

[Just One Ruling, But an Outsize One](#) By [SHERYL GAY STOLBERG](#)

WASHINGTON — By the numbers, [President Obama](#) is beating opponents of his signature health care bill two to one in federal court. Of the three district court judges who have ruled on the merits of constitutional challenges to the landmark Affordable Care Act, two have sided with Mr. Obama.

But from a political standpoint, the only case that really matters is the one Mr. Obama lost on Monday.

Judge Henry E. Hudson's decision leaves the White House playing defense for the foreseeable future on an issue it once thought would secure Mr. Obama's legacy. It provides another rallying point for conservatives as they make the case that government is overreaching and must be reined in. And as the Virginia case and others like it make their way through the appeals process and ultimately to the [Supreme Court](#), it ensures that health care will remain a topic of intense debate in the new Congress and into the 2012 presidential campaign.

Monday's ruling gives a boost to what Peter Wehner, who advised President [George W. Bush](#) on domestic policy, calls a "full-scale assault by the [Republican Party](#) and conservatives" on the measure. In Washington, Congressional Republicans are planning a symbolic vote to repeal the measure when they take control of the House of Representatives next month, and are vowing to chip away at it through financial cuts. Republicans say Judge Hudson's decision provides a legal underpinning for such efforts.

"Judge Hudson's a serious judge and he has put into words, and into a legal decision, a fairly profound pronouncement, which is that a key element of Obama's health care plan is unconstitutional, and that's going to energize people at every level of government who oppose the law," said Mr. Wehner, now a fellow at the Ethics and Public Policy Center here. "Conservatives have been dealt a lot of setbacks from the judiciary and judges along the way; this one is a powerful ratification of the conservative world view, and it complicates things for the Obama administration."

The ruling puts Mr. Obama on the defensive over health care at a time when he would rather be talking about the economy and forging a relationship with the newly empowered Republicans in

Congress. And in addition to energizing Mr. Obama's critics on the right, the decision is reigniting a long-simmering debate on the left about whether he should have pushed for a government-run system to cover the uninsured, without the controversial mandate to buy insurance.

White House officials consoled themselves Monday with the relative narrowness of the decision; Judge Hudson ruled only the mandate unconstitutional, and not the whole bill, though stripping out the mandate would undercut much of the bill's promise to expand access to health care while holding down costs.

But Judge Hudson did give Republicans additional ammunition. In his ruling, he took lawmakers and the White House to task for characterizing the penalty facing people who refuse to buy insurance as a tax — a term the White House had been loath to use during the political debate. Republicans were ecstatic; Representative Trent Franks of Arizona predicted the decision would be the "death rattle" of the health bill.

For Mr. Obama, who opposed a mandate in the early stages of his presidential campaign, there was a certain irony in the ruling. His fellow Democrats insisted that while it might look like a victory for Republicans, it would galvanize their party as well.

"The more heated this becomes, the more light there will be, because the more this is discussed, the more our country will realize that the status quo is simply unacceptable," Representative Sander M. Levin, Democrat of Michigan and outgoing chairman of the House Ways and Means Committee, said, adding Democrats would defend the bill at "every juncture."

But Democrats are also looking to the president to carry the fight forward with the same vigor he displayed before the bill's passage — a level of enthusiasm that might be hard for him to muster, given his political circumstances in the aftermath of the drubbing his party took in last month's midterm elections. Representative Jan Schakowsky, Democrat of Illinois, said Mr. Obama needed to become more aggressive about defending the measure he fought so hard to pass.

"The president has to be the leader in very forcefully explaining and touting this bill because I

think we need to take the offensive on this issue,” Ms. Schakowsky said. “The next two years it’s going to be all about leadership from the White House.”

Yet there is only so much the president can do. Mr. Obama still weighs in on health care from time to time, most recently when his administration announced new rules requiring insurance companies to spend at least 80 percent of health premium dollars on medical expenditures for patients. But, try as he might, he has been unable to bring the public to his side. Surveys do show that the some individual provisions of the law, such as barring insurers from denying coverage based on pre-existing conditions (a provision that would fall if the Virginia court ruling is upheld) and allowing young adults to stay on their parents’ plans until they are 26, are broadly popular.

But nine months after the bill’s passage, Americans remain divided over whether to repeal it, according to the Kaiser Family Foundation, which tracks public opinion on the measure. Experts say that division is fueled by persistent confusion about just what the bill would do.

“You have all these comments out there that it’s a government takeover of health care, that it’s going to be bad for seniors, that it’s pulling the plug on grandma,” said Jonathan Oberlander, a professor of health policy at the [University of North Carolina](#). “That stuff has stuck politically, and it’s evident in those numbers, in the very divided public support for reform.”

So long as Mr. Obama is president, Republicans’ only real hope for undoing the health bill rests with the courts. The House repeal measure is all but certain to fail in the Senate, and even if it passed, Mr. Obama would veto it.

For his part, the president sought to play down the significance of the court ruling in Virginia.

“Keep in mind, this is one ruling by one federal district court,” Mr. Obama said in an interview with WFLA, a Florida television station, adding: “You’ve got one judge who disagreed. That’s the nature of these things.”