

US Supreme Court hears challenge to Obama health care law

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The US Supreme Court began hearing oral arguments Monday into the constitutionality of the health care legislation signed into law by Barack Obama on March 23, 2010. The high court has scheduled an unprecedented six hours over three days this week to hear challenges to the Patient Protection and Affordable Care Act (PPACA) and its defense by the Obama administration.

Federal district and appeals courts have issued conflicting decisions in numerous challenges to the health care law, including from 26 of 50 US states, the National Federation of Independent Business and individuals opposed to the legislation. At the heart of the challenges has been the bill's requirement that every American adult obtain insurance, either through an employer, a government program, or by purchasing it individually.

The Supreme Court has agreed to hear an appeal in only one of these lower court decisions, from the US Court of Appeals for the 11th Circuit in Atlanta, which struck down the individual mandate. Should the high court strike down the mandate, it will also consider whether some or all of the balance of the law must be thrown out as well. It will also hear a challenge by 26 states that argues Congress exceeded its constitutional authority by expanding eligibility and coverage thresholds for the Medicaid health program for the poor. A ruling on all the issues is expected in late June.

Proponents and opponents of the legislation have been camping out in front of the court building, in some cases for two days, to obtain tickets to attend proceedings in the courtroom, which seats approximately 400.

Media commentary has attempted to present the debate before the nine Supreme Court justices as a monumental showdown of constitutional principles. In

reality, the arguments are the continuation of a bitter political struggle within the US ruling elite that is far removed from the real interests of working people.

While the Affordable Care Act has been touted by the Obama administration as a sweeping reform aimed at providing universal and quality health care for all, in reality it will do no such thing. It was drawn up in close consultation with the insurance, pharmaceutical and hospital industries and is aimed at reducing costs for government and big business at the expense of the working class. It will slash hundreds of billions of dollars from Medicare and create conditions for reducing health care services and procedures through rationing care.

The individual mandate will require individuals and families who do not have insurance through their employer, Medicaid, or another government program, to buy coverage on an insurance "exchange" or marketplace set up under the law. As the legislation now stands, as of 2014 all but the very poor will be forced to obtain insurance or pay penalties that could amount to as much as 2 percent of income.

On the other hand, companies with more than 50 employees that do not offer coverage will be levied a \$2,000 per employee penalty, a minimal fee. In fact, a recent Congressional Budget Office report found that as many as 20 million Americans could actually lose their employer-sponsored coverage by 2019, as a significant proportion of businesses decide it is financially advantageous to drop the coverage and pay the fine.

The Obama administration long ago abandoned inclusion of a government-run "public option" on the exchange. Private insurers, who were originally opposed to the health care "reform," began to come around after they saw the opportunity to gain an estimated 30 million new cash-paying customers

channeled their way via the exchanges. As a further boon to insurers, there will also be no meaningful oversight over what they can charge for premiums. Additionally, the legislation is vague about what benefits insurers will be obliged to provide to meet the minimum requirements of the law.

Congressional Republicans and ultra-right forces have absurdly denounced the individual mandate—the cornerstone of the Obama-backed legislation—as the first step towards socialized medicine. Opposing from the right what is a pro-business, profit-boosting piece of legislation, opponents of the health care bill have seized the opportunity to pose as the champions of “individual liberty” and “personal choice.” This theme will no doubt be center-stage as opponents of the health care overhaul appear before the Supreme Court this week.

In reality, the two sides of the argument before the high court are engaged in an act of deception. Neither side is advancing the interests of the vast majority of ordinary Americans who have seen their health care costs skyrocket, their coverage deteriorate, or have lost their insurance altogether.

From the start, Obama has pitched his legislation, not as an expansion of health care as a social right, but as a business-friendly reform that will cut costs for corporations and the government. The president has openly boasted that his overhaul of the health care system will actually save the federal government an estimated \$210 billion over 10 years. But the general population is asked to believe that the legislation will result in improved care and services!

What dominates the present debate regarding health care within the US political establishment—now elevated to the Supreme Court—is the most effective means of cutting government costs and boosting the profits of the private insurers and health care industry. All of this is to be done at the expense of the health and lives of ordinary working families.

A solution to the very real health care crisis faced by millions of Americans is not to be found among the politicians of either big business party, Democrat or Republican, or the Supreme Court justices, all of whom defend the domination of the financial elite over all aspects of social and economic life.

The answer requires putting an end to the privately owned health care corporations and medicine-for-profit and establishing genuine, socialized medicine. The

Socialist Equality Party is intervening in the 2012 elections to advance a socialist program and the defense of the social rights of the working class, including the right to free, high-quality, state-run health care.



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