

One Of The Architects Of Obamacare Is Becoming A Nightmare For The White House

By [Brett LoGiurato](#)
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Rich Weinstein went to bed on July 24 after posting a comment on a Washington Post blog post from his iPad.

"EVERYONE PLEASE TAKE JUST ONE MINUTE TO WATCH THIS VIDEO," he [wrote](#).

For months, he had been trying to bring to light past comments from Jonathan Gruber, the MIT economist who was one of the authors of the Massachusetts health law that served as the model for Obamacare. His comment on the Post story finally did it.

Mid-morning on July 25, Weinstein, an independent investment analyst, grabbed his iPad, turned it on, and searched for "Jonathan Gruber" on Google. He saw his name next to Gruber's. [The story was everywhere](#).

"I said, gee, I wonder what's going on with that," Weinstein told Business Insider. "And then it gets to the point, the next day, where Rush Limbaugh is talking about it and the White House was responding to it."

For more than a year, Weinstein has been digging up past remarks made by Gruber, one of the key architects of the Affordable Care Act. Those comments from Gruber have roiled the debate [over the most high-profile ongoing legal challenge to undo the law](#) — and Republicans are planning to use them as ammunition in their messaging against Obamacare.

The comments Weinstein surfaced in July, where Gruber made comments critics of the healthcare law characterized as making the case for the plaintiffs in the legal challenge, were only the beginning.

This week, at least three more of Gruber's past comments have surfaced, just days after the Supreme Court agreed to hear a case that could potentially [cripple President Barack Obama's healthcare law](#). In these remarks, Gruber insulted American voters and painted the architects of the Affordable Care Act and its supporters in Congress as having been intentionally opaque about the law in order to get it passed.

Weinstein's first revelation this week was from an October 2013 conference, during which Gruber said the lack of transparency throughout the legislative process was a "huge political advantage" for Democrats trying to pass the bill. He said the law was written in a "tortured way" so the Congressional Budget Office wouldn't score the mandate to buy health insurance as a tax.

"Lack of transparency is a huge political advantage," Gruber said in the video. "Call it the stupidity of the American voter, or whatever. But basically, that was really, really critical to get the thing to pass. I wish we could make it all transparent. But I'd rather have this law than not."

Gruber did not return multiple requests for comment for this story. However, the day after his first comments surfaced this week, he went on MSNBC and apologized.

"The comments in the video were made in an academic conference," Gruber said on the network. "I was speaking off the cuff, and I basically spoke inappropriately. And I regret having made those comments."

But in the past two days, the second and third rounds of controversial Gruber comments have come to light. In the second, Gruber [made](#) another remark about how Congress was able to pass the law because the American public was "too stupid" to grasp its finer points.

And in the [third](#) clip (seen around the 29-minute mark of that link), which was first reported on [by The Daily Caller](#), Gruber described how Congress was able to exploit the American public's lack of awareness of economic policy with respect to the healthcare law's tax on so-called "Cadillac" insurance plans. He said it was common knowledge among people debating the law that the cost of the plans would eventually be passed on from the insurance companies to American taxpayers.

"It's a very clever basic exploitation of the lack of economic understanding of the American voter," Gruber said during an appearance at the University of Rhode Island in 2012.

The newly minted Republican majority in Congress is planning to use the comments as a messaging tool. One senior Republican congressional aide told Business Insider they were "sure" Republicans will employ the comments broadly in their Obamacare messaging.

Almost on cue Thursday, the office of House Speaker John Boehner slammed the comment. Boehner also reiterated that he and incoming Senate Majority Leader Mitch McConnell have made a [renewed commitment](#) to repeal the law.

"The American people are anything but 'stupid,'" Boehner's office said in a statement. "They're the ones bearing the consequences of the president's health care law and, unsurprisingly, they continue to oppose it."

Other Republican congressional aides on Capitol Hill said the comments would likely be leveraged in potential hearings on the law. Now that Republicans control the Senate, they plan to hold more [hearings on the Affordable Care Act in general](#). And controversial statements made by one of the law's key architects serve as potentially prime fodder for arguments against the law.

Democrats, meanwhile, have moved quickly to distance themselves from Gruber and from the comments in general.

"I don't know who he is. He didn't help write our bill," House Minority Leader Nancy Pelosi told reporters Thursday morning — even though, in 2009, her website [touted](#) his work.

Weinstein, for his part, has no opinion on the political or policy implications of the videos. He simply wants the footage out in the open for the public to watch.

His interest in the comments is personal, and it stems from the flap over [Obama's original pronouncement](#) that if "you like your plan, you can keep it." About a year ago, he and his wife received a notice that their insurance plan did not meet the minimum standards under the Affordable Care Act, so he couldn't keep it. (Obama later revised this provision so that "grandfathered" plans that don't meet basic requirements can still be offered through 2016.)

Weinstein said his premiums doubled, and on Wednesday afternoon, he got more bad news — his premiums are projected to be about 26.7% higher than the doubling next year.

"It's a big nut to crack," Weinstein said. "That kind of got my attention. This all impacts me."

He's a frequent watcher of cable television, and some of the guests who appeared most frequently on cable-news shows described themselves as the "architects" of the law. He started to look into some of them — David Cutler, Ezekiel Emanuel, and Gruber, among others — to get a better understanding of certain provisions of the law and how it came to be.

"I thought, I'll bet you these guys might have left a paper trail. Because they're not part of the administration or talking heads," Weinstein said.

Nothing about Cutler or Emanuel particularly stood out. But Gruber seemed to have more of a political bent, Weinstein noticed. One comment from a PBS "Frontline" interview made him perk up. In that appearance, Gruber talked about former Republican presidential candidate Mitt Romney — who instituted a similar, state-level reform in Massachusetts — and he said that, as a Democrat, he was impressed with Romney and scared he'd eventually become president.

Over the next few months, he kept finding more and more appearances. Weinstein spotted Gruber everywhere — on a book tour, on podcasts, on radio interviews, and on conference panels. In January, Weinstein read about the Halbig case — a similar challenge is the [one making its way up to the Supreme Court](#). He knew he had heard the plaintiffs' argument against Obamacare before — from Gruber

Weinstein [remembered Gruber had suggested](#) that states, not the federal government, could only set up exchanges. In the case before the Supreme Court, the plaintiffs are arguing the Affordable Care Act only allows for states to set up the exchanges and any federal subsidies handed out for health insurance are illegal.

"I couldn't have said it better myself!" Michael Cannon, the director of health policy at the Cato Institute and one of the key architects of the Halbig lawsuit, told Business Insider in an interview after Gruber's comments surfaced.

But for a while, Weinstein had trouble getting anyone to take the bait on his scoop. He emailed Indiana's attorney general, who is at the forefront of a similar lawsuit to Halbig, but did not hear back. He tried hard to get the clip into a reporter's hands, but not one would budge.

"The people who are now calling me are the ones who didn't want anything to do with the video I sent them," Weinstein said.

Cannon was among the first to notice Weinstein's video when it began circulating after his comment on The Washington Post story. He published a [blog post](#) touting the video on Forbes, where he is a contributor.

This round was similar. Weinstein found the clips two days before the midterm elections, but no one seemed interested. He eventually pushed the video out on his Twitter feed, which he estimated had about 20-25 followers last week.

One of his followers who saw it was Phil Kerpen, the president of the conservative group American Commitment. He clipped the video down to about one minute. And, in the words of Weinstein, "it went crazy."

The message to Weinstein: A relatively average guy can have a big effect on the conversation.

"I want people to see what's out there and to encourage people not to rely on the media," he said. "There's an expression out there. I don't know exactly how it goes, but it's something like, 'If you don't like it, then do it yourself.' So I did!"

Weinstein stressed many other people could have a similar impact.

"I'm just a regular guy like everyone else," he added. "I Googled, and I grabbed the right piece of the thread at the right time."