



January 26, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC, 20500

Dear Mr. President,

Before Wednesday's State of the Union address, we urge you to review Sunday night's edition of Dateline NBC, which features three families who suffered deeply for lack of enough legal leverage to get medical treatment promised through their employer-sponsored health insurance. Any of the 132 million Americans with such insurance coverage could find themselves in similar straits: with health coverage but without care they desperately need, because they have no adequate legal remedies when they fall seriously ill and are wrongfully denied treatment.

The dilemma of these families stems in large part from a 1987 Supreme Court decision, *Pilot Life vs. Dedeaux*, which is widely regarded as a misinterpretation of Congress's intent in enacting the Employee Retirement Income Security Act (ERISA). On Wednesday, we urge you to call upon Congress to fix this judicially created inequality that leaves individuals at the mercy of insurers' delays and denials of necessary care.

We hope you will also take an immediate step that does not require action by Congress: the creation of a consumer affairs office in the White House. One benefit of this representation for consumers would be its power to speak for patients who cannot seek justice in our courts, yet lack other effective advocacy on their behalf. A consumer affairs advocate in the White House would be heard by insurers and could make sure federal agencies are more responsive to patients' needs.

Every Democratic president since John F. Kennedy has had a special assistant for consumer affairs in the White House. We urge you to announce Wednesday that you'll re-establish that influential post, supported by a formal White House office of consumer affairs. That office, first created under President Richard Nixon would amplify consumers' voice even in the absence of Congressional action.

We know these have been difficult months for reform but we urge you to forge ahead both on Capitol Hill and by fully using the powers you have as our nation's chief executive. Patients in America, even those with insurance, are left today to struggle as disempowered individuals against corporate behemoths. They need your help and persistence now.

Thank you,

Handwritten signature of Jamie Court in black ink.

Jamie Court

Handwritten signature of Jerry Flanagan in black ink.

Jerry Flanagan

Handwritten signature of Judy Dugan in black ink.

Judy Dugan

Handwritten signature of Carmen Balber in black ink.

Carmen Balber