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Flipping 'On' the Light Switch is Best Bet for Murphy

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In her 2017 book “Dark Money,” reporter/author Jane Mayer writes: “As is always true with political money, there is no easy way to delineate where ideology ends and where self-interest and corruption begin.”

Her observation is something Gov. Phil Murphy might ponder in light of his refusal thus far to commit to disclose donors to the newly created nonprofit advocacy organization “Stronger Fairer Forward” headed by his wife and administered by one of his former governor’s office staffers.

Unlike political action committees (PACs), the nonprofit is not required to disclose its donors and there is no limit on the amount one can contribute.

Mayer’s dark money characterization sums up neatly the crux of the issue: Does a contributor donate because of a shared ideology and philosophy of government or because of future favors and consideration serving his best interest?

Critics argue forcefully that only by disclosing names can voters and taxpayers decide the question for themselves rather than rely on assurances from the nonprofit organization that all is legitimate and quid pro quos are not involved.

In 2019, Murphy and the Legislature negotiated a bipartisan agreement to require disclosure of the identity of contributors who donate more than \$10,000 a year. Less than a year later, a Federal court issued a permanent injunction blocking the law and effectively killing it.

The law was challenged successfully by groups of unlikely bedmates -- the American Civil Liberties Union from the left and Americans for Prosperity from the right, for instance -- both of whom argued disclosure of donors was an infringement on their First Amendment rights.

The judge agreed, writing that “the loss of First Amendment freedoms for even minimal periods of time unquestionably constitutes irreparable harm.”

A nonprofit is obviously free to voluntarily disclose its donors and Murphy’s swatting aside questions about whether he would instruct the group to do so will not put the issue to rest.

Denial will not satisfy the media’s appetite, only whet it. And with the First Lady as chairperson of the nonprofit, the governor cannot credibly claim the existence of any separation between himself and the group’s fund-raising activities.

Despite Murphy’s repeated insistence that he holds no personal ambitions for national office -- “I’m not running. I’m not running. Jesus, lord, help me,” he’s implored -- he’ll continue to be dogged by the media over whether the nonprofit operation is designed to raise his profile to do exactly that.

Invoking a higher power won’t mean very much to deter a media intent on pursuing this line of inquiry.

His critics will dismiss his repeated references to government and political transparency as hollow rhetoric, accusing him of contradictions at best and hypocrisy at worst.

Donors, particularly those willing to write five and six figure checks, prefer anonymity for any number of reasons -- keeping their activity secret from their employer or employees, social friends, business acquaintances, board of directors, customers or even relatives -- the

last in an attempt to assure peaceful Thanksgiving family gatherings.

Many contributions are conditioned on maintaining confidentiality of source and would dry up in the absence of such assurances.

In today's polarized and frequently poisonous political environment, judicially sanctioned anonymity is protection from social media activists of any ideological belief who are quick to pounce whenever they spy a public expression which differs from theirs.

Activist groups and individuals are capable of carrying out brutal and sustained assaults on the perceived opposition through the use of every technological communications device available to them.

Demands to boycott businesses, harass individuals and family members and unleash a torrent of abuse with no regard for truth have become common practice no matter political party affiliation or ideological beliefs.

The term "cancel culture" has barged into the political vocabulary, leaving casualties in its wake while warning others that a similar fate awaits them.

These are genuine fears on the part of those who understandably wish to avoid being subjected to unfounded accusations and criticisms of their policy or political views.

Weighed against this, though, is Mayer's implicit warning of the difficulty in delineating between where ideology ends and where self-interest and corruption begin.

Public disclosure would certainly go a long way toward establishing such a delineation along with a clear understanding on the part of the donor that a political backlash in all likelihood will ensure and will need to be endured.

It's likely contributions will decline among all but the most well-heeled and generous and those who've added a few extra layers of skin as body armor.

At some point, Murphy's hand will be forced as the understanding sinks in that merely turning aside questions or demands for disclosure is no longer tenable.

As wrenching as it may be, flipping the light switch to "on" in the dark closet where the dark money is stacked may be the best option to settle once and for all that ideology triumphs over self-interest.

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