



ObamaCare arguments: Day 2

Chris Woodward and Charlie Butts - OneNewsNow - 3/27/2012

Day two of the Supreme Court hearings over ObamaCare will cover the individual mandate, and one expert explains the importance of day three's discussion. ([AP report: Justices take up heart of healthcare law](#))

Ilya Shapiro, senior fellow in constitutional studies and editor-in-chief of the [Cato Supreme Court Review](#) at the Cato Institute, says it is beyond the government's constitutional powers to require people to buy a particular good or service. In the case of ObamaCare, that good or service is health insurance.

"It's never tried to do it in the past," he notes. "This is unprecedented, and if allowed to stand, it would remove any remaining limits on federal power."

The court will hear arguments tomorrow on the severability issue -- that is whether the healthcare law can stand without the mandate. Shapiro says "it's telling" that the court set this aside for a separate issue to be argued. He [does not think](#) one can survive without the other.

"Typically, severability is just considered whenever a statute is challenged," the Cato Institute senior fellow explains. "The test is how much of the rest of the law can operate in the same manner as Congress designed it to. There are several different breaking points that the court can choose among, but at the very least, they will have to take with it the requirements for insurers to cover people with pre-existing conditions and for premiums to be assessed not based on individual health risks, but on a complicated community rating formula."

In total, the Supreme Court will have set aside six hours over three days this week to hear arguments. Shapiro compares the importance of the case to *Brown v. Board of Education* and *Roe v. Wade*.

Porch prayers

The debate over the constitutionality of the Patient Protection and Affordable Care Act -- the formal name for ObamaCare -- has brought many Christians to the steps of the Supreme Court for prayer. On Sunday, Christians placed 3,300 flowers around the Supreme Court building representing the number of children aborted each day in abortion clinics around the nation.



Mahoney

But Patrick Mahoney of the [Christian Defense Coalition](#) tells OneNewsNow Christians are praying in three specific areas. "That any healthcare would respect and honor religious freedom. Two, that any healthcare would not have taxpayer-funded, subsidized abortions in the plan. And then three, any healthcare would honor the Constitution," he shares. ([Listen to audio report](#))

While the prayer effort at the court continues during all three days of arguments, Mahoney encourages Christians throughout the country to also pray.

"... We are a divided nation right now, which is unfortunate -- and it is critical that people pray," he emphasizes. "We need to pray for wisdom for the justices. We need to pray for clarity for the justices. This is the single-most important Supreme Court case since *Roe v. Wade*" -- the 1973 landmark decision that legalized abortion in America.

The Supreme Court is expected to issue its decision on ObamaCare this summer.