

Judge stops trial to see Willowbrook for himself

A federal judge confronted sharply contrasting images of the Staten Island Developmental Center yesterday — a witness' account of excrement-smearing floors and nude patients or the mopped-clean institution for the mentally retarded he saw during a tour.

U.S. District Judge John R. Bartels abruptly asked to visit the center yesterday, interrupting the first trial day in a 10-year-old dispute between civil liberties groups and the state. The court-appointed master to run the Willowbrook facility.

The judge had just heard Dr. James B. Clements, the former head of Georgia's retardation agency, testify that he has seen

"piles of feces" and "puddles of urine" during repeated trips to Willowbrook, one as recently as last Monday.

Dr. Clements, however, said the institution was "considerably cleaner," when he and the judge toured the facility with state officials yesterday.

Although some bathrooms smelled of urine, a reporter failed to detect feces or urine on the floors of five buildings the judge inspected. Paint peeled from some walls, and in one ward a single worker watched eight profoundly retarded patients.

Chris Hansen, who had argued in Bartels' Brooklyn courtroom that Willowbrook was "unfit for human habitation," said it was

"obvious" that staff had cleaned the facility in the hour since the judge announced his intention to visit.

"It just goes to show that they can do the job if they are sincere about it," Hansen, a lawyer with the New York Civil Liberties Union, said.

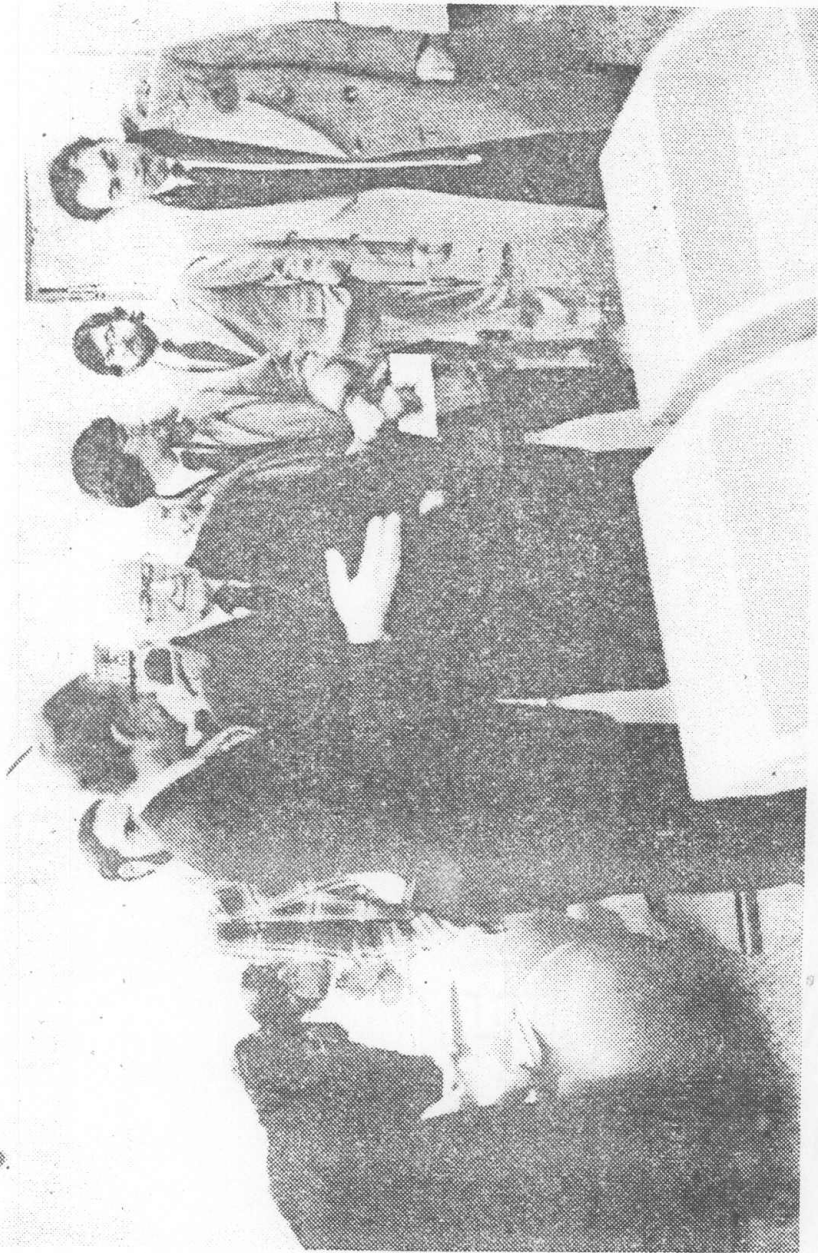
But Taylor R. Briggs, an attorney for New York State, contended the judge's on-site view was "a lot more realistic" than Dr. Clements' testimony. Briggs said the testimony had focused on isolated moments that merely "appeared to be horrible."

The judge kept his reactions private, indicating he would comment on the tour in the courtroom. "I'm just here to check out the testimony this morning," Bartels said as he walked for 2½ hours arm-in-arm with the institution's director, Dr. Ella Curry.

In addition to Willowbrook, where 1,300 retarded patients live, the judge visited the Nina Eaton Center, a 50-bed facility in Ocean Breeze.

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U.S. District Judge John R. Bartels, in dark topcoat, leads a group on a surprise visit of the Staten Island Developmental Center in Willowbrook.

S.I. Advance Photo by Frank J. Johns

In the courtroom, the state is defending its care of 4,800 current and former Willowbrook patients. The trial was called after months of fruitless negotiations between the New York Civil Liberties Union and the state. Parents of the retarded rejected a tentative settlement in October.

From the witness stand, Dr. Clements punctuated verbal descriptions of "unsanitary conditions" at Willowbrook and Nina Eaton by flipping through dozens of black and white photographs taken when he toured the facilities in June and September and again on Monday.

One photograph showed a pa-

tient lying naked on a mattress, his body covered with flies, Dr. Clements said. Other pictures, taken Monday, showed feces and toilet tissue littering the floor of a bathroom that, the witness said, had not been cleaned for three days.

In Nina Eaton, a state-funded facility operated by United Cerebral Palsy Associations of New York State, Dr. Clements said, "The dayroom floor was so filthy and grimy that my shoes actually stuck to the floor and popped as I walked."

As the trial opened, the

benches in the spacious courtroom were packed with spectators, including parents of the retarded, consumer groups and officials from the state Office of Mental Retardation.

Lawyers estimated the trial could take 28 days and involve testimony from at least 24 witnesses for both sides.

The plaintiffs accuse the state of failing to provide staffing, education, clothing and community-based group homes promised to the retarded in a 1975 court consent decree, reached after an earlier trial. A master, the

plaintiffs say, would ensure compliance.

The state, arguing it needs more flexibility, seeks to modify the decree. Mainly, state officials want permission to establish community-based facilities as large as 50 beds. The decree, advocating a "normal" environment for the retarded, imposes a 10-bed limit.

Hansen told the judge yesterday that enlarging the size of group homes would turn them into mini-institutions and "tear the heart out" of the Willowbrook Consent Decree.