



Oklahoma and ObamaCare: Nullifying Nullification

ObamaCare opponents are using one of the Obama administration's own apparatchiks to expose the dangers of the healthcare behemoth that will soon swallow nearly 17 percent of the economy and 100 percent of state sovereignty.



In May, Department of Health and Human Services Inspector General Daniel R. Levinson issued a report revealing significant errors in the information contained in the databases created under provisions of ObamaCare. Opponents of the president's hallmark seizure of health care warn that the discrepancies disclosed by the IG's report leave the Affordable Care Act vulnerable to abuse and fraudulent claims.

The databases singled out in the IG's report provide information on health care providers who participate in Medicare. The federal government uses these data to facilitate the processing of payment to those providers. According to the IG's report, the information provided by these databases are "often inaccurate and occasionally incomplete, and were generally inconsistent between the two databases."

The specter of such widespread manipulation of the Medicare system by way of the ObamaCare legislation's uncountable layers of bureaucracy was a primary impetus for state attempts to stop enforcement of the federal healthcare leviathan at state borders. Nullification, state lawmakers argued, was the way to save citizens from suffering the ravages of ObamaCare and its legal plundering of the middle class.

Nullification is a concept of constitutional law that recognizes the right of each state to nullify, or invalidate, any federal measure that exceeds the few and defined powers allowed the federal government as enumerated in the Constitution.

This power is founded on the assertion that the sovereign states formed the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that are applicable to the states and the citizens thereof.

All state legislatures have an obligation to liberty and to their citizens to guard the powers explicitly reserved to them under the 10th Amendment. If our constitutional republic is to be held together, states should recognize and exercise their natural right to rule as sovereign entities, stop ObamaCare at the state borders by enacting state statutes nullifying the healthcare law.

The best defense of nullification is found in Thomas Jefferson's [Kentucky Resolution](#) of 1798. In the Kentucky Resolution, Jefferson plainly points to the constitutional source of all federal power. Jefferson wrote, "That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under colour [sic] of that instrument, is the rightful remedy."



Written by [Joe Wolverton, II, J.D.](#) on July 2, 2013

Dr. Mike Ritze of Oklahoma is not only a state legislator determined to defeat the demise of state sovereignty and to force the federal beast back into its constitutional cage, but he is a medical doctor familiar with the fraud that is typical in federal health care management.

In response to the Medicare failures pointed out in the IG's reports, [Ritze told OklahomaWatchdog.org](#) that few of ObamaCare's "promises are being kept."

"Premiums are rising, total health spending continues to jump, coverage is being cut back and cancelled and employment itself is suffering from what has already occurred and what is around the corner," he said.

In an article reporting Ritze's opposition to the federal medical care overreach, [Oklahoma Watchdog.org](#) wrote:

Ritze told CapitolBeatOK Obama administration's cost projects are riddled with errors:

"A report by the Society of Actuaries released in March concluded that insurance companies will have to pay an average of 32 percent more for claims on individual health policies under ObamaCare. If you want to see who will really bear the additional cost when it is passed along, take a look in the nearest mirror. The estimated boost in California is about 62 percent; for Wisconsin and Ohio, around 80 percent; and, in Maryland, around 67 percent."

Rep. Ritze continued,

"The administration tried to muddy the waters in its responses to the study. Health and Human Services Secretary Kathleen Sebelius, in essence, called the results the fault of young and healthy people who have chosen less expensive, catastrophic coverage. Personal choice is so old-fashioned, one gathers."

Ritze is an experienced veteran in the war against the implementation of ObamaCare in the Sooner State.

In 2010, Ritze introduced a bill to opt out of ObamaCare, but after being passed by the legislature the act was vetoed by the governor.

Undaunted, Ritze reintroduced an anti-ObamaCare measure as a proposed constitutional amendment, and it was overwhelmingly approved by the citizens of Oklahoma. Unfortunately, the climate created by the Supreme Court's ratification of ObamaCare makes it necessary for Ritze to continue the fight against the federal government and its seemingly never-ending salvo of unconstitutional acts and edicts.

Speaking of the federal government's lack of power to legislate in the field of healthcare, Ritze said:

There is no provision in Article 1, Section 8, of the United States Constitution where the States delegated to Congress the authority to make a citizen purchase health care or pay a fine. The Patient Protection and Affordable Care Act, which is better known as ObamaCare, is an example of federal overreach and my legislation will authorize the state via the will of the People to ignore it and ban the enforcement of it.

In an interview with *The New American*, Dr. Ritze said that although he has unfortunately met with opposition from some "conservatives," he reports that among constituents there is overwhelming support for his latest legislative effort to fight back against federal tyranny.

"When the federal government exceeds its delegated authority, as it has done with the passage of



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ObamaCare, it is the duty of every State Representative to defend the unalienable rights of the people of the great State of Oklahoma. I and others in the House and Senate intend to do just that with this legislation,” Dr. Ritze said. “I along with many of my fellow legislators call on the people of Oklahoma to contact your State Representatives and ask them to fulfill their duty to protect the citizens of Oklahoma from this unconstitutional infringement on their unalienable rights.”

As constitutionalists familiar with the fight against ObamaCare know, Ritze’s bill was re-introduced in January 2013. Although that measure was [passed by the state House of Representatives in March](#) by a vote of 72-20, the will of the people was subject to the will of one state senator — Clark Jolley.

After passing the state House, Ritze’s bill moved to the Senate side of the state legislature and there is where Jolley killed it.

Jolley’s deplorable ignorance of the key constitutional concepts of states’ rights, federalism, and enumerated powers was on full display in a letter sent to a constituent explaining his spiking of the ObamaCare nullification bill passed by the House of Representatives. In the letter, published by Mike Church, Jolley described nullification as “simply a fantasy that is the most dangerous type — one semi based in reality. It gives false hope to those that oppose ObamaCare that we can somehow veto the actions of the federal government because we find them unconstitutional. This is pure legal fiction that has been trounced by everyone....”

A fantasy? Trounced by everyone? I guess James Madison and Thomas Jefferson aren’t included in Jolley’s definition of “everyone,” but are counted among the naive nullifiers who have fallen for the “fantasy.”

The irrefutable truth is that not a single one of our Founding Fathers, not even the most ardent advocate of a powerful central government, would have remained a single day at the Philadelphia Convention if they had believed that the government they were creating would become the instrument of tyranny that it has become.

Photo: Oklahoma State Capitol

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