

I

Time Tears Us Apart

Amy thought Ashokan was the most beautiful place she had ever seen. The woods were deep and secret and the hills were for climbing. Morning and afternoon, the campers followed the trails to blacksmithing and broom-making and to the pond, where they found insects in leaflike homes, baby dragonflies, and newts. They went fishing with live worms for bait, using poles they had made themselves.

Amy's mother, Nancy Rowley, had arranged for a woman who had a mentally retarded son in the student visiting group to keep an eye on Amy. Such a woman would understand the needs of a child with a disability, Nancy reasoned. But Amy stopped being scared almost as soon as she got to Ashokan. The outdoors were for the eyes, anyway, and Amy dashed about, gulping down the sights. The gorge made them all gasp with pleasure. And then they got to feed the animals. Amy liked that. She had animals of her own at home—a cat, a rabbit, a bird, a turtle, and three fish.

She had other interests as well. She loved libraries with their bulging stock of adventure. She burrowed inside and read Nancy Drew mysteries. As a Girl Scout, she made up a script for a play. A week with her classmates in a camp in the Catskills was made to order for her. At Ashokan she sensed a freedom that was different and more important for her than for her classmates. They were simply out of school. She was out of a world of hassle, a world of constantly being observed and discussed. That world was transformed in the woods. She could run to her heart's content.

She was free—or almost so. Someone had been going through her clothes. Later on, she learned that adults in charge of the school-sponsored camping trip were looking for her hearing aids. She had not brought them with her. The school's "trainer"—a wireless receiver used in the classroom to amplify sound directly to her—was on the blink again. And what good would it do out here, anyway? When it was working, it helped only in direct conversation with the teacher and then only if no other student asked a question. She had decided to make Ashokan a visual, private experience once she learned that she would not have an interpreter with her.

No interpreter out here, no interpreter now in class. And for all of her parents' long fight in court, Amy realized that she had never known how important an interpreter would be until she lost the one she had had the previous two years. This sense of loss had arisen sharply in her over the last few weeks as the class talked about the field trip to Ashokan. She could make little out of this free-form, classroomwide, question-and-answer session, with students sounding off from around the room, as it was impossible to lip-read such quick exchanges. Fortunately, there were handouts. Studying these afterward, she got an idea of where they would be going and what they would be doing.

She vowed to live within her fully functioning senses of sight, smell, and touch, but it was a vow difficult to keep. Once, on a long hike to the gorge, the guide up front had stopped the straggling line of children to make a little speech. Halfway back in the column, Amy could make nothing of it. She grabbed Mr. Brett, her teacher, who was walking nearby, and he repeated what had been said in his Australian-English accent, which she had always had to struggle to lip-read. She shook her head: she could not understand. Finally, Mr. Brett stripped some white bark off a tree and carved the words the guide had used on it for her. She thought it was a nice thing for him to have done.

She liked Mr. Brett because he did try hard, but the incident with the tree bark also had the effect of reminding her that she would be back in class soon and depending heavily on her friend, Marjorie, for help in understanding what was said. All the same, she kept the white piece of bark by her bedside for years, to remind her of Ashokan, her first real love affair with nature. And the words lingered in her mind long after the bark had darkened, making the carving difficult to read: *conifers—evergreen trees/deciduous—trees that shed leaves.*

Nancy Rowley had come so close to forbidding Amy to go to Ashokan with her class. Amy's teacher of the deaf, the woman who spent an hour every day with her out of class, could not go along. That meant that nobody could sign with Amy, nobody could communicate quickly information Amy might vitally need, with a high chance of being understood. After all the years of battling in the courts, Nancy had numbly accepted that the school would never voluntarily provide a classroom sign interpreter for Amy. But she thought that in the case of the Ashokan trip, she had a solution. She and her husband, Clifford, would pay for an interpreter to go along with Amy.

They put the idea to the school district through the district's attorneys. Both deaf themselves, the Rowleys were sure Amy could not experience what the other children would at Ashokan without interpretive help. Not only would they pay for Amy's interpreter; they would do anything else the district might require to assure the courts that the district had acted without prejudice to its case. The district's case was and had always been that Amy did not need a sign language interpreter. A few days before Amy was to leave with her classmates for Ashokan, the Rowleys learned that the school district was adamant: no interpreter, no matter who paid.

In the spring of 1983, the Rowley family was near the end of its rope. To have had an interpreter in Amy's classroom for two years and then to have lost that service to a decision by the Supreme Court seemed cruel and final. The case had been remanded to the district court where it had begun, but to the Rowleys that sounded like starting all over again. And problems with their children were mounting. Tearful and angry one day, Amy had simply refused to go to school. That was not like her. Then John, two years older and the only hearing member of the family, had been asked not to return to his parochial school. That was a kind of last stop for him. His parents had taken him out of his sister's school, Furnace Woods, where he had been the object of taunts over her court case. He had been in fights with other boys in school and was considered a "behavior problem." Given the circumstances, the Rowleys were seriously worried about him.

They began casting about for alternatives. A friend had a child in the school system in Mountain Lakes, New Jersey. The system was described as an excellent one, and it maintained one school for the deaf from which students were mainstreamed into the regular school part-time or fully. There would be no problem getting sign language interpretation in the classroom, the Rowleys were told, if Amy needed it. In February, the Rowleys had gone

house hunting in Mountain Lakes. By March, when the effort to get an interpreter for Amy at Ashokan failed, Nancy was ready to leave. "Honey," she messaged Clifford in his office on the TTY, a telephone-typewriter device, "I'm really sick of the whole thing and am ready to move to Mountain Lakes."

In April 1983, federal judge Vincent L. Broderick, who had ruled originally in favor of the family at the district court level, maintained that he had no further jurisdiction to hear the Rowleys' final pleas. To Nancy, that was the last blow. "It looks to me that this can be an ongoing thing without ever getting things or Amy's needs accomplished, that's my feeling," she told the attorney who presented her with the bad news. "Time tears us apart."

The Rowleys' legal efforts on behalf of their daughter, which by then had extended over to seven years—more than half of Amy's lifetime—ended as they had begun, with the family losing another hearing before a school-appointed judge. Even as this decision was being announced in September 1983, a moving van was backing up to the Rowleys' house for their move to Mountain Lakes.

In December the family learned that they would have to pay \$4,600 in costs for the Supreme Court action. To secure this payment, the school district had a lien placed on their house in Peekskill, which they had put up for sale.

I wrote to the Rowleys about the possibility of a book on the case that December and found myself, one spring day in 1984, at the Rowleys' being entertained by Amy herself. She had scampered out from behind her parents, leaving an image of ballet in my mind from first sight. It was not just her body and legs but her entire face and gesticulating hands that were set to dancing by the act of motion or speech. Her whole routine might have seemed a bit theatrical, even for a twelve-year-old, if not for her smile, which was fresh and full of sparkle.

As we spoke, she responded readily to my questions, lipreading me skillfully, tilting her head teasingly from side to side as though contemplating the ideal response to the question. Nancy had said that we were going to a seafood restaurant for dinner. Amy asked me if I liked seafood. It was a rhetorical question. My easy nod and too-vigorously lip-shaped "yes" were merely stage business to introduce Amy's monologue. "Yuck," she said, rolling her eyes. She then proceeded into an elaborately staged skit in which

she prepared and then proceeded to eat an entire seafood dinner. She put on the tartar sauce first ("I like tartar sauce"), poured over it what might have been as much as a half-bottle of red seafood sauce, and then squeezed, very particularly, three sliced lemon halves over the whole business. "Then," she said, lifting a finger, "I can eat it." She proceeded to pantomime the eating and although her hands were busy with this process, she conveyed somehow the particular impression of holding her nose all the while.

I found myself wondering how much of this expressiveness was simply gifted mimicry and how much was the result of her deafness, a way of communicating visually to a world filled with soundless words. I had been surprised by the ease with which she lip-read me, but even more by the natural sound of her voice. The few deaf people I had met spoke a little like blind people doing semaphore signals by memorized positions: what they were doing was second-hand, operating on their faith and the tolerance of those with whom they were communicating. Clifford spoke fairly well, Nancy even better. Amy's speech was identified as coming from a deaf person only by the slightest monotone, and I asked myself, if I had not known she was deaf, would I have noticed even that?

I wanted to know what Amy thought about the matter so long at issue between her parents and the Hendrick Hudson School District now that she was in a school in Mountain Lakes that provided a sign language interpreter in her classroom. She listened, taking in the question, and the light of play faded from her face. I should talk with her mother about that. Taking a different tack, I asked about her best friends in Mountain Lakes. Her face brightened and she began to toll off the names of her schoolgirl friends. Her eyes glistened with delight. She was not merely telling me their names, she was presenting these hearing girls who were her classmates to me formally, one by one.

Nancy appeared with a piece of writing Amy had done. "She thinks she wants to be a writer," Nancy said, looking down at her daughter with amused pride. Amy had written about the author at the end of her children's story: "Amy Rowley lives in Malibu Beach with her husband and six kids. She wrote this book when she was ten years old. It has won 275 awards." Amy had sneaked up to look over my shoulder. "It's actually 276," she said. "I made a mistake."

About this time I noticed that John had disappeared. He had other things to do, Nancy said, and could not come to dinner with us. She had noted in her letter accepting my offer to write about the case that John

had been the most miserable one during the troubled times. "Poor Johnny," she said, "we love him so. He's a sensitive boy and all this was very hard on him." If Amy was unwilling to look back at what happened, Johnny was unwilling to participate at all. He had been polite and then he was gone.

Nancy gestured for me to follow her into the hallway beyond the kitchen. She and Clifford were taking me downstairs to the recreation room. There, piled on the floor, were the "personal records of the case" that Nancy had alluded to in her letter. My mouth must have gaped, for they both laughed. The records were a four-drawer, stand-up file's worth: court documents, letters, stacks of press clippings rubber-banded together. In two separate grocery cartons on the floor were stacks of 8-by-11 printouts, filled with alternately red and black typing. Following my eyes, Clifford said, "TTY tapes." "Every talk we had with anyone about the case, going back to 1978, maybe 1977," Nancy added.

She obviously wanted to talk about how I planned to write the book. I realized that this was the moment of truth for my fears of communication. I found that even as we sat, looking directly at each other, I had to repeat words occasionally. Still, all went reasonably well until I mentioned the hope that I could find an agent to sell the book. I had trouble getting across the concept of a literary agent, especially to Nancy, who was having difficulty with my articulation. I tried to simplify. When words were not being understood, I fell into an exaggerated movement of the lips, an action I have since learned makes lipreading even more difficult. I even found myself talking louder and, realizing that, felt at once ridiculous and glad that Clifford and Nancy couldn't know. I repeated phrases, invented variations, sweated, and repeated again. Clifford helped Nancy with my words and we got past the literary agent. But I had written something else in my letter that bothered Nancy, "Of course, if you got an offer from James Michener to write this book, you would be free to take it and ought to take it." It was a trivial, probably stupid thing to say, but I was trying to convey that I felt privileged to have this opportunity and that they would have a better chance of widespread notice of the book with a well-known author. Nancy seemed baffled by the words, which she read back to me from the letter. It crossed my mind that she might not recognize the name Michener and so find my little half-joke mystifying. Then I thought she might very well know Michener by name and wonder seriously if he had some interest in the project. Finally, she might have wondered, with some justification, why I would bring up something like this.

For long moments, I felt as though I had fallen into a void. Communication had broken down. How long might it take to clear up such a misunderstanding? These nice, bright people had a level I could not reach on which they communicated with each other with signs and speech. I had a communication style limited to words—I had never thought of this as a "limitation" before—that might prove insufficient to them without visual support. Clearly, deafness involved more than merely a loss of the sense we call hearing; it had to do with how language develops, with how we communicate, and, most deeply, how we understand.

In any event, this moment of crisis passed. Nancy took my arm and said: "I want you to meet the cat." We went back upstairs to where an unremarkable-looking animal was stretched out in feline indifference. Nancy explained to me that while the cat still meowed at John for attention, it had learned to put its paws on the other members of the family. I thought, Well, if the cat can figure out how to communicate with deaf people, maybe even I can do it. As I glanced at Nancy, I thought that might have been the intended lesson. In effect, without saying it, she was saying, Be patient. If I was right, we were communicating better already.

I got another lesson before we left the house for dinner. Amy and Nancy were changing their clothes and Clifford was out on the deck when the phone rang and lights in the kitchen began blinking. I gestured for Clifford to come in, and he quickly ascertained that it was not a TTY call. I took the phone and a man's voice asked if I was Clifford Rowley. No, I said, but he is here. Do you have a TTY? There was a significant pause, long enough so that I knew the answer even before the puzzled "what?" response. I explained about the TTY. Mr. Rowley is deaf, I said. The caller turned out to be an electrician who had been asked to change an electrical meter. He had talked with John and either had not gotten or had not absorbed the information that John's parents were deaf. Now the electrician wanted a time to come by. Give me a time, I suggested, and I will try it on Mr. Rowley.

Clifford was standing by me all this time, aware that the call related to him in some way. The electrician suggested next Tuesday night at 6:30. I explained the situation to Clifford, who remembered asking Johnny to call the electrician, and the time was readily agreed upon. I relayed this message. There was another significant pause at the other end of the line. What do I do, the electrician wanted to know in a tone that suggested that he wished he could send someone else. It will be all right—here I was reassuring someone already—if you just ring the doorbell, they will see a light

flash and let you in. The silence on the other end now spoke volumes. You won't have any trouble communicating with them, I found myself telling the electrician. They read lips very well.

The electrician would enter what might seem to him to be the walled city of the deaf for a little while, apprehensive, worried about his own ignorance of their ways, afraid of embarrassing himself. He would do the little job that brought him there and then go away. He would tell the story later, omitting the part about his fears. He would talk about it as though it were a visit to a foreign country, not so difficult a passage as he had feared, but one he had no intention of ever making again.

At La Guardia Airport and on the flight back home to Raleigh-Durham, I read federal district court and appellate court decisions, both of which had favored the Rowleys. Then I read the Supreme Court decision in what was styled *Hendrick Hudson Board of Education v. Rowley* from June 1982, which had upheld the school district's position that a sign language interpreter was not necessary for Amy, thus overturning the lower courts' decisions. The next morning I went through the process again, this time concentrating harder on the dissents. The first was by Walter R. Mansfield, a judge on the Second Circuit Court of Appeals in New York City, who had dissented in that appellate court's two-to-one upholding of the Rowley victory in district court. The second was by the three-justice minority in the Supreme Court, Justices Byron R. White, William J. Brennan, Jr., and Thurgood Marshall, who found that the Rowleys were right. Looking at these dissents, I found myself hard pressed to grasp that the documents referred to the same case.

To Judge Mansfield, the education of Amy Rowley up to the time her case was considered by the district court was a total success. She had made remarkable progress, thanks to the school's "Herculean" efforts. She had indeed far outstripped, in that progress, Congress' purpose in passing the Education for All Handicapped Children Act, which Judge Mansfield construed as an educational level "that would enable the child [with a disability] to be as free as reasonably possible from dependency on others."*

* United States Court of Appeals, Second Circuit, *Amy Rowley by her parents v. Board of Education of Hendrick Hudson Central School District and Commissioner of Education of State of New York*, July 17, 1980, pp. 4, 11.

To the Supreme Court dissenters, on the other hand, the evidence was that Amy understood scarcely more than half of what was being said in the classroom. This, said the minority, was in direct contradiction to Congress' intent, which was to provide public school students with disabilities "an equal chance to learn if reasonably possible." On the issue of what Congress had intended, Justice Harry A. Blackmun sided with the minority, concluding that "equal opportunity" was the standard. But Blackmun separately concurred with the Supreme Court majority, finding that Amy had received an equal opportunity through her education.

Based on the language of the dissents, then, Amy was getting either much less or much more out of her educational opportunity than Congress had required. And Congress either had required only that she become as free as possible from dependence or that she have an opportunity to learn as much as she could. How could two readings of the same legislative history and two scrutinies of the same lower court records have left learned jurists so far apart? Judge Mansfield's language brought me up short. Who would consider a child such as the alert, intelligent one I had just met as likely to be dependent on anyone when she became an adult? And could the Congress of the United States really have passed legislation that was *not* intended to provide an equal opportunity for education to an entire category of American children?

The boxes of rubber-banded, dated records I had asked the Rowleys to ship me by air express would provide answers to some of these questions. The metal files devoted to the case in the school district's office would also be accessible to me, with the Rowleys' permission to examine them. Through clerks' offices or from Michael Chatoff, the Rowleys' attorney during most of the court proceedings, I could get other court records, including an official transcript of the evidentiary hearings in district court.

At a rudimentary level, I had some little experience qualifying me to undertake this work. Since 1968, when I left the newspaper business, I had been employed by a nonprofit organization in Chapel Hill, N.C., known as MDC (originally the North Carolina Manpower Development Corporation). With a mixture of public and private funding, MDC's task had been to seek ways of assisting disadvantaged Americans. This had led me to an interest in those young Americans most likely to have extreme difficulties in finding employment—those with disabilities. I had written a book-length monograph (*Seven Special Kids*, 1983) on this subject for the Office of Youth Programs of the United States Department of Labor.

And yet, I had concerns, not all of which I was sure I understood. My friends in the disability movement had urged me to choose a different youthful subject to write about. They saw Amy Rowley as a privileged, middle-class youth for whom at least some efforts at accommodation had been mounted by the school district. They urged me to choose a more severely handicapped child, a minority child preferably, in a situation in which nothing had been done for him or her. I thought the historical importance of the *Rowley* case—the only one that had reached the Supreme Court under the Education for All Handicapped Children Act—overrode this argument, but I had other qualms.

My friends had asked me to consider whether the *Rowley* case was the right one for me; I found myself wondering whether I was the right person for a book about the *Rowley* case. I knew next to nothing about deafness. What I had learned about disability generally from two years' work on *Seven Special Kids* seemed to me only what any visitor from another planet would learn on a guided tour led by knowledgeable people from this planet. I had no friends who themselves had disabilities. I had nagging suspicions about myself on this score that I had never faced.

In short, I went into the business of writing this book full of doubts. For all that, I knew it was too late to turn back. The little lever that operates a reporter's mind had clicked on the "why?" button. I could not understand from what I had read why a *Rowley* case had occurred at all and why it had produced the outcome I had been reading about. I knew I would not be satisfied until I had answers to these questions. I had a mystery story on my hands.