

## **What is the purpose of this bill?**

"The idea is to make it difficult to impossible for the NSA to do what it wants to do. Banning our state from participating in programs that the NSA is currently carrying out will help make that happen."

## **Is this legal?**

We are on firm legal footing. The Supreme Court has consistently held that the federal government cannot force states to implement or enforce federal laws or programs. There are four cases establishing the anti-commandeering doctrine dating back to 1842. There is really no question that legally, the NSA can't make the State of \_\_\_\_\_ help support its unconstitutional spying.

The four cases are Prigg v. Pennsylvania (1842), New York v. US (1992), Printz v. US (1997) and National Federation of Businesses v. Sebelius. The Printz case is the cornerstone.

*"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."*

## **What about national security?**

"The number one priority for national security should be defending and protecting the Constitution. Without that, the rest becomes irrelevant. Many of my constituents say they believe that the NSA, as it is now being run, violates the Fourth Amendment. This is a way to stop it."

"There is no way the NSA can spy on the entire world - as we know it is - and remain focused enough to actually track terrorists suspects. On top of that, America has angered many of its allies by snooping on them. How can this possibly make us more secure?" The bottom line is this mass spying threatens national security."

## **What if the feds just ignore the state and take resources anyway?**

"Wow! That would certainly outrage the people of this state! But it's important to remember this is a multi-state, multi-pronged campaign. We don't expect to go it alone. We fully expect other states to follow our lead, and together we become much stronger."

“You mean - what if the feds TRY to take it? James Madison told us that state resistance would create obstructions and would be VERY effective. He recognized that it would be a legal and logistical nightmare for the feds to pull something like that off.”

### **Is this just symbolic?**

This is not intended to be a resolution or a statement of opinion. Our goal with this legislation is to get something done. And, on top of it, James Madison didn't consider this kind of measure to be "symbolic" either. He wrote in Federalist 46 that state refusal to cooperate with officers of the union would create impediments and obstructions the feds would not be want to deal with. This bill is absolutely not symbolic. It WILL end [state] cooperation with unconstitutional NSA spying.

### **Shouldn't we let Congress and federal courts deal with this issue?**

“I didn't get elected to this office to sit around and wait for other people to fix things. I'm here because I believe in the Constitution and I'm going to do my best to make sure it's enforced here in [state].”

If they press the issue:

We can't depend on Washington D.C. to limit its own power. Congress has shown no inclination to rein in the NSA and we can't wait two years for the courts to decide. My constituents have expressed a great deal of concern about the wholesale violation of their privacy, I believe it is my duty as their representative to take action here in [state]

### **Our state doesn't have a data center. Why bother with this bill?**

This bill isn't just about resources to data centers. It proposes banning the state from participating in other important areas where the NSA wants our help and participation. On top of it. We know the NSA is aggressively expanding its physical locations, not just in Utah, but in Texas, Hawaii and other states too. Since the NSA isn't transparent about its plans, it's essential to not only address where it is today, but work to get the rest of the country to say, ‘You're not welcome here either!’”

### **Who are you to determine whether the NSA is acting unconstitutionally?**

“Many of my constituents have expressed serious anger about what they've learned the NSA is doing. And, personally, I'm not happy about NSA surveillance programs either. I believe it's my duty to do something here in \_\_\_ to help put a stop to it.”

### **What if the bill doesn't work.**

I believe it will. James Madison gave us the blueprint and it's pretty hard to argue with the Father

of the Constitution. Of course, you can always come up with what-ifs and doomsday scenarios for anything. You can't let fear rule your actions. That's what they want - for us to do nothing. I wasn't elected to do nothing. I was elected to take action.