



## State of Arizona

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# Governor Jan Brewer Praises Federal Court Decision in ObamaCare Lawsuit

PHOENIX – Governor Jan Brewer today welcomed the news that a Florida U.S. District Judge ruled against the Obama Administration’s Motion to Dismiss regarding the individual mandate. This decision allows the lawsuit brought by Governor Brewer on behalf of the State of Arizona and 19 other states to move forward on its merits.

“I am very pleased with the decision of the Court today that will allow the states to move forward with their opposition to ObamaCare – one of the most intrusive federal mandates and violations of States’ rights ever seen,” said Governor Brewer. “Today’s ruling affirms my decision to join this multistate effort to challenge ObamaCare on behalf of the State of Arizona and confirms Attorney General Goddard’s failure on behalf of all Arizonans. I called upon Mr. Goddard last December to join the bi-partisan group of Attorneys General opposing ObamaCare. He refused, jokingly dismissed the whole matter, and referred to the serious claims raised by his fellow Attorneys General as “legally dubious”. He also expressed his firm support and belief in the constitutionality of ObamaCare, and rather than doing his own legal analysis, he chose instead to rely on the “wisdom” of out-of-state liberal law professors.

In a 65-page ruling, Judge Vinson rejected the U.S. Department of Justice’s arguments and allowed two critical claims raised by the States’ to move forward: (1) the individual mandate is an unconstitutional exercise of Congress’s authority under the Commerce Clause; and (2) the costly expansion of Medicaid and the States’ inability to effectively opt-out of the program amount to an unconstitutional coercion of the States at the hands of Congress.

With respect to the individual mandate, the court said the issue of its constitutionality “is not even a close call”. The court held that the mandate is based solely on an individual’s “citizenship and on being alive,” which is an unprecedented and unconstitutional application of the Commerce Clause. The court said with emphasis, “[t]he government has never required people to buy any good or service as a condition of lawful residence in the United States.”

With respect to the claim that the Medicaid expansion amounts to an unconstitutional coercion of the States, the States have stated a proper claim that Congress’s financial inducement to participate in Medicaid as set forth in ObamaCare is so coercive that the pressure upon the States to join the program has now turned into compulsion in violation of U.S. Constitution. 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.

“Since July 2009, I have been warning about the major and severe consequences of the devastating effects of this intrusive federal mandate,” said Governor Brewer. “Despite those warnings, some elected officials in Arizona still support this program which contains \$11 billion in new health care costs for Arizona, guaranteeing a new \$1 billion hole in Arizona’s fiscal year 2012 budget alone.”

The mandate tramples on the Constitution’s notions of limited government and individual liberty. The Act also imposed staggering new costs and obligations on the states – costs which cannot be sustained. It transforms Medicaid from a federal-state partnership into a financing mechanism of the federal government. The Act now limits state flexibility and turns the states into an administrative arm of the federal government.

“ObamaCare is just another example of the federal government’s spending run wild,” stated Governor Brewer. “According to media reports, the U.S. Department of Health and Human Services granted waivers to thirty companies and organizations, including McDonalds and Jack-in-the-Box so workers with low-cost health plans won’t lose coverage from employers who might choose instead to drop health insurance altogether. The largest waiver, for 351,000 people, was for the United Federation of Teachers Welfare Fund, a New York union. Why would they provide waivers to certain groups unless it creates major cost and service problems for them? States are facing similar cost and service challenges due to the mandate, only on a much larger scale.”

Oral arguments for the 20 states seeking to block ObamaCare will be held on December 16th.

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