

THURSDAY HOT READ: ABOUT THAT CONSTITUTION

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Even though Dems on Capitol Hill brush off the question, **Donald Lambro notes that there is a serious debate brewing over whether Obamacare is constitutional.**

House Speaker Nancy Pelosi dismissed the complaint Thursday when she was asked by a reporter if the Democrats' health reform proposal was constitutional.

"Are you serious? Are you serious?" Mrs. Pelosi replied.

But House Minority Leader John A. Boehner said the argument could not be ignored.

"I'm not a lawyer, and I'm certainly not a constitutional lawyer, but I think it's wrong to mandate that the American people have to do anything," he told reporters at his own press briefing last week.

The question of the mandate's constitutionality "hasn't been part of the public debate, but the legal community has been debating it. It's been on all the legal blogs," said Michael Cannon, director of health-policy studies at the libertarian Cato Institute. He said "the Constitution does not grant Congress the power to force Americans to purchase health insurance."

In 1994, the nonpartisan Congressional Budget Office noted that a "mandate requiring all individuals to purchase health insurance would be an unprecedented form of federal action."

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"Randy Barnett, a professor at Georgetown University Law Center, asks, 'Where in the [Constitution] is the power to mandate that individuals buy health insurance?' His answer: Nowhere.

"The business of providing health insurance is now an entirely intrastate activity' beyond the regulatory sway of the federal government, he said.