

Opinion: PAC's donor nondisclosure pollutes state's politics

By Carl Golden

Posted Jan 12, 2019 at 4:24 AM

Despite mounting criticism of the decision by New Direction New Jersey to refuse to disclose its financial supporters, its officers seem determined to tough it out and shrug off the unfavorable media coverage, seemingly confident the issue will fade as other high-profile concerns capture public attention.

The nonprofit political action committee is governed by close allies and confidants of Gov. Phil Murphy, and despite the pledge made by his campaign manager, Brendan Gill, when the group was created in November 2017 that its donor list would be released publicly, it underwent an abrupt change of heart and intends to keep their identities secret.

The group was established to promote the governor's agenda, tout his accomplishments, and build support for his administration. It has already aired two television commercials on his behalf and presumably plans additional ones as the year unfolds.

A spokesman for the PAC explained that "a toxic political environment" convinced the group to adopt a nondisclosure policy.

Presumably, it didn't occur to them that hiding the identity of their financial backers contributes to the toxic political environment that offends them so.

The PAC is administered by seasoned political operatives, veterans of statewide and local campaigns who claimed recent discovery of a "toxic political environment" and the compelling need to protect their check writers from it.

It's the "Casablanca" defense writ large: "I'm shocked, shocked to find that gambling is going on in here," said the prefect of police as he held out his hand to collect his winnings.

Toxicity has always been a component in political discourse at all levels. To be sure, it is perhaps stronger today than it has been, but it is an environment in which the PAC officials have made their living for years and continue to do so.

All those who practice politics or observe it from the media or academia can be forgiven for their skeptical response to the nondisclosure rationale.

A more likely explanation is that some of the donors may have insisted on nondisclosure as a condition of their contribution, or that private interest groups poured funds into the PAC in furtherance of their agenda and revealing their generosity could be embarrassing.

Senate President Stephen Sweeney, D-3rd of West Deptford, hinted as much when he suggested the New Jersey Education Association — a bitter opponent of his — might be found among the donor list at a substantial level.

The governor is prohibited by law from coordinating with PAC activities or directing it to undertake any steps on his behalf. It's a fig leaf — a legal fig leaf, to be sure — to protect him from responsibility for decisions it makes, including withholding the identity of the donors.

The episode has given Sweeney another opportunity to raise questions about the Murphy administration. He was quick to point out that, despite the noninvolvement strictures placed on him, the governor could easily issue a public call for the PAC to meet transparency obligations and release a list of its supporters. It was Murphy, after all, who expressed his expectation that disclosure would be made.

The group's spokesman emphasized its compliance with all state and federal laws, and that it was within its legal right to maintain the donor anonymity.

While there is some debate over whether the letter of the law is being adhered to, the PAC position appears to be solid — it is not obliged to disclose its supporters and does not intend to do so.

It's need to protect against a "toxic political environment" rationale may be thin, but it is for the moment sufficient and will hold until ambiguities in the law are resolved and definitive guidelines written.

The decision to tough it out is based on a belief that the political harm in doing so will be minimal compared with the potential uproar that could ensue if the donors are outed.

The global issue of campaign finance, fundraising techniques, expenditures and the like is, in the minds of many, so complex and convoluted that voters quickly tire of it, leaving it to elected officials and the courts to address.

The whiff of hypocrisy created by the New Direction New Jersey PAC will dissipate over time. History suggests that similar issues and controversies have a limited shelf life.

For a governor, though, facing a difficult year after coming off a less than outstanding one, it's a distraction he could have done without. Undermining his credibility and oft-stated commitment to transparency in government certainly hasn't helped.

Carl Golden is a senior contributing analyst with the William J. Hughes Center for Public Policy at Stockton University. He served as press secretary for Gov. Tom Kean and as communications director for Gov. Christie Whitman.