



NEWS RELEASE

24 Frank Lloyd Wright Dr
Ann Arbor, Michigan 48105
PH: 734-827-2001 • Fax: 734-930-7160

Contact: Kate Lynch
734-827-2001

For Immediate Release: July 27, 2011
Total Pages: 3

Thomas More Law Center’s Challenge to Obamacare First to Reach the U. S. Supreme Court After Appellate Court Decision

ANN ARBOR, MI – The Thomas More Law Center, a national public interest law firm based in Ann Arbor, Michigan, announced this morning that it has filed a petition in the U. S. Supreme Court, asking the highest court in the land to review its constitutional challenge to Obamacare (the Patient Protection and Affordable Care Act). The Law Center’s petition, coauthored by attorney David Yerushalmi, is the first to reach the U. S. Supreme Court following a decision by an appellate court.

Last month, the U.S. Court of Appeals for the Sixth Circuit was the first appellate court to reach a decision on whether the Commerce Clause authorizes Congress to force private citizens to purchase healthcare insurance under penalty of federal law. In a divided opinion, the Sixth Circuit held that it did.

The Law Center’s *Petition for Writ of Certiorari* claims, “Review is necessary to establish a meaningful limitation on congressional power under the Commerce Clause.” In the Petition, the Law Center warned, “If the Act [Obamacare] is understood to fall within Congress’s Commerce Clause authority, the federal government will have absolute and unfettered power to create complex regulatory schemes to fix every perceived problem imaginable and to do so by ordering private citizens to engage in affirmative acts, under penalty of law...”

The Law Center’s case, *Thomas More Law Center v. Barack Hussein Obama*, was the first case filed in federal court to challenge Obamacare.

On June 29, 2011, in a split 2-1 decision, the Sixth Circuit upheld the constitutionality of Obamacare. Judge Boyce Martin, a Carter appointee and Judge Jeffrey Sutton, a George W.

Bush appointee, upheld the individual mandate of the Act under Congress's Commerce Clause power. Judge James Graham, a Reagan appointee, dissented.

However, both Judge Sutton and Judge Graham agreed that the Supreme Court needed to address the limits of Congress's power under the Commerce Clause. Judge Graham wrote, "I believe the [Supreme] Court remains committed to the path laid down by Chief Justice Rehnquist and Justices O'Connor, Scalia, Kennedy, and Thomas to establish a framework of meaningful limitations on congressional power under the Commerce Clause. The current case is an opportunity to prove it so." And Judge Sutton noted that the Supreme Court should "either stop saying that a meaningful limit on Congress's commerce powers exists or prove that it is so."

In his strongly worded dissent, Judge James Graham reflected the Law Center's primary concern and the reason it brought this case in the first instance: "If the exercise of power is allowed and the mandate upheld, it is difficult to see what the limits on Congress's Commerce Clause authority would be. What aspect of human activity would escape federal power? . . . To approve the exercise of power would arm Congress with the authority to force individuals to do whatever it sees fit. . . ."

The government will now have 30 days to file a response, and the Law Center will have approximately 10 days to file a reply. The case will then be submitted to a conference for a decision by the Justices as to whether the petition should be granted. If granted, the case will in all likelihood be briefed, argued, and decided in this upcoming term, with a decision rendered prior to the Court recessing next summer.

[Click Here to Read the Law Center's Entire Petition for Writ of Certiorari.](#)

The Thomas More Law Center defends and promotes America's Christian heritage and moral values. 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.

###