



DIKTAT: GOP Beltway Cabal Sets Party's Health Care Policy

Posted by [Andrew Cochran](#)
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"That's beyond my pay grade. That's the speaker. They're the ones doing that coordination."

That's how Rep. Joe Pitts, chairman of a powerful health subcommittee in the U.S. House, described how the House GOP majority is designing its future health care policy.

A small cabal of House GOP Members and leadership staff has recently taken the reins of policy formation away from the rest of the House GOP and the conservative base of the party, and is forcing the Members to accept it, whether it's constitutional or not. And it's not. They're copying what Nancy Pelosi did that drove the GOP nuts when Democrats ran the House.

For almost a year, the House GOP paid attention to constitutional principles and avoided crossing the line by not voting on the House floor for H.R. 5. After all, its finest legal experts wrote time and again that federally imposed limits on medical malpractice lawsuits, especially those imposed in H.R. 5, are an unconstitutional abridgement of states' and unconstitutional rights. And many GOP Congressmen listened.

The lineup against H.R. 5 is full of GOP legal superstars: Anti-Obamacare superstar Professor Randy Barnett, Virginia Attorney General Ken Cuccinelli, Federalist Society superstar Professor John Baker, Rob Natelson of the Tenth Amendment Center, Carrie Severing of the Judicial Crisis Network, Hans von Spakovsky of the Heritage Foundation, Professor Ilya Somin of George Mason Law School, and more. Even Ted Frank and Walter Olson, who sharply criticize the plaintiffs' bar, warned the House GOP that H.R. 5 is a bridge too far.

And important conservative political figures and groups joined them in condemning federal interference in state civil justice systems: Sens. Tom Coburn and Mike Lee, the Tea Party Patriots group, Judson Phillips of Tea Party Nation, the National Conference of State Legislators, the Cato Institute, and Reps. Ted Poe, Louie Gohmert, Lee Terry, Morgan Griffith, and many others.

Then, two months ago, House Speaker Boehner and his close lieutenants put the Tea Party in the rear-view mirror. They intentionally moved away from principles of limited government in the name of "practical politics," in order to gain more support from business interests. The new agenda included a cyber-security bill that raises privacy concerns; the reauthorization of the Export-Import Bank (which really angered conservative leaders); and a heavy push for H.R. 5.

The Beltway Cabal has since made it almost impossible for principled GOP Congressmen to vote for the Constitution and against H.R. 5. First, they announced after the House left town that H.R. 5 would be

combined with a very attractive bill to repeal the Obamacare "death panels." Then they fixed the rules so hesitant Members had no opportunity to strip unconstitutional federal medical limits from that combined bill. When that passed, they shoved H.R. 5 into a budget bill, again with no opportunity for conservatives to vote against it on the House floor.

Both times, GOP Members complained to Speaker Boehner's office that they were being forced to compromise constitutional principles - the very basis of their opposition to Obamacare - to support special interest legislation for the very groups that backed the enactment of Obamacare. Both times, the Speaker and his Beltway Cabal shut that opposition down with no floor debate or vote.

Multiple GOP Congressmen voted with the Constitution the first time, even though it meant not voting against Obamacare. I've been told by individual Members and key staff of "heated" conversations between Tea Party-side Republicans and leadership staff, but the Beltway Cabal doesn't care. Dissenting Republicans are afraid of losing committee seats and campaign dollars - just what Democrats who disagreed with Pelosi faced.

The Beltway Cabal consists of no more than a dozen GOP House Members. The Speaker and the other three top Republicans in the GOP Conference; the chairman of the Rules Committee, which sets the terms of debate for bills in the House; two committee and subcommittee chairmen; and two powerful Congressmen who were doctors and are committed to medical limits at all costs are running the show. It's "the Pelosi Rules," GOP style.

The message to Tea Party backers and average Americans is that when push comes to shove, the Constitution takes a backseat to Crony Capitalism.