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US Supreme Court Upholds Healthcare Law, Strikes Down Much of Immigration Law

CHRISTOPHER CRUISE: Welcome to THIS IS AMERICA in VOA Special English. I'm Christopher Cruise.

Today, we will look at the recent United States Supreme Court rulings that upheld President Obama's health care law and cancelled parts of Arizona's immigration law. We also report on a case that dealt with the sentencing of murderers under the age of eighteen.

CHRISTOPHER CRUISE: In early twenty-ten, Congress approved -- and President Obama signed into law -- The Patient Protection and Affordable Care Act. The law came to be known as "Obamacare." It is the most important legislative priority of the Obama administration. The law was written to help Americans with rising health care costs and the often serious financial problems many Americans have with health care.

In the law is what is called an "individual mandate." And, this mandate requires every American citizen to have health insurance by twenty-fourteen or face a financial penalty.

Among the law's supporters are those who believe health care is a right, not a privilege. But many are opposed to the law. In fact, twenty-six states sued to overturn it. They said the Constitution does not permit Congress to force people to buy a product they may neither want nor need.

But, public opinion studies show some parts of the law are very popular with Americans. They include requiring insurance companies to pay for preventative health care and banning limits on the amount of money insurance companies pay for care. Also popular is a ban on denying insurance for people who already have health problems. This is usually called a preexisting condition. The law also permits people to be covered by their parent's insurance until age twenty-six.

Many people on both sides of the debate were surprised when the Court upheld the law, by a vote of five to four. The decision was a major victory for the president. In the majority was Chief Justice John Roberts, a conservative who was believed to be against the individual mandate. But he joined with liberals on the Court in calling the mandate a tax. He said the Constitution and the Court's

own rulings have established that Congress has the power to impose a tax.

President Obama called the ruling a victory for Americans who cannot afford health care.

PRESIDENT OBAMA: "I know there will be a lot of discussion today about the politics of all this, about who won and who lost, that's how these things tend to be viewed here in Washington. But that discussion completely misses the point. Whatever the politics, today's decision was a victory for people all over this country whose lives will be more secure because of this law and the Supreme Court's decision to uphold it."

CHRISTOPHER CRUISE: Some parts of the law go into effect before the presidential election this November. Mr. Obama's expected challenger in the twenty-twelve election -- Republican Mitt Romney -- was disappointed with the ruling.

If Republicans keep control of the House and gain control of the Senate, and if Mr. Romney wins this November's election, the law could be cancelled next year.

CHRISTOPHER CRUISE: Moving across America to the western state of Arizona, the Supreme Court dealt with an entirely different problem: Immigration. The Supreme Court cancelled most of a state law that affected immigrants. The court agreed with the Obama administration that immigration laws must be passed and enforced by the federal government, not by states.

The Court struck down three parts of the law, but upheld one disputed part. The Court said police officers in Arizona who have what the court called "reasonable suspicions" may check the immigration status of people who had been stopped for other reasons.

But the Court -- with a majority of five justices -- cancelled the part of the law that makes it a crime for immigrants without work permits to try to find a job. It also said it was not a crime for immigrants to not have registration documents with them. And it said police could not arrest any immigrant whom they believe could be removed from the country. Justices in the minority said all parts of the law should be upheld.

Arizona lawmakers passed the law in twenty-ten. State leaders said it was necessary to stop illegal immigrants from coming into the state, mostly from South and Central America. They said the federal government has failed to fully enforce national immigration laws.

Opponents of the law -- including Hispanic groups -- said it forces police to make

stops and arrests based on a person's race or ethnicity.

CHRISTOPHER CRUISE: The Supreme Court has ruled that states may not require judges to sentence murderers under the age of eighteen, to prison with no chance of release. By a vote of five to four the Court agreed with opponents of these mandatory "life without parole" sentences that they violate the Constitution's ban on "cruel and unusual punishment."

Opponents of these sentences strongly objected to the fact that some states require judges to impose them. These mandatory-sentencing laws remove from judges the ability to consider what happened in the young person's life before they committed a murder. The Court ruled that judges must consider the young person's age and the type of crime he or she committed before sentencing them to life in prison without a chance for release. The ruling does not ban these sentences, just the state laws that require them.

Opponents of the state laws said these sentences do not consider that children, under the age of eighteen, can be rehabilitated, that they can change for the better as they grow older. Supporters of the sentences say they are very rarely used and should be permitted for especially brutal murders.

The federal government and most of the American states permit young people under the age of eighteen - called juveniles - to be sentenced to life in prison with no chance of release. There are about two thousand people now serving a "life without the possibility of parole" sentence for murders they committed when they were under the age of eighteen.

A sentence of life without parole for juvenile murderers was first imposed in the United States in nineteen seventy-one. Since then, seventy-nine juveniles have received the sentence for murders they committed when they were fourteen or younger. Of those seventy-nine juveniles, more than half were sentenced in states that have no minimum age for trying children as adults. About ten states permit children as young as twelve to be sentenced to life without parole if they are convicted of murder.

Some states require such sentences for juveniles. In those states a judge is not permitted to consider the murderer's age and life experiences. Lawyers call these conditions "mitigating circumstances" - and they are reasons why the sentence might not be as severe as it could be. These reasons might include the criminal's mental capacity or the fact that they were being abused by the person when they committed the crime. These circumstances do not excuse the crime, but might provide a judge with a reason to impose what is called a "lesser sentence." Mandatory sentences -- now banned by the Supreme Court -- removed this "discretion" from judges.

Opponents of the life without parole sentence believe eighty percent of juveniles who received the sentence received it in states where such a punishment is required.

Supporters of life without parole sentences say the mitigating circumstances, if any, had already been considered when the decision was made to remove the case from juvenile court. They say only the most brutal murder cases are moved to adult court.

Opponents of life without parole sentences say the United States is one of the few countries that send young murderers to prison without a chance that they will someday be released. But a victims' rights group called The National Organization of Victims of Juvenile Lifers strongly disputes this. It says at least thirteen other countries sentence juvenile killers to life without parole, including Australia, Israel, and the United Arab Emirates. And it says some countries give sentences of hundreds of years, which it says is the same as life without parole.

Somalia and the United States are the only two countries that have not signed the United Nation's Convention on the Rights of the Child. That Convention does not permit sentences of life without parole for juveniles. Human Rights Watch and Amnesty International also oppose the sentencing of juveniles to life in prison without parole.

In recent years, the Supreme Court has changed the way juveniles are treated by the criminal justice system. In two thousand five, the Court said people could not be executed for murders they committed when they were juveniles. And in twenty-ten the Court ruled that sending juveniles to life in prison without the possibility of parole for crimes that do not involve killing was unconstitutional. These rulings caused some Court observers to say that they are not surprised by the Court's recent ruling that bans mandatory sentences of life without parole. To be clear, the ruling does permit such sentences but said state laws that do not let judges consider mitigating circumstances are unconstitutional because they are "cruel and unusual."

CHRISTOPHER CRUISE: I'm Christopher Cruise.

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