New Jersey Libertarian

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Vice-Chair's Message

While our Chair, Patrick McKnight, has pulled on his boots this summer to serve our country in the National Guard, I am doing my best to fill his shoes.

I want to take this opportunity to congratulate our candidates who successfully petitioned to be on the November ballot. Damien Caillault and Jeff Hetrick are our Assembly candidates in the 27th District. Joseph DeLong is running for Mayor of South Bound Brook, and Patrick Smith is running for Town Council there. Peter Rohrman is our candidate for Bergen County Freeholder. We also have a party member, Joseph Dunsay, who is a candidate in a non-partisan school board election in the River Dell Regional School District, also in Bergen County. Congratulations to them, and those who helped them during the petition drive.

With petitioning behind us, the actual campaigns are underway! These candidates each have their own campaigns to which you can contribute to directly, but also keep in mind that we have a State campaign fund, from which the party can allocate funds to individual campaigns and make direct expenditures for the benefit of all our candidates. A contribution form appears elsewhere in this newsletter. Give generously!

Volunteers can make an even greater impact than money. If you are willing to make phone calls or go door to door, or if you have writing, artistic, or web skills, please contact the candidate of your choice.

And now for some fun! Our Annual Picnic is on Saturday July 11th. There is a suggested contribution of \$10 per person to cover costs, but give yourself whatever discount you need, especially families. This is a chance for our extended party family and friends to just hang out and have a good time. Jay Edgar has graciously offered us the use of his large property, not to mention his tent, hot tub and killer sound system! There is a General Meeting to conduct party business at 3:30, but after that our only business is fun! I hope to see you all there.

Ken Kaplan Vice Chair, NJLP

2015 Convention Results and Notes

By Patrick McKnight

Our 2015 Convention in Hightstown, NJ was a great success. During our business meeting in the morning we elected new officers and the County Organizations named new leadership (see page 6). We approved seven candidates to run for public office using our banner and made plans for others to be approved.

We made plans to kick off a fundraising committee to help our candidates raise needed funds to promote their candidacies.

We made substantive changes to our Platform that included updates to our Education, Privacy, Discrimination, Freedom of Communication, Government Secrecy, Taxation, Crime, and Family Life planks. In addition we added a plank describing the libertarian views on Immigration.

Following our meeting we heard from many great speakers. Topics included Islam, Second Amendment Rights, effective libertarian activism, drug law reform, and the rights of a jury and the history of jury nullification.

However, the best part of the convention was the fellowship that is always found when lots of people who cherish liberty all get together and converse with each other. •

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Preempted Ordinance Repeal Project Tackles Curfew Laws

By Numerous Authors

As a result of pressure from the NJLP Preempted Ordinance Repeal project, several towns are looking to rescind or modify their curfew laws. Thanks to NJLP member and project volunteers Jim Tosone and John Paff for their work.

Bergenfield has passed Ordinance 15-2477 repealing their curfew law. Hasbrouck Heights has passed Ordinance 2236 repealing their curfew. North Arlington has agreed to introduce an ordinance repealing their curfew. Garfield and Montvale have both repealed their curfew ordinances in April. The Township of Saddle Brook has introduced Ordinance 1594-15 modifying their curfew laws to allow for parental permission.

In October 2014, Paulsboro NJ repealed their curfew law as a result of pressure from the Preempted Ordinance Repeal Project. In May however they have reintroduced an ordinance that they believe will pass constitutional muster. It allows parents to grant their children permission to travel between private locations and to and from "cultural and social events, sponsored by religious, non-profit, or community based organizations."

There are many towns throughout New Jersey that have invalid ordinances on their books. The NJLP Preempted Ordinance Repeal Project could use your help in getting these ordinances repealed.

Directions on how to research and challenge these ordinances have been posted at http://njlp.org/loitering. It involves revising your town's ordinances, determining if the curfew or loitering law is unconstitutional, and contacting your town's governing body with a request to repeal.

Generally speaking all general loitering laws are unconstitutional. A curfew is unconstitutional if it covers the entire town every day of the year, and has no provision for the teen to be out with parental consent. If the only allowances it contains are things like emergencies, going to/from a job, religious reasons et al, it is unconstitutional. If the curfew is limited to declared emergencies only, specific days (e.g., Halloween night and the night before), or a specific location, assume for purposes of this effort then it is constitutional.

Finally email or snail mail a letter to the town clerk. A sample letter is posted on our website. Ask that the clerk send it to the Mayor, Council, and town's Attorney. Be sure to copy the Preempted Ordinance Repeal Project at loitering@njlp.org with news of your activism.

2015 NJLP candidates

Joseph DeLong for South Bound Brook Mayor Patrick Smith for South Bound Brook Council Peter Rohrman for Bergen County Freeholder Damien Caillault for NJ State Assembly (27th District)

Jeff Hetrick for NJ State Assembly (27th District) **Joseph Dunsay** for River Dell School Board

Letter to the Editor – Let Casinos Build

By Jim Tosone, published in the Bergen Record

Regarding "Casino vote now" (Editorials, June 5):

I agree with your position that a statewide referendum to allow casinos to be built in Bergen County should be on the ballot in November. But the editorial misses the larger point. As a member of the state's Libertarian Party, I ask a simple question: Why should Bergen County have to get permission from the voters of all the other counties to allow a company to build a casino in Bergen County?

A company should be allowed to build and operate a casino here, as long it does so without government subsidies, without special tax breaks and without taxpayers backstopping the debt. And it should be taxed at the same rate as any other business — not be forced to pay an additional tax to subsidize other counties because of their failed casino policies.

Under these conditions, if the investment makes economic sense, the casinos will come to Bergen County, along with the promised jobs, tax revenues and boost to the local economy.

Jim Tosone

Washington Township ◆

Petitioning Successes – And Failures

By Jay Edgar

Every election cycle we need to gather signatures to get Libertarian candidates on the ballot. Most often the party depends on the candidates themselves to gather enough signatures to put their name and the Libertarian Party name in front of voters.

This year we managed to get five candidates on the ballot. Several others attempted but were not successful in making it onto the ballot. Thanks to those who tried, but did not succeed. These included Mike Chadwick of Medford, Brian Pizza of Toms River, and James Marcotullio of Toms River. Mr. Chadwick submitted his

petitions to Trenton but the Republicans successfully challenged enough signatures to have his petition deemed invalid.

Thanks and congratulations to Damien Caillault of Livingston, Joseph DeLong of South Bound Brook, Jeff Hetrick of Chatham, Peter Rohrman of Paramus, and Patrick Smith of South Bound Brook for their success on getting their names and our party on the ballot. Thanks to them, thousands of voters will have the choice to vote Libertarian in November.

Let us begin to look forward to the 2016 elections now. In 2016 we will be recruiting candidates for the U.S. House of Representatives and candidates for local and county positions. •

Bergen County Quietly Pays \$350K to Settle Police Sergeant's Whistle Blower Suit By John Paff

On April 27, 2015, the County of Bergen agreed to pay \$350,000 to a County Police sergeant who sued Police Department officials for allegedly retaliating against him for exposing alleged illegal activity in the department. \$140,000 of the settlement amount went to the sergeant and \$210,000 was to compensate his lawyer.

In his suit, Robert Carney, who previously headed the Police Department's Internal Affairs Unit, said that Police Chief Brian Higgins and Captain Uwe Malakas retaliated against him for complaining about a culture of cronyism that permitted officers to allegedly tamper with and steal evidence, illegally discharge firearms, falsify official reports and abuse sick time policies without fear of being disciplined.

He claimed that he was threatened when someone anonymously taped two live rounds of ammunition to his locker. Other acts of alleged retaliation include being berated and cursed at, removal of commendation letters from his personnel file, demotion to patrol status and the taking away of his assigned patrol vehicle.

The case is captioned <u>Carney v. Bergen County Police</u> <u>Department</u>, et al, <u>Docket No. BER-L-2753-12</u> and Carney's attorney was William A. Feldman of Fairfield.

The settlement agreement contains a confidentiality clause, which prevents the parties to the suit from publicly disclosing the settlement terms. Fortunately, however, these confidentiality clauses do not trump the public's right to obtain copies of settlement agreements that arise out of lawsuits in which a government agency or official is a defendant.

None of Carney's allegations have been proven or disproven in court. The settlement agreement resolution expressly states that the \$350,000 payment does not

constitute an admission of wrongdoing by Bergen or any of its officials. All that is known for sure is that Bergen or its insurer, for whatever reason, decided that it would rather pay Carney \$350,000 than take the matter to trial. Perhaps the defendants' decision to settle was done to save further legal expense and the costs of trying what were in fact exaggerated or meritless claims. Or, perhaps the claims were true and the defendants wanted to avoid being embarrassed at trial. This is the problem when cases settle before trial--it is impossible to know the truth of what really happened. •

Christie Wins as Court Declares His Pension Reform Unconstitutional

By Mark Lagerkvist from New Jersey Watchdog

With billions of dollars and New Jersey's fiscal future at stake, Gov. Chris Christie won a strange legal victory Tuesday when the State Supreme Court ruled his pension reform of 2011 was unconstitutional.

The Supreme Court's 5-2 decision reversed a lower court ruling that Christie had violated pension law by slashing \$1.57 billion from the state's pension contribution for the fiscal year that ends this month. It also gives the governor a green light for his plans to cut another \$1.8 billion from next year's pension payment.

In the short term, the judgment enables New Jersey to avoid an immediate financial crisis that would have forced the state to find enough extra cash to balance the budget by June 30. But the long-range outlook is bleak as the retirement system for public workers faces a \$170 billion deficit.

"That the state must get its financial house in order is plain," wrote Justice Jaynee LaVecchia in the majority opinion. "The need is compelling in respect of the state's ability to honor its compensation to retired employees. But this court cannot resolve that need in place of the political branches. They will have to deal with one another to forge a solution."

The court ruled the reform that specifically gave public workers a contractual right to the annual pension contributions by the state violated the Debt Limitation Clause and Appropriations Clause of New Jersey's constitution.

"We therefore hold that the legislature and governor were without authority to enact an enforceable and legally binding long-term financial agreement through this statute," concluded LaVecchia.

A scathing dissenting opinion written by Justice Barry T. Albin and joined by Chief Justice Stuart Rabner underscored a sharp division among the judges.

"The majority's decision will have far-reaching negative consequences," Albin wrote. "The majority has declared that it will not enforce a statute intended to stem decades of political dysfunction that has resulted in the balancing of budgets on the backs of public workers.

"The majority has concluded it will not uphold any law that the governor and legislature pass that is intended to bin the political branches to funding a pension system on which public workers relied when entering public service," stated Albin.

Christie had once called the 2011 pension law his "greatest governmental victory." In a <u>statement he</u> <u>posted Tuesday on Twitter</u>, the governor called the court's decision to declare that reform unconstitutional an "important victory."

"It is time to move forward and work together to find a tangible, long-term solution to make our pension system and public employee health benefit costs affordable and sustainable for generations to come," said Christie. "In light of today's decision, I urge all interested parties to come back to the table and partner without me to finally solve this problem once and for all."

The unfunded liability of the state retirement system exceeds \$170 billion, according to a New Jersey Watchdog analysis based on official numbers from the state Treasury. Here's a breakdown of that shortfall:

- \$82.7 billion in unfunded liability for the pension plans of state workers.
- \$53 billion in unfunded health benefits for state retirees.
- A \$20.7 billion shortfall for the pensions of local public employees who collect retirement checks from the state.
- \$13.8 billion to cover the post-employment benefits of those local workers.

"The situation is not only getting worse, but it is fast approaching the point at which it will be beyond remedy," warned the governor's Pension and Health Benefit Commission in a report released earlier this year.

The commission's recommendations included:

- Freezing the existing state pension plans while preserving benefits earned to date by public workers;
- Creating new plans with reduced pension and health benefits for employees to match private-sector levels;
- Using a constitutional amendment to lock in pension contributions from state and local governments for 40 years; and
- Transferring control of the assets, liabilities and risks of the retirement plans to public employee labor unions.

Whether the court's decision will force the Republican governor and the Democratic-controlled Legislature to work together or drive them further apart is the \$170 billion question.

We're not done fighting this," Senate President Steven Sweeney declared at a news conference Tuesday afternoon. "The court gave us a lousy decision. I respect the courts, but they are so dead wrong on this thing."

Help Wanted!

The NJLP Currently has several openings.

We seek an Editor for this newsletter. In addition we seek an assistant Webmaster to assist with our website. The Bylaws Committee is also forming for the purpose of updating our Bylaws.

If interested in any of these positions contact Patrick McKnight at chair@njlp.org.

Make Liquor Licenses Easier to Obtain

By Jim Tosone

Regarding "Liquor bill draws dissent" (Page A-10, Feb. 28):

The New Jersey Licensed Beverage Association and the New Jersey Restaurant Association cite two reasons for opposing a bill to make it easier for restaurants to get liquor licenses. The first is that new license holders would take business from existing license holders. The second is that the value of the licenses invested in by existing holders would go down.

When is any business guaranteed a fixed share of their market, along with government protection against new competitors, and when is any investment guaranteed that its price won't go down due to changes in the legal or regulatory environment?

That risk should be factored into any investment when deciding on how much to pay for it. Expecting to be compensated for any decrease is unfair to those who must provide the compensation.

Opposition to this bill is pure protectionism for existing license holders. It is anti-free-market, anti-taxpayer and anti-consumer.

Jim Tosone

Washington Township, Feb. 28 ◆

A Politician Knows He has a Problem When ... Senator Steve Sweeney

By Rob Morse, slowfacts.wordpress.com

The protesters marching in front of your house might be a clue. They are not the only clue for New Jersey Senator Steve Sweeney.

- A New Jersey Senator knows he has a problem when <u>he</u> has a permit to carry a handgun for self-defense.. and has cops parked at his doorstep, but a domestic violence victim, Carol Bowne, died facing her stalker <u>disarmed and alone.</u>
- A New Jersey Senator knows he has a problem when his well-crafted damage control media campaign is completely ignored by the local news stations.
- A New Jersey Senator knows he has a problem when local police refuse to answer questions about the number of times a domestic violence victim contacted them begging for help.
- A New Jersey Senator knows he has a problem when he refuses to speak to the family of the murdered victim (Video).
- A New Jersey Senator knows he has a problem when he asks four policemen to park across the street as protesters march in front of his house.
- A New Jersey Senator knows he has a problem when twitter followers <u>stop taking his excuses</u> for disarming honorable citizens.
- A New Jersey Senator knows he has a problem when women in New Jersey realize they or someone they love could be the next Carol Bowne.. and they then carry protest banners in front of his house.
- A New Jersey Senator knows he has a problem when he turns on the sprinklers to hose down the protesters marching on the sidewalk in front of his house. Fortunately, it was a hot summer day and the protesters probably appreciated the spray.

We still don't know who delayed Carol's application to purchase a firearm for her own protection. The state police and the local police chief are blaming each other. So are the legislators and Governor Chris Christie who crafted New Jersey's broken legal system. We do know that the state firearms license processing division was created simply to delay the verification process and to produce a few full-time jobs for state employees.

The Jersey politicians sold out the citizens for another spoonful of union political contributions. The voters know it. No wonder citizens resent their politicians and state bureaucrats. What will the voters do? ◆

Woodbridge Township Repeals Loitering Ordinance

By Jay Edgar

Due to pressure from the NJLP Preempted Ordinance Repeal Project, the Township of Woodbridge voted on June 10th to repeal their prohibitions against loitering and disorderly conduct.

In April, John Paff, Chair of the NJ Preempted Ordinance Repeal Project, <u>sent a letter</u> to Township Clerk, John M. Mitch. In his letter, John pointed out to Mr. Mitch that the existing Chapters 3-26 (Loitering) and Chapter 3-30 (Disorderly Conduct) were no longer valid because they were preempted by New Jersey's Code of Criminal Justice enacted in 1979.

Part of John's letter read: "The State of New Jersey has already struck a balance between public assembly and expression rights and the government's need for peace and good order on the streets. Woodbridge Township, as a subordinate subdivision of the State, is not permitted to strike a different balance between these competing interests through local legislation. Accordingly, Code § 3-30.1(e) (and probably Chapter 3-30 in its entirety) is invalid and should be repealed to the extent that it attempts to regulate adults' street behavior. Further, any other code provisions that Woodbridge has on the books that regulate adult street behavior, such as Chapter 3-26 - Loitering4, are also preempted by state law."

John was researching whether or not Woodbridge has been incorrectly downgrading statutory offenses to municipal code violations. His research showed that they were and showed that they were charging people with these invalid ordinances.

The <u>Preempted Ordinance Repeal Project</u> has successfully had Loitering and General Nuisance Ordinances removed from over 30 towns. ◆

Deptford Pays \$35,000 to Settle Police False Arrest Suit

By John Paff

On March 2, 2015, the Township of Deptford (Gloucester County) agreed to pay \$35,000 to a Wenonah man who sued members of the Deptford Police Department for allegedly arresting him for video recording police and for possession of "saltine cracker crumbs."

In his suit, John Cokos said that he was walking to Gloucester County College on November 10, 2011 carrying a video recorder. He said that Deptford Township Police Officer Matthew Principato made an abrupt U-turn and asked him "what his intentions were

with the video camera." Cokos said that he didn't answer Principato's question and instead asked "whether he was charged with any offense, and, if not, . . . whether he was free to leave."

Principato allegedly ignored Cokos' inquiry and said that "the camera made [Cokos] look very suspicious" and that "there had been burglaries in the area." Cokos said that he then asked Principato to have his supervisor come to the scene to "have the encounter witnessed." Detective Edward Kiermeier, at Principato's request, later arrived at the scene.

According to Cokos, a "verbal and physical altercation ensued" after Cokos refused to obey Principato's and Kiermeier's command to turn off the video recorder. Cokos said that he was "forced against a guardrail" while the officers searched him and his belongings.

He said that the "officers found saltine cracker crumbs in brown wax paper and asked [him] if it was crack cocaine." Despite Cokos' denial that the crumbs were crack cocaine, the officers allegedly told him that he was under arrest for drug possession, handcuffed him and took him to the Deptford Police Station.

While lodged in a holding cell, Kiermeier allegedly approached Cokos and told him that "the supposed crack cocaine was, in fact, a piece of saltine cracker." Police did, however, still charge Cokos with obstructing administration of law/governmental function. Cokos said he was found not guilty of the charge on January 11, 2012.

Also named in the suit was Deptford Police Chief Daniel Murphy.

The case is captioned <u>Cokos v. Deptford, Federal Case</u> <u>No. 1:13-cv-06810</u> and Cokos's attorney was Matthew B. Weisberg of Morton, Pennsylvania.

None of Cokos's allegations have been proven or disproven in court. The settlement agreement resolution expressly states that the \$35,000 payment does not constitute an admission of wrongdoing by Deptford or any of its officials. All that is known for sure is that Deptford or its insurer, for whatever reason, decided that it would rather pay Cokos \$35,000 than take the matter to trial. Perhaps the defendants' decision to settle was done to save further legal expense and the costs of trying what were in fact exaggerated or meritless claims. Or, perhaps the claims were true and the defendants wanted to avoid being embarrassed at trial. This is the problem when cases settle before trial — it is impossible to know the truth of what really happened. •

Call To Action – OPRA and OPMA Legislation

By Walter M. Luers, Esq.

As most of you know, much of the work that John Paff does that reaches the public eye is made possible by the Open Public Records Act. Amendments to that Act, and its companion law, the Open Public Meetings Act, are being considered on Monday by the Senate Budget and Appropriations Committee. The amendments are currently opposed by the public agencies, including the League of Municipalities, New Jersey School Boards Association and the County Association. Please write to your Senator and tell them to support Senator Weinberg's amendments to OPMA and OPRA. The bill numbers are S781 and S782, respectively.

You can read copies of the bills on the Legislature's website. You can read about developments in open government and with these bills on the website and Facebook page of New Jersey Foundation for Open Government (I'm the President; John is the Treasurer).

Please take action. Emailing the Senators' offices is probably best. A groundswell from the public does make a difference. I know the mayors and public agencies are contacting their senators to oppose these bills. We need to counter-balance that.

In my capacity as President of NJFOG (which is an all-volunteer organization) I've been testifying, lobbying and working with other stakeholders to improve these laws and get them passed. You can help me by sending an email supporting Senator Weinberg's amendments.

Thank you and regards,

Walter Luers •

NJLP State Board				
Steering Committee				
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Treasurer, Jay Edgar	treasurer@njlp.org			
Secretary, Brian Pizza	secretary@njlp.org			
Member At Large, Joe Baratelli	atlarge1@njlp.org			
Member At Large, Chris Feeney	atlarge2@njlp.org			
Member At Large, Barry Auerbacher	atlarge3@njlp.org			
County Representatives				
Bergen, Thomas MacDonnell	Bergen@njlp.org			
Burlington, Tim O'Brien	burlington@njlp.org			
Essex, Mick Erickson	essex@njlp.org			
Mercer, Kim Baratelli	mercer@njlp.org			
Monmouth, Elizabeth Macron	monmouth@njlp.org			
Somerset, Frank Warren	somerset@njlp.org			

NJLP Picnic and Regular Business Meeting



Saturday, July 11, 2015 3:30 PM Jay Edgar's House 8 Arneytown-Hornerstown Road, Cream Ridge, NJ

Come hang out with fellow freedom lovers. The NJLP Summer General Membership Meeting will be on Saturday July 11th starting at 3:30 PM at Jay Edgar's home in Cream Ridge. The picnic will start around 4:30 PM following the General Membership Meeting.

Food will be provided, but please consider bringing your favorite dish to share. Gas grills and tubs of ice with cold soft drinks will be provided along with snacks and picnic utensils. Extra lawn chairs would help. A \$10 donation to help cover our costs is encouraged.

There will be room to set up tents for those who want to stay late. There is also a hot tub on the premises! Jay's house is five miles west of Great Adventure near the intersection of Routes 539 and 537. Call 848-525-0578 if you get lost.

Directions to Picnic Location:

Take the Parkway exit to exit 98 and follow Route 195 West to Exit 16. Or take the Turnpike exit 7A to Route 195 East to Exit 16. Then follow Route 537 West for 6 miles (passing Great Adventure). Make a right at the light onto Route 539 North. Arneytown-Hornerstown Road is your next left in ½ mile. House is on the right across from the church.

Alternative from the West, the NJ Turnpike, or Route 295:

After getting on 195 East take exit 8 (Route 539/Hightstown/Allentown). Keep right for 539 South towards Allentown. Make the first left (539 Bypass/526 East). At the stop sign make a left onto Allentown-Lakewood Road. In 1.8 miles turn right at the light onto Sharon Station Road. Arneytown-Hornerstown Road is 4.6 miles on the right. House is on the right across from the church.

The New Jersey Libertarian

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for any donation unless required by law

Our state level candidates need your contributions, both money and time. Donations to the State Fund shall be used to support state and local candidates for political office. Your generous contributions are greatly appreciated.

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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