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MONEY EQUALS POWER: HOW THE NJEA DOMINATES NEW JERSEY POLITICS

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“The powerhouse” of New Jersey politics - that’s how the NJEA describes itself.¹ And the facts back them up.

For more than 50 years, the NJEA has dominated New Jersey politics.²

In fact, the modern era of New Jersey politics has been one continuous saga of the NJEA wielding extraordinary influence to serve its own interests. It has constructed a system that automatically and annually generates tens of millions of taxpayer dollars— presently \$129 million—funneled directly into its coffers. It spends far more of these tax dollars on political action than is reported or generally known. The SPCNJ estimates that the NJEA spends about \$65 million a year on political action at the state and local levels, which dwarfs all other political spenders.³

This kind of money provides the NJEA with enormous and unmatched political clout:

- It has an army of political foot soldiers that reaches every district in the state.
- It can run multimillion-dollar media campaigns whenever it chooses and regularly stages rallies with thousands of protesters.
- Ninety percent of the NJEA’s endorsed candidates routinely win in legislative elections.
- It has flipped legislatures, blocked reforms, and secured legislation that locks in its dominant position.

No other special interest—or political force—in the state comes close.

Public Education Is Political

The NJEA has long recognized the political nature of public education funding. Accordingly, it sees its political clout as a matter of survival. Back in 1969, the NJEA stated:

¹ Kathryn Coulibaly, “NJEA: A Year of Progress,” *NJEA Review* 91, no. 11 (June 2018): 23.

² See Part II of the AEI series, “And You Will Pay,” for a fuller account.

³ See SPCNJ’s “The Powerhouse’ of New Jersey Politics,” hereinafter “The Powerhouse.”

NJEA perceives politics and education as being inseparable. Public schools are part of the political domain and have to compete annually for a share of the funds used in the operation of the State government. NJEA directs its lobbying program toward insuring [sic] education's share of the distribution of State monies.⁴

To the NJEA, ensuring education's share means working "to elect candidates who support our public schools and public school employees."⁵ Essentially, the NJEA and its affiliates are electing their own bosses - who will sit across from them at the bargaining table. As a result, success in local and state elections is the NJEA's lifeblood.

These elected officeholders then decide almost every aspect of the administration of public education—from instructional spending to salaries to retirement benefits. So, in addition to electing friendly officeholders, persistent political power and influence are essential for the NJEA. As current Secretary-Treasurer Steve Beatty said: "In politics, elections are just the beginning. What comes next is even more important: we will hold our elected officials accountable for their votes."⁶

Accordingly, the NJEA has always been well aware of the need to dominate New Jersey politics. In 1985 NJEA President Dennis Giordano called on his members "to maintain our efforts to be the preeminent political force in our state. The politicians control much of what affects our careers now and into retirement. It is imperative that we remain politically powerful."⁷ As President Michael Johnson put it a decade later, it's a zero-sum game: "We must either master politics or be mastered by those that do."⁸

Money Equals Clout, and the NJEA Is the Top Political Spender by Far⁹

The NJEA has lived up to Giordano's and Johnson's words. By all conventional measures—as reported by New Jersey's elections watchdog,

⁴ Victor J. W. Christie, "NJEA: The Power and the Glory," *NJEA Review* 42, no. 6 (February 1969): 19.

⁵ New Jersey Education Association, "NJEA PAC—Focus on New Members," *NJEA Reporter* 49, no. 2 (October 2005): 2.

⁶ New Jersey Education Association, "NJEA Report: Phil Murphy elected governor of New Jersey," *NJEA Review* 91, no. 5 (December 2017): 12.

⁷ New Jersey Education Association, "Some Goals for '85-'86," *NJEA Review* 59, no. 1 (September 1985): 6.

⁸ New Jersey Education Association, "Politics Affects Us All," *NJEA Review* 71, no. 6 (February 1998): 6.

⁹ See SPCNJ's "Follow the Money: What the NJEA Really Spends on Politics."

the Election Law Enforcement Commission (ELEC)—the NJEA greatly outspends all other political groups in the state. But conventional measures only capture a fraction of the NJEA’s actual political spending.

An essential element of the NJEA’s political clout is its ability to organize and mobilize its 200,000 members at both the statewide and local levels. Stephen Salmore of the Eagleton Institute of Politics at Rutgers University noted that the NJEA is “in every district and every town and they have the ability to really help or hurt a candidate. They still have a 40-district army they can bring to bear.”¹⁰ Leo Troy, professor of economics at Rutgers University–Newark, concurred: The NJEA’s “political power is enormous not only because they contribute a lot of cash, but more important is the in-kind contributions, the free labor from the staff of the unions and the members of the unions.”¹¹

Therefore, the political operators who organize and mobilize this army, the media campaigns that seek to influence public opinion, and the headquarters staff who coordinate and direct the overall political effort must be taken into account to get a full picture of the NJEA’s political spending. When these elements are included, from 1999 to 2017, NJEA political spending was 10 times larger than the reported amounts, totaling \$884 million and averaging about \$44 million a year. In the modern era of political spending - with unlimited independent expenditures and grassroots issue advocacy campaigns - the NJEA spends about \$65 million per year on politics, or about 58 percent of total operational expenditures. This is a more accurate indication of the importance of political power to the NJEA and the amount of money behind its clout.¹²

This kind of money gets results. Throughout its history, the NJEA has been successful in getting a huge share of “State monies” and the state tax increases to fund it. It has achieved tremendous gains for itself and its members—including collective bargaining, dues check-off, agency fees, pensions and health benefits, and salary schedules. Twenty-five years ago, Education Commissioner Leo Klagholz described the NJEA as “the most powerful force in Trenton—not just in education, the most powerful force, period. And for that reason, they succeed.”¹³

¹⁰ New Jersey has 40 legislative districts. John Mooney and David Glovin, “Teachers Union Losing Ground? State Making Gains on NJEA,” *Record*, December 31, 1995.

¹¹ Herb Jackson, “Unions a Force in NJ Politics Give a Big Boost to Democrats,” *Record*, September 3, 2001.

¹² See SPCNJ’s “Follow the Money: What the NJEA Really Spends on Politics.”

¹³ Neal Thompson, “Sense of Urgency Marks NJEA Convention,” *Record*, November 13, 1994.

Today, the NJEA remains the most powerful political force in the state and exercises extraordinary and unmatched influence over school boards and state lawmakers - their bosses. While not always successful, the NJEA has largely been able to shape the political landscape to its liking, getting what it wants and defeating what it does not. New Jersey's status quo is the NJEA's status quo.

A Brief History of the NJEA's Dominance

The facts show that the NJEA's has exerted extraordinary influence over state politics for over fifty years. Its successes are numerous and consequential. In each case, these successes were the result of deliberate, planned political action generously funded by taxpayer dollars. While the political tools have become more sophisticated and the amounts spent ever larger, the goal has always been the same: to ensure the NJEA's dominance of New Jersey's political system.

State-Level Taxes. As might be expected, one of the NJEA's longstanding political goals was to maximize funding for local public schools, and in particular to maximize state education aid to local school districts struggling with the cost of local education and the resulting high property taxes. Therefore, enacting a statewide tax was a top priority, and after years of lobbying, the NJEA was the driving force behind the passage of New Jersey's first sales tax in 1966 and first income tax in 1979. The facts show that the NJEA has been behind every major state tax increase over the past fifty years, and continues to push for higher taxes to this day.¹⁴

NJEA's Funding. Securing its own funding was another top priority. In a brilliant set of legislative victories, the NJEA was able to construct a system whereby local property tax dollars were shunted directly into the NJEA's treasury, with teachers and districts acting as mere pass-throughs.

In 1967, the NJEA gained "dues check-off," which permits districts to withhold union dues from teacher paychecks. Local school districts thus became the NJEA's bill collector for free – a subsidy worth tens of millions of dollars to the NJEA.¹⁵ In 1968, after years of intensive lobbying, the NJEA helped secure passage of the Public Employer-Employee Relations Act, which for the first time permitted teachers to collectively bargain with local school boards and gave the NJEA powers of exclusive representation. Finally, in 1979, the NJEA gained passage of an "agency fee" law, which permitted the NJEA to charge non-members a fee to represent them in collective bargaining. Teachers had the choice of joining the union or

¹⁴ See Part IV of the AEI series, "Talk Is Cheap, But Good Education Costs."

¹⁵ See SPCNJ's "NJEA: A Taxpayer-Funded Special Interest."

paying up to 85 percent of their regular dues as agency fees. Predictably, this veiled coercion resulted in more than 99 percent of teachers joining the union.

In politics, money means clout. With taxpayer funding now secure, the NJEA evolved into a political powerhouse, massively outspending its rivals and leading the way in the development of modern tools for projecting political influence. From direct involvement in elections, to mobilizing members for political action, to engaging in sophisticated, multimedia lobbying campaigns, the NJEA was consistently at the cutting edge of New Jersey politics.

Member Benefits. The NJEA has long used its political clout to procure expansive pension and health benefits for its members.¹⁶ In 1988, the NJEA won fully paid health benefits for retired teachers. In 1997, members gained the non-forfeitable right to promised pensions, which meant that once earned, teachers' pensions could not be reduced in the future, a key factor in New Jersey's continuing public pension crisis.¹⁷ Finally, in 2007, the NJEA was able to gain legislation that created a new, separate health benefit plan for school employees, the School Employee Health Benefit Plan (SEHBP), where the NJEA and its allies had substantial control over plan benefits.¹⁸

Two remarkable episodes reveal the extent of NJEA influence over both Republicans and Democrats:

The NJEA Flips the Legislature. Elected in 1989, Governor Jim Florio proposed to shift responsibility for teacher pensions to local school districts, thereby inhibiting the NJEA's ability to maximize both salaries and pensions.¹⁹ When Democrats also shifted \$360 million from school aid to property tax relief, the NJEA declared all-out war. After defeating two Democrats in 1990 special elections, the NJEA endorsed 46 Republicans and 3 Democrats in the 1991 legislative elections – the first time the NJEA had endorsed more Republicans than Democrats. The result was a stunning Republican sweep, with the Republicans going from a minority to a super-majority in both houses. While other factors were in play, the NJEA gained the lion's share of the credit. As noted in a national news report:

¹⁶ For a full account, see AEI series Part III, "Job Number One."

¹⁷ In reality, the NJEA's clout was such that it could engage in horse trading with Governor Whitman: The NJEA dropped a pension lawsuit and agreed to support Whitman's pension obligation bonds in exchange for the non-forfeitable right. Michael Demenchuk, "New Jersey Teachers Union Agrees to Whitman's Pension Bond Plan," Bond Buyer, March 10, 1997.

¹⁸ The SEHBP Commission has four representatives from the unions, three appointed by the state and one from the School Boards Association.

¹⁹ For a fuller explanation, see Part III of the AEI series, "Job Number One."

“Most observers said the NJEA played the biggest role in turning Democratic majorities in the Assembly and Senate into veto-proof Republican majorities.”²⁰

The 2001 Pension Raid. Neither the Republicans nor the Democrats forgot 1991 and the NJEA’s influence grew commensurately, reaching a new high in 2001 when Republican senator Donald DiFrancesco became acting governor. DiFrancesco and a friendly Republican legislature granted both active and retired teachers a 9 percent increase in their pensions. To make this pension raid look affordable, the bill dubiously reached back to 1999 to value the pension assets at peak levels, even though by 2001, the dot.com bust had reduced the actual value of those assets by billions of dollars. The legislature was so dominated by the NJEA that it passed this chicanery with one dissenting vote.

Blocking Reforms. Having constructed a status quo worth defending, the NJEA also used its clout to block necessary reforms.

In 2005, when a task force appointed by Governor Jim McGreevey recommended that the state hold a Constitutional Convention to address property taxes, the NJEA embarked on an extensive campaign to block it. Understandably, the NJEA wanted the legislature to control these issues because it controlled the legislature. The effort died in the senate. Likewise, when Acting Governor Richard Cody convened a benefits review task force to find ways to control costs and taxes, the NJEA mobilized to defeat the bill based on its recommendations.

The same was true in 2006 when Governor Jon Corzine ordered the legislature into special session to again address rising benefit costs and taxes. The special session generated a host of recommendations for legislation but the NJEA again launched a massive campaign to block the reforms. Corzine and the Democrat-controlled legislature backed off, and in the end, the special session only produced a few minor changes. Later in Corzine’s term, Senators Barbara Buono and Steve Sweeney reintroduced bills based on the special session’s recommendations to rein in pension costs. Once again, the NJEA launched a statewide, multimedia campaign against the

²⁰ Associated Press, “NJ Teachers Group Takes ‘No Position’ on Gubernatorial Race,” August 14, 1993. See also Neil Reisner, “Political Donations Target Status Quo,” *Record*, December 31, 1995; Leslie Brody and Patricia Alex, “The NJEA vs. Governor Christie: Two Powerhouses Doing Battle,” *Record*, March 1, 2010; and Iver Peterson, “New Jersey Teachers Flex Muscle, but Carefully,” *New York Times*, April 19, 1994, <http://www.nytimes.com/1994/04/19/nyregion/new-jersey-teachers-flex-muscles-but-carefully.html>.

legislation. The NJEA killed most of the legislation and watered down the rest.

In each case, and in many others, the NJEA used its clout to block reforms and protect the status quo it had built: results that suited the NJEA but have been a disaster for New Jersey.

The Christie Era

The election of Governor Chris Christie in 2009 marked a temporary waning of the NJEA's influence. Christie was a powerful political force in his own right and was able to team up with Democratic senate president Sweeney to enact some modest, yet real, pension and benefit reforms despite the NJEA's efforts to defeat them. In 2015 - after decades of acquiescing to pension underfunding - the NJEA finally held legislators accountable for funding teacher pensions. The NJEA had succeeded in getting the legislature to appropriate the required amount for pension funding in the state budget. Christie vetoed the budget but the NJEA showed its political muscle by defeating four incumbent Republican Assemblymen who had voted against the budget.

A battle at the end of Christie's tenure set the stage for the current political landscape. Frustrated by Christie's vetoes and an adverse ruling by the New Jersey Supreme Court, the NJEA sought to enshrine pension funding in the state constitution. Needing approval from two successive legislatures to put the measure on a statewide ballot, the NJEA got the 2015 legislature to pass the measure and then launched an all-out campaign to get the 2016 legislature to do the same. The Assembly dutifully passed it but Senator Sweeney blocked it in the senate.

This set off an intense anti-Sweeney reaction by the NJEA. It redirected its resources against Sweeney, helped to foil his gubernatorial aspirations, and took the unprecedented step of endorsing his opponent, Phil Murphy, in the Democratic primary. The NJEA then went full throttle to get Murphy elected governor.

All-In for Phil Murphy

The NJEA said it all: "NJEA has been all-in for Phil Murphy from day one, gearing up a massive organizing campaign to mobilize our members through the primary and general elections."²¹

²¹ New Jersey Education Association, "NJEA Report: Phil Murphy elected governor of New Jersey," *NJEA Review* 91, no. 5 (December 2017): 12.

“All-in” included creating “Members4Murphy,” an unprecedented, 13-month campaign to mobilize members in the effort. First, the NJEA delivered 6,800 signatures to get Murphy on the Democratic primary ballot. Then during the general election campaign, the NJEA encouraged and facilitated pro-Murphy political action via text, the NJEA’s Facebook page, and a direct link for volunteering on Murphy’s election campaign.²² All told, Members4Murphy operated 20 phone banks, made 230,000 calls and conducted door-to-door canvasses.²³ The NJEA also deployed its Summers Fellows²⁴ to contact members. Near election day, members from all 21 counties “went door-to-door, made phone calls, mailed postcards, and organized events to encourage members to support Murphy and other endorsed candidates.”²⁵ Murphy won easily.

“All-in” has continued since Murphy became governor. Living up to Secretary-Treasurer Beatty’s comments about elections being just the beginning, the NJEA stated: “NJEA members worked very hard to elect Gov. Murphy. Now, we must work even harder to help his administration transform his ideas into action.”²⁶ Putting its money where its mouth is, the NJEA has helped Murphy by secretly donating at least \$2.5 million to New Direction New Jersey (NDNJ), an independent expenditure group supporting Murphy’s agenda, which closely aligns with its own agenda.²⁷

These efforts have paid off.

The NJEA’s Political Clout Is Alive and Well Under Governor Murphy

²² New Jersey Education Association, “How can I help elect Phil Murphy?,” *NJEA Review* 91, no. 7 (February 2018): 15.

²³ New Jersey Education Association, “NJEA Report: Phil Murphy elected governor of New Jersey,” *NJEA Review* 91, no. 5 (December 2017): 12.

²⁴ These Summer Fellows were part of the Summer Fellows Program (SFP), a “bold and unprecedented move to organize members” in political action. The SFP was part of the NJEA’s shift from a “services model” to an “organizing model” in 2016, and claimed it turned 45,000 members into political activists. Katie Quinn, “NJEA Summer Fellows Program Boosts Member-Driven Advocacy,” *NJEA Review* 90, no. 3 (November 2016): 24-26.

²⁵ New Jersey Education Association, “As Gov. Murphy takes office, NJEA members anticipate a new era,” *NJEA Review* 91, no. 7 (February 2018): 50.

²⁶ New Jersey Education Association, “Final Exam: Governor Murphy: his agenda, our realities,” *NJEA Review* 91, no. 1 (September 2017): 23.

²⁷ NDNJ does not disclose its donors, which has generated public controversy. NJEA Executive Director Richardson made a report to the NJEA Delegate Assembly concerning the NJEA’s “participation in an independent expenditure issue advocacy effort to support the governor’s policy agenda.” Accordingly, the Delegate Assembly authorized the transfer of \$1.6 million to Cost Center 0471 “Organizational Projects” to supplement the \$900,000 that was already there “for spending, as needed, on independent expenditures that advocates in support of the governor’s agenda. New Jersey Education Association, “NJEA Delegate Assembly, Minutes of January 20, 2018,” *NJEA Review* 92, no. 5 (December 2018): 49.

As governor, Murphy has been very open about his unusually close relationship with the NJEA. He is perfectly willing to appear in TV ads paid for by the NJEA calling for a major NJEA legislative goal (see discussion of the “millionaires’ tax” below). He very publically vetoes the “dark money” disclosure bill that would force a group like NDNJ to reveal its donors – such as the NJEA. Indeed, Murphy goes so far as to state publically that he routinely consults with the NJEA on policy, saying that he has “spoken to the NJEA constantly” in the last five years, “including around New Direction, *but far more often on policy* [emphasis added].²⁸

Personnel Appointments. NJEA President Marie Blistan was named co-chair of Murphy’s education transition team. The Executive Office political operative who ran the Members4Murphy campaign is now a Deputy Chief of Staff in the Murphy’s administration.²⁹ In other personnel matters, Joel Weisblatt, “who was supported by NJEA and other unions,” was appointed chair of the Public Employment Relations Commission, the state agency that oversees labor relations between public employers and public employees, such as teachers.³⁰ Murphy’s choice for Commissioner of Education also pleased the NJEA.³¹

The NJEA’s Legislative Agenda. With regard to its legislative priorities, the NJEA has done very well under Governor Murphy. Entering the Murphy term, these included: so-called “Chapter 78 relief” that would reduce members’ healthcare contributions, limiting school districts’ ability to outsource Education Support Personnel (ESPs), blocking any attempts to reduce pensions and benefits, and eliminate the PARCC test once and for all.³² As mentioned above, the NJEA has also called for the millionaire’s tax to increase revenues and permit greater spending on schools and teachers.³³

On each of these priorities, Murphy has delivered for the NJEA.

²⁸ Observer Politics Team, “NJ Politics Digest: Where Does Murphy Actually Stand on Dark Money?” *Observer.com*, June 3, 2019.

²⁹ Deborah Cornavaca currently serves on Governor Murphy’s senior staff as Deputy Chief of Staff of Outreach. Office of the Governor, “Senior Staff,” <https://nj.gov/governor/admin/staff/>. For role with Members4Murphy see, New Jersey Education Association, “NJEA Delegate Assembly. Minutes of November 11, 2017.,” *NJEA Review* 91, no. 8 (March 2018): 52

³⁰ New Jersey Education Association, “NJEA Delegate Assembly, Minutes of March 10, 2018,” *NJEA Review* 92, no. 6 (January 2019): 43.

³¹ New Jersey Education Association, “Blistan lauds nomination of Dr. Lamont Repollet as ed commissioner,” *NJEA Review* 92, no. 7 (February 2019): 16.

³² New Jersey Education Association, “Get ready it’s going to be an action-packed year,” *NJEA Review* 92, no. 1 (September 2018): 7.

³³ New Jersey Education Association, “Report: NJ schools again ranked second in nation,” May 20, 2019, <https://www.njea.org/report-nj-schools-again-ranked-second-in-nation/>.

Chapter 78 Relief and Outsourcing ESPs. During the campaign, Murphy voiced opposition to the outsourcing of ESPs³⁴ and as governor has called on the legislature “to provide relief to ... educators ... from some of the most harmful effects of Chapter 78.”³⁵ Indeed, Murphy’s staff has coordinated with the NJEA on legislative strategy: “because of strategic conversations with the governor’s office staff, NJEA is moving forward with a direct legislative campaign to seek relief for members from Chapter 78.”³⁶ Accordingly, the NJEA initiated a major campaign to gain passage of bills granting Chapter 78 relief as well as protection from outsourcing for ESPs. The NJEA “has been vigorously advocating” for the bills with lobby days, 116,000 petitions delivered to the Statehouse, and a member mobilization campaign.³⁷ So far, the assembly has passed the bills but senate president Sweeney has refused to post them. Should they pass, the NJEA is confident in Murphy’s continued support: “We now have a governor who would sign those bills, which are once again moving through the Senate and Assembly.”³⁸

Pensions and Benefits. With his “Path to Progress” plan, Senator Sweeney has proposed sweeping changes to New Jersey’s public worker pension and benefit plans, which are severely underfunded and threaten the solvency of the state.³⁹ True to its pledge never to discuss benefit cuts for its members, the NJEA rejected the plan.⁴⁰ While not rejecting it explicitly, Murphy has publicly questioned the conclusions of the plan⁴¹ and did not incorporate any of its recommendations in his budget. In addition, his Deputy Chief of Staff (and former NJEA political organizer) was caught suggesting ways for liberal advocacy groups to push back against the plan, calling it a “false narrative” against public unions.⁴² If legislation incorporating the plan’s recommendations lands on his desk, will Murphy veto it?

³⁴ New Jersey Education Association, “A steel backbone: Meet Phil Murphy, NJEA PAC-endorsed candidate for governor,” October 1, 2017, <https://www.njea.org/steel-backbone-meet-phil-murphy-njea-pac-endorsed-candidate-governor/>.

³⁵ New Jersey Education Association, “Murphy endorses Chapter 78 relief,” September 18, 2018, <https://www.njea.org/murphy-endorses-ch-78-relief/>.

³⁶ New Jersey Education Association, “NJEA Delegate Assembly, Minutes of March 10, 2018,” *NJEA Review* 92, no. 6 (January 2019): 42.

³⁷ New Jersey Education Association, “NJEA members continue to fight for job justice, great public schools,” *NJEA Review* 92, no. 8 (March 2019): 20.

³⁸ *Ibid.*

³⁹ See Part III of the AEI series “Job Number One.”

⁴⁰ John Reitmeyer, “Sweeney seizes mic, holds his own in town halls, but where’s Murphy?,” *NJSpotlight*, February 19, 2019.

⁴¹ Julie Duario, “Murphy questions Sweeney’s math on health benefit savings,” *NJTV News*, April 5, 2019.

⁴² Brent Johnson, “Murphy official rallies activists to attack governor’s chief Democratic rival,” *NJ.com*, January 24, 2019.

At the NJEA's urging, Murphy also vetoed a bill that would have moved higher education employees to the State Health Benefits Plan (SHBP) from the union-dominated SEHBP.⁴³

PARCC. On the campaign trail, Murphy promised to “scrap PARCC Day 1,” and as governor, he has followed through by proposing to the state Board of Education to eliminate four of the six PARCC tests for high school students. The state Board of Education saw it differently and ultimately granted preliminary approval to scrap just one test.⁴⁴

Millionaire's Tax. Murphy fully supports the NJEA's goal of extending the top income tax rate of 10.75% to earnings over \$1 million (the top rate currently applies to earnings over \$5 million). As mentioned above, he recently appeared in a \$1 million TV/internet ad campaign for the NJEA-funded dark money group, New Direction New Jersey, calling for such a tax and has threatened to shut down the state government if the legislature does not comply.⁴⁵ Lest there be any confusion about Murphy's alignment with the NJEA's goals, in the first TV ad, Murphy's used the same language as the NJEA in calling for the millionaire's tax.⁴⁶

State Budget. A favorable state budget is of course a perennial legislative priority for the NJEA, and Murphy delivered here as well. His first proposed budget pleased the NJEA for its pension contribution, increase in state education aid and higher taxes: “Thanks to the relentless advocacy of NJEA members and staff, the Fiscal 2019 state budget is a huge victory for public education and public school employees.”⁴⁷

⁴³ NJEA members sent Murphy 4,000 emails calling for such a veto and lobbied the legislature against it. New Jersey Education Association, “Murphy vetoes bill that would have subverted collective bargaining,” *NJEA Review* 92, no. 7 (February 2019): 18.

⁴⁴ Adam Clark, “The PARCC tests were just spared a death sentence,” *NJ.com*, October 3, 2018.

⁴⁵ Insider NJ, “New Direction NJ Launching \$1M Ad Campaign for Murphy Budget, Millionaire's Tax,” May 23, 2019,

<https://www.insidernj.com/new-direction-nj-launching-1m-ad-campaign-murphy-budget-millionaires-tax/>

⁴⁶ In NDNJ's first TV ad, Governor Murphy calls for a millionaire's tax, “tax fairness” and for New Jersey's millionaires to pay their “fair share.” The same week the ad was launched, NJEA Secretary-Treasurer Steve Beatty called for the millionaire's tax to “achieve tax fairness” and so that millionaires “do their fair share.” New Jersey Education Association, “Report: NJ schools again ranked second in the nation,”

<https://www.njea.org/report-nj-schools-again-ranked-second-in-nation/>.

⁴⁷ New Jersey Education Association, “Relentless NJEA advocacy helps deliver pro-public education state budget,” *NJEA Review* 92, no. 1 (September 2018): 23.

Workplace Democracy Enhancement Act (WDEA).⁴⁸ Perhaps the NJEA’s most significant legislative accomplishment during Murphy’s brief tenure has been the enactment of the WDEA.

Prior to the U.S. Supreme Court’s *Janus* decision in 2018, the NJEA had constructed a legal regime that implicitly coerced teachers into joining the union because it could charge a teacher “agency fees” even if the teacher did not join the union. The *Janus* court ruled that such agency fees were an unconstitutional infringement on non-members’ First Amendment rights.

Anticipating such a ruling, the NJEA did not sit idly by. Using its outsized political clout, the NJEA, along with its public sector union allies, went to work on legislation designed to circumvent *Janus*. With impressive celerity and before the *Janus* ruling was even handed down, the New Jersey legislature passed and the governor signed the WDEA, which:

- Grants union officials unprecedented and exclusive access to existing and prospective members.
- Grants the unions the right to meet with members on school premises during the work day to discuss union-related issues as well as to use a school’s email system to communicate with them – possibly for political purposes.⁴⁹
- Prohibits school districts from encouraging employees to quit or not join the union, and holds the district liable for lost dues if it is found to have done so.
- Limits a teacher’s ability to stop paying dues and leave the union.⁵⁰

The NJEA’s political clout overcame significant resistance from other powerful interest groups. The New Jersey School Boards Association (NJSBA), the New Jersey Association of Counties and the League of Municipalities “strongly objected” to the union-backed bill. The NJSBA

⁴⁸ For a fuller discussion of the WDEA, see SPCNJ’s “NJEA: New Jersey’s Taxpayer-Funded Special Interest.”

⁴⁹ While such meetings may not be used to support or oppose candidates in partisan elections, school board elections are non-partisan, so it appears that such meetings could be used in support of union-endorsed school board candidates and other political activities. The New Jersey Association of Counties appears to agree: its Executive Director, John Donnadio, said: “The legislation is very broad and may allow for the use of political messages, quite frankly, on the public dime.” Michael Symons, “NJ Lawmakers Want to Boost Public-Sector Unions,” [nj1015.com](https://nj1015.com/nj-lawmakers-want-to-boost-public-sector-unions/), March 21, 2018, <https://nj1015.com/nj-lawmakers-want-to-boost-public-sector-unions/>. There are 86 municipalities that hold non-partisan elections, so, presumably, the municipal unions in these towns could also use town resources to engage in political activities.

⁵⁰ State of New Jersey, 218th Legislature, Senate, No. 2137, March 5, 2018, https://nileg.state.nj.us/2018/Bills/S2500/2137_1.HTM The legislature did the NJEA another favor: by making withdrawal windows employee-specific, it is harder for third parties to notify employees of their rights because it is difficult to ascertain an employee’s hiring anniversary date.

believes that the legislation “has the potential to disrupt the daily operation of our schools, and creates an unfair imbalance in the labor-management relationship.”⁵¹

In the end, the WDEA was a remarkable accommodation of the NJEA’s interests. It effectively replaced the coercion implicit in agency fees with coercion based on mandated, exclusive access to employees and limitations on their ability to leave the union. Moreover, school districts are discouraged from informing teachers of their First Amendment rights as enunciated in the *Janus* decision.

The Powerhouse of the Future⁵²

Through the years, the NJEA has always been on the cutting edge of political tactics, consistently developing new, more effective tools to allow it to exert more influence on the political process. The NJEA’s tactics evolved from person-to-person lobbying to organizing rallies to engaging in statewide multimedia campaigns. More recently, they evolved from primarily using direct donations to candidates and parties to independent expenditures and grassroots issue advocacy.

It also developed internal structures to assist in these evolutions: county Legislative Action Teams to help mobilize local associations; FAST and PRIDE for its grassroots issue advocacy efforts; Garden State Forward, the NJEA’s independent expenditure arm; conferences to train local association leaders in political organizing; and the Summer Fellows Program to turn members into political activists, among others.

Two noteworthy steps deserve specific mention as key political tools for the future: the NJEA Political Leadership Academy and the greater role NJEA “volunteers” play in NJEA-endorsed candidates’ political campaigns.

NJEA Political Leadership Academy. The Political Leadership Academy is run by the Government Relations Division and trains NJEA members “on the ins and outs of running, winning, and how your union can help.”⁵³ The NJEA brings in the best campaign fundraisers and managers to teach member-candidates how to plan a campaign and raise funds. Unbothered by the blatant conflict of interest, the NJEA’s rationale was clear:

⁵¹ New Jersey School Boards Association, “Legislative Update: Governor Signs Union-Backed Workplace Democracy Enhancement Act; NJSBA Supports Gun Control Measures,” May 22, 2018, <https://www.njsba.org/news-publications/school-board-notes>.

⁵² For a fuller account, see SPCNJ’s “Follow the Money: What the NJEA Really Spends on Politics.”

⁵³ New Jersey Education Association, “Attend the political leadership academy,” *NJEA Review* 91, no. 10 (May 2018).

It's no longer enough to elect friends of education to public office; we must elect members of the education family. No one in public office will speak up as strongly for public education as our own members. . . . It's no longer enough to lobby decision-makers. We must become decision-makers.⁵⁴

Given that taxpayer dollars fund the NJEA, it is problematic that these dollars are being used to train and elect members of a special interest that expects those elected officials to then speak up strongly for the special interest – not for the taxpaying public. Since its founding, increasing numbers of NJEA members have run for public office, with a record 273 members running in 2018.

Larger Roles in Candidates' Election Campaigns: An In-Kind Contribution? In the past, the NJEA primarily used its political volunteers to mobilize its own members to vote. The Members4Murphy campaign took that effort to a whole new level. However, starting in 2015, the NJEA played a direct role in providing volunteers to staff NJEA-endorsed candidates' campaigns.⁵⁵ The NJEA acted as a recruiter and coordinator for these candidates, telling members: "NJEA can arrange that visit for you. . . . If you want to help out with the campaign literature distribution or other kinds of get-out-the-vote efforts, NJEA can help you find a place to work where you can make a difference."⁵⁶

The NJEA has now ramped this effort up so that not only does it assist and place its members directly in candidates' election campaigns, it places them in managerial and supervisory positions within those campaigns. The NJEA described these roles in the 2018 elections:

NJEA and NJREA [retired teachers] members not only volunteered their time organizing their fellow members in support of these PAC-endorsed candidates, but they took the lead in volunteering directly in campaign offices and even *helping run voter contact programs*. Members spent countless hours *organizing door-to-door canvasses, training volunteers*, staffing phone banks, and ultimately, delivering victories for candidates who support public education [emphasis added].⁵⁷

⁵⁴ New Jersey Education Association, "A Victory for Us All," *NJEA Reporter* 54, no. 11 (June 2011): 4.

⁵⁵ New Jersey Education Association, "NJEA members achieve huge election victory," *NJEA Review* 89, no. 4 (December 2015).

⁵⁶ New Jersey Education Association, "Your help with voter contact," *NJEA Review* 89, no. 2 (October 2015): 19.

⁵⁷ New Jersey Education Association, "Election 2018: NJEA PAC-endorsed candidates win," *NJEA Review* 92, no. 5 (December 2018): 14.

It appears that the NJEA's political organizing pros are spreading their talents around to the candidates the NJEA is trying to get elected and are taking leadership positions in those campaigns to help them win. If the NJEA is training these organizers and then farming them out to candidates' campaigns, at what point does this become an in-kind political contribution by the NJEA? And, again, if the NJEA is using its resources to train and deploy these organizers – resources that are funded by taxpayers – isn't this essentially public campaign financing for the NJEA's chosen candidates?

New Jersey citizens and taxpayers need to be aware of these tactics because they could potentially undermine the foundations of democratic governance in the state. Could a graduate of the NJEA leadership academy become governor or chair a legislative education committee? Could a NJEA-trained political organizer “volunteer” as the campaign manager for an NJEA-endorsed candidate? At what point does “electing your own boss” shift to “becoming your own boss,” or a special-interest-dominated government become a special-interest-run government? These potential future scenarios should concern all New Jerseyans.

The Result: A Special Interest-Dominated Status Quo

So today we have a powerhouse special interest with an unmatched record of political influence that continues to dominate our political system. Having morphed into a full-time political organizing machine, the NJEA feels free to brazenly wield its political clout. Our governor now appears in NJEA-funded TV ads touting the NJEA's policy goals. Lawmakers who dare to cross the NJEA are met with open threats: Upon the recent introduction of pension and benefit reform bills, the NJEA leadership warned that if the legislature did not behave to the NJEA's liking, “... the 200,000 members of NJEA are ready, willing and organized to fight for the future of our profession.”⁵⁸ Unfortunately for the state, the facts back them up.

Most New Jerseyans are unaware that a special interest has been allowed to dominate our state's political system. They are unaware that this system funnels their tax dollars directly to this special interest to be used for the benefit of the special interest and to their detriment.

It's time to shine a light on these facts and change our special interest-dominated status quo.

⁵⁸ New Jersey Education Association, “NJEA Statement on pension, benefit legislation,” May 16, 2019, <https://www.njea.org/njea-statement-on-pension-benefit-legislation/>.