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## Health Care Arena

An ongoing discussion on the health care debate

Jan. 27, 2010

### Driving the Conversation:

Arena Ref: [Fred Barbash](#)

## State of the Union: How did he do?

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### Roger Pilon

Vice President for Legal Affairs, Cato Institute :

I join my Arena colleagues, Professors Bradley Smith and Randy Barnett, in condemning the president's remarks last night singling out the Supreme Court for its Citizens United decision last week, which overturned law that the government itself admitted would even have banned books. Not only was Obama's behavior an appalling breach of decorum, but he didn't even get his facts right. As Brad, former FEC chairman, noted in his Arena post last night, and a bit more fully [here](#), the decision did nothing to upset law that prohibits foreigners, including foreign corporations, from contributing anything of value to an American election. Obama, the sometime constitutional law professor, should have known that. At the least, his aides had plenty of time to research the question before he spoke. This is just one more example of the gross incompetence or, worse, the indifference to plain fact that we've seen in this administration.

But it's the breach of decorum that most appalls. By constitutional design, the Supreme Court is the nonpolitical branch of government. Like members of the military, Supreme Court justices are invited to the State of the Union event, but they do not stand and applaud when the president makes political points that bring others to their feet. For the president to have singled the justices out for criticism, while others around them stood and applauded as they sat there still, is simply demagoguery at its worst. I would not be surprised if the justices

declined next year's invitation. And Obama wanted to change the tone in Washington? He sure has.

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