

Olmstead anniversary is reminder of past struggles, gains

by [Access Press Staff](#) // July 10th, 2014



The Olmstead decision is considered by many people to be the most important legal victory for people with disabilities. It celebrated its 15th anniversary last month. On June 22, 1999, the United States Supreme Court ruled, in the case of *Olmstead v L.C. & E.W.*, that states violate the Americans with Disabilities Act (ADA) when they “unnecessarily” institutionalize people with mental disabilities.

Olmstead gets its name from Tommy Olmstead, then the commissioner of the Georgia Department of Human Services. He was one of the central figures in the court case as a defendant.

Lois Curtiss (L.C.) and Elaine Wilson (E.W.) were living in a Georgia institution. Both women had developmental disabilities and forms of mental illness. They had been treated in institutional and community-based settings in Georgia. Following clinical assessments by state employees, both women were determined to be better suited for treatment in a community-based setting rather than in an institution. They sued the state of Georgia, as they no longer wanted to be inappropriately treated and housed in an institutional setting. The case was filed in 1995 in Georgia. It wound up before the U.S. Supreme Court in 1999.

In the U.S. Supreme Court’s 6-3 decision, Justice Ruth Bader Ginsburg wrote, “states are required to place persons with mental disabilities in community settings rather than in institutions when the state’s treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual, and the placement can be reasonably accommodated, taking into account the resources available to the state and the needs of others with mental disabilities.”

Then-President Bill Clinton followed the Olmstead decision with a directive to all state Medicaid programs to draw up plans to comply with the Olmstead ruling and the “integration mandate” of the ADA.

The Minnesota Governor’s Council on Developmental Disabilities has interesting information and several video links related to the ADA on its [website](#).

The evolution of disability rights litigation that led up to the ADA, and the subsequent Olmstead decision, is told in clips from a video interview with attorney David Ferleger. Ferleger argued

five cases before the United States Supreme Court. He represented individuals and government agencies and wrote, lectured and consulted nationally. In the clips Ferleger reflects on how disability rights have developed over time with social workers such as Dorthea Dix. He discusses movements spawned by the civil rights movement, and community organizing by parents and self-advocates. He also describes institution-related litigation in the 1950s, 1960s and 1970s. These legal actions questioned both the purpose of institutions and the confinement of people in institutions. Ferleger also discusses the right to treatment and the Constitutional right to community services. The complete video interview with Ferleger is available on the above link.

The implementation of Olmstead is an ongoing struggle over rights and resources. Background, details and stories about the ongoing challenges can be found [here](#).

On the 12th anniversary of the Olmstead decision, June 22, 2011, President Barack Obama reaffirmed the thrust of this landmark ruling and recommitted his administration to end all forms of discrimination.

Access Press is interested in reader submissions for the monthly History Note column, to complement the articles written by Luther Granquist and other contributors. Submissions must center on events, people and places in the history of Minnesota's disability community. We are interested in history that focuses on all types of disability topics, so long as the history has a tie to Minnesota. We are especially interested in stories from Greater Minnesota. Please submit ideas prior to submitting full stories, as we may have covered the topic before. Contact us at access@accesspress.org or 651-644-2133 if you have questions.

The History Note is a monthly column sponsored by the Minnesota Governor's Council on Developmental Disabilities, mn.gov/mnddc and mn.gov/mnddc/pipm