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Reactions to Court Ruling Striking Down Part of Obamacare in Virginia v. Sebelius

Posted By Hans Bader On December 14, 2010 @ 12:38 pm In Healthcare, Legal, Nanny State, Personal Liberty, Regulation | No Comments

Yesterday, a federal judge in Richmond struck down [1] Obamacare's requirement that individuals buy health insurance. Cato Institute's Ilya Shapiro reacts to the decision here in an article at CNN [2]. Ilya was the principal author of an amicus brief filed on behalf of the Cato Institute and others in support of Virginia Attorney General Kenneth Cuccinelli's lawsuit against Obamacare.

The Competitive Enterprise Institute [3] and law professor Randy Barnett joined that brief [4], which you can find here [5]. I am listed on the brief since I made a few suggestions that were incorporated into the brief based on my past experience in handling federalism cases (such as the Supreme Court's *Morrison* decision [6]). The brief was submitted to the court by the distinguished Richmond lawyer Patrick McSweeney, who has won landmark cases (such as a no-taxation-without-representation case in the Virginia Supreme Court called *Marshall* v. *Northern Virginia Regional Transportation Authority*, a case that I earlier discussed at this link [7]).

At Volokh Conspirac*y*, there are reactions to the decision from law professors Jonathan Adler [8] and Ilya Somin [9]. I earlier discussed the constitutional issue in the case here [10], and more recently discussed the harm Obamacare inflicts on medical innovation [11], employers [12], the public [13] and access to quality health insurance [14]. The U.S. Attorney General and HHS Secretary responded to the ruling as well, as you can see here [15].

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URLs in this post:
[1] struck down: **http://michellemalkin.com/2010/12/13/judge-to-obamacare-architects-ahem-meet-the-constitution-power-grabbers/**
[2] here in an article at CNN: **http://www.cnn.com/2010/OPINION/12/13/shapiro.court.mandate.health/index.html?hpt=T2**
[3] Competitive Enterprise Institute: **http://www.openmarket.org/2010/12/13/ruling-in-virginias-challenge-to-obamacare-individual-mandate-expected-today/**
[4] that brief: **http://www.cato.org/pub_display.php?pub_id=12190**
[5] find here: **http://www.cato.org/pubs/legalbriefs/VirginiavSebeliusMSJ.pdf**
[6] *Morrison* decision: **http://www.law.cornell.edu/supct/html/99-5.ZS.html**
[7] discussed at this link: **http://www.openmarket.org/2008/02/29/virginia-courts-strike-down-taxation-without-representation/**
[8] Jonathan Adler: **http://volokh.com/2010/12/13/initial-thoughts-on-the-virginia-health-care-ruling/**
[9] Ilya Somin: **http://volokh.com/2010/12/13/thoughts-on-todays-ruling-striking-down-the-individual-mandate/**
[10] constitutional issue in the case here: **http://www.examiner.com/scotus-in-washington-**

dc/is-obamacare-s-individual-mandate-unconstitutional

[11] medical innovation: **http://www.examiner.com/scotus-in-washington-dc/would-obamacare-reduce-innovation-healthcare-bill-would-cause-preventable-deaths**

[12] employers: **http://www.openmarket.org../2010/04/27/obamacare-vastly-expands-irs-red-tape-and-power-raises-medical-and-insurance-costs-taxes-and-deficits-and-harms-very-sick-people/**

[13] the public: **http://www.examiner.com/scotus-in-washington-dc/obamacare-leads-to-47-percent-hike-health-insurance-premiums**

[14] access to quality health insurance: **http://www.examiner.com/scotus-in-washington-dc/more-people-lose-their-health-insurance-as-a-result-of-obamacare**

[15] here: **http://hotair.com/archives/2010/12/14/holder-and-sebelius-trot-out-the-auto-insurance-canard/**