



## Washington State Senate

**Senator Lisa Brown**  
**Senate Majority Leader**  
3rd Legislative District

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March 23, 2010

The Honorable Rob McKenna  
Office of the Attorney General  
PO Box 40100  
Olympia, WA 98504

Dear Attorney General McKenna:

Your announcement yesterday of your intent to join twelve other state attorneys general to challenge HR 3590, the Patient Protection and Affordable Care Act, is immensely disappointing.

Ensuring that Washingtonians have access to health care is a critical and fundamental priority for the public and their elected officials across our state.

Your decision clashes with the positions taken by both of Washington's U.S. Senators, six of Washington's nine members of Congress, the Governor, the Insurance Commissioner, the Speaker of the House, me as the Senate Majority Leader and a solid majority of the state Legislature, including the chairs of the health care committees in both the House and the Senate. Your decision is far outside the mainstream interests of the people of the state of Washington and is one that, on behalf of the one million people in our state without health insurance, I strongly urge you to reconsider.

One-sixth of the state population is uninsured. Hundreds of thousands of individuals have been denied coverage due to pre-existing conditions. Many others simply cannot afford health insurance, while hundreds of thousands of additional families are struggling to afford their existing coverage. Unrestrained increases in health care costs are bankrupting families, small businesses and represent the single biggest structural problem in the state budget.

Page Two  
March 23, 2010

The Legislature has demonstrated an ongoing commitment to reducing cost increases and cost shifts in our health care system. Two prime examples are our commitment to funding the Basic Health Plan, Washington's model low-income health program that insures 65,000 individuals, and Apple Health for Kids, our health program for 486,000 children from low-income families.

Federal health care reform is exactly what the Legislature has been waiting for to complete our efforts at the state level. The landmark reform effort not only reduces existing premiums, keeps costs down, and creates affordable access to health care for those who lack it, it contains important provisions to help the state sustain the BHP, fixes the terrible inequities in Medicare reimbursement to our state's physicians and hospitals, and places restraints on the largest cost driver in our state budget.

If you and your fellow litigants are successful, your "success" will cost Washington taxpayers and businesses several billion dollars in lost federal funds for critical health care programs, and health care coverage for well over a million Washingtonians. In the face of such staggering costs, your decision to join this lawsuit is nothing less than fiscally and morally irresponsible.

The Legislature certainly recognizes and respects the independence of the Attorney General's Office. The Attorney General's ability to serve as a dispassionate advocate for the interests of Washington State and its citizens is crucial to the credibility accorded the office.

However, given the overwhelming benefits of the new law for Washingtonians and the overwhelming support for it by Washingtonians, your decision to challenge the law creates the appearance of a last-ditch obstructionist effort to represent the concerns of a political party over the interests of the people of this state.

I sincerely hope you will consider putting the interests of the people our state first by withdrawing your participation in this lawsuit.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Brown".

Lisa Brown  
Senate Majority Leader  
3<sup>rd</sup> Legislative District