

By [Brett M. Decker](#) | The Washington Times | Thursday, June 28, 2012

## DECKER: Obamacare and the death of liberty

### ***Supreme Court ruling pulls the plug on individual freedom and choice***

Virginia Attorney General Ken Cuccinelli put it best: "This is a dark day for the American people, the Constitution and the rule of law," he said of the Supreme Court decision to let Obamacare stand as the law of the land. "This is a dark day for American liberty." This pessimism is not just the feeling of conservative activists but a majority of Americans. In a Rasmussen Reports poll released Monday, 54 percent of voters said they would like to see the health-care law repealed; this number has been over a majority for a year and reached past 60 percent much of the time since passage. The court's ruling couldn't be more clearly against the will of the majority of the American people.

Affirming Obamacare also spooked investors, with the stock market plummeting on the news of the court's action. That can hardly be a surprise given the massive cost this drops onto the shoulders of businesses and individuals. The \$17 trillion in unfunded liabilities that will have to be extracted from taxpayers to underwrite this new government program is a fortune that cannot be invested in the productive private sector of the economy. As talk-radio superstar Rush Limbaugh noted on his program on Thursday, "What we now have is the biggest tax increase in the history of the world. What we have been told by the chief justice of the Supreme Court and four liberals on the court: Obamacare is just a massive tax increase."

The Supreme Court labeling the Affordable Care Act a tax counteracts President Obama's longstanding insistence that his signature legislative achievement was not a tax hike. For example, in an interview with George Stephanopoulos of ABC News in 2009, Mr. Obama said, "That for us to say that you've got to take a responsibility to get health insurance is absolutely not a tax increase." To his credit, Mr. Stephanopoulos held his ground that the mandate is a tax hike, going so far as to quote this definition out of Merriam-Webster's Dictionary: "Tax - a charge, usually of money, imposed by authority on persons or property for public purposes."

The tax justification makes sense given the coercive nature of what the left wanted to achieve. "The most controversial part of the act, the individual mandate, was upheld not as a naked command under the commerce power, but as a tax on those who choose not to purchase health insurance," explains the Cato Institute's Trevor Burrus. "Upholding the individual mandate as a tax was the most politically safe path for the Supreme Court." This is because labeling the mandate a tax was the only angle the justices could find to

stretch this thing to being even remotely construed as constitutional. As Mr. Limbaugh put it, "The chief justice was hell-bent to find a way to make this law applicable, so he just decided, you know what, as a tax increase, it works, because there's no limit on the federal government's ability to tax."

Massive additional expenses are not what struggling employers need in a tanking economy. As Dan Danner, president of the National Federation of Independent Business, told *The Washington Times*, "This adds insult to the injury that small-business owners are already feeling from a law that does everything to increase costs, when what they really need is lower costs." That's why 62 percent of voters think the price tag for Obamacare will lead companies to cancel health-insurance benefits for their workers, according to Rasmussen.

America simply isn't rich enough to float this bloated national health system. "When you include the new health law with our existing obligations like Social Security, Medicare and Medicaid, we now have \$99.4 trillion in total unfunded obligations over 75 years," informs Alabama Sen. Jeff Sessions, ranking member of the Senate Budget Committee. As former BB&T Bank CEO John A. Allison, who this week was announced as the new president of the libertarian Cato Institute, warned us in an interview in May, "Unless there is a radical overhaul, Medicare-Medicaid-Obamacare will ultimately bankrupt the United States."

Lovers of liberty are now in a panic that Chief Justice John G. Roberts may be the next Earl Warren, the left-wing activist chief judge appointed by President Eisenhower about whom Ike fumed, "Biggest damfool mistake I ever made." Chief Justice Roberts has reinforced the power of the government over the individual to scary new heights not imagined a few short years ago. If Big Brother can compel you to buy a certain product or service, there is no limit to what Washington can force you to do. Freedom is being extinguished in what used to be the Land of the Free.

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