The ABA Humanitarian Awards for the Right to Effective Treatment: Presentations to Robert A. Sherman and Claudia and Leo Soucy

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Each person honored with the ABA Humanitarian Award for 1987 was presented a plaque, a copy of the *Historical Analysis of the ABA Frog* by David Lyon (1986), and a copy of their citation. The list of frog characteristics and their related ABA characteristics was read at the presentation. The citations were also read to the recipients as they stood in the front of the hall to receive their award in turn. Each plaque was presented to its recipient after their personal citation was read.

The awards were 12 by 16 inch walnut plaques supporting an ABA green brass plate with a ½ inch wide ABA blue border. The green brass plates were engraved with the following inscription.

ASSOCIATION FOR BEHAVIOR ANALYSIS
PRESENTS
ITS
HUMANITARIAN AWARD
TO
.....
FOR OUTSTANDING ACHIEVEMENT
IN PURSUIT OF
THE RIGHT OF CITIZENS TO SEEK AND RECEIVE
EFFECTIVE BEHAVIORAL TREATMENT
27 MAY 1987

Mounted on the green plate, under the engraved inscription, was a 7 × 6 inch cast brass frog poised as if alertly reading the inscription. Council is in hopes that the ABA Frogs will become as respected in the behavioral world as are the symbols of other prestigious organizations. The inscription and citations are presented below, first for Robert Sherman.

His Humane Legal Presentation Produced

A Landmark Right to Effective
Behavioral Treatment Decision

Humanitarian Award to Robert A. Sherman

The quality of life in our democracy depends not only on the behavior of our citizens, but also on the behavior of the attorneys we select to present our cases before the courts for judgment. Rarely does an attorney invest his time in an unpopular case with no promise of reimbursement. Even more rarely does such an attorney come from a small law firm that cannot afford to invest in highly valued, but lowly remunerative cases.

Robert A. Sherman is an attorney answering the noblest call of his profession—the call to protect the rights of individual citizens from usurpation and abuse by the government. Our government was designed so that the courts could protect citizens from over-zealous executive or legislative action. That design is but an empty shell without individual attorneys like Mr. Sherman, who are both willing and able to endure the personal sacrifices that may be necessary to make our government function as designed.

Our judicial system relies on specific rules of evidence. Our science relies, or at least should rely, on a nearly identical set of rules of evidence. Therefore, it should surprise no one in this room and no one in the Association that when presented with regularly collected behavioral data from a complete A-B-A individual analysis replication design, with no overlap between conditions, the judge drew the same conclusion that any one of us would have drawn.

Robert Sherman, we honor you for helping to establish three legal precedents that will further guarantee the right to effective treatment. These three landmark precedents are: (1) the acceptance by a court justice of routinely collected objective behavioral data as evidence in making a judicial decision; (2) the use of substitutive judgment in behavioral

treatment in which a judge decides on the treatment to be used, "substituting" himself for the incapacitated client; and (3) the ordering by a court of the use of behavioral treatment procedure based upon its effect on the treated individual.

Unfortunately, courts in other states have outlawed the use of treatment(s) that are based primarily on considerations other than their effect on a client. Systematically, state by state, behavior analysts have been denied their most effective tools for improving behavior. The precedents noted above may constitute a turning point for reversing this long-term trend.

For his persistent and spirited advocacy in implementing this landmark right to effective behavioral treatment decision, with deep and meaningful personal pleasure, I present the Association for Behavior Analysis Humanitarian Award to Robert A. Sherman.

Their Humane Persistence Produced

A Landmark Right to Effective
Behavioral Treatment Decision

Humanitarian Award to Claudia and Leo Soucy

The quality of life in our democracy ultimately depends upon the behavior of each and every citizen. However, all too rarely does a citizen persist in taking action to right a wrong. Fortunately, a few do initiate wrong-righting action, but unfortunately only a very few of those persist. Claudia and Leo Soucy persisted for almost two decades in searching for effective treatment for their son, Brendon. After 15 years of seeing Brendon discharged as untreatable from the most prestigious institutions for autistic children using the most approved treatments, they finally located effective behavioral treatment.

As they observed Brendon's remarkable improvement, however, a state bureau tried to close the facility. State of-

ficials charged that its experimental therapy of reinforcement and punishment was little more than officially sanctioned child abuse. This broad, generic charge did not accurately describe the improvement that Claudia and Leo had observed in Brendon. Claudia and Leo persisted in trying to keep Brendon in this hard-sought and successful treatment.

They retained legal counsel to present their case to the probate court, and they organized the parents of 46 other clients from the facility to join them in a suit to continue what they believed to be effective behavioral treatment for their children. Together, they withstood unkind and unfair criticism from individuals via anonymous phone calls, from the press in the early published reports, and even from professionals appearing in early television coverage.

As Claudia and Leo had persisted in locating effective behavioral treatment for their son, so they also persisted in guaranteeing the continuation of that treatment. After over a year of legal maneuvers and public harassment, Bristol County Probate Judge Ernest Rotenberg approved an agreement that keeps all parties from further law suits. The judge will decide in the future through substitutive judgment which reinforcers and punishers will be used, and the parents' lawyers were awarded legal fees to be paid by the state. These are both legal precedents.

Claudia and Leo Soucy are truly remarkable parents, and equally remarkable citizens. For their role as plaintiffs in this landmark decision on the right to effective behavioral treatment, it is with deep and meaningful personal pleasure that I present the Association for Behavior Analysis Humanitarian award to Claudia and Leo Soucy.

REFERENCES

- Lyon, D. O. (1986). An historical analysis of the ABA frog. *The ABA Newsletter*, 9(2), 4-5.