



Five Nullification Bills in One Week

Guest: Michael Boldin

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Michael Boldin is founder and executive director of the [Tenth Amendment Center](#).

WOODS: Five nullification bills passed in one week. That's a story in and of itself.

BOLDIN: Yeah, I think so. We actually put out an article about that at [tenthamendmentcenter.com](#) over the weekend. Five in a week. Now, as long as we have been around here, and that's since 2006, I have never seen this many in a week, and I wouldn't be surprised if it's the first time in U.S. history. These things have passed and come and gone, but to have five on various issues, some slim and narrow and some more broad, I think is a huge thing, and we can go through a few of the things that passed if you like.

WOODS: I would, but first of all: we're saying that they passed the legislature, but they still either have to go to the governor or, in at least one case, to a direct vote of the people.

BOLDIN: Right, well, in one case, the first one I think is most exciting is in Tennessee. It's a done deal. The governor there signed a bill there last week that effectively nullifies in practice the federal ban on hemp farms. We can talk about why this is a really good one later, but this is the strongest pro-hemp farming bill ever passed by a state in modern times. Basically, the short version is that rather than having to have some kind of bureaucratic nightmare of what Oregon did a few years ago—they passed the pro-hemp bill, but they didn't actually pass anything to effectuate it—well, they did it all in one, so no one is farming hemp really in Oregon, but in the Tennessee bill which is now law, the state Department of Agriculture is actually required to start authorizing people to farm hemp, and that could start as early as next growing season there. I think that's very powerful. This product that's used in various things, thousands and thousands of products from clothing to food products, to rope and things like that, and the feds saying we can't grow this. They say we have to import it from China or Canada, which is what happens, and instead, Tennessee is saying, well, we're going to do it here anyway.

WOODS: They presumably know that the federal government doesn't want them doing this. Is there any—

BOLDIN: Well, that's what makes it more exciting.

WOODS: Yeah, of course, but it seems like they are opening a can of worms for a product that, sure, I favor the production of it, but I can't imagine has an incredibly broad constituency in Tennessee. How do we account for their willingness to take such an unpopular position?

BOLDIN: I honestly don't know, nor do I care.

WOODS: Yeah, right.

BOLDIN: I am glad that they are doing it. I am excited that it's happening. It's also happening in South Carolina, where the legislature also passed a bill by a veto-proof majority. It was like 42 to 0 in the Senate and 72 to 20-something in the House—a less strong bill but very similar to the Tennessee one also authorizing the production, growth, selling, farming of hemp in the state of South Carolina. These two states, that would be number two and number three actually producing it. Not just saying we might consider doing it but producing it. The first one was Colorado. They started growing before even the state said they could do it; there were fields being harvested in southeastern Colorado in defiance of federal prohibitions. So this is, no pun intended, well, maybe there's a pun intended, this is a growing nullification movement here on the hemp issue, and it's very exciting.

WOODS: You know, Michael, I was in Utah about a week ago, a couple of weeks ago, for an event on the NSA, and I promoted you. As a matter of fact, I texted you to tell you that I had said in Utah that what you have been doing on the NSA is more valuable than everything all the D.C. think tanks put together have ever done. I want to point out very quickly that our mutual friend Connor Boyack has a state-level public policy think tank in Utah, the Libertas Institute, and they are very hardcore, so all the medium-core people can't stand them. But all the good guys love them, and they are having tremendous success. Not all their bills have to do with nullification, but they have been pushing a lot of very, very favorable bills through the legislature in Utah. They have gotten them passed, and in case after case, these are bills that enhance freedom. It makes me think that it's too dogmatic to say political action can't accomplish anything. Yes, it's true that political action can't fix every problem, and yes, it's true that people are way too focused on the federal level, but the fact is if it hadn't been for Connor and pushing for these things, those advances for liberty would not have occurred.

BOLDIN: Absolutely, and talking about NSA and electronic surveillance, another one of the bills, or two of them that passed just last week, deal with that. In Minnesota the state there banned—there was only one dissenting vote. It was like 130 to 0 in the House and 63 to 1 in the Senate. The governor is either due to sign or veto either today or tomorrow, sometime this week, it will probably be signed—a bill to ban the entire state government, state, local, from obtaining location information on a cell phone without a warrant based on probable cause. Now, we're talking about focusing on the state government not being able to do that, which is positive. This enhances freedom on the state level, but it also actually nullifies a very narrow thing that the NSA and FBI are both doing. They are collecting location-tracking information

without a warrant on millions of people, not just in the U.S., but around the world every single month. They are doing this all the time, and what they do is they take it and they hand it off to state and local law enforcement to use in their day-to-day activity. Now, by the state saying, hey, we're not going to do this, this is an effective nullification of a small piece of what the NSA and FBI spying apparatus is trying to accomplish.

So we see that as very positive, and then also in Missouri they passed this bill to protect electronic communications and data completely, not just tracking information, but anything—text, emails, phone calls, to the same level as person, houses, papers, and effects—which a lot of people are going to argue that, oh, it doesn't count as the same thing. So they are just going to say this is going to be an equivalent, so there is no question about it, and the cool thing about it, as you mentioned just previously, this one bypassing the governor, because the governors all around the country are in general horrible, horrible people. They are bypassing the government, and it goes straight to a vote of the people on the ballot this November. So this is a really powerful, positive thing happening there in Missouri. And one other bill in Missouri that passed last week was to withdraw from Common Core, the one-size-fits-all government schooling program that's being heavily funded, although they claim it's a state-level program. This is being funded and pushed by the federal government through grants and handouts, and Missouri is sending this off to the governor's desk this week, saying hey, we don't want to participate in this anymore.

WOODS: Now, that type of activity or that type of action, withdrawing from Common Core, is very much in the spirit of nullification. It's very much in the spirit of the Tenth Amendment and the sovereignty of the peoples of the states, but strictly speaking, they are not obligated to follow Common Core, are they?

BOLDIN: No, and I want to just fairly say that, and we can talk a little bit more about how we more broadly define a nullification effort per se, but if the federal government wants to accomplish something and states are taking action to make them not accomplish it, we'll count that as a win. So the federal government, through millions and millions and millions of dollars, are basically coercing the states. They are bribing people around the country to say, hey, do this. We want this one-size-fits-all solution. We couldn't get it passed through Congress, so we'll find another way to do it through funding and bribes of grants, and when a state says well, we're not going to participate in it, this has the end effect that we want, which is no federally controlled, or less government-controlled education. It's not the end-all-be-all as far as education freedom, but it's bringing it more local, which is better.

WOODS: Before I forget, I want to make one more point about my time in Utah. I was pushing your offnow.org site and your series of measures against the NSA at the state level, because it's not just turn off the water. It's also take the data they have collected and make it inadmissible in a state court and things of this nature. These are all great measures, and I spelled them all out. I had some state legislators in that room who were, of course, by and large sympathetic,

but I also had a person in that room, I can't say his name, who is a very plausible gubernatorial candidate—not the usual sort of person I know, who is going to get 10 votes. This guy could actually win. And I just said as clear as could be, “When you're engaged in legislative activity in Utah, bear in mind you are doing things that are important in the short run, but in the long run nobody is going to remember any of it. Nobody is going to remember you. Nobody is going to remember a thing you did in the Utah legislature. But if you pass an anti-NSA bill, this will go into the history books. You will be remembered for this. This is going to matter. If the states resist the NSA, people will read about in the history books. So ask yourselves, do you want to just go through the motions and do all the predictable things, and do you want to just lie down and let the federal government walk all over you, or do you want to be remembered for something in history?”

And I am looking right at these people: do you want to be remembered for something? Because they really would be, and I thought, how great to have them in this room and try to shake them to the core. To say, if you want to amount to something, then you've got to do something that takes some courage, takes some bravery. Could you imagine the pressure that would be placed on a state governor who is considering signing a bill like that?

BOLDIN: And can you imagine the worldwide pressure if that would happen? And I think at some point it will happen. We are just gearing up, and I think with the number of bills, and we've only covered just five from the last week, but the number of bills that we're seeing passed and moved forward and considered on, for example, just the NSA—this is going to pick up steam going into 2015 and beyond. We're not just in it for one round.

The best example I have is in the state of Illinois, where they finally passed a medical marijuana bill extending a very limited amount of freedom for a limited number of people. It took them 10 years. The establishment at the state, local, and federal level is always against us, but if you think you're going to get something done just in a few months, you probably should get into another kind of realm of activity. We're talking about hundreds of years of tyranny that keeps getting worse and worse and worse these days, and you're not going to turn it around in just one shot. So we're in it for the long haul, and we expect these things to continue to move forward. In comparison we're talking, I mean, just the greatest example is five bills move forward and pass in a week, when that's never happened in modern times. So this is powerful. That means in a few years we'll say, oh, that five bills in a week thing, that was nothing.

WOODS: That's right. Yeah, I know. I can't believe we were excited about five bills.

BOLDIN: Yeah, that's losers at that point. There are others that cast throughout the year too, so Utah, O'Connor did great work there. They also banned the use of electronic data on the state level and warrantless tracking of cell phones. They also strictly limited the use of drones along with Indiana and Wisconsin. Here in California, a similar bill will also probably reduce the ability of government to use drones in the state by about 80 percent, not completely eliminate, but about 80 percent. They are also doing gun control on drones. No weaponized drones from the

government if this bill passes. In Missouri and Idaho they both passed bills to set the stage for nullifying federal gun laws and regulations. The Missouri one goes to the ballot in November. So there's a lot of things happening on various different issues, and it's pretty awesome.

WOODS: Now, Michael, is the Tenth Amendment Center in contact with one or more legislators in these various states related to these bills, or are you guys observers on the sidelines? Or is it sometimes one or the other?

BOLDIN: Well, we recognized, and I am not going to get into a money pitch here, but when we have someone dedicated to a particular issue who is very knowledgeable about the legislation on the federal level and the legislation on the state or a local level on how to deal with it, and they can answer questions and explain things to legislators and get the phone or do emails with them, we have far more success. When we're observers, people pick things up, but then they get hit in the papers and they don't know how to answer, and they don't really understand the issues. We're talking about politicians here, so sometimes you'll find ones that want to grandstand on a particular issue, but if you give them a lot of support, and you generate some grassroots support, and you work with other groups around the state, then you'll find them actually doing things and doing a good job at it. So when we're able to dedicate resources and have someone basically on staff as a part-time—I am the only full-time employee here, but we have a few part-timers, but when we can do that, then we find more success. I think that's part of why we're seeing more success now than we were a few years ago.

One of the really exciting ones that's come up is in Arizona where one of our actual members, someone who has a Tenth Amendment Center membership, has funded—you know, I kind of wish there was some of that over here, but it's kind of cool what they are doing—to the tune of about a million and a half dollars this ballot initiative which is going to a vote in November in Arizona. This is like the ultimate Tenth Amendment ballot initiative. It basically puts it in the state constitution for powerful people there to reject any federal act. They don't even have to determine whether it's unconstitutional or not. They are just going to say, you know what? If you pass this, maybe we're going to look at what you're doing, whether it's the Affordable Care Act or using our state resources as far as child protective services or things like that. We may not participate in this. We are going to push it back on you, which is going to make it very difficult, if not impossible, for you to pull off. So this is a very powerful thing happening in Arizona. It was the Senate Concurrent Resolution 1016 that passed last year, and they haven't given it a number yet, but I think it's Proposition 122 on the ballot this fall in Arizona.

WOODS: Michael, we've mentioned quite a few states. I am sure we have listeners from all those states. They may be interested in these particular bills, especially ones that have not been signed yet. They might want to try and help put pressure to get them signed. How can people go to tenthamendmentcenter.com and specifically be able to track various bills?

BOLDIN: Well, you're going to go to tracking.tenthamendmentcenter.com, and when you get on that page, there's a whole list of various issues. You click on the link of the issue that's

important to you. We're going to expand that at some point, when we get the programming done, where you can just choose your state and find all the various things happening. Right now it's issue by issue. So if you're interested in protecting the right to keep and bear arms, you click on Second Amendment. If you're interested in dealing with spying, you'd click on that link, and it'll show you what's going on in the various states throughout our country where bills have been introduced, where they are being considered, where they have passed. We're going to put a lot of new and important information or new legislation to be considered in 2015. Starting this summer is when people really need to start calling their state legislators, whether representative or senator, and urge them to take action on something for January. These are politicians. You've got to put pressure on them for quite a while. So we'll be updating that over the next few weeks as well.

WOODS: So how do you classify a measure like the one you just mentioned in Arizona that's just an open-ended Tenth Amendment measure? How would I find out about that at the tracking page?

BOLDIN: Well, we don't actually have that one up there yet.

WOODS: Ah, okay, all right.

BOLDIN: Because it's a whole new creature. We haven't really seen anything like this, where it's covering everything. That's what makes it so exciting. It's creating this mechanism, and one of the interesting things is right now someone in Arizona could put together a ballot, a referendum, and get into the state constitution that they are not going to participate in some particular federal program, but the threshold is so high that it's somewhere between \$1 million and \$2 million to pull this off. Now, what they are doing with this initiative is they are lowering that threshold to the point where maybe a grassroots network of people can put together about \$200,000. It's not really a monetary thing, but the threshold is expected to lower it, and I know guys that are behind this. I expect that should it pass, and they are polling as high as 80 percent on this thing passing in Arizona, they are going to turn around and start dealing issue by issue, starting campaigns to say Arizona is not participating in Affordable Care Act. So they are ready to roll on the long haul. This could be a model for other states to take on, especially those states out here like in the West where these referendum or initiative measures can actually be done.

WOODS: Now, I hope my listeners will forgive me this particular question. I think this may be the fattest softball over the plate that I have served up since the show started. But tell me—name for me all the other organizations that are systematically tracking these sorts of initiatives around the country.

BOLDIN: (laughs) I don't even know how to answer that, Tom.

WOODS: The umpire is saying that's a called strike if you don't swing.

BOLDIN: It is a strike. I will probably strike. Well, this is, obviously, there is no one doing this type. No one does this. A lot of people talk about stuff, and they complain about problems, and it's really easy to say how bad things are—and of course, no one should get the idea I think there's all these wonderful, glorious free states out there proving. All these governments are horrible. But it is exciting to see that maybe there's a little glimmer of hope to do something good. I would take a glimmer of hope and a small foot in the door for liberty rather than none, and we're definitely seeing a foot in the door. Things are starting to catch on. Legislators are reaching out to us saying, hey, how do I do such-and-such, and this is really good news. I think the sky is the limit and talking about NSA and someone turns off the water to a federal agency like that. Mind you, we actually are putting out a report later this year which actually explains how this has already happened in modern times, but most people don't know what's happened. It wasn't as big of an issue as the NSA. So if this happens on any large scale, this is huge. This is the whole new way of dealing with federal power. Well, it's a new, but old way that people are finally paying attention to.

WOODS: Michael, the way I see it is that without the Tenth Amendment Center, it wouldn't be as obvious that all these different measures around the country are part of the same movement. They are all of a piece. I think there are some people who would say, ah, there were some states doing some things with hemp, and there is a state that is unhappy with the NSA, and these would all just be discrete issues. But you guys are bringing it together and clarifying that this is part of the same kind of sentiment everywhere: of local control, distrust of the federal government, and I think the very fact that you bring it all together and identify it as all being of a piece in turn gives it additional momentum.

BOLDIN: Well, what's really cool about this, and you're the second person that I am telling this. I guess there is a few more that are hearing it now as well. But I am actually in the process—it's our eight-year anniversary at the end of June, June 25th. I think it's actually the 26th. Wow! I can't even remember the birthday of the organization. But I am actually in the process of writing about a 20-30 page white paper on the status of the nullification movement 2014, talking about how what most people would see as these kind of separate issues, really, if you look at them and you see the big picture, even though many of the people aren't working together, they don't even agree on various issues, if you put all the pieces of the puzzle together, you're looking at this really large and growing resistance on a state and local level to the idea of centralized power, and again, the sky is the limit. So that will be available sometime late June. But it's really, really powerful stuff when you see it from that level.

WOODS: Well, look, if it were me, I would think I would take that white paper, I would publish it and make it look really nice, and I say this is a gift for everybody who supports the Tenth Amendment Center, you know, \$20 or whatever, some sort of thing like that. But on the other hand, you want that information to get out because you want to report on the status of your organization. So I don't know how you balance all that. But let me close by having you tell people how they can help you. It's not necessarily just through money. There's work that

people can do. But I hope people understand that when I have guests on this program, I very, very infrequently say this is a group for which you should get your checkbook out and send them some money—not that I don't support them, but because I feel like that's kind of tacky. But in your case I know you so well, and I know that the money is used very, very wisely—that you're not riding around in limousine like these think-tank presidents in D.C., and of course, these think-tanks—

BOLDIN: I ride on a bus.

WOODS: Right, and these think-tanks in D.C., by the way, are spending all their time working against you. I always smile at these naïve people who are surprised—“Why, I would think the Heritage Foundation would support you!” Then you don't understand America at all. The Heritage Foundation has no interest in supporting anything that's outside what we call on this show the 3 x 5 card of allowable opinion. So go ahead and make your pitch. What can people do to help you?

BOLDIN: Well, there's two things. Obviously there's monetary, but there's also manpower. On the monetary end, if you're talking about organizations like Heritage or Southern Poverty Law Center, these are groups with \$20, \$30, \$40 million yearly budgets. We have like a few thousand dollar monthly budget, and we're talking about having one full-time employee and three part-time employees that probably volunteer for more than full-time on top of it. So you can do the numbers. We are at a pittance on what we're operating, but we're accomplishing so much in comparison to these nationalizers in Washington D.C. So if you want to donate it's tenthamendmentcenter.com/donate. Moving on from that, even more importantly, probably, because of how we can accomplish so much with so little is help us out—

Tenthamendmentcenter.com/volunteer whether you're an artist or a designer or you like doing research or you can help write or you want to learn how to write a blog. We've got this little program that we do behind the scenes. We're teaching people how to write news reports on nullification efforts. Go to tenthamendmentcenter.com/volunteer. Let us know one of the 10 or 15 various things that you'd like to do, and we'll get in touch with you, and we'll walk you through the process. We'll put the resources into showing you how to do things, and you can actually play an important part, whether it's 30 minutes a day or a couple of hours a week or 30 minutes a month. Every little piece is very important, and the more people that are getting engaged on these things, the more we're going to accomplish.