

How Will the Supreme Court Decide?

It has been a long time since I've seen crowds this big protesting outside the **Supreme Court**. They're all there: Tea Partiers and ObamaCare supporters marching, praying, chanting, carrying signs. The marching band was an interesting touch!

The occasion of course is the three days of oral arguments in the case that may decide the fate of the Patient Protection and Affordable Care Act—or at least critical pieces of it.

The question is: Will the demonstrations matter? The textbook answer is no. The Court consists of judges who have been appointed for life, who are not subject to public opinion; their supreme obligation is to the Constitution of the United States.

That's the way it is *supposed* to be. In practice it doesn't work that way. The Supreme Court justices do read the newspapers; they know what the public will and won't accept.

That was certainly the case in *Washington v. Glucksberg*, where the court unanimously refused to recognize a constitutional right to physician-assisted suicide. Chief Justice Rehnquist wrote at the time, "Americans are engaged in an earnest and profound debate about the morality, legality and practicality" of assisted suicide, and that the Court should "permit the debate to continue."

Now the question is whether the country is ready for **Obamacare**—and especially for the individual mandate. The Court will decide whether the Commerce Clause permits the federal government to force individuals to purchase insurance. That is a very sticky Constitutional question.

But, again, history shows that public opinion does matter.

Certainly the White House knows it.

What happens in this case will tell us a lot about what happens in another case in which all **Christians** have a keen interest; that's the HHS mandate, which seeks to force religious organizations to provide insurance coverage that violates their faith. I hope and pray Christians will take to the streets when the Court takes up that one!

Now, I've not taken a public position on Obamacare. I believe we do need health-care reform. I've seen first-hand the gross inefficiencies and fraud in Medicare. And a **biblical worldview** certainly acknowledges the need to take care of the poor and the needy.

Now on the other hand now, especially in the light of what has happened with HHS, I'm wondering if the Christian doctrine of subsidiarity, one of the most important areas of social teaching, doesn't factor in here. Simply put, subsidiarity teaches that that a central authority should only take on those tasks that can't be handled at a more local level. Why? It's a question of justice and human flourishing. The local officials see the basic needs of the community and understand them better. Communities and individuals are often powerless in the face of a powerful central authority.

So, I think there is a truly **biblical argument** to be made that health care is best handled at a state and local level. That the federal government—as we've seen in the HHS controversy—is incapable of administering health care in a way that encourages human flourishing, but at the same time protects our most vital liberties.

Now we'll see what the Supreme Court says.

Chuck Colson is the founder of Prison Fellowship, the nation's largest outreach to prisoners, ex-prisoners and their families, as well as Breakpoint, a nonprofit organization that educates Christians on how to apply their faith to all areas

of life.