

Mislabeled deaf patient lived

in silent void

By ANNE SILVERSTEIN

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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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reportedly given large doses of behavior-altering drugs on a regular basis. At times, he was also kept in isolation — once he was isolated for 30 days because of a fungus infection, his lawyers said.

In 1973, as a result of a federal class-action lawsuit filed against Willowbrook that charged the state was violating Willowbrook residents' constitutional rights, McNulty was released to a "family care home" in Theresa, N.Y., Ms. McGinty said.

There, according to other boys who lived there, McNulty is believed to have been constantly sexually abused, Ms. McGinty said. The state closed the house, albeit for other violations, in 1974, she said, and McNulty moved into Sunmount Developmental Center in Tupper Lake, N.Y., where finally he met someone who took an interest in him.

Dan Geller, an audiologist, was responsible for testing McNulty's hearing when he arrived and decided to teach him rudimentary sign language. During the next two years, Geller became convinced McNulty was not retarded but had suffered extreme emotional and educational deprivation from birth.

Geller learned McNulty could receive services better suited to his needs if he lived in the community. Unable to find a suitable community-based house, Geller and his fiancée, Deena Butcher, an occupational therapist, brought McNulty into their home in the spring of 1978 so he could attend special education classes at Tupper Lake High School.

During the years, psychologists had re-evaluated McNulty a number of times. Finally, on June 11, 1980, Sunmount removed the mentally retarded label; his new designation was "deaf-mute/no mental disorders," Ms. McGinty said.

The Gellers moved to Liverpool, N.Y., in 1980 and McNulty moved with them. He again attended the local high school's special education program; at both schools, he ran on the track team and began establishing, for the first time, relationships with people his own age.

After several years of trying to get McNulty into a school for the deaf, in 1983 the Gellers finally persuaded the Rome School for the Deaf, in Rome, N.Y., to take him. A year later, they had to persuade the state to continue funding McNulty's education because the 21-year-old had "aged out" of the system, that is, he was no longer the state Education Department's responsibility to educate.

Funds became available after Assemblyman Michael Bragman, D-Onondaga County, and the law firm Geller hired, Davoli, McMahon and Kublick, became involved. That law firm also filed three lawsuits — two in the state and one in federal court — on McNulty's behalf.

Funding also became available for a special school in Texas that McNulty attended in 1984 for a brief time. Living in a strange setting with students who were at a more advanced level, however, proved too difficult for McNulty, Bragman said. He soon moved back to the Gellers' house. Last February, McNulty moved into the Avery Community Residence, one of sev-

eral dozen group homes run by the Syracuse Developmental Center. He works in a local hospital kitchen and helps around the community house with the cleaning, cooking and housework.

But he is still very much alone, Geller said. At his house and at the hospital, no one knows sign language, he said. And living with mentally retarded people is not providing enough of a challenge for him.

If there's to be any life at all for McNulty other than that which he is now living, Geller said, he will need special rehabilitation designed for him. He needs so much, Geller said, and he needs it now.

This is second in a three-part series. Tomorrow: With extensive rehabilitation, what kind of life could Joseph McNulty have?

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2/9/82