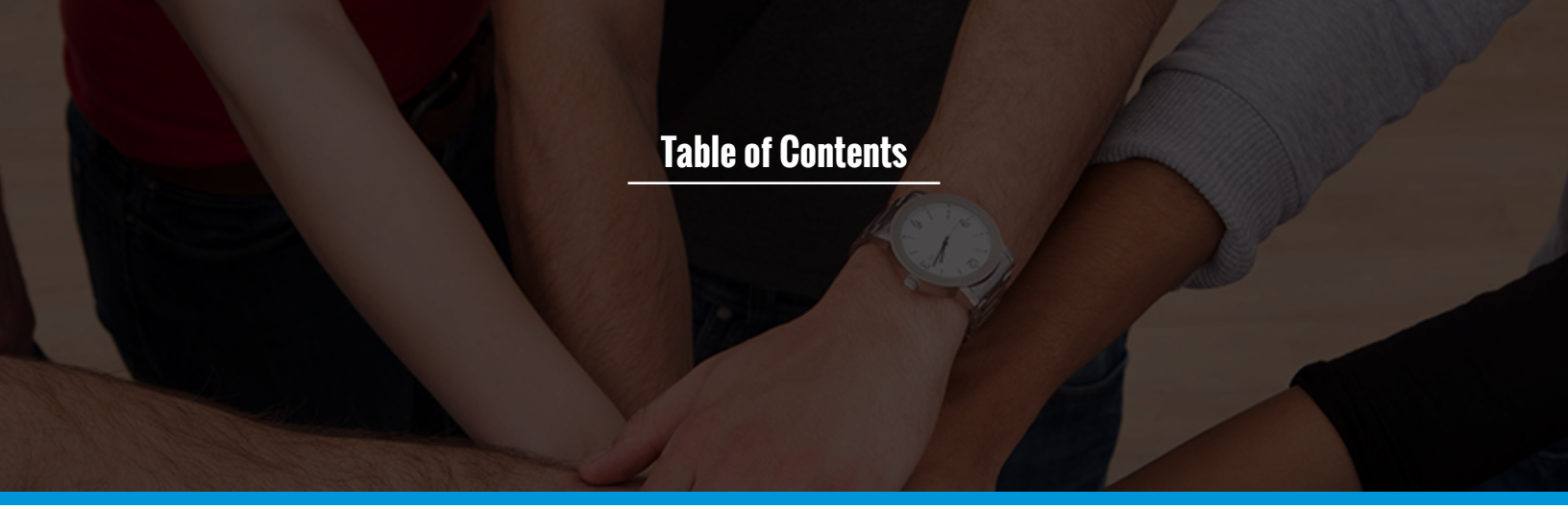
TENTH AMENDMENT CENTER

# 2016 STATE OF THE NULLIFICATION MOVEMENT

## REPORT ON THE GROWTH
### OF STATE-LEVEL RESISTANCE TO FEDERAL POWER

Concordia res parvae crescunt (small things grow great by concord)



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# From the Founder

The modern nullification movement took another leap forward in 2015 and continued to build momentum through 2016.

From its early days as a rejection of federal power on a single issue, the movement has grown organically into a loose coalition of disparate groups using similar strategies on issues across the political spectrum.

This report connects the dots between efforts that might seem wholly independent of each other to the casual observer. But, when viewed as a whole, it reveals a thriving movement that has developed into a revolutionary political force.

Some of these efforts are not self-identified as "nullification" per se by advocates, and often-times, various players are at odds with each other when it comes to their overall political goals.

As political theorist Murray Rothbard wrote in his seminal work, *Conceived in Liberty*, this is common in revolutionary movements.

He noted that, "the tendency of historians of every revolution...has been to present a simplistic and black-and-white version of the drives behind the revolutionary forces," and he pointed out that doing so "betrays an unrealistic naivete."

True revolutionary movements rarely have a single, narrow impetus or focus. They are, as Rothbard wrote, "made by mass of people, people who are willing to rupture the settled habits of a lifetime, including especially the habit of obedience to an existing government."

As this report shows, the motives behind the various actors in the modern nullification movement vary as much as any group of people when it comes to political goals. Rothbard considered this "dynamism" one of the "major characteristics" of a revolution, as it creates an "unfreezing of the political and social order" for people, whatever their motivations may be.

While revolutionary, the nullification movement is not one of the stereotypical types - that is, one characterized by a physical upheaval against the established order. Instead, it is a deeper, more philosophical revolution - a revolution in thought.

John Adams, Founding Father and second president of the United States, described the American revolution in much the same way.

In his 1818 letter to Hezekiah Niles, he wrote:

*But what do we mean by the American Revolution? Do we mean the American war? The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations. ... This radical change in the principles, opinions, sentiments, and affections of the people, was the real American Revolution.*

Today's nullification movement is revolutionary because it offers the hope of smashing the established political order; one of "voting the bums out" only to see new "bums" violate the Constitution in more costly and dangerous ways each year.

## Dynamism:

*Rothbard considered this "dynamism" one of the "major characteristics" of a revolution, as it creates an "unfreezing of the political and social order" for people, whatever their motivations may be.*


# Two Definitions for Nullification

In order to understand the nullification movement of today, one must first understand what nullification actually *is*.

We can define nullification in two primary ways; a *legal* definition and a *practical* definition. Merriam-Webster dictionary defines "nullify" in this way:

1. to make null; *especially*: to make legally null and void
2. to make of no value or consequence

The first definition is the *legal* meaning - ending the force of something *in law*. For example, a court might nullify, or invalidate, a contract between two people.

The second definition is the *practical* meaning - ending the the *actual effect* of something. Merriam-Webster gives an example of a penalty nullifying a goal in a game of soccer.

People of the founding-era understood nullification in much the same way. Evidence from contemporary dictionaries of the day indicates that there were two primary definitions of the word; one legal and one practical.

The *New Law Dictionary* by Giles Jacob was one of the leading **legal** dictionaries of the 18th century and defined a *nullity* as that which renders something of **no legal force**. On the other hand, a number of 18th century **popular** dictionaries defined words like *nullify*, *nullity* and *null* as something rendered **ineffectual**.

# Nullification in Practice and Effect

Nullification in practice has happened. It is happening. And it will continue to happen in the future as well.

One might be tempted to think that there is no way to nullify without ending the force of something in law. In other words, without a legislative body repealing the law, or a judge striking it down, it will still remain in full effect. But the opposite is often the case.

We find one of the most absurd examples in Virginia, where sex is completely banned except for married couples. No matter your age, or your partner's, breaking this law is a Class 4 misdemeanor.

*By 1925 six states had laws that kept police from investigating infractions. And by 1928, 28 states had stopped funding for alcohol prohibition enforcement completely.*

In Feb. 2014, an effort to repeal this law failed. It is certain, however, that while the law is not *legally* null and void, it is nullified in practice on a daily basis. Unmarried couples still have sex in Virginia, and the police do not engage in bedroom or backseat raids to enforce the law.

Alcohol prohibition provides an example of nullification in practice on an even larger scale. From 1920 to 1933, there was a nationwide federal ban on the sale, production, importation, and transportation of alcoholic beverages. That ban didn't work.

Alcohol prohibition didn't fail because a federal judge struck it down. No competing law repealed it. That happened later. Prohibition was reduced to a virtually unenforceable decree in much of the country for many reasons,

### From the Ground Up

*Nullification - whether in law or in practice, or both - can only happen when the people themselves actually reject the government power & act to exercise their rights whether the government wants them to or not.*

including mass individual disregard of the law, along with a refusal by states to assist in its enforcement.

In a report published in 1931, the federal government actually admitted state refusal to cooperate was drastically hindering federal alcohol prohibition, a policy it emphatically wanted to enforce.

They even called it "nullification."

Most commentators today focus solely on nullification as a process in the legal realm and completely ignore its practical definition. This indicates they must believe a lot more people in Virginia have misdemeanor convictions on their records than actually do. These people become so focused on the law in the strict sense of the word that their narrow vision prevents them from seeing the bigger picture.

*Nullification can be defined as "any act or set of acts which has as its result a particular law being rendered legally null and void, or unenforceable in practice."*

For the purpose of this report, we consider this more expansive view of nullification. We think beyond the mere legal and into the realm of the practical.

Northern abolitionists in the 19th century provided a blueprint for this type of nullification. Virtually every northern state passed "personal liberty laws" to thwart fugitive slave rendition.

These laws didn't *legally* end the fugitive slave acts, but they did make them nearly impossible to enforce, effectively nullifying them in practice

Thus, nullification can be defined as "any act or set of acts which has as its result a particular law being rendered legally null and void, or unenforceable in practice."

### A Practical View

*Focusing solely on a law being overturned or repealed ensures that you'll miss the bigger picture. If a law remains on the books but no one follows it, or it cannot possibly be enforced - is is really a law at all?*

# Not Calhoun

Thomas Jefferson never mentioned a specific path to nullify in the Kentucky Resolutions, or anywhere in his writings.

Pundits, members of the media, and legal experts generally focus exclusively on nullification in a purely legal sense, specifically on a particular process created and proposed by South Carolina Sen. John C. Calhoun during the so-called "tariff crisis" of the 19th-Century. In so doing, they completely ignore nullification happening in a more practical sense.

Calhoun held that since each state is a party to a legal compact- the Constitution - each state had the constitutional authority to determine whether or not it had been exceeded or violated. In his conception of the process, a single state could take a steps to *legally* overturn any act it deemed unconstitutional.


The Calhoun-inspired South Carolina plan for nullification held that if a single state declared a federal act unconstitutional, it legally overturned the law throughout the entire country. From that point forward, the state's position would be immediately recognized as legally binding, correct and true unless ¾ of the other states, in convention, overruled the single state and overturned its nullifying act.

As Mike Maharrey noted in his handbook *Smashing Myths: Understanding Madison's Notes on Nullification*, Madison was asked to offer his opinion on the proposal and came down strongly against it. And rightly so, based primarily on the "peculiar" (his word) process that Calhoun and South Carolina proposed.

**Understanding Calhoun**
Rather than covering the full history of nullification, most pundits focus solely on a process to nullify created by John C. Calhoun in the 1830s. This application was specifically rejected by James Madison.

The *Smashing Myths* handbook covers Madison's views in more detail.

Calhoun started with Thomas Jefferson's reasoning in the Kentucky Resolutions of 1798, asserting that a part of the federal government (the Supreme Court that is) could not serve as the final arbiter in determining the extent of federal power. Jefferson wrote:

*"The government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."*

But Calhoun took this general principle and invented his own elaborate process to carry out nullification out of thin air.

In fact, Thomas Jefferson never mentioned a specific path to nullify in the Kentucky Resolutions, or anywhere in his writings. He **never** outlined a process, much less an exclusive method of nullification, like Calhoun claimed.

**Madison and Jefferson**
Both supported nullification in practice over any proposal which claimed to overturn a federal act in law.

# Madison's Advice

In Federalist #46, James Madison advised a powerful path to block the enforcement of federal acts.

*"Should an unwarrantable measure of the federal government be unpopular in particular States, which would seldom fail to be the case, or even a warrantable measure be so, which may sometimes be the case, the means of opposition to it are powerful and at hand. The disquietude of the people; their repugnance and, perhaps refusal to cooperate with officers of the Union, the frowns of the executive magistracy of the State; the embarrassment created by legislative devices, which would often be added on such occasions, would oppose, in any State, very serious impediments; and were the sentiments of several adjoining States happen to be in Union, would present obstructions which the federal government would hardly be willing to encounter."*

Madison offered a simple, but incredibly effective path to nullify federal acts in practice - refusal to cooperate.

In other words, whether a federal act or program is considered "unwarrantable" (unconstitutional), or "warrantable" (constitutional but merely "unpopular"), refusing to participate in its enforcement or effectuation can stop that act or program in its tracks.

Madison advised this at a time when the government was tiny in size and scope. Today, the increased size and reliance on "partners" in "most federal programs" gives his stated strategy even more power. The feds depend on state resources and personnel to do virtually everything. When states refuse to participate, it makes it difficult, if not impossible, for the federal government to run its programs or enforce its laws in the state.

Judge Andrew Napolitano agreed when he recommended that states refuse to enforce federal gun laws. He said that if a single state would do so, it would make those federal laws "nearly impossible to enforce."

Whether initiated by individuals or state legislative action, non-cooperation - "a refusal to cooperate with officers of the Union" - creates serious impediments and obstructions to federal programs, and can ultimately nullify such actions in practice.

# Anti-Commandeering

For over 170 years, the Supreme Court has repeatedly agreed with the Constitutional framework that the feds cannot force states to help them enforce their laws.

The Supreme Court has affirmed James Madison's "blueprint" holding consistently that the federal government cannot require states to expend resources or provide personnel to help carry out federal acts or programs.

The "anti-commandeering doctrine" is based primarily on four SCOTUS cases: *Prigg v. Pennsylvania* (1842), *New York v. US* (1992), *Printz v. US* (1997) and *National Federation of Businesses v. Sebelius* (2012).

The *Printz* case serves as the cornerstone. In it, Justice Scalia wrote for the majority:

*"We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly. The | Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty."*

1. *Prigg v. Pennsylvania* (1842)
2. *New York v. United States* (1992)
3. *Printz v. United States* (1997)
4. *National Federation of Businesses v. Sebelius* (2012)

This is the essence of what Madison wrote about in *Federalist* #46 - a "refusal to cooperate with officers of the Union."

Since the states "partner" with the federal government to carry out "most federal programs," (according to the National Governor's Association) passing a bill banning the state from participating in a specific federal act or program can make those acts "nearly impossible" to enforce.

While Madison's advice should stand on its own, the unfortunate truth is that it holds weight within the legal profession and among state legislators simply because the Supreme Court repeatedly validated it. Although we don't base our philosophical foundation on the opinions of federal judges, we can use this knowledge for a strong *strategic* advantage.

A significant number of lawyers make up the typical state legislature, and powerful committee chairs are often lawyers too. The cold, hard fact is that without validation from the Supreme Court, a vast majority of these lawyer-politicians will do everything in their power to block legislation from moving forward.

For this reason, the anti-commandeering approach makes for an excellent **strategy**. It eliminates the claim of unconstitutionality and illegality that opponents always raise with different methods of nullification, for example, legislation that includes a physical arrest of federal agents.

That doesn't mean this form of nullification easily passes through the legislative process either, but anti-commandeering bills help shift the debate to the issues at hand, and away from purely academic legal arguments. It forces opponents of nullification to address issues like Obamacare, federal gun control and NSA spying head-on instead of hiding behind arcane legal posturing.

As they say - the proof is in the pudding. Over the last two years, we've seen states pass numerous anti-commandeering laws. This contrasts vividly with the failure of nullification legislation that attempted to physically block federal action in previous years. The latter has almost no chance to move forward in today's political climate.

# What We Cover. What We Don't.

This report focuses primarily on state legislation and referendums that nullify federal power in practice. This includes efforts that address federal acts more broadly, such as thwarting implementation of federal healthcare programs, or those that target very specific federal policies, such as allowing terminally-ill patients to bypass the FDA when accessing experimental treatments.

Additionally, state action can impact federal power in two primary ways, either by direct rejection of a specific federal action, or by targeting state and local action in a way that thwarts the operation or goals of federal acts or policy.

Both approaches contribute significantly to overall nullification efforts and generally make up the most prominent forms of activity within the larger movement. We will cover both in some detail in the sections to follow.

There are, however, actions that some view as significant components of the nullification movement, but that we do not cover. These include the following, along with the reason for exclusion.

**Jury Nullification**

The power of a jury to refuse to convict on the basis that the law itself is illegitimate or unjust stands as a long-established American tradition. It essentially makes up the last line of defense against unconstitutional or unjust laws.

One of the most notable instances of jury nullification in American history occurred as abolitionists in northern states took actions to nullify the Fugitive Slave Act of 1850.

In 1851, 26 people in Syracuse, New York, were arrested, charged and tried for freeing a runaway slave named William Henry (aka Jerry) who was arrested under the act. Among the 26 people tried was a U.S. senator and the former governor of New York. In an act of jury nullification, the trial resulted in just one conviction.

Unfortunately, while we do report on state bills relating to informing jurors about their right to exercise jury nullification, we lack the resources necessary to cover this important issue more broadly. If you are interested in more information, we encourage you to visit the leading jury nullification organization in the world, the Fully Informed Jury Association (FIJA) at www.fija.org

**Individual or Group Noncompliance**

Nullification is most effective when the people at large take action to nullify as well. This can include a wide range of actions, and even non-actions, that render a particular federal act unenforceable in practice.

There are growing efforts to engage in individual, and large-scale public refusal and nullification on a variety of issues.

Nullification of federal marijuana laws serves as the best example. While state laws legalizing on a limited or wide scale offer greater "legitimacy" and shield the general public to some degree, without individuals in large numbers simply defying the federal prohibition, state laws would be meaningless.

Hundreds of thousands of students opted out of common core testing last spring.

According to *US News*, more than 200,000 students in New York alone refused to take the test. Officials in Maine, New Mexico, California, New Jersey, Oregon, Pennsylvania and other states reported widespread opt-outs as well. Data from the tests are integral to the common core program. Students refusing to participate undermines the entire system and could potentially unravel it completely.

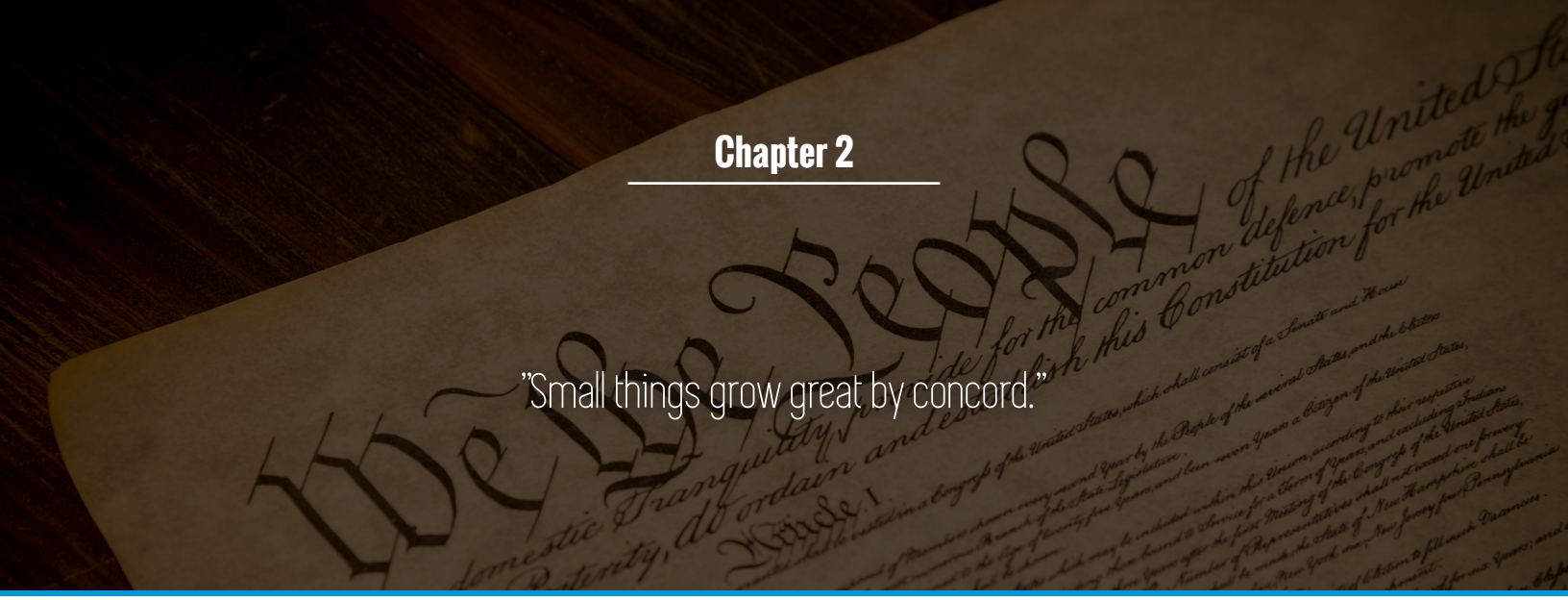
Refusing to pay the so-called "shared responsibility tax" can have a serious impact on the viability of the Affordable Care Act (ACA), aka Obamacare. Current federal law creates a climate for mass non-compliance. Because the IRS has no mechanism to collect the tax other than withholding a refund, people who refuse to get insurance and refuse to pay will current face no sanctions from the federal government (get full details here).

Other issues creating opportunities for people to push back against the feds include gun control measures, hemp farming, utilizing cryptocurrency to undermine the Federal Reserve's monetary control, and taking measures to protect personal data in ways that thwart federal spying.

In the coming years, we hope to cover these efforts in more detail, focusing on big-picture examples of how individuals and communities are helping nullify various federal acts.

## The People's Nullification

*The most effective nullification strategy is a mix of state and local legislation and mass, individual non-compliance.*



Chapter 2

"Small things grow great by concord."

# The Issues

Over the past year, legislators across the country introduced hundreds of bills to reject or simply ignore federal acts. Governors in various states signed dozens of bills into law.

Individuals also took action to opt-out of federal programs in increasing numbers.

This report connects the dots between efforts that might seem wholly independent of each other to the casual observer.

But, when viewed as a whole, it reveals a thriving movement that has developed into a revolutionary political force.

Most of these efforts are not self-identified as
"nullification" in a more traditional sense, and oftentimes various players find themselves at odds with each other when it comes to overall political goals.

The following pages cover the major nullification efforts the Tenth Amendment Center is currently most-engaged in. There are many more, and as they grow, we hope to cover them as well in future years.

# Marijuana

## The grandaddy of the modern nullification movement

Marijuana is the granddaddy of the modern nullification movement. On no other issue do we find state-level resistance to federal power so advanced, well-funded, supported and successful.

Looking at the big picture view, the modern nullification movement effectively started in 1996 when California voters approved Proposition 215, the Compassionate Use Act, authorizing the possession, cultivation and use of cannabis (marijuana) for limited medical use.

The federal government claims the power to strictly enforce full prohibition of marijuana and makes no exception for medical purposes.

As the November vote loomed in 1996, three different presidents came to California to campaign against it. Of course, there was the typical "reefer madness" philosophical opposition to the proposition, but there was also a constitutional claim - that the supremacy clause of the Constitution didn't allow the people of California to defy federal marijuana policy.

But defy they did.

The early days of limited marijuana legalization in California were precarious. The federal government put heavy pressure on anyone violating its prohibition, and the legal market under state law barely registered a blip.

But from those modest beginnings, Prop 215 grew into something massive. Cannabis now ranks as the #1 cash crop in the state. It generates nearly $4 billion in yearly revenue. That's more than other agricultural goods, including grapes, almonds or oranges - products  California is widely known for.

The growth of the marijuana industry happened despite increasingly aggressive federal enforcement measures in subsequent years, escalating significantly first under Pres. Clinton and then Pres. G.W. Bush. Enforcement under Pres. Obama proved even more aggressive, more than doubling the number of attempts and resources spent.

"This should be seen as a strategic blueprint to approach other federal programs."

The first effective, but limited, marijuana law was passed by voters in California in 1996.

It now ranks as the #1 cash crop in the state.

After the Supreme Court held the federal power would not be turned back by state laws to the contrary, not a single state repealed their laws legalizing marijuana.

Today, nearly two-dozen states authorize marijuana for medical use, and eight states have legalized it for general use by the public.

It also happened in the face of a 2005 Supreme Court opinion in *Gonzales v Raich*. The Court took the position that the "interstate commerce clause" of the Constitution authorized the federal government to prohibit the possession, consumption, and production of a plant that never even left someone's back yard.

At the time of that case, there were ten states with medical marijuana statutes on the books, and not one state repealed its law after the court issued its opinion. Today, we are approaching triple that number, and eight states have legalized marijuana for general use.

The federal government is clearly losing the battle against state, local and individual defiance.

Each year, new state laws and regulations continue to expand the industry, and each expansion further nullifies in practice the unconstitutional federal ban. The feds need state cooperation to fight the "drug war," and that has rapidly evaporated in the last few years with state legalization and decriminalization.

Recent FBI statistics show that as many as 99 of 100 marijuana arrests happen under state and not federal law. Easing state laws remove some of the basis for 99 percent of marijuana arrests. Furthermore, figures indicate it would take up to 40 percent of the DEA's yearly-budget just to investigate and raid all of the dispensaries in Los Angeles – a single city in a single state. That doesn't include the cost of prosecution. The lesson? The feds lack the resources to enforce marijuana prohibition without state assistance.

Efforts to legalize marijuana and undermine federal prohibition took a major step forward in 2016 with the approval of ballot measures to legalize marijuana either for medical or general adult use in seven states. In all, eight states had measures on the ballot, the largest number of states to ever consider nullifying marijuana prohibition in a single election cycle.

Voters in California, Massachusetts, Maine and Nevada approved legalization of marijuana for general use by adults. Ballot initiatives legalizing marijuana for medical purposes passed in Florida, North Dakota and Arkansas. The only initiative to fail was a full legalization measure in Arizona.

Several states also took legislative action loosening restrictions on marijuana in 2016.

After a two-year journey, the Pennsylvania legislature passed a measure sponsored by Sen. Michael Folmer legalizing cannabis for medical use. Gov. Tom Wolf signed SB3 and it went into effect in May 2016.

Medical marijuana also became legal in Ohio last September. The legislature approved HB523 sponsored by Rep. Stephen Huffman. The legislation set in motion the creation of a limited medical marijuana program in the Buckeye State..

A Louisiana law specifically exempting medical marijuana patients and caregivers from state prosecution went into effect in August. Sen. Fred Mills Jr. (R-St. Martinville) sponsored SB180, providing simple and straight-forward language making it clear that medical marijuana patients and providers will not be subject to criminal penalties under Louisiana state law as long as they abide by the existing rules and regulations set forth by the legislature.

Rhode Island, New Hampshire and New Jersey all expanded their medical marijuana laws in 2016, adding new medical conditions to the list of those eligible for treatment with cannabis.

Expansion of existing medical marijuana laws demonstrates an important reality. Once the state tears down some barriers, markets further develop and demand has room to expand. That creates pressure to relax state restrictions even further. The expansions of medical marijuana programs represent another step forward for patients seeking alternative treatments and a further erosion of unconstitutional federal marijuana prohibition.

## Continued Growth

*Rhode Island, New Hampshire, New Jersey, Louisiana, Oregon, Pennsylvania, Ohio, Maine, Nevada, Hawaii...*

The successes of 2016 built on a foundation laid in 2015 as we saw the market for marijuana significantly expand in three states.

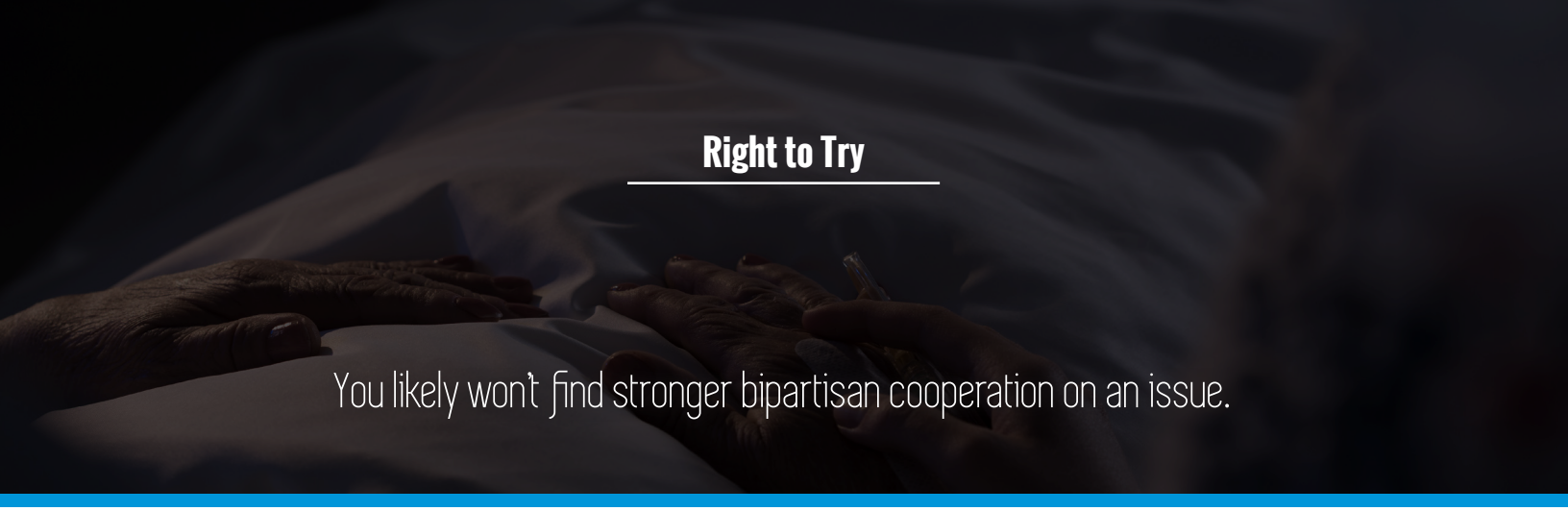
Approved by voters as Measure 91 in 2014, Oregon's legalization law went into effect over the summer. As of July 1, people in Oregon ages 21 and older can legally possess up to 8 ounces of marijuana in their home and up to 1 ounce of marijuana outside their home. They can also grow up to four plants on their own property.

Even as legalization for personal marijuana use went into effect, Gov. Kate Brown signed HB3400 into law. It not only creates a structure to implement a commercial cannabis market in the state, it also reforms the legal system. According to Drug Policy Alliance, the new law contains broad sentencing reform provisions extending well beyond the simple elimination of criminal penalties on personal possession and cultivation.

Hawaii also expanded its own medical marijuana program in 2015. The state legalized marijuana for medical use back in the year 2000, but up until recently patients had to grow their own. Under a law signed by Gov. David I. Ige in July, 2015, Hawaii's 13,000 registered users of medicinal cannabis will have the option of going to a dispensary and purchasing what they need. The law also authorizes 16 medical marijuana production centers. By allowing dispensaries and full-scale production, Hawaii has further rooted cannabis as a business in the state, taking another big step toward nullifying federal marijuana prohibition in effect.

With the unprecedented expansion of legalized cannabis over the last two years, we expect efforts to nullify federal prohibition of marijuana to continue in earnest in 2017. Passage of ballot measures in seven states indicates widespread support for legalization. The momentum created by the successful ballot initiatives will almost certainly carry over into the next legislative session.

Pres. Trump's, selection of avowed drug warrior Jeff Sessions as attorney general has raised concern in some quarters that the feds will ramp up marijuana enforcement efforts in states where it is legal. Regardless, states should continue to press ahead. Even if the administration attempts to crack down, the federal government still lacks the resources to impose its will in the many states defying its prohibition law. As legalization continues to expand, federal prohibition will become increasingly irrelevant, no matter what the federal government does.



# Right to Try

You likely won't find stronger bipartisan cooperation on an issue.

The "Right to Try" movement arguably ranks as one of the most legislatively successful nullification campaigns in modern history, at least in terms of the number of bills signed into law, as well as its bipartisan support.

The *Federal Food, Drug, and Cosmetic Act* prohibits general access to experimental drugs. However, under the expanded access provision of the act, 21 U.S.C. 360bbb, patients with serious or immediately life-threatening diseases may access experimental drugs **after** receiving express FDA approval.

State Right to Try laws bypass the FDA expanded-access program and allow patients to obtain experimental drugs from manufacturers without first obtaining FDA approval. This procedure directly conflicts with the federal expanded access program and sets the stage to nullify these federal restrictions in practice.

## Reasons for success

### Right to Try Laws have been passing easily. Here's why:

1. They authorize what the federal government prohibits
2. They build and gain support from across the political spectrum
3. They leave the direct defiance of federal power to the general public and businesses, rather than actors or employees in the state government.

The first Right to Try laws were signed in Colorado, Louisiana and Missouri in 2014.

From there, Arizona gave the movement a huge boost when voters approved Proposition 303 with a 78.47 percent yes vote on Nov. 4, 2014.

The overwhelming public support put Right to Try in the national spotlight.

That led to an avalanche of Right to Try bills during the 2015-2016 state legislative sessions.

At the time of this writing, 32 states now have Right to Try laws on the books.

In 2016, both Louisiana and Mississippi strengthened existing Right to Try laws. They added additional protections for doctors and manufacturers of experimental treatments. Florida also expanded its Right to Try law by adding medical marijuana as a treatment.

We saw the positive effects of the new law in Texas. When the clinical trial ended for a cancer treatment developed by Dr. Ebrahim Delpassand, patients were faced with the specter of having their therapies discontinued.

"Essentially, my job was to go back to these patients and family members, and tell them that, 'Sorry, I mean the FDA has told me not to continue in this treatment,'" Dr. Delpassand said.

With passage of the Texas Right to Try law, the doctor was able to continue the treatments of at least 78 patients under state law.

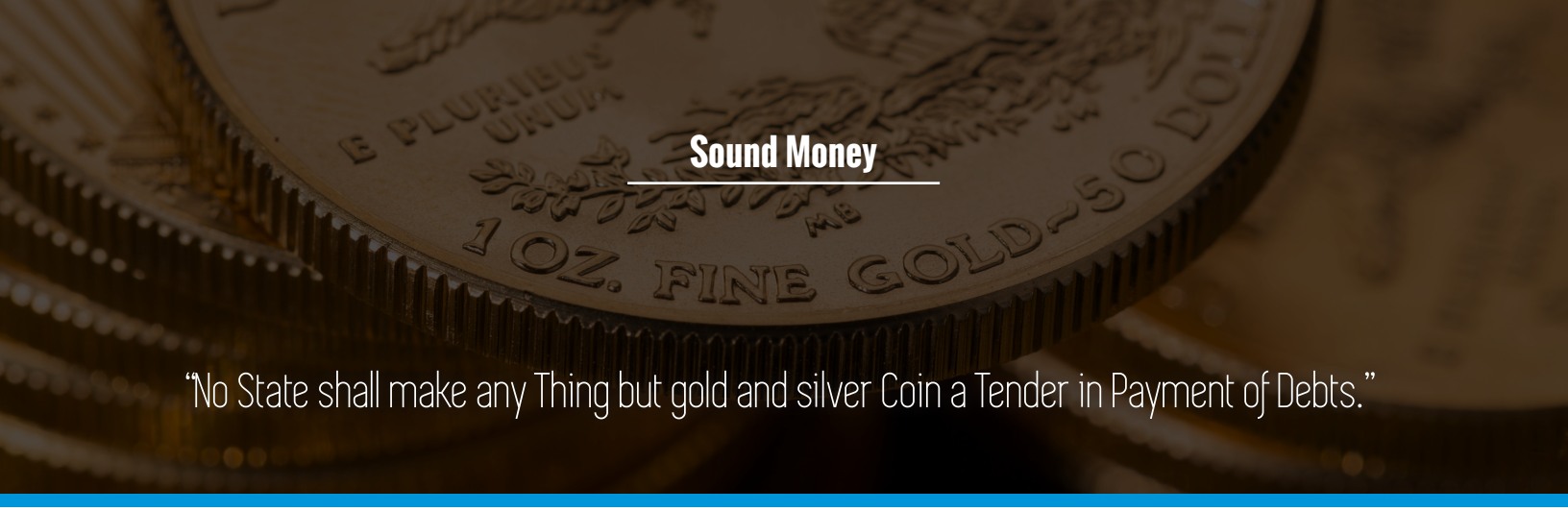
Americans from across the political spectrum intuitively understand that FDA regulations that let a desperately-sick patient die rather than try of their own accord count among some of the most inhumane policies of the federal government.

"Americans shouldn't have to ask the government for permission to try to save their own lives," Goldwater Institute president Darcy Olsen said. "They should be able to work with their doctors directly to decide what potentially life-saving treatments they are willing to try. This is exactly what Right To Try does."

The strategy behind Right to Try narrows the scope of the nullification effort to a limited federal action, regulation or law. The strategy works because it creates an end-run around specific federal policies that large numbers of Americans from across the political spectrum oppose.

While Right to Try only targets a narrow range of federal regulation, the success of this movement proves that both Republicans and Democrats are willing to pass laws that defy federal restrictions.

This should be seen as a strategic blueprint to approach other federal programs.




# Sound Money

"No State shall make any Thing but gold and silver Coin a Tender in Payment of Debts."

The United States Constitution states in Article I, Section 10 that, "No State shall…make any Thing but gold and silver Coin a Tender in Payment of Debts."

Currently all debts and taxes in states around the country are either paid with Federal Reserve notes (dollars), authorized as legal tender by Congress, or with coins issued by the U.S. Treasury — almost none of which contain gold or silver.

In his Mises Institute paper, Ending the Federal Reserve From the Bottom Up: Re-introducing Competitive Currency by State Adherence to  Article I, Section 10, Professor William Greene argues that if enough states start transacting business in sound money, it would effectively nullify the Federal Reserve and end the federal government's monopoly on money.

"Over time, as residents of the State use both Federal Reserve Notes and silver and gold coins, the fact that the coins hold their value more than Federal Reserve Notes do will lead to a 'reverse Gresham's Law' effect, where good money (gold and silver coins) will drive out bad money (Federal Reserve Notes). As this happens, a cascade of events can begin to occur, including the flow of real wealth toward the State's treasury, an influx of banking business from outside of the State – as people in other States carry out their desire to bank with sound money – and an eventual outcry against the use of Federal Reserve Notes for any transactions."

There are four practical steps states can take to promote the use and acceptance of gold and silver as legal tender, and undermine the Federal Reserve's monopoly on money.

**Recognize Gold and Silver as Legal Tender**

In 2011, Utah became the first state to formally recognize gold and silver coins issued by the United States as legal tender. In practice, this value is based on the coins' market value not their face value. The impact of this success is multi-tiered. Many forms of gold and silver inside the Beehive State are now recognized as what they are – constitutional legal tender under Article I Section 10 of the United States Constitution.

The Utah law protects gold and silver's role as money and sets a foundation to expand their use in the market – creating a first-hand opportunity for the state's 3 million residents to experience the superiority of sound money. The educational impact of people coming in direct contact with sound money policies cannot be overstated.

Passage of SB862 in Oklahoma in 2014 made it law that "Gold and silver coins issued by the United States government are legal tender in the State of Oklahoma." As in Utah, putting this legislation into practical effect can introduce currency competition with Federal Reserve notes.

**Eliminate Sales Taxes and Capital Gains Taxes on the Exchange of Money**

Imagine if you asked a grocery clerk to break a $5 bill and he charged you a 35 cent tax. Silly, right? After all, you were only exchanging one form of money for another. But that's essentially what a sales tax on gold and silver does.

In as many as thirty states, gold and silver are subject to taxes when they are exchanged for Federal Reserve notes, or when used in barter transactions. States can repeal capital gains taxes on precious metals. To further encourage the use of gold and silver, states can also offer a deduction on state taxes for any federal capital gains taxes collected on the exchange of precious metals.

Several states will likely consider legislation to end this egregious taxation of money in 2017.

**Establish State Gold Depositories**

A Texas bill signed into law in July 2015 began the process of setting up a state gold depository, representing a power shift away from the federal government to the state. This new law provides a blueprint that could ultimately restore sound money and end the Fed.

Under the new law, private individuals and entities will be able to purchase goods and services using sound money, backed by gold or silver stored in the state depository, bypassing the dollar and the U.S. central bank completely.

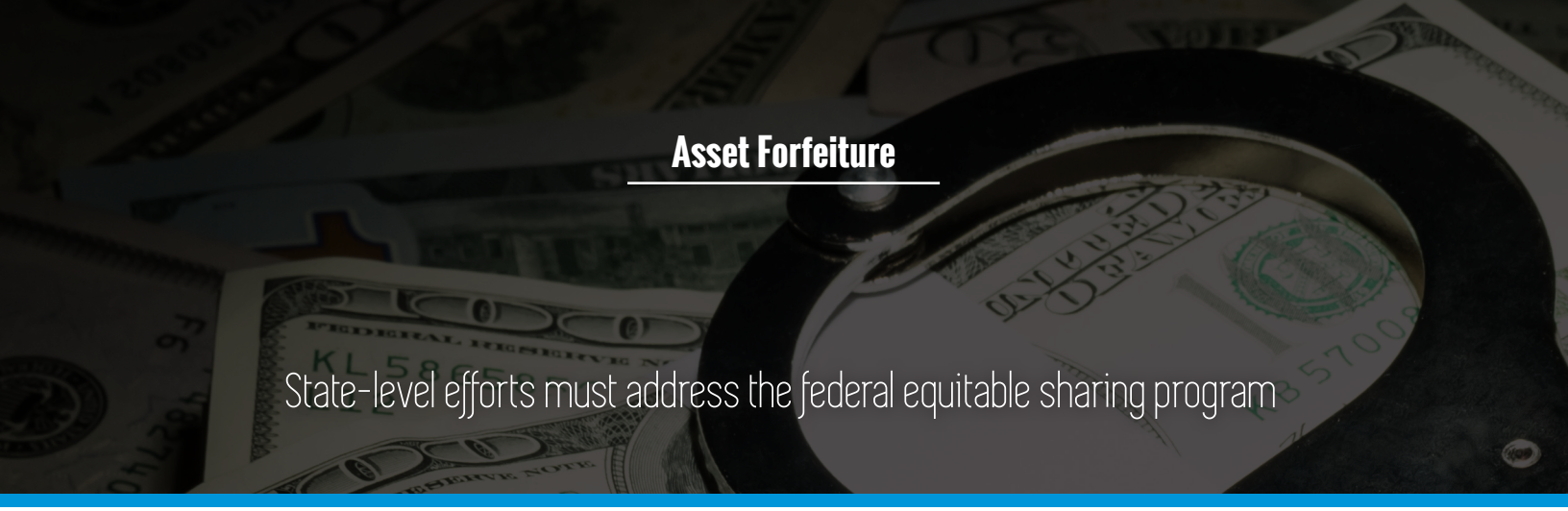
The Texas gold depository offers a strategy for other states to follow. If the majority of states controlled their own supply of gold, and allowed people with deposits in the depository to transact business backed by their metal, it would conceivably make the Federal Reserve completely irrelevant and nullify in practice the federal reserve's near-monopoly on money.

In 2016, both houses of the Tennessee legislature unanimously passed a resolution in support of creating a depository in the Volunteer State. Gov. Bill Haslam signed the resolution. With such overwhelming support, the legislature should pass a bill establishing a depository in the 2017 session.

**Enforce Private "Gold Clause" Contracts to Protect Against Currency Debasement**

"Gold clause contracts" provide another tool for sound money advocates to use. Per Title 31 of the United States Code, a gold clause gives parties to a contract the option to require payment in gold rather than Federal Reserve notes.

Gold clauses are particularly useful when designing long-term contracts as protection against the ongoing devaluation of volatile fiat currency. If more consenting individuals decide among themselves to require payment in gold, it would be hugely beneficial in broadening the use and acceptance of sound money.



# Asset Forfeiture

## State-level efforts must address the federal equitable sharing program

Over the last two years, there has been a growing movement to reform state asset forfeiture laws, but a federal program threatens to undermine reform efforts.

Through the process of civil asset forfeiture, law enforcement agencies can take a person's property if they believe it was involved in criminal activity. In many states, forfeiture doesn't even require a criminal conviction, or even an arrest. The process often flips due process on its head. Instead of requiring prosecutors to prove their case, the burden falls on the property owner to establish the seized items weren't involved in criminal activity.

*In 2016, more than a dozen states considered legislation to reform asset forfeiture laws. But a federal loophole threatens to undermine many state reforms.*

Asset forfeiture laws also create perverse incentives. In many states, police departments get to keep a cut of the proceeds from seized assets. In some cases, law enforcement gets 100 percent. This creates a dynamic dubbed "policing for profit" where police focus on forfeiture opportunities instead of pursuing other investigations.


## California serves as an example

The state previously had some of the strongest state-level restrictions on civil asset forfeiture in the country, but law enforcement often bypassed the state restrictions by partnering with a federal asset forfeiture program known as "equitable sharing."

Under these arrangements, state officials simply handed over forfeiture prosecutions to the federal government and then received up to 80 percent of the proceeds.

California passed SB443 in 2016, slamming the loophole closed in most situations. The law signed by Gov. Jerry Brown in September contains provisions to prevent prosecutors from bypassing the more stringent state asset forfeiture laws by passing cases off to the federal government.

"State or local law enforcement authorities shall not refer or otherwise transfer property seized under state law to a federal agency seeking the adoption by the federal agency of the seized property."

Any state asset forfeiture reform needs to include similar provisions.

Nebraska Gov. Pete Ricketts signed LB1106 into law in 2016. It not only reformed state asset forfeiture law by requiring a criminal conviction before prosecutors can proceed with asset forfeiture, it also included language prohibiting state police from handing off cases to the feds in most situations.

As the 2016 legislative session wound down in Ohio, the legislature gave final approval to a bill modestly reforming asset forfeiture laws by prohibiting the state from taking property without criminal charges in many cases. HB347 also specifically bans the use of this federal loophole for seizures under $100,000 in value. This represents a vast majority of cases.

New Mexico kicked things off by passing similar reforms in 2015.

Efforts in these states provide a blueprint for other states to follow as they seek to reform their own asset forfeiture laws. Without provisions barring state and local law enforcement agencies from passing off cases to the federal government, even the best state reforms will prove ineffective.

# Hemp

## Two Paths to Reject Federal Prohibition

According to a 2005 Congressional Research Service report, the U.S. remains the only developed nation that hasn't developed an industrial hemp crop for economic purposes. But, thanks to nullification efforts, that's starting to change.

Industrial hemp falls under the federal *Controlled Substances Act of 1970*. It technically remains "legal" to grow the plant, but farmers must obtain a permit from the DEA. Up until 2014, that happened just once in over four decades. However, the feds loosened requirements when Congress passed a law allowing limited hemp production for **research** purposes by colleges and universities, and state agriculture departments.

*Experts suggest that the U.S. market for hemp is around $600 million per year. They count as many as 25,000 uses for industrial hemp, including food, cosmetics, plastics and bio-fuel.*

It's important to note that all **commercial** farming and production remains banned under current federal law. For all practical purposes, the feds still maintain a policy of full prohibition.

But states are taking action to nullify that prohibition in practice.

In 2016, two states legalized hemp through ballot measures, despite federal prohibition.

Provisions in California's Prop 64 legalizing marijuana for general use also allow the cultivation of industrial hemp as an agricultural product for commercial or academic purposes. The law also creates a structure to regulate hemp production in the state. The new law does not require federal permission.

The new Massachusetts law legalizing marijuana also prohibits any state interference with hemp production in the state. It does not require any license to grow hemp, and it creates no state regulatory structure. This will have a similar effect as a bill passed in Connecticut in 2015 removing hemp from the state's list of controlled substances. In short, the state will treat industrial hemp like other plants, such as tomatoes. By ending state prohibition, residents of Massachusetts have an open door to start industrial farming should they be willing to risk violating the ongoing federal prohibition.

In 2015, a bill was signed into law in North Dakota that legalizes hemp farming within the state.

The new law not only sets up the framework to effectuate a commercial hemp farming program in North Dakota, it expressly rejects any need for federal approval before growing hemp in the state. By rejecting the need for federal approval, the new law nullifies the federal ban in practice.

Unfortunately, going into its second year, state regulators have only allowed cultivation for research purposes. This demonstrates how reluctant bureaucracy can hinder the growth of the market even with favorable laws in place. North Dakota residents should pressure state lawmakers and the governor to address this issue.

In a move that can have a similar effect, the Maine legislature overrode the governor's veto in 2015 and passed LD4. The legislation amended the state hemp farming law by removing a requirement that licenses are contingent on approval by the Federal Government. In 2016, a Maine grower planted the state's first acre of hemp in Monmouth after obtaining the seed from a food bank in Colorado.

## Hemp Trade

*The U.S. is currently the world's #1 importer of hemp fiber for various products, with China and Canada acting as the top two exporters in the world.*

**Lessons from Oregon**

The history of hemp legalization in Oregon demonstrates how, with persistence, even restrictive state laws and sluggish state bureaucracy can ultimately spur the industry.

The state legalized hemp farming in 2009, but as has happened in North Dakota, bureaucracy prevented crops from being planted. Finally in 2014, Oregon voters approved Measure 91, authorizing the production of and commerce in industrial hemp. The state then created a framework, and issued 13 permits to growers.

All of that was threatened in 2015 by legislation that would have essentially halted development of the state's industrial hemp industry. Had it passed, the state would have revoked the 13 permits already-issued and then directed the state to reissue them with stricter guidelines, or not at all. But the state legislature struck down the proposed law, allowing hemp to continue growing in the state.

The Oregon legislature followed up in 2016, passing a law relaxing hemp licensing requirements, making the crop more like other agricultural products. The measure opened up the hemp farming to small and individual farmers, paving the way for faster development of Oregon's hemp market. Within months, the new law was already showing signs of delivering on promises to further open up the state's budding hemp economy. In May, the Oregon Department of Agriculture promulgated new rules under the reformed law. According to Oregon's Cannabis Connection, the rules set the stage to creates a "massive" medical hemp market.

**Expanding Hemp Industry**

Hemp production continues to expand in other states that have legalized the crop.

Farmers began growing hemp in southeast Colorado back in 2013, and the industry is beginning to mature. In 2016, the amount of acreage used to grow industrial hemp in the state doubled, according to Pueblo Chieftain.

The hemp industry reached another milestone in Colorado in 2016 when the state agriculture department certified the first domestic hemp seed in the nation. Colorado Department of Agriculture hemp program director Duane Sinning called seed certification "vital to the long--term growth of the industry." Certified seed offers growers assurance that their crop will meet legal standards and lowers fears of losing their crop because of high THC levels. The availability of certified seed decreases the risk growers face and will open the door for more farmers to jump into the market.

The hemp industry also continues to grow in Vermont. In 2013, the state passed a hemp act very similar to the new Connecticut law. When Vermont Gov. Peter Shumlin signed the bill, he emphasized that hemp cultivation was still illegal under federal law.

Despite the threat of federal prosecution, several farmers took the risk and planted small hemp plots that very first year. The industry continued moving forward in Vermont in 2015 with the largest plot containing 1,000 plants.

In 2016, members of the Vermont business community announced a $250,000 investment in the state's fledgling hemp industry. This modest financial investment provided to a hemp farm owned by Alejandro Bergad may seem trivial to some, but it will pave the way for the industry to expand even further. By funding efforts to grow hemp, Vermont businessmen have added credibility to an industry that has not been fully accepted yet.

And as more growers take advantage of the economic opportunities available and the possible funding at their disposal, they too will add it to their cash crops. The larger the market grows, the less likely the feds will try to put a stop to it. From there, federal inaction will only encourage even more people to participate.

The growth of the hemp industry in these states stands in sharp contrast with the experience in Kentucky.

The Bluegrass State was once the leading hemp producer in the U.S. The state legislature legalized hemp for research purposes under the federal guidelines in 2015. But the requirement of federal permission has stymied the development of a hemp industry despite strong grassroots support. In 2016, the state agriculture commissioner found himself pleading with the feds to "reconsider" its rules for industrial hemp. Instead of begging federal bureaucrats, the Kentucky legislature should follow the lead of other states and simply allow Kentuckians to grow hemp without any federal permission.

In states that have already legalized hemp production, farmers and entrepreneurs should take advantage of state law and develop the industry within their state. That means planting crops and developing the means to process it. Each successful farming operation will inevitably lead to more in the future.

## Ignore Federal Prohibition

*As more people and more states ignore the federal prohibition, it will become nearly impossible to enforce.*


It's not just the NSA that's spying on you. State action can help end it.

# State Surveillance Programs

While building on efforts to cut off state resources to the NSA, we also focused on three major state-federal partnership surveillance programs.

Although NSA spying remains the most high-profile violation of privacy, state and federal governments also work together to conduct surveillance in many ways. As a result, efforts to protect privacy at the state and local level have a significant spillover effect.

The federal surveillance-state has become completely intertwined with state and local law enforcement agencies. The federal government provides funding so state and local police can purchase spy-gear, often off the books with no oversight. The feds can share and tap into vast amounts of information gathered at the state and local level through a system known as the "information sharing environment" or ISE.

According to its website, the ISE "provides analysts, operators, and investigators with information needed to enhance national security. These analysts, operators, and investigators… have mission needs to collaborate and share information with each other and with private sector partners and our foreign allies." In other words, ISE serves as a conduit for the sharing of information.

All of this happens without warrants or even minimal judicial oversight.

By limiting state and local law enforcement agencies' access to spy-gear, and restricting how police collect and share data, state and local governments can effectively limit the amount of information flowing into federal databases.

# Stingrays

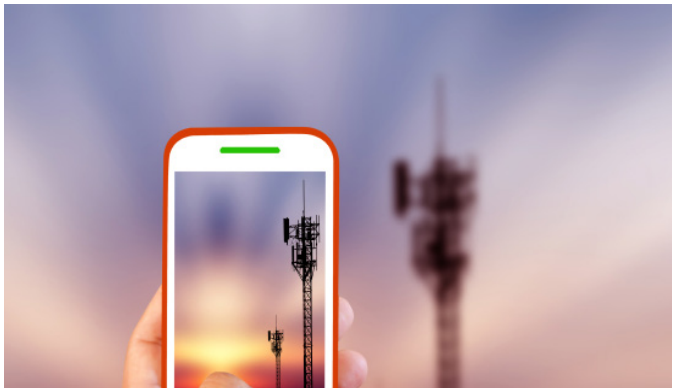
Stingrays are portable devices used for cell phone surveillance. They essentially spoof cell phone towers, tricking any device within range into connecting to the stingray instead of the tower, allowing law enforcement to sweep up all communications content within range of that tower. The stingray will also locate and track any person in possession of a phone or other electronic device that tries to connect to the tower.

The information collected by these devices by state and local cops undoubtedly ends up in federal databases. The feds can share and tap into vast amounts of information gathered at the state and local level through the ISE. In other words, stingrays create the potential for the federal government to track the movement of millions of Americans, and to collect and store phone conversations, emails and Internet browsing history, all with no warrant, no probable cause, and without anybody even knowing it.

The federal government funds the vast majority of state and local stingray programs, attaching one important condition. The feds require agencies acquiring the technology to sign non-disclosure agreements. This throws a giant shroud over the program, even preventing judges, prosecutors and defense attorneys from getting information about the use of stingrays in court. The feds actually instruct prosecutors to withdraw evidence if judges or legislators press for information.

As privacysos.org put it, "The FBI would rather police officers and prosecutors let 'criminals' go than face a possible scenario where a defendant brings a Fourth Amendment challenge to warrantless stingray spying."

State bills to restrict stingrays not only protect privacy in the state, they also help to keep the federal government from accessing all kinds of information, including phone conversations, location information and other personal electronic data.



In 2016, Illinois Gov. Bruce Rauner signed legislation into a law severely restricting warrantless use of cell site simulators in the state. Sen. Daniel Biss (D-Skokie) sponsored Senate Bill 2343 (SB2343). The new law prohibits the use of stingrays except to identify, locate or track the location of a communications device. That means law enforcement cannot listen in on conversations using cell site simulators under any circumstances. The new law requires law enforcement to obtain a warrant before using a stingray in most situations.

With this new law on the books, Illinois now has one of the most stringent limits on stingrays in the country, and its language should serve as a model for other states to follow.

The Louisiana legislature also passed a law limiting stingray use in 2016. Sponsored by Rep. Kenneth Havard (R-Jackson), House Bill 254 (HB254) requires law enforcement to obtain a court order before using stingrays in most cases. The legislation does allow police to listen in on conversations and access other data on a device covered by the court order, but includes provisions requiring police to delete any information incidentally captured on people not named in the court order, and to delete any information or metadata collected from a target within 35 days if there is no probable cause to support the belief that such information is evidence of a crime.

In 2015, Washington and California also passed legislation limiting the use of these devices within the state.

# ALPRs/License Plate Tracking

As reported in the *Wall Street Journal*, the federal government, via the Drug Enforcement Agency (DEA), tracks the location of millions of vehicles through data provided by ALPRs operated on a state and local level. They've engaged in this for nearly eight years, all without a warrant, or even public notice of the policy.

State and local law enforcement agencies operate most of these tracking systems, paid for by federal grant money. The DEA then taps into the local database to track the location of millions of people – for the "crime" of driving – without having to operate a huge network itself.

Police generally configure ALPRs to store the photograph, the license plate number, and the date, time, and location of a vehicle's license plate, which is bad enough. But according to recently disclosed records obtained by the ACLU via a Freedom of Information Act request, these systems also capture photographs of drivers and their passengers.

With the FBI rolling out a nationwide facial-recognition program in the fall of 2014 and aggressively expanding it since then, and the federal government building a giant biometric database with pictures provided by the states, the feds can potentially access stored photos of drivers and passengers, along with detailed data revealing their location and activities. With this kind of information, authorities can easily find individuals without warrants or oversight, for any reason whatsoever.

Since most **federal** license plate tracking data **comes from state and local** law enforcement, state laws banning or even restricting ALPR use are essential. As more states pass such laws, the end result becomes more clear. No data equals no federal license plate tracking program.

In 2015, Minnesota became the fourth state to place restrictions on the use of automatic license plate readers, or ALPRs, joining New Hampshire, Utah and Arkansas. These laws not only limit the use of these devices on a state and local level, but help nullify the **federal** license plate tracking program in practice.

Legislators in 15 states considered such legislation over the past two legislative sessions. An ALPR bill passed both houses of the Virginia legislature, but was vetoed by the governor.

Laws restricting ALPRs not only protect privacy within the state, they also place significant roadblocks in the way of a federal program using state and local law enforcement to help track the location of millions of everyday people through pictures of their license plates.

# Drones

Although the bills we track focus exclusively on state and local drone use, and do not apply directly federal agencies, the legislation throws a high hurdle in front of some federal programs.

Much of the funding for drones at the state and local level comes from the federal government. In return, federal agencies tap into the information gathered by state and local law enforcement through fusion centers and the ISE.

The federal government encourages and funds a network of drones at the state and local level across the U.S., thereby gaining access to a massive data pool on Americans without having to expend the resources to collect the information itself. By placing restrictions on drone use, state and local governments limit the data available that the feds can access.

In 2015, two states took a second step toward ending warrantless drone surveillance, joining two other states that took a first step. This brings the total number to states restricting drones in some way to 13 since Virginia and Florida kicked off the effort in 2013.

Legislatures in Maine and North Dakota passed bills requiring a warrant for drone surveillance in most situations. The new Maine law also requires a law enforcement agency to get approval from the local governing body that oversees it before even obtaining a drone in the first place. It also bans the use of weaponized drones in any situation.

The new North Dakota law shows how bad policy can sneak into otherwise good legislation.

The law does restrict law enforcement by requiring a warrant in most cases. That's a good thing.

But a specific prohibition on drones armed with "lethal weapons" opened the door for arming drones with "non-lethal" weapons.

According to the *USA Today*, Bruce Burkett, a lobbyist with ties to local police, was responsible for pushing amended language specifically prohibiting "lethal" weapons. This change was scarcely noticed during the legislative session. It wasn't until North Dakota police trotted out drones armed with Tasers that people realized what had happened.

Virginia took a second step against drone spying in 2015, replacing a temporary ban implemented two years ago with permanent restrictions on drone surveillance. Law enforcement agencies must now obtain a warrant before deploying a drone with only a few exceptions, like Blue and Amber alerts. Weaponized drones are also expressly banned.

Florida also took another step forward this year, expanding its existing limits by banning the use of drones with imaging devices without a warrant. Florida now has some of the strongest restrictions on drone spying in the country.

With the momentum continuing to build and law enforcement agencies beginning to procure drones, we expect even more states to consider limits in 2017.

**Vermont**

Generally, states address surveillance one issue at a time, but in 2016, the Vermont legislature approved a sweeping bill that limits law enforcement use of multiple surveillance technologies.

Sen. Tim Ashe, Sen. Joe Benning and Sen. Dick Sears sponsored Senate Bill 155 (S.155) and moved it through the legislative process. The new law bans warrantless use of stingray devices to track the location of phones and sweep up electronic communications, restricts the use of drones for surveillance by police, and generally prohibits law enforcement officers from obtaining electronic data from service providers without a warrant or a judicially issued subpoena. The law not only limits warrantless surveillance and helps ensure electronic privacy in the Green Mountain State, it will also hinder several federal surveillance programs that rely on cooperation and data from state and local law enforcement.

Passage of S.155 represents a major victory for privacy. Supporters had to overcome long odds and strong opposition from law enforcement lobbyists to move such a sweeping bill.

## Local Limits, Federal Roadblocks

*While state drone laws focus exclusively on state and local drone use and do not apply directly to federal agencies, they throw a high hurdle in front of some federal programs.*

# NSA Surveillance

In 2006, reports surfaced indicating that the NSA had maxed out capacity of the Baltimore--area power grid. In other words, the NSA has an Achilles heel.

To get around the physical limitation of the amount of power required to monitor virtually every piece of communication around the globe, the NSA started searching for new locations with their own power supplies. The NSA chose the Utah Data Center in Bluffdale due to the access to cheap utilities, primarily water. The water-cooled supercomputers require 1.7 million gallons of water per day to function.

No water = No data center.

The water provided to the Utah Data Center comes from a political subdivision of the state of Utah. They have the authority to turn that water off.

The situation is the same at many other locations, including an NSA facility in San Antonio, Texas.

More than a dozen states have considered legislation to ban "material support or resources" to NSA mass surveillance programs.

Similar legislation gained approval by one chamber in both Maine and Montana during the 2015 legislative session. Montana HB443 passed a second reading in the House by a vote of 51-49. Later in the spring, the Maine House passed its version of the Fourth Amendment Protection Act (LD531). Intense law enforcement opposition ultimately killed both bills.

In 2014, California Gov. Jerry Brown signed SB828 into law, laying the foundation for the state to turn off water, electricity and other resources to any federal agency engaged in warrantless surveillance. As a next step, the legislature needs to amend the current law or pass new legislation that puts the prohibition of state cooperation into immediate effect.

Legislators in Utah to took two cracks at turning off water to the massive NSA data center in Bluffdale.

After an interim study committee hearing in the fall of 2014 proved the legislation had significant legislative and grassroots support, Rep. Marc Roberts introduced HB150 to turn off resources to the NSA facility in the 2015 legislative session. But sources say Major General Jeff Burton, commander of the Utah National Guard, worked behind to the scenes to convince Rules Committee chair Rep. Michael Noel to hold the bill, preventing it from even coming up for discussion. Sources say U.S. Rep. Chris Stewart also pressured state legislators to kill the bill.

In addition to continuing efforts to pass state legislation in 2017, activists are considering other strategies, including pressuring local officials in Bluffdale to end support for the spy facility.

In three states, bills that take a first step against the NSA by addressing a practical effect of federal spying were signed into law over the past two years.

A new Rhode Island law passed in 2016 requires police in that state to get a warrant before obtaining location information from electronic devices in most situations. An Oregon law that went into effect in 2015 prohibits state and local law enforcement officers from using „forensic imaging" to obtain information contained in a portable electronic device except with a warrant, or by consent. A similar law in New Hampshire prohibits law enforcement from obtaining location data from electronic devices without a warrant.

These states followed the lead of Utah after Gov. Gary Herbert signed HB0128 in 2014. The law prohibits Utah law enforcement from obtaining phone location data without a warrant and makes any electronic data obtained by law enforcement without a warrant inadmissible in a criminal proceeding.

These laws not only limit the actions of state and local law enforcement, they also represent an important first step in addressing the federal surveillance state. By requiring a warrant, the laws prohibit state and local law enforcement agencies from "obtaining" warrantless data shared with them by federal agencies like the NSA.


## Right to Keep and Bear Arms

There are no exceptions to "shall not be infringed"

Because the feds rely heavily on state and local law enforcement assistance to enforce federal measures, passing a state law banning such assistance will make federal gun control "nearly impossible to enforce," as Judge Andrew Napolitano has said.

Our strategy takes a step-by-step approach, with each step building on the last, until all federal gun control is rendered unenforceable and effectively nullified within the state.

In the first step, the state bans enforcement of any **future** federal gun acts, laws, orders, regulations, or rules (we'll call these "measures" from here on out). This legislation prohibits a state from taking any action, or providing any resources, to enforce or assist in the enforcement of future federal gun measures. Idaho was the first state to pass step one as law (S.1332), with Gov. Otter signing it in March 2014.

The second step bans state enforcement of **specific current** federal gun measures.This builds on step one by including one or more significant federal measures currently on the books. For instance, a bill introduced in Louisiana in 2014 would have authorized possession of short-barreled firearms without federal registration.

The third step prohibits state enforcement of **all** federal gun measures, current and future.

State legislatures passed four foundational laws relating to the Second Amendment in the past two years.

In 2016, Mississippi enacted HB786. This law sets the stage to to reject and end some future federal gun control regulations and executive orders. HB786 prohibits any state or local official from enforcing "a federal executive order, agency order, law not enrolled by the United States Congress and signed by the President of the United States, rule, regulation or administrative interpretation of a law or statute issued, enacted or promulgated after July 1, 2016, that violates the United States Constitution or the Mississippi Constitution of 1890."

The law is a foundational first-step and will likely require further action to be put into practical effect. A lawsuit could be necessary to determine a violation of the state Constitution, or the legislature might need to create some mechanism to determine whether a specific federal action is contrary to the Mississippi constitution.

Also in 2016, the Tennessee legislature passed a variation of a step--one bill. HB2389 sets the foundation to stop enforcement of gun control measures imposed by international law or treaty. The new law bars "the allocation of any personnel, or property of the state for enforcement of any international law or treaty regulating the ownership, use, or possession of firearms, ammunition, or firearm accessories, if the use of personnel or property would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee." Like the Mississippi law, this will require further action to put into effect.

In May 2015, Indiana Gov. Mike Pence signed a step-two bill into law. Senate Bill 433 (SB433) eliminates the portions of the Indiana criminal code restricting "sawed-off shotguns."

"[Short barreled shotgun and rifle are considered] a title II firearm, which is highly regulated by the ATF. They are kept in a national registry. The transferring from one owner to another takes from six months to a year and there is a lot of paperwork and background checks by the ATF, FBI and sometimes Interpol. There is a $200 fee every time one changes possession," Bill sponsor Sen. James Tomes said.

In general, enforcement of federal restrictions or outright prohibition relies on participation between state and federal governments. With the new law, Indiana now authorizes what the federal government severely restricts, and this sets the stage for people to take things further.

Also in 2015, Tennessee Gov. Bill Haslam signed SB1110, prohibiting the state from implementing or enforcing federal gun measures that violate the Tennessee state constitution. This bill represents a first step toward nullifying many current and future federal measures, but will require additional action to effectuate. The next step involves compiling a report of federal enforcement actions taken on firearms in Tennessee, highlighting those enforced with the participation of state agencies, and which ones likely violate the new law. From there, state-based gun rights groups can file an injunction to stop state participation.

Kansas and Alaska already have laws on the books that set the foundation to ban enforcement of all federal gun control measures.

In June 2015, a federal judge dismissed a lawsuit challenging the constitutionality of the Kansas law, saying the suit from the Brady Campaign was "without merit." While this was a victory, it should be noted that the federal court didn't say that the federal government doesn't have the power to regulate firearms under the commerce clause, as the Kansas law states. The Brady suit was dismissed for lack of standing.

However, one part of the bill wasn't challenged at all - the section setting the foundation for all state and local agents to refuse to help implement federal gun measures. A simple follow up measure to expressly state which "acts, laws, treaties, orders, rules and regulations" will be considered "unenforceable" in Kansas, banning state and local assistance or participation in any enforcement actions, is needed to put the current law into real-life effect.Any act, law, treaty, order, rule or regulation of the government of the United States which violates the second amendment to the constitution of the United States is null, void and unenforceable in the state of Kansas.

# Firearms Freedom Acts

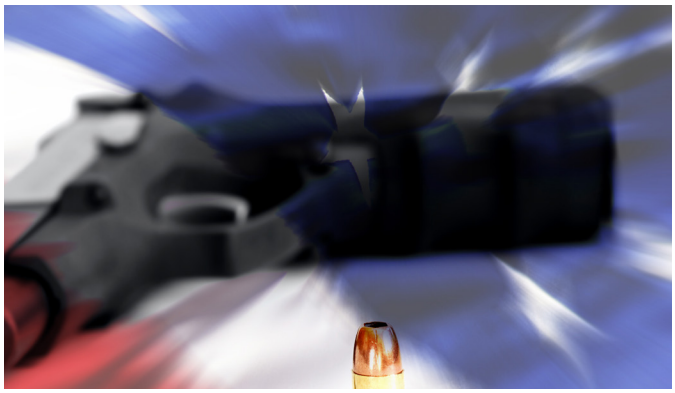
Since 2009, nine states have passed bills known as the "Firearms Freedom Act." First passed into law in Montana, then Tennessee, the laws declare that firearms manufactured in the state, and remaining in the state, are exempt from United States federal firearms regulations under the Commerce Clause (Article I, Section 8, Clause 3) of the Constitution.

No state has taken action to effectuate these laws, instead waiting on the federal court system to give them permission to do so. This won't likely happen.

The Kansas Firearms Freedom Act was a prominent part of the 2nd Amendment Protection Act passed into law in 2013. The conviction of Shane Cox and Jeremy Kettler on federal firearms charges demonstrates the futility of fighting the battle in federal court.

Cox owns Tough Guys gun store in Chanute, Kan. The feds charged him with illegally manufacturing and marketing firearms. Kettler bought an unregistered silencer from Cox and was charged with possession of that device. During the trial, Kettler testified that he bought the silencer after Cox showed him a copy of the Second Amendment Protection Act. An attempt to have the case dismissed based on the defendant's' reliance on the state law was rejected by a federal judge.

States can and should effectuate Firearms Freedom Acts. Follow up legislation should be passed in these nine states: Montana, Tennessee, Alaska, Arizona, Idaho, South Dakota, Utah, Kansas, and Wyoming.



This follow up legislation should include any or all of the following:

**1. State-based permitting** for businesses engaged in the manufacture and sale of firearms that fall under the Firearms Freedom Act. These "State-based firearms manufacturers" are approved, permitted and/or licensed specifically under state law but considered illegal under federal law. This is akin to marijuana dispensaries in states like California (and many others).

**2. Special permits** for the state-based production of firearms for those in medical need by non-profit cooperatives. e.g. The sick, elderly and other individuals who can demonstrate a firearm proficiency and may be at greater risk of attack by predatory criminals.

**3. Other actions that encourage or facilitate** the production of state-manufactured firearms outside of federal regulation.

While it might seem counterintuitive to suggest a licensing process/scheme to advance this cause, two things are certain:

**1. Without additional legislation**, these Firearms Freedom Acts are little more than a good concept on paper. They need additional legislation to be put into action.

**2. Passage of additional legislation** along these lines, as shown in the case of medical marijuana, has been proven to be an effective method to build and effectuate a practical nullification of a federal prohibition.

These nine states have two paths ahead. They can do nothing while waiting for federal approval to effectuate their laws. Or, they can follow the difficult, but successful path already blazed by nearly two-dozen states nullifying federal laws on marijuana, in practice.


# Federal Militarization of Police

## Three paths to nullify federal programs that militarize local police

States can take action to nullify the practical effect of these federal programs by simply withdrawing from them.

Images of armored vehicles filled with battle-ready cops toting automatic weapons in cities across the U.S. have brought the issue of federal militarization of local police into public consciousness, but the federal government has been arming local police with military grade weapons for nearly two decades.

Under Section 1033 of the National Defense Authorization Act for Fiscal Year 1997, along with other programs like the Department of Homeland Security (DHS) "Homeland Security Grant Program," the federal government equips local police with military weaponry and battlefield-ready equipment.

Through these programs, local police departments procure military grade weapons, including automatic assault rifles, body armor and mine resistant armored vehicles – essentially unarmed tanks. Police departments can even get their hands on military helicopters, drones, and high-tech surveillance gear.

The Defense Department has transferred some $4.2 billion worth of equipment to domestic police agencies through the 1033 program alone. On top of that, the Department of Homeland Security (DHS) runs the "Homeland Security Grant Program," giving more than $900 million in counterterrorism funds to state and local police in 2013 alone.

States can take action to nullify the practical effect of these federal programs by simply withdrawing from them.

New Jersey became the first state to address the issue in 2015 when Gov. Chris Christie signed S2364 into law. It bans local law enforcement agencies from obtaining military equipment without first getting approval from their local government. Currently, these military transfers happen directly between the feds and local police, as if they make up part of the same government. This law interposes the local government in the process, giving the people of New Jersey the power to end it, and at the least, forcing the process into the open.

Montana took things a step further when Gov. Steve Bullock signed HB330 into law, completely banning the acquisition of certain military equipment.

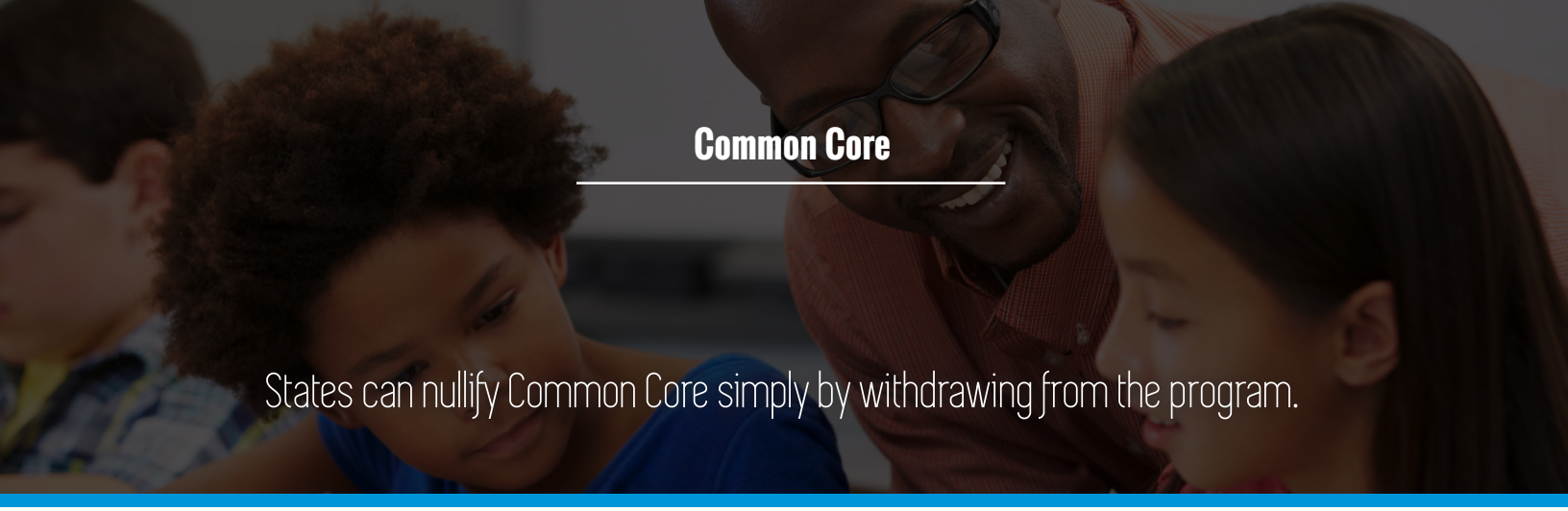
The new law prohibits state or local law enforcement agencies from receiving drones that are armored, weaponized, or both; aircraft that are combat configured or combat coded; grenades or similar explosives and grenade launchers; silencers; and "militarized armored vehicles" from federal military surplus programs. The law also stops local agencies from using federal grants to procure military gear still allowed under the law. Law enforcement agencies can continue to purchase such items, but they must use state or local funds.

This totally blocks DHS grant programs because the agencies cannot use that money. It also creates a level of transparency because purchases must now go through the legislative budgeting process. Law enforcement agencies have to give public notice within 14 days of a request for any such local purchase.

Looking ahead, the New Jersey legislature should take the next step with an outright ban of military gear.  Other states have three models to choose from.

(1) local approval (like New Jersey)
(2) Prohibition (like Montana - including a ban on spending federal dollars)
(3) Combination of both approaches (banning specific equipment and requiring local approval for all others)

**Pentagon 1033, and DHS Grants**
Combined, these federal programs provide hardware directly to local police, or cash grants to be used to purchase them. This is happening to the tune of billions of dollars. By rejecting participation in these programs, states start the essential process of kicking D.C. out of local police departments.



States can nullify Common Core simply by withdrawing from the program.

## The Common Core Opt-Out Movement

Even in the absence of state laws facilitating the effort, parents in many states are opting their children out of standardized testing anyway. The New York Post reported that 20 percent of parents in New York chose to opt their children out of the Common Core standardized testing in 2015. More localized opt-out pushes also bubbled up in other states including New Jersey, Colorado and California.

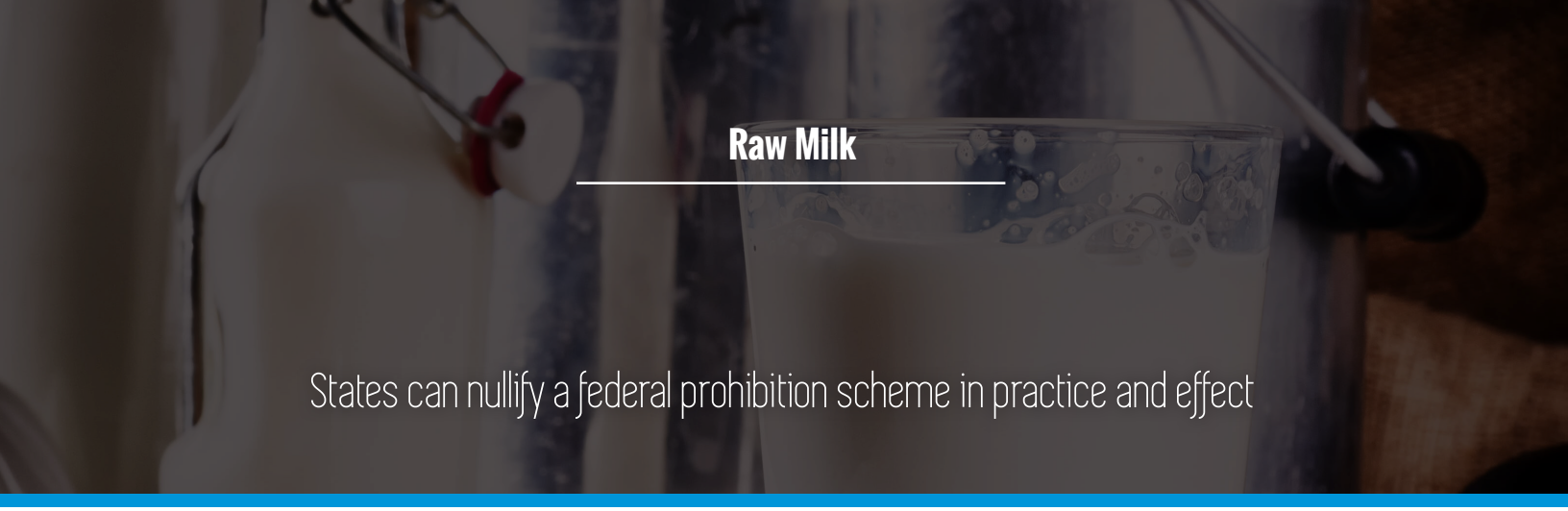
If enough parents across the country simply refuse to participate in the system, it will collapse Common Core faster than any legislative action ever could. The federal government is powerless to force millions of disgruntled parents to participate in its ill-conceived and unconstitutional programs. unconstitutional programs.

Even though advocates claim that Common Core is a "voluntary, state-led" educational program, following the proverbial money trail reveals this is not the case. Through federal vouchers, waivers and incentives, Common Core effectively operates as a national program, with implementation fueled by federal money.

States can nullify Common Core simply by withdrawing from the program.

Full Common Core repeal has proven to be a tough sell in most republican-dominated states, but legislators can take what may well be an even more important step that could eventually lead to a complete end to these one-size--fits-all educational standards.

In 2016, Alaska went this direction with the passage of HB156. An important provision in the law allows parents to opt their children out of standardized testing. In 2015, Oregon Gov. Kate Brown signed a similar bill that allows parents to opt their children out of standardized Common Core testing for any reason for at least the next six school years. As more parents opt out of the testing, these state will likely drop below the 95 percent testing rate required by the feds. This will create incentive to jettison the federal program altogether.



# Raw Milk

## States can nullify a federal prohibition scheme in practice and effect

Constitutionally, food safety falls within the powers reserved to the states and the people. The feds have no authority to enforce food safety laws within the border of a state. Nevertheless, federal agencies still want more control over America's food supply, and they go great lengths to get it.

For instance, FDA officials insist unpasteurized milk poses a health risk because of its susceptibility to contamination from cow manure, a source of E. coli. The agency's position represents more than a matter of opinion. In 1987, the feds implemented 21 CFR 1240.61(a), providing that, *"no person shall cause to be delivered into interstate commerce or shall sell, otherwise distribute, or hold for sale or other distribution after shipment in interstate commerce any milk or milk product in final package form for direct human consumption unless the product has been pasteurized."*

Not only do the Feds ban the transportation of raw milk across state lines, they also claim the authority to ban unpasteurized milk within the borders of a state.

"It is within HHS's authority…to institute an intrastate ban [on unpasteurized milk] as well," FDA officials wrote in response to a Farm-to-Consumer Legal Defense Fund lawsuit against the agency over the interstate ban.

The FDA clearly wants a complete prohibition of raw milk. Some insiders say it's only a matter of time before the feds try to institute an absolute ban. Armed raids by FDA agents on companies like Rawsome Foods back in 2011 and Amish farms over the last few years also indicate this scenario may not be too far off.

By legalizing raw milk sales within their borders, states can undermine federal prohibition schemes in practice

As we've seen with marijuana and industrial hemp, an intrastate ban becomes ineffective when states ignore it and pass laws encouraging the prohibited activity anyway. The federal government lacks the enforcement power necessary to maintain its ban, and people will willingly take on the small risk of federal sanctions if they know the state will not interfere. This increases when the state actively encourages the market, helping to nullify the federal prohibition in effect.

In the same way, removing state barriers to raw milk consumption, sale and production would undoubtedly spur the creation of new markets for unpasteurized dairy products, no matter what the feds claim the power to do. Growing markets will quickly overwhelm any federal enforcement attempts.

In practice and effect, it could effectively nullify the interstate ban as well. If all 50 states allow raw milk, markets within the states could easily grow to the point that local sales would render the federal ban on interstate commerce pointless.


In 2016, West Virginia Gov. Earl Ray Tomblin signed SB387 into law, taking the first step toward nullifying the federal prohibition scheme in practice. Under the new law, West Virginians can now enter into a written shared animal ownership agreement to consume raw milk in which he or she acquires a percentage ownership interest in a milk-producing animal. This represents a first step toward legalizing unpasteurized milk in the state. With the door now cracked open, it provides an avenue to expand raw milk legalization in the future.

Other states should follow the lead of West Virginia and other states that have legalized raw milk, and work to expand current laws in states where it is already legal.

This same strategy can also be applied to other food freedom issues.


# It's not just the Affordable Care Act

When it comes to unconstitutional intervention in the healthcare system, we tend to focus on Obamacare. But the feds have been inserting themselves into the healthcare market for decades. As just one example, Medicare and Medicaid represent massive government intervention in the U.S. healthcare system. Federal involvement dates back some 80 years.

Simply put, national healthcare didn't start with Pres. Obama. And it certainly won't end there.

Because of its massive and entrenched presence in the healthcare system, the most effective strategy involves promoting and encouraging the develop of independent healthcare markets in the state.

This underscores the importance of state and local governments eliminating barriers that keep independent practices from operating.

*Simply put, so-called national healthcare did not start with President Obama. And it certainly won't end there without action from the states to push back and support freedom.*

In 2016, Tennessee, Wyoming and Nebraska all passed laws that specify direct primary care agreements (sometimes called medical retainer agreements) do not constitute insurance. This frees doctors and patients from the onerous requirements and regulations under the state insurance code. Idaho, Mississippi, Oklahoma, Texas and Missouri have similar laws on the books.

According to Michigan Capitol Confidential, by removing a third party payer from the equation, medical retainer agreements help both physicians and patients minimize costs. Jack Spencer writes:

"Under medical retainer agreements, patients make monthly payments to a physician who in return agrees to provide a menu of routine services at no extra charge. Because no insurance company stands between patient and doctor, the hassles and expense of bureaucratic red tape are eliminated, which have resulted in dramatic cost reductions. Routine primary care services (and the bureaucracy required to reimburse them) are estimated to consume 40 cents out of every dollar spent on insurance policies, so lower premiums for a given amount of coverage are another potential benefit."

This represents the kind of cost control Obamacare promised, but failed to deliver.

These direct patient/doctor agreements open the door for a system uncontrolled by government regulations to develop. It makes doctors responsive to patients, not insurance company bureaucrats or government rule-makers. Allowing patients to contract directly with doctors via medical retainer agreements opens the market. The end-result will be better care delivered at a lower cost.

Encouraging a more open healthcare marketplace within a state will help spur de facto nullification of federal programs as people simply abandon it and flock to better, more affordable alternatives. As patients seek out these arrangements, and others spurred by ingenuity and market forces, the old system will begin to crumble.

# Local Efforts

## Cities, Counties, Towns can take action to help bring down federal programs

While we tend to focus on state level nullification, local efforts can also effectively undermine unconstitutional federal power.

Starting nullification efforts at the local level can often serve as a strategically important first step. These local efforts not only have the practical effect of nullifying in practice within a small geographical area, they often set the stage and build momentum for action at the state level.

Over the last year, we've seen robust local movements spring up on a number of issues.

**Marijuana**

Along with state marijuana laws, local decriminalization takes another step toward effectively nullifying prohibition in practice. In all, more than 40 cities across the country have decriminalized weed.

Most recently, voters in four Ohio cities approved decriminalization in the November 2016 election.

At least 18 Michigan cities, including Detroit, have decriminalized weed, and nine of Wisconsin's 10 largest cities have taken similar steps. Other major cities that have decriminalized marijuana include Orlando; Berkeley, Calif.; Chicago, Miami, Columbia, Mo.; New York; Pittsburgh; Philadelphia; Newark, N.J.; Tampa, Santa Fe, N.M. and New Orleans.

When cities in states that have not legalized marijuana decriminalize the plant, it can have an impact at the state level in the same way state action has impacted the feds. If enough cities and counties decriminalize cannabis, it can conceivably nullify state law in practice, at least to some degree. As more and more political subdivisions implement similar policies, it increases pressure to change the law at the state level. This ratchets up pressure on the feds.

This is a powerful strategy we can use to rein in federal overreach with a total bottom up.

**HUD Regulations**

Local governments are also effectively nullifying a Housing and Urban Development program by simply rejecting federal money.

New HUD regulations known as Affirmatively Further Fair Housing (AFFH) total 377 pages. The rules provide HUD bureaucrats  an avenue to intervene in a broad range of local concerns including public transportation, schools, zoning, land use and other policy areas. Vague language such as "imbalances in living patterns," and "disparities" create wide latitude for federal intervention into local decision making.

The rules also aggressively promote regionalism over localism. One of the stated goals of AFFH is to "Encourage and facilitate regional approaches to address fair housing issues, including collaboration across jurisdictions and PHAs (Public Housing Agencies)."

In a nutshell, AFFH serves as a tool to socially engineer cities based on federal guidelines.

Rather than submit to federal control, at least five communities have rejected HUD funding. Castle Rock, Colorado; Wayne County N.J.; Sedgwick County, Kansas; Douglas County, Colorado; and Forsyth County, Ga., have all said, "No," to HUD money and all of the attached strings.

No HUD money means no HUD mandates communities must submit to.

State and local governments can't complain when they willingly let the feds bribe them into relinquishing control. But they can refuse the money. This is the simplest and most effective nullification strategy there is: if you don't want the federal control, don't take the money. It's as simple as that.

**Surveillance**

As we've already covered, the surveillance state continues to expand at breakneck speed with more and more local law enforcement agencies obtaining high-tech spy gear such as stingray devices, automatic license plate readers (ALPRs), sophisticated cameras and drones.

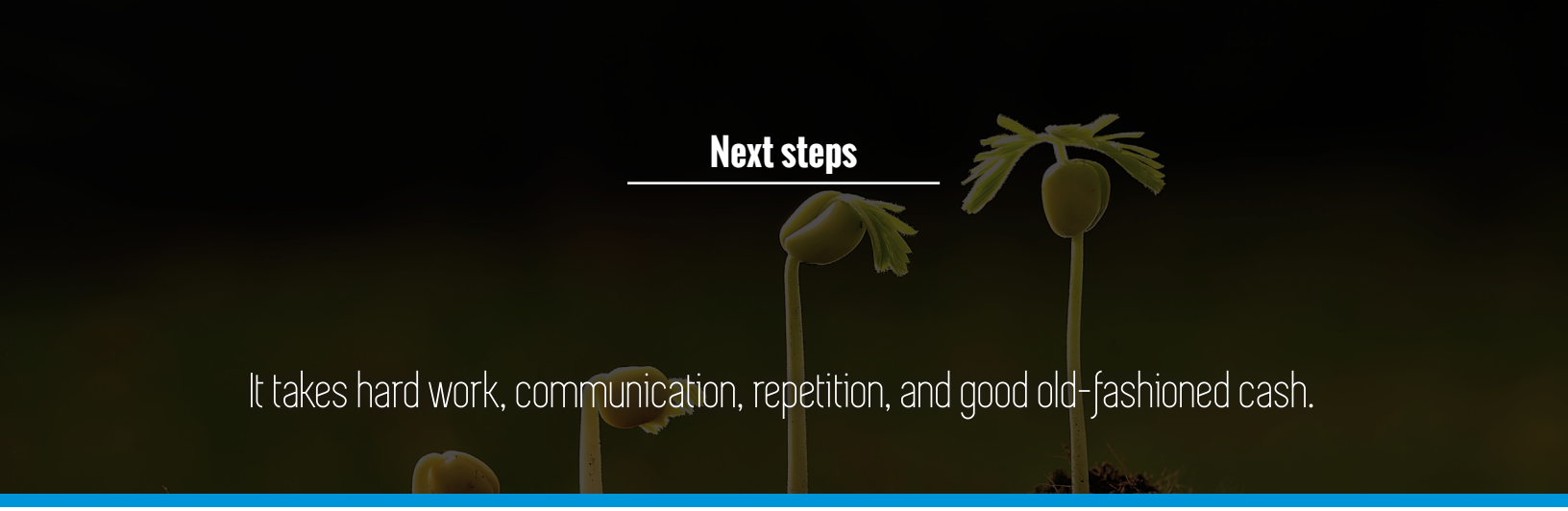
Information collected by local law enforcement undoubtedly ends up in federal databases. The feds can share and tap into vast amounts of information gathered at the state and local level through the "information sharing environment" or ISE.

As noted above, state laws limiting surveillance can help stop this flow of information. Local ordinances can have the same effect.

In September 2016, local government officials in 11 cities announced plans to launch legislative efforts to pass ordinances that will take the first step toward limiting the unchecked use of surveillance technologies that violate basic privacy rights and feed into a broader national surveillance state. This proposed legislation requires law enforcement agencies to get the approval from their local governing body before obtaining equipment such as stingray devices, automatic license plate readers (ALPRs) and other surveillance technology.

Passage of an ordinance requiring local government approval for procurement of surveillance technology, along with the transparency and accountability that goes along with it, represents a solid first step toward dismantling the surveillance state. Having set a precedent for limiting law enforcement use of spy gear, local governments can follow up by banning certain types of surveillance technology completely.

Local action also puts pressure on the state legislature. If enough cities pass local ordinances, it becomes more likely the state will act by imposing warrant requirements, limiting the use of certain types of surveillance equipment and banning some spy gear all together. Starting with a more easily manageable local effort, activists can take on Big Brother through a bottom up strategy that builds momentum with each small victory.



It takes hard work, communication, repetition, and good old-fashioned cash.

# What's Needed to Pass Nullification Bills

While some nullification efforts happen organically, the vast majority take serious organization, work, and support to advance. Most bills introduced in state legislatures never see the light of day. That means it takes concerted grassroots activism to get bills passed.

The Tenth Amendment Center invests significant time, energy and financial resources into moving nullification bills forward to law. The information below gives an overview of what it takes to get a single nullification bill introduced and passed. The following section covers current TAC resources and needs to ensure that the organization remains effectively engaged in as many areas as possible.

## The 8 steps required for success

1. Laying the Foundation
2. Coalition Building and Support
3. Blogging/Reporting
4. Action Alerts
5. Email Campaigns
6. Regular Conference Calls and Communication
7. Ad Campaigns
8. Public Testimony

1

## Laying the Foundation.

Before a bill can even be introduced, we must do research on a specific state to "locate" a legislator friendly to the issue at hand. After we make contact with a potential sponsor, we often, but not always, spend a significant amount of time educating the legislator on the process, the talking points, expected opposition (and potential rebuttals) and about the bill itself.

2

## Coalition-Building and Support.

A broad coalition of organizations and individuals is an absolute necessity to build the level of support (via phone calls, emails and personal visits) necessary to move lawmakers to advance the

3

## Blogging/Reporting.

In order to educate the general public, we write and publish news reports at every step of the bill process. This can entail more than a dozen articles.

4

## Action Alerts.

We publish dedicated "action alerts" at every important step in the process. These alerts inform the public of the bill status, and provide contact information for relevant legislators, such as committee members. This allows constituents to engage legislators to move the process forward.

5

## Email Campaigns.

For both news reports and action alerts, the TAC sends regular email alerts directly to grassroots supporters in a given state with an active nullification bill.

6

## Regular Conference Calls and Communication.

Virtually constant communication with legislators and grassroots organizations in support of a nullification bill is an absolute necessity.

7

## Ad Campaigns.

Whenever financial resources allow, online ad campaigns specifically targeting people in a narrow interest group within a state, or specific districts within a state, provides an extremely effective method to build and direct support. A few dozen phone calls can turn into thousands.

8

## Public Testimony.

Legislators often request experts to testify at public committee hearings in support of their bills. This can make a huge difference because an expert can quickly answer questions as committee members bring them up in the middle of a hearing.

While it varies by state, keep in mind that the average bill goes through THIRTEEN steps before it can become law. They are, as follows:

Introduction/1st reading
Assigned to Committee
Committee Hearing
Committee Executive Session/Vote
2nd reading/House Chamber debate
3rd reading/House vote
Senate 1st reading
Assigned to Committee
Committee Hearing
Committee Executive Session/Vote
2nd reading/Senate Chamber debate
3rd reading/Senate vote
Governor Action, law or veto

An effective campaign requires many of our eight action steps at each of these phases. That means 13 blogs reporting on what's happening. Thirteen action alerts letting the public know what to do to get the bill passed. Thirteen social media posts. Thirteen email campaigns, and so on.

The short version? It takes a lot of time, energy and dedication to get the job done.

The TAC has a proven track record of success in getting nullification bills introduced and passed with extremely limited resources. Our success rate has been high when those resources are dedicated to specific bills, and low when resources are not dedicated to particular legislation.

Unfortunately, limited resources dictate that most nullification bills introduced do not receive the dedicated support needed for passage. Out the nearly 500 bills introduced over the last three years, we estimate that less than 5 percent of them had proper financial backing. But as we've seen, the Nullification Movement's success rate is still higher, indicating that all that is needed is the funding to take things to the next level.

# Tenth Amendment Center

Founded in 2006 as a response to the endless unconstitutional overreach of the Bush administration and his partners in the courts and Congress, the TAC has grown from a one-person blog into a small but dedicated team leading a national movement; one with great potential for historical impact.

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*"The Tenth Amendment Center **has done more than anyone in the world** to advance the Jeffersonian principle of nullification"*

*— Thomas E. Woods, Jr.*

We **cannot** succeed with out your help, and the funding to mount principled and effective campaigns against unconstitutional "laws," regulations and mandates. We do not (and will not) accept government grants or contracts, nor do we have an endowment or any corporate backing.

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*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

**www.tenthamendmentcenter.com**