

Carey Ordered to Seek Aid for Willowbrook Panel

By ROBIN HERMAN

A Federal judge in Brooklyn ordered Governor Carey yesterday to ask the State Legislature for \$342,000 to continue the operations of the review panel at the Staten Island Developmental Center.

The seven-member panel was set up in 1975 to monitor the state's progress in improving conditions at the hospital for the mentally retarded, once known as Willowbrook.

The Legislature, questioning the basis for the panel's court-backed programs and their multimillion-dollar cost, had cut the panel's allocation from the Governor's budget proposal.

According to the judge's order, interim money must be provided by April 15 or the defendants — the Governor and State Comptroller Edward V. Regan — will be held in contempt.

Carey to Ask Legislature

"I'm not going to be held in contempt," Governor Carey said. "I will ask the Legislature to restore that item. I'm sure the Legislature doesn't want to abdicate the responsibility that I have assumed and they have undergirded in terms of Willowbrook."

A spokesman for Attorney General Robert Abrams said the state was considering appealing the ruling.

The New York Civil Liberties Union had sought the order on the ground that

the panel was an unalterable part of a 1975 consent judgment agreed to by the state, the New York Association for Retarded Children and a number of individual clients at Willowbrook. The panel consists of seven experts on mental retardation — three from out of state — and employs nine full-time staff members.

The Staten Island Developmental Center must reduce its population of 1,580 residents to 250 by March 31, 1981, according to the 1975 judgment. James E. Ingrone, Commissioner of the Office of Mental Retardation and Developmental Disabilities, said he was "skeptical" that the deadline could be met.

'Progress' at Center Cited

In his order yesterday, Judge John R. Bartels said: "This court has come to respect and rely upon the competence, integrity, expertise and judgment of the review panel personnel and to appreciate that the review panel is largely responsible for the progress which has been made since the era when Willowbrook was described by Senator Robert Kennedy as a 'snakepit.'"

"Unless we are to return to the horrors of Willowbrook," the judge said, "continued support of the review panel is essential."

State Senator Frank Padavan, chairman of the Senate's Mental Hygiene

Committee, disagreed with Judge Bartel and called him "senile."

Senator Padavan said the panel had forced the state into some questionable practices, such as placing small groups of "profoundly retarded youngsters" together in their own apartments, at a cost of between \$30,000 and \$60,000 per patient. About 100 apartments are involved.

'Not the Money'

"It's not the money," Senator Padavan said. "We have spent many times the \$3 million on the mentally retarded, but the panel has forced the state to do something that in the opinion of experts is clinically unwise and counterproductive." He said the Willowbrook expenditures reduced money for programs involving other mentally retarded people.

"The problem is they go to this Federal judge and he signs anything they stick under his nose," the Senator said. "I let's have the backbone to get what we want for the mentally retarded. We're the ones spending the money."

Judge Bartels, informed of the Senator's remarks, said, "The Senator's comments show his ignorance of the provisions of the consent judgment and his complete indifference to the rights of helpless retarded people."