



INSIDER NJ

FROM TAMMANY HALL TO ANTONIN SCALIA, CONCERNS ABOUT THE DECLINE OF PARTIES

JEFF BRINDLE • August 06, 2019, 10:43 am

In a classic political memoir first published in 1905, a long-time legislator and New York ward boss summed up why he thought political parties were essential.

“First, this great and glorious country was built up by political parties; second, parties can’t hold together if their workers don’t get offices when they win; third, if the parties go to pieces, the government they built up must go to pieces, too; fourth, then there’ll be hell to pay,” said George Washington Plunkett (pictured) of Tammany Hall fame.

Plunkett is best known for coining the term “honest graft.” To him, it was okay to take a cut of the action as long as it also benefited party and state. Most prosecutors today see that practice as corruption.

While his advice on ethics is suspect, Boss Plunkett’s insight into parties so impressed the late U.S. Supreme Court Justice Antonin Scalia that the judge cited the entire quote about parties in his dissent in *Rutan v. Republican Party of Illinois* (1990), a case about political patronage.

In his dissenting opinion, in which he argued against the total elimination of patronage, the Trenton-born Scalia also stated:

“Not only is a two-party system more likely to emerge, but the differences between those parties are more likely to be moderated, as each has a relatively greater interest in appealing to a majority of the electorate and a relatively lesser interest in furthering philosophies or programs that are far from the mainstream. The stabilizing effects of such a system are obvious.”

At first glance, the concern about parties of both Plunkett and Scalia may seem unwarranted given an analysis just issued by the New Jersey Election Law Enforcement Commission (ELEC). It shows that financial activity by county political party organizations has increased over the four-year period from 2015 to 2019.

The election of 2015 is like the one in 2019 in that just one legislative house- the state Assembly- was up for election at the state level.

According to the analysis, which covers the first two quarters of 2019, Assembly candidates have reported raising \$3.2 million and spending \$3.3 million. These figures amount to 39 percent and 50 percent more than in 2015 when candidates for the Assembly raised \$2.6 million and spent \$2.4 million.

At first blush, this is good news for political parties. The increase in financial activity during the four-year period appears to be a step toward reinvigorating the political party system in New Jersey.

County party organizations have historically been the lifeblood of the party system in the Garden State. Any increase in their fundraising is a welcome sign.

Before becoming too optimistic, however, certain immediate factors should be considered before drawing any conclusions. And then there are the long-term trends.

For example, county party fundraising was aided in 2017 by significant contributions from the Democratic Governor's Association (DGA), the Democratic national finance committees, national and state unions, and candidates for governor. In 2018, fundraising was aided by Republican Senatorial Candidate Bob Hugin.

Why this is important is that money can be banked and rolled over from one year to the next, something which did happen during the last couple of years.

To be sure, the skies have brightened somewhat for county parties. However, the long-term trend paints a cloudier picture.

In comparing election year expenditure totals between 2007-2017, it is true spending by county parties declined just 1.4 percent from \$14.3 million to \$14.1 million.

But going back just a few years earlier shows clearly that county party fundraising used to be far more vigorous.

Combined party fund-raising in 2003 was \$27.2 million and spending was \$28.1 million. So between 2003 and 2017, fundraising fell 54 percent while spending plummeted 50 percent.

This long-term decrease in county political party financial activity is due largely to laws that sharply curtailed the flow of public contractor cash to county parties as well as to state and municipal parties.

Another important factor- compared to 2003, special interests now are doing far more of their political spending independent of parties and handing over fewer checks to party committees.

The longer-term party fundraising decline should be of serious concern to citizens. It indicates an overall weakening of the party system in general with an attending undermining of the electoral system.

As noted previously, Americans have always looked skeptically upon political parties, believing them to be divisive.

However, despite this skepticism, political parties have been an integral part of the ongoing movement toward greater democracy in America, especially regarding their historic role of contributing to the expansion of voting rights.

In his dissenting opinion in *Rutan*, Justice Scalia further stated, ". . . we find that political leaders at all levels increasingly complain of the helplessness of elected government, unprotected by 'party discipline' before the demands of small and cohesive interest groups."

The political party system in New Jersey remains in crisis, threatened by the ever-growing influence of single-issue independent groups.

Throughout the gubernatorial and legislative elections of 2013 and 2017, and the congressional elections of 2018, independent groups spent \$163 million dollars attempting to influence the outcome of the elections. On the other hand, the more accountable political parties barely spent half that much during the three elections in question.

In order to offset this increasing influence by often completely unaccountable independent groups, it is important for the Legislature to consider legislation that would strengthen the party system in New Jersey.

By organizing majorities in government, disciplined political parties encourage leaders to work together rather than at cross purposes. By contrast, special interest, independent groups foster greater polarization and division within the governmental process.

Political parties serve as a link between the people and their government by organizing all aspects of government; legislative, executive, judiciary, county and municipal. They serve as a guide to voting by simplifying matters for voters through their symbols and labels. Moreover, they specialize in getting-out-the-vote, an issue that has taken on heightened importance in recent years.

The New Jersey Election Law Enforcement Commission has made several recommendations to strengthen political parties in New Jersey and to thereby bring greater balance to the State's electoral and governmental systems.

The recommendations include:

1. Raising contribution limits applicable to parties;
2. Allow state parties to participate in gubernatorial elections;
3. Remove political parties from the pay-to-play law;
4. Include PACs under the pay-to-play law;
5. Allow county party committees to donate to each other.

It is hoped that the Legislature will take up these measures as well as a personal recommendation of mine that a tax credit be provided to taxpayers donating to political parties in New Jersey. Undertaking these steps will lead to a healthier electoral system as well as to improved governance.

Jeff Brindle is the Executive Director of the New Jersey Election Law Enforcement Commission.

The opinions presented here are his own and not necessarily those of the Commission.