



Episode 503: Town Bans Uber, Our Guest Defies Ban

Guest: Christopher David

WOODS: Thank goodness for Carla Gericke pointing out to me what's going on in New Hampshire. I didn't realize — I mean, I know that Uber has been harassed in various localities around the country, but if they think they're going to get away with it in New Hampshire, they don't know the Free State Project. And when I heard about your situation in particular, I wondered to myself, I wonder if this fellow is with the Free State Project, and then I looked at the notes for this morning. Sure enough, there it is in there, so fantastic. All right, before we tell people about the heroic stuff you're doing — I mean, it really blows me away that you have the guts to do this. I'm not sure I would have the guts to do this, so I really, really appreciate it. Tell me what exactly is going on in Portsmouth, New Hampshire that Uber, which apparently was functioning peacefully there, suddenly is not allowed to function.

DAVID: Sure. So the city council in Portsmouth for a number of months has been negotiating a new transportation ordinance, kind of stimulated by complaints of the local taxi drivers who were complaining that Uber, which had just recently come to town I guess at the end of 2014, that Uber didn't have to play by the same rules, that we didn't have to get the same kind of commercial insurance that they did, we didn't have to pay whatever the tariff demanded by the city in order to operate in Portsmouth.

And so the city council looked at this, and over a number of months, they crafted what they thought was an ordinance that would create a level playing field for all parties involved and will allow Uber to operate in Portsmouth legally. So part of the conversations was they talked with one of the — Uber had a lobbyist that talked with them about that, and they held some public hearings, and I went to the public hearings and just kind of said, hey, look, I just moved recently to Portsmouth from northern California; I sold my car initially; I really want this as an option, because some of the headlines coming out were that early on in the process, Uber said that if the conversations continued as they were, if the initial draft of the ordinance that got put together, that Uber would have to pull out of Portsmouth.

So it's been this whole kind of brinksmanship about whether or not this ordinance was too tough for Uber to stick around or what would Uber be willing to put up with and, you know, a big waste of Uber's time over a six-month period, wasted the time of a lot of people who showed up at meetings and argued and such. Well, they passed this

ordinance in July; it went into effect about a week from yesterday, about eight days ago. And the ordinance calls for certain things that Uber has said specifically violate its business model.

One of the biggest hang-ups is that the city has demanded that all background checks need to be certified by the Chief of Police. So every background check that Uber does has to go through the local police department. One of the problems with that is that there's some statute where basically any information passing through a public institution like a police department can be — I don't know if there's a local equivalent of the Freedom of Information Act, but basically someone can get their hands on that driver data. So asking Uber to disclose their driver data in order to operate in Portsmouth is the equivalent of asking Coca Cola to disclose their secret recipe of Coke in order to be sold in Portsmouth. It's insane to ask them of that. They can't do it. They've said they can't do it.

And so Uber, as well as other ride sharers — Uber's really the only ride sharer that's actively courting the Portsmouth market, so we say Uber is illegal, but really all ride sharers are illegal, because they have not stepped through the multiple bureaucratic hoops that this new ordinance has put up. But Uber, to their credit, they've communicated nothing to me as a driver that said that they'd be pulling out of Portsmouth. Theoretically some negotiations are still ongoing. I don't know exactly what behind the scenes conversations Uber is still having with the city council, but I know from reading *The Portsmouth Herald*, our local newspaper here, that on the eve of this new ordinance going into effect, Uber still had these major hang-ups with it, and they had these changes that they were requesting, and the city has been kind of ignoring those requests or not budging from what they want.

So Uber has kept the app online, so drivers can kind of make the choice about whether to continue driving or whether they want to move their operations to Durham. UNH is right next door, so some drivers have just kind of migrated over there, but there are a few of us who said no, we're going to keep driving in Portsmouth anyway, partly to satisfy the demand, because there's a lot of people in Portsmouth looking for rides. And I, until recently, have been driving — when I drove, I would drive down to Boston, because I'd make more money driving in Boston. But specifically because of this ordinance, I'm now driving exclusively in Portsmouth, partly because I feel like a message needs to be sent to these people that the free market needs to continue, it can continue, it must continue, regardless of whether they give us a permission slip or not.

WOODS: That of course is what I primarily want to talk about, are the couple of ways that you personally are resisting. It's not just civil disobedience, although of course that's, for my listeners anyway, the more interesting way, but I want to talk about something I read I guess at FreeUber.org. We're going to have all this stuff at the show notes page, TomWoods.com/503. FreeUber.org, we're going to have an article about your fight against this and going to court and so on and so forth. That'll all be up there. But I was reading that the taxi companies, people working for the taxi

companies, are trying to track down rogue Uber drivers in Portsmouth, and I've read that they're somehow using the Uber app to do this. How can they do that?

DAVID: Yeah, anyone can load up an Uber app and see what drivers are on the road. You can see kind of a pictorial, you know, a little picture of a car at intersections of roads. It's not exactly precise, but if you were to kind of go to where an Uber car is on the map and kind of look around, you can probably tell which car is an Uber. So over the last couple of months, actually, a number of the taxicab — and I say drivers, but the main people who've been doing it are two of the taxicab owners, going around, and one of them has been directing the taxi people who work for him to go around and write down license plate information of any Uber people that they see. And according to them, they've compiled a list of about 50 known Uber drivers that they've then sent to the police. I've heard of people actually having the cops called on them, but I think that they're kind of more just reporting the information to the police now.

They didn't get my information until a couple of days ago, because I've been driving mostly in Boston, but I would pull up to a bus station and behind Anchor Taxis, you know, the owner of Anchor Taxi is one of the main guys agitating in the city council meetings to ban Uber, and he was I think one of the guys mentioned in that *Herald* article you mentioned. But yeah, I picked up these two girls who just came in from Canada to the bus station. They had come out to ask — they saw the taxis sitting out front, so they came out to ask for a ride, but four minutes went by and the cabby wasn't there, so they called an Uber. When the cabby came back — he was probably in the bathroom or something — and he offered them a ride, but they said, oh, no thanks, we just called Uber, so he barked at them, well, Uber's illegal here. And so he kind of went inside, and when I pulled up, he came out and kind of tried to clandestinely hide behind this pillar while writing my license plate number down on his hand. I was just laughing so hard.

But yeah, so they're definitely going around, they're definitely compiling information. I know one of the taxicab owners mentioned in that article specifically requested the ability to make citizens arrests of Uber drivers. The Chief of Police thankfully told him no. But yeah, so the police right now are in kind of a two-week information-gathering phase. They say that they're going to begin more proactive enforcement after about two weeks. We don't really know what that's going to entail. We know that the ordinance calls for the first offense to result in a \$500 fine for the driver, and the second offense after that will result in \$1,000 fine for the driver, but we don't know if the police are going to be actively pulling over drivers, even when they have customers in their car; we don't know if they're just going to be, I don't know, visiting us at home. I don't know if they're going to be impounding our car, making arrests — no one really knows. They're still kind of in the process of fleshing this out.

So one of the goals and the reasons behind kind of going as big as possible with this grassroots campaign is to try to take advantage of that two-week window and see if we can't get the city council to come to some sense on this issue before that enforcement begins and overturn this now that they see — you know, we've had a number of calls go out, and just everyone that I've spoken to around the city is

completely, 100% on our side on this issue. So I think it's only a matter of time before this ordinance gets either amended or overturned. We're hoping to get it overturned, but if it does come to the whole proactive enforcement thing and you have police officers going around chasing down drivers, pulling them over and doing that instead of doing either actually other productive, somewhat productive things they could be doing, I think there's going to be a massive outcry in Portsmouth, and this will be overturned in one way or another, I suspect.

WOODS: Now that may well be, but in the meantime, you are risking I don't know what kind of penalty against you. Aren't you the least bit nervous about that?

DAVID: A little, but Uber has promised, not to me, but I've heard other drivers — they have these driver meetings where people can go, and they kind of give them updates on stuff. Apparently Uber has promised people in this area that they will pay for any fines that get approved, and I know they've done that in other areas, where they just kind of commit that if any drivers get fined, they'll just cover the cost — which I think is great. I don't know that I'll take them up on that, because I don't know that I'm going to want any money going to these people who are basically trying to extort a service provider. So I might do something creative if I get cited; we might do something creative with it in terms of symbolically not paying it. I don't know. Just kind of taking things a day at a time. Right now we're just making sure that we have the downtown of Portsmouth blanketed in flyers. There's a lot of foot traffic that goes through that, so we're definitely getting a lot of attention to this issue. But they really can't do too much against me without triggering a backlash, so I think we're in a pretty relatively safe position.

WOODS: There's another aspect of this story. I read that there's a lawyer who's taken up the case, and then as I continued to read the article, he's representing you against the city of Portsmouth. On what grounds is he doing that? Isn't it the case that a local government can pretty much make up the rules as it goes along, can do anything it wants?

DAVID: He reached out to me on Facebook. He's also a Free Stater, by the way.

WOODS: Oh, okay.

DAVID: He lives in Manchester, Brandon Ross. He reached out to me on Facebook, and he mentioned that there were a couple of the provisions in the ordinance, I think specific to the background checks, where he thought that parts of the ordinance might conflict or supersede state law in ways that a locality is not supposed to, so he thought that it could be challenged. And I'm not entirely sure of his argument, but he asked if I would be interested in being a plaintiff in the lawsuit; he's going to sue the city. And I said absolutely. It looks like we're also going to be adding other drivers to that suit in the next couple of weeks here. I think he's filing it next week, so that's still kind of pending and such, but yeah, the reporter was interviewing me for *The Portsmouth Herald*, and I mentioned that, oh yeah, by the way, I'm probably going to be suing Portsmouth. That was the frontpage article on the following day.

WOODS: Wow, that's fun. Take just a minute, if you wouldn't mind, to say a word about the Free State Project. I'm sure most listeners already know about it, but I always get people saying that when they heard about it on my show, it was the first time they'd ever heard about it.

DAVID: Sure, yeah. The Free State Project is a project to get 20,000 liberty lovers to move to one state. The state of New Hampshire was chosen about 10 years ago. We've been collecting signers, people who pledge to move to New Hampshire. The idea is that once we hit the 20,000 signer threshold, then people have five years to move to the state. Then there's somewhere between 1,000 and 1,500 early movers. I'm one of the early movers, who've said we're not going to wait for the 20,000 and all that; we're just going to move now. Free Staters have had — we have about 20-25 Free Staters in the New Hampshire state legislature. We've made a very, very large impact proportional to our numbers in the past few years, and I think we just crossed the 87% threshold. We're at like 17,800. You can check out more information at FreeStateProject.org, and then we've got a really nice pledge website at FSPsign.org.

WOODS: FSPsign.org?

DAVID: Yes.

WOODS: Okay, so I'm going to link to that too. So TomWoods.com/503 will have all these links. If you're driving around and can't remember them, just remember Episode 503, and that'll get you to the show notes page. Now, one thing I've heard, I'm originally from Massachusetts, and I do visit New England from time to time, and I love it very much, but I'm not — you know, I don't know the day to day activities there. But one thing I have heard is that even though there are going to be people who have differences of opinion, there is still supposed to be anyway a kind of a community among Free Staters, and they help each other out. They've got your back. So have you in some way publicized what's been going on, specifically to Free Staters, to try to help out in some way or lend moral or other types of support?

DAVID: Yes, definitely. We had a lot of support from Free Staters. Carla, who you mentioned, has blogged about us on the main FreeStateProject.org website. Ian Freeman, who runs Free Keene website, the kind of Keene, New Hampshire group of civil disobedience folks, he's been great about getting the message out for this and promoting us on his radio show, Free Talk Live. He invited me to keynote the Keenevention convention that they have next month. So yeah, there's been a lot of support.

A number of the people who are helping me put up flyers are Free Staters. We have our own Facebook group, and there's been a ton of support for people who've been helping out, as well as helping chip in some bitcoins to cover the cost of the flyers that we're putting up, so definitely the community is kind of coming together on this issue, to the point where we now see an opening to expand this beyond Portsmouth. Manchester kind of has somewhat of a similar situation, where Uber's not legal. I don't

know the exact situation there, but I know Uber is not operating legally there, but they are there.

So the next phase just yesterday launched the new version of FreeUber.org, where instead of just focusing on Portsmouth — kind of the first week, week and a half of that site was just focused on the Portsmouth situation. It went viral; we get 1,500 Facebook shares in five days, just kind of got the message out in Portsmouth, as well as started to provide some kind of activist tools for people who wanted to, say, download some flyers or get some points for doing an illegal ride. We're just generally looking for ways where we can incentivize people to come on board and help out with this, so we're now expanding what we're calling the global version of FreeUber.org.

Like yesterday, we're encouraging drivers anywhere in the world and activists anywhere in the world who want to take action on this to sign up, let us know that they are doing some action on this, whether it's driving in some area that Uber is illegal — we want to get you points for that, and the points are going to be tied to bitcoins, so kind of this bitcoin prize pool that we've crowdfunded too. We've got about \$500 or \$600 worth of bitcoin in there, and that's going to be paid out directly to activists, so we're really embracing this swarmwise model of decentralized organization, because this is a global fight. We would like to be able to fight it everywhere if possible, and using innovative technology and the web we can outmaneuver all these government bureaucrats who are trying to shut us down.

WOODS: Tell me briefly about the site, FreeUber.org. Did you create that?

DAVID: Yes, I'm a web developer, just kind of threw together links from around Portsmouth, but it now is a community forum where people can contribute and post up their ideas, and we've got different subforums for different regions around the world. We're actively looking for 100 drivers in every locality where Uber is illegal, and then we're looking to build a team of 1,000 web activists who can help us promote things on Reddit and around Facebook and stuff to kind of help push this to be viral and make this more of a big movement really.

WOODS: It sure helps to be a web developer in a time like this.

DAVID: Yes.

WOODS: That's excellent. So I'm going to refer people there. That just lays it out so starkly. It's such a stunning, grab you by the throat — because it's also really good copy. It's not just that the site works for you, but the text that's there really, really grabs you. Is there anything else you want to say that I haven't given you a chance to say about this situation?

DAVID: No, I don't think so. I would just encourage everyone to, if you're not familiar with this issue, get familiar with this issue. One thing I like about it is that in kind of the liberty movement, we have a lot of issues that we talk about that don't really connect with the broader public, but I think that this is an issue where, because it's a

consumer tool that the bad government wants to take away from people, people when you just explain to them the basic situation will immediately side with freedom and the free market and liberty, and to use this as a kind of teachable moment to start getting people with the underlying principles of yes, actually peer-to-peer engaging in peaceful interaction is good and no one should stop that is really powerful. So yeah, just check out FreeUber.org, and if you've got any feedback or want to help us out, we'd welcome it.

WOODS: Well, Chris, best of luck to you in this whole fight. We'll definitely keep an eye on it, and I hope things turn out the way they should. In the meantime, I will refer people to the links they can find. Everything we've discussed in this episode will be up at TomWoods.com/503. Thanks so much for your time today.

DAVID: Tom, thank you.