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Constitution Gives House of Reps the "Weapon" to Destroy ObamaCare

Can there be a more fruitful source of dispute, or a kind of dispute more difficult to be settled?

> — James Madison speaking at the Constitutional Convention of 1787 on the spending bill battles between the House and Senate that would occur.

As the "Government Shutdown" puppet show continues its run in Washington, D.C., there is power in the Constitution to close down the entire production.

Article I, Section 7 of the Constitution requires that "all bills for raising Revenue shall originate in the House of Representatives, but the Senate may propose or concur with Amendments as on other bills."

The solution to the ObamaCare funding fiasco is right there in black and white.

If any money is to be spent on anything, the bill must come out of the House of Representatives. If no bill is approved by that body and sent to the Senate, no money may be spent!

Even though he rewrote the ObamaCare legislation in his ruling, Chief Justice John Roberts (and six of his colleagues) held that the individual mandate of ObamaCare was not a constitutional expression of the Commerce Clause, thereby throwing the whole matter back to the House of Representatives and to the states.

As Bubba Atkinson of the *Independent Review Journal* explains:

> Chief Justice Roberts actually ruled the mandate, relative to the commerce clause, was unconstitutional. That is how the Democrats got Obamacare going in the first place. This is critical. His ruling means Congress can't compel American citizens to purchase anything, ever. The notion is now officially and forever, unconstitutional. As it should be.
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> Next, he stated that, because Congress doesn't have the ability to mandate, it must, to fund Obamacare, rely on its power to tax. Therefore, the mechanism that funds Obamacare is a tax. He struck down as unconstitutional, the Obamacare idea that the federal government can bully states into complying by yanking their existing Medicaid funding. Liberals, through Obamacare, basically said to the states — 'comply with Obamacare or we will stop existing funding.' Roberts ruled that is a no-no."

By attaching ObamaCare funding to the overall spending bill, the House turned the issue into the political football that it is today. The whole charade could have been avoided had the House carried out its constitutionally assigned duty of controlling the purse containing the people's money.

Put another way, had the House of Representatives sent the Senate a bill defunding ObamaCare — a so-called "stand alone bill" — then the Senate would have had to accept or refuse it without hooking the ObamaCare wagon to the star of other federal budget items. Accept the defunding bill and ObamaCare

is dead. Refuse the ObamaCare defunding bill and the bill goes back to the House where it would be reworked or not. Either way, not a dime is spent on socialized medicine.

And, the best part, there is nothing Harry Reid or Barack Obama could do about it. There is not constitutional authority for the Senate to spend money and the only power the president has over bills is to sign them or veto them.

If the House of Representatives were true to their name — representatives! — then one of the members would offer a stand-alone bill refusing to spend any of the people's money on ObamaCare. That bill would be approved and sent to the Senate.

Admittedly, such a bill would be dead on arrival at the Senate and be rejected immediately. That action would send the bill back to the House where it would sit idly, leaving the ObamaCare leviathan inside a constitutional cage, dying of starvation.

These are the constitutional realities of checks and balances. They were written into the Constitution to create the one thing partisans are constantly crying about: gridlock.

In *The Federalist*, No. 9, Alexander Hamilton pointed to this particularity of the system of government proposed by the constitutional convention of 1787 as the "powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided."

In that convention in Philadelphia, the Framers adopted the English view that money bills should originate in the House of Commons, the body of representatives believed to be close to the people. In the case of the American Constitution, the source of spending would be the House of Representatives, for the same reason.

There was a more pragmatic aspect to the so-called "Origination Clause" of Article I, Section 7. Leaving the lower house with exclusive control over the purse strings was a critical compromise between small states and large states, the latter demanding that something be offered them in exchange for equal representation in the Senate.

That something was the reservation of revenue raising in the House of Representatives.

Speaking on the "serious crisis" of determining which body of the Congress should have power over levying taxes and proposing spending bills, Elbridge Gerry said, "Taxation and representation are strongly associated in the minds of the people and they will not agree that any but their immediate representatives shall meddle with their purse. In short, the acceptance of the plan [the Constitution] will inevitably fail if the Senate be not restrained from originating money bills."

The final wording of the clause was actually much tamer than Gerry would have liked. Earlier in the summer, he offered language that would have prevented the Senate from playing any role in proposing, passing, and imposing revenue bills.

It is noteworthy that the man known to history as the Father of the Constitution, James Madison, opposed the granting of exclusive revenue-originating authority to the House of Representatives. He argued that such a separation would lead to "injurious altercations."

In this as in so many things, history has proved Madison right.

Writing in the *Federalist Papers*, though, Madison advocated for a very broad interpretation of the Origination Clause. In *The Federalist*, No. 58, he wrote:

> The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite

> for the support of government. They, in a word, hold the purse that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

Why, then, with regard to the defunding of ObamaCare, has the House of Representatives refused to deploy this "most complete and effectual weapon"? Why have the people's representatives surrendered their power to protect the people from this unjust and unsalutary measure? Could the people's grievances against ObamaCare been any more loudly and clearly communicated to their representatives in Congress?

Americans who oppose ObamaCare and who support the House of Representative's exercise of its power over the purse should contact their congressmen and demand that they offer a stand-alone bill refusing to spend a cent on the president's socialized medicine scheme. They should let lawmakers know that they are tired of the shutdown shadow boxing and insist that the House immediately throw the Origination Clause haymaker.

Only then will ObamaCare be left penniless and Harry Reid and Barack Obama will be powerless to do anything about it.

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