

Devy Kidd
Investigative Journalist
P.O. Box 1102
Big, Spring, Texas 79721

August 21, 2009

Rep. Mike Ross
Rep. John Tanner
Sen. Max Baucus
Sen. Jim DeMint
Rep. Jim Costa
Sen. Chuck Grassley

Sen. Bill Nelson
Rep. John Boehner
Sen. John Cornyn
Sen. Dick Durbin
Rep. Heath Schuler
Sen. Jeff Sessions

Re: Obama Care will be DOA in the federal courts

Dear Congressmen:

Let me qualify before I get into the meat of this constitutional argument: I belong to no political party. The issue of health care isn't political, it's about the Constitution. Not about what special interest groups want, but the supreme law of the land.

Congress destroyed the finest system for health care services beginning with the HMO Act of 1973. See attachment: Blame Congress for HMOs - Hon. Ron Paul (Extensions of Remarks - February 27, 2001) On the Internet, see:

<http://www.house.gov/paul/congrec/congrec2001/cr022701.htm>

Like millions of Americans, I have read most of the massive, grotesque bill nicknamed "Obama Care." It contains hundreds of sections which are clearly unconstitutional and have been ruled so by the highest courts:

In *Linder v. United States*, 268 U.S. 5, 18, 45 S. Ct. 446 (1925), the court ruled: "Obviously, direct control of medical practice in the states is beyond the power the federal government."

In *U.S. v. Anthony*, 15 Supp. 553, 555, (S.D. Ca., 1936) and *U.S. v. Evers*, 453 F. Supp. 1141, 1150 (M.D. Ala., 1978), the court ruled: "...The direct control of medical practice has been left to the states."

This also applies to the provisions snuck through in the unconstitutional "stimulus" package the usurper signed last February:

"The underlying method of cutting costs throughout the plan is based on rationing and denying care, not preventing health care need. The plan's method is the most inhumane and unethical approach in cutting costs. The rationing of care is implemented through a Council, equivalent to the National Health Care Board in the British Health Care System. The name given to this panel is The Federal Coordinating Council for Comparative

Effectiveness Research ("Federal Council"). (Section 9201 H.R.1 Version of the Stimulus Bill.)

"President Obama has already appointed the fifteen member Federal Council. According to the Stimulus Bill, p.152; all members of the Council must be "senior federal officers or employees." Thus, medical treatment will be dispensed by a group of bureaucrats from their ivory towers, not by the hands-on practitioners in the presence of the patients. The council was funded with \$1.1 BILLION from The Stimulus Bill." Courtesy of Dr. Dave Janda.

In each of those cases cited above, the courts ruled that Congress overstepped their legislative authority and that is how we will attack this monstrous piece of legislation you're trying to shove down our throats.

That council is just more unnecessary bureaucratic paychecks created by debt and slapped on the backs of we the people, our children and grand children. Tell Rahm Emanuel's brother to go get a real job.

You people continue to write hot checks to fund worthless councils when the national debt created by Congress is inching towards \$12 TRILLION dollars which doesn't even exist. And, you wonder why the American people hold you in such contempt?

As for the con called "public options," Congress clearly has NO authority to act as an insurance agency, provider or carrier in the health care industry.

We the people are spreading the word: If that bill gets signed into law by the usurper in the White House, you can expect lawsuits until the next election. As soon as any enforcement of the unconstitutional provisions are made known to individuals, health care providers, doctors and businesses (small to large nationwide), that's when lawsuits will be filed. You people simply have no authority to force employers to provide health care (and tax them if they don't), much less force employers to turn over their books for inspection:

"The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction and comfort of his employees, seems endless. Provision for free medical assistance, nursing, clothing, food, housing, and education of children, and a hundred other matters might with equal propriety be proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? It is not apparent that they are really and essentially related solely to the social welfare of the worker and therefore remote from any regulation of commerce as such? We think the answer is plain. **These matters obviously lie outside the orbit of congressional power**". - *Railroad Retirement Board v. Alton Railroad Co*, 295 U.S. 330, 55 S. Ct. 758 1935) [Emphasis mine.]

HMOs also have the option to sue because Art. 1, Sec. 8 of the U. S. Constitution clearly forbids Congress to legislate health care on any level and dictate to private corporations who provide health care coverage.

Pre-existing conditions is one of the biggest cons run by HMOs. My daughter's vehicle was hit twice by illegal aliens who skipped from any legal repercussions thanks to

Congress and every president since Reagan, who signed another disastrous immigration "reform" bill into law that opened the flood gates for illegal aliens.

She will be on medication for the rest of her life. No HMO would take her when she was self employed if she left her current insurer. That insurance was obtained before the accidents when she worked for a company that had health insurance. She was automatically extended coverage as long as I could pay the premiums every month on time.

How did Health Net in California deal with it once she lost her job because she couldn't work for seven months because of those accidents? By law they had to pick her up. But, in five years her premiums went from \$127.50 per month to \$600/mo. What they did was try to force her out by continuing to raise the monthly premium. Now, had she married a fellow who was already employed for say, the local school district who has health care coverage, she would automatically be picked up even with her pre-existing conditions which requires medication, not massive hospital bills.

These HMOs discriminate against single, self employed men or women. She now works full time in a field where there is automatic coverage as part of the employee benefit package. She is now fully insured even with the same pre-existing condition. *This is the kind of imbalance that needs to be corrected at the state level where these corporations do business. That is real health care coverage reform.*

You people go right ahead and ignore the Constitution as you always do in the quest to Sovietize these united States of America. However, we the people will fight you because only a free market system can readjust health care coverage in this country, coupled with limited legislation within the proper jurisdiction: the states.

Five states are already considering legislation to opt out of this unconstitutional mess; Arizona has a measure for their voters to opt out. Despite the strong arming and rhetoric, the states are well within their rights under the Tenth Amendment. You people can threaten, cajole and jump up and down, but you cannot stop the states from exerting their sovereignty to protect the rights of their citizens.

Cordially,

Devy Kidd

CF: Congressman Ron Paul

**National Small Business Association
1156 15th Street
Suite 1100
Washington, DC 20005**

**George C. Halvorson
Chairman and chief executive officer
Kaiser Permanente
Corporate Headquarters
Street: 1 Kaiser Plaza**

Oakland, ca 94612-3610

**John Tate, President
Campaign for Liberty
5211 Port Royal Road, Suite 310
Springfield, VA 22151**

**Jim Clymber, Chairman
Constitution Party National Committee
P.O. Box 1782
Lancaster, PA 17608**

**Tina Benkiser
Chairman
Republican Party of Texas
1108 Lavaca
Suite 500
Austin, Texas 78701**

**Boyd Richie, Chairman
Texas Democratic Party
505 West 12th St
Suite 200
Austin, Tx 78701**