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## CITY CONFIDENTIAL

# In Brindle v. Murphy, Independence Is On Trial

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Jeff Brindle joined the staff of the Election Law Enforcement Commission in 1985 — 12 years after the agency's creation — and has served as its executive director since 2009, his career spanning seven administrations, three Republican and four Democratic.

By all accounts, his tenure has been exemplary.

Investigations of reported violations of the state's election laws and regulations, decisions and enforcement actions have been fair and even-handed, free of partisan or political taint or influence.

In its 50 years of existence — in 38 of which Brindle served — the agency has been scandal free.

It is then legitimate and proper to ask the Gov. Phil Murphy Administration to explain the rationale behind its concerted effort to force Brindle from his position.

It's been a priority for it, given that two efforts have been undertaken legislatively to secure Brindle's departure — first by designating his position as a direct gubernatorial appointment rather than one filled by the four-member Commission and more recently by classifying the Commission itself as direct appointments rather than through nomination and Senate confirmation.

The initial effort was withdrawn after it encountered sufficient opposition in the Legislature to place passage in doubt while the second is an attempt to end run the process of choosing an executive director by authorizing the governor to appoint friends or supporters who will presumably follow the Administration instructions to remove Brindle.

The revised proposal circumvents the confirmation process by suspending it for 90 days — effectively abolishing senatorial courtesy — and restoring the process once Murphy's allies are seated on the Commission.

Clever it isn't and even a temporary and limited suspension of the senatorial courtesy practice which allows individual Senators to block nominations unilaterally may give them pause and concern that if it can be accomplished in this instance what is to prevent repeating it in other instances with other nominees.

In its history, any effort to chip away at the courtesy practice has been stoutly and successfully resisted by both parties in the Senate.

The issue has reached critical mass with an Administration intent on removing Brindle and by Brindle's filing a lawsuit against Murphy, Chief of Staff George Helmly, chief counsel Parimal Garg and chief ethics officer Dominic Rota, seeking protection and personal damages while accusing them of conspiring to force his dismissal because, according to his attorney, of his outspoken opposition to so-called "dark money" — political contributions whose source is shielded from public scrutiny.

Murphy, according to the lawsuit, is a direct beneficiary of "dark money" and will likely draw on it in any future effort at public office through a PAC created a year ago and chaired by his wife and one of his top campaign advisers.

Neither Murphy nor his staff has commented on the lawsuit but published accounts — confirmed by Brindle — report that he was summoned to the governor’s office last November where the staff accused him of making a homophobic slur in an email and demanded his resignation.

When he refused, the lawsuit alleges that Rota called the three sitting members of the Commission and demanded they fire Brindle — an ultimatum also refused.

Faced with those rebuttals, the Administration slipped an amendment into pending legislation — the “Election Transparency Act” — to classify the executive director’s position as a direct gubernatorial appointment.

What it failed to achieve by threat became an attempt to accomplish it through the legislative process.

Given the provisions of the legislation — doubling campaign contribution limits, weakening pay to play laws, capping investigations of complaints at two years and applying it retroactively — describing it as “transparency” requires ignoring reality. Even silly putty doesn’t stretch that far.

Lacking any detailed explanation from the Administration for its effort to remove Brindle, the governor shouldn’t be surprised that it appears to be a personal vendetta, a political payback for Brindle’s advocacy for removing the anonymity of donors to “dark money” groups.

Murphy, as chair of both the National Governors Association and the Democratic Governors Association, is a leading national voice of a party that has made protecting the integrity of the electoral process a major point of emphasis.

His Administration’s heavy-handed action to undercut the state agency responsible for ensuring that integrity is curiously at odds with his national party.

When ELEC was created by the Legislature in 1973, its supporters praised it as fulfilling a compelling need for an independent agency to oversee the financing of political campaigns, one guided solely by its mission statement that “the essence of democracy is an informed electorate.”

By its actions, the Murphy Administration appears eager to replace independence and an informed electorate with a toothless bureaucracy that will respond to the whims and political agenda of a governor.

The Legislature will decide which it shall be.

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