

## Utah and ObamaCare

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IN OUR VIEW

Memo to Gov. Gary Herbert: ObamaCare is still unconstitutional.

Herbert has been pondering the implications of U.S. District Judge Roger Vinson's ruling that the health care overhaul violates our nation's legal foundation.

We think the governor can now take a stand.

As the Cato Institute says, "Federal courts do not issue advisory opinions. The parties to any lawsuit are bound by any resulting judgment. At minimum, then, the government lacks authority to implement ObamaCare where the case was decided, in the Northern District of Florida, and the 26 state plaintiffs need take no action to do so."

Utah was one of those plaintiffs.

Whether states should pull the plug on efforts to ramp up ObamaCare is an important question. Many legal experts, including Utah Attorney General Mark Shurtleff, say the ruling releases Utah from any obligation to implement the new law until further notice.

Because it was on the winning side, Utah is in an especially strong position to resist the federal mandate.

In recent news, Alaska Gov. Sean Parnell said he won't implement the federal health care overhaul. He sets a good example.

Before Parnell acted, other officials across the nation -- such as Wisconsin attorney General J. B. Van Hollen -- have said the states are under no compulsion to move forward. Sixteen Republican U.S. senators have sponsored a bill to halt further implementation until the Supreme Court rules.

Yes, there are other rulings that favored ObamaCare, and Vinson's ruling is sure to be appealed. But until then, it is as much the law as anything else.

Some voices say that Vinson can be ignored. They are whistling past the graveyard. The decision was powerful and well reasoned. It won't easily collapse.

The entire 78-page ruling is worth reading at [tinyurl.com/HeraldVinson](http://tinyurl.com/HeraldVinson). Anyone interested in government, law or American history will find it fascinating.

That includes the governor and other Utah leaders.