

# The Affordable Care Act

**Barack Obama** (b. 1961), **John Roberts** (b. 1955)

Myriad cases have gone before the U.S. Supreme Court since, in 1849, Chief Justice Roger Taney limited oral argument to two hours per side (halved in 1925 and again in 1970). The Court has allowed only a handful of exceptions. The nearly six hours allotted for argument in the Patient Protection and Affordable Care Act (ACA) case in February 2012 represents the longest exception in over half a century.

Broadly, the ACA sought to increase Americans' access to health insurance coverage and to expand Medicaid coverage, laudatory goals that proved spectacularly controversial. President Obama signed the ACA into law on March 23, 2010, just before noon. Seven minutes later, thirteen states filed suit to challenge the law's constitutionality. Another thirteen states later joined, along with several business interests. The district court and the Eleventh Circuit Court of Appeals both struck down the act as unconstitutional (on different grounds), but, in a decision that surprised and perplexed pundits, the Supreme Court upheld the law. Constitutional scholars Nathaniel Persily, Gillian Metzger, and Trevor Morrison wrote that "no one foresaw the strange coalition of justices and rationales that would uphold some parts of the law, strike down others, and offer new interpretations to four different constitutional sources of federal power."

Chief Justice John Roberts's majority opinion held that the mandate—that all individuals obtain health insurance—fell within Congress's power to levy taxes. The same didn't hold true, however, with respect to the commerce clause or the necessary and proper clause. Those clauses, the Court found, had limits exceeded by a statute through which Congress wasn't regulating commerce but rather ordering "individuals to engage in it." The Court also found the act's coercion of states to expand Medicaid as a condition to receiving federal funds invalid under the Constitution's spending clause.

A fundamental tenet of medicine is the principle "do no harm," often attributed erroneously to Hippocrates. Ironically, the most trenchant criticism that the ACA has attracted is the harm it would cause and has caused to the health care system. Lawsuits challenging the constitutionality of the ACA have continued, and the Supreme Court is expected to issue another ruling.

**SEE ALSO** Congressional Regulation of Commerce (1824); Congressional Power to Tax Income (1909); Health Care and the Duty to Warn (1976); Stem Cell and Cloning Legislation (1995).

*President Obama's campaign for reelection heavily stressed the benefits of the Affordable Care Act. Here the Obama and Biden families embrace onstage following Obama's speech at the 2012 Democratic National Convention in Charlotte, North Carolina.*

