



New Jersey Libertarian

Volume XLIX, Issue 1

Winter 2024

Chair's Message

In my current position as NJLP Chair, I was asked to author an article for the newsletter. It has been decades since I wrote for a newsletter, and it occurred to me that when I truly stood for sustainable energy it was easy to write the article or make a trip to investigate more sustainable energy sources. The main core values of the Libertarian Party are straightforward. Liberty, Freedom, and the non-aggression principle. But did I genuinely stand for them? Did I promote them? I had to be honest with myself and knew I fell short.

I could recite our core values back and forth. I believed them wholeheartedly, but I was not living by the ideals I proclaimed to everyone since I helped with the Ron Paul campaign. I started my self-examination, and I felt defeated. I clung to the hope that these ideas would materialize out of thin air with minimal help from myself. At that point I decided to make a change. I showed up to meetings, got on the SJLP board and started doing the work.

As Chair, I see many helpful people working to create a more libertarian society within New Jersey. These people are shining examples of what a Libertarian should be, and they could be our future leadership. I hope they make it.

However, I also see the other side of the coin, an apathy to a degree that says I believe in these ideas, but I am not standing up for myself or those ideas. When I see this, I remember a Malcolm X quote, "A man who stands for nothing will fall for anything".

Then it occurred to me, is everyone in the NJLP today, right now, living up to our core values? Are we fighting for our ideals together as a community? When people come to me and they say they feel like a captive or harassed in a meeting, I just do not see it and I am at a loss for words.

This caused me to think, how can I become a better libertarian and promote the ideals of Liberty and Freedom? What things can I do to make working within the party a better experience for everyone?

Can I be more patient with other members? Times are tough right now, and if someone is having a bad time of it or a breakdown, how can I be more human and lend them a hand or just an ear? I see, as many others do, the need to build the community back, starting with building member trust. On some level, the members do not trust leadership to do the right thing. And when that happens, as is clearly seen in our current membership numbers, the members just stop showing up. We should, in my opinion, offer the members events, education in libertarian ideas, and campaign help. That should be our focus.

Our most important asset is our members. They are the boots on the ground, the reason the State and Regional boards exist, and ultimately the reason we have a Liberty and Freedom movement in New Jersey. We need something substantial to offer our members. Otherwise, why are they going to use their free time to be a part of our community?

This is where I will stand, whether in leadership or not, to help promote and live our Libertarian values. I will push these priorities and live our core values as best I can. We will fail sometimes and succeed other times. So, what do you stand for and what will you do to promote Liberty and Freedom?

Paul Baratelli NJLP Chair

In This Issue

.....	
Convention Announcement.....	2
Platform Committee Report	2
Member Submitted Platform Changes	2
Bylaws Committee Report	3
Member Submitted Bylaws Changes	4
Menendez Subject to Prosecution	4
The Libertarian Caucus	5
Billionaire Lyrics	7
Civic Engagement With NJLP Projects	7
Press Release, New Jersey Oath Lawsuit.....	8
Preempted Ordinance Repeal Win	9
Convention Registration Form.....	9

Convention Announcement

By: Convention Planning Committee

We are excited to announce that the annual NJLP State Party Convention is just around the corner! This year's convention promises to be a momentous occasion.

The convention will take place on Sunday March 3rd, 2024 on Rutgers Cook Campus in New Brunswick, NJ.

During the Sunday business meeting we be electing new officers for the state party, so this is your chance to get involved and make a difference.

Registration is now open. We encourage all members and supporters of the NJLP to attend.

To register for the convention and to find out more about the event, please visit our website at njlp.org/convention.

The schedule for the day is as follows:

8:00 AM - 9:00 AM Credentialing

9:00 AM - 12:00 PM NJLP Business Meeting

12:00 PM - 1:00 PM Lunch Break

1:30 PM - 3:00 PM Additional NJLP Business

3:45 PM - 5:45 PM Speakers including Jim Tosone (Introduction to Constitutional Interpretation), Dan Krause (Activist Outreach), Voter Choice NJ, and Irene Mavrakakis (Medical Freedom, My Body! My Choice)

5:45 PM Dinner

06:30 PM Presidential Debate/audience Q&A with Chase Oliver, Josh Smith, Jacob Hornberger, Michael Rectenwald, Mike ter Maat and Lars Mapstead moderated by Larry Sharpe and James Babb

We look forward to seeing you at the NJLP State Party Convention and working together to advance the cause of liberty in the great state of New Jersey!

Platform Committee Recommendations

By: NJLP Platform Committee

The 2023-2024 Platform Committee is proud to announce that we have **no recommendations of changes to our Platform** during our Convention.

Our purposeful inaction is a success. During our term we were not able to identify nor reach consensus on any changes that were needed. We yield our time allocated during the Convention business meeting.

Committee Response to Mark's Proposals

Proposal 1 has not been recently discussed. The previous year's Platform Committee considered this change and overwhelmingly rejected it as an attack against private property. This same proposal was proposed by Mark at our 2022 Convention, however the body did not consider it.

Proposal 2 was sent to the committee just before our last meeting. We discussed the proposal for an hour and a half. The consensus of the committee was that it was not yet ready for submission to the Convention and needed additional work.

Member Submitted Platform Proposals

By: Mark Kapengut

Proposal 1. Sec. 1.5. Freedom of Communication. In Transition, change to:

"We oppose any abridgment of the freedom of speech through censorship, government regulation, or control".

Rationale: This is old business from 2022. This would make clear that we oppose to practice of censorship per se whether coming from government or other actors. This would be a shift toward more radical position on this issue. Our current language affords less protection for free speech than is already constitutional mainstream in NJ. There are significant and increasingly frequent attempts at censorship coming from non-government or quasi-government sources: banks, information services, universities etc. Many of those may not be independent private actions, but coordinated by state agencies or other bad actors behind the scene in less than obvious ways, as in Twitter Files and indirect unconstitutional gov't interference. Notice that no specific solutions or remedies are being proposed at this time.

Proposal 2. Update 1.15. Immigration. Add at the end of Transition:

We view the situation at the Southern border apart from normal immigration policy. We reluctantly and temporarily support some limitations on entry across Southern border pending rollback of the welfare state. While we do not oppose the right of private property owners to welcome cross-border immigrants, we consider unwelcomed crossing of a border onto private property a form of trespass, and thus violation of the NAP and a form of aggression.

While we support the impulse of industrious people to improve the lives of themselves and their families by moving to richer countries, we oppose efforts to

colonize the United States that are organized for political reasons. We support the idea of granting asylum to people who are persecuted in their native countries. However, in light of the extremely high number of meritless applications for asylum that are made by prospective immigrants to the United States, we also support the "first safe country" doctrine. We oppose forced busing of migrants from the South to New Jersey.

We oppose the extended detention of prospective immigrants in inhumane conditions prior to assessment of their asylum and refugee claims. We support protecting due-process rights of migrants and speedy adjudication of their applications in these conditions. We oppose construction of border walls. We support shift to merit-based immigration. We continue to support open and unrestricted immigration on bilateral reciprocal basis with those countries hosting large numbers of expat Americans. We call for the abolition of government interference in the hiring practices of private companies, including E-Verify and affirmative-action targets.

Rationale. This would be a significant moderation of our traditional open borders stance. It is intended to be temporary. This is one of the top issues for the electorate in 2024. Concerns about open borders is the single most frequently highlighted platform carve-out by our prospective candidates. There are many members in the current cohort of the party who are immigration restrictionists, and they deserve to be heard. We should discuss this uncomfortable issue at the Convention, rather than avoiding it, and find the current internal balance. The package as proposed combines some Rep-lite clauses with compensatory clauses.

The expats clause is a bit more exotic. A good transition step towards universal open migration would be open migration between friendly countries. (This is at variance with origin-neutral approach of INA of 1965.) Rather than focus on inter-government relations as a criteria for friendliness, this would focus on reciprocal people-to-people approach. Paraphrasing, If your country maintains hospitable enough environment for Americans so they voluntarily choose to live over there in large numbers, we welcome you here. No specific metric is suggested, and other metrics may be used.

This went through the first reading at the Platform committee, where it was significantly amended and expanded, so it is a collective product. I'm submitting it as a member proposal to meet the publishing

deadline that was moved up, because the Platform had difficulties with quorum in Dec-Jan. The Platform committee intends to have a second reading at the next meeting, which everyone is welcome to attend. I expect the final version of this proposal to shrink down from the current version.

Bylaws Committee Recommendations

By: NJLP Bylaws Committee

The 2023-2024 Bylaws Committee is proud to submit to our delegates the following proposals for consideration during our Convention.

Proposal 1: Proposal 1. Add new section 11.g. 4:0.

"Any member of one region based on their county of residence may choose to be a member of a different region instead. However, a member may only be a voting member of one region at a time, and may only change regions once per calendar year. A change in regional membership may only be accomplished by giving written notice to the Vice President of Membership."

Rationale: The regions are rather large, and for some members the meetings of another region may be more convenient, depending on where they live or work. Rather than realigning the regions, as some members have suggested, this bylaws change would accommodate the needs of individuals.

Proposal 2. In 5. Membership. Add at the end. 3:0.

"However only New Jersey residents shall be voting members."

Rationale: This is mostly consistent with our current practice and should be codified. When members move out of NJ, they may remain not-voting members. However, historically we permitted nexus to NJ via residence or work. The matching change is needed due to changed nature of employment due to remote work. This creates a huge loophole that should be closed. Literally anyone in the US can join NJLP claiming that they may have occasional client in NJ and working remotely.

Rationale. The regions are rather large, and for some members the meetings of another region may be more convenient, depending on where they live or work. Rather than realigning the regions, as some members have suggested, this bylaws change would accommodate the needs of individuals.

Proposal 3. 2Y:2A:0 Add new Business rule Sec 5. Membership.

“Definition of 'Injurious': 'Injurious' conduct refers to any action or behavior that negatively affects the Party's reputation, financial health, or safety of its members. This includes, but is not limited to, financial misconduct, harassment, or making public statements that diametrically oppose the Party's core values and principles.”

Rationale: This clarifies what may constitute injurious conduct.

Committee Response for Tim’s proposals

1. Bylaws committee vote Oppose 0:4.

Bylaws committee review. Because expulsion of a member is an extreme measure, we feel that it should only be done by an extreme majority of 7/8. A proposal to keep the plank for expulsion at 2/3 was considered and rejected at the Convention of 2021.

2. Bylaws committee vote Oppose 0:4.

Bylaws committee review. If this function were taken away from the bylaws committee, a new committee would have to be created to perform this function. We have a limited number of party members willing to work on committees, and many of those are already doing double duty. The Bylaws Committee has not yet been called on to perform this function, so there can be no dissatisfaction about its work at this time. However, if it does perform this function, any member can appeal the committees decision at the next general meeting.

Previously, some presiding Chairs have not had the requisite knowledge of RONR to rule on procedural disputes. In contrast, there are typically members on the bylaws committee who are knowledgeable about RONR. Thus, the bylaws committee is more likely to reach the correct decision in case of procedural disputes.

Member Submitted Bylaws Proposals

By: Timothy O'Brien

Proposal 1: Update Bylaw 5.a. as follows:

A ~~7/8~~ 2/3 vote at any General Meeting may remove any person from membership in the NJLP, provided that notice of consideration of the removal of that person from membership was included in the written notice of the General Meeting.

Rationale: Roberts Rules requires a 3/4 vote, which was our previous bylaws. There are times when a member must be removed from the body, and the bar cannot be this high.

Proposal 2: Change Bylaws 6d. to delete the following:

~~The Bylaws Committee shall adjudicate disputes, ambiguities and controversies over the interpretation and application of NJLP Bylaws, bylaws of affiliates (including Regional Organizations), and parliamentary procedure. Interpretive decisions made by the presiding chairs at NJLP meetings can be appealed to the Bylaws Committee. Decisions of the Bylaws Committee may be appealed at the next General Meeting. The Bylaws committee can, at its discretion, engage a parliamentarian to assist in the adjudication process.~~

Rationale: This bylaw is more problematic than helpful, and the risks of abuse far outweigh any benefit it might have been intended to gain.

Member Submitted Bylaws Proposal

By: Jay Edgar

Proposal: Add to Business Rule 9c. as follows:

Member submitted Bylaws Change Proposals and Platform Change Proposals to the newsletter shall be accepted at the discretion of the Editor. Such proposals shall be paid for as an advertisement unless the State Board directs otherwise.

Rationale: our meetings have become unproductive and overly concerned with Bylaws proposals that have not been discussed in committee. This provides a cost for individual members to take up space in the newsletter and time during our meetings.

Menendez not Protected from Prosecution, Authorities Argue

By: Nikita Biryukov – Originally published at [New Jersey Monitor](#), republished under Creative Commons License

Federal prosecutors have asked a judge to allow the corruption case against Sen. Bob Menendez to proceed, arguing that when he pressured officials to further the alleged scheme, he stepped outside of constitutional protections granted to members of Congress.



Menendez last month asked the judge overseeing his corruption case to dismiss charges of bribery and acting as a foreign agent, arguing he was shielded from prosecution by the U.S. Constitution's speech and debate clause and by a 2016 U.S. Supreme Court opinion that excluded meetings, event hosting, and calls to other public officials from the bribery statute's definition of "official act."

In a new filing entered Monday, federal authorities say Menendez's alleged violations lay outside of those protections and argue the case against him should continue, charging the senator's arguments would make members of Congress "super-citizens" with effective immunity to all criminal charges.

"Even if these claims rested on full and correct statements of the law — and they do not — they could only result in dismissal if the Court were to disregard the Indictment's allegations, construe them in the defendants' favor, or look beyond the Indictment to supposed, contestable, and contested facts," the prosecutors said.

Prosecutors allege Menendez accepted hundreds of thousands of dollars in cash, gold bars, a Mercedes Benz, and payments to a consulting firm launched by Nadine Menendez — his wife and co-defendant — in exchange for his intervention in criminal prosecutions, disbursements of military aid, and international negotiations, among other things.

In his motion to dismiss, the senator argues he cannot face charges because his alleged actions — including calls to prosecutors or urgings that federal agencies intervene in negotiations between Egypt, Sudan, and Ethiopia, among others — were not "official acts" under the definition set in *McDonnell v. United States*, the 2016 opinion.

But prosecutors dismiss Menendez's argument as irrelevant because bribery charges do not require the bribe taker to hold up their end of an illicit bargain, only that they agree to do so.

"It does not matter whether the defendants are correct — and they are not — as to whether one or more of the actions that Menendez actually took was an 'official act,' because the Indictment also alleges that Menendez promised or agreed to take official acts. No more is required," the government's filing says.

Menendez's alleged promises not to block military aid to Egypt, to pressure the U.S. Department of Agriculture to cease opposition to a halal meat

certification monopoly the nation extended to IS EG Halal — a firm run by co-defendant Wael Hana and allegedly used to fund bribes — and alleged acceptance of payments to forward a Senate resolution favorable to Qatar meet that bar, prosecutors said.

They further argue the speech and debate clause does not protect Menendez from prosecution on those charges because the alleged acts were not legislative acts.

The clause in question is meant to protect the separation of powers by shielding legislators from civil and criminal charges directly stemming from their legislative duties.

Menendez has argued on the Senate floor that prosecutors are seeking to criminalize "the normal engagement of members of Congress with a foreign government," charging his alleged actions are constitutionally protected.

Prosecutors note that while the clause guards lawmakers from liability related to legislative acts, its protections don't extend to legislative actions taken in exchange for a bribe.

"Taking a bribe is, obviously, no part of the legislative process or function; it is not a legislative act," prosecutors wrote, quoting a 1972 U.S. Supreme Court opinion in *U.S. v. Brewster*.

Menendez has argued that he can't face charges for his alleged intercession in a state criminal case against an associate of co-defendant Jose Urbie because, as a federal official, state matters lay outside his purview. Prosecutors say otherwise, arguing Menendez cherry-picked precedent in building that defense while ignoring a larger body of more recent cases that reached a different conclusion — including precedent from his first corruption trial, where a judge ruled officials could face charges for accepting a bribe to pressure another into an official act the bribe taker had no power to take on their own.

"As the Government expects to demonstrate at trial, although Menendez himself lacked the formal power to decide the outcome of those state criminal matters, his position as the senior Senator from New Jersey, by 'custom' and as a matter of political reality, enabled him to exercise influence over state officials within New Jersey," the prosecutors' latest filing says.

The Libertarian Caucus

By: Timothy O'Brien, SNJLP Chair

For more than a decade, I've been in some form of leadership in the NJLP. Currently, I'm in my third (non-consecutive) term as Chair of the Southern NJ Libertarians. In 1982, I learned of the Libertarian Party and sought to join. It was not as easy then. There was no internet to make contact easy. For a brief time, I was inactive and then rejoined in 1992. It took until 2007 before anyone from the state party reached out to me, and I became active in state party matters. I was fortunate enough to be a delegate to the national conventions in 2008 and 2010.

I began my tenure in leadership as the Representative to the State Board from Burlington County before the advent of the Regional System. I was given no guidance on how to serve in this aspect and found out that I was the only active member of Burlington County. When the Regional System began, I became the Representative from the South. With the help of other members, we formed a Board, and we were able to begin to serve our members. After three terms, I became the ad hoc Vice Chair for one term. After that, I became the Chair for two terms. With one term out of office, I resumed the Chair in 2023. Hopefully, this will be my last term as others need to take up the mantle of leadership.

Eight years ago, our second Chair, Dan Feehan, a long-time member, the late and sadly missed Christopher Feeney, and I created bylaws for the Southern Committee. When I resumed the Chair this year, I realized that those bylaws were insufficient for the current and future SJLP. Looking to the future, we made changes to our bylaws to make it easier for future boards to run the business of the Southern Committee more efficiently. Our main goal as we grow the party is to focus on establishing County Organizations to be the boots on the ground in their local communities.

With that out of the way, I'd like to express my views on the health of our party, and what I believe needs to be done to put into effect the changes we need to make to fix the injuries that have brought us to this critical state. It has been some time since I've felt that the NJLP was a happy place for like-minded people to gather to effectuate change in our political world. For quite some time, we had moved forward. For about the past four years, however, there's been

a cancer growing in our ranks, which has effectively reduced the number of people willing to associate with us. This must change, or we will continue to be marginalized.

Caucuses are something I do not understand. It is one thing to band together, as we have as Libertarians, to use a group to speak with a common voice, but when a group splinters the whole, it ceases to be a positive force. What we need to do is to focus on why we are here in the first place, to fight the duopoly and the power of government to make a more equitable society where everyone can be the best person they can be. That is our goal.

Occasionally, I have seen some members believe their voice is the only voice. They try to outtalk the rest of us. These members become disruptive and disrespectful to the whole. I have seen these people come and go. In the past, when they did not get their way, they voluntarily left. As much as it pains us to consider the expulsion of a member, from time to time, we must consider this drastic step to maintain the general health of the whole. One member is not worth the destruction of the Party.

As a Libertarian, I've heard so many opinions on candidacy. None of this has been focused. In discussions with members around the nation, people I've grown to respect over my tenure in the Party, I've come to this conclusion. At this time, we have little to offer people who aspire to be candidates for office. We have little to offer prospective members except discord. One thing that I've been told is that we need to find a way to focus our issues.

For people who are running for state-wide office, focus on a few key issues that all candidates can support. We need to help focus our campaigns so people will see us speak with a more unified voice. For a party birthed in the notion of individualism, this may be anathema to some. But we did come together as a group. We all joined the Libertarian Party. As Larry Sharpe often says, we probably agree on at least 80% of the issues. Let's focus on promoting those points of convergence. We can privately debate the rest and try to find some form of consensus while showing a more unified voice to the rest of the world.

In the future, the State Board needs to be more intrinsically involved with the regions. We have created offices in our region that are analogs to state positions. They need to communicate and work

together. Conversely, as counties grow, the regional officers need to work with them. I trust that our interim Chair, Paul Baratelli, understands this need. We have had discussions on many of these topics. Should he seek a full term as Chair, and be elected by the membership, he will work hard to make the proper changes we need to move forward as a Party. I entreat all of you to be more effective ambassadors for the Libertarian Party.

Billionaire

By: Fred Stein.

This is the lyrics to my song "Billionaire" inspired by Ayn Rand, with a dose of humor.--

The best things in life are not for free
All you have to do is look at history
Being poor is full of misery
Don't you want to be rich just like me
I'm just your average billionaire
Challenge me if you dare
Whip out your wallet let's compare
I know how to invest
Making money is the final test
Shout it I'm the best
Living in the land of liberty
You can be wealthy just like me
I made my money honestly
I created jobs for all to see
Why do they want to penalize me
Marie Antoinette made a mistake
She should have told the peasants bake your own
cake
No gloom and doom
Get ready for the next economic boom
A billion here, a billion there, it seems to be growing
everywhere
Life has been very fair to a guy like me
Who's a billionaire
Laissez-Faire why should I care I'm a billionaire.

Celebrating Civic Engagement Through NJLP Projects

By: Arielle Shack, VP Public Relations

The New Jersey Libertarian Party has made remarkable headway in the repeal of preempted ordinances across New Jersey. Under the

leadership of John Paff and Arielle Shack, the number of NJLP projects has grown to embody the spirit of active civic engagement and dedication to liberty.

This year, we reactivated the Preempted Ordinance Repeals Project, created the Tax Delinquency Relief Project, and advocated for our communities via the Home Equity Theft Prevention Project.

The Preempted Ordinance Repeal Project, a cornerstone initiative of the NJLP, has brought together members from across the state in a concerted effort to challenge and repeal preempted ordinances infringing on personal freedoms. This collaborative endeavor showcases the power of community action and strategic advocacy.

Join us in celebrating the dedicated efforts and successful advocacy of NJLP members who have championed the repeal of restrictive ordinances throughout New Jersey, under the exceptional leadership and guidance of the Preempted Ordinance Repeals Project Chair, John Paff. John's unwavering commitment has not only led to numerous victories but has also set a standard for effective civic engagement within our organization.

Kim Skorka played a pivotal role in Little Silver Borough, Monmouth, and notably led the repeal of the Peace and Good Order Code in Colts Neck Township. Kim's advocacy efforts extended to Oceanport Borough, Ocean County, promising more achievements to come.

Jim Tosone achieved success in Woodcliff Lake Borough, Bergen County, and is actively working towards the repeal of street conduct codes in Park Ridge Borough and Washington Township, both in Bergen County.

Doug Yeaw spearheaded the campaign in Denville Township, Morris County, resulting in the repeal of its "Disturbing the Peace" code.

Arielle Shack not only garnered media attention for her successful repeal of the Loitering and "Peace and Good Order" codes in Florham Park Borough, Morris County but also secured a victory in Hanover Township, Morris County with the repeal of a Loitering code that infringed on individual expressive rights. Additionally, Arielle has identified several other towns with the same legal counsel for targeted efforts in 2024.

John Paff made significant strides in Stone Harbor Borough, Cape May, with the repeal of its Loitering ordinance. In Ewing Township, Mercer County, his timely intervention led the council to table a proposed "Peace and Good Order" code, opting for reconsideration.

The momentum continues as we engage with municipalities contemplating our repeal proposals. Several towns are in stages of the repeal process, reflecting our ongoing commitment to this cause.

The New Jersey Libertarian Party established the "Tax Delinquency Relief Project" with an objective to advocate for reduced interest rates and penalties imposed by municipal tax collectors on property owners who are delinquent in their tax payments and other municipal assessments.

Lana Leguia took a stand in Stanhope, presenting a compelling case to local officials on the importance of easing the financial burden on delinquent taxpayers. Her dedication to the cause and her persuasive arguments highlight the NJLP's commitment to fiscal fairness and the alleviation of undue penalties on our fellow New Jerseyans.

Samuel Ross represented our values and objectives in Little Egg Harbor, advocating for similar reforms. His efforts to engage with municipal leaders and push for changes in tax penalty policies underscore the project's mission to foster a more equitable system for handling tax delinquencies.

The successes of this year are a testament to the dedication and hard work of our members. To build on this momentum, we're calling for more volunteers to join our efforts. Whether you're new to activism or an experienced advocate, your contribution can make a significant difference.

The NJLP's commitment to repealing restrictive ordinances underscores our broader mission to promote freedom and justice across New Jersey.

Thank you to all the members that participated in projects this past year!

To get started in any of the NJLP projects - please join us on the third Tuesday of each month at 8pm via njlp.org/PremptedOrdMeet.

Press Release – Freedom from Religion Foundation

By: Freedom from Religion Foundation – November 14, 2023

BREAKING! New Jersey agrees to a more inclusive oath due to FFRF lawsuit

Thanks to a Freedom from Religion Foundation lawsuit, the electoral system in New Jersey is becoming markedly more inclusive. FFRF filed suit a month ago on behalf of a N.J. resident against the N.J. secretary of state for forcing candidates for public office to swear a mandatory religious oath in order to appear on the ballot. James Tosone, the plaintiff, had been unable to run for office in recent years because the Division of Elections would not allow him to verify his candidate form via a secular affirmation in place of a religious oath. A significant chunk of New Jersey citizens, such as Tosone, who have no religious affiliation (almost one-fourth of the state's population) were potentially affected by this policy.

Not anymore. From now on, political candidates in the Garden State won't have to unwillingly take a religious oath. Things moved quite rapidly after FFRF filed its suit. Thankfully, the state of New Jersey proved willing to comply with the U.S. Constitution and resolve the issue. It agreed to create and adopt a secular affirmation for candidates. The state also sent a memo to all NJ County clerks with updated and clear guidance on secular affirmations.

FFRF is pleased at the outcome and is filing to voluntarily dismiss the case. Tosone is elated at the way things turned out. "I'm very happy with the state's response to my lawsuit and their commitment to follow the Constitution's 'no religious test for public office,'" he says. "Thanks to the support of FFRF and the work of their attorneys, candidates in New Jersey now have the option of a nonreligious affirmation when submitting their affidavit to run for office."

If New Jersey fails to follow through with these fixes in 2024, the state/church watchdog can refile the lawsuit. The dismissal will be without prejudice, which means that FFRF will not be precluded from refileing. However, it appears that state officials will do the right thing and adhere to these changes.

The policy prevalent till now had violated the rights of the plaintiff and countless others under Article 6 of the U.S. Constitution, which bars religious tests for public office, as well as the First Amendment, FFRF

asserted in the complaint filed before the U.S. District Court for the District of New Jersey. FFRF contended in its suit that “the secretary of state and the state of New Jersey have no valid reason or interest in requiring all citizens who wish to run for public office to take an oath that requires them to swear ‘so help me God.’”

“We’re glad that the state of New Jersey saw the error of its stubbornly non inclusive ways,” says FFRF Co-President Annie Laurie Gaylor. “Residents will now not have to choose between lying or not running for office.”

New Jersey Attorney Paul Grosswald filed the lawsuit, with FFRF attorneys Patrick Elliott and Samantha Lawrence acting as co-counsel. The case was filed in the Trenton Vicinage of the U.S. District Court for the District of New Jersey.

The Freedom From Religion Foundation is a national nonprofit organization representing 40,000 freethinkers (atheists, agnostics and other dissenters from religion), including almost 800 current members in New Jersey, that works to protect the separation between state and church, and to educate the public on matters relating to nontheism.

Preempted Ordinance Repeal Project - Colts Neck Repeals the Bulk of Its "Peace and Good Order" Code

By: Preempted Ordinances Repeal Project

Thanks to the efforts of NJLP member Kim Skorka, the Colts Neck Township Committee (Monmouth County) introduced Ordinance 2024-1 at its meeting on January 10, 2024, and approved it on January 31, 2024. The ordinance removed unconstitutional and preempted sections from the Township's Peace and Good Order code. For example, section § 164-23, proposed for repeal, prohibits "[r]iotous conduct, indecent conduct, breaches of the peace, vagrancy, and prostitution not previously mentioned." In the hands of an unscrupulous cop or a politician with an axe to grind, such vague prohibitions can be used to violate someone's rights.

On behalf of the NJLP's Preempted Ordinance Repeal Project, Kim attended the Committee's November 2, 2023, meeting and requested during the public comment period that the Mayor and Committee members have the municipal attorney review the Peace and Good Order Code. Kim's question initiated a chain of events that led to the repeal of the problematic code provisions.

Anyone interested in addressing their own town council about similar invalid codes should contact the Preempted Ordinance Repeal Project at preempted@njlp.org

We will walk you through every step of the process - no experience necessary!



NJLP Convention Form

Check here to use address from mailing label on reverse

Name: _____

Address: _____

Town: _____ State: _____ ZIP: _____

Email Contact: _____ Phone Contact: _____

Full Convention Package \$80 _____

Lunch Only \$25 _____

Dinner and Entertainment \$55 _____

Business meeting (no meals) is free. Online registration is highly recommended and is at njlp.org/convention. Mail this form with payment to: NJLP Convention, P.O. Box 56, Tennent, NJ 07763



New Jersey Libertarian Party - - - - -

Are you a current member? **Please consider joining.**

I'd like to join the NJ Libertarian Party! I have checked the level at which I want to join and have enclosed the corresponding dues. I certify that I do not believe in or advocate the initiation of force to achieve social or political goals.

(Signature required for membership only) X _____

Check here to use address from mailing label

Name: _____

Street Address: _____

City: _____ St: _____ Zip: _____

Email Address: _____

\$500 Life Membership

\$100 Patron Membership

\$50 Sustaining Membership

\$35 Supporting Membership

\$20 Regular Membership

Newsletter subscription is included with membership. Check here to only receive the newsletter on line.

Make checks payable to NJLP and send to NJLP, PO Box 56, Tennent, NJ 07763

You can also renew on-line at <http://njlp.org/joinus>



New Jersey Libertarian Party

P.O. Box 56

Tennent, New Jersey 07763

njlp.org