

THE ISLAND

Late judge honored for Willowbrook ruling

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The horrors endured by residents of the Willowbrook State School won't soon be forgotten, but neither will the vigilance and compassion of a federal judge who spurred a "social revolution."

Yesterday, Judge John R. Bartels was honored posthumously for more than two decades of effort that helped change the way people in this country think about mental retardation.

Presiding over the Willowbrook class action case from his bench in U.S. District Court in Brooklyn, Bartels pulled 5,700 people out of squalid and inhumane living conditions at the institution, putting some on the path towards self-sufficiency.

Many advocates for people with disabilities agree that the fight isn't over, but the past 25 years have brought significant transformation, both in the public's perceptions and the level of services. In the 1970s, mentally retarded people were hidden away from society, kept in crowded, filthy conditions, and sometimes used for medical experimentation. Now many lead richer, more independent lives. And Bartels was at the heart of this change.

"He recognized that separate is not equal and that segregation for

people with mental retardation is intolerable. He intuitively supported and encouraged inclusion in the community before that concept became fashionable," said Dixie Blood, one of the attorneys who represented the plaintiffs in the Willowbrook case — which eventually led to the institution's closure — and the attorney who nominated Bartels for the Century Project award. Bartels was selected for the honor by the National Historic Preservation Trust on Mental Retardation for "his work in improving the lives of people with mental retardation."

Chief Judge Edward Korman accepted the award on Bartels' behalf as not only a colleague and a friend, but father of a mentally retarded and severely autistic son. "I know how utterly vulnerable are those who are so afflicted, and how utterly horrible it was that they were mistreated," Korman told the gathering of judges and lawyers, Willowbrook class members and their families.

A painting of the judge, looking dignified and serene, overlooked the courtroom as the award ceremony took place — the same courtroom where he signed the Willowbrook Consent Decree in 1975. This agreement laid the groundwork for national reforms in the care, education and housing of people with developmental disabilities. It also ordered Willowbrook's population reduced to 250

by 1986, with former residents transferred to more humane environments, such as community residences.

While the Willowbrook class action suit was not the only federal case to surface in the 1970s, putting pressure on the government to re-evaluate its policies, the Staten Island institution was the country's largest and arguably most notorious. The litigation, which is ongoing, was initiated in 1972 by the New York Civil Liberties Union and on behalf of the New York State Association for Retarded Children, Inc.

Those who knew and worked with Bartels praised his ability to bring the state and the plaintiffs together to find creative solutions in the service of justice. These people — from both sides of the case — were present yesterday to honor Bartels.

The judge's vigilance did not cease until he died in 1997 at the age of 99, working to the end. He not only wrote the court orders, but enforced them by ensuring that the Consumer Advisory Board — formed to advocate for the Willowbrook class members — lasts as long as they are alive.

For those who lived at Willowbrook, and for their families, the institution's legacy will forever be a source of shame and pain. They credit Bartels for ending their nightmare.

"Judge Bartels is my hero," said Bernard Carabello, advocate and Willowbrook class member who spoke at the ceremony. "Nobody on the outside knew that we existed."

But advocates for people with disabilities said that abuses, segregation and mistreatment do continue, despite stricter laws and monitoring procedures. And the general public is often resistant when a group home is going into their neighborhood. "Those who don't know the history are doomed to relive it, and we can never let this happen," said Michael Dillon, president of the National Trust.

After the ceremony, one Queens woman was overcome with emotion as she remembered visiting her brother at Willowbrook decades ago as a little girl. Susan Giordano said she cannot bring herself to go near the site of institution, which was closed in 1987. At the age of nine she knew something was horribly wrong with the place, and afraid of the noise and the smell, "but at that time we didn't have any choices."

Ms. Giordano came to Brooklyn federal court yesterday to honor a man who did so much for people in her brother's situation. But for her family, the struggle for reliable care is ongoing. "We can't say enough about Judge Bartels. But I'm just fearful that people will walk away with a clean conscience."