

02-1667 TENNESSEE v. LANE

Ruling below: CA 6, 315 F.3d 680.

QUESTIONS PRESENTED

1. Whether Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12165 (2002), exceeds Congress's authority under section 5 of the Fourteenth Amendment, thereby failing validly to abrogate the states' Eleventh Amendment immunity from private damage claims.

~~2. Whether the abrogation analysis under Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12165 (2002), differs when an individual Title II claim is purportedly tied to due process concerns rather than equal protection concerns.~~

CERT. GRANTED: 6/23/03

Limited to question 1 presented by the petition.