The Olmstead Decision

The Olmstead case was brought in 1995 by the Atlanta Legal Aid Society on behalf of Lois Curtis and Elaine Wilson, women with mental retardation and mental illnesses who were patients in a state psychiatric hospital. The hospital staff recommended that Lois and Elaine be served in community programs, but because community services were in short supply, they remained at the hospital.

Lois and Elaine represented thousands of individuals with mental disabilities nationwide who are deprived of opportunities to live outside of institutions as members of their communities. In Olmstead, the state of Georgia asked the Supreme Court to decide a central question relating to the civil rights of people with mental disabilities: “[w]hether the public services portion of the federal Americans with Disabilities Act (ADA) compels the state to provide treatment and habilitation for mentally disabled persons in a community placement, when appropriate treatment and habilitation can also be provided to them in a State mental institution.”

The Bazelon Center played a very central role as this case moved through the court system. When it reached the Supreme Court, we organized the filing of amicus briefs to provide background to the Court around such critical issues as: the long history of discrimination against people with mental disabilities; the broad support for community integration; and the cost-effectiveness of providing services in the community instead of institutional settings. We also helped mobilize grassroots organizations to persuade other states to not align themselves with Georgia. Initially, twenty-six states told the Supreme Court they agreed with Georgia. As a result of grassroots organizing efforts, nineteen of these states ultimately told the Court they were withdrawing their support—an unprecedented achievement.

In the end, we prevailed. In a 6-3 landmark opinion authored by Justice Ginsburg, the Supreme Court affirmed that the ADA prohibits the segregation of individuals with disabilities. Needlessly isolating such individuals, the Court wrote, is a form of discrimination based on disability—discrimination that perpetuates unwarranted assumptions about their capabilities and their worthiness to participate in community life. The Court found that institutional confinement deprives people of most of what is valued in life: family relations, social contacts, work, educational advancement and cultural enrichment.

In interpreting the ADA, the Court relied on the “integration mandate”—a regulation issued by the U.S. Department of Justice requiring public entities to “administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 C.F.R.§ 35.130(d). The Court also relied on a regulation requiring public entities to make “reasonable modifications” to avoid discrimination on the basis of disability.

The Court ruled that Georgia could avoid liability under the ADA by establishing what has become known as a “fundamental alteration” defense. Such a defense requires that a state or locality establish that integrated community services would be too costly or beyond their capacity in light of “the responsibility the state has undertaken for the care and treatment of a large and diverse population of persons with mental disabilities.” Governments are rarely able to establish such a defense. On the other hand, the Court indicated that an effective state plan for achieving community integration of people with disabilities could demonstrate its progress in complying with Olmstead.

As the Olmstead case worked its way through the courts, both plaintiffs were provided supportive housing in the community, where they blossomed. While Elaine Wilson died in 2005, Lois Curtis continues to thrive in her community, winning recognition as a folk artist.

http://www.bazelon.org/Where-We-Stand/Community-Integration/Olmstead-Implementing-the-Integration-Mandate/The-Olmstead-Decision-.aspx