



Idaho House of Representatives Democratic Leadership

State Capitol
P.O. Box 83720
Boise, Idaho 83720-0081

Press Release

For immediate release - Wednesday, January 26, 2011

Majority Lawmakers Waste Taxpayer Dollars and Time on Nullification

BOISE—In defiance of common sense, more than 150 years of history and settled law, and the opinions of constitutional experts, Republicans on the House State Affairs Committee have voted as a bloc to proceed down the path of “nullifying” a federal law by voting to introduce Rep. Vito Barbieri’s bill. Such a decision, as the Idaho Attorney General clearly stated in a January 21 opinion, is “inconsistent with a state officer’s duty to act in conformity with the federal and state constitutions.”

“Though we often see meaningless grandstanding in the Statehouse, this current stunt is particularly dangerous in that such action simply cannot be reconciled with our sworn obligation to uphold the U.S. Constitution and the Idaho Constitution,” said Rep. John Rusche (D-Lewiston), the House Minority Leader.

Rather than pursue the accepted recourse for challenging federal laws, either by challenging such laws in the courts, petitioning Congress through resolution, or using the ballot box as a means of changing the make-up of the federal government, House Republicans seem poised to reject the supreme law of the land, abrogate their sworn duties as elected officers, and push a strategy that has no legal basis. Even an attorney on the committee acknowledged that nullification, as a legal strategy, has no merit.

“At a time when more than 70,000 Idahoans can’t find work, our schools are bursting at the seams and struggling to provide a uniform and thorough education for our children, and services for our state’s most vulnerable citizens are in jeopardy, it’s appalling that we would waste our time and taxpayer dollars on a posturing strategy that has never worked and cannot succeed and that does not address our state’s greatest challenges,” said Rusche.

“I feel very comfortable being on the right side of history,” noted Rusche. “Nullification has been used—unsuccessfully I might add—in efforts that we can now look back on with regret. I’m quite certain history will judge this similarly.”

For more information contact: House Minority Leader Representative John Rusche, c: 208-750-6048, or o: 208-332-1133.

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