



Issue Brief Says Constitutionality of Health Care Reform Is Sound

ACS Issue Brief Author Rebuffs Opponents' Attacks on Health Care Mandates

FOR IMMEDIATE RELEASE
March 25, 2010

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Washington, D.C. – With passage of the historic health care reform legislation, ACS is re-releasing an Issue Brief that documents the constitutionality of the legislation.

A number of conservative [commentators](#) and [politicians](#) are renewing their efforts to [challenge](#) the constitutionality of mandatory health care, even as legal analysis reaffirms that the legislation is on solid constitutional ground.

The claims from some conservatives that the health care reform bill is constitutionally suspect “have no basis in law,” states an [ACS Issue Brief](#) released on the eve of the Senate’s earlier approval of the legislation. Author Simon Lazarus countered conservatives’ arguments that the requirement for individuals to purchase and maintain health insurance coverage is potentially unconstitutional.

“Opponents’ arguments to the contrary express philosophical objections to the concept of mandatory health insurance principle, without regard to the practical issues the Supreme Court has used to evaluate laws challenged as outside Congress’ interstate commerce authority: the practical impact of the mandate on commerce or the public welfare or the welfare of the affected individuals, or the rationality of Congress’ judgments about its impact on statutory goals.

“No doubt, in some quarters, opponents’ libertarian views are deeply felt,” Lazarus continued. “But they have no basis in law, neither in the grants of authority to Congress in Article I nor in limitations on that authority in the Bill of Rights, nor in the case law interpreting those provisions. Opponents’ real grievance is with the law in its current state. Their hope is that a majority of the Supreme Court will seize on a challenge to mandatory health insurance as an occasion to make major changes in current law. But their arguments appear unlikely to gain traction with the current Supreme Court, and,

indeed, represent approaches and theories that have been repudiated by justices across the Court's ideological spectrum.”

The Issue Brief, “Mandatory Health Insurance: Is It Constitutional?” is [available here](#). Please contact the ACS Communications Department to arrange interviews with Lazarus.

Additional material on the constitutionality of health care reform is available [here](#), [here](#) and [here](#).

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