

What's Ahead in the ObamaCare Repeal Fight?

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Three recent events in the early days of 2011 have set the stage for a huge fight over repeal of ObamaCare:

On January 19, House Republicans were successful in passing H.R.26 the act that would repeal ObamaCare by a vote of 245-189.

On January 31, a federal judge in Florida became the first to strike down the entire healthcare reform law that was signed into law by President Obama in March of 2010, *ruling that the law is unconstitutional.*

On February 2, a vote to repeal ObamaCare failed in the Senate by a party-line vote of 47-51, putting every Senate member on record regarding this monstrosity of government over-reach that is highly unpopular with American voters.

Now, we will see the propaganda blitz from the Left ramped up even further as they attempt to convince Americans that a majority of voters are now *opposed* to repeal. This is not surprising; President Obama and his supporters will use every means—fair or foul—to keep his trillion-dollar baby from going down to defeat. Amid the barrage of distortions and misinformation that will be unleashed in the controlled media, the Republicans will need to implement an aggressive program for getting their own healthcare reform message out to the public.

More About the Vinson Ruling

The 78-page opinion by U.S. District Judge Roger Vinson represents a more sweeping repudiation of the ObamaCare law than the December ruling in a suit brought by Virginia that found the requirement that most Americans purchase health insurance to be unconstitutional.

Vinson agreed with the argument that a person's refusal to buy health insurance does not amount to economic activity and is therefore beyond Congress's power to regulate under the Constitution's commerce clause.

Another very significant part of the Vinson ruling reasons that, due to the way the law was written, the insurance mandate cannot be separated from the rest of the statute and therefore the entire law must be voided.

Even though Judge Vinson stopped short of granting an injunction to prevent the law from going forward while the case is appealed, this ruling has the potential to block implementation of the statute in the 26 states that brought the suit. David Rivkin, a conservative lawyer representing the plaintiffs, said that the 26 states that are party to the lawsuit are no longer subject to any of the law's requirements. Not surprisingly, White House officials rejected that view, with one senior White House official stating to reporters that "implementation will proceed."

This apparent intention by the Obama administration to ignore a federal court ruling could set up a constitutional crisis. This is another potential instance of “determined disregard” of a court ruling by this administration (see Inside Washington section to read “U.S. Administration In Contempt Over Gulf Drilling Moratorium, Judge Rules”).

GOP Strategy

Republicans will begin to frame the stakes for the 2012 election with the repeal vote in the Senate. From that point the strategy will be to dismantle the law, piece by piece. Their plans include postponing a new excise tax on branded pharmaceutical manufacturers (which the Democrats were expecting would provide significant revenue to support healthcare reform costs); restoring funding for Medicare Advantage; and repealing the long-term insurance program contained in ObamaCare—a program that is already expected to go broke within a decade. These votes will continue to educate voters about the bill’s many flaws, and force the President to use his veto power—which would be a highly visible signal to voters that Barack Obama continues to hold the will of the American people in contempt.

“ Opportunity”

One *Wall Street Journal* editor counseled the Republicans to remember that they did not run in 2010 to be national accountants. “While they cut spending to reduce the deficit, they should keep the political and policy focus on promoting economic growth and private job creation. This should be the larger avowed purpose of their cuts in spending, their scrutiny of new regulations, their proposals for tax reform, or their questioning of the Federal Reserve . . .

“Republicans can’t govern from the House. What they can do is stake out a GOP agenda that begins to repair the damage of the Pelosi years, begins to shrink and reform the government, and tees up the debate for 2012. This is the great Republican opportunity of the 112th Congress” (“The GOP Opportunity,” *Wall Street Journal*, January 5, 2011).
