

ObamaCare Appears Unlikely to Get Supreme Court Nod

The Supreme Court on Wednesday heard final arguments in the **ObamaCare** case. The High Court focused on Medicaid expansion and state's rights and severability.

Under ObamaCare, some states will be required to expand Medicaid coverage as much as 50 percent. Opponents argue that the economic impact will be crushing. The second issue will be whether the court can sever the individual mandate from ObamaCare, while allowing the rest of the law to remain in effect.

"While I was pleased with the oral argument, I don't think anyone can be absolutely sure which way a majority of justices will vote," says Mathew Staver, founder and chairman of Liberty Counsel. "It is frankly disturbing to see such a divide on the Court over a constitutional principle that should be obvious to any objective scholar of the Constitution, unless, of course, the Constitution no longer means what it says."

Justice Thomas's past opinions suggest he would vote that the government lacks authority to pass the mandate. Justices Scalia and Alito asked questions indicating disapproval of the mandate. Chief Justice Roberts was a little less revealing, but he appears to have serious problems with the mandate because it would open up unlimited power by the federal government. Justice Kennedy was one of the more vocal questioners, and he appeared to have serious doubts about the mandate.

On the other side, Justices Ginsburg, Breyer, Sotomayor and Kagan were clearly in favor of the mandate and are willing to give the government shockingly expansive power. "What's wrong

with leaving this in the hands of those who should be fixing this?" the Associated Press reported Sotomayor as asking. She was referring to Congress.

Liberty Counsel argues that if the mandate is struck down and the law is allowed to remain in effect, the result will be a collapse of the private insurance industry. The mandate is like a motor in a car. The mandate is essential to ObamaCare, and, if struck down, ObamaCare must be struck down or, at least, immediately repealed to avoid economic disaster.

"I believe the words and the intent of the Constitution should be given their original meaning, and thus, for me, the decision is easy," Staver says. "The Constitution is the contract with the American people, and we must honor its terms. To uphold ObamaCare, you would have to rewrite the Constitution. A decision upholding ObamaCare will do serious damage to the integrity of the Supreme Court."