



# **"And You Will Pay"**

HOW A SPECIAL INTEREST DOMINATES  
NEW JERSEY POLITICS

**Part II of the Legal Corruption Series**

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A M E R I C A N   E N T E R P R I S E   I N S T I T U T E



# The Legal Corruption Series: Executive Summary

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New Jersey is in a bad way. Our economy is weak and significantly underperforms other states. Our tax system is consistently ranked as the worst in the nation. Our public-sector pensions are in the worst condition of any state, and our unfunded liabilities are at least \$202 billion—almost six times the size of the \$35 billion annual budget.<sup>1</sup> We have the second-lowest bond rating of any state—save broke Illinois.<sup>2</sup> Businesses, taxpayers, and young adults are leaving our state in droves. Sadly, New Jersey’s future looks even worse.

How did New Jersey get into this position?

It was not happenstance. New Jersey is in this position because its largest public-sector union, the New Jersey Education Association (NJEA), often working in concert with its public-sector union allies, has rigged the system for its own benefit. The consummate special interest, the NJEA has dominated the state’s political system for decades. It structured a legislative regime that allowed it to siphon off hundreds of millions of taxpayer dollars to spend itself to unmatched political clout. Predictably, New Jersey’s politicians—both Republicans and Democrats—have succumbed to this clout and largely given the NJEA what it wanted. Too often, New Jersey citizens and taxpayers have been left out of the discussion, and yet it is they who will foot the bill.

If New Jersey citizens and taxpayers knew what was really going on, they would be outraged. They would be outraged that a special interest was able to control state government to their detriment. They would be outraged that their highest-in-the-nation taxes are flowing directly into union coffers to be used against their own interests. They would be outraged that the future of the state—and that of their

children and future generations of New Jerseyans—has been mortgaged for the benefit of the few over the many.

The purpose of this research is to inform New Jersey’s citizens of what is really going on and how we got into this position. Using published research, contemporaneous media accounts, and the NJEA’s own publications to ascertain the facts, this study details the deliberate exploitation of New Jersey’s political system and the resulting consequences—to the benefit of the NJEA and the detriment of New Jerseyans.

There are five parts to the research:

- **Part I. Follow the Money: The Real Money Behind the New Jersey Education Association’s Political Clout.** Funded by hundreds of millions of taxpayer dollars, the NJEA’s severely underreported political war chest dwarfs the competition. The NJEA spends many times more on political action than is reported and is by far the most powerful special interest—and political force—in the state. Far too often, this results in taxpayer dollars being used against taxpayer interests.
- **Part II. “And You Will Pay”: How a Special Interest Dominates New Jersey Politics.** The NJEA used its clout to influence politicians of both parties and structure the political system to perpetuate its power and benefit itself. This extraordinary special-interest influence has shaped the current status quo in the state and threatens the state’s solvency.

- **Part III. Job Number One: The New Jersey Education Association’s Role in New Jersey’s Disastrous Pension and Benefits Crisis.** Again using its money and clout, the NJEA created the broken benefit system we have today. While the NJEA seeks to blame the state, the facts show that the NJEA structured the system to maximize benefits for its members and consistently fought reform efforts. It participated in pension-asset raids and financing schemes that greatly damaged the soundness of the system. It gained for its members premium-free, “Cadillac” health plans. Because it was politically convenient, it chose not to punish politicians for underfunding the state’s retiree liabilities, thus contributing to \$202 billion in underfunding that threatens the future of the state. And it recently tried to lock this bankrupt system into the state constitution.
- **Part IV. Talk Is Cheap, but Good Education Costs: The Truth About New Jersey’s High Tax Burden.** Using its money and clout, the NJEA has consistently pushed for higher taxes. At the local level, the NJEA consistently pushed for higher education spending and higher property taxes. Once high property taxes became a political problem, it pushed for higher state education spending and higher state taxes. The NJEA was a major force behind the

initiation of New Jersey’s first sales and income taxes and continues to push for higher taxes to this day.

- **Part V. New Jersey Is Dying: A Special-Interest-Dominated Status Quo Is Hurting the State’s Economy.** High taxes and cost-of-living have hurt the state’s economy. The tax system renders the state inhospitable to businesses and uncompetitive with other states—particularly with neighboring New York and Pennsylvania. Consequently, economic and job growth are weak and significantly underperform both the nation and New York and Pennsylvania. Businesses, taxpayers, and most ominously, young adults are emigrating to more favorable states. Reform and economic growth are the only way out of this fiscal hole, but our special-interest-dominated political system allows for neither.

New Jersey citizens and taxpayers must wake up to what has happened in our state and why we are where we are. In the end, the best description of what has occurred is “legal corruption.” Our political system has been thoroughly corrupted—so much so that the corruption itself has been made legal. Either we change the system and root out the legal corruption or it will bankrupt the state—along with the future of our children and the next generations of New Jerseyans.

# “And You Will Pay”

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## HOW A SPECIAL INTEREST DOMINATES NEW JERSEY POLITICS

*Part II of the Legal Corruption Series*

**Mike Lilley**

“And you will pay.” So threatened New Jersey Education Association (NJEA) Director of Government Relations Ginger Gold Schnitzer to Democratic lawmakers over the 2017 budget vote.<sup>3</sup> Schnitzer’s threat is just the latest example of the NJEA using its unmatched political clout to intimidate the state’s lawmakers.

For more than 50 years, the NJEA has dominated New Jersey politics. Indeed, the modern era of New Jersey politics has been one continuous saga of the NJEA wielding extraordinary influence to serve its own interests. As detailed in Part I, it has constructed a system that automatically and annually generates tens of millions in taxpayer dollars—and presently more than \$120 million—funneled directly into its coffers. These taxpayer dollars have permitted annual political spending that runs into the tens of millions of dollars and dwarfs all other political spenders.

Ninety percent of the NJEA’s endorsed candidates routinely win in legislative elections. 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. 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 Funding Is Political**

Funding public education is part of the political process. Interested parties lobby elected representatives for spending allocations, budgets are negotiated, and taxes are decided. In New Jersey, these tax and spending decisions are made at the local level by elected school boards and at the state level by the legislature and the governor.

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:

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.<sup>4</sup>

To the NJEA, ensuring education’s share means working “to elect candidates who support our public schools and public school employees.”<sup>5</sup> Essentially, the NJEA and its affiliates are electing their own bosses. Accordingly, success in local and state elections is the NJEA’s lifeblood.

Almost every aspect of the administration of public education—from instructional spending to salaries to

retirement benefits—derives from political decisions made by elected officeholders. So, in addition to electing friendly officeholders, persistent political power and influence are essential for the NJEA.

Again, the NJEA is well aware of this. Reflecting this reality, 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.”<sup>6</sup> Or, as President Michael Johnson put it a decade later: “We must either master politics or be mastered by those that do.”<sup>7</sup>

### **Money Equals Clout, and the NJEA Is the Top Political Spender by Far**

The NJEA has lived up to Giordano’s and Johnson’s words. As shown in Part I, by all conventional measures—as reported by New Jersey’s elections watchdog, the Election Law Enforcement Commission (ELEC)—the NJEA greatly outspends all other political spenders in the state. But conventional measures do not capture all the NJEA’s political spending.

An essential element of the NJEA’s clout is its ability to organize and mobilize its 200,000 members down to the district level. 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.”<sup>8</sup> 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.”<sup>9</sup>

Therefore, the personnel who organize and mobilize this army, the media campaigns that get the NJEA’s message out to the public, and the full-time 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 2015,

NJEA political spending was 10 times larger than the reported amounts, totaling \$725 million and averaging about \$43 million a year.<sup>10</sup> This is a better indication of the importance of political power to the NJEA and the amount of money behind its clout.

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. In 1994, 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.”<sup>11</sup>

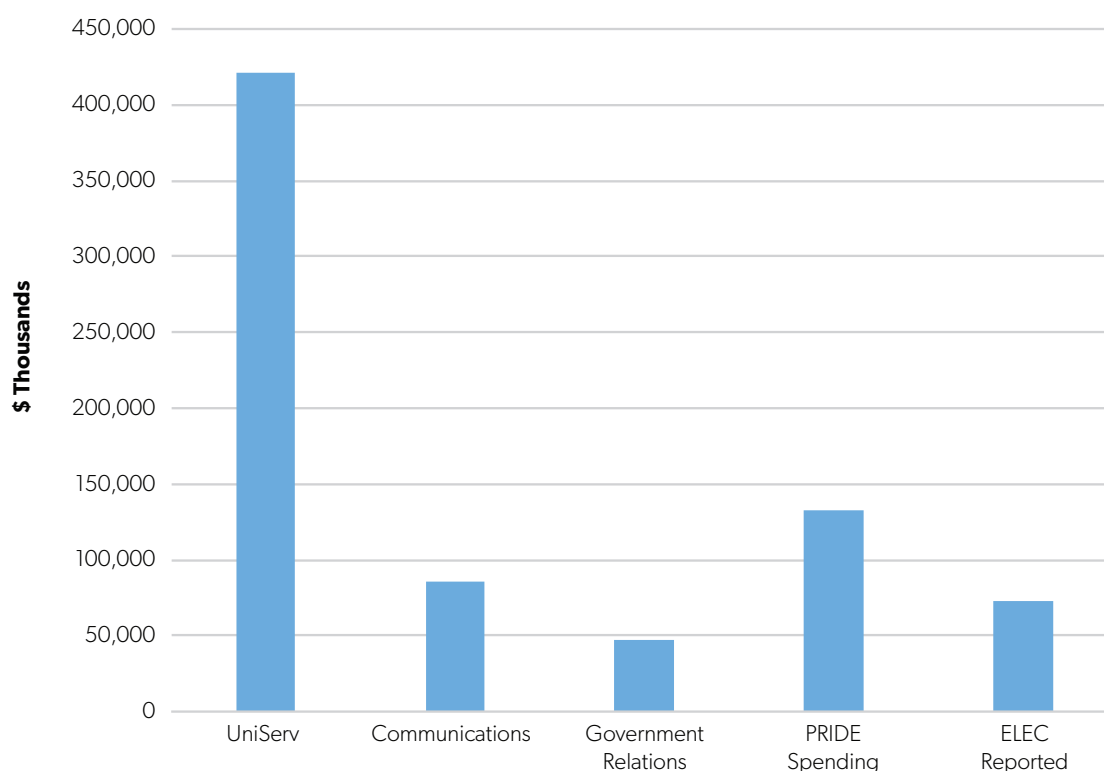
Today, the NJEA remains the most powerful political force in the state and exercises extraordinary influence over school boards and state lawmakers, who are, in effect, their bosses. While not always successful, the NJEA has largely been able to shape the political landscape to its liking, getting what it wants and defeating what it does not.

### **The NJEA Builds the Foundations of Its Political Power**

The NJEA’s long-standing political clout has evolved with the times. In its early days, the NJEA used traditional lobbying methods designed to influence legislators via personal relationships, face-to-face meetings, and letter-writing campaigns.<sup>12</sup> It often worked with other statewide organizations to achieve its top priority: getting state education aid to local school districts struggling with the cost of local education and high property taxes.

Fully cognizant that the funding for such aid had to come from state-level taxes, the NJEA worked for years to get both parties to drop their “no new taxes” platforms in 1961 and ultimately won passage of New Jersey’s first sales tax in 1966.<sup>13</sup> Leading up to the enactment of the sales tax, the NJEA’s political plan was clear: “an all-out drive to enact a sales tax, an income tax, or a combination of the two . . . NJEA

**Figure 1. Total NJEA Political Spending, 1999–2015**



Source: Annual audited financial statements published in the *NJEA Review*.

will be fighting as hard as possible for a new tax solution.”<sup>14</sup> The NJEA consistently pushed this position as part of its legislative lobbying agenda.<sup>15</sup>

Again using traditional lobbying, the NJEA gained essential legislation in 1967 to permit withholding teachers’ dues from their paychecks (known as “dues check-off”).<sup>16</sup> Dues check-off had been a NJEA legislative priority for years and is a key mechanism in funding the NJEA and its unmatched political spending, essentially rendering teachers and school boards as pass-throughs for taxpayer dollars to flow directly into the NJEA’s coffers.

A real game changer occurred in 1968 when the NJEA helped secure the passage of the Public Employer-Employee Relations Act (PEERA), which for the first time permitted public educators to unionize and collectively bargain with local school boards. As the NJEA said: “It took years of intensive lobbying and the Legislature’s override of Gov. Richard T.

Hughes’ veto to secure [PEERA].”<sup>17</sup> The NJEA accurately described it as a “major victory for NJEA.”<sup>18</sup>

In the aftermath of PEERA, the NJEA worked to unify all New Jersey’s local associations under its umbrella and then connect to the National Education Association (NEA). It secured a key source of its funding by having local associations agree to collect dues for all levels of the organization and withhold dues from teachers’ paychecks. Securing this dues structure was an essential building block for a much larger and more politically active NJEA.

Less than a decade after PEERA passed, the NJEA declared itself “the preeminent lobbying organization in New Jersey.”<sup>19</sup> And rightfully so: State legislators were complaining about pressure from the NJEA to pass a host of teacher- and union-friendly legislation, including agency fees and enhanced pensions. The key to the NJEA’s power was its presence in Trenton, regional field offices, and every school and legislative

district in the state. As the *New York Times* reported, “Perhaps the most disconcerting thing to politicians about the N.J.E.A. is not its legislative program, but its political clout. Not only do the state’s 80,000 public-school teachers and their families troop to the polls at almost every election, but they also reach down into their wallets.”<sup>20</sup>

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**Teachers had to either join the union and pay dues or not join and pay agency fees of up to 85 percent of regular dues. Predictably, this coercion has resulted in 99 percent of teachers joining the union.**

Not only were NJEA members voting and donating, but the NJEA modernized its lobbying methods by mobilizing its members to attend large rallies in Trenton. In 1976, as part of its battle to pass the state’s first income tax, the NJEA described its modus operandi: “Through massive and continuing NJEA lobbying, the financial crisis in the State was broken. The pressure on the State Legislature was climaxed by the ‘Teachers’ March on Trenton’ in May when over 2,000 educators demonstrated.”<sup>21</sup> It worked. After years of intense NJEA pressure and a \$100,000 advertising campaign, the NJEA touted the passage of the income tax as one of its legislative accomplishments for the year.<sup>22</sup>

Another key legislative success was the 1979 passage of an agency fee law, which permitted the NJEA to charge nonmembers an “agency fee” to represent

them in collective bargaining. This had been a priority for the NJEA for many years and succeeded despite opposition from the New Jersey School Boards Association, the Chamber of Commerce, and the New Jersey Business & Industry Association. Along with dues check-off, agency fees were the key building block in the NJEA’s funding, as teachers had to either join the union and pay dues or not join and pay agency fees of up to 85 percent of regular dues. Predictably, this coercion has resulted in 99 percent of teachers joining the union.<sup>23</sup>

Dues check-off and agency fees have provided the NJEA with an automatic and substantial annual stream of tens of millions of taxpayer dollars—currently \$121 million.<sup>24</sup> This legislative construction has funded the NJEA’s political dominance.

### **A Shift of Tactics to Direct Involvement in Elections**

The NJEA’s augmentation of its traditional lobbying with public rallies was part of a broader transition in the NEA from strictly lobbying to direct involvement in elections. The *New York Times* described the NEA and its state affiliates, including the NJEA, as “organizations that once shunned political activity as incompatible with ‘professionalism’—have become one of the nation’s most aggressive and effective political forces.”<sup>25</sup>

One victim of the NJEA’s new tactics and enhanced clout was Democratic Assemblyman Daniel Newman, then the chairman of the Assembly Education Committee and one of the most powerful figures in New Jersey education. In 1979, Newman crossed the NJEA by leading a floor fight against an increase in state education aid and giving teachers the right to strike. The NEA and NJEA “mobilized their 5,000 members to defeat him at the polls, and Mr. Newman readily concedes that their efforts cost him re-election.”<sup>26</sup> But the impact went beyond Newman and affected the whole legislature: “Legislators are scared of the teachers groups as a result of my experience,” said Newman.<sup>27</sup>

True to Newman’s words, the NJEA’s enhanced clout rippled through the legislature. Facing a budget



crisis, Governor Brendan Byrne proposed cutting state aid, “but none of the lawmakers—mindful of the heavy opposition generated by NJEA and other education groups a year ago—would sponsor a second round of cuts.”<sup>28</sup> The NJEA’s reaction was “so vehement that the Administration could not find even one legislator in either house who was willing to sponsor the Administration’s school aid cut bill. This remarkable event testifies to NJEA’s increasing political strength.”<sup>29</sup>

During the 1980s, the NJEA ramped up its political operations in other ways as well. It created 21 legislative action teams (LATs) across the state to integrate local associations and their members into the NJEA’s legislative agenda and bring the organization’s force to bear on state lawmakers. The LATs were to help “develop an organization structure in local associations to generate telephone, mail, and personal contacts with legislators” and “promote attendance at . . . teacher lobby days in Trenton [and] special rallies.”<sup>30</sup>

The NJEA also continued to improve its political tactics and capabilities. In 1983, the NJEA launched an unprecedented multimedia lobbying campaign to expand the scope of collective bargaining, spending \$100,000 on radio, billboard, and newspaper ads. Once again, legislators faced “enormous pressure” to pass the bill. New Jersey School Boards Association Executive Director Russell Newbaker noted the upgrade in the NJEA’s tactics: “The N.J.E.A. has poured enormous resources into . . . a Madison Avenue-style advertising campaign.”<sup>31</sup>

Despite New Jersey having a Republican governor for most of the decade, the NJEA racked up an impressive number of important victories. From 1985 to 1987, the NJEA was instrumental in getting Governor Tom Kean to set a minimum salary level for teachers and establish fully paid health benefits for retired teachers. In 1988, the state senate passed a school takeover bill, but only after amending it “at the behest of the powerful NJEA.” Similarly, on a teacher tenure bill, the senate dealt Kean a “stinging defeat” and forced him to compromise with the NJEA to amend the bill.<sup>32</sup>

## The NJEA Flips the Legislature

The year 1989 was a particularly successful election year for the NJEA, then regarded as “the No. 1 PAC [political action committee] in the state.”<sup>33</sup> The NJEA-endorsed Jim Florio won the governor’s race, and 91 percent of NJEA-endorsed candidates won legislative seats.<sup>34</sup> The NJEA has explained why its endorsements are highly valued: “Candidates covet an NJEA PAC endorsement because they know our members spend countless hours of their spare time volunteering on the campaigns of NJEA PAC-endorsed candidates.”<sup>35</sup>

But a new Florio proposal, the Quality Education Act (QEA), threatened to give local school districts responsibility for teacher pensions, thereby inhibiting the NJEA’s ability to maximize salaries and pensions.<sup>36</sup> The NJEA launched an all-out war.

NJEA President Betty Kraemer promised to defeat any Democrat who voted for the QEA: “Our people are angry and feel they have been betrayed. I never thought I’d be in bed with the Republicans.”<sup>37</sup> The NJEA mobilized its political operation: “The Statehouse was surrounded by demonstrators from the New Jersey Education Association,”<sup>38</sup> and the NJEA “staged protests . . . against the Governor’s school aid plan at 20 sites around the state, hoping to deal the new Democratic governor his first legislative defeat.”<sup>39</sup>

Flexing its political muscles in November 1990, the NJEA targeted and defeated two Democratic lawmakers in special elections. As a result, the pension shift was postponed for two years. The NJEA told its members: “Make no mistake, these changes only came about because of the continued forcefulness of NJEA and its members.”<sup>40</sup>

The Democratic legislature then moved \$360 million of tax-hike revenues from education aid to property tax relief, once again incensing the NJEA. Kraemer responded that her organization “is gearing up for the biggest November election campaign in history. . . . The Democratic Party must bear the responsibility.”<sup>41</sup>

True to Kraemer’s words, the NJEA endorsed 46 Republicans and three Democrats in the 1991 election—the first time the NJEA had endorsed more Republicans than Democrats. The result was one of



the most remarkable political coups in modern New Jersey history: a stunning Republican sweep, with the Republicans going from a minority to a supermajority in both houses. While other factors came into play—both anti-tax and anti-gun-control groups were active in the elections—the NJEA garnered the lion’s share of the credit. As noted in a national news report, “Most observers said the NJEA played the biggest role in turning Democratic majorities in the Assembly and Senate into veto-proof Republican majorities.”<sup>42</sup>

The NJEA was jubilant, with Kraemer declaring that “this organization accomplished nothing short of a miracle.”<sup>43</sup> Ninety percent of NJEA-endorsed candidates won, and the Republicans controlled both houses for the first time since 1971.

Decades later, Florio observed that the 1991 legislature flip and his subsequent reelection loss in 1993 “taught future governors two extraordinarily dangerous lessons about New Jersey politics: Don’t mess with the teachers, and if you raise taxes you’ll get the boot.”<sup>44</sup>

## The NJEA had a big hand in the 1991 Republican victory and “expects favors in return.”

The same applied to legislators. Republican State Senator John Ewing noted that even though the postponed pension shift would have resulted in significant cost savings, “Republican lawmakers might have trouble resisting pressure . . . by the NJEA.” The NJEA had a big hand in the 1991 Republican victory and “expects favors in return.”<sup>45</sup>

In health care, a new law signed by Governor Florio in 1992 gave retired education support personnel premium-free health benefits for life. Democratic Senate Minority Leader John Lynch called the

benefits expansion “a political payoff to the powerful New Jersey Education Association” that garnered large majority support from both parties.<sup>46</sup>

But the NJEA still had some unfinished business regarding the QEA. Having postponed the pension shift, the NJEA permanently got it repealed in 1993 by waging “a massive lobbying and letter-writing campaign.”<sup>47</sup> In the wake of the 1991 election, the NJEA had achieved its top two legislative priorities: health care expansion and blocking the pension shift.<sup>48</sup>

### Co-opting the Republicans in the 1990s

With the election of Republican Governor Christine Whitman in 1993, the NJEA maintained its active political profile and continued to upgrade its campaign capabilities. It opposed Whitman’s first budget with a half-hour TV ad—a first for the union. The NJEA then launched the largest rally in New Jersey’s history,<sup>49</sup> mobilizing 25,000 people in Trenton to pressure the legislature to reject Whitman’s budget.<sup>50</sup> Thousands of NJEA members also attended regional organizing rallies and lobby days to fight state aid cuts.<sup>51</sup>

In a poignant sign of the times, Republican Senate President Donald DiFrancesco sided with the NJEA against a governor from his own party regarding Social Security subsidies for teachers. Looking back on that era, the *New York Times* concluded: “In the tightly knit universe of New Jersey politics, no organization has had more muscle than the New Jersey Education Association and none has been more willing to use it.”<sup>52</sup>

In the late 1990s, the NJEA used its political muscle to win a big victory: gaining members the non-forfeitable right to promised pensions.<sup>53</sup> This meant that, once a teacher had been employed and enrolled in the plan for five years, the teacher had a contractual right to the benefits promised, which could not be reduced in the future. The long-term ramifications of this victory will be discussed in Part III.

The NJEA’s influence reached a new high in 2001, when DiFrancesco became the acting governor. DiFrancesco had been a senator running for

reelection when the NJEA flipped the legislature in 1991 and afterward was generally supportive of union demands as senate president. Kevin Davis, a senior adviser to the Republican Senate PAC, noted the NJEA's effect on Republicans in the legislature: “Far more than their colleagues in Washington, Republican legislative leaders in New Jersey have tried since they took office in 1992 to curry favor with labor. This year was no exception. When we get a union endorsement, we not only gain for our candidate, we take it away from the Democrat, so it's a double benefit.”<sup>54</sup>

Under DiFrancesco and a friendly Republican legislature, a 2001 law increased all teacher pensions by 9 percent, including those held by retirees. The bill also dubiously reached back to 1999 to value the pension assets at peak levels, which made the pension raid look affordable, even though by 2001 the dot.com-busted pension assets were billions lower. The legislature passed the bill with one dissenting vote. The NJEA described its success: “NJEA won passage of a new pension enhancement law that will increase member pensions by roughly 9%! . . . Of course none of this would have been possible without the help of pro-public education policymakers”<sup>55</sup>—pro-education policymakers who the NJEA was able to control.

### **A New Century: Democrats Back in Charge but the Same Clout**

In 2001, the NJEA mounted a successful campaign to elect an even more pro-NJEA governor and legislature. Jim McGreevey was elected governor, and the Democrats retook the assembly, with 94 percent of NJEA-endorsed senate candidates and 85 percent of NJEA-endorsed assembly candidates winning.<sup>56</sup> In 2003, another 93 percent of NJEA-endorsed candidates won, as the Democrats regained control of both houses of the legislature.

The NJEA's waxing clout resulted in the passage of a long-sought bill that significantly strengthened local associations' collective bargaining powers by removing school boards' ability to impose their “last, best offer” after a negotiating impasse and requiring

arbitration instead. The NJEA worked with Governor McGreevey and legislative leaders and held lobby days to push the legislature to pass the bill.

The NJEA's clout not only gained political victories but also allowed the NJEA to block legislation it opposed. One such bill pushed for a state Constitutional Convention (Con-Con) to address New Jersey's ever-increasing property taxes. A task force appointed by Governor McGreevey had recommended a Con-Con, and the assembly passed a bill to enable it. The NJEA opposed Con-Con out of a fear that the process would fundamentally change the existing status quo in education funding. Understandably, the NJEA wanted the legislature to control these issues, given the NJEA's proven ability to control the legislature, and it urged Acting Governor Richard Codey to call a special session of the legislature instead.

NJEA President Edithe Fulton wanted to send a “strong and loud message to our legislature” against Con-Con.<sup>57</sup> Accordingly, the NJEA promised to “organize its members to lobby on this issue and utilize a public relations campaign to influence public opinion.”<sup>58</sup> Its efforts included a rally in Trenton in April, 15,000 emails, 250,000 postcards and letters to legislators, a February lobby day, five op-eds in New Jersey newspapers, and visits to legislators in Trenton and in home districts.<sup>59</sup> This ambitious attack worked: Con-Con died in the senate.<sup>60</sup>

In 2005, Codey created a benefits review task force to look into public employee pensions and benefits and recommend changes that would control costs and taxes. The NJEA geared up to fight any ensuing legislative proposals. It reported that it had “two major task forces comprised of over 75 leaders and staff working on every aspect of this issue, including lobbying, organizing, and advertising.”<sup>61</sup>

Based on the task force's November 2005 report, legislation was introduced to reform pensions. The NJEA mobilized to defeat the bill with a rally with 5,000 union members to protest pension cuts,<sup>62</sup> and Vice President Barbara Keshishian celebrated the victory: “Thanks to the swift action of NJEA members . . . a bill that would have sharply reduced pensions and benefits was withdrawn.”<sup>63</sup>

In 2005 the NJEA also launched an “unprecedented” ramp-up of NJEA’s get-out-the-vote (GOTV) effort to elect NJEA-friendly Jon Corzine as governor. Corzine won, as did 90 percent of NJEA-endorsed legislative candidates.<sup>64</sup>

Corzine soon showed the value of his election and the extent of union—and NJEA—influence over him. At a 2006 rally of 6,000 public employees in support of his \$1.2 billion pension payment plan and proposed sales tax hike, Corzine brazenly told the assembled special interests: “I will fight for you”<sup>65</sup>—seemingly forgetting that New Jersey citizens elected him to fight for them. As part of its support for Corzine’s budget, the NJEA launched a \$2 million media campaign that included 15,000 postcards sent to legislators, as well as cable TV and radio ads.<sup>66</sup> Corzine’s budget with full pension funding passed.

### **The NJEA’s Clout Prevails Again: The 2006 Special Session**

Confronting the perennial problem of New Jersey’s highest-in-the-nation property taxes, Governor Corzine ordered the legislature into a special session in 2006 to reign in the costs driving up property taxes by reducing public employee benefits. The legislature created four committees, which came up with 41 recommendations.<sup>67</sup>

The NJEA showed why it preferred a special session of the legislature to a Con-Con: “The entire organization organized around the special session.”<sup>68</sup> President Joyce Powell pledged “the full resources of the organization . . . working non-stop” to oppose any adverse proposals.<sup>69</sup> As part of its campaign, the NJEA intensively lobbied the legislature, monitored all the committees and testified before many of them, sent 24,000 emails, and “conducted the biggest employee rally in more than a decade.”<sup>70</sup>

At the rally, 25,000 teachers and other public employees gathered outside the State House protesting proposed changes to pensions. They wore buttons that read, “In November, We’ll Remember.” Reflecting the NJEA’s bipartisan clout, 15 legislators—six Democrats and nine Republicans—attended the rally.

The message to Governor Corzine was clear: The political director of the NJEA-allied Communications Workers of America declared that rather than solve the issue with legislation, “We expect the Governor to live up to his commitment to negotiate these issues. If he doesn’t, it will be a major problem.”<sup>71</sup> Likewise, NJEA President Joyce Powell stated that any pension cuts would be met with “severe opposition from NJEA members across the state.”<sup>72</sup>

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## **The special session ultimately produced only minor changes to the pension system, a result that suited the NJEA but has been a disaster for New Jersey.**

Corzine got the message. He backed off and got the Democratic legislature to follow suit. A few property tax reforms were passed, but Corzine ignored most of the special session’s recommendations. Acceding to union wishes, he promised to deal with health benefits as part of collective bargaining with state public employees—in the hope that this would in turn affect the collectively bargained agreements at the local school district level that covered educators.

Clearly pleased with its success, the NJEA took credit for being “able to hold off harmful pensions and benefits bills that emerged from the special session.”<sup>73</sup> The special session ultimately produced only minor changes to the pension system, a result that suited the NJEA but has been a disaster for New Jersey.

As for health care, the NJEA was able to shape the resulting bills to its liking. As openly stated in the sponsor’s statement, “reflecting discussions with the

New Jersey Education Association,”<sup>74</sup> the legislation guaranteed premium-free retirement health benefits and created a new educator-only School Employees Health Benefit Plan in which the NJEA had “greater representation and more control over what happens to members’ benefits than under the old SHBP [State Health Benefits Plan].”<sup>75</sup>

In an after-action assessment, the NJEA revealed that it had had three main objectives in discussions with Corzine regarding teacher health care reforms: separate teacher benefits from state worker benefits, ensure retirement security, and maintain quality. The NJEA achieved all three.<sup>76</sup>

Similarly, the NJEA was able to affect the other major law coming out of the special session regarding school district budget caps.<sup>77</sup> A *New York Times* editorial concluded that “the special interests, including the self-interests of the legislators themselves, are undermining reform at everyone else’s expense.”<sup>78</sup>

The year 2008 brought familiar challenges and results. Two powerful Democratic senators, Majority Leader Steve Sweeney and Budget Chair Barbara Buono, proposed bills based on the special session to rein in pension costs. The NJEA once again kicked into high campaign gear.

President Joyce Powell made the message clear: “Legislators need to know that when it comes to pensions and benefits, we don’t play games—other than hardball.”<sup>79</sup> Its brand of hardball included 80,000 emails, thousands of postcards, lobby days, radio and newspaper ads, and a five-day TV ad campaign.<sup>80</sup> It also mobilized 12,000 members for demonstrations at 35 district offices of 30 senators and a demonstration in Trenton vowing to “Remember in November.”<sup>81</sup>

The NJEA got its desired result: “For two weeks, no legislator could escape hearing about NJEA’s opposition to pension reduction.”<sup>82</sup> The NJEA killed three Sweeney/Buono bills and watered down others. Powell proclaimed, “This outcome represents a clear victory over Sens. Sweeney and Buono.”<sup>83</sup>

Predictably, the NJEA went all-out for Corzine in 2009, spending money, mobilizing 4,677 members to volunteer for the Corzine campaign, and even locating a Corzine campaign office in the NJEA’s headquarters. Members made phone calls to the entire

NJEA membership and engaged in face-to-face contact with locals.<sup>84</sup> And changes to vote-by-mail laws allowed the NJEA to extend its GOTV program into a two-month campaign.<sup>85</sup> Corzine lost, but 97 percent of NJEA-endorsed candidates won.<sup>86</sup>

## The Christie Era

In 2009, Republican Chris Christie was elected governor on promises to reform the ways of Trenton, but once elected, he had to face the NJEA and its union allies. As a noted New Jersey columnist characterized it at the time: “The unions’ political power among incumbent legislators, whose careers have been bankrolled by union largess, remains a daunting hurdle” to reform.<sup>87</sup>

With a hostile governor, the NJEA ramped up its political efforts. NJEA members protested education aid cuts, caused by the Great Recession, in Christie’s first budget. The NJEA also spent \$300,000 on TV, radio, and newspaper ads criticizing Christie. NJEA Executive Director Vince Giordano threw down the gauntlet: “We put out that \$300,000 and we’ll put out tenfold if we have to, to maintain that fair voice in the public arena. . . . No tactics are off the table in 2010. There could be mass rallies and job actions. The union could pull back on contributions to lawmakers who vote against its interests.”<sup>88</sup> True to Giordano’s words, the NJEA and its union allies launched a massive 35,000-person protest in Trenton in May<sup>89</sup> and spent \$6 million on TV and radio ads.<sup>90</sup>

These activities carried over into 2011 as the pension and benefits fight continued. The NJEA held rallies at key senators’ offices and lobby days in Trenton and invested heavily in a media campaign. It also developed new political tools to aid its fight, such as regional response teams in each county to organize members to respond to new challenges. It created a new website to encourage New Jerseyans to send legislators form emails protesting the cuts. During Christie’s first two years in office, the NJEA spent a record \$17.5 million on lobbying.<sup>91</sup>

The *New York Times* characterized the NJEA of the early Christie years as “easily the most powerful



union in New Jersey and one of the more powerful local unions in the country. In Trenton, the union’s organizing might—and its willingness to use that might to intimidate candidates and lawmakers—has sunk a small shipyard of promising careers.”<sup>92</sup>

But Governor Christie was a political force in his own right. He teamed up with Democratic Senate President Steve Sweeney and moderate Democrats to pass New Jersey’s first serious pension and health care reform laws.

In response, the NJEA staged “raucous protests by thousands of people whose chants, vowing electoral revenge, shook the State House” and broadcast advertisements attacking Democrats who supported the bill.<sup>93</sup> Not one lawmaker who voted for Christie’s pension reforms was endorsed by the NJEA in 2011. As NJEA President Barbara Keshishian explained, “Our members refuse to give resources and their own time to campaign for legislators who hurt them and their families.”<sup>94</sup>

The NJEA continued to seek better ways to exert its political clout. In an ominous change, it created the NJEA Political Leadership Academy, “a conscious initiative by NJEA to help members run” for public office.<sup>95</sup> The NJEA brought in the best campaign fundraisers and managers to teach candidates how to plan a campaign and raise funds.<sup>96</sup> Unbothered by the blatant conflict of interest, the NJEA’s rationale was clear:

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.<sup>97</sup>

Even with Governor Christie coasting to reelection in 2013, the NJEA spent \$3 million for a cable TV campaign against Christie.<sup>98</sup> Christie won decisively, but 89 percent of NJEA-endorsed candidates were elected to the legislature. The NJEA claimed success in “electing a pro-education legislature.”<sup>99</sup>

Although 2014 was an off year for state elections, the NJEA remained active and revealed another facet

of its political clout. With the State Board of Education considering regulations for a new teacher evaluation system, the NJEA launched a letter-writing campaign. It succeeded: “The changes to the evaluation system came about because of a massive, concerted and sustained lobbying effort orchestrated by the Association.”<sup>100</sup> NJEA President Wendell Steinhauer offered special praise for “the thousands of NJEA members who responded to the call for action.”<sup>101</sup>

## The Pension Funding Fight

In 2015, the NJEA initiated a campaign to force full pension funding in the legislative budget. It started with a multimillion-dollar TV ad campaign and followed with the two largest lobby days in the NJEA’s history.<sup>102</sup> The NJEA claimed to have 20,000 member “activists” ready to support the fight and, with assembly elections looming in the fall, vowed to hold legislators accountable for their votes.<sup>103</sup>

Governor Christie vetoed the legislature’s budget, but the NJEA delivered on its threats and did not endorse any legislator who voted against the fiscal year 2016 state budget.<sup>104</sup> At long last, the NJEA also defeated four incumbent Republicans who had voted against the budget. “NJEA Members Achieve Huge Election Victory,” trumpeted the headline in the *NJEA Review*.<sup>105</sup>

President Steinhauer made clear that the NJEA was finally holding lawmakers accountable for their pension-funding votes:

NJEA members delivered a resounding message to all legislators in the Nov. 3 elections and it will reverberate for a long time: . . . if you refuse to uphold the law to fund our pensions, we will elect candidates who will. That’s exactly what we did, because in addition to re-electing every Assembly member who supported pension funding last spring, NJEA members were instrumental in replacing four incumbent Republicans who opposed pension funding. Whatever it took, our members did it. They organized. They phone-banked. They door-knocked. They urged families, friends and neighbors to support

our candidates. And they won. . . . Every elected official in New Jersey, Democrat and Republican alike, understood that NJEA members’ votes cannot be taken for granted.<sup>106</sup>

In all, 88 percent of NJEA-endorsed candidates were elected.<sup>107</sup>

The NJEA once again revealed a new tactic in its political efforts. Previously, it had primarily used its volunteer army to mobilize its own members to vote. Starting in 2015, the NJEA played a direct role in providing volunteers to staff candidate campaigns.<sup>108</sup> The NJEA acted as a recruiter and coordinator for NJEA-endorsed 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.”<sup>109</sup>

Concurrently, the NJEA’s Leadership Academy continued to increase the number of NJEA members running for public office, with 239 members on the ballot for various local elections.<sup>110</sup>

## The Showdown with Sen. Sweeney

On the back of the 2015 budget defeat, the NJEA developed an audacious new plan to secure pension funding. The New Jersey Supreme Court had ruled that while educators had a nonforfeitable contractual right to their promised pension benefits—as granted by the 1997 law—they did not have a right to the funding of those pensions. The NJEA sought to change that by amending the state constitution. To do so, the legislature had to approve putting the amendment on a ballot by votes in two consecutive sessions. The NJEA succeeded in getting the 2015 legislature to pass the amendment and pushed for the 2016 legislature to do the same in time to secure a position on the November 2016 election ballot.

Once again, the NJEA kicked into full campaign mode. Revealing its almost unlimited resources, no expense was spared. Early in 2016, the NJEA started polling and holding focus groups to test public

attitudes and shape messaging. It hired experts to advise the NJEA on member engagement, public messaging, and voter turnout. The NJEA made clear that “we aren’t going to guess at messaging or leave our target audiences to chance. . . . We will devote the resources necessary to succeed. . . . Members working on the ground campaign . . . will give us the margin we need to win.”<sup>111</sup> Those on-the-ground efforts included the #VoteNJPension website and social media platform and a campaign to get members to talk to friends, family, and colleagues and urge them to become “pension activists.”

In a new twist, the NJEA also established the Summer Fellows program (SFP), through which it hired and trained 300 members (called “pension fellows”) to educate and organize the full membership for political action. The fellows “worked to motivate member volunteers around the state and coordinate campaign-related activities.”<sup>112</sup>

The SFP had seven regional offices and mobilized 45,000 “pension activists” who made 130,000 phone calls, knocked on 5,000 doors, and attended four rallies and a lobby day.<sup>113</sup> As the August deadline for passing the amendment came, the fellows organized a rally to push for the pension amendment vote. Members descended on Trenton and “booed and hooted from the packed galleries” as the senate deliberated.<sup>114</sup> At the rally, Assembly Speaker Vincent Prieto echoed Governor Corzine from a decade earlier: “In November . . . I will work with each and every one of you and leadership to make sure this is a reality and we get an affirmative vote and we get it passed. . . . So, together we can get it done.”<sup>115</sup> Predictably, the assembly passed the bill.

Moving to the senate, the NJEA resorted to its time-tested intimidation tactics to pressure Senate President Steve Sweeney. The NJEA called the state’s Democratic Party county chairmen and threatened to not make any campaign contributions to Democrats until the senate voted on the amendment.<sup>116</sup>

NJEA President Steinhauer challenged Sweeney directly: “Next year isn’t good enough. . . . We need a leader who will keep the promise. We will not accept anything less than the amendment he [Sweeney] promised this year.”<sup>117</sup> NJEA Vice President Marie

Blistan led a rally with hundreds of NJEA members outside of Sen. Sweeney’s home district office. Press accounts noted the political stakes for Sweeney: “Delaying the pension proposal could damage Sweeney politically, since he is likely to run for governor in an anticipated primary next year where union support will be crucial.”<sup>118</sup>

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## **Its taste for revenge not sated, the NJEA has since set up an anti-Sweeney website and spent \$317,800 on attack ads during the 2017 legislative primaries.**

When Sweeney ultimately did not allow a vote and the amendment died, the NJEA vowed revenge. President Steinhauer threatened: “We’re going to be involved at every level. We’re going to take the energy that we were putting into this amendment and turn it right over and channel it into finding better leaders for the next year and a half.” NJEA protesters at an anti-Sweeney rally chanted, “Bye, bye, Sweeney.”<sup>119</sup>

True to Steinhauer’s threats, the NJEA PAC Operating Committee unanimously passed a resolution to become involved in gubernatorial primaries. Traditionally, the NJEA had rarely been involved in primaries, but the committee’s vote was “precipitated by Senate President Steve Sweeney’s failure to hold the constitutional amendment pension vote.”<sup>120</sup> The NJEA was unequivocal: “If we don’t like the decisions that are being made, we have an obligation to change the decision-makers.”<sup>121</sup>

So the NJEA’s political machine pivoted. The summer fellows went from being “pension” activists to “bye, bye Sweeney” activists. As the NJEA described, “Instead of calling on members to pressure the Senate to pass SCR-2, [fellows] alerted members to the need for their involvement in the primary election process.” Blistan told members, “Rather than only casting a vote on a constitutional amendment, we need to shift our focus to include casting our ballots for people . . . who actually keep their word”—meaning someone other than Sweeney.<sup>122</sup>

Shortly thereafter, the NJEA endorsed gubernatorial candidate Phil Murphy in the Democratic primary, and Sweeney soon indicated he would not run. Its taste for revenge not sated, the NJEA has since set up an anti-Sweeney website and spent \$317,800 on attack ads during the 2017 legislative primaries,<sup>123</sup> with the NJEA once again being the top spender in a record amount of independent expenditures for primary elections. The NJEA has also threatened to challenge Sweeney for leadership of the state senate<sup>124</sup> and, echoing 1991, has endorsed Sweeney’s Republican opponent (a Trump supporter) in the 2017 election. The fight continues to this day.

## **All Politics, All the Time**

Following a series of political setbacks in 2016, the NJEA took an even more aggressive route, leading with the phrase, “Don’t mourn. Organize.” It told members, “Every member . . . has a role to play at all levels: locally, statewide, nationally, and personally. . . . Get involved in local politics.”<sup>125</sup>

The NJEA took its own message to heart, informing summer fellows that the NJEA was “shifting its style of unionism from that existing ‘service model’ to an ‘organizing model.’”<sup>126</sup> The SFP’s trained political organizers formed the core of this shift. Areas of potential action ran the gamut of the NJEA’s political challenges: stalled contract negotiations, outsourcing of public services, underfunding, standardized tests. Looking to the future, the NJEA sees itself as an all-politics-all-the-time organization: “We need to take New Jersey back, and we can only do that with

engaged, informed, involved members who see NJEA not merely as a service provider, but as an opportunity to organize.”<sup>127</sup> So, presumably in addition to teaching, the NJEA now sees political action as “an unwritten part of the job description.”<sup>128</sup>

As part of this transformation, the SFP appears to have evolved into a permanent training program for a statewide political organizing cadre. The NJEA is currently offering a paid, five-week training course for members to gain “firsthand experience in union organizing with a primary focus on statewide elections and member engagement.”<sup>129</sup> Fellows will work with NJEA staff to develop campaign plans and networks of volunteers to be organized for the November 2017 elections. The goal is to create “sustainable member led advocacy teams . . . to continue organizing work past the fellows program” and “to schedule events into the fall on support of NJEA electoral goals.”<sup>130</sup> All fellows will be expected to volunteer a minimum of 10 hours from September to November to help the NJEA’s election efforts statewide.<sup>131</sup>

In another apparent long-term shift, the NJEA’s core political organizing leaders have been moved to the executive office. Until recently, political organizing was the province of the NJEA’s UniServ division, but since 2013, most of the senior UniServ positions have been moved to the NJEA’s executive office. As a result, in NJEA’s most recent configuration, 7 of 11 professionals in the executive office are former UniServ political organizers, and their titles and functions appear to be very much the same. With three new temporary field representatives and one unfilled organizing position, 11 out of 15 executive

office employees are involved in political organizing. All politics, all the time.

In furtherance of this new model, the Leadership Academy continued to churn out NJEA-member candidates, with 254 members running for county, municipal, and school board offices in 2016.<sup>132</sup>

## Modern New Jersey Politics Is a NJEA-Dominated Status Quo

New Jersey’s political status quo is largely of the NJEA’s making. With its outsized political clout, it has rigged New Jersey’s political playing field in its favor. While currently favoring Democrats, the NJEA has been so powerful that it has influenced lawmakers from both parties and gained favorable legislative outcomes regardless of which party is in power. Save for brief periods of retrenchment—such as during Governor Christie’s first term—there has been little interruption of the NJEA’s dominance.

The New Jersey we have today—with the highest taxes, the worst-funded pension, and the worst business climate in America—is the result. It is time for New Jersey to wake up to this reality before it is too late.

## About the Author

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# Notes

1. In accordance with Government Accounting Standards Board statements 67 and 68. Joshua Rauh of the Hoover Institution uses a more conservative discount rate to arrive at an unfunded pension liability of \$161 billion, which when added to retiree health care liabilities of \$67 billion, equals \$227 billion. The Stanford Institute for Economic Policy Research estimates unfunded pension liabilities at \$186 billion, or with health benefits, \$253 billion. This does not include unfunded liabilities of \$41 billion at the local government level. The Office of Public Finance of the State of New Jersey, “State of New Jersey Debt Report Fiscal Year 2016,” March 10, 2017, 66, 69.
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6. New Jersey Education Association, “Some Goals for ’85–’86,” *NJEA Review* 59, no. 1 (September 1985): 6.
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12. Christie, “NJEA: The Power and the Glory,” 18.
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