

Court told Willowbrook causes 'irreparable harm'

By SUSAN FRY

A federal judge heard expert testimony yesterday that some residents of Willowbrook Developmental Center have suffered "irreparable harm" in their intellectual, emotional and social development.

Dr. James Clements, director of the Georgia State Retardation Center, told Judge Orrin G. Judd in Brooklyn Federal Court that during several inspections of the institution in August he found many residents to be "deprived of a stimulating environment."

"Even if the person is taken out of that environment and taught through habit to be active, he will not be able to intellectually perform," Clements contended.

Comparing conditions at Willowbrook between the August inspections and those two years ago, Dr. Clements said he observed "increased inactivity" among residents and staff.

"I regularly saw residents, clothed and unclothed, lying on bare floors and sometimes in dayrooms employees were sitting apart from residents, who also were just sitting."

Asked by the judge if some mentally retarded persons "just naturally take their clothes off persistently," the psychiatrist responded: "I have never seen a retarded person in a stimulating environment tear his clothes off."

Dr. Clements noted that in the two years between his visits to Willowbrook "some aspects of the institution have improved," specifically mentioning less crowded conditions, "less blood and gore, less injuries, less odor, the beginnings of minuscule organized activities although spotty, more furniture and space, and bathrooms were

in far better repair." Dr. Clements' testimony is part of the final segment of New York State Association for Retarded Children and others against former Gov. Rockefeller. The suit was filed as a class action in March 1972.

On April 10, 1973, the district court granted plaintiffs wide-ranging relief, including a ban on the use of seclusion, a requirement of substantial additions to professional and non-professional staff, and a requirement that appropriate provision for medical attention to acutely ill residents be made. The suit had been pending until this week.

In further testimony, Dr. Clements divulged that he found in August three residents locked in wards, unattended, in Building 2.

On two separate other occasions, Dr. Clements said he found other residents locked alone in wards, and in one case a female resident was naked.

"I have seen in records orders for seclusion," he said.

Dr. Clements also cited instances where he found residents "inappropriately restrained" in beds and wheelchairs; "assembly-line" bathing; poor record-keeping; "inadequate" medical care; residents "lying on their backs, restrained in spread-eagle positions, being fed by other residents"; "inadequate" clothing; urine on floors and toilets "smeared with feces," and the lack of toothbrushes, eyeglasses and hearing aids.

In reaction to questions regarding residents abusing themselves, the doctor said: "Self-abuse is a reaction to environment. Correct the environment and these behaviors can be extinguished."

"The level of activity in

Willowbrook does not protect residents from harm."

Dr. Clements also responded to questions about an entire budget for the 1975-76 year—which was submitted by Willowbrook to the state Department of Mental Hygiene—which he had reviewed.

"I have more questions about what's not in there (the budget report) than what is there. I could not determine how much (money) they (Willowbrook) were requesting."

Before delivering 13 recommendations on upgrading Willowbrook, Dr. Clements answered questions as to what his findings generally indicated about Willowbrook.

"I can only presume from what I've observed that it must be a thing of mismanagement." However, he would not cite Dr. Miodrag Bistich, Willowbrook director, or the Department of Mental Hygiene as personally responsible.

"I do not want to get into personalities," he said.

Dr. Clements recommended, among other things, that the ratio of residents to staff, which is now 9 to 1, be modified during day shifts to 6 to 1 and during the night shift, 12 to 1.

He also suggested that staff members be assigned to specific residents because then "you can pinpoint who exactly is responsible for the care of that individual, while cutting down on the volume of people ordering around residents."

In addition, he said Willowbrook should ultimately be used only as a resident for "those who need life-support services."

Judge Judd also heard a motion submitted by the defendant's counsel, George C. Mantzaros of Attorney General Louis J. Lefkowitz's office, that the case be dismissed.

Mantzaros contended that the federal government not rule in this case since constitutional minimal standards for institutions like Willowbrook have been designed by the federal Health, Education and Welfare Department "whose rules and regulations have the force of law." The standards do not go into effect until March, 1977, although Mantzaros said "certain steps can be taken in the next year."

The judge said he would reserve his opinion until all plaintiff's testimony is heard. The case continues today. The state will present its case next month.