

Sixth Circuit Court of Appeals Upholds ObamaCare

The 6th U.S. Circuit Court of Appeals on Wednesday ruled two-to-one in favor of the federal government in the case of *Thomas More Law Center v. Obama*, challenging the national authority of the government to mandate the purchase of healthcare insurance.

The Thomas More Law Center case, argued on June 1, was the second case to be argued at the court of appeals but the first one decided. The case drew a dissenting opinion that attacked the far-reaching dangers this law could impose on the American people.

Liberty Counsel's case, *Liberty University v. Geithner*, was argued on May 10, at the 4th Circuit Court of Appeals. The decision should come any day.

The decision drew three separate opinions. Judge Martin upheld the law under the Commerce Clause. Judge Sutton appeared more troubled by the law but, nevertheless, wrote a separate opinion upholding ObamaCare on the basis that the case was a facial challenge and not "as applied."

Under a facial challenge, the law has to be unconstitutional in every conceivable application. He found the law could be upheld, for example, in a state like Massachusetts, where people are mandated under state law to purchase health insurance. Judge Graham dissented and wrote that the mandate exceeded congressional authority under the Commerce Clause. All the judges acknowledged that the mandate was novel, without any prior historical precedent.

"Today's ruling is not the final word on ObamaCare. Our case in *Liberty University v. Geithner* and others will soon be decided. Everyone agrees the final round will be fought at the

United States Supreme Court. I am confident that ObamaCare will eventually be struck down," says Mathew Staver, founder and chairman of Liberty Counsel and dean of Liberty University School of Law.

"Congress clearly exceeded its authority when it sought to force every American into the health insurance market by forcing them to buy insurance from a private party. Such reach by the federal government is unprecedented and, if allowed, would leave no boundaries on the government's power to regulate private decisions. The Founders would have been astounded. They thought they had left that kind of centralized government behind when they penned the Constitution."