

Minority Statement:

*The New Jersey Legislative
Select Committee on Investigation's
George Washington Bridge Inquiry*

December 8, 2014

Table of Contents

Introduction	Page 2
I: The Public Committee Started Down a Political Road	Page 5
1. Democrats’ Politics Trumped Public Trust	Page 7
2. ‘The Greater the Power, the More Dangerous the Abuse’	Page 9
3. Top Members Should’ve Been Banned from Committee	Page 12
4. A Member Proactively Addressed Perceived Issues	Page 22
II: A Questionable Choice for ‘Bipartisan’ Inquiry	Page 25
1. A Go-To Firm for Democrats: Jenner & Block	Page 27
2. Additional Problems with Committee Counsel	Page 33
III: Co-Chairs Sabotaged the Inquiry	Page 38
1. Prejudicial Comments: A Hunt for Attention	Page 39
a. ‘Inquiry to Lynching’	Page 45
b. Co-Chairwoman: ‘The governor has to be responsible’	Page 49
c. Co-Chairs Should’ve Quit Committee, Too	Page 62
d. Co-Chairs Did What They Criticized Mastro For Doing	Page 63
e. Co-Chairs Continued to Advance Democrat Scheme	Page 67
2. Unlawfully Leaked Documents?	Page 72
IV: Inquiry’s Doom: Bungled Court Case	Page 83
V: Republicans Tried to Develop a Successful Inquiry	Page 87
1. Committee Should’ve Been Democratized	Page 88
2. Painfully Wasteful Meetings Could’ve Been Avoided	Page 90
VI: A High Price for Failure	Page 98
1. Administration’s Transparency Opened Door for Reform	Page 99
2. Democrats Shut the Door on Reform	Page 103
3. Double-Standard for Democrat Abuses	Page 111
a. Bipartisan Calls for Booker Inquiry Went Unanswered	Page 111
b. Holland Tunnel Traffic Problems Considered OK	Page 114
4. Picking Up the Co-Chairs’ Political Tab	Page 116
VII: Statement Signed & Delivered	Page 119
Attachment A: Response to Democrats’ December 8, 2014 “Interim Report”	

Introduction

Abuses of power, public corruption and the misuse of public resources are unlawful, unacceptable and must be prevented at all costs.

During the week of September 9, 2013, employees of the Port Authority of New York & New Jersey reassigned three George Washington Bridge access lanes in Fort Lee, New Jersey. That highly questionable maneuver appropriately led to considerable fallout, including: the governor firing his deputy chief of staff and cutting ties with his former campaign manager, as well as the resignations of a Port Authority chairman and two senior agency officials. It subsequently brought about an ongoing criminal investigation by the U.S. Attorney for the District of New Jersey.

An opportunistic and power-hungry politician also used those reprehensible lane reassignments as cover, while leading a legislative committee to try to execute a two-pronged political mission: take down Governor Chris Christie, the biggest political threat to state and national Democrats, and in so doing, become the next Democrat gubernatorial candidate.

This Minority Statement exposes the wasteful ways that New Jersey State Assemblyman John Wisniewski and his Democrat allies politicized the taxpayer-funded New Jersey Legislative Select Committee on Investigation. Assemblyman Wisniewski and some of his Select Committee colleagues repeatedly misled the public; manipulated media

coverage via false leads, seemingly unlawful leaks and baseless claims; charged taxpayers millions of dollars to promote political fiction; and accomplished nothing meaningful for the public good. Their actions have raised many unanswered potential legal and ethical concerns surrounding apparent conflicts of interest and the use of public resources for political purposes.

What could have been heralded as an impartial national investigative model, such as the 9/11 Commission, the Democrat-controlled Select Committee was rendered a shiftless, broken political vehicle. The impartiality, integrity, political nature and overall value of the Select Committee's George Washington Bridge inquiry were questioned right from the start.

On January 15, 2014, Stuart Rothenberg wrote for Roll Call how a legitimate inquiry had turned to a "lynching" as an effort to destroy the Republican governor's potential bid for the presidency. Mr. Rothenberg wrote, "... it isn't too soon to wonder when the accusations and media frenzy crossed the line from inquiry and investigation to political lynching." Mr. Rothenberg added, "What I haven't yet heard from those covering the controversy is much talk about how politically motivated the investigations are and how inflammatory the coverage has been."

Mr. Rothenberg's article continued, "New Jersey and national Democrats are jumping on the story and pursuing other inquiries that they hope will uncover information embarrassing to Christie in the hope of destroying his 2016 candidacy for president. They

rightly see him as a threat — probably the strongest general-election candidate the GOP could nominate — so they are trying to destroy him politically.”

In the end, despite outlandish and unsubstantiated claims by the Select Committee co-chairs and their Democrat allies, there was no evidence discovered to connect the governor with the George Washington Bridge lane reassignments, and an opportunity to reform the Port Authority was lost at substantial cost to the taxpayers.

Chapter I:

The Public Committee Started Down a Political Road

Out of the 120 representatives from New Jersey’s 40 legislative districts, the unabashedly partisan Democrat Assemblyman John Wisniewski was given unchecked and unprecedented powers, and with them the state taxpayers’ credit card to run anything but a lawful, credible and fair inquiry into the September 2013 reassignment of three George Washington Bridge access lanes in Fort Lee, New Jersey.¹

It is no accident that Assemblyman Wisniewski, seemingly supported by national and state Democratic hierarchy, was put in charge of the New Jersey Legislative Select Committee on Investigation. But it will forever be remembered as one of New Jersey’s largest political and financial disasters.

Assemblyman Wisniewski, former New Jersey Democratic State Committee chairman, has answered the bell when national Democrat leaders have looked to launch attacks against New Jersey’s nationally popular Republican governor — a frontrunner in the 2016 Republican presidential primary.²

¹ Senate Concurrent Resolution No. 49 established the New Jersey Legislative Select Committee on Investigation on January 27, 2014. SCR-49 refers to “lane reassignments” and this Minority Statement will use the same terminology as that resolution. Ex. 1.

² Michael Smerconish, “Could Chris Christie Become President?,” Philadelphia Magazine, June 27, 2013, (<http://www.phillymag.com/articles/chris-christie-president-run-2016/>), Ex. 2.

In recent years, Assemblyman Wisniewski has been characterized in media reports as a politician angling for higher office and playing the role of “Christie foil.”³ He has not been shy about his intentions, for example declaring in 2012, “I plan to spend the next year doing my job well and setting the table for Chris Christie to be a one-term governor.”⁴

Does the sting of Chris Christie’s overwhelming re-election in 2013 still haunt Assemblyman Wisniewski?

As co-chair of the Select Committee, he wasted millions of dollars⁵ in public resources as he tried to politically damage the governor. The Assemblyman apparently hoped that exciting the media with baseless allegations would score a takedown for national Democrats and gain him enough political recognition, such as by being invited to headline a major political fundraiser in Vermont,⁶ to emerge as the Democratic gubernatorial nominee, out of a reportedly open field.⁷

³ Jarrett Renshaw, “Eight Who Could Run Against Christie,” The Star-Ledger, March 4, 2012, (http://www.nj.com/news/index.ssf/2012/03/8_who_could_run_against_nj_gov.html), Ex. 3.

⁴ Id. Assemblyman Wisniewski also boasts this on his website: (<http://wisniewskiformj.com/index.php/media/8-who-could-run-against-n.j.-gov.-chris-christie-democrats-to-watch>), Ex. 4.

⁵ Detailed in “Picking Up the Co-Chairs’ Political Tab” section of this Minority Statement.

⁶ The Auditor, “Bridgegate Resonates in Vermont as Wisniewski Raises Money,” NJ.com, Oct. 5, 2014, (http://www.nj.com/politics/index.ssf/2014/10/bridgegate_resonates_in_vermont_wisniewski_raises_money_for_green_mountain_state_democrats.html#incart_river), Ex. 5.

⁷ Max Pizarro, “Mercer bash brings out potential Democratic Party candidates for governor,” PolitickerNJ, Sept. 2, 2014, (<http://politickernj.com/2014/09/mercerc-bash-brings-out-potential-democratic-party-candidates-for-governor/>), Ex. 6.

Even worse: the Assemblyman's apparent conflicts of interest put in doubt whether he should have ever been a Select Committee member, let alone its co-chair.⁸

Could a legislative inquiry led by this man stand a chance to be lawful, ethical and credible?

Democrats' Politics Trumped Public Trust

In recent years, New Jersey legislators have worked together on a bipartisan basis to address controversial issues.⁹

For example, in 2000, the Senate Judiciary Committee conducted a thorough, bipartisan inquiry into allegations of racial profiling by the New Jersey State Police. The committee chairman at the time, Republican Senator William Gormley, worked closely with senior Democrat committeeman Senator John Lynch, starting with a joint media release about the scope of the committee and public hearing dates.¹⁰

Members of that committee also came together on a bipartisan basis to work with legal counsel; collect and review approximately 100,000 pages of records; and mutually

⁸ Detailed in "Top Members Should've Been Banned from Committee" section of this Minority Statement.

⁹ Some Examples: "State of New Jersey Property Tax Convention Task Force," Dec. 31, 2004, (http://www.nj.gov/convention/finalreport_wo.pdf) Ex. 7; "Special Session Joint Legislative Committee Public Employee Benefits Reform," Dec. 1, 2006, (http://www.njleg.state.nj.us/PropertyTaxSession/OPI/jcpe_final_report.pdf), Ex. 8; Ginger Gibson, "Gov. Chris Christie signs N.J. public worker pension overhaul bill," The Star-Ledger, June 28, 2011, (http://www.nj.com/news/index.ssf/2011/06/gov_chris_christie_signs_nj_pu.html), Ex. 9; Claire Heining, "N.J. Gov. Christie signs 2 percent property tax cap bill," The Star-Ledger, July 13, 2010, (http://www.nj.com/news/index.ssf/2010/07/gov_christie_signs_2_percent_p.html), Ex. 10.

¹⁰ William Gormley and John Lynch, "Senate Judiciary Committee Investigation Into Racial Profiling," March 6, 2001, (<http://www.njleg.state.nj.us/RacialProfiling/apjud.htm>), Ex. 11.

identify 34 witnesses and determine that 28 would testify in depositions or before hearing officers. All interviews and depositions in this massive undertaking were open to every committee member.¹¹

At that committee's first hearing on March 19, 2001, Senator Gormley set the tone by prioritizing the people of New Jersey in a way that the Democrat co-chairs of the New Jersey Legislative Select Committee on Investigation should have done. Gormley said, "The goal is, one, to instill public confidence in the people of this state that we've conducted as thorough a review as anyone would expect in terms of what is a very delicate matter. Number two, once we complete that review, it would be to make recommendations in terms of legislative or procedural reforms and at the same time to set forth other recommendations we feel are germane and relate to what is necessary to fulfill our obligations as Senators and to instill appropriate public confidence in the people of the State of New Jersey."¹²

That bipartisan inquiry into racial profiling was appreciated by Republicans and Democrats alike as groundbreaking and is readily available online for governments across the country to use as a model.¹³

¹¹ "Report of the New Jersey Senate Judiciary Committee's Investigation of Racial Profiling and the New Jersey State Police," June 11, 2001, (<http://www.njleg.state.nj.us/RacialProfiling/sjufinal.pdf>), Ex. 12.

¹² "Review of Racial Profiling," Senate Judiciary Committee, March 19, 2001, (<http://www.njleg.state.nj.us/legislativepub/jud/RP31901.pdf>), Ex. 13.

¹³ "Senate Judiciary Committee Documents on Racial Profiling," New Jersey Legislature, 2001, (<http://www.njleg.state.nj.us/legislativepub/documents.asp>), last visited Oct. 20, 2014.

Democrats involved in the racial profiling inquiry published a five-page minority report, in which they never criticized the treatment of committee members or expressed concerns about the lawfulness, credibility, fairness, nature or integrity of that committee's inquiry.¹⁴

The same could have been true for the Select Committee's inquiry of the September 2013 George Washington Bridge lane reassignments, but it became instantly clear that Democrats' politics would constantly trump the public trust.

'The Greater the Power, the More Dangerous the Abuse'

Before the New Jersey Legislative Select Committee on Investigation was established on January 27, 2014, Assemblyman John Wisniewski, apparently driven by politics and ego, created what appeared to be his own publicly funded committee in an attempt to embarrass the governor and raise his own political profile.¹⁵

On January 16, 2014, Assemblyman Wisniewski's refusal to agree with the Senate on creating a joint legislative committee led to enactment of duplicative special committees in each house of the legislature: one led by Assemblyman Wisniewski¹⁶ and the other led

¹⁴ Former senators John Lynch, Edward O'Connor, John Girgenti and Garry Furnari, "Minority Report Supplementing the Report of the New Jersey Senate Judiciary Committee's Investigation of Racial Profiling and the New Jersey State Police, 2001, (http://www.njleg.state.nj.us/RacialProfiling/sju_minority.pdf), Ex. 14.

¹⁵ The Star-Ledger Editorial Board, "Put Ego Aside: Bridge Scandal Investigation Should Be A Joint Legislative Effort," Star-Ledger, Jan. 20, 2014, Ex. 15.

¹⁶ New Jersey Assembly Democrats, "NJ Assembly Approves Creation of Special 'Select Committee on Investigations' to Continue Leading GWB Inquiry," Jan. 16, 2014, (<http://www.assemblydems.com/Article.asp?ArticleID=7723>), last visited Oct. 28, 2014.

by Senate Majority Leader Loretta Weinberg¹⁷ — the Democrat who unsuccessfully ran for lieutenant governor against the Chris Christie ticket in 2009.¹⁸

On behalf of New Jersey taxpayers, Republican legislators in the Assembly and Senate minorities successfully fought against redundant, politically charged committees that would create a media circus. Senate Republican Steven Oroho noted during the floor debate on the resolution that tax dollars would be wasted by “having two committees do the same thing.”¹⁹ He said, “I am very disappointed we are going to be spending the taxpayer money, and I know that this body and the leadership of this body asked for a joint committee.”²⁰

By late January 2014, with negative opinion mounting, Assemblyman Wisniewski finally agreed to form a joint Assembly-Senate committee, which became the Select Committee.²¹

The Select Committee breakdown was eight Democrats, including co-chairs Assemblyman Wisniewski and Senator Weinberg, and four Republicans.²²

¹⁷ New Jersey Senate Democrats, “Senate Creates Special Committee to Investigate Lane Closings,” Jan. 16, 2014, (<http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/>), last visited Oct. 28, 2014.

¹⁸ “Official Tallies,” New Jersey Department of State, Dec. 1, 2009, (<http://www.nj.gov/state/elections/election-results/2009-official-general-election-gov-lt-gov-tallies-120109.pdf>), last visited Oct. 28, 2014.

¹⁹ Senator Steve Oroho, “Senate Session on SR-1,” Jan. 16, 2014, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 20, 2014.

²⁰ Id.

²¹ Noreen O’Donnell, “Joint N.J. legislative committee probing Christie’s ‘Bridgegate,’” Jan. 27, 2014, (<http://www.reuters.com/article/2014/01/27/us-usa-politics-christie-idUSBREA0Q1MK20140127>), Ex. 16.

Although the co-chairs were granted complete authority over the committee's actions by the Democrat-majority state legislature,²³ it was abundantly clear from the start that Assemblyman Wisniewski would call the major shots.

As this Minority Statement details, Co-Chair Wisniewski hired Democrat lawyers and was likely responsible for improperly leaked classified documents. He also made most of the decisions on subpoenas and controlled meeting agendas, rarely yielded to Co-Chair Weinberg and never considered the concerns, suggestions or solutions of Republican members.

An editorial by The Record raised concerns about the lack of actual bipartisan representation on the Select Committee: "It's important for Democrats to do all they can to ensure that the committee is seen as a legitimate investigatory panel and not a partisan tool. Increasing Republican membership on the committee would help make that point."²⁴

But Co-Chair Wisniewski stayed firm, positioned to prove the old adage: "The greater the power, the more dangerous the abuse."²⁵

²² New Jersey Legislature, Roster of Select Committee members, (<http://www.njleg.state.nj.us/committees/joint.asp>), Ex. 17; Note: Republicans comprised 33 percent of the Select Committee membership even though they comprised 40 percent of the New Jersey legislature.

²³ New Jersey Select Committee on Investigation, "Organizational Resolution," Jan. 27, 2014, Ex. 18.

²⁴ The Record Editorial Board, "The Record: Democrats unite," The Record, January 23, 2014, (<http://www.northjersey.com/opinion/the-record-democrats-unite-1.663194>), Ex. 19.

²⁵ Edmund Burke's 1771 speech, "On the Middlesex Election," as quoted in "Power Quotes," by Daniel B. Baker, 1992 Visible Ink Press.

Top Members Should've Been Banned from Committee

In order to execute what appeared to be a true partisan hit-job on the governor, Democrat leaders stacked the New Jersey Legislative Select Committee on Investigation with perhaps some of the most hardened Democrat partisans, who seemed to be willing to either ignore or otherwise tolerate the inquiry's perceived lack of integrity and impartiality.

Select Committee Democrats, including Co-Chair John Wisniewski, a New Jersey lawyer, apparently concealed serious potential conflicts of interest as they advanced their political mission to try to destroy the governor and raise their political profiles.

Among the conflict issues for Democrat committee members that were never addressed:

- Members appeared to have financial interests and clients engaged in issues with the Port Authority of New York & New Jersey (Port Authority);
- Members were related to lawyers for key witnesses in the Select Committee inquiry;
- Members were active in political campaigns that prevented them from being impartial; and
- Members may have failed to meet their professional obligations to avoid conflicts of interest or even appearances of conflicts.

Members with unaddressed conflict issues set the Select Committee up for failure, by exposing virtually every committee action to a legal charge or challenge. Consider some of the universally understood principles among officials, authorities and attorneys: A fundamental aspect of any investigation, and those conducting the investigation, is to maintain independence.²⁶ An investigation and its findings must not be tainted by conflicts of interest.²⁷ The investigation and those conducting the investigation must be impartial.²⁸ Without such impartiality, the investigation and its findings lack credibility and the underlying problems the investigation is designed to address will remain unresolved.²⁹

Now, here is why these Democrats should have been banned from the Select Committee:

Assemblyman John Wisniewski

Co-Chair Wisniewski should have been banned from the Select Committee because of his possible conflict of interest as a private attorney embroiled in a client's high-stakes land deal with the Port Authority.

A few years ago, the co-chairman called upon then-Port Authority Deputy Executive Director Bill Baroni, his former New Jersey legislative colleague, to provide information

²⁶ Craig C. Martin and Devlin Su, "When Boards Seek Outside Counsel," The Corporate Board, July/August 2014, (<http://jenner.com/system/assets/publications/13204/original/1407MartinSu.pdf?1404923614>), Ex. 20.

²⁷ Id.

²⁸ Christine D. Mehfoud, "The ABCs of Internal Investigations," Spotts Fain, April 28, 2014, (<http://www.spottsfain.com/publications/315-the-abcs-internal-investigations>), Ex. 21.

²⁹ Timothy S. Susanin, "The Internal Investigation: Whether to Use Inside Counsel or Outside Counsel," Boardroom Briefing: Corporate Internal Investigations, 2005, (<http://www.directorsandboards.com/BoardroomBriefing3.pdf>), Ex. 22.

for a client's potential land deal, instead of going the seemingly more appropriate route of contacting the agency's legal department.³⁰

After Port Authority officials responded to the co-chair that they were interested in buying that property near the agency-controlled Goethels Bridge, Co-Chair Wisniewski helped his client, Elizabeth Marine Terminal, acquire that land.³¹

Co-Chair Wisniewski's client likely stood to financially benefit from selling that acquired property to the Port Authority. As the attorney of record for Elizabeth Marine Terminal, he was a part of that deal with the Port Authority.³²

It's unclear whether that legal proceeding is still an active matter, but if so, by virtue of being a member of the committee, the co-chair also had an unfair legal advantage by reviewing internal documents of senior Port Authority managers.

In addition to his obligations as co-chair, Co-Chair Wisniewski seemingly should have disclosed his possible conflicts related to his legal representations against the Port Authority.³³

³⁰ Brian Smith, Letter from Port Authority of New York & New Jersey to Honorable John Wisniewski, Esq., May 3, 2011, Ex. 23.

³¹ Id.

³² Alan L. Zegas, "Notice of Order to Show Cause Why Subpoena Should Not Be Quashed," Law Offices of Alan L. Zegas, Jan. 7, 2014, (http://www.judiciary.state.nj.us/gwblaneclosure/OSC_DW.pdf), last visited, Oct. 28, 2014.

³³ NJS A52:13D-12 et seq., Ex. 24.

Co-Chair Wisniewski was potentially further conflicted by circumstances surrounding his 2012 alleged retaliation against the Port Authority. Then-Port Authority Deputy Executive Director Baroni said the co-chairman used his position as leader of the Assembly Transportation, Public Works and Independent Authorities Committee to “shakedown” the Port Authority.³⁴ Mr. Baroni believed the co-chairman sought revenge after the agency did not provide special treatment to an engineering firm that had given the co-chairman significant political donations.³⁵ Records show the firm’s associates and spouses have donated nearly \$100,000 to Co-Chair Wisniewski and his local Sayerville Democratic organization.³⁶

During Select Committee proceedings, Co-Chair Wisniewski also appeared to misrepresent his involvement with the committee’s law firm.³⁷ Again, with such significant unresolved conflicts in question, Co-Chair Wisniewski could not legitimately serve, let alone lead, the Select Committee.

³⁴ Matt Friedman, “Port Authority official calls probe of agency a ‘shakedown,’” The Star Ledger, April 11, 2012, (http://www.nj.com/news/index.ssf/2012/04/official_legislator_only_invet.html), last visited Nov. 19, 2014

³⁵ Id.

³⁶ Search of Election Law Enforcement Commission website for contributions from CME Associates employees and spouses to Assemblyman John Wisniewski and Sayerville Democratic organizations, <http://www.elec.state.nj.us/ELECRpt/SearchContributors.aspx>

³⁷ Detailed in “A Questionable Choice for ‘Bipartisan’ Inquiry” chapter of this Minority Statement.

Senator Nia Gill

It appears that Senator Gill was conflicted on the Select Committee because of her role as a partner at the law firm of Weiner Lesniak.³⁸ Her firm was retained in the following matters involving the Port Authority, Fort Lee and Hoboken:

- Weiner Lesniak was retained by the City of Newark in a multi-million dollar lawsuit against the Port Authority;³⁹
- Weiner Lesniak was retained by the City of Jersey City in a multi-million dollar lawsuit against the Port Authority;⁴⁰
- Weiner Lesniak was retained by the Borough of Fort Lee to represent its planning board;⁴¹ and
- Weiner Lesniak represented the City of Hoboken in various legal matters as recently as 2014 (the Select Committee may have examined the relationship between the City of Hoboken and the Governor's Office).⁴²

As a partner at Weiner Lesniak, Senator Gill had a vested financial interest in the outcomes of the lawsuits against the Port Authority. As a majority-party member of the

³⁸ Weiner Lesniak, LLP, "Nia Gill"

(<http://www.weinerlesniak.com/?t=3&A=5283&format=xml&p=4730>), last visited Oct. 20, 2014, Ex. 25.

³⁹ Richard Lezin Jones, "State Senator Who Combines Donations, Law Practice and Influence," The New York Times, Jan. 9, 2006,

(<http://www.nytimes.com/2006/01/09/nyregion/09lesniak.html?pagewanted=print&r=0>), Ex. 26;

Terrence T. McDonanld, Weiner Lesniak scores another no-bid contract with Jersey City, The Jersey Journal, Nov. 14, 2013 and updated on Feb. 14, 2014,

(http://www.nj.com/hudson/index.ssf/2013/11/weiner_lesniak_scores_another_no-bid_contract_from_jersey_city.html), Ex. 27.

⁴⁰ Id; Ex. 27.

⁴¹ Reorganization Meeting, Fort Lee Planning Board, "Agenda for Monday, January 6, 2014,"

(http://fortleenj.org/files/2014-01-06_pb-agenda_reorg.pdf), Ex. 28.

⁴² The Council of the City of Hoboken, "Special Closed Session Meeting of January 22, 2014,"

(<http://www.hobokennj.org/docs/council/agenda14/finalccm1-22-14.pdf>), Ex. 29.

Select Committee, Senator Gill was in the position of being able to potentially pressure, consciously or otherwise, Port Authority officials.

Senator Gill also had an unfair legal advantage by reviewing internal documents of senior Port Authority managers, including emails and correspondence from Port Authority officials and others that appear to constitute the management of the authority — the very people who would ultimately be key players in the fate of her firm’s multimillion dollar lawsuit.

Senator Gill likely had an obligation to disclose her potential conflicts due to her firm’s representations against the Port Authority.⁴³ It does not matter whether Senator Gill was directly involved in Port Authority litigation. A conflict by any member of the firm presented a conflict for the entire firm.⁴⁴ Senator Gill’s service on the Select Committee at the very least created an appearance of conflict for the committee.

Assemblywoman Valerie Vaineri Huttle

Assemblywoman Vaineri Huttle likely should have been prohibited from the committee’s inquiry because of her connection to central figures in the inquiry.

⁴³ NJSA52:13D-12 et seq., Ex. 24.

⁴⁴ New Jersey Rules of Professional Conduct 1.10, Ex. 30.

Her husband was employed by the same law firm as Port Authority Commissioner Pat Schuber,⁴⁵ a key subpoenaed witness in the Select Committee inquiry.⁴⁶ Given that relationship, perhaps Assemblywoman Vainieri Huttie, who also served as a Bergen County Freeholder with Commissioner Schuber, should have at the very least recused herself from that particular part of the inquiry rather than actively participating and asking questions during Commissioner Schuber's sworn testimony.⁴⁷

Had committee counsel conducted conflict checks with committee members, Assemblywoman Vainieri Huttie, who is not a lawyer, may have realized that her potential conflicts extended well beyond Commissioner Schuber and could have recused herself when appropriate.

The Borough of Fort Lee and its Mayor Mark Sokolich were central figures in the Select Committee's inquiry. Assemblywoman Vainieri Huttie's husband's law firm, DeCotiis, Fitzpatrick & Cole,⁴⁸ was the municipal attorney for the borough and mayor.⁴⁹ Assemblywoman Vainieri Huttie's husband's law firm may have provided legal advice to the mayor.

⁴⁵ Decotiis, Fitzpatrick & Cole, LLP; note, according to the firm's website as of Oct. 20, 2014, they are still both employed there: <http://www.decotiislaw.com/people/frank-huttie-iii>; <http://www.decotiislaw.com/news/2011/08/01/pat-schuber-port-authority-commissioner>, Ex. 31.

⁴⁶ Select Committee co-chairs Loretta Weinberg and John Wisniewski, "Subpoena to William 'Pat' Schuber," April 22, 2014, (http://www.assemblydems.com/pdf/1415Session/WILLIAM_SCHUBER_SUBPOENA.pdf), Ex. 32.

⁴⁷ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, June 3, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi06032014.pdf>), Ex. 33.

⁴⁸ Matt Friedman, "Frank Huttie weighs Englewood mayoral bid," March 16, 2009, (<http://www.politickernj.com/matt-friedman/28237/frank-huttie-weighs-englewood-mayoral-bid>), Ex. 34.

⁴⁹ "Recessed Meeting of the Mayor and Council the Borough of Fort Lee," Dec. 20, 2012/Jan. 3, 2013, (http://www.fortleenj.org/files/mc-minutes_2013_reg_021413.pdf), Ex. 35. That firm still works for Fort Lee.

Curiously, the mayor was not called to testify before the committee in public or in executive session but rather, after being subpoenaed by the committee, was interviewed privately by Select Committee lead counselor, Reid Schar, multiple times before turning over documents to comply with the committee's subpoena.⁵⁰

Incredulously, attorneys who were obligated to assist the Select Committee in its ongoing inquiry⁵¹ went as far as to prepare a statement for Mayor Sokolich after privately interviewing him.⁵² That statement, discovered by Republican members during their review of counsel's billing records⁵³ and confirmed by Mr. Schar on a conference call with Republican members, was to be signed under oath by Mayor Sokolich who was a witness in the legislative inquiry and presumably the U.S. Attorney's criminal investigation of the lane reassignments.

It is odd, unusual and unacceptable for a panel allegedly investigating matters of transparency to prepare and actively partake in the defense of a subpoenaed witness, to shield that witness from public testimony and to appear to serve as that witness's legal representation, even though Mayor Sokolich retained his own legal counsel.⁵⁴

⁵⁰ Jenner & Block, March 31, 2014 bill to the New Jersey State Legislature, Ex. 36.

⁵¹ New Jersey Legislative Select Committee on Investigation, "Jenner & Block Retainer Agreement," Jan. 24, 2014, Ex. 37.

⁵² Jenner & Block, March 31, 2014 bill to the New Jersey State Legislature, Ex. 36.

⁵³ Id.

⁵⁴ "Fort Lee Mayor Meets with Prosecutors About 'Bridgegate,'" CBSNewYork/AP, Feb. 24, 2014, (<http://newyork.cbslocal.com/2014/02/24/fort-lee-mayor-meets-with-prosecutors-about-bridgegate/>), Ex. 38.

A fundamental aspect of any investigation, and those conducting the investigation, is to maintain independence,⁵⁵ and, in this case, even the perception of preferential treatment for subjects in an inquiry was damaging to the credibility of the Select Committee's actions and findings.

Mayor Sokolich received preferential treatment by the committee for whatever reason. Why was he the only witness whose interview notes were not shared with Republican Select Committee members or addressed in public? What did his private testimony reveal? Was it simply not consistent with the Democrats' political mission to take down the governor and, in turn, boost their own profiles?

Assemblywoman Vainieri Huttle's connections to figures in the committee's inquiry presented unanswered questions regarding her potential conflicts of interest.

Senator Linda Greenstein

Senator Greenstein was a political candidate for higher office during much of her time on the Select Committee, and her aspirations to be a member of Congress may have colored her impartiality and judgment.

In January 2014, prior to the establishment of the Select Committee and prior to the committee's receipt of all the information it received as a result of over 20 subpoenas, the governor's report on this matter and the U.S. Attorney's conclusion of its investigation,

⁵⁵ Craig C. Martin and Devlin Su, "When Boards Seek Outside Counsel," The Corporate Board, July/August 2014, (<http://jenner.com/system/assets/publications/13204/original/1407MartinSu.pdf?1404923614>), Ex. 20.

Senator Greenstein introduced Senate Concurrent Resolution 169 which declares that “the decision to reduce access lanes in Fort Lee appears to have been made by one Port Authority appointee.”⁵⁶ That resolution notes that the lane reassignment incident “provides ample evidence that the current organizational structure and management of the Port Authority has failed to honor the public trust and that the Port Authority would benefit from efforts to improve its accountability and transparency.”⁵⁷

With SCR-169, Senator Greenstein reached definitive conclusions before having been appointed to the Select Committee. She predetermined who was responsible for the lane reassignment incident and indicated that she had all the information necessary to determine that the Port Authority management was inoperative. Perhaps that was to help drive her congressional campaign and bolster her platform.

In June 2014, Senator Greenstein lost a hard-fought Democratic congressional primary.⁵⁸ Blind ambition and partisanship appeared to cause her and other candidates in that contest to project unfounded claims in an effort to appeal to their political base.

Assemblywoman Bonnie Watson Coleman, who beat Senator Greenstein in that Democrat congressional primary,⁵⁹ was forced to resign from the Select Committee after she made outrageously partisan and partial claims against the governor regarding the lane

⁵⁶ Sens. Loretta Weinberg and Linda Greenstein, “Senate Concurrent Resolution No. 169,” January 6, 2014, Ex. 39.

⁵⁷ Id.

⁵⁸ Brent Johnson, “12th congressional district: Watson Coleman beats Greenstein for Democrat nod,” The Star-Ledger, June 3, 2014, (http://www.nj.com/politics/index.ssf/2014/06/12th_congressional_district_watson_coleman_beats_greenstein_for_democratic_nod.html), Ex. 40.

⁵⁹ Id.

reassignment and called for him to resign in front of a national television audience on MSNBC.⁶⁰

According to Jenner & Block, for any investigation to be credible, the people conducting the investigation must be independent and free of conflicts.⁶¹ Despite those words of wisdom from the Select Committee's Democrat-hired law firm, multiple committee members seemingly served with significant conflicts of interest or had potential conflicts that needed to be, but never were, addressed. These conflicts have politicized and corrupted the entire inquiry.

A Member Proactively Addressed Perceived Issues

The four Republicans on the New Jersey Legislative Select Committee on Investigation were approved to serve on the Select Committee by the Senate President and Assembly Speaker, both Democrats.⁶²

None of the Republican members of the committee served with unaddressed issues, let alone conflicts that should have banned them from the committee like the aforementioned Democrat members.

⁶⁰ Darryl Isherwood, "Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign," The Star-Ledger, Feb. 28, 2014, (http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigation_committee_after_calling_for_gov_chris_christi.html), Ex. 41.

⁶¹ Craig C. Martin and Devlin Su, "When Boards Seek Outside Counsel," The Corporate Board, July/August 2014, (<http://jenner.com/system/assets/publications/13204/original/1407MartinSu.pdf?1404923614>), Ex. 20.

⁶² Senate President Stephen M. Sweeney memo to Senate Secretary Jennifer McQuaid, Jan. 29, 2014, Ex. 42; "Assembly Speaker Prieto & Senate President Sweeney Appoint Members of New Jersey Legislative Select Committee on Investigation," Assembly Democrats News Release, Jan. 24, 2014, Ex. 43.

On the eve of the formation of the Select Committee, Republican Select Committee member Senator Kevin O'Toole proactively addressed any perceived issues with his service in the George Washington Bridge inquiry with attorneys from his caucus, the Senate President and the Senate Minority Leader.

He discussed with them any potential concerns with his service on the committee, chiefly a November 25, 2013 press release by Senator O'Toole that was referenced in The Star-Ledger on November 26, 2013.⁶³ That release, he explained to legislative leadership and counsel was inspired by a 12-page report that the senator received that very day from a Port Authority employee which detailed the number of vehicles that use the George Washington Bridge from each of New Jersey's 40 legislative districts. Senator O'Toole also explained that the crux of his press release was that five legislative districts, including District 40, which he represents, have more commuters using the George Washington Bridge than Fort Lee. Unlike Fort Lee, however, they do not have even a single dedicated lane approaching the bridge.

Senator O'Toole's press release begged some basic questions, including why Fort Lee has only 5 percent of bridge commuters but has three dedicated lanes and why a legislative body was not considering that an issue. Seeing data that clearly indicated that his legislative district was getting short changed, Senator O'Toole also wrote a related op-ed that was later published in The Record.

⁶³ Steve Strunsky, "GWB Inquiry Fuels Frustration," The Star-Ledger, Nov. 26, 2013, Ex. 44.

Senator O'Toole took even more steps to address perceived issues. On February 14, 2014, during the course of a 40-minute conversation⁶⁴ with Select Committee counsel Reid Schar, he brought up that November 25, 2013 press release and subsequent op-ed among other committee issues.

If the aforementioned Democrat Select Committee members with apparent or potential conflicts of interest had made similarly proactive efforts of open disclosure, then the previous subchapter of this Minority Statement would have been unnecessary and the committee's George Washington Bridge Inquiry could have been credible, impartial and productive for the good of the people.

⁶⁴ Jenner & Block, March 31, 2014 bill to the New Jersey State Legislature, Ex. 36.

Chapter II:

A Questionable Choice for 'Bipartisan' Inquiry

Even as Democrats, who control the state legislature, allowed Assemblyman John Wisniewski to develop the New Jersey Legislative Select Committee on Investigation into a political weapon to try to damage the nationally popular Republican governor and raise his own profile, there was one last chance for the committee to execute a successful inquiry on behalf of residents and taxpayers.

Outside legal counsel had to be hired for the Select Committee. Independent, outside legal counsel could have and should have been hired to properly guide the Select Committee on an impartial, credible and transparent inquiry involving entities such as the Port Authority of New York & New Jersey, the governor's office and the Borough of Fort Lee.

Truly independent counsel could have helped resolve unaddressed conflicts and potential conflicts that plagued the committee and steered the inquiry toward what should have been its natural course of digging further into the Port Authority to create reforms that would protect people against future abuses of power and public resources. The hiring of Select Committee legal counsel should have been done on a bipartisan basis by a public vote among committee members.

Instead, unbeknownst to the public and Republican members of the Select Committee, Co-Chair Wisniewski hired legal counsel with extensive political and financial ties to national Democrats, the New Jersey Democratic State Committee and even Co-Chair Wisniewski himself. The hired law firm, Jenner & Block, has, for over two decades, represented New Jersey Democrats, including Co-Chair Wisniewski, specifically to undermine Republicans, prevent Republicans from being elected and remove Republicans from office.

The Select Committee's hiring of the Democrats' handpicked attorneys conflicted with committee Co-Chair Loretta Weinberg's earlier comments about the George Washington Bridge legislative inquiry during a January 16, 2014 state Senate session. "My responsibility is to make sure that the residents that we all represent are represented in a fair, impartial and safe way," she said. "This committee will conduct its hearings in a fair, impartial and a very appropriate way."⁶⁵

Despite Co-Chair Weinberg's aforementioned vow to lead a transparent and impartial committee inquiry, she did not stop Co-Chair Wisniewski from hiring taxpayer-funded attorneys from the firm of Jenner & Block, which had billing activity through at least April 2012 to represent state Democrats in the 2011 legislative redistricting.⁶⁶

⁶⁵ Senator Loretta Weinberg, "Senate Session on SR-1," Jan. 16, 2014, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 20, 2014.

⁶⁶ Jenner & Block Oct. 18, 2012 legal bill to Democratic Caucus of New Jersey Legislative Apportionment Commission C/O John Wisniewski, Chairman for services rendered through April 30, 2012, Ex. 45.

Ultimately, this controversial selection of counsel permeated an air of distrust and unease about the Select Committee's inquiry.

A Go-To Firm for Democrats: Jenner & Block

To have the best chance at a political victory on the public's dime, New Jersey Legislative Select Committee Co-Chair John Wisniewski set his sights on political allies in Chicago and hired a politically active law firm, Jenner & Block.⁶⁷

Since 1990, Jenner & Block and its attorneys have contributed more than \$3.8 million to political candidates and organizations across the country, including \$3 million to recipients identified as Democrats.⁶⁸ Approximately 87 percent of their contributions to individual candidates went to Democrats.⁶⁹

On January 27, 2014, a Democrat press release informed the Republican Select Committee members that Jenner & Block, and specifically firm attorney Reid Schar, was retained as Select Committee special counsel.⁷⁰ The public and Republican committee

⁶⁷ For example, according to [opensecrets.org](http://www.opensecrets.org), since 2012 Jenner & Block has contributed approximately \$100,000 to the Democratic National Committee and \$152,494 to President Obama: OpenSecrets, "Jenner & Block Profile for 2012 Election Cycle," (<https://www.opensecrets.org/orgs/summary.php?id=D000000814&cycle=2012>), last visited Oct. 21, 2014, Ex. 46; and OpenSecrets, "Jenner & Block Profile for 2014 Election Cycle," (<https://www.opensecrets.org/orgs/summary.php?id=D000000814&cycle=2014>), last visited Oct. 21, 2014, Ex. 47.

⁶⁸ Sunlight Foundation, (http://transparencydata.com/data/contributions/download/?organization_ft=Jenner%20&general_transaction_type=standard), last accessed Oct. 21, 2014, Ex. 48.

⁶⁹ OpenSecrets, "Jenner & Block Total Contributions by Party of Recipient," (<http://www.opensecrets.org/orgs/totals.php?id=D000000814&cycle=2014>), last visited Oct. 21, 2014, Ex. 49.

⁷⁰ New Jersey Assembly Democrats, "NJ Assembly Approves Creation of Special Joint Committee on Investigations to Continue Inquiry Surrounding George Washington Bridge Law Closures," Jan. 27, 2014, (<http://www.assemblydems.com/Article.asp?ArticleID=7771>), Ex. 50.

members were not involved in or made aware of any hiring process or criteria; they were not provided an executed contract before the firm started working; and the Republican members were never given access to records or history of any search done to check, address or resolve potential conflicts of interest.

There are approximately 94,000 lawyers admitted to practice law in the State of New Jersey⁷¹ and approximately 15,000 law firms in New Jersey,⁷² but Select Committee Co-Chair John Wisniewski apparently thought none of them was well suited or otherwise qualified to serve as special counsel for the inquiry.

Dating back as far as 2001, Jenner & Block has kept deep political ties with the New Jersey Democrats. In both 2001⁷³ and 2011,⁷⁴ the Chicago-based firm was retained and paid to represent the Democrat members of the New Jersey Apportionment Commission,⁷⁵ which draws state legislative district boundaries following each U.S. Census survey.

⁷¹ Charles Centinaro, “2013 State of the Attorney Disciplinary System Report,” Office of Attorney Ethics, June 30, 2014, Ex. 51.

⁷² Id.

⁷³ “Summary of [2001] Democrat Expenditures,” New Jersey Apportionment Commission, Ex. 52; “Legal Services for New Jersey Apportionment Commission (Democrat Members),” State of New Jersey Payment Voucher to Jenner & Block, 2001-2003, Ex. 53.

⁷⁴ John S. Wisniewski, “Engagement letter to Paul M. Smith, Esq. and Jenner & Block [confirming service to] the Democratic Members of the Apportionment Commission,” Feb. 21, 2011, Ex. 54; “Democrat Expenditure Items,” New Jersey 2011 Apportionment Commission, Ex. 55.

⁷⁵ “Legal Services for New Jersey Apportionment Commission (Democrat Members),” State of New Jersey Payment Vouchers via Jenner & Block, 2001-2003, Ex. 53; “Summary of [2001] Democrat Expenditures,” New Jersey Apportionment Commission, Ex. 52; “Democratic Caucus of New Jersey Legislative Apportionment Commission C/O John Wisniewski, Chairman,” Jenner & Block Payment Vouchers, 2011-2012, Ex. 56; “Democrat Expenditure Items,” New Jersey 2011 Apportionment Commission, Ex. 55.

That politically charged undertaking,⁷⁶ also known as “redistricting,” plays a significant role in determining which political party controls the legislature.⁷⁷ Democrats and Republicans each retain “[political] party experts” who “use sophisticated election data in an effort to create maps that will enable them to win the maximum number of seats while protecting their own incumbents.”⁷⁸

Jenner & Block was paid approximately \$760,000 for representing New Jersey Democrats during legislative redistricting in 2001 and 2011.⁷⁹ The firm was successful in creating legislative districts that disadvantage Republican candidates and constituents. In the latter year, Co-Chair Wisniewski was in charge of the Democrats redistricting efforts. Using state Assembly letterhead, he signed a 2011 letter confirming Jenner & Block’s representation of Democrat Members of the Apportionment Commission.⁸⁰ Co-Chair Wisniewski was the New Jersey Democratic State Committee Chairman in 2011, was one of Jenner & Block’s clients and determined the scope of the firm’s 2011 New Jersey redistricting work.⁸¹

⁷⁶ Matt Friedman, “Tiebreaking member of N.J. commission defends politics of redistricting process,” The Star-Ledger, March 11, 2011,

(http://www.nj.com/news/index.ssf/2011/03/tiebreaking_member_of_nj_commi.html), Ex. 57.

⁷⁷ Mark J. Magyar, “Explainer: How Redistricting Can Shape Elections – And What Happens When It Does,” NJSpotlight, Dec. 17, 2013, (<http://www.njspotlight.com/stories/13/12/16/explainer-how-redistricting-determines-election-results-and-what-happens-when-it-does/>), Ex. 58.

⁷⁸ Id.

⁷⁹ “Summary of Democrat Expenditures,” New Jersey 2001 Apportionment Commission, Ex. 52; “Democrat Expenditure Items,” New Jersey 2011 Apportionment Commission, Ex. 55.

⁸⁰ John S. Wisniewski, “Engagement letter to Paul M. Smith, Esq. and Jenner & Block [confirming service to] the Democratic Members of the Apportionment Commission,” Feb. 21, 2011, Ex. 54.

⁸¹ Id.

To further add another layer of unrest and potential conflict to the inquiry, Jenner & Block attorney Paul Smith,⁸² a member of the firm's Election Law and Redistricting practice group,⁸³ joined Mr. Schar's Select Committee team. Mr. Smith was the actual attorney who represented New Jersey Democrats during the 2001 and 2011 redistricting.⁸⁴ Mr. Smith is a noted elections lawyer and prominent fundraiser for President Obama and the national Democratic Party.⁸⁵

As a licensed, practicing New Jersey attorney, Co-Chair Wisniewski should have realized and prevented the obvious conflict of interest or at least the appearance of a conflict of interest that his hiring of Jenner & Block presented for the Select Committee.

At the Select Committee's very first public meeting on January 27, 2014, Senator Kevin O'Toole⁸⁶ and Assemblyman Gregory McGuckin (who was substituting on the committee that day)⁸⁷ raised issues of potential conflict. But Co-Chair Wisniewski obfuscated his past relationship with Jenner & Block.

⁸² Hon. Assignment Judge Mary C. Jacobson, "The New Jersey Legislative Select Committee on Investigation v. Kelly and Stepien, Doc. No. L-350-14 and 354-14," Superior Court of New Jersey, April 9, 2014, (<http://www.judiciary.state.nj.us/gwblanclosure/Stepien+Kelly%20Opinion.pdf>), Ex. 59.

⁸³ Jenner & Block, "Our People, Paul M. Smith, Partner," (<http://jenner.com/people/PaulSmith>), last visited Oct. 21, 2014, Ex. 60.

⁸⁴ "Legal Services for New Jersey Apportionment Commission (Democrat Members)," State of New Jersey Payment Vouchers via Jenner & Block, 2001-2003, Ex. 53; John S. Wisniewski, "Engagement letter to Paul M. Smith, Esq. and Jenner & Block [confirming service to] the Democratic Members of the Apportionment Commission," Feb. 21, 2011, Ex. 54.

⁸⁵ According to documents on [opensecrets.org](http://www.opensecrets.org), Paul Smith has donated much more heavily to Democrat candidates since the late 1990s: OpenSecrets, "[search] Donor name: Paul Smith," obtained Oct. 21, 2014, Ex. 61; Democratic Law Briefs also publicized Paul Smith as the featured guest speaker at a March 2012 "Lawyers for Obama Event," (<http://www.democraticlawyers.org/briefs/08-05.pdf>), last visited Oct. 21, 2014, Ex. 62.

⁸⁶ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, Jan. 27, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi01272014.pdf>), Ex. 63.

⁸⁷ Id.

“I believe at the time you were the Chairman of the State Democratic Committee, is it true that Jenner & Block represented the State Democratic Committee in the past few years?” Assemblyman McGuckin asked Co-Chair Wisniewski.⁸⁸

“Jenner & Block represented the Legislative Redistricting Committee,”⁸⁹ Co-Chair Wisniewski answered.

“The Committee itself ... or the Democratic members of that Committee?” Assemblyman McGuckin continued.⁹⁰

“They represented the Legislative Redistricting Committee. There were two subcommittees — the [m]ajority side and the minority side, the Democratic side, the Republican side. I’m not sure what that has to do with this hearing, though,” Wisniewski replied.⁹¹

“Perhaps, that should have been disclosed ... But more importantly, as of this moment, you’ve indicated that we don’t have a retainer agreement with Mr. Schar, and I think it would be appropriate to get an opinion from him as to whether he believes that’s a conflict — or any other conflicts,” McGuckin stated.⁹²

⁸⁸ Id.

⁸⁹ Id.

⁹⁰ Id.

⁹¹ Id.

⁹² Id.

Indeed, Co-Chair Wisniewski's brazen political double-speak was exactly what people outside of Washington D.C. find disingenuous and phony. In the face of those facts, he misrepresented Jenner & Block's past political work for him during redistricting perhaps in order to conceal a conflict of interest.

Records revealed that Co-Chair Wisniewski, who later questioned young witnesses called by the Select Committee about their recollection of text messages or emails from months prior to hearings,⁹³ was intimately aware of the extent and scope of Jenner & Block's engagement in the 2011 redistricting process. In February 2011, Co-Chair Wisniewski engaged Jenner & Block to work only for Democrats on redistricting;⁹⁴ Co-Chair Wisniewski determined Jenner & Block's political redistricting duties for Democrats,⁹⁵ and the firm agreed to "maintain a file" on redistricting for Democrats.⁹⁶

Ironically, when news reports questioned whether a lawyer who had a previous relationship with the governor could objectively be part of the legal team he hired to investigate his staff's involvement in the lane reassignments, Co-Chair Wisniewski stated that the lawyer's involvement "raises serious questions about whether it really is a serious investigation being conducted" and that the lawyer was "hardly an objective and unbiased

⁹³ For example, Official Meeting Transcript, including Regina Egea testimony, New Jersey Legislative Select Committee on Investigation, July 17, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi07172014.pdf>), Ex. 64.

⁹⁴ John S. Wisniewski, "Engagement letter to Paul M. Smith, Esq. and Jenner & Block [confirming service to] the Democratic Members of the Apportionment Commission," Feb. 21, 2011, Ex. 54.

⁹⁵ Id.

⁹⁶ Id.

investigator.”⁹⁷ Co-Chair Wisniewski further characterized these prior connections as casting doubt on the impartiality of the inquiry.⁹⁸

It appears that Co-Chair Wisniewski did not care how potential legal and political conflicts of interest would destroy or call into question the credibility and integrity of the Select Committee’s inquiry of the September 2013 George Washington Bridge lane reassignments.

Additional Problems with Committee Counsel

New Jersey Legislative Select Committee on Investigation Co-Chair John Wisniewski hired Jenner & Block as committee counsel, perhaps in part, because that firm had successfully represented him and state Democrats in the hotly contested 2011 legislative redistricting.⁹⁹

Here are some more examples of unanswered questions raised by Republican members regarding the appropriateness of the co-chairman’s conduct and the selection of Jenner & Block:

⁹⁷ Darryl Isherwood, “Can Gov. Chris Christie’s ‘dear friend’ conduct impartial Bridgegate investigation?” The Star-Ledger, Feb. 27, 2014, (http://www.nj.com/politics/index.ssf/2014/02/can_gov_chris_christies_dear_friend_conduct_impartial_bridgegate_investigation.html), Ex. 65.

⁹⁸ Id.

⁹⁹ Cynthia Burton, “New Jersey gears up for a redistricting battle,” Philadelphia Inquirer, Jan. 31, 2011, (http://articles.philly.com/2011-01-31/news/27092146_1_safe-democratic-districts-newark-and-jersey-city-major-parties), Ex. 66.

1. Was Co-Chair Wisniewski obligated to disclose his prior relationship with the law firm of Jenner & Block?
2. Did Co-Chair Wisniewski have an obligation as an attorney to disclose Jenner & Block's prior representation of himself and state Democrats to the members of this committee?
3. Is it permissible for Co-Chair Wisniewski, as a licensed attorney, to deny Select Committee members direct contact with committee counsel, and rather direct all inquiries through him?¹⁰⁰
4. Did Jenner & Block have an obligation to disclose the firm's prior relationship with Co-Chair Wisniewski, state Democrats and other political entities, including political action committees?
5. Did Co-Chair Wisniewski and Jenner & Block have a legal and/or ethical obligation to have a timely signed legal retainer agreement prior to any work being performed on behalf of the Select Committee?
6. Did Jenner & Block have an obligation to disclose the results of their alleged conflict search to all Select Committee members and the public?
7. Did Jenner & Block have an obligation to all committee members to provide them with memos, texts, emails and legal advice given to co-chairs?
8. Do all lawyers on the Select Committee now have an affirmative obligation to seek ethics opinions on all of the above issues?

¹⁰⁰ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, Jan. 27, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi01272014.pdf>), Ex. 63.

With the above questions still unanswered, there exists the possibility of violations of court rules, New Jersey law¹⁰¹ and ethical obligations.

From the onset, Mr. Schar appeared to serve the Select Committee without being a licensed attorney in New Jersey.¹⁰² Records also show that Jenner & Block attorneys, including Mr. Schar, provided legal counsel for Co-Chair Wisniewski's aforementioned "special" Assembly committee days before they were contracted and weeks before the Select Committee was formed.¹⁰³ At least four Jenner & Block attorneys, none of who were licensed to practice law in New Jersey,¹⁰⁴ billed taxpayers nearly \$19,000 prior to any written agreement.¹⁰⁵

Republican members quickly raised concerns with Mr. Schar not being a licensed attorney in New Jersey.

On January 29, 2014, two days after the committee organized, Senator Kevin O'Toole relayed various concerns to Paul Fishman, the U.S. Attorney for the District of New

¹⁰¹ N.J.S.A. 2C:21-22, regarding unauthorized practice of law, penalties, Ex. 67.

¹⁰² Jenner & Block, "Our People, Reid J. Schar, Partner," (<http://jenner.com/people/ReidSchar>), last visited Oct. 21, 2014, Ex. 68.

¹⁰³ Reid Schar Engagement Letter to New Jersey General Assembly, "Special Counsel to the General Assembly," Jenner & Block, Jan. 16, 2014, Ex. 69; New Jersey Legislative Select Committee on Investigation, "Jenner & Block Retainer Agreement," Jan. 24, 2014, Ex. 37; Jenner & Block Billing Records to The New Jersey State Legislature, "For Professional Services Through January 31, 2014," dated Feb. 24, 2014, Ex. 70.

¹⁰⁴ Jenner & Block, "Our People, Anthony S. Barkow, Partner," (<http://jenner.com/people/AnthonyBarkow>), last visited Oct. 21, 2014, Ex. 71; Jenner & Block, "Our People, Reid J. Schar, Partner," (<http://jenner.com/people/ReidSchar>), last visited Oct. 21, 2014, Ex. 68; Jenner & Block, "Our People, Matthew D. Cipolla," (<http://jenner.com/people/MatthewCipolla>), last visited Oct. 21, 2014, Ex. 72; Jenner & Block, "Our People, Anne Cortina Perry," (<http://jenner.com/people/AnnePerry>), last visited Oct. 21, 2014; Ex. 73.

¹⁰⁵ Jenner & Block Billing Records to The New Jersey State Legislature, "For Professional Services Through January 31, 2014," dated Feb. 24, 2014, Ex. 70.

Jersey, about Mr. Schar and other issues.¹⁰⁶ The next day, Senator O’Toole questioned Mr. Schar directly during a telephone conversation, and Mr. Schar told the Senator he would seek an allowance to appear before a New Jersey court if necessary.¹⁰⁷ On January 31, 2014, Senator O’Toole sent a letter to state Supreme Court Chief Justice Stuart Rabner, requesting advice and clarification on, among other issues, Mr. Schar’s apparent practice of law in New Jersey without a license.¹⁰⁸

Days later, the clerk of the state Supreme Court¹⁰⁹ and the Secretary to the Committee on the Unauthorized Practice of Law¹¹⁰ each responded that it was unclear whether Mr. Schar was properly practicing law in New Jersey.

After repeated inquiries spanning several weeks, Republican committee members were given some confirmation that Mr. Schar finally took the steps necessary to legally practice law in New Jersey.¹¹¹ By that point, Jenner & Block had already incurred costs and expenses totaling more than \$200,000.¹¹² The co-chairs should have addressed this issue prior to the very first Select Committee meeting on January 27, 2014.

Republican Select Committee members, from the beginning of this committee’s formation, have raised questions regarding counsel’s professional responsibilities and

¹⁰⁶ Senator Kevin O’Toole letter to Paul Fishman, Jan. 29, 2014, Ex. 74.

¹⁰⁷ Jenner & Block Billing Records to The New Jersey State Legislature, “For Professional Services Through January 31, 2014,” dated Feb. 24, 2014, Ex. 70.

¹⁰⁸ Senator Kevin O’Toole letter to Chief Justice Rabner, Jan. 31, 2014, Ex. 75.

¹⁰⁹ Mark Neary letter to Senator O’Toole, Feb. 3, 2014, Ex. 76.

¹¹⁰ Carol Johnston letter to Senator O’Toole, Feb. 10, 2014, Ex. 77.

¹¹¹ Mark Neary letter to Senator O’Toole, Feb. 3, 2014, Ex. 76.

¹¹² Jenner & Block Billing Records to The New Jersey State Legislature, “For Professional Services Through January 31, 2014,” dated Feb. 24, 2014, Ex. 70.

compliance with professional rules.¹¹³ Again, Jenner & Block counselors confirmed and took to heart what the Republican members had suspected from the beginning — they dismissed Republican concerns and confirmed that counsel would only be responsible to the co-chairs.¹¹⁴

The co-chairs systematically excluded Republicans from any committee decisions, denied Republicans access to committee attorneys¹¹⁵ (despite prior assurances that such discrimination would not happen),¹¹⁶ and blocked Republicans from accessing key documents and records, including memorandums, emails and legal bills.¹¹⁷

Co-Chair Wisniewski also affirmed the partisan nature of the committee, for example, with his response to press inquiries about Republican members being excluded from the committee's operational process: "We keep them advised," he replied.¹¹⁸

That comment could not have been further from the truth, as evidenced by Republican Select Committee members repeatedly being kept in the dark and only made aware of committee actions by seeing leaked details via newspapers and cable television shows.

¹¹³ For example, Republican Select Committee members' letter to Reid Schar, April 11, 2014, Ex. 78.

¹¹⁴ Reid Schar letter in response to Republican Select Committee members, April 16, 2014, Ex. 79.

¹¹⁵ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, Jan. 27, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi01272014.pdf>), Ex. 63.

¹¹⁶ "Senate Session on SR-1," Jan. 16, 2014,

(http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 20, 2014; Senate Session on SCR-49, Jan. 27, 2014,

(http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 21.

¹¹⁷ Republican Select Committee members' letter to committee co-chairs, Feb. 3, 2014, Ex. 80; Republican Select Committee members' letter to committee co-chairs, March 12, 2014, Ex. 81; Republican Select Committee members' letter to committee co-chairs, April 2, 2014, Ex. 82.

¹¹⁸ Christopher Baxter, "Republicans on NJ bridge scandal panel might withdraw bipartisan support," The Star-Ledger, April 16, 2014, (http://www.nj.com/politics/index.ssf/2014/04/republicans_on_nj_bridge_scandal_panel_might_retract_bipartisan_support.html), Ex. 83.

Chapter III:

Co-Chairs Sabotaged the Inquiry

Beyond the New Jersey Legislative Select Committee’s partisan makeup and use of a go-to, Chicago-based legal firm for Democrats, the committee’s inquiry failed because the co-chairs’ hunted for the spotlight to bolster their attack of the popular Republican governor.

It seemingly defied laws and logic that Co-Chair John Wisniewski — a person who vowed to make Chris Christie a one-term governor, served as state Democrat chairman and was a presumed candidate for governor¹¹⁹ — was even allowed to serve on the Select Committee, let alone be its leader.¹²⁰ However, it was not his incredibly partisan past that was his sole disqualifier, but rather his daily conduct and mishandling of simple tasks that rendered him incapable of leading an independent Select Committee inquiry.

Co-Chair Wisniewski and Co-Chair Loretta Weinberg, who lost to the governor’s 2009 ticket,¹²¹ fueled a media frenzy¹²² to advance a Democrat political agenda by making

¹¹⁹ Detailed in “A Public Committee Started Down a Political Road” chapter of this Minority Statement.

¹²⁰ Detailed in “Top Members Should’ve Been Banned from the Committee” subchapter of this Minority Statement.

¹²¹ “Official Tallies,” New Jersey Department of State, Dec. 1, 2009, (<http://www.nj.gov/state/elections/election-results/2009-official-general-election-gov-lt-gov-tallies-120109.pdf>), last visited Oct. 28, 2014.

¹²² Bing search for “Bridgegate Scandal latest news” yields 26.8 million results as of Oct. 10, 2014.

prejudicial, inaccurate and misleading statements to reporters, as well as by apparently illegally leaking confidential materials.

The co-chairs' unusually rash and amateurishly prejudicial behavior was ridiculed by outside pundits¹²³ and would ultimately cost the committee its only court case, and in doing so, its very ability to perform a productive inquiry for the public.

Prejudicial Comments: A Hunt for Attention

Even before the creation of the New Jersey Legislative Select Committee on Investigation, co-chairs John Wisniewski and Loretta Weinberg constantly appeared before the media, making clear in interview after interview that they had determined guilt would be placed on the governor and there was no other acceptable outcome.

Co-Chair Wisniewski, in national television and local media interviews, proclaimed laws had been broken,¹²⁴ the governor stood the chance of being impeached,¹²⁵ the governor may have lied¹²⁶ and the lane reassignments were done as “political payback”¹²⁷ that

¹²³ Stuart Rothenberg, “The Christie Investigation: From Inquiry to Lynching?” Roll Call, Jan. 15, 2014, (<http://blogs.rollcall.com/rothenblog/the-christie-investigation-from-inquiry-to-lynching/>), Ex. 84.

¹²⁴ Co-Chair John Wisniewski, “CNN Newsroom,” CNN, Jan. 11, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/140111/cnr.01.html>), Ex. 85.

¹²⁵ Michael Isikoff, “Democrat heading bridge probe says Christie could be impeached if he knew of closures,” NBCNews.com, Jan. 11, 2014, (http://investigations.nbcnews.com/_news/2014/01/11/22268855-democrat-heading-bridge-probe-says-christie-could-be-impeached-if-he-knew-of-closures), Ex. 86.

¹²⁶ Bill Mooney, “Wisniewski: Either Christie is unaware of what his office is doing or he is lying,” PolitickerNJ, Jan. 8, 2014, (<http://politickernj.com/2014/01/wisniewski-either-christie>), Ex. 87.

¹²⁷ Co-Chair John Wisniewski, “Face the Nation,” CBS News, Jan. 12, 2014, transcript via Project Vote Smart, (<https://votesmart.org/public-statement/833326/cbs-face-the-nation-transcript-new-jersey-port-authority-scandal#.VEZlqWddXMo>), Ex. 88.

“constitute[d] a crime.”¹²⁸ Co-Chair Weinberg also made clear she had predetermined the outcome of any future investigation and would not accept any alternative explanation from the governor’s office.¹²⁹

Together, they recklessly concocted and repeated theories to the media based on pure speculation in an effort to damage the governor and to increase national attention on the controversy and themselves.¹³⁰

Every time Co-Chair Wisniewski baselessly professed during media interviews that laws were broken or a crime was committed, it served as a damaging blow to the Select Committee inquiry and led to its failure.¹³¹

If the co-chairs had already reached their conclusion, why did they charge taxpayers nearly \$9 million¹³² to run a partisan legislative inquiry? If a conclusion was already reached, was it an abuse of their power and public resources to conduct this political act?

¹²⁸ Id.

¹²⁹ Senator Loretta Weinberg, “Senate Session on SR-1,” Jan. 16, 2014, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 20, 2014; Co-Chair Loretta Weinberg, “Andrea Mitchell Reports,” MSNBC, Jan. 10, 2014, (https://archive.org/details/MSNBCW_20140110_180000_Andrea_Mitchell_Reports#start/1020/end/1080), last visited Oct. 21, 2014.

¹³⁰ Co-Chair John Wisniewski, “The Rachel Maddow Show,” MSNBC, Jan. 8, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54022296/ns/msnbc-rachel_maddow_show/#.VEZmtyLF-j2), Ex. 89; Co-Chair Loretta Weinberg, “The Rachel Maddow Show, MSNBC, Jan. 14, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54078130/ns/msnbc-rachel_maddow_show/#.VEZoFiLF-j2), Ex. 90.

¹³¹ Detailed in “Bungled Court Case” chapter of this Minority Statement.

¹³² Detailed in “High Price for Failure” chapter of this Minority Statement.

In total, these politically-driven attention seekers conducted more than 100 television interviews¹³³ along with dozens of print media interviews — all in blatant disregard of a directive from their handpicked attorney to refrain from comment and judgment.

Select Committee counsel Reid Schar warned the co-chairs and other members in executive session during the committee’s first meeting on January 27, 2014 that they should not talk to the press about issues pertaining to the committee. As detailed throughout this Minority Statement, co-chairs Wisniewski and Weinberg operated above laws and rules, and defiantly held a press conference immediately following that January 27, 2014 meeting.¹³⁴

Inflammatory comments from the co-chairs continued to stoke a media frenzy that drove the narrative of national Democrats as well as the ratings of the co-chairs’ pet network MSNBC.¹³⁵ Mediaite, an aggregator for the news industry, credited MSNBC’s success over the first quarter of 2014 “to the network’s voracious coverage of New Jersey Governor Chris Christie’s ‘Bridgagate’ scandal.”¹³⁶ Later, when the Select Committee slowed to a crawl after generating no actual link between the governor and the George

¹³³“Media Tracker: John Wisniewski and Loretta Weinberg TV Interviews,” Ex. 91.

¹³⁴ NJ Assembly Democratic Office, “Wisniewski, Weinberg Media Availability Following First Meeting of NJ Legislative Select Committee on Investigation,” Vimeo.com, Jan. 27, 2014, (<http://vimeo.com/85280341>), last visited Oct. 21, 2014.

¹³⁵ Matt Wilstein, “Q1 2014 Cable News Ratings: CNN Remains in 3rd Despite March Surge,” [Mediaite](http://www.mediaite.com/tv/q1-2014-cable-news-ratings-cnn-remains-in-3rd-despite-march-surge/), April, 1, 2014, (<http://www.mediaite.com/tv/q1-2014-cable-news-ratings-cnn-remains-in-3rd-despite-march-surge/>), Ex. 92.

¹³⁶ Id. Note, Viewership of MSNBC jumped in the first quarter of 2014, setting the best marks for the network in a year.

Washington Bridge lane reassignments, MSNBC's rankings dipped for the third quarter.¹³⁷

Fueled by the misinformation spread by the co-chairs and other legislative Democrats, media coverage of the lane reassignments and the committee dominated local and national print and television markets for months. This unprecedented avalanche of news coverage surrounding the George Washington Bridge lane reassignments and its potential political ramifications helped lead to more than 29.2 million results from a simple "Chris Christie" Bing search.¹³⁸

Coverage ranged from the objective to the outlandish as every item connected to the committee and the lane reassignments became fodder for news. Coverage became so excessive that The Star-Ledger wrote and published two stories weeks apart in July and September 2014 about a "bridgegate"-themed boat that won a boat decorating contest in Ocean City.¹³⁹ The complete saturation of the coverage made it impossible for anyone to avoid the bias instilled in many reports by the co-chairs' comments and eliminated all prospects of an objective public inquiry.

¹³⁷ "Fox News Nabs Historic Cable Ratings Victory," Hollywoodreporter.com, Sept. 30, 2014, (http://www.hollywoodreporter.com/live-feed/fox-news-nabs-historic-cable-736624?mobile_redirec), Ex. 93.

¹³⁸ Bing search of "Chris Christie Investigation News" yields 29.2 million results as of Oct. 10, 2014.

¹³⁹ Lisa Rose, "Bridgegate boat takes top prize at Ocean City boat parade and decorating contest," The Star-Ledger, July 27, 2014, (http://www.nj.com/cape-may-county/index.ssf/2014/07/photos_bridgegate_games_of_thrones_boats_make_a_splash_at_night_in_venice_parade_in_ocean_city.html), Ex. 94; Lisa Rose, "'Bridgegate' boat skewers Christie, wins best in show," The Star-Ledger, Sept. 8, 2014, (http://www.nj.com/politics/index.ssf/2014/09/bridgegate_angered_commuters_but_inspired_artists_boater_s_transformed_vessel_into_floating_toll_plaz.html), Ex. 95.

By virtue of unexplained lane reassignments, state and national Democrats, with willing partners in the media, captured the attention of a national, and with some reports, an international audience. The frenzied coverage of the Democrats' partisan circus overshadowed national and international events of much greater importance. For example, Jake Tapper discussed in late January how the governor received more media scrutiny about the George Washington Bridge lane reassignments than ex-Secretary of State Hillary Clinton received in the wake of deadly Benghazi attacks.¹⁴⁰

The media's infatuation with the week-long Fort Lee, New Jersey, traffic jam would continue for months, even after borough Mayor Mark Sokolich told the media in August 2014, "Fort Lee has moved on."¹⁴¹

On the front page of the September 3, 2014 Star-Ledger, a story about the governor's former campaign manager, Bill Stepien, getting a new private-sector job after his alleged role in the lane reassignments was the top story above coverage of an ISIS beheading of American journalist, Steven Sotloff.¹⁴²

¹⁴⁰ Jake Tapper, "Tapper: Christie Getting More Scrutiny From The Media For Bridgegate Than Hillary For Benghazi," Real Clear Politics, Jan. 22, 2014, (http://www.realclearpolitics.com/video/2014/01/22/tapper_christie_getting_more_scrutiny_from_the_media_for_bridgegate_than_hillary_for_benghazi.html), Ex. 96.

¹⁴¹ Mark Bonamo, "Bergen County Exec's Race: Fort Lee Mayor Sokolich sees Bridgegate investigations as potential election catalyst," PolitickerNJ, Aug. 19, 2014, (<http://politickernj.com/2014/08/bergen-county-execs-race-fort-lee-mayor-sokolich-sees-bridgegate-investigations-as-potential-election-catalyst/>), Ex. 97.

¹⁴² The Star-Ledger, front page of print edition, Sept. 3, 2014, Ex 98.

In October 2014, a New York Post editorial captured the hypocrisy of the media's and co-chairs' yearlong obsession with September 2013 lane reassignments compared to the blind eye turned toward millions of stolen and wasted taxpayer dollars in Newark under then-mayor Cory Booker, a Democrat U.S. Senator.¹⁴³ "If you want to know why Republicans believe the press is biased, look no further than the kid-glove treatment given Cory Booker," the first sentence of the editorial entitled, "Cory Booker's Free Pass" stated.¹⁴⁴

The editorial continued: "Though New Jersey's press and political class have yet to come up with any evidence, they continue to work in overdrive to prove Gov. Chris Christie knew about Bridgegate before he said he did. Meanwhile, Booker is walking to re-election as a U.S. senator without having to say boo about the biggest scam under his leadership as mayor of Newark: the fleecing of the city by the Newark Watershed Conservation and Development Corp., which he chaired as mayor."¹⁴⁵

The editorial aptly concluded: "The NWCDC findings reek of corruption. But the stench coming from the unwillingness to hold Cory Booker to the same standards of accountability as Chris Christie is just as foul."¹⁴⁶

¹⁴³ New York Post Editorial Board, "Cory Booker's Free Pass," New York Post, Oct. 7, 2014, (<http://nypost.com/2014/10/07/cory-bookers-free-pass/>), Ex. 99; Further detailed in "Double-Standard for Democrat Abuses" subchapter of this Minority Statement.

¹⁴⁴ Id.

¹⁴⁵ Id.

¹⁴⁶ Id.

The saturation and duration of media attention was unprecedented and sharply partisan, at levels presumably never to be replicated again.

‘Inquiry to Lynching’

The blatantly biased and prejudicial comments by the Select Committee co-chairs and other legislative Democrats brought public criticism from national political analysts,¹⁴⁷ caused one Democrat committeewoman to resign before the first witness was called¹⁴⁸ and ultimately undercut the committee’s ability to call witnesses and seek documents related to the lane reassignments.¹⁴⁹

Co-chairs Wisniewski and Weinberg appeared to race against each other to see who could land more sensational and misleading quotes in television, radio and print reports. However, their partisan scheme with national Democrats did not fool everyone.

On January 15, 2014, Stuart Rothenberg wrote for Roll Call how a legitimate inquiry had turned to a “lynching” as an effort to destroy the Republican governor’s potential bid for the presidency.¹⁵⁰ Mr. Rothenberg wrote, “... it isn’t too soon to wonder when the accusations and media frenzy crossed the line from inquiry and investigation to political

¹⁴⁷ Stuart Rothenberg, “The Christie Investigation: From Inquiry to Lynching?” Roll Call, Jan. 15, 2014, (<http://blogs.rollcall.com/rothenblog/the-christie-investigation-from-inquiry-to-lynching/>), Ex. 84.

¹⁴⁸ Darryl Isherwood, “Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign,” The Star-Ledger, Feb. 28, 2014, (http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigatio_n_committee_after_calling_for_gov_chris_christi.html), Ex. 41.

¹⁴⁹ Detailed in “Inquiry’s Doom: Bungled Court Case” chapter of this Minority Statement.

¹⁵⁰ Stuart Rothenberg, “The Christie Investigation: From Inquiry to Lynching?” Roll Call, Jan. 15, 2014, (<http://blogs.rollcall.com/rothenblog/the-christie-investigation-from-inquiry-to-lynching/>), Ex. 84.

lynching.”¹⁵¹ Mr. Rothenberg added, “What I haven’t yet heard from those covering the controversy is much talk about how politically motivated the investigations are and how inflammatory the coverage has been.”¹⁵²

Mr. Rothenberg continued, noting the co-chairs’ roles in pushing the bias forward, “New Jersey and national Democrats are jumping on the story and pursuing other inquiries that they hope will uncover information embarrassing to Christie in the hope of destroying his 2016 candidacy for president. They rightly see him as a threat — probably the strongest general-election candidate the GOP could nominate — so they are trying to destroy him politically.”¹⁵³

The article continued, “Both the New Jersey Assembly and Senate have launched investigations of the bridge incident and the governor. Longtime Democratic politician Loretta Weinberg, the majority leader of the state Senate, said the controversy now ‘involves the abuse of power, risks to public safety, harm to interstate commerce and a possible cover-up.’ A New York Daily News headline roared, ‘New Jersey pol leading Bridgegate probe says Christie impeachment “a possibility” if governor lied,’ a reference to Assemblyman John Wisniewski, who also happens to be a former chairman of the New Jersey Democratic State Committee.”¹⁵⁴

Mr. Rothenberg justly surmised, “... the smell now emanating from the Garden State

¹⁵¹ Id.

¹⁵² Id.

¹⁵³ Id.

¹⁵⁴ Id.

isn't merely the pure sweetness of good government. It also includes a pungent odor of partisan politics and pettiness coming from Christie's detractors."¹⁵⁵

And Mr. Rothenberg was not alone in calling out Democrat committee members' political motivations. The Star-Ledger opined: "What began as a minor controversy is now a massive pile-on: Everybody wants a piece of Bridgegate ..." ¹⁵⁶

On CNN, senior political analyst David Gergen noted, "And as the public concludes this is just about politics, this is not about truth, it's a way to smear Christie, and it could be a backlash."¹⁵⁷ And Scott Conroy wrote for Real Clear Politics that, "... New Jersey Democratic leaders have been eager to offer worst-case scenarios for how investigations into the episode might play out for Chris Christie."¹⁵⁸

On MSNBC, political analyst Mark Halperin said, "Democrats have overplayed their hand somewhat. The criticism, for instance, of the chairman of the investigative committee, the Democrat, I think he has prejudged the case in some ways by saying he thinks the Governor is lying."¹⁵⁹

¹⁵⁵ Id.

¹⁵⁶ The Star-Ledger Editorial Board: "Bridgegate investigation should be a joint legislative effort," The Star-Ledger, Jan. 13, 2014, (http://blog.nj.com/njv_editorial_page/2014/01/bridgegate_investigation_shoul.html), Ex. 100.

¹⁵⁷ David Gergen, "Anderson Cooper 360 Degrees", CNN, Jan. 16, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/140116/acd.01.html>), Ex. 101.

¹⁵⁸ Scott Conroy, "N.J. Dems May Risk Backlash in Christie Probe," Real Clear Politics, Jan. 21, 2014, (http://www.realclearpolitics.com/articles/2014/01/21/nj_dems_may_risk_backlash_in_christie_probe_121293.html), Ex. 102.

¹⁵⁹ Mark Halperin, "NOW with Alex Wagner," MSNBC, Jan. 20, 2014, (http://archive.org/details/MSNBCW_20140120_210000_NOW_With_Alex_Wagner#start/720/end/780), last visited Oct. 21, 2014.

Before the Senate and Assembly could even form the joint committee former New York City Mayor Rudy Giuliani observed on NBC's "Meet the Press" that Co-Chair Wisniewski had stepped so far over into the realm of prejudging the outcome of the inquiry that he had already lost all credibility and should resign.¹⁶⁰ Mr. Giuliani told the host, "The person conducting the investigation has now announced the conclusion of the investigation, that he believes the Governor is not telling the truth. He should not be handling this investigation. It gives it no sense of credibility and it clearly was a partisan witch-hunt."¹⁶¹

Months later, The Record columnist Charlie Stile dug to the heart of Co-Chair Wisniewski's and other Democrats' motivation — to weaken the governor and raise their own political fortunes.¹⁶² Mr. Stile wrote, "From the moment the first subpoena was issued, Democrats recognized that the Legislature's investigation into the George Washington Bridge lane closures offered them an opportunity to weaken Governor Christie and maybe ruin his pursuit of the presidency. But the special legislative probe has also emerged as an opportunity — and a challenge — for a crop of ambitious Democrats hoping to succeed Christie in 2017."

Mr. Stile continued, "Though federal investigations are often conducted in secret, this legislative probe is being carried out largely in public. That has the potential of keeping

¹⁶⁰ Rudy Giuliani, "Meet the Press," NBCNews.com, Jan. 19, 2014, (http://www.nbcnews.com/id/54117257/ns/meet_the_press-transcripts/t/january-dianne-feinstein-mike-rogers-alexis-ohanian-john-wisniewski-rudy-giuliani-robert-gates-newt-gingrich-andrea-mitchell-harold-ford-jr-nia-malika-henderson/#.VEZ9LVTD-1u), Ex. 103.

¹⁶¹ Id.

¹⁶² Charlie Stile, "Stile: George Washington Bridge inquiry could propel key Democrats to run for governor in 2017," The Record, April 12, 2014, (<http://www.northjersey.com/news/stile-gwb-inquiry-could-propel-key-democrats-to-run-for-governor-in-2017-1.939014?page=all>), Ex. 104.

the heat on Christie with headlines and television coverage — and turning little-known lawmakers into stars.”¹⁶³

One of those aspiring stars was none other than Co-Chair Wisniewski.¹⁶⁴ Mr. Stile stated, “The publicity has transformed the career of the panel’s co-chairman, Assemblyman John Wisniewski. Before the scandal, Wisniewski was an obscure Middlesex County lawmaker who served a tumultuous term as the state Democratic Party chairman. Now, he’s cast as the plain-spoken, methodical David poised to take down Christie, the Republican Goliath. Wisniewski has become a regular on cable television’s MSNBC and a profile subject for national news outlets. He has the beginnings of name recognition and is mentioned as a possible candidate for governor.”¹⁶⁵

Co-Chairwoman: ‘The governor has to be responsible’

Again, the co-chairs began their endless attempts to garner name recognition and bring down the popular Republican governor long before the Select Committee was ever established. As early as December 19, 2013, Co-Chair Wisniewski appeared on television to tell viewers his theory of the lane reassignments, saying to Chasing New Jersey, “When we see this bridge being used for political payback, when we see the lack of

¹⁶³ Id.

¹⁶⁴ Id.

¹⁶⁵ Id.

accountability, when we're told, shucks, it was a simple traffic study let me consult with my criminal lawyer now, there's something wrong with this picture."¹⁶⁶

Days later on MSNBC, Co-Chair Wisniewski speculated that as David Wildstein and Bill Baroni were appointed by the governor it indicated their work at the Port Authority, and any involvement in the lane reassignments, was controlled by the governor.¹⁶⁷

Co-Chair Wisniewski told the host, "But what is clear is, look, you don't get to be on the Port Authority, you don't get these big jobs without being really close to the governor and having the governor's absolute confidence. And so, these two men get the two prized appointments that the governor can make at the Port Authority and they closed down these lanes. It is not like they did it as lone rangers. You don't get to that position by being a freelancer."¹⁶⁸

The day after Christmas 2013, Co-Chair Wisniewski appeared on MSNBC and revealed the partisan nature behind his desire to investigate the lane reassignments as a means of lowering the governor's national appeal.¹⁶⁹ Co-Chair Wisniewski talked about the

¹⁶⁶ Co-Chair John Wisniewski, "'Bridgagate' Day 100," MY9NJ.com, Dec. 19, 2013, (<http://www.my9nj.com/story/24262449/bridgagate-day-100>), Ex. 105.

¹⁶⁷ Co-Chair John Wisniewski, "Up With Steve Kornacki," MSNBC, Dec. 22, 2013, transcript via NBCNews.com, (http://www.nbcnews.com/id/53994379/ns/msnbc-rachel_maddow_show/#.VEaAR1TD-1u1u), Ex. 106.

¹⁶⁸ Id.

¹⁶⁹ Co-Chair John Wisniewski, "PoliticsNation with Al Sharpton," MSNBC, Dec. 26, 2013, transcript via NBCNews.com, (<http://www.nbcnews.com/id/53993432/ns/msnbc-politicsnation/#.VEaBg1TD-1u>), Ex. 107.

governor as a national figure and said, "... people need to know what his judgment is like. And in this case I think they have to call into question his judgment ..."¹⁷⁰

On January 8, 2014, Co-Chair Wisniewski appeared on CNN and, although admitting he had no evidence, declared his judgment that the governor was likely responsible for the lane reassignments.¹⁷¹ After being asked if he had "any evidence that Christie had anything to do with this or even knew about it," Co-Chair Wisniewski launched into a series of judgmental statements: "Well, this is an administration that runs a very tight ship, and there are almost no decisions that are made of any consequence that do not run directly through the front office. ... So it's really hard to imagine how an email could come from the governor's deputy chief of staff saying it's time for traffic problems and not have the administration involved in this. ... It's really hard to imagine how this doesn't go higher."¹⁷²

To drive home his point, Co-Chair Wisniewski added, "I don't have an email with the governor's name on it, but I find it hard to believe that this administration wasn't directly involved in orchestrating this."¹⁷³ He also made a blatant effort to advance Democrats' agenda to lower the governor's national appeal, saying, "That's not the kind of leadership that New Jersey needs and it's certainly not the kind of leadership the nation needs."¹⁷⁴

¹⁷⁰ Id.

¹⁷¹ Co-Chair John Wisniewski, "The Lead With Jake Tapper," CNN, Jan. 8, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/1401/08/cg.01.html>), Ex. 108.

¹⁷² Id.

¹⁷³ Id.

¹⁷⁴ Id.

It was clear that the co-chair could not lead a legitimate legislative inquiry, because he thought of the governor as a liar and refused to consider facts in this case.¹⁷⁵

Later that same day, Co-Chair Wisniewski made it clear while appearing with Rachel Maddow on MSNBC that he had already reached a conclusion about the purpose for the reassignments, saying “This was purely a political operation. And it came out of the governor’s office. After it came out of the governor’s office, and it was put into effect, there was an effort to try to concoct a rationale for doing it, and then an effort to diminish anybody’s credibility who dared challenge or question it. It’s government at its worst.”¹⁷⁶

Co-Chair Wisniewski then led Ms. Maddow and a national audience down a conspiracy path by introducing his speculation that Governor Christie and then-Port Authority Chairman David Samson hatched out the plot at an August 2013 meeting.¹⁷⁷ Co-Chair Wisniewski theorized, “There was a meeting between the governor and Chairman Samson right before the August 13 email, was that a meeting in which this plot was discussed or talked about.”¹⁷⁸

Co-Chair Wisniewski continued on without factual basis to proclaim to Ms. Maddow that laws were broken, declaring, “Clearly, public assets were used for a political purpose, to

¹⁷⁵ Bill Mooney, “Wisniewski: Either Christie is unaware of what his office is doing or he is lying,” PolitickerNJ, Jan. 8, 2014, (<http://politickernj.com/2014/01/wisniewski-either-christie>), Ex. 87.

¹⁷⁶ Co-Chair John Wisniewski, “The Rachel Maddow Show,” MSNBC, Jan. 8, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54022296/ns/msnbc-rachel_maddow_show/#.VEaGT1TD-1s), Ex. 89.

¹⁷⁷ Id.

¹⁷⁸ Id.

exact retribution against the mayor of Fort Lee, to do improper things. That seems to me to be a violation of law.”¹⁷⁹

On January 9, 2014, the co-chairs tag-teamed the governor on NJTV’s evening news: Co-Chair Weinberg determined that the governor himself was responsible for the lane reassignments, telling the host and audience, “I will tell you how high it goes. It goes up to the governor ...”¹⁸⁰ In his part, Co-Chair Wisniewski again labeled the governor as incompetent or a liar.¹⁸¹

The same day Co-Chair Wisniewski blanketed national airwaves with his narrative that laws were broken and the governor’s explanation was unbelievable.¹⁸²

Appearing on MSNBC with Chris Matthews the same day, Co-Chair Wisniewski reiterated that he had already completely dismissed the governor’s testimony of having no knowledge of staff involvement in the lane reassignments and went on to stoke the blatantly partisan narrative of the governor being a bully.¹⁸³

Co-Chair Wisniewski added, “The governor has bullied members of the legislature. The governor has bullied municipalities. And so time and time again, we see a governor who

¹⁷⁹ Id.

¹⁸⁰ Co-Chair Loretta Weinberg, “NJTV News,” NJTV, Jan. 9, 2014, (<http://www.njtvonline.org/news/video/sen-weinberg-says-christie-apology-is-four-months-too-late/>), last visited Oct. 21, 2014.

¹⁸¹ Co-Chair John Wisniewski, “NJTV News,” NJTV, Jan. 9, 2014 (<http://www.njtvonline.org/news/video/asm-wisniewski-says/>), Ex. 109.

¹⁸² Co-Chair John Wisniewski, “Hardball with Chris Matthews,” MSNBC, Jan. 9, 2014, (<http://www.msnbc.com/hardball/watch/christies-legal-fallout-just-beginning-111511619769>), last visited Oct. 21, 2014.

¹⁸³ Id.

when he doesn't get his way or he thinks that you're challenging his authority, he uses his bluster, he uses his scare tactics to try to get his way.”¹⁸⁴

In at least his fourth television interview that day, Co-Chair Wisniewski, who is not an officer of the law or a prosecutor, continued to drive the message to a national audience that laws were broken, stating to Rachel Maddow on MSNBC, “A public asset, bridge, was used for political purposes. That's against the law.”¹⁸⁵

Co-Chair Wisniewski continued with the same message the following day on January 10, 2014, on MSNBC.¹⁸⁶ Co-Chair Wisniewski threw aside any semblance of fairness and impartiality by repeating to MSNBC's Al Sharpton his conspiracy theory of a secret August meeting related to the lane reassignments between Mr. Samson and the governor.¹⁸⁷

Following the governor's press conference about this issue on January 10, 2014, Co-Chair Weinberg promised a national audience that she would take down the governor, baselessly proclaiming, “There are so many holes in this, he gave a great dramatic performance, not the first, not the last one I've ever seen Governor Christie do on behalf

¹⁸⁴ Id.

¹⁸⁵ Co-Chair John Wisniewski, “The Rachel Maddow Show,” MSNBC, Jan. 9, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54031912/ns/msnbc-rachel_maddow_show/#.VEavdLjD8pG), Ex. 110.

¹⁸⁶ Co-Chair John Wisniewski, “PoliticsNation with Al Sharpton,” MSNBC, Jan. 10, 2014, transcript via NBCNews.com, (<http://www.nbcnews.com/id/54055875/ns/msnbc-politicsnation/#.VEaxFrjD8pG>), Ex. 111.

¹⁸⁷ Id.

of the people. But, you know, he can't get away with this, this time."¹⁸⁸ She continued, "It is the governor and governor alone who knows why this happened ..."¹⁸⁹

On January 11, 2014, Co-Chair Wisniewski continued without evidence to spread his entrenched belief to national audiences that laws were broken and the governor could not be believed.¹⁹⁰ While still months before the committee could interview any witnesses, Co-Chair Wisniewski took full advantage of the limelight and ramped up his prejudicial commentary by suggesting the possibility of impeachment.¹⁹¹

Again guessing that the lane reassignments were criminal, Co-Chair Wisniewski added, "Well, I'm not a prosecutor but I do think laws have been broken. ... public research, the bridge, the police officers, the people who move the cones, all were used for a political purpose, for some type of retribution. And this violates the law."¹⁹²

In his continued and unrelenting effort to grow public hysteria and political attention and at the same time tarnish the reputation of the governor, Co-Chair Wisniewski on NBC's "Nightly News" speculated that the governor could ultimately be impeached, stating

¹⁸⁸ Co-Chair Loretta Weinberg, "Andrea Mitchell Reports," MSNBC, Jan. 10, 2014, (https://archive.org/details/MSNBCW_20140110_180000_Andrea_Mitchell_Reports#start/960/end/1020), last visited Oct. 21, 2014.

¹⁸⁹ Id.

¹⁹⁰ Co-Chair John Wisniewski, "CNN Newsroom," CNN, Jan. 11, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/1401/11/cnr.01.html>), Ex. 112; Michael Isikoff, "Democrat heading bridge probe says Christie could be impeached if he knew of closures," NBCNews.com, Jan. 11, 2014, (http://investigations.nbcnews.com/_news/2014/01/11/22268855-democrat-heading-bridge-probe-says-christie-could-be-impeached-if-he-knew-of-closures), Ex. 86.

¹⁹¹ Michael Isikoff, "Democrat heading bridge probe says Christie could be impeached if he knew of closures," NBCNews.com, Jan. 11, 2014, (http://investigations.nbcnews.com/_news/2014/01/11/22268855-democrat-heading-bridge-probe-says-christie-could-be-impeached-if-he-knew-of-closures), Ex. 86.

¹⁹² Co-Chair John Wisniewski, "CNN Newsroom," CNN, Jan. 11, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/1401/11/cnr.01.html>), Ex. 112.

“Using the George Washington Bridge, a public resource, to exact a political vendetta, is a crime. Having people use their official position to have a political game is a crime. So if those tie back into the Governor in any way, it clearly becomes an impeachable offense.”¹⁹³

Appearing on MSNBC with Steve Kornacki that same day, Co-Chair Wisniewski dug deep into his personal bank of theories and informed the host that by his deductions the governor had to be aware of the lane reassignments during the week they occurred. Co-Chair Wisniewski speculated, “... during that week where the traffic jam started and there was all the press inquiries and there was the attempt to cover it up and spin it, clearly, his senior staff knew and his senior staff don’t do a lot of things in this administration without checking in with the governor. And so, I believe that the governor had some knowledge of what was going on during that week.”¹⁹⁴

The next day, January 12, 2014, Co-Chair Wisniewski kept the spotlight focused brightly on himself, appearing for the fifth straight day on national television broadcasts. On “Face the Nation,” the co-chair discussed impeachment for actions he laid clear were a crime, stating, “Well, whether he knew or not isn’t the issue of the crime. I mean, clearly, in my opinion, when you use the George Washington Bridge for what the emails show to

¹⁹³ Michael Isikoff, “Democrat heading bridge probe says Christie could be impeached if he knew of closures,” NBCNews.com, Jan. 11, 2014, (<http://investigations.nbcnews.com/news/2014/01/11/22268855-democrat-heading-bridge-probe-says-christie-could-be-impeached-if-he-knew-of-closures>), Ex. 86.

¹⁹⁴ Co-Chair John Wisniewski, “Up With Steve Kornacki,” MSNBC, Jan. 11, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54055956/ns/msnbc-rachel_maddow_show/#.VEa2g7jD8pG), Ex. 113.

be a political payback, that amounts to using public property for a private purpose or for a political purpose, and that's not legal. And so that constitutes a crime.”¹⁹⁵

Speaking of Bridget Kelly's¹⁹⁶ presence with the governor on August 13, 2013, at the Seaside Heights boardwalk, Co-Chair Wisniewski speculated that she certainly must have informed the governor of the email she sent that same day purportedly orchestrating the lane reassignments, saying “... this senior aide, who was with him that day, who sent the order, never once communicated with him? It's unbelievable.”¹⁹⁷

Co-Chair Wisniewski reappeared on television on January 13, 2014, and attempted to fan the flame on his purely speculative notion about the nature of an August 8, 2013 meeting between the governor and Mr. Samson.¹⁹⁸

Undeterred by having to admit that no actual information about the rumored meeting exists, on MSNBC's “NOW with Alex Wagner” Wisniewski jumped at the chance to push the topic forward when the host asked how the co-chairs could “perhaps find the plotting phase?”¹⁹⁹ of the lane reassignments. Co-Chair Wisniewski responded, “Well, we know there was at least a meeting or an attempt to schedule a meeting between the

¹⁹⁵ Co-Chair John Wisniewski, “Face the Nation,” CBS News, Jan. 12, 2014, (<http://www.cbsnews.com/news/face-the-nation-transcripts-january-12-2014-rubio-cummings-wisniewski/3/>), Ex. 114.

¹⁹⁶ The governor's former deputy chief of staff.

¹⁹⁷ Co-Chair John Wisniewski, “Face the Nation,” CBS News, Jan. 12, 2014, (<http://www.cbsnews.com/news/face-the-nation-transcripts-january-12-2014-rubio-cummings-wisniewski/3/>), Ex. 114.

¹⁹⁸ Co-Chair John Wisniewski, “NOW With Alex Wagner,” MSNBC, Jan. 13, 2014, (https://archive.org/details/MSNBCW_20140113_170000_MSNBC_Live#start/180/end/240), last visited Oct. 21, 2014.

¹⁹⁹ Id.

chairman of the Port Authority David Samson and the Governor about a week or eight days before that email was sent. We don't know what that meeting was about.”²⁰⁰

Co-Chair Wisniewski appeared on MSNBC for a second time that same day, this time making crystal clear his perception that the governor's August 8, 2013 meeting could very well be tied to the lane reassignments.²⁰¹ Asked by the host about the importance of asking Bridget Kelly about the reason for sending the August 13, 2013 email, Co-Chair Wisniewski showed his desire to force the blame onto the governor.²⁰²

As if Co-Chair Wisniewski's media crusade did not already reek of political motives, he was joined by Barbara Buono, the Democrat candidate for governor who lost to Governor Christie just months earlier, for a January 13, 2014, CNN interview. Co-Chair Wisniewski bristled at the suggestion that no crime may have been committed in connection to the reassignments.²⁰³ Showing again his belief that there could be no other explanation besides from revenge-filled criminal behavior, Co-Chair Wisniewski replied, “So I take exceptions any notion that no laws were broken (sic). What we don't know are how many laws were broken and who broke them.”²⁰⁴

The next day, January 14, 2014, Co-Chair Weinberg joined in selling a conspiracy that the governor used the cover of a September 11th memorial ceremony to discuss the lane

²⁰⁰ Id.

²⁰¹ Co-Chair John Wisniewski, “The Last Word With Lawrence O'Donnell,” MSNBC, Jan. 13, 2014, transcript via NBCNews.com, (<http://www.nbcnews.com/id/54066990/ns/msnbc/#.VEa7Y7jD8pG>), Ex. 115.

²⁰² Id.

²⁰³ Co-Chair John Wisniewski, “Piers Morgan Live,” CNN, Jan. 13, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/1401/13/pmt.01.html>), Ex. 116.

²⁰⁴ Id.

reassignments, saying, “Apparently, from what we’ve seen in some press reports today, the governor and two of the main characters in this drama, David Wildstein and Bill Baroni, spent some part of 9/11 together at an observance. Perhaps they never whispered to him, gee, there’s something going on in Fort Lee?”²⁰⁵ She continued, “Nobody ever exchanged any words? What I want from the governor is what I think the people of New Jersey want and deserve. ...And that is the truth.”²⁰⁶

Co-Chair Wisniewski continued the national media push on that same day, speculating in wishful partisan fashion on MSNBC that possibly the entire state Republican party was at fault.²⁰⁷ Co-Chair Wisniewski stated, “... you don’t get an email ‘it’s time for traffic problems in Fort Lee’ unless there was some discussion beforehand. Somebody higher than you made you believe you had the authority.”²⁰⁸ Co-Chair Wisniewski brazenly continued, “Did this come from the state Republican Party? Was the Republican Party of New Jersey directing operations of at least one person in the governor’s office?”²⁰⁹

²⁰⁵ Co-Chair Loretta Weinberg, “The Rachel Maddow Show, MSNBC, Jan. 14, 2014, transcript via NBCNews.com (http://www.nbcnews.com/id/54078130/ns/msnbc-rachel_maddow_show/#.VEZoFiLF-j2), Ex. 90.

²⁰⁶ Id.

²⁰⁷ Co-Chair John Wisniewski, “The Rachel Maddow Show, MSNBC, Jan. 14, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54078130/ns/msnbc-rachel_maddow_show/#.VEZoFiLF-j2), Ex. 90.

²⁰⁸ Id.

²⁰⁹ Id.

On Fox News the same day Co-Chair Wisniewski boldly proclaimed, “There’s no amount of words that the governor will say that will either make this better or that will fix it.”²¹⁰

Finally, on January 16, 2014, the Senate voted to establish the short-lived “special” Senate Select Committee.²¹¹ Co-Chair Weinberg by that time had become a regular on national news shows, making at least eight appearances in the previous eight days alone, and had already made it abundantly clear she thought the governor was lying and that he was the only one who could lay bare the mystery of the lane reassignments.²¹²

Moments before voting to establish that special committee, Co-Chair Weinberg testified in the Senate chambers that her committee would make sure the George Washington Bridge was never used again for the three means she had already clearly decided were the sole purposes behind the lane reassignments.²¹³ In her mind, a legislative inquiry could only find three answers as to why the reassignments occurred: “... punish anybody, get even with anybody or maybe just because we can.”²¹⁴

²¹⁰ Co-Chair John Wisniewski, “Special Report With Bret Baier,” Fox News Channel, Jan. 14, 2014, (https://archive.org/details/FOXNEWSW_20140114_230000_Special_Report_With_Bret_Baier#start/1500/end/1560), last visited Oct. 21, 2014.

²¹¹ Detailed in “The Greater the Power, the More Dangerous the Abuse” section of this Minority Statement.

²¹² Co-Chair Loretta Weinberg, “Andrea Mitchell Reports,” MSNBC, Jan. 10, 2014, (https://archive.org/details/MSNBCW_20140110_180000_Andrea_Mitchell_Reports#start/1020/end/1080), last visited Oct. 21, 2014.

²¹³ “Senate Session on SR-1,” Jan. 16, 2014, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 20, 2014.

²¹⁴ Id.

Before the special Senate Select Committee could do any work of its own, Co-Chair Weinberg made sure to continue her media frenzy, returning to the spotlight that same day to tell CNN's Wolf Blitzer that earlier testimony regarding a traffic study at the bridge was "absolutely a made-up cover-up. And I have been saying it since then."²¹⁵

Co-Chair Weinberg reiterated her de facto stance against any possibility of a legitimate traffic study the following day on January 17, 2014 in an MSNBC appearance with Assembly Majority Leader Louis Greenwald, who also became a New Jersey Legislative Select Committee member.²¹⁶

During the interview, Co-Chair Weinberg jumped at the chance to blame the governor. She said, "And I agree with my colleague, Majority Leader Greenwald, that none of us believe that Bridget Kelly did this on her own. That's one half the story. The other half of the story is all the people who were in charge, whether we're talking about the governor, the Port Authority commissioners ..."²¹⁷

Days later, on MSNBC with Al Sharpton, Co-Chair Weinberg revealed her belief from the very beginning that the governor had to be responsible for the September 2013 traffic jams at the George Washington Bridge.²¹⁸ Co-Chair Weinberg told Sharpton: "I think

²¹⁵ Co-Chair Loretta Weinberg, "The Situation Room with Wolf Blitzer," CNN, Jan. 16, 2014, (<http://transcripts.cnn.com/TRANSCRIPTS/140116/sitroom.02.html>), Ex. 117.

²¹⁶ Co-Chair Loretta Weinberg, "Hardball with Chris Matthews," MSNBC, Jan. 17, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54144735/ns/msnbc-hardball_with_chris_matthews/#.VEbE8rjD8pF), Ex. 118.

²¹⁷ Id.

²¹⁸ Co-Chair Loretta Weinberg, "PoliticsNation with Al Sharpton," MSNBC, Jan. 20, 2014, transcript via NBCNews.com, (<http://www.nbcnews.com/id/54136673/ns/msnbc-politicsnation/#.VEbGkrjD8pG>), Ex. 119.

that what I've said from the beginning, and what I've said really from the beginning of my involvement with trying to figure out what went on with the horrendous traffic jam that was created in the area I represent, it's that the governor has to be responsible."²¹⁹

Co-Chairs Should've Quit Committee, Too

Co-Chair Wisniewski and other Democrats on the New Jersey Legislative Select Committee on Investigation chose to ignore the observations from the numerous national political analysts that the rush to judgment was damaging their integrity and continued to feed the national media with inflammatory, judgmental statements after the committee was formed. Their rhetoric grew so strong that despite warnings from their handpicked committee counsel,²²⁰ one member, Assemblywoman Bonnie Watson Coleman was forced to resign.

On February 27, 2014, state Assemblywoman Watson Coleman — former New Jersey Democratic State Committee chairwoman and 2011 redistricting participant with Co-Chair Wisniewski — said, “The governor needs to think about resigning, and he needs to take all his friends with him because this is sickening.”²²¹ Her wild rush to judgment was even questioned by MSNBC host Al Sharpton, who asked why the governor should

²¹⁹ Id.

²²⁰ Detailed in “Unlawfully Leaked Documents?” subchapter of this Minority Statement.

²²¹ Darryl Isherwood, “Bridgegate investigation committee member says Chris Christie should resign,” The Star-Ledger, Feb. 27, 2014, (http://www.nj.com/politics/index.ssf/2014/02/bridgegate_investigation_committee_member_calls_for_chris_christie_to_resign.html), Ex. 120.

resign when there was no evidence to implicate he was involved in the lane reassignments.²²²

The following day, a mere month after the Select Committee started, Assemblywoman Watson Coleman resigned from the Select Committee for those prejudicial comments.²²³

Based on their far more overreaching, disparaging and baseless pre-judgments that misled the media and public for months, the committee co-chairs should have stepped aside long before Assemblywoman Watson Coleman.

Co-Chairs Did What They Criticized Mastro For Doing

For months, New Jersey Legislative Select Committee co-chairs John Wisniewski and Loretta Weinberg repeatedly appeared on national television where they waged politically motivated attacks by baselessly maintaining that laws were broken and the governor was a liar who may be impeached.

Yet in March, the co-chairs ironically labeled as premature²²⁴ a comprehensive analysis of the George Washington Bridge lane reassignments by former Assistant U.S. Attorney Randy Mastro and the Gibson Dunn law firm.²²⁵

²²² Id.

²²³ Darryl Isherwood, "Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign," The Star-Ledger, Feb. 28, 2014, (http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigatio_n_comitee_after_calling_for_gov_chris_christi.html), Ex. 41.

²²⁴ Jason Grant, "Christie bridge scandal: Top lawmaker questions investigation done by governor's lawyer," The Star-Ledger, March 24, 2014, (http://www.nj.com/news/index.ssf/2014/03/co-chair_of_legislative_committee_investigating_bridge_scandal_questions_thoroughness_of_review_by_c.ht ml), Ex. 121; Ashely Alman, "Christie Report Finds a Culprit: A Scorned, 'Emotional' Woman,"

The 344-page Mastro report, compiled after attorneys interviewed more than 70 witnesses, reviewed more than 250,000 documents and combed through email and phone records of the governor, lieutenant governor and senior administration officials, concluded that the governor had no knowledge or role in the lane reassignments.²²⁶

Co-Chair Wisniewski claimed that the Mastro report should be dismissed because it reached a conclusion without a complete investigation,²²⁷ yet the co-chairman had already established a track record of prejudging the outcome of the Select Committee's inquiry before it even started.

Sticking to his original political narrative, Co-Chair Wisniewski implied that the governor could not be trusted. He said, "Randy Mastro was hired by the governor. That in itself has to raise serious questions about the thoroughness of this report. I've got to call it like I see it."²²⁸

Huffington Post, March 27, 2014, (http://www.huffingtonpost.com/2014/03/27/bridget-kelly-chris-christie_n_5045866.html), Ex. 122.

²²⁵ Referred to as the "Mastro report," Gibson, Dunn & Crutcher LLP, March 26, 2014, (www.GDCReport.com), Ex. 123.

²²⁶ Seth McLaughlin, "Internal investigation clears Chris Christie of wrongdoing in Bridgegate scandal," The Washington Times, March 27, 2014, (<http://www.washingtontimes.com/news/2014/mar/27/internal-investigation-clears-chris-christie-wrong/?page=all>), Ex. 124.

²²⁷ Jason Grant, "Christie bridge scandal: Top lawmaker questions investigation done by governor's lawyer," The Star-Ledger, March 24, 2014, (http://www.nj.com/news/index.ssf/2014/03/co-chair_of_legislative_committee_investigating_bridge_scandal_questions_thoroughness_of_review_by_c.ht), Ex. 121.

²²⁸ Jason Grant, "Christie bridge scandal: Top lawmaker questions investigation done by governor's lawyer," The Star-Ledger, March 24, 2014, (http://www.nj.com/news/index.ssf/2014/03/co-chair_of_legislative_committee_investigating_bridge_scandal_questions_thoroughness_of_review_by_c.ht), Ex. 121.

There was a glaring double-standard in Co-Chair Wisniewski's criticism about Gibson Dunn's contribution to the Mastro Report: the co-chairman's hiring of Jenner & Block to represent the Select Committee, after that firm had been paid to represent Democrats in the politically-charged redistricting process.²²⁹ If Co-Chair Wisniewski was intellectually honest and used the same standard with his hiring of Jenner & Block, he would have had to conclude his actions were far more egregious than his contrived belittlement of the work done on the Mastro report.

Before the ink was dry on the Mastro report and before a single Select Committee witness was called to testify, Co-Chair Weinberg was quick to cast doubt on the report, as well. During the Select Committee's April 8, 2014 meeting, just 11 days after the Mastro report was released, Co-Chair Weinberg blatantly admitted her bias in front of the rest of the committee during closed-session, when she said, "Admittedly, I'm biased. I have no faith in that report."

Co-Chair Weinberg told NJTV's Michael Schneider about the Mastro report, "He draws conclusions without ever having the opportunity to speak to any of the main cast of characters in this drama — David Wildstein, Bridget Kelly, Bill Baroni, David Samson."²³⁰ But that criticism actually applies to Co-Chair Weinberg's findings, too, as the Select Committee did not hear from those very same people before the co-

²²⁹ "Legal Services for New Jersey Apportionment Commission (Democrat Members)," State of New Jersey Payment Vouchers via Jenner & Block, 2001-2003, Ex. 53; "Democratic Caucus of New Jersey Legislative Apportionment Commission C/O John Wisniewski, Chairman," Jenner & Block Payment Vouchers, 2011-2012, Ex. 56; Further detailed in "A Go-To Firm for Democrats: Jenner & Block" subchapter of this Minority Statement.

²³⁰ Co-Chair Loretta Weinberg, NJTV News, March 27, 2014, (<http://www.njtvonline.org/news/video/sen-weinbergs-convinced-internal-review-is-premature/>), Ex. 125.

chairwoman spent months misleading national audiences with baseless conclusions and speculation. By the co-chairwoman's logic, were the Select Committee's inquiry and the Democrat majority report also meaningless?

After maintaining for months that it was implausible to think the governor had not been at least aware of the lane reassignments, Co-Chair Wisniewski flipped course in an interview with ABC in an effort to discredit the Mastro report's conclusion that the governor had no knowledge of the issue. The co-chairman said, hypocritically, "... it's far too early to draw any conclusive decisions about who knew what in this investigation."²³¹ Days later, Co-Chair Wisniewski stayed hypocritical, when he told a national MSNBC audience that the Mastro report was "an incredible rush to a conclusion without all the facts."²³²

The co-chairs' hypocrisy extended beyond their prejudicial comments. They adopted the very practices for the Select Committee's inquiry that they had ridiculed the Mastro team for using to complete its report.

Co-Chair Wisniewski specifically criticized the report for its lack of transparency and that the 70 interviews conducted by the Gibson Dunn firm were not conducted under oath

²³¹ Co-Chair John Wisniewski, "This Week," ABC News, March 20, 2014, (<http://abcnews.go.com/ThisWeek/week-transcript-ambassador-sergey-kislyak/story?id=23116907&singlePage=true>), Ex. 126.

²³² Co-Chair John Wisniewski, "The Rachel Maddow Show," MSNBC, March 31, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54836621/ns/msnbc-rachel_maddow_show/t/rachel-maddow-show-monday-march/#.VEbSwbjD8pG), Ex. 127.

and that there was no videotape, audiotape, or transcripts.²³³ Yet the committee’s counsel, Reid Schar, conducted his own witness interviews in the very same manner: unrecorded and not under oath.

Co-Chair Wisniewski also said the Mastro report “is based upon nothing more than the (Mastro team’s) mental impressions of what people said.” He called that “the classic definition of hearsay.”²³⁴

The co-chairman’s hypocrisy was magnified when he seemed to consider as gospel an August 30, 2014 memorandum to the committee by his legal counsel that summarized a discussion with an attorney representing Port Authority of New York & New Jersey police officers.²³⁵ Co-Chair Wisniewski accepted that memorandum based on double-hearsay — a summary of a summary of a statement.²³⁶

Co-Chairs Continued to Advance Democrat Scheme

The co-chairs’ comments throughout the life of the New Jersey Legislative Select Committee on Investigation’s inquiry into the September 2013 George Washington

²³³ Mark J. Magyar, “Much Ado About Nothing: No Tapes, Transcripts of Mastro Interviews,” NJSpotlight, April 9, 2014, (<http://www.njspotlight.com/stories/14/04/09/much-ado-about-nothing-no-tapes-transcripts-of-mastro-interviews/?p=all>), Ex. 128.

²³⁴ Id.

²³⁵ Steve Strunsky, “Port Authority cops told to ‘shut up’ about GWB lane closures, memo says,” The Star-Ledger, Sept. 3, 2014, (http://www.nj.com/politics/index.ssf/2014/09/port_authority_cops_told_to_shut_up_about_gwb_lane_closures_memo_says.html), Ex. 129; Michael W. Khoo memorandum regarding teleconference with Reid Schar and Dan Bib, date Aug. 30, 2014, Ex. 130.

²³⁶ Black’s Law Dictionary, Sixth Edition, page 340, Definition of double (or multiple) hearsay statements which contain further hearsay statements within them.

Bridge lane reassignments mirrored the biased narrative of national and state Democrat leaders, who were intent on tarnishing the governor.

According to The Star-Ledger, by as early as December 2013, the Democratic National Committee had issued a campaign-style attack advertisement in reference to the lane reassignments.²³⁷ Other national Democrat organizations also joined the fray by spreading misleading attack videos, including a group of activists for Hillary Clinton, the presumed Democrat presidential frontrunner.²³⁸

The Star-Ledger reporter Jenna Portnoy wrote, "... Democrats in Washington are pouncing on the Republican governor in the hope that they can stop his potential quest for the White House before it begins. For Christie, it's the first taste of what it's like to be his party's front-runner for the next presidential sweepstakes."²³⁹

In March 2014, the co-chairs' criticism of the Gibson Dunn report echoed the sentiments of a director with the Democratic National Committee,²⁴⁰ who called the report an "expensive sham."²⁴¹

²³⁷ Jenna Portnoy, "Bridgegate? Chris Christie's national ambitions could be hurt by GWB controversy," The Star-Ledger, Dec. 15, 2013, (http://www.nj.com/politics/index.ssf/2013/12/chris_christies_national_ambitions_could_be_hurt_by_gwb_controversy.html), Ex. 131.

²³⁸ Melanie Batley, "Hilary Group Attacks Christie Over 'Bridgegate,'" Newsmax, Dec. 18, 2013, (<http://www.newsmax.com/Newsfront/Correct-record-Washington-Bridge/2013/12/18/id/542538/>), Ex. 132.

²³⁹ Jenna Portnoy, "Bridgegate? Chris Christie's national ambitions could be hurt by GWB controversy," The Star-Ledger, Dec. 15, 2013, (http://www.nj.com/politics/index.ssf/2013/12/chris_christies_national_ambitions_could_be_hurt_by_gwb_controversy.html), Ex. 131.

²⁴⁰ Also known as DNC.

National and state Democrats for months used the George Washington Bridge as a political prop, including the DNC producing several attack advertisements that seemed to coincide with potentially unlawfully leaked documents.²⁴² There were at least 21 accounts about national Democrats using the George Washington Bridge issue to attack the governor.²⁴³ They even collaborated by hosting a joint event in September 2014, as DNC Chair Debbie Wasserman Schultz; New Jersey State Democratic Committee Chairman John Currie; and ex-Select Committee member, Assemblywoman Bonnie Watson Coleman held a press conference in Fort Lee on the anniversary of the reassignments.²⁴⁴

According to The Star-Ledger, that press conference coincided with an advertising campaign by the DNC intended to remind voters of the lane reassignments “as Christie continues to mull whether to seek the Republican nomination for president in 2016.”²⁴⁵

At the press conference, the three Democrats took turns trying to damage the governor’s potential presidential prospects.²⁴⁶ Ms. Schultz was quoted by The Star-Ledger, “While

²⁴¹ Hunter Walker, “Democrats Blast Christie’s Bridgegate Report as an ‘Expensive Sham,’” Business Insider, March 27, 2014, (<http://www.businessinsider.com/democrats-christie-bridgegate-report-expensive-sham-2014-3>), Ex. 133.

²⁴² One example, Nuzha Nuseibeh, “DNC Releases Super Bowl Attack Ad on New Jersey Gov. Chris Christie,” Bustle, Feb. 2, 2014, (<http://www.bustle.com/articles/14360-dnc-releases-superbowl-attack-ad-on-new-jersey-gov-chris-christie>), Ex. 134.

²⁴³ “Accounts about National Democrats Using Lane Reassignments to Attack Chris Christie,” Ex. 135.

²⁴⁴ Mark Bonamo, “DNC Chair, Currie, Watson Coleman slam Christie on 1st anniversary of Bridgegate,” PolitickerNJ, Sept. 8, 2014, (<http://www.politickernj.com/80636/dnc-chair-currie-watson-coleman-slam-christie-1st-anniversary-bridgegate>), Ex. 136.

²⁴⁵ Brent Johnson, “Christie is a bully and a failed leader, top Democrat says on bridge scandal anniversary,” The Star-Ledger, Sept. 8, 2014, (http://www.nj.com/politics/index.ssf/2014/09/chris_christie_is_a_bully_and_failed_leader_top_democrat_says_on_bridge_scandal_anniversary.html), Ex. 137.

we may be here today to commemorate one year since the Bridgegate saga began to take effect, Chris Christie's gridlock reaches much farther than right here in Fort Lee. What Bridgegate did was raise the curtain on the culture of intimidation, bullying, and incompetence that pervades the Christie administration.”²⁴⁷

Assemblywoman Watson-Coleman, who resigned from the Select Committee due to her earlier prejudicial comments,²⁴⁸ added, “I called for his resignation early, and this is why I stand by that call today. In what world do you[sic] failures promote you to a higher office?”²⁴⁹

Reporting on the September press conference, Olivia Nuzzi wrote for The Daily Beast that the display by Democrats was an example of “modern day trolling.”²⁵⁰ Describing the work of the committee, Ms. Nuzzi noted it had discovered little but brought plenty of attention to Democrats.²⁵¹ Ms. Nuzzi wrote that “stacked with Democrats,” the committee “has uncovered approximately nothing damaging to Christie. But it has succeeded in keeping its Democratic members on cable television and the story of the Bridgegate

²⁴⁶ Id. Also, Mark Bonamo, “DNC Chair, Currie, Watson Coleman slam Christie on 1st anniversary of Bridgegate,” PolitickerNJ, Sept. 8, 2014, (<http://www.politickernj.com/80636/dnc-chair-currie-watson-coleman-slam-christie-1st-anniversary-bridgegate>), Ex. 136.

²⁴⁷ Brent Johnson, “Christie is a bully and a failed leader, top Democrat says on bridge scandal anniversary,” The Star-Ledger, Sept. 8, 2014, (http://www.nj.com/politics/index.ssf/2014/09/chris_christie_is_a_bully_and_failed_leader_top_democrat_says_on_bridge_scandal_anniversary.html), Ex. 137.

²⁴⁸ Detailed in “Co-Chairs Should’ve Quit Committee, Too” subchapter of this Minority Statement.

²⁴⁹ Mark Bonamo, “DNC Chair, Currie, Watson Coleman slam Christie on 1st anniversary of Bridgegate,” PolitickerNJ, Sept. 8, 2014, (<http://www.politickernj.com/80636/dnc-chair-currie-watson-coleman-slam-christie-1st-anniversary-bridgegate>), Ex. 136.

²⁵⁰ Olivia Nuzzi, “Dems Troll Christie on Bridgegate,” The Daily Beast, Aug. 7, 2014, (<http://www.thedailybeast.com/articles/2014/09/07/democratic-trolls-under-the-bridgegate.html>), Ex. 138.

²⁵¹ Id.

scandal on the minds of many — not that it's had much impact in New Jersey.”²⁵²

Even when media outlets reported in mid September that sources within the U.S. Justice Department said there was no evidence the governor planned or covered up the George Washington Bridge lane reassignments, Co-Chair Wisniewski held out hope he could prove otherwise and take down the governor.²⁵³ He told the New Jersey Law Journal that the report clearing the governor “might not be true.”²⁵⁴

Given a chance to reappear yet again on MSNBC before a national audience, Co-Chair Wisniewski tried to rekindle his prejudicial narrative that documents might still exist somewhere tying the governor to the reassignments.²⁵⁵ “There is (sic) a lot of emails out there, Rachel,” Co-Chair Wisniewski speculated.²⁵⁶

Continuing the interview, Co-Chair Wisniewski succinctly summed up his obsession with the lane reassignments and political motivation for launching the committee: “It is embarrassing. It makes the governor look bad. It makes the Republican Party look bad.”²⁵⁷

²⁵² Id.

²⁵³ Michael Booth, “DOJ Clearance of Christie Unlikely to Sway Bridgegate Committee,” New Jersey Law Journal, Sept. 9, 2014, (<http://www.njlawjournal.com/id=1202670738766/DOJ-Clearance-of-Christie-Unlikely-to-Sway-Bridgegate-Committee?slreturn=20140902123255>), Ex. 139.

²⁵⁴ Id.

²⁵⁵ Co-Chair John Wisniewski, “The Rachel Maddow Show,” MSNBC, Sept. 18, 2014, (http://www.nbcnews.com/id/56078335/ns/msnbc-rachel_maddow_show/#.VDfnZrDF-j1), Ex. 140.

²⁵⁶ Id.

²⁵⁷ Id.

Through their stream of prejudicial and biased comments, Co-Chair Wisniewski and Co-Chair Weinberg abused their positions and the committee as a whole to boost their public profiles and further the agenda of national Democrats worried about the prospects of Governor Christie as the next Republican candidate for president.

By fervently seeking out the media in attempts to damage the governor and the Republican Party, the co-chairs, hell-bent on using the taxpayer-funded Select Committee and its resources for political gain, continuously undermined the inquiry.

Unlawfully Leaked Documents?

New Jersey Legislative Select Committee co-chairs John Wisniewski and Loretta Weinberg pushed the boundaries to advance their own political ambitions and what can be characterized as the dream agenda of national Democrats: to tarnish a potential 2016 Republican presidential candidate.

Beyond the inflammatory comments, documents and information confidential to the Select Committee were routinely leaked to the press to help shape a national political narrative, often before committee members other than the co-chairs had been able to access them.

The Democrats' Select Committee "Interim Report" — authored by Jenner & Block and done without an invitation or avenue for Republican input — was leaked to several media

outlets who published reports about that report²⁵⁸ days before it was to be lawfully made public via a committee vote on December 8, 2014.

Their Interim Report was leaked to reporters after earlier warnings by Republicans and despite a December 4, 2014 email to Select Committee members, in which the co-chairs even acknowledged that it was against the law to leak that report.²⁵⁹

That email read: “The Co-Chairs would like to reiterate that, pursuant to the Code of Fair Procedure, this report and its exhibits are confidential documents pertaining to the Committee’s ongoing investigation, and as such, members should refrain from the dissemination of these materials.”²⁶⁰

The leaking of the Democrats’ Interim Report was the culmination of a pattern that has been characterized by attorneys representing potential witnesses as illegal. The dissemination of protected information destroyed the credibility of the committee and its ability to carry out fair proceedings.

After highly respected New Jersey attorneys accused the committee of violating the New Jersey Code of Fair Procedures,²⁶¹ Senator Kevin O’Toole was forced to request that the state Attorney General’s Office investigate the committee.²⁶²

²⁵⁸ Examples of Media Reports About the Leaked “Interim Report,” Addendum A.

²⁵⁹ Michael R. Molimock email to New Jersey Legislative Select Committee members, December 4, 2014, Addendum A.

²⁶⁰ Id.

²⁶¹ “Stepien’s lawyer says GWB investigation illegally released e-mails, text messages,” The Record, March 18, 2014, (<http://www.northjersey.com/news/stepien-s-lawyer-says-gwb-investigation-illegally-released-e-mails-text-messages-1.745252>), Ex.141; Michael Chertoft, Esq. and Angelo J. Genova, Esq.

The all-powerful Select Committee co-chairs had first access to the information that was leaked.²⁶³ Before committee members were notified at a February 10, 2014 meeting about subpoenas that would be served, The Star-Ledger reporter Christopher Baxter had published an article with the full list of recipients' names. Mr. Baxter wrote, "The document ['Recommended additional subpoena recipients'] was obtained by The Star-Ledger, and a source close to the investigation confirmed the list matched those who will be issued subpoenas. The source was not authorized to discuss the investigation ..."²⁶⁴

During executive session of the February 10, 2014 meeting, Co-Chair Weinberg and other Democrat committee members joined with Republican members to express their concern with the subpoena list being leaked to the press. In that case, it was learned that only Co-Chair Wisniewski and committee counsel Reid Schar were aware of the subpoena list. Mr. Schar immediately informed the committee that he did not release that list to the press, and directed all of the committee members to refrain from trying this matter in the press and from leaking any documents to reporters in order to preserve the credibility and fairness of the committee.

Co-Chair Wisniewski, meanwhile, sat in uncharacteristically stoic silence as both

letter to Reid Schar, "New Jersey Legislative Select Committee's Subpoena of January 27, 2014," May 2, 2014, Ex. 142.

²⁶² Senator Kevin O'Toole letter to Acting Attorney General John Hoffman (without attachments), May 5, 2014, Ex. 143.

²⁶³ New Jersey Select Committee on Investigation, "Organizational Resolution," Jan. 27, 2014, Ex. 18.

²⁶⁴ Christopher Baxter, "Christie bridge scandal: Recipients of 18 new subpoenas revealed," The Star-Ledger, Feb. 10, 2014, (http://www.nj.com/politics/index.ssf/2014/02/christie_bridge_scandal_nj_committee_issues_more_subpoenas.html), Ex. 144.

Democrats and Republicans voiced legal and credibility concerns about the leaking of confidential documents. His silence led to only one conclusion: he systematically, and perhaps unlawfully, leaked private subpoenaed documents that no one else on the committee even knew about.

Immediately following Mr. Schar's February 10, 2014 warning against press leaks, Co-Chair Wisniewski appeared on MSNBC, acknowledged that he was not supposed to talk about Select Committee subpoenas until after they were served but then discussed a subpoena that had not been served.²⁶⁵ When asked why the state police aviation unit had been subpoenaed, Co-Chair Wisniewski confirmed the recipient and said, "So the subpoenas that came out today including the one to the aviation unit is (sic) really to get answers about who knew what when."²⁶⁶

Just a month earlier, Co-Chair Wisniewski had revealed the target of an assembly committee subpoena before it was served. On January 9, 2014, Co-Chair Wisniewski informed a national audience: "Bridget Kelly is next on our list, and we intend to issue a subpoena to have her come and testify."²⁶⁷

Co-Chair Wisniewski repeatedly gave ominous warnings about issuing subpoenas to anyone and everyone who had and was working for Governor Christie — from senior

²⁶⁵ Co-Chair John Wisniewski, "The Rachel Maddow Show," MSNBC, Feb. 10, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54347735/ns/msnbc-rachel_maddow_show/#.VDWFkGddWQs), Ex. 145.

²⁶⁶ Id.

²⁶⁷ Co-Chair John Wisniewski, "Hardball with Chris Matthews," MSNBC, Jan. 9, 2014, transcript via NBCNews.com, (http://www.nbcnews.com/id/54031867/ns/msnbc-hardball_with_chris_matthews/t/hardball-chris-matthews-thursday-january-th/#.VFEO1jTF8jE), Ex. 146.

staff members down to the most junior of staffers.²⁶⁸ The constant references to looming subpoenas created a completely unnecessary atmosphere of fear and intimidation that permeated throughout the New Jersey State House.

Republican committee members believed at the inception of the Select Committee that any legitimate investigation into government abuses of power concerning the lane reassignments was best left in the hands of trained law enforcement officials. The ever-present political press conferences, presumably in coordination with the DNC, and McCarthy-like intimidation tactics by Co-Chair Wisniewski only served to reinforce the long-standing belief in American politics — investigations and subpoena power should never be left in the hands of part time partisans, especially those who have demonstrated an unabashed visceral hatred and animus towards their intended target.

Attempts by Republican members of the committee to halt the leaking of information and restore a sense of integrity to the committee were thwarted by the committee co-chairs.

Senator Kevin O'Toole addressed the co-chairs regarding the issue at the committee's February 10, 2014 meeting, saying he objected to finding out about subpoenas in the press. Senator O'Toole stated the leaking of information undercut the credibility of the committee and raised concerns about the lawfulness of its actions. Republican committee members went so far as to suggest that Select Committee members sign confidentiality agreements.²⁶⁹

²⁶⁸ For example, Id.

²⁶⁹ Republican Select Committee members' letter to committee co-chairs, March 12, 2014, Ex. 147.

Still, Co-Chair Wisniewski continued to discuss protected material with the press, showing complete disregard for not only the rules of the committee but state statute.²⁷⁰

A February 25, 2014 article in The Star-Ledger quoted Co-Chair Wisniewski discussing confidential documents turned over to the committee by David Samson.²⁷¹ That article and Co-Chair Wisniewski's conversation with the reporter happened before the Republican committee members were even informed that the committee had received those documents. Co-Chair Wisniewski's comments in the article presented no other conclusion than that he leaked information about the documents to the press before informing other members of the committee in an effort to further his own agenda.

On February 29, 2014, confidential records were again released to the media. This time, the material contained redacted portions of documents submitted to the committee by David Wildstein.²⁷² Co-Chair Wisniewski was then quoted in the article speaking about the redacted material even though it had been redacted as per an agreement between the committee's special counsel and the attorney for Mr. Wildstein.²⁷³

Material redacted in documents submitted to the committee was redacted for a legal

²⁷⁰ Specifically, the Code of Fair Procedures.

²⁷¹ Christopher Baxter, "Christie bridge scandal: Records show Samson's role; Fort Lee mayor meets with feds," The Star-Ledger, Feb. 25, 2014, (http://www.nj.com/politics/index.ssf/2014/02/christie_bridge_scandal_records_show_samsons_role_fort_lee_mayor_meets_with_feds.html), Ex. 148.

²⁷² Ryan Hutchins, "New bridge scandal text messages 'disturbing' Wisniewski says," The Star-Ledger, Feb. 27, 2014, (http://www.nj.com/politics/index.ssf/2014/02/new_bridge_scandal_text_messages_disturbing_wisniewski_says.html), Ex. 149.

²⁷³ Id.

purpose. Co-Chair Wisniewski, a licensed New Jersey attorney, was well aware that redacted material was not to be made public by the committee but chose to do so anyway, jeopardizing — yet again — the committee’s investigation and its integrity.

The repeated leaking of confidential information resulted in the committee receiving letters from William Stepien’s²⁷⁴ and David Samson’s²⁷⁵ attorneys condemning the practice as a violation of the Code of Fair Procedures and calling into question the legitimacy of the committee.

On March 18, 2014, attorney Kevin Marino²⁷⁶ wrote a letter to special counsel for the committee, Reid Schar, stating in no uncertain terms that the committee’s public release of Mr. Stepien’s emails and text messages was illegal.²⁷⁷ As reported by The Record, Mr. Marino stated in the letter he would “take steps necessary” to have each of the individuals responsible for leaking the documents “adjudged a disorderly person.”²⁷⁸ According to the article, more than a dozen messages were released to the public before being provided to Mr. Stepien or his attorney.²⁷⁹

The illicit release of the documents and subsequent media attention brought by a highly respected lawyer’s criticism of the committee was an embarrassment and discredit to the

²⁷⁴ The governor’s former campaign manager.

²⁷⁵ Former Port Authority chairman.

²⁷⁶ Counsel to Mr. Stepien.

²⁷⁷ “Stepien’s lawyer says GWB investigation illegally released e-mails, text messages,” The Record, March 18, 2014, (<http://www.northjersey.com/news/stepien-s-lawyer-says-gwb-investigation-illegally-released-e-mails-text-messages-1.745252>), Ex.141.

²⁷⁸ Id.

²⁷⁹ Id.

committee and its members. The threat of a possible investigation against the committee cast a shadow of doubt on all operations of the committee.

Mr. Marino was not alone in identifying the illegality of the leaking of confidential information. On May 2, 2014 attorneys Angelo Genova, counsel to the New Jersey State Democratic Party, and Michael Chertoff, former U.S. Attorney for New Jersey and one-time Secretary of Homeland Security, both representing Mr. Samson, sent a letter to special counsel for the committee identifying the committee's breach of the Code of Fair Procedures.²⁸⁰ In that letter, Mr. Genova stated that "immediately" after submitting documents to the Select Committee on behalf of Mr. Samson: "... materials were discussed with the press, replete with criticism of our client and conclusory statements suggesting that some members of the Committee had prejudged the matter or exhibited evident bias."²⁸¹

The attorneys added, "These and other public statements have made it impossible for us to believe that the Committee is actually awaiting the results of a full and fair proceeding. Instead, it appears that the Committee reached conclusions long ago and has since been searching for reasons to support them."²⁸² The attorneys noted in the letter the committee had "repeatedly disregarded its own required procedures."²⁸³ The attorneys stated, "As the attorneys for Mr. Samson we anticipated that the Code of Fair Procedures would be the hallmark of how this Committee would conduct its work. Instead, by intentionally

²⁸⁰ Michael Chertoff, Esq. and Angelo J. Genova, Esq. letter to Reid Schar, "New Jersey Legislative Select Committee's Subpoena of January 27, 2014," May 2, 2014, Ex. 142.

²⁸¹ Id.

²⁸² Id.

²⁸³ Id.

disseminating and discussing material produced by Mr. Samson in response to the subpoena, the Committee has violated its own rules.” The committee’s actions, the attorneys wrote, “call into question the fairness and legitimacy of the entire proceeding.”²⁸⁴

Those allegations of unlawful conduct raised by the three attorneys prompted Republican committee members to request an investigation into the allegations by the state Attorney General’s Office.²⁸⁵

Even with the prospect of a criminal investigation, the co-chairs continued to leak or allow the leaking of documents to the press.

On September 3, 2014, The Record published an article containing information from an internal memorandum prepared by special counsel for the committee relating to information members of the Port Authority Police Department had on the lane reassignments.²⁸⁶ The article, published with information from that memorandum and quotes from Co-Chair Weinberg, was published just hours after the committee received the memo from the Office of Legislative Services.

While being fully aware the committee had not voted to make the confidential memo a

²⁸⁴ Id.

²⁸⁵ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 6, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05062014.pdf>), Ex. 150; Senator Kevin O’Toole letter to Acting Attorney General John Hoffman (without attachments), May 5, 2014, Ex. 143.

²⁸⁶ Shawn Boburg, “Vivid recollections show Port Authority cops’ concern with GWB lane closures,” The Record, Sept. 3, 2014, (<http://www.northjersey.com/news/port-authority-cops-told-not-to-reopen-gwb-access-lanes-during-fort-lee-jam-1.1080255>), Ex. 151.

public document, Co-Chair Weinberg eagerly spoke with the reporter about the memo's contents.²⁸⁷

According to Mr. Schar, the U.S. Attorney's Office contacted him in response to that leaked memo to advise that some of the interviewed witnesses were placed on a "do not call" list.²⁸⁸ Committee members were then advised by Mr. Schar that their access to information that was previously available to the committee was now further restricted as a direct result of the reckless leaking of information to the press.²⁸⁹

It took several leaked confidential documents over the course of months, countless front page headlines and intervention from the U.S. Attorney's Office, before Select Committee counsel finally took action and asked the co-chairs to stop this practice. In a conference call with Republican Select Committee members, Mr. Schar said that the U.S. Attorney's Office informed him in its own cryptic way that leaks from committee members were detrimental to its criminal investigation. Ultimately, and at the request of Republican committee members, Mr. Schar issued a letter to all committee members effectively telling Democrats to stop leaking documents.²⁹⁰

The co-chairs' routine actions of discussing and releasing protected material to the press and the public tainted the committee and its work to the core. Their push from the start of the committee to drive headlines by leaking confidential information to the press, which

²⁸⁷ Id.

²⁸⁸ Republican Select Committee members' letter to committee co-chairs, Sept. 12, 2014, Ex. 152.

²⁸⁹ Id.

²⁹⁰ Reid Schar letter to Select Committee members, "Privileged and Confidential," Sept. 15, 2014, Ex. 153.

at the very least was unethical, if not illegal, undermined the Select Committee's ability to obtain crucial information from witnesses that would otherwise have been available and harmed or impeded the U.S. Attorney's investigation.

Chapter IV:

Inquiry's Doom: Bungled Court Case

It was Co-Chair John Wisniewski's reckless behavior in making prejudicial statements to the press and his Chicago-based attorneys' poorly constructed subpoenas that dealt the New Jersey Legislative Select Committee on Investigation its decisive defeat.

In what was tantamount to a death knell for the Select Committee, a Superior Court Judge ruled on April 9, 2014 that Bridget Kelly²⁹¹ and William Stepien²⁹² could not be forced to forfeit their basic Fifth Amendment rights and turn over documents to the committee. Specifically, Judge Mary C. Jacobson ruled that Co-Chair Wisniewski's prejudicial comments in the press and the overly broad subpoenas were part of a "fishing expedition,"²⁹³ and she rejected the committee's right to obtaining any documents, such as emails and text messages, from Ms. Kelly and Mr. Stepien.

In order to truly get to the bottom of the September 2013 George Washington Bridge lane reassignments, it was essential for the Select Committee to obtain records from Ms. Kelly and Mr. Stepien.

²⁹¹ The governor's ex-deputy chief of staff.

²⁹² The governor's former campaign manager.

²⁹³ Hon. Assignment Judge Mary C. Jacobson, "The New Jersey Legislative Select Committee on Investigation v. Kelly and Stepien, Doc. No. L-350-14 and 354-14," Superior Court of New Jersey, April 9, 2014, (<http://www.judiciary.state.nj.us/gwblanclosure/Stepien+Kelly%20Opinion.pdf>), Ex. 59.

That court case was initiated when Ms. Kelly and Mr. Stepien refused to comply with overly broad subpoenas,²⁹⁴ arguing that they had a constitutional protection against self-incrimination.²⁹⁵

Sticking to their mission, Democrat committee members then voted on February 10, 2014 to reject that response by Ms. Kelly and Mr. Stepien and instructed committee counsel Reid Schar to “take all necessary steps” to enforce the subpoenas.²⁹⁶ Republicans on the committee abstained from that vote as they were never fully briefed or given adequate time to review Mr. Schar’s legal argument on the matter.²⁹⁷

Notwithstanding that an opinion by the state’s nonpartisan Office of Legislative Services supported Ms. Kelly and Mr. Stepien’s argument that they had a legitimate basis to protect themselves against self-incrimination in this instance,²⁹⁸ Mr. Schar — who had been forwarded that OLS opinion by Republicans on March 6, 2014²⁹⁹ — continued the co-chairs’ mission in court.

²⁹⁴ Id.

²⁹⁵ Shawn Boburg, “GWB scandal: Lawyer for former Christie adviser says client appears to be focus of federal investigation,” The Record, March 3, 2014, (<http://www.northjersey.com/news/gwb-scandal-lawyer-for-former-christie-adviser-says-client-appears-to-be-focus-of-federal-investigation-1.735444>), Ex. 154.

²⁹⁶ Christopher Baxter, “Panel investigating Chris Christie bridge scandal votes to compel insiders to produce records,” The Star-Ledger, Feb. 10, 2014, (http://www.nj.com/politics/index.ssf/2014/02/panel_investigating_chris_christie_bridge_scandal_issues_x_x_new_subpoenas.html), Ex. 155.

²⁹⁷ Id.

²⁹⁸ Peter J. Kelly, New Jersey Office of Legislative Services legal opinion on legislative committee subpoenas related to the Fourth and Fifth Amendments, Feb. 28, 2014, Ex. 156.

²⁹⁹ Assembly Republican Office email to Reid Schar forwarding Office of Legislative Services legal opinion (Ex. 156), March 6, 2014, Ex. 157.

In her definitive ruling against Mr. Schar and the Select Committee, Judge Jacobson stated that subpoenas drafted by Mr. Schar were too broad. She stated, “The requests, even as modified, remain a fishing expedition . . .”³⁰⁰

According to her ruling, the co-chairs’ \$350-per-hour taxpayer-funded attorney failed to properly execute one of the most elementary components of any investigation: determining the proper scope of a subpoena.

The well-respected judge did not just rule based on subpoena issues. She took the necessary — and unusual — step to single out the inappropriate and costly mistakes by Co-Chair Wisniewski. In one fell swoop, Judge Jacobson pinpointed that the Select Committee lost this case by the indiscreet and indiscriminate actions of Co-Chair Wisniewski.

Judge Jacobson specifically noted it was Co-Chair Wisniewski’s own public prejudicial comments about a crime having been committed that answered the central question of the case: whether the defendants were “... generally in danger of a criminal prosecution and whether they reasonably believed that evidence produced pursuant to the subpoenas could be used against them in that prosecution.”³⁰¹

Judge Jacobson stated, “Committee Chairman Wisniewski has made several comments to

³⁰⁰ Hon. Assignment Judge Mary C. Jacobson, “The New Jersey Legislative Select Committee on Investigation v. Kelly and Stepien, Doc. No. L-350-14 and 354-14,” Superior Court of New Jersey, April 9, 2014, (<http://www.judiciary.state.nj.us/gwblanclosure/Stepien+Kelly%20Opinion.pdf>), Ex. 59.

³⁰¹ Id.

the press suggesting that the conduct that formed the basis of the lane closure controversy could be criminal under both federal and state law, and implicating Mr. Stepien and Ms. Kelly in that conduct. For example, Mr. Wisniewski singled-out Mr. Stepien during the January 8, 2014 press conference as a person who warrants further investigation.”³⁰²

Judge Jacobson concluded that Co-Chair Wisniewski’s comments “certainly contribute to the defendants’ ‘reasonable belief’ that evidence they produce could be used against them in a criminal proceeding.”³⁰³

Judge Jacobson’s pivotal ruling illustrates the fundamental flaws of Co-Chair Wisniewski’s strategy to prejudge an outcome and Jenner & Block’s drafting of overly broad subpoenas.³⁰⁴

Perhaps if Co-Chair Wisniewski listened to the concerns of Republican Select Committee members and adhered to Mr. Schar’s advice on February 10, 2014 (not to try the inquiry in the press), Judge Jacobson would not have been able to cite the reasonable fear that Ms. Kelly and Mr. Stepien had of self-incrimination. Perhaps if Republican committee members were allowed to provide input in the Select Committee’s subpoena process, then Select Committee counsel may not have issued subpoenas deemed to be a “fishing expedition”³⁰⁵ and the committee’s inquiry could have discovered something of value about the lane reassignments.

³⁰² Id.

³⁰³ Id.

³⁰⁴ Id.

³⁰⁵ Id.

Chapter V:

Republicans Tried to Develop a Successful Inquiry

Since the George Washington Bridge lane reassignments became a hot media topic in the fall of 2013, New Jersey Democrats fought each other for the spotlight and ways to use public resources for political gain.

For example, State Democrats, some of whom had aspirations for higher office and to take down the popular governor were initially unwilling to consider Republican calls for a singular bipartisan legislative panel to examine the highly questionable lane reassignments in the Borough of Fort Lee, instead of having taxpayers fund a “special committee” in both the Assembly and Senate.³⁰⁶

Before Democrats surrendered to pressure and merged those special committees to create the New Jersey Legislative Select Committee on Investigation,³⁰⁷ they outright ignored Republicans. Legislative Republicans during public debates tried to stop Democrats from conducting a taxpayer-funded George Washington Bridge inquiry with unprecedented

³⁰⁶ The Star-Ledger Editorial Board, “Put Ego Aside: Bridge Scandal Investigation Should Be A Joint Legislative Effort,” Star-Ledger, Jan. 20, 2014, Ex. 15; Detailed in “The Greater the Power, the More Dangerous the Abuse” subchapter of this Minority Statement.

³⁰⁷ Noreen O’Donnell, “Joint N.J. legislative committee probing Christie’s ‘Bridgegate,’” Jan. 27, 2014, (<http://www.reuters.com/article/2014/01/27/us-usa-politics-christie-idUSBREA001MK20140127>), Ex. 16.

judicial power; ruling over all committee actions; operating without an independent monitor; and hiring politically connected law firms.³⁰⁸

But in reality, the creation of the Select Committee was not a real compromise and did not signify that Democrats would work in a publicly beneficial bipartisan manner. Instead, Democrats almost always stuck together in this one way — ignoring any New Jersey Republican representative’s concern, amendment or solution that would have prevented unlawful, abusive or wasteful actions, which ultimately led to the committee’s failed inquiry.

Committee Should’ve Been Democratized

Thirsting for power and fame, the Democrat co-chairs of the New Jersey Legislative Select Committee on Investigation unequivocally rejected Republican calls to democratize procedures and spark a purely fact-finding mission into the unacceptable George Washington Bridge lane reassignments.

The Democrat majority members on the Select Committee maintained rules³⁰⁹ that treated Republican members as nothing more than window dressing for the appearance of bipartisanship. Committee actions and rules, such as giving the co-chairs the unilateral

³⁰⁸ Assemblyman Chris Brown and Assemblywoman Amy Handlin, Assembly session on AR-10, Jan. 16, 2014, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=A&SESSION=2014), last visited Oct. 22, 2014.

³⁰⁹ New Jersey Select Committee on Investigation, “Organizational Resolution,” Jan. 27, 2014, Ex. 18.

power to issue subpoenas,³¹⁰ were often hidden until just minutes before votes to approve them, which fostered mismanagement of the committee and public resources.³¹¹

Senate Republican Leader Tom Kean fought to add one more Republican member, but the motion was defeated by party-line vote.³¹² Republicans also tried to add a Republican co-chair, which committee member Assemblywoman Amy Handlin said, "... would prove that this effort is more than a witch hunt. It would show that we have respect for each other and for the democratic process."³¹³

At the first committee meeting on January 27, 2014, Democrat members unanimously voted to table³¹⁴ amendments proposed by Assemblyman Michael Patrick Carroll, which mirrored amendments proposed in prior proceedings by Assemblywoman Holly Schepisi, to grant all members equal access to documents and to require the committee to vote before authorizing subpoenas.³¹⁵ Clearly, this would have been beneficial to the public, chiefly, by preventing the committee's ultimate failure.³¹⁶

But what was good for the people would not help committee Co-Chair John Wisniewski destroy the governor and grow the co-chairs' political profiles. The co-chairs and

³¹⁰ Id.

³¹¹ Main Example, "Inquiry's Doom: Bungled Court Challenge" chapter of this Minority Statement.

³¹² Senate Republican Leader Tom Kean, Senate session on SCR-49, Jan. 27, 2014, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=S&SESSION=2014), last visited Oct. 22, 2014.

³¹³ John Reitmeyer and Michael Linhorst, "Sen. Weinberg: GWB probe will go 'wherever the documents lead us,'" The Record, Jan. 27, 2014, (<http://www.northjersey.com/news/sen-weinberg-George-Washington-Bridge-probe-will-go-wherever-the-documents-lead-us-1.673325>), Ex. 158.

³¹⁴ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, Jan. 27, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi01272014.pdf>), Ex. 63.

³¹⁵ Republican Select Committee members' amendments to the committee's "Organizational Resolution" (Ex. 18), Jan. 27, 2014, Ex. 159.

³¹⁶ Detailed in "Inquiry's Doom: Bungled Court Case" chapter of this Minority Statement.

Democrat committee members soundly rejected all reasonable suggestions,³¹⁷ driving the committee away from the real bipartisanship that made both the 2000 Senate Judiciary Committee's racial profiling inquiry³¹⁸ and the nationally respected bipartisan 9/11 Commission thrive with Democrat and Republican leadership.

Painfully Wasteful Meetings Could've Been Avoided

In early 2014, the New Jersey Legislative Select Committee on Investigation met sporadically, and when it did, the co-chairs spent more time at their post-meeting press conferences than they did discussing an inquiry with Republican committee members. Co-chairs simply informed Republican members of what they had already done, rather than work for a more interactive and productive dialogue that fostered a fact-finding inquiry.

At that point, with the co-chairs calling all of the shots, there was no good reason to have any more Select Committee inquiry proceedings, which cost taxpayers millions of dollars.³¹⁹

The co-chairs forged ahead on their predetermined conclusions, using their subpoena power to amass thousands of pages of documents, including text messages and emails from the governor's top aides. The more records they collected and witnesses they called to testify for political reasons, the more it was crystal clear that the governor had no

³¹⁷ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, Jan. 27, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi01272014.pdf>), Ex. 63.

³¹⁸ As detailed in "Democrats' Politics Trumped Public Trust" subchapter of this Minority Statement.

³¹⁹ Detailed in "A High Price for Failure" chapter of this Minority Statement.

knowledge of or involvement in the George Washington Bridge lane reassignments. Meanwhile, the co-chairs ignored Republican committee members' requests to hear the first-hand accounts from those at the Port Authority of New York & New Jersey who were directly positioned to carry out the lane reassignments.

Overall, the scope of the Select Committee inquiry appeared to be intentionally limited to focusing on ways to take down the Republican governor rather than finding the truth and developing much-needed legislative reforms.

On May 6, 2014, Democrat committee members tabled a Republican member's motion to subpoena six Port Authority employees with knowledge of the agency's inner workings.³²⁰ At that meeting, Assemblywoman Amy Handlin urged the co-chairs to consider calling a number of top Port Authority officials to testify: "After all, our one, unique contribution to this whole situation is that we are the ones who can legislate, we are the ones who can reform the Port Authority. So I would like to ask if we would consider issuing subpoenas for the following people, at a minimum: General Counsel Darryl Bookbinder; Vice Chairman Scott Rechler; Peter Zipf, the Chief Engineer; Jose Rivera, the Chief Traffic Engineer; Robert Durando, the General Manager of the George Washington Bridge; and Cristina Lado, the Port Authority Government Affairs person."³²¹

³²⁰ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 6, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05062014.pdf>), Ex. 150.

³²¹ Id.

Assemblywoman Schepisi then echoed Assemblywoman Handlin's calls, saying: "If we're truly trying to understand what transpired at the Port Authority to be able to put forth appropriate reforms ... these are names that have come up repeatedly with respect to the traffic study, with respect to lane reassignments and the like."³²²

Rather than going that seemingly sensible route, however, the co-chairs kept calling witnesses who committee members could easily rule out as being relevant to the inquiry, based on subpoenaed documents and the publicly available, extensive Mastro report.³²³

Were some state employees subpoenaed to gain, for political purposes, a voyeuristic view inside the governor's administration? Were some of those witnesses called or served with a subpoena as an attempt by the co-chairs to exact political revenge against state employees who had previously worked in the U.S. Attorney's office? It is well known that as New Jersey's former U.S. Attorney, the governor achieved an undefeated record in convicting more than 100 public officials from both political parties, including ex-New Jersey legislators who served with Select Committee members.³²⁴

To cooperate and try to avoid wasting valuable public resources, witnesses started their sworn testimonies in public hearings by making abundantly clear that they had nothing to do with and had no knowledge of the lane closures. But the co-chairs had to give people the appearance that they had something other than a political reason for calling these witnesses. They berated witnesses for several hours each with amateurish, disjointed,

³²² Id.

³²³ Gibson, Dunn & Crutcher LLP, March 26, 2014, (www.GDCReport.com), Ex. 123.

³²⁴ Troy Graham, "Bryant: Prosecutor Playing Politics," Philadelphia Inquirer, March 10, 2008, (http://articles.philly.com/2008-03-10/news/25260877_1_selective-prosecution-political-corruption-defense-attorneys), last visited Oct. 28, 2014.

irrelevant and repetitive lines of questioning that ironically derived from and repeated information disclosed in the Mastro report, which the co-chairs had publicly criticized.³²⁵

Here is a glimpse of what little came from the approximately 32 hours of irrelevant witness testimony:

- On May 6, 2014, the co-chairs led a nearly five-hour questioning of Christina Renna, a mid-level employee in the governor's office. Ms. Renna fully cooperated and told the committee under oath that she was not involved with and had no knowledge of the bridge lane reassignments. Ms. Renna's testimony did not unveil anything new about who was involved in the lane reassignments, why they happened, how they happened, nor did it spark any progress made toward reform.³²⁶ It left reporters wondering what was gained from her testimony beyond the revelation that Ms. Renna enjoys Banana Republic coupons, Smartwater and Google docs.³²⁷
- On May 13, 2014, the co-chairs conducted a nearly six-and-a-half hour questioning of Michael Drewniak, the governor's press secretary who had also worked for the governor in the U.S. Attorney's Office. Mr. Drewniak cooperated throughout the hearing, including when asked by a Democrat committee member

³²⁵ Detailed in "Co-Chairs Did What They Criticized Mastro For Doing" subchapter of this Minority Statement.

³²⁶ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 6, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05062014.pdf>), Ex. 150.

³²⁷ John Schoonejongen, "Renna's Product Placements: Smartwater, Banana Republic and Google," Asbury Park Press, May 6, 2014, (<http://www.app.com/story/news/politics/capitolquickies/2014/05/06/rennas-product-placements-smartwater-banana-republic-and-google/8766543/>), Ex. 160.

about what he ordered for dinner on a particular night.³²⁸ Mr. Drewniak's sworn testimony, not surprisingly, revealed nothing new; nothing that was not already publicized in the Mastro report.

- On May 20, 2014, longing to score some political points, the co-chairs thought they could advance their partisan mission by calling a 24-year-old former aide in the governor's office, Matt Mowers, who is now Executive Director of the New Hampshire Republican Party. The few things learned from Mr. Mowers' sworn testimony were:
 - Democrat Fort Lee Mayor Mark Sokolich told Mr. Mowers in March 2013 that he was interested in endorsing the governor for re-election but would not do so because he feared retribution by state Democrat leaders.³²⁹
 - Mayor Sokolich also detailed to Mr. Mowers that his law firm had public contracts issued and controlled by Democrats who might not look favorably upon him if he endorsed a Republican governor.³³⁰

Mr. Mowers cooperated during a more than five-hour barrage of questions by Democrat committee members and assured everyone what all reasonable committee members expected: he had nothing to do with and had no knowledge of the lane reassignments.

³²⁸ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 13, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05132014.pdf>), Ex. 161.

³²⁹ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 20, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05202014.pdf>), Ex. 162.

³³⁰ Id.

- On June 3, 2014, with the Select Committee’s credibility hanging in the balance, the co-chairs called who would be the one and only witness to testify from the Port Authority of New York & New Jersey. Commissioner Pat Schuber, one of the governor’s appointees to the agency, fully answered committee member’s questions under oath for nearly four hours. He emphatically stated from the beginning that he had nothing to do with and had no knowledge of the bridge lane reassignments. He merely shed light on the fact that he saw the bridge issue as being drummed up as part of election-year politics. Mr. Schuber said he was willing and anxious for reforms and new leadership for the Port Authority, and even highlighted a change that he suggested would depoliticize how the agency chairperson and vice-chairperson are selected.³³¹
- On June 9, 2014, the co-chairs sought to drive headlines by summoning Kevin O’Dowd, a former Assistant U.S. Attorney under the governor who at the time of the lane reassignments was the governor’s chief of staff. Mr. O’Dowd fully cooperated in providing more than six hours of sworn testimony, which opened with his reassurance that he had no role in the bridge incident.³³² Mr. O’Dowd’s testimony revealed nothing that had not been already publicly available in the Mastro report.³³³ For example, nothing new was revealed from Co-Chair Weinberg’s questioning of Mr. O’Dowd about Co-Chair Wisniewski reportedly bragging in late 2013 to the mayor of Woodbridge about the co-chairman’s

³³¹ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, June 3, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi06032014.pdf>), Ex. 33.

³³² Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, June 9, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi06092014.pdf>), Ex. 163.

³³³ Gibson, Dunn & Crutcher LLP, March 26, 2014, (www.GDCReport.com), Ex. 123.

alleged discovery of a document that proved the governor's office knew something about the lane reassignments.³³⁴

- On July 17, 2014, the co-chairs called their last witness to testify, Regina Egea, who had been a governor's office liaison to state authorities. Ms. Egea fully cooperated under oath for five-and-a-half hours. She reiterated that she had nothing to do with the lane reassignments and said when she first learned about the bridge incident via media reports, she thought it was a result of well-known, longstanding political infighting at the bi-state Port Authority, which had always been considered a divided agency where New York and New Jersey appointees have had trouble cooperating or communicating. Upon her further review of the incident, she took a former Port Authority official at his word when he told her the reassignments were part of an agency traffic study. Nothing Ms. Egea provided was new information, aside from the fact that she was forced to answer repeated, loaded questions about how long she stores her text messages.³³⁵

The co-chairs' pricey partisan witch-hunt on the public's dime wasted thousands of state employee man hours and cost taxpayers millions of dollars.³³⁶ Their political mission to drive anti-Chris Christie headlines to benefit state and national Democrats did nothing to answer why the Fort Lee lanes approaching the George Washington Bridge were

³³⁴ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, June 9, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi06092014.pdf>), Ex. 163.

³³⁵ Official Meeting Transcript, New Jersey Legislative Select Committee on Investigation, July 17, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi07172014.pdf>), Ex. 64.

³³⁶ Detailed in "Picking Up the Co-Chairs' Political Tab" subchapter of this Minority Statement.

reassigned for a week in September 2013 and did nothing to adopt meaningful reforms at the dysfunctional Port Authority.

Chapter VI:

A High Price for Failure

Appearing to be solely focused on bringing down the popular Republican governor, Co-Chair John Wisniewski and legislative Democrats ignored all opportunities to use the New Jersey Legislative Select Committee on Investigation to implement meaningful reforms while so far running up a nearly \$9 million dollar tab at the taxpayer's expense.

Despite the repeated urging from Republican committee members, the co-chairs refused to even entertain legislation reforming the Port Authority of New York & New Jersey. Even more discouraging, when a state report was released detailing horrific fraud, waste and abuse in Newark under the former Democrat mayor and current U.S. Senator, Cory Booker, Co-Chair Wisniewski, Co-Chair Loretta Weinberg and other Democrat leaders stonewalled a bipartisan request for an investigation. A troubling traffic issue in Jersey City involving a rising Democrat star, Steve Fulop,³³⁷ was also ignored, despite its eerie similarities to the George Washington Bridge lane reassignments.

The co-chairs' failure to consider reforms was made more troubling by the fact that the governor and his administration provided complete cooperation with the Select Committee, eliminating the need for such a wasteful inquiry into the lane reassignments.

³³⁷ "NBC News reporter calls Steve Fulop a 'rising political star' in NJ," The Jersey Journal, May 2, 2014, (http://www.nj.com/hudson/index.ssf/2014/05/nbc_news_reporter_calls_steve_fulop_a_rising_political_star_in_nj.html), Ex. 164.

Administration's Transparency Opened Door for Reform

Regardless of the appearance that the New Jersey Legislative Select Committee on Investigation was being operated by the co-chairs as a weapon for political gain, the governor's office fully and expeditiously cooperated with the committee's requests.

When the co-chairs issued three different sets of subpoenas to the governor's office, including a June 2014 subpoena that sought records well beyond the scope of the committee's inquiry, the governor's office fulfilled those requests even though they were may have claimed an exemption under executive privilege rights.

The governor's office responded to each subpoena, searched its own records and even went so far as to retain an outside attorney to search employees' personal records.³³⁸ In total, the governor's office produced nearly 89,000 pages worth of documents on 15 separate occasions.

The governor's office did not withhold under executive privilege any documents related to the George Washington Bridge inquiry. For information that could not be turned over due to other privileges, the office provided a detailed log that clearly outlined each privileged or redacted documents' nature, author, recipient, subject, the type of privilege, and a description of each document. Overall, the committee's work was never negatively affected in any way by any delays, redactions or documents being withheld by the governor's office.

³³⁸ John Schoonejongen, "Christie hires law firm to assist in bridge probe," Asbury Park Press, Jan. 16, 2014, (<http://www.usatoday.com/story/news/politics/2014/01/16/christie-bridge-scandal-counsel-investigation/4510967/>), Ex. 165.

In fact, the governor's office itself went through great lengths to investigate any connection within the office and its staff to the George Washington Bridge lane reassignments. Given full access by the governor, former U.S. Attorney Randy Mastro and a team of lawyers from the Gibson Dunn law firm reviewed tens of thousands of interoffice documents, employee phone records and text messages and conducted extensive interviews with more than 70 witnesses. The firm spent hundreds of hours investigating what role, if any, the governor's office played in the reassignments.³³⁹

Ultimately, the firm determined that while the governor's former deputy chief of staff Bridget Kelly was less than truthful to superiors about her involvement, the governor had no knowledge of the event, before or after.³⁴⁰

Despite the fact that that the Mastro report was assailed by the co-chairs and some Democrat committee members, it was used as a master guide when they questioned five of the aforementioned witnesses and held up as accurate with only minor clarifications.³⁴¹

The transparency and timely cooperation of the governor's office certainly paved the way for the committee to focus on issues of reform and in fact revealed truths in sharp contrast to the baseless and biased accusations oft repeated by Co-Chair Wisniewski, Co-Chair Weinberg and other Democrats.

³³⁹ Gibson, Dunn & Crutcher LLP, March 26, 2014, (www.GDCReport.com), Ex. 123.

³⁴⁰ Id.

³⁴¹ Detailed in "Painfully Wasteful Meetings Could've Been Avoided" subchapter of this Minority Statement.

While the co-chairs often accused the governor of having a lack of curiosity about the lane reassignments, the committee's work revealed officials in the governor's office and, the governor himself, responsibly vetted allegations of political retaliation surrounding the lane reassignments and were repeatedly reassured by their Port Authority contacts that the reassignments had been a part of a traffic study.

The governor's Chief of Staff, Kevin O'Dowd asked former deputy chief of staff Bridget Kelly on several occasions about her involvement in the lane reassignments.³⁴² On each occasion, Ms. Kelly "lied" to Mr. O'Dowd.³⁴³ And in a December 13, 2013 senior staff meeting that those who attended described as unforgettable, the governor personally demanded that anyone with relevant information come forward immediately.³⁴⁴ Once again, Ms. Kelly remained silent.

Other members of the governor's administration also tried to find out the nexus for the lane reassignments. For example, the governor's spokesman Michael Drewniak testified before the Select Committee that he asked David Wildstein, a Port Authority official, about the matter and was told by Mr. Wildstein, "... This is about a traffic study. We

³⁴² Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, June 9, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi06092014.pdf>), Ex. 163.

³⁴³ Gibson, Dunn & Crutcher LLP, "O'Dowd Interview Memorandum," Ex.166.

³⁴⁴ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 13, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05132014.pdf>), Ex. 161; Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, June 9, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi06092014.pdf>), Ex. 163.

conducted a traffic study; no big deal. It's our prerogative and it's going to be short-lived
...³⁴⁵

Regina Egea, director of the authorities unit in the governor's office, testified that she asked William Baroni, then Deputy Executive Director of the Port Authority, about accusations that a crime had been committed in the course of the lane reassignments and was told, "... it was a traffic study, and that there was no merit to the accusations."³⁴⁶

While the co-chairs and Democrat members of the committee in their quest to discredit the governor mischaracterized standard workplace practices and reporting lines as demonstrating a lack of curiosity, the evidence presented to committee members revealed employees in the governor's office asked questions and received consistent answers from relied upon Port Authority officials. The Monday-morning quarterbacking by Co-Chair Wisniewski and Co-Chair Weinberg appeared to be nothing more than political gamesmanship and made-for-TV sound bites.

As laid out earlier in this Minority Statement, the co-chairs repeatedly stated they believed that Ms. Kelly and Mr. Wildstein could not have been responsible for the lane reassignments themselves.³⁴⁷ The committee over the last 11 months, however, produced

³⁴⁵ Official Public Meeting Transcript, New Jersey Legislative Select Committee on Investigation, May 13, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi05132014.pdf>), Ex. 161.

³⁴⁶ Official Meeting Transcript, New Jersey Legislative Select Committee on Investigation, July 17, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi07172014.pdf>), Ex. 64.

³⁴⁷ For example, in "Co-Chairs Sabotaged the Inquiry" chapter of this Minority Statement.

no shred of evidence or other examples of abuses to support the co-chairs' predetermined outcome that the governor "has to be responsible" for the reassignments.³⁴⁸

Despite the incredible level of access and cooperation the governor's office provided to the committee, co-chairs Wisniewski and Weinberg chose to ignore the facts at hand in order to hold to their partisan predetermined outcome that the governor was responsible, or at least willfully complicit, in the ordering of and alleged covering up of the lane reassignments.

The governor's office's expeditious and transparent compliance — along with the failure to obtain documents and testimony from Bridget Kelly and William Stepien³⁴⁹ and the testimony of six witnesses³⁵⁰ — should have led the co-chairs to devote the Select Committee to identifying and supporting long overdue Port Authority reforms. Instead, co-chairs Wisniewski and Weinberg ignored the facts laid out clearly before them and continued their hatchet-job inquiry into the governor and his administration, on the public dime, for their own political gain.

Democrats Shut the Door on Reform

Intent on casting a cloud over Governor Christie's national appeal while boosting their own profiles, New Jersey Legislative Select Committee on Investigation co-chairs John

³⁴⁸ Co-Chair Loretta Weinberg, "Politics Nation with Al Sharpton," MSNBC, Jan. 20, 2014, transcript via NBCNews.com, (<http://www.nbcnews.com/id/54136673/ns/msnbc-politicsnation/#.VEbGkrjD8pG>), Ex. 119.

³⁴⁹ Detailed in "Inquiry's Doom: Bungled Court Case" chapter of this Minority Statement.

³⁵⁰ Detailed in "Painfully Wasteful Meetings" subchapter of this Minority Statement.

Wisniewski and Loretta Weinberg refused to allow the committee to achieve its primary public responsibility to reform troubled state authorities and government.

It has long been known by government officials at all levels that a myriad of problems existed at the Port Authority of New York & New Jersey during the terms of several previous governors.

Longstanding issues, such as patronage hiring and unthinkable special privileges, have undermined the Port Authority's ability to properly serve the public as an efficient mass transportation provider. For example, Christopher Hartwyk, a cousin of New Jersey Senate Democrat and former governor Richard Codey,³⁵¹ not only kept his Port Authority job after pleading guilty to a sexual harassment charge — he was promoted to become the second-ranking lawyer at the Port Authority.³⁵² About two years after taking a \$156,000 severance package in resigning from that \$215,000 per year post,³⁵³ Mr. Hartwyk pleaded guilty to falsifying legal documents while at the Port Authority.³⁵⁴

³⁵¹ Steve Strunsky, "Former Port Authority Lawyer admits he faked letter promising discount from outside firm," The Star-Ledger, March 11, 2014, (http://www.nj.com/politics/index.ssf/2014/03/former_port_authority_lawyer_admits_he_faked_letter_promising_discount_from_outside_firm.html), Ex. 167.

³⁵² Jeff Pillets, "PA lawyer was promoted after guilty plea," The Record, Jan. 22, 2012, Ex. 168.

³⁵³ Steve Strunsky, "Port Authority pays \$156K in severance to lawyer replaced by Paula Dow," The Star-Ledger, Jan. 5, 2012, (http://www.nj.com/news/index.ssf/2012/01/port_authority_pays_156k_in_se.html), Ex. 169.

³⁵⁴ "Steve Strunsky, "Former Port Authority Lawyer admits he faked letter promising discount from outside firm," The Star-Ledger, March 11, 2014, (http://www.nj.com/politics/index.ssf/2014/03/former_port_authority_lawyer_admits_he_faked_letter_promising_discount_from_outside_firm.html), Ex. 167.

In a recently filed lawsuit, ex-Passaic County sheriff Jerry Speziale also claimed to be harassed in his former job at the Port Authority, where he was hired to fight corruption.³⁵⁵ Mr. Speziale, who resigned from the Port Authority in June 2014, alleges that he was retaliated against and harassed for internally reporting allegedly illegal and abusive misconduct.³⁵⁶

Given the agency's well-documented issues, the Select Committee co-chairs should have considered all avenues to reform the Port Authority. The 2012 Navigant report, which is publicly available online, details overdue reforms to address internal, external, financial and operational problems at the Port Authority.³⁵⁷

The Select Committee could have easily conducted an inquiry into the lane reassignments while also addressing needed reforms by passing legislation, but co-chairs Wisniewski and Weinberg refused to consider any action that didn't support their apparent political mission to take down the governor. Republican committee members on the other hand repeatedly urged the Select Committee to focus on using its legislative powers of reform to address the known issues at the Port Authority and steer clear of intruding upon law enforcement professionals who were already investigating the lane reassignments.

³⁵⁵ Karen Sudol, "Ex-Passaic sheriff Speziale claims in lawsuit he was harassed while at Port Authority," The Record, May 15, 2014, (<http://www.northjersey.com/news/politics/ex-sheriff-s-suit-claims-he-was-harassed-while-at-pa-1.1016824>), Ex. 170.

³⁵⁶ Id.

³⁵⁷ "Phase I Interim Report," Navigant, Jan. 31, 2012, (<http://www.panynj.gov/corporate-information/pdf/Phase-I-Deliverable-Final-with-Gov-Letter.pdf>), Ex. 171; "Phase II Report," Navigant, September 2012, (<http://www.panynj.gov/corporate-information/pdf/navigant-phase-2-and-rothschild-reports.pdf>), Ex. 172.

By early March 2014, Assemblywoman Amy Handlin, Assemblyman Patrick Carroll and Assemblywoman Holly Schepisi had introduced a package of bills to make the Port Authority more accountable and transparent. At a committee meeting the following month, Assemblywoman Handlin suggested their legislation should be considered by the committee even as the inquiry into the lane reassignments continued. She noted, by that point on April 8, 2014, the taxpayer-funded committee had been in existence for 82 days and had been billed over \$200,000 by counsel.³⁵⁸

Assemblywoman Handlin's call for reform was met with uncontrolled fury by Co-Chair Wisniewski, who brazenly accused her of showboating.³⁵⁹ Co-Chair Weinberg, on the other hand, acknowledged that a "good series" of bipartisan bills must be developed.³⁶⁰ Months later, Co-Chair Weinberg again attempted to agree with Republican members, saying, "What we hope comes out of this committee is some real legislative changes that will address some of the issues that have led to why we're sitting here today."³⁶¹

Unfortunately for taxpayers, who had been billed millions of dollars³⁶² since that package of legislation was introduced, Co-Chair Weinberg's words never turned into actions as the committee failed to propose or consider any reform legislation.

³⁵⁸ Official Meeting Transcript, New Jersey Legislative Select Committee on Investigation, April 8, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi04082014.pdf>), Ex. 173.

³⁵⁹ Id.

³⁶⁰ Id.

³⁶¹ Official Meeting Transcript, New Jersey Legislative Select Committee on Investigation, July 17, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi07172014.pdf>), Ex. 64.

³⁶² Detailed in "Picking Up the Co-Chairs' Political Tab" subchapter of this Minority Statement.

The legislation introduced in March 2014 by Assemblywoman Handlin, Assemblyman Patrick Carroll, Assemblywoman Schepisi and other Republicans includes the following:

- **Assembly Bill 2856** – Helps block patronage dumping and politically entrenched leaders at the Port Authority and adds checks and balances to leadership hirings, by imposing a term limit for the Port Authority’s executive director and deputy executive director, as well as requiring the directors be approved by the governors of both New Jersey and New York;³⁶³
- **Assembly Bill 2858** – Increases transparency and public awareness of Port Authority transportation operations, by requiring bi-state authorities to publish notifications of any operation that will impact traffic in local communities;³⁶⁴
- **Assembly Bill 2886** – Makes the Port Authority more accountable, ethical and fiscally responsible via a series of good government reforms, and by establishing an Office of the Investigator General;³⁶⁵
- **Assembly Bill 2857** – Increases accountability and fiscal responsibility by making New Jersey’s comptroller the independent monitor of Port Authority financial and payroll actions and records;³⁶⁶

³⁶³ Assemblywoman Amy Handlin and Assemblyman Michael Patrick Carroll, New Jersey Assembly Bill 2856, Ex. 174.

³⁶⁴ Assemblywoman Amy Handlin and Assemblyman Gregory McGuckin, New Jersey Assembly Bill 2858, Ex. 175.

³⁶⁵ Assemblywomen Amy Handlin and Holly Schepisi, New Jersey Assembly Bill 2886, Ex. 176.

- **Assembly Bill 2855** – Protects the public against anything like the George Washington Bridge/Fort Lee lane reassignments of September 2013, by criminalizing any official interference with transportation on New Jersey roads, bridges, railways, waterways, or airways.³⁶⁷ An identical version has been introduced in New York by state Senator Andrew Lanza.³⁶⁸

To date, none of the abovementioned common-sense reforms have been considered by the committee, nor posted for a vote by Democrats who control New Jersey's Legislature.

In June and September of 2014, the New Jersey Senate passed a pair of bills that had already moved in New York's legislature to increase transparency and accountability at the Port Authority.³⁶⁹

Co-Chair Wisniewski, in his role as Assembly Transportation and Independent Authorities Committee chairman and as Assembly deputy speaker, was the sole individual who prevented those two bills from getting to the governor's desk.³⁷⁰

³⁶⁶ Assemblywoman Amy Handlin and Assemblyman Michael Patrick Carroll, New Jersey Assembly Bill 2857, Ex. 177.

³⁶⁷ Assemblywoman Amy Handlin and Assemblyman Gregory McGuckin, New Jersey Assembly Bill 2855, Ex. 178.

³⁶⁸ Judy L. Randall, "Lanza teams with N.J. pol to make future 'Bridgeway' shutdown a crime," Staten Island Advance, April, 1, 2014, (http://blog.silive.com/latest_news/print.html?entry=/2014/04/lanza_teams_with_nj_pol_to_mak.html), Ex. 179.

³⁶⁹ Max Pizarro, "Senate passes Weinberg and Gordon's Port Authority reform bill 38-0," PolitickerNJ, Sept. 22, 2014, (<http://www.politickernj.com/82246/senate-passes-weinberg-and-gordons-port-authority-reform-bill-38-0>), Ex. 180; Senator Joe Pennacchio, "Door Opens for DRPA Reform with Passage of PANYNJ Transparency Bill," Senatenj.com, June 26, 2014, (<http://www.senatenj.com/index.php/pennacchio/pennacchio-door-opens-for-drpa-reform-with-passage-of-panynj-transparency-bill/18263>), Ex. 181.

On September 22, 2014, when the New Jersey Senate voted to adopt Port Authority reform bill S-2181, Co-Chair Wisniewski held an Assembly transportation committee hearing on eight Port Authority reform bills, but refused to allow a vote on any of the items.³⁷¹

In describing the Co-Chair's obstruction, The Star-Ledger reporter Steve Strunsky wrote, "Assemblyman John Wisniewski continued to defy fellow lawmakers urging him to act on incremental reforms at the Port Authority of New York and New Jersey today, even as the full Senate approved legislation that Wisniewski declined to act on ..."³⁷² That article noted, "Republicans and Democrats alike" have urged Co-Chair Wisniewski to accept reform.³⁷³

Due to Co-Chair Wisniewski's obstruction, on Oct. 23, 2014, Assembly Speaker Vincent Prieto, a Democrat, was forced to take the unusual step of transferring those two Port Authority reform bills from Co-Chair Wisniewski's Assembly transportation committee to the Assembly State and Local Government Committee. With that move, Co-Chair Wisniewski was no longer able to block a vote on both bills, which were advanced in the Assembly on October 27, 2014 and had attracted wide support and sponsorship by

³⁷⁰ Max Pizarro, "Senate passes Weinberg and Gordon's Port Authority reform bill 38-0," PolitickerNJ, Sept. 22, 2014, (<http://www.politickernj.com/82246/senate-passes-weinberg-and-gordons-port-authority-reform-bill-38-0>), Ex. 180.

³⁷¹ Steve Strunsky, "Top transportation pol defies calls for incremental Port Authority reform," The Star-Ledger, Sept. 22, 2014, (http://www.nj.com/politics/index.ssf/2014/09/wisniewski_says_port_authority_advisory_panel_is_needed_defies_calls_for_incremental_reform.html), Ex. 182.

³⁷² Id.

³⁷³ Id.

Republicans, including Assemblywomen Schepisi and Handlin, who recognized that the need for reform was greater than a claim to authorship.³⁷⁴

To apparently try to save face, Co-Chair Wisniewski announced his own legislation in late October 2014, after months of inactivity by the Select Committee and under increasing scrutiny from top New Jersey Democrats.³⁷⁵ Co-Chair Wisniewski's last-ditch effort to keep attention on himself by introducing a reform bill was met with sharp criticism from Co-Chair Weinberg, who told The Record "... I absolutely disagree with this approach."³⁷⁶

Co-Chair Wisniewski failed to use the Select Committee to propose reforms for the Port Authority and for months stood in the way of bipartisan legislation bringing much needed accountability to the troubled agency. Co-Chair Wisniewski's longstanding personal ambitions to take on the governor derailed the committee and hijacked the entire legislative process, which was supposed to serve all the residents of New Jersey.

³⁷⁴ Assembly State and Local Government Committee official audio recording of Oct. 27, 2014 hearing, (http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=ASL&SESSION=2014), last visited Oct. 29, 2014.

³⁷⁵ Shawn Boburg, "N.J. legislation would limit power of governors over Port Authority," The Record, Oct. 23, 2014, (<http://www.northjersey.com/news/n-j-proposal-would-give-lawmakers-ability-to-appoint-some-port-authority-commissioners-1.1116773>), last visited Oct. 24, 2012

³⁷⁶ Id.

Double-Standard for Democrat Abuses

The taxpayer-funded New Jersey Legislative Select Committee on Investigation was set up to investigate all matters relating to the abuse of government power in New Jersey until January 2016.³⁷⁷

Those broad powers of public importance, however, were curtailed by Democrat committee co-chairs John Wisniewski and Loretta Weinberg, as they vehemently denied all requests for the committee to examine any issue that would divert attention from their political attack of the governor. The extent of the co-chairs' politically motivated hypocrisy is acutely summed up by an October 2014 New York Post editorial, "Cory Booker's free pass."³⁷⁸

Bipartisan Calls for Booker Inquiry Went Unanswered

While the New Jersey Legislative Select Committee on Investigation was mired in its inquiry of a Fort Lee traffic jam, the Office of the State Comptroller for New Jersey released a scathing 45-page investigative report about the Newark Watershed Conservation and Development Corporation,³⁷⁹ which stole and wasted taxpayer dollars and was ripe with abuses of power under the control of Democrat U.S. Senator Cory Booker, then mayor of Newark.³⁸⁰

³⁷⁷ Senators Stephen Sweeney and Loretta Weinberg, Senate Concurrent Resolution No. 49, Ex. 1.

³⁷⁸ New York Post Editorial Board, "Cory Booker's Free Pass," New York Post, Oct. 7, 2014, (<http://nypost.com/2014/10/07/cory-bookers-free-pass/>), Ex. 99.

³⁷⁹ Also known as NWCDC.

³⁸⁰ "Investigative Report Newark Watershed Conservation and Development Corporation," New Jersey Office of the State Comptroller, Feb. 19, 2014, (http://www.nj.gov/comptroller/news/docs/newark_watershed.pdf), Ex. 183.

The report detailed a plethora of government abuses of power, and possible criminal acts, including the improper and reckless spending of millions of tax dollars with little to no oversight by then-Mayor Booker, NWCDC's Board of Trustees and other city officials.³⁸¹ The report provided a multitude of findings, including that NWCDC's Executive Director Linda Watkins-Brashear, a political ally of then-mayor Booker, wrote herself unauthorized payroll checks, made risky investments with public funds and funneled no-bid contracts worth millions of dollars.³⁸²

Following the report's release, there was a bipartisan call from Senate Republican Sam Thompson and Senate Democrat Ronald Rice for the Select Committee to start an inquiry in response to the comptroller's findings.³⁸³ The Senators also launched an online petition for the citizens of New Jersey to prompt the committee to investigate the matter.³⁸⁴ Inexplicably, Senators Thompson and Rice, as well as the 955 citizens who signed the petition so far, never once received a formal response from the committee's Democrat co-chairs John Wisniewski and Loretta Weinberg.

The co-chairs' blatant blind eye to abuse and waste was even more troubling considering

³⁸¹ Id.

³⁸² Id.

³⁸³ Senators Sam Thompson and Ron Rice, "Thompson, Rice Announce Bipartisan Initiative for 'Select Committee' Investigation into Abuses by City of Newark, Booker," *Senatenj.com*, Feb. 27, 2014, (<http://www.senatenj.com/index.php/thompson/thompson-rice-announce-bipartisan-initiative-for-select-committee-investigation-into-abuses-by-city-of-newark-booker/16587>), Ex. 184.

³⁸⁴ Senators Sam Thompson and Ron Rice, "Sign the Petition to Urge a Legislative Select Committee Investigation of the City of Newark," *Senatenj.com*, March 13, 2014, (<http://www.senatenj.com/index.php/petitions/investigate-newark/sign-the-petition-to-urge-a-legislative-select-committee-investigation-of-the-city-of-newark/16699>), last visited Oct. 29, 2014.

that every year New Jersey taxpayers send more than \$100 million in state aid, in addition to federal tax dollars, to Newark.³⁸⁵

It appeared that the co-chairs did not care about Newark residents or state taxpayers. They only used the Select Committee to promote their own partisan political agenda, but not to inquire into independently investigated and reported waste and abuse under popular Democrat Senator Booker.

In its October 7, 2014 editorial, the New York Post rightly called out Democrats' hypocrisy in the infatuation with hounding the governor yet a lack of interest in the abuse that occurred under Senator Booker's watch.

"Though New Jersey's press and political class have yet to come up with any evidence, they continue to work in overdrive to prove Gov. Chris Christie knew about Bridgegate before he said he did," the editorial stated.³⁸⁶ "Meanwhile, Booker is walking to re-election as a US senator without having to say boo about the biggest scam under his leadership as mayor of Newark: the fleecing of the city by the Newark Watershed Conservation and Development Corp., which he chaired as mayor."³⁸⁷

³⁸⁵ Senators Sam Thompson and Ron Rice, "Sign the Petition to Urge a Legislative Select Committee Investigation of the City of Newark," [Senatenj.com](http://www.senatenj.com/index.php/petitions/investigate-newark/sign-the-petition-to-urge-a-legislative-select-committee-investigation-of-the-city-of-newark/16699), March 13, 2014, (<http://www.senatenj.com/index.php/petitions/investigate-newark/sign-the-petition-to-urge-a-legislative-select-committee-investigation-of-the-city-of-newark/16699>), last visited Oct. 29, 2014.

³⁸⁶ New York Post Editorial Board, "Cory Booker's Free Pass," *New York Post*, Oct. 7, 2014, (<http://nypost.com/2014/10/07/cory-bookers-free-pass/>), Ex. 99.

³⁸⁷ *Id.*

None of these issues involving the City of Newark and Senator Booker were lost on the office of the U.S. Attorney for New Jersey, however, which according to The Star-Ledger has recently launched a criminal investigation of the NWCDC.³⁸⁸

Holland Tunnel Traffic Problems Considered OK

The popular Democrat Mayor of Jersey City, Steve Fulop, escaped Select Committee scrutiny on reported abuses of power just as easily as Democrat U.S. Senator Cory Booker, despite the striking similarity between a Holland Tunnel traffic catastrophe Mayor Fulop was said to have caused and the infamous September 2013 George Washington Bridge traffic issue.

On November 19, 2013, police checkpoints near a Port Authority-owned marine terminal, caused gridlock inside the terminal and created a traffic nightmare outside of the Holland Tunnel.³⁸⁹ The checkpoints were reportedly done for two days³⁹⁰ to harass a terminal operated as part of Mayor Fulop's feud and pending multimillion dollar lawsuit with the Port Authority of New York & New Jersey.³⁹¹

³⁸⁸ Bill Wichert. "Federal investigation underway into Newark watershed agency, attorney says." The Star-Ledger, Oct. 16, 2014, (http://www.nj.com/essex/index.ssf/2014/10/federal_investigation_underway_into_newark_watershed_agency_attorney_says.html#incart_river), Ex. 185.

³⁸⁹ Terrence T. McDonald, "Traffic nightmare at Jersey City terminal thanks to police checkpoints," The Jersey Journal, Nov. 19, 2013, (http://www.nj.com/hudson/index.ssf/2013/11/police_checkpoints_at_jersey_city_terminal_lead_to_traffic_backups.html), Ex. 186.

³⁹⁰ Terrence T. McDonald, "10 Things We've Learned about Jersey City Mayor Steve Fulop," The Jersey Journal, June 30, 2014, (http://www.nj.com/hudson/index.ssf/2014/06/things_weve_learned_about_jersey_city_mayor_steve_fulop.html), Ex. 187.

³⁹¹ Terrence T. McDonald, "Traffic nightmare at Jersey City terminal thanks to police checkpoints," The Jersey Journal, Nov. 19, 2013, (http://www.nj.com/hudson/index.ssf/2013/11/police_checkpoints_at_jersey_city_terminal_lead_to_traffic_backups.html), Ex. 186.

According to Jersey City Police Chief Robert Cowan, that traffic snarl was directed by Mayor Fulop.³⁹² Chief Cowan said that he objected to the plans on the basis of “illegality.”³⁹³

The Jersey City traffic problems had eerily similar components to what motivated co-chairs Wisniewski and Weinberg to launch headlong into their failed inquiry of the George Washington Bridge lane reassignments.

At the July 17, 2014 Select Committee meeting, Assemblywoman Handlin raised the Jersey City traffic problem and pointed out that the committee “was formed to investigate potential abuses of power affecting operations of the Port Authority — not just potential abuses of power coming from the Christie Administration.”³⁹⁴

But the co-chairs would not allow the Select Committee to examine the Jersey City traffic stops, which a police chief said were ordered by the Democrat Mayor, even though it appeared that Co-Chair Weinberg knew deep down it was the right thing to do.

Following the July 17, 2014 committee meeting, Co-Chair Weinberg signed Assemblywoman Handlin’s letter to state Attorney General Hoffman, urging the office to

³⁹² Terrence T. McDonald, “Jersey City Police Chief: Fulop Devised 'illegal' Operation to Snarl Traffic at Holland Tunnel,” The Jersey Journal, July 11, 2014, (http://www.nj.com/hudson/index.ssf/2013/11/police_checkpoints_at_jersey_city_terminal_lead_to_traffic_backups.html), Ex. 188.

³⁹³ Id.

³⁹⁴ Official Meeting Transcript, New Jersey Legislative Select Committee on Investigation, July 17, 2014, (<http://www.njleg.state.nj.us/legislativepub/pubhear/lsi07172014.pdf>), Ex. 64.

review the Jersey City traffic issues.³⁹⁵ Co-Chair Weinberg's signing of that letter showed that even when she believed an abuse of power may have occurred, she was unwilling to devote any portion of the taxpayer-funded committee's resources to examining that issue.

It can be viewed that the co-chairs' failure to act on the Newark and Jersey City issues, and the vigor put into the George Washington Bridge inquiry are separated by one clear difference — Senator Booker and Mayor Fulop are Democrats, and their political affiliations did not fit into the co-chairs' political mission to destroy a popular Republican governor.

Picking up the Co-Chairs' Political Tab

At a time of severe budget shortages and when Republicans, Democrats and taxpayers have called for more fiscal discipline, New Jersey Legislative Select Committee on Investigation Co-Chair John Wisniewski abused the state taxpayers' credit card, to the tune of at least \$8.79 million for his failed political pursuit of the spotlight and Governor Chris Christie's demise.

The true cost of the Select Committee's failed George Washington Bridge inquiry, which includes legal billing and public employee man hours, may never be fully known but will

³⁹⁵ Senators Loretta Weinberg, Linda Greenstein and Kevin O'Toole, Assemblyman Michael Patrick Carroll, and Assemblywomen Amy Handlin and Holly Schepisi letter to Hon. Attorney General John Hoffman, Weinberg, Loretta, Linda Greenstein, Michael Patrick Carroll, Amy Handlin, Holly T. Schepisi, and Kevin J. O'Toole. Letter to Attorney General John Hoffman asking for review of November 2013 Jersey City traffic problems, July 21, 2014, Ex. 189.

continue to accumulate at least through the end of the year.³⁹⁶ Here's a breakdown of attainable expense estimates by firms and public entities that were forced into the Democrats' sham of a legislative inquiry:

Firm or Entity Involved in Inquiry	Public Cost
Jenner & Block, hired by Democrats to serve as Select Committee counsel	\$1,061,392.98 (as of November 2014) ³⁹⁷
Leon Sokol, private counsel to New Jersey Senate Democrats also used by the committee	\$42,906.44 (as of June 2014) ³⁹⁸
New Jersey nonpartisan Office of Legislative Services	\$34,621 (as of August 2014) ³⁹⁹
New Jersey partisan legislative staff	\$166,368 (as of September 2014) ⁴⁰⁰
Outside legal costs incurred by several firms used to represent state employees	\$672,576.91 (as of mid-2014) ⁴⁰¹
Port Authority of New York & New Jersey outside legal fees	\$301,003 (as of July 2014) ⁴⁰²
Gibson, Dunn & Crutcher, outside legal counsel that investigated the governor's office	\$6,520,000 (as of August 2014) ⁴⁰³
ESTIMATED TOTAL	\$8,798,868.33

³⁹⁶ Shawn Boburg, "Port Authority's GWB scandal legal bills are climbing," The Record, Oct. 14, 2014, (<http://www.northjersey.com/news/port-authority-s-gwb-scandal-legal-bills-are-climbing-1.1109222>), Ex. 190.

³⁹⁷ According to the most-recent information reviewed by Republican Select Committee members, who were not allowed to possess copies of Jenner & Block Select Committee legal bills.

³⁹⁸ According to the most-recent information given to Republican Select Committee members, who were not provided copies of that counsel's bills.

³⁹⁹ Based on OLS estimate provided at the request of Senator Kevin O'Toole.

⁴⁰⁰ Note: Senate and Assembly Democrat offices did not provide staff man hours. Neither the Senate Democrat nor the Assembly Democrat offices provided an estimated staff cost for the Select Committee. Senate and Assembly Republican staff cost estimates were doubled to include the lowest responsible representation of Senate and Assemblyman Democrat staff costs.

⁴⁰¹ According to records provided to OLS on Aug. 19, 2014, by the state Attorney General's Office, Ex. 191; Salvador Rizzo, "Christie's Lawyers Bill N.J. Taxpayers \$6.52 Million For Bridgegate So Far," The Star-Ledger, Aug. 15, 2014, (http://www.nj.com/politics/index.ssf/2014/08/christies_lawyers_bill_nj_taxpayers_652_million_for_bridgegate_so_far.html), Ex. 192.

⁴⁰² Andrea Bernstein, "Port Authority Pays \$300K Bridgegate Legal Bill," WNYC, July, 30, 2014, (<http://www.wnyc.org/story/port-authority-pays-legal-bills/>), last visited Oct. 22, 2014.

⁴⁰³ Salvador Rizzo, "Christie's Lawyers Bill N.J. Taxpayers \$6.52 Million For Bridgegate So Far," The Star-Ledger, Aug. 15, 2014, (http://www.nj.com/politics/index.ssf/2014/08/christies_lawyers_bill_nj_taxpayers_652_million_for_bridgegate_so_far.html), Ex. 192.

What was initially billed as a truly bipartisan effort to understand the decision to reassign the Fort Lee traffic lanes approaching the George Washington Bridge in September 2013 and to implement reforms to prevent such grave violations of the public trust, the Select Committee was turned into a “How To” manual for a taxpayer-funded political search and destroy mission.

All that is left from the more than \$8.79 million inquiry are unanswered questions surrounding possible legal and ethical conflicts and abuses by Democrat committee members. Taxpayers deserve answers to all questions about the lane reassignments and the serious issues presented in this Minority Statement about the much-hyped Select Committee.

Chapter VII:

Statement Signed & Delivered

With unfettered power, Democrat Select Committee co-chairs ran up exorbitant public costs, while providing little or no benefit to the residents of New Jersey. They proved to be some of the most-partisan elected officials in modern times, using public resources to apparently carry out a national Democrat mission to destroy a popular Republican governor all the while advancing their own political ambitions.

This Minority Statement has presented questions about potential illegalities, such as numerous instances of apparent misuse and/or abuse of government resources to execute a politically motivated campaign. It has been respectfully submitted with all exhibits to the New Jersey Attorney General's Office to investigate any possible criminal violations or civil charges. With that in mind, Select Committee members should preserve all emails, text messages, correspondences, memorandums and the like for any possible investigation.



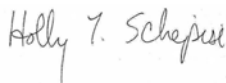
Senator Kevin O'Toole



Assemblyman Michael Patrick Carroll



Assemblywoman Amy Handlin



Assemblywoman Holly T. Schepisi

This Minority Statement was prepared by the Republican Select Committee members and legislative staff members, without assistance from outside legal counsel.