

the retarded from the dangers of city living, another teenager says, "Sooner or later they gotta learn street."

The eight residents of 33-32 89th Street may soon have to learn street someplace else. In late July, too late to keep the residents from moving into the house, Community Board 3 took its opposition to the final stage of the Padavan law and sued the state under Article 78, charging improper compliance with the Padavan restrictions. The city's corporation counsel agreed for the first time to represent a local community board against the state. And one of the city's lawyers uncovered an unnoticed regulation in the complicated law, allowing the board to offer additional sites. Although the time limit for filing suit as stated in the law had expired, the judge decided that the limit did not apply. An injunction was issued restraining the state from further developing the site, but the judge has refused to prohibit occupancy, and the case remains in litigation. Should the state lose, the residents may have to vacate their home and return temporarily to an institution.

"Maybe we blew it," says Joyce Roll of CRISP, a community-service group for the state. "It was the first time under the Padavan law and no one knew. We were being cooperative, saying, 'Okay, we'll apply the law.' Now these people's home is threatened because of a technicality. It's a disgrace."

Frank Padavan, when reached, said, "See, the law works."

Paul Dolan, the director of One to One, strongly questions the legality of the Padavan law. His group has set aside funds in case a suit for the rights of the retarded becomes necessary. "It is, after all," says the mother of a retarded girl, "a question of civil rights."

Murray Schneps agrees. For him the struggle for the civil rights of the retarded is the same as the struggle for any other group's civil rights. "It's a battle," he says. "If we're going to take advantage of the opportunity given us by the Willowbrook decree, if we're going to make it so people no longer have to be destroyed in institutions, then we can't be chickening out because some nut burns a house down."

"If it doesn't work here," Schneps warns, "it won't work anywhere. No place else has the decree that we have. Nor a review panel with the power this one has. And no place in the country is funded the way this case is. It can't all be wasted because of prejudice."

"New York has a tremendous responsibility—if we fail here, we fail for everybody. No one's going to have a chance for another 50 years. It'll be back to those damn institutions." ■