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Trump's Executive Order Rolls Back Decades of Disability Rights

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On July 24, 2025, President Donald Trump issued an Executive Order titled “Ending Crime and Disorder on America’s Streets,” (“the Order”). Although civil commitment traditionally falls within the domain of state law, the Order seeks to reshape the legal landscape through a federal push to expand civil commitment laws—rolling back decades of progress in disability rights, due process protections, and community integration. Framed as a “new approach” to “restore public order” and protect public safety, the Order declares a federal policy of “encouraging civil commitment of individuals with mental illness who pose risks to themselves or the public or are living on the streets and cannot care for themselves in appropriate facilities for appropriate periods of time.” To facilitate that policy, the Order calls for “the reversal of Federal or State judicial precedents and the termination of consent decrees” that limit broad institutionalization of individuals with mental illness, including those who are homeless or perceived as unable to care for themselves. The Order also creates federal pressure to restore civil commitment by conditioning federal funds on the willingness of states and municipalities to adopt and enforce “maximally flexible” civil commitment standards.

The Order raises serious constitutional and civil rights concerns—particularly regarding due process under the Fourteenth Amendment and the rights of individuals with disabilities under the Americans with Disabilities Act (ADA). Its proposed standard for commitment—encompassing not only those who pose a risk to self or others but also those who are merely unable to care for themselves—falls short of established constitutional safeguards.

The U.S. Supreme Court has repeatedly affirmed that involuntary civil commitment is a profound deprivation of liberty. In 1972, the Court observed that involuntary civil commitment of people with mental disabilities entails a “massive curtailment of liberty.” *Humphrey v. Cady*, 404 U.S. 504, 509 (1972). In *Addington v. Texas*, 441 U.S. 418 (1979), the Court emphasized that involuntary civil commitment represents a significant deprivation of liberty and therefore requires “clear and convincing evidence” of the necessity of such confinement. Similarly, in *O'Connor v. Donaldson*, 422 U.S. 563 (1975), the Court held that a person cannot be confined solely because of mental illness if they are not dangerous and can live safely in freedom. The Order’s vague reliance on “inability to care for oneself” lacks the necessary rigor to satisfy these constitutional benchmarks and paves the way for arbitrary and prolonged detention based on mental illness, homelessness, and perceived vulnerability rather than any demonstrable, imminent threat to self or others.

Further, the Order’s prioritization of institutional care over community-based alternatives directly conflicts with the ADA’s integration mandate and the Supreme Court’s ruling in *Olmstead v. L.C.*, 527 U.S. 581 (1999). In the ADA’s legislative findings, Congress described the isolation and segregation of individuals with disabilities as a serious and pervasive form of discrimination. 42 U.S.C. §§ 12101(a)(2), (5). Title II of the ADA prohibits a qualified individual with a disability from being excluded from participation in, or denied the benefits of, a public entity’s services, programs, or activities “by reason of such disability.” Title II’s integration regulation requires a “public entity [to] administer ... programs ... in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 CFR § 35.130(d).

In *Olmstead*, the Court affirmed that unjustified institutionalization of people with mental disabilities constitutes unlawful discrimination under the ADA. The Order’s push for institutionalization—regardless of availability of community-based alternatives—not only disregards this mandate but also threatens to systemically violate the rights of unhoused individuals with mental illness.

The ABA Commission on Disability Rights opposes the sweeping misuse of federal power to promote a policy that segregates individuals with disabilities from society. At the 2024 ABA Annual Meeting, the Commission—joined by the ABA Section on Civil Rights and Social Justice, the Forum on Affordable Housing and Community Development Law, and the Commission on Homelessness and Poverty—brought before the House of Delegates a resolution calling on state, local territorial, and tribal government to address the real needs of individuals who are unhoused and living with mental illness by increasing funding for and access to safe and affordable housing and non-coercive community-based supports and services. The resolution opposed the broadening of their criteria for involuntary civil commitment of people with mental health disabilities as a strategy to address homelessness. It was in response to actions taken by states and localities across the country to make it easier to civilly commit individuals against their will—to address perceived serious mental illness among the growing unhoused population, as well as public fear about the potential for violence by individuals with mental health disabilities. The House adopted the resolution.

The Order represents a major step backward in civil rights. Safeguarding constitutional protections, implementing the ADA's integration mandate, and investing in voluntary, community-based supports is the path forward. The ABA Commission on Disability Rights urges the disability community, advocates, policymakers, and the public to reject this approach and defend the hard-won rights of people with disabilities.