



Written by [Alex Newman](#) on March 22, 2010

States, Legislators, and Citizens Resist 'ObamaCare'

Far from being over, opponents vowed that the battle over healthcare "reform" is really just getting started after the measure won narrow House approval on March 21. States, non-profit groups, citizens and federal lawmakers are all preparing to fight back against the legislation, pursuing various strategies including nullification through state laws, repealing the bill in Congress and challenging its constitutionality in court.

Two states — [Idaho](#) and Virginia — have already enacted legislation to protect citizens from unconstitutional federal insurance mandates. At least 37 others are considering similar laws. Supplementing these efforts, a coalition of state Attorneys General are pledging to sue the federal government when Obama signs the bill — primarily over constitutional issues and various shady deals used to "buy" votes in Congress.



"We believe the federal law is unconstitutional as it is based on the commerce clause. Simply put, not buying insurance is not engaging in commerce," [said](#) Virginia Attorney General Ken Cuccinelli, who plans to file suit as soon as possible. "If you are not engaged in commerce, the federal government cannot regulate this inaction. Just being alive is not interstate commerce. If it were, Congress could regulate every aspect of our lives."

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In Florida, Attorney General Bill McCollum has been equally defiant as his office prepares to sue the federal government. "The health care reform legislation passed by the U. S. House of Representatives ... clearly violates the U.S. Constitution and infringes on each state's sovereignty," he [said](#). McCollum also sent a letter to lawmakers earlier this year informing them that the federal government did not possess the constitutional authority to force Americans to purchase insurance, so ignorance is no excuse.

South Carolina Attorney General Henry McMaster condemned the "reform" in a statement, vowing legal action as well. "The health care legislation Congress passed tonight is an assault against the Constitution of the United States. It contains various provisions and federal mandates that are clearly unconstitutional and must not be allowed to stand," he [noted](#). "A legal challenge by the States appears to be the only hope of protecting the American people from this unprecedented attack on our system of government."

The Lone Star State also intends to sue. "The federal health care legislation passed tonight violates the United States Constitution and unconstitutionally infringes upon Texans' individual liberties," announced Texas Attorney General Greg Abbott in a [statement](#). "To protect all Texans' constitutional



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rights, preserve the constitutional framework intended by our nation's founders, and defend our state from further infringement by the federal government, the State of Texas and other states will legally challenge the federal health care legislation."

Other states from Alabama to Washington are expected to join the litigation too, and Idaho's Attorney General is now required by law to do so.

In Congress, Republican legislators have not given up the fight either. Representative Pete Sessions of Texas, chair of the National Republican Congressional Committee, said that repealing the "reform" legislation would be a top priority for the 2010 elections, and that it will help attract support for Republican congressional candidates. "Nancy Pelosi and her Democrat puppets have no intention of listening to the American people," he said, citing the healthcare bill's passage as proof. He also asked for contributions to help elect Republicans in Congress, though he conceded that the GOP would likely have to reclaim the White House to repeal the Democrats' "reform."

In the Senate, conservatives were equally determined to keep up the opposition. "We've lost the battle over this bill, but the war for health care freedom has just begun," announced Senator Jim DeMint of South Carolina, whose 'Senate Conservatives Fund' is circulating a '[Repeal Obamacare Pledge](#)' and vowing to help elect candidates who will help repeal the legislation. "America is teetering toward tyranny and we must work together to reverse the radical agenda in Washington that is being used to march our country off a cliff."

Non-profit groups and other organizations are also stepping up the battle against Obama's reform. From litigation to working with state governments, conservative and libertarian forces are vowing not to surrender. State laws against the federal power grab, for example, are part of a growing nationwide sovereignty movement. The efforts are being coordinated in part by the American Legislative Exchange Council (ALEC), which drafted the model "health freedom" laws used by Idaho and other states.

"Control over our own individual health care choices is something most Americans take very personally," said ALEC's Health and Human Services Task Force Director Christie Herrera in a [press release](#). "It is not surprising that so many state legislators are eager to pass legislation to protect their constituents from any health care mandates, either from the state or federal government."

Campaign for Liberty, an organization which lobbies for constitutional government, is another one of the many groups which has not thrown in the towel on the issue. "The statist think the fight is over," said President John Tate in an e-mail urging people to call their legislators and refuse to give up. "Together, let's show them they haven't seen anything yet."

U.S. Chamber of Commerce President Thomas Donahue also [vowed](#) to continue opposition "through all available avenues — regulatory, legislative, legal and political."

The Heritage Foundation, another powerful non-profit group, will dedicate itself to waging this battle as well. "I write to reassure our supporters, the conservative movement, and the American people at large that The Heritage Foundation will do all within its power to keep this issue alive in the public square and make the intellectual case for the repeal of this act," noted President Edwin Feulner in a [statement](#) posted on the organization's web site. "We will bring all our resources to bear on behalf of those who believe America is and will always remain the Land of the Free."

Other groups are proposing that the states simply refuse to comply. "Ignoring D.C. actually means that we must use state governments to defy unconstitutional federal laws, starting with the health care bill," [wrote](#) Brian Roberts with the Texas Tenth Amendment Center. "The federal government itself must be



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identified as the threat and we must use the legal power of our state governments under the 10th amendment to eliminate the threat, and formally ignore unconstitutional mandates.”

And this is just a small sampling of the organized opposition which was set ablaze after the healthcare vote in the House. Average citizens are also intensifying their efforts to “Kill the Bill.” On internet social-networking site Facebook, [myriad groups](#) with thousands of members calling for repealing Obamacare have sprung up overnight. Bloggers are furious, with [one](#) calling for the impeachment of Obama for his alleged crimes and anti-constitutional attitude. The Twitter online networking service has exploded with anti-“reform” posts. And opposition will only continue to grow, according to analysts.

But of course, as opponents ramp up attacks, “reform” backers are not going to give up easily either. Various organizations - including unions and liberal groups like MoveOn.org - announced that they would continue backing the bill while offering support to lawmakers who voted for it.

The *New York Times* [reported](#) that the Democrats and the Obama administration are already gearing up for battle as well, planning to wage a state-by-state propaganda campaign to persuade angry Americans of the supposed benefits of the “reform.” According to the Times, legislators were provided individualized propaganda for their districts, including talking points about the specific number of people in their districts who will “benefit” from the “reform.”

Speaker of the House Nancy Pelosi has also started ramping up the propaganda. “In [passing this legislation], we will honor the vows of our Founders, who in the Declaration of Independence said that we are ‘endowed by our Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness,’” she [said](#), insulting Americans who understand the intent of the Founders and attempting to play the rest for fools. “This legislation will lead to healthier lives, more liberty to pursue hopes and dreams and happiness for the American people. This is an American proposal that honors the traditions of our country.”

The establishment media is also playing an important role in the effort to ensure the survival of healthcare “reform.” By downplaying efforts to counter the legislation at the state level and minimizing the importance of constitutional issues, various news outlets have attempted to deceive readers into believing there is no hope.

Discussing the “supremacy clause,” Stanford University Law School’s David Freeman Engstrom [told](#) the Associated Press that state-level opposition is essentially futile. “That language is clear that federal law is supreme over state law, so it really doesn’t matter what a state legislature says on this.” But this is false, and there are several avenues from which to fight this legislation.

As [noted](#) in an article about Idaho’s “health freedom act” for the John Birch Society, “there is no constitutional authorization for federal meddling in healthcare, which means the Tenth Amendment reserves those powers for the states or the people. Secondly, the federal government does not have the power to force individuals to purchase any good or service. There is also the purported requirement that states create ‘exchanges’ through legislation, another power the federal government was never granted under the Constitution. The Wall Street Journal even made the case that federal ‘reform’ could be unconstitutional under the Supreme Court’s ‘right to privacy.’”

In addition to litigation and state sovereignty efforts, other methods of undoing the damage are also becoming apparent. [Several candidates](#) have already [risen](#) to power amidst a surge of popular outrage over the agenda in D.C.; and polls [indicate](#) that a solid majority of Americans still oppose the “reform” legislation. So even without considering the myriad constitutional flaws in the bill, the battle over the



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federal takeover of healthcare will undoubtedly be long and intense. But it is not over, and it must continue.

Republican Representative Ron Paul [told](#) Fox Business that while the bill will indeed be moot one day, it won't come from Republican opposition. "The bankruptcy of this country is going to repeal it," he explained, adding that the legislation will hasten the arrival of the next, deeper economic crisis. "Medical care will get worse and this country will go into bankruptcy." Hopefully, the problems can be undone before then.

But despite the enormity of the healthcare and national bankruptcy issues, there is even more at stake in this conflict: will back-room politics and unconstitutional tyranny control every aspect of Americans' lives, or will the people stand up and finally fix the real problems? There are very encouraging signs of hope in an array of state-sovereignty movements sweeping the nation.

State governments are passing laws to nullify everything from national ID cards to federal gun regulations and health insurance mandates. And the efforts appear to be gaining steam rapidly as Washington accelerates its boundless expansion. As reported by The New American magazine in an article entitled "[State vs. Federal: The Nullification Movement](#)," these issues are not going away anytime soon. There are many ways for Americans to fight back, but fight back they must. The alternative is nothing less than rationed healthcare, the bankruptcy of the nation and involuntary servitude to a lawless government.

Photo: Virginia Attorney General Ken Cuccinelli: AP Images



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