



WOODS: I was thinking about what I was going to cover today, and I thought I would do an episode all by myself and have it be on something other than the virus, because as I've said, we have to go back to normal at some point and not talk about this thing over and over and over. I'm running out of things to say about it, even though my email newsletter, I just keep writing about it every single day. But I have to talk about something else. And as I said, now I've gotten multiple people saying they appreciate the sense of normality that returns when they hear me talk about just some regular topic.

So it occurred to me that 2020 marks the ten-year anniversary of the release of my book *Nullification*. And when you have a round number like that, it's appropriate to do a retrospective, so I thought I'd look at the past ten years since the book came out. But I thought in terms of how this has developed on the ground, in actual states, with real people taking real initiative and actually getting things done, well, that stuff I know a little bit about, but the person who has been tracking that and writing about it and being a major player in pushing it forward is Michael Boldin, for heaven's sake. I can't do a solo episode on this. I would do a pathetic job. So you are here, Michael Boldin, to help me do a knock pathetic job. You ready?

BOLDIN: Yeah, I'm pretty excited about it. And the whole thing actually makes me think about it, because the way you're talking about it, Tom, what has grown out of this, it's something that kind of motivates me in my work at Tenth Amendment Center, is a letter that Thomas Jefferson wrote in 1790 to a guy named the Reverend Charles Clay. And he said, "The ground of liberty is to be gained by inches." Because we know, right now, we're living under the largest government in the history of the world. There's no way that anyone's going to flip the switch. There's no silver bullet to stop that monster in one fell swoop. So we have to chip away at it. And that's what I think this modern nullification movement is all about.

WOODS: We've talked about your story with the Tenth Amendment Center, so maybe we can just do this quickly. But you actually founded the Tenth Amendment Center in — I think it was 2006?

BOLDIN: 2006, summer, yeah.

WOODS: Okay, during the second George W. Bush term, so that you could legitimately say during the Obama years when people would say, "Oh, why weren't you complaining under George W. Bush?" you could say, "I was, sucker. I was. Hello."

BOLDIN: Don't you love that opposition?

WOODS: Oh, yeah.

BOLDIN: If you point out President A is doing something bad, then they say, "Well, where were you when President B did that?" First of all, it doesn't matter if you start doing the right thing today or next week or whatever, but we do have a track record. We've been doing this exact

same thing, putting out the same message and putting out an effort to get activists to reject, resist, and nullify basically any unconstitutional federal act — so most of everything they've ever done since 2006. That's Bush, that's Obama, that's Trump, and whoever comes next, too.

WOODS: So you started this thing, and in the years that followed — well, I guess, no, starting in 2010 is when you started to do the Nullify Now events, which you did for several years in different cities around the country. And that's how I really got to know you, because I spoke at a bunch of those, and we had a great old time. The first time you ever spoke had to do with the book, whose tenth anniversary is this year. I had some questions about how should I handle certain issues that I'm not really sure what the good answer is, so I got you on the phone, and I just picked your brain about it. And that was when I thought this, you know, okay, this is a good guy. I ended up meeting you that year in Fort Worth. We had a great time at your inaugural event there.

But since that time, instead of trying to focus on getting everybody involved on board for the whole nullification philosophy, you've been focusing on one issue, another issue, another issue that people are passionate about. And I think that's very effective, because there aren't that many people, for example, who really, really, really are against executive power. They're really against Republicans having executive power, Democrats having executive power. But to just limit yourself to people who just cared about executive power, per se, wouldn't be very effective. Well, likewise, unfortunately, there aren't that many people who really just favor local control and the Constitution all the time. So all right, well, either we sit around and wait for the human race to perfect itself, or we work with them where they are. And so how did you make that shift?

BOLDIN: Well, I actually came from the hard left, and we don't have to get into that whole kind of background, but I think the left has always been pretty good, at least when it comes to activism, on building single-issue coalitions, finding some area of common ground where you agree on one issue, and you may disagree on 99 others out of the 100, but you work together on that issue to get the job done. I've actually tried to implement that more and more over time.

And I think I learned pretty quickly running the Tenth Amendment Center, we would, you know, take the constitutional issue on everything, and you'd find people saying things like, "Well, I'm really with you on stopping surveillance, but that whole gun thing, you're a little crazy." And in fact, my buddy Mike Maharrey and I, we had some meetings at ACLU headquarters in New York for our efforts to protect privacy on a state level, take on NSA spying and things like that. And they would just literally laugh at us. *Oh, you guys are really big into that guns thing or You want to stop Obamacare.* Yeah, yeah, yeah, cool, but let's set that aside and see what we can actually get done.

So we find that more and more people will come on board and learn about something, and I think there's something to be said that if you find where people are — so let's say they think asset forfeiture is the worst thing on earth. It's horrible. It's government-sanctioned theft. But let's say they work with us and they find us to be really consistent. Over time, over a period of years, I find that a lot of them will say: *You've been so good on issue A. Well, I'm actually more interested in hearing what you have to say on this other issue that I didn't think I would agree with you on.* So I think we can expand our efforts by building these single-issue coalitions, and that's how we structure all of our activism all the time.

WOODS: So now I want to talk about what's been going right, let's say, over the past ten years, and you are in a unique position to assess this with the Tenth Amendment Center. Now, I want to make sure everybody is following. Most people who listen to this program are familiar with the idea of nullification, because this is *The Tom Woods Show* and there's a book

called *Nullification* by Tom Woods. But the idea is, this goes back to Thomas Jefferson, that the states can refuse to enforce and prevent the enforcement of unconstitutional federal laws within their borders. And there are pretty strong arguments for this, and I would like to think I made them in the *Nullification* book, linked on the show notes page, as is the Tenth Amendment Center, at TomWoods.com/1635.

So as you've just indicated, you've tried to move things forward from a decentralist, Tenth Amendment perspective in a variety of areas. Where would you say you've had the most success, and why do you think that is?

BOLDIN: Well, there's a couple of different areas that I think we've gotten the most success, and then maybe most attention might be a different area. I think asset forfeiture, which I just mentioned, it may be the unsung hero of the Tenth Amendment Center nullification efforts. There's a federal program — just short version, asset forfeiture is when government basically charges property with a crime, and they take the property, and you have to prove that the property was innocent before you can get it back. So they're just stealing stuff from people.

Well, a lot of states have actually kind of tried to slow that process down on a state level, but the federal government runs this program called equitable sharing, where they try to lure states in to participating in a federal program to do an end run around their state laws. So if a state says you're not allowed to do this, then when the cops pull somebody over, they find some property in a car, they say, well, this looks like a federal drug case, and they call up their buddies in the DEA, and then suddenly it's a federal case, which means they can ignore the state law, participate in the federal asset forfeiture sharing program, and they get up to 80% of the cash.

So we've had up to I think it's eight or nine states — we're talking New Mexico, California, Colorado, Nebraska, Arizona, Ohio, Arkansas, and Utah — have opted out of at least 80% of that federal equitable sharing program. It's a very cut-and-dried thing. They literally just have to pass legislation primarily pushed by an organization called Institute for Justice. IJ.org is a great website on this. And they just stopped participating, because if they don't participate, it doesn't matter what the feds want to do, they can't coerce the localities into stealing people's stuff. To me, that's actually very exciting, because it's a real, practical way of how we're actually stopping people from having their property stolen from them.

On surveillance, though, I think is the area where we got the most attention. And I know, Tom, you and I have talked about our work to try to shut down the NSA data center in Bluffdale, Utah, in San Antonio, Texas. There's another one in Georgia. There's also a listening station in Washington state, another one in Colorado, West Virginia. They're all over the place.

But we got a lot of attention a number of years ago when we proposed the idea that states should literally stop providing resources to these locations. The reasons they exist is because back in 2006 or so, headquarters at Fort Meade, Maryland, they maxed out the Baltimore area power grid, and they were actually really concerned. There were some reports back then in the local papers that the NSA was concerned about a virtual shutdown of the agency. So they aggressively started looking for new locations around the country. Bluffdale is probably the one that's most well known in Utah, because they have access to resources. They also love the one in San Antonio, Texas, which is the site of an old Sony factory warehouse. It's right down the street from a Microsoft data center, so they can plug right into that puppy. They like it, because Texas has an independent power grid, so if they blow the grid in Baltimore, they've got Texas as their backup. Maybe Texas will be the lead one at some point.

So we proposed legislation in a number of states to actually just say: we're not going to participate. We're going to shut off those resources. Because without the electricity in Texas, without water to cool off the supercomputers in Utah, those facilities can't run. Now, in some of those really more well known areas, we haven't gotten the legislation passed, but we have actually gotten similar legislation passed in places like Michigan and here in California, which don't yet have NSA data centers, but we know that they're trying to expand. So the goal is to get this type of legislation passed everywhere, box them in, and eventually shut them down.

So those are the ones that I think we've gotten the most success on as asset forfeiture. We've also see a lot of success on trying to push sound money, which I think is becoming more and more important, and maybe in the next few years, it'll be even more important as the Fed keeps pumping trillions and trillions of dollars into the economy, further debasing the currency.

WOODS: Let me maybe say something not as fun as recalling victories and press coverage and stuff. What you're doing is, let's say, not the approach somebody would take if he wanted to win a popularity contest in the United States, certainly among the class of journalists we have. That's not the way you go about it, is running the Tenth Amendment Center.

BOLDIN: Right.

WOODS: But at the same time, you've had some good and some bad interactions with the press. Can you maybe give us a couple of anecdotes about those and what you've learned about the best way to handle press interviews?

BOLDIN: I actually approach press interviews very much like how the late great Harry Browne probably approached communication with everything: basically, you really want to find where that person is coming from that you're talking to, because even though they're in the media, there still is some level of humanity in some of these reporters [laughing]. I mean, you talk to someone at *The New York Times* and you're expecting them just to be a lizard person or something, but if you have a conversation with them, then maybe you can get them to listen to a few things. So I try to approach things like that, and generally when I talked to even the worst of the worst of the mainstream media, I have gotten a pretty fair shake. Now, I've talked with *The New York Times*, with *Reuters*, *US News*, *Washington Post*, *LA Times*, and in general, they don't have negative things to say, they generally just provide an interesting statement.

So last year or so, maybe two years ago, I talked to a guy from NBC News about efforts to nullify federal gun control on a state and a local level. And of course, he wants to talk to me because he's going to assume that I'm going to be some kind of bad guy. But by the end of it, before they published the article, he literally emailed me two paragraphs that he was citing on me, and he's like, "Hey, Michael, does this fairly represent what you had to say?" And what I had to say was most of the efforts that I was watching so far were failing, but maybe he liked it because I was just being honest, saying that the gun rights people were not doing a good job. And maybe that fed into the narrative that he had to say, but he certainly did quote me accurately.

Now, on the other hand, the one place or maybe two that I've never gotten good coverage from has been from Rachel Maddow, who did a full 14-minute segment called "Confederates in the Attic" a few years ago, talking about all the different things that the Tenth Amendment Center does, and we must be some kind of racist, neo-Confederate bad guy. And then we have the Southern Poverty Law Center, if we really want to talk about that too. But do they even count anymore?

WOODS: Oh, I'm so sick and tired of talking about these people. No, in fact, I refuse to do it.

BOLDIN: Good. We could, but instead we're going to talk about productive things. All right, let's take a look and try and trace out where you started with all this stuff, because you started drafting model legislation that people in various states, including state legislators, would that modify for their own states, and this really took off. You developed state chapters around the country. You started off just a guy in an apartment, and then as the Obama years went on, you were regularly featured in the media, and people were actually taking your material and running with it at the state level and sometimes having success. So trace out that process.

BOLDIN: Well, what I think is really interesting, when I first started in 2006 when I registered TenthAmendmentCenter.com, my goal was literally, I'm like, *I've got to just get the word out. These people are terrible. I'm going to start blogging about how everything they do violates the Constitution.* And I was thinking primarily the war in Iraq, the Patriot Act, Real ID Act, the war on drugs, things like that. I just started blogging about it. It started getting some attention.

And a couple years in, I started noticing that various state legislators — I think this was around 2007 is when it really started to pick up, and then in 2008 — were introducing non-binding resolutions, resolutions that do not have the effect of law, literally just reaffirming that the powers not delegated to the United States by the Constitution are reserved to the states respectively, or to the people. Just the short version of the Tenth Amendment. They said like, look, if it hasn't been delegated to you guys, you're not allowed to do it, so cease and desist. This was the movement at the time, and mainstream media was talking about it. They talked to guys like Dan Iltse, a representative up in New Hampshire at the time, for introducing a non-binding resolution.

Now, we've gone from a point, this idea that you have to gain liberty by inches just to get the word out, introducing legislation or resolutions that do nothing other than get the word out, to all these different issues like you're talking about. We're drafting legislation to nullify gun control, to defend the National Guard from unconstitutional deployments in foreign wars, dealing with asset forfeiture, with surveillance, legalizing gold and silver as money, as it should be.

We've seen, for example, in Utah in 2011, it's the first state in modern times to really reaffirm the status of gold and silver as legal tender. And out of that, a private business called the United Precious Metals Association at UPMA.org has basically started what you could call the first gold bank in the country. It's not a Federal Reserve system bank, but people can actually store their money there, and I believe they've got it set up where you can have electronic transactions in gold and silver. So it's just automatically converted in the background. They've created a product called the goldback, which just basically looks like a big note, but it's somehow made with woven gold. So things like that are happening. The Texas Bullion Depository opened in Texas in mid 2018, and they're going to have branches all around the state, where it's basically gold banking. So things that started out as literally non-binding resolutions have grown into something great.

And that kind of goes along with our motto, "Concordia res parvae crescunt." It's a Latin phrase that was written by the "Penman of the Revolution," John Dickinson in response to the Townshend Acts of 1767, and it means "small things grow great by concord." And he was really advising the same thing in response to the New York Restraining Act, which suspended the parliament or the legislature of New York at the time, saying, look, right now all the other colonies should come together and just pass a resolution telling the Crown that this is not

right, and then we'll build from there. Small steps grow great by concord, and I think we're seeing this play out before our very eyes.

WOODS: What's been the difference in running the Tenth Amendment Center — I've asked you this before — under Democratic versus Republican presidents?

BOLDIN: Oh, man. In a way I love it, because I'm watching it like a car crash. People who hate the Tenth Amendment, they call you a racist, a neo-Confederate one day, and all of a sudden, a few years later, they don't like the people in charge, and they're suddenly the greatest Tenth Amendment supporters on Earth. We've seen this happen literally in the last few weeks. But it goes both directions, too. People who wanted decentralization, federalism under the Obama administration seem to be very happy with centralization of power under Bush or Trump. And I find that very unfortunate, but I have to acknowledge that it happens. Although, what I think happens over time is people start recognizing that these politicians are flip-flopping their views on the Tenth Amendment or some other issue depending on who's in office. And some people, I think, reject that, and I think as long as we continue to be consistent no matter what team is in power in Washington, D.C., we'll continue to bring more people into the movement.

WOODS: All right, here we are in April 2020 as we're recording this now. As we look to the future, are there particular issues where you think the Tenth Amendment Center will have success, maybe new issues that you haven't focused on before, or old issues where the successes are going to multiply? What do you see as the bright prospects for the future?

BOLDIN: Well, my personal motivation, I started out as an anti-war activist back when I was a commie. So war and foreign policy, the empire is the driver of everything. To me, that's the most important, so even though I think it's the least likely to find success, it is an area that we're spending a lot of time. So for example, we drafted the Defend the Guard Act, which Delegate Pat McGeehan in West Virginia has heroically been pushing for a number of years, five or six years, but we saw about eight to ten states in 2020, before the legislative session got cut short and most states, considering similar legislation, to say: we're not going to let you use National Guard troops from this state in a foreign engagement unless you have a declaration of war as required by the Constitution. I mean, it seems pretty straightforward stuff. So that's a big part of it.

We also found that, for example, the CIA rendition program that was run under George Bush and probably exists in just different versions today was primarily run through a publicly — I guess we could call it a government-owned airport in North Carolina. So Mike Maharrey worked with some activists there to put together some legislation to say that they weren't going to allow any more airports in the state to actually be used in any type of CIA rendition program. And I'd like to see that type of thing spread, because attacking the empire at any direction I think is very positive.

But where I think we'll see the most success, and I think this is going to come from the economy, is in sound money, whether it's gold and silver, as noted in Article I, Section 10 of the Constitution, or people starting to use cryptocurrency, just in currency competition. So we've been working very hard with states over a number of years to actually create a climate where other currencies can be used instead of the US fiat dollar. 37 states have already removed sales tax on the exchange of gold and silver. Think about it. You go to a grocery store and you want to exchange a \$5 bill for change, and they charge you a 35-cent tax. That's a good way to discourage someone from actually doing that. And up until recent years, these 37 states were basically doing that on gold and silver. So I would like to really, really push on that, and I expect we'll see more success on monetary issues in the future.

I would also think on food freedom issues. For example, we've been covering some efforts in Wyoming and a number of other states, where they're basically creating an environment

where local small producers are basically exempted from the regulatory process. And as we're hearing about meat plants, for example, being shut down because they can't operate, we also have to recognize that the Wholesome Meat Act — I forget what year this came out — created an environment where you went from thousands of meat production facilities in the US and centralized it and cut it down by I think it's like two-thirds, a significant amount. So actually encouraging these other producers that aren't being pushed out of business by Washington, D.C.'s regulations, I think that could be a real positive effect on society going forward as well.

WOODS: All right, last thing I want to ask you is a real softball. But just curious, just on a personal level, can you identify a particular moment since 2006 that being the executive director of the Tenth Amendment Center has been particularly gratifying? Like some great victory or even sort of a personal relationship you formed or anything about it that made you stop and say, "I sure am lucky to be doing this?"

BOLDIN: Oh, man. I mean, I've got a bunch of them, because I feel lucky literally every single day. So like when I do a podcast, I'm having this conversation with you, I write a blog, all that stuff, I'm like, *Man, I can't believe this is happening*. I was working a customer service job for \$11 an hour before I started the organization, so to me, I think it's all pretty amazing. But there was this moment after the Rachel Maddow situation where she did this 14-minute segment, I wrote an article in response pointing out all the ways that she was kind of nuts, but in a nice way. I sent it to MSNBC. For whatever reason, they didn't get back to me. So of course, my backup — it should have been my first choice — I sent it over to Lew Rockwell. And Lew Rockwell, not only did he publish that article, but he sent out just a quick response that I will never forget. I think it was one of the coolest emails I've ever seen in my life. He says, basically, "I know the pin hurts, Michael, but it's a badge of honor." And to me, that couldn't have been more awesome.

WOODS: Yeah. Yeah, he's tremendous. Now, at the same time, I hate to end on a downer, so I'll have to think of something to say after —

BOLDIN: [laughing] Oh, we'll make it awesome, Tom.

WOODS: Well, I want to ask: what about moments of discouragement? Have there been times when you've said, this is the most thankless job in the world, and I'm just throwing my hands in the air, I'm just in despair?

BOLDIN: I'm pretty unbelievably positive. I find the silver linings all the time, but I do get frustrated. I get irritated. I think — and I remember you and I had talked about this at one point, as well — I think in many ways, the Republican, kind of torchbearer right has been very disappointing to me, because the amount that they talk about the Founders and the Constitution and the amount of opposition I've gotten from a lot of the people on the right has been as strong, if not worse, than the attacks of being racist from the left.

I think that Obamacare should have been gone years ago. This would have been easy-peasy. Judge Napolitano did a segment talking about some of our efforts to basically ban the state from implementing Obamacare. He recognized, he said, look, the federal government doesn't have the resources to go into all the states and force them to do this. I mean, if you think about it, they can barely keep a website running. So if the states would have just opted out, not participated in the regulatory scheme, Judge Nap thought it was about 10 to 15 states would have done the trick, would have brought the whole system down. And we just had so much pushback from Republicans in state legislatures while Obama was in office to actually avoid doing this, telling us, you can't do this, nullification is illegal. And I'm even telling them like, look, we've got Supreme Court cases that back up the idea that you can just opt out.

So I get frustrated with that, because I think talking the talk and then not walking the walk really irritates me. I'd rather have them just not talk the talk, because then I'm not counting on them to back things up. But then I should remind myself that I shouldn't count on politicians do anything good ever.

WOODS: Yeah, no kidding. Well, I want to remind people of something that I remind them of when I have Scott Horton on the show, which is that there are certain guests I feature whom I also support with my own money, so I'm putting my money where my mouth is. And I can say the Tenth Amendment Center gets a lot done, especially given how few people work for it. And you are extremely conscientious about the way you handle money, and I think you've been very effective in the way you've deployed resources and actually made things happen.

There are think-tanks in this country with budgets in the hundreds of millions of dollars who basically just issue reports that go in the wastebasket. And that's why they exist, is to continue employing people to continue writing reports that go in the trash. And they fundraise for that by sending direct mail pieces to people, telling them that they're defending liberty, and it's all just a sinecure.

But what you're doing without a chauffeur, unlike half these people, just being a regular person, has had so much more result. Especially per donor dollar, it's not even worth talking about the comparison. You can't even make it, it's so much in your favor. So I hope folks will join me in supporting you, because yeah, you could send some money to the Blankety-Blank Institute in Washington, D.C., and it's not going to make any difference whatsoever. But you send that money to the Tenth Amendment Center, something real is going to happen. And I know as a donor myself, that matters to me. And also, I know you personally and I trust you, so I recommend the Tenth Amendment Center to folks. So TenthAmendmentCenter.com is the website. Final word from Michael Boldin.

BOLDIN: First of all, thank you so much for that. You have actually been donating to the Tenth Amendment Center since before you actually gave a credit card to donate. Doing the speeches, talking to me about the book, all the support has been just incredible, Tom. And we do make it go a long way. A few years ago, I actually wrote an article comparing our budget with I think the Heritage Foundation.

WOODS: Oh, you actually did something like that?

BOLDIN: Yeah, and at the time, I think it was our yearly budget was every eight minutes for the Heritage Foundation, but we're going to keep going. David versus Goliath. We're going to push on, because for us, we have to do what's right no matter how much the odds are stacked against us. And whether it's liberty in our lifetime or setting the foundation for the future, we've got to keep pushing on. And I'm so grateful not only for your support and friendship, but for everyone listening here as well today. Thanks, Tom.

WOODS: I appreciate that. TenthAmendmentCenter.com is the website, but all this stuff will be linked at TomWoods.com/1635.