



Written by [Michael Tennant](#) on August 1, 2010

Will the Show-Me State Show Us How to Nullify ObamaCare?

The growing movement for state nullification of ObamaCare may get another boost on August 3. Missouri's primary election, to be held on Tuesday, August 3, includes a ballot question asking voters if state law should be amended to "deny the government authority to penalize citizens for refusing to purchase private insurance or infringe upon the right to offer or accept direct payment for lawful health care services."



According to a July 31 *New York Times* [report](#), the initiative is part of a campaign by a conservative group called the [American Legislative Exchange Council](#), which has already succeeded in getting similar measures enacted by legislatures in Arizona, Georgia, Idaho, Louisiana, and Virginia. In addition, Arizona and Oklahoma have state constitutional amendments to nullify the individual mandate on their November general election ballots. (Florida had one as well, but a judge [threw it off the ballot](#) because he thought the wording of the amendment's explanation was misleading.)

Missouri's question ended up in the primary election as a result of a compromise between Republican and Democratic state legislators. Explains the *Times*: "The Democrats agreed not to filibuster if the referendum was held during the August primary rather than the November general election, said State Senator Jane Cunningham, a Republican who sponsored the bill. With an open seat for the Senate on the line, the Democrats did not want to encourage heavy turnout among conservatives in November." The referendum approach also had the advantage of not requiring the Democratic governor's signature, unlike actual legislation.

The *Times* reports that the campaign in favor of Proposition C, as the referendum is known, "has been a low-key affair, with no television advertising, debates or celebrity Facebook endorsements."

A group known as [Missourians for Health Care Freedom](#), says the paper, "raised \$75,000 as of July 24, enough for radio advertising, yard signs and get-out-the-vote telephone banks, but not enough for television commercials." The group's radio ad asks, "Do you think Washington knows what's best for you and your family?"

Meanwhile, adds the *Times*, "The only organized opposition — beyond a Facebook page — has been



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mounted by the Missouri Hospital Association, which has spent more than \$400,000 to send mailings to hundreds of thousands of homes, according to financial disclosure reports. The brochures warn that approval of Proposition C could burden hospitals, and their insured patients, with the cost of uncompensated care for people without health coverage." A spokesman for the hospital association told the newspaper, "There's an argument that a vote for Proposition C is a vote in support of freeloaders," though he admitted that "we don't want it perceived that we're opposing it."

Interestingly, while the hospital association, which stands to benefit financially from ObamaCare, is opposing Proposition C, the Missouri State Medical Association, which represents doctors, is supporting it. Doctors, of course, recognize many of the inherent problems with ObamaCare, most especially its rending of the doctor-patient relationship and replacing it with a bureaucrat-patient relationship — and all the additional red tape it means for their offices.

As a full-throated supporter of ObamaCare, the *Times* does its best to minimize the importance of the referendum and to portray it as nothing but a GOP ploy. The very first paragraph of the *Times'* supposedly objective story declares that the vote "seems likely to be a low-turnout affair among an electorate dominated by Republican primary voters and conservative activists." It later says the referendum "is seen as an organizational test for the Tea Party and like-minded conservatives" and quotes the executive director of the Missouri Democratic Party, who claims the proposition is "a ploy by the Republicans to get their base excited."

Undoubtedly politics plays into it — indeed, as mentioned above, the very timing of the referendum was the result of a political deal — but surely the fact that a significant number of voters and state legislators believe that their state needs to take a stand against overweening Washington control suggests that there is more to it than simply politics.

Speaking at a rally for Proposition C, State Senator Jim Lembke, a Republican, indicated what that "more" is: "This health care thing is just a vehicle, a vehicle for the debate about what is the role of the federal government and what is the role of the states." That is, does the Constitution — particularly the Ninth and Tenth Amendments — really mean what it says, or can the federal government overrule it simply by passing a law?

Clearly not everyone thinks the Constitution should be declared legally dead yet. The *Times* notes that "elected officials in 22 states, almost all Republicans, have filed lawsuits challenging the so-called individual insurance mandate. Among them, Virginia has made a direct claim that the federal law conflicts with its own 2010 statute, which asserts that residents of the commonwealth cannot be compelled to obtain health insurance." Missouri's own lieutenant governor, a Republican, is the most recent state official to file suit against the mandate.

The virtue of state legislation, as opposed to lawsuits, is that it can also prevent states from enacting their own individual mandates if ObamaCare is declared unconstitutional or is repealed. Recall that the Missouri question asks for state law to deny "the government" — all levels, not just the federal — the authority to force people to buy health insurance.

Of course, as opponents of Proposition C pointed out to the *Times*, even if the proposition passes, it doesn't mean Missouri law will actually change to reflect that. It is merely a statement by the voters that the law *should* be amended to nullify the individual mandate; it doesn't force the state to do so.

Still, as the paper says, supporters of the proposition believe that "a substantial victory ... will convey a message of discontent with expansive federal government and rally other states and candidates to press



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the issue through the fall campaign.”

As one who would like to see many other states follow the lead of those who have already voted to nullify at least part of ObamaCare, this author says to Missourians: Show me how it's done on Tuesday.





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