

# Appeals Court Dismisses Virginia's Challenge to Obama Health Care Law

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A federal appeals court on Thursday rejected Virginia's challenge to President Obama's health care law, saying in a [ruling](#) that the state doesn't have a right to bring a lawsuit.

The unanimous decision from the three-judge panel of the 4th U.S. Circuit Court of Appeals overturns a lower court's decision to declare the law unconstitutional and is the second appellate court ruling in favor of the government's right to require individuals to buy health insurance or pay a penalty.

But the court on Thursday stopped short of ruling whether the individual mandate in the health care law is constitutional; it strictly examined Virginia's right to sue.

The court also dismissed a second lawsuit from Liberty University for the same reason.

The Supreme Court will likely have the final say on the health care law after more than 30 lawsuits were filed and contradictory rulings were issued from appellate courts in other parts of the country. Last month, an appeals court in Atlanta ruled against the law, saying the provision to buy health care insurance is unconstitutional. But an appeals court in Cincinnati has upheld the law.

Virginia filed its lawsuit in March 2010, the same day that Obama signed the legislation. The following day, the state passed its own law, known as the Virginia Health Care Freedom Act (VHCFA), declaring that individuals cannot be forced to buy health insurance and sued on that basis.

But the court ruled Thursday that the VHCFA does not create the kind of conflict that allows for a challenge in federal court.

"The individual mandate in the health care law does not affect Virginia's ability to enforce VHCFA," the court opined. "Rather, the Constitution itself withholds from Virginia the power to enforce VHCFA against the federal government."

All three judges on the Virginia panel were appointed by Democratic presidents -- two by Obama and one by Bill Clinton.

Virginia Attorney General Ken Cuccinelli vowed to appeal the ruling.

"Obviously, we are disappointed in the ruling," he said. "Our disappointment not only stems from the fact that the court ruled against us, but also that the court did not even reach the merits on the key question of Virginia's lawsuit -- whether Congress has a power never before recognized in American history: the power to force one citizen to purchase a good or service from another citizen."

Stephen Presser, a law professor at Northwestern University, called the ruling a "highly technical decision."

"This decision might well be questionable, but the court did note that important constitutional issues were involved, and even the court conceded that those issues should be resolved in an appropriate forum," he said.

"This is a further indication that the United States Supreme Court should soon resolve this issue, now that both the district courts and the court of appeals have issued contradictory decisions both on the standing and substantive issues," he said.

Elizabeth Wydra, the chief counsel to the Constitutional Accountability Center, said that Thursday's decision is a "clear indication" that the challenges from Virginia and Liberty University to the law were a "flawed vehicle for debating this important law."

"The procedural obstacles that the plaintiffs tried to hurdle in bringing these cases in the first place show their challenges to be far more about politics than constitutional law," she said.

Ilya Shapiro of the Cato Institute said the ruling doesn't affect any other case and should only speed up the Supreme Court's consideration of the case.

"All of the constitutional issues attending the individual mandate have now been exhaustively ruled upon by three federal appellate courts in four separate cases," Shapiro said. "While the D.C. Circuit will hear argument in yet another suit later this month, there's no reason for the Supreme Court to delay its review.

"As President Obama unveils yet another plan to stimulate job creation, it's time to finally put an end to the uncertainty over the fate of his most economically damaging piece of legislation."

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