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Ruling in Virginia's Challenge to Obamacare Individual Mandate Expected Today

Posted By [Hans Bader](#) On December 13, 2010 @ 11:31 am In [Healthcare](#), [Legal](#), [Nanny State](#), [Personal Liberty](#), [Regulation](#) | [No Comments](#)

A ruling in Virginia's constitutional challenge to Obamacare's individual mandate is expected later today. The Competitive Enterprise Institute joined in an [amicus brief](#) ^[1] filed in support of Virginia's lawsuit by the Cato Institute and constitutional law professor Randy Barnett. You can find that amicus brief [at this link](#) ^[1].

Earlier, I [discussed](#) ^[2] why the health care law's individual mandate (requirement that individuals buy health insurance) exceeded Congress's power under the Interstate Commerce Clause. You can find that discussion at [this link](#) ^[2]. (I was a lawyer in the last Supreme Court case that struck down a federal law under the Commerce Clause, *United States v. Morrison*, 529 U.S. 598 (2000).)

The judge in the Virginia case, U.S. District Judge Henry Hudson, earlier rejected the government's motion to dismiss Virginia's lawsuit at a preliminary phase (a Rule 12(b)(6) motion to dismiss).

Update: Judge Hudson [rules against the Obama administration](#) ^[3], finding that the individual mandate is unconstitutional.

Earlier, I discussed some of the bad effects of Obamacare on [patients](#) ^[4], [employers](#) ^[5], [consumers](#) ^[6], and the [insurance market](#) ^[7].

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URLs in this post:

[1] amicus brief: <http://aca-litigation.wikispaces.com/file/view/Virginia+Cato+Barnett+amicus+%28SJ%29.PDF>

[2] discussed: <http://www.examiner.com/scotus-in-washington-dc/is-obamacare-s-individual-mandate-unconstitutional>

[3] rules against the Obama administration: <http://abovethelaw.com/2010/12/breaking-health-care-law-ruled-unconstitutional-in-part/>

[4] patients: <http://www.examiner.com/scotus-in-washington-dc/would-obamacare-reduce-innovation-healthcare-bill-would-cause-preventable-deaths>

[5] employers: <http://www.openmarket.org/2010/04/27/obamacare-vastly-expands-irs-red-tape-and-power-raises-medical-and-insurance-costs-taxes-and-deficits-and-harms-very-sick-people/>

[6] consumers: <http://www.examiner.com/scotus-in-washington-dc/obamacare-leads-to-47-percent-hike-health-insurance-premiums>

[7] insurance market: <http://www.examiner.com/scotus-in-washington-dc/more-people-lose-their-health-insurance-as-a-result-of-obamacare>

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