



Written by [Alex Newman](#) on February 12, 2014

Obama Apologists Slam Lawless ObamaCare Rewrites

When even pro-Obama apparatchiks are crying foul over Obama's lawless implementation of ObamaCare — unilaterally changing, delaying, and re-writing over a dozen major provisions of the "Affordable Care Act" in violation of the actual statute — you know the situation is getting bad. That is exactly what is happening, though, with some of the president's staunchest allies in the establishment press now up in arms about the administration's latest refusal to follow the increasingly unpopular "healthcare reform" scheme Obama signed and demanded from Congress. Vulnerable Democrats are running from ObamaCare ahead of 2014 elections, too.



Conservatives, of course, have long been lambasting the lawlessness, criticizing the unconstitutional federal healthcare takeover as well as Obama's repeated violations of the ObamaCare statute. Just this week, after the non-partisan Congressional Budget Office noted that [the equivalent of 2.5 million jobs would be lost due to the scheme](#), the administration did it again. According to new "regulations" issued by the Treasury Department on Monday, employers with between 50 and 99 full-time employees will no longer have to either offer insurance or pay a fine — now until 2016, despite the requirement in the law. The so-called "employer mandate" had previously been unlawfully delayed until 2015 by the administration.

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"The goal is to make sure folks are healthy and have decent healthcare, so this was an example of administratively making sure we are smoothing out this transition giving people the opportunity to get right with the law but recognizing there are going to be circumstances in which people try to do the right thing and it may take time," Obama declared at a February 11 press conference with Socialist French President Francois Hollande, whose own radical schemes have helped devastate France's economy. The excuse for lawlessly rewriting ObamaCare yet again, Obama added, is that for many companies "the process of complying ... may take some time, even if they're operating in good faith."

More than a few critics and even Obama supporters, however, suggested the unlawful move was a way to limit the growing political backlash facing Democrats ahead of this year's midterm elections. Even the slavishly pro-Obama establishment media has suggested as much. "This delays any bad press or bad feelings engendered by the mandate beyond the 2014 election," the Obama apologists at the *Washington Post* wrote in a February 12 editorial. Several other recent pieces in the *Post* have made similar observations, suggesting that the illegal delay in the unconstitutional mandate was a political ploy to help Democrats contain the damage from surging levels of voter outrage across America.

"Yes, Republicans have done everything they can to impede implementation of this law," the *Post*



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claimed in its editorial, without noting that the Republican-controlled House of Representatives could have [easily and constitutionally defunded ObamaCare with public support](#). “But none of that excuses President Obama’s increasingly cavalier approach to picking and choosing how to enforce this law.” The editorial also called on readers to imagine how Democrats would react to a President Rand Paul moving into the White House and unilaterally refusing to enforce certain provisions of ObamaCare. Ironically, some commentators are relishing the thought — after all, Obama set the lawless precedent.

The *Post*’s generally fanatical pro-Obama editorial board went on to slam the administration for “unilaterally making distinctions between large businesses and medium ones.” It also noted that the ObamaCare statute explicitly requires the government to be enforcing the penalties already, as Congress supposedly intended when it passed the gargantuan bill without reading it. The editorial concludes by suggesting that Congress should repeal the “employer mandate” if there is a less “disruptive” way to extract the funds needed to impose the unpopular scheme. “Until then, the president should implement the law,” it declares.

Other pro-Obama and pro-ObamaCare commentators had even harsher words for the president’s lawless disregard for his own signature legislation — and his constitutional duty to enforce the laws as written. In a stinging rebuke headlined “Why I’m Getting Sick of Defending Obamacare,” for example, *National Journal* Editorial Director Ron Fournier blasted the executive-branch machinations. “It’s getting difficult and slinking toward impossible to defend the Affordable Care Act,” Fournier wrote, calling the administration’s latest re-write of ObamaCare a blow to Democrats, liberal activists, and “naïve columnists like me.”

“Not coincidentally, the delays punt implementation beyond congressional elections in November, which raises the first problem with defending Obamacare: The White House has politicized its signature policy,” the *Journal*’s senior political columnist complained, blasting the “win-at-all-costs mentality” as well as the repeated “dishonest talking points” spewed by Obama and his officials. “If not illegal, the changes are fueling suspicion among Obama-loathing conservatives, and confusion among the rest of us. Even the law’s most fervent supporters are frustrated.”

Defending ObamaCare became “painfully harder,” Fournier noted, when the multi-million-dollar website did not work and “when autopsies on the administration’s actions revealed an epidemic of incompetence that began in the Oval Office and ended with no accountability.” It got even worse when officials started “fudging numbers and massaging facts to promote implementation,” which Fournier noted has now become commonplace. “But they did more damage to the credibility of ACA advocates,” he added.

The *Wall Street Journal*, meanwhile, in its own editorial about Obama’s unconstitutional refusal to follow the statute, noted that ObamaCare now essentially means whatever the administration decrees at the moment. ““ObamaCare” is useful shorthand for the Affordable Care Act not least because the law increasingly means whatever President Obama says it does on any given day,” the paper observed. “His latest lawless rewrite arrived on Monday as the White House decided to delay the law’s employer mandate for another year and in some cases maybe forever.”

The publicly less-statist wing of the establishment had unusually stinging criticism as well. Pundit Charles Krauthammer, for example, said on Fox that Obama’s latest rewrite of ObamaCare is “stuff you do in a banana republic.” “It’s as if the law is simply a blackboard on which Obama writes any number he wants, any delay he wants, and any provision,” he continued. “It’s now reached a point where it is so endemic that nobody even notices or complains.... These are political decisions to minimize the impact



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leading up to an election. And it's changing the law in a way that you are not allowed to do."

Of course, Obama's [now-exposed brazen lies](#) — you can keep your plan and your doctor, for example — certainly have not helped make the law popular. Polls suggest that the vast majority of Americans, who opposed the scheme from the start, still want ObamaCare repealed. With that prospect out of reach — at least until Obama leaves office and establishment Republicans get serious about listening to the American people and following their oath of office — liberty-minded lawmakers have offered alternatives to limit the damage.

"I think the most effective, efficient way of doing it, the way that sort of maximizes the deterrent effect without significantly disrupting government in general is for Congress to use its spending power in such way that withholds funds in areas in which the president has overreached," Senator Mike Lee (R-Utah) told the neo-conservative *Weekly Standard* when asked about potentially suing the administration to force it to obey the law. "There were many who suggested that we do precisely that, for example, with the illegal recess appointments by withholding funding for the Consumer Financial Protection Bureau... But alas, the CFPB is funded through the Federal Reserve, which is a private, for-profit corporation and isn't funded by Congress, so that was outside of Congress's purview."

"In other circumstances, Congress has just declined to exercise that option of withholding funding," Sen. Lee added. "But it is what Congress is supposed to do. The Founding Fathers contemplated that. James Madison discussed it in *Federalist* 57. And it's perhaps the most effective, least intrusive tool for Congress to respond to executive overreach." Other congressional Republicans complained about the latest round of lawlessness — and the fact that individuals are still going to face a "mandate" while businesses get a break — but offered few suggestions in terms of stopping or reining in the out-of-control executive branch. State-level nullification efforts, though, continue to grow.

Of course, Obama has already [come under heavy fire](#) for his [dictatorial threats to defy the Constitution and his oath of office](#) while [imposing his will on America by decree](#) — not to mention the deluge of unconstitutional executive orders on everything from "global warming" to gun control. Until lawmakers in Congress get serious about the Constitution and start defunding the administration's lawlessness, however, Americans can expect to continue suffering under Third World-style rule by edict. In the meantime, the devastating consequences to the economy, the people, and the republic itself will also keep piling up.

Photo of President Barack Obama: AP Images

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