

# National Journal

HEALTH CARE

## 11th Circuit Court Rules Against Obama's Health Care Law

by **Meghan McCarthy**

Updated: August 12, 2011 | 2:18 p.m.

August 12, 2011 | 1:28 p.m.

A federal court in Atlanta ruled On Friday that the health care reform law's insurance requirement is unconstitutional, delivering the Obama administration's signature piece of legislation its first blow at the appellate court level.

The three-judge panel in the 11th U.S. Circuit of Appeals in Atlanta ruled 2-1 against the insurance requirement. It is the first appellate court to find the insurance requirement violates the constitution.

Chief Judge Joel Dubina and Circuit Judge Frank Hull wrote that "the individual mandate contained in the act exceeds Congress's enumerated commerce power." Circuit Judge Stanley Marcus dissented.

A federal appeals court in Cincinnati upheld the law's insurance mandate in June. Another appellate case is pending at a court in Richmond, Va.

The Atlanta judges ruled against invalidating the entire law, instead finding the law could stand without the insurance coverage requirement. That is a small victory for the administration.

The law still has a long path before a final decision is reached on the insurance requirement. The case is widely expected to be taken up by the Supreme Court within the next year.

Opponents of the health care law hailed the ruling. "Today is a great day for liberty," said Ilya Shapiro, senior fellow in constitutional studies at the libertarian Cato Institute. "By striking down the individual mandate, the 11th Circuit has reaffirmed that the Constitution places limits on the federal government's power."