JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW

The Bazelon Center Congratulates Justice Stephen G. Breyer on His Retirement and Celebrates His Legacy of Supporting Disability Rights

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Washington D.C. – The Bazelon Center for Mental Health Law congratulates Justice Stephen G. Breyer on his retirement from the United States Supreme Court after almost 28 years of distinguished service.

Justice Breyer has been a strong voice for disability rights and other civil rights during his time on the Court. He authored decisions clarifying the application of the landmark Americans with Disabilities Act (ADA), including in the nation's workplaces. He also authored significant dissents in ADA cases, including in Sutton v. U.S. Airlines, Inc., that foretold later action by Congress clarifying its intent that the ADA be broadly interpreted to protect disability rights, in the ADA Amendments Act. Importantly, Justice Breyer provided a critical vote to ensure that the ADA protected the rights of people with disabilities in our nation's courts, and in our prisons. He joined the holding in Olmstead v. L.C., which held that the unnecessary segregation of people with disabilities was discrimination. He also joined the majority in Endrew F. v. Douglas County School District, which announced a new and more demanding standard for what schools must do to educate students with disabilities, and in all three cases affirming the constitutionality of the Affordable Care Act, which provides critical support for medical care and services for people with disabilities.

With Justice Breyer's retirement, President Biden now has a chance to nominate, and the Senate to confirm, a new Supreme Court Justice. President Biden has promised to nominate a Black woman to the Court, and the Bazelon Center applauds this commitment. We are heartened that there are many Black women judges and lawyers who are highly qualified for the Court, and who have demonstrated an understanding of and commitment to fair treatment of disability and other civil rights. We call on President Biden to select a nominee who, like Justice Breyer, will interpret disability rights laws broadly, as Congress intended, and who understands the effect of Supreme Court decisions on people with disabilities.

The Judge David L. Bazelon Center for Mental Health Law protects and advances the civil rights people with mental and developmental disabilities – especially Black, Indigenous, People of Color (BIPOC) and other historically marginalized populations. *We envision a society where our consitutents with mental disabilities live with autonomy, dignity, and opportunity in welcoming communities, supported by law, policy, and practices that help them reach their full potential. For more information, visit: bazeloncenter.org*