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US conservatives fume over 'Obamacare' ruling

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Furious US conservatives have slammed the Supreme Court ruling to uphold President Barack Obama's health reform law as an "illegitimate" last-minute turnabout driven by political pressure.

Chief Justice John Roberts -- who until last Thursday was seen as a reliable conservative -- is now branded a traitor over his decisive vote to uphold the health insurance mandate at the heart of what critics deride as "Obamacare."

Adding to the furor are widespread reports that Roberts initially sided with conservatives to strike down the individual mandate -- which requires Americans to purchase health insurance or pay a fee -- before changing his mind.

Supreme Court expert Paul Campos cited court sources as saying that Roberts changed his opinion on the individual mandate "late in the process," during the three months of deliberation after oral arguments.

The way the decision was written seems to bear this out -- after rejecting the Obama administration's argument that the mandate falls under Congress's power to regulate interstate commerce, Roberts then validates it by arguing that it is a tax on those who do not hold insurance.

That has led many critics to argue that Roberts's decision was motivated by politics -- the desire not to be seen as throwing out Obama's signature domestic achievement, the product of months of bitter legislative wrangling.

Campos, a law professor at the University of Colorado, said he doubted the White House had exerted any kind of direct pressure, which could have easily backfired in the form of a major political scandal.

"It's more plausible that maybe he was affected by some of the general media discourse. All that we can do is speculate about it," Campos told AFP.

Campos said it's not unusual for Supreme Court justices to change their minds over the course of deliberations.

But he believes, based on his sources, that in addition to writing the majority opinion Roberts also wrote much of the dissent, which Campos says would be unprecedented.

That has led some conservative opponents of the law to accuse the White House of intervening in the process, which would be a grave violation of the separation of powers at the heart of the US Constitution.

"The vote was changed after political pressure was brought to bear," said Georgetown University law professor Randy Barnett, who represented businesses opposed to the health care law and called the court's ruling "illegitimate."

Critics point to a combative speech by Obama in April, in which the president said that the court would be taking an "unprecedented, extraordinary step" if it overturned the law, because it had been passed by Congress.

Obama "began to inject politics into the deliberative process of the Supreme Court because the case had already been submitted," Barnett said.

"Now we find out that we had won this case in conference and that we lost it later after, this pressure was brought to bear."

Ilya Shapiro, a legal analyst at the conservative **Cato Institute**, agreed, saying Roberts -- who was appointed by Republican president George W. Bush -- had "acted as a politician rather than as a judge."

"I don't think it's a legal decision. It's a political one, a judge deciding a case not on the law but on politics, which is many people's definition of illegitimate... There was pressure," he said.

David Rivkin, who represented the 26 states that brought the lawsuit against the Affordable Care Act, said he's "very sure" there was political pressure on the court and on Roberts in particular.

"Whether or not that's why he decided, I don't know. I don't want to impugn his integrity."

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