



Written by [Joe Wolverton, II, J.D.](#) on January 18, 2013

Oklahoma Legislator Joins Fight to Nullify ObamaCare

On January 16, Oklahoma State Representative Mike Ritze (pictured) re-introduced a bill stopping the enforcement of ObamaCare at the borders of the Sooner State.

In [a statement announcing the newest effort](#) to protect citizens of Oklahoma from the devastating effects of the president's healthcare law, Dr. Ritze quoted Thomas Jefferson in support of his right to reject unconstitutional federal acts. Said Ritze:



Thomas Jefferson made it perfectly clear in the Kentucky Resolution of 1799 when he wrote; "That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, annihilation of the state governments, and the erection upon their ruins, of a general consolidated government, will be the inevitable consequence."

Jefferson's [Kentucky Resolution](#) plainly sets forth his understanding of the source of all federal power. Later in that document, Jefferson wrote:

That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under colour [sic] of that instrument, is the rightful remedy.

Nullification is a concept of constitutional law that recognizes the right of each state to nullify, or invalidate, any federal measure that exceeds the few and defined powers allowed the federal government as enumerated in the Constitution.

Nullification is founded on the assertion that the sovereign states formed the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that are applicable to the states and the citizens thereof.

In the wake of the Supreme Court's ObamaCare decision, it is encouraging to see state legislators boldly asserting their right to restrain the federal government through application of the very powerful and very constitutional principle of nullification.

It is important to remember, finally, that act of the federal government exceeding the limited powers granted it by the Constitution is not a law at all. Witness the words of Alexander Hamilton in [The Federalist, No. 33](#):

If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers intrusted [sic] to it by its constitution, must necessarily be supreme over those societies and the individuals of whom they are composed.... But it will not follow from this doctrine that acts of the larger society which are *not pursuant* to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such. [Emphasis in original.]



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Ritze cites these words of Alexander Hamilton in the statement announcing the offering of his bill. Ritze says:

Some, even in Oklahoma will suggest that Article VI of the Constitution makes ObamaCare the “supreme law of the land.” In doing so, they fail to understand as Alexander Hamilton did when he wrote in *Federalist* No. 33 “it expressly confines this supremacy to laws made pursuant to the Constitution....” Alexander Hamilton got it right, Congress and the Supreme Court got it wrong.

This description of the proper, constitutional relationship between the states and the federal government is the spirit behind the delegation of powers as set forth in the 10th Amendment. The [10th Amendment](#) reads: “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.”

Citing the 10th Amendment, Ritze’s bill — [HB 1021](#) — declares that the Patient Protection and Affordable Care Act, as well as the Health Care and Education Reconciliation Act of 2010:

are not authorized by the Constitution of the United States and violate its true meaning and intent as given by the founders and ratifiers, and are hereby declared to be invalid in the State of Oklahoma, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state.

Admirably, Representative Ritze’s bill does not stop at merely labeling ObamaCare unconstitutional; it includes a provision that criminalizes its enforcement in the Sooner State. The relevant portion of the bill reads:

Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction must be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00), or a term of imprisonment not exceeding five (5) years, or both.

Any public officer or employee of the State of Oklahoma that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

Dr. Ritze is not new to this fight. In 2010, he introduced a bill to opt out of ObamaCare, but after being passed by the legislature the act was vetoed by the governor.

Undaunted, Ritze reintroduced the measure as a proposed constitutional amendment, and it was overwhelmingly approved by the citizens of Oklahoma. Unfortunately, the climate created by the Supreme Court’s ratification of ObamaCare makes it necessary for Ritze to continue the fight against the federal government and its seemingly never-ending salvo of unconstitutional acts and edicts.

Speaking of the federal government’s lack of power to legislate in the field of healthcare, Ritze said:

There is no provision in Article 1, Section 8, of the United States Constitution where the States delegated to Congress the authority to make a citizen purchase health care or pay a fine. The Patient Protection and Affordable Care Act, which is better known as ObamaCare, is an example of federal overreach and my legislation will authorize the state via the will of the People to ignore it and ban the enforcement of it.



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In an interview with *The New American*, Dr. Ritze said that although he has unfortunately met with opposition from some “conservatives,” he reports that among constituents there is overwhelming support for his latest legislative effort to fight back against federal tyranny.

“When the federal government exceeds its delegated authority, as it has done with the passage of ObamaCare, it is the duty of every State Representative to defend the unalienable rights of the people of the great State of Oklahoma. I and others in the House and Senate intend to do just that with this legislation,” Dr. Ritze said. “I along with many of my fellow legislators call on the people of Oklahoma to contact your State Representatives and ask them to fulfill their duty to protect the citizens of Oklahoma from this unconstitutional infringement on their unalienable rights.”

Currently, state legislatures in Indiana, Maine, New Jersey, and South Carolina [are considering bills nullifying ObamaCare](#).

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