



COLUMNIST

Murphy's Mess

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Despite nearly always producing eye-rolling skepticism, the “I didn’t know anything about it until I read it in the newspaper” rationale was quickly seized upon by Gov. Phil Murphy to explain and distance himself from the **sexual assault scandal that threatens to engulf** his Administration, endangering his agenda and weakening him for the remainder of his first term.

Even in the wake of testimony before a joint legislative investigating committee that several of his closest staff members were fully aware of the allegations lodged by Kate Brennan, chief of staff at the Housing and Mortgage Finance Agency, that in April of 2017 she’d been raped by a member of his campaign team who was later appointed to a \$140,000 position, Murphy has stuck doggedly to his contention that no one told him of the accusations prior to their becoming public in October.

Only the most gullible would accept without reservation that neither the chief of staff, chief counsel, deputy chief counsel, campaign attorney or ethics officer felt it sufficiently important to share with the governor that the assault allegations had been brought to their attention.

The committee has said it intends to seek testimony from the staff personnel identified by Ms. Brennan in her testimony and has not ruled out calling the governor as well, although that seems unlikely.

Should any of these staffers or other Administration officials be summoned as witnesses and placed under oath, it will be crucial for them to offer consistent explanations, support the governor’s claim of no prior knowledge and offer a valid reason for withholding the information from him.

It will certainly occur to them that protecting the governor poses a risk; that somewhere in the Statehouse basement, a whetstone is spinning madly honing a sword for one of them to fall on.

Brennan's testimony was riveting and eminently credible. She was, she said, assaulted by Albert Alvarez, a campaign official, reported it to law enforcement, brought it to the attention of senior Administration officials, and sought a meeting with the governor.

That meeting never took place although Murphy responded to her e-mail by counseling her to "hang in" because "we're on it." The latter comment, as intriguing as its interpretation may be for some, was dismissed by Murphy as nothing more than an acknowledgement of her request.

All the while Alvarez was serving as chief of staff to the School Development Authority, a position to which he was appointed during the transition period.

Despite Brennan receiving assurances that Alvarez had left government in June, his resignation was not submitted until October, a day before the assault allegations hit the media and — according to Murphy — when he learned of it.

Brennan testified that she repeatedly sought action by the Administration only to be frustrated at every turn until finally being informed that because the assault allegedly took place before either she or Alvarez were state employees, there was nothing state authorities could do.

If the governor's word is to be accepted, he was unaware of the allegations or that several of his high-ranking staff members were involved in dealing with them.

If his staff did, in fact, withhold the information, it is a remarkable failure on their part to either collectively appreciate the potential impact of a public disclosure or to understand that keeping the governor in the dark was a grievous mistake.

Sorting through all the issues that flow into the executive office on a daily basis to determine which should be dealt with at the staff level and which deserve gubernatorial attention requires political instinct and administrative judgment to avoid becoming bogged down in micro-management.

It's micro-managing, for example, when the governor's office directs the Department of Treasury how many ballpoint pens to purchase or when it decides how many reams of letterhead to order.

Allegations like those brought by Ms. Brennan demand attention at a far higher level and informing the governor of the details.

A failure to do so inevitably leads to suspicion that a cover-up has been devised and that the governor's response is simply not believable.

The template for the "I wasn't aware of it" defense was carved by former Gov. Chris Christie who disavowed any advance knowledge of the harebrained scheme cooked up by some of his staff to restrict access lanes to the George Washington Bridge as political payback to the mayor of Fort Lee for refusing to endorse the governor's re-election bid.

The similarities between the Christie of 2013 and the Murphy of 2018 are obvious. Christie, despite courtroom testimony from several witnesses that he'd been made aware of the scheme, stood his ground and has continued to deny any involvement.

Murphy has adopted the same position, forcefully denying he was aware of the sexual assault allegations while expressing his concern for Ms. Brennan and reiterating his commitment to assuring compassion and justice for harassment or assault victims.

Murphy was reportedly unhappy over the Legislature's decision to move ahead aggressively with its investigation not only of Ms. Brennan's accusations, but to examine the Administration's overall hiring practices as well.

Despite Murphy's urging that the committee concentrate on policy and procedural issues, the assault charges will be the focus of the investigation and intense media coverage. Was the governor informed and by whom or was the information deliberately withheld from him are questions at the center of the inquiry.

Ms. Brennan asked in her testimony why the Administration displayed no interest in her plight until it became front page news, telling the committee that values are distorted when it is necessary to turn to the media to seek justice.

Murphy may be on shaky ground by his insistence that he knew nothing of the incident until he came across it perhaps while sipping coffee over his morning newspaper.

The responses elicited by the committee can either firm up that ground or cut it from beneath his feet entirely.

Carl Golden is a senior contributing analyst with the William J. Hughes Center for Public Policy at Stockton University.