

Obama asks Supreme Court to rule on health care

28 September 2011, by Stephen Collinson

President Barack Obama's administration Wednesday asked the US Supreme Court to uphold his historic health care law, likely sparking an explosive legal showdown in the heat of the 2012 election.

The legislation, passed in 2010, fulfilled decades of Democratic dreams of social reform, but was fiercely contested by Republicans, and the law is likely to emerge as a key issue as Obama seeks reelection next year.

"We know the Affordable Care Act is constitutional. We are confident the Supreme Court will agree. We hope the Supreme Court takes up the case and we are confident we will win," said Stephanie Cutter, a top Obama advisor.

The Justice Department asked the Court to declare the key provision of the new law, requiring everyone to buy health insurance by 2014 if they can afford it, constitutional.

Republican opponents of the law say the government has no power to compel people to buy health insurance and have vowed to repeal the law in the courts and eventually replace it through new legislation.

But Cutter argued that such a view was "simply wrong" because people who do not buy insurance do not "opt out" -- but hurt everyone else because taxpayers end up subsidizing their care when they are taken to emergency rooms.

"Those costs -- \$43 billion in 2008 alone -- are borne by doctors, hospitals, insured individuals, taxpayers and small businesses throughout the nation," she said in a White House blog post.

The White House 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.

"We don't let people wait until after they've been in a car accident to apply for auto insurance and get reimbursed, and we don't want to do that with health care," Cutter said.

The White House move came after 26 states and small businesses called on the Supreme Court to strike down the totality of Obama's reform.

The petitioners also asked for a swift Supreme Court judgement, saying the "grave constitutional questions surrounding the ACA and its novel exercises of federal power will not subside until this court resolves them."

The move followed an August ruling by the Eleventh Circuit appeals court, based in Atlanta, that the individual mandate exceeded Congress's powers.

But the court ruled that the remainder of the health care law, which extended coverage to an extra 32 million people and was a long-held dream of Democrats, was within the bounds of the Constitution.

A number of other courts have struck down challenges to the law, making it inevitable that the Supreme Court would eventually be called upon to judge the law, possibly in 2012 amid the political heat of Obama's reelection campaign.

The Supreme Court must first decide whether to hear the case. Many legal experts believe it will since lower courts are in conflict on the constitutionality of the law.

The central role of health care in the US economy and the life of the country would also likely weigh in favor of the court's nine justices taking on the case.

If the court does decide to weigh the case,

arguments would follow and the justices would be expected to rule by the end of their term in June 2012, in a judgement likely to reverberate before the November general election.

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