



**ADVANCING LIBERTY WITH RESPONSIBILITY
BY PROMOTING MARKET SOLUTIONS
FOR MISSOURI PUBLIC POLICY**

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January 6, 2011

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An Open Letter to Missouri Attorney General Chris Koster
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Dear Atty. Gen. Koster:

To date, 20 out of the 50 states have joined a multi-state lawsuit challenging the constitutionality of the recent federal health care reform law. That case, Florida v. United States Department of Health and Human Services, Case No. 3:10-CV-19-RV/EMT, is currently pending before U.S. District Judge Roger Vinson. Other states are expected to join the lawsuit by Jan. 10.

The law at issue is defective on its merits; it raises the cost of health care, intrudes into decisions that should be reserved to individuals and businesses, limits the availability of health insurance, and increases the deficit at a time when the federal debt is already threatening the solvency of the nation. But I urge you to join the lawsuit because of grave concerns over the constitutionality of the law and, in particular, of the individual health insurance mandate.

The individual mandate requiring Americans to carry insurance overreaches the federal government's authority under the Constitution's commerce clause. Health care is just one among many goods and services that individuals in Missouri purchase, and courts have never interpreted the commerce clause as giving the federal government the power to require individuals to purchase a product. To put it simply, a person's decision not to buy health insurance is not an act of "commerce." If the commerce clause justifies this kind of intrusion, there is literally no limit to the power of the federal government over the lives and freedom of the American people.

Missouri voters understand the constitutional infirmity of the health care law. When they passed Proposition C last August with more than 71 percent of the vote, they signaled strong opposition to the individual mandate. In view of this expression of the popular will, and the implications of this expansion of federal power, I urge you to join the states that have filed this constitutional challenge in an effort to protect the liberty of their citizens.

Most respectfully,

Brenda Talent
Executive Director, Show-Me Institute