

Citizen group plans lawsuit on Ladd School conditions

By PETER PERL
Journal-Bulletin Staff Writer

A major lawsuit is being prepared challenging a wide range of long-standing deficiencies at the Ladd School, including alleged medical abuses and improper placement of people in the facility for the retarded, it was learned yesterday.

While the Exeter school has been the

subject of numerous criticisms and negative governmental reports over the years, the prospective lawsuit is believed the first major legal challenge to Ladd conditions in the school's 70-year history.

The Rhode Island Association for Retarded Citizens (RIARC), a 7,000-member organization long critical of state efforts to aid the retarded, is planning the suit on

behalf of Ladd's 750 residents.

"We are ready to go all the way" with the suit, RIARC executive director James Healey said yesterday.

Dr. John Smith, whose ouster as Ladd superintendent by Governor Garrahy is reported near, could not be reached for comment yesterday.

Details of the proposed suit have not

been completed, but would likely focus on alleged state failures to meet legal standards for the institution, the association says. The suit most likely will be filed in the U.S. District Court and would have several retarded residents as plaintiffs.

BERNARD RACINE, RIARC's president, said the group's board of directors on Sept. 27 unanimously authorized a \$25,000 fund-raising effort to finance the action. RIARC has already met with lawyers to prepare the suit.

RIARC's action arises from frustration over the state's slowness in moving on Ladd problems, Racine said. RIARC held a press conference more than a year ago pointing out what Healey called "inhuman" conditions at parts of the sprawling facility.

The *Journal-Bulletin* reported yesterday that state retardation officials attempted in June to scrap a 20-member task force looking into those RIARC allegations. That committee included more than a dozen state officials, along with members of RIARC and the Ladd School Parents Association, which has also said it was dissatisfied with the pace of state efforts at Ladd.

Last week's disclosures of dangerous conditions in Ladd's dental clinic and the school's failure to provide gynecological exams for more than 300 women were known by state officials for considerable time, RIARC members say.

Criticisms and recommendations RIARC made in September, 1976, are likely to be the major points of a lawsuit. These allegations include:

- Serious deficiencies in medical and dental services.
- Inadequate staffing and poor training.
- Overcrowding in some wards within the institutions.
- Improper medication.
- Poor sanitation and physical plant.
- Shortages in basic supplies and equipment.
- Lack of therapy programs and "behavior modification" measures to deal with problem residents.

Coastal council plans to investigate rights of access to the coastline

By GLORIA RUSSELL
Special to the Journal-Bulletin

WESTERLY — The state Coastal Resources Management Council is planning an investigation to determine what rights of access state residents actually have to the coastline, and what rights shorefront property owners have to keep them off what they consider their property.

The inquiry has been prompted by the cases of five members of a fishing club who were arrested Sept. 18 on trespassing charges at Misquamicut.

In District Court Friday, Judge Edward J. Plunkett granted the request of Dennis Esposito, legal counsel to the council, and continued the cases of the five defendants indefinitely. Esposito said the council wants to complete its inquiry before the six answer to the charges.

The first hearing in the administrative investigation is scheduled for Oct. 11 at 7:30 p.m. at the State House. Wilfred Kay of 439 Atlantic Ave., Misquamicut, who filed the trespassing complaints, has been

subpoenaed to appear and give evidence as to where his property lines are.

THE DEFENDANTS ARE three Westerly residents. James M. Sminkey, 26, of 16 Rocket St., William S. Gavitt, 27, of Post Road and James Ibbison, 28, of Saunders Road, and two Connecticut residents, Miles R. Stray of Old Lyme and Allen E. Zumwalt, 55, of Enfield. They were part of a group that was engaged in the annual one-day cleanup of town beaches.

Esposito said the CRMC, through its law enforcement personnel, learned there are possible infringements or violations of the state Constitution regarding the rights of Rhode Island residents to privileges to the shore.

"We want to find out what is going on in the immediate area where the incident occurred," he said.

Esposito said he wanted to make it clear that the CRMC is not taking sides in the matter, but is interested in determining the rights of both the citizens of the

state and the rights of the property owners.

Esposito said if it appears that the rights of the citizens of the state need clarification through the courts, the CRMC will take the matter to Superior Court. He said the court test may involve a judicial determination in this instance of the rights of the citizen to the privilege of the shore above the mean high water line.

To be found guilty of trespassing in Rhode Island, defendants generally must be found to be above the mean high water line.

Kay said he has documentation which substantiates his claims to certain boundary lines, obtained from reputable civil engineers.

"I want to get into the courts and have the courts ascertain what are the rights of the property owners," he said.

Kay said he has nothing against strollers or bathers or fishermen, only against vehicles on the beach. He said he believes the matter rests on the determination of just where the mean high water mark is.



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