



New Jersey Libertarian

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THIRD-PARTY CANDIDATES OFFER VOTERS AN ALTERNATIVE

Published in the Asbury Park Press 10/04/02
By RICK HEPP, STAFF WRITER

Green Party candidate Ted Glick has several hundred volunteers working for him across the state in his bid for the U.S. Senate seat from New Jersey, but his campaign is an embarrassment of riches compared with the other third-party candidates running for the seat.

Norman Wahner of the New Jersey Conservative Party has only a few hundred active members in his party. Libertarian Party candidate Liz Macron has 18 volunteers working in her camp.

But as Democrats and Republicans argued Wednesday in front of the state Supreme Court over whether to replace U.S. Sen. Robert G. Torricelli on the ballot, the three candidates found themselves in the middle of the maelstrom as they testified before the court.

It was unfamiliar territory for the three, who so far have been barred from political debates and said they have been harassed by police while handing out campaign pamphlets.

"The impediments that we face are unfair and undemocratic," Glick said.

But there are many benefits to having third-party candidates, the candidates said, including giving disgruntled voters a way to voice their displeasure with Democrats and Republicans.

"By voting for a third-party candidate, it's a way for people to send a message to them," Macron said.

The three candidates outlined their platforms yesterday during an AsburyPark Press editorial board meeting at the newspaper's Neptune office.

Wahner, who founded the New Jersey Conservative Party in 1992 and has been a candidate in five other state and federal elections, said his platform focuses on instituting a flat tax, either on sales or income, and reducing the size of government.

"We're too heavily taxed," he said. "There's got to be programs we can eliminate. We've got to reduce the size of our governments, both state and federal. If we do that, we will need less money, less tax to do it."

Macron, a trial attorney running on the Libertarian ticket, said she also wants to limit the scope of government, including the elimination of public schools and the use of courts to deal with issues like environmental pollution.

"The function of government is to create and pass laws that are universally applied to everyone to create a structure of fairness and to have courts, police and military," she said. "I don't think (it's appropriate) to regulate how we feed our children, how we run our pregnancies or how we teach our children."

Green Party candidate Glick, who is the national coordinator of the Independent Progressive Politics Network that promotes third-party politics, said the platform centers on implementing alternative power sources such as wind power, a progressive tax structure that taxes high-income earners more than low-wage earners, and a universal health care system similar to the system in Canada.

"Every other industrialized country in the world has some form of national health insurance except the United States," he said. "We don't have it because of the power of the insurance companies and the increasingly corporatized medical system."



Hunterdon's Hal Shute and Connie Coty working the outreach booth at Raritan Valley Community College on September 19th.

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In next month's NJL...

Election results will be in!
And don't forget...you can read an expanded issue of each month's New Jersey Libertarian online at www.njlp.org.

Calendar

General Meeting – November 10,
1 PM at Tumulty's Pub.

What's the Worst That Can Happen?

By Pat Bontempo

Of all the reasons I've been given for not registering Libertarian certainly the most chilling is, "I don't want people [or more commonly, the government] to know I'm a libertarian."

I suppose insofar as a libertarian supports such things as the relegalization of drugs and the right to keep and bear arms an aggressive government would target him for investigation. Similarly, insofar as ours are currently minority opinions on controversial issues I can see why some might not want to advertise their beliefs to their neighbors.

But consider this: The most effective form of repression is self-repression; the most effective form of oppression is self-oppression.

It's the censorship that takes place when you opt to remain silent when you see injustice. "If I say something they'll come after me next." "It's a small town and we have the kids to think about." "I have my business to consider."

I understand it among the general population. People don't want to be perceived as being different; as being unorthodox. They're scared to get into trouble; they want to avoid hassles with the authorities. The rule is to go along to get along.

But I'm surprised to encounter this among NJLP members.

Currently quite a few Americans argue we need to surrender much of our liberty to effectively fight a perceived enemy. As libertarians we argue that to surrender our rights is to hand an enemy his victory without a fight.

Democrats, Republicans and the State of New Jersey fought us for years to deny us the right to register as Libertarians. They should have saved their time, energy and money. Because of our own fears we hand them the victory they couldn't achieve on their own.

If you're scared to register Libertarian out of fear of possible negative consequences, then you've allowed those negative consequences to strike you. And the government didn't have to do a damn thing. You did it for them. You did it as effectively as if they banned the NJLP outright.

As a libertarian I can't ask the other guy to be a martyr, even if I don't think he will be. But seriously, how far will you go to hide? Do you think you can go far enough so they'll never find you? Do you really think everyone the Nazis tossed in the concentration camps was Jewish, or gay, or a political dissident?

Can remaining silent or hiding your beliefs stop the worst from happening? Or will the worst have already happened to you?



**Looking for freedom
at the Jersey Shore?**

Contact:

**Libertarians of
Monmouth County
PO Box 121
Tennent NJ 07763
732 775-7263**

www.MonmouthLP.org

LPSMC upcoming meetings:

The November meeting, which will be a joint meeting with Hunterdon, will be held at the West Brook Inn, Bound Brook, on November 25, 2002, 7 p.m. For more information, contact Howard Schoen at 732-572-0207.

Atlantic County

1333 Atlantic Ave., 4th Floor
Atlantic City, NJ 08401

Bergen County

1 Bergen County Plaza, Room 310
Hackensack, NJ 07601

Burlington County

P.O. Box 6000
Mount Holly, NJ 08060

Camden County

P.O. Box 1066
Camden, NJ 08101

Cape May County

10-12 W. Mechanic Street
Cape May Courthouse, NJ 08210

Cumberland County

60 Broad St. W., Suite 210
Bridgeton, NJ 08302

Essex County

33 Washington Street
Newark, NJ 07102

Gloucester County

P.O. Box 352
Woodbury, NJ 08096

Hudson County

595 Newark Avenue
Jersey City, NJ 07306

Hunterdon County

P.O. Box 2900
Flemington, NJ 08822-9952

Mercer County

P.O. Box 8068
Trenton, NJ 08650

Political Party Affiliation Declaration Form

I, being a registered voter at the address listed below, do hereby declare that I desire to vote in the primary election of the Libertarian Political Party.
(Name of Party)

Name: Last _____ First _____ Middle _____

Residence: Street Address _____ Apt. No. _____

Municipality _____ County _____ Zip Code _____

Signature or mark of registered voter _____ Date _____

DECLARATION MUST BE FILED NO LATER THAN 50 DAYS PRECEDING THE PRIMARY IN WHICH THE VOTER WISHES TO VOTE.

Revised 2/96

Middlesex County

777 Jersey Avenue
New Brunswick, NJ 08901-3605

Monmouth County

300 Halls Mill Road
Freehold, NJ 07728

Morris County

P.O. Box 900
Morristown, NJ 07963-0900

Ocean County

P.O. Box 2006
Toms River, NJ 08754-2006

Passaic County

311 Pennsylvania Ave.,
Room 103
Paterson, NJ 07503

Salem County

90 Market Street
Salem, NJ 08079-9856

Somerset County

20 Grove Street
Somerville, NJ 08876-1262

Sussex County

18 Church Street
Newton, NJ 07860-9965

Union County

271 North Broad Street
Elizabeth, NJ 07207

Warren County

413 Second Street
Belvidere, NJ 07823

Libertarians In Print

Lautenberg swap silences voters

Published in the Courier News on
October 9, 2002

Dear Editor:

The Court's election ruling is no victory for choice.

The State Supreme Court has granted the Democratic Party a reprieve from election laws, allowing them to replace candidate Robert Torricelli with a more viable candidate. The Democrats are now trumpeting this as a victory for electoral choice, but in fact it is just the opposite.

Despite several third-party candidates on the ballot, the Court has ruled that there was not a choice for the voters. The Libertarians, Green and other candidates are not choices -- in the view of the Democrats and the Court, if there's not a Democrat and a Republican, it's not a fair election.

Indeed, the Court says in its decision that it "is in the public interest and the general intent of the election laws to preserve the two-party system."

But remember how we got in this mess. One party chose -- and stuck with -- a candidate, despite his well-known ethical lapses. In so doing, that party indicated its willingness to tolerate such corruption. With our own officials unwilling to punish effectively, the electorate has chastised the party through plummeting polls, yet the Court has denied the electorate this voice.

The end result is that the Court has entrenched a rotten system and prevented the electorate from forcing out those perpetrating the problems.

CHRIS WUESTEFELD
Milford

Libertarians In Print

Published in the New Jersey Herald on
September 11th, 2002
Editor:

I take exception to Kathleen Parker's assertion that we all share the blame for September 11th. I was well aware of the possibility of such and tried to prevent it:

In 1989 I submitted a paper to a Humanist Seminar in Buffalo, N.Y. in which I warned that bullying the little guy on grounds of prudence alone if not justice should stop. I warned that great destructive power was becoming within reach of small powers, pointing out that a high school student knew how to construct an atomic bomb. My paper was not read.

Subsequently, when on knowledge of an assassination attempt by Iraqi on the life of ex President George Bush, the then President Clinton ordered a hail of 23,000 lbs. in bombs from the Red Sea and the Gulf on Baghdad killing innocent people, I, although President Clinton on his way to church bragged that all Americans should feel good about the dastardly act, protested to a major New Jersey news paper that I felt terrible. The letter was not published. Then when in a tiny paragraph it slipped through that Kuwait had condemned six to be hanged for the attempt, I again wrote to the Press two more letters, one each to two large New Jersey papers; also not published. Perhaps others also wrote and got the same treatment. I know my horror was shared by a few at the time, but for most people it seems to have been totally covered up. But we can't cover up for the victims!

I wrote elsewhere: "American officials plotted to kill, through the Central Intelligence Agency, two foreign leaders and were involved in plots to kill three others. Lumumba and Fidel Castro were targets of plots originating in Washington. Ngo Dinh Diem of South Viet Nam, Gen. Rene Schneider of Chile and Trujillo of the Dominican Republic were killed in plots in which U.S. officials played a part. . . . ! One may wonder how would Americans have reacted had one of those foreign powers in retaliation had blasted a major U.S. city. And apart altogether of the 'right for us wrong for them' does anyone for a moment accept that the U.S. would have hailed its bombs on Moscow or Peking under similar circumstances!" The innocent suffer on both sides.

Sean Twomey
Sussex Co. Chairman of New Jersey Libertarian
Party.

From The Chair

By NJLP State Chair Emerson Ellett



Our annual Convention is scheduled for Saturday March 1, 2003 at the Trenton Marriott at Lafayette Yard, next to the War Memorial building in our state capital.

Convention Chair Robert Jacobs has confirmed two speakers to date. Jack A. Cole, Executive Director, Law Enforcement Against Prohibition, is a former narcotics officer who spent 30 years with the NJ State Police. He is opposed to the drug war. His email tag line is "You can get over an addiction but you will never get over a conviction." He is in demand as a speaker. He informs us that he will address the European Parliament this month.

The other confirmed speaker represents the Free State Project. If we are ever to regain personal liberty in America, the FSP believes, it must be done one state at a time, and the state with the most libertarian tendencies at this time is supposedly the "Live Free or Die" state. Let's judge for ourselves the validity of their position. No doubt it will reinvigorate us to bring the Garden State into the running too!

Jacobs has also invited Doug Bandow, the Cato analyst and writer.

The Convention Committee has selected a delicious gourmet buffet luncheon for us to enjoy as we hear some outstanding speakers in the ambiance of a quality hotel in the belly of the beast.

Remember! Reserve Saturday March 1 for the NJLP annual convention!

* * * * *

The NJLP has to jump a high hurdle. We must receive 10% of the vote cast in a statewide Assembly race before the State will deign to recognize us as a political party. This barrier has served Democrats and Republicans so well that since 1913, the year they raised the bar, their pernicious oligarchy has never been seriously challenged – even though they comprise only 44% of registered voters today. The closest anyone has ever come was the 4.7% of the vote our gubernatorial candidate Murray Sabrin received in 1997. Given that, what specific change would we like to see? I asked Richard Winger, publisher of *Ballot Access News*, what recognition requirements are imposed by other states. He reports that some states have a zero vote test for a party to be recognized and gain ballot access. Florida and Vermont and Mississippi require a "zero" vote percentage. They simply require a party to be organized. In Vermont, that means a party chair and a party secretary in 10 towns. In Mississippi, it means a list of state officers, and officers for each of the 4 Congressional district committees. In Florida it means a set of state officers. Other "zero" vote percentage states are Delaware and Colorado. Delaware lets a party remain on the ballot with voter registration membership of 1/20th of the state total. And Colorado does the same if a party has 1,000 registrants.

Six states impose a 1% of the vote requirement in certain statewide races; eight states 2%; one 2.5%; three 3%; one 4%; eleven 5%; five 10%; and one (Alabama) 20%.

So what should we shoot for? I believe we want the 10% requirement replaced by the "Florida test", which we have met. There is some reason for faint optimism. In our successful lawsuit that permits us to register Libertarian the court recognized that we have state officers, (and have been an organized group with bylaws since 1973).

* * * * *

What can the individual member do to help the party? Consider doing what John Taylor, Jay Edgar, Elizabeth Macron and Pat Bontempo are doing. They are paying for newspaper ads. Liz and Pat are financing half the cost of our ads in the *WebGuide* monthly magazine. Jay and John are forming a committee to place ads in college and weekly newspapers. Repetition is the key, they realize, and their plan is to run a series of ads in a sustained effort. If you would be interested in participating let me know. Perhaps you would like to nominate your local weekly or college paper. Donors should make checks payable to NJLP, and mark them for Newspaper Ads.

Please contact the Steering Committee or myself at chair@njlp.org or 732 774-3684 if you are able to assist the party or our candidates in any way.



FREE STATE PROJECT

Liberty in Our Lifetime

*"A free state might show the rest of the world what can be done...Let's think seriously about this."
--Claire Wolfe*

As featured on Free-Market.Net, LewRockwell.com, "The Libertarian Enterprise," "The Sierra Times," Anti-State.Com, and Brian Wilson, KSFO Radio...

"The Free State Project is a plan in which 20,000 or more liberty-oriented people will move to a single state of the U.S. to secure a free society there. We will accomplish this by first reforming state law, opting out of federal mandates, and finally negotiating directly with the federal government for appropriate political autonomy. We will be a community of freedom-loving individuals and families, and create a shining example of liberty for the rest of the nation and the world." (from the Free State Project website, www.freestateproject.com)

The Free State Project is a **new** strategy for freedom. Rather than continuing the same failed strategies aimed at bringing Washington, D.C. to the light, the Free State Project aims at liberty in a single state. What can be done in a single state? A great deal. We could repeal state taxes and wasteful state government programs. We could end the collaboration between state and federal law enforcement officials in enforcing unconstitutional federal laws. We could end asset forfeiture and abuses of eminent domain. We could privatize utilities and end inefficient regulations and monopolies. Then we could negotiate directly with the federal government for more autonomy. In other countries, provinces have obtained the right to opt out of national programs and receive a tax rebate instead. We could do the same.

Where will the Free State Project succeed where others have failed? First, we aren't asking for "donations" in exchange for your participation; the F.S.P. is not a scheme for making money. Second, we formulate strategy and policy by consulting the membership; unlike some other failed "free nation" attempts, this is not some cult of personality. Third, we will choose our destination rationally and by looking at all the available evidence. **The state where we will move will be decided by a vote of the full F.S.P. membership after research has been done on all the candidate states.** The vote will be conducted according to the method of Cumulative Count, which more closely approximates the ideal of individual choice than simple majority rule.

The Free State Project unequivocally rejects violence, racism, and fraud. We are a peaceful, legal group, and we support working within the electoral process.

Join the Free State Project and take part in a rapidly growing movement aimed at securing *liberty in our lifetime*. We don't want your money, just your signature - and when the time comes, your willingness to carry through on your word of honor.

www.freestateproject.com - visit today!

Free State Project 385 Canner Street #2 New Haven, CT 06511

Paid Advertisement

**New Jersey Libertarian Party
P.O. Box 56
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1-800-201-NJLP**

Steering Committee

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chair@njlp.org
732 774 3684

Vice Chair Len Flynn
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732 591 1328

Secretary Dan Karlan
secretary@njlp.org

Treasurer Lou Stefanelli
treasurer@njlp.org
732 450 0270

At Large Member Robert Hull
atlarge1@njlp.org

At Large Member Ken Kaplan
atlarge2@njlp.org

At Large Member Lou Elwell
atlarge3@njlp.org

At Large Member Elizabeth Macron
atlarge4@njlp.org

**NJLP Members In Public
Office**

Elected Officials:

John Agliodoro, Commissioner of Tavistock
(Camden County)

William Krouse, Franklin Township (Warren
County) Board of Education

Christian Joest, Blairstown Township
(Warren County) Board of Education

Appointed Officials:

Paul Anderson, Chairman of the Chester
Boro Planning Board; Member, Chester
Boro Historic Preservation Committee

Tony Federici, Community Dispute
Resolution Committee, Vernon Township

Ken Hetrick, Administrator, Chatham
Township; Acting Town Manager, West
Milford Township

Diane Hittner, Old Bridge Municipal Alliance
for the Prevention of Substance Abuse

Joseph Higgins, Woodcliff Lake Borough
Emergency Management Coordinator

Paul Horuzy, Commissioner, Sussex County
Municipal Utilities Authority

Ned Kelley, Hunterdon County Local
Advisory Committee on Alcoholism and
Drug Abuse

John Paff, Member, Franklin Township
(Somerset County) Attorney Ethics
Committee

Hal Shute, West Amwell Township Open
Space Committee and West Amwell Zoning
Board of Adjustment

Bill Thawley, Cape May Mayor's Advisory
Council and Transportation Committee

Ed Wiessmann, Chairman, Sparta Township
Community Dispute Resolution Committee;
Member, Vernon Township Community
Dispute Resolution Committee

Frank Warren, member North Plainfield
Environmental Commission

Ronald Wishart, Secretary, Manalapan
Township Planning Board

Thanks, Folks!

County Organizations

The NJLP has affiliated county organizations for advocacy, activism and discussion at the county level. All meetings are open to the public, and guests are welcome. Contact these organizations through any of the individuals listed. If you do not see your county listed State Chair Emerson Ellett at chair@njlp.org or 732-774-3684 for information on activism in your area.

Hudson

Erik Purasson, Contact
201 434 7938
epurasson@hotmail.com

Hunterdon

Meetings: Generally on the first or second Monday of each month. The agenda is split between business and social activities. Contact Hal Shute at 609-397-5913 for information or shute@blast.net to be added to announce list.

Hal Shute, Chair
609 397-5913
shute@blast.net

Robert Jacobs, Rep
908 534-6764
robertlj@yahoo.com

Mercer

Meetings: Contact Chris Toto for information on the next meeting

Chris Toto, Chair
609 883 0697
ChrisToto@aol.com

Andrea Nadolny, Rep

Monmouth and Ocean

Meetings: Second Sunday of the month at the Alexis Steakhouse & Tavern, 403 Higgins Ave., Brielle starting at 2:00 p.m. For more information visit www.MonmouthLP.org.

Robert Hull, Chair
732-528-0796
rhull@wallnet.com

John Taylor, Vice Chair
732-291-0419
jmtaylor99@comcast.net

Lou Elwell, Secretary
LibertarianLou@aol.com

Ginny Flynn, Treasurer
732-591-1328
vflynne@juno.com

Jay Edgar, Monmouth Rep
609-758-0975
richedgar@hotmail.com

Chris Weimann, Ocean Rep
cweimann@wallnet.com

Somerset/Middlesex (LPSMC)

Meetings: For information, join the LPSMC announce list (LPSMC-Announce-subscribe@yahoogroups.com) or contact Howard Schoen at 732-572-0207.

Howard Schoen, Chair
hschoen@superlink.com

Ray Babecki, Vice Chair
mrsience@erols.com

Barry Allen, Treasurer and Middlesex Rep
732 463 5405

Frank Warren, Somerset Rep
Kb4cyc@webwarren.com

South Jersey Libertarian Party (SJLP)

Henry Cheney, Chair and Rep
hcheney@camden.rutgers.edu

Sussex

Sean Twomey, Chair and Rep
seanptwomey@hotmail.com

Union

Joe Saturnia, Contact
908 464-7307 x712

In the News - 7th CD Candidate Darren Young

10/10/02

The Union Leader

By Mark Hrywna, Regional Editor

Darren Young has never served in government. That's what makes him most qualified to be a member of Congress, he says.

"If you've spent your whole life in government, you tend to look for a government solution," the Summit resident said.

Young, a native of Mountainside, is the Libertarian candidate for Congress in the 7th District, taking on incumbent Republican Mike Ferguson, R-Warren, and Democrat Tim Carden, D-Peapack.

He has run for Congress twice before, in 1998 and 2000. Each time he received about 1 to 2 percent of the overall vote.

"Every time I run I grow, and become a better candidate," Young said. He eventually believes he will win a seat in Congress, but for the time being, his goal is to expose citizens to the ideas "our Founding Fathers espoused" and "plant the seeds," while offering another perspective.

"I want to give people an opportunity to vote for less government. Now they have a choice."

People sometimes tell him voting for a third party is a wasted vote, to which Young replies, in voting Democrat or Republican people are "voting for the same thing anyway."

"The only way to get something changed is to vote for someone else."

Young, who writes software for a trucking company for a living, said he's been a Libertarian ever since he started following politics some 10 years ago.

The Libertarian Party seeks less government in people's lives. "It's gotten out of hand," Young said.

A lot of the ideas seem extremely radical, he said, but one does not have to go that far back into the nation's history to see how things were with less government, adding that there was no government welfare even during the Depression years of the 1930s.

Young would like to see Social Security privatized, or abolished altogether, and scale back social welfare programs, as many countries have done successfully. "If Chile 16 years ago can privatize Social Security, why can't we?" He said privatization raised the standard of living in that nation.

Social Security in its current form is "a ticking time bomb the politicians are just playing with."

Young advocates initially controlled retirement funds, not necessarily invested in the stock market. These funds should not "vanish when people die," as Social Security does.

"Give people control back."

He also does not see a need for a federal Department of Education, which collects tax money, only to spend it on bureaucracy and send some funds back to school districts with strings attached. "Education is a local decision."

But there is "too much power and inertia to break up the bureaucracy." The GOP'S Contract with America in 1994 "should have been a wakeup call," Young said. The plan to eliminate several federal agencies, including the departments of education and energy, never materialized, and government has not gotten smaller. "That's really not true anymore; 40 to 50 years ago, maybe, but they completely abandoned Contract with America," Young said of the Republicans who took over control of the House of Representatives during the mid-1990's.

They did the same thing all politicians wanted to do: increase the size of government, Young said. "The GOP really doesn't stand for what it used to."

Now, everyone is an opportunistic politician who will do or say anything to get elected, he said, and political ads have no meaning whatsoever. "There's no sincerity in politics anymore."

Libertarians have made up the third largest political party in the U.S. for the past 20 years, behind Democrats and Republicans, in terms of candidates on the ballot and votes received.

"If the Founding Fathers were alive today, they'd be Libertarian. But we're nothing like what we were founded. Niety percent of what the government does is unconstitutional."

The difference, he said, between prohibition of the 1920s and today's illegal drugs was a constitutional amendment outlawing alcohol. "I don't remember a constitutional amendment outlawing drugs."

"The Constitution doesn't mean anything anymore, and most people don't realize it."

When the government makes drugs illegal, it increases the price of drugs, and so those who use them are extremely wealthy or commit crimes to support their habit, Young said. If drugs were treated the same as alcohol – age restricted and regulated at a reasonable price – it could solve many of the problems they created, he said, adding that he does not use drugs.

Senate Candidate Liz Macron Challenges Dem's "Power Politics"

Press Release: October 2, 2002

Today in Trenton, New Jersey, Elizabeth Macron, Libertarian Party candidate for U.S. Senate appeared before the New Jersey Supreme Court to answer to the Democratic Party's petition to change the November ballot. The Democrats are seeking to have the deadlines required by law voided so that they can substitute a candidate with a chance to win for Robert Torricelli whose support in the polls has dropped.

Macron, who is an attorney, argued that the Supreme Court must uphold the "rule of law" and that the harm the Democrats claimed would befall the electoral process and the right of voters to choose, was overblown. She noted that the voters and the Democrats have lots of choices, both on and off the ballot. And she chided the Democrats for playing power politics with the election. The full text of her remarks follows:

Good Afternoon. My name is Elizabeth Macron. I am the Libertarian Party candidate for United States Senate. The Democratic Party cites *Kilmurray v. Gilfert*, 10 N.J. 435 as dispositive of the issue. In *Kilmurray*, this Court noted the relationship between N.J.S.A. 19:13-19 (nominations by petition) and N.J.S.A. 19:13-20 (nomination by primary). In that particular case, this Court found that while the vacancy was not filled by the 37-day deadline of N.J.S.A. 19:13-20, the more lenient deadline required by N.J.S.A. 19:13-19 had been met. A candidate had been selected within the 34-day deadline that would apply to candidates nominated by petition. The *Kilmurray* decision treated the earlier deadline liberally while upholding the law equally for all candidates on the ballot. In this case before this Court, today, plaintiff has missed both deadlines and they have yet to present a nomination for the vacancy.

The Democratic Party says it acted in good faith. They have to show their own clean hands before they can ask the Court to bend the law on principles of equity. They say that the fifty-one day statutory requirement is a mere technicality. They call it a non-material requirement and argue that no harm is done if new Ballots can be printed and distributed in time. The harm they ignore is the harm that results from allowing a party machine to circumvent the law for political reasons. The plaintiffs have, thus far, been permitted to completely flaunt the law. They have filed procedurally deficient papers, without consequence. They have skirted the notice requirements of the court rules in bringing this matter before the court. They have obtained Injunctive Relief against parties not properly notified. They have filed a Verified Complaint that is not properly verified, thus calling into question the jurisdiction of the court. (Rule 1:4-7 and *State v. One Datsun*, 189 N.J. Super. 209 (App. Div. 1983) What sort of precedent is set by permitting party machines to add and subtract candidates at will--without regard to the Rules of court, the Election Law or any of the ballot access rules and procedures? The plaintiffs seem to think that the "very purpose" of the election law is to insure the dominance of the two existing major parties. Why should that be so? The purpose of the election laws is to permit the citizens to vote for whomever they choose. Not whomever the party machine chooses. Voter choice will not be impaired in the slightest by denial of plaintiff's application. Mr. Genova says on page 12 of his brief that voter choice is compromised when ballot access is denied to any candidate and "in particular candidates of the major parties". He cites page 441 of the *Kilmurray* decision as authority for this claim. *Kilmurray* says no such thing. The decision says: "It is in the public interest and the general intent of the election laws to preserve the two-party system and to submit to the electorate a ballot bearing the names of candidates of both major political parties as well as of all other qualifying parties and groups." It does not say that the public interest is particularly served or better served by the presence of the two major party candidates. It is my position that the public interest is best served by fair ballots containing the names of all qualified candidates. The qualification process includes meeting the deadlines imposed by the statute. The statutory deadlines do more than just facilitate the work of the County Clerks in preparing ballots. The reason we have laws--process, deadlines and fixed rules is to protect the citizens against the abuse of power. That is what the rule of law is about. The two major parties are diligent about making sure that third party candidates dot all the I's and cross the T's. We believe they should be held to strict compliance as well. If this is a nation of laws, and not men, then the laws should be applied and enforced as written.

Consider the power politics underlying all of this. Mr. Toricelli himself told us that he discussed his decision with President Clinton, Governor McGreevey and Senator Corzine. Mr. Toricelli's decision was a political one. He admitted as much. He said he did not want his party to lose control of the Senate. This "vacancy" did not come about as a surprise to the Democratic party. It did not arise through circumstances beyond their control, such as the death or incapacity of a candidate. Rather, it arose because of their control. This vacancy was created because of power politics.

I object to the procedure by which this matter is being brought to the Court. My objection is based on Lack of Reasonable Notice and Lack of Proper Service. R.4:52-1(b) requires the Order to Show Cause with Temporary Restraints and supporting affidavits to be served at least ten (10) days before the return date. Although the rule does authorize the Court to fix a "shorter or longer time" it defies reason and is and was totally unfair to require, in the best of circumstance, a response time of just a few hours. It certainly is not my fault that Mr. Torricelli waited until the eleventh hour before withdrawing from the Senate Race.

The plaintiffs suggest that it is in the best interests of the voters of this state for their application to be granted. I submit that it is not in the best interest of any voter for the plaintiff's application to be considered and granted in such a rushed manner with little or no opportunity for the other candidates or political parties to respond. Not having complied with the election law's time deadlines, the Democratic party should not be permitted to avoid the law. Their argument that strict application of the law prevents a real choice for the voters is flawed. The New Jersey Democratic State Committee may, if they choose, endorse as their candidate, one of the other candidates on the ballot for United States Senate.

Or they may pursue election as a write-in candidate, an option that was mentioned in the *Hand v. Larrison* decision. 163 N.J. Super. 78-79. There the court noted that the statutory conditions being challenged did not preclude the candidate from "holding himself out as a candidate and promoting a write-in campaign." Such a procedure would avoid the alleged irreparable harm, while not violating the applicable statute.

The fact that the Democratic Party is willing to bear the costs of reprinting ballots should raise suspicion and supports my position that this is all about power. These costs and this confusion only exist because of the political maneuvers of the Democratic Party. No cost or confusion will result if the law is simply upheld.