



Written by [Jack Kenny](#) on February 28, 2013

N.H. Free Staters Cheer Thomas Woods' Speech on Nullification Doctrine

In the heady days of antiwar fervor in the 1960s, a few protesters demonstrated their opposition to the Vietnam War and the military draft that supported it by publicly burning their draft cards, a federal offense punishable by imprisonment. Last weekend's Liberty Forum in Nashua, New Hampshire featured a call for a different kind of card-burning when Saturday's keynote speaker, historian and bestselling author Thomas Woods, told the libertarian crowd that the card destined for the ash heap is a figurative "three-by-five card of acceptable opinion," containing what Woods described as the gamut of political opinion, running all the way "from Hillary Clinton to Mitt Romney."



Neither Clinton nor Romney would likely have drawn cheers from the participants at the forum, an annual event staged by the Free State Project, an organization aiming to draw some 20,000 liberty-loving people to New Hampshire, there to exercise their freedoms according to the will of each individual. It may be to start a business or to work on behalf of a political cause or causes they believe in, said forum organizer Chris Lawless. For someone devoted to Second Amendment rights, "You can work on just gun laws," he said. Indeed, the Free State Project [website](#) boasts that the least restrictive gun laws of any state can be found in New Hampshire, where open carry is allowed in all but a few public places. But Free Staters encourage people to become engaged on other issues as well, though some prefer to avoid direct political action.

"Because we have no mandate as to what people should do, we let people follow their passions, which is a huge strength for us," Lawless said.

The project began in 2001 when a network of libertarians organized for the purpose of finding a small state (with fewer than 1.5 million residents) that offered fertile ground for opportunities to pursue and promote liberty and oppose needless restrictions on personal freedom. They held a certified election via both email and snail mail, and New Hampshire won out over several other states, including Maine, Vermont, Delaware, Alaska, Idaho, Montana, Wyoming, and both Dakotas. Lawless, a computer consultant who moved to New Hampshire from San Francisco in 2005, said the state's "Live Free or Die" motto is but a small part of its appeal to libertarians.

"I think that played into it, but I think it was more the New Hampshire spirit. It's the only state without a seat belt law," said Lawless, citing one example of the "live free" spirit. Free Staters are apt to give even more emphasis to lack of a seatbelt law or helmet requirement for motorcyclists than to the state's free and open gun laws or the absence of both a state income and general sales tax.

"It's not the biggest inconvenience in the world," Lawless said about a seatbelt law, but its absence



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“shows a level of grownup-ness. We allow people to make their own choices along those lines.” He also sees the neighborliness of mostly small-town New Hampshire as natural defense against big, bureaucratic state government.

“I think we rely more on our neighbors; [it’s] more of a community,” he explained. “I think that helps with how our laws are made.”

While conservative Republicans also talk of the need for limited government and maximizing individual liberty, Lawless said the breach between conservative and libertarian political thought appears much wider now than it did in the days when Arizona Senator and 1964 Republican presidential candidate Barry Goldwater was known as “Mr. Conservative.” Conservatism in the Republican Party today is dominated by neoconservatives who are “usually anti-gay, pro-drug war and pro-overseas U.S. wars,” he said, citing attitudes and policies strongly opposed by libertarians.

The main philosophical divide among many of the Free Staters, he acknowledged, is between those who believe in Jeffersonian principles of limited government and those who believe free people can better and more peacefully organize both their personal lives and their communities with no state control at all. Ironically for a man named Lawless (his real name), he finds himself on both sides of that debate.

“It depends on the day of the week,” he said, adding, “I don’t think most people would be upset if the government were constrained by the Constitution.”

About 1,130 have moved to New Hampshire through the efforts of the Free State Project thus far, well short of the goal of 20,000. But a total of 13,700 have signed pledges of their intention to make the move when they are able. Once the pledge total reaches 20,000, the Free State organizers hope to get all or nearly all moved into the state within five years. The target date for getting the requisite number of pledges has changed from 2018 to a more optimistic 2015, the organization’s president, Carla Gericke, told the roughly 500 people attending the Liberty Forum.

“We don’t want to wait until 2018 to trigger this,” she said.

About a dozen of the Free Staters now in New Hampshire are members of the state’s 424-member Legislature, a trend that pleases Republican Bill O’Brien, a state representative from Mont Vernon and former Speaker of the House. While attending the Liberty Forum Saturday night, O’Brien recalled that when he heard years ago that a group of people from around the country would be moving to New Hampshire to promote low taxes, limited government, and personal freedom, “I said, ‘They sound like Republicans to me.’”

Not all New Hampshire residents are inclined to welcome the Free Staters, however. Most notably, and most recently, state Rep. Cynthia Chase (D-Keene) wrote on the blog Blue Hampshire:

In the opinion of this Democrat, Free Staters are the single biggest threat the state is facing today. There is legally nothing we can do to prevent them from moving here.... What we can do is to make the environment here so unwelcoming that some will choose not to come, and some may actually leave. One way is to pass measures that will restrict the “freedoms” that they think they will find here.

“I’ve been in public life long enough to know that sometimes you say things you wish you hadn’t,” O’Brien said. But the former speaker said Chase’s blast against the Free Staters betrayed a flawed understanding of the role of government.

“It’s offensive to me, and frightening, to say there are citizens who should not come to our state,”



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O'Brien said. State Rep. Michael Sylvia (R-Belmont), a Rhode Island native who came to New Hampshire through the Free State Project, actually welcomed the attack.

"Oh, it was great. It gave us plenty of publicity," he said. But he noted that Chase, another Rhode Islander who made her way to New Hampshire, wants to restrict freedom as a means of discouraging the Free Staters.

"She wants to impose more tyranny on the people of New Hampshire and I am the opposite of that," said Sylvia. "I want the people of New Hampshire to live free and exercise personal responsibility."

Others in New Hampshire have expressed alarm in recent years over libertarian measures advanced in the state's legislature, including the repeal two years ago of a ban on guns in the House of Representatives chamber and gallery. (The ban was restored by a new Democratic majority in the House early this year.) The introduction of resolutions reviving 19th century controversies such as state nullification of federal laws has also raised eyebrows in the Granite State. Keynote speaker Tom Woods drew nothing but ovations from the Free Staters, however, when he spoke in favor of state nullification.

"It's perfectly constitutional for states not to enforce unconstitutional laws in their states," said Woods, citing Madison and Jefferson among the authorities favoring the notion. Even Alexander Hamilton, a leading champion of a strong central government and of the supremacy of federal law, said in a [speech](#) to New York's ratifying convention in 1788 that under the proposed Constitution:

The laws of Congress are restricted to a certain sphere, and when they depart from this sphere, they are no longer supreme or binding. In the same manner the states have certain independent powers, in which they are supreme.

That nullification is a concept unknown to most Americans today and unacknowledged by most scholars, said Woods, due in part to what he called the "total corruption" of the nation's law schools.

"Even the Tenth Amendment is too cheeky for the law schools," added Woods, who also lashed out at "the complete corruption of right-wing radio — Sean Hannity, Mark Levin, Bill O'Reilly. Not one of them will talk about nullification." One exception, he said, is economist Walter Williams. "Walter Williams will talk about nullification when he fills in for Rush Limbaugh, because Walter Williams is fearless," he said.

Woods, who has authored a [book](#) on nullification, invited the Free Staters to put a mental torch to the narrow range of political thought that America's political and media elite deem worthy of discussion.

"We need to set fire to that three-by-five card of acceptable opinion," he said. And the fire that turns that card to ashes will be the flame of American liberty."

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