

Revere America Files Brief Attacking Health Law's Requirement to Buy Unwanted Insurance

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Source: NewsRx

Revere America, a grassroots organization dedicated to finding free-market solutions to national problems, today filed a brief in the Fourth Circuit Court of Appeals aimed at invalidating a core element of the nation's new health insurance law.

In its amicus curiae, or "friend of the court" brief, Revere America challenges the new law's mandate that all individuals purchase private health insurance or pay the government a penalty for not doing so. As Charles Cooper, attorney for Revere America, puts it, "Although the Constitution gives Congress the power to regulate interstate commercial activity, with this new law Congress claims for itself the power to regulate economic inactivity. The new law takes individuals who have chosen not to engage in commerce and forces them to enter the marketplace and buy government-prescribed health insurance - whether they want it or not."

The federal government insists that, simply by being an American, and merely deciding not to buy health insurance, a citizen is engaging in economic activity that Congress can control - and that Congress can force people into the marketplace and make them buy it after all. But the right not to buy an unwanted product has an honored American pedigree. The colonists in Boston and elsewhere refused to buy tea and other products bearing the tax seal of the Crown and even King George III did not claim a sovereign power to compel his American subjects to buy English tea.

Yet the trigger for imposition of Congress' new insurance mandate - and its penalties - is not an economic activity, but rather is a decision not to act. The only regulated event is the individual's decision itself - the mental process of thinking. The Framers of our Constitution would be stunned and appalled by this congressional overreaching.

If Congress can order an American citizen to buy health insurance, it is hard to imagine where such power stops. Cooper explains that giving Congress the power to direct how citizens spend their private money would open the way for Congress to circumvent democratic safeguards that allow citizens to see how they are taxed and where that money is spent. Indeed, Congress' own accountants in the Congressional Budget Office have warned that this new power could lead to "a command economy, in which the President and the Congress dictated how much each individual and family spent on all goods and services. . . ." Cooper said: "This would not be an America that any of us would recognize."

"Revere America continues to work diligently on many fronts to advance efforts in Congress and in the courts to end and find replacements for the federal health law passed last year," said Marianne R. P. Zuk, president and CEO of Revere America. "This filing adds new arguments to the long list of reasons why the health law should be repealed and replaced. We remain dedicated to advancing common sense public policies rooted in America's traditions of individual freedom and free markets."

Please find the full amicus brief at www.revereamerica.org.

Revere America is a 501 ©(4) organization dedicated to advancing common sense public policies that will once again make America secure and prosperous for generations to come. More information about Revere America, the national petition drive, and the "Pledge to Win" campaign is available at www.revereamerica.org.