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Obama to ask Supreme Court to hear health care case

By: [David Jackson](#)

The Obama administration announced today it will ask the U.S. Supreme Court to decide on the legality of its health care law.

Appeals courts have split on the question of whether the administration can constitutionally require most Americans to buy health insurance, but Obama spokeswoman Stephanie Cutter said the president is confident of prevailing at the high court.

"We know the Affordable Care Act is constitutional," Cutter wrote on [the White House website](#) in making the announcement. "We are confident the Supreme Court will agree."

Opponents of the law said they also welcome a Supreme Court hearing.

"The regulatory burden and economic uncertainty -- let alone direct financial cost -- that Obamacare imposes on individuals, businesses, states, and the nation as a whole are part and parcel of noxious scheme centered on the individual mandate," said Ilya Shapiro of the libertarian Cato Institute.

Congress did not exceed its authority in passing the law, Cutter said, because "people who make a decision to forego health insurance do not opt out of the health care market."

"Their action is not felt by themselves alone," she added. "Instead, when they become ill or injured and cannot pay their bills, their costs are shifted to others."

Those costs added up to \$43 billion in 2008, and were "borne by doctors, hospitals, insured individuals, taxpayers and small businesses throughout the nation," Cutter wrote.

Opponents of the law -- including the National Federation of Independent Business and 26 state attorneys general -- also asked the Supreme Court today to take the case.

Stephen Presser, a Northwestern University law professor working with NFIB, said the health care law is "the boldest move yet by the federal government to regulate the lives of all Americans," and the insurance purchase requirement is the key to all of its features.

"In effect, it takes over 1/6 of the national economy," Presser said on the law that some critics call Obamacare. "It flies in the face of the Constitution's structure of a federal government of limited and enumerated powers."

An Atlanta-based appeals court ruled against the health care law, while other appeals court sided with the Obama administration.

The case has always seemed bound for the Supreme Court in any event, but the administration's announcement could speed up the process.

If the court accepts the case and rules in its 2011-2012 term, the decision would come down by July -- four months before the presidential election.