



Honorable Louie Gohmert
United States Congressman
2269 Rayburn HOB
Washington, DC 20515

Dear Congressman Gohmert,

I would like to personally thank you for authoring HR 5816, National Informed Consent Exemption (NICE) Act. This bill is the answer to healthcare workers prayers across America. I founded Nurses For Liberty because I kept hearing stories from my peers about how they were losing their jobs and their livelihoods, as a result of not wanting to take a medical procedure against their will. I commend those that stood their ground and sacrificed their employment rather than capitulate to an overreaching federal bureaucracy.

Nurses For Liberty is currently planning a The Nurses For Liberty March in DC to return the spirit of the Constitution to the Capitol. The Nurses For Liberty March will be held on April 30th, starting from Constitution Gardens and finishing near the Capitol Building. The mission for the march is to support the NICE Act and raise awareness of the impact the mandates are having on healthcare workers. We believe the mandates are unconstitutional and need to be stopped. The following is an excerpt from my latest blog post.

Article II of the Constitution enumerates power to the executive branch. According to the 10th Amendment, any power not specifically granted there would be a power reserved to the States or the People. Article II does state that the President may “require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices.” This statement implies the power of utilizing departments within the executive branch to carry out tasks of the executive branch.

Over the years the Executive Branch has grown exponentially from four executive department (Departments of State, Treasury, Defense, and Justice) to now have fifteen departments and a nearly uncountable number of agencies within those 15 with a budget of more that 4 TRILLION dollars, that’s more than \$12,000 for every American. It seems as though when the Executive



Branch wants power not given already, they try to create an agency for it, and start making rules and regulations and imposing enforcement of these rules.

With all that said, here's my point. CMS is one of those aforementioned agencies of the Executive Branch of the government, it is therefore limited by the powers given to it by article II of the Constitution. I've read the Constitution many times (I'm a bit of a nerd) and I cannot recall it saying that the federal government has the power to have people fired for not wanting to have a medical procedure performed against their will. The commerce clause is often used to justify rules, regulations, and laws because certain things have the potential to affect interstate commerce and therefore the federal government has some power to regulate that thing if they can prove that potential exists. Here's the thing though, It's a power enumerated to Congress, our ELECTED representatives, not to the executive branch where these rules and regulations are coming from. The executive branch is meant to carry out the laws put forth by the Legislative branch, it is not supposed to make rules that are essentially laws, period.

The latest CMS guidelines requiring vaccination against Covid-19 places a burden on healthcare workers to inject a substance into their person through coercion. Current case law allows CMS to "publish such rules and regulations . . . as may be necessary to the efficient administration of the [agency's] functions." and "prescribe such regulations as may be necessary to carry out the administration of the insurance programs" under the Medicare Act. These new guidelines have no effect on the administration, practical management nor direction of carrying out the insurance programs provided and therefore, are repugnant to the Constitution.

Nurses For Liberty proudly supports the NICE Act, and will be supporting it publicly up to and including at the time of the Nurses for Liberty March. We applaud you Senator Gohmert and all of your Co-sponsors for standing up to this overreaching mandate.