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LANDMARK PRAISES COURT RULING
IN VA "OBAMACARE" SUIT

(LEESBURG, VA)... Mark R. Levin, president of Landmark Legal Foundation, today issued the following statement about the ruling by Federal District Judge Henry E. Hudson, in a lawsuit brought by the Attorney General of the Commonwealth of Virginia challenging the Patient Protection and Affordable Care Act ("Obamacare"). In granting the Commonwealth's Motion for Summary Judgment, Judge Hudson declared that the requirement under Obamacare that private citizens purchase private health insurance coverage or face a substantial monetary penalty was unconstitutional.

"Today Judge Hudson ruled against the Obama Administration on three essential points involving Obamacare: 1. Individuals who do not actively participate in commerce -- that is, who do not voluntarily purchase health insurance -- cannot be said to be participating in commerce under the United State Constitution's Commerce Clause, and there is no Supreme Court precedent providing otherwise; 2. The Necessary and Proper Clause of the Constitution cannot be used as a backdoor means to enforce a statute that is not otherwise constitutional under Congress's enumerated powers; and 3. There is a difference between a tax and a penalty, there is much Supreme Court precedent in this regard, and the penalty provision in Obamacare is not a tax but a penalty and, therefore, is unconstitutional for it is applied to individuals who choose not to purchase health care.

"Judge Hudson's ruling against the Obama Administration and for the Commonwealth of Virginia gives hope that the rule of law and the Constitution itself still have meaning. Landmark Legal Foundation has filed several amicus briefs in this case, at the request of the Commonwealth, and will continue to provide support in the likely event the Commonwealth is required to defend this decision in the Fourth Circuit and U.S. Supreme Court. Landmark would also like to congratulate Virginia Attorney General Ken Cuccinelli and the excellent lawyers in his office for their superb legal skills.

"It is a great day for the rule of law and the citizenry. Judge Hudson's ruling is ironclad, and General Cuccinelli deserves an enormous amount of credit for taking on this matter. We look forward to continuing to work with him."

Founded in 1976, Landmark Legal Foundation is the leading conservative public interest law firm in the United States.

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