

Willowbrook facing 2 new suits

Actions cite neglect and poor care

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Two legal groups revealed detailed allegations of maltreatment and neglect of patients at Willowbrook State School when they filed suits against Gov. Rockefeller, Mental Hygiene Commissioner Allan D. Miller, and Dr. Jack Hammond, director of the institution, yesterday in Brooklyn Federal Court.

The suits, which were prepared by the New York Civil Liberties Union and the Legal Aid Society in behalf of 17 individuals at the school and three organizations, ask that minimum standards of care be established and enforced by court order.

They also ask that the briefs filed to be accepted as a "class action."

The three organizations sponsoring the action are the New York State Association for Retarded Children, the Benevolent Society for Retarded Children and the Willowbrook Chapter of the state association.

The groups allege that conditions at the facility violate the constitutional rights of its residents.

They also charge that state officials had "full knowledge of the conditions at Willowbrook and had the power and authority to change them, yet fostered and condoned less than minimal standards of treatment for the institutions 5,209 residents.

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The plaintiffs requested that a federal panel be appointed to see that new guidelines of care are followed by the Willowbrook administration.

In a related development yesterday, Gov. Rockefeller ordered a recently created 23-member Advisory Council on Disabilities to give an investigation of conditions at the school "top priority."

Mrs. Diana McCourt, the parent of a child presently at Willowbrook, explained her feeling of frustration at having to keep her daughter in the facility "for lack of better alternative."

According to Mrs. McCourt, her 10-year-old daughter, Nina Galin, receives no schooling or training of any kind and lives and sleeps in a room with 17 other children without any toys or games.

"We visit Nina and take her home frequently," she said, "and we almost always discover new physical problems and injuries, including fresh bruises, deep scratches and pulled out hair."

She also reported that on one occasion Nina was found to have a head wound that required two stitches.

"They (the administration) consider you as an outsider; they treat you as if you have no moral rights," she said.

Mrs. McCourt said she was persuaded to enroll her daughter in an experimental hepatitis program in order to bypass long waiting lists. She said that since entering the program in April of last year, Nina had been given tranquilizers that made her appear "dopy," although to her knowledge no such medication had been prescribed for her

treatment.

She also said she was told not to provide clothing for Nina because "it would only be stolen."

Among the alleged violations of constitutional rights at the school listed in the suit are:

- The confining of persons to the institution for the supposed purpose of habilitation (therapeutic care) without the providing of this service, which violates the ban on unjustified imprisonment.

- Forced work details which contribute to the facility's maintenance without adequate compensation, which violates the involuntary servitude provision. The suit says this is particularly true of procedures presently affecting residents in the school's Building 19.

- The designation of residents in inappropriate categories, which disregards the "unreasonable classification" provision of the 14th Amendment.

- The refusal to provide residents with educational opportunities equal to those enjoyed by other citizens their age. This especially refers to residents in the 5 to 21-year-old age group.

As a result of these alleged constitutional violations "which make Willowbrook more like a prison than a therapeutic institution," the suit requests that the state stop admitting new patients, be prohibited from spending any more money on "non-community facilities like Willowbrook" and that the plaintiffs in the action be awarded the full costs of the litigation.

Rockefeller, Dr. Miller and Dr. Hammond were named as defendants in the action because of a state job freeze started more than a year ago, which caused a critical shortage of funds and personnel at the school.

Judge Orrin G. Judd set no date for a hearing on the action.