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AG Paxton Files Brief Asking SCOTUS to Declare Obamacare Unlawful

AUSTIN – Attorney General Paxton today filed a brief asking the United States Supreme Court to declare Obamacare unlawful in its entirety. At the heart of Obamacare is an individual mandate commanding Americans to purchase health insurance the federal government deems suitable. The Supreme Court upheld that mandate in 2012 because it included a tax penalty for noncompliance. In 2017 however, Congress eliminated that tax penalty—meaning the individual mandate at the center of Obamacare is unconstitutional.

“Congress declared in the text of the law that the individual mandate is the centerpiece of Obamacare. Without the unlawful mandate, the rest of the law cannot stand,” said Attorney General Paxton. “Obamacare has failed, and the sooner it is invalidated, the sooner each state can decide what type of health care system will best provide for those with preexisting conditions, which is the way the Founders intended.”

Last year, the United States Court of Appeals for the Fifth Circuit [declared the individual mandate unconstitutional](#) but did not decide the fate of the remainder of the Act. Today’s filing asks the U.S. Supreme Court to affirm that statutory text is supreme, and when the statutory text proclaims the individual mandate “essential,” then the remainder of the law cannot stand without the unconstitutional mandate.

Read a [copy of the filing here](#).

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