



Utah Rep. Introduces Bill to Cut off Water to the NSA Data Center

Utah state Representative Marc Roberts is ready to try again to cut off the water to the massive National Security Agency (NSA) data center near Salt Lake City.

Although the legislation won't be considered by the state House of Representatives until sometime early in 2015, Roberts' bill, H.B. 161, is already facing scrutiny from some of his fellow lawmakers. Members of the Public Utilities and Technology Interim Committee met to conduct preliminary hearings into the ends and means of the measure. As reported by the *Salt Lake Tribune*:



A Utah legislative committee on Wednesday asked a lawmaker to refine a bill that seeks to — eventually — shut off water to the National Security Agency's data center in Bluffdale.

Committee members expressed some concerns with the bill but no outright opposition. They asked the bill's sponsor, Rep. Marc Roberts, R-Santaquin, to better define who would be impacted by the bill.

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The members also asked questions on whether Utah taxpayers are supporting the NSA.

"I just don't want to subsidize what they're doing on the back of our citizens," said Rep. Roger Barrus, R-Centerville.

The committee heard a report on how Bluffdale issued \$3.5 million in bonds to pay for water lines leading to the Utah Data Center. Bluffdale agreed to sell the NSA water at a rate below the city guidelines in order to secure the contract.

Bluffdale leaders believe the agreement will bring long-term benefits to the town by helping finance infrastructure that will attract new businesses.

The bill is similar to one offered by Roberts during the last legislative session.

In fairness, HB 161 wouldn't immediately close the spigot at the massive surveillance complex. The bill would prohibit a renewal of the current contract which is due to expire in 2021.

Just how much water the NSA is using to cool the data-collecting computers housed at the Utah facility is not exactly known. The federal government insists that if such information were made public, it would threaten national security. As *Wired* reported in March:

The National Security Agency has many secrets, but here's a new one: the agency is refusing to say how much water it's pumping into the brand new data center it operates in Bluffdale, Utah. According to the NSA, its water usage is a matter of national security.

The agency made the argument in a letter sent to officials in Utah, who are considering whether or



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not to release the data to the *Salt Lake Tribune*. Back in May, *Tribune* reporter Nate Carlisle asked for local records relating to the data center, but when he got his files a few months later, the water usage data was redacted.

What is not a secret, however, is that the natural rights protected by the U.S. Constitution 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 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, not in six years.

That isn’t to say Representative Roberts’ bill isn’t important. At least it moves the ball closer toward the goal line of restoring of the ramparts of the Constitution that once protected the people from the grasping talons of a government grown too powerful.

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.



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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.

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.”

A powerful first step in that workable strategy 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 to a virtual Panopticon.

Photo of NSA data center in Utah: AP Images

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