

March 3, 2011

The Honorable Barack Obama
The President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

The Supreme Court of the United States has decided to consolidate and review decisions by the Ninth Circuit in the cases of *Maxwell-Jolly v. Independent Living Center of Southern California*, *Maxwell-Jolly v. California Pharmacists Association* and *Maxwell-Jolly v. Santa Rosa Memorial Hospital*. We are writing to express our grave concerns about the policy implications that a reversal of these decisions would have and to urge that your Administration make a forceful argument in favor of upholding the Ninth Circuit's rulings.

In these cases, the State of California argues that private parties do not have a cause of action to sue when state law is inconsistent with, or violates, federal law. The Ninth Circuit correctly rejected this argument. Should the Ninth Circuit's decision be modified or reversed, it would have wide-ranging and serious implications for access to the courts to enforce federal laws. Most directly, an adverse outcome threatens the ability of low-income individuals to access health care services. If California were to prevail, states across the country would be free to cut Medicaid reimbursement rates regardless of the impact on access to care for low-income children, seniors and people with disabilities who rely on Medicaid. Such a decision would have enormous spillover effects on the success of the Affordable Care Act (ACA) which extends Medicaid's entitlement to 16 million newly eligible persons. For millions of Medicaid eligible individuals, the guarantee of health care coverage would be an empty promise and the goal of achieving near-universal coverage would be thwarted.

While it would harm low-income Medicaid beneficiaries most directly, it could also impede the enforcement of a wide range of federal mandates. If the Court were to establish a new, adverse precedent, it would undermine federal protections in areas such as TANF, the Supplemental Nutrition Assistance Program (formerly Food Stamp Program), immigration and the unemployment insurance program.

Federal agencies do not have the capacity to enforce all federal laws. But federal courts have always been open to litigants who are injured by violations of federal law and who seek equitable or injunctive relief. We urge your Administration to stand by these longstanding precedents and to help preserve the ability of affected parties to seek redress from the courts. To fulfill Medicaid's promise to provide health care to our most vulnerable citizens, we reiterate our request that you urge the Acting Solicitor General to argue forcefully in favor of upholding the Ninth Circuit's decisions.

Respectfully yours,

Alliance for a Just Society
American Academy of Pediatrics
American Association of People with Disabilities
American Congress of Obstetricians and Gynecologists
American Federation of State, County and Municipal Employees
American Health Care Association
American Network of Community Options and Resources
Bazelon Center for Mental Health Law
Campaign for America's Future
Center for American Progress Action Fund
Center for Medicare Advocacy
Direct Care Alliance
Easter Seals, Inc.
Every Child Matters Education Fund
Families USA
Leadership Conference on Civil and Human Rights
Mental Health America
National Council on Independent Living
National Council of La Raza (NCLR)
National Disability Rights Network
National Education Association
National Health Law Program
National Family Planning & Reproductive Health Association
National Physicians Alliance
National Women's Law Center
Paralyzed Veterans of America
Service Employees International Union
USAction