



Written by [Michael Tennant](#) on November 28, 2011

CMS Chief Berwick Resigns; Socialized Medicine Lives On

Obama originally nominated Berwick to the position in April 2010. Despite being controlled by Democrats, the Senate failed to schedule a confirmation hearing for Berwick. Obama then performed an end run around that chamber and appointed Berwick during a July congressional recess, leaving him with a term that would expire at the end of 2011 unless the Senate later confirmed him. Obama nominated him again in January 2011; but after meeting with fierce resistance from Republicans, 42 of whom wrote him a letter requesting that he withdraw the nomination, he did little to advance Berwick's cause. "Once it became clear that the President wasn't willing to stick his neck out, Berwick left," commented [Forbes' David Whelan](#). "You can't blame him."



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Obama undoubtedly calculated that if he did indeed stick his neck out, he was likely to meet the same fate, politically speaking, as the famed specter of Sleepy Hollow. Berwick had, after all, been quite open about his fondness for socialized medicine — which, as Whelan points out, is "not surprising, given that he was the President's nominee." For instance, wrote [William P. Hoar in *The New American*](#):

Berwick has excoriated healthcare in the United States as being trapped in "the darkness of private enterprise." [Britain's National Institute for Clinical Excellence, which rations care], on the other hand, is "not just a national treasure, it is a global treasure." And Berwick just *adores* the British National Health Service. ... In a speech in 2008, Dr. Berwick enthused: "I am romantic about National Health Service. I love it." Said the good doctor, it is "generous, hopeful, confident, joyous and just." The NHS, he insisted, is "an example for the whole world — an example ... that the United States needs now." [Emphasis in original.]

Berwick also (in)famously [stated](#) that "excellent healthcare is by definition redistributive" and that "the decision is not whether or not we will ration care — the decision is whether we will ration with our eyes open." These are not the sentiments of a man devoted to liberty and the Constitution; they are the sentiments of a radical leftist. Little wonder, then, that Obama felt the need to circumvent Congress in the first place and dared not put his own future on the line to keep Berwick at CMS.

"Dr. Berwick came in under a cloud, and he is leaving under the same cloud, because of the way the president appointed him," said Sen. John Barrasso (R-Wyo.), an orthopedic surgeon. "It was a disservice to Dr. Berwick and to the American people for the president to make a recess appointment, rather than requiring Dr. Berwick to come before Congress to explain his opinions on Medicare, Medicaid and the new health care law."



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While Barrasso has a point, it is also true that, according to [Politico](#), “CMS has had more acting administrators than confirmed ones since 1977 (when it was called HCFA).” CMS Administrator is not, apparently, a position to which nominees are easily confirmed — and with good reason: CMS “finances health care for one in three Americans, spends more than the Pentagon and has a pervasive influence on medical care, regulating hospitals, doctors, health plans and almost every other type of health care provider,” explains the [New York Times](#). As Sen. Orrin Hatch (R-Utah) put it, “Any nominee to a federal agency with this much power and authority over the lives of millions of Americans must be carefully scrutinized.”

That, however, only goes to show that the problem is less a matter of who is in charge of CMS than of the very fact that such an enormously powerful agency exists at all. Thus, while one hopes that [Dr. Wayne Iverson](#), coordinator of the California chapter of the Association of American Physicians and Surgeons and candidate for the U.S. House of Representatives, is correct that Berwick’s resignation “signals a dramatic shift in this nation’s healthcare policy” away from “government-mandated universal healthcare coverage,” such optimism must be tempered by the realization that CMS will continue to exist and to exert its undue, unconstitutional influence over American healthcare, albeit under a different administrator.

President Obama has, in fact, already nominated current CMS Deputy Administrator Marilyn Tavenner to succeed Berwick. Tavenner, who has decades of experience as a nurse and executive in private hospitals, is viewed as more of a pragmatist than the ideologue Berwick, who “spent decades writing, thinking and speaking about overhauling America’s health care system,” writes the [Washington Post](#). Senate Republicans are pleased that they will have an opportunity to quiz Tavenner rather than be circumvented by the President. “Already, it seems, Tavenner’s nomination is on a markedly different path than her predecessor’s,” the *Post* observes.

What will become of her predecessor? “Half of Washington expects him to return to his old perch at the Institute for Healthcare Improvement in Cambridge,” [Politico](#) quotes Joanne Kenen. “The other half expects him to find another job he loves in some kind of quality/innovation adviser capacity within HHS — one that doesn’t require confirmation.” In other words, Obama may very well legally thumb his nose at Congress yet again to keep Berwick’s — and Obama’s — romance with deadly socialized medicine alive and well in the nation’s capital.

Photo of Donald M. Berwick: AP Images



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