

**JOIN VOR IN WASHINGTON, D.C.**

2009 VOR Annual Meeting and Washington Initiative, June 12, 2009

[Click here for details.](#)

**BE A SPONSOR; FIND A SPONSOR**

[Click here for details.](#)

**YOUR FAMILY ASSOCIATION CAN HELP!**

Distribute Annual Meeting/Initiative Flyers and Sponsorship Flyers  
Put information about these opportunities in your newsletters.

Contact Tamie at 605-399-1624; Tamie327@hotmail.com for information

-----  
**VOR Weekly E-Mail Update**  
**February 13, 2009**

-----  
=====

- Focus on Massachusetts**
- 1. Last move for Fernald?: League sends appeal to U.S. Supreme Court**
  - 2. Face of their fight**

**Coming Up: Teleconference Opportunities for Family Advocates**

=====

- **1. Last move for Fernald?: League sends appeal to U.S. Supreme Court**

-----  
By Richard Conn  
**Daily News Tribune**  
Feb 03, 2009

BOSTON - The fate of the Walter E. Fernald Developmental Center could be in the hands of the U.S. Supreme Court.

That's if the Supreme Court decides to hear an appeal made by Leon Friedman, a prominent New York attorney and law professor at Hofstra University. Friedman filed the appeal on behalf of the Fernald League, a group of guardians who have fought for years to keep the Trapelo Road facility open.

Friedman, speaking at a press conference yesterday at the Omni Parker House Hotel in Boston, said the petition revolves around the question of whether the First U.S. Circuit Court of Appeals overstepped its bounds by not showing "deference" to an August 2007 ruling made by U.S District Judge Joseph Tauro.

Tauro, who has presided over court proceedings involving Fernald since 1974, ruled in 2007 that the state must give Fernald residents the opportunity to stay there if they so choose. To do that, Tauro reopened a 1993 consent decree which guaranteed that residents would receive individualized treatment that must be equal or better elsewhere if they are moved to another facility.

In October 2008, the First U.S. First Circuit Court of Appeals overruled Tauro's decision, saying he lacked the authority to reopen the consent decree. Many argue the appeals court decision essentially paved the way for the state to go ahead with its plans to close Fernald.

The state announced plans in December to shut down Fernald by July 2010. Friedman said the federal appeals court should have deferred to Tauro's interpretation of his own orders, especially since Tauro has been involved with the case for 35 years.

"It was (Tauro's) order," Friedman said about the consent decree. "He was the one who signed that order; he was the one who drafted that order."

If the U.S. Supreme Court takes the appeal, Friedman said that could stymie the state's plans to close Fernald and transfer its approximately 160 residents to other facilities.

Friedman said the Supreme Court is being asked to look at the larger issue of whether federal appeals courts must show some deference to the decisions of district court judges in public-interest, consent decree cases.

Friedman said the petition he filed with the Supreme Court notes that the 12 circuit courts of appeals are essentially split on that issue.

Friedman said the state has 30 days to legally respond to the filing with the Supreme Court. He said the Supreme Court would likely make a decision by June on whether to take the case. If they do, Friedman said their review could begin next year and a decision could come down within 18 months.

Jennifer Critz, a spokeswoman for the state Department of Mental Retardation, said the department was looking over the appeal.

"We're reviewing the petition and we'll respond within the 30-day window," Critz said.

Former Gov. Mitt Romney originally announced plans to close the 196-acre campus at Fernald in 2003. The Fernald League has fought in the court system to keep it open, saying the move could have a devastating effect on its residents, many of whom have lived there for at least 50 years.

Beryl Cohen, an attorney who has represented the Fernald League in previous court proceedings, said that Gov. Deval Patrick's administration has presided over the "most aggressive effort" to close the Fernald campus.

-----  
**2. Face of their fight**  
-----

By Joe Pinciario

## **Daily News Tribune**

Feb 03, 2009

Marilyn Meagher wakes up at 5 o'clock every morning.

She usually receives her first phone call by 7 a.m., which often sets her agenda for the day.

Since former Gov. Mitt Romney first announced the decision to close the Walter E. Fernald Developmental Center in 2003, her daily to-do list is seldom blank. As the sister of a Fernald resident who has lived there since 1954 and president of the Fernald League for the Retarded since 2005, Meagher has battled to keep a high standard of living at the facility while trying to maintain her life outside the cause.

It's a lot to ask for a 66-year-old retiree.

Despite last fall's court ruling, which gave the state the green light to shut down the 121-year-old facility, her fight to keep the center is one she will not give up.

Meagher described herself as "just a housewife" before she assumed the Fernald League presidency three years ago, where she acts as an advocate for her family and those who don't have one.

"Fortunately, I don't work," she said, sitting in her Watertown home next to her eldest daughter, Jane Webber. "Let me take that back - I do work. I don't get paid."

Long relationship

Meagher's relationship with the Fernald Center began 54 years ago, the day her youngest sister, Gail Arone, who was born with severe Down syndrome, was admitted there at age 4.

Every Sunday the Arones would pick up Gail at Fernald and take her for a car ride or spend an afternoon at home. And every Sunday Larry Arone would cry at the sight of his youngest daughter.

Marilyn Meagher eventually became her sister's caretaker.

"When I turned 16 and got my license, my father never went again," she said. "I have a brother and a sister, but I'm basically the only one out of us that's ever been involved."

In 1971, her father died from heart attack and her mother's health was in decline, so at 29 Meagher became her sister's official guardian. It was a tough burden for a young mother whose daughter was soon facing health problems of her own.

Jane Webber was diagnosed with diabetes at age 11, and soon after, Meagher's mother moved in with her.

The Meagher house was full. But it never stopped Marilyn Meagher from making regular visits to the Trapelo Road home for her younger sister - or bringing her children over each Nov. 30 to hand out cake and ice cream for Gail Arone's birthday.

"I was trying to juggle two families," remembers Meagher. "Maybe I'm being the martyr in saying I need to take care of everybody, but what am I going to do? It's my family."

It was around this time that Meagher also joined the board of the Fernald League, a group of guardians and family members of the center's residents.

Though she attended the monthly meetings, she rarely participated.

Over time, Meagher developed a relationship with George Mavridis, the Fernald League's president from 1989 to 1994 and 1996 to 2003. To this day, she said, Mavridis is often one of the morning phone calls she receives.

Passion takes over

In 2005, two years after Mavridis left, Meagher became president of the Fernald League. She may not have had the most practical background to fill an executive position, but her long ties to Fernald and continued care for Gail Arone made her a good choice for the job.

"I don't have the expertise to do this stuff," she admits. "But for different reasons, I got talked into becoming president. I did have the passion. I still do. I actually try not to get so passionate about it. It takes over my life."

Between 2007 and 2008, court decisions swapped between giving Fernald residents the right to stay and then closing the center. Then, last December, the state's plan to close Fernald within the next year was formally announced by Gov. Deval Patrick's administration.

"We've had our voice heard over the years," Meagher said. "Not my voice - it's been all of us. Otherwise, this place would have been closed in 2004."

Meagher's friends and family members said they wish she would reduce her responsibilities to take care of herself. Last fall, she was expected to have hip surgery, but keeps pushing the date back, citing one thing or another.

Time not on her side

"I'd say in the past year or so, she doesn't even have time to talk on the phone," says her brother, Larry Arone. "Every time she calls, she has to go. Sometimes we used to sit on the phone and talk for an hour or so, but now that doesn't happen."

Seeing her friends has become a sort of afterthought. Meagher notes a friend recently told her to "call whenever she gets a chance."

But she hasn't had much of a choice regarding her responsibilities.

Two years ago, Gail Arone was diagnosed with Alzheimer's disease. While the obvious effects commonly associated with the disease aren't as evident with Gail, Meagher notices a much less enthusiastic sister than in past. The sister who used to grab Meagher's hand to take a ride in her car now "just looks up" at her when she arrives.

But Meagher keeps the Fernald Center at the top of her to-do list.

"People are calling me, asking me what the Fernald League is going to do," she said. "People want me to send out a letter to the league members, to let them know Fernald might be closing in a year. But I can't just whip up a letter and send it out to 300 people."

=====

**VOR MEMBERSHIP/CONTRIBUTION FORM  
THANK YOU FOR YOUR SUPPORT!**

TO JOIN OR CONTRIBUTE: \$25 per individual, \$150 per family organization, or \$200 per provider/professional organization. Extra donations are welcome!

You may pay by check or credit card  
VOR (Voice of the Retarded)  
836 S. Arlington Heights Rd., #351  
Elk Grove Village, IL 60007  
847-253-0675 fax (for referrals or credit card payments)  
Tamie327@hotmail.com (for referrals or credit card payments)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address (if paying by credit card, use billing address). All forms must include complete address including zip code)

\_\_\_\_\_  
City St Zip

\_\_\_\_\_  
Phone Fax

\_\_\_\_\_  
E-Mail

\_\_\_\_\_  
Family/Professional Organization Affiliation (if applicable)

If paying by credit card, please provide the following information:

Amount to charge to card: \$ \_\_\_\_\_

Card Type: \_\_\_ Mastercard \_\_\_ Visa

Card Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

=====