

Earlier this month, parties challenging certain aspects of the 2010 health reform law (the Patient Protection and Affordable Care Act, or ACA) filed their opening briefs with the Supreme Court. As the Court prepares to hear arguments in the case in March, most of the public believes the Justices' own ideological views will play at least some role in their decision. Reflecting their generally negative attitudes towards the mandate, more than half believe the Court should rule that the law's mandate is unconstitutional, and a similar share expect this to be the outcome. Still, most expect that some parts of the law will continue to be implemented even if the Court decides to strike down the mandate. As the presidential primary race continues, almost half of Republicans think that Republican candidate Mitt Romney has views on health care policy that are at least somewhat different to those of Democratic President Barack Obama.

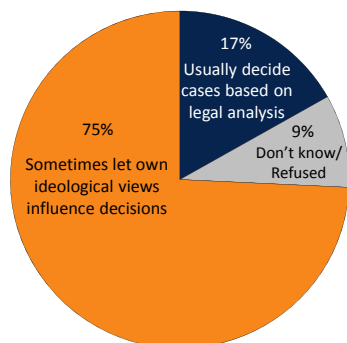
THE SUPREME COURT AND THE INDIVIDUAL MANDATE

As the Supreme Court prepares to hear arguments in the case challenging aspects of the health reform law, a minority of the public reports paying attention to news about the case. Roughly three in ten Americans say they have heard "a lot" (13 percent) or "some" (18 percent) about the case, while the large majority report hearing "only a little" (33 percent) or "nothing at all" (35 percent). At the same time, the public has a somewhat cynical view of the Court's ability to render judgments based solely on the law. Three-quarters (75 percent) say they think that Supreme Court Justices let their own ideological views influence their decisions, while just 17 percent say they usually decide their cases based on legal analysis without regard to politics and ideology. Similarly, when asked specifically about the challenge to the ACA's requirement that Americans have health insurance or else pay a fine (the individual mandate), six in ten (59 percent) say they expect the Justices will take their own ideological views into account when rendering a decision, while about half as many (28 percent) think their decision will be based purely on legal analysis.

Most Think Justices' Ideology Plays A Role In Decision-Making

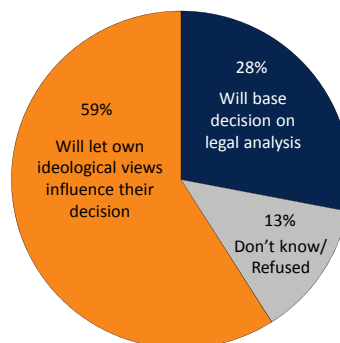
IN GENERAL

Do you think the Supreme Court Justices usually decide their cases based on legal analysis without regard to politics and ideology, or do you think they sometimes let their own ideological views influence their decisions?



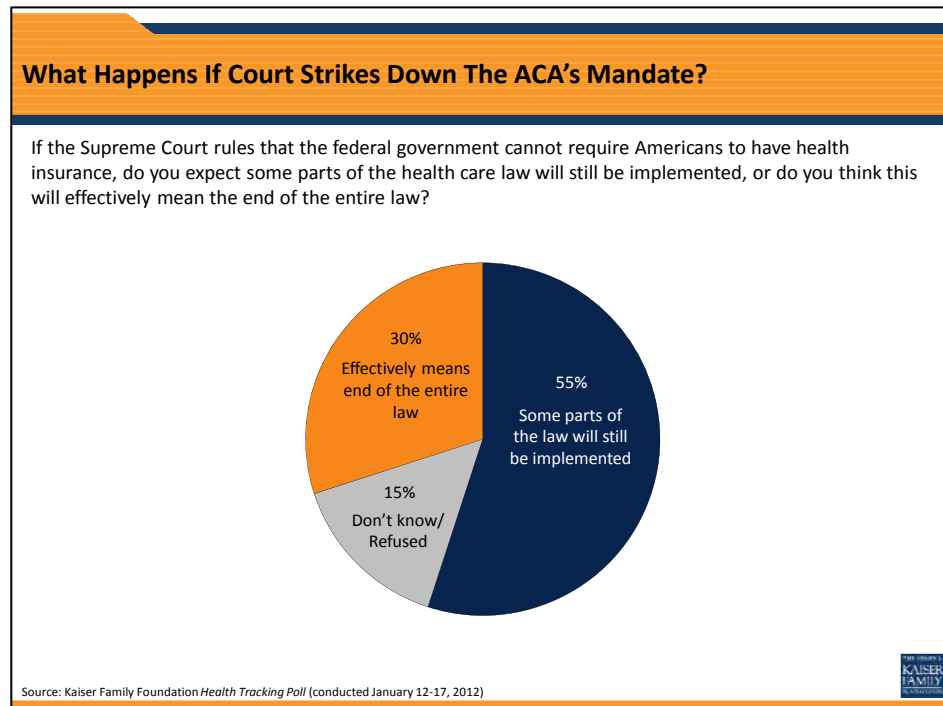
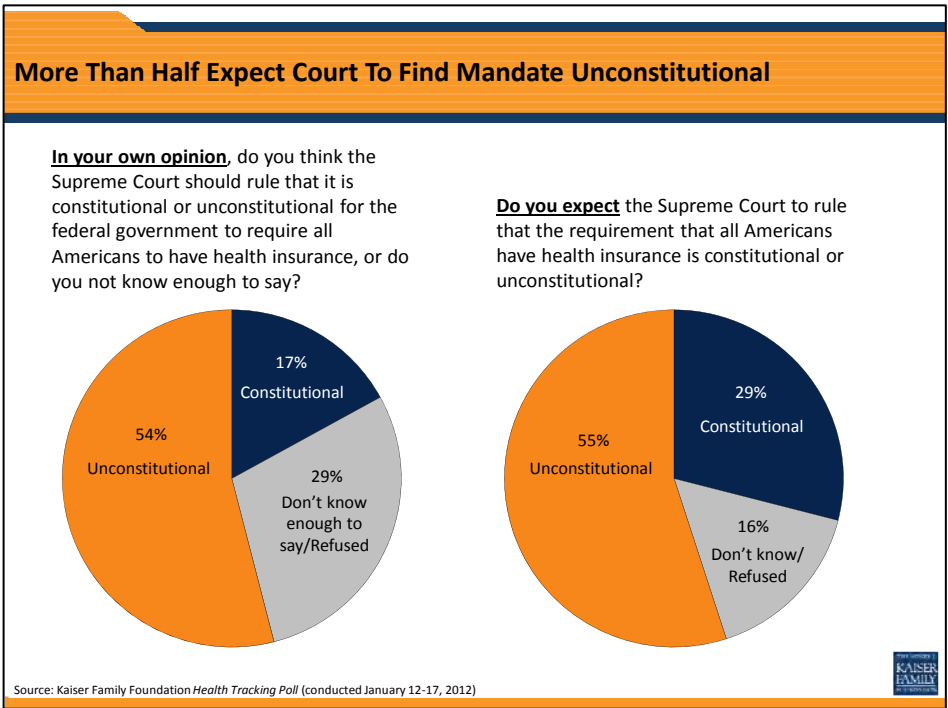
IN CASE CHALLENGING ACA'S MANDATE

In ruling on this case, do you think the Supreme Court Justices will base their decision on legal analysis without regard to ideology or politics or do you think they will let their own ideological views influence their decision?



Source: Kaiser Family Foundation Health Tracking Poll (conducted January 12-17, 2012)

Previous Kaiser tracking polls have shown that the individual mandate is by far the least popular provision of the law, and this month's poll finds the public more than twice as likely to have an unfavorable rather than a favorable view of the provision (67 percent vs. 30 percent). It may not be surprising, then, that just over half the public (54 percent) say that they think the Court should rule that the mandate is unconstitutional, while just 17 percent think the Court should find it constitutional and about three in ten (29 percent) don't know enough to say. People's expectations for how the Court *will* rule are largely in line with their own views of how the Court *should* rule; 55 percent expect the court to find the mandate unconstitutional, and 29 percent expect them to find it constitutional.



The question of the individual mandate's constitutionality is not the only issue regarding the ACA that the Court must decide; the Justices must also consider whether the rest of the law can stand if the mandate is struck down. While the general public may not understand the intricacies of the different issues before the Court, at this point most Americans do not see the court case as a test of the entire law. Fifty-five percent expect that if the Court strikes down the individual mandate, some parts of the health care law will still be implemented, while three in ten (30 percent) think it will effectively mean the end of the entire law.

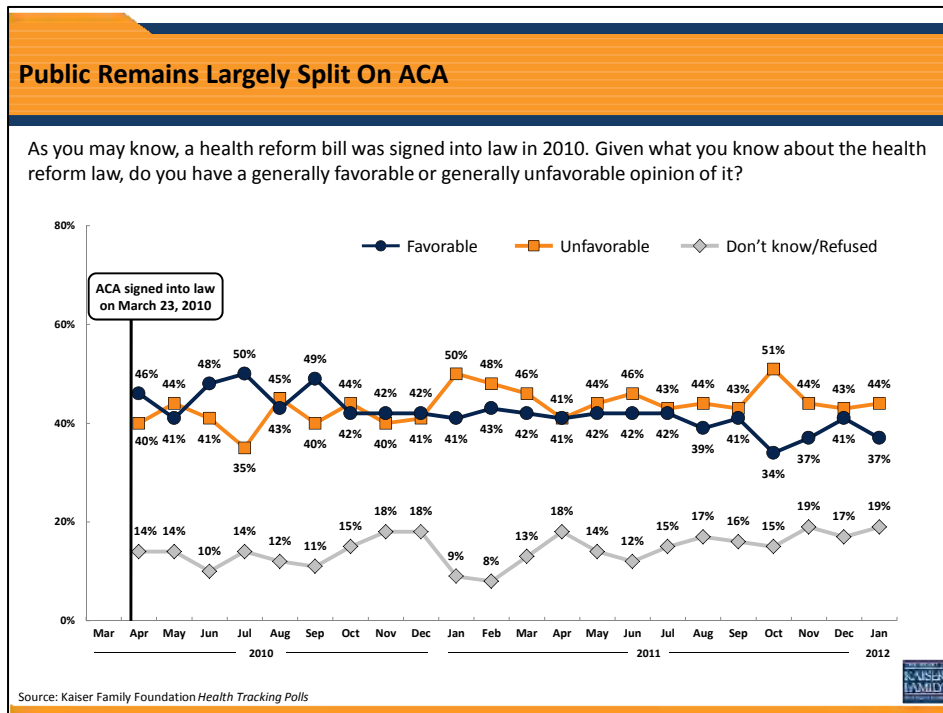
WHY IS THE INDIVIDUAL MANDATE UNPOPULAR?

Among the 67 percent of Americans with an unfavorable view of the individual mandate, the most common reasons offered in their own words include that the government shouldn't be able to force people to do something they don't want to do (30 percent), that health insurance is too expensive (25 percent), and complaints about the fine for non-compliance (22 percent). Among the 30 percent who view the mandate favorably, the most common reasons include that everyone needs access to health care and/or insurance (32 percent), that the mandate will mean that everyone will have coverage (17 percent), that people should be responsible for their own insurance and pay their fair share (16 percent), and a belief that the mandate will control costs (15 percent).

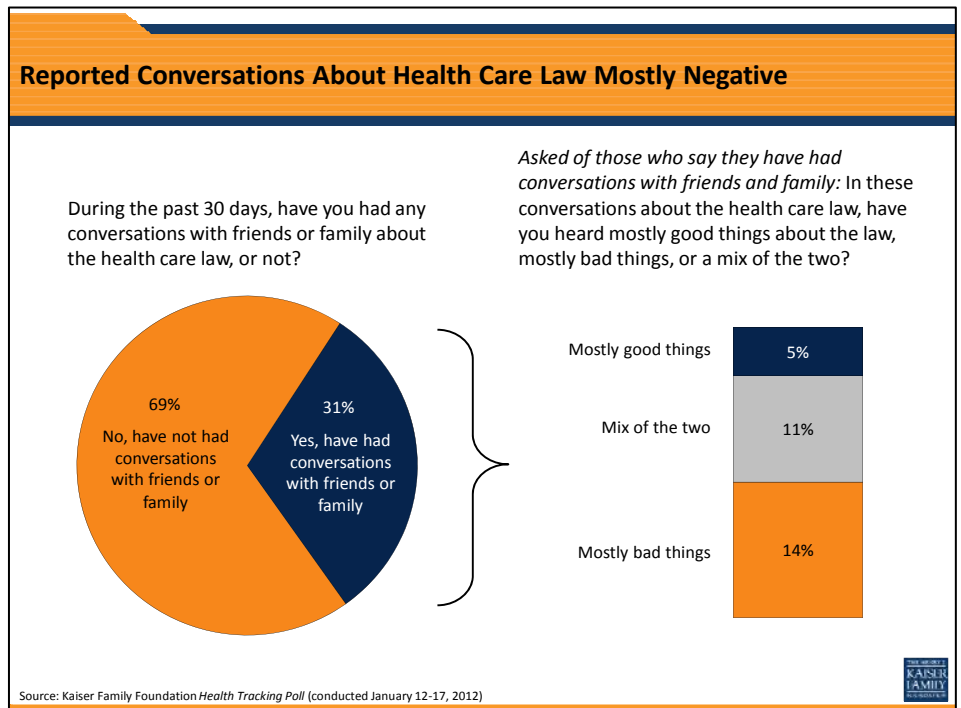
IN THEIR OWN WORDS... (selected quotes from open-ended responses)	
Among the 30% who have a favorable opinion of the individual mandate: What is the main reason you have a FAVORABLE opinion of the individual mandate?	Among the 67% who have an unfavorable opinion of the individual mandate: What is the main reason you have an UNFAVORABLE opinion of the individual mandate?
<i>"I believe that health care is a right and people should take some responsibility for their health care"</i>	<i>"It is unconstitutional and the government is sticking its nose where it does not belong"</i>
<i>"Because it will get more people to be more responsible; it should be just like auto insurance"</i>	<i>"Paying a fine is unfair. People who can't afford insurance can't afford the fine"</i>
<i>"I work[ed] in health insurance for a while and I know people need health insurance. If they don't have health insurance and go to the doctor the tax payers have to pay for the bill"</i>	<i>"The government shouldn't tell you what to do. It's getting like old Russia. They should not be able to fine you for something you can't afford to buy in the first place"</i>
<i>"Because it will help people who don't have insurance. It will stop the insurance company from dropping insurance because we have a preexisting condition"</i>	<i>"Because it's going to cost jobs and employers can't afford it"</i>
<i>"Because it moves us closer to universal health care"</i>	<i>"Because it's going to raise the price of everything"</i>
<i>"Because if that part is removed, the plan won't work so well"</i>	<i>"They will not be able to enforce it"</i>
<i>"It increases the pool of people of buying health insurance which would hopefully reduce the cost"</i>	<i>"I'm poor and I cannot afford to buy health insurance"</i>
<i>"Because it would be fair if everyone pay[s] for their insurance based on their own income"</i>	<i>"Expanding health care can bring down the quality of the health care service"</i>

PUBLIC REMAINS LARGELY SPLIT ON ACA, BUT DINNER TABLE CONVERSATIONS MORE NEGATIVE THAN POSITIVE

As the two year anniversary of the ACA approaches, Americans overall remain split in their opinions of the health care law, with a slightly higher share expressing an unfavorable (44 percent) rather than a favorable view (37 percent). Despite this division, half still prefer to either expand the law (31 percent) or leave it in its current form (19 percent), while slightly fewer would like the law repealed, either outright (22 percent) or repealed and replaced with a Republican-backed alternative (18 percent).

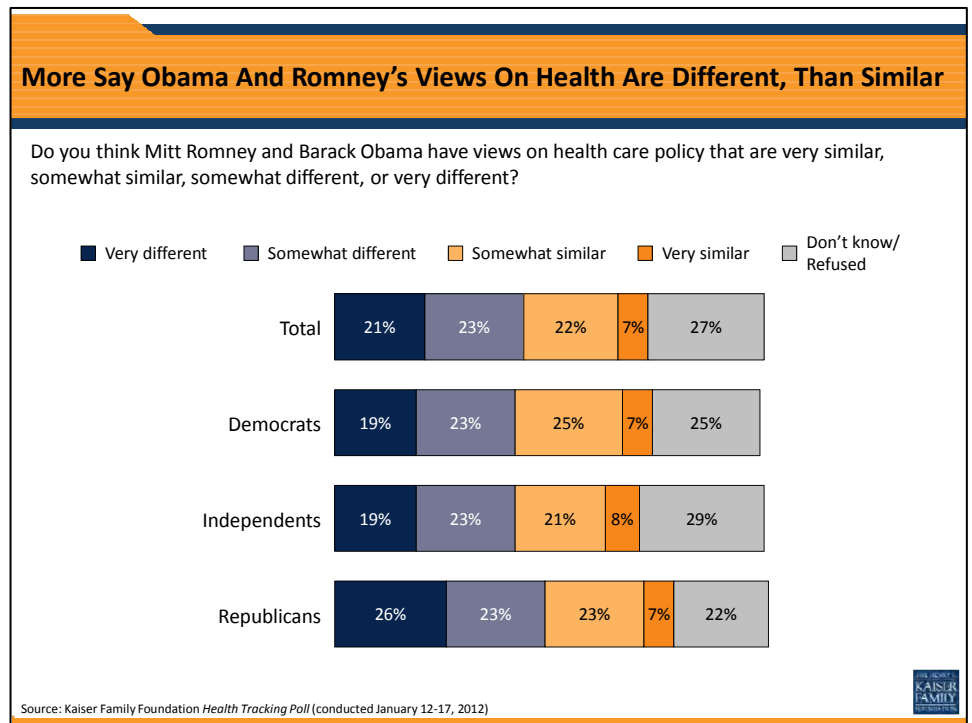


Dinner table conversations about the ACA also continue, with three in ten Americans (31 percent) saying they have talked to family or friends about the law in the past month. This share rises to 37 percent among Republicans, compared to 27 percent of Democrats and 31 percent of independents. People report the tone of these conversations to be mostly negative. Of those who report talking about the law, three times as many say they've heard mostly bad things about the law (46 percent or 14 percent of the total) as say they've heard mostly good things (17 percent, 5 percent of total), while a third (36 percent, 11 percent of total) say they've heard mixed reports.



HEALTH POLICY AND THE PRESIDENTIAL PRIMARIES

A mainstay of the Republican presidential primary debates has been discussion of Mitt Romney's past as Governor of Massachusetts and his role in passing that state's health reform law in 2006. Many of Governor Romney's opponents have criticized him for passing a law that they see as similar to the national health care law, and some have claimed that the Governor's views on health care policy are similar to those of President Obama. Among the public, more see President Obama's and Governor Romney's views on health care as different (44 percent), than similar (29 percent). This pattern holds for Republicans—nearly half (49 percent) say their views are different from one another, though a sizeable share (three in ten) think their views are similar; another 22 percent decline to offer an opinion on the matter.

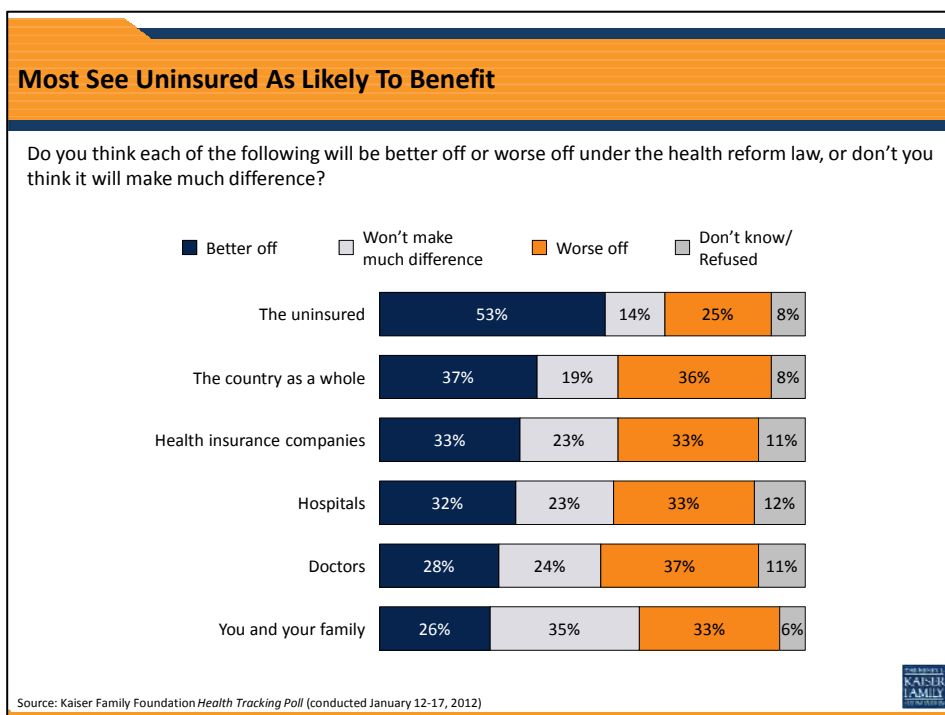


Even with the presidential primary season in full swing and the Massachusetts health reform law receiving plenty of air time at the debates, most Americans (including most of those who say they're likely to vote in their state's Republican primary or caucus) continue to say (as they did last October) that they don't know enough about the Massachusetts law to form an opinion on it, or to assess whether it is similar to or different from the ACA.

PUBLIC REMAINS UNFAMILIAR WITH MASSACHUSETTS HEALTH REFORM LAW		
	Total Public	Likely GOP Primary Voters
As you may know, the state of Massachusetts passed a health reform law in 2006 when Mitt Romney was the state's governor. Given what you know about it, do you have a generally favorable or generally unfavorable opinion of the Massachusetts health reform law, or do you not know enough to say?		
Favorable	15%	10%
Unfavorable	14	19
Don't know enough to say	69	69
How similar or different do you think the Massachusetts law is from the national health reform law passed last year? Would you say the two plans are similar, different, or do you not know enough to say?		
Similar	21	23
Different	11	10
Don't know enough to say	65	64

PUBLIC THINKS UNINSURED WILL BENEFIT UNDER ACA, DOCTORS MAYBE NOT

Just over half (53 percent) of Americans say that the uninsured will benefit under the ACA, but feelings are more mixed when it comes to the country as a whole, health insurance companies, hospitals, and their own family. About a third say that the country, health insurance companies, and hospitals will be better off under the law and similar shares say these groups will be worse off. A comparable divide is seen on an individual level with a little over a third (35 percent) saying that the law won't affect them, another third thinking they will be worse off (33 percent) and a quarter saying they'll benefit (26 percent). When it comes to the impact on doctors, more say they will be worse off (37 percent) than better off (28 percent) under the law, with another quarter (24 percent) saying it won't impact doctors much.



METHODOLOGY

This *Kaiser Health Tracking Poll* was designed and analyzed by public opinion researchers at the Kaiser Family Foundation led by Mollyann Brodie, Ph.D., including Liz Hamel, Sarah Cho, and Theresa Boston. The survey was conducted January 12-17, 2012, among a nationally representative random digit dial telephone sample of 1,206 adults ages 18 and older, living in the United States. Telephone interviews conducted by landline (703) and cell phone (503, including 275 who had no landline telephone) were carried out in English and Spanish by Braun Research, Inc. under the direction of Princeton Survey Research Associates International (PSRAI).

The combined landline and cell phone sample was weighted to balance the sample demographics to match census estimates for the national population data on sex, age, education, race, Hispanic origin, nativity (for Hispanics only), region, and telephone usage. All statistical tests of significance account for the effect of weighting.

The margin of sampling error including the design effect for the full sample is plus or minus 3 percentage points. For results based on subgroups, the margin of sampling error may be higher. Sample sizes and margin of sampling errors for other subgroups are available by request. Note that sampling error is only one of many potential sources of error in this or any other public opinion poll.

The full question wording and methodology of the poll can be viewed online at <http://www.kff.org/kaiserpolls/8274.cfm>.

This publication (#8274-F) is available on the Kaiser Family Foundation's website at www.kff.org.