

White House vows to implement health care reform, despite judge's ruling

By Warren Richey | Published Tue, Feb 1 2011 8:16 am

Senior administration officials vowed on Monday to continue with the full implementation of President Obama's health care reform law despite a federal judge's decision declaring the law unconstitutional and void in its entirety.

"This is not the last word by any means," a White House official told reporters in a background briefing. "We are quite confident it won't stand."

The Justice Department issued a statement saying it intends to appeal the decision. "We strongly disagree with the court's ruling," the statement says in part.

The comments came in reaction to a 78-page decision released Monday by US District Judge Roger Vinson in Pensacola, Fla. The judge ruled that Congress exceeded its power under the Constitution's commerce clause when it required all Americans to purchase health insurance as part of the president's health-care reform law.

The judge also declared the entire law must be struck down, because Congress eliminated a provision that would have allowed a judge to invalidate only part of the law while preserving the rest of it.

Fourth federal judge to rule on law

Judge Vinson is the second federal judge to declare a key portion of the Obama health-care reform law unconstitutional. Two other federal judges have upheld the constitutionality of the law.

Administration officials and supporters of the health-care reform law immediately criticized Vinson's ruling. "This case will be viewed as an outlier," one administration official said.

Democratic House leader Rep. Nancy Pelosi of California, who once scoffed at suggestions that the reform bill might be unconstitutional, stressed that Monday's ruling was only "one of many."

"We strongly believe that health reform is constitutional and is consistent with longstanding precedents of the Supreme Court," she said.

Conservatives rejoice

Others saw Vinson's ruling as vindication of a more robust view of constitutional limits to federal power. "Nancy Pelosi has her answer: yes, we're serious about the Constitution," said Carrie Severino of the conservative Judicial Crisis Network.

House Speaker John Boehner praised Vinson's decision. "The federal government should not be in the business of forcing you to buy health insurance and punishing you if you don't," he said.

He noted that the House had recently passed legislation to repeal the health-reform law, and he urged the Democratic leadership in the Senate to allow the repeal measure an up-or-down vote.

Vinson declined to issue an injunction blocking implementation of the new health-care law. Instead, he said he trusted that the government would follow the rulings of the courts as they emerge.

Government lawyers are expected to appeal Vinson's ruling to the 11th US Circuit Court of Appeals in Atlanta. Appeals in the three other cases are already underway in the Sixth Circuit and the Fourth Circuit.

Decisions in those courts could be appealed to the US Supreme Court.

At issue: size of government

Although the legal battle is over the constitutionality of the president's health-care reform law, it overlaps a broader political debate between liberals and conservatives over the balance of power between the states and the national government.

The Obama administration favors a strong national government and measures – like the health-care reform law – that help expand assertions of national power.

In contrast, many conservatives argue that the Constitution calls for a national government of limited powers, with most authority in the hands of the states and the people.

"The Constitution establishes a framework of limited government in order to protect our liberty," Timothy Sandefur, a lawyer with the conservative Pacific Legal Foundation, said. "You simply can't square constitutional, limited government with the Obama administration's idea of forcing everyone to buy health insurance, or any other product or service."

He added: "Judge Vinson has simply and clearly brought us all back to basics and reminded us that we do not live in a society where our lives are ordered by bureaucrats in Washington D.C."

'Activism run amok'

Others warned that if Vinson's decision is upheld it would eliminate provisions of the health-care act like the ban on withholding coverage for those with preexisting conditions or permitting young adults to remain covered on their parents' health plan.

“Judge Vinson’s decision is radical judicial activism run amok,” said Ron Pollack of Families USA. “If this decision were allowed to stand, it would have devastating consequences for America’s families.”

Andrea Lafferty of the Traditional Values Coalition had a different take on the ruling. “Today’s winners? Working families, defenders of the Constitution, and millions of Americans who will have freedom to enjoy a health-care plan that best suits their needs.”