

# The Star-Ledger

## Katz argues Corzine e-mails should be exempt

Friday, September 26, 2008

**BY CLAIRE HEININGER**  
Star-Ledger Staff

Former state workers union leader Carla Katz says e-mails she exchanged with Gov. Jon Corzine should be kept secret because they were sent "in connection with" union negotiations.

In a legal brief filed yesterday, Katz argues the e-mails -- which a judge has ordered released -- are exempt from disclosure under the state's Open Public Records Act. The law contains a special exception for collective bargaining correspondence.

Katz, the former president of Communications Workers of America Local 1034, dated Corzine before he became governor in 2006, and he gave her millions of dollars in gifts. Both are appealing a Superior Court judge's May ruling that they make public correspondence exchanged by the Democratic governor, his staff and Katz while the administration hammered out a new state worker contract last year.

Her arguments mirror those she has made previously, which differ from Corzine's reasons for keeping the e-mails private. The governor argues the communications should be protected by executive privilege, and while he has declined to discuss their contents, he has said "the bargaining was done at the bargaining table."

But Katz's attorney said bargaining "takes place at the table, in the hallways, face-to-face, and over the phone."

"It involves one-on-one conversations, group discussions, and written exchanges of views," wrote the attorney, Paul Fishman.

The e-mails were either "in connection with" collective bargaining, or about private matters, Fishman said.

The case stems from a lawsuit filed by state Republican chairman Tom Wilson, who sought access to the e-mails and questioned whether they tainted negotiations. In his ruling in May, Superior Court Judge Paul Innes said the Corzine-Katz relationship "created a clear potential for conflict" that the public had the right to evaluate.

Attorneys for Corzine, Katz and Wilson are scheduled to argue before an appellate court on Nov. 13. A spokesman for Corzine yesterday referred comment to the Attorney General's office, which declined to comment.

"The real loser here is the public who is being prevented from judging for themselves whether or not Jon Corzine was inappropriately influenced by his personal relationship with Carla Katz," Wilson said yesterday. "The only way to resolve this is for Corzine to drop the appeal and release the e-mails."

Claire Heining may be reached at [cheining@starledger.com](mailto:cheining@starledger.com) or (609) 989-0273.