

OBAMACARE: Legislation takes a hit

Written by Editorial Staff

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On Monday, a federal judge in Virginia ruled ObamaCare - or at least one key component of the legislation - unconstitutional. The issue will undoubtedly go to the Supreme Court. Let's hope it happens sooner rather than later.

The fact that U.S. District Judge Henry Hudson made his ruling against the President's health care reform package shouldn't come as a surprise to many. The new law, which requires that all U.S. citizens carry health insurance, runs into the brick wall known as the 10th Amendment to the U.S. Constitution:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

There is nothing in the Constitution that delegates to the federal government the authority to force individuals to buy health insurance. Much like auto insurance, any mandate must come from the states, not the President or Congress.

The federal government can "force" the issue by withholding funding to states in an effort to get a mandate enacted, but the federal government cannot enact those mandates on its own.

Obama administration officials and Democrats in Congress are trying to use the Constitution's Commerce Clause to sneak ObamaCare by the courts, but it is a weak argument.

The Commerce Clause gives the federal government some limited power to regulate economic activity among the states. ObamaCare supporters argue that since health insurance is a form of commerce, the federal government can require that everyone take part in that particular form of commerce. But if that was the case, then the Commerce Clause could also be used to require everyone to purchase any and every product that the government decided was useful. Judge Hudson didn't buy it and neither should the Supreme Court.

We cannot afford for the legislation to hang over our heads for years waiting on a Court

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decision. That review should happen immediately.