

**A Statement Regarding
People with Intellectual and Developmental Disabilities
by the
Lutheran Services in America – Disability Network
(Adopted April 26, 2010)**

Introduction

- Why this statement? Context, purpose.

People with intellectual and developmental disabilities are among the most underrepresented citizens in the United States. Because of their disabilities, they are generally less able to advocate for themselves. Many often lack the financial resources needed to access even the most basic services and supports that most in our country take for granted. In addition, people with intellectual and developmental disabilities, although comprising a relatively small percentage of the population requiring long term care (15%), represent a disproportionate percentage of the expenditures from Medicaid to meet their needs (42%) (Kaiser Commission on Medicaid, 2006).

The continuance of the current system of care for people with intellectual and developmental disabilities is very much in jeopardy as our society grapples with the challenges of long term care, rising national debt, the desire to reform Medicare and Medicaid, an aging population, and efforts to provide universal health care for all citizens. Furthermore, continuing trends away from congregate living toward in-home supports raises issues regarding quality of life, maintaining basic standards of care, and ensuring health and safety for individuals with intellectual and developmental disabilities living in their own homes.

Recent health care reform proposals have also raised ethical and economic concerns regarding the distribution of resources based on the relative value of humans to society, examining the cost to support them in relation to their economic contributions to society. This utilitarian triage has been openly advocated by some and stands as a challenge to those who are committed to helping meet the needs of people, regardless of their wealth, status, or ability. The core issues of poverty and unemployment must also be addressed in the population of people with intellectual and developmental disabilities.

It is in this environment that we advance this statement of values and beliefs regarding people with intellectual and developmental disabilities. It will be the purpose of this document to validate the importance of the investment of these resources for this vulnerable but valuable population.

- What is LSA-DN and why do we care?

Lutheran Services in America (LSA) is an association of more than 300 Lutheran social ministry organizations in the United States. The LSA Disability Network (LSA-DN) is a group of 18 LSA provider organizations that dedicate all or a large percentage of their service to people with intellectual and developmental disabilities. Most of the LSA-DN organizations have been serving this population for more than a century and have been active participants in advocating for people with intellectual and developmental disabilities to ensure that they receive the necessary governmental, community, and church support they need to live complete and fulfilled lives.

As Lutheran service organizations we are driven to service by a strong ethos which is grounded in our Lutheran theology and which shapes and colors the very nature of the services we provide. It distinguishes us in terms of the dignity we ascribe to all human beings as creations of God. It directs our stewardship of resources toward helping others. And it directs our actions in the belief that our service is a vocation used by God to express his love for all humans. Consequently, when issues arise which would appear to diminish the value of the people we support, or which seek to divert support away from them in the interest of economy or other utilitarian purposes, we are convinced that we have an obligation to speak and advocate on their behalf.

This statement is intended to provide a framework of understanding for those in the church to embrace our ministry and support our cause, and for those outside the church to comprehend our motives and acknowledge the need to continue to support people with intellectual and developmental disabilities in our society.

Biblical and Theological Perspectives

- Creation, personhood, and the image of God

As Lutheran Christian organizations, we represent the belief that God is the creator of all things and that human beings were created in his image. This means that humans derive their personhood from their creator, and not from themselves. Although living in a fallen state and in need of reconciliation, humans are loved by God to the extent that he sent his son Jesus to sacrifice himself on their behalf. Regardless of ability, intellect, wealth, status, or any other distinguishing attribute, God expressed the value he places on all human life through the redemptive work of Jesus Christ. God has reconciled all people to himself in Christ. Christ died for all. God loves all, without regard for our abilities or disabilities (2 Cor. 5:19)

- All children of God deserve dignity and respect as part of God's creation.

Although not all people know or worship the Triune God - Father, Son, and Holy Spirit - or believe in the basic teachings of the Christian faith, they are nonetheless valued by

God, loved by him (John 3:16), and so deserve to be treated with dignity and respect as part of his creation.

We reject any suggestion that some people are inherently more valuable than others, or that some deserve higher levels of support based on their capacity to produce economic or social capital. On the contrary, we believe that every human life is to be cherished, regardless of ability or disability, because God extends the call to faith in his Son to all humans (1 Timothy 2:4). In fact, the case can be made on the basis of biblical teaching that the weakest among us, those least able to help themselves, should receive the most support from those who have been blessed with abilities and resources.

- Disability is not punishment for individual sin, but is the general result of a fallen, imperfect world

The fact that a person has a disability is not evidence of a lack of love on God's part, nor is it the result of sins committed by parents, nor is it the natural consequence for some moral deficiency in the person with the disability (John 9:2). To be sure, some disabilities are the direct consequence of what we might consider sinful or irresponsible behavior by parents. In general, however, we hold that God created a perfect world, but that humans, in seeking their own selfish ends, corrupted this world and now live in a fallen and broken condition. What God has created has become corrupted by sin. Sin is both a condition of alienation from God and a set of actions that issue from this condition. Human judgments, actions, organizations, and practices are marked by a distortion of God's will and purpose for life. By their very nature, humans are in need of reconciliation and restoration, something which God is eager to accomplish in their lives. While spiritually all humans are fully disabled, we acknowledge that people in their temporal lives demonstrate in varying degrees both limited abilities and disabilities that reflect the fallen and imperfect nature of the world in which we live. God calls us to repentance, renewal, and responsible living.

- People of faith strive to share the gospel

With these basic theological and biblical principles as the foundation for our social ministry organizations, it is understandable that our organizations strive to share the good news of Jesus Christ in word and action. At the heart of Lutheran theology is the teaching that people are justified by grace through faith. This means that God's gift of faith is the result of his unconditional love and is not dependent upon anything that we can do. Realizing this to be the case, Lutheran Christians are compelled by the gospel (the good news of this love in Christ) to love and serve their neighbor and to do so without concern for recognition or reward. On the contrary, such service is offered to others as if it were being given to Christ himself (Matthew 25:45)

- People with disabilities are called to love and serve others

We are convinced that people with disabilities are used by God to carry out his providential work in the world in the same way that people of abilities utilize their gifts and talents in useful vocations for the benefit of others. More specifically, Christians with disabilities have been incorporated into the body of Christ in their baptism. They are children of God and are necessary and precious “members” of the body. Because of their baptism, people with disabilities, like all Christians, are called; they have received a holy vocation to live their lives in service to God and their neighbors. We also believe that people with disabilities should be supported in the expression of their spiritual and emotional selves, especially as they offer their love and service to others. All Christians receive the gift of the Holy Spirit who produces the ability to do justice, love mercy, and walk humbly with our God. (Micah 6:8) Consequently, a hallmark of Lutheran social service is the desire to support every human in the realization and expression of their gifts and their love to others.

Ethical Considerations

- All people have equal status as persons, and as such have a moral right to ethical treatment.

Having established that all people are created to be equal before God as his people, we also assert that individuals with intellectual and developmental disabilities are of inherently equal value from a moral perspective. By this we mean that judgments regarding the extent to which supports, services, and resources are devoted to the care of individuals with disabilities must be made on the basis of moral equivalency. We reject the perception that individuals with intellectual and developmental disabilities have fewer ethical and moral rights to services than others because they have fewer abilities, require more financial resources for a quality life, or because they do not contribute to the nation’s economy. On the contrary, we hold that all people are entitled to equal ethical treatment, regardless of ability or intellect, that such ethical standing entitles one to be free from abuse and neglect, and be free to pursue a happy and full life. Therefore, we maintain that moral judgments regarding all people should be made on the basis of normative first principles of equality and not on the basis of some relativistic end which justifies the use of prejudicial means, or on the basis of a utilitarian calculus which determines the greatest good for the greatest number.

- All people have varying degrees of ability

While all people are of equal moral value, it is also clear that all people have varying degrees of ability and disability. While all people have potential, they have varying degrees of capacity to fulfill their potential. All people require some type of support to achieve potential. For that reason we support schools and colleges. We utilize coaches and trainers. We wear glasses to correct our vision, use hearing aids when our hearing becomes impaired, use a walker or a wheel chair when we are no longer ambulatory. In

the same way, some people with intellectual and developmental disabilities may need staff who support them in their daily needs, help to manage their finances, assist them with transportation, and make sure their nutritional needs are met. Ultimately, the moral obligation of a service provider to people with intellectual and developmental disabilities is to help them reach their full God-given potential, whatever that potential might be. A significant aspect of such service entails the appropriate alignment of supports with the desired outcomes anticipated by each person.

- All people have inherent rights of self-determination and independence

Individuals with intellectual and developmental disabilities should be enabled to make choices about their lives and to have those choices honored and supported. The attainment of a fulfilling life built around personal choices may require the support of trained professional staff. People with disabilities must be given the opportunity to experience optimal independence. The necessity for support does not negate an individual's right to achieve independence and to select those services that promote self-determination and freedom. Even if such choices require the assistance of family or guardians, respect for the dignity of the individual places a moral duty upon us to develop a plan of supports which first and foremost honors the wishes of the supported individual.

Legal/Civil Rights

- Nondiscrimination on the basis of ability/disability

Our country provides a Constitutional guarantee of equal protection under the law to its citizens. In particular, the 14th amendment to the U.S. Constitution declares that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Our nation's history, however, is filled with instances of discrimination and prejudicial treatment on the basis of any number of factors including race, religion, ethnicity, and disability. We have today states in which conviction rates, coerced confessions, and even the death penalty are inordinately high among people with intellectual and developmental disabilities. In many communities, local codes still exist which seek to keep people with intellectual and developmental disabilities out of residential neighborhoods.

Beginning with the Civil Rights Act of 1964 our nation entered an era during which the rights of citizenship were established in law. Some of the significant legislation passed during the last 40 years includes the Fair Housing Act of 1968 and its amendment in 1980 to include people with disabilities. The Americans with Disabilities Act of 1990 and its extension and expansion in 2009 gave greater access to education and employment to

people with intellectual and developmental disabilities. And the Individuals with Disabilities Education Act of 2004 provided states with guidelines on how to provide early intervention and special education in an integrated and mainstreamed environment. It also required individual transition planning for young adults who age out or graduate from high school. As a collective whole, these laws ensure that people with intellectual and developmental disabilities have every opportunity under the law to enjoy the rights of citizenship.

- Equal access

As citizens who are by law entitled to the civil rights, privileges and benefits of all other citizens, people with intellectual and developmental disabilities are not to be denied access to facilities, services, resources, education, active involvement in public policy, or technological assistance and transportation when needed. We believe that all people have the right to expect free access to the programs and services available to those who may not have a disability. Equal access goes well beyond overcoming physical barriers. Providing a wheel chair ramp or a curb cut may comply with federal standards, but the emotional and psychological barriers created by people who are disposed toward bias and prejudice against people with intellectual and developmental disabilities are more difficult to overcome. We believe that such conduct must be challenged whenever it is encountered and we stand ready to support individuals with disabilities in gaining access to the facilities, programs and services they need and desire.

- Constitutional guarantee of rights of life, liberty, pursuit of happiness

“We hold these truths to be self-evident, that all people are created equal and are endowed by their creator with certain inalienable rights.” So said the founding fathers of this nation in the Declaration of Independence. The Constitution of the United States extends this principle through laws and a legal system that enforce those Constitutional principles. We understand “life” to include the best possible health and access to medical and psychological supports, “liberty” to include the highest preferred level of independence, and “pursuit of happiness” to include those things that the general population believes bring personal joy and fulfillment, e.g., family contacts, friends, intimate relationships including marriage, and of course, a rich spiritual life. Conversely, our Constitutional rights also include the guarantee of freedom from abuse or neglect and we will do everything we can to uphold those freedoms.

Advocacy

- All people have a right to representation and participation in our democracy.

People with intellectual and developmental disabilities have an equal voice with respect to participation in and benefit from our government. There are no qualifiers in the Constitution, nor are their acceptable ethical standards that permit a differentiation of full participation in democratic processes on the basis of ability. We are fully committed to

ensuring that people with intellectual and developmental disabilities learn about their government and the rights they have, and that they have an opportunity to exercise these rights. Sometimes this is possible through direct interaction in which people we support are able to give personal voice to their needs. In other cases, we support individuals with intellectual and developmental disabilities in voting in local, state and national elections. In every case, we strive to assist people with intellectual and developmental disabilities to be self-advocates, speaking on their own behalf to law and policy makers.

- People with disabilities often need support to be self-advocates

Many people with intellectual and developmental disabilities are not able to independently participate in government. They may require the assistance of a professional care giver to help them express their needs and desires to government officials. Such assistance may include transportation, interpretation of non-verbal expressions, and facilitating appearances at appropriate gatherings, demonstrations, testimonies, hearings, and the like. We consider it an obligation, therefore, to make sure that every person we support is able to participate in democratic processes and is able to communicate with those who make decisions on their behalf.

- We are committed to advocating on behalf of those who can't speak for themselves

Many individuals with intellectual and developmental disabilities are unable to give voice to their hopes, dreams and needs. Their mental or physical limitations may be of such a nature or extent that they can neither speak nor act on their own behalf. We are fully committed to speak for them. We gladly follow the injunction of Proverbs 31:8-9 which compels us to “Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.” Consequently, we are committed to exercising our rights under the law to call attention to instances of injustice or prejudicial treatment. We will engage in those activities which have the potential to change public policy for the benefit of the people we represent. We will educate constituents and stakeholders regarding pending legislation, inequities in funding, denial of services, and unfair regulatory practices. We will urge people to contact legislators and provide the means to do so. All these efforts are conducted humbly and respectfully, believing that “the powers that be are ordained by God” (Romans 13:1). But in this democracy those “powers...ordained by God” are held in large measure by those who are governed and it is in the exercise of our democratic powers that we advocate for those whom we serve – people with intellectual and developmental disabilities.