

US healthcare battle edges nearer Supreme Court (Update)

8 September 2011

A second US appeals court upheld President Barack Obama's health care overhaul Thursday, but an earlier ruling against the plan means his signature reform is destined for the Supreme Court.

The three-judge panel of the 4th US Circuit Court in Virginia ruled that suits filed by Virginia Attorney General Kenneth Cuccinelli and Liberty University did not have sufficient merit and were dismissed.

"A state possesses no legitimate interest in protecting its citizens from the government of the United States," Judge Diana Gribbon Motz wrote for the court, regarding a first ruling in the Virginia case, which was unanimous.

A second 2-1 ruling dismissed the Liberty University suit, arguing that penalties for Americans who do not buy health insurance constitute a tax that can only be challenged after the money has been collected.

The decisions marked a second judicial success for the Obama administration, but a ruling by the Atlanta-based 11th Circuit Court on August 12 went the other way, setting up the prospect of a definitive election year decision by the Supreme Court.

Senior White House advisor Stephanie Cutter praised Thursday's ruling as "another victory for the Affordable Care Act and the tens of millions of Americans already benefiting from this landmark law."

Obama's landmark domestic policy achievement, which extends coverage to an extra 32 million people and will require all Americans to buy health insurance by 2014, reflects a long-held dream of Democrats.

But Republicans strongly oppose the law, which they have dubbed "Obamacare," as an

infringement on individual liberty, and have sworn to repeal it.

Commenting on the decision, Mathew Staver, the president of Liberty University, which bills itself as the largest Christian evangelical school in the world, vowed to take the fight all the way.

"Our next step is to ask the Supreme Court to review this case. We are going to challenge the court ruling in the Supreme Court," Staver said, adding that the case could be filed as early as October.

Legal experts say the reform's fate will ultimately be decided by the US Supreme Court, likely around June 2012, but the complaints against the law's constitutionality have yet to reach the highest court in the land.

Last month the Eleventh Circuit appeals court, based in Atlanta, Georgia, ruled that the law's individual mandate exceeded Congress's powers.

The Sixth Circuit in Cincinnati, Ohio, however, upheld the law on June 29, the first ruling at the appeals court level in the hotly contested legal battle.

The White House argues that those who choose not to buy insurance in the US private medical system hurt everyone else, because taxpayers end up subsidizing their care when they are taken to emergency rooms.

It also justifies the individual mandate by saying that without it, people would wait until they get sick to apply for coverage, which would cause insurance premiums for everyone to rise.

But Republicans see the health care law as an unacceptable intrusion by government into individual freedoms.

Rick Perry, the conservative Texas governor who is the current frontrunner in the Republican race for the 2012 presidential nomination, has described the law as an "egregious violation of our constitutional rights."

Though the health care law is one of Obama's most significant achievements, its controversial nature means he has reaped little gain from a victory that required a huge investment of political capital.

A CBS News poll taken in June found that 37 percent of those asked approved of the health care law, while 48 percent opposed it.

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