

What Judge Bartels witnessed as he paid an unscheduled visit

By BRUCE ALPERT

U.S. District Court Judge John R. Bartels wanted to see the Staten Island Developmental Center yesterday so he could judge for himself. What he saw was an institution filled with hope and despair, dignity and human degradation.

In Building 13, he saw multiply handicapped children, most confined to wheelchairs, joyfully slapping castenets as young workers sang Christmas carols and folk songs. But in the bathroom, he saw toilets without toilet paper and sinks without soap or towels.

In Building 32, he saw young men living in single and double rooms in a scene that could pass for a college dormitory. These residents, the highest functioning of the center's 1,300 residents, sat in groups of three and four — some watching a television soap opera and others listening to rock music on a stereo.

But outside Building 8, renamed the Elizabeth A. Connelly program building, he saw a young man quiver in the cold as he urinated on the concrete sidewalk. In building 9, he saw young men rocking their heads up and down continuously, seemingly oblivious to the judge and his entourage as well as the sounds and pictures emitting from the color TV.

"I'm just here to check out the testimony this morning," Bartels explained. At age 83 and with over a quarter-century on the bench, Bartels calls the Willowbrook case, over which he has presided since 1975, one of the highlights of his career.

Now, he has to decide among conflicting pictures of Willowbrook. There is the institution full of excrement-covered floors described by a witness for the plaintiffs in the Willowbrook case, or the relatively clean facility he saw during the tour.

While attorneys representing the plaintiffs say the judge yesterday saw a far cleaner facility than its patients do on most days, the residents seemed unaware of any major changes.

"It seems such a shame," said one of the attorneys who escorted Bartels on his tour. "This is all about their future, yet we really can't ask them what they'd like us to do for them."

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In a recreation room of Building 32, Ray, a 26-year-old man, was watching the popular soap opera "General Hospital" when Bartels passed by.

"I enjoy this show," said Ray who is one of the center's higher-functioning patients. Asked what he thought about the judge's visit, Ray thought for a second and repeated, "I enjoy this show."

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Bartels toured the center with Dr. Ella Curry, the center's director, and James Clements, the day's star witness, constantly at his side. At one point, he asked Clements, the former head of Georgia's retardation agency, to show him all the spots in which he testified to finding human excrement in earlier tours. None was found.

"I didn't put the feces there," Clements said somewhat defensively.

In several bathrooms at the developmental center, the odor of urine was noticeable. A staff member was asked about the odor and Clements' charges about excrement-covered floors.

"I think it's generally kept pretty clean," the employee replied. "But with this kind of population, it's impossible to keep residents from going to the bathroom where you don't want them to go. The question is not whether there is excrement on the floor, the question, in my mind, is how quickly is it cleaned up. I think we respond pretty quickly."

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During a tour of the Nina Eaton Center, a United Cerebral Palsy facility at South Beach Psychiatric Center housing about 20 former Willowbrook residents among its 49 patients, Clements told center director Meredith Harris that toilet tissue is placed too high to be accessible. He said that is a violation of regulations for intermediate-care facilities such as the Nina Eaton Center.

"I'm not concerned about standards, I'm concerned about the safety of our clients," Ms. Harris replied, adding that toilet paper is kept out of reach of some residents so they won't eat the paper or hurt themselves.

Later, the judge asked Ms. Harris if it is possible to teach some of the older patients, many of whom have been given up as unteachable during their many years in institutions.

"Is it possible to teach an old dog new tricks?" he asks.

"Sure it is," Ms. Harris said. She told of a 47-year-old man who has just learned to feed himself. "I think that's marvelous progress," she said.