



**PRESS RELEASE**

Colorado Department of Law  
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**ATTORNEY GENERAL RELEASES STATEMENT ON U.S. SUPREME COURT DECISION  
ON THE INDIVIDUAL HEALTH INSURANCE MANDATE**

DENVER —Today, by a 5-4 decision, the U.S. Supreme Court upheld the individual health insurance mandate contained in the federal Patient Protection and Affordable Care Act. Colorado Attorney General John Suthers was one of the state attorneys general who oversaw the multistate case challenging the individual health insurance mandate and attended the first two days of oral arguments on the Affordable Care Act in early March. The following statement is to be attributed to [Colorado Attorney General John Suthers](#) in reaction to that Supreme Court decision.

“Today’s decision is extraordinary and unexpected, and it is frankly a blow to our constitutional system of federalism. The Court has endorsed Congress’s unprecedented decision to mandate that individual Americans buy a particular product or service or pay an economic sanction. While the Court did not rest its decision on the Commerce clause, and agreed with the states’ argument that Congress cannot use that power to compel economic activity, they have permitted the federal government to force individuals to buy a product. Whether Congress does so under the Commerce Clause or the federal tax power, the result is the same: an unprecedented expansion of federal power.”

“The Court has approved the stick and not the carrot. Congress can now penalize individuals for refusing to buy a commercial product.”

“I am disappointed that the U.S. Supreme Court ruled against Colorado and its fellow states. We have a fundamental interest in protecting state authority and individual rights in the face of the ever-widening scope of federal power.”

“I think it is prudent for each person to have health insurance. While this admirable goal might have been achieved in less intrusive ways, the Court’s decision allows Congress to force each person in this country to buy a particular product, something the federal government has never before attempted to do. Now that

the Court has endorsed this unprecedented exercise of federal power, I worry that Congress will pass other laws requiring people to buy one product or another to further a federal government policy.”

“There is one silver lining, however. The Court held that the federal government cannot hold the entirety of a state’s federal Medicaid funding hostage if the state chooses not to expand its Medicaid program. This means, at least, that there are limits on the federal government’s power to compel states to make policy.”

“When Colorado first joined this litigation in early 2010, many of my critics — numerous left-leaning legal scholars and several editorial pages across Colorado — dismissed Colorado’s case as frivolous or pure politics. We proved them wrong by winning at the U.S. District Court and U.S. Circuit Court level. It is disappointing that the Supreme Court sided against the states today. Whatever limits remain on Congress’s power will now be left to the political arena, where history has proven that little stands in the way of further encroachments on individual and state rights.”

“I take my responsibility to safeguard the U.S. and Colorado Constitutions very seriously. Protecting federalism is arguably the most important role for state attorneys general. I am proud to have been a part of this litigation, in spite of the disappointing result.”

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