



## **Legal Challenges to Health Care Reform are Unfounded**

National health care reform will help make quality care more affordable for American families, including over 32 million people who will be newly eligible for insurance, seniors who will get discounts on prescription drugs, and small business owners who will get help to provide coverage for their employees. But national reform is under attack by opponents who contend that the new law is unconstitutional and illegal.

Lawmakers in at least 39 states have proposed referendums, laws or state constitutional amendments that would block key parts of national health care reform, including the requirement that everyone share responsibility for improving health care by obtaining insurance if they can afford it. In addition, attorneys general and governors in at least 19 states have sued the federal government to stop reform. These attacks lack legal merit and appear to be driven by a political agenda.

### **Political discourse is healthy but stalling implementation is unproductive.**

Throughout the past year, those who oppose reform have voiced their dissent. However, the majority of members of Congress voted for passage, and President Obama signed health care reform into law. Also, most Americans support the law when given an accurate summary. Although political discourse is an important part of our democratic system, political opposition masquerading as legal challenges is counterproductive.

### **A majority of legal scholars agree that health reform is constitutional.**

The majority of legal experts, including conservatives, argue that national health reform is constitutional, supported by almost 70 years of court cases.<sup>1</sup> The lawsuits and most of the proposed laws and constitutional amendments argue that the federal government does not have the authority to require all individuals to obtain insurance coverage. They argue that the federal government is encroaching on the powers of states and the rights of individuals. These types of legal questions have been resolved in the federal government's favor time and again. The civil rights era effectively paved a path for a strong federal government when necessary. The courts have ruled repeatedly that the federal government has the power to establish programs to help people.

### **Many of those bringing legal challenges have political agendas.**

Four of the attorneys general who filed suit against reform are running for governor and others have political aspirations. To date, all of the attorneys general and governors who filed suit, with the exception of Louisiana, are Republicans. The majority of lawmakers proposing state laws and constitutional amendments to block reform are also Republicans. A high-profile challenge gives these politicians a platform to cultivate political support, including media coverage.

### **Legal challenges to health care reform will cost taxpayers money.**

Both legislative challenges and lawsuits will eventually be resolved in the courtroom at taxpayers' expense. If there is no legal merit to the arguments against national reform, why waste taxpayer dollars to further an anti-reform agenda? With constraints on state budgets and resources, this is not a wise use of taxpayer dollars.

### **Slowing the implementation of health care reform through legal action has a human cost.**

The legal actions may delay the benefits of health care reform. These benefits include: coverage for children with pre-existing conditions, coverage for young adults up to age 26 on their parents' plans, free preventive care, slowing rising health care costs, expansion of community health centers, and an end to insurance companies dropping patients when they need care. The legal challenges won't help people who need access to health care or lower costs for those who already have insurance.

---

<sup>i</sup> <http://mediamatters.org/research/201003240039>