



Unprecedented: The Constitutional Challenge to Obamacare

By Josh Blackman

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Foreword by Randy E. Barnett

In 2012, the United States Supreme Court became the center of the political world. In a dramatic and unexpected 5–4 decision, Chief Justice John Roberts voted on narrow grounds to save the Affordable Care Act, commonly known as Obamacare. *Unprecedented* tells the inside story of how the challenge to Obamacare raced across all three branches of government, and narrowly avoided a constitutional collision between the Supreme Court and President Obama.

On November 13, 2009, a group of Federalist Society lawyers met in the Mayflower Hotel in Washington, D.C., to devise a legal challenge to the constitutionality of President Obama's “legacy”—his healthcare reform. It seemed a very long shot, and was dismissed peremptorily by the White House, much of Congress, most legal scholars, and all of the media. Two years later the fight to overturn the Affordable Care Act became a political and legal firestorm. When, finally, the Supreme Court announced its ruling, the judgment was so surprising that two cable news channels misreported it and announced that the Act had been declared unconstitutional.

Unprecedented offers unrivaled inside access to how key decisions were made in Washington, based on interviews with over one hundred of the people who lived this journey—including the academics who began the challenge, the attorneys who litigated the case at all levels, and Obama administration attorneys who successfully defended the law. It reads like a political thriller, provides the definitive account of how the Supreme Court almost struck down President Obama's “unprecedented” law, and explains what this decision means for the future of the Constitution, the limits on federal power, and the Supreme Court.

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- Sales Rank: #360832 in Books
- Brand: Brand: PublicAffairs
- Published on: 2013-09-10
- Released on: 2013-09-10
- Original language: English
- Number of items: 1
- Dimensions: 9.50" h x 1.13" w x 6.50" l, 1.30 pounds
- Binding: Hardcover
- 352 pages

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Editorial Review

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The pitched legal battle to end the national health-care program known as Obamacare ended in a surprising decision supported by U.S. Supreme Court Chief Justice Roberts, a decision that promises continued strife on the issue of health care as well as constitutional issues. Blackman, law professor, blogger, and representative of a coalition of independent business interests opposed to the program, spent more than two years following the legislative process that produced Obamacare and the legal challenges to the program. Blackman argues that the process was unprecedented in many ways, including the nature of the legislation to compel citizens to buy insurance, the legal arguments for and against, and the political pressure brought to bear on the Left and the Right. He details the political machinations behind the Supreme Court decision in favor of the health-care program, particularly pressure on Roberts. Blackman also explores the significance of the decision as a galvanizing issue for conservatives and future implications for challenges to government power. --Vanessa Bush

Review

"Excellent"

-The Wall Street Journal

"Unprecedented is the definitive account of the historic constitutional challenge to Obamacare."

-RANDY BARNETT, Georgetown Law Center

"This is an absorbing tale of how a landmark Supreme Court opinion was born."

-JACK BALKIN, Yale Law School

"This will surely be recognized as the definitive account of the convoluted litigation leading up to the Supreme Court's historic ruling on the Affordable Care Act and of what that ruling might portend for the future."

-LAURENCE H. TRIBE, Harvard Law School

"Riveting"

-FRED BARNES, Weekly Standard

"Excellent." — *Wall Street Journal*

"Blackman has written a deeply researched, highly readable account of the conservative challenge to the ACA, which, as a recent law graduate, he witnessed from the inside." — *American Prospect*

"A young legal scholar delivers an impressive blow-by-blow account of the court battle to defeat the Affordable Care Act... With his strong connections among the conservative and libertarian lawyers who mounted the constitutional challenge and his talent for translating arcane legal-speak, Blackman more than capably captures this dramatic constitutional showdown." — *Kirkus Reviews*

“Blackman, law professor, blogger, and representative of a coalition of independent business interests opposed to the program, spent more than two years following the legislative process that produced Obamacare and the legal challenges to the program. Blackman argues that the process was unprecedented in many ways... Blackman also explores the significance of the decision as a galvanizing issue for conservatives and future implications for challenges to government power.” — *Booklist*

“Blackman does a stellar job of calling out both parties for their flip-flopping with respect to the individual mandate.” — *Publishers Weekly*

From the Back Cover

Praise for Unprecedented

"From being at the right place at the right time and by dint of prodigious effort, Josh Blackman got the inside scoop on the constitutional case of the century, which he now shares with all of us. Combining information gleaned from his extensive interviews with the principals with his constitutional expertise as a scholar, Blackman is able to describe the litigation strategies of the parties and explain the sometimes confusing constitutional doctrines raised by the case in language anyone can understand. Even those who were deeply involved in the litigation stand to learn from his evenhanded exposition. I know I have. Unprecedented is the definitive account of the historic constitutional challenge to Obamacare."

--RANDY E. BARNETT, Carmack Waterhouse Professor of Legal Theory, and director of the Georgetown Center for the Constitution, Georgetown University Law Center

"The story of the legal challenge to Obamacare is one of the most remarkable in the nation's history, and Josh Blackman's fascinating new book takes us through its many twists and turns with masterful aplomb. Blackman's narrative never flags as he guides us through the ins and outs of litigation strategy and constitutional argument. This is an absorbing tale of how a landmark Supreme Court opinion was born."

--JACK M. BALKIN, Knight Professor of Constitutional Law and the First Amendment, Yale Law School

"This will surely be recognized as the definitive account of the convoluted litigation leading up to the Supreme Court's historic ruling on the Affordable Care Act and of what that ruling might portend for the future. It's a rare combination of a page-turner and a careful explanation of the legal arguments--all the more remarkable because it comes from someone who played a role in developing the challenge to the Act and thus is anything but a disinterested observer. This is as good an example as we are likely to see of a head-to-toe dissection of a still living legal specimen."

--LAURENCE H. TRIBE, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School

"Riveting"

--FRED BARNES, The Weekly Standard

Users Review

From reader reviews:

Linda Livingston:

People live in this new moment of lifestyle always aim to and must have the extra time or they will get great deal of stress from both way of life and work. So , if we ask do people have free time, we will say absolutely without a doubt. People is human not just a robot. Then we inquire again, what kind of activity do you possess when the spare time coming to an individual of course your answer will unlimited right. Then ever try this one, reading guides. It can be your alternative inside spending your spare time, typically the book you have read is usually Unprecedented: The Constitutional Challenge to Obamacare.

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John Casper:

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