

November 5, 2013

Avik Roy of the Manhattan Institute maintains a healthcare blog at Forbes called The Apothecary. In a post last week, he showed how the insurance cancellations for individuals will soon be followed by cancellations for employer plans.

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"The Departments' mid-range estimate is that 66 percent of small employer plans and 45 percent of large employer plans will relinquish their grandfather status by the end of 2013," wrote the administration on page 34,552 of the Register. All in all, more than half of employer-sponsored plans will lose their "grandfather status" and become illegal. According to the Congressional Budget Office, 156 million Americans—more than half the population—was covered by employer-sponsored insurance in 2013.

Another 25 million people, according to the CBO, have "nongroup and other" forms of insurance; that is to say, they participate in the market for individually-purchased insurance. In this market, the administration projected that "40 to 67 percent" of individually-purchased plans would lose their Obamacare-sanctioned "grandfather status" and become illegal, solely due to the fact that there is a high turnover of participants and insurance arrangements in this market. (Plans purchased after March 23, 2010 do not benefit from the "grandfather" clause.) The real turnover rate would be higher, because plans can lose their grandfather status for a number of other reasons.

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Huffington Post wrote on the next big healthcare problem - security. This is long.

We have a truncated version. Follow the link if you want it all.

Defending President Barack Obama's much-maligned health care overhaul in Congress, his top health official was confronted Wednesday with a government memo raising new security concerns about the trouble-prone website that consumers are using to enroll.

The document, obtained by The Associated Press, shows that administration officials at the Centers for Medicare and Medicaid Services were concerned that a lack of testing posed a potentially "high" security risk for the HealthCare.gov website serving 36 states. It was granted a temporary security certificate so it could operate.

Security issues are a new concern for the troubled HealthCare.gov website. If they cannot be resolved, they could prove to be more serious than the long list of technical problems the administration is trying to address.

"You accepted a risk on behalf of every user...that put their personal financial information at risk," Rep. Mike Rogers, R-Mich., told Health and Human Services Secretary Kathleen Sebelius during questioning before the House Energy and Commerce Committee. "Amazon would never do this. ProFlowers would never do this. Kayak would never do this. This is completely an unacceptable level of security." ...

Here's another left-winger; **Ron Fournier** on the rollout.

Insularity, incompetence, and deception doomed the launch of the Affordable Care Act, according to postmortems on President Obama's health insurance law. The president now has two choices: A) Accept the verdict and learn from it, or B) stick with insularity, incompetence, and deception.

Early signs point to Obama compounding rather than correcting his team's errors.

Staying the course is a losing option for Obamacare and the more than 40 million Americans who need health insurance. The trouble is far deeper than a "glitchy" website, according to numerous media reports, including an in-depth investigation by The Washington Post. Among other things, The Post uncovered a 2010 memo from a trusted outside health adviser warning that no one in the administration was "up to the task" of constructing an insurance exchange and other complexities of the 2,000-page law.

The good news is there is time to learn from--and recover from--the early stumbles. Here are four important lessons from the postmortems.

1) Reach out beyond your inner circle. *Obama ignored efforts by Harvard professor David Cutler and his own economic team to get him to appoint an outside health reform "czar" with a background in technology, insurance, and business. Instead, the president stuck with his health policy team led by Nancy-Ann DeParle, a former Clinton appointee with a checkered record in the private sector. His team was built to pass legislation, not implement it.*

"They were running the biggest start-up in the world, and they didn't have anyone who had run a start-up, or even run a business," Cutler told The Post. ...

One of W's speech writers, **Marc Thiessen**, devotes his column to the revelation that Obama's promise about keeping your healthcare insurance was known to be a lie by him and his advisors.

The Wall Street Journal broke the news this weekend that, even as President Obama was telling the American people they could keep their health plans, "some White House policy advisors objected to the breadth of Mr. Obama's 'keep your plan' promise. They were overruled by political aides."

Overruled by political aides? This is simply damning.

It's not easy to get a lie into a presidential speech. Every draft address is circulated to the White House senior staff and key Cabinet officials in something called the "staffing process." Every line

is reviewed by dozens of senior officials, who offer comments and factual corrections. During this process, it turns out, some of Obama's policy advisers objected to the "you can keep your plan" pledge, pointing out that it was untrue. But it stayed in the speech. That does not happen by accident. It requires a willful intent to deceive.

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Glenn Reynolds of Instapundit writes about the hubris of the political class.

Back when President Obama was first elected, the folks at Amazon offered a presidential reading list. My own recommendation for him was James Scott's Seeing Like A State: How Certain Schemes To Improve The Human Condition Have Failed. Obama should have taken it.

Scott, a Yale professor and no right-winger, produced a lengthy catalog of centrally planned disasters: Everything from compulsory villagization in Tanzania, to the collectivization of agriculture in the Soviet Union, to the "Authoritarian High Modernism" that led to immense, unlivable housing projects and the destruction of urban life in cities around the world. The book stands as a warning to hubristic technocrats: You may think you understand how things work, and how people will respond to your carefully (or, often, not-so-carefully) laid plans, but you are likely to be wrong, and the result is likely to be somewhere between tragedy and farce. The world is more complicated than planners are capable of grasping -- and so, for that matter, are the people who inhabit it.

So far, of course, the Obama administration's health care policy hasn't even gotten to the point of being tripped up by these sorts of issues, because, for the past month, the website hasn't been capable of enrolling enough people to matter. But the inability of the world's most lavishly funded government to produce a working website after more than three years of effort ought surely to encourage caution about its ability to administer the plan that the website was simply intended to enroll people for. ...

Forbes - The Apothecary

Obama Officials In 2010: 93 Million Americans Will Be Unable To Keep Their Health Plans Under Obamacare

by Avik Roy

(Last) Wednesday, Secretary of Health and Human Services Kathleen Sebelius testified before Congress about the continuing issues with the rollout of Obamacare's health insurance exchanges. "Hold me accountable for the debacle," said Sebelius. "I'm responsible." I attended the hearing, and I was struck by the scope, scale, and depth of the health law's problems, problems that far exceed any one political appointee. But Obamacare's disruption of the existing health insurance market—a disruption codified in law, and known to the administration—is only just beginning. And it's far broader than recent media coverage has implied.

Obama administration knew that Obamacare would disrupt private plans

If you read the Affordable Care Act when it was passed, you knew that it was dishonest for President Obama to claim that "if you like your plan, you can keep your plan," as he did—and continues to do—on countless occasions. And we now know that the administration knew this all along. It turns out that in an obscure report buried in a June 2010 edition of the *Federal Register*, administration officials predicted massive disruption of the private insurance market.

On Tuesday, White House spokesman Jay Carney attempted to minimize the disruption issue, arguing that it only affected people who buy insurance on their own. "That's the universe we're talking about, 5 percent of the population," said Carney. "In some of the coverage of this issue in the last several days, you would think that you were talking about 75 percent or 80 percent or 60 percent of the American population." (5 percent of the population happens to be 15 million people, no small number, but let's leave that aside.)

By "coverage of this issue," Carney was referring to two articles. The first, by Chad Terhune of the *Los Angeles Times*, [described](#) a number of Californians who are seeing their existing plans terminated and replaced with much more expensive ones. "I was all for Obamacare until I found out I was paying for it," said one.

The [second article](#), by Lisa Myers and Hanna Rappleye of NBC News, unearthed the aforementioned commentary in the *Federal Register*, and cited "four sources deeply involved in the Affordable Care Act" as saying that "50 to 75 percent" of people who buy coverage on their own are likely to receive cancellation notices due to Obamacare.

Mid-range estimate: 51% of employer-sponsored plans will get canceled

But Carney's dismissal of the media's concerns was wrong, on several fronts. Contrary to the reporting of NBC, the [administration's commentary](#) in the *Federal Register* did not only refer to the individual market, but also the market for employer-sponsored health insurance.

Section 1251 of the Affordable Care Act contains what's called a "grandfather" provision that, in theory, allows people to keep their existing plans if they like them. But subsequent regulations from the Obama administration interpreted that provision so narrowly as to prevent most plans from gaining this protection.

“The Departments’ mid-range estimate is that 66 percent of small employer plans and 45 percent of large employer plans will relinquish their grandfather status by the end of 2013,” wrote the administration on page 34,552 of the *Register*. All in all, more than half of employer-sponsored plans will lose their “grandfather status” and become illegal. According to the Congressional Budget Office, 156 million Americans—more than half the population—was covered by employer-sponsored insurance in 2013.

Another 25 million people, according to the CBO, have “nongroup and other” forms of insurance; that is to say, they participate in the market for individually-purchased insurance. In this market, the administration projected that “40 to 67 percent” of individually-purchased plans would lose their Obamacare-sanctioned “grandfather status” and become illegal, solely due to the fact that there is a high turnover of participants and insurance arrangements in this market. (Plans purchased after March 23, 2010 do not benefit from the “grandfather” clause.) The real turnover rate would be higher, because plans can lose their grandfather status for a number of other reasons.

How many people are exposed to these problems? 60 percent of Americans have private-sector health insurance—precisely the number that Jay Carney dismissed. As to the number of people facing cancellations, 51 percent of the employer-based market plus 53.5 percent of the non-group market (the middle of the administration’s range) amounts to 93 million Americans.

Will these canceled plans be replaced with better coverage?

President Obama’s famous promise that “you could keep your plan” was not some naïve error or accident. He, and his allies, knew that previous Democratic attempts at health reform had failed because Americans were happy with the coverage they had, and opposed efforts to change the existing system.

Now, supporters of the law are offering a different argument. “We didn’t really mean it when we said you could keep your plan,” they say, “but it doesn’t matter, because the coverage you’re going to get under Obamacare will be better than the coverage you had before.”

But that’s not true. Obamacare forces insurers to offer services that most Americans don’t need, don’t want, and won’t use, for a higher price. Bob Laszewski, in a [revealing blog post](#), wrote about the cancellation of his own health coverage. “Right now,” he wrote, “I have ‘Cadillac’ health insurance. I can access every provider in the national Blue Cross network—about every doc and hospital in America—without a referral and without higher deductibles and co-pays.”

But his plan is being canceled. His new, Obamacare-compatible plan has a \$500 higher deductible, and a narrower physician and hospital network that restricts out-of-town providers. And yet it costs 66 percent more than his current plan. “Mr. President,” he writes, “I really like my health plan and I would like to keep it. Can you help me out here?”

Congress proposes a straightforward solution

Senator Ron Johnson (R., Wisc.) and Rep. Fred Upton (R., Mich.) have proposed the “If You Like Your Health Care Plan You Can Keep It Act,” with dozens of co-sponsors. The [two-page bill](#) simply states that “nothing in [the Affordable Care Act] shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which

such individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013.”

Some Senate Democrats are jumping on the grandfathering bandwagon. Mary Landrieu (D., La.), locked in a [competitive reelection race](#) against Rep. Bill Cassidy (R., La.), now claims that she was unaware that Obamacare would disrupt existing insurance arrangements. “It was our understanding when we voted for that bill that people when they have insurance could keep with what they had. So I’m going to be working on that fix,” she [said](#) on Wednesday.

But that’s not accurate. It was well known, as [far back as 2009](#), that millions of Americans would lose their existing coverage under the Obamacare bill. Landrieu still voted for it. In September of 2010, Sen. Mike Enzi (R., Wyo.) [introduced legislation](#) that would protect small businesses from losing their health plans’ grandfathered status under Obamacare. Landrieu [voted against the bill](#), on a party-line vote.

But Landrieu’s flip-flop illustrates the potency of this issue. If Americans were truly being forced off of their existing insurance plans—that they like—and into better and more affordable ones, the outcry would be minimal. But that isn’t what’s happening. People are being forced into inferior and costlier plans. And they’re making their displeasure felt in Washington.

Huffington Post

[Health Care Website Security Sparks Concerns](#)

by Laurie Kellman and Ricardo Alonso

WASHINGTON -- WASHINGTON (AP) — Defending President Barack Obama's much-maligned health care overhaul in Congress, his top health official was confronted Wednesday with a government memo raising new security concerns about the trouble-prone website that consumers are using to enroll.

The document, obtained by The Associated Press, shows that administration officials at the Centers for Medicare and Medicaid Services were concerned that a lack of testing posed a potentially "high" security risk for the HealthCare.gov website serving 36 states. It was granted a temporary security certificate so it could operate.

Security issues are a new concern for the troubled HealthCare.gov website. If they cannot be resolved, they could prove to be more serious than the long list of technical problems the administration is trying to address.

"You accepted a risk on behalf of every user...that put their personal financial information at risk," Rep. Mike Rogers, R-Mich., told Health and Human Services Secretary Kathleen Sebelius during questioning before the House Energy and Commerce Committee. "Amazon would never do this. ProFlowers would never do this. Kayak would never do this. This is completely an unacceptable level of security."

Sebelius countered that the system is secure, even though the site has a temporary certificate, known in government parlance as an "authority to operate." Sebelius said a permanent certificate will only be issued once all security issues are addressed.

Added spokeswoman Joanne Peters: "When consumers fill out their online...applications, they can trust that the information they're providing is protected by stringent security standards and that the technology underlying the application process has been tested and is secure. Security testing happens on an ongoing basis using industry best practices."

A security certificate is required before any government computer system can process, store or transmit agency data. Temporary certificates are allowable, but under specific circumstances.

Earlier, the secretary said she's responsible for the "debacle" of cascading problems that overwhelmed the government website intended to make shopping for health insurance clear and simple.

"Hold me accountable for the debacle," Sebelius said during a contentious hearing. "I'm responsible."

Sebelius is promising to have the problems fixed by Nov. 30, even as Republicans opposed to Obama's health care law are calling in chorus for her resignation. She told the committee that the technical issues that led to frozen screens and error messages are being cleared up on a daily basis.

Addressing consumers, Sebelius added, "So let me say directly to these Americans, you deserve better. I apologize."

The Sept. 27 memo to Medicare chief Marylin Tavenner said a website contractor wasn't able to test all the security controls in one complete version of the system.

"From a security perspective, the aspects of the system that were not tested due to the ongoing development, exposed a level of uncertainty that can be deemed as a high risk for the (website)," the memo said.

It recommended setting up a security team to address risks, conduct daily tests, and a full security test within two to three months of going live. ...

National Journal

Will Insularity, Incompetence, and Lies Doom Obamacare?

Four lessons from the launch that could save the law and health care coverage for millions.

by Ron Fournier

Insularity, incompetence, and deception doomed the launch of the Affordable Care Act, according to postmortems on President Obama's health insurance law. The president now has two choices: A) Accept the verdict and learn from it, or B) stick with insularity, incompetence, and deception.

Early signs point to Obama compounding rather than correcting his team's errors.

Staying the course is a losing option for Obamacare and the [more than 40 million Americans](#) who need health insurance. The trouble is far deeper than a "glitchy" website, according to numerous media reports, including an [in-depth investigation](#) by *The Washington Post*. Among other things, *The Post* uncovered a 2010 memo from a trusted outside health adviser warning that no one in the administration was "up to the task" of constructing an insurance exchange and other complexities of the 2,000-page law.

The good news is there is time to learn from--and recover from--the early stumbles. Here are four important lessons from the postmortems.

1) Reach out beyond your inner circle. Obama ignored efforts by Harvard professor David Cutler and his own economic team to get him to appoint an outside health reform "czar" with a background in technology, insurance, and business. Instead, the president stuck with his health policy team led by Nancy-Ann DeParle, a former Clinton appointee with a [checkered record](#) in the private sector. His team was built to pass legislation, not implement it.

"They were running the biggest start-up in the world, and they didn't have anyone who had run a start-up, or even run a business," Cutler told *The Post*. "It's very hard to think of a situation where the people best at getting legislation passed are best at implementing it. They are a different set of skills."

Obama recently appointed manager-extraordinaire Jeff Zients to oversee efforts to fix the troubled website. It's not clear that Zients or any other accomplished leader will be put in charge of implementation at large. (Zients [will become director](#) of the National Economic Council in January.)

2) Don't lie. The Obama White House has a credibility problem, one that could infect his entire agenda. It started when the White House refused to release data on the number of people who enrolled in the online marketplace, an important metric for determining the effectiveness of the \$400 million-plus site. Administration officials say they don't have the data, which is either a mark of extraordinary incompetence or a lie.

The problem was compounded when millions of self-insured Americans [received notices](#) that their health care policies were being canceled. For years, Obama pledged that "if you like your health care plan, you'll be able to keep your health care plan. Period." According to *The Wall Street Journal*, Obama's advisers knew the president was making a promise he couldn't keep, and [debated](#) whether to have the president "explain the nuances of the succinct line in his stump speeches." In other words, they debated whether to tell the *full* truth and decided against it. They knowingly told a falsehood, which is by definition a lie.

Rather than acknowledge the [deception](#), the White House has launched a public-relations effort to mitigate it. The most brazen example is the White House's use of Twitter in an attempt to discredit an NBC [story](#) that accurately described the White House's deception. "NBC 'scoop' cites normal turnover in the indiv insurance market," White House spokesman Josh Earnest tweeted to his 9,500 followers on Twitter, according to a Reuters [story](#) on the operation.

3) Create an efficient health insurance bureaucracy. According to *The Post*, the decision to put ACA implementation in the hands of the Centers for Medicare and Medicaid Services was fateful. Politics played a role. Administration officials thought it would protect the project from House Republicans who are trying to undermine the law. Money was another reason. The ACA did not include funding for the development of a federal exchange, and the White House knew Republicans would block any attempts to get it. The result was a disastrously fragmented process. As a source told *The Post*, "There wasn't a person who said, 'My job is the seamless implementation of the Affordable Care Act.' "

The White House and its allies blame Republicans for the lack of money and options. It's an understandable reaction. The GOP-controlled House wants to gut the law.

But it's no excuse. Obama pushed a partisan law through a Democratic-controlled Congress and now bears the responsibility for implementing it. If Obama fails, history will judge the chief executive more harshly than one chamber of the legislative branch. More important, mismanagement of ACA would give a generation of Americans reason to question the Democratic Party's core argument that government can do good things.

4) New leadership is needed. *The Post* reports that Obama frequently tried to keep his team on task. Hours after the bill passed, the president told celebrating aides that the hard work of implementation begins in the morning. During regular staff meetings to monitor progress, he invariably turned attention to the website. If it doesn't work, Obama said, "nothing else matters." In one meeting, he told senior advisers that implementing ACA was the most important job of his presidency. "We've got to do it right," Obama said.

Those anecdotes seem to belie the impression that Obama was disengaged. Even so, the president needs to do some soul-searching. *What did I miss, and why? What was kept from me, and why? Who failed to do their jobs right? Who failed to tell me the job wasn't getting done right? Do I have the right people on the job?*

Because as long as the president sticks with the team that failed the country and lied, it's fair to assume that he hasn't learned the most basic lessons from the launch.

Washington Post

[A dishonest presidency](#)

by Marc A. Thiessen

[The Wall Street Journal broke the news](#) this weekend that, even as President Obama was telling the American people they could keep their health plans, "some White House policy advisors objected to the breadth of Mr. Obama's 'keep your plan' promise. They were overruled by political aides."

Overruled by political aides? This is simply damning.

It's not easy to get a lie into a presidential speech. Every draft address is circulated to the White House senior staff and key Cabinet officials in something called the "staffing process." Every line is reviewed by dozens of senior officials, who offer comments and factual corrections. During

this process, it turns out, some of Obama's policy advisers objected to the "you can keep your plan" pledge, pointing out that it was untrue. But it stayed in the speech. That does not happen by accident. It requires a willful intent to deceive.

In the Bush White House, we speechwriters would often come up with what we thought were great turns of phrase to help the president explain his policies. But we also had a strict fact-checking process, where every iteration of every proposed presidential utterance was scrubbed to ensure it was both accurate and defensible. If the fact-checkers told us a line was inaccurate, we would either kill it or find another way to make the point accurately. I cannot imagine a scenario in which the fact-checkers or White House policy advisers would tell us that something in a draft speech was factually incorrect and that guidance would be ignored or overruled by the president's political advisers.

This whole episode is a window into a fundamentally dishonest presidency. And the story gets worse. After Obama began telling Americans they could keep their plans, White House aides discussed using media interviews "to explain the nuances of the succinct line in his stump speeches." But they decided not to do so, because "officials worried . . . that delving into details such as the small number of people who might lose insurance could be confusing and would clutter the president's message."

Yes, no need to "clutter" the president's message with confusing details — like the fact that millions of Americans being told by the president that they could keep their plans were being knowingly misled.

Obama could easily have come up with another way to make his point accurately. He could have said "most Americans will be able to keep their plans." Or he could have said, as his communications director [Dan Pfeiffer put it on ABC's "This Week" Sunday](#), "if you had a plan before the Affordable Care Act passed, [and] it hasn't been changed or canceled, you can keep it" (which prompted McConnell spokesman Don Stewart to reply, "So . . . you can keep your plan — unless it's been cancelled. Gee, thanks.") That would certainly have been less powerful, but at least it would have been accurate.

But Obama didn't say those things. He said, "If you like your health-care plan, you'll be able to keep your health-care plan. Period. No one will take it away. No matter what." That statement was clear, unequivocal and wrong — and Obama and his advisers knew it.

The president's defenders are twisting around for ways to explain away his 16 words. The New York Times wrote in an editorial Sunday that "[Mr. Obama clearly misspoke.](#)" Misspoke? [On 24 separate occasions?](#) Sorry, the president didn't "misspeak." This was an premeditated deception. This wasn't something Obama ad-libbed. It was a line in a presidential speech that was carefully reviewed by the entire White House senior staff. Obama's political advisers were told by his policy aides the statement was inaccurate — but they decided to let Americans believe the falsehood.

Obama's former chief speechwriter, Jon Favreau, told the Journal that the speechwriters were working to find ways to explain a complex policy and that the goal was "simplification and ease of explanation . . . while still being true." Except what Obama said wasn't true.

Every president faces the challenge of explaining complex policies in simple terms. But the quest for simplicity is no excuse for dishonesty.

Obama's own advisers told the Journal that they knew those 16 words were untrue, but Obama kept on saying them — over and over and over again.

If that's the case, then Obama didn't misspeak.

He lied.

USA Today

Obamacare Is a Centrally Planned Disaster

Maybe the next elected president will think before he enacts big change

by Glenn Harlan Reynolds

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So far, of course, the Obama administration's health care policy hasn't even gotten to the point of being tripped up by these sorts of issues, because, for the past month, the [website](#) hasn't been capable of enrolling enough people to matter. But the inability of the world's most lavishly funded government to produce a working website after [more than three years](#) of effort ought surely to encourage caution about its ability to administer the plan that the website was simply intended to enroll people for.

The website's problems, however, seem to bode poorly for the rest of the plan, if anyone ever manages to sign up. Apparently, the reason it's a debacle is that the HealthCare.gov website has to work smoothly with many other servers: insurance company servers that contain plan details, government servers that provide information on eligibility, and so on. But although the various pieces of the system were designed and implemented separately, once up and running they don't all work together: Data formats are [corrupted](#) and [garbled](#), multiple files are requested at once, and generally, the whole thing is [just a mess](#).

Well, the information technology needed to set up a nationwide health insurance plan for [317 million](#) people is complicated. In fact, as it turns out it's so complicated that the federal

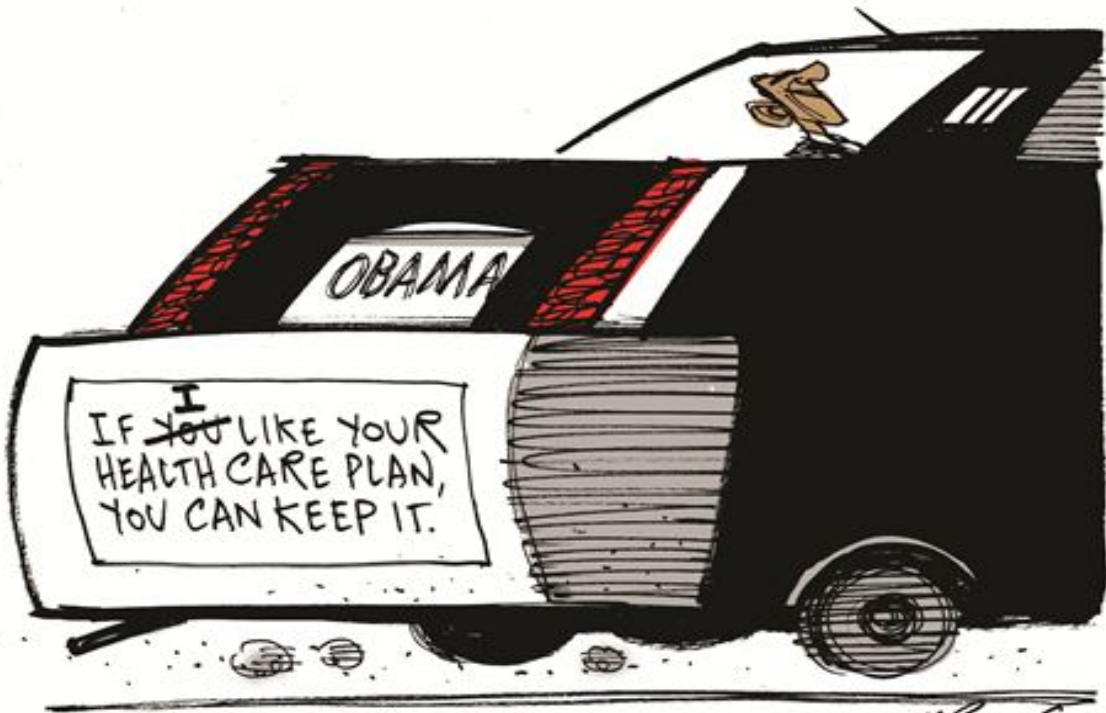
government couldn't handle it. But as complicated as the computer stuff is, the actual insurance part is even more complicated, and will require more parts to work together smoothly. If the federal government can't handle the website, how's it going to do on the rest?

Not well, judging from the [number of people](#) already facing cancelled policies because of Obamacare -- a number that's so large [Politico](#) suggests that it might be the next decisive voting bloc in American politics, the way "Soccer Moms" were back in the 1990s.

If so, perhaps that voting bloc will remember that big programs organized by technocrats very often fail miserably when the technocrats turn out not to be as smart as they thought. And perhaps the *next* person elected to the presidency will be smart enough to read *Seeing Like A State* before getting carried away with big plans. We can hope.

Glenn Harlan Reynolds is professor of law at the University of Tennessee and the author of [The New School](#): How the Information Age Will Save American Education from Itself. He blogs at [InstaPundit.com](#).





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DEMOCRATS

OUR SYMBOL IS A JACKASS FOR A REASON