



White House

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White House says Va. health ruling a minor setback

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The Obama administration dismissed as "procedural" a federal judge's ruling that a Virginia lawsuit challenging health care reform can go forward.

But the decision also struck a blow to claims by the White House that the case lacked merit.

"We remain confident [our] case is solid," Health and Human Services Secretary Kathleen Sebelius told reporters on a conference call.

Virginia Attorney General Ken Cuccinelli challenged health care reform in federal court, claiming among other issues that the so-called individual mandate for all Americans to have health insurance was unconstitutional.

Several other states have also challenged the law in court, while some state legislatures, including the Virginia General Assembly, passed laws exempting their states from participating.

On Tuesday, voters in Missouri will consider a ballot measure that would allow the state to opt out of President Obama's health care reform program. It is the first popular referendum on the issue since the bill passed Congress in March.

Michael Cannon, a health care policy expert at the Cato Institute, said the judge's ruling in the Virginia case "proves this isn't a frivolous suit."

"President Obama and supporters of the individual mandate have scoffed at the idea that it might not be constitutional," Cannon said. "Then they ask the courts for more time to respond."

Cannon added, "If it's so frivolous, why do you need more time?"

Stephanie Cutter, assistant to the president for special projects and point person for health care reform in the West Wing, wrote on the White House blog that Monday's ruling was "a procedural decision" with no bearing on the merits of the case.

"Having failed in the legislative arena, opponents of reform are now turning to the courts in an attempt

to overturn the work of the democratically elected branches of government. This is nothing new," Cutter said.

Noting that similar efforts to defeat Social Security, civil rights and the Voting Rights Act also failed, Cutter predicted the courts ultimately will side with the White House.

Obama was traveling Monday and did not comment on the ruling. An analysis by Pollster.com, a national polling aggregator, found 51.2 percent overall disapprove of health care reform, to 42.8 percent who approve.

The president has struggled since passing health care reform to convince Americans that it's a good deal.

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