



Written by [Alex Newman](#) on February 5, 2011

For Some States, ObamaCare Already “Dead”

In Wisconsin, for example, Attorney General J.B. Van Hollen issued a [statement](#) saying ObamaCare was dead following the January 31 ruling. “Judge Vinson declared the healthcare law void and stated in his decision that a declaratory judgment is the functional equivalent of an injunction,” he noted. “This means that, for Wisconsin, the federal health care law is dead — unless and until it is revived by an appellate court. Effectively, Wisconsin was relieved of any obligations or duties that were created under terms of the federal health care law.”



Van Hollen said the federal judge had reached the same conclusion he did — that Congress does not have the power to force Americans to buy insurance or pay a fine. “Now, we wait to see if the federal government has finally gotten the message,” he said in a statement posted on the Wisconsin Department of Justice website. “If they don’t get the message, and decide to appeal the case, as they did when they lost in Virginia, my colleagues and I will continue our fight to defend the Constitution and protect the people of Wisconsin from this unconstitutional law.”

Florida [reacted similarly](#), with the insurance commissioner refusing a \$1 million dollar federal grant for ObamaCare after witnessing the results of the money’s acceptance in Connecticut. New Republican Governor Rick Scott said the Sunshine State is “not going to spend a lot of time and money with regard to trying to get ready to implement it until we know exactly what is going to happen.”

Alaska Governor Sean Parnell said he was seeking advice on what to do. “I’m caught between a federal government that says, ‘You must pursue this, you must pursue this,’ and I have the duty to uphold the rule of law,” he said.

Meanwhile, Arizona Governor Jan Brewer [applauded](#) the ruling. “I knew ObamaCare was unaffordable and unsustainable, and today’s court ruling confirms that it is unconstitutional, as well,” she said in a statement. “Our country was founded on the concepts of individual liberty and state sovereignty, not federal mandates and penalties. So I applaud the court for doing its duty in upholding the Constitution, and I look forward to leading the continued fight against this federal monstrosity.”

In Virginia, one of more than 25 states suing the federal government over the constitutionality of ObamaCare, Attorney General Ken Cuccinelli is [seeking](#) to have the case expedited for review by the Supreme Court. Some Senators have joined in the effort too. If granted, the motion would effectively bypass the court of appeals and go straight to the nation’s highest court, which many legal analysts expect will ultimately decide the matter anyway.

“Given the uncertainty caused by the divergent rulings of the various district courts on the constitutionality of the Patient Protection and Affordable Care Act, we feel that it is necessary to seek resolution of this issue as quickly as possible,” Cuccinelli [said](#) in a press release. “Currently, state governments and private businesses are being forced to expend enormous amounts of resources to prepare to implement a law that, in the end, may be declared unconstitutional. Regardless of whether



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you believe the law is constitutional or not, we should all agree that a prompt resolution of this issue is in everyone's best interest."

Several other Governors also [issued statements](#) reacting positively to the ruling. Among them were the Republican Governors of South Carolina, Idaho, and Georgia.

Americans for Limited Government President Bill Wilson, [writing](#) in *Investor's Business Daily*, said other state governments should also stop implementation immediately. "To do otherwise will open states up to legal liability," he wrote. "Instead of accepting continued implementation of the law from Washington, all states should join with the American people in demanding that Barack Obama cease and desist from ignoring the federal court and continuing any actions that implement this invalidated law." And if Obama doesn't quit, it could lead to a "constitutional showdown" and the "worse constitutional crisis since the Nixon impeachment."

The judge in Florida who struck down the unconstitutional acts comprising "health reform" [made clear](#) that the ruling should be considered an injunction against further action. "It is difficult to imagine that a nation which began, at least in part, as the result of opposition to a British mandate giving the East India Company a monopoly and imposing a nominal tax on all tea sold in America, would have set out to create a government with the power to force people to buy tea in the first place," he wrote. "If Congress can penalize a passive individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain for it would be 'difficult to perceive any limitation on federal power' and we would have a Constitution in name only."

He also noted that, because the individual mandate could not be severed from the two acts comprising ObamaCare, all of it had to be quashed. Cato attorney Ilya Shapiro [wrote](#) in an analysis of the decision that, assuming he read the documents correctly, "Obamacare is dead in its tracks." He also noted that, "as of right now, the federal government must stop implementing Obamacare."

But the Obama administration and its Department of "Health and Human Services" are proceeding as if nothing had happened. "There is clear and well-established legal precedent that Congress acted within its constitutional authority in passing this law and we are confident that we will ultimately prevail on appeal," the Department of Justice [said](#) in a statement released after losing the case, noting that it intends to appeal. But according to an [article](#) in the *Wall Street Journal*, as soon as the federal government files its appeal, it will essentially be admitting that it's violating the law by continuing to implement ObamaCare.

Numerous strategies are currently being pursued to stop ObamaCare, of which state lawsuits represent just one. The House of Representatives already [voted to repeal](#) the health-care takeover, while in the Senate, a similar measure [failed](#) along party lines. Senators did vote overwhelmingly to repeal a provision that would have forced business owners to fill out massive numbers of 1099 forms for the Internal Revenue Service. And the House could still withhold funding for any implementation of the "reform."

On top of that, at least 13 states are considering reasserting their sovereignty. Texas, Montana, New Hampshire, South Dakota, North Dakota, Wyoming, Oregon, Indiana, Maine, Nebraska, Oklahoma, Idaho, and Iowa have all introduced nullification bills in the legislature that would declare the health act null and void in those states. (For information on the state nullification efforts in 12 of these states, [click here](#).)

Iowa's lower legislative chamber [already passed it](#). And most of the nullification bills also contain some



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sort of criminal penalties for federal or state agents who continue to implement ObamaCare in that state, ranging from felony charges and imprisonment to misdemeanors and fines.

The battle over the federal government's healthcare reform probably still has a long way to go, but opponents are pursuing every strategy to kill it as soon as possible. So far, two federal courts have declared ObamaCare unconstitutional, and two others have upheld it. How the issue is finally settled will have untold ramifications for all Americans and for future generations. If the federal government can enforce this act, it will mean that the feds recognize no limits to their power. But if ObamaCare is killed, it could signal that the tide is beginning to turn in favor of constitutional government. Time will tell.

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