



AMERICANS FOR LIMITED GOVERNMENT

9900 MAIN STREET SUITE 303 • FAIRFAX, VA 22031 • PHONE 703.383.0880 • FAX: 703.383.5288 • WWW.GETLIBERTY.ORG

February 15th, 2011

Dear Governor,

Despite the rules of procedure and accepted practice, the Obama Administration has put you and your fellow Governors in a difficult “fish or cut-bait” position. Through their contempt for the rule of law, Obama officials have precipitated a confrontation with the states. I am writing to urge you in the strongest possible terms to not shrink from the provocation but to stand up to it.

As you know, Federal District Judge Roger Vinson ruled on January 31 that the federal healthcare legislation known as Obamacare was unconstitutional in full. Judge Vinson’s reasoning and reading of the law is solid and has offered hope to tens of millions of Americans that the nightmare of a federal takeover of healthcare was about over.

But, remarkably, the Obama Administration has refused to abide by Judge Vinson’s ruling. They continue to act as if no decision had ever been rendered. Accordingly, late Friday, February 11, a new regulation, “45 CFR Parts 144 and 147, CMS–9981–P, RIN 0950–AA20, Student Health Insurance Coverage,”¹ appeared in the Federal Register.

This move, ignoring a federal court ruling, is in defiance of all precedent and the rules of procedure. In effect Obama has dared you and the other Governors to make him stop. It is the defining act of the bully hoping never to be called out for his actions.

The procedure is well-known and acknowledged. The Obama Administration has no authority or right to issue any regulations under an unconstitutional act. They have no standing to attempt to impose the regulations of a voided act on Virginia or any other state. If they wanted to continue issuing their regulations, they should seek a stay of Judge Vinson’s order. They have not.

Everyone gets the joke. If they seek a stay the move would be viewed as an admission that the act is now considered unconstitutional. To do so by the Obama Administration would undercut what

¹ <http://www.gpo.gov/fdsys/pkg/FR-2011-02-11/pdf/2011-3109.pdf>

little legitimacy the proposal still enjoys. So, the Administration is attempting to ignore this difficult situation by simply continuing as if no ruling were ever issued.

The matter needs to be taken immediately to court. I urge you to ask Judge Vinson to find the U.S. Department of Health and Human Services in contempt for violating his ruling and seek an order to desist from any further actions relating to the unconstitutional act.

This is not unprecedented territory. As I'm sure you are aware, a federal judge in Louisiana has recently found the Department of Interior in contempt for violating another court ruling on a different subject.

Governor, the net result of the Obama Administration actions is to call your bluff, to dare you to stand up for the rule of law and the clear will of the people of Virginia. Like any bully, President Obama is betting you don't stand up to him. Please prove him wrong.

Timidity in this instance will not be viewed by history or the American people as prudence. Rather, failure to act will be a mark of shame that no elected official will ever be able to wash off. I fully understand that an army of lawyers can devise a million reasons why a particular action "cannot work" or is "questionable." Please do not heed the calls to inaction.

Americans are begging for real leadership, for someone to stand up to the provocative bully tactics of the Administration and force them to abide by the rule of law. I sincerely hope you will fill the leadership void and immediately seek to block the Obama Administration from implementing an unconstitutional act.

Respectfully,

A handwritten signature in cursive script that reads "William A. Wilson".

William Wilson
President
Americans for Limited Government