

The Washington Times

Supreme Court ready for ‘high theater’ with health care ruling

Judgment Day has finally arrived in Washington for President Obama and his health care law, which after two long years of court battles will earn a final legal decision Thursday from the nine justices on the [Supreme Court](#).

At stake is the chief domestic accomplishment of Mr. Obama’s term in office — a plan to extend coverage to millions of uninsured Americans — and the [court](#)’s verdict will determine the limits of government powers in a 21st-century economy.

The [White House](#), members of [Congress](#), health care stakeholders and activists on both sides spent Wednesday refining their talking points, lining up legal professionals to offer rapid-fire analysis the instant the [court](#) releases its decision, and putting the final touches on a slew of news conferences, conference calls and tweets they have scheduled in the aftermath.

In the world of Washington, it’s the most momentous day in years.

“In one sense, this is just a decision,” said [Neil Trautwein](#), vice president of the [National Retail Federation](#), a group that opposes the law. “In another sense, it’s a collision of the three branches of government, so it’s high theater.”

Anticipation has been building for a month as the clock ticked down to the end of the [Supreme Court](#)’s 2011-12 session. The justices even extended their scheduled time in Washington through Thursday, so the decision is announced on the last day possible.

The chief question before the [court](#) is whether it will strike down the law’s individual mandate compelling most Americans to have health insurance. But the justices face other complex questions if they strike it down, including how much of the rest of the law can survive without its centerpiece. They also will decide whether states can refuse to massively expand their Medicaid programs without losing all federal funding.

Expected to be released midmorning, the ruling could be enormously complex, as many of the justices are expected to write their own opinions in a case expected to set the tone for federal power this century.

If the [court](#) upholds the law, congressional Republicans will be back to square one in their crusade to wipe out the entire thing. If the [court](#) strikes the mandate but upholds the rest of the law, health insurance premiums likely will skyrocket. If justices overturn most

of the law, it will leave the [Obama administration](#) with a major salvage job in a high-pressure election year.

No matter what the outcome, both sides will be feverishly working to win the messaging war.

The Cato Institute is sending nine people, including three constitutional scholars, to the [Supreme Court building](#). It will be a challenge to quickly skim possibly hundreds of pages of opinions so they can deliver on-scene analysis, spokesman [Chris Kennedy](#) said.

“Obviously, our goal is to give our guys the opportunity to look at the opinion and deliver an informed opinion,” [Mr. Kennedy](#) said. “I’ll be honest, it’s going to be tough.”

The libertarian-leaning think tank also has staff waiting in the wings to write op-eds for the next day’s newspapers and has scheduled a forum Monday afternoon where legal analysts will discuss the outcome.

Dozens of others have planned similar responses.

The Service Employees International Union and Healthcare For America Now will deliver reactions from consumer advocates and nurses. Members of the House Republican Doctor’s Caucus will gather outside the Capitol to offer their take in the afternoon. Young pro-life activists plan to gather on the courthouse steps to rally against the health care law early in the morning.

The ruling is also sure to dominate on the Internet. A coalition of groups opposing the law led by the State Policy Network is using the hashtag #judgmentday to tweet about it, while supporters of the law such as Families USA and National Women’s Law Center say their hashtag will be #healthjustice.

As the hours ticked down Wednesday, the [Obama administration](#) and House Republicans each said they were confident they will prevail.

[White House](#) spokesman Jay Carney rattled off some of the most popular parts of the law — mandating that insurers cover young adults on their parents’ policy and that they offer preventive services without co-payments — while brushing off questions about what the administration plans do if the [court](#) overturns parts of it.

“I won’t, with just 20 hours left or so before we hear from the [Supreme Court](#) ... speculate about hypothetical scenarios,” Mr. Carney told reporters. “We await the decision, as everyone does, and I can simply point you to what the HHS Secretary [Kathleen] Sebelius, has said ... we are ready.”

Aware that the [court](#) could uphold the entire law, Republicans have been hedging their bets, saying they will work to repeal the entire law no matter what happens.

“We’ve made it pretty clear, and I’ll make it clear one more time,” said House Speaker John A. Boehner, Ohio Republican. “If the [court](#) does not strike down the entire law, the House will move to repeal what’s left of it.”

Some used the last-minute frenzy to score political points. The Democratic Congressional Campaign Committee blasted out an email with a fundraising plea from Patrick Kennedy. He is a son of the late Sen. Edward M. Kennedy, who championed the law but died shortly before [Congress](#) passed it in 2010.

The Club for Growth took the opportunity to slam U.S. Senate candidate Tommy G. Thompson, the former Republican governor of Wisconsin, for saying in the past that he would back some type of an insurance mandate. The group says it opposes Mr. Thompson because he is not fiscally conservative enough.

The [court](#)’s decision could leave both sides with mixed feelings, if it chooses to strike down the mandate but leave the rest of the law in place. But things will be more polarized if the justices either uphold the whole law or strike it all down — with each side hoping they will be the ones celebrating.

[Mr. Kennedy](#) said Cato hasn’t planned any after-parties, but there’s likely to be some merrymaking if things turn out as they hope.

“It’s safe to say if, in fact, the individual mandate is struck down, we’re going to be a pretty happy staff,” he said. “I anticipate there will be some staff out that day having a good time if the decision goes the way we hope.”