

Judge delays Willowbrook takeover ruling

By PETER HARRIGAN
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A federal court judge in Albany delayed a decision yesterday on whether the validity of a private group's takeover of part of the Willowbrook Developmental Center should be determined

by a state or a federal court.

After hearing arguments by attorneys for the state and the union representing Willowbrook workers, Judge Robert T. Foley said he will allow a week for the union lawyer to prepare a brief explaining why seven Willowbrook buildings should not be turned over to the state

United Cerebral Palsy Association.

Meanwhile, as the legal bickering over the state-to-UCP transfer entered its fifth week in the courts, approximately 60 Willowbrook workers protested the planned deal on the grounds of the developmental center.

Carrying makeshift signs and chant-

ing slogans objecting to the takeover, the employees, most of them therapy aides, marched from the Willowbrook entrance to the steps of the administration building, about a quarter of a mile away.

There they yelled for an appearance by the facility's director, Dr. Levester Cannon. When they were told he was in Manhattan, they settled for a quiet confrontation with Frances Ryan, deputy director for treatment services.

Upset by the prospect of losing their jobs to the private group's own employees, the state workers began to quiz Ms. Ryan about what she knew about the UCP arrangement, why the workers weren't told more than they knew and

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Willowbrook workers rally outside Building 1, protesting a planned takeover of buildings by a private group and waiting to be recognized by a Willowbrook administration official.

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what it all meant for the future.

"Doesn't this mean that UCP is going to take over all of Willowbrook and all of the state workers will be out of jobs?" one employee shouted.

"I don't know," Ms. Ryan responded. "At this time no one will lose his job."

"Yeah, at this time, but how about at another time," another worker argued.

The protesters, after a noisy discussion with Ms. Ryan, departed peacefully; but the union's unit president, Felton King, vowed "the workers will keep fighting" until the "idea of a takeover is forgotten for good."

In yesterday's court hearing over the dispute, the attorney for the Civil Service Employees Association, Pauline Rogers, claimed that the state cannot legally enter into an agreement with UCP because it would violate state law and the state constitution.

The contract between the two groups, she said, "is designed so that the entire facility (Willowbrook) could eventually be run by UCP."

Mrs. Rogers added that since neither UCP nor the employe union were parties to the original Willowbrook suit in Brooklyn Federal Court, they should not be dragged into that proceeding now.

"This is a matter which involves solely the interpretation of state law and the

state constitution," the union attorney contended, and thus should be reviewed by a state court.

Assistant Attorney General John Driscoll, appearing for the state and UCP, argued that the whole matter should be decided in Brooklyn Federal Court, where Willowbrook-related issues have been traditionally addressed.

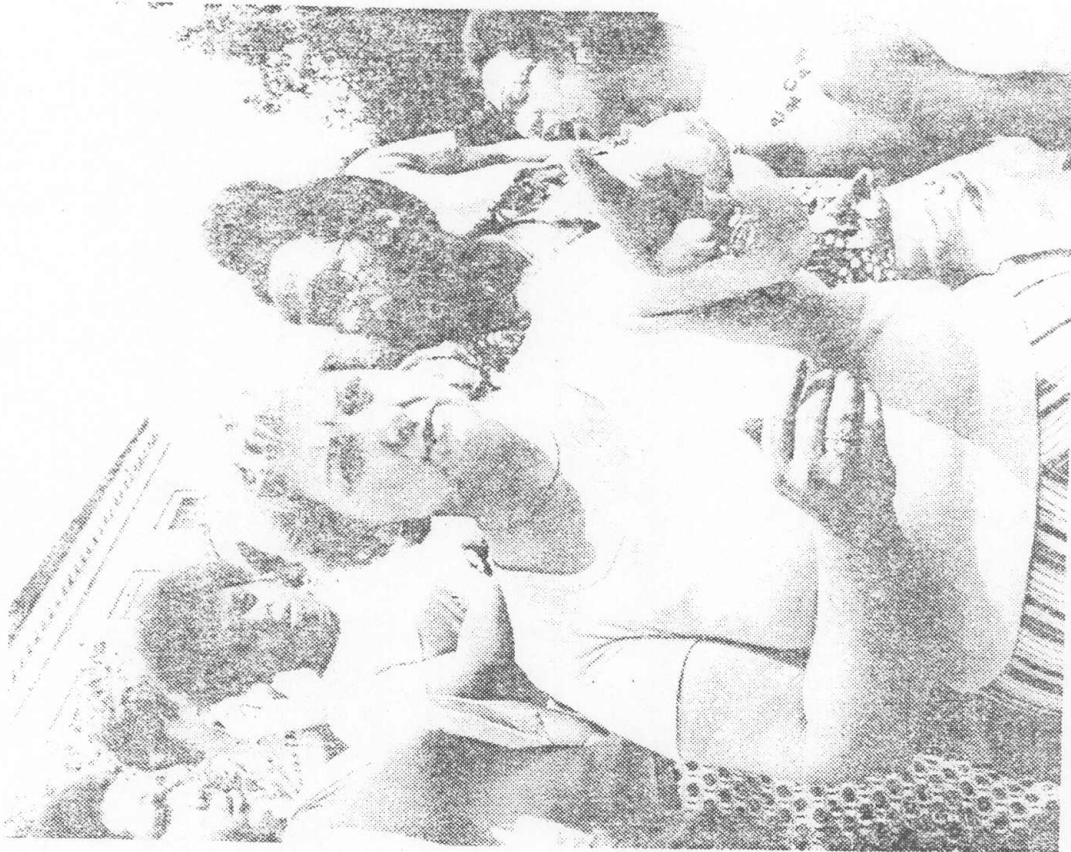
There is a "direct and necessary relationship between this proceeding and the proceedings in the U.S. Court for the Eastern District," Driscoll said, adding that there would be no agreement between UCP and the state had it not been for a decision reached in Brooklyn Federal Court in the first place.

Any legal actions arising out of implementation of the 1975 Willowbrook Consent Decree or the so-called UCP decree of March should be handled in the same court where the decisions were made, Driscoll said.

A Supreme Court judge in Albany, who had originally issued an order blocking the consummation of any deal between the state and UCP, decided last week to lift that stay.

But Judge Foley pointed out at yesterday's court hearing that until an order revoking the stay is issued officially, UCP cannot sign a contract with the state for control of the seven buildings.

The takeover is scheduled for July 15.



Fran Ryan, Willowbrook's deputy director for treatment services, answers questions about the Willowbrook takeover, planned for July 15.

S. J. Advance Photo by Robert Parsons