The Does Obamacare Violate the Takings Clause

A pending Obamacare lawsuit focuses on the takings clause of the U.S. Constitution. It says, “The Fifth Amendment prohibits the taking of private property for public use without just compensation.” In short, the individual mandate forces you to hand your wages – your private property – to a private insurer.

The constitutional question is whether government can tax you for refusing to give your property to another; for refusing to buy overpriced insurance for the benefit of overpaid executives. The healthy must also pay higher premiums to subsidize risky individuals. This is either a regulatory taking or a violation of due process because you are compelled into a contract.
