



GOP pins hopes of dismantling ObamaCare on the courts

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The GOP is refocusing its attention on the courts as it searches for any way to weaken President Obama's signature healthcare law while he continues to wield a veto pen.

Twenty-five Republicans asked the Supreme Court to take on another lawsuit against ObamaCare on Thursday, this time against a controversial Medicare advisory board that the party has assailed as a "death panel."

Rep. Phil Roe (R-Tenn.), who is leading the charge in Congress against the Independent Payment Advisory Board, said legal challenges against ObamaCare "make a lot more sense" than writing repeal bills that are guaranteed a veto.

Roe is among a growing number of Republicans who are acknowledging that the party cannot overcome the president's veto even after its midterms sweep. Many are now arguing that a shift in strategy is needed to take down the law before 2016.

"We won't have 67 votes in the Senate. We could conjure up a good number in the House, but you'll never get a veto overridden in the Senate," he told The Hill. "[Obama's] going to veto it."

The reach to the Supreme Court is part of a flurry of recent legal action that reflects a growing consensus within the GOP that the party must rely on courts instead of Congress to strike down ObamaCare, especially as more pieces of the law are put into place.

Republicans' request came in the same week that another GOP-backed case advanced in court, this one against the individual mandate. That challenge, *Sissel v. HHS*, went before a federal appeals panel on Wednesday, arguing that mandate's taxes originated in the wrong chamber and are therefore unconstitutional.

House Speaker John Boehner also announced late last month that the House would be filing its long-awaited case against the president's "unilateral actions" in shaping the healthcare law.

The party's court-centered approach was given fresh hope last month when the justices announced they would take up *King v. Burwell*, which concerns ObamaCare subsidies in 34 states. Legal scholars and health policy experts have warned that the case is the biggest legal threat against the law since 2012.

Republicans in the next Congress will almost surely vote again to repeal the healthcare law in full. The GOP's Senate takeover will give he party more power against ObamaCare than any time in the law's history, but the majority isn't enough to override a veto.

Incoming Senate Majority Leader Mitch McConnell openly acknowledged for the first time this week that the chance of a major rewrite of ObamaCare is unlikely in the next two years.

Instead, he said the Supreme Court's ruling on *King v. Burwell* could be the party's best shot for an ObamaCare "do-over."

"The chances of [Obama] signing a full repeal are pretty limited," McConnell said at a *Wall Street Journal* event Monday. "Who may ultimately take it down is the Supreme Court of the United States."

The rough political climate surrounding the law could factor into the justices' decision, making the time ripe for a GOP win at the court.

Todd Gaziano, executive director of the Pacific Legal Foundation, which is arguing the *Sissel v. HHS* case, said some justices could factor in "the fact that the popularity of ObamaCare continues to plummet."

"What might be in the back of their subconscious is that the American people in the two most recent elections have thrown out the people who enacted this law," he said.