

Up for Debate: The Affordable Care Act

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SOURCE: istockphoto

Experts spar over the merits and constitutionality of the Affordable Care Act.

It was a contest of numbers, values, and interpretations of the Constitution for experts from the Cato Institute, the National Senior Citizens Law Center, and Princeton University, who all went head-to-head in a debate on the Affordable Care Act at the National Press Club recently.

“The first thing you have to ask yourself is, what theory of justice should we use to judge this policy?” said Uwe Reinhardt, a leading authority on health care economics at Princeton University.

The second thing Americans should question when judging the policy's effectiveness is, according to Reinhardt, its relativity to tangible legislation. When there is no viable alternative, the ACA is far preferable.

Reinhardt pitted his own mostly Rawlsian view of health care—that if justice means allowing maximum “human flourishing,” then society has a duty to keep its citizens healthy—against the libertarian viewpoint meted out by Cato Institute health policy studies director Michael Cannon.

The libertarian definition of justice, Reinhardt said, is the sanctity of justly begotten private property.

“Once you accept that, then taxing A to help B get health care is unjust, ipso facto,” he said.

Cannon argued that supporting Obamacare does not make you more just to your fellow man because, he claimed, it'll make health care more expensive and merely expand the poor quality associated with the current status quo of care.

He claimed that premiums are already increasing under the Affordable Care Act (but failed to mention, or take into account the [greater efficiency](#) the bill can bring in the long-term), and speculated that special interests will make it nearly impossible for the government to improve the quality of care.

“We've given it 50 years,” Reinhardt said. “And we've tried and tried, and I don't know that the great private insurance system has done well on [health care quality experiments].”

Cannon made several somewhat misleading assertions in his arguments, like claiming that the ACA would not reduce the deficit although the [Congressional Budget Office](#) says otherwise. He also called the ACA a job killer, but the evidence for this is [sketchy at best](#). Cannon may have gotten a veracity point for referencing an Oregon study on the life-saving effects of broad-based insurance coverage and concluding that there is no evidence thus far that shows expanding coverage saves lives. But seeing that the Oregon study is the only of its kind, there's little to fall back on there.

And if [this](#) is the study he was referring to, which is the *only* comprehensive study of its kind to date, it did improve lives. Research demonstrated that after a year, people with more coverage were happier, healthier, and under less financial strain. Surely these are outcomes worth fighting for.

Cannon (and, to be fair, all of the panelists) also completely ignored the issue of young Americans, who stand to benefit tremendously from Obamacare.

[\(READ MORE: Five Ways The Affordable Care Act Helps Young Americans\)](#)

Experts then debated the constitutionality of the bill, which was timely given the Supreme Court's recent hearings on the subject.

Bob Levy of the Cato Institute and Simon Lazarus of the National Senior Citizens Law Center tangled over the issue of "economic activity," and whether the ACA's individual mandate can stand under the Commerce Clause of the U.S. Constitution.

"The Constitutional case is a very close call," Levy admitted. But he argued strongly against the legislation, saying that it represented an unprecedented expansion of federal power.

"Thought processes are not subject to regulation," he said, arguing that choosing not to buy insurance is just as constitutionally protected as choosing not to go to work.

Not so, said Lazarus. Whether you choose to purchase insurance or forego it and pay when you get sick, both are choices, and both constitute economic activity that have a profound impact on interstate commerce.

Furthermore, Lazarus said, "Attacking the individual mandate really is an attack on the whole idea of ensuring that people with pre-existing conditions will be covered."

Lazarus also took issue with Levy's assertion that the ACA represents a slippery slope of expanding federal power.

"I have no trouble saying there is no mandate to eat broccoli," Lazarus said, referring to a favorite conservative chestnut on health care. Plus, he said, many such extreme scenarios are not an issue because they simply won't arise.

"Congressional powers can always be used for silly purposes in principle," said Lazarus.

"They could raise the minimum wage to \$75,000 a year if they wanted. But nobody is going to argue for that."

Meanwhile, health care remains a fundamentally unique market in America, and trying to ensure that everyone has coverage is anything but silly.

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