

U.S. court to act on retarded

By WILLIAM HUUS

A federal judge yesterday said he will take preliminary action against the state next week to improve conditions at Willowbrook State School and hinted strongly that harsher, more permanent court orders will follow.

The statement came from Justice Orrin G. Judd after he heard opening arguments in Brooklyn Federal Court on an application for a preliminary injunction being sought by the Staten Island office of the Legal Aid Society against the state's Mental Hygiene Department and Gov. Rockefeller.

The society filed suit against the state agency March 17 and at a pre-trial conference June 22 submitted formal papers seeking an injunction to "prevent irreparable harm to patients and deterioration" at Willowbrook.

The suit was brought as a class action and is intended

primarily to "eliminate the harsh practices of seclusion and restraint" presently brought upon the patients at the institution for mentally retarded persons, the plaintiff said.

The society named nine specific areas in which it is seeking relief through a court ruling. The actions sought include:

- Medical screening of all residents. (Bruce Ennis of the Civil Liberties Union, representing the plaintiffs, yesterday said 50 Island doctors have already volunteered to give physical examinations to patients at the school.)

- Hiring of additional attendants.

- Hiring of additional physical therapists.

- Diagnostic evaluation of all residents.

- Elimination of all seclusion practices.

- Provision of carts containing emergency supplies at various locations throughout the institution.

- Development of an emergency evacuation plan so that residents can be moved out during a fire or other such crisis.

- Closing of all admissions to the state school.

- Provision of specific details as to what the state intends to do at Willowbrook in the next six months.

Following yesterday's court session, Judd told lawyers for both sides that he would hand down a "preliminary memorandum and order" next week.

He said he needed more information before he could issue a comprehensive order but indicated he would "grant some of the reliefs sought by the plaintiffs."

The judge granted a continuance of the case as a class action, saying he would hear more testimony on the nine actions being sought.

Judd commented that he is "deeply concerned about the implementation of plans, the allocation of money and the actual progress" which the state mental hygiene agency has made at Willowbrook.

The judge said he was particularly studying an affidavit presented for the defense by Dr. Frederic Grunberg, deputy commissioner of Mental Hygiene Department.

Grunberg's plan, in part, calls for the transfer of 1,000 patients

out of Willowbrook by March of next year and the transfer of another 1,000 patients by March 1974. This would leave 3,000 of the current population of 5,000 residents remaining at the Island institution 20 months from now.

Judd also said that he intended to inspect Rockefeller's veto message in killing legislation approved by the State Legislature which would have provided an independent Mental Retardation Department.

Mental retardation is presently handled through a bureau which is a subdivision of the larger Mental Hygiene Department. Critics have argued that the lack of autonomy allowed in dealing with retardation has blunted the attempts of some to reform and modernize the state's approach in dealing with the problem.