



Nullification Picks Up Steam

Guest: Michael Boldin

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

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WOODS: Tenth Tuesday is going to be a stable part of this show until one of us dies.

BOLDIN: I'm pretty excited, Tom. There's a lot to talk about it, and it's an exciting conversation.

WOODS: First thing I want to talk about is this campaign against the NSA, OffNow.org. I had Mike Maharrey on a couple of months ago. Maybe you don't know this: I'm making an e-book of the transcripts of all the interviews from 2013. So you'll be in it. Giving it away to all the listeners. So I was just giving it one last pair of eyes before we put this out. That Maharrey interview is ten times better than I remember. I remember thinking yeah, this was pretty good. It was actually fantastic. It's so interesting.

First, since not everybody listening now was listening then, give us the lowdown. It's not just turning off the water, although that is a big part of it. Tell us first of all what the NSA campaign is, and then I want to talk about the unbelievable avalanche of mainstream media you guys have been getting.

BOLDIN: Yeah, it's absolutely incredible. Think of this as a chess game. I know you like chess, Tom. Not every piece or every move is taking the queen or taking the king and is checkmate.

WOODS: Right. Great analogy.

BOLDIN: So resources might be our checkmate move or taking the queen, really effectively making things very difficult for the NSA. That can happen in currently nine states. We're talking Utah with 1.7 million gallons of water a day for the data center. Maryland, 5 million gallons of water every day from Howard County to analyze the data coming from the Utah data center, electricity in Texas, and other states. That's kind of like the big move. The NSA relies on state and local cooperation to do what it wants to do in other areas.

For example, one of the most important areas is data sharing. The NSA through the Special Operations Division, they're called SOD of the DEA. This former secret SOD, beyond our report from Reuters last year, they're taking warrantless data and passing it along to state and local law enforcement for its use in everyday criminal prosecution. So the idea is they're already probably prosecuting people for criminal cases on things that were obtained without a warrant. That just violates the whole system. We could get into a whole episode on why that's a bad thing.

The legislation that's being introduced around the country not only would ban the use of resources and materials to support the NSA, it would ban this type of information in criminal proceedings or in court on a state level. That would thwart some of the practical effects of what the NSA is trying to do. The idea here is

that maybe we can't necessarily stop the NSA from doing what it wants to do, collecting the data, but we can stop it from doing what it wants to do with that data once they get it in many situations. I personally think, and I think Mike has said this on a number of interviews, this actually might be the most important part with practical effect of what we're doing against the NSA right now.

WOODS: Everybody is focusing on the water aspect, because they need this huge amount of water to cool their machines and stuff from all the spying and all the collection and algorithms and whatever. I think people are interested in that because it's so dramatic. It represents such a dramatic showdown. You're right: I think what you're describing is maybe in practical effect and in terms of the likelihood of success maybe in some ways the better bet, but I like to see the full-spectrum dominance. Let's take an imperial phrase from the bad guys and use it for ourselves, right? Let's dominate in every conceivable corner of this question.

You got onto CBS News, and you weren't made to look crazy. What is the secret formula for accomplishing this?

BOLDIN: I'm a pretty likeable guy.

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WOODS: That, is it by the way. You're not just being facetious. That is 99 percent of it.

BOLDIN: A lot of times when I talk to reporters, and in all honesty when I talk to reporters or people who do production, a lot of them will say to me, okay, I was expecting to have to argue with you. This is not uncommon. I think a lot of people look at the media as being the bad guy. I certainly do, but you know what? They're human, and a lot of them were educated by the Paul Krugmans of the world, so they've been misinformed. They've gone to the standard school of thought and learned really bad stuff. So when you present things in a positive way, I think this is what Harry Browne used to talk about for so many years, is learn how to reach inside someone. Put it in terms that make sense to them. And on this issue of NSA spying, I personally think it's a very easy thing to do unless you're talking to someone who works for the government.

WOODS: So what else has been going on? They didn't quote anybody saying Michael Boldin is a threat to national security—which, by the way, might have gotten you a lot of donations if they had done that.

BOLDIN: Yeah.

WOODS: I mean, there was nothing on the other side of things that was presented. It was a neutral story in which you got to give your point of view, and nobody gave a contrary point of view. This has now spread to many other mainstream outlets. Tell us about some of the attention you've been getting. Give me some examples. Who's reporting on this?

BOLDIN: Well, just about everybody in the mainstream. Just in one week we were covered by *U.S. News & World Report*, ABC News online. *The Guardian* covered us over in the UK. Again, this is mostly focusing on the effort to turn the water off. As you said, this is kind of that big, exciting, big hitter, and maybe that's what's bringing the attention. But to me what becomes really exciting is that those who aren't willing to go that far on a state level with legislation are actually moving forward with pieces of the puzzle. They're talking about the data sharing. There's a bill in Missouri that would change the state constitution to ban the state of Missouri from using this warrantless data in court. In Utah, our friend Connor Boyack is working on a bill to not only ban the data sharing but also cell phone location tracking. We know that local police, along with the NSA and FBI, are tracking millions of people's locations around the country. If they try to track them, that's bad enough, but these type of bills will actually stop how it's used. They won't be able to use it in prosecution.

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WOODS: What about the possibility of cooperating across ideological lines? Really, decentralization shouldn't really be ideological. Everybody should favor local control. I don't even see that this is debatable, but apparently it is. On the one hand, I bet you have people who are willing to say, I don't agree with the Tenth Amendment Center on a lot, but this is a brilliant idea. On the other hand, was it on ThinkProgress? It was on one of these sites that said, now wait a minute, progressives, don't you get in bed with the Tenth Amendment Center on this turning off the water thing, because before you know it, they're going to want to turn off the water to the local welfare agency. So the message seems to be: spy on me all you want as long as you keep giving me free stuff.

BOLDIN: Well, yeah. That's exactly what our good friend Ian Millhiser and some other clown that wrote with him said at ThinkProgress.org. Don't use this, progressives, because it might work. And to me, that is the number-one reason why it's so green light, and we should ramp up the pressure at every turn possible to do this, because it might work. That is a wonderful thing to hear. It's fortunate that ThinkProgress is one of only a few that actually takes this type of position.

WOODS: Right.

BOLDIN: You had very positive coverage over at TruthOut, Norman Solomon of Roots Action, published an article at Common Dreams and lobbied and supported in Washington state. We've seen articles supportive over at CounterPunch and elsewhere. In general, the Left is very understanding of this. The Left has used this type of activism refusing to cooperate with federal acts on real ID and on the legalization of marijuana for many years. So people get it when it's put to them in a positive way, and they're actually able to digest it. Unfortunately some people just want to keep people divided and one side versus the other. That's what they wanted to do for ages.

WOODS: Whereas the Tenters bring people together, Michael, right?

BOLDIN: Okay, that's the first I've heard of that! No one ever says that to me in a serious interview other than this, because no one wants to admit that. When it gets down to it, we're going to not only going to irritate everybody, but we're also going to make everybody happy. Everyone has an issue that to them, they don't like how the federal government is doing it. We're giving them a message: let's do it closer to home. That's positive to someone on some issue, and we're going to continue building what we call single-issue coalitions to get things done.

WOODS: Michael, I want you to abandon any false modesty or anything like that. I want you to throw that all out the window. I want honesty. I want to know, because I think the listeners want to know, when you look at the provisions of the ideal anti-NSA bill, which would include the water, not allowing the use of the data in evidence, making sure that universities in the state aren't cooperating, all kinds of things that the state can do. Whose idea was this? Who came up with these ideas? Was it some think-tank somewhere that came up with it, and then you decided to copy it? Where did the ideas come from? Be honest with me. I want to know.

BOLDIN: Do I have to be honest?

WOODS: You're darn right you do. It's Tenter Tuesday, right?

BOLDIN: All right. If it was Wednesday...

WOODS: All bets would be off.

BOLDIN: Well, you know, if it started anywhere, it started with myself. I with a number of people on my team, last summer started thinking, okay, this NSA thing after the Snowden leaks, this is huge. Is there

something we can do? I initially thought, nah. What are you going to do to stop the NSA? What can you do to even give them a difficult time? So I started researching about three weeks, digging into this, and then started finding some DoD contracts that were declassified about water and things like that. All of a sudden, the light bulb came on. From there, the idea in its very inception did come from myself, but then I worked with some other people to put the legislation together—Blake Philippi, whom I believe you've met over the years.

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WOODS: Oh yeah, good guy.

BOLDIN: Blake helped out a great deal with the legislation, Mike Maharrey, and then our friends over at Bill of Rights, the Trends Committee, who is a leading partner in the coalition over at OffNow.org. We worked on the legislation together.

It's still evolving. If anybody thinks this is a silver bullet that's going to end NSA spying in one year, you've got another thing coming. It's not going to happen like that. We believe that every piece of the puzzle is an important piece of the puzzle. Whether banning the use of location tracking or banning the use of data in court or turning off water or passing a bill in Oklahoma— where there is no data center, to say we're not going to allow the state to give water or electricity to the NSA. You know what? That's an important thing. All the other states other than Utah or Maryland or Texas aren't doing this, and the NSA can't get any bright ideas: that's okay, we'll just jump ship and move next door to Nevada or California.

WOODS: Right.

BOLDIN: They're boxing them in and making it extremely difficult for them to find other options. Again, this is a chess match, and each play is a very important one. Sometimes they'll give up a few pawns, though.

WOODS: Let me make clear, then: the raw idea for this came out of the head of Michael Boldin, executive director and founder of the Tenth Amendment Center. It came out of your head, and now you're seeing this tremendous coverage, this tremendous momentum behind it. I can't imagine how satisfying that must be. I mean not that you sit around. You have no time to sit around. You work a ridiculous number of hours a day. But if you had more leisure time, even then I don't think you'd be sitting around thinking about your own awesomeness. But there still has got to be part of you that says, I can't believe not only am I part of this, but I really got this row of dominoes falling just by starting to tip them.

I want to point out, having said this, that when we talk about ThinkProgress.org, we're talking about a well-funded organization that gets money from George Soros. A lot of times people talk about groups like the Tenth Amendment Center as being well funded. They made that up. They invent that to make you guys sound scary. You guys are not well funded, and I think that's one of the great outrages of American life right now. You should be well funded. People listening to this program should be pulling out their checkbooks and saying, here's a guy who works for a pittance who comes up with brilliant ideas like this, who works his tail off 24 hours a day.

In other words, take that money that you were going to send to the Heritage Foundation, which is going to spend its time undermining what the Tenth Amendment Center is doing, going to spend their money on cocktail parties with Ben Bernanke or on limousine services for their president. Take that check and say, you know what? I'm not a sucker. I'm going to send it to something that's run by somebody who's conscientious, who knows what he's doing, who has a good face for the media, who's full of good ideas, and damn it it's David versus Goliath here. I'm going to come down on the side of the underdog and help out The Tenth Amendment Center at TenthAmendmentCenter.com. What do you say to that, Michael Boldin?

BOLDIN: It's awesome. First of all, thank you for saying that. You have more kind words than I would ever

expect, but it's awesome that you brought up the Heritage Foundation. Along with ThinkProgress, they're the other side of the coin attacking. They specifically put out an article, and Mike Maharrey crushed them in a response. He got a media call. All you have to do is write about how the Heritage Foundation is lying about the Constitution, and people want to talk to you about it. This is another organization that is trying to do this. If he had even one-tenth of the money that these folks do, look what we're doing without the money. Not that I want to turn this into a fundraising message, because we're going to keep trucking along doing the same thing, reaching out to the entire world.

The entire world is watching this campaign to decentralize and to use effective methods of actual resistance. This isn't just a parlor game that we're talking about here. We're talking about turning off the electricity in Texas. We're turning off the water in Utah to the NSA. This is serious resistance. Something that could be historic. I believe it can work with enough people behind it. It has worked in the past, primarily when northern states refused to provide material support or cooperation to the federal fugitive slave laws. They wouldn't allow in Michigan, for example, the state jails to be used to capture black people, to send them into ownership into the South. We've got the moral high ground on our side. We've modeled much of our strategy after that resistance to federal slavery laws in the 1850s. I believe it's time to put it in practice and actually make it happen again, whether it's happening just today or over the next five or ten years. It's got to be done.

WOODS: Michael, before we went on the air, we were talking about what we should talk about, what should we cover this time. You said, "It's nullification season right now." I love that phrase. I like the idea that we've got summer, winter, spring. Then we have fall, and then we have nullification, right? So nullification is a season. I just love that. We have five seasons. One of them is nullification. What do you mean by that? It's really like a new springtime of nullification? And if so, what are some of the blooming flowers that you see around the country?

BOLDIN: Two reasons for that. One, it is kind of a new spring for nullification in the fact that it's being talked about, the fact that Anonymous Tweets out to a couple million people "nullify NSA," and no one seems to say that that's crazy or racist when they do it.

WOODS: Yeah, Anonymous supports slavery.

BOLDIN: Right, so this time there is a new modern nullification spring, as a way of putting it. But also, this is a time of year when state legislatures are in session in most states around the country, January to April, maybe May.

[time 00:18:40]

WOODS: That's why it's nullification season. I get it, okay.

BOLDIN: Yes. There's bills all over the country being considered on various things from abandoning weaponized drones over a state's airspace to legalizing hemp and defiance of the federal prohibition on growing this industrial product that's used in soaps and granola. We're tracking somewhere between 60 and 70 some-odd bills around the country: NSA, nullifying federal gun control, on drones, on hemp legalization, on stopping Obamacare in South Carolina, Oklahoma, and Missouri. It's amazing. It's hard to keep up with all of it, but we do our best. Just yesterday, on Monday, there were seven or eight bills that were being voted on in either committees or state houses, and we're still trying to figure out all the updates, but we'll have that soon over at TenthAmendmentCenter.com.

WOODS: Do you have any sense of not only which bills on which topics but also in which states the greatest likelihood of passage might be?

BOLDIN: Well, I think, for example, on NSA, the greatest likelihood of passing the whole spectrum bill is in

Oklahoma, California, and Alaska. On the right to keep and bear arms, nullifying federal gun control, Arizona and Missouri—there's a bill that passed the Missouri Senate, I think it was 23 or 22 to ten, that would nullify basically any federal gun control measure past, present, or future. That's very likely to pass the House. It missed the veto override by one vote last year, but our friend Ron Calzone, Missouri First is working very hard to get that one additional vote for this time around. Because I'm sure the governor's going to veto it. But these things are very close to happening. On drones there are bills in Washington state and elsewhere. I think like ten or 15 states that are moving forward: Indiana, Wisconsin, and elsewhere to nullify some warrantless drone spying.

In Utah, there's a bill to turn off the water. That's going to be probably a multiyear project. The State Rep Mark Roberts plus Connor Boyack, plus people at Occupy Moab, and groups across the political spectrum are really getting behind that type of legislation in Utah. There's hemp legalizing in places like Washington State and West Virginia. Colorado started growing this plant in defiance of federal law last year, and they just started issuing licenses to do so again this past weekend. Things are moving forward. What's most interesting is that it's across the political spectrum. This isn't a right-wing or a left-wing thing. There are issues for people who are on the Right, the Left that are very important to them. Of course, for libertarians all of them are good. To decentralize on every issue is a very important thing, because that gets you closer to the proper decision-maker, and that's the individual.

WOODS: I've got a trip a little bit later this year. I'll be able to give the details about it soon. But a little bit later this year, I've got a trip scheduled out to Utah [TW note: May 9; see tomwoods.com/events] specifically to promote the legislation there and promote the whole idea and publicize it, get people on board. So I'm really pleased about that and glad to have that chance.

Do you still have the legislative tracking page at The Tenth Amendment Center? If you do have it, are you able to keep it up to date with all these many, many, many bills? It's one thing when you had ten bills, but now you've got all these things going on. How are you able to do that other than working eight zillion hours a day, which I think is the answer?

BOLDIN: That is the answer. It's tracking.tenthamendmentcenter.com. It's actually evolved. It's a lot nicer to use. You go in there, and you can just pick an issue. So when you go to tracking.tenthamendmentcenter.com, it's got six or eight top issues on the left side. You click whatever is important to you, whether it's Obamacare, gun control, hemp, marijuana, NSA, drones, etc. You click that, and then you can see what's going on in states around the country. You click on the state. If you want to support a bill to ban warrantless drone spying in Iowa, well there's one that passed the House, and it tells you on that page who you need to call to get this past the Senate. This is a really powerful tool. We're seeing more and more people use it every single week, and that's exciting to me.

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WOODS: Do you know off the top of your head how many state chapters of the Tenth Amendment Center you have?

BOLDIN: No, I can't keep track.

WOODS: It's more than five.

BOLDIN: Yeah, of course. Florida, Tennessee, Arizona, Texas, Pennsylvania, across the country there are various people. We want more and more people to do that. It's hard to find people who are willing to dedicate five, ten hours a week. Even if it's an hour a day to do this. Because the way that they destroy the economy, the way they destroy the dollar keeps everyone in a very difficult situation economically. You have to work so much, two family incomes. A home has to have two incomes, really, to pay for it in most situations. You know what? Most people I think really want to do normal things like go to work, come

home, spend time with your family, go to sleep.

It's hard to be able to find the extra time to do this, but those who are doing that are having a great effect on the state and local level building coalitions, educating people, and actually having practical effect. A great example is our great team in Arizona, where we've got a team of four people. All it's taken is four people to work this year, and we've got a number of bills moving forward to the state senate for a vote against NSA spying, nullifying the gun control, and on requiring federal agents to have to check in with a local sheriff before they really do anything in a local area. So these are the things that are moving forward. It's all because three people decided to put in a few hours a week. If we had that in every state in the country it would be pretty massive.

WOODS: I bet you there are people who listen to this program who might say to themselves, you know, I can spare that amount of time, and there's no Tenth Amendment Center chapter in my state. Can they just contact you if they have a serious inquiry and see if they can get the ball rolling?

BOLDIN: Yeah, it's tenthamentendmentcenter.com/volunteer. You can let us know what you can do. Even if it's not necessarily leading a chapter. If you like writing blogs or reporting on things or helping doing research, you can fill out some options there. Let us know if you can do video production or audio production. There are so many projects we could do if people just let us know what they're good at. We'll do our best to get you in touch with someone quickly.

WOODS: So here we are in early March, so by next time probably the legislative session will be over. I know it ends in Utah in a couple of weeks, for example, so maybe we can come back and do a postmortem and see what worked, what didn't, where we need to go from here, where we need to keep lobbying and pushing for these things. I hope we can have a Tenth Tuesday in April.

BOLDIN: Well it won't be a postmortem, because that signifies death.

WOODS: I mean the death of the legislative session, not the death of our dreams.

BOLDIN: Well, oftentimes when I scroll through hundreds of bills in a state, 99.9 percent make me want to puke, but once in a while you'll find a gem. So maybe in a way much of the legislative session is about death, taking liberty, taking property, taking your money for bad reasons. But every now and then we've got something really positive, and I like how Ron Paul always talks about focusing on some of the positive things. When we can get one little opening, get the door cracked open for liberty, I say we push as hard as we can.

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