

# The Star-Ledger

## Corzine continues to fight against release of e-mails

**State appeals court will hear the arguments tomorrow**

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Gov. Jon Corzine spent the fall rolling out plans for economic stimulus and ethics reform, campaigning for Barack Obama and fielding questions about whether he's angling for a cabinet job.

His fight to keep secret the e-mails he exchanged with ex-girlfriend and former state workers union leader Carla Katz stayed under the radar. But the case -- a thorn in Corzine's side as he seeks re-election in 2009 -- is front and center again with state appeals court arguments slated for tomorrow.

Despite a confidential internal poll's findings that more than half of New Jersey voters want the e-mails released, Corzine this week reiterated that the court process should play out.

"I think I've said clearly that we have a responsibility to defend what the attorney general is recommending to us -- that this should be covered by executive privilege," Corzine said Monday. He declined to comment in detail, citing the "pending litigation."

Corzine and Katz are separately appealing a May ruling by Superior Court Judge Paul Innes, who ordered the release of hundreds of pages of correspondence between the governor, his aides and Katz during a period that included negotiations of a new contract for the state workers Katz represented as then-president of Communications Workers of America Local 1034.

State Republican chairman Tom Wilson, who sued for access to the e-mails, called the Democratic governor's argument "an unprecedented effort to expand secrecy."

"For somebody who keeps saying he has nothing to hide, he spends an awful lot of time and taxpayer money trying to keep something secret," Wilson said.

Corzine has refused to describe the content of the e-mails, saying in May: "Most of them you will find extraordinarily boring." He has said he wants the court battle resolved before the 2009 gubernatorial election, but has not decided whether to ask the state Supreme Court to take the case if he loses the appeal.

Corzine's legal rationale for withholding the documents relies on executive privilege, the doctrine that chief executives must be able to keep certain communications secret. The state's latest brief on the case, filed last week, claims that releasing the Katz e-mails would invite a cascade of requests and allow "anyone who asks" to search the governor's e-mail "on any issue of interest."

That, Corzine's lawyers claim, would "impair seriously the governor's ability" to have candid conversations with "a wide array of sources," and impair his decision-making.

Wilson disagrees, asking the appeals court in Trenton to uphold Innes' ruling, which said the Corzine-Katz relationship "created a clear potential for conflict" the public has the right to evaluate.

He points to the judge's decision that executive privilege does not apply to "back channel communications" between Corzine and Katz when they were adversaries in contract bargaining.

Katz argues the e-mails should be kept secret for a different reason: They were sent "in connection with" union negotiations, and qualify for an exemption under the state's Open Public Records Act. That claim led her former union, the CWA, to file a brief in October questioning whether the e-mails amounted to illegal contract bargaining because Katz was not authorized to negotiate.

Katz's attorney, Paul Fishman, said in court papers the union and Wilson "distort Katz's argument" by trying to make the issue whether Corzine and Katz were engaged in bargaining, when the law also protects e-mails that are "in connection with" bargaining.

A confidential re-election poll Corzine commissioned in August showed 58 percent of New Jersey voters question Corzine's integrity because of his relationship with Katz, and 54 percent believe he should release the e-mails.

Patrick Murray, director of the Monmouth University Polling Institute, said the e-mail issue is "under the radar" but could grow "when voters turn their attentions to the gubernatorial race."

"Regardless of what's in these e-mails, it is in the governor's best interest to have this settled as soon as possible," he said.