

all citizens under the First, Fourth and 14th Amendments.

The Rothmans provide a vigorous analysis of the logical, constitutional and political problems of the case. The plaintiffs' demands seemed straightforward enough, but they masked important questions. How could Willowbrook be a prison when the families were free to remove the residents at any time? Where were the armed guards? The locked gates? Closing Willowbrook, opening community-based homes and then overseeing those homes would require a reordering of priorities in the State's budget. How could the Court tell the Legislature and the Governor where and how to spend money without violating the separation of powers? And, finally, how could the Court tell the State what to do and monitor

*"A richly detailed account of the legal battles to shut down the Willowbrook State School."*

compliance without making powerful enemies in Albany, enemies who would be certain at the first opportunity to try to wrest control back from the Court?

The Rothmans stress how fortunate the plaintiffs were to draw judges who were willing to use the Court to protect the helpless, a circumstance that underscores both the role of chance and the importance of individuals in history. Other judges might have hesitated because of the dearth of sound legal precedents or fear that the Federal judiciary was becoming too intrusive in New York State's affairs.

In April 1973, Judge Orrin Judd ruled in favor of the plaintiffs and issued an order for preliminary relief. But two more years passed before a consent decree was signed. The Rothmans say the State played a kind of numbers game with the Court in this period, and accuse the State (with good reason, it seems) of stalling in order to transfer large numbers of Willowbrook residents to other (also unsuitable) institutions, thus creating the appearance of compliance with the Court's relief order.

Though the consent judgment contained elements of com-

promise, it was a clear victory for the plaintiffs. Willowbrook was to be closed, its residents resettled in community houses. But implementing the judgment proved to be the most difficult (and rewarding) part of the case. Judge Judd died, and supervision fell to his successor, Judge John R. Bartels.

New and vigorous officials had to be hired by the State's Department of Mental Hygiene (eventually a whole new Office of Mental Retardation had to be created); the public's anxiety about the mentally retarded had to be reduced before the State could return them to the community; the public's fear that homes for the mentally retarded would drive down property values had to be assuaged; voluntary and proprietary groups willing to undertake the job of running homes had to be identified and prodded into action; and, finally, detailed operating standards for the community homes (complete with a system for monitoring compliance) had to be developed literally from scratch to make certain that Willowbrook's residents did not escape one huge hellhole only to be left to rot in hundreds of miniature Willowbrooks.

**T**ODAY, Willowbrook's population has been vastly reduced but the school has still not been closed. The majority of its residents have been moved to homes in the community; and the quality of life for those who have been returned to the community has, in most instances, improved dramatically. The Rothmans insist that the Willowbrook case represents an important victory for social reform in the United States, proof positive that the failed institutions can be jettisoned in favor of new and more efficacious approaches. But given the troubled record to date of state efforts to return the mentally ill to the community, one wonders if the authors' ringing endorsement of deinstitutionalization is warranted. At the very least, their certainty would seem premature.

Granted, there is no such thing as impartial scholarship, but the cause of understanding the past is not served well when historians rise up like unabashed partisans. Scholars are expected to bring balance, perspective and judgment to their work. In their zeal to promote social change, David and Sheila Rothman denigrate not only the institutions of the past, but the people who have staffed them and the politicians who must decide how public funds are to be spent. It is terribly difficult to mix history with moral certainty and not produce polemic. As a polemic, "The Willowbrook Wars" succeeds brilliantly — but as history it leaves a great deal to be desired. □