AG Schimel and Texas AG Lead Fight to End Obamacare

MADISON, Wis. – Wisconsin Attorney General Brad Schimel, along with Texas Attorney General Ken Paxton, is leading a 20-state coalition urging a federal district court in Texas to hold the Affordable Care Act’s (ACA) individual mandate is unconstitutional and to enjoin the entire law.

“Obamacare’s irrational design wreaks havoc on health insurance markets,” said Attorney General Schimel. “Obamacare causes premiums to rise and coverage to fall, forcing Wisconsin and other states to take extreme, costly measures to protect their citizens’ health and pocketbooks. I bring this challenge to Obamacare because, as Wisconsin’s attorney general, I swore to uphold the rule of law and protect our state from overreaching and harmful actions from the federal government.”

The complaint, filed late Monday, explains that the ACA, as recently amended, forces an unconstitutional and irrational regime onto the states and their citizens. In NFIB v. Sebelius, the U.S. Supreme Court narrowly upheld the core provision of the ACA—the individual mandate—as a “tax.” However, Congress has recently repealed this tax, while leaving the mandate in place. Since the Supreme Court has already held that Congress has no authority to impose such a mandate on Americans, absent invoking its taxing authority, the ACA is now unconstitutional.

Wisconsin and Texas filed the coalition’s complaint in a federal district court in Texas. Other states participating are Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Maine, Mississippi, Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.

Relevant court filings are attached.