Robert Sedler will discuss the constitutional challenges and the different holdings in the case. A five Justice majority (Chief Justice Roberts, joined on this point by Justices Ginsburg, Breyer, Sotomayor and Kagan) upheld the Act as a constitutional exercise of the taxing and spending power and so gave a political victory to the President. Because this was so, it did not matter from a political standpoint that five Justices (Chief Justice Roberts and Justices Scalia, Kennedy, Roberts and Alito) were of the opinion that the Act could not be sustained as an exercise of Congress’ power over interstate commerce. (This part of the decision is of interest to constitutional law professors and few others). The Court also held that Congress could not force the states to agree to expand Medicaid or lose all federal funding, thus giving the states a "states rights" victory.

Professor Sedler will conclude the discussion with some observations about the Supreme Court as both a constitutional and political institution.

Robert A. Sedler is a Distinguished Professor of Law and Wayne State University, where he teaches the courses in constitutional law and conflict of laws. He has published extensively in both fields and recently has published CONSTITUTIONAL LAW IN THE UNITED STATES, a comprehensive discussion of American constitutional law. Professor Sedler is a frequent media commentator on questions of constitutional law and policy. Professor Sedler has been at Wayne State since 1977, and has made many Humanities Center presentations.