

Obamacare Under Legal Attack On First Anniversary

It's been one year since Obamacare was signed into law. But the Patient Protection and Affordable Care Act, as it is officially called, is still largely unpopular.

In December 2010, U.S. District Court Judge Henry Hudson in Richmond ruled in favor of Virginia concluding the individual mandate provision "exceeds the constitutional boundaries of congressional power." A Florida Supreme Court judge ruled Obamacare unconstitutional in January.

Now, the American Center for Law and Justice (ACLJ) is making a bold move to declare the entire health care law unconstitutional.

Representing 49 members of Congress, the ACLJ filed court documents on Monday. House Speaker John Boehner and House Majority Leader Eric Cantor joined the ACLJ in the amicus brief filed in support of Virginia's lawsuit challenging the Obamacare, which is now on appeal.

"As the legal challenges to Obamacare move forward, there's one central argument that we're confident will win the day—that the mandate forcing individuals to purchase health care insurance is unconstitutional," says Jay Sekulow, Chief Counsel of the ACLJ.

"In the Virginia case, the federal district court got it right. Forcing someone to buy health insurance is not economic activity and Congress does not have that authority under the Commerce Clause. We believe the federal district court should have gone one step further in declaring entire health care law—not just the individual mandate—unconstitutional. That's what we're asking the appeals court to do."

The ACLJ is also pursuing its own legal challenge of Obamacare and has been granted expedited review of its appeal by the U.S. Court of Appeals for the District of Columbia Circuit after a federal district court dismissed its lawsuit.