



COALITION FOR INDEPENDENT LIVING OPTIONS, INC.

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To: U.S. Senate Judiciary Committee
From: Genevieve Cousminer, Esquire
Coordinator of Advocacy Services

Re: Opposition to Sutton Confirmation

The purpose of this memo is to state the Coalition for Independent Living Options, Inc.'s opposition to the appointment of Jeffrey Sutton to the 6th Circuit Court of Appeals.

The Coalition's mission is to promote independence for people with disabilities through advocacy, information and referral, peer counseling, and independent living skills training. Our consumers represent a cross-section of disability, age, race, and socio-economic status. The unifying force is the consumers' desire to live productive, independent lives in the community with self-respect and dignity.

People with disabilities have made strides in achieving civil rights through federal legislative protections in employment, housing, health, and education. Sutton's record reflects his ideology which is outside the mainstream:

- In *Garrett*, Sutton argued against the right of state employees who have been discriminated against to sue employers for damages under the ADA. (And did so by denying the existence of a massive record of state discrimination compiled by Congress including forced sterilization of people with disabilities, unnecessary institutionalization, denial of education, and more.)
- In *Olmstead v. LC*, Sutton argued that unnecessarily keeping people with disabilities in institutions was not a form of discrimination and that states had no duty under the ADA to serve individuals in integrated settings
- In *Westside Mothers*, Sutton successfully argued that Medicaid recipients cannot sue to protect their rights under the law, States have begun citing this decision to persuade courts to rule that people with disabilities have no right to enforce their rights under Medicaid, Section 504, IDEA and the Rehabilitation Act.
- In *Alexander v. Sandoval*, Sutton argued that individuals cannot privately enforce regulations under Title VI, a race discrimination statute. States have since used Sutton's arguments in efforts to persuade courts that people with disabilities



State of Florida, Dept. of Education
Vocational Rehabilitation Services

U.S. Department of Education
Rehabilitative Services Administration



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should not be allowed to enforce regulations under Section 504 and Title II of the ADA requiring reasonable accommodations and integration of individuals with disabilities.

- There are numerous other cases in which he argued to weaken or eliminate federal protections addressing age discrimination, violence against women, religious discrimination and more. These statutes represent years of congressional finds and bipartisan compromises to establish greater fairness in the workplace and provide effective remedies for discrimination.

Unelected Federal Court judges should not advance their own ideologies and thereby deny the vast record of discrimination compiled by Congress in enacting the ADA.

Therefore, we urge you to consider our opposition to the appointment of Jeffrey Sutton and that you not confirm his nomination to the Sixth Circuit Court of Appeals.