



## Another court victory for the American people

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Thankfully for the American people, the courts are on a real winning streak lately, including two victories for opponents of Obamacare.

First, the Supreme Court ensured that small-business owners have a right to religious freedom despite the mandates of the Affordable Care Act. (*Burwell v. Hobby Lobby*). Then the Supreme Court said anti-abortion protesters have a right to freely speak and assemble in public (*McCullen v. Coakley*). Then the Supreme Court protected the people from tyranny by ruling that a warrant is necessary before the cellphones of Americans detained by police can be searched (*United States v. Wurie*).

Then, for the grand slam, the U.S. Circuit Court of Appeals for the District of Columbia delivered another major blow to the White House and Obamacare.

In a 2-1 decision Tuesday, the Court of Appeals said Obamacare insurance subsidies can't be issued through the 36 federal-run exchanges, that they can only be given when the plans are purchased through one of the 14 state-run markets (*Halbig v. Burwell*).

The ruling is right because that is exactly what the law says in unambiguous language. However, in the era of Barack Obama, the rule of law means little. That one of the judges on the court dissented from the decision is some proof.

More proof, however, is that a few hours later and a few miles down the road in Richmond, Virginia, the 4th U.S. Circuit Court of Appeals (covering Maryland, North Carolina, South Carolina, Virginia, and West Virginia) issued the opposite ruling in a similar case despite admitting that the language of the law did not allow the subsidies for the federal exchange (*King v. Burwell*).

What the Obama administration is arguing, and the 4th Circuit essentially said, is that the intent of the law and not the actual wording of the law is what matters. Of course, that is the creed of the tyrant. If the executive can ignore the rule of law by claiming that the authors "intended" something else, then the rule of law has no meaning. To put it another way, if the executive branch can claim a law means whatever it wants, the written laws have no meaning.

This is par for the course, though. Obama and his minions told a few lies and circumvented a few procedures to foist this unconstitutional mess on the American people — a mess that puts millions of Americans in the position of having no financial reward to working full-time. Now he wants the courts to go along with his real intentions, not what he and his supporters actually put into the law.

Clearly, the subsidies language was intentionally worded the way it was in order to give an incentive to the states to create the exchanges. Now he should have to live with that language, as the D.C. court ruled.

Yes, it means millions of looters and moochers who purchased insurance counting on subsidies will suddenly lose those subsidies. But that will be Obama's own fault.

“If Halbig results in people losing health-insurance subsidies, the blame lies with a president who recklessly offered millions of Americans tens of billions of dollars in subsidies he had no authority to offer, that could vanish with a single court ruling,” said Cato Institute's Michael Cannon.

The battle is not over, of course. Usually contradictory rulings by the appellate courts means a fast trip, relatively speaking, to the U.S. Supreme Court to settle the issue. In this case, however, the White House said it is appealing the Court of Appeals decision and requesting an en banc hearing in front of the full panel of 11 judges. This is, obviously, a stalling tactic to keep the tens of billions of dollars of free money flowing to the voters for as long as possible.

Eventually, though, the chickens will come home to roost and this law is doomed. The sooner this happens the better because maybe then we can have a real and honest debate on fixing our health care system using sensible market reforms and a massive deregulation of the health care industry so consumers can afford the health care insurance and treatment of their choice.