

STOP ObamaCare Action Sheet

Congressional Repeal:

Best Way; But Likely Earliest Repeal Would Be in 2013.

The best way to stop ObamaCare is for Congress to repeal the entire ObamaCare law. However, even if a majority committed to repeal would be elected to both houses of Congress in November 2010, President Obama would almost certainly veto any repeal bill that might be passed in 2011-12. Still, if someone committed to repeal would be elected President in 2012, and if a majority of both houses would still favor repeal, then finally ObamaCare could be repealed in 2013. In the meantime, an anti-ObamaCare majority in one or both houses of Congress in 2011-12 would have other ways to slow down implementation of ObamaCare, such as defunding, dismantling, delaying, and direct oversight hearings.

Recommended Actions

Before the 11/2/10 elections – Work with the party and candidates of your choice to help get anti-ObamaCare candidates elected to Congress.

After the 11/2/10 elections – Work with others to [convince your representative and senators to introduce, cosponsor, and vote for repeal of the entire ObamaCare law](#) (Send emails at <http://bit.ly/coa2Rr>). Not “repeal and replace,” but “repeal” period.

State Nullification:

Fastest Way; Need Large Number of States Doing Same;

Many Nullifications Would Increase Likelihood of Congressional Repeal.

The fastest way to begin stopping ObamaCare would be to convince state legislators to introduce and pass nullification acts for the entire ObamaCare law in early 2011. However, success in making these state nullifications effective in stopping ObamaCare within their respective states would depend on similar nullification acts being passed in a large number of states. Furthermore, if a majority of states would nullify ObamaCare, the pressure on Congress to repeal ObamaCare would be overwhelming.

There will be confusion between nullification of only part of the ObamaCare law, such as the “healthcare freedom” resolutions that have been introduced in 30 or so states and passed by a few already, and nullification of the entire ObamaCare law, as advocated by The John Birch Society and the Tenth Amendment Center in their respective model resolutions for state legislatures. See the opposite side of this sheet for such a model resolution and go to <http://bit.ly/aA3mFf> to download an easy-to-edit Word document version of this resolution.

Recommended Actions

Before the 11/2/10 elections – Work with the party and candidates of your choice to help get anti-ObamaCare candidates elected to your state legislature.

After the 11/2/10 elections – Work with others to [convince your state representatives and senators to introduce, cosponsor, and vote for nullification of the entire ObamaCare law](#) (Send emails at <http://bit.ly/afN9K5>). The sooner a large number of states pass nullification resolutions, the sooner Congress will be forced to repeal the entire ObamaCare law.

Information and Action Resources: Go to <http://www.JBS.org/StopObamaCare>

The logo for The John Birch Society, featuring the organization's name in a white serif font against a dark, wavy background.

The John Birch Society

Federal Health Care Nullification Act

An Act to render null and void certain unconstitutional laws enacted by the Congress of the United States, taking control over the health care and health insurance industries and mandating that individuals purchase health insurance under threat of penalty.

SECTION 1. The legislature of the State of _____ finds that:

1. The people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes as set forth in the United States Constitution, and nothing more.
2. The Tenth Amendment to the United States Constitution defines the total scope of federal powers as being those which have been delegated by the people of the several states to the federal government, and all powers not delegated to the federal government in the Constitution of the United States are reserved to the states respectively, or to the people themselves. Furthermore, as stated in the Ninth Amendment, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”
3. The assumption of power that the federal government has made by enacting the “Patient Protection and Affordable Care Act” (Public Law 111-148, March 23, 2010) and “Health Care and Education Reconciliation Act of 2010” (Public Law 111-152, March 30, 2010) is nowhere expressly granted by the United States Constitution and interferes with the right of the people of the State of _____ to regulate health care as they see fit.

SECTION 2. NEW LAW

A new section of law to be codified in the _____ Statutes as Section [NUMBER] of Title [NUMBER], unless there is created a duplication in numbering, reads as follows:

- A. The legislature of the State of _____ declares that the federal laws known as the “Patient Protection and Affordable Care Act” (Public Law 111-148) and the “Health Care and Education Reconciliation Act of 2010” (Public Law 111-152), signed by President Barack Obama on March 23 and 30, 2010, are not authorized by the Constitution of the United States and violate its true meaning and intent as given by the Founders and Ratifiers, and are hereby declared to be invalid in this State, shall not be recognized by this State, are specifically rejected by this State, and shall be considered null and void and of no effect in this State.
- B. It shall be the duty of the legislature of this State to adopt and enact any and all measures as may be necessary to prevent the enforcement of the “Patient Protection and Affordable Care Act” and the “Health Care and Education Reconciliation Act of 2010” within the limits of this State.
- C. Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction must be punished by a fine not exceeding five thousand dollars (\$5,000), or a term of imprisonment not exceeding five (5) years, or both.
- D. Any public officer or employee of the State of _____ that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding one thousand dollars (\$1,000), or both such fine and imprisonment.
- E. Any aggrieved party shall also have a private action against any person violating the provisions of subsections (C) or (D).

SECTION 3. This act takes effect upon approval by the Governor.