

Carey asks \$\$ for Willowbrook panel

By BRUCE ALPERT and ANEMONA HARTOCOLLIS

Gov. Carey yesterday moved to comply with a federal court order by asking Albany lawmakers to approve \$342,300 to pay court-appointed monitors of the Staten Island Developmental Center and their staff.

Along with his funding request, the governor submitted a "message of necessity," which allows the Legislature to act on the measure immediately rather than after the customary three-day waiting period.

But Assemblywoman Elizabeth A. Connelly of West Brighton yesterday said she intends to block the funding bill unless changes seem likely in the policy and composition of the body of monitors, called the Willowbrook Review Panel.

The bill must be passed out of the Assembly Mental Health Committee, which Mrs. Connelly chairs, before the full Assembly can vote on it.

Brooklyn Federal Court Justice John R. Bartels last week ordered Carey to request the funding by April 17. The judge threatened contempt proceedings against the governor and state Comptroller Edward V. Regan if they did not begin paying the review panel's expenses on a voucher system by today.

State attorneys are scheduled to seek a stay of the judge's order today in the 2nd Circuit Court of Appeals.

The governor's legal counsel, Richard A. Brown, said the appeal was not prompted by opposition to the review panel. Brown said the governor and comptroller did not consider it within their lawful authority to honor vouchers for the panel without a legislative appropriation.

Carey had included \$342,300 for the panel in his 1980-81 budget, but the Senate and Assembly subsequently deleted it from their version of the state spending plan.

"There is a very serious legal question whether — in the face of legislative denial — the governor has the constitutional authority to unilaterally direct the expenditure of state funds to support the panel, even on an interim basis," Brown said.

The seven-member review panel is mandated by the Willowbrook Consent Decree, a 175 Brooklyn Federal Court judgment under which treatment was to be improved and the population reduced at the Staten Island Developmental Center, formerly the Willowbrook State School for the Retarded.

Sen. Frank Padavan, chairman of the Senate Mental Hygiene Committee, spearheaded the drive that eliminated the panel's allocation from this year's state budget. The Queens Republican contended that, in view of improved conditions at the Willowbrook institution, the panel is superfluous.

Going a step further, Padavan yesterday said the "heavy political clout" of the panel has forced mental-retardation officials to "do things that are clinically unwise, counter productive, as well as wasteful in terms of the funds available."

Padavan said he had received a letter

Saturday from Leslie D. Park, executive director of United Cerebral Palsy of New York City, a voluntary organization that offers treatment to the mentally retarded, "lauding me for my efforts in this particular matter."

Mrs. Connelly said she specifically requested control of Carey's funding bill yesterday so she could stall the measure until "long-overdue changes" in the review panel are implemented.

In her criticism of the panel, the West Brighton Democrat made the following points:

¶ The \$200 fee for every seven-hour stretch of work accomplished by a panel member is excessive.

¶ The panel is unresponsive to the public interest because it bars the news media and the public from its monthly meetings.

¶ The panel includes several members from outside New York State who are reimbursed for travel expenses, further burdening the taxpayer. If the panel were limited to in-state experts, Mrs. Connelly said, money now earmarked for travel could be channeled

more directly into care of the developmentally disabled.

In an aside to the review panel controversy, Lt. Gov. Mario Cuomo was overheard yesterday on the Assembly floor joking that it wouldn't bother him at all if the Legislature sat on the governor's funding request for a while. After all, with Carey in jail, there'd be no place for Cuomo to go but up.

See Sidman page 15