



# Good News

*Bringing the Light of Christ to Missouri | July/August 2021*

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### **Understanding *California v. Texas***

The U.S. Supreme Court ruled in the third challenge to the Affordable Care Act (ACA) this summer.

### **Celebrating One Year of Our Podcast, MCC from the Capitol**

During the last twelve months, we've released twelve episodes of MCC from the Capitol. Take a look back on the last year, and look ahead to what's coming.

### **MCC Annual Assembly Goes Virtual in 2021**

This fall, the MCC will once again host its Annual Assembly in a virtual format. As we did in 2020, we will release a collection of episodes of MCC from the Capitol all at once for you to enjoy at your leisure.



## *California v. Texas*

On June 17th, the U.S. Supreme Court ruled 7-2 in the case of *California v. Texas* that the state of Texas, along with other states and individuals, did not have the legal right to challenge the Affordable Care Act's individual health insurance mandate. The decision, referred to by Justice Samuel Alito in his dissent as "the third installment in the [Supreme Court's] epic Affordable Care Act trilogy," again preserved the health insurance law from legal challenge.

The Affordable Care Act (ACA), enacted in 2010, required most Americans to obtain minimum health insurance coverage and imposed a monetary penalty on those who failed to do so. Amendments to the ACA in 2017, however, effectively removed the penalty by reducing it to \$0. The State of Texas, along with over a dozen states and two individuals, sued claiming that without the monetary penalty the individual mandate is unconstitutional. In addition, the plaintiffs argued that the individual mandate provision could not be separated from the rest of the ACA, so the entire law should be struck down. California, along with 15 other states, intervened to defend the law.

The Court did not rule on the constitutionality of the individual mandate. Rather, seven justices ruled that the plaintiffs were not entitled to sue in the first place. Writing for the majority, Justice



Stephen Breyer stated that a plaintiff can have standing before the Court only if he can “allege personal injury fairly traceable to the defendant’s allegedly unlawful conduct”. The two individuals claimed they were harmed by having to make payments for the mandated insurance coverage. However, as Breyer pointed out, this harm cannot be “fairly traced” to the ACA, as there is no longer any penalty for failing to purchase the insurance.

The state plaintiffs claimed two kinds of financial injury. First, they alleged an indirect injury in the increased use (and cost to the state) of state-run insurance programs such as Medicaid. In addition, the states claimed that the individual mandate would cause them to incur direct costs, such as the cost of providing information to state employees and to the federal government. Again, Justice Breyer pointed out that these additional costs are not related to the individual mandate provision. These costs come from other parts of the ACA that the states did not challenge.

This was the third time that the Supreme Court had rejected a challenge to the ACA. In 2012, in *National Federation of Independent Business v. Sebelius*, the Court upheld the individual mandate in a 5-4 ruling, with Chief Justice Roberts writing for the majority. The Court ruled that the individual mandate’s financial penalty was a “tax” and therefore a constitutional exercise of Congress’s taxing authority. In 2015, the Court rejected another challenge to the law. In *King v. Burwell*, the Court found that subsidies available to persons through health insurance exchanges established by a “state” were also available to those exchanges run by the federal government (in cases where a state had refused to set one up) and were therefore lawful.

In a lengthy dissent in this third court challenge, Justice Alito wrote that this case followed the same pattern as the previous two, stating “with the Affordable Care Act facing a serious threat, the Court has pulled off an improbable rescue.” In a separate opinion, Justice Clarence Thomas agreed with Justice Alito’s concerns on the two previous decisions. However, according to Thomas, “[a]lthough this Court has erred twice before in cases involving the Affordable Care Act, it does not err today.”

Regardless of whether one agrees with the Court’s reasoning in the three ACA cases, it is clear that the now decade-old health insurance law is going to continue to remain in place. Everyone must purchase health insurance, but there is no tax penalty if you don’t.



# *Celebrating One Year of MCC from the Capitol*

If you've been following the work of the MCC during the last year, you've probably tuned into our latest form of communication: a podcast. MCC from the Capitol, the podcast of the Missouri Catholic Conference, debuted last July. In each episode, our host, MCC Executive Director Tyler McClay, dives deep into a new topic important to Missouri Catholics. The very first episode focused on Medicaid Expansion in Missouri, and welcomed guests from Catholic Charities and Ascension Health to discuss Medicaid and share the real stories and impacts of the program in our state.

Over the course of the last 12 months, we've released the same number of episodes, with topics ranging from immigration, racism, pro-life concerns, religious liberty, civility, COVID-19 vaccines, gender confusion and more. As we did last year, we will soon release a new collection of episodes as part of the 2021 virtual Annual Assembly.

We enjoy this form of communication because it allows us to have in-depth discussions that we simply would not have room for on paper. During our legislative roundtable episodes, you get to hear behind the scenes stories from the halls of the Capitol that just wouldn't have the same effect if the words were published on the page instead of through the airwaves.

We've also grown our audience by reaching out this way; over the last year, total downloads of our podcast have surpassed 1,700. One of the comments we always receive following an Annual Assembly is that participants wish they could attend more than two seminars during the day. With the formation of this podcast, we've made that possible—and we've made it possible for you to listen however and wherever you'd like—in your car, while you're cleaning house or maybe taking a walk, just as you would the radio.

MCC from the Capitol is available on Spotify, Apple and Google Podcasts, and can also be found right on our website at [mocatholic.org](http://mocatholic.org). If you subscribe through your favorite podcast listening app, you'll automatically be notified when we release a new episode. We're excited to keep sharing new episodes with you, and we'd love to continue hearing your feedback. Is there a topic you'd like us to discuss? Please reach out—you might just inspire the next episode!



## MCC FROM THE *CAPITOL*

*Public policy from a Catholic perspective*



Want to catch up on new episodes, or maybe revisit one of your favorites? Scan the QR code above to listen right now. To scan, open your camera app and focus on the square. The link to the content will appear at the top of your screen—click it to pull up the podcast page.





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Questions? Contact us!

[mocatholic@mocatholic.org](mailto:mocatholic@mocatholic.org)

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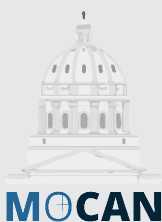
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## MCC Annual Assembly Goes Virtual Again in 2021

This fall, the MCC will once again host its Annual Assembly in a virtual format. As we did in 2020, we will release a collection of episodes of MCC from the Capitol all at once for you to enjoy at your leisure. We look forward to exploring a variety of topics important to Missouri Catholics and presenting them in an engaging, informative fashion. We are excited to welcome St. Louis Archbishop Mitchell T. Rozanski, who will give opening remarks, and to introduce new voices along with familiar ones as guests. The episodes will be released at the end of September; be sure to subscribe via your favorite podcast listening app to be notified automatically upon their release.

In the next edition of *MCC Messenger*, we dive into recent U.S. Supreme Court rulings, with a special focus on *Fulton v. Philadelphia*. Paired with an episode of MCC from the Capitol with guest Lance Kinzer with the First Amendment Partnership, we'll explain what these rulings mean for the church, the Catholic community as a whole, and our nation.

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