

August 29, 2012

Honorable Christine Gregoire
Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Gregoire:

On behalf of the undersigned organizations representing thousands of Washingtonians, we strongly urge you not to file a petition for certiorari to the U.S. Supreme Court in the case of *M.R. v. Dreyfus*. Filing a petition for certiorari could place at risk one of the most fundamental civil rights of individuals with disabilities, the right to avoid needless institutionalization, and it risks turning back the clock on rights for seniors and people with disabilities throughout this state and the nation.

Washington State has a proud history of serving seniors and people with disabilities in their own homes and communities. You have been a strong leader on health care reform, and your administration has made great strides towards moving our long term services and supports system towards community-based care and away from institutional care, which has enabled thousands of Washingtonians to continue to live at home or in other community-based settings rather than being forced into institutions. As Attorney General, you listened to people with disabilities and advocates, and changed our state's position on the *Olmstead* case. Originally, Washington was favoring a "pro-state's rights" approach on the integration mandate. Under your leadership, Washington reversed course and sided with individuals with disabilities. As Governor, you have worked to make the integration of people with disabilities a reality by supporting funding for community services and acting to reduce our state's "institutional footprint". In a real sense, the *Olmstead* decision is a part of your legacy as a public servant.

While the holdings in *M.R.* focus on the effect of particular cuts to home-care services in Washington State, the case rests on the broad foundations established by the Americans with Disabilities Act (ADA) and the landmark case *Olmstead v. L.C.*¹. In *Olmstead*, the Supreme Court ruled that institutionalizing people with disabilities who could be served in integrated settings is a form of discrimination under the ADA. The *Olmstead* decision, often referred to as the *Brown v. Board of Education* for people with disabilities, has made it possible for millions of individuals with disabilities across the country to thrive in their own homes and communities.

Even if Washington's petition to the Supreme Court were narrowly drawn, it could, if granted, open the door to Supreme Court review and revision of the entire *Olmstead* decision. In recent years, the Supreme Court has become increasingly restrictive in its view of Congressional power to protect the most vulnerable Americans and has repeatedly reached out to decide questions affecting individuals' rights that it need not have addressed. Seeking

¹ 527 U.S. 581 (1999).

certiorari in *M.R. v. Dreyfus* could result in a ruling that significantly diminishes the right of people with disabilities to live in integrated settings and be full participants in their communities.

People with disabilities want to live in their own homes and communities. Please do not file a petition for certiorari to the U.S. Supreme Court in *M.R. v. Dreyfus*.

Sincerely,

Addus HealthCare
The Arc of Tri-Cities
Association of Centers for Independent Living - WA (ACIL-WA)
Center for Independence (CFI)
Central Washington Disability Resources
Coalition of Responsible Disabled (CORD)
Community Residential Services Association
Disability Rights Washington
Lifelong AIDS Alliance
Mental Health Action
National Alliance on Mental Illness Washington
National Multiple Sclerosis Society, Greater Northwest Chapter
Parkview Services
PAS-Port for Change
PROVAIL
People First of Washington
Resident Councils of Washington
Self-Advocates in Leadership (SAIL)
Tacoma Area Coalition of Individuals with Disabilities (TACID)
Washington Association of Area Agencies on Aging (W4A)
Washington Autism Alliance & Advocacy (WAAA)
Washington Community Action Network
Washington Council of the Blind

CC: Robin Arnold Williams, DSHS
Marty Loesch, Chief of Staff
Narda Pierce, Legal Counsel
Andi Smith, Executive Policy Office