MAIL You might also like: Politics Daily, Good News Now and More Sign In / Register News Web SEARCH **Search News and Topics Politics** Help & Feedback Entertainment World Business Sports Health Weird News More Main Nation Assange's Mom: Son **US Diplomat Richard** 'The King's Speech' Holbrooke Dies at 69 Leads Golden Globes Remains 'True to Ideals' Nomations

**BREAKING NEWS** 

British judge grants bail to WikiLeaks founder Julian Assange



## What's Next for Health Care Law After Federal Court Ruling?

Dec 13, 2010 - 5:27 PM

Text Size Email



Andrea Stone Senior Washington Correspondent

WASHINGTON (Dec. 13) -- A federal judge's ruling that a key provision of the Obama administration's health care law is unconstitutional is hardly the last word on whether the far-reaching overhaul will be enacted as written.

To be sure, the 42-page opinion by U.S. District Court Judge Henry Hudson shores up the argument by conservatives. The judge, a 2002 appointee of George W. Bush, ruled that the law's "individual mandate" requiring everyone to have health insurance goes beyond

the powers of Congress to regulate interstate commerce.

"This is just one district court -- whose opinion is not binding on the judges who will now consider the government's appeal -- but we can now see the day where this unprecedented assertion of federal power is definitively rejected as fundamentally contrary to our constitutional order," said Ilya Shapiro, a senior fellow at the libertarian Cato Institute.

### **HOT TOPICS**

Richard Holbrooke | Jenifer Ringer | Golden Globe Nominations | Sal Alosi | Geminid Meteor Shower | Cliff Lee Phillies | Brett Favre | Julian Assange | Nathalie Roffet | Mark Madoff

### MORE TOP NEWS

Real-Time Web

Bone-chilling cold plods into Northeast Retail sales rise 0.8 percent in November Madoff won't attend funeral of son who died in NYC WikiLeaks founder Assange seeks bail in London World pays tribute to Holbrooke: "The Bulldozer" House Dems stew over Obama's handling of tax deal

12/14/2010 10:34 AM 1 of 5

That day, however, is unlikely to come anytime soon. There are some two dozen lawsuits wending their way through the courts aimed at nullifying all or part of the Affordable Care Act.

The Justice Department is considering whether to appeal today's decision in Richmond, Va. But already Republicans are calling for an expedited review by the U.S. Supreme Court.

"In this challenging environment, we must not burden our states, employers, and families with the costs and uncertainty created by this unconstitutional law, and we must take all steps to resolve this issue immediately," said House Majority Leader-elect Eric Cantor of Virginia, whose state filed the lawsuit decided today just minutes after President Barack Obama signed the law in March.

Despite the glee among opponents of the law, a dozen other judges have dismissed challenges as baseless. And the two other federal judges who have ruled on the merits of the arguments -- one in Michigan and another in a different district in Virginia -- have upheld the law.

Both those judges were Democratic appointees. Hudson is a Republican who is reported to have <u>a stake in a GOP consulting firm</u> that has worked against health care reform.

Neera Tanden of the liberal Center for American Progress called Hudson's decision "an outlier" that "will not hold up to further scrutiny."

All eyes next shift to a federal judge in Florida appointed by Ronald Reagan who will hear another challenge Thursday.

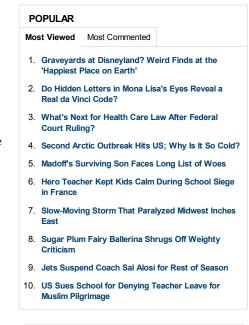
Given the rancorous partisan divide over health care, it is unlikely the White House will rush the case to a Supreme Court where conservatives hold a 5-4 advantage. Nor is the high court likely to add health care to its docket before more lower court judges weigh in. The most likely scenario would see the case take as long as two years to reach the Supreme Court, arriving before the individual mandate is scheduled to begin in 2014.

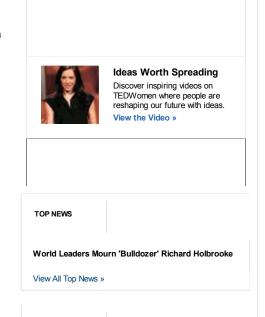
In the meantime, Hudson's ruling will have no effect on the law's rollout since Hudson refused to halt implementation while the case is appealed.

If the legal fallout remains unsettled, the political impact was clear.

Republicans <u>already intent on repealing</u> what they derisively call "Obamacare" were emboldened by the ruling.

# Hot Stock Pick - GSLO All American Solar Energy Trading, Investment, Stocks. www.GoSolarUSA.com Mom Discovers how to make \$1,000/week Millionaires DON'T want you knowing about this money making secret OnlineCareer.Journal.com Penny Stock to Watch - RMGX Save the planet AND make money! Consider investing today. www.GreenGainers.com Buy a link here FOLLOW AOL NEWS





2 of 5 12/14/2010 10:34 AM

### Sponsored Links

NEWS: iPads for \$23.17?

Special Report: iPads are being sold for an incredible 90% OFF!!! http://www.actionnews15.com/US/

Mom Discovers how to make \$1, 000/week

Millionaires DON'T want you knowing... OnlineCareerJournal.com

Refinance Rates at 2.7%

\$160,000 Mortgage \$434/mo. No Hidden Fees- 3.04% APR! Get a Free... Mortgage.LendGo.com

Buy a link here

As soon as the GOP takes control of the House in January, "We will pass a clean repeal of Obamacare," Cantor promised.

While Senate Democrats and Obama's veto pen make that all but impossible in the next Congress, soon-to-be Speaker of the House John Boehner advised states to go slow. "Cash-strapped states should carefully weigh the benefits of investing time and resources in Obamacare's implementation now that its central mandate has been ruled unconstitutional," he said.

While many states are already <u>inclined to drag their feet</u>, the administration said today's ruling will not affect its timetable.

"When it's all said and done, the courts will find the Affordable Care Act constitutional, the <u>White House</u> said. "There have been many rulings on court cases regarding health reform and we know there will be many more."

### **Related Stories**

White House 'Not Surprised' by Health Care Ruling, but Still Confident Opinion: Health Care Mandates? Nothing New for Foreign Students Federal Judge Rules Health Care Mandate Unconstitutional

Opinion: Health Care Ruling -- Good News for Reform Backers

Opinion: Health Care Ruling -- The Constitution Vindicated Filed under: Nation, Health Care Reform, Barack Obama, AOL Original

Tagged: affordable care act, barack obama, congress, eric cantor, gop, health and medicine, health care, health care law, health care reform, henry hudson, house, john boehner, mieconomic g13 economies economy - united states, national news, obama administration, obamacare, personal finance insurance health, president barack obama, virginia, white house

Related Searches: health care reform bill 2010, health reform, president obama, repeal obamacare, eric cantor congressman, republican party,

Follow us on Facebook and Twitter.

2010 AOL Inc. All Rights Reserved.

| Email

**2937** COMMENTS

ADD YOUR COMMENT

### Hot Leads



# Miley Cyrus Bong Video Ignites Sales of the Drug Salvia

-- Fox News

Top 10 Landmark Supreme Court Cases -- Time

Nine Sex Myths You Need to Know -- Fox News

Funniest TV Comedies of 2010 -- Huffington Post

Celebrities Call on Iran to Free Ashtiani, Who Faces Death by Stoning

RNC Chairman Michael Steele Will Seek a Second Term

Senate Has Votes to Ratify START Treaty: Democrats Expect Debate This Week

Richard Holbrooke, American Diplomat, Is Dead at 69

Tax-Cut Compromise Clears Senate Hurdle; Vote Expected This Week

View All Politics News »

### SPORTS NEWS

Tashard Choice Apologizes for Getting Michael Vick's Autograph

WWE Raw Results: Slammy Awards 2010 Results

Cliff Lee, Phillies Agree to Deal

Jamaal Charles 'Embarrassed' by Play in Blowout

Ravens vs. Texans: Baltimore Steals Win in Wild Finish

View All Sports News »

### **BUSINESS NEWS**

Is the Stock Market Ready for a Breather? [VIDEO]

The Human Toll of America's New Ghost Towns

What Will Tax-Cut Deal Mean for Investors?

Grocery Giant A&P Enters Bankruptcy Protection

Better Ask Santa for a Fill-Up This Year

View All Business News »

250 Skiing Santas Dash Through Snow

Affordable Nutrition, Brought to You by 'Sesame Street'

Coach Says iPhone App Helped Save Player's Life

White House Gets Holiday Makeover

Selling Laziness Turns Into Big Business

More Stories »

3 of 5 12/14/2010 10:34 AM