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McCaskill has 2.5 million reasons to oppose Judge Kavanaugh

By Jen Bersdale For The St. Louis American Sep 18, 2018



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One year ago, Americans from across the political spectrum came together to stop Congress from repealing the Affordable Care Act (ACA) and taking its vital protections for people with pre-existing conditions along with it. Since then, the specter of repeal has faded from the headlines, but the threats to those who depend on the ACA's life-saving provisions have not gone away.

Now, with President Trump's nomination of Judge Brett Kavanaugh to the U.S. Supreme Court, the 2.5 million Missourians with pre-existing conditions have new reasons to worry, and new reasons to urge Senator Claire McCaskill to oppose the nomination of a judge with a demonstrated hostility to the ACA.

Before the ACA, insurance companies often discriminated against people on the basis of pre-existing conditions like asthma, diabetes, cancer, or even pregnancy, charging them much higher premiums or denying coverage altogether. The ACA banned this kind of discrimination, and gave millions of Americans – regardless of their medical history – access to affordable coverage.

But a case working its way through the courts would strike down the ACA, including its protections for people with pre-existing conditions. The case has the support of Missouri Attorney General Josh Hawley as well as Trump's Department of Justice, which recently took the extraordinary step of refusing to defend the constitutionality of these provisions.

If this case ends up before the U.S. Supreme Court, and it very well might, we need a justice who will defend Americans' right to health care and uphold the vital protections on which so many of us depend.

So what do we know about Judge Kavanaugh, and why are we so concerned that he would put the ACA in jeopardy?

To start, we know that just last year, Kavanaugh criticized Chief Justice John Roberts for upholding the constitutionality of the ACA. Kavanaugh has also asserted that a president could refuse to enforce a law “even if a court has held or would hold the statute constitutional” – a deeply troubling position for health care and a threat to our country's separation of powers.

Another troubling sign is that Kavanaugh received a stamp of approval from the Federalist Society, which began fighting the ACA before it was even signed into law.

We also have President Trump, who made no secret of his desire to strike down the ACA and who has spent much of the last 18 months working to sabotage the law. As a candidate, Trump promised that if he won the presidency, his “judicial appointments will do the right thing, unlike Bush's appointee John Roberts on ObamaCare.” He also expressed “disappointment” in Chief Justice Roberts, as “somebody that should have, frankly, ended Obamacare, and he didn't.”

But even more concerning than what we already know about Judge Kavanaugh are the things we don't know, because Senator Mitch McConnell and his allies are refusing to request more than a fraction of the documents from Kavanaugh's tenure as a senior White House official under George W. Bush.

This is not meaningless partisan wrangling. For the 2.5 million Missourians with pre-existing conditions, the stakes could not be higher.

As an organization dedicated to organizing Missourians around health care issues, we've heard from countless Missourians about the life-changing impact these provisions have had, and how motivated they are to defend them. It would be cruel to throw these Missourians back to the mercy of the for-profit insurance companies, who are happy to collect our premiums as long as we don't actually need health care.

While some commentators – and even Senator McCaskill herself – have suggested that Judge Kavanaugh's nomination will be a “no win” vote, the evidence suggests otherwise.

Polls have consistently shown that Americans overwhelmingly support protecting provisions preventing discrimination against people with pre-existing conditions. A survey of voters in Missouri, Indiana, North Dakota and West Virginia found that close to two-thirds of

independent voters and even a quarter of Republican voters would approve of their Democratic senator voting “no” on a Supreme Court nominee because of health care issues.

McCaskill has been a staunch and courageous advocate for Missourians for whom access to affordable, quality health coverage make a life-saving difference. Now those Missourians are counting on her to stand up for them again and vote “no” on Judge Kavanaugh’s nomination to the Supreme Court.

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