

Vinson's decision is an injunction against ObamaCare

Some news outlets and political commentators and observers noted yesterday in their reporting on [Judge Roger Vinson's opinion on ObamaCare](#) that he delay implementation of the law. As Ilya Shapiro points out, it [does seem that Vinson did issue an injunction](#):

In discussing whether to issue an injunction – a judicial command to do or refrain from doing something — the judge determined that his declaratory judgment in this context was the same as an injunction. That is, a federal court saying that a piece of legislation is unconstitutional is effectively the same as a decision mandating the government to act:

Declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as an injunction ... since it must be presumed that federal officers will adhere to the law as declared by the court. [Quoting a D.C. Circuit opinion written by none other than then-Judge Antonin Scalia]

Now, this is can and probably will change when the Obama Administration asks the [Eleventh District Court of Appeals](#) in Atlanta to issue a stay.

Other interesting points in Vinson's decision was his citation of Barack Obama's opposition to an individual mandate on the campaign trail in 2008:

I note that in 2008, then-Senator Obama supported a health care reform proposal that did not include an individual mandate because he was at that time strongly opposed to the idea, stating that 'if a mandate was the solution, we can try that to solve homelessness by mandating everybody to buy a house.

In laying out the case against the absurd expansion of the Commerce Clause by the Obama Administration, Vinson brings up an important part of American history; the [colonist rebellion](#) against the [Tea Act](#):

It would be a radical departure from existing case law to hold that Congress can regulate inactivity under the Commerce Clause. If it has the power to compel an otherwise passive individual into a commercial transaction with a third party merely by asserting — as was done in the Act — that compelling the actual transaction is itself “commercial and economic in nature, and substantially affects interstate commerce” [see Act § 1501(a)(1)], it is not hyperbolizing to suggest that Congress could do almost anything it wanted. It is difficult to imagine that a nation which began, at least in part, as the result of opposition to a British mandate giving the East India Company a monopoly and imposing a nominal tax on all tea sold in America would have set out to create a government with the power to force people to buy tea in the first place.

The reaction has obviously been positive from conservatives and libertarians. The aforementioned Ilya Shapiro [writes](#):

[Today's ruling](#) vindicates the constitutional first principle that ours is a government of delegated, enumerated, and thus limited powers. Like Judge Hudson in the Virginia case, Judge Vinson recognized that the individual mandate represents an unprecedented and improper incursion beyond those powers: the federal government, under the guise of regulating commerce, cannot require that people engage in economic activity.

And this is as it should be: if the only limit on congressional power were Congress' own assessment of the wisdom of each assertion of such power, the Constitution would be obsolete — as would any conception of checks and balances. James Madison, the author of the Federalist Paper (51) explaining how man's non-angelic nature requires explicit limits on those who govern, would spin in his grave. As even would Alexander Hamilton — perhaps the Framers most favorably disposed to strong central power — who cautioned that courts should not be in the business of evaluating the “more or less necessity” of a piece of legislation but rather define judicially administrable rules to guide (but also limit) Congress's actions.

And so today's ruling, in a lawsuit that now has 26 states as plaintiffs — with two others challenging the health care “reform” separately — represents the latest and most significant victory for federalism and individual liberty. This will not end until the Supreme Court has its say, but the tide is clearly running in freedom's favor.

Shapiro's colleague, Roger Pilon, [adds](#):

In finding Obamacare unconstitutional, Judge Roger Vinson hit a home run today for the Constitution. From the start, he made it clear that this case, brought by 26 states, two private citizens, and the National Federation of Independent Business, “is not really about our health care system at all. It is principally about our federalist system, and it raises very important issues regarding the Constitutional role of the federal government.”

The core of the opinion, as many of us have long argued, is whether Congress, under its power to regulate interstate commerce, can regulate “inactivity” by requiring individuals to buy health insurance or be fined. It cannot, Vinson ruled, citing a long line of opinions, legal and political, starting with James Madison, the principal author of the Constitution.

Over at the [Heritage Foundation](#), Robert Alt [praises Vinson's opinion](#):

Judge Vinson's decision is thorough, well-reasoned, and likely will be very persuasive to appellate judges, and eventually Justices, who review the case. He

was judicious, ruling against the states on the spending clause claim and for them on the Commerce Clause. The most important document in any appeal is the decision below, and Judge Vinson's will give the court of appeals much to consider. Put simply, Vinson has just made the Obama DOJ's job much more difficult.

As Medicare Actuary Richard Foster [recently noted](#), it's unlikely that ObamaCare is going to save any money, nor will every individual be able to keep their coverage, as President Obama [promised](#).

You have to wonder, if ObamaCare were so popular, why have [more than 700 businesses and organizations](#) - including some that lobbied for its passage - are [sought wavers to get around the provisions of the law](#).