

Healthcare forum stirs debate on legality

By Kim Lamb Gregory

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As the U.S. Congress tries to hammer out healthcare reform, a panel of scholars Tuesday night considered the constitutionality of the government's role in a public forum called "The Nationalization of Healthcare — Is It Constitutional?"

The roughly 40 people who attended the event at California Lutheran University's Lundryng Events Center squirmed when they disagreed, erupted with a "That's not correct!" or applauded when they agreed.

The forum was sponsored by the Gold Coast Federalist Society Chapter, a conservative organization, but one that worked to make sure all sides of the issue were represented, said retired Ventura Superior Court Judge Steven Hintz, who moderated the event,

Because the public option is no longer in the Senate healthcare bill, the panel discussed, among other issues, whether it was constitutional to require people to have health insurance.

"It's the same thing as education, serving your country in time of war and paying taxes," said Santa Monica attorney Lucien Wulsin Jr., who runs the nonprofit "Insure the Uninsured" project.

Attorney Doug Bandow, a senior fellow at a Washington, D.C.-based Cato Institute, a nonprofit research foundation based on the principles of limited government, believes creating a national mandate for healthcare is a dramatic extension of the U.S. Constitution.

"It is our vision of the Constitution," Bandow said. "Is it islands of liberty in a sea of government, or islands of government in a sea of liberty?"

Sean Kelly, an associate professor of political science at CSU Channel Islands, objected to the use of the word "nationalization" when referring to a government mandate that people buy health insurance or pay a fine. Britain has nationalized healthcare because doctors and other hospital personnel are employees of the government, he said. Insisting people buy private insurance is not.

"I understand it for what it is, which is a scare tactic," Kelly said.

The Founding Fathers could not have possibly foreseen what we face now, Kelly said, so there has to be a large degree of flexibility in how we view the Constitution.

"To ... freeze the Constitution as it was written in 1787 is the political equivalent of being Amish," Kelly said.

Shirley Svorney, adjunct scholar at the Cato Institute and professor of economics at CSU Northridge, pointed out that both proposed healthcare bills have a "community rating" clause, which basically says everybody will be charged the same rate, which she says will drive up the cost for everyone.

"You may see more people just paying the fee (for not having insurance)," she said.

Hintz aimed to maintain the same sort of civility he tried to keep in the courtroom by having the audience submit questions to him on index cards, which he presented to the panel.

"Sometimes people have a single point they want to preach about," Hintz explained.

Nancy Randak of Thousand Oaks was disappointed that she and other audience members didn't get to stand up and speak out.

"This is one-sixth of our GDP," she said. "We shouldn't be so damned polite."



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