



Senator Val Stevens

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The battle for your freedom is on: We must save State's Rights

Since January, the federal government has taken over America's largest banks and financial houses, our automobile industry, and now it seems determined to get control of our health care system.

I am concerned about Washington state citizens' loss of freedom. Our best hope is the 10th Amendment to the U.S. Constitution. It says that *the states are entitled to all rights not specifically delegated to the federal government.*

Already, more than 30 states are studying the Arizona Health Care Nullification Bill that prohibits the federal government from forcing its version of health care on the residents of Arizona. The bill declares that Arizona citizens are free to choose any form of health care they desire.

Why a Health Care Nullification Bill?

Constitutional Law professor Michael Connelly recently reviewed the entire text of President Obama's proposed "public option" bill, The Affordable Health Care Choices Act of 2009.

He says the bill is far worse than he imagined. Not only does it indeed provide for rationing of health care, free health care for illegal immigrants and free abortion services, the bill will also eventually force private insurance companies out of business and put everyone into a government-run system.

He says the bill eventually results in all decisions about personal health care being made by federal bureaucrats, most of whom will not be health care professionals. In addition, hospital admissions, payments to physicians, and allocations of necessary medical devices will be strictly controlled.



But that's not the worst of it.

As bad as that sounds, it gets much worse. According to Connelly, "This legislation really has no intention of providing affordable health care choices. Instead, it is a convenient cover for the most massive transfer of power to the Executive Branch of government that has ever occurred, or even been contemplated. If this law or a similar one is adopted, major portions of the Constitution of the United States will effectively have been destroyed."

In effect, he says, the Congress will be transferring to the Obama Administration authority in a number of different areas over the lives of the American people and the businesses they own. The irony is the Constitution does not grant members of Congress the authority to regulate health care or businesses.

The Obama bill would give his administration access to your personal healthcare information, your personal financial information, and the information of your employer, physician and hospital. This is a direct violation of the specific provisions of the Fourth Amendment to the Constitution protecting against unreasonable searches and seizures. Your right to privacy will be nullified regardless of what the Third and Fourth Amendments may provide.

Finally, if your private health insurance is not deemed "acceptable" to the "Health Choices Administrator" appointed by President Obama, you will be taxed. They're calling it a "tax" instead of a fine because they want to avoid the due process clause of the Fifth Amendment. However, that won't work because since nothing in the law allows you to contest or appeal the imposition of a tax, it definitely deprives you of property without the "due process of law."

Last rites for your rights?

The 10th Amendment reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are preserved to the States respectively, or to the people." Under Obama's health care bill, neither the people nor the states are going to have any rights or powers at all in many areas that once were theirs to control.

Clearly this is a federal government takeover – not a reform. It is a way to seize almost 20 percent of the economy and the final ownership of your body. The bill mentions no real cost-cutting measures, such as lawsuit reform. There's nothing about stopping the tens of billions of waste, fraud and abuse of Medicare and Medicaid.

Decades ago, Ronald Reagan warned us how socialized medicine was a carefully calculated path to socialism, which is the ruling of a country by a few powerful elites. Reagan's exceptional [speech](#) is well worth your time, and it's a real wake-up call for us today.

I plan to demand enforcement of the 10th Amendment – State's Rights

In 1997 I introduced Senate Joint Memorial 8002 – a letter from the State of Washington to the President of the United States and the U.S. Congress claiming sovereignty under the 10th Amendment to the U.S. Constitution. The memorial reads, "Let this serve as a notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers."



While it did not pass, we are introducing it again in January. Rep. Matt Shea, R-Mead, will introduce House Joint Memorial 4009, and I will support it. You can follow this bill – and its progress at the Washington State Legislature's Web site, <http://leg.wa.gov>. With strong state's rights enforcement, we can keep our freedom to control our lives – and your health care – exactly the way we want.

Sincerely,