

Our Constitutional Points

- * The Constitution creates three branches of government. None of those “branches” is the federal bureaucracy. The Medicare Lawsuit challenges policy changes made by bureaucrats in 1993 that tie Social Security benefits to mandatory enrollment in Medicare, Part A. Those policies are being enforced as though they are law, even though they are contrary to the Social Security and Medicare Acts and, consequently, **Article I., Section 1.**, of the Constitution which reads, “*All legislative Powers ... shall be vested in a Congress.*”
- * Brian Hall and his four co-plaintiffs have paid, over their lifetimes, taxes for their Social Security. When they chose not to enroll in, or disenroll from, Medicare, Part A, they were informed they would be denied all their Social Security benefits and would have to repay all benefits received. **Amendment V.** of the Constitution reads, “*nor shall any person be deprived of life, liberty, or property, without due process of law.*” Yet, the unlawful policies denying the plaintiffs their property interest in their Social Security benefits is being enforced without affording Brian Hall and his co-plaintiffs due process of law.
- * Additional arguments made citing the First, Fourth, Ninth and Fourteenth Amendments to the Constitution of the United States are located within the legal briefs posted on The Fund for Personal Liberty’s website.

ADDITIONAL POINTS

- * Most retirees are satisfied with Medicare, Part A (Part A covers hospital and outpatient services). But some retirees want to make their own health care decisions free from government interference. Even though allowing seniors to opt out of Medicare, Part A, as the statutes allow, would help save taxpayers money as Medicare speeds toward bankruptcy, the government objects.
- * Most Americans cannot afford to forego their Social Security benefits; therefore our lawsuit is challenging a *de facto* individual mandate to participate in Medicare, Part A.
- * The Fund for Personal Liberty is working with top attorneys in the field of constitutional law and the administration of the Medicare and Medicaid programs to restore health freedom.



The Medicare Lawsuit

Hall v. Sebelius, Civil Action No. 08-1715 (RMC)

The Fund for Personal Liberty is helping Brian Hall and his four co-plaintiffs sue the Federal Government to restore their right to not enroll in, or to disenroll from, Medicare, Part A, while retaining their Social Security benefits.

The Social Security and Medicare Acts created a safety net for retirees over the age of 65. Under those enactments enrollment was, and always has been, voluntary. In 1993, unelected bureaucrats created policies that made Social Security benefits contingent upon enrollment in Medicare, Part A — thus making enrollment in Medicare, Part A, mandatory.

Brian Hall, like his fellow plaintiffs, worked and paid his taxes for more than forty years and wishes to collect his Social Security benefits, but desires to make his own health care decisions free from government interference. Thus, he does not want to enroll in Medicare, Part A.

Even though taxpayers would save money with fewer Medicare enrollees, the Federal Government, with its “unlimited” resources, opposes our lawsuit. The Federal Government refuses to allow Brian Hall and his fellow plaintiffs to disenroll from Medicare, Part A, unless they surrender their Social Security benefits and *repay* all the benefits received to date!

Join us in the fight to preserve your health freedom and uphold the fundamental principles of the Constitution.

www.TheFundForPersonalLiberty.org

“Litigating for Your Health Freedom”

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The Plaintiffs

Brian Hall, pictured ABOVE with his hay wagon, is a retired civil servant. Brian says, "Thank you, everyone, for your support of *Hall v. Sebelius*; this lawsuit would not be possible without your help."

Lew Randall, a board member of the CATO Institute, sees this lawsuit as a way to advance his and others' individual freedom. "This lawsuit forces the issue of individual mandates into the courts and calls into question the overreaching hand of government bureaucrats."

Norm Rogers, a retired entrepreneur, ridiculed the government's Motion to Dismiss and subsequent Motion to Reconsider the Motion to Dismiss. "It does seem that they failed to respond to our motion; instead raising a bunch of issues that seem to me to be designed to delay and obfuscate as well as to exhaust us financially—obviously they will stoop very low to continue their illegal course."

John Kraus, a retired civil servant, attempted to opt out of Medicare using the administrative process of appeals. His documentation of a four-year ordeal clearly shows that the government has no desire to allow retirees to take responsibility for their health care.

Richard Armey, a retired Congressman, when asked what a win will mean answered, "My right to be my own man on my own terms will be protected against the illegitimate effort to blackmail me into becoming a ward of the state." He added, "Thanks for your support and remember as we defend our liberty we also defend that of all others."

The Staff

Martha de Forest, came on board as Executive Director June, 2009, to help with fundraising and administration.



Your Health Freedom

Contract ~ you should have final say over who is (or isn't) your insurance provider. You and your health care team should have final say over your relationship and care.

Consent ~ you have a right to make your personal health care decisions. For many, using statistics to guide life and death decisions is unacceptable.

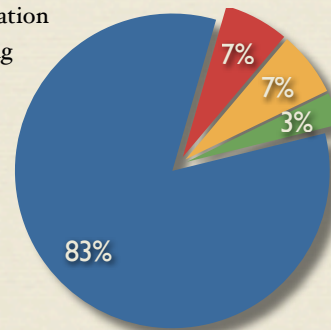
Confidentiality ~ you have a right to manage your health information as you see fit. For some, having insurance claims processed by strangers creates an unacceptable confidentiality risk.

"The Medicare Lawsuit is, above all, about freedom."

—Martha de Forest

The Fund For Personal Liberty
2010 Budget Year:

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Your contributions are tax deductible. The Fund for Personal Liberty is a nonprofit, non-partisan 501(c)(3). Your donation will be used, "To take all legitimate action to further the defense of the rights of individuals who are suffering from legal injustice as a result of denials and restrictions of their fundamental rights to obtain health care of their choice and to assist such individuals in protecting rights guaranteed to them under the Constitution and laws of the United States."

We're Litigating For Your Health Freedom!

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