

Current Events and the Constitution: Health Care and the Supreme Court



This week the Supreme Court is hearing oral arguments in the *Department of Health and Human Services v. State of Florida, et. al.* (2012) case. The case will decide the constitutionality of the Patient Protection and Affordable Health Care Act of 2010. The justices will hear arguments about several portions of the law including whether the Court has jurisdiction in the case, whether Congress has the power to enact a minimum health coverage provision, whether the “Individual Mandate” portion of the law is within the powers of Congress, whether the law infringes upon the principles of federalism and/or state sovereignty. Twenty-six states have challenged the Patient Protection and Affordable Health Care Act. The Supreme Court’s decision is expected in June.

Bill of Rights Institute Resources

[United States Constitution](#)

[Bill of Rights](#)

[Additional Amendments](#)

[Federalist 39](#)

[Federalist 45](#)

[Federalist 46](#)

News Resources

[Justices Hear Argument That Health Case Is Premature](#), New York Times

[First round of Supreme Court health care hearings not about health care](#), FOX News

[Supreme Court opens historic health care arguments](#), Washington Times

[Dueling chants as demonstrators vent over U.S. healthcare law](#), Chicago Tribune

[Supreme Court weighs whether health care mandate’s penalty a tax](#), Boston.com

[TV would be a Supreme distraction](#), South Bend Tribune

[The Court and Healthcare Reform](#), Oyez.org

[Oral Argument Audio, *Department of Health and Human Servs. v. Florida*](#), SupremeCourt.gov

Discussion Questions:

- 1) What are the facts in the case? What are the constitutional questions?
- 2) What is the "Individual Mandate"?
- 3) What is the Anti-Injunction Act of 1867? Should it apply to this case?
- 4) What is federalism? Should it apply to this case?
- 5) What is the Commerce Clause? How does the Solicitor General, arguing in favor of the constitutionality of the law, say it should be interpreted to apply this case? How do the states argue it should be interpreted to apply to this case?
- 6) Listen to the oral arguments. Which arguments do you find most persuasive, and why?
- 8) Why do you think people approve or disapprove of the Affordable Health Care Act?
- 9) Do you agree that the Supreme Court should not allow cameras in the courtroom? Why or why not?

Extensions

A. Conduct a class debate on the constitutionality of the Affordable Health Care Act.

-Randomly split the class into two groups.

-Assign each group one of the editorials below to assist in their arguments.

-Give the groups time to research and use any resources available to support their argument. (They have to stay on the side of the argument in the article they read even if they personally disagree.)

-Allow each side to argue its case and then allow for debate.

[Why the health care reform law is unconstitutional](#), CNN

[Opinion: Exchange would offer high-quality, affordable health care](#), LoHud.com

B. Have students read Federalist Papers [39](#), [45](#), and [46](#) and discuss the questions: What concerns did people have about the balance of power between the federal government and state governments in 1788? What solutions does Madison say the Constitution offers? What actions does Madison say states may take when they perceive the federal government is acting outside its constitutional authority? How, if at all, have these concerns or proposed solutions changed in 2012?