

SCOTUS ruling on marriage equality raises new question

by: Darryl W. Perry

Many people are celebrating the ruling from the US Supreme Court which makes same-sex marriage legal across the country. Some people, like Ted Cruz, say the ruling marks “one of the darkest hours of our nation.”

There are many sound bites from supporters and opponents of the issue. However the ruling itself recognizes marriage as a fundamental right. The majority opinion states, “The challenged laws burden the liberty of same-sex couples, and they abridge central precepts of equality. The marriage laws at issue are in essence unequal: Same-sex couples are denied benefits afforded opposite-sex couples and are barred from exercising a fundamental right.” Adding, “The right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. Same-sex couples may exercise the fundamental right to marry.”

Fundamental rights are not something that should be regulated or licensed. But what exactly are fundamental rights? It could be argued that the right to life, liberty and pursuit of happiness are the fundamental rights, and they are the ones specified in the Declaration of Independence. I would expound to say that anything that is does not cause a real victim is a fundamental right. I say real victim to differentiate between the imagined victim of “society” as

TSA failures expose security theater

by: Darryl W. Perry

At the beginning of June, Homeland Security Director Jeh Johnson announced that acting-TSA chief Melvin Carraway would be reassigned after a report was released showing that the TSA failed 95% of their own tests to detect mock explosives and weapons. These results are dismal but not unexpected, at least to those who have paid attention to previous reports of TSA failures. CNN reports, “The TSA has been failing these sorts of tests since its inception: failures in 2003, a 91% failure rate at Newark Liberty International in 2006, a 75% failure rate at Los Angeles International in 2007, more failures in 2008. And those are just the public test results.” However, the TSA had attempted to excuse those previous results as not being accurate, because they were tests in a single airport, or “not realistic simulations of terrorist behavior.”

There’s no excuses this time, right? The test was conducted in dozens of airports, and Reuters reports agents “did not detect banned weapons in 67 of 70 tests.” Reason reports, “TSA officials have complained in the past that undercover security testers—known as the Red Team—have an unfair advantage. The testers know the agency’s

the victim if x is allowed to happen unhindered.

Supporters of freedom believe that no person or group has more rights than any other person or group. Meaning that if I have a fundamental right to do a certain thing, everyone else has that same right. There is, however a difference between someone being able to exercise a right – which governments often prevent – and the person actually having the right. In this case, the Supreme Court ruled that same-sex couples can exercise their fundamental right to get married. Jesse Kline of the National Post wrote, “the central question... is whether the state should be dictating the domestic arrangements of consenting adults.” I say: “NO!” If two consenting adults can get married, then any number of consenting adults should be allowed to do so, as long as the relationship remains consensual. If a man and woman wish to get married, and either partner wishes to bring another person into the relationship, they should legally be allowed to do so, as long as the relationship remains consensual.

The Supreme Court ruling which allows same-sex couples to legally marry may be a small step forward in equal protection under the law for a small group, though it is two steps back in removing government interference in people’s lives and relationships. One can only hope that at some point, governments begin removing licensing and regulations over personal matters.

policies and procedures, and can design tests specifically to evade them... This wasn’t some brilliantly designed plot based on secret inside knowledge of how the TSA’s system works: The Red Team tester taped a fake bomb to his body and then walked through the bomb scanner, which went off.” The fake bomb which set off an alarm was not detected by the agent conducting a patdown.

After the results went public, Johnson said, “The numbers in these reports never look good out of context but they are a critical element in the continual evolution of our aviation security. We take these findings very seriously in our continued effort to test, measure and enhance our capabilities and techniques as threats evolve.”

I’m trying to imagine a context, outside of begging for more money to improve, in which a failure rate of 95% looks good. I’m also trying to comprehend why Melvin Carraway and the TSA agents who actually failed the tests are still employed. Lastly, I’m trying to figure out why some people don’t see that the TSA is not actual security, but just security theater. That term actually comes from

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Every Thursday – NH Seacoast Liberty Meetup: rotates weekly between Dover, Exeter & Portsmouth – 7:00pm
(location varies, check ShireCalendar.FPP.cc)

KEENE

Every Sunday – Social Sunday: McCue's Billiards & Sports, 12 Emerald St. – 6:00pm

LAKES REGION

Third Saturday of the month – Lakes Region Porcupine Meeting: New Hong Kong Buffet 12 Old State Rd Unit 3, Belmont – 12:00-2:00pm

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Last Tuesday of the month – Upper Valley Porcupines: Ziggy's Pizza, 254 North Plainfield Road, West Lebanon – 6:00-8:00pm

MANCHESTER

First Saturday of the month – Merrimack Valley Porcupines: – 11:00am (location varies, check ShireCalendar.FPP.cc)

MANCHESTER

Every Tuesday – Taproom Tuesday: Murphy's Taproom, 494 Elm St. – 5:00-7:00pm

MANCHESTER

Every Sunday – Shire Bitcoin Meetup: – 6:00-9:00pm
(location varies, check ShireCalendar.FPP.cc)

NASHUA

Every Wednesday – Freedom Forum discussion: Barnes & Noble, 235 Daniel Webster Highway – 7:00-9:00pm

NASHUA

Every Sunday – Nashua Liberty Meetup: Martha's Exchange, 185 Main St. – 6:00-8:00pm

NEWMARKET

Last Sunday of every month – Freecoast Bitcoin Meet Up: Burrito Liberation, 170 Main St – 3:00-5:00pm

Submit your events to editor@fpp.cc – please send event information by the final Sunday of each month.

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Facebook, Reason.com and free speech on the internet

by: Darryl W. Perry

If you thought you still had free speech on the internet, you might be in for a surprise. A couple of weeks ago the US Supreme Court issued an opinion reversing a lower court's conviction of a man, Anthony Elonis, who posted violent messages on Facebook. Forbes reports, the majority opinion written by Chief Justice John Roberts, raised the level of criminality required for conviction of online threatening, "ruling that prosecutors must offer some proof that a defendant made a 'true threat' with the intent to hurt a specific individual." In other words when it comes to online threats, intent matters! Bloomer adds, "The justices didn't decide whether Elonis's First Amendment rights were violated, instead interpreting the federal threat statute in a way that averted potential constitutional problems."

Apparently no one told Judge Katherine Forrest or US Attorney Preet Bahara. Bahara sent a subpoena to Reason.com demanding information about users who posted comments that were perceived as threatening, but may lack the intent required by the US Supreme Court to justify a conviction.

by: Darryl W. Perry

The US Supreme Court recently issued two seemingly conflicting rulings on free speech. Scotusblog reports the Supreme Court "gave state governments sweeping new control over the messages that can be put on auto and truck license plates but restricted governments at all levels from using differing rules to control the messages put on billboards and other outdoor signs.

As a combined result of two new rulings, government both gained added power to speak for itself but faced the loss of some of its power to control what others may say in public displays. And the meaning of the First Amendment, in general, became somewhat more confusing."

The ruling involving signs involved a church in Gilbert, AZ. The church did not have a physical building, and relied on signs to notify people where they would meet. The city had an ordinance regulating the size and duration of signs depending on the message. Signs expressing a philosophical message were only required to be under 20 square feet. Whereas a sign informing people of an event were prohibited from being over 6 square feet, and could not be placed more than 12 hours before the event or remain for more than 2 hours after the event.

The messages read:

"Its judges like these that should be taken out back and shot."

"It's judges like these that will be taken out back and shot."

"Why waste ammunition? Wood chippers get the message across clearly. Especially if you feed them in feet first."

"Why do it out back? Shoot them out front, on the steps of the courthouse."

"I hope there is a special place in hell reserved for that horrible woman."

"There is."

"I'd prefer a hellish place on Earth be reserved for her as well."

"F*** that. I don't want to pay [sic] for that c***'s food, housing, and medical. Send her through the wood chipper."

Judge Forrest, you may recall, is the federal judge who sentenced Ross Ulbricht to life in prison; Preet Bahara is the man who prosecuted Ulbricht in the Silk Road case. That case seems to have set the bad precedent that some expected: that a website operator can be held liable for the

SCOTUS rules on free speech

Richard Winger of Ballot Access News reports, "The key sentence in the decision is 'Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter.'"

In a seemingly conflicting ruling, the high court "cut back motorists' right to choose the messages they wanted to convey on their state-issued plates," however Scotusblog added, "The First Amendment was not the decisive factor in the license plate controversy. The Court, dividing five to four, ruled that the messages on those plates are 'government speech,' and, as such, the First Amendment imposes no direct curb on the content of that message."

It is unclear if the restriction of license plate content will extend to the text of vanity plates, or if it will only allow states to prohibit the issuance of specialty plates. It also leads to the question of how expansive *Reed* (the sign case) should be applied. Justices Breyer, Kagan & Ginsburg said in their concurrent opinion that the ruling, written by Justice Thomas, was so sweeping that very few public sign laws were likely to survive that analysis. Should *Reed* be applied to all sign ordinances? Will *Reed*

actions of their users, at the discretion of the prosecuting attorney of course.

Ken White wrote on PopeHat.com, "The 'threats' do not specify who is going to use violence, or when. They do not offer a plan, other than juvenile mouth-breathing about 'wood chippers' and revolutionary firing squads. They do not contain any indication that any of the mouthy commenters has the ability to carry out a threat. Nobody in the thread reacts to them as if they are serious. They are not directed to the judge by email or on a forum she is known to frequent.

Therefore, even the one that is closest to a threat... lacks any of the factors that have led other courts to find that ill-wishes can be threats."

If someone is making a credible threat it shouldn't matter whether the threat comes in written or spoken word. However comments that are off-hand remarks from keyboard warriors should not lead to the prosecution of the person trying to act tough from the comfort of his home, nor should the operator of the website be called to court to hand over information they may not even possess.

help political parties that can show they're being discriminated against?

Winger adds, "The [*Reed*] decision may also help the Libertarian and Green Parties to win their pending lawsuit against Arizona voter registration forms, which make it more difficult for voters to register into those parties (even though they are ballot-qualified) than into the Republican and Democratic Parties. The decision may also be useful for lawsuits filed against ballot formats that make it more difficult for voters to vote for independent candidates than for Republican and Democratic nominees."

Only time will tell if Winger is correct in his assessment, though it's possible a court will claim that political affiliations and ballots are "government speech" that can be more strictly regulated than other forms of speech.

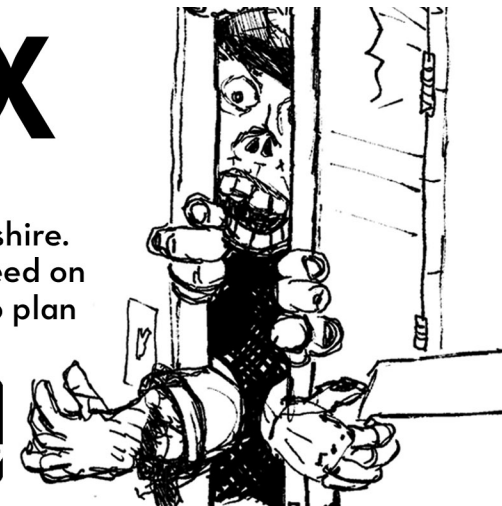


SURVIVOR MAX

by Davi Barker

11-year-old Max is surviving an undead plague alone in New Hampshire. Slow-moving and non-thinking, the "lamebrains" hunt the living to feed on their flesh. He must apply his Porcupine Freedom Scouts training to plan his escape, but first he must prove that he's too smart to die.

SurvivorMax.com



Announcing the coming publication of *A Rebel's Journey*, and fundraiser

Free Press Publications is pleased to announce the upcoming publication of *A Rebel's Journey*, which details Presidential candidate Darryl W. Perry's the path to the ideas of liberty. Perry says his path to the ideas of liberty began as a search for traditional values.

Perry, who has written and published several book, is opting for a less traditional publication of *A Rebel's Journey*. He is holding a fundraiser to to offset the profits that he would have earned through a more traditional publication of the book, and will then make the book available as cheaply as possible. He said, "The funds raised will allow me to get the book into the hands of more people, and promote the book to a wider audience."

Perry said, "Donors can get the e-book and the audio book for free, as well as bonus audio content (including interviews with Jeffrey Tucker, Lynn Ulbricht, Ben Stone and more) OR a signed copy of the paperback book and more!"

Additionally, if the goal is surpassed then donors can get additional perks. The fundraiser is running through August 7, and the book will be published this fall after donors receive their perks.

The fundraiser can be found at <http://igg.me/at/a-rebels-journey>

A video explaining the fundraiser is available at <https://www.youtube.com/watch?v=aMsXhhK9W6s>

Bitcoin donations are being accepted at <http://ArebelsJourney.com>



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TSA failures

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security expert Bruce Schneier, who coined the phrase "for security measures that look good, but don't actually do anything."

Absent the TSA and other federal regulations each airline would be responsible for its own safety and security. Some airlines might choose to have more lax security, while others may choose more stringent security. In the end, it would be up to the passengers to decide the level of security they're comfortable with, and the market would determine which airlines succeed and which ones fail.

Open letter to Sen. Sharon Carson: The compassion of decriminalization

by: James Davis

The New Hampshire Senate recently voted to table House Bill 618, which would have decriminalized first-time offenses of marijuana possession.

Sen. Sharon Carson, the chief opponent of the bill, said in the hearing: "I do not need to remind you of the people in our lives who have been affected by addictions, as there is not a person in this chamber, or in the balcony or listening online who has not had some sort of impact." I applaud that she seems to feel compassion for drug users and those close to them, but the evidence shows her attack on the decriminalization of marijuana to be an uncompassionate one.

In order for the criminalization of marijuana to be a compassionate approach, it would have to actually deter marijuana use. And yet, in spite of harsh penalties for simple possession of marijuana (up to a year in jail and a \$1,000 fine), New Hampshire still ranks in the top seven states in the nation in terms of per capita marijuana use, with total drug-related arrests continuing to rise. (New Hampshire saw a 4 percent increase in total drug-related arrests from 2012 to 2013.)

Meanwhile, other cultures that have experimented with drug legalization or decriminalization are enjoying many positive benefits. Portugal, for instance, decriminalized all drugs in 2001, and while it saw a brief rise in drug use at first, it has seen a steady decline since 2007. In particular, drug-abuse related deaths have dropped nearly 75 percent, and drug users seeking help "rose dramatically."

If compassion is our goal, then why saddle drug users with a criminal record? Who actually benefits from turning drug users into criminals, rather than making it clear to them that they can find the help they need without fearing persecution?

It certainly isn't the taxpayers. According to a study done by the ACLU, New Hampshire spent more than \$6.5 million enforcing marijuana laws in 2010, only to have drug use and arrests continue to rise steadily to present day. Surely this money could have been spent better elsewhere – on pursuing violent criminals, for instance, or returned to the taxpayers themselves.

It certainly isn't New Hampshire's African-Americans. According to a 2013 ACLU study, black people are 2.6 times more likely to be arrested for marijuana possession in New Hampshire than white people, despite similar rates of use.

It certainly isn't the people who get arrested for marijuana possession, either. In New Hampshire in 2012, 2,327 of our sons, daughters, friends, neighbors and co-workers were arrested for simple marijuana possession. Aside from the fees and statutory penalties they faced, they also were denied the opportunity to work (due to having a misdemeanor on their record), lost educational grants and perhaps even their children, if they were found to have marijuana in their home.

And while these punishments are supposed to scare would-be marijuana users into passing instead of puffing, they do

nothing of the sort. The criminalization of cannabis in the United States and Australia had no discernible impact on the rates of marijuana use when those laws were first imposed. Most marijuana users are like people who speed in their car – they assume they won't get caught and have no intrinsic motivation to follow laws they don't believe in.

And let's be clear – these are laws that the people of New Hampshire, by and large, don't believe in. According to a 2013 Granite State Poll conducted by WMUR, 60 percent of New Hampshire citizens support legalization of marijuana up to 1 ounce. And that's legalization, meaning no penalties whatsoever for people found to be in possession of 1 ounce of marijuana. What the Senate tabled was decriminalization, which is a far less dramatic change.

The New Hampshire House has responded to its constituents, pushing forth legislation to the Senate time and time again (this most recent time in excess of 80 percent in favor of decriminalization), only to have it batted back in their face each time.

So if 60 percent of Granite Staters are for outright legalization and 80 percent of the House is for decriminalization, why did nine state senators try to kill this bill before it could even be considered for amendments? Why did Sens. Carson, Forrester, Daniels and Boutin so vigorously oppose the bill, even as their constituents desire that it pass?

Do the people of New Hampshire need representatives who will go against their express wishes because they feel they know better than we do?

I don't think the senators opposing this bill lack compassion for drug users and their families. I believe that, in their hearts, they believe stiffer penalties will deter drug use and save a lot of people a lot of heartache, overall.

The problem is that there is no data to support the way they feel. New Hampshire is the last state in New England that turns its casual marijuana users into criminals. It's time that we leave the failed policies of the drug war past behind, and move into a future of compassion. Decriminalization will be the first step in that direction.

This open letter was originally published in the Concord Monitor.

James Davis is an unschooling father of two and a liberty activist from New Jersey. After learning about the Free State Project from Free Talk Live, he and his family made the move to Dover, New Hampshire, in October of 2014 to find more liberty for themselves and others. James makes his living running an unschooling and liberty-based summer camp called the Stomping Ground, and speaking at camp conferences nationwide about the benefits of giving children more freedom.



Shireleaks will attempt to compile the responses to as many Right To Know (91-a) requests from across New Hampshire as possible. You will be able to review information obtained from the Right To Know requests, as well as get information on how to file your own 91-a request.