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More states join health-care lawsuit

POCATELLO — Seven new states have joined the group of plaintiffs in a legal challenge against the Democrat-led overhaul of the nation’s health care system, Idaho Attorney General Lawrence Wasden said Friday during a visit to Pocatello.

With the filing of an amended complaint on Friday, Indiana, North Dakota, Mississippi, Nevada, Arizona, Georgia and Alaska joined the initial 13 states, including Idaho, involved in the lawsuit.

The state of Florida is taking the lead on the suit. The case has been fast-tracked for decision on Sept. 14 in the Federal District Court of Florida, and the U.S. Department of Justice has filed a motion to dismiss the case.

Wasden fully expects that regardless of the ruling, the case will be appealed to the 11th Circuit Court of Appeals. He believes it will take two years for the case to reach the U.S. Supreme Court.

In passing the Idaho Health Care Freedom Act at the end of the legislative session, the state Legislature indicated Idaho supports the right of individuals to choose if they want health care coverage and directed Wasden to file a lawsuit. Though Wasden was not bound by the Legislature’s action, he said he “welcomed their voices.”

Wasden has heard critics argue that even if the state is constitutionally correct about the lawsuit, it’s fiscally irresponsible to invest tax dollars to fight the overhaul during a recession.

“My response is, ‘Do we sell our Constitution for money?’” Wasden said.

Wasden believes the health care overhaul stretches the powers of the Commerce Clause of the Constitution by exerting jurisdiction over individuals not engaged in interstate commerce.

“I think we have a valid constitutional question that needs to be posed to the U.S. Supreme Court. Do I think this is a slam-dunk win? The answer is no. Do I think this is a slam-dunk loss? The answer is no,” Wasden said. Wasden would not speculate what the cost of litigation will be to Idaho taxpayers, but he said those numbers may come in soon. “It’s spread out over 20 states, and that helps reduce the level of the cost,” Wasden said.