



Insight

Supreme Court Poll

DOUGLAS HOLTZ-EAKIN | MARCH 25, 2012

The American Action Forum and the Blue Dog Research Forum today announced the results from a poll on the Affordable Care Act taken among former clerks of the Supreme Court and attorneys who have argued before the Court. It was executed by Purple Insights and was designed to gain expert insight into the probable outcomes of the Affordable Care Act case heard before the Supreme Court this week.

- Access the [Purple Insights Toplines Poll Memo](#)
- Download the [Chart Pack for a Graphical Breakdown](#)

Among the highlights of the survey, on a scale of zero to 100, the legal experts predicted a twenty-seven percent probability the Supreme Court would find that the Anti-injunction Act applies to the individual mandate thereby preventing the Court from considering the merits of the case. The respondents also believed there was a thirty-five percent probability the Supreme Court would find the individual mandate unconstitutional and a nineteen percent probability the Court would find the Medicaid expansion unconstitutional.

This poll draws on a very unique sample,” said Doug Holtz-Eakin, President, American Action Forum and former Director of the Congressional Budget Office. “There have been a handful of surveys examining different aspects of the ACA case but ours offers a level of insight that can only be gained from top notch legal experts who all have experience and knowledge of the inner-workings of the Court.”

The legal experts predicted a seventy-three percent likelihood that if the Supreme Court found the individual mandate unconstitutional, it would also find the individual mandate only partially severable or non-severable. Respondents also believed there was a nineteen percent probability that if the Court found the Medicaid expansion unconstitutional it would also find the Medicaid Act non-severable.

“This issue has long been a partisan football; and despite the rhetoric from both sides of the aisle the future of ACA rests on a legal outcome, not a political one,” said Cori Smith, Executive Director, Blue Dog Research Forum. “Nobody can say for certain how the court will rule on a number of constitutional questions, but when you look at the expertise from the sample of this poll you have to consider the results seriously.”