

Editorial page

Our opinion/

Advice and consent decree

It's more than a little ironic that state legislators were among the first to respond with angry criticism to a federal judge's decision to appoint an overseer of the Staten Island Developmental Center in Willowbrook. The Legislature must bear a good deal of the responsibility for the judge's action by virtue of its refusal to support a state-funded panel to monitor compliance with the Willowbrook Consent Decree.

The consent decree, negotiated in federal court and agreed to by the state in 1975, provided that the state was to reduce the population of the developmental center by moving almost all of the retarded persons housed there to small community residences. The decree also mandated that there be substantial improvements in living conditions and care at the center while its population was being reduced.

U.S. District Court Judge John R. Bartels, in a decision handed down Wednesday, declared that the state violated its part of the consent decree on both major counts. While extending the deadline for reducing the center's population to 250 by several years, the judge said he intends to act almost immediately to appoint a "master" to oversee conditions at the state-run institution.

Judge Bartels, who visited the center several months ago, said he found residents living in squalor and filth, wearing inadequate clothing and being fed improperly prepared food. Those and other observations by the judge paint a picture of conditions very much like those that first drew attention to the developmental center over a decade ago.

Although legislators may bristle at the prospect of court-mandated "interference" in the center's operation, the record should show that lawmakers are in part responsible for Judge Bartels' action.

Signing of the consent decree was coupled with

creation of the Willowbrook Review Panel, a state-funded but independent body that was to monitor the state's compliance with the agreement's provisions. It was recognized at the time that the state — which had to be sued to improve conditions at the Island developmental centers and others — should not be left on its own to implement the complex and difficult provisions of the consent decree.

The review panel, to be sure, was far from perfect. Among its many flaws was an unhealthy penchant for secrecy. But none of its flaws justified the Legislature's decision a few years back to put the panel out of business by cutting off its funding.

Demise of the review panel created a void, and that void clearly has led to a deterioration in conditions at the developmental center. Judge Bartels has acted to fill that void, and no one truly concerned about the humane treatment of the retarded should have any reason to object.

But both Judge Bartels and state officials ought to carefully re-examine the consent decree's goal of reducing the developmental center's population to 250. Many of the more than 1,300 persons now in residence at the center are profoundly retarded, a fact that makes their placement in group homes all the more difficult to accomplish.

The question that needs to be asked, and thoughtfully evaluated, is whether most of those individuals would enjoy a significantly better quality of life in group homes than they would in a well-run and adequately monitored institutional setting?

We're not suggesting that the state or the court should retreat from the commitment to decent and dignified care for the retarded. We're only asking that goals be reviewed and balanced against reality.