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## **November NJ election has bigger implications than partisan control**

The point has been buried in the political free-for-all surrounding Gov. Chris Christie's decision to hold a special election for the U.S. Senate three weeks before his own election.

With all the chatter about how an early election featuring a big-name Democrat could divert attention from the November balloting and help Christie romp, Democrats are now most worried about something else: They can lose control of the state Legislature. For Christie, the biggest prize is the state Senate.

If Republicans take control, the governor could reshape the state Supreme Court and push to reverse judicial precedents on school aid to poor districts and affordable housing that have defined New Jersey politics for more than a generation. And that could help Christie build conservative credibility that he can use on the campaign trail if he runs for president in 2016.

"I think if we're able to get a majority in the Senate, we'll be able to control the agenda," said state Sen. Michael Doherty (R-Warren), a conservative who contends middle-class suburbanites are short-changed by how New Jersey funds schools and is pushing to revamp the system.

Publicly, Democrats are optimistic about their chances to hold the Senate and Assembly, with a fundraising advantage over their Republican counterparts and a favorable legislative map they won two years ago.

Senate Majority Leader Loretta Weinberg (D-Bergen) said "everything I've seen" — from polling to the district map — indicates they'll maintain control. But she acknowledged that having the back-to-back elections — with the October Senate race likely to get bigger attention from Democrats — is worrisome.

"You've got a really popular governor and you've got this kind of crazy three weeks before election, which is going to drain air out of the room and important resources," Weinberg said. "So that makes us even have to be more careful."

Republicans are gunning hard for the seats held by state Sens. Jeff Van Drew (D-Cape May) and Jim Whelan (D-Atlantic) in South Jersey, and even say they're trying to take out Senate President Stephen Sweeney (D-Gloucester).

Other targeted races are District 14 in Central Jersey, where Sen. Linda Greenstein (D-Middlesex) has withstood two tough challenges since taking office in 2010; and in North Jersey's District 38, where the quiet intellectual Sen. Robert Gordon (D-Bergen) has held the seat since 2008.

Democrats hold a 24-16 majority in the Senate and a 48-32 majority in the Assembly. The Senate is important to Christie because he can't get the nominees he wants — including Supreme Court justices — without its approval.

While the Republican governor has steamrolled opponents, co-opted Democrats and effortlessly nixed legislation they have sent to his desk, he's been unable to defeat or bend the Supreme Court. For example, two years ago the court ordered Christie to send \$500 million more than he had budgeted to fund the 31 needy school districts.

And Christie's attempts to change the makeup of the court hit a wall in the Democratic-controlled Senate.

After the governor broke decades of tradition and refused to renominate Justice John Wallace Jr. to the bench in 2010, he's had trouble getting his nominees confirmed: It took a year for the Senate to approve Anne Patterson; Bruce Harris and Phil Kwon were rejected; and his current nominees, Robert Hanna and David Bauman, have been in limbo for more than six months.

Sweeney said his members' close scrutiny of Christie's picks is, more than anything, about maintaining judicial independence.

"The one thing I've always had confidence in is that the judges are actually making decisions on what they believe the law is," Sweeney said. "Not, 'Will I get renominated?'"

The court rulings Christie seeks to reverse have burned up conservatives for years. The biggest chunk of state school aid consistently goes to the poorest districts because of the 23-year-old Abbott vs. Burke decision. Towns have faced quotas on building affordable housing units for almost 40 years because of a string of Supreme Court cases known as the Mount Laurel decisions, which critics say leads to over-development and bureaucratic nightmares.

"Gov. Christie's made it pretty clear that he'd like to change the makeup of the Supreme Court," Doherty said. "That would put him in a better position to address some of the issues, such as Abbott and Mount Laurel."

Christie has called the affordable housing rulings an "abomination." As recently as Wednesday, he called the justices "blind" for continuing to insist that poor school districts get most state aid, and said it won't change "until we change the Supreme Court." And last month he called Justice Barry Albin a "grandstander" after Albin urged judges to resist political pressure.

Sweeney said preserving the two long-standing decisions is important. "There are 700,000 more Democrats than Republicans in the state. It's a moderate state. It's not a conservative state," he said. "There are things the people of the state believe in, and we expect our courts to uphold the laws that the people of New Jersey believe in."

Brigid Harrison, a professor of political science at Montclair State University, said gaining control of the court would give Christie a chance to build an "enormous legacy."

"I think he would greatly enjoy not just the legacy of being able to reshape school funding and any number of different public policy issues, but also bring those bragging rights into 2016," Harrison said.

Staci Berger, an affordable housing advocate, said the importance of the future of the court goes much deeper than Democrat or Republican labels. She noted that Christie has been able to circumvent the Legislature on key issues, but only the court has been able to stop him.

“The Legislature has said ‘don’t,’ ” Berger said. “But the court has said ‘You can’t.’ ”

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