

Politics

Health Reform Fuels Fight Over Government's Role

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WASHINGTON, D.C. (March 31) -- The landmark health care law has reignited a debate as old as America (and then some): How much government is too much?

Democrats are touting the law's new protections for consumers and federal subsidies for families who now can't afford basic health coverage. They are staking their fall election chances on the public agreeing with them that health care should be a right, not a privilege, and that government should have a role in providing it.

Republicans, meanwhile, criticize the overhaul as a massive tax increase that gives government too much control over the health system and say it could lead to rationing of care. They believe the law will be even more unpopular as people find out that the government, by making health insurance mandatory, is forcing them to buy a particular product.



AP

Kathleen Gudaitis, of Rhode Island., protests against the health care reform bill recently signed into law by President Barack Obama. The legislation has reignited the debate over the role government should play.

"I'm not sure how many people really recognize how dangerously their freedoms are abridged by these vast expansions of the federal government," said Brian W. Walsh, senior legal research fellow at the Heritage Foundation. Walsh spoke Tuesday on what he sees as over-criminalization in U.S. law in a speech at the organization's Washington headquarters: "One Nation Under Arrest: How Crazy Laws, Rogue Prosecutors, and Activist Judges Threaten Your Liberty."

The statutes Walsh singled out include the federal Lacey Act, which he said criminalizes breaking of fish, wildlife and flora laws of other nations. He described how it ensnared some lobster fisherman accused of breaking a Honduran law that Honduras didn't believe was violated, and an orchid importer with paperwork oversights who ran afoul of European laws designed to hurt non-European competitors.

Another law dealing with fraud is ripe for abuse, Walsh said, and temporarily landed a Wisconsin civil servant in jail after she awarded a contract to the lowest bidder, before the conviction was thrown out by an appeals court.

"We are now suffering under a flood of vague, over-broad laws ..." he said. "It's almost like having a law that says: "Wrongdoing is hereby prohibited."

The public is increasingly unhappy about the growth of the government's reach, said David Boaz, executive vice president of the libertarian Cato Institute.

A Gallup Poll earlier this month found that 47 percent of those polled said the government was doing too much, while 42 percent said government should do more.

That public sentiment comes, "Just as the government in power is involved in getting government more involved," Boaz said.

But Allan Lichtman, American University government professor, noted that conservatives do favor a heavy government role in certain issues, including abortion, pornography regulation and anti-terrorism measures like the Patriot Act.

"It's never a matter between more or less government. It's a matter between what you do and don't want government to do," Lichtman said.

The bitterly partisan health care debate came on the heels of government bailouts of the financial industry and the auto industry and a massive federal stimulus package, all of which had their own impact on public attitudes.

"The subprime mortgage meltdown and the financial crisis made it far easier for politicians in Washington to sell ideas that formerly Americans would have been highly

skeptical of," Walsh said. "They can now claim the government needs to intervene or the economy or health care will collapse."

Lichtman said the flash points over the role of government are driven by the fact that health care is a major new social program. Social Security's passage provoked the same debate more than 70 years ago, he said.

Polls are notably contradictory on how Americans feel about the role of government. For instance, Boaz notes, Americans will say there is too much regulation in general, but then say they like the idea of preventing insurance companies from refusing coverage to people.

"Americans have always hated their government," Lichtman said. "People don't like their government, but they love the benefits government delivers."

Lichtman said his favorite anomaly from the health care reform debate was people saying the government should "keep its hands off my Medicare" -- which, of course, is a government program.

But Boaz said the health care debate has brought back the more fundamental American skepticism toward big government. The bill requires employers to offer health coverage or else pay a penalty, and it requires all Americans to have health coverage or pay a fee.

The individual mandate likely will bring the argument over the proper role of government into the courts and could well end up before the Supreme Court.

"The role of government is to protect our rights to life, liberty and the protection of property," Boaz said. "A great deal of what the federal government is doing right now is excessive."

Lichtman agrees that the top court could well get the question of whether the individual mandate means there's too much government in the new health care law. "Anything can happen with that court," he said.

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