

State urged to appeal Willowbrook order

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ALBANY — Key state lawmakers yesterday urged the Carey administration to appeal a federal court decision to appoint a special master for the Staten Island Developmental Center.

But spokesmen for Carey and the state Office of Mental Retardation and Developmental Disabilities said no decision would be made until the state's attorneys can review the 70-page decision by U.S. District Judge John R. Bartels.

Attorneys for the New York Civil Liberties Union and Legal Aid Society, which brought the action, called Bartels' decision a clear-cut victory. They expressed confidence it would survive an appeal.

Assembly Mental Health Committee Chairwoman Elizabeth A. Connelly, D-West Brighton, said appointment of a master "was something we all hoped to avoid."

"I don't think it is proper for the court to take the operation of

a state facility away from the state," she said.

Although Bartels said the court was not trying to "control, manage or supervise the operation" of the Willowbrook center through appointment of master, Mrs. Connelly and Senate Mental Health Committee Chairman Frank Padavan, D-Queens, said the effect would be to dictate state policy for the retarded.

"There is no doubt," Padavan said, "that this decision will be appealed as was his (Bartels) prior action relating to the Willowbrook Review Panel and I believe it will have the same results."

Padavan was alluding to a federal appeals court decision striking down Bartels' order for continued state funding of the Willowbrook Review Panel, a former court monitor of care for the retarded. The Legislature cut off funding for the panel three years ago, arguing it had forced the state into expensive and unproductive programs for the retarded.

Mrs. Connelly, who has her of-

fices inside the developmental center, said she also disagreed with Bartels' finding that the state has failed to meet nearly every obligation of a 1975 consent decree mandating improved care for current and former residents of the Willowbrook institution.

"Things are certainly far from perfect," Mrs. Connelly said. "But the state has made a good-faith effort to improve conditions and have succeeded in many ways."

Carey, who had long boasted of improvements in care for the retarded during his administration, declined comment until his attorneys can review the decision, a spokesman said. Carey signed the 1975 decree, known as the Willowbrook Consent De-

creed, during his first year as governor — culminating a three-year old legal effort by civil liberties groups to rectify conditions at the center.

Earlier this year, the governor had tried to restore funding for the review panel, but was rebuffed by the Legislature.

Some Carey aides theorized yesterday that the appointment of a master was an attempt by Bartels to develop an alternative watchdog for the panel.

Henry Weintraub, an attorney for the Legal Aid Society, said that Bartels' decision totally backed up the plaintiffs' contentions of substandard care.

"Virtually, all the conditions we described the judge found that, in fact, they existed," Weintraub said.

Paul Kietzman, general counsel for the Office of Mental Retardation and Developmental Disabilities, said the state needed to review the decision before deciding on its next course of action. He said the state has 30 days in which to file an appeal with the 2nd Circuit Court of Appeals.