



Nullify Federal Pro-abortion Edicts in Idaho

URGENT: The U.S. Supreme Court [allowed](#) Idaho's abortion ban to go into effect while the case continues in lower federal courts. The Biden administration is currently trying to strike down the ban for allegedly violating the federal Emergency Medical Treatment and Labor Act (EMTALA). *However, why is Idaho pleading for permission from the federal government to enforce a law that's clearly constitutional?*

Rather than pleading for permission from the federal government, Idaho legislators and executive-branch officials [should nullify all unconstitutional federal edicts](#) — including unconstitutional laws and court rulings. Contact your state legislators and urge them to [use nullification to enforce the U.S. Constitution](#).

The Biden administration and leftist federal judges are attempting to violate Idaho state sovereignty by imposing their radical pro-abortion agenda. State legislators must take action and [nullify](#) these lawless policies and court rulings!

The Supreme Court's [overturning](#) of *Roe v. Wade* was a major step toward returning to a faithful interpretation of the U.S. Constitution. Since Idaho had previously passed a "[trigger law](#)," restrictions on abortion automatically went into effect on August 25.

However, the Biden administration's Department of Justice [sued](#) Idaho to block its trigger law. In its lawsuit, the DOJ claimed that the law violated the federal Emergency Medical Treatment and Labor Act (EMTALA), which imposes various restrictions on hospitals that receive federal Medicare funds.

Specifically, the DOJ stated that Idaho's law was preventing on-demand abortions during "medical emergencies." Notably, it [claimed](#) that the EMTALA overrides any state law under the Supremacy Clause (Article VI) of the [U.S. Constitution](#).

On August 24, a federal judge, U.S. District Judge B. Lynn Winmill, [agreed](#) with the federal government's claims,

The John Birch Society

Author: [Peter Rykowski](#)

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ruling that Idaho must allow on-demand abortions during “medical emergencies.” The Biden administration [indicated](#) that it would build off this ruling to impose more of its pro-abortion agenda on state governments.

However, both the EMTALA and Judge Winmill’s decision are unconstitutional. Nowhere in the Constitution is the federal government given any authority to meddle in any aspect of abortion policy.

[Article VI](#) of the Constitution does not say what the Biden administration and Judge Winmill claim it says. It makes clear that “This Constitution, and the Laws of the United States *which shall be made in Pursuance thereof* ... shall be the supreme Law of the Land.” (Emphasis added.) By forcing states to adopt policies that the federal government is not permitted to have any say in, the EMTALA is not “made in Pursuance” of the Constitution, meaning it is *not* the “supreme Law of the Land.” Thus, the EMTALA is null and void.

State legislators, having taken an oath “to support this Constitution,” have the authority and duty to enforce the Constitution in the face of such usurpations.

Accordingly, the Idaho Legislature must enact legislation nullifying both the EMTALA and Judge Winmill’s lawless decision. Clearly, legislators cannot depend on the judiciary to stop Biden’s radical pro-abortion agenda; they must exercise their own authority to enforce the Constitution.

Contact your state representatives and senator, and urge them to nullify the EMTALA. Furthermore, urge them to fully protect the lives of preborn children by removing all exceptions in Idaho’s abortion laws.