusetts advocates fighting the Criminal Offender Record Information law, we need to be lobbying in statehouses demanding fair legislation.

For these actions, we need a unified movement—the type that the late Senator Paul Wellstone of Minnesota foresaw when he said, “we are witnessing the emergence of a new civil rights movement—a grassroots movement for people in recovery.”

People in recovery, family, friends and allies must work together to pursue our collective rights. We must insist that as the national voice of recovery, we be recognized, respected and consulted as the most authoritative voice on issues relating to recovery—including the most difficult, complex and controversial issues.

As Senator Wellstone predicted, we're experiencing a groundswell of activism. For example, this summer, more than 1000 people joined the house parties Faces & Voices organized around the airing of an NBC television program on one family's experiences with addiction and recovery.

Another sign of our growing strength: our leadership is gaining firm footing. In July, the Faces & Voices board of directors spent two grueling days in retreat. We'll be electing new board officers at the Rising! Recovery in Action Summit in Washington, DC this September as we continue to unite in purpose with a full and ambitious Right to Addiction Recovery agenda. I'm excited as we continue to build the leadership of Faces & Voices of Recovery and have been pleased and honored to serve as chair for the last two years.

Aside from continuing to work with and support your local recovery community organizations, we need each and every person in recovery, family, friend and ally to use this September's Recovery Month activities to continue to organize and mobilize for our rights. At the September summit, we will be identifying our issues, fueling our civil rights movement and strengthening our collective voice. I hope to see you there. ●

Lisa Mojer Torres is a civil rights attorney and the chair of Faces & Voices of Recovery.

Peterson met regularly with the Addictions Coalition and garnered support from other interested groups such as Common Cause, SURJ (Stand Up for What's Right and Just) and the Delaware Center for Justice. She decided that the only felonies that should serve as a bar to licensing were those that were "substantially related" to a particular occupation.

It was decided to move a bill quietly. Peterson didn't even issue a press release when she introduced the legislation, Senate Bill 229, in early 2004. This required a relationship of trust among Peterson, us and other advocates. We were prepared to go very public. Although we didn't organize rallies, pickets or demonstrations as the bill worked its way through the legislature, we were ready at every step along the way to mobilize our forces if Senate Bill 229 ran into opposition. We prepared our message: "People have paid their debt to society and it is in the public's best interest to keep them from returning to prison by allowing them to earn a decent living." We organized community meetings, bringing together religious leaders, elected officials, recovery advocates and ex-felons to keep them up-to-date on developments and prepare for possible action.

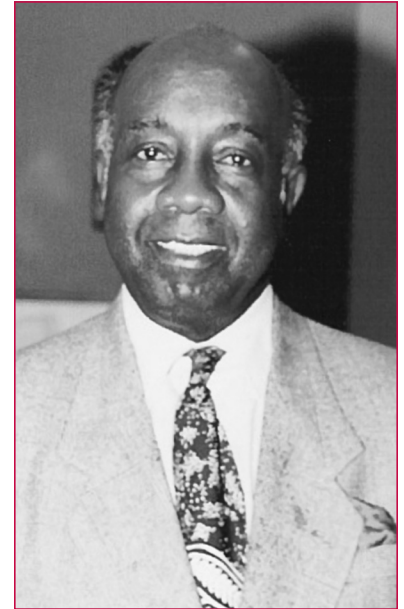
Senate Bill 229 directed each regulatory board to hold public hearings and publish its list of related felonies within six months of the law's enactment. We were pleasantly surprised when more than half of the state's 62 legislators signed on as cosponsors. No organized opposition surfaced at Senate hearings. The bill moved quickly out of committee and passed the Senate by a vote of 17-4.

In the House we used our relationship with the speaker to keep the bill moving forward. It was assigned to a friendly committee and when the bill came to the floor, it passed unanimously, 41-0. The *New York Times* editorialized that the bill was "forward thinking" and the governor signed it into law seven days later.

The various boards and commissions have written their reports and Peterson is reviewing the final lists. Working with a committed legislator made all of the difference. We're sharing our experiences in Delaware with recovery advocates and allies around the country. The National Coalition for Full Opportunity for Felons, which I founded last year, is ready to work with others to remove the barriers that are keeping people from jobs. ●

For more information on Delaware's law and licensure issues, visit www.facesandvoicesofrecovery.org.

Wendell Howell is the director of Addictions Coalition of Delaware, Inc., founder of the Released Offenders Assistance Program (ROAP), and national chair, National Coalition for Full Opportunity for Felons. He can be reached at 100 W. 10th St., Suite 1012, Wilmington, Delaware 19801, telephone: 302.984.2322 x10.



Wendell Howell.

'Working with a committed legislator made all of the difference.'

QUESTIONS FOR JOEL HERNANDEZ

'I don't have to feel guilty any more.'



Raytheon, a missile manufacturer, denied Joel Hernandez a job when he reapplied to the Tucson plant where he had worked for many years. The case was settled out of court late last year after more than a decade of litigation leading all the way to the U.S. Supreme Court.

Q. After you were in recovery for a few years, you applied for a job with your former employer and were turned down. Were you surprised?

A. I was kind of surprised because it was a government [defense] plant. In the lobby they had a big poster: "If you feel you have been discriminated against contact the Equal Employment Opportunity Commission."

Q. Why did you decide to fight to get your old job back?

A. They had hired six other technicians off the street that had never done the job before. I said, "This definitely has to be due to my addiction." I wasn't really aware of the ADA. I went to see an employment lawyer and he briefed me. We first went to the U.S. Federal Court here in Tucson and they kind of laughed me out of court. And that's where the battle started. According to my lawyer, Raytheon spent close to half a million dollars in lawyers just to keep me out of there. They had all the power and all the money to get the best legal defense that they could and all I could do was just scrape up enough money to keep putting toward our costs.

Q. What reaction did you get from people when you let your family and friends know that you were going to go public about your recovery?

A. Some were positive. Some said, "Well, you did wrong going to work like you did." I felt guilty.

Q. Were you surprised by the support you received from other people in recovery?

A. Yes! John deMiranda and Johnny Allem contacted me. They really changed my life.

Q. Your case was settled out of court, so we can't talk about the details, but as you look back on what happened, was it worth it?

A. Financially, no, it wasn't worth it. But spiritually, yes, it was very well worth it because it made me spiritually aware, turning my life over to Christ and trying to follow the precepts of the Bible. I came out ahead in that I beat the addictions and I learned a new way to manage my life and my finances. Hope for a bright future is priceless. I know within myself, deep in my heart, that everything I did was with good spiritual guidance. I don't have to feel guilty any more.

Q. What advice do you have for someone in a similar situation?

A. Perseverance. Don't quit. Keep getting up again and again and again. That's the way it happens. Not only in this kind of situation but in most of our life. ●

The ADA and People in Recovery

by John deMiranda

Ask a dozen recovering alcoholics and addicts if they have a disease and 10 or more will likely answer, “yes.” Ask again if they have a disability and you will get a dozen blank looks. Yet if disease is the primary identifying label of our alcoholism and addiction, disability is certainly the flip side of the same coin. But what do we mean by the “disability” of addiction?

A person is disabled if he or she is unable to perform one or more of the activities of daily living such as working or self-care. During the active stage of their disease alcoholics and addicts easily fall into this categorization. Congress and the courts have wisely included people with addictions within the provisions of the Americans with Disabilities Act of 1990 (ADA), the major disability rights law. The need for protections continues into a person’s recovery because of often-virulent discrimination, such as the kinds illustrated by several recent legal cases.

In 2004, Diane Veltri sued UPS for terminating her because she refused to discontinue the prescribed use of Xanax which her employer believed was not an appropriate medication for a recovering alcoholic. Her lawsuit also challenged UPS’s practices of requiring workers in the employee assistance program to disclose prescription drug use, requiring urine tests of these employees and terminating employees for the lawful use of prescription medications.

More recently, a convict who has been clean and sober for 10 years has been denied lifesaving Hepatitis C therapy by the New York State Department of Correctional Services because of the agency’s policy that former drug users are all required to complete a drug treatment program.

When the Raytheon Corporation refused to rehire Joel Hernandez after his recovery (see Questions for Joel Hernandez, *opposite page*), he challenged the refusal as unlawful.

Someday we may celebrate the enactment of recovery rights legislation that specifically protects the civil rights of all people with addictions. Until that time, however, our principal bulwarks against discrimination are the ADA and our designation as “disabled.” ●

John deMiranda is executive director of the National Association on Alcohol, Drugs and Disability, Inc. The opinions expressed are those of the author and not necessarily the organization he represents. www.naadd.org



Photo courtesy Johnny Allem

Joel Hernandez in front of the US Supreme Court after oral arguments in November 2003.

A LPHABET SOUP

ADA

Americans with Disabilities Act

www.usdoj.gov/crt/ada/adahom1.htm

Landmark 1990 federal civil rights law that gives civil rights protections to “individuals with disabilities” similar to those provided to individuals on the basis of race, color, sex, national origin, age and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications. Many people with past and current alcohol problems and past drug use disorders, including those in treatment for these illnesses, are qualified as “individuals with disabilities” under this law. (See Toolbox, page 8).



THE VOICE OF HISTORY

'The time to define the American recovery advocacy movement as a civil rights movement has arrived.'

QUICK STUDY

More than one-half of Baltimore public treatment clients reported a health-care-related (56%) or work-related (55%) legal problem, yet only 14% reported seeking legal help.

Weber E., Grunberger R.C., O'Grady K.E., Arria A.M. "Civil Legal Needs of Individuals in Drug Treatment," Journal of Substance Abuse Treatment 28(2):205-211, 2005. Adapted and cited by: Center for Substance Abuse Research. CESAR Fax, May 30, 2005, Vol. 14, Issue 22. www.cesar.umd.edu

Most states allow employers to deny jobs to anyone with a criminal record, regardless of how long ago or the individual's work history and personal circumstances.

Legal Action Center. After Prison: Roadblocks to Reentry: A Report on State Barriers Facing People with Criminal Records. 2004. www.lac.org.

A Question of Justice: Recovery and Civil Rights

In the 1860s, leaders of the Chicago Washingtonian Home set forth the proposition that every industry ought to be responsible for individuals harmed by its products and actions, leading to the allocation of a portion of liquor license and tax revenues in Cook County for the treatment of alcoholism.

In the 1890s, members of the Keeley Leagues, the alumni support group of the Keeley Institute, the most famous of the early private addiction treatment institutes, marched on the Pennsylvania state capitol. They supported passage of a law that allocated state funds to subsidize alcoholism treatment at the Keeley Institutes for those who could not afford it.

In 1906, patients of the Massachusetts Hospital for Dipsomaniacs and Inebriates organized a protest that exposed abusive conditions within the hospital (medical incompetence, patient neglect and abuse, misallocation of patient fees). Their protest also led to reform and the indictment of key staff.

In the mid-twentieth century, recovery advocates challenged "morality clauses" in the bylaws of community hospitals that barred admission of alcoholics. Such exclusions were based on the belief that alcoholics were not morally qualified for medical care. Recovery advocates argued that alcoholism was a disease and that those suffering from it should have equal access to healthcare institutions. Their sustained advocacy also led to the decriminalization of public intoxication.

These milestones in recovery history constitute early efforts to elevate civil rights issues within addiction-related public education and health reform movements. Such issues also tied into sovereignty demands even earlier in history when Indian leaders asserted that Native peoples' status granted their right to banish exploitive whiskey traffickers from tribal lands.

The stigma and shame attached to addiction have worked against transforming recovery advocacy movements into a more fully formed civil rights movement, but that transformation could occur in the opening decades of the twenty-first century. Recovering people, long-silenced, are now declaring their presence and contributions to this culture. We are speaking out against objectifying stereotypes and discriminatory policies that narrow the doorway of entry into recovery. We are confronting discrimination in health and life insurance, housing, education, employment, and social services and are demanding the privileges and benefits available to other citizens. We are moving beyond our own personal recoveries to become catalysts of social change. The time to define the American recovery advocacy movement as a civil rights movement has arrived. ●

Bill White of Chestnut Health Systems is the author of Slaying the Dragon: The History of Addiction Treatment and Recovery in America. His writings can be found at www.facesandvoicesofrecovery.org/resources/publications_white.php.

Massachusetts Advocates Take on Criminal Recordkeeping System

A statewide coalition of organizations and individuals, including the Massachusetts Organization for Addiction Recovery, is mobilizing to reform the state's system for keeping and distributing criminal records.

The Massachusetts Alliance to Reform CORI (MARC) is tackling a Criminal Offender Record Information (CORI) law, which mandates a statewide database of records generated by the courts. These records include everything from arrest to conviction, and are often incomplete. As a result, over one-half of the states' residents—2.8 million out of 5.3 million people—have publicly available records, or CORI. This information keeps thousands from jobs, housing, loans, insurance and other opportunities.

A grassroots movement to advocate for CORI reform mobilized over 1000 people earlier this year for a statewide lobby day, along with other broad-based efforts to challenge the law. Elected officials have responded, and 55 bills to change CORI were introduced this year. Trainings on CORI and a handbook produced by the Massachusetts Law Reform Institute (www.mlri.org/cori_project) are some of the tools that advocates are using in their campaign. For more information, call 617.989.8078 or email umnunity@attn.net ●

Oklahomans Rely on Recovery Tool Kits

by Donna Woods-Bauer

Life after treatment for individuals with an addiction problem can be hit or miss at best. Even before they leave treatment, the suggestion “Don't go back to those old people, places and things!” can be lost on people, because they don't know about available local resources and feel compelled to return to their home communities.

That's why Oklahoma Citizen Advocates for Recovery and Treatment Association (OCARTA) designed *Tool Kits for Recovery* for Tulsa and Oklahoma City. The handbooks have comprehensive resources on legal assistance; housing and shelter; employment and job training; health services and meetings, so that individuals can restart their lives in a different community, with a better chance for sustained recovery.

OCARTA distributes the tool kit through treatment centers, business leaders, hospitals, universities, prisons, faith-based organizations and state legislators as part of its work to alter the social climate to addiction and recovery in Oklahoma. ●

Donna Woods-Bauer is the executive director of OCARTA. www.ocarta.org

OCARTA Recovery Tool Kit Contents

Education

Employment & Job Training

Government

Financial Counseling

Housing and Shelters

Legal Assistance

Health:

Counseling

Dental & Eye Health

HIV/AIDS Health

Medical Health

Self-Help Recovery

Substance Abuse

Transportation

Utilities

Know Your Rights

Want to find out more about how to effectively exercise your rights under federal laws protecting people in alcohol or other drug treatment or in addiction recovery from discrimination?

A 15-page, information-packed brochure, written by the Legal Action Center (www.lac.org) for the federal government's Center for Substance Abuse Treatment (CSAT), outlines federal laws that protect against discrimination in employment and job training, housing, health care, education and government services and programs.



Are You in Recovery from Alcohol or Drug Problems? Know Your Rights explains how key federal laws like the Americans with Disabilities Act (ADA), Rehabilitation Act, Fair Housing Act and Workforce Investment Act protect people in recovery against discrimination.

In easy-to-understand language, find answers to questions such as:

- *Who is protected by these federal antidiscrimination laws?*
- *What is and is not illegal discrimination?*

The Legal Action Center plans to hold advocacy trainings using this new resource. Know Your Rights is available in English (and soon, in Spanish) and can be ordered online at www.ncadi.samhsa.gov or call 800.729.6686. ●



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