

PA Federal Judge Rules Strikes At Obamacare

In the ongoing battle over Obamacare, Pennsylvania Federal District Court Judge Christopher Conner on Tuesday ruled that the individual mandate in the controversial 2010 health care law is unconstitutional.

That puts Conner at odds with other federal judges' rulings thus far. While Connor did not strike down the entire law, he struck down two additional sections of the law that he deemed non-severable from the individual mandate. These sections make it illegal for insurance companies to deny anyone coverage due to preexisting conditions and also regulated the cost of insurance based on the entire community, not an individual's previous health history.

The Family Research Council is not involved in the Pennsylvania case, pointed to an alternative argument in its amicus brief in the Florida multi-state lawsuit. The argument: if a judge does not want to strike down the entire law, then these two sections at least must be struck down as non-severable from the unconstitutional individual mandate.

Ken Klukowski, special counsel in federal court for FRC and author of FRC's amicus brief in the Florida case, applauded Conner for striking down the unconstitutional individual mandate, and for going a step further and striking down the guaranteed-issue and community-rating provisions that would cost the health care industry countless billions of dollars.

"While we are disappointed that Judge Conner didn't strike down the entire law, his partial severability decision took a route that FRC argued in our amicus brief was the minimum that a court must strike down," Klukowski says. "FRC looks forward to making the argument at the Supreme Court as to why the

entire statute, and not simply the individual mandate and these additional sections must be struck down.”