



CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

At the Nevada Policy Research Institute

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NPRI joins *amicus* brief against individual mandate, in fight for liberty at the U.S. Supreme Court

LAS VEGAS — Does the U.S. government exist to serve the people or do the people exist to serve the government?

That is the core issue in a national *amicus* brief joined this week by the Center for Justice and Constitutional Litigation at the Nevada Policy Research Institute.

At stake, say NPRI President Andy Matthews and CJCL Director Joseph Becker, is whether the individual mandate of the Patient Protection and Affordable Care Act, known popularly as Obamacare, is constitutional.

The *amicus* brief — linked below — urges the Supreme Court to affirm the Eleventh Circuit's ruling that the mandate exceeds Congress' power to regulate interstate commerce. If the mandate were upheld, states the brief, no one could plausibly contend that the Constitution still limits federal power. Three days of oral arguments are scheduled to begin in six weeks.

Authored by Timothy Sandefur of the Pacific Legal Foundation and Ilya Shapiro and others from the Washington, D.C.-based Cato Institute, the brief was also co-signed by the Competitive Enterprise Institute, 13 other liberty-minded organizations and a bipartisan group of 333 state legislators.

“The individual mandate is an affront to freedom and an assault on liberty,” said Matthews. “Allowing the federal government to tell citizens they must purchase a private product or service would reduce citizens to servants of elected politicians and unelected bureaucrats.

“As an organization dedicated to defending individual liberty in Nevada, it is fitting that the Nevada Policy Research Institute has joined the fight against the individual mandate — a brazen example of government overreach — at the highest court in the land.”

Matthews noted that the individual mandate violates current Court interpretations of the Commerce Clause.

“The federal government does not own U.S. citizens and cannot make them engage in a certain private activity, just because it would be convenient for a federal regulatory scheme,” said CJCL Director Becker.

“If the mandate is upheld, Congress would seem to have no limits or restrictions on its power to regulate,” he said.

“But the original purpose of the Interstate Commerce clause was merely one of non-discrimination — preventing states from imposing trade barriers and discriminatory restrictions upon the goods and services originating from other states.”

Read more:

- [U.S. Dep’t of Health & Human Services v. Florida, amicus brief on individual mandate](#)
- Cato @ Liberty: [Cato’s final Obamacare brief — on the individual mandate — joined by 16 other groups and 333 state legislators](#)

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