



Episode 327- Nullify! The Agenda for 2015

Guest: Michael Boldin

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WOODS: Michael, welcome back for another Tenth Tuesday, the first of 2015.

BOLDIN: Well, it's nullification season, Tom; I'm pretty excited to be here. Thanks for having me on.

WOODS: That's my favorite season of the year, my friend. You were telling me before we went on that you guys are tracking nearly 200 bills across the country that in one way or another involve the states asserting themselves against the federal government. How does that compare to previous years?

BOLDIN: Well, it's more than we've ever seen. Last year it was too much for us to handle, and I think were about 100. Technically this morning it's officially 192 as we're talking, but there's another probably 10 or 12 in the hopper that I have to review today that will definitely push it over 200 whether sometime later today or tomorrow, and that number is growing. They are bills that in various ways like you said, Tom, they are pushing against government power, some in big ways, some in small ways. But I think if we have a minute or so to talk about it, I think it's important to basically step back and understand our enemy. We have to understand how a lot of federal programs work. I see that there is actually two main ways that a large number, if not most of them, are put into effect. Do we have a minute or so to talk about that, Tom?

WOODS: Do we ever!

BOLDIN: All right, the first way that these things come into effect are basically someone comes up with a new concept of how to violate your rights. It may be out in the public, it may be behind the scenes, but from there the feds start giving the tools to effectuate this idea either through grant money to buy specific things or giveaways of specific equipment to the states. Then the states start using them widely. So we see the states as the major problem there because they are actually doing the stuff, and then eventually, the feds tap into the program, turning into a national centralized program. This is done via information sharing that was expanded after 9/11 or these MOUs. These are memoranda of understanding, these documents behind the scenes between states and federal agents about how they are going to

cooperate on implementing certain things. Some examples of this are drones. Right now Department of Homeland Security is funding the purchase of drones to spy on people in states and local communities around the country. Once they get that system in the air and they are spying on everybody, certainly the Department of Homeland Security is going to say we've got terrorism to watch for. We just need to tap into that, and they'll have access to everything.

We already see this happening to that effect. We just learned this week in the *Wall Street Journal* that these things called ALPRs—Automated License Plate Readers—which are taking pictures. They are operated generally by states—funded by the federal government or purchased by the federal government. They can track where your car is at all times. Some I think are even saying this is happening in real time. So states are operating it, but it turns out, as we learned this week, it's the DEA—the Drug Enforcement Agency—which has centralized control over the whole thing. And they pretended it wasn't even happening for about seven years. So this in one way that the feds control things that the states are implementing. So it's kind of this backscratching thing both ways.

The other way that these things happen: let's say the feds pass a new law—of course, it's violating your rights—or they implement some new program. Then the states either just handle the frontline enforcement like for the EPA. The EPA only has about 150 or 200 enforcement agents for the entire country. Most enforcement is done by state EPAs on behalf of the federal government. Most drug prohibition is done by state law enforcement. Most gun control measures are done by the states on behalf of the federal government, or states provide significant resources to the operation of a specific program like the Affordable Care Act. States that operate exchanges for the federal government, even though most of them aren't doing it, are basically helping the feds implement it. Or resources: like Utah providing water to the NSA data center in Bluffdale, Utah that they can't operate without the water that's being given to them by the states. So the bottom line—and why I am talking about this—is that first of all, the feds don't have the manpower or the resources to do what they've been doing to all of us, and understanding this—then we learn what the most effective way to stop federal programs is. That is, simply withdraw participation or support for them on a state level.

This is exactly what Hans-Hermann Hoppe recommended. I can't think of the name of the speech. I think it was called "What Must Be Done?" You can find it over at Mises.org. The key quote that I always remember is, "Without local enforcement by compliant local authorities, the will of the central government is not much more than hot air." I have had to remember that over the years.

WOODS: Wow! Well, okay, well if I can find that, I will track that down. I will put that on the show notes for today, TomWoods.com/327.

BOLDIN: Hoppe was basically saying, hey, look, the time is not ripe to have a head-on confrontation with the central government. He doesn't call it federal, of course, because that's what it acts like, and he says the time is not right, but we recognize that the federal

government is utilizing, participating, bribing, funding, equipping the local communities—the states, cities, towns—to carry out their will. So we need to withdraw support. That’s what Hoppe said.

Now, for those who are on the constitutional end of the spectrum rather than on the pure libertarian end, James Madison advised the exact same thing in Federalist 46. So we have two guys that may have a different end goal as far as liberty goes or how government should operate, but advising the same strategy. In Federalist 46, Madison advised that in order to stop federal programs whether they are constitutional or not, he said, a refusal to cooperate with officers of the Union is the best strategy. This is really, really effective. This is the type of bill in most situations of these 90 to 200 that were tracking in states all over the place from coast to coast. Left-wing states, right-wing states, more than we’ve ever seen, whether it’s on our bill called the Fourth Amendment Protection Act we talk about how Utah is working to deny resources to the NSA. Well, there are six other states and more coming that are looking at bills like this, and we can talk about a lot of other issues as well, too, Tom.

WOODS: Well, let me go through and list for you the kinds of bills I am familiar with, and I want you to tell me if there are bills dealing with still other topics that I don’t know about.

BOLDIN: There are.

WOODS: Even if it is just these, this is pretty good. But the ones that I know about from having spoken to you in the past would range from the FDA-related issues like, for example, this Right to Try legislation, Obamacare, guns, hemp, marijuana, NSA, and drones. Am I leaving anything out?

BOLDIN: You certainly are. Well, the Right to Try one is pretty cool, and we talked about that just after the election in November, Tom, about how Arizona passed this Proposition 303, which, although it’s very narrow, it in practice effectively nullifies some FDA restrictions that harm terminally ill people, basically preventing them from trying new treatments or drugs on their deathbed. The FDA doesn’t let people try—just give it a shot. Hey, you’re going to die anyway. Why block them from trying something new? So five states total, including Arizona, have already passed this last year these Right to Try bills, just basically bucking the FDA rules on the federal level. Already this year there are 20 more states that are considering these bills, including legislation that moved out of committee unanimously both in Montana and Arkansas just in the last couple of days.

So Right to Try is a big one. NSA—these are turning off resources—water—plus cooperation like data sharing and using the data that NSA gives to local police. The Second Amendment Preservation Act—refusing to enforce federal gun control laws, for example—Obamacare, of course—drones. There’s also Common Core. Some people don’t even think of this as a federal program. Personally, I don’t care. It’s kind of a universal program that is being funded in many ways by federal grant money. So if you don’t like the idea of even more centralized control over education, the simple process is to introduce and pass legislation like Oklahoma did last year to

say, hey, we're not going to participate in this. We're going to create our own standards. Well, even better yet, you'd get closer to the individual, but this is one way to push back against Common Core. There's also—and I mentioned these ALPRs—these Automated License Plate Readers, which are feeding the tracking of your vehicle to the DEA so they know where you are. There are bills in a number of states that take small efforts on this, but Missouri has a really great bill—Senate Bill 196—would basically ban anybody from using these within the state, and we know at least at this point right now even when the DEA themselves try to install one of these, they often like they did last spring in Utah, they asked the permission of the state. They still don't feel that they can come in and do this without permission from the state probably because the state is going to be the one operating it for them—so a bill in Missouri that's going to ban the tracking of you by your license plate is very important.

Plus the military hardware going to police: this Pentagon 1033 program that a lot of people have learned about, plus there are other grants that come from the Department of Homeland Security to take all of that hardware that goes to the unconstitutional, immoral foreign wars that just sits around. Then they take that stuff and hand it off to local police and turn them into an armed force. Well, there's five states already, including California, Vermont, and others, and more prominently, Tennessee and New Hampshire that are looking at steps to either create some kind of road blocks to it, or like in Tennessee and New Hampshire, effectually ban the transfer of this type of military hardware to local police. So although that might not be a federal law that you could overturn per se, it certainly is a federal goal. It's a federal program, and it has very bad effects on our local communities, and by states saying we're not going to participate in it, well, then all of a sudden, it's no longer in effect, and that's a very positive thing.

WOODS: Over the weekend, there was an event at the Mises Institute held in Houston, and Lew Rockwell quoted a guy named Frank Chodorov who's unfortunately been largely forgotten, but he was a great libertarian—a 20th-century libertarian—who wrote in the '40s and '50s. And Chodorov, part of the passage that he quoted said simply this—it sounds like Michael Boldin. He said, "There is no end of trouble the states can give the centralizers by merely refusing to cooperate," and that's exactly what you're saying.

BOLDIN: Oh, man, I need that quote. I have read some of his stuff. He's very states' rights. I think in the 1950s. Is that right, Tom?

WOODS: That's right, and his view, he says, "Those who are plumping for a third party because both existing parties are centralist in character would do well to nail to their masthead this banner—secession of the 48 states from Washington." Now, I am not sure he means secession from the Union. I think he means having the states say to Washington, D.C. we're not going to let you walk all over us anymore. We're reevaluating the whole relationship.

BOLDIN: Well, and that's the exact same point that people from James Madison to Hoppe to myself keep saying. Just stop participating. It's the old idea, and I know it was a big rallying cry

back during the Vietnam War, but if they try to wage war and no one participates, there is no war at all. So if they try to militarize your police, but you don't participate in it, obviously this is not just. I mean, I am making it sound wonderful. It is when you can put it into practice because it expands liberty. Don't be fooled into thinking that it is simple. This is very difficult, obviously, if we're talking about knowing who your enemy is. Obviously the federal government is a serious enemy to liberty. It wages war, and we're talking about not just physical wars, but wars on—all their different wars—wars on poverty, wars on drugs, wars on countries, on people, on ideas. It's endless. But if we're talking about where you can have the most effect, if you understand your enemy as the states who are implementing everything that the feds want to do to you, then you will, instead of focusing your energy on the outside, you'll focus on the root, on the inside. If you're going to do anything, where you will be most effective is on a state, local, and individual level.

WOODS: As the executive director of the Tenth Amendment Center, you of course, want to see all these bills succeed, but surely there have to be a handful that in your heart of hearts you really, really, no matter what the odds, just want to see them passed. What are those?

BOLDIN: Well, there's three that come to my mind immediately. First of all, is the Utah legislation to shut off water—

WOODS: What are the chance—has that built support? Has that stagnated? Has it retrogressed? Do you have any sense of that?

BOLDIN: There was a public hearing for it in interim between sessions just after we have the chat last November. It was very positive. *Wired* magazine actually said specifically it was remarkable that actually no one said, hey, we can't do this. So there's a lot of support for this thing in Utah. The bill was just officially filed again by Mark Roberts in Utah—House Bill 150 for 2015. It received what's called a fiscal note. In many states, if you understand the process, what the people who want to do to kill good things is they send it to this thing called a fiscal committee. The fiscal committee then tells you, oh, well, this is going to cost the state \$3 billion, like what they did in Tennessee about a bill to opt out of Obamacare: opting out of the Affordable Care Act would cost the state supposedly \$3 billion. Then legislators can use that an excuse to say well we can't vote for that. It's going to cost us all this money. Well, just yesterday House Bill 150—the No Assistance to Federal Surveillance Act in Utah got a fiscal note that said it would cost the state \$0. So this is very positive. There's a lot of support behind it. Even the establishment guys are basically saying, okay, well, let's look at this. So it's still a long shot in this round two, but I think it's becoming possible now.

WOODS: Before you go on to any others, let's back up. I have many, many thousands of very loyal listeners who listen to every single episode of the show, but I also have people joining the show all the time brand-new, who may not know—this may be a little bit inside baseball for them—the details of the Utah bill. Can you just tick them down for us?

BOLDIN: The idea is that there's this massive data center that's collecting information on everybody in the world in Utah. That can only operate because the computers are so massive if it has tons of water basically pouring over these units that look like radiators in your car onto the servers to keep them cool. Without the water, the servers overheat, they get on fire, or they just shut down. They probably won't get on fire although the *Wall Street Journal* reported sometime last year that there were fires at that facility. So maybe it was some kind of either electrical or water situation. We don't know, but they absolutely need water. They are reported to need as much as 1.7 million of gallons of water every single day to cool that thing, which tells you how massive it is. They aren't using that much yet. It's likely they still will. The water is being provided by the state of Utah. In essence, Utah can say, hey, we're no longer going to do that, and that's what Roberts' bill HB150 does, so if anybody is there in Utah, they should be calling everyone in Utah in the state legislature saying pass HB150.

WOODS: Does it have any of the other provisions? Is it just water? Does it have anything else that is advocated over at OffNow.org?

BOLDIN: Well, it uses the very broad term from the Patriot Act called material support. Material support, and this is kind of we're basically shoving it in their face. It's a stick it in the eye. They use material support for terrorism to mean basically anything, and now we see how they're implementing that. Almost anybody can be providing material support. So it does material support for federal spying programs. I don't believe—and mind you, this bill just came out. So I don't believe it even names NSA specifically. So it's broader to federal agencies that are spying. So it is very broad, but it is also written in a way that, well, the fiscal committee doesn't seem to think that it will actually cost the state any money. Mark Roberts was smart about it in saying, hey, we'll shut it down as soon as the bond that the city took out is paid off, and I am certain if this bill passes, there's going to be some smart people that have already planned out their crowd funding project to pay that bond off. So they shut the water down.

WOODS: All right, tell me what else. Of course, that's the one that I most want to see as well. What else are you really, really cheering for?

BOLDIN: There's an incredible bill in West Virginia introduced by a retired military guy, Pat McGeehan—he's a delegate there—called the Defend the Guard Act. Now, Tom I think you're probably aware of this. You have the quote in *We Who Dared to Say No to War*—your book with Murray Polner that you edited—from Daniel Webster talking about the use of state troops, that the state should interpose to protect those troops from federal abuse. Well, the idea behind the Defend the Guard Act in West Virginia is that the federal government doesn't have constitutional authority to be deploying state and National Guard troops all over the world for all these undeclared, unofficial wars. If it passes, the state will no longer allow the federal government—they are just going to refuse the deployment, the transfer to federal service of guard troops. I don't know the bill number off the top of my head. I think it's HB2182, but you'd have to look up Defend the Guard Act, West Virginia, on Google to find that bill. I think it's very powerful, and it's important that even though we're talking a lot when we're

talking about these state-level bills about domestic programs, we can't forget the horrible foreign policy that the American government has been engaged in for so many decades, and while this doesn't shut it down, it certainly takes a bite out of what they're trying to do.

WOODS: Yeah, that's great. I know Pat. I didn't realize he was up to this. This is very good news indeed. Anything else you want us to tell us about before we say goodbye today?

BOLDIN: Well, one of the other ones I like is the police militarization issue. House Bill 407 in New Hampshire and Senate Bill 29 in Tennessee both would in essence almost completely ban the transfer of military hardware and equipment and vehicles, airplanes, and all kinds of stuff—bazookas—to local police, and I think this will have a great effect. Even in Tennessee the bill calls for destroying stuff that has been transferred to the state and local police over the years. They say, hey, if we pass this, we're going to just destroy this. We want to return to if you're going to have the police on the streets, they shouldn't be a military force, and these are very important bills to basically stop what the federal government is funding and creating on a local level.

WOODS: Now, of course, on the show notes page TomWoods.com/327, naturally we will be linking to the Tenth Amendment Center, but I want to link to your legislative tracking page in particular. This must be almost impossible to maintain now.

BOLDIN: Well, I've got a great team that helps out, and then—I've got it down, basically. It is hard to do. It takes a lot of work. It's Tracking.TenthAmendmentCenter.com. Not every bill is always 100% up to date, but you can go through there and look through various issues and see what's going on in your state, and in the coming one to two weeks, you're actually going to be able to just on the front page of Tracking.TenthAmendmentCenter.com, enter your address, and the system will automatically pull up all the things that are going on in your area so you know what to do.

WOODS: Michael, of course, you know I send the Tenth Amendment Center a donation every month. I think I send you guys more than I send to anybody else because there is nobody doing what you're doing, and I want it to continue, but not everybody can afford to make a monetary donation although I strongly urge people to do that if possible. But you also could probably just use some help in just doing some work—helping you out here and there. You're working ridiculously long hours every day, and I know there are people who would like to lighten that burden for you. What do you say to them?

BOLDIN: Well, first of all, Tom, thanks for mentioning that, and second of all, there are two things people should be doing. The most important actually is going to Tracking.TenthAmendmentCenter.com and taking the steps to get these bills passed because the more that pass, the more people are going to come to the flag. If you actually want to get more actively involved just send an email to team@tenthamentendmentcenter.com. Just send us an email. We want to hear from you.