

Review panel grant runs dry; employees await verdict

By ANEMONA HARTOCOLLIS

It may be that man can't live on bread alone. But two months ago Kathy Schwaninger had ideals alone, and she was hard-pressed to nourish her family.

Mrs. Schwaninger is the executive director of the Willowbrook Review Panel, whose activities on behalf of the mentally retarded the state has refused to fund for the first time in five years, since April 1.

It has come to light recently and quietly that a private foundation provided a \$20,000 grant to foot the salaries of Mrs. Schwaninger and eight other full-time review panel staff. The grant, from the Edna McConnell Clark Foundation, was just a temporary reprieve, however, and staff members are once more inquiring into unemployment insurance and eyeing other jobs.

When the grant was made, Mary Peters, assistant to the Clark Foundation president, explained, it was expected that a federal court decision on whether the state is obligated to resume funding the Willowbrook Review Panel would be handed down before the \$20,000 ran out.

If the decision, in the U.S. Court of Appeals for the 2nd Circuit, favored the review panel, salaries presumably would be paid by the state retroactively, and Clark would be reimbursed for its grant. If the review panel was denied funding in court, the Clark Foundation would allow the grant to stand, no strings attached.

The Court of Appeals has been deliberating since April 25, with no decision yet. The grant ran dry nine days ago, and Mrs. Schwaninger and her colleagues are sitting on tenterhooks.

There is "a lot of sentiment to continue working out of public spirit," Mrs. Schwaninger said.

Four staff members, however, she said, are the "sole supporters of their families," while the remaining five are the sole providers of their own incomes.

The seven-member Willowbrook Review Panel proper, for whom the nine staff members do legwork, did not benefit from the foundation money. Panel members have continued their regular monthly meetings, despite the cutoff of state funding, for which they used to be paid on a daily rate.

The panel is assigned to monitor state care for current and former mentally retarded residents of the Staten Island Developmental Center, whose population in 1972 numbered about 5,200.

Established in 1975 by a Brooklyn Federal Court judge, the panel was an outgrowth of a suit brought three years earlier by parents and advocates of the Willowbrook institution's population. After documenting inhumane treatment in the state-run institution, the court ordered the transfer of all but 250 of its residents into community-based facilities by May 1981.

More than 1,600 mentally retarded people still lived in the developmental center when state lawmakers this year refused to fund panel activities any longer. Many of those residents transferred have been moved not to small, community-based facilities but to other institutions.

But legislators, most prominently Assemblywoman Elizabeth A. Connelly and Queens State Sen. Frank Padavan, contend that the state is making a good faith effort to upgrade care for the retarded which the Willowbrook Review Panel has hindered.

Mrs. Schwaninger disputes the state's reliability, good intentions in the Office for Mental Retardation and Developmental Disabilities (OMRDD) aside.

"They are insensitive to what is good management principle," she said. "Good managers recognize that when you're working in a system, you have an automatic and natural tendency to develop tunnel vision. They also recognize the necessity for securing outside and independent assessment."

Both sides concede that the central issue is philosophical: whether the review panel has promoted realistic and productive policies.

In the latest litigation, however, no one has broached that question. The

Court of Appeals is reviewing only the tangential issue of legal technicalities that might or might not result in the continued existence of the review panel.

The New York Civil Liberties Union (NYCLU), a plaintiff in the original Willowbrook case and now in court for the review panel, was instrumental in securing the Clark Foundation grant.

"There was some concern that even if we are victorious in the end — as we think we will be — it will be a very Pyrrhic victory if we have to reconstitute the panel," Dorothy Samuels, NYCLU executive director, explained.

"The review panel is now in the course of several audits" of state treatment facilities, she added. "They are all very familiar with the situation at state institutions. And there aren't that many qualified experts in the field."

The Clark Foundation, based in Manhattan, is oriented toward programs for "the disadvantaged and those not well served by the ordinary institutions of society," according to Miss Peters. Among the foundation's current causes, she said, are prison reform and opening non-traditionally feminine careers to women.