

In Lapointe's Corner
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By Steve Kemper

Robert Perske

He is an author and advocate for the disabled and the subject of a special on Connecticut Public Television on Nov. 29 called "A Passion for Justice."

Several years ago you wrote a book about cases of retarded people in the criminal justice system and asked, "Did that person receive equal justice?" Often the answer was no. Why?

Two decades ago most people with disabilities were in institutions. Now they're out and rubbing elbows with people at movies, restaurants. When the pressure is on police to solve a crime, some officers see this guy or woman as a suspect, and over six or seven hours get a confession out of them.

Why is it so easy to get confessions from them for crimes they didn't commit?

When someone like the little fellow I'm following right now, Richard Lapointe, faces a tough problem, they look around for the authority person, and whatever that person says, they do. We've taught people like that to trust the police officer – he is your friend, and if you're in trouble, call him. For surviving in the community, that's beautiful. But when you go into an interrogation room, that's different.

Explain the background on Richard Lapointe.

A 48-year-old man now, he has a form of hydrocephalus, which is a buildup of fluid in the brain. So his hearing is bad, his eyes are bad, he's 5 foot 4, he sometimes lists when he walks, he's highly unathletic. On the other hand, he was making it in the community. He was married to Karen, a young woman who had cerebral palsy, and they had a child, Sean, a sharp little fellow. The job Rich would do was washing dishes. He was very faithful in his church and very caring about his son and his wife. And he was making it until that fateful Fourth of July, 1989, when, two years after the murder of Bernice Martin [Lapointe's wife's grandmother], two new detectives asked him to come in, which excited him. They said, "We know you did it. We have all kinds of evidence." He denied it for a few hours and then, because [Det. Paul] Lombardo was an authority figure, he started to break down. There were three confessions. The first was something like, "I'm responsible for the death of Bernice Martin. It was an accident. I don't remember doing it." The second had something about a seduction and strangling her, but he ends again with, "I don't remember doing it." There was a third confession. None of them squared with the evidence.

How has his wife reacted?

I don't know. She also has disabilities and judgment problems and was suggestible by authority figures. She and Sean were taken away by the in-laws and legal action was made for a divorce, and so that Sean's name would no longer be Sean Lapointe. It hurts Rich deeply. The nuns and the priests at the school in Manchester talked about how both of these people talked to them at the school all the time about Sean. They had a family, they had church support, he was working. And it was all blown apart on that Fourth of July.

Is there anything new in the case?

Two of the best lawyers in the state have picked it up. John Williams and Normal Pattis. They've appealed to the state Supreme Court. I suspect there may be a hearing around April. I can't let go. We've got a grand gang of people now called the Friends of Richard Lapointe. We meet twice a month.

Part of what enters into it are people's fears about the mentally retarded. They think, "Well, just look at him."

Yeah. That was the reason we jammed them all in institutions around 1950. There was book in 1916 called "The Kallikak Family," done by a doctor named H.H. Goddard, which said that these people are the criminals, that if we get all these bad seeds out of sight, we will not have a criminal element. It set off a eugenics scare. The social workers would go to the family and say, "Go ahead, keep the kid if you want, but you'll get no services from us unless he goes to the institution." That was all from the Goddard influence. It was sheer prejudice, and it's still around. In 1927 Oliver Wendell Holmes gave a decree on *Buck v. Bell* to okay the sterilization of someone with mental retardation. That set off 50,000 sterilizations in our country. And the statement was then translated into German, and around 1932, 1934, *Buck v. Bell* was being quoted by Nazis in Germany, and then they started their sterilization program and then euthanasia. We now have writers saying we've got to cull the low IQ people. We are still living down Goddard's terrible mistakes.

Someone in the PBS special says, "Every good advocate is driven by a sense of outrage." Thank that applies to you?

I haven't seen the film. I think a lot of good advocates are driven by a sense of outrage. I don't think it's true of me.

What drives you?

I hurt. I worked in institutions. One time a guy died in the dental chair because he had certain kinds of spasms, so they gave him more drugs and over sedated him and killed him. I lived in institutions with restraints, where a guy slipped through and strangled himself. That hurt. Most people can't see it now because the places are more clean, but I saw the spirit of individuals being broken because they were forced to live by common

denominator rules. I hurt. I have a government grant to do this for the rest of my life; it's called Social Security. There's absolutely no money in this, but I can't think of anything I would rather be doing.

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