



Open Letter to the Concord City Council & Concord PD

Darryl W. Perry <editor@fpp.cc>

Sat, Aug 3, 2013 at 1:49 PM

To:



cityclerk@concordnh.gov

Please consider this email a 91-a/FOIA request.

Regarding the grant application for a Lenco BearCat with funds provided by the DHS; I request the following information:

- * All correspondence (including but not limited to: emails, hand-written notes, and drafts of the application) between the individuals who were involved in writing the grant application that includes the words: sovereign citizen, sovereign, Free State, Free Stater, Free State Project, FSP, porcupine, Occupy, Occupy New Hampshire, ONH, Occupy NH!
- * Documentation relating to the information used to determine which groups to list as "daily challenges"!
- * Documentation relating to the "daily challenges" presented by "Sovereign Citizens, Free Staters and Occupy New Hampshire"!

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In Peace, Freedom, Love & Liberty,
Darryl W. Perry

LeBrun, Brian

From: Pearl, Michael
Sent: Wednesday, June 05, 2013 12:05 PM
To: LeBrun, Brian; Aspell, Thomas; Stevens, Suzanne
Cc: Duval, John
Subject: Signature Request

Hello everyone:

You may recall, I had made a grant application for a Bearcat back in November of 2012. I needed your signatures to submit the required paperwork and I need to get them again on the next round of documents. Can you please let me know your availability within the next couple of days or even today so I can bring the papers over to you for signing please?

Thanks, Mike

Det. Sgt. Michael Pearl #21
Concord Police Department
YSU Supervisor
CNHSOU-Commander
35 Green Street
Concord, NH 03301

Email: mpearl@concordpolice.com
Phone: 603-230-3752
Fax: 603-225-8635

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LeBrun, Brian

From: Duval, John
Sent: Friday, August 02, 2013 8:25 AM
To: 'Carla Gericke'
Cc: Aspell, Thomas; LeBrun, Brian
Subject: RE: False and Misleading Concord Bearcat DHS Grant Application CFDA #97.067

Ms. Gericke,

I respectfully refer you to the article in today's Concord Monitor about our request for the rescue vehicle. I believe my comments in the paper clarify the intent of the wording of the grant. The wording you cite from your web site, "Our website specifically states: "Anyone who promotes violence, racial hatred, or bigotry is not welcome" underscores the point I was attempting to illustrate in the grant that there are people who may attach themselves to a law-abiding group, but who may have a personal agenda with criminal intent. I presume you would not have included that sentence if you did not believe there were individuals out there that you believed might align their personal agenda with your cause. Those are the challenges I was referring to. Unfortunately, we have had local examples of such risks in our community which necessitates the need for law enforcement to be prepared for many scenarios. The rescue vehicle is a means of transportation for the safe movement of law enforcement officers and removal of innocent citizens from potentially lethal situations.

John Duval

From: cgericke@freestateproject.org [mailto:cgericke@freestateproject.org] **On Behalf Of** Carla Gericke
Sent: Friday, August 02, 2013 8:11 AM
To: Aspell, Thomas; Duval, John; LeBrun, Brian
Cc: Devon Chaffee
Subject: False and Misleading Concord Bearcat DHS Grant Application CFDA #97.067

August 2, 2013

Free State Project
PO Box 1684
Keene, NH 03431

41 & 35 Green Street
Concord, NH 03301

Thomas Aspell (Concord City Manager)
John Duval (Concord Police Chief)

Brian LeBrun (Concord Deputy City Manager)
Sent: Via email and USPS mail

Re: False and Misleading Concord Bearcat DHS Grant Application CFDA #97.067

The Concord NH Police Department has made false and misleading statements in the above cited grant application for \$258,024 in federal funds from the Department of Homeland Security ("DHS") to receive a Lenco Bearcat armored vehicle, hereinafter the "Tank."

The DHS grant application states: "The State of New Hampshire's experience with terrorism slants primarily towards the domestic type. We are fortunate that our State has not been victimized from a mass casualty event from an international terrorism strike however on the domestic front, the threat is real and here. Groups such as the Sovereign Citizens, Free Staters and Occupy New Hampshire are active and present daily challenges. Outside of officially organized groups, several homegrown clusters that are anti-government and pose problems for law enforcement agencies."

As president of the Free State Project ("FSP"), a NH-based non-profit organization with the sole mission of attracting 20,000 pro-freedom people to the Granite State, I am alarmed and appalled at the cleverly worded insinuation that the FSP is a domestic terrorist threat, or that "Free Staters" are "active and present daily challenges" to the Concord Police Department.

Individuals who sign up for the FSP generally subscribe to the non-aggression principle, an ethical stance which asserts that "aggression" is inherently illegitimate. "Aggression" is defined as the initiation of physical force against persons or property, the threat of such, or fraud upon persons or their property. Our website specifically states: "Anyone who promotes violence, racial hatred, or bigotry is not welcome."

Sadly, the DHS grant application only came to light through an ACLU public records request, and not as a result of transparent governance. Launched earlier this year, the ACLU program, "The Militarization of Policing in America," with the slogan "Towns Don't Need Tanks," aims to determine the extent to which local police departments are now using federally subsidized military technology and war-like tactics in their communities.

From the ACLU's March 6, 2013 press release: "'Equipping state and local law enforcement with military weapons and vehicles, military tactical training, and actual military assistance to conduct traditional law enforcement erodes civil liberties and encourages increasingly aggressive policing...' said Kara Dansky, senior counsel for the ACLU's Center for Justice."

I concur. In the same way the tenor of policing changed when "peace officers" became "law enforcement officers," no good can come from tanks in small, peaceful communities. In fact, the secrecy of the DHS grant application and the false and misleading allegations therein are prima facie examples of the erosion of civil liberties and aggressive policing referred to by the ACLU.

The New Hampshire Constitution states: "All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good." To discriminate against "Free Staters" for their pro-liberty, pro-peace, small government ideological beliefs, and to defame an organization in the manner set forth in the DHS grant is unconscionable, and unconstitutional.

On behalf of FSP participants, I hereby respectfully demand:

1. A retraction and amendment of the grant application to remove all references to "Free Staters." You are reminded that a condition of receipt of the grant's funding is: "Funding may be suspended or terminated for filing a false certification in this application or other reports or document as part of this program.
2. An itemized list by calendar day of the "daily challenges" presented by "Free Staters" to the CPD. Please list individuals, not a class of people.
- 3.
4. A written letter of apology from both the City and CPD, which includes the following statements: "The Free State Project is not a domestic terrorist organization," and "Free Staters do not pose 'daily challenges' to the Concord Police Department."

A copy of this letter will be posted on the Free State Project's website, and distributed to our media contacts. Your immediate attention to this important matter is appreciated.

Yours in peace and liberty,

Carla Gericke
President, Free State Project

CC: Devon Chaffee, Executive Director, NHCLU



John F. Duval
Chief of Police

City of Concord, New Hampshire
POLICE DEPARTMENT
35 Green Street • 03301-4299
(603) 225-8600
FAX (603) 225-8519
www.concordpolice.com

August 8, 2013

Assistant Commissioner Earl M. Sweeney
NH Department of Safety
33 Hazen Drive
Concord, NH 03301

Dear Commissioner Sweeney:

I respectfully submit a proposed language change to the original grant application made by the Concord Police Department and the City of Concord to the NH Department of Safety – Grants Management Unit. The grant application was for a CBRNE /WMD Rescue Vehicle (BearCat).

In particular, I have removed references to specific groups as currently listed in section B on page 3 of the application. The references were made to illustrate my intended point that there are home grown clusters or individuals who are anti-government and pose problems for law enforcement agencies and who may align themselves with officially organized groups.

The meaning and intent of the original language has been interpreted in a different way and does not represent the position of the Concord Police Department.

I am requesting the Review Committee accept the attached revised paragraph as a replacement to section B as it currently stands.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Duval".

John F. Duval
Chief of Police

Proposed amended paragraph to the Concord Police grant application

- B. **The State of New Hampshire's experience with terrorism** slants primarily towards the domestic type. We are fortunate that our State has not been victimized from a mass casualty event from an international terrorism strike however on the domestic front, the threat is real and here. Due to the location of the State Capital in the City of Concord, there are frequent demonstrations by officially organized groups which have the potential of becoming volatile and present challenges. Outside of the officially organized groups, there are several homegrown clusters and individuals that are anti-government and pose problems for law enforcement agencies. As for all-hazard risks, New Hampshire is susceptible to man-made disasters, weather related incidents or CBRNE events. Because of this, our Unit researched **existing "Specialized Response and Rescue Vehicles" which would make our response possible to such dangerous events and rescue missions.** We currently do not possess such a vehicle. The type of vehicle needed would be capable of deploying bomb, HAZMAT, and special weapons personnel, equipped to detect chemical, biological, and radiological materials as well as explosive gases. This vehicle also needs armor properties to protect these personnel from explosions and hits from multiple projectiles when **required to enter "hot zones"**. **The Lenco "BearCat" meets all these requirements. The BearCat has an optional Radiation Detection Package which can detect Alpha, Beta, and Gamma radiation.** Another option is the Draeger Explosive Gas Detection System which can detect **explosive gases. It is also equipped with ½" Mil Spec A46100 Ballistic Steel rated at a NIJ level IV (.50 Caliber and .30 Caliber AP, State Department Armor Level E).** This provides appropriate deflection of blast fragmentation and protection from projectiles.

State of New Hampshire
Department of Safety

33 Hazen Drive
Concord, NH 03301
(603) 223-3888

John J. Barthelmes
Commissioner

Earl M. Sweeney
Assistant Commissioner

August 9, 2013

Chief John F. Duval
Concord Police Department
35 Green Street
Concord, NH 03301-4299

Dear Chief Duval:

This is to acknowledge receipt of your letter of August 8 and the attachment consisting of a proposed amended paragraph to the Concord Police Department grant application for a Lenco Bearcat rescue vehicle.

Your grant has already been processed and approved; however we will place your letter and proposed amendment in the file, attached to the grant request, and forward a copy of the members of the Grant Advisory Committee, who reviewed the grant application, so that they will be aware of it.

The basis for approval of Concord's grant request was as follows:

- The make and model of equipment that you proposed to purchase meets the federal Department of Homeland Security guidelines and therefore was an item that meets the requirement for a sub-grant to local first responder agencies and this equipment has been approved for grants in the past.
- Sufficient federal funds were available to support the purchase (80% of the total Homeland Security grant to the State is mandated by Congress to be allocated to local government first responder agencies).
- The grant request was endorsed by you as Chief of Police and by the City Manager and Assistant City Manager on behalf of the municipality, thus had official support.

- The grant would benefit more than one municipality and was a multi-jurisdictional, cooperative effort, which takes precedence over one that would assist only a single community.
- The City and the area that would be served is home to the State Capitol and headquarters of all the major State agencies, the County Seat of Merrimack County and site of the County offices and not only the Merrimack County Superior Court but also the State Supreme Court, the Merrimack County Superior Court, and the Circuit Court.
- The City and surrounding area contains several major State highways as well as portions of I-93, I-89 and 293, and major bridges over the Merrimack River, a regional hospital with the busiest emergency department in the state, the State Mental Hospital, State Prison, nursing homes, elementary and secondary public and private schools, colleges, an airport, a bus terminal, several sites of historic significance, and multiple businesses including some with government defense contracts.
- The area to be served by the Central NH Response Team includes the Merrimack County Jail, the County Nursing Home, additional major highways, hospitals, schools, colleges, historic sites, public utilities, ski areas, a NASCAR track and additional amusement venues and other sites of importance to the economy of the state.
- The vehicle's primary usage is a protective role, to transport law enforcement and medical personnel safely and to perform rescues of not only first responders but also members of the public who are injured or exposed to potential injury from gunfire and explosive devices to transport them safely out of the danger zone.
- There are past examples in the State of New Hampshire where this capability if available would have saved lives.

The above were the relevant criteria for approval of the grant that figured in the decision to award the grant. It is the responsibility of each sub-grantee to utilize any equipment purchased with grant funds in a legally appropriate manner.

Very truly yours,

Earl M. Sweeney

Earl M. Sweeney

Assistant Commissioner

EMS:e



Right to Know Request

Darryl W. Perry <editor@fpp.cc>

Tue, Sep 10, 2013 at 8:16 PM

To: "Bonenfant, Janice" <JBonenfant@concordnh.gov>

Janice,

Thank you for sending these documents. This was not exactly what I was looking for. The information you sent me does not list any of the "daily challenges" that were referenced in the original BEARCAT application, nor does it tell me who wrote the original BEARCAT application, nor does it document how or why "Sovereign Citizens, Free Staters and Occupy New Hampshire" were listed in the original BEARCAT application.

Darryl

On Tue, Sep 10, 2013 at 2:57 PM, Bonenfant, Janice <JBonenfant@concordnh.gov> wrote:

Darryl - let me know if you have any questions.

Janice

Janice Bonenfant
City Clerk
41 Green Street
Concord, New Hampshire
(603) 225-8500
(603) 225-8592 - fax



JANICE BONENFANT
CITY CLERK

MICHELLE MULHOLLAND
DEPUTY CITY CLERK

City of Concord, New Hampshire

OFFICE OF THE CITY CLERK
CITY HALL • 41 GREEN STREET • 03301

September 12, 2013

Darryl W. Perry

Re: Request under Right-to-Know Law 91-A

Dear Mr. Perry:

This letter follows your September 10, 2013 e-mail correspondence, which relates back to your August 3, 2013 Right-to-Know request. Please be advised that the City does not possess any documents beyond what the City has already made available to you. Also, please note that in responding to a Right-to-Know request, the City does not create records which do not exist. To the extent that you have any questions, please let me know.

Sincerely,

Janice Bonenfant
City Clerk

/jb