

Supreme Court Justices Signal Possible Snag for ObamaCare

The **U.S. Supreme Court** on Tuesday will hear the second day of oral argument in *Florida v. United States Department of Health and Human Services*, which will focus on the individual mandate of **ObamaCare**.

According to the *Los Angeles Times*, even before the Obama administration's top lawyer could get three minutes into his defense of the mandate, the justices accused the government of pushing for excessive authority to require Americans to buy anything.

"Are there any limits," asked Justice Anthony Kennedy. Meanwhile, Justice Antonin Scalia asked, "If the government can do this, what else can it ... do?"

Liberty Counsel is arguing that the individual mandate exceeds Congress's authority under the Commerce Clause.

"Based on the questions and comments of the Justices, it appears that a majority believe the court can decide the merits now and not wait until 2014," said Mathew Staver, founder and Chairman of Liberty Counsel. "The first day was a good beginning on the road to overturn ObamaCare."

Monday's argument focused on the Anti-Injunction Act (AIA). If the AIA applies, the court may not be able to reach the decision on the individual mandate until after it becomes effective in 2014 or thereafter.

However, judging by the comments and questions of the Justices, Liberty Counsel reports that it appears a majority of the Justices do not believe the AIA applies to this case and will therefore reach the merits of the case. Liberty Counsel filed a brief with the Court on the AIA, and it was

Liberty Counsel's case, *Liberty University v. Geithner*, that presented the issue before the High Court.

On Wednesday, the High Court will consider the Medicaid provision and also hear argument on whether provisions of the law can be severed, allowing portions of the law to remain in effect.