



Freedom's Forefront

Since its inception more than 50 years ago, The John Birch Society has always been right in the middle of all of the important political battles. In the past year, the JBS has taken on issues as serious and challenging as championing ObamaCare nullification at the state level, as well as opposing the latest unconstitutional actions from Congress. Larry Greenley, the director of marketing for the JBS, spoke with The New American (TNA) about the Society's major grass-roots activities this year.



The New American: *How did you come to be associated with The John Birch Society?*

Larry Greenley: I was motivated to join The John Birch Society while still in college. I studied philosophy and science and was interested in the concept of free will. It fascinated me for years. This study of free will led me to the study of political freedoms, and after a trip to a JBS bookstore, things would never be the same. I delved into the writings of Robert Welch, which struck me as a practical application of the philosophy of political freedom. It just seemed so right.

TNA: *What is The John Birch Society about today?*

Greenley: The JBS is a constitutionalist organization. Our goal has not changed in our 52-year history, as we still aspire to the motto of "Less government, more responsibility, and — with God's help — a better world," that our founder Robert Welch gave us. This involves working to get the federal government back within its proper constitutional role, which would make it a small fraction of the size it is today. However, we realize that we can't fight on every front at once, so we try to strategically target some of the crucial battles of the day.

TNA: *Which crucial battles are you targeting today?*

Greenley: This year, our top two crucial battles have been state nullification of so-called "ObamaCare" and stopping an Article V constitutional convention.

TNA: *Regarding the first topic, what motivated JBS to become so instrumental to the nullification movement?*

Greenley: Nullification goes along with our emphasis on returning to the Constitution that our organization has always had.

TNA: *What's the status of your battle to nullify ObamaCare?*

Greenley: As of today, at least one dozen states have introduced bills to nullify the entire ObamaCare law. On February 16 the Idaho House became the first state legislative body to pass a measure to nullify the entire ObamaCare law. Unfortunately, on February 25, Idaho's nullification bill was defeated in a Senate committee. Although another, watered-down ObamaCare nullification bill was introduced in the Idaho legislature on March 21 and passed by both houses, it was ultimately vetoed by Governor "Butch"



Written by [Patrick Krey](#) on June 8, 2011

Otter on April 20.

On the other hand, North Dakota's state legislature did manage to pass an Obama-Care nullification bill and have it signed by the Governor on April 27; however, it was just a pale imitation of the bill that had been originally introduced back in January. For example, North Dakota's nullification bill as passed said that the Obama-Care law "likely" was not authorized by the Constitution.

Since so many states have ended or are in the process of ending their sessions, it's hard to predict whether any other states will vote on their nullification measures this year. However, we believe that the introduction and consideration of bills to nullify the entire ObamaCare law in at least 12 states this year has been a healthy step toward restoration of federalism, where states would be empowered to nullify unconstitutional federal laws by asserting their 10th Amendment powers as parties to the original compact that created the federal government in the first place. If the states would start nullifying unconstitutional federal laws, America would have a real chance to return to the limited government envisioned by our Founders. This unprecedented interest in asserting state sovereignty over those powers not delegated to the federal government by the Constitution reflects a widespread awakening of millions of Americans and large numbers of state legislators regarding the importance of reining in the federal government by insisting on adherence to the Constitution.

TNA: *What about the argument that any state opposition to the Feds is crazy because you can't prevail against such overwhelming power?*

Greenley: We disagree with such a contention because the strategy behind the nullification movement is that there is strength in numbers. I agree that if only one or two states would pass bills to nullify ObamaCare entirely, the Feds would likely just steamroller them, but if 10 or 20 states would pass such bills, then it would be a whole new ballgame. Early on we at JBS decided to go straight to the forefront of the battle by posting a "Model Federal Healthcare Nullification Act for State Legislatures" in April 2010. It is gratifying to know that the majority of state nullification bills are quite similar to our model bill.

TNA: *You say 12 states have introduced the bills. What do you think will happen if enough states actually pass these bills?*

Greenley: There are 12 at this time; however, given how late in the state legislative calendars we are at this point, Idaho and North Dakota might remain the only states to vote on ObamaCare nullification this year. Still, we envision that this Obama-Care nullification movement could pick up momentum in the next couple years and play out similar to what happened with the REAL ID Act. Congress passed it and the President signed it, but since so many states have refused to implement REAL ID, the feds have backed off and have recently extended the deadline for implementation yet again. If you do have a large number of states passing nullification bills, say 10 to 20, then it would start to create a pushback to the federal government, and good things could happen. As the Tea Parties have shown, a great number of people are fed up with big government and are willing to stand up to it. The Tea Parties and the 2010 elections have added to my optimism — the situation looks promising not only for nullifying and repealing ObamaCare, but for beginning to roll back the size of the federal government. All of these things work together, and it's got to be done if we're going to save our freedom.

TNA: *What is unique about JBS' approach to ObamaCare?*

Greenley: The John Birch Society is taking a two-pronged approach. We want to see the entire package of the ObamaCare laws (Public Laws 111-148 and 111-152, to be specific) repealed. We don't just focus



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on the individual mandate to buy insurance. The portion of the ObamaCare law that provides for the individual mandate is just a tiny portion of the 150 new agencies and many other newly empowered agencies provided for in the healthcare reform law, and is simply just the tip of the iceberg. Even without the individual mandate, the remaining portions of the ObamaCare regulatory iceberg would be more than sufficient to accomplish a complete government takeover of our nation's healthcare system.

To summarize: We're for total nullification at the state level and total repeal at the federal level.

TNA: *What about the ruling by the Florida judge that ObamaCare is unconstitutional?*

Greenley: Although that ruling is very encouraging, we don't expect the Supreme Court to rule that the entire ObamaCare law is unconstitutional. Even if they do end up ruling that the individual mandate is unconstitutional, it is very unlikely that they would invalidate the entire remainder of the law.

TNA: *You mentioned bills that have been introduced in state legislatures, but what about nullification legislation that has actually passed?*

Greenley: The "Freedom of Choice in Health Care" legislation, which deals primarily with nullifying the individual mandate portion of ObamaCare, has been introduced in over 40 states. It has already been enacted into law in seven states (Arizona, Georgia, Idaho, Louisiana, Missouri, Virginia, North Carolina), passed but vetoed by the Governor in Florida and Oklahoma, and passed as a constitutional amendment in Arizona and Oklahoma. However, as I've already commented earlier, we don't promote this type of partial nullification. Even if the individual mandate provision of Obama-Care were found to be unconstitutional and/or repealed by Congress, the remaining vast majority of provisions would still convert our healthcare system into a government-controlled, pale shadow of its former status. This is why, we promote full nullification of the entire law.

TNA: *What about those who say we should only focus on nullifying at the state level and not bother with congressional legislation because it's a dead-end?*

Greenley: That's where people go wrong. They should do both. You do everything you can. This is a very unusual time where we have more people awakened than we've ever seen, and the November 2010 congressional elections demonstrated that informed, responsible voters can indeed still "throw the bums out" who disregard the Constitution. However, even the very welcome electoral changes last fall were still insufficient to effect the size of roll-back needed to cut the federal government back to its proper size. That's why it's so important that we keep the constitutionalist, conservative grass-roots movement active and growing so that we can see even better election results in 2012.

TNA: *What about fears with the new Congress that it's going to be a repeat of 1994, when Republicans won control of the House but soon acted like establishment politicians?*

Greenley: This is a very valid concern. Already Tea Party and other activists have been disappointed with how little the Republicans were able to cut from the Fiscal Year 2011 appropriations bill. The next big test will be the vote on the public debt ceiling.

Since there is so much energy being put into scrutinizing Congressmen and their votes, I don't expect this to be just a rerun of 1994. However, I want to emphasize that the JBS has never endorsed any political party or candidate; instead, we urge our members to be active in the party of their choice and support the candidates of their choice.

TNA: *There are renewed calls this year from a vocal minority for an Article V constitutional convention, referred to as a "con-con," that JBS is opposing. What is the reason for JBS' stance on that?*



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Greenley: Attempting to rein in the federal government by revising the Constitution through a new constitutional convention convened according to Article V is inherently very, very risky. If we are to preserve our freedom under the Constitution, then the states should rein in our out-of-control federal government by enforcing the Constitution through nullification of unconstitutional federal laws, coupled with electing more Representatives and Senators to Congress who are committed to adhering to the Constitution, rather than by attempting to revise the Constitution through an inherently risky constitutional convention process.

TNA: *What are the dangers of a con-con?*

Greenley: Once called, a constitutional convention becomes its own authority and cannot be limited. A con-con may become a “runaway convention” that drastically alters our form of government, or throws out the Constitution altogether and establishes an entirely new system of government. It is absurd to believe that a majority (or even a sizable minority) of the individuals likely to be delegates to a con-con today would compare favorably with our nation’s Founders or share their commitment to liberty and limited government. The general public’s understanding of our Constitution has deteriorated greatly, while dependence on government programs has dramatically escalated since our founding, with both of these factors militating for bigger and bigger government.

TNA: *What do you say to con-con proponents who argue that worries that the convention may exceed its mandate are unfounded, since the state legislatures can limit the con-con to consideration of a single issue?*

Greenley: These assurances are unsupported. All you need to do is to look at the learned opinions of jurists and constitutional experts from the Founding era to the present. James Madison himself, father of the Constitution, warned against convening a second constitutional convention. When he learned that New York and Virginia were actively calling for an Article V convention in 1788, just months since ratification of the Constitution, he counseled:

If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress.... It would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partisans on both sides ... [and] would no doubt contain individuals of insidious views, who, under the mask of seeking alterations popular in some parts ... might have the dangerous opportunity of sapping the very foundations of the fabric.... Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a second, meeting in the present temper in America.

Madison clearly did not believe that a con-con could be limited and trembled at the thought of one. Madison’s view that it is impractical, or even impossible, to limit a con-con is shared by a wide array of jurists and legal scholars, including noted Democrats and Republicans, liberals, conservatives, and libertarians. Among those who have addressed this issue are former Chief Justice of the United States Supreme Court Warren E. Burger, former U.S. Supreme Court Justice Arthur J. Goldberg, former U.S. Circuit Court Judge Robert H. Bork, Prof. Lawrence H. Tribe of Harvard Law School, and Prof. Charles E. Rice of Notre Dame Law School.

TNA: *Some con-con proponents argue that we would be protected from any danger because any amendment, or amendments, that would be proposed by an Article V constitutional convention would need to be ratified by three-fourths of the states.*



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Greenley: While the additional requirement of ratification by three-fourths of the states does provide some protection from “bad” or “crazy” amendments, we all know just how many tens of millions, and perhaps hundreds of millions, of dollars can be mobilized by special interest groups to influence Americans in elections. If some “individuals of insidious views” could succeed in getting damaging amendments proposed in an Article V constitutional convention, then it’s probable that many political and special-interest organizations with deep pockets, as well as the biased mainstream media, would get involved in a huge way to promote the ratification of any amendments that would further their agenda. Also, we’ve already had a couple bad amendments, the 16th Amendment which empowered Congress to impose the income tax and the 17th Amendment for the direct election of Senators, ratified by three-fourths of the states. Furthermore, Congress has the option of sending any proposed amendments from an Article V constitutional convention either to the state legislatures or to special state conventions for ratification. This means that even though the state legislators of at least 34 states might attempt to call for an Article V convention limited to considering only one or a specific few amendments, Congress could choose to send the resulting proposed amendments back to special state ratifying conventions, bypassing completely the state legislators who called for the convention in the first place.

TNA: *What is the status of your action project to stop any new state constitutional convention calls this year?*

Greenley: Although at least 23 states had one or more con-con bills introduced this year, we’re very happy to report that only one state, North Dakota, has passed a con-con call so far this year. Most of the con-con bills that were introduced this year are now “dead” due to missing various deadlines or due to sessions being adjourned for the year. As they have for the past 30 years or so, members of The John Birch Society played a leading role in “killing” these con-con bills by contacting their state legislators and testifying before committees.

TNA: *So what should patriots do who want to roll back the federal government?*

Greenley: We need to persuade state legislators to enforce the Constitution through nullification of the entire Obama-Care law and other unconstitutional federal laws. At the same time, we want to stop the new drive to revise the Constitution via a constitutional convention by defeating all state con-con call resolutions, then going on offense to preserve the Constitution by persuading state legislators to introduce and pass con-con rescission resolutions in those states that haven’t repealed their existing con-con calls. Although virtually all 50 states have con-con calls on their books, 15 states have already rescinded their calls; they are Alabama, Arizona, Georgia, Idaho, Louisiana, Montana, New Hampshire, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wyoming.

The John Birch Society is also cosponsoring the “Nullify Now” tour, which has dates planned throughout 2011. (See the site nullifynow.com for more details.) The goal of JBS is to continue to educate the electorate and promote activism among the American people with the long-term goal of “Less government, more responsibility, and — with God’s help — a better world.” For more information on our action projects “Choose Freedom — STOP ObamaCare!” and “Choose Freedom — STOP A Con-Con,” go to <http://www.JBS.org>.



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