

# Disorderly conduct charge dropped against Alton man speaking his mind before board but selectmen move to tighten restrictions on public speech even further

By GAIL OBER  
THE LACONIA DAILY SUN

ALTON — The state has dropped one of two charges against a man who was arrested by police after speaking his mind during the public comment section of the February 3 meeting of the Selectboard.

A charge of disorderly conduct lodged against Jeffrey T. Clay that alleges he purposely caused a breach of the peace by disrupting the meeting by continuing to speak after being informed “repetitively” by the board that public input was closed was dropped on March 23.

A second charge against him for knowingly refusing to comply with a lawful order given by Police Chief Ryan Heath to move from the Alton Town Hall is still pending and is scheduled for trial on April 6.

In interviews Clay has given since his arrest, he said his biggest complaint about the Alton board is that there is a lack of transparency in conducting the town’s business.

Clay said he understands the need for non-public sessions under limited and delineated rules established by the state Legislature but thinks the Alton board is entering non-public sessions unlawfully. He also said it is having public workshops at odd hours of the day so people can’t attend them.

He said he learned they held a non-public session to discuss him, but he was not told nor was he given the option to have that meeting held in public, as is his right under RSA 91-A, the state Right-to-Know law.

Since Clay became a regular at the Alton selectmen meeting, the board has made changes to the way it handles public input.

On January 14, the board unanimously enacted a revised public participation policy that indicated members of the public are “privileged” to be able to address the board. The rules say the board will not hear complaints about individuals or employees of the town and that all speakers are to conduct themselves in a civil manner.

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Cuba, without consulting Congress, despite federal law requiring him to do so.

“Today’s announcement is the exclamation point on the bad deal the Obama administration cut to free five terrorist killers in its rush to empty the prison at Guantanamo Bay,” Rep. Ed Royce of California, the chairman of the House Foreign Affairs Committee, said Wednesday.

Sen. Roger Wicker, R-Miss., a member of the Senate Armed Services Committee, said the charges were sure to “raise doubts in the mind of the average American” about the initial trade for Bergdahl.

Bergdahl’s attorney, Eugene Fidell, did not respond to a request for comment from The Associated Press. He told MSNBC that an upcoming hearing would result in much more information about the sergeant’s situation.

“I think at that hearing people will learn many things that they have not yet been privy to, about Sgt. Bergdahl’s conduct, his motivation, his intentions, as well as the details of his captivity at the hands of the Taliban for nearly five years,” Fidell said.

The White House had no comment on the charges against the 28-year-old from Idaho, announced as a result of an “impartial review” at Fort Bragg, North Carolina. The announcement upended speculation that the military might go easy on Bergdahl given his five years in Taliban captivity.

State Department spokeswoman Jen Psaki, speaking Wednesday on Fox News, defended the swap.

“I think the president’s been clear that it’s in our national security interest to close Gitmo but this was about bringing home an individual who served his country,” Psaki said.

Bergdahl wandered away from his post on June 30, 2009, after expressing opposition to the war in general and misgivings about his own role in it. The Army sent several search-and-rescue teams after him. His former comrades said Bergdahl should be held responsible for several deaths that occurred during those rescue missions.

“Obscene, libelous, defamatory or violent statements will be considered out of order and will not be tolerated,” reads a part of the new rules.

Those rules also say a person who has been warned about violating the above and continues to do so may be removed from the meeting.

During the public input that immediately followed the rule change, Clay expressed his displeasure with the lack of adherence to the Right-to-know law and told the board that having a police officer at every meeting was “intimidating” to people who have opinions to voice.

Clay was arrested at the very next meeting, in part for saying that some board members should resign and for demanding an independent study on the way the board conducts its business.

Then selectman David Hussey said Clay’s statements were “defamatory” and he left the room,

returned with Heath, and Clay was arrested and removed.

Since Clay’s arrest, a new board has been elected and it has again changed the way public comment will be conducted.

According to former Chair R. Loring Carr, the board voted four-to-one on March 16 to limit public comment to those addressing items that are on the agenda for that meeting.

When asked how a resident could address an item that is important to them but not on the agenda, Carr said the concerned person has only to speak to the town administrator or his secretary beforehand and he or she will be placed on the agenda.

He said the intent of the newest rule is to try and reach some kind of balance and keep some level of board/citizen decorum.1



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