

May 1995



The New Jersey Libertarian

Bill Lord Meets the BATF

by Emerson Ellett, State Coordinator, FIJA

Bill Lord is a former Texas gun store owner who was convicted of nine gun-control violations. The Bureau of Alcohol's Tobacco and Firearms accused him of willful ignorance in having "knowingly sold" cheap weapons to suspicious characters.

Before the trial no one was at the court house distributing jurors' rights leaflets from the Fully Informed Jury Association, a national group dedicated to informing Americans and jurors that they have the duty, responsibility and power to judge the law as well as the evidence. In a criminal trial, if a single juror determines that the accused is guilty under the law but that the law is unjust or unjustly applied, he may stop a conviction by finding him or her not guilty. John Adams, who our second President, said of the juror in 1771, "It is not only his right but his duty. . . to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the direction of the court. Harlan Stone, Chief Justice of the U. S. supreme Court, wrote in 1941: "The law itself is on trial quite as much as the cause which is to be decided."

FIJA does not take sides in issues at trial, thus no criticism of Lord's jury is intended. If the jurors had been informed of their true role as a bulwark against tyrannical prosecutions, the verdict may well have been different. They would have known that judges have no lawful authority to instruct the jury that it "must

find" the accused guilty if the law has been broken. They would have known about the landmark trial of William Penn; the jury acquitted him even though he was guilty (preaching an illegal religion). They might have recalled that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof shall be the supreme Law of the land", (Art 6, Sec. 2), and "All laws which are repugnant to the Constitution are null and void", Marbury vs. Madison (5 US 137 [1803]. In the jury room they may have put this together by disregarding the judge's instruction and deciding that Lord's prosecution had political overtones that clashed with the Constitution. For those reasons and because Lord had complied with all the paperwork requirements of the law and could not possibly have read the minds of the gun buyers, (the "willful ignorance" charge), he could be a free man today.

Most New Jerseyans, like the Texans who convicted Lord, are unaware that the jury is the ultimate check and balance against the unconstitutionally minded legislator, prosecutor and judge. How are New Jerseyans going to become informed. The schools aren't doing it, the courts are hostile; and any defense attorney who would dare mention it would be held in contempt. It appears that it must be up to those who are informed to inform those who are not. It is up to you and me. If we don't do it, who will?

Permit me to issue a personal challenge!

If you agree that informed jurors can

bring justice to the legal system please join forces with FIJA. Individuals and county parties may want to adopt a court house. It only takes a couple of people an hour on Monday mornings from 8 to 9 to leaflet prospective jurors. Consider a donation; at the Monmouth county court house alone FIJA is distributing thousands of costly leaflets. Let FIJA know about unjust and/or unconstitutional arrests and charges. And, should it come to that, never plea bargain away your right to trial by jury!

Bill Lord's prosecutor told the jury that a guilty verdict would put "the fear of the BATF in all would-be gun owners." That seemed to work in Texas. Whether it would here may depend on what we do starting today.

For sample leaflets send a SASE and \$1 to NJ-FIJA's Box 874, Eatontown, NJ 07724. Phone (908-774-3684 For FIJA National call 1-800-TEL-JURY.

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A Minority View

Prof. Walter E. Williams, Phd.



The people of Oklahoma suffered an unspeakable tragedy last week. It was a cowardly act worthy of national condemnation, and the perpetrators must be punished to the fullest extent of the law. Civil authorities, who made quick work of capturing at least one of the villains, and the Americans who pitched in to help are to be commended. As we sift through the rubble of this terrorist act, we must ask whether it's an omen of our future or an isolated act of an evil person.

Civility is fragile. Its maintenance requires rule of law, respect for private property and, above all, limited government. History is full of examples of how easily civility can unravel and how decent people can become barbarians themselves or become sympathizers to barbaric acts. We need only look at Germany, Ireland or Sri Lanka. For close to half a century, our nation has been trashing the rule of law and constitutional principles. As a result, we have been creating widespread legitimate anger and a climate for incivility.

Hotheads, kooks and provo-

cateurs never get far by themselves. To be effective in recruitment, they must be able to appeal to and exploit legitimate grievances. These are people who find, and accurately so, that neither Congress nor the courts afford them the protection or redress against the heavy-handed injustices of government. Here are just a few examples of the injustices:

In *Oliver vs. United States* (1984), the Supreme Court held that governmental "intrusion upon open fields is not (an) unreasonable search proscribed by the text of the Fourth Amendment." Therefore, the highest court in the land has sanctioned the Environmental Protection Agency, US Fish and Wildlife and other agencies to trespass upon private property.

Marinus Van Leuzen, age 74, of Port Bolivar, Texas, filled an unsightly mosquito infested pool of water on his quarter acre lot upon which his house sat. Federal District Judge Samuel Kenton found Leuzen guilty of destroying wetlands and ordered him to restore the pool of water (now it's covered with algae and scum), plus pay a \$350.00 monthly fine. Using the Chinese communist tool of forced public confession, Judge Kenton ordered Leuzen to erect a billboard on his property acknowledging his guilt.

The Corps of Engineers brought successful suit against Robert Brace, a third generation Waterford, Pa. farmer, for destroying wetlands. Brace had removed debris created by beavers building a dam from a drainage ditch on his farm. Brace is now subject to hun-

dreds of thousands of dollars in fines, jail and loss of his farm.

Other legitimate grievances without recourse are the civil seizures of the property of innocent people in open disregard of the fifth amendment. The Endangered Species Act allows dangerous predators to roam ranches, killing stock and sometimes killing or injuring people. Then there is the government mandated race and sex discrimination under the euphemism affirmative action.

Literally thousands of other examples can be found where law abiding decent Americans have legitimate grievances without recourse. If we are to lower the level of anger, frustration and resentment, and defuse the potential for more people to take up arms and become ready recruits for fringe groups, we must demand a return to the rule of law and constitutional government. I'm afraid we're going to do just the opposite in the wake of the Oklahoma City disaster: call for more gun control and wage a propaganda war against hundreds of America's militia members.

Contact your local newspaper and ask them to publish W.E.W. Need help call John Paff, 908-873-1251 or Ed Weissmann 201-579-7941.

Editor

c/o 37 Malvern Place
Verona, N.J. 07044

Fax: 201-239-8080

Voice: 201-857-3144

Submit by 15th of the mo.

Ronald R. Tamburro

NJLP State Board Meeting !

6/17 Steering Comm., Jeff Pfeiffer's, 374 Park Ave., Jackson, 908-928-9093

7/9 General Mtg., Len Flynn's, 254 Tennent Rd., Morgnville, 908-591-1328

8/12 Steering Comm, John Paff's, 1605 Amwell Rd., Somerset, 908- 873-1251

9/3 Meeting and Rally to be announced



JEFF PFEIFFER
JACKSON N.J.

Smarter than a Democrat or Republican. More powerful than a foreign lobbyist. Able and willing to reduce government bureaucracies and taxes. Look up at the Podium. Its a Democrat. Its a Republican.

NO, Its a Libertarian.

Yes , a Libertarian, a superior intellect, representing a political philosophy that embraces individual freedom and responsibility. A Libertarian, who can change the course of American Maliase, who will repeal unconstitutional laws and mandates. Who disguised as an ordinary law abiding citizen fights a never ending battle for Truth, Justice and the American Way.

by Jeff Pfeiffer

Steering Committee

Chair: Len Flynn 908/591-1328
Vice Chair: Ed Wiessmann 201/579-7941
Secretary: Em. Ellett 908/774-3684
Treasurer: Lou Stefanelli 201/751-8675
At-Large: Tim Konek 908/723-0334
Randy Mehaffey 609/935-0472
Jeff Pfeiffer 908/928-9093
Keith Quarles 908/280-8615
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Tim Konek 908-723-0334

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Middlesex Co. Fred Glatter 908-819-9696
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Ocean Co. E. Macron 908-458-5823
Salem Co. M. Mehaffey 609-935-0472
Somerset Co. F. Girardeau 908-873-2847
Sussex Co. Ed. Wiessmann 201-579-7941

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Burlington Barry Perlman 609-273-3253
Cumberland Herb Roselle 609-825-0510
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Monmouth Keith Quarles 908-280-8615
Morris/Essex Lou Stefanelli 201-751-8675
Ocean Glenn Campbell 609-978-1361
Som/Mid Ray Babecki 908-878-7998
Salem Bob Dyson 609-678-8034
Sussex Tony Federici 201-764-7298

County Organizer

Cape May Larry Muentz 609-884-2555

Other Officials

Historian Ray Babecki 908-878-7998
Librarian Emerson Ellett 908-774-3684
Nat Com. Rep. Dan Karlan 201-444-2846
News Ed. R.R. Tamburro 201-857-3144

H E L P !
June 6, 12, 19, & 26 FIJA Leafleting
at Monmouth Co. Courthouse
908-774-3684.

The NJLP needs a recruitment and volunteer co-ordinator. Need a challenge call Len Flynn @ 908-591-1328

The Foundation For Economic Education, Inc.
IRVINGTON-ON-HUDSON, NEW YORK 10533

Overhauling Social Security

by Mark Skousen

To the Editor:

Social Security reform is coming—and with good reason.

The real problem with Social Security is simple: it is a lousy retirement program and, as a result, imposes a huge drag on the U.S. economy and every other nation with a similar plan. FICA taxes cut deep into the pockets of every worker and every business. Payroll taxes have increased 17 times, from 2 percent of wages, up to a maximum of \$60, in 1935, to 12.4 percent, up to a maximum \$6,438 today. To cover future payouts beyond 2015, experts predict taxes will have to rise to 17 percent of gross income.

The tragic irony of Social Security is that it is a **forced savings plan that doesn't** contribute one dime of real savings. That's because Social Security is a pay-as-you-go system. Contributions are immediately paid out in benefits. FICA taxes go either to pay current Social Security retirees—who use the money to pay bills—or to the Social Security Trust Fund, which invests entirely in T-bills, that is, government spending. In short, payroll taxes are consumed not saved.

Imagine what would happen if Social Security taxes were invested in Individual Retirement Accounts, so that wage earners could invest in stocks and bonds. In other words, what would be the effect if Social Security funds were invested in free enterprise capitalism, rather than government transfer programs?

Such a study has just been completed by William G. Shipman, principal at State Street Global Advisors in Boston Massachusetts. He analyzed two workers, one earning half the national average wage (approximately \$12,600 in today's wages), and the other making the maximum covered earnings (\$61,100 today). A low-income earner who retires this year will receive \$551 a month from Social Security. But if he had been allowed to invest his contributions in conservative U.S. stocks over his working years he would be receiving an annuity of \$1,300 a month for the rest of his life, almost three times his Social Security income.

A high-income earner would do even better. If he retired today, he would receive \$1,200 a month from Social Security. Had he invested the money in stocks, he would be receiving an annuity of \$4,000 a month. Now that's what I call retiring with dignity.

The opportunity for positive change is real—consider the case of Chile. Its Social Security system puts America to shame. In 1981, under the influence of free-market economists, Chile privatized its failing Social Security system and replaced it with private pension fund accounts for new workers. Middle aged workers were given the option of using the new privatized pensions or remaining in the state system, while the government plans for existing retirees and those within a few years of retirement remained untouched.

The results have been astounding. Today 93 percent of the labor force is enrolled in 20 separate private pension funds. Annual real returns on pension investments averaged 13 percent from 1981 to 1993. Chile's private pension plan deepened the nation's capital market and stimulated economic growth. Its domestic savings rate has climbed to 26 percent of gross domestic product and economic growth rate averaged 5.4 percent annually from 1984 to 1992. Retirees still on the state pension system are being paid from general revenues, boosted by tax revenues from privatizations of state companies and the expanding economy.

In short, Chile provides a role model for a successful privatization of the U.S. Social Security system. Converting the pay-as-you-go system into a genuine savings program will dramatically increase capital formation and economic growth in the U.S.

Lately, however, resistance to reform has been crumbling. *Time* magazine ran a March 20th cover story, "The Case for Killing Social Security," and virtually endorsed the Chile model. Paul Craig Robbers wrote a favorable column about Chile and Social Security reform in the March 27th issue of *Business Week*. And now Senators Robert Kerrey (D-Nebraska) and Alan Simpson (R-Wyoming) are sponsoring a bill to allow workers to pay 2 percent less in payroll taxes if they invest it in their own IRAs. It's a beginning. House Speaker Newt Gingrich pledged to keep Social Security off limits this year, but for how long? As the Chinese philosopher Lao I Tsu said, "To resist change is like holding your breath—if you persist, you will die."

Overhauling Social Security" is available via direct modem and on computer disk at no charge. Please contact Greg Pavlik at (914) 591-7230 with any questions

THE LIBERTARIAN JUROR

To the Editor
From Tweedledee & Tweedledumb
Esq. (The Anon. Lawyers)

INTRODUCTION: The frustration of being a Libertarian in a philosophically collectivist (though nominally "freedom loving") society will often prompt the anguished cry, "What can I do to help?" We all know there's a long road ahead, and the rallying slogan of "liberty in our lifetimes" really reflects a best-case scenario. A person need not be accused of seeking immediate gratification to ask what steps they can take NOW that will have some real consequence. Since the Libertarian position is basically non-coercive, there's little we can do but try to reason with our adversaries. But with so many deaf ears around, despair has a way of setting in.

Of course, there are many "reasonable" things to be done, from voting (or not voting, which many legitimately find a better strategy) to educating. But jury service offers one of the best opportunities for a Libertarian to make a difference.

We are criminal defense attorneys who have worked in the system for a long time, and we believe that Libertarians everywhere need to take the opportunity of jury service to bring about change. As we will explain, the procedure and rules followed in criminal trials, along with the fact that the most egregious violations of liberty occur in this context, create a situation where a lone Libertarian can "leverage" his influence far beyond that available in the voting booth or the marketplace.

WHAT IS JURY NULLIFICATION?: Among the many rights conferred upon Americans by The Constitution, only a few still survive, and practically none survive unfettered. The First Amendment states that "Congress shall make NO law..." respecting speech and religion. Courts have flatly interpreted "no"

to mean "some" in this context. What part of "no" couldn't they figure out? The Second Amendment has been interpreted out of existence entirely (by the U.S. Supreme Court), and so on down the line. Nevertheless one right which is conferred by the Constitution and which the courts continue to uphold is the right of jury nullification.

Jury nullification dates back to the beginning of the republic and (like the bulk of the thoroughly misunderstood and misinterpreted constitution) was conceived as a check on tyranny. Stated simply, the rule permits a jury to find a defendant "not guilty" even if he is in violation of the law. It is a mechanism by which a jury strikes down an unjust law, at least in an individual case.

WHY DON'T CITIZENS NULLIFY?: While courts have without reservation upheld the right of juries to nullify, they have ordered that the courts conceal this right from juries. Therefore, you should be advised that regardless of where you are in the United States, and regardless of whether you sit on a federal jury or a jury of any state, you are not required to convict a defendant, even if you are convinced of guilt beyond any reasonable doubt.

The judge will literally state exactly the opposite to you. S/he is lying to you, and is authorized to do so by the law. That's hardly surprising; the only anomalous aspect of this is that the courts have upheld nullification in the first place. That may change if, as we suggest, people begin to exercise their right. But what's the alternative? Should we waive our rights out of fear they may be taken away.

You should be aware, however, that the courts have taken one other step to protect themselves from nullification. In addition to lying to you about the existence of nullification, judges routinely

ask jurors (usually towards the very beginning if they would have any problem "following the law.") If you answer this question honestly, the prosecutor or the judge will simply remove you from the jury. In death penalty cases, they are even more explicit about "nullifying" nullification; any juror expressing doubt about the death penalty is removed at the outset. As you might imagine, this weeding out of unruly jurors is absolutely unconstitutional and, of course, fully legal in the current climate.

WHAT YOU CAN DO: We recommend dealing with this in the following way: Lie.. Ethical dilemma? We don't see it that way.

There are really two potential problems here. First, the authors, as officers of the court, cannot properly advise potential jurors to lie to judges. We see this as a practical, rather than ethical problem, and that is why you will see that this article is not signed. (You may consider our reluctance to identify ourselves as a reflection of the current state of free speech and the impact of the government thereupon.).

The second problem is more substantial, do YOU want to lie, and here there may be an ethical problem worthy of substantial consideration. Vast tracts have been written on whether or when it may be ethical to lie, and such discussion is largely beyond the scope of this article. Briefly, however, here is our position:

We believe the decision to lie should be controlled by principles similar to that underlying our politics. Lying, generally, is a form of fraud used to commit immoral acts, usually, to gain the unearned. Lying ought to be treated like the use of force. The initiation of force is improper under all circumstances. However, the use of force in response to such initia-

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tion may not only be permissible, it may in fact be the only possible moral response in many circumstances.

The circumstances under which we advise you to lie call for no breach of morality whatever. The attempted trial and conviction of someone on charges of, for example, drug use, or giving oral sex, and so on, is, in itself, a criminal act. You owe no duty of honesty to such a tribunal, nor to any one involved in such a farce. A "drug bust" is nothing more than an armed robbery/kidnapping which is far worse than one committed by any private party precisely because it is done with the full authority of law. A trial is the continuation of this travesty.

Even under current law, citizens possess the right of self-defense (though this right is narrowly circumscribed in the current climate). Flowing directly from self-defense is the right to defend others. We urge Libertarians (and all men of conscience) to engage in the defense of the innocent by intentionally misrepresenting your views regarding unjust, victimless "crimes" so that you may get on jury panels and nullify the laws in question.

By refusing to find a defendant guilty of a drug, gun, sex or economic "crime," you can cause the jury to be "hung," bringing about what we call a "mistrial." Consider the numbers: If Libertarians consisted of a mere 8% of the population, this would be a "critical mass" sufficient to end the drug laws, the gun (possessory) laws, the tax laws, antitrust laws, sex laws, and myriad other aggressions against the citizenry, assuming our advice was followed. At 8%~ there would be, on average, one Libertarian juror in each group of twelve jurors. Although juries would "only" be hung, they would be hung time after time and due process (as interpreted by the courts) requires that charges be dropped after 3 or 4 such "mistrials."

Abuse of the system? Hardly. This was exactly the outcome intended by the

Constitution's framers. The whole document was designed to protect the rights of individuals and minorities. Democracy (that is, unlimited democracy) has been defined as two wolves and a sheep voting on what to have for dinner. America was explicitly designed as a strictly limited democracy. Nullification was designed expressly as a mechanism to thwart unjust laws.

At the voting booth, the majority calls the tune, as Libertarians are all too painfully aware. But in the jury room, it is the individual who controls the outcome (or, more correctly, can prevent an unjust outcome). As long as this remains true, we urge you to vote your conscience in the jury room.

To the Editor:

RE: Domestic Violence

From: J.PAFF1

WHAT MUNICIPAL COURT JUDGES ARE BEING

April 24th's New Jersey Law Journal contained a story about training sessions the Administrative Office of the Courts holds for Municipal Court judges. These sessions deal with the issuance of Temporary Restraining Orders under New Jersey's domestic violence statute.

The Law Journal had received a tape recording of an April 1994 session. Here's a direct quote from Richard Russell, judge of the Ocean City Municipal Court, an instructor at the session, speaking to the group: "The domestic violence statute just blew up all my learning, all my understanding, all my concept of constitutional protections and I had to acclimate myself to a whole new ball game. If I had one message to give you today it is that your job is not to weigh the parties' rights as you might be inclined to do as having been private practitioners. Your job is not to become concerned about all the constitutional rights of the man that you're violating as you grant a restraining order. Throw him out on the street, give him the clothes on his back and tell him see ya around. They [state legislators] have

To the Editor:

RE: Forfeiture Book Available

Sender: J. Paff

"We must significantly increase forfeiture production to reach our budget target. Failure to achieve the \$470 million projection would expose the Department's forfeiture program to criticism and undermine confidence in our budget predictions. Every effort must be made to increase forfeiture income in the three remaining months of 1990."

Source: Executive Office for U.S. Attorneys, Department of Justice, 38 U.S. Attorneys Bulletin 180 (1990)

As quoted in "Forfeiting Our Property Rights—Is Your Property Safe from Seizure" by Congressman Henry Hyde. Available now from **CATO Books for \$8.95. Call 800/767-1241** to order.

declared domestic violence to be an evil in our society. So we don't have to worry about the rights. We have to worry about "separating the people". Discussing what he termed "real fundamental things," You've gotta know them. You've gotta have them etched in the back of your eyelids so that you can read them to the police officer from your memory. And your bottom line is don't be tomorrow's headlines. An audience member asked this question: "Uh, the statute says we should apply just cause in issuing the order. You seem to be saying to grant every order". Russell: "Yeah that's what I seem to be saying. For all the reasons I've said and for all the reason that Nancy said, that is the safest thing to do."

Audience member: "But is it the right thing to do?" Russell: "I think it is."

Well there you have it folks. Make no mistake about it, when it comes to allegations of domestic violence, New Jersey's municipal court judges are being taught to ignore justice and just be rubber stamps.

BALLOT FOR NJLP STATE BOARD

INSTRUCTIONS: This is your ballot to elect County Representatives to the NJLP State Board. To vote, find your county on this page and circle the name of the person you want to be your County Representative. If you don't want a Representative to the State Board, circle NOTA, which stands for "None of the Above." Don't want the nominated person? Write in the name of the person you do want. And if your county is not listed, write it in along with a name on the line provided.

Then take the ballot and fold it so your selection is not visible. Seal it by stapling or taping it shut and place it the voting envelope provided. Make sure that the county indicated on the label of the envelope agrees with the county you selected on the ballot. If it does not agree, change the county on the label so it does agree. This is a secret ballot, so the envelope will be used to validate the ballot for each county before they are opened and counted. Any ballot marked for a county different from its envelope will be disqualified when the votes for that county are counted.

Send the voting envelope and ballot to the NJLP, PO. Box 56, Tennent, NJ 07703, by July 31, 1995. It must be received by then in order to be counted. Results of this election will be announced in August.

*The ballot is ready. Are you ready?
Watch for nominations in the next issue!*

SAMPLE BALLOT

Please note: 'This election is for members of the NJLP only. If you are not a member you may not vote in this election. To become a member and vote, send a membership form and payment along with your ballot. In that instance, you do not need an official voting envelope to vote. Your membership form will be substituted for validation purposes.

M E M B E R S H I P
Name _____

Address & City _____

State & Zip _____ Tel.# _____

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

Enclosed is \$40.00 for one yr. regular membership and subscription to both the National LP news and the New Jersey State Libertarian.

Enclosed is \$25.00 for a Budget membership and a 1yr. subscription to the National LP News and 4 issues of the N. J. State Libertarian.

Signature required for membership _____

Make checks payable to NJLP and mail c/o L.M. Stefanelli, Tsr. 49 Carmer Ave., Belleville, N.J. 07109

ADVERTISING RATES

Full Page \$60.00	Half Page \$40.00
1/4 = \$25.00	1/8 = \$15.00
Business Card \$15.00	Inserts \$25.00

Additional fees for typesetting

12 issue prepaid discount = 10% 6 issue prepaid discount = 4%

Calendar of Events

Somerset/Middlesex LP invites the public to its monthly meeting at 7pm on the 4th Monday of every month at the Holy Trinity Lutheran Church.

Mercer County LP meets on the second Sunday of each Month at 2:30PM. Location will vary. Call Ben Grindlinger @609-585-4128 for info.

Salem County LP meets regularly on the last Saturday of each month at 2 PM. For locations call Robert Dyson @609-678-8034.

Morris / Essex LP meets at Sir Speedy, E. Hanover, 7 PM on the last Tuesday of each month. Call 201-884-0220 for information.

Gloucester County LP holds its regular meeting the fourth Thursday of each month. Guests are welcome. Call John Hill @609-468-9571 or Brian Waters @609-845-9581 for info.

Burlington County LP meets the second Thursday of each Month at 7 PM upstairs at the Whistler's Inn, 901 Rte. 130, Cinnaminson. All are welcome. Hotline: 609-866-3535.

Sussex County LP: call Tony Federici @201-764-7289 for meeting info.

Monmouth County LP: meets the second Sunday of each month. Liberty Brunch at 11AM, meeting at Noon. Call Keith Quarles @908-280-9615 for location and details.

Ocean County LP: meets the second Wed. of each month @ Betty Florentine's house. Call 908-477-8496 for info or contact Chairman Glenn Campbell @ 609-978-1361

New Jersey Libertarian Party

P.O. Box 56, Tennent, N.J. 07763
800-201-NJLP

ADDRESS CORRECTION REQUESTED

