



New Jersey Libertarian

Volume XXXV, Issue 4

November-December 2010

Chair's Message

By NJLP Chair Jay Edgar

As the Christmas season approaches I thought I'd like to start my column with some Christmas wishes and end it with some New Year hopes and aspirations.

When I first wrote this column, Brian was still in jail. My first Christmas wish has already come true! Now I wish that his appeal will be successful and that his record is cleared. I hope that our citizens and legislators will now wake up and realize how screwed up New Jersey's gun laws are.

In 2011 the entire NJ State Assembly is up for election. A small number of candidates have stepped forward to run. It is my hope that more candidates run and that we get an early launch of some campaign websites so we can start fundraising for them. We have started to put together platform ideas for our candidates and have started a website template.

While we have many great activists in the state, I've been pestered with too many "why doesn't the NJLP do ..." statements. I hope that more activists instead of complaining will take the bull by the horns and become a champion for their favorite libertarian cause.

Finally I wish that in 2011 all humans throughout the world find more freedom. No matter one's nationality, religion, immigration status, occupation, or drug of choice is, all humans deserve to live their lives however they want as long as they do not interfere with the rights of others.

chair@njlp.org

2011 NJLP Convention Announcement

The 2011 Convention will be held on March 12th at Brookdale Community College. Speakers, reservation information, and costs will be announced soon.

Brian Aitken is Free!

By Jay Edgar

Back in December of 2008, Brian was in the process of moving from Colorado to NJ. Brian researched how to move his guns by calling the NJ State Police. He checked his legally owned guns in with the TSA. He then stored the guns at his parents house. In January of 2009 he locked the guns in the trunk of his car and started to the drive to his new apartment in Hoboken.



Brian had been in the midst of a divorce and custody battle. His mother was worried about him and called 911. However, before the call was connected she hung up. The police were dispatched to his parents home. Brian was contacted, he turned around and returned to his parents. While there, the police searched his car and found his guns. Despite the guns being properly locked and unloaded they arrested him for possessing weapons.

In NJ, unless one has a rarely granted carry permit, it is illegal to possess a gun outside of ones own home. There are exemptions to this: hunting, at a shooting range, traveling to and from hunting or a shooting range, or moving from one residence to another.

During trial, the judge refused to allow the jury to hear the exemptions. The jury asked three times for the exemptions, however was denied each time. Brian was

Continued on Page 2

In This Issue

| | |
|----------------------------------|---|
| Brian Aitken is Free! | 1 |
| Camden Loitering Demonstration | 2 |
| November General Meeting Minutes | 3 |
| WikiLeaks and Open Government | 5 |
| TSA Scanner Demonstrations | 5 |
| Seaside Civil Settlement | 6 |
| Fair Tax or Not Fair Tax | 6 |
| Mark Hinkle on Julian Assange | 9 |

Continued from Page 1

sentenced to seven years of prison. In August of 2010 Brian started to serve his sentence.

Thanks to the many letters and phone calls to Governor Christie, Brian has been freed. After almost four months in jail, Chris Christie has issued a commutation of his sentence.

This case illustrates the problems with judges keeping jurors in the dark. I would guess that the jury sentenced Brian based on the erroneous opinion that they had to judge Brian based on what they interpreted the law as. Had the jury been properly educated on the exemptions of New Jersey's gun laws and their power of jury nullification they may never have allowed Brian to be convicted.

We wish Brian success in his appeal and the clearing of his name. What the state has done to him is absolutely inexcusable.

Examples of individuals using guns to defend themselves abound. A simple Google search has turned up the following:

- December 3rd in Tennessee a pizza delivery driver used a handgun to defend himself against three robbers, killing one of them.
- December 4th in Georgia, a liquor store clerk shot and killed one of the two men attempting to rob him.
- December 11th a business owner shot and killed a robber at her Fresno, CA video game store.
- December 11th in Georgia, a man shot a knife wielding robber in a parking lot.
- December 13th, a man in Kansas shot a would be robber in his apartment.
- December 16th in Houston, a store owner shot three robbers who had tied up his wife.
- Just after Thanksgiving, a homeowner defended his family against a home intruder in Arkansas.
- This past summer an 11 year old girl defended herself with her mother's rifle in her Albuquerque home.

Law abiding New Jersey residents are left with little options for self defense. New Jersey's gun laws are among the strictest in the nation. Unless one has connections or money, carry permits are rarely approved. And as Brian's case shows the laws are arbitrarily enforced and poorly written.

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness. - NJ State Constitution

NJLP Demonstrates Against Loitering Laws in Camden

by Jay Edgar

On election day several libertarian activists visited the city of Camden to protest the police use of the state loitering with intent laws.

The NJ Libertarian Party's battle against loitering laws started some time ago. In 1979 the state enacted a uniform code of criminal conduct. Prior to 1979 much criminal law in NJ consisted of a patchwork of municipal regulations. The 1979 law was intended to have uniformity in law across the state. The 1970 Uniform Code of Conduct specifically excluded loitering as a valid offense. In 1982 in the case of State V. Crawley the courts found that local loitering ordinances are indeed invalid. So sometime in 2007 we formed a committee to identify invalid local loitering and nuisance laws and to have them overturned.



Mostly due to the hard work of the chairman of the Preempted Ordinance Project, John Paff, we have had loitering ordinances overturned in 32 towns. Most often we accomplish this with a simple letter to the township attorney noting the illegality of their ordinance. (they can be read about at <http://njlp.org/loitering>)

As a result of recent publicity over two towns repealing their loitering ordinance, we received several complaints of individuals being charged with "Loitering with intent" in Camden.

In 1991 the state passed two separate laws, one against loitering with the purpose of buying, selling, or using a controlled substance and the other against loitering with the intent of engaging in prostitution.

These laws are being used in Camden to crackdown on just about anyone that the police decide they don't like. The law specifically states that simply wandering alone is not sufficient. There must be evidence of engaging in one of the prohibited activities. However the laws give vague examples of conduct that could be deemed

Continued on Page 3

Continued from Page 2

evidence like beckoning to people, passing objects back and forth, and repeatedly attempting to stop passer-bys and engage them in conversation.

When we were in Camden distributing fliers (and beckoning to passer-bys) we found the residents there to be living in a complete police state. Mostly everyone we met had either been charged with loitering with intent or had close relatives or friends who had been charged. The loitering charges carry a fine of up to \$1,000 dollars. We found several people who were fined between \$700-\$800. Several others had the charges thrown out in court, but were still charged \$150 by their public defender.

I witnessed one confrontation between the police and a young man who had stopped on the street to smoke a cigarette. He had been surrounded by three officers. I approached with a camcorder. A police officer approached me and I asked him if this was a loitering incident. He asked who I was and I told him I was there to speak out against the misuse of loitering ordinances and handed him a flier. He then walked away. The video posted on our website shows the rest of the confrontation. They soon left the young man alone. Looking back I wish I had gotten his badge number.

Earlier this year, residents publicly accused the Camden police of terrorizing the neighborhood and were found to have been conducting illegal searches and planting drugs on innocent people.

Similarly, in Newark, allegations of police brutality have abounded for the past few years. Officers have been accused of shaking down drug dealers, The ACLU has made the charge that police misconduct is rampant in Newark.

The NJLP Open Government Advocacy Project has uncovered confidential payments to settle police misconduct claims in both Camden and Newark.

Just weeks after our demonstration, Camden has announced plans to lay off 213 police officers, leaving 162 officers still on the force. After the layoff, this equates to 18.4 officers per square mile of land and 2.1 officers for every 1,000 residents.

Newark is laying off 167 officers, leaving 1,098 officers on the force. After the layoff, this equates to 46.1 officers per square mile of land and 3.9 officers for every 1,000 residents.

Some people are worried that these crime ridden cities will get worse without a large police presence. Dr. Michael Riccards of the Hall Institute reports on a 2008 study that found that increased police presence does not decrease crime. His article summarizes the conclusions found in The New Blue Line as follows:

1. "Increasing the number of police does not necessarily reduce crime rates or raise the proportion of crimes solved. Once a certain threshold of coverage has been reached – presumably long since passed in the United States – increments of money and personnel are no longer efficacious;
2. "Random motorized patrolling does not reduce crime nor improve chances of catching suspects;
3. "Two-person patrol cars are no more effective than one person cars in reducing crime or catching criminals.
4. "Saturation patrolling does reduce crime, but only temporarily;
5. "Major crimes that are most frightening (murder, robbery, burglary, rape, homicide) are rarely encountered by police on patrol;
6. "Improving response time to emergency calls has no effect on making arrests, and
7. "Crimes are not solved through criminal investigation conducted by police departments but by some people identifying criminals.

The biggest factor of the cause of crime in both of these cities is the drug war. The war on some drugs is what keeps criminals involved in the manufacture and distribution of drugs in business. Like the prohibition of alcohol in the 1920's, current day prohibition provides criminals the ability to make large profits off of illegal drugs. Ending prohibition would put an end to most of the crime in our inner cities.

Whether or not these cities will be more dangerous or safer with the reduction of police presence is to be seen. One thing is for sure, their bloated budgets will be slightly less bloated.

November General Meeting Minutes

By Emerson Ellett

Chair Jay Edgar called the November 14, 2010 General Meeting to order at Tumulty's Pub, New Brunswick at 1:22 pm.

A quorum was present, and the agenda was approved.

Secretary's report: The minutes of the October 10 Steering Committee meeting were approved.

Treasurer's report: As of November the NJLP had \$7,249.03 in three accounts: \$4,243.16 in the General Fund; \$2550.81 in the State Fund; and \$455.06 in the Federal Fund.

On-going business

A motion carried to amend the last sentence of Bylaws proposal #1, paragraphs 6e Bylaws Committee, and 6f Platform Committee.

As amended the last sentence of 6e reads: *Meetings may be held by teleconference or videoconference, and the*

Committee shall have the power to adopt special rules of order and standing rules to facilitate the conduct of business by teleconference or videoconference.

As amended the last sentence of 6f has the same wording as 6e.

A further amendment to 6e and 6f carried. As amended the third sentence in each paragraph reads: *Any member who is absent for three (3) consecutive meetings shall be dropped from the Committee.*

A motion carried to add a new article to Bylaws proposal #1: *Article 15.g. Amendment of any Business Rule causes that Rule to become adopted by the amending body.*

A motion carried to amend f. of proposal #2: *All Business Rules in place as of November 14, 2010 shall be regarded as having been adopted at a General Meeting, with the following exceptions:*

A motion to approve Bylaws proposals 1 through 4 as amended carried.

Newsletter status: There are 213 subscribers at present. Jay sent out about 250 copies of the last newsletter, about 37 at his own expense. He plans on another issue by the end of the year.

Membership Report: Membership stands at 143, as 18 memberships expired in October. There are 103 prospects. Counties can contact Jay for a list of prospects and expired memberships in their area.

2010 Election Results: Russ Conger, 3d Congressional District, received 0.7% of the vote. Joe Siano, 4th CD, 1.6%. James Gawron, 11th CD, 2.3%. Guys, thanks for fighting!

Pre-empted Ordinance Repeal Project and Loitering Protest: John Paff noted that loitering ordinances are still on the books in some municipalities even though pre-empted by state law in 1979 when the criminal statutes were revised. Camden has a lawful state loitering ordinance against prostitution and distribution of controlled dangerous substances, but it is being enforced wrongfully in some cases. During a recent NJLP protest in Camden one resident told Paff that he was arrested without cause and thrown in jail. A motion carried to allocate up to \$300 for use as the Loitering Protest Committee (Paff, Jay Edgar and Joe Denise) sees fit for challenging the abuse and misuse of loitering laws. Anyone wishing to join the committee should contact Jay.

New business

During the break for county caucuses Monmouth County elected Leo Zaccari chair and county representative. South Jersey elected Christopher Feeney Gloucester county rep and Bill Sihr secretary.

Prospect status and lists of Registered voters: There are 1,387 voters registered as Libertarian in New Jersey, up from 200 in 2002. To date Jay has entered the names of Libertarians registered in Monmouth and Ocean counties, and is working on Atlantic and Burlington counties.

Campus Libertarian Status and Report: Rutgers is looking for articles for its publication "Invisible Hand". The Brookdale Community College Libertarian club is on track to be approved by the administration in February 2011.

State Convention Planning: The convention will be held Saturday March 12, 2011 from 9-4:30 at Brookdale Community College, Lincroft, Monmouth County. Jay is looking for speakers.

2011 Election and Candidates: Three more people, for a total of nine, have expressed interest in running

National Committee Report: Dan Karlan, regional rep, stated that the office lease in the Watergate Building expires in 18 months, and that all options are being considered with regard to renewing the lease or relocating. The 2012 convention will be held in Dallas or Las Vegas.

Restoring Freedom Event: Daryl Brooks and Lou Jasikoff are sponsoring a discussion to "choose, protest, speak" at The College of New Jersey January 17. Tickets are \$35 which includes lunch.

Brian Aitken discussion: Jay is sending our newsletter to Mr. Aitken who was sentenced to seven years in prison by a judge who apparently refused to inform the jury of the law regarding the exemptions that would have exonerated him from the gun violations he was charged with.

Valley Forge Revolution event: A protest against full body scanning is planned at the Philadelphia Airport November 24 at 6:30pm. Jim Babb is the point man in PA. Contact Jay for more information.

Next meeting is December 12, State Board, 1 pm via teleconference

The meeting adjourned at 3:57 pm.

Respectfully submitted,
Emerson Ellett, Secretary

Future Meetings & Events

Sunday, January 23 — 1:00 PM Steering Committee Meeting via conference call, (218)339-2222, code of 901478.

Saturday, March 12 – NJLP State Convention, Lincroft NJ.

WikiLeaks and Open Government

by Chris Wuestefeld

There's been a lot going on for the past week or two surrounding the WikiLeaks release of a number of secret diplomatic cables. The release of the leaked cables must be considered separately from what's been going on in its wake.

We've got the right to know what our government is doing. In fact, since our society is "government of the people, by the people, for the people", I'd argue that we have an obligation to keep an eye on the government. But that is in tension with the government's own responsibility to defend us: some things, like military strategy or, yes, diplomatic proceedings, need to be held close to the vest to be effective at all. This leads to a sort of Catch-22. We need to police the government, but we can't know what it's doing.

I think the only way to resolve the paradox is on a case-by-case basis. Given our current environment, it seems to me that we must come out in favor of disclosure. There is just too much evidence of the government lying to us, with politicians doing what's in their own interest rather than the nation's.

Complicating this is the fact that the publication was done unilaterally, by a foreign actor. As an Australian, Assange doesn't have the same "of the people" relationship to the US government's actions. He's an outsider doing something to us, rather than one of us. Moreover, he undertook this release on his own, without asking any of us how we felt about it. And forcing an unwanted situation onto another is wrong, even if your motives are good.

The bottom line of the WikiLeaks release itself, then is ambiguous. My own personal feelings are that it's a good thing, though. Now let's consider all of the fallout.

For a private entity to decide they don't want to do business with someone is entirely within their rights. It is not a censorship question. Quite the opposite: the 1st Amendment guarantees us the right to decide with whom we want to associate. So forcing, e.g., PayPal or Amazon, to do business with WikiLeaks is morally wrong.

On the other hand, using the fear of government "displeasure", as Lieberman did, is still a form of censorship. Were it not for the implied threat that something would be done to them, or at least that their future dealings with the government would be viewed unfavorably, Amazon and the other corporations would probably not have severed their ties with WikiLeaks. Thus, Lieberman is acting as a censor even without official Congressional action.

Even though they are done in the spirit of righting the wrong of Lieberman's abuse of power, the DDoS attacks are wrong both morally, tactically, and strategically.

They are wrong as a matter of morals because (a) they ignore the right of these entities to decide who to do business with, and (b) they ignore the "collateral damage" they're doing to other people (e.g., merchants who can't make sales). This latter is particularly ironic because these are the same people criticizing (by way of WikiLeaks releases) the collateral damage that the USA has created in Iraq.

They are wrong as a tactical matter because they may have the opposite of the intended effect. That is, rather than making companies think "I'd better keep WikiLeaks on my client list so I can avoid retribution", they are likely to think "I don't want to ever get anywhere near WikiLeaks (or anything else controversial) or else I may run into trouble", thus making life harder on WikiLeaks and many other organizations.

They are wrong as a larger strategic matter because they're pushing the US government's hand over network security. We just may see demands that traffic be monitored by Cyber Command (NSA) so that attacks can be traced if not prevented.

NJ Libertarian Party Organizes Demonstrations Against Body Scanners and Enhanced Pat Downs

On November 24th demonstrations were held at airports across the nation in reaction to the Transportation Safety Administrations use of the intrusive backscatter full body scanners.

The demonstrations were spearheaded by the WeWontFly.com organization. The NJ Libertarian Party organized the demonstration at Newark Airport. We spent the evening educating travelers and urging those who are "selected" to undergo the intrusive full body scanning to Opt Out. Of little relief however, they will be forced to participate in the more time consuming and humiliating enhanced "pat downs". The pat downs include moving hands up legs until contact pressure is made with genitals.

The demonstration got lots of attention from the press. NJLP Chair Jay Edgar was interviewed by telephone by CBS of Toronto. During the event he was interviewed on camera by News 12 NJ and New York News 9. A photographer from the Bergen record also covered the event.

A second demonstration on this issue is planned as we go to press for December 23rd.

Seaside Heights Pays \$50,000 to Man Who Photographed Arrest

by John Paff

On November 2, 2010, the Borough of Seaside Heights (Ocean County) agreed to pay \$50,000 to a Bloomingdale man who sued members of the Seaside Heights Police Department for falsely arresting him after he photographed the officers arresting another man.

In his suit, George W. Kramer said that on July 29, 2007 he was returning to his friend's car after a night on the town when he observed police "in the process of assaulting and/or arresting a number of individuals, including one individual who was on the ground, handcuffed, and being 'Maced.'" Since he had a camera on him, he snapped a couple photos of the encounter from across the street.

He claimed that Police Officer Shawn Heckler, after seeing him take the photos, crossed the street and accused Kramer of "playing Paparazzi." Kramer claimed that he offered to delete the photos but Heckler handcuffed him and placed him under arrest with help from officers Robert Rezzonico, Sean J. McGinley, Matthew Quinn and Moutros Constantino. He claimed to have been charged with "purposely obstructing, impairing or perverting the administration of law or government function" and was released from custody later that same morning. He alleged that all charges against him were dismissed on October 30, 2009.

After his release, Kramer claimed to have run into Heckler again at a convenience store. During that encounter, Kramer said that Heckler told him that if he pled guilty "maybe we can work something out" and that he, Rezzonico, McGinley, Quinn and Constantino had deleted the arrest photo's from Kramer's camera.

Also named in the suit were Seaside Heights Police Chief Thomas Boyd and another police supervisor named Terrence R. Farley.

The case is captioned Kramer v. Seaside Heights, Federal Case No. 3:09-cv-0366 and Kramer's attorney was David B. Rubin of Metuchen. Case documents at <http://ogtf.lpcnj.org/2010354iM//KramervSeasideHeight s.pdf>.

None of Kramer's allegations have been proven or disproven in court. The settlement agreement resolution expressly states that the \$50,000 payment does not constitute an admission of wrongdoing by Seaside Heights or any of its officials. All that is known for sure is that Seaside Heights or its insurer, for whatever reason, decided that it would rather pay Kramer \$50,000 than take the matter to trial. Perhaps the defendants' decision to settle was done to save further legal expense and the costs of trying what were in fact exaggerated or meritless claims. Or, perhaps the claims were true and

the defendants wanted to avoid being embarrassed at trial. This is the problem when cases settle before trial-- it is impossible to know the truth of what really happened.

This settlement was uncovered as party of my work with the the New Jersey Libertarian Party's Open Government Advocacy Project which seeks to increase governmental transparency and accountability, particularly at a local level.

As part of my work, I routinely check civil court cases where at least one of the parties is a government agency or official. Most often, these settlement agreements are never revealed to the public. For more settlements see <http://njcivilsettlements.blogspot.com>.

Fair Tax or Not Fair Tax

by Various Authors

A discussion on the internet among NJLP activists was recently held concerning the Fair Tax. Below are snippets of this conversation. Some comments have been paraphrased, we apologize to the participants in advance who have been "over edited" to fit allotted space.

I challenge the activists in the NJLP to learn about the Fair Tax. I want you all to get copies of the *Fair Tax Book* and the *FairTax: The Truth: Answering the Critics* and read them, and then be willing to debate. I'm 100% sold on the idea, and anyone I've ever gotten to read the books has become a convert too. There's a reason for that. It is the only way to begin to control government spending and excess taxation. Taxation is an issue that goes to the very core of Libertarianism and is an issue we should be 100% behind. Get informed, then lets debate. - Tim O'Brien

I haven't read these books. From what I know of economics, a national sales tax would be a much better system than what we have today. However, there's an insurmountable obstacle between us and it – and I'm not talking about simple politics. It's the problem of fairly getting people off the current system and into the proposed new one. What does one do to fairly compensate the person who has been saving in the way that our current system pushes us into, once the tax system changes? On the one hand, I've paid tax on my retirement savings already. But now you want me to pay tax *yet again* as I withdraw and spend that money. - Chris Wuestefeld

I am a Fair Tax supporter. Quite frankly I do not think there is any one single thing that could be done to as drastically improve the economic situation in this country as adoption of HR25, "The Fair Tax"

HR25 does address which taxes it eliminates...income tax, personal withholding, social security withholding, medicare medicaid withholding...all of it...you get your entire paycheck without deduction. It also eliminates all income taxation of business...we would go from the highest corporate tax rate in the world to the lowest in an eyeblink....now THAT will bring businesses back to this country ! For those concerned that elimination of business taxation shifts the tax burden from companies to individuals...that is an economic fallacy, all businesses pass their taxes on to the consumers.

Businesses will be suddenly freed from making business decisions due to tax consequences, which currently one of the major components of their decision making.

Elimination of the income tax and repeal of the 16th amendment is a part of the bill....if the Amendment is not successfully repealed the Fair Tax goes away, the bill will not allow us to be back-doored into a situation where we have BOTH an income tax and a national consumption tax.

The impact it will have on personal privacy and productivity though is perhaps one of the biggest positive elements from a libertarian perspective.

You can now work as much as you want, as many jobs as you want, as much overtime as you want, and you have no need to tell the government any of it...most of the personal privacy we have lost in this country is due to the Federal Government's need to track our every productive effort. I would support the bill for that reason alone, but there are many many others.

It also strips Congress of much of its power. Much lobbying and deal making goes on in order to gain businesses and industries favorable tax treatment. Congress grants most of its favors either by doling money out, or doling tax breaks...one half of that equation will be forever broken.

Most of those in power now despise it, and that should tell most of what you need to know. -Jim Gawron

One of my reasons for not getting excited over the "fair" tax has been its constitutionality. I see it as an attempt to work around the constitutionality by having it as a bill instead of a constitutional amendment. Why are the supporters of this not trying to get an amendment to the constitution passed? The supporters state that it will do away with the IRS, this is not true. The mission of the IRS will simply change to turn all retail business into federal tax collection agents. Part of the proposal is to send every American a "prebate" check equal to the "fair" tax they would have paid on the amount of their income up to the federal poverty level. This rebate will be used as a political football, of course the checks will go out right before election day like they do in our state. In addition I really hate the Orwellian name, there is no such thing as a fair tax. - Jay Edgar

All this tax chatter is nice and worthy of our finest minds and boldest ambitions. But the notion of cutting expenses, my friends, is something the White House, the state house, and the warehouse (Congress) will not likely accomplish anytime soon, voluntarily or involuntarily. We must speak to and then we must rein in spending. *Then and only then WE* move the country to chart a new course in taxation whilst maintaining our most cherished personal freedoms. It's not the revenue side we have a problem with today. It's the expense side.
- Arp Trivedi

What's being addressed in this whole thread is not libertarian. It's a bespoke mixture of political constructs. It represents well-thought out beliefs. But it is an idiosyncratic mix of stuff. Libertarianism holds all taxes to be theft and all restrictions on trade and movements to be specious and harmful. A libertarian in favor of fair taxes is a Jew for Jesus or a Muslim who decides the Pope is part of Halal. These things don't reconcile. The Jew for Jesus and the Papist Muslim are entitled to their beliefs and the right to hold them without attack. But they are not Jewish or Islamic beliefs. They are idiosyncratic mixes. - Terry Stern

The Fair Tax proposal that is under consideration will eliminate the IRS, the personal income tax and all other federal taxes as well.

From my perspective, the single most important thing that it does is get the IRS out of Americans' lives. It is patently immoral that the government has complete access to our financial lives, that it gets first dibs on our incomes and that we have to petition the government annually to get a pittance returned to us. On top of that, we can never be sure that our tax return is correct, thereby, making honest taxpayers fear that they either left money on the table or have over-claimed and will be exposed to audits and severe penalties.

Additionally, it spurs productivity by not taxing incremental earnings. It spurs industry and exports by eliminating the corporate income tax. The corporate tax adds tax cost to the price of U.S. exports and making them less competitive.

By eliminating estate taxes, it not only enables Americans to provide for their descendants, it also eliminates the unjust double taxing of their assets twice (when they were first earned and then again when they are passed on). It also enables business to spend more time, energy and resources on improving their products and services instead of tax planning.

The elimination of payroll taxes, eliminates all of these hazy/poorly understood extra taxes on the paycheck making the whole of taxation more transparent.

By taxing consumption of only finished goods, the tax base will be expanded to include the poor, who are now only getting tax credits, foreign visitors and unregistered aliens. Of course, the Fair Tax is not a cure for massive government spending. That side of the equation needs to be dealt with separately. However, it is the best plan that I've seen for simplifying our tax structure and getting government out of our financial faces. - Joe Siano

Department of Health And Human Services Refuses FOIA Request on Health Care Opt-Outs

by Jay Edgar

Included in the 2010 health care bill was a provision titled: Section 2711, "No Lifetime or Annual Limits". Insurance providers will need to drastically increase rates in order achieve a no limits policy. The Department of Health and Human Services has provided a method for opting out of this provision. On December 3rd HHS released a list of 222 providers have had their applications approved. This has allowed for over 1.5 million people to opt out of the one of the more expensive aspects of Obamacare. See http://www.hhs.gov/ociio/regulations/approved_applications_for_waiver.html.

I was curious as to how many and who submitted applications and were rejected. In addition I wondered for what reasons they had been denied. So I submitted a Freedom of Information Act request to the federal Health and Human Services agency requesting the list of rejected applications and the reasons for each rejection.

About two weeks after my request, I got a letter back saying that my request was denied based on 41 U.S.C 253b(m) of the National Defense Authorization Act for

1997, Public Law No. 104-201b (FOIA exemption (b) (3) permits denials based on statutes other than FOIA).

Furthermore they are denying my request because of FOIA exemption (b)(4) which permits the withholding of trade secrets and commercial or financial information. They claim the release of the info would cause harm to the organizations.

It is unclear to me how releasing the list of 222 companies who were approved is ok, but releasing the names of those who were rejected would cause harm.

I have 30 days to appeal. I may either appeal or I may somehow reword my request.

One thing the letter does say is that the data I requested consists of approximately 50 pages of records.

2011 NJLP Convention Planning News

The NJLP convention is planned for March 12th at Brookdale Community College in Lincroft, NJ. All speakers have not been confirmed as of press time, however our current line includes:

- recently freed Brian Aitken
- NJ Second Amendment Society
- John Papola, Producer and Creative Director of EconStories.tv
- F. Paul Wilson, science fiction author and winner of the first Prometheus Award for best libertarian novel.

Additional information will be posted on our website soon.

Government Officials Afraid of a Full Body Scan of their Words Should Resign

by Mark Hinkle, National LP Chair

WASHINGTON - While Democratic and Republican politicians outdo each other with calls for the prosecution and even execution of Bradley Manning and Julian Assange for providing information to various news media, Libertarian Party Chair Mark Hinkle says that free speech and freedom of the press must be supported unconditionally. Hinkle released the following statement today:

"In 1787, as the U.S. Constitution was being written, Thomas Jefferson wrote, 'Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.' His recognition of the critical need for a free press led him and others to demand a Bill of Rights, where freedom of speech and freedom of the press were listed in the very first amendment to the Constitution.

"In 2010, Democratic and Republican politicians alike are trying to destroy this precious liberty. The Obama Administration, which has already invoked the 'state secrets' claim in court more than any administration in history, has arrested Army Private Bradley Manning, alleging that he copied and leaked various documents, and

NJLP State Board

Steering Committee

Chair, Jay Edgar.....chair@njlp.org
Vice-Chair, Walter Luers.....vicechair@njlp.org
Treasurer, Kevin Ferrizzi.....treasurer@njlp.org
Secretary, Emerson Ellet.....secretarynjlp.org
Member At Large, Ken Kaplan....atlarge1@njlp.org
Member At Large, Russ Conger...atlarge3@njlp.org
Member At Large, Joe Siano.....atlarge2@njlp.org

County Representatives

Gloucester, Chris Feeney.....gloucester@njlp.org
Mercer, Ray Cragle.....mercerc@njlp.org
Monmouth, Leo Zaccari.....monmouth@njlp.org
Ocean, Joe Denise.....ocean@njlp.org
Somerset, Frank Warren.....somerset@njlp.org
Union, Darren Young.....union@njlp.org

is holding him in solitary confinement pending a military trial. Meanwhile, Republican presidential hopefuls are falling over themselves seeing who can sound the toughest. Mike Huckabee says that anything less than execution of the leaker is too kind. Newt Gingrich wants Julian Assange, founder of Wikileaks, declared an 'enemy combatant' so that he can be denied all due process. And Sarah Palin wants Assange hunted down like Osama bin Laden (perhaps missing the irony that bin Laden has not been caught).

"Even more ominously, companies which provided various services to WikiLeaks suddenly decided to end their relationship after receiving pressure from Washington. Amazon, PayPal, Visa, and MasterCard all suddenly felt that the activities of WikiLeaks, well-known to them for years, were illegal, absent any actual charges being filed for the violation of any law. When government officials start pressuring businesses in order to silence critics, tyranny isn't far off.

"Publishing documents provided by a government agent is not a crime. Embarrassing public officials is not a crime. Regardless of the degree to which the released documents are helpful or harmful, Assange and WikiLeaks are exercising their rights, and American politicians and government agents should stop threatening and harassing them.

"Freedom of the press is not a luxury, and the prospect of a government able to silence dissent and prevent the press from communicating unfavorable information about the behavior of government employees should frighten anyone who loves liberty. It is understandable that government officials who are lying to the public and covering up misdeeds want to keep their actions secret, just as a criminal doesn't want the police to find out about his crime. As Steven Greenhut of the Pacific Research Institute notes, 'If it weren't for anonymous sources and leaked information, the journalism business would serve as a press-release service for officialdom.'

"Private Manning deserves the presumption of innocence, due process, a speedy and fair trial, and decent treatment while in prison. If Manning revealed information which did not damage national security or result in harm to others, but instead revealed evidence of incompetence, corruption, or other illegal activities, then he should be able to raise

that as a defense at any trial. Just as when Daniel Ellsberg released the Pentagon Papers in 1971 and had his subsequent prosecution dismissed by the courts, an important principle is that information which is being kept secret to protect wrongdoing is not in fact legally and properly classified. A jury should be able to judge both the facts and the law, and to acquit Manning if the jury finds his actions to be justified.

"Two years ago, candidate Barack Obama praised the long tradition of information leaks by defending those who revealed Bush-era covert actions. 'We only know these crimes took place because insiders blew the whistle at great personal risk.... Government whistle-blowers are part of a healthy democracy and must be protected from reprisal.' Obama appears to have forgotten this statement, just as he has forgotten many other statements and promises he made while campaigning.

"Only a month ago, we were told by the Transportation Safety Administration that they should have the power to strip or grope us if we want to exercise our right of travel. In my view, any government official too embarrassed to handle a full-body scan of their words and actions should resign."

The Libertarian Party platform includes the following:

1.1 Expression and Communication. We support full freedom of expression and oppose government censorship, regulation or control of communications media and technology.

1.5 Crime and Justice. Government exists to protect the rights of every individual including life, liberty and property. Criminal laws should be limited to violation of the rights of others through force or fraud, or deliberate actions that place others involuntarily at significant risk of harm. Individuals retain the right to voluntarily assume risk of harm to them selves. We support restitution of the victim to the fullest degree possible at the expense of the criminal or the negligent wrongdoer. We oppose reduction of constitutional safeguards of the rights of the criminally accused. The rights of due process, a speedy trial, legal counsel, trial by jury, and the legal presumption of innocence until proven guilty, must not be denied. We assert the common-law right of juries to judge not only the facts but also the justice of the law.

The New Jersey Libertarian

November -- December 2010 Volume XXXV, Issue 4
©2010 The New Jersey Libertarian Party
ISSN 1093-801X
Editor, Len Flynn

NJL Advertising Rates

| | |
|-----------------------------|------|
| Full page | \$60 |
| Half Page | \$30 |
| Quarter page | \$20 |
| Eighth page (business card) | \$10 |

The *New Jersey Libertarian* is the official semi-monthly publication of the New Jersey Libertarian Party. Opinions, articles and advertisements published herein do not necessarily represent official NJLP positions unless so indicated. Material appearing in the *NJL* may be reproduced, as long as credit is given the author, the *New Jersey Libertarian*. Contact us at: *New Jersey Libertarian* c/o Len Flynn, Editor, P.O. Box 448, Morganville, NJ 07751 or editor@njlp.org.



NEW JERSEY LIBERTARIAN PARTY

P.O. BOX 56
TENNENT • NJ • 07763

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 the initiation of force to achieve social or political goals. (Signature required for membership only) X _____

Check here to use address from mailing label

Name _____

Address _____

City _____ State _____ Zip _____

Telephone () _____ E-mail _____

Occupation & Employer _____

\$500 Life Membership

\$100 Patron Membership

\$50 Sustaining Membership

\$35 Supporting Membership

\$15 Regular Membership

Newsletter subscription is included with your membership.

Make Check Payable to NJLP and send to: NJLP, PO Box 56, Tennent, NJ 07763

Donation

Enclosed in my additional contribution of \$_____ to help the NJLP in its efforts to expand individual liberty.

Send to a Friend

I have a friend who might be interested in the NJLP. Please send a complimentary copy of the *New Jersey Libertarian* to:

Don't send the newsletter, I'll read it on line.

You can also join the NJLP on-line at <http://njlp.org/joinus>



New Jersey Libertarian Party

P.O. Box 56

Tennent, New Jersey 07763

www.njlp.org

ADDRESS SERVICE REQUESTED