

Rights group: State reneged on Willowbrook plan

By ANEMONA HARTOCOLLIS

A Westchester representative of the New York Civil Liberties Union (NYCLU) said he plans to confront state officials and lawmakers today with the charge that they have "obstructed" gains promised to the mentally retarded by a federal court order six years ago.

Stanley Schear, a member of the board of directors of the NYCLU Westchester Chapter, said yesterday that the state is reneging on its commitment to dismantle institutions for the retarded like the Staten Island Developmental Center in Willowbrook.

He and other advocates of the retarded planned to make their views known at a conference today at the Pace University Law School in White Plains, N.Y.

Schear organized the conference, expected to draw 200 to 300 participants, with the support of the NYCLU. A baker by vocation, he has worked to further the rights of the retarded for 10 years — long enough to say, "Call me a lay attor-

ney."

Samuel J. Kawola, an administrator in the state Office for Mental Retardation, said yesterday he had been designated by mental retardation Commissioner James E. Intronone to take part in the conference.

"We were a little sensitive to my appearing there, given the Civil Liberties Union stance," Kawola said. "But we feel the state side of the story should be told with pride, recognizing that we have a way to go yet in accomplishing our full objectives."

Called "a snakepit" by late Sen. Robert F. Kennedy, the Staten Island institution has improved since Gov. Carey signed the Willowbrook Consent Decree in 1975, Schear conceded.

But he charged that with each passing year the state more brazenly chips away at key provisions of the decree, a program to reform state care for the mentally retarded formulated in Brooklyn Federal Court.

Although the decree required the virtual evacuation of the Willowbrook facility by next month, "things have happened to slow up the process and diminish the rights of the retarded," Schear said.

The conference title — "Willowbrook: Five Years Later" — derives from the consent decree deadline of March 31, 1981, for the reduction of the Staten Island Developmental Center population to 250 mentally retarded residents.

Noting that more than 1,000 residents remain in the institution, Schear said: "I see what has happened as a nationwide pattern. Civil rights are asserted and won in a court case. Just as they are starting to be established, someone — in this case the community — puts pressure on elected officials. They in turn try to manipulate those rights."

Schear contended that the Legislature has "obstructed the deinstitutionalization process by trying to

pass several bills." He cited a bill which may be considered this year offering tax abatements to neighbors of state-run group homes for the retarded.

"That's like admitting that it's wrong for the retarded to be living in the community," Schear said.

The bill's author, Westchester Assemblyman William Finneran, agreed to speak at today's conference.

The consent decree calls for community-based residences as a humane alternative to institutional life.

"Some communities have two or three residences because they've been cooperative, and some communities have none, simply because they've been hardnosed about it and refused to cooperate with the state," Schear protested. "The state handles the problem by avoiding it, because those communities are tough. Once again, the process gets slowed up."

Kawola responded yesterday: "Communities like individuals hem and haw and oppose us, but we keep moving forward."

"Mental retardation is one area where the governor has been faithfully putting in resources," continued Kawola, who directs compliance with the consent decree within the Office for Mental Retardation and Developmental Disabilities.

He said that in preparing for the conference he analyzed Gov. Carey's budget request last year for mental retardation, finding that it ranked second of all state agencies in the increase proposed.

The governor requested a 16.4 percent increase in appropriations for mental retardation last year over the previous year, a relative increase topped only by his request for the Department of Social Services, Kawola said.

He noted, however, that the budget was subject to the approval of the Legislature, which deleted funds before passing it.