

## NORTHWEST TRI-COUNTY IU5 ADULT EDUCATION LESSON PLAN

Line of Inquiry/Unit: Judicial Review

Specific Lesson Title: The Conflict behind Judicial Review

Content Area: ELA and History, with a Math assignment

Description (optional): This is a description of the beginning of Judicial Review and a math assignment of a new judicial review case

Estimated time: 3 days

### CCRS (List College & Career Readiness Standards)

Anchor(s) & Level(s)	Reading Anchors 1D, 3D, Math 6.rp.3, 6.rp.3c, 7.rp.3 Speaking and Listening Anchors: Anchor 1D	Math Practice(s)	MP1 and MP2
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### OBJECTIVES (After completing the lesson, what will student be able to show/do?)

#### Reading Objectives

- Cite evidence to support analysis of text
- Analyze how the text makes connections between the individuals and the event
- Read and analyze the relationship between the event that brought on Judicial Review as a power of the Supreme Court

#### Speaking and Listening Objectives

- Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively

#### Math Objectives

- Use ratio reasoning to solve real world and mathematical problem based on the Affordable Healthcare Act
- Find a percent based on the Affordable Healthcare Act
- Determine part/whole/percentage
- Use proportional relationships to solve multistep problems
- Analyze the table to determine payments for healthcare for this single parent

### MATERIALS (What print and electronic resources will be needed to conduct the lesson?)

Handout 1: Plain English Constitution  
 Handout 2: Constitutional Powers Organizational Chart  
 Handout 3: Judicial Review Vocabulary  
 Handout 4: Judicial Review and Activity Sheet  
 Handout 5: Pre Lesson/Post Lesson Assignment  
 Handout 6: Speaking and Listening Rubric  
 Handout 7: Supreme Court ruling preserves health care for millions of Americans (Newsela)  
 Handout 8: Supreme Court ruling preserves healthcare for millions of Americans Activity Sheet  
 Handout 9: Judicial Review Math

## REVIEW/STIMULATE PRIOR KNOWLEDGE

### Day 1

On the board write the question, "Where do the branches of government get their power?" Read *Handout 1, Plain English Constitution* and identify the powers of the branches of government using *Handout 2, Constitutional Powers Organizational Chart*.

- The purpose is to have the students discover that all of the powers given to the branches of government are written in the Constitution, which is the main argument against Judicial Review.

### Day 2

Using the discussion topic given at the end of day 1, have a discussion pertaining to the benefit of Judicial review for US citizens.

- The purpose is to have the students develop an argument *for/ or against* Judicial Review and support their conclusions with evidence from other cases that involved Judicial Review of a government decision. This leads into the article of the court case about the Affordable Healthcare Act.

### Day 3

Review ratio, proportion, and percent and the parts and formulas that are involved.

- The purpose of this day's activities are to review Ratio and Proportion skills and relate them to the context of the article about affordable healthcare that is the most recent case for Judicial Review.

## CLASSROOM ACTIVITIES OR PROCEDURES (*What specific steps will you follow to execute the lesson? What will you say and do? What will the learners do?*)

### Day 1 Reading

1. The class will use *Handout 3, Judicial Review Vocabulary* to review the content specific vocabulary and determine how the vocabulary words relate to the reading. The students will then complete the vocabulary assignment on the cross curricular words. The class will go over the students' findings for the vocabulary. This will determine the students' understanding of the key vocabulary before reading the assignment.
2. The students will read the *Conflicting Views of Jefferson and Marshall (Handout 3)*. This will give the students an idea of the relationship between the most important people of the *Marbury vs. Madison* court case.
3. The class will discuss the key difference between Jefferson and Marshall and infer how these differences could cause a conflict.
4. The students will identify (through discussion) where it states in the Constitution that the Supreme Court has the power to determine if acts of congress and the president are constitutional. (It doesn't state it anywhere). The students will brainstorm ways the Supreme Court can get this power without it being in the Constitution. This is a review of making laws and how government receives its powers.
5. The students will read *Handout 4, Judicial Review and Activity sheet*. In groups the students will discuss the key aspects of the reading, summarizing and reviewing the *Marbury vs. Madison Decision*. The students will annotate on the text to keep track of important details, unknown vocabulary, and questions that they may have about a section.
6. The students will complete the *Activity Sheet* section of *Handout 4* with a focus on evidence and cause and effect of the situation. The class will review the *Activity Sheet* being sure that the students support their answers. The class has experience with using evidence and determining cause and effect. This is a modified guided practice where they are expected to be able to find evidence but still may struggle with how to correctly cite the evidence for their responses.
7. The class will discuss and review *Handout 5, Post Lesson/Pre Lesson Assignment*, writing a summary of the expectation of the assignment. The students will be expected to research and be prepared for a class discussion for the following class. Using what they learned they will need to have evidence and information that can support their view on the argument. They will be following the instructions on the *Post Lesson/Pre Lesson Assignment* sheet and following *Handout 6, Speaking and Listening Rubric* for Anchor 1 guidelines.

### Day 2 Reading

1. The class will discuss the Affordable Care Act and how it has affected the average citizen in the US. The Affordable Care Act has been an important topic since its passing. People know it better as Obama Care. The students will discuss what they know and their opinions with proof to support their statements.
2. The class will read *Handout 7, Supreme Court ruling preserves health care for millions of Americans* article from Newsela. The teacher will discuss the importance of this article and how it relates to the topic of Judicial Review. This Act has been brought in front of the Supreme Court many times for review. Each time it has been found to be a Constitutional Law.
3. The class will choose vocabulary from the reading and discuss how the vocabulary is being used in context.
4. The class will discuss the article and how it has affected their lives. The teacher will discuss what it has meant for people in the United States. The class will discuss if the Act is good, bad, or constitutional.
5. The students will answer the questions at the end of the reading, *Handout 8, Supreme Court ruling preserves healthcare for millions of Americans Activity Sheet*. These questions are independently assessed practice of the skills from the previous reading dealing with cause and effect and citing evidence.

### Day 3 Math

1. The class will discuss the Affordable Healthcare Act (Obama Care) and how it has affected the United States. This is a review of the previous day's discussion. The teacher will show the website [healthcare.gov](http://healthcare.gov) to give reference for the information that is being presented in the lesson.
2. The students will read the situation and the table for the coverage available for the family described. The students will also use this opportunity to ask questions about any of the vocabulary in the table. Example: Deductible, copayment, poverty, etc.
3. The students will read and then complete *Handout 9, Judicial Review Math*. Remind the students that they need to use the chart and the words in the description to answer the questions.

The class will go over the answer to the questions and discuss the realism behind the math and the requirements of Affordable Healthcare Act for this individual. They can also relate them to their own situation.

### **ASSESSMENT ACTIVITIES** (*How will you know that the learners have met the objectives for this lesson?*)

The day two activity will be assessed to determine the students' ability to identify cause and effect and to use evidence to prove the validity of their answer with 80% success. The students will be assessed on their ability to find ratio, proportion, and percent with 90 percent success. They will also be informally assessed on their ability to use that information to provide evidence to determine validity for the single mother to afford the healthcare coverage.

### **HOMEWORK or REFLECTION/TRANSFER**

See what healthcare would cost for you at [healthcare.gov](http://healthcare.gov) and whether it is valid for you to obtain healthcare coverage in this manner. If the student does not have coverage, research other ways that they can get coverage if this is not an affordable option.

### **COMMENTS**

The article is from Newsela and has many different reading levels that are of the same article. <https://newsela.com/articles/scotus-healthcare/id/10964/> is the link to the article. A free account will need to be created in order to access the article.

## Handout 1 – Plain English Constitution

# Powers of the Branches of Government

Modified from the Constitution in Plain English and the Constitution

## Article 1: Legislative Branch

**The first article sets up the national legislature and details its powers.**

### **Section 1: The Legislative Branch**

This section grants to the congress the power to make laws, and states that it will be made up of two parts, the Senate and the House of Representatives.

### **Section 2: The House of Representatives**

This section decides how often representatives are chosen, how long a representative can stay in office, how many representatives per state, what will happen if a senator vacates his/her post, how a speaker is chosen, and the house's ability to impeach.

### **Section 3: The Senate**

This requires that each of the states has two senators in the Senate, there will be a new election for one-third of the Senate every 2 years, describes the age, residency and citizenship rules to become a Senator. The Vice President is designated the President of Senate and can vote in case of a tie. The Senate is given the power to choose its own officers and a temporary president in case the Vice President cannot fill his/her duties, and finally, it describes the Senate's power to act as a jury during the impeachment of officials of the executive or judicial branches of the national government.

### **Section 4: Organization of Congress**

Says the method used to choose U.S. Senators and Representatives is up to the states. Congress is required to assemble at least once a year.

### **Section 5: The House's Jobs**

Each house will be the judge of their own elections and qualifications of its members. Each house may determine the rules of its proceedings, and punish its members for disorderly behavior. Both houses of Congress must keep a journal of daily proceedings.

### **Section 6: Money and War-Time Jobs**

States that each senator and representative will receive compensation for services to their country to be paid out by the U.S. treasury. They will also be immune from arrest, except for treason, felony, and breach of the peace, during an attendance to a session of their respective house, and traveling there and back. Last no senator or representative will be put into any civil office during the time of war.

### **Section 7: Bills**

All bills for raising revenue (*and the paychecks for members of Congress*) shall originate in the House of Representatives, any bill passed in the two houses will go to the president and pending approval become a law. If the president disapproves of a bill then it goes back to the Congress and if two-thirds of the members of the House and Senate vote for it, it becomes a law.

### **Section 8: Powers Granted to Congress**

Congress can:

1. Collects taxes, duties, imposts, and excises to pay debts and proved defense.
2. Borrow money on the credit of the United States.

3. Regulate commerce with foreign nations.
4. Make laws regarding neutralization and bankruptcies.
5. Coin money and establish standards for weights and measurements.
6. Provide punishment for counterfeiting U.S. money
7. Establish post offices and roads.
8. Promote commerce and the arts by granting copyrights and patents.
9. Punish pirates out in international waters
10. Declare war.
11. Raise and support armed forces for national defense.
12. Call forth the militia (the National Guard, in modern times) when necessary in order to maintain order.
13. Exercise legal control over all places owned by the U.S. (territories such as Puerto Rico and Guam).
14. Make all laws that are necessary and proper to carry out their responsibilities under the Constitution.

### **Section 9: Powers Forbidden to Congress**

1. Congress cannot prohibit the immigration of a person to the U.S. but can charge them money.
2. It cannot ban the process of *habeas corpus*\* during times of peace.
3. It cannot pass a *bill of attainder* -- one that punishes a person without a trial.
4. It cannot pass a law that criminalizes an act that happened in the past.
5. It cannot pass any direct tax (tax collected directly from the people).
6. It cannot pass a law providing for a tax on items exported from any state (from one state to another).
7. It cannot treat states unequally, giving preferences to one state or another, in passing laws.
8. Money cannot be taken from the national treasury unless Congress votes to do so.
9. Titles of nobility may not be granted by the Congress to any citizen of the United States.

\* The basic premise behind *habeas corpus* is that you cannot be held against your will without just cause. To put it another way, you cannot be jailed if there are no charges against you. If you are being held, and you demand it, the courts must issue a writ or habeas corpus, which forces those holding you to answer as to why. If there is no good or compelling reason, the court must set you free. It is important to note that of all the civil liberties we take for granted today as a part of the Bill of Rights, the importance of habeas corpus is illustrated by the fact that it was the sole liberty thought important enough to be included in the original text of the Constitution.

### **Section 10: Powers Forbidden to the States**

No state shall enter treaties with any foreign nation, issue their own money, or grant any title of nobility. No state can lay duties on imports or exports without the consent of Congress. No state can raise and maintain a military force during time of peace without congressional consent.

## Article 2: The Executive Branch

### **The second article sets up the executive branch of the national government and details its powers.**

This article includes rules to be followed by the executive branch. It includes the presidential term limit, requirements to become president, how elections of the president will be carried out, what to do if a president is removed from office (through death, impeachment or other reason). It states that the president will receive a salary for his service to the United States and as head of the military. The president is required, from time to time, to give information about the condition of the nation to Congress (this is usually referred to as the President's *State of the Union Address*, an annual ritual that takes place in front of a joint meeting of the Congress, televised and watched closely by millions of persons around the world).

## Article 3: The Judicial Branch

### **Section 1- Judicial powers. Tenure. Compensation.**

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

### **Section 2 - Judicial power; to what cases it extends. Original jurisdiction of Supreme Court Appellate. Trial by Jury, etc.**

1. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and Citizens of another state, between Citizens of different states, between Citizens of the same state, claiming lands under grants of different states, and between a state, or the Citizens thereof, and foreign states, Citizens or subjects. (This section modified by Amendment XI)

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### **Section 3 - Treason defined. Proof of. Punishment of.**

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## Handout 2 – Constitutional Powers Organizational Chart

While reading over the powers of each branch as it is stated in the Constitution, write down specific powers that each branch has. In the box at the bottom, write one sentence for each branch that summarizes the powers for the branch.

Branch	Powers
Legislative Branch	
Executive Branch	
Judicial Branch	
Summary 3 sentences	

# Handout 3 - Judicial Review Vocabulary

## Content Specific

Democratic Republicans  
Federal Judiciary  
Federalists  
Supreme Court  
Judicial Review  
Political

## Cross Curriculum

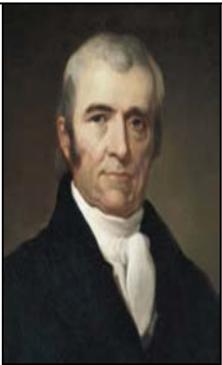
Dominated  
Appointments  
Authorized  
Controversy  
Secretary  
Issues  
Authority  
Denying

### Discover the Vocabulary

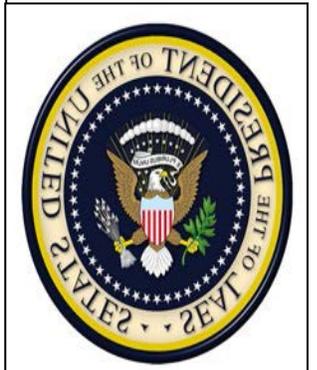
The words in the Content Specific column will be discussed as a class. Using the reading or previous knowledge be ready to discuss their meanings and importance to the reading. Using the words in the Cross Curriculum column, write in a notebook one definition that may be the meaning of that word as it is used in the context of the reading. Then create three other words that relate or that can be created from these words.

**Example** – power – legal or official authority (powerful, empower, powering)

### Preview: The Conflicting Views



Marshall's readings of the Constitution brought him into conflict with the Republican-Democrat opponents of the Federalists. Chief among them was President Thomas Jefferson. Although the two men were cousins, Marshall and Jefferson were continually in conflict. Marshall believed that a strong federal government was necessary to ensure that the government would meet the needs of all the people.



Jefferson, on the other hand, believed that the power of government should remain largely in the hands of the states. Led by Thomas Jefferson, whom they helped elect to the presidency for two terms (1801-1809), the Republicans believed in individual freedoms and the rights of states. These ideas represented a departure from the policies of the Federalists under the administrations of Washington and Adams. The Federalists had established monetary policies that gave more power to the federal government and had rejected ties with France in favor of closer links to Britain.

## Handout 4 - Judicial Review

1. Although Democratic Republicans controlled the presidency and Congress, Federalists dominated the federal judiciary. In an effort to continue their control over the judiciary, Federalist legislators passed the Judiciary Act of 1801 shortly before their terms of office ended. This act created 16 new federal judgeships that President Adams filled with Federalists before leaving office. The Republican press called these people midnight judges, arguing that Adams had packed the judiciary with Federalists the night before he left the office.
2. Some of these appointments were made so late that the documents that authorized them had not been delivered by the time Adams left office. This led to controversy once Jefferson took office. William Marbury, named as a justice of the peace by President Adams, did not receive his documents before Adams left office. When Jefferson took office, Marbury demanded the documents. On Jefferson's advice, however, the new Secretary of State, James Madison, refused to deliver them. Jefferson argued that the appointment of the midnight judges was not valid.
3. Marbury brought suit, asking the Supreme Court to order Madison to deliver the appointment papers. Marbury claimed that the Judiciary Act of 1789 gave the Supreme Court the power to do so.
4. John Marshall, a Federalist appointed by John Adams, was the chief justice of the United States. Chief Justice Marshall and President Jefferson disagreed about many political issues. When Marshall agreed to hear Marbury's case, Jefferson protested, saying that the Federalists "have retired into the judiciary as a stronghold." Marshall wrote the Court's opinion in *Marbury v. Madison*, a case that helped establish the Supreme Court's power to check the power of the other branches of government. The Constitution, Chief Justice Marshall noted, gave the Supreme Court authority to hear only certain types of cases. A request like Marbury's was not one of them. The law that Marbury's case depended upon was, therefore, unconstitutional.
5. As a result of Marshall's decision Marbury was denied his commission -- which presumably pleased President Jefferson. Jefferson was not pleased with the lecture given him by the Chief Justice, however, nor with Marshall's affirmation of the Court's power to review acts of Congress. For practical strategic reasons, Marshall did not say that the Court was the only interpreter of the Constitution (though he hoped it would be) and he did not say how the Court would enforce its decisions if Congress or the Executive opposed them. But, by his timely assertion of judicial review, the Court began its ascent as an equal branch of government -- an equal in power to the Congress and the president. Throughout its long history, when the Court needed to affirm its legitimacy, it has cited Marshall's opinion in *Marbury v. Madison*.
6. In denying Marbury's request in this way, the Court avoided a direct confrontation with Jefferson's administration. But more importantly, it established the Court's power of judicial review, the power to declare an act of Congress unconstitutional. Marshall and later federal judges would use this power of judicial review to make the judiciary a much stronger part of the national government.

### Jefferson on the Decision

These next paragraphs are all statements that President Jefferson wrote about the *Marbury v. Madison* decision.

7. "The question whether the judges are invested with exclusive authority to decide on the constitutionality of a law has been heretofore a subject of consideration with me in the exercise of official duties. Certainly there is not a word in the Constitution which has given that power to them more than to the Executive or Legislative branches." --Thomas Jefferson to W. H. Tarrance, 1815
8. "To consider the judges as the ultimate arbiters of all constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as

other men and not more so. They have with others the same passions for party, for power, and the privilege of their corps. Their maxim is *boni judicis est ampliare jurisdictionem* [good justice is broad jurisdiction], and their power the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves." —Thomas Jefferson to William C. Jarvis, 1820. ME 15:277

9. “Nothing in the Constitution has given them [the federal judges] a right to decide for the Executive, more than to the Executive to decide for them. . . . The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves, in their own sphere of action, but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch.” (Letter to Abigail Adams from Jefferson, September 11, 1804)

## ELA – Activity Sheet

Use complete sentences to answer all questions.

1. Who were the two main people involved in the *Marbury v. Madison* decision? What evidence supports your answer?
2. What caused William Marbury to believe he could bring his suit to the Supreme Court? What facts did Marshall use to prove his reasoning and decision in *Marbury’s* case?
3. What branch of government was most effected by the decision? Use details from the reading to describe how this branch was effected.
4. How did Marshall’s and Jefferson’s beliefs cause tension between them? Did this influence Marshall’s decision in *Marbury v. Madison*? Use two pieces of specific evidence to support your responses.
5. Thomas Jefferson made many statements about judicial review. Use evidence from his statements to describe his opinion of judicial review.

*[A]n act of the legislature,  
repugnant to the constitution,  
is void.*

Chief Justice John Marshall

## Handout 5 - Pre Lesson/Post Lesson Assignment

### Expectations

Using other Judicial Review cases, prepare to engage effectively in a range of collaborative discussions with diverse partners, building on others' ideas and expressing your own clearly. Make sure you come to the discussion prepared, having read or researched material under study; explicitly draw on that preparation by referring to evidence on the topic to probe and reflect on ideas under discussion.

During the discussion pose questions that connect the ideas of several speakers and respond to others' questions and comments with relevant evidence, observations, and ideas. Be sure to acknowledge new information expressed by others, and, when warranted, qualify or justify their own views in light of the evidence presented.

Expectation summary (summarize the expectations of being prepared for the next class)

### Discussion Topic

**Be prepared to discuss whether judicial review has or has not benefitted the citizens of the United States?**

Use websites below for discussion research.

### Judicial Review Landmark Cases Resources

<http://www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks>

[http://www.socialstudieshelp.com/lesson\\_17\\_notes.htm](http://www.socialstudieshelp.com/lesson_17_notes.htm)

[http://www.nytimes.com/interactive/2015/us/major-supreme-court-cases-in-2015.html?\\_r=0](http://www.nytimes.com/interactive/2015/us/major-supreme-court-cases-in-2015.html?_r=0)

<http://www.pbs.org/wgbh/aia/part4/4p2932.html>

## Handout 6 - Speaking and Listening Rubric

This is a rubric to be used when preparing for a class discussion. The way the discussion is prepared for is just as important as the discussion itself. Having researched the topic, being aware of the rule and roles of the discussion, understanding the questions that may arise and how to respond, and are able to acknowledge different views and justify their own.

	<b>3</b>	<b>2</b>	<b>1</b>
<b>Preparedness</b>	Come to discussions prepared, having read or researched material under study; explicitly draw on that preparation by <u>referring to evidence</u> on the topic, text, or issue to probe and <u>reflect on ideas under discussion</u> .	Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information known about the topic <u>to explore ideas under discussion</u> .	Follow agreed-upon rules for discussions (e.g., listening to others with care, speaking one at a time about the topics and texts under discussion).
<b>Rules and Roles</b>	Follow rules for collegial discussions and decision making, track progress toward specific goals and deadlines, and define individual roles as needed	Follow agreed-upon rules for discussions and carry out assigned roles.	Build on others' talk in conversations by responding to the comments of others through multiple exchanges.
<b>Question and Respond</b>	. Pose questions that connect the ideas of several speakers and respond to others' questions and comments with relevant evidence, observations, and ideas.	Pose and respond to specific questions by making comments that contribute to the discussion and elaborate on the remarks of others.	Ask questions to clear up any confusion about the topics and texts under discussion
<b>Expressing Views</b>	. Acknowledge new information expressed by others, and, when warranted, qualify or justify their own views in light of the evidence presented.	Review the key ideas expressed and draw conclusions in light of information and knowledge gained from the discussions.	Explain their own ideas and understanding in light of the discussion.

## Handout 7 - Supreme Court ruling preserves health care for millions of Americans

By Associated Press, adapted by Newsela staff on 06.26.15

Word Count **887**



Students cheer as they hold up signs supporting the Affordable Care Act after the Supreme Court decided that the law may provide nationwide tax subsidies, Thursday, June 25, 2015, outside of the Supreme Court in Washington, D.C.

Photo: AP Photo/Jacquelyn Martin

WASHINGTON — The Supreme Court on Thursday rejected a major challenge to the Affordable Care Act in a ruling that preserves health insurance for millions of Americans.

The high court upheld the nationwide tax subsidies underpinning President Barack Obama's health care law. About 8.7 million people receive the subsidies in the form of an income tax credit to make insurance affordable.

The justices said in a 6-3 ruling that the subsidies do not depend on where people live, as opponents contended.

The outcome was the second major victory for Obama in politically charged Supreme Court tests of his most significant domestic achievement. It came the same day the court gave him an unexpected victory by preserving a key tool the administration uses to fight housing discrimination.

## **Republicans Will Keep Fighting Obamacare**

Obama greeted news of the decision by declaring the health care law "is here to stay." He said the law is no longer about politics, but the benefits millions of people are receiving.

Refusing to give up, House Speaker John Boehner of Ohio said Republicans will "continue our efforts to repeal the law and replace it with patient-centered solutions." He said these "meet the needs of seniors, small business owners and middle-class families."

Republicans have voted more than 50 times to undo the law, also known as Obamacare.

At the court, Chief Justice John Roberts, who is considered conservative, again voted with his liberal colleagues in support of the law. Roberts also was the key vote to uphold it during a previous challenge in 2012. Justice Anthony Kennedy, who objected to the law in 2012, was part of the majority on Thursday.

"Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them," Roberts declared in the majority opinion. When the court rules on an issue, it often explains its decision in a majority opinion. The justices who do not agree may issue a minority opinion outlining their objections.

### **Strong Statements From Both Sides**

Roberts wrote that subsidies should not be limited only to individuals in states with their own health insurance marketplaces where people without health insurance may buy it. People in states without their own marketplaces use the federal insurance exchange.

Limiting the subsidies could well push insurance markets in the other states "into a death spiral," Roberts wrote.

Justice Antonin Scalia strongly disagreed. "We should start calling this law SCOTUScare," he said, using an acronym for the Supreme Court.

His comment drew a smile from Roberts.

Roberts wrote the majority decision in 2012 that upheld the law, as well as the opinion on Thursday. Scalia said these "will publish forever the discouraging truth that the Supreme Court of the United States favors some laws over others, and is prepared to do whatever it takes to uphold and assist its favorites."

Justices Samuel Alito and Clarence Thomas joined the dissent, as they did in 2012.

Nationally, 10.2 million people have signed up for health insurance under the law. That includes the 8.7 million people who are receiving an average subsidy of \$272 a month to help pay their insurance bills.

Of those receiving subsidies, 6.4 million were at risk of losing that aid. They live in states that did not set up their own health insurance exchanges.

## **"Established By The State"**

The health insurance industry breathed a big sigh of relief over Thursday's decision. A national organization representing state officials from both political parties said the court's decision will mean stable prices for consumers.

Stock shares of publicly traded hospital companies soared after the ruling relieved those companies of the possibility of having to deal with a flood of uninsured people. Investors had worried that many patients would drop their coverage if they no longer had tax credits to help pay.

The latest challenge to the health care law by die-hard opponents relied on four words — "established by the state" — in the more than 900-page law.

The law's opponents argued that these words make the vast majority of people who now get help paying for their insurance premiums ineligible for the federal aid. About three dozen states decided against creating their own health insurance marketplaces, and instead rely on the federal marketplace to help people find coverage.

In the challengers' view, the phrase "established by the state" meant that people could only get subsidies in states that set up their own exchanges.

## **Law Aims To Increase The Insured**

The administration, Democrats in Congress and 22 states responded that it would make no sense to interpret the law that way. The idea behind the law was to decrease the number of uninsured and increase the number of insured. It requires almost everyone to be insured and provides financial help to consumers who otherwise would spend too much of their paychecks on insurance bills.

The point of the last piece, the subsidies, is to make sure enough people have insurance. If there are too few people who participate in the program -- especially too few healthy people -- insurance companies would raise prices.

Several portions of the law indicate that consumers can claim tax credits no matter where they live. No member of Congress said that subsidies would be limited. Several states told the court that they had no indication they had to set up their own exchange for their residents to get tax credits.

# Handout 8 -Supreme Court ruling preserves healthcare for millions of Americans

## Activity Sheet

Respond to the questions that are based the Newsela article, using evidence when appropriate.

1. Circle the paragraph from the section "Republicans Will Keep Fighting Obamacare" that suggests there are good alternatives to Obamacare.
  
2. Which sentence suggests that repealing the law would have caused big problems?
  - A Roberts wrote that subsidies should not be limited only to individuals in states with their own health insurance marketplaces where people without health insurance may buy it.
  - B Limiting the subsidies could well push insurance markets in the other states "into a death spiral," Roberts wrote.
  - C Justice Antonin Scalia strongly disagreed. "We should start calling this law SCOTUScare," he said, using an acronym for the Supreme Court.
  - D Roberts wrote the majority decision in 2012 that upheld the law, as well as the opinion on Thursday.
  
3. What evidence from the article supports President Obama's statement that the health care law "is here to stay"?
  
  
  
  
  
  
  
  
  
  
4. What did die hard opponents use as a reason to bring their case to the Supreme Court? Was this reason valid evidence and what evidence did the administration use to dispute this reason?

## Handout 9 - Judicial Review Math

The most recent use of judicial review has been over the Affordable Care Act. It is important to understand how insurance will change. First, you cannot be turned down for coverage because you have an illness. Second, everyone is required to have coverage. It is the only way coverage is financially viable. Third, people who have difficulty affording coverage will get assistance paying for it unless they are under 133% of the poverty level. Those people will go on Medicaid unless their state refuses to expand Medicaid. There is a website ([healthcare.gov](http://healthcare.gov)) that helps to find coverage by putting in some simple information. The information below was calculated for a single mother, who has three children under the age of 8, with a yearly income of \$30,000.

Answer each question completely, by showing all work on a piece of paper for each problem. I want to know what you were thinking along with the reasoning.

Monthly Premium	\$150	The amount that must be paid for your health insurance or plan. You and/or your employer usually pay it monthly, quarterly or yearly.
Yearly Deductible	\$2,600	The amount you owe for covered health care services before your health insurance plan begins to pay. For example, if your deductible is \$1,000, your plan won't pay anything until you've paid \$1,000 for covered services.
Out-of-Pocket Maximum	\$3,600	The most you'll have to pay for covered services in a policy period (usually one year). After you reach this amount, your health plan will pay 100% for covered essential health benefits.
Emergency Room Care after deductible	21%	
Generic Drugs after deductible	12%	
Primary Doctor Copayment	20%	
Specialist Doctor Copayment	20%	

1. What is the ratio of the yearly deductible to the yearly income?
2. What percentage of her yearly income is her maximum deductible?
3. A household of three that is at 100 percent of the poverty level has a household income of \$20,160. Does this single mother qualify for Medicaid? Describe how you made your determination.
4. She has to take medication every month prescribed by her doctor. The medication is a generic brand that costs \$40. Based off on her health care plan how much does she pay each time for medication after she has reached her deductible?
5. The national average cost of an emergency room visit is 1,233. This single parent has reached her deductible and had to pay \$500 for a recent visit. What was the total cost of her emergency room visit? Was the total cost of the visit more or less than the national average? In percent, what is the difference of the total cost to the national average?

## Handout 10 - Judicial Review Math Answer Sheet

The most recent use of judicial review has been over the Affordable Care Act. It is important to understand how insurance will change. First, you cannot be turned down for coverage because you have an illness. Second, everyone is required to have coverage. It is the only way coverage is financially viable. Third, people who have difficulty affording coverage will get assistance paying for it unless they are under 133% of the poverty level. Those people will go on Medicaid unless their state refuses to expand Medicaid. There is a website (healthcare.gov) that helps to find coverage by putting in some simple information. The information below was calculated for a single mother, who has three children under the age of 8, with a yearly income of \$30,000.

Answer each question completely, by showing all work on a piece of paper for each problem. I want to know what you were thinking along with the reasoning.

Monthly Premium	\$150	The amount that must be paid for your health insurance or plan. You and/or your employer usually pay it monthly, quarterly or yearly.
Yearly Deductible	\$2,600	The amount you owe for covered health care services before your health insurance plan begins to pay. For example, if your deductible is \$1,000, your plan won't pay anything until you've paid \$1,000 for covered services.
Out-of-Pocket Maximum	\$3,600	The most you'll have to pay for covered services in a policy period (usually one year). After you reach this amount, your health plan will pay 100% for covered essential health benefits.
Emergency Room Care after deductible	21%	
Generic Drugs after deductible	12%	
Primary Doctor Copayment	20%	
Specialist Doctor Copayment	20%	

- What is the ratio of the yearly deductible to the yearly income?  
**13/150**
- What percentage of her yearly income is her maximum deductible?  
**12%**
- A household of three that is at 100 percent of the poverty level has a household income of \$20,160. Does this single mother qualify for Medicaid? Describe how you made your determination.  
**No, she is 148% of the poverty level. This would put her above the 133% of the poverty level that would qualify her for Medicaid.**
- She has to take medication every month prescribed by her doctor. The medication is a generic brand that costs \$40. Based off on her health care plan how much does she pay each time for medication after she has reached her deductible?  
**\$4.80**
- The national average cost of an emergency room visit is 1,233. This single parent has reached her deductible and had to pay \$500 for a recent visit. What was the total cost of her emergency room visit? Was the total cost of the visit more or less than the national average? In percent, what is the difference of the total cost to the national average?  
**238,095 total cost It was more than the national average.  
 192% above the national average**