

March 23, 2012

US SUPREME COURT TO HEAR STATES' CHALLENGE TO THE FEDERAL GOVERNMENT'S HEALTH CARE ACT

BISMARCK – Attorney General Wayne Stenehjem will head to Washington DC for arguments in the lawsuit brought by 26 states challenging the constitutionality of the Federal Health Care Act. Arguments are scheduled to begin in the US Supreme Court on Monday, March 26, and continue for six hours over three days. Paul Clement, former U.S. Solicitor General, will argue on behalf of the states.

“The fact that the Court has scheduled these extended arguments is an indication that this case will be one of the most significant to be determined by the Court in decades,” Stenehjem said. “The two principal arguments involve whether the Commerce Clause of the US Constitution empowers Congress to mandate that nearly every individual in the nation purchase health insurance and penalize them if they don’t. If the Court determines that the individual mandate is a violation of the Constitution, then the Court will need to determine whether Congress would have passed the remainder of the law absent the insurance mandate,” he continued.

In the challenge brought by the States, District Judge Roger Vinson ruled that the insurance mandate was in violation of the Commerce Clause, and that Congress would not have passed the law without the mandate. On appeal, the 11th Circuit Court of Appeals agreed with Vinson on the unconstitutionality of the mandate, but held that the remainder of the law could become effective.

The argument schedule is as follows:

- Monday, March 26, 10 a.m.
 - The Court will hear 90 minutes of argument on the federal Anti-Injunction Act.
- Tuesday, March 27, 10 a.m.
 - The Court will hear two hours of argument on the constitutionality of the individual mandate.
- Wednesday, March 28, 10 a.m. and 1 p.m.
 - At 10 a.m., the Court will hear 90 minutes on the issue of severability.
 - At 1 p.m., the Court will hear one hour of argument on expansion of Medicaid programs.

The Court is expected to issue a decision by the end of June 2012. More information on the health care lawsuit is available at <http://www.healthcarelawsuit.us/>.