



AUBURN OFFICE:  
75 GENESEE ST., AUBURN, NY 13021  
315-255-3447 VOICE AND TTY • FAX 315-255-0836

SENECA FALLS OFFICE:  
55 FALL ST., SENECA FALLS, NY 13148  
315-568-2724 VOICE AND TTY • FAX 315-568-1844

WEB PAGE: WWW.OPTIONSFORINDEPENDENCE.ORG  
E-MAIL: OPFORIND@AOL.COM

January 7, 2003

Senator James Leahy  
224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Good morning,

We are writing with regards to President George W. Bush's nomination of Jeffrey Sutton to the Sixth Circuit Court. Options for Independence is an Independent Living Center which works with people who have disabilities in Central New York. We serve as advocates to help individuals with disabilities remain independent in their community. We also work in the community to break barriers – often citing the Americans with Disabilities Act.

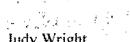
We oppose the nomination of Mr. Sutton because of his stand and disregard for the ADA and the rights of individuals with disabilities afforded to them by disability laws. Mr. Sutton has not only made statements against the ADA but has also worked against its full implementation. We contend that should Mr. Sutton be approved, the civil rights of individuals with disabilities will be in jeopardy.

It is important to reference two Supreme Court Cases that Mr. Sutton was directly involved with. Mr. Sutton represented both the University of Alabama and the State of Georgia in two well known disability cases. The University of Alabama vs. Garrett was a case where Patricia Garrett, who was a state employee, sued her employer under the ADA for damages. Mr. Sutton argued that Congress had no power to allow state employees to sue their employers for damages under Title I of the ADA. The Court ruled in favor of Mr. Sutton's defense in a 5 to 4 decision.

In Olmstead vs. L.C., Mr. Sutton argued that states had no duty under the ADA to serve individuals with disabilities in integrated settings. The Olmstead case was brought by two women living in a state run institution who wanted to be able to move back into their community. He contended that it was too costly to do this. Furthermore, he argued in this case that keeping individuals in an institution was not a form of discrimination. Luckily in this case the women won. Justice Ruth Bader Ginsburg in the Court's decision cited that unjustified institutionalization is discrimination and violates the ADA.

As an agency that works to educate individuals with disabilities about their rights, we urge you to vote against the nomination of Jeffrey Sutton to the Sixth Circuit Court. Should Mr. Sutton be confirmed the path to enforcing the rights for all people will be jeopardized where our civil rights are concerned.

Warmest regards,

  
Judy Wright  
Statewide Systems Advocate