

High Court Breathes New Life Into Obamacare Lawsuit

The U.S. Supreme Court on Monday granted Liberty Counsel's Petition for Rehearing in the Obamacare case of *Liberty University v. Geithner*. The ruling breathes new life into the challenge to the HHS mandate, informally known as **Obamacare**.

Liberty Counsel filed the petition for rehearing on behalf of Liberty University and two private individuals. The Court directed that the case be reheard at the federal court of appeals in Richmond, Va. This may pave the way for the case to return to the High Court in 2013.

At issue is the constitutionality of the employer mandate and also whether Obamacare's forced funding of abortion is unconstitutional under the **First Amendment** Free Exercise of Religion Clause and the federal Religious Freedom Restoration Act (RFRA).

In 2010, Liberty Counsel filed the first private lawsuit against the **HHS Mandate** on the day it was signed by **President Obama**. In 2011, an appeals court in Richmond ruled that the Anti-Injunction Act (AIA) barred the court from addressing the merits in the Liberty University case, which challenged the individual mandate (Section 1501) and the employer insurance mandate (Section 1513) of Obamacare. In addition to the constitutional arguments that Congress lacked authority to pass the law, the suit also raised the Free Exercise of Religion and the RFRA claims because of the forced **abortion** funding.

The first day of oral argument was dedicated to the AIA, the issue that Liberty University's case placed before the High Court. In June, the Supreme Court ruled that the AIA does not apply to Obamacare. Therefore, Liberty Counsel asked the Court

to grant its petition (because Liberty University prevailed on the AIA claim), vacate the ruling of the court of appeals, and remand (send back) the case to the court of appeals to consider the Free Exercise claim and the employer mandate, neither of which were decided by the High Court.

“I am very pleased with the High Court’s ruling. Today’s ruling breathes new life into our challenge to Obamacare. Our fight against Obamacare is far from over,” said Mat Staver, founder and chairman of Liberty Counsel and dean of Liberty University School of Law.

“Congress exceeded its power by forcing every employer to provide federally mandated insurance. But even more shocking is the abortion mandate, which collides with religious freedom and the rights of conscience,” he added.