

Public Policy and Law

Biklen, D. (1995). Why parents and children with disabilities should have the right to use facilitated communication. *Exceptional Parent*, 48-50.

“The latest research evidence on FC and the achievements of individuals using FC require us to ensure its future availability. It is not a miracle and it certainly will not work for everyone, but those who might benefit from it deserve the right to learn to use it, to type out their words, to be heard, to prove their communicative competence and to be recognized for their accomplishments” (p. 50).

Botash, A., Babuts, D., Mitchell, N., O'Hara, M., Manuel, J., & Lynch, L. (1994). Evaluations of children who have disclosed sexual abuse via facilitated communication. *Archives of Pediatric Medicine*, 148, 1282-1287.

A medical team's evaluation of cases in which individuals using facilitation purportedly made allegations of abuse. Several students were found to have medical evidence of abuse. The pattern of evidence in this group parallels the patterns seen in the nondisabled, speaking population in the region in which the study was conducted.

Candelora, V.J. (1995). Facilitated communication: A scientific theory or mode of communication? Should people with autism have a voice in court? *Dickinson Law Review*, 99, 753-778.

Law review article that critiques the application of the Frye test as a measure for determining admissibility of evidence given via facilitation.

Duchan, J.F., Calculator, S., Sonnenmeier, R., Diehl, S., & Cumley, G.D. (2001). A framework for managing controversial issues. *Language, Speech, and Hearing Services in Schools*, 32, 133-141.

“This article offers a clinical practice framework for gathering information about controversial approaches and for implementing and monitoring their use. The framework ... (is) illustrated using facilitated communication as an example of a controversial practice” (p. 133). “Regarding FC as an AAC (Augmentative and Alternative Communication) approach follows from ASHA's definition of AAC because it is: an area of clinical practice that attempts to compensate (either temporarily or permanently) for the impairment and disability patterns of individuals with severe expressive communication disorders (i.e., the severely speech-language and writing impaired)” (ASHA, 1989, p. 107) (p. 134). “Documenting individual progress. The team should institute a variety of systematic procedures to examine a method's effectiveness for an individual. Data should be collected regularly and, when possible, in natural situations in which communicators take an active role. Documentation carried out in naturally occurring contexts offers a way to evaluate a program's success and avoids having to subject clients to an excessive amount of formal testing” (p. 137).

Duchan, J. (1999). Views of facilitated communication: What's the point? *Language, Speech, and Hearing Services in Schools*, 30, 401-407.

“Although study section members hold different perspectives concerning FC, all agree that such protective practices can help preserve the rights of those with severe communicative disorders and, at the same time, help maintain high-quality services” (p. 405).

Dwyer, J. (1996). Access to justice for people with severe communication impairment. *Administrative Law Review*, 3, 73-120.

An exceptionally well-documented, thorough review of legal issues surrounding facilitated communication in Australia, New Zealand, and the U.S.

In the Matter of Luz P. (anonymous). Supreme Court of the State of New York, Appellate Division, Second Judicial Department, 92-07565, March 29, 1993.

The first, and most cited, court decision in which it was found that individuals using facilitation should have a chance to prove they are communicating their own words, and that the fact that they use a novel means of communication should not in itself be cause for exclusion from court.

Jacobson, J. W., Mulick, J.A., & Schwartz, A.A. (1995). A history of facilitated communication: Science, pseudoscience, and antiscience. *American Psychologist*, 50, 750-765.

Starting with a biting attack of facilitated communication, the authors suggest that this method's acceptance is related to "anti-science" views that they say have led to deinstitutionalization and inclusion, which the authors also attack.

Kliewer, C. & Drake, S. (1998). Disability, eugenics and the current ideology of segregation: A modern moral tale. *Disability & Society*, 13, 95-111.

This article examines how the discourse of facilitated communication has included attempts to use the language and authority of science to silence individuals, including those who have proven their communicative competence. The authors see similarities between this and efforts earlier in the 20th century to foster eugenics and institutionalization by attempting to cloak segregationist ideology in the language of natural science. The authors "explore the legacy of the ideology of control as it impacts current understanding of disability."

Luxton, M.S. (1994). Facilitated communication for people with autism in the courts: Balancing the need for reliable evidence with the requirements of the Constitution. *Hamline Law Review*, 18, 201-230.

Law review article argues for the right of people using facilitation to participate in the courtroom, under certain conditions.

Maurer, N. (1995). Facilitated communication: Can children with autism have a voice in court? *Maryland Journal of Contemporary Legal Issues*, 6, 233-282.

A detailed analysis of cases in the U.S. involving facilitation, and a concise argument for how, when, and under what conditions testimony via facilitated communication should be accepted in the courtroom.

Shane, H.C. (Ed.). (1994). Facilitated communication. San Diego: Singular Publishing Group.

In the editor's own words, the series of articles that comprise this book conclude that "the theory behind the practice of FC is misguided and simplistic" (p. ix).

Spitz, H.H. (1997). Nonconscious movements: From mystical messages to facilitated communication. Mahwah, NJ: Lawrence Erlbaum Associates.

The author argues that facilitated communication is a hoax, much like table moving, the Ouija board, mind reading, and other magical tricks. The author characterizes facilitated communication as something that should be “expunged,” as “a virus run rampant.” Facilitated communication, he argues, “takes its place alongside the witch trials, magic cures, animal magnetism, and other such phenomena in the long struggle of our species to emerge from the grip of irrationality.”

State of Kansas v. Warden, S.Ct. Kansas, No. 70,337, 1995 LEXIS 41.

Supreme Court of Kansas decision allowing a conviction based on an allegation and testimony by facilitation in an abuse case.

Taylor, S. (1994). Editor’s introduction to the exchange of opinion on the risks and benefits of facilitated communication. Mental Retardation, 32, 299-300.

Introduces article by Levine, Shane, and Wharton that calls for evaluating facilitated communication using guidelines developed for new medical treatments. The authors advocate that use and promotion of facilitated communication be halted until or unless “sound scientific evidence” establishes its validity as a means of communication. Commentaries -- most of them are critical of the Levine et al. Framework and conclusion-- are offered by Ferguson, Horner, Goode, Halle, and Hitzing, with a rejoinder by Levine et al.

Twachtman-Cullen, D. (1997). A passion to believe. Boulder, CO: Westview.

The author argues that facilitation is attended by an “FC culture”: that “sociopolitical phenomenon in which unanimity of thought and philosophy has created a class of believers whose sacred mission it is not only to advance the cause of facilitated communication but also to disparage the opposition.”

Waterhouse, S. (2000). A positive approach to autism. London and Philadelphia: Jessica Kingsley Publishers.

“How to sum up (about facilitated communication)? Perhaps before answering that I should first ask whether we actually have the right to withhold what could, for some, be an extremely helpful tool in dealing with everyday life. To deny those people a voice. Would we deny those with multiple handicaps the opportunity to use every modern technological aid which might help, simply because it might at some point cause misunderstandings? Of course not. Progress brings many advances, some of which could always, in the wrong hands, be misused but only a tyrant or a fool would wish to stop it...One person asked what use it was if it could not ‘cure’ autism. This is an extremely short-sighted view for, at its best, facilitated communication allows sufferers to take an active part in the world by making decisions and communicating their ideas, hopes and problems. In the long term, too, it may contribute greatly to the fight against autism by enhancing our understanding of the abilities and problems of the people themselves, which is what we should be working for. Let us ensure that FC gives maximum benefit by using it carefully and treating the writings of those who use it with respect.”

Williams, D. (1994). Invited commentary: In the Real World. Journal of the Association for Persons with Severe Handicaps, 19, 196-199.

Best selling author, Donna Williams, gives a brilliant critique of arguments on both sides of the facilitation debate; she offers her own explanations for why the method may work and also why some people may easily be influenced in their communication. This issue of JASH includes articles by Green & Shane and by Biklen & Duchan, as well as other commentaries on facilitated communication.