

Battles Over Obamacare Take on Campaign-Style Fervor

By Eric Pianin – June 7, 2013

As President Obama prepares to deliver an address in California Friday heralding the benefits of the Affordable Care Act, a political-style campaign is taking shape between supporters who seek to sign up tens of millions of uninsured Americans for new health care insurance – and opponents working feverishly to try again to stop the program in its tracks.

White House Press Secretary Jay Carney said Obama will use the speech to “highlight the promising news that despite dire predictions, early data on insurance competition and premiums in the state [of California] show that the Affordable Care Act is creating quality affordable choices for Californians who plan to buy insurance this fall.”

Despite upbeat pronouncements like this, however, public opinion continues to run fairly heavily against the program designed to provide coverage to more than 45 million uninsured Americans beginning late this year. Opponents have outflanked advocates in the early skirmishes.

So far, officials in 34 states have elected not to create insurance exchanges under the law where the uninsured can go to purchase affordable or subsidized health care coverage. And only 20 states and the District of Columbia have agreed to expand Medicaid programs for the poor and disabled.

The federal government is stepping in to create insurance exchanges in these uncooperative states. But the Department of Health and Human Services and the embattled Internal Revenue Service are struggling to meet deadlines for structuring and implementing a program of government subsidies, taxes and penalties to convince Americans to buy coverage and to force many employers to provide it for workers.

Republicans in Congress and in many state capitals are working with conservative advocacy and Tea Party groups and think tanks to slow down or halt the move toward implementation. At the same time, advocates of Obamacare outside the government are gearing up for a high-profile battle this summer and fall to promote the health law in states with the largest concentrations of uninsured residents.

“We know it will be challenging to reach millions of Americans, but it's too important not to,” Anne Filipic, president of Enroll America, a leading advocate of the new law, told *The Fiscal Times* Thursday. “We're focused like a laser on our mission.”

Three years after Obama signed health care reform, polls show that millions of Americans either disapprove of it or don't understand the complicated law. Critics say the more people find out about the Affordable Care Act and its attendant costs and mandates, the less they like it.

"Despite surviving a number of threats, President Obama's health care law remains harmful, unstable, and unpopular," says Michael Cannon, a health care expert with the libertarian Cato Institute. "It also remains vulnerable to repeal, largely because Congress and the Supreme Court have granted each state the power to veto major provisions of the law before they take effect in 2014."

Cannon has positioned himself at the center of the national drive to impede implementation of the law. Over the past year or two, he has traveled to at least 18 states with large uninsured populations to lecture and advise state officials, conservative and libertarian think tanks and political activists on ways to oppose Obamacare.

Earlier this year, Cannon published a lengthy Cato "white paper," a handbook of sorts for gumming up the works. Entitled "50 Vetoes: How States Can Stop the Obama Health Care Law," the report urges governors and state officials to refuse to set up insurance exchanges in their states and to refuse to opt into an expanded Medicaid program for the poor. While upholding the constitutionality of the health care law last June, the Supreme Court nevertheless ruled that states couldn't be forced to take part in the expanded Medicaid plan if they objected.

"The thesis of the study is that states can veto major portions of the law by refusing to implement those provisions," Cannon said in an interview Thursday. "On the Medicaid side, it's obvious. If states don't extend Medicaid, [it] is not expanded in those states. On the insurance exchange side, it's a little complicated. By not establishing an exchange, the states block the tax credit subsidy, the employer mandate and to a large extent the individual mandate in their states."

But Cannon says the Obama administration is attempting to tax employers and individuals in states that choose not to create insurance exchanges, contrary to the language of the legislation and congressional intent. Cannon is urging states to challenge this interpretation in court, as Oklahoma has already done.

A new Wall Street Journal/NBC News poll found that Americans' unease with the health care law has intensified with 49 percent of those surveyed saying Obamacare is a bad idea and only 37 percent saying it was a good idea. This 12-point gap between supporters and skeptics is the largest since a survey in March 2010, the month the health law was passed.

That disapproval may have been driven in part by the extraordinary imbalance of television advertising around the law. Spending on campaign and issues ads that reference Obamacare since the law was enacted has totaled \$475 million, with opponents outspending supporters 5 to 1, according to Kantar Media's Campaign Media Analysis Group.

But the situation may be changing.

Enroll America, a nonprofit group headed by Filipic, a former Obama White House official, plans within weeks to launch a multi-million-dollar campaign of education and outreach to encourage millions of uninsured Americans to sign up for health coverage.

The effort will deploy skillful campaign tools, such as online organizing, grassroots outreach, data analytics, and paid advertising – to communicate with millions of Americans. Once fully operational, Enroll America will deploy as many as 100 organizers, analysts and enrollers in ten states that contain roughly two-thirds of all uninsured Americans, according to an official. The group also plans extensive media buys to get its message across.

Enroll America has been weathering a storm recently, as GOP lawmakers sharply criticized HHS Secretary Kathleen Sebelius for soliciting contributions for the group from the Robert Wood Johnson Foundation and H&R Block, neither of which is subject to HHS oversight.

Ron Pollack, executive director of Families USA, and a board member of Enroll America, complained in an interview with *The Fiscal Times* this week that “different officeholders and some of the right-wing ideological groups have been crusaders for obstructionism,” and that Cannon’s handbook was designed to “throw sand into the machinery of state implementation of the Affordable Care Act.”

“So has it been a factor? Of course,” added Pollack.