

Mislabeled deaf patient lived

in silent void

By ANNE SILVERSTEIN

ADVANCE STAFF WRITER

Chances are slim 24-year-old Joseph McNulty will ever live a "normal" life. And it appears he has the state to thank for that future.

Joseph McNulty, now a Syracuse, N.Y., resident, was a deaf 4-year-old when he entered the Willowbrook State School and was diagnosed as profoundly mentally retarded. That label remained with him for more than 13 years.

For many of those years, he had no way to communicate. No one taught him sign language, to read lips or to write. At age 14, he didn't even know his name. Without family or friends to turn to, he was alone in

a silent, and at times, frightening world.

McNulty is the son of a deaf woman who was a rape victim. She gave the boy up for adoption, placing him in the Angel Guardian Home in Brooklyn, said Elizabeth McGinty, a lawyer with the Syracuse firm Davoli, McMahon and Kublick.

She is one of the lawyers who will be representing McNulty in New York State Court of Claims next week when his \$10 million lawsuit against the state for incorrectly diagnosing him as mentally retarded goes to trial.

McNulty's mother was white; his father was black. Given the social climate of the early 1960s, McNulty was not adopted, probably because of his mixed heritage,

say those familiar with Joe's story. At age 2, McNulty was diagnosed as deaf, which made adoption less likely.

Two years later, with no way to continue caring for him, the orphanage asked the Willowbrook State School to accept him. McNulty's intelligence was reportedly in question at the time, but the orphanage also notified Willowbrook authorities that the boy was deaf.

On Sept. 29, 1966, Joe moved into Willowbrook, which then had more than 5,200 residents crammed into a facility designed for about 500. McNulty was tested, but the tests were geared primarily toward verbal skills, Ms. McGinty said. The result: Willowbrook labeled him an

"imbecile," the terminology in use at the time. He was tested three times during his seven-year stay. Each time he performed poorly; each time he was apparently tested primarily on his verbal skills.

Locked in that dark abyss that was called a school, McNulty is said to have been given little, if any, training. He also learned to trust no one; he developed no personal relationships and he learned to imitate the children and adults around him. In other words, he became functionally mentally retarded, say his lawyers and a field of experts who will testify on his behalf.

To complicate matters, McNulty was

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