

Litigation Challenging N.J. Restrictions on Alternative Party Activity

by Steve Welzer

An effort to obtain full rights and fair treatment for alternative parties in our state was launched in 1993 when two New Jersey colleagues of Ralph Nader, Carl Mayer and Renee Steinhagen, set up the NJ Task Force for the Rights of Alternative Parties. Nader had started prioritizing this avenue of activity in the wake of his 1992 mini-foray into presidential politics (he ran as a "None of the Above" candidate in both the Democratic and Republican Party primaries in New Hampshire that year). In 1993 Nader set up the Appleseed Foundation (<http://www.appleseeds.net>). Among the main focuses of that organization are the issues of electoral law reform, ballot access reform, and campaign finance reform. Its affiliate in New Jersey is the Appleseed Public Interest Law Center. Renee Steinhagen is the Executive Director.

Carl and Renee were of great help during 1996 when the Greens in New Jersey sought to get Nader on the ballot as our presidential candidate.—

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GPNJ Chair Earl Gray dead at age 76

Earl Gray, Chair of the Green Party of New Jersey, died on Friday, May 20, 2005, after a long battle with pulmonary fibrosis. On this page, we will post writings from our members and friends of Earl as a way of remembering him. This is a grave loss for our party, for Earl's family, and for his friends.

Earl was one of the earliest members of GPNJ, having attended the opening convention in 1997 and attending all of the conventions afterward. He served in *many* capacities: Coordinator of the Monmouth local, chair of the GPNJ Policy Committee, GPNJ Secretary, Vice Chair, and Chair, and candidate for the New Jersey State Senate.

The following eulogy was written and delivered on behalf of GPNJ at Earl's funeral on May 24, 2005 by Steve Welzer of Mercer County:

We encountered Earl Gray and he encountered us at our very first Green Party of New Jersey convention in 1997. He was skeptical at first. He didn't come back for a couple of months. But gradually he got comfortable with our type. We got comfortable with Earl, and then we came to love him.

Earl was our official policy wonk. Who will ever forget Earl's diagrams? He had a diagram for every situation, for every issue. They graphically showed his ideas for equity, justice, democracy, and peace.



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Gloucester County Green Party Report

submitted by Peggy Murphy

The Marian Little Branch of the Gloucester County Green Party has been busy getting petitions signed for co-coordinator Chuck Woodrow, who is running for Freeholder. He will be the only independent candidate for Freeholder in this county.

Our most recent tabling event was June 5 at the Gloucester County Waterfest, held in Scotland Run Park in Clayton. Along with the usual assortment of brochures and information, we gave away over 200 sunflower seedlings to curious passersby. These little plants were in the bottom half of recycled water bottles, which had a small message attached on green paper that explained that the sunflower is the Green Party's symbol, along with some of our Key Values, and website addresses for both our county and the state. Our group was represented by at least seven members at various times manning the table.

One of the group's favorite spots is The Unexpected Wildlife Refuge in Newfield, 580 acres of land where the animals are protected from hunters and developers. It's run by a peace-loving young woman named Sarah Summerville who graciously welcomes visitors and leads patrols around the perimeter to keep hunters at bay. The Refuge is now in the process of purchasing 127 acres of adjoining farm property, and could use some financial assistance during the settlement process. Visit their website at unexpectedwildliferefuge.org or write them at Unexpected Wildlife Refuge, PO Box 765, Newfield NJ 08344.

Essex County Report

submitted by Ted Glick

The Essex County Green Party has been busy. On June 11th, at Rutgers University in Newark, we participated in a forum, "Free and Fair Elections: How Can We Get Them?" The organizing for this event was initiated by the Green Party and the People's Organization for Progress. Other organizations that participated were the N.J. Industrial Union Council, ACLU of N.J. and the Coalition for Peace Action. For over two hours there were well-received presentations and spirited discussion among the 35 people in attendance about the many problems with our so-called democracy and the need for many changes if we are to preserve what democracy we have left and to expand it.

Then on June 20th we organized another successful forum at the Bloomfield Civic Center with May Dooley, host of the WBAI program "Create Your Healthy Home." Ms. Dooley impressed the 30 participants with her knowledge about the hazards of household mold and electromagnetic waves that have emerged as major health issues over the last 20 or so years. She was critical of some businesses which claim to deal with the mold problem but often charge exorbitant sums to homeowners for shoddy work.

Tapes were made of both forums and copies are available to those who would like one. Contact Ted Glick at 973-338-5398.

BERGEN GREENS HAVE A BUSY SPRING!

Six members gave out 230 flyers and got 72 signatures on petitions to "KEEP SOCIAL SECURITY JUST AS IT IS" on Saturday, May 21.

Wearing our new Bergen Green aprons, we distributed flyers and collected signatures first in front of Costco in Hackensack at 10:30 A.M. We worked there for about 30 minutes before we were asked to leave—we were on private property and had not received permission from Costco's executive HQ in Washington state. Next was

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Earl Grey

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Earl was the kind of leader who made it his personal business to do the grunt work and pay attention to the details. For just about every state Green Party convention after that first one, Earl was always among those who arrived—every year—at 8 A.M. to be sure that the building got opened up on time; who helped us track down the Campus Police when we invariably discovered that the building had not been opened up on time; and who then, once we finally got inside, attended to everything that needed to be set up. . . the coffee pots, the tables and chairs and banners and literature. . . and the books, of course, the books.

I try to keep up with the literature, but Earl was always ahead of me, always a resource for me and for all of us when it came to knowing the latest important Green books. Knowing and sharing . . . the man was a walking lending library. He read voraciously and somehow always ferreted out the best and most timely ideas.

If you ever saw one of the books he was reading, with all the underlines and annotations in the margins, you could see how he was a very active reader—because he was a very active thinker. And an active, very special, very dear. . . diagrammer.

If the world would learn to dance according to Earl's diagrams of hope it would be a much better, much Greener place. He was, for all peace, justice, and ecology activists in New Jersey, a cherished leader who will be sorely missed.

Bergen Greens

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ShopRite in Englewood, where the reception was far different. We worked about 2 1/2 hours, distributed our flyers to a most receptive audience, and got our signatures, in many cases without having to ask.

This is the first step in a program we are lining up to stage more petition drives, on “SUPPORT OUR TROOPS. BRING THEM HOME” and on “KEEP SOCIAL SECURITY JUST AS IT IS”.

Join with us. Send your e-mail address to harrietrosen@msn.com. We'll keep you updated.

For the third straight year, the BCGP hosted a table at the Celebration of the Earth Festival at Van Saun Park in

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Why Affiliate Green?

1. Greens don't accept money from corporations and limit the amount individuals can give. Individual citizen support is the foundation of the Green Party.
2. If you agree with what the Green Party is trying to do, then right now changing your party affiliation is more important than voting. It's a paradigm switch. When you vote, your vote disappears right after the election. Party affiliation is lasting and cumulative.
3. As more people register with the Green Party, the media and other political parties will have to stop marginalizing the Green Party and take us and the issues we raise more seriously. The state board of elections puts out a report each year of how many are registered with each party for all to see. It's like a continuous vote or snapshot of public opinion. Party affiliation is the closest thing we have to proportional representation in the United States.
4. As a practical matter, this can give Green Party activists lists of people who can help us get GP candidates on the ballot by signing petitions.
5. Another practical matter: As the number of registered Greens grow, it should become easier to recruit candidates.

GPNJ carpool trip to visit cohousing communities

by Steve Welzer

On May 21 sixteen GPNJ members joined a carpool trip to visit two cohousing communities located in the Potomac River watershed bioregion west of Washington, DC. Most participants on this trip had previously visited the EcoVillage at Ithaca (EVI), so an interest was to compare the development and experiences of the different communities.

Ecovillage of Loudoun County, Virginia (ELC) was our first stop. This project is just getting off the ground. Eight units are built and two are under construction in the northern neighborhood cluster. A second neighborhood, located on the southern part of the 180-acre tract, is planned for development during 2006-2007. There will be 25 houses in each neighborhood. A shared Common House will be located near the first cluster and a complementary shared recreational area will be located near the second.

The ELC project is reminiscent of EcoVillage at Ithaca in many respects. Both are on a very large piece of land (nearly 200 acres). Both are committed to restoring biodiversity through careful planning, management and stewardship. Construction practices preserve existing forest, and protect wildlife, soil, and water. Both incorporate a multineighborhood concept. EVI already has a working organic farm on premises and ELC has plans for one. The principals of the Ithaca project have mentored the initiators of the Loudoun community to some extent.

Ecovillages are a sub-set of the broader grouping called cohousing communities. Liberty Village, Ecovillage/Loudoun, and Ecovillage/Ithaca are all part of the Cohousing Association of the United States (<http://>

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GPNJ carpools

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www.cohousing.org). ELC and EVI are also part of the Global Ecovillage Network (<<http://gen.ecovillage.org>>).

Cohousing is a type of collaborative housing that fosters community interaction through resident management, participatory process, common facilities, and neighborhood design (residences clustered around a Common House, cars parked on the periphery, etc.). The Common House may include a large dining room, kitchen, lounges, meeting rooms, recreational/cultural facilities, library, workshops, children's space, guest rooms, and other shared facilities. Residents usually have several optional group meals in the Common House each week. If you participate in, say, twelve group dinners in a month you might be obligated to help with the cooking twice a month.

Cohousing communities are managed by their residents. Residents also do most of the work required to maintain the property. This, in combination with sharing of things and trading of services (like childcare) keeps living expenses low.

While there is no formal definition or line of demarcation, ecovillages tend to be cohousing communities that pay particular attention to fostering ecological consciousness and green praxis. "Living lightly" is a key value. An effort is made to keep expenses low, though EcoVillage/Loudoun encountered a problem in that respect after the initiators had purchased the land for the site.

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Litigation Challenging N.J. Restrictions

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The following year Renee joined forces with Frank Askin of the Constitutional Litigation Clinic of Rutgers/Newark Law School as the legal team representing the Council of Alternative Political Parties (CAPP).

CAPP had been formed in January 1997 in order to synergize third party initiatives advocating for a more open and responsive political system in our state. Specifically, CAPP sought "to improve the New Jersey political process by providing a forum in which citizens who are interested in supporting alternative political parties and independent candidates can exchange information and create joint strategies to ensure that candidates who share their views are provided a fair opportunity to be elected."

In June 1997, CAPP won its first lawsuit when the Third Circuit federal court declared unconstitutional a state statute that required independent candidates desiring access to the ballot via petition to file their completed

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Bergen Greens

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Paramus. The Festival, held on Sunday, May 15 from noon to 5 P.M., is designed to educate the public about ways to celebrate and protect our planet, and bills itself as New Jersey's largest Earth Day related event. (In fact, the *Bergen Record* stated the attendance as 2000.)

Our volunteers were all dressed in our natty green "Green Party" aprons, which greatly enhanced our visibility. Working in two shifts, we distributed sunflower seeds and instructions to 200 people, as well as literature and conversation. The seeds and leaflet were organized by Katy Meyer, and were received even better than our last "hook" of children's tatoos. (And much easier to distribute!)

The county party was favorably mentioned in the *Record's* coverage of the event.

Other recent party activities include electing officers at our June meeting, and vetting and endorsing four candidates for the Fall election. Stay tuned for news of our campaigns in future GreenGrams!

GPNJ carpools

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Zoning laws intended to constrain overdevelopment in Loudoun County prohibited duplex-unit residences and the extent of clustering which is found at Ecovillage/Ithaca. It turned out that each unit at ELC had to be on an approximately half-acre lot. This, in combination with the current inflation of land and home prices in the D.C. area, has made prices of units in ELC's first neighborhood higher than desirable for a cohousing community. They are examining their options in terms of keeping prices down when the second neighborhood is built.

Liberty Village, located on 23 acres outside of Frederick, Maryland, comprises duplex units. Eighteen homes have been completed out of a planned 38. The homes are clustered on eight acres around a green, pedestrian common area. The remaining fifteen acres are a mix of fields, woods, gardens, orchards, and wetlands. They are fortunate to have a 105-acre public park adjacent to their property.

Both Ecovillage/Loudoun and Liberty Village are anticipating the construction of their Common Houses, planned in each case for the 2007-2008 timeframe. Both benefit from being part of the Mid-Atlantic Cohousing Network (MAC). By coincidence, MAC had scheduled for May 22 (the day after the Saturday GPNJ carpool trip) a bus tour of all the cohousing communities in the D.C. area. So I stayed over in Silver Spring that night and took the opportunity on Sunday to visit five other communities (in addition to revisiting Loudoun and Liberty Hill). They were: Catoctin Creek Village in Taylorstown, VA; Eastern Village in Silver Spring, MD; Takoma Village in Washington, DC; Wheatland Village near Leesburg, VA; and Blueberry Hill in Vienna, VA. Of interest was the variety in terms of scope, type, cost, stage of development, etc. Some are urban cohousing complexes, some are rural, and some are part of small towns.

What's the point? Well, one type of social transformation will be to change the extant political, social, and economic institutions of our society toward a Greener direction. But another type will be to directly "build the new society within the shell of the old." Robert Gilman described the significance of this type of work in a 1991 article, "The Ecovillage Challenge" (excerpts below from *In Context Magazine*, Issue #29, Summer 1991).

There is hardly anything more appealing—yet apparently more elusive—than the prospect of living in harmony with nature and with each other. A particularly powerful approach to achieving this dream of harmonious living is the ecovillage, which, for the purposes of this article, we will define as a human-scale, full-featured settlement in which human activities are integrated into the natural world in a way that is supportive of healthy development and can be successfully continued into the indefinite future.

* Human-scale refers to a size in which people are able to know and be known by the others in the community, and where each member of the community feels he or she is able to influence the community's direction.

* A "full-featured settlement" is one in which all the major functions of normal living—residence, food provision, social life, and commerce—are plainly present and in balanced proportions.

"...in which human activities are harmlessly integrated into the natural world. . ."

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Cumberland County Report

submitted by Gregory Lee Lane

We held a fund-raiser on Friday, June 3rd at the U-Sell-It Flea Market despite the inclement weather, and, through some wheeling and dealing, raised a total of \$50.00. We are in the process of revising our bylaws, which we hope to finalize by the time this issue is published. We released our membership survey, which shows a membership that ranges from 41 years and up, most persons still worked, some retired.

As a reaction to this, Rich Raimonde wrote a column "Getting To Know The Green In You" for a local newspaper, which was published on Saturday, June 18. County Chair Gregory Lee Lane is writing a brochure that will be presented for membership approval at our regular meeting in late June.

Because our Treasurer Helen Kalla was undergoing some surgery, Mr. Lane asked for and received approval from the membership to be Acting Treasurer until she can resume her duties.



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* This idea brings the "eco" into the ecovillage. One of the most important aspects of this principle is the ideal of equality between humans and other forms of life, so that humans do not attempt to dominate over nature but rather find their place within it. Another important principle is the cyclic use of material resources, rather than the linear approach (dig it up, use it once, throw it away forever) that has characterized industrial society.

"... in a way that is supportive of healthy human development..."

* I see this as involving a balanced and integrated development of all aspects of human life—physical, emotional, mental, and spiritual. This healthy development needs to be expressed not just in the lives of individuals, but in the life of the community as a whole.

"... and that can be successfully continued into the indefinite future."

* The sustainability principle brings with it a profound commitment to fairness and non-exploitation—toward other parts of today's world, human and nonhuman, and toward all future life.

Reference:

<http://www.ecovil.com>

<http://www.libertyvillage.com>

<http://www.ecovillage.ithaca.ny.us>

<http://www.cohousing.org/regions/midatlantic>

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petitions 54 days prior to the primary election. Encouraged by this, CAPP set out to gain more victories for third parties, such as:- allowing voters to register with an alternative party;- easing the criteria for obtaining major party status;- ending the discrimination against third parties in regard to financial and fund-raising regulations.

In January 1999, CAPP (at that point comprised of the Green, Reform, Natural Law, Libertarian, and Constitution parties) brought suit in Superior Court against the constitutionality of various portions of the State's election law: specifically, N.J.S.A. 19:1-1, which defines "political party" for State and Federal election purposes ("An organization is a 'political party' under New Jersey law when it garners a minimum of 10% of the statewide vote cast in the preceding General Assembly election"); and the State's voter affiliation scheme, codified at N.J.S.A. 19:23-45 and N.J.S.A. 19:31-18.1.

A decision was made in the fall of 1999 that our coalition would try to score an immediate victory by requesting summary judgment on the latter issues, namely the inability of voters to affiliate with a third party and the inability of alternative parties to obtain a list of supporters in the same manner as the major parties.

In court, Renee and Frank detailed how the whole electoral system is stacked against alternative parties. In addition to the difficulties presented by the "winner-take-all" system, the major parties in New Jersey have imposed particularly restrictive and prohibitive laws. No third party has qualified as an officially recognized party, and hence no one in our state had been able to register under any label but "Democrat," "Republican," or "Independent," since the current laws went into effect in 1920!

The decision in the case was rendered in March 2000. We won a major victory when the state's voter-registration law was struck down as a violation of the equal protection clause of the federal Constitution. Judge Anthony J. Parrillo concluded that, without access to lists of those who self-identify as members of an alternative party, it is much more difficult to organize and benefit from the voter-registration/affiliation scheme. Accordingly, the state could not justify the unequal burden it placed on alternative parties.

The State, supported by the Democrats and Republicans, appealed this verdict, but in September 2001 an Appellate Court panel upheld Judge Parrillo's decision. County Election Boards have ever since been required to accept Green Party registrations.

We won an important, unanimous NJ Supreme Court ruling in June 2000 in the case of *Green Party of New Jersey and James Mohn v. Hartz Mountain Industries, Inc., d/b/a The Mall at Mill Creek*. Frank Askin argued our case on behalf of the American Civil Liberties Union of New Jersey (Bennet Zurofsky argued *amici curiae* for New Jersey Peace Action, New Jersey Industrial Union Council, AFL-CIO and the New Jersey Labor Party).

In an earlier case (*New Jersey Coalition Against War in the Middle East v. J.M.B. Realty Corp - 1994*), the Supreme Court had ruled that owners of shopping malls must permit leafletting and related political speech (subject to reasonable time, place and manner restrictions) because the malls constitute de facto "traditional public forums." In 1996 and 1997, GPNJ activists Jim Mohn et. al. applied for

About the GreenGram The GreenGram is circulated bimonthly in an effort to keep all GPNJ members informed about recent matters and upcoming events. Members are encouraged to provide brief submissions of news items or opinions, as well as event announcements. Deadline for the September issue will be August 20. Stu Kautsch is the editor, Sally Gellert of Sage Editorial Services (SageEdit@aol.com) is the designer. Please submit material to skautsch@mindspring.com.

permission to set up information tables, hand out leaflets, and obtain petition signatures at the Mill Creek Mall in Hudson County.

The mall's regulations: 1) limited an applicant's activities to one day per year (and only between January 1 and October 31) unless otherwise approved by the mall management upon written request; 2) required applicants to provide a certificate of insurance in the amount of \$1,000,000; and 3) required applicants to sign a hold-harmless agreement indemnifying the mall for any claims or losses, including costs and counsel fees incurred defending the claims. Mohn obtained a quote for the insurance certificate and found it to be prohibitively expensive.

The Supreme Court ruled that the private property rights of mall owners must be balanced against the rights of citizens to speak and assemble. The Court stated that (1) the mall's \$1,000,000 insurance certificate requirement lacked objective proof of reasonableness and was therefore invalid; (2) more than one day per year is reasonably required to protect the expressive right involved.

In considering the weight of the Green Party's political speech rights, the Court noted the "very high value" of leafletting in political discourse. In weighing the countervailing harm mall owners may suffer, the Court considered the nature and extent of risk posed by leafleteers and petition circulators. Since a mall is already faced with the risk of claims from its invitation to thousands of people per year to shop, the Court found that the primary question to be answered is "what additional risk to the mall owners is created by the occasional presence of signature gatherers?"

Although CAPP has not been active in recent years, Renee Steinhagen (now working in conjunction with Emery Celli Brinckerhoff & Abady LLP) has been meeting with representatives of the Green, Conservative, and Libertarian parties to move forward with additional litigation on our behalf. It is being proposed that the next phase of litigation focus on challenging the constitutionality of New Jersey laws that (1) limit the ability of alternative parties to raise money from donors and to contribute money to candidates; (2) subject minor parties to lobbying restrictions and fees; (3) prohibit out-of-district petition circulators. The attorneys are offering their services pro bono (no charge); the plaintiff parties are being asked to cover expenses associated with the litigation.

GPNJ has been and continues to be a leading force in the effort to open up the political system in New Jersey through our organizing, electoral activity, legal challenges, and support for pro-third-party legislation. Every victory, whether at the ballot box or in court or in the legislature, brings us that much closer to the achievement of true multiparty democracy.



SAVE THE DATE! – FUNDRAISER FOR GPNJ CANDIDATES AUG. 21

There will be a potluck picnic/fundraiser for the 2005 slate of GPNJ candidates on Sunday, August 21. It is scheduled for 3 p.m. to 7 p.m. at 58 Brooktree Road in East Windsor (directions below). Our gubernatorial candidate, Matt Thieke, will be in attendance. All candidates are encouraged to come and make their pitch - and all members and supporters are encouraged to come with their checkbooks and pens! For information, call: 609-443-6782.

* * * * *

Directions to 58 Brooktree Road, East Windsor

FROM THE NORTH:

NJ Turnpike to Exit 8A. After paying the toll, bear right (see a sign indicating the direction toward Route 130). You'll be on Forsgate Drive and will quickly come to a traffic light. Go through the light and proceed about one mile to Route 130. Turn left onto Route 130 South. Go about five miles south until you come into East Windsor. On your left will be a large Shop Rite and Cineplex and then the Americana Diner; on your right will be a shopping center with a CVS and a Garden Center. You'll come to a traffic light at the Princeton-Hightstown Road (Route 571). Go through that light, past a Mobil station on your right, past another shopping center on your right with a Staples, and then you'll come to a traffic light at Dutch Neck Road (you'll see a McDonald's on your right). Go through that light also. Get in the right-hand lane, go past an Exxon station, and then SLOW DOWN because you'll need to look carefully for the next street where you can make a right turn. The street is Maple Stream Road - it comes up quickly and is easy to miss if you're going too fast. As you turn right onto Maple Stream Road you will see a "Chicken Holiday Plaza" sign if you look carefully to your right. After making the right turn onto Maple Stream, go about 1/4 mile (to the end of Maple Stream), at which point you can only make a left turn onto Amy Road. Go about 1/4 mile on Amy to the end, at which point you can only make a right onto Brooktree. Number 58 is six houses down on the left - you'll see a basketball pole in front.

FROM THE SOUTH:

Take Route 130 North. When you get to East Windsor you'll see (and go past) Hickory Corner Road (you'll see Haldeman Ford on the left side of Route 130 at the intersection). Get in the left-hand lane after passing Hickory Corner Road. Go about another half mile to where you'll see a "Sleepy's" store on your right. Just across from that, on your left, there is a street that only turns off to the left (not a major intersection, doesn't have a traffic light). This is Maple Stream Road (you'll see a "Chicken Holiday Plaza" sign near the corner). Turn left, across the highway, onto Maple Stream. Go about 1/4 mile to the end of Maple Stream, at which point you can only make a left turn onto Amy Road. Go about 1/4 mile on Amy to the end, at which point you can only make a right onto Brooktree. Number 58 is six houses down on the left - you'll see a basketball pole in front.