



These Willowbrook residents, shown here in 1972, have had to wait three years for wheelchairs to replace their wooden carts, a fact which emerged in the last court confrontation between the Willowbrook Review Panel and the state, who will square off again on May 7.

S.I. Advance Photos by Eric Aerts

case which began March, 1972.

"We're trying in good faith, desperately trying," says Dr. Ornstein. "We're doing everything we can, spending a great deal of money. The governor's committed to this decree.

"But if some things are just not doable," says Dr. Ornstein, coining a word, "that's up to the judge to decide." The state has not yet filed papers—as the decree allows—telling Judge Judd that parts of the 29-page decree are not "doable."

"It is physically impossible for the department by May 31 to implement the decree from A to Z," says Anthony Pinto, president of the Willowbrook Benevolent Society, a plaintiff in the case. "The credibility of the state is certainly questionable at this point."

For about two weeks Executive Director Dr. Jennifer Howse and five staff members of the independent, court-appointed Review Panel have been conducting audit samples at Willowbrook in preparation for the May hearing, the fourth court encounter between the panel and the state.

At the same time, 12 members of the Willowbrook Task Force have moved onto the grounds of the 384-acre

Willowbrook campus in an apparent last-minute attempt to put the decree into effect. Many observers feel it is too little, too late.

"Is it good faith that in the last four months the state has tried hard to implement the decree?" asks Murray Schneps, an attorney, an original plaintiff and a member of the Review Panel.

"They're gambling on the judge saying they've shown good faith," says Schneps. "But not even God can implement the decree now. The department has to be shown a tough hand."

"There are people in the department who just don't want to make the decree work. They have been bad-mouthing the decree. They want to see the panel and the decree fail."

"We won't permit this to happen," Schneps says.

Neither Schneps nor anyone interviewed by the Advance would name Department of Mental Hygiene officials who, they feel, have attempted to block the decree.

Asked if he believed there had been attempts to block or slow the decree's implementation, Schneps said: "Damn right I do."

Clearly, however, the plaintiffs in the case, attorneys for the plaintiffs and Review Panel members would seek criminal contempt citations against anyone who has attempted to block the decree.

Among the defendants in the case are Gov. Carey, Lawrence C. Kolb, commissioner of the Department of Mental Hygiene, Thomas A. Coughlin 3rd, deputy commissioner and acting director of Willowbrook, and Dr. Alvin Mesnikoff, the department's regional director.

Plaintiff Attorney Bruce Ennis of the New York Civil Liberties Union emphasizes that he has seen "no evidence" whatsoever that there has been a willful attempt to block the decree.

Joseph T. Weingold, director of the State Association for Retarded Children, a plaintiff in the case, feels the state has acted in "good faith," but is "just incapable" of doing what has to be done.

"No one wants to be vindictive," says Weingold, "but the department is so varied, so diffuse, it is just incapable of carrying out the decree." Weingold is lobbying for a breakup of the Department of Mental Hygiene into separate mental retardation and mental health bureaucracies.

According to Ennis, if the plaintiffs decide to seek contempt citations against state officials—a decision to be made after May 7—their only burden would be to show that the state has not complied