



Wyatt v. Stickney: A Landmark Decision

The Wyatt v. Stickney lawsuit created minimum standards for the care and rehabilitation of people with mental illness and mental retardation that have been emulated throughout the nation. Filed on October 23, 1970, the case was finally dismissed on December 5, 2003. This is the first in a series of articles on the history of the Wyatt lawsuit, the people involved in the suit, and the results of its historic decision.

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In 1970, Bryce State Hospital in Tuscaloosa, Alabama had 5,200 patients living in inhumane conditions and receiving woefully inadequate treatment. Remembering what he had seen during his coverage of the Nazi war trials, Hal Martin, the editor and publisher of the Montgomery Advertiser, went so far as to liken the conditions at Bryce and the state's other mental health institutions to those at concentration camps. Few members of the public knew about the horrible living and treatment conditions at these facilities; patients were out of sight and out of mind.

In that year, a cigarette tax whose income was earmarked for mental health services was cut. As a result, Bryce was forced to fire almost one hundred of its employees. Of the employees fired, 20 were professionals like psychologists, social workers and occupational therapists. After the lay-offs, there was one physician for every 350 patients, one nurse for every 250 patients and one psychiatrist for every 1,700 patients. Staffing ratios and conditions at the Partlow State School and Hospital in Tuscaloosa and the Searcy Hospital in Mount Vernon were not much better. At Searcy, only one registered nurse attended to 2,500 patients and she was not even permitted on the male wards.

When the Bryce layoffs were announced,
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The original lawsuit, styled as Wyatt vs. Stickney, was filed on October 23, 1970, on behalf of Ricky Wyatt, (left) a resident at Bryce Hospital in Tuscaloosa, Alabama.

staff from the University of Alabama Department of Psychology spearheaded a movement to file a lawsuit for reinstatement of the laid-off employees. Their strategy was to go into federal court and argue that if staff members were fired, then treatment at the institutions would be inadequate for the patients. A lawsuit was filed in federal court in Montgomery and assigned to Judge Frank M. Johnson.

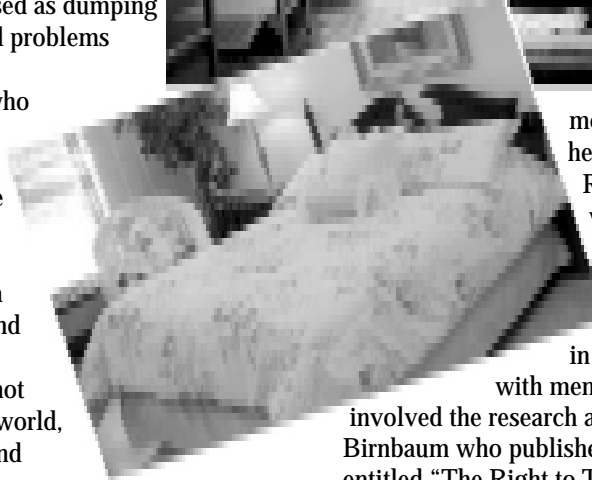
Judge Johnson held that the Department of Mental Health and Mental Retardation (DMH/MR) had the authority to make such hiring and firing decisions; no federal court case could be brought over that issue. However, Judge Johnson did believe a federal question existed regarding the minimum standards required for treatment of people who were involuntarily committed to a state institution.

Institutions as Dumping Grounds

Up until the transformations in care and treatment that resulted from Wyatt, the state's mental health and mental retardation centers were often used as dumping grounds for people that were considered problems for their families or society.

Ira DeMent, a former U.S. Attorney who worked on Wyatt and who now serves as a judge on the U.S. District Court in Alabama, offered these comments at the time regarding conditions at the state's institutions: "Anybody who was unwanted was put in Bryce. They had a geriatric ward where people like your and my parents and grandparents were just warehoused because their children did not care to take care of them in the outside world, and probate judges would admit them and commit them to Bryce on a phone call, on a letter from a physician saying that they could not take care of themselves. They were not mentally ill. Bryce had become a mere dumping ground for socially undesirables, for severely mentally ill, profoundly mentally ill people, and for geriatrics."

Continued DeMent, "There was one ward with nothing on it but old people. Beds were touching one another and they were simply warehoused. There was a cemetery in the back, but no records. Someone would die — they would merely dump them in an unmarked grave and that was the end of it and no accountability,



supervision, no investigation to determine the cause of death — nothing."

Ricky Wyatt

Fifteen-year-old Ricky Wyatt was the nephew of one of the laid-off employees at Bryce, Mrs. W.C. Rawlins. Ricky had been labeled as a juvenile delinquent and was placed in Bryce in 1969 because he had been misbehaving in a children's group home in Selma. The court that committed Ricky hoped Bryce would be able to make him behave. He did not have a mental illness.

After Judge Johnson determined the employees could not bring a Federal suit limited only to the matter of staff layoffs, Mrs. Rawlins, who was Ricky's guardian, allowed herself and Ricky to represent the patients in the lawsuit. Adding Ricky as a plaintiff allowed the attorneys to allege that patient treatment suffered as a result of the staff layoffs.

Among other things, Ricky stated in his testimony that he slept on wet floors and was locked in a cell-like room with the only light coming from slats in the door. His aunt spoke about how he was very heavily medicated so he would not act up. Though he was threatened with shock therapy, Ricky never received it because his aunt would not consent to this treatment.

The Theories of the Time

From a broader perspective, it could be said that the lawsuit has its roots in two developments in the care of people with mental illness. The first development involved the research and writing of attorney-physician Morton Birnbaum who published a groundbreaking article in 1960 entitled "The Right to Treatment." In this article, Birnbaum advanced a revolutionary idea that each person in a mental institution had a legal right to treatment that would give the person "a realistic opportunity to be cured or improve his mental condition." Birnbaum wrote that if the person did not receive the appropriate treatment, he should be allowed "to obtain his release at will in spite of the existence or severity of his mental illness." This theory was not used as a way to achieve de-institutionalization, but rather as an enforcement mechanism — a tool — to force improvements in the treatment of people with mental illness residing in hospitals.

The second development was the rise of a mental health bar, whose goal was to abolish or, if that was not possible, severely limit involuntary commitment of people with mental illness to institutions. (Continued on Page 3)

Photos : Provided by The Alabama Department of Mental Health and Mental Retardation. Top: Bryce Hospital exterior, Tuscaloosa, AL., Photo 2 and 3 -Interior photos at Bryce in early years. Bottom photo: Current living conditions in a community placement.

Wyatt's Goals

When the attorneys presented all the issues before the court, their goals were to (1) establish a constitutional right to treatment on behalf of people with mental illness, (2) establish a constitutional right to habilitation on behalf of people with mental retardation, and (3) set minimum standards regarding safety, education, training, medication, nutrition, physical accommodations, staff/patient ratios, individualized treatment and aftercare.

Living Conditions in State Institutions

As revealed through the Wyatt lawyers' research, conditions at the state institutions were abysmal. Jack Drake, one of the plaintiffs' attorneys, has discussed the conditions at Partlow. "I remember one of the things I did before the hearing was to review the accidental deaths of people who died at Partlow for a two-year-period and the extreme examples were residents who would get up in the middle of the night — go to one ward, maybe leave the door open and go into another ward, get into an unlocked medicine cabinet and eat the contents of 40 bottles and die."

Mr. Drake investigated a gruesome incident in which a boy with profound mental retardation had a garden hose inserted in his rectum, filling it with water and rupturing his spleen and killing him. Other examples of atrocious incidents presented to the court included a resident who was scalded to death as well as a resident who was restrained in a strait jacket for nine years to prevent hand and finger sucking.

At the time the case was filed, Alabama was 50th out of the 50 states for expenditures for the care of people with mental illness or mental retardation in public institutions. Alabama allotted 50 cents per day per patient in funding the physical plant, clothing and food budgets for these facilities. Attorney DeMent recalled that one of his first discoveries was a total absence of any fire safety equipment or plans in case of a fire. Although fire hydrants had been placed on the Bryce campus in 1923, they were not compatible with the hose couplings used by the Tuscaloosa Fire Department in 1970. Even more amazing was the fact that the Partlow switchboard shut down at 5:00 PM, leaving no way for the fire department to be contacted after hours.

The Decision

On March 12, 1971, Judge Johnson ruled that "there can be no legal (or moral) justification for the State of Alabama's failing to afford treatment—and adequate treatment from a medical

standpoint—to the several thousand patients who have been civilly committed to Bryce for treatment purposes. To deprive any citizen of his or her liberty upon the altruistic theory that the confinement is for humane therapeutic reasons and then fail to provide adequate treatment violates the very fundamentals of due process."

Judge Johnson gave Bryce six months to set standards and implement fully a treatment program that would give each patient a realistic opportunity to have his mental health improved.

On August 22, 1971, the plaintiffs requested the plaintiff class be enlarged by adding patients who were involuntarily committed at Searcy and Partlow, alleging that conditions at these facilities were no better than at Bryce.

On December 10, 1971, Judge Johnson ruled that even though Bryce had been given six months (at its request) to formulate proper treatment standards, it failed to formulate these standards. At the end of the six-month period, all the experts testified that the treatment program at Bryce was wholly inadequate. Judge Johnson ordered all the parties to develop and produce minimum

medical and constitutional standards for the operation of Bryce, Searcy and Partlow.

On January 17, 1972, the parties met in Atlanta, Georgia, to develop proper standards of care for the state institutions. The parties prepared two agreements.

One agreement stipulated the standards necessary to define what would constitute minimally adequate mental treatment at a state psychiatric institution. The other agreement covered the standards to be imposed at Partlow. These agreements were filed with the district



DMH/MR Commissioner Kathy Sawyer, (left) and Governor Bob Riley (right) with Mr. Ricky Wyatt (center).

court. The court held a hearing on the Bryce and Searcy agreement on February 3 and 4, 1972.

The Partlow hearing was conducted February 28 through March 2, 1972. At the end of the Partlow hearing, the court entered an emergency order requiring the defendants to take immediate actions at Partlow. These actions included the installation of an emergency light system and procedures for emergency evacuation, employing 300 additional resident care workers as well as revision of sanitation measures in the kitchen. The Judge ruled, "The evidence... has vividly and indisputably portrayed Partlow State School and Hospital as a warehousing institution which, because of its atmosphere of psychological and physical deprivation, is wholly incapable of furnishing [habilitation] to the mentally retarded and is conducive only to the deterioration and the debilitation of the residents."

With this ruling, and the agreements submitted to the court, minimum standards were created for care of people with mental illness and mental retardation who reside in institutional care.