



# New Jersey Libertarian

November / December 2005

## Libertarian Vote Totals

In a state governed by entrenched, old party darlings, funded by pay-to-play, and increasingly known for its corruption, maintaining a Libertarian presence for the voters is itself a victory. Thanks to all our candidates!

Jeff Pawlowski (Governor) 14,998  
Kevin Ferrizzi (Assembly, 5<sup>th</sup> District) 1,095  
William Hunsicker (Assembly 14<sup>th</sup> District) 693  
Jason Scheurer (Assembly 14<sup>th</sup> District) 680  
Kenneth Kaplan (Assembly 26<sup>th</sup> District) 653  
Tony Pio Costa (Assembly 26<sup>th</sup> District) 829  
Lou Jasikoff (Assembly 35<sup>th</sup> District) 181  
James Conway (Assembly 39<sup>th</sup> District) 754

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## Scheurer-Hunsicker Campaign Radio Spots

The Scheurer and Hunsicker for Assembly campaign (14th District) ran radio ads on NJ101.5 on Monday, November 7th and Tuesday, November 8th.

There was one ad each morning on the Jim Gearhart program and 3 ads on Monday on the Dennis and Judy program and 2 ads on Wednesday on the Dennis and Judy Program.

These ads were written and recorded (and mostly paid for) by Jason Scheurer.

Bill Hunsicker, Chairman  
Scheurer and Hunsicker for Assembly

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## I declare victory!

By Jeff Pawlowski

Our goal from the beginning of this campaign was to participate in two televised debates. We accomplished that goal. Although the vote totals were dismal, I am still encouraged by the support I received. It took the principled conviction of 14,000 people to pull the lever for a candidate that had no hope of winning, but best represented their values.

I wish I could personally thank each person that did vote for me. Instead, I have to be content thanking you here. My political career is not over. I look forward to your support in the future, however and wherever that may be. I believe I earned your trust, and I am in your debt.

I especially want to thank each member of my campaign team. It is their combined effort and vision that made my race possible. I could never complain about the results where the winner spent \$50 million, the runner up spent \$40 million, third place spent \$.8 million, while our budget was in the thousands. I was the on-air talent: My team made the campaign possible.

And finally, I want to thank my lovely wife Carol. Without her support and her running our household these last months, I could never have been able to participate in the political process. Honey, I'm coming home.

For the rest of you, watch for my announcement after the holidays on what we'll be doing for the next election cycle. Thank you, and keep the dream alive.

## Pawlowski Campaign Studies Results

Jeff placed fourth in the gubernatorial race. The vote totals were not spectacular however it should be noted that Jeff did much better than our 2001 gubernatorial candidate, Mark Edgerton. Jeff got OVER THREE TIMES AS MANY VOTES than Edgerton did in 2001. Edgerton came in fifth in a field of eight candidates. Jeff came in fourth in a field of ten candidates. We had our best performance in Middlesex County where Jeff received 1.67% of the vote.

Our vote totals were:

Jeff Pawlowski	(Governor)	14,998
Kevin Ferrizzi	(Assembly, 5 <sup>th</sup> District)	1,095
William Hunsicker	(Assembly 14 <sup>th</sup> District)	693
Jason Scheurer	(Assembly 14 <sup>th</sup> District)	680
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James Conway	(Assembly 39 <sup>th</sup> District)	754

\* Note in the assembly races voters could vote for two candidates. Percentages are calculated based on total number of votes, not number of voters. To get rough percentage of voters who had voted for a libertarian assembly candidate, double the assembly percentage above.

I believe that we were hampered by several circumstances. The Gubernatorial race between the Republicrats was perceived by many voters to be close. This made many voters fall into the trap of thinking that a vote for a third party would be a wasted vote. All of the "third party" gubernatorial candidates together only received 3.6% of the vote.

Castillo earned 1.2% of the vote. Castillo was able to qualify for matching funds, which gave him a 15 to 1 spending advantage over Jeff. Castillo's platform was sparse, his website was horrible, yet by having more money for advertising he was able to get his name before the voters.

While the campaign had successes we also had problems. Most noteworthy was our lack of funding early in the campaign. This hurt our ability to perform extensive national fundraising early enough. We also should have spent more time developing a comprehensive platform early in the campaign so that donors would feel more comfortable giving to the campaign.

Another factor was ballot placement. In most counties better ballot placement is given to those parties with more candidates. In the future we need to run more candidates at all levels of government.

A more comprehensive critique of the campaign is in process and will be presented at a future date. Please feel free to share with me any critiques of the campaign.

Note our work is not completely done. The campaign is responsible for removing all yard signs. If you put up yard signs please take the time to be sure that they are removed. The wire frames can be reused by another campaign, so if you can, save the wire frames and get them to me.

Jeff and I thank everyone who has helped and/or donated to the campaign. Without the valuable resources of our supporters Jeff would never have made it into the debates. Special thanks goes to both our candidate Jeff Pawlowski and to Jay Boucher for their tireless work with the campaign.

The Pawlowski campaign and our Assembly campaigns successfully placed the Libertarian Party and its principles before the citizens of New Jersey. We need to take the momentum and exposure we gained and use it to our advantage in 2006. We need to start finding candidates for 2006 now! A senate race, congressional races, and many local races will be up for grabs. If either you or someone you know is interested in running contact me or another Board member.

Jay Edgar  
Chair, Pawlowski for Governor

## **Jeff Pawlowski Profiled in Home News Tribune and Asbury Park Press**

From Ray Babecki: NJLP's 2005 candidate for NJ Governor, Jeff Pawlowski, was profiled in the 10/15/2005 editions of the Home News Tribune (Middlesex/Union Counties), and The Asbury Park Press (Monmouth/Ocean Counties). Both newspapers had essentially the same story; the APP included a 'biography' section (not included here) that did not appear in the HNT article.

### **Less is better to Pawlowski**

Home News Tribune Online 10/15/05

By Lauren O. Kidd, Gannett State Bureau

If one gubernatorial candidate got his way, seat belts would be optional, backyard sheds would be built without permits and elected officials would not earn wages, collect health benefits or receive pensions.

Marijuana would be legal. All government dealings could be viewed online. New Jersey's first family would forgo Drumthwacket. And all qualified gubernatorial hopefuls would be invited to participate in official debates.

This is Jeffrey Pawlowski's vision for the state of New Jersey. The Libertarian Party's nominee for governor hopes for a "less intrusive," "smaller" and "more open" state government.

"The people of New Jersey are so vibrant. They work so hard. They should expect the same from their government," Pawlowski said.

Seated at the kitchen table of his Parlin home, Pawlowski delved into his political platform. With wife Carla out, daughters Alexis, 7, and Nicola, 4, colored in the next room, as Pawlowski described what he called a "kitchen table campaign."

"No one is hitting the real issue," Pawlowski said. "The government just keeps growing and growing."

His team has no paid workers but has five "core volunteers," he said, including lawyers, accountants and computer people who donate a combination of "time, talent, and treasure." His Web site collects donations from across the country and receives about 100 hits per day, he said.

"We are very smart people in New Jersey, well-educated. We don't need government to tell us every little bit what to do," said Pawlowski.

Pawlowski, who grew up in Perth Amboy before moving to Parlin, is a former Democrat who served as a Sayreville councilman from 1991 to 2001, then switched political parties three years ago.

"He is an honest man," said Lou Stefanelli, treasurer of his campaign. When you become a Democratic councilman you have to "check your conscience at the door," the former Republican said. Pawlowski "left the Democrats because he couldn't do that."

Pawlowski says New Jersey government "has become almost an icon of inefficiency."

Although major party candidates Republican Doug Forrester and Democrat U.S. Sen. Jon Corzine have presented their plans to reform the state, Pawlowski remains skeptical.

"How could you change something if you are a part of it?" Pawlowski asked. "And that's the problem with these guys. The system ties their hands to do anything."

"Being a member of either the Democrat or Republican Party, you carry a lot of baggage. You have to stay quiet when travesties in Trenton are done," he said.

The Libertarian Party wants to "make a difference, shake the system up," Pawlowski said. The party's 1997 nominee for governor, Murray Sabrin, got over 114,000 - a record for a third-party candidate.

"When you are running for governor, you don't always have to win to make a difference," said Pawlowski.

"Third parties refresh the political dialogue and provide ideas," Stefanelli added. Someone has to be "doing the pioneer work and taking arrows. If more people voted third party, you would see the Republicans and the Democrats move toward that party position."

Pawlowski has angled his way into the official Election Law Enforcement Commission debates. To be eligible, a candidate must raise and expend \$300,000. To reach the threshold, Pawlowski loaned his campaign \$275,000 and paid it back the next day.

Pawlowski isn't seeking state matching funds. "If you are against big government, why would you want government to help you?" he asked.

Pawlowski, the owner of a landscape-supply company, says he has "a much better perspective of what is going on in the state of New Jersey," than the millionaire main party candidates.

He plans to spend up to \$100,000 on his campaign. Most of that money is going toward ads that will urge voters to call NJN and tell the public television station to invite front-runners Forrester and Corzine into an official ELEC debate on Thursday.

"I am willing to give up my campaign dollars to promote myself just to make sure that government is opened up and that the people get the choice," Pawlowski said.

## **Pawlowski Debate Performance Praised by Carla Howell in Small Government News**

Small Government News\*  
Tuesday, November 1, 2005

The official publication of the Center for Small Government  
<http://www.CenterForSmallGovernment.com>

### **Jeff Pawlowski Redirects Questions from Big Government to Small Government in New Jersey Gubernatorial Debate**

On Tuesday, October 18 th , New Jersey gubernatorial candidate Jeff Pawlowski (Libertarian), who has signed the [Small Government Pledge for Candidates](#), participated in a televised debate with 3 of his opponents. He successfully redirected several questions posed in the debate from Big Government to small government.

Like most questions from the media, the questions they asked the candidates suggested government solutions to Big Government problems. Rather than fall for this bait, Jeff Pawlowski redirected the discussion and identified Big Government as the heart of the problem. He proposed shrinking Big Government and making it much smaller than it is today.

Below are excerpts from the moderators' questions and his responses:

Moderator Question:

Both of the major candidates in this race have either offered rebates or cuts in order to help home owners deal with high property taxes, neither of which really changes the system that relies primarily on one tax to pay for education. So my question is should the tax structure be diversified and should the State do more to pick up the cost of education so the communities don't have to bear most of the burden.

Jeff Pawlowski Answered:

The question of whether the tax structure should be changed kind of glosses over or points to the symptom, rather than the real problem. The real problem is that spending is out of control.

I am old enough to remember when there was no sales tax, no lottery, no income tax, no Atlantic City, and no gimmickry to get by with the budget. The deal is you have to bring back the spending question. No one wants to talk about this. Everyone wants to talk about giving away 30% here or giving away 40% there. It doesn't matter how you get hit by the hammer, or where you get hit: The idea is not to get hit by the hammer. The idea is to reduce that hammer of property tax that breaks apart our families.

Many families have spouses that just work basically just to pay taxes in New Jersey, and this is the problem that causes families to break up and causes the need for more social services. The answer is "Let's shrink the size of government, let's shrink the spending, and then, where we get our taxes will be a much easier problem."

Moderator Question:

Everyone has talked about ending pay-to-play corruption in politics and curtailing the power of political party bosses. What are your specific plans to end awarded contracts in exchange for political contributions and how difficult will it be to fight political party patronage?

Jeff Pawlowski Answered:

Willie Sutton, a famous bank robber, was once asked why he robs banks. He said, "That's where the money is." When you look at pay-to-play, that's the problem. As long as the government stays big, and there is lots of money, people will find a way to wiggle around everything. They have this pay-to-play, and they have wheeling, and the people that write the laws write it so they can wiggle out of it. If we shrink the size of the government, and get the money out of it, then no one is going to be there to take it. All this pay-for-play stuff didn't matter 50 years ago, or 60 years ago, when Trenton was a quiet, sleepy town. Nowadays, it is the biggest growth industry in town. God, when you come to Trenton, all you see is cars going back and forth and doing what, I'm not sure anyone knows there what's going on.

But if you get rid of the money, you'll get rid of the people taking the money. It's as easy as that. You're never going to solve the problem, because if there is one thing that our politicians are good for, it is that they can figure out a way to wiggle around a law, because they write the laws.

## Libertarians in Print

### **Pawlowski, Castillo deserve better**

Herald News, 11/2/05

I am a person that believes strongly in opportunity for all. I believe that all people, regardless of race, color, creed, sexual orientation, political view or social status should have the same and as many chances possible to promote themselves, be it in the job market, in business, in government or wherever. When opportunity is denied it cuts like a knife, not only through one's gut but through the entity we call the American Dream.

In September, two qualified independent candidates for governor were denied an opportunity by the New Jersey Network to present their ideas and views to the voters of the state. Acting at the behest of the two major party candidates, Republican Doug Forrester and Democrat Jon Corzine, NJN saw to it that the views of neither independent candidate Dr. Hector Castillo nor Libertarian Party candidate Jeffrey Palowski would be heard.

Though both men were allowed to participate in the second debate, and were featured in a third party debate by NJN against each other, the fact that they were denied in the first upsets me greatly. Since that denial, Pawlowski and Castillo have been treated with disdain, as nothing more than flies in an ointment, by a majority of the New Jersey press.

What this episode shows is that not only does the New Jersey press corps want to "report the news," but it wants the power to declare who should be king. That can never be.

Pawlowski and Castillo both qualified by raising the necessary funds to get into the debates. The gubernatorial race should have been a contest between four qualified candidates, not two.

While the press may be pleased, many would-be voters in this state are not. They were denied the opportunity to have other voices heard.

Alex Pugliese, Kenilworth

### **They're listening!**

This letter was so refreshing that we're including it, although it's not by an NJLP member, or even a libertarian... yet. This converted voter shows why even lost elections are victories, if they're as well run as the Pawlowski campaign, and the NJLP is as well served by its candidate as it was by Jeff.

### **Debate didn't make candidates shine**

Home News Tribune Online 10/26/05

The way I see it, after watching the New Jersey governors debate on TV, is that Corzine talks like John Madden: To be a good football player a player has to be good, then a player has to be good to be a good football player, to become a football player that is good.

Castillo probably asks his patients what they think is wrong with them then tells them the same thing just using different words.

With Forrester, I don't see how anybody could vote for this melodramatic moron.

The only thing that came out of the answers to the questions that were posed were that Corzine is the fault of everything that is going wrong in this country today. I'm sure if the debate were any longer, Corzine would have been the mastermind of 9/11.

Myself not being of any party affiliation, Pawlowski is the only one to make any sense. Stop spending taxpayers' money on frivolous research - stem cell - and let the people who are going to profit from it - big business - pay for it.

And more importantly, get rid of all the top-heavy, politically appointed high-paying committee members of these special-interest groups whose only qualifications are only that of being family members or big donors to their respective parties.

Dan Scully, SAYREVILLE

## Getting Recognized



Kevin, above, at the NJLP's 2005 Annual Picnic and General Meeting. In addition to running for State Assembly, Kevin started and chairs the Gloucester/Camden County Libertarian Party.

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While out campaigning for an Assembly seat and promoting the Libertarian Party in South Jersey I have consistently run across two major problems: 1, not too many people seem to know what the General Assembly is; and 2, not too many people know what the Libertarian Party is. I try hard not to look surprised at the first question and then explain that the Assembly makes laws. They are the Congress of New Jersey. The second question I answer with a smile and say, "We believe less government equals fewer taxes." It seems to be that most people do not like politicians simply because they are boring and talk too much. Keeping it short and to the point tends to attract people's attention.

Instead of trying to preach to people about why libertarianism is the best of all "isms", I ask positional questions about what that person would do, or what they think about a given situation. It is amazing that so many people give libertarian answers! I have gotten much better results by pointing out that people ARE libertarians, not why they should be. This way they can relate to the Libertarian Party instead of thinking of it as some abstract fringe organization.

After a year and a half of bringing up the Libertarian Party at every chance I could, I am starting to see recognition of the name in my area. There have been several occasions recently where I brought up libertarianism and someone I did not know would have an idea of what I was talking about. People have overheard me talking to friends and neighbors and have stopped to ask what the Libertarian Party was. There is genuine interest in South Jersey. Several times a week there is an editorial article in the local newspaper from citizens crying out for a viable third party. I have noticed that a few members of the GCCLP have gotten into print speaking out against eminent domain abuse in Westville (although none of us have gotten anywhere by using the "I" word in our articles. You were right, Deb!) .

What seemed to be an insurmountable task to me at first has proven to be quite a fun and exciting experience. My goal is to make people aware that there are other choices at the polls and that Libertarians are indeed "electable" if enough independent citizens vote for what they want. I have gained much enlightenment by being active in my community and it is thoroughly gratifying to see the fire of hope in people when they think about not living with the governmental yoke strapped to their necks.

I encourage everyone to do what they can to be outgoing and active citizens. Wave to your neighbors, go to little league games, attend some public meetings, and if you have just a little free time, volunteer to help out your local citizen groups. In order to show people they can live without government intervention, we need to display the sort of civic pride that will encourage people to realize that dream.

Kevin Ferrizzi  
Libertarian-at-large

## J.K.Rowling and China Two Cases for Libertarian Optimism

By Tom Palven

I've shed tears when an old dog of mine has died, but none upon hearing that hundreds of people died in a hurricane. These seem to be normal emotional reactions experienced by most people. It's been said that one death is a tragedy, one million deaths a statistic- we relate more to personal events than to abstractions. It has also been said that all politics are local- again, people relate most to issues that affect them- their own taxes, roads, etc., rather than with a grander abstract plan. But what percentage of people are **completely unable** to think outside the question of who benefits, whose determination of what is fair always depends on whose ox is being gored? The democratic majority? Is it possible that most people are unable to abstract beyond the personal?

Many people I have known, when discussing a newspaper story about someone abusing an animal, will get genuinely emotional and say, "That's really sick. He should be put in prison for life", but will say, when discussing a news story of Arab children killed by errant US bombs, or Arabs being tortured by American soldiers, something like "Those people should all be nuked, anyway." During the Viet Nam War a public elementary school teacher told me that the Vietnamese people "don't feel pain the way we do". (I am serious) When questioned further she explained that they physically feel pain like us, but don't feel the loss of children, friends, and relatives the way we do. To this day she has never met a Vietnamese person.

I would not describe these people I know, who would undoubtedly be upset by stories of American children being killed or American prisoners being tortured, as evil. Their double standards may be affected by a limited frame of reference or a limited intellect. They often like the "foreigners" they know personally, usually Hispanics, but dislike foreigners in the abstract as threats to their jobs and well being, and they haven't met any Arabs at all. While they do make statements like "They should all be nuked, anyway", if they actually saw a bloodied Arab kid in the street they would be saddened and sympathetic. The famous Life magazine cover of the screaming, naked Vietnamese girl running from a napalm attack probably turned more Americans against that war than all the peace marches and teach-ins put together, because pictures are more up close and personal, less abstract, than words.

The people I know with stark double standards regarding "us vs. them" all seem to be average Americans with average IQs (around 100) or lower, which may be why they seem to have difficulty abstracting beyond their frame of reference or applying one standard to all, and why they are susceptible to the demonization techniques of people in authority. It is possible that people like these make up the majority of the world's human beings- people who are impressionable, willing to accept the dictates of leaders in high positions, and who parrot the conventional wisdom of the day believing it was the work of their own thought processes. These people have a valid excuse for their limited ethics.

But what about intelligent people in leadership positions? What about Secretary of Defense Donald Rumsfeld? As an Episcopalian churchgoer and Princeton graduate, he can hardly make stupidity, or ignorance of ethics, an excuse. Yet Rumsfeld routinely dehumanizes totally innocent men, women and children killed in Iraq as "collateral damage", and he has dehumanized **American** troops by referring to them as "fungible assets". Yes, Hitler was real evil. Idi Amin was evil. Saddam Hussein, who was Rumsfeld's boy during the Iran-Iraq War, is no Boy Scout.... but what about Rumsfeld himself? How evil do you have to be to get the label? Why do relatively intelligent people in power, like Congress, tolerate Rumsfeld? Are our leaders and intelligentsia as ethically challenged as the rest of us, and if so why?

When Confucius (551-479 BC) was reportedly asked if one word could serve as a basis for ethics, he responded "Is not reciprocity (shu) such a word?" Reciprocity means treating others as you would have them treat you. It is a basis for Christian morality as preached by Jesus in his Sermon on the Mount- Do unto others as you would have others do unto you- The Golden Rule. Perhaps an even better rendition of the Golden Rule was that of Rabbi Hillel, prior to Christ, who preached, "Do not do unto others that which you would not have done to you"- effectively saying "Live and let live." This basic attitude of "live and let live" seems to have once been part of the fiber of Americanism, but it does not receive much respect among Americans today. In American institutions, whether law schools, business colleges, Congress, town hall, or "the man in the street" interview, the attitudes expressed are not those of reciprocity and "live and let live" but "Not in my back yard" and "It's a dog eat dog world. How can I get my fair share or, preferably, more."

**Rumsfeld...has dehumanized American troops by referring to them as "fungible assets". How evil do you have to be to get the label?**

Continued, next page

The establishments most associated with ethics/morals are our religious institutions. Religious leaders hold it as their mission to teach this subject, but it is evident that they are failing in this endeavor, or Americans would not tolerate the rise to the top of the ladder of such people as Donald Rumsfeld or Enron executives. But this fact that they are not successfully teaching their Golden Rule today is not surprising. Southern Baptist and Methodist Churches in America, and the Dutch Reformed Church of South Africa, for example, recently gave shrill "us vs. them" sermons about segregation and apartheid, respectively, reinforcing the self-serving sentiments of us against them; a type of preaching that hasn't changed since the Crusades, the Inquisition, and the Puritans coming here to escape persecution by other religions, only to begin burning witches. Is it possible that the average person is gullible simply due a slow, low capacity, computer up top?

If, in fact, everywhere in the world, the majority of human beings are not smart enough to think for themselves, or think in the abstract, and will always succumb to the suasion of manipulative demagogues, are we are doomed to the depressing scenario of continuous cycles of war and violence? Here are two cases for optimism:

One case for optimism is simply J.K.Rowling, author of the Harry Potter series, **exists**, and influences millions of people. Rowling's protagonists are good, honorable, humane, **and question authority**. They are popular with tens of millions of above average kids and adults (people who read) who get to see goodness and fairness rewarded, and evil scorned and punished. It is to be hoped that with leadership and inspiration from Rowling, the X or Y generation will value ethical behavior more than "The Greatest Generation" or my "Baby Boom Generation". And of course, Rowling is not alone. There are probably dozens of people in the world, like the late James Herriot (All Things Wise and Wonderful), and Bill Gates, whose basic goodness exerts a positive influence on humanity.

The second case for optimism is the emergence of China as a world power. China's one billion people are creating a booming semi-capitalist economy that is building hydroelectric plants and nuclear plants, and making many other major and minor capital investments, while the US is squandering it's capital on interventions everywhere, including simultaneously destroying and rebuilding Iraq at a cost of over one billion dollars a week. At current economic growth rates China is slated to be the world's number one economic power within nine or ten years and the world's lone superpower within twenty years. There are two reasons why this may not be bad news:

1. China's Buddhist-Confucianist culture has traditionally been a culture of peace. Unlike the Judeo-Christi-Islamic tradition that emphasizes the wrath of God, or the Japanese tradition of glorifying the Samurai warrior, the Chinese revere their poets and emphasize the beauty and peacefulness of nature. Contrast groups of tourists some time. Americans, Japanese, and Germans tend to be loud and boisterous, while the Chinese, Thais, and other Buddhists tend to be quiet and polite, although this is not hard and fast, and varies with the ages of the people.
2. Most IQ studies indicate that the Chinese are on average about 10 IQ points smarter than the rest of us non-Asians except for some lines of Orthodox Jews and other minor exceptions. Tests in these studies have been conducted by Americans and others, not just here on those "best and brightest" Chinese who emigrated from Taiwan, but on Chinese, other Asians, Americans, Africans, and Europeans in their homelands.

Thus, a future democratic Chinese majority, being better equipped to think for themselves and to reason in the abstract, may eventually be able to elect just and humane leaders who will treat the rest of the world, including us, fairly. It is to be hoped that like Martin Luther King, who was spat on and pelted with rocks and bottles during his marches, but had the strength of character not to lump all whites together, the new Chinese leaders will not lump all Americans together with those that have denigrated them as gooks, chinks, and coolies for so long. My guess is that unless the US makes a major blunder, all will be forgiven.

**One case for optimism is simply J.K. Rowling... exists, and influences millions of people. Rowling's protagonists... question authority.**

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**The second case for optimism is the emergence of China as a world power. While the US is simultaneously destroying and rebuilding Iraq at a cost of over one billion dollars a week, China's Buddhist-Confucianist culture has traditionally been a culture of peace.**



# **LPCNJ Continues to Reap Victories, Press, in Loitering Cases**

Home News Tribune calls John Paff "the man who stood up for standing around"

Home News Tribune - East Brunswick, New Jersey

November 3, 2005

## **Highland Park [Middlesex County, NJ] vote allows hanging out**

By Rick Harrison, Staff Writer

HIGHLAND PARK: It is perfectly legal to hang out in Highland Park.

The Borough Council voted to repeal its loitering ordinance Tuesday in response to a campaign by Libertarians who say such laws are illegal.

John Paff, a Somerset attorney and secretary of the Central New Jersey Libertarian Party, fought the loitering ordinance as he has in several municipalities, including Flemington, where he won a court case to remove the law.

According to Paff, now 17 of 25 municipalities in Middlesex County have some version of an anti-loitering ordinance. Citing a 1982 state Supreme Court decision, Paff said that loitering ordinances are illegal remnants from the 1960s and 1970s that need to be wiped off local code books.

"The court determined that loitering was so precarious, so subject to abuse by law enforcement, that we will not allow it to be prohibited anymore," Paff said. "Police sometimes do have axes to grind. They can persecute someone they don't like."

In its opinion, the court found that Newark's loitering ordinance was pre-empted by the state criminal code, which had no loitering provision. "The exclusion of a loitering provision from the code expresses a state policy not to penalize such conduct," the court said.

The defunct ordinance in Highland Park, adopted in 1972, defined loitering as "remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly."

The ordinance goes on to state that any police officer "in the exercise of reasonable judgment" can ask someone to leave a public place if that person is "causing or likely to cause any condition which would obstruct or interfere with any person lawfully in any public place."

Diane Dabulas, a lawyer with Highland Park Borough Attorney Daniel McCarthy's firm, Rogut McCarthy Troy LLC, said, "There may be constitutional infirmities with the loitering ordinance, so we decided to act on it and clear it off of the books." Dabulas would not discuss details of the ordinance nor say if she believed the ordinance was unconstitutional.

Sgt. Joe Vassallo, spokesman for the Highland Park Police Department, said that loitering doesn't amount to a significant problem in the borough, at least not anything that can't be dealt with by other ordinances and the state criminal code. "I'm not going to say we don't have loitering," Vassallo said. "But most of it is juvenile loitering, and when asked to refrain, they usually comply."

Vassallo said Police Chief Francis Kinney recommended that the ordinance be rescinded based on the 1982 court decision. It might have taken a while, but "the writing was on the wall for our ordinance," Vassallo said.

Borough Council President Elsie Foster-Dublin said that while she doesn't feel Highland Park has a loitering problem, she is concerned when she comes home late at night and sees children gathered on the streets. "I've come back to town at 3 a.m., and I see kids hanging out," she said. "I think they should be at home."

But although Foster-Dublin said this was a safety issue that was addressed by the now-repealed loitering provision, she would not support the institution of a curfew.

Ed Barocas, legal director of the American Civil Liberties Union of New Jersey, would agree, warning that juvenile curfews suffer from similar legal problems. Citing a case he said the ACLU won against West New York, Barocas said such laws cover more activity than a town is constitutionally permitted to regulate, trampling on free speech and infringing on parental rights.

"Parents, rather than the town, are proper decision-makers about what their children should and shouldn't be allowed to do," Barocas said, adding that the ACLU successfully challenged similar ordinances in West Orange and East Hanover. "Highland Park has done well," said Paff, the man who stood up for standing around.

# Liberty in our Lifetime Free State Project

## What is the Project About?

*The Free State Project* is a plan in which 20,000 or more liberty-oriented people will move to the state of New Hampshire and work within its political system to reduce the size and scope of government.

The Project will reduce burdensome taxation and regulation; reform state and local laws; opt out of federal mandates; and press for the restoration of constitutional federalism.

The Free State Project will show the world what liberty can accomplish!

## Liberty in Our Lifetime

*We don't want to wait decades* for most citizens in the US to realize that the nanny state is an insult to their dignity. For those of us who already understand the debilitating effects of a government bent on reducing liberty rather than increasing it, the Free State Project aims at liberty in a single state.

What do we mean by liberty? We believe that being free and independent is a great way to live, and that government's maximum role should be to help individuals defend themselves from force and fraud.

## Where & Why?

*The state where we will move* was decided by a vote of the FSP membership after we reached 5,000 commitments. Population was the critical factor. Our research so far indicates that 20,000 activists could heavily influence only states with under about a 1.5 million population, or which spend less than \$10 million on political campaigns in any given two-year election cycle. New Hampshire met the population criterion, and its distaste for big government and a generally welcoming attitude toward the Free State Project were pluses.

## Get Involved!



*Join the Free State Project* and take part in a rapidly growing movement aimed at securing liberty in our lifetime. To learn more, you're invited to visit our website at [www.freestateproject.org](http://www.freestateproject.org). Check out our Frequently Asked Questions (FAQ) page, and visit our articles sections which contain more detailed information about the project. Whether you wish to become a full-fledged member or are sympathetic but unable to relocate, the Free State Project wants you!

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## Minutes of the Steering Committee Meeting of November 1, 2005

Lacking a quorum to hold a State Board meeting October 16 chair Ken Chazotte called a Steering Committee meeting to be held at his residence November 1.

Present in addition to Chazotte were Jay Edgar, Emerson Ellett, Lou Stefanelli; Elizabeth Macron, Robert Hull and Len Flynn. Absent: Virginia Flynn and Bill Hunsicker.

The meeting was called to order at 7:59pm.

The following resolutions were passed:

A resolution to change the General Meeting date to November 20.

A resolution to rescind the resolution prohibiting the Steering Committee from conducting business via email.

A resolution authorizing party officers to be signatories to the party's bank accounts.

A resolution to reimburse Wallnet \$200 for the expense of notifying the membership of the date of the November General meeting.

The meeting was adjourned at 8:34pm

Respectfully submitted,  
Emerson Ellett  
Secretary

## Member Alert!

Effective January 1, 2006 the national LP will implement the new zero-based dues policy. If you intend to subscribe to the national LP News, remember to subscribe through the NJLP because by doing so you will benefit the NJLP at no cost to you. Make your \$25 LP News subscription payable to NJLP and mail to NJLP, P.O. Box 558, Brielle, NJ 08730. Keep (some of) your money in Jersey!

## Help Wanted – Volunteer Newsletter Editor

The NJLP is in need of a volunteer editor for the New Jersey Libertarian.

Motivated individuals should have good writing skills and a working knowledge of computer word processing, especially Microsoft Word or Microsoft Publisher. The NJLP can provide a desktop computer, but the editor must have Internet access in order to communicate with contributors, printer and web host.

For more information, please contact Deb Sackett at editor@njlp.org.



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