

# Understanding What the New Health Care Decision Means in the Long Run

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By Elspeth Reeve | February 01, 2011 10:46am

A second federal district judge [struck down](#) President Obama's health care overhaul Monday, and though the White House is dismissing the opinion as an "[outlier](#)," some liberals are still nervous--and many conservatives are overjoyed. The Justice Department is appealing the decision, and the case will probably take about two years to wind its way to the Supreme Court. And then what happens? Predictions are mixed, with some even arguing that maybe the decision is a *good thing* for fans of health care reform.

## *Obamacare Is Dead Now:*

- **Implementation Must Stop**, [Robert Alt](#) writes at The Heritage Foundation. Judge Vinson "granted declaratory relief to the parties, which includes 26 states. Because the entire act was struck down, the future requirements to expand Medicaid programs will be suspended, at least as to these 26 states, and these states will be relieved of their obligation to make plans for such expansion in the immediate future. At a time when many states face insolvency, the removal of this burden is welcome news. The Obama administration, rather than fight the relief for these 26 states, should extend it to all 50 until the case is finally resolved."
- **Essentially an Injunction**, [Ilya Shapiro](#) at the Cato Institute. "In discussing whether to issue an injunction--a judicial command to do or refrain from doing something--the judge determined that his declaratory judgment in this context was the same as an injunction. ... In short... Obamacare is dead in its tracks. Now, Judge Vinson himself or the Eleventh Circuit (or even the Supreme Court) may issue an emergency stay of this or any other part of the ruling, but as of right now, the federal government must stop implementing Obamacare."

## *Obamacare Is Dead Later:*

- **Landmark for Liberty**, The National Review's [Avik Roy](#) writes. "Florida v. Health and Human Services, if upheld by the Supreme Court, could go down as an important landmark in the history of American liberty. But that's a big 'if.' ... [Vinson's opinion] will surely have some impact on what the Supreme Court eventually ends up doing. Judge Vinson marshals statements from both sides to show that PPACA indeed represents an unprecedented expansion of federal power, one that, if upheld, makes it difficult to argue that the Constitution restrains Congress in any way."

- **Ending Congressional Overreach**, Power Line's [John Hinderaker](#) writes. The Supreme Court's decision will be "essentially political," Hinderaker says, though a "truly constitutional resolution of the case" is possible. . "But I think a truly constitutional resolution of the case would require unraveling a long history of judicial approval of federal overreaching and a return to a standard that is within shouting distance, at least, of the language of the Commerce Clause."
- **Check Out Those Dreamers**, No More Mister Nice Blog's [Steve M.](#) writes of his fellow-liberals Klein and Drum. With respect to Vinson's decision making room for single payer, "Is this before or after we cure all terminal diseases, wipe out poverty, and spin all the straw in America into gold? ... What development is going to make future Republicans less likely to fight a genuine near-socialization of health care? Or make Democrats willing to fight for it? I think folks like Ezra and Kevin think this will happen because they wonkily squint at their pie charts and their think-tank reports and believe it just *has* to. Well, there just *has* to be a national response to climate change and crumbling infrastructure and our incredibly destructive economic bubble-and-bust cycle, and yet we simply can't seem to deal with these things, or have dealt with them inadequately. We *can* collapse as a society. These guys, however, think we won't simply because we *shouldn't*. That's not reason enough."

*Now There's a Chance for Single Payer:*

- **Maybe It's a Win** The Washington Post's [Ezra Klein](#) says the ruling isn't necessarily a loss for health care reform advocates. Maybe it's even a win.

[I]t's vanishingly unlikely that the Supreme Court will side with Judge Vinson and strike down the whole of the law. But in the event that it did somehow undermine the whole of the law and restore the status quo ex ante, Democrats would start organizing around a solution based off of Medicare, Medicaid, and the budget reconciliation process -- as that would sidestep both legal attacks and the supermajority requirement. ... Think something like opening Medicare to all Americans over age 45, raising Medicaid up to 300 percent of the poverty line, opening S-CHIP to all children, and paying for the necessary subsidies and spending with a surtax on the wealthy.

- **Yup: A Win in the Long Run**, Mother Jones' [Kevin Drum](#) agrees. "In the long run, I'm sure Ezra is right. But we all remember what Keynes said about the long run, right? And the short run, unfortunately, doesn't look very promising." Due to political realities, "if PPACA is struck down, the soonest that some kind of single-payerish semi-universal healthcare scheme could pass is probably around 2024. ... Who knows what will happen between now and 2024? "