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Obamacare: Thomas More Law Center and Government File Letter Briefs Requested by U. S. Sixth Circuit Court of Appeals

ANN ARBOR, MI – Yesterday afternoon, both Thomas More Law Center (TMLC) and Department of Justice lawyers filed letter briefs requested by the panel of the Sixth Circuit Court of Appeals in Cincinnati which will hear oral arguments next week on Obamacare.

The court requested that letter briefs of not more than 10 pages be filed by the parties to address the issues of standing and ripeness and whether the challenge to the individual mandate of Obamacare was a facial or as-applied challenge.

[You can read TMLC's letter brief by clicking here.](#)

[You can read the Government's letter brief by clicking here.](#)

[You can read the Court's request for letter briefs by clicking here.](#)

If the Sixth Circuit holds that the plaintiffs do not have standing to pursue their claim, the court would dismiss the case without reaching the merits on the grounds that it lacks jurisdiction.

TMLC was the first to challenge Obamacare, claiming that Congress did not have authority under the Commerce Clause to adopt the individual mandate. Although Detroit Federal District Court Judge Steeh, a Clinton appointee, dismissed the case, he specifically found that TMLC and its clients had standing to bring it.

Oral argument on the case in front of the 3-judge panel is scheduled to take place on June 1, 2011 at 1:30 PM. The three-judge panel includes Judge Boyce F. Martin, Jr., a Carter appointee, Judge Jeffrey S. Sutton, a George W. Bush appointee, and Judge James L. Graham, a Reagan appointee who is a senior federal district court judge sitting on the panel by designation.

TMLC challenged Obamacare because of its concern that it would result in government seizure of unprecedented power over the lives of the American people.

Under Obamacare, every individual, regardless of whether they want to or not, must obtain the required level of health care insurance (determined by the government) or pay a penalty for failing to do so.

Never before has Congress enacted a law that forces people to purchase a service (such as health insurance) from a private company or face a penalty. In an attempt to legally justify its power to enact such a draconian law, Congress expressly pointed to the Commerce Clause of the Constitution, which gives Congress the power to regulate “Commerce . . . among the several States.” That Clause has never been interpreted to give Congress the power to regulate the lives of individuals simply because they exist.

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