

Supreme Court Begins Hearing ObamaCare Arguments

The U.S. Supreme Court on Monday began hearing the first day of oral arguments in *Florida v. United States Department of Health and Human Services*. The case will ultimately determine if the Patient Protection and Affordable Care Act—better known as **ObamaCare**—is constitutional.

The argument began by addressing whether the Anti-Injunction Act (AIA) applies to the case and, if so, whether AIA requires the parties to wait until 2014 or beyond before the merits of ObamaCare can be addressed.

A CBS News/*New York Times* poll released Monday shows 47 percent of Americans disapprove of the president's **Affordable Care Act**. That includes 30 percent who strongly disapprove. Only 36 percent of those questioned in the March poll said they support the law either somewhat or strongly.

The first issue to be argued today arises from the case of *Liberty University v. Geithner*, in which Liberty Counsel represents Liberty University and two private individuals. Mathew Staver, founder and chairman of Liberty Counsel, argued Liberty University at the district court and the Fourth Circuit Court of Appeals. The appellate court issued a 2-1 decision, finding that the AIA applies and thus prevents a ruling on the merits until later, when individuals or employers are forced to pay the penalty for failure to obtain or provide health insurance.

“The Anti-Injunction Act does not apply to ObamaCare because a mandate is a penalty, not a tax; it does not apply to states; and it is not jurisdictional,” Staver says. “Moreover, the AIA does not apply to the Medicaid aspect of ObamaCare. To uphold ObamaCare would require a rewrite of the Constitution. The

entire law must be struck down.”

Liberty Counsel filed the first private lawsuit against ObamaCare on the same day it was signed into law. This is the only pending case at the Supreme Court that challenges both the individual and the employer mandates. Liberty Counsel filed two amicus briefs with the Supreme Court, addressing both the Anti-Injunction Act and the Commerce Clause.

“Everything this administration has done has moved us in the wrong direction, has created such a high level of uncertainty, reduced the confidence of the American people,” CNN reported Republican Sen. Ron Johnson of Wisconsin as saying outside the Supreme Court. “The Supreme Court has to do the right thing and rule this thing unconstitutional.”