



Written by [Raven Clabough](#) on February 8, 2011

White House Plans to Move Ahead with ObamaCare

Despite the recent judicial decision that ObamaCare is fundamentally unconstitutional, the White House continues to assert that it will implement the health care law. According to the ruling of a federal judge who sided with 26 states that filed a lawsuit against Obama's signature law, the law is unconstitutional and the decision should serve as "the functional equivalent of an injunction" against the law. Nevertheless, White House Spokesman Robert Gibbs indicates that the Obama administration will "rightly" implement the law.



According to Judge Roger Vinson of the United States District Court for the Northern District of Florida in his ruling last week, filing an injunction would be an extraordinary measure as the decision is against the federal government. He wrote, It is even more so when the party to be enjoined is the federal government, for there is a long-standing presumption that officials of the Executive Branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction.

In response, Gibbs declared that other rulings worked in the administrations favor and that those would be the ones to which the White House will adhere:

There are many courts that have heard many cases on this. More than 12 have dismissed the case. Two have ruled in our favor as to its constitutionality. Two have ruled against us. Implementation of the health care bill rightly continues to move forward as the law of the land.

Of the cases referenced by Secretary Gibbs, *CNS News* writes, Last year a federal judge in Michigan found that the Affordable Care Act was constitutional, and later, a federal judge in Virginia dismissed a separate lawsuit brought by Liberty University that challenged its constitutionality, the White House has noted. In other cases, the courts dismissed cases or determined that plaintiffs lacked standing.

Twenty-seven states have already sued to overturn the law. The state of Virginia brought its own case to court while 26 states brought suit together, led by Florida. In both cases, the law was declared unconstitutional, with a particular focus on the individual mandate.

Secretary Gibbs pointed to two states that are planning to implement the law despite the rulings.

Despite the attorney generals participation in the lawsuit, the state of Wisconsin announced that implementation moves forward, said Gibbs. He added, I would point out that one of the state houses in the commonwealth of Virginia passed by a vote of 95-3 to begin setting up health care exchanges.

On Monday, Secretary Gibbs made similar assertions when he addressed Republican leaders, particularly governors, who have targeted Obamacare and threatened to ignore its provisions. The [Huffington Post](#) writes, Gibbs hinted that the White House would address some of the top Republican critics during an upcoming conference of governors later this month.

The implementation of this important law is moving forward, said Gibbs. I don't know what we have had



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specific outreach [to Republican governors]. I know the governors association is in town later this month, but our policy has and continues to be that implementation moves forward.

Republican governors have threatened to return the money budgeted for the legislation, but the White House has declared that the final word should come from the federal government, and it wants to see the law implemented.

One administration official explains, For a lot of things there is a federal backstop. States have the first crack at it, for the lack of a better phrase, and states are empowered to take the lead on things, that's what we wanted. But at the same time we aren't going to allow someone not to get important consumer protections just because he has the misfortune of living in a state that doesn't like the law.

Len Nichols, a healthcare expert at George Mason University, contends that Republican governors should think twice before rejecting the federal grant money. Nichols indicates that he poses the following questions to GOP governors who are considering rejecting the money:

Are you confident you can beat Barack Obama in 2012? If the answer is no, and you say, "I don't want to do reform and bet I can beat him," if you lose, then Kathleen Sebelius will set up your exchange. Who wants that? No one. Not even Massachusetts. What the feds are basically saying is "okay, fine, if we win then we are doing the exchange," then every insurer in that state will panic.

Rob Nichols, press secretary for newly elected Ohio Republican governor John Kasich, reveals the type of reluctance Len Nichols expressed.

We cannot let the insurance exchange default to federal control, so we are moving forward with the planning that is required to make the exchange work best for Ohio.

Currently only two states have the exchange requirement: Louisiana and Florida, of which Florida was the only one to send back the money received for planning and implementing the law.

Other states, such as Alabama and Oklahoma, are suing to overturn specific portions of the law, such as the individual mandate.

Despite the Republican rhetoric, Jonathan Oberlander, health care policy professor at the University of North Carolina, believes that most states will move forward without issue. While you have this legal theater, the odds are that in the trenches, most states are going to take and spend the money. The further people get invested in this, not just the states but also the healthcare industry, it becomes harder to roll it back the more they get involved, the harder it becomes to reverse.

Photo: White House Press Secretary Robert Gibbs speaks during his daily news briefing at the White House, Tuesday, Feb. 8, 2011, in Washington: AP Images



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