



For immediate release... Tuesday, March 20, 2012 5 pp.

Contact: Peter Woolley 973.670.3239; Bruce Peabody 617.869.4885

## **Health Insurance: Can They Or Can't They? Voters Speak Clearly On Question of Mandating Health Insurance**

By a margin of five to three (56%-34%), US voters say Congress cannot legally require everyone to have health insurance, according to a national poll by Fairleigh Dickinson University's PublicMind™. Men by 59-34 say it cannot be required. Women by a 54-33 margin are in accord, and voters of every age category agree that it's not legal.

However, there are clear ideological and partisan differences as the Court hears arguments in the case, *Department of Health and Human Services v. Florida*, for three days beginning March 26.

"The Supreme Court is on a collision course with the Obama administration," said [Bruce Peabody](#), professor of political science at FDU and editor of *The Politics of Judicial Independence*. "Now we have to wait and see whether the Court jumps the tracks or smashes directly into the White House."

Democrats say health insurance can be mandated by 54-33, and self-described liberals by a margin of 62-23 agree that it can be required. But, Republicans are overwhelmingly agreed in saying Congress cannot do so (85-10), and conservatives by an emphatic 77-18 say Congress can't do this.

A more specific question also fails to pass muster with the public. Asked whether Congress can legally require health insurance and impose a tax penalty on those who don't have insurance, the public is clear: By more than a two to one margin, 65%-29%, voters say Congress cannot impose a tax penalty.

But Democrats by a slim margin (49-44) say Congress can, while Republicans by a huge margin (84-11) say they can't. Liberals by a slender margin (50-44) say Congress can. Conservatives by a wide margin (80-13) say they can't.

Independent voters, like Republicans, come down hard against the legality of the health care mandate.

"The Court is not as isolated from public opinion as many think," said Peabody. "But in this case, since there is disagreement among the parties and organs of government, the Court has greater latitude. Court watchers are focused now on how the members of the Court itself will split—as well as whether this case will pit two of our branches in mortal combat. While Presidents have historically been deferential to the Court, this is the kind of case that could trigger pushback."

The most pronounced split among the public is between those who approve of the job the president is doing and those who don't. Those who approve of the job the president is doing also think, by better than a two-to-one margin (60-24), that Congress can require insurance. Those who disapprove of the president think, by an eight-to-one margin (87-11), that Congress can't.

"We deliberately did not call it the president's health care bill, and we did not ask people whether they approve of the bill," said Peter Woolley, a political scientist and director of the poll. "The question was not meant to be a referendum on Barack Obama. We deliberately used the words 'legally require' to suggest that we were not interested in whether you like the bill, or approve of the bill, but whether the bill is legal," Woolley continued.

Previous polls have posed different, broad questions to voters about the health insurance reform. Most of those simply used some variation of "Do you approve or disapprove" of the bill or "Do you think the reform will help or hurt your family" or the country?

Virtually all voters have heard about the health care bill passed by Congress in 2010. In fact, seven of ten voters (71%) say they've heard some or a great deal about it, and more than nine of ten (92%) say they've heard at least something about it.

The [Fairleigh Dickinson University](http://publicmind.fdu.edu) poll of 903 registered voters nationwide was conducted by telephone using both landlines and cell phones from Feb. 6 through Feb. 12, 2012 and has a margin of error of +/-3.3 percentage points.

*Methodology, questions, and tables on the web at: <http://publicmind.fdu.edu>  
For more information, please call 201.692.7032*

**Methodology, Questions, and Tables**

The national survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from Feb. 6 through Feb. 12, 2012, using a randomly selected sample of 903 registered voters contacted on both landlines and cell phones to comprise all voters. The margin of error for a sample of 903 randomly selected respondents is +/- 3.3 percentage points. The margin of error for subgroups is larger and varies by the size of that subgroup. Survey results are also subject to non-sampling error. This kind of error, which cannot be measured, arises from a number of factors including, but not limited to, non-response (eligible individuals refusing to be interviewed), question wording, the order in which questions are asked, and variations among interviewers. PublicMind interviews are conducted by Opinion America of Cedar Knolls, NJ, with professionally trained interviewers using a CATI (Computer Assisted Telephone Interviewing) system. Random selection is achieved by computerized random-digit dialing. This technique gives every person with a land-line phone number (including those with unlisted numbers) an equal chance of being selected. Landline households are supplemented with a separate, randomly selected sample of cell-phone-only and dual cell-phone/land-land households, interviewed in the same time frame. The total combined sample is mathematically weighted to match known demographics of age, race and gender among the voting population.

The US Supreme Court will also rule on the health care bill, passed by Congress, that requires everyone to have health care insurance. How much have you heard or read about the Health Care Bill

	All	Dec. 2011
A great deal	38%	44%
Some	33%	30%
Just a little	21%	19%
Nothing	8%	6%

So a key question the Court will answer is whether the US Congress can *legally* require everyone to have health insurance or not. What is your view? Can Congress require everyone to have health insurance or not?

	All	Gender		party ID			Ideology			Age			
		men	women	D	I	R	lib	mod	con	18-29	30-44	45-59	60+
Yes	34%	34	33	54	27	10	62	38	18	29	43	34	30
No	56%	59	54	33	65	85	23	51	77	62	50	61	55
Not sure	10%	7	14	14	8	5	14	11	5	9	7	4	15

	All	president	
		approve	disapprove
Yes	34%	60	11
No	56%	24	87
Not sure	10%	16	3

So a key question the Court will answer is whether the US Congress can *legally* require every adult to have health insurance---and if they don't have health insurance, to pay a tax penalty. What's your view? Can Congress require everyone to have health insurance or pay a tax penalty?

	All	gender		party ID			Ideology			Age			
		men	women	D	I	R	lib	mod	con	18-29	30-44	45-59	60+
Yes	29%	23	35	49	20	11	50	37	13	30	32	27	28
No	65%	73	58	44	78	84	44	57	80	70	65	68	61
Not sure	6%	4	8	7	2	5	6	6	6	--	3	6	10

	All	president	
		approve	disapprove
Yes	29%	55	9
No	65%	37	87
Not sure	6%	8	4

## Asked December 2011\*

So a key question the Court will answer is whether the US Congress can legally require everyone to have health insurance or not. What is your view? Can Congress require everyone to have health insurance or not?

	All	gender		party ID			Ideology			Race		
		men	women	D	I	R	lib	mod	con	white	Non-white	Afr. Am.
Yes	33%	31	36	52	35	7	57	38	17	27	46	66
No	61%	64	59	42	54	90	37	54	80	67	49	28
Not sure	5%	5	5	6	11	3	6	7	3	6	5	6

\*Exact interview dates: Nov. 29, 2011, through December 5, 2011.

## Exact Question Wording and Order for this US Supreme Court Series

US1-3d, D1, USP1, 3 released 02.14.12.

USP2 released 02.20.12.

Now let me ask you about some cases that the US Supreme Court is considering...

USSC1. The US Supreme Court will rule on the health care bill, passed by Congress, that requires everyone to have health care insurance. How much have you heard or read about the Health Care Bill... READ?

A great deal

Some

Just a little or

Nothing

PROGRAMMER: ASK EITHER USSA2A or USSC2B at random.

USSC2A. So a key question the Court will answer is whether the US Congress can legally require every adult to have health insurance---and if they don't have health insurance, to pay a tax penalty. What's your view? Can Congress require everyone to have health insurance or pay a tax penalty?

USSC2B. So a key question the Court will answer is whether the US Congress can legally require everyone to have health insurance or not. What's your view? Can Congress require everyone to have health insurance or not?

Yes

No

Dk

Sample Characteristics %

## Gender

Male	48
Female	52

## Party ID

Democrat	34
Ind. Lean Dem.	14
Independent	12
Ind. Lean Rep.	13
Republican	23
Other/ref.	3

## Age

18-29	12
30-44	26
45-59	32
60+	28
ref.	2

In addition to being American,  
would you say you are...?

White	67
Black	13
Hispanic or Latino	11
Asian	5
Other/ref.	4

## Census regions

Northeast	19
North central	22
South	34
West	25

###