

Press Release

February 14, 2012

U.S. Dep't of Health and Human Servs. v. State of Florida
U.S. Supreme Court

WLF REPRESENTS ELEVEN LEGAL SCHOLARS IN CONSTITUTIONAL CHALLENGE TO FEDERAL HEALTH CARE MANDATE

When WLF joined 26 states in challenging the constitutionality of the individual mandate contained in the controversial federal health care reform law, some Beltway elites decried the lawsuit as frivolous and outside the legal mainstream. But, as this [Press Release](http://www.wlf.org/upload/litigation/pressrelease/021312CLA.pdf) (<http://www.wlf.org/upload/litigation/pressrelease/021312CLA.pdf>) reveals, those critics will need to do some serious soul searching in light of the Supreme Court's grant of certiorari to consider the myriad legal issues raised by the litigation.

On February 13, 2012, WLF filed a [brief](http://www.wlf.org/upload/litigation/briefs/11-398bsacWashingtonLegalFoundation.pdf) (<http://www.wlf.org/upload/litigation/briefs/11-398bsacWashingtonLegalFoundation.pdf>) in the U.S. Supreme Court on behalf of eleven legal scholars, urging it to affirm an appeals court's decision striking down a portion of the federal health care reform law that would force every American to either purchase health insurance or pay a monetary fine. In addressing the Government's claim that the Necessary and Proper Clause authorizes Congress to enact the individual mandate, WLF argued that it is essential for the Supreme Court to enforce its precedents establishing that legislation authorized by the Necessary and Proper Clause must meet the requirements of both necessity *and* propriety. WLF argued that even if the individual mandate were somehow necessary, it is not "proper."

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