

H A R L A N R I C H A R D S

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Chief Justice John Roberts Does the Right Thing -
For the Wrong Reason

The health care legislation Obama signed into law a while back was upheld in a 5 to 4 decision which had Chief Justice John Roberts cast the critical vote. It is amazing that a right-wing conservative would vote to uphold something so hated and vilified by his fellow zealots. Of course he did it in such a goofy, illogical manner that it will allow him to reap long term benefits from the short term controversy.

The provision most in contention is the mandate that everyone must have health care and imposing a fine on those who refuse to buy their own insurance. Funny thing about that mandate: it was created in the conservative Heritage Think Tank which is the go-to source for conservatives when they want support for their right-wing agenda. It was only added to the health care bill to get Republican support. It didn't, and now it's the lightning rod for the entire health care legislation.

I really don't see how requiring people to buy health insurance is any different from mandatory car insurance. If anything, the car insurance mandate should be unconstitutional because it presupposes that you are going to have an accident and cause injury to another person or property. Many people go their entire lives without an accident caused by them yet Wisconsin and many other states require these accident-free drivers to buy insurance and at a higher rate than if there was no law requiring insurance. When Wisconsin enacted its mandatory auto insurance legislation a few years ago, it was a windfall for the insurance companies and everybody's rate went up.

But getting back to Justice Roberts, he called the fine for not getting insurance a tax and upheld it for that reason. This benefited his agenda in two ways: It allowed Republicans to declare that Obama was responsible for the largest tax increase in our country's history and allowed the further erosion of federal authority over commerce via the commerce clause. His long-term goal is to restrict the commerce clause of the U.S. Constitution to such an extent that our government will no longer have the authority to reign in the megacorporations which currently control much of our economy.

So although we won the battle over health care, we may have lost the class war the wealthy is waging against the 99% of us who can't afford to buy the influence they can.