

The Heroic Tenth Amendment Center

Guest: Michael Boldin

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

WOODS: You started this thing during the second term of George W. Bush, when nobody cared about the Tenth Amendment, right? George W. Bush was the great conservative leader everybody had been waiting for. [TW note: That was sarcasm.] Why did you do it?

BOLDIN: I started out as an antiwar activist that worked with the hard Left back in the day, when the Iraq war started in 2003. I was out marching with the communists, and I started recognizing over time that no matter how much protesting you do, these people don't listen. Then on top of it, the Left that I was part of personally, they weren't really antiwar. They were anti-Bush and pro- other stuff. I learned over time. I read a lot of Harry Browne and listened to his radio show back over a number of years. I slowly developed this understanding, which I'm still developing over time, that virtually everything the government does they either shouldn't be doing, or even when they should do it, they do a really awful job.

I think this whole Tenth Amendment thing was a pretty good line in the sand. I was going to just start blogging about it. I registered the domain back in mid-2006 during the great conservative—as you mentioned—George Bush's reign. I thought that if I could reach a few people with this message, that what they're doing they're not supposed to be doing, I would have done something good. I was still working a part-time job but getting up at 4:00 AM to manage the website, then go to work, and come back home and run it all at night. Eventually, it just kept growing and growing. I think people realized that this is a pretty sound message. Today, you get to the point where people like the *New York Times*, Mark Levin, *Chicago Tribune*, *LA Times*, the Cato Institute, Huffington Post, ThinkProgress, Heritage, all of these establishment organizations, individual media types—they all absolutely hate this nullification idea. That tells me that we're doing a pretty good job.

WOODS: It's amazing that basically the big guns are all out at you. They used to be at me, because I wrote [the book on nullification](#). But then people forget about books. You've got this website that's updated all the time. You're having events all the time. You're traveling everywhere. So you're really the target now. You've taken some of the pressure off me, to be honest. You recently just passed 100,000—now you're at 106,000 Facebook likes. How do you go from a guy in his apartment to a guy who is still in an apartment?

BOLDIN: I'm still in that apartment.

WOODS: He's still in that apartment. And with state chapters all over the place who are doing things you don't even know about, and you're constantly getting calls from the *New York Times* for comment. Media people say, well, we're talking to Michael Boldin of the Tenth Amendment Center, and they get this sense that the Tenth Amendment Center is this huge building with a Greek temple façade. How the heck does somebody do this?

BOLDIN: It's about dedication, believing in something. I think the fact that I started this out with \$30 and an \$11-an-hour part-time job means that if you believe in something and stick to it, just like the individuals who started the recall petition—one of them recently commented on our website, "We're all learning that one person who really believes in something can actually accomplish a great deal." Now not everybody's going to have an idea and turn it into a movement that's approved by 52 percent of mainstream voters as nullification is today. But each of us in our own sphere can certainly accomplish a great deal provided we say, "You know what? Maybe I'll turn off this piece of entertainment." Keep a little bit, because anybody who watches my Facebook page knows that I want to live free by trying to enjoy what the world has to

offer.

Balance that with putting a lot of energy towards resistance to the state. I mean not necessarily the states, but government power. If you have a really good balance, you can keep yourself sane and work really hard. One person can accomplish much. I've created a movement in many ways by working hard and having great people around me working on the same thing, and these people who have tens of millions of dollars in their Washington D.C. Beltway organizations, they buy buildings. That's why they're attacking us even though we have nothing financially compared to them, because we work together for truth. I think that shows how powerful these things are.

WOODS: It is true. I am a Facebook friend of yours, so I do see your photos and all the fun things you do. But I draw the line at the kale juice. I mean, come on. You've got to enjoy life.

BOLDIN: I don't know if you saw this morning, but I had to do some training, being the first guest on the show. I went for a 35-minute jog, came back, had some coconut water. We're doing this interview. Then I'll load up on kale and cucumber.

WOODS: Let's talk about Mark Levin, though, because you made reference to him a minute ago. Every time you talk about Mark Levin people will say one of two things. (1) "Leave Mark Levin alone. He's a good patriot. He's on your side." Yeah, a lot of people on my side are calling me names and smearing me in front of millions of people. Sure, he's my best friend. (2) "Who cares about Mark Levin? Talk about something substantive." But this is substantive. A guy with that size audience who in effect is attacking all people who support nullification as kooks—that's newsworthy. You have to talk about that.

Let's actually focus on—apparently you read his book, *The Liberty Amendments*—

BOLDIN: No.

WOODS: Oh, you haven't?

BOLDIN: I haven't read it.

WOODS: Are you familiar with it?

BOLDIN: Yeah, I know what he's doing. Yeah, of course.

WOODS: One of his proposals, from the way I understand it, is there'd be a constitutional amendment that would allow three-quarters of the states to invalidate a federal law. The [Kevin] Gutzman version is two-thirds. I would say one state, but of course, maybe not everybody agrees with me. Do you think there's any merit whatever in Levin's approach? Leaving aside what a jerk he is and how he acts. He's not a gentleman, and he acts like a three-year-old. Everybody with a brain knows that about the guy. The rest of his ideas, do you think there's any merit to them? Are they supplemental to nullification? Are they a distraction? Is there any likelihood that they're going to be implemented?

BOLDIN: First, back up. I think it's interesting. Southern Poverty Law Center, MSNBC, and CATO call nullification a crazy right-wing movement. I'm listed as one of the 30 Leaders of the Radical Right by the Southern Poverty Law Center. Then you have people like Levin, who gets on the air last week, he says, "The nullification movement is a radical left-wing movement being pushed by kooks." It's fascinating how they try to polarize these things. Nullification, as you know, Tom, is used by both the Left and the Right. When you're nullifying federal drug laws on marijuana, like they've done here in California since 1996—and more recently in Colorado and Washington State—that's generally supported by those on the Left, along with libertarians. When you're trying to nullify federal gun laws, like laws passed in Alaska and Kansas, you're generally coming from the political Right and libertarians.

What's fascinating is that libertarians can actually cross the spectrum and work on this on all sides, but the masses are either Left or Right. It really can't be pinned down to one side or the other. I think that's part of why these people freak out, because they really can't put us into a box. When they attack what I do as being leftie, and I'm talking about being antiwar and opposing the drug war, it makes their heads explode and vice versa. Article Five is certainly a legitimate process. When people like Kevin Gutzman and Mike Church are promoting it, I think there's something very legitimate to it. Obviously, it's part of the Constitution.

That in itself—I have to make clear running a constitutional organization that the word “constitutional” doesn't mean the word “good.” These are not interchangeable. So it is constitutional for Congress to declare war, for example, on Syria, even though they aren't necessarily considering that. They're considering a transfer of war-declaring power, delegating powers to the executive that wrote the proposal. They can do that [i.e., they can declare war on Syria], but just because it's constitutional doesn't mean (a) it's a good idea, and (b) you should go along with it. James Madison, in Federalist #46, was very specific about saying that in the states you should refuse to cooperate with officers of the Union. Resist federal actions whether they're—what he said was, “unwarrantable measures” which are unconstitutional or warrantable but just unpopular. They can do something that's “constitutional” but just bad policy. This is still a very important natural right of resistance to these people.

As for Article Five, obviously, it's part of the Constitution. It's hard for me to say that proposals that would limit federal power are bad, so a proposal to say that, okay, there's going to be another check on federal power via two-thirds of the states as Kevin says or three-quarters—I don't think that's necessarily a bad proposal. Whether I agree that we can find enough states to go along with something like this rather than repealing the Second Amendment or something like that—I don't know if it's going to play out like that. Who knows how anything's going to play out.

I follow Anthony Gregory's great advice on this. I don't necessarily want to pooh-pooh anyone's idea who wants to resist government power. I want to encourage them and maybe lead by example that if I believe my way is a better way, I need to prove it to them. That's what I'm working hard to do every single day, to prove that resistance, nullification, is really the best path, because I believe that you need to be able to be free whether three-quarters of the states agree with you or not.

WOODS: I think that's the right way to think about it. Let me make sure everybody knows what we're talking about. You and I live in a world in which we throw around lingo like “Article Five.” I just want to make clear to everybody: Article Five refers to the process of amending the Constitution, and specifically we're talking about the calling of a constitutional convention [or an “amendments convention,” as supporters refer to it]. That's what's being proposed by Mark Levin.

I deal a lot with libertarians, being one myself, who say nullification—maybe it's okay as far as it goes, but you're kind of implying that the states are perfectly okay. That we need to have the states resist the federal government. But I agree: the states are all screwed up too, and I don't particularly like the states. The states can get away with a lot of rotten things, too, so it's not always the federal government that's at fault. So by engaging in nullification are you implicitly endorsing or supporting or cheering on the states?

BOLDIN: I cheer on anybody resisting federal power, so when Vladimir Putin, who was a KGB pig, evil criminal, is standing up against Washington, D.C.—he's the enemy of my enemy is my friend. And obviously the state of California is my enemy. Sometimes the state of California—for example, is working to pass two bills that are sitting on Governor Moonbeam's desk. There's a bill to reject Common Core federal standards over education and another one to start the process of resisting NDAA indefinite detention. Yeah, with a lot of pressure, you can get some really bad guys who care only about their political standing to do decent things. That does not endorse the power of the State of California or any other state.

In fact, nullification, if we're using the Tenth Amendment Center definition, which is any act or set of actions

which has its end result a particular law being rendered null and void or simply unenforceable, you can go all the way down to individuals. When I spoke at PorcFest just this year, I spoke about how nullification can really just be an act of individual defiance. When enough people do this, and they can't get their laws moving forward, the end result is the same, and this is all good stuff. Some people only work with states. Some people will only work with communities. Some people will do their own individual action, and they're all pieces to a big, important puzzle. The number-one most evil government that I'm aware of on the face of the earth these days—North Korea's pretty bad—but it sure seems like Washington, D.C. is violating more people's rights around the world than anyone, and let's try to knock them off their high horse. I think nullification is the path to do that.

WOODS: We noted that a lot of the bad guys get in touch with you—in the form of attack, smears, and name calling and so on and so forth, but what about the good guys? Are state legislators actively seeking you guys out for assistance or seminars or model legislation, or how does that work?

BOLDIN: We have tons of model legislation, and sometimes we do have state legislators. But it's mostly people from the grassroots, from across the political spectrum. I've personally met a lot of marijuana dispensary owners recently, and it's fascinating to learn how this whole process works and see how the federal government really coerces states to participate in oppressing people. So, for example, when the DEA raids a dispensary here in southern California, it's generally one or two federal agents with 10 or 15 local people. The local people come in, they steal the money from the register. The dispensary opens in six to 24 hours, and there you go again. It's Al Capone.

One of the great ways to reduce federal power is to start pushing back and saying, we're not going to comply with them, so, yeah, we have good guys that reach out to us, people that want to create businesses that defy these laws. We have legislators that reach out to us, but it's mostly the grassroots and the pressure on politicians, because there aren't too many decent people who are politicians. So it's really about creating pressure on those in office and those that might be sitting on the fence and pushing them to take a good stance. Not in D.C., though, because those people never do anything right.

WOODS: Michael, we have only a few minutes left. I want to ask you what your customary answer is when people say that the states are never going to have the political will to engage in nullification to any extent because they're all on the federal dole. Right? They're all getting federal money. They don't want to jeopardize that. How do you answer that objection?

BOLDIN: One word—weed—because there's now 21 states that have been pushed and coerced and pressured into following federal so-called laws prohibiting marijuana, but there's 21 states that are refusing to comply with it. Just in the last two weeks, Eric Holder, that criminal in the DOJ, had to announce that they're having to back off. It's not because they somehow love states' rights over marijuana. That's an absolute lie that some people on the far Right are actually putting out there. The Obama administration has tried to enforce federal laws prohibiting marijuana, consumption sales, etc., more than any president in history, but when 21 states and people all across the country stand up and say no, it doesn't matter how much they try to enforce. They're going to get pushed back in the bottle.

WOODS: How do people find out more about the Tenth Amendment Center?

BOLDIN: TenthAmendmentCenter.com. We update every single day with all kinds of juicy stuff. We have a newsletter, general information, and our Facebook page over at facebook.com/TenthAmendmentCenter. Just do a Google search. We're all over the place.