

Judge names watchdog for Willowbrook center

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ALBANY — A federal judge who found life at Staten Island Developmental Center and other centers for the retarded "sterile, dreary and one of enforced idleness" yesterday appointed a "master" to monitor state improvement efforts.

U.S. District Court Judge John R. Bartels appointed Dr. Rudy Magnone, director of Ohio's retardation department, to act as "an arm and as the eyes and ears of the court."

The judge ordered Magnone to begin his work within two weeks.

Magnone, in an interview, said his first goal would be development of a plan "with the cooperation of all parties" to resolve the deficiencies in care cited by Bartels.

"I think it's very obvious that the judge is anxious to have all the parties work together to the benefit of all the residents and that seems to be my major chore," Magnone said.

Bartels said Magnone won't have "authority to exercise any control or management over the

operation" of state facilities, but rather will monitor compliance of a 1975 consent decree which mandated improved care for members of the Willowbrook class. Class members are residents of the Island center when a suit was brought in 1972 that led to the signing of the consent decree.

At the time, state officials described the decree as a commitment by the state to end what critics called snake-pit conditions at the Willowbrook institution.

In his April decision, Bartels ruled that New York had failed to meet virtually every consent decree obligation to clean up the Staten Island Developmental Center and give humane care to the 3,156 class members still under state care.

Magnone's appointment came somewhat as a surprise because he was not on a list of candidates solicited by Bartels from the state and groups representing the retarded. The judge selected Magnone, a Columbus, Ohio, resident and a former official with the Massachusetts' mental retardation department, based on the recommendation of Dr. Robert Carl, associate director of the

Rhode Island mental retardation department, an aide to the judge said.

Carl, recommended for the master's post by the U.S. Justice Department, removed himself from consideration after concluding he did not have the time to take the job.

Retarded Citizens.

In few places will he find more divergent groups than in New York, where state administrators, private service groups for the retarded, parents and unions representing state employees have differed on many key issues.

State officials reserved com-

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U.S. District Court Judge John R. Bartels indicated yesterday that he expects Dr. Rudy Magnone to coordinate the efforts of 14 existing monitoring groups and give special attention to the placement of institutionalized residents into community facilities. The state has been lagging far behind placement goals for the Staten Island Developmental Center established in the 1975 consent decree.

Several advocates for the retarded in Ohio yesterday described Magnone as a man who works well with conflicting groups.

"He's very good at helping divergent groups find a common path to work on their problems," said Robert Miller, executive director of the Ohio Association for

ment on Magnone's appointment. But Paul Kietzman, general counsel to the Office of Mental Retardation and Developmental Disabilities, said the state would continue to pursue its appeal of Bartel's April decision, in which he announced his intention to appoint a master.

The state maintains Bartels

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erred in finding widespread violations of the 1975 consent decree.

Chris Hansen, one of the New York Civil Liberties Union attorneys who brought the suit charging widespread violations of the consent decree, said he was "delighted" with Magnone's appointment.

"I look forward to working with him," Hansen said. "I'm pleased that the judge has made an appointment and I have no reason to believe that Dr. Magnone won't be of marvelous assistance to New York in implementing the consent decree."

Hansen said the judge's instructions make it clear that the master is being appointed as a monitor only, not to "substitute himself for the director of Staten Island Developmental Center or the commissioner of mental retardation."

"That was a concern of some state officials, but his directive shows that it wasn't a valid concern," Hansen said.

Some state officials see Magnone's appointment as a replacement for the Willowbrook Review Panel, a group that had

monitored compliance of the consent decree for six years before losing its \$350,000 a year in state funding because of legislative complaints about some of its recommendations.

Hansen said both Magnone and the panel have similar mandates, but noted that Magnone will have a significantly smaller staff.

Magnone is limited to a budget of \$169,000, which is to include two full-time staff members, a secretary and money for expenses including transportation to and from Ohio, where he is to remain director of the state's retardation agency.

Bartels said he considers the \$169,000 to be the "costs" of the legal action brought by the Civil Liberties Union and other groups and therefore "no specific application to the Legislature will be necessary."

Senate Mental Health Committee Chairman Frank Padavan, R-Queens, who had lobbied to cut off funding for the Review Panel, could not be reached for comment on whether he agrees with the judge's assessment. In the past, he charged the judge had overstepped his authority into areas within the jurisdiction of the state Legislature.

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