

Lessons learned from the Barrett Brown case

by: Darryl W. Perry

The prosecution of Barrett Brown, which seemed to go under the radar of the mainstream media, is one of the most important cases of my lifetime, and has taught us several important things.

There is no Freedom of the Press:

Barrett Brown is an investigative journalist and had been a contributor to Vanity Fair and The Guardian. He also founded Project PM, a project to crowdsource review of documents for investigative journalism. EFF reports, “Brown’s legal trouble began in 2011, when hackers obtained a voluminous set of emails from government contractor HBGary and placed them on the Internet. He turned to crowdsourcing to review records and emails taken from another government contractor, Stratfor, after hackers broke into their servers later in 2011. Those records included millions of emails discussing opportunities for rendition and assassination, and detailing attempts to subvert journalists, political groups and even foreign leaders. They also included tens of thousands of credit card numbers and their verification codes.”

Brown was not involved in the hack, nor was he the person who posted the information from the hack online. Brown simply posted a hyperlink to the material in a public chatroom. At one point, Brown was facing 105 years in prison, however he ultimately took a plea and the maximum penalty was reduced to 8 ½ years. After

spending 31 months in federal custody, Brown was sentenced to 63 months, with credit for time served, and ordered to pay \$890,250 in restitution. This sentence is extremely harsh, especially when you remember that Barrett Brown was not involved in the hack!

Laws are selectively enforced:

The EFF reports, “The charges relating to the hyperlink represented a serious threat to press freedom. EFF and other press organizations planned to file an amicus brief supporting Brown’s motion to dismiss eleven of the hyperlinking charges, noting that journalists routinely link to documents that, while illegally obtained, are of interest to the public.”

Barrett Brown posted a hyperlink to material related to the Strafor hack. Many other journalists have linked to leaked and/or hacked material, yet aren’t prosecuted, and few are ever investigated for doing so. As part of a plea deal to lesser charges, Brown plead guilty to “being an accessory after the fact to the unauthorized access to Stratfor’s computers” and two other charges. It should be noted that Strafor failed to encrypt the data stored on their servers. Zoe Fox of CNN called this, “an embarrassing mistake for a company specializing in security.” Additionally, Strafor was not held liable for failing to protect the sensitive information of their clients.

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Holder prohibits most state and local use of DOJ’s asset forfeiture program

by: Darryl W. Perry

Eric Holder made headlines last month when he announced a new policy prohibiting state and local governments from using federal civil asset forfeiture laws for most cases. The Washington Post reported, “Holder’s action represents the most sweeping check on police power to confiscate personal property since the seizures began three decades ago as part of the war on drugs.” The DOJ’s Equitable Sharing program has allowed thousands of local and state police agencies to have seized nearly \$3 billion in cash and property since 2008. Using Equitable Sharing, a state or local police department or drug task force would seize property and then have that property adopted by a federal agency. The agency making the seizure would then be allowed to keep up to 80 percent of the value of the items confiscated.

In an order released by the Attorney General’s Office, Holder stated, “Federal adoption of property seized by state or local law enforcement under state law is prohibited, except for property that directly relates to

public safety concerns, including firearms, ammunition, explosives, and property associated with child pornography.” These exceptions represent a small percentage of the seizures made under the program.

Scott Bullock, a senior attorney at the Institute for Justice, the nation’s leading legal advocate against civil forfeiture, said, “This important change in policy will strengthen protections for property owners who stand to lose their cash, cars, and other property without being convicted of or even charged with a crime. But it is essential that greater protections for property owners must follow at the federal level and in the states to ensure that Americans are no longer victimized by civil forfeiture.”

Additionally, Holder also stated that his order does not apply to seizures by state and local authorities working together with or on behalf of a federal agency, nor does it “limit the ability of state and local agencies to pursue the forfeiture of assets pursuant to their respective state laws.”

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Thursday – NH Seacoast Liberty Meetup: rotates weekly between Dover, Exeter & Portsmouth – 7:00pm
<http://www.meetup.com/nhseacoastliberty>

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

LEBANON

Last Tuesday of the month – Upper Valley Porcupines: Lebanon Village Pizza, 45 Hanover St. #1 – 6:00-8:00pm

MANCHESTER

First Saturday of the month – Merrimack Valley Porcupines: (location varies, check facebook) – 11:00am

MANCHESTER

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

MANCHESTER

Sunday – Shire Bitcoin Meetup: Murphy's Diner, 516 Elm St. – 6:00-9:00pm

NASHUA

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

NASHUA

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

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First and Third Thursday of the month – FreeWeare: Weare Town Grille, 840 S Stark Hwy – 6:30-8:30pm

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The Congressional “good standard” should be raised

by: Darryl W. Perry

Not many elected officials explain to their constituents the reasons they vote a certain way on a given bill. Even fewer are those who will explain their vote on every bill! Justin Amash seems to be doing just that, posting on his facebook profile an explanation for his votes.

Most recently, he explained his reasons for voting “present” on a bill to authorize construction of the Keystone XL Pipeline: “I voted present on H R 3, Northern Route Approval Act. The Keystone XL pipeline is a private project owned by TransCanada Corporation. This bill improperly exempts TransCanada Corporation—and no other company—from laws that require pipeline owners and operators to obtain certain government permits and approvals.

I support construction of the Keystone XL pipeline, and holding it up for over four years (with no end in sight) for political reasons is wrong. It’s improper, however, for Congress to write a bill that names and benefits one private project, while doing nothing to address the underlying problems that allowed such delays to occur.”

He goes on to say, “My commitment to my constituents when I took office was that I may vote present on legislation in three extremely rare circumstances (this is the 12th present vote out of nearly two thousand votes in Congress): (1) when I could otherwise support the legislation, but the legislation uses improper means to achieve its ends, e.g., singling out a specific person or group for special treatment; (2) when Representatives have not been given a reasonable amount of time to consider the legislation; or (3) when I have a conflict of interest, such as a personal or financial interest in the legislation—a circumstance that hasn’t happened yet and I don’t anticipate happening.

H R 3 uses improper means to accomplish its laudable goal by singling out TransCanada Corporation and its Keystone XL pipeline for special treatment.”

Nick Gillespie of Reason.com says that Amash should be cloned, adding “If we can’t yet clone him, here’s hoping

we can at least clone his commitment to principle, communication with voters, and simple courage to follow through on his campaign promises.”

While I agree with the sentiment behind Gillespie’s statement, I would like to see a more libertarian Congressman with similar qualities to be the pinnacle that others should strive to emulate. How, you may ask, can I disagree with one of the most libertarian member of Congress?

Quite simply, while Amash is arguably the most libertarian member of the US House that’s not a very high bar. According to On The Issues, Justin Amash is a 40/80 conservative on the Nolan Chart, which places him outside of the libertarian quadrant of the chart. Two of my biggest objections to Amash is his support for “securing the border” and punishing people who cross the border without first jumping through the legislative hoops and hurdles that are costly, time consuming and overly burdensome, without proposing legislation to ease or reduce the burdens. He is also an advocate for a balanced budget amendment that John Tammy of Forbes explains, “would legalize massive government as far as the eye can see.” Incidentally, Amash has never introduced legislation to actually reduce federal spending.

Despite my objections to some of Amash’s positions, I applaud Justin Amash for publicly stating his reasons for voting the way he does, and I would like to see more elected representatives follow suit. I just he were actually a libertarian.

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Lessons learned from Barrett Brown

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The State wants your willing obedience:

The EFF reports, “In September 2012, as the government intensified its investigation of the Stratfor hack and Brown specifically, he posted a series of YouTube videos and tweets allegedly threatening an FBI agent. Brown was immediately arrested and charged with a variety of criminal charges related to the threats.” Adding, “The bulk of the sentence—48 months—was for threatening the FBI agent, something that Brown himself admitted in a statement at his sentencing today was a mistake.”

Had Brown not responded in the manner he did, it is possible that he would have been released with time served upon entering a plea. However, because Barrett Brown was defiant, he faced a much harsher penalty. Even if Barrett Brown had begrudgingly complied with the FBI, that would not have been good enough for The State, as they are not happy with mere compliance, they want you to want to comply!

The value of a positive attitude:

The most important lesson of the Barrett Brown saga is to always find the silver lining. After being sentenced, Brown

released a statement:

“Good news! — The U.S. government decided today that because I did such a good job investigating the cyber-industrial complex, they’re now going to send me to investigate the prison-industrial complex. For the next 35 months, I’ll be provided with free food, clothes, and housing as I seek to expose wrongdoing by Bureau of Prisons officials and staff and otherwise report on news and culture in the world’s greatest prison system. I want to thank the Department of Justice for having put so much time and energy into advocating on my behalf; rather than holding a grudge against me for the two years of work I put into in bringing attention to a DOJ-linked campaign to harass and discredit journalists like Glenn Greenwald, the agency instead labored tirelessly to ensure that I received this very prestigious assignment. — Wish me luck!”

I hope that Brown is able to keep this positive attitude during his incarceration, and upon his release I hope that he continues his work as an investigate journalist. I also hope all journalists remember these lessons, but that are not pressured to stop reporting because of them!

Asset Forfeiture

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IJ’s President and General Counsel, Chip Mellor, added, “Civil forfeiture should not exist in a country that values the principles of private property rights and due process.”

While every state has either civil or criminal asset forfeiture laws, many police departments preferred the federal adoption program because they received a higher percentage of the value than they would have received under state law. Holder even mentioned the presence of state laws as a reason the federal program is “less necessary.” The Post added, “The policy will touch police and local budgets in every state. Since 2001, about 7,600 of the nation’s 18,000 police departments and task forces have participated in Equitable Sharing. For hundreds of police departments and sheriff’s offices, the seizure proceeds accounted for 20 percent or more of their annual budgets in recent years.”

It should be clear that Eric Holder isn’t serious about real reform of civil asset forfeiture laws. If he were, he would have halted all use of the scheme used to unjustly deprive people of their property, when they haven’t been convicted of a crime.

The economics of xenophobia

by: Darryl W. Perry

I recently read a pair of articles that on the surface are only tangentially connected. However after a little deep thought, I realized the authors are looking at the same problem from both a micro and macro level. The articles were “‘Buy Local’ is really bad economics” and “The economic case for open borders.” Again, after some thought I came up with the hypothesis: people who are xenophobic have a flawed understanding of economics.

Nikki Burgess, from Students for Liberty, writes, “Let’s begin with a basic economic principle: The more people an economy has, the more productive it can be. This appeals to common sense—given equal circumstances, 20 people working will create value more than 10.” For the sake of argument it doesn’t matter whether the 20 people live in one community or not. Those who oppose trade and/or immigration will argue that there may not be enough work for 20 people, and that some of the new people will work for less, thus putting someone out of a job. While that may be true in the short term, it is not true in the long term.

Burgess adds, “Economists agree that immigrants complement, rather than compete with, the native work force. Even assuming the opposite—that migrants and natives do compete for the same work—the estimated net benefit to natives from migrant labor is still \$22 billion annually... Besides, competition is good; it ensures that the most productive candidates are employed and it makes goods cheaper by driving down production costs. However, empirically, immigrants and natives do not usually pursue the same work.”

On the macro level, Brian Brenberg & Chris Horst write, “History and research show that as trade increases, poverty decreases, and China is a prime example. Since 1978, when the country opened to foreign investment, China has grown to become the world’s largest trader – measured by total imports and exports. The results have been striking. In 2012 alone, average factory wages in China rose 14 percent. In manufacturing, specifically, worker wages have increased 71 percent since 2008. Over the last thirty years, Chinese families living in extreme poverty dropped from 84 percent to under 10 percent.”

Of course, China is just one example of the benefits of trade. A report released in 2011 by Yale University and the Brookings Institution found that the world’s population living below the extreme poverty line plummeted from 52 percent to 15 percent in just 30 years from 1981 to 2011. Globalization and the spread of freer markets were credited with “enabl[ing] the developing world to begin converging on advanced economy incomes after centuries of divergence.”

Aside from being bad economics, xenophobia is also irrational. Advocates of “Buy Local” use slogans like “Don’t buy from strangers, buy from neighbors.” This may make people in small towns feel good, when they buy from the Mom & Pop stores, however one needs to look deeper. Chances are the products in the Mom & Pop store were brought in from somewhere, which means there was most likely trade with someone outside the community (i.e. a stranger). This is not a bad thing. The numbers don’t lie, when trade happens wealth spreads, and when wealth spreads everybody wins by becoming less poor!

Is Ross Not the Dread Pirate Roberts After All?

by: Jeffrey Tucker

The trial of Ross Ulbricht, alleged to be the administrator of the Silk Road website that distributed illicit drugs peer-to-peer, opened with a shocker.

His attorney very quickly admitted that the Silk Road was Ross’s idea. He envisioned a free market in the cloud in which people could circumvent prohibitions and restrictions and gain from trade in a peaceful and productive way.

That much I’m pretty sure that I knew.

Having done so, Ross’s attorney continued, Ross realized that he was in way over his head, because, after all, there was a rather substantial amount of pent-up demand. Once the site started taking off, he handed the keys over to others.

Joshua Dratel explained: “He created it. As a free-wheeling, free market site, that could sell anything, except for a couple items that were harmful. It was an economic experiment. After a few months, it was too much for him. He handed it off to others.”

This actually makes sense to me. It captures the spirit in which Ross created it. It was an experiment in how truly free markets could work. It was an extension of Ross’s own libertarian idealism. Frustrated at the taxed and regulated world, and longing for liberty, he wanted to see what real freedom would look like in the real world.

His experiment worked and then some. He bailed and moved on. How did he end up being snagged from a public library with the administrator page opened?

“He was lured back by those operators, lured back to that library, that day,” his attorney explained. “They had been alerted that they were under investigation, and time was short for them. Ross was the perfect fall guy. [Silk Road created] a digital contrivance that left him holding the bag when the real operators of Silk Road knew their time was up.”

This explanation accounts for why Ross was not that fussy about hiding his identity. He was not meticulous. He lived and posted in the open, even using his name-based email address.

It explains why the new Silk Road opened within a week. The real admins decided that their founder had taken the hit for them.

It even explains why the very name Dread Pirate Roberts was used in the first place. It was intended as a name to be passed around from admin to admin.

Under this version of events, the real admins drew him back in, possibly to fix a technical problem, knowing full well that the feds were on him. So he nonchalantly opened his computer and started digging around. Out of nowhere, the feds pounced him and blamed him for the whole history of the site.

In other words, Ross is being prosecuted for starting an experiment in freedom. He was jailed for writing software.

Yes, he probably knew there are legal risks to that, but it’s very revealing of the state of the world. Establishing a free market, writing the code of a platform, not trading but merely creating a digital infrastructure on which others post, is a crime? We shall see.

As for the other crimes he is alleged to have committed, such as hiring hit men to go after users who threatened to reveal identities of sellers, there has never been a shred of evidence to suggest that is true.

As the trial unfolds, the feds are going to defend their view that Ross is really a mastermind behind a new global drug empire, held together by violence and cryptocurrency, and spreading narcotics all over the world.

On the Internet, however, a world of digits and self-regulating systems, things are not always as they seem. The feds are always ready to simplify in order to further the impression that they are in charge and running the world. It’s nuts. Ross’s story actually sounds far more plausible.

But what about the real Dread Pirate Roberts? There might be dozens of them by now, and they are not in jail. The Silk Road 3 is booming, as are another half dozen or so darknet narcotics markets.

Even if you hate drugs, even if you think that they are the bane of existence, you should still favor the flourishing of these online markets. They are working to take the gangland violence out of the trade and bring some quality control to the industry so that people don’t die. They are also working to put the drug lords and drug cartels out of business. The only people who have a real interest in shutting them down are government and drug cartels.

But, in any case, the cat is out of the bag. The forces of supply and demand are too strong. No government can stop them. The Silk Road was indeed an experiment and it taught a lesson: if you can hide your identity, you can sell and buy illicit drugs. Government can slow this trend down but it cannot stop it.

We should cheer for Ross. He is an innovator, a person who changed history for the better. It would be a terrible tragedy for him to be locked up. Instead he should be celebrated as a creative mind of our time — and I say that whether or not he is the Dread Pirate Roberts. If all he really did was write software and hand off the keys, he should be working for a tech firm.

Regardless, he is already a folk hero. No one can take that away from him.

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