

COVERED CALIFORNIA BROCCOLI

Like me, Lori was one of 1.1 million people who had their pre-existing policies cancelled as a part of Covered California's roll out. And like me, despite promises about insurance premiums going down as a result of market-based competition, her rates went up—by \$5,400 per year. We were also beginning to see that the new policies we were being forced into were providing less coverage and narrower doctor networks as compared to our former “cut rate” plans. This wasn't supposed to happen.

As I have discussed earlier in my story, I had theoretical beliefs about the healthcare system—until I actually had to use it. And like Lori, I too had preconceptions about Obamacare—until I began seeing it in action. During the Supreme Court debate over the constitutionality of the individual mandate (requiring all Americans to purchase health insurance), I remember hearing Justice Scalia raise the “broccoli” question. Team Obama was trying to use the Constitution's Commerce Clause (allowing Congress to regulate all aspects of interstate commerce) to compel people to buy health coverage. The argument went that since the healthcare market crossed state lines, and since everyone at some point would need to use healthcare, the Federal government could require all to carry health insurance (just as all automobile drivers are required to have car insurance). Scalia had asked Solicitor General Donald Verrilli whether this same logic applied to the food market: “Everybody has to buy food, sooner or later, so you define the market as food. Therefore everybody is in the market. Therefore you can make people buy broccoli.”

At the time I thought the argument was ridiculous. Based on my research, most industrialized countries in the world have an individual mandate that requires people to carry health insurance. It is the only way you can get a risk pool large enough to make healthcare affordable. What I didn't appreciate was that Scalia (echoing Libertarian sentiments)

EXCERPT

was really testing what people thought were the limits of government intervention into our daily lives. And I didn't understand that the logic used to regulate the "broccoli" market would later be used for wholesale government intervention into that market.

Covered California wasn't only telling me I needed to buy broccoli. They were telling me that I had to throw away broccoli I liked and was already eating. They were also telling me that I could only buy one of two types of new broccoli from a government-sanctioned cartel, based on my zip code (even though there were other sellers of government "approved" broccoli available in different zip codes IN MY SAME COUNTY)! The "market based" broccoli I would have to buy would be GMO (Government Modified & Ordained), and would not contain the naturally occurring antioxidants (doctors) found in my previous broccoli. And I could only buy that broccoli at a price that the government (not me) helped to negotiate on a once yearly basis. I would be allowed to buy this broccoli exclusively during the last three months of the year (unless I experienced a "life event" such as divorce, which would preclude my wife from sharing her broccoli with me). And if I hoped to get a government subsidy for my broccoli purchase, I would have to purchase my broccoli from a government store (Covered California). But regardless of where I purchased my broccoli, the coverage and prices would for the most part be the same (with only slight variations across the cartel). The government, however, would earn a commission (in my case \$10.26 every month), regardless of where I purchased my broccoli (so as to support the government store operations, and ensure that they would not go out of business). And if I refused to purchase and eat my GMO broccoli, I would still have to pay for it in the form of a tax penalty of one percent of my income. I was beginning to feel 246 BiK0CHxin waft over me, and the zombies' teeth lodge squarely in my jugular.