

# AG Kaul: Joins 5 Attorney General's to file Supreme Court brief in California, et al v. Texas, et al

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MADISON, Wis. – Attorney General Kaul today joined five other attorneys general in filing an amicus brief in the U.S. Supreme Court, supporting a coalition of states defending the Affordable Care Act (ACA) against efforts by the Trump Administration and a group of states led by Texas to repeal the entire ACA. In California, et al., v. Texas, et al., the Supreme Court agreed to review a recent Fifth Circuit decision that held the ACA's individual mandate unconstitutional and called into question whether the rest of the ACA should be held invalid.

“This effort to take down the Affordable Care Act threatens to cause severe damage to public health and to undermine Wisconsinites’ financial security at a time when we should be acting to strengthen protections for both,” said AG Kaul. “This case was wrong from the start, but it’s especially misguided during a pandemic.

“Like the states that submitted this brief with us, Wisconsin should accept federal funding to expand Medicaid. It is simply unconscionable to continue turning down federal funds and needlessly leaving tens of thousands of Wisconsinites uninsured while we’re fighting the coronavirus.”

Before passage of the ACA, almost 50,000,000 Americans – over 17 percent of the population – lacked health insurance. Health insurance reforms under the ACA have

resulted in millions of people accessing coverage for the first time in their lives.

According to the [Kaiser Family Foundation](#), in 2010, an estimated 10% of Wisconsin residents were uninsured. By 2017, that number shrank to 5%.

If the ACA were invalidated, the resulting chaos would harm the health care markets, state government budgets, and the health of residents in every State, all amidst a global pandemic. In the 10 years since the passage of the ACA, the States have experienced dramatic improvements in health care coverage and outcomes. All states and their residents have benefitted from the ACA's improvements, including:

- providing important consumer protections prohibiting insurers from denying health insurance to the 133 million Americans with pre-existing conditions;
- expanding and improving Medicaid to now include more than 12 million Americans; and,
- making the individual insurance market accessible and affordable by providing refundable tax credits.

As the nation's economy and health will take years to recover from the impact of COVID-19, the brief also argues that all states, including the respondent states, are relying upon the ACA in their fight against COVID-19, and the increased access to health insurance afforded by the ACA will be crucial as people lose income and employer-sponsored health care, and pre-existing conditions caused by the coronavirus become more prevalent.

In addition to Wisconsin, the brief was also joined by the attorneys general of Maine, Maryland, New Hampshire, New Mexico, and Pennsylvania.

The brief can be found here: [https://www.doj.state.wi.us/sites/default/files/news--media/5.14.20\\_ACA\\_Amicus\\_Brief.pdf](https://www.doj.state.wi.us/sites/default/files/news--media/5.14.20_ACA_Amicus_Brief.pdf)

<https://www.doj.state.wi.us/news-releases/ag-kaul-5-attorneys-general-file--supreme-court-brief-california-et-al-v-texas-et-al>