

## **Leading Obamacare opponent trashes suit seeking to kill it**

Philip Klein

March 29, 2019

Michael Cannon could be described as a leading opponent of Obamacare, and now he's joining the chorus of voices taking issue with the flimsy reasoning behind the latest attempt to kill the law.

To provide some perspective, Cannon, a health policy analyst at the libertarian Cato Institute, was the guy I called when I was writing my book [Overcoming Obamacare](#) and wanted somebody who would make the case for the purest form of free-market health insurance. He argued for completely repealing Obamacare and moving to a system in which individuals and employers would be able to invest in tax-free large health savings accounts.

Not only was he a major supporter of the first legal challenge to Obamacare to make it to the Supreme Court, but he was also one of the intellectual architects of the 2015 lawsuit that made it to the high court arguing that Obamacare's subsidies for the purchase of health insurance could only be legally given to individuals living in states that established their own exchanges for the purchase of insurance.

But like myself, and libertarian law professor Jonathan Adler (who also helped shape the 2015 challenge), Cannon is aghast at the reasoning behind the current lawsuit, as well as U.S. District Court Judge Reed O'Connor of Texas's shaky decision agreeing with the argument that by lowering the individual mandate penalty to \$0, Congress invalidated the entire law.

"O'Connor followed the John Roberts playbook all the way down to the tortured reasoning," Cannon [wrote](#) in the New York Post. "He pretended the ObamaCare law still mandates the purchase of health insurance, when it no longer does. He pretended this phantom mandate injures the plaintiffs, when it clearly does not. And he pretended Congress considered the mandate inseparable from the rest of ObamaCare, even though Congress itself had already severed the two."

However much opponents of Obamacare are still stewing over the Roberts ruling, Cannon argues, this suit should be tossed out. "Two wrongs don't make a right," he writes.