

Ted Cruz, Liberty Counsel's Got Your Flank

With his inspirational and unprecedented show of leadership on the floor of the U.S. Senate this past week, Sen. **Ted Cruz**, R-Texas, made hundreds of enemies in Washington.

But more importantly, he made millions of friends across America.

When you have both liberal Democrats and mealy-mouthed establishment RINOs ("Republicans in name only") allying against you, you know you've got the bead over the beltway "good ol' boys'" center-mass. Mr. Cruz emasculated, delightfully, Obama's political yes-bots on both sides of the aisle.

Senate Finance Committee Chairman Max Baucus, D-Mont., was both a sponsor of—and cheerleader for—**Obamacare**. That was, of course, because he evidently followed Nancy Pelosi's obtuse advice to "pass the bill so that you can find out what is in it."

Once he read this 2,400-page regulatory monstrosity, Sen. Baucus came to the same conclusion as did anyone else with two synapses to rub together. He called it "a huge train wreck" and announced that Obama's pet government health care albatross would sink him into retirement.

Unfortunately, it'll sink millions of American families right along with him.

Even liberal supporters are waking up to this nightmarish reality. *Politico* laments, "The **Obamacare** that consumers will finally be able to sign up for next week is a long way from the health plan President Barack Obama first pitched to the nation.

“Millions of low-income Americans won’t receive coverage. Many workers at small businesses won’t get a choice of insurance plans right away. Large employers won’t need to provide insurance for another year. Far more states than expected won’t run their own insurance marketplaces. And a growing number of workers won’t get to keep their employer-provided coverage.”

The moxie Sen. Cruz showed during his marathon 21-hour Obamacare-funding speech had the dual effect of both shining the spotlight of truth on the inherent lie that is the Affordable Care Act, as well as launching this no-nonsense lawmaker’s Reaganesque bona fides into the stratosphere.

2016, anyone?

Still, while economy and freedom-saving congressional efforts to delay, defund and, ultimately, defeat Obamacare will continue with men like **Ted Cruz** leading the charge, it remains critical that a judicial cavalry cover his flank.

To that end, earlier this month Liberty Counsel filed a petition with the U.S. Supreme Court to review the 4th Circuit Court of Appeals’ decision in the civil rights firm’s Obamacare case, *Liberty University v. Lew* (formerly called *Liberty University v. Geithner*). Liberty Counsel’s challenge to Obamacare is the most comprehensive case pending, arguing that 1) the entire employer mandate is unconstitutional because Congress lacks authority to force employers to buy or provide government-mandated health insurance, 2) the contraception-abortifacient mandate forcing employers to provide free abortion-inducing drugs or devices violates the Federal Religious Freedom Restoration Act and the First Amendment Free Exercise of Religion Clause, and 3) the individual mandate forcing individuals to fund abortion violates the Federal Religious Freedom Restoration Act and the First Amendment Free Exercise of Religion Clause.

“Under the employer mandate, employers are compelled to purchase an unwanted government-defined insurance product at a government-defined price,” the petition says. “If they fail to do so, then they face fines that can be as high as \$15,000 per employer per day and penalties of \$2,000 per employee per year, even if they provide health insurance which does not include abortion-inducing drugs or devices.”

“The Supreme Court has already found that the government cannot force individuals to purchase an unwanted product under the individual mandate,” says Mat Staver, founder and chairman of Liberty Counsel. “It is only logical that government also lacks authority to force employers to purchase an unwanted product.”

“The insurance mandates also require that insurance policies provide coverage for contraceptives and abortion-inducing drugs, regardless of the fact that providing such coverage violates religious beliefs of individuals and employers,” the petition explains. “If individuals and employers refuse to provide the free contraceptives and abortion-inducing drugs, then they will be saddled with government penalties. In essence, it is akin to the old adage ‘your money or your life,’ only it is ‘your money or your religious beliefs.’”

“The Fourth Circuit’s ruling contradicts this Court’s precedents and creates an inter-circuit conflict with the 10th, 7th and 8th circuits,” the petition concludes. “This Court should accept plenary review to resolve the conflicts presented by this case, including whether the employer mandate is supported by the Taxing and Spending Clause or the Commerce Clause, and whether the individual and employer mandates violate religious free exercise.”

Joseph Goebbels, Hitler’s minister of propaganda, often said, “The bigger the lie, the more it will be believed.” President Obama’s ministry of propaganda has, until now, gotten away with this whopper: “Obamacare does not force taxpayers to fund

abortion.”

The jig’s up. It does, and everyone knows it.

That includes Congress.

CNS News reports that on Friday, “72 congressmen sent a letter to House Speaker Rep. John Boehner, R-Ohio, urging him to insert language ending abortion funding and religious discrimination in **Obamacare**.

“The Obama administration has committed unprecedented attacks against the unborn and the religious freedom guaranteed in the Constitution, all under the guise of ‘access to health care,’ the letter tells Boehner.

“The letter implores Boehner to ‘incorporate H.R. 940, the Health Care Conscience Rights Act, along with a cessation of federal dollars for abortions into the continuing resolution or on legislation addressing the debt ceiling.’”

The Washington Examiner further notes, “**Obamacare** is a masterpiece in its achievement of leaving no corner of our personal freedoms unviolated. It hijacks our pocketbook, our autonomy of action, and our conscience. The result is to leave us economically and morally impoverished.”

While Sen. Cruz and a growing number of lawmakers from both parties work to bring down Obamacare from the U.S. Capitol building, Liberty Counsel will continue launching shells from the Supreme Court down the street.

It’s a united front because, one way or another, this Obamacare albatross must go.

It’s drowning America.

Matt Barber (@jmattbarber on Twitter) is an attorney concentrating in constitutional law. He serves as vice president of Liberty Counsel Action.