

# Willowbrook unit to continue work despite cutoff of \$\$

Members of the Willowbrook Review Panel said yesterday they will persist in attempting to shape state policy for the mentally retarded, despite a federal appeals court ruling last week that held Gov. Carey is no longer lawfully able to fund the panel.

The seven-member review panel — dependent on state funding for nearly five years — decided in a meeting Saturday to continue functioning as normally as possible without pay, Murray B. Schneps, panel vice chairman, said yesterday.

The panel was established to monitor reforms in state care for 5,200 current and former residents of the Staten Island Developmental Center in Willowbrook.

Information on the panel's intentions in light of the appeals court ruling was not available Saturday because the panel had barred the public and news representatives from its meeting.

Judge John R. Bartels of Brooklyn Federal Court, to whom the panel has been authorized since 1975 to make its recommendations, yesterday declined direct comment on the panel's loss of funding.

But a law clerk for Bartels said the judge still considers the review panel a legitimate monitoring unit. The panel's access to Bartels and authority before him will not diminish, the clerk said.

Schneps conceded that without funding the panel will be hampered in its ability to continue conducting the audits of state-run facilities on which its policy recommendations have been based.

But he added, "Obviously, we'll have to be more creative in getting the work done. The review panel is still very much alive and well."

Christopher A. Hansen, a New York Civil Liberties Union (NYCLU) lawyer who represented the review panel in its

court fight for continued state funding, said yesterday he is "determined to do anything I can" to ensure that the panel's monitoring function is preserved.

Hansen said he was "prepared" to seek private funding for the panel, although he did not have "the faintest idea at the moment of whether the money is out there."

Gov. Carey had proposed to allocate \$342,300 for review panel operations in the state's 1980-81 budget. The Legislature, however, refused to approve the money. On Thursday, the U.S. Court of Appeals for the 2nd Circuit ruled that the governor could not ignore the will of the Legislature and fund the review panel without violating the laws and Constitution of New York state.

In denying funding to the review

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panel, legislators said the state was making a good faith effort to provide humane care to the mentally retarded, but the panel was forcing state officials to squander money on clinically unwise programs.

Hansen said yesterday that he mistrusts the state's intentions toward the mentally retarded enough to seek a

court order shutting down the Staten Island Developmental Center if the review panel is forced out of existence. Abuses of residents at the Willowbrook institution led to the federal court judgment that established the review panel in 1975.

Hansen and Schneps said the review panel and its advocates would not consider replacing current panel members in a bid to make the panel palatable to the Legislature, which might then agree to finance it.