



# Unprecedented: The Constitutional Challenge to Obamacare

*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 preemptorily 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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