



Obamacare's Best Allies: The Courts and the Republicans

By ruling for the government in the case of  *King v. Burwell*, the Supreme Court once again tied itself into rhetorical and logical knots to defend Obamacare. In *King*, the court disregarded Obamacare's clear language regarding eligibility for federal health care subsidies, on the grounds that enforcing the statute as written would cause havoc in the marketplace. The court found that Congress could not have intended this result and that the court needed to uphold Congress's mythical intention and ignore Obamacare's actual language.

While Obamacare may be safe from court challenges, its future is far from assured. As Obamacare forces more Americans to pay higher insurance premiums while causing others to lose their insurance or lose access to the physicians of their choice, opposition to Obamacare will grow. Additional Americans will turn against Obamacare as their employers reduce their hours, along with their paychecks, because of Obamacare's mandates.

As dissatisfaction with Obamacare grows, there will be renewed efforts to pass a single-payer health care system. Single-payer advocates will point to Obamacare's corporatist features as being responsible for its failures and claim the only solution is to get the private sector completely out of health care.

Unfortunately, many Republicans will inadvertently aid the single-payer advocates by failing to acknowledge that Obamacare is not socialist but corporatist, and that the pre-Obamacare health care system was hobbled by government intervention. In fact, popular support for Obamacare was rooted in the desire to address problems created by prior government interference in the health care marketplace.

Republicans also help the cause of socialized medicine by pretending that Obamacare can be fixed with minor reforms. These Republicans do not understand that replacing Obamacare with "Obamacare Lite" will still leave millions of Americans with inadequate access to quality health care, and could strengthen the movement for a single-payer system.

Republicans' failure to advocate for a free-market health care system is not just rooted in intellectual error and political cowardice. The insurance industry, the pharmaceutical industry, and the other special interests that benefit from a large government role in health care are just as — or perhaps even more — influential in the Republican Party as in the Democratic Party. The influence of these interests is one reason why, despite their free-market rhetoric, Republicans have a long history of expanding the government's role in health care.

Those who think a Republican president and Congress will enact free-market health care should consider that the last time Republicans controlled Congress and the White House their signature health care achievement was to expand federal health care spending and entitlements. Furthermore, Richard Nixon worked with Ted Kennedy to force all health care plans to offer a health maintenance



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organization (HMO). Even Obamacare's individual mandate originated in a conservative think tank and was first signed into law by a Republican governor.

Instead of Obamacare Lite, Congress should support giving individuals direct control over their health care dollars through individual health care tax credits and expanded access to health savings accounts. Other reforms like long-term group insurance could ensure that those with "pre-existing conditions" have access to care. Another good reform is negative outcomes insurance that could help resolve the medical malpractice crisis.

America's health care system is just as unsustainable as our foreign policy and our monetary system. At some point, the financial and human costs of Obamacare will prove overwhelming and Congress will be forced to replace this system. Hopefully, before this happens, a critical mass of people will convince Congress to replace Obamacare with a truly free-market health care system.

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