



Written by [Joe Wolverton, II, J.D.](#) on June 23, 2017

Senators Paul, Lee, Cruz, and Johnson to Oppose “Obamacare Lite”

Four Republican senators broke ranks with their party’s leadership Thursday, vowing to vote against the GOP’s latest healthcare “reform” bill, the Better Care Reconciliation Act of 2017.

Senators Rand Paul (Ky.), Ted Cruz (Texas), Ron Johnson (Wis.), and Mike Lee (Utah) issued a joint press release upon announcing their decision to oppose the legislation being dubbed Trumpcare.



“Currently, for a variety of reasons, we are not ready to vote for this bill, but we are open to negotiation and obtaining more information before it is brought to the floor,” the quartet explained. “There are provisions in this draft that represent an improvement to our current healthcare system but it does not appear this draft as written will accomplish the most important promise that we made to Americans: to repeal Obamacare and lower their healthcare costs.”

Senator Paul issued a separate statement, stating that he didn’t run on passing “Obamacare lite.” “The current bill does not repeal Obamacare. It does not keep our promises to the American people. I will oppose it coming to the floor in its current form, but I remain open to negotiations,” the self-described constitutional conservative added.

“It looks like we’re keeping Obamacare, not repealing it,” Paul commented during an interview on MSNBC.

Paul isn’t new to the fight to prevent party powerbrokers from shoving voluminous bills down the throats of the rank and file. Just one day prior to the release of the healthcare proposal — a bill hammered out behind closed doors by Republican leadership — Paul announced his intention to reintroduce a bill that would require senators to read legislation before they voted on it.

His “Read the Bills” measure would mandate that all lawmakers be given time to study the legislation they are being asked to consider by requiring that all bills be made public for one day for every 20 pages of content prior to being placed before the body of the Senate for its deliberation.

“Legislation is too often shoved through Congress without proper hearings, amendments, or debate, as the secrecy surrounding the Senate’s health care bill and the pressure to vote for it with little time to fully evaluate the proposal once again remind us,” Paul wrote in a statement published Wednesday.

The Better Care Reconciliation Act, as released by the Republican Party leadership on Thursday, comes in at 142 pages, thus Paul’s bill would give legislators eight days to plow through the proposal before being asked to impose it on the American people.

In the coming days, many journalists (perhaps even this one) will analyze the Republican version of federally imposed healthcare. There is a place for such an exercise. The whole of the matter comes down to one issue and one issue only: Does the Constitution grant power to the Congress (or the president or the federal courts) to legislate in the area of healthcare? If the answer to that question is



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“No,” which I assure you that it is, then the next step along the critical path of constitutionalism is the 10th Amendment, which states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The next step, then, is for the states to reject any attempt by the federal government — regardless of the party affiliation of the act’s authors — to impose upon them any programs or policies associated with the healthcare provided within them.

If it were properly understand and exercised, this tack is the “rightful remedy” to all unconstitutional acts of the federal government.

It is now as it was when Thomas Jefferson described it as such in the Kentucky Resolutions.

Jefferson wrote, speaking of efforts by many federal lawmakers to usurp the authority rightfully retained by the states in the Constitution:

Therefore this commonwealth is determined, as it doubts not its co-States are, to submit to undelegated, and consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers, the members of the general government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them.

While the commitment made by Senators Paul, Cruz, Johnson, and Lee is commendable and they are to be lauded for their fidelity to their oaths of office, the fact is, state legislators have taken a similar oath to “support the Constitution” (see Article VI).

How can one be honestly said to support the Constitution other than by insisting that its intent be followed, its enumeration of powers be adhered to by federal officers, and that the states unapologetically reject every act made by those elected federal officials that exceeds the authority given to them in that sacred document?

Should these senators lose the battle against Trumpcare, the war to restore this Republic and the Constitution is not lost. State lawmakers must step into the breach and refuse to enforce all 141 pages of that bill, standing firmly within the territory of the 10th Amendment.

According to sources on Capitol Hill, Senate Majority Leader Mitch McConnell (R-Ky.) is pushing to get a vote on the bill before lawmakers head home for the Fourth of July holiday.

It is ironic, for sure, that McConnell is leaning on lawmakers to get Trumpcare — the Republicans’ repackaged proffering of ObamaCare — passed before Independence Day, a day our ancestors asserted their right to be free from a government “pursuing invariably the same Object [which] evinces a design to reduce them under absolute Despotism.”



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