

Political Science 10: Introduction to American Politics

Week 6

Taylor Carlson
tfeenstr@ucsd.edu

February 17, 2017

Plan for the Day

- Reading Quiz
- Go over learning outcomes
- Announcements
- Answer questions from lecture this week
- Discuss Toobin (2012) *The Oath*

Reading Quiz

- Clearly write your name at the top of the quiz
- Turn your quiz over when you are finished
- Good luck!

By the end of section today, you should be able to:

- Describe the key points of what the Affordable Care Act is/does and the key points in the ACA's development
- Define the following terms and explain their significance in the Supreme Court's ruling on the ACA
 - Commerce clause
 - Enumerated power
- Explain the Supreme Court's opinion in the ACA case
 - Explain the logic used (e.g. commerce clause or enumerated power to tax?)
 - Explain the outcome (e.g. was the ACA upheld?)
 - Explain the significance (e.g. role of the court?)

Announcements

- Reminder: Office Hours are Wednesdays 9am-11am in SSB 341, or by appointment (tfeenstr@ucsd.edu).
- Congrats on finishing the midterm!
- Midterm grades will be posted on TritonEd and handed back in section, but you can come to office hours to see your exam before then
- I want your feedback! This weekend I'll email out a *very short* anonymous survey on which you can give me your feedback on section so far.

Questions??

What questions do you have from lecture this week?

What is the Affordable Care Act?



What does the Affordable Care Act do?

What does the Affordable Care Act do?

- 3 Goals: (Source: <https://www.healthcare.gov/glossary/affordable-care-act/>)
 - “Make affordable health insurance available to more people” through subsidies for households between 100% and 400% of the federal poverty level
 - “Expand the Medicaid program to cover all adults with income below 138% of the federal poverty level”
 - “Support innovative medical care delivery methods designed to lower the costs of health care generally”
- Read the full text here: <https://www.healthcare.gov/where-can-i-read-the-affordable-care-act/>

Key Components in the ACA

Key Components in the ACA

- Individual Insurance (can't deny coverage based on preexisting conditions; subsidies; etc.)
- Mandates
 - Individuals are required to have insurance or pay a penalty/tax
 - Businesses with 50+ employees must offer health insurance or pay a tax penalty
- Insurance Standards (certain services must be covered)
- Exchanges (regulated marketplaces administered by state or federal government where people can purchase insurance)
- State Waivers (states can try their own health care plans as long as they're as comprehensive as the ACA)

The Legislative Saga of the ACA

The Legislative Saga of the ACA

- February 24, 2009: Obama tells a joint session of Congress that health care reform cannot wait
- August 2009: Conservatives lash out against the bill at town halls, protests, etc. Obama travels to support the bill
- August 26, 2009: Senator Ted Kennedy (D) dies, jeopardizing the Democrats' 60-seat filibuster-proof supermajority

Source: <http://www.cnn.com/2012/06/28/politics/supreme-court-health-timeline/>

Kill the Bill! Protests Erupt in August



The Legislative Saga of the ACA

The Legislative Saga of the ACA

- November 7, 2009: House passes a version of the bill (220-215)
- December 24, 2009: Senate passes bill (60-39)
- March 11, 2010: Senate Majority Leader says Democrats use “reconciliation,” needing only 51 votes to pass the bill
- March 21, 2010: Senate passes its version of the bill
- **March 23, 2010: Obama signs the bill into law**

Source: <http://www.cnn.com/2012/06/28/politics/supreme-court-health-timeline/>

Signed, Sealed, Delivered



The Judicial Saga of the ACA

The Judicial Saga of the ACA

- August 12, 2011: 11th Circuit Court of Appeals rules that parts of the law were unconstitutional
- November 8, 2011: US Court of Appeals rules the law is constitutional
- March 26, 2012: SCOTUS begins oral arguments
- **June 28, 2012: SCOTUS rules that the individual mandate portion of the ACA is upheld**

The Final Say: The Supreme Court

- Remind me:
 - Enumerated Power
 - Commerce Clause
 - Power to Tax

The Final Say: The Supreme Court

- Remind me:
 - Enumerated Power
 - Commerce Clause
 - Power to Tax
- Government's argument?

The Final Say: The Supreme Court

- Remind me:
 - Enumerated Power
 - Commerce Clause
 - Power to Tax
- Government's argument?
- Opposition's argument?

- Individual mandate does not regulate existing commercial activity→unconstitutional under the Commerce Clause
- Individual mandate is upheld within Congress's enumerated power to lay and collect taxes→constitutional under tax power

What does this mean?

What does this mean?

“But the Court does not express any opinion on the wisdom of the Affordable Care Act. Under the Constitution, that judgment is reserved to the people.”

Questions to Ponder

- Toobin explains that Roberts was balancing dual goals: 1) to push his own ideological agenda; and 2) to preserve the Court's place as the final arbiter.
 - Do you think the outcome of the ACA case would have been different if someone else had been the Chief Justice, perhaps one of the more liberal justices?
 - Thinking more broadly about the role of the Court, what do you think about these two goals? When they are in conflict, which should be the higher priority?
 - Are these goals in line with the original vision of the Court as an independent judiciary?
- What does the Court's involvement in the ACA tell us about the separation of powers in the US? What about checks and balances?