



Written by [Raven Clabough](#) on April 3, 2012

ObamaCare: Pres. Commences Ideological Battle with Supreme Court

With the Supreme Court finally taking up the issue of the constitutionality of President Obama's controversial healthcare law, Obama is already preparing for the worst case scenario. He has adopted somewhat combative language, threatening to make the "unelected" High Court an issue in "campaign trail arguments" in defense of his signature ObamaCare: I think it's important ... to remind people that this is not an abstract argument. The law that's already in place has already given 2.5 million young people health care that wouldn't otherwise have it. There are tens of thousands of adults with preexisting conditions who have health care right now because of this law.



He then claimed assurance that the High Court ruling would be favorable:

Ultimately, I am confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress.

Next, he for once came down on the side of judicial restraint:

I'd just remind conservative commentators that, for years, what we have heard is, the biggest problem on the bench was judicial activism, or a lack of judicial restraint, that an unelected group of people would somehow overturn a duly constituted and passed law. Well, this is a good example, and I'm pretty confident that this court will recognize that and not take that step.

Observers have noted that interestingly, the President does not take issue with "unelected" individuals in positions of power when it comes to his oft-used recess appointments and numerous "czars."

Furthermore, Article II, Section 2 of the U.S. Constitution indicates that the Executive Branch shall "nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States."

President Obama did not seem to mind that provision too much when he was pushing Elena Kagan for the Supreme Court. But now that the High Court justices — in their role of determining the constitutionality of his controversial and unconstitutional healthcare law — may throw out either the individual mandate or the entire law, Obama is now begrudging the Court's role.

Senator Mike Johanns (R-Neb.) has [accused](#) President Obama of strongarm tactics against the Court. "What President Obama is doing here isn't right," he asserted Tuesday. "It is threatening, it is intimidating."

Johanns added that the healthcare law has permitted Obama an unprecedented level of power:



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What the president is saying is that ..., "Look, I get to decide what's right and wrong for every individual in this country through the individual mandate and there is no judicial review. The courts can't interfere with my power."

Well what a second here, that turns upside-down over two hundred years of precedent.

Some observers fear that if the Supreme Court does rule the law unconstitutional, that the President may seize the opportunity to criticize the Constitution as an outdated document. Such an assertion would place the President squarely in line with [globalists](#) such as [Fareed Zakaria](#), who, during an appearance on PBS's *Charlie Rose Show*, called the founding principles "parochial" and indicated that they do not match the globalist plan to merge the United States into a world government. Last month on CNN, Zakaria recommended "a set of amendments to modernize the Constitution for the 21st century."

Likewise, David Limbaugh, brother of Rush, has recommended another constitutional convention to update the Constitution. Former president George W. Bush referred to the Constitution as a "G**damn piece of paper."

Despite the various calls for a constitutional convention, however, not everyone is fooled. In 2009, the year after he was the Constitution Party's presidential candidate, Pastor [Chuck Baldwin](#) stated:

The globalists who currently control Washington, D.C. and Wall Street are no doubt salivating over the opportunity to officially dismantle America's independence and national sovereignty, and establish a globalist North American Union — in much the same way that globalists created the European Union. A new Constitutional Convention is exactly the tool they need to cement their sinister scheme into law.

Yahoo News indicates that a ruling against ObamaCare may very well be likely, after "pointed comments from Supreme Court justices last week during three days of compelling hearings have convinced many commentators that the court, expected to rule in June, will declare the law ... unconstitutional."

Such a declaration would have a profound impact on the presidential race.

But not everyone is convinced that the Supreme Court can still be relied upon to protect the Constitution. GOP presidential candidate Ron Paul [explains](#):

The Supreme Court has utterly abused the commerce clause [in Article I, Section 8 of the Constitution] for decades, at least since the infamous 1942 case of *Wickard v. Filburn*. In that instance the Court decided that a farmer growing wheat for purely personal use still affected interstate commerce — presumably by not participating in it!

As economist Thomas Sowell explains in a recent article, the *Wickard* case marked the final death of federalism: if the federal government can regulate "anything with any potential effect on interstate commerce, the 10th Amendment's limitations on the power of the federal government virtually disappeared."

Paul contends that in fact the Supreme Court should not be the deciding factor in the decision regarding ObamaCare:

Why should a single swing vote on the Supreme Court decide if our entire nation is saddled with Obamacare? The doctrine of judicial review, which is nowhere to be found in Article III of the Constitution, has done nothing to defend liberty against extra-constitutional excesses by



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government.

It is federalism and states' rights that should protect our liberty, not nine individuals on a godlike Supreme Court.

U.S. Rep. Ted Poe (R-Texas) [voiced](#) similar sentiments last week, indicating that he intends to move forward with his legislation to prohibit funds from being used to implement ObamaCare.

"Regardless of what the Supreme Court does, Congress has a responsibility to rein in this absurd oppressive law," he pointed out, noting that the House has already passed legislation that would repeal ObamaCare.

But Poe emphasized that any such bill wouldn't make it out of the Democrat-controlled upper chamber. "It makes no difference who the president is if we can't get legislation through the obstinate Senate," he observed. "Therefore, we need to take the Senate. We also of course need to take the White House back and have someone that is more in tune with the American public on this specific idea."

Photos: The White House (top) and the Supreme Court.



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