



NEWS RELEASE

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Twila Brase of Citizens' Council for Health Freedom Offers SCOTUS Hearings Analysis, Gives Five Individual Mandate Arguments

'Obamacare on Trial' Highlights Serious Concerns on Freedom

St. Paul, Minn.— Last week, the Supreme Court heard three days of arguments on whether the Affordable Care Act, which requires all Americans to purchase health insurance by 2014, is constitutional.

Opponents of Obamacare, like **Twila Brase**, president and co-founder of **Citizens' Council for Health Freedom (CCHF)**, a patient-centered national health policy organization based in **St. Paul, Minn.**, hope that at least the individual mandate portion of the law will be thrown out, if not the entire Affordable Care Act.

"This was a historic week for health care—and for the U.S. Constitution," said Brase, who submitted an Amicus brief that the Supreme Court took into consideration, along with others, when deciding on the constitutionality of the health care plan last week. "For three days, Obamacare was on trial in the U.S. Supreme Court. The justices will rule by the end of June, and the arguments and expert testimony during the hearings were certainly insightful regarding the controversial—and unconstitutional—individual mandate."

The hearings were dedicated to the most pressing topics of Obamacare. On Day One, the justices discussed the issue of "Tax or Penalty?" or whether those who chose not to purchase health care will be taxed or actually penalized. Day Two focused on the individual mandate and whether forcing Americans to purchase health insurance strips them of their personal and religious freedoms. Day Three took into account the topics of severability and expanding Medicaid.

According to *Brase*, five key arguments against the individual mandate were significant:

1. **States Rights vs. Enumerated Powers:** During the hearings, Justice Antonin Scalia commented that the federal government is not supposed to hold all the power, but rather, have limited powers. The vast majority of powers, by the Constitution, should remain with the states. “If the government can do this,” Scalia said, “what else can it not do?” Importantly, NFIB attorney Michael Carvin says, “But what can’t [the Federal Government] do? They can’t compel States to enact laws. They can’t compel States to carry out Federal law.”
2. **Fundamental Change in Relationship:** The U.S. code, in general, does not mandate that individuals act. Says Justice Anthony Kennedy, “...our tradition, our law, has been that you don’t have the duty to rescue someone if that person is in danger. The blind man is walking in front of a car and you do not have a duty to stop him ... And there is some severe moral criticisms of that rule, but that’s generally the rule.” The individual mandate, however, is the government saying that citizens *must act*, “and that changes the relationship of the Federal Government to the individual in the very fundamental way,” Kennedy said.
3. **Compelling People into Commerce:** Arguing for the 26 states, attorney Paul Clement said if the health care plan was upheld, Americans would be compelled into commerce for the first time. Congress would be able to regulate the entire health care market: “once you open the door to compelling people into commerce based on the narrow rationales that exist in this industry, you are not going to be able to stop that process.” *Brase* adds, “What is the next item we would be required to buy? Brase asks. “Forcing people to make a purchase opens a dangerous can of worms.”
4. **Forced to Buy a Car?** After the government’s attorney claimed the failure to buy health insurance affects other people, Justice Scalia countered his argument, “You could say that about buying a car. If people don’t buy cars, the price that those who do buy cars pay will have to be higher. So you could say in order to bring the price down, you are hurting these other people by not buying a car.” As NFIB attorney Michael Carvin said, “if Congress has the power to compel you to buy this product, then obviously, they have got the power to provide you—to compel you to buy any product, because any purchase is going to benefit commerce.”
5. **Newborn Buyers?** Justice Stephen Breyer introduced the topic of newborn babies as consumers. Human beings, he said, simply by being born, will enter the marketplace for health care. Michael Carvin, attorney for the National Association of Independent Business, answered Breyer by saying, “If being born is entering the market, then I can’t think of a more plenary power Congress can have, because that literally means they can regulate every human activity from cradle to grave.”

“The hearings last week will have a lasting impact on our quality of life, our freedoms and our system of health care in the U.S.,” Brase said. “It has been decades since the Supreme Court decided a case that will impact so many Americans. History is being made in our lifetime and the only question now is how will the court rule and what will it mean for the future of freedom.”

Twila Brase shares health care-related news with the American public in her daily, 60-second radio feature, ***Health Freedom Minute***. ***Health Freedom Minute*** airs on the entire American Family Radio Network, with more than 150 stations nationwide, in addition to Bott Radio Network with over 80 stations nationwide. During the daily features, **listeners can learn more about the agenda behind proposed health care initiatives and policies and what they can do to protect their health care choices, rights and privacy.**

Brase, a public health nurse and health care freedom advocate, informs listeners of crucial health issues, such as the intrusive wellness and prevention initiatives in Obamacare, patient privacy and the need for informed consent requirements, the dangers of “evidence-based medicine” and the implications of state and federal health care reform.

Health Freedom Minute is sponsored by the ***Citizens’ Council for Health Freedom***, a freedom-focused, patient-centered national health care organization based in St. Paul, Minn. ***CCHF*** supports patient and doctor freedom, medical innovation and the right of citizens to a confidential patient-doctor relationship.

For more information about ***Citizens’ Council for Health Freedom*** or to sign up for ***CCHF’s Health eNews***, visit www.cchfreedom.org.

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For more information or to interview Twila Brase, president and co-founder of Citizens’ Council for Health Freedom, contact Michael Hamilton, Hamilton Strategies, 215.519.4838, 610.584.1096, MHamilton@HamiltonStrategies.com

*Twila Brase is president and co-founder of the Citizens’ Council for Health Freedom. She has been called one of the “100 Most Powerful People in Health Care” and one of “Minnesota’s 100 Most Influential Health Care Leaders.” The Council’s efforts have stopped government-issued treatment directives, added informed consent requirements for access to patient data and defeated a proposed Health Insurance Exchange. Brase’s daily radio commentary, **Health Freedom Minute**, is a 60-second radio address on pressing health care issues. She has been interviewed by CNN, Fox News, Minnesota Public Radio, NBC Nightly News, NBC’s Today Show, NPR, New York Public Radio, the Associated Press, Modern Healthcare, TIME, The Wall Street Journal, The Washington Post and The Washington Times, among others.*