

# Senate cuts special master's funds

By BILL MOONEY  
(Of the Local News Staff)

The eternal friction point of what happens when a federal court orders a state government to do something ignited in Harrisburg in the last few days as the Senate slashed from \$900,000 to \$100,000 the state money earmarked for the federal office which oversees Pennhurst client mainstreaming.

As the state budget situation for 1981-82 stands after yesterday's Senate session, Special Master Carla Morgan, whose office oversees the relocations of mentally retarded persons into communities from Pennhurst, will receive \$100,000 to work with next year.

The office used at least \$700,000 during this fiscal year and the Welfare Department has requested the legislature appropriate \$900,000 for next fiscal year.

If \$100,000 is what the King of Prussia-based office receives, Morgan said the office can do little work. "Either the judge will have to decide that he needs to order them to spend money that hasn't been appropriated or he has to decide that he no longer has a need for the special master's office," Morgan said.

U.S. District Judge Raymond Broderick created the office in 1978 and appointed Morgan to the post July 1 of that year to oversee implementation of his orders mandating all of Pennhurst's residents be relocated to communities because he had earlier declared Pennhurst violated constitutional rights to treatment in a least-restrictive setting.

## Oversee CLAs

The most important work the master does is overseeing the progress of retarded people after they've left Pennhurst in Spring City and moved to community living arrangements, insuring they are provided for and not neglected. If \$100,000 is what the office has to work with next fiscal year, a lot of that work might go undone.

"The state hasn't done it," Morgan said yesterday. "At least there's somebody now who's doing it," she said of her office.

"As long as the court order is in effect, the things we've been spending most of our time on: the monitoring of community services, the review of the plans, none of these things nobody else does.

"Until somebody else starts doing it, not talking about it, I mean actually doing it, I don't know how anybody is assured that all of the promises in the court order will get carried out."

State Sen. John Stauffer (R-19) of Phoenixville, illustrated yesterday the attitude of legislators angry at Broderick trying to tell them what to do.

"What right does a federal judge have to make a mandate for the state of Pennsylvania," he said. "That was wholly without precedent; I'm amazed he tried to do that.

"I couldn't be more critical of that. The performance (of Broderick) has been just terrible. To have a federal judge and for him to start appropriating money for the Commonwealth, I think we have to resist that on the basis of the separation of the powers of the federal and state governments."

## Called unnecessary

Stauffer felt the master's office was an unnecessary layer of bureaucracy providing a service which he felt the Welfare

Department could also provide.

Sen. Richard Tilghman (R-17) of Bryn Mawr, also supported the almost entire defunding of the master's office. He said the master's office appropriation comes from money that otherwise would go to Pennhurst.

The requested \$900,000 included \$150,000 for the federal hearing master in charge of presiding over cases where a client's community placement is disputed or op-

posed.

"The Pennhurst budget isn't so fat it can stand cuts like that," Tilghman said. "That's (still) a lot of money, \$100,000. I don't even know what they do," he said of the master's office. "I don't care, I think the whole thing was so screwy anyway."

Pennhurst's budget for 1981-82 is \$43.2 million, \$25.5 million of that state money,

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and most of the rest federal money, according to Welfare Department spokesman Tim Potts.

"It's difficult to tell what we're going to do," he said of the Senate action. "We will wait and see when the time comes what the legal ramifications of such an action are. We do support the governor's proposed budget," which requested full funding for the master's office.

According to Tilghman's aides, the only way the \$100,000 for the master could by increased now is through an amendment introduced on the Senate floor or through action in a House-Senate conference committee.

Although the Welfare Department spokesmen have consistently said their office supports funding the master's office, it's no secret Welfare officials won't shed any tears if the master's office shuts down.

The politics surrounding the funding of this office are at the crux of the entire Pennhurst battle.

## State opposition

Jennifer Howse, the state's deputy secretary for mental retardation, said in April, "The Commonwealth will vigorously pursue the elimination of the special master's office. We don't believe a special

master is necessary to oversee the placements of Pennhurst residents; we don't believe a special master is necessary to ensure the quality of those placements."

The Welfare Department under Gov. Dick Thornburgh and Welfare Secretary Helen O'Bannon has maintained that it supports community living for the retarded but at its own controlled pace, not at the court-ordered pace Broderick has set down.

Earlier this year, O'Bannon told legislators she'd risk contempt of court and jail rather than rush people who she felt weren't ready into communities.

In the past, the budget request for the special master has been included in the general budget request for Pennhurst; this year, for the first time, the budget request for the special master appeared as a line item, spelled out and distinct from the request for Pennhurst.

"I understand the Welfare Department said they pulled it out in order to make it clear to the legislature that the Pennhurst budget was larger than some of the others because it covered the master's expenses," Morgan said.

As an arm of the federal court, she said she felt her office shouldn't lobby on its own behalf in Harrisburg, even though she knew the budgetary thread it hung by.