

Our opinion/

Banning the retarded

Staten Islanders are a creative people. If you don't believe it, listen to the excuses they give when opposing group homes for the retarded in their communities.

Not enough parking, they say. Not enough drainage. Not enough recreational facilities. Too much traffic. Too close to the water. Too close to the woods. Too far from the woods.

Given the chance, many Staten Islanders will cite every excuse but the real one: They just don't want the mentally retarded in their neighborhoods, and certainly not next door. It's the old cry of, "Not in my backyard!"

After this summer, however, it may be harder for activists to stop the placement of group homes in their neighborhoods. At least it is a possibility.

Last week a case before the U.S. Supreme Court raised the question of whether states and cities can effectively ban group homes for the retarded by setting standards substantially different than those applied to other citizens. A ruling on the case is not expected until July, and it will not be a simple matter of yes or no. But when that ruling comes, its repercussions are likely to be felt right here on Staten Island.

The case involving a Texas group home turns on a tricky legal point: How closely can state and federal courts examine laws that treat the mentally retarded differently from other people? Under current federal law, it is much harder to defend different standards for people of different sex, race or national origin, but much easier for cases involving physical or mental disabilities.

In the current case, lawyers for the group home argue that the standard for examining group home laws should be closer to that for sex-based or race-based discrimination. That is, discrimination against the retarded should be

considered to be as serious as discrimination against blacks or women.

To a degree, the Texas group home advocates are right. The mentally retarded *do* suffer intense discrimination, not only in Texas but on Staten Island as well.

The scenario has been enacted over and over again on Staten Island: An agency asks for state permission to operate a group home. Rumors quickly spread among the neighbors and before you know it there is a mass demonstration at a community board hearing. The demonstrators almost always say they are acting for the benefit of the retarded, but in truth their motives are almost always selfish.

Fortunately, the community boards have generally acted responsibly. They have a decent track record of accepting group homes in their communities. Even if they did not, however, they would probably be overruled by the state. In that, we are lucky. New York City and New York State have liberal standards to protect the retarded.

Many other cities and states around the country are not so understanding. They ban the retarded by enacting overly restrictive laws. Again, the motive is not to protect the group home's residents, though that is usually the excuse that is given. More often it is to protect the hysterical neighbors.

It is true that standards for group homes *should* be more restrictive than standards for normal homes, in recognition of the needs of the handicapped. But they must not be so overly restrictive as to effectively constitute a ban.

The court now has an opportunity to right the wrongs created by overzealous, ignorant homeowners who fear the retarded from their communities. We look forward to the decision this summer.