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Both Dems, GOP pleased: Supreme Court taking up Obama health-care law; The announcement from the US Supreme Court about considering the health-care law was greeted across the ideological spectrum as a positive development - but for different reasons.

**BYLINE:** Warren Richey Staff writer

There isn't much these days that can spread unanimity across party lines in Washington. But that's what happened following the US Supreme Court's announcement on Monday that it will examine the constitutionality of President Obama's health-care reform law.

The news was greeted across the ideological spectrum as a positive development - but for different reasons.

"We are pleased the court has agreed to hear this case," Dan Pfeiffer, White House communications director, said in a statement. "We know the Affordable Care Act [ACA] is constitutional and are confident the Supreme Court will agree."

House Democratic leader Nancy Pelosi echoed the sentiments. "Today's announcement places the Affordable Care Act before the highest court in our country," she said. "We are confident that the Supreme Court will find the law constitutional."

Others are equally confident that the law is unconstitutional, and they're looking forward to the Supreme Court saying so.

"Throughout the debate, Senate Republicans have argued that this misguided law represents an unprecedented and unconstitutional expansion of the federal government into the daily lives of every American. Most Americans agree," said Senate Republican leader Mitch McConnell.

"In both public surveys and at the ballot box, Americans have rejected the law's mandate that they must buy government-approved health insurance, and I hope the Supreme Court will do the same," he said.

"The American people did not support this law when it was rushed through Congress and they do not support it now that they've seen what's in it," House Speaker John Boehner said in a statement. "This government takeover of health care is threatening jobs, increasing costs, and jeopardizing coverage for millions of Americans, and I hope the Supreme Court overturns it."

Rep. Pete Stark (D) of California had a different take. "I'm looking forward to a Supreme Court ruling that will force Republicans to join Democrats in governing instead of continuing their political grandstanding," he said.

In announcing that they will take up the issue, the justices set aside an extraordinary 5-1/2 hours for oral argument. They have agreed to examine the ACA's controversial independent mandate, the requirement that all Americans must purchase a government-approved level of health insurance or pay a penalty.

The court has also agreed to hear an appeal by Florida and 24 other states that the ACA's expansion of Medicaid is overly coercive of state government, forcing the states to either adopt the federal reforms or lose federal health-care funding.

Beyond the fate of the ACA, the high court's decision could establish new boundaries for federal power under the Constitution's commerce clause.

"The Supreme Court has set the stage for the most significant case since *Roe v. Wade*," said Ilya Shapiro of the Cato Institute, a libertarian think tank in Washington. "Indeed, this litigation implicates the future of the Republic as *Roe* never did."

Randy Barnett, a professor at the Georgetown University Law Center in Washington, was among the first legal scholars to raise serious questions about the constitutionality of the health-care reform law. When most other legal analysts scoffed, Professor Barnett argued that the ACA's individual mandate represented a sizable expansion of federal power.

"Upholding the individual mandate would end the notion that Congress is one of limited and enumerated powers, and fundamentally transform the relationship of Americans to their doctors and their government," he said in a statement Monday. "It is high time for the high court to strike down this unconstitutional, unworkable, and unpopular law."

Elizabeth Wydra, general counsel of the liberal Constitutional Accountability Center in Washington, noted that two highly regarded conservative jurists have voted in lower court cases to uphold the ACA. Conservative members of the high court may follow the same path, she said.

"Observers should note the very real possibility that the tea party's basic constitutional vision could be rejected by the Supreme Court - particularly its most conservative members," she said. A high court endorsement of the ACA, Ms. Wydra added, "could deal a devastating blow to tea partiers' ability to have their constitutional theories taken seriously by the American public in the future."

Timothy Sandefur, a lawyer at the conservative Pacific Legal Foundation in Sacramento, Calif., says he's hopeful the Supreme Court case sparks even more discussion, not less.

"The Supreme Court's announcement marks an historic opportunity for a nationwide debate over the Constitution and its continued significance in our lives - the kind of debate this nation has not had since the 1930s," Mr. Sandefur said. "The founding fathers made it clear that they were designing a federal government of limited powers. But since the 1930s, Congress has pushed its authority further and further, and courts have refused to enforce the constitutional limits."

Sandefur added: "Today's announcement means the justices will be faced with the question of whether the federal government is still bound by constitutional limits, or whether we will persist in our decades-long habit of ignoring the letter and spirit of our nation's supreme law."

Neera Tanden, president of the liberal Center for American Progress in Washington, offered a different perspective. "I am confident the law will be upheld in its entirety," she said.

Ms. Tanden called the lawsuits challenging the ACA "nothing more than an attempt to rewrite the Constitution to thwart national solutions to national problems."

Virginia Gov. Bob McDonnell (R) said he is confident the high court will invalidate the ACA. "Each day that these cases remain unresolved means that states must spend more time and money to prepare for the expensive and burdensome requirements of the health care law, while uncertainty looms over its constitutionality," he said.

"Today's news that the Supreme Court will hear arguments," the governor said, "is reassuring news that we will soon reach finality on this critically important issue."

The National Federation of Independent Business is a party to one of the appeals challenging the ACA's constitutionality. The high court's decision to hear its case is welcome news, said NFIB president Dan Danner.

"Only 18 months after its passage, the new health care law has been brought to the steps of the Supreme Court," Mr. Danner said. "The health care law has not lived up to its promise of reducing costs, allowing citizens to keep their coverage or improving a cumbersome system that has long been a burden to small-business owners and employees."

He added, "The small-business community can now have hope; their voices are going to be heard in the nation's highest court."