

# Trump backs court action to end health coverage for 25 million people

Patrick Martin  
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Speaking with reporters in the Oval Office on Wednesday, President Trump reiterated his support for a lawsuit filed by attorneys general in 16 Republican-controlled states seeking to have the Affordable Care Act (ACA) declared unconstitutional in its entirety. An estimated 20 to 25 million people would lose healthcare coverage if the law that established Obamacare is struck down.

A federal district judge in Texas issued a ruling last December that Obamacare is unconstitutional, and the Justice Department supported the ruling only in part, urging the court to strike down the ACA provision that bars insurance companies from discriminating against individuals with pre-existing conditions, but not the entire law. But on Monday night, the Justice Department filed a one-paragraph declaration to the US Fifth Circuit Court of Appeals shifting its position and indicating its support for a court order striking down the ACA as a whole.

Trump gloated to reporters that whatever decision the appeals court makes, he is confident that the Supreme Court, with its right-wing majority reinforced by two of his own nominees, will rule Obamacare unconstitutional.

The lower court ruling, issued by Judge Reed O'Connor, takes as its point of departure the congressional action in December 2017, as part of the tax cut for the wealthy, ending the tax penalty for individuals who do not buy private health insurance as mandated by the ACA. Technically, Congress did not eliminate the mandate, but reduced to zero the tax that enforces the mandate.

Judge O'Connor ruled that since the Supreme Court upheld the constitutionality of the ACA in 2014 in a ruling that relied on Congress's power to tax, and there was now no tax, the ACA as a whole was unconstitutional. This not only contradicts traditional rules for construing the meaning of legislation and court precedents, but also the legislative history of the 2017 tax

cut bill itself, whose drafters were quite explicit that they were repealing the individual mandate but not the ACA as a whole.

Outright repeal of the ACA would impact two large populations the most: those who are covered by the expansion of Medicaid, the federal health care program for low-income individuals and families, and those who have been able to purchase individual insurance policies on federal exchanges because of subsidies provided by the ACA.

According to a study issued earlier this month by the Urban Institute, based on fairly conservative assumptions about how the expansion of Medicaid would be rolled back, 20 million Americans would lose their health coverage, nearly three quarters of the total due to the cutback in Medicaid. Eleven million of those who would lose health coverage live in states won by Trump in the 2016 election.

The state-by-state breakdown showed that the largest number of people losing their health coverage would be in California (3.8 million), followed by Texas (1.7 million), Florida (1.54 million), Pennsylvania (858,000), Ohio (741,000), and Michigan (720,000). The uninsured population would more than double in 18 states, with the biggest percentage increases in Montana (177 percent), West Virginia (176 percent), Maine (165 percent) and Kentucky (151 percent).

A separate study by the Kaiser Family Foundation estimated that 52 million Americans have a pre-existing condition that could be used by insurance companies to deny them coverage in the event the ACA is declared unconstitutional. The majority of these are covered under group policies, usually connected to their jobs, which have been largely unaffected by the ACA.

The response of the Democratic Party to the Trump administration decision to support full repeal of Obamacare has been a combination of pretended outrage

over the callousness of the administration's policy and genuine political delight, since the Democrats expect to benefit from it in the 2020 election. The health care cuts are hugely unpopular, particularly among those who gained coverage through the expansion of Medicaid.

On Tuesday, the House Democrats issued a healthcare plan, devised by House Speaker Nancy Pelosi and several chairmen of House committees, which discards the rhetoric of "Medicare-for-all" and healthcare as a social right, used by figures like Senator Bernie Sanders and Representative Alexandria Ocasio-Cortez to give a "left" cover to this right-wing capitalist party.

The Democratic plan would amount to minor tinkering with Obamacare: repealing the regulation enacted by the Trump administration last year allowing the sale on Obamacare exchanges of short-term insurance plans that do not provide coverage for important medical needs; increasing subsidies to reduce premium costs for consumers; and reducing deductibles and other out-of-pocket costs.

The Democratic plan would preserve the essentially private, profit-making character of the US healthcare system, which is the cause of ever-rising costs, vast inequality of treatment, and the exclusion of millions of people from the system because they cannot afford to pay premiums and other exorbitant costs. This was the main purpose of Obamacare, a program devised with, by and for the insurance and drug company bosses for their benefit.

It is notable that the Trump administration attack on Obamacare was immediately attacked by Matt Eyles, the president and chief executive of America's Health Insurance Plans, the principal insurance industry lobbyist, who declared that the Justice Department action "puts coverage at risk for more than 100 million Americans."

The real beneficiaries of Obamacare were the giant insurance companies and healthcare providers, which were supplied a new, guaranteed market in the form of tens of millions of uninsured people now required to buy policies and given subsidies to do so. The stock market reaction Tuesday to the Trump decision showed this: shares of Molina Healthcare plunged 6.6 percent and those of Centene Corporation dropped 2 percent, while larger companies like Cigna, Humana and Anthem slipped by lesser amounts.

Behind all the Democratic Party pretense of concern over healthcare is the determination of the US ruling elite to drastically reduce the amount of money spent on the health of the American population, regardless of the

impact on life expectancy and the toll of suffering and death. The division between Trump and the Democrats is purely one of tactics: whether the federal government should be enlisted in the effort to force down healthcare costs, or whether this should be left to the workings of the "free market," in which corporate employers would spearhead the assault.

The real attitude of the Democratic wing of the US ruling elite was voiced by the *New York Times* in a remarkable editorial published in its Tuesday print edition under the headline "Not All Medicare Cuts are Bad." The editorial rebuked Democrats for "indiscriminate attacks" on the \$845 billion cut in Medicare spending proposed in Trump's 2020 budget, declaring, "But some cuts to Medicare make sense. Several sought by Mr. Trump closely resemble cuts that had been proposed by President Barack Obama."

Criticism of Trump had gone too far, the editors argued, so that "a proposal to improve the efficiency of health care spending is being treated as an attack on the availability of health care." Republicans had done the same thing in relation to cuts in Medicare proposed under the Affordable Care Act, the *Times* wrote.

"Both parties have fallen into the unfortunate habit of characterizing every proposal to reduce Medicare spending as an attack on the program's beneficiaries," the editorial warned. "Maintaining tight control of Medicare spending is good government in its own right."

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