

McClatchy Washington Bureau

Supreme Court health care arguments begin today

Michael Doyle and David Lightman
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WASHINGTON — The circus surrounding the Supreme Court health care arguments this week will begin before dawn Monday.

Demonstrators will be gathering around the Supreme Court steps. Nearby, assembled radio talk show hosts will be broadcasting live starting at 6 a.m. Civilians will be lined up, hoping for precious spots inside. Later, politicians will stroll in to claim reserved seats.

The center ring, of course, should remain dignified, even as justices shortly after 10 a.m. commence the most anticipated oral arguments in years. And by the time arguments end Wednesday, spectators should know more about whether the court believes the Obama administration's signature health care law exceeds Congress's constitutional authority to regulate commerce.

"The Supreme Court and the nation have been wrestling with what the Commerce Clause means for more than 200 years," Senate Minority Leader Mitch McConnell, R-Ky., said Friday.

The six hours' worth of arguments will be a high-wire act neither seen nor, frankly, fully understood by most voters. Although Chief Justice John Roberts Jr. agreed to release transcripts and audio recordings early, he rejected pleas for television cameras.

Monday, moreover, starts with a technical argument about whether the lawsuits can even proceed because the 1867 Anti-Tax Injunction Act prohibits lawsuits against taxes until they have been imposed.

The Monday argument may do little to clarify public understanding of the 2,700-page health care law and its current status. More than four in 10 U.S. residents surveyed this month mistakenly think the Supreme Court has already struck down the law or are unsure whether the court has acted, a Kaiser Family Foundation poll found.

Among motivated advocates and political professionals, though, the oral arguments are a prime opportunity for spectacle.

Starting early Monday, more than two dozen talk show hosts supporting the law will form a "Radio Row," conducting programs at the United Methodist Center a block from the court. Interest groups backing the law will hold daily morning news conferences, featuring doctors, nurses, patients and others.

Groups opposing the law also plan action. Americans for Prosperity, a conservative group, is organizing a "Hands Off My Health Care" rally at a park near the court Tuesday. They will bus in backers from all over, and speakers will include former Republican presidential candidate Michele Bachmann as well as Republican Sens. Jim DeMint of South Carolina, Pat Toomey of Pennsylvania and Rand Paul of Kentucky.

Demonstrators pro and con are expected at a grassy park across the street from the court,

while politicians of all stripes have sought to prepare the ground in recent days.

Agriculture Secretary Tom Vilsack, for instance, touted health care reform for rural residents.

Democratic lawmakers like Rep. Lois Capps of California praised, as Capps put it, "health reform benefits for young people on the Central Coast," while House Democratic leaders on Thursday paraded citizens before a press conference to tell stories how the law has helped them.

House Speaker John Boehner of Ohio, on the flip side, put out a YouTube video promoting the number of times the Republican-controlled House has voted to repeal some or all of the health care bill. Conservative Republicans assailed the law at a news conference.

"Keep your hands off our health care and our Constitution," said Rep. Steve King of Iowa.

House GOP leaders also carefully timed a Thursday health care-related vote for maximum possible attention. The House voted 223-181 to repeal a major part of the law, the creation of a special panel to help control Medicare costs. The bill is expected to go nowhere in the Senate, but that's politically irrelevant. The Republicans' main point was to underscore their opposition.

"The bottom line is this: This health care law is a mess," McConnell said. "And the American people don't want it. ... When it comes to the cost of health care, this law makes matters worse."

Democrats, in turn, are happy to join the debate.

"In two short years, virtually every man, woman and child in America will have access to health insurance they can afford and the vital care they need," said Senate Majority Leader Harry Reid of Nevada.

The lead-up has given legal advocates, too, a chance to spin reporters and promote their own causes.

On Wednesday, for instance, the Sacramento, Calif.-based Pacific Legal Foundation held a telephone briefing with reporters to elaborate on the multiple briefs the conservative group has filed. That same day, the Republican Governors Association sponsored its own preview. At week's end, the libertarian-leaning **Cato Institute** followed suit.

The most closely watched argument, which takes place Tuesday afternoon, is whether Congress exceeded its constitutional authority with the health care law's requirement that most individuals either buy insurance or pay a fee.

The court's nine justices will separately be deciding whether Congress can use the threat of withholding money to coerce states into expanding Medicaid coverage.