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January 14, 2003

Re: Nomination of Judge Jeffrey Sutton to the Federal Court of Appeals

Dear Senators Hatch & Leahy:

I am an attorney/advocate for the disabled & elderly. I am disabled. On behalf of myself and other disabled persons on Staten Island, New York, we ask you to vote "no" on allowing Judge Sutton's nomination out of the Judicial Committee.

President George Bush, Sr., signed into law the greatest piece of legislation in the area of civil rights for the disabled, the Americans with Disabilities Act (ADA). Judge Sutton undermines the ADA. He is openly hostile toward federal civil rights protection.

In *Board of Trustees of Alabama v. Garrett*, which successfully challenged the constitutionality of applying the ADA to states as employers; Judge Sutton argued that the protections of the ADA were not needed to remedy discrimination by states against people with disabilities. This decision prevents persons with disabilities from collecting monetary damages from state employers. As a result, fewer attorneys are willing to represent individuals in ADA cases against state employers. It chills the due process rights of the disabled.

In *Olmstead v. L.C.* Sutton filed a brief representing the State of Georgia before the Supreme Court arguing that unnecessarily keeping people with disabilities in institutions was not discrimination. The Supreme Court reversed granting the disabled the right to receive treatment in the most integrated setting.

As a disabled attorney, I know first hand how important the ADA is. I successfully argued the ADA in two state fair hearings to keep my clients in their own homes. The state Medicaid Program wanted to warehouse them in a "community of the disabled" namely, a nursing home.

It is very important that Judge Sutton's nomination not leave the Judicial Committee.

Sincerely,

Margarette Berg Cashin, Esquire