



Written by [William F. Jasper](#) on April 10, 2011

ObamaCare: Idaho Passes Nullification Lite

"I describe it as a one-toed bill because it only has one of the ten toes left of the ones we started out with," Sen. Pearce told *The New American*. "It stops ObamaCare in Idaho for one year — stops the 'discretionary' portions of the act, anyway." And it prevents Idaho agencies from accepting federal funds to implement the act. "This falls far short of what we hoped to accomplish, but, unfortunately, it was the best we could do," Sen. Pearce said.



Wayne Hoffman, executive director of the Idaho Freedom Foundation and one of the key supporters of the nullification effort, told *The New American* the bill that was finally passed is "watered down but still accomplishes some significant things." In addition to prohibiting Idaho from accepting any of the \$105 billion of federal discretionary funding, he pointed out, it also requires state offices to abide by a fairly strict validation process in proving that any state participation in the federal program is indeed mandatory under the PPACA. It also provides that there will be no state participation before July 1, 2012, which will allow the state legislature to try again next year to prevent implementation of the program in the Gem State.

An obviously exasperated Sen. Pearce said he was "disgusted" by the defections of many of his fellow Republicans who, early on, had pledged their support for his stronger nullification bill but then had wilted when media attacks painted the effort as extremist and unconstitutional.

Opponents of the measure were aided by Idaho's Republican Attorney General, Lawrence Wasden, whose office issued a statement claiming the nullification bill was unconstitutional. Wasden has repeatedly angered many Idahoans by his penchant for insisting that the state must kowtow to federal edicts no matter how oppressive or constitutionally dubious they may be. Sen. Pearce says Wasden's opposition undoubtedly scared off some of the "weak-kneed" Republicans.

However, as *The New American* reported earlier, Wasden's interpretation of our Constitution's "supremacy clause" is completely at odds with the Founders, who crafted a federal government whose limited powers are "few and defined."

James Madison, often referred to as the "father of the Constitution," addressed this subject in



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Federalist No. 14, where he asserted:

In the first place it is to be remembered that the general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other subjects which can be separately provided for, will retain their due authority and activity.

Senator Pearce and his nullification colleagues seem to be exercising precisely that vigilance and jealousy proposed by Madison's colleague Alexander Hamilton in *Federalist No. 26*, wherein Hamilton expresses confidence in "the State legislatures, who will always be not only vigilant but suspicious and jealous guardians of the rights of the citizens against encroachments from the federal government, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if any thing improper appears, to sound the alarm to the people, and not only to be the VOICE, but, if necessary, the ARM of their discontent." (Emphasis in the original.)

Under our constitutional system, the state legislatures are not intended to be craven lapdogs that wag their tails and docilely accept federal edicts from politicians and bureaucrats in Washington, D.C. They are to be a major component of our storied checks and balances, to prevent federal usurpations and a dangerous concentrating of power in the national government.

"This fight isn't over yet," says Sen. Pearce. "We will be back again next year."

Photo: Idaho state capitol

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