

November 15, 2011

Attorney General Steve Bullock
Montana Department of Justice
P.O. Box 201401
Helena, MT 59620-1401

Dear Mr. Bullock,

As Montana's Attorney General, I hope you would agree that defending Montanans' Constitutional rights and protecting Montana from another set of incredibly expensive federal mandates is important. A recent estimate from the non-partisan Congressional Budget Office showed a potential loss of up to 1.6 million American jobs because of President Obama's healthcare bill, passed at a time of continued chronic unemployment. Therefore, like most Montanans, I greeted with joy the United States Supreme Court's decision yesterday to review the constitutionality of the Patient Protection and Affordable Care Act. Unfortunately for the citizens of our state, that enthusiasm was tempered with the realization that our state's voice may not be heard by the Justices when oral arguments are made because of your decision not to join 26 other states in the legal challenge. As Montana Senate Majority Leader, I repeat my request to you to rectify this situation by doing everything within your power to make sure the voice of Montana's people has a chance to be heard.

Montanans have consistently made clear their opposition to this healthcare law from the time of its first introduction in the U.S. Senate. In fact, in a poll released on November 1st by Montana State University-Billings, a whopping 67% of Montana voters expressed their continued opposition to this law. Coupled with the important Constitutional concerns brought up in this lawsuit, this outpouring of public opinion should not continue to be ignored by your office. After repeated requests from leaders across our state were denied by your office, you may recall that the Montana Legislature passed SB 106 to compel your office to finally represent our state on this important Constitutional issue.

I recognize your spokesman has repeatedly dodged the requests to join the challenge to this law by saying you weren't interested in spending the money. That response is truly disappointing as Montanans know that the defense of our rights under the Constitution from an overreaching federal government would have been worth the cost. It is my understanding that with much of the work already completed by Attorneys General in dozens of other states, the cost incurred by your office in drafting an amicus brief at this late stage of the case would be minimal, especially when compared to the drastic spending increases that this law will force upon our state budget.

Along with the people of Montana, I eagerly await your immediate attention to this request to give our citizens a voice in one of the most fundamentally important Constitutional questions of our time. This continued failure of leadership to protect Montana and Montanans from an overreaching federal government is simply unacceptable.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Essmann". The signature is written in a cursive style with a large initial "J" and "E".

Senate Majority Leader Jeff Essmann