

# Editorial: Obamacare unconstitutional

2011-01-31 19:57:55

A federal judge Monday struck a major blow against Obamacare, ruling it to be unconstitutional. The ruling is welcome by those of us who believe Congress and President Barack Obama exceeded their authority last year by imposing the Patient Protection and Affordable Care Act with its mandate that everyone must buy health insurance or pay a fine.

U.S. District Court Judge Roger Vinson declared the law's individual mandate unconstitutional because when a person does nothing – that is, *doesn't buy* health insurance – it is not an act that can be regulated by Congress' Interstate Commerce Clause powers. Moreover, the judge cited the legislation's lack of a "severability" clause and the interdependent nature of its many facets as reasons to throw out the entire law, rather than merely the individual mandate.

This is an important step toward what we hope is the ultimate undoing of President Barack Obama and the 111th Congress' centerpiece legislation, the Patient Protection and Affordable Care Act, which effectively would bring one-sixth of the economy under the federal government's control.

"The Constitution establishes a framework of limited government in order to protect our liberty," commented Pacific Legal Foundation principal attorney Timothy Sandefur. "You simply can't square constitutional, limited government with the Obama Administration's idea of forcing everyone to buy health insurance, or any other product or service. Judge Vinson has brought us back to basics and reminded us that we do not live in a society where our lives are ordered by bureaucrats in Washington D.C."

The immediate ramifications were being debated Monday. The Cato Institute's Ilya Shapiro argued that the ruling effectively stops Obamacare's enforcement: "...a federal court saying that a piece of legislation is unconstitutional is effectively the same as a decision mandating the government to act."

However, The New York Times reported the ruling merely evened "the score at two-to-two in the lower courts as conflicting opinions begin their path to the Supreme Court."

We find Judge Vinson's reasoning persuasive. We also find it obvious that Congress has no authority to dictate whether private people purchase or don't purchase health insurance or any other privately provided commodity or service. We're encouraged by Monday's ruling and hope the Supreme Court takes up the matter sooner rather than later.