



January 27, 2003

The Honorable Patrick Leahy
United States Senator
104 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

As the Executive Director of The Cerebral Palsy Association of Ohio, a non-profit, statewide advocacy organization dedicated to advancing the independence of Ohioans with cerebral palsy and other severe disabilities, I write to respectfully urge you to oppose the re-nomination of Jeffrey Sutton to the U.S. Court of Appeals for the Sixth Circuit.

Mr. Sutton has, to an unusual extent, dedicated his career to curtailing the civil rights of people with disabilities and racial minorities. Mr. Sutton has, as his well-documented record illustrates, been a leader in the effort to limit congressional power to enact laws protecting civil rights and individual liberties, without regard to existing law or the history of discrimination against people with disabilities, racial minorities and others.

In case after case, Mr. Sutton has advanced a radical agenda that seeks nothing less than dismantling of civil rights laws Congress has enacted over the past four decades that guarantee freedom and opportunity for people with disabilities and others. Mr. Sutton's efforts to eliminate civil rights are as follows:

***Eliminating individual enforcement of civil rights laws:**

Much of Mr. Sutton's legal activism has been dedicated to undermining the "teeth" of civil rights laws: individual enforcement in the courts. Mr. Sutton has repeatedly sought to deny people with disabilities, racial and religious minorities, and the elderly that most basic American right- to have their day in court and opportunity to prove their case. Without such individual enforcement, the substantive guarantees of civil rights laws are merely promises on paper.

***Defending large state institutions:**

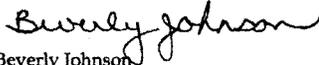
Contrary to Congress and the most current three Presidents, Mr. Sutton in *Olmstead v. L.C.* urged the Supreme Court to hold that "the American with Disabilities Act does not impose a 'least restrictive treatment' requirement on the

States" when they administer disability services to their citizens. Mr. Sutton's view that states should be free to deprive people with disabilities of their freedom, even when contrary to the recommendation of treating professionals, was soundly rejected by six Supreme Court justices and offends the core values of the disability community. It is contrary to the current Administration's New Freedom Initiative, which requires states to end the unnecessary confinement of people with disabilities in large, expensive state facilities.

Mr. Sutton has systematically sought out cases and developed arguments designed to reverse over four decades of civil rights legislation, enacted with overwhelming bipartisan support, that are the foundation of independent living for people with disabilities. These views are intolerable to the over forty million American who have disabilities. Mr. Sutton is not an appropriate candidate for a lifetime position on the nation's second-highest federal court.

I respectfully urge you to reject Mr. Sutton's nomination. Thank you for your careful consideration of these concerns.

Sincerely,



Beverly Johnson
Executive Director
Cerebral Palsy Association of Ohio