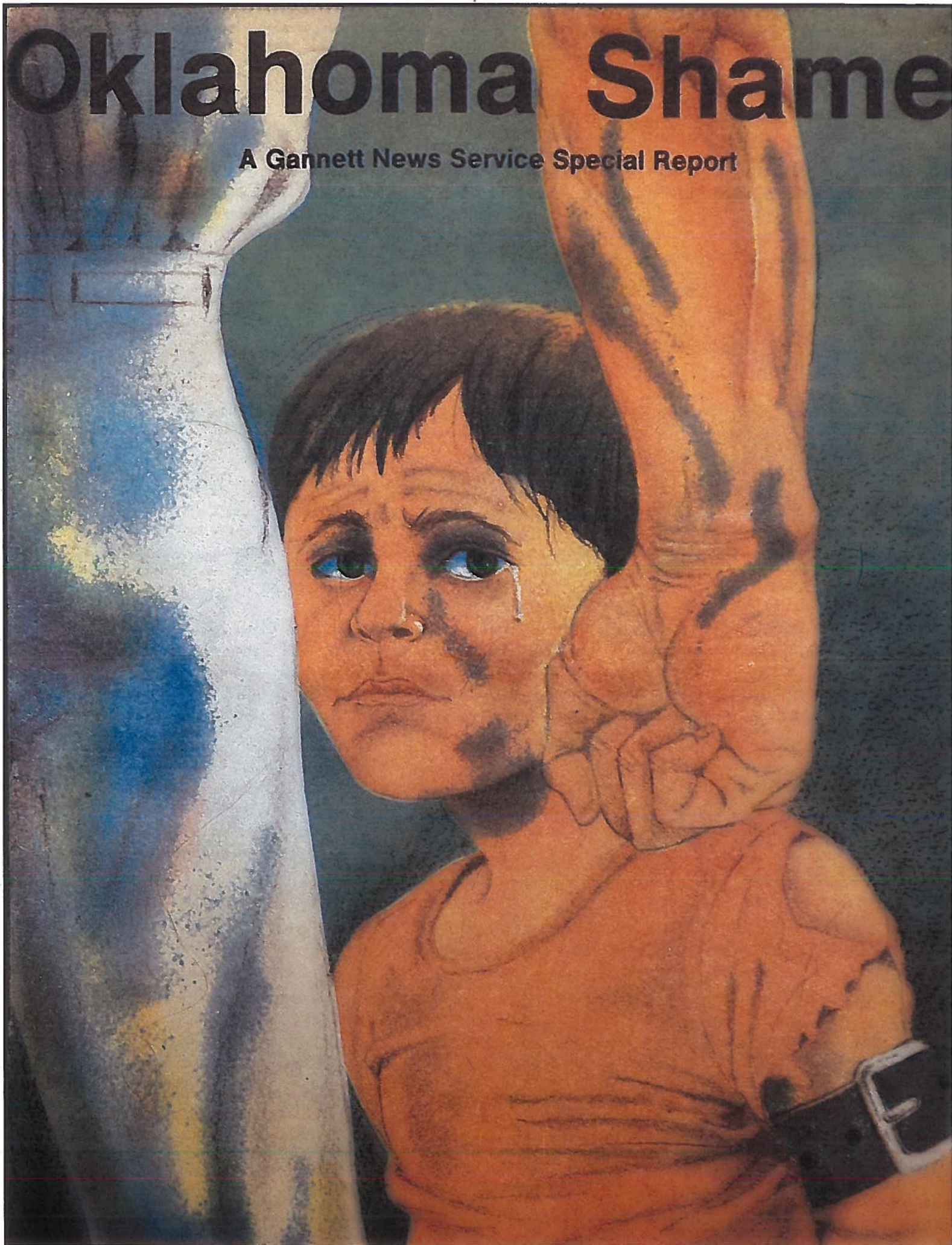


Oklahoma Shame

A Gannett News Service Special Report



GANNETT NEWS SERVICE

1627 K STREET, N.W.
SUITE 1200
WASHINGTON, D.C. 20006
(202) 862-4900

Dear Readers,
Beatings and other abuses of helpless children are more common reading for devotees of Charles Dickens than followers of modern American newspapers. It's a scandal of another age.
But on Feb. 7, 1982, the past suddenly leaped into the present for the citizens of Oklahoma. A series of stories by Gannett News Service brought home the startling fact that state employees were subjecting abandoned, orphaned, emotionally disturbed and delinquent children to a Dickensian world of terror.

Institutionalized children were beaten, sexually assaulted, and confined for weeks on end in rehabilitation cells. Drug use was rampant and recruitment of young girls for prostitution a fact at one facility.
All of this, over a period of years, went on with the knowledge of high ranking state officials.

Story after story detailed the abuses, basing them on confidential documents from the files of the state's Department of Human Service, a unique governmental monolith that controls more than half the state budget without oversight from the legislature of the governor. But as damning and dramatic as those stories were, the worst was yet to come.
One month after the first series, a second set of stories unfolded, this time exposing even more numbing practices in state institutions for the retarded. Not only were whippings, rapes and assaults on defenseless mental incompetents commonplace, but children died under circumstances labeled clearly suspicious by nationally recognized medical experts consulted by GNS.

The stories are shocking and disconcerting to read, but they tell a tale that carries a lesson for all America. It's the story of a political system so huge and powerful that it could condone such abuse, hide it from the public eye, and still cling to life despite the eventual scandal.
Gannett News Service reporters John Manchette and Carlton Sherwood and editor Brian Gallagher have followed the story for nine months as this report is published, and the developments have been many.

The juvenile institutions have been largely depopulated, millions of dollars have been spent to upgrade facilities for the retarded, major reform legislation has been passed, the politically titanic Human Services bureaucracy is besieged by myriad state and federal investigations, and the powerful political czar who controlled the institutions has resigned in disgrace.
Both series' and a sampling of what has transpired since are republished here. We hope you will find them enlightening. Additional copies can be obtained from Gannett News Service, 1627 K Street, N.W., Washington D.C. 20006.

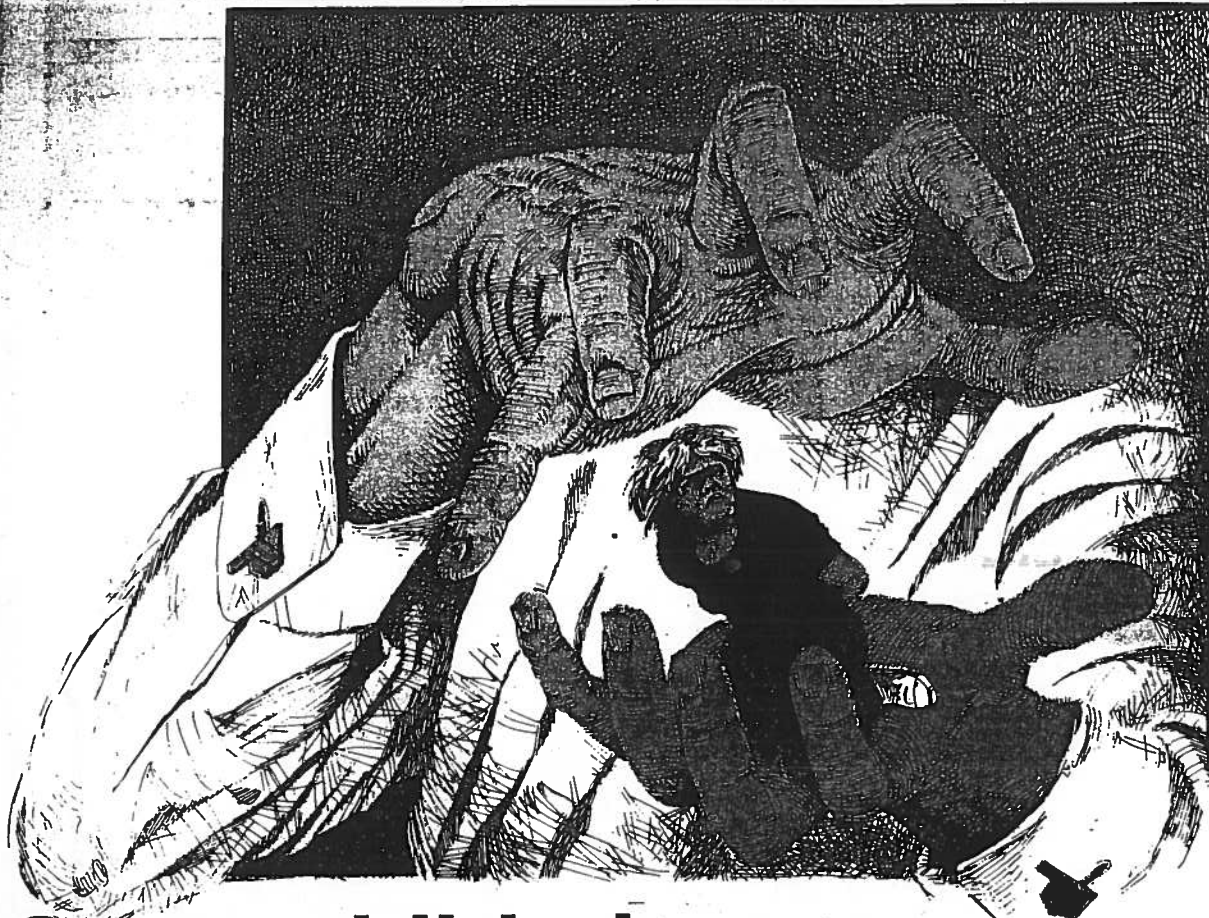
Jim Gahan
James Gahan
Vice President and General Manager
Gannett News Service



Robert A. Dubill
Robert A. Dubill
Executive Editor
Gannett News Service

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State child abuses hidden by cover-up

By CARLTON SHERWOOD
and JOHN HANCHETTE
Gannett News Service
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OKLAHOMA CITY — Children in Oklahoma's state-run institutions fight a daily battle for survival and dignity against conditions that one of the state's own psychiatrists calls "Hitlerian," a Gannett News Service investigation has found.

The five-month GNS examination revealed that youths in state training schools and institutions, whether orphaned, delinquent or simply economically deprived, all seem to face the same dangerous underdog struggle.

Oklahoma is one of the very few states that still insist on housing most "wayward" and "deprived" children in large, monolithic, strictly-secured institutions on remote campuses. Literally hundreds of the state's own confidential documents obtained by GNS reveal youth supervision so macabre that it would make Charles Dickens wince.

According to these documents, and court affidavits connected with a four-year lawsuit by a trio of civil liberties groups, scores of children have been victims of brutal attacks, sexual assaults, or punitive, ramrod discipline by state employees that medical experts call "appalling" and "barbaric."

In coming days, GNS will detail how, with the knowledge of high state officials, Oklahoma's institu-

tionalized children have been:

- Hogtied with handcuffs, belly chains and leg irons for extended periods, sometimes being suspended from the floor, shackled to toilets, drainpipes, sinks and beds, and kicked or beaten while so confined.
- Hospitalized with serious injuries, including broken bones, as a result of attacks by adult attendants.
- Coerced into performing homosexual acts with state employees.
- Recruited to join a prostitution ring.
- Provided with illegal drugs by supervisors.
- Thrown into squalid, 5-by-8-foot solitary confinement cells for weeks at a time.
- Victimized by incredibly lax state hiring practices that placed convicted felons and chronic sexual offenders in positions of authority over vulnerable youths.
- Strip-searched and prevented from sending or receiving uncensored mail or communicating with outside parties, including attorneys.

The articles will show that several children are missing from state-run homes, and will portray the constant success of the state's czar-like welfare director, Lloyd E. Rader, 75, in resisting executive and legislative controls, the latest an attempt only last month by Oklahoma's governor to establish some meaningful oversight over the 45-year-old department.

They will further show how a cadre of idealistic lawyers from the American Civil Liberties Union and other human rights projects took Rader into federal court only to be outmaneuvered, delayed, lied to and hornsawgled at every turn, until their class-action lawsuit dissolved last month into a mishmash of compromise and proposed settlement.

The giant department — Oklahoma's largest agency with a \$1.2 billion annual budget — operates three training schools, two children's homes, emergency shelters and a diagnostic center through which about 4,000 children pass each year. The confidential state files, covering a six-year period from 1976 through 1981, represent only a few of the thousands of abuse cases that Rader's own men have investigated, often confirmed, and fought to keep secret from the public, press and state legislature.

Other records demonstrate how this statewide system of violence and exploitation is protected by a handful of influential Oklahoma officials.

Rader himself is at the top of the power structure. A craggy, silver-haired, down-home tough talker, Rader is known for his controlled but formidable temper and unwillingness to countenance criticism from anyone, whether governor, senator or underling.

Rader is the longtime director of the sprawling Department of Human Services, which under the state constitution operates independently of the legislature.

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and the executive branch of government. The department is at once his personal fiefdom and all-consuming interest.

For nearly four decades, Rader has maintained a vise-like control over the massive agency and its more than 14,000 jobs — the state's largest work force — successfully deflecting numerous attempts by state and federal officials to unseat him and dismantle his bureaucracy.

Oklahoma's most prodigious employer and the undisputed architect of the state's vast patronage system, Rader is frequently referred to as the "Sooner Huey Long."

His private "legislative control" records — kept in black loose-leaf binders in his inner sanctum — show, for example, that during the last several months alone more than a hundred state legislators and one state supreme court judge have solicited him for personal favors, usually jobs. Rader puts it all down in his log.

Rader, who also controls the Oklahoma Children's Hospital, routinely fields private requests from elected officials to give special consideration to certain people seeking to adopt illegitimate children.

Foremost among the prominent politicians who call on the welfare director for patronage favors — including adoption requests — is David L. Boren, Oklahoma's senior U.S. senator and former governor.

Correspondence files show that Boren attempted to use his senatorial influence to prevent the continuation of the civil liberties lawsuit. When the Justice Department refused to confirm several misconduct charges Boren had pushed against the civil liberties lawyers who were pressing the suit, the senator attempted — with partial success — to suspend federal funding of the three organizations sponsoring it.

Political patronage in Oklahoma is so pervasive that Rader himself reminded a legislative committee that was badgering him three years ago that three out of every four jobs in his department are filled on the basis of political references approved by Rader himself.

This system of employment, devoid of screening and background checks in many cases, has enabled some unqualified and possibly dangerous personnel to occupy sensitive positions in juvenile facilities. Adjudicated sex-offenders, hard-core felons, alcoholics and a former mental patient have been hired and in some cases continue to work as state "youth guidance specialists." The hiring practices have led to the employment of medical and legal personnel unlicensed for general practice in Oklahoma but permitted to work in institutions.

In one case, personnel files show, welfare officials investigating reports that a youth supervisor had sexually assaulted two pre-teen girls discovered that the employee had "no less than 30 prior felony convictions" and was twice committed to mental institutions.

Such persons sometimes turn up in particularly sensitive positions. The security chief at one non-delinquent institution had a California arrest record for robbery, assault and sexual felony. His criminal background was discovered when he "showed significant signs of deception" on a polygraph test concerning his involvement in a child drug and prostitution ring at the state school. Such tests are used as an investigative tool by the state.

The security chief was still on the job last week, despite Rader's admission to GNS that he is aware of the man's history and the polygraph results.

State statutes require that all instances of child abuse, even minor cases, be reported to local district attorneys. However, state records indicate that only a handful of confirmed abuse cases are referred to local law enforcement officials.

Documents from the Department of Human Services show that in most cases adult supervisors proven to have abused children are either allowed to keep their jobs, are transferred to a similar job at another institution or — if the case is serious enough — resign on their own. Occasionally, errant employees are promoted.

Confidential investigatory files quote state employees as saying that in October 1979 the superintendent of the Helena training school kicked a 16-year-old boy in the face while the youth was lying on the ground, handcuffed and shackled in a hogtied position, hands and feet behind him.

The superintendent remained on the job for nearly a year. During that time, state files show, he was involved in other child-abuse incidents and, according to testimony of state employees, sought to retaliate



'Children are locked in their cells for approximately 23½ hours a day,' according to a court declaration made by Dr. Robert F. Baxter, director of child psychiatry at the University of Texas.

against those who had confirmed the earlier kicking incident.

"I made a lot of people mad because I made them go to work," Tom Norwood, the former superintendent, told GNS. "That's why they testified against me, because I had tried to relieve them of duty. That place (Helena) was such a general mess when I got there, there were 35 hog carcasses and two cows that had been on the grounds for months. Nobody was doing anything."

Norwood told GNS that he had authorized the hogtying of the youth referred to in the kicking incident, but that he merely "touched him in the head with my foot" to keep the writhing teen-ager from "hitting his head against the desk" — a description disputed by some eyewitnesses. He was eventually transferred to the Paul's Valley State School for mentally retarded children, where he is employed today — as the senior staff psychologist.

When Legal Aid of Western Oklahoma and two other civil liberties groups focused attention on the state juvenile system with a class-action lawsuit in federal court, the plaintiffs complained not only of specific abuse, but of a general pattern of neglect of progressive treatment and care.

Criminal justice consultants and medical experts have testified that the human services department's institutions are "psychotic breeding grounds," and that the treatment accorded children is responsible for the high recidivism rate.

Lynn Sagerer, a veteran social worker at the Boley Training School, put it more succinctly when questioned by welfare investigators:

"Students assigned at Boley would leave the institution with little knowledge other than training in unnatural sex and other undesirable activities."

Several of Oklahoma's larger state facilities were built 50 to 75 years ago, when they served as sexually and racially segregated reform schools.

A state report commissioned by Rader himself concluded in 1980 that the state's "child-care institutions are collectively old, malplanned and insufficiently staffed."

The study, conducted by an independent Oklahoma City consulting firm, concluded that three of the largest and most notorious institutions — Helena, Boley and Whitaker — had "outlived their usefulness" and should "cease child-care operations."

The same report made two more discoveries: • Despite popular perception to the contrary, only 7.49 percent of the students in Oklahoma youth institutions entered as juvenile delinquents.

• No state or court records existed to explain how or why more than half of the children being detained in state homes and training schools were placed there. The report, which was delivered to Rader but never publicized, found that Oklahoma officials could not determine why 51 percent of the state's juvenile inmate population had been institutionalized.

Rader's own reporting system, however, was more successful. It resulted in cabinet after cabinet of quietly filed reports on child abuse in his homes and schools — children choked with their own jeans, strip-searched against their will, and threatened with a dentist's drill through the gums.

NEXT: The abused children of Oklahoma

Besides confusion resulting from the frequent departmental name changes, the administrative offices to run all these institutions on a daily management level fall under an alphabet soup of divisions. Even state employees asked to explain the system confess confusion because Rader keeps changing the order of drill and the organizational chart.

Poor system courts error

By CARLTON SHERWOOD
and JOHN HANCHETTE
Gannett News Service

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OKLAHOMA CITY — Oklahoma's juvenile care system is operated by a department that's gone by three official names in the last three decades:

The Public Welfare Department, the Department of Institutions, Social and Rehabilitative Services ("Dizriz," as employees kept pronouncing the initials), and the Department of Human Services.

Oklahomans still keep calling it the Welfare Department.

The understandable confusion that results is heightened by the welter of programs and services falling under this huge umbrella agency, and by the question of who runs it, and how.

The department was established in 1936 under an amendment to the Oklahoma constitution, which also set up a nine-man commission to run it. The commission has the sole constitutional power to appoint the department's executive director — making him a very powerful man in the state, since he's free of the governor and legislature from a job-holding standpoint.

Lloyd E. Rader has held that job since 1951, and everyone in the state capital knows his longevity is due to a clear fact of political life here: He tells the commission what to do, not vice versa.

As the problems of modern society multiplied, so did the programs and social headaches that the governor and legislature placed under Rader's mantle. Because he proved one of the strongest, most autocratic administrators in the history of 20th century state governments, Rader soon found his department in charge of the needy, the aged, the handicapped, the dependent, the sick, the deprived, and children.

So Rader today, at the age of 75, not only personally administers cash assistance grants, but 30 other programs that include 19 institutions. Attempts by the legislature in recent years to dismantle and decentralize this behemoth bureaucracy have failed, largely due to Rader's astute political sense and the fear by some lawmakers that no one else will take on that much work.

The Oklahoma juvenile system under Rader includes:

Three schools for the mentally retarded, at Enid, Hissom, and Pauls Valley; The Oklahoma School for the Blind at Muskogee; The Oklahoma School for the Deaf in Sulphur; emergency shelters in Tulsa and Oklahoma City for abandoned and neglected children; a camp at Lake Tenkiller; an intake center called the

L.E. Rader Diagnostic, Evaluation, and Treatment Center at Sand Springs; two residential children's homes, the Oklahoma Children's Center at Taft and the Whitaker Children's Home at Pryor; three training schools, the Boley State School for Boys, the Helena State School for Boys, and the Central Oklahoma Juvenile Treatment Center at Tecumseh; and community youth homes in Lawton, Tulsa and Oklahoma City that are operated by the Court Related and Community Services office.

Besides confusion resulting from the frequent departmental name changes, the administrative offices to run all these institutions on a daily management level fall under an alphabet soup of divisions.

Even veteran state employees asked to explain the system confess confusion because Rader keeps changing the order of drill and the organization chart.

Rader does this by executive fiat and command decision. During one day-long interview with Gannett News Service reporters last week, Rader wiped out an entire level of middle management, restored it, and wiped it out again in reaction to questions indicating mistakes and mismanagement at one children's facility or another.

"As of today," he would tell an employee, "you'll be reporting directly to me."

Rader told GNS he was insistent on restoring his personal command of intimate details of the running of the homes and schools because the abuses listed in a recent federal court lawsuit only started when he decentralized his own authority. He will restore longtime aide Dr. Ted Baumberger as his right-hand man, he said.

"We're going to get this back under Ted Baumberger and my control," Rader told GNS, "just like it used to be. That is not pointing a finger at anybody."

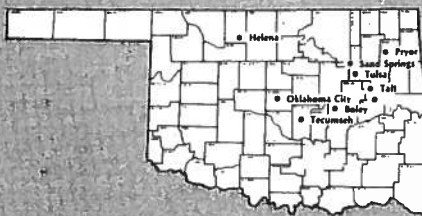
"If we've got anything to clean up, we'll clean it up. I may be a little egotistical in telling you I can clean it up, but I will."

By frequently shifting divisional supervisors around without warning, Rader keeps everyone under him — all 14,000 department employees — on the very tips of their toes.

Rader, under the constitution, is the personal legal guardian of the children under his department's care, and this knowledge is sometimes exercised to keep a strong grip on the underlings who would change Oklahoma's status as one of the few states that still puts non-delinquents in state institutions.

The department statisticians say about 48 percent of the children in the homes and schools have been adjudicated delinquent, but this is widely disbelieved, and Rader himself admitted to GNS that it's more like 20 percent.

Oklahoma State Homes, Schools and Centers for Youths



L.E. Rader Diagnostic, Evaluation, and Treatment Center, Sand Springs
Oklahoma Children's Center, Taft
Whitaker Children's Home, Pryor
Boley School for Boys
Central Oklahoma Juvenile Treatment Center, Tecumseh
Helena School for Boys
Mayer Children's Center Okla. City
Tulsa Emergency Shelter

Rader says the necessity of mixing delinquents in with merely deprived children is his biggest headache.

"I don't know what to do with all these hard-core children committed to us," he told GNS. "It just breaks my heart to see these little kids certified adults. I know when you do that you're sending them down there to be punks or convicts."

One reason Rader's agency is so high-profile is the broad definition given to delinquents in Oklahoma — "a child who violates any federal, state, or municipal ordinance."

This includes traffic laws and ordinances if the violation is "habitual," a term loosely defined to mean twice under Oklahoma law.

Further, the term "In Need of Supervision" — the reason about 200 children were in the homes last year at any one time — is defined under the law as any child "who has repeatedly disobeyed reasonable and lawful directions of his parent."

Truancy — from home or school — is another thing that can land you in a school or home run by the state. If you are "voluntarily absent from home without consent of a parent" then, bingo, you're eligible. School truancy is defined as four days absent without an excuse within a four-week period, or 15 such days in a semester.

The state says about 11,000 children passed through all intake processes last year, and that about 4,200 of these ended up going through the training schools, homes or the diagnostic center. At any one time, enrollment in that system is probably between 800 and 1,100, with some of those on leave.

The civil liberties lawyers who pressed the reform lawsuit claimed that an unsuitably large number of children are allowed to "age out" in the system, meaning they stay in the schools or homes until reaching adult status. Most human services officials, however, say the average stay is much shorter — estimates range from two months to about a year. Many of these children, of course, are repeaters, and no one here seems to have a handle on just how many come back, or how often.

One big complaint of the suing civil liberties groups is that a child can enter the Oklahoma system as merely deprived or in need of supervision, and soon find himself adjudicated a juvenile delinquent for going AWOL or getting into other trouble, which pops up with ample opportunity in the schools.

Oklahoma, essentially, has set up a juvenile system with more service groups and program units and spiffy brick-and-mortar facilities in place than many larger states. But management practices harking back to an earlier era have attracted serious criticism and an uncertain future.

Rader — Ice Age don or hero?

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Lloyd Edwin Rader, 75, the man who runs Oklahoma's controversial welfare and child services programs with a grip like a bear trap's, is admired by some people here as an inimitable public servant.

To others, he is an administrative relic, an Ice Age don, a bureaucratic troglodyte who rumbles through the corridors of power like a museum specimen from an age of government when autocratic department heads sneezed and the whole state caught cold. One out of three Oklahomans are affected directly by his daily decisions as the state's director of human services, head of the largest agency — more than 14,000 employees — in the history of this state's government.

In some ways, Lloyd Rader's tale is typical of American government success stories that are becoming rare — a simple man with a will of steel takes over a key state department at the behest of a personal friend who becomes governor. He runs it with zeal and single-minded purpose until its image and his are inseparable. The department is him.

This marriage of dedication and circumstance has brought Rader both ringing praise and condemnation since he took over Oklahoma's public welfare in late 1951, child services a decade later and a potpourri of other state "problem" programs since. With each new chunk of responsibility, Rader has protested that he doesn't really want the new program under his administrative wing. But each time, Rader's political fieldwork soon extends to a point where his new area of power is untouchable either by the governor or legislature — until recently.

Rader's methods also brought him, in the winter of his years, one of his sternest tests, a federal lawsuit that accused him, essentially, of letting time pass him by — of letting fidelity to past policies lock him into a rigid mindset that ignores modern realities and perhaps more fruitful methods, of letting his beloved department consume him.

Documents from that lawsuit, brought by Legal Aid of Western Oklahoma and two other civil liberties groups, plus transcripts of exchanges between Rader and the opposing attorneys, reveal his personal philosophy of juvenile treatment and supervision, one that is likely to draw hoots of derision in federal offices and the halls of academe, but one that appeals to many citizens in a rugged and independent region like Oklahoma. At a time of life when most government officials are retired and toasting their feet on a Florida beach (Oklahoma has no mandatory retirement law), Rader is still vigorously defending the practices that worked for him 30 years ago.

Rader holds a law degree from Oklahoma City University that he received at the age of 58, but he does not belong to the state bar. He studied accounting at Southwestern State Teachers College just as the Depression began, worked as a building and loan executive for six years, and for a time was the influential chief auditor of the Oklahoma Tax Commission in the late '30s, at the then-impressive salary of \$200 a month. He headed the enforcement division.

Rader left state work to master several careers — construction contractor, rancher, grocery merchant, hardware salesman, lumber supplier with his brother, and a couple of other fields — before reluctantly accepting the troubled Department of Public Wel-



Lloyd E. Rader, director of Oklahoma's sprawling Human Services Department, has run the state's juvenile system for more than 20 years.

fare's directorship at the age of 45.

With little experience in public administration, he did what rookie officials usually do: He visited other states. When he was given the child services programs in 1961 he did the same, eventually coming to copy the juvenile treatment programs of Nebraska, Wisconsin and Michigan. In Michigan, he was especially impressed with the ideas of the late William J. Maxey, a famous youth administrator, whom he quickly and unabashedly emulated.

He soon became an expert at wheeling funds out of the state legislature, and through the years created a widespread barony of programs and institutions that touched every corner of the state. Because his funding was based directly upon refueled sales tax revenues, he didn't have to rely on fractious lawmakers for program approval.

He also learned how to tie the troublesome legislators and governors up in knots. He has now outlasted seven governors and 14 legislatures.

Although some say he is slowing down, just last month Rader turned in a typical performance before the Oklahoma House Appropriations and Budget Committee.

The 1981 legislature tried to do something lawmakers have been trying to do to Rader for years: establish financial responsibility over his public welfare department by voting official oversight of all expenditures, to begin July 1, 1982.

All sales tax revenue would go into a special fund, from which money would be appropriated to Rader like any other department head, thus ending the old law which had automatically earmarked sales tax revenue for Rader's

operation without his having to go through the hurdles of legislative approval. Rader, understandably, wanted to forestall the new law.

According to the Oklahoma Legislative Reporter, Rader got up in front of the committee and urged its members to avoid implementing oversight of his department until next year, because he still did not have "complete information on Reagan administration funding cutbacks."

Rader pointedly reminded the politicians that "if oversight caused delay in department services — namely, welfare payments to individuals — distraught voters would remember the situation and fail to re-elect legislators."

Such a point-blank reminder of political danger did the trick. Rader, recalled the committee chairman, Rep. Jim Barker, D-Muskogee, was "very vocal about it."

The committee voted 9-1 to delay any recommendation for oversight at this time. Rader's automatic funding, unless the Oklahoma Legislature suddenly rebels, seems safe until 1983.

After his rise to power, Rader soon discovered a clever maneuver prized by bureaucrats everywhere. If some critic of his administrative methods got too close or too powerful, he hired him. Some of his top aides today were put in their jobs that way, after snapping at Rader's heels.

But Rader wasn't always the target of reformers. In the early days, he was the reformer.

While the lawsuit against him was being prepared, Rader told ACLU attorneys about some of his early efforts to reform the department he'd inherited and

soon realized was a mess of abuse and corruption. His reminiscence is intriguing, and reveals some distinct personality traits.

His early policies for change, Rader told Steven Novick, lawyer for the civil liberties groups, were "kind of new, a little far-fetched to some legislator that thought maybe you ought to just beat the hell out of some kid, you know."

When he took over Oklahoma's child-care system in 1961, he said, there were "rather severe detention facilities" at all of the youth institutions in the state. Cells, isolation, restraints — just like prison.

In taking Rader's deposition last summer, Novick asked him why, if he was so concerned with this, he didn't just eliminate detention cells and such practices at all the youth homes. Rader gave an answer indicative of his stern philosophy.

He continued detention, he said, "based, you know, upon what I understood to be the current thinking. You know, the authorities have come a long way, maybe too far. The pendulum swings way out here, you know, and back and way over here and it finally centers. And I have seen a little of that in the last 30 years, you know."

Rader said he agreed generally with a study of his operation done by the National Council on Crime and Delinquency, a report that held that "youngsters are not, in fact, helped by detention. And that it may, in fact, be harmful to them."

But he followed with an exposition on the topic of detention for children that reveals much of his conservative thinking and adherence to past practices.

"Yes, I believe that you have got to individualize the thing," said Rader. "What might be good treatment for one would be the wrong treatment for somebody else. That's the reason you have social workers and psychologists and psychiatrists, and all those folks. Certainly."

"I believe we had a lot better system when we had the houseparents that lived in small cottages, particularly the man and wife approach. But that all went out the window with a 40-hour week, and I'm not against a 40-hour week, you understand."

It is Rader's contention, to this day, that his child-care system is the victim of pie-in-the-sky liberal ideas, shrinks and social workers who load up his youth homes and schools with young psychotics, then saddle him with hands-off disciplinary regulations.

"It's no different in Oklahoma than it is in other programs, every state," he said. "Same cotton-picking thing. You take the schools of psychiatry, now they don't want to hardly handle kids. You get one of them in there any length of time, and they are calling you to come get him."

It is Rader's propensity for continually overruling the advice of the lawyers, doctors, psychologists, consultants and others he pays that the ACLU attacked in the lawsuit — claiming that Rader over the years had institutionalized thousands of youngsters who did not deserve it, just to preserve a political system masquerading under the cloak of child-care services.

Rader has remained relatively composed through much of the complex lawsuit, relying on his reputation of getting things done and cutting through red tape. Once, during some heavy questioning by Novick, Rader assured the young attorney that he truly was open to discussions of reform.

"Next time you can't discover something, Steve, you got my telephone number. We'll do it whether it's legal or not, you and I, it doesn't make any difference."

From the state's own records, abuses that read like Dickens

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Donnie B., a 14-year-old student at Boley State School for Boys, was horsing around in the shower one day and tossed an empty shampoo container at a friend.

Minutes later, back at his cubicle, Donnie started putting on his clothes. He got only as far as his underwear. A state employee named Taft Forshee, a Youth Guidance Specialist in Oklahoma's juvenile care system, appeared. According to Ralph McReynolds, another state employee assigned to investigate and report such incidents, Forshee started to curse, kicked the hurrying Donnie in the right thigh, snatched the youth's jeans from his hands, wrapped them around his neck and started choking him. Donnie fell to the floor gagging.

The McReynolds report was later verified by the school superintendent and several state officials, who sent it on to the system's boss, Human Services Director Lloyd E. Rader. It says that Forshee didn't stop there, but boosted the unresisting and crying Donnie in the air, slammed him to the floor on his back, and hauled him off to "the hole," a detention unit, for punishment.

Eight students and Debra Copeland, a fellow Youth Guidance Specialist, supported the description, even though Copeland said she was intimidated by colleagues who warned her against talking to state investigators. Forshee denied wrongdoing. The state filed the report as substantiated.

Donnie was sent to school nurse Vivian Wiley for treatment of bruises on his back and hip.

— Abuse Report IS-B-2012, Bureau of Institutions and Community Services, Aug. 22, 1979.

The above is not a passage from a Dostoevski novel, but a summary of a recent State of Oklahoma file. It is from one of 8,000 abuse reports — complaints filed by students and checked out by the Human Services Department's advocate defender's office — gathered over the last three years. Several hundred of those reports, obtained by Gannett News Service, illustrate a deep and festering problem in the juvenile care system.

They portray a system where abuse is common and punishment of the abuses spare.

Taft Forshee, for instance, was suspended from his post, and Chase Gordon, Rader's coordinator for institutions at the time, recommended firing him. But Forshee stayed on the job for several months, eventually resigning voluntarily and leaving the system. Officials at Boley do not know where he is now.

Civil liberties lawyers made the jeans-around-the-throat incident prominent among exhibits in a federal court suit against Rader on behalf of the thousand or so children who are housed in Oklahoma's children's homes and training schools.

Rader was asked about the case last week by Gannett News Service. He said he did not recall it. He said he didn't see that particular report, nor most of the 8,000 others, even though most were addressed to him. He characterized most such claims as "gossip" or "jealousies."

And besides, he said, he never was aware that such stuff was going on at his institutions until opposing lawyers called several cases to his attention in the course of the federal lawsuit only last summer.

The suit portrayed the state's juvenile system as a government service reflecting the adage about the cure being worse than the disease, a series of institutions that help some youngsters but jeopardize others — places that not only treat potential psychotics, but tend to create them.

The GNS investigation, independent of the lawsuit, uncovered a pattern of ignored state reports, studies, files, statements, memos and other documents showing that child abuse is widespread in the Oklahoma youth care system.

The state's own psychiatric consultant, Dr. Stuart B. Simon, admitted to civil liberties lawyers that the overall environment is such that an emotionally disturbed child's problems could be amplified. Evidence exists to indicate that has already happened.

A 16-year-old youth, Tony B., was "hogtied" — shackled and handcuffed wrist-to-ankle behind his back in a bowed position — and kicked in the head by



Federal court records show that until 1981, straight-backed wooden restraining chairs were used for punishment in several Oklahoma juvenile schools and institutions.

the top man at an institution while writhing on the floor, according to the advocate defender's report.

Tom Norwood was the superintendent at Helena State School for Boys about two years ago when he was called from home to deal with a problem. Tony — "who had not been a troublemaker," Norwood told GNS last week — was allegedly drunk and had knocked another boy down in a fight over a girl. Norwood arrived with the deputy sheriff to find six state employees trying to restrain the 6-foot-1 youngster in his cell. They finally got him hogtied, Norwood says, and he authorized it because the youth was banging his head on the cell door and screaming.

Thus tied, Tony still "was really cutting up, rocking back and forth," Norwood told GNS. The youth also "used all sorts of vulgarities," Norwood claimed, "and made remarks about my wife."

Norwood insists to this day that he didn't kick Tony, just "touched him with my foot" because the youth "rocked near a desk, and I stuck my foot there to keep his head from hitting it."

Other state employees told investigators that Norwood did kick Tony. One said if Norwood hadn't been pulled off, he would have killed him. The deputy

Norwood says the employees who testified against him were disgruntled at his disciplinary measures. He is now senior staff psychologist at one of the state's three schools for mentally retarded.

Some of the abuses listed in Rader's files are obviously of a less serious physical nature. But they indicate some strange views on shaping a youth's outlook on life.

Clifford H., for instance, was a student at Helena State School for Boys when his father died the week before Christmas in 1980. He was not allowed to attend his father's funeral because of his previous "bad behavior." A social worker found that "it was not in his or the institution's best interest" to OK attendance at the funeral. He might go AWOL (absent without leave), was the thinking.

According to a later investigative report by John Leitka, the Oklahoma juvenile system's advocate general, the social worker thought the youngster should be restrained if he left the school, and "it was felt that Clifford being taken to the funeral in cuffs would upset the family."

— Report IS-H-4562, Oklahoma Dept. of Institutions, Social and Rehabilitative Services, Dec. 29, 1980.

Nathaniel B. was a student at Boley State School for Boys when he awoke one morning rather abruptly. His foot was on fire. He looked up to see state employee James Campbell, a Youth Guidance Specialist, and several fellow students laughing, according to the inspector's report.

Boley's superintendent, R.L. Doyle, questioned Campbell and later reported to Rader that the youth worker had allowed another student to ignite Nathaniel's foot with a cigarette lighter "due to the fact that Nathaniel was hard to wake up in the mornings."

Nathaniel told state investigators that his dormitory manager had threatened to "kick my ass" for squealing on Campbell, and had slapped him on the forehead. The manager, Aaron Dixon, denied it. Superintendent Doyle wrote to Rader that he had instructed Campbell "not to use this method of awakening a student any longer," and gave him only a "verbal reprimand" because Campbell said "he would not do it again." Campbell declined to discuss the case with GNS.

— Report IS-B-1991, Oklahoma Bureau of Institutions and Community Services, March 22, 1979.

Jack H. was a student at Whitaker State Children's Home when he went for a visit to the campus dentist, Dr. John C. Upp. It was remembered by staff there that "every time Jack has come to the clinic, he has been smiling and has never been disrespectful." According to a report to Rader from Whitaker Superintendent Gary W. Hunt, the youth was about to get an anesthetic shot in the mouth when he "held up his hand as instructed by the dentist when the student needs something."

Jack asked if the shot could be given any other place. Upp's own dental assistant, Nancy Kroeker, in her official statement on the matter, reported that the dentist "became angry and started cursing" and threatened "to drill a hole through Jack's gums." The dentist, said Kroeker, then told Jack "to get his damned ass out of his office."

Superintendent Hunt wrote to Rader that Upp began greeting understandably reluctant students with "What have we got, another goddamn smart-ass?" The dentist's actions, wrote Hunt, "are no longer confined to the verbal abuse of students...I would not overlook the possibility of a physical confrontation of serious nature with a student at any time." Hunt recommended termination. Nothing happened. Upp practiced seven more months before resigning. Sources said he has since left the area, and he could not be located for comment.

— Report ISW-4084, Oklahoma Supervisor of Institutional Services, Jan. 1, 1980.

The juvenile system files contain reports covering a kaleidoscope of loathsome human relations:

State employees urging students to escape, then turning them in, and showing signs of deception on state-administered lie detector tests when asked about it. A youth whose arm was broken because he played

Please see ABUSE

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STATE OF OKLAHOMA
DEPARTMENT OF INSTITUTIONS, SOCIAL AND
REHABILITATIVE SERVICESPLAINTIFF'S
EXHIBIT
12
Rader

To: Mr. L.E. Rader, Director
Dept. of Insts., Soc. & Rehab. Serv.

From: Ralph McReynolds, Advocate Defender
Boley State School For Boys

Subject: ABUSE INVESTIGATION
BACON, Donnie
IS-B-2012

Date: 7-2-79

Attention: Chase Gordon, Coordinator, Bureau
of Institutions and Community Services
SPECIAL ATTENTION: John Leitka
In Reply - Address to: Advocate General
Attention:

Donnie Bacon registered a complaint with the advocate defender at Boley on June 26, 1979, at 12:40 P.M. Donnie was alleging that Mr. Taft Forshee, YGS, had "kicked him, choked him with a pair of jeans and picked him up and threw him down, at approximately 6:30 P.M. on June 25, 1979. According to Donnie he was taking a shower and he and Johnny Pyles started throwing shampoo bottles at each other. He threw a shampoo bottle at Johnny Pyles and hit him in the head at which time Johnny told Mrs. Copeland. Mrs. Copeland called the shift chief.

"Donnie stated that Mr. Forshee grabbed him by the shoulder to pull him out of the cubicle and kicked him on his right thigh. According to Donnie as he walked toward the door, Mr. Forshee grabbed a pair of jeans he had in his hands and wrapped them around his neck and started choking him. Donnie stated that he gagged a couple of times and Mr. Forshee took the jeans from around his neck and picked him up in the air and slammed him down on the floor on his back."

Abuse Investigation IS-B-2012
Boley State School For Boys

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On July 2, 1979, Donnie Bacon, a student at Boley State School, complained of abuse. The resulting abuse report, one of thousands in state files, was substantiated and sent to Lloyd Rader. Little was done.

ABUSE

Continued from 7

with a string and piece of paper after bedtime. Three men breaking a 15-year-old's arm when he wouldn't come out of a shower. A shocked legal investigator questioning an official suspected of beating children with pool cues while drunk, witnessing a vicious faculty assault on a student in the conference room next door.

Sometimes the children seem to have no choice but to resist.

Mike E. was a student at Whitaker State Children's Home last March when he got in a minor argument over a girl with another student in the recreation center. Nothing came of it, but he was still angry when he got back to his dormitory cottage, and he started banging his arms against the cottage door in frustration. A Youth Guidance Specialist ordered him to bed, but instead Mike went to a chair, where he sat quietly watching television and again refused to go to bed. Because he had to be asked twice, two security men came and dragged him away to a detention facility.

According to a later review by William T. Saxton, Rader's legal investigator, this happened: On the way, one of the guards, R.C. Curtsinger, restrained Mike with a choke hold and the other — Louis Briggs, transferred to night watchman from the position of house parent after numerous incidents concerning the treatment of students — grabbed him by the hair, slammed his head into a brick wall and tried to make

him admit he was the kid who had cussed in front of his wife. He also twisted Mike's right arm behind his back with both hands and threw him to the sidewalk.

Once in Whitaker's central facility, Mike complained of pains in his upper right arm and shoulder. He was given a hot water bottle and two Tylenols. The next day he was examined and found to have a broken arm. The two guards refused to take a lie detector test. Mike E. is 14. Briggs and Curtsinger couldn't be reached for comment.

— Report 123, Inspector General's File, Department of Public Welfare, March 13, 1981.

Sheila A. was a 15-year-old female student at the L.E. Rader Diagnostic, Evaluation and Treatment Center last November when two male state employees requested a strip search because they felt she was hiding matches. Leitka reported to Rader that three other employees soon came to Sheila's room. A female dormitory supervisor conducted a visual and manual search of the struggling and kicking girl's anal and vaginal cavities while a female Youth Guidance Specialist held her legs and a male supervisor held her arms. He turned his head "so as not to embarrass the resident," stated the female supervisor, and acted with "complete professionalism."

No matches were found.

The employees said they did it because they believed Sheila to be suicidal and ready to set fire to her room. Rader's own manual states that such

genital-area searches may be done "only when there is strong reason to believe the student is carrying contraband there," only after authorization by the institutional administrator or superintendent, only by a nurse or physician, and only in an infirmary room "affording the greatest possible privacy and dignity to the student."

Despite the fact that not one of these pre-conditions was observed, the incident was filed with Rader without response. No additional information was needed, wrote Leitka, because "the action appeared to have been taken out of ignorance," not a "deliberate violation of policy."

— Report IS-LERC-2857, Department of Human Services, Nov. 16, 1981.

Charles G. was a student at Boley State School for Boys for only two days when he was given a dormitory room directly across from a bathroom, from which the light shone directly on his bed. He got up and turned off the light. According to a detailed report from Leitka to Rader, state employee George Marzett, a Youth Guidance Specialist, hit Charles twice for this infringement of rules, once on the shoulder and once in the forehead, leaving a knot confirmed by the institution's nurse.

Marzett, when interviewed, admitted to Leitka that he swung at Charles, but missed, and may have "accidentally touched" the youth's head in the process. By the time it reached Rader's file — despite the confirmation of nine other Boley youths who witnessed the incident and of R.L. Doyle, the Boley superintendent himself — the finding was changed to "Youth Guidance Specialist acknowledges swinging at juvenile, but missed."

The supervisor of institutions at the time, David Shafer, recommended immediate dismissal. Marzett later resigned. He could not be reached for comment.

Charles G., Leitka wrote to Rader, "is a small boy, 12 years old."

— Report IS-B-79-82, Department of Public Welfare, March 28, 1979.

The material contained in Rader's files is more than a statistical romp through a disciplinary system devised over the years — as Rader is fond of saying, even though his own figures don't bear him out — because "those kids didn't get there for going to Sunday school."

The cases show obstreperous student behavior met with zealous authoritarian force, sort of the same imbalance of response that military strategists talk about at the Pentagon. Giving twice as good as you get equals deterrent power. The files are full of this:

Jerry K. was a student at Whitaker training school who was talking in class. For this, according to his complaint, he was hauled outside the room by a teacher named Hurt, thrown on the stairwell, choked, hit, restrained with a knee on the neck and then gagged with his own jacket stuffed in his mouth. When he got to the principal's office, he was thrown to the floor twice. He was treated for bruises to the chest, neck and face.

— Juvenile Report IS-W-3997, Department of Institutions, Social and Rehabilitative Services, Oct. 23, 1980.

Steve A. was a student at Helena State School for Boys who weighed over 200 pounds. He was considered "verbally and physically aggressive" toward staff. An investigation by advocate defender Robert N. Lamont indicated that Steve was placed in handcuffs, with his hands behind his back, at which point state employee Gary Garner attempted to pick him up by use of a small chain placed between the handcuffs. The lifting, combined with his weight, caused lacerations on both wrists. Garner received a verbal reprimand from the superintendent, Tom Norwood. No further action was recommended by the advocate defender. Garner could not be reached for comment.

— Physical Abuse Report IS-H-4572, Director of Human Services File, May 22, 1980.

Angelo S. was a student at Helena State School for Boys when the staff determined him "generally disruptive" for banging on his cubicle door. Angelo "offered little resistance" when placed in a belly chain, handcuffs and leather restraints by seri officer James Wade.

The handcuffs were around his wrists, the leather restraints around his ankles, the belly chain around his waist and through the cuffs and leather restraints. He was bowed up in such a way that his hands and feet were drawn towards each other and secured together by the belly chain.

The restraints were so tight the student was having significant trouble breathing. He was held in such a way for five minutes, even though the dorm supervi-

Please see ABUSE
on page 11

'Hogtied', shackled and left

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — One of the unique things about the recent lengthy federal court suit over conditions in the Oklahoma juvenile system was the agreement of expert witnesses on the conditions at children's homes and training schools here.

The plaintiff's psychiatrists said they were lousy. The state's own psychiatrist said they were lousy. The lawsuit was brought against the state and its veteran director of human services, Lloyd E. Rader, the legal guardian of every institutionalized child in the Oklahoma youth system, by a trio of civil liberties groups seeking reform in the homes and schools.

To support their contention that child abuse was ingrained in the Oklahoma juvenile system, the civil liberties lawyers sought the assistance of two nationally known experts on youth, institutions and criminal justice. The plaintiffs got Dr. David Fogel and Dr. Robert F. Baxter to offer expert testimony.

Both men, after inspecting the Oklahoma juvenile system, made "declarations under penalty of perjury" for the court record. The documents provide a devastating indictment of a child-care operation that included detention and restraint practices for youngsters that might be considered severe in an adult prison.

Baxter, educated at the University of Michigan School of Medicine, is a prestigious examiner for the American Board of Psychiatry and Neurology and a psychiatric consultant to the National Institutes of Mental Health, and his specialty is the residential treatment of adolescents. He is currently director of child psychiatry at the University of Texas Medical Branch.

Foley is former executive director of the Illinois Law Enforcement Commission, former commissioner of the Minnesota Department of Corrections and a recognized expert on juvenile institutions, and is currently director of graduate studies in criminal justice at the University of Illinois.

Baxter characterized Oklahoma's youth detention practices as "exceedingly cruel and inhumane."

Foley said his reaction to conditions in Oklahoma's juvenile system "is one of personal shock and outrage."

"The conditions under which these children are incarcerated conform to no known corrections or treatment standards," he said. Oklahoma's lock-up system for children "in my view, constitutes cruel and inhumane punishment for children," he said.

As long as children are subjected to such isolation procedures, Foley said, a "serious emergency" exists.

What got Foley and Baxter particularly upset was the solitary confinement tactic used at Helena State School for Boys in a separate one-story building toward the rear of the grounds called Dodge House, a place whose characteristics, Oklahoma officials admitted, were similar to other detention facilities used throughout the system.

After court-ordered inspections of Helena, both experts described the isolation areas:

"Dimly lit" 5-by-8-foot cells with no view to the outside and solid metal doors with only an 8-inch-square observation panel in it. The sole furnishing was a small, non-spring mattress placed directly on the concrete floor.

"The interior of the cells are depressing," said Baxter, noting that units were "devoid of any personal items, posters, toys, games, crafts, or hobby materials."

No radio, no TV, no books.
No nothing.

There is no ventilation system — heating or cooling — both men noted, and Foley added, "The result is that the air inside the cells is stale and foul-smelling."

"Personal contact between children and staff," noted Baxter, "is usually less than 30 minutes per day."

"The only method of communication once the doors are locked," said Foley, "is yelling or banging. Ironically, this behavior often leads to further discipline, which usually takes the form of longer confinement and-or shackling."

Then the descriptions grew even more gruesome. Baxter observed that when a child is put under restraint in his cell, "his ankles are bound together with shackles, his wrists are handcuffed behind his back and the child's ankles and wrists are then bound together by a leather strap."

"Incarceration in solitary lockup may be authorized for up to 20 days. I understand that this detention can be extended for misbehavior in the cells, such as writing or scratching one's name on the cell's interior."

Baxter observed more: "Children are locked in their cells for approximately 23 hours...a few minutes allowed for showers, and exercise is permissible in the small area between the cells for only 10 to 15 minutes each day."

"None of the educational, recreational, or treatment programs at the institution are available to children in solitary detention."

"Records indicate that children are segregated in Dodge House for up to 20 consecutive days. Such relative isolation, during the specific developmental phase in which association with members of the peer group is absolutely essential for emotional support and stability, has potentially devastating consequences. Youngsters are left with only their fantasies and thoughts in such circumstances."

"Anger and frustration only mount in an environment that permits no appropriate channels of expression."

The result of all this is bad news for society, Baxter told the court.

face-hors "In such circumstances," he said, "youngsters are at significant risk for self-abuse or destructive behavior (e.g. banging their heads on the wall, making suicide attempts) and for psychotic regression. In both cases, this may lead to behavior which is interpreted by unsophisticated staff as further evidence for the necessity of control and punishment. The unavailability of licensed psychologists or psychiatrists on a regular basis compounds this distressing situation."

"The method of physical restraint is highly anti-therapeutic and should be permissible only in situations where a child is a serious and evident danger to himself and others."

Further, the psychiatrist noted, the "hogtied" position is "particularly barbaric" and unnecessary. Moreover, he said, in no case should even normal physical restraints be utilized for the periods of time reported.

Such incarceration, he said, "does not further any treatment program...nor can it be considered a viable treatment program in itself. Locked isolation under

these conditions could not, under any circumstances, be considered treatment. My opinion is that such isolation is purely for punishment, and as such is exceedingly cruel and inhumane."

Added Foley: "Children are subject to being fully shackled in their cells for conduct no more serious than yelling or banging on their cell doors," and sentences from "five to 20 days appear to be routine."

Such "punitive confinement" for any duration "would be harmful to a mature adult," said Foley. "Hence, the incarceration of children in that facility for up to 20 days is likely to result in irreversible, emotional injury."

If Rader and his top aides were expecting any succor from their own top psychiatric consultant, Dr. Stuart B. Simon, they must have been disappointed. Simon, one of the top child psychiatrists in the state, also teaches the subject at the University of Oklahoma's Health Sciences Center.

The doctor was deposed in late summer of 1981 by Steven A. Novick, the Legal Aid of Western Oklahoma lawyer who handled most of the lawsuit's questioning.

Simon rolled along nicely through more than a hundred pages of testimony. He talked about theories of psychiatric practice, giving rather soft and philosophical answers on the dangers of excessive medication and use of restraints. He said he'd never seen hogtying of either children or adults in his 14 years of practice, and that handcuffing and ankle cuffing can lead to severe nerve, blood vessel and joint injury. He talked about hogtying children in terms no stronger than "counter-therapeutic."

Under Novick's persistent barrage, however, he began to let slip a few bombshells. Yes, he had seen 6-year-olds and 7-year-olds come into the institutions in restraints. Yes, he finally agreed, hogtying any child in any institution anywhere is "overkill." Yes, the 5-by-8-foot rooms used for detention "are way too small."

Then Novick started punching all the right buttons. How about locking kids up for 20 days at a time in isolation rooms?

"It's cruel and inhuman," said Simon.

How about a child locked in an isolation room in excess of 100 days?

"I would say that would border on Hitlerism."

What would be the safe limit?

"The longest I would see would be 24 hours."

Had he ever confined a child in a detention unit?

"I cannot for the life of me recall that I've ever placed a youngster in seclusion."

What about the psychological consequences for a child locked up in an isolation room like the ones used by the state?

"This would be somewhat terrorizing to me. I would be somewhat fearful. I would be unclear as to my emotional role in life. I would be unclear if I'm being spied on. I wouldn't know from this if I have any contact on the outside — if it's real, imagined, or otherwise from what I've seen. I would have some probably very terrifying nights and bad dreams. I would be quite resentful. I would probably become quite belligerent. I would become quite angered with whoever put me in there. I'm not so sure I would resolve not to again ever get in that room."

Novick started asking about "permanent and irreversible psychological damage," and Simon began talking about Vietnamese prisoners and people who came out of Auschwitz. Yes, he said, each time a kid got locked up in isolation, the irreversible psychological damage would increase.

"It would make me highly suspicious of what is life all about," he said. "What are human beings about? Can you really trust an adult at all? Can I trust any interaction with anyone?"

And if the child made noise in such a cell and was hogtied if, what then?

"I would investigate my staff."

Shortly after the transcripts of the questioning of all three psychiatrists were filed with the federal court, Lloyd Rader quickly and quietly ordered Dodge House torn down. The plaintiffs immediately filed papers with the court, noting that Rader had destroyed important evidence of the conditions and behavior described above. Dodge House, they contended, was not torn down to improve conditions — which still existed in other state juvenile homes — but because the plaintiffs had focused their evidentiary search there.

The destroyed restraints, paddles, oaken confinement chairs, shackles and other medieval punitive devices were never restored to the plaintiffs as evidence.

But the Dodge House cells were quietly replaced with new, expensive metal detention cages in remote corners of the Helena and Taft school dormitories.

Legal rhetoric — 'No blood, no foul'

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — One of the peculiarities of Oklahoma's juvenile system that civil liberties lawyers noticed centered on the practice of downgrading abuse complaints if the violence failed to cause serious injury.

It is, observed one of the attorneys, like some of the tough pro basketball games in which reluctant referees shy away from close calls unless there's hard evidence — the "no blood, no foul" rule.

Case files in the Department of Human Services show many instances in which a state employee was investigated for an alleged incident of child abuse, then dodged the 1d boy filed a grievance that a Youth Guidance-Specialist had put a knot in his forehead by hitting him when he tried to turn off a light that rices Director Lloyd E. Rader that Marzett be fired because of his attitude. That was two years and 11 months ago. State personnel officials told GNS last week that Marzett is still at Boley, working in his old job.

about that state's justice system and children



Hogtying, chains used on children

At Helena a student had been girded with a belly chain run through cuffs and leather restraints at his ankles, "bowed up in such a way that his hands and feet were drawn towards each other and were secured together by the belly chain, which was around his waist."

caused lacerations on both wrists. "I have no further comment," snapped Rader. "You've only pointed out another problem that exists in some of these cases. And they are referred to the D.A. — some of them, not all of them."

"Is right now, here today, the first time that this Novick tapped Rader again."

"First time I've heard of this case," responded Rader. "Yeah, never heard of it before."

Then, expounding, Rader said the county district attorney near Helena and his associate "are cooperating in very fine fashion at this time with the institution regarding the incident."

Novick then produced another investigative report that had been sent to Rader just six weeks before. He handed it to Rader.

It matter-of-factly described another incident at Helena in which a student had been girded with a belly chain run through cuffs and leather restraints at his ankles, "bowed up in such a way that his hands and feet were drawn towards each other and were secured together by the belly chain, which was around his waist."

"The chain was drawn 'so tight,'" reported another state employee and witness, Ron Norton, "that the student was having significant trouble breathing."

Norton asked the man who chained the student up, "in a more reasonable fashion," but said Wade left the security officer James Wade, to restrain the youth up, "in a more reasonable fashion," but said Wade left the

"I don't believe I am familiar with that one," answered Rader. "I'm familiar with the term hogtie, yes, but not as far as it has to do with children."

"To your knowledge, has a child ever been restrained in the fashion of having his hands handcuffed behind his back, and his feet restrained together and then hands and feet tied together with a strap or chain behind his back?"

"No, sir," answered Rader. He was asked three more times. No, he answered each time. "I wouldn't think that was appropriate for an adult," he added on his fourth denial.

Yes, when Novick produced a report from the Helena State School for Boys that had been directed to Rader only two months before about a hogtying incident there, Rader knew immediately what he was talking about.

"Sir, does it appear from this report that the staff at the institution was able to substantiate an incident where a student had, in fact, been lifted up off the ground by a staff member while he was restrained?"

Rader, contradicting himself twice in one response, answered: "Well, I expressed my opinion, be it right or wrong. So I would just express it in this case. I think he was properly referred to the district attorney, and I think he was referred to his duty, he didn't prosecute these men. I never heard of the incident before."

Novick pointed out that Rader's own investigative report noted the picking-up of the student by a chain wrapped thorough his behind-the-back handcuffs had

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By CARLTON SHERWOOD and JOHN HANCHETTE

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OKLAHOMA CITY — Of all the many accusations made against Oklahoma welfare director Lloyd E. Rader in the American Civil Liberties Union lawsuit filed here, perhaps the most startling, the most egregious, is the contention that his department still uses hogtying and belly chains to restrain children.

Court records, state investigation reports and other documents obtained by Gannett News Service and connected to the ACLU case indicate that the ancient draconian penal practice — although specifically prohibited by Rader's own security manual — has existed until recently, and may still exist, in the Oklahoma children's institutions.

When Steven A. Novick, deputy director of Legal Aid of Western Oklahoma and the man most directly involved in representing the children, questioned Rader last summer about the practice in pre-trial deposition proceedings, he drew mostly wrath from the veteran administrator. For a man who prides himself publicly on his autocratic control and knowledge of what goes on in the farthest corners of his huge statewide operation, Rader seemed to know little about the dramatic abuse reports that had crossed his desk.

"Sir, let me ask you if you are familiar with the term hogtying as it relates to the restraint of children?"

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area for about five minutes "and had to be called back to loosen the restraints."

This time, Rader bugged a little. "I have heard these belly chain stories before," he said. "I've never seen one. I have attempted to find them up there. I don't know whether some attendant would have one out in his car and bring it in when they had an incident or something. I don't know."

Were belly chains used in this incident? "I don't know," said Rader. "Maybe he thought it was necessary. I don't know what he thought. But to me, you know, this isn't necessary to handle a child that way."

Rader, continuing, observed that "They could use bed sheets or anything else to handle this boy besides put him in belly chains."

The investigative report noted that the student's offense had been "banging on his door." The student, wrote Rader's investigator, R.N. Lamont, "offered little resistance to being restrained."

Novick kept at it. "Well, do you consider it reasonable and prudent to attach restrained feet and restrained hands together and tighten it?"

"Certainly not," replied Rader, "and I testified to that over and over and I don't appreciate this line of stuff any further. I've told you I do not approve it, it is out of policy, and I will personally file charges against any employee that abuses a child."

Had Rader recently adopted a new policy with

respect to restraints, the ACLU lawyer asked?

"I'm constantly telling them to come up with some different method," said Rader.

Novick produced another exhibit showing that Rader himself had signed and promulgated a security manual stating, "Under no circumstances if restraints are placed on wrists and ankles are they to be joined as in hogtying" — meaning the welfare administrator had presumably been aware of previous practice. Novick also noted that it wasn't until 1977 that Rader did anything about the practice at all.

"I very reluctantly approved this policy, if you want to know the truth," offered Rader.

"Why was that?" "Because I think they could be handled otherwise. I've never seen a kid I was afraid of."

Rader, in further heavy questioning, continued to deny that the use of restraints is a frequent practice at children's institutions run by his department. He denied it even when Novick presented him with a package of 42 separate restraint reports from one school alone for the first five months of 1981, attested to by Boley State School for Boys Superintendent Robert Buckner, and another sheaf of 55 restraint reports from Helena State School for Boys for the last five months of 1980, attested to by that school's security chief, Jim R. Diehl. Included were both instances of hogtying and instances of simply handcuffing violent students.

"Based on the volume of documents there," per-

sisted Novick, "would you say that restraints are used more than just very rare or isolated incidents?"

"Well," replied Rader, "I think that's kind of a wife-beating question."

Toward the end of the two-day deposition-taking, Rader told Novick, "I know there's a problem out there. Certainly I admit on the record there's a problem. And it's been aggravated by the continuation, in my judgment, of this litigation...You keep pushing this thing and getting children in there, and everytime — well-intentioned as you may be — you come out to the institutions and quiz these kids over and over, you flatter their ego."

He knew, said Rader, what the ACLU would press for as the bottom line of the suit.

"I know what you boys will recommend," he said. "You recommend the closing of Helena and Boley and Whitaker. That may be the answer, you know. I'm just telling you that I'm not going to, at this period or point in time, advocate it because it's a legislative matter."

It appears — from the out-of-court settlement just agreed upon by Rader and the ACLU lawyers — that the grizzled veteran of 30 years of Oklahoma politics has won again. The agreement calls for closing only Helena, and then only upon the acquiescence of the Oklahoma legislature, where Rader can just about get or stop anything he wants.

The ACLU also agreed to permit the use of restraints under some circumstances.

ABUSE

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sor asked that the chain be loosened. The security man had to be called back to do the loosening.

Wade was warned about using excessive force, and was later transferred to the Rader Diagnostic and Evaluation Center. He could not be reached for comment.

— Report on Use of Chains in Restraint, File IS-H-4595, Department of Human Services, March 3, 1980.

Kevin M. was a 14-year-old student at the Oklahoma Children's Center when, according to a report by advocate defender Robert Taylor, he was whipped in his bedroom with a short white belt on the arms, leg and side by Youth Guidance Specialist James Scott. Students Randy A. and Charles G. witnessed the whipping, and said Scott "did it all the time" to students who would not try to fight back or tell on him.

Students Jackie V., Tony O. and David H. said they too were whipped by Scott, usually as some kind of "initiation" or when they'd leave their rooms for the bathroom while on room restriction status. Scott denied the whippings, so the state terminated his employment for abuse of leave time and "sleeping while on duty." He could not be reached by GNS for comment.

— Abuse Report IS-T-3807, Bureau of Institutions and Community Services for Children and Youth, Sept. 27, 1979.

Robert J. was a student at Helena State School for Boys when Youth Guidance Specialist David Southerland put him in handcuffs for being "out of control." Security officer James Wade went back into Robert's room after Southerland left and tightened the cuffs down "as tight as possible." They remained in that fashion for an hour, cutting off circulation to his hands.

Southerland complained to state investigators that he had the cuffs tight enough to begin with, and that Wade "used excessive force." Helena Superintendent Tom Norwood, noting that he had repeatedly warned Wade against "excessive force," recommended firing. Wade was allowed to transfer to the Rader Diagnostic and Evaluation Center. He could not be reached.

— Abuse Report IS-H-4630, Department of Institutions, Social, and Rehabilitative Services, May 12, 1980.

Oklahoma officials questioned about such things seem to expect no fighting back, no predictable violent reactions from the kids. The use of force is absolutely necessary for the children's own good, they insist. Rader told GNS that the state's staff "is just not equipped to handle those big boys."

Dr. Stuart B. Simon, the Human Services Department's own chief psychiatric consultant, stated in pre-trial proceedings that this kind of persistent treatment "would produce greater anger and anxiety in the child."

When the questioning civil liberties lawyer asked Simon if "an untrained response of a staff member to that type of behavior in a child would actually be responsible for escalating the violent behavior in the child," the state's doctor answered, "It certainly could escalate the violent behavior in the child."

Much of the staff reaction in these homes and schools seems simply to be outside the students' reasonable range of anticipation or knowledge. Policies are cited frequently that the students claim they were unaware of:

Donald C., Dewayne K., Mike H. and Eddie M. were students at Helena State School for Boys when they noticed that five or six letters they each had mailed, using stamps their parents had provided, had not reached the intended recipients. Other letters that had arrived had obviously been opened and clumsily re-sealed with tape.

Gary Midkiff, a state employee appointed to look into such complaints at Helena, assumed that the missing letters were merely misaddressed or being returned to sender. He was sitting in the office of Helena Superintendent Tom Norwood when the superintendent pulled out a handful of student letters and asked a dormitory coordinator to start opening them. The employee refused.

Midkiff called Norwood on it. According to Midkiff's report, Norwood said he was inspecting the outgoing mail and not returning it to the senders because it held great potential for detecting the whereabouts of AWOL students. Midkiff noted that this was a federal offense, but Norwood said it was not until it hit the mailbox, and not while it was still on the institution's property. When Midkiff noted that it was also against departmental policy, Norwood said if the return addresses were incorrect, it didn't constitute properly addressed mail, and until that time could be opened.

The students said they had not been told of the

complete-return-address policy, but had noticed that their mail was still missing whether the return address was proper or not. Letika investigated, substantiated the reports, and notified Rader. One of Rader's aides wrote a four-sentence memo expressing mild concern over "misinterpretation of policy." Nothing happened to Norwood. Case closed.

When Norwood was questioned by GNS on the mail-censoring incidents, he readily admitted them, but denied he was doing it to enhance his chances of locating AWOLs. He said he simply was enforcing a policy under which the return address had to be absolutely complete.

— Report IS-H-94, Advocate General's Office, Aug. 7, 1979.

Incidents of controllable conflict always seem to be escalating in the Oklahoma juvenile system.

Carl L. was a student at Boley State School for Boys when it was noticed that he was not participating in the prayer before evening meal. After the prayer, he was asked by one state employee why he was silent. He said he didn't know the prayer. This exchange was repeated twice.

Taft Forshee, a Youth Guidance Specialist, then told him to stand up and say grace. He refused. Boley's advocate general, Susan Kay, reported to Rader that Forshee then grabbed the front of Carl's shirt and balled up his fist in Carl's face and said, "I'll slap the hell out of you." No blows were exchanged, but Forshee marched the youth back to his room, moved him out of it, and made him sleep in a bedless cubicle next to the laundry room.

— Abuse Report IS-B-79-16, Bureau of Services to Children and Youth, Jan. 24, 1979.

The abuse-detection system devised and presided over by the powerful Rader, at his post for 30 years and an institution himself, is both unique and ironic. Case after case is documented and identified efficiently, only to be sent back to a central repository where the histories are relegated to corners of bureaucratic nonchalance — subject to Rader's insistence to inquiring reporters and lawyers that he's never heard of them.

NEXT: Prostitution at an institution

The children's homes / Part Three

OKLAHOMA CHILDREN'S CENTER DEPARTMENT OF HUMAN SERVICES

Taft — Drugs, sex bought and sold

By CARLTON SHERWOOD
and JOHN HANCHETTE
Gannett News Service

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TAFT, Okla. — If there were any doubts that the Oklahoma Children's Center here had problems, they were dispelled quickly the night of Sept. 22.

In a surprise 90-minute sweep of the barracks-like compound, state welfare investigators turned up students poised in the darkness waiting to escape, cars cruising outside the gates waiting to pick up runaway girls, evidence that students were making regular forays to harvest a marijuana crop growing a few blocks away, and one employee hurriedly hiding an unidentified item in the seat of her husband's car as investigators approached.

Just an ordinary night at Taft, a state-run home for about 85 deprived and non-delinquent children on the Oklahoma plains 16 miles west of Muskogee, in the town from which the facility draws its nickname.

Interviews and documents compiled by Gannett News Service during a five-month investigation of Oklahoma's child-care institutions found evidence of all manner of abuses at Taft: Teen-age girls being recruited for prostitution, staff members supplying students with drugs, employees stealing confiscated drugs, students escaping from campus, possibly disappearing into prostitution rings.

All that activity has been reported to Human Services Department officials, but little has been done. In interviews last week with GNS, Lloyd E. Rader, welfare department director, confirmed that he and his top supervisors have known about the drug and sex problems at the Children's Center since September.

However, Rader denied "covering up" the scandal. He also denied being reluctant to move against employees, including the institution's own security chief, who showed "significant signs of deception" on a lie detector test when asked about his involvement in criminal activities at the center.

Rader said he referred the matter last fall to the Muskogee County district attorney and Tulsa police.

However, interviews with District Attorney Michael Turpen and Tulsa police officials suggest that the bulk of the evidence gathered by the department never reached them.

Turpen noted that Rader had contacted his office "two or three times since September" and "described the general problems — an overview" of the situation at the Children's Center.

He said that, based on information supplied by Rader, two local men had been charged with aiding girls in escaping from the institution. But when asked about specific documents, such as polygraph tests, gathered during the welfare department's investigation and implicating its own employees, Turpen

said he knew nothing of them.

The welfare department's internal investigation was sparked by Wilbur Williams, superintendent of the Children's Center, who as early as June 16, 1981, complained directly to Rader that teen-age girls under his care were being helped to escape by "unidentified males" who sometimes entered the children's dormitories at night.

Although his initial pleas fell on deaf ears, the distraught superintendent persisted. On Sept. 18 he fired off another memo to Rader outlining the deteriorating situation at the state home.

"AWOLs (absences without leave) among the female students have risen. On numerous occasions we have attempted to stop an AWOL only to see the female student speed away in a vehicle which was apparently waiting for them."

Williams said he suspected that the men driving the cars were Taft residents who were "assisting and harboring our female student population and in some cases utilizing them for sexual purposes."

Internal state records show that four days after Williams filed the memo, five investigators from the welfare department's inspector general's office arrived unannounced at the Children's Center. The welfare probers spent a week on campus interviewing staff and students and conducting night-time surveillance operations.

Their preliminary findings, delivered to Rader in an Oct. 1 report, confirmed Williams' earlier claims and revealed an even greater problem with staff involvement in escapes and juvenile drug use.

"Security is a farce," the investigators said. "Most security personnel have records of drunkenness, sleeping on duty and other disciplinary problems."

The probers visited one dormitory they described as "completely out of control." They reported that the supervisor on duty was so intoxicated that when questioned "she was unable to even identify" the dormitory where she was working.

Investigators claimed they were unsuccessful in preventing a number of students from escaping in an area of the campus "that had been used so much there was a trail" leading to a section of chain link fence which had been "bent down" for easier climbing.

The welfare department probers also reported finding a "dark-colored piece of rope" tied to another section of the fence "which was later found to be a marker for daytime fence climbing that leads to a marijuana patch."

As Williams had reported earlier in his memos, the investigators verified that several cars were cruising the perimeter of the campus "waiting to pick girls up and speed off." Staff and students told the investigators that drug



One official suspected that some Taft residents were 'assisting and harboring our female student population and in some cases utilizing them for sexual purposes.'

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TAFT

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use among juveniles and adult supervisors was common. Students, and even some staff members, claimed to have first-hand knowledge of drug use or the sale of drugs to children — including methadone, cocaine and quaaludes — by state employees and others.

Even more shocking for the investigators were reports by several female students — only 15 and 16 years of age — that runaways from the Children's Center were being "used for sex," a phrase that is not elaborated upon, and that some girls, missing for three months or more, were being employed as prostitutes.

The teen-agers reported being picked up by adults outside the institution and taken to various locations where they used drugs and engaged in sex. At least one of the girls interviewed claimed to have been raped.

The allegation that appeared to concern the investigators most was one from a 16-year-old student at the Children's Center — a non-delinquent listed as a "deprived" child — who had just returned to the institution after escaping to Tulsa, where she reported going to a party where drugs were available. She told investigators that when she returned to the institution she was propositioned by security chief Nathan Alexander to join a prostitution ring in Oklahoma City.

According to a Nov. 25 internal investigation report sent to Director Rader, the girl charged that "Alexander called her to the Campus Control office" on Nov. 4 "and asked her if she wanted to prostitute for a 'sugar daddy.'"

The report continued: "Alexander knew some guys outside that wouldn't mind paying for her." He then reportedly offered to put her in touch with a man who "works some prostitutes including some runaways from the Oklahoma City Children's Shelter."

Investigators reported that Alexander denied soliciting the youngster, but said he had heard that the man in question "has three or four girls" and "has a sideline of pimping."

The department then administered a polygraph test, which it commonly uses as an investigative tool even though the evidence is inadmissible in court.

The results, delivered to Rader in a confidential Dec. 30 report, revealed that "Alexander showed significant signs of deception" when he denied soliciting the girl to prostitute.

Alexander, according to the report, also "showed significant signs of deception" when he denied ever selling drugs to students, buying drugs from students, previously substituting \$300 worth of confiscated cocaine with caffeine, and agreeing to "turn his back" for a fee while students engaged in sex.

The department soon learned more about Alexander. A background check disclosed that he was arrested in 1976 in San Francisco for assaulting, robbing and sexually abusing a woman.

The check showed that Alexander had been granted immunity by the San Francisco district attorney in exchange for his testimony.

Contacted by GNS, Alexander confirmed his guilty plea involving the San Francisco assault and robbery case, but maintained his innocence.

"Sure I gave the DA a guilty plea but that don't mean I did it cause I didn't," the security chief said. "I didn't know anybody in San Francisco, what else was I going to do."

Alexander also mentioned that there had been "another police charge" filed against him in the same city but he refused to discuss the details of that case.

"If you don't know about, I ain't telling you. Find out for yourself," he said.

Asked about the negative polygraph tests, Alexander responded:

"It's all a bunch of s---. If the man has to give me five polygraphs then there's something wrong with the polygraph. I didn't lie and I don't take drugs, not even shots."

Alexander wasn't the only one polygraphed that day. Welfare department probers reported similar results in an examination of Gary Warrior. The Children's Center recreation supervisor had been named by children and some staff members as a major supplier of marijuana for the juveniles. According to the investigator's report, Warrior showed "he was being deceptive" when responding to the polygraph examiner's question about those drug sales.

Rader's hiring and keeping in place a security

chief with Alexander's record was not the only thing that stunned investigators. Following their initial investigation, they developed a list of several employees who — like Alexander and Warrior — had been repeatedly cited as supplying drugs and aiding juveniles to run away from the state home.

As of last week, all those people, including Warrior and Alexander, were still in their jobs at the state institution.

Confronted with his own department's investigative findings, Rader acknowledged the existence of the drug and sex operations in the state home. He also confirmed the results of polygraph tests and that the department is investigating the possibility that 11 teen-age girls missing from the institution may have been taken to other states for prostitution.

The veteran welfare director also told GNS that his office was "working in collaboration" with the Tulsa Police and the Muskogee County district attorney to "clean up" the drug and prostitution at the state home. He said his inspector general's files had been turned over to those law enforcement agencies.

For that reason, Rader explained: "I've been advised this is the wrong time to fire anyone and bust this wide open."

However, Rader's explanation was directly contradicted by Turpen.

With Rader present, Turpen denied receiving various welfare department investigative materials, denied being told of or shown the results of polygraph tests, and denied being given any specific information concerning the involvement of state employees in drug and sex offenses.



One official, according to a report, also "showed significant signs of deception" when he denied ever selling drugs to students, buying drugs from students, previously substituting \$300 worth of confiscated cocaine with caffeine, and agreeing to "turn his back" for a fee while students engaged in sex.

"We've had real problems going on out there from time to time; I don't deny that," Rader told GNS in an interview. "But we're absolutely going to dry it up ... there's going to be some prosecution."

Rader publicly disclosed the investigation Friday, saying he had been prompted to do so prematurely because GNS was planning a story on the topic.

In the interview with GNS, Rader acknowledged that "there are a lot of runaways," but, he added, "we have a person assigned full-time to locate them."

Rader said the welfare department's seeming reluctance to move against employees was not an attempt to cover up or stonewall the scandal. Instead, he said, the apparent delays were due to other law enforcement investigations — initiated by his office — which were still being conducted:

"I'm not doing an investigation," he said finally.

At the Tulsa Police Department it was essentially the same story. Officials there directly contradicted Rader's story.

They told GNS that they too had been "verbally advised" by the welfare department about runaways but knew nothing of drug and prostitution activities.

"I've checked with every department here, including the chief's office," said Lt. Drew Diamond, director of Tulsa's Organized Crime Division. "Aside from the juvenile people (investigators), who remember being verbally advised about runaways from Muskogee sometime last September or October, no one knows anything about this."



A street scene in front of the Jackson Grocery in Taft, the less-than-thriving home of the Oklahoma Children's Center.

'... a mean situation'

Taft has history of drug, sex offenses

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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TAFT, Okla. — Drug and child-related sex offenses are a nothing new at the state-run institution for deprived and non-delinquent juveniles here.

Even the man ultimately responsible, the legal guardian for 85 children housed in the Oklahoma Children's Center, readily admits that historically the state home has been a "mean situation."

"This is not the first time this has happened," said Welfare Department Director Lloyd E. Rader when questioned about state records indicating illegal drug and sexual activities at the Children's Center.

The reason, he said, is the town.

"I didn't put it in Taft," he continued. "It's been off and on for 70 years. Since the institution's been there. It just keeps bouncing up and down from time to time."

By all accounts — including Rader's — Taft is a virtual disaster. The state facilities are the town's only industry. Many of Taft's 500 residents are in some way or another dependent upon the institution for their livelihood.

Rader even contends the town is the center for much of the state's illegal drug and gambling activities. Taft has a no police force, and welfare department probers found marijuana fields in the town. At least two law enforcement officials have refused to send in officers except in extreme emergencies.

The welfare probers said that one of those men, Muskogee Sheriff William Vinzant, refused to perform background checks on Taft residents suspected of abducting children from the Children's Center. Vinzant told the state investigators that the townspeople "had gotten themselves into this mess and could get themselves out."

Vinzant also said he was in no hurry to help out at the children's center because he once tried to break up a riot there and was kept at the front gate cooling his heels for hours, according to the investigators.



Lloyd Rader told of a history of potentially embarrassing problems associated with the facility in Taft.

'All interviews indicate that drugs are easily available to students and are probably used by a large number of students.'

— From an Oct. 15, 1980

Welfare Department report to Rader on conditions at Taft.

Contacted by GNS, the sheriff said he did not wish to discuss the matter except to say that he is always willing to provide background checks when asked.

Welfare department files clearly indicate that over the years there has been no shortage of subjects for investigation at the center, involving both students and staff.

In a Oct. 15, 1980 report to Rader, welfare probers charged that some employees displayed "an attitude of little or no concern for the students themselves — their jobs only being a paycheck."

The report continued:

"All interviews indicate that drugs are easily available to students and are probably used by a large number of students."

The report noted that "three of four students claim that drugs are more available on campus than the community from which they came."

In interviews with GNS, Rader acknowledged that other potentially embarrassing scandals — which never showed up on abuse reports much less public records — also occurred at the Children's Center.

The first incident took place, Rader said, in 1962 or 1963 shortly after he assumed control of the state's six training schools and learned that some local Taft men were taking teen-age girls from the home at night.

Rader said that he called State Sen. John Lutton, then the Muskogee district attorney and said:

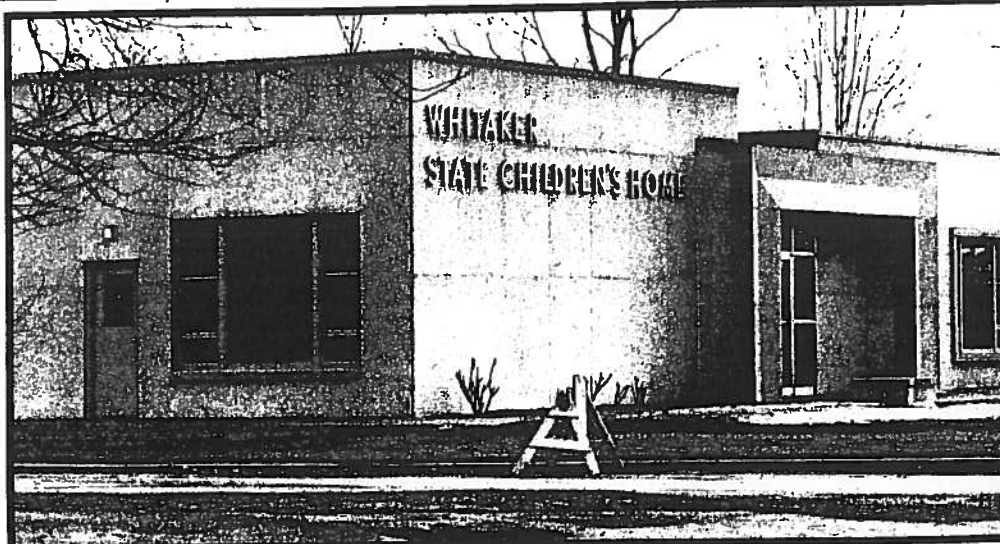
"Now John, this has to be dried up. We're not going to tolerate it. Five, maybe six, local boys were prosecuted and put in jail for that one."

Rader also confirmed that from 1974 to 1977, girls at the Children's Center were being driven off campus daily by a state employee who transported the teenagers to a house in Taft where they "entertained" businessmen.

"Things had gotten out of control then," Rader snapped, noting that he "cleaned up" the problem in 1977 by changing superintendents and transferring employees.

Regarding the most recent series of incidents at Taft, Rader insists that he "will personally see to it that these people are fired or prosecuted."

Although policies require at least one reference check, applicants with no qualifications, long police records and even serious mental disorders have little difficulty landing low-paying jobs.



Staff screening found slipshod

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — On May 10, 1979, Roy Vann got disappointing news.

He had just completed half of a six-month probationary period at the Oklahoma Children's Center near Muskogee, and a critical three-month evaluation of his performance left some doubt whether he would continue as a supervisor for a dormitory of deprived, non-delinquent teen-age boys housed at the state facility.

The report, signed by the superintendent of the center at the time, Jack Campbell, noted that Vann got "along well with all employees and with most of the students," but was "a bit lax in disciplinary practices — he lets students take advantage of him."

Campbell suggested that Vann needed "to counsel more with the students," to "improve cleanliness in his area" and correct his "excessive" absences from work. If he didn't show "sufficient improvement," Campbell warned, Vann would be recommended for dismissal at the end of his six-month probation.

Campbell never had to follow through on the firing threat. Nine days later Vann walked out of the Children's Center, leaving no forwarding address or phone number. His past had begun to catch up with him.

According to a May 15, 1979, Oklahoma welfare department investigative report obtained by Gannett News Service, Vann had more than just a few work-related character flaws.

A month before Campbell scolded him, the welfare department's Oklahoma City offices fielded a complaint from an irate parent who charged that Vann had a "previous history of child molestation."

After some delay, and only after a threat by the parent to take the matter to the "news media" if something wasn't done, the welfare agency creaked into action.

Department investigators conducted interviews with several parents who related tales of how Vann had molested or attempted to sexually assault their pre-teenage girls and boys — on one occasion with the stump of his amputated arm.

The internal investigation also discovered that prior to landing a job at the Children's Center, Vann had been arrested "approximately 30" times in near-by Muskogee alone. On two occasions, the report said, he had been committed to mental hospitals in Iowa and Oklahoma.

The welfare department investigators noted that there were "no employer letters" in Vann's file to "verify previous experience." As it turned out, he had used the Iowa mental hospital, where he had been

committed, as a job reference.

Internal personnel records obtained by GNS during a five-month investigation of child care by the Oklahoma Welfare Department (or Department of Human Services, as it's now called) demonstrate that the Vann incident is not an isolated one. It illustrates a central weakness in the state's juvenile care system — a recurring failure in checking out the backgrounds of employees who will be caring for and guarding children.

Although welfare department policies require at least one reference check, applicants with no qualifications, long police records and even serious mental disorders have little difficulty landing low-paying jobs as juvenile attendants or security guards.

The Vann case also reveals other chinks in the welfare department's management armor, flaws that protect bad employees and leave children vulnerable to them.

Lloyd E. Rader, the director of human services and iron-handed boss of the juvenile care system here, told GNS he had never heard of the Vann case when questioned last week, even though reports had been directed to him on it.

Further, the apparent violations of law were never referred to any district attorney for possible prosecution — a violation of state law itself.

The welfare department's general counsel, Harry Johnson, insisted that it's general department policy to refer such cases to the DA, but admitted under questioning that it's rarely done. The DAs discourage it, he said, unless welfare investigators have already made a case that can be easily prosecuted. "They want it pretty cut and dried," said Johnson.

Muskogee Police Department officials confirmed Vann's arrest record, and told GNS this week that no efforts were made at prosecution. They also said he's been missing since leaving the institution.

Complaints like those against Vann appear to draw little action from the welfare headquarters in Oklahoma City, even when they are reported by other employees.

On May 21, 1979, Roy Atterberry, a youth guidance specialist at the Boley Training School, wrote a letter to welfare director Rader charging, among other things, that some staff members were "forcing students to perform sodomy."

An in-house inspector general's probe was ordered and a lengthy report of the investigators' findings was sent to Rader on June 8.

According to that report, none of Atterberry's specific charges could be substantiated, although investigators said there was "an indication that some of the allegations may be true if pursued completely."

The welfare probers reported that a former student admitted having homosexual relations with other juveniles and two adults (unnamed) at Boley. And an ex-employee complained that the school provided little for students other than "training in unnatural sex and other undesirable activities."

The investigators also turned up another surprise.

They found that Atterberry had been arrested by Weleetka, Okla., police on six occasions for various offenses from disturbing the peace to resisting arrest to assault and battery.

Atterberry, the probers noted, insisted that his original allegations about his fellow employees were correct because he had enjoyed a recent "religious experience" that gave him the power to "tell when people were lying or had evil within them" simply by "looking into their eyes."

**WHITAKER STATE
CHILDREN'S HOME**
DEPT. OF INSTS., SOCIAL & REHAB. SERVICES

Atterberry quit his job soon thereafter, and disappeared from the Boley area. As slipshod as the welfare department's personnel screening methods are, once an employee is hired his chances of being dismissed — even for something as loathsome as repeatedly abusing children — are remote.

Outrageous, egregious things have happened to children at some schools and homes — beatings, solitary confinement for weeks at a time, sexual molestation. They faded away into welfare director Lloyd E. Rader's cavernous files after the initial dust of an internal investigation.

The files are full of examples: hiring a security chief with a lengthy police record, keeping him on the job despite reports of his involvement in a prostitution ring, transferring a superintendent to a key psychologist's post after witnesses said he kicked a hogtied teen-ager in the head, ignoring child-abuse reports while maintaining a powerful system of patronage and institutional control.

Not only are these cases routinely kept from referral to district attorneys, but in some cases, Please see EMPLOYEES

Continued on page 16

The merit commission's role

By CARLTON SHERWOOD and JOHN HANCHETTE
Gannett News Service

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OKLAHOMA CITY — If you work for the state of Oklahoma, and you get fired, suspended or demoted, you've got just about an even shot at getting your old job back — even if you were fired on child-abuse charges.

The state, about 18 months ago, set up a streamlined State Personnel Board hearing system whereby aggrieved employees can take their cases to a hearing examiner and request reinstatement.

It is this process that Lloyd E. Rader, veteran director of Oklahoma's controversial Human Services Department, blames for most of his woes when he is criticized for not disciplining employees accused of child-abuse within his juvenile care system.

It is this same grievance system that Rader and his top legal aide claim is responsible for ultimately referring possible criminal cases to prosecutors for further investigative action.

A study of Oklahoma statutes shows both claims to be questionable, at best.

The State Personnel Board is under the general government aegis of the Oklahoma Merit System, and for that reason is sometimes referred to informally as "the merit commission."

The board has seven members — a tax consultant, a doctor, a college professor, a housewife, a businessman, a newspaper owner and a lawyer. Until July 1980, every time an employee wanted a hearing, they'd have to drive into the state capital from all over Oklahoma and sit in judgment. They get \$35 a

day, plus mileage. The growing volume of cases proved a pain in the neck. Few would serve.

For that reason, the legislature created a pool of private attorneys who would sit as hearing examiners after being selected by lottery for individual cases on three types of job action — firings, suspensions and demotions.

About 80 such cases came before the examiners in 1981, roughly 20 of them from the Department of Human Services. The decisions went about half and half.

Typical of the human services cases that end up in front of the State Personnel Board is that of Louis Briggs, security officer at Whitaker State Children's Home. Briggs was the subject of an internal department investigation two years ago after a 14-year-old complained that Briggs broke his arm and slammed his head into a wall because Briggs thought he cursed in front of his wife. Briggs refused to take a lie detector test, and escaped firing, suspension or demotion.

Now Briggs is in trouble again, suspended without pay from Jan. 7 to March 7 for "unnecessary force when trying to control a student." He has taken the case to the State Personnel Board, and his hearing is scheduled for Feb. 23.

Rader, criticized for allowing rampant child abuse to fester within his system of residential homes and training schools, claims he's hampered by the "merit commission," which keeps ordering him to put fired employees back to work. A review of Human Services Department files, however, shows that few incidents of child abuse ever get the employee in hot enough water to get fired in the first place.

Rader's general counsel, Harry Johnson, took the claim one step further. He answered a criticism that the department doesn't often forward child-abuse reports to the nearest district attorney, as the state law provides, with the observation that such referrals are a waste of time until the personnel board acts.

"If the State Personnel Board doesn't think an employee should be terminated, then it's not enough for criminal prosecution," he said.

Johnson insisted that the State Personnel Board is actually the governmental unit that should forward the cases to the DA for prosecution — a situation which would place the employee in the position of having to cause his own prosecution.

Administrators of the personnel board deny that the state law contains any spelled-out responsibility for them to make referrals to the DA.

Oklahoma law, in fact, is quite precise about all this. In Section 21 Subsection 846, Chapter 30, page 747, Subtitle A, Second Paragraph of the Crimes and Punishments code of state law, the section titled "Mandatory Reporting of Physical Abuse of Children" describes what the lawmakers had in mind.

Throughout the state, any person having reason to believe a child under 18 has had physical, sexual or mental injury inflicted on him other than by accident, must — under pain of misdemeanor — report it immediately to the Department of Human Services. The Department of Human Services, whether receiving that report or generating it on its own, under the law "shall immediately investigate said report and forward its findings to the district attorney's office in

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EMPLOYEES

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welfare department records demonstrate, errant staff members are promoted.

According to an Aug. 14, 1978, personnel report, a Boley State School laborer, Brian Cowan, was involved in a variety of violations during a four-year period beginning in 1974. Cowan, the personnel file read, "did not take issue with any of the reports" and "agreed that all the reports were accurate."

The charges were not frivolous. Within a one-month period, state records show, students twice used Cowan's car and door keys to escape. In another similar situation, he was charged with failing to "properly supervise" six students who also ran away from Boley.

On April 13, 1977, state records show, Cowan "whipped a Boley student with a rubber strip."

The dual escapes drew Cowan a week's suspension. He was "verbally reprimanded" for the whipping incident.

Four months later he was promoted to recreation worker. Although Cowan had been recommended for dismissal on at least two occasions, today, according to federal court records here, he remains employed at Boley as a security guard.

The state went no further than the dismissal recommendations, Cowan himself told GNS, and he's still at Boley. Cowan said he won't talk about the case until a civil liberties suit against the human services department is finally settled.

Rader told GNS he never heard of the Cowan case, either.

He had heard about George Pope.

An internal Jan. 29, 1979, welfare department report noted that Pope, a youth guidance specialist at the Whitaker State Children's Home in Pryor, had accumulated "several negative notations in his files regarding child-care practices."

The "notations" included 10 formal complaints — filed during a one-year period — alleging that Pope had "struck," "slammed," "slapped," "punched" and "threatened" various students. Pope, the report said, had also been accused of holding a knife to the face of one student, "using corporal punishment" and "taunting juveniles in an attempt to provoke physical confrontations."

Rader's own files show that upon reviewing Pope's records, Whitaker Superintendent Gary Hunt "felt some type of action was in order." Pope's file was promptly referred to the welfare department's Oklahoma City office where, according to Rader's aides, no immediate action was taken. Pope resigned voluntarily in July 1979, according to personnel officials at the Whitaker state facility, after the supervisor of institutional services, David Shafer, recommended a disciplinary review committee look at Pope's record sometime in the future.

Internal Department of Human Services records show that several months later Hunt noticed a similar pattern of physical abuse involving Larry Staton, his deputy superintendent at Whitaker.

Following an April 16, 1980, incident in which Staton acknowledged that he "accidentally struck" and pulled the hair of a female student who was attempting to run away from the institution, Hunt called his deputy on the carpet.

A June 18, 1980, memo of apparent admonition, signed by director Rader himself, summarized the problems:

"During the past six months there have been several instances where students have alleged that Mr. Staton has used excessive and inappropriate force when involved in a confrontative situation with students."

"The institutional superintendent (Hunt) has discussed this problem with Mr. Staton, has made suggestions and re-defined his area of responsibility. The superintendent has cautioned Mr. Staton to be careful of his activities when involved in confrontative situations with students."

Staton was demoted. A few months later he was promoted to the welfare department's state office, where he remains today, as a program coordinator.

Rader has been questioned about all this before, sometimes by opposing attorneys and sometimes by inquiring reporters.

When lawyers for Legal Aid of Western Oklahoma and other constitutional rights groups sued Rader in federal court to reform the state's juvenile care system, they kept bringing up exhibit after exhibit of blatant child abuse that had been drawn to his

attention, and kept asking if he knew what had happened to the employee involved.

Rader's stock answer was a denial he'd ever seen the report, usually followed by a begrudging admission that he knew about it but didn't know what happened to the employee.

When GNS reporters questioned him about the same things, he called the reports of child abuse "goddamn lies and garbage." Despite off-the-record insistence by close associates and aides that he has many of the pertinent child-abuse reports read to him by secretaries, Rader again insisted that the first he knew of abuse in his schools and homes was late last summer when an attorney from Legal Aid questioned him here for the court record.

"The first time it was brought to my attention was at the time of depositions (preliminary questioning for the court record)," he said. "I saw for the first time that the programs operating out there weren't up to snuff."

Rader's first tendency is to blame second-level managers he put into place in the 1970s, and the four-year civil liberties lawsuit that "got the kids all stirred up" in the homes and schools.

One managerial aide, Chase Gordon, who used to run the institutions before returning to Rader's legal staff, is a particular target in this regard.

"He apparently threw in with the philosophy that all institutions are bad," Rader told GNS of Gordon's attempts to rehabilitate youngsters by getting them out of the schools and homes and back on the streets.

Gordon, informed of Rader's characterizations, declined to comment.

Rader changed his views on the lawsuit somewhat starting last fall. He had urged his lawyers all along to get it in front of a federal judge and let the courts decide — anything to get it over with — but shortly before Christmas he talked of accommodating a negotiated settlement.

Rader has now agreed to an out-of-court settlement which he told GNS was "good and fair."

And even though his financial people tell him it's going to cost — he says — somewhere near \$18 million to comply, "I'm going to carry it out to the letter."

NEXT: Lloyd E. Rader

Penalties light in sex abuse cases

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — In January of 1980 the four-man boxing team from the Boley State School for Boys was on its way back from a tournament at the Chilocco Indian School near the Kansas border. The team was accompanied and supervised by DeWayne L. Cobb, a social worker at the school.

The five didn't get very far on the four-hour trip before it started to snow, so they checked into the Thunderbird Motel in Ponca City, taking one room with two double beds. The five watched television until midnight, then went to bed. One student slept in a chair, and Cobb slept with a youth named Ronnel H.

Ronnel later told the school superintendent that he awoke around 4 a.m. to discover Cobb performing an oral sex act upon him. Two of the other students told authorities they witnessed the incident, but kept silent.

It wasn't until April that one of the witnesses reported the incident and Ronnel confirmed it, touching off a departmental investigation. Cobb — emphasizing that he's an ordained minister — agreed to take a polygraph test, and the State Bureau of Investigation administered three separate tests. Cobb registered what the SBI called "strong and consistent" deception on all three when denying the sex act.

Four days later, the SBI gave Ronnel the same polygraph test. The SBI polygraph examiner, Frank Brady, recorded that the student made "no attempt at deception" when describing the sex act.

Cobb, who was arrested in Tulsa for armed robbery four years ago, and again in 1979 when he failed to appear on the charge.

He was suspended for seven months as a result of the sex incident — with full pay.

The welfare department fired him. But the state Personnel Board, after a hearing under the rules of the Oklahoma Merit System, reinstated him in late September 1980 and returned him to Boley, where he worked until transferring last summer to a new position at the L.E. Rader Diagnostic and Evaluation Center in Sand Springs. Cobb is now a child counselor at the Rader Center, still on the Department of Human Services payroll.

The department could have appealed the Personnel Board's decision to the courts but chose not to.

Interviewed by Gannett News Service, he confirmed that he flunked the polygraph tests, but would not discuss the original accusation or its validity.

At the personnel board session in the state's Jim Thorpe Building here, according to Jacques Jeffries, the board's assistant administrator, all four students who had been on the boxing trip were brought into the hearing room to testify — handcuffed and in leg manacles, and shackled to each other, two-by-two, with chains strung through their feet. They were even taken to lunch that way in the Thorpe Building basement cafeteria.

Three of the students refused to testify. "They were very reluctant to talk, and kept saying they didn't want to come," said Jeffries. Only Ronnel testified, sticking to his original story of the motel room incident.

Cobb's lawyer, Archibald Hill, then gave Ronnel a rigorous cross-examination, asking him if he was a homosexual (he denied it) and pointing out that even though Ronnel had recently gone AWOL, he had been transferred from Boley to better conditions at another institution.

The department, noting that merit commission rules only allow lie detector tests as investigative aids and not hard evidence, did not bring up the polygraph examination.

The hearing commissioner, Oklahoma City private attorney Steven Davis, unimpressed with Ronnel's story, ruled that there was not enough evidence against Cobb, and restored him to his position.

One day after GNS started publishing this series, Cobb called the news service to say he had just been recommended for firing — because of excessive tardiness. "I'm never late," said Cobb. "What are they doing that to me for?"

Cobb said a supervisor at the center told him the real reason for the action was embarrassment over the newspaper series. Herschel Daney, Cobb's boss and superintendent of the Rader Diagnostic Center and the man Cobb says made the most recent firing recommendation, refused comment.

Lloyd E. Rader, the veteran head of human services here and namesake of the center where Cobb works, at first professed no knowledge of the whole affair when questioned by GNS, even though six separate reports on the matter were directed to his personal attention by his divisional employees, and despite his signature on two letters to the State Bureau of Investigation approving the polygraph tests.

Last week, he said his memory had been refreshed by the inquiries, and that he intended to fire Cobb, but that the state merit commission's action prevented it.

Rader's general counsel, Harry Johnson, told GNS the matter was not referred to any prosecutors for possible action — local, state, or federal. He also said the commission's restoration of Cobb's job had not been appealed in state court, as the department can do under the law. In fact, said Johnson, the department had never appealed a State Personnel Board's restoration of employment, despite Rader's contention that such personnel panel decisions are tying his hands on employee discipline.

The Human Services Department's performance in the Cobb affair, of course, says a lot about its hiring and firing practices. But the Cobb case also illustrates a persistent problem plaguing Rader's shifting hierarchy of divisional supervisors for years — sexual abuse and harassment in the department's schools and homes by both students and employees.

Numerous files in the Sequoyah Office Building here indicate that grievance after grievance reaches Rader's office, only to end in indefinite conclusions or forgotten pigeonholes. When a sexual abuse matter is resolved, it's often at the instigation of the students or employees, not the state.

On the same day Cobb was taking his lie detector test, eight male juveniles at the Rader Center filed allegations of sexual misconduct against a Youth Guidance Specialist, claiming he would consistently peer at them in the shower or while they were dressing, pinch and fondle them at unexpected moments, or poke their private areas with keys when they walked by.

Three weeks after the department's inspector general started investigating, the guidance specialist resigned in the interests of "professional growth." State officials immediately closed their probe and the case with the notation, "No further action recommended."

Rader's investigators had another touchy case solved in a similar fashion when a state recreation worker at the Whitaker State Children's Home took a student to California with her for 10 days, and on their return admitted to investigators that she had

taken the girl to lesbian parties and maintained a sexual affair with her. The incidents came to light on complaint of the girl's aunt. The recreation worker resigned.

Another incident at Whitaker last March, reported to Rader, involved a Youth Guidance Specialist who was accused by students of making persistent homosexual advances and of engaging in sodomy with one. Before the department supervisors could start a full-scale probe, the man resigned.

Another file details a substantiated report of three or four boys at Boley ganging up to assault a new student homosexually while the Youth Guidance Specialist who was supposed to be on guard was watching television, unaware. The state employee was not cited. The ringleader was placed in detention.

Another file the state investigators substantiated describes a Boley incident in which an 82-pound, 12-year-old boy was the victim of an attempted homosexual assault by five bigger students, but escaped by yelling to awaken the Youth Guidance Specialist on duty.

The department seems to be concerned over incidents that occurred off campus (such as when two girls from the Central Oklahoma Juvenile Treatment Center at Tecumseh reported being raped while away from the grounds, and the incident was referred to the district attorney), and over employee-student assaults that took place outside the grounds (such as an attempted homosexual assault on a 13-year-old Whitaker male student by a supply clerk who was later arrested), but relatively little fuss over homosexual activity in all-male dorms.

Civil liberties lawyers who brought a federal suit against Rader to change the state's juvenile system included as exhibits several reports written in 1978 and 1979 by John Leitka, then the assistant coordinator of the Bureau of Services to Children and Youth. The reports describe repeated, substantiated homosexual activities at the Boley State School for Boys, much of it forced, involving as many as 50 boys.

Houseparents at Boley, wrote Leitka, "usually will tell the boys to 'leave him alone' when signs of problems were evident" — that is, when larger boys were trying to force smaller ones to commit sexual acts.

Steven A. Novick, deputy director of Legal Aid for Western Oklahoma here and one of the plaintiffs, questioned Rader in a pre-trial testimony taking session last summer. He called the director's attention to the apparently accepted incidents involving forced sexual activity, and pointed out that oral sodomy and anal sodomy are serious offenses in the state of Oklahoma.

Was Rader ever made aware of these acts being forced upon students by other students, Novick asked? No, said Rader.

Had he been it been reported to him that a staff member was involved in homosexual activities with students?

No, said Rader. "If it had been, I would've gone before the county attorney with it," he said.

In fact, insisted Rader, the sexual abuse stuff was all new to him. Underlings had kept it to themselves. "Never saw it before today."

Rader added, "I'm aware there's reported homosexuality in every school in this town, and every school in your town, wherever you are from."

Boley, he told Novick, was no different. "And I don't know about this institution — we attempted to dry it up and I'm sure the superintendent out there is a good conscientious man," he said.

MERIT

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the county wherein the suspected injury occurred, together with its recommendation as to disposition."

Penalties are quite severe. Anyone willfully using unreasonable force upon a child under 18 in Oklahoma can get up to 10 years imprisonment.

General counsel Johnson says state human services officials have been trained over the years to refrain from referring cases to the DA because the district attorneys have demanded "cut and dried" cases — ones they can't lose.

State authorities, if they're zealous enough, have another avenue if the personnel board nixes their actions. They may appeal it to the Oklahoma court

system, appellate division. Pressed to recall how many times this had been done by the human services department in recent years, Johnson could not recall a single case. Actually, the answer is twice.

And while Rader and Johnson both claim it is policy to keep the DAs on board whenever child abuse is reported, the practice is not in evidence. Two days before GNS began its series on Oklahoma juvenile care, Rader put out a press release claiming that he had started a broad investigation of drug use and prostitution involving state employees at the Taft facility, and that District Attorney Michael Turpen had been brought into it a full five months ago.

Turpen, called separately, said he'd never heard of it until Rader had brought it up two weeks ago and asked him to tell GNS he'd been looking into it.

On Nov. 10, 1981, Rader sent a personal signed memo to all his divisional offices and superintendents, instructing them to clear everything through him before talking to a DA.

"In the future," Rader wrote, "when a record is subpoenaed by any Court or Grand Jury, the Director or the General Counsel are to be notified immediately. No record shall be turned over to the Court or Grand Jury, without the written approval of either the Director or the General Counsel."

A look at the 'Tony Brown affair'

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Oklahoma Welfare Department administrators and insiders refer to it simply as the "Tony Brown affair."

It is one of the welfare department's more thoroughly examined abuse complaints, one involving claims of violence and cover-up by a high-ranking employee. At the time of the incident, Brown, though only 16 years old, was an imposing figure. At 6-foot-1 and more than 200 pounds, he could be a handful for six men, and on the night of Oct. 23, 1979, according to state records obtained by Gannett News Service, he proved it.

Brown returned that evening to Helena State School for Boys following a "home leave." He had been drinking and got into a fight with another student.

Several security guards were called, and after a brief scuffle Brown was handcuffed and taken to one of the institution's solitary confinement cells to cool off.

At about the same time Brown was being hauled to detention, Helena superintendent Tom Norwood was notified of the fracas and, along with a local deputy sheriff, went to the cell block where Brown was being detained.

When Norwood arrived, the records contend, the still-handcuffed Brown began cursing the superintendent and "banging" his head against the door of the cell. Norwood ordered shackles put on Brown's ankles and that they be connected to the steel handcuffs behind his back.

According to eyewitness accounts, including Norwood's, Brown became more enraged after being hogtied. He struggled against the restraints and continued cursing the superintendent.

What happened next is in dispute.

According to the documents, several people present — including employees, the deputy sheriff and students — say Norwood became enraged and kicked Brown in the side of the face.

Norwood, interviewed by Gannett News Service, discussed the incident with GNS, contends that he merely placed his foot between Brown's head and a table leg so as to prevent the youth from "causing physical harm to himself."

That, Norwood said, is essentially the same explanation he related to state welfare department officials when, four days after the incident and acting on a complaint by Brown who had just been released from detention, an internal investigation was launched.

State records obtained by GNS show that, from the beginning, the state investigation ran onto rocky shoals.

In a Nov. 14, 1979, memo to welfare director Lloyd E. Rader, investigator Jerry Ballenger complained that when he arrived at Helena he was met by assistants to Norwood who, "for whatever reasons, (tried) to influence the outcome of the investigation."

Ballenger characterized the staffers as "hostile" and said they interfered with his attempts to interview employees and students who were present during the alleged kicking incident.

Ballenger reported that two staff members, both of whom claimed to have seen "Norwood kick Tony Brown," told him "that a story was being concocted by other employees to cover that fact up." Ballenger told Rader: "My own observations lead me to that same conclusion."

"Although I do not wish to believe Mr. Norwood was guilty," Ballenger wrote, "I feel no choice but to report what I had been told since several other people knew that I had been informed of an alleged cover-

STATE OF OKLAHOMA
DEPARTMENT OF INSTITUTIONS, SOCIAL AND
REHABILITATIVE SERVICES

Ex. 14

To: L. E. Rader
Director of Public Welfare Date: November 14, 1979

From: Jerry H. Ballenger
Review Board Member Attention: R. Chase Gordon, Coordinator

Subject: REPORT OF EVENTS RELATIVE TO ADVOCATE GENERAL INVESTIGATION AT HELENA, OCTOBER 25 TO OCTOBER 30, 1979 In Reply - Address to Attention:

On October 25, 1979, I was attending a Bureau Conference at Western Hills. On that date my supervisor, John Leitka, received a phone call from Gary Midkiff, Advocate Defender at Helena; Mr. Midkiff reported to Mr. Leitka that he had received a complaint from juvenile Tony Brown to the effect that Superintendent Tom Norwood was at Western Hills on October 23, the Advocate Defender to conduct the investigation. I said I did not know as yet because I did not know exactly what was being alleged. I said I thought I would review Mr. Midkiff's reports and then decide how best to proceed. I asked Mr. Daney what employees were available just then and he indicated that one or two of them were there, some were off duty that day or would come to work about 4:00 pm. Mr. Daney during the next hour or so asked me who I wanted to see two or three times and each time we had the same conversation: I was becoming confused about who I could talk to because

To: L. E. Rader
Director of Public Welfare

"Mr. Midkiff reported to Mr. Leitka that he had received a complaint from juvenile Tony Brown to the effect that Superintendent Tom Norwood had kicked him in the head..."

"Mr. Midkiff felt it was best to be discreet and not report it on campus until he had received instructions."

REPORT OF EVENTS RELATIVE TO ADVOCATE
GENERAL INVESTIGATION AT HELENA

Chase Gordon and David Shafer. I immediately went to Helena and interviewed Mr. Norwood, who had been when I would be going to the next morning. Mr. Norwood dictated a statement to me of the incident. He advised me the statement when I got to

When I arrived at Helena, Mr. Norwood was still at Western Hills. I met with Mr. Daney and Mr. Midkiff as soon as I arrived and Mr. Daney gave me Mr. Norwood's report and asked me how I wanted to conduct the investigation. I said I did not know as yet because I did not know exactly what was being alleged. I said I thought I would review Mr. Midkiff's reports and then decide how best to proceed. I asked Mr. Daney what employees were available just then and he indicated that one or two of them were there, some were off duty that day or would come to work about 4:00 pm. Mr. Daney during the next hour or so asked me who I wanted to see two or three times and each time we had the same conversation: I was becoming confused about who I could talk to because

The welfare department found that Norwood had committed only "an illegal touching" of Brown. Norwood remained on the job at Helena, but the fallout didn't end.

Nearly a year later, following repeated reports of child abuse at Helena, Rader authorized another investigation of the school. The findings, contained in a lengthy Aug. 22, 1980, report, were hardly encouraging or complimentary to Norwood.

Interviews with 27 former and current staff members turned up repeated charges that Norwood "harassed" and "retaliated" against those employees who testified against him in the Tony Brown case.

Other employees claimed that personnel files, abuse records, statistics on runaways and detention and restraint reports had been falsified, tampered with or destroyed.

Following an inspection of the institution files, state investigators reported that "sequential numbers of the 1980" runaway and restraint reports "indicate that file folders for specific reports were empty and the reports were missing."

"The last reports found," the investigators said, "were dated April 2, 1980," some five months previous.

The state probers were also baffled by the schools' detention reports.

The files indicate that 76 students were placed in detention for AWOL during the period Jan. 1 to June 30, 1980, they said. Yet the investigators found that "the log on AWOL indicates only 38 were reported to

the state office during the same period."

Student abuse reports were no better. "These records were found to be in considerable disarray," the probers said. "Many of the files have no entries on the incident sheets (log of disciplinary actions) for two or three months."

"It was extremely difficult to trace a particular incident as to what happened, action taken and final results."

The investigators concluded that their inspections of the records "suggest validity to allegations that there has been special treatment of some students and possible omission of facts from records or actual falsification of records. The person or persons responsible for this is unknown but would appear to be results of several persons."

"The superintendent (Norwood) had to have apparent knowledge as he signed most of the memos sent to the state office."

Director Rader, in connection with a suit by civil liberties groups to reform the state's child-care system in federal court, said he removed the superintendent from Helena shortly after the investigators' report was filed because "I came to the conclusion that Norwood didn't belong there...He evidently was not temperamentally fitted, you know. That was my conclusion of him personally."

Norwood told GNS he was not ousted by Rader, but asked to be relieved of the job.

Today Norwood is a staff psychologist at the Pauls Valley State School for the mentally retarded.

Rader defends his policies, blames legislators for woes

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — When Lloyd E. Rader, the embattled head of Oklahoma's juvenile care system, is questioned about child abuse problems in his training schools and residential homes, his reaction is to talk about how terrible they used to be.

If you think it's bad now, he told GNS, you should have seen it then.

His message is that he reformed an archaic system, whipsawed an indifferent Legislature into funding new facilities, and brought about some beneficial personnel changes. That's correct as far as it goes, but there is a hole in Rader's version of history, and through it blows a very cold draft.

Once Rader instituted an effective system of reporting abuses in the homes and schools under the Department of Human Services' control, he ignored it. Once he had a system in place for rehabilitating youngsters and getting them back into the mainstream population, he failed to follow through. Faced with either maintaining a system that lent itself all too easily to political patronage, or to accepting the ideas of aides who wanted to modernize the department, he stuck with the status quo.

Under pressure from the Legislature and his own bottom-line philosophy to keep his department solvent, Rader began to fret that any reduction in population at the institutions would turn his neatly balanced books into red ink. The homes, he decided, should stay filled, even to the point of mixing delinquents with non-offenders. Soon the system wasn't serving the children. The children were serving the system.

Rader's information gathering system is not at fault. For years it worked smoothly in identifying and describing complaints of child abuse throughout the system. The system was so effective that the thousands of documents it produced provided the core for a civil liberties lawsuit against the department. But, as Rader's colorful lawyer, State Sen. Gene Stipe, told GNS reporters asking questions about the abuses: "You don't kick your dog for pointing birds."

The state did little with the abuse reports once it had them.

When Rader, now 75, took over the state child care system 21 years ago, striding into the institutions for inspection tours, he — by his own account — found some awful things.

Each institution operated on its own. There were no psychologists, psychiatrists, or registered nurses at some schools. Gyms were closed for lack of recreational staff. Many students lacked proper food and clothing.

At the Oklahoma Children's Center in Taft, he recalled, students placed in detention were put in "a dungeon" and "served bread and water." Rader ordered they be given the same food as other students.

The department head's most striking recollections, perhaps, came under questioning from civil liberties lawyers, who filed a suit against Rader and the state,

seeking reform of the juvenile care system.

"We inherited 495 buildings," recalled Rader, "but it's almost unbelievable, there wasn't a cotton-picking one that wasn't leaking. There was not any heat at Boley, none at all. They had a little old dungeon over there in what was the garage building where they kept kids, and we tore that out."

It had 8-by-10 concrete cells, solid iron doors, sloop jars instead of toilets.

The first night after the juvenile care system was transferred to Rader's welfare department, one student choked another to death at Girl's Town. Then a boy hanged himself in the detention unit at Helena. Rader testified he took away the students' suspenders and had them wear Union-Aids.

Steven A. Novick, the questioning lawyer, asked Rader, "Did not the staff, including yourself, uncover all kinds of institutional abuses that were going on at these facilities?"

"We did," said Rader. Conditions were "pretty appalling."

At one girl's training school, Rader found newly arrived youths were automatically put into isolation cells for a few days, just to soften them up.

"You know, they had, as I recall, five different

What about mechanical and physical restraints on students, asked Novick?

"No, sir. I've never condoned any of that," said Rader. "I found out they did have it at Helena one time, but I didn't know it. They kept it well hid if I was up there. I might fight with you, Steve, but by God I'm not going to let anyone run over a kid knowingly. I'm not afraid of you mentally, physically, or any other way, but I'm not going to let some big bully run over some little old kid. I've never permitted that. Long before I got in the welfare business, that's just unheard of, you know."

"I might tolerate some inadequacies and forgive some sins of some of the other staff, but if the houseparent mistreated a child the answer would be no, I would not."

Later in the questioning, when he found out Novick had recent shackling and hog-tying of the students documented, Rader admitted knowing more about restraints.

Rader admitted he had discovered children being confined at Helena in solitary cells for as long as 20 or 30 days at a time.

The detention was unaccompanied by any educational or treatment programs. The enforced idleness, he admitted, "would drive you and I stark raving crazy."

"They had those kids locked up. And I lived to see the day when I could tear that thing down, and did, and had it done."

Rader referred to Dodge House, the detention facility at Helena, which he ordered pulled down in early 1981, midway through the civil liberties suit. (New cells were constructed almost immediately in another building at Helena.)

The demolition of Dodge House touched off some controversy, centering around the civil liberties lawyers' suspicions that Rader only used the state Legislature for an excuse when he needed one, and ignored it when he didn't.

Why, Rader was asked, if Dodge House was so loathsome when he took over in 1961, had he waited until 1981 to tear it down?

"I don't know," answered Rader. "Why don't you ask the Oklahoma Legislature and taxpayers of this state?"

He continued to explain he had to wait for legislative approval. But, retallated Novick, in the end, he didn't have it. Well, Rader told the skeptical lawyer, the Legislature's funding of a new intensive treatment center constituted tacit approval for tearing down the old detention facility.

The two sparred further.

Rader insisted he doesn't make final policy decisions, not even temporary ones, without the Human Services Commission's authorization. He later told GNS reporters — and aides verified — that he routinely does, on a daily basis.

Rader claimed the Legislature deserves a big share of the blame for any shortcomings in state juvenile care. The lawmakers, he said, were very tight-fisted with funds for new homes and schools.

"You know, they could see those kids raping their daughters and granddaughters and what have you," said Rader. "So, you know, the tummy is getting a

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addresses," recalled Rader. "At least five different grades from one dress up to the next one, and they goose-stepped to lunch and to the meals. I never will forget how regimented it was."

Rader had the female superintendent get all the girls out with shovels and rakes to start planting flowers one spring day.

"She thought everybody was going to run away, but they didn't."

Each school or home was autonomous. Judges would commit the kids directly to each institution, and the superintendent would make the parole decision.

The detention building at Boley "had three of those little old rooms where there was absolutely no light. One meal a day at most of the institutions."

And, continued Rader, "they didn't have any school system, I'm sure you know. See, some of the teachers didn't have an 8th grade education."

Rader's romp down memory lane, however, soon got sticky.

Deposition of agency direct

ACLU Lawyer: Isn't it true that children to this day continue to be abused by staff members at the department institutions?

Lloyd E. Rader: It is not. That's a lie. Anybody else that has that kind of information should present it to me.

ACLU Lawyer: Mr. Rader, I expect that we'll share some of that information with you today.

By **CARLTON SHERWOOD**
and **JOHN HANCHETTE**
Gannett News Service

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OKLAHOMA CITY — The acerbic exchange above represents the essence of a four-year confrontation between a troika of civil liberties groups and Oklahoma's most powerful public official, Human Services Director Lloyd E. Rader.

The dialogue occurred late last summer, about midway through two days of taking testimony from Rader as part of a lengthy class-action lawsuit that still has this capital city and Oklahoma's government reacting. The federal court lawsuit was initiated by the American Civil Liberties Union and two similar legal rights groups to improve what the plaintiffs termed appalling conditions at state-run youth homes and training schools under Rader's supervision.

As the deposition ran on, the previously polite legal exchanges between Steven A. Novick, the questioning lawyer, and Rader became sharper and more strident.

Novick, indeed, did share his information with Rader. Time and again, the veteran state official denied knowledge of any abuses in his system. Time and again Novick introduced contradicting exhibits. Time and again Rader backed down and begrudgingly admitted he had just dodged the truth.

The accusations that follow in excerpts from the deposition paint a picture of what the burgeoning child-care controversy in Oklahoma is all about.

Novick: Would you consider it to be child abuse if a staff member broke a child's arm?

Rader: Well, it would depend, you know, what child. If he attacked the houseparent and they got into a physical confrontation, then it might or might not be child abuse.

Q: Well, can you imagine any situation where it would be justifiable for a staff member to break a child's arm?

A: Not intentionally break his arm, certainly not. But in a scuffle if he fell and broke his arm or something, I'm not going to speculate on a hypothetical question.

Q: Would you consider it to be child abuse if, without provocation, a staff member slapped or punched a child?

A: Yes, that certainly would be. A violation of policy and that evidence will cost him his job summarily.

Q: Let me show you what's been marked for identification as Plaintiff's Exhibit 10. (Novick produces a report sent to Rader about a youth supervisor at Helena State School for Boys biting one of her charges on the shoulder in a scrap over room keys.)

A: Uh-huh. This is the first time I have seen this memorandum. My memory recalls something about this incident.

Q: This memorandum indicates, does it not, that a child at Helena was slapped, scratched, and bitten by a Youth Guidance Specialist because she lost her temper?

A: I see what that report says. I don't know whether it's true or not true. But there was enough of it that Mr. Leitka (the advocate general for Rader's Human Services Department) felt she should be suspended and they were.

Q: Is it John Leitka's responsibility to investigate these types of incidents?

A: It evidently was in that instance.

Q: Would it be child abuse for a staff member to punch a child in the head for flipping lights on and off in the dormitory?

A: I don't know whether it would be or wouldn't be. Maybe he just gave him a love pat, maybe he just kind of flipped him and said, 'My friend, don't do that anymore.'

Q: Now a love pat wouldn't cause a knot to be raised on a child's head, would it?

A: Well, you didn't say he had a knot raised on his head. Of course, if he got a blow severe enough to put a knot on his head, that would certainly be out of line.

And if it came to my attention, he would be reprimanded severely and no doubt discharged.

(At this point, Rader offered a long, defensive description of how offending employees in such cases are summarily dismissed only to be reinstated through the State Merit Board hearing process. He denied, however, against Novick's questioning, that some of these employees have been returned to the very institutions where the abuses occurred.)

Q: Can you think of any circumstances that would justify an employee choking a student with an item of clothing and then picking him up off the ground and slamming him to the floor?

A: No, sir.

(Novick introduces another exhibit. It's a report to Rader about a Youth Guidance Specialist at Boley State School for Boys kicking a youth, choking him with his own pair of jeans wrapped around his neck, and then slamming him to the floor, all for throwing a shampoo container in the shower.)

Q: Isn't that form signed by Mr. Leitka?

A: Let's see, yeah. Yes, it is.



Lloyd E. Rader has been involved in acerbic exchanges with a troika of civil liberties groups over the past four years.

Q: Would it be child abuse for a staff member to punch a child in the head for flipping lights on and off in the dormitory?

A: I don't know whether it would be or wouldn't be. Maybe he just gave him a love pat, maybe he just kind of flipped him and said, 'My friend, don't do that anymore.'

Q: And it also indicates that this incident of the student being choked and thrown to the floor was substantiated, does it not?

A: Yes, sir.

Q: And this employee, I take it, you terminated?

A: Uh-huh.

Q: Do you know whether or not he was reinstated by the State Merit Board?

A: No, I do not. I rather doubt that he was.

Q: And, in fact, this kind of conduct by staff members would be in direct violation of the department's policy against child abuse?

A: Yes, sir.

Q: Mr. Rader, would it also be a violation of the policy against child abuse to strike a student with a belt?

A: I would say generally speaking the answer would be yes.

(Novick introduces another exhibit and hands it to Rader. This one is a report confirming that a Youth Guidance Specialist at the Oklahoma Children's Center had whipped four boys on the arms and legs with a belt — sometimes for an "initiation," other times for heading for the bathroom while on room restriction.)

Q: Can you think of any circumstances when a staff member at an institution would be justified in striking a child with a belt?

A: No, sir. Because I couldn't — regardless of what I might think about it — you know, it's a violation of the law.

(Novick produces another exhibit. This one informs Rader about a recreational supervisor at Boley with a history of striking students.)

Q: Does this memorandum that was directed at you not indicate that this gentleman had a past history of striking students?

A: Well, it appears from the memorandum...that he would get in horseplay with the children and then maybe they got a little better of him or something, and it resulted in a scuffle, what started out to be a friendly scuffle. And the youngster didn't terminate it and then they got more serious.

Q: And in this instance, the staff member, Mr. Hargis, struck out and punched this boy in the jaw?

A: It doesn't say how severe the punch was.

Q: He did punch him?

A: Well, I might punch you all in fun, and neither one of us get hurt.

Q: I hope you don't do that.

A: Well, I can think of circumstances where I might, as old as I am.

Q: Well, did not a staff witness to this incident indicate that in his opinion, the staff member who struck the student had lost his temper and was not playing around?

A: Yeah, that's evident. No use to argue that. It's been handled.

Q: Now, Mr. Rader, you would not condone a staff member who taunted children?

A: Certainly not.

Q: Or cussed at them or verbally abused them?

A: No, sir.

Q: Or encouraged children to finish fights that had been started?

A: No, sir.

Q: And, in fact, all of those would be a violation of department policy?

A: Correct.

Q: Mr. Rader, let me hand you what's been marked for identification as Plaintiff's Exhibit 15. Mr. Rader, does this exhibit that you have in front of you indicate that this particular staff member at Whitaker was involved in a number of incidents of using racial slurs against children?

A: Yes, that's what the report shows. It further shows that it was referred to the disciplinary committee, which I am sure recommended appropriate action. But I'm going to check it because I don't know.

Q: And all of the conduct that this particular employee engaged in over a period of time were all violations of department policy?

A: Right.

Q: Certainly be truly inappropriate for a staff member to hold a knife to a child's face, wouldn't it?

A: Certainly. You know, at some point in time I want to speak to what, in my judgment, is creating a lot of this — starting back there with Terry Campbell (a candidate who complained publicly about the youth homes) trying to run for lieutenant governor on these little kids. And Channel 5, you know, which to me was most unethical conduct by a TV station. And these children who were then in pretty good average control, you know, were made — I don't know what

Please see DEPOSITION on page 2

or turns into a showdown

would be the proper term — so they suddenly took on these staffs. There isn't anything you can do about it. We don't have to mind and I'm sure they provoked a lot of instances.

Q: Mr. Rader, do think that we are provoking incidents at these institutions to win this case?

A: I'm beginning to have serious questions - yes, sir - in my mind. It's not an accusation today. I will make it when I feel that I have concrete evidence. But, you know, these children are children. And they are going to take advantage. They're not there, you know, because they were going to Sunday school and because they were ideal students, and they are kind of having a field day at everybody's expense. I'm telling you now on the record I'm going to begin an investigation as a result of the complaints of the superintendents assembled in my office at this time.

Q: So what you're saying, then is the evidence you have is from the superintendents?

A: Yes, sir.

Q: Would you be so kind as to share that with me?

A: I'm going to share it with you at the proper time.

Q: Well, do you have it now, Mr. Rader?

A: I will produce the evidence.

Q: Do you have it now?

A: Now don't get rough with me, my friend.

Q: Well, I'm sorry sir. But you're making a very serious charge here.

A: You doggone right I am. I'm making it right on the record so it will go before the judge.

(Attorneys for Rader finally intervene and ask Novick to get back to his original line of questioning.)

Q: Mr. Rader, can you think of any circumstances under which it would be appropriate for the superintendent of an institution to kick a child in the face?

A: Why, certainly not. You know I wouldn't condone that, I've testified here now for two days.

Q: Did it ever come to your attention that there was an allegation that such an incident occurred?

A: No, sir. Not by a superintendent.

Q: Did it ever come to your attention that Mr. Norwood at Helena had been accused of kicking a child in the face?

A: It came to my attention of an instance you know of a youngster up there that struck him in the head and had to take several stitches. In that scuffle, he may have gotten kicked. I don't know.

Q: Did it ever come to your attention that Mr. Norwood ever kicked that child in the face while the child was laying on the floor handcuffed?

A: No, never heard of that before.

(Novick introduces another exhibit, this one showing that Rader not only knew of the incident — which involved Thomas Norwood the superintendent at Helena, kicking a youth in the head while the child was shackled on the floor — but personally signed an authorization for a departmental investigation.)

Q: At the time that you approved that investigation, did you know what the alleged incident involved?

A: I don't recall specifically.

Q: Now was it not also a finding by the state office investigator that staff at the institution had tried to influence or cover up whatever went on?

A: I think there were some charges and countercharges on that. I personally confronted Norwood with it and some of the staff.

(Novick continues to ask Rader why Norwood was not removed from Helena until six months later, and then only transferred to a comparable job.)

Q: Do you know where Mr. Norwood works now?

A: He works as a psychologist.

Q: As a matter of fact, he's a staff psychologist at Pauls Valley State School?

A: I believe that's right.

Q: And that's an institution for mentally retarded children, is that right?

A: Uh-huh.

Q: And in that position he would have direct contact with children, wouldn't he?

A: Mr. Smith says he's a very fine psychologist. He's a capable superintendent.

This sort of thing continues for 273 pages and two days of intense deposition, with Novick introducing 32 exhibits in detailing recent similar instances — the promotion of an employee after his whipping of a student with a rubber strip torn from a baseboard. The lifting of a heavy boy with a chain attached to his handcuffs behind his back until "the cuffs dug into his wrists".... Rader's explanation of two black eyes and

Q. Once a child was placed in restraints, would there ever be any justification for a staff member to attempt to lift that student off the ground by his restraints?

Rader: You know there wouldn't be. I'm getting tired now of telling you. I'm about as decent as you are, and I have not condoned any of this.

Deposition of L.E. Rader
July, 1981

TEPPY : POWELL F. et al.)

Q. To your knowledge, has a child ever been restrained in the fashion of having his hands handcuffed behind his back, and his feet restrained together, and then hands and feet tied together with a strap or chain behind his back?

A. No, sir.

Q. Mr. Rader, let me show you what's been marked for identification as Plaintiff's Exhibit 21.

Deposition of L.E. Rader
July, 1981

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COURT FOR THE
OKLAHOMA

CASE NO. CIV. 78-0004-T

DEPOSITION OF L. E. RADER

TAKEN ON BEHALF OF THE PLAINTIFFS

IN OKLAHOMA CITY, OKLAHOMA

ON JULY 7 & 8, 1981

Q. Mr. Rader, let me show you what's been marked for identification as Plaintiff's Exhibit 22.

A. I have heard these belly chain stories before. I've never seen one. I have attempted to find them up there. I don't know whether some attendant would have one out in his car and bring it in when they had an incident or something. I don't know.

Deposition of L.E. Rader
July, 1981

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Replied by:

DENNIS F. BROWN, C.S.P., C.P.

CRISP COURTEMACHE MEADOR & ASSOCIATES
ATTORNEYS AT LAW
PHONE 216 0426
100 NORTH W. 10TH AVENUE, OKLAHOMA CITY, OKLAHOMA 73101

DAVID LAMPERT & DAVID HOWARD,
Attorneys at Law, Legal Aid,
City, Oklahoma, appearing on behalf

JOHNSON, Attorneys at Law,
Oklahoma City, Oklahoma, appearing on

Q: So what you're saying, then is the evidence you have is from the superintendents?

A: Yes, sir.

Q: Would you be so kind as to share that with me?

A: I'm going to share it with you at the proper time.

Q: Well, do you have it now, Mr. Rader?

A: I will produce the evidence.

Q: Do you have it now?

A: Now don't get rough with me, my friend.

Q: Well, I'm sorry sir. But you're making a very serious charge here.

A: You doggone right I am. I'm making it right on the record so it will go before the judge.

facial bruises on one youngster as the result of "horseplay"....Rader specifically approving in writing the use of restraints for "proper discipline," despite his contention he had "totally prohibited" them 16 years earlier....Rader's constant contention the lawsuit is driving the kids into a "white heat" of insubordination....Rader's lamenting the characterization as "buying a pig in a poke" the acceptance of staff recommendations that strict discipline policy be moderated.... repeated incidents of use of belly-chains and "hogtying" to restrain students....Attempts to cover up homosexual rings in

certain schools....Sexual assaults....Homosexual acts between an employee and a student at Whitaker — all of these with Rader contending in answer, "I'm doing the very best I can."

The long litany of abuses was supposed to be revealed, discussed and rectified in the federal court lawsuit that had been scheduled for January, then February.

Instead, the ACLU's out-of-court settlement with the state of Oklahoma contains very few specifics addressing these topics.

Ex-official recalls battle

The day reform seemed imminent

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — If anyone has a right to say "I told you so" it's Terry Campbell.

On a brisk Sunday in November four years ago, Campbell, then a young, ambitious state representative, made a surprise visit to Helena State Training School, accompanied by a small entourage of television, radio and newspaper reporters.

Acting on a "tip, confidential testimony and persistent rumors" that children at Helena were being beaten, placed in solitary confinement cells for two

The official acknowledged the use of handcuffs, shackles and chains and confirmed that children had been locked up in Helena's solitary confinement cells for as long as 15 days at a time.

weeks or more and handcuffed, shackled and "chained to their beds," Campbell, chairman of a legislative subcommittee on juvenile crime, hoped to catch institutional watchdogs napping.

The first adult supervisors he and the TV film crews encountered were thrown into a dither — "seemed to fly apart," is the way one reporter described it. A boy who attempted to speak with reporters and Campbell was immediately sent off to a solitary confinement detention cell.

Jake Young, then an assistant administrator, was called shortly after the media blitz began. Young arrived flustered, but made an effort to restore order to the potentially chaotic scene unfolding before him. He tried — unsuccessfully — to deliver a textbook speech on the institution's goals and accomplishments.

Campbell and the reporters persisted. Young, according to newspaper reports, relented, and in a burst of candor admitted that the institution was

merely "warehousing" children. He went on to say that "if we can't rehabilitate them, then at least we can make them good convicts."

Under questioning, Young also acknowledged the institutional use of handcuffs, shackles and chains and confirmed that children had been locked up in Helena's solitary confinement cells for as long as 15 days at a time.

Seemingly, in one day, Campbell had cracked one of Oklahoma's best-kept secrets. But any satisfaction he may have felt after he left Helena on Nov. 20 was short-lived.

In a recent interview with Gannett News Service, Campbell, who is a mining engineer and no longer holds political office, recalled what happened next.

"It all fell apart pretty quickly," he said. "The press exposure of the problems at Helena, necessary I thought to effectuate reforms, lasted about a week or so. During that time the welfare department announced that it was discontinuing the use of restraints in all institutions. My plan was to begin conducting hearings and have Helena employees and welfare department administrators testify — under subpoena if necessary — about the department's policies on treatment."

It didn't work that way.

Welfare Department Director Lloyd E. Rader refused to allow his key administrators to appear before Campbell's committee. Instead, Rader sent his deputy general counsel, R. Chase Gordon, who echoed the department's policy that restraints were used "sparingly" and only when a youth is "in danger of hurting himself or others."

Gordon also said that the welfare department was doing an "excellent job" of running the institutions, and that there was no evidence of abuse.

Young, whose remarks during the surprise visit to Helena even caught Campbell off guard, was considerably less candid before the legislative committee.

Although he admitted to the use of restraints and solitary confinement cells at Helena, he qualified those comments by saying that the children were only locked up or shackled when they might "hurt themselves."

Campbell was exasperated. He accused Rader of "covering up serious abuses" at Helena. Rader denied the allegation, and told reporters that if Campbell had come to him first about having his department heads testify, he would have seen to it that they appeared.

In addition to that, Rader gave "permission" for a four-member legislative delegation to tour Helena. As expected, the escorted visit turned up no signs of abuse.

Then, in late December, the final blow came. Three boys from Helena escaped and another "dangerous" youth hit the superintendent on the head with a desk stapler — a wound which required, according to welfare department press releases, "emergency care" and "numerous stitches."

Unnamed welfare department officials publicly charged that Campbell's "witch hunt" was responsible for the runaways and assault.

Rader moved quickly to announce that there had been a misunderstanding — the welfare department was not discontinuing the use of restraints. But they

A friend of Campbell's later recalled what happened during the probe: 'It was a real frustrating period. Taking on Rader, Terry learned, was like trying to tackle a wisp of smoke.'

would be used "with judgement and as sparingly as possible," he said.

Overnight, Campbell became a political leper.

A close friend of Campbell remembers the time.

"It was sickening to watch," he said. "Those members of the House who urged Terry to go after the welfare department turned on him first. They knew Terry was right, but they buckled at the first sign that Rader was on the offensive. It was a real frustrating period. Taking on Rader, Terry learned, was like trying to tackle a wisp of smoke."

Campbell himself was less critical.

"Retrospectively," he said, "I can see now that I underestimated the political situation. I was naive. Once this situation was exposed, I thought there would be a real effort to clean it up. I was wrong, but as I look back on it, I can honestly say I tried, my intentions were good. I'd prefer to let others judge their own actions."

RADER

□ Continued from 19

little full of some of these big talkers and not doers, you know. A lot of fun to talk big."

As far back as 1967, the National Council on Crime and Delinquency recommended that detention units at all training schools in Oklahoma be eliminated.

Rader told both the civil liberties lawyers and GNS reporters that the detention units were necessary through the years "because I was protecting them children from themselves. The judges were sending them out there and I had to protect them from hurting each other. We had a murder or two, you know, of houseparents with some of these kids.

"Primarily they are psychotic. They are confused; they are mixed up really seriously."

Asked how many were adjudged psychotic, Rader at first estimated 50 percent, then geared that down to 10 percent when he got a look at staff statistics.

When Rader commissioned juvenile care expert William C. Stevens to study the Oklahoma system,

Stevens recommended closing Helena training school as antiquated and counter-productive, and beyond its usefulness.

"I'm not going to recommend to the Legislature the abolishment of any facility," Rader said last summer. "That's a legislative prerogative, and will be duly dealt with by the Legislature ... Mr. Stevens has some philosophies that are not acceptable in this state."

Rader further disagreed with Stevens' assessment that the work of highly professional clinicians and evaluators at the Rader Diagnostic Center are "largely ignored in the placement of children."

"No," said Rader, "I don't agree with that at all. I don't think Mr. Stevens knew what he was talking about."

Rader, in fact, pins much of the blame for the current shape of his system on the Stevens Report, claiming two of his top divisional supervisors — Chase

Gordon and David Shafer — tried so hard to place youths back in the mainstream of society that they diluted the population of the system. Said Rader: They "took the Stevens Report literally, and — that's one of the problems I'm having to wrestle with today — they ran the population down in the institutions to where it came very near to just having an absolute legislative rebellion on money."

Gordon and Shafer declined comment.

Above all else, Rader is vehement in insisting his juvenile care system is still better than it would have been had he accepted federal help he's been turning down all these years. He admitted to GNS he turned down routinely about \$700,000 a year for several years in Justice Department funds because "of what we would have had to do to comply. It would have cost the state more to comply than what we could have received in federal funds."

Next: Fighting the reformers

Rader stonewalls long legal battle

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — When a trio of civil liberties groups set out in 1978 to drag Oklahoma's child-care system into the 20th century, they hardly suspected that four years later their efforts would be thwarted by a veteran bureaucrat.

But hundreds of thousands of dollars and incalculable legal man-hours after they sued in federal court to change the system, the would-be reformers appear to be settling the fight precisely where it began — at ground zero.

The American Civil Liberties Union, the National Center for Youth Law and Legal Aid of Western Oklahoma are settling the complex class-action lawsuit out of court — relying on the good faith and promises of one man that the juvenile system will be cleaned up. He is Lloyd E. Rader, the state's human

trial would cause a "special master" appointed by the court to encounter opposition as he tried to inspect Oklahoma youth institutions in coming years.

The special master, who is to make sure the youth homes and schools are complying with the out-of-court agreement, is expected to be Joseph R. Rowan, a Chicago juvenile expert with extensive experience in Florida and Illinois.

Koren said the plaintiff lawyers thought it important not to poison the well for Rowan's later work by angering the state's director of human services beyond hope of cooperation.

"How else do you bring change in Oklahoma, without going out there and throwing bombs, but by dealing with Lloyd Rader?" asked Koren. "Who else do you deal with in Oklahoma but Lloyd Rader? At least this way, we've put in place a process by which we still hope to eventually achieve the closing down of those homes."

Despite Koren's refusal to discuss it, there was a potential third motivation — money.

The plaintiffs had already spent almost a million dollars on the suit, and a trial would probably have cost them about \$50,000 a month, Koren said. Additional costs of funding off investigations and audits triggered by political opponents of the suit in Washington added a further burden.

"The only thing we really had going for us was the threat of a trial," said Koren.

Rader insists the lawyers have nothing to worry about.

"Every word in that settlement will be carried out," he told GNS.

The long, complex suit started almost five years ago when Steven A. Novick, a young public defender in Oklahoma City, kept hearing terrible tales of what was going on inside the state juvenile system from youths he represented. He became outraged, determined to get some court relief, and so outspoken that the ACLU and National Center for Youth Law soon joined him in a class-action suit against Rader. Novick, as deputy director of Legal Aid of Western Oklahoma, carried the brunt of the offense for the plaintiffs.

There's a world of difference between what the complaining lawyers went after and what they eventually got.

"Our major goal," says Koren, "was to de-institutionalize non-offenders and get the non-dangerous delinquents out of institutions. Oklahoma is the only state that has a significant population in its institutions of these kinds of kids. Oklahoma, in fact, has one of the highest rates of confinement of juveniles in the entire country."

Rader himself estimates that only 20 percent or so of those in the system are delinquents, and that keeping them from influencing the rest is his toughest problem.

The civil liberties lawyers — citing the First and 14th Amendments — originally told the children in Oklahoma's homes and training schools they were going to end forever the harsh detention and restraint practices, get them out of the isolated rural institutions and into community centers and foster homes closer to the cities, get them proper representation before discipline committees and written explanations of why they were being punished. Due process and advocacy would be arranged. They also said the institutions at Boley, Helena and Whitaker would be closed down.

The practice of adjudging a child a delinquent under the law AFTER he got into the institutions would end, they said. Keeping male and female youths apart in sternly separated facilities, a policy the plaintiffs said promoted homosexuality, would end.

So would throwing kids into unsupervised detention areas where they were vulnerable to sexual attack. So would interference with youths' efforts to talk to lawyers and parents. Facilities would be upgraded to provide ample toilets, showers and sunlight. Improved hiring practices would provide competent nurses, psychologists and doctors.

All very nice and tidy.

The final agreement, however, leaves the plaintiffs holding what some of the state's own youth officials say off the record is a half-empty legal bag.

For one thing, the language is vague enough to

give Rader ample room to continue the practices of two decades.

The biggest loophole appears to be in the very first clause, in which children who aren't judged delinquents will not be put in the institutions unless they are found mentally disturbed and in need of "psychiatric treatment" — a phrasing that still allows Rader's department great latitude in deciding who goes into and stays out of the homes, since most of the diagnosing psychiatrists are under the department's direct control.

The student defender apparatus — an advocate general with staffers at each school — is still under Rader's control.

Detention and restraints are still allowed in some cases, and so is forcing the student to spend time in confinement as punishment, although time limitations and other restrictions are imposed.

The only institution to be closed down will be Helena, in June of 1982.

All terms and provisions of the stipulated agreement will be "liberally construed."

**...But it was like bursting
into a lion's lair and
finding yourself on the
menu for dinner.**

Perhaps the most startling portion of the agreement is the very last paragraph, in which the ACLU and other plaintiffs agree to the state's demand that "no materials obtained from the defendants" — in other words, evidence of the previous wrongdoing and conditions — "shall be disclosed to the media." This gag order is unique for such civil liberties groups, according to lawyers involved, especially in a suit based largely upon First Amendment rights.

By leaving such widespread control of the "reform" up to Rader's good intentions, and by leaving in place the same rigid bureaucracy that fostered the original abuses for two decades, isn't the pattern set for the bulk of abuse to continue, Koren was asked?

"It may very well be," admitted the ACLU attorney. "We're actually relying upon the special master."

Koren also admitted he doesn't believe the Helena school, where some of the most controversial practices took place, will be closed by this June. "More like a year," he guessed.

Koren also sees a danger in Rader's ability to switch the status of children easily so they can be placed in the institutions. "States, in the past, have changed the categories of kids to get away from such agreements," he said. "It's not a new scam. All of this is in doubt. That's the premise you have to begin with."

But he points out that strong in-court victories in other states on similar issues have not guaranteed absolute reform. Federal Judge Frank Johnson's rock-ribbed orders several years ago to clean up Alabama prisons, he noted, still haven't been complied with.

"I'm proud of this thing," said Koren, "but we have to be realistic. One of our major fears was that Rader was just going to change the name on the door at some of these places and quit. We have to do what we think is best for these kids. Litigation is simply a means to an end."

Why didn't parents bring personal suits against Rader and the state?

"Parents could have piggybacked on our suit easily enough," said Koren, "but there weren't any findings of fact yet, and the parents are generally poor, and the kids don't get along with them. That's why they're in the homes in the first place."

Why didn't the ACLU and other plaintiffs sue for monetary damages?

"Look, money doesn't scare these guys," Koren said. "Rader has lots of money. They'll pay money. We didn't want to have to prove money damages because that's a tremendous amount of effort, a whole new plateau of work, another two years. It was more important to get what we got."

NEXT: A U.S. senator's influence

**Civil liberties lawyers got
wind of abuses and went
into court armed with
documentation...**

services director, the man who has run Oklahoma's vast child-care operation for the last 20 years.

Rader's department was brought into the public eye this week by Gannett News Service stories documenting the use of solitary confinement, hogtying, beatings and other unsavory methods of dealing with the state's deprived and delinquent children. The federal government, state legislature, governor's office, the state attorney general, and various district attorneys are all looking into the matter.

Civil liberties lawyers got wind of similar abuses six years ago, and went into court two years later well-armed with documentation. But it was like bursting into a lion's lair and finding yourself on the menu for dinner.

For two years, say the plaintiffs, state youth officials led by Rader "completely stonewalled" them by destroying evidence, withholding information and applying political pressure through accusations that investigators were stirring up trouble in the state schools and homes.

By the time the lawsuit finally found its way to the court docket and a planned trial this month, the plaintiffs were ready to settle. They reached an out-of-court settlement — still pending before Federal Court Judge Ralph G. Thompson — that leaves them with only a fraction of the goals they originally sought.

Why did the plaintiffs settle?

"It was a judgment call," said Edward I. Koren, head of the ACLU's National Prison Project, in an interview with GNS. "This is a foot in the doopee it's just the beginning of the story. We think we'd have gotten less by going to trial."

Koren admitted two additional motivations, however:

- Anxiety over how the federal judge would rule in a political atmosphere as highly charged as Oklahoma's;

- A desire for smooth long-term relationships with Oklahoma state officials, a "truce" that almost assuredly would have gone down the tubes after a lengthy, acerbic trial.

"Federal judges are usually willing to provide remedies on such things, but judges are political animals, too," observed Koren. "They have to look at what will fly and what won't."

Judge Thompson, he said, "didn't have a track record on this subject — he was an unknown quantity to us."

Besides, added Koren, "you never know what will happen in litigation."

The ACLU's major fear, and that of the two other two civil liberties groups involved, was that a bitter

The children's homes / Part Seven

How a senator aided Rader in fight against homes suit

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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WASHINGTON — As head of Oklahoma's sprawling welfare department for three decades, Lloyd E. Rader's entrenched political power is legendary, but federal records here indicate his ability to pull strings reaches far beyond state boundaries.

All the way, in fact, to the United States Senate.

For in the long and bitter court fracas over child abuse in Oklahoma institutions, the conduct of the state's senior United States senator — at Lloyd Rader's behest — is viewed by some principals in the case as peculiar indeed.

Sen. David L. Boren, Gannett News Service has

learned, repeatedly demanded a formal Justice Department investigation of the conduct of civil liberties attorneys seeking to improve Oklahoma juvenile homes through court action.

Further, in 1980 he focused such intense scrutiny on Justice Department funds going to civil liberties groups in his area that he almost got a key federal grant of half a million dollars bottled up in Washington because he felt the money would aid the lawsuit.

Boren, in unusually stern letters to the Justice Department, accused lawyers representing the children of fomenting severe unrest in the juvenile homes, of triggering a suicide attempt, of condoning vandalism, of urging refusal of medication, and of causing a rash of runaways, arson attempts, and general disobedience — all allegations later deemed unfounded by Justice Department investigators.

In short, Sen. Boren for well over a year fought tooth and nail against the class action lawsuit that had been brought against the state's director of human services on behalf of the juveniles.

Boren denies he was trying to halt the lawsuit. He says he had no intention of blocking the federal grant. He was, he insisted to GNS earlier this week, only responding to a constituent request. He was, he said, merely following up on a complaint that the civil liberties lawyers had acted unprofessionally and in a potentially harmful manner to children in the state homes.

Lawyers representing the youths — even though they later exchanged formal correspondence with Boren to the effect they understood his motives as of the highest level — among themselves came to view the senator's pressure as a strongarm political attempt to whitewash the child abuse scandal. While keeping polite publicly, in private they told some state government officials they believed the senator was trying to ensnare their efforts in federal red tape.

The plaintiffs, faced with the prospect of a long and costly trial with uncertain results, eventually agreed to an out-of-court settlement which has defense lawyers delighted.

Boren's own correspondence files detail his efforts to put forth the idea that the plaintiffs had caused massive trouble while visiting state youth training institutes.

From mid-May of 1980 to last summer, Boren devoted considerable attention to urging Justice Department scrutiny of the lawyers suing his home state, and pushing for a federal search to "reveal a grant specifically for litigation in Oklahoma." In a June 26, 1980 package to the Justice Department, he produced affidavits he said were obtained by Rader's aides from juveniles and state employees at the schools as evidence the lawyers were causing trouble.

Justice officials who looked into the charges later

said these written statements from Helena State Training School and Whitaker State Children's Home were "merely conjectural," and Steven A. Novick, deputy director of Legal Aid of Western Oklahoma and courtroom point man for the plaintiffs, suggested them to be forged.

"My major concern," Novick wrote to Boren's office last fall, "is the manner in which affidavits were obtained from training school residents. For example, if you examine the students' affidavits carefully, you will note that the content and handwriting of many of them bear a striking resemblance."

The affidavits, were "curiously identical," the lawyer told Boren, "a fact which led me to question their authenticity."

Several state employees questioned by Novick later signed official court statements that they had never experienced any problems connected to the lawyers' visits. "This apparent inconsistency," Novick wrote Boren, "suggests that the original complaints may have been manufactured."

"We didn't request the affidavits, Rader sent them," said the senator. He said he "didn't really inspect" the handwriting and signatures — just sent them along to the Justice Department.

Ira M. Schwartz, the Justice Department adminis-

trator of the Office of Juvenile Justice and Delinquency Prevention, wrote at least three letters to Boren in 1980 to inform him "we have spent considerable time investigating the various issues you have raised" about lawyers causing trouble at the training schools. "A review of the affidavits, however, only lends conjectural support to those allegations. I cannot find sufficient reason for federal involvement in this situation."

Boren in mid-July of 1980 — after getting Schwartz's first letter disclaiming any improprieties — wrote Attorney General Benjamin R. Civiletti once again to deem Schwartz's finding "at best, premature." The senator told GNS he just wanted to make sure Schwartz had seen the written affidavits that described plaintiff misconduct.

In mid-August, 1980, Schwartz wrote Boren again, telling him there was no justification for the allegations. Within two weeks, Boren fired back to Schwartz: "I do not in any way feel that my inquiry has received a reply. I would appreciate a direct response to my questions."

In fact, Boren kept so much heat on Justice officials and the lawyers for the children, that Novick, in midsummer of 1981, finally dragged the senator's

Please see BOREN on page 25



efforts into the lawsuit itself in an attempt to get the persistent Boren to back off. As recently as last September, Novick filed lengthy federal court motions in Oklahoma City seeking to find out which personnel in Oklahoma's Department of Human Services had communicated with Boren, and in what manner affidavits complaining of attorney misconduct by the plaintiff's staff were prepared.

With his motion, Novick filed more than 40 exhibits containing the alleged complaints that his legal staff had stirred up rebellion among the children. Most of them — from students and staff alike — were strikingly similar in handwriting, rhetorical form and content, and signatures. "There was a lot of speculation that some of the affidavits had been generated by the staff," Schwartz told GNS.

Boren insists he first became interested in the

Boren's first letter to Civiletti was strong — accusing attorneys for the children of turning five institutions topsy-turvy with information-gathering visits. The children, he charged, 'were encouraged...to be generally disobedient to institutional officials...'

plaintiffs' activities in May 1980 when he read an article in an Oklahoma newspaper that described complaints from state officials about the manner in which children were questioned.

"I wanted to know, did these attorneys conduct themselves in a forthright manner," he told GNS. "The allegations about the conduct of lawyers were very, very serious, the sort of things that disturb you, if true."

Boren's first letter to Civiletti was strong — accusing attorneys for the children of turning five Oklahoma juvenile institutions topsy-turvy with information-gathering visits.

The children at these homes, Boren charged, "were encouraged during these interviews to be generally disobedient to institutional officials, to address them through the use of expletives, to refuse to perform any routine chores, or take any medication, and to freely employ the use of hand gestures in a graphic display of emotion."

The civil liberties lawyers, claimed the senator, had also asserted the state facilities would be closed within two months, and "that residents were condoned by these attorneys in vandalizing certain teaching facilities which were employed during these interviews."

"Public funds," Boren complained to Civiletti, "have been grossly misused."

With all this in mind, Boren concluded to Civiletti, "I am officially requesting an investigation of the ethics, propriety, and worthiness of this litigation."

The senator says he is now "satisfied fully that the allegations were not correct — I wasn't trying to darken Novick's reputation. I trusted the Justice Department investigation."

Boren insisted he was doing for Rader what he would have done for any constituent. "I've got enough to say grace over up here," he said. "I just felt there was enough there for me to refer it to Justice."

Schwartz said Boren never wrote to him to say he was satisfied with the probe. Schwartz said it was "unusual" to receive a second and third letter from Boren after his first investigation, and also unusual

keep fielding such requests through the attorney general himself.

"Usually," Schwartz told GNS, "if a senator has a complaint, he'll have someone on his staff call and say he's got a problem, or at least let the administrator know before you get some kind of paper missile. I mean, it wasn't like I was some kind of political hack or something. Some people would go to Civiletti as a way of getting around the administrator of the office."

Some attorneys close to the lawsuit felt Boren's motivation in fighting it so doggedly was a desire to protect juvenile service programs initiated during his mid-'70s term as governor. Indeed, Boren's first letter to Civiletti described Oklahoma's juvenile programs as "unique to the nation" and "the most extensive youth services programs in our country."

However, correspondence between Boren and Rader indicates the senator had another reason — a strong and longlasting relationship with the powerful czar of Oklahoma juvenile programs.

Ample correspondence between the senator and the human services director shows Boren relied heavily upon Rader for such things as fulfilling patronage promises, getting jobs for the senator's friends, speeding the granting of hard-to-come-by certificates of need for nursing homes Boren wanted licensed, and other services.

Boren established a rapport with Rader in providing a sort of super-reference service for couples who wanted to vault ahead in the long waiting line for hard-to-find adoptable babies. A word to Rader could cut all the red tape, and state files show Boren sent the human services head several adoption references for well-placed parents, some of them with political clout.

Boren told GNS he gets great fulfillment from the activity, and handles as many as 200 references a year, after he has the potential parents checked out. Almost all Oklahoma legislators do the same, he said.

Perhaps the most outstanding example of the Boren-Rader teamwork, however, occurred last spring, when the human services director wrote Secretary of Health and Human Services Richard Schweiker here to make a singularly rare request — he wanted federal funding reduced.

Rader, who likes to run his own ship, distrusts the federal government in any way, shape or form, even though Oklahoma gets about \$5.9 billion a year in federal outlays and accepted more than \$10.3 million in Justice Department grants alone in the 1970s for juvenile service programs.

At a time when state officials continually pointed to lack of funds for hiring capable people as an excuse for some of the very things criticized in the civil liberties suit, Rader asked Schweiker to eliminate about \$1.6 million in funding for regional child abuse, adoption assistance centers, and child welfare training centers that had been appropriated and approved for Oklahoma under a congressional Child Welfare Services act.

Rader complained to Boren and Schweiker that the HHS centers run by the federal regional office of Health and Human Services in Dallas "have done nothing for children" and only "provided a haven for a few federal malcontents whose sole, self-declared function, in Oklahoma, seems to be hindering, harassing, and otherwise inhibiting our program."

President Reagan's budget slashes, continued Rader, should include HHS programs such as these as evidence of "cutting out unneeded and damaging contractual bureaucracy."

Within a week, Boren wrote a "Dear Lloyd" note back to Rader.

"I couldn't agree with you more," enthused the senator. "I will do what I can."

Lack of federal funding, of course, means lack of burdensome federal oversight, and nosy federal officials looking into the homes and schools. On Thursday, a consultant to the Senate subcommittee on juvenile justice told senators in a hearing on Capitol Hill here

that Oklahoma is the largest state in the union which still spurns Office of Juvenile Justice and Delinquency Prevention funds — to the tune of \$4.3 million in the last five years and \$530,000 this fiscal year alone.

Boren's correspondence suggests that he was not just after some general federal funding program. He was out to shut down funding for the civil liberties lawsuit as well. On July 14, 1980, he wrote to Civiletti asking that the attorney general find out if any Justice Department grants were earmarked for litigation in Oklahoma.

"Perhaps other grants ... could be found, which funds are being used to pay the salaries and travel expenses of some of the attorneys visiting Oklahoma's juvenile institutions and working on this litigation," he wrote.

Boren told GNS use of federal funds against his home state was contrary to his political philosophy.

Boren established a rapport with Rader in providing a sort of super-reference service for couples who wanted to vault ahead in the long waiting line for hard-to-find adoptable babies. A word to Rader could cut all the red tape...for well-placed parents.

In October 1980, the Oklahoma Crime Commission got involved. It unanimously passed an "unfavorable comment" on a half-million dollar federal grant application that the Youth Legal Assistance Project and the National Juvenile Law Center — two of the plaintiffs in the children's suit — had made to the Justice Department's Law Enforcement Assistance Administration. The LEAA funds, opined the commission, "could be more appropriately expended for other needed projects in Oklahoma."

John Ransom, the state's director of criminal justice services, wrote to Boren about the decision to tell him he "should be aware of the potential impact" of such a grant in the state. The grant application was of sufficiently high quality to be rated seventh by the Justice Department out of 260 similar requests, and was subsequently recommended for funding, but Ransom assured Boren it was not for lack of state opposition against it.

Boren insists he didn't bring the Oklahoma Crime Commission into it. A letter from the commission boasting about the "unfavorable comment" ruling showed up in Boren's office "out of the clear blue," according to the senator's aide, Jim Hopper.

Boren notes he even voted for the bill that gave Legal Services Corporation — the parent outfit that funds some of the work of Legal Aid of Western Oklahoma, one of the groups suing Rader and his system — \$100 million in the current federal budget.

None of this tiff drew any significant public attention either here or in Oklahoma.

By late this week, Boren had changed his tune.

Despite his earlier boasting to Civiletti about the great condition of the Oklahoma youth care system, Boren on Thursday stressed to the subcommittee on juvenile justice that he had always been an advocate of community shelters and group homes, and against large institutions of the type currently in vogue in his home state.

He asked the subcommittee to "proceed at full speed ahead" with its own investigation of the Oklahoma juvenile care system.

A Democrat the GOP could love

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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WASHINGTON — U.S. Sen. David Lyle Boren, 40, is not the "Marlboro Man" type one usually thinks of when imagining an important political leader from a range state with the Wild, Wild West reputation Oklahoma enjoys.

In fact, for Oklahoma, a state given to boasting about swath-cutting native daughters and sons like screen stars Carol Channing and James Garner, Boren is somewhat of an anomaly.

Pale and pudgy, he is most frequently portrayed by Oklahoma political cartoonists as the Pillsbury Doughboy, but it doesn't seem to rattle him as he relies on his reputation in Washington as one of the brighter Senate newcomers of recent years.

Academically, he's one of Oklahoma's proudest. A graduate of Yale, he went on to Oxford as a Rhodes Scholar and came back to win a degree from the University of Oklahoma Law School.

Although his conservative Democratic political philosophy fits well in a state where right-wing attitudes are popular, Boren's esteem was only run-of-the-mill in a legislature dominated by colorful figures. His chances for governor were rated in the long-shot category in 1978, but Boren capably recognized two things — Watergate was still on the minds of voters, and incumbent Gov. David Hall was vulnerable.

Boren, painting himself as a squeaky clean conservative activist, beat a relative of Oklahoma hero Will Rogers in the primary, then traversed the state making reform speeches and wielding a broom to "sweep out corruption." To reporters and colleagues

alike, the straight-laced Boren rarely said anything stronger than "Golly!" — still his favorite exclamation.

He won handily. After the election, Hall was convicted on corruption charges and went to prison.

And then, almost before he knew it, Boren was the senior senator from Oklahoma, and he was still in his thirties.

Even though he represented a state famous for a vigorous tradition of prairie radicalism, Boren immediately hewed to the establishment. Once in Washington, he established a dual image, first as the most loyal of Big Oil loyalists, and second as one of the most reliable Democrats the Republican White House could ever hope to count on.

After Vice President George Bush came begging for help, Boren stood foursquare with GOP stalwarts behind President Reagan on his first controversial budget.

In a state outranked by only four others in its production of petroleum, Boren's ties to the oil industry are disputed by no one. He gets significant campaign money from oilmen, and fought like a tiger against the windfall profits tax so opposed by Big Oil.

"To me," says Boren, "being pro-oil means being pro-Oklahoma."

His relationship with Lloyd E. Rader, the state public welfare director and beleaguered boss of Oklahoma's juvenile-care system, has evolved from unfriendly to very friendly. A picture of Rader, standing father-like behind Boren in his gubernatorial chair and inscribed "to a great American, governor, scholar, outstanding United States senator, and my personal friend," hangs prominently on the senator's wall here.

When Boren won the governor's office, he cam-

paigned on a promise of re-routing the state sales tax into general funds, instead of earmarking a large portion of it for Rader's own indiscriminate departmental use, the juvenile-care funding method in Oklahoma for decades.

"It stirred up a hornet's nest," Boren recalled. "I'm sure he viewed me as a young whippersnapper and was opposed to my election. There were many who felt I might ask for his resignation when I took office."

"After my inauguration, he came into my office and offered it. I pointed out he was hired and fired by a constitutional commission and I didn't have the power to accept it. He said he viewed himself as appointed and thought an elected governor ought to have the power to set his own policies. I told him wait awhile and see how we do."

"We did fine."

The governor and the veteran welfare administrator soon shared a deep mutual respect.

Boren developed the habit of relaxing by accompanying his two young children on bicycle trips around the capital grounds at dusk.

"We'd always see his lights on, working late, and we'd stop in," said Boren. "He'd have a jar of candy on his desk, and let the kids type on his typewriter. The kids called him 'Doctor Welby.' That's who they equated him with."

Boren is still impressed with Rader's record as a strong administrator who could stretch a dollar.

"I do think he loves kids and really wants to have good institutions for them," he said. "The children's hospital is one of the finest in the country."

"He's money-honest, honest to the extent that few people in government could have been if they'd been given that freewheeling power he's had for that number of years."

Mental health expert enters into case

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — As a top federal official involved in national child care, Ira M. Schwartz didn't really start out as an expert on the Oklahoma juvenile justice system. But he became one fast.

Oklahoma's juvenile-care system, he told Gannett News Service this week, "is one of the worst in the country, one of the most archaic, and one with widespread abusive practices."

Schwartz was President Carter's appointee as administrator of the Office of Juvenile Justice and Delinquency Prevention in the Justice Department in the late 1970s, when several civil liberties groups began a court assault for reform of the Oklahoma child-care system.

A veteran juvenile care and criminal justice expert with extensive experience in the state of Washington and Chicago, Schwartz became involved when the Justice Department was asked by Oklahoma's Sen. David Boren to investigate the methods of questioning children used by the civil liberties lawyers. Schwartz oversaw the investigation and found nothing wrong with the plaintiffs' conduct.

But he personally began looking into the Oklahoma juvenile training schools and residential homes, flying here to visit them. He was shocked by what he found, and became so concerned that he offered himself as an expert witness to the suing lawyers. The state and the plaintiffs came to an out-of-court settlement, still tentative, before he was called to testify, however.

"The problems of that system are very longstanding. They need to clean out that entire system," he told GNS this week. "Dismantle the whole thing and reorganize it."

When Schwartz visited Boley State School for Boys last September, he discovered that the abuses listed in the original lawsuit four years ago were still going on.

"There were many, many problems," he told GNS. "It was only five months ago, and they were still hogtying kids. It's still going on. There was a staff member at Boley who even demonstrated it on David Lambert (an attorney for the National Center for Youth Law, one of the plaintiff groups). He did it right

'Oklahoma did not want to move dependent and neglected children out of the institutions, and gave us the excuse that to do so would lead to more severe crimes,' Schwartz told GNS. 'All that, of course, was nonsense. The evidence was all the other way. The evidence shows that locking these kids up is itself criminalizing.'

in front of me and Steven Novick (deputy director of Legal Aid of Western Oklahoma, another plaintiff group).

"He handcuffed David's hands together behind his back, shackled his feet, and tied them together with a leather restraint. He was really quite proud of the way he did it, and told how effective it was for restraining kids."

Oklahoma, he said, is the only state that still houses large numbers of dependent and neglected children in institutions.

"These institutions have nothing to do with the needs of kids," said Schwartz, "but are there only to shore up the local economies. Their practices are punitive. Oklahoma spends enough money, but should be using it for community programs and to help keep kids and families together in the first place."

Schwartz contends that state Human Services Director Lloyd E. Rader and other Oklahoma officials have had ample opportunity to clean up their own system over the years.

"That lawsuit was started as an absolute last resort by the plaintiffs," he told GNS. "They resorted to litigation because the state was so recalcitrant. I'm very familiar with the Oklahoma case. I know it was only filed after extensive efforts by attorneys to rectify the abuses. Litigation like that is used only as a last resort."

"Oklahoma did not want to move dependent and neglected children out of the institutions, and gave us the excuse that to do so would lead to more severe crimes. All that, of course, was nonsense. The evidence was all the other way. The evidence shows that locking these kids up is itself criminalizing."

Schwartz is now a social sciences research fellow at the Humphrey Institute for Public Affairs at the University of Minnesota. Being a Carter presidential appointee, he left the Justice Department in February 1981 when the Reagan administration took over.

He said the very first question he was asked by the Reagan transition team was whether, and why, federal funds were being used to sue individual states over juvenile programs — the same concern Boren pressed so persistently. Although federal funds were not used in the Oklahoma case, Schwartz defended continued federal interest in the way states were running such programs.

"I told them I didn't see how anybody could deny federal responsibility for defending kids from this kind of stuff," he said.

Schwartz said his anxiety has increased since that time as he reads of President Reagan's efforts to wipe out the budget of the Office of Juvenile Justice and Delinquency Prevention and dismantle the Justice Department agency.

"That," predicted Schwartz, "will be a disaster. These juvenile-care systems — in several states — will all go underground again. Attorneys and citizens' groups, and the public in general, will lose access to such institutions."

"When the correctional institutions become hidden from the public, there will be abuses. We'll go back to the old days fast. You'll get repressive measures and return to the '50s and '60s when the atrocities were incredible. You'll have massive abuses, and mysterious deaths, and there'll be newspaper exposes, and commissions empaneled to investigate, and we'll have to start all over again."

Series reaction pours in...

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Phyllis Collins is now 21 and married, living in an east coast state with two children, her husband, and a new last name. She feels she's lucky.

In the late spring of 1976, she told Gannett News Service, she was raped by a state employee at the Oklahoma Children's Center in Taft while two other state employees held her down. When she displayed the audacity to complain about it in a letter to the powerful Director of Human Services, Lloyd E. Rader, she was thrown into a solitary confinement cell, and — she told GNS — was bound at the wrists with leather straps with her hands behind her back, and beaten by attendants.

An investigator from the Muskogee County district attorney's office secured her release from the center's detention unit four days after the rape, and took her to Dr. Austin Bell, a Muskogee physician, who removed a Tampax that had been jammed far into the uterus as a result of the rape. She was 15 at the time.

She was subjected to three polygraph tests about the rape claim and passed all three. Phyllis said she was later approached by her assailant and threatened. He had not been prosecuted.

Friday morning, the DA's investigator, Gary Sturm, confirmed the above account for GNS. He said he removed the girl from from the detention unit at Taft on June 2, 1976 and took her to the physician that day. Sturm said there was no prosecution because physical evidence of the rape had vanished by the time he got into the case. Polygraph tests, he noted, are not admissible evidence in Oklahoma courts. He felt he did the best he could by arranging for the 15-year-old's transfer to the state training school at Whitaker.

Phyllis was in the state juvenile institutional system in the first place for a heinous crime she had committed a year earlier — she was chasing a goose in a neighbor's Tulsa yard. Her mother was shopping. The Tulsa police picked her up, claimed she was under the influence of drugs, and had her committed to Whitaker, where she was sent to Taft. When Phyllis' mother tried to get her out, a Department of Human Services social worker threatened to bring her up on charges of being a neglectful mother.

Sturm and Phyllis' mother confirm the above. Phyllis ran away from Whitaker when she was 17. Her mother spirited her out of the state and helped her relocate with a sympathetic aunt in the eastern state in which she now resides.

Phyllis was never charged with any crime. She told GNS she is willing to testify in court or anywhere about her experiences in the Oklahoma juvenile system.

Phyllis is just one of several persons who have come forth since GNS began publishing a series of reports on institutionalized child abuse in the Oklahoma juvenile care system.

The series, based on confidential documents from the state's own files, detailed case after case of child abuse in Oklahoma institutions — cases where children were hogtied, beaten or tossed into stark 5-by-8-foot confinement cells for weeks at a time.

Seven federal, state, and local investigations have been started in the wake of the series — only a couple of them gathering any apparent steam.

Following the first articles of the GNS series, several former state employees and youthful graduates of the residential homes and training schools stepped forward. Many were willing to be quoted:

Audrey Stepp is a vigorous lady in her 60s. She now lives in Miami, Okla. From 1968 to 1973 she was an employee at the state training school at Whitaker. She told GNS that she and at least 25 other employees at Whitaker during that period tried to get state officials to look at the school and investigate abuses similar to the ones catalogued and documented in the series.

"I complained about treatment, conditions, employee thefts, and the abuse of children," she told GNS, "and about kids being physically and sexually assaulted. Nothing happened."

She complained in writing to Lloyd Rader and then-Gov. David Hall. For her complaints, she told GNS, she received harassment from superiors. She said she is willing to testify in court or anywhere else

to the abuses she saw.

Glen Crawford now lives in Cedar City, Utah. From 1968 to 1978, he was an employee of the

Oklahoma public welfare department, as the massive human services agency was then called.

He was a house parent and social worker at state training schools in Whitaker and Helena. When he read the GNS series, he contacted the news service to recall frustration similar to Mrs. Stepp's.

"I repeatedly complained to Mr. Rader and the welfare department about abusive treatment of children," he told GNS. "So did others. My letters went unanswered, and the employees I knew who complained were either harassed, given bad fitness reports, or fired."

Children in the state homes and schools, said Crawford, "were routinely beaten up by staff aides, just for the hell of it to keep them in line."

Phyllis, one of many people who confirmed what GNS's series brought out, was in the state juvenile institutional system in the first place for a heinous crime she had committed a year earlier — she was chasing a goose in a neighbor's Tulsa yard.

When Phyllis' mother tried to get her out, a Department of Human Services social worker threatened to bring her up on charges of being a neglectful mother.

He told GNS that youth guidance specialists — an official state title — at Boley and Helena training schools were particularly fond of the practice of "goat-roping," wherein a child is "hog-tied" with feet and wrists lashed together behind the back, then "lifted off the floor for a few feet, and dropped."

In this fashion, Crawford recounted, "there are no bruises or marks, just internal injuries."

Crawford told GNS he is willing to testify in court or anywhere else to the "goat-roping" and other events he witnessed.

Robert Manous is now 24 and lives in Okmulgee, Okla. In the early '70s, he was a student at the Helena training school, where a now-demolished facility called Dodge House was used for punitive detention.

Dodge House was torn down in early 1980 in the middle of a civil liberties suit against Rader and the state in federal court here — to destroy evidence, claim the plaintiff civil liberties groups; to demolish the archaic detention practices, claims the state. (New detention cells were soon built at Helena.)

Manous says he was placed in solitary detention for six weeks straight when he was 16. He was not told why. It was, he recalled, "the next thing to death."

Manous spent seven years in state youth homes and schools in all, starting at the age of 10. Like most of the children in the state's institutions, he was accused of no crime. He was simply adjudged a neglected child by the courts and put in the state's care. Beatings were regular.

"Two or three guards would get together at Dodge

House," Manous told GNS, and they might say something like 'Let's just walk one tonight.' Then they would cruise the cells and choose their victims at random. This prevented you from asking for anything because you didn't want to draw attention to yourself."

Even after the state finally installed air conditioning in the training schools, the youth guidance specialists found a way to employ it for discipline.

"They would turn it off in the day, when it was about a hundred degrees," recalls Manous. "Then, at night, they'd turn it on, so you'd lay on the floor freezing in the cell."

Manous told GNS he believes some children actually died "because of the way they were treated" but he did not complain when he was in the institutions.

"The system is too secretive and authoritarian to challenge," he told GNS, "and when someone disappeared, you weren't told they were gone. There were no records kept for long detainees in Dodge House. We knew that."

Manous reported knowing of at least one or two instances where boys were kept in Dodge House cells for a year or more.

"They fed bread and water and soup, just enough to make you want more. I now a lot of them aren't dead, just crazy from being beaten so damn much."

Manous was released from Helena in 1975, one semester short of his high school diploma. He says he found his time in the state training schools to be of little assistance in getting a job. He was arrested for burglary two years after his release, did time in jail, and is now out working. He told GNS he is willing to testify in court or anywhere else about his experiences in the Oklahoma juvenile care system.

GNS and the Gannett newspaper in eastern Oklahoma, the Muskogee Phoenix and Times-Democrat, received scores of other calls from employees and students, current and former, with similar witness, but many wished to remain anonymous for fear of retaliation from the state government.

Many talked of the practice of punitive detention.

Phyllis Collins, who was once incarcerated in such a cell at Whitaker for three weeks straight on the disputed accusation she helped another child escape, remembers it this way:

"There were no writing materials, no books, no nothing. In the morning, first thing you did, was scrub bricks in the wall with a dry brush."

Food was consumed only in the dimly lit detention cell, and while it was eaten "you had to stare at the wall, if you turned away, they slapped you."

Exercise, she told GNS, was conducted at 12:30 p.m. in a small meeting room down the corridor from the detention unit. From 1 to 4 p.m., a teacher would come by and leave books and assignments. Dinner was at 4:30 p.m., same rules. No mail, no visitors, lights out at 8 p.m. There was little to do, she said, but lay on a mattress and count bricks.

Since the series, several agencies and individuals have begun their own investigations.

The Muskogee County district attorney, Michael Turpen, has started looking into reports of student prostitution and drug usage at Taft. He has also asked the FBI to investigate suspected interstate transportation of young girls for purposes of prostitution. Oklahoma Gov. George Nigh, besides announcing his personal probe, has asked the Oklahoma State Bureau of Investigation to look into the allegations of child abuse. The Alfalfa County assistant district attorney, Ed Moore, has started a review of abuse allegations at the Helena state school.

U.S. Senator Don Nickles, (R-Okla.), has announced his own probe and on Friday, visited Taft, where — he told a Gannett Oklahoma TV station — he found rampant usage of marijuana and other drugs.

And here in Oklahoma City, in the human services offices of the Sequoyah State Building, Rader has organized a "truth squad" of his most trusted aides to compile material intended to debunk the GNS stories. Its members are former state senator George Miller, assistant to the director; David Shafer, programs supervisor and former director of institutions; Chase Gordon, attorney for the department; Michael Fogarty, Rader's deputy director; and Vera Alder, Rader's personal secretary.

They will, said a member of the squad, in the coming days reveal to members selected members of the Oklahoma media background reports on children alluded to in the GNS series, seeking to paint a picture of terrified employees frightened by psychotic children.

Where did it all go wrong?

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — When all the dust of the child abuse scandal in Oklahoma's juvenile care system finally settles here, it's likely two netting questions will still remain:

How did a juvenile care system the state spoke of with pride turn so sour in the first place?

And what's the best way to clean this up?

Both are questions that appear much simpler in the asking than in the answering.

Oklahoma's 14,000-employee Department of Human Services is presided over by the state government's most powerful administrator, Lloyd E. Rader, a brilliant political strategist who has exercised iron-fisted control over the state youth system for more than two decades.

As Rader's in-house DHS publicity pamphlet, "News & Views," noted just last month: "Oklahoma programs became models for other states. Successive governors asked Mr. Rader to stay on. He is known to most of Washington's officialdom as the dean of welfare directors, mainstay of the American Public Welfare Association, consultant to congressional committees."

This fine reputation proceeded apace through the '50s and '60s as Rader put an end to monstrous conditions in his juvenile training schools and residential homes — eating from buckets on all fours, forced peonage to neighboring landholders, goose-stepping to lunch, automatic solitary confinement upon admittance, routine brutality in absolute dungeons used for punishing the slightest of infractions, locking up sleeping youths in dangerous firetraps.

Rader built new buildings, repaired almost 500 other ones, saw the brass plaque under his hallway portrait inscribed "Defender of Children," and ended much of the Dark Ages abuse, but now he faces nationally trumpeted allegations that similar horrors still remain ingrained in his system. What happened?

First — although Rader would vociferously deny it — he let political and economic priorities take sway over the long-term needs of the children by rejecting outright new ideas. He took reform only so far.

About 15 years ago, the nationwide trend in progressive juvenile care became one of abolishing reform schools for delinquents and deprived children, and replacing them with community-based work and educational programs, community group homes, and specialized foster care — programs that would separate true delinquents from orphans, runaways, and kids with parents too disinterested to raise them right.

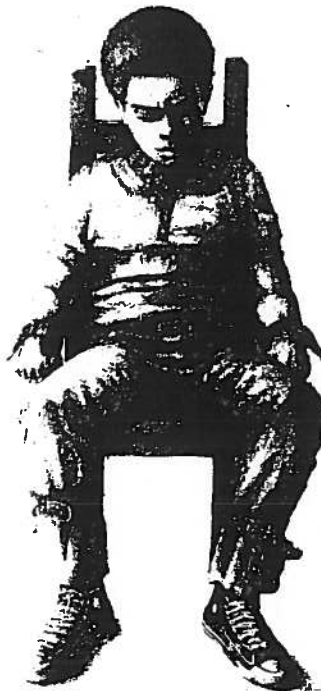
Rader saw it differently. Though the state maintains such facilities, as recently as two weeks ago, he told GNS reporters that in his eyes his system started to deteriorate when aides like Chase Gordon and David Shafer, former institutional and program heads here, began removing children from the homes and schools and inserting them back into community life.

Doing so, said Rader, drove his per pupil costs up so high he feared legislative reaction. Community programs, said Rader, were just part of a trend, one swing of the pendulum that would eventually go back to strict, formal institutional care.

As the years rolled by and Rader held out, Oklahoma became the only state to continue as a matter of policy routinely housing deprived, neglected, abandoned, and problem kids who weren't in any criminal trouble in its institutions.

Besides his philosophical opposition, Rader had two other potential motives for standing pat. The schools and homes gave him a tremendous opportunity for patronage — allowing him to find jobs for friends and relatives of grateful legislators. And the institutions — like the old paper mills in New England states — became locked into the economies, indeed became the economies, of the remote towns they were in.

Rural legislators have a vested interest in preserving these institutions and fostering their growth because they provide income and jobs in the counties where they're located.



When there were hints last year, for instance, that Rader would acquiesce to the demands of a civil liberties lawsuit against his department and close the antiquated training school at Helena, the outcry was persistent and loud.

If you close down Helena and the \$2.2 million payroll there, Rader was told, it will be a severe economic blow to not only that town, but four surrounding counties where the 166 persons employed there live, and where local politicians would like to settle folks who could fill the 33 job openings still existing at the school.

In addition, the annual operational budget at Helena is nearly \$3 million in addition to payroll. The school is so vital to the town, in fact, that an internal DHS audit in 1980 showed that when the Helena superintendent was four months slow in paying the bills, merchants ranging from a doughnut-maker to a gas station owner nearly went out of business from the cash flow problem.

When Rader finally agreed to close Helena in a stipulated settlement in the federal court case, the reaction was so aggressive that Rader's own personal lawyer, Sen. Gene Stipe, offered a motion on the floor of his chamber to remove the school from Rader's control and place it under the department of corrections as a subtle way of avoiding the closing. He later withdrew it.

Besides the patronage and the economic importance, a third thing was evident to Rader. Oklahoma is a state with little unemployment problem. Her booming oil fields, graneries, and natural gas drillsites have brought the unemployment figure down around 3 percent while the rest of the nation is looking at double-digit rates. Rader's training school and residential home superintendents — in a hard, tough job — make about \$28,000 a year to start, and the Youth Guidance Specialists who deal with the kids on a daily basis get only \$9,773 a year, and it was \$1,100 less until just two months ago.

So the people who take these jobs need these jobs, and Rader knows that. If they're working there in the first place, they're not likely to run off to the oil fields or grain mills. The system is firmly in his control.

There are many people who confirm all this. One of them is Ira M. Schwartz, for years head of the federal Justice Department's juvenile justice and

delinquency prevention office. Schwartz became so concerned with Oklahoma's flagging system he offered to testify against it in the federal court suit.

"The Oklahoma institutions," Schwartz told GNS, "have nothing to do with the needs of kids, but are there to shore up the local economies."

Rader turned down about \$4.3 million in federal help in the last five years because he didn't want Washington looking over his shoulder, and everytime the federal officials tried to push for modern community programs, he scoffed.

"They kept telling us they did not want to move dependent and neglected children out of the institutions," said Schwartz, "because they think it leads to more severe crimes. All that is nonsense. The evidence is the other way, that locking these kids up is criminalizing."

Most juvenile experts agree that the longer a kid is in a jail-like institutional setting, the more likelihood exists he will commit a crime. Even Rader told to GNS that it's hard to get lawmakers to talk about this angle because of one glaring political fact.

"Kids don't have the vote," he said.

Rader created a good mechanical flow of reporting abuses against the children, but largely ignored them once they were in his office, where they now number almost 8,000 and fill 13 file cabinets.

William W. Treanor, a juvenile care consultant and nationally known expert on runaways, testified before the U.S. Senate Judiciary subcommittee on juvenile justice last week about his recent inspection of the Oklahoma system.

Treanor urged the issuance of subpoenas and further testimony, a timing decision the subcommittee is expected to make later this week.

What would we learn from subpoenaed Oklahoma officials, asked subcommittee chairman Sen. Arlen Specter, R-Pa.?

"I believe we would learn why there were abuse complaints, and then no action taken," replied Treanor. "And why there's no real management system and training of staff, and why so many young people are inappropriately placed in the institutions, and why deprived people are placed in these institutions."

Treanor's observations were that "in my personal, professional opinion, the state's philosophy of care and its priorities are not consistent with the best interests of children. In my professional opinion, these young people are traumatized. They spoke repeatedly of being spied on continuously."

Both Schwartz and Treanor feel Oklahoma — with its impressive \$1.2 billion annual public welfare budget, which includes juvenile services — still must move toward community-based homes and specialized foster care.

"There seems to be a question of philosophy here, senators, whether the children should be in institutional care or community based care," testified Treanor.

"Ironically, the department has very adequate funding," noted Treanor, but ignores some obvious solutions. For instance, Treanor testified, one 14-year-old boy at the Whitaker training school whose arm was broken for not going to bed, told him he repeatedly expressed to state officials an interest in farming and raising hogs — something he had already done successfully. They refused to transfer him to a DHS farm school where hog-raising is a specific project.

In their advocacy of community group homes, Treanor and Schwartz may get a powerful ally. U.S. Senator David L. Boren, D-Okla., former governor of that state, says he has continually pushed for juvenile shelters and community group homes. Invited to the subcommittee hearing as a courtesy, he noted three separate times that he had pushed for these alternatives.

"If just one of these abuses took place, then that's one too many," Boren told his colleagues after hearing grisly tales of child abuse. The answer, he said, seems to be in group homes.

Many accounts portray such practices as controlling children by squeezing and twisting their genitals, sticking girls in the breasts with pins, and burning helpless residents with cigarettes.

The mental institutions / Part One

Chilling files show even retarded were not spared from beatings

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Many have no way to express their pain and bewilderment.

Some can't talk at all. Others are crippled and fearful, or too weak even to cry. But all of them feel.

These are Oklahoma's mentally retarded children. All of them can be hurt. And many of them are.

Confidential records obtained by Gannett News Service show that the violent conditions previously uncovered in the state's six juvenile detention centers exist in at least two of Oklahoma's major institutions for the mentally retarded, Enid State School and Pauls Valley State School. The third state facility for mentally retarded children, Hissom Memorial Center at Sand Springs, has its own carefully guarded internal reporting system and does not report abuse investigations to state offices here.

Among the discoveries from the GNS investigation:

- In both Enid and Pauls Valley, internal state files demonstrate, mentally and physically handicapped residents have been subjected to repeated assaults by adult attendants who have whipped, kicked, gagged and battered defenseless children into subjugation.

- Such abuses are promptly investigated by the administration at each facility, but the punishment is generally mild. Often the investigating panel decides that the abuser was provoked or the situation was stressful. The young victims — many of whom cannot communicate coherently — are blamed routinely for provoking their adult supervisors into beating them.

- The abuse investigations are strictly internal affairs, with complaints investigated and judged by staff members of the institution itself. In the rare cases where a complaint is carried beyond an institution's own purview, the attentiveness to the issue at hand is remarkably different.

The victims of this abuse are mentally retarded — not insane or mentally disturbed. They are profoundly deficient and helpless human beings, in many cases adolescents with the minds of infants.

They are children born with severely limited brains or stricken at an early age by progressive, nerve-destroying diseases. Many suffer from crippling physical or emotional handicaps as well.

Even though the children are too feeble and incompetent to complain, conscientious state employees sometimes step forward to point out abuse, exposing themselves to criticism and threats from fellow staff members.

The state welfare agency here has hundreds of abuse reports filed since 1973 by such employees, or occasionally by parents. All are addressed to the Department of Human Services's powerful director, Lloyd E. Rader.

As chilling as those records are, interviews with former state employees and parents of institutionalized children reveal an even more startling picture of life in Pauls Valley and Enid.

Their accounts portray such practices by attendants as controlling children by squeezing and twisting their genitals, sticking girls in the breasts with pins, and burning helpless residents with cigarettes. Parents and former workers also charge that children have been subjected to painful medical treatment without anesthesia, and left to suffer unattended for weeks after they sustained fractures.

Sometimes when a complaint is substantiated, particularly against a new employee, the employee is asked to resign or is fired. But that is exceptional. In

the vast majority of cases, the punishment is no more than counseling or a reprimand. Occasionally a employee is suspended.

The documents suggest a pattern in which violent discipline is an acceptable first resort in dealing with tough-to-handle retarded children.

No one contacted by GNS could recall any broad departmental investigation of abuse, despite volumes of documents suggesting that guidelines are violated regularly. Only narrow investigations of individual cases of abuse take place. With the retarded victim usually incapable of naming his assailant, the investigation often ends in a standoff between the accuser and the accused.

Under Oklahoma law it is a felony — punishable by up to five years in prison — for any employee to "maliciously assault, beat, batter, or abuse" persons under state care. The department's formal written policies forbid the "use of corporal punishment" or "physical abuse of residents in any form."

Yet when questioned recently, Director Rader admitted to GNS that none of his employees has been prosecuted for abuse of institutionalized children.

Typical of the department's handling of such cases

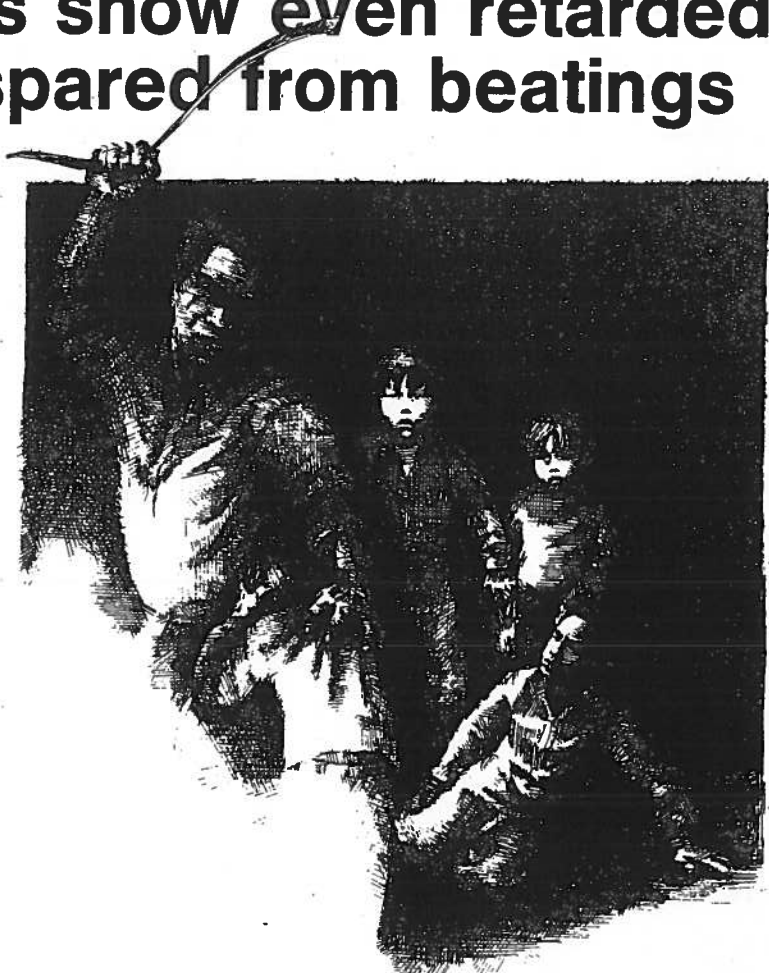
is an Oct. 7, 1979, Pauls Valley abuse incident involving four retarded and severely brain-damaged boys — Marvin W., Larry C., Paul A. and Leroy C. — who became excited when a parent returned his child to their dormitory after a weekend furlough. (This reaction is described as common by employees, since the children believe they may be going somewhere or are about to be visited themselves.)

According to an Oct. 19 report of the incident, prepared by Pauls Valley Superintendent Norman Smith, the four children did not respond to attendant Ricky Stevenson's instructions that they return to their areas and stop trying to talk to the visiting parent.

Stevenson, the state record shows, then took the children into a dormitory "clothing room," sat them down in chairs and proceeded to beat them around their heads, necks and shoulders with a "doubled over" leather strap.

Under questioning by an internal investigating committee, the boys — all of whom sustained "severe bruises" and contusions — indicated that Stevenson

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MENTAL

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had repeatedly struck them and warned them "that if he heard any of them crying he would hit them more."

Stevenson denied whipping the children, claiming that "he only shook them a little."

The investigating panel decided that Stevenson "did strike the boys with a belt," but also concluded that his actions "were prompted by a loss of control, not malicious intent."

Stevenson was suspended for a week without pay. There was no further action.

In a memo to Rader concerning the incident, Superintendent Smith praised the chastised employee as an "intelligent" and "capable man" with a "good work record" and "good caring qualities."

Employee abuse of mentally retarded children takes many forms, and is not limited to physical assaults.

And when it is investigated, it's usually by some other in-house employee dragged into duty, usually with a specialty in some other, non-related field.

At Enid State School, a speech therapist named Sylvan Reynolds sits as chairman of the Special Abuse Investigating Committee.

According to a report prepared by Reynolds, a medical examination revealed that the mouth and jaw of Jeff P., a young retarded boy, "were very sore due to rough treatment."

Under questioning, the child told Reynolds that he had "been cussing" and was resisting the attempts of two attendants, Romona Phillips and Dianne Jones, to place him in leather restraints.

After being restrained, Reynolds reported, "Jeff apparently cursed and screamed at both ladies," which prompted one of them to hold him while the other "got a bar of soap and attempted to force it in Jeff's mouth."

When "Jeff only cursed and screamed louder," Reynolds wrote, one of the women tied a "knot in a towel and attempted to force the knot in Jeff's mouth."

Reynolds concluded that the women's actions were an "inappropriate response" to the management of retarded children, but added that the "incident was most probably due to exasperation and defense of ego."

In report after report, similar characterizations are made as excuses for abusive actions by employees.

"This would appear to be an isolated incident that was not in character for either of these ladies," Reynolds said, "and was most probably a reactionary response to Jeff's extremely offensive cursing."

No action was taken against either attendant.

Enid's lax enforcement of state laws and departmental policies concerning child abuse became apparent in an incident reported by a new employee who hadn't had time to learn the ropes. The new attendant was being escorted around the facility by relief supervisor William Forbes when Kitty P., a retarded girl, attempted "to escape from the ward."

Reynolds reported that Forbes "paused momentarily in the hallway" of the dorm, "failing to close the door after him." When the child tried to leave through the open door, the report continued, Forbes "struck" her "several times" and "physically pushed her back into the ward."

Forbes, said the report, then tried to explain his actions by telling the new employee, Vicki Frakes, that "it was necessary to be physical with students in such a manner or suffer the consequences of failing in effectiveness in management-discipline with students."

The supervisor also told Frakes that the Enid child-abuse investigating committee was "ineffectual" and that "little, if anything, came about as a result of their investigations."

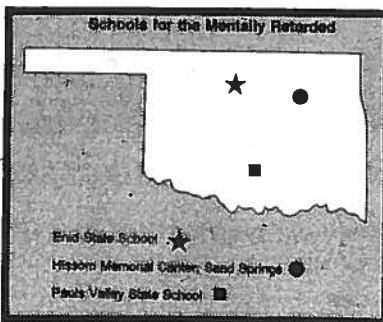
The incident prompted the new attendant to quit after only one day. As Reynolds put it, Frakes had an "apparent lack of confidence in her ability to be effective with management and discipline of students without resorting to such extremes."

Forbes admitted to hitting the girl, but explained that he believed he was being "attacked" and "reacted without thinking." He added that he was "not maliciously attempting to harm Kitty."

The reports usually don't say anything about the age or size of the child involved.

Reynolds and his committee found that Forbes "did indeed strike Kitty," but concluded that the incident was "somewhat of an instinctual reaction and could more easily be understood on that basis."

The supervisor received a verbal reprimand for



his behavior and his caustic remarks concerning the institution's paper-tiger child-abuse investigations. He was counseled sternly "that the superintendent does take action without exception" on "resident abuse by employees."

A May 8, 1979, Pauls Valley abuse report, authored by Superintendent Smith and sent to Director Rader, provides some insight into why mentally and physically handicapped children repeatedly fall victim to adult attendants.

According to that report, two attendants told their shift supervisor that they had witnessed Vincent Turner, a probationary employee, beating a retarded boy, Gary E., with a plumber's plunger. Initially, at least, no abuse report was filed on the incident. The

In one report, two attendants told their shift supervisor that they had witnessed Vincent Turner, a probationary employee, beating a retarded boy, Gary E., with a plumber's plunger. Initially, at least, no abuse report was filed on the incident. The supervisor merely informed Mr. Turner that he was not to have anything in his hands when working with residents...

supervisor merely "informed Mr. Turner that he was not to have anything in his hands when working with residents," said Smith's report.

Later, the report continued, a belt-wielding Turner was caught "chasing" another retarded youth, but an "employee interceded and prevented any abuse."

Turner, who had previously been disciplined for "sleeping on the job," was given two options: resign without prejudice or accept suspension while an investigation was conducted. He chose to resign voluntarily.

Unfortunately, Smith lamented in his report to

Rader, "this is an example of what can happen when you are forced to place the tremendous responsibility a child-care worker has on young people barely out of high school."

"Due to problems with 'turnover' and the lack of more mature, experienced and capable people seeking employment, we simply do not have any other alternative."

A similar incident occurred at the Enid Institution on Dec. 12, 1979.

According to an abuse report drafted by Sylvan Reynolds, the problems began when a retarded child, Thomas B., refused "to comply with" attendant George Ola's "request to take a bath." Ola, a part-time employee and college student, had had about 20 hours of on-the-job training and no real practical experience.

The boy, Ola contended, became "verbally hostile and belligerent" and "struck" him when he insisted Thomas take a bath.

Wanda Helms, an attendant on duty at the time, didn't see the youth hit Ola, but she did witness what happened next. The report read:

"Ms. Helms stated that she observed Ola with a belt in his hand striking at Thomas who was backed up in a corner. Ms. Helms shouted at Ola to stop, and as he did Thomas left the corner and ran down the stairs. Ms. Helms stated that Ola followed Thomas down the stairs attempting still to strike at him with the belt."

"Thomas ran into the downstairs bathroom with Ola in pursuit and when in the bathroom he again attempted to strike Thomas. Ms. Helms intervened and directed Ola to leave the bathroom which he did."

"Ms. Helms stated that she led Thomas from the bathroom and upon entering the ward Ola attempted to grab Thomas by the arm and when Thomas resisted, Ola grabbed Thomas' chin forcing his head back. In so doing, Thomas struck his head on the toothbrush holder mounted on the ward by the bathroom door and again began resisting and fighting Ola."

"Ola again attempted to strike at Thomas with his open palm. Ms. Helms stated that she intervened again and took Thomas to the office where she left him and then returned to the ward to interview Ola and to calm the other students."

Confronted with the allegations by attendant Helms, Ola, the abuse report said, "acknowledged his responsibility and behavior," but explained that the "force of the blow from Thomas had dazed him and that he had initially lost his temper."

Ola was fired.

Less than a week earlier, another young Enid attendant with about two months on the job became involved in an altercation with a retarded boy under his care, but he fared better than Ola.

James L., read the Dec. 7, 1979, abuse report, violated an Enid rule which forbids returning to the dormitory unescorted following the evening meal. As punishment for the minor infraction, the boy was ordered to bed early by attendant Vernie Dillard.

According to the report, James refused, and Dillard contends he began to "fight, kick and spit."

"In an attempt to establish control," the report read, "Vernie slapped James in the face across the bridge of the nose."

Although the single "slap" resulted in the blackening of both the youngster's eyes, the Enid child-abuse committee found that "Dillard's brief period of employment" and the boy's "destructive and combative traits" were responsible for the incident.

No action was taken.

Officials of the two institutions declined to discuss these cases with GNS, some citing orders from the Human Services Department's Oklahoma City headquarters.

Employees Rickey Stevenson, Ramona Phillips, Diana Jones, Vincent Turner, and George Ola could not be located by GNS prior to publication. Relatives of Vernon Dillard, including his mother, said they didn't know where he is living. William Forbes' mother said he lives in Kansas now and has no telephone.

Lloyd Rader failed to respond to phone messages and a telegram. Other departmental officials declined comment.

NEXT: Abuse and cruelty

An ex-employee tells how DHS's policy was thwarted

"The very first night I worked, this girl who had tried to report another worker told me, 'Whatever you do, you don't see anything, you don't hear anything. You turn your eyes, you turn anything else you have to.' I only made two abuse reports, and I knew I was beat."

— Anne Limberger, former child-care worker, Pauls Valley State School

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Anne Limberger, who turns 40 this month, had worked with children before in a Head Start Program in Sulphur, Okla., and had loved it.

So when she was accepted for employment at the state's large school for mentally retarded children at Pauls Valley, she was excited. She looked forward to a gratifying job, helping afflicted youngsters, at work she enjoyed.

She didn't last more than six months.

She saw too much child abuse — more than she could take — and quit in frustration. Department sources say she had fine work record and left in good standing.

Anne Limberger's mistake, she thinks in reflecting on it, was taking a state law seriously and believing weighty Department of Human Services policy pronouncements about reporting child abuse.

"Some of us tried to do something about it," she recalled in an interview with Gannett News Service. "They tell you, when you see somebody abuse a child like that, you are as responsible as they are if you don't report it. That if you didn't report it, you could be fired or fined, or possibly imprisoned."

"I'm going to tell you something. All during the week of orientation you go through, to get you familiar with the rules and regulations, you are told the whole campus is for the children, every one of them. It's not for the people who work there, or for the people who run it. It's for these children. The funny part of it is, everything that is taught is exactly the opposite of what goes on."

At Pauls Valley, Limberger worked exclusively with children who suffered both mental and physical handicaps — retarded both in mind and body. She now works in the kitchen of a private nursing home in Wynnewood, but before she left the multiple-handicapped unit at Pauls Valley State School in 1980, she says she was an eyewitness to things like this:

- Mentally and physically retarded young boys whose heads were bashed against the wall for sloppy toilet procedures.

- Mentally and physically retarded young boys whose penises were twisted until swollen for the same thing.

- The slapping about the ears of a mentally retarded deaf mute to see who could be the first to make her cry.

- Racial slurs accompanying the knocking of a small, mentally retarded black boy over a bench for reacting to teasing.

- The frequent sticking of straight pins in the breasts of mentally retarded girls.

- Colleagues who secreted pins and sticks to torment their charges.

- The beating of a small mentally and physically retarded boy with a leather key strap until his back was a "bloody, swollen mess" because he confused his wakeup hour.

- And most of all, a persistent, ingrained, accepted and condoned practice of covering up such abuse until the incidents were forgotten.

"There were other women besides me who reported things, and nothing ever happened about it," Limberger recalled. "They went up and complained too, I done as much as I could."

"The reason I quit was because of the abuse. I had reported it and told them I didn't want to work with these people again, and they turned around and put me right back on the same unit with them. I don't know how many times the same lady had been brought up on charges that I reported, but they said

they didn't have enough evidence. My word wasn't good enough.

"It is bad out there. I lasted six months, and that was it."

Limberger's penchant for trying to play by the written rules drew implied threats from other employees.

She recalled: "I had one lady tell me she had pulled a girl's hair and bent her neck back — had her around from behind and was bending her neck backwards — for taking a drink out of her pop in the telephone room."

"She told me, 'If anybody ever hears about this, just remember — it's an awful dark parking lot out there.' I figured, hey lady, if that's your bag ..."

Limberger said she witnessed unceasing child

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abuse from the very first day she was there, often in the company of supervisors and administrative personnel.

The day she quit, Limberger called Pauls Valley resident supervisor Dolores Womble.

"I told her, 'You people don't care what goes on here as long as it doesn't shake the windows in this office.' I told her, 'Those kids have enough problems let alone someone who's mean to them like that.'"

She had just observed a particularly upsetting incident involving three state employees and a mentally retarded little girl who was deaf and could not talk.

"I had seen these three women slap her on the ears as hard as they could — this was a game to them — just to see who could hit her the hardest to make her cry," she said. "Whoever made her cry was the victor. That's what I saw. I was standing there watching."

Limberger contends that only a calloused attitude allows one to continue working at Pauls Valley.

"If you don't go along, you cannot last," she said. "The old-timers, who've been there six years, 12 years, do just as they damn well please. It's the word of the new people against the word of the old people. Nine times out of 10 the new people are the ones who get bumped."

One of the incidents Limberger did report formally, eventually to no avail she said, was the whipping of a small mentally and physically handicapped boy who made the mistake of wetting his bed one night, and then trying to correct it.

The administrators at Pauls Valley, she said, made her "feel guilty for having reported it."

Limberger told GNS that a fellow worker, a veteran employee, was working the multiple-handicapped ward with her one night when a boy "about

the size of a 10-year-old" ran into trouble. According to Limberger:

"This little boy had gotten up during the night and had wet his bed. Usually we set the clothes out for them that arebtoget them, and who don't have to be dressed. He'd wet the bed and gotten up and pulled his sheets off the bed, and pulled his pajamas off."

"Then he walked out into the bathroom area and laid them down. He sat down on the toilet and got back up, and evidently he thought it was time to wake up, because he went to get his clothes. Well, the lady I worked with ran over to him and grabbed him by the hair of the head and set him back down on the toilet."

"Then, not bothering to put any clothes on him or anything, or give him any clean sheets or nothing, while she was marching him back into the bed ward, she was slapping him with the back with this strap — this key strap — this leather strap."

The strap, explained Limberger, was a common implement for Pauls Valley aides to carry. "It holds keys to the medicine room and such. It's a leather strap about 12 inches long, and they wear it clipped on with a pin."

The boy, she said, was very small. "If he was five foot, it was a miracle. I doubt it very seriously if he was over a hundred pounds. This was not some big bruiser."

Soon his back was bloodied and swollen, said Limberger. "I mean a real whaled him. She was hitting him with the strap, holding the keys in her hand, hard enough to where you could hear it. It was bleeding at the time. He was screaming, but nobody was paying attention."

The woman hit the boy about half-a-dozen times, Limberger said.

"Of course," she remembers, "I reported it. Since then, I've always had the attitude nothing will ever be done about abuse, and it just doesn't matter."

Limberger soon found herself before Pauls Valley Superintendent Norman Smith, Supervisor Womble and her immediate ward supervisor, Mary Armstrong.

"This was four days to a week later," recalled Limberger. "By then the boy's back was scabbed over and bruised. I asked Armstrong if she had seen the back, and she just said yes. That's when they told me they had investigated it and they did not feel they had just cause to do anything about it."

Limberger soon had occasion to file another official abuse report about an employee.

"I had reported that this one girl kept sticking straight pins into the breast of another girl. Come to find out, nothing happened. Mrs. Womble transferred her to housekeeping."

The employee, said Limberger, "had the girl down on the bathroom floor, and the little girl couldn't talk, but she screamed a lot."

The employee, she said, "had this thing that when the girls were sitting on the stools, she'd run in and pull the top off them, and lift their bras off and try to undress them. I don't know what her psychological reason was, but anyway, this one girl — this little Laura — she got her down on the floor and was holding her down, and she was sticking her in the breast with a straight pin. She just pulled up her shirt and was sticking her with the pin. Just like she would a doll or something like that. She'd poke, poke, poke, poke."

It was common practice, said Limberger, for veteran employees to hide such weapons in nooks and crannies around the institution.

Perhaps the most frequent abuse of all, said Limberger, was the practice of punishing young mentally retarded boys, if their morning toilet demeanor was not precise, by using the bathroom's cinder-block wall — inlaid with terrazzo tiles — as a battering board.

It was, she reported, "their favorite doing," and would transpire this way:

"The boys, when they get up in the morning, are forced to go to the bathroom and all sit, and their penis is stuck between their legs, and their legs crossed, and they have to bend down and keep their head on their knees, so that in the event there's an accident, it won't be all over the floor that somebody has to clean up."

"Well, if accidentally one of these boys happens to squirm loose or something, the workers grab them by the hair of their heads, at the top, and smash the back

Please see LIMBERGER

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U.S. funds the lion's share for state's mentally retarded

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — While Oklahoma officials generally like to boast about their independence from Washington, they're eager to grab federal help when it comes to state schools for the mentally retarded.

Unlike the Oklahoma juvenile system's training schools and residential homes, where state expenditures provide almost 100 percent of the funding, the three state schools for the mentally retarded here rely on the federal government for the majority of their funds.

In 1981, the federal government provided about 60 percent of the fiscal support for the Oklahoma Schools for Mentally Retarded — at Enid, Sand Springs, and Pauls Valley.

The residential total at the three schools at any one time is about 1,835 — 580 each in Pauls Valley State School and Hissom Memorial Center at Sand Springs, plus about 675 at Enid State School. This works out to about \$17,941 a year spent on each mentally retarded patient, all funneled through the state's sprawling Department of Human Services.

Each "school" is actually a residential center for the care, treatment, and education of mentally retarded persons — mostly children — and each provides diagnostic and evaluation services.

When the Department of Human Services took over the institutions in 1963, the waiting lists for admission were long, and much of the population was adult. But as the federal government began paying a larger share, the department discharged many of the adults to specialized nursing homes or families, and the department turned the three sites into facilities concentrating on school-age children.

LIMBERGER

□ Continued from 31

of their heads against this. Or, they would pinch their penises, their privates, and twist them."

Sometimes, said Limberger, the abuse of the privates was so bad that the child would urinate blood the next day.

In her complaints, Limberger noted one co-worker's propensity for frequent abuse, especially of the more helpless children who were both mentally and physically handicapped.

"Most of these kids," Limberger told GNS, "had parents who had very little to do with them. Most of the kids that could talk, they had sessions with a counselor where they could tell if something happened to them."

"But most of the kids in the multiple units, they didn't talk, and they couldn't tell anybody what happened."

Racism sometimes crept in, said Limberger.

"There was a little black boy ... on the multiple ward," she said. "He can't walk, but he does real good for himself and he talks pretty good, and he would always say, 'I have a friend, I have a friend.' And he would get slapped, I don't know how many times, for saying that, because he'd repeat it and keep it up."

"When he'd get up, he'd always go into the day room and sit on the day bench. One day this other boy sitting in front of him kept aggravating him, and (he) tried to bite him to get back. This female attendant walked over to him — he can't use his legs at all, but he was sitting up — and she turned around to him and said, 'You little black bastard, you won't bite while I'm on duty, because you know I hate niggers, don't you?' And she slapped him, and when she slapped him, she slapped him hard enough to where he completely went over the next bench."

Other incidents of abuse quickly made the rounds among employees and were common knowledge at Pauls Valley, said Limberger. GNS asked if she had

This move toward child-oriented services was so clearcut that today to get into one of the three schools an afflicted child must have a verified mental age of not more than nine years, no matter what his or her chronological age.

According to department records, slightly more than 70 percent of the populations at Enid, Hissom and Pauls Valley are children in chronological age. The rest are young adults, mostly in their early 20s, who came to the schools as children and have no place else to go or are awaiting placement with families or specialized homes. All of the residents are mentally below early teen functioning.

After a child applying for entrance is certified as mentally below nine years, he or she theoretically then enters the institution assigned for his or her area of the state. Pauls Valley serves retarded children from the 35 southern counties — demarcated by a jagged line directly across the middle of the state from east to west. Enid serves the northwestern 23 counties, including the panhandle and Oklahoma City, and Hissom serves the 19 northeastern counties, including Tulsa. Exceptions are made frequently.

Of the three schools, Enid is the oldest. It was established in 1909. Pauls Valley used to be a training school for juveniles like Boley or Helena, and in the 1940s was a hospital for epileptics. It has been a facility for the mentally retarded since 1952. The Hissom Memorial Center at Sand Springs was opened in 1964 and is named for the couple who gave the state the 226 acres it stands on.

Workers in the three schools for mentally retarded receive a wide range of salaries. Those working on the "front lines" — the attendants and child care workers — are classified by the department as "resident staff aides" and start out at \$8,865 a year, working their way to about \$13,700 a year after five to seven years of service. Superintendents at the schools receive between \$30,770 and \$41,235 a year, depending on

background and length of service. A typical social worker salary would be between \$15,000 and \$19,350 annually, and a speech pathologist would get \$21,800 to \$24,300 a year. A speech therapy aide receives between \$9,541 and \$12,785 a year. Middle level supervisors, responsible for overseeing the administration of residential wards and such, get between \$19,380 and \$25,932 annually.

In ultimate charge of the facilities is Human Services Director Lloyd E. Rader, who has built a national reputation as a public welfare expert largely on his activities in mental retardation programs.

Two years after DHS was given responsibility for the mental retardation facilities, Rader was named to the Oklahoma Mental Health Planning Commission, and in 1966 he was appointed by Lyndon B. Johnson to the President's Commission on Mental Retardation.

Despite that, his inclinations, and the Oklahoma legislature's, have been to shy away from the treatment and education patterns of the last decade. In most states, mentally retarded young people have been "mainstreamed" as much as possible, and integrated into public education programs and decentralized facilities. This is done to some extent here, but Oklahoma is one of the few major states left to continue such emphasis on commitment to large, centralized institutions.

Thomas Gilbool, a Pennsylvania attorney and mental retardation expert responsible for landmark court action upgrading treatment for such children on the East Coast, told GNS that Oklahoma's policies "go against all the national trends."

Gilbool, a Public Interest Law Center attorney who represents the Pennsylvania Association of Retarded Children, said "the professional thinking around the country is to replace large institutions with family scale operations."

Oklahoma "must be one of the last states, maybe the only one" to place so many mentally retarded juveniles in large institutional settings, he said.



Lloyd E. Rader, head of Oklahoma's Department of Human Services, confers with an aide.

ever heard of a particular child being kicked by an attendant with pointed cowboy boots.

"It was a little girl," said Limberger. "She had a broken hip for two weeks before they took her to a hospital in Oklahoma City. I remember the incident, because for a long time the little girl limped. Just before I left, she got to where she didn't do anything but sit with her legs on top of a bench. She couldn't walk, she couldn't hardly do nothing. She had a broken

hip. And they (Pauls Valley officials) were told she done it falling off of a toilet."

Another form of abuse, said Limberger, was simple neglect.

One night in her final weeks there, she said, she noticed that a mentally retarded boy named Frederick had thrown up in his sleep while facing the wall next to his bed.

"I checked him for a fever and told this fellow I was working with and he just said, 'Oh, he had green beans for supper and he always throws up when he eats them.' But he was laying in all this puke, and I said to this guy, a veteran employee, shouldn't we clean him up or something. He said, 'Hell, just leave him there till morning.' So, I cleaned up the mess anyway so he wouldn't have to lay in it all night long. The next day, I found out, he was admitted to the campus hospital."

"It was a week or so later I quit."

How often, Limberger was asked, had she seen child abuse at the mentally retarded facility — daily, once a week, once a month?

"Oh, shoot," she replied. "It would be on the basis of every five or 10 minutes, especially during the day."

Had she ever seen or heard of anyone being fired for child abuse at Pauls Valley?

Just once, she said, and not while she was there, but back in 1976, when — in an incident still talked about at Pauls Valley — two employees were sacked for "pushing a girl's head down in the toilet and flushing the toilet."

The last administrator at Pauls Valley Limberger talked to was supervisor Womble.

"I told her these kids have too many problems as it is to have something like that hanging over their heads, and then I said, 'You people just don't care.'"

Womble and Smith declined comment.

Strict rules left by wayside State's tough standards ignored

By CARLTON SHERWOOD and JOHN HANCHETTE

Gannett News Service

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OKLAHOMA CITY — Before a new state employee starts work in a Department of Human Services mental retardation unit in Oklahoma, he is made to read several documents, all of which inform him that child abuse is absolutely not to be tolerated.

Gannett News Service, in its series on those units starting today, will show that such abuse is not only tolerated in the institutions but fostered by direct contravention of the official policy guidelines and various sections of Oklahoma state law.

The documents employees have to read and sign are Human Services Director Lloyd E. Rader's policy manual on the subject of patient treatment; Title 43A, Section 134 of the Oklahoma Statutes titled "Mistreatment of Patient;" and Section 846, Chapter 30, of the Crims and Punishments code of the same Oklahoma Statutes — a section titled "Mandatory Reporting of Physical Abuse of Children."

They are extremely precise. The new employee is expected to sign the treatment definitions with a formal promise "I shall comply with them without exception."

The first state statute, entitled "Mistreatment of Patient," reads: "Any officer or employee of any of said hospitals who shall maliciously assault, beat, batter, abuse or use mechanical restraints without authority, or willfully aid, abet, advise or permit any patient confined therein to be maliciously assaulted, beaten, battered, abused, or use mechanical restraints without authority shall be guilty of a felony and on conviction thereof, shall be punished by imprisonment in the State Penitentiary for not more than five years, or a fine not exceeding \$500, or both said fine and imprisonment."

The other state statute on "Mandatory Reporting of Physical Abuse of Children" reads that any medical employees or "every other person having reason to believe" that a child under 18 "has had physical injury inflicted upon him or her by other than accidental means where the injury appears to have been caused as a result of physical abuse or neglect" must report it promptly to Human Services officials or be guilty of a crime.

It continues the department "shall immediately investigate said report and forward its findings to the district attorney's office in the county wherein the suspected injury occurred, together with its recommendation as to disposition. In addition, a copy of the findings shall be sent to the Child Welfare Division of the Department of Human Services which shall be responsible for maintaining a permanent central registry, suitably cross-indexed, of all such reported findings. Any information contained in the central registry shall be available to any county office and to any district attorney's office or public law enforcement agency investigating a report of suspected child abuse or neglect."

Rader's policy manual, Section 2052, is equally clear:

"Under no circumstances shall physical force or threat of physical force be used with any resident except in self-defense, protection of persons or property, or for the prevention of escape. No greater degree of force shall be used than is necessary to accomplish the required purpose. Use of corporal punishment is prohibited. In accordance with the policy of the Department, fear or force of violence do not play any part in the program of the state schools."

LAWS RELATING TO INSTITUTIONS FOR MENTALLY RETARDED

TITLE 43A, OKLAHOMA STATUTES 1961

Section 134. Mistreatment of patient:

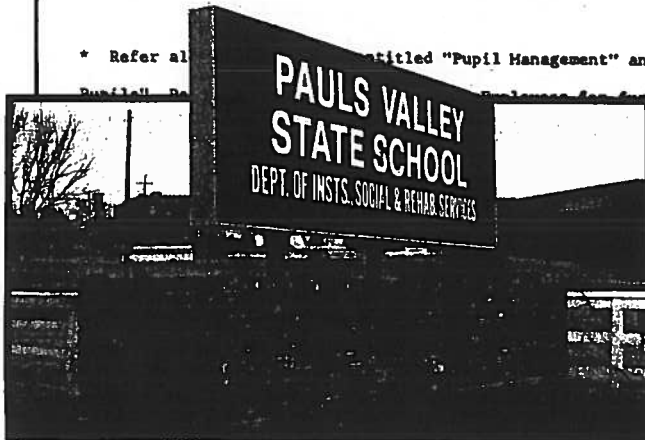
Any officer or employee of any of said hospitals who shall maliciously assault, beat, batter, abuse, or use mechanical restraints without authority, or willfully aid, abet, advise or permit any patient confined therein to be maliciously assaulted, beaten, battered, abused, or use mechanical restraints without authority, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the State Penitentiary for not more than five (5) years, or a fine not exceeding, Five Hundred (\$500.00) Dollars, or both said fine and imprisonment. (Laws 1953, p. 174 §134) *

I have read the above section of Title 43A of the Oklahoma Statutes and understand that it applies directly to my conduct on and in connection with my position at the Pauls Valley State School.

Date: 1-22-64

William G. Rader

* Refer also to Title 43A, Section 134, titled "Pupil Management" and "Disturbed Behavior," and to the Department of Human Services for further interpretation.



Document shows regulations regarding mistreatment that were routinely ignored at Pauls Valley, and elsewhere

Under "Methods of Discipline" in Section 2052, Rader's policy manual states:

"Certain forms of discipline are clearly inappropriate and are prohibited. Grabbing and pushing uncooperative residents, use of profanity or verbal abuse by staff members, measures which humiliate residents, or rigid disciplinary action are not permitted. Whipping, paddling, pinching, slapping and any other form of corporal punishment are prohibited. Physical abuse of residents in any form is prohibited."

To strengthen the anti-abuse system, and to reach the stated goal for a "zero level" of unexplained injuries, some department administrators have given employees very explicit written instructions about reporting such incidents. They are either identical or similar to a notice posted recently by Enid State School superintendent Howard Chinn:

"Any employee or other person who witnesses

what he perceives to be abuse, corporal punishment, or legal mistreatment of a resident by an employee or who gains information that an employee may have subjected a resident to abuse, corporal punishment, or legal mistreatment is directed positively, absolutely, and without equivocation to report immediately what he has witnessed or the information he has gained.

"The importance of immediate reporting of abuse, corporal punishment or legal mistreatment cannot be emphasized too strongly. Immediate means the first instant that one can report without jeopardizing the welfare of a resident or residents for whom one is responsible."

As GNS has learned in a five-month investigation of chronic child abuse and mistreatment of mentally retarded youngsters in the Oklahoma Department of Human Services, this laudable instruction is frequently and flagrantly disobeyed.

The mental institutions / Part Two

Horror practices condoned despite denials by officials

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — In 1976, two female attendants at Pauls Valley State School were fired for using some questionable techniques while teaching personal hygiene to a mentally retarded child at the institution.

The women were forcibly submerging the girl's head in a toilet and flushing it.

According to Lloyd E. Rader, the powerful director of Oklahoma's sprawling Human Services Department, which runs the state's three institutions for retarded children, such incidents are rare, although Rader's own attorneys confirmed the toilet-dunking incident for Gannett News Service.

When abuse does occur, Rader insists, his 14,000-employee department moves swiftly to mete out punishment.

The findings of a GNS investigation into abuse of orphaned, deprived, and mentally and physically handicapped children housed in DHS institutions suggest otherwise.

Scores of confidential state records obtained by GNS demonstrate that abuse of mentally retarded children, including children who also suffer from physical disabilities, is pervasive in two of the state's largest facilities, Enid and Pauls Valley State Schools.

Interviews with former employees and parents of mentally retarded children paint a picture of a system that condones violence while offering no aid or comfort to those who attempt to report abusive, sometimes sadistic, treatment.

In early November of 1980, for example, state records show that two Human Services investigators, Don Wallach and a registered nurse, Vickie Miller, were sent to Pauls Valley to follow up on an in-house probe which failed to determine who was responsible for the beating of two physically and mentally disabled boys.

The state investigators spent two days poring over work logs and interviewing staff members. They succeeded in reducing the suspect list to a single male employee working in the dormitory for multiple-handicapped children.

Although the probers were unable to extract a confession, they learned from another staffer that far more shocking activities routinely occurred in Pauls Valley's two "multiple units," where the doubly afflicted are housed.

In their Nov. 10 "Finding of Fact" report addressed to Rader, Miller and Wallach said that an

employee they characterized as "reliable" recounted several incidents in which mentally and physically disabled youths were subjected to a form of punishment known as "stretching."

"We were advised that stretching is a common occurrence," the probers' report read. "This is accomplished by taking a resident down and bending both arms up behind his back as well as crossing his legs

strict disciplinarian and believes in this type of treatment."

A week after Wallach and Miller filed their report, the department reacted. Lowell Green, executive assistant for mentally retarded institutions and the "developmentally disabled," appointed yet another investigator, Joseph Deacon, to look into the abuse of residents.

Deacon was hardly an outsider. He had resigned just months before after more than a decade as superintendent of Pauls Valley. Although he had moved to Georgia, he still maintained a lucrative department contract as a "consultant."

On paper, Deacon adopted the posture of a no-nonsense prober with a let-the-chips-fall-where-they-may attitude.

In his report of Nov. 21, 1980, however, Deacon focused his attention not on the accusations of brutality but almost solely on the identity of the employee who revealed the incidents to Wallach and nurse Miller. "There was much conjecture as to whom the 'reliable source' might be," Deacon wrote.

Initially, he said, "no one suggested who it might be," but later, during a staff meeting, Pauls Valley officials named a suspect.

Deacon reviewed the suspect's personnel record, and offered the opinion that the man's evaluation reports showed a "lack of dependability and involvement." He recommended that the Pauls Valley administration be informed of the man's identity.

Deacon also suggested that the attendant "be counseled to affect a mutual benefit to himself and the institution administration."

As for the practice of "stretching," Deacon dismissed the charges with a single sentence. "Stretching," he said, "is a term too long in usage

by residents whenever there is a contact with an employee and also too often used as accusation by residents."

No action was recommended against any of the employees accused of abuse. The matter was dropped.

At the Enid State School a year earlier, a seemingly clear-cut case of assault on a mentally retarded boy ended in a similar manner.

Jeff P. got up early on the morning of March 22, 1979.

According to a report of the incident filed by Sylvan Reynolds, an institution employee who serves

Please see HORRORS on page 35

PAULS VALLEY STATE SCHOOL

November 10, 1980

in better condition and cleaner than we had found Murray Hall. Mrs. Womble assured us again during an exit conference she would make immediate corrections to what we had found in the cottages.

On this same date we interviewed a reliable source who is employed at Pauls Valley State School. We were advised that "stretching" is a common occurrence in both Johnson Murray and Murray Hall. This is accomplished by taking a resident down and bending both arms up behind his back as legs and also pulling them up. The resident or released until he states he will not commit the same act again. We were also told of an incident on Johnson where a resident, David McKinney, down and beat two black eyes. This was done by three employees (other names not known). Rose also had his arm broken and Raymond, an Indian boy, a sprained arm from stretching. One boy, Bill, attendants they couldn't control him so they stretched him several times, but he still recording to the source, Buddy Clark on Multiple months ago. Also, Bruce on Multiple Unit, B-17, was beat up and placed in the hospital about four months ago.

According to source, Mr. Feister, Supervisor on Johnson Murray and Johnson Hall condones, and is aware of, this type of treatment of residents. Source also advised that it is Mr. Feister who requires the resident to submit before the attendants are allowed to turn them loose. From all indications, disciplinarian and believes in this type of treatment. No direct evidence exists to charge.

"We were advised that 'stretching' is a common occurrence. This is accomplished by taking a resident down and bending both arms up behind his back as well as crossing his legs and also pulling them up. The resident is not allowed up or released until he states he will not commit the same act."

RECOMMENDATION:

It is recommended that immediately upon discovery of an incident where a resident is abused, that those suspected be separated and reassigned to other duties. That training be given to all personnel in our schools on the correct procedure in handling a resident who is out of control. That intense orientation be given to all new employees of our Mentally Retarded Schools prior to the time they are assigned to a cottage. That the school take further action in an attempt to discover what type of actions are con-

DHS investigators found that 'stretching' patients in mental retardation units had replaced 'hogtying,' but they recommended no action be taken.

and also pulling them up. The resident is not allowed up or released until he states he will not commit the same act again."

One boy "had his arm broken," the investigators said they were told, while another suffered a "sprained arm from stretching." Their source noted that a third youth defied staff members and was "stretched several times." Still another boy was "stretched so badly he had carpet burns."

The investigators went on to say that they had been told by their source that one youth sustained "two black eyes" after three staff members hit and kicked him. A multiple-handicapped boy, they said, "was beat up and placed in the hospital."

The beatings and stretching incidents, the investigators said, were condoned by certain staff members and at least one supervisor who, they noted, "is a

HORRORS

Continued from 34

as chairman of the Enid abuse investigating committee, the boy resisted three attendants' orders that he return to bed.

The boy, the report said, asked for a cup of coffee and when he was refused, became "defiant and belligerent" toward the attendants. Jeff P. walked out of the ward and down the stairs "muttering obscenities," the report said.

Then, according to Reynolds' report, one of the attendants, Cecil Osbourne, in the full view of two witnesses, "ran down the stairs after Jeff and caught him by the arm and spun him around, slamming Jeff in the wall with sufficient force to strike his head."

The boy "slumped to the floor," the report said, and Osbourne "grabbed Jeff by the hair and the arm and drug him back up the stairwell to the ward."

Then Osbourne forced Jeff to the floor and straddled him again, grasping Jeff by the hair using both hands "in trying to 'strike Jeff's head against the floor.'"

After an attendant interceded and broke up the fracas, "Jeff stood up and walked away," but Osbourne followed admonishing the youth to "behave," said Reynolds in his report.

The boy then cursed Osbourne and the entire scenario was played out once again: Osbourne "threw Jeff to the floor and drug him a short distance by the hair and again straddled him." The two were eventually separated a second and final time.

Later that same day, Osbourne, according to Reynolds' report, acknowledged that he had "probably used excessive force in managing Jeff," but he explained that it was his perception that other attendants "viewed his role as that of an enforcer, expecting him to effect physical control of Jeff."

Enid Superintendent Howard Chinn noted that Osbourne's "limited experience," Jeff's "chronic intractability" and the "seeming expectation on the part of other employees that Osbourne was to handle this incident" had all played a part in accounting for the abuse.

Chinn ordered that Osbourne be counseled and added that he was "cautiously optimistic" that the attendant would "develop into a stronger than average employee."

At Pauls Valley State School a few months later, female attendant Kim Howard didn't fare quite as well when she was accused of beating a profoundly retarded child with a woman's vinyl belt.

Pauls Valley Superintendent Norman Smith portrayed Vicki T. in his report as a small "non-verbal, severely retarded...very vulnerable and defenseless" girl who, his attendants said, had no capacity to cry even when she was beaten.

According to Smith's report, another attendant, Frances Paine, witnessed Kim Howard "whipping" Vicki T. across the buttocks and legs with a belt because the retarded girl had repeatedly "soiled her clothes."

Initially, Paine did not report the beating. She only acknowledged the abuse incident under questioning after "red marks and bruises" had been found on the retarded girl's buttocks.

Asked to explain why she didn't tell her supervisors about the beating, Paine responded — according to the report — that "out of frustration I would have whipped my own child for doing what Vicki did."

Despite the medical report on the retarded girl — indicating that she had been "severely" beaten — Smith declared that Vicki was "not really injured, as the belt was light and could not have possibly inflicted serious injury on the resident."

He directed that Howard be suspended for four days. Paine was suspended for two days for failing to report the incident.

As a practical matter, employees who follow DHS regulations and report abuses they alone witnessed are begging for trouble or, at the very least, a frustrating experience.

For example, Enid abuse records show that over a 10-year period, various institution employees had reported that attendant Ruby Bowen was abusing children under her care.

She was employed at the facility less than a year when she began accumulating negative behavior reports.

The first, filed in January 1970, resulted from "her having kicked students." A few months later, records show, she was charged with being "especially hateful to the colored employees."

No strong disciplinary action was taken in either case.

In 1976, Bowen was accused of assaulting a

mentally retarded youth, Jamie E., who refused to put on his clothes or go to bed.

According to a July 16 report on the incident — witnessed by another attendant, Karen Sites — Bowen "grabbed Jamie about the neck" and slammed his head against the wall. She then "began striking at him with a cowboy boot... in the face at least three or four times."

After that, the report charged, Bowen threw Jamie "to the bed" and ordered two other retarded boys to restrain him while she "forced her knee into his groin, increasing the pressure until Jamie again stated he was sorry and agreed to comply."

Bowen, the report said, told one of the boys to twist the youth's wrist behind his back and "break his arm." She was also reported as telling Jamie, "I should have killed you when I had the chance."

If everyone's going to get so upset about it, he had a seizure and fell."

Bowen was not charged with abusing the child, but was saddled with the comparatively mild accusation of "neglect and lack of concern." She was counseled against similar incidents.

Finally, in February 1979, two young attendant-trainees filed abuse complaints against Bowen charging that they had witnessed her "pushing, shoving and striking" children in the multiple unit, including one mentally retarded girl confined to a wheelchair.

One of the attendants, Pam Dowler, told Enid administrators that "she had received or been made aware of numerous complaints regarding Mrs. Bowen in the past," and that "everyone" in the dormitory knew that she was "abusive towards students" but



STATE OF OKLAHOMA
DEPARTMENT OF INSTITUTIONS, SOCIAL AND
REHABILITATIVE SERVICES

To: Howard J. Chinn, Superintendent
Date: July 18, 1979

From: Ruby Bowen, Trainee, Attention
Trainee, Attention

In Reply, Address to
Attention

Unit 111

July 18, 1979. Mr. Chinn, I am writing to you regarding the incident that occurred on July 16, 1979, at the Enid institution. I was present when Ruby Bowen, a trainee, was in the multiple unit with Jamie E. Bowen stated that she had been told to "break his arm" and "I should have killed you when I had the chance." Bowen also stated that she had been told to "push, shove and strike" the children in the multiple unit. I am writing to you to inform you of this incident and to inform you that I am taking action to prevent such incidents from occurring again.

Ms. Bowen then reportedly grabbed Jamie again and began striking at him with a cowboy boot. Ms. Sites stated that during this assault Ms. Bowen directed student Ronnie Weaver and James Smith to hold Jamie down while she forced her knee into his groin, and then had Ronnie force Jamie's arm behind his back, stating to Ronnie, "break his arm."

Action taken:

On August 5, 1976, at my direction Mr. Gene Mauk, unit coordinator, called Mrs. Bowen into his office and informed her that she is being transferred from the second to the first shift and from Unit 3 to Unit 1.

Howard J. Chinn
Superintendent

When Enid administrators began conducting interviews with employees concerning Bowen's behavior, some said they had been contacted in advance by the accused attendant, who attempted to persuade them to offer favorable testimony.

Sites, "visibly upset" and "sobbing," the report said, told institution officials that Bowen had "accosted" and "threatened" her.

Enid administrators concluded that the abuse "most probably occurred as reported," and that Ruby Bowen's behavior was "consistent and chronic." They also charged that the attendant was "openly belligerent to supervisors" and related to residents "in an abrupt, intolerant and hostile manner."

So what did the Enid administrators do? Ruby Bowen was transferred to Enid's dormitory for physically and mentally handicapped children — the most vulnerable and passive of all residents, many of them unable to talk or complain.

Two years later, Mark S., a profoundly retarded child from the "multiple unit" was stopped by an attendant on the way to the Enid dining room. According to a Dec. 19, 1978, abuse report, the boy had "blood running down his neck from a wound in the back of his head."

The attendant on duty at the boy's ward, and the last adult to see him before his wound was discovered, was Ruby Bowen.

The report continued: "Asked if she knew what happened to Mark, Mrs. Bowen's response was 'well, I don't know, but I saw him when he was hurt.'"

most were "fearful to criticize her due to her hostile and belligerent demeanor."

Enid administrators concluded that "Mrs. Bowen undoubtedly did engage in behaviors and actions as described" and violated state laws "regarding the use of excessive force and mistreatment of residents."

Nonetheless, Superintendent Chinn said he would not press "legal charges" against the woman who, under Oklahoma law, was subject to criminal prosecution.

Instead, 10 years after she was first charged with abuse, Ruby Bowen was asked to resign, which she did.

Records from Pauls Valley show that even if two employees report assaults on children — and in-house investigators suspect that such abuse took place — there is no guarantee that any disciplinary action will be taken.

According to a July 18, 1979, abuse report prepared by Superintendent Smith, two attendants, Kendall Stephenson and Ricky Farrill, insisted that they had witnessed assaults on mentally and physically handicapped children by two female "multiple unit" attendants.

The two men charged that multiple-handicapped Jerome V. was "deliberately squirted in the face with shampoo" and that another retarded child, Jeff Y. had been "tied, arms above his head, to his bed." The two men further said that when they tried to wipe the

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The U.S. gave Oklahoma more than \$19 million in 1981 — about 60 percent of its budget — for the three schools for mentally retarded children.

Trend elsewhere to smaller, community facilities State system bucked changes

By CARLTON SHERWOOD and JOHN HANCHETTE
Gannett News Service

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OKLAHOMA CITY — Oklahoma's steadfast reliance upon large institutions for the care and treatment of mentally retarded children is one focal point of a wider controversy currently raging through the national mental care community.

Traditionally, huge institutions — usually run by a state's government — have been the way Americans took care of their mentally retarded. As the country grew, so did its social problems and so did the funding base for these big facilities. This huge well of funding kept pumping money into that institutional system and made it difficult to change.

It was not until the early 1960s that professionals in the mental retardation care field began shifting serious attention to community-based programs — smaller, better-managed units, closer to urban centers, where the retarded person could get more help and attention and was not "warehoused" in a dayroom somewhere, staring at a wall and a few beanbag toys.

By the late '60s, the large hard-to-manage institutions had reached a state of crisis — human snakepits with little staff and little funding.

"It is commonly acknowledged by most individuals in the field that conditions came to a head in the mental institutions at that time," said Paul Marchand, government affairs director of the Association for Retarded Citizens. "They were the most unmanageable of all human services. If you resided in one, it had to be the worst of times."

Two of the people who came onto the scene at that time — when Lyndon Johnson's "Great Society" had reached full flower — were Oklahoma's U.S. Sen. Henry Bellmon and the state's veteran welfare director, Lloyd E. Rader.

Bellmon drew up national legislation funding Intermediate Care Facilities for the Mentally Retarded, and Rader helped push it successfully on Capitol Hill. Congress passed it in 1970.

Funding was basically a reimbursement vehicle through Medicaid and other programs whereby states meeting standards could get huge gobs of money returned from Washington.

Last year Oklahoma got more than \$19 million, or about 60 percent of its budget for the three schools for mentally retarded children here, provided through federal reimbursements. This background may be helpful in understanding why Rader, still in power as

director of the state's huge Department of Human Services, is so reluctant to depart from the institutional approach toward care for mentally retarded children, housing about 1,900 of them at Enid, Pauls Valley, and Sand Springs each year.

"In these enlightened times, a system like Oklahoma's is incredible," said Thomas Nerney, chairman of a national task force for the mentally retarded called Operation Realrights. "Nationally, less than 10 percent of the mentally retarded in institutions today are

'In these enlightened times, a system like Oklahoma's is incredible,' said Thomas Nerney, chairman of a national task force for the mentally retarded. 'Nationally, less than 10 percent of the mentally retarded in institutions today are under 21, and those numbers are steadily dropping. Presently, about 95 percent of all retarded people live in community-based operations. In terms of sheer numbers, Oklahoma is unusual.'

under 21, and those numbers are steadily dropping. Presently, about 95 percent of all retarded people live in community-based operations. In terms of sheer numbers, Oklahoma is unusual. It's difficult to see how the state could be carrying out federal mandates for education of those kids."

Nerney, who helped found the Association for Retarded Citizens in Connecticut, told GNS "since 1975 we've seen a tremendous decline in the number of children institutionalized."

Much of this is due to the Education for Handicapped Act of 1975 which recognized that mentally retarded children often have some learning capabilities and are entitled to public schooling.

"In the last five years," Nerney told GNS, "there's been a decided shift in emphasis to community and family-based placement of retarded children and adults. It's the consensus of most, but not all, specialists in this field that institutions are completely unable to deliver the minimum training and rehabilitative services required under law, much less what the people actually need."

"Most experts, including myself, see community-based placements as the only hope for rescuing these folks from a life of sitting on a ward and staring at a wall."

Despite all the money the 1970 law triggered, it led to further problems, one of them an over-reliance upon such big institutions as attractors of federal revenues. The American taxpayer spent \$4.8 billion in federal and state funds on facilities for the mentally retarded — and institutions like Oklahoma's mentally retarded schools ate up \$2.8 billion of that.

Dr. Steven Taylor is associate director of Syracuse University's Center on Human Policy, and he just finished a book about where federal monies go in medical reimbursement programs for such institutions in 23 states, including Oklahoma.

"The country is gradually devoting more and more funds to community settings," Taylor told GNS, "but federal monies definitely flow at a greater rate toward states relying on the institutional approach."

"Historically, institutions for the mentally retarded are placed in very rural, isolated spots — intentionally — and they become company towns. Everybody in town has a relative who works there. Lots of these places used to be, and still are, run as fiefdoms."

Under the law Rader helped devise, the federal government picks up between 50 and 78 percent for

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shampoo away, one female attendant said, "Just let it burn!"

Stephenson and Farrill also accused the female attendants of "slapping, pinching" and "striking" retarded children with such things as shoes, mop handles, knotted towels and leather key ring straps.

Farrill, according to Smith's report, even described how one of the women abused a retarded wheelchair victim, Jeff S., by "catching him in the bath tub" and lifting his legs up while the youth, frightened of slipping under the water, "hollered and screamed."

The women denied the allegations.

Asked why such abuses hadn't been reported immediately, Farrill said of one of the women: "If it ever gets out, she knows where I live, and I don't want any shooting and killings over there."

An internal Pauls Valley investigating panel interviewed eight of the women's co-workers. Six claimed they were unaware of any abuses taking place. Two said other employees had related stories of assaults on children by the attendants.

In his findings, Smith said the five-member in-house investigating committee concluded that the abuse accusations were unfounded and due to "internal conflict...shrouded by bickering and quarrelling" among the staff members. He took no action against the accused women.

However, a private memo of Smith's obtained by GNS, captioned "Opinions of the Committee Members" took a different view.

The memo revealed that at least four of the five members believed that the attendants were "guilty of something."

Nonetheless, in a July 26 memo to Lloyd Rader, Smith informed him that there was "nothing to substantiate the allegations, and I believe that everyone here honestly does not believe it happened."

The two men who originally filed the complaint resigned.

The list of assaults on mentally retarded children goes on and on.

In May 1977, according to an Enid abuse report, a retarded child, Brian G., was punched in the mouth by attendant Mrs. Freddie Lawrence "apparently in response to Brian not eating readily enough."

Attendant Debbie Bradford said she witnessed the assault and reported it.

Lawrence, the report said, had been previously cited "with various allegations of verbal and suspected physical abuse of children" by several of her co-workers.

When confronted with this new accusation, Lawrence denied striking the child. According to the report, she also "threatened to find out who reported her and see them at their house at night."

Although Enid officials concluded that Lawrence had "an extremely negative attitude evidenced in every aspect of her job functions" and was "very likely to engage in both verbal and physical abuse towards children," no action other than counseling was taken against her.

In July 1979, another Enid attendant, Cindy Hargus, was accused of "tackling" a retarded girl, Linda H. As a result of the attendant's gridiron tactics, two of the child's teeth were knocked out and she sustained a split lip.

According to a March 8, 1979, Pauls Valley abuse report, attendant Virginia Richardson said she had seen three attendants — one of whom had been charged with assaulting children on previous occasions — with abusing a retarded boy, Ikie Richardson. The report noted that one of the attendants 'choked Ikie until he turned blue.'

Hargus admitted to the incident, explaining that she "tackled Linda in an effort to control her aggression towards other students and Linda had fallen, striking her face on the floor."

Enid officials determined that the "incident as reported does not necessarily constitute an act of abuse, but rather an injury due to very poor judgment on the part of Mrs. Hargus."

Hargus was transferred from "direct care duties" to the "housekeeping department."

According to a February 1978 Pauls Valley abuse

report, attendant David Goodson also used "poor judgment" when he "spatted" a retarded boy, Jerry G.

"Spitting" — a term frequently used by institutional employees accused of abusing children — is meant to describe a light slap.

Following the incident, Jerry G. was examined by a physician, who reported that he sustained "bruises under neck, upper chest, under both arms and across buttocks."

Goodson was suspended for two days, then returned to work.

According to a March 8, 1979, Pauls Valley abuse report, attendant Virginia Richardson said she had seen three attendants — one of whom had been charged with assaulting children on previous occasions — with abusing a retarded boy, Ikie R.

Richardson, the report said, complained that one of the attendants "choked Ikie until he turned blue."

The attendants denied the assault, and no action was taken. However, Richardson was transferred to another dormitory.

An October 1980 report from the same institution describes how an attendant restrained a retarded boy, Donald M., by placing him on the ground in a sitting position and "forced Donald to bend forward, head between his knees, in somewhat of a doubled-up position, four or five times."

Later the same day, an Enid nurse noticed that both of the boy's eyes had begun to bleed internally.

Enid administrators shot off a memo to all employees warning them as to the advisability of employing force in such a manner as to cause a student to assume an awkward posture or position and the "potential injuries," such as "hemorrhage to eye tissue," which can result from "pressure to the neck."

As for the attendant who restrained the boy, Enid officials "cautioned him that such a method of dealing with Donald's behavior might indeed have been effective, but forcing an individual to assume a rather unnatural position was often inadvisable in that it could easily strain a muscle, dislocate and extremity, etc."

Institution officials declined to discuss the cases.

Employees Frances Paine and Kim Howard are no longer employed in the institutions and could not be located by GNS prior to publication. Cecil Osborne, Freddie Lawrence and Cindy Hargus also could not be located. Ruby Bowen is listed in the area's phone directory, but calls during the last few days went unanswered. David Goodson's mother took a message for him to call GNS, but no call was received.

GNS also tried to contact the employees through the institutions but to no avail.

NEXT: The employees' attitude

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cost of services within the intermediate care mantle. But such states have to file deficiency reports for each institution with the Department of Health and Human Services in Washington annually.

"Along with the deficiencies listed," explained Taylor, "the state must file a plan of correction for each institution. When you inspect these, you find they're about the same every year, and are usually vague and non-specific. Yet they're usually accepted by the federal government without question. Then the next year's survey will show the same damn deficiencies."

"The whole monitoring process is a cruel hoax. It gives the appearance of monitoring when they're really not. The feds say they have no power over this. We say, why not? If it's painfully obvious to us, and we can identify it, why can't the feds?"

In the middle of all this lofty argument, of course, are the mentally retarded children. Oklahoma officials remain convinced the best answers remain in placing them in institutions.

Rader, in the only interview he consented to with GNS on its extensive series on child abuse in the homes and schools he runs, admitted he disagrees with general philosophy on this point. He gave an example of his reluctance to abandon the institutional approach in favor of more community-based programs.

"I've been in a continuous wrestling match with the feds over extension of payments for outpatient services," he told GNS. "They want to be setting up

emergency rooms in every community, and evaluate medical care programs there. It's programs like those ones that's broke just about every department in every state. This department is still solvent."

"You know, the more I look at what good old Uncle (Sam) dangles in front of me, the more I recall what my momma told me: All that glitters is not gold, son."

Yet Rader says funding is still at the root of his staffing problems, especially in the schools for mentally retarded, which he purports to keep under his own personal thumb in his huge 14,000-employee department.

"You can't hire good help at the salaries we pay," he told GNS. "We couldn't keep Enid going if it weren't for the nurses who married pilots (at Vance Air Force Base near there). I know there are some people in the legislature who want to dismantle this agency, but when you get these youth programs out in the field a-buckin' for appropriations, these kids always get the little end of the horn."

Then the veteran director lectured the two questioning reporters for questioning him hard:

"I don't have to apologize for anything. You won't serve the public to help dismantle this agency for the good of the children, the people you're trying to serve."

Rader's recalcitrance to move toward more community programs is liable to draw continued criticism from national professionals.

Dr. Herbert Grossman, director of the renowned

Institute for the Study of Mental Retardation and Related Disabilities at the University of Michigan, told GNS that more and more states are trying to channel the care of such youngsters back into one's own home.

"In the early '60s," Grossman told GNS, "institutions were the major option for anyone with mental handicaps, and they were understaffed and with many difficulties. It was recognized that that wasn't the way to go."

"The trend is now toward supporting care in one's own home. Today, the majority of individuals are not in state-run facilities. The whole thrust in social policy welfare reflects a series of strategies to support parents and toward ensuring the likelihood of youngsters staying in their own homes. The majority of mentally retarded persons, hopefully, will never see the insides of institutions."

Grossman continued "The word institution doesn't have to be bad if there are good programs or nurturing projects. The field of mental retardation experts generally is in support of community-based programs. Some individuals even go so far as saying there's no place for even well-run state facilities."

Paul Marchand, in Washington, sums up the trend toward community-based programs:

"We have proved beyond any doubt that there are exemplary programs in which severely and profoundly retarded persons can be served in community-based programs, as well as, and often better, than in institutions — for less money. It costs less. And don't let them tell you these are mildly retarded — we are talking about severely retarded people here."

An attitude of indifference permeates reports of abuses

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Mentally retarded children in Oklahoma's state schools have been threatened with having to suck up their own vomit with a straw, prepare for having their leg hairs pulled out one by one, and accept a six-inch needle in the genitals as a disciplinary measure.

Accounts of such incidents are contained in official Oklahoma Department of Human Services files here, documents obtained by Gannett News Service in the course of a continuing investigation of chronic and persistent child abuse in state juvenile institutions.

The Department of Human Services' system for investigating abuses in its facilities for mentally retarded children differs in many respects from the procedure used in regular youth training schools and residential homes, but is similar in one vital regard: It doesn't stop the abuse.

Responsibility for investigating abuse in the mentally retarded units falls primarily on the superintendent at each school, and the committee of staff members he designates to actually conduct the investigation.

Abuses are investigated, often rather quickly, are identified, substantiated, and pinned on specific individuals. Once that is done, however, very little else happens. There are occasional firings, forced resignations and suspensions, but the vast majority of accused abusers escape with no more than a reprimand — even in severe cases.

This pattern is so pervasive that a clear message is sent to employees that no piper has ever to be paid when it comes to abusing mentally retarded children, and that those who report abuse could be in for trouble.

Examples abound, and a look at recent reports from just one institution is instructive:

In Enid State School, student Karen H. started vomiting in the dining area at noon one Friday, but was not treated by the nurse until after 5 p.m.

When he looked into the matter, Sylvan Reynolds, an administrative assistant at the school who also serves as chairman of the Resident Abuse Investigating Committee, found that Karen H. had also vomited at 3 p.m. in the hallway outside the main office on her way to the bathroom.

According to the eight-page Reynolds report, instead of being sent to the nurse, Karen was placed in a detention area by the shift attendant in charge, Dorothy Price, for "faking" an illness, and was told by Price that she should "suck it back up with a straw."

Dianne Taylor, a licensed professional nurse, said she waited two hours to treat Karen because she was told that building coordinator Debbie Glasser would be angry if she did otherwise. Nurse Taylor said she found the child to be "obviously ill."

Taylor said several girls at Enid told her they often fail to report physical illness because they fear being punished by Glasser for "faking" sickness in order to get out of work details.

When Reynolds began interviewing other shift supervisors, he heard them speak of a general attitude and punitive manner in which many of the personnel relate to the students.

The attendant in charge of the second shift, Barbara McBay, told him that "there had been several incidents that had occurred over a lengthy period of time that she considered abusive. She had been extremely reluctant to report the incidents as abuse for fear of some manner of retribution from her supervisors."

Glasser, McBay tearfully told Reynolds, had threatened her with charges of insubordination the next time she came up for an official personnel appraisal if McBay dared make abuse reports. Glasser, said McBay, had clearly heard Price make the "suck it back up" statement and "made no attempt to admonish" her for the command.

Three weeks after he began his investigation, Reynolds reported to Enid Superintendent Howard J. Chinn that "a charge of abuse by committee neg-

ligence is perhaps valid" for the failure to refer Karen H. for medical attention, and that Glasser "failed in her responsibilities and obligations" by disregarding the "suck it back up" remark, "thereby setting a poor example."

The employees at Enid, he told Chinn, were "in turmoil," and there were "many management problems associated with" Glasser's supervision.

Then an abrupt about-face. The committee, wrote Reynolds in his concluding paragraph, "is reluctant to assert any opinions or recommendations for resolution of such an apparent problem. Pending further development, it is suggested the investigation be terminated."

Superintendent Chinn waited a full month, then confronted Glasser with the results of the Reynolds report.

Chinn told her to quit making decisions on student illnesses, and to report them all promptly to the nursing staff. Then, in his final action on the matter, Chinn told Glasser's immediate superior, Robert Wright, to counsel his employees on such matters and to "exercise every effort to promote harmony and a team effort among all shifts."

There was no further punishment and no attempt

The pattern of indifference is so pervasive that a clear message is sent to employees that no piper has ever to be paid when it comes to abusing mentally retarded children, and that those who report abuse could be in for trouble.

to explore whether the employees who had openly discussed the incident would be persecuted by their peers, as they had suggested they would be.

Karen's suffering was by no means the most severe case on file. More heinous offenses have been handled in a way that sent the staff clear signals that violence and physical punishment were suitable responses when dealing with retarded children.

On Oct. 3, Susan Patton, a new attendant at Enid, walked into one of the residential units to discover Tammy H., a mentally retarded student who had been obstreperous and defiant all day, being held down by three other mentally retarded students and fellow attendant Lee Ann Newman-Rezal.

According to Reynolds, Patton then "heard Newman-Rezal 'direct the unidentified students to pull the hairs from Tammy's legs 'one by one' if Tammy did not exercise self-control and calm her behavior."

Patton spun around and headed for the administrative office. Before she got out the door, however, she saw another shift attendant, Sharon Cunningham, enter with a ping-pong paddle, which she used to spank Tammy.

Patton failed to locate anyone from the administrative staff, so she went to Reynolds. According to Reynolds' report, he and an Enid unit director, Ross Atkinson, confronted Cunningham and Newman-Rezal.

Cunningham admitted spanking Tammy H. for "behavior that was simply intolerable," and got a lecture from Atkinson "specifically delineating the distinction between discipline and punishment." But, said Cunningham, she would not talk about the hair-pulling because she was "afraid to tell."

When Newman-Rezal was confronted, she confessed that Tammy had tried to kick another student

in the chest, so she had accepted their help in holding the girl down. She said "the only way she knew to get Tammy to cease her aggressive behavior was to hold her, allow the girls to pull the hair on her legs until she ceased such behavior, and regained self-control."

Newman-Rezal "adamantly denied that the threat of pulling the hairs from Tammy's legs was actually carried out," the report said.

Reynolds and Atkinson then lectured the attendant about federal regulations that prohibit students from disciplining other students, prohibit unauthorized use of force, and require "least restrictive alternatives" in such facilities for the mentally retarded.

Reynolds concluded that Cunningham and Newman-Rezal "were indeed provoked," but that "this does not excuse or condone the methods employed."

He recommended that both be made to read and sign a DHS administrative memo on "Resident Protection from Harm," and that they "receive further, specific counseling regarding approved methods of student discipline and control."

Ten days later, Superintendent Chinn sent the Reynolds report to Human Services Director Lloyd Rader and to Lowell Green, Rader's executive assistant in charge of Services for the Mentally Retarded and Developmentally Disabled. Chinn asked if "additional action should be taken" or if a different approach should be used. There was no response on file.

Newman-Rezal, contacted by GNS, admitted that she threatened to pull out the girl's leg hairs, but said the threat was never carried out.

She said she had worked at the facility 14 months before being fired for striking a child with a key ring and that she would not work there again if she had the choice.

"If you know the right people you don't get reported," she said. "I know of many cases which were never reported to the state because some strings were pulled."

Newman-Rezal said she never reported any abuses herself, "but I should have." Most abuses are provoked by the children, she said, "but sometimes the attendants get carried away and hurt the residents."

Chinn investigated another incident at his school when a unit social worker complained to her superior, Tim Ferguson, that one of the institution's nurses had actually worsened a tense situation in one of the residential cottages.

The social worker, Leslie Yaryan, wrote that mentally retarded student Michelle B. had been moved into the cottage the day before, and expressed "homesickness" by alternating the tearing of her clothes with periods of relative calm. After about an hour of this, a team of counselors and medical personnel was called in to deal with Michelle.

"When the team responded," wrote Yaryan, "Michelle was in a calm phase. She went to her room cooperatively."

At this point, Frances Shane, a licensed professional nurse, showed up and, according to Yaryan, made "unnecessarily rough remarks for a student who had been cooperative and who only needed to sleep off her frustrations. I feel that Mrs. Shane's subsequent behavior was quite unprofessional."

Yaryan then rattled off the following quotes she attributed to the nurse:

"I have a needle this long (holding fingers about six inches apart) I think I should use."

"Maybe I should give you a shot in the bottom of your foot. That might hurt pretty bad."

"This is really going to hurt you, Michelle, but think how you could have hurt someone with a chair."

"If you aren't good now, I'll give you another shot in the other side."

Shane then told Yaryan "how she thought boys were really easier to handle" in such instances. "These boys will protect their privates above all else," she said. "I just tell them that if I have to give them another shot, I'll give them one there. We rarely have to give them another shot."

Her final remark, said Yaryan, was, "You people are going to have to learn how we treat these kids."

About two weeks later, Chinn had his supervisor of nursing, Jo A. Tindall, call Shane in for a chat. Tindall declared her nurse

Mom-nurse: 'I felt intimidated'

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — For a parent of a child in an Oklahoma school for the mentally retarded, getting the attention of institution officials is not easy.

Beth Schafer is a licensed professional nurse. Three years ago she and her husband, Richard, enrolled their 11-year-old autistic daughter, Victoria, in Pauls Valley State School south of here.

Before four months had passed, they took her out. "They were very tight there," Mrs. Schafer told GNS. "They didn't really want to share much with you, and when they did they felt like you should just accept it and forget it. This may be difficult to understand, but this was a very trying time for me emotionally. I'd been fighting for years to keep her out of this type of place, and when I finally gave in

The Schafers, like most parents, under DHS policy had to wait a month before visiting Victoria after enrolling her and seeing her assigned to the multiple-handicapped unit at Pauls Valley, where children suffering serious physical as well as mental handicaps are placed.

and put her in one, we weren't happy with it."

In that short 14 weeks in the spring of 1979, said Mrs. Schafer, Victoria's wrist was broken twice, her eye blackened, her personal hygiene neglected, her medication overprescribed, and her hands and arms afflicted with numerous cigarette burns.

The DHS officials at Pauls Valley refused to explain any of it, according to Mrs. Schafer.

As a nurse and mother, she approached Pauls Valley Superintendent Norman W. Smith with her concerns.

"He was obnoxious and uncooperative," she recalled. "He didn't like any suggestions we had for anything. He said it was either all their way or nothing at all. He said he'd seen kids like this before and there was no hope for them, so there wasn't much use really doing a bunch. He said that to us."

Smith, Monday, said he couldn't remember the conversation with the mother or the child being at the school.

"I don't remember who it is. But that sounds like me," said Smith. He said some disgruntled parents "drive me to the brink," when he explained school rules to them.

"But I just don't remember that at all. If she was here, we'd have record of it somewhere. We'll have to dig it out."

The Schafers, like most parents, under DHS policy had to wait a month before visiting Victoria after enrolling her and seeing her assigned to the multiple-handicapped unit at Pauls Valley, where children suffering serious physical as well as mental handicaps are placed.

"There was nothing apparent, no immediate evidence of abuse, the first time we brought her home," said the mother. "There was nothing there we could really put our finger on. But after she'd been there about two months, we started to suspect she'd been abused."

For one thing, there were her hands and arms. "After the third trip," the mother told GNS, "we found cigarette burns. That was the first thing we noticed. I never kept count, but they were on her hands and arms — the palms and the back of the hands both, and on the forearms. There would only be one or two at a time, at different times. There'd be like one or two and they would heal up, and then you'd see another one next time she came home."

The mother said she complained to Pauls Valley

officials.

"We couldn't get to see Smith about the burns, but the gentleman in charge of the multiple unit insisted they weren't cigarette burns. He said she probably busted herself or something, and I said you don't get that kind of a scab from a bump."

The mother also began noticing her daughter — who was ambulatory and could feed herself — was extremely sluggish whenever they picked her up at Pauls Valley.

"When you'd bring her home, she'd be woozy," she recalled. "I asked for her medication."

When she got it home, the nurse and mother was surprised.

"They were giving her Dilantin (an anti-convulsant) and phenobarbitals (sedatives) every day. They were giving it three times a day, quite a zonker. I had told them she over-reacts to that type of medication. For her, it was a heavy dosage. She just couldn't tolerate what they were dishing out If I had taken that dosage, it would have knocked me flat. I'd be sleeping most of the time."

The mother said she tried to explain this to the Pauls Valley physician, Dr. Newton Averion.

"We had a few run-ins with him," she told GNS. "We had differences of opinion on medication, and Vicki's condition, and whether or not she needed vitamins."

Averion declined to talk to GNS when asked about this and other matters.

"Sure there are problems but no truth to this abuse of children. I have never seen a child abused at the institution," he said. He then hung up the phone.

When Mrs. Schafer tried to ascertain if on-site treatment was adequate at Pauls Valley, the nurse and mother hit another stone wall.

"The few times we came in contact with any medical personnel was in the medical unit at Pauls Valley," she remembers. "It was when she was supposed to have a cold or whatever."

"The medical facilities there are all right for what they use them for — colds or anything minor, what you'd treat a child at home for — but their arrangements as far as anybody seeing them is interesting because you're not allowed in the medical facilities. You come to a waiting room, and if you're lucky you get a glimpse into the area where the kids' beds are, but other than that, you're not allowed in the medical facility."

When she did get to talk to Pauls Valley medical personnel, she was not satisfied.

"I really felt quite intimidated," she recalled, "because they were quite cold. It was really as if we were in the way, and how-dare-you-come-here type of thing. You weren't feeling like you were getting a lot of cooperation."

The mother also began noticing, picking her up for visits home, that her daughter's care "was extremely poor."

She recalled "Her nails would be extremely long. They would not cut them. The first time I saw her after she had been there four weeks, I knew her nails had not been touched the whole time. She can scratch herself with her nails. She's not very coordinated, so she'll do more with her nails than what she intended."

"So I asked them repeatedly to cut her nails. And the only time they got cut was when she was brought home. Her hair, I took care of that — anything of that nature because they didn't seem to care. Her hair was dirty. You could see when you went to pick her up they had just quickly spruced her up. You could just tell by her general appearance. You know, her skin — she was broken out, that type of thing. She had pimples. That she'd never had at home. It's from poor hygiene."

The mother also noticed a black eye.

"They said she fell. I tended to try and take them at their word, although I was very skeptical. I tried to keep my mouth shut as much as possible, rather than to make anymore antagonism."

But on about the 10th trip home for Victoria after about 3 1/2 months at Pauls Valley, her mother discovered something that she found impossible to keep quiet about. For the Schafers, it was the straw that broke the camel's back.

"She was acting up and seemingly in pain. I didn't understand it."

The mother took her to Pauls Valley General Hospital, the one off campus, not the state school facility. The doctor there discovered Victoria had a broken wrist. He found something else that bothered him.

"He suggested we take her up to Oklahoma Memorial Children's Hospital in Oklahoma City, because the situation was much more complicated and he said

they could handle it there. He said he wanted her to be in Oklahoma City and not in Pauls Valley."

At the big children's hospital here, the Schafers discovered something startling.

"We found out not only was her wrist broken, but that it had been broken before, perhaps a good two months before."

The first break had already started to knit.

"We did not know her wrist had been broken when we brought her home, perhaps as early as her second trip home. They put a cast on up to the elbow. It was on for about three months."

Victoria never saw the inside of Pauls Valley State School again.

"I took her straight home from the hospital," the mother told GNS. "I went down there one more time to pick up her things, and that was it."

She received no explanation for the broken wrist from Pauls Valley officials — either break.

"Am I personally convinced she was abused there?"

'After the third trip,' the mother told GNS reporters for this series, 'we found cigarette burns. That was the first thing we noticed. I never kept count, but they were on her hands and arms — the palms and the back of the hands both, and on the forearms.'

Yes."

The Schafers noticed another interesting practice at Pauls Valley.

"Pauls Valley State School received \$25 a month from social services supplemental income monies that was Vicki's. This is for the children's personal items — it's federal money."

"When you go in there, you either can receive it directly, or it goes to Pauls Valley. They talk you into signing it over to them, which I did. It's supposed to go into a canteen fund specifically for Victoria. It was supposed to go for her personal items, any little personal thing. From the moment that Victoria went through that door, we provided everything from her soap on down, because we wanted to know that she had exactly what we wanted her to have. That included her hairbrush, her shampoo — everything — because we provided it."

"We never saw cent one of that money. The whole time she was there — I don't know how long they collected it. But I do know when we took her out for her arm, she was supposedly on leave of absence until fall, and they kept on collecting it. And then we told them we were definitely not bringing her back. And they were still able to collect this money, as though she were there. They were still supposedly to be using it for her. None of it was ever used for her. I don't know what ever happened to it."

"I asked federal people about it, and boy, they changed the subject real fast, and didn't want to talk about it. I never did know what happened to her canteen fund."

In reflection, she is not bitter about Victoria's stay at the state institution, but points to an anomaly that many parents seem to notice about the DHS schools for mentally retarded at Enid and Pauls Valley.

"You know, the facilities themselves at Pauls Valley are generally excellent," she told GNS, "but I think the personnel are extremely poor quality people. It appears to me they hire anybody off the street they can get, and they don't seem to be extremely interested in the children's care, or in helping them in any way. The facilities would be great if the people there would do their job."

Victoria is now 14, and going to special education classes for the multi-handicapped, classes not run by the Department of Human Services. She is still autistic, does not communicate with others, but understands commands.

"She's doing well," says the mother.

NEXT: Mysterious injuries

The mental institutions / Part Four

Officials respond to charges: Children did it to themselves

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — When officials in Oklahoma's three state schools for mentally retarded children have trouble pinning down the causes of mysterious injuries, their reaction is often predictable:

The children did it to themselves.

While this explanation is sometimes accurate — because mentally retarded individuals often do damage to themselves — it leaves the officials in an awkward position: If their employees are not guilty of abusing the children, then they are lax in seeing that they are not injured in other ways. The injuries themselves are a matter of record.

Administrators and investigators quoted in Department of Human Services reports explain injuries ranging from skull fractures to belt-mark bruises to missing teeth by saying the children themselves were responsible. Some cases:

The parents of John T. wanted to bring their son home from Enid State School for Christmas. School officials said they would have to sign a medical release. John, they said, had sustained a fractured skull two days before. The Enid school doctor had drained the blood from a hematoma on the upper right side of John's skull, and would not allow a visit home unless the release was signed.

Sylvan A. Reynolds, a speech therapist at Enid who serves as chairman of the institution's Student Abuse Investigating Committee, started asking questions in response to the parents' angry complaints.

The attendant in charge of the first shift at John's residence cottage said she heard that the youth had sustained a concussion, but didn't think much of it because he always complained of headaches. The 18 students on her ward were often fighting and striking each other, she told Reynolds.

The attendant in charge of the next shift said another employee had noticed a knot on John's head at 2:30 p.m. and brought it to the attention of a nurse who was getting ready to go home. The nurse told her to give it to the next shift. The nurse on the next shift examined John at 8:30 p.m., according to Reynolds' report.

Another attendant said that "fights and minor injuries are not uncommon" in the ward, but she couldn't explain what happened to John.

Mostly, Reynolds drew speculation and conflicting descriptions of John's personality from the ward attendants. One said John was "bossy" and aggressive. Another said John was a "favorite" on the ward, and that "he is one of the few students who can communicate to some extent."

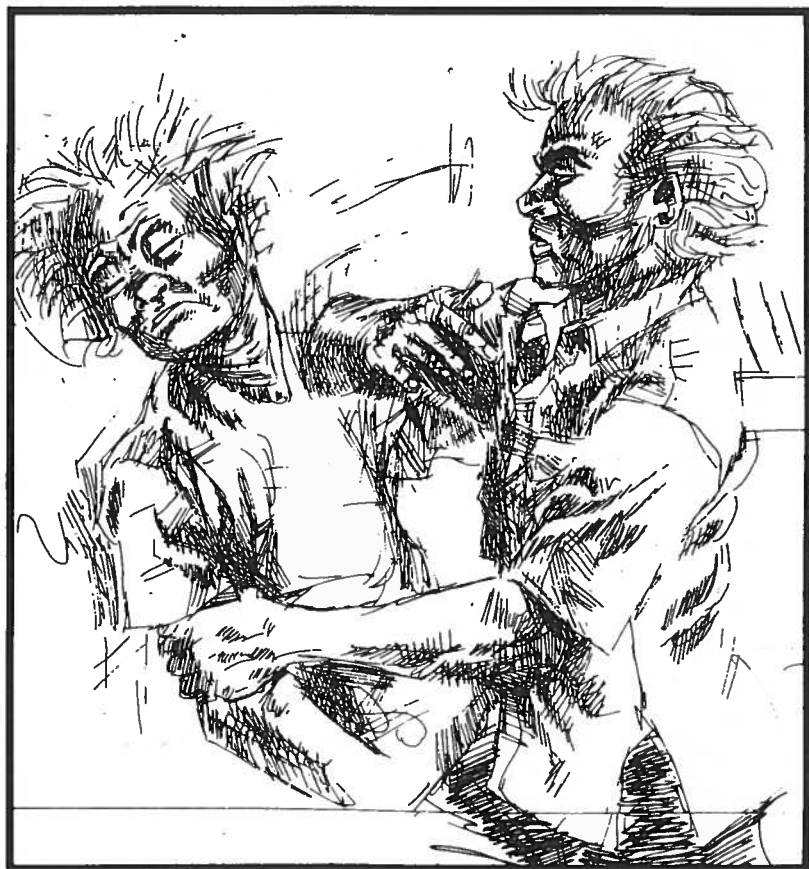
Reynolds concluded that John's injury "was probably the result of being struck or pushed by another student and falling to the floor or into a wall, thereby striking his head with sufficient force to incur such a serious injury."

Howard J. Chinn, superintendent of Enid, informed DHS officials here that "because no evidence of negligence or abuse was discovered, no employee disciplinary action or counsel was taken."

John's parents took him out of Enid on the last day of the year, refusing to return him to state care. Reynolds wrote that the mother and father stated that they were taking John because they felt "he was not receiving adequate care and protection and that they would seek a formal investigation as to how John had been injured with none of the Enid State School staff apparently aware of the skull fracture."

The question of the Department of Human Services' responsibility in such matters is an issue left unaddressed in the scores of abuse complaints obtained by Gannett News Service, and as with other questions raised by GNS during its study of the state's mental institutions, department officials decline comment. The institution superintendents say they have been ordered not to talk, and Human Services Director Lloyd E. Rader would not return phone calls from GNS.

Enid's own superintendent, however, in a recent



Drawing shows the often-documented occurrence of mental institution attendants striking unruly residents.

administrative memo, made it clear to staffers that state insistence upon housing mentally retarded individuals in such large institutions creates a host of conditions that imperil patients.

"The general human rights movement and the rights of the mentally retarded," wrote Chinn in a staff bulletin, "paradoxically include the right of mentally retarded persons to have normalizing experiences, including some degree of risk." When these are combined "with the obligation of institutional personnel to protect their clients from harm," lamented Chinn, a tougher job results.

"Regardless of the lofty and truly admirable humanitarian zeal that has given rise to a recognition of these concepts and rights," he said, "methods and procedures to protect residents from harm have been reduced at the same time responsibility, liability, and legal accountability have been increased enormously."

Chinn has dealt with more than a few incidents in which the institution, deciding that an employee was not abusive, ruled that the child had damaged himself. A week after John T.'s parents took him out of school, there was another unexplained injury at Enid.

Terry H., a mentally retarded student, "sustained an injury" that loosened and chipped his upper two front teeth. The Enid dentist gave him Tylenol. Three days later he went back to the dentist, who noted in his records that both teeth had become secure again. A week later Terry was taken back to the same

dentist, who was alarmed to note that one of the damaged teeth was missing entirely and that the other was so abscessed it had to be pulled. Nobody could tell the dentist where the missing tooth was or when it came out.

Reynolds, the abuse committee chairman, again tried to find out what had happened. Again, he received conflicting reports.

One attendant said he had noticed Terry resting on the floor with his head against another boy's leg when he returned from the bathroom, he noticed Terry's mouth and lip bloodied. He theorized that the weight of Terry's neck brace "could have caused his head to slip off the other boy's leg and caused his face to strike the floor."

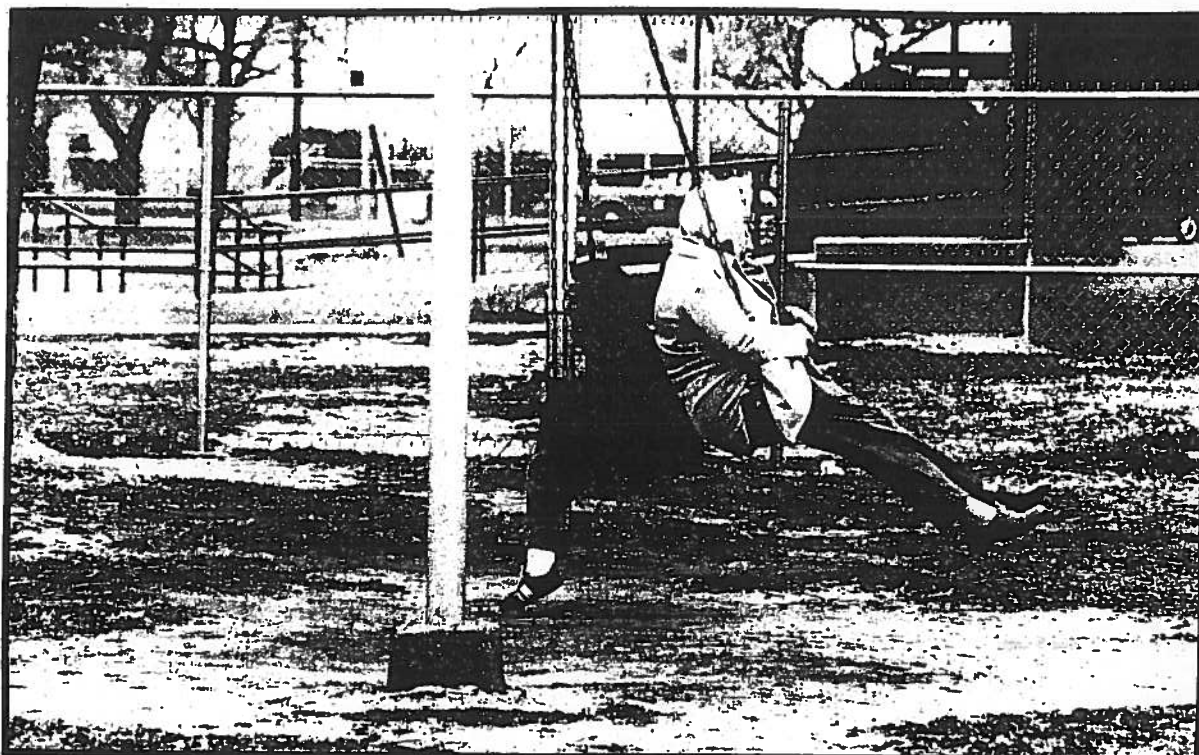
Another attendant reminded Reynolds that there were aggressive students on the ward. An accident report filled out by the supervising attendant on the shift couldn't be found. For a prolonged period "there was no coverage on the ward" at all, wrote Reynolds.

"There would appear to be some conflict or question pertaining to several points," he added.

Superintendent Chinn delivered the final word on the matter. Terry, he concluded, had knocked out his own teeth.

"In view of Terry's habit of placing his hand in his mouth to the point at which he sometimes gags himself and regurgitates his food," wrote Chinn to

Please see MYSTERY on page 41



Residents at Oklahoma's Enid State School play on swings in the courtyard.

MYSTERY

□ Continued from 40

department officials here. "It is possible, if not probable, that he reinjured his not completely healed teeth."

Pauls Valley State School officials were confronted with a case in which students were the ones alleging abuse.

On a fall morning in 1980, an attendant discovered extensive bruises on the right hip and lower back of Scotty G.

According to a report from resident supervisor Dolores Womble to Pauls Valley Superintendent Norman W. Smith, the attendant "indicated (that) in her opinion the long bruise looked suspiciously like a strap or belt mark, and the larger bruise may have been caused by a larger object."

Scotty, wrote Womble, "could give no evidence of how the injury happened."

First to be questioned was James L., a student from Scotty's cottage. "James said he had seen nothing," reported Womble.

A student, Donnie T., reported that an attendant named Rick Archer, a substitute on the residential ward that evening, "had whipped Scotty with a belt the night before because Scotty would not stay in bed," she said.

The investigators returned to James L., Womble said, since "he can usually be relied upon to know what is going on at the cottage." This time James said another pupil from the pre-vocational group, Bobby B., "had whipped Scotty with a belt and Rick Archer had seen him do it."

In fact, said James, Bobby B. had brought the belt from the clothing room. An employee was dispatched to the clothing room. Sure enough, there was the belt, and when it was held up to Scotty's welts, "it very closely fit the imprint on Scotty's hip," Womble's report said.

Bobby B. denied it. He said he knew Scotty, but didn't hit him.

Rick Archer was questioned by Womble. "He assured me he had had no dealings with Scotty" the evening in question, she said.

Another attendant, Nancy Whitefield, was questioned. She had bathed Scotty at 8 p.m., and there were no bruises at that time, she said. He "had been no trouble that evening," she reported.

Bobby B. was questioned again. He said another

student named Carlton C. had hit Scotty with a fly swatter. Carlton C. was questioned, and said that child-care worker Shirley Davis had beaten Scotty with a belt and a mop handle. But the log reflected she was not on duty the night in question.

Womble eventually threw up her hands and reported to Smith that she had nothing but speculations. "It seems the child-care workers saw nothing and could recall no problems with Scotty," she wrote. "The residents have told conflicting stories and cannot be relied upon for any accurate information."

A week later, Smith submitted his report to Lowell Green, supervisor of the state's Bureau of Mentally Retarded and Developmentally Disabled, and to Radner.

"While we were not able to resolve this to a satisfactory conclusion," he wrote, "we have about decided that one of the pupil helpers may have been the guilty party." There the matter ended.

Investigators face a handicap that those at regular training schools and residential homes in the Oklahoma juvenile system don't have. They rarely have a victim's testimony because many are not mentally competent. This leaves them to rely on the accounts of state employees. Even when such accounts contain glaring discrepancies, however, the conflicting statements are rarely pursued.

Ricky Y., for instance, was a student at Enid when workers noticed he had "numerous bruises directly above his right hip, extending to his right side above the thigh, and bruises to his upper right shoulder blade, shoulder, and arm."

Reynolds wrote to superintendent Chinn that Ricky's injuries "were particularly curious in that several of the bruises were two to three inches in length by one-half inch in width, and were comprised of diagonal slash marks, as though Ricky had been whipped with a spiral notebook and the wire spiral had left several distinctive welts..."

Reynolds and others started searching the clothing room and the residential ward where Ricky had been, but could find no notebook.

Reynolds learned from other workers that an attendant named Pearl Lawrence had been preparing Ricky and other students for their baths and had been observed carrying a spiral notebook during bedcheck.

An administrative aide named Bill Nimmo, told Reynolds that when he had arrived in the bath area to

assist, Lawrence had bound Ricky in a wheelchair with a bedsheet. She told him Ricky had been "running about."

When Ricky was untied and bathed, Nimmo noticed the skin discoloration. Ricky had fallen, explained Lawrence.

Reynolds questioned Lawrence. No, she said, she had not actually seen Ricky fall. No, she didn't have a spiral notebook, but had used one from the clothing room and returned it there before bedcheck. Yes, she had tied Ricky to the wheelchair because he was "roaming" and "interfering" with her duties. Yes, she had seen the discoloration, but thought it was a rash. In fact, she told Reynolds, she had drawn it to Nimmo's attention, not the other way around.

Reynolds noted the contradictions. Nimmo stuck with his account, and told Reynolds another attendant, Brenda Carr, had some further information. Carr was called in.

"She stated," Reynolds wrote in his report, "that she had indeed observed Ms. Lawrence swat Ricky on the head with a spiral notebook." The notebook, added Carr, "definitely belonged to Ms. Lawrence and she indeed had it on the ward with her, using it to take bedcheck later that evening."

Lawrence was confronted with the contradictions, and said "she had no idea how Ricky had been injured." Her second report, noted Reynolds, "varied from the first in relation to specific details." Reynolds noted once again that no notebook had been found in the clothing room the next morning.

Reynolds, "in view of the lack of definitive or corroborative evidence," tossed the buck to superintendent Chinn.

Chinn suspended Lawrence for three days pending his evaluation of the Reynolds report, then authorized her to return to work. He noted that her supervisor said she "had no tendency toward sadism, harshness or abusiveness," and that Lawrence herself had "denied adamantly she was ever abusive with children" at Enid State School.

"In my judgment," concluded Chinn, "she was telling the truth." Pearl Lawrence, William Nimmo, James Linton and Rick Archer could not be located for comment by GNS. Institutional and departmental officials declined comment.

NEXT: Parents' problems

Parents face stonewalling

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Parents of mentally retarded children housed in the Oklahoma institutional system face a vexing dual problem if they become suspicious of child abuse.

If they try to observe it, or obtain evidence of it, they are physically impeded. If they do observe it, they are told they obviously misunderstood what they saw, or are criticized by state officials for being too aggressive. If they threaten further legal action, they are either stonewalled or stroked, more often the former.

A GNS investigation of the state's Department of Human Services and its many institutions reveals that concerned parents have occasionally stumbled onto instances they believed were child abuse at two of the three DHS schools, usually by noticing unexplained injuries and wounds.

The experience of Bob Gragg and his wife seems typical. They got a little stroking, and they got a little stonewalling.

The Graggs arrived at Enid State School one night to visit their child and were walking past the windows of a play ward when they observed an employee "holding a little girl by the hair and bending her head back" while attempting to administer medicine.

According to a confidential report filed later with Enid Superintendent Howard J. Chinn by his special assistant, Sylvan Reynolds, the Graggs claimed when the little girl resisted by dropping to the floor, the female attendant dragged her by the hair over to a corner, where she again tried to administer the medication.

Mrs. Gragg shouted to her husband, wrote Reynolds, and he, too, looked through the window and saw the same thing — a scene well-lit 25 feet away. The couple later told Reynolds "the girl was crying and resisting the employee" and characterized the attendant's actions as "excessively rough and unnecessary."

The Graggs told an administrative aide, and soon the complaint reached Chinn's desk. The Graggs — whom Chinn later described as "exceedingly sensitive parents" — did not ask that the attendant be fired, but "they were specific in their concerns that the employee not work with their daughter at any time in the future."

Chinn took the Graggs back to the residential unit where they'd observed the incident. There they identified medication aide Clela Gibson as the attendant they'd seen, according to Reynolds' report.

Chinn questioned Gibson, a veteran employee, and she denied it. She had placed her arm around a mentally retarded child's neck "to control her," she admitted, but had not pulled her hair or dragged her anywhere.

Gibson told GNS that that the Graggs' allegation was false. "I never hit no kid," she said. "I don't care what those people say they saw; I was just holding a girl while I was giving her some medication."

Chinn placed Gibson on administrative leave with pay.

Reynolds investigated, and sent his conclusion to Chinn. "It is my opinion," he wrote, "that Ms. Gibson did indeed exercise poor judgment and discretion in her attempts to administer medications and most probably engaged in the behavior described by the Graggs."

GNS's investigation found that concerned parents have occasionally stumbled onto instances they believed were child abuse at two of the three DHS schools, usually by noticing unexplained injuries and wounds.



Living quarters at one children's institution — Teddy bears in sight, but what went on out of sight?

The very next day, however, after interviewing supportive colleagues of Gibson, and after an exam of the mentally retarded girl in question produced "no loose hair," Chinn reversed that conclusion.

"I am of the strong opinion that Ms. Gibson did not deal with Anne H. as described by Mr. and Mrs. Gragg," Chinn wrote to DHS headquarters here. The Graggs were somehow mistaken, he continued.

"For some inexplicable reason," wrote Chinn, "I feel they misperceived what they saw."

The superintendent then transferred Gibson to another unit, the day shift at Enid's hospital.

"She appeared to understand and accepted it willingly," he wrote Honora Phelps, the department's coordinator for mentally retarded services here. "If necessary, this move could be explained to the Graggs in that there is a high level of able and visible supervision and monitoring during the day shift on Unit V."

The Graggs would be notified of the

action "in an effort to relieve their concern and to reassure them of their actions."

If the Graggs received a mixture of response, Mrs. Sylvia Bruce and her husband got the stonewall treatment.

It wasn't until the Bruces enlisted Oklahoma Gov. George Nigh into the fray almost a month after their original complaint that Pauls Valley State School Superintendent Norman W. Smith filed a report with Phelps and DHS Director Lloyd Rader. But once he did, the effort at Pauls Valley to make the aggrieved couple the villains of the piece was enormous.

The Bruces had been visiting Mrs. Bruce's retarded son one Sunday afternoon in August when the step-father, returning the boy to his residence cottage, observed attendant Robert N. Guthrie trying to calm a mentally retarded child named Cecil J. and another unidentified little boy who had been making noise.

As Mrs. Bruce recounted later in her letter to the governor, she and her husband both witnessed Guthrie "slung

one of the boys onto a bench" and then "he slammed the other boy into a chair and started kicking the chair toward a corner."

Her husband, wrote Sylvia Bruce, "intervened to prevent any further physical abuse to these children."

Guthrie's handwritten memo on the same day of the fracas indicated Mr. Bruce "escorted me outdoors to the front of the cottage" and talked for about five minutes, telling the attendant "that he did not want to see or hear of anymore pushing of these kids around, especially Ernie (Bruce's stepson), or that I would probably lose my job."

When Smith wrote a month later to Phelps and Rader, it read this way:

"When Mr. Guthrie attempted to return the boy to his chair, Cecil purposely lunged forward, missing the chair and landing in front."

Mr. Bruce, added Smith, had then "threatened Mr. Guthrie."

When Mrs. Bruce returned two weekends later to pick Ernie up for another visit home, Smith took her aside.

"I informed Mrs. Bruce that they should never threaten one of our employees," Smith wrote Rader, "and that anytime they had a complaint it should be reported."

Even though Mrs. Bruce told Smith another unidentified attendant had witnessed the throwing around of the two boys and had been "appalled by the incident," the Pauls Valley superintendent came to this conclusion:

"I told her that it was pretty obvious that Mr. Bruce's threatening behavior had over-shadowed the incident and that was what should have been investigated, and now the matter was two weeks old."

Smith did, however, promise to move Guthrie out of the division.

When the Bruces brought Ernie back from a home visit the next weekend, Labor Day weekend, they discovered two things. One, Guthrie was still working on Ernie's ward. Two, they had been barred from the child's residence cottage, "even though other parents were coming and leaving the cottage." They were instructed to check their son in with Smith himself.

That's when Mrs. Bruce fired off her letter to the governor. On Sept. 10, she wrote:

"Mr. Smith threatened to kick our son out of school if any further incidents of this nature happened, and that no parents were allowed in the cottage at any time. We were not aware of these rules, as we have been going there every Friday, Sunday, and holidays for three years."

"My summation was that because we seen what we shouldn't have, my son is to be sent from school. I feel I may be able to be more objective about the incident since neither of the boys were my son."

She and her husband had remained concerned about Guthrie still working on the unit, she wrote Gov. Nigh, because "when we returned our son to his cottage, Mr. Guthrie was there and my son cringed away."

Smith reassigned Guthrie to another division where he would have to deal with older boys "and will have no further responsibility in the junior division where Ernie and the other smaller boys are domiciled."

Smith, in his report to Rader, offered an afterthought, he wrote, "the argument that to many of our residents the cottage was their homes (sic), and

Please see PARENTS

they had rights to privacy as did anyone in their own home."

Another incident at Pauls Valley indicates the increase in administrative attentiveness that greets a complaint after it is taken outside the department's jurisdiction.

In mid-April of last year, Jerry Poyner — the Human Services Department's supervisor of residential treatment for the mentally retarded — wrote a memo to Rader following up a conversation with Rader administrative aide George Miller.

The wife of the current president of Pauls Valley's Parent-Guardian Association, having picked her mentally retarded son up for a home visit a few days before, had taken him to the family physician upon his complaint of "rectal discomfort."

"The examining physician," wrote Poyner, "apparently told the mother that Marc had been sexually assaulted and that his condition was the result of several sexual incidents." The doctor at the hospital emergency room where the boy was taken, continued Poyner, "had found lesions, infection, and bleeding in Marc's rectum."

Marc told his mother that another youngster at Pauls Valley, a 17-year-old farm cottage resident, "was the boy who had been doing this to him."

Marc's mother apparently called her local police because immediately following her angry complaint to Smith over the phone, he received another call from an officer of the Midwest City Police Department, "wanting to know what was being done." The Midwest City police officer also implied the county sheriff in Pauls Valley might be called.

Smith did four things. He transferred the suspected offender to Enid State School immediately. Then he had a light that cannot be turned off installed in a lounge room. Then he had the laundry room locked. "These two areas were felt to be possible sites for illicit activity," he later explained. Then he verbally notified the assistant district attorney of Garvin County, John Blake. Blake, according to Poyner, "declined to become involved."

Smith sent the district attorney's office a written report anyway, including the news "we have been unable to find any witnesses" and the assurance that "there was no indication that any staff person was involved."

When Poyner checked the files, he found that the parents had notified Smith of a similar incident in June of 1980, some 14 months before, and that the superintendent suspected the same offender at that time, even to the point of "counseling him to the social inappropriateness of this type of sexual activity, physical damage that could occur, and the transmission of possible disease."

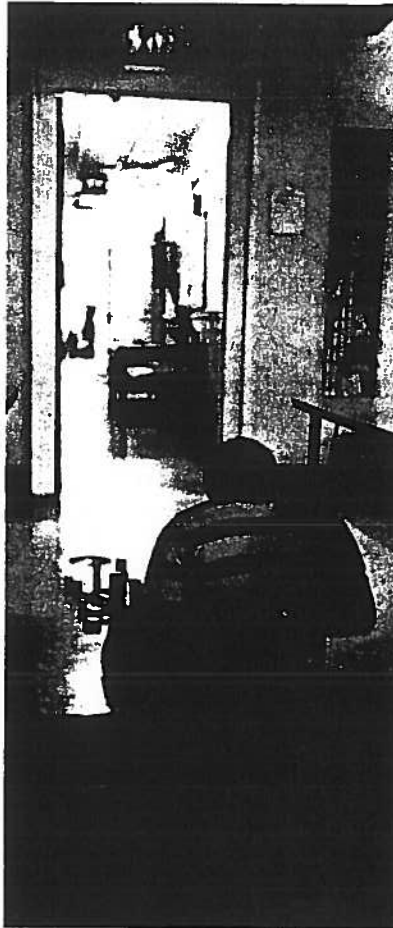
Parental concern with injuries is usually routine, but if a parent shows up with a camera to take pictures of the bruises, the activity among employees can resemble a kicked over beehive. The case of Tim W. at Enid State School illustrates this.

His mother was informed on Oct. 6, 1980, that Tim had been admitted to the Enid school hospital because he had:

- A severe bruised left eyelid.
- A corner of his left eye that was hemorrhaging.
- An abrasion on the right side of his forehead.
- A gash on his upper lip.
- A cut in the middle of the upper gum of his mouth.
- A large bruise over his right knee cap.
- A bruise on his upper left chest.
- Thick nasal drainage.

The parents arrived the same afternoon, according to state files, and were told that the injuries had resulted from Tim's falling seven times in the last five days — twice from the toilet, once in a playground, once in the recreation yard, once from a couch, once

Parental concern with injuries is usually routine, but if a parent shows up with a camera to take pictures of the bruises, the activity among employees can resemble a kicked over beehive.



Parents of children in Oklahoma's state institutions find they are often soft-talked out of pressing complaints of mistreatment against their offspring.

from a bench, and once in the dining room. He had been given Betadine and Cepacol.

Tim's mother began snapping pictures of Tim. A teacher's aide saw her. She told a registered nurse. The nurse told a social worker. The social worker told Enid Superintendent Howard J. Chinn. The social worker was dispatched to interview the parents. Chinn called Lowell Green, the department's executive assistant in Oklahoma City for the Bureau of Services for Mentally Retarded and Developmentally Disabled.

The social worker reported back. The parents, she told Chinn, "stated they took pictures of Tim for the family album." The next day, the social worker called the parents at home for another interview. The mother reiterated "they were for a family album, and assured that there were no other motives."

Chinn dispatched a written report to Green and Rader.

"Although the parents stated that the pictures were for a family album, and then re-emphasized this reason during a telephone conversation of Oct. 7, 1980, we are submitting a detailed report of the injuries which Tim received."

The report, he concluded, "is submitted for your information and records."

Sometimes parents are simply informed they didn't see what they say they thought they saw.

Paula N.'s mother was visiting her in the acute care unit at Enid State School last August when staff aide Patricia Koehl and another attendant informed her it was time to go, that her mentally retarded daughter had to be restrained in her bed with a self-protective device called a "posey belt" so she wouldn't hurt herself, as she sometimes did.

The mother said okay, but please wait until she could leave the room.

As she left the room, the mother later told department Inspector General Charles Garrett, she glanced back through a window and saw Koehl "walk to the head of the bed and strike Paula three times" by making a downward striking motion with the flat of her hand.

At this point the other aide informed Koehl the mother was watching through the window. According to the report, Paula "raised up in bed and looked out the window" at her mother at this point.

The mother marched back inside and confronted the aide.

"I was under the impression you weren't allowed to hit these kids," she said.

The aide said she did not hit Paula, but was only cleaning up a "mess" of food that was on her bed. The angry mother checked Paula's bed, and — she told Garrett — "there was no food on Paula's bed or floor."

She then inspected her daughter's chest and "it was all red."

Other staffers reported the mother was very angry at this point and said she would "kill any son of a bitch that hits my child." Then she stormed down to the administration office and filled out an abuse report.

Because the mother is only 5-foot-5 and the window was very high, the state investigators concluded the mother could only see "the upper torso" of the employees involved, and could not "directly observe any person lying down on the bed."

When Koehl was interviewed, she said the daughter had offered such resistance to the restraining belt she had actually had to climb up on the bed and pinion her arms to her chest, and that her shoes had left "dirt smudges" on the pillows and sheets. These, Koehl said, not food, were what the mother had actually seen her trying to brush off with the downward blows.

When the inspector general's investigators looked into Koehl's record, they found it to be good, and that she had once come in on a day off to feed Paula when she wouldn't eat. The mother, concluded the IG's office, hadn't actually seen any blows.

Superintendent Chinn let Koehl take vacation, and told the mother when she returned, the attendant would not be taking care of her daughter. The mother "was satisfied with this action," wrote Garrett. "The division plans no further action on this investigation."

Patricia Koehl and Robert Guthrie could not be reached by GNS for comment. Institutional and departmental officials have declined comment.

Hissom — How political muscle moves children of the powerful

By CARLTON SHERWOOD and JOHN HANCHETTE
Gannett News Service

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OKLAHOMA CITY — Officials in Oklahoma's Department of Human Services and savvy parents of mentally retarded children in state institutions both know one unwritten guideline for maneuvering within the political system here. It is this:

If you can muster any political muscle at all, get your child out of Enid State School or Pauls Valley State School and into Hissom Memorial Center in Sand Springs. It is clearly the class act of Oklahoma's schools for the mentally retarded.

The Oklahoma system for placing mentally retarded children is supposed to be primarily geographical, with the state being divided into three "catchment" areas — northeast for Hissom, northwest for Enid and the entire southern half for Pauls Valley.

In reality, though, Enid and Pauls Valley are where the children of "regular" people go. Hissom, the newest facility, while serving people from its assigned area, is also for people who have political pull.

Mrs. Virginia Whitlock knows this. She knows the frustrations of a concerned parent trying to get a straight answer or even a humane reaction out of DHS officials. She encountered problems from almost the first moment that her 7-year-old Brian was enrolled at Enid over seven years ago.

"That's where we had the trouble," she remembers. "Two years ago we finally managed to get Brian transferred to Hissom. We've been very happy with him there. It is really a super place."

Brian will be 16 in June. Between the ages of 7 and 12, he went through the institutional equivalent of the lower rings of Dante's Inferno. Whitlock and her husband, after titanic fight-the-system struggles, finally got a relative who knew someone who knew George Miller, a high-ranking aide to powerful DHS Director Lloyd E. Rader, to intercede. It didn't take long after that.

"We were called one day and told to move him the next," remembers Whitlock. "Hissom has been very good."

What about Enid?

"If they treated dogs like they treat those kids at Enid, they would be in jail," says Whitlock. "I'm serious; the Humane Society would have you in jail. But since it's kids that are mentally retarded, no one cares. I have said that since he was there after the first six months."

Here, in a Gannett News Service interview, is the Whitlocks' story of how Brian got into and out of Enid State School:

GNS: What was the procedure for placing him in Enid?

Mother: You had to write in to Rader's office to Honora Phelps (supervisor of schools for the mentally retarded) for an application. You filled that out, telling why the child needed to be admitted, and then they would give you the OK, and let you know whether or not he'd been accepted.

GNS: And what were the conditions, the prerequisites for having him placed there?

Mother: From what I understood, just mentally retarded was all you had to prove. They said they would evaluate him and all that.

GNS: And did they really?

Mother: No. They took him up there (Enid), and they looked at him, and they visited with you, but they never really did any evaluation as such. We visited with the head social worker.

GNS: Not a psychologist?

Mother: No.

GNS: Was Brian left there then?

Mother: No.

GNS: And then what happened?

Mother: We were just told he would be accepted, and they gave us the date and it was right before Christmas, and I said I didn't want him to go in right before Christmas. He went in in January. The procedure was you took him, and all his things, and we were told not to bring the other two kids. And they just took him, and that was it. They took a picture of

him, and you were told that you couldn't call up there for at least three weeks.

They did ask a lot of questions about how he ate, what he liked, this, that and the other — kind of a case history, too, medical problems. They told you you could not call for three weeks and that you were not to come back for at least six, because it was harder on us than it would be on Brian to adjust.

So then, I guess, it was about nine days later they called back and say, "You told us Brian is a good eater, he's not eating at all. He won't eat anything for us. And you told us Brian could talk, and Brian has not said one word." You know, they almost accused us of lying to them. We had told them Brian could do all these things, that he was toilet-trained, could talk, was a good eater. It was just a trauma that he went through. They made it sound like we had lied to them, and I told the social worker we had no reason to not tell them the truth.

GNS: Did anytime during this initial period, or prior to placing him there, did you talk to a psychia-

trist or psychologist?

Mother: No.
GNS: So in essence, what you're telling us is that you filled out a form and he was committed based on that.
Mother: Well, you had to get evaluations and stuff he'd had at...Oklahoma City.
GNS: So he did have previous evaluations?
Mother: Right, on our own. You know, they had all that.
GNS: What happened then? Did he settle down and start eating?
Mother: To a degree, but he never talked again.
GNS: He became non-verbal after that?
Mother: Right, but you've got to understand he has a progressive disorder which is rare, and it was not diagnosed until two years ago. We have another son that's six with the same disorder.
GNS: What is it?
Mother: It's mucopolysaccharidosis, a metabolic syndrome. It's called Hunter's disease, or Hurler's syndrome.
GNS: Is he profoundly retarded?
Mother: He is now. They start out normal, lose ground, go backwards again after a certain time. Brian didn't show that many problems when he was first born, the first year or two. He was about 3 when all of a sudden it was like he just quit and started losing ground. The 6-year-old shows problems to begin with, but has not lost any ground yet. We got him in programs right away. Brian didn't have programs.
GNS: Is Brian a multiple-handicapped? Does he have any physical handicaps?
Mother: Yes, he can barely stand to walk now.
GNS: Did you have any problems after this initial shock?
Mother: Well, he seemed to come out of it some, but it was like he was really angered. We'd go up there and it was like he would hit at us, he didn't want anything to do with us, and that was hard to take. They always promised us before we went that Brian would get all these educational deals that we couldn't get him through the public schools at the time.
GNS: And at Enid?
Mother: They told us the reason we could admit him was because they could educate him. He would be worked with. He would get speech. He would get

schooling, special education. It never happened. He never qualified. He was too far down, that's what they kept saying.

He was supposed to have gotten speech, but they took them over once a year to a speech pathologist for a 15-minute session. If they did not communicate with that speech pathologist in 15 minutes, they did not qualify for speech and they went back to the ward for a year, and then they were brought back for another 15-minute evaluation. If they didn't speak with them then, they went back for another year. That was their policy on speech therapy. So consequently, he never qualified.

GNS: Besides this lack of therapy and attempt at training, did you notice anything wrong? Did you have any difficulties visiting with him?

Mother: We always felt the kids weren't kept clean. There was always a lot of shigella, which is a type of diarrhea. It's just a tough germ to get rid of once the kids have it. They would quarantine the cottage. The cottage was filthy. It was a dirty old

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building. They've torn that one down...

It just seemed like the kids were neglected. They would have one person in a room with 20 or 30 little boys, and they would be on these cold terrazzo floors in just their skivvies. That was all those kids were ever in until they brought them out to the parents. Now, you had to call up there at least 24 hours ahead to let them know you were coming to visit.

GNS: Did you ever notice any unusual injuries?

Mother: On Brian, yes.

GNS: When?

Mother: The first one, this probably had to happen in 1977, I would say. We were told that another child had bitten Brian on the ear and that Brian required stitches. The child had never had a stitch before he went to Enid State School, as hyper as he was. He even rode his bike down the basement stairs one day here, and it never made a stitch. Yet up there, there were stitches all the time.

They called us and said he had had his ear bitten. We didn't think that much of it. You know, it sounds feasible, because we even know Brian bit occasionally. When we got up to see him, though, it was right where the ear lobe is attached to the face. It was torn, pulled away. There were no other marks on the ear. It would be almost impossible for someone to bite an ear that way, without leaving a mark anywhere. Usually you'd think they'd have bit the top of the ear.

GNS: How many stitches did he take then?

Mother: I couldn't tell you, it was so bloody and matted up everytime we saw it. At least five or six. There were stitches on both sides, and in back.

GNS: The ear was actually torn away from his face?

Mother: Right. It never did heal good. The scar is still there, and it's not attached now.

GNS: Did you say anything in 1977 when you saw this?

Mother: No. In fact, it was probably two weeks before my husband and I even had enough guts to talk to each other. We were both thinking the same thing,

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that it was not a bite. It took us a few days to speak up to each other as to what we thought. We decided we would be better off just to let it go — Brian was OK, it was fixed, it was healing — rather than cause trouble. Because we were afraid we'd make it worse on him.

GNS: When was the next?

Mother: The next one was the 22nd of November — the Wednesday before Thanksgiving, I think — of 1978. We were called one morning and they said Brian woke up and his head was all swollen. They didn't know what was wrong, or what had happened to him. We got up there and they told us he was in the hospital. We walked into the room where he was supposed to be, with another little boy sitting out in the open waiting area, and we walked right by him.

We walked up to the social worker and asked where he was. She told us over here. She said, 'Why there he is, didn't you talk to him?' We didn't even recognize him. His head was so malformed, just totally distorted. It was swollen. He had a big mark — you could tell there were at least three points of impact on his head, one in the back, one in the side near an ear, and then one on the forehead. There was so much bleeding under the scalp and in the skin that his whole head was swollen.

GNS: What else?

Mother: He ended up with two black eyes. One eye was swollen shut. And his whole head had turned blue and green before it was over.

GNS: What was that from?

Mother: Someone just beat the shit out of him. After that, he couldn't walk or anything for a long time. It really set him back.

GNS: Wait a minute, did you take him out of there and take him to a hospital after that?

Mother: We took him to Dr. Simon (at Enid). We got no satisfaction. In fact, they just made fun of us. They tried to make us feel like a couple of assholes to even think that someone would have done it.

GNS: Your guess is he was hit with a blunt object?

Mother: Either that or he was shoved into the terrazzo or the brick wall. The back did have some cuts, because it was seeping, and he has a scar on that.

GNS: And his eyes were blackened?

Mother: One eye was completely swollen shut, and the other one almost, but his whole head ended up turning black and blue.

GNS: Did they X-ray him?

Mother: Took him out to Dr. Simon... We tried to get him to say what he thought could have caused this, and he said, "He probably just kept banging his head on his bed" — which Brian had never done before, and hasn't done since. He's not self-abusive.

GNS: Was he still hyper at that time?

Mother: Yes.

GNS: Was he aggressive?

Mother: To a degree. It depends on what you call aggressive.

GNS: How big was he?

Mother: Right now he's 15, and he's smaller than our 9-year-old, who's small for his age. He's a head shorter than him, and he weighs like 65 pounds.

GNS: What was his stature then, in 1978?

Mother: He would have been smaller then. He probably weighed 50, maybe 55 pounds. So you know, it wasn't like he could hurt an adult... We went back

early the next morning, and brought Brian here, to Okarche, and Dr. Jack Berry looked at him. I got ahold of the emergency room report from him.

GNS: He took him to the hospital?

Mother: Up here at Okarche, he took him to the emergency room. He said there wasn't really anything he could do, that he could not get up and testify that the child was abused, because he hadn't seen it happen. But he said, "If you brought me one of your other kids in here looking like this, I would call the police." He couldn't believe it. My brother, his wife was in the delivery room having her baby, and my brother came back and looked at him and he just started bawling. It just made him sick. He had to leave.

GNS: You'd taken him home, so what happens now?

Mother: Well, we took him back to school.

GNS: Back to Enid?

Mother: Yes, we had a very sick baby, and Brian was so hard to manage, we didn't have a place to isolate Brian. We could not let him loose in the house

were always going to give us the list of the people who were on that night he got hurt and that morning, and he never would. We couldn't get that list for love or money.

GNS: Did you meet another time with Reynolds and Chinn?

Mother: We met, oh, four or five times with them over this incident.

GNS: Over how long a period?

Mother: Two or three weeks. We tried to get the names of those on duty and to find out what had been done about finding out who did it. And they kept telling us that no one did it, that nothing had happened to him, that he wasn't abused.

GNS: Then what happened?

Mother: Nothing happened. My husband just got flat out so mad he told Chinn he'd kill him if anything ever happened to Brian again. They almost got in a fist fight. He came so close to popping Chinn in the mouth it wasn't funny.

GNS: What did Chinn say?

Mother: He just sat there and shook. It was from him telling us we were crazy, that we were just troublemakers, that we didn't know what we were talking about, that there wasn't a damn thing we could do about it, that there was nothing we could prove, and that there was no way we could do anything to them.

GNS: Did they say that to you?

Mother: Yes.

GNS: Did they ever indicate to you they had conducted an investigation, or were going to conduct an investigation?

Mother: They never did tell us they had conducted one. They kept saying they would. They kept saying no one knew anything.

GNS: What happened next?

Mother: In January, the bruise on the back of his head turned into sort of like a boil. It got infected. They put him into the children's hospital in Oklahoma City and ran tests to see if he had some kind of a blood disorder... But the kid could not walk or hold his balance for a long time after that. In January, he still wasn't walking unsupported.

GNS: Go ahead. He was taken to Oklahoma Children's Memorial Hospital and they ran a whole bunch of tests?

Mother: They also had people from the Child Study Center over who evaluated him and I know there was some kind of a report sent back to Enid State School stating that Brian needed all these services and that he'd darn sure better get them.

GNS: What services?

Mother: We were never informed about this. Educational services, speech, physical therapy.

GNS: When was that?

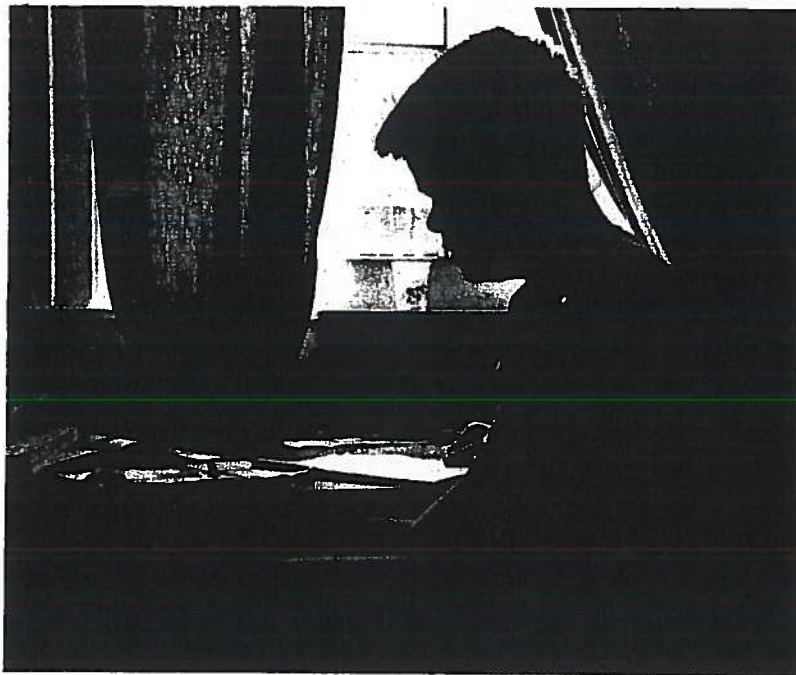
Mother: March of 1979 by the time the report got there.

GNS: He went back to Maple Cottage?

Mother: Right. I never knew about the report. We just kept trying to get him in speech, and special ed services. Anything, something to stimulate him. You know, nothing. We tried to get conditions on the ward improved. There would be five or six aides sitting in

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A resident sits at his desk at the Enid State School.

or he would have hurt himself. There was just no way we could handle both of them. He went back, and we had all kinds of meetings with Howard Chinn (the Enid superintendent) and this Sylvan Reynolds (chairman of the Enid child-abuse investigating committee). You've heard of him? He's a stinker. He seemed to be the agitator. He was a real smart aleck. Everytime you'd say something, they would almost mock you — just make fun of you.

GNS: Could you give us an example?

Mother: Well, when you would say something, it was like he was trying to get us mad. He'd just sit there and snicker when you'd say something about it, or when you'd say why can't we get the names of the people who were on duty the night this happened? He'd say, "Oh, we'll get 'em, we'll get 'em — ha, ha, ha." Just a stupid little laugh. Everytime you'd bring something up, he'd just try to agitate you. He was making fun of you.

GNS: That was Reynolds?

Mother: Yes.

GNS: What did Chinn do?

Mother: Nothing. He'd just sit there and grin. He said, "We're gonna do it, we're gonna do this, and we're gonna do that." But nothing ever got done. They

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the dining room drinking coffee — one aide on the ward with the kids, 20 boys. She'd be glued to the TV with these poor little kids running around in this empty room with this one beanbag, in their underwear, barefooted. You know, it didn't matter if it was 80 degrees outside or zero — that's how they were dressed.

You know, we could never get anything done about that. The most we accomplished was they moved the nurses' station to where we couldn't see the nurses sitting there. They moved it to where you couldn't see them. We didn't get any more people on the wards with the kids. We didn't get any toys on the ward. And we didn't get any more clothes on the kids.

GNS: What was the life like for these kids every day? What time did they get them up in the morning?

Mother: They got them up pretty early. They served breakfast early, like 7 o'clock. Sort of a cafeteria. Just a room right off of their ward.

GNS: What did they do all day?

Mother: They stayed in that ward in their underwear, with one beanbag and no toys, and walked around twiddling their thumbs or sitting in the corner rocking, or trying to chew on the window. And that was all they did.

GNS: Were they dressed when they went to breakfast?

Mother: They are never dressed, unless they bring them out for their parents. They are never in clothes. You never saw a kid in clothes when you peeked in there. Not a one of them. The only time you saw a kid in clothes was when they were brought out to their parents. Older kids that had badges that could go on campus freely, they were dressed. You know, higher functioning kids. But these little ones weren't.

GNS: The only time they did anything was when they went to dinner, or lunch, or breakfast?

Mother: Right.

GNS: No programs whatsoever? No television?

Mother: There was a TV stuck way up high near the ceiling, on a stand. The aide was on a tear watching that. The kids would never see it unless they laid on the floor and looked up. Those kids would never notice it, unless someone was drawing their attention to it. Those are low-functioning kids.

GNS: Were there beds on the same ward?

Mother: Up in the other room.

GNS: No other toys but a beanbag?

Mother: No toys, no nothin'. It was a stripped-down room.

GNS: Padded walls?

Mother: No, rock or some kind of brick, like you see in a schoolhouse. Terrazzo tile on the floors.

GNS: What about the use of drugs?

Mother: They were sedated. Brian was on a real high dosage. We took a paper that we swiped off a nurse's station that said where if kids were rowdy, or got in a fight, or caused any trouble, and someone had to be called in on it — they were tied with wrist and ankle restraints, to the belt, were not to be talked to when this was done, were not to be told they would be let out when their behavior changed, they were not to be talked to at all.

And it also said the nurse would make the decision whether or not to inject them to calm them down. There was another one in there that said they were to be locked in a shower, that we couldn't get. I tried to get my hands on that.

GNS: Locked in a shower?

Mother: Yes, if the kids became upset or unruly, for discipline.

GNS: Did you belong to any parents' groups?

Mother: I was real active for awhile in trying to start one. They had a Parent-Guardian Association (at Enid) but it was hard to get to and we were told it really wasn't much. We were really isolated. The ones that came to the meetings were more or less dogooders. It was more of a social thing.

GNS: Did you ever witness any kids on campus besides Brian with injuries?

Mother: Well, you always saw banged-up kids with stitches. That's very common.

GNS: Did Brian suffer any more injuries after 1979?

Mother: Yes, in October of 1979, on a Friday night. They called us about 10 o'clock on that Saturday morning, and told us Brian had knocked some teeth loose. When I asked what happened, they said we don't know, that Brian had just hurt his mouth and had some teeth loose.

GNS: How?

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GNS: How?

Mother: They said he was in no pain whatsoever, everything's fine, their dentist was looking at him, there would be no problem. They were telling us they didn't know what happened.

Mother: They said he was in no pain whatsoever, everything's fine, their dentist was looking at him, there would be no problem. They were telling us they didn't know what happened. I told them I wanted my dentist to look at him. It was the Oklahoma-Texas football game weekend, and you couldn't find a dentist anywhere. There were none in the state.

We told them we'd come up Monday, since they said he was OK and all, but when my husband got home, we decided after all this other mess, we'd just go on up then. We went up there, and we didn't check in at the head office, and we just went around to the cottage, and we walked in the door. We knew where Brian's bed was and we asked where's Brian.

GNS: What did they do?

Mother: They said you're supposed to check in. They got all atwitter. I said where's Brian. They said he's in bed. So we just pushed our way on in there. They had him over in the corner in his crib. They had him so doped up he couldn't feel any pain. They could have done major surgery and the child would never have felt it. He had wet himself and soiled himself. He had thrown up on the sheets and had laid in it so long that the vomit was dry.

We threw a fit. We said you get that kid up and you get him cleaned up right now. We just went into a rampage. His whole mouth was swollen up and there was blood coming out, kind of oozing.

GNS: Then what?

Mother: We went over to the administration building and we told them we wanted to talk to Chinn right then and there, and they said it's Saturday, come back next week and he'd be glad to talk to us. We said, "You either get Chinn here right this minute or we will walk across the street to his house." We had seen him when we drove up. We knew he was home. They

got him over there. We told him what we had seen, and asked how his teeth got knocked loose.

GNS: What did they say?

Mother: They came up with this story all of a sudden that he had fallen in the bathtub, and that this lady working with him was elderly and she just couldn't manage him. If he had fallen in the bathtub, why didn't they tell us that the first time?

GNS: How many teeth did he lose?

Mother: One we ended up losing that the dentist couldn't save. The others they cemented together and they tightened up. He did have to be put under to do this. There were six in all involved. They were front teeth, most of them on the top. We took him to Oklahoma City on Monday, and our dentist fixed him Wednesday.

GNS: Then what?

Mother: After that, we raised hell. We'd been to Rader's (DHS Director Lloyd E. Rader) office before when he got his head hit, and tried to talk to Rader. We did a lot of yelling. We got as far as Honora Phelps. She said, "Well, Mrs. Whitlock, we'll check into that; Brian will be taken care of. I'm sure Mr. Chinn is trying his best." We got all that. Well, we went back up there after the teeth bit. We told them we wanted Brian out of that school, and if they didn't get him out of that school, we would file charges. We still couldn't get to Rader, and we never did find out if there were any abuse reports filed, and I honestly think there weren't.

GNS: What about Chinn and Reynolds?

Mother: They are terrible administrators. They are old guard. They don't care. There is nothing personal about those two men.

GNS: Did you ever get any rumors or hints as to what happened to Brian?

Mother: No, when we were told about the old lady who couldn't handle Brian in the tub, we tried to get a name and I said if that cuts the mustard, that's fine, I'll apologize to you. I said let us talk to the woman, and we never could get a name there either. I personally just figure they were lying the whole time, that someone socked him or kicked him.

GNS: Did you ever see any attendants slap or kick or push a kid around?

Mother: No, but they always knew you were coming. The time we went up there without warning and walked straight in, the whole place went in a tizzy. Aides went everywhere, letting other people know someone was there that wasn't supposed to be. I mean, they just came unglued. There were two who tried to make sure we just stayed put and the rest of them just scattered at a hundred miles an hour to find everyone they could, to make sure everyone on that floor knew someone was there. It was just like a hornet's nest disturbed.

GNS: Were you ever threatened?

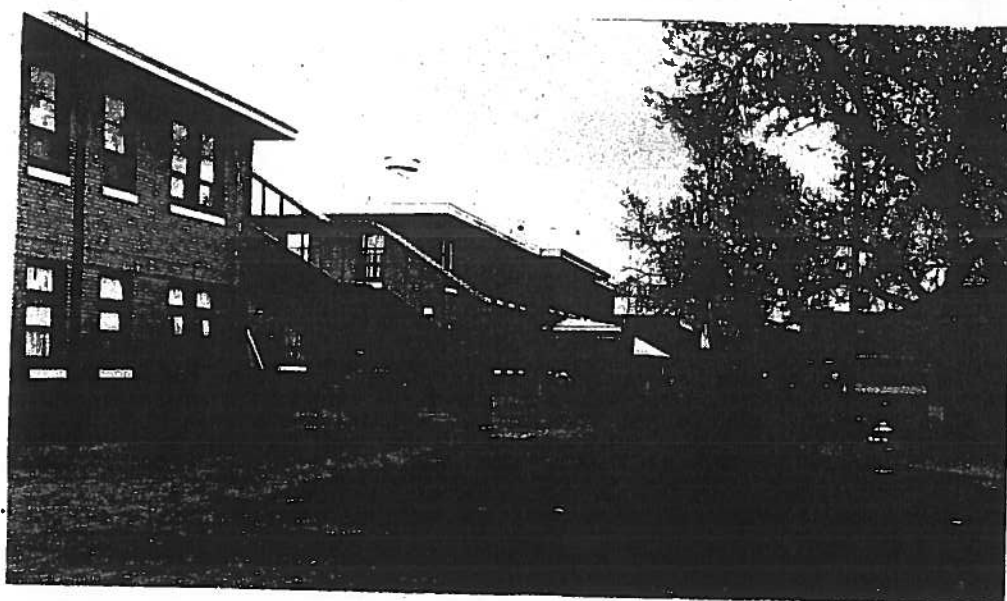
Mother: No, but our lawyer at that time had worked in Rader's guard somewhere in that department. He said if you really get serious and file a serious lawsuit, you'll never live to see it get to court. Now, he told us that. He told us we'd damn sure have to get Brian out of the home and take care of him ourselves.

GNS: Why is that?

Mother: He insinuated that Brian would probably be killed.

— — —
Soon after the Whitlocks raised hob in Rader's office, and got a relative to pull strings with a top DHS official, Brian was transferred to Hissom, where he is today. Chinn, Reynolds, Simon and Rader declined comment or failed to return repeated telephone calls.

The courtyard at Oklahoma's Enid State School — DHS officials have repeatedly refused to discuss the deaths with reporters.



Records at one state school, show 6 deaths in just 23 days

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Several mentally retarded children have died in Oklahoma institutions this year, some under circumstances considered by experts to be suspicious or questionable.

Six deaths at Enid State School within 23 days during January are listed, in documents on file with the state registrar of vital statistics here, as attributable in all but one case to causes that three medical experts told Gannett News Service are "perplexing" and "appalling" or "inexcusable."

Two other deaths at Pauls Valley State School, occurring before the Enid string, were also described as "definitely suspicious" and "totally unacceptable."

One of the medical authorities contacted by GNS, Dr. Allen Crocker, director of the child development clinic at the Boston Children's Hospital Medical Center, said the records bespeak "a classic catastrophe — an institutional system with its feet planted firmly in the 1940s."

Officials of the Oklahoma Department of Human Services (DHS) refused to discuss the deaths with reporters from Gannett News Service and KOCO-TV, a Gannett station in Oklahoma City, despite repeated requests for interviews.

However, as a result of the GNS inquiries, Dr. A. Jay Chapman, Oklahoma's chief medical examiner, whose doctors were involved in reporting three of the cases, has launched an investigation.

"I have instructed that the full institutional files at Enid and Pauls Valley be sent immediately to this office for re-investigation and, if necessary, referred to the Oklahoma Bureau of Investigation," Chapman told GNS.

"It is quite possible," he said, "that something was overlooked or not reported to us regarding these deaths. Because of the questions now being raised, there is reasonable grounds for suspicion and this office is now assuming jurisdiction."

GNS learned of the deaths during its investigation of the Oklahoma Department of Human Services.

Enid and Pauls Valley are both schools for mentally retarded children run by the DHS, and were the subject of recent GNS stories about chronic child abuse. Similar abuses were found in juvenile training schools and residential detention homes run by DHS.

Information about the deaths was gleaned principally from death certificates filed by institution doctors or state medical examiners.

Among the causes cited by DHS officials for the Enid deaths were constipation and profound mental retardation. Another was attributed to a form of dysentery doctors say occurs in severe form only in habitually filthy surroundings.

The Pauls Valley deaths involved a 16-year-old boy, who died of a "lowered body temperature"

rished, and underdeveloped."

Dr. Crocker, commenting on the state's explanation of the death, told GNS, "Death by aspiration is symbolic of inadequate staffing. It comes from being fed solids and liquids while horizontal."

"It's like this. You've got 27 bedridden retarded or physically handicapped people on a ward and two or three people attending. Dinner time roles around and they've only got so much time to make sure each person is given his meal. The area is cleaned up and trays returned."

"Is anyone going to take the time to prop a resident up and feed him properly, or see that after they eat they don't aspirate (or suck into the lungs) some food? No. They feed these kids and get it over with as quick as possible. Pneumonia sets in and after a few days they die. Classic institutional death."

Dr. Paul Pearson, director of the Meyer Children's Rehabilitation Institute at the University of Nebraska and chairman of the Nebraska Mental Retardation Panel, said of the death certificate, "Not infrequently children with brain damage aspirate food or their own fluids. This can lead to pneumonia. When that happens the person should be hospitalized and given the proper medical treatment. Death can result, but not usually if the person is given normal medical care. Without an autopsy, they are really only guessing."

Dr. Robert Kugel, medical director of the Flower Fifth Avenue Hospital in New York City who specializes in care of the retarded, said, "Aspiration is not necessarily strange with, say, cerebral palsy. Many have difficulty swallowing, and based on the little information available, it sounds like this child should have been hospitalized, and as a general rule, such a death would be followed by an autopsy."

Anthony Y., 19, died Jan. 7 at Enid State School. The death certificate says his body was removed by the medical examiner's office on the same day, and lists no place of burial. Reinstein, who could not be reached by GNS for comment, listed the immediate cause of death as "Bowel Obstruction of Colon, Impaction," and stated that it was "due to or as a consequence of Profound Mental Retardation." Under the category of other significant conditions contributing to the death, Reinstein wrote "Spastic (sic) quadriplegia (paralyzed in the arms and legs); seizure

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One medical authority on children's institutions contacted by GNS said the records bespeak 'a classic catastrophe — an institutional system with its feet planted firmly in the 1940s.'

without benefit of hospitalization, and a 21-year-old retarded girl, whose cause of death is uncertain.

Here, chronologically, are the Enid deaths, and what the medical authorities thought of the state's official explanations for them:

Chris McC., 15, died Jan. 4 at Enid State School. He was buried two days later in Arlington Memory Gardens in Midwest City, Okla. Dr. Cecil R. Reinstein, a local doctor employed by the state medical examiner's office, listed the immediate cause of death as "Aspiration Pneumonia," and said it was "due to or as a consequence of Severe Cerebral Atrophy."

He wrote, in the space titled "Other Significant Conditions," that the youngster also suffered from "Inanition" — an apparent misspelling of "inanition," which, according to medical dictionaries, means a condition "due to the lack of sufficient food material essential to the body, such as general underfeeding, undernutrition, or caloric insufficiency."

There was no autopsy, but the medical examiner's notes include the observation, "emaciated; malnour-

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disorder." An autopsy was performed eight days after his death.

Observed Crocker: "More of the same. Of course constipation is not deadly — unless you don't have the ability to help yourself and those around you don't care and let it persist. My guess, and that's all I can do without more information, is that this boy suffered from this previously, and gradually it broke his system down so that he no longer had the drive to relieve himself and died. It would have taken days, if not weeks, to happen.

Pearson: "Good grief! That's just poor care. What that says is that he died of constipation. Why didn't they treat him? Constipation is always a problem with non-ambulatory patients, but not life-threatening. Spastic quadriplegia is just cerebral palsy, not a cause of death. He should have been hospitalized if it was that serious, but it should never have gotten that serious."

Kugel: "That's highly suspicious. Constipation? I'd be very suspicious of that. I can't think of any reason why that should happen. There's no excuse. Mental retardation isn't relevant."

Jodi M., 21, died on Jan. 13 at Enid State School. She was buried the next day in Chickasha Cemetery. Her death certificate was signed by Dr. Phillip S. Choi, the attending physician at Enid when she died. He stated on the death certificate that he did not view the body, did not see her the day she died, and did not ask for an autopsy.

Choi listed the immediate cause of death as "Cardiopulmonary arrest" as a consequence of "acute enterocolitis due to shigellosis." He listed as a "condition contributing to death" the state of "profound mental retardation due to encephalopathy and prematurity."

Observed Crocker: "Shigellosis is not viewed as fatal. That is, humans don't die from it, or wouldn't die from it if anyone cared. If we got shigellosis, you or me, we'd feel lousy for a few days but with simple dosages of antibiotics, we'd be up and around. Years ago — when institutional conditions were consistently cruddy — shigellosis was fairly common. Today, it's appalling that anyone gets it, much less dies from it."

Pearson: "Cardiopulmonary arrest is what we all succumb to. I wouldn't make a big deal of that unless it was the only thing on a death certificate. I've never seen a case of shigellosis, a severe form of dysentery. It's highly unusual because it comes as a result of unsanitary conditions, bacteria-laden water and food. In this day and age we don't — or we aren't supposed to — subject people to those kinds of filthy living conditions.

"It is very easily treated: antibiotics and fluid therapy. She should have been hospitalized and certainly would not have died from shigellosis alone. Acute enterocolitis is the existence of the shigellosis infection in the colon. It says nothing, really. Encephalopathy is another way of saying cerebral palsy."

Kugel: "One dies of complications, not shigellosis. That doesn't sound right. First, shigellosis is uncommon — very rare — in this country. I haven't seen a case in a number of years. Public health codes, setting minimum standards for sanitation, have pretty well wiped it out. If treated, it's not a life-threatening infection.

"In any case, it's not the kind of thing that you get and 24 hours later you're down and out. It occurs slowly and that's what concerns me. It had to have been identified and if it was that severe, she should have been hospitalized. Enterocolitis is another way of saying it was in her intestines. It means nothing. I probably would have asked for an autopsy on this."

Cleta Gibson, a nurse's aide of 15 years' experience at Enid, shed some light on Jodi's death when contacted by GNS last week. Gibson, who works on the "acute care unit" at Enid, recalled of Jodi, "She wasn't even on the (medical) ward when she died. She was in her cottage, Elm Cottage. And when they brought her over here, she was already dead."

Gibson said the death of Anthony Y. was also one over which nursing aides had little control. "The aides can't be blamed for that," she told GNS. "Not when the administrators told us not to give laxatives to these kids unless they didn't have a bowel movement for three days."

Frank C., 19, died Jan. 17 in Bass Hospital, a private hospital in Enid. A resident of Enid State School, Frank was operated on in Bass Hospital for cysts — or "matted nodes," as they were called on the death certificate — in the duct which connects the

thyroid gland region and the tongue. He was buried four days later in Beulah Land Cemetery in Langston.

Dr. Fred B. Jordan listed the immediate cause of death on the certificate as "complications of laryngospasm," and put "pneumonia" in parentheses beside that. He wrote that it was due to "surgery for thyroglossal duct cyst." Other "significant contributing conditions" were listed as "microcephaly" and "congenital heart disease."

Observed Crocker: "He apparently died of pneumonia in post-operative care. The problem here is that it would take a couple of days before the pneumonia would have reached a critical level and certainly it would have been noticed. The operation was fairly simple and laryngospasm is not a cause of death — or shouldn't be. This boy probably languished and toward the end wheezed a lot, creating at least the effect of laryngospasm."

Pearson: "I don't understand this one. Laryngospasm is a brief, very temporary constriction which often occurs when anesthesia is administered. It's routinely compensated for by slipping a tube down the bronchial passage or performing a tracheostomy. It's not serious at all. Pneumonia is unrelated. That's what's confusing. It has nothing at all to do with the procedure. The surgery described is also very minor. The risk level is slight under the hands of a competent surgeon. On any death of this sort, an autopsy should be mandatory."

Kugel: "This sounds like an operation was performed and sometime during or after the operative procedure, constriction of the throat muscles occurred. Laryngospasm — which isn't uncommon — occurs when anesthesia is administered. It's fair to say that in and of themselves, the operation and laryngospasm are not fatal. What is unusual is the reference to pneumonia. That doesn't go together with the operative procedure or resultant effect. It's a separate thing. An autopsy in this case would have been advisable."

Reached for comment, Jordan, a state medical examiner based in Oklahoma City, confirmed that Frank did die in the intensive care unit of the Bass Hospital four days after he had been operated on for matted lymph nodes.

"No autopsy was done," he said, "because there was no evidence of malfeasance on the part of the hospital or medical staff. What happened, from what I learned, is that the boy had an unusual spastic reaction when he was extubated (removal of the air hose placed in throat during the operation), became unconscious and sometime later, in ICU, contracted pneumonia."

Read the comments of physicians contacted by GNS, Jordan responded:

"Everything the physicians said is accurate. However, what apparently happened in this case was very rare and without knowing the circumstances the doctors' opinions are understandable. I have no problem with those remarks."

"In fact, in hindsight I have to agree that the real question here is why couldn't they get the kid airated. No airway had been established and a tracheostomy may have been achieved that — but that's second-guessing. Of course, even if a tracheostomy was successful it would not have affected the pneumonia, which was the primary cause of death in this instance."

Candida W., 19, died Jan. 19 at Enid State School. She was buried three days later in Memorial Park Cemetery in Tulsa. There was no autopsy. Dr. Zadia A. Iletto did not view the body, but listed cardiopulmonary arrest, severe pulmonary hypertension and cyanotic congenital heart disease as causes of death, contributed to by Down's Syndrome, the preferred clinical term for mongolism. The physicians contacted by GNS found nothing suspicious about her death certificate.

Myrlene H., 16, died Jan. 26 at Enid State School, and was buried three days later in the campus cemetery. She was blind and had cerebral palsy. Dr. Choi signed the death certificate, and an autopsy was performed. He listed cardiopulmonary arrest as the cause of death, due to "acute tracheobronchitis" and "probable pneumonia." Other contributing factors, Choi stated, were diabetes, hypothyroidism and profound mental retardation.

Observed Crocker: "Tracheobronchitis is what is normally known as the croup. Ordinarily it can be managed through the administration of antibiotics. Pneumonia sometimes results when nothing is done. Death results when nothing is done about the pneumonia."

Pearson: "The fact that they listed 'probable pneu-

monia' shows that they didn't know for sure and probably didn't even take an X-ray, just guessing at the cause. Acute tracheobronchitis indicates she probably had sustained pneumonia and should have been hospitalized. With prompt medical care, most cases of pneumonia can be dealt with successfully."

Kugel: "As a rule you can't die from tracheobronchitis. Anyway, it's highly unlikely. Without the benefit of knowing anything more it appears that this patient contracted an upper respiratory infection and later it settled in the lungs and pneumonia developed. Without proper medical care one can die from pneumonia. In this case I most certainly would have directed hospitalization."

At Pauls Valley State School, a 16-year-old boy died last fall of a listed cause that medical experts contacted by GNS found strange.

Melvin 5, died on Oct. 12 and was buried the next day in Calvary Cemetery in Gene Autry, Okla. Dr. Newton Averion, the school physician, who had attended the youth from the time of his admittance six years earlier, wrote on the death certificate that he last saw the boy alive three days before his death. He did not ask for an autopsy.

Melvin, he wrote on the certificate, died of "cardiac arrest" as a consequence of "hypothermia." This means, according to the medical dictionaries, "having a body temperature below normal." Averion refused to discuss the death with Gannett reporters, saying he had to get clearance from DHS Director Lloyd E. Rader first. Rader has instructed all Pauls Valley personnel to remain mute when questioned by reporters.

Observed Crocker: "This is an ominous commentary on the entire system. Hypothermia death under supervision and without environmental exposure screams one thing: lack of care. I can only conjecture, but this boy's loss of body temperature was probably sustained over a long period of time until he finally died. The fact that he was not hospitalized demonstrates the concern."

Pearson: "What can I say? Hypothermia means he died from a loss of body heat. The therapy is simple. Warm the patient up and stabilize his temperature. With any kind of care, this would have been done. I don't understand it. I also think it strange that a 16-year-old would have died of cardiac arrest. The two are unrelated and the age here is significant."

"Occasionally cerebral palsy does bring on a disorder where the part of the brain controlling body temperature ceases to function voluntarily. However, that can be treated in a number of ways and there is usually plenty of time to bring the temperature back into balance. An individual can survive days of abnormally low body temperature and survive. One doesn't die from it in hours. At very least, this child should have been hospitalized. I am very disturbed there was no autopsy."

Kugel: Dying from hypothermia, under these circumstances, is certainly unusual. Sure, cardiac arrest results. The heart stops. That is the result, not the cause. Therapy for hypothermia is fairly standard and should be handled in a hospital setting."

Linda J., a 21-year-old retarded girl, died at Pauls Valley on Feb. 5. The reasons have never been explained.

Crocker and Pearson had even more to say about the heavy reliance of the Oklahoma Department of Human Services upon its institutional system and its method of handling resident deaths.

"Oklahoma's institutions are notoriously bad," said Pearson. "That many deaths in such a short period of time requires a full public explanation. As a matter of policy, we perform autopsies on everyone who dies at the university (Nebraska). As you know, an autopsy is not mandated unless there is suspicion of foul play. Now, however, most state medical examiners have adopted a practice of performing autopsies on all institutional deaths. It just makes good professional sense."

Said Crocker: "It would be easy to say that this is solely a medical failure — a crime, actually — but it isn't. It's a human service crime and the state government is to blame. Sure, the medical treatment is a disaster, but it fits right in with the rest of the system. When a state doesn't give a damn about these defenseless people, then it underfunds and hires unlicensed medical personnel. That's what it wants."

"So the residents become seriously ill and they aren't provided with minimal care, much less sent to a hospital. Given that, what's surprising about not doing autopsies? If Oklahoma officials don't care whether these unfortunates live then why should they

Please see DEATHS

Linda J. — Victim of abuse?

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Most of the deaths in Oklahoma's institutions for the retarded during the last few months raise questions about neglect. But one less-recent death raises another concern.

On Feb. 5, 1980, Linda J., a 21-year-old retarded girl, died in Pauls Valley State School. The reasons have never been explained. There have been suggestions she died as a result of abuse.

In an interview with Gannett News Service this week, the state medical examiner said that he was never given a full account of the death by institution officials and that he is opening an investigation of her death, as well as others.

"We were told the death was from natural causes," said Chief Medical Examiner A. Jay Chapman. "Now it appears we were provided with incomplete information. Because of that we have assumed jurisdiction. The complete medical and personal files from Pauls Valley have already been ordered."

Linda died, according to accounts confirmed by state Human Services Director LLOYD Rader, Pauls Valley Superintendent Norman Smith and top Rader aide Jerry Poyner, as three attendants attempted to restrain her when she tried to leave her ward without permission sometime around 8:30 a.m.

"This was a situation where Linda was running down the hallway, trying to run off, and the attendants restrained her and finally got her on a bed and one put a wet cloth on her head to calm her down," Smith said.

From that point on, however, what happened becomes unclear.

Rader contended, in a wide-ranging interview in January with GNS, that Linda "choked to death." Smith, at the same interview, gave two conflicting versions, one that she "aspirated" (choked), the other that she "just fell back — died instantly as far as anyone can tell."

Dr. Newton Averion, the attending physician, now says he doesn't recall the incident and refuses to discuss the matter.

State death records filled out by Averion say only that Linda died of cardiopulmonary arrest, meaning her heart stopped. The death certificate also notes that she was severely retarded and suffered from a generalized convulsive disorder.

Independent physicians questioned by GNS characterized the death certificate as "unacceptable" and "suspicious."

Averion, a non-licensed institutional physician, placed the exact time of death at 8:40 a.m. He also wrote that the "approximate interval between onset and death" was "immediate," a circumstance that would appear to rule out convulsions or choking as a cause of death.

Nevertheless, in the January interview with GNS, Director Rader, with his attorneys and Superintendent Smith present, said he had been assured by Smith that the girl had "choked to death" because "she was subject to seizures and finally had a fatal one."

Smith said that Linda "used to regurgitate all the time" and "aspirated" (choked on food or fluid), but, under questioning later in the interview, offered a completely different explanation of what happened on the morning she died.

"They raised Linda up to go and she just fell back died instantly as far as anyone can tell," he said.

That version coincides with a portion of the death

Linda J's death certificate lists cardio-pulmonary arrest as the cause of death. She was 21.

certificate which indicates that the girl died "immediately" at 8:40. However, Smith said that Averion, who had been called several times at his nearby office, did not arrive at the scene "until about 20 to 30 minutes after Linda died."

Only then — well after 9 o'clock — was oxygen administered, Smith confirmed.

While waiting for Averion to arrive with the oxygen, Smith said, attendants tried to resuscitate Linda because "it was felt she had something in her throat."

Smith acknowledged that some staff members and residents suspect that Linda died as a result of the restraining measures, as opposed to choking to death herself. However, he said, those suspicions are "totally unsupported by the facts." He explained that "one of the girls there saw them trying to resuscitate her," and after an attendant had put a wet cloth on her forehead, the observing girl "told one of the ladies in the cottage that 'they mashed her to death.'"

Asked what then, in his opinion, Linda died of, Smith replied, "There was a number of things she could have died of. She had an awful lot wrong. What does it matter what she died from anyway?"

Smith's cynicism wasn't shared by three leading physicians in the field of mental retardation who were asked by GNS to comment on the girl's death certificate.

Dr. Allen Crocker, director of the child devel-

opment clinic at Boston Children's Hospital Medical Center, referred to the case as "an unexplained and suspicious death."

"The death certificate says nothing," Crocker said, "and no one cared enough to find out how she died."

Dr. Paul Pearson, director of the Meyer Children's Rehabilitation Institute at the University of Nebraska, concurred. "The death certificate tells us nothing," he said. "With no autopsy, there is no way of determining the cause of death. That is most definitely suspicious."

Dr. Robert Kugel, medical director of the Flower Hospital for the Mentally Retarded in New York City, offered this opinion:

"This one certainly raises a number of questions. I'd say it's totally unacceptable. This place has got a real problem."

Medical examiner Chapman now says that if he had known Averion was not a licensed physician, he would have investigated the case more closely.

"The laws of this state indicate that such a death has to be investigated by a licensed physician," he said. "The question this raises to me is: If in fact this person who was reporting the deaths to us was unlicensed, then the deaths are automatically subject to a full investigation of this office. We were not aware that any of these people were unlicensed physicians. We will, from this point forward, certainly

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give a damn what they died from? Don't you see? These people, as far as the state is concerned, are non-entities. Just put down anything on the death certificate. Cardiopulmonary arrest will do. What does it matter?

"It's anti-humanistic, but that's how the ballgame is played. You begin by cutting corners on staff, then medical personnel, then therapy, then care, and so on right down to depriving these nameless, faceless people of the right to live, or to even die with dignity. The aromas emitting from Oklahoma are particularly putrid, but look beyond medical personnel for the

reasons. If everything else was up to snuff, poor medical care would readily be detected and dealt with promptly."

Chapman, the chief medical examiner, explained that "statutory limitations and the current system of reporting institutional deaths by telephone" prevented his office from taking jurisdiction earlier.

"Telephone reports from the institutions at the time of the deaths led us to the conclusion that all were as a result of natural causes," he said. "Obviously, from the questions being asked now, we weren't

fully advised of the circumstances surrounding these cases."

Chapman conceded that the "total dependency on the institutions to accurately portray the circumstances of each death" has more than a few faults.

"To be perfectly honest," he said, "under the current system if there was a desire to cover up a case it can be done...quite easily."

He emphasized that his investigation will not only "include a thorough examination of each child's medical history" but also will involve "studying all internal institutional files related to each case."

Mom charges state lied on cause

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — The mother of a retarded girl who died in a state institution here says Oklahoma officials lied to her about her daughter's death.

Mrs. Eva Garrett, whose daughter, Linda Johnson, 21, died Feb. 5, 1980 at the Pauls Valley State School, said in an interview Thursday with Gannett News Service that she will now seek "a full investigation into the death.

"If she was mistreated in any way, I will demand that those responsible be brought to justice."

The girl's death — already the subject of a state medical examiner's investigation and characterized by several leading physicians contacted by GNS as "suspicious" — occurred after Linda tried to escape and was restrained by three attendants.

In a recent taped interview with GNS reporters, state Human Services Director Lloyd E. Rader and Pauls Valley Superintendent Norman Smith confirmed that the girl died while attendants were applying restraining procedures. However, the two state officials varied in their explanations of exactly what caused Linda's death — Rader contending she was "choked to death" and Smith claiming "she just fell back, died instantly as far as anyone can tell" at one point in the interview and confirming Rader's version at another.

The death certificate signed by the institution's non-licensed physician, Dr. Newton Averion, said only that the cause of death was "cardio-pulmonary arrest."

An expert on care of the retarded boy GNS — Dr. Paul Pearson, director of the Meyer Children's Rehabilitation Institute at the University of Nebraska — said the death certificate "tells us nothing. With no autopsy there is no way of determining the cause of death. That is most definitely suspicious."

LINDA

□ Continued from 49

be cognizant of whether reporting physicians are licensed or unlicensed."

Chapman said he would seek to have Linda's body exhumed for autopsy if state files fail to provide adequate information.

When Linda died, the matter was discussed with the state medical examiner's office by telephone, but there was no request for an autopsy or an internal investigation, as is common at Pauls Valley when there are suspicions of abuse.

'Mr. Smith told me Linda died of natural causes. He never said anything about force. He said she lay down...for about 15 minutes and when the nurse came over to give her medicine she didn't respond. He said she died of a heart attack.'

Garrett said she was not told all the facts.

"Mr. Smith told me Linda died of natural causes. He never said anything about force. He said she lay down on her bed for about 15 minutes and when the nurse came over to give her medicine she didn't respond. He said she died of a heart attack.

"They lied to me," Garrett continued. "They never mentioned anything about her trying to run away, ever. They never said anything about seizures, and I was never told anything about her being restrained.

"If I had known any of those things, I certainly would have demanded an autopsy and an investigation right there and then."

Smith did not return repeated phone calls Friday from GNS seeking comment on Garrett's charges.

Garrett pointed out other contradictions.

During an earlier interview with GNS, Smith said the girl "had an awful lot wrong with her" and "there were a number of things she could have died of." He said that "Linda used to regurgitate all the time and was prone to frequent and violent seizures." So bad was the girl's condition Smith insisted that "her mother wasn't surprised at all Linda died."

"That's a lie — everything he said isn't true," Garrett said.

"I was very much surprised, shocked in fact, when Mr. Smith called and told me Linda died. I believed him when he said she had a heart attack because the doctor was supposed to have examined her and found that as the cause of death. Although I knew that Linda did not have a heart condition, I believed him because ... well I wanted to believe him I guess. Even though she never showed any signs of a heart condition, I felt they had no reason to lie to me. I just trusted Mr. Smith."

Garrett, who is a licensed practical nurse, said her daughter was epileptic but she was only mildly retarded and had no other physical disorders.

"Beyond the epilepsy and her slight retardation she was a normal healthy child," she said. "Linda was never violent and the seizures — the few that she had — weren't intense and didn't last long. The only time I can remember when she was sick, very sick, was back in 1974 when they had to put her in a hospital because Pauls Valley officials told me they had accidentally given her an overdose of Thorazine. Nothing other than that."

Garrett said she would "cooperate fully" with state Chief Medical Examiner Dr. A. Jay Chapman who is currently investigating Linda's death and the cases of seven other retarded children who died while residing in Pauls Valley and Enid state schools.

"I don't look forward to having Linda exhumed, but if that's what it takes to get some honest answers they will have my consent," she said.

"Well I know now they lied to me all along. In the back of my mind I've always known that it isn't likely a 21-year-old girl could die of a heart attack. But I tried to suppress that. Now what do I think? I believe there was foul play."

Thelma Johnson, Garrett's 24-year-old daughter, concurred with her mother's statements.

"There was nothing wrong with Linda physically, and she was never a problem," the sobbing woman told GNS reporters.

A year before her death, Linda was the subject of just such a report.

That report, obtained by GNS, says a deaf-mute child claimed to have seen three attendants assault Linda. The handicapped girl, using sign language, reported that she had seen the attendants "hitting," "choking" and "bending back Linda's fingers and toes."

Under questioning by Pauls Valley officials, the attendants acknowledged the incident and admitted

that Linda was "roughed up some" because she had attempted to escape. They argued that the girl had become assaultive and that force was necessary.

A group of Pauls Valley employees was convened as a committee to investigate the allegation, and without attempting to question either the victim or the deaf-mute girl, found that "the level of force used seemed to have been within the limits prescribed by the policies of the institution." The matter was dropped and the attendants returned to work.

Parent told of death in a terse mailgram

information," she told GNS, "they would tell me another story different than the first. Once they said he died of pneumonia. Then another time they said he had a heart attack. There was nothing physically wrong with him that I know about."

According to the state death certificate, which Mrs. McCallister has yet to receive from the DHS, the 19-year old retarded boy died on Jan. 7 of a "bowel obstruction of colon impaction" — more simply put, of constipation — less than a week after being quarantined for diarrhea.

The youth's death was considered suspicious by a trio of doctors prominent in the field of mental retardation who were asked by Garrett News Service to comment on Anthony's and seven other questionable deaths which have occurred at Enid and the Pauls Valley State School for the mentally retarded.

Of course constipation is not deadly," said Dr. Allen Crocker, director of the child development clinic at the Boston Children's Hospital Medical Center. "Unless you don't have the ability to help yourself and those around you don't care and let it persist."

When Gannett News Service looked into the case, however, it became even more puzzling. For the circumstances surrounding Anthony's death indicate he died of blocked bowels in the midst of a raging diarrhea epidemic.

Dr. William H. Simon, Enid State School's long-time clinical director — and the physician responsible for quarantining Anthony's dormitory — told GNS that on several occasions he has had to quarantine dormitories at Enid because of outbreaks of shigellosis, the rare form of Oriental dysentery that was sweeping the dorms when Anthony died.

On Jan. 3 of this year, Mrs. Rada McCallister received a form letter from the superintendent of Enid State School for mentally retarded children informing her that her son's dormitory had been quarantined. The reason, Howard Chinn wrote, was "several confirmed cases of infectious diarrhea."

"All students are being treated with antibiotic therapy," wrote Chinn reassuringly, "and should your child become ill, you will be notified immediately."

Four days later, Mrs. McCallister received a trite, two-sentence mailgram from Chinn. Her son Anthony, it said, "had expired" that morning. Mrs. McCallister said she received no call, no visit — just the mailgram. "That's all they told me then," the distraught mother said in an interview with GNS last week. "And that's really all I know now."

It's not that she didn't try. She's been trying to get an explanation out of the state's Department of Human Services, which runs Enid, for the last eleven weeks.

"Everytime I called and asked for some specific

Illegal reporting cited Coroner may review death records

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Oklahoma's chief medical examiner says a large percentage of deaths in state-run care and treatment institutions over the last decade may have been illegally reported by unlicensed doctors.

Dr. A. Jay Chapman told GNS and Gannett's KOCO-TV here that he may have to review death certificates going back several years.

"State law says deaths in these places have to be investigated by a licensed physician," Chapman told GNS. "In the eleven years I've been here, we've been getting these deaths reported to us over the phone. I had assumed they were fully licensed physicians."

The licensing section of the Oklahoma Board of Medical Examiners told GNS that there are 143 such physicians — unlicensed by the state — currently practicing in state institutions.

Chapman said he doesn't know how many of these have signed death certificates, but intends to find out.

"We had assumed that since these physicians were operating at institutions, they were trained," said Chapman. "We just were not aware that they were unlicensed."

The medical examiner made his observations in the wake of an announcement that he would reopen the medical files on eight questionable deaths of students in state-run schools for the mentally retarded

in Enid and Pauls Valley — institutions featured in stories published after a six-month GNS probe of Department of Human Services facilities (DHS) here. It is not known how many of the 143 unlicensed doctors work for DHS.

Oklahoma law gives Chapman's office jurisdiction over deaths in the schools for mentally retarded and juvenile training centers only when the circumstances seem suspicious or unnatural, or indicate violence or foul play. The medical examiner became concerned about the licensing question when GNS stories — besides revealing suspicious circumstance and murky death certificates — showed that many of the certificates had been signed by unlicensed physicians.

These doctors have received documents called "Limited Institutional Practice Certificates" — papers that are supposed to be issued on a temporary basis in "emergency" settings where a doctor's presence is directly needed. The temporary certificates, which impose numerous qualifications on their holders, were first established in 1971 under the Oklahoma Medical Practices Act.

One such physician, Newton Averion — who signed some of the more controversial death certificates now under investigation by Chapman's office — has been the attending doctor at Pauls Valley State School under this provision since 1974.

Most of the physicians operating under the limited practice certificates are foreign-born and trained. DHS Director Lloyd Rader was asked by GNS about the licensing practice in an interview last month, but referred the inquiry to his lawyer, state senator Gene Stipe, D-McAlester.

"There developed a shortage of physicians," explained Stipe in discussing the origination of the legislation. "The licensing boards had the legislature create by special statute procedures for bringing in foreign doctors, for mental hospitals, veterans' hospitals, sanitariums, like that. Other states do this, too."

Despite that, the practice draws frequent criticism from professional medical groups and individuals. As far back as 1973, the American Medical Association's house of delegates adopted a report "in opposition to the extension of institutional licensure in lieu of individual professional licensure to physicians."

Dr. Edgar Young, associate dean for pre-doctoral education at Oklahoma University's college of medicine, told GNS he found the practice "disturbing" and that he's "uncomfortable with open-ended" certificates which are supposed to be temporary but are not enforced that way.

The chief medical examiner became upset over the GNS-reported deaths because the information forwarded by phone to his office by the institutional physicians or DHS administrators did not contain questionable specifics later listed on the death reports.

"The information we received indicated they were natural, and the patients were under medical care at the time they died," said Chapman. He said he may pursue exhumation procedures and seek Oklahoma State Bureau of Investigation subpoenas "if it's confirmed by my office that the deaths were not properly certified or investigated."

The attorney general's view...

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — The state medical examiner must investigate the deaths of all children housed in state run facilities when those deaths were certified by non-licensed physicians, Oklahoma's attorney general said Tuesday.

The formal opinion issued here by Attorney General Jan Eric Cartwright calls in to question the legality of death certificates previously executed by non-licensed institutional doctors who have staffed Oklahoma's facilities for socially and mentally disadvantaged children for more than two decades.

"It is the official opinion of the attorney general that a human death attended by a physician holding only a certificate of limited institutional practice is a death 'unattended by a licensed medical or osteopathic physician' within the meaning of the statutes," Cartwright wrote. "All such deaths therefore must be investigated by the chief medical examiner."

Cartwright's opinion — addressed to Dr. A. Jay Chapman, Oklahoma's chief medical examiner — means the state will have to change its procedures for investigating institutional deaths. Either outside physicians will have to be called in to investigate all future institutional deaths or the state will have to hire licensed doctors for its institutions.

The opinion also calls into question hundreds of deaths over the years in which death certificates were signed by institution doctors.

Chapman requested the attorney general's opinion last month following Gannett News Service revelations that several children had died under suspicious circumstances in two of the state's institutions for mentally and physically handicapped juveniles. GNS contacted prominent



Jan Eric Cartwright
...state Attorney General

medical experts who questioned the accuracy of the youths' death certificates and characterized the deaths as suspicious.

As a result of the GNS reports on the unexplained deaths, Chapman initiated an investigation into those deaths and in one case, that of a retarded girl, Linda K. Johnson, ordered the body exhumed. An autopsy revealed that the girl had died from possible "strangulation while being restrained" and not as a result of cardiopulmonary arrest as her death certificate filled out by a non-licensed institutional physician reported.

So far that and at least one other suspicious institutional death have been referred by Gov. George Nigh to local district attorneys for possible prosecution.

Chapman and Cartwright were unavailable for comment on the impact of the attorney general's opinion.

In his opinion, Cartwright said that "physicians holding a certificate of limited institutional practice fall into two categories: those who are foreign trained and those who are licensed in other states and Canada. Neither are licensed physicians in Oklahoma or they would not need a certificate to practice in an institution in Oklahoma."

Cartwright continued:

"By legislatively restricting the medical practice of physicians holding a certificate of limited institutional practice and by requiring that their practice be conducted only under the 'direct supervision of the chief medical officer' of the institution, the legislature has clearly evidenced that these physicians do not have the same status as a licensed physician. State law requires an investigation by the chief medical examiner of all human deaths 'unattended by a licensed medical or osteopathic physician for a fatal illness.'"

The press at work

State counter-offensive charges media is assisting in cover-ups

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Oklahoma's Department of Human Services (DHS) has launched a counterattack against recent stories about chronic child abuse in state institutions by threatening legal action against reporters and their sources.

In a pair of press releases, and in a letter to executives at Gannett television station KOCO-TV here, DHS Director Lloyd E. Rader refused Friday to respond specifically to instances of child abuse by state employees, but he threatened to have reporters and their sources prosecuted for failing to bring the abuses to the attention of DHS officials.

Gannett News Service Vice President and General Manager James Geehan, in Washington, called Rader's actions "just a ham-handed attempt to intimidate the media into suppressing news of abuses in state institutions."

KOCO General Manager Al Parsons said, "We don't break the law when covering news stories."

The Rader letter and press releases followed a phone call Thursday to Parsons from Rader's departmental consulting attorney John McCormick, who reminded the TV executive of the "very serious penalties" involved when such child abuse is not reported to local district attorneys.

He charged that "members of the media" are assisting state employees in covering up child abuse in the DHS institutions and "to make you aware your news staff, notwithstanding the statutes on protection of news sources," may be violating Oklahoma law in this regard. Rader's follow-up letter pointedly included the denial that "this communication is not intended in any way to control the news media."

Rader, nevertheless, warned the station he was forwarding his contentions to the Federal Communications Commission in Washington, and advised the station manager to "consult with your counsel" in advising staffers to "recognize the very serious nature of these statutes."

Rader's press releases described the recent articles by Gannett News Service on ingrained child abuse in his system as "lurid and sensational accounts." He claimed his department's responses to the first set of articles on abuse of youths in his juvenile training schools and residential homes showed the GNS accounts to be "incomplete and inaccurate." Those DHS responses consisted largely of blanket denials, counter-charges, and steadfast refusal to discuss specific, documented cases.

A second set of articles — on widespread abuse of mentally retarded children in schools run by Rader — were "even more irresponsible," said the DHS director "because many are couched in secrecy and based on anonymous sources."

In its entire child abuse series, GNS did not quote one anonymous source, relying instead upon the state's own documents — all of them in Rader's possession — detailing child abuse after child abuse, and the state's own failure to follow Oklahoma law in forwarding the cases to local district attorneys. Names were named. Those interviewed were identified. Documents were referred to, and in some cases even graphically reproduced.

"The GNS reports were based not on vague

Rader described the GNS articles on ingrained child abuse in his system as 'lurid and sensational'...he claimed his department's responses to the first set of articles on abuse of youths in his juvenile schools and homes showed the GNS accounts to be 'incomplete and inaccurate.'

accusations or second-hand reports, but on the department's own files, citing names, dates, and places," said Geehan. "The department itself should have reported the abuses to legal authorities before the news media ever became involved. The reports were gathering dust in Lloyd Rader's file drawers and would never have come to light without the efforts of GNS, KOCO-TV, and the Muskogee Daily Phoenix."

"Those efforts will continue."

Rader, in his most recent press release, stated allegations that children "have been seriously abused" in Enid State School and Paula Valley State School — both institutions for mentally retarded children — indicate individuals witnessing such abuse "have failed to report such information."

Former employees quoted by GNS said they filed formal child abuse reports with the proper authorities, only to suffer harassment, peer stigma, job retribution, and threats of physical injury as the abuse report itself was covered up. One such employee, Anne Limberger, suggested to GNS Friday that she take a public polygraph examination on these contentions, as long as Rader and other DHS officials involved submit to the same lie detector test.

Rader again Friday refused to respond to the specific cases detailed by GNS.

"We feel it to be to the advantage of this department and the public we serve if our files could be opened to the media," he stated in his letter to KOCO. "But this is not possible under federal and state laws, and moral consideration to the students and families."

Rader, in his second release, said he was left with "the only response the department can now make to these new allegations" of child abuse in the schools for mentally retarded. He said that Friday he referred the cases described by GNS to Cleveland County District Attorney Kay Huff (for Pauls Valley) and Garfield County District Attorney Earl Goerke (for Enid).

Rader, in his first release, also said "all allegations of abuse are promptly investigated."

Three state employees whose child abuse activities were specifically described in the articles were fired by the DHS, but only after publication of the GNS series, all within a day of the articles hitting print.

In his letter to KOCO, Rader also accused Gannett of triggering a "particularly unfortunate effect on an investigation under way that could have resulted in a major law enforcement breakthrough against drug and prostitution rackets in Oklahoma, but such an opportunity was destroyed by the irresponsible and untimely publicity."

Rader was referring to a GNS story on distribution of drugs by employees at the Oklahoma Children's Center in Taft, and on solicitation of young girls at the center for prostitution by a state employee there. Rader said in an interview last month that he had been guiding the Muskogee County District Attorney, Michael Turpen, in a probe of these activities since last September, but Turpen told GNS — and later reiterated in a face-front public interview on KOCO — that he'd never heard of the prostitution and drug usage until the articles came out, and that Rader had never contacted him about it.

Rader claimed that "all these matters were explained in detail by materials submitted last week to the U.S. Subcommittee on Juvenile Justice" in Washington — a congressional panel that has already held one hearing on institutionalized child abuse in Rader's institutions. That committee, however, as of Friday was still pursuing broader documentation of DHS response to child abuse reports within its institutions, and corresponding with Rader's attorneys in seeking more recorded material.

Rader said he also has asked the Oklahoma State Bureau of Investigation, which has been probing the child abuse question at the direction of Gov. George Nigh, to give local DAS "assistance in prosecuting any allegations which involve criminal conduct" — especially those "indicating some sources (of the news media) failed to report abuse violations."

Nigh and Oklahoma Attorney General Jan Eric Cartwright — and their staffs — failed to respond Friday to repeated GNS calls concerning the Rader letter and press releases.

DHS hired away snoopy private eye

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — The Oklahoma Department of Human Services (DHS), currently under state and federal scrutiny for routinely abusing children in its facilities, has abruptly hired away a well-known private investigator who had been probing the huge agency.

One day the private eye was looking into the DHS. The very next day he was working for the DHS, trying to identify employees critical of the department.

Robert O. Cunningham, a private detective here known for his work on behalf of legislators and other high Oklahoma officials, had been hired by a bereaved family to determine the circumstances surrounding the suspicious death of their mentally retarded daughter in a DHS facility.

Last week, less than 24 hours after submitting his inconclusive report on that death, and after a lengthy afternoon conversation with veteran DHS Director

Lloyd E. Rader, private eye Cunningham signed on with Rader at \$50 an hour to investigate the Gannett reporters who broke the stories on Oklahoma's institutional child abuse in the first place.

Cunningham owns and operates United Research Service here, a private detective agency, and he admitted to GNS Wednesday that he has been retained by Rader to ferret out information concerning which DHS employees have been reporting abuses to the press and to law enforcement authorities.

Cunningham contended to GNS there is no ethical impropriety in switching clients.

"I see no conflict at all," he said in the Wednesday interview. "We have no conflict. It's just like a carpenter working on one house one day and working on another house the next."

Andrew Thurman, a deputy legal counsel for the DHS, told GNS Wednesday he had been directed by Rader personally on April 13 to draw up a contract hiring Cunningham at \$50 an hour, plus all expenses and any damages incurred. The contract runs from April 13 to May 13.

On April 12, private eye Cunningham finished his

work for Oklahoma City lawyer James M. Levine, an attorney hired by Myrle and Lula Hamm, parents of 16-year-old Myrleene S. Hamm, who died suspiciously on Jan. 28 of this year at the Enid State School for mentally retarded children, run by the DHS.

The Hammes were trying to determine the reason Myrleene died. Her death certificate listed "probable pneumonia" as a cause, but DHS officials confessed to the Hammes later that the child had received the wrong medication the night of her demise and had received as many as three anti-convulsant drugs meant for someone else.

The youth's death is currently under investigation by state and federal authorities, and is one of several that the state's chief medical examiner and the Oklahoma State Bureau of Investigation started probing after GNS wrote about it. The Hammes told GNS they were thinking of suing the state for wrongful death.

Cunningham filed his report cut his ties with Levine so fast that the lawyer didn't even get to

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Investigation of reporters sanctioned Governor: No objections to probe

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Oklahoma Gov. George Nigh Wednesday sanctioned the investigation of reporters and their sources by state-hired private detectives.

Nigh, during a routine press conference, was asked to comment on the actions of state Director of Human Services Lloyd E. Rader who two weeks ago hired, at \$50-an-hour plus expenses, well-known Oklahoma City private investigator Robert O. Cunningham to grill his departmental employees about contacts with reporters.

Nigh said "I don't have any objection to it, and I don't know why they couldn't."

The governor, in terming the hiring perfectly appropriate, said "I have no quarrel with him (Rader) hiring him" and that he presumed the private detective would act ethically. Nigh and Cunningham were once colleagues in the Oklahoma legislature.

Cunningham was hired April 13th, less than 24 hours after he had submitted an inconclusive report on the suspicious death of a 16-year-old girl at the Enid State School for the mentally retarded, run by Rader's huge Department of Human Services. Cunningham, at that point, was under the employ of the girl's bereaved parents to investigate the death. Less than a day after questioning Rader on the subject, he had a state contract to ferret out information concerning which DHS employees had talked to GNS

reporters and to state and federal investigators concerning pervasive child abuse in Rader's schools and homes.

Cunningham last week admitted to GNS he was investigating Gannett reporters and trying to establish

**Nigh's announcement of
assigning to the DHS
probe the 20 cadets who
recently graduated brings
to 40 the number of OSBI
personnel now
investigating Rader and
his department, its
troubles with child abuse
and suspicious deaths...**

that they had offered payments to state workers in return for information. (GNS prohibits such payments as a matter of policy.)

Gov. Nigh, during Wednesday's press conference, was asked by an Oklahoma public television reporter

if granting a DHS contract to a private investigator was backed up by statute under Oklahoma law.

Nigh, who had just finished explaining he had assigned the entire graduating class of the Oklahoma State Bureau of Investigation Academy to bolster that agency's investigation of the Department of Human Services, asked:

"Why would they (DHS officials) do anything illegal?"

Nigh's announcement of assigning to the DHS probe the 20 cadets who recently graduated brings to 40 the number of OSBI personnel now investigating Rader and his department, its troubles with child abuse and suspicious deaths in DHS institutions, and complaints of fiscal corruption within the agency.

"This task force," said the governor, "is in fact larger than the OSBI used to be."

The governor seemed confused by another question in reference to stories last week revealing he had ordered an OSBI investigation of DHS finances and construction contracts.

Nigh referred to his legal counsel, David Hudson, who reminded him that yes, indeed, he had assigned the OSBI to investigate extensive DHS use of the Muskogee building firm owned by Rader friend and confidant Milford Lindsey. Hudson said the governor had ordered the probe after written complaints directly to Nigh's office. Nigh then confirmed the OSBI construction contract investigation.

Gannett News Service, however, learned that the OSBI has yet to set that probe in motion. So far the agency has merely contacted the state's Auditor Investigator, Thomas Daxon, to ask if his office has any material on such contracts.



Polygraph tests administered State looks into Linda J. death

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — The Oklahoma State Bureau of Investigation (OSBI) Wednesday began administering lie detector tests to employees at the Pauls Valley State School for mentally retarded children south of here.

The polygraph tests, said OSBI officials, are in connection with the continuing investigation of the February 1980 death of Linda K. Johnson, a 21-year-old resident at the school whose death under restraint has been attributed to a variety of conflicting causes by officials of the state Department of Human Services (DHS), which runs the institution.

The tests are part of an overall investigation DHS facilities which Gov. George Nigh revealed Wednesday had been put "on the front burner" because of new developments.

Nigh said he has forwarded a preliminary OSBI "death report" to "the appropriate district attorney." While he did not identify the case involved, OSBI sources confirmed it was Linda Johnson's.

The Johnson youth's body was exhumed last week after stories by Gannett News Service raised questions about her death and seven others in Pauls Valley and Enid State School.

OSBI agents, who've been conducting a criminal investigation at Pauls Valley for the last week, began giving the lie detector tests in the Garvin County Courthouse at Pauls Valley after receiving "about

four" conflicting descriptions of the Johnson girl's death from eyewitnesses, attendants, and other employees who were present at the time, according to a department spokesman here.

At least two Pauls Valley employees were given polygraph examinations Wednesday, and two others are scheduled for questioning today, he said.

Special Agent Clifford Gann and another agent were notified by Chief State Medical Examiner A. Jay Chapman last Friday about the results of the Johnson autopsy. Although Chapman would not release the results of his autopsy publicly, the investigation was stepped up at that time.

"I've asked the OSBI to put all this on the front burner," said Gov. Nigh Wednesday morning. "This is an in-depth, yet cumbersome investigation."

The governor said he ordered the manpower in the DHS probe expanded from 10 agents to 15 agents last week.

"I have recently received an OSBI report concerning a cause-of-death situation at one of the institutions," he said. "We are looking at that and I will forward it immediately to the appropriate district attorney."

OSBI personnel, while seeking anonymity, said the governor was referring to the Johnson death.

Johnson's body was exhumed five days after stories by Gannett News Service and Gannett's KOCO-TV here described the controversial and suspicious circumstances under which eight children — including Linda Johnson — died while residents at Pauls Valley and Enid schools.

The children died under circumstances — listed on

their death certificates — which three prominent physicians and national mental retardation experts contacted by GNS have labeled "appalling," "inexcusable," and "suspicious."

The Johnson youth died at Pauls Valley on Feb. 5, 1980. No autopsy was performed. The death certificate was signed by an unlicensed institutional physician there, Dr. Newton A. Averion, who cited "cardiopulmonary arrest" as the sole cause of death.

However, in an interview with GNS reporters last month, Human Services Director Lloyd E. Rader and Pauls Valley Superintendent Norman W. Smith offered differing accounts of how the girl died. Rader said she "choked to death" while being restrained by attendants.

Smith claimed the girl "just fell back" and died instantly in the arms of attendants who moments before had struggled with her in an attempt to keep her from running away.

Smith told GNS the Johnson girl suffered multiple neurological disorders of the brain, was a very hard student to control, and implied she had a heart attack or choked on her own vomit while in seizure.

The girl's mother, Eva Mae Garrett, told GNS that Smith and other Pauls Valley officials explained to her that Linda died peacefully of heart failure while taking a nap — no restraints, no violence, no running away — but now she believes her daughter was the "victim of foul play."

Garrett said her daughter suffered only from controllable epilepsy, had no history of heart trouble, and only recently had passed an examination showing her to be in good physical condition. No one from the DHS or Pauls Valley had ever described Linda as hard to control, said Garrett.

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discuss Cunningham's report with him or talk about fees. Asked by GNS what he paid Cunningham, Levine said "I don't know; he sends me a bill."

Levine disavowed any responsibility for his private investigator.

"He's completed his work on that case with me," he told GNS. "What he does with himself is his business. He's a businessman."

Cunningham grew indignant when questioned about his flip-flop by GNS.

He made repeated charges of "inappropriate activity" on part of reporters from GNS and Gannett's KOCO-TV here, and accused the newsmen of offering bribes to DHS employees for information. He said GNS questions about his switch of clientele were designed "to take bread off my table."

The chronology of Cunningham's investigation and report-filing says a lot about the persuasive powers of Lloyd E. Rader.

In his April 12 report to Levine — a copy of which has been obtained by GNS — Cunningham writes that he called Rader to inform him he was under scrutiny. Rader, normally inaccessible to state and federal investigators or anyone else he doesn't want to see, left his office and immediately traveled four miles to the office of United Research Service to confer with Cunningham. Here's how the private eye describes the ensuing conversation in his own 7-page report:

"Within the hour, Mr. Rader returned the call to the investigator. The investigator explained to Mr. Rader he had a matter involving Enid State School that he would like to discuss with Mr. Rader. The investigator did not identify by name or date the case to be discussed and agreed to meet Mr. Rader at his office or any place of his choosing.

"Mr. Rader suggested 4 p.m. and offered to come to the offices of United Research Service Co. and meet with the investigator. At 4 p.m. Mr. Lloyd Rader arrived at the office of United Research Service Co. and the investigator explained to Mr. Rader that the firm had been retained by Oklahoma City attorney James Levine, and that Mr. Levine represented Mr. Myrle Hamm, identified as the father of Myrle

Hamm, now deceased, a former patient at Enid State School who expired Jan. 26, 1982 at 12:35 a.m.

"The investigator displayed to Mr. Rader a certified copy of the death certificate and further explained to Mr. Rader that Mr. Jim Levine was desirous of a complete and thorough investigation into the circumstances causing the death of this minor child. The investigator further explained to Mr. Rader that Mr. Levine had requested that the proper and necessary documents be served upon Mr. Rader to obtain any and all medical records concerning Myrle Hamm, and these documents were served upon Mr. Rader and he readily accepted the documents.

"Mr. Rader told the investigator that the family and the attorney representing the family certainly were entitled to the medical records. The investigator explained and discussed with Mr. Rader the cause of death of this minor child and whether or not there was anything unusual about the care or welfare of this child that might be contributive to his death."

Cunningham says Rader immediately got Enid superintendent Howard Chinn and several other DHS officials on the phone in a conference call to discuss the Hamm girl's death in a conversation that consumed more than an hour.

The private eye's report to Levine did not reach a conclusion on why the girl died, but it was extremely complimentary of Rader and his staff and highly favorable to the DHS. It downplayed the wrong medication angle and the confusing death certificate information. Cunningham filed the report with Levine by legal messenger. The next day he had a job with Rader.

DHS attorney Thurman says it was his understanding that Cunningham was hired to conduct "an independent investigation" into the allegations surrounding child abuse at Enid and at Pauls Valley State School, another DHS facility for mentally retarded children under scrutiny by several state and federal agencies.

However, Cunningham admitted to GNS he had sent two of his employees to Pauls Valley to conduct

state workers concerning GNS methods used in gathering information on child abuse in state institutions.

Cunningham further told GNS that last week he conducted background inquiries on at least one GNS reporter and even tracked down the reporter's whereabouts at a local hotel. He also admitted his investigators have asked Pauls Valley employees if GNS offered payments for information. (GNS did not, and as a matter of ethics and policy, does not under any circumstances.)

According to several employees at Pauls Valley, Cunningham's private eyes have not identified themselves as such, and have offered no identification, but have merely introduced themselves as "working for Mr. Rader on this matter."

They said they have been interviewed by Cunningham's investigators without any attorneys present, a circumstance investigators on site here from the U.S. Subcommittee on Juvenile Justice find strange since they have been repeatedly told by Rader's lawyers from the Washington law firm of Covington and Burling that no questions are to be asked of any DHS employees unless a lawyer from that law office is present.

Cunningham's people have also left cards at Pauls Valley with the instruction to call them if GNS contacts any employees.

Cunningham boasted to GNS in the interview Wednesday that he knows the identities of two FBI agents who have also been talking to Pauls Valley employees on behalf of the Justice Department's civil rights division, which is contemplating a federal suit against the DHS in the child abuse-suspicious deaths cases.

The private detective has also been given access to DHS files which the department still contends are confidential and have shielded from Senate investigators.

Cunningham denies he has worked for the DHS previously, but he did admit working for the Oklahoma legislature and several individual legislators. He was a member of the state's House of Representatives from 1970 to 1974.

Prosecutor to probe construction contracts

OKLAHOMA CITY — Oklahoma's attorney general has appointed a special prosecutor to investigate several million dollars worth of construction contracts between the state's Department of Human Services and an influential builder from Muskogee.

Attorney General Jan Eric Cartwright confirmed Thursday that he has appointed Barry Albert, a private attorney here, to lead a team of several lawyers in looking into "questionable and irregular" construction contracts, many of which went to Milford Lindsey, president of Lindsey Construction Co. in Muskogee, and a personal friend and confidant of veteran DHS Director

Lloyd E. Rader.

Other contractors are under investigation as well, but Cartwright told Gannett News Service that Lindsey is the primary focus of Albert's probe.

Albert is former assistant district attorney of Oklahoma County and a former first assistant state attorney general. Cartwright said his appointment marks the first time a special prosecutor has been named in the state to investigate charges of white-collar crime. The attorney general said the probe may lead to the enpaneling of a statewide grand jury, also unprecedented.

Albert actually signed on with the

attorney general a week ago, but Cartwright said he was reluctant to talk about the probe and decided not to announce it until questioned.

Albert had the job for less than 24 hours last Friday when he strode into DHS offices in the Sequoyah Building here and submitted a laundry list of specific job agreements between the DHS and Lindsey totaling \$1.3 million in state financial disbursements to the company in recent months. He characterized the construction jobs as "unbid, unaccounted for, and unexplained."

He also demanded from Rader's attorneys "all records" relating to and departmental business with Lindsey

dating back five years, and told DHS officials he was conducting "an official corruption investigation."

"We have had some difficulty securing records requested from DHS in the past," said Cartwright. "With the appointment of Albert, we no longer anticipate that."

Cartwright said he has given himself no deadline, nor limitations, on his probe.

"Wherever it leads us, we will go," he told GNS.

— JOHN HANCHETTE and CARLTON SHERWOOD

WASHINGTON — Federal auditors uncovered chronic mismanagement in an Oklahoma child-support program before being stopped cold last year by a brick wall of distraction, delay and denial from state welfare officials, Gannett News Service has learned.

Auditors for the U.S. Department of Health and Human Services (HHS) wrote to their superiors that when they tried to review the performance of the state's Department of Human Services, they encountered an "uncooperative attitude and manner" that delayed the audit for months.

The HHS regional audit supervisor in Dallas, normally in charge of such inspections in Oklahoma, wrote his bosses that "the state is very opposed to any federal involvement in state activities," possibly because "our compliance audits have successfully pointed out deficiencies in the state's ability to manage and administer the program properly."

The "program" referred to is the Office of Child Support Enforcement, which uses state and federal funds to locate missing parents and collect child-support payments from them — the theory being that this helps keep down welfare costs to the benefit of the taxpayers. In Oklahoma, the program, with feder-

Auditors find mismanagement

al aid, is run by the state's sprawling Department of Human Services (DHS).

Statistics on file with the federal HHS here show that Oklahoma's performance in child-support enforcement is the fifth worst of all the states, territories and the District of Columbia. For every dollar expended in this effort, Oklahoma collects only 46 cents in child support. The national average is \$1.31, and some states like Massachusetts, Wisconsin and Michigan collect \$2.90 for every dollar spent in tracking down runaway parents and seeing that they help provide for their children.

Oklahoma has been spending almost \$3.9 million a year on the effort — 75 percent of that coming from Washington — and when federal auditors checked out Oklahoma's performance in 1977, 1978, 1979 and 1980 they found \$709,000 in expenditures they deemed "unallowable or unsupported."

The federal government asked that \$397,000 of

that be returned, and a recommendation appeared in the Federal Register last year that Oklahoma be assessed a 5 percent penalty for its questionable expenditures. That recommendation has not been acted upon.

Of 18 federal compliance standards, Oklahoma's DHS, for the years 1977 through 1979, was meeting only three.

When auditors from Dallas went back to Oklahoma City in the spring of 1981 to see if DHS officials had improved their compliance with federal standards, they ran into so many problems that they subsequently filed a blistering 11-page chronological memo with superiors that describes stonewalling by DHS Director Lloyd E. Rader and his aides to avoid turning over information.

According to David H. Snipe, HHS deputy assistant inspector general for investigations here, this memo and some of the more damaging audits "never reached Washington; they were short-stopped somewhere along the line." He said he is investigating to find out where, and why.

— JOHN HANCHETTE and CARLTON SHERWOOD

OKLAHOMA CITY — Oklahoma's chief fiscal watchdog Wednesday dumped yet another load of trouble squarely in the lap of this state's embattled welfare director, Lloyd E. Rader, by accusing him of being "directly involved" in rigging bids on heavy equipment purchases.

Auditor Inspector Tom Daxon waited less than 24 hours after Rader stunned the state with the announcement he would resign by the end of the year before dropping his bombshell audit.

As director of human services, the powerful Rader — said Daxon — presided over a "systematic pattern of manipulation of the bidding process by the Department of Human Services" in order to channel business to a sole favored equipment dealer, the H & C Equipment Co. of Hinton, Rader's hometown.

Daxon's audit claimed in the two-year fiscal period between July 1979 and June 1981 alone, Rader helped route \$357,640 worth of business to H & C Equipment Co. through a variety of legally questionable bidding procedures. Even more surprising was Daxon's charge

Welfare chief faces charges

that the bid manipulation "in some instances was with the cooperation of the Board of Public Affairs," the Oklahoma body that approves and oversees large contracts and purchases.

Rader ripped into the auditor inspector Wednesday after the accusations were made public, accusing him of political motivations.

Daxon's report, said Rader, was a "cheap, political, selfishly motivated action by an apparently frustrated gubernatorial candidate."

Daxon is running in the Republican gubernatorial primary. He said the audit on bid-rigging was in the works long before he decided to run for governor, and that its release was only coincidental with Rader's resignation announcement. Daxon said he had planned

to release the audit whenever it was returned from the printers, who finished it off Tuesday.

Rader contends that his "staff and legal department have concluded that bidding practices used by the Department of Human Services are in compliance with Oklahoma statutes."

Rader continued that Daxon "is yelling 'Wolf! Wolf!' over minor technical questions and occasional human error to enhance his own efforts to win the governor's race."

He claimed that Daxon "spent hundreds of thousands of dollars on this for political purposes. I will meet him anytime to inform him of departmental programs."

The auditor inspector said he forwarded his report to two other officials — Oklahoma Attorney General Jan Eric Cartwright and Oklahoma County District Attorney Robert Massey.

— JOHN HANCHETTE and CARLTON SHERWOOD

Agency faces two more critical audits

OKLAHOMA CITY — The beleaguered Oklahoma Department of Human Services (DHS), already the subject of several governmental probes, will be hit next week with two more stinging audits, GNS has learned.

One, a federal Health and Human Services report, will accuse the DHS of widespread abuse of Medicaid funds, and will demand immediate repayment to Washington of \$9,970,000 the federal government says the Oklahoma agency mishandled.

The other, prepared by the state Auditor General Thomas Daxon, will accuse the DHS of several illegalities and fiscal violations — including the disappearance of an entire herd of cows owned by Oklahoma taxpayers.

Sources in Daxon's office who have seen the audit said it reports the department somehow misplaced 7.73 tons of beef on the hoof that had been grazing at

its Paula Valley School for the Mentally Retarded. The audit says the missing cows are worth about \$20,000 at current wholesale prices.

Even though the cattle actually have been missing since fiscal 1980 — the period covered by the Auditor General's examination — resigning DHS Director Lloyd E. Rader waited until Sept. 14, just 12 days ago, to have his general counsel, Harry Johnson, report the agency had been rustled. Johnson told Garvin County District Attorney Kay Huff the DHS had just discovered the disappearance.

Daxon, in confirming for GNS the general content of the audit — and the missing beef specifically — said DHS officials "lied" to him by telling him they had already contacted the district attorney when he confronted them with the cattle findings on Sept. 9. Huff confirmed she did not hear from the DHS until Sept. 14, and on Monday, Sept. 20, she asked the Oklahoma State Bureau of Investigation (OSBI) to step

in and find out what happened to the beef.

Huff said DHS officials told her on the 14th they had "just discovered it that day" — two years after the occurrence. The DA said human services officials told her it was merely a "bookkeeping problem."

Gannett has learned from OSBI sources, however, that the state detectives are following leads the taxpayer-owned cows may have been sold by DHS employees to barbecue pits in the vicinity of Paula Valley. The vanished herd — which Daxon reported comprised about 25 high-grade cows — is one of two extensive herds the DHS keeps. The other is at Enid State School for the Mentally Retarded. The cattle are supposed to be sent to commercial slaughterhouses for butchering, and the meat returned to the schools to feed the children.

— JOHN HANCHETTE and CARLTON SHERWOOD

Documents reveal DHS strategy

OKLAHOMA CITY — Officials in the Oklahoma Department of Human Services (DHS) for weeks have been denying that they have any plans to circumvent recent changes in state child care law, but Gannett News Service has obtained transcripts of five strategy sessions which show otherwise.

The transcripts, carefully kept by DHS secretaries, describe three late June and two early July sessions of the department's Professional Services Committee, a cadre of top agency officials appointed by DHS Director Lloyd E. Rader to deal with mandated changes in the huge organization.

They confirm earlier GNS reports that department officials are trying to figure out how to sidestep legislative intent and take advantage of massive federal Medicaid funding by — as in the quote above — keeping two sets of records, one for the state and one for the feds.

The voluminous transcripts show that despite denials after July GNS stories on the subject, the department strategists — under the leadership of Dr. Wes Whittlesey, Rader's administrator for institutional medical programs — planned to keep the children in DHS institutions against the will of state lawmakers, simply by declaring them all mental patients eligible for federal Medicaid.

Such a tactic would earn the department millions of dollars in federal money at the expense of tagging hundreds of abandoned, delinquent and

disturbed children with a history of mental problems. Confidentiality laws applying to mental patients would also allow the department to skirt recent reform legislation intended to shed more light on the department's actions.

The new documents show the committee came up with a unique admissions policy that saw huge numbers of children going on hospital patient rolls — usually during weekend computer downtime — with the same diagnosis, in need of psychiatric treatment.

The committee also heard optimistic predictions from DHS officials that a judge friendly to the department would declare each child so admitted a mental patient, so the letter of the law could be adhered to.

When the Professional Services Committee plans reached the new state law's sponsor, Rep. Don McCorkle, D-Tulsa, he scheduled a meeting of his Criminal Jurisprudence Committee for this Friday to grill top agency officials.

McCorkle, in an Aug. 6 letter to the department and Rader, wrote that he wants to question Whittlesey; Dr. Donald B. Halverstadt, Rader's medical chief of staff; and Wesley D. Rucker, Rader's executive assistant for family services, on the new plans — particularly the move to bring all DHS institutions under the mantle of the Oklahoma Teaching Hospitals, also a DHS department under the huge umbrella agency.

McCorkle's bill, signed into law in May, expressly targets the DHS for "de-institutionalization" — that is, moving children out of the rigid atmosphere of the state's huge, monolithic facilities and into more community oriented shelters and programs.

— JOHN HANCHETTE
and CARLTON SHERWOOD

Top auditor cites DHS managers

OKLAHOMA CITY — Half a dozen current and former high-ranking officials from Oklahoma's troubled Department of Human Services were cited Thursday by Auditor Inspector Thomas Daxon for "possible felony violations" involving rigged sales of pigs and cows.

The chief auditor's citations accuse several DHS managers of buying livestock from themselves through front operations, then concealing their activities by submitting false information to state record keepers listing relatives or friends as the sellers.

Most of the sales went through a well-connected broker who — says the auditor — never did anything to earn his lucrative commissions. The transactions involved, said the report, totaled \$747,781.

Daxon's long-anticipated audit covers the period from June 1979 to June 1981, and cites violations including fraud, profiteering from the use of public funds, ignoring competitive bidding laws, and twisting federal tariff laws of the U.S. Department of Agriculture to personal advantage.

The highest official snared in Daxon's fiscal probe was Lyle F. Coit, executive assistant director of the DHS, and the right-hand administrator of veteran welfare czar Lloyd E. Rader.

Specifically, Daxon, the Republican candidate for governor against incumbent George Nigh in this fall's elections, charged that Coit personally and knowingly approved hundreds of livestock transactions involving beef cows, milk cows, pigs and hogs in violation of

state bidding law and then directed commissions be paid to a company owned by Coit's cousin, Raymond Coit, for services never performed.

Raymond Coit admitted to auditors that he received a broker's fee for each DHS cattle and swine transaction even though he "never observed these animals being purchased by DHS, never inspected or weighed the animals, never met the sellers, and had nothing to do with the actual purchase transactions."

He also admitted he "had no firsthand knowledge as to whether the price negotiated by DHS employees were above, the same as, or substantially below prices being paid for similar livestock" on the open market.

Raymond Coit told the auditor he "had been concerned about the legality of the practice and on several occasions over the years had discussed it with Amil Opitz," former DHS farm coordinator. Opitz and Coit's initials appear on all the livestock transactions. Opitz, says the audit, assured Ray "on more than one occasion that the practice met and was in accordance with all state statutes."

Daxon's auditors were able to trace only \$13,000 in commissions and broker fees to Raymond Coit, but wrote there was considerably more. A fire in the summer of 1980, however, consumed Raymond Coit's office and Daxon said it "prevented us from obtaining the full records and total amounts." Daxon said DHS bookkeeping, most of the time, did not reflect the commission fees, another violation of state law.

Daxon says Raymond Coit, under cousin Lyle Coit's authorization, also was paid more for commissions than state regulations and federal USDA tariffs allow.

— JOHN HANCHETTE
and CARLTON SHERWOOD

Juveniles reclassified as mental patients

OKLAHOMA CITY — Oklahoma's Department of Human Services is quietly reclassifying all the juveniles in its training schools and institutional homes as mental patients, Gannett News Service has learned.

The plan, if endorsed by the federal government, stands to bring the state additional federal money while significantly weakening the effect of recently enacted reforms in the state's juvenile care system. It would also tag all juveniles in state care for life with a record of psychiatric impairment.

Internal state records obtained by GNS reveal Oklahoma Director of Human Services Lloyd E. Rader has ordered the approximately 800 orphaned, deprived, abandoned, and delinquent juveniles in state youth institutions be formally declared psychiatric patients. The new system was quietly put into operation on July 1 by Rader and his top medical advisors.

The new system would permit DHS to admit children to its institutions as orphaned, deprived, abandoned, delinquent or in need of supervision and then administratively reclassify them as mental patients, the documents suggest. That procedure would circumvent recent legislation requiring individual court proceedings before commitment for each youth deemed psychiatrically impaired.

Once the children are reclassified, their records and the means of dealing with them can be more closely guarded by the state because of their medical status. This could serve to impede close scrutiny of department actions such as recent probes by the Oklahoma State Bureau of Investigation, state health inspection units, the state attorney general, the state's auditor inspector, and several other investigative agencies begun in the wake of Gannett News Service disclosures about persistent child abuse in DHS facilities.

Federal officials contacted by GNS characterized the plan as "outrageous" and a "bombshell," when the Rader documents were read to them.

"You can't just wave a magic wand and say 'Voilà! These are psychiatric facilities,'" said Robert Dinnerstein, special litigation attorney for the Justice Department's civil rights division who is already investigating DHS schools for the mentally retarded. "You can't just administratively make someone mentally incompetent."

Administrators in the Dallas regional office of the federal Department of Health and Human Services say they "learned of the plan informally" through the grapevine of state and federal welfare workers, and have yet to receive any official paperwork on Rader's idea.

"We are looking into it," said Marty Mahaffey, the public affairs specialist for the southwest region. The regional HHS spokeswoman said no other state in the nation has ever classified its youthful wards psychologically incompetent en masse.

"It would normally take two to three years for something like this to be audited," she said, "but because we now know about it in advance, as soon as the very first claim is in, we'll audit it."

To be eligible for federal payments, she said, the claim must be submitted at least 45 days after the child is declared a psychiatric patient. If Rader meets his July 30 target date for completing the switchover of the medical status of all DHS youthful wards, that would give him until Sept. 30 to submit the necessary paperwork for federal funding.

The program, entitled "The Comprehensive and Master Treatment Plan

for Adolescent Rehabilitation" specifically calls for transferring the operations of the state's existing five juvenile facilities to the Oklahoma Teaching Hospitals — also under the DHS umbrella agency — and placing the homes under the aegis of the federal government's Title 19 program and its Medicaid funding system.

The hospitals are now run by Dr. Russell Halverstadt, Rader's hand-picked choice to succeed him on retirement at the end of the year.

Under Title 19 regulations of the federal Department of Health and Human Services, approved institutions which house emotionally and psychologically disturbed patients are entitled to 70 percent federal funding. Rader's current budget for the juvenile treatment centers and youth detention units is now just over \$30 million a year. Most of that, more than 95 percent, is paid for by Oklahoma.

If his new plan works, the increased federal funding could amount to more than \$20 million a year. The DHS runs three existing schools for the mentally retarded under an annual budget of \$32.9 million, with federal subsidies providing \$19.3 million of that amount.

Title 19 funding under HHS statutes provides welfare payments for dependent children, supplemental income called SSI payments for the blind, disabled, and elderly, and care payments for those institutionalized for age, chronic health problems, or mental impairments.

The master treatment plan is the brainchild of Dr. Wes Whittlesey, DHS medical director, and Raye Keene, Rader's personal nurse and highly-paid executive assistant, according to high level DHS sources. Neither could be reached for comment, despite repeated GNS attempts to contact them.

Oklahoma Rep. Don McCorkle, who drew up a child treatment reform bill last spring that became law on May 28th, believes Rader's attempt will falter if subjected to court scrutiny — which he may initiate — since the new statute mandates each and every child be given a full court hearing before being declared psychiatrically unfit, something that was not provided under old DHS policy.

McCorkle called the scheme to declare the children psychologically unfit "reprehensible."

Steven Novick, the Legal Aid lawyer who four years ago filed a still-alive civil liberties suit against the DHS to stop child abuse in its youth homes, said the new Rader scheme "flies in the face" of out-of-court agreement he fashioned with the department this spring.

Novick and McCorkle both remained skeptical about the DHS ever making the plan stick, since the McCorkle law mandates removing youths from the institutions and placing them in smaller community-based homes, even if they are adjudged psychologically disturbed.

Novick told Gannett reporters he plans to "alert" the U.S. Senate Subcommittee on Juvenile Justice — which held two hearings on Oklahoma institutional child abuse earlier this spring — by sending them a synopsis and his evaluation of the Rader scheme.

If DHS officials have hopes of keeping the federal government uncaring and uninterested in the new psychiatric plan, they're likely to be disappointed.

"That's a bombshell that they would even try to do that," said Don Collins, an HHS spokesman in Washington.

— JOHN HANCHETTE and CARLTON SHERWOOD

Officials knew of purchase irregularities

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OKLAHOMA SHAME / A GNS reprint / November, 1982

OKLAHOMA CITY — Top state officials, including Gov. George Nigh, have been aware of Oklahoma welfare director Lloyd E. Rader's legally questionable purchasing practices for at least two years, but did nothing to halt them, Gannett News Service has learned.

Internal state documents obtained by GNS show that as early as August 1980, officials of the Board of Public Affairs detected irregularities in Rader's purchase of heavy equipment from a firm in his hometown of Hinton, the H & C Equipment Co.

In those documents — three letters between the board and Rader — administrators complained that Rader was circumventing state bidding and contract laws by severely limiting the specifications of farm equipment he intended to purchase for Department of Human Services projects.

Nigh was designated to receive copies of all the letters.

The purchases in question were touched on briefly Wednesday by state Auditor Inspector Tom Daxon in a report criticizing Rader's department for "systematically manipulating bids," but Daxon made no mention of the governor's knowledge of the matter.

Rader responded to that by accusing Daxon, a Republican candidate for governor, of acting out of political motivation. He contended that the bids in question involved "minor technical questions and occasional human error."

The documents obtained by GNS, however, suggest that the issue drew considerable attention inside the government.

James Peterson, the purchasing director for the Board of Public Affairs, the agency that has the last say on state expenditures, went so far as to reject several Rader bidding requisitions and contracts.

However, Rader merely resubmitted, with a copy to the governor, the questionable contracts and bid requisitions with only minor changes in wording.

H & C Equipment Co., the firm that stood to benefit, was accused in Daxon's report of receiving more than \$357,000 in business from DHS between July 1979 and June 1981 through a variety of bidding manipulations.

Daxon also noted that H & C's charter was suspended by the state for various financial reasons from May 23, 1980, to Dec. 14, 1981 — which officially prohibited any state agencies, under pain of misdemeanor, from doing business with the company during that period. Rader and the DHS went ahead anyway, buying \$156,282 worth of heavy equipment from H & C and having \$58,493 worth of it delivered during that period.

In his report, Daxon included an April 4, 1980, requisition Rader had sent to Peterson for bids on Massey Ferguson tractors. H & C handles Massey Ferguson, but when the bids were turned in, a Muskogee Massey Ferguson dealer submitted the low price. Rader immediately canceled the purchase. He wrote that the item would be rebid on later.

"It appears the requisition was canceled because H & C Equipment was not the winning bidder," wrote the auditor.

Rader resubmitted the bid invitations with new, more detailed specifications, and Peterson wrote him on Aug. 7 and 8, 1980, sending the requisitions back and asking Rader to "reconsider your specifications."

On Aug. 14, 1980, Rader wrote Peterson a letter that said, "We are resubmitting these requisitions to you with minor changes."

Rader came up with a couple of reasons why he had to have the specified equipment:

"Our institutions have purchased and used many different brands of tractors and farm equipment over many years. It is the opinion of our farm management personnel that standardization of farm equipment would result in cost savings to this agency through reduced maintenance costs. It is the opinion of our employees that Massey Ferguson currently manufactures the best tractors and farm equipment."

Getting all one kind, wrote Rader, would "minimize tool and parts inventories" and would "maximize the maintenance expertise of mechanics as it relates to individual pieces of farm equipment."

Rader had originally tried to expedite purchase of the equipment on an "emergency" basis by requesting delivery within eight days, which would circumvent the bidding process. Some elements of the DHS youth facility at Taft had been transferred out of the

department, and that transfer had included "to farm and farm equipment," explained Rader. "A crisis developed at other institutions where that equipment had been used."

But, according to Daxon's audit, on April 2 Peterson made Rader change the delivery dates to normal response time on the bid requisitions.

Rader, however, denied Peterson's suggestion that the process was improper, and in doing so appeared to reverse his argument about needing Massey Ferguson equipment so parts would be interchangeable.

"You are mistaken in your conclusion that we will accept only the name brand used in our specifications," Rader wrote back in his Aug. 14 letter to Peterson. "The brand and specifications are used to identify the quality of the product we desire."

Then Rader delivered to the purchasing director the real message of his letter:

"We, of course, reserve the right to determine whether or not an alternate bid is in fact an acceptable equal to the specifications written..."

"Our approach is really quite simple. We believe the public is entitled to get the best possible product for the tax dollar spent. The purpose of the Central Purchasing Act was and is to accomplish economics in public spending, real economics, not false ones."

Peterson's complaints fell on deaf ears. Rader's new requisition sheets carried the day and, says Daxon, the H & C equipment was purchased and delivered.

Nigh refused several GNS requests for a direct statement on the bidding episode, but his press secretary John Reid did provide a statement in which the governor said, "I will have no comment at this time and won't until I have a chance to review all the files in this office and talk to my aides who were working there at the time."

Reid said all complaints from a state office as high as Peterson's are routinely reviewed by the governor and his staff, but that "the governor said he vaguely recalls some incident of someone objecting to bidding procedures, but he's sure nothing illegal was involved."

— JOHN HANCHETTE and CARLTON SHERWOOD

Audit charges DHS official with conflict

WASHINGTON — A high-ranking Oklahoma welfare official has collected thousands of dollars in public money over the last few years for a job federal auditors consider "a conflict of interest and a blatant misuse of federal funds."

U.S. Department of Health and Human Services (HHS) audits obtained by Gannett News Service show that Nita Giles, 32, a staff attorney for the Oklahoma Department of Human Services (DHS), benefited from a unique federal consulting contract that paid her for duties she was already performing for the state.

Auditors have been complaining persistently to superiors about the conflict since October 1981, to no avail. David H. Snipe, the HHS deputy assistant inspector general for investigations, told GNS last week that the conflict of interest reports "seem to have been short-stopped somewhere" and never were brought to the attention of the proper officials here. His office is investigating the matter.

Giles' contract escalated in less than two years from \$40,000 a year to \$77,000 a year.

Johnston, who is in charge of HHS' child-support enforcement program for the Southwest, originally hired Giles in September 1979 to persuade Oklahoma district attorneys to help collect child-support payments from errant parents on welfare — a job she was already performing as a staff attorney for DHS.

But only months after signing on with HHS, according to the auditors, she acquired new responsibilities con-

flicting with those of her federal contract.

"The duties and responsibilities of her two positions," wrote James D. Barnes, supervisor of the Child Support Enforcement regional audit group in Dallas, "provide for an incompatible situation which presents a conflict of interest."

According to the auditors, Giles resigned her \$30,000-a-year job as staff attorney and began acting as administrator of the state's program to locate absent parents, get them to help support their children, and in general help to keep families from resorting to welfare. At about the same time, in May 1980, her HHS contract was raised to \$53,000 to reflect increased responsibilities, essentially those of running the state program, the auditors said. In September 1980, the contract was increased again to \$77,000 a year.

The situation was considered intolerable by the auditors.

In a May 15, 1981, memorandum titled "Improprieties in Nita Giles Contract," the auditor further explained, "As a federal contractor, she has a responsibility to perform her duties in accordance with the contract terms, with a primary concern of promoting the federal government's interests. As a programs administrator for the State of Oklahoma, she has a responsibility to perform her duties in accordance with her position description, with a primary concern of promoting the state's interest."

"Because both her jobs are related to the same program, I think it is impossible that she can fairly promote both parties' interests."

... JOHN HANCHETTE and CARLTON SHERWOOD

Consultant's background under cloud

OKLAHOMA CITY — Oklahoma Human Services Director Lloyd E. Rader, seeking expert advice on improving programs for juveniles and the mentally retarded, has hired a \$200-a-day consultant recently fired in Georgia amid a state probe of patient abuse at his institution.

Rader entered into a contract with David B. Ray Jan. 13 for "consultant services on services for the mentally retarded and juvenile treatment programs." The agreement, signed before disclosures by Gannett News Service of widespread abuse in the Oklahoma institutions but while GNS was conducting its five-month investigation of the DHS, runs until June 30, 1982.

Ray, until last November was director of the large Georgia Retardation Center north of Atlanta, but was fired that month by Dr. Joseph Edwards, commissioner of that state's Department of Human Resources, during a Georgia Bureau of Investigation inquiry into reports of patient abuse at the center.

The GBI inspectors went into the center after 11 patient deaths there in a short period of time about a year ago and numerous reports of patient abuse. Edwards has consistently refused to discuss the firing publicly, citing a suit by Ray in relation to the dismissal, but Georgia state sources told reporters there that Ray was fired "because he knew of patient abuse and failed to do anything about it," according to United Press International (UPI).

Edwards said he called in the GBI when staffers refused to cooperate with an in-house investigation he had ordered.

Ray has made four trips to Oklahoma City since signing on in January — the most recent one last week — and has received \$1,642 in expenses under the Oklahoma Travel Reimbursement Act, according to travel expense vouchers on file in the capital. He has visited various DHS facilities in Oklahoma, according to employees here.

GNS made several attempts to interview Ray on his Oklahoma consultant role, but he refused. His wife, Betty, contacted in their Georgia home, said she had been instructed by her husband to refer all GNS inquiries to Rader, deputy DHS Director Michael Fogarty, and Ray's personal attorney in Georgia, Lee Parks.

The Oklahoma officials she mentioned would not speak with GNS, but Ray's attorney confirmed Ray's consulting role in Oklahoma. Attorney Parks, noting that his client was once executive director of the President's Commission on Mental Retardation, said the Georgia firing had left Ray with "a badge of infamy" and continued "that badge is apparently carrying over to Oklahoma."

Parks said his client is suing Georgia state officials for reinstatement, back pay, and damages, and confirmed that Ray would not talk to GNS. Asked if his client distrusts reporters, Parks said, "I think you could say that; they did a real hatchet job on him in Georgia."

... JOHN HANCHETTE and CARLTON SHERWOOD

The results

Rader offers his resignation in wake of growing criticism

By CARLTON SHERWOOD
and JOHN HANCHETTE
Gannett News Service

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OKLAHOMA CITY — Beseiged by several state and federal investigations and mounting criticism of his administration, Oklahoma's powerful Human Services Director Lloyd E. Rader resigned here Tuesday saying he will "retire to private life" at the end of the year.

The 75-year old Rader — considered the most influential and politically potent figure in the state — left top state officials and even his closest aides slack-jawed with his announcement at a sparsely attended monthly meeting of his nine-member state Welfare Commission.

Welfare Commission Chairman Reginald Barnes, visibly shaken and admittedly caught "completely by surprise," emerged from a brief closed-door executive session to read a one-page resignation letter as a somber Rader sat by silently. Barnes then accepted the resignation.

In his letter, Rader said he was "concluding 38 years of administrative service" with the state because "one of the great milestones" in his life, the completion of the Oklahoma Children's Memorial Hospital was in sight.

"It is a good time to retire so that the commission may place the leadership of the agency in another director's hands," Rader said in the letter. "On Dec. 31, 1982 I will retire to private life to enjoy my family."

The abrupt resignation brought to an end a 31-year career as the state's welfare director. In that time, Rader accumulated so much power that he controlled half the state budget without any oversight by the legislature or the governor. He was universally regarded as the most powerful political figure in the state, more powerful than the governor who had no constitutional authority to replace him.

Rader's departure comes five months after Gannett News Service began publishing a lengthy series of reports detailing abuses carried out within Rader's sprawling state welfare empire, particularly its institutions for deprived children and the mentally handicapped.

The copyrighted news stories — based on hundreds of internal state records obtained by GNS — disclosed brutal, sometimes life-threatening treatment of children under the state Department of Human Services (DHS). Later reports pointed out questionable contracting and administrative practices potentially costing the state hundreds of thousands of dollars.

The stories brought Rader unwanted attention.

On the heels the first disclosures in the continuing GNS series, the U.S. Senate subcommittee on Juvenile Jus-



When Lloyd E. Rader first read Gannett News Service stories exposing rampant child abuse in his department's institutions, he dismissed them as sensationalism. Five months later he resigned.

tice, the U.S. Justice Department, Federal Bureau of Investigation, U.S. Department of Health and Human Services, and Oklahoma's three U.S. Attorneys all launched investigations of Rader and his department. The Oklahoma Attorney General, the Oklahoma Bureau of Investigation and State Auditor and Inspector also began conducting parallel criminal investigations.

Pressure on the department had been building steadily. Senate hearings on brutality in the state institutions were televised live in the state, and in recent weeks two of the state's major dailies reported on questionable DHS contracts and exposed abuses in the department's nursing home system.

Throughout it all, Rader has steadfastly denied anything was amiss, while spending thousands of taxpayer dollars on lawyers, investigators and public relations consultants to deflect the effect of the stories and investigations.

"Retire, hell. They'll carry me out of here feet first," he told one reporter just last month.

It was not clear Tuesday what had changed Rader's mind, or if any single event was responsible.

According to a close Rader aide who preferred not to be named, continued press revelations prompted the longtime political power broker to call it quits.

"There was no political pressure — nobody with enough clout to make Mr. Rader resign," the DHS official said. "He just took a hard look at the situation and couldn't see any light at the end of the tunnel, what with you people and all the investigations going on. It was time to get out and he did."

Gov. George Nigh, who has staunchly supported Rader through his troubles, professed total surprise over the resignation.

Rader's second-in-command, Deputy

Welfare Director Michael Fogerty was in Washington Tuesday afternoon when he learned for the first time that his boss intended to retire. Fogerty reportedly thought the phone message was joke and only believed the announcement after he confirmed it personally.

Rader could not be reached for comment.

Speculation over who will succeed Rader at the helm of \$1.2 billion a year agency is as varied as stories running rampant in the capitol concerning the reasons for the abrupt resignation.

Welfare Chairman Barnes told reporters that "no one can replace Lloyd Rader", leaving some with the impression that the DHS, which controls everything from medical licensing to welfare payments and has a 14,000-man payroll, will be dismantled as many legislators have been threatening to do for years.

However, George Miller, Rader's executive secretary told reporters that "applications" are being taken for the state's most powerful and best paid job. Ironically, Rader was given a raise Tuesday to \$99,000 a year, though any replacement would doubtless make far less. Filling the job would be the responsibility of the commission.

Some observers Tuesday speculated that Rader the resignation is a ruse — that Rader's merely feigning retirement in hopes of discouraging law enforcement officials and the press from continuing their investigations.

One of those who sees it that way is State Rep. Neil McCaleb, a Republican gubernatorial primary candidate who said he the resignation is merely a ploy to temporarily "take the heat off the administration" until after the general election in November.

McCaleb, who has repeatedly called for Rader's resignation while blaming Nigh for continuing problems in the scandal-ridden DHS, told reporters that after the governor is re-elected and the "press has packed up and gone home" Rader will withdraw his resignation and stay on the job.

"It's all a trick," McCaleb said. "Rader didn't get and hold that job by being foolish or rolling over easily."

McCaleb's opponent for the GOP candidacy, State Auditor and Inspector Tom Daxon, has his own theories on why Rader resigned.

Daxon's office has been conducting an "special audit" and "criminal investigation" of Rader and his agency for several months. Following Rader's announced resignation Daxon released a statement to the press promising to the make public the results of at least one phase of that investigation — reportedly involving questionable transactions between Rader and a Hinton farm equipment supplier — today.

That audit report, Daxon's one-sentence statement read cryptically, "should shed some light on the reasons behind Mr. Rader's resignation."



One witness, Delores Briscoe, 18, at left, now a student at Langston University in Oklahoma, said that between the time she was received at Rader Diagnostic and Evaluation Center and finally located at the Oklahoma Children's Center in Taft, she was strip searched three times, twice with males present.

Children's testimony shocks Senate abuse panel hearings

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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WASHINGTON — A stunned U.S. Senate subcommittee Wednesday heard Oklahoma children describe public youth institutions there as horrific places where physical abuse by state employees is routine, coverups are condoned, youths cooperating with federal investigators are beaten, drug abuse and sexual attacks are pervasive, and juveniles stand a better than even chance of learning a life of crime instead of enriching society.

Even the two U.S. senators from Oklahoma, invited to the packed Senate Subcommittee on Juvenile Justice hearing as a courtesy expressed shock and dismay at the descriptions they were hearing.

"I have a boy about the same age," interrupted Sen. Don Nickles, R-Ok., at one point. "I find this extremely appalling."

"All of us feel if there's been one instance of mistreatment," said Sen. David L. Boren, "that's been one too many."

In almost four hours of tense testimony and questioning, the senators heard one former and three current residents of state-run juvenile homes and training schools under the Department of Human Services (DHS) describe in detail under oath:

- Frequent strip-searching of female students' genital and anal areas with male security guards present.
- Beatings and chokings by as many as four adult employees at a time for minor infractions.
- The bribing of youths by state employees to beat another boy who had cooperated with Senate investigators. When he complained, he was beaten again, this time by state employees, and so badly that his ear drum was punctured.
- Recent incidents of hog-tying (wrists and ankles lashed together behind the back) and restraint for infractions like making noise or being late.
- A licking so vicious that an inch-thick fiberglass paddle broke in half.
- Denial of privileges for offenses such as sleeping with one foot outside the covers, or taking too much tartar sauce on a spoon.
- A paddling for kissing a friend on the cheek.
- Drug abuse so widespread that only four or five students out of 120 refrain from usage.

- Sexual congress between state employees and students, and the bribing of another student not to tell.
- Absolute distrust in the state's system of grievance reporting because it means further punishment for "snitching."
- Provision of drugs by state employees and a shop-lifting expedition to pay for them.

Concluded Sen. Howard Metzenbaum, D-Ohio, after one particularly dramatic piece of testimony:

"This is just sort of shocking to this senator. I understand problems in penitentiaries with guard abuse, but here the more basic problem than just maltreatment is failure of these institutions to provide upward mobility. What you really have here is sort of a downward mobility, and society will have a price to pay in the future."

The institutions provide a home for deprived, disturbed and delinquent children. Less than 10 percent enter the facilities as delinquents.

Perhaps the testimony that startled the senators most was subcommittee investigator William Treanor's description of the sexual abuse of a 14-year-old boy.

The youth had been first placed in DHS facilities when he was 7 years old, weighed 50 pounds, and stood 3-feet, 8-inches tall. He is now 14, but still slight. He had tried to escape 13 times, so Treanor, in a mid-April visit to Oklahoma, asked to talk to him. The DHS officials said they couldn't locate him, and didn't know which facility he was in.

When Treanor visited the state's Rader Diagnostic and Evaluation Center at Sand Springs, he stumbled across the youth. He asked to talk to him, but K. Gregory Tucker, an attorney from the DHS-hired Washington law firm Covington & Burling, "got there first and told him not to say anything." That admonition was effective.

"I believe it had a chilling impact," testified Treanor. "He did talk to me for 15 minutes, but he was depressed and morose. He was not very forthcoming."

When Treanor finally got his hands on a batch of the state's own abuse report documents, he learned the truth.

"The department report shows, in fact, that this boy was seriously sexually molested the very night before I visited the institution," said Treanor. "The state's own documents show the staff let three other boys go in a small room with this youth and closed the door. It's hard to see in or out."

"He was forced to masturbate a fellow student — enormous in size, he could be a football tackle — and was forced to perform oral sex acts on the others, repeatedly."

This was arranged by DHS staffers, said Treanor, because the youth had tried to escape from the Rader Center a short time before.

"Later, he talked to me on the phone and told me he had been repeatedly assaulted in this manner over a three-week period. Finally, a day or two after I left, he told a staff member what happened."

The ensuing DHS investigation was termed "most odd" by Treanor. The youth was taken to Tulsa where a police expert administered a lie detector exam. The youth passed easily and indicated he was telling the truth on all counts.

"The bulk of the state's investigation," Treanor told the senators, "is devoted to the department's claiming the lie detector test is not valid. They kept attacking the training of the guy who administered it."

There was no further investigation, he said. Treanor waved a batch of papers about a foot thick. "These are his records," he told the senators. "They show his intelligence tests out to where he could do adequate work, but in the state system he has reached this point in education. He reads at first grade level. He spells at second grade level. And he does arithmetic at first grade level."

All this is not unusual, testified Treanor. The DHS, he said, does not conduct "thorough investigations of serious allegations — most incidents are simply not recorded, and when they are, there are in fact a number of impediments put in the way of a full investigation."

A long-haired redhead of 16 named David told of efforts to curtail cooperation with Senate probers. David entered the DHS institutional system when he was 12.

"My Dad told me he was going to Arizona without me," he recounted. "So I took off on my bike to follow, but went the wrong way." As a runaway, David was placed in DHS schools. He tried to escape, and was adjudicated a juvenile delinquent. He has, he told the senators, been shackled and hog-tied 45 times. How did he know that so exactly, asked Sen. Arlen Specter, R-Pa., the subcommittee chairman.

"I kept track," said David.

David testified he overheard a DHS employee at

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Boley State School for Boys offer a six-pack to some students if they would beat up another youth named John because John had talked to Treanor. Seven youths did "beat him up bad." When John placed himself in voluntary detention to escape the youths, two DHS employees beat him further, so badly he punctured an eardrum, David said.

"He was held down by one staff member while another choked him and beat him up," said Treanor. "He can't hear out of his ear. He had to go to a hospital in Oklahoma City."

A slim youth named Stacey, 16, said he also had seen the beating of John. "The houseparents just sat there like nothing was going on," he said.

Stacey also had talked to Treanor. He was attacked by "a guy who beat me and said it was for snitching" to the federal investigator.

A DHS houseparent who saw the attack start, said Stacey, "walked into a mop closet, stepped inside for two minutes, and then came out and hollered at the other guy. I got a busted lip."

Were state employees behind the beating, asked Nickles.

"I believe so," said Stacey. "No one bugged me right after I talked to Mr. Treanor. The next day was Saturday. I didn't get jumped till Sunday."

A 16-year-old named Kristinna said she was placed in state custody because her parents abused her, but was still strip-searched in front of a male security guard anyway and made to sleep on a cold cement floor in a cell with no pillow or mattress for 72 hours at a time "because I missed my sister a lot and missed my home and was crying a lot."

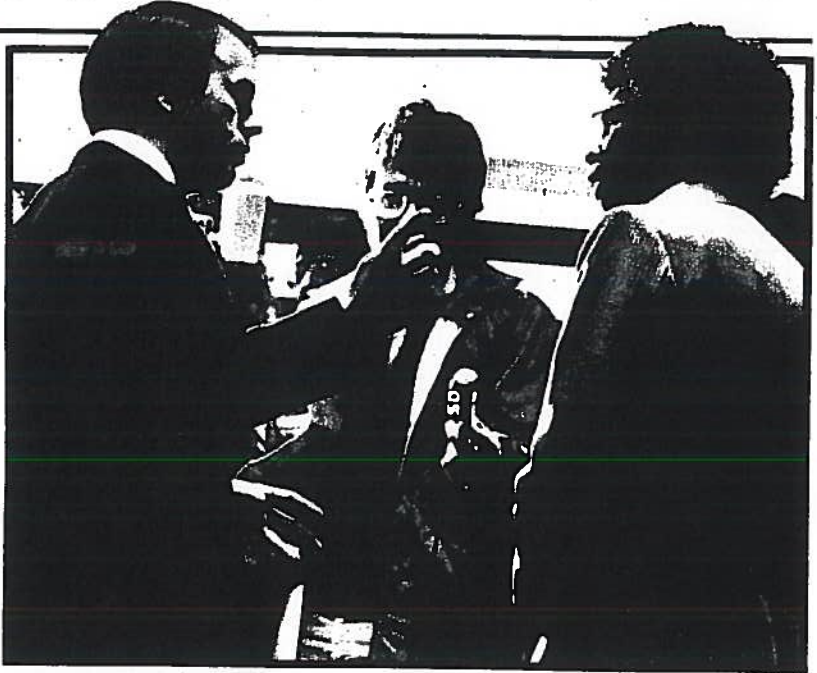
Another witness, Delores Briscoe, 18, now a student at Langston University in Oklahoma, had a similar experience. She said that between the time she was received at Rader Diagnostic and Evaluation Center and finally located at the Oklahoma Children's Center in Taft, she was strip searched three times, twice with males present.

Asked by Specter to describe it in detail, she said, "It was a very rough search at D&E. I was searched in places I should not have been, my sexual organs and my rear."

Kristinna described the Rader center as "all lock-up, like a prison, where the security guards come all the time to fight with the kids."

She said she was eventually sent to Whitaker State Children's Center, where she was tackled and roughed up by two security guards for balling up her fist at a student who insulted her parents.

"I have acquaintances, but I don't have too many friends," she said. "I'm afraid to make friends because they come and go too much. I'm not at Whitaker because I've done something wrong. I'm there because I don't have a home."



Wilbur Williams, right, superintendent of the Oklahoma Children's Center, is confronted by Sen. Don Nickles with stories of children going over the fences.

Specter questioned his investigator intensely about what state officials did with child abuse reports from the institutions, and whether they forwarded them to local district attorneys as required by Oklahoma law.

"We looked into this quite carefully," said Treanor. "We found two instances of referrals to DAs. They were in 1978 and 1979."

Since a Gannett News Service series on the child abuse, and since the Senate investigation and initial subcommittee hearing on Feb. 11, the DHS performance has improved.

"Since the first hearing, we have records of 22 referrals," said Treanor.

The dramatic testimony will be countered today by presentations from almost a dozen DHS officials, most of whom already have prepared statements blaming their troubles on Gannett for "unfair" reporting. Veteran DHS Director Lloyd E. Rader, according to a press release distributed by Covington and Burling here Wednesday, intends to couple his exhortation of Gannett with a sampling of his juvenile care philosophy. His intended testimony includes this statement, wrote his lawyers:

"We would have fewer incidents of anti-social conduct by the juveniles if we gave them less freedom."

Youth beaten before testimony

By JOHN HANCHETTE
and CARLTON SHERWOOD

Gannett News Service

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OKLAHOMA CITY — A 16-year-old youth scheduled to testify next month before a U.S. Senate subcommittee on child abuse in Oklahoma has been severely beaten in one of the state's juvenile training centers.

Okfuskee County District Attorney William Rahall said two state workers are named in a Department of Human Services report as the assailants, and that he has called in the Oklahoma State Bureau of Investigation to conduct a probe of the attack on the federal witness.

Rahall refused to disclose the names of the employees, listed as Youth Guidance Specialists, but Bruce Cohen, majority counsel for the Subcommittee on Juvenile Justice, Friday afternoon called DHS Deputy Director Michael Fogarty to inform him he was aware of the assault on the youth, and that the Senate expected his department "to take appropriate measures to insure his security and safety."

The youth, John Hagerty, was treated in Oklahoma Children's Memorial Hospital for head injuries and a punctured ear drum before being returned to Boley State School where the attack occurred.

The beating took place within hours of a visit to Boley last weekend by investigators for the subcommittee who are looking into reports of pervasive child abuse in DHS institutions. DHS officials at Boley had given youth residents there the choice of attending a free movie or talking to the Senate probers, according to Rahall. Hagerty and another 16-year-old boy, Stacey Trambell, were among the handful who agreed to talk to the Senate investigators and to testify at future hearings.

On Sunday, said Rahall reading from a DHS report on the incident, Hagerty asked his dormitory supervisor for counseling and said Trambell had been severely beaten by other youths at the school. (DHS Deputy Counsel John McCormick confirmed the Trambell youth had been beaten by other students and that a department report has already been filed on the incident.) Hagerty was referred to the counseling center at Boley's Crisis Intervention Unit.

Here, according to the DHS report forwarded to DA Rahall, Hagerty immediately was asked to remove his belt and shoes. When he objected and replied he had been referred there for counseling, the youth was attacked by two youth guidance specialists. According to the report read by Rahall, one held him while the other punched him repeatedly.

He was taken to Creek Nation Hospital near Boley, and then transferred to Oklahoma Children's Memorial

Hospital here when the eardrum puncture was discovered. He was sent back to Boley Wednesday.

Senate investigator William Treanor learned of the beating the same day and visited Hagerty at Boley before returning to Washington.

In the meantime, Steven Novick, deputy director of Legal Aid of Western Oklahoma, one of three civil liberties groups suing the DHS in federal court on behalf of the youths under that department's responsibility, is preparing court papers to file Monday. He said he will ask for a court order to force the DHS to transfer Hagerty and Trambell from Boley to a smaller community-based facility immediately because he considers the two teenagers "to be in danger for talking to a Senate investigator; we want them removed to a safe facility."

Novick said "This problem has been going on for the last four years, and is a continuing one." He said he called DHS lawyer McCormick Thursday to go over the department's abuse report on Hagerty and that the attorney said there was "no provocation" on the youth's part.

The Boley beating closely paralleled a February incident at Whitaker State School in which children who had talked to visiting U.S. Sen. Don Nickles, R-Ok., about child abuse in that facility, said they were whipped and placed in solitary confinement once the senator left. Nickles said Friday he would meet with Rahall next week to discuss the Rahall incident.

Officials told to 'clean up' testimony

Witnesses face perjury threat

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

WASHINGTON — The chairman of a U.S. Senate subcommittee Thursday admonished Oklahoma welfare officials to clean up their testimony before his panel or face the consequences, which the senator implied might be a perjury investigation.

An obviously angry Sen. Arlen Specter, R-Pa. — chairman of the Senate Subcommittee on Juvenile Justice — told lawyers for George Miller, executive secretary of the Oklahoma Department of Human Services, to have their client "modify his testimony" and resubmit it concerning child abuse in state-run institutions.

Specter, who quickly identified contradiction after contradiction in the statements of Miller and other officials, also asked for clarification of declarations made by Theodore Bamberger, the DHS supervisor of institutions and community services, who issued a blanket contention that four hours of damaging allegations Wednesday against his department "were not true."

The lengthy exchange before the subcommittee began when department spokesman George Miller contended that the DHS had received a sweeping exoneration from state investigators.

Specter repeatedly reminded Miller "you are under oath," caught him completely reversing his testimony a few moments before, and pointed out his statements were in blatant opposition to the documented record.

Specter also warned Charles A. Miller, the DHS attorney from the prestigious Covington and Burling law firm here, that he might place one of his legal associates — K. Gregory Tucker — on the stand to clear up apparent conflicts in truth and what appears to be a violation of Oklahoma law regarding the release of confidential investigative material.

In the Senate office hallway during a lunch break, Tucker, both Millers, and DHS General Counsel Harry Johnson all replied "no comment" several times to questions about possible perjury charges and how they intended to deal with Specter's request.

"Don't say anything more," snapped Charles Miller to his clients as they hustled for an elevator. "We've got to talk in private."

The lengthy exchange before the subcommittee began when George Miller touched off the second day of Capitol Hill hearings on Oklahoma's institutional child abuse by contending that the DHS has received a sweeping exoneration from the Oklahoma State Bureau of Investigation. Testified George Miller:

"When it became clear that we were under attack back in February, our first response to the allegations was to propose to Gov. George Nigh that the Oklahoma State Bureau of Investigation thoroughly investigate every allegation. This law enforcement body, with a consignment of up to forty trained agents, has exhaustively investigated every allegation, and information available to us indicates that the OSBI has found no support for the allegations pertaining to the juvenile programs operated by the department."

Specter zeroed in on the department's claim to a clean bill of health. "What is your basis for that?" he asked.

George Miller, after conferring with Tucker, answered "We've been informed from time to time as to how the investigation is proceeding."

The DHS officials, anxious to tear down Wednesday's damaging testimony about abuses in the homes and schools, had prematurely distributed Miller's statement to the subcommittee and the media. Specter received a call early Thursday morning, he said, from a colleague, Sen. Don Nickles, R-Ok., concerning the Miller claim about OSBI exoneration.

"Senator Nickles informed me," said Specter,

"that he had information from Don Sharp, deputy director of the OSBI, that your statement was false. I've since talked to Mr. Sharp myself in the presence of Senator Nickles before this proceeding began, and Mr. Sharp has said 'that is not true,' and that there have been several matters forwarded for prosecution. That's a very fundamental point that ought to be supported if you want to make that representation under federal oath before this subcommittee."

Responded George Miller: "This statement speaks for the department, and not some specific individuals who work for the department."

Sen. Howard Metzenbaum, D-Ohio, interrupted: "Isn't the department made up of people?"

Specter jumped in: "The department has no life aside from the people inside it who are working for it."

George Miller: Mr. Chairman, there have been individuals who are employees of the department who have broken the rules.

Specter: So you are saying there is evidence as to individuals employed by the Department of Human Services who have broken the rules, violated the law?

George Miller: There are allegations they have, sir, and I'm sure this information has been forwarded to the proper district attorneys. To date, no charges have been filed.

Specter: You said a moment ago they have broken the rules. Are you saying now there are only allegations they have broken the rules?

George Miller: Rules of the department, and that's not the same as having broken the statutes of Oklahoma, which could be prosecuted by a district attorney.

Specter: Perhaps not the same. Perhaps the same. The department has conducted investigations which show individuals have broken the rules of the department?

George Miller: Yes, sir, and we'll testify to that.

Specter: So your assertion is, and I quote 'This law enforcement body, the OSBI, has assigned forty agents to investigate every allegation and information available to us has found no support of allegations pertaining to juvenile programs operated by the department.' Well, Mr. Miller, I'm at a loss to understand how you can say that it's true if the OSBI is to be believed, if Mr. Sharp has told me that the OSBI has forwarded matters for criminal prosecution, and has found information which supports the allegations pertinent to juvenile programs operated by the department.

George Miller: I think what we're trying to say is that the investigation has concluded that the department has responded properly in regard to any of these instances.

Specter: Well, that's simply not what your statement says here. Your statement says the OSBI has found no support for the allegations. Your statement does not say the department has operated properly.

George Miller: We want to make that clear. We appreciate your asking.

Specter: When you say information is "available to us," what is that information? I ask you that, Mr. Miller, to put all the cards flat up. Mr. Sharp also says that under the Oklahoma statutes these matters are confidential and not subject to disclosures in advance of transmission to the governor. So if that information is available to you, it would be a violation of the Oklahoma confidentiality statutes.

George Miller: Sir, the only way I can respond is that the reports were made available to us by the counsel to the governor.

Specter: And who is the counsel to the governor?

George Miller: David Hudson.

Specter: Did the counsel to the governor make any prophecy about the rules that have been broken?

George Miller: Sir, I'm very aware of what the statute says.

Specter: What does it say?

George Miller: That the information developed by the OSBI must be submitted to the governor, and the governor makes the appropriate referrals to the law enforcement agencies.

Specter: Is the counsel to the governor in this room? I intend to have him called.

George Miller: The counsel to the governor has not given us any information concerning any specific

Specter: What information has he given you?

George Miller: There have been reports in the news media with regards to the district attorneys refusing to file the charges.

Specter: I'm not concerned with that. At this point, I want to know what Hudson said.

George Miller: Our statement is intended to reflect a conclusion that no violation of the statute has resulted, that the department has properly responded to these allegations.

Specter: That's what Mr. Hudson said?

George Miller: That's my understanding, sir. I did not talk with him.

Specter: You did not talk with him directly? With whom did you talk, then?

George Miller: I can't tell you sir. It's our counsel.

Specter: Whom did Watson talk to, then?

George Miller: Mr. Tucker, Greg Tucker.

K. Gregory Tucker, of Covington and Burling, is the attorney who spent many weeks devising the DHS strategy in response to the Senate hearing requests. Specter said he would think about swearing him in to testify in the Hudson conversation matter.

A few moments later, Specter called his chief

'Senator Nickles informed me,' said Specter, 'that he had information from Don Sharp, deputy director of the OSBI, that your statement was false. I've since talked to Mr. Sharp myself...'

counsel, Bruce Cohen, to the stand. Cohen had just called Hudson in the Oklahoma governor's office.

"I asked Hudson," said Cohen, "if he ever said to Greg Tucker anything indicating the department was not at fault. He said no. He also said the purpose of the investigation was not to evaluate the department."

Specter turned to Charles Miller, sitting next to George Miller.

"My request of you as lead counsel," he intoned very slowly, "is to supply us with more information as to the extent your client George Miller may wish to modify his testimony, or if K. Gregory Tucker wishes to testify or submit a statement."

Charles Miller was quick to respond.

"Yes, sir, we'll make a complete report."

Specter said at the end of the long day of testimony he did not plan to schedule further hearings, but would ask the DHS officials to answer several additional questions in writing before the subcommittee compiles written recommendations.

He indicated he will delay any decision on the pressing the possible perjury matter until he receives a full written report on how the human services officials came to contend they had been exonerated by the OSBI. Charles Miller will prepare the report. Specter set no deadline, but said he expects the report fairly soon.

The episode was not Specter's only anger of the day directed at George Miller.

At one point during the morning testimony, Specter started reading into the record several clearcut child abuse reports about a DHS employee George Miller had been defending vociferously.

"Are you familiar with these reports?" asked Specter.

"I am not familiar with them, sir," responded the DHS official. "Besides, those are allegations, and they're not substantiated."

Specter sat up straight.

"How do you know that?" he snapped. "You are sitting here telling me they are not substantiated and on the other hand telling me you never heard of it."

"If you have information they are substantiated," said Miller, "we'd certainly like to have it."

Specter shot back: "I'm really not the one dealing with the questions here. You are sitting in that witness chair — under oath — and you are telling this subcommittee that this employee is not involved in any 'abuse' or 'force,' and it's your records we're dealing with..."

Justice Dept. opens new probe

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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WASHINGTON — The U.S. Justice Department Wednesday opened a probe of child abuse in Oklahoma's institutions for the mentally retarded, and said the action may lead to a federal lawsuit.

The investigation is the latest and perhaps most significant in a series of state and federal examinations of Oklahoma's massive Department of Human Services begun since Gannett News Service began exposing abuses in department-run institutions two months ago.

Justice Department officials here said a full-scale probe will begin next week. The investigation, the department warned Oklahoma officials, will probably include the use of FBI agents.

Gov. George Nigh was notified earlier by top-level Justice administrators, and replied in a telegram promising his full cooperation. U.S. Senate investigators in Oklahoma, conducting a separate investigation, recently received a similar pledge, but have been stymied so far.

William Bradford Reynolds, assistant attorney general in charge of the Civil Rights Division, sent a letter to Nigh last Friday describing the scope of the probe. It will, he wrote, be carried out under the Civil Rights of Institutionalized Persons Act passed by Congress in 1980, which gives the Justice Department specific power to bring suit against states that fail to provide due rights for those housed in their facilities.

The Justice Department action follows GNS stories examining child abuse and suspicious deaths in the DHS schools for the mentally retarded and in juvenile training centers and residential detention units.

Reynolds sent copies of his letter to other important Oklahoma officials, including veteran DHS Director Lloyd E. Rader, Commission for Human Services Chairman Reginald D. Barnes, federal prosecutors in the state, Enid State School Superintendent Howard

The investigation will focus generally on the conditions of confinement at the Enid and the Paul's Valley schools.

Chinn, Pauls Valley State School Superintendent Norman W. Smith and Attorney General Jan Eric Cartwright.

Cartwright is conducting his own probe of DHS activities, as is the Oklahoma State Bureau of Investigation.

The text of the Reynolds letter to Nigh:

"This letter is to provide you notice that the U.S. Department of Justice will commence an investigation of the Enid State School and Pauls Valley State School. This investigation is being conducted pursuant to the Civil Rights of Institutionalized Persons Act, which authorizes the Attorney General (of the United States) to bring suit against public institutions for the purpose of redressing deprivation of the rights of persons resident therein.

"The investigation will focus generally on the conditions of confinement at these two facilities. This investigation will not begin until at least seven days after your receipt of this letter.

"It may include, but will not be limited to, a tour of the facilities by Civil Rights Division personnel and/or their consultants, interviews with residents and staff of the institutions by Civil Rights Division personnel and/or their consultants and/or agents of the Federal Bureau of Investigation, and reviews of certain documentary information concerning these institutions.

"Staff from the Civil Rights Division will contact

officials at the institutions to coordinate the various aspects of the investigation. We look forward to your cooperation in this matter. Naturally, we will keep you apprised as to the results of our investigation, and will comply with all applicable provisions specified in 42 U.S. Code Section 1987."

Nigh confirmed reception of the letter and on Tuesday sent back this succinct telegram:

"I have received your notice of investigation of Enid State School and Pauls Valley State School pursuant to the Civil Rights of Institutionalized Persons Act. The full cooperation of the State of Oklahoma is pledged to assist your investigation in any way that can be helpful. Please contact David Hudson in my office for any assistance you might require."

The little-known 1980 law under which the probe is being conducted has sharpened the Justice Department's teeth. During the Carter administration, the department tried several times to sue states that were running archaic institutions with oppressive conditions, such as state youth schools, correctional facilities, nursing homes, facilities for the mentally retarded, prisons or juvenile training units.

Federal judges, however, threw out Justice Department suits against mental institutions in Montana and Maryland, ruling that the U.S. attorney general did not have statutory authority to conduct such litigation.

The Justice Department resorted to intervening frequently in private suits against such facilities, or to appearing "amici curiae" — friends of the court — in judicial actions. The 1980 law gives the attorney general clear authority to file such lawsuits against any state institutions depriving residents of their constitutional rights.

U.S. Senate investigators recently refueled an earlier probe of the DHS juvenile training schools after a February hearing of the Subcommittee on Juvenile Justice that produced Dickensian accounts of institutional child abuse.

The Senate staffers, however, ran into a stone wall earlier this week when Nigh, despite earlier promises, declined to turn over OSBI investigative documents on the schools until he could talk to Rader's lawyers.

U.S. prosecutor given free hand

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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TULSA — The U.S. Justice Department has directed a federal prosecutor in Oklahoma to investigate and prosecute state personnel who abused institutionalized children or condoned such acts.

U.S. Attorney Frank Keating said here Thursday the probe is "statewide in scope" and that he has been directed specifically by the Criminal Division of the Justice Department to go anywhere the facts take him.

"I have no limitations," Keating told GNS.

FBI agents are already at work in the field on the child abuse probe, said Keating, who stressed that his examination will not be limited to just specific incidents of abuse but will extend to those who run the system responsible for it, and will seek to determine if they condoned or encouraged it.

The probe is under the direct supervision of the Justice Department's chief of criminal matters in Washington, Associate Attorney General Rudolph W. Giuliani. Although Keating would not reveal the precise contents of his orders, sources in the Justice Department in Washington said the letter sent to the federal prosecutor earlier this week directs him to "proceed unbridled" in pursuit of child abuse convictions.

The sources said, and Keating confirmed, that the investigation will be based on three previous occurrences — testimony about the abuse before the U.S. Senate Subcommittee on Juvenile Justice in February and May, a detailed investigative outline in a memo from the Justice Department's civil rights division head William Bradford Reynolds to FBI Director William H. Webster, and a series of articles by Gannett News Service on pervasive child abuse in the juvenile institutions and mental retardation schools run by the Oklahoma Department of Human Services.

Attorney said he is basing his initial probe upon 18 specific cases of child abuse in DHS homes and schools described in the Gannett series in February and March.

The Reynolds memo has already triggered a separate probe by the special litigation section of the Justice Department's civil rights division, but that investigation is not specifically directed at criminal activities, centering instead on possible violations of the constitutional rights of institutionalized persons.

Keating, although he would not describe them precisely, said he is basing his initial probe upon 18 specific cases of child abuse in DHS homes and schools described in the Gannett series in February and March. Attached to his packet of instructions from Washington was a file of GNS clippings containing the child abuse articles.

Keating had said last May he was "compiling data" and "seeking evidence" on potential child abuse cases, but at the time was limited in any criminal proceedings to following up specific citizen complaints or pursuing cases handed to him by other law enforcement investigators — for example, anything criminal the civil rights division may have come across.

The fullscale criminal investigation announced Thursday, said Keating, stems from a detailed directive to go out and find any criminal violations that may have occurred. Specifically, said Keating, the Criminal Division has asked him to question all

Oklahoma district attorneys concerning any information or files they have of former or current DHS employees who may have engaged in child abuse, and to ascertain if any employees have ever been prosecuted in Oklahoma or any other state for related abuse incidents.

Keating has also been instructed to obtain the complete files of the Oklahoma State Bureau of Investigation on DHS activities. Gov. George Nigh, after publication of the Gannett series, ordered the OSBI to probe abuse in DHS juvenile training centers, residential detention units, and mental retardation schools. The state investigative agency has compiled voluminous reports on the matter, but Nigh was reluctant to turn them over when the Senate subcommittee requested them in May.

Keating said "I fully expect the cooperation of the governor with regard to this request for OSBI files."

One special area of Keating's focus, he stressed, will be the actions of those DHS officials responsible for hiring employees with previous criminal records — some involving child molestation and rape — and placing them in sensitive jobs requiring daily contact with children.

Keating said he was "outraged" at testimony from DHS executives during the Senate subcommittee hearings in May when those officials said they could not refrain from hiring employees with criminal records because to do so would violate the jobseekers' constitutional rights.

"I know the state and federal laws as well as anybody," Keating told GNS, "and that is just not so."

Keating, in fact, was so angry about the testimony that he lectured DHS deputy counsel Chase Gordon — one of those making the offending statements — on a plane ride all the way from Washington to Tulsa.

Keating, as U.S. Attorney for the Northern District of Oklahoma, is not limited in his investigation to normal jurisdictional lines, but can cover Oklahoma

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on page 64

\$60 million in illegal contracts? Auditors to check DHS books

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Auditor Inspector Thomas Daxon, Oklahoma's chief fiscal investigator, has formed a special division in his agency to investigate the state's Department of Human Services and what he says may be \$60 million a year in illegal DHS contracts.

The five-man team, headed by a former FBI agent, will look into DHS financial transactions since 1980, a period that takes in almost 4 million separate purchasing transactions by the huge agency with its \$1.2 billion a year budget. Daxon, a Republican candidate for governor, told Gannett News Service the transactions are all listed on 16 reels of computer-drive tape that he's managed to obtain from DHS offices.

Many of the computer-tape transactions, says Daxon, appear to circumvent state bidding laws and other statutes and involve "irregular and questionable dealings."

Daxon has assigned 10 other auditors to back up his five-man task force, which includes former state and federal-law enforcement experts, plus a veteran of the Internal Revenue Service.

The team operates from a tightly secured basement bunker under the east wing of the state capitol, with computers constantly clattering at one end of a long conference table straining under the weight of mounds and mounds of printouts and files. On a far wall — about 15 feet wide and eight feet high — is a massive DHS organizational chart stuck with colored pins and flags denoting areas of interest, and covered with statistics and cash flow charts.

"We'll be working closely with prosecuting authorities," said Daxon, who's already been in contact with Attorney General Jan Eric Cartwright, who's conducting a similar investigation. "We intend to look into all areas of the department. It's the largest investigation my office has ever launched. This is not a routine audit."



Thomas Daxon
...state auditor

The probe is currently focusing on heavy equipment contracts, and leasing and purchase agreements with several large contractors. GNS and The Tulsa Tribune last weekend revealed that one target of such scrutiny is the Lindsey Construction Company of Muskogee, run by a friend of DHS director Lloyd E. Rader, Milford Lindsey. The firm has been the beneficiary of extensive "emergency" contracts and contract extensions ordered by Rader, according to state records.

The auditor inspector said he won't predict a timetable for his probe, but believes "Oklahoma should consider itself very fortunate if this massive concentration of power (in the DHS) proves not to have been abused. We have a real need to make the DHS accountable to the taxpayers as other state departments are."

When he started the investigation late last year, he said, the department officials initially made "an out and out attempt to stop us from auditing them at all. In recent weeks, they have become somewhat more cooperative."

Any violations of law, said Daxon, will be turned over to Attorney General Cartwright for prosecution. Cartwright last week confirmed his appointment of a special prosecutor, Barry Albert, to handle the DHS investigation.

Contracts circumventing the bidding laws appear to exceed some \$60 million a year, believes the auditor, among them agreements arranged through the highly suspect "emergencies" loophole and outright "authorizations" made on Rader's signature or verbal directions alone.

"One man should not have the power that Lloyd E. Rader has," said Daxon. "There ought to be legislative moves to control the DHS. At the very least there should be a clean breast of what has been going on in the department."

Earlier this week, Daxon dispatched his five-man team to DHS offices in the Sequoyah Building here to inspect documents of the 14,000-employee agency on site.

"This is sort of a David and Goliath situation," he said.

Judge's order restrains employees

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Oklahoma Attorney General Jan Eric Cartwright has gone to court to head off what he considers blatant child abuse at a state youth institution.

Cartwright obtained a temporary restraining order Friday from Mayes County District Court Judge W.M. Thomas, who granted the motion to prohibit state employees from "spanking, paddling, whipping or beating" youths in the Whitaker State Children's Home in Pryor.

The action is unrelated to a four-year-old federal court case in which a trio of civil liberties groups are suing the state Department of Human Services (DHS) to accomplish the same thing on a statewide basis. It marks the first time Cartwright has sought relief for Oklahoma citizens under a law passed in May that makes it a felony to abuse children in state institutions.

That statute, which followed a series of Gannett News Service stories detailing child abuse in DHS juvenile training centers and residential detention units, including Whitaker, was signed into law on May 28 by Gov. George Nigh.

Court papers indicate that the restraining order Cartwright obtained is directed against the DHS and its embattled director, Lloyd E. Rader, who announced earlier in the week that he will resign at the end of the year, and against Whitaker superintendent Steven Scott and four unnamed employees.

Cartwright made clear in the court papers that he will amend the motion soon by expanding it to include even more state employees.

In successfully asking for the restraining order — which "prohibits under any circumstances" the abuse in question — Cartwright told the judge in writing: "It

is the present and past policy of the defendants, acting either directly or by virtue of their supervisors in control and authority, to chastise or otherwise punish or discipline juveniles committed to Whitaker State Children's Home by means of physical force, including spanking, paddling, whipping, or beating."

DHS officials responded to news of the civil suit Friday by claiming Cartwright has sued the wrong entity. George Miller, Rader's executive secretary, said the attorney general should have directed his action against the Pryor Public School System, which runs the accompanying Whitaker State School under contract to the DHS.

Miller disavowed any culpability on the part of the huge department, and said the local school officials apparently "didn't get the word" that they were to stop beating children.

Said Miller: "This suit should have been aimed at the local school district, not the DHS or its institution. We've already agreed as a matter of law and a matter of policy not to use corporal punishment in the institutions. The problem here seems to be the school district didn't get the word. We are in negotiations to renew the contract with the school district, and within the new contract will be a stipulation prohibiting the corporal punishment of any children under state care."

He acknowledged that that clause had not been present before.

Cartwright, told of Miller's statement, responded: "I know exactly who I'm suing. I sued the right people. All of this in question is under the control, authorization and responsibility of the Department of Human Services."

The attorney general said he does not separate the school and the children's home in his suit, but added, "I may enjoin the school as I go along."

Cartwright said the case has been in preparation for a considerable period of time. "It was prompted

not by one incident but by a series of violations of both state policy and law," he said. "I will detail those in court as the suit progresses."

Jerry Haynes, the public school principal of Whitaker State School, told GNS that the suit might be directed at his school right now, but he had no way of telling until the four unnamed employees are identified. He said he will abide by the restraining order. Haynes was unabashed in acknowledging that corporal punishment has been widely used in the past at Whitaker.

He said the contract being negotiated for the next school year definitely will have a clause on corporal punishment. Haynes said he expects to be named as a defendant.

Whitaker child abuse posed a special problem for DHS officials over the last several years, since most of the complaints seemed to come from the school instead of the children's home. Rader's top aides in charge of investigating child abuse usually bucked the problem back to the principal or school board. DHS files obtained by GNS in the preparation of its series contained report after report in which abuse was substantiated, but sent back to the Pryor school system with the notation that the DHS advocate general in charge of inspecting abuse "will make not make further inquiry into this grievance."

Cartwright's speedy success in obtaining the restraining order only hours after he'd filed was in marked contrast to the efforts of Oklahoma City attorney Steven H. Novick, lead lawyer for the civil liberties groups suing the DHS in federal court. Novick has been waiting since March of 1981 for a decision from Federal Court Judge Ralph G. Thompson on his motion for an "immediate" restraining order to halt "hog-tying" and other medieval punishments at the state schools and homes. A trial in the federal court case is expected soon.

Bellmon takes over DHS

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Oklahoma's most prominent Republican Thursday accepted what many Oklahomans regard as the state's toughest job and promised he would keep it non-political, productive, and in the public's interest.

Henry Bellmon, 60, former governor and U.S. Senator, decided to end a week of statewide suspense and sign on as human services director at \$72,000 a year. He will adhere to a plan advanced by Gov. George Nigh and will serve as "associate director" until Dec. 31, when the current welfare czar Lloyd Rader, 75, steps down. Thereafter, Bellmon will serve as "interim" director through the next legislative session probably ending in May.

It is possible, Bellmon admitted, that he will stay on permanently "depending on what shape the agency takes."

During his press conference at the State Capitol Bellmon seemed somewhat surprised at himself for accepting a post which he told Gannett News Service (GNS) can only complicate my life.

Bellmon said, "Lots of mothers keep telling their children if they behave and study their lessons, they will grow up to be president. But nobody promises their kid that he will grow up to be welfare director."

Bellmon was asked why he would accept a job which would immediately make him responsible for dealing with several state and federal investigations of the scandal-riddled Department of Human Services (DHS) and a 4-year-old federal court law suit directed at chronic child abuse in DHS institutions.

"I had the same mental lapse that you have when you go into the U.S. Marine Corp.," cracked Bellmon, a first lieutenant in the Marines in World War II when he won the Legion of Merit and the Silver Star for bravery in the Pacific.

Rader announced last July 13 he would step down at the end of the year after his 14,000-employee department came under steady daily fire following a Gannett News Service stories exposing child abuse, fiscal misdealings, and suspicious deaths in DHS youth facilities.

Bellmon's salary makes him the third highest paid employee in the state right behind Nigh, whose annual pay was recently raised from \$8,300 to \$77,000 and Rader, who makes \$99,400.

Political experts feel Bellmon's acceptance is a

'Lots of mothers keep telling their children if they behave and study their lessons, they will grow up to be president. But nobody promises their kid that he will grow up to be welfare director.'
— Henry Bellmon



coup for the campaigning governor because it robs his opponents of their main campaign plank, the misdoings in the DHS. "Actually, it is a coup for me," said Bellmon. "This is a pretty good job. Lots of Republicans recommended I do this. It was their opinion it would be a great disservice to Republicans and Democrats if this fell into the hands of someone who would politicize it. I won't let that happen."

The Democratic governor said, "I have never made a recommendation in my four years as governor that has been as wildly popular and received as well as this one. I know of no one who has a higher personal credibility rating than Henry Bellmon."

Bellmon dodged several questions on the child abuse investigation and other problems plaguing the department by answering all them with the promise that he will make a complete report with recommendations and organizational suggestions on restructuring the huge department and hand it to Nigh by the end of the year.

"When I have the opportunity to study this and I need some time, I will make my recommendations to the governor."

Bellmon said he has several business connections which would probably have to be ended if he accepts the job on a permanent basis, but because it is an interim position at this point, "I've been advised it's okay to serve." State law prohibits individuals who hold private positions similar to Bellmon's from serving as a state employee.

Bellmon listed a commentator's post at Gannett's KOCO-TV in Oklahoma City; director's seats on banks in Perry and Ponca City; a director's post with The

Williams Company, an oil and agriculture conglomerate in Tulsa; and an adjunct professorship at Oklahoma City University as some of his possible conflict interests.

Al Parsons, general manager of KOCO, which has been carrying the Gannett News Service stories of DHS misdoings since February, said he did not consider the post a conflict because of the interim nature of Bellmon's appointment and because his attorneys had advised him it was all right for Bellmon to continue the commentary. GNS and KOCO are separately managed subsidiaries of the Gannett Co., nationwide media conglomerate. The news service develops stories which are made available for use by the company's newspapers, radio stations and television stations.

Bellmon promised to cooperate with the severing of ongoing probes, state and federal into his department. "It will be my intention to be as forthcoming as possible, but keep in mind there are legal restraints on what the department can make available to patients and those in the agency's care. We have to obey the law. I never have made a practice of trying to hide from the public what they need know."

Gov. Nigh said Bellmon "will have a free hand as a free voice. He is not going to be acting director; it is going to be THE director."

In line with his promise to keep the department non-political, Bellmon was asked what he intended to do about extensive patronage logs that Rader keeps at his desk and calls "Legislative Control Files" with listings of all the jobs he has provided for relatives and friends of influential lawmakers. Bellmon implied he will keep them. You probably have a very idealistic view of politics," he told the questioner. "Mine are much more practical."

Bellmon said he did not think he and Rader would have any problem running the department in a dual capacity until the end of the year.

"We have always been able to come to some agreement before when we have butted heads and think that will continue."

Bellmon said he was not taking the job with aspirations for higher office, and that he felt somewhat apprehensive because it is his first administrative role as opposed to elective office. Twenty years ago this fall, Bellmon was elected governor here.

"If you had told me then that 20 years later would be following Lloyd Rader on a fast track would have been scared to death. I have never aspired to do this but I'll give it my best."

INVESTIGATE

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City and the entire state, seeking the assistance of the state capital's U.S. Attorney, William S. Price, if he needs it.

Keating said he was picked by the Justice Department to conduct the statewide probe for several reasons — he actively sought the role; he has considerable experience in the Oklahoma Legislature in juvenile justice matters, and he testified himself on Capitol Hill about the child abuse question in front of the Senate panel in May.

During that testimony, Keating told the Subcommittee on Juvenile Justice he had been thwarted at every turn by the entrenched political power of the Department of Human Services and its director, Lloyd E. Rader, when he attempted to catalyze legislative reform of the Oklahoma youth system.

As a state senator, Keating served as a member of the Judiciary Committee and Criminal Jurisprudence Committee, and in 1979 and 1980 as chairman of the Joint Committee on Juvenile Justice — charged with an overview of the state criminal justice system as it applied to juveniles.

His panel, he testified, discovered to its dismay that under DHS procedures, non-delinquent children

"were routinely jailed in Oklahoma pending juvenile proceedings."

Keating's committee decided DHS children's homes located in rural sections of the state "were not in the longrange best interests of the children or the taxpayers. We advocated a move to a system of community-based treatment. It was unacceptable to note that truants, runaways, and deprived children were oftentimes mixed with delinquent youngsters and that the truants, runaways, and deprived children were placed in juvenile facilities far from their homes."

Keating said he worked hard for 10 months to fashion reform legislation for the youth homes and schools and juvenile court procedures, received continual assurances from Rader and the DHS that they were behind the bill, then was "stunned" when it came up for a vote.

"The Department of Human Services actively opposed it and brought in senators friendly to the department to assure the bill's defeat," he testified. "The legislative leadership beholden to Mr. Rader was asked to attend a committee meeting and to vote to kill a bill about which they knew nothing. From that

point forward, we witnessed the department move from an interested adviser to that of lobbyist and legislator.

"The measure we sought to pass requiring legislative oversight of the department in juvenile matter was so watered down by the time it passed the Senate that it was not worth passing. It was then that our subcommittee discovered that our efforts would be tolerated so long as they did not interfere with what the Department of Human Services wanted. We determined that our efforts were a nuisance and a irritant to the department, sufferable until mercifully we would go away. No compromise was possible in the case of the community-based treatment bill. I was killed outright even though the department had said initially that it approved it."

Keating said the two prime movers against his bill were George Miller, then a senator and now DHS executive secretary and Rader's righthand man, and Sen. E. Melvin Porter, a senator on several powerful committees, beneficiary of much of Rader's extensive job-providing political patronage, and a man who once threatened GNS reporters that he would run them out of the state.

State investigators closing in on DHS

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

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OKLAHOMA CITY — Federal and state investigators are closing in on the top echelons of the troubled Oklahoma Department of Human Services (DHS), including the office of veteran director Lloyd E. Rader himself.

Gov. George Nigh, after persistent questioning, confirmed during a Tuesday press conference that he has instructed the Oklahoma State Bureau of Investigation (OSBI) to pursue two specific allegations brought to him by a high-ranking DHS official over the weekend — that state taxpayer funds were used to build a private medical clinic in this city, and that state monies were paid this year to an Arkansas physician for medical consultation that may not have existed.

Sources in the OSBI, which has been investigating the DHS since Gannett News Service disclosed rampant child abuse in DHS institutions eight months ago, said the clinic involved was operated by Rader's son. Details of the consultation allegation were not available.

Also Tuesday, U.S. Attorney William S. Price told Gannett News Service he will ask that a federal grand jury be empaneled Monday to examine new evidence he has on recent activities in the Department of Human Services.

Price said he would immediately subpoena records and evidence compiled by departing Oklahoma Attorney General Jan Eric Cartwright during the latter's summerlong probe of the same department.

Besides the governor's confirmation, sources in the OSBI and federal enforcement offices said Rader is the target of each probe.

Nigh acknowledged he launched his OSBI investigation last Friday within minutes of staff discussions centering on the private clinic and no-show job allegations.

He said "it would be improper" to expand on the descriptions of wrongdoing, or to identify the DHS official who brought them to the governor's staff.

"Whenever allegations are brought to my attention, I direct the OSBI to investigate," said the governor. "That's the case here."

The accusations of improper DHS

usage of state funds came to the governor's attention shortly after a high-ranking DHS official was interviewed last week by FBI agents. The official went right to the governor's office and informed Nigh's general counsel, David Hudson, and chief of staff, Robert White, of the federal probe. Price would not say if his office had dispatched the FBI agents.

Nigh confirmed that White and Hudson, along with Rep. Don McCorkell — chairman of the House Criminal Jurisprudence Committee, which has been looking at DHS activities — met with the DHS official and then with the governor, who then contacted the OSBI.

Throughout the weekend, OSBI agents questioned several of Rader's closest aides for hours, including Andrew Thurman, his personal legal counsel within the department, and the advocate general in his juvenile treatment programs.

The OSBI sources said the clinic involved is now the Southwest Eye Clinic at 1240 SW 44th St, which the current owner, Dr. James Little, told GNS he bought from Dr. Lloyd Rader Jr., the department director's son — in December of 1980 for \$245,000. The younger Rader, a surgeon, practiced

medicine there until 1980 when the facility was called the Southwest Oklahoma City Clinic Inc.

The clinic was built by Wynn Construction Co. of Oklahoma City, but records were not available to show how Wynn was paid and company officials could not be reached for comment. Neither Rader could be reached.

In January of 1981, the Oklahoma Board of Medical Examiners brought unprofessional conduct charges against the younger Rader and accused him of practicing medicine while suffering from a severe drug dependency. The elder Rader called the action "a blatant attempt to destroy me."

The charges were dropped — provided the younger Rader would never practice in Oklahoma again.

Nigh said he intends to refer whatever the OSBI uncovers not to Attorney General Cartwright, but to Oklahoma County District Attorney Robert Macy.

Political insiders in Oklahoma are viewing the head-to-head investigative race between the FBI and OSBI as an election-year scramble to get to the head of a prosecution parade. Within capital circles, the federal enforcement officials are regarded as largely Republican, and the Nigh-led state investigators as Democrats.

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

WASHINGTON — The chairman of a key Senate subcommittee on youth, after almost a year of pondering controversial documents and testimony, will introduce three bills aimed at ending state-sanctioned child abuse.

Top aides to Sen. Arlen Specter, R-Pa., head of the Senate Subcommittee on Juvenile Justice, say he has ordered bills drafted to correct what he considers three glaring malfunctions of youth treatment systems revealed during hearings on Capitol Hill prompted by Gannett News Service stories exposing chronic child abuse in Oklahoma's state-run facilities.

Specter, said the aides, will introduce the legislation during the upcoming

Senator proposes bills aimed at ending abuses

"lame duck" session of Congress beginning Nov. 29th — realizing he has little chance of quick passage, but hopeful the early unveiling will acquaint colleagues with the issues so full consideration will be assured next year in the 98th Congress.

The three new proposed federal laws would:

- Mandate extensive criminal background checks on state employees who work with juveniles in any capacity.

- Prohibit states from incarcerating in large institutions "status offenders," children who've committed no crime, but have come under state responsibility

for being truants or runaways or orphans or in some other way deprived and in need of supervision.

- Forbid the placing of juveniles in adult jails.

Specter's plans for his three bills are far enough along that support supporting floor speeches have already been written by staffers, and while the approach will be national in scope, the proposals — said the staffers — were all triggered by the GNS Oklahoma series.

That investigative effort, focusing on Oklahoma's faltering DHS, specifically detailed instances in which all

three activities covered in the Specter bills — jailing youths with adult felons, institutionalizing non-delinquents, and placing convicted criminals in key supervisory posts — were occurring regularly.

The senator's long-term plan, said aides, is to incorporate more sweeping reforms raised by the Oklahoma situation into reauthorization of the Juvenile Justice Act when it comes up next summer for consideration in the 1984 fiscal year legislation.

Of the three proposals, maximum attention will probably be devoted to the prohibiting of jailed juveniles with adult felons.

"The reason a child leaves a home is one question," said William Treanor, former chief investigator for the panel, "but when you start sticking 9-year-olds and 10-year-olds in jail, you know you've come to a bad fork in the road."

Federal judge orders halt to abuses

Gannett News Service

OKLAHOMA CITY — A federal judge Tuesday ordered a halt to abusive practices in Oklahoma child care institutions as an assistant state attorney general admitted that such abuses have occurred for years.

Hogtying, shackling of children, and solitary confinement of the juveniles for prolonged periods were all ordered stopped by U.S. District Judge Ralph Thompson.

His temporary injunction is the federal court's first direct action on a 4-year-old civil liberties lawsuit seeking to end abuse in state child care institutions. The decision comes nine months after Gannett News Service exposed massive abuse of children in state institutions, bringing on a flurry of federal and state investigations of Oklahoma's child care system. Attorneys for state Department of Human Services, which runs the institutions, the state Human Services Commission and DHS Director Lloyd E. Rader — all defendants in a four-year-old federal lawsuit that seeks to overhaul the state's juvenile system — did not deny or admit the allegations of physical abuse, or claims of fire and safety hazards in the institutions. But defense attorneys were the authors of the order eventually signed by Thompson.

While DHS officials remained mum, Floyd Taylor, an assistant to state Attorney General Jan Eric Cartwright, charged that abuses have occurred. Taylor was in court to argue against injunction, but on the narrow legal issue that the abuses were state, not federal court problems.

"These problems admittedly have been there for some time," Taylor said. "But I don't think it will be corrected with a stroke of the pen."

The injunction states:

- Solitary confinement in excess of three hours is prohibited, and it can not be used as punishment.

- Confinement cells must be fully padded with adequate lighting, heat and ventilation. The majority of the cells are made of cinder blocks, have concrete floors and not padding.

- The use of shackles, hogtying and metallic restraints, except when a disruptive child is being moved to another institution, are prohibited.

- Unannounced monthly inspections will be made at all six juvenile institutions by the state Fire Marshal and state Health Department.

Steve Novick, attorney for Legal Aid of Western Oklahoma, which filed the lawsuit in 1978 on behalf of

eight incarcerated children, told the court solitary confinement of up to 30 days and hogtying continues, that five-year-old state fire marshal reports on hards at Boley State School for Boys have gone unheeded by DHS officials, and that there is "an alarming rate" of suicides in solitary confinement. He did not cite specifics on the suicides.

"These conditions and practices are practices longstanding in this state. If I were a parent and I shackled my child like the department, I would be hauled into juvenile court and charged with child abuse," Novick said.

Novick's suit was in court for four years without ever going to trial. A settlement agreement was approved March 3 by the Human Services Commission but has been disputed by the attorney general at the request of the state legislature, which was concerned about its cost.

The abuse problem became a major state issue last February when GNS stories, based on confidential state documents and sealed court records, showed it to be a pervasive problem throughout the institutional system. A subsequent GNS stories, published in March, exposed similar abuses in state facilities for the retarded. Those institutions are not involved in the civil liberties suit, nor are the affected by Tuesday's order.

Oklahoma legacy / November, 1982...

DHS at the crossroads —Reform or retreat?

By JOHN HANCHETTE
and CARLTON SHERWOOD
Gannett News Service

OKLAHOMA CITY — After a year of intensive press scrutiny, Oklahoma's once-chaotic juvenile-care system now seems poised on the brink of a poignantly questionable future: either an era of progressive reforms, or a backslide into the antediluvian conditions that recently prevailed.

State officials swear it will be the former.

The state's Department of Human Services, subjected to a string of embarrassing state and federal investigations after a Gannett News Service investigative series described pervasive child abuse in DHS homes and schools, has already encountered a pastiche of significant reforms.

The institutions in question have been emptied of 75 percent of their youthful population.

The rest, according to recent law passed by the Oklahoma legislature, will soon follow.

The worst institution has been closed down, and three more appear likely to close as well.

A new state law puts emphasis on smaller community youth centers and emergency treatment shelters, run by professionals in an atmosphere more conducive to love and learning.

A Senate subcommittee is preparing legislation which will make it illegal to perpetrate several of the abuses that commonly prevailed in Oklahoma, such as jailing youngsters who aren't delinquents with adult felons.

A federal court has issued a broad restraining order, commanding the DHS to quit its practice of hog-tying children and locking them up in barewall cells. The DHS had been using the medieval detention practice as discipline for minor infractions.

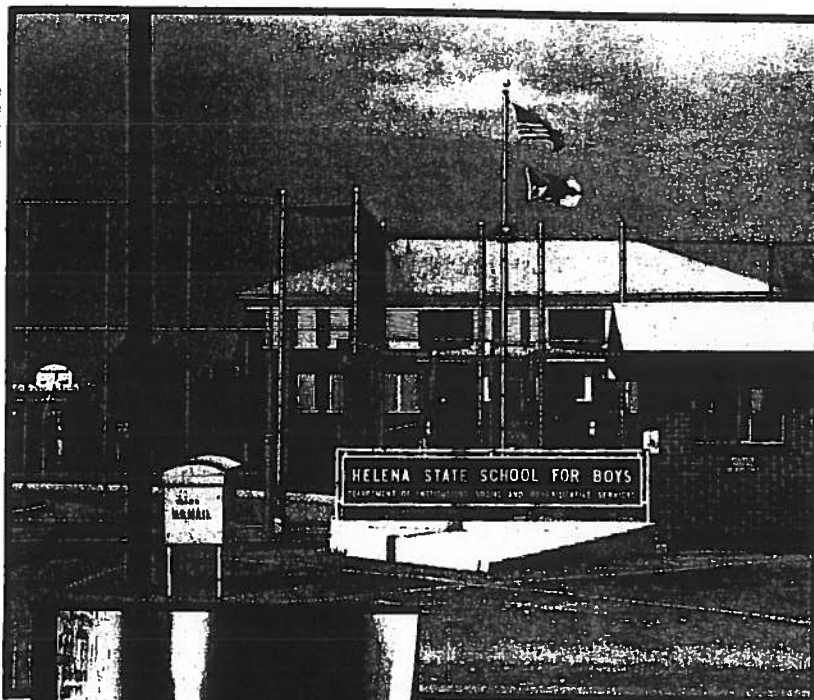
DHS schools for the mentally retarded, badly in need of staffing and repairs for years, are being refurbished and beefed up with nursing personnel, as veteran department director Lloyd Rader, with state and federal investigators knocking at his door, poured millions of dollars into the facilities by executive fiat.

Rader himself has promised to retire at the end of the year, leaving a respected former governor and U.S. senator, Henry Bellmon, as his apparent successor. Bellmon has given indications of refusing to take orders from Rader, whose actions suggest he's interested in staying around.

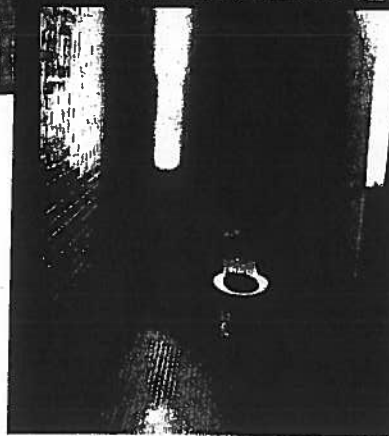
One of these is the way Rader doggedly continues to resist legal and legislative attempts to dismantle his billion-dollar bureaucratic empire.

The child count in Rader's youth homes and schools in 1982 decreased dramatically — from the 1,300 mostly orphaned and deprived juveniles who were incarcerated last January before Gannett News Service began publishing the results of its five-month investigation into state-condoned child abuse, to 335 delinquent and in-need-of-supervision children currently housed in Oklahoma's five existing youth institutions.

Those figures are expected to fall even further until there are fewer than 100 children actually being held in institutions — only juveniles who are likely to be danger to themselves or others.



The Helena State School, above, the worst of the state juvenile care facilities, has been closed down in the aftermath of reporting of conditions there. At left is a barren detention cell long used at Helena.

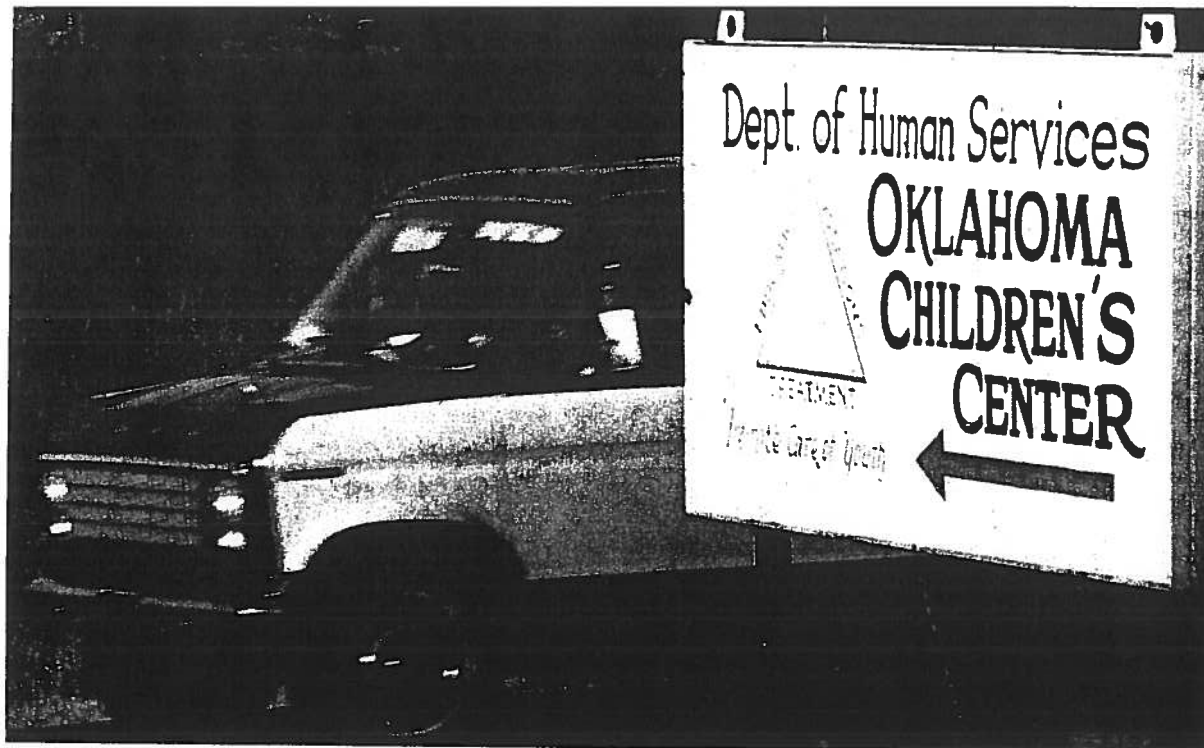


The forced shutdown of Helena State School last spring, considered Oklahoma's most notoriously vicious institution, where children were hogtied, beaten, homosexually assaulted and thrown into squalid solitary confinement cells for weeks, contributed significantly to the declining numbers of children being housed in state facilities.

At least three other institutions are being eyed for

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transfer to the State Corrections Department next year for use as medium security adult prisons.

While Rader, formerly an indomitable force in Oklahoma, continues to vex Oklahoma political leaders with hints that he'd like to stay on, some aspects of his once well-oiled mega-bureaucracy are crumbling badly.

Confidential state records obtained by GNS show that the remaining juvenile institutions have become deteriorating pariahs, left to operate in what human services administrators here call "chaos" and "great disrepair."

DHS records — drafted just last month — also indicate that large numbers of children remaining in the state homes are still subjected to brutal treatment by adult staff members.

A secret, four-month study conducted by the department's Division of Institutional Services this summer cites 73 allegations of child abuse involving 101 staff employees in the state's juvenile institutions at Taft, Tecumseh, Sand Springs, Pryor and Boley. The hushed-up internal study concluded that of the total 73 abuse incidents, one-third "of the cases were substantiated" by on-site institutional investigations. Yet, the DHS report noted, no action was taken against any employee.

That department study and additional records obtained by GNS stand in sharp contradiction to statements made by Rader and other DHS officials who, under oath before the U.S. Senate and before the Oklahoma Criminal Jurisprudence Committee, testified earlier this year that only a few abuses actually take place in their institutions and that only a "small fraction" of those reported incidents are ever substantiated.

DHS officials said the hushed-up recent incidents ranged from "minor pushing" to "multiple staff assaults on children" to a "few cases where the injury was so serious the juvenile child had to be hospitalized."

What may be the final months of Rader's 31-year reign as the state's most politically potent official are proving confusing to loyal staffers. He has become quite reclusive, forsaking most of his daily responsibilities and leaving the department rudderless, say high-level department sources.

Last month Rader abruptly moved out of the



A young man hugs his pillow as he curls on the floor of his room at lights out time at the Boley State School.

executive offices at DHS state headquarters. He relocated to the smaller but more secure offices at Oklahoma Children's Memorial Hospital — but not before ordering all the locks changed and the knobs removed from the outside of the office doors. Frequent leaks of information from the top ranks of the department have made him so distrustful that he orders electronic surveillance sweeps of his phones and meets only with his most trusted aides. Rader has declined to be interviewed by Gannett News Service reporters since February.

Compounding the problem is Rader's long-standing penchant for mercurial demotion and promotion of personnel. A top DHS official was asked earlier this month to swear before a state legislative committee that the current department organizational chart was up to date and accurate. He responded with a straight face: "I can't. It's a week old."

Since the first GNS series on abuse in the institutions was published last February, both the criminal and civil rights divisions of the U.S. Justice Department — in cooperation with all three Oklahoma U.S. Attorneys and the FBI — have been conducting probes of Rader and his institutional operations. None of those investigations is expected to be completed until later this year.

However, just the announcement of a Justice Department civil rights probe of two DHS institutions for mentally retarded children — previously highlighted by GNS reports on abuse of those children — sent Rader and his aides into a financial spin. One day after the federal officials notified the DHS of its investigation, Rader directed that some \$6 million be spent to clean up the two facilities. Even with the quick-fix transfusion of money, federal probes were reported as being "appalled" at the condition of the institutions which they characterized to colleagues as "abysmal."

Rader has so far proved an ample adversary for the investigators, parlaying his fabled political clout and tactical acumen to ward off any direct threat, including one from the U.S. Senate.

The Senate Subcommittee on Juvenile Justice launched an investigation into chronic child abuse in DHS facilities last February — immediately after

Photo by LEGACY page 66



Life at Enid State School, one of three state institutions for the retarded.

LEGACY

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the first GNS reports were published.

Before Rader had time to act, the subcommittee and its chairman, Sen. Arlen Specter (R-Pa.), held an emotion-charged public hearing which vividly portrayed the brutal and sometimes deadly world in which Oklahoma's institutionalized orphaned, deprived and delinquent children are forced to live.

It didn't take Rader long to recover from the highly publicized and embarrassing hearing.

Long-time Rader friend and Senate Judiciary Committee Chairman Sen. Strom Thurmond (R-S.C.) fired the first volley across Specter's bow by ordering the subcommittee funding halted. Meanwhile, Rader's \$160 an-hour Washington lawyers lobbied aggressively to have the investigation stopped, while mollifying subcommittee investigators with roseate promises of cooperation that were never fulfilled.

Within days of beginning the investigation, Specter and his staffers found themselves outgunned politically, outsmarted logistically, and literally operating on a shoestring budget, mired down in a miasma of procedural arguments while defending charges leveled against their own personnel's conduct.

Specter eventually set his staff to preparing reform legislation which would establish a national prohibition against throwing kids in jail with adult felons, against incarcerating deprived and orphaned youngsters in reform schools unless they've been adjudicated juvenile delinquents, and would mandate background checks for criminal records on prospective employees. The legislation is expected to be introduced in the special session of Congress beginning Nov. 29.

Besides fending off what could have been a much worse experience with the Senate, Rader successfully stalled a powerful alliance of three civil liberties groups that fought for five years through the courts to clean up the juvenile institutions.

It took the groups until this October to obtain a temporary injunction barring abuse. Their suit, still tied up in legal knots, has been largely rendered moot by the reforms engendered during a year of public scandal and humiliation.

The one unknown factor in Rader's continued success at thwarting both legal and political reform efforts is Bellmon — the heir-apparent to the DHS directorship. Bellmon has been giving mixed signals

on what direction he'll take.

For example, he has publicly denounced press reports on institutional child abuse as "pure baloney" only to gush, just moments later, over the "real positive contribution" the same investigations have rendered to the department and Oklahoma taxpayers.

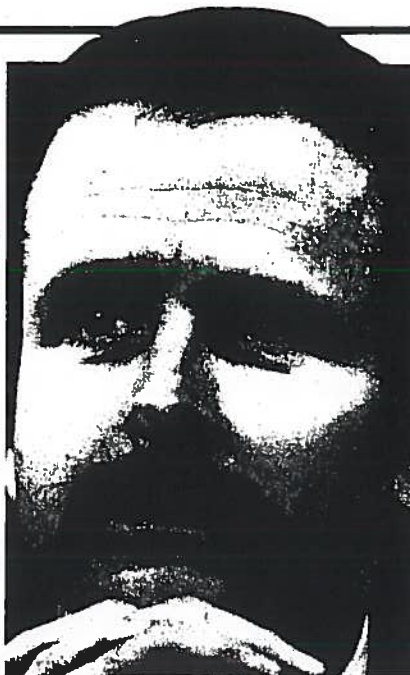
Bellmon has also promised to break up the massive DHS bureaucracy and transfer the juvenile institutions to the state corrections department. But when pressed to say whether he will continue to employ Rader — the architect and chief advocate of the large multi-departmental DHS system — Bellmon demurs with not-so-vague hints that he "hasn't ruled out" keeping Rader onboard as a "consultant."

One of the first things Bellmon must face is the host of unresolved investigations facing the department. One conducted jointly by a 40-man Oklahoma State Bureau of Investigation task force and by the Oklahoma City District Attorney has resulted in the seizure of hundreds of pounds of DHS records which could be the basis for criminal prosecution. A pair of recent audits also accused Rader and some of his aides of bilking millions in taxpayers' dollars.

One of the audits, completed just last month by the U.S. Department of Health and Human Service and covering only a 12-month period in 1980, turned up \$9.7 million in misappropriated Title XIX funds through questionable nursing home payments. The federal auditors, who are continuing their investigation, charged DHS with "fraudulently obtaining those monies. The DHS was asked to return the huge sum."

A probe of DHS books by State Auditor and Inspector Tom Daxon accused Rader of violating state competitive bidding laws. And a subsequent Daxon report, released just last month, accused six current and former high-ranking DHS officials with "felony violations" in a series of livestock transactions at the juvenile institutions. Those same officials were also charged with profiteering, "fraud and issuing state commission checks to family members for no-show jobs."

Prosecutors have yet to move against any of those cited in the audits, but the jury will be out at least until the investigations are completed late this year or early in 1983.



Senate Judiciary Committee investigator William Treanor told the Juvenile Justice Subcommittee of his investigation of sexual abuse and torture in Oklahoma children's homes and his findings that children were beaten and chained to their beds.

About Oklahoma Shame...

Gannett News Service's "Oklahoma Shame" project began in September 1981 with a tip to Carlton Sherwood, a Pulitzer Prize winning GNS reporter in Washington, that child abuse was widespread in Oklahoma's archaic juvenile care system. Executive Editor Bob Dubill gave Sherwood and John Hanchette, also a Pulitzer winner, the go-ahead to pursue the story, and later assigned Brian Gallagher, an editor with GNS in Washington, to coordinate the project.

By January, Sherwood and Hanchette had compiled hundreds of confidential state documents describing the

horrors taking place inside Oklahoma's institutions for abandoned, neglected, deprived and delinquent children. Those documents, backed up by dozens of interviews, provided the foundation for the first "Oklahoma Shame" series, and additional documentation eventually led to the second series describing rampant abuse in state institutions for the retarded.

Months of follow-up resulted in the other stories published in this special report. Here's a look at the people who produced "Oklahoma Shame."



Carlton Sherwood

Carlton Sherwood, 36, has been a regional and investigative reporter with Gannett News Service for the past four years. Prior to that he worked for several daily and weekly newspapers in New Jersey.

In 1980, Sherwood and Hanchette shared the Pulitzer Prize Gold Medal for Meritorious Public Service for a GNS investigation into a small order of monks involved in an international financial scandal.

He has also won the John Hancock Award for Excellence in Business and Financial Journalism, the Investigative Reporters and Editors top award for 1980, the Clarion Award presented by Women in Communications, and several New Jersey and Pennsylvania press awards.

John Hanchette

John Hanchette, 40, has been a national reporter with Gannett News Service for the past three years. He was previously chief of the GNS Tallahassee, Fla. bureau after spending 13 years as a reporter and editor with Gannett Group newspapers.

In addition to the 1980 Pulitzer Gold Medal shared with Sherwood, he has twice won the Investigative Reporters and Editors top award, in 1980 and 1982, the John Hancock Award for Excellence in Business and Financial Journalism in 1977 and 1980, the American Bar Association's Silver Gavel Award and various Florida and New York press awards.



Brian Gallagher

Brian Gallagher, 34, as states editor for GNS, supervises the news service's 11 state capital bureaus. He has been with GNS since 1980 and previously worked as a reporter and editor with Gannett's Westchester Rockland Newspapers for eight years.

Gallagher was a finalist for the 1980 Pulitzer Prize for Special Local Reporting and winner the same year of the Associated Press Managing Editors national award for Public Service. He has also won New York press awards.

Illustrations for "Oklahoma Shame" were created by Pat Mitchell and Ellen Powell. Page design for this special report was done by Bob Baird, Marc Cottone, John Cornell and Frank Terranella. The cover was created by Mitchell.

A story with results...

Gannett News Service has been investigating child abuse in Oklahoma for more than a year. Here's what's happened:

Investigations

- The U.S. Justice Department's Criminal Division has told U.S. Attorneys in Tulsa, Muskogee and Oklahoma City to begin independent criminal investigations of the Department of Human Services. Those investigations are in progress.

- State Attorney General Jan Eric Cartwright appointed the state's first special prosecutor and ordered him to conduct an independent probe of the Oklahoma child care institutions and the DHS. He is still at work.

- The U.S. Department of Health and Human Services, the principal funding agency for the sprawling Oklahoma DHS, announced it would conduct an investigation into spending practices in state institutions. Investigators for DHS later accused

Rader of "fraudulently obtaining" nearly \$10 million in federal funds.

- State Auditor and Inspector Tom Daxon launched a similar "special audit" of the DHS. Daxon's initial findings concluded that DHS Director Lloyd Rader rigged millions of dollars in state contracts and several high ranking DHS officials committed "felonies" in their handling of institutional funds.

- Gov. Nigh directed the entire Oklahoma Bureau of Investigation — some 40 agents — to join in the investigation. The governor described the probe as "the largest and most intensive in Oklahoma history." The results have not yet been reported.

- The State Medical Examiner began an investigation into GNS reports

that several mentally handicapped children have died under "suspicious circumstances" while in state institutions. He decided that the death had been improperly attended and the unlicensed DHS doctors had routinely falsified death certificates. Reform legislation ensued.

- The U.S. Justice Department's Special Litigation opened a civil rights probe into the treatment accorded mentally retarded children in the DHS institutions. It's still in progress.

- The U.S. District Court in Oklahoma City ordered the DHS to halt all abusive practices against children under its care. Attorneys representing the state admitted for the first time that institutionalized children have been subjected to abuse.

Legislation

- Sen. Arlen Specter (R-Pa.) chairman of the U.S. Senate Subcommittee on Juvenile Justice announced that based on the investigation of Oklahoma's juvenile institutions his committee will formulate "major revisions" to the federal Juvenile Justice Act. Those new provisions, Sen. Specter says, will be forwarded to Congress during its next session.

- Oklahoma enacted a sweeping reform law providing for the release of more than 90 percent of the children

housed in DHS juvenile institutions. The legislation also prohibits the incarceration of orphaned and deprived youngsters and sets strict standards for the operation of state institutions.

- The state legislature voted almost unanimously to shut down Helena State School, a facility GNS reported as one of the state's most notoriously brutal juvenile institutions.

- Several new state statutes were adopted making it a felony offense to mistreat institutionalized children.

- New medical legislation passed requiring that autopsies be performed on children who die while under institutional care and prohibiting non-licensed physicians from signing death certificates.

- For the first time in its 30-year history, the Department of Human Services is required to submit to legislative oversight on all budgetary matters. A joint committee from the legislative and executive branch is formed to serve as a watchdog on DHS spending and operational policies.

Departmental reform

- All but 335 of the 1,300 juveniles in Oklahoma child care institutions have been released or sent to community residences. Officials predict the institutional population will soon be permanently reduced to less than 100 children.

- Lloyd E. Rader announced his

retirement effective Jan. 1 as head of the mammoth Department of Human Services, ending 31 years in the most powerful appointive political office in the state.

- Rader's successor publicly vowed to reorganize and split up the massive agency and said he will shut

down at least three more state juvenile institutions.

- DHS policy on reporting of child abuse was revised and employees were instructed they must report all instances of mistreatment to local prosecutors.

The children's homes

3

Until Gannett News Service showed them, most Oklahomans were unaware and unsuspecting of

pervasive, state-condoned child abuse in their juvenile care system. They believed huge state youth institutions housed only criminal delinquents and violent psychotics. Veteran welfare director Lloyd E. Rader and his Department of Human Services hierarchy knew otherwise — that more than 90 percent of the youngsters routinely victimized by chronic child abuse and conditions right out of Charles Dickens were merely deprived, orphaned, or kids in need of supervision.

The mental institutions

29

When GNS reporters expanded their investigation to include state schools for the mentally retarded, they discovered defenseless, handicapped children were being subjected to even more hideous abuse and systematic neglect. Interviews with conscience-stricken employees and outraged parents shocked the state, but Rader and his minions used political clout to stymie government probes.

Deaths at state facilities

47

The reporters' examination of the mental retardation schools uncovered another shocking syndrome — handicapped children were dying at an astounding rate, and unlicensed doctors were signing death certificates without autopsies. When national health experts were asked by GNS to examine several suspicious deaths that occurred in a period of three weeks, the professionals were flabbergasted and labeled the medical treatment

and care in the DHS facilities "inexcusable" and "a catastrophe." An exhumation and a state police probe followed.

The press at work

52

As Gannett reporters continued to pursue human services officials, DHS Director Rader took an unusual step. At taxpayer expense and for a whopping fee, he hired an aggressive private detective agency previously retained by lawyers for one of the dead abuse victim's parents. The detectives admitted part of their job was to harry reporters. Gov. George Nigh, confronted, condoned the mission.

Other developments

55

Rader's problems soon expanded beyond the child abuse scandal as federal and state auditors discovered a welter of questionable contracts, rigged bids, nepotistic consultant deals, mismanaged programs, missing beef herds, insider purchasing, and squandered Medicaid funds.

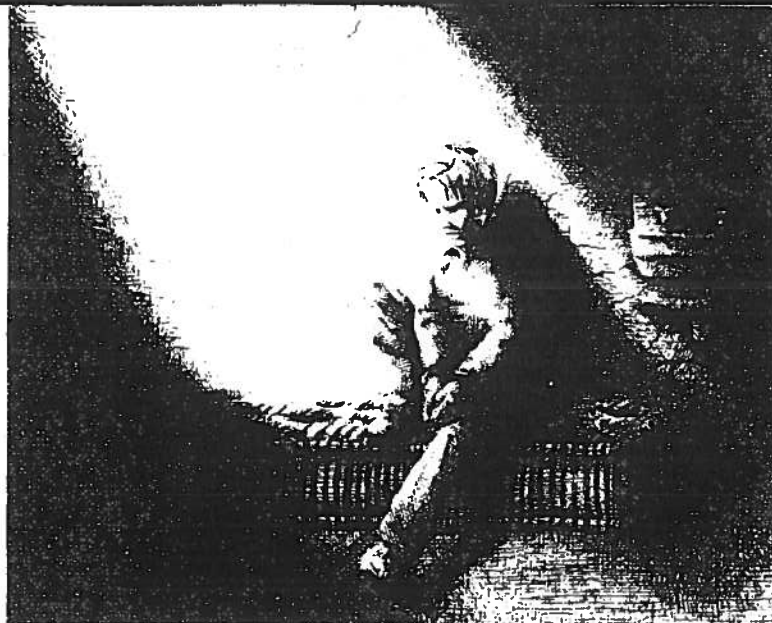
The results

58

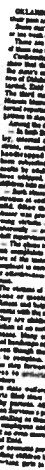
In mid-summer, Rader announced his intention to resign by the end of 1982. The state

66

most son, inherit leadership human services trouble wrestling veteran welfare tumultuous year Bellmon seemed of serious reform changes, but ingrained loyalty from a seed



**Mentally handicapped
housed at institu**



Ridding juvenile system of child abusers not easy

appeared in Gannett's Muskogee (Okla.) Daily Phoenix and was adapted for radio station in Oklahoma City.