



The State of the Nullification Movement

Guest: Michael Boldin

July 1, 2014

Michael Boldin is founder and executive director of the Tenth Amendment Center.

WOODS: You have a brand new report that can be read by anybody on the state of the nullification movement: tenthamendmentcenter.com/report. And I do want to spend some time talking about that, but we've got to talk about that Greenpeace blimp thing. I don't want to give it away.

BOLDIN: Very exciting.

WOODS: You tell people the whole story. I am not going to give anything away. You tell them the story.

BOLDIN: At the Tenth Amendment Center, our organization is basically a sister organization over at offnow.org, where we have a coalition across the political spectrum as we've talked about on this show, Tom, to turn off resources and partnership with the NSA on a state level has been gaining some attention and because of that we were invited to be in a very unusual coalition to do an action to remind people that the NSA is involved in illegal activity all the time every day. And it was to basically try to coincide with approximately the one-year anniversary of the Snowden leaks. The Tenth Amendment Center partnered with the Electronic Frontier Foundation, which is a great digital privacy rights organization, and Greenpeace, of all people, to fly an airship directly over the NSA data center in Utah, and it had this sign on it that said, "Illegal Spying Happening Here," with an arrow pointing down at the data center. You look online and you find the pictures of these things.

It's absolutely incredible. The amazing thing to me is that the behind-the-scenes conversation that Mike Maharrey, our communications director, had with the people over at Greenpeace, for example, they were basically saying, hey, we know that there's not going to be a lot of common ground between our two organizations, but yes, let's keep talking and see if we can find more places to agree on, and to me that's extremely exciting that organizations such as the Tenth Amendment Center and Greenpeace, which are going to be at odds on most everything, can say you know what? Instead of focusing on all that negativity, just like the powers that be want us

to do – they want to keep average people in the streets fighting amongst each other so they can keep taking power for themselves – we’re instead focusing on one thing. Let’s find the positives where we can cross paths together, and I know, Tom, you had that blog recently talking about reaching out to the Christian right and connecting, and I think whether it’s the Christian Right, the left, the neocons, the progressives, the Greens, whatever, I think people who believe in liberty can find common ground with anybody, and I think we should spend more time focusing on where we find common ground rather than just picking fights and telling everybody how they’re wrong.

WOODS: Well, I have to say, Michael, even though I’ve been skeptical in the past of the extent to which it is possible to work with the Left, because I just think so many of them are hopeless, completely, utterly hopeless and beyond reach, at the same time I have to acknowledge that you have shown that I’m not entirely right. You have had tangible, real successes in that department. However, let’s point out the minority. Let’s say something about the minority of leftists who have been skeptical of working with you because of how dangerous and “extreme” you are.

Let me first of all point out, as I always do when I use the word “extreme,” I don’t see what’s wrong about being extreme. It depends on: extremely what? Right? You really believe in justice like a whole, whole lot. Why would that be bad? Extremely awesome? Why would that be bad? So extreme just leaves you hanging. Extremely what? Tell me what your problem with me is.

Anyway, there was an article on some website I had never heard of but that apparently has some decent readership that was warning: don’t work with the Tenth Amendment Center because before you know it they are going to turn off the water to the local welfare agency. Tell us about that.

BOLDIN: Well, this is a talking point that they actually picked up from ThinkProgress, our buddy Ian Millhiser.

WOODS: Ian Millhiser, I know, the guy just won’t—when I say die, I don’t mean physically. His ideas just won’t go away.

BOLDIN: Oh, no, physically he also won’t just go away either. Ian is kind of like a mosquito, and he really loves centralized power. He poses as a progressive. He works for The Center for American Progress, which runs ThinkProgress. He loves centralized power so much that he will take positions that will oppose what his core constituency actually supports. It actually came to the point recently in the past couple of years that he started noticing that these Tenthers and libertarians, for example, were gaining ground in leading the effort to stop the drug war, they’re gaining favor amongst progressives because of state-level efforts to nullify federal marijuana laws. And he said, I like the idea of doing this, but it’s got to come from Washington, D.C. So in essence he would take the position that, look, while I don’t like the drug war, I would rather have it than them lead the way to overturning it. Then the same kind of thing came up regarding our effort to turn off water and resources to the NSA data center in Utah and eight

other states that they have facilities. Basically, they're concerned that this is going to work, and therefore people will start putting it into practice in other areas, whether it's the local welfare office or whatever it may be. Maybe they will turn off water to a local DEA office—and I don't think that would be too bad.

So this same thing was trotted out at a mostly—it's supposed to be tech website called PandoDaily, if you follow tech blogs like Tech Crunch and Engadget, this was a spinoff, and they had some big writers for them at first, but it didn't really catch on. So they do have some notoriety in that realm, and they basically wrote the same thing: this is dangerous. We don't want them to do this. Progressives shouldn't support this even though they really are starting to get on board with that message, because it might work. And to me that is the biggest green light we can hear: because it might work. But they are saying basically that the Tenth Amendment Center, even though we can barely raise \$15,000 to fund the organization, is somehow the most dangerous thing on the face of the Earth. And maybe that's a badge of honor, or this guy is an idiot, or a combination of the two. I'm not sure. It's David Holmes over at PandoDaily.

WOODS: Yeah, I tweeted to him the other day. You guys should follow me on Twitter [@ThomasEWoods](#) and follow the Tenth Amendment Center [@TenthAmendment](#). I reminded him that when Otto von Bismarck created the modern welfare state in the nineteenth century, he did so not so much because he was shedding tears about the fate of the working man or any such naïve nonsense as that, but that he thought the population would be easier to control if he sent them checks with their names written on them. Then people would be much, much less likely to be rebellious, because then the checks will get cut off. So in other words, I want to turn people into pathetic, dependent boobs, the better to manipulate them and keep them in their place. Well, this Holmes in his article says, if it's a choice between the welfare state and the government reading my email, well, the government can read my email. So he has been turned into exactly the boob Bismarck wanted: spy on me all you want as long as the checks keep coming. That is all the proof we need that this is the point of these government programs. It's not to make people better off, because when you look at the record of them, they haven't made people better off, but they have made people a lot more helpless, which is just the way the government wants them. All right, that's my own little soapbox thing on that.

BOLDIN: You know, but just to add on that. If I were, let's say, David Holmes, and I loved the welfare state, and I believed in it, and I believed in all of these programs but hated spying, I would take the position of, yeah, let's work together to stop the spying, but because this welfare stuff is so awesome, and I can convince everybody it's awesome, I am not worried about it.

WOODS: Exactly.

BOLDIN: So it's a false debate. It either tells us that he doesn't believe in the strength of what he's doing, or well, maybe that's just it. I don't know, but to me—

WOODS: Well, how tone deaf to American political reality can you be to think we're on the verge of repealing the entire welfare state? I mean, really, that is seriously tone deaf. But suppose by some miracle that happened. You could still replicate the welfare state on the state level if you wanted to. Now, I am not saying I support that, but just in terms of nullification and the Tenth Amendment, that would be a state decision. It's not like every single school lunch program would go away. But he is so wedded to the federal government being in charge of everything that he can't conceive of any other way of organizing society.

BOLDIN: Tom, I often use something that you said to me in an interview in marketing materials that talk about how much the Tenth Amendment Center has done for nullification. From now on I need to use this guy—this David Holmes, who now says that the Tenth Amendment Center has the power to shut down the entire American welfare state tomorrow. I would love to think that what we're doing is that awesome, extremely awesome, but it's unreal.

WOODS: You know, maybe you should take Holmes on a tour of the Tenth Amendment Center, a physical tour of the facility.

BOLDIN: Yeah, I would have to clean the spare bedroom a little bit, but you know—

WOODS: (laughs) All right, let's switch gears now and talk about this *State of the Nullification Movement* report that you wrote. This is a report that people can download and read online or print out. How long is it?

BOLDIN: Thirty pages.

WOODS: Wow, nice! Well, first of all, I'm glad we have 30 pages worth of news, right?

BOLDIN: Well, there's 30 pages of writing. I know how like when you're writing a book, Tom, I read stories of how this is an all-day, all-night thing, and I can't imagine coming up with 270 pages on anything after going through that experience just for 30. I feel it now. I understand it, especially when you're on a deadline, and you're thinking, okay, now I really have to come up with something good. But luckily I was able to work with Mike Maharrey, who helped me with some editing, and Jeff Stewart, who did some great graphic work, and the content just speaks for itself. I was able to basically sit down and write what I experienced. It wasn't a personal story, but because I am so involved in this state-level resistance to D.C. federal power, I know all the little pieces that are kind of moving in different areas that people aren't able to see as a big picture. Someone might be interested in what's happening on the drug war, but they are not knowing that there are eight, nine states that are blocking warrantless cell phone tracking and the receipt of such information from NSA, or FBI, or whatever federal agency may be passing that information along through fusion centers to state and local law enforcement.

So this is a really cool thing to put this big picture together, to say there is a movement happening, and even though it may seem disjointed, there is a serious resistance to federal power. Just on July 1st now there's a new bill that just came into effect, a new law in Georgia that actually isn't in the report, or it may be, and probably briefly, but in more detail just

coming into effect this month that bans the state of Georgia from implementing significant portions of the Affordable Care Act, and with the court ruling which is very rare on a very narrow portion, as well, you see all kinds of things starting to break down. The idea is states are chipping away and breaking down these federal actions and programs, and if they just up the game, it's going to create serious problems for implementation.

WOODS: This report itself I think is a very smart move on your part. It's a smart move to put in one place the theory behind what you're doing, the history behind what you're doing, the actual outcomes that we've seen and then where you want to go in the future, what you have done, what you can do, and what you need. That's the report in a nutshell. It's very important for your supporters and donors for you to produce things like this. It should yield you more supporters and donors if we play our cards right here. I say "we" because you are one of the only people I ever have on this show where I say to people: support this guy. I trust him. I know him well. I can tell you for a fact he's not paying for limousine rides with the money. Everything is going to something worthwhile. It's very, very important, this cause, and what he's been able to do, this Michael Boldin you're listening to right now, as one person, with some help now, but really it was the idea of one person, is I think more significant than what any Washington D.C. think-tank has ever done. And he did it out of his apartment. Think of what he could do with twice the budget, five, ten times the budget, which is not that hard because the budget right now is pretty small.

Let's go through this report a little bit. I want to dive right into the meaty section. I'm going to bypass the history stuff. They get enough of that on the show. Let's jump right into some of the issues that you have identified as being Tenth Amendment, decentralist issues that are alive today. What among them would you pick out if you had to tell us about two of them?

BOLDIN: I think the two most powerful ones are nullifying or rejecting federal gun control measures on a state level, and then secondly, we've already talked a little bit about it, this OffNow nullify NSA campaign. Back in 1975 Frank Church, he was a senator on a committee, a really important committee on NSA surveillance back in 1975. He gave off this warning that basically said the power of the NSA as it was in the '70s, pre-Internet, was so strong that if it were ever turned on Americans to be used on Americans, there would be no corner of privacy left anywhere. That was 40 years ago, 39, and he said Congress needs to do something about this. In 40 years Congress has not only done nothing; they've taken many steps to make things worse: the Patriot Act, information sharing environment, etc., etc. And it's gotten worse and worse and worse. So 40 years of waiting—we're tired of waiting for complicit criminals to fix the problem that they've created, and in less than one year we have made positive steps forward on a state level on a tiny budget of just a few thousand dollars and have had nine states pass bills that reject or ban warrantless location tracking information on cell phones. We have a couple of states that have banned the sharing of information without a warrant between NSA and local law enforcement. Here in California there's a bill moving forward that would create a mechanism to turn off all resources to the NSA, or FBI, or any federal agency. It

doesn't actually target just NSA. Any federal agency engaged in these mass warrantless surveillance programs. So let's say, and I will be very conservative about it, we've accomplished 1% of what we've wanted to do. Well, in nine months on a few thousand dollar budget we've accomplished 1%, and in 40 years on trillions of dollars Congress has accomplished minus 50%. So if people really want to get something done, this is a huge example of how we can actually have an effect, and possibly in the long run actually win for liberty.

WOODS: You must sit around from time to time and imagine what you would do if you had a budget that was even 1/100th the budget of these D.C. think-tanks. What are the kinds of things that you secretly dream of doing with the Tenth Amendment Center?

BOLDIN: Well, I don't have a lot of time to fantasize.

WOODS: (laughs) That's right—because you're working so hard. Yeah, you're just sitting around thinking.

BOLDIN: If I was sitting around just kind of pondering like, man, if I just had—so I live a lot in reality, and I don't see that kind of money coming, but there is a significant amount that we would do. We would put out more reports like this on a regular basis. We would have a full, regular, full-time staff of people educating state legislators, working with grassroots groups, teaching them, holding phone conferences and meetings and explaining to them how this stuff works, and then how to get it done. We've learned how to do this, what it takes to get these bills passed, and we would do a lot of advertising. We would do a lot of advertising. We would do videos, all kinds of stuff. The list is endless what we could do, but what we are doing already I think is very significant, and not just again, on the NSA, but on the right to keep and bear arms there are handful of states—Alaska, Kansas, Missouri, and others that are taking steps forward to nullify federal gun control. In August the people of Missouri are voting on a state constitutional amendment that would “obligate” the state to defend against infringements on the right to keep and bear arms against anybody. So this includes the federal government. That sets the stage for further action for them to interpose against federal acts that violate your right to keep and bear arms.

WOODS: I was going to ask you about 2014, but we're halfway done with 2014 already, so let's say mid-2014 and mid-2015. What kind of plans do you have? Do you intend to take the show on the road again with the Nullify Now tour, or do you think it's more cost effective to just stay put and use the Internet and other resources to get the message out? What is on your agenda for the next year?

BOLDIN: Well, we're actually moving internally if we're talking about strategic structure, and basically what we've learned is that very few people stand for our type of belief in the Constitution on every issue and let's nullify everything that these people are doing. There are very few people that want to do that, so it's hard to find enough people that believe in that to get a lot of things done. So what we've found the most success in, and we learned a great deal with offnow.org, is that if you put out a plan of action on a specific, single issue, you can bring in

all kinds of people who disagree with you on everything else but want to work with you and will help you further that particular cause. So we're creating a series of single-issue campaigns. We're furthering our OffNow Nullify NSA campaign. We'll expand that to drone surveillance. We're building a single-issue campaign on the right to keep and bear arms to expand our efforts to nullify federal gun control. We also have another team to work with the same type of project on Obamacare, another one on the drug war. We're looking at possibly doing things on asset forfeiture, which is how basically the local government is sort of stealing all kinds of money to help the federal government carry out their acts, hemp freedom, etc. etc. So each issue, instead of putting it out there as a big picture, we're building volunteer teams that are focusing solely on that issue, working with legislators that are interested solely on that issue, grassroots groups that are interested solely on that issue so that they can stay very focused and accomplish a great deal more. In essence we're setting up like five, six, separate organizations on single issues, if you were looking at it in kind of big picture.