

Senate Hears of Abuse In States' Mental Care

Special to The New York Times

WASHINGTON, April 1 — Residents of state institutions for the mentally ill and mentally retarded have been beaten and abused and they often receive little treatment except for medication to keep them quiet, according to testimony given today at a Congressional hearing.

After listening to the testimony, Senator Lowell P. Weicker Jr., Republican of Connecticut, who presided over the hearing, said, "This is the shame of America."

Jenni Tolska, a nurse from the New Jersey Department of Human Services, testified that conditions in that state's facilities, especially the Trenton Psychiatric Hospital, were "below minimally acceptable standards."

On one floor of the hospital, she said, "there was never enough food to go around to all patients." When she revisited the hospital two weeks ago, she said, the problems had not been corrected and seemed to have become "more widespread."

She was subpoenaed to appear at the hearing and testified under oath.

State Challenges Testimony

Howard B. Shapiro, deputy director of the New Jersey state office in Washington, said hospital officials did not find the testimony of Mrs. Tolska and other witnesses "credible." Every allegation of abuse at the Trenton hospital is investigated, he said.

Mr. Shapiro acknowledged that there was "one basic problem," a shortage of nurses, especially psychiatric nurses, at the Trenton hospital. But he said many other psychiatric institutions had a similar problem.

Senate investigators who visited 31 institutions in 12 states reported that residents were often subjected to "abuse and serious physical injury," sexual advances and rape, as well as "verbal threats of injury and other forms of intimidation."

The staff of two subcommittees headed by Mr. Weicker set forth the results of their investigation in a 246-page report. Living conditions, they said, are often "unacceptable" and patients are too often put in seclusion or confined with leather restraints. "There is little treatment, other than medication, provided in many state institutions," the report said.

"All of the institutions responding to a request for information documented incidents of patient abuse within the last year which resulted in disciplinary action against staff," the report said. "The majority of these institutions fired at least one employee."

Parents from New Jersey and Texas testified that children in institutions were beaten and physically abused and were sometimes left to play in filth, including puddles of urine.

One witness, Harold Cockerham of

Fort Worth, testified that his 12-year-old son, Christopher, had been "severely beaten" at the Fort Worth State School in Texas. As a result, he said, the boy sustained bruises on his head, face, neck and back in February of last year.

Another witness, Wilbur Savidge of Hurst, Tex., described the Fort Worth State School as "a stark, filthy institution." He said that his 12-year-old son, Jonathan, also came home with bruises and "lost many skills he possessed before placement" at the school. He received inadequate care for scoliosis, a severe curvature of the spine and other medical problems, Mr. Savidge said.

In Fort Worth today, the superintendent of the school, Melvin Hughes, held a news conference and issued a statement saying he was unaware of the parents' "specific testimony."

"If things are not right, we want to be the first to know," the statement said. "As problems and individual circumstances are discovered, we move to correct them."

Mr. Hughes's secretary, Linda Price, said that in his remarks, the superintendent did not make "any admission or denial" of the allegations. The school is operated by the Texas Department of Mental Health and Mental Retardation.

Senator Weicker called the hearings in his role as chairman of the Senate Labor and Human Resources subcommittee on the handicapped, a unit of the Committee on Labor and Human Resources, and as chairman of the Appropriations subcommittee on health and human services.

An aide to the Senator said Mr. Weicker had a 6-year-old son with a mild form of mental retardation resulting from Down's syndrome.

When the child was born, Mr. Weicker recalled at the hearing, "I was asked whether I wanted to keep him or give him away."

The child lives at home in the Washington area and attends public school, according to the Senator's press aide.

Mr. Weicker and Senators Robert T. Stafford, a Vermont Republican, and Paul Simon, an Illinois Democrat, said they wanted to pass legislation to correct the problems described today. Thus, the hearing appeared to mark the start of a new phase of Congressional concern about problems that have been sporadically reported in the last few years.

Senator Weicker said the Federal Government paid millions of dollars in Medicaid funds to state institutions, including the Fort Worth school, which he said was receiving about \$8.5 million this year.

There are procedures for inspecting and accrediting state institutions for the mentally ill and the mentally re-



Associated Press

Jonathan Savidge, a 12-year-old from Hurst, Tex., being comforted yesterday by his sister Schelly Hanson as they appeared before House subcommittee. Jonathan's father, Wilbur Savidge, testified that the boy had received poor care at the Fort Worth State School.

tarded. But Mr. Weicker said: "The accreditation procedures are a farce. States are certifying themselves. There is no oversight or check."

David Ferleger, a Philadelphia lawyer who has represented people in state institutions, recommended that Congress authorize courts to award "treble damages against state officials who violate the civil rights of people in institutions."

In addition, he testified, Congress should pass a criminal law prohibiting such abuse, and the Justice Department should establish a special prosecutor to pursue such cases. Finally, he said, Congress should authorize special "appointed counsel to inmates of mental institutions who bring habeas corpus proceedings in Federal court."

Cartier Robbed of Watches

By United Press International

One or more thieves broke into the Cartier jewelry store on Fifth Avenue at 52d Street early yesterday and stole four watches and other goods worth more than \$10,000, the authorities said. Police officers and a security guard responding to an alarm at the store at 2:38 A.M. found two display cases inside broken and partly emptied, the store's security director.