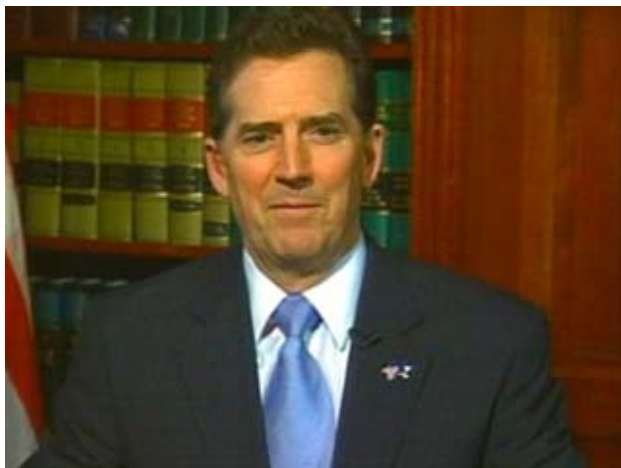


# Jim DeMint Files to Repeal Health Care Reform Law

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Jim DeMint

WASHINGTON, D.C. (Gannett News Service) - Landmark health care reform legislation has only just become law, but already it faces challenges in the courts and the Senate, with South Carolina Republicans heavily involved in both efforts.

On Tuesday, the same day President Barack Obama signed the bill, Palmetto State Sen. Jim DeMint and 11 GOP co-sponsors filed legislation to repeal it, and South Carolina Attorney General Henry McMaster joined 12 other attorneys general in filing a lawsuit to declare the law unconstitutional.

In an opinion piece in Tuesday's USA TODAY, DeMint attacked what he called the bill's "unconstitutional mandates," saying the law will increase the federal debt and impose new taxes. "All of this was done in the face of overwhelming public opposition and bipartisan opposition in

Congress," DeMint wrote. "This process has been an insult to our democracy."

Even conservatives say the repeal bill, co-sponsored by South Carolina Republican Lindsey Graham, has no chance to pass. Even if it somehow wins a majority in the Senate and the House and overcomes Democratic filibusters, Obama would veto it, said Michael Tanner, a senior fellow at the libertarian Cato Institute.

But Tanner said DeMint and the bill's co-sponsors hope to score political points and underscore the depth of animosity toward a measure unpopular among millions of Americans.

"It's certainly not going to pass this year," Tanner said. "Sometimes the purpose of introducing a bill is not to pass it."

In their federal lawsuit, McMaster and attorneys general from Alabama, Colorado, Idaho, Louisiana, Florida, Michigan, Nebraska, Pennsylvania, South Dakota, Texas, Utah and Washington claim that requiring citizens to buy health insurance violates their rights.

"This law represents an unprecedented encroachment on the liberty of the American people and I will pursue this litigation to the highest court, if necessary," said Florida Attorney General Bill McCollum.

Democrats say the claims of unconstitutionality are baseless.

The suit was filed at the U.S. District Court in

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Pensacola, Fla., shortly after Obama signed the bill, but states were already trying to undercut the bill even before Sunday night's passage.

Earlier this month, Virginia became the first state to pass a law allowing its residents to opt out of the proposed federal requirement that everyone have health insurance. Legislatures in Utah and Idaho this month also approved measures limiting the scope of the bill. A host of other state legislatures also are considering new laws and that would limit federal requirements.

Some legal scholars say the state laws don't stand a chance in court.

"These laws are sort of legally meaningless and meant to have a predominantly political impact," says Wake Forest University law professor Mark Hall, an expert in health care law and policy. He says federal laws typically trump state laws, making the health care efforts in the states little more than "a form of civil disobedience."

McMaster, who's seeking the Republican nomination for governor, threatened an earlier lawsuit over a health care reform provision specifying that the federal government would pick up the entire tab for expanding the Medicaid program in Nebraska.

The provision became law in the bill Obama signed Tuesday, but it would be repealed under changes to that bill that are being debated in the Senate.

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