

DELAWARE COUNTY ASSOCIATION
FOR RETARDED CITIZENS



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147 South Lansdowne Avenue
Lansdowne, Pa. 19050

MA 2-2220

May 15, 1979

The Honorable Richard Thornburgh
Governor of Pennsylvania
Main Capital Building
Harrisburg, Pa. 17120

Dear Dick:

It is my understanding that Mrs. O'Bannon and Mr. Biester intend to carry the Halderman v Pennhurst suit to the United States Supreme Court if the appellate court's decision is unfavorable to the commonwealth. It is clearly an option that is available to them unless you intervene and put an end to the matter by requiring them to get on with the implementation of Judge Broderick's order on this matter. I besiege you on behalf of all retarded persons at Pennhurst to intervene in this matter and to require that there be no further appeals filed by the justice department nor delays in the implementation of the order by the welfare department.

During Ginny's term in office as President of the Allegheny County Chapter which was concurrent with my term as President of the Pennsylvania Association, she urged me to talk to you regarding the potential for bringing a civil rights case against the commonwealth in behalf of all institutionalized retarded Pennsylvanians. It is hoped that you will recall our telephone conversation and your recommendation for me to contact Stanley Pottenger, Esq., the Director of the U.S. Justice Department's Civil Rights Division and encourage them to become interested in bringing a "Right to Humane Treatment" suit in Pennsylvania as a remedy to and relief from the "concentration camps" where this commonwealth had housed its retarded citizens.

Your wise council was acted upon immediately and within the month I met with Attorney Pottenger's designee, Michael Thrasher, Esq., in Philadelphia and invited the U.S. Justice Department to intervene in Halderman v Pennhurst along with PARC. It was your sound advice that brought the vast resources of this great nation to bear upon the inhumanities that had perpetrated upon those incarcerated in that "warehouse of human misery". It was your recommendation that made it possible for the case to be litigated in the great detail that was necessary to cause Judge Raymond Broderick to reach the only reasonable conclusion . . . to close that institution and to require the provision of appropriate community services for all retarded citizens whether in that institution, on its waiting list, or in jeopardy of being placed in it.

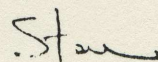
PARC was dismayed in and greatly angered by the Shapp Administration when Governor Shapp approved his attorney's recommendation to appeal Broderick's decision on the Halderman suit. Even though the appellate court denied Shapp's request for a "stay" on the execution of Broderick's order, the Shapp Administration did all in its power to delay implementation; however, PARC took heart for a man who knew first hand what it means to have a retarded child in his family was heading for the Governor's mansion. A ray of hope for the retarded was beginning to shine through a very long and dark night.

It is this writer's opinion that you have not articulate your concern for and interest in the retarded to your cabinet members and in particular to Mrs. O'Bannon and Mr. Biester. Mrs. O'Bannon has indicated that if the appeal goes against the commonwealth's position as established by the Shapp Administration, she would ask Mr. Biester to file further appeals in the U.S. Supreme Court. Mr. Biester's staff is comprised of attorneys left over from the Shapp Administration whose intent appears to be to further their law education and experiences by continued litigation of a case that had a hearing lasting over nine weeks and included testimony of experts hired by the Shapp Administration to defend the commonwealth whose conclusion coincided with the plaintiffs.

It is my understanding that you desire to have your cabinet handle the routine problems that come to your attention and I have no argument with that management philosophy; however, the ship of state will flounder and eventually run aground unless you, its captain, set the course for all to follow.

On behalf of the estimated 360,000 retarded Pennsylvanians, their families and friends, I extend to you our sincerest appreciation for your suggestion to contact Mr. Pottenger; for your kind consideration of the above request; and, the appropriate corrective action that you will initiate.

Warmest personal regards,



L. Steuart Brown
Past-President PARC
Executive Director DELARC

LSB/da

cc: G. Thornburgh
T. Leiden