

Bazelon Center Statement on DOJ Memo Attacking Longstanding Protections for People with Disabilities

June 18, 2026 - The Bazelon Center condemns this Administration’s latest effort to undermine longstanding legal protections for people with mental health and other disabilities, and remains steadfast in its efforts to protect and defend the rights of people with mental health disabilities – rights that are well-established, long-standing, and cannot be changed by mere agency pronouncement.

The Department of Justice today issued a memorandum saying that federal courts have misinterpreted the rights of individuals with disabilities to be integrated in their communities. This deeply flawed opinion flies in the face of long-established Supreme Court precedent, decades of well-established federal law, and the will of Congress. Twenty-seven years ago this month, the Supreme Court held in *Olmstead v. L.C.* that in enacting Title II of the Americans with Disabilities Act (ADA), Congress prohibited the unnecessary isolation or segregation of individuals with disabilities as a form of discrimination. It declared that unjustified isolation is a form of discrimination that the ADA was meant to eradicate. Since the *Olmstead* decision, federal courts have uniformly recognized that people with disabilities have the right to be integrated in their communities.

This memorandum by the Justice Department is part of an effort by this Administration to undermine legal and other protections for people with disabilities. The Department’s unfounded legal views apply not just to people with mental health disabilities but sweep in the entire disability community. The Justice Department’s opinion is replete with mischaracterizations of the ADA’s integration requirement. Given the memorandum’s weak footing, it is unlikely to find favor in the courts.

The Department itself acknowledges the memorandum “is out of step” with the federal courts and their binding interpretation of law, and warns that anyone (including States) that act based on its reasoning may be sued and held liable for discrimination.

Under our Constitution, it is Congress, not the Justice Department, that enacts laws, and the right of people with disabilities to be free from unnecessary isolation and segregation remains the law. The Bazelon Center will continue to stand up for the rights, autonomy and independence of people with mental health disabilities in the face of the Administration’s baseless and offensive attacks.