



# New Jersey Libertarian

Volume XXXVII, Issue 2

Summer 2012

## Chair's Message

by Jay Edgar [chair@njlp.org](mailto:chair@njlp.org)

We have turned in petitions putting our candidates on the ballot! All NJ residents will have at least two Libertarian Candidates to choose from.

Much thanks to the many petitioners who helped put our candidates on the ballot. Thank you to Judy Anderson, Eric Antisell, Richard Bellush, Daryl Brooks, Craig Chapman, Ray Cragle, Emerson Ellett, Mick Erickson, Tony Federici, Kevin Ferrizzi, Betty Florentine, Len Flynn, Steve Friedlander, Robert Jenkins, Ken Kaplan, Dan Karlan, Dan Kelley, Fred Lubinger, Dan Maiullo, Tony Martino, Tim O'Brien, Henry Rauchweld, Dave Schneck, Bill Sihr, Judy Schubert, John Taylor, Chris Thrasher, Jim Tosone, Frank Warren, and Darren Young

As a result of our work, in the November 2012 elections seven candidates will be on the ballot in the state of New Jersey under the Libertarian Party banner.

- Gary Johnson, President of the United States [garyjohnson2012.com](http://garyjohnson2012.com)
- [Judge Jim Gray](#), Vice-President of the United States
- Ken Kaplan of Parsippany, U.S. Senate [kenforsenate.com](http://kenforsenate.com)
- [John Ordille](#) of Northfield, 2nd District, U.S. Congress
- Len Flynn of Morganville, 6th District, U.S. Congress
- Patrick McKnight of Hillsborough, 7th District, U.S. Congress [mcknight2012.com](http://mcknight2012.com)
- [Mick Erickson](#), 10th District, U.S. Congress [mickerickson2012.org](http://mickerickson2012.org)

Please throw your support behind our candidates.

The annual summer picnic will be held at my house on August 25<sup>th</sup>. Full details are at the end of this newsletter. I hope to see you there.

## Wrightstown Mayor, wife exonerated on another ethics charge

by John Paff

In a July 10, 2012 letter, Local Finance Board Chairman Thomas H. Neff dismissed another ethics complaint against Wrightstown Borough (Burlington County) Mayor Thomas Harper and his wife Mary Karen Harper. This dismissal comes on the heels of Neff's July 3, 2012 dismissal.

The most recent dismissal regarded a December 10, 2011 complaint filed by John Paff, chairman of the New Jersey Libertarian Party's Open Government Advocacy Project. The complaint alleged that both Harpers, who served on Wrightstown's Joint Land Use Board, were in an impermissible conflict of interest when they moved and voted in favor of appointing David C. Frank, Esq. as the Land Use Board's attorney while Frank was serving as registered agent for two limited liability corporations owned by the Harpers. Those two corporations, Each Leasing, LLC and Avis, LLC, each own real estate in Wrightstown Borough.

In his complaint, Paff had alleged that the Harpers violated the Local Government Ethics Law "by failing to recuse themselves from voting on three resolutions that

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awarded a no-bid contract to Mr. Frank, who had a standing business relationship with them by serving as registered agent of the two limited liability corporations." He also alleged that Frank himself had violated the Act "by simultaneously acting as Wrightstown Land Use Board attorney and as registered agent for the two limited liability corporations in which two members of Land Use Board held an interest."

Neff found that both of Paff's charges lacked a "reasonable factual basis for violation of the Local Government Ethics Law." Neff reported that the Local Finance Board "determined that the business relationship between the Harpers and Mr. Frank did not constitute a business relationship that would be in violation of the Local Government Ethics Law." He characterized the relationship between the Harpers and Mr. Frank as "legitimate and unavoidable in a free society" and distinguished it from matters "which are prejudicial and material and ... corruptive of democracy and a free society."

The complaint and dismissal letter are on-line at <http://ogtf.lpcnj.org/2012/2012198o1//HarWright.pdf> We hope that publication of this matter will help local government officers better determine the contours of the Local Government Ethics Law.

## NJLP State Board

### Steering Committee

|                                       |  |
|---------------------------------------|--|
| Chair, Jay Edgar                      | <a href="mailto:chair@njlp.org">chair@njlp.org</a>         |
| Vice-Chair, Kevin Ferrizzi            | <a href="mailto:vicechair@njlp.org">vicechair@njlp.org</a> |
| Treasurer, Joe Siano                  | <a href="mailto:treasurer@njlp.org">treasurer@njlp.org</a> |
| Secretary, Emerson Ellet              | <a href="mailto:secretary@njlp.org">secretary@njlp.org</a> |
| Member At Large, Keneth Kaplan        | <a href="mailto:atlarge1@njlp.org">atlarge1@njlp.org</a>   |
| Member At Large, Vinko Grskovic       | <a href="mailto:atlarge3@njlp.org">atlarge3@njlp.org</a>   |
| Member At Large, Christopher Thrasher | <a href="mailto:atlarge2@njlp.org">atlarge2@njlp.org</a>   |

### County Representatives

|                               |  |
|-------------------------------|--|
| Burlington, Tim O'Brien       | <a href="mailto:burlington@njlp.org">burlington@njlp.org</a> |
| Cumberland, Sheryl Heichel    | <a href="mailto:cumberland@njlp.org">cumberland@njlp.org</a> |
| Essex, Arp Trivedi            | <a href="mailto:essex@njlp.org">essex@njlp.org</a>           |
| Gloucester, William Sihr      | <a href="mailto:gloucester@njlp.org">gloucester@njlp.org</a> |
| Hudson, Thomas Kay            | <a href="mailto:HUDSON@NJLP.ORG">HUDSON@NJLP.ORG</a>         |
| Mercer, Ray Cragle            | <a href="mailto:mercerc@njlp.org">mercerc@njlp.org</a>       |
| Ocean, Joseph Denise          | <a href="mailto:ocean@njlp.org">ocean@njlp.org</a>           |
| Somerset, Frank Warren        | <a href="mailto:somerset@njlp.org">somerset@njlp.org</a>     |
| Passaic, Francine Del Vecchio | <a href="mailto:passaic@njlp.org">passaic@njlp.org</a>       |

## Attorney General Calls NJLP Police Accountability Project

by John Paff, Chairman  
New Jersey Libertarian Party's  
Police Accountability Project

I received a telephone call on Monday, August 6, 2012, from Deputy Attorney General [Vincent J. Rizzo, Jr., Esq.](#) A recent posting I made on a newspaper's blog site had caught Mr. Rizzo's attention and caused him concern.

At issue were some files I placed on-line regarding a July 27, 2012 Press of Atlantic City [article](#) that reported on Jason Dare, a New Jersey State Trooper, being acquitted of drunk driving and refusal to take an Alcotest after an early morning, single car crash in [Hamilton Township](#), Atlantic County.

The files consisted of the "crash report" of Trooper Dare's car accident, the summonses that were issued to him and the incident reports prepared by the Hamilton police officers who investigated the accident and arrested Trooper Dare.

I obtained the crash report and the incident reports from Michael T. Brandenberger, records custodian for the Hamilton Police Department. They contained Trooper Dare's address, license plate number, driver license number and auto insurance policy. Since the latter three categories of information are identified as "confidential personal identifiers" by [Court Rule 1:38-7](#), I redacted them before posting the records on-line.

I received the summonses from Antoinette Tummon, Deputy Court Administrator of the Hamilton Municipal Court. Trooper Dare's driver license number and license plate documents were redacted from the summons, but his address was disclosed. I uploaded those documents to the Internet without further redactions.

Deputy Attorney General Rizzo was concerned that the summons and crash report (as well as one of the incident reports) disclosed the address that was on Trooper Dare's driver license, which Mr. Rizzo told me was the address of Dare's home which he occupied along with his wife and two small children. Mr. Rizzo explained that since Trooper Dare may have done undercover work and may have made himself enemies among the criminal class, my on-line disclosure of his home address tended to put the Trooper and his family at risk. He asked me to further redact the records so as to obscure the Trooper's home address.

My response to Deputy Attorney General Rizzo was probably not what he expected. I remarked that police officers aren't the only ones who have cause to be concerned with the general public knowing where they and their families sleep at night. I used myself as an example, and remarked that I have filed ethics and other

types of formal complaints against a multitude of attorneys, police officers and other officials and the thought had crossed my mind that some of them might respond in a violent manner. I asked Mr. Rizzo whether he would be similarly protective of my home address if someone had, for instance, submitted an [OPRA](#) request for a traffic ticket that I had received and posted the ticket--with my residence address in full view--on the Internet. I also raised a possible societal benefit in making the residence addresses of police officers as easy to determine as those of non-law enforcement citizens. I suggested that this awareness might cause some officers to treat the citizens they serve more reasonably and humanely.

My concluding remarks to Mr. Rizzo were that a) I didn't wish any harm to come to the Trooper or his family but that b) I didn't agree that someone's status as a law enforcement officer automatically exempts him from the concerns that the rest of us face when our personal information is on public display. I also said that c) even if I agreed with him, I didn't think that he and I should decide this issue on an *ad hoc* basis. Rather, I stated that the issue of which, if any, classes of employees, both public and private, should be protected from public disclosure of their residential addresses should be deliberated and decided as a matter of general public policy.

In sum, I offered Mr. Rizzo the following. I would redact Trooper Dare's home address, temporarily, until Friday, September 7, 2012. Such would give Deputy Attorney General Rizzo, Trooper Dare and others in law enforcement an opportunity to obtain a court order or other legal remedy preventing me from reposting the Trooper's home address on the Internet. The court or administrative proceeding leading up to the ultimate decision would allow for public deliberation and evaluation of all aspects of the question.

I believe that this is a reasonable accommodation of law enforcement's concern. While recognizing that I can do nothing to prevent those who have already downloaded Trooper Dare's home address from reposting it elsewhere, I have at least temporarily stopped further disclosure of that information from my Internet uploads until the necessary deliberation and determinations occur.

The properly redacted records (which I recommend to those who wish to see how Trooper Dare interacted with Hamilton officers--e.g. Trooper Dare's brother, Nicholas Dare, is employed as a Hamilton Township Police Officer and Sergeant Gehring reported that Trooper Dare used profanity, slurred his words and had a "strong odor of an alcoholic beverage coming from his breath") are linked from the full article at <http://njlp.org/policeaccountability>.

## Occupy the Hood Holding a March for Justice

by Jay Edgar

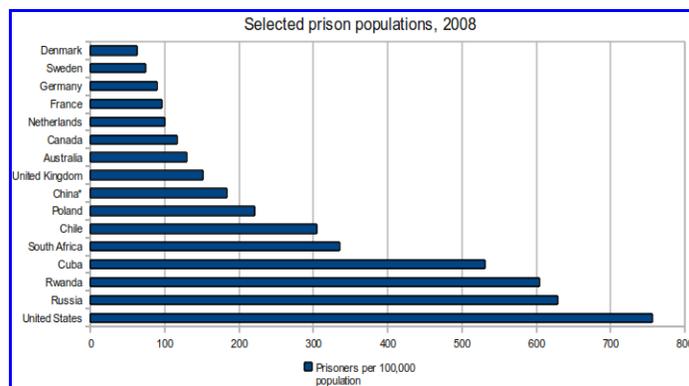
Join [Occupy the Hood](#) on September 14<sup>th</sup> - 19<sup>th</sup> in a March for Justice. The New Jersey Libertarian Party fully supports the efforts of this march and will proudly march alongside the organizers.

The 2010 census found that the United States leads the world with 7.1 million adults under the supervision of various correctional authorities. 4.89 million of them are under some sort of probation and 2.27 million are being held behind bars.

As of January 2012, New Jersey holds nearly 24,000 adults in correctional facilities including prisons and half-way houses. Of those 61% of them are black.

According to the Bureau of Justice Statistics, as of 2001, [about 1 in 37 Americans have served time in state or federal prisons](#). The results of a felony conviction stay with you for a long time. Every job application asks about felonies, and many occupational licenses are restricted. Under the Higher Education act student loans are denied to those who have been convicted of a drug crime. Often, instead of rescuing a person from a life of crime and setting their lives straight, a conviction causes a downward spiral and a disenfranchisement from civil society.

Our insane war on drugs is behind this injustice. While those convicted of violent crimes may deserve a just punishment, those caught up in the war on drugs are punished much harsher than any harm caused by those drugs. According to the [Libertarian News](#), 86% of the



federal prison population is there under non-violent offenses.

Prosecutors too often obtain convictions under false pretenses. They threaten suspects with long prison sentences in order to obtain false guilty pleas. They set suspects against suspects in order to obtain false testimony. [Studies have shown that prosecutorial misconduct to be rampant](#) with no or little punishment being given to prosecutors who ignore or misapply the law.

All of this carnage comes at a huge cost to the taxpayer. In 2010 the cost to incarcerate our prison population in New Jersey was \$1.4 Billion.

### **From Occupy the Hood:**

To All Supporters of Justice and Fairness:

Be a part of history! Join Jersey Freedom Marchers as we seek prison reform and some justice in the justice system.

If you thought activism was dead, if you thought the spirit of the march as an instrument of social change was behind us, if you thought that the tumultuous decades of the mid Twentieth Century were gone, you may be surprised!

In a spirit that recalls the march from Selma to Montgomery, a **March for Justice**, is planned. The March will cover **thirty two miles from Camden to Trenton** on September 14th through September 19th. The focal point of the March is a broken system of Justice. At the end, we will rally at the New Jersey Statehouse. Along the way we are planning to protest at some state correctional facilities like Garden State Youth Correctional Facility, Bo Robinson Treatment Center and the State Parole Board Office.

The organizers of the March seek to draw attention to several points of concern in the "injustice" system, including; an end the industry of incarceration, such as the growing use of prison and confinement to solve the problem of social inequity; an end to mandatory minimum sentencing; an end to torture and sensory deprivation, including solitary confinement; an end to unaccountable use of private agents and agencies to carry out public responsibilities, and finally an end to the expectation that treatment of individuals as animals will transform them into productive citizens. In short, a justice system that is worthy of the ideals of the Constitution, where fairness, transparency and truth will replace the expedient, the hidden and the influence of the dollar.

Please join in this effort in any of the following ways:

#### **As a Marcher**

- We will be walking a little more than 10 miles each day. You can march every step or just join us for a while.

#### **As a Planner/Organizer**

- food, water and shelter planning
- making community contacts in towns we will pass through
- spreading the word before hand
- writing/posting/blogging during and after
- and so much more.

### **As a Supporter**

- Be a financial donor - very necessary in order to make this happen.
- Be a person to provide/drive a support vehicle to carry supplies along the route.
- Donate water, food, clean socks, first aid supplies and such.

Help us in any way you think of. Contact info:

[occupythehoodnj@gmail.com](mailto:occupythehoodnj@gmail.com) or  
[occupynewjersey@gmail.com](mailto:occupynewjersey@gmail.com)

Ineptocracy: (in-ep-toc'-ra-cy) - a system of government where the least capable to lead are elected by the least capable of producing, and where the members of society least likely to sustain themselves or succeed, are rewarded with goods and services paid for by the confiscated wealth of a diminishing number of producers.

### **McKnight for Congress**

by Patrick McKnight

I am honored and excited to represent the cause of freedom here in the crossroads of the American Revolution. The liberty movement has truth on its side and the winds of history at its back.

When Libertarians spoke out years ago regarding the growing tyranny and poverty confronting the American People, we were received with skepticism and incredulous stares. Yet today we find many of the same citizens who said things would never get this bad are the same ones to now claim America is destined for permanent decline.

Fortunately, the economic and political deterioration of America is not inevitable. We can make our country great again by rediscovering our founding principles of individual freedom, fiscal conservatism and constitutionally-limited federal government.

Below are five real solutions to restore liberty, balance the budget and get our country back on track. My campaign is not about band-aids that unfairly burden our children and grandchildren by kicking problems down the road. Rather these are substantive, commonsense policy solutions guided by the record of history. Americans of all political persuasions can embrace these non-partisan measures seldom mentioned by either major party.

**1) Restore the legal supremacy of The Constitution and Bill of Rights.** Restoring the rule of law means restoring freedom. Repeal the NDAA and PATRIOT

ACT immediately. Repeal all unconstitutional executive orders and signing statements immediately.

2) **End the Wars.** Use our military only to defend Americans. Bring our troops home from all foreign bases in 130 countries. End our military occupation of the world and instead use the money **to balance the budget now.**

3) **End the Federal Reserve System.** A privately-owned central bank that artificially sets interest rates, devalues our currency and manipulates prices has no place in a free market. Artificial interest rates encourage misallocations of capital and discourage saving. Issue new gold and silver backed money to halt the inflation that is destroying the American middle-class.

4) **End the Bailouts.** No more legal plunder for failing banks. Separate investment houses from commercial lending institutions. Do not raise the debt ceiling.

5) **Bring manufacturing jobs home now.** End NAFTA. Stop subsidizing the export of American jobs to foreign countries through unfair trade deals. Cut the corporate tax rate to 15%.

I hope these ideas help generate a discussion of real, lasting solutions built around a return to our Constitutional rule of law.

The struggle for liberty will be long and hard. Yet this burden is also our opportunity to make the changes needed for Americans to once again live up to their full productive and creative potential.

Previous generations of Americans also experienced historic national struggle. They endured great hardship so their children and grandchildren could enjoy lasting freedom, prosperity and peace. The very least we can do for future generations today is to also take a stand for what's right. Only when we restore The Constitution, end the wars and end the Federal Reserve will we begin restoring the promise of a free, solvent America for our children.

We must accept that neither major party will address the real issues confronting our families and businesses. The lesser of two evils is still evil. The future is up to us. It's time to take our country back.

Patrick McKnight  
Libertarian for US House (NJ-7<sup>th</sup>)  
<http://McKnight2012.com>

## 2012 NJLP Convention Notes

by Jay Edgar

The 2012 NJLP convention, held in Hightstown NJ was a complete success. In the morning we held our business meeting. During the meeting we elected our officers to represent the party for the year. Jay Edgar was re-elected Chair. Kevin Ferrizzi was elected Vice-Chair. Emerson Ellett and Joe Siano were re-elected secretary and

treasurer respectively. Ken Kaplan, Chris Thrasher and Vinko Grskovic were elected representatives at-large.



### At the NJLP Convention Dr. Alieta Eck Presents the Problems with Government Healthcare and Provides More Realistic Solutions

We nominated movie producer and author Ken Del Vecchio for U.S. Senate. (unfortunately he had to step down from being our candidate due to business demands). Patrick McKnight was nominated to run in the 7th district, Mick Erickson in the 11th, and Dr. Jeff Marvin was nominated to run for Colts Neck Town Council. We selected our electors to appear on the ballot with Gary Johnson, our presidential candidate. A new editor for the newsletter was approved, Amy Korzeniewski and approved delegates to attend the National LP Convention. During County Caucusing the counties of Bergen, Passaic, and Hudson were organized into a multi-county organization with Vinko Grskovic as the Chair. Essex County organized with Arp Trivedi as the Chair. Middlesex, Somerset, and Union organized as the Central Jersey Libertarians (Chair position vacant). Mercer County is organized with David Trend as the Chair. The Ocean County organization is chaired by Joe Denise. The counties of Burlington, Cumberland, Gloucester and Camden Counties have organized as the South Jersey Libertarians with Chris Feeny as the Chair.

After a delicious lunch we were treated to a variety of speakers. Seth Grossman spoke about the awful state of New Jersey finances, the amount of debt the state faces, and presented the idea that we are not really legally bound to pay off this debt because much of the state debt was taken on illegally without voter approval. Dr. Author Poulos talked to us about his experiences founding SciCore Academy and the advantages of private school education. Dr. Alieta Eck spoke to us about why government healthcare would not work for America. She presented an alternative vision where doctors are incentivized towards working volunteer hours at free clinics like the Zarephath Health Center founded by her and her husband. Neil Schloss of the Ron Paul Campaign spoke to us about the activities of Paul's campaign in

New Jersey. Last, but certainly not least, Kate D'Adamo of the Sex Worker's Project, spoke to us about the hardship imposed on sex workers by the state and the advantages of legalizing their trade.

In summary, the convention was very interesting and was well attended. The choice of the venue of The Tavern On The Lake in Hightstown was perfect. After the convention several attendees suggested that we hold it in the same location for a future convention.

## **Upper Freehold Township Advised on Open Public Records Act**

by Jay Edgar

I recently submitted an Open Public Records Act (OPRA) request for two months worth of Upper Freehold Township Committee meeting minutes as both an effort to learn what is going on in my town and to test my town's adherence to the OPRA law. As a result of my request and findings I wrote a letter to the Township pointing out deficiencies and recommending changes to their processes.

Copies of my correspondence and the response can be found at <http://njlp.org/uploads/UFTOPRARequest.pdf>.

I found the township to be deficient in three main areas.

### **Tardy and Incomplete Responses To OPRA Request**

On February 17, 2012 I filed the OPRA request for meeting minutes for four sets of minutes from December 2011 and January 2012. After over two weeks I didn't hear anything back, I followed up with a March 1 email, and a phone call on March 5. I received my first response on March 21 indicating that I would receive the minutes after they were approved.

On April 10, 2012 I received a letter and audio CD containing the recordings of the January 19, February 12, February 16, March 1, and March 15 meetings.

The OPRA laws require a response within 7 days of the initial request. The first response to my request came four weeks after I submitted it. To date my initial request has not been fulfilled.

### **Timely Release of Meeting Minutes**

It has been over five months since the township's December 1 meeting, yet I have seen no evidence that meeting minutes are available to the public yet.

In 2009, in Paff v. Keyport, Judge Lawson set a limit of 30 days for minutes to be made available to the public. See <http://ogtf.lpcnj.org/2009/2009172pj/KeyportSuit.pdf>.

The excuse that meeting minutes not be released until they are approved is not justified. They can be released in an unapproved state with the term 'DRAFT' stamped on the top. This is in accordance with the OPRA Study

Guide for NJ Municipal Clerks, Paragraph VI – I. See <http://njlp.org/uploads/OPRAStudyGuide.pdf>.

### **Vague Reasons for Going Into Executive Session**

The recordings I received contain either no or a vague resolution as to why they the council is going into executive session. The vague resolutions give the public no real sense of the rationale for going into executive session. I understand that the Council needs to go into executive session, but they should inform the public, as precisely as possible the topics that are being privately discussed.

For example, suppose that a municipality is being sued by a Mr. Jones who was injured after he slipped and fell on what he claims to be negligently maintained municipal property. Since the lawsuit is already a public record, there is no public purpose served by vaguely describing a private discussion of it as "pending litigation." Rather, the resolution should at the very least describe the private discussion as "Discussion of slip and fall negligence suit, Jones v. Anytown, Docket No. XYZ-L-012345-11." This way, the public has a very good sense of what the Council's private discussion is about while the ability of the Council to develop its lawsuit strategy is not undermined.

In January 2007, Middlesex County Superior Court Judge Alexander P. Waugh issued a written decision where he agreed with other court decisions that "closed session resolutions should contain as much information as is consistent with full public knowledge without doing any harm to the public interest."

Similarly in February 2011, the Appellate Division of the Superior Court of NJ in McGovern v. Rutgers held that a body must do more than "list the exceptions that would allow it to proceed in closed session." They held that the resolution to go into executive session "should contain as much information as is consistent with full public knowledge without doing any harm to the public interest." See <http://njlp.org/uploads/McGovern-v-Rutgers.pdf>.

A possible model resolution was sent to the township. A similar model resolution was agreed upon in a consent agreement of John Paff v. Englewood Cliffs Board of Education, Docket No. BER-L-2148-12 and in discussions with the Upper Freehold Board of Education. While it is not necessary to use this exact resolution it illustrates the extent of detail that should be included in a resolution to go into executive session.

Do your shopping at <http://njlp.org/amazon>! The NJLP will receive 4-6% of the sale!

Shop for automotive supplies, books, office supplies, groceries, healthcare items, music, clothing, jewelry, pet supplies and more.

## **Nullify Obamacare NJ**

Tenth Amendment Center

We are all familiar with the cliché definition of insanity generally attributed to Albert Einstein: doing the same thing over and over, expecting a different result.

Why then do we still look to Washington D.C. – to the White House, to the Congress and to the Courts – to solve the very problems they themselves created?

Over and over again. Now that's insane!

The solution to ridding our state of the Patient Protection and Affordable Care Act or "ObamaCare" lawlessness is NULLIFICATION! States simply need to stand up and say, "No! We do not accept this, and we will not comply."

The States that created the federal government and agreed to its existence by a compact we call the Constitution are fully empowered to decide for themselves NOT to comply with any act outside the scope of federal authority as enumerated in the Constitution.

Thomas Jefferson held that the states were not "united on the principle of unlimited submission to their general government," and that "the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself." He went on to assert that when the federal government exercised undelegated powers, its acts are "unauthoritative, void, and of no force," and "nullification of the act is the rightful remedy."

Tenth Amendment Center communications director Mike Maharrey contends that states utilizing nullification to reject ObamaCare are simply responding to a rebellious federal government that refuses to act within its constitutional limits.

"Who is really behaving lawlessly here? A federal government that refuses to operate within its delegated powers, and rips authority away from the states and the people? Or the states, working through legitimate democratic processes, saying, "No! We don't accept this"? I would argue it's the federal government that's in rebellion, and it's time for the states to put a check on illegitimate federal power."

The Tenth Amendment Center is fully committed to the nullification of the PPACA in our State.

"States should not fear the consequences of nullification. As per Thursday's Supreme Court ruling, Congress is not permitted to penalize states that refuse to implement ObamaCare. In the majority decision, Chief Justice Roberts stated, "What Congress is not free to do is to penalize States that choose not to participate in that new program by taking away their existing Medicaid funding. However, he added, "Nothing in our opinion precludes Congress from offering funds under the [law] to expand

the availability of health care, and requiring that states accepting such funds comply with the conditions on their use."

Are you willing to trade this latest loss of LIBERTY for a few extra "federal dollars?" Are you ready to join the fight? Are you ready to take back control of your state?

Please join us in this important cause!

The "Federal Health Care Nullification Act" has been introduced in New Jersey. See <http://njlp.org/a861>.

Want to know what YOU can do right now? The TAC's Nullification Toolkit will help you become an organizing powerhouse! How do I organize? How do I mobilize people? What do I do when contacting legislators? Can I set up a petition? Guide is available at this link: <http://www.tenthamendmentcenter.com/nullifyobamacare>

## **Clinton BOE Meeting Minutes Substantially Different Than Actual Meeting Audio**

by John Paff

I have threatened to sue the [Clinton Township \(Hunterdon County\) Board of Education](#) for violating the [Open Public Meetings Act](#) in a way that is new to me - by passing a verbal, closed session motion/resolution during a public meeting that differs substantially from the version of the motion/resolution that is recorded in the meeting's minutes.

By comparing the audio of the Board's meetings with the written minutes, I have found several examples where the Board passed a simple motion, in the nature of "I move that we go into executive session," but then recorded a much more verbose version of the motion in the meeting minutes. One of the main purposes of N.J.S.A. 10:4-13, which requires that public body pass a resolution in public before going into executive or closed session, is to inform the members of the public in attendance of nature of the matters that the body is going to privately discuss. For a public body to simply say that it's going into executive session and then include the details of what topics were privately discussed in the meeting's minutes--which won't be publicly available until weeks later--works against that purpose.

To make matters worse, the resolutions that eventually appear in the Clinton Board's public minutes are themselves defective because they give the public no meaningful sense of what topics were privately discussed. For example, the Board's March 26, 2012 resolution simply states that "matters of personnel and legal rendered confidential" were discussed in closed session.

I have invited the Board to discuss the proposed lawsuit at its May 14, 2012 meeting and have suggested that it could resolve the matter by agreeing to use my "model form" of closed resolution.

## Someday Never Comes

by William Kern

So, the gun debate is back in the news. Some guy went on a rampage in a movie theater. What can we do about it?

I keep being told that in order to prevent gun-related death of all kinds, we either need more laws, stricter laws, or better enforcement of current laws. Sounds fair. But I can promise you that that's never going to happen, and I'll tell you why.

Let's assume it's true- that all we need are better laws. Assume further that after these better laws are passed, gun crimes will either stop happening altogether or decrease to a frequency that we can all accept without wishing for more laws.

Notice I said *after* these laws are passed. *Right now* is something different. Right now, millions of guns are already unregistered, untracked, and out there somewhere. Many are already in the hands of bad (or potentially bad) people. No matter how hard the government cracks down on guns, nothing can override the reality that they're already widely available, and have been for some time. Arguing over who's at fault for that is useless. That much is a done deal.

Until the day comes when the government gives us the better gun laws you might want, what are we all supposed to do? All I can come up with is that we have to just live with the fact that we're helpless to defend ourselves against anyone who has a gun and wants to hurt people. Sure, you could buy your own gun and carry it for self defense. Just don't get caught with it outside your home or in any scenario where it could potentially save someone's life, because that will get you arrested and thrown into prison.\* Ironically, the people who will throw you into prison can already legally carry weapons and don't have to worry about the law.

When whatever government body you trust with your safety finally hammers out the perfect legislation, maybe things will be different. But the perfect legislation has been on its way for decades now, and I'm starting to doubt whether it's even coming. In the meantime, whose

endlessness becomes more apparent with each shooting, don't be shocked when you see incidents like in Aurora, Columbine, and Virginia Tech. The gun-free zones and no-carry laws might score political points with the right people, but saying, "We'll get it right next time," probably doesn't mean as much to the families of the victims of gun violence.

The lesson here is that if you depend on the government for things that are ultimately and rightfully your responsibility, it means you're rolling the dice with your own future. In the case of safety, it both fails to protect *and* removes the means of doing it yourself. If you examine the many other things that government does, you will find many similar patterns.

Of course if government is the problem, then liberty is the answer. I know that record sounds about as broken as the one that says we need more government, but trust me, it hasn't been playing as long. Until we can get less of the former and more of the latter, we're going to be stuck in the same situations waiting for different outcomes. When the next shooting happens, we'll find out.

\*In NJ, for instance, it is basically illegal for anyone to carry any firearm- except the police.

“Tyrants would distribute largesse, a bushel of wheat, a gallon of wine, and a sesterce: and then everybody would shamelessly cry, “Long live the King!” The fools did not realize that they were merely recovering a portion of their own property, and that the ruler could not have given them what they were receiving without having taken it from them.”

— Etienne de la Boetie, 1553

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## **2012 NJ Libertarian Annual Summer Picnic and General Meeting**

The NJ Libertarian Party annual picnic will be held on August 25<sup>th</sup> at the Chair Jay Edgar's house, 8 Arneytown-Hornerstown Road in Cream Ridge, New Jersey.

The Party's Business Meeting will start at from 2:00 PM and the picnic will follow.

Come hang out with fellow freedom lovers and meet our 2012 Candidates for Office. We are looking at broadcasting speeches from Paulfest at our picnic.

Please bring: Your own meat plus one dish to share. Gas grill and tubs of ice with cold soft drinks will be provided along with snacks and picnic utensils. Extra lawn chairs would help.

The picnic is five miles west of Great Adventure near the intersection of Routes 539 and 537. Call (848)525-0578 if you get lost.

### **From the North, South, West, or East:**

Take the GS Parkway to exit 98 and follow Route 195 West to exit 16. Or take the Turnpike exit 7A to Route 195 East to exit 16. Then follow Route 537 West for 6 miles (passing Great Adventure). Make a right at the light onto Route 539 North. Arneytown-Hornerstown Road is your next left in ½ mile. House is on the right across from the church.

### **Alternative from the West, the NJ Turnpike, or Route 295:**

After getting on 195 East take exit 8 (Route 539/Hightstown/Allentown). Keep right for 539 South towards Allentown. Make the first left (539 Bypass/526 East). At the stop sign make a left onto Allentown-Lakewood Road. In 1.8 miles turn right at the light onto Sharon Station Road. Arneytown-Hornerstown Road is 4.6 miles on the right. House is on the right across from the church.

“I have not sought during my life to amass wealth and to adorn my body, but I have sought to adorn my soul with the jewels of wisdom, patience, and above all with a love of liberty.”

- Socrates (469 – 399 BC)



## New Jersey Libertarian Party - - - - -

Are you a current member? **Please consider joining.**

I'd like to join the NJ Libertarian Party! I have checked the level at which I want to join and have enclosed the corresponding dues. I certify that I do not believe in or advocate the initiation of force to achieve social or political goals.

(Signature required for membership only) X \_\_\_\_\_

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