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IS OBAMACARE CONSTITUTIONAL?

Why Obamacare Is Clearly Unconstitutional

By Joseph Farrah
(Excerpts)



The Constitution is a document that is intended to preserve liberty by limiting the powers of the federal government. It reserves most governmental powers to the state. And it protects the freedom of individuals. Obamacare strips powers reserved for the states and attacks the freedom of individuals. Obamacare expressly exceeds the enumerated and carefully limited powers of the federal government, and that's why it must be declared unconstitutional — not in part but in whole. It is not the Supreme Court's role to declare part of an unconstitutional act invalid. It is the Supreme Court's role to declare the entire unconstitutional act invalid.

Judicial activism does not occur when a court defends the text of the Constitution against conflicting lower laws, but rather it occurs when judges rewrite the text of the Constitution.

Continued at source:

<http://www.creators.com/conservative/joseph-farah/why-obamacare-is-clearly-unconstitutional.html>

The Obamacare "Tax" Is Unconstitutional

By Ilya Shapiro



As we all know, two years ago, Chief Justice John Roberts changed the Affordable Care Act's individual mandate into a tax and thus rescued President Obama's signature legislation. What you may not know is that with this slight-of-hand, or flick of the wrist, he actually sent Obamacare flying from the constitutional frying pan into the constitutional fire.

That is, if you accept the Great Alchemist's transmutation of a penalty-enforced regulation into a mere tax on the condition of not owning health insurance—in other words, a “unicorn tax,” a creature of no known provenance that will never be seen again—if you accept that, you torque up the ACA's constitutional tension vis-à-vis the Origination Clause.

Article I, Section 7, Clause 1 says: “All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.” This clause was put in to ensure that

that most awesome federal power was lodged in the political body most sensitive to public opinion.

“The power to tax is the power to destroy,” John Marshall wrote in the foundational 1819 case of *McCulloch v. Maryland*.



Fast forward to December 2009, immediately before the ur-Tea Party state of Massachusetts expressed the nation's displeasure with Obamacare by electing a Republican to the Senate. That's when the Senate took a bill giving benefits to members of the military who were first-time homebuyers and, as George Will put it recently, “‘amended’ this bill by obliterating it.” Harry Reid renamed it and replaced its entire contents with the ACA.

The Obamacare tax isn't earmarked to pay for anything in particular. Similarly, taxes that are “analogous to fines” are exempt from the clause's

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requirements, in that they enforce compliance with a law passed under one of Congress's other enumerated powers—not the taxing power—but John Roberts foreclosed that interpretive option here.

Continued at source:

<http://www.forbes.com/sites/ilyashapiro/2014/05/12/the-obamacare-tax-that-chief-justice-roberts-invented-is-still-unconstitutional/>

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The Top Ten Worst Things in Obamacare

By Grace-Marie Turner

(Excerpts)

"We have to pass the bill so you can find out what is in it." — *Former Speaker Nancy Pelosi, March 2010*

It's important to note that the Court did not "uphold Obamacare." Two specific provisions were being challenged before the Court — the individual mandate and the Medicaid expansion. If either had been struck, then the Court could have decided whether or not to take down the whole law.

Instead, it reached a very narrow decision. The individual mandate is valid as a tax, says the Court.

So let's get ready for the debate. About seven in ten Americans had told pollsters they wanted the Supreme Court to strike down all or part of the health overhaul law. Since it didn't do that, we all must be armed with the facts.

Here's a quick checklist of the ten worst things in the law — in addition to the individual and Medicaid mandates:

1. *Employer mandate.* Most companies will have to provide and pay for expensive government-determined health insurance for their employees or face federal fines.
2. *Anti-conscience mandate.* Religious organizations will be required to provide free sterilization, contraceptives, and abortion-inducing drugs to their employees, even if it violates their religious beliefs.
3. *New and higher taxes.* The law contains at least 20 new taxes totaling \$500 billion that will hit medical innovators, health insurance, and even the sale of your home.
4. *The Independent Payment Advisory Board.* IPAB will still stand, with its rationing power over Medicare.
5. *State exchanges.* States will be compelled to set up vast new bureaucracies to check into our finances and families so they can hand out generous taxpayer subsidies for

health insurance to families earning up to \$90,000 a year.



6. *Medicare payment cuts.* \$575 billion in payment reductions to Medicare providers and Medicare Advantage plans will cause more and more physicians to stop seeing Medicare patients, exacerbating access problems.

7. *Higher health-care costs.* The Kaiser Family Foundation says the average price of a family policy has risen by \$2,200 during the Obama administration. The president promised premiums would be \$2,500 lower by this year. Hospitals, doctors, businesses, and consumers all expect their taxes and health costs to rise under Obamacare.

8. *Government control over doctor decisions.* Value-based payments, quality reporting requirements, and government comparative-effectiveness boards will dictate how doctors practice medicine. Nearly half of all physicians are seriously considering leaving practice, leading to a severe doctor shortage.

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9. *Huge deficits.* The CBO has raised its cost estimate for the law to \$1.76 trillion over ten years, but that is only the opening bid as more and more people lose their job-based coverage and flood into taxpayer-subsidized insurance. At this rate, the cost will be \$2 trillion, not the less than \$1 trillion the president promised.

10. *159 new boards, agencies, and programs:* The Obama administration will work quickly to set up as many of the law's new bureaucracies as fast as it can so they can take root before the election.

Source:

<http://www.nationalreview.com/critical-condition/304361/top-ten-worst-things-obamacare-grace-marie-turner>



ObamaCare Tax Penalties to Affect Millions — Illegal Aliens Exempted

By Kurt Hyde

(Excerpts)

An estimated three to six million taxpayers will get a nasty surprise when they fill out their federal income returns this year. They will be subject to the ObamaCare tax penalty, or as it is expressed in governmentese, a “shared responsibility payment.” Just calculating one’s “shared responsibility payment” can be quite a chore. There is an online worksheet posted here: <http://taxpolicycenter.org/taxfacts/a-calculator.cfm>.

Illegal aliens are exempted from this penalty. Page 2 of the instructions for Form 8965 has a Coverage Exemption Table. In the fourth block one can find “Not a U.S. citizen, not a U.S. national, and not lawfully present in the U.S.” as criteria for being exempted from paying this penalty.

Continued at source:

<http://www.thenewamerican.com/us-news/politics/item/20044-obamacare-tax-penalties-to-affect-millions-illegal-aliens-exempted>



OTHER LINKS

Top 10 reasons not to enroll
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