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FIFTH DISTRICT, WISCONSIN

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CRIME, TERRORISM, AND
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April 9, 2012

The Honorable Barack Obama
President of the United States
The White House
Washington, DC 20500

Dear President Obama:

During a recent press conference, you suggested that if the Supreme Court were to rule the Affordable Care Act's individual mandate unconstitutional, it would be taking an "unprecedented, extraordinary step." You also stated that the law was passed by a strong majority of a democratically elected Congress, and that it would be an example of "judicial activism or a lack of judicial restraint — that an unelected group of people would somehow overturn a duly constituted and passed law."

Your remarks imply that the Court would be acting recklessly in undertaking judicial review of Congress' use of the Commerce Clause to force Americans to buy health care or pay a penalty. As someone who once taught constitutional law, you are well aware that every law that has ever been struck down has had the majority support of the legislature (a constitutional requirement). Therefore the Court's striking down of the Affordable Care Act would in no way be "unprecedented" or "extraordinary." We are concerned that your comments at the very least, seek to delegitimize any adverse decision made by the Supreme Court against what many perceive as your signature political achievement.

The Supreme Court was established by our Founding Fathers to ultimately decide the meaning of the Constitution and to uphold it. It is their duty and responsibility to strike down laws they deem unconstitutional. Whether or not the law was passed by a "majority" of members of Congress should have no bearing on its constitutionality. There has been 200 years of judicial review to prove that point.

Therefore, we encourage you to respect the process of judicial review and allow the Court to formulate its decision without influence from your Administration. Whatever disagreements we may have regarding the Affordable Care Act, it is our hope that we can at least agree that the Affordable Care Act should rise or fall on its own merits.

Sincerely,

Member of Congress

Member of Congress

Frank Starks

Member of Congress

K. Miatt Long

Member of Congress

Gene Allom

Member of Congress

Reid Schenk

Member of Congress

Candice S. Miller

Member of Congress

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Member of Congress

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T. McCreary (M-11)

Member of Congress

A. Cawson TX-23

Member of Congress

BB Mills

Member of Congress

Tracy Gooddy

Member of Congress

Dan Burton

Member of Congress

Member of Congress

Member of Congress

Member of Congress