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Lawmakers Push Repeal Amendment to Create More Checks and Balances

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Lawmakers from around the country met Tuesday morning to support an amendment which would enable states to repeal federal legislation. The Repeal Amendment states the following: "Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."

Congressman and 10th Amendment Task Force Chairman, Rob Bishop (R-UT) announced he will drop a bill on the house floor Tuesday introducing the amendment to the lame-duck session. With a full agenda for the final weeks of this Congress, Bishop acknowledges it's unlikely for this Congress to vote on the amendment. "When January comes we will reintroduce this bill again, but it's good that we start the discussion now" he said.

The concept was initially conceived by Randy Barnett, a Professor of Constitutional Law at Georgetown University and a senior fellow of the CATO Institute. Barnett maintains that the founding fathers who wrote the constitution intended for individual states to have more freedom in government and more checks between Washington and local legislations. "But what has happened is congressional power has grown over the last 50 or 60 years," said Barnett. He believes his proposal offers, "an additional check on federal power and putting that check in the hands of the elected representatives of two-thirds of every state, thereby restoring the original balance between state and federal power contained in the original constitution."

Barnett explains that right now, repealing legislation is just as difficult as passing new laws. "The framers of the constitution deliberately made it difficult to pass laws, he said. "...a repeal can be blocked by a filibuster in the Senate, it can be blocked by a presidential veto, even when its overwhelmingly popular." But the Repeal Amendment would essentially act as a veto for the states.

Congressman Bishop hopes adopting this amendment will balance the amount of power between states and the federal government. "We don't want to go to a situation in which the states can dictate to the Federal Government everything they do. We tried that in the Articles of Confederation and it failed," he said Tuesday. But he also noted the opposite

doesn't work either. "We don't want to go to a situation in which the federal government can dictate to the states, we have seen in modern times the problems that come in there."

The ability for states to deny the federal health care bill gives the Repeal Act a big advantage to some local lawmakers. State Senator Jane Cunningham (R-MO) sees the Repeal Amendment as a pathway to pass the Healthcare Freedom act of Missouri. "At this point we're just tryign to set up the process that then later we can follow it with specific laws or regulations that we may want to appeal," she said.

Bishop recognizes this is a relatively new concept that will take some time for members of Congress and the American people to digest. He hopes this amendment will give citizens a stronger voice by limiting big government control. "[Decisions] will not be decided by congressmen but by thousands of legislators who have equal say and equal roll to this constitution. That's the kind of balance we're after."

Congress

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