

Normal life is unlikely for deaf patient

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It took three years for Joseph McNulty's lawsuit, which charges that the state incorrectly diagnosed him as mentally retarded, to come to trial in the New York State Court of Claims.

A victory in court would give McNulty the money he needs to pay for a major one-on-one rehabilitation program, one that could help him lead a more normal, more independent existence, say his lawyers, friends and experts in the field of mental retardation and developmentally disabled.

McNulty, who is deaf, was diagnosed at the age of 4 in the Willowbrook State School as profoundly mentally retarded, or in the jargon of the mid-1960s, an "imbecile." He lived with the label of mental retardation for 13 years and was given little education or training.

He has lived in state institutions, including the seven years he spent in Willowbrook, for most of his life. He now lives in a community residence in Syracuse with six people who range from profoundly to mildly mentally retarded.

While most experts agree that a person in his situation probably will never lead a "normal life," or one that a properly educated deaf child would lead, they are hesitant to say how far he could go if given the chance.

About two weeks ago, Jerome D. Schein, a professor of deafness rehabilitation at New York University who is also chairman of deaf studies at Washington D.C.'s Gallaudet University, spent a few hours observing McNulty. Schein will be an expert witness for McNulty during the trial.

"He has a great deal of intellectual potential, but he simply lacks

the education to take advantage of it," Schein said. "He would not only have completed high school — he might have completed college. He shows the behavior of someone deprived of the basic education" given to people with normal intelligence but without normal hearing, he said.

When given a hypothetical situation similar to Joseph McNulty's case, Dr. Gerald Spielman, director of the Elizabeth W. Pouch Center for Special People in Randall Manor, said a person who has been so completely environmentally deprived would need a multi-disciplinary rehabilitative program including training in academic subjects, interpersonal social skills training, vocational training and communication skills.

His chances for a "normal life" would be poor this late in life, Spielman said, but he could learn to communicate with others, which would be "like coming out of the dark."

By improving his ability to communicate with others, he could increase his capacity to trust people and form loving, affectionate relationships. Increasing his capacity for better social relationships also would increase his employment opportunities, Spielman said.

State employees of the Office of Mental Retardation and Developmentally Disabled and the attorney

general's office would not comment on McNulty's intelligence or whether he is mentally retarded now.

Schein has recommended a four-year intensive program of rehabilitation for McNulty much like the one Spielman described.

The first step, and the most difficult one, will be teaching McNulty to trust people, Schein said. "You're going to have to have considerable empathy so you can understand why he responds as he does," Schein said.

"It's going to take a considerable amount of time to work with him in order to understand his language base. While the rest of us developed a shared language, he developed an idiosyncratic language," one of his own, Schein said.

But McNulty needs to start rehabilitation now. "Every minute makes the task more difficult," Schein said. "He is someone who is capable of a great deal of learning. His level of concentration, his willingness to work (is) very impressive."

"It would be exciting to try to reach him. It (is) quite as though he was someone from a foreign country who you suspected to be highly intelligent" but shared no common language, Schein said.

"Communication is not simply knowing what words come next," said Dan Geller, an audiologist who has worked with McNulty

since 1976 and with whom McNulty lived for a number of years.

"It's knowing how to use it, how to read people, knowing how to project yourself into someone else's mind, knowing how they will react. You have to know what to say, who to say it to, when to say it," Geller said.

He is also confident that McNulty is intelligent and has the ability to learn. "There's no reason to believe he didn't have it. There's every reason to understand why he doesn't have it now," Geller said.

"How can a young child go through that," he said, referring to McNulty's stay at Willowbrook at a time when the late Sen. Robert F. Kennedy called it a snakepit, "and not come out retarded?"

Schein is optimistic about McNulty's chances for success but something else bothered him when he met him two weeks ago. "I was depressed by his lack of expressed emotion, at least in the time I spent with him. He expressed little change in mood. He was for the most part flat," Schein said.

In a videotape McNulty appeared in several years ago, "he was quite an enthusiastic young man. All of that sparkle, all that enthusiasm seems to have been drained out of him. He's just on the point, it seems to me, of giving up," Schein said.