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After three months of deliberation, on Thursday, June 28, 2012, the United States Supreme Court issued its ruling on the federal health care law, otherwise known as the Patient Protection and Affordable Care Act. In a landmark 5-4 decision, the Court ruled certain provisions of the Act unconstitutional while leaving it mostly intact. Along with five other states, Nebraska was on the executive committee of the 26-state coalition challenging the constitutionality of the Act.

United States Supreme Court Decision: Federal Health Care Reform
By Attorney General Jon Bruning

Like many Nebraskans, I'm disappointed with the Court's decision to uphold the 2010 health care law. But, those of us who are disappointed with the ultimate outcome in this lawsuit cannot lose sight of what we accomplished. We fought for the principle of Constitutional limits on Congress' power to direct the lives of our people. And on that point, we won.

Commerce Clause Limitations

For years, Congress has been expanding its power to regulate under the Constitution's Commerce Clause. For the first time in our nation's history, this law instituted a mandate to participate in commerce - forcing us to make a purchase or pay a penalty. Thursday's decision drew a hard line against this congressional overreach. As Chief Justice Roberts wrote in his opinion for the majority, "The Federal Government does not have the power to order people to buy health insurance."

Unfortunately, the Court found another way to rule the individual mandate constitutional. The Court boldly did what the President and Congress were afraid to do – called the insurance requirement a tax.

Before Congress passed his health care law, President Obama told us the individual requirement was not backed by a tax. And yet, the Court's opinion upheld the health care law on the basis of Congress' taxing power. This amounts to a \$4 billion tax on the American people.

Victory for State Sovereignty

For Nebraska, perhaps the most significant victory was won on the issue of state sovereignty. The Court's decision limited the state Medicaid expansion provision of the Act, and acknowledged state programs can't be commandeered by the federal government. By giving states the choice to opt-out of the Medicaid expansion, the Court's decision upheld the foundational ideal that our states are individual sovereigns, not functionaries to be bullied by the federal government.

Seven Justices agreed with the states' position that Congress could not force the unacceptable choice between losing *all* Medicaid benefits or accepting a massive, unaffordable expansion of the Medicaid program.

Lessons Learned

The most sobering lesson from this ruling is that our system of government only works when our leaders are honest with the American people. In this case, the Constitution's limits on government power did not fail - political accountability failed. The President and the supporters of this law were not straight with the American people, and now we are facing billions of dollars in new taxes. And as the federal government seeks to impose this law, it must do so within the confines of this ruling and as prescribed by our nation's Constitution.