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PLEASE REPLY TO SOMERSET



May 27, 2005

Fred Profeta, Mayor
Maplewood Town Hall
574 Valley Street
Maplewood, New Jersey 07040

**Re: Remarks about New Jersey Citizen Action
Candidates' Forum, May 19, 2005**

Dear Mayor Profeta:

Our firm represents New Jersey Citizen Action ("NJCA"). This letter is in reference to remarks you made at the May 19, 2005 candidates' forum, which were reported in the May 26, 2005 edition of the *News-Record of Maplewood and South Orange*. It is reported that at the forum, a resident asked about NJCA's recent activities in Maplewood, where its canvassers discussed Social Security reform with residents, urged citizens to sign a petition, and then informed them that NJCA PAC supported Vic DeLuca in the June 7, 2005 Democratic Primary Election. You said that NJCA's activities are "a classic bait and switch. Under the Division of Consumer Affairs, this is illegal. At a minimum, it is unethical." Your accusation that NJCA engaged in unlawful activity through a "bait and switch" campaign is simply not true and is defamatory.

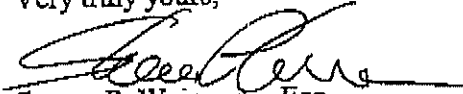
NJCA's canvassing and campaigning activities are entirely lawful. Indeed, in New Jersey Citizen Action v. Edison Township, et al., 797 F2d 1250 (3d Cir. 1986), the Third Circuit Court of Appeals emphasized that door-to-door canvassing and solicitation for political objectives are activities protected by the First Amendment. In particular, door-to-door political campaigning can be restricted only if an adequate and practical alternative exists in the community. NJCA's door-to-door canvassing is essential to maintaining a viable grassroots operation, and is afforded vigorous First Amendment protections.

Your accusation that NJCA engaged in a "bait and switch" campaign in violation of New Jersey law is completely baseless. The New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1, et seq., protects citizens against fraudulent and deceptive commercial or trade practices. NJCA has done nothing to violate the Act. When a canvasser from NJCA speaks with a Maplewood resident, that canvasser clearly and truthfully identifies himself or herself as working on behalf of NJCA. No

canvasser at any time has represented himself or herself in a fraudulent or misleading fashion to any resident. You have no factual basis to allege that any of NJCA's canvassers engaged in unlawful activity either under the Consumer Fraud Act or any other statute.

Your defamatory remarks, uttered in a public forum, were reproduced to reach an even larger audience. Your remarks undoubtedly damage NJCA's reputation and diminish the very important advocacy work that NJCA performs. We demand a full retraction of your remarks before the close of business on June 1, 2005.

Very truly yours,


Steven P. Weissman, Esq.

cc: Phyllis Salowe-Kaye, Ex. Dir., NJAC
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