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Obama's Record With the High Court

Ilya Shapiro ("Why Obama Strikes Out in Court," op-ed, June 6) rightly recognizes how the U.S. Supreme Court constantly defends the Constitution, and thus the rights of all Americans, from unlimited federal power. He points out precedents by the Roberts Court that lend strong arguments for overturning ObamaCare, but he fails to mention the federalism jurisprudence established by the Rehnquist Court.

The Rehnquist Court invalidated 34 federal laws, 26% dealing with federalism. In all nine of these federalism cases, the result was conservative, in other words, the Court struck down laws that violated the principle of federalism. The Rehnquist Court overturned 44 precedents in its 19 terms, 27% of which concerned federalism or economic activity, key issues in ObamaCare. As part of its federalism jurisprudence, the Rehnquist Court revived the 10th Amendment, and the current Court is keeping the revival going in *Bond v. United States*.

Robust federalism provides the framework of the Constitution. Without it, even the Bill of Rights will become meaningless. Chief Justice John Marshall wrote in *Gibbons v. Ogden*(quoting Judge St. George Tucker's edition of Blackstone's "Commentaries"), that

"the powers delegated to the federal government are, in all cases, to receive the most strict construction that the instrument will bear, where the rights of a State, or of the people, either collectively or individually, may be drawn in question. This rule of construction must be correct; for the constitution gives nothing to the States or to the people. Their rights existed before it was formed, and are derived from the nature of sovereignty and the principles of freedom."

Certainly, the power to obtain health care without government mandates belonged to the people long before the Constitution was written.

But whose vision will prevail—the founders' vision of freedom or President Obama's vision of Leviathan?

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