

3 named for Willowbrook post

By ANEMONA HARTOCOLLIS

A lawyer, a Catholic priest and a Massachusetts state commissioner have been nominated in federal court to serve as the overseer of the Staten Island Developmental Center in Willowbrook and related institutions for the mentally retarded.

The nominations, made separately by the New York State attorney general and the New York Civil Liberties Union, were accompanied by conflicting proposals to fund the overseer and to define the limits of his power. These proposals were submitted to Judge John R. Bartels of Brooklyn Federal Court, who will select one of the three candidates.

The Civil Liberties Union proposed that the overseer and his staff should be appointed for at least a two-year term and should be awarded a budget of \$625,000 in taxpayer funds during that period. In contrast, Attorney General Robert Abrams suggested that the need for an overseer should be reviewed annually and that his budget should not exceed \$130,000.

On April 28, Bartels ruled that the state had not met its obligation to care for the retarded. He said he would appoint an overseer, called a special master, to ensure improvement.

In addition, the Civil Liberties Union asked the court to give the overseer the authority to conduct "formal or informal hearings" concerning state care of the retarded. The attorney general, however, asked that the

master avoid "investigative and audit" work and instead confine his duties to analysis and reporting to the court.

Attorneys for the Civil Liberties Union and the state expressed dissatisfaction yesterday with each other's candidates and proposals for the master's post. Attorneys for the state said they would challenge the need for a special master in an appeal to the Federal Court of Appeals for the 2nd Circuit, Manhattan.

The fact that the state submitted nominees for the master's job "is not a waiver of the state's right to appeal," said Taylor R. Briggs, a lawyer with the firm of LeBoeuf, Lamb, Leiby & McRae, who is assisting the attorney general in this case. He said the state will file its appeal by Friday.

The Civil Liberties Union and the Legal Aid Society, representing parents of the mentally retarded, sued Gov. Carey and other state officials for negligence last summer. The plaintiffs asked the court to appoint a special master who would monitor conditions at state-run facilities for the retarded.

Judge Bartels found that 1,369 patients in the Willowbrook complex receive minimal therapy, sleep in rooms that smell of urine, eat in vermin-infested kitchens where the food is stored at temperatures that encourage spoilage, and wear torn and unseasonable clothing. He ordered the state to reduce the institution's population to 250 by April 1985.

The state and the Civil Liberties Union submitted their nominees for the master's post in written briefs filed with Bartels on Friday.

The state named only one candidate, Monsignor Thomas F. Cribbin. Monsignor Cribbin directs the Office for the Handicapped operated by Catholic Charities of Brooklyn and Queens. His office runs several group homes for the retarded, state officials said.

Two members of the once controversial and now defunct Willowbrook Review Panel were nominated by the Civil Liberties Union. They are Linda Glenn, assistant commissioner of state Mental Health and Mental Retardation Services in Massachusetts, and Michael Lottman, a lawyer in New York City. Lottman has acted as an expert witness on mental retardation during court hearings in Pennsylvania, Massachusetts and New York.

The seven-member Willowbrook Review Panel was created by a federal court order in 1975. But in 1980, the state Legislature, arguing that the panel was a waste of taxpayer money, refused to continue funding it. The panel performed a monitoring function similar to what the

Civil Liberties Union proposes for the special master. Its budget, \$342,300 annually, was almost identical to the financial compensation the plaintiffs seek for the master.

In its court brief, the state warns that if it is up to the Legislature, the special master may not be able to obtain any funding at all.

Briggs, the lawyer assisting the attorney general, said the state's proposal would allow the master only one-third as much money as the Civil Liberties Union wants, because the state envisions the job to be part time. Chris Hansen, a lawyer for the Civil Liberties Union, said both Miss Glenn and Lottman had agreed to serve full time, quitting their present employment.

Hansen objected to the nomination of Monsignor Cribbin. He suggested the priest was not an impartial candidate because Catholic Charities operates facilities for the mentally retarded. "It strikes me that it's difficult for a master to regulate himself," Hansen said. The master would monitor not only Willowbrook but other institutions and group homes where thousands of former Willowbrook patients have been transferred.

Hansen also insisted the special master should function as more than a liaison to the court. "I think it's virtually worthless if it can give all the advice he or she wants and nobody has to listen," he said.

Both sides in the court dispute agreed, however, that the master would not usurp the administrative functions of state mental retardation officials. "We stress that the special master would not assume the operation of the state Office of Mental Retardation and Developmental Disabilities," the plaintiffs said in their brief.