

Protect Our Care: Trump administration files late night SCOTUS brief in lawsuit to overturn the ACA, rip health care from millions in middle of pandemic

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MILWAUKEE, WI — Late last night, the Trump administration filed their opening Supreme Court brief in their lawsuit to overturn the Affordable Care Act. The timing of their filing was presumably aimed at avoiding an onslaught of bad press for making such an irresponsible and dangerous argument in favor of ripping health care from 23 million Americans and protections for 135 million with pre-existing conditions in the middle of a pandemic.

Reporters however were quick to point out that this was [exactly the argument](#) the Trump administration was making, and coverage of the Trump administration's brief suggests their plan to avoid bad press was wildly unsuccessful.

“Let’s be really clear here, this is no longer a hypothetical maybe-he-will-maybe-he-won’t. President Trump just laid it out plain as day - he wants to take health care coverage away from millions of Americans in the middle of a pandemic,” said Joe Zepecki, Protect Our Care Wisconsin State Director. “If Trump gets his way, everyone with a pre-existing condition is at risk of losing the critical protections and coverage they need.”

Headlines:

[NBC News](#): Trump Administration Asks Supreme Court To Strike Down Obamacare Amid Pandemic, Recession

[Associated Press](#): Trump Administration Urges End To ACA As Pandemic Surges

[ABC News](#): Amid Pandemic, Trump Administration Asks Supreme Court To Overturn Obamacare

[Reuters](#): Trump Administration Asks Supreme Court To Axe Obamacare Amid Pandemic

[HuffPost](#): Trump Administration Files Supreme Court Brief To End Obamacare Amid COVID-19 Crisis

[Extended coverage of the Trump administration's disastrous day in court:](#)

NBC News: Trump Administration Asks Supreme Court To Strike Down Obamacare Amid Pandemic, Recession. “The Trump administration is asking the Supreme Court to wipe out Obamacare, arguing that the individual mandate is unconstitutional and that the rest of the law must be struck down with it. The [late-night brief](#), filed Thursday in the middle of the [coronavirus pandemic](#), carries major implications for the presidential election. If the justices agree, it would cost [an estimated 20 million Americans](#) their insurance coverage and nullify protections for pre-existing conditions. The Trump administration's brief comes as the U.S. has recorded more than [120,000 deaths](#) from COVID-19, with nearly 2.5 million confirmed cases. On Wednesday, the nation hit a new record for the highest daily total of new infections reported with more than 45,500.” [NBC News, [6/26/20](#)]

- **NBC: “The Brief Includes A Section Pointedly Arguing That The Affordable Care Act’s Pre-Existing Conditions Rules Must Be Overturned As Well.”** “The brief includes a section pointedly arguing that the Affordable Care Act’s pre-existing condition rules must be overturned as well. Those rules forbid insurers from turning away customers or charging them more on the basis of factors like age, gender and health status. The position contradicts Trump’s insistence that he will protect people with pre-existing conditions.” [NBC News, [6/26/20](#)]

Reuters: Trump Administration Asks Supreme Court To Axe Obamacare

Amid Pandemic. “The move is sure to ignite further political controversy and elevate healthcare as a major election issue. Trump is seeking re-election in November against Obama’s vice president, Joe Biden, who has vowed to protect health insurance coverage for Americans under the law. The Trump administration’s filing came the same day the United States set a new record for a one-day increase in cases of the fatal and highly contagious coronavirus. The disease has killed thousands of Americans and forced millions to lose their jobs, including any employer-based health benefits they may have had.” [Reuters, [6/26/20](#)]

HuffPost: Trump Administration Files Supreme Court Brief To End Obamacare Amid COVID-19 Crisis. “The Trump administration filed a brief Thursday night calling on the U.S. Supreme Court to invalidate the Affordable Care Act — which allows millions of Americans to get health insurance coverage — just as the nation smashed a record for new COVID-19 cases in a single day.” [HuffPost, [6/26/20](#)]

- **HuffPost: “Thousands Of More Americans Have Turned To The ACA For Health Care Coverage After Losing Their Jobs Amid The Pandemic— And Covid-19 Cases Are Surging.”** “Thousands of more Americans have turned to the ACA for health care coverage after losing their jobs amid the pandemic — and COVID-19 cases are surging. Across the nation, 38,115 new infections were reported by state health departments Wednesday. The previous single-day record of 34,203 was set on April 25.” [HuffPost, [6/26/20](#)]

ABC News: Amid Pandemic, Trump Administration Asks Supreme Court To Overturn Obamacare. “In the midst of a pandemic and without an alternative health plan of its own, the Trump administration formally called on the U.S. Supreme Court to completely strike down the Affordable Care Act. The administration makes the case in a legal brief filed late Thursday in the case brought by 20 Republican-led states that want to completely invalidate the law.” [ABC News, [6/26/20](#)]

- **Former Vice President Joe Biden Warned That If The ACA Is Overturned, Insurers Could Consider Coronavirus A Pre-Existing Condition And Refuse To Pay For Necessary Care.** “Former Vice President Joe Biden defended Obamacare Thursday at campaign stop focused on health care, saying doing away with the ACA during a pandemic could be particularly harmful to many that need health care the most. ‘I think it’s cruel. It’s heartless. It’s callous. And it’s all because, in my view, he can’t abide the

thought of letting stand on one of President Obama's greatest achievements, the Affordable Care Act,' Biden said of the administrations' lawsuit. Biden warned those who have survived COVID-19 and have subsequent health issues could be especially at-risk." [ABC News, [6/26/20](#)]

New York Times: Trump Administration Asks Supreme Court to Strike Down Affordable Care Act. "The Trump administration asked the Supreme Court late Thursday to overturn the Affordable Care Act — a move that, if successful, would bring a permanent end to the health insurance program popularly known as Obamacare and wipe out coverage for as many as 23 million Americans." [New York Times, [6/26/20](#)]

- **New York Times: "The Texas Suit Has Created Great Uncertainty For The Roughly 20 Million People Covered By The Law, As Well As For Millions Of Others Who Have Lost Their Jobs And Health Coverage During The Coronavirus Pandemic."** "The Texas suit has created great uncertainty for the roughly 20 million people covered by the law, as well as for millions of others who have lost their jobs and health coverage during the coronavirus pandemic. A recent analysis by the liberal-leaning Center for American Progress estimated that 23 million people would lose coverage if the Affordable Care Act is abolished — including nearly two million in Texas and more than four million in California." [New York Times, [6/26/20](#)]

Axios: Trump Administration Asks Supreme Court To Overturn ACA. "Why it matters: Nearly 20 million Americans could lose health care coverage and protections for those with pre-existing conditions if the court rules to overturn ACA. Nearly half a million people who lost their health insurance during the economic shutdown during the pandemic were able to get coverage through HealthCare.gov, per AP...The Trump administration's legal brief does not mention the coronavirus." [Axios, [6/26/20](#)]

Washington Post: Trump Administration Asks Supreme Court To Strike Down Obamacare. "The Trump administration asked the Supreme Court late on Thursday to overturn the Affordable Care Act, telling the court that 'the entire ACA must fall.' The administration's argument comes as hundreds of thousands of Americans have turned to the government program for health care as they've lost jobs during the coronavirus pandemic." [Washington Post, [6/26/20](#)]

- **The Filing Came The Same Day That CMS Data Revealed Nearly Half A**

Million People Enrolled In ACA Coverage In April And May. “The filing came the same day that a government report showed nearly half a million Americans turned to the ACA in April and May amid covid-19’s economic devastation. According to the Thursday report from the Centers for Medicare and Medicaid Services, 487,000 Americans took advantage of the special enrollment period on Healthcare.gov after losing their healthcare plans, likely among the millions of Americans who lost their jobs during the pandemic. The numbers mark a 46 percent increase from enrollments in April and May 2019.” [Washington Post, [6/26/20](#)]

Associated Press: Trump Administration Urges End To ACA As Pandemic Surges. “As coronavirus cases rise in more than half of the states, the Trump administration is urging the Supreme Court to overturn the Affordable Care Act. The administration’s high court filing Thursday came the same day the government reported that close to half a million people who lost their health insurance amid the economic shutdown to slow the spread of COVID-19 have gotten coverage through HealthCare.gov. The administration’s legal brief makes no mention of the virus.” [Associated Press, [6/25/20](#)]

- **Associated Press: “Trump Has Put The Weight Of His Administration Behind The Legal Challenge,” Which Argues That Protections For Preexisting Conditions Should Be Eliminated.** “Trump has put the weight of his administration behind the legal challenge. If the health insurance requirement is invalidated, ‘then it necessarily follows that the rest of the ACA must also fall,’ Solicitor General Noel Francisco wrote Thursday...The Trump administration’s views on what parts of the ACA might be kept or replaced if the law is overturned have shifted over time. But in legal arguments, it has always supported getting rid of ‘Obamacare’ provisions that prohibit insurance companies from discriminating against people on account of their medical history.” [Associated Press, [6/25/20](#)]

CNN: Trump Administration Asks Supreme Court To Invalidate Obamacare. “In the midst of a global pandemic with the presidential election just months away, the Justice Department asked the Supreme Court on Thursday to invalidate the Affordable Care Act, the landmark health care law that enabled millions of Americans to get insurance coverage and that remains in effect despite the pending legal challenge. In a late-night filing, Solicitor General Noel Francisco said that once the law’s individual coverage mandate and two key provisions are invalidated, ‘the remainder of the ACA should not be allowed to remain in effect.’” [CNN, [6/26/20](#)]

NPR: Obamacare Must 'Fall,' Trump Administration Tells Supreme Court.

“In a filing with the Supreme Court, the Trump administration has reaffirmed its position that the Affordable Care Act in its entirety is illegal because Congress eliminated the individual tax penalty for failing to purchase medical insurance.” [NPR, [6/26/20](#)]

Newsweek: Majority Support Obamacare Despite Trump's Supreme Court Bid to Kill ACA.

“The Trump administration's call for the Supreme Court to eradicate Obamacare flies against public opinion, with the majority of Americans still supporting it...A Fox News Poll, which interviewed 1,343 registered voters nationwide between June 13 and 16, found 56 percent had a favorable view of Obamacare. Of those 30 percent were strongly in favor and 26 percent somewhat. This was a record high for Fox News polling. The Kaiser Family Foundation (KFF) Health Tracking Poll has also consistently found support for Obamacare at over 50 percent in recent months. Its latest survey found 51 percent had a favorable view, in a poll conducted among 1,189 adults in the U.S. over the phone between May 13 and 18.” [Newsweek, [6/26/20](#)]

Forbes: Trump Administration Calls For Supreme Court To Scrap 'Obamacare.'

“Around 23 million Americans face losing healthcare coverage after the Trump Administration called for the Supreme Court to scrap the Obama-era Affordable Care Act setting the stage for health to become the key issue in November's election. [Forbes, [6/26/20](#)]

Bloomberg Law: Trump Administration Pushes Justices to Invalidate Obamacare.

“The Trump administration is standing firm on its position that Obamacare should be invalidated, telling the Supreme Court in its opening brief the law is tied to one provision that's now unconstitutional...The justices are set to hear arguments next term, beginning in October, in the high stakes fight over the constitutionality of President Obama's signature health-care law. The case threatens health-care coverage for millions of Americans, many of which are newly unemployed as a result of the coronavirus pandemic.” [Bloomberg Law, [6/25/20](#)]

Politico: Trump Administration Asks Supreme Court To Overturn Obamacare.

“The Trump administration on Thursday night urged the Supreme Court to strike down Obamacare, pushing forward with its attack on the health care law as millions of newly jobless Americans may come to depend on its coverage. The Justice Department in a new legal brief argues Obamacare in its entirety became invalid when the previous Republican-led Congress axed the unpopular

individual mandate penalty for uninsured people. The filing comes weeks after President Donald Trump confirmed his administration would continue to press for Obamacare's elimination, ignoring warnings from top aides about the risk of voter backlash in November." [Politico, [6/25/20](#)]

Wall Street Journal: Trump Administration Asks Supreme Court to Invalidate Affordable Care Act. "The Trump administration urged the Supreme Court to invalidate the Affordable Care Act in a legal brief filed Thursday, putting health care at center stage in an election year already focused on the coronavirus pandemic's impact." [Wall Street Journal, [6/26/20](#)]

The Hill: Trump Administration Calls For Supreme Court To Strike Down ObamaCare. "The legal filing, while expected, makes official the Trump administration's position in the Supreme Court against the health law months ahead of the election, at a time when Democrats are hammering President Trump over his position on health care. Overturning the ACA would take away health coverage for about 20 million people, and the stakes are even higher given the effects of the current pandemic." [The Hill, [6/25/20](#)]