



Supreme Court

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SCOTUS "ObamaCare" Decision Could Determine Fate of 2012 Election

By [Khelil Bouarrouj](#), DC RNC Examiner

Come January the Supreme Court is expected to decide whether a forthcoming ruling on the constitutionality of President Obama's health care law will be decreed before or after the 2012 election.

Several state attorney generals have initiated lawsuits, backed by conservative groups, arguing that the federal provision mandating Americans buy health insurance under penalty of a fine is unconstitutional. Opponent Robert Levy, chairman of the board of directors at the libertarian Cato Institute, [writes](#), "Can the federal government force people to buy a product — in this instance, health insurance — from a private company?"

Advocates of Obamacare claim that the mandate to purchase health insurance is authorized under the Commerce Clause. But constitutional experts note that this expansion of power is unprecedented."

Last week, a federal appeals court in Atlanta, Georgia, ruled against the legal requirement to obtain health insurance. But it conflicted with another appellate court upholding the mandate. In December 2010, a U.S. District Judge in Virginia also rejected the law's constitutionality, the first federal ruling against the individual mandate. Because the lower courts are not in agreement, it is a certainty that the Supreme Court will be the scene of a contentious denouement.

Many liberals and conservatives are excited or anxious by the prospect of a pre-election ruling. If SCOTUS rules before the election it could determine the outcome as, depending on the ruling, liberals or conservatives, or both, are animated by the decision. If the Supreme Court upholds the federal appeals court in Atlanta before the election it would send a stunning rebuke to the Obama presidency right before the president seeks a new term. In that event, liberals - growing tired and disappointed in the president - may rally to the polls in anger after seeking one of their most long-sought goals overturned. The left's energy may be matched by conservatives getting a foretaste of a defeated President Obama. Either way, it seems hard pressed to believe that what will be a major national ruling will not have some affect on what is shaping up to be a close election.

For that reason the Supreme Court, feigning nonpartisanship, may delay any ruling till after the vote. Many

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Justices already have a bitter aftertaste from the 2000 Bush V. Gore decision which decided that election. SCOTUS Justices may no longer want to have a say in the nation's elections, however inadvertently.

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