
I

Introduction

Throughout American history, intellectual disability has challenged the popular images and legal boundaries of American citizenship and rights. While the storybook ideal citizen exudes intelligence, independence, and the ability to contribute to the national well-being through hard work, political participation, and bravery, people with intellectual disabilities tend to be characterized by their deficiencies. Difficulties performing tasks such as learning, processing information, communicating, caring for one's own basic needs, and attaining financial and social independence appear to impede the self-determination that is foundational to the exercise of rights. Thus, when judged by the standards of the ideal citizen, the person with an intellectual disability may appear unworthy, at best, and a threat to the nation and himself or herself, at worst.

At no point in our history have Americans reached consensus about the extent to which people with intellectual disabilities should be allowed to exercise rights. Rather, debates have raged for well over a century and have favored, at various times, views ranging from full exclusion to full equality. In part, the debates revolve around questions regarding the abilities and best interests of people labeled intellectually disabled, involving considerations such as whether they can make rational decisions and take full responsibility for these decisions or whether they require protection from their own limitations through restricted rights. More often, the debates reflect visions of the ideal national community, the standards for membership, and the way in which "difference" is to be treated within it.¹

Although discrimination on the basis of race and gender has long been challenged and condemned as a form of irrational prejudice, we are only just

beginning to question and de-naturalize the deprivation of rights from people with disabilities. The traditional legal model equated disability with incompetence and therefore assumed the inferior legal status of people with disabilities to be “an inevitable consequence of the physical and intellectual differences imposed by disability” (Funk 1987, 7). As such, exclusion on the basis of disability is still widely accepted and viewed as legally justified and even morally imperative.

Because intellectual disability represents such a traditional and well-accepted basis for exclusion, attempts to rethink the definition of intellectual disability and its relationship to rights call into question many of the fundamental assumptions about citizenship and raise key questions about the way in which we allocate rights, including the following: What are the abilities and character traits needed to exercise rights? Should rights be conferred based on ability, membership in a community, or other considerations? Does the state have an obligation to provide assistance or social rights to enhance citizens’ well-being? What should happen to individuals who are denied rights? Does the state have any obligations to non-rights-bearing citizens? Throughout debates on intellectual disability and rights, these questions are raised over and over again, and Americans answer them very differently depending on the time and place in which they live and their relationship to intellectual disability.

Constructing the Exclusion of People with Intellectual Disabilities

To introduce some of the broad issues in these debates, we briefly consider the arguments for the exclusion of people with intellectual disabilities from rights, the arguments for inclusion, and the frequent movement between these positions. To first consider exclusion, the legal history of Americans with intellectual disabilities has been dominated by the formal deprivation of rights. At the time of their founding, almost all U.S. states developed constitutional and legal restrictions abrogating from “idiots,” “incompetents,” or “imbeciles” the rights to vote, to make contracts (and therefore to marry, as marriage is seen as a form of contract), and to serve on juries. In place of rights, legislators developed a series of legal protections. For example, people with intellectual disabilities could potentially receive exemptions from military obligations and have marriages and damaging contracts voided. While offering some degree of protection, the exclusion from rights simultaneously made individuals vulnerable to segregation, marginalization, and abuse.

Exclusion remained the driving force of disability policy throughout much of the twentieth century. In the early 1900s, institutionalization emerged as the primary policy for the treatment of intellectual disability and continued to guide national policy until at least the late 1960s (Trent 1994). People with intellectual disabilities rarely were given the opportunity to consent to their institutionalization, and the denial of their liberty could last any amount of

time, potentially for their entire lifetimes. In addition to institutionalization, thirty-two states passed compulsory sterilization laws in the twentieth century and thirty-nine had restrictive marriage statutes at some time during that period. As recently as 1975, West Virginia enacted a sterilization law and promoted it by asserting the savings that it would provide for taxpayers (Reilly 1991). Moreover, prior to the passage of the 1975 Education for All Handicapped Children Act, children with disabilities frequently were excluded from public education.

Times have changed, but exclusion is not simply a matter of the past. People with intellectual disabilities continue to face tremendous marginalization in current times. Many states retain laws denying rights based solely on the diagnosis or legal adjudication of mental incompetence, regardless of the relevance of these medical and legal determinations to the ability to exercise specific rights. Moreover, due to the lack of accommodations and support, people with disabilities often cannot meaningfully exercise the rights that have been formally granted to them.

The deprivation of rights contributes to the broader lack of control that people with intellectual disabilities exercise over their lives. Pennsylvania data from 2003–2004 provides a glimpse into the current situation: 65 percent of adults receiving residential services through the state's Office of Mental Retardation reported that they had no input regarding where they lived, and of those who said they had input, the majority (66 percent) looked at no potential living situations outside their current residence; three-quarters (76 percent) of the respondents did not choose their housemates; only 31 percent had a key or a way to independently enter their residence; and almost half (45 percent) reported having no input regarding how they spent their day, regardless of whether they were employed or went to a "day activity" program (Feinstein et al. 2005). In Pennsylvania, as in many states, the receipt of services largely requires one to forfeit the right to select one's own housing, roommates, staff, daily activities, and schedule.²

Moreover, most services are currently provided in a manner that assumes and imposes asexuality on their recipients; sexuality, marriage, and parenting are largely incompatible with the dominant single-sex group home structure. Public transportation is infrequently available and, when it exists, remains largely inaccessible, leaving people with disabilities dependent on family, friends, staff, and separate and inferior systems of transportation provided specifically for people with disabilities. Segregation continues to dominate both the provision of public education for children and adult "programming" such as sheltered workshops and day activity centers. While not as blatant as compulsory institutionalization and sterilization, segregated services may prevent people with intellectual disabilities from participating meaningfully in mainstream society.

Several of the justifications used for excluding people with intellectual disabilities from rights are vividly demonstrated by the infamous 1927 Supreme

Court case *Buck v. Bell*. The case revolved around Carrie Buck, who was born out of wedlock to a woman committed to the Virginia State Colony for Epileptics and Feeble-minded. At seventeen, she became a patient at this same institution. Carrie was pregnant and unmarried at the time of her commitment, and institutional physicians diagnosed her as “feeble-minded,” with a mental age of nine, and “sexually immoral” (Cynkar 1981). After Carrie gave birth, physicians waited only nine months before declaring her baby feeble-minded, “proving” that hereditary feeble-mindedness existed within Carrie’s family and turning her into the embodiment of eugenic fears concerning genetic feeble-mindedness and moral deviance (Gould 1984).³

Based on Carrie’s diagnosis and presumed hereditary destiny to bear feeble-minded children, her physicians ordered her to be sterilized, a legal option under Virginia’s new sterilization law. Authorities from the Virginia State Colony argued that, as a “low-grade moron” whose family indicated a “very high frequency of feeble-minded persons,” Carrie was a “potential parent of socially inadequate offspring” (Cynkar 1981). Not only did the authorities wish to sterilize Carrie but they also desired to use her case to test the new law, because she represented such an ideal candidate under the guidelines for eugenic sterilization. Sterilization had come under much legal fire, and they hoped Carrie’s case would legitimate once and for all the state’s right to prevent procreation in this way. Carrie’s legal guardian approved of the sterilization, yet the superintendent of the State Colony asked her guardian to contest the procedure, setting in motion a legal “battle” in which everyone with power actually supported her sterilization. As the Virginia State Colony’s authorities hoped, this case went all the way to the U.S. Supreme Court.

The denial of many basic rights actually went unquestioned in this case. Once institutionalized, inmates such as Carrie were denied rights to liberty and procreation through the enforced separation of the sexes as a matter of course. Hence, the lawyer representing the Virginia State Colony, Aubrey Strode, argued, “The state may and does confine the feeble minded, thus depriving them of their liberty. When so confined they are by segregation prohibited from procreation—a further deprivation of liberty that goes unquestioned” (Strode 1927). Carrie’s own lawyer, I. P. Whitehead, simply agreed, noting, “We concede that the State has the right to segregate the feeble-minded and thereby deprive them of the power to procreate. The State has exercised this right for a long time without question” (Whitehead 1927).

In addition to denying the right to procreate, though, forced sterilization violated the right to bodily integrity by surgically eliminating the biological potential of procreation. Hence, the matter under dispute in *Buck v. Bell* was not the right to procreate per se but, rather, the means available to the state to prohibit procreation. Would the state be allowed to violate an individual’s bodily integrity and surgically eliminate the physical possibility of procreation? In his impassioned court decision, Justice Oliver Wendell Holmes Jr. gave unwavering support for the state’s authority to deny basic civil rights, including

the rights to privacy, parenthood, and bodily integrity, to people with intellectual disabilities:

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. . . . Three generations of imbeciles are enough. (*Buck v. Bell* 1927, 207)

In this brief example, we see many of the justifications used to deny civil rights to people with intellectual disabilities. In his statement, Holmes judged people with intellectual disabilities to be “manifestly unfit” to exercise rights. His assessment was based on several criteria, including rationality, independence, economic productivity, and morality. First and foremost, people with intellectual disabilities were characterized as too incompetent or irrational to exercise rights responsibly. In this case, all parties, including institutional authorities, Carrie’s lawyer, and the Supreme Court justices assumed that feeble-mindedness involved the inherent and pervasive inability to make meaningful decisions and therefore to live a self-determined life. Carrie was deemed unable to provide informed consent, a key element in the exercise of civil rights. Thus, Aubrey Strode, the lawyer representing the Virginia State Colony, concluded without contest, “She cannot determine the matter for herself both because being not of full age her judgment is not to be accepted . . . and because she is further incapacitated by congenital mental defect” (Strode 1927).

More glaring, in Holmes’s opinion, was the importance of Carrie’s dependence on the government for her support. Holmes referred to the feeble-minded as “those who already sap the strength of the State,” highlighting their dependence on social programs for care and survival. According to Justice Holmes, without these programs they would “starve for their imbecility.” By failing to meet the economic norms of society and depending on others for care, such “lesser citizens” implicitly forfeited their civil rights in exchange for care. Those dependent on others for economic and social support were legal children and lost their legal individuality to the expediency of their caregivers’ needs. Those providing care, however, whether they be family or the state, were legally equivalent to parents or “masters,” holding the power to determine the best interests of and make major life choices for their dependents.⁴

Deviance also played a central role in justifying the denial of rights. Failure to meet economic norms was certainly one form of deviance, but eugen-

icists at the times believed that feeble-mindedness was associated with even more insidious character flaws, including promiscuity, criminality, alcoholism, and poverty (Reilly 1991; Trent 1994), explaining Holmes's belief that it was better to prevent feeble-mindedness through sterilization than wait "to execute degenerate offspring for their crime." Regardless of social programs, charity, or upbringing, the feeble-minded were destined to fall into lives of crime and delinquency because they had both a natural inclination for such degeneracy and lacked the wisdom to avoid it. Such deviants could not be trusted to uphold the precious rights of American citizenship.

The assumptions of incompetence, dependence, and deviance remain with us today and continue to be used as justification for the deprivation of rights. While this discrimination is not as blatant as it once was, people with intellectual disabilities are still assumed by many to be inherently different from and inferior to people without disabilities, and as such they remain one of the few groups against whom legal discrimination is still often viewed as appropriate.

Constructing the Inclusion of People with Intellectual Disabilities

Despite the long history of exclusion, the story of citizenship and intellectual disability is not one-sided. If people with intellectual disabilities were in fact naturally and categorically unable to exercise rights, we would see no significant debate about rights for this population. This is not the case, however; throughout the twentieth century advocates for people with intellectual disabilities and people with intellectual disabilities themselves engaged in many successful attempts to claim rights and support their active participation in society.

Even in the eugenics era, some professionals fought against the complete restriction of rights and advocated for some level of participation and inclusion, believing that at least some people with intellectual disabilities could marry, vote, bear children, receive education, and live in the community. For example, in the 1940s Oscar Kaplan (1944), a prominent psychologist specializing in mental disorders, supported the right to marriage based on his scientific findings showing that the majority of marriages among the feeble-minded were successful. Phyllis Mickelson (1947, 1949), an academic in the field of social work, also provided support for parenthood by people with intellectual disabilities, finding in her research that some feeble-minded parents could provide satisfactory care for their children and that factors such as marital harmony, income level, family size, and mental health often mattered more in successful parenting than intelligence.

In the 1960s and 1970s, the tide of national policy began to turn more clearly toward the recognition of people with disabilities as full citizens. Deinstitutionalization emerged as national policy; state-level courts and then Congress granted children with disabilities the right to a free and appropri-

ate public education, including accommodations to ensure they could benefit from the curriculum; and the 1975 Developmental Disabilities Assistance and Bill of Rights Act stressed the importance of delivering services to people with intellectual disabilities in the least restrictive environments possible and granted them access to the same civil rights held by other citizens. Throughout the 1970s, national legislation was passed almost every year guaranteeing rights to people with disabilities. In 1990, President Bush signed the Americans with Disabilities Act (ADA), the most sweeping civil-rights legislation for people with disabilities to date, making discrimination in employment and exclusion from public services on the basis of disability illegal. If one looked purely at national political rhetoric and formal legal developments involving intellectual disability, it appeared that they had “made it.”

In part, arguments for inclusion provided alternative portraits of intellectual disability, placing members of this population within the boundaries of rights bearer as typically defined. Narratives of disability and rights now argued that people with intellectual disabilities were—or, at least, *could be*—sufficiently independent, competent, productive, and moral to exercise rights. The narrative of the “special child,” most often promulgated by parents, not only refuted the link between disability and immorality but also established people with disabilities as exceptionally moral, even as God’s special gifts. They were viewed as unfailingly loyal, innocent, and selfless. While the “special child” narratives confronted stereotypes of moral deviance, narratives of the productive citizen established people with intellectual disabilities as “responsible, contributing citizens” (Robb 1952, 55), particularly if provided with the appropriate services and access to education and jobs. According to this narrative, people with intellectual disabilities remained dependent on others because society denied them the education, job training, and opportunity necessary to succeed. If provided with basic services, they could be “rehabilitated from a role of idleness and dependency to the status of full-fledged wage-earner and citizen” (President’s Panel on Mental Retardation 1962, 100–101). Not only *could* people with intellectual disabilities be productive citizens; they had a *right* to the opportunities and services that would allow them to reach this potential.

These narratives exemplify the attempt to fit people with intellectual disabilities into popular conceptions of rights. More radical narratives attempted to re-frame the criteria established for the exercise of rights, questioning whether traits such as morality, dependence, and intelligence should be prerequisites at all. Some scholars and activists argued that, unless the law could clearly demarcate the level or kind of morality, independence, or intelligence required for the exercise of rights and apply these standards to all American citizens, the law should not take these factors into account (e.g., “Editorial Note” 1979; Metcalf 1989).

In contrast with *Buck v. Bell*, the Pennsylvania court case *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* (1971, 1972) illustrates the change in both the perception of the abilities of

children labeled “mentally retarded” (the label frequently used in the 1970s) and the prerequisites for exercising rights. In this case, PARC, an advocacy organization for people with mental retardation and their families, along with the parents of thirteen children, brought a class-action suit against the Commonwealth of Pennsylvania on behalf of all school-age children with mental retardation. The thirteen children had been excluded from public education, and evidence indicated that seventy thousand to eighty thousand additional children with retardation throughout the commonwealth also were being denied access to public education. Parents typically received neither notice of the decision to exclude their children nor the opportunity for a hearing to challenge the decision. “For example, the parents of David Tupi, a retarded child, were never officially informed of the decision to exclude him from school. Rather, they were only made aware of the situation when the school bus which regularly brought him to school failed to show up” (*PARC v. Pennsylvania* 1972, 293).

The commonwealth defended the school districts’ actions on several grounds. Several Pennsylvania laws allowed the temporary or permanent denial of public education to children “who are found to be uneducable and untrainable,” as well as to children “who have not attained a mental age of five years.”⁵ According to the commonwealth, this distinction was sensible in that

a child who is uneducable and untrainable requires treatment different from those children of the other classifications. To place the retarded child in the public classroom is to subject such child to frustration since he cannot compete mentally with the other children, to subject him to ridicule by other students, to generally disrupt the classroom, albeit not intentionally and to impose upon the teacher a burden with which he is not trained to cope. There is therefore sound reason for the distinction. (*PARC v. Pennsylvania* 1972, 291)

The commonwealth also argued that hearings would delay immediate action at times needed to remove unruly and disruptive students from the classroom.

The court, however, overwhelmingly accepted the evidence provided by PARC. The court’s opinion, written by Justice Thomas A. Masterson, provided a much different depiction of intellectual disabilities from the one offered by Justice Oliver Wendell Holmes Jr. in *Buck v. Bell*. Masterson depicted children with retardation as capable of citizenship or, at least, as capable of developing the skills necessary for citizenship. Masterson explained, first, that the distinction between “disabled” and “non-disabled” was difficult to make, citing evidence of questionable and even erroneous diagnoses. Second, the deficiencies associated with mental retardation were seen as resulting not solely from biological conditions but also from the stigma and exclusion imposed in part by the school. Third, Masterson argued that the “premise of the statute which necessarily assumes that certain retarded children are uneducable and untrain-

able lacks a rational basis in fact,” citing expert opinion to conclude that “all mentally retarded persons are capable of benefiting from a program of education and training; that the greatest number of retarded persons, given such education and training, are capable of achieving self-sufficiency and the remaining few, with such education and training, are capable of achieving some degree of self care” (*PARC v. Pennsylvania* 1972, 296).

For Holmes, the “feeble-minded” individual stood in stark contrast to a rights-bearing citizen, too incompetent, dependent, and deviant to be entrusted with rights. In this case, however, Masterson explicitly referred to people with “mental retardation” as citizens and portrayed them as more like than unlike other American citizens, especially when given the same opportunities. Like other citizens, they had the right to a public education. Not only did this case re-envision people with intellectual disabilities as equal members of society; it also questioned the bases of granting rights. People receive rights because they are citizens, and perhaps because they are humans, not because they meet particular criteria of intelligence, productivity, or morality. Rather than insisting that individuals prove their worth before granting rights, Masterson’s opinion for the court suggests that they develop their potential *through* the exercise of rights. Thus, the court set forth a “zero-reject” rule giving all children the right to a free public education regardless of competence, ability to benefit, or productivity.

This decision did not totally eschew the ideals of rationality, productivity, and morality; these were still held up as the goals for which rights were provided. Nor did it balk at all forms of segregation. Segregated public schools and classrooms remained viable options, although integration was “preferable” to segregation. That said, though, the re-conceptualization of the relationship between citizenship and intellectual disability that took hold in the fight for education would soon be applied and expanded to include all rights and all age groups.

Mixed Messages

While some cases clearly support or deny access to rights for people with intellectual disabilities, more common and intriguing are those that indicate the tension that exists between these positions. At no point in history has there been a clear resolution of the “problem” of intellectual disability as related to rights, toward either exclusion or inclusion. The ambiguity related to the position of people with intellectual disabilities in relationship to rights has resulted in several peculiar trends. First, throughout the twentieth century, this population has been granted, and even encouraged to exercise, some, but not all, rights, often resulting in contradictory laws and patterns of access. For example, federal legislation including the Developmental Disabilities Assistance and Bill of Rights Act and the Americans with Disabilities Act guarantees equal civil rights to people with disabilities, yet many states concurrently have legis-

lation restricting the rights to vote, contract, and marry based on mental ability. Second, access to rights varies widely by time and by state. For example, while forty-one states at some point restricted marriage based on mental ability, others never did. Third, legislation has included assistance and accommodations as an integral aspect of some rights, but not all. For example, we have granted rights to accommodations in employment and education, but few supports exist for parenting or religious worship.

We can see the tension between inclusion and exclusion in the 1985 Supreme Court case *City of Cleburne, Texas, v. Cleburne Living Center*. The story of this case begins with the Cleburne Living Center (CLC), a provider of residential services to people with intellectual disabilities, which planned to lease a building in the city of Cleburne to provide twenty-four-hour supervised housing to thirteen “mildly retarded” men and women. The building was situated in a housing zone that permitted single-family residences as well as multiple-dwelling structures such as apartment houses, nursing homes, boarding homes, and hotels. However, the city required special permits for “hospitals for the insane or feeble-minded, or alcoholic or drug addicts, or penal or correctional institutions.” City officials determined that this group home was properly classified as a hospital for the feeble-minded, and on this basis they denied the CLC the special use permit.

The CLC filed suit, alleging that the zoning ordinance violated the equal protection rights of both the organization and its potential residents; although a boarding house of similar size for people without disabilities would have been legal, the city council denied the CLC a permit to individuals with mental retardation, allegedly solely due to their disability. The city council, on the other hand, argued that a residence of this type would increase population concentration and congestion while potentially decreasing the serenity and safety of current residents, and therefore the denial of the permit was in the best interests of the city. Moreover, city officials argued that the denial of the building permit was in the best interests of the potential CLC residents. The CLC was planning to house thirteen residents, whereas new state standards urged group homes to house no more than six to eight persons. In addition, the home would be situated on a flood plain, raising the potential for physical harm. Neither of these conditions, the council argued, seemed beneficial for potential group-home residents.

Unlike in *Buck v. Bell*, scientific “evidence” no longer supported stereotypes of individuals with intellectual disabilities as deviant and dangerous; nor could the civil rights of this population be dismissed as unimportant. Housing within the community, typically in group homes rather than in large-scale institutions, had become national policy. Yet concerns still existed about the ability of people with intellectual disabilities to adapt and contribute to their communities, leaving many communities resistant to implementing the national rhetoric of inclusion.

The U.S. Supreme Court's decision illustrates the attempt to balance the inclusion and exclusion of people with intellectual disabilities by encouraging integration without making it an easily enforceable right or imposing it on other citizens. The court found that the city of Cleburne had violated the equal-protection rights of the CLC by discriminating unfairly against potential group-home residents based on fears related to mental retardation. However, the Supreme Court upheld the constitutionality of the City of Cleburne's zoning statute itself, which required a special permit for hospitals for the feeble-minded. The court did not question the designation of a group home as a "hospital for the feeble-minded"; nor did it require Cleburne to modify the statute, update or define its language, or justify the legitimacy of the interests it supposedly protected. Moreover, the court failed to define people with intellectual disabilities as a "suspect class," a status that would have given legal recognition to the history of discrimination experienced by people with intellectual disabilities and would have demanded increased scrutiny for all laws instituting differential treatment for this population.

The Supreme Court struck a precarious balance by protecting the rights of people with intellectual disabilities involved in this specific instance while doing little to advance the right to housing and community integration for the broader population of people labeled as intellectually disabled. In the eyes of the court, the application of Cleburne's zoning statute by town officials that distinguished between individuals with intellectual disabilities and those without disabilities served no legitimate interest of the city. Yet in failing to strike down or require review of this statute, the court assumed that it might at some point be in the legitimate interests of the city of Cleburne to require a group home to attain a special permit designated for hospitals for the feeble-minded. In the future, others labeled as intellectually disabled could be forced to undergo the same challenges to their right to housing, and the decision might not be the same.⁶

The mixed messages evident in this decision are typical of modern law and rulings regarding intellectual disability. In many ways, the nation has come to support the legal equality of people with intellectual disabilities, yet fears and concerns about the best interests of people with disabilities and the communities in which they live make the commitment to equal rights questionable, at best.

An Overview

This book examines the history of intellectual disability and rights with several goals in mind. First, I examine various constructions of both concepts—intellectual disability and rights—throughout the twentieth century. For intellectual disability, I consider questions such as the following: How does this concept change through time? What are the key criteria for inclusion in this

population? To what degree are people with intellectual disabilities perceived as similar or different to other citizens? What assumptions are made about the activities they can and cannot perform? For the concept of rights, I also consider its construction by asking questions such as the following: What are the assumed criteria for the exercise of rights? On what basis should rights be distributed? How should the state deal with the non-rights-bearing citizen? Ultimately, then, I problematize the various constructed relationships between these concepts, examining how, for instance, activists have drawn on various frameworks of rights to both include and exclude people with intellectual disabilities. As I engage in this analysis, I also examine who engages in these struggles regarding the rights of people with intellectual disabilities, who posits which ideas, why they might do so, and how and why activists come together and divide on this subject. Finally, I examine changes in formal law and policy to consider what rights people with intellectual disabilities have had through the twentieth century and why their access has varied.

Chapter 2 provides a theoretical discussion of relevant literature and puts forth the key theoretical arguments of this book. Because this book examines the twentieth century, Chapter 3 sets the stage, so to speak, with a brief discussion of the history of rights for people with intellectual disabilities in America prior to 1900. Chapter 4 examines the rise of eugenics and restrictive policies against people with intellectual disabilities, as well as competing notions of disability and rights found in the early twentieth century. Much of the historical work already published on intellectual disability concentrates on the rise of institutions and eugenics; therefore, this book gives greater weight to later events. Chapters 5 and 6 deal with events in the mid-twentieth century. Chapter 5 looks at the continued prevalence of eugenics and restrictive policies while also examining emerging shifts in professional thinking regarding rights, services, and intellectual disability. Chapter 6 then focuses on the rise of the parents' movement and the influence of the Kennedy family. Chapter 7 analyzes the rise of the civil-rights framework as applied to people with intellectual disabilities during the 1970s, and Chapter 8 describes the tremendous efforts needed to maintain and use the rights established during the 1980s. Chapter 9 presents current debates and issues and, in particular, focuses on the rise of the self-advocacy movement, recent understandings of intellectual disability, and the impact of the Americans with Disabilities Act. Finally, Chapter 10 concludes by offering a summary of the key lessons of this work and a brief discussion of some promising future directions.