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Judge chides Obama for ignoring health-care ruling, urges fast-track appeal

Judge Roger Vinson has agreed to stay his January ruling that Obama's health-care reform law is unconstitutional – but only if the administration fast-tracks an appeal, possibly directly to the Supreme Court.



Senior U.S. District Judge Roger Vinson, seen in this 2007 file photo from Pensacola, Fla., declared the Obama administration's health-care overhaul unconstitutional on Jan. 31, siding with 26 states that sued to block it, saying that people can't be required to buy health insurance.

(Tony Giberson / The Pensacola News Journal / AP / File)

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Miami

The federal judge in Florida who struck down President Obama's health-care reform law a month ago issued a stay of that order on Thursday – while insisting that the government launch a fast-track appeal.

In a tartly-worded order, Senior US District Judge Roger Vinson issued the stay under the condition that government lawyers seek an expedited appeal of Vinson's ruling within seven days either to the 11th US Circuit Court of Appeals in Atlanta or directly to the US Supreme Court.

"Almost everyone agrees that the constitutionality of the act is an issue that will ultimately have to be decided by the Supreme Court of the United States," Judge Vinson said. "It is very important to everyone in this country that this case move forward as soon as practically possible."

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Judge Vinson became the second federal judge to strike down a key portion of President Obama's Affordable Care Act. In a Jan. 31 decision, Vinson declared that Congress exceeded its authority under the Constitution's commerce clause by requiring every American to purchase a government-approved level of private health insurance.

But the judge went further. He also ruled that since the so-called individual mandate was the centerpiece of the entire reform effort, all 450 provisions in the law must also be rendered void as well.

The Pensacola-based judge did not issue an injunction specifically commanding the Obama administration to immediately halt all efforts to implement health-care reform.

He did not believe an injunction was necessary.

His Jan. 31 ruling says in part on page 75: "There is a long-standing presumption that officials of the executive branch will adhere to the law as declared by the court. As a result, the [Jan. 31] declaratory judgment is the functional equivalent of an injunction."

Immediately after Judge Vinson issued his decision, senior administration officials said they would continue to implement the health-reform law as the appeals process moved forward.

Some well-known provisions have already taken affect, including a bar on denying coverage for preexisting health conditions and allowing parents to maintain coverage of their young-adult children.

In addition, several states are taking concrete steps to prepare for the broader implementation of the law and are accepting federal money to fund the effort.

Many legal analysts had expected administration lawyers to seek a stay of Judge Vinson's Jan. 31 ruling to extend during an appeal. But rather than immediately file an appeal, the Justice Department waited 2-1/2 weeks before it sent an unusual motion to the judge.

The government wanted the judge to "clarify" whether his 78-page decision was intended to bring an immediate halt to the entire Affordable Care Act.

Lawyers for the 26 states challenging the constitutionality of the ACA told Vinson the effort was a "transparent attempt ... to obtain a stay pending appeal."

Judge Vinson issued the requested clarification on Thursday and it is apparent from the tone of the 20-page order that he was not amused by the government's conduct.

He told the government lawyers that his Jan. 31 ruling used language that was "plain and unambiguous." And he accused the Obama administration of ignoring his ruling to continue moving forward with health-care reform.

Vinson said if the administration was unable to comply with his decision striking down the ACA, officials were entitled to seek an immediate stay of the ruling.

"It was not expected that they would effectively ignore the order and declaratory judgment for two and one-half weeks, continue to implement the act, and only then file a belated motion to 'clarify,'" he wrote.

The judge said he was agreeing to issue a stay of his ruling because halting the ongoing implementation of the health-care reform effort would be "extremely disruptive and cause significant uncertainty."

The judge cited the case of residents and public officials in Michigan, where a different federal judge has ruled that the ACA is in full compliance with the Constitution.

To date, three federal judges have upheld the ACA as constitutional and two have struck it down as unconstitutional. The cases are all under appeal.

Vinson said the complicated health-reform effort, combined with the ongoing constitutional challenges, have generated uncertainty and confusion across the country. "The sooner this issue is finally decided by the Supreme Court, the better off the entire nation will be," he said.

A Justice Department spokeswoman praised Vinson's decision to issue a stay of his earlier ruling. "We appreciate the court's recognition of the enormous disruption that would have resulted if implementation of the Affordable Care Act was abruptly halted," said Tracy Schmalzer, deputy director of the Justice Department's Office of Public Affairs.

She said the stay would allow the continuation of tax credits to small businesses and distribution of millions of dollars in federal grants to states to help cover health-care costs.

Georgetown Law Professor Randy Barnett said Vinson's most recent order was "another masterful opinion from a heroic judge."

Professor Barnett, a commerce clause scholar, said in a statement that the government's motion to "clarify," had given the judge an opportunity to defend his Jan. 31 ruling from criticism, "while effectively compelling a fast-track appeal to the Eleventh Circuit."

Ilya Shapiro of the Cato Institute also viewed Vinson's action as a positive move for those challenging the constitutionality of the health-reform law.

"Judge Vinson's latest ruling exposes the government's disingenuousness with respect to his earlier invalidation of the entirety of Obamacare," Mr. Shapiro said. "He has now put [the government's] feet to the fire, making clear that if the government doesn't appeal – and ask for expedited appeal – within a week, it must stop implementation of Obamacare."

In her statement on behalf of the Justice Department, Ms. Schmalzer said there was "clear and well-established legal precedent that Congress acted within its constitutional authority in passing the Affordable Care Act and we are confident that we will ultimately prevail on appeal."

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