

Trump Deals Devastating Blow to Obamacare

by: AAN Staff



Obamacare may soon be no more, as the Justice Department informed a federal court it would not defend the government in a lawsuit against the health care law.

The announcement means Democrat state attorneys general must defend the law against a suit seeking to invalidate the entire act.

The suit hinges on a 2012 Supreme Court ruling upholding the so-called “Affordable Care Act” as a constitutional act of Congress, because it was a tax on not having health insurance coverage.

One of the first things President Donald Trump did upon taking office was to instruct the Internal Revenue Service to no longer collect the tax. The suit argues that since Congress is no longer collecting the tax, the rest of the Act is now unconstitutional.

The suit is still a long shot to win, but without the federal government defending its own law, the chances of success are increased. In its filing the Justice Department said it supports Obamacare, but agrees with the plaintiff that parts of the law are no longer valid.

The Justice Department wants federal courts to overturn portions of the law forcing insurers to cover pre-existing conditions, and denying insurers the ability to charge those more expensive customers higher rates, rather than imposing those costs on others.

“The Supreme Court’s saving construction of the individual mandate as a tax is no longer available,” the Justice Department writes.

“This court should hold that the ACA’s individual mandate will be unconstitutional as of January 1, 2019, and that the ACA’s guaranteed-issue and community-rating provisions are inseverable from the mandate,” they write.

The White House says they do not want to repeal Obamacare and not have a government program to replace it. Many conservatives want Obamacare repealed and replaced with nothing, arguing the government has no legitimate role in health care. Nonetheless, liberals are stunned.

“I am at a loss for words to explain how big of a deal this is,” University of Michigan professor and health care expert Nicholas Bagley wrote on Twitter. “The Justice Department has a durable, longstanding, bipartisan commitment to defending the law when non-frivolous arguments can be made in its defense. This brief torches that commitment.”

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