



Written by [Joe Wolverton, II, J.D.](#) on February 21, 2013

Oklahoma ObamaCare Nullification Bill Passes Out of Committee

The fight to force the federal beast back inside its constitutional cage is continuing in the Sooner State.

On Tuesday, a bill focused on preventing the enforcement of ObamaCare mandates inside the sovereign borders of Oklahoma passed out of the House Public Health committee.

By [a vote of 7-3, the Public Health committee](#) approved [House Bill 1021](#), and it will now be considered by the House Calendar Committee.



[State Rep. Mike Ritze](#), a board-certified family practice physician and surgeon, is the author of the nullification bill. Ritze has been enlisted in the fight against ObamaCare since the beginning and his worthwhile efforts are beginning to bear fruit.

HB 1021 nullifies the Patient Protection and Affordable Care Act, better known as “ObamaCare,” in Oklahoma. HB1021 also protects the rights of businesses such as Hobby Lobby and OK Citizens from being forced by the federal government to violate their own religious tenets as would be required by ObamaCare.

Beyond the concerns of commercial entities, Ritze (R-Broken Arrow) said the measure protects all Oklahomans from an unconstitutional federal overreach in power and control over their daily lives.

“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,” Ritze said in a statement. “The Patient Protection and Affordable Care Act 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.”

Proponents of ObamaCare argue that Article VI of the Constitution makes the legislation the “supreme law of the land.” Ritze strongly disagrees with that belief.

“They fail to understand how the country is supposed to operate,” Ritze said. “As Alexander Hamilton 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.

Ritze’s reading of the Constitution is correct.

The [Supremacy Clause \(as some wrongly call it\) of Article VI](#) does not declare that laws passed by the federal government are the supreme law of the land, period. What it says is that the “laws of the United States made in pursuance” of the Constitution are the supreme law of the land.

In PURSUANCE thereof, not in VIOLATION thereof. None of the provisions of ObamaCare are permissible under any enumerated power given to Congress in the Constitution; therefore, they were not made in pursuance of the Constitution, and they are NOT the supreme law of the land.

As Ritze indicated, Alexander Hamilton wrote in [Federalist, Number 33](#):



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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.]

Ritze understands that the states retain numerous rights under the Constitution, including the obligation to control federal usurpation of state sovereignty:

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.

According to Ritz, there's a good chance his nullification bill will become law, stopping ObamaCare at the state border:

I am encouraged with the response and the imminent passage of HB1021 in the next few weeks during our OK Legislative Session. Some of the enforcement has been reduced, but I plan on adding this back into the Bill hopefully.

Dr. Ritze and his colleagues in the Oklahoma state legislature stand on firm constitutional and legal ground in their opposition to acts of the federal government that exceed its constitutional authority.

The irrefutable truth is that not a single one of our Founding Fathers, not even the most ardent advocate of a powerful central government, would have remained a single day at the Philadelphia Convention if they had believed that the government they were creating would become the instrument of tyranny that it has become.

Hope remains, however.

All states can and should follow Oklahoma's example and through the exercise of the 10th Amendment and their natural right to rule as sovereign entities, stop ObamaCare at the state borders by enacting state statutes nullifying the healthcare law.

Nullification is the "rightful remedy" and is a much more constitutionally sound method of checking federal usurpation and is quicker and less complicated than an attempt to have the law repealed by Congress or overturned by a future federal bench more respectful of the Constitution. That said, there is no reason that concerned citizens should not use every weapon in the constitutional arsenal, including working to convince Congress to repeal this offensive act.

State legislatures in six states are [now considering measures nullifying ObamaCare](#) and its unconstitutional mandates. These states are Oklahoma, South Carolina, Maine, New Jersey, Iowa, and Indiana (the bill in the last state has been blocked by a powerful anti-nullification Republican, Senator David Long).

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