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**The only way to avoid a health insurance mandate is by divesting yourself of a body**

## Health Insurance is Not Like Auto Insurance

By Warner Todd Huston Thursday, September 17, 2009

During his healthcare speech last week, President Obama tried to compare his idea of compulsory [health insurance](#) to the practice of mandatory [auto insurance](#) now in effect in most of the States of the Union.

But as a recent Fox News piece by Judson Berger [proves](#), car insurance is nothing like forced [healthcare insurance](#). The main reason the two do not compare well is that mandatory auto insurance covers other people, not the driver. But forced healthcare insurance covers the individual, not any indemnity against the individual's actions against others.

Additionally, there isn't anything truly compulsory about mandatory auto insurance. After all, it isn't mandatory that one drive. If you don't want to pay for the insurance, don't drive. Additionally, there is no compulsion to pay for insurance that covers yourself or your car.

On the other hand, compulsory health insurance is far more intrusive than mandatory [car insurance](#). It cannot be avoided without penalty of law, it is not a safety measure to cover others for your own negligence, it can't be avoided even by [moving to another state](#) and it most certainly is un-Constitutional.

"You can avoid the auto insurance mandate by divesting yourself of a car. The only way to avoid a health insurance mandate is by divesting yourself of a body," said Michael Cannon, director of health policy studies at the Cato Institute.

This singular fact is why it must be un-Constitutional. This is truly a [tax](#) on breathing. If you are breathing you owe the government a tax to keep you breathing as far as Obama is concerned. Not only that but you own a tax to allow everyone else to breath, as well. This compulsory insurance is nothing less than the assumption that government owns your body.

Obama's chief claim is that he is trying to "reform" the health insurance industry, not replace it. That being the case, he is not requiring citizens to pay the government for that healthcare. He is mandating that we buy insurance from a private company to avoid his fines. But the Constitution does not give government the power to force citizens to buy things, the Constitution only gives the government the right to levy taxes. Buying insurance is not a "tax" per se.

But then there is that elastic "General Welfare Clause" that has been so misused by Congress and misinterpreted by a succession



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of Supreme Courts. Many feel that this clause covers Obama's socialized healthcare policies.

Yet, as the Heritage Foundation [recently wrote](#):

The "General Welfare" clause gives Congress the power "To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." This clause is not a grant of power to Congress (as constitutional law professor **Gary Lawson has shown**). It is a limit to a power given to Congress. It limits the purpose for which Congress can lay and collect taxes.

Since Congress will be forcing people to buy the product of some private industry, this cannot possibly be construed as a legitimate form of taxation.

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*Warner Todd Huston's thoughtful commentary, sometimes irreverent often historically based, is featured on many websites such as [renewamerica.us](#), [townhall.com](#), [opinioneditorials.com](#), and [americandaily.com](#), among many, many others. He has also written for several history magazines, and appears in the new book "Americans on Politics, Policy and Pop Culture," which can be purchased on [amazon.com](#). He is also the owner and operator of [Publius' Forum](#).*

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