

McNulty legislation dead issue

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ADVANCE ALBANY BUREAU

ALBANY — Legislation that would force the state to provide intensive training and care for Joseph McNulty, a deaf man treated for years as retarded, has apparently died in the Assembly Mental Health Committee.

Assemblywoman Elizabeth Connelly, D-West Brighton, who chairs the committee, said she thought the measure, which would provide \$150,000 for McNulty's rehabilitation, would prejudice a pending court case.

But the bill's frustrated sponsor, Michael Bragman, D-Syracuse, contended yesterday he amended the measure to allay that concern. He said any reward granted McNulty in the pending Court of Claims case would subsidize the allocated state cost, under its amended terms.

The measure was "held" by vote of the committee June 10, effectively killing it for the session. Bragman said he was surprised and that he'd been led to believe the committee would support the measure.

"If you want my honest answer at this point, I'm stymied," Bragman told the Advance when asked about the measure yesterday.

McNulty, 24, the subject of a series of stories in the Advance last year, spent years at the former Willowbrook State School on Staten Island.

By most accounts, his history in the state system was riddled with problems as he was shifted between homes and institutions and subjected to abuses.

Despite documented claims from a guardian, experts and his lawyer that McNulty is not mentally retarded, the state currently claims that McNulty is retarded.

McNulty remains in the Sunmount Developmental Center in Tupper Lake, N.Y., with no education program geared toward his skills, his defenders say.

Mrs. Connelly said yesterday, "We held the bill. There was a consensus there may be many McNultys out there."

But she conceded she could not say how many persons in the same position there could be, and no investigation is under way to determine such a number.

She said she "may have gotten a letter opposing" the bill from state Office of Mental Retardation officials, who have been at odds with the McNulty supporters in court.

Assemblyman Robert Wertz, R-Suffolk, a leading GOP minority member on the committee, said such cases "should not be taken on an individual basis and not do something for all of them," Mrs. Connelly recalled.

Bragman said he had gotten indications of interest from Sen. Tarky Lombardi, R-Syracuse, in sponsoring the bill if it first cleared the Assembly, but no guarantee of support there.

Bragman said that early last month, feeling assured of the Mental Health Committee support, he started lobbying the higher Ways and Means Committee to advance the bill.

Bragman held a news conference with McNulty earlier in the session in a bid to publicize his plight. He said only after the conference, the state upgraded communications training for McNulty.

Mrs. Connelly said she would reconsider the measure after the session "depending on how (the case) is resolved."