



JOSH BLACKMAN is an assistant professor of law at the South Texas College of Law, and president of the Harlan Institute, a nonprofit dedicated to raising awareness about the Supreme Court and the Constitution. He has published over a dozen law review articles about constitutional law, written numerous op-eds, and been interviewed about the Supreme Court by the *New York Times*, CNN, ABC News Radio, Reuters, *The National Law Journal*, the *American Bar Association Journal*, and *Yahoo! News*. The *American Bar Association Journal* selected his personal blog as one of its top 100 Legal Blogs. He also runs FantasySCOTUS.net.

LAW / POLITICS

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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 even-handed exposition. I know I have. *Unprecedented* is the definitive account of the historic constitutional challenge to Obamacare.”

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JOSH BLACKMAN

FOREWORD BY **RANDY E. BARNETT**

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**THE CONSTITUTIONAL CHALLENGE
TO OBAMACARE**



**JOSH
BLACKMAN**



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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 to narrowly 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 unrivalled inside access to the key decision makers 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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