



NEW JERSEY LIBERTARIAN

NEW JERSEY LIBERTARIAN PARTY, P.O. BOX 56. TENNENT, N.J. 07763

* * * JUNE/JULY 1984 * * *

CALENDAR OF EVENTS

June 30-July 7-- Cato Institute's 7th Annual Summer Seminar in Political Economy at Dartmouth College in Hanover, NH; \$450 (\$125 for students) includes room and board, books and social events. Contact Kristina Herbert, Cato Institute, 224 Second St., S.E., Washington, DC 20003--202/546-0200.

July 21-- NJLP SUMMER PICNIC and GENERAL MEETING; 2 PM at Len & Ginny Flynn's home in Jackson. Grills, ice bucket, games and pool provided. Bring your own food, drinks and lawn chairs. Call 201/928-0758 for info or directions.

Every Monday-- Libertarian Discussion Club, 6 PM at Patti's Restaurant, New Brunswick. For info and directions call 201/751-2824 (Danny) or 201/249-7649 (Rick).

Every Monday-- Free public meeting of NJ Americans for Constitutional Taxation (ACT); 7 PM, Queen Diner, Route 18, East Brunswick.

Every Tuesday-- NJ ACT free public meeting; 7 PM, Moffa's Farm Restaurant, Almonesson Rd., Blenheim. Call 609/HAD-ENUF for info.

Second Thursday of each month-- Constitutional Freedom Committee meeting, 8 PM, Ollie's Restaurant, Route 9 and Tilton Rd., Northfield, NJ. Guest anti-tax speaker at each meeting. Call 609/927-2320 after 5 PM for details.

LETTER FROM THE CHAIRMAN by John S. Schafer

The disgusting two-party spectacle happens every four years. Presidential candidates fall over themselves promising everything to everybody who can vote. The voters in turn eat it up, manipulating the candidates like those little wooden puppets that you can make dance at the end of a bouncing board. When you snap that board sharply, you can even get the puppet to kick itself in the head. This also works on the politicians.

Ron Paul, probably the most libertarian former member of the U.S. House of Representatives, recently was defeated by Phil Gramm for the senate republican primary in Texas. It seems that Paul had no sympathy for the major U.S. banks which had made bad loans to developing nations. While Paul had to beg for campaign funds, Gramm raised millions for his primary race from...guess who?

As candidates for public office, we Libertarians don't promise anything to anybody, except to leave them alone to lead their own lives and to enjoy the fruits of their labor and property. So what do we receive in return? Incredulous stares! People don't know what to think about so-called "politicians" who refuse to promise them anything, except to let them keep what is already theirs and not to steal it from them.

What is the answer to this Libertarian dilemma? All we can do is hope that the voters will wake up to all the bad things that are happening to them, their children and grandchildren, to the dollar, this nation and the world. If they don't wake up soon, we shall all find ourselves living a horrible nightmare that need never have come true.

Don't miss the PICNIC
on July 21st!
(see above)

Editor
NJ Libertarian

Is this necessary?

Seriously, do we need a State Department, or is it merely a relic of colonial times? As secretary of state, Thomas Jefferson had a staff of eight. The State Department now employs over 7,000 people in Washington and over 6,000 Americans abroad. A person willing to invest a couple of hundred thousand in a political campaign can spend millions on high living as an ambassador. And what do the taxpayers receive — a chaotic, contradictory foreign policy.

Jefferson called for "peace, commerce and honest friendship with all nations, entangling alliances with none." Our current intervention in Nicaragua began in 1912 when President Taft sent in Marines to protect American banking interests from a threatened revolution, before the domino theory was discovered. They stayed until 1925 and went back from 1928 to 1933. Our foreign policy there seems to be to restore a regime wherein most people earn \$200 to \$300 per year while one percent drive their Rolls and Mercedes down the dirt roads.

The House of Representatives must approve spending, and the Senate must approve treaties. Governors seem to like to go abroad to promote trade, and we have a Commerce Department and so on. Do we really need "Foggy Bottom"? Why not be innovative and be the first country to abolish this mess?

TOM PALVEN,
Farmingdale

ASBURY PARK PRESS
4/26/84

Why was the demonstration against nuclear weapons included in the May Calendar of Events? Were we to demonstrate for or against? Are nuclear weapons bad per se? If so, we Libertarians have no chance at all for any defense without a big government.

We all agree that taxes are wrong and the draft is wrong, but I don't think that even half of Libertarians believe the U.S. should unilaterally disarm. Without nuclear weapons there's not much chance that any libertarian country, or any small country, could deter a larger country from taking whatever it wanted. Without nuclear weapons the U.S. government would undoubtedly increase taxes and return to the draft in order to build the conventional nonnuclear forces to match the Soviet Union.

Pacifism is a perfectly legitimate policy, but I don't see that it is necessarily a Libertarian policy. I certainly hope not, because I want this country to stay as free as it is long enough to establish a libertarian society.

Ron Wishart

BERGLAND BALLOT DRIVE NEEDS \$\$

Ed.-- The Calendar of Events is presented each month as a service to NJLP members. Its purpose is to inform them about NJLP activities and any other outside events of possible interest. The item about the demonstration at Earle was sent in by an NJLP member. It was printed with the knowledge that the nuclear question (weapons and energy) is unresolved among libertarians.

Bergland/Lewis, the LP's ticket for President/VicePresident is currently on the ballot in 21 states, including New Jersey. Right now the LP is working on ballot drives in Georgia, Florida, Missouri, and Massachusetts and they're having trouble.

A good portion of the contributions from David Koch in 1980 went toward achieving ballot status in all 50 states. That chunk of money is not available this year since Koch is not a candidate. The National LP is asking states already on the ballot to help. Any amount of money you can donate would be greatly appreciated and would be directly translated into signatures on petitions. Send whatever you can (earmarked for ballot drives) to LP National Headquarters, 7887 Katy Freeway, Suite 385, Houston, TX

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Would you like to start a libertarian discussion group? All you need is A *Liberty Primer!* Send \$7.95 to: Genesee Valley Society for Individual Liberty, Box 10224, Drawer CNJ, Rochester, NY 14610

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CANDIDATE'S CORNER
Harold Leiendecker

This is the first of a series of reports on this fall's U. S. Senate campaign. In this report I will discuss general strategy, what I hope to do, and what I hope you can do. In the next letter I will discuss more specifically how you can help.

I am pleased to announce that Dan Maiullo has accepted the job as my campaign manager, in addition to the many other things he is doing for the Party - running for the U. S. House of Representatives being just one of them.

My wife, Sally, is the treasurer of the Leiendecker for Senate Committee, which has been registered with the FEC so as to be eligible for PAC contributions.

My approach will be what we Libertarians frequently call an "educational" campaign. Maybe "consciousness-raising" is a better term, or at least one that will "catch more flies." At any rate, I want to make people realize that taxation is theft, that "compulsory national service" that Bill Bradley has discussed is slavery. I want people to know that we are not saying that all the things governments do should not be done; we are simply saying they should not be done by force with stolen money. To the extent a highway is built or a crippled children's hospital is operated voluntarily, either for profit or through charity - hooray!

I feel strongly a concern that, from a macro-view, governments' moves to stamp out the relationship between productivity and rewards is going to harm us all very greatly, both economically and in spirit. To quote a source that Libertarians don't quote very often, I have heard Al Haig say that the common man prospers best when uncommon men and women are free to receive what they earn.

Libertarian philosophy is not communicated in a rushed hand-shake in a railroad station. At least a few minutes, or dozens of words, are necessary. Thus, I think a candidate's time is best spent articulating the issues in debates, speeches, press interviews and press releases.

Others working for the candidate can most effectively help by assisting in obtaining opportunities for the candidate to speak and by distributing literature. I hope to have available two types of literature - one that grabs attention and delivers the message of freedom briefly - and another that spells out in a bit more detail, the application and practical working of our philosophy. Modest numbers of bumper stickers and buttons will be available. While they convert very few people, they help the credibility of the Party, and trigger a reminder about our philosophy if the observers have heard it before.

If you wish to contact us, Dan's address is 750 Washington Avenue, Apt. 6, Belleville, N.J. 07109. Home phone: 201-751-2824. Work phone: 201-438-5600. My address is 35 Butler Parkway, Summit, N.J. 07901. Home phone: 201-273-1818. Most week ends: 717-686-4369. Work phone: 212-398-3011.

Call us now, even if you don't have any idea about what you can do. We'll help you, and we need your help. Make checks payable to Leiendecker for Senate Committee.

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Could you use a convenient indexed source of libertarian quotations and ideas for talks and letters-to-the-editor? You should have *A Liberty Primer!* Send \$7.95 to: Genesee Valley Society for Individual Liberty, Box 10224, Drawer CNJ, Rochester, NY 14610

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BERGLAND
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DEVELOPMENTS IN NEW JERSEY LAW

by Dan Maiullo

This month: Marijuana, fornication, and the constitutional right to privacy.

On November 29, 1982 a burglary was reported at 64 Baldwin St. in New Brunswick. Three students, including David Miller, lived there. The investigating officer found a number of foot-high marijuana plants on a sunporch and arrested Miller's roommate, the only one home at the time. When Miller found out what had happened he contacted Newark attorney Alan Silber who works for both the National Organization for the Reform of Marijuana Laws (NORML) and the American Civil Liberties Union (ACLU). A deal was worked out by Silber under which the charges against the roommate were dropped, Miller pleaded guilty in municipal court, and sentencing was postponed until Silber could argue Miller's constitutional rights in Superior Court. However, earlier this year the Superior Court declined jurisdiction and sent the case back to New Brunswick municipal court to be argued there. As of this writing there is no date set for the case to be heard.

The argument Silber plans to use is that prohibiting the possession of small amounts of marijuana in one's home is a violation of the right to privacy as guaranteed by the United States and New Jersey Constitutions. This argument draws on the New Jersey Supreme Court's decision in *State v. Saunders*, 75 N.J. 200 (1977), which declared New Jersey's fornication statute unconstitutional on the grounds that it violated privacy rights. The attorney arguing against the statute in that case was Alan Silber.

Because Silber plans to rely on his earlier victory before the Supreme Court, it may be helpful to review that case to see how the decision could apply to Miller's situation. In 1973 Charles Saunders and a companion were arrested and charged with the rape of two women in Newark. Following testimony at the trial, the judge informed counsel that he was considering the possibility of charging the jury with respect to the crime of fornication as a lesser included offense of rape. (A lesser included offense is one which can be proved by the same or less than all the facts required to establish the commission of the offense charged.) In this case it was highly questionable that the women were forced into sexual intercourse. In the event that the use of force could not be proved, the men could not be convicted of rape, but could be convicted of fornication. The fornication statute, N.J.S.A. 2A:110-1, at the time was:

"Any person who commits fornication is guilty of a misdemeanor, and shall be punished by a fine of not more than \$50, or by imprisonment for not more than 6 months, or both."

Defendant's attorney objected and the judge replied:

"Here is a situation in which there appears to be, and it is up to the jury to decide, an open admission in court of fornication, and I don't think the Court can ignore it since it is in the statute."

The jury returned its verdict of guilty on the two fornication counts and not guilty on all other counts. Defendant was fined \$50 and his co-defendant, who had spent 7 months in jail awaiting trial, was sentenced to "time spent."

NJ LAW...

A motion for judgment of acquittal was filed and the court agreed to a hearing to challenge the constitutionality of the fornication statute. Defendant sought the opportunity to introduce testimony in order to establish a factual record demonstrating discrimination in the enforcement of the statute. The judge held that the statute and its enforcement did not violate the Equal Protection Clause of the First Amendment, nor any rights to privacy under either the New Jersey or United States Constitutions.

Saunders appealed to the Appellate Division of the Superior Court which upheld the decision of the trial judge for the reasons set forth in his opinion. There was no dissent.

On certification, the New Jersey Supreme Court reversed both the trial court and the appellate court, holding that the fornication statute was a violation of privacy rights and therefore was unconstitutional. Two justices dissented and would have affirmed the conviction.

Next month: a discussion of the right to privacy, where it comes from, its application in the Saunders case, and what we might expect to happen in David Miller's case.

MAY STEERING COMMITTEE MEETING

by Len Flynn

The NJLP Steering Committee met at John Schafer's home on May 26, 1984. Nelson, Hoegberg, Schafer, Maiullo, Friedlander, and Flynn were present. George was absent. Possible strategies for increasing membership were high on the discussion list. Rick Hoegberg and Dan Maiullo will begin following up on the people who leave their names and addresses on the party calling machine. Currently, they are sent the most current issue of the newsletter.

Paul Nelson suggested more social events. The first of these will be a summer picnic and general meeting at Len and Ginny Flynn's home in Jackson on July 21, 1984 --details in Calendar of Events. Paul, Rick and Dan will also set up some kind of weekly program to recruit new members and generate interest in LP activities. (See Calendar of Events.)

The committee agreed to a combined June/July issue of the NJ Libertarian. The next meeting will be a combined General Membership/State Committee meeting at the picnic on July 21.

RICHARD D. KRAUS

COUNSELOR AT LAW

245 MAIN STREET

RIDGEFIELD PARK, NEW JERSEY 07860

(201) 641-8880

PATERSON NEWS

May 17, 1984

News poll

Last week we asked readers, "Should the government compensate Vietnam veterans who claim damages from Agent Orange?" Ten said yes, and one said no. Here are their replies:

No. As much as the individuals in question may have suffered from Agent Orange, they aren't entitled to money stolen from the rest of us! This is an excellent chance to apply libertarian principles regarding charity. Let private veterans' groups like the Legion or VFW fund any and all veterans' benefits.

Mark Richards
West Milford

NJLP STEERING COMMITTEE

P.O. Box 118
Jackson, NJ 08527

State Chair: John Schafer 609/466-2754
 Vice-Chair: Bill George 201/233-4082
 Secretary: Len Flynn 201/928-0758
 Treasurer: Rick Hoegberg 201/249-7649

Editor: Ginny Flynn
 201/928-0758 or 2964

Members-at-Large: Dan Maiullo 201/751-2824
 Steve Friedlander 201/874-8492
 Paul Nelson 201/755-1712

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 Hudson County Don Meinshausen 201/659-6786
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 Monmouth County (Vacant)
 Somerset/Middlesex Steve Friedlander 201/874-8492

Inserts \$10/sheet

These rates only apply to ads submitted camera-ready. Extra will be charged for any necessary extra preparation.

Material must be received by the 26th of the month to be in the following issue.

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NEW JERSEY LIBERTARIAN PARTY

MEMBERSHIP APPLICATION

Name: _____
 Address: _____
 City/State: _____ Zip _____
 Telephone: (h) (_____) (b) (_____) _____

NJLP Dues
 \$250.00
 150.00
 35.00
 15.00
 5.00

Membership Category
 Lifetime Sustaining
 Lifetime
 Sustaining
 Regular
 Student (School: _____)

Occupation: _____

- I am eligible to vote in _____ County
- I am registered to vote in NJ.
- Please do not include my name if the NJLP list is rented to other Libertarian organizations.

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

Signature _____ Date _____
 (Signature indicating acceptance of above statement required for membership)

A subscription to the members' newsletter, the **NJ Libertarian** is included with the above dues.

- Monthly pledge for each of the next 12 months:
 \$100 \$50 \$25 \$10 \$5 Other
- \$15 Libertarian National Committee 1 year dues.
- NJ Libertarian** Subscription only, \$10.
- I am not the first member at this mailing address, and do not wish to receive a copy of the newsletter (\$10 may be deducted from Regular membership dues only.)

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