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# On Health Law, Check Back in a Generation

By MATT BAI

WASHINGTON — When [President Obama](#) signed the health care bill into law last spring, White House aides predicted that the political benefit to their party would be almost immediate, going so far as to suggest that some provisions, like the one requiring insurance companies to cover pre-existing conditions, would help Democratic chances in the November elections.

It's now apparent that such short-term expectations may have been — to use the medical term — delusional. As the history of social legislation would suggest, and as this week's federal court ruling in Virginia makes clear, the health care debate has instead entered a new and protracted period of flux, and its effect on our politics may not be settled until a lot of the president's aides are collecting [Medicare](#) checks of their own.

Whether or not the [Supreme Court](#) ultimately upholds or rejects the idea of a government mandate to buy [health insurance](#), the various facets of the new law will be subject to myriad challenges over the next several years — not only in the courts, but on the floor of Congress and inside the agencies that will establish a truckload of new regulations. As with [Social Security](#) in the 1930s and Medicare in the 1960s, repeal of the health care law is likely to become a campaign issue for the rest of Mr. Obama's presidency, and probably beyond.

Such continuing debates reflect a basic political paradox when it comes to giant social programs: generally speaking, Americans resist the concept of a more activist government, even as they eventually come to embrace the entitlements it provides them.

And so the arc of such legislation tends to be fairly predictable and slow to unfold. The passage of the law is less like the breaching of a dam, unleashing some sudden wave that transforms the political terrain all at once, than like the slow seepage of water into sediment, gradually becoming so absorbed into the culture that it can no longer be readily removed.

The pattern here is perhaps best illustrated by Social Security. [Franklin D. Roosevelt](#) signed the program into law in 1935, but it didn't begin to pay out benefits until 1941. It was attacked both by conservatives, who tried repeatedly to repeal it, and by some on the far left, who thought the program insufficiently generous, and its survival remained in doubt for more than a decade.

Even as the political maelstrom raged, though, Social Security was slowly expanded to cover more categories of workers, and a generation of retirees began receiving their checks. "It basically gets woven into the way employers are operating and people are planning," says the political scientist Theda Skocpol, a Harvard professor who has written extensively on the history of American social policy. "People didn't get used to the benefits to which they were entitled until the '50s."

By that time, political support for the program was no longer in doubt, and Republican opponents had little choice but to desist. The electoral effect was nicely captured in a grainy black-and-white television ad for Adlai Stevenson's campaign in 1952, in which the narrator reminds a voter of all that the [Democratic Party](#) has achieved on his behalf. "See that Social Security card you have?" the voice asks. "That means security for you and your family. The Democrats made it possible."

Everything moves faster in today's society, of course, and it probably won't take 15 to 20 years for the politics of health care to cement itself. And yet there are essential lessons that both parties can draw from the history of Social Security and other expansive programs.

Republicans must know that they are effectively racing against time. The fact that much of the health care program remains to be phased in over the next several years —states are just beginning, for example, to create their health care exchanges, which won't be up and running until 2014 — means that the best time to attack core elements of the law is right now. That's because we're in the window of time between passage and acceptance of the law, where the public remains skeptical of a giant new program and hasn't yet grown accustomed to its benefits.

This is precisely what happened to the catastrophic-insurance program that a Democratic Congress and President [Ronald Reagan](#) added to Medicare 1988. Opponents in both parties succeeded in repealing the program within 18 months, as older Americans who hadn't yet warmed to the entitlement railed against the higher costs. "There's a case where the window was open, and the opposition slammed it shut," says Byron Shafer, a political scientist at the [University of Wisconsin](#).

Democrats were clearly mindful of that time window and the peril it posed to the new health care law, which is why they devised the program in such a way that the costs don't really kick in until after the 2012 election. For them, the challenge now is to repel legal and political attacks on the program, at least in an existential way, until the public begins to make work and family decisions based on the new law. If that happens, history would indicate that conservatives might have to turn their attention to reforming the law, rather than repealing it outright.

Most consequential for Democrats, of course, is that Social Security and Medicare not only survived but remade the country's political calculus as well, delivering working-class and older voters into the Democratic fold for decades. Liberals hope that health care might ultimately become the quintessential middle-class entitlement, something that enables them to say to today's young voters, as Stevenson's campaign did, "Democrats made it possible."

It could happen. It's just not happening anytime soon.



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