

Alleged abuses at Straight face court test

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ALEXANDRIA, Va. — A former college engineering student who claims he was shanghaied into a Pinellas-based drug treatment program last year will try to prove his case in federal court this week.

In a trial that begins today in U.S. District Court here, attorneys for 20-year-old Fred Collins will try to show that Collins was falsely imprisoned, abused and held against his will at Straight Inc., both in Straight's St. Petersburg headquarters and in its Virginia branch. Collins ran away from the program last October after he claimed he was imprisoned for five months.

THE SUIT charges the nationally acclaimed drug treatment program with "abusive

treatment . . . false imprisonment, assault and intentional infliction of emotional distress." It asks for \$750,000 in damages and a declaratory judgment to prevent the alleged abuses from occurring again.

Attorneys for Straight are planning to argue that Collins joined the program voluntarily, that he was never physically abused and that he could have left at any time. The only reason Collins remained in Straight, according to legal motions filed by Straight's attorneys, is because he never formally asked to leave.

The battle pits a young, admitted former drug user against one of the most highly regarded but increasingly controversial drug treatment programs in the country.

Straight received national attention last year from Nancy Reagan, who has made her stand

against adolescent drug abuse a personal crusade. She was moved to tears by the accounts of drug abuse among youngsters that she heard during her visit at Straight.

DR. ROBERT DuPONT, the former director of the National Institute on Drug Abuse, has called the program the best in the country — a model for others.

But at the same time, Straight has been under investigation by the Sarasota and the Pinellas-Pasco state attorneys' offices because of complaints of possible criminal abuse of its clients. In the Sarasota investigation, which has been going on for more than a year, sworn statements filed by clients, parents and staff

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members associated with the program lodge many complaints similar to those alleged in Collins' lawsuit.

Though no criminal charges have been filed in the Sarasota investigation, the state Department of Health and Rehabilitative Services has ordered Straight to agree to a list of corrective measures or face losing its license to operate in Sarasota.

Collins' suit, meanwhile, was filed last December as a class action intended to represent all of Straight's present and future clients at all five of its branches. The suit sought to include alleged abuses against Collins and other clients at Straight. The alleged abuses include instances of beating, sleep deprivation, poor medical care, isolated confinement for days at a time, restricted diets, and physical and mental harassment.

BUT THE class action portion of the suit was thrown out in January by U.S. District Judge Albert Bryan, who ruled that legal actions against Straight should be brought individually. Now Collins' suit only represents himself, and his case, once quite broad, has become quite narrow.

The questions a jury will have to determine will be whether Collins alone was falsely imprisoned, abused and subjected to intentional emotional distress.

According to Collins' attorney, Washington lawyer Philip Hirschkop, Collins went to Straight's St. Petersburg branch last June for an interview so he could visit his younger brother, who was a client in the program. The interview was required by Straight before he would be allowed to see his brother. At the time, Collins was on summer vacation from his first year of college at Virginia Polytechnic Institute.

Collins "experimented" with marijuana and alcohol while in high school, Hirschkop says in legal motions on file in the federal courthouse. But his drug use was "occasional," and Collins "was not dependent on these substances," Hirschkop contends. Collins never got in trouble with school, police or juvenile authorities.

AT COLLEGE, Collins was an officer in his fraternity and stopped smoking marijuana in March 1982, four months before going to his interview at Straight, according to Hirschkop.

Though he drank beer on weekends with his fraternity friends, Collins maintained a 3.2 grade average (out of a possible 4.0) and earned A's in both math and chemistry. Even Collins' parents, who enrolled their younger son in Straight in January 1982, "agree that he (Fred) was adjusting well to school," Hirschkop contends.

But when Collins came to St. Petersburg with his parents last summer so he could be interviewed and see his brother, Straight determined that he, too, needed to join the program. Hirschkop argues that the interview lasted several hours and that Collins, alone and confronted by as many as five Straight clients at a time, was pressured and "hounded" into joining Straight against his will.

As evidence, Hirschkop says that Collins was not allowed to leave the room where he was being interviewed so that he could talk to his parents, who were in another room. His parents, meanwhile, were told that Fred "needed the program," and though they objected at first, they were informed of Straight's written policy in such cases.

THE POLICY requires that all "brothers and sisters at home who do drugs" must either join Straight "voluntarily" or be cut off from the family's "emotional and financial" support. Otherwise, the child already in the program, in this case the Collinses' younger son, "is to be terminated (from the program)."

"There are no exceptions to this rule," the policy states. Hirschkop contends that Collins was told by a Straight executive that he could not see his brother unless he joined the program for a 14-day trial period. The same staff member later told Collins that his father would not pay his college tuition unless he joined.

Collins joined.

Straight's attorney, Ronald Goldfarb, a prominent Washington lawyer, who, like Hirschkop, is regarded as a national leader in prison reform and the rights of prisoners, contends that Collins' rights were never violated.

"At no time during his (interview), was (Collins) touched or pressured physically," Goldfarb says in legal arguments on file in the federal courthouse. "At no time during the (interview) did (Collins) ask to leave the room, nor did he stand up and attempt to leave the room."

GOLDFARB CONTENDS that Collins had a significant history of drug use and that he admitted to having used numerous drugs in the past, including "marijuana, hashish, alcohol, beer, PCP (animal tranquilizer), speed and nitrous oxide."

Goldfarb agrees that Collins was unwilling to join Straight until he learned his father "would not pay his college tuition . . ." But when Collins agreed to join the program, he was told of the procedure for leaving Straight—a formal request through Straight's "chain of command."

"At no time during (Collins') stay at Straight did he initiate the chain of command withdrawal procedure," Goldfarb says.

Indeed, according to Goldfarb, Collins never asked his parents if he could withdraw. And in his entries in a nightly journal that Straight clients are required to maintain—called "moral inventories"—Collins "repeatedly expressed his desire to continue in the program and to work on his admittedly serious drug problem.

Again and again, on an almost daily basis for about 150 days (Collins) commented on his acceptance of Straight's resolution . . ."

The evidence appears compelling on both sides of the issue. Collins' case, his lawyers say will rest on whether he will be allowed to introduce several key witness depositions.

HIRSCHKOP CONTENDS that Collins never requested to leave the program because he saw himself beaten and abused for not cooperating and was

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afraid not to cooperate himself. Collins' conversations with his parents, Hirschkop contends, were monitored by Straight staff members and clients.

As an example of the abuse Collins says he witnessed, Hirschkop cites the case of Keith [redacted], a former Straight client from Jacksonville. When [redacted] refused to cooperate with the Straight program, he was taken to a bathroom and beaten by Straight clients, according to [redacted] sworn statement.

At one time [redacted] was hospitalized for a cut chin that required four stitches after he was punished by several Straight clients, Hirschkop contends.

"(Collins) also saw [redacted] set upon by other participants a number of times for wanting to leave the program. [redacted] was abused so severely in this manner that he suffered six broken ribs in the program," according to Hirschkop, as well as [redacted] sworn statement on file in the federal courthouse.

HIRSCHKOP ALSO claims Collins saw fellow client Leigh Bright thrown to the floor by Straight's national clinical director Miller Newton for not cooperating with the program and that then she was taken into a bathroom where she was kept awake — "marathoned" — for 80 hours. Miss Bright's sworn statement is also included in the records on file in the federal courthouse.

[redacted] Miss Bright's and several other sworn statements alleging abuse at Straight have been denied under oath by clinical director Newton. But Hirschkop argues

that it was because of these alleged abuses that Collins complied with Straight's program and never formally went to Straight's chain of command with a request to leave.

"The sight of this abuse inflicted on Leigh Bright, [redacted] and other participants graphically demonstrated to (Collins) what Straight would do to those who did not go along with the program," Hirschkop contends. The one time that Collins told fellow clients informally that he wanted to leave, he was set back in the program, Hirschkop contends.

Goldfarb counters that none of the sworn statements mention incidents that directly involved Collins and that some of the alleged abuses would have occurred before Collins even entered Straight.

And in any event, Goldfarb contends, most of the specific abuses said to have happened to other witnesses never involved Collins.

FOR THAT REASON, Goldfarb will insist that Hirschkop not be allowed to introduce any statements, depositions or witnesses at the trial that are not directly linked to Collins' treatment while at Straight.

So far, U.S. District Judge Bryan has been inclined to agree with Goldfarb. In a pretrial ruling last March he broke the trial into two major portions.

A jury will first have to decide whether Straight is to be held liable for the abuses that Collins claims he suffered. During that portion, Hirschkop can only introduce testimony and evidence that directly relate to Collins' personal treatment, according to Bryan's ruling.

If a jury then decides that Straight might be allowed to introduce other evidence during the second phase of the trial — which would be held to assess the damages Straight should be required to pay.

And Hirschkop will push to introduce all the evidence he has when he argues for a declaratory judgment against the abuses that Collins claims happen regularly at Straight. Bryan will hear that portion of the trial without a jury.

Hirschkop, however, is betting on being able to introduce evidence that does not directly involve Collins during the first and crucial phase — the liability phase.

"THEIR WHOLE DEFENSE is that he (Collins) could have signed himself out and he chose not to do so," says Hirschkop. "If they put Miller Newton on and he says, 'Look, I had a procedure he could use and he didn't try to use it,' we're going to have to try to show that their procedure was a joke."

That will include trying to introduce the very testimony that Bryan has already ruled out, Hirschkop says. If Bryan backs down from his pretrial ruling — and Hirschkop thinks he may have to — then Hirschkop will be able to offer the other evidence. Then it will then be up to Goldfarb to refute it.

Goldfarb, however, is betting that the judge will stand by his pretrial decision.

"I don't think the judge is going to let in any of that stuff," says Goldfarb. "He's already ruled on that. If he changes his mind, we'll have to change our strategy."