



New Jersey Libertarian

Volume XLIX, Issue 2

Fall 2024

General Meeting Announcement

By: Paul Baratelli, Chair

Libertarian Members and Friends,

Hear ye, hear ye! It's time for our Fall General Meeting, where we'll discuss the burning issues of our time... or maybe just how to keep our spirits high while fighting for liberty and freedom!

Date: Sunday, November 24, 3:00 PM – 5:00 PM

Location: The Roost Restaurant, 181 County Rd 539, Cream Ridge, NJ 08514, USA

Remote Option: njlp.org/fall24zoom

The Chair (That's me) would like everyone to make huge effort to come in person if you can. I believe meetings at bars and restaurants are much more fun when you attend in person and the place we picked out is both!

Looking forward to seeing you all, in person or in pixels!

In Liberty, Freedom, and Peace

Paul Baratelli NJLP Chair

2024 Election Season, We have a Winner. Congratulations Candidates!

By: Lana Leguia, VP Political Affairs

Regardless of election outcomes, remain committed to fighting for liberty and contributing to your communities. Fighting against the state and for liberty is grueling thankless work but nothing goes unnoticed and your sacrifices do matter. Running for office is no easy task no matter what level campaign you run. Putting your name on the line, sacrificing time with your family, exposing yourself to scrutiny - all genuine sacrifices made to move towards a better world.

Congratulations Caitlin Statkus on winning a seat on Montague School Board!

Congratulations Bruno Pereira for getting the highest percentage of all the candidates at 1.4%

Congratulations to all the candidates and thank you for representing liberty on the ballot. The miles walked, the mental energy and passion you all poured into your campaigns. You should all be proud.

Thanks for representing our Party and the philosophy of liberty: Chase Oliver (President), Mike ter Maat (Vice President), Ken Kaplan (U.S. Senate), Chris Russomanno (U.S. House District 3), John Morrison (U.S. House District 4), James Tosone (District 5), Matthew Amitrano (U.S. House District 6), Lana Leguia (U.S. House District 7), Bruno Pereira (District 9), Vic Kaplan (U.S. House District 12), and our election winner, Caitlin Statkus (Montague School Board).

I would like to personally thank the following members for helping the candidates; Vic Kaplan Deputy of Political Affairs who drove all around NJ helping candidates collect signatures, turned in petitions, imparted his wisdom, canvassed and helped guide new candidates. He was, as always, reliable and consistent in his work. Dan Krause, who nearly single-handedly got Chase Oliver on the ballot, he motivated signature gatherers, phone

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banked and coordinated with national volunteers. Dustin Maggard who attended candidate town halls and spent time placing yard signs for several campaigns even if it meant hours of driving. Tim O'Brien who gathered signatures for multiple candidates and organized tabling events to promote our candidates. Joseph Dunsay who helped collect signatures, attended candidate town halls, tabled festivals and canvassed. Zachary Finkelstein, who helped collect signatures, attended candidate town halls and tabled festivals. Jay Edgar, Arielle Shack, Paul Baratelli, Dan O'Neill, Lynn Genrich, Jade Pao, Joseph Franks, Paul Romano and Tara Murphy who took time out of the weekends to collect signatures.

A big thank you to all the members who were cheerleading on the sidelines for our candidates on social media, chats, and in your communities. I apologize for anyone I left out or I never met during their efforts, but you are also appreciated.

Political Affairs has an exciting strategy for next year and we are currently recruiting candidates. Our goal, a full slate of 80 state assembly candidates and an active governor campaign, is a lofty one. We need your help! Please consider running for office. School board and town council are attainable positions. We now have a team of people helping with candidate support as well as plans to hold candidate training seminars and monthly Toastmaster meetings to help prepare candidates. Have any Libertarians friends or family who may be interested? Send them our way. Email: vppoliticalaffairs@njlp.org.



Bylaws Committee Recommendations

By: NJLP Bylaws Committee

The 2024 Bylaws Committee is proud to submit to our delegates the following proposal for consideration during our next General Meeting.

Proposal: Add new Section 6.C.1:

State Board candidates shall have been a member of the NJLP for a minimum of one year immediately prior to being elected.

Rationale: We've had several instances where new members have been pressured into positions they were unprepared for, only to get overwhelmed and quit. We welcome fresh members to become active ASAP, but they should start within their Regions to get used to the workload.

Bylaws committee voted to approve this proposal 5 to 0.

Letter from the NJLP Chair: A New Chapter Begins

By: Paul Baratelli

Now that the election season has wrapped up, it's time for us NJ Libertarians to reflect with a sense of accomplishment and humor. Here at the NJLP, we're not just recovering from the political marathon; we're gearing up for the next race with a touch of levity. Lana Leguia and Vic Kaplan in political affairs have already set up their meeting schedule to start searching for next year's local and gubernatorial candidates.

Reflecting on the 2024 election, the NJLP faced challenges but gained ground. With Kamala Harris's narrow margin in the state, it is clear voters are looking for alternatives. The NJLP, with help from the Unity Coalition, boosted its profile and pushed for liberty, free markets, and less government. Though we only had one win, candidates made an impact, showing that supporting Libertarians is a vote for change. As we look ahead, we're focusing on growing our base, securing more funding, forming alliances, and spreading libertarian ideas, aiming to make liberty a louder voice in New Jersey's future.

All candidates deserve gratitude for taking the time to run for our libertarian ideals. Some noteworthy races were Ken Kaplan, who received close to as many votes as registered libertarians in NJ, and Caitlyn Statkus who won a spot on the Montague Board of Education.

In national news, under the leadership of Angela McArdle, the Libertarian Party entered into the Unity Coalition. This move has given us a seat at the table, where we can now ensure that liberty isn't just an

afterthought but part of the main course. The Unity Coalition, formed in the lead-up to the 2024 elections, represents a strategic alliance between various political entities, including the Libertarian Party, aiming to amplify their influence in the American political landscape. This coalition has been pivotal in securing a more significant role for third parties like the NJLP in national and state politics. By fostering unity among diverse political groups that share common goals, particularly reducing governmental overreach and promoting individual freedoms, the coalition has enabled the LP to advocate more effectively for libertarian principles. This collaborative effort has not only increased the visibility of the Libertarian Party but also allowed for a broader discussion on policy alternatives beyond the traditional two-party system, highlighting the potential for cross-party cooperation in addressing contemporary political challenges. With this move, a new chapter begins for Libertarians and their values.

Now, let's turn our attention to membership dues. Think of paying your dues as your subscription to the Liberty Channel – where the content is less about reality TV drama and more about real freedom:

- National LP Dues: This isn't just a membership card; it's your backstage pass to making a difference on a national scale.
- State LP Dues: It's like investing in your local community, but instead of supporting the neighborhood watch, you're backing the watchdogs of liberty.

Please also consider making donations to help fund events, next year's candidates, and NJ Libertarian initiatives.

In Liberty, Freedom, and Peace

Paul Baratelli, NJLP Chair

Ian Freeman Petition

By: Christopher Fox

Ian Freeman, a prominent figure in the cryptocurrency community, faced a trial in a U.S. District Court in New Hampshire, accused of money laundering and related charges. Despite being labeled a "fraudster" by federal prosecutors in a press release, Freeman was never convicted of fraud. The case primarily revolved around allegations of money laundering involving bitcoin transactions.

During the trial, federal prosecutors presented testimonies from members of the "Lonely Hearts Club," individuals who claimed to have been scammed out of large sums via bitcoin transactions facilitated by Freeman. Despite the emotional testimonies, Freeman was not charged with defrauding these individuals, and

fraud charges initially brought against him were later dropped before trial.

The case raises questions about the prosecution's motives and the application of justice in cryptocurrency-related legal contexts. Freeman's supporters argue that the government's characterization of him as a fraudster was premature and unjustified.

The jury convicted Freeman on conspiracy to launder money, despite key elements of the prosecution's case being acquitted by the judge. The case involved complex legal nuances, including the distinction between conspiracy and actual criminal acts.

Central to Freeman's defense was the argument that his actions were not fraudulent but rather attempts to navigate restrictive banking regulations influenced by federal antipathy towards cryptocurrencies.

Ultimately, Freeman received a severe sentence of eight years in prison, a \$40,000 fine, and forfeiture of \$5 million in assets, despite not being convicted of the fraud charges prosecutors initially highlighted.

Ian Freeman's case exposes serious flaws in the U.S. justice system, particularly regarding the misuse of federal charges. Originally accused of money laundering by an undercover IRS agent, the main charge was dismissed by Judge Laplante. However, Freeman was convicted of operating an unlicensed money-transmission business with bitcoin, a decision questioned given the lack of expert testimony defining bitcoin as "money." Further, the state of New Hampshire likened Ian's business to that of a vending machine and not a money transfer service.

The broader issue highlighted is the government's tactic of overcharging to coerce plea bargains, a practice criticized for its impact on justice. Freeman's ordeal underscores the challenges faced by libertarians who challenge mainstream societal norms and government authority.

The case also sheds light on the contentious drug war, which indirectly influenced Freeman's prosecution. Federal agents' aggressive tactics during his arrest, including a militarized raid, underscore the broader societal implications of such law enforcement approaches.

In conclusion, Freeman's conviction reflects systemic issues within the U.S. legal system, including prosecutorial misconduct and the politicization of justice. His story serves as a stark reminder of the lengths to which authorities will go to maintain control and punish dissent, especially among those who question established norms.

What can you do? Please sign his petition at change.org/freeiainnow. You can learn more about his case and ways to help at freeiainnow.org.

There will be an appeal hearing coming up in Boston. I am working on getting the courtroom filled to show support for Ian when that day comes.

Defend the Guard: Legislation to Protect our Nation's Citizens and Military Reserves

By: Paul Baratelli

As a Libertarian, I am thoroughly tired, and dare I say, sick to my stomach of seeing our loved ones sent into harm's way by the government who espouses to protect us and keep us safe. As a New Jersey resident also, I equally detest the decisions of our governor, King Murphy the spineless, to not stand against the federal government and its unconstitutional deployment of our national guard to fight and die in lands we have no business even being in. It is time for the government to overreach into the lives of the people who put their sacred honor on the line to defend the local citizenry to end.

Under the current laws, the President has the authority to deploy National Guard troops to foreign countries without congressional approval, if the deployment is limited in duration and scope. This has led to concerns that the President may use this power to send troops to conflict zones without the necessary debate and approval from elected representatives. As Libertarians, we know he will and the rights of those in harms way will be violated once again. It is noteworthy that New Jersey has been deployed overseas, with the permission of the NJ Governor, at the whim of small group of tyrants in the Federal Executive wing.

The NJ Libertarian Party is promoting and backing the "Defend the Guard" legislative proposal that aims to prevent the deployment of National Guard troops outside the United States without the consent of Congress. This important legislation seeks to protect our nation's citizens and military reserves from being sent into harm's way without proper oversight and approval.

The "Defend the Guard" legislation seeks to amend the Insurrection Act and the Posse Comitatus Act, which currently allow the President to mobilize the National Guard and federalized troops within the United States during times of insurrection, rebellion, or invasion. The proposed legislation would require the President to seek congressional approval before deploying National Guard troops outside the United States, ensuring that elected representatives have a say in decisions that could put our troops and citizens in harm's way.

I encourage wholeheartedly and with great emphasis that all NJ Libertarians and citizens support and promote the "Defend the Guard" legislation till it gets passed. When it does, we will have saved many loved ones from needlessly throwing their lives away to a runaway government who cares little for the lives of its citizens.

To participate in the push of the "Defend the Guard" legislation, please contact Sam Ross or Chris Russomanno at defendtheguard@njlp.org.

And remember, citizens of a society don't start wars, only governments do.

Cato 2024 Report on Fiscal Policy of Governors

By: Jay Edgar with input from Cato Institute

Cato has released their [2024 Fiscal Policy Report on America's Governors](#). Our Governor, Phil Murphy, has been given a grade of D or 42 points. This is an improvement from the 2022 Report (F/29) and the 2020 Report (F/32).

Below is their segment on New Jersey taken from the report (Creative Commons license). Read the full report at njlp.org/catogovreport.

Phil Murphy, Democrat, Legislature: Democratic, Grade: D

Phil Murphy worked at Goldman Sachs for two decades. He also served as finance chair of the Democratic National Committee and as US ambassador to Germany. Unlike his predecessor in the governor's office, Chris Christie, who rejected tax hikes, Murphy supports them and receives a low score on this report.

Murphy's budget in 2018 proposed increasing the sales tax rate to raise more than \$500 million a year, but the legislature rejected the plan. However, Murphy approved a surtax on corporations with incomes above \$1 million. The 2.5 percentage point surtax was supposed to last until 2021 but Murphy extended it through 2023. The surtax drained more than \$400 million a year from businesses.

Murphy has approved many special-interest tax breaks, such as film production tax credits, temporary rebates, sales tax holidays, and low-income breaks. But these sorts of tax cuts do not support long-term economic growth.

Murphy has aggressively raised income taxes. In 2018, he approved a "millionaire's tax" that raises about \$280 million a year. The law raised the tax rate on incomes above \$5 million from 8.97 percent to 10.75 percent. Then, in 2020, Murphy expanded the

higher rate to include households earning more than \$1 million in order to raise another \$450 million a year.

In his 2022 state of the state address, Murphy said that he is for “true tax fairness and asking the wealthiest New Jerseyans—those with incomes in excess of \$1 million—to pay a little more in income taxes.” But the small group of taxpayers with incomes over \$1 million already pay about 29 percent of all New Jersey income taxes. IRS data show that New Jersey suffers from net out-migration of taxpayers earning more than \$200,000 per year, and Murphy’s policies are exacerbating the problem.

In 2024, Murphy approved a new corporate surtax to fund public transit, which will cost more than \$800 million a year. The surtax is 2.5 percentage points for businesses with more than \$10 million in net income, which raises the top corporate tax rate from 9 percent to 11.5 percent. Even before the hike, New Jersey ranked last among the 50 states on the Tax Foundation’s business tax climate index.

Meanwhile, New Jersey hands out billions of dollars in corporate subsidies. Murphy originally denounced subsidies, but he reversed course. The New York Times reported in 2020, “No issue has defined Gov. Philip D. Murphy’s first term in office more than corporate tax incentives. He railed against them as a Democratic candidate for governor,” and yet he later “approved a new tax incentives bill, and the sheer size of it—as well as the breakneck speed at which it was introduced and passed—was shocking, even in New Jersey.”

In 2024, Murphy jacked up the petroleum products gross receipts tax, which is a \$2 billion a year tax on fuel sellers that gets passed along to motorists as higher gas prices. The tax hike will average \$224 million a year for the next five years. Murphy also approved a new \$250 annual fee on electric vehicles.

Despite all the tax hikes, New Jersey struggles to balance its budget, and its rainy day fund is less than 1 percent of expenditures compared to the 50-state average of 12 percent. New Jersey also has the highest state liabilities of any state when considering debt and unfunded retirement obligations.

While government spending has slowed in recent years, it has risen substantially during Murphy’s tenure. The general fund budget rose from \$35.7 billion in 2018 to \$54.8 billion in 2024, which represents an annual average growth rate of 7.4 percent.

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NJ Appellate Court Strikes Down Regulation Denying Public Access to Records

By: John Paff, Chair of the NJLP’s Open Government Advocacy Project

In a [published and precedential opinion](#) dated August 12, 2024, the New Jersey Superior Court, Appellate Division, struck down a regulation issued in 2022 by the Government Records Council (GRC). The regulation had exempted all submissions made to the GRC during a denial of access proceeding from public disclosure until the proceeding was resolved.

The GRC is a public agency established by the Open Public Records Act (OPRA) and is responsible for adjudicating citizen complaints against government agencies accused of improperly denying access to requested government records. The regulation in question, N.J.A.C. 5:105-1.6(a)(1), stated that the citizen’s complaint and all other submissions made to the GRC during its adjudication “shall not be considered government records subject to public access pursuant to” OPRA “during the pendency of [the] adjudication.”

The challenge to the regulation was brought by Libertarians for Transparent Government, a non-profit organization where the author serves as executive director. The case was argued by CJ Griffin of Hackensack.

According to the Appellate Division’s official summary of its opinion,

“The court holds the regulation is invalid because it violates OPRA’s plainly stated requirements, finds no support in OPRA, and is inconsistent with the legislative mandate embodied in OPRA that the citizens of this state are entitled to prompt and full public access to government records. The court

further finds that in its adoption of the regulation, the GRC, which is charged with enforcing OPRA's broad policy of construing its terms "in favor of the public's right of access," N.J.S.A. 47:1A-1, invalidly shields itself from public scrutiny during its performance of one of its core responsibilities—the adjudication of denial-of-access complaints."

The Open Government Advocacy Project is a committee of the NJ Libertarian Party. Its goal is to ensure transparency and accountability at all levels of government. For more information visit njlp.org/opengovernment and transparencynj.com

The Open Public Records Act, once touted as a 'major reform,' dies at 22

By: Terrence T. McDonald, Originally published at newjerseymonitor.com, republished under Creative Commons License

The Open Public Records Act, a New Jersey law that allowed journalists, good-government groups, and everyday citizens alike to uncover government corruption at the state and local level, died this week after a series of fatal blows at the hands of the Legislature and Gov. Phil Murphy. It was 22.

The law, commonly known as OPRA, was hailed at the time of its passage as a "major reform" that helped citizens access documents that had previously been denied to them. It was responsible for the public knowing about glaring missteps at state-run veterans homes during the early months of the pandemic, the level at which police officers use force against citizens, the high rate of deaths in custody in New Jersey jails, and more.

But government officials soured on the law in recent years. County and municipal clerks said their offices were inundated with requests for government records, sometimes as many as one a day. Meanwhile, town leaders chafed at the legal costs associated with records disputes they lost in court, and at commercial entities that used the law to access records that, as taxpayers, they paid to create and maintain.

Fueled by this discontent, lawmakers earlier this year axed a few critical portions of the law and rewrote others, making it virtually unrecognizable. Murphy signed those revisions into law Wednesday.

Supporters of the Open Public Records Act expressed sorrow at its demise.

"Sad day for the people of New Jersey; a sad day for the party that I still believe in; and a sad day for our governor," said former state Sen. Loretta Weinberg,

a Bergen County Democrat and longtime OPRA champion.

Elouise McDaniel's persistent use of the Open Public Records Act landed her in court when Irvington claimed she was using the law to harass the town.

Elouise McDaniel, an Irvington senior citizen who often used the law to obtain information about her town's finances, expressed disappointment with Murphy. Irvington sued McDaniel in 2022, alleging she used the Open Public Records Act so much it verged on harassment (the town later dropped the suit).

The law Murphy signed Wednesday creates an incentive for towns to lodge these kinds of lawsuits against their citizens. It gives judges the power to ban some people from filing records requests entirely if a public entity accuses them of using the requests to "substantially interrupt" how the entity functions.

"It appears that rights are being given to municipalities to use public funds as they see fit with no restrictions," McDaniel said.

The Open Public Records Act was born in Trenton on Jan. 8, 2002, when the state's acting governor, Donald DiFrancesco, signed it on his final day in office. At the time, DiFrancesco, a Republican who was then wrapping up a 26-year career in the Legislature and nearly a year as the state's chief executive, called the bill "truly unprecedented and historic."

"It throws open the doors of government like we've never done before by affirming the public's right to access virtually all government records," he said.

The prior version of the law granted disclosure only of records specifically required to be filed or maintained, but OPRA allowed citizens to view and copy a host of other government documents, including electronic records, unless the law specifically barred disclosure.

A key enforcement mechanism imposed heavy fines on officeholders who purposely denied access. The law also required public entities to reimburse plaintiffs who were forced to go to court to obtain documents.

It was not without its critics from the start. A key last-minute change exempted certain legislative records, something press advocates at the time said they believed the Legislature would correct. It never did.

But over two decades, the law was key in uncovering political scandals major and minor. It helped reveal

that millions in taxpayer dollars flowed to private schools and their highly-paid administrators, that Monmouth County commissioners secretly awarded themselves pay raises, and that a Jersey City councilman used a taxpayer-funded car to take joyrides while he was getting paid for a low-show public job.

But the law couldn't survive lawmakers' complaints that it allowed citizens to obtain too much information about their government.

The Open Public Records Act's end was mourned on both sides of the aisle. Assemblyman Brian Bergen (R-Morris) called its replacement "the epitome of terrible government."

"A bad bill, passed with bad intention, by people who either directly benefit from it or have been bought off to vote a certain way. I've never been part of anything more disgusting in my life," Bergen said.

Secrecy is the keystone to all tyranny. Not force, but secrecy and censorship. When any government or church for that matter, undertakes to say to its subjects, "This you may not read, this you must not know," the end result is tyranny and oppression, no matter how holy the motives.

— Robert A Heinlein

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Editor, **Vacant**

NJLP State Board Votes to Not Participate in the LNC RFK/Trump Fundraiser

By: Jay Edgar

On July 9th, a financial agreement between the Libertarian National Committee (LNC) and the Kennedy campaign was proposed by current LNC Chair, Angela McArdle. It sought to help Robert Kennedy Jr. overcome individual donation limits set the Federal Election Commission while providing the LNC and participating state parties with 10% of each donation. While most discussion and the actual agreement was kept secret from those not on the LNC the actual agreement was leaked in early August.

In late August, Kennedy dropped out of the race and endorsed Trump. The Kennedy Victory Fund page was then updated to state that funds would support Trump while including language that the fund was a partnership with the LNC.

In September, VP of Political Affairs motioned to have the State Board pass a resolution urging the LNC to rescind the agreement. At this point 8 other state affiliates had passed similar motions asking for the agreement to be rescinded.

A Special Board meeting was called. At this meeting Lana's motion was voted down. Only two board members voted for the motion. A motion was made to ensure that the NJLP would not be participating in the agreement as an affiliate. This motion passed unanimously. (minutes of this meeting have not yet been made available).

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All donations to the NJLP State Fund must meet the requirements for an Ongoing Political Committee. You must be a US citizen or a permanent resident alien. All donations to the general fund must come from your personal funds.

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Send checks to: NJLP Treasurer

PO Box 56

Tennent, NJ 07063

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