

# United States Senate

WASHINGTON, DC 20510

COMMERCE, SCIENCE  
AND TRANSPORTATION  
FOREIGN RELATIONS  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
SMALL BUSINESS AND  
ENTREPRENEURSHIP

April 28, 2014

Dear Michael,

Thank you for joining my efforts to affirm the oath each one of us took to support and defend the Constitution of the United States at this crucial point in American history. I fully recognize that many of you put aside your personal financial interest in joining an amicus brief in support of my lawsuit against the Office of Personnel Management (OPM).

This lawsuit to overturn OPM's rule that unconstitutionally amends the Affordable Care Act offers us a landmark opportunity to help re-establish the balance between the executive and legislative branches of government.

As George Washington Law School Professor Jonathan Turley eloquently stated in testimony before the House Judiciary Committee (emphasis added):

*"We are now at the constitutional tipping point for our system. If balance is to be reestablished, it must begin before this President leaves office and that will likely require every possible means to reassert legislative authority. No one in our system can 'go it alone' — not Congress, not the courts, and not the President. We are stuck with each other in a system of shared powers — for better or worse. We may deadlock or even despise each other. The Framers clearly foresaw such periods. They lived in such a period. Whatever problems we are facing today in politics, they are problems of our own making. They should not be used to take from future generations a system that has safeguarded our freedoms for over 250 years."*

Even though Professor Turley and I do not share the same political views, we do share the deeply held belief that it is well past time for Congress to defend its powers and for the courts to help re-establish the vital balance between our three branches of government. I sincerely appreciate each one of you upholding your oath and taking this opportunity to defend the Constitution of the United States by joining the amicus brief.

Sincerely,



Ron Johnson