Supremes Focus on Tax vs. Penalty

The Supreme Court has announced that they will spend 30 more minutes deciding if the fine for not buying health insurance as required by Obamacare is a tax or a penalty. At issue is the federal Anti-Injunction Act, which prohibits lawsuits against taxes until a tax has actually been paid.

The Court has received two Amicus Briefs from the public saying the fine is a tax. There are four Briefs saying the fine is a penalty. If the court decides that the fine is a tax, the lawsuits would likely not be permitted until Tax Day 2014. The Court’s decision to spend more time on this issue speaks volumes, but no one knows what it’s saying.