



Written by [Jack Kenny](#) on September 10, 2012

Romney's "Not Getting Rid of All of" ObamaCare

Mitt Romney has promised to "repeal and replace ObamaCare," but he is not for "getting rid of all" of the president's signature healthcare reform. And if he gets to preserve all the features of the Affordable Care Act that he likes, there may not be much replacing to do.

In an interview on NBC's [Meet the Press](#) September 9, Romney said people with pre-existing conditions and adults under age 26 would not lose their guarantee of coverage if he succeeds in getting the Democrats' healthcare law repealed.



"Well, of course not," Romney said. "I say we're going to replace Obamacare. And I'm replacing it with my own plan. And, you know, even in Massachusetts where I was governor, our plan there deals with pre-existing conditions and with young people." The Affordable Care Act requires that young adults will be eligible for coverage under their parents' healthcare plans until age 26.

"So you'd keep that part of the federal plan?" host David Gregory asked.

"Well, I'm not getting rid of all of healthcare reform," the Republican candidate replied. "Of course, there are a number of things that I like in healthcare reform that I'm going to put in place. One is to make sure that those with pre-existing conditions can get coverage. Two is to assure that the marketplace allows for individuals to have policies that cover their — their family up to whatever age they might like. I also want individuals to be able to buy insurance, health insurance, on their own as opposed to only being able to get it on a tax advantage basis through their company."

Romney was neither asked about nor did he mention the most controversial feature of the healthcare law, the requirement that people not otherwise covered either purchase health insurance or pay a penalty for not doing so. The healthcare reform that Romney championed and signed into law in Massachusetts included the same requirement, though the former governor has said he opposes the individual mandate at the federal level.

The federal mandate withstood a constitutional challenge when the Supreme Court issued its decision in June of this year that the penalty for not buying health insurance falls within the taxing power of Congress. Supporters of the law have said the mandate is an essential feature of the overall plan and is necessary to provide the premium base the insurance companies will need to insure those with pre-existing conditions and others who are currently uninsured.

The pledge to make repeal of ObamaCare the primary goal of the next president was a theme shared by Romney's rivals in the GOP primary campaigns, many of whom questioned the former governor's bona fides on the subject. The Massachusetts healthcare reform, commonly called "Romneycare," is widely regarded as the model for the plan Obama and congressional Democrats enacted four years later. As a candidate for the party's nomination, Romney was repeatedly forced to defend the Massachusetts law and explain why he opposed essentially the same legislation at the federal level.



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Romney, who described himself in the *Meet the Press* interview as someone “as conservative as the Constitution,” has yet to explain where in the Constitution he finds the power delegated to Congress to prescribe the terms of insurance policies and to mandate whom insurance companies must cover. The clause (Article I, Section 8) that authorizes Congress to “regulate Commerce with foreign Nations and among the several States, and with Indian Tribes” is a delegation of power to regularize the rules of trade, not to dictate the content of the goods or services that may be traded. The primary aim was to prevent states from levying their own imposts or tariffs on foreign imports or upon goods shipped from one state to another, as occurred under the Articles of Confederation. That concern was well [described](#) in the December 5, 1787 edition of the *Massachusetts Centinel*:

For if one State makes a law to prohibit foreign goods of any kind, or to draw a revenue, from any imposition upon such goods, another State is sure to take the advantage, and to admit such goods free of costs. By this means it is well known how the trade of Massachusetts is gone to Connecticut, and that for want of a revenue, our own State taxes are increased.

In the 20th century, the Commerce Clause has been interpreted broadly enough to make the regulatory power of the federal government virtually limitless. The Supreme Court has ruled, for example, that even a crop both grown and consumed on a landowner’s own farm or field is subject to regulation as interstate commerce. (See [Wickard v. Filburn](#), 1942 and [Gonzalez v. Raich](#), 2005.)

Romney has defended the Massachusetts healthcare reform, while insisting that he opposes a “one size fits all” solution to healthcare problems for the entire country. But by preserving essential features of ObamaCare, he would ensure that healthcare would remain a federal program indefinitely, if not forever. And his enthusiasm for national healthcare transcends national as well as state boundaries. Speaking at a campaign [fundraiser in Jerusalem](#) this summer, Romney praised Israel’s healthcare program:

Do you realize what health care spending is as a percentage of the G.D.P. in Israel? Eight percent. You spend eight percent of G.D.P. on health care. You’re a pretty healthy nation. We spend 18 percent of our G.D.P. on health care, 10 percentage points more. That gap, that 10 percent cost, compare that with the size of our military — our military which is 4 percent, 4 percent. Our gap with Israel is 10 points of G.D.P. We have to find ways — not just to provide health care to more people, but to find ways to fund and manage our health care costs.

Israel has a universal healthcare system that includes an individual mandate, but chances are we won’t hear Romney praising the Israeli approach to healthcare while he is promising to “repeal and replace” ObamaCare here in “the homeland.”

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