

Lawsuits a Sign Health Care Battle Not Over

✖ A spate of lawsuits filed Tuesday show signs that the health care reform battle is far from over.

Just minutes after President Obama signed the controversial bill into law, Florida Attorney General Bill McCollum submitted a lawsuit on behalf of his and 12 other states challenging the constitutionality of the health reform law because it requires Americans to buy health insurance or face stiff penalties.

Photo: Florida Attorney General Bill McCollum

“This bipartisan effort by attorneys general around the country should put the federal government on notice that we will not tolerate the constitutional rights of our citizens and the sovereignty of our states to be trampled on,” said McCollum, a Republican candidate for governor who also claims the health bill will cripple his state financially.

The attorneys general from South Carolina, Nebraska, Texas, Michigan, Utah, Pennsylvania, Louisiana, Alabama, Idaho, Washington, Colorado and South Dakota joined in the Florida lawsuit, filed in the U.S. District Court in Pensacola.

Virginia Attorney General Ken Cuccinelli II filed a separate lawsuit Tuesday, arguing that the health bill conflicts with a

state law

enacted this month that says residents will not be required to “maintain or

obtain” personal health insurance coverage. He argues that the state law

creates an “immediate, actual controversy” between state and federal

law that gives Virginia unique standing to file a lawsuit.

The American Center for Law and Justice (ACLJ), a Christian legal firm based in Washington, D.C., announced Tuesday that it would file

amicus briefs to support those states.

“The individual mandate-forcing Americans to purchase health insurance under penalty of law-violates the Commerce Clause of the U.S.

Constitution,” said Jay Sekulow, chief counsel of the ACLJ.

“Most Americans do

not want this plan. That includes millions of pro-life Americans who don’t want

to be forced to purchase a health care package that funds abortion. This health

care law should not be forced upon the American people. We believe the courts

will agree.”

Meanwhile, the Christian legal firm Liberty Counsel filed a federal lawsuit Tuesday on behalf of Liberty University that challenges the new

health care legislation. The suit claims the Lynchburg, Va., university may

face hefty costs under the new law because it currently self-insures its 5,100

employees.

“Forcing health insurance on every person and employer is a stunning example of arbitrary power the Constitution does not

give to federal bureaucrats," said Mathew Staver, founder of Liberty Counsel and dean of Liberty University's law school. "In passing this law, President Obama and the Democratic Congress acted like the Constitution does not exist. But one day, the Supreme Court justices will have their own captive audience and this brazen illegal power grab will come to an end."

Virginia delegate Kathy Byron and Lynchburg City Councilman Jeff Helgeson have joined the Liberty University lawsuit as plaintiffs. U.S. Treasury Secretary Timothy Geithner, Health and Human Services Secretary Kathleen Sebelius, Labor Secretary Hilda Solis and U.S. Attorney General Eric Holder are named as defendants in the action because of their role in overseeing the new regulations in the health care law.

The ACLJ also plans to file federal lawsuits on behalf of its individual members nationwide. "These legal challenges will be numerous and occur in many jurisdictions," Sekulow said. "The constitutional issues at stake are significant, and it's likely this will end up before the Supreme Court of the United States."

The Justice Department issued a statement Tuesday, saying it would "vigorously defend" the constitutionality of the law. "We are confident that this statute is constitutional and we will prevail when we defend it in court," the statement said.

In addition to the state lawsuits, legislatures in at least 36 states have proposed measures to challenge the constitutionality of the new bill, according to the National Conference of State Legislatures. Twenty-nine states also are calling for ballot questions to amend their constitutions to keep residents from having to buy insurance or face fines.

Some conservative groups that opposed the health reform bill are still hoping it will fall apart while the Senate debates the “fixes” included in the reconciliation bill. The Senate needs 51 votes to pass the reconciliation measure, and observers say it is unlikely that the legislation would be derailed.

But opponents of the health reform law are looking toward November, and some are already lobbying to unseat members of Congress who supported the health care package.

“Congress voted on ObamaCare this past Sunday night and made a bad decision,” American Family Association President Tim Wildmon wrote in an e-mail to supporters Tuesday. “But there’s going to be another vote in November. And this time, you’ll get to vote on the direction the current Congress is taking our nation.”