

Bill Kaplan: Supreme Court may end ACA during pandemic

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The pandemic hasn't "disappeared", but continues unabated as the economy stalls with permanent jobs disappearing. Most federal aid has ended, despite escalating small business failures, farmers facing loss of markets and inadequate prices and hunger persisting. "Chances dim on stimulus package ... (as) Sen. John Barrasso (R-WY) called a proposed expansion of Affordable Care Act (ACA) tax credits to the unemployed 'an enormous betrayal' of the GOP's longstanding opposition to Obamacare" (Washington Post).

Ken Holmes, a Green Bay COVID-19 survivor, said: "We have nearly 1,000 people a day dying of COVID. If you had three jetliners going down every day, would you get on an airplane? I don't think many people would. But they sure don't want to wear a mask" (WP). A failure by Trump (and Wisconsin GOP legislative leaders) to heed medical advice on masks and social distancing has "taken a crisis and turned it into a tragedy" (New England Journal of Medicine).

The U.S. continues to lead the world with about 7.7 million COVID-19 cases and 215,000 deaths. Wisconsin saw a new daily record of 3,132 cases, adding to about 150,000 cases, near 1,500 deaths. Wisconsin Democratic Governor Tony Evers moved to open up a field hospital to relieve rural and other hospitals with few open beds. State GOP legislators have no plan.

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Neither does White House and GOP-led Senate. Trump ended negotiations with House Speaker Nancy Pelosi on an economic stimulus bill, telling Senate Majority

Leader Mitch McConnell “not to delay, but to instead focus full time on approving my outstanding nominee to the United States Supreme Court, Amy Coney Barrett.” The Senate Judiciary Committee begins confirmation hearings on Monday. Why the rush?

If Barrett is speedily confirmed she will be able to hear a lawsuit challenging the ACA’s constitutionality (November 10th). Trump and Wisconsin GOP Senator Ron Johnson are obsessed with having the court strike down the ACA. Moreover, Barrett is on the record expressing opposition to the ACA. Johnson, recovering from COVID-19, said nothing would stop him from voting for Barrett: “If we have to go in and vote, ... I’ll go in a moon suit.” He prattled on: “I would certainly try to find a way – making sure that everybody was safe.” Oblivious!

Johnson doesn’t believe as he did in 2016 in waiting until after the election. Then he helped block a vote on President Obama’s Supreme Court nominee, Merrick Garland, six months before the election. Now, he wants to tilt the Supreme Court to strike down the ACA. Healthcare coverage for over 20 million, protections for about 54 million with preexisting conditions and treating women’s benefits – premiums equally are at risk.

It’s not the first time Johnson has played an odious role. Johnson “single-handedly” blocked Victoria Nourse, a widely respected UW-Madison law professor, from a confirmation hearing for a seat on the 7th U.S. Court of Appeals (MJS). Under Trump, Johnson voted to put Barrett on that court. Now, an irresponsible power grab to put Barrett on the Supreme Court.

-Kaplan wrote a guest column from Washington, D.C., for the Wisconsin State Journal from 1995 – 2009.