



ObamaCare challenge to go forward

Bill Bumpas - OneNewsNow - 8/3/2010 6:00:00 AM



A federal judge's decision to allow Virginia to challenge the legality of ObamaCare is being hailed as an important first step in confronting federal powers in that area.

U.S. District Judge Henry Hudson agrees that the case raises several constitutional issues, such as whether Congress has the authority to require people to buy health insurance. More than a dozen other state attorney generals have filed a separate lawsuit in Florida challenging the federal law, but Virginia's case is the first to go before a judge.

Ilya Shapiro, senior fellow in constitutional studies at the [Cato Institute](#), explains why it is important that the judge has ruled to let the lawsuit go forward.



Shapiro

"This should silence anyone who's still maintaining that the various lawsuits against ObamaCare are frivolous...politically motivated...sour grapes, or what have you," he suggests.

He notes that other courts are not bound by the decision, but the Cato Institute sees it as an important beachhead. Shapiro believes Congress went too far in requiring citizens to purchase health insurance.

"Virginia, like the other lawsuits that are out there, [is] saying that this goes beyond Congress' power to regulate interstate commerce; it goes beyond its power to lay and collect taxes," the senior fellow reports. "And for various reasons, I think those arguments are very strong."

Shapiro does not know if it will be this particular lawsuit, another case, or a combination of proceedings, but he believes this issue will go all the way to the Supreme Court.



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