

# US Justice Dept to appeal health care reform ruling

December 14 2010

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The Obama administration said Tuesday it would appeal against a [federal judge's ruling](#) that a key provision of the landmark health care reform law was unconstitutional.

"We intend to appeal the district court's ruling in Virginia to the Fourth Circuit Court of Appeals," a spokesman for the Department of Justice told AFP.

Judge Henry Hudson of the Eastern District Court in Richmond, Virginia, found on Monday that the new law's mandate that Americans must buy insurance or pay a fine goes beyond federal authority.

He ruled that it also violated the commerce clause, a key component of the US Constitution.

But the Department of Justice spokesman said the Virginia "suit is based on a state statute that is not applicable nationwide.

"The department believes this case should follow the ordinary course of allowing the courts of appeals to hear it first so the issues and arguments can be fully developed before the Supreme Court decides whether to consider it."

Legal observers widely believe that a challenge to the law -- which extends coverage to some 32 million Americans who had none before the bill's passage, ensuring 95 percent of under-65 US citizens and legal

residents will have health insurance by 2014 -- will make its way to the [US Supreme Court](#), leaving one of President Barack Obama's key domestic achievements in the balance.

As soon as Hudson, who was named a [federal judge](#) by Obama's predecessor George W. Bush, announced his ruling, victory was declared by Republican lawmakers, who are vowing to do everything they can to roll back the measure with their newly won majority in the House of Representatives.

But Obama's senior lieutenants expressed confidence Tuesday that the new health care law would not be overturned.

"It's not surprising that opponents, having lost in Congress, have taken to the courts," US Attorney General Eric Holder and [Health Secretary](#) Kathleen Sebelius wrote in an opinion piece in the Washington Post.

"We saw similar challenges to laws that created social security and established civil rights protections. Those challenges ultimately failed and so will this one."

Hudson's decision is the first court reversal of the law. Courts in Virginia and Michigan have already struck down challenges by critics who argue that the law interferes with the rights of individuals by requiring them to purchase a service.

The law would "give Congress absolute power to force Americans to join a gym to improve their health or buy cars from government-owned General Motors to 'stimulate the economy' or do anything else that has any economic consequences," warned Timothy Sandefur, principal attorney with the Pacific Legal Foundation.

By contrast, Elizabeth Wydra of the Constitutional Accountability

Center predicted that Hudson's ruling won't stand on appeal, adding that it was "out of step with over 200 years of Supreme Court precedent on the powers of Congress."

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Citation: US Justice Dept to appeal health care reform ruling (2010, December 14) retrieved 20 April 2024 from

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