

12000 Chase Crossing Circle #403  
Rockville, MD 20852

The Honorable Barbara Mikulski  
309 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Mikulski:

I am very concerned about the nomination of Jeffrey Sutton to the U.S. 6th Circuit Court of Appeals. I am aware that you are likely to be voting on this nomination soon, and urge you to vote against his nomination. Much of the national commentary regarding his nomination to the federal bench has focused on Mr. Sutton's impressive educational credentials, but has failed to address the substance of Sutton's views.

Mr. Sutton has a troublesome track record as a champion for reinvigorated states' rights jurisprudence. His arguments in the *Garrett* case about the Americans with Disabilities Act [ADA] as well as more recent public statements are clear: Mr. Sutton strongly believes parts of the ADA to be unconstitutional. Therefore, promoting him to the Circuit Court of Appeals could impede Congress's ability to protect our civil rights.

The Americans with Disabilities Act is the world's first comprehensive civil rights law for people with disabilities. Barbara Bush, mother of our current President, has described it as the finest accomplishment of her husband's administration. Personally, I find it very hard to understand how President George W. Bush could send to the Federal Court a man who challenges "across the board" the constitutionality of a great civil rights law signed by his father, George Bush, Sr.

For the sake of the ADA and our civil rights more broadly, I urge you to vote against Jeffrey Sutton when considering his nomination to the United States 6th Circuit Court of Appeals.

Sincerely,



Andrew R. Sommers  
Agency for Healthcare Research and Policy [DHHS]  
Rockville, Maryland

cc: Senator Patrick Leahy (D), Chairman, Ranking Member, Judiciary Committee  
Senator Orrin Hatch (R), Ranking Member, Judiciary Committee