

*****NEWS RELEASE*****

For Immediate Release
May 15, 2019

Citizens' Council for Health Freedom Joins Association of American Physicians & Surgeons to File Amicus Brief in Landmark Obamacare Case

Texas Judge's Previous Ruling Gives States an Opportunity to Break Free from the Affordable Care Act and Take Back Authority

ST. PAUL, Minn.—A Texas federal district judge's [December ruling](#) that the Affordable Care Act is unconstitutional gave states an opportunity to break free from federal controls over care and coverage, says [Citizens' Council for Health Freedom \(CCHF\)](#).

Judge Reed O'Connor [ruled](#) in *Texas v. Azar*, a lawsuit that challenged the constitutionality of the ACA individual mandate and, by extension, the entire Act, that the mandate is indeed unconstitutional.

Now, the case is headed to Fifth Circuit Court of Appeals because soon after the ruling, the DOJ and attorneys general in 16 Democratic-led states and Washington, D.C., appealed O'Connor's decision. Since then, the Court of Appeals has allowed the Democrat-led U.S. House of Representatives and attorneys general in four more states to intervene in the litigation, raising the number of attorneys general opposing the lawsuit to 21. And in a surprising turn of events, on May 1, the DOJ asked the Court of Appeals to strike down the entire law.

CCHF, along with the Association of American Physicians & Surgeons, has filed an amicus brief to state why the appeal should be dismissed, O'Connor's decision should stand.

According to [Health Affairs](#), O'Connor concluded that, because Congress eliminated the penalty for not complying with the individual mandate, "the mandate is no longer permissible under Congress's taxing power and is thus unconstitutional. Because the individual mandate is 'essential' to and inseparable from the ACA, the judge declares, the entire law is invalid."

The introduction of the amicus brief reads, in part:

"It is time to mercifully disconnect the legal life support for ACA," the brief filed May 8 reads. "Its contrived justification—the taxation power of the United States—can no longer sustain it. The decision (of Judge O'Connor) was entirely correct in ending ACA. Lacking a severability clause, ACA should not be rewritten by the judiciary in a misguided effort to try to save it.

"While Appellants argue at length against standing by the individuals and States which brought this action, Appellants themselves lack standing required to bring this appeal," the filing continued. "Neither the State Intervenors nor the United States House of Representatives may properly stand in the shoes of the United States to pursue this appeal. The United States informed this Court that it is not challenging the decision below. That should result in dismissal of this appeal."

O'Connor's ruling, *CCHF* adds, gives states a chance to free their residents from the clutches of Obamacare.

“Judge O’Connor rightly ruled the Affordable Care Act ‘unconstitutional’ and ‘invalid,’” said CCHF president and co-founder Twila Brase. “The penalty-tax for failing to comply with the coverage mandate is considered essential to the law and the basis of its constitutionality. Because the tax no longer acts as a tax by dropping to \$0 on Jan. 1, he ruled the mandate unconstitutional. And because the mandate is inseverable from the rest of the law, the entire Affordable Care Act must be struck.

“The ACA has always been unconstitutional,” she said, “regardless of any judicial decisions before or after Judge O’Connor’s ruling. But now, on the basis of the 10th Amendment, states suffering from the effects of the law should remember their state’s rights and take this opportunity to declare their freedom.”

Brase said supporters of the ACA fear that governors and attorneys general in the 20 states that filed the suit against the ACA will use Judge O’Connor’s ruling to declare their state free of the ACA’s restrictions, controls and regulations. *CCHF* encourages this response, and has asked states to do the following:

- Announce plans to move forward with state laws and regulations that are non-compliant with the ACA’s costly and unaffordable requirements and meet the needs of their own residents
- Welcome insurers to offer affordable major medical (catastrophic indemnity policies) prohibited by the ACA for people age 30 and over
- Authorize the affordable child-only insurance policies that went away under the ACA
- Require insurers and health plans regulated by the state to sell insurance policies all year long
- Re-open state high-risk pools for people with uninsurable pre-existing conditions
- End any prohibitions against catastrophic plans and short-term, limited-duration plans

“Judge O’Connor’s ruling is an opportunity for states to take steps to restore affordable health insurance options to their residents,” Brase said. “It’s an opportunity to push the public debate in the right direction—away from the ACA’s socialized medicine system and back to state and individual freedom.”

Brase’s book, ***[“Big Brother in the Exam Room: The Dangerous Truth About Electronic Health Records,”](#)*** explores how government EHRs negatively impact both patients and doctors and have changed the way medical professionals care for those in their exam rooms. In the book that has recently garnered several honors, Brase also writes extensively about government health care, socialized medicine, patient privacy, health freedom and how the Affordable Care Act has harmed patients and doctors since its 2010 enactment. Find ***“Big Brother in the Exam Room”*** online wherever books are sold or at BigBrotherintheExamRoom.com.

Learn more about *CCHF* at www.cchffreedom.org, its [Facebook](#) page or its Twitter feed @CCHFFreedom. Also view the [media page for CCHF here](#). For more about *CCHF*’s initiative *The Wedge of Health Freedom*, visit www.JointheWedge.com, *The Wedge* [Facebook](#) page or follow *The Wedge* on Twitter @wedgeoffreedom.