



March 24, 2010

Dear Governor Freudenthal,

We write on behalf of the Senate and House Republican leadership and those legislators listed to strongly urge you to direct Attorney General Salzberg to have Wyoming join in the Complaint for declaratory and injunctive relief against the operation of the “Patient Protection and Affordable Care Act,” H.R. 3590 (the Act), that was signed into law by the President of the United States on March 23, 2010. This Complaint is being filed by the State of Florida and other states against the United States Department of Health and Human Services; Kathleen Sebelius, in her official capacity as the Secretary of the United States Department of Health and Human Services; the United States Department of the Treasury; Timothy F. Geithner, in his official capacity as the Secretary of the United States Department of the Treasury; United States Department of Labor; and Hilda L. Solis, in her official capacity as Secretary of the United States Department of Labor, to preserve their respective sovereignty and solvency of the states, and to protect the individual freedom, public health, and welfare of their citizens and residents.

We believe the Act represents an unprecedented encroachment on the liberty of individuals living in the respective states, by mandating that all citizens and legal residents of the United States have qualifying healthcare coverage or pay a tax penalty. The Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying healthcare coverage. By imposing such a mandate, the Act exceeds the powers of the United States under Article I of the Constitution and violates the Tenth Amendment to the Constitution.

We believe that the tax penalty required under the Act, which must be paid by uninsured citizens and residents, constitutes an unlawful capitation or direct tax, in violation of Article I, sections 2 and 9 of the Constitution of the United States.

We believe that the Act also represents an unprecedented encroachment on the sovereignty of the states and the Act converts what had been a voluntary federal-state partnership into a compulsory top-down federal program in which the discretion of Wyoming and its sister states is removed, in derogation of the core constitutional principle of federalism upon which this Nation was founded. In so doing, the Act exceeds the powers of the United States and violates the Tenth Amendment to the Constitution.

House Enrolled Joint Resolution No. 3 (being original House Joint Resolution No. 9) clearly sets out Wyoming's position against such overreaching and encroachment on state sovereignty that are epitomized by this Act. Our citizens are directly asking for our involvement. Many have contacted you to encourage a challenge to this legislation. Let's join together, listen to our citizens, and explore our options in protecting Wyoming from continued unfunded mandates and the continuing escalation of the national debt or higher taxes.

Respectfully submitted,



Senator John Hines
President of the Wyoming Senate

Representative Colin Simpson
Speaker of the Wyoming House

Senator Jim Anderson
Senate Majority Floor Leader

Representative Edward Buchanan
House Majority Floor Leader

Senator Tony Ross
Senate Vice President

Representative Frank Philp
House Speaker Pro Tempore

Senator Eli Bebout
Riverton, WY

Representative Lorraine Quarberg
House Majority Whip

Senator Cale Case
Lander, WY

Senator Hank Coe
Cody, WY

Senator Stan Cooper
Kemmerer, WY

Senator Dan Dockstader
Afton, WY

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Cheyenne, WY

Senator Bill Landen
Casper, WY

Senator Drew Perkins
Casper, WY

Senator R. Ray Peterson
Cowley, WY

Representative Rodney "Pete" Anderson
Pine Bluffs, WY

Representative Rosie Berger
Sheridan, WY

Representative Greg Blikre
Gillette, WY

Representative Dave Bonner
Powell, WY

Representative Bob Brechtel
Casper, WY

Representative Edward Buchanan
Torrington, WY

Representative Richard Cannady
Glenrock, WY

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Representative Roy Cohee
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Representative Kathy Davison
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Lingle, WY

Representative Sue Wallis
Recluse, WY

Representative Dan Zwonitzer
Cheyenne, WY