



NEW JERSEY LIBERTARIAN

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

* * * FEBRUARY 1986 * * *

CALENDAR OF EVENTS

Feb. 19-- NJLP Steering Committee Meeting at Patti's Restaurant in New Brunswick at 6:30 PM. All NJLP members are welcome to attend. Call Rick at 201/249-7649 for directions.

March 1-- SURPRISE conference, dinner, and roast for Murray Rothbard on his 60th birthday. To be held at the Halloran House, 525 Lexington Ave., NYC. Conference from 8:30 AM-4:30 PM (\$25--free to full time students). Reception/dinner at 6:30 PM (\$50--single ticket, \$90--couple). Contact The Ludwig von Mises Institute, 322 Massachusetts Ave., N.E., Washington, DC 20002.

March 22-- NJLP ANNUAL STATE CONVENTION, Moffa's Farm Restaurant, Almonesson Rd., Blenheim, NJ. David Bergland and Frank May are confirmed speakers with at least three more speakers to be announced. Cost: \$35, \$45 at door. See insert for full information and registration forms.

April 8-- Sign making party at Rich Duprey's home for Tax Protest Day Rally. Food and refreshments to be served. Call 201/445-6098 for info.

April 15-- Tax Protest Day Rally in Hackensack. Group will meet at Rich Duprey's home. Call 201/445-6098 for details.

July 4-- Anyone interested in joining a rally being organized for the Statue of Liberty Rededication in Jersey City, should contact Rich Duprey at 201/445-6098.

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

Every Tuesday-- NJ Americans for Constitutional Taxation (ACT) meeting, 7 PM, in the garden room at Shore Point Inn, Route 35, Hazlet.

Every Tuesday-- NJ Americans for Constitutional Taxation (ACT) free public meeting, 7 PM, Moffa's Farm Restaurant, Almonesson Rd., Blenheim. Call 609/HAD-ENUF for info.

2nd Thursday of each month-- Constitutional Freedom Committee meeting, 8 PM, Ollie's Restaurant, Route 9 and Tilton Rd., Northfield, NJ. Guest anti-tax speaker at each meeting. Call 609/927-2320 after 5 PM for details.

RENEWAL BLUES (RED ACTUALLY)

Some of you might remember that at one time we voted to adopt a system where everyone renewed at the beginning of the year. This was supposed to save the person who keeps track of membership status (me) extra headaches. Well...in spite of this, it hasn't worked as well as I'd hoped. What with having to prorate 85% of the membership to get them onto a Jan 1 renewal, & prorating new members from whatever part of the year it is they happen to join....

Anyway, I never got more than about 50% of the membership to go with the system in practice; I suppose the market has uttered its less than enthusiastic support, so to the dustbin of history with that system, & on to a new one!

What I'm now trying is the following: If you see a red mark on the address label to your newsletter, & are already a member, it's time to renew. If you are receiving a complimentary copy of the newsletter as part of the information package we give to those who inquire about the NJLP, then it's time to join or subscribe if you wish to continue receiving the newsletter.

See RENEWAL....Pg.2

RENEWAL....

In either case, please fill in the application/renewal form, & mail it to our PO Box in Tennent along with your remittance, whereupon I shall be glad to deposit the money & tell my computer that you're in good standing for at least another year. It seems to be the only way it'll print your address label without a red splotch!

Yours truly Rick Hoegberg
NJLP Treasurer

BACK TO PATTI'S

That's right folks. The Jade Pagoda wasn't so wonderful, (or cheap) so it's back to Patti's for the Libertarian discussion & supper club, where there's good & inexpensive Italiano food. Starting Wednesday Feb 12 & every Wednesday after that at 6:30 PM.

Location: 37 Bartlett St. 1 block behind the Rutgers Student center on College Ave in New Brunswick. See you there. Ciao.

Wanted: CAPITALIST for the convention.

Laissez Faire Books has a deal where they ship (at their expense) a selection of books to a volunteer. This volunteer then sets them up in a booth at a convention, & gets a 10% commission on sales. Any leftovers are sent back (again Laissez Faire pays) & that's that.

So...if you're a CAPITALIST, looking for a PROFIT, here's a chance! In addition, you can expect a reduced rate of admission versus the standard \$35.00 (\$45.00 at the door).

If interested, leave your name & number on the Party line (201) 937 9674. SOON!

BELOW-SCENE FROM THE PAST:
1983 NJLP STATE CONVENTION

Seated (L-R): Les Heller, Sandy Heller, Sally Leiendecker, Jane Rehmke. Standing: John Schafer, Dave Walter, Harold Leiendecker, Lee Schubert.



RULE OF LAW V RULE OF MEN
(or rule of the jungle)

Alright! We have genuine controversy going on right here in the pages of the NJLP News! At least, that's what I thought until I read a little closer...

- Recap: I had an article 2 months ago about a "tax patriot" in New England who had won in US court. I also stated filing & paying income tax on wages is voluntary. Last Month, Mark Rogers showed with some very interesting documents how bad things can happen to someone in court trying to argue those contentions.

I'd like to briefly address what I also see as 2 issues. Namely rule of law v rule of men. First of all, I agree with Mark Rogers, you can expect a court to clobber you. Nonetheless, I maintain, that it is the law that filing & paying an income tax on wages is voluntary. (See end of this article.)

So how come my apparent contradictoriness? Simple. What's on the books does conform to the Constitution, & if properly implemented would constitute rule of law. Unfortunately, most people in current positions of power get away with doing whatever they like. And what they like is to ignore the Constitution. This is rule of men.

I therefore resolutely agree with Mark (& regret any impression I might have given to the contrary): it is very dangerous not to pay taxes. You'll probably get in trouble, unless you really know what you're doing. However, I disagree with Mark in that I maintain filing & paying is voluntary. The Supreme Court said so; who am I to argue?

Submitted by Rick Hoegberg

The general term "income" is not defined in the Internal Revenue Code.

United States v. Ballard, 535 F. 2nd 400 (1976)

... it becomes essential to distinguish between what is, and what is not "income" ... Congress may not, by any definition it may adopt, conclude the matter, since it cannot by legislation alter the Constitution from which alone it derives its power to legislate, and within whose limitations alone, that power can be lawfully exercised.

Eisner v. Macomber, 252 U.S. 189 (1920)

"Income" has been taken to mean the same thing as used in the Corporation Excise Tax of 1909 (36 Stat. 112), in the 16th Amendment, and in various revenue acts subsequently passed.

Bowers v. Kerbaugh-Empire Co. 271 U.S. 170, 174 (1926)
 (Supreme Court)

There can be no doubt that the word (income) must be given the same meaning and content in the Income Tax Act of 1916 and 1917 that it had in the Act of 1913. When to this we add that in *Eisner v. Macomber*, supra, a case arising under the same Income Tax Act of 1916 which is here involved, the definition of "income" which was applied was adopted from *Stratton's Independence v. Howbert*, arising under the Corporation Excise Tax Act of 1909, with the addition that it should include "profit gained through the conversion of capital assets", there would seem to be no room to doubt that the word must be given the same meaning in all of the Income Tax Acts of Congress, that was given to it in the Corporation Excise Tax Act, and what that meaning is, now become definitely settled by this Court.

Merchants Loan and Trust Co. v. Smietkana, 255 U.S. 509, 41 S. Ct. 388

Of course, gross income and not gross receipts, is the foundation of income tax liability, for it is only earnings, profits, and gains which the statute subjects to tax.

Clark v. U.S., (1954) 211 F. 2d 100 (C.A. 8th, 1954).

Income, as used in the statute should be given the meaning so as not to include everything that comes in. The true function of the words "gains" and "profits" is to limit the meaning of the word "income".

So. Pacific v. Lowe, 238 F. 847

The statute and the statute alone determines what is income to be taxed. It taxes only income derived from many different specified sources; one does not "derive" income by rendering services and charging for them.

Edwards v. Keith, (1916), 231 F. 110.

Decided cases have made the distinction between wages and income and have refused to equate the two.

Central Illinois Publishing Service v. U.S., 435 U.S. 31

There is a clear distinction between "profit" and "wages" or compensation for labor. Compensation for labor cannot be regarded as profit.

United States v. Ballard, (1976), 575 F. 2d 400.

... There is a clear distinction between "profit" and "wages" or compensation for labor. "Compensation" for labor cannot be regarded as profit within the meaning of the law. The word "profit" as ordinarily used, means the gain made upon any business or investment—a different thing altogether from mere compensation for labor.

Commercial League Association v. the People ex rel Needles, Auditor, 90 Ill. 166.

There can be no question that one who files a return under oath is a witness within the meaning of the Amendment.

Sullivan v. United States, 15 F 2nd 809 (1926).

The information revealed in the preparation and filing of an income tax return is, for Fifth Amendment analysis, the testimony of a "witness" as that term is used herein.

Garner v. United States, 424 U.S. 648 (1976).

HEROES OF THE REVOLUTION

By Len Flynn

A continuing series dedicated to the unsung heroes of the Libertarian Revolution, people whose daily efforts swell the ranks of libertarians everywhere and assure the ultimate victory of our noble cause.

CONCLUSION (PART XII) --
"WHAT DOES IT MEAN?"

Throughout this series we have seen the "beneficial" effects of the most strident opponents of liberty. From the IRS and welfare loafers to statist newsmen and censors, these dregs of our country educate even the dumbest citizen to his escaping rights and may perhaps stir our people to action.

Our greatest foes are not the Supreme Court or Reagan/Kennedy and their colleagues or even the vicious destroyers at the IRS, but we must struggle to overcome apathy and indifference. America cannot survive if the people are unconcerned about their liberties and relaxed in their "eternal vigilance" in defense of freedom. In America liberty is jeopardized not by secret police crashing through the door (at least NOT YET!), but by those "gradual and silent encroachments of those in power" (James Madison) that slowly whittle away on America's freedoms.

And it is we libertarians who have the greatest responsibility in the struggle for liberty. We know what is wrong and how it best can be corrected -- without coercion and enslavement which are the hallmarks of our enemies ... the "heroes" of the revolution in this series of articles.

Whenever times are hard, our task is relatively easy and audiences are more available to hear our voices. But today the economy appears to be doing well, the stock market is booming and unemployment is down. Leonard Read taught us the one purpose for adversity is "to elicit talents which presently lie

dormant." He continues with the admonition that "our unprecedented prosperity has put most Americans to sleep" (The Love of Liberty, p. 89). Are we asleep and complacent while freedom slips away?

Like termites the statist enslavers are gnawing away on our liberties. Let us work together to stop them before liberty's beautiful house tumbles down all around us.

Remember the words of another great American Ayn Rand whenever we get lazy or tired in our defense of freedom. To paraphrase -- let us not give up this great country to nothing. We must not surrender without a fight.

This is the closing message of the "heroes" series, do not stop and do not give up. Whatever you do to help the struggle for freedom, at least DO SOMETHING!

NJLP STATE COMMITTEE MEETING

By Len Flynn

The NJLP State Committee met on January 22, 1986 at the Jade Pagoda Restaurant in Edison, NJ. Present were Friedlander, Hoegberg, Flynn, and Swirsky. Everyone else was absent.

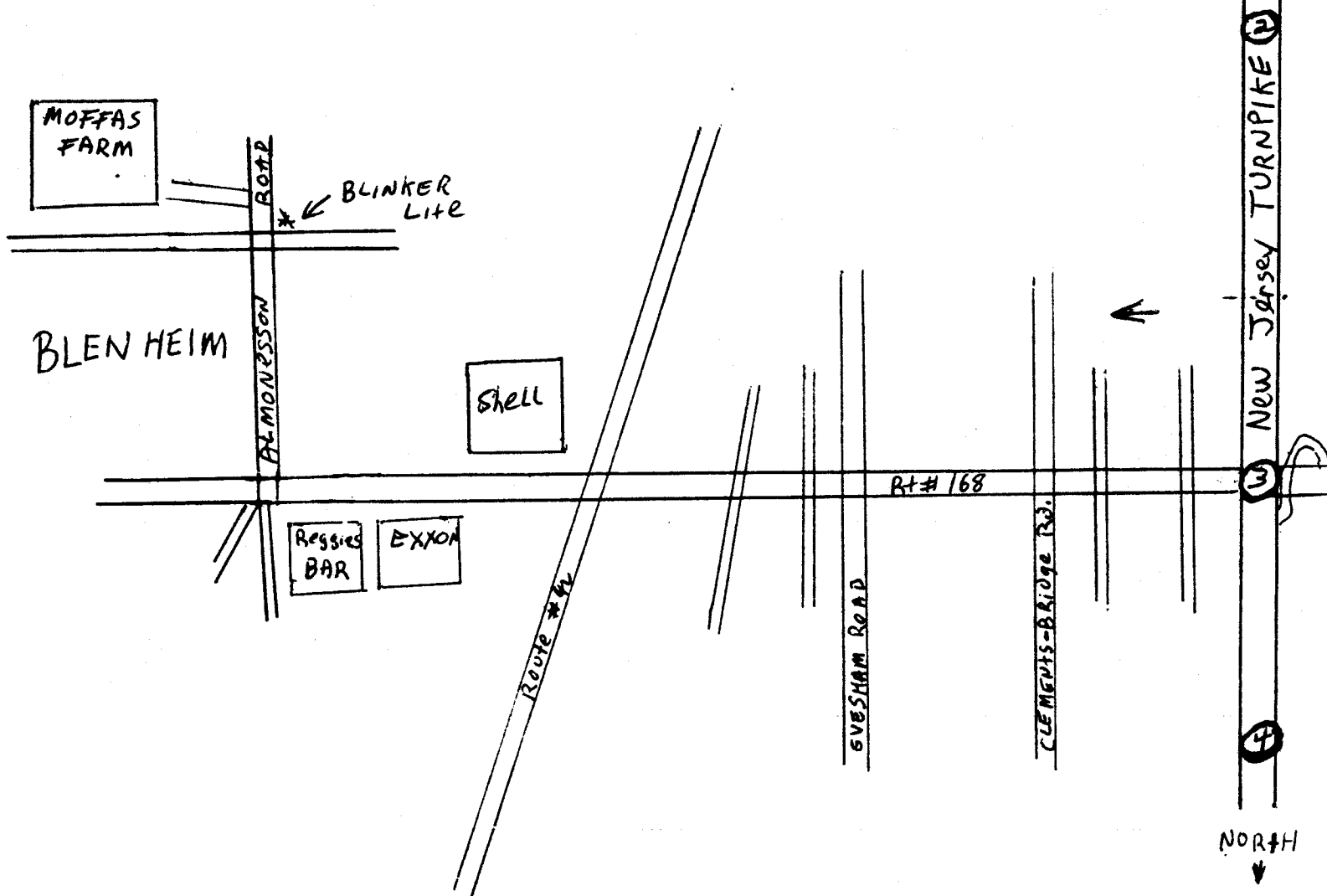
The 35 minute meeting convened at 7:10 and sped along through old and new business. First, approval for purchasing 200 "Libertarianism in One Lesson" for \$110 was granted. This action gives the NJLP more booklets at a lower per book cost (100 cost \$85).

Ken Kaplan will contact Mark Rogers concerning his progress on obtaining the right for New Jersey voters to register as Libertarians. Rick Hoegberg volunteered to be the custodian of the NJLP library and get books from Paul Nelson and tapes from John Schafer.

The Conyers bill (H.R. 2320) sets uniform ballot access for federal office and deserves LP support. Rick will prepare a form letter for a future New Jersey Libertarian to follow up on his January article about H.R. 2320.

See MEETING....Pg. 5

MAP
(not to scale)



DIRECTIONS:

From either North or South take exit 3 of the New Jersey Turnpike. This exit will lead out on to Rt #168 (The Blackhorse Pike). Follow Rt #168 (Toward Atlantic City) or south for about 5 miles to Almonesson Road. Turn right. Go about 1/2 mile to yellow blinker light. 100 feet past blinker light on left is entrance to Moffa's Farm Restaurant.

REGISTRATION FORM

Please register _____ persons at \$35 each for the 1986 NJLP State Convention. Enclosed is a check* for \$_____.

Name: _____

_____ Prime Rib Dinner _____ Chicken Dinner

*Make checks payable to NJLP and mail** with this form to:
Rick Hoegberg, 98 Suydam St., New Brunswick, NJ 08901
**MUST BE POSTMARKED NO LATER THAN 3/7/86!!

Libertarian Party Convention

Saturday, March 22, 1986

10:00 AM to 9:00 PM

at

Moffa's Farm Restaurant
Almonesson Road
Blenheim, NJ

Cost: \$35/person--before 3/7/86
\$45/person--at door and after 3/7/86*

Convention includes Coffee Klatch, Luncheon Buffet, and Dinner--choice of Prime Rib or Chicken.

Special Guest Speaker -- DAVID BERGLAND -- 1984 Libertarian Party Presidential Candidate.

PLUS

More speakers and activities

*Restaurant requires 2 weeks notice and adds \$10 to orders received after 3/8/86.

MEETING....

The NJLP annual convention will be held on March 28, 1986 (see insert). Laissez-faire Books has offered books on consignment for the NJLP convention; Rick will place an article in the N.J. Libertarian seeking an entrepreneur to handle the book sale.

An article on terrorism by Richard Maybury was circulated to show the grave risk to liberty arising out of government's reaction to terroristic acts and the unique perspective libertarians can provide to show how these problems can arise. Stuart Swirsky will prepare an NJ Libertarian article about this issue.

Rick Duprey requested up to \$100 to print 5,000 copies of an anti-draft leaflet. This effort was approved by the committee unanimously. Ken Kaplan and Steve Friedlander will head the 1986 campaign committee for the NJLP.

The next meeting of the NJLP Steering Committee will be held at 6:30 PM on Wednesday February 19th at Patti's Restaurant in New Brunswick. The meeting will be in conjunction with the libertarian discussion group which meets weekly there.

RARE OPPORTUNITY FOR NJ
LIBERTARIANS

by Steve Friedlander

Living in New Jersey may have its advantages and disadvantages, but one of its outstanding advantages that few people appreciate is that it's one of the easiest states in which to get on the ballot. Only 100 signatures are needed to run for US Congress, state legislature, or county freeholder, with fewer signatures required for municipal offices.

Libertarians in our fair state are thus fortunate indeed, for they have the rare opportunity to uphold the torch of liberty by running for office against statist politicians and having a lot of fun at the same time. Most people are effectively denied this opportunity in other states, where up to several thousand signatures may be required

just to run for Congress. Numerous costly and time-consuming legal battles have been fought throughout the country to obtain the type of ballot access that currently exists in New Jersey.

We are currently seeking candidates to run for Congress, Freeholder, or local office in the 1986 election. The NJLP is prepared to offer its vast resources to assist candidates in raising funds and preparing campaign brochures. The deadline for filing petitions has been moved up to April 10 (4 PM) -- so the time to act is now.

Congressional candidates can obtain petition forms by contacting Steve Friedlander or the State election division at 609-292-3760. County and local candidates should

REMINDER

There are several handy pocket sized paperback books & pamphlets the NJLP is pleased to offer for sale at a very modest price.

From the Foundation for Economic Education (FEE);

*The Law by Frederic Bastiat @ \$1.00

*The Mainspring of Human Progress by Henry G Weaver @ \$1.00

From Jim Lewis, our 1984 Vice presidential candidate;

*Liberty Reclaimed @ \$1.00

From Dave Bergland, our 1984 Presidential candidate;

*Libertarianism in 1 lesson a 22 page pamphlet @ \$0.75

Add 40 cents to each item for 4th class postage, or 80 cents to each for 1st class.

All of these excellent little gems are straightforward yet sophisticated explanations of the legal, historical, moral, economic & political aspects of one of our favorite subjects: FREEDOM.

Phone (201) 937 9674 & order your copies today!

RARE OPPORTUNITY....

contact their county and municipal clerks, respectively. Anyone who is interested in running for office, or who would simply like more information, should get in touch with this year's campaign committee consisting of Steve Friedlander (201-874-8492) and Ken Kaplan (201-625-2623).

From The Connecticut Libertarian
January, 1986

PAUL JACOB FREED

Former Arkansas LP Chair Paul Jacob declined to fill out a Government form, and was sentenced July 2 to five years for his refusal. All but 6 months was suspended, and happily he was home for the Holidays.

The paper in question was the Selective Service (SS) registration form, available from your local friendly postmaster. All men of draftable age are invited to fill one out, but SS propaganda has it that it's "no big deal"... unless you are one of the three quarters of a million who ignore the request and who are selected by the Feds for prosecution. Paul was. He refused to "express his approval" of this system of legalized slavery, and spoke publicly of his action at every opportunity. He is one of about a dozen so prosecuted.

At his trial witnesses appearing for him included Ed Clark (LP Presidential Candidate 1980) and Ron Paul (Republican ex-Congressman, very friendly to the LP) - and those appearing against him included General Thomas Turnage, the SS Reichsführer. In his evidence, the General agreed that signing a registration card constitutes approval of the system.

Paul is now back with his wife and daughter, and has to do 8 hours a week of community service, under duress, during his probation. He has given much for freedom. If you'd like to give a little in appreciation, his defense fund is still open at PO Box 15724, Little Rock, AR 72231.

Paterson News
December 6, 1985

Pro-lifers use semantic contortions

Editor,

I have long been amused by some of the semantic contortions and historical gymnastics used by both sides of the abortion controversy. The Nov. 28 letter of Edward Maybert, equating abortion with the alleged "Nazi Holocaust," certainly wins a prize in distortion!

Why the right-to-lifers jump on the "Holocaust" bandwagon is anybody's guess (perhaps they think it will somehow make them acceptable to the liberal establishment).

Relax, Mr. Maybert, as you

right-to-lifers would feel right at home in National Socialist Germany or Mussolini's fascist Italy, since not only was abortion outlawed in those countries, but the governments actually awarded bonuses and medals to those who had big families!

Personally, I agree with you; I feel abortion is wrong, but I don't feel that you or I have the right to decide that issue for someone else. However, I do favor ending taxpayer-financed abortions (something the equally intolerant pro-abortionists will never sup-

Guns and control

The December 1985 issue of Reason magazine brought fresh insights to the subject of gun control. The article is entitled "Gun Control: White Man's Law." As the article explains, gun control is really people control. And guess which people the power elite wants to control?

I had always felt offense at the requirement for permits for handguns and have never wished to prostrate myself to the empowered authorities to get a permit. Since I am a professional born of WASP stock, I can probably obtain the permit with minimal roadblocks, yet I find it distasteful and threatening. It never occurred to my naive mind that this was another form of control over "them" and I can only try to imagine what it would be like to try for a permit if I were black and poor.

MICHAEL E. NORTH
Ulster County chairman,
Libertarian Party of New York

!!! LATE NOTICE !!!

The Libertarian Party of New York City will hold its annual convention on Saturday, February 22nd. Karl Hess will be the featured speaker and Jim Turney, newly elected National LP Chairman, will deliver the keynote address. The convention will run from noon until 5:30 PM at a cost of \$23 per person which includes lunch and all speakers. It will be held at La Maganette Restaurant, 3rd Ave. & 50th St. in NYC. Call 212/226-6483 (leave message) for details or reservations.

port.) You and your opponents all have a common collective thread running through your arguments, that you have some sort of divine right to govern the lives of others; well you do not! The abortion issue and most other ones, too, will be solved only when we turn to a respect for the sovereignty of others and their property (which certainly includes our bodies). Freedom from the state, not more government, is the answer!

MARK RICHARDS
West Milford

QUOTES FROM THE 5TH ANNUAL N.J. ACT
CITIZENS' RIGHTS MEETING (1/25/86)

By Len Flynn

Irv Homer, WWDB radio announcer:

"The only thing that gives you
courage is the truth."

"You can't embarrass people by
telling the truth."

"It doesn't matter how many times
you get hit in the mouth, the truth
is still the truth."

"Whatever you do, don't get your
information from the news media."

News is "sold like Alpo dog food,
kitty litter, hula hoops, ..."

Dean Allen, Director of Constitu-
tional Rights Foundation:

"I'm an agitator."

IRS ("Intimidation, Robbery,
Socialism") is "90,000 terrorists

on the U.S. payroll ... 5,000 have
the authority to carry guns."

Three groups in the U.S. are
"producer, looter, & leeches"

George Hanson, former Congressman
from Idaho:

"Stand up for your rights."

"You can do something."

"They can't put everyone in jail."

"The IRS is no match for good CPAs
and attorneys."

There will be "no Bill of Rights as
long as there is an income tax."

"Politicians see the light when
they feel the heat."

Cartoons from: The
Southern Libertar-
ian Messenger
September 1985



NJ LIBERTARIAN

NJLP STEERING COMMITTEE

P.O. Box 448
Morganville, NJ 07751

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

Editor: Ginny Flynn

Members-at-Large:	Ken Kaplan	201/625-2623
	Stuart Swirsky	201/431-4491
	Chris White	201/659-8088

201/591-1328

****ADVERTISING RATES****

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

STATE COMMITTEE REPRESENTATIVES

Inserts \$10/sheet

Bergen County	Richard Duprey	201/445-6098
Camden/Gloucester	Jerry Zeldin	609/783-4306
Hudson County	Don Meinshausen	201/659-6786
Hunterdon County	Joe Kerr	609/397-8119
Monmouth County	Pat Fallon	201/280-8493
Morris County	Nick Polombo	201/263-1997
Somerset/Middlesex	Steve Friedlander	201/874-8492

These rates only apply to ads submitted camera-ready. Extra will be charged for any necessary extra preparation.

COUNTY ORGANIZERS

Mercer County	Carl Peters	609/737-2342
---------------	-------------	--------------

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

NJLP PHONE: 201/937-9674

NEW JERSEY LIBERTARIAN PARTY MEMBERSHIP APPLICATION/RENEWAL

Name: _____ Address: _____

Phone #: () _____ () I am registered to vote in _____ County () I am registered to vote in NJ
 () Please don't include my name if the NJLP list is offered to other Libertarian organizations
 () \$15 National Libertarian Party, includes subscription to monthly paper. \$12 if simultaneous with any of the following:
 () \$250 Lifetime Sustaining () \$150 Lifetime () \$35 Sustaining () \$15 Regular () \$5 Student () I am not the 1st
 member at this address & do not wish to receive the NJ Libertarian (\$10 may be deducted from Regular membership dues only)
 () \$10 NJ Libertarian Subscription-only

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

Signature _____ Date _____

Make checks payable to "NJ Libertarian Party" & mail with this form to PO Box 56 Tennent NJ 07763

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

TO:

