



Written by [William F. Jasper](#) on August 6, 2010

Repealing ObamaCare

Repealing ObamaCare is not an option — it is absolutely essential. It is absolutely essential, that is, if the United States of America is to survive as a constitutional republic with a federal government of limited powers. Repealing ObamaCare is also absolutely necessary if we hope to avoid national economic collapse.

To those who may think such statements are overblown, we strongly advise that they read, in particular, Thomas R. Eddlem's "[Outcome of ObamaCare](#)" as well as Michael Tennant's "[The New World of ObamaCare](#)."

As these articles amply demonstrate, the mammoth "health care reform" bill that was rammed through Congress last March and signed by President Obama is jam-packed with dangerous language that will provide federal bureaucrats with vast new powers that are compatible with totalitarian systems of government, but not with the American tradition of liberty.



ObamaCare, known officially as the Patient Protection and Affordable Care Act, is one of the most revolutionary legislative proposals ever to be enacted in this country. Much of the opposition to it has centered on the horrendous economic costs the gargantuan new program will impose on our already bankrupt federal government. That, of course, is a major, and very legitimate, concern. However, there are other aspects of ObamaCare that are equally important to, if not more important than, its financial impact.

This is one of the most far-reaching legislative efforts ever passed by Congress. It is far more than "mere" nationalized, socialized medicine. It will, if allowed to stand, inaugurate social engineering by "experts" on a scale heretofore unimagined ... except in the dreams of apostles of the total state. Did the American people demand healthcare "reform" that mandates federally imposed "lifestyle behavior modification" with regard to "proper nutrition," "appropriate exercise," "mental health," and "behavioral health"? Did we envision the invasion of our homes and family privacy to implement "domestic violence screenings," "childhood home visitation," and "improvements in parenting skills"? How will ObamaCare's provisions on abortion, sex education, vaccinations, rationing, and database monitoring play out — if we fail to repeal it?

Analysts for pro-life organizations have charged that the abortion provisions of ObamaCare represent the largest expansion of abortion since *Roe v. Wade*. Other sections of the legislation are sure to prove equally far-reaching.

Multi-pronged Plan of Action



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Some of the erstwhile opponents of ObamaCare have assumed the defeatist position that attempts to repeal it are hopeless. Adopting the “resistance is futile” stance, they point to the fact that the radical Obama-Reid-Pelosi forces control the White House and both houses of Congress. Nevertheless, ObamaCare is not an irreversible *fait accompli*; no legislation ever is, as long as dedicated patriots are willing to fight to repeal it.

The question then arises as to the best manner of “undoing” ObamaCare. A wide array of responses — at both the state and federal levels — is being proffered as solutions. No sooner had President Obama signed his namesake legislation than Members of Congress were introducing bills to repeal it. The problem is many of these proposals are Republican “repeal and replace” bills to simply substitute less onerous and intrusive “ObamaCare Lite” versions that are also unconstitutional and unacceptable. Top GOP spokesmen (House Minority Whip Eric Cantor, Rep. Charles Boustany, and former Wisconsin Governor and former Bush administration Secretary of Health and Human Services Tommy Thompson) have said they agree with *80 percent* of ObamaCare!

Replacing ObamaCare with a slightly lighter version acceptable to these Republicans would not be a victory. However, among the confusing profusion of bills are a few well-crafted and viable options that should be supported.

In another approach to undoing Obama-Care, a number of state Attorneys General have launched lawsuits challenging the law in federal court on grounds that it trespasses on the rights of the states. Similarly, several state legislatures, responding to grass-roots efforts, are using a “nullification” strategy to challenge the law on constitutional grounds. Each of these approaches has its merits.

Congressional Repeal: The “cleanest” and most efficient means of repealing ObamaCare is through passage of legislation in both the House and Senate to do just that. Obviously, that will be close to impossible with the current makeup of Congress, and even if that were to occur, President Obama would veto it. Nevertheless, the Democrats are likely to lose a sizeable number of congressional seats in the November elections and the ObamaCare vote will play a significant role in the turnover. In addition to expanding that turnover, forcing another key vote on ObamaCare can also send a strong message to help build momentum for repeal in the next Congress.

H.R. 4972, introduced by Rep. Steve King (R-Iowa), currently offers the most viable, acceptable option for repeal of ObamaCare. At a mere 40 words, it is magnificently simple and straightforward. It states:

Effective as of the enactment of the Patient Protection and Affordable Care Act, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

As of the first week of July, H.R. 4972 had 100 cosponsors. As was to be expected, the Democratic leadership of the House is trying to keep the bill bottled up in committee so that they will not have to vote on it and face the consequences from voters in the fall. To circumvent this obstacle, Rep. King has launched a discharge petition effort. By July 14 he had garnered signatures from 130 House members. He needs a total of 218 signatures to force H.R. 4972 out to the House floor for a vote. You can check on the Internet [here](#) to see if your Representative has signed the discharge petition. Write, call, fax, and/or e-mail your Representative, asking him to sign the petition (or extending thanks if he has already done so) as well as urging him to sign on as a cosponsor to H.R. 4972.

Although we offered caveats above concerning Republican “repeal and replace” bills, there is at least one bill in that category that constitutionalists should have no problem supporting: Rep. Ron Paul’s H.R.



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5444, “The Private Option Health Care Reform Act.”

In addition to repealing ObamaCare, H.R. 5444 injects a number of genuine, much-needed free-market-oriented reforms into the equation. Some of the features of this seven-page bill are:

- Refundable Credit for Health Care Costs
- Strengthening Health Savings -Accounts
- Repeal of the 7.5 Percent Threshold on Deduction for Medical Expenses
- Purchase of Health Insurance Across State Lines
- Facilitation of Importation of Drugs Approved by the FDA

In addition to being a respected physician, Dr. Ron Paul is widely recognized as the leading constitutionalist in Congress. As such, he understands that more government is not the proper prescription for what ails our healthcare system; indeed, it is government taxes, intervention, and regulation that are at the root of our exploding healthcare costs.

State Nullification: One of the most important and encouraging developments in recent times is the reassertion by the states of their sovereign powers against federal usurpation. The Framers of our Constitution well understood the tendencies of government toward encroachment and did not intend that the states should be helpless before an inexorable, centralizing national government. The states have the right (and duty) to resist unconstitutional arrogations by Washington of powers constitutionally reserved to the states. A principal form of resistance in this regard is for the state government simply to declare the offending federal law, regulation, or edict null and void and to refuse to enforce or implement it.

This is what happened with regard to the REAL ID Act that was passed by a Republican Congress and signed into law in 2005 by then-President George W. Bush. More than two dozen states passed laws or resolutions denouncing the act or refusing to comply with it. As a result, the federal government has been forced to retreat on this unconstitutional grab for power.

Similarly, nearly 25 states have introduced some version of the Firearms Freedom Act (FFA) to nullify federal firearms laws within their state for guns manufactured, sold, and used in that state. Seven states have already enacted FFAs: Montana, Tennessee, Utah, Wyoming, South Dakota, Arizona, and Idaho.

Constitutionalists are now using the same strategy to block ObamaCare through state nullification. A “Model Resolution for a State Legislature to Nullify the Federal Health Care Bills of 2010” is circulating in the states and can be [accessed from the website of The John Birch Society](#).

State Lawsuits: The Attorneys General of 18 states have joined together in a lawsuit which charges that provisions of ObamaCare violate the U.S. Constitution and rights of states by forcing massive new spending on hard-pressed state governments. The lawsuit has served to awaken in many Americans (and many state politicians) the realization that the federal government does not have carte blanche to enact whatever may be the current whim of the powers-that-be in Washington. However, the judicial process is painfully long, slow, and costly. By the time a decision is rendered — even if it should go in favor of the states — ObamaCare would likely be a firmly established fact. The primary defect of the state challenge in the federal courts is that it begins with the false premise that a branch of the federal government — the courts — should have the final say on disputes involving federal usurpation of states’



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rights.

Take Action

As far as citizen activism goes, there is little that one can do to affect the outcome of the judicial process; lawyers and judges will determine the outcome of the lawsuit. However, regarding congressional repeal and state nullification efforts, individual citizens can have a tremendous impact. As town-hall meetings, Tea Parties, and opinion polls have strongly demonstrated, most Americans are opposed to ObamaCare, and most members of Congress are well aware that they burned up a tremendous amount of political capital to steamroll the legislation through. Many of them are now vulnerable. The repeal and nullification efforts, besides being aimed directly at undoing ObamaCare, also serve to exact a continuing political price by reminding voters that politicians are responsible for this enormous, costly, unconstitutional, unpopular power grab.

Here's what you can do:

- Urge your Representative to support Rep. King's H.R. 4972 to repeal Obama-Care and to support his discharge petition
- Urge your Representative to support Rep. Paul's H.R. 5444, "The Private Option Health Care Reform Act."
- Urge your state legislators to introduce, and your Governor to support, state legislation (see model legislation mentioned above) to nullify ObamaCare.
- Ask all candidates for the House and Senate, as well as for your state legislative and gubernatorial races, to commit themselves to a public stand in favor of repealing or nullifying ObamaCare.
- [Go to the website of The John Birch Society](#) for tools and an action program to stop ObamaCare.

— Photo of Rep. Steve King (left) with a copy of the ObamaCare bill: AP Images

Related articles:

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