



4 Steps You Can Take to Stop Obamacare Now

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With the so-called deadline looming for states to inform Kathleen Sebelius whether or not they'll be running a health insurance exchange for the federal government, I thought it was essential to note one important thing – the Patient Protection and Affordable Care act (Obamacare) may be hanging over us like a black cloud, but it can still be stopped.

And no, it's not going to be stopped by Pelosi and Boehner – or Roberts and Scalia. It's going to be stopped by people like you – pressing your state to resist. In fact, Obamacare's ability to become reality in the long term is like a house of cards. The act is not viable economically and unstable politically. The only way it can gain a foothold at this point is through compliance in the states. Resistance will kill it.

In fact, there are 4 ways that you can resist Obamacare on a state level. Here's a quick overview of each:

1. Reject the Exchanges. States were “given an option” – run the exchange, partner with the feds on running it, or leave it to DC to figure out. It doesn't matter what “cards we were dealt” – as some governors are saying. Running an unconstitutional program for the feds is just plain wrong. And the first – and easiest – thing for states to do is to just say no.

Shifting the burden for health insurance exchanges to the feds effectively sabotages the implementation of Obamacare.

The federal government needs states to be complicit to pull this off. Otherwise, these decisions on who was creating exchange wouldn't even have been included in the first place. The fact of the matter is that DC doesn't have the resources or the manpower to run these exchanges in every state. Some analysts are saying that they only have the capacity to do so in 30 states, and any more than that will lead towards a collapse of the system.

Right now? Contact your governor and urge him or her to reject the creation of an exchange. Or, get your state representative to introduce a bill banning it. You can even use this bill in states where Governors have made the wrong choice. Make a state exchange illegal with a veto-proof majority and you've just made your DC-loving governor irrelevant. You can find model legislation online

at tenthamendmentcenter.com/banexchanges

Also, share this short video on the issue from the Goldwater Institute:

2. Reject the Medicaid Expansion. During the Obamacare case before the Supreme Court, Rob Natelson and his colleagues at the Independence Institute argued that the law's provisions forcing the states to expand Medicaid were unconstitutional. Neither the Constitution nor case law, they pointed out, permits the federal government to use federal spending programs to coerce the states. Seven of the nine justices agreed with them, essentially adopting the arguments advanced in their brief.

As a result, the states may consider freely whether or not to accept additional federal funds for the Medicaid expansion. Accepting federal funds might seem to bring the states short-term fiscal benefits. But the fiscal risks of doing so are very great—perhaps eventual bankruptcy. Financial and practical matters aside, helping the federal government run an unconstitutional program by participating in it on a state level is just plain wrong.

3. Pass a Health Freedom Act or Amendment. Already passed in more than a dozen states – three of which were in November, well-after the Supreme Court ruled on the Constitutionality of Obamacare, the Health Freedom Act is a powerful step towards the nullification of Obamacare. It is introduced as either standard legislation or as a proposal to your state's constitution, often requiring a vote of the people.

It often includes language such as this: "An act banning the imposition of any penalty, tax, fee or fine on those who do not purchase health insurance."

According to Michael Cannon of the CATO Institute, in order to operate an exchange, state employees would have to determine eligibility for ObamaCare's "premium assistance tax credits." Those tax credits trigger penalties against employers (under the employer mandate) and residents (under the individual mandate). In addition, state employees would have to determine whether employers' health benefits are "affordable." A negative determination results in fines against the employer. These are key functions of an exchange.

Thus, if the state establishes an exchange, then that law would violate state law by indirectly compelling employers and individual residents to participate in a health care system. That sort of law is precisely what the Health Care Freedom Act exists to prevent.

But it's not just exchanges. This would prevent the adoption of any health care policies that are inconsistent with the Health Care Freedom Act. Under Obamacare, that will likely be many. Get more information at tenthamendmentcenter.com/healthfreedomact/

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4. Pass a Federal Health Care Nullification Act. If you like the idea of being on the side of the Constitution, then this step is for you. It's the toughest to get through for sure, but it doesn't hurt to try to get this introduced and debated while working on any of the previous three steps, the low-hanging fruit. This Act, model legislation from the Tenth Amendment Center, takes the constitutional view that the federal government doesn't have the delegated authority to run a health care system as proposed in the Affordable Care Act.

This bill not only declares the entire federal act to be null and void within your state, but provides for actions to prevent its enforcement in the future. Get it online at tenthamentcenter.com/obamacare

THE TIME TO ACT IS NOW

In many states, even the simplest – rejecting the exchange – is an extremely difficult proposition. And in others, you can move right to step four. While each one of these steps alone won't result in a nullification of the act, they're all an important piece of the puzzle. An act of resistance in one state leads to courage and doing the same in another. At the same time, some courageous types might get the notion that they can turn it up a notch and take a stronger stand in their state than you have in yours

Action leads to action. And, as our motto says, *Concordia res parvae crescunt*. This is a Latin phrase taken from a letter written by John Dickinson, who was known as “the penman of the Revolution.” It means small things grow great by concord.

Either way, if you do nothing, you know what will happen. So, get going now, and stand up for your rights!