

Purpura v. Sebelius: Appeal Court Case 11-2303

Challenging the “Patient Protection and Affordable Care Act”

What is really in the Law

The legal action Purpura v. Sebelius (District Court Case No. 3:10-cv-04814, Appeals Court 11-2303) is the most comprehensive lawsuit in the country consisting of a 15 Count Constitutional based challenge citing nineteen (19) specific violations of the U.S. Constitution and serious conflicts with four (4) existing laws.

Count 1: Judge Vinson in Florida concluded the “Act” originated in the U.S. Senate and consists of a variety of taxes and revenue raising related provisions. This is clearly a violation of Article 1, Section 7, Paragraph 1, which requires revenue raising bills to originate in the House of Representatives.

Count 2: The “Act” unconstitutionally mandates you to buy a product. That is “participating” in a non-activity complies with and is subject to the “commerce clause”. The law says that since you are alive and breathing, and may need medical care, you are required to purchase insurance. They justify this using Article 1, Section 8, Paragraph 3. If the Federal Government can make you purchase a product what else can they order you to do?

Count 3: In violation of Article 1, Section 8, Paragraphs 12, 14, 15 and 16 of the Constitution, the “Act” creates a Army Medical Corp under the President’s total control with the right to active it under the guise of an medical emergency – real or otherwise. The Constitution requires an invasion or insurrection to act unilaterally. The Federal Government has to ask a State if it wants help before it can help a State for anything else (think natural disasters). It usurps the *Possé Comitatus* Act. And clearly usurps the funding appropriation provision of the U.S. Constitution that only allows funding for 2-years not 4-years as done in the “Act”.

Count 4: The Constitution prohibits putting a tax on you for just for existing in Article 1, Section 9, Paragraph 4. The “Act” violates the Capitation provision. This law levies taxes specifically on the person to provide services and products to others.

Count 5: The “Act” levies taxes on medical devices exported from the States in violation of Article 1, Section 9, Paragraph 5 and has different rules for different States in violation of Article 1, Section 9, Paragraph 6. Clearly none of this is allowed by our Constitution.

Count 6: The law was never properly signed into law since Mr. Obama is not a natural born Citizen. Natural born citizenship can be thought of as a tripod – born in the country, mother is a citizen and father is a citizen. Mr. Obama's father was never a citizen of the US. The DOJ forfeited on this Count thereby acquiesced to that fact that Mr. Obama is not a natural born Citizen.

Count 7: The law takes (phantom) income, based on your actual income, in essence creating double taxation on your real income. Amendment 16 allows for an income tax on actual income but does not allow one to tax income that does not exist.

Count 8: Your privacy rights (HIPPA) as well as Amendment 4 are out the window. The government can seize your records without warrants in order to insure you purchased the government mandated insurance regardless whether you want to purchase health-care insurance or purchased insurance already. And to insure you should or should not receive medical care.

Count 9: Say good bye to your private property and money. The Government can seize your money and property to insure you have the government mandated insurance. Amendment 5, has been rendered meaningless. The “Act” has provisions that prohibit any judicial review under any circumstances. In short, it renders Amendment 13 meaningless, creating involuntary servitude to the Federal Government. You have to have to pay for insurance so that the Government can provide services to everyone else free.

Count 10: Equal protection under Amendment 14 no longer exists. The Individual is not the standard anymore, the group is the standard. Your protection as an individual has now been replaced with social justice. The government decides which groups are to be exempt from provisions and which groups will be given preferential treatment.

Count 11: If you are a MEMBER of a select religious group that disallows insurance, you are exempt from the individual mandate. If you are opposed to it on personal religious grounds but not a member of one of these select groups (an Islamic or Amish sect for example) – sorry – you are still obligated to have the insurance. There goes at least part of Amendment 1. The rest won't be far behind in being tossed on the trash heap.

Count 12: Again, say good bye to due process and judicial protection. The “Act” renders Amendment 5 and the anti-trust protection meaningless, or “null and void”, that is unless you're a government agency, then of course a monopoly is okay. Say hello to the single payer health care system and a centrally planned economy – think of the defunct Soviet Union's economy or Venezuela's current economy.

Count 13: This count shows how the “Act” renders the Anti-Trust Act, Amendment 5, “due process” and Amendment 14 “null and void” unless you're a member of the Federal Government selected group. The Appeal points to actual provisions in the “Act” citing provisions by page number. Of course the DOJ failed to prove a single allegation wrong. Count 13 shows violations of Title VII of the Civil Rights law where the “Act” grants special privileges to select groups – yes minorities and other defined groups. The “Act” Taxes certain individuals as well as exempting others. The Federal Government failed to reply, thereby by law, forfeited. In an honest Court the case would be over.

Count 14: This Count goes to the basis of the suit itself, a total disregard for the United States Constitution, which the Federal Government was unable to dispute – forfeiting yet again. The Representatives and Senators failed to perform their jobs properly or obey their oaths and keep their word to represent us and the States properly.

Count 15: This Count shows how the “Act” renders Amendment 10 meaningless, or “null and void”. So far no less than 3 Circuit Courts agree with us (Petitioners). But the “Act” goes further than that - it makes our State government subservient to the Federal Government. It dictates what and what not the taxpayers of New Jersey, as well as every other State will have to incur in costs. In short, its taxation without representation which renders States Rights meaningless. Didn't the Sovereign States of the Union create a *limited* Federal Government with only designated authority and power?

Most Americans know the status quo cannot continue. This Healthcare legislation has nothing whatsoever to do with healthcare – it's about total control over the medical industry, one-sixth of the U.S. Economy and furthering the total control over the rest. For a more thorough review of the loss of your and our guaranteed Constitutional Rights, protections, and the total shredding of the U.S. Constitution you need to look at this case.

The documents on the legal suit can be found at <http://www.jerseyshoreteaparty.org/healthcare> and the following Third Circuit Appeal documents

**Petitioners Appeal to the Circuit Court
The Petitioners Reply Brief**

**The Government's Opposition
The Appeal Appendix**

are at http://www.jerseyshoreteaparty.org/healthcare/Primary_Appeal for easy access.

Cherish your freedom and liberty. Let people know what this law really does and is about. We are always available to answer any question at the Jersey Shore Tea Party meeting held each month or by email if desired. See <http://www.jerseyshoreteaparty.org/meeting> for current meeting information. Contact us by email at jstp_pro_se@jerseyshoreteaparty.org for more information if needed.

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