



State of Arizona

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Governor Jan Brewer Applauds Decision in ObamaCare Lawsuit

Florida Judge Issues Summary Judgment in Favor of States' Rights

PHOENIX – Governor Jan Brewer today hailed the ruling by Florida U.S. District Judge Roger Vinson as a major victory for states' rights in its finding that the individual mandate in ObamaCare, which requires everyone to purchase federally-approved health care or pay a penalty beginning in 2014, is an unprecedented and unconstitutional application of the Commerce Clause.

"I knew ObamaCare was unaffordable and unsustainable, and today's court ruling confirms that it is unconstitutional, as well," said Governor Jan Brewer. "Our country was founded on the concepts of individual liberty and state sovereignty, not federal mandates and penalties. So I applaud the court for doing its duty in upholding the Constitution, and I look forward to leading the continued fight against this federal monstrosity."

In a 78-page decision, Judge Vinson ruled for summary judgment in favor of the 26 states regarding the individual mandate provision, striking down every single argument offered by the Obama Administration in its failed effort to justify why Congress should have the power to require its citizens to buy any good or service as a condition of lawful residence in the United States. Moreover, the court held that the individual mandate is not severable from the rest of the act and, therefore, the entire act must be declared void.

In his ruling Judge Vinson said, "Never before has Congress required that everyone buy a product from a private company (essentially for life) just for being alive and residing in the United States." The Judge went on later to note that if Congress has the power to compel an otherwise passive individual into a commercial transaction with a third party merely by asserting that the transaction is commerce, then "the enumeration of powers in the Constitution would have been in vain for it would be 'difficult to perceive any limitation on federal power... and we would have a Constitution in name only. Surely this is not what the Founding Fathers could have intended."

As the Governor stated in her letter to Secretary Sebelius last week, Arizona is in a struggle for survival. The Medicaid program is slowly taking over Arizona's state budget. State obligations for Medicaid have grown from 17 percent of the state General Fund in FY2007 to 29 percent in FY2011. During that time, spending on Medicaid has soared by 63 percent, while the state has slashed spending in almost all other areas of government. This cannot be sustained. Arizona's deficit is \$763 million in FY2011 and a staggering \$1.2 billion in FY2012.

In previous rulings, the Court acknowledged the critical point made by the states in that ObamaCare forces upon them the choice of either accepting the sweeping changes to Medicaid, which will "explode their

state budgets,” or withdrawing from the system entirely. ObamaCare transforms Medicaid from a federal-state partnership to reimburse needy persons’ medical costs into a vast federally-mandated program to benefit millions of persons with incomes above the poverty line. The Act now limits state flexibility and turns the states into an administrative arm of the federal government.

Today’s decision striking down ObamaCare in its entirety has a direct impact upon the federal Medicaid requirement from which Governor Brewer sought a waiver last week. If the federal health plan is unconstitutional, she said, it follows that the maintenance-of-effort funding requirement it implemented upon the states would be unconstitutional, as well.

“I hope that federal officials’ take today’s decision into account when reviewing the waiver request that I submitted last week,” said Governor Brewer.

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