

Trial in 9-Year-Old Willowbrook Case Resuming

By PETER KIHSS

She said she was happy, and she looked it — even in a wheelchair in a hall near the front door of Building 25 at the Staten Island Developmental Center at Willowbrook.

She said she had been at the state institution for the retarded for a long, long time. That had to be so because new residents have been barred since 1975 while wrangling has gone on about conditions and treatment of patients.

She was still in the hall 20 minutes later, smiling but unattended, when a visitor left at midafternoon Monday.

Christopher A. Hansen, a lawyer for the New York Civil Liberties Union, said the unattended woman was an indication of inadequate attention at the institution. The liberties union and the Legal Aid Society argue that there is a lack of programming much of the time, and they complain about delays in carrying out a 1975 consent decree that called for moving patients to smaller facilities.

A lawsuit over patient care was begun by parents and others nine years ago, and today the trial in Federal District Court in Brooklyn.

Programmed Activities

The Acting Commissioner of the state's Office of Mental Retardation and Developmental Disabilities, Zygmunt Slezak, and the center's director, Dr. Ella Curry, insist that every patient has programmed activities six hours a day, five days a week.

Mr. Slezak said the center had the highest staffing ratio of any state center.

He pointed out that the state passed a milestone last week — now having more of its retarded patients in community programs than the 13,500 still in large centers. His office's count for

those in community programs was 14,400 in 140 apartments, 795 in community residences, 1,700 in family-care homes and 207 in intermediate-care facilities.

"The system tries," Mr. Slezak said. At Willowbrook, in ward after ward during the unannounced visit Monday afternoon, the retarded patients squirmed on chairs, rocked back and forth or dozed while omnipresent television sets droned on with cartoons or other programs that nearly everybody seemed to ignore.

The center has had its gains in the view of a reporter who saw it before the 1975 decree — when it virtually overflowed with more than 5,000 patients — and again in 1977 and who now looked into five buildings. Eight of 27 buildings have been shut.

Painting and Remodeling

Physical maintenance and cleanliness appeared good. The state appropriated \$3.6 million last year for painting and remodeling, and nearly \$500,000 in design and construction work is under way. Brightly colored murals and furnishings have been provided, with \$80,000 spent on "humanization" since last spring.

The staffing ratio is slightly greater than 3 to 1 — Dr. Curry's count is 2,761 employees, 817 clients. The patients' average age is 34; their average stay has been 19 years.

With the ablest patients now generally relocated in communities, Dr. Curry estimated that 83 percent of those left are severely retarded.

This can mean problems in coping: One man naked to the waist, two others barefoot in one ward. A man wandering with his trousers unzipped. One room with a smell of urine. One water fountain leaking. A man lying on the floor, then lifted up and going right back to the floor.

There were lethargic employees, but also caring employees. A worker tried to teach something to a wheelchair patient, tempting him with a cookie treat. A blind woman squirmed, reversing herself in a wheelchair; the physical therapist tending her and another patient gently turned her around.

181 in Vocational Workshops

There are 181 clients in vocational workshops. At 2:30 P.M., they had stopped work and were lined up, some sitting on a cold floor in Building 61 waiting for buses to go back to their wards at staggered times. Mr. Hansen, the Civil Liberties Union's counsel, said chairs should be set out and the clients should be taught to use them.

One workshop client cheerily rushed to shake hands and eagerly showed what he had been working on — a box full of brightly colored loops for potato holders. The center also gets contracts to assemble ballpoint pens and to make hair curlers and covers for collecting canisters.

Building 8, with classrooms for "low-functioning" residents, has been open only since October. Walls look like Santa Claus scenes and a phonograph played Christmas songs. One program teaches how to wash, brush teeth and care for hair. Another tries to develop skills in eating and dressing.

Jonathan D. Siegfried — whose law firm, Paul, Weiss, Rifkind, Wharton & Garrison, represents the Legal Aid Society plaintiffs — looked at the idle residents in front of the television sets. This, he said, was "an expensive baby-sitting service."

Commissioner Slezak said that "we will program six hours a day, but not 12 hours a day to prove a point."

"These are human beings," he said, "and they have to have an opportunity

to have some down time."

Dr. Curry said there were evening programs. One obviously happy group was heading off late Monday for movies and dinner outside.

Mr. Slezak said Willowbrook's staff turnover was less than the one-third annual change for such centers as Letchworth and Wassatac. There had been labor troubles at Willowbrook, but he said "the work force and unions have been magnificent" for the last year or so.

Mr. Hansen and Mr. Siegfried want the state to be declared out of compliance with the 1975 decree, which set last April 30 as the deadline for Willowbrook to reduce its patient population to 250. They are calling for the appointment of a master for the court to monitor staffing, programming, clothing and placements.

The state has asked permission to place Willowbrook residents in community facilities with up to 50 beds, instead of the 10-bed limit under the decree.

Yesterday, Commissioner Slezak issued a statement that "unworkable" requirements had prevented meeting the 250-patient goal at Willowbrook. He also attacked as "virtually impossible" a supplemental stipulation that 100 or six-bed apartments be found for severely handicapped former Willowbrook patients now in intensive care at Flower-Fifth Avenue Hospital.

He said that "a high standard of care" was being maintained at Willowbrook by allocating resources "at the expense" of the state's 19 other developmental centers. The state will ask for "a more realistic approach," he said, agreeing that relocation should be accelerated "for the good of the clients."