

Christian Groups Encouraged By ObamaCare Hearings

Now that the three days of oral argument are finished, the next step for ObamaCare is the private conference of the justices scheduled for Friday, during which they will discuss the case.

Beginning with Chief Justice John Roberts and moving through the next most senior justice to the most junior justice, Kagan, each will give his/her vote on each aspect of the case. Once the majority is determined, the most senior justice in the majority will assign the writing of the opinion. The writing will begin, with the written opinion, expected in June.

“I am pleased with the overall direction of the oral argument. I pray that a majority of the Supreme Court Justices vote to strike down ObamaCare,” said Mat Staver, founder and chairman of Liberty Counsel. “ObamaCare has been a constitutional and economic monstrosity. ObamaCare was not written with the Constitution, states rights, or individual liberty in mind. It is time to put an end to this unprecedented assault on our freedom.”

Encouraged by skepticism from justices at the Supreme Court hearings on ObamaCare, the justices’ arguments against the law’s individual mandate seem to suggest serious doubts about its legality. It appears that a narrow majority (5-4) are inclined to strike down the individual mandate.

“The questions raised by Justice Kennedy indicate a growing concern about the **constitutionality** of the individual mandate,” said Jay Sekulow, chief counsel of the American Center for Law and Justice (ACLJ). “While you can never predict the outcome of a Supreme Court case based on oral

arguments, it is very encouraging that it appears a majority of the justices understand that requiring Americans to purchase health insurance raises significant **constitutional** questions.”

Justice Anthony Kennedy, who is thought to be a swing vote in the health-care law debate, voiced doubts about the individual mandate, calling such an idea “unprecedented.” During Wednesday’s oral arguments, Kennedy said that the federal government needed a “very heavy burden of justification” to show how the Constitution authorizes Congress to require that people buy insurance.

“The justices’ concerns were clear: if the government is permitted to force Americans to purchase health insurance, where do you draw the line?” said Sekulow. “Most Americans don’t want ObamaCare, and we’re hopeful that a majority of the Justices declare the entire health care law, including the individual mandate, unconstitutional.”

There is precedent for the justices changing their votes during the writing phase. In 1992 following the argument in *Planned Parenthood v. Casey*, a majority voted to overturn *Roe v. Wade*. For 30 days the late Chief Justice Rehnquist wrote the opinion. Justices O’Connor and Souter convinced Kennedy to change his vote.

At the end of May, he met with Blackmun, who authored *Roe v. Wade*, to tell him he switched his vote. The opinion was taken from Justice Rehnquist and then became a Kennedy-O’Connor-Souter opinion, upholding the essence of *Roe v. Wade*. So, we really will not know the ruling until it is delivered in June.