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WASHINGTON (NNPA) – With conservative Chief Justice John G. Roberts, Jr. providing a surprise supporting vote, the United States Supreme Court gave President Barack Obama a major victory Thursday by upholding the constitutionality of the Affordable Health Care Act.

In the most watched Supreme Court case since *Bush v. Gore* in 2000, the justices upheld the landmark healthcare law that requires all Americans, except those objecting on religious grounds or facing financial hardship, to obtain health insurance by 2014 or pay a financial penalty. The vote was 5-4, with Roberts joining the court's four liberals – Ruth Bader Ginsburg, Sonia Sotomayor, Stephen G. Breyer and Elena Kagan. Anthony M. Kennedy, usually the court's lone swing vote, sided with fellow conservatives Antonin Scalia, Samuel Alito and

Clarence Thomas.

The ruling grew out of three cases challenging the constitutionality of the Affordable Care Act that were appealed to the Supreme Court – a suit by the National Federation of Independent Business against Secretary of Health and Human Services, Kathleen Sebelius, and two cases involving HHS and the state of Florida.

The legislation was signed into law by President Obama on March 23, 2010. Most of its provisions will be phased in over the next two years. Among other things, the law prohibits insurance companies from denying coverage based on a pre-existing condition, allows children to remain on their parents' insurance plan until age 26, expands access to insurance to 30 million Americans, eliminates annual and lifetime coverage caps, creates insurance exchanges at the state level for individuals and small businesses, expands eligibility for Medicaid and requires insurance companies to cover certain preventive services without co-pays or deductibles.

In a televised speech from the White House, Obama said, "The highest court in the land has now spoken. We will continue to implement this law. And we'll work together to improve on it where we can. But what we won't do, what the country can't afford to do, is re-fight the political battles of two years ago or go back to the way things were. With today's announcement, it's time for us to move forward."

Even though the ruling represents a clear victory for President Obama as he faces re-election in less than five months, Republicans immediately vowed to repeal the measure in Congress. However, that appears unlikely for now. Although Republicans hold a majority in the House, Democrats hold an edge in the Senate.

Senate Republican leader Mitch McConnell of Kentucky said, "Today's decision makes one thing clear: Congress must act to repeal this misguided law. Obamacare has not only limited choices and increased health care costs for American families, it has made it harder for American businesses to hire."

But Senate Majority Leader Harry Reid disagreed. He said on the Senate floor, "No longer will Americans be a heart attack or a car crash away from bankruptcy. No longer will Americans live

in fear of losing their health insurance because they lose their job." He added, "Our Supreme Court has spoken. The matter is settled. It's time for Republicans to stop fighting yesterday's battle."

That's exactly what's expected to happen in the Republican-dominated House.

House Majority Leader Eric Cantor [R-Va.] described the ruling as a "crushing blow" and declared, "During the week of July 9th, the House will once again repeal ObamaCare, clearing the way for patient-centered reforms that lower costs and increase choice."

The official name of the legislation is the Patient Protection and Affordable Care Act. But Republican critics have derisively referred to it as ObamaCare, a term major news organizations have quickly adopted.

President Obama has flipped the pejorative term on its head, saying, "I have no problem with people saying Obama cares. I do care."

Democrats and Republicans, all claiming to care about average Americans, are on opposite sides of the issue. The bill passed the Senate on Dec. 24, 2009 by a vote of 60-39, with all Democrats and two Independents voting for it and all but one Republican voting against it. It passed the House on March 21, 2010 by a vote of 219-212, with 34 Democrats and all 178 Republicans voting against it.

According to an analysis by the Urban Institute, the number of uninsured African Americans under the age of 65 will drop from 7.4 million to 3.4 million as a result of the healthcare law, a decrease of 54.6 percent. But some problem areas remain.

In a detailed examination of the law, *Health Affairs* magazine concluded: "Of the estimated 26.4 million individuals projected to be uninsured after the implementation of the Affordable Care Act, those eligible for Medicaid and CHIP (the Children's Health Insurance Program) but who remain unenrolled, constitute the single largest group, at 35.7 percent. This eligible-but-unenrolled group includes 58.8 percent of the Blacks who we estimate will remain uninsured under the

Affordable Care Act, which is a higher proportion than found in the other racial and ethnic groups examined."

For the law to have an even greater impact, effective outreach programs must be used to reach those less likely to enroll in Medicaid, a state and federal partnership that provides medical coverage for needy families, pregnant women, children, the blind and the elderly, and CHIP, also a federal matching fund for states to provide health coverage to nearly 8 million children in families with incomes too high to qualify for Medicaid, but can't afford private coverage.

The *Health Affairs* report stated, "Our analysis shows that the Affordable Care Act has the potential to reduce racial and ethnic coverage differentials substantially." It explained, "The Black-White differential in uninsurance rates is predicted to shrink by 57.3 percent, from 7.7 percentage points to 3.3 percentage points."

The Supreme Court's ruling was not a total victory for the Obama administration. Under the healthcare law, Medicaid was expected to extend coverage to about 17 million Americans by covering everyone below 133 percent of the federal poverty line, approximately $14,500 for individuals. The administration had said that states that refused to go along with the change would lose their federal match.

Roberts said the requirement that states expand Medicaid or lose federal funding was a violation of states' rights. He wrote, "Congress has no authority to order the States to regulate according to its instructions." He added, "The states are given no choice in this case: They must either accept a basic change in the nature of Medicaid or risk losing all Medicaid funding."

Thursday's ruling now allows states to opt out of expansion without losing their federal funds. Medicaid is jointly funded by the federal government and states. According to the National Association of Medicaid Directors, Medicaid will spend more than $400 billion this year to provide health care to more than 60 million Americans.

In their dissent, Justices Scalia, Kennedy, Thomas and Alito argued, "The Act before us here exceeds federal power both in mandating the purchase of health insurance and in denying nonconsenting States all Medicaid funding."

The court's majority upheld what was described as the heart of the healthcare law.

Roberts, who was nominated to the court by President George W. Bush and opposed by then-Senator Barack Obama, agreed with conservatives that the individual mandate – the requirement that most individuals purchase insurance – was unconstitutional under the commerce clause of the Constitution.

Under that theory, Congress can force people to purchase insurance because the failure to do so affects interstate commerce. Roberts rejected that argument. However, he helped form a majority on the court by agreeing that a financial penalty for refusing to buy health insurance under the Affordable Care Act amounts to a tax and therefore is constitutional under Congress' power to tax.

In his televised statement, Obama said it should be clear by now that he did not propose health reform to be popular.

He said, "Whatever the politics, today's decision was a victory for people all over this country whose lives will be more secure because of this law and the Supreme Court's decision to uphold it."