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COPY

October 9, 2013

Chief Judge John Roberts
Supreme Court of the
United States
1 First Street, N.E.
Washington, DC 20543

RE: Daniel Anderson, et. al. v. Barack Obama
Case No. 10-612

Dear Chief Judge Roberts:

We 'burned the midnight oil' putting the attached petition and motion together in the hope that it might be used by you as vehicle to get the government back to work, including this Court.

The inspiration for the petition and motion was the attached opinion piece by Rep. Trent Franks, Chairman of the House Judiciary Subcommittee on the Constitution that appeared in the *Washington Times* last Thursday entitled "The health care law has violated the Origination Clause." It occurred to us that our petition for writ of certiorari (cert denied January 10, 2011 -- it is understandable that the Justices are not able to personally read each and every petition for certiorari that comes to the Court) made the point that the healthcare law was violative of Article 1, Section 7 of the Constitution in that the bill as passed had **originated** in the Senate and not in the House as is required by the "Origination Clause."

The Constitution again comes to the rescue because in the year 2013 it gives the Court a much-needed opportunity to weigh and consider this viable constitutional point, and in doing so, enable the other two branches of government to save face and quell the fray between them. Once the Court takes an issue up for its measured consideration (as when former Chief Judge Rehnquist did so in the Bush/Gore disputed election over the Florida vote) both sides will

have an opportunity to get back to the business of governing.

President Obama spoke truth when he said: "We need to fund the government." House Speaker John Boehner spoke truth when he said: "The American people have given us divided government. When you have divided government, each side needs to talk with the other." At the present, the two sides are not doing this.

Yours very sincerely
and respectfully,

Rudolph Martin Palmer, Jr.

RMP/mlp

Enclosures

cc: Donald B. Verilli, Jr., Solicitor General of the United States

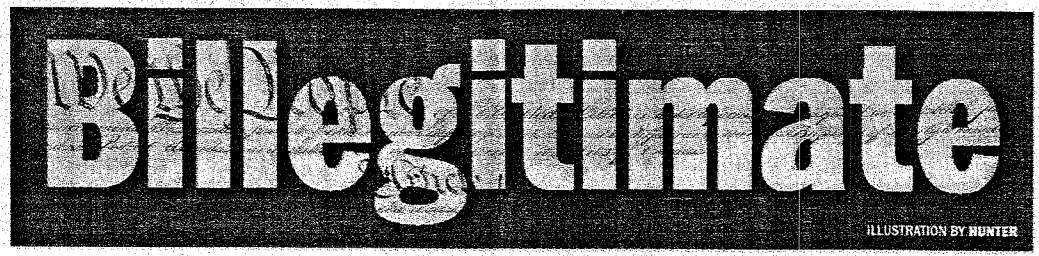
PS: Fortunately, the wisdom of James Madison was to give us three branches of government, the third of which (the Court) is by design meant to be as aloof from politics as the Constitution could make it. (Once appointed to serve for life; salaries could not be reduced.) In your confirmation hearings, you used the analogy in explaining the function of the Court of an umpire in a baseball game, calling balls and strikes, and this is true. In the predicament our nation finds itself in this October, it might arguably be said that the Court has an opportunity to function as a "referee" in what has become a near boxing match between the current head of the executive branch and the current majority leader of the House of Representatives. The Court has an opportunity to call time out, send both sides to their corners to return to the business of governing and getting the government funded and back to work and protect Uncle Sam's credit rating worldwide until the Court can give measured consideration to a viable constitutional question, announcing its decision in an atmosphere that is respected by both sides, although one side or the other may not always be happy with the decision.

Repealing Obamacare by defending the Constitution

The health care law has violated the Origination Clause

By Trent Franks

Now that the House of Representatives has voted to defund Obamacare — which even Democratic Sen. Max Baucus called "a huge train wreck" — the liberal media and the Democrats have demonized and mischaracterized this exercise of Congress' constitutional power over the purse as an irresponsible and futile attempt to shut down the government. In truth, any such measure would authorize continued funding of 99 percent of government programs and services. Mr. Obama is threatening to shut down the government, not the Republicans.



However, there is another way to stop Obamacare, and one that I and my colleagues will be championing in the courts and in Congress. This fall, the U.S. Court of Appeals for the District of Columbia Circuit will hear an appeal in Sissel v. HHS as to whether Obamacare violates the Origination Clause of the Constitution, which provides that "[a]ll Bills for raising Revenue shall originate in the House of Representatives," the people's house.

That Obamacare raises hundreds of billions in revenues and taxes with the individual-mandate provision, medical-device taxes and 15 other revenue-raising provisions is undeniable. That Obamacare originated in the Senate should also be indisputable. However, here's how Senate Majority Leader Harry Reid and the Justice Department perpetuate the fiction that Obamacare originated in the House.

In fall 2009, Mr. Reid introduced the entire text of Obamacare by proposing what his official website still touts as the "Senate Health Care Bill." Using an obscure parliamentary maneuver unfamiliar to the Framers, he "amended" a totally unrelated and unanimously approved House Bill H.R. 3590 (416-0 vote). That "Senate amendment" gutted all 714 words of the House bill designed to grant a tax credit to veterans, and inserted the 379,976 words of the self-described "Senate Health Care Bill" — including $675 billion in new revenue-raising provisions. The only part of Obamacare that originated in the House is H.R. 3590. Not a single House Republican voted for this partisan and unconstitutional takeover of America's health system.

Whatever legitimacy Mr. Reid's legislative sleight of hand may have as a parliamentary maneuver for nonrevenue bills, what should be clear to all is its brazen illegitimacy under the Constitution's Origination Clause. Even the Supreme Court, which dubiously upheld the individual-mandate penalty of Obamacare as a "tax" issued this caveat: "Even if the taxing power enables Congress to impose a tax on not obtaining health insurance, any tax must still comply with other requirements in the Constitution." Obamacare is a tax bill that did not comply with the Origination Clause.

That is why I, as chairman of the House Judiciary subcommittee on the Constitution and civil justice, along with Rep. Louie Gohmert, Texas Republican, and 28 other members of the House of Representatives, recently introduced House Resolution 153, expressing the sense of the House that Obamacare violated the Origination Clause of the Constitution. I am also asking my colleagues to join me in filing an amicus brief in the pending court of appeals case, which court observers predict will end up in the Supreme Court next year. Lastly, I intend to hold hearings on this important issue this fall.

Our Founding Fathers were justifiably concerned that the power to raise and levy taxes should originate in the people's house, whose members are closest to the electorate with two-year terms, rather than the Senate, whose members sit unchallenged for six-year terms, do not proportionally represent the American population, and already enjoy their own unique and separate Senate powers intentionally divided by the Framers between the two chambers.

The principle behind the Origination Clause was the moral justification for our War of Independence. Its importance was expressed through the Virginia House of Burgesses, the Stamp Act Congress and the First Continental Congress, all of whom petitioned the Crown and Parliament in England for redress of their tax grievances. It was with this memory in mind that the Origination Clause of our Constitution was written, and without it at the core of the Great Compromise of 1787, the 13 original states would never have agreed to ratify the Constitution.

If we as members of Congress, who took a solemn oath to defend and protect the Constitution, including its Origination Clause, fail to assert this right and prerogative as the immediate representatives of the people and those most accountable to them, the Founders' fears may well continue to materialize. As George Mason observed at the Constitutional Convention on Aug. 14, 1787: "[i]f the Senate can originate [taxes], they will in the recess of the Legislative Sessions, hatch their mischievous projects, for their own purposes, and have their money bills ready cut & dried (to use a common phrase) for the meeting of the H. of Reps."

If Congress is unable to defund an unconstitutional and unworkable Obamacare, the judiciary must do its duty and strike down the law as a violation of the Origination Clause. If it doesn't, the Origination Clause, a vital provision that animated our governing document, will sadly become a dead letter.

Rep. Trent Franks, Arizona Republican, is chairman of the House Judiciary subcommittee on the Constitution and civil justice.

The late, great middle class

The Obama bonanza is reserved for the very rich and the very poor

By R. Emmett Tyrrell Jr.

Saved by the KGB

U.S. foreign policy requires a

So the government of the United States has put its foreign policy in the steady hands of Russian President Vladimir Putin and the KGB. Americans from coast to coast are breathing a sigh of relief. In Con-