

Travails of Willowbrook

A plan to clean up Willowbrook, the once notorious Staten Island hospital for the mentally retarded, has been progressing well, in good part because a state review panel has monitored the effort. But that panel seems headed for extinction. A Federal Court of Appeals has ruled that the Legislature is free to finance or starve the panel. And the Legislature has gone home without providing any money.

A decade ago, Willowbrook became a national disgrace, a metaphor for the nation's neglect of the retarded. Patients were left unbathed for weeks; some were in effect abandoned to vegetate in their rooms. There were frequent reports of staff brutality.

In a consent decree in Federal court five years ago, New York committed itself to a sweeping cleanup. Among other steps, it agreed to place 5,000 retarded residents in new group homes around the state. The court created a special panel of experts to supervise the plan and to report on progress, which has been real.

Yet many problems remain, particularly in finding suitable group homes for 1,500 people. District Judge John Bartels called the panel essential to the effort.

But the Senate Finance Committee removed the panel's \$342,000 appropriation from the state budget a few months ago. Judge Bartels ordered Governor Carey to request restoration of the funds or to use other state funds if he failed. Now the Court of Appeals has reversed the order, saying that the Governor has done his duty by requesting the money and that the court cannot assume the Legislature's appropriation power. Though the consequences are regrettable, the ruling is constitutionally correct.

What cannot end with the life of the panel, however, is the state's responsibility to complete the Willowbrook plan. For that task, an overseer is still needed. It is one thing for the state to conduct its business constitutionally; it is quite another for it to evade paying for what needs to be done.