

## [A Bad Day for ObamaCare at the 11th Circuit?](#)

[Damon W. Root](#) | June 10, 2011

As I [noted](#) yesterday, the 11th Circuit Court of Appeals in Atlanta heard oral arguments on Wednesday in the legal challenge filed by 26 states against the Patient Protection and Affordable Care Act's individual mandate. Ilya Shapiro of the Cato Institute was in the courtroom and says that after hearing those arguments, "I'm more optimistic about this case now than any other." As he reports:

This legal process is not an academic exercise to map the precise contours of the Commerce Clause or Necessary and Proper Clause — or even to vindicate our commitment to federalism or judicial review. No, all of these worthy endeavors are just means to achieve the goal of maximizing human freedom and flourishing. Indeed, that is the very reason the government exists in the first place.

And the 11th Circuit judges saw that. Countless times, Judges Dubina and Marcus demanded that the government articulate constitutional limiting principles to the power it asserted. And countless times they pointed out that never in history has Congress tried to compel people to engage in commerce as a means of regulating commerce. Even Judge Hull, reputed to be the most liberal member of the panel, conducted a withering cross-examination to establish that the individual mandate didn't help that many people get affordable care, that the majority of people currently without coverage would be exempt from the requirement (presumably due to their income level).

Read the whole thing [here](#). Read additional ObamaCare coverage [here](#).