



The Nullification Agenda for 2014

Guest: Michael Boldin

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Michael Boldin is founder and executive director of the Tenth Amendment Center (tenthamendmentcenter.com).

WOODS: As the head of the Tenth Amendment Center, what do you think the most interesting issue or issues right now around the country pertaining to nullification would be?

BOLDIN: You know where it all began. I think we can take that right into what happened last week in Colorado and marijuana. If you want to talk about the Tenth Amendment and using state nullification, there's nothing that demonstrates how it plays out better today than what happened in Colorado last week, on January 1. Here it is a holiday. Legalization of marijuana went into effect. And here's what a friend of one of our supporters sent in. He says, "So one of the stores across the street from my house is legally selling marijuana. They opened at 8:00 AM. There are approximately 2,000 people in line at 8:30 AM. Happy New Year.

Now keep in mind, Tom, and listeners here, you probably already know the federal government says that you can't own this naturally growing plant. A store can't sell it. You can't consume it. You can't grow it. You can't trade it. All these normal market responses for when the market wants something. The federal government for decades has said this market doesn't exist. Well, it's my view that when enough people say, hey, we want to do something different than government, the market's going to win out. That's a great example of how state-level bills, what we call nullification, are extremely effective.

WOODS: We'll get to the NSA in more detail in a minute, but the NSA is also being targeted by nullification-style approaches. And yet I still read in *Mother Jones*—which of course I don't read regularly—the idea that nullification is all about slavery. In 2014, you can still be so thick as to think this is about slavery? I mean, is *Mother Jones* a CIA front, or what?

BOLDIN: I don't know. And what's fascinating is that some of these folks will then make the claim, because they don't want any of their issues to be associated with the word nullification, that "this has nothing to do with state nullification."

WOODS: No, of course not. No.

BOLDIN: This is because Barack Obama blessed us by not enforcing federal laws. Well, that is a load of garbage if I ever heard one. The facts prove otherwise, because Barack Obama and the DEA under his administration have spent more money and attempted more enforcement raids than any president in American history. They made George Bush look like a clown with the amount they've spent and the number of raids they've done, but they just can't do it. When 21 states, or 20 and a half we'll say, because Maryland is not really there yet, and all these people participate in a market that's saying no to the federal government, there's very little that Barack Obama or George Bush or any of these people can really do to

stop it. And that's why I think folks who believe in liberty—I can't imagine anyone calling themselves a libertarian and at the same time taking a view that, well, government's more powerful than markets. The bottom line is when the market acts sooner or later the market's going to win.

WOODS: Of course, when you talk about marijuana you get people sometimes feeling uneasy. Conservatives feel uneasy because they think to themselves: I'm supposed to favor the states, but on the other hand I don't like all these potheads, so I'm kind of torn. They have that kind of attitude. But what's actually unfolding here is a reminder of the old adage of "mind your own business," which is a great conservative principle.

BOLDIN: Right.

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WOODS: But secondly, how do you think homeschooling took off? Precisely in the same way. A mass movement of people just found there was an inconsistency between their beliefs and what the official rules were, and so they ignored the rules. And it got to a point where the numbers were so great that if the government ever attempted to enforce the rules, they would be utterly routed. And every time that happens, I don't care if its drugs or whatever, I'm thrilled to observe it in action.

BOLDIN: Well, that's important that you point out the numbers. One of our great bloggers over at the Tenth Amendment Center, a lady named Susie Kennison, did some research, and she found some reporting from a group called Americans for Safe Access. They did a tabulation of how much each federal raid on marijuana cost. It's about \$300,000 per raid and about \$12 million in investigative costs. So you know what? To shut down just one city like Denver, where there's 400 legal stores, mostly dispensaries for medical right now, would take more than double the entire yearly budget of the DEA.

If you've ever seen the movie THX 1138, or if you haven't you've really got to see it. It's a great story about the power of the state, and how eventually when they run out of resources they just let you go. I don't want to give away the end of the story, but those of you who have seen this know what I'm talking about. Eventually they run out of what they call credits or dollars to be able to pay for the enforcement against this individual trying to get away from their grips, and they stop. This is what we see happening on the issue of marijuana.

Now we've been monitoring this type of thing for years over at the Tenth Amendment Center and putting this type of blueprint into practice for anything. Not everyone thinks weed is the most important thing for them, but some people do. Like you said, Tom, we should applaud them when they decide to live more freely without approval of Washington, D.C., but this can be put into practice on just about any issue. It doesn't matter if it's Obamacare or the right to keep and bear arms or drones or hemp or weed. If you get down to it, resisting war. States can pass legislation that makes it more difficult for the federal government to occupy a foreign country. We can go on and on about this stuff.

WOODS: Let's talk about the NSA issue, because I had Mike Maharrey on this program maybe a month or so ago talking about the initiative you guys are spearheading there. It's not just the Tenth Amendment Center. There are other people. But you guys are probably the creators of the whole thing. How's that going? For people who may not have heard that program, can you just give us the rundown on what your strategy is, because it doesn't seem obvious how one would go about nullifying the NSA.

BOLDIN: If you think about what nullification is, it's really all about rendering federal acts unenforceable. I guess you can nullify on an individual or a local level. But if we're focusing on the federal government, we're talking about rendering those federal acts unenforceable. We don't care if Congress overturns them or the Supreme Court agrees with us. We'll use their opinions in our favor when we can, but that's pretty rare. The fact of the matter is, we want to find ways to make things extremely difficult for the NSA, and we know

from their own inside sources that as far back as 2006, they were very concerned about natural resources. They maxed out the power grid in the Baltimore area, and in order for them to expand, I mean I think they would have expanded bigger and faster back then if they could have. But the physical limitation of not having enough electricity to store all the data they wanted to collect.

So they went out on a huge search for new locations. They opened up the new data center in Utah. It needs a lot of water resources in order to be able to store all the information it's collecting on you and I and everyone else around the world. They're opening a new one in San Antonio, expanding ones in Hawaii and Georgia and Tennessee and Maryland and elsewhere. So we have a plan that would take the states and say here's some legislation that says the state is not going to participate in this. In Utah, we expect a new bill to be introduced very soon. The legislation would say we're not going to provide you with the water that you need, and the bottom line is the NSA needs the water to keep the supercomputers cool. And as our ads on this say, "No water equals no data set." That will make it extremely difficult.

There's other ways as well. There's information sharing. The NSA is collecting all this information, but beyond just that violation of our privacy, they want to harm us even further by taking that information and sharing it with state and local law enforcement for use in non-terror, regular criminal investigations. Reuters —sometime in September of 2013, I think— released a secret document that came out that said that the NSA is working with a special division, a secret place called the Special Operations Division. These guys are taking information from NSA and handing it off to state and local law enforcement. This type of legislation on a state level would say no this is no longer going to be allowed. And while we can't necessarily get states to physically stop the data collection, we can reduce significantly the impact of how that data collection is actually used in practice. And then in those locations where there are data collection centers, we can maybe shut them down if we get some people with the backbone to be able to say we're not going to participate.

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WOODS Michael, I have to ask you, because you post this on Facebook from time to time, how do you deal with some of the libertarians who are naysayers about everything? That nothing will ever work. Everything you try is a waste of time, but my sitting here at my computer posting discouraging messages is probably the best use of everybody's time. How do you deal with that, on a personal level and practically?

BOLDIN: I think you're understating when you say "some of the libertarians." In my experience it's almost every libertarian I run into. I don't want to talk about people in groups, but I find if I was going to group people, the amount of people who are extremely negative about the possibilities for a more free future are people who believe in liberty and recognize the dangers around it the most. Maybe that's a natural outcome, because only libertarians recognize the nuances in every single government action and how evil they are. They see the gun in hand at every turn, so after a while it becomes discouraging. Murray Rothbard wrote about this a long time ago when he said, the great task for the libertarian is to shut off his needless and debilitating negativity and set your sights on long-term victory.

That's the type of attitude I have to hold onto, and then when I hear great people like Ron Paul talking about these actions, whether it's straight noncompliance on federal marijuana laws as being the great act of nullification or Mark Thornton of the Mises Institute that recently wrote the same thing. The people of Colorado and Washington are effectively nullifying federal drug laws. I realized this type of message, if you repeat it enough and enough and enough, maybe we'll break through some of that negativity, some of that fear of the power of the state, and encourage people to have faith and belief in the market. Because the market will win, it's just a matter of us to get the word out there. It's advertising.

WOODS: I want to talk about a couple political candidates. I know this is not really your cup of tea. But where would be the fun if I just threw softballs at you the whole time?

BOLDIN: Okay can I give up a pre-qualifier? I don't like any of them.

WOODS: Okay, but hold on now. There's a guy running for U.S. Senate in North Carolina I like very much named Greg Brannon.

BOLDIN: Yeah.

WOODS: He's a doctor. He's an OB like Ron Paul except he's delivered 9,000 babies. I actually told Ron Raul when I had him on this program, I joked that Brannon made him look like a lazy bum. But anyway, here's a guy who gone to Third World countries to train doctors. This guy must be stopped, right? I mean he's about as decent and sweet a guy as you can imagine. I like him. I've talked to him quite a bit. He subscribes to my LibertyClassroom.com.

BOLDIN: Even better.

WOODS: Anyway, he favors nullification, as any right-thinking person does. So of course he's been savaged for this in the left-wing media. There's no cognitive dissonance here at all, right? On the one hand they're cheering for Colorado, and on the other hand they're condemning this guy as extreme. I always want to ask: extremely *what*? What if it's extremely awesome? Extremely *what*? Anyway, I bring this up because he got hit. He couldn't care less. He's having a blast. He's doing great in the polls compared to the other Republicans in that race. But then now in Oklahoma's it's just been announced that Randy Brogdon is running for governor. Randy Brogdon was a speaker at our first event that you and I did. I mean you put it on, but I was a speaker there at Nullify Now in 2010. Brogdon is all for nullification. Now he is running for governor. He's well liked. He's well known. He's got a strong base behind him. Is it possible, do you think, for people like this to get elected even though they're going to inevitably be hit by the "they must support slavery" sort of thing?

BOLDIN: Some of these people do get elected, and of course, we want to encourage anyone who's speaking, doing, supporting the right thing. So anybody that's a subscriber to Liberty Classroom—unless our good friend Ian Millhiser signed up just to find out what evil things you're doing, Tom. I'm personally in favor of folks who are interested in learning and doing the right thing. So people like Greg Brannon, who spoke at our Nullify Now event in Raleigh or Randy Brogdon, who gave one of my favorite speeches ever. No slight to you, of course, Tom, but I loved Randy. Randy's speech there at Fort Worth in 2010.

These are good people, and if we follow Hans-Hermann Hoppe's advice from the great speech that he gave years ago, the most effective type of political activism is to be more focused on decentralizing. The "bottom-up revolution," is what he called it. I can't remember the name of the e-book over at Mises, but he said if you're going to get involved in politics avoid the national-level contest as much as possible. Avoid presidential campaigns more than you would senatorial campaigns, more than you would state level, and down onto local. The closer you are to the individual the greater chance you're going to have in taking action to do something that advances liberty. This was in a speech talking about what anarcho-capitalists should do to fight the modern state. I think Hoppe's got pretty good tread on that.

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WOODS: Yeah, I think so, too. Tell me what else the Tenth Amendment Center is watching these days—or perhaps more than watching, making happen.

BOLDIN: I mentioned previously that we look at Colorado, the marijuana thing, as a blueprint. We certainly do that when you get enough states saying we're not going to participate in this, certain federal acts. We may actually do things to flat-out defy them. It renders those federal acts virtually unenforceable, as we are seeing with 2,000 people first thing in the morning on New Year's Day lining up for an illegal business in Colorado. We're putting that into practice. We have been for a number of years, but ramping it up on issues across the political spectrum. One of the hot ones right now is Obamacare, the Affordable Care Act.

There are states like South Carolina that have already passed a bill in the state house. They're fast tracking in the state senate to refuse to comply with any part of Obamacare. They're not going to participate. Judge Napolitano was on Fox News recently. They're basing the legislation on what we would call our four-step plan over at TenthAmendmentCenter.com/Obamacare and Judge Nap said that if you get enough states doing this, not participating, not creating the exchanges, not expanding Medicaid, etc., it would "gut Obamacare." I think it'll put it in the grave, but I think gutting any federal action is a pretty good step, and that's one of the big things we're working on.

Obviously, we talked about NSA. There's legislation that was just introduced last week in both New Hampshire and Kansas. We expect bills introduced in anywhere from seven to ten other states around the country in the next couple of weeks to a month or two. There are states that are considering legislation to nullify federal gun control measures across the board. Kansas, this last year, was one of the leaders in that. They passed a bill that effectively said we're not going to enforce any federal gun control measure on the books at all—past, present, or future. The key is when you get one of these pieces of legislation passed—we're not saying that we trust the state to do the right thing. Sometimes these politicians are just blowhards. That's an understatement, of course. But when you create this climate and encourage people to start defying federal acts, you can see a lot of good things growing. I'm not saying that as a pun because of the weed thing either.

WOODS: You've got the Tenth Amendment Center's Facebook page up to—how many likes is it now?

BOLDIN: 120,000 or so.

WOODS: Again, you were one guy, and you just started it. And there's no D.C. think tank that's giving you money. To the contrary, they'd probably want to shut you down if they had the power to.

BOLDIN: Let me tell you, though: I would take that think-tank money.

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WOODS: Why not? And spend it on something good for a change instead of the chauffeur for the president of the think tank. You'll actually put it to some good use.

BOLDIN: I would get a Town Car.

WOODS: What kind of expansion are you guys doing? You've now had state chapters forming. Are there going to be more state chapters forming? In other words, are you guys sort of just treading water, or do you feel like it's growing by leaps and bounds? I know that you're working ridiculously long hours every single day. Just fill me on the day-to-day of what's going on and what the plans are for 2014.

BOLDIN: We are growing ridiculously, and anyone who's operated a business that succeeds, there's a point where the business is in trouble, because it grows faster than what it's capable of growing. We're certainly at that point. We've got great outreach. We have huge impact. We have Democrats that have contacted us, Republicans that contact us asking for our model legislation and for talking points. When you're getting to that point I think you're doing really, really good stuff, because you start seeing across the political boundaries. We work with organizations across the political spectrum, from Tea Party groups to the ACLU to 99% Coalition.

We're focusing primarily on building single-issue campaigns and coalitions, recognizing that almost no one's going to agree with being a Tenth on every issue like we do. Like you said, there's a lot of conservatives, they whine, I don't want to touch the marijuana thing. Well, don't. Work with us against Obamacare or in support of the right to keep and bear arms. And we'll make inroads on that, and then to the people on the Left that want to keep Obamacare, we'll work with them on marijuana and against drones or other issues

like hemp and things like that. The more that we find people coming together over a single issue, I think there's a bigger thing that happens. A lot of times you'll find that people who thought they hated each other recognize that you know what? That person and that political group really isn't so bad. Maybe they're not the enemy like I keep getting told they are. To me that's very moving when I see it happen.

WOODS: I agree. I agree completely. It doesn't happen as often as we might like, but that is very nice to see. I think the whole Ron Paul presidential campaign brought a lot of people together who thought they weren't going to like each other or get along.

I can't resist asking you one more thing, though. It seems like since the Tenth Amendment Center has been out in front on so much of this decentralization effort and all these state-level initiatives and legislation. You guys have been at the forefront of it. It seems to me that Michael Boldin should be getting invites all the time from Sean Hannity and Bill O'Reilly and all the right-wing TV people. And yet I have a sneaking feeling that they pretend you don't exist. I thought they favored limited government and states' rights and all that! I thought that's what they favored. Please try to explain this to a naïf like me.

BOLDIN: Wow, I don't even know where to go with that, because it's such an awesome question. No, these people don't want to talk about limited government, and in fact, the Heritage Foundation has been kind of at the forefront of opposing anything to do with limiting federal government except through their way, which is through centralized power. These people are lovers of centralized power. I believe personally that they'll talk about limited government to gain support from people who like the idea of limiting power. But when it comes to real, concrete solutions, they avoid it like the plague. You've dealt with this with the release of your book *Nullification*, Tom, and we've been dealing with it for many years. When the Tea Party thing—at least the Republican version of the non-Ron Paul Tea Party—kicked off, there was some interest. We were talking to producers at CNN and Glenn Beck Show pretty regularly, but once they started hearing what we had to say, the phone calls stopped coming in.

WOODS: Yeah, isn't that something else? I've taken the opportunity at your events to use that as an educational moment for some of the people there: that I know you all probably have good intentions in listening to or watching such and such person, but don't you find it kind of funny that this person never talks about the issue that really has got you all interested, and for which you've shown up for this event? In fact, this person you listen to would be liable to call you a crazy extremist. Who's side is this person on? You get them thinking fun things like that.