

Supreme Court health care defeat may be a win for religious opposition

by [David Gibson](#)

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c. 2012 Religion News Service (RNS) Supporters of President Obama's health care reform law were elated on Thursday (June 28) -- and admittedly a bit surprised -- by the Supreme Court's narrow decision upholding the landmark legislation. But they may want to keep the corks in their champagne bottles, at least for now.

That's because in a political climate where "status quo" is a four letter word and anger is the electorate's prime mover, the 5-4 ruling in favor of the White House may actually be a political boon to social and religious conservatives -- giving them a potent issue to rally supporters in ways that presumptive Republican nominee Mitt Romney has so far been unable to do.

"You can take to the bank that the decision to uphold Obamacare will energize the Tea Party, evangelicals, and the broader Republican base like we haven't seen before. Yes, more than 2010," said David Brody, chief political correspondent for the Christian Broadcasting Network and author of a new book, "The Teavangelicals: The Inside Story of How the Evangelicals and the Tea Party are Taking Back America."

"The big winner on Thursday June 28, 2012 is President Obama. The big winner on the evening of Tuesday, November 6 very well could be Mitt Romney," Brody said.

Similarly, conservative Catholics who have been wondering whether the bishops have any pull with their flock could also be galvanized by the high court's decision.

"If the Supreme Court decision lacks clarity, the Catholic response will be anything but ambiguous: the battle lines between the bishops and the Obama administration are now brighter than ever," said the Catholic League's William Donohue.

Added Matt Smith, head of Catholic Advocate: "If faithful Catholics are outraged by this ruling, they have an opportunity in November to affect decisions in Washington, D.C. If Catholics want different policy, change the policy makers!"

In fact, for many faith-based voters, Thursday's decision could make the campaign more political, and partisan, than it ever was.

While there are a number of other legal challenges to aspects of the health care law -- the Supreme Court ruling did not address the specific issue of the contraception mandate, for example -- taking control of Congress and the White House seems like a more reliable path to overturning or undermining the health care law than the courts.

"This decision may well energize conservative activists, including religious conservatives, because the ballot box is now the best way to change the health care law," said John Green, director of the Ray C. Bliss Institute of Applied Politics at the University of Akron and a leading analyst on how religion affects voting.

"Nearly all of the things conservatives disliked about the law are still in play, including the provision mandates," Green said. "And a new complaint can be added: the individual mandate is constitutional as a tax -- so the law involves a broad-based tax increase. So the decision can be seen as a 'good thing' for conservatives and Republicans."

It can also be seen as a good thing for social conservatives trying to raise money. Within hours of the ruling, an array of groups were sending out promotional emails making highly questionable but also highly effective claims about "Obamacare."

A National Right to Life "Victory Fund" letter warned that health care reform "can kill disabled and elderly persons just as assuredly as if it were an actual capsule of cyanide." The Susan B. Anthony List told supporters that the health care law will be "the largest expansion of taxpayer funding of abortion on demand since Roe v. Wade."

That is the kind of red meat rhetoric that has been missing from the GOP's campaign since the primaries ended, and it could signal a renewed salience for social issues.

But there are dangers for conservatives in Thursday's ruling as well.

The most obvious peril is that it will leave Romney struggling even more to explain how the health care reform he passed while governor of Massachusetts is different from the almost identical law passed by Democrats -- a parallel that has long given religious conservatives pause.

"Romney can try to explain why what he thinks is good for Massachusetts isn't good for America. Not impossible, but not easy, and I would guess probably beyond Romney's power," Pete Spiliakos wrote at the website of First Things, a favorite journal of religious conservatives.

But an even more upsetting development for social conservatives was that Chief Justice John Roberts, a Catholic whose appointment by former President George W. Bush was seen as capping a rightward transformation of the high court, provided the deciding vote to uphold the health care law.

"Roberts was supposed to be one of the good guys," a disappointed Steve Skojec wrote at Catholic Vote, a conservative political lobby. "Remind me again why I'm wrong about putting your faith in any Republican-appointed justices who aren't a known quantity?"

His was a fairly common reaction among conservatives. "Salvation-by-political-action isn't working out so well," agreed John Barnes, another Catholic Vote writer.

One of Skojec's commenters had a more succinct take on Roberts: "Judas."

Taken together, these developments could lead to the kind of disillusionment among the religious right that the Republican Party can ill-afford in what promises to be a tight race.