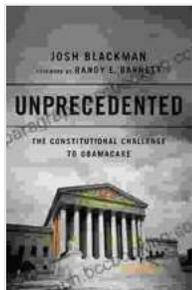


# Unprecedented: The Constitutional Challenge to Obamacare



## Unprecedented: The Constitutional Challenge to Obamacare by Josh Blackman

★★★★☆ 4.7 out of 5

Language : English  
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Text-to-Speech : Enabled  
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Enhanced typesetting : Enabled  
Word Wise : Enabled  
Print length : 354 pages



### By Jonathan Turley

The Affordable Care Act, also known as Obamacare, has been one of the most controversial pieces of legislation in recent American history. Since its passage in 2010, the law has been challenged in court numerous times, and its constitutionality has been the subject of much debate. In *Unprecedented*, law professor and legal commentator Jonathan Turley provides a comprehensive and incisive analysis of the constitutional challenges to Obamacare.

Turley argues that the law is unconstitutional on several grounds, including its individual mandate, its Medicaid expansion, and its tax provisions. He also discusses the political and ideological forces that have shaped the debate over Obamacare and the likely future of the law.

## **The Individual Mandate**

One of the most controversial provisions of Obamacare is the individual mandate, which requires most Americans to have health insurance. Turley argues that the individual mandate is unconstitutional because it exceeds Congress's power under the Commerce Clause. He notes that the Supreme Court has never upheld a law that requires individuals to Free Download a product or service, and he argues that the individual mandate is no different.

Turley also argues that the individual mandate is unconstitutional because it violates the Due Process Clause of the Fifth Amendment. He notes that the Due Process Clause protects individuals from being deprived of life, liberty, or property without due process of law. Turley argues that the individual mandate violates this principle because it forces individuals to Free Download health insurance without giving them a fair opportunity to challenge the law's constitutionality.

## **The Medicaid Expansion**

Another controversial provision of Obamacare is the Medicaid expansion, which expanded Medicaid eligibility to millions of low-income Americans. Turley argues that the Medicaid expansion is unconstitutional because it coerces states into expanding their Medicaid programs. He notes that the Supreme Court has held that the federal government cannot coerce states into implementing its programs, and he argues that the Medicaid expansion is no different.

Turley also argues that the Medicaid expansion is unconstitutional because it violates the Spending Clause of the Constitution. He notes that the Spending Clause gives Congress the power to spend money for the

general welfare, but he argues that the Medicaid expansion is not a legitimate exercise of this power. He contends that the Medicaid expansion is primarily designed to expand health insurance coverage, which is not a legitimate purpose under the Spending Clause.

## **The Tax Provisions**

Obamacare also includes a number of tax provisions, including a tax on individuals who do not have health insurance. Turley argues that these tax provisions are unconstitutional because they are not taxes in the true sense of the word. He notes that taxes are generally imposed on activities that are harmful to society, but he argues that not having health insurance is not a harmful activity.

Turley also argues that the tax provisions are unconstitutional because they violate the Origination Clause of the Constitution. He notes that the Origination Clause requires all revenue bills to originate in the House of Representatives. Turley argues that the tax provisions in Obamacare did not originate in the House, and therefore they are unconstitutional.

## **The Political and Ideological Forces Shaping the Debate**

The debate over Obamacare has been shaped by a number of political and ideological forces. Turley discusses these forces in detail in *Unprecedented*. He notes that the law was passed by a Democratic-controlled Congress and signed into law by President Barack Obama. Turley argues that this fact has led many Republicans to oppose the law, even though it is not clear that the law is unconstitutional.

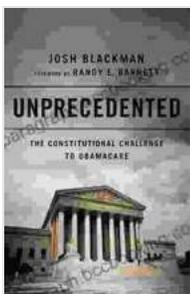
Turley also discusses the role of ideology in the debate over Obamacare. He notes that many conservatives believe that the law is an example of

government overreach. Turley argues that this belief is based on a misunderstanding of the law. He contends that Obamacare is a modest expansion of the role of government in healthcare, and that it is necessary to ensure that all Americans have access to affordable health insurance.

## The Likely Future of Obamacare

Turley concludes *Unprecedented* by discussing the likely future of Obamacare. He notes that the law has been upheld by the Supreme Court, but he argues that it is still possible that the law will be overturned in the future. He also discusses the possibility that the law will be repealed by Congress. Turley argues that the future of Obamacare is uncertain, but he believes that the law will ultimately be upheld.

*Unprecedented* is a comprehensive and incisive analysis of the constitutional challenges to Obamacare. Turley provides a clear and concise explanation of the legal issues involved, and he discusses the political and ideological forces that have shaped the debate over the law. *Unprecedented* is a must-read for anyone who wants to understand the legal and political issues surrounding Obamacare.



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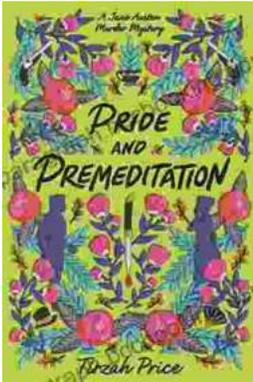
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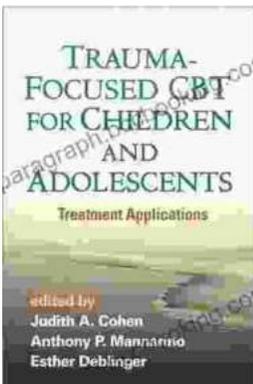
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