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[Legal Experts React To ObamaCare Ruling That Mandate is Unconstitutional](#)

Legal and constitutional experts react to the 11<sup>th</sup> U.S. Circuit Court of Appeals ruling today that the ObamaCare individual mandate is unconstitutional. They universally agree this must be sent to the Supreme Court right away, the country cannot wait until after the next election for a ruling.

**Randy E. Barnett, Carmack Waterhouse Professor of Legal Theory Georgetown Law**

“Now that judges appointed by both Democratic and Republican presidents have found the individual insurance mandate to be unconstitutional, the nation’s interest requires the Supreme Court to hear this case next term. Only then would the uncertainty inflicted upon the national economy by this unprecedented and unconstitutional law be lifted. Both the country and the Constitution cannot afford any delay.”

**Stephen Presser, Professor of Law, Northwestern University**

“Today’s decision by the 11th Circuit, essentially says that if Congress can compel Americans to buy health insurance there is nothing that Congress cannot do. This reaffirms that we have a federal government of limited and enumerated powers. We have now heard from both district and courts of appeals reaching different conclusions, and it is time for the United States Supreme

Court speedily and clearly to resolve the issue. Further delay to hear from more lower federal court judges is unwarranted. All the issues are addressed in these many opinions, and it is now imperative that the Supreme Court resolve them, lest this uncertainty adversely affect not only health care, but our future as a republic in which the rule of law prevails.”

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**Ilya Shapiro, Senior Fellow in Constitutional Studies, Cato Institute**

“Today’s decision gives hope to those who believe that there are some things beyond the government’s reach and that the judiciary cannot abdicate its duty to hold Congress’s feet to the constitutional fire. By striking down the individual mandate—in the most important lawsuit challenging it—the Eleventh Circuit has reaffirmed that the Constitution places limits on federal power. It’s time now for the government to take this case directly to the Supreme Court; any delays would be unfortunate election-year politicking. In these difficult financial times, the country simply can’t afford any more uncertainty over the fate of this economically damaging piece of legislation.”

**Carrie Severino, Chief Counsel, Judicial Crisis Network**

Today’s decision puts the ball squarely in the administration’s court. If they’re really confident Obamacare meets constitutional muster and are serious about removing the uncertainty that will continue to hamper economic recovery, they’ll bring the case where we all know it’s headed: the Supreme Court. A bi-partisan panel of judges has invalidated the law, and, given the composition of the 11th Circuit, it is likely that en banc review would lead to the same outcome. So if the administration starts the procedural foot-dragging it will only be because they are less interested in resolving the legal issue and more interested in election year politics and pushing Obamacare’s day of reckoning past November 2012.

**Ilya Somin, Associate Professor of Law, George Mason University School of Law**

“Today’s 11th Circuit decision striking down the individual mandate is a great victory for the Constitution and limited government. The court correctly recognized that there is no way to uphold the mandate without giving Congress unlimited power to mandate anything it wants, including the purchase of broccoli, cars, or any other product. Significantly, Judge Frank Hull has become the first Democratic-appointed judge to strike down the mandate.”



[August 12, 2011 Live Wire Individual mandate Law Patient Protection and Affordable Care Act United States United States Constitution United States Court of Appeals for the Eleventh Circuit United States courts of appeals United States Supreme Court](#)

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## About the author



Steven Foley had written 335 articles for The Minority Report Blog

A former U.S.Marine, he is the Creator of The Minority Report Network. He is also the Founder and Managing Editor of the Network's flagship site, [www.theminorityreportblog.com](http://www.theminorityreportblog.com), Former Director of New Media for Liberty.com, Former Director of New Media for Liberty First PAC, and the Former Chief Managing Editor of 73Wire.com. Steve is a well respected national conservative blogger who's dedicated the past 6 years of his life advancing conservatism online. Recently Steve was instrumental in the development of Liberty.com, Liberty First PAC, The Patriot Caucus, the national campaign trail and grassroots news site [73wire.com](http://73wire.com).

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