

Other Views

# Oregon provides opportunity to people with disability

Last month, we joined millions of others across the country in celebrating National Developmental Disabilities Awareness Month by reflecting on the milestones in our fight for equality that have brought us closer to where we are today.

Twenty-one years ago on March 1, 2000, Fairview Training Center in Salem — the largest institution of its kind in the nation — closed its doors. It housed thousands of individuals with disabilities. Data showed high levels of abuse and neglect. Residents were not permitted to leave unless they were first sterilized.



**JAKE CORNETT**  
DISABILITY RIGHTS OREGON

Housing babies, children, adults and the elderly, Fairview was the only mandated

service available for individuals and their families.

This change didn't happen overnight. Oregon had been working on closing institutions and building community support systems for people with intellectual and developmental disabilities since 1987.

Fairview's closure created a new challenge — a wait list of more than 7,000 Oregonians with intellectual and developmental disabilities who needed support services to live in their own home or with family or friends and to fully participate in community life. Disability Rights Oregon filed a lawsuit against the state, *Staley v. Kitzhaber*, asking that any person who was eligible for Medicaid-funded community supports be provided them swiftly.

A decade ago this June, the terms of the *Staley* settlement were implemented. Today, every individual with an intellectual or developmental disability in Oregon is eligible to receive in-home supports because of the "brokerage" service system the *Staley* case helped to create.

In closing this shameful chapter in our state's history, Oregon became a pioneer in this facet of the disability rights movement. In 2012, the National Council on Disability highlighted Oregon's success in deinstitutionalization, writing, "Oregon is a national leader in this field."

Since then, Oregon has again been leading the way nationally in creating community jobs for workers who experience intellectual and developmental disabilities.

The percentage of workers with intellectual and developmental disabilities in Oregon who work in integrated employment (57%) is nearly three times greater than the national average (20%), according to data released in February 2020.

The groundwork for this progress was laid in 2012, when workers with disabilities fought back against the idea that it was OK to keep them isolated in "sheltered workshops" and pay them far less than minimum wage.

Disability Rights Oregon filed the first U.S. class action lawsuit (*Lane v. Brown*) to challenge sheltered workshops that pay subminimum wages. The case settled years later, creating Oregon's robust Employment First program that allows people to find community jobs.

Then, in 2019, Oregon passed legislation to phase out the subminimum wage, putting us at the forefront of ending the subminimum wage. Congress is currently considering the Raise the Wage Act that would end subminimum wage for tipped workers and people with disabilities nationally.

Substantial work remains. School is one of the first places that people with intellectual and developmental disabilities experience segregation and isolation. Today, hundreds of Oregon children don't attend full days of school for months or even years at a time.

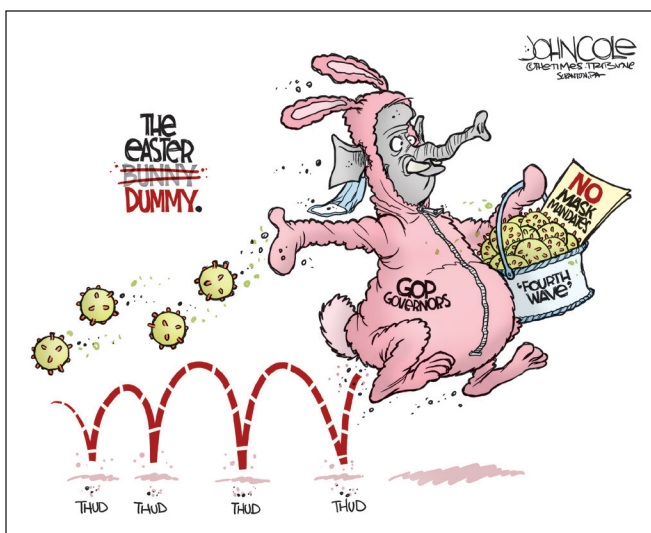
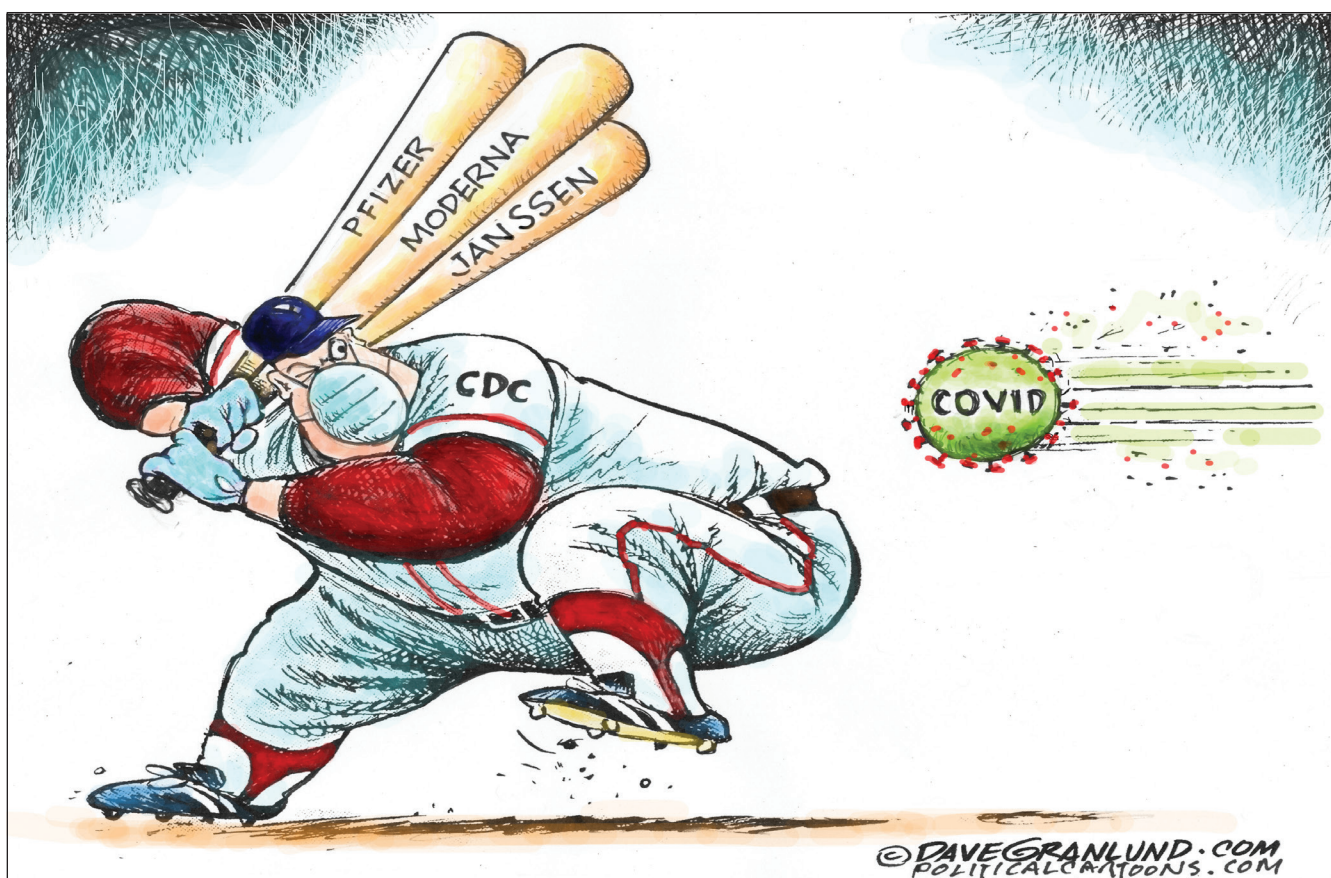
We're fighting in the courts for children with disabilities to receive the supports they need to attend a full day of school.

It's worth remembering that Oregon was once a place where if you were a person with an intellectual and developmental disability, your destiny was institutional life.

Today, Oregon is a dramatically different place. More and more of our friends, family members and neighbors who experience a disability have the opportunity to build the life that they want for themselves.

That's as it should be.

*Jake Cornett is the executive director of Disability Rights Oregon.*



## My Voice

### We would not in any way benefit from proposed quarry



**MICHAEL HOWARD**  
LA GRANDE

Many local residents are aware of the proposed basalt quarry that would be on Robbs Hill Road just east of Perry. The large quarry would be constructed alongside the Robbs Hill Creek drainage, leading into the Grande Ronde River. The proposal is to remove more than 200 million tons of rock over the next 89 years (or 100, or 137 years, depending on which page of the application you read). Over time, the quarry would obliterate a mountainside by shipping basalt by rail to asphalt markets in California and the Midwest. As many as 46 additional trains would traverse our valleys daily to remove the rock.

The quarry would benefit present owner James Smejkal by allowing him to sell his ranch for millions. Mr. Smejkal is 87 and lives in Western Oregon — he won't be around to worry about the environmental devastation caused by the quarry. The quarry also would enable local resident Steve West to purchase the ranch where the quarry would be located. West intends to "devalue" the remainder of the ranch

by granting a conservation easement (which incidentally would allow him to expand or replace any existing buildings and to lead guided commercial hunts on his private game refuge).

The quarry would also benefit developer Curtis Shuck. One of Shuck's prior proposals was the failed "oil by rail" plan to transport millions of barrels of North Dakota crude oil by rail, along the Columbia River, to the port of Vancouver. Shuck doesn't have to be concerned about environmental degradation caused by the quarry. He moves around, but presently lives in Montana. The payoff for our county would be ... five jobs (or six, or seven, depending on which page of the application you read), the degradation of the canyon's scenic beauty, and the devaluation of land values for miles surrounding the quarry.

Smejkal first submitted a proposal to develop the quarry in 2018. The Union County Board of Commissioners rejected it as seriously deficient. Now Smejkal has a new application the commissioner will hear April 7. The county planning commission has denied the application because of numerous failures to address (sometimes even to acknowledge) critical regulatory requirements.

The new application raises serious environmental concerns regarding

air pollution caused by increased diesel train traffic and quarry operating equipment; dust, noise, possible environmental damage to the Grande Ronde River; and the destruction of wetlands. It is unclear who would provide the financial backing to develop the quarry, or who would run it. The multimillion-dollar investment required would certainly bring in a corporate entity with the money to ignore environmental regulations, and any foreign corporation would be exempt from many environmental restrictions.

The application itself is filled with internal contradictions, with unreasonable assertions that simply don't compute, and bald assurances based on no data whatsoever. It flatly ignores many critical questions and regulations. If these people run their quarry the way they write an application, we are in for a company with no regard at all for compliance with the most basic regulations.

For all these reasons, the Union County commissioners should deny the quarry application at their April 7 meeting.

*Michael Howard, 75, lives in La Grande, is a forensic scientist in private practice and retired from the Oregon State Police as director of the Bend crime lab.*

## Letter

### Quarry application a 'chaotic mess'

I've spent several weeks reviewing the James Smejkal application for the proposed "Ponderosa Basalt Quarry."

As an attorney, it isn't unusual to encounter difficult and complex writing. But the Smejkal application is different. It is incomplete, filled with internal contradictions and lacks supporting evidence. It fails to provide documentation regarding key issues and misrepresents documents. It frequently fails to address the issue

under discussion, or to acknowledge issues, which are legally required to be addressed. With no table of contents or index, the application is exceedingly difficult to reference.

The application fractures regulations into unreadable sections, making it impossible just to identify the regulation without external references. It appears to have been deliberately written to confuse, as if doing so might allow Smejkal to get approval for an application that is so flatly deficient it could never be approved on its actual merits. This is not how legal documents are typically written.

Now Smejkal is encountering resistance and requesting additional time to polish his application. Granting his request would be an indication of disrespect for every person who has been forced to contend with — to labor over — the chaotic mess of an application as presented. Mr. Smejkal should be forced to live with the result of having presented an application that has been written to obfuscate and confuse.

The Union County Board of Commissioners should deny the request for a continuance.

*Anne Morrison  
La Grande*

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