

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."