Any Supreme Court ruling on health care will set spinners spinning in election year

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The Supreme Court is expected to rule on the Affordable Care Act in June or July and already handicapping has begun on how its ruling will play out politically in this highly charged election year.

The predictions made by seasoned political observers aren't at all what one might expect.

If it is struck down by the court, might President Obama use it to his advantage on the campaign trail?

If it is affirmed, will GOP frontrunner Mitt Romney be able to attack the law? Or will his own baggage on the health care issue, and his problems with conservatives over it, make that counterproductive?

The Supreme Court heard arguments on the new law this week. The most controversial element is the section that makes it mandatory for almost all Americans to purchase health insurance. The justices can decide to uphold that requirement or strike it down. If they rule against it, they will weigh separately whether the rest of the law can stand without it.

"No matter what they decide, you can expect campaigns to spin it a million different ways," says Larry Sabato, director of the University of Virginia's Center for Politics.

Sean Snaith of the University of Central Florida, sees the court's ruling playing out, potentially, in two stages.

"If they strike it down, that's obviously a policy defeat for Obama," says Snaith. "It's one of the crown jewels of his administration and I don't see how you can make lemonade out of that lemon on the policy level."

But as far the election is concerned, Snaith says, repeal by the court could resonate differently.

"If it is struck down, it could become a marshaling cry for those who back health care reform," Snaith says. "They could say, 'we have to keep Obama in the White House, because the Republicans are never going to do anything about health care and lots of people want some kind of health care reform."

Kevin Wagner, Florida Atlantic University political scientist, agrees that now that the idea of health care reform is in the air, it will be hard to put the genie back in the bottle.
"Having it struck down probably hurts the president. It makes him look weak," says Wagner. "But on the other hand, if it's struck down, Democrats will argue that you need a Democrat in the White House to appoint more reasonable members of the Supreme Court, justices who understand the problems of normal people."

Wagner looks ahead to media stories about people with pre-existing conditions, and also poor families, all whom may lose their chance at health care insurance if the law is repealed. He sees that coverage possibly affecting public opinion leading to the November vote.

University of Miami political scientist George Gonzalez also sees repeal not hurting Obama as much as might be assumed.

"Politically speaking, making the purchase of insurance mandatory is the biggest liability of the health care act," Gonzalez says. "The public doesn't like the idea of forced buying. If it gets struck down, the president doesn't have to defend it and the GOP can't run on repealing it."

Another University of Miami political scientist, Joseph Uscinski, sees the possible repeal of the law taking a weapon out of the hands of GOP candidates in November. "I think the biggest motivating factor for the GOP in 2012 is to repeal 'Obamacare,' but if the Supreme Court does it for them, then what?" Uscinski says. "It's been a good issue for them, but will it be taken off the table?"

But that may be the best thing for GOP presidential front runner Mitt Romney, if he ends up as the candidate. Romney has drawn fire from conservatives because as Massachusetts governor he helped pass the statewide health care reform that served as a model for the federal law, though he has opposed the federal plan on the grounds that it usurps states' rights.

"If it's struck down he can just say, 'See, I was right,'" says Uscinski.

As far as other GOP figures who don't have Romney's baggage on the issue, repeal would apparently be all gravy for them. "The farther to the right you are, Santorum and the whole tea party movement, that side of the spectrum, repeal would be a victory for liberty," says Snaith.

One figure who might benefit in particular is Florida Gov. Rick Scott. Florida was the first state to file suit against the Obama administration over the law. Scott wasn't governor then, but Scott has opposed the law.

"It's still definitely a notch on the belt for Florida," Snaith says. "You can play the role of David against Goliath. It would reflect favorably on Gov. Scott."

On the other hand, if the court upholds the law, the scenario would be quite different. Obama would be able to claim victory. "His base would rally round him," says Snaith, "but I don't know about independent voters. The law still isn't very popular with the general public."

"And if it is upheld, for conservatives it would be like hitting a hornets' nest with a stick," says Uscinski. "Conservatives will be angry and be ready to go to the polls."

Sabato says it could be that by Election Day the public will have largely forgotten what the court decides, as other issues -- the economy, gasoline prices, the Iran/Israel crisis -- come to the fore.

Says Sabato: "It's like the lyric in the old Frank Sinatra song: 'It's a long time from May to November.'"
Or in this case, June or July to November.