



SEATTLE CITY COUNCIL

April 23, 2018

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Jay Inslee,

We are writing to express concern about President Trump's Medicaid waiver reversal for tribes. The Seattle City Council stands with tribal governments and demands that President Trump withdraw its 2018 policy directing the Department of Health and Human Services to no longer honor tribal exemptions from Medicaid work requirements. On January 17, 2018 the Center for Medicare and Medicaid Services (CMS) issued a statement announcing CMS will no longer waive Indian Health Service (IHS) beneficiaries of the Medicaid work requirements due to civil rights concerns. The Trump Administration's interpretation of civil rights concerns suggest tribes are a race rather than sovereign government. This understanding is morally appalling and deliberately misleading.

The new policy on Medicaid work requirements undermines the duty of the federal government to maintain a government-to-government relationship with all federally recognized tribes as codified in the Constitution, treaties, and federal statutes. In 1974, the Supreme Court in *Morton v. Mancari* upheld that the federal government could lawfully treat Indians and Indian tribes differently from other citizens based on a political rather than racial status and acknowledges that Indian tribes are political sovereigns.

As former Supreme Court Justice Antonin Scalia acknowledged in an opinion he authored for the United States Court of Appeals for the D.C. Circuit, Indians and Indian tribes do not qualify as a suspect classification for purposes of an equal protection analysis because the "Constitution itself establishes the rationality of the present classification" through its "provi[sion of] a separate federal power which reaches only the present group."

Native American communities have an unemployment rate three times higher than the U.S. average. Denying unemployed Native Americans access to Medicaid would devastate a population that already disproportionately suffers from high rates of obesity, diabetes, teen pregnancy, mental health issues and drug problems. The loss of access to Medicaid will only

exacerbate the oppression caused by health disparities for Native Americans and will only compound the dire social and mental health issues for Native Americans.

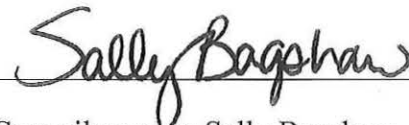
In fact, W. Ron Allen, Chair of the Tribal Technical Advisory Group, said in a Feb. 14 [letter](#) to Health and Human Services Administrator Seema Verma that without supplemental Medicaid resources, the Indian Health System will not survive.

Three states- Arkansas, Kentucky and Indiana- have begun implementing the new Medicaid requirements and 10 other states are preparing applications. **Washington State must hold the line. The Seattle City Council requests that you, Governor Inslee continue to uphold the Medicaid waiver program for Washington's twenty-nine federally recognized tribes and greater native communities.**

We wish you all the best,



Council President Bruce A. Harrell



Councilmember Sally Bagshaw



Councilmember M. Lorena González




Councilmember Lisa Herbold



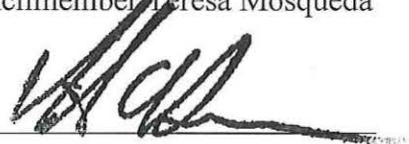
Councilmember Rob Johnson



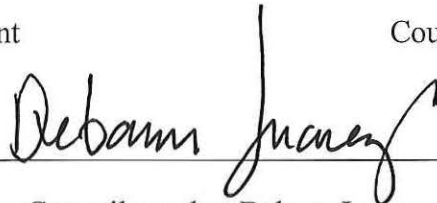
Councilmember Teresa Mosqueda



Councilmember Kshama Sawant



Councilmember Mike O'Brien



Councilmember Debora Juarez

CC: Washington State Insurance Commissioner Mike Kreidler
The Washington State Congressional Delegation Members