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NJLP Candidates Discuss Campaigns

Sean Colon Assembly, 22nd District



Sean found this election year to be promising for the Libertarian Party. Most of the people he met were dissatisfied with NJ government. He believes the proof of this was the rejection of the Stem Cell ballot issue by voters, when it was expected to win. This shows clear dissatisfaction with the fiscal policies of the NJ Democrats and Republicans.

"This past election has encouraged me to run again because I am confident that with what I have learned I can be more successful during my next campaign. I believe that if we declare ourselves as modern day Libertarians, ones with new ideas, lots of energy, and enthusiasm, that the people of NJ will be more open to listening to us. This will be key in the next election, to shake off the misconceptions about our party and show them our true colors: red, white and blue."

Darren Young Assembly, 21st District



Darren Young ran as a trademark candidate in District 21 this year. There were no debates, and his two Republican opponents were both very well-liked and very pro-limited government. In any case they easily won with about 65 percent of the vote. He is hoping to once again run against pro-Bush, big-government Republican Mike

Ferguson as the NJLP Congressional candidate next year from District 7. He has garnered significant positive publicity for the party by making numerous television appearances during the four other times he has run for this position.

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Eagleton Institute Panel Discussion on Publicly Funded Elections

By Len Flynn, NJ Libertarian Editor

On November 12, 2007 NJLP Chairman Lou Jasikoff and I attended the Eagleton Institute of Politics panel discussion on publicly funded elections in New Jersey. For this year's experimental test of the so-called "fair and clean elections" (FACE) process, candidates in three state legislative districts were required to collect a minimum of 400 \$10 contributions from residents of the district to qualify for "clean elections" labeling and funding. In the 14th District Libertarian Assembly candidate Jason Scheurer managed to meet that standard.

I anticipated that the panel's discussions would essentially support the FACE program where taxpayer dollars are used to subsidize candidates who satisfied the fund-raising criterion. Imagine our surprise when the very first speaker at the panel discussion said that he "hates clean elections" and presented three reasons for his view.

The speaker was Greg Edwards, President of the New Jersey Center for Policy Research. Mr. Edwards argued that the "clean elections" program contains three biases and was simply a disguised effort to alter the rules to favor one side over others in the election process.

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NJLP Candidates Discuss Campaigns

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Darren is aware that next year there may be some friendly competition for the right to represent the NJLP in District 7. His sister, Dolores Makrogiannis, who lives in the same district, ran her first NJLP campaign as an Assembly candidate in District 20. She enjoyed running for office so much that she has expressed an interest in being the party's Congressional nominee. Also, newcomer Sean Colon, who also lives in the district, proved to be one of the NJLP's best and most energetic candidates to come along in years. Fortunately, unlike for state offices you do not have to live in the district to run for Congress, so next year the NJLP may have the luxury of having two "spare" candidates to distribute. Next year will be interesting indeed!

Jeff Hetrick Assembly, 21st District



Although my campaign was fairly limited, I was received quite well by all of the people I spoke to. All in all, I think many people in my area have quite a lot in common with the Libertarian Party ideas. I still believe the party needs to make more of an effort to show that it is in fact socially liberal, while politically/financially very conservative, as many people

seemed to believe that the party is pro life/anti gay marriage, etc.

I also think that the party should at least try to develop feasible plans to combat some state issues such as state spending and revamping the education system. I had some talking points on these issues, but most of the party's stance seems to be too broad without having clear cut methods on how to approach some of these problems.

I worked with Steve Lonegan and the Americans for Prosperity by canvassing some areas, putting up signs, posting stickers, handing out flyers, etc. and I ultimately went to the AFP post election party which was quite a lot of fun. I think it's great that 2 of the ballot questions were rejected, and hopefully this will help send a message to Trenton that nonstop spending and the size of our state government are completely out of control.

Paul Tahan and Derek DeMarco Assembly, 40th District

Derek and Paul had perhaps the most awful ballot position in the state. Derek reported that they were at the bottom of the ballot with six blank spaces between them and the other candidates. He added that his family could not "even see me on the ballot"

because of the location. Paul says that "we did everything we could" and it was a "good experience" to run this year. Derek said that they did get on Comcast TV and that experience was rewarding. He says "I'd like to run again ... it was fun."

Ken Kaplan Assembly, 26th District



Ken said he decided that the paperwork was "too onerous" so he ran a campaign with zero spending. He found the results were "about the same" as he had found previously, in this "overwhelmingly Republican" district, although the number of questionnaires was much greater than it had been before.

Ken and two Green Party candidates were interviewed for *The Daily Record* newspaper and he said it was a "nice interview." Here are some quotes from *The Daily Record* article:

Kaplan said he wants to protect the individual rights of voters and believes that less government regulation should be a key goal. "I want to restore individual liberty," he said. Kaplan said he would repeal the Highlands Act because it takes away individual property rights. He said water quality would be protected through common law practices already in place. "There is no such thing as the common good when it results in the alienation of individuals," he said.

On education Ken said that the tax system should be converted to a system that funds public endeavors through fees, such as a tuition based public education system. He said he would like to see more choice in education, to allow families to opt out of public schools for private or parochial schools, if they feel change would be better for their children. Such a tuition based system would open up school competition and relieve taxpayers of the burden of funding schools not attended by their children.

Ken said that if voters had the power of initiative and referendum, whereby they could generate ballot questions, there would be less corruption in New Jersey. An answer to affordable housing would be to allow homeowners to expand their homes without so much government interference. Finally, all three candidates supported the use of medical marijuana.

The League of Women Voters of Montville-Boonton sponsored a debate and all seven candidates showed up. Ken said the debate "went rather well." The Brookside senior citizens forum invited the Republicans and Democrats to appear on different nights and they also invited other candidates to come either night. Ken accepted an appearance for both nights, but because of another engagement he was only able to come once and debate the Republicans.

**Jim Miller
State Senate, 10th District**

Jim ran a no money raised and no money spent campaign, but he told potential contributors that he would run a medical marijuana fundraiser after the election. The highlight of his campaign was when he got on Comcast to debate with the other two candidates. Jim particularly likes to tangle with Andrew Ciesla, the incumbent Republican, who is a staunch opponent of medical marijuana. For many years Senator Ciesla refused to meet with Jim and his dying wife Cheryl, and Jim was delighted to sting the man for his cruel opposition to pain relief for sick people. Jim will encourage other state medical marijuana contacts to run for office. He will speak at a Libertarian state conference in New York City on January 9, 2008. Jim had the best *Asbury Park Press* photograph compared to the other candidates and that pleased him, too!

**Jason Scheurer and Ray Cragle
Assembly, 9th District**

Jason Scheurer was the first non-Demopublican Fair and Clean Elections (FACE) candidate ever certified by the NJ Election Law Enforcement Commission (NJELEC). Since Jason was in Jamaica at press time taking a well-deserved break, his campaign manager Lou Jasikoff provided insight into the campaign. "Obviously we hoped to do better. We were vastly outspent by the Republicans and Democrats." The figures were \$2.2 million for the four old party candidates for Assembly and \$23,521 for Jason. Nevertheless, the campaign had a considerable impact because it exposed the injustice of the FACE project to alternative party candidates and independents. Legal action has been initiated and is proceeding now. People involved in the political arena have noticed the impact of the Scheurer campaign. (See the article about that Eagleton Institute panel on page 1.)

One great injustice in the campaign was the refusal of public TV Channel 12 to allow Jason and his running mate Ray Cragle to appear on a televised debate. This injustice was noticed by 22nd District NJLP Assembly candidate Dolores Makrogiannis who in anticipation had tuned into News 12 NJ to listen to the 14th District debate only to find the Republican and Democratic candidates alone on the program. She learned later about Jason and Lou's efforts to get into the debate and she applauded them for their tenacity. Dolores says, "I do not think we, as a party should drop this issue. News 12 NJ should be exposed for hindering a 'clean and fair' election."

Ray Cragle gives his comment on his campaign: "I ran a much more active campaign this time, printing and distributing promotional material, starring in a television interview, and participating in several debates. Now 2.45 percent of the voters gave me their support. Last time it was 2.48 percent. I guess if you are an ugly old curmudgeon, it is better to keep a low profile." (Editor's comment—Oh, pshaw!)

**Eagleton Institute Panel Discussion on
Publicly Funded Elections**

By Len Flynn, NJ Libertarian Editor

Continued from page 1...

The first bias was toward the status quo. Incumbents are enormously favored in elections anyway and the clean elections program made things worse. Spending caps favor incumbents because challengers must spend more money to have an effective campaign.

The second bias is a partisan one. It is more difficult to gain contributions from conservative and Republican voters (and Libertarians!) who oppose public financing in principal, while liberal Democrats readily accept it. In addition, it is more difficult to collect the contributions in rural or suburban areas as opposed to urban environments. Edwards specifically noted the unfairness toward our candidate in this year's election and said that he "hopes the 14th District Libertarian candidate wins his legal challenge."

The third bias Edwards noted is special interest favoritism. He pointed out that it is much easier for membership organizations like the Communications Workers of America union to get individual contributions than for a company like Pfizer to get such contributions from its employees. The "clean elections" system also fosters independent expenditures outside the formal election campaigns themselves.

Ingrid Reed is the Director of the New Jersey Project for Eagleton and she asked if there is a way to get our citizens to participate in elections. She mentioned three states with "clean elections" and public funding. In Vermont she noted that the challenger automatically gets more money. In Arizona there are more conservative candidates and in Maine their program was adjusted to accommodate their less affluent residents.

The next speaker was Dr. Gerald Pomper, a Rutgers Professor Emeritus of Political Science. Pomper said he wants a "good" election, which he then defined as meaningful debate by candidates on their positions, accurate information to the voters, relative equality in presentations, uncorrupted access to officials, easier access to run for office, and effective voters, that is voters choices actually affect the political system. Dr. Pomper said emphatically "spending is necessary to educate voters" especially for challengers! He noted that the expected expenditures next year for all elections was \$4 billion and this amount was less than that spent on advertising in one afternoon during the Super Bowl. Pomper added that quality is more important than quantity of money expended and that negative campaigning may be a good thing, if it produces important information for voters.

Pomper stated that he supports giving advantages to major parties. He said the political system should not fund "kooks" and mentioned Dennis Kucinich, the Libertarian Party,

and Ron Paul. This comment disturbed our corner of the audience, but we held our outrage until later in the discussion when Dr. Pomper repeated his insulting comment.

The last panel speaker was Mr. Daryn Cambridge from the organization Democracy Matters. Mr. Cambridge is a 26-year-old graduate of Middlebury College who works with young people and his root concerns are political policies and “private money.” Young people cannot “pay to play.” He cited this statistic: “only 1/4 of 1 percent of people donate \$200 or more to political campaigns.” Dr. Pomper challenged the implications of that statistic noting that the rich do not speak with a single voice.

The student moderator of the panel, Simon Berger, asked the panel to discuss the “free speech issue.” Cambridge felt there was no free speech issue, because it was optional for the candidates to participate. His view is that people who can’t buy access have their speech denied. Ms. Reed noted that in 30 of the 40 legislative districts the political parties do not support candidates who cannot win. Dr. Pomper said more money is needed for campaigns for “the two” parties. Pomper mentioned that Ron Paul gained major funds in the Republican primary recently, implying that alternative parties were unnecessary. Mr. Edwards said there is “no easy fix.” He does not see any way that New Jersey politicians would give challengers more money, and he cited his experience as executive secretary for the New Jersey Senate to support that evaluation. Ms. Reed noted that more and more money is coming from state party funds (an equality just established for the NJLP!). Pomper complained that when you limit contributions then politicians have to spend more time fundraising.

Mr. Berger asked Dr. Pomper about giving public funds to alternative parties. Pomper said not to give the money “until they get big.” (“Kooks” again.) Edwards agreed that money should not be distributed freely, and this limitation provides huge benefits to the two old parties. His concern, however, is that once the qualification for public funds is met then how can you justify denying them to alternative parties and candidates?

At this point I spoke to the panel and asked the panel members to hear someone who actually had gone door-to-door to collect contributions for “clean elections” qualification. Lou Jasikoff spoke about the prodigious effort needed to qualify our District 14 candidate. Lou mentioned he took offense at Pomper’s “kooks” comments, which implicitly marginalized alternative parties and candidates. While Lou was speaking I distributed a flyer documenting the discrepancy between the enormous funds provided to Republicans and Democrats compared to the relative pittance provided Jason Scheurer. (Figures are \$2.2 million for the 4 Republican and Democratic Assembly candidates and \$23,521 for Scheurer.)

Edwards mentioned why the selection of District 14 for the clean elections trial program was an example of why we can’t trust the politicians. The Democrats picked District 14 over the Republicans who had preferred district 12. District 14 was

supposed to be a closely contested election and Democrats swept it. In contrast, for District 12, the Republicans won an “unclean and unfair” (huge spending) contest. “FACE” had no obvious effect.

Berger ended the panel discussion with a presumed conclusion that all panelists could accept: “We want competitive elections with emphasis on issues and positions, but how do we do it?”

Members’ Letters to the Editor

Politicians wasting time on frivolous issues

By Fred Stein, Dayton section of South Brunswick
Published in *The Sentinel* newspaper for June 21, 2007.

It seems that the government on all levels is out of control. While high property taxes are driving the exodus of people out of the state, our politicians are dealing with frivolous issues. Our local politicians are wasting time on creating new ordinances for massage parlors (“Chief hopes to rub out illegitimate massage spas,” June 7). Is this the number one problem facing the people in South Brunswick?

The state legislature is debating gay marriage. Marriage should be classified as a private contract involving consenting adults. Government should get out of the business.

On the federal level, we are being destroyed by our occupation of Iraq. Our soldiers are being killed and crippled. Our civil liberties are quickly disappearing as we grow further in debt.

The question now is what to do. Stand up and be heard. Act as if the next election is your last, because it could be. Do not forget to buckle up your seat belt.

Praise, not condemnation

By Mark Richards, Guest Contributor
Published in *West Milford AIM* on September 28, 2007 and also in *Suburban Trends* September 23, 2007.

Our U.S. Representative in Congress, Scott Garrett, has been taking a lot of heat lately by not supporting the animal fighting prohibition enforcement act, which grew out of the frenzy over the Michael Vick dogfighting case. Far from being attacked by “animal rights” groups and the press, Rep. Garrett should be praised for his clear understanding and interpretation of the U.S. Constitution. I have before me my pocket size edition of the Constitution published by libertarian Cato Institute [cato.org]. Under article 1, section 8, the only criminal activities that Congress is authorized to legislate on are counterfeiting and privacy. Sorry, being nice to animals isn’t listed among the powers delegated to Congress!

Such laws, if they must be passed at all, belong to the legislative authority of the individual states or local entities.

It never fails to amaze me how the American public allows itself to be manipulated by the media regarding every "hyped-up" crisis. There is a very unhealthy relationship between the media and the government in this country in which certain issues are blown out of proportion and hysteria is created. The result is the public surrenders more of its liberties to a strong centralized federal government in Washington. Terrorism, drugs, guns, racism, poverty and now dogfighting are examples of the stampede away from limited constitutional government and toward more dictatorial centralization.

I've taken issues with some of Scott Garrett's votes in Congress in the past (he's too much of a supporter of Bush's disastrous foreign policy), but this one time Garrett got it right. He deserves praise, not come condemnation, for his correct constitutional stand.

Mark Richards is a resident of West Milford.

Jasikoff's Challenge to Pomper's Insult

Gerald Pomper
Professor Emeritus of Political Science
Eagleton Institute of Politics
191 Ryders Lane, New Brunswick, NJ 08901
Re: Eagleton Institute panel discussion on fair and clean elections

November 13, 2007

Dear Mr. Pomper,

Having attended the forum on the "Fair and Clean Elections" (FACE) program last night at the Eagleton Institute of Politics, I want to voice my displeasure over your remarks describing Ron Paul, Dennis Kucinich, and the Libertarian Party as "kooks".

As you were a panel member, professor, and a respected member of the Rutgers community, I expected a more intellectual discourse on the issues from you. I voiced my concerns over your remarks, and that I found them to be offensive. Even after you told me not to take it personally, you found your way to repeat your remark further into the discussion. This convinces me that you did not merely have a slip of the tongue, or that I misunderstood your meaning.

It took four dedicated months of hard work to insure our Libertarian candidate became a certified FACE candidate. There is no reason for you to marginalize our efforts, or those of other candidates not of your choosing by using disparaging remarks.

As a private citizen you are entitled to any opinion you so choose. As a recognized "elections expert," serving on the FACE panel it is unprofessional to use your position to promote your own major party bias.

I hope that the Eagleton Institute does not share your agenda to enrich only the Republican and Democratic parties, or major candidates of your choice. The Eagleton Institute plays a major role in the formation of public policy as it relates to elections in New Jersey and its integrity and independence must be maintained by insuring its forums, panels and recommendations are bias free.

Sincerely,
Lou Jasikoff

Lou Calls on Others to Comment About Pomper's Statement

Jasikoff said: "If you find the remarks made by Gerald Pomper to be offensive to Ron Paul, Dennis Kucinich or the Libertarian Party please let him know at 732-932-9384 X222 or E mail gpomper@rci.rutgers.edu You can also let Eagleton Institute of Politics know your feelings at 732-932-9384 or eagleton@rci.rutgers.edu and contact Ingrid Reed, Director of the New Jersey Project. Several individuals did just that.

Ken Kaplan writes to Dr. Pomper

I was appalled to hear of Gerald Pomper's dismissive and disrespectful remarks about the Libertarian Party, uttered at a Monday night forum. How can the public policy research and polling of an organization be trusted when a professor emeritus affiliated with the institute refers collectively to Ron Paul, Dennis Kucinich, and the Libertarian Party as "kooks?" Is this bias against any voice which is not mainstream Democratic or

Republican ingrained in the Eagleton Institute? Every political scientist knows that polling questions shape polling answers concerning issue questions. Further, if a candidate's name is omitted from a poll, he or she is certainly not likely to show up in the poll results. I would like to be assured, going forward, of a lack of bias against 3rd parties and mavericks within the major parties. Professor Pomper has badly damaged your reputation. I hope the Institute will issue a condemnation of the Professor's remarks in order to restore public confidence in your objectivity.

Dr. Pomper replies to Ken

I write to respond to your letter on the Eagleton panel Monday night. Let me first make it clear that my comments were personal, and in no way reflect the positions of the Eagleton Institute of Politics. I was invited by the sponsoring organization, and Eagleton provided the locale. They did not sponsor, endorse, or indeed even know in advance what I would say.

On this personal level, allow me to also apologize for the offending comments. I am prone to extravagant language to promote discussion, but went too far in this instance. I meant no personal disrespect ... these are my own opinions, not Eagleton's. I think you will find the Institute open to all views, and to all minorities.

Gerald M. Pomper

Chris Wuestefeld writes to Eagleton Institute officials

Dear Director Mandel, Associate Director Weingart, Project Director Reed, and Professor Pomper:

While I did not have the opportunity to attend the FACE program on Monday, the proceedings of that evening have been a matter of some discussion amongst my colleagues. The particular item of controversy is the repeated characterization of Representative Ron Paul, Dennis Kucinich, and the Libertarian Party as "kooks" by Professor Pomper.

I feel it necessary to bring this to your attention because such an attitude from a person in Prof. Pomper's position is inappropriate and dangerous, and since he served as a voice of the Eagleton Institute, conveys an elitist picture of the Institute and demonstrates that it is a failure in achieving its Mission.

After hearing of the professor's remarks I visited your web site, wondering what kind of organization would voice such views. I was surprised to discover that these remarks, coming repeatedly in an official capacity, derive from an organization that views itself as a shaper of New Jersey's political environment. Indeed, I now wonder if this is, in fact, part of what is wrong with New Jersey's political environment.

Wondering what philosophy it might be that drives such an approach, I visited the page containing your Mission Statement, at <http://www.eagleton.rutgers.edu/Mission.html>. From that statement I learn that the Institute focuses attention on how contemporary political systems work, how they change, and how they might work better.

Professor Pomper's comments seem to actively interfere with achieving these goals. It is impossible to understand these topics if, as a matter of policy, the studies exclude any political groups other than those in power. Marginalizing those out of power must prevent any change in a political system. One must

assume, for example, that in the Presidential election of 1860 the Eagleton Institute would have studiously ignored Abraham Lincoln; after all, that party was founded only 6 years earlier, and there had never before been a Republican elected President.

The Mission Statement goes on to explain that the Institute specialize[s] in the study of: ... minority and immigrant political behavior; campaigns, elections and political parties; civic education and political engagement.

In order to square Prof. Pomper's statements with this Mission, we must interpret the Institute's interest in minority political behavior such that its only concern is over skin color and sexuality; behavior driven by groups sharing a philosophical system appears beneath its notice.

Further, the Eagleton Institute's studies of elections must be lacking, in our current environment of narrow margins of victory. When the polling and vote results are such that even a minor candidate acts as a "spoiler" between the major candidates, thus having a profound effect on the outcome, the Institute seems to be missing out on an important part of the election dynamic.

If the Eagleton Institute's mode of "education and public service" in the area of "political engagement" is to dismiss whole groups of people as "kooks", then it seems that the Eagleton Institute is doomed to failure in the Mission they've set for themselves.

Given the rancid flavor that Professor Pomper has left in the mouths of this New Jersey minority group, it would be helpful for the Eagleton Institute to clarify what its position is with respect to Representative Paul, Dennis Kucinich, and the Libertarian Party.

Pomper apologizes to Jasikoff

On November 14, 2007 Louis Jasikoff received a written apology from Gerald Pomper of the Eagleton Institute.

Mr. Jasikoff,

I apologize for my comments. I am prone to extravagant language to promote discussion, but went too far in this instance. I meant no personal disrespect, and I fully support the rights of any citizen to engage in politics in any peaceful fashion. I do have an intellectual, as well as personal, preference for a two-party system, and think that dissidents would achieve more by trying to win in party primaries than in third parties. Choosing a course for political activity is, of course, your choice, and I do respect your dedication. I am truly sorry that I offended you and will be more careful in the future.

Gerald M. Pomper
Board of Governors

John Paff provides insight about Dr. Pomper.

Mr. Pomper serves, or at least used to serve, on Highland Park's Redevelopment Agency--the agency that is charged with handling the details of blighting and condemning private property. I mention this for a few reasons, but mainly because his 2004 Financial Disclosure Statement, which I secured a few years ago and put on-line at <http://www.lpcnj.org/OGTF/HPWebready.pdf> indicates that he accepted an honorarium from Bayonne Mayor and former State Senator (now Commissioner of the Department of Community Affairs) Joseph V. Doria for "personal appearances, speeches or writing."

NJLP Leaflet From the Eagleton Panel Meeting

Publicly Funded Unfair Elections

By Len Flynn, N.J. Libertarian Newsletter Editor

Were this year's selected campaigns "Fair and Clean" or dirty with business as usual? Let's look at what happened in District 14, where the old parties had a real challenger--Libertarian Jason Scheurer. Jason was able to satisfy the difficult "Fair and Clean" qualification step in gaining 417 contributions of \$10.00 from District 14 voters, so he received Clean Elections funds of \$23,521.00. His opponents each received the maximum grant funds of \$526,375.00! Then incumbent Linda Greenstein received even more, an additional \$100,000 in "Rescue Money," plus her running mate got another \$14,254.77.

No "rescue" for Jason even though he was blocked from participating in the District 14 debate on News 12 New Jersey News. Jason was outfinanced by \$2,219,754.77 to \$23,521 in taxpayer dollars by his Republican and Democratic opponents. (That's a ratio of 249 to 1!) This is "Fair and Clean"?

Realities of campaign financing are that publicity costs money -- "Free speech" isn't free! Promoters of new ideas and newcomers to politics need to spend more money. Equal spending limits hinder challengers more than incumbents:

Doria is a very prominent Democrat and I think it's fair to say that one doesn't receive honoraria from him unless he is politically aligned with and loyal to the Democratic Party. Also, Highland Park is entirely controlled by the Democratic Party, and one doesn't get appointed to a position there unless he is also so aligned and loyal.

I don't think Pomper is as much a political science professor who happens to be a Democrat as much as he's a Democratic Party operative who happens to be a college professor.

- Name recognition
- Conversion harder than repeat vote
- Issue identification and development

Only wealthy independent candidates can afford to run, because contribution limits stifle other potential candidates. Unless they can satisfy the party bosses and thereby gain organizational backing, candidates can forget about having any chance of being elected.

Other Issues:

"Soft money" (voluntary contributions to political parties not candidates) donations facilitate voter registration drives and get-out-the-vote efforts, thereby supporting democracy. Compulsory disclosure exposes contributors to retaliation and harassment.

References:

1. Filip Palda; *How Much Is Your Vote Worth? The unfairness of campaign spending limits*; Institute for Contemporary Studies, San Francisco, CA (1994).
2. Fred S. McChesney; *Money for Nothing: Politicians, rent extraction, and political extortion*; Harvard University Press, Cambridge, MA (1997).
3. Bradley A. Smith; *Unfree Speech: The Folly of Campaign Finance Reform*; Princeton University Press, Princeton, NJ (2001).

John Paff Still Raising OPRA Issues

Libertarian puts Mount Arlington on notice

Michael Scholl in the October 5, 2007 *Daily Record* reported that an official with the state's Libertarian Party has filed a notice of an intent to sue the Mount Arlington Borough Council for alleged violations of the state's open records and open meetings laws.

"That's not democracy," Paff said. "The public has a right to know what these guys are doing." Paff said he hopes a pre-lawsuit settlement will be reached in which the borough will agree to be more informative about the reasons behind its closed sessions. He said he doesn't want to have to sue the borough

because it would only cost the taxpayers money. "I'm just kind of giving them a wake-up call here," he said.

Michael Scholl in the October 17 2007 *Daily Record* reported that in an interview Paff said it was "good" that the borough appears willing to make changes. But, he said, "I'm not clear on exactly how well they are going to comply." He was going to adopt "a wait and see attitude" to see how well the borough does in making its promised changes. "I'm going to let it go for a little while and take a look at it in a couple months," said Paff, who said any decision on whether he will file a lawsuit against the

borough will not be made at least until January. "I'm not in any hurry here to sue Mount Arlington," said Paff, adding. "I really want to do the lawsuit as a matter of last resort."

East Rutherford Board of Education and the Lyndhurst Board of Commissioners

Senior Reporter Susan C. Moeller for the October 11, 2007 *The Leader* presented John's threatened lawsuits against the East Rutherford Board of Education and the Lyndhurst Board of Commissioners as follows: "Open government scrutinized by Libertarians."

John Paff, the chairman of the project, actively seeks information about how various government entities comply with the rules. He has investigated the Open Public Meetings protocols of over 50 public bodies over the last several years. Locally, he has initiated reviews of Lyndhurst's Board of Commissioners, North Arlington's Borough Council, Rutherford's Borough Council and East Rutherford's Board of Education. After reviewing executive session minutes and resolutions provided by the LBOC and the ERBOE, Paff threatened lawsuits against both boards.

Lyndhurst responded to Paff's threatened lawsuit by promising to do better, and they passed a resolution to that effect. "I'll check back in six months," Paff said. "They had better be serious about what they are doing."

In East Rutherford, Paff questioned the level of specificity in executive session resolutions and minutes. It's not possible to judge if the ERBOE's executive session actions are right or wrong, Paff added, "if you can't figure out what they are doing in the first place." Minutes are intended to "be an accountability mechanism," he added. But, the ERBOE's "minutes and resolutions are functionally useless."

North Arlington had not forwarded requested records to him, Paff said. And Rutherford, he noted, has already been sued by another organization for Open Public Records violations. With that heightened awareness, they are probably doing better than other public bodies, Paff said, noting that he will close his review of the borough soon.

Two complaints filed on behalf of the LP against the Willingboro Board of Education

Editor's note: John Paff normally threatens a civil action when he finds a public body out of compliance with the OPMA. In the following case, however, he believes that there is evidence of a knowing and purposeful violation, so he sent two complaints to the county prosecutor.

Melissa Hayes reported in the October 19, 2007 *Burlington County Times*: Open-government complaint filed against Willingboro Board of Education

John Paff, a member of the Libertarian Party in New Jersey, filed two complaints this week against the Willingboro Board of Education with the Burlington County Prosecutor's Office. He said it appears the board attempted to keep deliberations with the mayor and acting township manager from the public by not inviting enough board members to form a quorum, which would have mandated that the meeting be held in public. Paff argues that although board policy states that five people make a quorum on the nine-member board, four members is an "effective majority" and should have met in public.

"There is evidence that the board's actions in this regard were not merely negligent or heedless, but were willful and should invoke (the legal) penalties," he said in the complaint. Paff said he hopes Bernardi will act on the complaints and set a precedent that residents can file complaints with the prosecutor rather than the courts, which can result in costly legal fees.

"I think I've got pretty good evidence," Paff said. "I don't know how the prosecutor can plausibly say that this isn't worth an investigation."

Future Meetings & Events
 Tuesday, December 18 - Steering Committee Meeting:
 Tumulty's Pub, New Brunswick at 6:00 PM

NJLP 2007 Election Results

OFFICE	NJLP CANDIDATE	DISTRICT	VOTE	LP VOTE %	
Senate	Jim Miller	10	2038	4.26%	3 rd place
Assembly	Jason Scheurer	14	1770	1.72%	5 th
Assembly	Ray Cragle	14	1303	1.27%	6 th
Assembly	Jeff Hetrick	21	820	0.90%	8 th
Assembly	Darren Young	21	860	0.97%	7 th
Assembly	Sean Colon	22	1174	2.41%	5 th
Assembly	Dolores Makrogiannis	22	983	2.03%	6 th
Assembly	Ken Kaplan	26	570	0.73%	7 th
Assembly	Paul Tahan	40	810	1.06%	6 th
Assembly	Derek Demarco	40	841	1.10%	5 th

The New Jersey Libertarian

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