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It’s a Penalty, Not a Tax, says Judge

Welcome to the Health Freedom Minute. This is Twila Brase president of Citizens’ Council on Health Care.

A federal judge in Florida says the 20-state lawsuit against ObamaCare can move forward. At issue is whether the federal fine for failure to buy health insurance is a tax or a penalty.

The judge writes that Congress called the fine a tax in three earlier versions of the bill, but not in the final bill. He calls it a “conspicuous decision to not use the term ‘tax.’”

U.S. officials told the judge that it doesn’t matter what Congress called it. The judge disagreed writing, “By deliberately changing the characterization of the exaction from a ‘tax’ to a ‘penalty,’ but at the same time including many other ‘taxes’ in the Act, it is manifestly clear that Congress intended it to be a penalty and not a tax.”

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