



Written by [Joe Wolverton, II, J.D.](#) on May 4, 2015

BBC: States Assert Sovereignty to Shut Down NSA Facilities

On April 27 the BBC reported:

There's a sign on Jonathan Stickland's desk that reads: "Don't steal. The government hates competition."

These days Stickland, a Texas state representative, isn't spending most of his time worrying about the government "stealing" through high taxes or onerous regulation — standard political fare for the kind of conservatives who populate the state capitol in Austin.



Instead his cause has been what he sees as government theft of privacy — the unlawful acquisition by the National Security Agency of personal information in the form of metadata about electronic communications by US citizens.

The particular target of his ire is the Texas Cryptologic Center, an NSA facility located near San Antonio. He has proposed a state law cutting off the building's access to public utilities — water and electricity — until the agency ceases what he says is unconstitutional warrantless data collection.

"I believe the first role of government is to protect the personal rights and liberties of its citizens," says the Republican, who has represented a district near Dallas for two years. "Before we build a road or anything else, we have to ensure that those exist for every Texan."

"I believe that it is my responsibility as a representative at the state level to fight against that kind of tyranny," he continues. "Whether it's from the federal government or a foreign entity, it doesn't matter."

The Texas bill is just one of the most recent examples of a growing movement among states — both liberal and conservative — to end government support for NSA facilities.

Since the revelations about the NSA's activities made by Edward Snowden — The New American has [chronicled](#) the efforts of [several states](#) to reclaim sovereignty from the forces of federal consolidation.

The BBC article also mentions the accelerating drive to force the federal government back inside its constitutional cage: "This year 15 other states have introduced some kind of anti-NSA legislation, including politically diverse locations like liberal Washington and Maryland and conservative Oklahoma and Mississippi."

The rights being fought for by these states are the natural rights protected by the U.S. Constitution and they are the birthright of all people — American citizens or otherwise — and the protections afforded by the Bill of Rights should be sufficient to restrain the government.

Admittedly, the day has now come when the Constitution is viewed by the federal government as nothing more than a "parchment barrier" to be torn through on its march toward absolutism. The



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answer to systemic disregard for laws protecting our liberty cannot be found, however, in the multiplication of federal laws purporting to protect our liberty.

Designing lawmakers, presidents, and judges are unlikely to heed the provisions of a constitution-supporting bill proposed by this or that federal senator or congressman, given that they demonstrate no respect whatsoever for the Constitution itself.

The remedy to this mortal malady seems to be the one described by Thomas Jefferson as the “rightful remedy”: nullification. In the Kentucky Resolution, Jefferson wrote:

In cases of an abuse of the delegated powers, the members of the general government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them.

If the federal government’s drive to accumulate unbounded power is to be thwarted, states and citizens must unite in their opposition to federal overreach and refuse to participate in or permit the enforcement of any unconstitutional federal act within their sovereign borders.

A powerful first step is to pass state laws and local ordinances turning off the power and the water — now!

The BBC mentions that the “movement has been championed by the Tenth Amendment Center and its OffNow coalition.” The work accomplished by these sister organizations in fighting the NSA and restoring state sovereignty is worth reporting.

Michael Boldin, founder and executive director of the Tenth Amendment Center, is a consistent champion of civil liberties and the authority of states to thwart federal overreach. To that end, the Tenth Amendment Center created the OffNow Coalition. In an appearance on the NPR show *Here and Now*, Boldin explained to host Robin Young the purpose of the coalition, a consortium of groups working to turn off the spigot, cutting off the water cooling the NSA’s massive supercomputers:

This is about violating the rights, and this facility being used for it. Now, as far as turning off power to this facility, whether in Utah or the new one coming online in Maryland that is going to be using up to five million gallons of water a day provided by Howard County, Maryland, or the new one coming online in San Antonio, Texas, using the Texas power grid to provide electricity or expansions in Tennessee or Georgia or in Hawaii, or elsewhere, who knows where they’re going to expand.

Referencing historic state protections of civil liberty as a model for the OffNow strategy, Boldin said:

And this was a state law that in essence banned the state of Massachusetts from providing material support or assistance to the enforcement of the Federal Fugitive Slave Act.

Now, if anyone has watched the film “12 Years a Slave,” we know the horrors of what was slave rendition. That’s what they called it at the time. And Massachusetts took a very bold stance, saying, well, we may not be able to stop this thing on a federal level, but we can say we’re not going to participate in it. And that state law, in essence, banned state employees — like law enforcement officers or judges — from helping the federal government enforce it, and it was extremely effective.



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OffNow's decision to focus its resistance on the local and state levels is wise and is more likely than federal efforts to make headway in the fight to preserve the civil liberties protected by the Fourth Amendment.

During his interview on NPR, Boldin recognized that regardless of the power of the weapon of nullification, the fight against constitutional disregard and constant federal surveillance will not be easily won.

"Now, if anybody tells you that you can just introduce one bill on a state level and it's like a silver bullet, it's going to stop the NSA from spying on you, from violating the Fourth Amendment, they're lying to you," Boldin admitted. "I don't want to be a snake-oil salesman. I want to come up with a real strategy that can work."

According to the BBC report, the future is in the hands of the people and the legislators they elect to represent them in state government:

"We need to get creative because we have a duty to our citizens regardless of the circumstances," [Stickland] says. "Hopefully the federal government will get into its place and proper role when the states start fighting back."

According to Maharrey, legislation in five states — Texas, Maine, Washington, Alaska and Iowa — still have a chance of passing this year. And if no new states are successful this time, he says his organisation will regroup over the summer and plan another round of proposals when state legislatures reconvene next year.

"We didn't go into this expecting that we were going to win the war in one year," he says. "It's an educational process, and it's a process of helping legislators understand it and overcoming legal objections."

A powerful first step in that process is to pass state laws and local ordinances cutting off the NSA's access to the power and the water that keep their watchful eyes open and keep Americans and others confined within the virtual walls of a Panopticon.

Photo of NSA's Utah Data Center near Bluffdale, Utah



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