

Supreme Court Challenge to Affordable Care Act's Medicaid Expansion Puts at Risk a Host of Other Federal-State Programs; Broad Coalition Files Amicus Brief

Washington -- February 17, 2012 -- Law Professor Samuel Bagenstos and attorneys with the Judge David L. Bazelon Center for Mental Health Law filed an amicus (or friend of the court) brief today on behalf of a broad coalition of education, healthcare, veterans, child welfare, disability, women's sports, and other organizations, in *Florida v. HHS*.

The diverse coalition of 79 groups argues that this U.S. Supreme Court challenge to the Affordable Care Act's expansion of Medicaid eligibility jeopardizes a whole host of other federal-state programs and antidiscrimination protections that hinge on the U.S. Constitution's "Spending Clause."

"Florida and 25 other states in this case make a very dangerous argument with far-reaching implications," stated Professor Samuel Bagenstos who teaches at the University of Michigan Law School. "From federal foster care and child support enforcement programs to federal support for low-income schools, children, and participation of girls and young women in school sports teams -- much more is at stake here than just Medicaid."

The Constitution's Spending Clause allows Congress to offer states money with conditions to encourage states to participate in joint federal-state efforts to tackle societal challenges, such as education, child welfare, health care, highway safety, and discrimination, to name a few.

"If the state disagrees with the conditions tied to the federal money, the state can decline the money," stated Ira Burnim, legal director of the Bazelon Center for Mental Health Law. "The state will have to answer to its residents about why it declined federal money, but that is democracy -- not coercion."

"The Affordable Care Act's expansion of Medicaid eligibility is constitutional," stated Linda D. Kilb, an attorney with the Disability Rights Education & Defense Fund. "If the Supreme Court holds that this expansion of Medicaid eligibility is unconstitutional, then an array of cooperative federal-state spending programs and antidiscrimination laws could become subject to constitutional challenge."

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Professor Samuel Bagenstos teaches at the University of Michigan Law School. He has litigated and written extensively on disability rights law. His works include *Law and the Contradictions of the Disability Rights Movement* (Yale University Press, 2009) and *Disability Rights Law: Cases and Materials* (Foundation Press, 2010). While on leave from teaching in 2009-2011, Bagenstos served as Principal Deputy Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

The Bazelon Center for Mental Health Law (www.bazelon.org) is the leading national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that can enable people with serious mental illnesses or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

The Disability Rights Education & Defense Fund (DREDF) is a leading national civil rights law and policy center committed to a world where all people live full and independent lives free of discrimination. Founded in 1979 in Berkeley, CA by people with disabilities and parents of children with disabilities, DREDF (www.dredf.org), continues to promote equal citizenship and full integration of people with disabilities into the mainstream of community life.

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The amicus brief will be available at the [Florida v. HHS page](#) on the Bazelon Center's website by the afternoon of February 17.

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