

Congress of the United States
Washington, DC 20515

March 24, 2010

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol
Sacramento, California 95814

The Honorable Edmund G. Brown Jr.
Attorney General
California Department of Justice
Sacramento, California 94244

Dear Governor Schwarzenegger and Attorney General Brown:

We are writing to express our strong opposition to health care legislation signed into law yesterday by President Barack Obama. While we all share the goal of providing Americans with affordable access to quality health insurance, we believe the legislation in question represents an unconstitutional overreach of authority that severely undermines the individual liberty of every American.

With the enactment of this legislation, the federal government requires that individuals purchase health insurance or face financial penalties, a power that proponents of the legislation argue is within the purview of Congress under the commerce clause. Contrary to this interpretation, we believe such a mandate and coinciding penalties for non-compliance are unconstitutional on the basis that even the broadest interpretation of the commerce clause would not confer on Congress the authority to force individual citizens to purchase health insurance.

Never before has the federal government mandated that individuals buy a product from another person or enterprise. Federal health care legislation threatens to dismantle this long-standing relationship between the federal government and its citizens by imposing a purchase directive for the first time. Nonetheless, it is unmistakable that a person who chooses not to buy health insurance is therefore not engaging in commerce and cannot be subject to federal mandates instructing otherwise. It is the responsibility of states, not the federal government, to determine the most reasonable and, of course, lawful approach in this case.

Most notably, the States of Virginia and Idaho enacted a law that protects their citizens from any type of federal mandate to purchase health insurance and it is our understanding that other states are considering similar measures. Due to the serious constitutional questions that accompany federal health care legislation, it is our belief that the State of California should initiate the same action to ensure the rights of its citizens are fully protected. We hope you will offer your support for this effort and provide the necessary leadership to help bring a measure forward.

Several states have also organized and intend to file legal challenges against the health care legislation on the basis that it violates the 10th Amendment and the commerce clause. The U.S. Supreme Court has acknowledged limits to interstate activities and, consistent with these limitations, the individual

mandate included in the legislation appears to be beyond the scope of federal authority. We respectfully request that you give immediate consideration to initiating similar action or, at the very least, joining the efforts undertaken by a coalition of other states intending to challenge the constitutionality of the legislation.

In our State of California, the consequences of this legislation are compounded by projected expenditures of \$2 billion to \$3 billion annually to expand the state Medicaid program and an overall \$20 billion budget deficit. We remain strong proponents of meaningful health care reform but an approach to reform that raises such significant constitutional questions and shifts greater costs burdens to states, especially in today's economy, will not provide the quality care that Americans expect and should be directly challenged by states as efforts to overturn this law continue.

Sincerely,

J. M. Chis

Thomas Hunt

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Brian P. Bellamy

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Ed Royce

Don Nunes

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Mauro Poma

Wally Herger

Dana Robinson Kevin McCarth