# Suit would compel free schools for handicapped

By BLAINE TAYLOR

All public school children in the state who are mentally retarded or physically or emotionally handicapped may be affected by a court action instituted in U.S. District Court of Maryland.

Parents who call themselves "MARC," or "Maryland Association for Retarded Children," have formed a corporation representing 14 mentally retarded children from all over the satte.

The parents filed the class action here in Baltimore on July 19, on behalf of their own youngsters and others like them against state, county and city health and education officials.

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It seeks an injunction against these agencies which would compel them to provide all such children with free education and transportation to and from school.

Plaintiffs are:

Leonard Donald Bramble Jr., 6; Cynthia Victoria Sherald, 7; Philip Joseph Petr, 11; Jeffrey Richard Petr, 10; Louis Willie Stinyard, 17; Donald Paul Ludwig, 17;

Julian David Ederer, 8; Mark Lesti, 9; Heather Louise Fraser, 11; Teresa K. Mays, 6; Constance A. Janzewski, 7; Louse Gwyn Barr, 6; Clare Elise Bloom, 18 and Thomas Carroll blank, 5.

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Defendants are:

The State Board of Education, State Superintendent of Schools James A. Sensenbaugh, Secretary of Health and Mental Hygiene for Maryland Dr. Neil Solomon, and school board members of five counties: Dorchester, Baltimore, Prince George's, Montgomery and St. Mary's.

Named in the suit at the Baltimore City level are the Mayor and City Council and the Board of School Commissioners.

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According to Gus Crenson, State Superintendent of Schools Assistant for Public Affairs, there are now some 120,000 handicapped children — emotionally, mentally and physically — in the state.

He explained: "We are now serving in schools 75,000 of them, which leaves about 45,000 who would be affected by the court's ruling and who may not be getting the services they deserve."

The suit says that the city, five counties and state must provide equal educational opportunities for all the children mentioned as well as other handicapped children, or else stand in violation of the law.

The plaintiffs ask the Federal court for the following relief:

1) An immediate hearing before a three-judge court.

2) An injunction against the school and other officials' acts which have denied children a free education are unconstitutional under the Due Process and Equal Protection clauses of the 14th Amerdment.

3) Declare as unconstitutional the State Board of Education bylaw that puts fentally retarded children in mental hospitals rather than in private day schools with public financial assistance.

4) Declare unconstitutional the same bylaw provision which requires parents to pay for care of their children in State residential facilities instead of private schools with public financial assistance.

5) Relieve all handicapped children and their parents from paying for education received in private schools when the children are not in public schools.

6) That this education be provided free of charge to the children and their parents within 60 days of the issuance of the court order.

7) The defendants give the court, within 30 days of the Order, a report listing every child expelled and why.

8) The parents or guardians of the child be notified, within five days of the report's being submitted, of the child's right to a public-supported education and to what school the child may go.

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9) Public announcements within 20 days of the Order throughout the State of Maryland, of the children's right to education and to inform the parents of how to enroll their children in a suitable program.

10) Defendants give the court, within 30 days of its Order, a complete plan for the identification, notification, assessment and placement in schools of all the children involved.

11) Day care programs, in which handicapped children have been enrolled, must provide a program of education for them.

12) Free daily transportation for children enrolled in these day programs must be provided by the defendants, as well as free trips to and from home on weekends.

13) Children who have suffered loss of education in the past from being denied free schooling must have it made up to them by the defendants.

14) Change or correct the school records of plaintiffs in regard to the reasons for past wrongful exclusions from school.

15) A supervisor should be appointed by the court to see that the Order is carried out.

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The court had given the defendants 20 days to answer the complaint, and since that time has already run out, only Montgomery County has replied.

As for the others, a source close to the case told the AFRO that "The time deadline has been extended as a courtesy between legal counsels on both sides."

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"It will be resolved in a reasonable period of time," the spokesman said, without explaining exactly how long the "reasonable period of time" would be.

Even though all the children named are considered fit for some type of education, most of them find that they cannot get into the public schools of their various hometowns or are forced to attend expensive private institutions.

The 35-page Summons issued on the case contains specific examples on all the children to back up claims of "Denial to retarded or otherwise handicapped school-age children of their equal right to a free public education."

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Meanwhile, in Washington, D.C., a similar suit has been filed by the District school system.

The case, Peter Mills vs. the Board of Education of the District of Columbia, also claims like its Maryland counterpart, that public schools should provide education for all children regardless of their mental handicaps.

Rudolph Pyatt, Director of Public Information for the D.C. schools, told the AFRO: "We must comply with the order of the U.S. District Court in the case here, and the Board of Education has agreed to implement the provisions of that order.

"We were told by the court to conduct an outreach program through the media.

"This was to inform parents of mentally handicapped children that their children could get a free public school education," Mr. Pyatt said. "The court said we had to run this for 20 consecutive days in the press, and make Public Service announcements for 21 consecutive days over TV and radio," he added.

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"In addition," Pyatt told the AFRO, "we had to send letters to all children who had been suspended the last couple of years because the plaintiff in the case said the children were suspended because of their mental handicap."

If a similar decision is rendered by the U.S. District Court for Maryland, Baltimore's school system could well be completely turned around.

It now remains to be seen whether school and health officials will voluntarily make amends, or will wait for a court order.

City Solicitor George L. Russell Jr., chief lawyer for the city, told the AFRO he had no comment.

# City hires 3rd lawyer in school suit

At the request of City Solicitor George L. Russell, Jr., the Board of Estimates Wednesday approved hiring a new lawyer for the city in the federal court suit seeking state take over of education costs.

The first lawyer hired by the city was Allen M. Wilner, but he accepted a position on the Governor's staff. The city next turned to an associate of Mr. Wilner, Stuart Rome, but Mr. Russell reported "incompatibility" with Mr. Rome.

The new attorney is Robert V. Falcon, assistant professor of constitutional law at the University of Maryland.

Even though the city is pressing the state to assume school costs, the city is actually named a defendent in the suit filed by parents and students.

Mr. Russell told the AFRO the state is pressing for a trial, while the city would rather wait until the Supreme Court reaches a decision on a similar suit from Texas.

Montgomery County, the city solicitor noted, has voluntarily joined the case on the side of the state to oppose our suit.

# Free lunches at Second Baptist

"We wanted the community to know the service Rev. M. Price is offering to our children. He opened his doors to us and welcomed us to use his church for any activity."

This statement was made by Mrs. Marie Smallwood, community organizer for Council B of Model Cities, in reference to the federally funded Free Lunch Program.

Mrs. Smallwood stated, "We had no place to feed the children. Rev. Julian Price allowed us to use the Second Baptist Church at 214 E. Lanvale St. Monday through Friday.

Area children who come to the church for the free lunches receive not only a nutritionally balanced meal, but also lessons in reading and arts and crafts. The program started July 5 and is due to end today (Friday).

About 125 children between the ages of 1 and 15 have come every day, 5 days a week for the lunches.

Mrs. Smallwood said, "We try to teach them good eating and health habits. We invite them to come back every Sunday to Sunday School."

Co-sponsors of the project for Council B are Matthews Dallas, assistant community organizer and Mrs. Queenie E. Robinson, planning aid.

Neighborhood Youth Corps workers with the Lunch Program are Misses Donna, Diane and Vanessa Phillips.

Volunteers include Mrs. Laura White, Miss Rita Waite, Miss Beatrice Sanders, Mrs. Hagger Armstrong, Miss Sabrina Pierce, Miss Mary Fletcher and Larry Roane.

A Gospel Song Feast and Baptizing on the Potomac will be held Sept. 10 in McDaniel and Claiborne Md with the Rose of Sharon Baptist Church, 1230 Bolton St. Buses leave the church at 8 a.m. the fare for adults is $6.50 and for children under 12, $3.50. Rev. Ella W. Everett is pastor.

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# Man, 31, freed in brother's death

A ballistic expert's examination has absolved a man from blame of killing his younger brother in a barrage of bullets in the 1400 block Ensor St. Aug. 18.

However, Henry Davis, 31, 1100 block Montford Ave., homicide police state, still faces charges of attempted murder of Leroy Daniels, 25, 1200 block Preston St. and unlawful possession of handgun.

Henry's brother, Cleven Davis, 30, was pronounced dead on arrival at the Maryland General Hospital.

Police said the three engaged in an argument and later in a struggle, several shots were fired.

Detectives David Bruce and Joseph Thomas of the homicide squad, told the AFRO Tuesday, at a grand jury hearing ballistic expert's examination showed bullet found in the dead body of Cleven matched those in a revolver of Mr. Daniels.

Det. Bruce stated Mr. Daniels was freed of charges of homicide on the grounds was freed of charges of homicide on the grounds that he shot in self defense.

Det. Thomas stated that during an argument between Henry and Mr. Daniels, Cleven grabbed Daniels and attempted to cut him with a knife.

Police said Henry and Daniels drew their revolvers and in the several gunshots Cleven was shot.

Police records show Mr. Daniels was treated of gunshot wounds of the arm at the Maryland General Hospital and released.

If you are planning a household move, check to see if department store charge accounts can be transferred, provided they locale.

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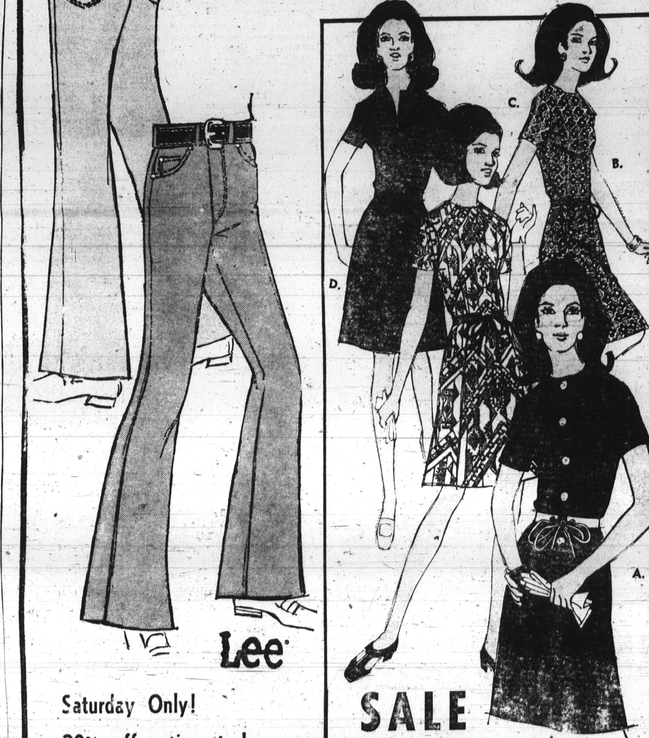


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CELEBRATED 100th ANNIVERSARY—The Union Brothers and Sisters of Ford's Asbury Lodge No. 1, organized in 1872, recently celebrated its centinnal anniversary at the Big Table restaurant in Baltimore County. Shown in this photo are officers. They include: Harry Clark, president emeritus; Moses L. Gwynn Jr., president; Roosevelt Austin, vice-president; Mrs. Rhoda Gilbert, chaplain; Mrs. Marian Myers, assistant chaplain; John S. Gwynn, financial secretary; Mrs. Alice Fields, recording secretary; Mrs. Gladys Austin, installation officer; Mrs. Daisy G. Gwynn, speaker of the house; Sylvester Myers, marshall; Russell A. Myers, department marshall; Clarence Johnson, sergeant at arms; Mrs. Olean Myers, assistant segeant at arms; George B. Gywnn, officer at large, and Robert Anderson, assistant officer at large. (AFRO photo by R. Courtney Anderson).

# Firemen get police escort after Cherry Hill assault

A public disturbance and an assault on firemen answering a false alarm pulled after a Jazzmobile concert with Dizzy Gillespie Monday night forced the Fire Board Tuesday to make special arrangements with the Police Department.

Fire Department Lt. David Echols told the AFRO police will now notify the Department of unruly crowds to firemen can anticipate false alarms that are often set during disturbances.

Fire Chief Thomas Burke remarked police escorts will be used primarily in the Cherry Hill area until the situation calms down.

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After a meeting Wednesday with the Mayor, the Police Commissioner and Dave Glenn of the Community Relations Commission, the chief commented Mr. Glenn's office and other agencies will talk to Cherry Hill residents and help quiet the area.

Chief Burke did say firemen have had no trouble since Monday.

The escort procedure, he expained, is, once a box is sounded, apparatus will report to a designated "staging area" while police and a battalion chief inspect the scene of the alarm; if there is a fire, police will escort the trucks to the fire scene.

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Lt. Echols assured the AFRO, where no disturbance is reported, firemen will respond to box alarms with their normal haste.

As to Monday night, the lieutenant reported the Jazzmobile was completing its concert at Reedbird Ave. and Potee St. in Cherry Hill when a scuffle formed.

He said, police came in and the crowd became unruly; police withdrew and, as the crowd began to disperse, a false alarm was set.

The fire apparatus, which approached the scene opposite where the police were, Lt. Echols stated, were set upon by some of the crowd with one firefighter being hit on his (helmeted) head with a lead pipe.

He reported a similiar disburbance happened Aug. 12 in the 2600 block Presbury St. in W. Baltimore. Fire apparatus were struck by rocks.

Fireman later found out, the lieutenant remarked, that police were not entering the area because of a disturbance earlier in the evening.

Lt. Echols, who is the Department's community relations expert, noted the Department is experimenting with four (soon to be 10) telephone alarm boxes.

The boxes provided free by the telephone company are sponsored to be less prone to false alarms, but Lt. Echols stated a false alarm came in on one of those boxes the day they were installed last week.

He claimed they are being evaluated for an undetermined period and there is not presently serious consideration to replace all boxes with phone-in boxes.

# Mrs. Little was fraternal leader

Mrs. Mabel Little, 75, the last of one of Baltimore's oldest families, died Aug. 20 at Universit, Hospital.

Funeral services were held at Locks Funeral Home on Thursday.

Pallbearers were members of the Knights of Pythias of which Mrs. Little was a member for many years.

She attended Nazarene Baptist Church for 25 years, sang on the choir and belonged to several church organizations.

Mrs. Little was an active member of the Pythians and the Oddfellows.

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She has citations from the Knights of Pythias dating back to 1921, was Past Grand Matron of the Pythians and one of its oldest members.

At the wake held Wednesday night the Knights of Pythias and Oddfellows honored Mrs. Little with resolutions read from the Grand Court of Colanthians, the Link Marching Club, the Sharon Household of Ruth, Grand United Order of Oddfellows and the Mt. Olive Beneficial Association.

In addition, Mrs. Little was a member of the Sharon Household No. 5665, the Ruth Court No. 28 of Colanthians, Past Worthy Inspector of Knights of Pythias, Grand Worthy Matron of the Royal Arts, Uniform Department, Grand Matron of the Juvenile Department, secretary on the brigadier general's staff of the Knights of Pythias and the Moses.

She retired from the Cross and Blackwell Company after 30 years of employment.

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Born in Anne Arundel County in 1896, Mrs. Little was one of 10 children born to the Rev. and Mrs. Daniel Dorsey.

The Rev. Mr. Dorsey was pastor of Calvary Baptist Church in Anne Arundel.

The family lived at 106 Centre St. when they moved to Baltimore.

Mrs. Little was the wife of the late Leroy Little.

They lived at 700 Arlington Ave.

Survivors include a son, Charles Russel Little of D.C.; a daughter, Mrs. May Hurtt of Baltimore; a grandchild, Mrs. Anita Alston of Dover, Del.; two great-grandchildren, Kenneth III, Valerie and Carl Alston of Dover, Del.; two nieces, Mrs. Frances Mosely and Mrs. Catherine Mueller; and three nephews, Rev. J. Timothy Young, Rev. Young and Edward Dorsey.

Mrs. Little is buried in Mount Auburn Cemetery.

# Eastern Stars' theme—Love, Togetherness

SPLENDOR AND CEREMONY accompanied the International Conference of the Order of Eastern Star affairs in Washington this week as (from left) Maryland's Grand Worthy Matron Evelyn Cole and second place winner, Mrs. Margaret Dyer, Baltimore, were photographed by the AFRO's John Dorman, along with Mrs. Bertha Bragg, the reigning queen and the third place winner from Kentucky. Grand Worthy Matron Louise Bell. Week-long sessions were held at the D.C. Statler Hilton Hotel.

The International Conference of Grand Chapters, Order of Eastern Star, Prince Hall Affiliated, held its 29th Biennial Assembly, August 19-25, at the Statler Hilton, 16th and K. Sts., NW.

Mrs. Evelyn H. Cole and Sylvester A. Mason have stepped down as International Grand Worthy Matron and International Grand Worthy Matron and International Grand Worthy Patron, respectively. The newly elected international heads are Mrs. Hazel Bilwell of Chicago, and Rev. Porter Hatcher, of Louisville, Ky.

Throughout the sessions the theme song, "It Is No Secret What God Can Do," was sung. The motto of the conference was "Love, Peace, Togetherness."

The ritualistic opening of the conference was given by the host chapter, the Georgiana Thomas Grand Chapter, Washington, on Monday morning.

Many of the District's officials sent greetings and commendations to members of the international conference:

President Nixon wrote: "The International Conference of Grand Chapters of the Order of the Eastern Star presents a welcome opportunity for me to commend the excellent programs you sponsor across America, and to acknowledge the inspiration you provide not only for your members but for so many fellow citizens."

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Mayor Washington commented: "We are all proud of the many charitable and humanitarian activities you have undertaken, particularly in the fields of education and assistance to the underprivileged."

In a letter to the conference, Congressman Fauntroy said, "The city of Washington, is honored to be the host to this conference and on behalf of its people I wish you a very pleasant stay.

At the Fellowship Banquet, Monday night, Attorney Dovey J. Roundtree of Datcher Cahpter No. 7, gave the address. Others present on the banquet program were Mrs. Martha P. Ross, banquet chairman; P.G.M. Georgiana Thomas Grand Chapter; Mrs. Eleanor D. Carter, P.G.M., D.C.; Mrs. Honthalena Williams, P.M., D.C.; Rev. Porter H. Hatcher, Louisville, Ky.; Joseph N. Yearwood, Most Worshipful Grand Master, D.C.;

Mrs. Melineaze Thompson, D.C.; Theodore King and Henry Davis, organist-pianist; Mrs. Eertha M. Bragg, Grand Worthy Matron, Georgiana Thomas Grand Chapter, D.C.; Mrs. Evelyn H. Cole, International Grand Worthy Matron; Mrs. Ruth E. Duckett, general chairman, conference planning; and Rev. Norman H. McGill, Past International Grand Patron.

On Tuesday afternoon the conference received the Phyllis S. Byrd Youth Fraternity, which was formed at the 1971 convention in Boston.

On Tuesday night, the International Queen Contest and Historical Pageant were held.

The conference was closed Friday with the acceptance remarks by newly installed officers.

AUGUST 26

From 1 to 6 p.m. today, live and in color, WETA-TV will broadcast the first television coverage of the American Tennis Association National Championships from the Du Pont Tennis Courts at Massachusetts Institute of Technology. Coverage will include the men's singles finals, women's singles finals and the junior men's finals.

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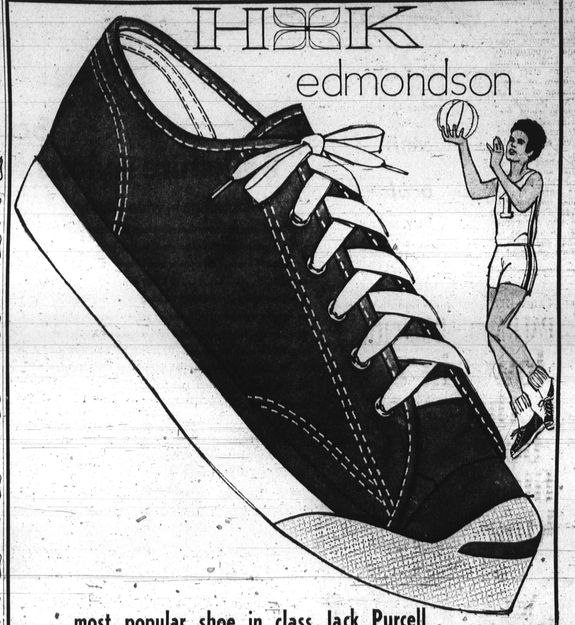

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