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3417 ORDWAY STREET, N.W.
WASHINGTON, D.C. 20016

June 18, 2001

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

re: Jeffrey Sutton

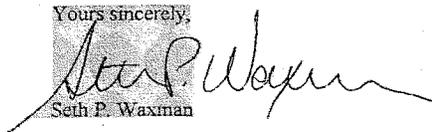
Dear Chairman Leahy and Senator Hatch:

I understand that Jeffrey Sutton is under consideration as a nominee for the position of United States Circuit Judge for the Sixth Circuit. I have known Mr. Sutton professionally for four years and have high regard for him. Both as Solicitor General for the State of Ohio and as a partner at Jones, Day, Mr. Sutton handled important cases in the United States Supreme Court in which I was personally involved. I consider Mr. Sutton both a gifted appellate advocate and a fine human being.

I know that some have questioned whether the position Mr. Sutton advocated last Term in the Garrett case reflected antipathy on his part toward the Americans with Disabilities Act. I argued that case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely consistent with the finest traditions of the adversary system.

Thank you for considering these views.

Yours sincerely,


Seth P. Waxman