



Written by [Raven Clabough](#) on June 29, 2012

High Court Ruling Will Provoke States to Nullify ObamaCare

Despite Thursday's controversial Supreme Court [ruling](#) on ObamaCare, states retain the right and authority to nullify the healthcare law, and the state of Missouri, among many others, is undertaking efforts to do just that. According to Missouri legislators, regardless of the High Court's ruling, Missouri voters will maintain the opportunity to vote for or against the so-called Affordable Healthcare Act in November. And Missouri is not the only state seeking to circumvent ObamaCare.



November's vote will be the second time in two years that Missourians have voted regarding Obama's signature legislation. CBS News explains:

In August 2010, Missouri became the first state to officially snub the new federal law through a referendum when 71 percent of voters approved a proposition barring the government from requiring people to have health insurance. The Missouri law set up a direct conflict with a federal provision requiring most people to have health insurance by 2014 or face penalties.

November's vote would focus on the healthcare law provision that requires states to create a health insurance exchange by 2014. The ballot measure would prohibit Missouri's governor or any other official from taking steps to establish the exchange without the expressed consent of the people through vote or through a state law.

In a similar expression of opposition, Louisiana Governor Bobby Jindal has already declared that he will not establish a healthcare exchange in his state.

"We're not going to start implementing Obamacare," Jindal said during a conference call with Virginia Gov. Bob McDonnell. "We're committed to working to elect Governor Romney to repeal Obamacare."

Yahoo News [reports](#), "Several Republican governors, including both Jindal and McDonnell, have put off setting up the exchanges in the hope that the law will be repealed or struck down by the Court." Now that the court has issued a ruling in favor of the healthcare law, however, Jindal continues to contend that he will not be complying with the law.

"Here in Louisiana we have not applied for the grants, we have not accepted many of these dollars, we're not implementing the exchanges," Jindal said. "We don't think it makes any sense to implement Obamacare in Louisiana. We're going to do what we can to fight it."

McDonnell was not quite as adamant on the conference call, asserting that his administration will have to determine the approach that would be best for Virginians. He did add, however, "But I agree absolutely that the priority right now is to elect a new president and a new Senate so this law can be repealed."

Options remain for Republican lawmakers following the Supreme Court ruling. In his opinion for the



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majority, Chief Justice Roberts wrote:

The Federal Government does not have the power to order people to buy health insurance. Section 5000A would therefore be unconstitutional if read as a command. The Federal Government does have the power to impose a tax on those without health insurance. Section 5000A is therefore constitutional, because it can reasonably be read as a tax.

Since Chief Justice John Roberts called the individual mandate that is so integral to the healthcare law a “tax,” Republicans are now afforded the option of using a procedure known as “budget reconciliation” to formulate a repeal bill that requires just a simple majority to pass.

States may also fall in line with Louisiana and Missouri and nullify ObamaCare. In the 1798 Kentucky Resolutions, Thomas Jefferson wrote, “Whensoever the general government assumes undelegated powers ... a nullification of the act is the rightful remedy.”

The Tenth Amendment Center indicates that the states have a number of methods by which they may nullify a law, including through state law, a statement amendment, or a voters’ referendum.

The Nullification Project notes:

After today’s Supreme Court ruling on “Obamacare,” it remains clear that the people cannot rely on the high court to uphold the principles enshrined in the Constitution. In such cases, the Founders, particularly Thomas Jefferson, have provided We the People and the States, a final check on the power of the three branches of the federal government: Nullification.”

A growing number of Americans have become aware of this option and are coordinating efforts to encourage their state officials to nullify ObamaCare. The Nullification Project is in fact intended to raise funds to deliver a copy of the book [Nullification: How to Resist Federal Tyranny in the 21st Century](#), written by Thomas E. Woods, Jr., to each of the 50 governors. Project officials say, “It is our hope that the book will inspire them to continue the fight against government overreach — from every branch.”

Likewise, Senator Jim DeMint (R-S.C.) is encouraging states to nullify the healthcare law by refusing to implement it. He stated in a press release,

This government takeover of health care remains as destructive, unsustainable, and unconstitutional as it was the day it was passed, unread, by a since-fired congressional majority. Now as then, our first step toward real health care reform and economic renewal remains Obamacare’s full repeal, down to the last letter and punctuation mark.

I urge every governor to stop implementing the health care exchanges that would help implement the harmful effects of this misguided law. Americans have loudly rejected this federal takeover of health care, and governors should join with the people and reject its implementation.

State nullification proved successful in defeating the Real ID legislation passed under George W. Bush. Led by Maine in 2007, half the states in the country passed resolutions and laws refusing to implement Real IDs, citing funding and privacy concerns.

And states should not fear the consequences of nullification. As per Thursday’s Supreme Court ruling, Congress is not permitted to penalize states that refuse to implement ObamaCare. In the majority decision, Chief Justice Roberts stated, “What Congress is not free to do is to penalize States that choose not to participate in that new program by taking away their existing Medicaid funding.”

However, he added, “Nothing in our opinion precludes Congress from offering funds under the [law] to



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expand the availability of health care, and requiring that states accepting such funds comply with the conditions on their use.”

Meanwhile, Tenth Amendment Center communications director Mike Maharrey contends that states that utilize nullification to reject ObamaCare are simply responding to a rebellious federal government that refuses to act within its constitutional limits:

Who is really behaving lawlessly here? A federal government that refuses to operate within its delegated powers, and rips authority away from the states and the people? Or the states, working through legitimate democratic processes, saying, “No! We don’t accept this”? I would argue it’s the federal government that’s in rebellion, and it’s time for the states to put a check on illegitimate federal power.

Photo: In this Feb. 11, 2012 file photo, Gov Bobby Jindal of Louisiana addresses activists at the Conservative Political Action Conference (CPAC) in Washington: AP Images



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