

Willowbrook doctor experimented on 18

By **TERENCE J. KIVLAN**

The qualifications folder of an expert witness for the state in Brooklyn Federal Court yesterday revealed that he had participated in a 1971-72 experiment involving the inducement of a dangerous viral disease in 18 children at Willowbrook Developmental Center.

Lawyers for Willowbrook parents read about the experiment in a published article submitted among the

evidence of Dr. Max Werner's professional background. Dr. Werner, one of the article's authors, is the former chief of the baby division at Willowbrook. He retired in 1973.

The experiment was carried out to test the effectiveness of two vaccines against an intestinal infection known as shigellosis. The symptoms of the disease, which can be fatal, are vomiting, nausea and severe diarrhea.

According to the article, published in the June 1974 edition of the Journal of Pediatrics, 34 "high risk" children were selected for the experiment with parental consent between Sept. 21 and Oct. 3, 1971.

The children were then vaccinated, "dispersed to various shigella-endemic baby division wards," and observed over a 12-month period.

Both vaccines, the article says, proved to be ineffective. Eighteen of the 20 children who remained at Willowbrook during the entire observation period caught shigellosis. Some suffered multiple attacks of diarrhea.

The article attributes the failure of the vaccines to the "primitive" level of hygiene at the institution, the small size of the sample, and the "ill-conceived" design of the experiment itself.

The article also says that those who received the vaccine were the last 34 children accepted into the baby division before overcrowded conditions forced an admissions ban at Willowbrook in the fall of 1971.

But, under cross-examination, Dr. Werner denied that the parents of the vaccinees were encouraged to go along with the experiment to assure the entrance of their children into Willowbrook at a time when the ban was about to take effect.

Dr. Werner was the second expert witness called by the state in two days to testify on how conditions have improved at the institution since 1972.

He cited statistics that showed a sharp decline in the resident population and an increase in professional staff. He said that during a November visit to Willowbrook he was impressed by the cleanliness of the wards and the happy appearance of the patients.

Dr. Werner also gave Judge Orrin G. Judd a detailed description of the special

therapy available to the residents in the five buildings he toured during November.

In addition to the experiment revelation, Dr. Werner ran into trouble in the course of cross-examination on several important points in his testimony. For instance, in response to Werner's point that the death rate had declined in the division between 1972 and 1973, lawyers for the plaintiffs countered with figures showing an increase in the overall death rate for

Willowbrook as a whole for the same period.

And, when Dr. Werner testified that the incidence of infectious diseases had dropped at the facility since 1971, the opposing lawyers produced statistics indicating they had picked up in 1972 and 1973.

Dr. Werner was followed to the stand by Stephen Zoltan, director of laundry and housekeeping for the Department of Mental Hygiene. He was being cross-examined when

the court adjourned for the day.

Also yesterday, lawyers for the Willowbrook parents said they would continue with the suit against the mental institution despite Gov.-elect Carey's announcement that he favored an out-of-court agreement, possibly by Jan. 15.

The content and scope of Carey's agreement, the lawyers explained, is still an unknown factor. The lawyers also said they wanted Carey to see how weak the case of the state is.

The plaintiffs in the suit, the parents of children in Willowbrook, are being represented by lawyers from the New York Civil Liberties Union, the Legal Aid Society, and the New York Institute for Retarded Children. The suit is challenging the adequacy of treatment.

The defendants in the case, the state Department of Mental Hygiene and former Gov. Rockefeller, opened their presentation in court Wednesday.