

The Christian Science Monitor - CSMonitor.com



Health care ruling: Are Obama's reforms in trouble?

A federal judge rules that the central element of Obama's health care law violates the Constitution. Republicans are touting the ruling as a victory, but it might not be long-term.



Virginia Attorney General Kenneth Cuccinelli speaks at a news conference in Richmond, Va., about the ruling Monday from US District Judge Henry Hudson that declared the foundation of President Obama's health-care law unconstitutional.

(Alexa Welch Edlund/Richmond Times-Dispatch/AP)

By Peter Grier, Staff writer

posted December 13, 2010 at 6:15 pm EST

A federal judge on Monday ruled that the US government cannot require people to buy health insurance. The decision may well be a problem for the Obama administration – at least for now.

The ruling likely will energize Republicans working to repeal or significantly amend the legislation, for one thing. Many in the GOP were almost gleeful after US District Judge Henry Hudson issued his finding that the so-called “individual mandate,” which requires Americans to buy health insurance by 2014 or face a fee, violates the Constitution.

The Republican National Committee quickly forwarded wire stories about the decision to everyone on its press list. GOP leaders followed up with their own releases, tweets, and postings. For his part, expected incoming House Speaker John Boehner on his Facebook page noted the decision and vowed to fight the bill when the new Congress convenes. “Republicans will make good on our pledge to America [and] fight to repeal ObamaCare,” he wrote.

Health care reform bill 101: What the bill means to you?

Plus, the ruling could further confuse the public about the state of play surrounding the sweeping health care bill. Polls show that even now, months after passage, many voters do not really know what the bill contained. Now they may think the whole thing has been struck

down.

It hasn't. Judge Hudson's ruling stemmed from a lawsuit by Virginia Attorney General Ken Cuccinelli challenging the constitutionality of the individual mandate – which is just one of a number of such suits proceeding through the US courts. Federal judges in Virginia and Michigan have already ruled the individual mandate to be constitutional.

What Hudson's ruling has done is help set up an expected Supreme Court showdown that may decide the fate of the individual mandate and perhaps the fate of the entire health bill itself.

That's because the individual mandate is crucial to the bill's design. It is supposed to bring millions of new customers into the health insurance market. In return for this projected surge in business, insurance firms will have to accept applicants with preexisting conditions, among other things.

"This ruling threatens not just the individual mandate, but the entire edifice of ObamaCare," writes Michael Cannon, director of health policy studies at the Cato Institute, in an online analysis of the decision.

But some other analysts are not so sure that Judge Hudson's ruling in this case will undermine the entire bill in the long term.

Hudson specifically declined to block implementation of the bill, for instance, on the grounds that the individual mandate is not supposed to take effect until 2014. That means that the federal rule-making bureaucracy would still be able to grind out new work for years to come, setting in place things that might be very hard to undo, such as a massive expansion of Medicaid.

In addition, Virginia Attorney General Cuccinelli had asked that the entire bill be found unconstitutional, not just the individual mandate. But Hudson's ruling did not go that far. It ruled against only the mandate portion.

"While this ruling will widely be viewed as a victory for opponents of ObamaCare, there are some potential problems ... that may result in this opinion being a net loss down the road (where it will inevitably be decided by the Supreme Court in any case)," concludes a legal analysis of the opinion on the conservative Red State blog.

Health care reform bill 101: What the bill means to you?



© The Christian Science Monitor. All Rights Reserved. **Terms** under which this service is provided to you. **Privacy Policy**.