

Department of Justice Won't Defend Affordable Care Act in Texas-Led Lawsuit



Summary: The Department of Justice will invalidate the individual mandate of the Affordable Care Act.

The Trump administration said on Thursday that some parts of the Affordable Care Act should be voided and that forcing all Americans to carry health insurance was unconstitutional.

The Department of Justice said that it would not defend the Affordable Care Act in a lawsuit filed by Texas and other conservative states, according to [CNN](#). The states alleged that the Affordable Care Act was unconstitutional because of the individual mandate which required people to get health insurance or face a penalty, and the DOJ agreed.

The Department of Justice stated that the individual mandate violated the Constitution, and that Congress will end the mandate in 2019. Proponents of the ACA said that removing the mandate will destabilize other portions of the law, mainly protections for those with pre-existing conditions.

Texas had filed its lawsuit in February, and the state's Attorney General Ken Paxton said that the ACA had no legitimate basis in law.

"The US Supreme Court already admitted that an individual mandate without a tax penalty is unconstitutional. With no remaining legitimate basis for the law, it is time that Americans are finally free from the stranglehold of Obamacare, once and for all," Paxton said.

Prior to the ACA, insurers could reject people with pre-existing conditions or charge premiums based on prior health histories; but the ACA forbid this, which ultimately changed the insurance industry.

While the ACA benefited those with pre-existing conditions, critics said that it penalized the young and healthy, who ended up paying more for policies after the ACA was passed. According to CNN, this group would more than likely have gotten cheaper deals prior.

Attorney General Jeff Sessions said that the DOJ decision to not defend the ACA was based on a "longstanding tradition of defending the constitutionality of duly enacted statutes if reasonable arguments can be made in their defense."

Attorney Donald Verrilli Jr., who defended the ACA under President Barack Obama, said that it was incredulous that the DOJ could not find any attorneys to defend Obamacare.

"I find it impossible to believe that the many talented lawyers at the department could not come up with any arguments to defend the ACA's insurance market reforms, which have made such a difference to millions of Americans," Verrilli said.

It is unclear what Thursday's decision will do to the insurance markets, but one legal expert predicts carriers will raise rates on those with pre-existing conditions.

"The DOJ agrees with Texas that the individual mandate is unconstitutional once the tax penalty was zeroed out, and if it is struck down, the guaranteed issue and community ratings provisions go with it," Timothy Jost, law professor emeritus at Washington and Lee University in Virginia, told CNN. "In other words, people can once again be denied insurance because of pre-existing conditions or be charged more."

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What do you think of the Affordable Care Act? Let us know in the comments below.

