



New Jersey Libertarian

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South Jersey Fundraiser

On Saturday October 27th, 2007 the NJLP will hold a fundraising luncheon from 12:00 noon to 4:00 PM at Grabbe's Seafood Restaurant located at 19 Delsea Drive in Westville, NJ. To get to Grabbe's from the north you need to take 295 South to 130 South (Westville) at the circle head 551 South to 47 South. After 1 light the restaurant is on your left. Luncheon will follow an NJLP State Board meeting at 11:00 AM.

The price is \$35 per person and the menu is all you can eat blue claw crabs and all you can drink beer or wine with an open kitchen for sandwiches and pasta/salad for those who prefer alternative fare. For menu questions or directions you can call owner Al Achilles at 856-456-3594.

Contact: Kevin Ferrizzi for tickets at 609-980-8903 or kevinferrizzi@yahoo.com His mailing address is PO Box 5449 Deptford, NJ 08096.

Kevin says he wants to keep the atmosphere light. He's gotten in touch with representatives from the Ron Paul campaign as well as organizers for Dr. Paul in the area. Several of them have agreed to attend. Kevin envisions this more of a social gathering to network and gain support than a political conference.

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Heroes in District 14!

On September 29, 2007 Jason Scheurer, the NJLP candidate for Assembly in District #14, qualified for state funding under an experimental "clean elections" program and thereby became the first non-Demopublican to qualify for public (taxpayer) funding of his campaign.

"We're elated," said Lou Jasikoff, the NJLP State Chair and



campaign manager of Scheurer's campaign. Jasikoff estimated he and Scheurer knocked on 8,000 doors in the 14th Legislative District, covering parts of Middlesex and Mercer Counties, to raise the 400 contributions of \$10 each needed to qualify for clean elections funding.

Jasikoff said the state Election Law Enforcement Commission (ELEC) "called and let us know we officially went over 400." "It's a great feeling," Scheurer said. "We're so pumped with energy to go into the last five weeks of the campaign."

Jasikoff said Scheurer's campaign received a check for \$21,893 for the 417 contributions raised before the October 30 deadline, when fundraising by "clean elections" candidates must end. The candidates could only collect a maximum of 800 contributions of \$10 each.



Jason said he hopes to make the program fairer to independent candidates. Each \$10 contribution over 400 got \$1,200.94 in state funding for Scheurer's Democratic and Republican opponents but is worth only \$52.50 to an independent candidate.

Scheurer is only the second independent candidate in New Jersey history to get any type of public financing. The first was Libertarian Murray Sabrin, who qualified for public matching funds in his 1997 campaign for governor. Of the 20 candidates participating this year, Scheurer is the 16th to qualify for public funding, joining nine Democrats and six Republicans. Three Republicans in the heavily Democratic 37th District in Bergen County and Ray Cragle the second Libertarian Assembly candidate in the 14th District did not raise 400 contributions.

The clean elections program is intended to replace special interest money in legislative races with funds from taxpayers.



Lou campaigning at Indo-American Fair Hamilton NJ

Candidates who participate cannot accept any contributions from the political action committees, unions, corporations or political parties that bankroll most campaigns.

The experimental program was tried in two legislative districts in 2005 and is being tried this year in three of the state's 40 legislative districts. Of the 10 eligible candidates in 2005 -- when candidates had to raise a total of \$20,000 from 1,500 voters -- only two, both Democrats, qualified for public funding. The program is scheduled to expand to legislative races statewide in 2009



Jason campaigning at Cranbury Day

Our Own Backyard

By NJLP Chair Lou Jasikoff

Much discussion these days is about whether we should support Ron Paul or support a Libertarian candidate, but I ask you to consider some races right here in our own backyard for a month or so. The nay sayers who thought we would never qualify under the "clean and fair election" program were wrong! To those who say we can never win, guess what, we can, and build the NJLP in the process. Nothing is accomplished until you first believe, and once you believe, then you must try.

I urge everyone to get involved over the next month to make this happen. How? Show up at the debates. Let's swamp the debates, let's rock the place. Tell your friends. The press won't know what happened. Bring a friend. Make a sign or two, "Scheurer for Assembly" and stick it in the ground for us. We will be walking the district to raise awareness and begin a "Take back America" tour. After knocking on over 8,000 doors, I can tell you it is our message that sells. Over the next week, we will be talking to two high school classes, attending a press conference for the Outdoor Alliance, having our first debate, be in 5 editorial review boards (Tuesday-Friday), and attend a \$1000.00 a plate dinner for Ron Paul in NYC— and it gets busier as we get closer to the election. Help us!

Over the next month let's see what can be accomplished when we work together. Sean Colon has billboards up and put over \$15,000 of his own money to promote the beliefs of Ron Paul and the NJLP. Derek Demarco and Paul Tahan are trying to run an active campaign along with our other candidates. They need help. Kevin Ferrizzi is organizing a fund raiser/membership drive luncheon on October 27th in Deptford. (See article on page 1.) Jason and I will be there to support him and hopefully you will too. If you can't make it then send a check!

Our debate schedule follows. See you there!

In Liberty,

Lou Jasikoff
 Chair-NJLP
 Campaign Manager-Scheurer for Assembly
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Debate Schedule

1. Wed. Oct. 10th League of Women Voters, Monroe Township High School Auditorium, 1629 Perrineville Rd, Jamesburg, NJ. 7-8 pm. **See the article following.**
2. Monday Oct. 15th Village Civic Association, West Windsor, NJ 7-9 pm
3. Monday Oct. 22nd West Windsor Retirees Group, West Windsor, W. Windsor Chamber Council, 10 am-12 pm
4. Monday Oct. 22nd League of Women Voters, Steinert High School Auditorium, 2900 Klockner Rd., Hamilton, NJ 6 pm
5. Tuesday Oct. 23rd NAACP Forum, 500 Plainfield Ave. Edison 7:30-9:30 pm

District 14 Candidates Debate

By Len Flynn

On October 10, 2007 the League of Women Voters (LWV) sponsored a debate for the District 14 candidates for Assembly at the Monroe Township High School auditorium in Jamesburg. District 14 is one of the three experimental "Fair And Clean Elections" (FACE) districts. The Libertarian Party candidates are Jason Scheurer and Ray Cragle.



Ray Cragle

When I arrived the debate question being directed to the candidates was whether they supported stem cell research. Ray Cragle said he supported such research, but it is not an area for the government to finance. Jason Scheurer pointed out that because of high NJ taxes all sorts of innovative research companies are encouraged to move elsewhere. What about selling state assets to private enterprises? Jason said that selling state assets is a

"trick" and he likened it to "burning your furniture to heat your home." Ray Cragle said he is in favor of private enterprises but not selling the turnpikes, because they are already paid for. He would support selling the public schools instead! This produced a friendly ripple of laughter through the (mostly **not** Libertarian) audience. Both Democrat and Republican candidates opposed liquidating state assets.

At the midway point of the debate each pair of candidates had the opportunity to direct questions to their opponents. The Republicans asked the Libertarians' opinion about the ballpark. Jason responded that he opposes it, because if it were profitable then investors would finance it without the need for any taxpayer assistance.



"Yes or No?"

Now it was time for the Libertarians to question their opponents. Jason posed two "yes or no" questions. For the Republicans he asked, "Would you support making English the official language? Yes or no?" Both Republicans waffled. One said he would "study the question" and the other opined that "there are more pressing issues." Jason promptly commented, "That's two No's." He next asked the Democrats "Would you commit not to raise **any** taxes? Yes or no?" Both Democrats also waffled: one said he would "try not" to raise taxes and the other candidate said her **goal** would be "not to raise" taxes. Jason briskly responded, "I'll take that as two No's."

The LWV moderator asked the candidates what they would do about health insurance. Ray Cragle cited the medical monopoly and its powerful lobbying in Washington and Trenton that fostered regulatory controls that hinder competition and promote ever-increasing costs. Jason added that you are prevented from shopping for better health care out-of-state. Interstate health insurance competition would help NJ consumers obtain better and cheaper insurance. To their credit the Republican candidates opposed universal healthcare and state mandates.

The next question asked how state spending could be cut. Jason responded that "both the [old] parties have failed you." The state should be put "on a diet" with no new hires all. You the consumer can decide in five years to raise taxes on yourselves. Cutting back spending and not increasing taxes is needed now. The next discussion item was ballot question #3 about bonding for open spaces. Both the Democrats and Republicans supported open space bonds. Ray said that if people were not so overtaxed, they could arrange to preserve their own property. Jason said that each town should decide open space issues not the state.

The final question with was about immigration and was it a national or state/local issue. Ray said the federal government should handle immigration and he was opposed to federal dictates on the employers. Jason said immigration is a pressing issue, and it is important to remove felons right away. Incumbent Democrat Greenstein supports prosecution of criminals but otherwise believes immigrants need to become legal.

It was time for two minute summaries from each of the candidates. The Democratic and Republican candidates each praised themselves and their records. In contrast, the Libertarian candidates stuck to the issues. Ray Cragle noted that taxes are the result of spending. He said we need much more disclosure as to what legislators are voting on, especially for future obligations. He said it's "hard to tell" what the Democrats and Republicans are spending. Jason Scheurer read his "250 word statement" which is not on the ballot because "there is no time to translate it into Spanish!" (See below for his statement.)



Following the debate I spoke with Libertarians from the audience. Attorney Walter Luers told me in about the lawsuit he filed today challenging the very unfair distribution of funds and other aspects of the so-called "fair and clean elections" (FACE) program. At press time the litigation is proceeding.



Walter Luers and Jason Scheurer

A message from your "Common Sense" candidate:

Do you feel the people in office today spend more time looking out for themselves than for you and your family?

Are you worried about the spiraling costs of healthcare insurance?

Are you afraid that you may have to join the 70,000 people who left the state last year?

My name is Jason Scheurer. I am a resident of West Windsor and a professional money manager overseeing tens of millions of dollars for individuals and corporations.

I am **not** a lawyer.

I am **not** another career politician.

I am, however, a concerned citizen who has become tired of the lies, double-talk and pandering to special interests. I want to enact changes in NJ, but can do so only with your help.

Together we can make a **real** difference. By electing me as the only independent representative, we prevent politicians from taking your vote for granted. I will be the voice of reason who will always remember that you, the taxpayer, are the boss.

Every citizen deserves an open and honest government.

Your current legislature rigged this election to maintain a two-party monopoly and to stifle the voice of the common man. They did this by granting themselves \$526,375 per candidate to be used on their campaigns. An independent candidate only receives \$42,000.

Your vote is the best way to communicate that you are fed up with the present system.

No false promises here!

Send me to Trenton.

Jason Scheurer
Candidate 14th District
State Assembly



Are you seeking more news about New Jersey from a Libertarian perspective? Follow Sean Colon's excellent **NJ Libertarian News** posted on the internet at <http://njln.blogspot.com>

It makes good reading!

GREEN PARTY OF NEW JERSEY
NEW JERSEY CONSERVATIVE PARTY
NEW JERSEY LIBERTARIAN PARTY, INC
JOINT PRESS RELEASE

FOR IMMEDIATE RELEASE October 22, 2007

Judge's Order Grants Equal Treatment for Alternative Political Parties in New Jersey

NJ Election Law Judged "Void and Unenforceable"

Newark, NJ – Last October, New Jersey Applesseed Public Interest Law Center and Emery, Celli, Brinkerhoff & Abady, LLP filed suit against the State of New Jersey on behalf of three alternative political parties, arguing that state statutes barring their clients from official "political party" recognition were unconstitutional and discriminatory. On October 17, New Jersey Superior Court Judge Neil H. Shuster, Presiding Judge of the Chancery Division, Mercer County, signed a Consent Order granting equal treatment for alternative political parties in New Jersey. The Order eliminates some of the structural advantages long enjoyed by the Democrat and Republican Parties. The State conceded that New Jersey election law should treat alternative parties as official "political parties" for the purposes of campaign finance, lobbying, and voter registration.

In the Order, the Green Party of New Jersey, the New Jersey Conservative Party, and the New Jersey Libertarian Party are all granted equal treatment with the State's official "political parties" (Democratic and Republican) in two defined areas: campaign finance and lobbying rights. The parties will enjoy official "political party committee" status for the purpose of the contribution limits in the New Jersey Campaign Contributions and Expenditures Reporting Act. In this way, these parties can raise money from individuals at the same levels as the Democrats and Republicans, and like those parties, can give unlimited contributions to their candidates. Furthermore, they will no longer pay lobbying fees – a privilege long held by the State's official political parties.

The Order also removed restrictions on ballot petitioning by out-of-district petitioners. It similarly declared "void and unenforceable" a provision that required general election nomination petition signers to promise to support and vote for the candidate named in the petition. It also stipulated that the New Jersey Conservative Party would be included on New Jersey's voter registration form and party declaration form—something already achieved by the Greens and Libertarians.

While the Order does not change the criteria for official "political party" designation, it does make strides toward making New Jersey a more hospitable place for alternative political parties. New Jersey has the nation's most restrictive definition of a "political party." To qualify, a party must attain 10% of the total vote cast in the State Assembly races. Only the Democrats and Republicans have been able to meet this criterion since they themselves established it in 1920. According to the Order today, alternative political parties will at least be entitled to equal treatment in several areas that will enhance their ability to compete

Kenneth Kaplan, spokesperson for the New Jersey Libertarian Party, said, "We used to mock the elections in the Soviet Union because the only people who could run against the Communists were other Communists. It hasn't been much different in New Jersey, except that we had two parties, Democrats and Republicans, conspiring to prevent any other party from participating. This settlement is a giant step toward opening the system to other parties."

Eric Hecker, a partner at Emery Celli Brinkerhoff & Abady, LLP, lauded the Order, stating: "This settlement is an important step toward undoing the largely successful efforts by the two dominant political parties in New Jersey – the Democrats and the Republicans – to monopolize the political stage and stifle any and all meaningful competition from alternative political parties."

Renée Steinhagen, Executive Director of New Jersey Applesseed and co-counsel in the suit, felt that the victory in the case was somewhat incomplete. "It's wonderful that some of the unequal treatment of these parties has been remedied," she said, "but the next step needed to make third-party candidates a viable choice in the minds of voters requires exploration of other voting methods. With other methods, such as range voting or instant runoff voting, the voter can do more than vote "for" only one candidate while essentially voting "against" all the others. Alternative methods can allow voters to score or rank all the candidates, giving voters' second-choice candidates (and third, etc.) a fighting chance. Only when citizens are assured that a vote for a third party candidate will truly count will the people of New Jersey have the choices at the polls that they deserve."

Letter to the editor, *N.J. Herald*

By Tony Federici, NJLP member in Vernon
August 16, 2007

I understand that a Hampton farmer has irate neighbors who are concerned about him selling farm equipment on his property. The farmer also has to ask permission from a zoning board to sell this equipment.

This Libertarian thinks we need our troops back from Iraq and other places to protect his freedom to earn a living. The farmers need to earn a living and use their property to sustain themselves is real. They hurt no one and satisfy customers. The neighbors' need for a certain esthetic can be satisfied by a hike in the woods or by putting a painting of Thomas Kinkade in their living room.

Zoning boards should be eliminated. Individuals should not cede their judgment to these "elites". Other methods of preventing and solving land use problems can be used, like home owners associations, deed restrictions, arbitration and making municipal courts available to residents who have disputes.

Two Letters to the Editor by Mark Richards

The Power to Choose

The response to a recent column on random drug testing of high school students raises issues that will never be settled as long as education is in the "public" (i.e., government) sector. This controversy over random drug testing would end if education were privatized. Similar debates on educational policies like prayer in school, sex education, racial makeup of the student body, evolution vs. "creationism" and all the other endless policy debates on education would cease if education was private, not government (taxpayer) funded. Parents and students would be able to freely choose the schools that reflected their personal values without interference from school boards or citizen "activist" groups of any kind.

Let's clarify something right now. No one has a "right" to education any more than you have a "right" to health-care, a job or anything else of a material nature. The assumption that you have a "right" to such things implies that someone else is obligated to provide it for you. The next logical step in that kind of thinking is the government should compel by state force the lives of property of others in order to provide these "services" that people think they are somehow "entitled" to. That collectivist view of the world is at odds with any society claiming to be based on individual freedom. The late great free-market economist Milton Friedman (1912-2006) was fond of saying that "There's no such thing as a free lunch," meaning that government can't give you anything that it first doesn't take from you or someone else.

In the other part of this issue of drug testing is drugs themselves. To be blunt, a person's life and property are their own property (self-ownership, we Libertarians call it) and you have the right (for better or for worse) to do with it as you choose, not the state or "society." I'm not defending drug use nor am I condemning it. What I'm saying that in a free society in which government is supposed to be very limited in its powers, there's simply no legitimate provision in the Constitution which grants government the power to decide what substances a person chooses to put in his or her body.

Most Americans get offended when they hear that they embrace the ideology of authoritarianism or totalitarianism. They don't like being compared to fascists, socialists or communists. Since people sit still for all these violations of their personal and economic liberties, what can you conclude but that they deep down want to be told what to do, think and how to live! If they don't inwardly crave a dictatorship, maybe it's just a case of being yellow.

For those who can still think and reason on their own, we Libertarians will welcome you. We have many web sites on the Internet, why not look us up?

Mark Richards is a resident of West Milford. Published in West Milford AIM August 10, 2007.

Subtly Eroding Property Rights

The story about the hassles that West Milford resident Jeff White is getting from the Department of Environmental Protection should concern all property owners. The real purpose of "environmental protection" laws isn't to "save" nature but to further control and erode property rights. We Libertarians and other defenders of property rights, the free market and personal freedom have long known that the "green hysteria" of environmentalism is just an excuse to expand the government power over us, much as the "Red hysteria" of the Cold War of the 1950s was an excuse for the government to violate civil liberties.

Private ownership and control of property is the best way to help the environment, since owners have an incentive to take care of what they own. There are more than enough tort laws and anti-trespass ordinances on the books already to deal with pollution (which is a form of trespass, dumping your garbage on the land or property of another).

The government, through agencies such as the Army Corps of Engineers and Tennessee Valley Authority, have destroyed more wetlands than any private business or landowner ever came remotely close to doing!

White might wish to contact the Institute for Justice, a Libertarian legal group that specializes in economic liberty and property rights litigation. He is not alone in his struggle.

Mark Richards, West Milford
Published in *The Record* (Bergen County) on August 21, 2007.

John Paff Quotes about OPRA Issues

Evesham Township Board of Education

From an article by Todd McHale in the August 18, 2007 *Burlington County Times*:

Paff said he couldn't believe what the Evesham school board considered minutes. "This is a table of contents. These aren't minutes," Paff said. "Minutes are required by law to be 'reasonably comprehensible,' so a person can get an understanding of what happened. It doesn't have to be a transcript, but it should be enough to show whether it's a brand new lawsuit or continuing litigation and the attorney is just giving the board members an update."

Paff said he doesn't blame the assistant superintendent or business/board secretary for Evesham who took the job in July, but wonders why previous school administrators didn't think this was a problem. "These are people who make \$100,000 to \$150,000 a year and they have these lawyers from these prestigious law firms and nobody can figure out these minutes aren't right?" he said.

Paff said he believes it's time to hold public officials accountable for their actions. "Even if you don't believe in Libertarianism, we all believe there ought to be open government," he said. "I just think the level of openness in government should match the amount of lip service."

Paff said he doesn't plan to pursue litigation at this time, but will keep a close eye on the board to ensure it lives up to its word. John said his experience with public bodies in the area makes him think it may be time to ask for help from the Burlington County Prosecutor's Office.

Sea Girt Borough Council

Coast Star reporter Brian O'Keefe wrote four articles in September recording John Paff's efforts to correct the Sea Girt Borough Council's closed session practices.

Paff had written to Monmouth County Prosecutor Luis Valentin last October, requesting an investigation of Sea Girt's practices. In June, some eight months later, he received a written reply from Prosecutor Valentin. Valentin responded by stating that his office "has no statutory mandate in this area to make criminal arrests," and that it would not pursue the matter.

John calls that "a fundamental flaw in the statute," and believes it has discouraged members of the public from suing public bodies over obvious violations of OPMA. "There's no real enforcement mechanism," Paff said. "The county prosecutors don't enforce the law."

O'Keefe's follow-up article in the September 20, 2007 *Coast Star* announced that "Sea Girt alters closed session policy." because at its September 19 meeting, the council passed a

resolution to enter into closed session that gave more specific subjects than they had given in the past. Council President Mark Clemmensen said the change was the direct result of a letter and threatened lawsuit sent to the mayor and council by John Paff

Paff said he was satisfied with the council's actions in response to him so far, and he would not file the lawsuit. "All I wanted to do was get their attention. It seemed to take the threat of a lawsuit to get their attention," Paff said. He added that he wished the council had communicated with him back in October 2006 when he sent the council a copy of his letter to Monmouth County Prosecutor Luis Valentin requesting an investigation of Sea Girt's practices. Instead, the council chose to maintain the status quo, he noted. "Town governments unfortunately just ignore letters,"

Washington Township Faces Lawsuit

An article by Linda Stein appeared in the September 12, 2007 *Times of Trenton* announced that Washington Township has been hit with a lawsuit over its open public records policies. John Paff claimed the minutes the township clerk sent in response to his request were so heavily edited as to be meaningless. Later, after a letter and another OPRA request, Paff received a copy of the minutes of that meeting which were not blacked out.

"I haven't seen such a clear example of apparently using the contract exception of OPRA so the only people being kept in the dark are the public," Paff said. "DiBella is the mayor of Howell Township (in addition to working for the insurer). He's a public official. He ought to know you are supposed to meet for contract negotiations as a huddle to figure out your strategy, not to sit in the room with a contractor. The idea is to keep this secret from your adversary not to keep the public in the dark."

Regarding the heavily blacked out minutes he was first given by Washington Township, Paff said, "I don't know why they redacted everything out. Why in the world are they redacting this stuff?"

John submitted comments about the Washington Township Council as an article that appeared in the September 20, 2007 *Messenger-Press*.

"I contend that the Council violated the OPMA by privately receiving presentations from the brokers."

The OPMA contains nine exceptions that allow the Council to meet in private. And the OPMA instructs, and the courts have held, that those exceptions be interpreted narrowly to promote open government. None of those nine exceptions, however, permit a public body to meet in private to receive presentations from a prospective contractor.

Cara Latham of *The Messenger-Press* for Thursday, September 20, 2007 quoted that Paff filed the lawsuit because there is widespread noncompliance with the Open Public Meetings Act. "Corruption is more likely to occur behind closed doors and that's why it's important all this stuff should be done in public," he said.

Lynn Olanoff in the October 15, 2007 *The Express-Times* described Paff's motivations thus: "It isn't so much to beat up Washington Township, it's to raise awareness of the issue," Paff said. "I want to see democracy work well everywhere."

Lyndhurst Caught Violating Sunshine Law

Michael Lamendola wrote in the *South Bergenite* for September 19, 2007: Ever wonder what goes on behind closed doors when your local government shuttles into an executive session where the public is forbidden? According to one state open government advocacy group, Lyndhurst has been doing a lot more than what the board of commissioners has suggested to the public.

"The problem is nobody really enforces the Open Public Meetings Act," said Paff. "Imagine what meetings would be like if all the information that was supposed to be out there actually was, it would be pretty vital. In many cases however, they go behind closed doors and get all the good stuff worked out and then the public gets a scripted version of a dog and pony show."

"The way it is now, the attorney general or prosecutor can impose fines ranging between \$100 and \$500 if they choose as per violation of the Open Public Meetings Act, but I've never seen something like that happen," said Paff. "The problem is, if you go to court, the judge usually does not refund legal fees, so even if someone in town detected a violation, they would be hindered from pressing it in court."

Paff said Lyndhurst is still not off the hook and he will check back soon to see if the board of commissioners follows through with proper protocol of the Open Public Meetings Act. "They did the responsible thing and I'm happy with Lyndhurst, but, six, maybe eight months down the road I will check up on them again and if I find they are not sticking to it, I will go right to Bergen County Superior Court and file a suit without notice," he said.

More Paff Quotes

County Allocates \$424,076 for Copy Fee Refunds

Joe Tyrrell in the Sunday, September 23, 2007 *Star-Ledger* reported that Somerset has become the latest county to agree to make refunds to people who were overcharged for copies of public records. The case, brought by Franklin Township resident John Paff, is one a series of legal actions around the state to force governments to lower copying fees to their "actual costs." In 2005, a state appellate court upheld the principle in a case

involving Camden, and some counties reached settlements based on that ruling.

"In places like Somerset, though, they just decided to keep charging the higher costs until somebody challenged them," Paff said. "It's like 'King of the Mountain.'"

The county clerk's office in the county administration building in Somerville has five copying machines and 15 computer terminals. It has been charging 25 cents per page, well above the rates charged at commercial copy shops.

"These are public documents, deeds, mortgages, that people need," said Paff, who chairs the Libertarian Party's open government committee. "You can't take the books out of the clerk's office. You've got no choice but to use their machines."

John Paff of New Jersey Wins the Coveted 'Sunshine Troublemaker of the Week Award'

On September 26, 2007 John reported that he won the Lucy Burns Institute's "Sunshine Troublemaker of the Week Award." Here is how Ms. Leslie Graves described our hero on the WikiFOIA website:

John is so sunshine-troublicious that he could probably win the STOTW Award once a month. Its not clear how long ago John started his sunshine-troublemaking, but I did notice that in 1996, a federal judge ordered over \$20,000 worth of restitution to John because—in a flagrant violation of the First Amendment—he was arrested at a post office for passing out political flyers.

To win the STOTW Award, we need a nominee who has been criticized for his or her open government work. As chair of the Open Government Advocacy Council of the New Jersey Libertarian Party, Paff has been so active, so successfully, for so long that it is hard these days to find anyone to attack him. They just capitulate, although he still has to file lawsuits.

In the last month alone, John has:

- persuaded the town of Sea Girt to disclose more clearly and usefully the subjects they discuss behind closed doors,
- persuaded Somerset County to stop charging illegally high fees for copies of documents,
- launched an effort to persuade Monmouth County to disclose a settlement agreement in a sexual discrimination lawsuit,
- filed a complaint against the Long Hill school board to obtain copies of documents pertaining to possibly inappropriate online comments made by a member of the school board, and
- initiated a campaign to change New Jersey's open records law so that attorneys for public agencies have an incentive to ensure that the agencies comply with open records requests in good faith.

On the issue of public document copying fees, the New Jersey *Star-Ledger* reports that Somerset County backed down and agreed to refund overcharges of as much as \$424,000 in response to a lawsuit filed by Paff.

Some municipalities changed their practices in response to a 2005 court ruling about overcharging.

Not Somerset:

“In places like Somerset, though, they just decided to keep charging the higher costs until somebody challenged them,” Paff said. Somerset has been charging \$.25 per copy, well above the rates available at local copy shops. “These are public documents, deeds, mortgages, that people need. You can’t take the books out of the clerk’s office. You’ve got no choice but to use their machines,” said Paff.

The closest we can get to a critic of Mr. Paff’s effort is Somerset County Clerk Brett Radi, who is convinced that it actually costs more money for the government to copy documents than it costs for private copiers to copy documents and that, therefore, it is only right and fair for government agencies to charge more. Radi believes it costs more for government agencies to copy documents because the agency has to first purchase expensive copying equipment—evidently, in his mind, unlike private copy shops.

Paff posts documents and commentary about New Jersey open records at New Jersey local news briefs, a section he created at WikiFOIA. It has great material.

Paff Loses at Trial Court Level on Disclosure of Attorney Disciplinary Information

Under the New Jersey attorney disciplinary rules, if a lawyer accused of stealing clients' money agrees to give up his or her license to practice rather than face disbarment proceedings, all records pertaining to the investigation of the theft are considered confidential. When John Paff learned that a Hunterdon County lawyer had given up his license instead of facing charges of stealing his clients' money, he requested the portions of the investigative files that would reveal at least a) the amount of money stolen, b) the county and state that the theft occurred in and c) the date that the theft occurred.

This minimal information would permit John to a) identify the prosecutor who would be in charge of investigating and prosecuting the theft offense, b) know whether the theft constitutes a crime of the second or third degree (based on the amount of the theft) and c) when the statute of limitations for a theft prosecution would run out.

When the New Jersey Office of Attorney Ethics (OAE) denied him this information, he sued in Superior Court, Mercer County, arguing that under the common law that his interest in that information was greater than the government's need to keep it

confidential. He argued that without the information, a member of the public would not be able to determine whether or not lawyers who steal client's money are also being prosecuted for theft offenses.

Paff believes that the public has a right to know whether or not a) the lawyers who run the attorney disciplinary system are dutifully reporting the crimes of their fellow lawyers to police and prosecutors, and b) the lawyers who run the prosecutors' offices are dutifully prosecuting their fellow lawyers when those lawyers steal money. There is a public perception—right or wrong—that lawyers, whose fate is decided secretly by other lawyers, receive favorable treatment.

Judge Linda Feinberg dismissed John’s case, holding that the government's interest in keeping its attorney disciplinary information secret outweighed the public's (or at least John’s) interest in getting enough information to satisfy oneself that lawyers who steal are not getting preferential treatment from disciplinary and prosecutorial authorities.

John plans on filing a notice of appeal of Judge Feinberg's decision. Following are quotes on the case that recently appeared in the *New Jersey Law Journal* and the *New Jersey Lawyer*.

Lawyer-discipline investigative files are not open to public, judge rules

New Jersey Law Journal October 3, 2007

By Mary Pat Gallagher

Paff says he will appeal. "I would have been happy if Judge Feinberg gave me access to a single sheet of paper with everything blacked out" except county, date and amount, he says. "This would have allowed me to satisfy myself that the system is working to protect the public."

Instead, he says, the decision exalts the rule of confidentiality to shield information about a lawyer who stole money from his client. "I don't think that the legal community realizes how much the general public resents the attorney disciplinary system," he says. "They view it as a 'fox guarding the hen house' system, where lawyers judge other lawyers, pretty much in secret. Rightly or wrongly, they'll view Judge Feinberg's decision as just another example of the legal community closing ranks to keep its system from being held publicly accountable."

Judge keeps lawyer disciplinary reports under wraps

New Jersey Lawyer October 17, 2007

By Robert G. Seidenstein

In noting his intention to appeal last week, Paff said that at this point, he would be satisfied with just the "skimpy information" of when and where the lawyer who consented to the disbarment allegedly misappropriated funds and how much money was involved. He said that information is important to determine if the lawyer should face criminal charges, and to hold prosecutors accountable.

Late Breaking Campaign News!

For Immediate Release: October 21, 2007

Scheurer Stumps for Food

Taking the campaign to the people, he calls on Democrats and Republicans to return minimum of \$500,000.00

(West Windsor) -- Louis R. Jasikoff, campaign manager for the Jason Scheurer for Assembly Campaign, announced today the launching of the "Hope for America Tour" focusing on the issues facing New Jersey voters, offering specific solutions, while walking the district raising food for the local food bank.

"This is an effort to show the community how campaigns should be run. Over the next two weeks we will visit every shopping center in the 14th district in our original 1926 Coca Cola delivery truck, handing out our literature, answering voters questions, making sure they have our 250 word statement, all the while giving something back to the community," said Jasikoff.

"I find it outrageous that each of the Republican and Democratic campaigns has received over 1.5 million dollars of taxpayer money to run each of their campaigns in the 14th district for a total of over 3 million dollars, and all they can show us is more negative advertising while giving none of it back to the community. There must be more to running campaigns than 30

second television ads that tell us nothing about the candidates. That is why I am taking it to the streets. I want our voters to know how I stand on the issues," added Scheurer.

Jasikoff concluded, "We have a responsibility to use our grant of \$23,521.00 in a way to insure the intent and spirit of the 'clean and fair election' program moves forward in a way to benefit the taxpayers and not to enrich the two major parties. That means giving voters choices through 'fair' elections, getting out and meeting our constituents, and any public money received is used for the public good."

"We are now calling on both parties to return a minimum of \$500,000.00 at the end of the campaign. All elected officials have a fiduciary responsibility to the public."

Kenneth Kaplan – 26th Assembly District

While not spending money on his campaign, Ken is nonetheless participating in candidate forums. He will be speaking at a forum for the Brookside Senior Citizens on Oct. 25 at 6:00 PM, 1111 Parsippany Blvd., Parsippany. He will also be appearing at a forum sponsored by the Boonton-Montville League of Women Voters on Oct. 30 at 7:15 PM at the Montville Library, 90 Horseneck Rd., Montville.

Future Meetings & Events

Saturday, October 27 - NJLP luncheon and fundraiser at Westville in South Jersey following 11 am State Board meeting. See page 1 for more information.

Sunday, November 18 – NJLP Steering Committee Meeting: Tentatively at 1:00 PM with location To Be Determined

NJL Advertising Rates

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NJLP State Fund

The NJLP's state and local candidates will work hard, but they cannot do it without your contributions, both money and time. Please fill out this form with your check to help the freedom fight continue.

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