



Written by [Dave Bohon](#) on November 28, 2012

Supreme Court Revives Liberty University Challenge to ObamaCare

The U.S. Supreme Court has breathed new life into a federal lawsuit filed by Liberty University that challenges the constitutionality of the Patient Protection and Affordable Care Act, also known as ObamaCare, requiring individuals to obtain health insurance or pay a penalty, as well as forcing employers to offer health insurance for their employees. As with more than 40 other lawsuits against the healthcare act, the Liberty suit also challenges ObamaCare's contraception mandate requiring employers to include abortion-causing drugs with their insurance coverage at no cost to their employees.



[Liberty Counsel](#), the legal advocacy group that is connected with Liberty University's law school and is representing the university in the case, noted that on the day Obama signed his namesake health bill into law in 2010, it filed the first private lawsuit against ObamaCare, challenging the constitutional authority of Congress to pass the law in the first place, as well as charging that the law's contraception mandate violates the First Amendment's free exercise of religion clause and the 1993 Religious Freedom Restoration Act.

In 2011 the 4th U.S. Circuit Court of Appeals in Virginia ruled that the federal Anti-Injunction Act barred the court from addressing the merits of Liberty University's case, and while the Supreme Court dismissed Liberty's initial appeal when it upheld the ObamaCare law in a June ruling, on November 26 the High Court ordered the 4th Circuit to reconsider the case based on a [new appeal from Liberty University](#).

Matt Staver, founder and chairman of Liberty Counsel and dean of [Liberty University School of Law](#), said the ruling "breathes life" into challenges to ObamaCare, possibly setting up a scenario that would return the case to the High Court in 2013. "Our fight against ObamaCare is far from over," said Staver. "Congress exceeded its power by forcing every employer to provide federally mandated insurance. But even more shocking is the abortion mandate, which collides with religious freedom and the rights of conscience."

[Baptist Press News](#) noted that while attorneys for the Obama administration did not oppose the Supreme Court ruling, they insisted that "none of Liberty's remaining challenges hold legal merit and that its challenge to the employer mandate is blocked by the Anti-Injunction Act. The act was enacted in 1867 to stop federal courts from preventing the federal government from assessing and collecting taxes."

Staver has said that "ObamaCare is the biggest funding of abortion in American history," adding that it would "for the first time require employers and individuals to directly fund abortion. This abortion



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The law’s provisions require that businesses and organizations with more than 50 employees include insurance that offers free contraception — including the abortion-inducing “morning after” pill. There is no conscience clause allowing individuals and companies to opt out of the mandate because of their religious convictions.

Photo of United States Supreme Court



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