

LIVE FREE AND SMOKE... OR NOT

2006 Defeat of Smoking Ban #1 in the Free State (And Initial Popular Revolt against Real ID)

by Brian Wright

A Breath of Fresh Air Felt 'round the World

The following writeup was initially appended to the book I wrote—New Pilgrim Chronicles—about my experiences as a Free State Project member, then early mover to the state of New Hampshire. Following the Free State Project Porcupine Festival in the summer of 2005, I put my boots on Free State ground, renting a room in the historically notable town of New Boston.

In the spring of 2006, federal-government-funded "health" issue organizations such as the American Lung Association and other organized invaders of the NFP (Neighborhood of Free People) made New Hampshire a major target. The people's republics surrounding New Hampshire—Maine, New York, Vermont, Mass., etc.—had all succumbed to government takeover of private-property airspace in the form of a smoking ban on bars and restaurants. New Hampshire was the lone holdout, and had to be brought in line. The following is the story of a successful resistance...



HB 1177, Smoking Ban

It's a big weekend in the Free State, starting with a gathering at Joel and Amy's abode—word-of-mouth invitation only, Joel announces the idea at the March MVP meeting—for a "Flying Wachowski Brothers" combination film-viewing evening.

On Friday night, St. Patty's Day, we first watch The Matrix on DVD, then drive down to Merrimack to watch V for Vendetta at the Cinemagic. We maybe have 20 of our Free State revolutionary culturati in tow.

Then back to reality with a lesson or two.

"Meet and Greet" Extraordinaire

Before delving into the workload du jour, I want to comment on a second event of an enjoyment/rewards nature, the Margot and Bradley Keyes' World Famous Meet and Greet at their home in Epsom. This was held on the heels of the Wachowski moviefest, the next day in fact; all known Free Staters and fellow travelers were invited.

What a difference, then, arriving at Brad and Margot's, Margot making a beeline for me (and others) with open arms and a "Brian, it's wonderful to see you," I tell you, a Margot hug can be a lifechanger. First, I wasn't sure she even remembered my name. Second, well, it was like being a plant set for a long time in a dark corner suddenly drenched with sunlight and water.

This is how it should be. People in our movement are born and destined for being-friendly to. Such a simple thing, but you know it takes exceptional energy to constantly



send out the warm energy, especially in these troubled times. How enchanting we have Ms. Margot, showing a well-formed hug is worth a hundred syllogisms.

Everyone is here tonight, too, easily 50-100 people—the official tally is 87. Now I'm to the point of knowing several of the early movers and shakers and fellow travelers. I tell Brad Keyes I'm interested in drawing together a group of individuals who may enjoy discussing books and ideas from the perspective of holistic Objectivism (that's the philosophy of Ayn Rand for all you "atavistic cave-dwellers.")

And he's good with that idea. A couple of others nearby chime in, too. A few of the FSP poobahs are in the throng, along with three state representatives.

Let me rattle off some names, Brad and Margot, of course, Don Gorman—sometimes respectfully referred to by some as 'The Don'—, Calvin Pratt, Kat Dillon, Chris Lawless, Russell Kanning, the Swearingens, Joel and Amy, Dawn Lincoln, Sandy Pierre, Jon Bender, Dan and Carol McGuire, Dave "The Mad Hugger" Mincin, and many of the folks who came to Movie Night. The crop of the crop.

What a high! This is definitely something you early movers have to look forward to when you arrive. Our group of revelers is distinct. Virtually everyone at the party is a solid activist, or a leader, depending on the cause. The fun and games of Movie Night and Meet and Greet is only prologue for the practical work to come.

What We Can Do

On the eve of political battles ahead, I contemplate the many activities available for those who move hither. Our mundane real-world job as freedom people, should we choose to accept it, is to replace a budding American tyranny with something kinder and gentler... by using the tools of self-government we were all exposed to as children:

- Caring about the issues, and about the people they affect
- Reading and becoming informed about the issues
- In general developing one's mind and one's natural reason
- Getting to know one's neighbors
- Attending town meetings, participating in local politics
- Writing letters to one's representatives
- Calling one's representatives
- Discussing one's feelings with one's representatives face to face
- Writing letters to the editor and other opinion outlets
- Running for office, participating in other campaigns
- Demonstrating, protesting, persuading, cajoling
- Petitioning, lobbying, distributing literature
- Leading on important issues, following on others
- Always thinking for oneself
- Aftermathing at one's pub of choice

These are the tools we will be carrying into battle. Unbeknownst to me, many of the people in the laughter-and-conversation-filled room tonight are going to the capital on Tuesday to lobby on an important vote.

Battleground, Part 1

Oddly enough, reckless endangerment of one's pub of choice is the issue we're tackling. House Bill 1177 is scheduled for a vote in the House on Tuesday, 3/21; HB 1177 would extend the state ban on smoking beyond certain businesses, specifically, to restaurants and bars. No more raising a stein for freedom in one hand with a cigarette in the other at your local tavern.

Some anti-choice segments of the health and safety lobbies—it's harsh to call them Health Nazis (yet objectively descriptive)—smell the blood of lost freedom in the water. Groups such as the American Cancer Institute Action Committee and the CleanAirWorksNH lead the charge with misleading paraphernalia that 79% of the people in New Hampshire want to force bar and restaurant owners to go smoke-free.

No, the poll means approximately 79% prefer to patronize some smoke-free environments. We have it on good authority that 80% prefer freedom to choose. We should have come up with an 80% pin.

Every surrounding state has compelled restaurants and bars to prohibit lighting up inside their own property. Restaurateurs and smokers' rights organizations have either surrendered to the ban, or, in the case of the Manchester Chamber of Commerce, actively endorsed such abject surrender of their members' property rights.

So here you have a multimillion-dollar national lobbying operation—several of the umbrella organizations fighting for a ban receive federal tax dollars—initiating the legislation months ago, tracking down our representatives, hounding them, sending them mountains of emails and other glossy paraphernalia of specious reasoning.

It doesn't matter that two-thirds of the bars and restaurants in New Hampshire have gone smoke-free of their own will. Or that the only restaurant/bar worker to testify, a nonsmoker, opposes the ban on the principle of freedom of choice.

Advocates of the ban use a timeworn emotional appeal: they point to someone's personal misfortune, often their own, as a pretext for taking away everyone's freedom.

Here, they hope to tyrannize a hard-pressed minority, the dying breed (literally, I suppose) of smokers who like to light up at bars. I used to be such a person, and, candidly, at the time I positively relished the whole experience, as arguably unhealthful as it might have been. I still want access to such wretched, civilized self-pollution as an option if I'm having a bad day.

It's my body and my life.

Preaching to the choir, I know.

Our Peerless Fearless Dude

taking on the entire health, restaurant, and chamber-of-commerce establishment is New Hampshire Liberty Alliance (NHLA) stalwart, the honorable Keith Murphy. A 15-year veteran of the restaurant business and a former bartender and waiter—and serious nonsmoker—Keith has been personally attending all the committee meetings, patiently persuading the several representatives, and keeping the NHLA troops focused.

Of course, he and several others have been top of the proceedings—the ubiquitous Don Gorman, Calvin Pratt, LPNH Chairman John Babiarz, others—approach the legislators professionally and humbly. They offer refined arguments, first-rate literature, personal stories, and special sensitivity to each legislator's unique circumstances.

"America wasn't founded so we could all be better. America was founded so we could be what we damned well pleased." — PJ O'Rourke

Today is the house vote on 1177. Our program is to assemble at the state house, politely hand out literature to the representatives, watch the result in the gallery, and celebrate our fortune in a longstanding tradition at the Barley House directly across the street.



I drive up from New Boston, park at a meter a block away, then enter the capitol from the back door—there is no security function there; it feels as if one is entering the home of a neighbor with a “mi casa es su casa” policy—and descend the steps into the basement cafeteria.

The gang’s all here. Astounding. I count approximately 20 activists. Even during my LP heydays of the early 80s, seeing this many well-dressed, professional (not to mention extremely good looking) activists assembled to do some real work meant you were at a national convention or a national protest... or dreaming.

Standard practice is to put on a message badge, stand outside the second-floor elevators and courteously intercept representatives with a handout as they head to their offices before entering the chamber. In reality, most of the reps have made up their minds, so our presence serves to mainly to cheerlead, to lend moral support to the good reps of principle who have been hammered mercilessly by the aforementioned health-über-freedom (HUF) extremists.

We also, by making a showing, give notice to our opponents that we mean business. Their days of uncontested lobbying for the nanny (or the pappy) state are over... at least in the Free State. I brought my little camera, and I figure to do a photojournalist routine for the website and for my journal.

A word or two about the process—Keith, John, Calvin, and others all have the drill down pat: “You’re a citizen who is concerned with the liberty of the people of New Hampshire.” There’s a widespread anxiety factor that we libertarian legislative activists don’t become associated with the Free State Project in legislators’ minds.

I get the point.

The grand scheme of politics on the street here is the NH Liberty Alliance more or less sets the standards and serves as the umbrella organization with whom to announce one’s connection—at least to members of the legislature.

The attractive NHLA pin rests on virtually everyone’s lapel—I’m an NHLA member, but forgot my pin—and the legislators are beginning to make the association between that symbol and informed, professional yet passionate, freedom-loving lobbying. In most legislators’ minds, the pin conjures up a positive image.

You can see above with Calvin, the practiced approach of delivering the benevolent message of liberty (though, judging from the badge, the guy he’s speaking to is a lobbyist on a different issue—there are other issues being considered today on the House floor). I’d rate the elevator activity as a huge success, simply judging by the number of reps contacted and the number of reps who warmly receive our message of support for their native interest in liberty.

I've run into Christine Gay, who I met the other night at Joel and Amy's moviefest. Another pleasant surprise, for someone so young and relatively new to the fight, she has a solid knowledge of the issues. In particular, she points to Article 83 of the NH Constitution, which states, "Free and fair competition in the trades and industries is an inherent and essential right of the people..." So, the constitution says the government cannot meddle with business decisions.

After the gladhanding by the elevators, I walk with her to feed our respective parking meters. This is a common sight around the capitol, and the rates are not bad (two-quarters/hour but there's a two-hour limit; you can get the same rate in a nearby structure and put in enough quarters for an all-day park, if you like).



Christine keeps the meter maids at bay

Again, this is the more important day for all of us, because the House is theoretically the closest to the people. New Hampshire has 400 representatives—note this is a true citizen legislature, each representative or senator receives a salary of \$100 per year, plus mileage—and my district around New Boston has four representatives. I've contacted them. Normally, when you call you reach their residence or the office where they work. Often, at their homes, one of their children answers the phone.



Our troops in the gallery (note "the Don" out front, alert, ready to pounce)

The gallery fills. The HUF extremists, wearing their 79% buttons have staked out the best seats. But we have a significant presence and the gallery is big enough for both groups. We're outnumbered, as you can see from the photo. But we make up a sizeable contingent nonetheless... providing in quality what we lack in quantity.

Opponents of the ban are truly eloquent, many using some of the arguments suggested to them by the NHLA and its members.

Some of the homegrown

oratory is amazingly poetic and incisive, I'm getting chills. But the skids have been greased and the propaganda mill has been effective. The only voice of the people comes from ourselves; all business lobbies have gone to sleep or gone over to the other side.

To make a long story short, the vote is slightly in favor of extending the ban. A key amendment would have extended the ban to bars and restaurants but offered them exceptions based on performance of notification or air cleanup actions. That loses narrowly. In essence, we are approximately a dozen votes short of defeating HB 1177.

Thus, we fight the good fight against large odds and narrowly lose... for now. The bill still has to get through



Representatives recess for a tobacco fix

the senate. In general, a senate body tends to accept the will of the people as expressed through a house body, but this is New Hampshire. There is some reason to hold out hope for a senate defeat. Adjourn to the Barley House.

Battleground, Part 2

Now comes the happy tale.

But don't let me jump the gun.

For another several days, HB 1177 kicks around Concord and hits the appropriate committee in the senate. New Hampshire has a system where a committee can declare a bill inexpedient to legislate (ITL), meaning basically the committee feels the bill should not be enacted.

In the case of HB 1177, some pro-business-freedom members of the committee have prevailed and declared HB 1177 ITL.

Naturally, the full senate can exercise the right to overrule the committee, and in this highly publicized and heavily lobbied enterprise, the senate schedules such a vote. This vote is coming up, and I get my notice from the Porcupine announcement board courtesy of Sandy Pierre, who heads up the Merrimack Valley Porcupines. She urges us if possible, to please join NHLA activists on April 6 for last-minute moral support for approving the committee ITL recommendation.

Also, the word gets out to contact our senators. Which is something I'm getting good at, now. It doesn't take long to establish a personal relationship with your representatives or senator... assuming they're halfway reasonable. (Mine are pretty good; many of our leading activists reside in districts represented by genuine dipwads, or, as the lowest category of the NHLA Report Card stipulates:

- CT (Constitutional Threat) = Unfaithful to their oath to the New Hampshire Constitution and the rule of law.)

Anyway, my senator is Sheila Roberge, who you can find on the Web. Sheila, from her photo and from the background info, was active in the Reagan and Bush I campaigns. So a) she's been around and seems a mellower, matronly sort, b) she may have some understanding or care for true conservative (actually true classical liberal) ideas, such as smaller government, and c) she may not be a blindly enthusiastic supporter of the Bush II criminal cabal.

Of course, this is state politics. But the federales have a lot of power and use it disgracefully in trying to buy acquiescence to their centralized-power addictions. Thus, a national campaign has implications for what a state legislator will do at home. I've already called her office to oppose the federales' Real ID program, as well.

So far I've always spoken with her secretary-voicemail, Angela. Angela dutifully takes down my comments and we chitchat a little; she promises to deliver them to Sheila. Angela becomes, like, you know, my surrogate senator. And we get along super, at least on the phone.

For the senate vote, we don't have so many people. I arrive later than the others, but recall there being half a dozen or so, meeting down in the cafeteria. Sandy, Denis Goddard, Don Gorman, Keith Murphy, Carol McGuire, and Sam Adams. The HUF extremists have prepared deviously, somehow reserving the senate gallery exclusively

for themselves. (If they lose, they'll look kind of stupid for bogarting the gallery stage, won't they?)

We strain to listen to an audio streaming of the proceedings on the floor through Sam's computer there in the cafeteria. You can see our gruesome twosome, Don Gorman on the left, Keith on the right, listening intently. It's a nail biter; Keith is saying we may just be a vote short. Roll call vote. My Sheila votes our way! It comes down to the very end, vote 12-11 to accept the committee's recommendation to ITL!

I'm so geeked. So majorly geeked! People don't realize how big this is! For the first time in modern political life, a determined band of freedom fighters engage the political process and skillfully defeat the hallowed overwhelming (in this case, leftist) collective. The "roll over and take tyranny up the wazoo" movement stops here, today!

Naturally, we're elated, hugs and handshakes all around. I don't recall my feet touching the ground on our way across the street to the Barley House. Only the five of us, a couple have gone ahead to the next-door office building where Cato and the ACLU are joining forces to present the case against Real ID.



Don Gorman and Keith
Murphy awaiting and
tallying the vote

I feel I'm on hand for a quiet yet momentous milestone. The New York Times and The Boston Globe should be here interviewing both of these political giants: Keith Murphy, who took the defeat of HB 1177 as his personal mission, and Don Gorman, who's been leading the fight for American freedom in New Hampshire for decades. When they write the history of our time, Keith and Don will crest the list of Liberty's Who's Who—as early winners.

Don's countenance reveals deep satisfaction. He observes that for the first time, the NHLA has virtually singlehandedly affected public policy with a real, on-the-street, pro-freedom triumph. Also, he notes that the NHLA is finally on this exciting occasion seeing the benefit of the influx of freedom fighters via the Free State Project.

That cements it for me. Now I see how the FSP works, or should work. It's a perfect setup. On the one hand you have Jason Soren's simple, elegant equation to bring people to a beautiful place that is already substantially freer than any other political subdivision on the planet. Once there, you're naturally going to let the other shoe drop. You'll probably embrace the political process, even though it's quite enough for many just to be part of the scene.

Comment from Cal Pratt: "The social community we're creating here needs to be emphasized, because I've always thought that's the biggest draw the FSP has. It's about the people and not just the activism."

Assuming you do come here to carry on the fight for freedom, you have innumerable groups on every issue to choose from. In my humble opinion, the central, effective organization for the political activist in NH is, indeed, the New Hampshire Liberty Alliance. So I'm giving NHLA a plug, and I'll be spending more of my time and money toward its growth. Folks, this is "more fun than when the pigs ate grandpa." Winning is everything.

As my book goes to publication, it appears the NHLA and other organizations are fighting the Real ID act successfully. The whole idea of a “liberty alliance” working in such a down-to-earth, yet sophisticated, manner bears exporting. It can easily become the model whereby Free State 2 and Free State 3 and Free State n throw off the shackles and roll back the American state for good. Then on to the rest of the world... not with armies but with ideas of self-government. It’s magical. The spirits of our colonial ancestors stir.

As if to underscore our profound hope for the future, on the way back to my car, the Peace Guy is there, part of what I discover is called the Concord Vigil. He was here two weeks ago, and he’s here today. Don Booth is 89 years old, sort of a peace-and-love freelancer associated with an outfit called NH Peace Action.

In my jaded conservative past, I might have disparaged people like Don as pacifist-leftist anti-Americans. Today, with all that’s happened with illegal wars for corporate-welfare-statist hegemony, where we’ve witnessed first hand the treachery and inhumanity of the political class, I see peace people and freedom people coming together with a healing understanding—the best of left and right.

After all, according to the libertarian aphorism, “war is the health of the state.” I think we have a lot to learn from each other. Through peace find freedom, through freedom find peace. Riding “the gentle energies of love,” we have a state, a country, a planet, and a galaxy to win. (The rest of the universe we’ll temporarily leave to its own devices.)

HB 1582, Defiance of Real ID

After the success defeating the smoking ban, freedom people at the Portal went on to even more important things. A brave, young hero of the revolution named Joel Winters stepped up to the plate to lead the movement to stop federal Real ID in New Hampshire. Let me tell the story of Real ID in the words of another good friend of mine and fellow freedom fighter on Portal ground, Matt Simon, in his letter to the folks back home on the occasion of Independence Day, 2006.

Final Personal Message from the Author

I’d like to end by saying to my friends and family, as well as my cause-oriented and thinking-oriented brothers and sisters around the world—particularly the young—I hope I’ve given you something in these pages to hang your hat on. Or a lovingly placed rock or two to help you cross the turbulent stream of widespread irrationality and conniving political power that separates us from the Promised Land of exceptionally high-quality living for real people.

A humility disclaimer is also in order: In no way am I attempting to personally direct or control the flow of energy at the Portal; that energy is composed of the several valiant and individualistic souls engaged in the struggle here—I’m only a member of the team,



a relative rookie at that. Hence, Chronicles cannot define the experience, only capture a part of what it's like... offer one man's view of what it means and possibly some good ideas to try out.

I know most your hearts are heavy over the state of public affairs today, and you worry about your future and the future of your children. But it's darkest just before the dawn. The tipping point has arrived. This book and other creative contributions provide solid evidence of that fact. Just as the divine right of kings and slavery were boldly swept away by our ancestors during The Enlightenment, so, too, we will dispel dogmatic faith and statism during our new Age of Reason. The Bard speaks across the centuries:

*There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
--William Shakespeare, Julius Caesar (1599)*

Now is the time.

Thank you for joining me in the journey, either here at the Freedom Portal, or through it, with so many beautiful people growing more so, or from whatever point you send the love beams toward us. Please continue the dialog with me either personally or through my site, FreeCommunityofReason.org.[1] I look forward to sharing with you the free, benevolent, rational, prosperous world that lies directly on the threshold of our invigorating vision.

[1] Which would become the Coffee Coaster (www.thecoffeecoaster.com)

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http://www.brianwright.com/Coffee_Coaster/04_Articles/2010/100104_Smoking_Ban.htm