



Will the Supreme Court Re-Ignite the Health Reform Wars?

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With the Affordable Care Act working surprisingly well, conflicts have cooled a bit. But if the Supreme Court eliminates insurance subsidies for citizens in dozens of states, GOP governors and candidates will find themselves vulnerable on the firing lines of renewed partisan warfare headed into 2016.

The *King* case was argued at the Supreme Court on March 5, 2015, and the results will soon be announced as the nine Justices wrap up their current term. The plaintiffs are ideological conservatives, firm opponents of health reform, who have seized on one ambiguous phrase in a 900-page law to maintain that federal subsidies to help lower-middle-income people buy private health insurance plans cannot be given to citizens living in states that have not set up their own autonomous health care exchanges, or marketplaces. Of course, the Affordable Care Act never intended any such restriction: subsidies were meant to be available nationwide. But ultra conservatives see this case as one last chance to persuade five Supreme Court Justices to do what the Republican Party has not been able to do through regular electoral or legislative channels – register a body blow to President Obama’s signature health reform law.

Months ago, SSNers Theda Skocpol and Lawrence Jacobs wrote an [SSN brief explaining the political stakes in the King v. Burwell](#). A [feature story](#) in *Talking Points Memo* highlighted the implications of the Skocpol-Jacobs findings for the 2016 election, and Theda Skocpol published [an OpEd](#) in *The Atlantic* explaining why many GOP presidential and vice presidential hopefuls have strong reasons to worry if the Supreme Court nixes health reform subsidies in their states. As the outcome of the case approaches, many bloggers and media analysts have echoed these arguments. Writing for the *Monkey Cage* blog at the *Washington Post*, for example, Patrick Egan built off the Skocpol-Jacobs brief to show how hard a subsidy cut-off triggered by a pro-*King* ruling would hit Republican strongholds. Politically speaking, he explained, “[... the GOP loses if the Obamacare lawsuit wins.](#)”

