



ACS Issue Brief Confirms Constitutionality of Health Care Reform Legislation

Bolsters Argument for Health Care Legislation

FOR IMMEDIATE RELEASE:
Dec. 23, 2009

CONTACT: Jeremy Leaming
202-393-6181
jleaming@acslaw.org

WASHINGTON, D.C. – Health care reform legislation being considered by Congress easily passes constitutional muster, writes longtime public policy advocate and Washington, D.C. attorney Simon Lazarus, in an Issue Brief released today by the American Constitution Society for Law and Policy (ACS).

Lazarus, the public policy counsel at the National Senior Citizens Law Center (NSCLC) and the former Associate Director of President Jimmy Carter’s White House Domestic Policy Staff, refutes arguments that Congress is ignoring constitutional strictures in fashioning its legislation. Indeed, Lazarus maintains that Congress has carefully considered and respected the Constitution in its health care reform efforts.

While a number of conservative opponents of health care reform have sought to derail legislative efforts by arguing that a mandate for individuals to purchase health care coverage is unconstitutional, Lazarus’ research makes clear that Congress has the constitutional authority, including the powers to regulate commerce and to tax and spend, which allow it to require people to buy health care coverage.

The individual mandate, he writes, “is lawful and clearly so – pursuant either to Congress’ authority to “regulate commerce among the several states,” or to its authority to “lay and collect taxes to provide for the General Welfare.” He explains that arguments to the contrary “have no basis in law, neither in the grants of authority to Congress in Article I nor in limitations on that authority in the Bill of Rights, nor in the case-law interpreting these provisions.”

The Issue Brief, “Mandatory Health Insurance: Is it Constitutional?,” is available [here](#). Please contact the ACS Communications Department to arrange interviews with the author.

The American Constitution Society for Law and Policy is one of the nation's leading progressive legal organizations, comprised of lawyers, judges, students and policy makers committed to promoting the vitality of the Constitution and the fundamental values it expresses. The views of the authors are their own and should not be attributed to ACS.