



NEWS RELEASE

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Battle Lines Drawn: Pelosi and Reid File Brief against TMLC's ObamaCare Challenge

ANN ARBOR, MI – Last Friday, House Democratic leader Nancy Pelosi and Senate Majority Leader Harry Reid filed a “friend of the court” brief opposing the Thomas More Law Center’s (TMLC) lawsuit challenging the constitutionality of Obama Care.

Joining the Democratic leaders in the brief were 21 other congressional Democratic lawmakers.

TMLC’s case is now pending in the U. S. Court of Appeals for the Sixth Circuit. Although several cases have been filed challenging ObamaCare, TMLC’s case has gained national attention and importance because it is the first to reach the appellate level.

Moments after President Obama signed the Health Care Reform bill into law, the Thomas More Law Center, a national public interest law firm based in Ann Arbor, Michigan, filed its federal lawsuit in the U.S. District Court for the Eastern District of Michigan. Assisting the Law Center as co-counsel in the lawsuit is Washington DC attorney David Yerushalmi.

TMLC’s lawsuit was brought on behalf of itself and four Michigan residents. Named as defendants in the lawsuit are President Obama; Kathleen Sebelious, the Secretary of the U.S. Department of Health and Human Services; Eric H. Holder, Jr., U.S. Attorney General; and Timothy Geithner, Secretary of the U.S. Department of Treasury. All of the defendants are sued in their official capacities.

Clearly, the battle lines over ObamaCare have been drawn in the Sixth Circuit Court of Appeals as a large number of organizations joined in briefs to attack the Law Center’s challenge.

Reacting to the number of opposing briefs, Richard Thompson, President and Chief Counsel of TMLC, commented: “This reminds me of what Marine General ‘Chesty’ Puller (then

a Colonel in the Korean War) told his officers after they found their Marine Division was surrounded by eight Chinese Divisions at the Chosin Reservoir. ‘All right, they’re on our left, they’re on our right, they’re in front of us, they’re behind us... they can’t get away this time.’”

In addition to the brief filed by Pelosi and Reid, the following organizations and individuals joined in briefs opposing TMLC:

- American Hospital Association
- Association of American Medical Colleges
- Federation of American Hospitals
- National Association of Public Hospitals and Health Systems
- The Catholic Health Association of the United States
- National Association of Children’s Hospitals and Related Institutions
- The American Association of People with Disabilities
- The ARC of the United States
- Breast Cancer Action
- Families USA
- Friends of Cancer Research
- March of Dimes Foundation
- Mental Health America
- National Breast Cancer Coalition
- National Organization for Rare Disorders
- National Partnership for Women and Families
- National Senior Citizens Law Center
- National Women’s Health Network
- National Women’s Law Center
- Ovarian Cancer National Alliance
- Economic Scholars (twelve professors, mostly from Harvard)
- The American Cancer Society
- American Cancer Society Cancer Action Network
- American Diabetes Association
- American Heart Association

- States of Oregon, Iowa, New York, California, Vermont, Hawaii, Maryland, Delaware and Connecticut
- Constitutional Law Professors (three professors)
- American Nurses Association
- American Academy of Pediatrics
- American Medical Student Association
- Center for American Progress d/b/a Doctors for America
- National Hispanic Medical Association and National Physicians
- Governor of Washington

“Friend of the court” briefs filed in support of TMLC’s lawsuit include:

- Washington Legal Foundation and twelve members of Congress, including:
 - U.S. Rep. Michele Bachmann, Minnesota’s 6th congressional district
 - U.S. Rep. Dan Burton, Indiana’s 5th congressional district
 - U.S. Rep. Mike Conaway, Texas’ 11th congressional district
 - U.S. Rep. Lynn Jenkins, Kansas’ 2nd congressional district
 - U.S. Rep. Dan Lungren, California’s 3rd congressional district
 - U.S. Rep. Tom McClintock, California’s 4th congressional district
 - U.S. Rep. Gary Miller, California’s 42nd congressional district;
 - U.S. Rep. Ron Paul, Texas’ 14th congressional district;
 - U.S. Rep. Ted Poe, Texas’ 2nd congressional district;
 - U.S. Rep. Cathy McMorris Rodgers, Washington’s 5th congressional district;
 - U.S. Rep. Jean Schmidt, Ohio’s 2nd congressional district;
 - U.S. Rep. Todd Tiahrt, Kansas’ 4th congressional district.
- American Center for Law and Justice
- Cato Institute and Professor Randy E. Barnett
- Mountain States Legal Foundation
- Steven J. Willis (University of Florida – College of Law)

According to TMLC’s lawsuit, Congress’ use of its Commerce Clause power to force Americans to purchase health care insurance or face federal penalties is unprecedented and would give Congress the absolute power, save a few exceptions, to “regulate a man or woman sitting in the privacy of his or her own home doing absolutely nothing but ‘living’ and ‘breathing.’” Pelosi and Reid’s brief brushed aside the many cases cited by TMLC demonstrating that the outer reaches of Congress’ Commerce Clause power is limited to

regulating intrastate “economic activities” and that Congress has no authority to regulate “inactivity.”

Pelosi and Reid dismissed the controlling cases, stating that TMLC’s “claim rests on the happenstance that some opinions have used the [activities] language.” They further claimed that permitting Congress to force private citizens to purchase healthcare insurance will not create a slippery slope for enacting other intrusive laws on personal liberty because Congress would never do such a thing, such as require American citizens to purchase certain health foods or buy a GMC truck, for that matter. In effect, Pelosi and Reid are telling the appellate court, “Trust us, we’re from the federal government, and we would never abuse our power.”

Robert Muise, TMLC’s Senior Trial Counsel handling the case, commented: “Americans agree that our health care system needs reform. But they don’t want a federal takeover of the system in the process. And they certainly don’t want reform by Congress trampling on our Constitution.”

The Thomas More Law Center defends and promotes America’s Christian heritage and moral values, including the religious freedom of Christians, time-honored family values, and the sanctity of human life. It supports a strong national defense and an independent and sovereign United States of America. The Law Center accomplishes its mission through litigation, education, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations and foundations, and is recognized by the IRS as a section 501(c)(3) organization. You may reach the Thomas More Law Center at (734) 827-2001 or visit our website at www.thomasmore.org.

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