

Pa. aide stirs ire of judge

He hears criticism of Pennhurst case

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U.S. District Judge Raymond J. Broderick said yesterday he may hold Pennsylvania Welfare Secretary Helen O'Bannon in contempt of court because of her videotaped criticism of the Pennhurst Center case.

Broderick said yesterday that also will consider a request that officials of the state and Philadelphia, Bucks, Delaware and Montgomery counties be cited for contempt for not complying with a March 2 order that 50 Pennhurst residents be placed back in the community by June 30.

The tape of a Dec. 12, 1980, interview with Mrs. O'Bannon on ABC News was shown at a hearing yesterday on a request that she and other state Public Welfare Department officials be cited for contempt.

Mrs. O'Bannon was accused of urging the state Legislature to cut off funds for two masters named by Broderick to expedite the phasing out of the state institution in Chester County.

The request for the citation was made by attorneys for the Pennsylvania Association of Retarded Citizens (PARC) and individual residents of Pennhurst.

Mrs. O'Bannon was not at the hearing.

But in the ABC interview, she declared: "We should in no way be forced to dump these people into unaccepting, hostile environments, where they can't get services and where they will be shoved in the back rooms and attics that replace the back wards of these institutions of yesteryear."

An angry Broderick wanted to know if this actually was the Welfare Department's view of his 1978 order which mandated "suitable community living arrangements" for Pennhurst residents.

Deputy Attorney Gen. Robert B. Hoffman attempted to placate the judge and said the statement was taken out of context. He claimed Mrs. O'Bannon was not opposed to his program of returning the retarded to the community, but concerned that it would be done without proper preparation.

The Welfare Department had asked the Legislature for \$900,000 to fund the offices of Pennhurst special master and hearing master in the state's 1981-82 budget.

The figure was reduced to \$35,000, after Mrs. O'Bannon told the House Appropriations Committee last March she would not comply with Broderick's order to set a timetable to phase out the institution.