General Information

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Description

In the case City of Cleburne v. Cleburne Living Center, Inc., the Supreme Court rules that a city cannot deny the request of group of mentally challenged adults who are seeking to live in one home. The decision holds that there is no rational basis for a state or municipality to limit the rights of the mentally retarded to establish their own group home.

Keywords

Citation

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Transcript

Supreme Court Rules on Rights of the Mentally Retarded

JANE PAULEY, co-host:

On AFTER EIGHT this morning the rights of the mentally retarded verses the rights of a community. This is the community of Cleburne, Texas; it’s about 50 miles southwest of Dallas. Cleburne has gone to the Supreme Court to try and stop a plan for 13 retarded men and women to live in a home there. It’s a nationwide trend to move the moderately retarded out of institutions and into residential settings. With us this morning to talk about that are attorney Earl Luna who’s taken he Cleburne case into Supreme Court, and Paul Marchand of the national association for retarded citizens. Mr. Luna is with us from our NBC affiliate in Dallas-Fort Worth KXAS-TV and good morning to both of you.

Mr. EARL LUNA (Attorney): Good morning.

PAULEY: Mr. Luna do you read this as a zoning issue or a civil rights case?

Mr. LUNA: It’s a zoning issue it involves a zoning ordinates based on economics in a community.

PAULEY: Explain the economics and your displeasure with the decision.

Mr. LUNA: This is an intermediate care facility, it is a business that a corporation wants to run, and the zoning ordinance has classifications for different types of businesses. And that is simply what it is zoning classification for businesses, and it really has little to do with the rights of the mentally retarded itself.

PAULEY: Mr. Marchand do you see it as a civil rights case?

Mr. PAUL MARCHAND (National Association for Retarded Citizens): Well it has to come down to civil rights, and that zoning ordinance has an exclusion for individuals known as feeble minded, and that’s really why the individuals who are retarded would live in that place are not being allowed to live there.

PAULEY: Mr. Luna one of the potential neighbors there in Cleburne said that with retarded people you
don’t ever know what they’re going, when they’re going do something. What is he afraid of?
Mr. LUNA: Well I think of course it depends on the particular retarded person, you can’t stereotype them like we can’t stereotype people who are not mentally retarded. But here, it’s an older neighborhood, its and established neighborhood and the people are interested in what type of business comes into that facility.
PAULEY: I’m wondering though if the residents are not thinking just in terms of economics as you suggest, but if they’re afraid of something. Mr. Marchand are people generally afraid of mentally retarded people?
Mr. MARCHAND: It’s difficult to tell how afraid they might be, but there is clear systemic discrimination of or against handicapped persons, and retarded persons specifically for many, many years and centuries. That stems primarily from a basic misunderstanding of what they are.
PAULEY: Do you thin the people in Cleburne associate mental retardation with mental illness, being insane?
Mr. MARCHAND: That is one of the concerns, that they are sick people that they are not to be trusted, in fact that is not the case with the vast majority of mentally retarded people.
PAULEY: What do you think Mr. Luna are mentally retarded people, is that synonymous with being mentally ill?
Mr. LUNA: That is not, the courts make a distinction between mental retardation and mental illness in that mental retarded persons need rehabilitation whereas mentally ill people need treatment. But this ordinance excludes the mentally ill in this case as well as the mentally retarded also excludes nurseries. So it doesn’t discriminate against mentally retarded any more than it does little children. You’re children can live in your home, but if somebody’s going to start a business keeping children they have to do it in a classified area.
PAULEY: There should be some experience, I think that, isn’t there empirical data saying having a residence at this type does or does not reduce property values for instance, can anybody say now? Mr. Luna?
Mr. LUNA: We have not done a study on the property values. See this is in a 500-year flood plane; it doesn’t have enough health facilities. There are a lot of problems with this particular home.
PAULEY: So it’s just speculative though on your part then that it could be an economic detriment to the neighborhood?
Mr. LUNA: Well as to whether it’s an economic detriment to the neighborhood we have a classification system as to where you can operate a business and where not. Now you might put a bakery next door to a group of residence and it might not decrease their property values but on the other hand it might, so therefore we classify them ahead of time and put businesses in an appropriate area.
PAULEY: So is Mr. Luna fighting an irresistible tide at this point, is it inevitable that that house will be somewhere in Cleburne, Texas?
Mr. MARCHAND: We believe it will be inevitable no question. There are now well over 10,000 group homes of that sort throughout the country and that has boomed over the last dozen years or so. And we envision many, many, many more mentally retarded people getting the opportunity to live in the
community in the very short future.

PAULEY: Mr. Luna in the event that you do lose this case before the Supreme Court, do you think Cleburne is prepared to be good neighbors?

Mr. LUNA: Well in the event that we were to win this case in the Supreme Court does not mean that you can’t have a mentally retarded home in Cleburne. This is simply a particular location, the city as absolutely no arguments to keep mentally retarded homes out of the city. So I think it’s been misinterpreted in that regard.

PAULEY: Well we thank you for being with us from Dallas, Mr. Luna and Mr. Marchand here in New York.