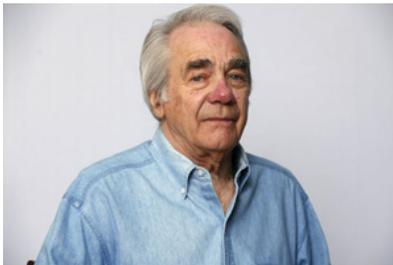


## OPINION: RECALLING GOV. BRENDAN BYRNE'S FINEST HOUR

CARL GOLDEN | JANUARY 8, 2018

His unprecedented decision to protect the integrity of the election that put his successor in office is what has stayed with me for more than 35 years



*Carl Golden*

The outpouring of reminiscences about former Gov. Brendan Byrne on his death last week all fittingly focused on what are universally accepted as the major accomplishments of his administration – enacting the state's first income tax in 1975, bringing legalized casino gambling to Atlantic City in 1976, and preserving 1 million acres of wilderness in the New Jersey Pinelands.

There is no disputing the enormity and impact of these achievements. They forever altered the political, economic, and social landscape of New Jersey. He campaigned on none of them, yet accomplished all of them.

Largely unnoticed in the remembrances was the bold step he took in the hours and days immediately following the 1981 gubernatorial election – the one in which his successor was chosen.

His swift response to the uncertainty over who had actually won – former Essex County Republican Assemblyman Thomas H. Kean or Democratic Congressman Jim Florio of Camden County – was an act that transcended politics and expressed the principle that preserving the integrity of the democratic process outweighed all other considerations.

As election night unfolded, the closeness of the contest became increasingly apparent and by 8 a.m. the next morning, neither Kean nor Florio was the clear victor.

During the course of the evening, network television stations had called the election for Florio only to walk their predictions back within a few hours and declare the outcome was in considerable doubt.

A recount – the first in a gubernatorial election in state history – was inevitable. In the ensuing days, as Kean's margin fluctuated between 1,200 and 2,000 votes, Florio officially requested a recount.

It was, though, on election night and the early morning hours that followed that Byrne rose to the occasion.

### **Impounding voting machines**

Quickly understanding that the incredibly thin margin of error opened the door to potential mischief that could influence or even change the outcome, Byrne ordered the state police to impound voting machines throughout Camden County, which had not reported its returns despite all other counties having done so.

He took the unprecedented step despite not seeking legal advice or receiving a request from the Kean campaign.

In his marvelous biography, “New Jersey Governor Brendan Byrne: The Man Who Couldn’t Be Bought”, author Donald Linky quotes Byrne:

“Some people said I didn’t have the authority to impound the voting machines and maybe by the letter of the law, I didn’t. But it was the right thing to do. If I didn’t act, voters would have lost confidence in the integrity of the count and the results of the election.”

He went a step further to assure public and voter confidence by removing the office of secretary of state from the recount process, even though it was the office which held jurisdiction over the conduct of elections.

Concerned that whatever decisions were reached by the secretary’s office there would always be suspicions in some quarters of improprieties or undue influence, Byrne acted.

He directed the attorney general to oversee the recount and deal with any allegations of improper voting or tabulation of the results.

By the end of November, the initial count had not changed appreciably, Florio abandoned the recount and Kean was declared the next governor by a plurality of 1,797 votes, the fewest in history.

Byrne, a Democrat, knew, of course, that the odds of a Republican succeeding him in office were as good as even, but placed his partisan leanings aside out of his faith in and reverence for the scrupulous fairness and integrity of the democratic process.

He was keenly aware that if either candidate assumed the office under a cloud of doubt about the legitimacy of the election, the damage would be serious, long-lasting, and would undermine virtually every decision made by the new governor.

### **An unshakeable belief**

While he was fond of joking that upon his death he wanted to be interred in Hudson County, so he could remain politically active, Byrne’s unshakeable belief in the necessity for integrity in the electoral process was deeply held.

He acted despite misgivings that he had the legal authority to do so but was willing to stand up to whatever backlash may have erupted. He stood on principle and conviction, secure in his belief that what he had done was right.

I lived through those days, serving as the press spokesman for the Kean campaign and, along with a great many other dedicated staff, worked to the point of exhaustion on that election night more than 36 years ago.

With Kean’s victory, I joined his administration and served as press secretary for eight years. Byrne’s intercession in 1981 led to Kean’s victory and, by indirection, my career in the governor’s office. In later years, on those infrequent occasions when I’d be in his company, I’d remind Byrne that he was responsible in part for my successes or failures.

The focus on Byrne’s record of accomplishment – the income tax, casino gambling, and Pinelands preservation – is understandable, proper and, exceptionally well-deserved.

Historians may not consider his actions on election night in 1981 to be his finest hour.

But I do.

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