

From: Jacobs, Chris (JEC)
Sent: Thursday, June 28, 2012 11:47 AM
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Subject: Note to President Obama: Obamacare WAS Ruled Unconstitutional

In his brief remarks a few minutes ago, President Obama claimed that this morning's Supreme Court ruling upheld Obamacare as constitutional. **This statement is demonstrably incorrect.** Chief Justice Roberts' [opinion](#) is quite clear on that front; see page 58: "The Affordable Care Act is constitutional in part and **unconstitutional** in part." See also page 56: "We determine...that §1396c is **unconstitutional** when applied to withdraw [*sic*] existing Medicaid funds from States that decline to comply with the expansion."

According to the [Medicare actuary](#), more than half of the law's coverage expansions come not from the insurance Exchanges, but from the Medicaid expansion. The Court ruled that the states "must have a genuine choice" whether or not to implement this massive and costly expansion, rather than being subjected to what the Chief Justice called "economic dragooning that leaves the states with no real option but to acquiesce in the Medicaid expansion." So thanks to the Court, the states will now be granted a true choice whether – in a time of significant budget stresses for many of them – they will go ahead and implement an unconstitutional law.

We're still wading through the opinions (and given his incorrect statements this afternoon, we'd advise President Obama to do the same), but it's clear that Obamacare WAS ruled unconstitutional. It's also clear that more than half of the law's coverage expansions have been thrown into doubt – because Obamacare's coercive attempts to "dragoon" the states have been limited by the Supreme Court. And no amount of spin by the President can attempt to mask the negative implications of the Court's decision on his unconstitutional law.

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