

Protect Our Care: Trump selects anti-ACA nominee to fill SCOTUS vacancy

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Judge Amy Coney Barrett Has History of Opposing Affordable Care Act

MILWAUKEE, WI — Tonight, multiple news outlets are [reporting](#) that President Trump has selected Judge Amy Coney Barrett as his nominee to the Supreme Court. With the court set to hear California v. Texas, a case to overturn the ACA, on November 10, Americans' health care is on the line like never before. In response, Protect Our Care Chair Leslie Dach issued the following statement:

“From day one, President Trump has made clear that he would only nominate justices to the Supreme Court who would vote to take down the Affordable Care Act, and now with 200,000 Americans already dead, President Trump is jamming through a Supreme Court justice who will take away America's health care in the middle of this pandemic — because one week after the election, the Supreme Court will hear his lawsuit to completely dismantle the ACA.

“The stakes for Americans' health care could not be higher. If Trump is successful, the lawsuit would rip health care from more than 23 million people and remove protections for the 135 million people who have a pre-existing condition, including the more than seven million Americans who have had Covid-19, all during the worst health crisis in over a century.

“With the national spotlight now on the Supreme Court, President Trump won't be able to hide behind his health care lies anymore. Voters will

know that Donald Trump is fighting to take away protections for people with pre-existing conditions and that he and every Republican who votes for this nominee is responsible for the deaths and disease that will result.”

BACKGROUND:

AMY CONEY BARRETT

Trump Has Promised to Appoint Judges Who Will Strike Down the ACA:

As far back as 2015, Donald Trump [promised](#) that “my judicial appointments will do the right thing unlike Bush’s appointee John Roberts on ObamaCare.” Trump has also [said](#) that he is “looking to appoint judges very much in the mold of Justice Scalia.” The late Supreme Court Justice Antonin Scalia opposed the ACA repeatedly, famously [dubbing](#) the law “SCOTUSCare.”

Barrett Supports Efforts to Invalidate the Affordable Care Act:

Barrett is on the record [criticizing](#) Chief Justice John Roberts for his decision to uphold Congress’s authority to enact large portions of the ACA in *NFIB v. Sebelius*. According to Barrett, “Roberts pushed the Affordable Care Act beyond its plausible meaning to save the statute,” and, “If the majority did not enact a ‘tax,’ interpreting the statute to impose a tax lacks democratic legitimacy.”

If the Affordable Care Act is struck down:

- **GONE:** Protections for 135 million Americans with pre-existing conditions. The uninsured rate will increase by 65 percent.
- **GONE:** Medicaid expansion, which covers more than 16 million people.
- **GONE:** Nearly 12 million seniors will have to pay more for prescription drugs because the Medicare ‘donut hole’ will be reopened.
- **GONE:** 2.3 million adult children will no longer be able to stay on their parents’ insurance.
- **GONE:** Insurance companies will be able to charge women 50 percent more than men.
- **GONE:** Financial assistance that helps 9 million people purchase health care in

the marketplace.

- **GONE:** Key support for rural hospitals.
- **GONE:** Ban on insurance companies having lifetime caps on coverage.
- **GONE:** Requirements that insurance companies cover prescription drugs and maternity care.
- **GONE:** 60 million Medicare beneficiaries will face higher costs and disruptions to their medical care.

Barrett also [praised](#) the dissent in King v. Burwell, where the Court affirmed tax credits for millions of families, appearing to endorse Justice Scalia's view that the ACA should be renamed "SCOTUScare" in honor of "the Court's willingness to 'rewrite' the statute in order to keep it afloat." Barrett writes, "For Justice Scalia and those who share his commitment to uphold text, the measure of a court is its fair-minded application of the rule of law, which means going where the law leads. By this measure, it is illegitimate for the Court to distort either the Constitution or a statute to achieve what it deems a preferable result."

- **Nearly nine million Americans rely on tax credits for coverage.** Without the ACA, nearly [9 million](#) people would lose financial assistance that helps them purchase health care in the marketplace. In 2019, the average monthly premium tax credit was [\\$514](#).

Barrett Opposed the ACA's Mandate to Provide Contraceptive Care:

Barrett [fought](#) against the Obama administration's efforts to expand access to contraceptives, calling the ACA's contraception mandate "a grave infringement on religious liberty."

- **More than 60 million patients rely on access to birth control with no out-of-pocket fees.** The ACA guarantees that private health plans cover [18 methods](#) of contraception and make them available to [62.4 million](#) patients with no out-of-pocket costs. More than 99 percent of sexually-active women have used contraceptives at some point in their lifetimes, and approximately [60 percent](#) of women of reproductive age currently use at least one birth control method. In addition to increasing access to this essential treatment, this ACA provision has saved money for women and their families: women saved \$1.4 billion on birth control pills alone in 2013.