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## How Many Lives Does the Health Care Reform Cat Have Left?

By Richard Kirsch  
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*In the first of a series of excerpts from his new book, [Fighting for Our Health](#), Roosevelt Institute Senior Fellow Richard Kirsch explains how Scott Brown's upset victory threw the fate of health care reform into doubt.*

How many lives does health care reform have? The law has survived a slew of near-death moments, but 2012 brings new lethal traps for the first-ever law that makes health coverage a right for almost all Americans.

First up is the U.S. Supreme Court, which will hold three days of hearings on various aspects of the constitutionality of the Affordable Care Act at the end of March. Sometime before July 4 we will learn whether the law — in whole or in part — survives that challenge.

The next potentially lethal threat to the health care law will be the presidential and congressional elections. If a Republican wins the presidency, he'll be obligated to try to kill the health care law. Even if President Obama wins reelection, an unfavorable Supreme Court decision may force new legislative action, throwing major parts of the law into doubt.

None of this should be surprising. Despite the odds, the legislation that became the Patient Protection and Affordable Care Act survived a grueling gauntlet of stolid Republican opposition, maddened tea partiers and right-wing Democrats, and tens of millions of health insurance dollars funneled through the U.S. Cham-

ber of Commerce. It's already been through at least nine lives.

My new book, [Fighting for Our Health: The Epic Battle to Make Health Care a Right in the United States](#), recounts one way that the law beat the odds: for the first time in the long-failed history of attempts to make health care a public right, there was a well-organized and funded grassroots campaign behind the effort. And at crucial times when the law was hearing its death knells, our grassroots campaign helped it rise to its feet. My book begins with the most unlikely of those mortal moments: the election of a Republican to Ted Kennedy's seat in the Senate.

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There's nothing like getting your hopes crushed to pieces. I rushed into Ethan's office to get on the phone with Saul Shorr, a brilliant bulldog of an ad man who had created our TV ads for the past five months. This was a conversation that I'd been looking forward to for more than a year. We were going to discuss the final ad campaign to help push the health care bill through Congress. The bill had survived the [nasty Tea Party attacks](#) in August, tens of millions of dollars in negative ads aimed at vulnerable Democrats up for reelection, and multiple Republican filibusters in the Senate. The press had written the health care bill's obituary over and over again. Now the president and congressional leadership were only a few days from completing negotiations on a final agreement.

Shorr put a halt to the discussion before we had even begun.

“I hate to throw water on this whole thing, but I wouldn’t count on having a deal after Tuesday.”

“What are you talking about?” I asked.

“Massachusetts,” Shorr said. “It looks terrible. I don’t think Coakley can win.”

I hadn’t been thinking at all about the Massachusetts special election for U.S. Senate, set for January 19, 2010. We’d heard that the Democratic candidate, Attorney General Martha Coakley, had made some blunders, but this was Massachusetts, the state that had mourned Edward Kennedy’s passing just a few short months before...

I didn’t want to believe Saul. I’m an optimist. You have to be in my business. But I knew in my gut that Saul was right. I was sick to my stomach for several hours. Could health care reform really all slip away? Ever since we had beaten back the Tea Party in August I’d been confident of the outcome. But Election Day is what most matters to elected officials. A defeat at the ballot box is the most powerful rebuke, capable of snatching defeat from the jaws of victory...

Almost three years ago to the day of Scott Brown’s election, in January 2007, I’d had the first conversation with colleagues about creating a campaign to pass comprehensive health reform, anticipating the election of a Democrat as president in 2008. For the past fifteen months [Health Care for America Now](#) – HCAN for short – had been organizing Americans around the country, so that we would be ready for these kinds of moments. We knew that finally making health care a right in the United States would be a monumental struggle. It was our job to carry members of Congress through the darkest storm. I still believed we would win the prize that had eluded presidents and progressive activists for almost a century.

[Richard Kirsch](#) is a Senior Fellow at the Roosevelt Institute and a Senior Adviser to USAction. He was National Campaign Manager of *Health Care for America Now* during the legislative battle to pass reform. [Fighting For Our Health](#) is available in bookstores February 1. You can also purchase a copy [here](#). Follow the conversation on [Twitter](#) and [Facebook](#)