

**Debate: Is Health Care a Right?**  
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**Opening Statement**

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The new health care bill and its associated reconciliation package are federal laws. Thus, the power associated with them must derive from the U. S. Constitution. We can assume that any challenges to the new law will also be on Constitutional grounds. But before we get too technical and “down in the weeds”. Let’s go to 30,000 feet.

I am an MBA and above all else I like mission statements before strategic plans are made. Before you do something, you have to declare what you are trying to do. With our current President, it’s like playing HORSE. Call your shot. So, what’s the mission statement for the activities that are the United States government? It’s pretty straight forward:

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America”.

If we can presume that the preamble is the mission statement of the government, is health care in there? Is the bill that was signed into law, getting us any further along to that more perfect union?

*Establish justice:* Justice is all about fairness and rights. In the new legislation, more people will be cared for and quality should improve with the incentives to develop new forms of care delivery, agencies to help us find out what really works and the use of HIT to improve decision making and reduce medical errors.

*Domestic tranquility:* Tranquility is about being untroubled. Satisfaction is the absence of desire and when the needs of the sick are not being met, there will be no satisfaction. It’s not called disease for nothing.

*Provide for the common defense:* all our enemies are not on foreign shores. Obesity, cancer, heart disease and diabetes are killing Americans. Far more than Al Qaeda.

This current generation of young people may be the first to live shorter lives than their parents. We cannot compete economically, intellectually or, heaven forbid, on the battle field with our current state of poor fitness. It is in our interests to heed the prevention incentives in this bill and improve the state of our own health.

*Promote the general welfare:* I am quite certain the founding fathers were not referring to an entitlement program with these words. Rather, while extolling the virtues of individualism, they were acknowledging a communitarian orientation to some aspects of government. The powers to exert this communitarian thought on the governmental process are enumerated in Article 1, Section 8. This is likely to be the nexus of the court challenges to this law and specifically the individual mandate> Every Constitutional scholar with whom I have spoken said these challenges will not and should not hold up. If improving our health does not promote the general welfare, if turning a disease care system into a health care system with government support yet retaining the need for personal responsibility like having insurance to protect your self and your family, isn't fully in line with the Constitution, I missed the point.

Finally, we have a responsibility to pass on our blessings to our heirs. We can't do that with a staggering debt or a multilevel system that is blatantly unfair and is really no system at all. Over 200 years ago, the men (and yes it was all men) who started this country had a vision and articulated it in the opening lines of the document written to guide us into a very uncertain future. It has served us well for all that time. Have we had to adapt it, change it, amend it and correct it? Of course and the Founders knew we would have to do that.

Now is the time to begin a process that leads us to a place where every other Westernized democracy has gone long ago—the universal health care with incentives aligned with the mission.

Is health care an America right? How can there be any doubt?