



THE NEW JERSEY LIBERTARIAN

OCTOBER

1991

Lawman lashes out at Libertarian Party

LP accused of trying to "undermine" the forfeiture statute

by John Paff

Assistant Attorney General Ronald Susswein has strongly objected to giving full constitutional protection to owners of property sought to be confiscated by the government. Susswein's September 3, 1991 letter to Assemblyman John S. Penn is printed below in its entirety.

Susswein's letter is in response to the LP's support of a statutory amendment that would add the following language to New Jersey's forfeiture statute (N.J.S.2C:64-3): "The owner or claimant of property that is the subject of an action under this chapter shall not be deprived of the protections granted to criminal defendants by the United States and New Jersey constitutions."

Dear Assemblyman Penn:

Thank you for your letter concerning Mr. Howard Schoen's proposed amendment to New Jersey's civil forfeiture statute. Please be advised that the Attorney General and the Division of Criminal Justice would strongly object to the inclusion of the language suggested by the Libertarian Party.

For one thing, the proposed amendment is vague. For example, it speaks broadly of the "protections granted to criminal defendants." Presumably, this refers to the right to indictment by grand jury; the right to trial by jury, and the requirement that the State prove its case to the satisfaction of a unanimous petit jury by proof beyond a reasonable doubt.

In any event, the proposed amendment seems to be designed to work a radical change to the very nature of forfeiture actions. Historically, these forfeiture actions in New Jersey, and in all other jurisdictions throughout the United States and Great Britain, have been civil in nature, rather than criminal. The proceedings, moreover, are said to be in rem, that is, they are directed against the property itself which was used in furtherance of criminal activity. The intended effect of the Libertarian's amendment would seem to be to transform these civil proceedings into criminal trials, and it is clearly designed to make it more difficult for the State to initiate and ultimately prevail in forfeiture actions. This amendment, in other words, would undermine one of the most cost-effective tools currently available to law enforcement.

It is also critical to note that, despite anecdotal (and usually hypothetical) "horror stories" told by the opponents of the forfeiture remedy, all persons in New Jersey are already entitled to due process of law. Indeed,

the New Jersey Supreme Court has steadfastly protected the rights and interests of all persons who claim to have an interest in property which may be subject to forfeiture.

I suspect that much of the recent controversy about New Jersey's forfeiture statute stems from the introduction of Senate Bill No. 289. As originally drafted, that bill for the first time would have made property subject to forfeiture if it were used in furtherance of a mere disorderly persons offense. The Attorney General and the County Prosecutors Association objected to such an expansion of the forfeiture remedy, and the bill has since been amended to apply only to property used in furtherance of indictable crimes. We believe that the forfeiture remedy should be reserved to those cases which involve serious criminal conduct, that is, conduct which the Legislature has designated as a felony and which would subject the offender to a term of more than one year imprisonment.

Finally, I believe that the Libertarian Party's suggested revisions must be put in their proper perspective. The Libertarian Party and the National Organization for the Reform of Marijuana Laws (NORML) believe that it is inappropriate, unfair and even immoral to allow the property of drug users to be subject to forfeiture.

In this regard, Attorney General Del Tufo urged the federal Drug "Czar," Robert Martinez, to take full advantage of civil forfeitures so as to send an unambiguous message to drug users. Specifically, Attorney General Del Tufo noted in his July 3 letter: "The federal government and many states have discovered the utility of civil forfeiture actions, at least with respect to drug dealers. It is now time for states to apply this invaluable civil remedy to so called "casual" drug users, who by their purchases unwittingly support and fuel drug trafficking networks and

continued on p. 3

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* Members in this county interested in being the State Representative, please contact Chair, Dan Karlan.

NJ. LIBERTARIAN

Letters to the editor, articles, and commentary are welcome. Send to the Editor:

Claudia Montelione
P.O. Box 913
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Advertising and editorial material must be received by the editor on or before the 24th of the month to be in the following issue.

WIZARD OF ID



NJLP members interested in working on the 1992 Convention should contact State Chair, Dan Karlan 201/444-2846 (home) or 201/818-8900 (office).

"I can't lock up every dealer in Newark, but what I can do is harass them."

Assistant Attorney General
Ronald Susswein speaking
on Operation IDEA, a program
designed to "disrupt" drug
sales.

Used by permission: New Jersey Reporter, Jan/Feb 1991

the violence associated with the illicit drug trade. Given current fiscal constraints and the seemingly universal problem of prison overcrowding, it is vital to make use of cost effective sanctions and deterrents which do not depend on incarceration. Moreover, applying the forfeiture remedy to drug users provides an additional and obvious means by which the law enforcement community can help to attack the demand side of the equation. We simply can no longer tolerate middle and upper class citizens who drive their expensive vehicles into drug-ravaged urban neighborhoods in order to patronize these open drug markets."

In sum, we would oppose any effort to change the nature of civil forfeiture actions in a way that would undermine the utility and availability of this important remedy -- a remedy which, given the State's current fiscal condition, emerges as a principal means by which to discourage criminal activity without the necessity of relying on prisons and jails. I hope that this information is helpful to you in responding to Mr. Schoen and other representatives of the Libertarian Party and the National Organization for the Reform of Marijuana Laws.

Very truly yours,

/s/ Ronald Susswein
CN 085, Trenton, NJ 08625-0085
609/984-0055



*Justin J. Dintino
Superintendent,
New Jersey State Police*

**'I've been saying
for years that
we should be
diverting some of
our resources to
education.' But on
the question of
legalization?: 'We
shouldn't even be
discussing it.'**

State Police view on
relegalization of drugs

Used by permission: New Jersey Reporter, Jan/Feb 1991

The Times, 8/19/91

LETTERS TO THE EDITOR

State's triple-trailer crisis a sham

I find it amazing and amusing to see that the masters of creative crises have made yet another imaginary mountain out of a pothole. I'm speaking, of course, about the triple-trailer threat (sounds like a '50s sci-fi film, doesn't it?).

Congress actually expects us to believe that it can better judge the risks of using triple trailers than the folks who make their living hauling trailers.

It knows better than the truckers who put their lives on the line every time they take the wheel — and better than the trucking and insurance companies that don't get paid for the loads they destroy, only those they deliver. To suggest that Congress had more of an interest in trucking safety than the trucking industry is ludicrous to say the least.

Further, in spite of industry declarations that it has no desire to use triple-trailers in New Jersey now or at any time in the future, our intrepid Sen. Lautenberg, Congressman Roe and other "me-too" legislators at the state level have nevertheless managed to rally the forces of decency to turn back the barbarian triple-trailer hordes who failed to even make an appearance.

Since no one either in or out of New Jersey seems to need this legislation, I can only conclude that these lawmakers will do anything to justify their increasingly irrelevant existence.

Louis M. Stefanelli
Belleville

LETTER TO THE EDITOR

Divine right of bureaucracy challenged

To the editor:

All is not right in the fief (township) of Hillsborough.

Lord (Chairman) Lipani and his royal court (the Board of Adjustments) had to contend with some serf's (the Labye's) who wished to expand the use of their allotment (the Labye's personal residence and business). The serfs wished to expand their day-care center on land (the Labye's own) which falls in the jurisdiction of the fief.

In the fief of Hillsborough, a serf (property owner and taxpayer) may use the land in the fief only for uses

approved by the lord and his court. The need for additional day-care center's in the fief is undisputed by all. Even Lord Lipani agrees, but as he stated "there were no special reasons why they should have been given approval."

The founding fathers created a constitution based on limited government. A government which defends individual liberty and property rights.

This December 15, some of us will be celebrating the 200th anniversary of the ratification of the Bill of Rights. Apparently the Board of Adjustments will not. They believe that the purpose of government is to trample property rights, not defend them.

Randall H. Enterline
696 Amwell Road
Neshanic, NJ 08853

The Trentonian, 9/10/91

Slippery labels

"What is it? Fetus or Child?

On Saturday, August 17, an article appeared in this paper entitled "Woman tried to sell fetus, vanishes." I have been waiting for repercussions to appear in the "Letters to the Editor" column. I cannot believe that no one has had anything to say about it.

Kenilworth Police Chief Brent David:

"The case appeared to be the first time in New Jersey a woman has been accused of trying to sell a fetus."

Union County assistant Prosecutor, Regina Caulfield:

"Garbiras has been charged with attempting to endanger the welfare of a child."

Caulfield:

Hoped Garbiras would show up for court: "Not just for her sake but for the well-being of the child".

It seems Garbiras tried to sell the "unborn baby" for \$10,000 to \$15,000 to an undercover agent. This was a great mistake on her part, if she had

aborted the baby she would have been praised for her actions and would not be in any trouble with the law.

Pro-abortionists call it an "inviolate fetus" when it suits their needs.

The law in its infinite wisdom call it a "child" when they can harass an individual for her "PRO-CHOICE" decision.

Where are all the protesters? Where are all the righteous people? Will we ever have any uniformity in this upset legal system in this country?

It looks to me like "We the People" of this country are headed down a path of self-destruction. And we have so much help from our corrupted elected officials to guide us down this path. Where are the right and just laws? I wonder how well off we would be if we went back in time to the beginning of the 20th century (1900) and rescinded all laws passed since then. Then we could return this country to the sense of morality that we used to know.

Don Jamison
Freehold

Had Enough?

Of the Democrats
and Republicans?

ELECTIONS ARE COMING!



HEMP FOR HEALTH & ECOLOGY

HEMP HAS A LONG, PROUD HISTORY OF MEDICAL USE AND HUNDREDS OF THERAPEUTIC APPLICATIONS.

For thousands of years, cannabis sativa hemp was one of the most widely used plants for medicines. The medical uses of cannabis hemp include treating back pain, asthma, glaucoma, epilepsy, cancer, muscle spasms, migraines, tumors, stress, depression, nausea, anorexia, rheumatism and arthritis. Many other therapeutic uses are likely, but extremely hard-to-get permits are required for use. Millions of people suffer needlessly and a valuable herbal medicine with minimal, non-toxic side effects is held hostage to out of date laws fostered through misinformation, fear and special interest.

In 1938, against the advice of the medical community, cannabis was withdrawn from the American public in favor of synthetic medicines. It was removed from Class 2 (having demonstrated medical value) and was listed as Class 1 (dangerous substance with no known medical value) by the Nixon administration in 1970-despite all evidence to the contrary. In 1972, the Nixon-appointed Shafer Commission urged that cannabis be re-legalized... not done. At the 1975 National Institute of Drug Abuse (NIDA) Ansilomar Conference, participants were amazed at the documented results of cannabis research and agreed a national research project was in order. Instead, all federal research grants were terminated in 1976 and subsequent private research has been heavily restricted. The Reagan and Bush administrations have done nothing but promote drug war hysteria. In 1988, DEA Administrative Judge Francis Young concluded that cannabis is "the safest therapeutic substance known to man" and should be re-scheduled Class 2 and made available for medical use. All favorable recommendations have been ignored. Recently, through the efforts of NORML, The Drug Policy Foundation and The Alliance for Cannabis Therapeutics, the US Circuit Court of Appeals for the District of

Columbia ruled on a 19 year old reclassification of cannabis case. The DEA was asked to explain and re-evaluate their "test" used to keep cannabis Class 1. The "test" used by the government to keep cannabis Class 1 was found by the Court to be illogical...

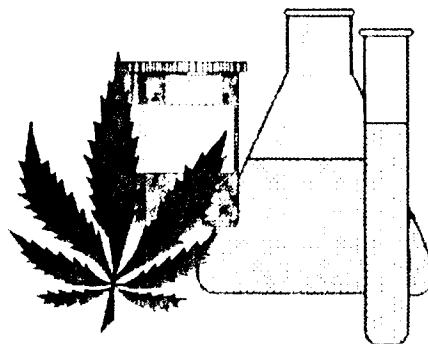
Over 1,000 Cancer specialists were surveyed in the May 1, 1991 issue of *Annals of Internal Medicine* and over half (54%) that responded to the questionnaire said if cannabis became available for prescription they would use it for the side effects of chemotherapy. In the 1990 survey, 44% of members of The American Society of Clinical Oncology that responded claimed that they had recommended cannabis to at least one patient for controlling the nausea due to chemotherapy... **even though it is illegal!** Why not study this natural, non-toxic and self regulating substance? There are many medicinal uses for cannabis... as pharmaceutical consumers, we are being short changed! Unfortunately, it is unlikely that the DEA will change their position in the re-classification of cannabis. It is up to all concerned people to lobby government for relief. Please support NORML in this effort. Join us!

HEMP FOR ECOLOGY

There are thousands of ecology safe uses for the cannabis hemp plant... textiles, fiber, paper, food and fuel.

Hemp is a soil building plant that is excellent in crop rotation and does not require heavy fertilization or pesticides as do cotton and corn. With many commercial uses, such as the manufacture of paper and building supplies, worldwide deforestation is unnecessary. Over a twenty year period, one acre of cannabis hemp can produce as much paper as 4.1 acres of forest. (1916 USDA Bulletin #404). Paper made from hemp can be of archival quality, lasts centuries, requires far less dangerous chemicals to process than paper from wood pulp and is biodegradable. Hemp saves trees and the environment.

The biomass fuel (methanol) output per acre of the hemp plant is many times that of corn... the current major source of methanol. Hemp also



offers us an alternative to petroleum based plastic for many applications. Hemp seed is 30% oil by weight. Unrefined, it is an inexpensive vegetable oil. A high protein seed cake byproduct remains when the seed is pressed for oil that can be used like soy meal. Refined, hemp seed oil is one of the finest lubricating oils and is eco-safe for paints and varnish. Bio-farming can make America energy independent and reduce the greenhouse effect.

Fabrics made from hemp fiber are warmer, softer, stronger, more absorbant and last longer than cotton. Hemp has been valued for durability since before recorded history. Archaeologists agree that cannabis hemp was probably the first crop cultivated by man (8,000 B.C.). In the scope of human development it is as old as pottery. Cannabis hemp fiber can be woven smooth as silk or as intricately as lace. The original Levi jeans were made of hemp... lasted a lifetime. At one time clothing was so sturdy it was often bequeathed. Why is this fiber not readily available today? Less chemical toxicity and longer lasting products are not the agenda of certain special interest. Restore free enterprise to this crop!

FOR MORE INFORMATION,

Contact:



OF NEW JERSEY, INC.

1-800-742-2002

(201, 908, 609, & 215 Area Codes)

or

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CALENDAR

- 10/5 - Steering Committee Meeting at the Karlan residence in Cranbury, 2PM sharp! Call 201/444-2846 for directions.
- 10/5 - Liberty United, N.Y. State Convention at the Batavia Sheraton, Batavia, NY. Call 212/581-1806 for more info.
- 10/7 - Canabis Action Network rally 4-7PM, Camden City Hall. Call NJNORML for details (see 10/12).
- 10/12- NJNORML Monmouth County Meeting, 1-3PM at the Monmouth County Library, Eastern Branch, Rt. 35, Shrewsbury. Library phone is 908/842-5995 or call 800-742-2002 or 609/435-7363 for details.
- 10/14- The Constitutionists meet at the Union Hall on Locust St. & River Drive in Elmwood Park at 8PM. Call 201/471-7591 for info.
- 10/15 or 16 - Libertarians of Monmouth County (LMC) meet at the First Aid Station on Tennent Rd. in Morganville, across from the Flynn's house at 7:30PM. Date undecided at press time pending availability of speaker. Call Len Flynn for more info. 908/591-1328.
- 10/28- Somerset/Middlesex Area Libertarians (SMAL) meet at the Holy Trinity Lutheran Church, 1640 Amwell Rd., Somerset at 7PM. Call 908/873-1251 or 908/572-0207 for more info.
- 11/9 - General Membership Meeting 2PM at the Holy Trinity Lutheran Church. See 10/28 for details.
- 11/9 - Luncheon for Larry Pratt, exec. Dir. of Gun Owners of America, sponsored by Big Apple Libertarians, at Ukranian East Village Restaurant, 140 Second Ave., N.Y.C., at 1PM. Call 212/966-5772 for more info.
- 11/11-14 - Drug Policy Foundation National Conference, Washington, D.C. Call NJNORMAL (800-742-2002) for details.
- 11/15-17 - National NORML Convention, Washington, D.C. Call 800-742-2002 for details.

Morris-Essex Libertarians meet at Jonathan Shanoian's home, 86 Beaverbrook Rd., Lincoln Park at 8PM on the last Tuesday of the month. Call 201/694-0664 for more info.

Mercer County Libertarians - Call Carl Peters for meeting info (609/737-7667).

IS ABORTION AGGRESSION?

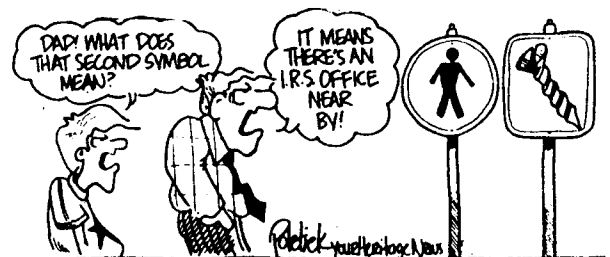
Libertarian arguments against abortion and for parental obligation. Literature packet, \$3. (For information only, please send SASE.)

Libertarians for Life

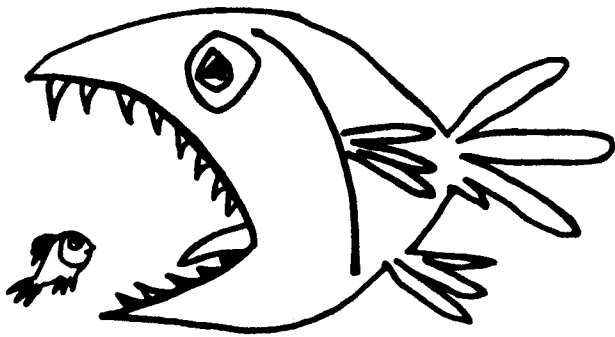
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Wheaton, MD 20906, 301/460-4141

Doris Gordon, National Coordinator



Congratulations to Dan Karlan! He's the first Libertarian National Committee (Natcom) representative from N.J.!



"TAKING THE OFFENSIVE IN COURT"

Classes Forming

Members of Libertarians of Monmouth County are sponsoring a course in getting to know your rights and how to handle yourself in the courtroom. This is a must for every American! Bernard Laufgas will be the instructor and the course will be 5 sessions at a place to be determined depending upon how many people are interested. The cost per person will be \$50 plus a shared cost for the room, if any. Bring your friends and anyone else who's interested in standing up for him/herself! Learn what to do when confronted by "the authorities". Find out how to sue, when to do it and who to do it to. If interested, call Claudia, 908/583-8721 by October 30.

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NJLP Bylaws require that members either live or work in New Jersey.

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| <input type="checkbox"/> \$300 Lifetime Sustaining | <input type="checkbox"/> \$35 Supporting |
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| <input type="checkbox"/> \$ 50 Sustaining | <input type="checkbox"/> \$ 5 Household* |

* For other members in the same household as a primary member. Applies to all categories except student. No newsletter.

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- ☐ Please remove my name if and when the NJLP list is rented to other organizations.
- ☐ \$ _____ Additional contribution to NJLP (Thank you!)

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

X _____ Date: _____
 (Signature indicating acceptance of above statement is required for membership.)

Make checks payable and return to: NJLP, P.O. Box 56, Tennent, NJ 07763

**'Listen, Decriminalize That Stuff And Kids Will Be
Organizing Wild Pot Parties As A Social Activity'**



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