

WASHINGTON REPORT

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Here we go again. After a month back home in the districts, Congressmen and their staffs will return to their offices next week and go through the motions of trying to persuade Americans that important things are being done.

Good luck with that one. The political polls that have been coming across my desk spell disaster for incumbents, particularly Democrats, with the electorate as disenchanting as I've seen it in some time. We have passed the Labor Day mark—the date considered as the political weather vane for predicting the outcome of the November election—which means the startling election numbers indicate big change is coming in Congress on Nov. 2.

Take a look at the averages of polls compiled by Real Clear Politics (RCP):

- President Obama's job approval has dropped to 46 percent with more Americans disapproving of his efforts—48.5 percent.
- Congress fares even worse, with 21.5 percent approving and 73 percent disapproving. Ouch!
- The generic vote shows the Republicans leading with 45.9 percent to 41.6 percent for Democrats, an indication the Democrats as a party are in big trouble this election cycle. With the exception of Speaker of the House Nancy Pelosi (D-Calif.) and her immediate team, who continue to put a positive spin on the pending election, the consensus in her party is that the trend is not good. Matter of fact, many believe it is politically catastrophic.

And interestingly, in my opinion, this political undercurrent of discontent is driven by passage of the healthcare legislation. The attempt to sell Obamacare is failing with the latest RCP averages indicating more than half of all Americans oppose the new law—51.2 percent against and 39.4 percent in favor. A recent CNN poll showed even worse numbers for Obamacare, with 56 percent opposing it to 40 percent in favor.

Quite frankly, these numbers really have not moved since the President signed the bill into law in March despite months of efforts by the Administration and Congressional Democrats to sell the legislation as a dramatic achievement.

A steady stream of negative news about unfavorable details of the law for patients versus favorable provisions continues to carry the day. Recent stories pointed out about three million Americans may be forced to switch their Medicare prescription plan next year—even if they are satisfied.

Other news accounts have focused on 4.5 to 5.5 million students who may lose their short-term health insurance provided by their colleges because the plans cannot qualify under Obamacare's minimal essential coverage regulations that mandate richer benefit packages.

Looking at the trend, it was not a surprise to see Missouri voters approve a referendum in August by a margin of 71 percent to 29 percent to invalidate any Obamacare mandate to purchase health insurance or any penalty for doing so.

Adding fuel to the fire also in August was a ruling by Federal Judge Henry Hudson that Virginia may proceed with its lawsuit to overturn Obamacare's individual mandate to acquire medical coverage despite the Administration's legal objections. The 20 different state attorneys general in court challenging the Obamacare mandate were pleased with the ruling by Hudson which said, "all seem to distill to the single question of whether or not Congress has the power to regulate-and tax-a citizen's decision not to participate in interstate commerce."

Virginia Attorney General Ken Cuccinelli said, "The government cannot draft an unwilling citizen into commerce just so it can regulate him under the Commerce Clause."

Meanwhile, Democrats and the supporters of Obamacare continue to reshape their message to the electorate. Armed with new polls, they have retreated from claims that the new law will reduce costs. Instead, the message has shifted to an argument that the law was necessary and will be improved.

But the GOP continues to apply all the public pressure it can find, with 170 of 178 House Republicans now having signed a discharge petition introduced by Rep. Steve King(R-Iowa) to bring to the floor legislation to repeal Obamacare.

Now, truthfully, Republicans realize-- even if they gain majorities in Congress-- they will not be able to repeal the healthcare law because President Obama would veto any such effort. "Our goal remains to repeal the bill and replace it, but, clearly, with the President's veto pen, we're going to have to take interim steps," said Rep. Kevin Brady (R-Tex.), a member of the Joint Economic Committee.

The GOP strategy, if they gain control of Congress, is to choke the gigantic health law to death by denying funding. "Hopefully, we will have an election cycle where we will have a strong wave coming in that is opposed to this and can oppose the funding and the implementation of this," said Sen. Sam Brownback (R-Kan.) "The law has to be funded to be implemented."

Whether Republicans get that opportunity will depend on how successful the Democrats are in persuading voters to reelect them because the new law was needed and will be improved by the Nov. 2 vote.

But, the new election and Congress is a legislative lifetime away in this town. Next week comes that short Congressional session that probably runs until Oct. 8. Then, a lame duck session set Nov. 15-19, followed by a holiday break for Thanksgiving week. Congress next returns Nov. 29 and could be in session all of December, depending on the political environment. I hate to think what this means for all us poor souls here for Christmas and even New Year's Eve.

The Physicians Foundation is pleased to share the **Washington Report**, written by long-time friend to physicians, Lee Stillwell. Earlier this year, the Foundation engaged Mr. Stillwell to monitor and provide regular updates to the Foundation's board on the healthcare reform debates in Washington DC.

Lee Stillwell is founder and CEO of [The Stillwell Group](#), a full-service global public affairs company with a strong life sciences practice. Lee worked on both sides of the aisle in the U.S. Senate as a key aide first for an eastern Democrat and later in his career for a western Republican. For more than 18 years, Lee was the chief advocate for the American Medical Association (AMA). As senior vice president of the AMA Advocacy Group, he managed a staff of more than 120 employees in Chicago and Washington, D.C.

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