



# New Jersey Libertarian

Volume XLVII, Issue 3

## Summer 2022

### Defund The Police!?

By: Chris Russomanno

The last few years have not been kind to police in general. Cops have been getting some bad press to say the least. Many people have called for defunding the police. Activists use this slogan to evoke a knee-jerk reaction, seemingly to curry favor with some voters, but it has never seemed like policing reform advocates had a plan as to what to do with crime after they defunded the police. So, here's the thing: if the plan is simply to defund the police, and do nothing about crime, then that's a bad idea. If the plan is to defund policing as it is now (a government monopoly) and return the responsibility of providing security to private entities or the citizens themselves, then defunding the police may not be such a bad idea.

I have been a police officer for over twenty years, and I have a bachelor's degree in Law & Justice. Some of what I bring to the table will be a qualitative analysis based on my own experiences. I will mix this with some libertarian ideas as well.

The government steals money from us (some call it taxation, but I call it what it is — theft) to provide police services. This money could be returned to the citizens who would then give

that money to a private entity to provide security, or police services, to them or their community. Individuals could also use that money for cameras, alarms, or other security features to protect their property and community. If people weren't satisfied with their current policing firm, they could simply choose to give their money to another entity that provides better services more in line with their wants. To attract business, security companies would have to compete for clients, ultimately fostering innovation in the security industry. To boot, if the security/police failed to provide the services, either altogether or poorly, the consumer could sue them for not abiding by the terms of contract.

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## NJLP Summer Picnic & General Meeting Announcement

Saturday, July 30, 2022 at 12 PM

39 Homestead Avenue, East Hanover, NJ 07936

The NJLP will hold its annual summer picnic and general meeting at 12 PM on July 30, 2022.

## Defund the Police!? (continued)

As it stands now, most often the government or government officials (police, politicians, etc.) cannot be sued because they claim sovereign immunity. Sovereign immunity means that the government (or its employees) cannot commit a legal wrong and is immune from civil suit or criminal prosecution.

Even if the state does something egregiously wrong or illegal, it can't be sued and often gets away with its wrongdoing. Even if the government is sued and loses, costs are passed along to us, the taxpayers. If there is a settlement, our taxes go up to pay it. If there are legal fees, we end up paying for them through higher taxes.

A private entity, however, can be sued. A security company that did something wrong could not claim sovereign immunity. It would have to pay for any legal fees or settlements. Citizens would not have to pay for a private entity's mistakes, as we do now when the government screws up. This means that private security would be less likely to violate people's rights or to use excessive force.

Some people say that civilian police has been "militarized" and cops are too aggressive and legalistic. A good solution to this issue would be to let people choose their policing agency. If an agency is too aggressive for them, they could find another one that provides services for them without blatantly ignoring civil liberties. As things are right now, people get police services how government-run police departments decide to provide them. Citizens have very little say in how these services are provided.

As with all government monopolies, innovation is slowed or cut out altogether in policing. I'm not talking about creating new forms that cops have to fill out to keep the bean counters happy, body cameras, or email. I am talking about how communities or buildings may be constructed to deter crime. I am also talking about different ways of policing an area instead of having a cookie-cutter approach to policing. A one-size-fits-all mentality does not work well with policing.

As an example: When I started the job over twenty years ago, people would call dispatch, who then sent a unit to the location for an assignment. The officers would drive there and handle the

assignment. This is still what we do twenty years later. Is there a better way to get the job done? I think that maybe there is. However, I hardly remember new innovative approaches to policing ever being discussed. When suggestions were made, they were shut down due to lack of funds or manpower issues.

With multiple entities providing policing services and each one competing against the other, some firms will try to innovate in order to provide better services and gain an advantage. Also, each location is different from any other as far as the physical layout and the group of people being policed. Policing entities could adjust their services accordingly for each area they policed.

If people want to simply defund the police, without a plan to combat crime, that's a bad idea. However, if the plan is to not steal citizens' money through taxation, let them keep their money, and purchase private security/policing services, then that is a good idea. The more private security companies there are, the more competition there will be. Competition makes everything better—including policing.

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Congressional District  
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## Reflections on Our "Republic"

By: Michael Manieri

Civics have been a focus of my public school education. I was taught about the checks & balances, the US Constitution, and the long fight for equal voting rights. Altogether, the same picture was painted throughout my middle- and high-school career: we live in a fair and well-functioning republic that protects the rights of citizens while meeting the needs of society. Yet, as I developed academically and made my own observations, the conclusion I came to was far more sinister: we no longer live in a functioning republic. This is a hard pill to swallow for many. *How could you make such an accusation against our country?* you may wonder. You may even have become angry as you read the claim that we no longer live in the system of government we have been taught to trust.

Consider this: Only 42 of the 435 congressional districts (~9%) were competitive in 2022. Effectively, the winner of the congressional race is decided in the primary over 90% of the time. Even worse, it's almost impossible to defeat an incumbent in a primary, even when they are unpopular. The last time an incumbent lost their primary in New Jersey was 1958 (not counting two incumbents running against each other due to redistricting). Even Chris Smith, who is disliked by the GOP base, won renomination for a 22nd term. Since political bosses control who the party endorses, a small group of people holds most of the power in determining who ultimately represents entire districts.

Some may point out the wins of Alexandria Ocasio-Cortez or other grassroots candidates to rebut my argument. Yet these cases are exceptions and extremely rare. Even when grassroots candidates are elected to Congress, they hold very little power relative to party leaders. An amendment hasn't been offered from the House floor without approval from the Speaker since 2016, and the majority of legislation is written by lobbyists, party leadership, or committee Chairs. Moreover, representatives who buck the party line are often punished. Thomas Massie was even removed from his committee seats for not voting for John Boehner in the 2015 Speaker of the House race.

The majority of people do not approve of how the US is governed. Per Gallup polls, Congress's approval rating has typically sat between 15 and 30 percent over the past twelve years. Yet the same failed politicians

keep on getting reelected. Again and again, citizens vote for "the lesser evil" in this abusive relationship with the two-party system. The duopoly tells citizens that they are stuck with the two-party system without methods to remedy failed governance.

Simply, if the people don't control who serves in the legislature in practice, the country cannot be considered a republic. Benjamin Franklin said that the US is a "republic if we can keep it," and we have clearly failed to do so. The time for moderation has passed. We need to radically amend our political system and redefine the relationship between the government and the people. Where Democrats and Republicans offer different sides of the same rusty, out-of-style coin, the Libertarian Party offers a new vision for our political system: one that's built on freedom, decentralization, and voluntary interactions instead of force.

## Taxation Is Voluntary Event

By: Mercer County Libertarian Party


We all know that taxation is theft, but is it voluntary? CPA Neil Schloss thinks income tax is indeed voluntary. Neil was invited to the 2022 Libertarian National Convention to give a presentation on minimizing, or totally eliminating, your income tax burden. He will be giving a similar, roughly 90-minute presentation followed by a Q&A session later this month. Come to Castle Consulting in Hightstown on July 27th at 6:30 pm to learn how you can legally avoid taxes.

# WEDNESDAY JULY 27, 2022

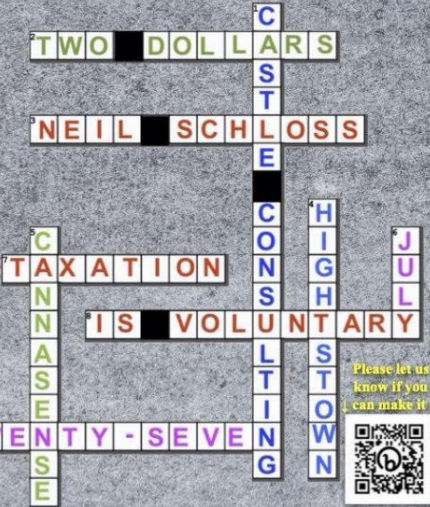
## **"TAXATION IS VOLUNTARY"**

a presentation by Neil Schloss, CPA,  
CEO of CannaSense Foundation


**Date: Wednesday July 27th, 2022**  
**Time: 6:30 p.m. - 8 p.m. (presentation)**  
**Followed by social hour**  
**Location: Castle Consulting**  
**109 Mercer St.**  
**Hightstown, NJ 08520**  
**Fee: \$2 cash or crypto per person at the door**  
**(Children 12 and under are free)**




"All IRS agents are welcome to attend."  
- Neil Schloss



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Is taxation voluntary? Join us for this important presentation on why this CPA says **'YES'**

## Remembering Jerry Zeldin

By: Ken Kaplan

The NJLP only recently learned that Gerald “Jerry” Zeldin, an NJLP activist from the Southern region of New Jersey, passed away on Dec. 12, 2019, at the age of 76. His obituary can be viewed at [njlp.org/jerryzeldin](http://njlp.org/jerryzeldin).

Jerry was particularly active in the party in the 1980s. In 1983, he was the organizer for Camden and Gloucester counties, and represented those counties on the State Committee from 1984 to 1987. He became Vice-Chair of the NJLP in 1988, holding that position for 4 years. He was the LP candidate for Congress in the 1st District in 1982, 1984, and 1986, and he was the party’s candidate for the US Senate in 1988. Our current 3-region organizational structure would have benefited Jerry greatly. Since virtually all our general meetings and board meetings in those days were held in central or north Jersey, the long drives eventually curtailed his activities on the state level, but the work he did during his years of active involvement greatly contributed to the party and will never be forgotten by those who knew him.

## A Message to the NJLP

By: James Ripley—State Organizer NJMC/NJLP Secretary

There has not been so great an opportunity for the Libertarian Party platform since the collapse of the Berlin Wall. The wars in the Middle East have failed, many passionately oppose the Covid regime, and libertarians are being proved right about inflation daily. This is a great opportunity to work together instead of constantly lashing out at one another. Try to be tolerant of each other’s perspectives, opinions, feelings, and emotions you don’t agree with or understand. Step outside your echo chamber. Recognize that libertarianism has the widest and most inclusive spectrum of thought because nonaggression appeals to diverse groups of people.

Although all members of the Libertarian Party want to set the world free, different factions within the party advocate different strategies. Some may not understand your beliefs or strategy in the moment or see things differently, but this doesn’t make them evil. Apologize when you can. Be kind and move past disagreements. Be curious about your own journey and remain open to others’

beliefs—is your ideology so inflexible that you become the intolerance you seek to vanquish?

Then-candidate for LNC Chair Angela McArdle appeared on Dave Smith’s podcast, *Part of the Problem* episode #806, about six months ago. Part of the podcast was spent discussing the current state of the movement and why infighting among the various spectrums of libertarianism should cease. Angela talked about capitalizing on the anger towards vaccine mandates and the Covid regime. She’s spent months channeling this energy towards building coalitions to fight against vaccine mandates in LA. This coalition includes libertarians, right-wingers, and even liberals who believe in bodily autonomy. This coalition building has grown the liberty movement and gotten many interested in the LP, even if not everyone originally agreed with most of the Libertarian Party’s positions. We can all learn something from Angela’s single-issue coalition building: we can fight alongside each other for liberty, even if we don’t agree on everything.

## A Well Regulated Militia

By Joe Siano

[Editor’s Note: This article is reprinted from the September 2013 edition of the *NJ Libertarian* Newsletter.]

Gun control advocates use the “well regulated” phrase in the Second Amendment as a pretext to assert that the government reserves the right to dictate what if any arms its citizens may own and under what conditions they are permitted to acquire, use and dispose of them.

By employing textual criticism, this argument can be easily debunked. Textual criticism involves understanding the words of antique documents in the sense that they were used in the era that the document was authored.

For instance, if writers of a century ago were to refer to the decade of the 1890s as the “gay ‘90s” or the capital of France as “gay Paris”, we understand that this has nothing to do with same-sex relationships. Gay in this sense conveys the notion that this decade and this city were exuberant, happy, and high-spirited.

In such a fashion, a recent reading of Adam Smith’s *Wealth of Nations* shed new light on the Second Amendment for me. Although Smith was a stout proponent of free markets, he was no

anarcho-capitalist. Smith believed that there were legitimate functions for government to undertake. One of these functions was the common defense of the citizenry from foreign invaders.

Defense requires a fighting force and Smith segregates these forces into two broad classes. These are standing armies and militias. Standing armies are professional forces, whose sole profession is fighting and who continually, drill, study and practice the arts of warfare in preparation for battle. Militias, by contrast, are amateur armies composed of tradesmen, merchants, farmers, mechanics, etc. These forces come together only periodically, like our National Guard and Reservists, as their livelihoods depend on the practice of their sundry occupations. They cannot afford much time away for martial exercises.

Smith uses the word “regulated” to convey a condition of cohesiveness, discipline, and preparation for combat on the part of a fighting force. In one passage he observes: “Regularity, order, and prompt obedience to command, are qualities which, in modern armies, are of more importance towards determining the fate of battles, than the dexterity and skill of the soldiers in the use of their arms.”

Further on, he returns to the concept of “regulated” when he concludes that “the history of all ages, it will be found, bears testimony to the irresistible superiority which a well-regulated standing army has over a militia.” Thus he contends that a well-trained and disciplined (i. e., regulated) army will be superior to a group of amateurs. Hence we often hear this well-trained/disciplined/regulated force referred to as the “Regulars” as opposed to the “Reservists” even to this day.

Now, we know that America’s Founders were suspicious of large standing military establishment. George Washington writes: “Altho’ a large standing Army in time of Peace hath ever

been considered dangerous to the liberties of a Country, yet a few Troops, under certain circumstances, are not only safe, but indispensably necessary. Fortunately for us, our relative situation requires but few.” In the same document, he lays out his defense proposal for our new nation.

The first two points are as follows:

- A regular and standing force, for Garrisoning West Point and such other Posts upon our Northern, Western, and Southern Frontiers, as shall be deemed necessary to awe the Indians, protect our Trade, prevent the encroachment of our Neighbors of Canada and the Florida's, and guard us at least from surprises; Also, for security of our Magazines.
- A well-organized Militia; upon a Plan that will pervade all the States, and introduce similarity in their Establishment Maneuvers, Exercise, and Arms.

Thus, he uses the word “regular” to describe well-trained and disciplined forces in paragraph one. In paragraph two, Washington employs the phrase “well organized” as a synonym for “well regulated”.

Thus, when we read in the Second Amendment “A well-regulated militia, being necessary to the security of a free state”, it could just as easily read “A well trained, ordered and disciplined militia, being necessary to the security of a free state”. That makes complete sense. An untrained, undisciplined, and disorganized force won’t do much good.

Hence the second clause, “the right of the people to keep and bear arms, shall not be infringed” clearly means what it says. It states with unqualified certainty that no governmental entity, be it federal, state, or local, has the right to prohibit law-abiding citizens from procuring, keeping, using, and trading weapons for self-defense or any other peaceful purpose.

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“We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need. That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant’s right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense”- US Supreme Court, June 23 2022

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## Yemen Can't Wait

The US is currently funding a Saudi-led genocide in Yemen that's killed hundreds of thousands of innocent men, women, and children. After years of bloodshed, a group of roughly 50 Representatives in Congress are pushing to end US involvement in Yemen. House Joint Resolution 87 would direct the Department of Defense to remove troops from Yemen. The LNC recently passed a resolution in support of this bill. The Libertarian Party needs your help to pressure members of Congress to support peace in Yemen. Call 1-833-STOP-WAR to be connected to your Representative and tell them to cosponsor HJR 87, because Yemen can't wait.

## Police do not have an automatic right to qualified immunity, court rules

By: Dana Difilippo, [newjerseymonitor.com](http://newjerseymonitor.com)

The New Jersey Supreme Court unanimously agreed Wednesday to allow a wrongful arrest and imprisonment lawsuit against two Newark police officers to proceed, rejecting the city's repeated efforts to shield the officers from liability.

Reformers welcomed the ruling as a small step toward advancing their battle to end qualified immunity, a legal defense municipalities use to

prevent public officials from facing lawsuits for civil rights violations.

The case centered on whether public officials can continue to claim qualified immunity if a judge has already denied that protection. The state Supreme Court, in an opinion written by Justice Anne Patterson, affirmed lower courts' rulings that held police officers accused of misconduct do not have an automatic right to appeal an order denying qualified immunity.

Karen Thompson, senior staff attorney at the American Civil Liberties Union of New Jersey, said the decision represents "an important step toward repairing the injustices that qualified immunity has created."

"Using procedural quirks to assert qualified immunity, delay litigation, and avoid accountability — even after a court has told an officer they are not entitled to it — is a practice that works against the public interest and harms New Jerseyans trying to obtain justice," said Thompson, who filed an amicus brief in the case.

Attorney Brooke M. Barnett argued the case for plaintiff Hamid Harris, whom she has represented since 2015. Had the state's top court sided with Newark instead, Barnett said, people who sue police for civil rights violations would likely see their cases grind to a halt, as municipalities endlessly claim immunity.

"It basically would stop the whole process and drag these cases out longer and force people to make settlements for pennies on the dollar, because people just want closure after these cases drag on so many years," Barnett said. "But the Supreme Court said, 'No, no bueno. Not happening.' Because they recognize that's going to clog the system and discriminate against these plaintiffs and prevent them from getting closure."

Supporters of qualified immunity say it protects public officials from unwarranted lawsuits and getting rid of it could discourage officers from acting if they fear they'll be held liable. Critics say the practice makes it impossible to hold law enforcement officers accountable when they use excessive force or otherwise violate someone's civil rights.

Wednesday's ruling stems from a case dating back to 2015, when Newark Police Det. Donald Stabile arrested Harris for four armed robberies

that occurred in Newark in January 2015, according to the ruling.

Harris denied his involvement, he didn't look like the robber caught on surveillance video, and a victimized store owner told police Harris wasn't the robber, according to a civil rights lawsuit Harris later filed. Harris further claimed Newark Police Officer Angel Romero told Harris' mother—in a phone conversation she recorded—that he and Stabile knew another man was the armed robber, but Stabile didn't bother charging him because Irvington police had tied him to a homicide.

Still, Harris spent three months in prison and lost his job before charges against him were dropped, Barnett said.

He sued in 2016 for false arrest, false imprisonment, malicious prosecution, conspiracy, unlawful search and seizure, and intentional infliction of emotional distress. A trial judge twice sided with Harris and allowed his case to proceed, dismissing Stabile's and Romero's immunity claims because their actions were "objectively unreasonable."

Wednesday's ruling is the second time the Supreme Court has decided a case involving

Stabile. In 2019, justices affirmed a lower court's ruling suppressing the identification of an armed robbery suspect because Stabile failed to follow procedures on how crime victims identify suspects from a digital database of mug shots.

Barnett said Wednesday's ruling should send a message to municipalities quick to claim qualified immunity to "stop it." She called Stabile's actions "shameful."

"I can't wait to get him in front of an Essex County jury," Barnett said. "He's a stain on the Newark Police Department's reputation. Qualified immunity should never be applied to somebody like Det. Stabile."

Gary S. Lipshutz, an attorney for Newark, said he couldn't comment because the case is ongoing.

A bill that would end qualified immunity in New Jersey failed to advance in the last legislative session, but lawmakers introduced the measure again in January.

**[Editor's Note: This article was originally published on [newjerseymonitor.com](http://newjerseymonitor.com). It is republished here with permission.]**

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# New Jersey Libertarian Party - - - - -

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(Signature required for membership only) X \_\_\_\_\_

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