



Eastern Paralyzed Veterans Association

January 23, 2003

The Honorable Orrin G. Hatch
 Chairman
 Senate Judiciary Committee
 Dirksen Senate Office Building, Room 224
 Washington, DC 20510

Dear Chairman Hatch:

The Eastern Paralyzed Veterans Association strongly opposes the confirmation of Jeffrey Sutton to the Sixth U.S. Circuit Court of Appeals. In the past, Mr. Sutton's attempts to limit Congressional authority in the area of disability rights has directly undermined the protections given to people with disabilities through the Americans with Disabilities Act (ADA) and other disability rights laws.

In *University of Alabama v. Garrett*, Mr. Sutton argued that Congress did not have the authority under the Constitution to apply the ADA to States in employment discrimination suits for damages. The United States Supreme Court agreed with his argument. Additionally, in *Olmstead v. L.C.* he argued that unnecessary institutionalization of people with disabilities should not be a violation of the ADA, but, fortunately, the Supreme Court disagreed in that case.

Mr. Sutton's positions in these and other cases clearly represent an interpretation of the Equal Protection Clause, Spending Clause, and Commerce Clause that would dramatically restrict Congress's authority and hinder its ability to pass laws protecting the rights of Americans with disabilities, older workers, and others under the Constitution. For this reason, Eastern Paralyzed Veterans Association, and many other disability rights organizations, strongly urge you, and the Senate Judiciary Committee, not to confirm Mr. Sutton to the court.

People with disabilities have fought, with you at their side, to achieve the protections afforded by the ADA and likeminded laws. We must now continue that fight to ensure that these rights and protections, which are now in place, not be abridged by an activist court with a Congressionally limiting analysis of the law. Please oppose Jeffrey Sutton's nomination.

Sincerely,


 JOHN D. DEL COLLE
 Associate Executive Director
 Government Relations

CC: The Honorable Patrick J. Leahy, Ranking Member
 Senate Judiciary Committee Members

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