

A MESSAGE ABOUT THE AFFORDABLE CARE ACT DECISION

I tend to get a little long winded when making blog posts about issues I feel deeply about. In this case I feel I have earned some space in this forum because I just finished reading all 193 pages of the 5 opinions drafted by the Supreme Court concerning the Affordable Care Act (ACA)...

<http://www.tmi-america.com/tmi/pdfs/AffordableCareAct-SupremeCourt-Ruling-And-Opinions.pdf>

This ruling, as it turns out, was actually five (5) documents in one: (1) A **six page syllabus/summary**, (2) a **59 page majority opinion** written by CHIEF JUSTICE ROBERTS (who is taking all the heat for all five justices who joined in this ruling) which outlined what the five judges voted to uphold and strike down (these five justices also struck down a very important part of the ACA in the process), (3) a **61 page opinion** written by Justice Ginsburg which made every argument under the sun as to why our Federal government should be able to make just about any law they want (including this one) without any limitation on their powers per the Constitution at all, (4) a **65 page dissenting opinion** of the four justices who voted to completely overturn the entire ACA while claiming that Congress not only overstepped its powers on several key fronts but they also intertwined so many provisions and pork projects into the ACA that once you strike down the key elements (even the one key element that the majority struck down) that were unconstitutional that all the rest would also have to be struck down and readdressed entirely because the remaining mess would surely destroy the fabric of society otherwise, and (5) a simple **2 page opinion** which Justice Thomas wrote for good measure on why...

I adhere to my view that “the very notion of a ‘substantial effects’ test under the Commerce Clause is inconsistent with the original understanding of Congress’ powers and with this Court’s early Commerce Clause cases.”

What it all boils down to, like it or not, is that the founders drafted a Constitution that most of our elected and/or appointed officials, over the years, never bothered to take the time to read, understand or to follow.

The very fact that the Supreme Court is swamped, year after year, with all sorts of arguments over a multitude of issues, where one party claims that Congress has the right to ignore the Constitution and the “limitations on their power” outlined within while another party argues that those very same powers have been exceeded, only proves how naïve the founders apparently were and the rest of us apparently are. It should now be obvious that any time you gather together a large group of 535 people to run your life for you that those 535 people will figure out some way to ignore the rules of the game they are suppose to follow and will instead become power hungry and make up their own rules as they go along (and we can deal with any unintended consequences later). In this regard the Democrat Party is the worst of the worst but the Republican Party is running a very close second.

Although the founders had a great idea when they wrote the Constitution (the idea that somehow they could contain a group of leaders by mere words if only those words were read and understood) they failed to devise any reliable methods for actually enforcing it. Yes, they crafted a Supreme Court as the first line of enforcement and defense. But they left it up to the rest of us to draw any necessary second line of defense should that court’s ramparts ever be overrun. The Supreme Court is out numbered at least 535 to 9. And if the court itself is divided on how to interpret a Constitutional issue then it becomes out numbered 540 to 4, or worse.

Thus, Congress can do whatever Congress happens to desire on any given day and “we the people” will have to learn to live with it... like it or not... **unless** we are willing to come to the aid of our Supreme Court justices and provide them with reinforcements in their times of need. CHIEF JUSTICE ROBERTS and the other justices who issued this majority order are now calling on us to come to the aid of this country. They have been over run once again by Congress and they

need HELP. They are calling on us to get with the program... even if some people who can not afford "health care" must suffer as a result.

In this case CHIEF JUSTICE ROBERTS is taking all the heat for interpreting the Constitution in a manner in which four other justices (three female justices and another male justice) also agreed on...

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.

Each of the arguments brought before the Supreme Court over the years are not only disagreements about what the Constitution states and who should have the power to rule over the masses within this country of ours but they are also clear examples of the weakness in the entire system of government that is based on that very same document. The founders knew that words alone would not protect us and our freedoms from tyrants and power hungry leaders who are elected by others to do their bidding and who, through our Congress, would manage, one way or another, to gain power within our government and then crank out legislation and laws to take away our powers and our freedoms in the process. They knew the Constitution could provide guidance but it could not provide courage or the enforcement of our rights.

The Constitution is not worth the paper it is written on when the people of this country will not make any effort to enforce it THEMSELVES.

This case may feel like a poke in the eye with a sharp stick because of how five justices have decided to interpret and rule on a few small parts of an otherwise complex 900+ page Act cooked up in a Congress with a Democrat Party majority (at the time) that managed to cram it down our throats, and where a few other heroic groups eventually rallied to the cause and objected to two or three small parts of the same Act and somehow managed to get the Act itself before the Supreme Court so that the people's objections to said Act could be argued and so that light could be shined on what was taking place.

But, what has really happened in the process is that the justices have once again expressed, in no uncertain terms, to us, that there are more than a couple ways to "interpret" the words written within the Constitution itself; **and** written within each and every Act that Congress manages to pass as well. Likewise...

IF even so much as 10% of the people raise a red flag about a given Act passed by Congress then chances are something in that Act stinks. In this case far more than 10% of those who have read this Act have found many an issue with it. Thus it stinks to high heaven.

Because Congress and/or most of its members either interprets the Constitution in a multitude of ways, or simply ignores it altogether, the result is that our rights and our freedoms will be slowly eroded away. Over time, **if we do not rise up and clean out both the House and the Senate on a regular basis** and vote for people who read and understand the Constitution itself **before** they cook up their own grand plans to run this country of ours, we will once again become a serfdom and our government will once again become a collective dictatorship... and we will get exactly what we deserve.

Beyond that, **we the people need to figure out how to plug any and all loopholes** (using the amendment process and our voter power to get the job done) **within the Constitution** that Congress repeatedly uses to erode away our own freedoms and powers.

Mr. Obama pointed out one such gaping hole in the Constitution soon after he took office. The Constitution states that to become a President you must be a "natural born citizen" and you must be "at least 35 years old" in order to occupy the office of President of the United States of America. But the Constitution does **not** provide any way to force anyone **to prove** that they meet these requirements. And even though he went to great lengths to teach this lesson to all of us **his indirect message fell on ignorant minds** and this loophole was swept under the rug as if it does not matter that there is a gaping hole in the Constitution when it comes to who may or may not run for the office of President or Vice President. Congress, instead, chose to kick the can down the road and ignore this obvious problem because, once again, they could not be bothered to address this simple weakness within the rule book that those within our government are suppose to play by.

Likewise, we now see that there are ways that Congress can manipulate the people into paying taxes for all sorts of things we should not have to pay taxes for, thanks to the loopholes within the Constitution that have yet to be plugged. Congress created an IRS which collects taxes from us rather than Congress itself collecting taxes from us as the Constitution states that they must. Congress has also created a central bank, opposing the rules of the Constitution, which in turn creates funny money out of thin air thus diluting our own individual purchasing power, on a daily basis, as a result. The same goes for Congress passing all sorts of expensive Acts, contrary to their powers within the Constitution, which then leads them to borrow endless amounts of money and rack up endless debt on the backs of the tax payers, without any consideration for how it will eventually bankrupt this nation of ours. And the same goes for many other loopholes within the Constitution which any crafty Congress might decide to slip laws through, in order to rule over us all.

In my opinion CHIEF JUSTICE ROBERTS should be thanked; not for poking us in the eye with a sharp stick but for slapping us in the face and telling us to wake up! And, likewise, we should thank the other four justices as well; in particular Justice Ginsburg who exposed within her opinion(s) just how uncanny a liberal thinker can be and how easily a liberal can cook up arguments designed to remove our rights and freedoms from under our very noses.

The question is: When will we ever wake up and do something about it?

Will we ever learn to vote for challengers and vote out incumbents before they have a chance to become corrupted within a Congress full of corrupted leaders? Will we ever march on D.C. in mass and force Congress to overturn all the bad laws and all the Acts of the past that have been crafted without any consideration given to our precious Constitution or our rights at all? Will we ever demand that the years of government expansion and corruption be reversed and unwound?

We have the Constitution on our side. But we have to make some tough choices. We can choose to enforce it or we can choose to let Congress ignore it. It obviously is not up to the power grabbers in Congress to enforce it. It is and always has been up to us, the lazy citizens and the ones with guts, within this nation, to get off our seats and rally to the cause... before it is too late.

End of story.

PDF version of this blog posting: <http://www.tmi-america.com/tmi/pdfs/ceo-blog-aca.pdf>