



Few Support 'Individual Mandate' in Health Care Reform Law, Poll Finds

But many wonder if political leanings will influence Supreme Court's ultimate decision, Harris Interactive/HealthDay survey shows

March 1, 2011

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Half of U.S. adults still oppose the "individual mandate" clause in the new health care reform law that requires all Americans not already insured to purchase health insurance, while only 22 percent support it, a new *Harris Interactive/HealthDay* poll finds.

But certain arguments in favor of the mandate seem to sway opinion back toward support for it. For example, 71 percent of the more than 3,000 adults polled in mid-February agreed with the suggestion that "for health insurance to work, it is necessary to include people who are healthy in order to help pay for those who are sick."

That seems to indicate that "while the individual mandate is still widely unpopular, indeed by far the most unpopular part of the Affordable Care Act [ACA], some arguments in favor of it are supported by most people," said Humphrey Taylor, chairman of The Harris Poll, a service of Harris Interactive.

Prior Harris Interactive/HealthDay polls have consistently shown that the individual mandate is the only part of the Affordable Care Act that is unpopular with a majority of Americans.

Half of those interviewed for the new poll felt the individual mandate was unconstitutional, while 20 percent thought it was constitutional, and 30 percent weren't sure. Among Republicans, 78 percent said the mandate was unconstitutional, compared with 31 percent of Democrats.

Most experts now believe that the constitutionality of the individual mandate will only be settled by the U.S. Supreme Court.

However, only slightly more than a third (36 percent) of those polled believe that the nation's highest court would be able to decide the issue in a non-political, non-partisan way. Thirty-nine percent felt that any Supreme Court decision would be colored by the justices' political leanings.

"Most people do not feel that the Court is above politics," Taylor said.

In recent lower court rulings on the Affordable Care Act, three judges appointed by Democratic administrations have so far supported the law, while two judges appointed by Republican administrations have ruled it unconstitutional.

Devon M. Herrick is a senior fellow at the **National Center for Policy Analysis**, a nonpartisan, nonprofit think tank focused on free-market approaches to public policy. He believes that the Supreme Court will largely look to the letter of the law when making any decision.

"I do not believe federal judges will rule for or against the Affordable Care Act based solely on their political affiliation," he said. "However, differing political views can undoubtedly influence a judge's interpretation of whether the ACA's individual mandate violates the Constitution."

The new poll found that the nation as a whole is still split on how it feels about the Affordable Care Act overall, with 39 percent of respondents opposed to the reform package, 34 percent in favor and 27 percent still undecided.

Most of this division cleaves along party lines, with 72 percent of Republicans wanting to repeal all or most of the legislation, compared to 15 percent of Democrats.

Smaller majorities agreed in the new poll with other arguments that would support the individual mandate. For instance, 56 percent agreed with the statement, "If everyone is required to have health insurance, including healthy people, it will make the average cost of insurance less expensive."

And 51 percent agreed with the contention that "requiring insurance companies to provide health insurance to people with preexisting conditions will not work unless everyone is required to have insurance" -- a major argument often put forward as to why the individual mandate is necessary.

The AARP said it agrees with that reasoning.

"Our members have been telling us for decades about the problems they've had getting or keeping access to health insurance because of their age or health history," said Nancy LeaMond, executive vice president of AARP's State and National Group. "The implementation of the ACA, which includes the individual mandate, is necessary to keep insurance companies from blocking coverage due to a person's age or pre-existing conditions, or dropping coverage when someone gets sick."

Other arguments in favor of the individual mandate didn't get majority support in the new poll. For example, more people (54 percent) disagreed than agreed (46 percent) with this statement: "If it is constitutional for the states to require people to buy car insurance or wear seat belts, it should be constitutional for the federal government to require people to buy health insurance if they do not already have it."

There are parts of the Affordable Care Act that still garner widespread support among Americans. For example, a majority of both Republicans and Democrats like the provision that bars insurance companies from refusing to cover people with pre-existing conditions.

"The individual mandate is the most controversial portion of the Affordable Care Act. Less than one-quarter of those surveyed support it," Herrick noted. "Yet, there is strong public support that people with pre-existing conditions should not face discrimination when purchasing coverage. The problem for policymakers is how to reconcile these two conflicting views."

The Harris Interactive poll of 3,419 Americans over the age of 18 was conducted online within the United States between Feb. 16-18.