

THE EVER PERSISTENT POLITICAL CUSTOM OF MONEY AND HARDBALL POLITICS

Fighting an old American battle, state Senator James Beach (D-6) has introduced legislation (S-938) that would require disclosure by independent expenditure PACs.

BY JEFF BRINDLE | 03/17/15 10:58am

The Revolutionary War was a bloody battle for independence from a mother country that sought to oppress the liberties of American colonials.

Nevertheless, Americans derived many of their traditions and constitutional values from Great Britain.

Among them are the common law tradition and an abiding thirst for liberty. But these traditions also include a penchant for money in politics and bare-knuckle campaigns.

John Dickenson, a law student in England in 1754, wrote that “Over £1,000,000 pounds had been spent to manipulate the general election” according to Bernard Bailyn, in [Ideological Origins of the American Revolution](#).

He then said, “The starting price for the purchase of votes in one northern borough was 200 guineas.”

Pamphlets, poetry, satire, and to an extent newspapers, carried the exchanges between politicians in 18th century Britain.

In one famous incident, John Wilkes, a radical Member of Parliament and journalist, wrote a pornographic poem, satirizing John Montague, 4th Earl of Sandwich, whose mistress was the courtesan Fanny Murray.

The House of Lords declared the poem blasphemous and it was the end of Wilkes’ career.

This political custom of money and hardball exchanges quickly took root in early America.

The story of several businessmen who supported George Washington for the Virginia House of Burgesses illustrates the important place of money in colonial politics. These businessmen purchased ale for all the men who were about to vote in the election.

A few decades later money was no less important. In the presidential election of 1860, Abraham Lincoln spent \$100,000, or \$2.9 million in today’s dollars, during the campaign.

Newspapers and pamphleteers carried the arguments and polemics of dirty politics in early America as well.

George Washington was called the corrupter of a washerwomen's daughter; Jefferson an atheist and French agent; John Quincy Adams a supplier of young women to a lust-crazed czar; and later Lincoln a monkey.

By these standards, a Super PAC ad in the last presidential election accusing Mitt Romney of causing the death of a woman who died of cancer seems mild in comparison.

Not much has changed in American politics and elections over the last two centuries.

The politics of personal destruction, hard-hitting exchanges between candidates, and the use of money to influence elections are as much a part of today's electoral politics as in 18th century Britain and early America.

Pamphleteers may have been replaced by bloggers and direct mail, Jonathan Swift by John Stewart, and newspapers by social media and broadcast advertising, but the results are similar.

So much has remained the same. However, there is one difference between then and now. It is the means by which the messages are delivered and the manner by which they are underwritten.

Super PACs and other 501(c) independent groups are increasingly taking over the electoral field. And these independent groups are often financed by super rich individuals as well as well-heeled corporations and unions.

This trend is not only happening at the federal level (soon to be evidenced in the next presidential election) but in New Jersey and throughout the states as well.

As noted in previous columns, independent groups totally dwarfed political parties and candidates in the last legislative and gubernatorial elections in New Jersey in 2013. They spent \$41 million to \$14 million spent by the political party entities.

The issue is not the money. Money has always been a factor in elections; all the way back to 18th century Britain and early America.

Moreover, it is not that these independent groups are participants in the electoral process. Candidates have always had surrogates whose purpose was to attack and define their opponents. And independent groups are protected by the First Amendment.

It is simply that so much money is being directed toward independent groups and away from more accountable political parties and candidates.

So what can be done to bring balance back into the process? First, these independent groups, which often operate in secret, should be treated just like political parties and candidates.

While limits on contributions provided to independent groups cannot be limited, outside groups can be required to register and to disclose their contributions and expenditures. Registration and disclosure has been endorsed by the U.S. Supreme Court decision in Citizens United and by the D.C. Court of Appeals in SpeechNow.

State Senator James Beach (D-6) has introduced legislation (S-938) that would require disclosure by these groups. It is hoped that the Legislature will pass this legislation.

Second, New Jersey's political parties should be strengthened. By increasing the limit on contributions permitted to be made to them, by exempting parties from Pay-to-Play, and by allowing state party entities to participate in gubernatorial campaigns, the influence of independent groups can begin to be offset.

Finally, PACs should be included in the Pay-to-Play law and contributions to independent groups by public contractors should be flagged for disclosure purposes.

Money has always been and will always be a factor in elections. But where it flows and how it is disclosed is a critical part of insuring transparency and integrity in the process.

The above reforms will begin to change the electoral landscape, redirecting the flow of money back to more accountable parties and candidates and away from often-anonymous independent groups. It is in the best interest of the public for the Legislature to take action to curb the influence of independent groups by strengthening the political parties and candidates.

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.