



# Federal Judge Upholds Health Reforms

## Ruling is Nation's first in cases challenging law's constitutionality

Robert Snell and Kim Kozlowski / The Detroit News  
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**Detroit** — A federal judge on Thursday upheld key provisions of President Barack Obama's Health Care Reform Act of 2010 and dismissed part of a lawsuit challenging the legislation. U.S. District Judge George C. Steeh issued a 20-page order — believed to be the first federal court decision nationwide — addressing claims that Congress exceeded its authority by requiring most people to obtain insurance coverage or pay a penalty by 2014.

Similar challenges are pending in courts nationwide, and the plaintiff in this case, Ann Arbor-based Thomas More Law Center, vowed to appeal the judge's order.

The lawsuit filed in Michigan requested a preliminary injunction that would have stopped the reform. The plaintiffs included four individuals who lack health insurance and object to paying a financial penalty to the government that eventually could fund abortions.

Steeh, who was appointed by President Clinton in 1998, concluded Congress is empowered to legislate how people pay for health care services. He also said Congress had a rational basis for concluding that decisions about how to fund health care services have an impact on interstate commerce and are within Congress' powers under the commerce clause of the U.S. Constitution.

Richard Thompson, president and chief counsel of the Law Center, a national Christian public interest law firm, vowed to challenge the judge's order.

“ObamaCare is one of the most oppressive measures in the history of our nation,” Thompson said in a statement. “And it was passed by Congress, despite overwhelming opposition of the American people. It was not about reforming health care, but government seizure of unprecedented power over our lives.”

The federal legislation, passed in March, included provisions to expand coverage to millions of Americans, control spiraling health care costs and improve health care delivery in the future.

The effort was spearheaded by activists working to provide health coverage to uninsured Americans, numbering nearly 50,000 as of September, but opposed by those who feared an increase in taxes and decrease in quality care. It requires those without health insurance to purchase it or face an annual penalty.

### **Commerce clause important**

The judge’s order is not surprising, said John Freeman, Michigan director of Health Care for America Now, a national coalition of individuals and organizations working to reform health care.

“Almost every single learned scholar who has a reputation in constitutional law knows that this law is constitutional by virtue of the commerce clause, which was decided in the 1930s that the federal government has jurisdiction over economic matters that cross state lines and are significant to the national economy,” Freeman said. “It is obviously clear, with health care representing one fourth of the economy, that this is going to meet that standard.”

But if Congress has the authority to be able to regulate decisions affecting economic activities, then it literally has the authority to regulate virtually every aspect of our lives, countered Robert Muise, senior trial lawyer at the More Law Center.

“If the commerce clause is so broad, then our Constitution provides no limits on Congress’ authority,” Muise said. “Congress could then tell us we could join a health club or you have to exercise so many days a week or take certain vitamins — any number of things that involve affecting economic activity is not beyond Congress’ reach.”

Calling the arguments in the lawsuit “ridiculous,” Freeman and other health care advocates have been calling on Michigan Attorney General Mike Cox to stop a separate lawsuit that has he joined to challenge the constitutionality of the health care law. Though Freeman acknowledged that it is a different lawsuit, essentially it poses the same argument.

“It’s a waste of taxpayer’s dollars, and (Cox) only did it for political purposes,” Freeman said. “The health care system by anyone’s measurement was broken in this country and it had to be addressed. It took a long time but finally they have and over the next four or five years we are going to see fundamental, positive change to help people obtain health care coverage.” A Cox spokesman could not be reached immediately for comment.

### **Hopeful for appeal**

Steven Hyder, who is a plaintiff in the lawsuit along with his wife, Salina, said he hopes they will win on appeal.

“With all due respect to the judge, I think he missed the boat on this and that’s why we have the appeal process,” said Hyder, 40, a Monroe resident. “The government should not be able to force me to purchase something that I don’t think or feel that I need as long as it is not detrimental to anyone else.”

Hyder, a solo practicing attorney, pays for his health care out of pocket. He hasn’t made a decision whether he will not buy health insurance and pay a penalty tax.

He also is concerned that his tax dollars could go to the general fund and go to organizations that perform abortions.

“A union member can forbid his or her union dues from going to a political action committee,” Hyder said, “so I think I should be able to forbid my tax dollars from funding any type of abortion.”

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