



NEW JERSEY LIBERTARIAN

NEW JERSEY LIBERTARIAN PARTY, P.O. BOX 56, TENNENT, N.J. 07763

* * * MARCH 1987 * * *

CALENDAR OF EVENTS

March 14--Annual NJLP State Convention at the Holiday Inn, 1000 Roosevelt Ave. in Carteret (exit 12 N.J. Turnpike). Business meeting at 4-5 PM. Special rates for early registrants and contributors. See article herein for details and speakers.

March 14-- NJLP State Committee meeting at about 5:00 PM following the membership meeting at the annual NJLP convention in Carteret. All NJLP members are welcome to attend. See article concerning convention for directions.

Every Wednesday-- Libertarian Discussion Club, 6:30 PM, Patti's Restaurant, 37 Bartlett St., New Brunswick. For directions call 201/249-7649 (Rick).

CONVENTION SPEAKERS

Morning:

Herb Grossman on "Objectivism"

Robert Schenck, Founder of the Pinelands Landowners Society

Afternoon:

Lance Lambertin, Founder of New Jerseyans for a Balanced Budget

Greg Rehmke, from Foundation for Economic Education, on "Economics"

R.B. Wilk, NORML activist and publisher & editor of **Burning Issues** on "Marijuana Laws"

After dinner:

Jim Turney, National LP Chairman and owner of Liberty Audio

!! 1987 NJLP CONVENTION !!

by Rich Duprey

The 1987 NJLP Convention will be held Saturday, March 14th at the Holiday Inn, Carteret, NJ (exit 12, NJ Turnpike). You can save up to 30% by registering early (before March 7). Between now and the first week of March the cost will be \$35 per person. From March 8th to 13th the cost will be \$42 per person. The at-the-door price will be \$55.

If you would like to have more time with our convention speakers, send in \$60 to become a Convention Patron and sit at the speakers table for dinner. There is also a Non-Member Special for any friends you know who would like to join the NJLP. For \$45 they get the convention and NJLP membership--a 30% discount on membership.

As a way of expressing our thanks to those members who so generously contributed when the party needed you most, we are offering an additional 20% off the Early Bird ticket price, for a total discount of 44%! Contributors who register for the convention before March 7th pay only \$28!

In addition, we will offer the same deal to any member if he/she contributes \$25 or more before March 7th. There are also special rates for groups of 10 or more. Why not act now and save? Make your checks or money orders payable to: NJLP, c/o State Convention '87, P.O. Box 56, Tennent, NJ 07763. Send your donations to the same address c/o "Special Offer."

The 1987 NJLP State Convention promises to be the biggest and best ever. Make sure you are a part of it. Register now!

NJLP STATE COMMITTEE MEETINGS

by Len Flynn

The NJLP State Committee held two meetings at Patti's Restaurant in New Brunswick since the last New Jersey Libertarian was published and party finances were the prime item on the agenda. The December 3, 1986 meeting attendees were Rich Duprey, Rick Hoegberg, Len Flynn, and Carl Peters with all other committee members absent.

Party finances were noted to be very low, so the group unanimously approved a motion to authorize the Chairman to suspend publication of the New Jersey Libertarian temporarily because of slim party funds. Rich announced that he was preparing a fund-raising appeal letter which would be sent soon to potential NJLP supporters.

The January 7, 1987 meeting convened at 7:35 PM with Duprey, Steve Friedlander, L. Flynn, Hoegberg, Peters, Paul Tauro, John Schafer, and Dan Maiullo (for Pat Fallon) present. Absent were Stuart Swirsky, Christie Brazil, Jerry Zeldin, Nick Polombo, Don Meinshausen, Joe Kerr, and Mike Pierone.

The Treasurer opened the meeting with the very good news that over \$1,000 had been raised in the last month from NJLP contributors, so that party finances were again healthy. In appreciation for the support the members had shown, the committee voted to offer either Weaver's Mainspring of Human Progress, Bastiat's The Law, or Lewis's Liberty Reclaimed to any NJLP member requesting a copy. Rick noted that he would not continue as Treasurer after the convention, so urged interested NJLP members to step forward and volunteer.

Steve reported that LIBPAC, the NJLP political action committee, had been started with a few contributions. Rich Duprey reported that five NJLP candidates for 1987 had come forth so far. Rich also pro-

posed some changes in NJLP memberships, but since a convention vote is required he would consider preparing a New Jersey Libertarian article announcing his suggestions.

The committee discussed and unanimously approved resumption of publication of the New Jersey Libertarian with Rich's plan to contain its cost as follows. Bulk rate will be used for mailing with the "free" list augmented to include all 50 state LPs. The March issue will be sent out in early February, and all subsequent issues timed likewise, so that members can plan to attend NJLP meetings and functions well in advance.

A rotating list of NJLP prospects will receive sample issues of the newsletter to encourage them to join the party and fill out the 200 pieces needed to use bulk rate mail. A motion was approved to sell the mailing labels for NJLP members to Lance Lamberton for single use with his "New Jerseyans for a Balanced Budget" at a rate of 2.5 cents per label.

Rich Duprey proposed encouraging membership upgrades through the use of promotions like copies of Robert Ringer's Restoring the American Dream, a Patti's meal at a meeting, LibertyTM flashlights (if available), or statue of liberty/ Thomas Jefferson/Adam Smith ties for large contributors. General consent was obtained for Rich's proposal with specific promotions to be decided in the future.

The meeting recessed to Rich Hoegberg's apartment to hear inspiring readings from "Ragnar the Avenger" on ways to deal with the IRS. In high spirits, the members informally disintegrated the meeting before 10:00 PM.

The next Steering Committee meeting was set for Saturday, February 7 at 3:00 PM at Patti's and a State Committee meeting was set for March 14 after the General meeting at the NJLP annual convention.

LAISSEZ FAIRE!!

NEW JERSEY SUPREME COURT CONDEMNS JURY NULLIFICATION

by Daniel Maiullo

On November 21, 1986 the New Jersey Supreme Court handed down a decision in which it condemned the power of the jury to nullify unjust laws. Although the case did not concern the subject of jury nullification directly, the Supreme Court took the opportunity to denounce and discourage what it calls "unwise."

Gregory Ragland was convicted by a jury of conspiracy to commit armed robbery, unlawful possession of a weapon, and unlawful possession of a weapon without a permit. Another charge against him, possession of a weapon by a convicted felon, was tried separately.

The charge of possession of a weapon by a convicted felon was tried before the same jury that had just convicted the defendant of charges which necessarily included a finding of fact that he was in possession of a weapon. The judge instructed the jury:

If you find that the defendant ... was previously convicted for the crime of robbery and that he was in possession of a sawed-off shotgun, as you have indicated ... then you must find him guilty as charged....

The jury thereafter returned a verdict of guilty on the charge of possession of a weapon by a convicted felon. The Supreme Court reversed, stating that "the unavoidable effect of the charge was to direct a guilty verdict." State v. Ragland, 101 N.J. 33 (1985).

The Court's objection was to the reminder that the jury had already found that the defendant was in possession of a sawed-off shotgun. It stated that the jury should have been instructed to disregard its previous findings because the burden of proving each element of the crime was on the State. This was a new trial and the State was required to prove the element of possession all over again. The jury, however, should be allowed to consider the evidence that had previously been brought before it on the possession charge.

That opinion was generally understood as prohibiting instructions in any criminal case that the jury must find the defendant guilty as charged. This interpretation caused the Attorney General, supported by the County Prosecutors Association, to request reconsideration by the Supreme Court.

Thus, on November 21, 1986 the Supreme Court wrote its opinion that use of the word "must" is not erroneous in this charge and in other jury charges. The defense argued that the jury should be instructed that if it does not find a, b, and c beyond a reasonable doubt then it must find the defendant not guilty, but that if it does find a, b, and c beyond a reasonable doubt then it may find the defendant guilty. The Court disagreed stating: "the 'must' charge is widely used in New Jersey and has been as long as anyone can remember."

As bad as this holding is, the Court went further, apparently in response to arguments by the defense. The defendant's attorney, Matthew Astore, Assistant Public Defender, argued that the jury's power of nullification--the power of the jury to acquit with finality despite overwhelming proof of guilt--is an essential attribute of a defendant's right to trial by jury, and that use of the word "must" con-

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flicts with that attribute. He also argued that an explicit charge on nullification should be delivered to the jury.

Of course, the defense lost on the "must" issue. But the Court went on to address the issue of jury nullification:

The power of the jury to acquit despite not only overwhelming proof of guilt but despite the jury's belief, beyond a reasonable doubt, in guilt, is not one of the precious attributes of the right to trial by jury. It is nothing more than a power. By virtue of the finality of a verdict of acquittal, the jury simply has the power to nullify the law by acquitting those believed by the jury to be guilty.

The exercise of that power, while unavoidable, is undesirable and judicial attempts to strengthen the power of nullification are not only contrary to settled practice in this state but unwise both as a matter of governmental policy and as a matter of the sound administration of criminal justice.

It is only relatively recently that some scholars have characterized this power as part of the defendant's right to trial by jury and have defended it as sound policy. There is an almost mystical element to this contention about the "conscience of the community;" if the argument is that jury nullification has proven to serve society well, that proof has been kept a deep secret....

The Court went on to complain about the inequality of the enforcement of the criminal law being a problem and that jury nullification would aggravate that problem. Then it states:

(Jury nullification is) the power to undo everything that is precious in the system of criminal justice, the power to act arbitrarily to convict one and acquit another where there is absolutely no difference between the two. It is a power, unfortunately, that is there, that the Court cannot terminate, but a power that should be restricted as much as possible.

... the right to trial by jury is intended to protect the citizen from corrupt, overzealous or arbitrary prosecutors, and from compliant, biased or eccentric judges. It was never designed, however, to protect the defendant from the law or from the Legislature.

The dissent argued that the word "must" was impermissible in the jury charge, but agreed with the majority of the Court in its opinion on jury nullification.

There is not enough space here to completely critique this opinion and its implications. However, I would like to point out to the reader that the facts of this case indicate that the defendant was guilty and

**NEW JERSEY
LIBERTARIAN PARTY
1987**

State Convention

**MARCH 14
HOLIDAY INN
1000 Roosevelt Ave.
at Exit 12 NJ Tpke.
Carteret, N.J.**

- ☐ **\$35 Early Bird**
Before March 1
- ☐ **\$42 Regular**
Before March 14
- ☐ **\$60 Convention Patron**
*Special Golden
Table Seating*

Send your check to:

*NJLP
PO Box 56
Tennet NJ 07763*

COURT...

obviously so. Why did the defense throw in the argument concerning jury nullification? It is interesting to note that there were government lawyers on all sides of this case, for the State, for the defense and on the bench. It seems that the deck was stacked in favor of the government in this potentially crucial case concerning the individual's powers vis-a-vis his oppressors.

FROM THE CHAIR

By Richard L. Duprey

Thanks to the support of the NJLP membership, a crisis has been averted. About \$1,000 in donations has come into the party treasury, so normal operations can begin anew.

About \$300-400 per month is normally spent by the NJLP, but renewal of memberships and convention fundraising generally keep things on an even keel. However, four incidents this past year severely depleted party funds.

First, the 1986 NJLP convention despite excellent participants was poorly attended and the party barely broke even. No fundraising was done, so the party was without its usual reserve. The convention this year hopes to rectify these problems, e.g. a more central location has been chosen.

Second, the Marshall Fritz Self Government Advocates program though inspiring cost the NJLP \$200. Third, the NJLP outreach newspaper the Garden State Libertarian cost \$1,500 for the first two issues, despite a \$500 expense reduction implemented for the second edition. To ensure that severe losses no longer occur, future issues were limited to no more than \$100 in NJLP expenditures.

Fourth, membership expansion is less than expected. I am working to get 164 members on the NJLP rolls by the end of the 1987 NJLP Convention.

I hope the members have a clearer understanding of what the party has undertaken this year and how they can help. Giving money isn't the only way (although it is a good part); putting in a few hours a month also is needed.

Remember that the 1987 elections are coming and we need candidates. For the first time we have the NJLP political action committee LIBPAC to assist candidates. Members who want to contribute to LIBPAC can send contributions to LIBPAC, P.O. Box 56, Tennent, NJ 07763.

I look forward to a productive year ahead. With the financial crisis behind us, we can concentrate on furthering liberty in the Garden State. Your assistance is requested and appreciated.

Freedom is not inevitable. We must work for it and work hard. A little time and a little money are all that are necessary. If anyone would like to discuss anything mentioned in this article, please feel free to call me at (201) 743-9425.

In Liberty, RLD.

'None of the Above'

DEAR EDITOR:

This is in response to the letter from Stefan Semchyshyn, who would have us "exercise our right (to vote) and back up our representatives so that they will serve us and our country well." Mr. Semchyshyn feels that apathy won the election.

The election winner was not apathy. It was disgust with the dismal choices offered us by that sacred cow, the two-party system.

To increase voter turnout, I propose that every election ballot present "None of the Above" (NOTA) as an alternative. If NOTA wins, then that office shall be vacant for the prescribed term.

Think of it! No new taxes will issue from NOTA's office. No new onerous statutes and regulations. No infringements on our personal and economic liberties. No bribery, graft or public scandals.

"NOTA for council/mayor/Senate/governor/president/etc.! Nobody does it better!"

Dan Malullo,
North Arlington

THE STAR-LEDGER
December 4, 1986

by Paul Jacob

During Ed Clark's campaign for president in 1980, a friend of mine introduced me to the slogan, "Don't vote--it only encourages them." Yes, the elections are used to legitimize the government's arbitrary power, no doubt about it. If everyone refused to vote it would be a strong signal that individual rights are not to be subject to the whims of democracy. But how likely is this to happen? How capable are we of making this happen? And, would the media cover it? Can we change things at the ballot box? Should we vote, or should we not vote?

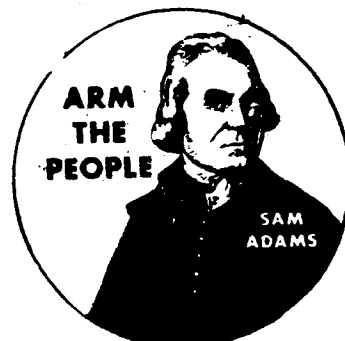
Many people vote in self-defense. They don't desire to pick candidates for office or to impose new taxes or laws, but rather they desire to stop the most tyrannical aspirants to power and to vote down new taxes, new laws and government's increasing power over their lives.

The action of voting is little different than calling a telephone poll or answering a survey. Like a telephone poll or a survey, there is no responsibility to respond and certainly if the questions or choices are such that all responses would be harmful, then refusing to participate would be best. But voting is one relatively easy way to voice your opinion. Thirty minutes to vote against three bond issues, or against a referendum to put AIDS victims in concentration camps, is time well spent.

Yet, the decision to vote or not to vote, by itself, does very little for the cause of liberty. Urging others not to vote doesn't stop the government from exercising control over individuals. On the other hand, voting isn't going to launch a thousand ships either. Fight, resist, organize, and campaign for your rights! But, why not vote too?

I say every weapon of the State can be turned around and used against it. The ballot box, the court system, and every method by which government seeks legitimacy can be used to deny and destroy the false legitimacy of State tyranny.

The freedom movement needs you to do countless activities, every day of every year. And on election day, vote--for freedom.



POLITICAL (?!) POSTERS FOR SALE

You've read about her campaign for Lieutenant Governor of California. You've seen her on the Joan Rivers Show. Now is the chance to purchase the posters that have appeared in newspapers around the world, and have been featured in **Playboy**, **Penthouse**, **Chic**, and **High Society**--at savings of 25%!

Norma Jean Almodovar, the former cop turned callgirl, received more than 80,000 votes in her campaign last November. She has appeared on over 150 different TV and radio shows world-wide and her posters have been shown on **Johnny Carson**, **Joan Rivers** and **Paul Harvey**. You can purchase one, two or all three of her posters for only \$15 each, or \$35 for the set of three, from the NJLP. These posters are destined to become collectors items!

This is your chance to get these world famous posters. The demand is growing, so don't miss out! Order yours **TODAY!** Make checks payable to NJLP, P.O. Box 56, Tennent, NJ 07763.

--RLD

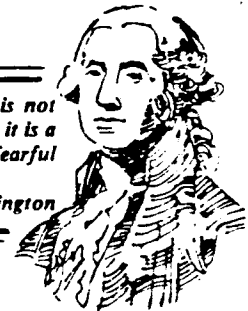
* * ROOMMATE WANTED * *

To share spacious townhouse in Bedminster close to Routes 78 and 287. Private bath, kitchen, laundry, finished basement, storage space available. Extensive collection of libertarian books and back issues of **Freeman**. \$400/month + 1/2 utilities. Call **Steve Friedlander**, 201/221-7859 (work), 201/781-6171 (home).

ALSO: Hillsborough townhouse available for rent until April 30th, rent negotiable.

Government is not reason; it is not eloquence; it is force! Like fire, it is a dangerous servant and a fearful master.

George Washington



P1



P2



P3

NJ LIBERTARIAN

NJLP STEERING COMMITTEE

State Chair: Rich Duprey 201/743-9425
 Vice-Chair: Steve Friedlander 201/874-8492
 Secretary: Len Flynn 201/591-1328
 Treasurer: Rick Hoegberg 201/249-7649

Members-at-Large: Stuart Swirsky 201/431-4491
 Christie Brazil 201/846-8759
 Carl Peters

P.O. Box 448
 Morganville, NJ 07751

Editor: Ginny Flynn

201/591-1328

****ADVERTISING RATES****

Full Page \$25
 Half Page \$13
 Quarter Page \$7
 Eighth Page \$4
 Business Card \$3

Inserts \$10/sheet

These rates only apply to ads submitted camera-ready. There will be a charge for any additional preparation needed.

Material must be received by the 27th of the month to be in the following issue.

STATE COMMITTEE REPRESENTATIVES

Bergen County Paul Tauro 201/944-5143
 Camden/Gloucester Jerry Zeldin 609/783-4306
 Essex County Nick Polombo
 Hudson County Don Meinshausen 201/659-6786
 Hunterdon County Joe Kerr 609/397-8119
 Mercer County Carl Peters
 Monmouth County Pat Fallon 201/280-8493
 Morris County John Schafer 201/492-2586
 Somerset/Middlesex Steve Friedlander 201/874-8492
 Sussex County Mike Pierone 201/827-5226

NJLP PHONE: 201/937-9674

MEMBERSHIP APPLICATION

Name: _____

Address: _____

City/State: _____ Zip: _____

Telephone: (h) () () (b) () ()

Occupation: _____

- ☐ I am eligible to vote in _____ County
☐ I am registered to vote in NJ.
☐ Please do not include my name if the NJLP list is rented to other Libertarian organizations

"I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals."

Signature _____ Date _____
 (Signature indicating acceptance of above statement required for membership)

NJLP Dues

- ☐ \$250.00
☐ 150.00
☐ 35.00
☐ 15.00
☐ 5.00

Membership Category

- Lifetime Sustaining
 Lifetime
 Sustaining
 Regular
 Student (School: _____)

A subscription to the members' newsletter, the NJ Libertarian is included with the above dues

- ☐ Monthly pledge for each of the next 12 months.
☐ \$100 ☐ \$50 ☐ \$25 ☐ \$10 ☐ \$5 ☐ Other

- ☐ \$5 Libertarian National Committee 1 year dues.

- ☐ NJ Libertarian Subscription only, \$10.

- ☐ I am not the first member at this mailing address, and do not wish to receive a copy of the newsletter (\$10 may be deducted from Regular membership dues only)

Make checks payable to "NJ Libertarian Party"

Send To: P.O. BOX 56, TENNENT, NJ 07763

New Jersey Libertarian Party
 P.O. Box 56
 Tennent, NJ 07763

TO:

**VOTE
 LIBERTARIAN**