



New Jersey Libertarian

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Members View the “Free State Project”

By Len Flynn, *NJ Libertarian* Editor

This article contains interviews with NJLP members who have visited New Hampshire, the home of the libertarian “Free State Project.” (FSP). The FSP encourages libertarians to emigrate and establish residence in New Hampshire with the goal to facilitate libertarian political action and reforms there—or at least by preventing or limiting socialist/statist developments. (See the FSP website at <http://www.freestateproject.org>.) After all, what libertarian could argue with the state motto: “Live Free or Die”?

New Hampshire has two FSP annual events where visitors and residents can celebrate freedom. From Thursday January 3 to Sunday January 6 the 2008 New Hampshire Liberty Forum will be held in Nashua, NH. This event is immediately prior to the primary elections on January 8, and the final scheduled speaker is Presidential candidate Ron Paul. The 2008 Porcupine Freedom Festival PorcFest 2008 will take place on June 9 to June 15, 2008 at the Gunstock Mountain Resort in Guilford, NH.

Evan Nappen

Evan Nappen is a highly regarded attorney whose practice in New Jersey specialized in the firearms issues. Evan still does about a quarter of his work in New Jersey, and is active with his law firm in Eatontown. He says it is “real exciting in New Hampshire” but New Jersey is going to hell from “insane and horrible” laws coming. Now is a “very scary time” to be a gun owner in New Jersey. There are 60 pages of anti-gun bills pending in the legislature. There are efforts to increase penalties and create second-degree offenses. Now, possession of a handgun is a third degree crime, and one can avoid prison because pretrial intervention (PTI) is available for offenders. These are “manageable” offenses but second-degree convictions incur ten years in prison with a seven-year presumption of incarceration and no PTI. This is merely for possession.



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John Paff Interview

Why should Libertarians care about OPRA?

NJL: Why is the Open Public Records Act (OPRA) something that libertarians should be interested in?

John: Because it reveals what the government is doing. Prior to OPRA it was not really worth asking what government was doing. If they didn’t like the request they wouldn’t answer, because there was nothing that compelled them to answer. Now the one thing that OPRA does do is that it requires the government to respond, or else decline for a specific reason, within seven business days upon receipt of an OPRA request, and that covers all documents—even those embarrassing to the government. They can still deny you, but they have to give you a specific justification. So as long as you know what to ask for you will get ready responses from government agencies in this state. And if they fail to respond, there are provisions in the OPRA rules whereby you can force them to act.

NJL: When we get information out of the government, why is that helpful to advance the libertarian movement?

John: Because what it does is show what the government agencies **actually** do, as opposed to what they claim to do. Usually government agencies are doing a whole bunch of things, but they don’t tell you about all of them. They tell you about the things that are **favorable**.

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John Paff Interview

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NJL: What other kinds of things can we discover from let's say the town council? What kind of things do we discover from the OPRA request that we do not get from a press release or read in the newspapers?

John: You might get information about disciplinary procedures or an elected official doing something sexually inappropriate or a schoolteacher doing inappropriate things with a student or a member the police department beating or using excessive force or being racially prejudiced toward certain defendants. These are the things that agencies would never report to you. They would traditionally discuss these things behind closed doors and go out of their way to hide them. You have to challenge these things. I don't just ask for random records, I ask for records that I believe the government agencies would prefer not to reveal.

NJL: To what extent can we depend on the press to find out the facts in these cases, and why don't they do it?

John: They don't assign a lot of resources to local news. Members of the press admit candidly that they need citizens' help to inform them because reporters can't keep track. They change reporters constantly and that makes it difficult to establish continuity. Plus every reporter has a problem if they print something to discredit a politician or bureaucrat because then he won't cooperate in the future.

Also local reporters often cover several towns, so the tendency might be to get lazy and simply copy the rip and read from a government source and write that as a news story. The public advocate becomes a useful adjunct to the reporting industry because the advocates can get information out that no one else is paying attention to. I know this is important to the press. It is also important to libertarians because it brings out the horrendous and outrageous things that government agencies do. You try to show every time how the system crashes and that brings out a fairer picture of what these agencies do. That's why it's important. It's not a goody two shoes civics lesson; it's an exercise finding out what these people are actually doing with your money and their power.

NJL: I know how from my experience in working with attorney Walter Luers, I determined that Fish and Wildlife Division of the Department of Environmental Protection (NJDEP) had allowed the trapping and killing of six beavers that were living on my property. With that information I'm taking action to try and prevent further killings.

John: It is hard to stand up in public and say "this is wrong" when they won't tell you what the "this" is that happened, and that's why access to government information is vital. I think it would be most effective for libertarian candidates to submit OPRA requests for documents on things like how many complaints of prisoner abuse have arisen in the Sheriff's

Department. I do see an OPRA request as an educational function but it could be used in a particular instance for candidates running for office, because libertarian candidates can obtain specific objective information that the voters can think about. They should be putting the closed session minutes on the Internet because the "good stuff" takes place in the closed sessions of meetings and this is the kind of information OPRA can expose. I can tell by the resistance I observe, and I think I have a pretty good sense so I can tell the difference between a corrupt, very bad government and one that is just slightly forgetful and generally good guys.

NJL: If our readers are interested in pursuing OPRA, how can they get in touch with you?

John: E-mail me at my e-address: Paff@pobox.com . My phone is 732-873-1251, and we have created a Wiki website at <http://wikifoia.pbwiki.com/New+Jersey> I like to deal with groups and would be pleased to present an "OPRA 101" class to activists. I would like the party leadership to arrange this.

NJL: You and the OPRA folks accomplish something every single month, and I've heard comments that our readers really look forward to reading about John Paff.

John: It's not a debate between education or political activism. There's more to political activism than just running in elections. A lot of what I do does get me in the paper. I'm sending you a nine page court decision that shows how screwed up the city of Plainfield is. They apparently persecuted a doctor so vigorously that they finally tried to have her removed from her position in Plainfield, because she worked part time and on-line for another town while she was on sick leave--and the reason she was on sick leave was because they were badgering her for years. (John supplied the court decision, and it had this conclusion from the judge: "Indeed, there is nothing about Dr. Warwas' work from home, not in Paterson, at a computer on her own vacation and sick time that violated any rule or regulation governing her employment. ... Based on the foregoing findings of fact and conclusions of law, I DECIDE this matter in favor of appellant and ORDER that the charges against her be DISMISSED and that appellant be reinstated to her position as Health Officer with full back pay, benefits, pension rights, and attorney's fees.") Ironically, Plainfield was prosecuting this physician because she was working! This story will eventually get into the papers, but it won't mention the Libertarian Party or John Paff, because I really had nothing to do with the dispute itself.

I am in contact with elected officials for the minority parties, the people who are not in power in these particular towns. I try to teach them what to do to expose what the majority on the council is doing. As long as more people are raising the issues, their motives really don't matter, because it gets more information out there for the public to learn. It changes the nature of the debate, because it demonstrates that it is the power of government that is inappropriate.

Members View the “Free State Project”

(Continued from Page 1)

New Jersey also has a proposed 50 caliber rifle ban which includes muzzleloaders! Under the 50 caliber ban an original Brown Bess Musket is prohibited as a “destructive device.” Right now there are “gun courts” in place producing a “special brand of justice” for gun owners. The whole thrust of New Jersey gun legislation and regulations is about destroying gun owners not the weapons. Evan says New Jersey is a “sad place to live” nowadays and, of course, New Jersey taxes are increasing too.

Evan moved his family to New Hampshire, because he cannot see bringing up his son in New Jersey where he cannot play with a slingshot, use a BB gun, or go hunting or fishing. In New Hampshire the Cub Scout Camp in Manchester has a slingshot range and the Boy Scout Camp has a range for rifles, shotguns, and muzzleloaders plus it sponsors a “mountain man” course and merit badge. Evan is an assistant scoutmaster. He says there are “awesome scout camps” up there. Given such a comparison one can imagine why pro-gun people would go to New Hampshire.

New Hampshire has a “shall issue” license not a permit (implied permission) and the state allows National Firearms Act (NFA) weapons such as silencers (suppressors), destructive devices, and machine guns. Private sales of firearms are completely legal. One can purchase a handgun in one day at a dealer in New Hampshire and you can carry a firearm anywhere except in a courthouse. (Courthouses in New Hampshire are the only “victim disarmament zones” in the state but folks are reasonably safe there since the sheriffs are armed.)

There are no state income nor sales taxes in New Hampshire. Evan purchased a bigger and better house in New Hampshire than he had in New Jersey and his New Hampshire taxes are less. Evan got double the coverage and better auto insurance for one tenth the cost in New Jersey, and auto insurance is not mandatory in the state! In New Jersey every vehicle you own must be registered and insured. New Hampshire is the only state in the union where the adults do not have to have or use motorcycle helmets.

Evan says, “When you cross that border, you feel the freedom.” He said “people get it” when they talk about the “New Hampshire Way” meaning respect for freedom, privacy, and individual rights. New Hampshire has the third-largest legislature in the world, 400 legislators producing a constituency ratio of 3000 to 1. All legislators are part-timers paid \$100 per year. The New Hampshire Constitution has a right to revolution and right of secession explicitly stated. New Hampshire is not landlocked and has both access to the ocean and a foreign country border. Obtaining prescription drugs from Canada is not a distant, theoretical concept.

The New Hampshire legislature passed a law making the “real ID” illegal by almost a unanimous vote. New Hampshire takes his stand solidly against the federal government on mandatory ID cards. As Evan says, he’d take a New Hampshire Democrat over any New Jersey Republican. Every New Hampshire town has all its financial records available for citizen inspection. The New England town meeting format means that any citizen can speak at town meetings and make proposals there. Everyone is a participant. “Local control” with the most direct access to government is solidly in place. Unfunded state mandates are prohibited in the New Hampshire Constitution and there is line by line voting on town budgets by the citizens! He says many people ask themselves “Why didn’t I come here sooner?”

Evan said he is still “guerilla fighting” in New Jersey but it’s great to be on the offensive in New Hampshire. Where is the free place to escape to after the rear guard action in the Garden State? New Jersey he says sucks the life out of freedom loving people. Evan says “it’s great to work with legislators who believe in freedom.” Ron Paul’s message is getting out there. Paul’s message is “getting people to think.” Evan said it it’s a lot of fun meeting all the Presidential candidates in New Hampshire—they’re all there!

Evan’s brother Lou Nappen is also an attorney and he will go to New Hampshire eventually, but right now lawyers can make more money in New Jersey because there are more people here. There is a “quality of life” in a place for liberty so eventually Lou will leave to seek it. Evan says there is an “incredible network” of free state project people. He said 60 FSP people helped him empty the two pods of stuff he moved from New Jersey.

Tom Wright

Tom is a long time NJLP member who attended the 2007 PorcFest. He found the debate “quite fine and interesting” with two prominent speakers: John Stossel of ABC News and Congressman Ron Paul. He was particularly impressed with the debate between Republican and Democratic legislative leaders that was moderated by the editor-in-chief of New Hampshire’s largest newspaper, the *New Hampshire Union Leader*.

Tom had the following thoughts about New Hampshire. First of all “it’s cold.” New Hampshire is “Vermont with jobs” but if you’re in information technology, you must commute to Massachusetts and deal with whatever regulations and taxes are there. He felt this inconvenience was still better than working in New Jersey. New Hampshire still has some people who seek to increase government controls. He noted that there is a smoking ban in restaurants, and Democrats are pushing for an income tax, but there is a big battle over that. New Hampshire is better on guns and has much lower taxes.

Recently New Hampshire had to allow gay marriage through a state Supreme Court decision. This produced an “uproar” but legislative actions to reverse the decision were blocked. Tom believes that if you’re a self-employed accountant or lawyer, i.e., a “licensed professional” or if you own your own business you could fare well in New Hampshire, if there was a market for what you do. There’s no sales tax or income tax in the state. Finally, Tom noted that he is probably “stuck for the duration” in New Jersey, because of the excellent job he now has as a mainframe computer programmer. His position is “not portable” right now.

Tom was impressed with the greatly increased debate on libertarian issues in New Hampshire, particularly when compared to the lack of consideration of the libertarian view in New Jersey and the metropolitan area. He noted that one can escape state income taxation and most state firearms restrictions in New Hampshire but you cannot get away from the federal income tax, drug laws, interstate firearms laws, and “commercial companionship” prohibitions. Tom believes that New Hampshire regulates more professions than New Jersey does from 100 to 200 professions. Property taxes in New Hampshire are about as large as New Jersey’s, because the entire tax load is levied on property.

The success of libertarian approaches to issues can be used in the debate to advance liberty and these successes can be used both in New Jersey and New Hampshire. Finally, Tom concluded that if his job situation allowed, he would move to New Hampshire readily. For now Tom looks forward to the next PorcFest.

Joe Dunsay

Joe Dunsay is the Chair of the Northern New Jersey LP and he visited New Hampshire to “scope out the place.” He found that upstate New Hampshire is like traveling back in time, and he noted that Lebanon, New Hampshire is a one hour drive from Quebec. He found Manchester, New Hampshire to be like Paterson, New Jersey.

Joe is involved in science education, and he noted that eastern Massachusetts has a publishing industry. “If I can find a job, that’s where I’m headed.” Joe taught science education in a charter school in Brooklyn and now is teaching mostly adults. He has an M.A./M.S. in ecology and evolution with particular expertise in biometrics.

Jay Boucher

Jay Boucher established residence in New Hampshire in 2006 and managed to get elected as town auditor. We hope to get more information about Jay’s experience and provide a detailed story in a future issue of the *New Jersey Libertarian*.

Renew/Contribute Now

Does your mailing label say “Please renew”? Then complete the membership form on page 8, include your check to “NJLP,” and send it using the enclosed envelope. If you can help support 2008 NJLP Federal candidates, then please fill out the form on page 7 with a check for the “NJLP Federal Fund.” You can also do everything on-line at the party website: www.njlp.org

John Paff Raising New OPRA Issues

Seeking the “naked truth” from Long Hill Board of Ed

With attorney Walter Luers representing him, John sued the Long Hill (Morris County) school board so that he could either confirm or dispute unverified statements on the Internet that a former, male member of the Long Hill Board of Education told a female member of the school district’s administration that “If you take your clothes off, you can have anything you want in [administrative contract] negotiations.”

After having received a heavily redacted copy of the Board’s nonpublic (i.e. closed or executive session) minutes from April 23, 2007 in response to an earlier records request, he found an on-line article that claimed that “reliable sources” had reported that a former Board of Education member had allegedly made the above-described comment that ultimately resulted in the member’s resignation from the Board and the female administrator filing a grievance and taking an extended medical leave.

On August 4, 2007, John submitted another records request to the board for a more narrowly redacted version of the April 23, 2007 closed minutes and other documents that would enable him to determine whether the information within the Internet article is true or false. John’s view is that if the information is true, the public should know about it in case the former board member decides to again run for public office without being held publicly accountable for his conduct. If, however, the information on the web site proved false, it ought to be publicly exposed as such.

Here is what an Editorial in the *Morristown Daily Record* for Monday, December 17, 2007 had to say about this case:

For the record: Open access advocate never avoids a fight

John Paff, as we have said before, is a pain in the neck for many government officials. That’s why we like him. Paff has made it his hobby to make sure towns follow the law when it comes to the release of public documents. And he is not shy about going to court to make that happen.

Earlier this year, Paff was instrumental toward getting the borough of Mount Arlington to change the way it publicizes closed sessions. The law states that public bodies entering into

closed session must generally say what they plan to talk about. Many do not do that, but with Paff's urging, things can be changed.

Paff is now in state Superior Court, Morristown, vying with the Long Hill Township Board of Education over access to closed minutes of a meeting last April. He is interested in an apparent sexual harassment complaint filed by a district employee.

On Friday, Judge B. Theodore Bozonelis agreed to review the minutes, but he did say he was inclined to think that a letter from an attorney outlining alleged sexual harassment did not have to be made public. Whatever the judge rules in this case is less important than the fact Paff is willing to challenge public bodies and take them to court if warranted.

Our only regret is that there aren't more people with Paff's zeal. As we never tire of stating: Government records belong to the public, not to those who happen to be temporarily serving in government.

An article by Leslie Kwoh in the *Star-Ledger* for Friday, December 21, 2007 confirmed the rumor that John had been trying, so far unsuccessfully, to confirm through public records requests and litigation. In a court hearing, Paff argued unsuccessfully that the school board should make the complaint public. Superior Court Judge Theodore Bozonelis ruled, however, that any harassment complaint or letter filed by a public employee with a public employer is exempt under the law. Kwoh reported that Assistant Superintendent Karen Wetherell filed the complaint on March 1, claiming she was sexually harassed by board member Scott Heller, the negotiations committee chairman. Then Superintendent Arthur DiBenedetto who was also the board's affirmative action compliance officer, took up and investigated the official complaint. After conducting interviews with Wetherell and Heller, DiBenedetto recommended that the board ask Heller to resign immediately. The board rejected his recommendation and DiBenedetto subsequently resigned himself, saying he was appalled by the remark and the board's indifference to it.

John Paff's view was: "it is glaringly obvious to me that this event is exactly the type of thing that the voting public needs to know in order to make informed choices at the polls. It is equally obvious to me that there is something seriously wrong with a system of laws that permits the school board's efforts to suppress this event to possibly prevail over a citizen's civil lawsuit seeking disclosure."

Manasquan honors NJLP request to change minutes disclosure policy

According to the *Coast Star* of December 20, 2007 Manasquan Borough agreed to amend its policy so that disclosure of closed session minutes no longer relies on formal "approval" by the council. The article began by describing John Paff as "a member of the New Jersey Libertarian Party

and chairman of the party's Open Government Advocacy Project," who had requested the closed session minutes of a number of council meetings.

As reported in the newspaper, the council discussed Mr. Paff's letter urging the borough to alter its policy to speed up the release of closed session meeting minutes. At the meeting of the mayor and council, it was decided that the clerk, township administrator, and borough counsel could review the documents together before releasing them. The step where the council would formally resolve to release the records would be eliminated. John says "this might shave a week or two from responses to requests."

Monmouth County Libertarians Meet

By Jay Edgar, County LP Chair

On Sunday December 16, 2007 the Monmouth County Libertarians met. Most of our discussion centered on what we can do to help the Ron Paul campaign. The Monmouth Libertarians have the organizational skill, but lack the enthusiastic grassroots supporters. Together we may be able to accomplish much. Ideas that were brought up included:

- Purchase and manage the distribution of Ron Paul yard signs. Typically campaigns start putting these up 30 days before the election. This date is coming at us rapidly. I've started a "chip-in" to raise money to buy the signs. You can click on the "Chip in" on <http://beta2.njlp.org/> (you will need a pay pal account). Or you can send a check made out to either myself or "Monmouth Libertarians". If we want to get the signs in time we need to order them ASAP, so please consider donating. Alternatively you could visit <http://www.ronpaul2008store.com/servlet/Categories?category=Signs> and order some signs on your own. I hope to have the Monmouth Libertarians order 200+ signs for distribution throughout the county. Send checks to R. Jay Edgar, 8 Arneytown-Hornerstown Road, Cream Ridge NJ 08514
- Have the Monmouth Libertarians head up door to door campaigning (along with the Paul campaign). I've looked into getting voter lists by contacting Ron Paul organizers in the state, but have not had any success. I stopped in the Monmouth County Election board. They have the entire county available on CD for an outrageous \$200 (* See below). I wonder if we can get this list directly from the Republican Party or if anyone else has a resource? There was a question as to whether door-to-door campaigning works at this time of the year. Potential voters won't want to step outside into the cold to talk to us, they wouldn't want to invite a stranger into their house, nor would they want to stand at the door with the heat escaping. We may have more luck and be more efficient if we just went door to door leaving information on Ron Paul. (unfortunately I'm already committed to several Scout outings for January and won't have much time to contribute!)

We will need candidates for 2008 elections at all levels. Although we are a "Libertarian" organization may we consider running libertarian candidates in the primaries of the parties in power? Ron Paul has showed us that libertarianism does sell (around 1600 people from NJ have donated to the Ron Paul campaign in the 4th quarter). There are many Republicans who are not fiscally conservative. If we put up good candidates against them, we may be able to get support from the many fiscally conservative organizations (American's For Prosperity, Club for Growth, etc.).

Future Meetings & Events
Saturday, March 15 – NJLP Annual Convention: in Philadelphia with PA, MD, DE LPs with location To Be Determined

Member Letter to the Editor

Will the sheep ever wake up?

By Mark Richards, Guest Contributor

In a recent "Guest Contributor" column, a writer expressed disgust with Congressman Scott Garrett's voting record. She was also upset that three local candidates appeared in a photo in another newspaper with Congressman Garrett.

I have to be honest, I voted for Scott Garrett once in 2002, the first time he ran for Congress. I truly hoped that he would be another force for individual liberty, limited constitutional government and free market economics, like the truly great and principled Congressman Ron Paul of Texas (the only sane presidential candidate of those Republicans seeking the 2008 nomination.)

Sorry to say, Garrett has been a disappointment. He is a Republican first and a defender of the Constitution only second. If the current occupant of the White House wants a certain policy to be followed or law enacted, Garrett goes right along with our "Simpleton-in-Chief."

This is not to say the Garrett doesn't get it right sometimes. All the cases the writer of the recent piece complains about are instances in which Garrett was following the Constitution.

The writer is under the assumption that it is a function of government to provide health care, help natural disaster victims and control workers wages. Sorry, but there is no provision in the Constitution (see Article 1, Section 8) for Congress to be legislating on, or funding any of these activities.

It is also unfortunate that the writer chose to question Garrett's Christian faith because of his voting record. She evidently is one of those who adheres to the view of "if Jesus were on earth today, he'd advocate a socialist redistribution of the wealth policy" or similar nonsense!

Yours truly is no theologian or religious zealot of any sort, but I do seem to remember something from Sunday school in which the Bible says, "Thou shalt not steal," which indicates to me a respect for the private property of others – a concept of all collectivist philosophies reject, since they believe that the "greater good" is more important than the individual. Even if the Bible had never been written or religion of any kind ever started, it would still be wrong to forcibly take the property or wealth of another, even for what might seem like a lofty goal (assisting those less fortunate for example).

As a Libertarian, I regret having to make this assessment of my fellow Americans, but the fire and passion for liberty and individualism is almost out in this country. Americans sit back and tolerate all kinds of infringements on their liberties, zoning laws, gun laws, drug laws, seat belt laws, "hate crime" laws that interfere with free speech, environmental laws (like the Highlands Act) that crippled the construction industry, so-called national security laws like the "Patriot Act" which also intimidates free speech, the list goes on and on!

Will the sheep ever wake up and then revolt? One can only hope!

Mark Richards is a resident of West Milford

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