

How many winners in health-care ruling?

News in the [July 25, 2012](#) issue

Supporters of President Obama's health-care reform law were elated on June 28—and a bit surprised—by the Supreme Court's narrow decision upholding the landmark legislation.

But social and religious conservatives quickly reacted as if the 5–4 ruling in favor of the White House was a political boon for the November elections. The majority opinion said the law's mandate to buy health insurance is legal under Congress's power to raise taxes—a fighting word to social conservatives. Meanwhile, evangelicals and Catholic bishops vowed to battle the health-care law on what they say are its violations of religious liberty.

“You can take to the bank that the decision to uphold Obamacare will energize the Tea Party, evangelicals, and the broader Republican base like we haven't seen before. Yes, more than 2010,” said David Brody, chief political correspondent for the Christian Broadcasting Network and author of a new book, *The Teavangelicals: The Inside Story of How the Evangelicals and the Tea Party Are Taking Back America*.

Conservative Catholics could also be galvanized by the high court's decision. “If the Supreme Court decision lacks clarity, the Catholic response will be anything but ambiguous: the battle lines between the bishops and the Obama administration are now brighter than ever,” said the Catholic League's William Donohue.

Matthew C. Harrison, president of the Lutheran Church-Missouri Synod, said in a statement, “We will continue to stand with those who have filed suit in the many religious freedom cases pending against the birth control mandate.”

But while there remain legal challenges to aspects of the health-care law—the Supreme Court ruling did not address the specific issue of the contraception mandate, for example—taking control of Congress and the White House seems like a more reliable strategy for those who want to overturn or undermine the health-care

law.

“This decision may well energize conservative activists, including religious conservatives, because the ballot box is now the best way to change the health-care law,” said John Green, director of the Ray C. Bliss Institute of Applied Politics at the University of Akron.

“Nearly all of the things conservatives disliked about the law are still in play, including the provision mandates,” Green said. “And a new complaint can be added: the individual mandate is constitutional as a tax—so the law involves a broad-based tax increase. So the decision can be seen as a ‘good thing’ for conservatives and Republicans.”

It can also be seen as a good thing for social conservatives trying to raise money. Within hours of the ruling, an array of groups were sending out promotional emails making highly questionable but also highly effective claims about “Obamacare.”

A National Right to Life Victory Fund letter warned that health-care reform “can kill disabled and elderly persons just as assuredly as if it were an actual capsule of cyanide.” The Susan B. Anthony List told supporters that the health-care law will be “the largest expansion of taxpayer funding of abortion on demand since *Roe v. Wade*.”

That kind of red meat rhetoric has been missing from the GOP’s campaign since the primaries ended, and it could signal the renewed salience of social issues. But there are dangers for conservatives in Thursday’s ruling as well.

The most obvious peril is that it will leave Romney struggling even more to explain how the health-care reform he passed while governor of Massachusetts is different from the almost identical law passed by Democrats—a parallel that has long given religious conservatives pause.

“Romney can try to explain why what he thinks is good for Massachusetts isn’t good for America. Not impossible, but not easy, and I would guess probably beyond Romney’s power,” Pete Spiliakos wrote on the *First Things* website.

It was upsetting for social conservatives to see Chief Justice John Roberts, a Catholic whose appointment by former President George W. Bush was seen as capping a rightward transformation of the high court, provide the deciding vote to uphold the

health-care law.

“Roberts was supposed to be one of the good guys,” a disappointed Steve Skojec wrote on CatholicVote.org, a conservative political lobby. “Remind me again why I’m wrong about putting your faith in any Republican-appointed justices who aren’t a known quantity?”

Mainline church officials generally were pleased with the Supreme Court decision. “We are convinced that health care is not a privilege, reserved for those who can afford it, but a right that should be available, at high quality for all,” said Kathryn M. Lohre, president of the 37-member National Council of Churches.

The United Methodist Board of Church and Society was among some 60 religious groups that joined in an amicus brief in support of the Medicaid expansion in the bill. According to United Methodist News Service, the court ruled that states could lose only new federal funds—not their entire Medicaid funding—if they did not comply with the law’s expansion of Medicaid.

“The Medicaid expansion we feel is a very important first step toward extending health insurance toward minority and underserved communities,” said Dr. Wayne J. Riley, president and CEO of Meharry Medical College in Nashville. Meharry is a Methodist-related medical, dental and research university. It is the largest private, historically black medical school in the United States.

The high court ruling was described as “moving toward the realm of God on earth” by Geoffrey A. Black, general minister and president of the United Church of Christ. “Our country was founded on the ideal of caring for one another . . . and not allow people to be abandoned by the health-care delivery system,” he said. —RNS and other sources