

## Critical witness shifts

# Gains cited at Willowbrook

By TERENCE J. KIVLAN

An expert witness who allegedly once remarked that Willowbrook Developmental Center "ought to be bombed," testified yesterday in Brooklyn Federal Court that conditions had improved greatly in the mental institution over the last year.

Lawyers for Willowbrook parents introduced the sworn affidavit of a colleague attributing the remark to the witness, Dr. Herbert Grossman, during a phone conversation that took place right after his visit to the facility.

The affidavit further alleges that Dr. Grossman, director of the Illinois Pediatrics Institute in Chicago, added at the time that "trying to reform Willowbrook would be like performing an operation on a cadaver."

Dr. Grossman, who admitted making the remarks, was the first major witness called by lawyers for Willowbrook as testimony in the 1972 suit brought against the institution was resumed after a two-month adjournment. The suit was initiated in behalf of parents with children at Willowbrook by the New York Institute for Retarded Children, the New York Civil Liberties Union and the Legal Aid Society.

Dr. Grossman testified that while touring Willowbrook in September and November of this year he noticed "that a great deal of change has oc-

curred there" since his December 1973 visit.

He told Judge Orrin G. Judd that the mental institution was less crowded, cleaner, and better managed. Dr. Grossman also cited improvements in the food, linen service and the attitude of the staff.

He added that, although major problems still exist at Willowbrook, the facility was no longer dominated by a "mood of hopelessness and despair."

In addition, Dr. Grossman introduced a study into the court record to rebut some October testimony that Willowbrook children are generally underweight because of poor nutrition. The study, which was carried out by Grossman in 1960, concludes that retarded children tend to be undersized despite the quality of the food they eat.

Lawyers for the plaintiffs chipped away at Dr. Grossman's testimony. They pointed out that he visited Willowbrook during the daylight hours, the only time the facility's housekeeping crew is on hand to keep the grounds presentable.

Moreover, Dr. Grossman was forced to concede that the one meal he saw being served at Willowbrook, in Building 29 where he happened to be during his tour, may not have been typical.

Referring to previous testimony by another witness, lawyers for the plaintiffs established that the lunch served in the same building on the day before Dr. Grossman's visit consisted only of soup, milk and a pudding.

After Dr. Grossman's testimony, defense lawyers brought in a medical evaluation team to reply to charges made

in October by parents that their children had deteriorated mentally and physically since arriving at Willowbrook.

The team members, who examined 15 patients at the facility in November, testified that the physical deterioration of the children could be a symptom of mental deficiencies. The team members also said that some retarded children have such low mental capacities that they are beyond learning.

One team member, George Reisine, a psychologist, challenged a statistical study submitted in October that showed the IQs of Willowbrook children dropping sharply during their stay at the facility. He said the study was not scientific and that it was based only on random sampling.

Earlier in the day, a lawyer for the plaintiffs, Anita Barrett of the Legal Aid Society, asked the judge for more rebuttal time after the defense finishes its case. She charged that, instead of using the adjournment to work out an out-of-court agreement as promised, the defense had used the time to prepare its

presentation.

She said that a 77-page proposed consent decree to set standards and goals had not been signed by Gov. Wilson and the judge noted a letter on behalf of Gov.-elect Hugh Carey only expresses hope to reach a decision on the proposal by Jan. 15.

Grossman had referred to the documents, negotiated by attorneys for the plaintiffs and the defense, as a "reasonable approach."

Judge Judd denied the request. He said that since the case had already lasted over two years, two months of extra time would not make much difference.

Judge Judd also denied a motion made by defense lawyers who argued that recent regulations put into effect by the U.S. Department of Health, Education and Welfare would satisfy all the demands of the plaintiffs. Judd said that the regulations, which apply to federally assisted medical programs, are only partially in effect and constitute a "nebulous assurance" to Willowbrook parents.

The plaintiffs in the class action suit against Willowbrook are challenging the adequacy of treatment at the facility. The defendants are former Gov. Rockefeller and the state.