

THE “AFFORDABLE CARE ACT”: The Supreme Court Debates the Health Insurance Mandate

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I was standing outside the U.S. Supreme Court holding a sign that said [“Single Payer Now, Strike Down the Obama Mandate.”](#) It was the second day of argument on the Affordable Care Act. As I watched the crowds it was evident this was an organized partisan event.

As the Washington Post reports, [the mandate was a Republican idea](#) that originated with conservatives: “The tale begins in the late 1980s, when conservative economists such as Mark Pauly, a professor at the University of Pennsylvania’s Wharton School of business, were searching for ways to counter liberal calls for government-sponsored universal health coverage. Pauly then proposed a mandate requiring everyone to obtain this minimum coverage, thus guarding against free-riders...Health policy analysts at the conservative Heritage Foundation, led by Stuart Butler, picked up the idea and began developing it for lawmakers in Congress. The Heritage Foundation worked with then-Gov. Mitt Romney (R) to pass Massachusetts’ 2006 health reform law, which required all Bay State citizens to purchase coverage.”

Someone from the Heritage Foundation came up to us, wanting to take a photo of our sign. I asked him – does the Heritage Foundation oppose the mandate? He said “yes.” I told him that the idea came out of the Heritage Foundation. He looked confused, mumbled an unclear answer “not since 2006” and walked away.

Of course, Democrats opposed this Republican idea. They saw it for what it is: a massive giveaway to the insurance industry that will lead to their entrenchment and continued domination of health care. The idea was used by Republicans to oppose the Clinton health plan. Of course, the Clinton’s opposed it. But, by the 2008 presidential campaign, Hillary Clinton supported the mandate (by then the insurance industry was a big financial backer of hers), but candidate Barack Obama opposed it. One of his campaign advertisements said: “What’s she not telling you about her health-care plan? It forces everyone to buy insurance, even if you can’t afford it, and you pay a penalty if you don’t.”

So, while I was out there watching groups like the [National Organization for Women, who supports single payer](#) favoring this pro-insurance law, as part of a coalition of Democratic Party aligned groups, I thought, what if President McCain had passed this law. My conclusion, we’d have the same people out here protesting, they’d just reverse sides. This was really not about healthcare, it was about Obama vs. the Republicans in this 2012 election year.

The people protesting followed their leader’s orders, said the chants they were told to say,

and held the signs they were given to hold, but they were confused. When we talked to people on both sides the partisan confusion was evident.

My colleague, Margaret Flowers, asked two women carrying an Americans for Prosperity sign (a group opposed to Obama's law) whether they were on Medicare. They said "yes." "Do you like it?" Again, "yes." "Do you know Medicare is a government program?" A confused look. "Do you know the Republicans want to end Medicare, make it into private insurance?" "You don't know what you're talking about. You probably support Obama" and they started to walk away. "No, we oppose ObamaCare," the women stopped and listened again, "we think everyone should have Medicare. Don't you think it would be a good idea if every American could have the Medicare you have and like?" "Hmm, yes" then, more confusion in their faces.

Then, talking to the Democrats showed equal partisan confusion. I explained: "We oppose the Obama mandate because we want to end insurance control of health care. We support single payer, Medicare for all?" Response: "So do I." I asked: "Single payer ends insurance, and Obama's law entrenches insurance more deeply in control of health care, aren't those opposites?" Response, obviously not understanding what 'opposite' means: "It's a step in the right direction." I ask: "How can it be a step in the right direction when it is going in the opposite direction?" No longer able to say it is the right direction, spouts another talking point: "This is the best we can get, we can build on this." Me, trying to figure out the Democrat thinks there is to build on, asks: "But, if we want to end insurance domination, how do we build on a law that is based on insurance?" Unable to explain it, the Democrat answers: "We can't get what we want." I say: "Of course, not, if people like you and organizations like yours who support single payer, spend their time advocating for the insurance industry, we can't get what we want. But, if people who support single payer work for it we could." Answer "But, we have to re-elect President Obama."

Partisan confusion reigned.

And, sadly partisan confusion dominates our airwaves as well. Of course, the right wing radio continues to attack Obama and confusingly calls a market-based, insurance-dominated health law socialism. But, sadly the "liberal" media sends out equal partisan confusion. We were able to go into Radio Row, where all the liberal radio outlets were interviewing "experts" on health care. The talking points, like in the conversation, were repeated and repeated. When one radio host wanted to interview me, really debate me since he was a Democratic apologist, I sat down. An organizer in the room asked the host to speak with her. She came back and told me I had to leave. This was private property and only people allowed to be here were allowed to be here. I explained I was invited by a station to be interviewed. She explained - "I tell them who to interview. The stations have slots and we fill them." I asked - "do you mean only people who support Obama can be interviewed." She explained "The Republicans do it to."

So, partisan confusion reigns and it permeates the airwaves leaving many people confused. We need to [clear the FOG](#) (Forces Of Greed) and get the [truth on the air](#).

Despite all this [supermajorities of Americans have consistently supported single payer](#), whether inaccurately called socialism or correctly described as "Medicare for all" 60% or more support it. Why? For the same reason that the great salesman President Obama and [his superb marketing team](#) have been unable to sell forced purchase of health insurance: Every family, business whether large or small; and every doctor or other health care

provider have suffered insurance abuse. Two thirds of those who go bankrupt from a health problem have health insurance. The American experience is that health insurance is expensive, provides inadequate coverage and tries to avoid paying for health care. We all know this. So, no matter what the politicians say - Americans do not trust the health insurance industry.

But, one thing the two parties in Washington agree on - they will protect health insurance at all costs. After-all, they are [a great source of campaign contributions](#) - as the two politicians responsible for forcing Americans to buy insurance, [President Obama and Mitt Romney](#), well know.

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