

For Immediate Release

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Judge Vinson Rules Healthcare Law Unconstitutional *NFIB, 26 states prevail in lawsuit against federal healthcare law*

Washington, D.C., January 31, 2011—In a highly anticipated decision in the lawsuit brought by the National Federation of Independent Business and 26 states, federal district Judge Roger Vinson ruled today that the individual mandate in the healthcare law is unconstitutional and that this provision can not be severed from the rest of the healthcare law.

“NFIB is extremely pleased with Judge Vinson’s decision,” said Karen Harned, executive director, NFIB Small Business Legal Center. “NFIB joined this case to protect the rights of small-business owners to own, operate and grow their businesses free from unnecessary government intervention. The individual mandate, which forces citizens to purchase government approved health insurance, undermines this core principle and gives the federal government entirely too much power. We are delighted Judge Vinson agreed with NFIB and the states on this critical issue.”

In his decision, Judge Vinson ruled that Congress lacks the constitutional authority to force citizens to purchase health insurance:

“Because the plaintiffs maintain that an individual’s failure to purchase health insurance is, almost by definition, “inactivity,” the individual mandate goes beyond the Commerce Clause and is unconstitutional.” Page 13

“In every Supreme Court case decided thus far, Congress was not seeking to regulate under its commerce power something that could even arguably be said to be “passive inactivity.” Page 41

“It would be a radical departure from existing case law to hold that Congress can regulate inactivity under the Commerce Clause.” Page 42

“Because the individual mandate is unconstitutional and not severable, the entire Act must be declared void.” Page 76.

“On behalf of small-business owners nationwide, NFIB is determined to overturn this unconstitutional law. Today’s decision represents the first significant legal victory on our way to having the U.S. Supreme Court ultimately strike down this law in its entirety,” said Harned.

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The NFIB Small Business Legal Center is a 501(c)(3) organization created to protect the rights of America's small business owners by providing advisory material on legal issues and by ensuring that the voice of small business is heard in the nation's courts. The National Federation of Independent Business is the nation's leading small business association, with offices in Washington, D.C. and all 50 state capitals