

Networks See Unconstitutional Ruling as 'Setback,' Not 'Victory for Liberty'

## Evening and morning shows see 'roadblock' for White House, not freedom for citizens, in federal judge's decision insurance mandate is unconstitutional.

By Julia A. Seymour

Wednesday, December 15, 2010 11:02 AM EST

Federal court judge Henry Hudson ruled on Dec. 13, that the enforcement mechanism of ObamaCare - the individual mandate - was unconstitutional.

Hudson wrote, "The unchecked expansion of congressional power to the limits suggested by the Minimum Essential Coverage Provision [the individual mandate] would invite unbridled exercise of federal police powers."

Unsurprisingly, the broadcast networks reported the ruling from the White House's frame of reference calling it a "setback" or "roadblock" for the "historic health care law." Not one of the six morning and evening shows (evening of Dec. 13, morning of Dec. 14) portrayed the ruling as a win for freedom, the Constitution or for the American people.

On ABC's "World News with Diane Sawyer," Sawyer asked about the impact of the ruling: "with the bill just starting to go into effect what does this mean for families in America?"

All three networks agreed that higher courts will ultimately decide the fate of the individual mandate. The CBS "Early Show" clung to the idea that higher courts would overturn the decision calling it a "potential setback." The only live interviewee on "Early Show" was liberal Sen. Dick Durbin, who assured viewers that the legislation would stand on appeal.



Co-anchor Harry Smith asked Durbin, "The Republicans are jumping up and down; they're ready to have a party. Do you think they have a legal leg to stand on?"

Durbin replied, "Harry, and now for the rest of the story. This was the third court ruling, and the first one that overturned that provision. The first two said it was fine, it was constitutional. So clearly there's a difference even among the Virginia federal courts and we're going to move forward to an appellate level - perhaps even to the Supreme Court. I think the law is sound ..."

But The Wall Street Journal's editorial page took a very different position than the networks. WSJ called the narrow ruling ["a victory for liberty and the Constitution."](#)

"The courts up through the Supremes will now decide if government can order individuals to buy a private product or be penalized for not doing so. If government can punish citizens for in essence doing nothing, then what is left of the core Constitutional principle of limited and enumerated government powers?" they editorialized.

Cato Institute's Ilya Shapiro also called it a ["good day for liberty,"](#) in a CNN.com article Dec. 13. "Judge Henry Hudson vindicated the idea that ours is a government of delegated and enumerated, and thus limited, powers."

### Public Support for ObamaCare at New Low, Only ABC Admits It

In addition to framing the decision as a hurdle for the White House and including predictions that ObamaCare would stand on appeal, only one network, ABC, mentioned the latest poll about the legislation. The other networks didn't even allude to declining public support.

"World News" and "Good Morning America" both [briefly mentioned](#) the new ABC/Washington Post poll that found only 43 percent of people support the ["landmark legislation,"](#) while 52 percent are opposed.

Still, based on the history of network support for Obama's "ambitious" health care package, it should come as no surprise when their reporters ignore the other side. In 2009, the Business & Media Institute analyzed coverage of ObamaCare and found ABC, CBS and NBC favored including proponents to critics in their reports by [more than 2-to-1](#) (243 to 104)

At that time the networks also barely discussed the enormous cost of the bill (CBO estimated \$1.6 trillion) and continued to exaggerate the number of uninsured Americans.

Right after the health care legislation passed, ABC, CBS and NBC evening newscasts legitimized Democratic talking points attacking the opposition. Sawyer said, "Opposition to health care turns menacing." CBS used audio clips to support Maggie Rodriguez' claim that there were ["threats of violence against Democrats who voted for health care reform, even as public support for the plan is growing."](#)

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