

The Fundamental Nature Of ObamaCare —

Introduction

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Meta-Law Framework

I feel that ObamaCare is a meta-law framework and is meant to establish a precedent for future like laws, and of course its own regulatory structure justification. You'll want to study and verify this.

Problematic Nature

I feel that ObamaCare precisely describes what President Obama's view is, and that Verrilli presents this view with clarity in his arguments before the Supreme Court. It is a striking stance, and I'll note both what I see clearly in some of Verrilli's key statements and then how I read a couple of things in the Constitution that deny this as at all appropriate.

I'll just start my exposition.

ObamaCare's Premise And Rationale is National Socialism

On page 30 of the 2012-03-27 argument transcript, Verrilli says in response to a question by Justice Roberts [24], "Is the national government regulating economic activity with a substantial effect on interstate commerce?" This is a key statement of what Verrilli considers to be the essential question. It bears careful study. First, he uses the phrase "national government". He does not use the phrase "federal government" or "United States government", both of which demand federalism. He uses the phrase "national government". Second, it is important to consider several things in parallel. The thought considered is regulation of "economic activity" not interstate commerce. There are a couple of implications of this. The economic activity pool can be considered the entire economy, in which case every individual or corporation touches it, and can be regulated (in the manner of ObamaCare, only more adhoc). Or economic activity can be considered for specific markets (health insurance or books) touching many individuals and a subset of corporations. Note that the individuals can be considered in the aggregate giving them the "substantial effect on interstate commerce"; and corporations can be considered per market, giving each corporation in the market "substantial effect on interstate commerce" (within that market). Given this parallel feature set, it must be noted that what is described is national socialism. Concretely, it is clear that the implementors of this strategy lay down "wires" that they connect individuals and corporations to. Multiple such wires can be established.

The Application Of Wires To Markets

On page 31, Verrelli states [18], "...because it is predicated on the participation of these individuals in the market for health care services." You could substitute "books": "...because it is predicated on the participation of these individuals in the market for books." That is, books is a clearly defined market wherein several corporations have "substantial effect on interstate commerce" (within that market) and the aggregate of small businesses likewise and the aggregate of individuals buying books.

What books are permitted? There is Constitutional protection of speech; but books? [How is it that health care does not fall under Amendment 10 the people but books would? Both have the aspect of commerce.]

ObamaCare establishes a precedent.

Other markets can be imagined and so construed.

In fact, Verrilli makes this quite clear in page 31 [22]: "But it is a regulation of their participation in that market." The way they participate.

"National Government" Specification Of Intra-Company Function

ObamaCare specifies that the insurance companies spend 80% of their revenue on product and sets corporate pay structure. This is to develop specification by the "national government" for the company to operate by.

There may be other regulation.

This also seems to be a key feature of national socialism.

The States And Specification Of Intra-Company Function

Note that the States don't seem to get involved in specifying product or intrusively regulating the market. There are 2 significant examples of this: the auto insurance market and the computer technology market. That is, the States seem to naturally gravitate toward setting forth a structure for routine and vibrant and fun and serious and cutting edge function or activity in the free market that everyone understands and then letting it alone.

The Term Commerce In The Constitution

The text reads, "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." (Article 1, Section 8.)

Note that the word Commerce is capitalized. It means that wherein States are a *body*, Commerce is a *thing*.

You cannot lay each commerce transaction on the floor and regulate it at will. You have to regulate Commerce. A thing.

The States as body is my own interpretation, and yields something that has form, function, integration, system, natural effect.

Commerce as Commerce (a thing) then yields a small set of elegant law. Everyone then understands this law and its *principles*.

You might start with the idea for instance that Commerce is the *transaction*, and the product is determined by "rights and powers to the states and the people". I think there's more to *thing*, but this is one element. That is, you can regulate the commerce aspect of the product but not the content aspect of the product. Commerce may be to establish an interconnect between entities state to state. This is significant.

Another statement on this is that you have the following: product, company, commerce, and individual.

To treat these (product, company, commerce, and individual) with a clear view, distinction, and relationship is to work with insight; and is the way the Framers write, and was their intent.

Note that the interconnect and transaction layers are already pretty much done, in American free markets; the shipping, the transaction, the reliability of the product representation. It is my view that beyond this, the federal government may regulate for basic safety; but that also it should work with the markets on this.

The interconnect is already efficient; and companies can represent their products to a degree or more specificity of style and function, by the Internet, and its tools and features. Likewise for shipping, a competitive market.

Rather than the national socialist premise on which ObamaCare is based, the designers could have looked to simple, straightforward law; and the auto insurance market. This market is again dynamic and competitive, with seeming natural regulation by the States, conforming to States' requirements.

Note that corporation structure is defined by the states but that the federal government may say that corporations may operate across state lines. That's the commerce aspect. The federal government does not have the authority to modify the corporate structures that a state defines. [More research needed.]

This brings to mind that each state may amend its corporate definition law such that it expressly forbids the federal government from specifying intra-corporate function. This should not be necessary in theory perhaps but it could give power to the states by explicit and protective action; and certainly cannot harm; in fact such explicit definition may be part of “State” capital-S as “body”.

Interconnects

In the United States in many ways we already have interconnects — intelligent and mutually aware.

For example, the interconnects of (from/to-from/to) the company, individual, product, website product presentation, marketing, sales, contact with the sales, questions based on website product presentation, price specification, customer feedback, retail store, sales at retail store, website store, retail inventory, manufacturer inventory, shipping, shipping from manufacturer to retail, shipping from manufacturer to individual, taxes, and product guarantees.

Interconnects.

I’m not sure what was missing from health insurance, except maybe for consideration of health care costs. But that’s not the health insurance product itself. Maybe I would have defined the product differently in some instances, or worked with individual ownership of the product (versus employer-plan product). But these could have been worked with through the States, and the insurers, and the people’s representatives (the representatives, agencies, and state).

The most that should have happened is an 85 page bill, ObamaCare, that recommended that HHS come up with a specific type product model that it then could use as a basis to certify this or that voluntarily provided plan, a new item in the product portfolio, in addition to their existing products, of each health insurance company, the new product certified “ObamaCare Certified”. Then to fund the subsidies for lower income folks, the ObamaCare bill could have included a direct tax, an income tax. This may or may not have been politically acceptable, but it’s the only viable option, and I’m not sure why it wasn’t considered, by President Obama. Guarantees of liberty and rights could have been specified in the bill — that is, the bill set in GOPPartchment theory, such that we’re all safe from national government theory (and this national government theory would not have been on the table, as an option, in any case).

I take the word interconnects from digital audio and digital television/video HDMI. It can also be seen that the Ethernet cable is an interconnect, as is the computer mouse cable. Interconnect. You can consider ‘interconnect’ in other ways.

Note that a tree has ‘interface’. Leaf to air and sunshine and rain; root to earth and water and nutrients; and — does bark breathe, or otherwise function in a way that supports the tree, by process (in addition to its protective features).

In object-oriented programming sometimes there’s used the “model-view-controller” paradigm or strategy. The model is where you put your functionality and state, and where you test your application consistency, the functionality; the view is the user interface with the menus and

buttons and graphics panes and so forth; and the controller is the interconnect between the view and the model — the controller also updates the view (user interface) to make it consistent in presentation with the model.

Review Of ‘Interstate Commerce’

“...among the several states...”

The fiction (and some fictions are things of mind, but this one is a fiction having no basis in what the Framers meant) of “interstate commerce”, except that it is a feature of today’s expression, not what the Framers defined:

1. The commerce is _from_ the individual, the company, and the state, or within the states (then being among).
2. If it’s the state-individual-company as among the several states, then the commerce is voluntary. It’s _among_.

Here it’s state-individual-company or state-individual or company-individual or individual-individual. I use state, individual, company to refer to these various expressions.

I should clarify. “Interstate Commerce” is a term with specific meaning. It is a useful term. It needs to be set in context of “commerce...among the several states”, and then it has a sound basis.

Layers Glued Together, By ObamaCare

They (the ObamaCare proponents) glue layers together, as if they were glueing layers of wood together: the employer personal ethics to the employee personal ethics to the employer (company/individual) business economic activity to the employee personal economic activity [to health insurance plans] to federal government policy (on every particular matter). In an intelligent free market economy, these layers arrange themselves differently, allowing freedom and mobility within each layer, then the connections between each being “interconnects”, themselves intelligent and mutually aware.

That is, the national socialist way (of Verilli and Obama) is the “national government” specifying every factor and in-between, within and between layers, whereas the natural form free market finds natural and mutually aware interconnects. This latter is because the individual as aware and independent, interdependent, and autonomous, has the power and strength and ability to define the forms of the free market; and also in these corporate groups/entities.

Hegel in Hegel’s The Philosophy Of Right (I use the version by Alan White) indicates in the section “Ethicality” that the state (and I read a specific meaning that he intends, the state) is a source of mentality, protection, and awareness, or the “to-allow” these, and that they be noticed.

(One can consider how each of the States puts this into effect, and whether the federal government (the United States) has this particular defining role also, or whether it’s slightly different, to support

then the States in their state mindset. It might be that the Framers put “the state” in each of the States, and the United States (federal government) is then an expression of these; a view I’m inclined to agree with. ‘The state’ is a strong and dynamic term; it belongs in each of the States. It also contradicts slavery, the state as a strong and dynamic mentality, protection, and awareness as the natural gravity well of state function.)

The Theoretical Background To ObamaCare

— They [those who hold the theory behind ObamaCare, and its support layer, and their support layer] own the objective views.

— The American people have a right to ObamaCare.

— The objective views are now available to the American people.

— The character, and objective viewpoint, can be discussed at the home and school with direct reference to the objective views.

— The objective views are now enforced in the markets.

I have support documentation and theory for this, but I’ll leave the logical arguments with respect to this to the reader.