Shut Down of Federal Government Set to Uphold Federal Health Care Extortion Scheme

ObamaCare declared "unconstitutional" by US Supreme Court

The Basis for this Brief

The current budget battle between the US House of Representatives and the US Senate is over the funding or defunding of ObamaCare, which was in fact declared "unconstitutional" by the US Supreme Court in its ruling dated June 28, 2012 – has resulted in an impasse and a partial "shut down" of the Federal Government starting on October 1, 2013.

Despite numerous efforts by the House of Representatives to pass a budget funding everything except ObamaCare, the Senate under the command and control of Democrat Senator Harry Reid (Nevada) has rejected every effort to reopen all federal agencies on grounds that they intend to "extort" money illegally and unconstitutionally from the American people under their Affordable Health Care Act in which the Federal Government is attempting to seize control of the health care industry, namely ALL related revenue.

This document is prepared for the American people and the several States because Republicans currently in control of the House of Representatives are almost certain to cave to the extortion underway, led by Senate Leader Harry Reid of Nevada, unless the States and the people directly engage. The people must prepare to take appropriate measures in that event.

Before discussing the criminal nature of events surround the forced acceptance of ObamaCare, we must first state that ObamaCare originated in the US Senate. As the Constitution rests all congressional power to "lay and collect taxes" in the House of Representatives, from which all "tax" revenue related bills must originate, the Senate bill known as ObamaCare denied that it was a "tax," therefore allowing the bill to originate from the Senate.

As you will see here, the courts then attempt to re-write ObamaCare, making it a "tax" in order to make it appear "constitutional." However, the bill in its current form is NOT a "tax" and if it is a "tax," it could only exist if originated in the House.

ObamaCare is in fact "unconstitutional" in its current form. But it is much worse that "unconstitutional," it is the greatest theft of private property, freedom and liberty in the history of the United States.

Extortion

The legal term "extortion" is defined in Common Law as – "a misdemeanor consisting of an unlawful taking of money by a government officer. It is an oppressive misuse of the power with which the law clothes a public officer."

Extortion is further defined as follows;

> "The essence of extortion by a public officer is the oppressive use of official position to obtain a fee. The officer falsely claims authority to take that to which he or she is not lawfully entitled. This is known as acting under color of office. The victim, although consenting to payment, is not doing so voluntarily, but is yielding to official authority."
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> "Extortion is generally punished by a fine or imprisonment, or both. When the offense is committed by a public officer, the penalty may include Forfeiture of office. Under some statutes, the victim of an extortion may bring a civil action and recover pecuniary damages."

Not a Victimless Crime

In the case of the ObamaCare extortion, the victims are both the individual States, which are threatened with the loss of federal funding if they refuse to accept the unconstitutional expansion of Medicare and Medicaid within their State, private businesses forced to comply with unconstitutional ObamaCare employer mandates or face extreme financial penalty, and the people of the United States, who are forced to "opt-in" to ObamaCare or face extreme "fines" and "penalties" for "opting-out." As every State, business owner and citizen is a direct victim of this crime, each in and of themselves, has "legal standing" to bring an action against the people involved in committing the crime.

The Supreme Court Ruling of June 28, 2012

Key parts of the decision rendered on 28 June, 2012 regarding the constitutionality of the ObamaCare racket are vital to the defeat and defunding of the effort to extort revenue from the States, private businesses and American citizens.

Specifically, the following parts of the 193 page decision written by Chief Justice John Roberts are as follows.

1) Congress did NOT pass ObamaCare by constitutional legislative process, but rather by a heavy-handed strictly partisan process which completely eliminated half of the US Representatives from the process in the dark of night. Further, it did NOT pass as a "tax" bill under the Direct Tax authority of congress, which must initiate in the House.

   Preamble to the Ruling;

   In 2010, Congress enacted the Patient Protection and Affordable Care Act in order to increase the number of Americans covered by health insurance and decrease the cost of health care. One key provision is the individual mandate, which requires most Americans to maintain "minimum

essential" health insurance coverage. 26 U. S. C. §5000A. For individuals who are not exempt, and who do not receive health insurance through an employer or government program, the means of satisfying the requirement is to purchase insurance from a private company. Beginning in 2014, those who do not comply with the mandate must make a "[s]hared responsibility payment" to the Federal Government. §5000A(b)(1). The Act provides that this "penalty" will be paid to the Internal Revenue Service with an individual's taxes, and "shall be assessed and collected in the same manner" as tax penalties. §§5000A(c), (g)(1). Another key provision of the Act is the Medicaid expansion. The current Medicaid program offers federal funding to States to assist pregnant women, children, needy families, the blind, the elderly, and the disabled in obtaining medical care. 42 U. S. C. §1396d(a). The Affordable Care Act expands the scope of the Medicaid program and increases the number of individuals the States must cover.

The Act increases federal funding to cover the States' costs in expanding Medicaid coverage. §1396d(y)(1). But if a State does not comply with the Act's new coverage requirements, it may lose not only the federal funding for those requirements, but all of its federal Medicaid funds. §1396c. Twenty-six States, several individuals, and the National Federation of Independent Business brought suit in Federal District Court, challenging the constitutionality of the individual mandate and the Medicaid expansion. The Court of Appeals for the Eleventh Circuit upheld the Medicaid expansion as a valid exercise of Congress's spending power, but concluded that Congress lacked authority to enact the individual mandate. Finding the mandate severable from the Act's other provisions, the Eleventh Circuit left the rest of the Act intact.

In short, as Democrats passed the Act through congress on pure partisan lines as a "fine" and/or "penalty," it was "unconstitutional" as written and passed, as any such Act falls beyond the scope and power of congress and falls under the definition of "extortion."

Part 1 of the Ruling

"CHIEF JUSTICE ROBERTS delivered the opinion of the Court with respect to Part II, concluding that the Anti-Injunction Act does not bar this suit.

The Anti-Injunction Act provides that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person," 26 U. S. C. §7421(a), so that those subject to a tax must first pay it and then sue for a refund. The present challenge seeks to restrain the collection of the shared responsibility payment from those who do not comply with the individual mandate. But Congress did not intend the payment to be treated as a "tax" for purposes of the Anti-Injunction Act. The Affordable Care Act describes the payment as a "penalty," not a "tax." That label cannot control whether the payment is a tax for purposes of the Constitution, but it does determine the application of the Anti-Injunction Act. The Anti-Injunction Act therefore does not bar this suit."

This is of critical importance because today, the House of Representatives, States or the people could petition the court for an injunction blocking the implementation and funding of ObamaCare on constitutional grounds, as declared in Part 1 of the Supreme Court decision. In short, the text of ObamaCare as passed by Democrats in congress is hereby deemed "unconstitutional" as is.

Part 2 of the Ruling

> "CHIEF JUSTICE ROBERTS concluded in Part III–A that the individual mandate is not a valid exercise of Congress's power under the Commerce Clause and the Necessary and Proper Clause. Pp. 16–30."

This part of the ruling establishes that the Act as passed in original form by congressional Democrats is beyond the scope and authority of congress under both the Commerce Clause (used by Democrats to pass the Act) and the Necessary and Proper Clause, (used by Democrats to defend the Act). Once again, as written and passed, the Act is ruled "unconstitutional" as-is under the constitutional authority granted in these two clauses.

Part 3 of the Ruling

> "CHIEF JUSTICE ROBERTS concluded in Part III–B that the individual mandate must be construed as imposing a tax on those who do not have health insurance, if such a construction is reasonable. The most straightforward reading of the individual mandate is that it commands individuals to purchase insurance. But, for the reasons explained, the Commerce Clause does not give Congress that power. It is therefore necessary to turn to the Government's alternative argument: that the mandate may be upheld as within Congress's power to "lay and collect Taxes." Art. I, §8, cl. 1."

The basis for passing the Act under the Commerce Clause failed the constitutional challenge on its original foundations. Therefore, Democrats used an "alternate" argument in the lower Federal Courts that even though they denied the Act was a form of "taxation" during the passage of the Act, they now claim that it is a "tax" because what they had passed was unconstitutional on its face in its original form.

The alternate argument declaring the Act a form of "taxation" under Congress's constitutional authority to "lay and collect taxes" also fails the constitutional test however, as it violates numerous constitutional protections for the States and the people, to include the General Welfare Clause which requires congress to only pass laws that serve the best interest of the general population without singling out any individual for special treatment, taxation, fines, penalties or directives in which all citizens are not treated equally.

The lower Federal Courts had already issued and upheld rulings separating the individual mandate out from the balance of the Act, deeming that particular clause "unconstitutional." By the time the case reached the Appellate Review of the US Supreme Court, the court was forced to review and rule on the basis of the lower court rulings.

Original Jurisdiction

A purposeful judicial error was made when 26 states joined a suit in lower Federal Court challenging the constitutionality of ObamaCare. Stated in Article III – Section II – Clause II of the US Constitution is the "original jurisdiction clause," which reads as follows;

> "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

The US Supreme Court has two types of jurisdiction, a) appellate review over lower court decisions; b) original jurisdiction; intended to bring cases directly before the US Supreme Court for adjudication in

case where a State (in this case 26 states) and the Federal Government are in dispute over the "constitutional authority" between the Federal Government and the State.

Original Jurisdiction is defined as – "A court's power to hear and decide a case before any appellate review." – "The original jurisdiction of the Court is laid out by statute in 28 U.S.C. § 1251. Section 1251(a) provides that with one type of dispute (disputes between states), the Court's jurisdiction is not only "original," it is exclusive."

This means that the lower Florida Federal Court in which the 26 States originally filed their joint claim had NO legal jurisdiction over the matter of "constitutionality" concerning ObamaCare. The case should have never been filed anywhere but in the US Supreme Court, which holds "original jurisdiction" on all cases involving a dispute between a State and the Federal Government, especially when the case is based on the "constitutionality" of a Federal act.

The Florida Federal Court should have dismissed the case filed by the 26 States on the grounds of "improper jurisdiction" – the US Supreme Court holding "original jurisdiction" on the matter at hand. Instead, the Florida court acted beyond its constitutional jurisdiction by hearing and ruling on a case in which only the US Supreme Court has jurisdiction under Article III.

The Appeals Review also acted beyond its constitutional authority in its review and upholding of the lower court's opinion in Florida.

As a result, by the time the case reached the US Supreme Court, precious time and taxpayer resources had been wasted in courts with no jurisdiction, and the judicial activism in both lower court rulings, essentially re-writing the "unconstitutional Act" from the bench in an effort to make it constitutional under Congress's power to "lay and collect taxes," the US Supreme Court was now playing an "appellate review" role as opposed to their constitutional role under original jurisdiction.

Part 4 of the Ruling

> "CHIEF JUSTICE ROBERTS delivered the opinion of the Court with respect to Part III–C, concluding that the individual mandate may be upheld as within Congress's power under the Taxing Clause. Pp. 33–44.
>
> The Affordable Care Act describes the "[s]hared responsibility payment" as a "penalty," not a "tax." That label is fatal to the application of the Anti-Injunction Act. It does not, however, control whether an exaction is within Congress's power to tax. In answering that constitutional question, this Court follows a functional approach, "[d]isregarding the designation of the exaction, and viewing its substance and application." United States v. Constantine, 296 U. S. 287, 294. Pp. 33–35.
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> (b) Such an analysis suggests that the shared responsibility payment may for constitutional purposes be considered a tax."

The problem with what the courts are doing here is that they are re-writing the Act from the bench to suit the Democrats who illegally passed an unconstitutional Act. The court has no such constitutional authority, to write or re-write legislation from the bench, making an Act which is "unconstitutional" on its face "constitutional" by perverted judicial fiat.

Had Democrats tried to pass the Act as a "tax" – it would have had to meet conditions of the General Welfare Clause for starters, and it would NOT have passed even by a strict party line vote. By altering the Act at the court, the American people are misled into believing the Act in its true form is "constitutional" when in fact all three courts ruled it "unconstitutional" in its legislative form.

The courts then exceed their constitutional authority by issuing rulings they have no constitutional authority to issue, and re-writing the legislation from the bench to keep the effort to extort assets from the States, businesses and the people intact.

Part 5 of the Ruling

> "CHIEF JUSTICE ROBERTS, joined by JUSTICE BREYER and JUSTICE KAGAN, concluded in Part IV that the Medicaid expansion violates the Constitution by threatening States with the loss of their existing Medicaid funding if they decline to comply with the expansion. Pp. 45–58."

Here the ruling declares that the effort to "force" Medicaid expansion on the States through coercion and extortion is also "unconstitutional," stating in part;

> "The legitimacy of Spending Clause legislation, however, depends on whether a State voluntarily and knowingly accepts the terms of such programs."

As 26 States immediately challenged the constitutionality of the terms of the program, it is a fair assumption that at least 26 states do not voluntarily accept those terms.

Part 6 of the Ruling

> "JUSTICE GINSBURG, joined by JUSTICE SOTOMAYOR, is of the view that the Spending Clause does not preclude the Secretary from withholding Medicaid funds based on a State's refusal to comply with the expanded Medicaid program.
>
> But given the majority view, she agrees with THE CHIEF JUSTICE's conclusion in Part IV–B that the Medicaid Act's severability clause, 42 U. S. C. §1303, determines the appropriate remedy. Because THE CHIEF JUSTICE finds the withholding—not the granting—of federal funds incompatible with the Spending Clause, Congress' extension of Medicaid remains available to any State that affirms its willingness to participate."

Again, the issue is booted to the States on a voluntary basis, and the Supreme Court has ruled that it is "unconstutional" to "penalize" the State by withdrawing federal Medicaid funds in retaliation for the State refusing to participate in ObamaCare.

So far, the first six parts of the Ruling have established that ObamaCare is indeed "unconstitutional" as it was written and passed on a party line vote by congressional Democrats.

> "ROBERTS, C. J., announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, II, and III–C, in which GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined; an opinion with respect to Part IV, in which BREYER and KAGAN, JJ., joined; and an opinion with respect to Parts III–A, III–B, and III–D. GINSBURG, J., filed an opinion concurring in part, concurring in the judgment in part, and dissenting in part, in which SOTOMAYOR, J., joined, and in which BREYER and KAGAN, JJ., joined as to Parts I, II, III,

and IV. SCALIA, KENNEDY, THOMAS, and ALITO, JJ, filed a dissenting opinion. THOMAS, J., filed a dissenting opinion."

The Dissenting Opinions of Scalia, Kennedy, Thomas and Alito

On page 128; JUSTICE SCALIA, JUSTICE KENNEDY, JUSTICE THOMAS, and JUSTICE ALITO, dissenting; we find the following…

> "The case is easy and straightforward, however, in another respect. What is absolutely clear, affirmed by the text of the 1789 Constitution, by the Tenth Amendment ratified in 1791, and by innumerable cases of ours in the 220 years since, is that there are structural limits upon federal power—upon what it can prescribe with respect to private conduct, and upon what it can impose upon the sovereign States. Whatever may be the conceptual limits upon the Commerce Clause and upon the power to tax and spend, they cannot be such as will enable the Federal Government to regulate all private conduct and to compel the States to function as administrators of federal programs."

From page 131;

> "We do not doubt that the buying and selling of health insurance contracts is commerce generally subject to federal regulation. But when Congress provides that (nearly) all citizens must buy an insurance contract, it goes beyond "adjust[ing] by rule or method," Johnson, supra, or "direct[ing] according to rule," Ash, supra; it directs the creation of commerce. In response, the Government offers two theories as to why the Individual Mandate is nevertheless constitutional. Neither theory suffices to sustain its validity."

From page 134;

> "Congress has impressed into service third parties, healthy individuals who could be but are not customers of the relevant industry, to offset the undesirable consequences of the regulation. Congress' desire to force these individuals to purchase insurance is motivated by the fact that they are further removed from the market than unhealthy individuals with pre-existing conditions, because they are less likely to need extensive care in the near future. If Congress can reach out and command even those furthest removed from an interstate market to participate in the market, then the Commerce Clause becomes a font of unlimited power, or in Hamilton's words, "the hideous monster whose devouring jaws . . . spare neither sex nor age, nor high nor low, nor sacred nor profane." The Federalist No. 33, p. 202 (C. Rossiter ed. 1961)."

From page 152, concerning the Anti-Injunction Act;

> "Whether jurisdiction over the challenges to the minimum-coverage provision is precluded by the Anti-Injunction Act, which provides that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person," 26 U. S. C. §7421(a) (2006 ed.). We have left the question to this point because it seemed to us that the dispositive question whether the minimum coverage provision is a tax is more appropriately addressed in the significant constitutional context of whether it is an exercise of Congress' taxing power. Having found that it is not, we have no difficulty in deciding that these suits do not have "the purpose of restraining the assessment or collection of any tax." 6"

From page 162;

"The question whether a law enacted under the spending power is coercive in fact will sometimes be difficult, but where Congress has plainly "crossed the line distinguishing encouragement from coercion," New York, supra, at 175, a federal program that coopts the States' political processes must be declared unconstitutional. "[T]he federal balance is too essential a part of our constitutional structure and plays too vital a role in securing freedom for us to admit inability to intervene." Lopez, 514 U. S., at 578 (KENNEDY, J., concurring)."

From page 188;

"Such provisions validate the Senate Majority Leader's statement, "'I don't know if there is a senator that doesn't have something in this bill that was important to them. . . . [And] if they don't have something in it important to them, then it doesn't speak well of them. That's what this legislation is all about: It's the art of compromise.' " Pear, In Health Bill for Everyone, Provisions for a Few, N. Y. Times, Jan. 4, 2010, p. A10 (quoting Sen. Reid)."

From page 190;

"This Court must not impose risks unintended by Congress or produce legislation Congress may have lacked the support to enact. For those reasons, the unconstitutionality of both the Individual Mandate and the Medicaid Expansion requires the invalidation of the Affordable Care Act's other provisions."

Dissenting Summation

"The Court today decides to save a statute Congress did not write. It rules that what the statute declares to be a requirement with a penalty is instead an option subject to a tax. And it changes the intentionally coercive sanction of a total cut-off of Medicaid funds to a supposedly noncoercive cut-off of only the incremental funds that the Act makes available. The Court regards its strained statutory interpretation as judicial modesty. It is not. It amounts instead to a vast judicial overreaching. It creates a debilitated, inoperable version of health-care regulation that Congress did not enact and the public does not expect. It makes enactment of sensible health-care regulation more difficult, since Congress cannot start afresh but must take as its point of departure a jumble of now senseless provisions, provisions that certain interests favored under the Court's new design will struggle to retain. And it leaves the public and the States to expend vast sums of money on requirements that may or may not survive the necessary congressional revision.

The Court's disposition, invented and atextual as it is, does not even have the merit of avoiding constitutional difficulties. It creates them. The holding that the Individual Mandate is a tax raises a difficult constitutional question (what is a direct tax?) that the Court resolves with inadequate deliberation. And the judgment on the Medicaid Expansion issue ushers in new federalism concerns and places an unaccustomed strain upon the Union. Those States that decline the Medicaid Expansion must subsidize, by the federal tax dollars taken from their citizens, vast grants to the States that accept the Medicaid Expansion. If that destabilizing political dynamic, so antagonistic to a harmonious Union, is to be introduced at all, it should be by Congress, not by the Judiciary. The values that should have determined our course today are caution, minimalism, and the understanding that the Federal Government is one of limited powers. But the Court's ruling undermines those values at every turn. In the name of restraint, it overreaches. In the name of constitutional avoidance, it creates new constitutional questions. In the name of cooperative federalism, it undermines state sovereignty.

> The Constitution, though it dates from the founding of the Republic, has powerful meaning and vital relevance to our own times. The constitutional protections that this case involves are protections of structure. Structural protections—notably, the restraints imposed by federalism and separation of powers—are less romantic and have less obvious a connection to personal freedom than the provisions of the Bill of Rights or the Civil War Amendments. Hence they tend to be undervalued or even forgotten by our citizens. It should be the responsibility of the Court to teach otherwise, to remind our people that the Framers considered structural protections of freedom the most important ones, for which reason they alone were embodied in the original Constitution and not left to later amendment. The fragmentation of power produced by the structure of our Government is central to liberty, and when we destroy it, we place liberty at peril. Today's decision should have vindicated, should have taught, this truth; instead, our judgment today has disregarded it. For the reasons here stated, we would find the Act invalid in its entirety. We respectfully dissent."

NOTE: You can review the entire 193 page ruling here;

http://hastings.house.gov/uploadedfiles/supreme_court_decision_6.28.12.pdf

SUMMARY OF RULING

The US Supreme Court finds that the Affordable HealthCare Act is "unconstitutional" in its current form. According to the US Supreme Court ruling, the Act must be a "tax" in order to hold legal authority under the constitutional power of the House of Representatives to "lay and collect taxes."

However, as the Act was not written or passed into law as a "tax" – originating in the US Senate which has no constitutional authority to "lay and collect taxes," it is not a "tax" and therefore, it remains "unconstitutional" in its current form.

To be clear, ObamaCare is "unconstitutional" as passed by congressional Democrats. To become constitutional, it would have to be a "tax" and as a "tax" it would have to initiate in the House or Representatives under the authority to "lay and collect taxes."

As an "unconstitutional" piece of legislation, it has no legal force or effect. It is therefore "unconstitutional" for the House of Representatives to "fund" an "unconstitutional" act of the Senate and Executive Branch.

A Federal Extortion Scheme

The 113th Congress must now decide what to do with ObamaCare, knowing full-well that the Act is "unconstitutional" as written and passed on a strict party line vote in the dark of night, admittedly, before any member of congress had even read the Act in its entirety.

Because the House of Representatives has the power of the checkbook within its sole constitutional authority, the current House effort to derail "unconstitutional" ObamaCare via defunding it is a viable strategy, in a broad sense.

However, to defund it (rather than delay it), the House need only eliminate all funding related to ObamaCare from its final budget entirely. Due to the judicial activism on the subject, ObamaCare cannot be funded as a standalone item. It can only be funded via the general revenue fund of the Federal Government via Congress's authority to "lay and collect taxes."

This explains why Senate Democrats are stonewalling the House on every effort to separate the ObamaCare funding from the general revenue budget of the Federal Government. As a standalone item, ObamaCare has already been ruled "unconstitutional."

The Role of the Government "Shut Down"

Democrat Senate leader Harry Reid (NV) is personally responsible for stonewalling the House effort to fund all provisions of the Federal Government, except the "unconstitutional" ObamaCare Act. The "shut down" of portions of the Federal Government is intended to threaten the peace and tranquility of every American citizen and business, going so far as to close off access to open air sections of "public lands" (belonging to the American people) upon which sits the War Memorials of those who have offered their very lives in defense of Freedom and Liberty.

As "public lands" belong to "the people" of the United States, not the Federal Government, the Obama Administration and Harry Reid have no legal authority to close public access to those areas. But in their need to "cause harm" to as many citizens as possible, and a public display, creating fear and pressure upon the citizenry and therefore a "forced compliance" with an Act deemed "unconstitutional," the "shut down" is a hammer used to coerce and complete the intent to extort private property from the citizenry under extreme duress.

Federal cuts, areas of Federal spending deemed "non-essential" by the Obama Administration, are used to "target" areas most likely to impact citizens in such a manner as to "force" them to comply with the "unconstitutional" whims of the Federal Administration.

It is classic "extortion…" and nothing less.

Why it is Extortion

As the current Congress is made up of legislators in which only 6.8% of House members and 3% of Senate members have any experience in the profession of Health Care, the goal is NOT as stated, to provide quality health care to Americans who are otherwise without coverage today.

The goal is to seize control of $1/7^{th}$ of the total U.S. economy, the Health Care industry, and all of that revenue, taking it away from the private sector under the management of Health Care professionals and placing it under the command and control of the Federal Government.

Because a majority of States, businesses and citizens oppose ObamaCare and the gross expansion of Federal intrusions into the highly specialized field of health care, where matters of life and death are beyond the constitutional authority of the Federal Government, ObamaCare was established as a means to illegally force States, businesses and citizens to comply with the Federal seizing of $1/7^{th}$ of the U.S. economy, or face stiff "penalties" from the I.R.S. which are already ruled "unconstitutional" by the Supreme Court.

Further, to coerce the American people to comply, the Obama Administration is using well-known tactics to threaten, intimidate, coerce and otherwise force an unwilling society to accept socialized medicine or face the consequences from an increasingly tyrannical government.

It is a blatant extortion racket… It is against the law…. It is unconstitutional on its face and the people simply must deny the Obama Administration its will to destroy not only Health Care in America, but freedom and liberty itself.

Every American is a Victim with Standing

Although the following post once found on the Affordable Healthcare Act Facebook page is not confirmed with the author, who remains unknown at this moment, we believe that the post nonetheless represents a real and accurate depiction of how ObamaCare is intended to work for the government, and against the people of the United States.

> "I actually made it through this morning at 8:00 A.M. I have a preexisting condition (Type 1 Diabetes) and my income base was 45K-55K annually I chose tier 2 "Silver Plan" and my monthly premiums came out to $597.00 with $13,988 yearly deductible!!! There is NO POSSIBLE way that I can afford this so I "opt-out" and chose to continue along with no insurance. I received an email tonight at 5:00 P.M. informing me that my fine would be $4,037 and could be attached to my yearly income tax return. Then you make it to the "REPERCUSSIONS PORTION" for "non-payment" of yearly fine. First, your drivers license will be suspended until paid, and if you go 24 consecutive months with "Non-Payment" and you happen to be a home owner, you will have a federal tax lien placed on your home. You can agree to give your bank information so that they can easy "Automatically withdraw" your "penalties" weekly, bi-weekly or monthly! This by no means is "Free" or even "Affordable." *(as posted on the Facebook page without edit)"*

Because every American, every State and every business is negatively affected by the "unconstitutional" ObamaCare Act, each has "legal standing" to bring charges against the perpetrators, including criminal charges related to extortion and fraud via the unconstitutional process used to place the Act in effect.

Under 1946 Rules of Procedure, both Criminal and Civil, the critical portions on "legal standing" follow;

- "The Supreme Court has developed an elaborate body of principles defining the nature and scope of standing. Basically, a plaintiff must have suffered some direct or substantial injury or be likely to suffer such an injury if a particular wrong is not redressed. A defendant must be the party responsible for perpetrating the alleged legal wrong."
- "Most standing issues arise over the enforcement of an allegedly unconstitutional statute, ordinance, or policy. One may challenge a law or policy on constitutional grounds if he can show that enforcement of the law or implementation of the policy infringes on an individual constitutional right, such as Freedom of Speech."
- "A significant economic injury or burden is sufficient to provide standing to sue, but in most situations a taxpayer does not have standing to challenge policies or programs that she is forced to support."

As every State, individual and business is penalized, threatened and/or fined by the terms present in ObamaCare, declared by the US Supreme Court as "unconstitutional" in its current form, every legal

American has proper "legal standing" for a cause of action against the perpetrators of a blatant intent to coerce and extort private property under a massive abuse of government power.

Further, the courts effort to re-write the Act as a "constitutional" effort to "lay and collect taxes" is itself "unconstitutional," and the courts have no legislative authority whatsoever under Article III of the US Constitution.

Violations of the Bill of Rights

ObamaCare violations of specific protections in the Bill of Rights are simply too numerous to list here. However, most critical is the direct violations related to States' Rights under Amendment X, individual Rights under Amendment IX, the Right of the people to be secure in their property under Amendment IV and the Right to due process under Amendment V, before being deprived of any Life, Liberty or Property.

ObamaCare is a "punitive" Act intended to coerce Americans into complying with a government seizure of 1/7th of the US economy, resulting in government control over life and death decisions concerning the private health interest of individuals. As such, it is an Act of extortion and every Citizen has the Right and the Duty to rise up against it.

In the following remedy section of this document, we must begin with the general understanding that in a Constitutional Republic such as ours, the States and the people are under no legal, moral or ethical obligation to adhere to laws or government policies and mandates which are in themselves, "unconstitutional" and at odds with the public interest as stated in our Charters of Freedom.

Remedy 1 – The House of Representatives

Because ALL bills pertaining to revenue via Congress's power to "lay and collect taxes" must originate in the House, ObamaCare originated in the US Senate as NOT a tax bill, ObamaCare was passed via "unconstitutional" process and is VOID (without legal force) in its current form.

The current "shut down" of the Federal Government resulting from the Senate strategy to simply stonewall the House, just as they did during the unconstitutional passage of ObamaCare, presents a momentary window of opportunity to remedy the entire situation and hold people accountable for their blatant effort to extort private property from the States, businesses and the American people.

To capitalize on this window of opportunity, House Republicans must be convinced to keep the Federal Government "shut down" until such time that the Senate is forced to pass a budget which does not include any funding for ObamaCare.

HOUSE DIRECTORY HERE - http://www.house.gov/representatives/

The debt ceiling battle will have to take place by or before October 17, 2013. It is the intention of the Obama Administration and the Democrat led Senate to continue to stonewall the House on ObamaCare until the House is up against the wall on the debt ceiling on the 17th.

House Republicans simply cannot fold like a cheap lawn chair this time. They must hold the line for the American people and completely defund ObamaCare, not delay it.

NOTE: All information contained herein was researched and written by a professional team at The North American Law Center. All legal points are quoted directly from the Supreme Court ruling on the subject, and all legal claims and remedies have been carefully vetted by a team of Constitutional Lawyers and Scholars at The North American Law Center. The North American Law Center is prepared to stand behind everything presented in this document in its original form and context.