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As Supreme Court weighs 'Obamacare,' a host of concerns

Justices' ruling could affect more than the new law

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People without health insurance eat up billions of dollars of the American public's money every year, and the rest of us will continue to pay -- unless the U.S. Supreme Court upholds the Obama health care law.

That's what one side says.

The other side says that, at least in theory, the government will be able to force you to eat broccoli -- unless the high court overturns the health care law.

Those two divergent opinions only hint at what's at stake this week as the nation's top court considers a landmark set of cases that will not only reshape health care in America, but also the very size and scope of the U.S. government.

In six hours of arguments from today through Wednesday, the justices will consider the constitutionality of the Affordable Care Act, the controversial 2-year-old law that requires every American to have health insurance starting Jan. 1, 2014.

When the justices decide -- probably by July -- whether that mandate will stand, they could also rule on much more.

Federal regulations on everything from economics to the environment could be affected.

So could highway and education funding and practically every other program where Uncle Sam shifts money to the states.

Add it all up, and many legal and health care experts say this could be the most important set of cases the Supreme Court has faced in decades.

"It's historic," said Joe McDonald, president and CEO of Catholic Health System of Buffalo.

The people at the center of these cases arrive in emergency rooms every day. Sick or injured and unable to pay for care, many end up wards of the health care system, which pays for their treatment with higher costs for the rest of us.

Some 48.2 million people in America don't have health insurance, the latest census figures show.

The Obama administration says health care for the uninsured cost $116 billion in 2008. Of that, about $73 billion took the form of unpaid bills that health care institutions, public and private, had to swallow.

That's a burden to society that averaged out to about $242 per person that year.

Policy experts have worried about that burden for years, and for good reason. Because the uninsured often use emergency rooms in lieu of primary care physicians, they often get treatment later than they should at a place that's far more costly than a doctor's office.

To fix that problem, the conservative Heritage Foundation in 1989 suggested forcing everybody to buy health insurance.

Many Democrats, favoring a more government-centric health system, resisted that idea for years. But by President Obama's election in 2008, Democrats had begun to argue that health care reform built around an individual mandate made a lot of sense.

"The fact of the matter is the people who don't get health insurance today get health care. And guess what? We're all paying for it," said Rep. Brian Higgins, D-Buffalo. "So why not get them into the risk pool and create a system that's more rational than the one we have?"

But when Obama proposed an individual mandate, Republicans rebelled -- and so have the American people.

The Kaiser Family Foundation found this month that 51 percent of those surveyed want the high court to overturn the individual mandate. Only 28 percent support it.

Critics of the individual mandate say it's un-American, because it forces many Americans to do something they would rather not do.

What's more, conservatives say, it could be just the beginning.

"Let's say that the government can mandate that you buy health insurance," said Lawrence Southwick, a retired economics professor at the University at Buffalo who has joined other conservative economists in filing briefs urging the bill be overturned. "When, then, can't you mandate that everybody buy a Chevy Volt?"