



36 of 98 DOCUMENTS

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The Washington Post

July 19, 1991, Friday, Final Edition

**SECTION:** METRO; PAGE D4

**LENGTH:** 571 words

**HEADLINE:** U.S. Agency to Reinspect Md.'s Great Oaks Facility;  
Center for Retarded Flayed by Justice Dept.

**SERIES:** Occasional

**BYLINE:** Howard Schneider, Washington Post Staff Writer

**BODY:**

Federal officials have agreed to take a second look at Maryland's Great Oaks Center for the mentally retarded, a sign they may be willing to retract some of the demands for improvements that threatened the facility's existence, state officials said yesterday.

Pressure to close the 20-year-old campus near Silver Spring increased on another front, though, with a threatened lawsuit by the Maryland Disability Law Center, a state-funded legal aid group.

In a letter to Gov. William Donald Schaefer Monday, law center executive director Elizabeth Jones said the Baltimore-based organization will sue within 30 days to close Great Oaks unless the state agrees to improve the quality of care for the facility's approximately 250 residents.

"We believe that the conditions, policies and practices at Great Oaks Center have been and continue to be unsafe and dangerous," Jones said in her letter. The suit, Jones wrote, would demand that Great Oaks be closed within two years and its patients moved to smaller, community-based apartments and group homes.

Advocates for the mentally retarded and others with developmental disabilities generally support the use of more intimate, community facilities, over large institutions, arguing that smaller settings provide more independence and opportunity for growth. Some relatives of the clients at Great Oaks have rallied to the facility's defense, however, saying that such institutions can be well run, and are needed particularly for those with severe disabilities or complicating medical problems.

Under the threat of a court fight, Maryland Health Secretary Nelson J. Sabatini said the state is trying to determine how many Great Oaks clients are better off there, and then decide how hard to fight, if at all, to keep it open.

"The decision on Great Oaks will be a decision that is based strictly on what is the best thing to do for the people who are there," said Sabatini. "I know there are strong feelings."

The conditions alleged by the law center are similar to those outlined in an earlier letter to Schaefer from John R.

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Dunne, assistant U.S. attorney for civil rights.

In January, Dunne told the governor that his office's review of Great Oaks had found flagrant civil rights violations at the facility, including the improper use of physical restraints and drugs, and inadequate training and therapy programs.

Dunne's letter formed the basis for a series of demands that state officials said would cost the state \$ 5 million a year to implement, a price so high Schaefer said he would have to consider closing Great Oaks instead.

After touring Great Oaks himself recently, Schaefer said he was convinced that the Justice Department's findings were wrong, and invited U.S. Attorney General Richard Thornburgh to visit the institution.

Though Thornburgh apparently will not attend, his staff agreed this week that they should review conditions there before pursuing any litigation, according to Sabatini. Justice Department officials have declined to comment on their review of Great Oaks.

Sabatini said he viewed the trip, dates for which have not been set, as an indication the department may be willing to relax some of its demands.

"The Great Oaks of 1991 is not the Great Oaks of 1990," the year Justice Department officials made their last visit, Sabatini said. "They have agreed they ought to come back . . . and I am glad they are doing that."