

June 28, 2012  
Lexington, South Carolina

To all my friends, particularly those conservatives who are despondent over the searing betrayal by Chief Justice John Roberts and the pending demise of our beloved country, I offer this perspective to convey some profound hope and evidence of the Almighty's hand in the affairs of men in relation to the Supreme Court's decision on Obamacare.

I initially thought we had cause for despondency when I only heard the results of the decision and not the reason or the make-up of the sides. **I have now read a large portion of the decision and I believe that it was precisely the result that Scalia, Alito, Thomas, Roberts and even Kennedy wanted and not a defeat for conservatism or the rule of law.** I believe the conservatives on the court have run circles around the liberals and demonstrated that the libs are patently unqualified to be on the Supreme Court. Let me explain.

First let me assure you that John Roberts is a conservative and he is not dumb, mentally unstable, diabolical, a turncoat, a Souter or even just trying to be too nice. He is a genius along with the members of the Court in the dissent. The more of the decision I read the more remarkable it became. It is not obvious and it requires a passable understanding of Constitutional law but if it is explained anyone can see the beauty of it.

The decision was going to be a 5-4 decision no matter what, so the allegation that the decision was a partisan political decision was going to be made by the losing side and their supporters. If the bill was struck down completely with Roberts on the other side there would have been a national and media backlash against conservatives and probably strong motivation for Obama supporters to come out and vote in November. With today's decision that dynamic is reversed and there is a groundswell of support for Romney and Republicans, even for people who were formerly lukewarm toward Romney before today, additionally Romney raised more than 3 million dollars today.

Next, merely striking the law without the support of Democrats and libs would have left the fight over the commerce clause and the "necessary and proper" clause and the federal government's role in general festering and heading the wrong way as it has since 1942. As a result of the decision the libs are saying great things about Roberts; how wise, fair and reasonable he is. They would never have said that without this decision even after the Arizona immigration decision on Monday. In the future when Roberts rules conservatively it will be harder for the left and the media to complain about the Robert's Court's fairness. That's why he as Chief Justice went to the other side for this decision not Scalia, Alito, Thomas or Kennedy, all of whom I believe would have been willing to do it.

Next let's look at the decision itself. Thankfully Roberts got to write it as Chief Justice and it is a masterpiece. (As I write this the libs don't even know what has happened they just think Roberts is great and that they won and we are all going to have free, unlimited healthcare services and we are all going to live happily ever after.) He first emphatically states that Obamacare is unconstitutional under the Commerce Clause saying you cannot make people buy stuff. Then he emphatically states that it is unconstitutional under the "necessary and proper" clause which only applies to "enumerated powers" in the US Constitution. Justices Ginsberg, Breyer, Sotomayor and Kagan all went along with these statements. They never would have gone along with that sentiment if that was the basis for striking the law in total. This

is huge because this means that the Court ruled 9-0 that Obamacare was unconstitutional under the Commerce clause which was Obama's whole defense of the bill. They also ruled 9-0 on the "necessary and proper" clause. Even better both of these rulings were unnecessary to the decision so it is gravy that we got the libs to concede this and it will make it easier to pare away at both theories in the future, which we must do. Well done.

Roberts, through very tortured reasoning, goes on to find that the taxing law provides the Constitutionality for the law. Virtually everyone agrees that the Federal government has the power to do this as it does with the mortgage deduction for federal income taxes. This too is huge because Obama assiduously avoided using the term "tax" and now he has to admit this law is a tax and it is on everyone even the poor. That will hurt him hugely in the polls and will help Romney. More importantly though is the fact that this makes this a budgetary issue that can be voted on in the Senate by a mere majority instead of 60 votes needed to stop a filibuster. That means that if the Republicans can gain a majority in the Senate, it can vote to repeal Obamacare in total.

Finally the Court voted 7-2 to strike down the punitive rules that take away money from states that do not expand Medicare as required in Obamacare. This too is huge because we got Kagan and Breyer to join this decision and it can easily be applied to many other cases of extortion the Federal government uses to force states to do things they don't want to. This is also amazing because Obamacare has no severability clause so by striking the Medicaid mandate portion as unconstitutional the whole bill should have been struck. If that happened none of these other benefits would have been accomplished. I haven't read far enough to know how he did it but I am sure it is brilliant.

So to recap the Roberts court through a brilliant tactical maneuver has: strengthened the limitations of the commerce clause and the necessary and proper clause by a unanimous decision, made Obama raise taxes on the poor and middle classes, converted Obamacare into a tax program repealable with 51 votes in the Senate, enhanced Romney's and Republican's fundraising and likelihood of being elected in November, weakened federal extortion and got the left to love Roberts and sing his praises all without anyone even noticing. Even Obama is now espousing the rule of law just 2 weeks after violating it with his deportation executive order.

That is why I have decided this was a genius decision and that I did in fact get a great birthday present today not to mention U. S. Attorney General Eric Holder being held in contempt. What a day.