



Ruling plays into campaign narrative for both sides

By Halimah Abdullah, CNN

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Washington (CNN) -- The U.S. Supreme Court's narrow upholding of the health care reform law's constitutionality will launch a complex political ballet, with President Barack Obama and Democrats claiming victory and Republicans vowing to "repeal it lock, stock and barrel."

In a complicated 5-4 decision, the court upheld the law and found that the so-called individual mandate can be constitutional under Congress's taxing power -- but not under the Commerce Clause of the Constitution, as the government originally had argued. Republicans immediately seized on the ruling being upheld under federal taxing power, arguing it may mean a tax increase -- a notion that Obama had previously rejected.

"While the court has deemed the law constitutional as a tax on the American people, it is still flawed policy that is unaffordable for our families, our small businesses and our government," Sen. Rob Portman, R-Ohio, said in a statement.

Republicans frustrated, Democrats elated

Republicans will use the tax argument as a battle cry on the campaign trail.

"The president of the United States himself, promised up and down that this bill was not a tax," Senate Minority Leader Mitch McConnell said from the Senate floor Thursday. "This is one of the Democrats' top selling points because they knew it would not pass if it was a tax. Well, the Supreme Court has spoken -- this law is a tax. The bill was sold to the American people on a deception."

Chief Justice John Roberts clarified that point in the opinion: "The Federal Government does not have the power to order people to buy health insurance. ... The Federal Government does have the power to impose a tax on those without health insurance."

Meanwhile, Democrats in Congress were elated.

A visibly relieved Senate Majority Leader Harry Reid, R-Nevada, applauded the decision from the Senate floor. Like Obama, the veteran lawmaker spent enormous political capital marshaling his caucus and pushing the law's passage.

"Passing the Affordable Care Act was the greatest single step in generations toward ensuring access to affordable, quality health care for every person in America regardless of where they live, how much they make," Reid said Thursday.

The key House leader who pushed through the bill in 2010 indicated the court's ruling was a vindication of months of work.

"In passing health reform, we made history for our nation and progress for the American people. We completed the unfinished business of our society and strengthened the character of our country," said House Minority Leader Nancy Pelosi, D-California, who was House speaker until her party lost the majority in the 2010 midterm elections.

"We ensured health care would be a right for all, not a privilege for the few. Today, the Supreme Court affirmed our progress and protected that right, securing a future of health and economic security for the middle class and for every American."

Republicans, clearly frustrated, attacked the ruling and the president. "The proposed cure was made to be worse than the disease," McConnell said.

House Majority Leader Eric Cantor, R-Virginia said he was "disappointed" in the decision and on his way into a closed door House GOP meeting on the ruling. He said the House will vote after it returns from July Fourth recess to repeal the health care law. Still, the ruling was a much-needed win for a president locked in a tough re-election campaign.

"It is a major part of the president's potential legacy," said Andrew Rudalevige, an associate political science professor at Dickinson College and author of "The New Imperial Presidency: Renewing Presidential Power After Watergate." "And the individual mandate does hold the substance of the package together, cost-wise and substantively."

A major initiative for a new president

When Obama signed the Patient Protection and Affordable Care Act into law in 2010, the move heralded major -- albeit hard-won -- political success for the president. The controversial legislation, which critics dubbed "Obamacare," extended coverage to 30 million Americans and was the culmination of a drawn-out and deeply partisan fight about the role of government.

For Obama, the law's passage proved his administration's ability to push through its policy agenda despite strong oppositional headwinds.

As Vice President Joe Biden told Obama after the law passed: "This is a big f---ing deal."

But netting that deal also cost the president tremendous political capital.

During the August recess of 2009, angry conservatives stormed congressional town halls to protest the legislation.

Repeal "Obamacare" became the rallying cry for a new wave of tea party-backed Republican House freshmen. Their massive sweep during the 2010 elections sent moderate Democrats packing and flipped control of the House of Representatives to the GOP.

Within months of the law's passage, a federal judge in Florida called the individual mandate unconstitutional. Then eight months later, the 11th U.S. Circuit Court of Appeals issued a ruling coming to a similar conclusion, sending the case to the U.S. Supreme Court. Twenty-six states pressed the Supreme Court to examine the law.

Energizing the tea party

Since the law was modeled after a similar Massachusetts measure, as the state's former governor, Republican presidential candidate Mitt Romney, will also face heightened scrutiny from conservatives determined to hold him to his campaign promises to repeal.

"I don't think there's an upside for the president here," said Ilya Shapiro, a senior fellow at the Libertarian-leaning Cato Institute and an expert on the Supreme Court. The ruling "energizes Republicans and the Tea Party."

"Romney will of course try to tie Obama back to the issue," Rudalevige said.

It might be easier for a President Romney to punt on this issue, said Michael Tanner, a senior fellow at the Cato Institute and author of "Healthy Competition: What's Holding Back Health Care and How to Free It."

Romney might not "want to put capital on herding Republicans on this issue."