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PoliticsNation, Friday, January 10th, 2014

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POLITICS NATION

January 10, 2014

Guests: John Wisniewski; Sal Rizzo; Gordon Johnson, Jess Macintosh, Joe Madison, Nicholas Scutari, Barbara Buono

REVEREND AL SHARPTON, MSNBC ANCHOR: Good evening, Ed, and thanks to you for tuning in.

Tonight`s lead, did Governor Christie know? Today, several thousand pages of new documents were released in the investigation of the New Jersey bridge scandal. One of the most striking new developments and biggest revelations came from David Wildstein, the former Christie appointee who refused to testify at a hearing yesterday. The leading investigator says documents from Wildstein refer to a meeting between Governor Christie and David Sampson, the chairman of the port authority, the agency in charge of the bridge.

The meeting took place just one week, just one week before Christie`s deputy chief of staff e-mailed quote "time for some traffic problems in Fort Lee." The investigator says, quote, "by submitting these documents, Mr. Wildstein is telling us they are related to their -- to the lane closures in some way."

The question that demands answering is how. That`s a very provocative question. Was the Christie meeting somehow related to the lane closures? We`re going to speak to the assemblyman, asking that question in a moment.

Also in these documents, we catch a glimpse of a fevered effort behind the scenes to keep this story quiet. When the lanes of traffic were reopened, a top Christie appointee, who has since resigned said, quote, "there can be no public discourse. And on October 1st, two weeks after the lanes reopened, reporters started asking more questions.

In this e-mail, David Wildstein learned the reporter was, quote, "questioning our prior statement on this issue that said the toll lanes were closed because of a test when he has a copy of an e-mail that says otherwise." And Wildstein forwarded that e-mail to Michael Drewniak, Governor Christie`s spokesman.

So the governor`s office knew there was concern of the fallout. And other e-mails today also show that agency knew how real people were being affected. One woman called the agency saying it was clear they didn`t, quote, "care about their customers, and that they were playing god with people`s jobs."

Her husband was 40 minutes late to a job that he just got after being out of work for over a year. Another amazing day of developments, and new scrutiny on whether Governor Christie knew of the lane closures.

Joining me now, New Jersey Democratic Assemblyman John Wisniewski, who is the leading investigation chair in the assembly into this bridge scandal, and MSNBC contribu tor E.J. Dionne.

Thank you both for bein g here.

E.J. DIONNE, COLUMNIST, THE WASHINGTON POST: Good to be here, Reverend.

SHARPTON: Assemblyman, let me go to you first.

I want to go right to the chase. The documents show many people were involved. We were told yesterday by the governor it was only a few, but there is all kinds of names and documents now. It shows a lot of people.

ASSEMBLYMAN JOHN WISNIEWSKI (D), NEW JERSEY: There are a lot of people involved. And one of the things we hoped to get yesterday from David Wildstein was an explanation about that August 5th communication about a meeting between the governor and David Sampson. We wanted to know about the involvement of Michael Drewniak and other people in the governor's office.

Obviously, you saw, we were denied that opportunity because Mr. Wildstein pleaded the Fifth Amendment, because he is afraid of criminal prosecution in this event. But what that really shows is a very serious breach of public trust here, and that can't be forgiven.

SHARPTON: Now the meeting that you're referring to took place before the week before the closures. And for whatever reason, they included that in the documents they handed over to you.

WISNIEWSKI: Exactly.

SHARPTON: And the document subpoena was on things relating to the closing. So in effect they're saying that somehow this meeting related to the closings?

WISNIEWSKI: Right. We don't know if the meeting happened, but we do know that they were scheduling a meeting between Dave Sampson and the governor. We do know that it was provided in response to this question, provide us the e-mails that have anything to relate with the lane closure. And so the question that is needing to be answered, is what was that meeting about? Who else was at that meeting? And what was the outcome of that meeting?

SHARPTON: Now, I said that you had the investigation in the assembly, but your power of subpoena runs out on this coming week.

WISNIEWSKI: January 14th when the current legislature expires and we get sworn in for a new term.

SHARPTON: Will you be put in the position where that is extended? Will they extend so that you and the committee can continue this investigation?

WISNIEWSKI: I'm asking assembly speaker, incoming assembly speaker Prieto (ph) to grant that authority by allowing a resolution to be voted oven on January 14th that would allow the committee to continue uninterrupted its work there is a lot of stuff we still need to look at. Any interruption in what we do is going to require us to really go back a few steps instead of moving forward to a conclusion.

SHARPTON: So you're asking the new speaker to extend and allow you and your colleagues to continue to the work that you've already started.

WISNIEWSKI: Absolutely. We've come this far. There is no reason to stop or go backwards.

SHARPTON: Do you think the speaker will allow this?

WISNIEWSKI: I think so. I think he understands how important this is not only for the people of New Jersey, but for public trust. I mean, the governor has destroyed public trust by what he has allowed his administration to do. We have to try to get that back.

SHARPTON: E.J., also included in the documents the director of the port authority said about the closure quote "I believe this hasty and ill advised decision violated federal law and the laws of both states." Bill Baroni forwarded that e-mail minutes later to David Wildstein. Do you believe it violated federal and state law, E.J.?

DIONNE: Well, I am not a lawyer, but I do think that there are severe legal questions involved when you talk about using a public facility for a political vendetta. That's almost the definition of corruption. So I think there is -- there are ample grounds to investigate, to have the U.S. attorney and others investigate this to see if there was a violation.

But I think what really becomes clear from the new documents that came out today is that, a, this was a political operation and b, that they were trying to cover that up. The headline on "The New York Times" says "bridge scandal documents indicate effort to hide political motive." And I think that's what it is. And I think the question that Governor Christie left on the table yesterday --

SHARPTON: So they're saying in effect that the traffic study was bogus?

DIONNE: That is what "The New York Times" story suggests. And I think the question that governor Christie left on the table yesterday is why did he wait until the smoking gun came out to try to look into this? Why was he not more curious? Why didn't he have some urgency about this when two of his appointees resigned? I think that's a question he still has to answer.

SHARPTON: Why do you think he was waiting?

DIONNE: Well, there are two possibilities. One, he has denied, which is he knew something about this. The other is he might have had a suspicion there wasn't good here but he wanted it to go away. I don't know what the third could. I guess the third could be he thought this whole thing was so preposterous, how could his people do this. And it surely was preposterous as well as awful.

WISNIEWSKI: You know, the governor said in his two-hour press statement yesterday that he has a lot of people under his charge, and he can't know what everybody is doing. But curiously, he also said I asked my staff, and I gave them 60 minutes to respond as to whether they knew anything.

If you have a very large staff, it seems almost like you're trying to create no answer by giving them only 60 minutes. There is a lot of questions that this governor needs to answer because people very important to him, his spokesman was involved in this. And I find it hard to believe that Michael Drewniak in all of this time involved in not only talking about the actual traffic jam but the cover-up never once said anything to the governor?

SHARPTON: Now, where do you want this investigation to go? You're in charge. Where do you want it to go?

WISNIEWSKI: We have two things we have to do. This can't ever happen again. Well can't have people using public resources for political vendettas. So this agency has to be drastically recreated. And that's the role of the New Jersey and New York legislatures. But we also have to get to the bottom of it so that we can restore public trust.

People don't believe government does the right thing most times. And our governor in New Jersey gave people ample reason to believe that government is up to no good.

SHARPTON: We're hearing names like Bridget Anne Kelly and other names. Will you subpoena any of these names we're hearing?

WISNIEWSKI: I would like to have Bridget Kelly respond by providing all of her e-mails and document and then come in for testimony. The same with Bill Sptepien, the man who used to be the governor's campaign manager. And ion two days before was nominated for state Republican Party chair and then two days later taken out of that position. Same thing for him, we need his e-mails, we need his documents and then we need his testimony.

SHARPTON: E.J., it seems clear that the governor's press conference yesterday did not put this to rest.

DIONNE: I think that's right. I think it play have been good enough for the people who were really already committed to Governor Christie. But I am struck not only -- it's not just liberals or Democrats who are raising questions about this. There are a lot of conservatives who didn't much like Chris Christie, not all for good reason, like the fact that he said some nice things about President Obama. And I think this is just gives those conservatives who oppose him another reason for doing so. So I think his problem here in terms of politics is as much on his own side as it is on the other side.

SHARPTON: I want to go back to something, Assemblyman, that E.J. referred to in "The New York Times" story. This power point about the traffic jam that was issued three days after the traffic jam.

WISNIEWSKI: It was never issued. That's the interesting thing. Mr. Baroni came before our committee on November 25th. And at that time, we asked Mr. Baroni, was there anything prepared about this so-called traffic study? He said nothing was prepared because we didn't collect enough data. And mysteriously, in Mr. Wildstein's document submission, we see a power point that was started, but the conclusion page as you saw is blank.

SHARPTON: So Mr. Baroni told you nothing was prepared. But in the documents turned over by Wildstein, you have this power point that was being prepared but not concluded.

WISNIEWSKI: And the power point shows that the people of Fort Lee would suffer immeasurably by this plan.

SHARPTON: Wow.

E.J., it doesn't seem like this traffic report is going to be the answer here.

DIONNE: If you need a traffic study to show you that Fort Lee would be jammed with traffic if you shut down two lanes of this bridge, you shouldn't be in the transportation business. I mean, it's absurd on its face. Bill Bennett, not often quoted on this network, once said that

social science involves the elaborate demonstration of the obvious by methods that are obscure. This was a demonstration of the obvious by a method that was unnecessary and probably contrived.

SHARPTON: Well, we're going to have to leave it there. But I can say this that we're hearing more names, more questions. And you heard tonight Assemblyman Wisniewski saying they want to extension on the time so they can do the work to get to the bottom of this. And he is calling on the speaker to let a resolution be voted upon in the New Jersey legislature for the new session so he and his group, his other elected officials can continue this investigation.

Assemblyman John Wisniewski, thank you very much for coming.

WISNIEWSKI: Thank you, Reverend.

SHARPTON: And E.J. Dionne, thank you as always and have a good night.

DIONNE: Have a good weekend, Reverend.

SHARPTON: Still ahead, one of the big unanswered questions in the scandal, why did it happen? Was it really about a power struggle in the state's highest court?

Also this --

(BEGIN VIDEO CLIP)

GOV. CHRIS CHRISTIE (R), NEW JERSEY: I have terminated the employment of Bridget Kelly effective immediately. I terminated her employment because she lied to me.

(END VIDEO CLIP)

SHARPTON: But did she act alone? If not, who gave the order? We'll go live to the state capitol to see who else investigators are looking at.

Also, scandal? What scandal? Believe it or not, the right-wingers are trying to make the Christie controversy all about President Obama.

Big show tonight. Stay with us.

(COMMERCIAL BREAK)

SHARPTON: Did Chris Christie's deputy chief of staff act alone? Many people that know her well don't think so. We're live outside of New Jersey state courthouse in a moment.

(COMMERCIAL BREAK)

SHARPTON: It's a key question in the Chris Christie bridge scandal. Why did his deputy chief of staff, Bridget Kelly, wake up on August 13th and send this e-mail to the port authority at 7:30 in the morning, quote, "time for some traffic problems in Fort Lee." That's the e-mail that led to her dismissal.

(BEGIN VIDEO CLIP)

CHRISTIE: I've terminated the employment of Bridget Kelly effective immediately. I terminated her employment because she lied to me. I am stunned by the abject stupidity that was shown here.

(END VIDEO CLIP)

SHARPTON: But now many are wonde ring if Bridget Kelly really did all this on her own. The Bergen Record says those who know her describe her as a, quote, "hard-working conscie ntious, and diligent political staffer who balanced the needs of four children with a long commute to Trenton."

In looking at Kelly`s life and then comparing it to the portrait pre sented by Christie, the pieces don`t fit. The issue of where the order came from is being put under the microscope, along with the entire Christie political machine. The governor`s top team consists of his chief of staff Kevin O`Dowd, and general counsel, Charlie McKenna. They were the two people who questioned Bridget Kelly before she was fired. And now Christie `s press secretary, Michael Drewniak, may face questions as well.

Over at port authority, two executives have already been implicated in the bridge incident, Bill Baroni and David Wildstein. Christie`s reelection campaign is also involved. His campaign manager Bill Stepien corresponded with David Wildstein via e-mail over the lane closings. So far four of those people have resigned, been fire order punished politically. And the investigations are just getting started.

Joining me now is New Jersey assemblyman Gordon Johnson and Star Ledger reporter Sal Rizzo live from the state capitol.

Thank you both for being here.

UNIDENTIFIED MALE: Thank you, Reverend Sharpton for allowing us to be here today.

SHARPTON: Assemblyman, let me go to you first. Did Bridget Kelly order these lane closings all on her own?

ASSEMBLYMAN GORDON JOHNSON (D), NEW JERSEY: I find it hard to believe that Ms. Kelly, working in the shadow of Chris Christie, in his office, in his inner circle would initiate an action, this action that would cause this traffic debacle.

SHARPTON: Sal, you know there are a lot of questions remain about Bridget Kelly`s role in all of this. "The New York Times" reports that for years she was, quote, "mid-level staff member to a low profile legislator." But in 2009, Ms. Kelly worked long hours for the Christie effort in Bergen County. Afterwards, many political operatives voiced surprise when Mr. Christie promoted Ms. Kelly. Can you tell us what you know about Bridget Kelly?

SAL RIZZO, STAR LEDGER REPORTER: I think part of that rise and why it was so stunning was all due to Bill Stepien. Bill Stepien was, you know, the whiz kid who ran the governor`s two election campaign successfully, impressing a lot of people not just in New Jersey, but nationwide. And you know, in that first campaign when she ran that phone bank in Bergen County, a very democratic community, very democratic place. She did very well, you know, Bergen County came out almost half and half between Corzine and Governor Christie. And you know, that was enough for Bill Stepien, I think, to push her up the ranks as sort of a protege of his and that`s why she landed where she did.

SHARPTON: Now, Assemblyman, today on MSNBC, the former governor of Pennsylvania, Governor Ed Rendell said he doubts Kelly acted on her own. Watch this.

(BEGIN VIDEO CLIP)

ED RENDELL (D), FORMER GOVERNO R, PENNSYLVANIA: I was a very hands-on governor like Governor Christie. My deputy chief of staff, whose desk was 25 feet from mine, would never have done something like this without my clearance, without asking me for prior approval. In a month of Sundays, would never have contemplated doing something like this. And I can't imagine anybody worked for a strong governor like Chris Christie would have done it.

(END VIDEO CLIP)

SHARPTON: So he is basically saying what you said. And I've also heard other people say they're not even sure that people would have listened to an order like this from a deputy chief of staff. Maybe they would have inquired around somewhere to find out where this was coming from.

JOHNSON: To confirm that she has the authority to put this out, exactly right.

SHARPTON: What kind of questions, and what are you looking to ask? And who do you want to talk to?

JOHNSON: I like to see Ms. Kelly come in and testify before the transportation committee and just to find out so she can tell us exactly where this order came from, and exactly where this idea came from.

As I said before, I do not believe that she initiated this action. And for the governor to say he wasn't aware of what was going on, I find that very hard to believe also. When, if I can give you a quick timeline there, on October 16th, Senator Loretta Weinberg goes to the board of commission's meeting at the port authority inquiring about this traffic tie-up, what was going on, asking for some answers. She did not get it.

November 13th, Senator Weinberg, Assemblyman Wisniewski and I go to the meeting. Same thing again, inquiring about this, no answer. December 4th, same thing. Well go there to a monthly meeting, no answer. December 6th, Wildstein resigns.

Now, the commissioners from New Jersey, Sampson, Bagger, Pacino, Shuber and Steiner, three of them were put there by the governor.

SHARPTON: Three of the commission?

JOHNSON: Right. They were nominated by the governor. They must know him. They didn't pick up phone and say we have a problem here. We have elected officials inquiring about this alleged traffic study. I find it hard that they wouldn't call. One, it wouldn't call and tell his office that these people are here inquiring. I just don't understand it.

SHARPTON: Now, let me ask you, Sal Rizzo, you mentioned Stepien, and how he was the whiz behind the campaign. Tell me about him. And in your opinion, could he have ordered this?

RIZZO: I don't know whether he ordered it. That remains to be seen. And I think the investigation continues --

SHARPTON: Did he have the clout?

RIZZO: Sure. Anyone could have ordered it that is mentioned in these e-mails or, you know, the people that you just showed on screen. But it's hard to tell with what we know right now. But yes, he was a strict enforcer for the governor on the campaign trail. And, you know, just in

the political, you know, retail go to this town, go to that town, see what we can do here and there, just in the day in and day out of government.

So yes, he was someone who was very involved, who knew everyone at the local level, who knew every ground game in the Republican politics in New Jersey. And he is someone who would have been, you know, I think very aware of something like this if he was running the governor's campaign with eyes and ears open.

SHARPTON: Now, Assemblyman, the governor appointed or at least put up to denomination --

JOHNSON: Nominate the three of these individuals.

SHARPTON: -- for three of these individual, the governor clearly had people now than we knew were involved in this. Is it conceivable to you that none of them would have come to the governor and said any of this was a problem?

JOHNSON: It makes no sense. You have elected officials attending their monthly meetings, asking questions, and no one picked up a phone to say hey Gov., you know, this is on the radar, FYI or something. So, I just don't -- these are all intelligent people. So I don't -- I can't comprehend that.

SHARPTON: I am going to have to leave there it.

Assemblyman Gordon Johnson and Sal Rizzo, thank you both for your time tonight.

JOHNSON: Thank you, Reverend.

RIZZO: Thank you.

SHARPTON: Coming up, why did they do it? It's a question everyone is asking. Why did they order traffic problems in Fort Lee? There are some new theories developing and one has to do with what Christie was doing hours before the smoking gun e-mail was sent.

And an amazing twists in story. Will Christie's chief of staff, Bridget Kelly's boss, be the state's top law enforcer? Stay with us.

(COMMERCIAL BREAK)

SHARPTON: Is it possible that Chris Christie's chief of staff will become the top law enforcement official in New Jersey? It is amazing and is possible. That's next.

(COMMERCIAL BREAK)

SHARPTON: To the right wing, the whole Christie bridge scandal is no big deal. Rudy Giuliani says it's nothing more than a little prank.

(BEGIN VIDEO CLIP)

RUDY GIULIANI FORMER NEW YORK CITY MAYOR: Politically stupid things, political pranks that turn bad, all that other stuff, every administration -- don't tell me this doesn't happen in the Obama administration, and the Clinton administration, and the Bush administration.

(END VIDEO CLIP)

SHARPTON: See? It's just kids stuff. I mean, who hasn't shut a bridge down? And if the right is not busy dismissing the scandal, they're ignoring it. On the day the scandal broke, FOX News spent less than 15 minutes covering the story. And when they did finally get around to reporting it, suddenly Christie's response was a lesson in leadership. It was Responsibility 101. In fact, the Obama administration should be taking pointers because Republicans know this Chris Christie scandal is all about one thing, President Obama.

(BEGIN VIDEO CLIP)

SEAN HANNITY, FOX NEWS HOST: The administration holds no one accountable, not when it comes to the botched ObamaCare roll-out, the IRS enemies list, the NSA spying scandal. And remember fast and furious? Well, that controversy, nothing happens there. So they may want to rethink this attack on the New Jersey governor.

UNIDENTIFIED MAN: When you look at the president of the United States, he says I didn't know anything about the Affordable Care Act website, I didn't know anything about the IRS, the DOJ, Benghazi.

RUSH LIMBAUGH, RADIO TALK SHOW HOST: We're spending now an hour press conference on lane closures on the George Washington Bridge. We haven't spent this much time in a press conference on four Americans dying in Benghazi.

HANNITY: Does not compare to the scandals that are plaguing the Obama administration.

(END VIDEO CLIP)

SHARPTON: With all the right wing, with the right wing, all bridges lead to one place, blaming President Obama.

Joining me now are Jess Macintosh and Joe Madison. Thank you both for coming on the show tonight.

JOE MADISON, SIRIUS XM RADIO HOST: Thank you, Reverend.

JESS MCINTOSH, EMILY'S LIST SPOKESPERSON: Thank you for having me.

SHARPTON: Joe, let me start with you. How did the Christie bridge scandal get to be all about President Obama?

MADISON: I really don't know other than everything is about President Obama with them. I don't care what it is. It's again part of the campaign to discredit him. But this is what I want everyone to please understand, and we had almost two hours of conversation on our show, Reverend Sharpton. And that is that this could have been a national security disaster. This is what everyone kept telling us, that this bridge is the only way to get into Manhattan with major trucks.

SHARPTON: Right.

MADISON: For example, since 9/11, trucks can't go through, and you know this better than I do, the tunnels. So this is an issue of national security. And I am absolutely disappointed and amazed that the former mayor of New York would say this is nothing but a few lanes being closed down. Now, I expect that from Rush Limbaugh. But the mayor who was there at 9/11, he knows exactly the significance of any chaos on that bridge.

SHARPTON: Now, let me go back just to my introduction when I talked about the right think the president could learn a thing or two from Christie's leadership. Listen to this.

(BEGIN VIDEO CLIP)

UNIDENTIFIED WOMAN: Could Washington learn a thing or two about what leadership really looks like? We report, you decide.

UNIDENTIFIED WOMAN: Chris Christie really indicated to many what leadership looked like after facing a crisis.

UNIDENTIFIED MAN: See, now what President Obama would have done, according to the past history with this administration is rather than fire somebody, he would have just allowed them to retire.

UNIDENTIFIED WOMAN: Or promote them.

(END VIDEO CLIP)

SHARPTON: I mean, leadership lessons? He could have learned from Chris Christie? Are we looking at the same situations here?

MACINTOSH: No. I hope that Chris Christie takes all of his running for president advice from Rudy Giuliani. I think that would be just fantastic. But I mean, you kind of got to feel bad for them. The Republican Party has been in the wilderness when it comes to leaders. And Chris Christie was sort of their last best hope at a savior. So yesterday Christie talked a lot about the five stages of grief. And I think right now we are seeing the Republican Party go through denial. That's not going to last very long.

They're not going to be able to keep putting up the wrong tagline and the wrong Chiron and pretending that failure is leadership and up is down, no matter how good the Republican Party is at pretending the black is white and women are better off without equal pay and Americans are better off without health care. They're really good at cognitive dissonance. But I don't think that this one is going the last.

SHARPTON: But Joe, what is interesting to me is how they're trying to mix apples and oranges.

MADISON: Yes.

SHARPTON: With all of the questions that they raise about President Obama and members of his administration, we're talking about whether officials intentionally.

MADISON: That's right.

SHARPTON: With no other circumstances that fed into it, went out to do something that harmed and affected the public. They're talking about situations that people could have been inept, could have been incompetent, could have made a mistake, but not intentionally planned something that would negatively affect the public. They're trying to mix apples and oranges here like we're stupid.

MADISON: Absolutely right. Let's take the roll-out. Everyone admitted, everyone admitted inside the administration, the press, he stood right there in front of the American people and said look, I'll take the blame for this. I should have known. We had Anton Gunn.

SHARPTON: But she should have known, you're talking about in terms of the roll-out.

MADISON: Yes.

SHARPTON: That's my point, Joe. No one is alleging though that someone conspired to mess up the roll-out. We're talking about people here that allegedly conspired to make something happen that did not naturally happen. You're comparing that to something that might have messed up, not that somebody conspired to mess it up.

MADISON: You know, because you look at that memo. You really have to be crazy. When somebody sends a memo that says it's time --

SHARPTON: Exactly.

MADISON: -- to screw with somebody, I mean, you know, I'm paraphrasing, you know, that's on purpose. That states a purpose. That's -- and that's why it's not going to fly. Because when the president knew that people had screwed up, you want to talk about leadership, Anton Gunn told us that after the president got through yelling at us, he told you going to fix this. Those of you who broke it through whatever reason, incompetence, you didn't know what you're doing, no, I'm not going to fire you, you're going to get in there and fix it. And that's as much leadership as anything else.

SHARPTON: But Jess, my point is that there is no allegation that somebody woke up at 7:30 this that morning and called and said let's mess up the website. It's mixing apples and oranges.

MACINTOSH: ObamaCare is a program designed to help people.

SHARPTON: Right.

MADISON: Thank you.

MACINTOSH: There was never any good intention to shutting down lanes on the GWB on the first day of school. So apples and oranges from the very beginning. But I think also there was a real leadership contrast. The president didn't come out and make jokes about how he was the one writing the code. Chris Christie came out and pretended that this was funny. You know, people's days were messed up. There were emergency situations that couldn't be handled as well as they needed to be because of this. And he came out and joked about it.

I think that one of the reasons why we're seeing the Republican reaction and the flailing that we're seeing is because this scandal is the Republican Party. It is all about tone and not about substance. It is all about politics and not about people. We heard more about Chris Christie's workout routine yesterday than we did about the people whose lives were affected by the lane closures.

SHARPTON: Yes.

MACINTOSH: And Republicans are always focused on style over substance. It's why they liked Christie in the first place, and it's ultimately going to be their downfall.

MADISON: I'm surprised --

SHARPTON: Got to leave it there, Joe.

MADISON: Sorry.

SHARPTON: Thank you so much. J oe Madison, Jess Macintosh.

MADISON: Thank you.

MACINTOSH: Thank you for having me.

MACINTOSH: Thank you both for your time this evening.

MADISON: Thank you.

SHARPTON: Have a good we ekend.

MADISON: Have a great weekend, Reverend Sharpton.

SHARPTON: Still ahead, is it possible that Chris Christie `s chief of staff will become the top law enforcement official in New Jersey? It `s amazing and very possible.

(COMMERCIAL BREAK)

SHARPTON: It `s one of the most amazing parts of th is amazing story. And it `s about Gov ernor Christie `s top aide. His name is Kevin O `Dowd. Governor Christie `s chief of staff and his long-time friend. In the ch ain of command, he was one of just two aides who reported directly to Christie. He was Bridget Kelly `s boss. And he `s one of just two aides who last month interviewed staff about who knew what before reporting back to Christie. Christie says O `Dowd assured him no aides were involved. But here is the twist. Just last month, Christ ie nominated Kevin O `Dowd to be the state `s new attorney general, the top law en forcer and top law officer in the state of New Jers ey. O `Dowd is due to go before the Senate judiciary th is Tuesday. So Bridget Kelly `s boss could be in charge of this investigation. Sound like a conflict of interest? Not to Governor Christie.

(BEGIN VID EO CLIP)

UNIDENTIF IED MAN: Do you think this could have an impact and you shoul d put on hold Ke vin O `Dowd `s nomination to being the attorn ey general since he was chi ef of staff and wou ld probably be involved in setting the tone?

GOV. CHRIS CHRISTIE (R), NEW JERSEY: Absol utely not. Kevin `s, you know, confirmation h earing will go forward on Tuesday. And I expect, you know, he `ll be vigorously question like any candidate for attorney general should be. And I sus pect that h e `ll get swift and cer tain confirmation be cause he deserves it.

(END VIDEO CLIP)

SHARPTON: So either Kevin O `Dowd was l ied to by st affers, or he knew more than he told the gov ernor. Either way, he coul d be run ning an investigation into what happened in the scandal ins ide his office.

Joining me now are New Jersey State Senate Democrats Nicholas Scutari and Barbara Buono. Senator Scutari chairs the Judiciary Committee, Senator Buono of course ran for governor last year against Christie. Thank you both for being here.

STATE SEN. BARBARA BU ONO (D), NEW J ERSEY: Good to be here.

SHARPTON: Senator, on Tuesday, Governor Christie has his chief of staff being -- having the confirmation hearing in front of your committee. You are chairing that committee. Is that going to go forward?

STATE SEN. NICHOLAS SCUTARI (D), NEW JERSEY: No. No it's not. We've already decided that for technical reasons --

SHARPTON: Wait a minute. It's not going forward?

SCUTARI: Not going forward. We've already decided that a delay would be in the best interest of everyone involved, the people of the state of New Jersey, and for a variety of reasons, the new Senate has to be reconstituted on Tuesday. Before that time, I can't even officially schedule the hearing. And then, you know, just because of scheduling matters, it just would be impossible to hold the hearing on that day. I mean, when I originally anticipated that the hearing was going to go forward on Tuesday, we didn't really understand the scope of how long this hearing might go. So obviously, there is going to be a heck of a lot more questions now than there would have been just a couple of weeks ago when we were anticipating the hearing.

SHARPTON: Now, so you saw me play the tape yesterday. The governor said this hearing is going forward, and you're saying tonight as chairman of the judiciary committee, that hearing will not happen Tuesday.

SCUTARI: That's correct. I mean, luckily for us, we decide when those hearing go forward. In the state of New Jersey, the governor makes nominations, but we have the advice and consent power as to when and if a hearing is scheduled for any gubernatorial nomination.

SHARPTON: Could you imagine as chairman of the judiciary, and I'm not asking you to prejudge anything, but could you imagine him being confirmed before all of this was aired out?

SCUTARI: Well, I want to take a measured approach to this because of my personal dealings with this individual during his time in the Christie administration have been straight forward. But on the other hand, we could not and cannot ignore the fact that unfortunately for him, his name, although his name has not been mentioned, he is at the center of it by virtue of his position. So I mean, it deserves a full vetting.

SHARPTON: Senator Buono, when you ran last year against Governor Christie, you certainly raised a lot of questions that you now got to be looking at people, saying that obviously there is some management, if nothing else questions about how the state has been run.

BUONO: Well, the governor is either lying or he is incompetent. And neither of those are good alternative for this governor. Let me tell you, back in September when we knew of these lane closures, I know Chris Christie. I've dealt with him for four years. He knows everything that is going on. He has a reputation for being retaliatory, for being petty, for being thin-skinned. I knew he was behind this. But what really surprised me was the tenor of those e-mails. You know, they were almost gleeful. The one Wildstein I think it was, he said oh, don't worry about the children. They're the children of Buono voters.

SHARPTON: You mean that people voted for you against Governor Christie last year.

BUONO: Yes. I mean, the abject disregard, callous disregard for the people of New Jersey.

SHARPTON: Now, by what you know of him having known him four years and had to work with him, do you think that it is possible that all of this could have happened and no one mentioned anything to him?

BUONO: It's so absurd. I can't even find the adjectives to say how absurd that is. This is a guy who runs his administration like a paramilitary operation. It's very, very structured, very disciplined. The orders come from the top down. And these kids don't go to the bathroom unless they ask Chris Christie's permission. So to suggest that his chief of staff did something without asking him, to suggest that Michael Drewniak, his top communication guy for years didn't talk to him about this is just absurd. And that's why we need a federal investigation into it.

SHARPTON: Senator, obviously the whole world is looking at this. This is front page in Croatia. You're the head of the Senate Judiciary Committee in the state. What do you want to see happen here and how are you going to help try to guide from your part where this goes?

SCUTARI: Well, obviously, a full vetting of the facts. And there is so much more information that needs to be garnered from all the individuals that seem to have played a part in this. I mean, obviously the voters and the citizens of New Jersey deserve answers to the myriad amounts of questions that have arisen as a result of these e-mails that has to happen. And I don't think anyone that is involved, including Mr. O'Dowd, I think he understands that there needs to be a full vetting of the facts. Although he hasn't been mentioned to date and no one has been pointing the finger at him particularly, there continues to be questions and problems at this point in time.

SHARPTON: Let me be clear again. You are delaying the O'Dowd hearing on Tuesday. When do you think it may happen?

SCUTARI: Well, we haven't set a new date in consultation with the Senate president and members of the committee; we'll continue to have discussions on this. And we're continuing also to talk to the administration and Mr. O'Dowd himself to see what would be the appropriate time to conduct the hearing. I mean, in everyone's best interests, it might not be appropriate to go forward. I mean, we can certainly start a questioning process. But then to take a vote is a little bit more difficult.

SHARPTON: Let me ask you, Senator Buono, do you think your colleagues would vote to confirm O'Dowd before all of this has been thoroughly put to rest?

BUONO: Well, I know my colleagues. I've served in the Senate for 12 years. I trust their judgment. And they are particularly this chairman and the Judiciary Committee take their jobs, take their responsibilities very, very seriously. And I can't imagine them taking that to a vote before all of these other factors are settled.

SHARPTON: Big news here tonight. Tuesday is canceled, at least for you, Mr. O'Dowd. New Jersey State Senate Democrats Nicholas Scutari and Senator Barbara Buono, thank you both for your time and have a good weekend.

BUONO: Thank you.

SCUTARI: Thank you.

(COMMERCIAL BREAK)

SHARPTON: Ahead, remembering a man who stood up for what was right. By sitting down at a lunch counter. A moment of courage that changed history. That's next.

(COMMERCIAL BREAK)

SHARPTON: Finally tonight, remembering a civil rights icon who sat down at a lunch counter and stood up for justice. On February 1, 1960, Franklin McCain and three other college students walked in to a Woolworth's store for lunch in Greensboro, North Carolina. They sat at the whites only counter and politely asked for service. They were refused and told to leave. But they remained seated for the rest of the day. This single moment of civil disobedience ignited a movement across the nation that challenged racial divides and attitudes. A few years ago, McCain talked about how he saw change begin that very day.

(BEGIN VIDEO CLIP)

FRANKLIN MCCAIN, CIVIL RIGHTS SIT-IN MOVEMENT PIONEER: There was a little old white lady who sat maybe five or six stools down from us. She walked behind us and put her hands on our shoulders. So she said in a very calm voice, boys, I am so proud of you. I only regret that you didn't do this ten years ago.

(END VIDEO CLIP)

SHARPTON: An amazing story. A reminder of how progress begins in the hearts of all of us. Franklin McCain died last -- late last week. He was 73 years old.

Thanks for watching. I'm Al Sharpton. "HARDBALL" starts right now.

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EXHIBIT 112

CNN NEWSROOM

Former Israeli Prime Minister Ariel Sharon Dies; Documents Released Regarding Bridge Closing Scandal in New Jersey; Effect of Scandal on Governor Christie's Political Career Debated; Colorado Opens Tours of Cannabis Dispensaries; Bullied Transgender Teen Charged with Battery; NFL Playoffs Continue; NFL Quarterback Andrew Luck Interviewed

Aired January 11, 2014 - 10:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

CHRISTI PAUL, CNN ANCHOR: Israel mourning the passing of a leader this morning. Former prime minister Ariel Sharon has died. His leadership and his legacy ahead.

VICTOR BLACKWELL, CNN ANCHOR: The questions just keep coming as we get more documents from the New Jersey bridge scandal. We'll ask the state assembly man who released those papers if he thinks Christie is telling the truth.

PAUL: And a transgendered teen bullied for years fights back now, but is facing criminal charges. We're going to talk to her live.

I hope Saturday has been good to you so far. Thank you for sharing your time with us. I'm Christi Paul.

BLACKWELL: I'm Victor Blackwell. Good to be with you this morning, 10:00 here on the east coast, 7:00 out west. You are in the CNN Newsroom.

UNIDENTIFIED MALE: This is CNN breaking news.

BLACKWELL: Israel is mourning the death of one of its political and military heroes. Former Israeli prime minister Ariel Sharon died earlier today.

PAUL: He had been in a coma for eight years but his death still comes as a shock to a lot of people. As prime minister, he pulled Israeli troops out of Gaza. That was a decision that stunned a lot of people, including a former U.S. ambassador to Israel Edward Djerejian.

(BEGIN VIDEO CLIP)

EDWARD DJEREJIAN, FORMER U.S. AMBASSADOR TO ISRAEL: What's remarkable is that this man who is this hardliner, this military hero in Israel, and architect of the settlements policy, when he became prime minister, and this is what I think is going to be part of his legacy, sitting in that chair as prime minister gave him a different perspective, and he realized that Israel security could not obtained only through military means.

(END VIDEO CLIP) BLACKWELL: Just moments ago we received a statement from former president Bill Clinton and former secretary of state Hillary Clinton. They wrote, "Ariel Sharon gave his life to Israel to bring it into being, to sustain it and to preserve it, and at the end of his long service, to create a new political party committed to both a just peace and lasting security. It was an honor to work with him, argue with him, and watch him always trying to find the right path for his beloved country."

CNN's senior international correspondent Ben Wedeman has covered Israel for years. Ben, I want you now that we have that statement in to kind of talk to us about what Sharon meant to the people of Israel both in his role as a general and prime minister, but, if you can, that relationship with the U.S.

BEN WEDEDMAN, CNN INTERNATIONAL CORRESPONDENT: Certainly he was a man who -- he didn't always have a good relationship with the U.S. when he was Israeli defense minister in 1982 and the architect of the Israeli invasion of Lebanon. There was a good deal of unhappiness in the Reagan White House at the time with that invasion and certainly Ariel Sharon was not a beloved figure among senior Israeli officials around the American officials at the time.

And certainly when he was elected prime minister in January, 2001, there was a lot of concern among American officials that, given his reputation as a hawk, as a hardliner, that he would certainly complicate an already complicated situation at the time. You will remember we were several months into the second Palestinian Intifada. There was violence, bombings in the streets of Jerusalem and Tel Aviv. There were daily deaths, dozens of deaths during that time. And they were worried that he would certainly make things more difficult.

Now, in the spring of 2002 he launched this Operation Defensive Shield, the reoccupation of the West Bank, a very bloody chapter. And certainly when that happened, American officials were really concerned that that was the way Israel was going. But certainly his decision to pull Israeli forces and Israeli settlers out of Gaza, that sort of changed his perception among U.S. officials. They began to understand that maybe this man was not all blood and guts. Maybe he also had a diplomatic vision, a strategy that might move this situation forward.

He was never a great fan of negotiations, but certainly by the end of his career in January 2006 the U.S. looked at him very differently.

PAUL: All right, Ben Wedeman, thank you for bringing us the latest there from Jerusalem. We appreciate it.

And now to the new revelations from more than 2,000 pages of documents that were released on the investigation into the New Jersey bridge scandal. And it is plaguing governor Chris Christie's administration this morning.

BLACKWELL: Late last night a state legislature leading the investigation released the documents. They show angry back and forth e-mails and confusion over the lane closures and that official close to Governor Christie tried to cover up political motives and block the

media from learning more about it.

PAUL: Also they give new insight into some of the resignations that took place in the wake of the controversy, but the documents do not seem to show Governor Christie played a role here. CNN's Alexandra Field live in Fort Lee right now. I understand you've got information on the specific e-mails now, Alexandra?

ALEXANDRA FIELD, CNN CORRESPONDENT: That's right, Christi. This documents are full of emails. Some express outrage, others express attempts to keep things quiet. It starts with an email from Patrick Floyd, the executive director of the Port Authority here. He sends out an e-mail expressing his outrage that he wasn't warned that these lanes would close. In that e-mail to other Port Authority officials he writes, in part, quote, "I will get to the bottom of this abusive decision which violated I've everything this agency stands for."

Bill Baroni then responds to that e-mail, he's Port Authority official appointed by Governor Chris Christie who has resigned in the wake of the scandal, but not before responding to Foye with this e-mail, quote, "On way to office to discuss. Can be no public discourse."

While all of this was playing out over e-mail people here in New Jersey were sitting in gridlock for four days back in September. At the time Fort Lee's mayor was trying to find a fix to this problem, but he says he was actually being blamed for the problem. That's in the documents as well. Here's his e-mail to Bill Baroni. He writes, quote, "Many members of the public have indicated to me that the Port Authority police officers are advising commuters in response to their complaints that this recent traffic debacle is the result of a decision I as mayor recently made." That's from Sokolich there.

What we should point out is that nowhere in these 2,000 pages do we see any evidence that would connect Governor Chris Christie to this alleged plot. Governor Christi did hold a two-hour press conference earlier this week saying he had no knowledge and no part in any of this. He apologized to people and later came here to Fort Lee to deliver that apology in person.

BLACKWELL: CNN's Alexandra Field for us in Fort Lee, thank you.

PAUL: Joining us, the man leading the investigation into the scandal, New Jersey state assemblyman John Wisniewski, a Democrat. He's head of New Jersey's transportation committee and released the 2,000 pages of documents. So John, thank you so much for being with us. We appreciate it. I have to ask you first and foremost, you've gone through these documents. You released them. Is there anything that you found that directly links Governor Christie to knowing about the bridge closures or participating in a political way?

JOHN WISNIEWSKI, CHAIRMAN, NEW JERSEY TRANSPORTATION COMMITTEE: No, there's no document that has Governor Christie's name on it. There's no e-mail to the governor or from the governor on anything we've looked at so far. But there's still a lot of documents we haven't gotten we would like to see.

I also think you have to understand how the New Jersey governor's office works. And the other names that are in all of these e-mail, Regina Egea, Michael Drewniak, other senior officials in his administration, it really strains credibility that all of these senior officials starting on the day the lanes were closed had been involved in either discussing the press strategy or the spin or the cover-up, that they were involved and the governor had absolutely no knowledge? I mean, this Regina Egea, who is in the one of the e-mails, is slated to become the governor's new chief of staff. It just strains believability the governor's incoming chief of staff, who must have a lot of trust with the governor, never shared any of this with him, never had a discussion.

BLACKWELL: So to find out if the governor actually knew about this, David Wildstein this week, he was in front of the committee, he pleaded the fifth. And his attorney at one point said, well, if he is afforded immunity, then he will have a story to tell. Do you think it's worth giving him the immunity that he is asking or his attorney is requesting to get to if Governor Christie is involved?

WISNIEWSKI: Sure. Well, it's not up to the assembly committee or the assembly itself to grant immunity. That would be something that either the New Jersey attorney general or the U.S. attorney would grant to him. But I certainly think it's something that they should consider. He's clearly made it known to the entire committee in his testimony as well as his attorney made known to me personally that he has a lot of information he would like to talk about. But he is concerned about criminal liability, and he'd like to have immunity before he discusses any of that.

PAUL: You know, I know that you have accused the governor of holding back, saying it would be, quote, "If he did the right thing and voluntarily released all communications." That's a quote of yours. Have you asked him for more information and he's denied you that, or what kind of information do you still think is out there?

WISNIEWSKI: Well, look, Bridget Kelly was an employee of the governor's office as is Michael Drewniak. Bill Stepien has been an employee of the governor's office and had been working for the state party. Regina Egea is an employee of the governor's office. Our investigation would be made measurably simpler if the governor's office would say, please tell us what you would like. We'll turn over all of those documents, the governmental e-mails, the personal e- mails, the correspondence so that you can look at them and determine for yourself.

I know the governor said he is going do an internal investigation, but the assembly committee has been looking at this for some four months now, and I think it would be fair, and if the governor meant which he said that he wants to get to the bottom of it, and he also said he thought the committee should continue it's work, it would only be fair for him to make those documents available. And I intend to formalize that request in a letter to the governor's office on Monday.

BLACKWELL: Initially there was speculation that this possibly had something to do with the mayor of Fort Lee not endorsing the governor in his campaign for re-election in 2013. Do you give any credence to the theory that this is retribution against Senate Democrats for possibly holding up the tenure of a member of the court there, and that angry statement we heard from the governor was on the 12th. The 13th we heard that the Fort Lee traffic is held up in the district of the leader of the Senate Democrats.

WISNIEWSKI: Right. Well, I think anything is possible. One thing's clear. The anger that was displayed by Pat Foye and Bill Baroni and other people in the governor's circle after the lane closer was terminated on Friday the 13th, rises to the level of why are they so angry and why are they so mad at this process being shut down? Because if it was really a traffic study, if it was really legitimate government operation, you don't express the kind of anger that for instance the chairman of the Port Authority wrote that in an e-mail that Pat Foye is playing in traffic, or the other e-mail that said Dave Sampson is going to help us retaliate.

So they were mad about something, and they were trying to accomplish something. That something, we don't know. We were hope that David Wildstein's testimony would have shed some light on it. We certainly would like to call Bridget Kelly to come and testify, Bill Stepien, the governor's campaign manager, Regina Egea, his slated to come in chief of staff, and the man he's now got nominated for attorney general because O'Dowd, who is slated to become attorney general, is Bridget Kelly's boss.

PAUL: So what you know so far, do you believe that something criminal is afoot here?

WISNIEWSKI: Well, I'm not a prosecutor but I do think laws have been broken. Clearly Pat Foye said that on September 13th. And 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. And so I think law enforcement ought to be looking at this as well to make sure that any violations of law are addressed.

PAUL: Assemblyman John Wisniewski, thank you so much for sharing your time with us. We appreciate it.

WISNIEWSKI: Thank you very much.

BLACKWELL: Still to come in the Newsroom, it is a mad rush for clean water in West Virginia. Have you heard about this? We're going to go live to Charleston with the latest on a contaminated river that's left hundreds of thousands without usable water.

PAUL: And speaking, well, let's say in new terms in Colorado here. A new kind of business is cropping up and it's not just the pot retail business, it's pot tours. Yes. You can ride along in a bus.

(COMMERCIAL BREAK)

PAUL: We knew they were on their way but we have learned this morning more emergency supplies of water are arriving in West Virginia this morning.

BLACKWELL: And 16 tractor trailers were sent by the Department of Homeland Security to help more than 300,000 people who cannot use their water to drink or cook or bathe or wash anything. All this after a chemical seeped out of a coal industry facility and into the water supply of nine counties. Tests show the chemical level is dropping, but there is no end in sight.

PAUL: Alina Machado has the latest for us from Charleston.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Now it's utter chaos. Yes.

UNIDENTIFIED MALE: I see people just grabbing every ice bag they can.

UNIDENTIFIED MALE: Yes. It's about gone.

UNIDENTIFIED FEMALE: It's hard. I got to use bottled water.

ALINA MACHADO, CNN CORRESPONDENT: There is growing outrage and a concern in West Virginia where at least 300,000 people are without usable running water thanks to a chemical leak at Freedom Industries.

GARY SOUTHERN, PRESIDENT, FREEDOM INDUSTRIES: We are very, very sorry for the disruptions.

MACHADO: Gary Southern, the president of the chemical company, offered few details during his first press conference more than 24 hours after the leak was discovered.

UNIDENTIFIED FEMALE: So can you give us an exact timeline as to how this all happened?

MACHADO: Southern says his employees found the leak Thursday morning. The chemical is typically used to clean coal and can be harmful if ingested. State officials say they were alerted to the problem when residents of the county reported a foul smell similar to licorice in the air. The leak was traced to one of freedom industry's 35,000 gallon storage tanks along the Elk River, about a mile from the water plant.

GOV. EARL RAY TOMBLIN, WEST VIRGINIA: We're doing water tests on an hourly basis and the chemical level is declining but we're just not sure exactly how long it's going to take until it's acceptable to lift the do not drink ban.

MACHADO: The warning has rattled those who live in the nine counties, where a state of emergency has been declared.

MAYOR DANNY JONES, CHARLESTON, WEST VIRGINIA: It's a disaster. And it's caused us -- it's caused us more problems than you can ever imagine. Not only can we not wash dishes, we can't wash our hands after we go to the bathroom. You can't wash your clothes and you can't drink the tap water, you can't cook with the tap water.

(END VIDEOTAPE)

MACHADO: The company has been ordered to empty out its remaining storage tanks, and also cease operations until they can prove that these tanks are safe and that they're not leaking. Meanwhile, the U.S. attorney's office has announced an investigation, and they say that even if this was a negligent act there could be still be some criminal violations.

BLACKWELL: Just the beginning here, Alina Machado in Charleston, West Virginia for us. Thank you.

PAUL: And, oh, are the layer being peeled back on this security breach at Target. The company now says the hack affected an estimated 70 million shoppers, not 40 million as initially reported. And in addition to credit and debit card pin numbers, Target says they're talking about customer names, your addresses, phone numbers, e-mails, all compromised. Target is going to offer one year free credit monitoring to its customers. Shoppers, you have three months to enroll in that program if you so choose.

BLACKWELL: New this morning, upscale retailer Neiman-Marcus may be the latest victim of cyber hacking.

PAUL: The company says it is investigating a possible security breach that may have compromised its customers' credit card information. CNN's Jennifer Mayerle in with us now. What is the story on this one?

JENNIFER MAYERLE, CNN CORRESPONDENT: We learned that Neiman-Marcus found out about the possible security breach in mid-December. The first thing they did, they contacted law enforcement. They began working with Secret Service or the forensic team with a host of other people to find out when it happened and how widespread this is. Of course, that forensic team learned on January 1st that there was evidence of an actual security breach, which means that they were a victim of a cyber-security hack. And that means that customers could also be potential victims here. We don't know how widespread it is or how many customers have been effected. That's what I'm sure a lot of people are wondering today.

But when possible, Neiman-Marcus will notify those customers to tell them that they were -- that they may have shopped during that time frame, and Neiman-Marcus said they are taking measures to enhance security already. So as soon as we find out more we will keep an eye on this one.

PAUL: Jennifer, thank you so much.

BLACKWELL: Thanks so much.

PAUL: So the best teams in the NFL hoping to score one more victory as they eye the biggest game of the year. CNN's Rachel Nichols has the playoff preview.

RACHEL NICHOLS, CNN CORRESPONDENT: This year's NFL playoffs have already set viewership records thanks in part to the fourth quarter heroics of quarterback Andrew Luck. Andrew is going to join me to discuss the thrill of victory and a whole lot more coming up right after this break.

(COMMERCIAL BREAK)

BLACKWELL: Big game in New England today as the Patriots host the Colts in the NFL playoffs. So will quarterback Andrew Luck keep

up his winning streak?

PAUL: CNN's Rachel Nichols sat down with number 12 to talk about heroics and if he has what it takes to win tonight's big playoff game.

(BEGIN VIDEOTAPE)

NICHOLS: Andrew, you authored one of the greatest comebacks in the history of NFL and afterwards your teammates talked about your force of will. What do you think that lets you keep going and fight with almost a 30-point deficit?

ANDREW LUCK, NFL QUARTERBACK: One, like any competitor, you want to get back on the field after you mess up throwing an interception. You want to go back out and atone for your sins and be accountable for your teammate. I think that's what's great about football is the trust, the accountability factor, and fun to go out and try to right your wrongs.

NICHOLS: Your general manager compared you to Michael Jordan the other day. He said you have the ability to raise the game in the fourth quarter, to meet the moment. Why do you think you're a guy who plays up with the stakes go up instead of shirking from them?

LUCK: I'm not sure. I know I'm no Michael Jordan by any means. A tenth of what he's done.

NICHOLS: You're about to play Patriots, something that hasn't gone so well in the past. In fact, when you played them in New England last year, that 59-24 loss, that was the worst of your career. I know your coach joked afterward that he burned the film from that game.

LUCK: Yes, you know, I think it was a bad lost loss. A lot to learn from that game, but we understand also that it has no bearing on this year and, you know, we're excited about a great opportunity to go back to Foxboro.

NICHOLS: I know you're also an avid board game player. You have the strategy games you like to do at home. You're not playing Monopoly, right? What do you play at home?

LUCK: Settlers of Catan, that's sort of the game of choice right now. It's fun.

(LAUGHTER)

NICHOLS: I think people like the idea that you can be out doing anything, going to parties, going to all kinds of black tie events, and you're at home playing a strategy sort of nerdy board game.

LUCK: It's much more relaxing than the alternatives.

NICHOLS: I can't let you go without asking you about the playoff beard. What has it been like having that thing on your face?

LUCK: It's been all right, I guess. I got too lazy toward end of the season to shave it, and I guess it's turned into what it is now. I don't think my parents like it very much, but they'll put up with it.

NICHOLS: How quickly are you going to go get rid of it after the playoffs are over? Are you waiting to peel it off your face?

LUCK: I know it's not the greatest look. But, yes, I guess it will come off, hopefully in February.

(END VIDEOTAPE)

PAUL: Rachel Nichols, thank you so much.

BLACKWELL: And more on the bridge scandal and who knew what when. We'll have that political discussion after the break.

And later, we'll take you on a behind the scenes pot tour.

(COMMERCIAL BREAK)

PAUL: It's the top of the hour right now, and we are so grateful for your company. I'm Christi Paul.

BLACKWELL: I'm Victor Blackwell. Let's start with five things we're watching this morning.

PAUL: Number one, former Israeli prime minister Ariel Sharon has died. He had been in a coma for nearly eight years and was recently suffering from kidney failure. Sharon stunned the world in 2005 by ordering the complete withdrawal of Israeli security forces from the Gaza Strip. He also, though, was a backer of Israeli settlements in occupied Palestinian territory.

BLACKWELL: Number two, FEMA is sending 75 tanker trucks filled with freshwater to West Virginia where as many as 300,000 people have been warned not to drink or bathe or wash anything in the tap water. This is coming after a chemical at a coal industry facility seeped into the water supply. Tests show that the chemical level is dropping but there's still no end in sight.

PAUL: Investigators have released more than 2,000 documents connected to the New Jersey bridge scandal. Many are e-mails sent between angry and confused Port Authority officials. There's some correspondence that shows Christie's officials tried to link the traffic jam to a traffic study and wanted to avoid public discourse. But the documents do not show whether Christie himself played a role in this scandal.

BLACKWELL: Number four, we are saying goodbye to a civil rights pioneer. Franklin McCain has died at the age of 72. McCain was one of the Greensboro Four. In 1960 he and three other black students sat down at a Woolworth's lunch counter in North Carolina and waited to be served. Their civil disobedience fueled sit-ins across the country.

PAUL: And number five, it's that time of year again. Hollywood's biggest names ling the red carpet tomorrow night for the annual Golden Globe awards. Two stars likely to steal the show, you know, comedians Tina Fey and Amy Poehler. The duo is going to host it for the second year in a row. Golden Globe nominees include big screen hits like "American Hustle," "12 Years a Slave," and "Gravity."

BLACKWELL: Now to the bridge scandal in New Jersey and possible political motives for the mess. A new stack of documents released yesterday suggests some of the key players surrounding Chris Christie knew they were inflicting pain on drivers in September, I believe it was August, and hard to shield themselves from any blame. Still, there isn't a smoking gun that directly implicates the governor himself, but lots of questions remain.

Joining us now political strategist and progressive activist Sally Kohn along with CNN political commentator Ben Ferguson. Thanks for being here, both of you.

SALLY KOHN, POLITICAL STRATEGIST: Pleasure.

BEN FERGUSON, CNN POLITICAL COMMENTATOR: Good morning.

BLACKWELL: I want to start with you, Sally. What do you make of these 2,000 pages of documents? Do they prove a cover up or point to a governor who has no idea what's going on in his own office?

KOHN: The answer might be both. So, you know, media are still poring through them. From what I have read and what we've all seen, it raises two issues. The first is, you know, what we don't know. We still don't know -- we don't have any independently verifiable information about what Christie and when he knew it. So that remains on the table.

If -- let's give the governor the benefit of the doubt for a second. If he's being honest that he didn't know about any of this until yesterday or two days ago when the other e-mails became public, then the questions of these documents continue to raise, looms as a dark cloud hanging over him, why didn't he try and figure this out sooner, why was it only a couple of weeks ago he questioned his staff when now it looks like not only were the media and legislators in New Jersey already speculating about this political motives, but members of his senior staff, a widening circle were aware of these issues far earlier on. If the governor didn't know, it suggests he did know or else he's really not involved in the management of his high senior staff team.

BLACKWELL: Ben, what about that? You've got two members of port authority leaving and then you've got the reporters asking, you've got local officials writing letters and e-mails, and the governor finds out after a workout from a newspaper?

FERGUSON: I'm going to go with when there's a cover-up, the people that know they're going to get fired that are around the governor, did everything they could to make sure they kept him in the dark as long as possible because they knew it was going to cost them their jobs.

I mean, there isn't one single e-mail, one single document out of the thousands that have been released with every Democrat in the state, every newspaper in the state, every major news organization combing through them, that linked the governor to this.

And so part of it is, let's just look at the reality. Is there a chance the people who did this purposely did everything they could to make sure their boss didn't find out because they knew they were going to be fired? There's a real chance that if you screw up you're not going to go to your boss and tell them you screwed up when you know you committed something that quite possibly could be a crime. So when he did find out about it, he's a governor of a state. There's a lot of stuff going on. He's not monitoring these people's e-mails like they're his children.

BLACKWELL: I get that.

FERGUSON: He doesn't have an auto e-mail going to him every time they send an e-mail. I think a lot of people are trying to make this a way bigger than it really is. He found out about it. He's dealing with it. And he fired people. That's pretty good.

BLACKWELL: OK. So let's say that the governor knew nothing about this but all of this happened in his office. Today it's his staff in Trenton and a bridge coming through Fort Lee. If he's run for president in four years, is it not a state and the people in the White House running something in his foreign policy that could be nefarious, but he has no idea about?

FERGUSON: Hold on. Let's look at this stand car that you just talked about. I wish the same standard you just talked about applied to Barack Obama with Benghazi.

BLACKWELL: Here we go. You throw Benghazi in. Let's talk about Governor Christie.

(CROSSTALK)

FERGUSON: Hold on, timeout. I am talking about the governor. I'm saying that I wish the same standard that you just described applied to the current president. How can you have two different standards here? On the IRS targeting conservatives there was not this standard there. On Susan Rice lying to the American people there wasn't the same standard there. So how can you have one standard for Chris Christie that you're acting as is the new reality but not have the same standard on the healthcare law.

BLACKWELL: Susan Rice said that day what we learned to be true and we learned about the involvement and noninvolvement of Al Qaeda on the embassy there in Benghazi.

But again, I'm going to pose this question to you again. Today it's Trenton, the governor's staff in New Jersey, and a bridge and the people of Fort Lee. Could it tomorrow be the president's staff and policy with Iran?

KOHN: I absolutely love that Ben went --

FERGUSON: He fired people.

BLACKWELL: OK. Sally, let's go with you.

KOHN: I love that ben went there, because the massive difference here is that first of all, scandals like the IRS scandal have been disproven. There was no political motive at work there.

FERGUSON: No, they haven't.

KOHN: But that was the president -- the president was held to task by the media and by all sides for including, by the way, some of us on the left, for what happened in the Cincinnati branch of the IRS, right, distantly removed from the 4.4 million employees of the federal government.

This is the governor's deputy chief of staff, and now we know also possibly his new incoming chief of staff, his director of communications, his spokesperson. This is his tight knit senior staff. So I agree with Ben. The president was held accountable for these things that happened in his administration. The governor should be held accountable for what he didn't know or what he did know or what he didn't have the curiosity to dig about. That's what's odd here.

BLACKWELL: Let me come to you, Ben. Final thoughts. Does this disqualify Governor Christie from the nomination of 2016?

FERGUSON: Absolutely not. I mean, it's almost laughable to me that people are acting as if this somehow should disqualify him if his staff lied to him and there's no e-mail connecting him to any of this and/or a cover-up. What else do you want him to do? There are people that are using this solely for political reasons. He came out --

BLACKWELL: Sally?

FERGUSON: He fired them.

BLACKWELL: One at a time, Ben. Let me get an answer from Sally. Sally?

KOHN: Ben would sure like the president to be hung out to dry for far less. This is an ongoing issue. It's effect on his future depends on what not just what he knew but why didn't he find out sooner. He should have. It looks like he should have.

BLACKWELL: I just wonder if this is a case, typically the cliche is when the cat's away the mice will play. The cat was there and the mice still run amok.

KOHN: And did he create the culture for that.

BLACKWELL: And we'll continue to conversation. Sally Kohn, Ben Ferguson, thank you so much.

KOHN: Thank you.

FERGUSON: Thanks for having me.

PAUL: People are riled up on the Saturday morning.

Still to come, in the Newsroom, she stood up to her bullies, and now she's the one who is facing charges. Some say it's because she's transgendered. We're going to speak to that young woman at the center of all of it, next.

(COMMERCIAL BREAK)

PAUL: After years of being bullied by classmates Jewlyes Gutierrez, a transgendered teen from California, that's her on the left you see there, said she reached her breaking point. She physically went after her bullies, and the fight was caught on tape. And I just want to give you a warning here, it's rough to watch. You can make out the hair pulling. You see it there? Kicking. I know it's grainy cellphone video, but you get the gist of it.

The school punished those girls, all four of them suspended, including Jewlyes. But that wasn't all. The district attorney is now charging her and only Jewlyes with battery. And he says he's just prosecuting a crime, others calling it discrimination. So joining us now via Skype from her home is -- is it Jewlyes or Jewlyes? I want to get it right here.

JEWLYES GUTIERREZ, TRANSGENDERED TEEN: You got it right.

PAUL: Jewlyes?

GUTIERREZ: Yes.

PAUL: OK. Thank you so much. We're glad that you are with us. I just want to start out and be perfectly clear here. I understand, you did throw the first punch. Why? What led you to that?

GUTIERREZ: I can't talk about that because it's an open case, so my lawyer informs me to not talk about details.

PAUL: OK. OK, getting away from maybe exactly what happened that day, let me ask you this. Were there things that were going on that led up to that prior to that day?

GUTIERREZ: Yes. They were taunting me, provoking me, and bullying me.

PAUL: The girl that you fought with that day, and I understand you were bullied for at least two years, is this the same group of girls that you say taunted you for that whole two years or were there more?

GUTIERREZ: No, but they're like in that category, I guess.

PAUL: How many people, I guess, do you feel have taunting you and bullied you?

GUTIERREZ: There's a lot more.

PAUL: More than those four. More than the three. I know the D.A. is only charging you in that assault. Has he explained why to you? Do you believe it's because you're transgendered?

GUTIERREZ: I feel that the D.A. is being very conservative in keeping their ground. So I feel that they don't really like support people who are different.

PAUL: So I want to let you know, CNN did reach out to district attorney Dan Cabral. He hasn't gotten back to us. But I want to play some sound for you of what he said about the charges against you. Here we go.

(BEGIN VIDEO CLIP)

DAN CABRAL, SENIOR DEPUTY DISTRICT ATTORNEY: There isn't a category of individuals who we do not prosecute. Words are never enough to justify fists. That's the law. If that wasn't done and we did not hold people accountable for their actions, where would we draw the line?

(END VIDEO CLIP)

PAUL: So what is your response to what he has to say?

GUTIERREZ: I was only protecting myself because I feel like I was getting provoked, harassed, and bullied to the point where I had a breaking point and I just snapped.

PAUL: Did you go to the school with your complaints and did they do anything?

GUTIERREZ: My vice principal didn't do enough. She talked to the girls and had a conversation with them, but they didn't get any, like, sort of trouble. Like the a student goes to you to have a situation of gum spit in your face and you just have a conversation and you let her just go back to class, because I did it in a form of a way of protecting myself because she didn't, like, do enough.

PAUL: What about everybody else? What has the response been to this whole fiasco for you, Jewlyes?

GUTIERREZ: Everybody else?

PAUL: Yes.

GUTIERREZ: What do you mean?

PAUL: How about other students, other teachers, what is their reaction to this whole thing that's happened and to you being the only one charged?

GUTIERREZ: I haven't talked to any teachers about it. I feel like I haven't had the chance to.

PAUL: OK. Well, Jewlyes Gutierrez, we'll be following what happens. We're grateful that you took the time to talk to us. Thank you for being here to tell us your story. And best of luck to you.

GUTIERREZ: OK, thank you.

PAUL: Thank you.

And still to come, a grandmother's dream come true, a cannabis tour. The 72-year-old loves to smoke pot, and she was all smiles checking out what goes on behind the scenes at Colorado's marijuana dispensaries. We have more after the break.

(COMMERCIAL BREAK)

PAUL: The legalization of recreational marijuana, it's in Colorado and it's big business.

BLACKWELL: Big business indeed. Not just for people selling pot but also for slightly more creative types like the owners of a cannabis tour company.

PAUL: You heard him right, tour company. CNN's Randi Kaye went along for a ride with a grandma who couldn't be happier to check out one of Denver's most popular destinations.

BLACKWELL: Hey, grandma.

(BEGIN VIDEOTAPE)

BARBARA HARVEY, CANNABIS TOUR CUSTOMER: Look at those buds in the back. Be still my heart.

RANDI KAYE, CNN CORRESPONDENT: Barbara Harvey does not fit the stereotype. She's 72 years old, a grandmother, and loves to smoke pot. So today, a dream come true, a cannabis tour, now one of the most popular attractions in Denver. Think Napa Valley wine tours, just replace the vice.

HARVEY: These are all the dispensaries in Colorado. We have more dispensaries than Starbucks. How sweet is that?

KAYE: Tour members get VIP access and quickly ushered into private rooms to make their purchase. First stop is the 3D dispensary.

HARVEY: What about joints? Do you have joints?

UNIDENTIFIED MALE: We have some pre-rolls.

HARVEY: This is if you don't want to smoke the whole joint you can put the remainder for later into this.

KAYE: Do so you don't lose it.

HARVEY: And store it and it doesn't get smashed.

KAYE: What is this called?

HARVEY: What is this called?

UNIDENTIFIED MALE: A dub tube. (LAUGHTER)

KAYE: Barbara buys two joints. The bud tender, as the guys behind the counter with called, enlightened us.

UNIDENTIFIED MALE: It's kind of like a muscle relaxer on your bones. It's going to be very therapeutic for you. You're going to feel just total relaxation in your body but still have a lot of clarity.

KAYE: That sounds pretty good to you?

HARVEY: Oh, yes.

KAYE: She'll take one. She'll take one.

Time to hit the road again.

UNIDENTIFIED MALE: America, what a great country.

HARVEY: And I thought maybe someone would like to smoke a joint with me.

UNIDENTIFIED MALE: Fire it up. All right, check this out. Legal pot.

UNIDENTIFIED MALE: Legal pot! Yes!

KAYE: When you found out there were tours like this what did you think?

HARVEY: Oh, I couldn't wait to go on one. I just think it's a great idea. You know, rather than waste your money on bars, just get in this and drive around Denver, see the sights, you know, and enjoy yourself like you're in your own living room. It's perfect.

KAYE: Barbara has suffered from bipolar disorder and sore knees. She says marijuana helps a lot. A few more puffs and it's time to put this joint away.

HARVEY: See, and then you cap and that will put it out. And you don't waste any smoke -- any tobacco smashing it. Voila.

KAYE: Why are the tours so popular? Because they get to stop at four dispensaries. They get endless gourmet munchies. And they get a personal cannabis concierge who helps them understand everything they need to know about ability marijuana.

Addison Morse owns this tour company, Colorado Rocky Mountain High, and can barely keep up with the demand, even at about $300 per person. In these parts, people like her are called, ganja-preneurs.

How does that label feel?

ADDISON MORSE, DENVER, COLORADO, ROCKY MOUNTAIN HIGH TOUR COMPANY: I think that is a perfect label. This is what Colorado is all about. This is who we are here. We were built on silver, gold, and oil, and now we're built on the green and it's really good green.

KAYE: Now at their second stop, a dispensary called Star Buds.

UNIDENTIFIED MALE: So there's three different ones. They act the same way.

KAYE: This tour customer buys some edibles.

UNIDENTIFIED MALE: I can walk out of here without having any problems.

UNIDENTIFIED MALE: Check that out.

UNIDENTIFIED MALE: Here you go. Have a great day.

KAYE: It's a quick stop. Then back in the limo for more fun.

UNIDENTIFIED FEMALE: Colorado Rocky Mountain High tours.

UNIDENTIFIED MALE: That's good. That's good tasting.

KAYE: This tour always includes a stop for lunch or dinner. The group had their mind made up.

You guys are demanding tacos? Is that what I hear?

HARVEY: Well, I could eat a taco or two. I'm hungry.

(LAUGHTER)

KAYE: I have to say it was quite an experience being in that limousine with all the secondhand smoke. I was finding things just a little bit funnier than I normally do. My brain felt a little fuzzy. And I had trouble remembering questions that I actually wanted to ask these people during our interviews, which rarely happens to me in the field. So maybe it was just an off day or maybe it was something else.

(END VIDEOTAPE)

KAYE: But the good news is a lot of the limousine companies and tour companies are telling us that they are planning to use vaporizers, so there won't be any secondhand smoke in the cars. When it heats the marijuana a vaporizer turns into vapor instead of smoke. So that's certainly good for the passengers who don't want to inhale the smoke and certainly good for the drivers behind the wheel. Victor, Christi?

PAUL: Good point, Randi Kaye. A lot of happy people.

BLACKWELL: Randi Kaye got a contact high. I can't believe it, she had a contact high.

PAUL: My goodness.

BLACKWELL: When the grandmother says, a dub tube. It's the best idea. Oh, she's baking, and not cookies. PAUL: More rain might be the last thing some places want.

BLACKWELL: Yes. But ready or not here it comes, the storm system that can even spawn tornadoes in some areas.

(COMMERCIAL BREAK)

PAUL: Contrary to reports on the Internet, people, Niagara Falls did not freeze solid during this week's polar vortex.

BLACKWELL: But it did ice over. It gave us some really beautiful images.

PAUL: That is gorgeous.

BLACKWELL: These are from the other night. Parts of the falls crusted over with ice. You still have that roar from the falls. Beautiful.

PAUL: It looks like it's frozen.

BLACKWELL: If you have a weather radio this a good time to pull it out and make sure batteries are fresh and turn up the volume.

PAUL: There's a line of storms rolling across the eastern U.S. and tornadoes are possible before the day is done. CNN meteorologist Jennifer Gray is here with more. What have you learned, Jennifer?

JENNIFER GRAY, AMS METEOROLOGIST: We've already seen tornado warnings this morning in Georgia, South Carolina, and even Florida panhandle. No tornado warnings right now. We are seeing some severe thunderstorm warnings though in portions of South Carolina and moving into North Carolina. But we are seeing this long line of strong storms, and some of these can be severe.

We had definitely a strong line roll through Atlanta just about an hour ago. It's starting to taper off now. This line of showers or storms stretches from the panhandle all of the way up to the northeast, even getting rain in places like New York City, Boston. It is a cold rain but much warmer air has filtered in. That's why all of this is not snow. It is rain. And that's the good news.

A lot of storm reports. We had reports of hail. We had reports of very gusty winds all over the south. That will continue as we have a slight risk of severe weather throughout the rest of the day for the east coast. Rainfall totals could be from one to two inches in the southeast and isolated amounts even more.

PAUL: Jennifer, thank you so much.

GRAY: Whitney Houston's daughter Bobbi Kristina Houston Brown has tied the knot to long-time friend Nick Gordon.

PAUL: Congratulations to them. Brown made the announcement via twitter Thursday by posting this picture to her fans. Rumors about a possible romance between this couple surfaced after Houston's death in 2012.

BLACKWELL: Last year the 20 year old pushed back against critics who accused Gordon of being Brown's stepbrother.

PAUL: They are now married. Congratulations again.

Hey, that's going to do it for us today, and we are so grateful to have had you watching.

BLACKWELL: We've got a lot that we're covering in the next hour. Of course, the breaking news this morning, the death of former Israeli prime minister Ariel Sharon, the water woes in West Virginia, those nine counties who are dealing with the lack of water. But FEMA is coming in. They've already sent in the first truck. So let's toss it over now to Fredericka Whitfield who is watching all the big stories.

FREDRICKA WHITFIELD, CNN ANCHOR: Very good. And you guys have had a very, very busy morning, as we're going to have for the rest of the afternoon. We'll pick it up where you leave off. Thanks so much.

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EXHIBIT 113

'Up with Steve Kornacki' for Saturday, January 11th, 2014

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Guests: Loretta Weinberg, Ingrid Reed, Wade Davis, Sue Wicks, Anita Marks, Eleanor Clift, Blake Zeff

STEVE KORNACKI, MSNBC ANCHOR: Direct link to Governor Chris Christie`s office in the bridge scandal e-mail chain.

(MUSIC PLAYING)

KORNACKI: We`re going to get to who`s who guide to all of the major players in the Chris Christie scandal in just a moment. Everything you need to know about everyone involved.

But first, we do have some breaking news to report this hour out of Israel. NBC News has now confirmed that former Israeli Prime Minister, Ariel Sharon, has died at the age of 85. Sharon bills his reputation as a tough military leader, someone who would fought on all of Israel`s wars himself. When he became prime minister in 2001, he used those skills to end many years of violent Palestinian uprising.

But then, Ariel Sharon surprised everyone by saying it was time for change. He understood that in order to keep the west bank, Israel would have to give back some of the occupied territories, including Gaza Strip as a first step toward peace with the Palestinians. Sharon also started his own political party to reflect his new beliefs, but then he suffered a massive stroke in 2006 that prevented him from leading Israel down that new political path left him in a permanent coma, and now, at the age of 85, Ariel Sharon has passed away.

After that, we will now turn this morning to what is the biggest story of the week. It is the biggest story. It is at the lowest moment in a potentially catastrophic moment in the political career of Chris Christie. We don`t know yet if the revelations that of one of his top staffers was involved in a scheme to shut down access lanes to the George Washington Bridge and to jam up traffic in the New Jersey town of Fort Lee will end up sinking Christie`s presidential ambitions and possibly even more than that.

We don`t know that and we don`t know a lot of other things because for every question that was answered this week, ten more new ones were seemingly raised. Christie, obviously, is at the center of this story, but right now, it involves other key players, at least five other key players who words and actions or whose lack of words and whose lack of actions in the coming days and weeks will determine if the scope of this story

expands.

And if the words that Christie spoke during a marathon press conference Thursday will come back to destroy him.

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(BEGIN VIDEO CLIP)

GOV. CHRIS CHRISTIE, (R) NEW JERSEY: I had no knowledge or involvement in this issue, in its planning, or its execution. And I am stunned by the abject stupidity that was shown here.

(END VIDEO CLIP)

KORNACKI: Now, if you`ve been watching this story play out on this network this week, then you know that I`m just -- I`m a little bit more than just a curious onlooker here. I got my start covering New Jersey politics. I lived and breathed it for three years of my life and I`ve never completely separated myself from it either. Someone once told me that politics in New Jersey is like a soap opera.

There`s always all sorts of drama and intrigue and it never really reaches a peak or comes to an end. It just keeps going, one surprise after another year after year, and you can`t help but keep watching and trying to guess what`s going to happen next. Well, the person who told me that is one of those key players in this story. He was my boss, he was my editor, he was the owner of a non-partisan political news site where I got my start back in 2002.

And now, he`s smack in the middle of this scandal. He`s played a very important part in my career, so it makes all of this a little bit awkward for me. But at the same time, because I know him, because I know so many of the other people who are a part of the story, it also puts me in position to give you some context of who all of these key players are, how they all fit together, and what it all might mean for where this drama is going to go next.

So, I`m going to do my best right now this morning to explain them to you, who they are, what I know about it. We`re going to start with the first one of those key players, Bridget Kelly. The world learned her name on Wednesday morning when e-mails leaked out in which she wrote the now notorious line, "Time for some traffic problems for Fort Lee." By late morning Thursday, this is what Chris Christie was saying about Bridget Kelly.

(BEGIN VIDEO CLIP)

CHRISTIE: This morning, I've terminated the employment of Bridget Kelly effective immediately. I've terminated her employment because she lied to me.

(END VIDEO CLIP)

KORNACKI: Now, until Thursday, Bridget Kelly was one of Chris Christie's deputy chiefs of staffs. She was the deputy chief of staff for the legislative and intergovernmental affairs. That was her official title. It is the most political job in the governor's office. Her job was to be Christie's point person in dealing with mayors, municipal council members, county officials across the state.

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And Christie with the words that he spoke on Thursday all but declared Kelly the ring leader in the plan that clog up traffic in Fort Lee because of the vendetta against the town's Democratic mayor. Now, here's the thing, I know Bridget Kelly. She was the chief of staff to a low-key moderate Republican state assemblyman from Bergen County, the suburbs of North Jersey.

She was in that position when I was covering the state. That assemblyman she worked for, that was one of my favorite people to cover. She was one of my favorite people to talk to. One of the reasons was because she defied the stereotype of the skimming Jersey political operative. And it wasn't just me who thought this.

I heard from a New Jersey Democrat who I've known for a while yesterday, who remembered Bridget Kelly as, quote, "issue driven, eager and energetic. She struck me as a moderate Republican, in it, for all of the right reasons." If you don't know Bridget Kelly and you don't know the New Jersey political world, it might be easy to swallow what Christie said this week, that Kelly had deceived and and lied to him, kept him totally in the dark on all of this until this week.

But if you know Bridget Kelly, well, that's not quite as easy to swallow. She's relatively new to Christie's or bit. She's had a well-earned reputation for integrity. It's clear she's involved in this, but it's also hard to believe she concocted this and it's harder still to believe that she had the authority to order it. The state legislative committee that's looking into this next week has not technically subpoenaed her, but has asked her to testify.

Will she show up? Will she talk? Those are the questions in the immediate future for Bridget Kelly. Next up on our list, we have David Wildstein. And now, this is the guy who used to be my boss, gave me my start in

journalism. He was one of Christie`s appointees to the Port Authority. He`s one of those people whose records were subpoenaed by the state assembly in the same records that contain all those explosive revelations this week.

And David Wildstein resigned from the Port Authority a month ago. And if you heard or read about him at all since then, you`ve probably heard or read him described as Christie`s long-time friend, Christie`s high school buddy. But here`s what Christie had to say about that on Thursday.

(BEGIN VIDEO CLIP)

CHRISTIE: David and I were not friends in high school. We were not even acquaintances in high school. We didn`t travel in the same circles in high school. You know, I was the class president and athlete. I don`t know what David was doing during that period of time.

(END VIDEO CLIP)

KORNACKI: And here`s what I can say about that. I can actually pretty much vouch for that, pretty much vouch for a Chris Christie saying there, because no one who knew Christie and Wildstein in their high school days describes them as friends from back then. And I can tell you that when I worked with Wildstein on our Jersey political news site, there was never any reason for me to suspect that he had any kind of a relationship with Chris Christie.

We were tough on Chris Christie plenty of times and more to the point, there`s this. A few years after I left that site for a job in Washington, D.C., David Wildstein sold. And he didn`t just sell it to anyone. He sold it to someone named Jarod Kushner (ph) who was the young rich son of someone named Charles Kushner.

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And Charles Kushner was a New Jersey real estate magnet and a top Democratic donor who Christie prosecuted and put in jail when he was U.S. attorney. And by the way, do you know what Christie prosecuted Kushner for? It was the ultimate only in Jersey scandal. Charles Kushner was having a business dispute with his brother-in-law, so he hired two prostitutes.

He had one of them so deuce his brother-in-law, then he had a videotape of the encounter sent to the brother-in-law`s wife. I swear, this is completely true. I am not making it up. Charles Kushner did two years in jail for that and it was the Kushner Family that was totally and completely humiliated by Chris Christie.

It was that family that David Wildstein sold his New Jersey website to. So, the idea that Wildstein and Christie had this tight, close partnership that dates back decades, I don`t buy it. This is also, by the way, why I think the most significant development this week might have come later on Thursday after Christie`s press conference when Wildstein appeared before the state assembly which had subpoenaed him.

He took the fifth. You probably know about that by now. But at the very end of the hearing, his lawyer also dangled this in front of the committee.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: If the attorneys general for New Jersey, New York, and the United States were all to agree to clothe Mr. Wildstein with immunity, I think you`d find yourselves in a far different position with respect to information he can provide.

UNIDENTIFIED MALE: That`s your job. We just want answer to our questions.

UNIDENTIFIED MALE: Understood. I`m suggesting a way you can get there.

(END VIDEO CLIP)

KORNACKI: So, to be clear, Wildstein is not a long-time Christie protector and he is apparently looking for immunity. That`s important to keep in mind. I can also tell you this, I worked for him for three years from 2002 to 2005. Of all the people involved in this, I think he`s the sharpest, I think he`s the savviest, and I think he is, by far, the most strategic thinker. He doesn`t do anything without thinking ahead, without considering the possible o outcomes and planning for contingencies. I think that`s worth keeping in mind as the story plays out.

And maybe you`re asking if Wildstein and Christie weren`t that close, if Wildstein sold his media operation to a family that despises Chris Christie, why would Christie ever send him to the Port Authority in the first place? Well, that`s a good question. And the answer has to do with this man. This is Bill Baroni. He is the other Christie appointee to the Port Authority who also resigned last month.

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He`s the one who told a state assembly committee, this is when he was not under oath, by the way. He told that committee that the lanes had been closed because of a traffic study, a traffic study that has never been produced and it multiple Port Authority officials of (INAUDIBLE) never existed. His e-mails and texts along with Wildstein`s were also subpoenaed and were part of that released this week.

Now, who is Baroni? Well, to give you some background, he was a rising star in New Jersey politics a few years ago. He`s an affable lawyer who`ve made a lot of friends in the state Republican Party who got elected to the state assembly in 2003 when he was 31 years old. I actually remember covering that campaign. In 2007, he went on to get elected to the state Senate, and in 2009, he did something politically courageous.

He cast the sole Republican vote in the New Jersey state Senate for gay marriage. It didn`t pass back then and it exposed Baroni to a ton of heat from the right in his own party. So, when Christie came to power in 2010, he offered Baroni to Port Authority gig, which comes with a great paycheck and some enviable perks, by the way, and Baroni took it. And he told Christie that he wanted to bring somebody with him.

He wanted to bring his friend, David Wildstein, who`d also been in politics before he`d started that website that I worked on for him. So, that`s why Wildstein was at the Port Authority. It was because of Baroni. And the question now is whether Baroni is going to hear again from that assembly committee, if this time they`re going to demand that he come back and testify under oath about that supposed traffic study that he talked about at the end of November, will they call him?

Will he take the fifth? Will his story change? Those are the major questions about him right now. And now, we go to the fourth name, the fourth key person to all this. This is Bill Stepien. Now, until this week, Bill Stepien was one of Christie`s closest, most trusted, and most talented political lieutenants. He had managed Christie`s campaign in 2009 and his re-election campaign in 2013.

He was slated to become the state Republican Party chairman and to serve as an advisor to the Republican Governors Association. That is the group that Christie is now taking over, a national group. Bill Stepien was also set to play a major role in the 2016 presidential campaign that everyone has been assuming Christie will run. But, Stepien pops up in those e-mails that came out Wednesday morning, too.

And one of them, he ridicules the mayor of Fort Lee as an idiot. There was nothing in those e-mails that showed he had any advanced knowledge or any role in planning the traffic jam, but Christie threw him overboard too and here`s why.

(BEGIN VIDEO CLIP)

CHRISTIE: Reading that, it made me lose my confidence in Bill`s judgment. And you cannot have someone at the top of your political operation who you do not have confidence in.

(END VIDEO CLIP)

KORNACKI: Now, talk to anyone in New Jersey politics privately, though, and they`ll tell you there is still an awful lot of suspicion around Stepien. He`s connected to these other players. His first big break in politics came in 2003. That`s when he ran Bill Baroni`s campaign for the state assembly. That campaign that I remember covering all those years ago. Baroni was the only non-incumbent Republican who won a legislative race in New Jersey that year.

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It was a really good year for Democrats, but Baroni won. And so, that election made him a rising star and it also made Stepien, who managed his campaign, a rising star in Republican politics. So from there, Stepien went on to work for George W. Bush`s re-election campaign in 2004, for John McCain, and for Rudy Giuliani in 2008, and then he got his real big break. He ran Christie`s successful campaign for governor in 2009

It`s the first time in 12 years that a Republican had won a governor`s race in New Jersey. And that Stepien is also the way to understand or at least to start to understand Bridget Kelly`s role in all of this, because it was during that 2009 race that she, who was then a relatively unknown aide to a relatively unknown politician in Bergen County, provided key help to the Christie campaign and to Stepien in particular in Bergen County.

So, they grew close from that experience, and when they won that election, Stepien brought her with him to Trenton to join the new administration. And Stepien`s job in the first two years of that new Christie administration was the same job that Kelly had until this week. He was Christie`s local enforcer. (INAUDIBLE) like Kelly, Stepien earned a reputation in that role for aggression, for playing rough, for diving into seemingly ultra-local, seemingly ultra-petty political matters.

And when he left that job to run Christie`s re-election campaign last year, Bridget Kelly took it over for him. Bill Stepien`s character has now been challenged by Chris Christie on national television. His career trajectory. He was going to play a leading role in the 2016 presidential campaign. He was may be going to work in the White House. That career trajectory has now been derailed.

Is he getting bettered (ph) by that? Will he be subpoenaed? Will his records? Is he sitting on anything that could make this scandal bigger and because he wants to get anything out? There`s also one more name to include in our wheel here, Kevin O`Dowd. He`s Christie`s current chief of staff. He has been the chief of staff as the bridge stories played out, and on Thursday, Christie talked about how he leaned on Kevin O`Dowd as the

story began to gain steam.

(BEGIN VIDEO CLIP)

CHRISTIE: I put to all of them one simple challenge. If there is any information that you know about the decision to close these lanes in Fort Lee, you have one hour to tell either my chief of staff, Kevin O`Dowd, or my chief council, Charlie McKenna.

(END VIDEO CLIP)

KORNACKI: But did O`Dowd know anything himself? Did Christie interrogate him at all? O`Dowd is Christie`s nominee to be the state`s next attorney general. Under a cloud like this, though, should Christie`s chief of staff be placed in such -- in a place of power as the chief law enforcement officer of the state of New Jersey? He was supposed to sail through the state Senate. That was before all of this.

But now, Democrats are saying, wait a minute, the State Senate Judiciary Committee was supposed to begin its confirmation hearings next Tuesday. Now, they`ve been postponed. His faith is up in the air. And that was the full wheel of key players in this. At least, it was until the latest trove of e-mails and text messages was dumped late yesterday afternoon and pouring over them reveals two additional key names to talk about here.

One belongs to David Samson. He`s something of a father figure, maybe a grandfather figure with the New Jersey Republican Party. He`s a former state attorney general. He`s in his 70s. He`s known and respected by a couple of generations of garden state (ph) Republicans. Actually his respect has gone across party lines in the past and he was Christie`s choice to serve as the chairman of the Port Authority.

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And what we are now learning from the new e-mails is that he aggressively pushed back against a withering critique of the lane closures from the New York officials at the Port Authority as they were playing out. The other new name in the mix after yesterday is Regina Egea (ph). She`s Christie`s current pick to replace Kevin O`Dowd as his chief of staff.

But her job before this has been the director of what`s called Christie`s authorities unit. That means she`s part of the Christie`s office. She`s part of the governor`s office. And in that role as the head of the authorities unit, we now know she was forwarded on September 13th of last year a copy of that same withering critique of the lane closures that was written by New York officials.

So, we can now say that someone inside the governor`s office was alerted to the serious concerns about the lane closures four full months ago and that someone is Chris Christie`s current pick to be his next chief of staff. That`s how close to him she is. So, that brings us now to seven characters, seven characters at least for now who are most crucial to what comes next in this story. There are connections between and among some of them.

There are some very deeps and very personal and some very lasting connections. Others, other connections are more recent and more superficial. All of these people have legal worries. They have career worries. They have worries about their reputations to tend to right now. They are facing a raft of questions from the press, from the public, from everyone who`s following this story in any way. And there are now mechanisms in place.

There are mechanisms in motion that could compel them, even if they don`t want to, to produce more information, more revelations to add more names to this mix, to produce some of the answers to the key questions that now hang out there. The U.S. attorney for the state of New Jersey is considering whether to launch an investigation.

The U.S. Senate Commerce Committee sniffing around, and then, there`s that state assembly committee, the transportation committee that`s been looking into this that brought those e-mails to light this week, that forced David Wildstein to appear own Thursday and that expects Bridget Kelly to do the same next week.

To talk about how all of these players might possibly fit together and where all this is going, well, in just a moment, we are going to be joined by the man who is leading that state assembly committee, State Assemblyman John Wisniewski. He joins us right after this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

CHRISTIE: I`m just stunned. And what does it make me ask about me? It makes me ask about me what did I do wrong to have these folks think it was OK to lie to me.

(END VIDEO CLIP)

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KORNACKI: All right. Here to discuss the latest development in all of this, we have state assemblyman John Wisniewski. He`s the chairman of the

transportation committee which has led the investigation into the lane closure. Thank you for joining us. And I`ll start with the very simple question because I`ve talked about this on the air this week, and that is the subpoena power of your committee expires next Tuesday because the current legislative session expires next Tuesday.

JOHN WISNIEWSKI, (D) NJ ASSEMBLYMAN: Correct.

KORNACKI: And there is a new speaker who`s coming in, and it`s a complicated story, but he`s the product of this alliance that Chris Christie has an informal alliance that Chris Christie has with some sort of pro-Christi Democrats. So, there had been speculation before all of this that that new speaker would not extend your subpoena power.

Can you guarantee us this morning that after next Tuesday, you`re still going to be able to issue subpoenas like this and pursue this investigation?

WISNIEWSKI: Well, I`ve spoken to the speaker`s staff and I`ve asked them, as a matter fact yesterday evening, I`ve asked them that on the day we reorganize, January 14th, our first order of business ought to be to adopt a resolution just requires 41 votes to the general assembly, to reauthorize the committee subpoena authority going forward for this upcoming legislative session.

So, there`s no gap in the ability of the committee to do its work. His staff said they`d take it under advice that they`d get back to me. I don`t have an answer as of today.

KORNACKI: Take under -- I can`t imagine the heat he would face from Democrats if he didn`t reauthorize this and not just from Democrats, from anybody who has any curiosity about the story.

WISNIEWSKI: I`m confident that the new speaker will do the right thing. I`ve made a request, but I do think it`s important that there not be a gap in the committee`s ability to do its work. There`s so much that needs to be looked at right now with the revelations of Bridget Kelly, Regina, Kevin O`Dowd, Bill Stepien, the list goes on and on. And to have the committee stop and pause and then get back to work at a later date would do an injustice as the entire investigation.

KORNACKI: So, right now, you guys -- you subpoenaed records from Wildstein and Baroni who we just talked about --

WISNIEWSKI: That`s right.

KORNACKI: And all of these re revelations we`re seeing are the result of

that. Are you, do you have plans to subpoena records from anybody else or is that on hold until you find out the status of your subpoena authority.

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WISNIEWSKI: I don`t want to issue a subpoena today or tomorrow before the 14th because then whoever gets that subpoena will likely run to court and say the committee`s authority has expired. I don`t need to comply.

KORNACKI: So, you`re waiting until next week to make sure you have the authority to do this?

WISNIEWSKI: Right. And if we do the resolution on the 14th, we could issue a subpoena before then and it would continue seamlessly into the new session. But we need documents from Bridget Kelly, we need documents from Bill Stepian, from Regina -- I mean, from everybody that you mentioned in your wheel there.

We need their documents first so we can understand what took place and then we need to bring them in and ask them questions under oath.

KORNACKI: Let me ask you about David Wildstein, my former boss.

WISNIEWSKI: Sure.

KORNACKI: We showed the clip there. I thought this was an amazing moment at the end of that hearing when his lawyer said to you, basically, we are looking our immunity on this. Am I reading this wrong or are they trying to send you a signal of, hey, there`s stuff we are ready to tell you if you can give us some protection?

WISNIEWSKI: Well, I think that was a signal. Clearly, the e-mails are very curious. And he made a point during the hearing to say what was provided was specifically responsive to our inquiry about the bridge. So, the reference to the meeting between the governor and David Samson --

KORNACKI: Yes. Let`s talk about that for a minute so people understand this clearly here. So, David Samson is the chairman, as we say, of the port authority. There is a reference in the records that David Wildstein provided to you that a week before this time for some traffic in Fort Lee e-mail went out, from Bridget Kelly, that a week before that, a meeting was arranged between Chris Christie and Samson, the chairman of the Port Authority. And you`re saying Wildstein is trying to tell you that`s significant?

WISNIEWSKI: Well, they specifically said that we`ve redacted stuff that`s not significant. So, everything else you have is significant. And what we don`t have an answer to and we tried to get an answer from Mr. Wildstein is

what is the significance of this reference to setting up a meeting between the Governor and David Samson.

We don`t know if the meeting happened. If the meeting happened, we don`t know who else was at the meeting. We don`t know the topic of the meeting. But I think the committee needs to have that information.

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KORNACKI: And do you think -- I just -- watching this -- you know, Christie was up there on national television calling Bridget Kelly a liar, ending probably the political career of Bill Stepian. I mean, in situations like this, maybe when people are put in situations like that, do you think somebody like that is more likely maybe now to cough something up, to cooperate?

Does this give you an opportunity now to get revelations from people who`ve been sort of cast overboard like this?

WISNIEWSKI: Well, you know, the list is growing. And so, you started with Wildstein and then you went to Baroni, and now, you`ve got Kelly and Stepien and the list of people being cast overboard, with this with this interesting caveat, being cast overboard without being asked a single question. When we talked about Wildstein`s termination and we asked Pat Foye (ph), did you ask him what happened?

The answer was no. Governor Christie, when he announced that he was terminating Bridget Kelly, did you ask her what happened? No. It`s very curious that people are being thrown over or under the bus and nobody is asking them any questions. I want to know, are they afraid of the answers they`re going to get.

KORNACKI: Very quickly because we`re short in time here, but looking through all the documents you`ve looked through, do you have a sense in your mind of when Chris Christie knew about this?

WISNIEWSKI: Well, I know that his senior staff, Bridget Kelly knew about it August 13th, but 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.

KORNACKI: Yes. No. I mean, that`s the part I`m having trouble with here is if they knew for four months and he didn`t find out until he was at the

gym this Wednesday. I find that completely impossible to believe. So many more questions we are all, I think, hoping that the subpoena power gets reauthorized next week. So, that will be the next key test in all this.

I want to thank New Jersey assemblyman, John, Wisniewski, the chairman of the transportation committee (ph) and I`m sure this is not the last time you will be on this show or other shows here. A panel of New Jersey experts they will join me next to dissect all of this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

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CHRISTIE: Four weeks ago, when I had them all in that office and I said, if any of you have any information about this that I don`t know, you need to tell me, Kevin, or Charlie now. That was the last time I raised my voice in that office.

(END VIDEO CLIP)

KORNACKI: All right. Here to talk about all of the latest news from the Garden State, developments in the story, we have the Democratic state Senate majority leader, Loretta Weinberg. Her district includes Fort Lee, the George Washington Bridge -- Blake Zeff, he`s a columnist and politics editor at Salon.com, Ingrid Reed, she`s a New Jersey political analyst who now chairs the board of NJSpotlight.com. They`ve done some good work on the story. It`s an online news service.

And we have Eleanor Clift who`s contributing editor with the "Daily Beast." So, Senator Weinberg, this is your district. So, I`m going to start with you on this. The basic claim from Chris Christie here that he`s completely in the dark until this week seems totally unbelievable -- where do you believe the truth lies?

LORETTA WEINBERG, (D) NJ SENATE MAJORITY LEADER: I would assume that over four months, the governor never read the newspaper. This story was in our local press. It was on our local TV at least for three and a half if not four months. I went to four meetings of the Port Authority personally to ask each of those men who are commissioners on the Port Authority questions about this.

And they all looked at me -- I`ve never heard one voice. I wrote a personal letter to one of those commissioners mid-September. Never got an answer back. So, this has been in the newspaper. So, the governor finally found out two days ago that this was a big issue that put thousands of

residents that I represent and that he represents in jeopardy.

And when I just saw in your earlier segment where he said what did I do wrong to make these people lie to me? The question should be, what did I do wrong to make these people think that this is appropriate behavior? And that`s the question that the governor really has to answer.

KORNACKI: And let me just follow up on that with you, though, because the why did this all happen, not the line to the governor but why did the traffic thing happen really sort of haunts me in this because the idea of -- the one thing I kind of bought in what Christie was saying there on Thursday was, he wasn`t that obsessively concerned with the endorsement of the mayor of Fort Lee. Do you have an idea, any sense in your mind what was driving this?

WEINBERG: Yes. Well, you know, part of it is conjecture because we don`t really know yet. And that haunts me too, Steve, actually the same way. From the time I first heard about this story, who would have thought that you would punish any elected official by closing the George Washington Bridge? It`s the busiest bridge in the world.

It was the week of 9/11. It was the first day of school. I cannot get my arms around the mentality of anybody or any group of people who sat together and said, gee, I`ve got an idea. I mean, it`s so bizarre. Look, Fort Lee is the gateway from New York into New Jersey. The George Washington Bridge is in Fort Lee.

So, we`ve gone through several months of news reports. We went through a cover-up done by Bill Baroni. If these people who spent half their time trying to cover up the story, keep the press in the dark, telling me that I`m obsessed somehow or that I don`t have -- I have too much time on my hands to follow up on this story, if they spent half the time trying to get to the bottom of it, we`d know all the answers.

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KORNACKI: Yes. Well, here`s -- Ingrid I want to ask you a little about the culture of New Jersey politics and the culture of this governor`s office. We had in some of the initial e-mails that came out there was a reference to David Samson, the chairman of the Port Authority maybe retaliating when all this all happened and the New York side of the bridge was saying this is a disaster, don`t do it.

There was a reference from the New Jersey side, the Christie people saying he`s retaliating. What did that mean? Well, in this latest trove that came overnight, we got a clue of what that meant we have -- in the screen. This is one of the e-mails that David Samson wrote to the New York side of

the bridge as this was playing out, talking about a "Wall Street Journal" story based on this Foye thing (ph).

"I just read it. It confirms evidence of Foye`s being the leak, stirring up trouble. This is yet another example of a story we`ve seen it before where he distances himself from an issue in the press and rides in on a white horse to save the day. (INAUDIBLE) examples all provided. In this case, he`s playing in traffic, made a big mistake."

So, here you have the chairman of the Port Authority completely dismissing the concerns, all of these very valid concerns being raised by the director on the New York side. Is this a window into this administration? Is this is a window in New Jersey political culture? What is this telling us?

INGRID REED, NJ POLITICAL ANALYST: Well, first of all, I don`t think anyone and probably across the country would think that you could blame a mayor or a legislator if something goes wrong with huge infrastructure. You close down an interstate or a bridge. So, it`s sort of curious why anyone would have ever thought that you could, in effect, hurt somebody in that scenario.

You can speculate about a lot of these things. What`s really interesting is that Chris Christie and his administration and administrations before that have enacted very good reform ethics codes in New Jersey for state officials and legislators. And this has not come up in this whole discussion of what is your responsibility if you are working in the public sector.

You`re doing it for the public, not for yourself. Any self-interest is considered a conflict. And, the other piece of this is, there`s always the campaign issue that comes up. And we know that at the federal level, as well as at the state level, you`re supposed to separate entirely your work as a public official with your campaign activities.

And somehow, this has not come up as a way of looking at this or for holding people responsible.

KORNACKI: And there`s clearly a bleeding over that`s taking place here. I want to broaden this out and talk about this because we have some folks who are not from New Jersey looking at this from a slightly different angle. I want to bring them into conversation. Time is flying --

(LAUGHTER)

KORNACKI: -- right after this.

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(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

STATE SEN. BARBARA BUONO, (D) NEW JERSEY: Look, it`s one of two things, either the governor is lying or he`s incompetent. But my prediction is that he will be leaving the governor`s office before his term is up, but it won`t be to run for president.

(END VIDEO CLIP)

KORNACKI: That is Barbara Buono who run against Chris Christie last year, lost that election to him, predicting basically that this will be the end, not just of his presidential ambitions but of his governorship. A pretty bold statement there.

I have to say, as I have been trying to make sense of all this, the thing I`ve said on the air on this network a lot this week is that I think there might be a gray area that exists between he knew from the beginning, he was in on it, and he was completely duped and the gray area is willful ignorance, that he had some sense of it, he put two and two together.

He did not want to ask questions, did not have any curiosity. But I`ll tell you what, in this dump of documents last night, something really jumped out at me. We reference this on the top of the show. We can show you. This is September 13th. This is when Pat Foye from the New York side of the Port Authority has this memo that says we are breaking potentially federal and state laws here, among other concerns.

It is forwarded (ph) you can see from Bill Baroni three hours after that memo goes out it is forwarded to a woman named Regina Egea. Regina Egea runs the authority`s unit out of the governor`s office for Chris Christie. She is very close to him. She is his current choice to be his next chief of staff. So, to believe that Chris Christie was not told about this by her for four months, that part I`m really having trouble getting my head around.

So, the willful ignorance thing, I`m even starting to doubt a bit myself. But Eleanor, I`m just curious, watching this from outside New Jersey, watching this national political figure embroiled in a national scandal that has ultra-local root, how do you make sense of what you`re seeing.

ELEANOR CLIFT, THE DAILY BEAST: Well, first of all, a full disclosure, I have a brother who lives in Summit, New Jersey.

(LAUGHTER)

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KORNACKI: Everyone`s got some relative in New Jersey.

(LAUGHTER)

(CROSSTALK)

CLIFT: And watching the cast of characters develop, it also reminds me of the Iran contra hearings in Washington and they issued booklet (INAUDIBLE) all of various characters. So, this has the potential to really, you know, grip the political imagination outside of New Jersey and New York. It`s abuse of power. And while I think Barbara Buono, some of her language is strong.

She says the governor runs sort of a paramilitary outfit, and she`s suggesting he could be impeached. If more information comes out that shows that he really was in the chain of custody in some way, I mean, I think he is in serious legal trouble and I think that may be why he didn`t question any of his staffers. Everybody is getting lawyered up.

So, we`re going to learn a lot more here. You know, this is as much a psychological exploration as it is after the facts and I come down to one word. Hubris. I mean, this is the summer leading up to this election where they are rolling out these huge victories. He said they were going after all of these local mayors.

He said -- I think he said they got 60 some of them -- 100. I mean, he`s got that number in his head.

KORNACKI: Right. Right.

CLIFT: And you have Kelly in charge of recruiting all of these mayors. She`s really irritated maybe at this Fort Lee guy. And it just gets out of hand. And so, you have to then look at the personal connections between all of these people. Does it go beyond Stepien and Kelly or does it stop there?

KORNACKI: And what you`re getting at, too, I think the thing that everybody think about, too is the old Nixon-McGovern thing where it`s like you look at Watergate and like, why? You were going to beat George McGovern by 30 points. It really didn`t matter. But Blake, to Eleanor`s point on this, there are -- as we`ve seen, there were all these mechanisms in place now, potentially.

We have the state assembly committee. Now, the chairman told us something interesting that he`s not sure the subpoena power is going to be extended. We can get into that in a minute, but the U.S. attorney looking around, the Senate Commerce Committee looking around. So, a lot of different ways that

more information can come out of this.

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BLAKE ZEFF, SALON.COM: Absolutely. And you know, I think it`s important to differentiate between this scandal and other scandals that we`ve had in recent American political history. There tends to be kind of been a tendency to talk about them as if they`re all kind of the same. Mark Sanford committing infidelity is not the same thing as this, OK?

I`m not glad that he did it and I don`t condone it, but this is very, very different. This is the government turning on the constituents and putting lives in danger. It`s an abuse of power like Eleanor said. People`s lives were put in danger. People who needed emergency assistance vehicles couldn`t get them in time, potentially.

School kids who might be five years old are waiting in traffic for two and a half hours. You know, people were late for their jobs, and they have lost wages as a result for that. This is very serious business. This is much bigger deal that other people`s scandals who have lost their jobs. I think it`s time we should be thinking about it in that way.

To get to your question about specifically now that I`m off my soap box (ph), I can actually get to your question. Another thing that I think we need to be careful about is when we talk about the investigations is the standard that we`re talking about. A lot of people are saying, well, if we can see Christie is directly related to this in the e-mails, then he`s toast. Well, you`re not going to see that. You know, I work in governmental offices for a long time --

KORNACKI: See, I might make a bet with you, but OK.

(CROSSTALK)

ZEFF: You may not see that, but I argue you don`t need to. OK?

KORNACKI: Right.

ZEFF: You know, I worked in many governmental offices and campaigns. I never worked in an office where the culture was such that anybody would have thought that this would be OK. I assume they`re be careful enough not to have Chris Christie`s personal e-mails involved in this, but I argued (ph) it doesn`t matter. This was an office where this was clearly condoned.

That e-mail that you put up on the screen in the previous segment, the last sentence was he made a big mistake when they`re talking about Foye getting all worked up. That tells you everything you need to know about the

culture of this operation and how they act. It`s absolutely reprehensible.

KORNACKI: Yes. And I want to -- we`re going pick that up in the next block because I know Senator Weinberg, you`ve had some personal experiences with how this administration deals with people who cross it. So, I want to talk to you a little bit about that. And I also want to get into the issue that Chairman Wisniewski raised earlier about is this investigation going to go away next Tuesday?

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Because I thought that was a close question. He left me to some question that we`ll get into that right after this.

(COMMERCIAL BREAK)

KORNACKI: So, Senator Weinberg, I want to talk to you about Chris Christie made the statement on Thursday. He said this kind of thing is the exception, it`s not the rule. And I know there were a lot of other stories out there. Some of which you`ve been involved in that suggest no, this kind of behavior, this kind of culture is the rule for the Christie administration.

I wonder if you just talk a little bit about your experience in dealing -- if people don`t know this. The most infamous line of Chris Christie`s governorship was he was talking about you at a press conference and he said somebody ought to take the bat to Loretta Weinberg. That`s what he said about you at a press conference.

WEINBERG: Right, which of course is always followed by my age and the fact that I`m a widow, which I find a little troublesome from time to time but that`s OK. Yes. In fact, in some ways sort of as I`ve gotten further away from it, I treat it humorously. I have in my office in Trenton two bats that are friend gate me (ph), with his name on it and one with my name on it.

Mine is much larger than his. You`re all welcome to come and visit them. So -- but it gave you an insight into the way this man operates. There has been this culture of fear. Look at the mayor of Fort Lee. Even when the governor came to see him the other day, the first thing on his mind was, I need an assurance from the governor that he will not wreak any vengeance on the residents of Portland.

Why should the mayor feel that way? How about the 30-year Port Authority employee who manages the bridge who told us under oath, in essence, that he feared for his job.

KORNACKI: Who was scared to answer the questions.

WEINBERG: Yes. Chris Christie didn`t know that. That was all over TV. What kind of an atmosphere is it? A 30-year professional employee probably been through heavens knows how many governors and how many executive directors at the Port Authority was fearful that he was going to lose his job if he didn`t follow what he knew was completely inappropriate directions.

KORNACKI: And so, that was at the state assembly hearing on this. And Ingrid, you know how New Jersey politics works. On Trenton, it works really well. I wonder what you make of the conversation we had with John Wisniewski at the start of the show where he said, so next Tuesday, the subpoena power, when the state assembly committee which has produced all of these revelations.

It expires this new speaker who is the product of this pro-Christie alliance comes in. He says he is not sure that this is going to be extended past next Tuesday. Is that -- do you think there`s a chance that this power goes away?

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REED: I think that under the circumstances, the Democrats are seeing that also that they`re above the fray, they`re going to do this in the correct way. They`re going to get to the bottom of it. I don`t think that the subpoena power will go away. I think it will be reenacted and the new person really wants to be in charge of making that decision.

But I really think that the democrats are seeing that being organized, thoughtful, ethical is the way to go. And so, I think they`re deferring to this new speaker. He`ll come in and he`ll make the decision.

ZEFF: But this question of the subpoenas is a very critical point, because, you know, these people who are saying -- the Republican saying Christie acted swiftly and decisively. He did all the right things. No, he didn`t. He thought they might get away with this. They ran out the clock until subpoena power was about to run out.

The subpoenas came out and these revelations came out, and then he, you know, got rid of the two people he absolutely had to politically. There are always other people involved. We`ll see what he does next.

KORNACKI: All right. We got to take one more break. We`ll be back right after this.

(COMMERCIAL BREAK)

KORNACKI: I can't believe this hour went so fast and there is so much more I want to ask all of these people about. And I'm really sorry we have to cut this short and say thank you to New Jersey state senator, Loretta Weinberg, state political -- Ingrid Reed. Blake and Eleanor are going to be back a little bit later for some fun.

But tomorrow morning, at the same time, we're going to have some new context into Chris Christie's claim that he was shocked that someone on his team would lie to him. So, we would be back with another full hour of news. It will also be fun, so stick around and that is right after this.

(COMMERCIAL BREAK)

KORNACKI: We can all agree that professional basketball players are generally speaking tall, except for Muggsy Bogues. But that was a long time ago. So, we can forget about him.

Some are taller than others and some are so tall that they make their teammates look like midgets. This is the way Manute Bol tried to stop Patrick Ewing from driving to the basket. He makes Ewing pretty small in that picture I would say. Patrick Ewing is 7 feet tall, by the way.

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Manute Bol, he was 7'7". George Morrison (ph) is also 7'7". Yao Ming and Shawn Bradley, they're both 7'6". How about Rick Smits, the Dutch man, 7'4". Right now, the Oklahoma City Thunder have someone playing for them named Hasheem Thabeet who is 7'3".

So, you get the picture. The NBA always have seven-footers, because when a player is that tall, it really doesn't matter how old they are or how good they are. Coaches always find a place for them on the bench for that kind of wing span.

So, last season, a 7-footer named Jason Collins played center for the Boston Celtics and the Washington Wizards. He was reserved, but he was on their roosters. And he's had a long career of not scoring that many points, averaging about 3.6 per game. But he's always been tall, he's always been intimidating, and a team somewhere for his entire career through last year had always managed to find a space for them.

This year, though, Collins is not playing anymore. Collins is not retired. It's simply that no one has offered him a contract, not even one of those 10-day contracts they sometimes offered veterans in the NBA. Do you think it might have anything to do with this?

He said, "I didn't set out to be the first openly gay athlete in a major

American sport, but since I am, I`m happy to start the conversation."

Lots of former athletes have come out after leaving their careers in one of the major team professional leagues. In April, Jason Collins became the first to do it while still playing.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF THE UNITED STATES: I`d say something about Jason Collins. I had a chance to talk to him yesterday. He seems like a terrific young man and I told him I couldn`t be prouder of him. You know, one of the extraordinary measures of progress that we`ve seen in this country has been the recognition that the LGBT community deserves full equality, not just partial equality. Not just tolerance, but a recognition that they`re fully a part of the American family.

(END VIDEO CLIP)

KORNACKI: Is Jason Collins fully a part of the American family, if six months after coming out when the NBA season started, he no longer has a job with any team?

At the end of the year, "G.Q." magazine named Collins their game-changer of the year 2013. But how much of the game really changed?

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Former punter for the Minnesota Vikings named Chris Kluwe says he was released from the team in May for being a gay rights advocate, for his support of same sex marriage.

He also accused some of his coaches and his general manager of using homophobic language during team meetings. Vikings say they are investigating Kluwe`s claims.

This is not to say there aren`t some signs of progress. This week, a major league soccer player named Robbie Rodgers returned to the pitch. Retired last February after announcing his gay, but just started playing again for the Los Angeles Galaxy.

And the women`s team sports don`t seem to have quite the same problem. There`s Megan Rapinoe and there`s Abby Wambach on the U.S. women soccer team, Phoenix Mercury star Brittney Griner, she came out before the WNBA draft last year.

So, why is it that Jason Collins can`t find a job in the NBA and how is it that football players still make allegations that an NFL locker room is still an acceptable place to slur someone`s sexuality?

Well, to talk about all of this, for this discussion, I want to welcome former professional football player Wade Davis, who spent multiple pre-seasons with the Tennesse Titans and the Seattle Seahawks before coming out after his retirement. He`s now the executive director of the You Can Play Project, a group that works to promote equality in sports for LGBT athletes.

Anita Marks, member of the New York Giants broadcast team and radio host with NBC Sports. She`s reported for three different NFL teams and knows the ins and out of locker room culture.

We have Sue Wicks, who`s a long time player in the WNBA and a member of the woman`s basketball Hall of Fame.

And Thomas Rogers who is no stranger to MSNBC viewers. Thomas Rogers was my former co-worker at "Salon". And suddenly Thomas Roberts is my co-worker at MSNBC.

And he`s --

THOMAS ROBERTS, MSNBC ANCHOR: Nice to be here, Steve.

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KORNACKI: Nice to meet you, too, Thomas. And he is taking over the anchor chair of "WAY TOO EARLY" this coming Monday. And also, he will be enjoying "MORNING JOE" on a regular basis. So, he will be as I do, he idea of getting up at 4:30 in the morning.

(CROSSTALK)

ROBERTS: This is a first, so I like it.

KORNACKI: With a name like Steve Kornacki, they mess up my name all of the times, but for different reason. This is because I`m an idiot.

But anyway, welcome to all of you. I appreciate all of you joining us.

I guess I`ll just -- we`ll start with the basic question and, Wade, maybe I`ll ask this to you. Look at the Jason Collins situation and when he came out last spring, the headline was it`s the first active male team sport athlete to come out, except the season was over, he was done then, the new season started, he hasn`t played.

So that designation doesn`t really fit anymore. I just thought when that happened that David Stern, who has a really -- the commissioner of the NBA, who has a really good record on gay rights, was going to find a way to make this work -- somehow get him signed somewhere. Has it surprised you that

Jason Collins hasn`t been signed?

WADE DAVIS, FORMER FOOTBALL PLAYER: Yes, in a lot of ways, I think it has. But I don`t think that Jason Collins, who`s a friend of mine, would want to be signed by a team just because he`s actually gay. No, he`s an athlete, too. I think part of the problem is it`s a very nuanced conversation. There`s a salary cap issue. There`s a luxury tax issue.

He`s 35 years old. He`s been a journeyman his whole career. He`s been with 12 different teams in and he`s been with 12 different -- I mean, six different teams in 12 years.

So, I think it`s much more a nuance than we think. I do think that all of the sports leagues are doing a lot to make their locker rooms more conducive to having an out gay player.

KORNACKI: Well, Sue, but -- I remember when he came out, I think it was Mike Pesca, I don`t want to put words to his mouth, but Mike Pesca from NPR was on the show and he told us that he looked back at players who are Jason Collins size, who are that all and who are that age and in that relatively good health, and he had found 16 who were unsigned free agents, all 16 of them ended up on a team next year. The stat was something like that. If I`m making this up, I`m sorry. But I`m pretty sure basically there was a sound statistical basis to expect that somebody like Jason Collins would get signed by a team.

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So, do you think the size of what Wade is talking about, do you think there`s an element here of teams looking at this and saying, you know, I don`t know -- we`re not comfortable with him in the locker room, we`re not comfortable with the press that comes with this? Do you think that there`s an element of that here?

SUE WICKS, FORMER WNBA PLAYER: He`s definitely a valuable asset and from a character standpoint, that`s the guy that you want in the locker room and the courage that he has, and the way he`s respected across the league. So, maybe there is.

You know, .I don`t know what goes on but I know that there is a lot of attention that would come with Jason coming to a camp and for a 10-day contract. That`s 10 days of media that`s taking away from a team that would sign a veteran like that that probably on a championship run that wants to steady a boat. That`s what he would bring to it.

So then you have the other thing you`re bringing into the story, the media, the constant attention to that. And then asking your players to think

about it a little more deeply. What about this? How do you feel about that? Then, they start thinking about other things other than what they`re doing and that`s playing basketball and trying to win a championship.

KORNACKI: Well, that`s -- and, Thomas, I mean, from a media standpoint, we can -- there`s a couple of numbers we can put up on the screen. I think they`re kind of interesting here. But this was a nationwide survey from Gallup in February of last year asked, percentage of adult Americans who identify as lesbian, gay, bisexual or transgender. The number was 3.5 percent. That`s the number who identify, but the right number might be higher.

But if you take that 3.5 percent number and you apply it to a major male team sports, you should have 60 gay NFL players, 42 major league baseball, 34 in the NHL, 16 in the NBA and 26 in Major League Soccer. We have right now zero, zero, zero, one in Major League Soccer.

From the media standpoint I wonder, it`s true, right? If Jason Collins got signed somewhere or if the major star athlete came out right now, the media would be all over this story. The press pool for these teams` games would be flooded and it could in a way create a distraction, couldn`t it?

THOMAS: Well, Robbie Rogers is a great example of somebody who is living in it right now, although that soccer or European football is not that big of a story in America. But Jason Collins is a great example of someone who is a ground breaker and a pioneer. And sometimes I think when it comes to LGBT issues, as we`ve seen historically in this country, sometimes you only get to break the ground and then it`s on to somebody else to advance on your shoulders.

So, Jason might get to break the ground on the issue in the NBA and it`s going to be up to somebody else. You know, growing up as a gay kid, we don`t have sports role models that we can talk about in this country that we looked up to. And so, as a kid we are segregated from being able to integrate our own confidence in being an athlete with then being a good person. And those two don`t systematically meet up until much later life.

So, now, that we`ve got a Jason Collins, now that we have a Robby Rogers, now that we have, I think Thomas Heltzberger (ph) who just came out in Germany, who`s a retired footballer, now that we have these examples, they`re leading the charge. They`re clearing the field to allow these hits from the media to come first for people to get used to it, and then kids are going to come up with a much different identity and confidence about how they are an athlete, how they can perform and how their personal life is something they can be proud of in comparison to their professional life. They don`t have to be mutually exclusive.

KORNACKI: There was a really interesting story that got some national attention. It was in "The Houston Chronicle" a couple of weeks and it was about the 1993 Houston Oilers, though Houston Oilers do not exist anymore. 1993, they were a really good team. They were a crazy team. This is the year Buddy Ryan who was an assistant coach on the Oilers threw a punch at the offensive coordinator who just left the Giants under some interesting circumstances.

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But that was -- it was kind of a crazy team. They were a really good team. But the story that came out in the paper two weeks ago, looking back in a team, you had players saying that they need to had gay teammates, they knew this.

This is a quote from a linebacker on the team at the time. He said, "Listen, those guys that we`re talking about were unbelievable teammates. And everybody in the locker room, the consensus knew or had an idea that things were not exactly right but guess what? When they strapped the pads own and they got in the field, man, we were going to war with these guys because they were unbelievable."

Now, nobody knows who these two players were, but the story caught some attention because it`s always -- we`re always looking about, is sports ready for this. And now, we`re looking back 20 years and we`re saying, well, the Houston Oilers went 12-4 that year, got upset by the Chiefs in the first round of playoffs, and had a great season and apparently this was a total nonissue for them.

Anita, you`ve covered a number of locker rooms, what`s your sense of that culture?

ANITA MARKS, NY GIANTS BROADCAST TEAM: I have and I`m not going to date myself, but I`ve covered three mayor NFL teams and I will say that in all three teams, there were gay athletes in that locker room and I will say that players in that locker room know who those gay players are, and they don`t have a problem with them on their team. They don`t have a problem.

They are warriors on Sunday. And they dress together. They had out -- they take on their opponents together and they are team mates.

The problem -- so I really think you hit this on the head. I think the big problem here, the issue -- not really a problem because I don`t -- I am in the media. I don`t think it is a problem. But maybe an organization thinks it`s a problem, and that is, once it becomes public, the way that the national media will now handle that team, the questions that are going to be asked and posed in that locker room and how players, teammates are

going to have to address the issue publicly, that`s where I think the concern is.

But make no doubt about it -- there are more than 60 NFL gay players active players in the NFL right now. And guys in the locker room, they are teammates, they know who they are and they don`t have a problem with it. They don`t have a problem.

KORNACKI: Well, you know, Wade, you`ve been there. We`ve got to fit in a break here. But I`m going to ask you a little bit about your experiences in that culture when we come back.

DAVIS: OK.

(COMMERCIAL BREAK)

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KORNACKI: So, Anita was just talking about her experience saying there are more than 60 gay NFL players within the locker room. This is a known thing, not necessarily a big deal.

I do want to put -- you know, there was an interesting survey. I don`t know the scientific value of this because not many people -- not many athletes were actually surveyed. But ESPN did this in 2012 across the major sports and they asked opinion onto the U.S. legalized gay marriage and it was overwhelming in the NHL, overwhelmingly yes when you get that down to the NFL. It was six in 10 saying yes. It was much smaller in major baseball, in the NBA, the combine total of about 59 percent there.

So, it suggests there may still be some measure of resistance, because Wade, I`m wondering, your experiences in an NFL locker room, just what was it like for you?

DAVIS: To be honest, when I was in the NFL locker rooms, and I was on five different teams, I rarely heard any type of homophobic language. I think one of the things that isn`t discussed, a lot of sexist language and the ways that sexist language really informs homophobia.

But I would say also that one of the big issues that isn`t talk about also is a lot of internalized homophobia that many LGBT people face, which really keeps us in the closet, to have to deal with the shame of being gay and the denial of it, from stuff that we learn us kids. You know, f you` not out in high school and you`re not out in college, then you`re definitely not going to be out in the pro-sports league.

So, I think if we start, to really talk about how do we -- how are we teaching kids what it means to be LGBT and those really -- those narratives

kind of -- they match on to you and they stay with you a long time.

KORNACKI: Well, what was your -- what was your situation -- did your teammates know about you? Was that -- were you --

DAVIS: I don`t believe -- I think I was a really good liar. So, I don`t think anyone knew about me. And that was really because I really hated who I was. You know? And if I didn`t love myself, how can I come out and tell the world who I am when I don`t really know yet?

And I think when we start to talk more about this issue internalized homophobia issue, then we`ll see that, hey, a lot of these athletes have been in playbooks and they really haven`t addressed this idea that they have so much shame about being gay.

KORNACKI: Well, Sue, you addressed it during your playing career. It was 2001, 2002, somewhere in there, I think you were playing for New York Liberty at that time.

WICKS: Yes.

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KORNACKI: Is that right? What was -- what led you to decide to say it publicly? Was there a difference pre and post?

WICKS: It was so simple. We have our beat writers all of the time and they wouldn`t ask you that type of question. But you get outside, someone from "Time" magazine, they would ask a question like that.

So, it was a simple question. Are you a lesbian? And I just answered yes. So there was no agenda for me. It was just --

KORNACKI: There was no dramatic press conference.

WICKS: I was 35 at the time. I went through the whole process of being ashamed of myself and hiding it when I was young. But then I had a long process of coming to terms with it and it was yes. And you`re standing on the shoulders of a lot of giants like Martina, someone that came out like came out when no one came and just said that. So -- and to be in New York at the time when so many people are fighting and they risk their lives. For me to lie about that, it was impossible.

KORNACKI: And the culture, we`re talking about men`s teams here. Many more out-female professional athletes. What is the difference there in the culture that you think that accounts for that?

WICKS: So, our culture is very small in sports. In very similar, Wade`s

experience in his locker and my experience in our locker room, it is -- it really comes down to content of character and that`s how you see a person. You know longer see the color, their religious or political or sexual orientation. It is who you are and what you bring to the table as an athlete. It really comes down to character.

And for me, absolutely on the highest level, that`s what happens. But there`s always people that are, you know, operating on a lower level and it does come -- Wade, you touched on something that`s so important. It`s language and how we even just think, language informs our culture and our culture influences our language.

Homophobic words are so quick and slide out of the mouth that it becomes a bad thing. And the shame is just one word away from keeping everyone in the closet. You know, it just happens that quickly.

So, if we think more about how we speak I think the moral courage that Jason has to say that. You`re right, I hate to say something like he`s the guy that storms the beach at Normandy, he`s dead. That`s it. But he opens the way for other people, a little easier path for them to slide down.

ROBERTS: The great thing that Jason Collins has done, there was a picture you guys had, he spoke at the U.N. I got to moderate that panel. And we had Martina as a part of that panel, and other out-athletes talking about homophobia in international sports and the culture that goes along with that, how to change that.

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And this is a world conversation now. That`s the great thing. This is an international conversation that we`re all having and it`s because of leaders just like Sue, just like Jason, who have decided that this is about time. We need to have these conversations because there`s nothing wrong with Sue being a great role model, there`s nothing wrong with Wade being a great role model, Jason Collins.

So, for kids that are coming out, they`re growing up with a different mindset. I now the NFL as we see with the You Can Play Campaign, they have every team now, every professional team is involved with that organization. They have made a commitment and an investment to show that homophobia is not going to work any further going forth with that organization. So I think that`s a huge step forward for hockey.

KORNACKI: And we see, we put the statistics up there of 92 -- NHL being much more -- NHL athletes in this poll is being a lot more accepting of gay marriage. I wonder if there have so many Canadians in the NHL and gay marriage came to --

DAVIS: And European.

KORNACKI: Yes, and European.

Anita, you knew it was like?

MARKS: Yes, I mean, we opened up this topic talking about why isn`t Jason Collins on an NBA team. I thought he was going to play on the Brooklyn Nets because of his relationship with Jason Kidd and Brooklyn, New York, a great environment for him. It didn`t happen.

And I think another reason why it didn`t happen is because we`re not talking about a major top starter in the NBA. For example, Kylie Irving, for example. If a player like that of his magnitude was to come out, the NBA would have no choice but to still have him be a part of the team.

Whether it`s in the NFL or Major League Baseball, if a star player, I think that will make the difference. If a star player comes out and a league does not have really a choice to decide -- well, should he be on a team, should he not be on a team, an owner, an organization have a decision, well, should we sign him, should we not.

No, he`s a star player. We need him. We`re going to handle PR, marketing, we`re going to handle the fact that this is a homosexual player because his talents and what he h brings to the table outweigh all that we have to handle in regard to the media and marketing.

ROBERTS: Well, we talk about media though and I think that we`ve seen just recently the fact that there had been discussions, maybe over the summer in the NFL of players coming out. And so, we run a risk of this whole witch hunt kind of thing of potentially scaring off valuable players who are in the prime of their careers who are not at the point of feeling completely integrated.

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Now, we all know those of us who have gone through it, when we feel confident about our timing to take on the professional onus for revealing that we`re gay. Some of us go through that earlier than others. And I think that for everybody, it`s in their own unique time.

But I do think we run the risk of pulling off witch hunts on certain players who are very dynamic and can pull a lot of head lines. And then it forces them into shameful out front statements of "I`m not gay" and we run a tough --

KORNACKI: Yes. I want to pick up on that after this break, because that story of the NFL players who supposedly were possibly organizing to come

out last summer and then there was a recent statement from a star NFL player. We`ll talk about that when we come back.

(COMMERCIAL BREAK)

KORNACKI: To pick up a little bit on what Thomas was talking about in the last segment. And, Wade, there was this story a couple of weeks ago, there were sorts of speculation out there, none of this was ever confirmed or whatever, but it somehow got out there through the tabloid outlets, basically, speculation that Aaron Rogers, the star quarterback of the Green Bay Packers was gay.

He was asked about it on a radio show and he said, "I`m just going to say I`m not gay." And he added, "I really, really like women. That`s all I care to say about it."

Some people were thinking about that response and were thinking back I think to 2002, over 10 years ago when Mike Piazza, the star player with the New York Mets, basically held a press conference to affirm that he`s not gay. And some people were sort of saying that -- I feel bad for Aaron Rogers to get caught up if a rumor like that. But some are comparing that moment to Mike Piazza and saying, that`s a sign that there`s not been much progress.

DAVIS: Well, I think one of the big issues is like the speculation of an athlete`s orientation has become a sport now, right?

So, just the fact that Aaron Rogers had to even answer the question is inappropriate. Like I think we fail to see the athlete`s humanity oftentimes. We kind of talk ownership, that there are stars, our gladiators so we have the right to know everything about them. And that`s just really not fair. And I think if this really unfair.

ROBERTS: Meanwhile, we have actors like Josh Hutcheson who`s in "The Hunger Games", we have George Clooney, people like that on a different level, in a different field of celebrity, who are at the top of their game, but when they get questioned, they`re like, yes, if you think I am, so what? I take it as a compliment. There`s nothing wrong with that.

WICKS: James Franco.

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ROBERTS: And James Franco and the other. You know, so you get on this -- so if you don`t make it a big deal, then it`s not a big deal, so you kind of take the oxygen out of it.

KORNACKI: I do, though. So when Jason Collins came out last year, there

was Chris Broussard is a basketball reporter for ESPN. I mean, I just -- last night, I was watching some of the Nets game and there he was interviewing Jason Kidd during the time. That`s what Chris Broussard is. So, when this came out, Chris Broussard was one of the top NBA media personalities.

He said, "Personally, I don`t believe that you can live an openly homosexual lifestyle, an openly like premarital sex between heterosexuals -- if you`re opening living that type of lifestyle, then the bible says you know them by their fruits. It says, you know, that that`s a sin."

He took a lot of heat for that. He tried to walk it back with a subsequent statement. But I wonder, you know, Anita, if what Broussard was getting at there was an attitude not all Christians are homophobes. There`s lots of gay Christians. I`m not trying to say anything like that.

But there`s sort of, I guess, a strain of Christianity that`s still very sort of hostile towards homosexuality and I wonder how prevalent that is, you know, in the locker room than teen sports.

MARKS: In the locker rooms, again, that I`ve covered, that I`ve been in, I haven`t seen it. I mean, yes, there`s fractions -- I mean, there`s bible study every Thursday. Did you do bible study?

DAVIS: Oh, yes.

MARKS: So players pray together. But again, I`ve been in several locker rooms and players know who the gay players are. It`s not a problem.

ROBERTS: Right, I heard this the other day --

MARKS: The problem is once it goes public and how the national media and the fans and how a team and the extra media and PR that they`re going to have to bring in to handle the situation and how the perception market the team, money, maybe money being lost, maybe money being made. So, it`s not a locker room culture.

ROBERTS: But if we look at the Christian principles and we look at, you know, Jesus did not say anything about homosexuality in the bible, but there`s some stuff about shellfish, and we do still eat it.

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However, we pick and chose and cherry pick what we want to use contextually as our modern day values. And I heard on our air the other day, I think it was John Fugelsang, who said, that being gay is natural, hating gay is a lifestyle choice.

I completely agree with that, because, yes, there`s stuff about homosexuality in the bible. There`s stuff about heterosexuality in the bible. So, really dark stuff about heterosexuality in the bible. But we`ve gotten past that. And now, we are at a different point.

So we`re at a different value point in our culture today, that if we`re going to cherry pick from the bible, we`ve got to be careful about that. And especially people in the media are then going to go back and use their Christianity as a platform to spout hate. That`s just ridiculous.

KORNACKI: The other thing I want to get into a little bit. And, Sue, before the show I read the story when you said you were a lesbian back in 2002 and at the end of the story it`s said what`s left to be seen is how it will affect the endorsements for her.

What is the follow-up story today? Did it affect the endorsements for you?

WICKS: Well, when I was doing the interview, when he asked that question, all I was thinking about, that just ruined the story because we spent two days doing this great story all about me and basketball and what it went to me and now I was like now the story just changed, the headline just changed because of this one facet of who I am.

I don`t think it changed anything for endorsements. I didn`t have a lot of endorsements. It goes right over to major sports, NFL or basketball -- NBA. The top players have the endorsements. Not the lower level players, mid players. There`s just a few select players who are branded and sold out there.

MARKS: When Martina came out, though, she lost a lot of endorsements. It was Porsche or Mercedes -- there was one car company that stuck by her, one car company.

DAVIS: I think the climate was a little bit different then.

KORNACKI: Yes. I also think, to Thomas` point that we oftentimes pigeon hole athletes to being homophobic because of the way athletes treated you in high school. I was like a huge homophobic bully, right? But I grew up, right?

I think that we don`t think that athletes, that they mature, that they become worldly, that they`re sophisticated enough to say, hey, the way that I was in high school, I`m not that way now. If I see someone who is gay, I don`t care. Like how are they on the football field. Hence our anthem, if you can play, then you can play.

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KORNACKI: And the other thing is we -- the generation coming up right now, even years behind me, I look at my cousin and other people in my family who are just five years younger than me, their culture, it`s just amazing to me how different the culture is they`re going up, even when it comes to sports.

Anyway, I want to thank basketball player Sue Wicks, football player, now LGBT youth advocate Wade Davis, and sideline reporter Anita Marks.

Coming up, Thomas Roberts is sticking around and he`s joining contestant`s row and two other brainiacs are warming up in the wings.

Another all new, exciting edition of "Up Against the Clock". You`ve been waiting for it all day. I know. It`s next.

(COMMERCIAL BREAK)

KORNACKI: We`ve within digging deep into New Jersey politics this morning, but tomorrow, we`re going to Arkansas -- the natural state -- with an exclusive look at an event that is one of the most important events of the year on the Arkansas political calendar. It has a menu that is equally unusual.

(BEGIN VIDEO CLIP)

REPORTER: For those who have never had the opportunity to try coon, we asked some coon-noisseurs to tell us about it.

BILL CLINTON, THEN-ARKANSAS GOVERNOR: It`s kind of -- it`s sweeter than beef or pork, sort of sweet pork.

(END VIDEO CLIP)

KORNACKI: That`s right, raccoon. That was then-Arkansas Governor Bill Clinton in 1987, his pre-vegan days apparently, describing what it tastes like. And since we love local traditions here on UP, we are going to bring you a first hand account of this year`s Gillett coon supper. It`s happening tonight. Our team is already on the scene in our exclusive can`t miss coverage.

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We`ll be here tomorrow morning, the senate race this year in that state could decide control of the chamber. So, we`re going to want to talk about that top, too. But also raccoon -- a big, big morning show ahead tomorrow. You will not want to miss it.

(COMMERCIAL BREAK)

ANNOUNCER: Live from Studio 3A in Rockefeller Center USA, it`s time for "Up Against the Clock."

Originally from Jackson Heights Queens, she`s no stranger to fighting for her chance to speak as a panelist on the McLaughlin Group. Please welcome the great Eleanor Clift.

From Jericho, New York, it`s (INAUDIBLE), it`s Blake Zeff.

And from Townsend, Maryland, he`ll soon be the best way to enjoy the sunrise as host of "WAY TOO EARLY" starting this Monday at 5:30 Eastern, right here on MSNBC, say hello to Thomas Roberts.

And now, it`s the host of "Up Against the Clock", Steve Kornacki.

KORNACKI: Thank you, Bill Wolff.

Thank you, studio audience. Thank you at home for tuning.

Welcome to another all new edition of "Up Against the Clock". It is nice to be back in the plaid jacket and away from contestants row. We have a fresh, new batch of players here with us today.

Eleanor and Blake, we have been waiting for you to join us at the podium. Blake actually trying to psych out Eleanor. I don`t know if you can see this at home, with his McLaughlin Group t-shirt at home featuring Eleanor Clift. So, it`s a psychological tactic there.

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And Thomas who got up earlier for us this morning and on Monday, he will be getting up early on Monday. He begins hosting "WAY TOO EARLY". You can catch him at 5:30 a.m. here on MSNBC.

A little plug for you right there, Thomas.

ROBERTS: Thank you, sir.

KORNACKI: Good luck with that new schedule.

(LAUGHTER)

KORNACKI: Moving right along, you`re all familiar with the rules right now. Three rounds of play, 100 seconds each questions. We`ll get harder as we go along. We can ring in anytime, but if you will be penalized for wrong answers.

There are already pushing each other by the same. And there are some instant bonuses that are scattered throughout these bonuses. I will remind

our life studio audience, please remind absolutely silent during these rounds.

And so, with that, I will ask you, are you ready?

BLAKE ZEFF, SALON: Yes.

KORNACKI: All right. They are ready. We`ll put 100 seconds on the clock.

One hundred-point round begins with this. These two celebrated their 69th wedding anniversary this week, the longest marriage -- Thomas.

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ROBERTS: It would be President George Bush and Barbara Bush.

KORNACKI: We can accept that. George H.W. Bush and Barbara Bush, correct.

A hundred-point question. Former Congresswoman Gabby Gifford marked the third anniversary -- Thomas.

ELEANOR CLIFT, MCLAUGHLIN GROUP: Skydiving.

THOMAS: Jumping out of a plane, sky diving.

KORNACKI: Skydiving is correct, Eleanor just a split second late.

A hundred-point question: in an interview with NBC News on Thursday, Congressman Paul Ryan said he would give the U.S. a failing grade in its efforts to --

CLIFT: Poverty.

KORNACKI: Thomas.

ROBERTS: Poverty.

KORNACKI: Eleanor you`re giving him the answers.

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A hundred-point question: a report out Thursday showed that for the first time in history, there are now a majority of U.S. congressmen who are what?

CLIFT: Millionaires.

ZEFF: Millionaires.

(LAUGHTER)

KORNACKI: That`s correct, Blake. And, Blake, you`re 100-point instant bonus. With $464 million net worth this congressman is the wealthiest of all congressmen --

ZEFF: I know.

CLIFT: Issa.

ZEFF: He has $220 million I read somewhere. Issa.

KORNACKI: Issa is correct, the assist to Eleanor, 100 points.

This European leader canceled most of her European plans after falling on --

CLIFT: Merkel.

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KORNACKI: Is correct. In the unofficial game, Eleanor is cleaning house here.

A hundred-point question, before Chris Christie took over the news cycle, a large part of the United States was at a stand still --

CLIFT: Gates.

ROBERTS: Robert Gates and his new book.

KORNACKI: Incorrect.

ROBERTS: Penalize 100 points. I`ll finish the question for Eleanor and Blake.

A large part of the United States was at a stand still because of this --

CLIFT: Weather.

KORNACKI: Blake?

ZEFF: Polar vortex.

KORNACKI: End of first round. We have Blake and Thomas are tied with 300, Eleanor officially have zero, unusually about 2,000 points. But if we tweak in the rules, you`ll be the all-time high scorer.

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But we enter the 200-point round. Easy to make this up, Eleanor. Put 100

second on the clock and we will begin the 200-point round with this:

A former Republican who won a seat in Congress as a Democrat -- Thomas.

ROBERTS: Charlie Crist.

KORNACKI: Incorrect. I`ll conflict the question -- this Long Island congresswoman.

Blake?

ZEFF: Carolyn McCarthy.

KORNACKI: I think that might be Blake`s home district.

ZEFF: Bordering.

KORNACKI: Bordering. Oh, Pete King. OK, that`s very different. Two-hundred-point-question. How many Senate Republicans on Tuesday voted to kill a -- Blake.

ZEFF: Five.

KORNACKI: Incorrect.

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CLIFT: Six.

KORNACKI: Thomas.

ROBERTS: Six.

KORNACKI: Eleanor, you got to ring in.

CLIFT: I didn`t hit --

KORNACKI: Two hundred to Thomas.

ROBERTS: I knew it, though.

KORNACKI: Two hundred-point question, Arizona Senator John McCain suggested this week that he would be open to running for another term in 2016. This would make how many terms in the senate for McCain? We`ll call time. The correct answer was six.

ROBERTS: I was going to say that.

KORNACKI: Two hundred-point question here: a state of emergency was declared in nine counties of this state on Thursday after a chemical spill

--

CLIFT: West Virginia.

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KORNACKI: Blake?

ZEFF: West Virginia.

KORNACKI: It`s correct.

Two hundred-point question. On Tuesday, President Obama`s former national security adviser and long time Joe Biden aide Tom Donilon endorsed what controversial energy project?

ROBERTS: I don`t want to risk it.

KORNACKI: We`ll call time. It`s the Keystone XL Pipeline.

Two hundred point question: disgraced former Congressman Anthony Weiner appeared --

ROBERTS: "Alpha House" cameo.

KORNACKI: He appeared on "Alpha House", that`s right.

Two hundred-point question. The ACLU and members of the rap duo Insane Clown Posse sued the U.S. government this week after the FBI -- they identified the groups followers as a criminal gang. What is the name of those followers?

KORNACKI: Eleanor?

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CLIFT: I don`t know.

ZEFF: What`s the name of the group?

KORNACKI: Insane Clown Posse. What are their followers called?

We`re going to call time. They`re gigolos. The gigolos is what we were looking for there.

End of the 200-point round. It is 500 for Blake, 500 for Thomas, Eleanor yet to officially get on the board. But she has many assists. She leads the league in assist.

CLIFT: Right.

KORNACKI: The 300-point round where champions are crowned. Put 100 seconds on the clock. Still a chance, Eleanor. Still a chance for everybody.

We go with this. On Tuesday, voters in Florida`s 14th congressional district will nominate candidates to replace which long -- Thomas.

CLIFT: Congressman Young.

KORNACKI: Thomas?

ROBERTS: Young.

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KORNACKI: Bill Young is correct. Eleanor giving it away.

Three hundred-point question -- expected to announce he is running for Senate in Virginia next week -- Blake.

ZEFF: Ed Gillespie.

KORNACKI: Ed Gillespie will announce his candidacy in Virginia. That`s correct.

Three hundred-point question. It was revealed this week that this former Republican senator who was defeated by a Tea Party challenger in a primary in 2012 donated $5,000 to Democratic Senate candidate Michelle --

Eleanor?

CLIFT: Richard Lugar.

KORNACKI: Richard Lugar is correct. And, Eleanor, this is an instant bonus question to double your 300 points. What Democrat went on to capture Lugar`s seat in the 2012 general election?

CLIFT: Oh, God, what is his name? Murdoch.

KORNACKI: Incorrect. It was Joe Donnelly. No penalty. But 300 points there for Eleanor.

Three hundred-point question -- not letting ongoing controversy deter him, Governor Chris Christie will travel to Florida for an RGA event and to headline a fun raiser for what statewide politician?

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Blake?

ZEFF: Governor Rick Scott.

KORNACKI: Governor Rick Scott is correct.

Three-point question: John McCain announced on Twitter yesterday that he has -- Thomas.

THOMAS: Puppy.

KORNACKI: Incorrect. I`ll finish a question --

THOMAS: He has a puppy, though. He announced it on Twitter.

KORNACKI: It`s a Chesapeake retriever named Gilley.

What president who McCain also identifies as one of his political heroes also has a dog of the same breed?

Time. It was Teddy Roosevelt.

Final question. Despite showing a decline in violence for much of 2013, a federal judge ruled on Monday that this city`s gun ban is unconstitutional.

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Call time. It was Chicago. The game ends.

The final score with 1,100 points, Blake is the new winner, Thomas Robert with 500 points, Eleanor Clift got on the board with 300, although again, really, it would be 3,000 if she hits the buzzer.

CLIFT: They couldn`t have done it without me.

KORNACKI: Blake Zeff is lucky, McLaughlin Group t-shirt.

Bill Wolff is going to tell you what you`ve won.
ANNOUNCER: As our champion, you`ll have your name printed in exquisite Sharpie on the coveted "Up Against the Clock" gold cup. And you get to take it home and show it off to friends, family, and local school children for exactly one week.

You will you also receive an appearance this coming week on MSNBC`s "THE CYCLE", airing weekdays, 3:00 to 4:00 p.m. Eastern Time.

You will also get to play in our bonus round for today`s grand prize of $50 gift certificate to Rutt`s Hut in Clifton, New Jersey, serving up the best franks in the greater Meadowlands area. The relish is on us.

Back to you, Steve.

KORNACKI: Wow, that prize package always inspiring. Blake with the gold cup. But, Blake, you can win more if you can correctly answer this jackpot bonus question.

ZEFF: Help me out, Eleanor.

KORNACKI: Here it is. Yes, there`s no phone a friend. Before he became the center of New Jersey`s bridge-gate scandal, for executing the orders to close the bridge lanes, David Wildstein spent years working under a pseudonym on a New Jersey political blog. He took his name, his pseudonym, from the 36th governor of New Jersey.

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Name that governor.

ZEFF: Who is Wally Edge?

KORNACKI: Wally Walter Edge is correct. It`s my boss. What a great question.

Blake, you have won the grand prize. You have won the $50 certificate to Rutt`s Hut. Congratulations.

ZEFF: Awesome.

KORNACKI: You become the grand prize winner. What an exciting match we had. You will also be eligible for upcoming tournament of champions.

And no one leaves empty handed. Eleanor, Thomas, we have for you the home edition of "Up Against the Clock."

Fun for kids of all ages, the family just enjoy. Have a great --

ROBERTS: My husband just texted me -- don`t come home, you big loser.

KORNACKI: Even with a home edition?

We will back with final thoughts -- they`re yelling in my ear -- right after this.

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Thomas, thank you.

(COMMERCIAL BREAK)

KORNACKI: This New Jersey Chris Christie bridge scandal has turned into a huge national scandal. There are a lot of moving parts to the story. I know a lot of people have a lot of questions. If you want to ask me any questions, well, you can go ahead to our Web site, you`ll do it there. I`ll be answering as many as I can. We`ll post the answers back in our site. You have until 11:00 a.m. today to get your questions and submit them in the "Up on Politics" group at our Web site, UP.MSNBC.com.

We have a few seconds left. I want to find out what our guests know now that they didn`t know when the week begun.

Eleanor, we`ll start with you.

CLIFT: White House is doing quiet little briefings on deep, deep background, trying to urge the press to redefine success if he comes up empty-handed in Congress. Look at the Volcker Rule. We`ll change how Wall Street operates, look at these things he`s doing with kids around the country. So, they don`t want us to focus on Congress which may be a disaster once again.

KORNACKI: Interesting. Interesting behind the scenes take there.

Blake Zeff, the reigning champion, it`s yours.

ZEFF: In the Christie flap, we saw that the aides to the governor in the Port Authority thought they could get away by using their personal email accounts, instead of the state government. It turns out if you plan on something nefarious, subpoenas can still get to your personal e-mail accounts. We learn that today.

KORNACKI: Yes, you got to use sign language or something in the future. I don`t know.

Thomas?

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ROBERTS: Christie is not the bridge between the Democratic and Republican Party, that`s for sure. That`s what I learned.

KORNACKI: That`s what he learned.

You also learned I think if you didn`t like getting up at 8:00 a.m., you`re going to, my God, this new schedule --

ROBERTS: Yes, "WAY TOO EARLY." And "MORNING JOE", I`m going to join that table with that gang at 5:30 on Monday.

KORNACKI: Monday morning, everybody. Check this out. My thanks to Eleanor Clift and Blake Zeff. As we said, Thomas Roberts, thanks for getting UP.

And all of you as we say, weekday early risers, be sure to catch Thomas this coming Monday. It starts at 5:30 a.m. His debut, very, very early "WAY TOO EARLY" you might say. But still, not too early for Thomas.

Please join us tomorrow morning. We`ll have new context on Chris Christie`s claim that he was shock, shock, that someone on his team would lie to him.

There`s also a chance that that pastry plate might be filled with jerky, raccoon jerky to be specific. We`ve sent Perry Bacon and the producers to the wild of Southeast Arkansas to attend the Gillett Coon supper. It`s the big political event of the year in that state. A must attend for any politico and you`re not going to see it anywhere else. I can promise you that.

But coming up next, "MELISSA HARRIS-PERRY" on that traffic jam. Plus, special guest Bill Nye the Science Guy. Stick around. Melissa`s next.

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END

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EXHIBIT 114

CBS NEWS / *January 12, 2014, 2:49 PM*

Face the Nation transcripts January 12, 2014: Rubio, Cummings, Wisniewski

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(CBS News) Below is a transcript of "Face the Nation" on January 12, 2014, hosted by CBS News' Bob Schieffer. Guests include: Sen. Marco Rubio, R-Fla., Rep. Elijah Cummings, D-Md., N.J. state assemblyman John Wisniewski, Capt. Chesley "Sully" Sullenberger, Rana Foroohar, John Harris, Michael Gerson, Gerald Seib, and CBS News' Elizabeth Palmer.

BOB SCHIEFFER: Today on "Face the Nation" it's been a cold week, but politics turns things red hot.

CHRIS CHRISTIE, GOVERNOR OF NEW JERSEY: I am not a bully.

SCHIEFFER: New Jersey Governor Chris Christie got all tangled up in a scandal about who caused a traffic jam and former Defense Secretary Robert Gates was telling tales about his old boss, the president. We'll get the take of Florida Senator Marco Rubio and key Democrat Elijah Cummings. The White House had little to say about Gates' new book...

UNIDENTIFIED MALE: Read any good books lately?

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SCHIEFFER: But privately aides were stunned at the former defense chief's harsh treatment of the high command. Does Gates have any regrets about the book?

ROBERT GATES, FRM. DEFENSE SECRETARY: No, I don't. I think that it's an honest account.

SCHIEFFER: And we'll talk to the New Jersey legislator heading up the investigation into bridgegate. Plus, in our "Face the Nation" flashback, Captain Sully Sullenburger joins us as we remember the miracle on the Hudson River. 60 years of news because this is "Face the Nation."

SCHIEFFER: And good morning again. Well, Florida Republican Senator Marco Rubio joins us from Miami. And senator, I want to just start with the story that's been getting so much attention over these past few days. And that is this mess that New Jersey Governor Chris Christie finds himself in. What is your reaction to this? Do you think he's still a viable candidate if he decides he does want to seek the Republican presidential nomination?

RUBIO: Well, first of all, good morning, thank you for having me on and happy New Year to you and those that are watching. You know, I think it would be a mistake for me and others like me to comment on this. First of all, we don't know all the facts. I think this is story that is still developing and we should reserve judgment. Beyond that I'm just not -- I don't know that much about it other than what I have seen reported in the press. So, I really don't have much to add other than that. And I wouldn't delve in to the political speculation as well, that would be a mistake.

SCHIEFFER: Have you -- have you decided one way or the other whether you're going to explore running for president?

RUBIO: You know, interestingly enough in 2016 I'm up for re- election if I want to choose to stay in the Senate. So, I'll have to make a decision around this time next year about whether I'm interested in running for another office or re-election or becoming a private citizen.

SCHIEFFER: Well, senator, as you well know this month marks the 50th anniversary of Lyndon Johnson declaring war on poverty. You made a big speech where you laid out some proposals on alleviating poverty this week. And I want to talk to you about the substance of those proposals. But first, I just want to ask you this, coming off an election where the Republican candidate lost and polls suggest many people say one of the reasons he did not do well is because he kind of wrote off lower income people, seemed indifferent to them. In light of that, why was it good politics to go to the Lyndon Johnson room in the U.S. Capitol and say that Lyndon Johnson's programs had been a failure, his programs to alleviate poverty.

RUBIO: Well, first of all let me say that I understand there was going to be a political analysis done of this issue, but for me I've been talking about this now better part of decade going back to my service in the Florida legislature. And the reason is I myself am but a generation removed from poverty and despair. And the reason why I live a better life is because my parents had the opportunity to come to a place where people like them had the opportunity to improve their lives. I think that is still true for the majority of Americans. But I think it would be wrong not to recognize that there are significant number of Americans that do not have equality of opportunity. That is not a political issue, that is something that threatens what makes us exceptional and different from the rest of the world. We need to address that. We need to address the fact that we have 40-some odd million people who feel trapped in poverty and do not feel like they have an equal opportunity to get ahead. And I don't view that as a partisan issue or an electoral one. I think it goes to the heart of it means to be America. As far as the war on poverty is concerned, its programs have utility they do help alleviate the consequences of poverty, but they don't help people to emerge from that poverty. And that's why I feel like the war on poverty has failed because it's incomplete. I

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Clay Aiken takes the stage again -- this time for

think we have to take the next step, which is to help people trapped with inequality of opportunity to have the opportunity to build for themselves a better life. And that's what I hope we'll be able to accomplish.

SCHIEFFER: Well, you are not saying that program that Head Start were a failure because I took that from your speech that that is what you were saying, is that what you meant?

RUBIO: Well, that's not what my speech said. Actually, I think programs like Head Start are geared in the right direction in the sense that they're trying to get children educational opportunities as young as possible. I think where those programs can be completed and improved is that we create flexibility in them at the local level. So, I'm not saying we should dismantle the efforts, I'm saying that these efforts need to be reformed and I believe the best way to reform them is to turn the money and the influence over to the state and local level where I think you'll find the kinds of innovations that allow us to confront an issue that is complex, and quite frankly diverse. For example, rural poverty looks different than urban poverty. And there are different approaches to it.

SCHIEFFER: Well, that was one of the major proposals that you outlined, just turn these programs over to the states. But I tell you, the question I had when I heard you say that is I know some of the states when they had the opportunity opted out of federal programs like Medicaid, especially some where there were conservatives like yourself running the local government. What if these states opt out of these programs? Then what happens to these children and these people in poverty?

RUBIO: Well, here is the distinguishing factor. Under Obamacare, when you turn Medicaid over to the states what you're saying to them is the money will be available up front for the expansion for a few years, then the money will go away but you get stuck with the unfunded liability. I'm not saying we should do that. I'm actually saying that what we should do is take the existing federal funding that we use for some of these programs, and we're still working through which ones those should be, collapse them in to one central federal agency that would then transfer that money to fund innovative state programs that address the same issues. But it would be funded, it wouldn't be something where states are told you get the money for a few years then we'll back away. And it should be revenue neutral.

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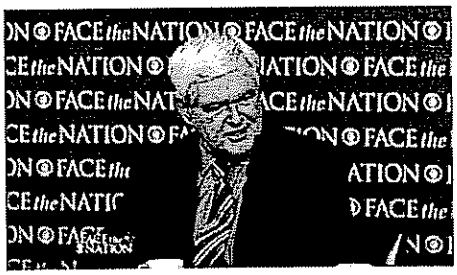
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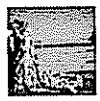
FTN Page 2: October 13

Miss the second half of the show? A panel of experts discuss the government shutdown and the possibility of a debt limit deal





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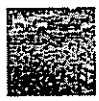
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CBS NEWS / *January 12, 2014, 2:49 PM*

Face the Nation transcripts January 12, 2014: Rubio, Cummings, Wisniewski

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SCHIEFFER: Senator, do you think there is any way that congress or even the senate is going to come together and find a way to extend these unemployment benefits? I know you're going to vote on it next week. What do you think the outlook there is?

RUBIO: I do think there is an outcome that we can arrive at. And if you look at it, I there is a general consensus that these programs need to be extended, but they need to be paid for. And in addition to that, maybe not as part of this effort right away, but in the long term we need to figure out way to reform those programs so that we get more people back to work.

SCHIEFFER: Let me ask you about another big story. Bob Gates, the former secretary of defense, had a book out this week. And a lot of people were surprised he had some pretty harsh things to say about Joe Biden, said he was wrong on boast everything. A lot of people have been around here for awhile like I have, were a little surprised to see not so much what he said but the fact that Gates who is always been the ideal -- the person of ultimate discretion, what did you think about him making these disclosures?

RUBIO: Yeah, I have two thoughts, Bob. The first is my preference would be that people would refrain from writing these sorts of things until the president is out of office. Because I it undermines the ability to conduct foreign policy. That being said, I don't think we can ignore what is in that book. And I think for many of us it confirms our worst fears. And that is that this is an administration full of people that either have the wrong convictions or in the case of Former Secretary Clinton, lack the courage of her convictions. You see that for example the motivations in Afghanistan was primarily political. And the idea that the president had that this is not his war. And you saw that reflected in the decision that he made at the same time that he announced the surge, he also announced an exit date and strategy, thereby emboldening Taliban to believe they can wait us out. And the result is now evident across the globe. Our allies see us as unreliable and our enemies feel emboldened. And I think that this is -- confirms our worst fears that this is an administration that lacks a strategic foreign policy and in fact largely driven by politics and tactics.

SCHIEFFER: What happens now in Iraq? It look like it may fall back in the hands of the rebels. Has this war going to turn out to be a tragic waste?

RUBIO: Well, first of all we need to understand that much of what has happened in Iraq lately has been the result of poor leadership within Iraq. I think contributing to that is the fact that U.S. does not have long-term status in Iraq. As a result, you know, air space used by Iranians and others to do all sorts of things. Ultimately whether it's Afghanistan or Iraq, future of those countries is in the hands of their own people. And the U.S. can't rescue them from themselves. But I do think we have a strategic interest in what happens there. And it poses a real

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challenge, because if you start adding it up now, Bob, you have an ungoverned space in Iraq, ungoverned spaces in Syria, potentially ungoverned spaces if Afghanistan begins to fall back, ungoverned spaces in Africa. This is all fertile territory for al Qaeda and other radical elements to set up training camps and plot attacks against he homeland and our interests around the world.

SCHIEFFER: Let me just ask you, what should we do now? Is there anything we can do now?

RUBIO: Well, I think that I'd be open-minded to providing assistance to the Iraqi government in terms of training and equipment to allow them to deal with the challenges. I would not underestimate the impact that these rebels al Qaeda-linked forces in Iraq -- I'm sorry, in Syria are now having cross border in Iraq. I think's going to be a growing factor. Some have asked me this week if I would support another invasion of Iraq, of course not. I don't think that's a solution at this point. But I think we're going to be dealing with this for some time. But ultimately, the only way to solve this problem is for the Iraqi government to be able to solve it. They need the military and security resources in the short-term. But in the long-term, they need a stable political process, otherwise this is going to be an ongoing problem forever.

SCHIEFFER: All right. Well, Senator, we want to thank you for sharing all this with us today. And when you do make that decision about whether you're going to run for the Republican nomination...

RUBIO: I'm sure you'll hear about it, yes.

SCHIEFFER: ... we hope you'll come here and tell us about us.

RUBIO: Thank you, Bob. Thanks for having me.

SCHIEFFER: Well, Rubio is not the only one to question former Secretary Gates's decision to speak out. His book hit Washington like a bombshell. So Rita Braver of "Sunday Morning" asked him last Thursday if he had any regrets about what he had written. You will notice that he's wearing a neck brace. He is recovering from a fractured vertebra.

ROBERT GATES, FORMER SECRETARY OF DEFENSE: I think you have to look at the entirety of the book, and the fact that it deals with getting into wars, getting out of wars, and frankly it seemed to me that with the experience of -- and perspective of working for eight presidents and having been secretary for four-and-a-half years, I didn't think the waiting until 2017 to weigh in on these issues, and in a comprehensive and thoughtful way, made any sense.

RITA BRAVER, CBS SENIOR CORRESPONDENT: I think what people are troubled by is that you criticized President Obama on actions, particularly on his commitment to the war in Afghanistan, while it's still going on. And people are saying, look, that's just not right.

GATES: I make very explicit in the book that I agreed with all of the president's decisions on Afghanistan, the ones that he made in 2009 and subsequently. My one concern was that over the course of 2010 and early 2011 president began to have his own reservations about whether it would all work. And I think that is not an unfair thing to say.

BRAVER: In your book you say that one of your favorite adages is, "never miss a good chance to shut up." And I wonder if you think maybe you violated your own advice here. And do you regret anything that you've written?

GATES: No, I don't. I think that it's an honest account. Look, people gave me a lot of credit when I was in office of being blunt and candid about what I felt about things. I could hardly be any less in writing a book.

SCHIEFFER: So joining us now, Maryland Democratic Congressman Elijah Cummings. Mr. Cummings, I want to talk to you about poverty, some of the other

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things that Marco Rubio talked about. But I just want to get your thoughts first on Secretary Gates, do you think he was out of line here?

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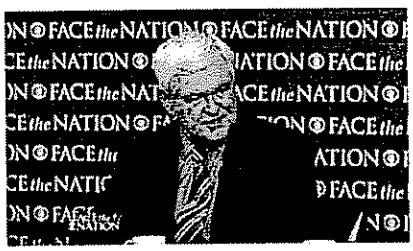
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CUMMINGS: Well, first of all, it's good to be with you, Bob. I think that -- first of all, I have a lot of respect for Secretary Gates. He served presidents of both parties and done an outstanding job. And I agree with him when he said that President Obama exercised great bravery with regard to bringing Osama bin Laden to justice. My one quibble is that when we've got troops in harm's way, Bob, it does concern me that these kind of comments are made. But overall I think -- but at the same time, he comments about the president being concerned about having second thoughts at times about putting our troops in harm's way. I know the president. I know he cares about these troops. And that's basically what the secretary said. So I'm glad he did that. I'm glad he -- maybe had second thoughts. And I cannot say that was the situation always with President Bush. And so I feel comfortable. I just wish he may have -- could have waited a little while.

SCHIEFFER: Let's talk about this other big story that's getting so much attention now, and that is this situation that Chris Christie finds himself in, in New Jersey. You are on the House Transportation Committee, as well as the Government Oversight Committee. Do you think this debacle up there is worthy of a federal investigation, a congressional investigation?

CUMMINGS: Well, being on the Oversight Committee and doing a lot of investigations, I've always been reluctant to get ahead of a situation. In other words, I think what we need to do is see what comes out of -- we've got at least two investigations going on right now, Bob. You've got the New Jersey legislature, and then you've got the U.S. Attorney's Office, which is very serious matter. Now keep in mind what they're doing, Bob. They are basically investigating a former federal prosecutor, which is kind of -- that's serious. I think we need to see what comes out. I've got to tell you, though, when I look at Christie's style, and I don't know him, I can't -- it's hard to believe that he was blindsided by anything, because he doesn't come off that way. Again, I think we need to wait and see. There may be a point where we have to look in to it. But nobody is above the law. And so we'll look in to it if it comes to us.

SCHIEFFER: Talk to me a little about Marco Rubio's proposals on poverty. Basically what he is saying is let's just turn most of these programs over to the states. He also talks about doing away with the Earned Income Tax Credit and replacing it with just a federal subsidy to people who are in low wage brackets.

CUMMINGS: Yes, I listened to it, and I've got to tell you, I was surprised in a way. On the one hand, Bob, the poverty programs -- anti-poverty programs have taken -- brought a lot of people out of poverty. And I was pleased to hear him say that it has alleviated poverty for many folks. The research shows that the poverty rate would probably be double if these programs like Medicare had not been put in place. Keep in mind, Bob, Medicare, 50 years ago, 50 percent of our people didn't -- seniors didn't have health insurance. And now they do. Same thing with Social

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Security, 50 percent were begging almost for food, now one out of seven is in poverty. And that's a big difference between 50 percent. So I think that's -- those programs are important. His proposal bothers me because if you're going to take these programs -- is he going to say that about Medicare too and put it in a basket in the states? You see what the states have done. I mean, in his own state, we've got 800,000 people, Bob, who could have been placed in Medicaid under Affordable Care Act, and could be being treated right now. There are people watching this show right now that could be being treated for colon cancer or serious diseases that are not. And he hasn't done anything on that.

SCHIEFFER: Let me ask you, big vote is coming up in the Senate this week, and then I -- if the House takes it up, we'll find out. Do you see any way that the Congress is going to come together on extending these unemployment benefits?

CUMMINGS: Bob, I'm hoping so, because there are so many people who are depending on that. Keep in mind that -- one, that extending those benefits will cover 1.3 million people, plus another 2 million for 2014. Yes, I'm hoping that they will.

SCHIEFFER: What about increasing the minimum wage?

CUMMINGS: We've got to do it, because, again, and I'm hoping that Rubio will be one to lead people. He said we need to do more. And the thing that we need to do is help people survive and help them -- that one move from 7.25 now to 10.10 will bring 5 million people out of poverty. And he can make a major step there and maybe even go to the library and give -- Johnson Library, and make that announcement.

SCHIEFFER: All right. Congressman, we want to thank you for being with us this morning.

CUMMINGS: My pleasure.

SCHIEFFER: We'll be back in one minute with the head of that state investigation in the Fort Lee, New Jersey, traffic debacle.

SCHIEFFER: And we're back now with the man heading up the state of New Jersey's investigation in to so-called "Bridge-gate," Assemblyman John Wisniewski. Let me just start off by asking you this, sir. Governor Christie's point was he did not know. Do you think that's possible?

WISNIEWSKI: Good morning, Bob. And thanks for the opportunity to be here. I don't think it's credible for a governor to have his chief of staff, his communication director, his deputy chief of staff, all involved, his chief counsel all involved in email communications on the day this took place and the days after talking not only about the problems that were created in Fort Lee, but also talking about how to spin it to the press. I don't think so it's possible for all of those people to be involved and know and for the governor to absolutely have no communication. Remember, this was in the midst of his re-election campaign. Any governor running for re-election is going to want to know about problems that come up, if for no other reason, to know how to respond when asked a question. So these people got an e-mail from the executive director of the Port Authority saying that laws were broken. His chief counsel knew; his deputy chief of staff knew; his incoming chief of staff knew. It's just strange credibility that they didn't look at those documents and say, "We ought to let him know about it."

SCHIEFFER: So, at this point, though, and you're very early in your investigation, you don't have any proof that he did know. But, from what you're saying, if it proves that he did know, then what? Has a crime been committed here?

WISNIEWSKI: 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 e-mail showed to 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. Now, whether or not he was knowledgeable about it; whether

he authorized it; whether he was involved in trying to spin it or cover it up, we don't have any direct communication, e-mails, documents, that directly go to him. But...

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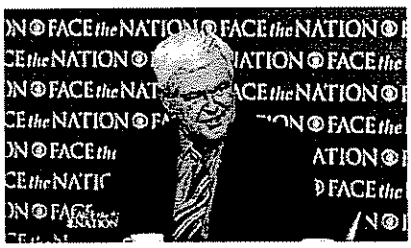
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SCHIEFFER: But he -- if it turns out that this is, as you define it, a crime, could he be impeached, or what would be the penalty?

WISNIEWSKI: Well, I think we're a little early on that, Bob. I think you pointed out at the beginning we're at the early stages of this. But, clearly, if it becomes known that the governor was involved and he knew about it and he knew about the cover-up and he was approving the actions taken by his senior staff, that raises serious questions that the assembly ought to look at and that ought to be considered in light of what our responsibility is. The assembly has the ability to do articles of impeachment. We're way ahead of that, though. Right now, we know that there are senior staffers in the governor's office, Bridget Kelly, who sent the e-mail, his deputy chief of staff, on August 13, to close the lanes down. She spent the rest of the day with the governor at the fire scene at the Seaside boardwalk. And so, again, you know, this senior aide, who was with him that day, who sent the order, never once communicated with him? It's unbelievable.

SCHIEFFER: All right. Well, Mr. Assemblyman, I want to thank you for being with us. And we'll be checking back with you to see what you found out.

WISNIEWSKI: Thank you, Bob.

SCHIEFFER: Back with some personal thoughts in just a minute.

SCHIEFFER: When you've been around as long as I have, you have seen a scandal or two. my favorite was the time in 1974 that Wilbur Mills, then the powerful chairman of the House Ways and Means Committee, was stopped for driving with his lights off at 2:00 a.m. As police approached his car, a woman passenger, later identified as Fannie Fox, a stripteaser known as "the Argentine Firecracker," jumped out of the car and into the Washington Tidal Basin. Mills jumped in after her and lost his glasses. Remarkably, he was re-elected. But when he held a news conference after the election at a Boston burlesque house where the Firecracker was performing, it proved too much and he resigned. Well, for all its charm, I'm moving that story aside and topping my "You can't make it up" list with the New Jersey fiasco. In no way am I playing down the inconveniences forced on innocent taxpayers there. But I did like a letter to the editor of The Washington Post from a man named Per Kowalski (ph) who wrote, "In case anyone needs reminding, many of us come from countries where it would be pure bliss to have a political malfeasance on the level of creating traffic jams deemed newsworthy. Just think of the payback one nephew recently provided his uncle." Well, come to think of it, the North Koreans probably don't even have traffic bulletins. Back in a minute.

SCHIEFFER: Well, some of our stations are leaving us now, but for most of you, we'll be right back with a lot more of "Face the Nation," including an interview with one of America's heroes, Captain "Sully" Sullenberger, who performed that

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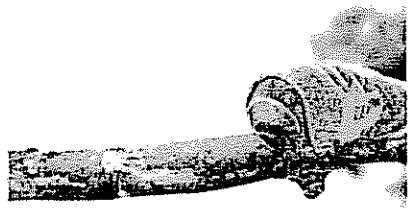


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miracle on the Hudson five years ago. Plus, a report from Baghdad and our panel. Stay with us.

SCHIEFFER: And welcome back to FACE THE NATION. Well, some of the worst news of the week came from Iraq. And there was more bad news today. CBS News correspondent, Elizabeth Palmer, joins us now from Baghdad -- Liz.

ELIZABETH PALMER, CBS NEWS CORRESPONDENT: Good morning, Bob. Well, there have been two bombings already today in Baghdad, one in a public market and the other at a bus station. In the latter case, army recruits seem to have been the targets. And that's the second time this week that a group of army recruits have been targeted by bombers. The bombs were probably the work of a group that, when the U.S. was here, was known as al Qaeda in Iraq, but since, it's changed its name and actually grown in influence. Out in Anbar Province, about 50 miles west of here, it's hard to know exactly what's going on, although we do know there have been sporadic bouts of fighting for the last 10 days. So far, the Iraqi military hasn't moved in en masse. There's been no big offensive, just smaller units facing off against these armed extremists. Prime Minister Maliki hasn't ordered a big assault because he knows very well that the people of the area, armed tribesmen, Sunnis, really don't like his Shia-led government. And if the army were to move in, there's every chance that the local people would pick up arms and fight them off. So at the moment, Iraq has two serious security problems. One is armed extremists who the government doesn't seem to be able to stop and the second one, of course, is there's just a background of poisonous sectarian politics.

SCHIEFFER: All right. Well, thank you so much, Liz, and be careful. At least 13 people now, at last count, have been killed in those bombings just today in Iraq. Well, joining us now to talk about that and all the other news, Rana Foroohar, the assistant managing editor of "Time Magazine," and he scored an exclusive with the new Fed chair, Janet Yellen, for this week's issue. Michael Gerson, who was the speechwriter for George W. Bush. He's now a "Washington Post" columnist. Gerald Seib, Washington bureau chief of "The Wall Street Journal." And we're also joined by our old friend, the editor-in-chief of Politico, John Harris. Gerry, let me just start with you. I mean this Iraq, the news just gets worse by the day. Is this whole thing about to fall in?

GERALD SEIB, "WALL STREET JOURNAL": Well, it's worse than that, actually, because it's regional problem. What you're seeing, really, is the sectarian strife of the Syrian civil war now seep across the borders, back into Iraq, where it was under control at one point, and across the border into Lebanon. And you have Sunni Shiite civil wars breaking out in many different ways on many different levels. For the U.S., obviously, the conundrum here is what do you do? We just spent more than a decade in this country; Fallujah, a town that we liberated twice, seems to have fallen to al Qaeda- supported Sunni militias. What do you do about that? There's a piece I noted in "The Washington Post" today in which a retired general proposes that the U.S. provide air support to the Iraqi government to help turn this tide back around the other way. But I don't think there's a lot of appetite for that. And when you asked Senator Rubio about it, he said fairly quickly, we're not going back into Iraq.

SCHIEFFER: I can't imagine, can you, Michael, that we would in any way provide military support into Iraq now?

MICHAEL GERSON, "THE WASHINGTON POST": Not directly, but there are a lot of grades of things you can do to support proxies in the region, whether it's Afghanistan, in Syria or in Iraq. I thought that was the most effective part of Senator Rubio's critique, that, really, you know, in the Gates book, we're seeing now the real world results of an ambivalent American policy. You know, 100,000 people dead in Syria, six million people homeless. Al Qaeda safe havens all across the region. We've seen there, in the last decade, there are risks to engagement in the Middle East, but we're also seeing risks to disengagement and, you know, a

filed policy in the Middle East. And I think that Republicans are increasingly going to try to hold the president accountable for that.

SCHIEFFER: You know, I do want to talk about this story. I'm not sure it's the big story of the week, but the one that's getting so much attention, and that is Chris Christie. But since you brought up the Gates book and his criticism, John, what do you make of this? I have said a lot of what Secretary Gates says in his criticism I, frankly, agree with But I was really surprised that he said it.

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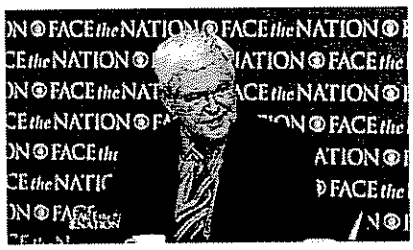
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JOHN HARRIS, POLITICO: Well, there is a classic tension in Washington, I suppose, and everywhere else, between truth and loyalty. Those are two conflicting values. Obviously, Bob Gates made a decision to proceed on the...

(CROSSTALK)

HARRIS: It was -- I completely agree that it was a surprise. He's somebody who's a consummate establishment figure, but quietly in the establishment. Look, every president has to make judgments as he looks at his or maybe some day, her team, which side are these people on? There's kind of two stripes of people in Washington. There are loyalists who are loyalists to the end. And then there are people who are essentially loyal to the Washington establishment. They're loyal to Bob Woodward getting their story out, their label -- or the Bob Barnett, who is going to get their book deals. They're loyal to Bob Schieffer because they want the publicity of being on a show like this one. We learned which side Bob Gates is on. It's not on the side of the loyalists, it's one the side of, frankly, Bob Gates. I'm not criticizing what he did, but it did seem to me a move to advance his profile at the expense of the loyalty and the kind of sanctity of the policy process which he served.

SCHIEFFER: Rana, it really does kind of underline, though, that in Washington, for the president, I don't care who he is or what the ground rules are, there is nothing that, in the end, is off the record.

RANA FOROOHAR, ASSISTANT MANAGING EDITOR, "TIME" MAGAZINE: Oh...

SCHIEFFER: People talk to the president in confidence and then suddenly, it shows up in a book.

FOROOHAR: Absolutely. There is no such thing as off the record. All journalists know that.

(LAUGHTER)

SEIB: You know, I think one of the things that's been lost in the analysis in the Gates book, though, is that he was hard on President Obama in some ways, he was harder on other people. He was harder on Vice President Biden, obviously. Very hard on Congress, almost top to bottom. Hard on the White House staff. The president almost gets a pass from Bob Gates on some of these things, because, in the end, Bob Gates says I agreed with the decisions that the president ultimately made in Afghanistan. He, I think, was most upset because he perceived the administration as lacking faith in the uniformed military. And that's really what I think bothered Bob Gates.

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HARRIS: When George Stephanopoulos wrote his memoir on the Clinton years, I asked Arthur Schlesinger, the historian -- the late historian -- what he thought about this. There was a very similar debate. And he said, look, I'm all in favor of this. Let the debate begin. Don't wait until administrations are over. Don't wait until memories are faded and people are dead. Let's have the debate. So, those are compelling views on both sides. We're going to learn about them more because of this.

SCHIEFFER: You were there for a lot of this. You were not there when Gates...

(CROSSTALK)

SCHIEFFER: -- was there working for Barack Obama, but you were there when he was working, Michael, for George Bush.

GERSON: Yes.

SCHIEFFER: Were you surprised by this?

GERSON: I was. I think this is a man who has completely lost patience with politics, politicians and Washington. And that was a lot of the context of this book. He was -- not a good picture of the Congress, not a good picture of a politicized, centralized national security structure at the White House. So that, I think, is the context here. But I thought it was particularly damaging profile, because Gates doesn't disagree with Obama on the substance of many of these decisions. He's not making an idealist argument or a realist argument, some kind of ideological critique. He's saying that the president's leadership was flawed, he was conducting missions he didn't believe in, he had a staff that was insular and not very effective. You know, I think that's a pretty effective critique. I don't think he has an ideological axe to grind. He's making a critique of the president's leadership.

SCHIEFFER: Rana, I want to ask you, you had a big scoop this week. You got an interview with Janet Yellen. What should we expect?

FOROOHAR: Well, she's optimistic. Perhaps the most important thing she said in terms of the economy during the interview, was that she and the other Fed governors are hopeful that growth, GDP growth this year, is going to be more like 3 percent rather than 2. Well, that would be a big shift, because that gets us more back toward the historical range that we've become used to. The question is, that the Fed is now going to have to do some tricky maneuvering. You know, they've been pumping a lot of money into the economy, currently $75 billion a month. They're going to have to pull that back with derailing the recovery. So she's really got her work out cut for her. And I think that she and other Fed governors would agree that in a politicized Washington, they're sort of left holding the bag. They're really the biggest institution that can act to make changes in the economy.

SCHIEFFER: What is she like?

FOROOHAR: She is -- she's a real truth seeker. You know, she's an academic. She's married to Nobel Prize winning economist, as well. Her son is an economist. There's a lot of very heavy dinner table conversations in that family. She's somebody who really took the lessons of the Great Depression, as did her predecessor, Ben Bernanke. She grew up, her father was a family doctor in Brooklyn, in a working class neighborhood. And she saw him taking in laborers who would pay $2 or not, depending on how things were going, to be seen. She really understands the human impact of unemployment. And that's something she kept come back to during our conversation. She's going to be really making sure that those employment numbers start to go down. That's going to be her primary focus. I think she's also going to be tougher in terms of bank reform than what we've seen in the past.

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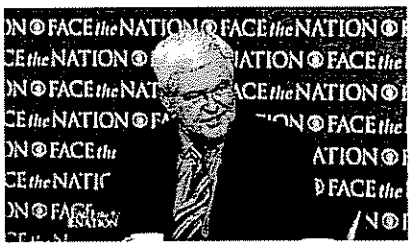
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SCHIEFFER: OK, let's talk about it, a bridge too far...

(LAUGHTER)

SCHIEFFER: -- the Chris Christie thing. I mean where does this go?

GERSON: You know, I don't know but -- where it goes exactly. But my own theory about why scandals are bad is that they violate one of two principles. The first is, if there's a whiff of hypocrisy and the second is if they seem to confirm some preexisting perception of a politician. Well, this one does a little bit of both. The preexisting perception of Chris Christie was that he's a little bit of a bully and this confirms that to voters. That's a problem. The second problem is on the hypocrisy front, you know, he had portrayed New Jersey as kind of a model of bipartisan cooperation. That didn't seem to be the case when it came to the bridge. So those are two things that give it legs, I think.

SCHIEFFER: Well, you know, one thing about it that was very Chris Christie-like, and that was he just came at it head-on.

HARRIS: We'll see where it goes. You know, arguing against Gerry's position a little bit that maybe this doesn't have the long- term resonance. One, I think it is the kind of dumb and dumber aspect of it. It is the most entertaining political scandal we've had with no sex angle that I can remember.

(LAUGHTER)

(CROSSTALK)

HARRIS: You've got H.R. Haldeman meets Jim Carrey. And it's just -- it's vastly entertaining. The other thing I would -- I've noticed, there was a comment in The Washington Post today by Kathleen Parker, and I picked up the same thing. A lot of conservatives who Chris Christie really needs to court because frankly he's seen as a more moderate Republican, they don't seem as bothered by this. I've noticed it in my email and my conversations as well. They think there's hypocrisy on the part of the media that this is a lesser scandal than, say, the IRS investigations. And so like when the media goes in to full frenzy mode, actually Republicans and conservatives tend to rally around the target.

SCHIEFFER: You were going to say something, Michael.

GERSON: In an odd way, this is not bad timing for Christie. Presidential candidates often have scandals, DUI for Bush, or "bimbo eruptions" or other things. This is well before the election. If there's not anything more here, he has got time. But I would not minimize the fact that this is his closest team. If this team had been transposed to the White House, it would have had Nixonian implications. Putting these people in charge of the Department of Justice and the

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IRS could have been a serious mistake. Christie now has to prove that he can make adjustments in his inner circle that make that worthy of presidential run.

FOROOHAR: I agree with that. I think you can't minimize it. And I think also as people dig in to this, if it turns out that there really is a pattern, if there are other incidents of bullying, you know, there has been discussion about a Rutgers professor who didn't support certain policies who lost funding, you know, if there turns out to be a real pattern, I think that this will stick and be a lasting problem.

SCHIEFFER: But won't his main problem, be when he goes in to places like South Carolina, convincing them he's a conservative. I mean, in the end, won't that be what will be the deciding point as to whether gets the nomination or not?

SEIB: I think so. I mean, you know, he has not got the profile that necessarily fits the Republican Party of today in terms of primary politics. And when the base turns out they're not necessarily looking for a guy like Chris Christie there, stylistically or in terms of his substance.

HARRIS: His hope was that he could replace ideological purity, which he won't have, with character, i.e., toughness and personal rectitude, and that that would satisfy the concerns of those more conservative voters. That's more -- it's a little hard to...

SCHIEFFER: Let's talk a little bit about Marco Rubio, because he obviously is somebody, you heard him say this morning he's going to make a decision next year as to whether he's going to do it or not. Obviously he is already checking around and seeing how the ground is there, looking for that groundswell. I think it is a little early to see a swell, but people are talking about him. What do you think?

SEIB: Well, I think that, to go to Mike's point, you know, he had a bad year in a sense in 2013 because he made a big push on immigration, the party kind of pushed back pretty hard. But, you know, in a way he has now moved to new issues, poverty is an interesting one. Lots of people in the party want to talk about the debate between Democrats, who want to talk about income equality, and Republicans, who say the issue is here upward mobility, and why isn't there upward mobility in society? Well, he has gotten out in front of that issue. He has got plenty of time to become the presidential contender that a lot of people thought he would be.

FOROOHAR: But you know what, if he wants to really use this idea of an "opportunity society" as a platform point, I think that the Republicans are going to have to sharpen those arguments, because the truth is that mobility in America has been decreasing and, particularly relative to Europe. But one of the reasons for that is that a number of European nations do have more government support around things like education, health care. You know, one of the top reasons, in fact, that a third of Americans cycle in and out of poverty is that they're having health care emergencies every year. So this is a very nuanced topic. And rather than just talk, you need to see really well-honed policies.

SCHIEFFER: The Senate, I guess, votes tomorrow on whether to extend unemployment benefits. Does anybody have a prediction on where that is going? Is that going to happen? The class, it will be noted...

FOROOHAR: I'm hoping it's going to happen...

(LAUGHTER)

FOROOHAR: Well, I hope it's...

SCHIEFFER: ... remained silent.

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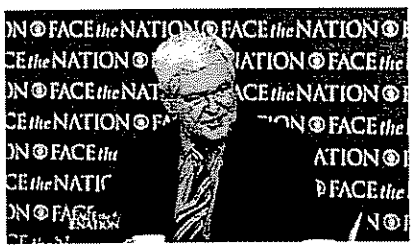
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FOROOHAR: Well, I hope it's going to happen because, you know, we're still in the weakest recovery of the post-war period. There are a historically high number of people that have been out of the job for a long period of time. And that has not just an economic impact, but a social impact. The research shows that when people are out of a job, when the breadwinner can't work, children suffer, their test scores go down, divorce rates are higher. This is a real social problem. And I think that just saying that, oh, everyone can move up the ladder and kind of forwarding that mythology is not fixing it.

SCHIEFFER: And when you put this money back in -- this money, a lot of these unemployment benefits do go back in to the economy.

FOROOHAR: That's right. Oh, absolutely. I mean, this is an economy made up of 70 percent consumer spending. So if people don't have money in their pockets...
SCHIEFFER: The minimum wage, do any of you think that we'll see the minimum wage increase this year?

SEIB: I don't.

SCHIEFFER: You don't?

SEIB: I think it's kind of hard to see bipartisan agreement on that.

HARRIS: I think we might because I think Republicans might make a pragmatic decision it's just not worth fighting about. They have done something similar in the past when this came up, only 3 percent of the workforce is covered. They might say, look, this is not the place to wage an ideological battle, even one that I think most conservatives do agree with that it's not job-producing, but in fact is -- they think is job- depressing.

GERSON: I think on this broader issue you're correct, but both sides are going to have to make concessions here because you're not going to achieve social mobility just with income transfer, just by expanding programs. And you are not going to achieve it by just, you know, economic growth and focusing on the family. You're going to have to address, you know, the influence of technology and globalization, and a lot of the -- and also family issues and some kind of conservative issues, and do it in comprehensive way. I'm glad Republicans have started talking about this. It's not just Rubio, it's also Cantor and Ryan and Mike Lee from Utah. Their policies are a little thin and tentative at this point. The question is whether they can rise to that. And they're going to need to to have a national appeal in 2016.

FOROOHAR: Well, one thing you'll be happy to know, Janet Yellen told me she is thinking a lot about globalization and technology and its job impact.

SCHIEFFER: All right. Well, thank you all very much. And when we come back, we're going to talk to Sully Sullenberger.

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SCHIEFFER: Finally today, I have a confession. I love stories with a happy ending. And it was five years ago this week that we had a great one when an airline captain right out of central casting, named Sully Sullenberger, performed what came to be called the "miracle on the Hudson River." That is our "FACE THE NATION Flashback."

SCHIEFFER (voice-over): On January 15th, 2009, U.S. Airways Flight 1549 took off from LaGuardia Airport en route to Charlotte, North Carolina. The jetliner was barely off the runway when disaster struck.

CHESLEY "SULLY" SULLENBERGER, PILOT, U.S. AIRWAYS FLIGHT 1549: This is Cactus 1539. Hit birds. We have lost thrust in both engines. We're turning back towards LaGuardia.

CONTROLLER: It's 1529. He -- bird strike. He lost all engines, he lost the thrust in the engines. He's returning immediately.

SCHIEFFER: But even before that message was finished, Chesley "Sully" Sullenberger realized he couldn't get that far. In a calm voice, the 30-year veteran pilot told air traffic control that option two, Teterboro Airport, wouldn't work either.

CONTROLLER: Cactus 1529, turn right 2-8-0. You can land runway one at Teterboro.

SULLENBERGER: We can't do it.

CONTROLLER: OK. Which runway would you like at Teterboro?

SULLENBERGER: We're going to be in the Hudson.

CONTROLLER: I'm sorry, say again, Cactus?

SCHIEFFER: As New Yorkers down below watched in disbelief, Captain Sullenberger steered the plane over the George Washington Bridge and put the Airbus down in the icy waters of the Hudson river. All 155 passengers and crew members survived with only one serious injury reported. Sullenberger later recalled that just after the plane splashed down, he turned to his co-pilot and said: "Well, that wasn't as bad as I thought."

SCHIEFFER: And Sully Sullenberger is here with us this morning. Welcome to FACE THE NATION, Captain, we're glad to have you.

SULLENBERGER: Thank you, Bob, especially as fellow Texan, it's good to be here.

SCHIEFFER: Absolutely. I want to ask you this question. I've always wondered about it. If you had to do this again, if you were presented with this very same problem, do you think you could pull it off again?

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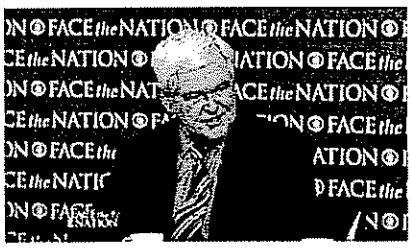
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SULLENBERGER: Well, of course, now I know what is possible.

(LAUGHTER)

SULLENBERGER: But that day, that was unanticipated. We never trained for this. And so we had to very quickly come up with a solution. But I'm convinced that we could probably do something similar.

SCHIEFFER: How is it -- how do you remain so calm? I mean you are, you know, I mean you are out of central casting as an airline captain. You have that calm voice. How is it -- is it just training? Is that how you do it?

SULLENBERGER: Well, besides the white hair, it really wasn't calm that day. Instead, it was discipline and intense focus, having the ability to compartmentalize and do our job well in spite of the sudden life-threatening stress.

SCHIEFFER: Did you think you would -- it would happen? Did you think it would be successful?

SULLENBERGER: I was confident that I could find a way to solve the problem. At the very beginning, I wasn't sure exactly what steps I would take, but I had good overall view of what needed to be done.

SCHIEFFER: These new planes, they're relying more and more on technology, using the satellites and all that stuff. We know about the thing out in San Francisco. Are pilots relying too much on the technology now?

SULLENBERGER: You know, this is one of the many new challenges that we're facing and the unintended consequences of increasing complexity and automation in our technology and our airplanes. We have to have pilots who still have the well learned fundamental flying skills and give them opportunities to have enough manual flying practice that they can remain sharp and have the deep understanding of the technology that they can know what it should be doing and what's not and when to intervene.

SCHIEFFER: You kind of won a personal victory when the FAA decided that these crews need more rest between flights. Tell me about that.

SULLENBERGER: Well, for many years, for five years now, I've been working hard to be an advocate for the traveling public, to keep aviation not only as safe as it is, but getting safer. And that very beginning was when I testified before the House Aviation Subcommittee just a month after our flight. And it continues. Most recently, I've met with Department of Transportation Secretary Anthony Fox. I've met with FAA Administrator Michael Huerta. I've met with National Transportation Safety Board Deborah Hersman and talked about the great

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challenges we face and what we must do in the future to keep airline flying as safe as it can be.

SCHIEFFER: Is that the main problem for pilots, making sure they're rested?

SULLENBERGER: That's one of the great problems. After many decades of inaction, we finally have an improved fatigue rule. But we also are just now implementing pilot training rules, pilot experience rules, many rules that are coming into fruition. But we have to do more. We can't define safety solely as the absence of accidents. We have to look proactively at risks and mitigate them before they can lead to a bad outcome.

SCHIEFFER: How serious is this threat of birds hitting these planes?

SULLENBERGER: Well, what happened to us, unfortunately, could happen again tomorrow. It's a very rare event, to have large birds disable both engines on a two engine airplane, but it could happen. But there are a lot of people working on ways to prevent that, including high frequency radars that might be able to warn air traffic controllers and pilots to the presence of large groups of birds.

SCHIEFFER: What do you think is the number one problem now that pilots face in aviation?

SULLENBERGER: I think the number one problem is how to manage automation and how to remain current at their manual flying skills. We need enough practice to be sharp.

SCHIEFFER: All right. Well, Captain, we thank you very much. And, again, thank you for what you did that day...

SULLENBERGER: Thank you.

SCHIEFFER: -- up there in New York. Five years ago, it seems like just yesterday.

SULLENBERGER: Good to be with you, Bob.

SCHIEFFER: Thank you so much, Sully. We'll be back in a minute.

SCHIEFFER: Well, that's it for us today. We hope you'll tune in to "CBS THIS MORNING" tomorrow for the latest on all the news. We, of course, will be right here next Sunday on FACE THE NATION.

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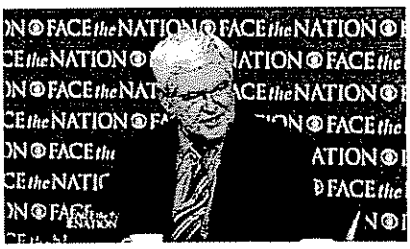
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NBCNews.com

Guests : John Wisniewski, Frank Pallone, Heather Haddon, Amy Punt

LAWRENCE O`DONNELL, MSNBC HOST: After a weekend of impeachment talk, my first guest tonight will be the chairman of that new committee that will investigate who is really responsible for what happened at the George Washington Bridge.

(BEGIN VIDEOTAPE)

UNIDENTIFIED MALE: New Jersey lawmakers press for more answers into the closure of lanes on the George Washington Bridge.

UNIDENTIFIED MALE: The storm has not passed.

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UNIDENTIFIED FEMALE: Former deputy chief of staff Bridget Kelly.

UNIDENTIFIED MALE: Deputy chief of staff Bridget Kelly gave the order.

UNIDENTIFIED FEMALE: Let`s call it an ill-advised decision.

UNIDENTIFIED MALE: To have these lanes closed.

UNIDENTIFIED FEMALE: We also don`t really know why it happened.

UNIDENTIFIED MALE: Why did she order these lanes closed?

UNIDENTIFIED FEMALE: The biggest unanswered question is how much Christie

knew.

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UNIDENTIFIED FEMALE: In terms of what the Republican leaders are doing.

UNIDENTIFIED MALE: We have these two competing narratives.

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SEN. MARCO RUBIO (R), FLORIDA: We should reserve judgment.

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UNIDENTIFIED MALE: Personnel is policy.

UNIDENTIFIED FEMALE: People are now doubting his relationships.

UNIDENTIFIED MALE: Last week`s obsessive scrutiny of the George Washington Bridge scandal was at the beginning of the end.

UNIDENTIFIED FEMALE: This will take a while.

UNIDENTIFIED FEMALE: This could be another tough week for him.

(END VIDEOTAPE)

O`DONNELL: Tonight, Chris Christie is being compared to Richard Nixon by a man who knows what he is talking about, Republican columnist George Will.

(BEGIN VIDEO CLIP)

GEORGE WILL, SYNDICATED COLUMNIST: This is not a phony scandal because as the principal Watergate scholar here knows, John Dean sent a memo to Mr. Higby, who was the assistant of the chief of staff Haldeman saying, we should use the machinery, the federal machinery of government to screw our enemies. That`s what this was about up there.

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(END VIDEO CLIP)

O`DONNELL: Nixon, of course, resigned the presidency under the threat of certain impeachment -- a subject that came up this weekend in regards to Governor Christie.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Could he be impeached or what would be the penalty?

JOHN WISNIEWSKI (D-NJ), ASSEMBLYMAN: Well, I think we`re a little early on that, bob. I think you pointed out at the beginning we`re at the early stages of this. But clearly if it becomes known that the governor was involved and he knew about it and he knew about the cover-up and he was approving the actions taken by his senior staff, that raises serious questions that the assembly ought to look at. The assembly has the ability to do articles of impeachment. We`re way ahead of that, though.

(END VIDEO CLIP)

O`DONNELL: That was New Jersey Assemblyman John Wisniewski, who will be the chairman of a special super committee the New Jersey legislature will convene to investigate who is really responsible for what happened at the George Washington Bridge.

And joining me now is Assemblyman John Wisniewski.

Mr. Chairman, as I suppose we can now call you, as this committee will be calling you, what is your agenda? How do you see the outline of the way you will approach this investigation?

WISNIEWSKI: Very simply -- we`re going to follow the facts wherever they may lead us. This started out as a look into the operations of the Port Authority. We had no expectation that there was any involvement with the governor`s office.

But as we looked at the facts piece by piece it became clear that this was -- the lane closure was an operation that was orchestrated out of the governor`s office. It was an operation that his senior staff was involved in trying to spin and obfuscate when the press asked questions and

ultimately it was an operation his senior staff was involved in trying to cover up.

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Those are very serious issues.

O`DONNELL: Now, you`ve already been faced with basically this challenge, Fifth Amendment challenge in trying to get evidence from people involved in this. David Wildstein very famously last week on television invoked the Fifth Amendment. And his attorney basically begged, begged for immunity from federal or state prosecution.

How are you going to evaluate the best way to approach the possible grants of immunity here?

WISNIEWSKI: Well, it`s not for the legislature to grant immunity. There are law enforcement agencies that he was speaking to, U.S. attorney, New Jersey attorney general, New York attorney general, and they have it within their province to look at the facts and grant immunity.

Our job is to get to the bottom of what happened. What`s clear is there was an abuse of power, that that abuse of power was for political or non-governmental purposes and that there was an effort to cover it up. We know it went all the way into the governor`s senior staff, and we know that senior staff during an election year is not likely to keep the governor uninformed when there are allegations that laws have been broken.

So, to hear the governor`s explanation that he knew nothing until January 8th just doesn`t make sense.

O`DONNELL: Now, Bridget Anne Kelly is the author of what I guess is the smoking gun, the hottest e-mail in this collection where she says -- seems to start it all off by saying it`s time for some traffic problems at Fort Lee. You would like to get her testimony, surely, and it seems the simple question to her would be why did you write that e-mail? Isn`t that as simple as it is in terms of the question to her?

WISNIEWSKI: I think there`s another question. You don`t write that e-mail out of the blue and expect the person receiving it to understand. There were discussions beforehand. There was a plan hatched before that e-mail was fired off.

We`d like to know what that plan was about. We`d like to know what the meetings were about. We`d like to know what the purpose for this plan was.

We know, for example, that in the week preceding there was efforts made to set up a meeting between the head of the Port Authority, chairman David

Sampson and Governor Chris Christie.

Did that meeting have something to do with the e-mail that Bridget Kelly ultimately issued? Those are questions we need to have answered.

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O`DONNELL: We have David Sampson now revealed in the e-mails to be basically threatening the only truth teller we have found in this story, which is the New York appointee of the executive director of the Port Authority. And so, what is your confidence level right now as a New Jersey legislator in Sampson still being involved at the Port Authority?

WISNIEWSKI: Well, we know he`s involved at some level. We know that he had this disproportionate raging response in which he was going to help retaliate and express extreme displeasure in the actions of Pat Foye. That just does not make sense if this was a normal proper government organization. It really speaks to something much worse. It speaks to an abuse of power and an effort to cover up that abuse of power.

O`DONNELL: I want to get to your comments about impeachment. It seems to me that if Ms. Kelly were simply to utter the simple words "the governor knew," that would raise the governor`s involvement in this to an impeachable level, wouldn`t it?

WISNIEWSKI: It would be a very serious allegation. I think we need to know a little bit more than the governor knew. Obviously, if he knew, his statement the other day is patently false. But did he authorize it? Was this done at his request? Was this done because his campaign manager thought it was something that was important to do for the campaign?

You know, don`t forget that not only was Bridget Kelly terminated, he let go of Bill Stepien, his single biggest political adviser, the man that he tapped to be head of the state party here, the Republican Party, and the man he put into a position as a consultant for the Republican Governors Association. Because of one e-mail in which he called the mayor an idiot, at least that`s what we`re seeing, he let Mr. Stepien go.

His departure speaks volumes as to his involvement. And if the campaign manager for Christie`s run for governor was ordering the governor`s chief of staff to engage in political mischief -- well, that raises this to an entirely different level.

O`DONNELL: Since then -- since that news conference we`ve read many other e-mails in which other Christie people are using language much worse than "idiot", and they`re still on the job.

Assemblyman John Wisniewski, thank you very, very much for joining us tonight.

WISNIEWSKI: Thank you for the opportunity.

O`DONNELL: Governor Christie is also now facing an investigation at the federal level. The Department of Housing and Urban Development announced today that it will review Governor Christie`s use of $25 million of Sandy storm relief funds to promote tourism in New Jersey through television commercials that also, as we`ve previously pointed out on this program, functioned as Christie re-election campaign commercials paid for by American taxpayers.

(BEGIN VIDEO CLIP)

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UNIDENTIFIED FEMALE: The Jersey shore is open.

GOV. CHRIS CHRISTIE (R), NEW JERSEY: The word is spreading, because we`re stronger than the storm.

UNIDENTIFIED KID: You bet we are.

(END VIDEO CLIP)

O`DONNELL: Joining me now is New Jersey Congressman Frank Pallone, who first called for an investigation into the bidding process for those ads in August of 2013.

Congressman Pallone, what`s your reaction to the announcement of this investigation?

REP. FRANK PALLONE (D), NEW JERSEY: Well, I think it concerns me a great deal, as it did back in august, because the question again is was there abuse of power here. In other words, this was money that was allocated for Sandy relief in a package that I and others worked very hard to get. You know, it wasn`t easy. It took almost 60 days.

And the governor awarded or the governor`s administration awarded the contract to a firm that was not the low bidder, that was essentially spending over $2 million more of taxpayer dollars. And the difference was that the firm that was chosen agreed to put him and his family in the ads whereas the low bidder would not do that.

And so, the question again is was the higher bidder at a more costly amount chosen because they agreed to put the governor in the ads?

Now, again, this is money that could have been used for -- to help rebuild homes or to pay for businesses that were destroyed. And we still have a lot of people at the shore that I represent that are not getting the money that they need for rebuilding or to restore their homes or their businesses.

So, it is a concern -- again, whether it`s an abuse of power or impropriety on behalf of the Christie administration.

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O`DONNELL: Congressman Pallone, I`m wondering where you sit tonight, what you think Chris Christie could do right now this week to improve, at least improve the image of the way his office works and the confidence of New Jersey voters and how his office works. He is at this moment leaving in place in jobs in that office people who are exposed in these e-mails in some very harsh light.

PALLONE: Well, I think he has to come clean. I mean, the problem is this culture or abuse of power. A culture that threatened people, bullied people, and basically would go to whatever ends were necessary to get re-elected and to get people supportive of his campaign. Whether it was spending ad money that was taxpayer dollars to put him on the air with his family or it was threatening those to try to get them to support him in his campaign.

This culture or abuse of power I think is the problem. We don`t know exactly what he ordered or didn`t. But the bottom line is this is the culture, this -- what I call impropriety that is pervasive in this administration.

O`DONNELL: Well, we have polls now showing that a majority of New Jersey voters, the voters in this country who know Governor Christie the best, do not believe his story thus far.

Congressman Frank Pallone of New Jersey -- thank you very much for joining us tonight.

PALLONE: Thank you, Lawrence.

O`DONNELL: Coming up -- who should Chris Christie fire next?

And what do lie detection techniques tell us about what Chris Christie said in his news conference last week?

And in "The Rewrite", speaking the Christie gang language.

(COMMERCIAL BREAK)

O`DONNELL: And now, here`s one of the stupidest things said about Chris Christie.

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(BEGIN VIDEO CLIP)

BRIT HUME, FOX NEWS: In this sort of feminized atmosphere in which we exist today guys who were masculine and muscular like that in their private conduct and kind of old-fashioned tough guys run some risks.

UNIDENTIFIED FEMALE: Feminized?

HUME: Feminized atmosphere.

UNIDENTIFIED MALE: By which you mean?

HUME: By which I mean that men today have learned the lesson the hard way that if you look like kind of an old-fashioned guy`s guy, you`re in constant danger of slipping out and saying something that`s going to get you in trouble and make you look like a sexist or make you look like you seem thuggish or whatever. That`s the atmosphere in which he operates.

This guy`s very much an old-fashioned masculine, muscular guy, and there are political risks associated with that. Maybe it shouldn`t be, but that`s how it is.

(END VIDEO CLIP)

O`DONNELL: We will have more stupid things said about Chris Christie coming up. And next, more on the scandal that I believe has already ended Chris Christie`s political future.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

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REPORTER: The mayor of Jersey City is quoted as saying that the day he declined to endorse you and said he would vote Democrat, as many as 10 appointments between state officials and Jersey City officials were canceled suddenly, all of them. How would you explain that in the context of what you now know about what some of your staff did?

CHRISTIE: Listen, all I know is, I don`t know, Brian, is the first answer I`ll give you.

(END VIDEO CLIP)

O`DONNELL: Newly released e-mails and texts seem, seem to support Jersey City mayor Steven Fulop`s theory that he was also a victim of Christie administration retaliation. Included in those documents is an e-mail sent on June 20th by Bridget Kelly, Christie`s former deputy chief of staff, who was fired on Thursday because of her involvement in the bridge scandal.

She writes to Fulop, "Congratulations, mayor-elect. What an exciting time for you and the city. We`re looking forward to working closely with you and your administration. We`d like to get you in a room with the commissioners and staff that can be most helpful to you as you begin your tenure as mayor."

Bill Stepien, Christie`s close colleague and former campaign manager who was also fired last week texted this to Fulop on July 12th, "I know the gov is sending quite a contingent of his cabinet up to you on July 23rd. Let us know how we can continue to work closely together."

But six days later, on July 18th around the date Fulop says Christie`s aides found out that Fulop would not endorse Christie for governor one of the mayor`s aides e-mailed that several of the meetings had been canceled within the past hour. By the following Monday, all of the appointments had been canceled with no explanation.

Joining me now, "The Wall Street Journal`s" Heather Haddon, who has been following this story from the very beginning.

Heather, do you think of yourself as the Woodward or the Bernstein of bridgegate?

You`ve been on this from day one with some of the crucial reporting, including in the "Wall Street Journal" did the article that provoked a lot of the e-mail flow in here where these guys start complaining about the coverage, worrying about the coverage and ultimately attacking Pat Foye, who was the one person at the Port Authority who seemed to react to this the right way.

HEATHER HADDON, WALL STREET JOURNAL: Yes, that`s correct. And the revelation today was really interesting. I mean, we`ve heard some anecdotal information from Democrats who chose not to endorse Mr. Christie that they lost a certain amount of access. But these documents that were released today showed some evidence of that.

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So, like you said, there was constant communication between Mr. Fulop and the Christie administration aides in June and July saying we`re arranging all these commissioners, we`re so happy you won your election. And on July

18th when Mr. Fulop said he declined to endorse Mr. Christie, those communications were severed.

He continued to e-mail Senator Bill Baroni, who was one of the officials who was fired in the wake of this.

O`DONNELL: Not as a senator. He was working in the Port Authority, a former senator. People use that title on him, Senator Baroni. I think it confuses some people out there.

HADDON: Yes.

O`DONNELL: Yes.

HADDON: And said I would like to continue to discuss our business with the Port Authority, he does not respond. And Mr. Fulop in one of those e-mails says I think there`s some political overtones in that.

Now, that is very -- in keeping with what Mark Sokolich, the mayor of Fort Lee, said in a letter to Bill Baroni that we first reported on that said there`s something punitive about this.

So, there does seem to be some traction to this theory that Democrats who actively chose not to endorse Mr. Christie faced some issues.

O`DONNELL: And people who don`t know how government works, especially at this level, which is to say most people, hear -- oh, well, he had some appointments canceled, big deal. But this is the essence of the workings of government. And this is what we heard George will talk about in the previous segment, where he said that what this shows is they are using the machinery of government as a weapon. Those commissioners wield tremendous power in terms of what can happen in a place like Jersey City.

HADDON: Right. And this was a new mayor. This was an incoming mayor. He`d never held citywide office for him.

This was the keys for him to understand state government. So, Department of Transportation, economic development, the commissioner who oversaw Sandy aid and reconstruction for the state. And these meetings were all lined up for him and this would have been a big deal and they were canceled.

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O`DONNELL: Let`s look at Christie last week talking about Kevin O`Dowd.

(BEGIN VIDEO CLIP)

CHRISTIE: Kevin`s, you know, confirmation hearing will go forward on

Tuesday. And I expect, you know, he`ll be vigorously questioned like any candidate for attorney general should be, and I expect he`ll get swift and certain confirmation because he deserves it.

(END VIDEO CLIP)

O`DONNELL: This was one of the stunning moments for me at that point. Kevin O`Dowd is his chief of staff -- the one person that separates him in the organizational chart from Ms. Kelly, who is the author of the smoking gun memo. And he still thought last week that he was going to get his chief of staff confirmed to be the attorney general of the state of New Jersey, move his chief of staff from suspect status in the middle of this story into one of the prosecutor`s with jurisdiction over this investigation.

HADDON: That`s correct. And that is not happening. No.

So, we currently don`t know when that hearing will be held, if it will be held. Democrats have said that they will in light of all this question, Kevin O`Dowd with increasing scrutiny. Now, Kevin O`Dowd is actually someone who Democrats and Republicans both like. He`s been a trusted, mild-mannered member of the administration. But he was the one who Governor Christie said I want you to interview all my senior staff and make sure they know nothing more about this issue before I go out and face a press conference in December.

So, he is a key figure in this role right now. And the question is what does he know?

O`DONNELL: They can like Kevin O`Dowd, but they can never confirm him. There is absolutely no possibility. He`s going to withdraw that nomination. No doubt about it.

Heather Haddon of "The Wall Street Journal," thank you very much for being on the case. Thank you for taking the time to join us tonight. Really appreciate it.

HADDON: Thanks so much.

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O`DONNELL: Coming up, is Chris Christie lying? That`s the big question. We will use lie detection methods to try to figure that out.

(COMMERCIAL BREAK)

O`DONNELL: In the spotlight tonight, five reasons Chris Christie might be lying. That`s the title of a piece by "Salon" writer Amy Punt, who applied

lie detection techniques from the book "Lie Spotting" to Chris Christie`s press conference last week.

Here are the five items: Too much detail regarding unimportant issues, evading questions, a lack of genuine emotion, personal leaks, and contradictions.

The contradictions that she cited were the same contradictions exposed on this program last Thursday. First, Christie`s contradiction about what he said to his senior staff.

(BEGIN VIDEO CLIPS)

CHRISTIE: I brought my senior staff together, I think about four weeks ago, tomorrow. And I put to all of them one simple challenge. If there is any information that you know about the ability to close these lanes in Fort Lee, you have one hour to tell either my chief of staff, Kevin O`Dowd, or my chief counsel Charlie McKenna.

Four weeks ago, when I had them all in that office, and I said if any of you have any information about this that I don`t know, you need to tell me, Kevin, or Charlie now.

(END VIDEO CLIPS)

O`DONNELL: Did you catch that change in his story? The first prepared version of it said you have one hour to tell my chief of staff, Kevin O`Dowd, or my chief counsel, Charlie McKenna. Then, about an hour later in the press conference, he emotionally leans in and says you`ve got to tell me, Kevin, or Charlie, right now. Change of story.

And, his contradiction about whether he would cooperate with investigators.

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(BEGIN VIDEO CLIP)

CHRISTIE: Of course, we`ll work cooperatively with the investigations.

REPORTER: If you were to get a subpoena for whatever reason, what would you do?

CHRISTIE: I`m not going to speculate on that.

(END VIDEO CLIP)

O`DONNELL: Joining me now, "Salon" writer and screenwriter, Amy Punt.

Amy, I think us screenwriters look at these things the same way. I`m very

glad you caught those contradictions the same way I did. I want to look at the other items that you highlighted. And you use this book about lie detection as your guide in putting this piece together. You went to the issue of evading questions.

And let`s look at the example. We`ll look at the video example of what you used there. Let`s look at this.

(BEGIN VIDEO CLIP)

REPORTER: So I`m just asking, what do you ask yourself about? They either thought this is what the boss wanted or as a group they were willing to go rogue and do this and then try to cover it up.

CHRISTIE: What does it make me ask about me? It makes me ask about me what did I do wrong to have these folks think it was okay to lie to me? And there`s a lot of soul searching that goes around with this. Believe me, John, I haven`t had a lot of sleep the last two nights, and I`ve been doing a lot of soul searching. I`m sick over this.

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(END VIDEO CLIP)

O`DONNELL: Amy, his sleep pattern is not particularly relevant, but we heard a lot about it.

AMY PUNT, SALON: Yes, we did. And the thing is that he also said in that section that he was soul searching. So, he`s saying this multiple times. And as a persuasive speaker he knows how to get on the side of our emotions. He knows what he needs to do to win us over. And he`s doing that there. He`s not answering the question. What he`s saying is I`m so sorry, I don`t know what went wrong, how could you suspect me?

O`DONNELL: Let`s go to another item that you have here. The first one, actually, on your list -- the unimportant detail. This is great. I didn`t realize that is one of the indicators of possibly lying.

Let`s look at your example of how he used the unimportant detail. Let`s listen to the video.

(BEGIN VIDEO CLIP)

CHRISTIE: I found this out at 8:50 yesterday morning. By 9:00 this morning, Bridget Kelly was fired. By 7:00 yesterday evening, Bill Stepien was asked to leave my organization.

(END VIDEO CLIP)

O`DONNELL: Seems like he`s being very detailed there.

PUNT: He`s being very detailed. And what happens is those details really stand in the way of actual information, because what he should be talking about is the inquiry. Like if he finds out -- first, he mentions his workout earlier, at 8:55.

O`DONNELL: And he tells us that the trainer just left.

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PUNT: Yes. I forgot about that. He did. But it`s standing in the way of the information of did you question Bridget Kelly? Like he`s just sort of trying to reposition it so we don`t ask that question.

O`DONNELL: Now, the other item here that indicates untruthfulness is the lack of genuine emotion. Now, let`s look at the video example you used for that.

(BEGIN VIDEO CLIP)

CHRISTIE: I`m heartbroken about it. And I`m incredibly disappointed. I don`t think I`ve gotten to the angry stage yet. But I`m sure I`ll get there. I don`t know what the stages of grief are in exact order, but I know anger gets there at some point. I`m sure I`ll have that, too.

(END VIDEO CLIP)

O`DONNELL: We`ve seen him be a lot more emotional than that in the past. There was a sort of perfunctory -- using emotional language but not really being emotional. I want to get through to the last one. This thing you say in here, what you refer to as personal leaks and the concept of a leak being a facial expression or something that is leaking information that doesn`t sync up with the words.

Let`s look at the video example you gave of that.

(BEGIN VIDEO CLIP)

CHRISTIE: I think what you all have seen about me over the last four years in my dealings with you is that I deal with you directly. And I say exactly what I think. And I think over time, I have developed a reputation for telling you all the truth, as I see it. There could be disagreements, but the truth as I see it.

(END VIDEO CLIP)

O`DONNELL: Amy, what`s the leak there?

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PUNT: Well, it`s the "as I see it." that is strange. Why is it the truth as I see it? Why isn`t it just the truth?

Additionally, what Pamela Meyer points out in the book, is that he -- the fact that someone has to tell you that they`re going to tell you the truth indicates they may be lying.

O`DONNELL: Amy, I`m telling you the truth. We`re out of time for this segment.

Thank you very much for joining me tonight, Amy.

PUNT: Thank you very much.

O`DONNELL: Coming up -- Chris Christie said he fired his campaign manager because he didn`t like the tone of his e-mails. We`ve already referred to that earlier in the program. If he didn`t like that tone, there are plenty more people who should be fired tomorrow. That`s in "The Rewrite".

And can Chris Christie still run for president? I say no. Steve Schmidt says yes. We will discuss.

(COMMERCIAL BREAK)

O`DONNELL: Time for another one of the stupidest things said about Chris Christie. The "New Jersey Star Ledger" quotes former Mississippi Governor Haley Barbour saying, "The liberal media elite continues to treat this like the Lincoln assassination."

Up next, who should Chris Christie fire next? The answer is in tonight`s "Rewrite."

(COMMERCIAL BREAK)

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O`DONNELL: In tonight`s "Rewrite," readings from the gang that couldn`t slur straight. That`s what "New York Times" columnist Jim Dwyer called them after reading the e-mail in which they attacked the mayor of Fort Lee and referred to him as, quote, "This little Serbian", even though Mayor Sokolich is of Croatian descent. The e-mails of the Christie gang indicate that not one of them did the right thing or said the right thing at any point in this story.

David Wildstein, who took the Fifth Amendment last week while his lawyer publicly tried to make a deal for immunity from prosecution, is the author

of the famous "This little Serbian" e-mail. He is deeply involved in the bridge conspiracy in his e-mails along with Bridget Anne Kelly, who wrote the now most famous of the e-mails to Wildstein, "time for some traffic problems in Fort Lee." It was the public revelation of that e-mail that forced Chris Christie to fire Bridget Anne Kelly -- a long 24 hours after he read that e-mail for the first time, according to his story.

Chris Christie also got rid of his campaign manager, Bill Stepien, because he didn`t like the tone of Stepien`s e-mails.

(BEGIN VIDEO CLIP)

CHRISTIE: I was disturbed by the tone and behavior and attitude, callous indifference that was displayed in the e-mails by my former campaign manager, Bill Stepien.

(END VIDEO CLIP)

O`DONNELL: Stepien was agreeably on the receiving end of the "little Serbian" e-mail. David Wildstein told Stepien that he was worried about a "Wall Street Journal" article about the bridge, so worried that he came to work that day with empty boxes to pack up his office because he feared he might be fired on the spot by Chris Christie when that article came out that morning. Not for anything he did wrong but for getting bad press for the governor.

But Bill Stepien read the article and told Wildstein not to worry, "It`s fine. The mayor is an idiot, though. Win some, lose some."

As far as we can tell, "The mayor is an idiot" is just about the worst thing that Stepien said in his e-mail. That is the tone and attitude of callous indifference that got Stepien fired. Michael Drewniak is still Chris Christie`s press secretary. But listen to his tones in these e-mails.

In an e-mail to David Wildstein about Patrick Foye, the executive director of the port authority, he wrote, "That is deeply F-ed up. What a piece of excrement."

Drewniak is playing it classier there than David Wildstein, who had referred to Patrick Foye in an e-mail as "a piece of crap." Patrick Foye is the only person in this story so far who does the right thing and says the right thing. Patrick Foye is, of course, not part of the Christie gang. He was appointed to his position at the Port Authority by New York Governor Andrew Cuomo.

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It was Patrick Foye who wrote the e-mail saying, "I am appalled by the lack of process, failure to inform our customers in Fort Lee, and most of all by the dangers created to the public interest. I believe this is hasty and ill-advised decision, violates federal law and the laws of both states."

Michael Drewniak got an e-mail from the "New Jersey Star Ledger" reporter Steve Strunsky asking him "is the governor aware of any plan last month to close the George Washington Bridge access lanes in retribution for Mayor Sokolich`s failure to endorse the governor for re-election?"

Drewniak`s response to the reporter was, "No, for goodness sake, the governor of New Jersey does not involve himself in traffic studies." Drewniak then forwarded that e-mail exchange to himself at his private Gmail address and from his private Gmail address he forward the entire e-mail to David Wildstein in Wildstein`s private Gmailmail address. And in the note to Wildstein said, "Such a f-ing mutt."

It is a bit unclear who the mutt is, whether it is Steve Strunsky, the reporter, or Mayor Sokolich, but we do know that tone did not get Drewniak fired. Chris Christie says he fired his campaign manager for calling the mayor an idiot but his press secretary is still on the job after calling the mayor an f-ing mutt and doing it in his private e-mail account, an account Drewniak obviously uses for his official Christie gang business as opposed to his official government business.

David Wildstein also used his private Gmail account to forward an e-mail to Drewniak`s private e-mail account about the Port Authority receiving a call from "The Star Ledger" editorial board wanting comment about their upcoming editorial calling on the state to issue subpoenas.

Michael Drewniak`s response to Wildstein about the caller from "The Star Ledger" was, "F him and `The Star Ledger`." --

But that tone was not offensive enough to Chris Christie to get Michael Drewniak fired, Michael Drewniak who regularly uses a private Gmail account to conduct Christie gang business is still Christie`s press secretary.

Chris Christie said in his news conference that he had no idea his gang uses private e-mail accounts for gang business when they want to say things they don`t feel comfortable saying on their official government email accounts.

The highest-ranking Christie gang member at the Port Authority is Port Authority chairman David Sampson and no one -- no one talks like a gangster better than David Sampson. He was one of the nine people who received Patrick Foye`s outraged e-mail about what was happening at the George Washington Bridge that included Foye`s order to stop the lane closures

immediately.

Sampson now claims that that e-mail was the very first time he learned what was happening at the George Washington Bridge. Here is the chairman of the Port Authority saying that he had absolutely no idea there were lane closings at the most important bridge in the world until he read an e-mail at the end of the week about those lane closures, and objecting to what was happening and saying the lane closures violate federal laws and the laws of both states.

Now, what was David Sampson`s reply to this e-mail? He`s chairman of the port authority. Did he immediately write, hey, thanks for heads-up, Pat? Thanks for saving us from this potentially dangerous problem, both dangerous to public safety and legally dangerous?

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No. That`s not what he said. David Sampson wrote an e-mail to a Port Authority vice chairman, Scott Rechler, complaining about Patrick Foye and saying in pure gangster language, "In this case he`s playing in traffic, made a big mistake."

The recipient of that e-mail threatening Patrick Foye was not a member of the Christie gang. Scott Rechler was appointed to the Port Authority by Governor Andrew Cuomo of New York. So, Scott Rechler did not write back that Foye is an idiot. Scott Rechler wrote back, "I don`t agree with your assessment of Pat`s involvement."

We have a very, very simple picture here. The Cuomo gang does the right thing and says the right thing. And the Christie gang does the wrong thing and says the wrong thing. Every single time the Christie gang is on the wrong side of the truth.

Was Chris Christie horrified by David Samson`s gangster threat about Patrick Foye? "In this case he`s playing in traffic, made a big mistake."

Since Chris Christie is not willing to fire people because of their tone in e-mails, shouldn`t David Samson be in a lot of trouble right now?

(BEGIN VIDEO CLIP)

CHRISTIE: I sat and met for two hours yesterday with Mr. Samson, General Samson. And again, I`m confident that he had no knowledge of this based upon our conversations, and his review of his information.

(END VIDEO CLIP)

O`DONNELL: So what you have right there is Chris Christie, the easily

duped boss, Chris Christie the guy who anyone working for him can lie to, and he`s fooled. Or maybe, maybe you just have Chris Christie not telling the truth. Maybe Chris Christie is just not telling the truth when he says, "I`m confident that David Samson had no knowledge of this."

Even if we take Christie at his word and he believes that David Samson had no knowledge of the lane closures and even if we take David Samson at his word that he had absolutely no prior knowledge of the lane closures, what we do know is that when David Samson was told about it by the only truth teller in this story, who was trying to make things right, David Samson`s reaction was to threaten the truth teller. To say, "He`s playing in traffic, made a big mistake."

Chris Christie fired his campaign manager last week based on just the tone of his e-mails, but Chris Christie thinks he can keep his personal chairman of the Port Authority in that job when his e-mails reveal a much more ominous tone, much more disturbing tone. David Samson should be the next resignation demanded by Chris Christie. But he should not be the last.

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(BEGIN VIDEO CLIP)

CHRISTIE: I am embarrassed and humiliated by the conduct of some of the people on my team.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

CHRISTIE: My priorities as RGA chairman and most important thing for me to do is to be able to gather the resources, help my colleagues up for election in 2014 and the challengers who are in states where we don`t currently have Republican governors in, and to make sure that I`m on the ground for them as much as I can be when it`s helpful.

(END VIDEO CLIP)

O`DONNELL: "The National Journal" reports that Chris Christie still plans to travel to Florida on Friday and campaign for Governor Rick Scott Saturday at fund raisers in Ft. Lauderdale, West Palm Beach and Orlando. Governor Scott, who had four submit resignations in scandals, is currently trailing former Florida Republican governor-turned-Democrat, Charlie Crist, by 7 percent.

Joining me now is Steve Schmidt, senior adviser to the McCain `08 campaign

and MSNBC political analyst.

OK. Steve, Christie`s giving a State of the State Address tomorrow. So that takes care of Tuesday. He`s got Wednesday and Thursday to announce that he is canceling the Florida trip. When this week do you expect him to announce the cancellation of that trip?

STEVE SCHMIDT, MSNBC POLITICAL ANALYST: I would think he would have canceled it already, Lawrence. It`s a very easy excuse, obviously, to say he has business to tend to in the Garden State, that he`s got to get on top of this situation, that he owes that to the taxpayers of the state of New Jersey to continue to work with the legislative branch as that investigation continues.

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But he`ll be dealing with this for some time. And it certainly neuters his ability to be out there effectively on the campaign trail. I think it`s a mistake for him to go to Florida.

O`DONNELL: Yes, at this point it is. Governor Rick Scott is going to be out there Saturday with a guy who`s muddled in scandal and all the questions are going to be about a scandal in New Jersey. I can`t imagine that thing not getting canceled between now and then.

But I want to go to something that Senator Barrasso said on "MORNING JOE" this morning just to show how things are going for Christie within the party. Let`s listen to this.

(BEGIN VIDEO CLIP)

SEN. JOHN BARRASSO (R), WYOMING: I think he stood and answered questions for two hours, he was forthright about it, and by the time 2016 comes about this isn`t --

UNIDENTIFIED FEMALE: Do you think he`s a contender for 2016 still as much as he was before bridgegate?

BARRASSO: Well, I think there are over a dozen Republicans who I think would all be good contenders for 2016.

UNIDENTIFIED FEMALE: OK. Very, very -- what`s the word? Adept.

UNIDENTIFIED MALE: Adept.

UNIDENTIFIED FEMALE: Adept answer.

(END VIDEO CLIP)

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O`DONNELL: Steve, Mika couldn`t get him to say a positive word about Christie in this predicament. I`ve said already that I just don`t see how he mounts a presidential campaign after this.

Is your view still that he can hang in there and weather this?

SCHMIDT: Look, I think resiliency is one of the prerequisites to surviving a presidential campaign and getting the nomination, ultimately getting to the presidency.

And this is a big challenge for him. There`s no doubt about it. I think it`s premature to say that this is going to take out his ability to be a serious candidate for president.

That being said, when you do the asked and answered, stand up there for two-hour news conference, one of the ways you judge its effectiveness is not in the immediate aftermath, because he did a fantastic job in my book by all measure. But what leaks develop out of that while you react in the days after?

And when you look at the e-mails that are coming out, when you talk about the standard he laid out for Stepien and for the deputy chief of staff. How do you not apply that to other officials in the administration?

So, he`s just opening himself up to more questions. There`s not a lot of great answers. There`s going to be hearings. Someone`s going to get immunity.

So, in order to run for president he has to survive this scandal as governor of New Jersey. And this scandal, and with all respect to members of my party, and I`m a fan of Chris Christie`s, but this is going to become a bigger thing before it becomes a smaller thing. And he`s going to have to weather it becoming a bigger thing.

And I`m not sure if you look at the body language, you look what`s going on, that necessarily they`ve accepted the fact that this is going to become a lot worse before it becomes better.

O`DONNELL: Steve, I`ve been trying to predict exactly what Republicans would say on a presidential campaign debate stage about this, and we now hear from Rick Santorum, we don`t have time to run this up. But he said -- but what he said this weekend is "personnel is policy, and the people you that hire are the policies that are implemented."

Rick Santorum did a very effective job, in 20 seconds, of using this in a very hard shot against Chris Christie.

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SCHIMDT: No doubt. Look, one of the things that Chris Christie has done very effectively as a political leader is he`s gone out and he`s given lectures about leadership. He said this is how you function as an effective leader. These are the shortcomings of the president. These are the shortcomings of Republicans in congress.

Very difficult to see a scenario where Chris Christie can deliver that lecture in the way he has in the past, which really undermines his effectiveness I think going forward as a candidate.

O`DONNELL: I think it`s over for him, Steve.

Steve Schmidt, thank you very much for joining us tonight.

SCHMIDT: Good to see you, Lawrence.

O`DONNELL: And now, a special live New Jersey edition of Chris Hayes show is up next.

END

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PIERS MORGAN LIVE

Interview with Kenny Anderson; Bridgegate Grows; Interview with Gabriel Sherman

Aired January 13, 2014 - 21:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

PIERS MORGAN, CNN HOST: This is Piers Morgan Live, welcome to our viewers in the United States and around the world.

You are looking live at New Jersey, Governor Chris Christie's bridge over troubled waters. And tonight, those waters are getting even more troubled.

Bridgegate to growing headache for the big man and the governor faces a new scandal tonight. Allegations for the use of Super Storm Sandy relief money to produce tourism ads starring himself and his family.

Tonight, I'll talk to the lawmaker who's leading the Bridgegate investigation. Plus, the woman who run against Christie and lost.

And speaking of scandal, this is the blockbuster book Roger Ailes doesn't want you to read. I've got the primetime exclusive with the author Gabriel Sherman who says that the Fox News is, in his words, a political machine that employs journalists.

Plus the gift that just keeps on giving except people aren't laughing anymore. Dennis Rodman, I'll talk exclusively to the one of the only people on earth who might explain exactly what Rodman's been up to. Kenny Anderson with him in North Korea.

I'm going to begin with our Big Story and that is Dennis Rodman, he arrived back on American soil tonight after a visit to Kim Jong-un's repressive regime and left people around the world trying to figure out exactly why he was there and what he was thinking.

Rodman made the trip to North Korea with several of his former NBA colleagues. And one of them Kenny Anderson joins me now exclusively and with his agent David Sugarman. Welcome to both of you.

I'll be perfectly honest with you, Kenny. I watched the scenes where Dennis Rodman was singing happy birthday to this tyrant, no other way to describe him and I felt pretty sick and I'm not even American. What were you thinking when that was all going on and particularly when you -- you saw the way this all played out back home.

KENNY ANDERSON, FORMER NBA ALL-STAR: I think, you know, the night before when the CNN interview came and I called home a few hours before that. I was like, "What have I got myself into?" you know, my family back home, you know, all the backlash, you know, my kids at school was getting approached. So my main focus was just doing a good deed, going over there, you know, being in a goodwill just playing basketball. That's what I've been doing all my life. And that's what I was, you know, doing.

MORGAN: Let's see what Dennis Rodman said to reporters at the airport in Beijing on his way back from North Korea. Watch this.

(BEGIN VIDEO CLIP)

DENNIS RODMAN: I'm sorry about all of people ask what's going on. I'm sorry.

UNIDENTIFIED FEMALE: (Inaudible).

RODMAN: I'm not the president. I'm not an ambassador. I'm Dennis Rodman, just individual, just showing the world the fact that we could actually get along and be happy for one day. I love to see the -- I love to see ...

UNIDENTIFIED MALE: (Inaudible)

(END VIDEO CLIP)

MORGAN: I mean many people were very, very angry at Dennis Rodman but they're also angry with quite a few of the others including yourself who went on this trip.

How did Dennis Rodman persuade you to go on? You know him, you're a neighbor of his, you live near him, right?

ANDERSON: Well, first of all, you know, I do camps, clinics with kids in the North Miami area and Dennis has helped me out. He came and spoke to the kids and helped me out.

So when he reached out about the North Korea thing, you know, I wasn't even sure if it was going to get done. And then all of a sudden, it happens so the turn around happened so quick. So I was just aiding a friend. And he knows how good I am with kids and instructions and clinics and camps. So that's why I got, you know, put on to this trip.

MORGAN: But what did you know about North Korea and about the regime?

ANDERSON: Nothing. And that is where I, you know, I hold myself accountable for, you know, I didn't do my due diligence, you know, with the trip. And I would like, you know, to apologize to David Stern in NBA, my supporters, my fans and Americans out there that I did not know, you know, the politics of North Korea.

DAVID SUGARMAN, KENNY ANDERSON'S AGENT: Yeah, I mean Kenny, you know, Kenny does these camps year round. I mean, he does it around the world, he does them in South Florida, travels around the world. And he just -- he goes to play basketball and that's Kenny as a person. Anybody that knows Kenny that's what he is about.

MORGAN: But you were his agent. I mean, did you also know nothing about North Korea, about the regime?

SUGARMAN: Well, I know nothing about Kenny going to North Korea.

MORGAN: Would you have stopped him?

SUGARMAN: I would have stopped him, correct. I would have, yes. I didn't know. I actually found that that he was -- the last tweet I saw from Kenny was wheels up. And then I, you know, started scrolling up his Twitter and I noticed that he was out of the country. So then I saw it on the news that Kenny Anderson was part of the ...

MORGAN: I mean, you know, but people sort of laughing the first time Dennis Rodman went out there, I couldn't really make much of what he was really doing. But then he all took a bit of this innocent term with this interview with CNN's Chris Cuomo, the one you alluded to earlier.

I want to play a clip from that and then discuss that after this.

(BEGIN VIDEO CLIP)

RODMAN: If you understand what Kenneth Bae did. Do you understand what he did in this country? And no, no, no you're telling me, no, no, no I'm just saying, no, I don't give a (inaudible) what the hell you think? I'm saying to you. Look at these guys here. Look at them. They dare to do one thing. They came in on -- they came here.

(END VIDEO CLIP)

MORGAN: I mean, you know, he was clearly drunk, clearly very animated and over emotional but also pretty sickening what he was saying there about an American citizen who's being not seen now for a very long time. He's got health problems. He was an American missionary captured by this very evil regime. That was the moment whenever one of America went, "What the hell is going on?"

These are American sportsmen shaming their country.

ANDERSON: That's why, you know, as you know, I boycotted that. You know, I was off the set. I didn't want to participate in that interview. I was, that moment, I just wasn't, you know, I thought something was going to pop off and I said I didn't want to be a part of it.

SUGARMAN: I mean, I think, it's important, you know, that that you recognize that Kenny recognized that there was something wrong with Dennis at that point, right?

MORGAN: Most people will say look, you know, I don't want to be too harsh on you, Kenny because I know that you're the main culprit here. But I felt, you know, that for all these sporting stars to go out there and embrace this guy who is a pretty evil man running a very evil regime that you, yourself, met him Kim Jong-un, and you shook his hand, right?

ANDERSON: After the game. MORGAN: Wait. Right, when you were doing that, I mean, did you not think to yourself by then you knew the kind of fury that was going on. Did you know a thing?

ANDERSON: Yeah.

MORGAN: Why am I doing this?

ANDERSON: I knew. I'm over that now. I'm over that now.

MORGAN: Right.

ANDERSON: I had no way, you know. I stayed at the hotel. I boycott. I was cloudy, you know, I'm over at another ...

MORGAN: You still shook his hand?

ANDERSON: I had no choice. I was going to do it, regardless.

MORGAN: Why did you have no choice?

ANDERSON: Because I was -- I feared, you know. You fear what you don't know, you know, and, you know, like I said, I got the phone call few hours before the game. My wife is crying. She was like, "Don't play." She's scared on my safety so I had no choice, you know. When we got there, they took, you know, they take our passports away, you know, and I just, you know, I had to finish what I ...

MORGAN: Did you feel ashamed as you were doing it?

ANDERSON: I felt bad. I felt bad. I felt very bad that, you know, for my family, you know, for my close friends, and Americans and people that looked up to Kenny Anderson.

MORGAN: He's been a hero to many.

ANDERSON: Yeah.

MORGAN: He's been a sporting icon, people -- great role model in many ways. And, you know, you've come bravely on the show. I don't want to pillory you too much for it but, yeah, on behalf of the others who haven't spoken up, what do you think everybody feels about it? Did you feel that Dennis, in a way, sucked you in the something that you just really should never been there?

ANDERSON: First of all, you know, I'm 43 years old, you know. I make my own decisions and like I said, I'll keep -- going back to it is I was upset with myself just not doing my due diligence or about this trip and I didn't think it was going to give me, you know, so much backlash and ...

MORGAN: What reaction have you had from people?

ANDERSON: I did not, I mean, like, why did you go? Did you, you know, did you know? Did this, it's always, you know. Like I said, my main thing was my wife and my kids at school when they was getting approached.

And I'm -- all I do is play basketball and, you know, the game they gave me so many opportunities that, you know, that's what I've been doing since retirement, traveling around, playing games in different countries.

MORGAN: The NBA Commissioner, David Stern issued a statement saying, "The NBA is not involved with Mr. Rodman's North Korea

trip and would not participate or support such a venture without the approval of the U.S. State Department. Although sports in many instances can be helpful in bridging cultural divides, this is not one of them."

I want to play the clip now. This is of when Dennis Rodman, to me, is the worst by the way when he sings Happy Birthday to Kim Jong-un. Let's watch this.

(BEGIN VIDEO CLIP)

RODMAN: Happy Birthday to you. Happy Birthday to you. Happy Birthday to you. Happy Birthday to you.

(END VIDEO CLIP)

MORGAN: I mean, it's awful imagery, isn't it? I mean when you look at that, what do you think he did, because you look like a bunch of puppets, stooges, people just who've been taken out there to basically prop up and support an evil regime.

You've been acting like the way that make their people clap.

ANDERSON: Now, looking back on it, you know. We were, you know, we're over that now. You have no choice. You know, I just did as I, you know, my last (inaudible)

MORGAN: It must have made your skin crawl there, doesn't it?

ANDERSON: They bought it, you know, after ...

MORGAN: When you're watching it now then what do you think?

ANDERSON: All the information ...

MORGAN: You're standing there. Clapping this monster.

SUGARMAN: Hold on. Let me interject.

MORGAN: Yeah.

SUGARMAN: Let me interject if I may. You know, like I said, at the beginning of the interview. Kenny, is about the kids, OK.

MORGAN: But he wasn't about the kids out there, right.

SUGARMAN: Hold on a second. Let me finish. Kenny ...

MORGAN: I don't mean to be harsh, but he's not out there helping the kids. He's helping Kim Jong-un.

ANDERSON: That's I was told that it was going to be clinics, camps ...

MORGAN: Right, right.

ANDERSON: ... we all deal with kids. That's why I was ...

MORGAN: But my point is when you watched that video of that moment, actually, what you were doing was being used as a stooge and a puppet for this regime.

SUGARMAN: Puppet.

MORGAN: Right.

SUGARMAN: Look, can I ask you a question?

MORGAN: Sure.

SUGARMAN: What would you do if they took your passport out at a hotel? And you went there under false pretenses, if you will, not really knowing what you got yourself into but you're in North Korea. What does one do?

MORGAN: Well, let me ask (inaudible) you came in. How much did you guys get paid for this?

ANDERSON: It wasn't about the money. I've got compensated on so many, you know, different tours that I've made.

MORGAN: But, how much was the fee for the plays that went out there?

ANDERSON: Different guys got different fees. I'm not sure about ...

MORGAN: So, if you were being honest, what did you get?

ANDERSON: I had a few thousand dollars for it.

MORGAN: Five, 10?

ANDERSON: I got a few thousand dollars for it, $110,000.

MORGAN: $110,000. I mean, now people will say to particular Kenneth Bae's family will say, "Look, this is -- that's pretty close to blood money as he could get" you know, a father, a husband, this guy, his friend is out there being denigrated by Dennis Rodman, you know, on behalf of Kim Jong-un, this monster and he's duped all you guys into going along with this and you're all part of it.

ANDERSON: Yeah. There's nothing we can do right now. I, you know, like I said I go back and it bothers me that I didn't do my due diligence before making this trip.

And like I said, I've been going on these trips in some different time in 2005 playing different countries. I've been doing it around the world. In this trip, you know, I didn't feel I was going to get this type of backlash and now I'm feeling it.

MORGAN: Will you give the money back? Maybe give it to charity instead?

ANDERSON: You know what? I will do as a portion to a charity. I will ...

MORGAN: Why don't you give it all to a kid's charity?

ANDERSON: I will give a portion to a charity. I will do that.

MORGAN: Give it all.

ANDERSON: I will give a portion to a charity.

MORGAN: You wouldn't want any of that money from this trip shortly.

ANDERSON: I will give a portion to a charity.

MORGAN: But not all of it?

SUGARMAN: Can you guys meet halfway?

ANDERSON: I will give a portion to a charity?

MORGAN: And not all of it?

ANDERSON: I will give a portion to a charity.

MORGAN: You don't feel comfortable earning money to go on that trip, do you?

ANDERSON: It wasn't about the money in the first place.

MORGAN: But if it isn't all about the money. Why accept it?

ANDERSON: Because I got compensated for doing something. And I've gotten compensated -- I got compensated ...

MORGAN: But, Kenny, Kenny ...

ANDERSON: Everything I've done ...

MORGAN: Kenny, with the greatest of respect to you ...

ANDERSON: I've done stuff ...

MORGAN: Kenny, with the greatest respect to you, I can understand that you were ignorant about North Korea before you went. And you made wrong decisions as you've insisted (ph) and you're ashamed of it as you've said.

What I find harder to understand is now you know about the evil nature of his regime. And now you know how you were duped to news as you know, even your kids at school were getting attacked for what happened. Wouldn't the best thing to be to take no money and just say, "You know what? This was just fundamentally wrong and I'm not going to accept being paid for it."

SUGARMAN: But you're now turning a clear mistake on Kenny, you know, Kenny made a bad decision as I say others did. I can't speak for them and they did get compensated although not by the government ...

MORGAN: Shouldn't you as his agent be recommending or unrecommending that he just basically don't take the money?

SUGARMAN: I'm not in the position to do that.

MORGAN: Or will give it all to charity?

SUGARMAN: I'm not in the position -- it's his money.

MORGAN: OK. Listen, I appreciate you coming in.

SUGARMAN: Thank you.

MORGAN: I know it's been a tough ordeal for you. And I know you wish you haven't done it. And at least you have the guts to come in here and face the music so I appreciate that one.

ANDERSON: Thank you. It takes time.

MORGAN: When we come back, another big man who's facing some big trouble tonight from Bridgegate to the investigation of his Sandy ad. Chris Christie is under fire on the eve of what maybe the biggest speech of his life. I'll talk to two peoples for leading the charge against New Jersey's Governor.

(COMMERCIAL BREAK)

MORGAN: New Jersey Governor Chris Christie is getting ready for his State Address tomorrow

But instead, the Christie Administration is decidedly in question tonight. The governor faces a federal investigation over his use of Super Storm Sandy relief money and the federal subpoena in the Bridgegate Scandal that threatens to grow as big as the traffic jams in the George Washington Bridge.

Well joining me now, two people leading the charge against Christie. John S. Wisniewski, he's Chairman of the New Jersey State Assembly Transportation Committee. He believes that laws were broken when Christie's aids ordered those lane closures up into George Washington Bridge. Also State Senator Barbara Buono, she ran against Christie for governor.

Welcome to both of you. Let me start with you if I may Barbara Buono, what do you think here is Chris Christie's personal culpability based on all the evidence we now know.

BARBARA BUONO, RAN AGAINST CHRIS CHRISTIE FOR N.J. GOVERNOR: Well, you know, this is a pattern this governor has demonstrated since the beginning of his term. And that is that he put his own political ambitions ahead of doing what's right for New Jersey.

There are a lot of questions that need to be answered as you know. We certainly, Assemblyman Wisniewski has done a great job of gathering as much information as we can but so many of those e-mails are incomplete they're redacted, there's a lot of information we don't know.

But one thing is for sure, I know Chris Christie, I know his administration I've dealt with him for four years. He runs a very tight ship, it's almost a paramilitary organization. And to suggest that this governor had no knowledge that the head -- the New York appointee of the Port Authority wrote a letter and said that he thought laws had been broken because these lanes were closed without authorization, a strange credulity.

MORGAN: And in terms of this new allegation that the feds are investigating the suggestion that Christie deliberately chose a more expensive advertising campaign after Hurricane Sandy, using him and his family to promote himself politically. Does that seem to you at fair stick to beat him with because the agency itself has come out to said actually we never included in the original proposal any mention or suggestion of using the governor, decision to include the governor arrived after contract was awarded based on timing, availability, and federal expenditure rules, assertion to contract is simply incorrect.

Also it said that their final proposal came at $22,255,000 while the runner up proposal was actually more expensive at $23 million. So it wasn't even the most expensive. Given their statement, do you feel that that is a legitimate stick to go after Chris Christie with?

BUONO: Well, I did during the campaign against him and the fact of the matter is. Every single penny of Sandy relief money should go to the families that I met time after time people are still living in trailers and yet this governor through that -- the woman that headed the bidding committee made the decision to choose the bid that was $2 million higher. The critical difference being that it featured Chris Christie and his family in the ad.

Now I think that that was a misuse of the $2 million, I think it should have gone to the families that are living in trailers. And I raised that during the campaign and I'm glad to see that the federal government is finally opened its eyes to that and will conduct a full investigation.

MORGAN: John Wisniewski let's turn to Bridgegate as this now being termed. Where do you think this is going to lead? Well I mean that there's a suggestion today that no actual criminal law may have been broken, do you agree with that or do you think that ultimately there may will be a legal case to launch (ph) in a criminal court?

JOHN WISNIEWSKI (D) NEW JERSEY STATE ASSEMBLY: Well, this is an abuse of power and an attempt to cover up that abuse of power. We have a high ranking official in the Christie administration who used their personal e-mail account to direct that lanes on the George Washington bridge be closed for the simple purpose of harming the town of Fort Lee. No matter how you look at it, it's not a proper use of government resources to close lanes on a bridge for a political vendetta and that's what happened here. So I take exceptions any notion that no laws were broken. What we don't know are how many laws were broken and who broke them.

MORGAN: What is clear is at the moment, there is no smoking gun which links Chris Christie directly to what happened or be it we now know a large number of his own staff and friends of his and senior positions, to full authorities and so on. Clearly were all in the know? Do you think it stretches credulity that he knew absolutely nothing about this or are you prepared at the moment to take him at his word which was a very fulsome and extensive word of I'm very sorry for what happened but it had nothing to do with me.

WISNIEWSKI: Piers, it's hard to believe the governor statement. We have to put all of this in the context that this man was running for re-election against Senator Buono at the time this happened. Word went out from his office. Word went back to his office, a lot of people who are in his inner circle whose job it is to keep him a price of problems that come up as governor and also during the campaign. You have a letter from the executive director. The Port Authority is saying, laws were withdrawing (ph) -- laws were broken and that was sensed to among other people. He has now new chief of staff. It's hard to imagine that they all saw this dunning (ph) information, this questionable conduct, and nobody in this entire circle who's paid to watch out for his best interest ever raised the issue that's just not just not believable.

BUONO: Not to mention the fact that five weeks out from a political -- in the political campaign, you're not going to tell your boss that someone is alleging that laws have been broken, it's absurd.

WISNIEWSKI: Exactly.

MORGAN: But if you were in Chris Christie's position Barbara Buono, and you obviously lost to Chris Christie, so some people will say, we would sail this, wouldn't you, because you want to embarrass him predictably which may or may not be the case but may not be relevant either...

BUONO: Well, but I wouldn't use my power to punish political foes either.

MORGAN: Well, but you're making an assertion that is not being yet proven by the facts in the sense that if you are being, you know, supportive to Chris Christie's view, it is look clearly my staff here had behaved reprehensibly that I didn't know that they had done it and there was nothing at the moment which contradicts it. Now, I agree if he is proven to have lied about that then clearly I would say he is toast politically that if he doesn't lied...

BUONO: And that is why we're having this hearing.

MORGAN: Right, but if he hasn't lied, do you accept that in the end he could actually emerge from this stronger than he started in the sense that he would have shown the signs of leadership and fired the people who have created the problem.

BUONO: Oh no, on quite the contrary. I think either if the choices are not pretty, either he is lying, he is not being truthful, or he's incompetent. I mean, can you imagine if he was in the Oval Office and let's just assume that he's telling the truth and his closest allies went rouge on him and misused government power to the detriment -- putting couple of peoples lives at risk, can you imagine the potential ramifications if he had been in the Oval Office. So, no, I don't think he gets -- he comes out of this unscathed.

And you know, Chris Christie has a reputation for being vindictive and for using the levers of power against his political opponent. You know, there are incidence and after incidences of this and I could tell you during the political campaign when I was trying to raise money I would call people up and they would say, you know what, I can contribute above the $300 threshold where it would be reported publicly because I'm afraid if I'm on that list, this governor will seek retribution against me.

MORGAN: OK. Well, John Wisniewski, no one seems to think about this is that in New Jersey, he's approval rate has definitely taken a hit. So you now have an approval rating of 44 percent as the Monmouth University Poll compared to 70 percent back in February when he was the most popular governor I think in history. And -- but conversely, the national polls are not really moving. People don't really seem to care nationally about this. What do you think is going to happen with this investigation and indeed the political career of Chris Christie?

WISNIEWSKI: Well Piers, this is not about polls. We started looking at the efficiency in the operations of Port Authority and an important bi-state agency. And the mismanagement and the abuse of power has taken straight into the governor's office and then Senator Buono correctly pointed out there are two options here. Either this is a man who is not in control of his own senior staff or he's not telling the truth. This is an important issue and the fact to the matter is it while we've been talking about this for probably two weeks, this governor strenuously and mockingly denied any involvement in this for months and now it's coming back that people in his office plotted it, used the apparatus of his office to try to cover it up.

It's an abuse of power. It's a cover up of the abuse of power and this governor ought to be true to his words in his long apology and be very cooperative in making sure every document is turned over so that my committee and the legislature can look at this thoroughly and decide for itself what his involvement was. Look, there may not be direct involvement from him but what it does show is a man not in control of his own staff. He can't run a bridge, how does he want to run a country?

MORGAN: John Wisniewski, Assemblyman from New Jersey, thank you very much and Senator Barbara Buono, thank you very much as well. We also have a number of Republicans coming on the show tonight to defend Chris Christie that's for all the tellingly, we're still waiting to any of them to actually accept that invitation. It does still stand though. And if you want to come on tomorrow or a day after, we will happily have you on. When we come back, while members of Chris Christie's own party is stepping up. Marc Lamont Hill, Dana

Loesch, and Ryan Lizza, do battle on that next.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

SEN. JOHN MCCAIN (R) ARIZONA: Having gone through this, I know that you've got to answer every question. You can't leave any question unanswered. I think that he can now move on as long as another shoe doesn't drop.

(END VIDEO CLIP)

MORGAN: John McCain pretty much shooting me now on the head as he often does and when all the shoe drop will Chris Christie come out of all this unscathed. Well breaking down the news tonight. CNN Political Commentator, Marc Lamont Hill, also with me, a new show on the blaze premier this past Friday allowing her back on my show and will air every Friday at 5 PM Eastern, titled, "Dana", the exciting new program, just as everything from politics to pop culture and speeches, Dana Loesch. Welcome back, Dana. And finally --

DANA LOESCH, HOST, DANA ON THE BLAZE: Thanks.

MORGAN: -- CNN Political Commentator and Washington Correspondent, The New Yorker, Ryan Lizza. So, all star panel, let me start with you, Marc Lamont Hill. Pretty telling, we couldn't get anybody on the Republican side of any imminence to come on here and to thank Chris Christie. Why wouldn't they do that?

MARC LAMONT HILL, CNN POLITICAL COMMENTATOR: Because no one wants to go on the record defending something that may ultimately be just proven in a week, or two, or four or six, and that's essentially the problem. There are many people who have spoken through privately who say they're open to the possibility that Chris Christie has essentially told the truth. But no one is entirely sold that I know because there are just too many question marks, the biggest one being, how can someone who runs such a tight ship in New Jersey has something going on under his nose and he is entirely unaware of.

MORGAN: Ryan Lizza, how damaging has this been to Chris Christie politically. I mean, it's in the poll say, let's just go over this again because they're quite, I mean, fascinating, to the politics both locally and nationally for him. The local one, Monmouth University, Jan. 10th to the 12th, favorable opinion Chris Christie is now 44 percent down from 70 percent in favor, so big drop then, his local popularity with 89 percent of New Jersey is apparently paying close attention to the scandal.

But on the national state, Pew Research, Jan. 9th to 12th, in the past few days, how's your opinion on Chris Christie, not changed 60 percent, some vast majority really saying it hasn't changed their opinion, 60 percent less favorable, 6 percent more favorable. So, not much, what does he save for his chances of surviving the scandal, and in fact, continuing to become possibly Republican nominee in 2016?

RYAN LIZZA, CNN POLITICAL COMMENTATOR: Well look, what's taken ahead here is the -- Chris Christie that he wanted to presents nationally. And look, right now, the audience who really cares about -- he cares about the local New Jersey audience because he wants to get stuff down on New Jersey in the next few years. But, he's starting to courts the national Republican audience. And the story he wanted to tell to them is he's a different kind of Republican that can attract nontraditional voters and that even though New Jersey has this reputation as frankly a state that's full of crap politicians, he's something different. He won two terms in that state by overcoming all that by changing how business worked in that state. And obviously, what we're learning over the last week or so, is putting a pretty serious dent in that reputation.

MORGAN: OK. Dana Loesch, you tweeted this, you said, you don't have to be a Christie fan and you're not really, I think we have to take it from the start, to note the startling difference between the handling a Bridgegate and NSA, IRS, Benghazi. Do you feel there's a double standard here in the way that Democrats are going off to Christie, given the way those three other scandals played out?

LOESCH: Yeah, well, I knew you couldn't quit me, Piers. But, to answer your question, yeah, I do -- I do think that there's a difference. And I wanted to add too to Marc's point which I actually agree with. I think there's a little bit of political retribution going on here with the Republican Party as well after the relief funding with Hurricane Sandy. But, I do think there has been a double standard. I, myself, have asked many times, I wish that we could get more answers as to how involved the President was with the IRS when we knew that his top aids knew, when it went all the way up to the top, even the IRS's chief counsel.

When I asked that question, I'm attacked and the other conservatives are attacked and there are characters on the line. But I have the same question with Chris Christie, I, like the other two on this panel, don't think that all the questions have been answered. I still think that there's yet more to come out. But yet, when I asked that same question, what do Christie know, when did he know it, I don't see any of that criticism. And Bridgegate in comparison to the things that we've seen with Benghazi and the IRS scandal and Fast and Furious, there's a lot -- there was a lot more at stake with those other scandal.

HILL: I think there's like a verbal tick among conservatives that whenever you mention anything with a Republican, they have to say, Benghazi. And because of...

LOESCH: A verbal take you called for that Americans are verbal tick...

(CROSSTALK)

MORGAN: Let me just say something. I actually think Dana raises a very perfect and relevant point which is I think there is a hypocrisy there, yeah. I mean, leads through these three of other scandals that she cited. I do remember the way the Democrats behaved over that. And now, suddenly, it looks like it's a different criteria. Even though you could argue that Bridgegate is just a serious than any of the others. People's lives could have been lost there. All right, it maybe arguable but some of them were.

HILL: Absolutely. And let me clear so that I'm not mischaracterized. I'm not suggesting that four dead Americans is unimportant, I'm suggesting that the connection between President Obama and also the state department and those desks are not in a type of connection that people have alleged. That's the concern here. The IRS...

MORGAN: But it comes down -- it comes down to accountability, isn't it? It comes down to accountability.

HILL: It absolutely does.

MORGAN: If you're the -- if you're the boss, if you're the President or you're a governor, how accountable should you be ...

HILL: You should know.

MORGAN: ... to the actions of people working for you?

HILL: You should, I mean, you should know what's going on and you should also be responsible for the culture that you create in that place. That's why I think it was important to -- particularly Hillary Clinton in the State Department. I think it was important to question Barack Obama with regards to the IRS. But what's baffling to me is this idea that conservatives keep offering that somehow we won't talk about Benghazi. All we ever talked about is Benghazi ...

LOESCH: No, we don't.

HILL: ... (inaudible) when the world's -- this is the championship ...

LOESCH: We're just down finding out.

HILL: ... what about Benghazi, I mean (inaudible).

LOESCH: Marc, I have to disagree with that. We just found out that the New York Times apparently had someone there on the ground and they were interviewing people who are apparently participating in the attack and that came out a year after this happened. And we're just now finding out, how long have eye witnesses have been held back by the State Department. I think it's a perfectly legitimate and valid to ask these questions. But yet, we don't want to talk about that. You can't say that we have talked about Benghazi endlessly because we haven't. We are still learning information about it and so...

HILL: And it's OK if you learn...

LOESCH: I make it -- I think it's perfectly -- I just...

MORGAN: OK, let me bring it Ryan. Ryan, I want to ask you to say about the other big thing that brought today on the Christie story which is, that the feds are investigating whether he misused money raised from the Sandy hurricane relief funds. I got to say, I can't get to exercise about this at the moment, am I right...

LIZZA: Yeah.

MORGAN: ... to see this as a bit of a side show or not?

LIZZA: You know, I don't know. I think the question here is why -- look, I've been talking to a lot of New Jersey politicians all week. And the phrase that keeps coming up is, "New Jersey is a pay-to-play state". And it's not like Chris Christie came in there and reforms the whole system and changed that. You know, to be a successful politician, a successful governor in New Jersey, you have to master a lot of levers of power and you kind of had to live with the system as it exists and it's pay-to-play.

So, the question here is, did the firm that get -- got these contracts, did they get it because of their ties to Chris Christie? Did the government officials who gave it to them -- and there's some breaking news as I was just coming on here about new details, about this coming out. Did they award it to this one firm for reasons that weren't above board? That's the question.

HILL: I don't buy it, honestly...

MORGAN: OK. Dana -- Dana let me ask you this, as a conservative, many people on the Right share with the view on the Left that Chris Christie's bad news because they blame him for stiffing Mitt Romney by putting his arm around Barack Obama after the hurricane itself. They also think he's, you know, probably too moderate for that like, he maybe too moderate for your liking, but many Republicans also feel he may have stood the best chance of actually winning a general election. What do you think his chance -- his on -- of winning the Republican nomination? And secondly, perhaps winning a generalization if it was against Hillary Clinton?

LOESCH: Well, I know that there's a lot of different stories going back and forth, how he has pulled against Hillary Clinton. I think it's a way too early to say that, honestly, for 2016. I know everybody is running there behind the safe campaign but, really, I think it ultimately it's going to depend on how this plays out. And the investigation into those funds, I think that Ryan brings up a good point with that because if you remember Governor Chris Christie went out and absolutely blasted the Republican Party because they wanted to investigate, why 25 percent of this relief funding was poor. You were having millions of dollars go toward areas that weren't in New Jersey at all, Alaskan fisheries and repairing the Smithsonian Institute roof that had nothing to do with victims that needed money and Christie went out and blasted people. Even Michael Bloomberg disagreed with Chris Christie on this point. So, it -- that there's some ill-will there. There's some -- some Republicans...

LIZZA: I think it too.

HILL: Piers, you...

(CROSSTALK)

MORGAN: I've got to leave it there. Let me as ask you finally, Ryan -- let me just ask you Marc quickly, do you think if no more dirt comes out on Chris Christie linking him directly to Bridgegate. Do you think that he could still be Republican nominee?

HILL: Absolutely, I think that nothing else is going to come up. If nothing else, excuse me, if nothing else comes out about Bridgegate.

LOESCH: Yeah.

MORGAN: OK. So, Ryan, what about you?

LIZZA: Absolutely, I agree with that. That's right if he's -- if his statement in his press conference stands as a 100 percent accurate, I think he can -- he still -- he'll be fine.

MORGAN: OK. So busted (ph) would may be not big.

Marc Lamont Hill, Dana Loesch, Ryan Lizza, thank you all very much.

HILL: Thank you.

LOESCH: Thanks.

LIZZA: Thanks.

MORGAN: When we come back, this very unauthorized biography that's rocking Fox News and why Roger Ailes doesn't want you to read it. My primetime exclusive with the author Gabriel Sherman. That's next.

(COMMERCIAL BREAK)

MORGAN: One place you were to find another coverage of the Chris Christie story is Fox News and that's undoubtedly the direction of Roger Ailes, not just to matter on top of folks. He might the most powerful minor Republican Party.

So as he's to getting his own way but a new definitely annual fraud biographies making ways over at Fox which is, of course, the competition. The book is The Loudest Voice in the Room, How the Brilliant, Bombastic Roger Ailes Built Fox News and Divided the Country. The author is Gabriel Sherman joins me now on our primetime time exclusive.

Gabriel Sherman you've said that you wrote a few votes and raffled a few feathers with this book. Are you surprised by the reaction or was that exactly what you expected?

GABRIEL SHERMAN, AUTHOR, THE LOUDES VOICE IN THE ROOM: Well, thanks for having me Piers and you know anyone whose covered Roger Ailes knows that he is the most combative man in the American media. And going in to this project, I knew that it was going to be a very challenging reporting assignment but I did not know just how challenging it would be. It is been the toughest, most brutal reporting experience of my career. MORGAN: And tell me, what is the point of the book and why should we take Roger Ailes so seriously? Why is he not just a very clever guy running a very successful cable news show which actually is watched by 3 million or say 315 million Americans? Why put him on a pedestal of power?

SHERMAN: That's a great fascinating question. It gets to the heart of this book. The reason I reported this book is that Roger Ailes speaks to every single American, whether they watch Fox or not. His ability to frame the news and drive a message is so powerful through Fox that he is affecting every single news story whether viewers watch Fox or not. So, it is a tremendous importance for viewers to understand who this man is and how he thinks.

MORGAN: And we'd sort of dichotomy perhaps of Roger Ailes is that everyone that knows he was when it comes reading your book believes essentially are hard. Is actually quite moderate and likes moderate conservatives and yet he canvass and encourages a more extreme Tea Party types and extreme members of Tea Party like Sarah Palin and others because they are good for viewers. Is that a conflict? Do you think that he has or...

SHERMAN: Well, I would put it slightly differently. In fact, you know, Roger Ailes, his personal politics as I report in the book, are actually very quite extreme. But he's a brilliant political strategist and he knows throughout his career that he has had to work through moderates to win elections.

You know, his political hero is George H.W. Bush, probably the GOP's last great moderate. And so, Roger Ailes, is this brilliant political mind where his politics are way out on the Right but to win he works through conventional establishment GOP candidates. And that's a fundamental difference.

And what we saw in the 2012 election, what broke down, is that Fox's politics got so extreme. Ailes' world view was dominating the screen that it was a wave of crushing over Mitt Romney and he was not able to break out of that Right Wing image that Fox had created.

And so, in fact Romney was a moderate establishment candidate and yet Fox had paid to them as a far Right candidate. And that was a break. That was a fundamental break that we saw from Ailes' career because earlier in his career he worked with moderates. He was able to advance the interest of moderates and ultimately his extreme politics were in conflict with the party's aims of winning a national election.

MORGAN: I used to work for his boss Rupert Murdoch on British newspaper and he was very similar to Roger Ailes, created by his (ph) character, very powerful and utterly, I think in his politics as he less extreme than people probably think he is in many ways, and that was just my personal feelings with him.

But in terms of the position of Fox now and the Republican Party, many think that Roger Ailes effectively runs the Republican Party, decides who they should put up to be their nominees and so on. Is that true and if he is so powerful, politically, how come he's effectively they lost the last two elections?

SHERMAN: Well, I think that's a great point. You know, Roger Ailes has surpassed the GOP, you know, and during the 2012 election, he said to his senior executives, we're going to have to do a lot to get this guy elected, meaning Mitt Romney, and he said to Bill Kristol, the editor of The Weekly Standard and at the time, a Fox News contributor, that he did not think Mitt Romney had the spine to "rip" Obama's face off.

So, Ailes, through Fox took it upon himself to run Mitt Romney's media strategy and what was fascinating is that really for the first time in American history, a Republican candidate war room was being run out of the headquarters of a news channel. Mitt Romney's more war room was being run out of Sixth Avenue in Midtown Manhattan.

MORGAN: You were saying not much coverage of the Christie's scandals since it broke on Fox saying nothing, a lot of the coverage we've seen on something like Benghazi for example. And is that an example of Roger Ailes exercising his power to be protective to somebody he thinks may will end up being the Republican nominee.

We know from your book that he say that Chris Christie or General Petraeus actually before he was brought down by scandal over Mitt Romeny for instance.

SHERMAN: Yes, this is fascinating. Now, this shows at the heart how Fox is a political messaging organization.

Personally, Roger Ailes has no love for Chris Christie. On Election Day in 2012, when it looked like Romney was going to lose, Ailes grumbled to his most senior team, "Thank you Chris Christie."

He blamed Christie for the photo-up that he gave Barack Obama with Hurricane Sandy. Now, so personally Ailes and Christie, no love there. But Ailes is smart enough that he knows that he has to balance the rest of the media.

Now, someone very close to Ailes that I quote in the book said, that Ailes' meaning of fair and balance is that Fox is the balance on the rest of the media. So, Ailes sees it as a political messaging device that if the media is covering Christie's Bridgegate, it is Fox's job to go in another direction similarly with Benghazi, this was a story Ailes thought wasn't very important. He told people that, you know, Obama hang these guys out to dry.

So, he thought as Fox's roll, he told to his executives that Fox had to drive this story. So, there you see that Ailes is willing to put his personal politics aside even Christie that had a falling out, but he's helping and he's protecting him for political purposes.

MORGAN: Let's take a short break, Gab come again talk more about the book and what Fox News is saying about you and the book. And also, the extraordinary stories and it's really one where Roger Ailes father tells him to jump out of a bunk bed from the top and then refuses to catch him. And I'll tell you why he did that after break.

(COMMERCIAL BREAK)

MORGAN: And you're back with me. Roger Ailes has Fox News in turmoil. The author is here tonight's a tell all. Back with me now in a primetime exclusive, Gabriel Sherman, author of the "Loudest Voice in the Room".

Gab, let's talk about the nature of what Fox News has now become. People say it's no longer a cable news channel. It's basically a political entity masquerading as a news channel. Is that fair assessment?

SHERMAN: I think that's a fair assessment and that's what my reporting told me after three years in more than 600 interviews. Now, I think what's important to note is that the nature of Fox has changed through the years, through the 17 plus years that the network has been in existence.

Now, the seeds of its political nature were there from the beginning. But in the early years of Fox, you know, the blueprint – Rupert Murdoch's original blueprint for a cable news network was more populist and tabloid, essentially sort of a New York Post on cable news than strictly political.

Now, Roger Ailes as he amassed power within the news corporation, now a 21st Century Fox Group, but as the amassed power within

Rupert Murdoch's empire, he got more and more latitude to run the channel as he saw fit. And over the years, some of the checks and balances on Ailes' rule were released. And now, it's basically just Ailes' vision unfiltered. It's Ailes' unplugged. And so now, we see the real sort of unvarnished Roger Ailes. And that's why the sort political evolution of Fox has changed through the years.

MORGAN: A statement from Fox News recently from the weekend said that "This latest effort appears to be another example of the agenda-driven cottage industry built on attacking FOX News. The author's failure to secure an interview with the principal subject does not absolve his fact-checking obligations wit the network." That's the essential charge that you didn't submit the manuscript for them to fact-check. How do you plead to that?

SHERMAN: Well Piers, I reached out to Roger Ailes more than a dozen times in person and in writing. I traveled to meet him in other states when he was giving public appearances. He declined every request. And ultimately it's Roger Ailes' and Fox News' decision not to engage with the book.

I had a team of two professional fact-checkers spending more than 2,000 hours getting every word in fact in the book. So ultimately, Fox News is the one that did not fact-checked the book. The book was strictly fact-checked. And that's, you know, that's clear to everyone. And the book will be out tomorrow. It has more than 100 pages of end notes. The readers can see that the sourcing is very transparent. So ultimately, this is Fox News' decision.

MORGAN: There are some incredible stories in there about Roger Ailes, personally. The one I like most was in fact the most motivating thing you could ever imagine for a young boy. He's a young lad and his father says to jump of on top of a bunk bed. And he flings himself up assuming his father will catch him.

SHERMAN: Yes.

MORGAN: The father deliberately doesn't catch him and says, "Now, learn the lesson. Never trust anybody."

SHERMAN: I know.

MORGAN: When I read that, I was like, "Wow."

SHERMAN: That's a ...

MORGAN: That's pretty brutal but...

SHERMAN: ... it's...

MORGAN: ... what did you make about it?

SHERMAN: ... it's a harrowing story. And, you know, really at the heart of this book is a human drama. You know, this is not a book about the media. It's a book about a man who has transformed America through the media. And at the heart of it is a Citizen Kane-like story of a man who overcome tremendous odds. You know, Roger Ailes grew up a middle class mean and he has this amazing life story rags to riches to the highest corridors of American power.

MORGAN: Final question, is it possible to abhor what Roger Ailes stands for whilst massively admiring his success and ruthless ability to crash rivals?

SHERMAN: Listen. This book is a testament to his talent, his genius, and his vision. Hew has a major figure of American consequence. So it's up to readers to decide ultimately what his legacy will be. But I hope this book is a historical record of how he's changed the country.

MORGAN: Gabe Sherman's "Loudest Voice in the Room" everyone's talking about it. They'll be reading it from I think tomorrow. It's a fascinating book into a fascinating man. Thank you very much, Sherman.

SHERMAN: Thanks for having me, Piers.

MORGAN: That's all about tonight. AC 360 Later starts in a few moments.

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THE SITUATION ROOM

Christie Scandal; New NSA Spying Revelation

Aired January 16, 2014 - 18:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

WOLF BLITZER, CNN ANCHOR: But his office has just hired an outside lawyer. Can Christie still conduct business and politics as usual?

Did a Christie aide go rogue? New details on the political appointee who personally directed the lane closures which brought a city to its knees.

And a new bombshell revelation about NSA snooping just as President Obama gets ready to announce major reforms to the agency's surveillance programs.

I'm Wolf Blitzer, and you're in THE SITUATION ROOM.

First, 20 subpoenas have just gone out to the -- in the New Jersey traffic scandal. And Chris Christie is digging in for the long haul, expecting marathon investigations into the gridlock orchestrated by aides. Facing a veteran prosecutor, Christie's office has now hired a law firm of its own, but the governor was at the scene of his greatest success today, vowing to carry on.

We have full coverage, beginning with our chief congressional correspondent, Dana Bash. She has the very latest -- Dana.

DANA BASH, CNN SENIOR CONGRESSIONAL CORRESPONDENT: Wolf, a source close to Christie told me that earlier this week he called a meeting of his top aides and he told them there are big lessons for all of them to learn in how to manage the office and their people.

He also told his staff he understands a lot of their time and energy will be consumed with the multiple investigations going on, but they have got to get back to work. That's what he tried to do today.

(BEGIN VIDEOTAPE)

BASH (voice-over): It's this kind of image that made Chris Christie's popularity soar, comforting and helping victims of Hurricane Sandy. Today's trip to the Jersey Shore was all about recapturing that.

GOV. CHRIS CHRISTIE (R), NEW JERSEY: There's all kinds of challenges, as you know, that come every day out of nowhere to test you.

BASH: Back in Trenton, the governor's office hired an outside law firm to help with an internal review of the bridge closing fiasco. CNN is told Christie has not hired his own personal lawyer.

CHRISTIE: I'm as focused on completing this mission as I was when I woke up on the morning of October 30, 2012. And nothing will distract me from getting that job done. Nothing.

BASH: That won't be easy. Soon after, Democrats in New Jersey's Senate unanimously authorized a special committee to investigate George Washington Bridge lane closures in September. And the man who put Illinois Governor Rod Blagojevich in jail, Reid Schar, was named special prosecutor for another investigation by the state assembly.

UNIDENTIFIED MALE: Thank you.

BASH: That committee issued its first subpoena, 20 of them in warp speed, all of this as Christie pledged to stay focused on New Jersey constituents.

CHRISTIE: You all gave me a resounding vote of support on November 5.

BASH: But national politics will dominate his schedule this weekend, fund-raisers in Florida for the governor and the Republican Governors Association, which he chairs, and events with potential future donors hosted by billionaire Home Depot co-founder Ken Langone.

CNN is told Christie's troubles have not driven away donors he would need to run for president. In fact, more signed up to see him since the scandal exploded.

(END VIDEOTAPE)

BASH: As for Democrats, they clearly still see Christie as a formidable force in the future, so much so that the Democratic National Committee chairwoman, Debbie Wasserman Schultz, Wolf, she plans to hold events in Florida responding to Chris Christie, except those events are all private.

BLITZER: Yes, she's in Florida, too. She's from South Florida.

BASH: She is, but she will go all over the state for this.

BLITZER: I'm sure she is. Thanks very much, Dana, for that report.

Chris Christie's administration facing multiple investigations a the state and federal levels. A state assembly panel has just issued the first subpoenas. Democrat Loretta Weinberg is the majority leader of the New Jersey Senate and heads its committee looking into the traffic scandal. She is joining us now for more.

What are the major unanswered questions you're looking at right now?

LORETTA WEINBERG (D), NEW JERSEY STATE SENATOR: Well, the major unanswered question is the question. Who actually ordered this and why? You know, let's focus on the fact of what happened here. The busiest bridge in the world was put on -- was the cause of a tremendous traffic jam that put thousands of people in jeopardy, that caused schoolchildren to be late on the first day of school. That was the week of the 9/11 memorial.

All of that was done, and we have not yet heard an answer as to who really ordered it. We know that there was an e-mail directly from the governor's office to David Wildstein at the Port Authority that signified move ahead with the traffic jam.

BLITZER: So you don't know yet, Senator, why this decision was made to shut down those lanes?

WEINBERG: That is the biggest unanswered question, Wolf.

BLITZER: What do you suspect?

WEINBERG: You know, there are so many theories out there, so many theories, and maybe all of them are plausible and maybe they all came into play in this. I'm not ready to speculate on that. That's why we have the Senate committee with subpoena power.

But let me point out that I had been going to Port Authority meetings in October, November, December. I contacted one of our Port Authority commissioners, Pat Schuber, with copies to David Samson, the chairperson of the Port Authority, and to the governor himself, back in September when this happened asking for an explanation.

I am absolutely outraged that I learn today that that Port Authority, whom I have appeared before for four months now, sat there silently, never answered, that today finally they answered Senator Rockefeller and said, there was no evidence of a traffic study. They sat there for four months. Every single New Jersey commissioner, I would say, is in dereliction of their responsibility to the people we all represent in New Jersey, particularly the people I represent in my area, including Fort Lee and Englewood and Leonia and Teaneck, and all the surrounding towns, Palisades Park, that suffered through those traffic jams.

This is horrendous.

BLITZER: Who created that false report, that suggestion that there was some sort of traffic study under way?

WEINBERG: That was done by the deputy executive director of the Port Authority, Mr. Bill Baroni.

(CROSSTALK)

BLITZER: And he resigned.

WEINBERG: He resigned, but he resigned after he went on November 25 to the Assembly Transportation Committee, not under subpoena, nor under oath, went voluntarily and claimed that there was a traffic study and that this was an issue of fairness because somehow there were some kind of private roads from Fort Lee to the George Washington Bridge, absolutely a made-up cover-up. And I have been saying it since then.

So the fact that I have appeared before the Port Authority -- these are men who are supposedly responsible for the biggest infrastructures in our region, for the safety, for the new building, for transportation projects, for hundreds of thousands of people and for hundreds of millions of dollars. And they sat there for four months silently.

BLITZER: We know the state Assembly has issued these 20 subpoenas. I assume you're going to start issuing your own subpoenas. To the same people or different people?

WEINBERG: Hopefully, we will work in conjunction with one another, but we are going to start off by issuing subpoenas for documents from Chairman David Samson's office, from Commissioner Pat Schuber's office, who I had a personal interchange with, who promised me back in September he'd get to the bottom of this, and from the governor's incoming chief of staff, Regina Egea, who is also C.C.ed on some of these e-mails.

BLITZER: What kind of timeline do you expect for this investigation?

WEINBERG: Well, you know, I'm not so sure that it's going to happen that quickly.

But I would like to see us expedite it as quickly as we can, to get to the real answers. If the governor really wants to get to the bottom of this, he will urge all of the people that are surrounding him to come and tell the truth and not redact various items from e- mails and to come clean.

I C.C.ed the governor on my original letter of inquiry on this of what happened here. That's back in September. I have yet to receive an answer from the governor. Now, maybe I'm on that list that has become so infamous of all the people the governor doesn't answer. But I wrote the letter on Senate stationery. I'm the majority leader of the New Jersey State Senate and I have yet to receive an answer from any of these people.

(CROSSTALK)

BLITZER: I just want to wrap it up, Senator.

WEINBERG: Sure.

BLITZER: Is there any evidence at all, anything you have seen, that directly links the governor, the governor, per se, the governor personally, that there is something that would suggest he has been lying over these past few days?

WEINBERG: No. There is not any kind of direct evidence like that, except that four people around the governor, two were fired, two were forced to resign under pressure. And I believe what the governor is most responsible for is creating an environment in his office and in fact in political circles in our state of an environment of this kind of behavior is acceptable. That's what I think the governor needs to answer for and I don't think he has done that yet.

BLITZER: Loretta Weinberg is the New Jersey state Senate majority leader.

Senator, thanks very much for joining us.

WEINBERG: Thank you, Wolf.

BLITZER: Still ahead, we have extraordinary new details on the Christie ally who personally directed the lane closures which threw that city of Fort Lee into gridlock. Was he acting on his own?

And New Jersey lawmakers have hired a prosecutor who once put a former governor in jail. So how tough is this showdown going to be?

(COMMERCIAL BREAK)

BLITZER: We're learning some exclusive new details about the man at the center of the New Jersey traffic scandal, a Christie political ally who held a job created especially for him, personally orchestrated the lane closures that brought a city to its knees.

Did he have a direct connection to the governor or did he simply go rogue?

Let's turn to CNN's Chris Frates of CNN's investigations. He's been looking into this.

What are you finding out?

CHRIS FRATES, CNN CORRESPONDENT: Wolf, we're finding out that while Governor Christie has distanced himself from David Wildstein, we're learning some pretty interesting new details from sources inside the Port Authority.

(BEGIN VIDEOTAPE)

FRATES (voice-over): "Time for some traffic problems in Fort Lee?" "Got it." With that two-word response, David Wildstein helped set off a scandal that threatens to derail New Jersey Governor Chris Christie's second term and maybe even his presidential ambitions.

And now CNN is learning new information about Wildstein, the man who occupied a key post at the Port Authority of New York and New Jersey and is at the center of the Bridgegate scandal. He refused to answer questions from state lawmakers last week.

DAVID WILDSTEIN, FORMER DIRECTOR OF INTERSTATE CAPITAL PROJECTS, PORT AUTHORITY: I assert my right to remain silent.

BASH: Wildstein's position, director of interstate capital projects, was created just for him at the direction of the governor's office, according to a former employee familiar with Port Authority hires practices. Indeed, Wildstein's post didn't even exist before he filled it in 2010, according to Port Authority documents examined by CNN.

Before Christie became governor, there were only four positions in the top New Jersey office at Port Authority. Christie increased the number to six. Wildstein personally directed the lane closures on the George Washington Bridge in September, and that's thrust Christie into the center of multiple investigations over whether the closure was political retaliation.

The revelations come in new documents released today by the U.S. Senate Commerce Committee. They paint a picture of a man who went rogue, closing lanes without following proper procedures despite warnings of traffic backups and safety risks. Christie distanced himself from Wildstein after the story broke, especially after it was reported the two attended the same high school.

CHRISTIE: David and weren't friends in high school. We weren't even acquaintances in high school.

FRATES: High school acquaintances contacted by CNN backed up the story. In fact, Christie's high school baseball coach, Tony Hope, said the two couldn't have been more different.

TONY HOPE, COACH: No one could ever say a bad thing about Chris, everything extremely positive. All his friends, they loved him. He was popular as a person could be. And David was very quiet, also extremely intelligent, but didn't have great social skills.

BASH: But by the time Wildstein was hired at the Port Authority in 2010, he was being introduced to people as a good friend of Christie's, according to a source, though the governor says the two are not close.

CHRISTIE: I could probably count on one hand the number of conversations I have had with David since he worked at the Port Authority.

BASH: Sources tell CNN Wildstein was viewed as Christie's eyes and ears, scrutinizing agency business on the governor's behalf. They believed he spoke for the governor and, in turn, watched what they said about him, assuming their words would end up back in governor's ear, though the governor's office says this is inaccurate and has been "mischaracterized by the media."

Christie's office also provided us with this response. "As the governor made clear last week, David Wildstein is not a childhood friend and his interactions with him over the last four years have been limited. Last month, he appointed a new leader at the Port Authority with a proven record of rooting out corruption and reforming government agencies to help lead the agency."

(END VIDEOTAPE) FRATES: Now, when Chris Christie came into office, the governor said the Port Authority was on the list of agencies that needed to be reformed. Wolf, it's kind of ironic that the governor targeted this Port Authority for improvement and now it's come back to bite him a little bit.

BLITZER: Yes, certainly has. All right, Chris, thanks very much, Chris Frates reporting.

Let's dig a little bit deeper right now. Investigators are moving quickly to try to get to the bottom of this entire scandal with the first of 20 subpoenas already going out.

Let's bring in our senior legal analyst, Jeffrey Toobin.

What do you make of this decision, very quick decision to issue these 20 subpoenas, 17 involving individuals, three involving organizations?

JEFFREY TOOBIN, CNN SENIOR LEGAL ANALYST: One reason you act so quickly when you're a prosecutor is that it puts all of the recipients of the subpoenas on notice that, if you do anything to the documents that are subpoenaed, that's a crime. That's obstruction of justice.

So as soon as you have that subpoena in your hand, you know that you better not destroy those e-mails, you better not destroy the documents or you might be in some extremely serious trouble. It will probably take a while for all those documents, all those records to be produced, but it's certainly an aggressive first step on the part of the special counsel.

BLITZER: What do you know about Reid Schar? He's the special prosecutor. He was clearly involved in Rod Blagojevich now spending 14 years in jail. What do you know about this prosecutor that's now been brought into this investigation?

TOOBIN: Well, he's a very respected prosecutor from Chicago, the U.S. Attorney's Office for the Northern District of Illinois. His boss was Patrick Fitzgerald, whom I'm sure a lot of people remember, a very well-regarded prosecutor there.

And I think what's most significant about him is that he's not from New Jersey. He's not even from the East Coast. He comes from an entirely different political culture, legal culture, so he doesn't owe anybody anything. And he will come to this with open eyes and no loyalties and, you know, let the chips fall where they may is I'm sure the idea behind his appointment.

BLITZER: And we know the governor today named his own lawyer, an individual named Randy Mastro, who was pretty close to Rudy Giuliani, the former mayor of New York City.

TOOBIN: And a very well-regarded white-collar crime lawyer in New York, someone who is also known, even though those standards, as very, very tough. There's a famous law firm in Washington called Patton, Boggs and Blow, and Randy Mastro has been in a fight with that law firm over a matter in Ecuador that has driven Patton Boggs to incredibly internal problems.

It's very unusual that you can have one lawyer almost bring down a major law firm, but that's indicative of how tough Randy Mastro is. I think it's also a signal that the governor may say in his state of the state address, I'm going to cooperate. If you're lawyer is Randy Mastro, you're not going to be going out of your way to cooperate. Randy Mastro's job is to protect the governor, and he will do it like he does everything, very aggressively.

BLITZER: But there's going to be a conflict there. On the one hand, you will tell your client, if you're Randy Mastro, don't say anything. On the other hand, for political reasons, he's the governor of New Jersey, the chairman of the Republican Governors Association. He's got to talk.

TOOBIN: He's got to talk, but you can be sure that Governor Christie is going to be saying things like, as he's already said, I have already addressed those questions.

It's one thing to be available to questions about your duties as governor, but whether you interact about the details of this matter is another question. And I don't expect Randy Mastro will be allowing the governor to engage about this every day. He is going to keep this under a tight rein.

And look for conflict ahead because, you know, in the production of documents, who's cooperating, how much they're cooperating, that is where these matters often turn into conflict and you will see it here, I bet.

BLITZER: Everybody seems to be lawyering up right now, as they say.

Jeffrey, thanks very much.

Up next, stunning new revelations about NSA spying even as President Obama getting ready to announce new reforms for the surveillance programs.

On this, the anniversary of Desert Storm, a tribute to someone who helped put CNN on the map.

(BEGIN VIDEO CLIP)

BERNARD SHAW, CNN ANCHOR: The skies over Baghdad have been illuminated.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

BLITZER: New bombshell about the extent of NSA snooping. "The Guardian" newspaper, which has broken many of the leaks, reports the agency has now collected millions of text messages. All this comes just as President Obama getting ready to announce reforms to the NSA surveillance programs.

Let's bring in our chief national security correspondent, Jim Sciutto.

What do you make of this latest report in "The Guardian"?

JIM SCIUTTO, CNN CHIEF NATIONAL SECURITY CORRESPONDENT: Well, this based on yet more documents stolen by Edward Snowden, released by "The Guardian" newspaper, not coincidentally, I imagine, the day before the president makes his big speech, but another tool of the NSA that shows the extent of its ability to watch and listen, collecting 200 million texts a day, and also other information, location, contact details, credit card details.

"The Guardian" implied this was done indiscriminately. This NSA pushing back very hard on that issue, in this statement to "The Guardian," saying: "Any implication that the agency's collection was arbitrary and unconstrained is false." They say the agency's capabilities are directed only against "valid foreign intelligence targets," which is an argument that we have heard from them before in response to the revelation of other forms of mass collection.

BLITZER: The president tomorrow at 11:00 a.m. Eastern, he will go to the Justice Department and announce the reforms he's willing to accept.

SCIUTTO: That's right.

And I'm told the discussions, the debate on what those reforms are, are continuing up to the final minute.

BLITZER: Really?

SCIUTTO: Showing the sensitivity of the issues that have to be decided.

I think what happens tomorrow, whether you're satisfied or not, is going to depend on what your expectations are. If you're expected bulk collection to end, it's not going to happen. Even his intelligence reform panel did not recommend that. They said even though this kind of collection has not prevented an attack up to now, it may in the future. It's an essential tool. And they say kind of like we say about terrorists, terrorists only have to be successful once.

A program like this only has to be successful once to be important and it seems the president has indicated that he has found it is at least a valuable weapon in the arsenal in fighting terrorism. But there will be changes. Some of them already coming into play. One is that you need White House approval, you need senior approval to be monitoring the discussions, the communications of the leaders of allied countries. You know what pushback, what anger there was when it was discovered that the NSA was spying on the leaders of some of our closest countries. Also, a public advocate going on in this Foreign Surveillance Court. You will see changes like that, but you are not going to see the end of these programs.

BLITZER: We will see what he says about listening in on the conversations of world leaders of friendly countries especially.

(CROSSTALK)

SCIUTTO: And they will be listening to what he's saying.

BLITZER: We will have live coverage 11:00 a.m. Eastern tomorrow morning. Jim Sciutto, thanks very much.

Finally, we want to congratulate a CNN veteran who is being honored tonight, my friend and former colleague Bernard Shaw. He's being inducted into the National Association of Black Journalists Hall of Fame. And it's happening on a very fitting day, one of the most important moments in Bernie's career and in the history of CNN.

It happened 23 years ago today. That would be the beginning of the first Iraq War, Operation Desert Storm.

(BEGIN VIDEOTAPE)

BLITZER (voice-over): Bernie, along with reporters John Holliman and Peter Arnett, made television history from the ninth floor of Baghdad's Al-Rashid Hotel.

SHAW: The skies over Baghdad have been illuminated. We're seeing white flashes going off all over the sky.

PETER ARNETT, FORMER CNN CORRESPONDENT: He had the microphone first, the instinct to broadcast, to be there. He didn't waver. He didn't hesitate.

BLITZER: No one knew whether the boys in Baghdad would survive that night. A billion people watched around the world, and CNN, as we know it, was born.

(END VIDEOTAPE)

BLITZER: What a day. I remember it very, very vividly.

Congratulations to Bernie Shaw from all of us here at CNN. When I joined 24 years ago, he was a huge, huge help to me.

Thanks very much for watching. I'm Wolf Blitzer in Washington.

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EXHIBIT 118

'Hardball with Chris Matthews' for Friday, January 17th, 2014

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NBCNews.com

Guests: Louis Greenwald, Loretta Weinberg, Michael Powell, Bennett Barlyn, Bennett Barlyn, Michael Powell, Judith Browne Dianis, Ryan Haygood

CHRIS MATTHEWS, HOST: Operation road hog.

Let`s play HARDBALL.

Good evening. I`m Chris Matthews in Washington.

"Let Me Start" tonight with this. With at least a dozen subpoenas issued by this week`s end and a growing list of officeholders past and present scurrying for protection, both legal and political, the reputation of New Jersey itself stands on trial.

It`s not just the reelected Chris Christie who faces peril, but those in both parties in the legislature, as well as in the governor`s office. Can the leaders and key investigators in Trenton get to the bottom of this operation road hog that has disgusted the country, or will they be blocked by a political buddy-buddy system that protects the politician while ignoring the public?

Will the good politics now of catching the perpetrators and preventing such acts from happening again overwhelm the people who have committed those acts and sought to hide them? Will the good politics of catching the bad guys in this episode beat the bad politics of those who now nervously wait for the wheels of justice to commence?

As the machinery of this investigation emerges this Friday with each new output of subpoenas, this is the question that looms. As those looking for the truth go to war with those seeking to hide it, who`s going to come out on top? Will there be enough juice behind the probe to overcome what`s already been unearthed as a huge potent blob of denial and self-protection?

Louis Greenwald`s a New Jersey assemblyman. He`s the majority leader and serves on the special investigative committee himself. Loretta Weinberg is a state senator whose district includes Fort Lee and has been fighting to get to the bottom of this scandal since it began.

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And now we have the final list of subpoenas issued by the special legislative committee investigating the deliberate George Washington Bridge traffic jams, or as I call it, operation road hog.

And here they are -- Bridget Anne Kelly, Christie`s deputy chief of staff who was fired by the governor, Bill Stepien, who was Christie`s campaign manager, Charles McKenna, Christie`s chief counsel. Port Authority chairman David Samson, Bill Baroni, the former deputy director of the Port Authority appointed by Christie, David Wildstein, a New Jersey political appointee at the Port Authority, Kevin O`Dowd, his chief of staff and appointee to become New Jersey attorney general, Regina Egea, Christie`s designated new chief of staff, and Mike Drewniak, press secretary, Maria Comella, communications director, Christina Genovese, Christie aide, Matt Mower is Christie`s former regional political director for his reelection campaign, and Evan Ridley, another Christie aide, Phillipe Danielides, senior adviser to the Port Authority`s chairman, David Samson, Christina Lado, the Port Authority`s director of government and community affairs for New Jersey, and Paul Nunziato, the Port Authority police union president. Also, Nicolle Davidman, who worked on fundraising for the Christie campaign, Colin Reed, who was Christie`s deputy press secretary, and the entity Christie for Governor, Incorporated, and the office of the governor itself.

Let me go to assembly leader Louis Greenwald, sir. Thank you. Give us a sense of what you think this wide spread of subpoenas tells you about the nature of the investigation now being undertaken.

LOUIS GREENWALD (D), NJ ASSEMBLY MAJORITY LEADER: Well, Chris, we have cast this net based upon the advice of counsel from the original e-mails that were turned over and a scan of those e-mails and an investigative review of those e-mails to see where the points of connection were.

These subpoenas are -- really, they are a discovery tool. They are nothing more than that. They are not to cast blame or take anything from that as to allegations of what role these people may have played.

But from being a part of the e-mails and that e-mail chain and the point of connection, we believe that they are key figures that would be able to provide insight as to, where is the root of the power, of the abuse of power, and how deep it goes. You know, our suspicions are clearly that it goes deeper than Bridget Kelly and that the people on that list would be able to provide that information.

MATTHEWS: What do you make of the governor`s statement that it was really Bridget Kelly who`s behind all this, who lied to him and basically implied that she was the one who initiated this whole bridge closing, based upon what was unearthed as an e-mail statement about it from her that said, Time for some traffic problems in Fort Lee.

He makes it sound like that`s the beginning and the end of this saga.

Is that accurate, as you know it?

GREENWALD: Well, I would find that very hard to believe on the Bridget Kelly that I know. She served the state legislature as a liaison to the governor`s office, very talented staffer, very responsive to us. But she was not someone who, when we dealt with her on public policy, that she would make a decision on her own. She routinely would say, Let me go back and check in with the front office. I`ll be sure to get back to you. To her credit, she always did. But she was not someone who would take that initiative or have that authority to make that decision on her own.

I would find that very hard to believe, that she would have masterminded the closure of the bridge solely on her own. And that`s really what`s led to this investigation.

The governor himself, I think, must be having a hard time believing that because he has launched his own investigation and hired outside counsel to review his executive office. I applaud him for that. I think any executive would have done that. I wish he would have done it sooner, but I think that`s the right move.

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So even his own actions don`t suggest that he believes that it begins and ends with Bridget Kelly. And that`s why, quite honestly, we made the decision we did over the weekend of bringing in Reid Schar, who has received remarkable accolades from people across the country for the hire.

MATTHEWS: OK. Well, I`m skeptical, and I`ll say that because I`m an outsider watching this. But I got tell you, having watched the governor`s testimony, at least in public -- not under oath -- that he never once had a conversation with any of his staff people, any of the appointees at the bridge authority, at Port Authority, never once evinced any evidence of any curiosity in his part, and is, in fact, used to mock the press for saying, I`m not going to be a prosecutor, I`m not going to conduct an investigation.

Now when he`s caught in this web, he says, I`m going to be the one investigating my whole team. It smacks of Nixon and the so-called Dean investigation. There was no investigation.

Anyway, let me go to Senator Weinberg on that. Do you have any confidence that Chris Christie would unearth the truth here on his own, having never -- having said, I never tried to do it before because damn it, it`s not my job. I mean, he has already said, It`s not my job to investigate what I did.

LORETTA WEINBERG (D), NJ STATE SENATOR: You know, Chris, you're kind of hitting the nail on the head. For me, this issue is about -- really, it's almost two different issues. It is the crazy part of it that I describe, who sat in their office and dreamed up a traffic jam in Fort Lee to last four days and put thousands upon thousands of people in jeopardy and put our infrastructure in jeopardy? Who thought that up and why?

We don't have the answer to that. 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, none of them, as far as I can see, did anything to actually find out what went on here.

People have known about this since September 13th. I myself wrote a letter to the Port Authority on September 19th. I cc'ed the governor on it. I cc'd David Samson on it. I wrote to Commissioner Pat Schuber. No -- in fact, some of the documents have been released. There were e-mails going back and forth trying to figure out how to say, Thank you for your inquiry.

They actually sent my inquiry to David Wildstein to draw up an answer for me. I mean, this whole thing is so out of hand. And I have to say this about the governor. Either he knew and he's not being truthful with people, or he didn't want to know. And if he didn't want to know, that's as much of an indictment about his managerial style as not telling the truth.

MATTHEWS: OK, what I like what I've heard about you've said, Senators, here's the question. You've always dealt with Pat Schuber. It's like if you worked in a senate office (INAUDIBLE) you could always count on somebody at some agency to give you an answer. You got to know people. They would give you quick answers and not waste your time with red tape.

It sounds like you had that kind of relationship with Mr. Schuber. Then all of a sudden, a guy who's always been helpful to you as a legislator, a senior legislator, has all of a sudden clammed up, as if somebody from on top said, No talking here.

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WEINBERG: Well, again, I can only go by what I know. I selected Pat Schuber because he's one of the people I voted for to put on the Port Authority. I selected Pat Schuber because we do have a personal and a very good and honest relationship. And I particularly selected Pat Schuber

because I said to him, I know when you go on the Port Authority, you are a former county executive of Bergen County, you will stand up for the people of Bergen County. And that`s why I reached out to Pat Schuber, who promised me he would get to the bottom of it. And you know what, Chris? I`m still waiting.

And I find it really difficult that the governor stated that he fired Bridget Kelly because she lied to him, but he wasn`t curious enough to ask her why or who else knew about it or who told her to do this? He never asked her. Nobody in his staff asked her. He just fired her. A very curious set of circumstances.

MATTHEWS: Majority Leader Greenwald, I want to ask you about what the governor has said so far and what you make of it. He said, I believed in the traffic survey all the way up until mid-December, when the people there like Wildstein, and of course, Baroni began to deny that there was a traffic survey. At that point, he briskly asked the staff for one hour, You got an hour to come forward and point the finger at yourself and say you done it, you did it. And then after that, he never asked anymore questions.

Does that sound like a person protecting themselves from information about their own leadership or what? What kind of way to run an office is that? I don`t believe any of the stories. I don`t have any interest in them or any curiosity. And all of the sudden I`m giving my staff one hour, presto, to come forward and point the finger at themselves or I don`t want to hear it again.

That seemed to be a very well-constructed defense strategy, but not necessarily the performance of a chief executive you`d like to see in a state after there`s been this kind of an event.

GREENWALD: You know, Chris, look, it clearly, in my mind, lacks credibility. But I know you can appreciate that, as Senator Weinberg and I are active participants in this investigation from the legislative side, I can`t go on instinct here. I can`t go on what I think. I have to go on what the evidence shows.

I think what`s more compelling to me is the story that Senator Weinberg just told. Nobody seems to know anything about this bridge, but everybody, when they hear about the bridge, seems to know to go to Wildstein. That to me is what the real linchpin to this is. And I think that`s the most telling piece. Nobody knows anything about the bridge, but when something comes up with the bridge, they all go to the same guy.

And when you combine that with the statement that came from Mr. Wildstein through his attorney today, that, again, if immunity is provided,

he can challenge the credibility of the statements that have been made -- I haven`t seen too many people make statements yet. But those -- whether -- if he`s talking about public statements, there`s only a few people that have made those statements, and that`s pretty obvious. If there are people that have talked to him, again, I hope that that will come out in the investigation that the Senate and the assembly are undertaking.

MATTHEWS: Well, his attorney says that he won`t speak. He said it again today, that there`s one way his client will talk, be cooperative. He told the Associated Press, his attorney did, that if he gets immunity from the relevant entities -- now, of course, the relevant entities include the two bodies of the legislature, assembly and senate, but also the prosecutors in New Jersey, the federal prosecutors in New Jersey and the southern district of New York, perhaps.

How much immunity does this guy want for his client before the guy will tell the truth? And does that include you guys cooperating, giving him immunity?

WEINBERG: Well, you know, we in the...

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GREENWALD: Chris, from our side, from the investigations -- I`m sorry, Loretta. From the investigation standpoint...

WEINBERG: No, I was just going to say...

(CROSSTALK)

WEINBERG: Just to clarify, we in the legislature can`t and do not grant immunity. That`s not part of our legal responsibility.

But I just want to follow up on one other thing. November 25th, Bill Baroni came to the assembly transportation committee, not under oath, not under subpoena, and spelled out a cover-up. If the governor didn`t know until mid-December that that was a cover-up -- anybody who knows anything about this area of Bergen County knows that it was cover-up. We all know that there was no traffic study.

But more important, they tried to spell a theory, which I believe they tried to spell to make people jealous or something, that Fort Lee had some kind of private road to the George Washington Bridge. They had dedicated lanes that were only for Fort Lee residents.

That is an absolute untruth, and all of us knew it a minute after those words came out of Bill Baroni`s mouth. There are no private roads. There are no dedicated lanes. And if anybody else didn`t know it, then

they really don`t know their jobs.

MATTHEWS: OK. Thank you very much, Senator Weinberg and Assemblyman, Majority Leader Louis Greenwald. Thank you both. Please come back on the show again.

Coming up, the apparent vindictiveness that led to the bridge scandal has prompted other officials in New Jersey to say they, too, were victims of the governor`s bullying. Tonight, a former county prosecutor in New Jersey who says his firing was politically motivated.

Also, President Obama tries to balance privacy concerns with the need to protect the country from terrorists. Today, he pulled in the reins on parts of the NSA`s controversial phone surveillance program.

And here`s a bit of good news in the voter ID front, something we care about here. A judge in Pennsylvania has struck down the state`s new voter ID law, the photo-voto (ph) ID law, saying it made it too difficult for some people to vote. But that`s exactly why the Republicans passed the law in the first place, and they`ve said so, to make it tougher on Democrats.

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And leave to it Barbara Bush to say it`s time for someone not named Bush or Clinton to run for president. She is talking you, Jeb.

And this is HARDBALL, the place for politics.

(COMMERCIAL BREAK)

MATTHEWS: If Chris Christie wants to be president of the United States, he`ll probably need to win the New Hampshire primary, and the big newspaper up there is taking the George Washington Bridge scandal very seriously.

Take a look at this editorial from "The Union Leader" up in Manchester. "If he" -- Christie -- "was not telling the truth, his political career should be finished. The American people must not tolerate any politician of any party who would callously turn the machinery of the state against the people for his own personal gain."

Keep in mind that that`s a very conservative editorial board up there at "The Union Leader" drawing a very clear line against Governor Christie.

And we`ll be right back.

(COMMERCIAL BREAK)

MATTHEWS: Welcome back to HARDBALL. While the story of the George Washington Bridge was opened -- has opened our eyes to an unseemly culture of exacting political payback, the office of Governor Christie appears to be just one of many examples of intimidation and retribution to come out from Trenton.

In 2010, a grand jury in Hunterdon County, New Jersey, returned a 143-count indictment of a local sheriff and her two deputies for abuse of power and misconduct. According to The New York Times, the sheriff was an active supporter of Chris Christie, but Christie`s appointed attorney general then moved in, and before long, the indictment against the sheriff`s office was dismissed for what the state said were charges that sought to criminalize what it called simply bad management.

Well, there`s no evidence that the governor himself ordered the dismissal of the charges, but the prosecutors who originally brought the case were fired, and one of them joins us now. Bennett Barlyn is a former Hunterdon County prosecutor who has filed a lawsuit against the state of New Jersey. Also with us right now is Michael Powell, who covered the story for "The New York Times."

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Let me ask you -- Michael Powell, thank you for joining us from "The New York Times." This story you ran was in October, and it`s only now, given the fact that it`s January, and after all these stories about the bridge closing and the mayhem behind it, if you will, it fits.

Tell me what you think it tells you in itself about what happened. Does it have a story of itself, or does it need to be appended to the larger bridge story?

MICHAEL POWELL, "THE NEW YORK TIMES": Well, or you could argue that the bridge story is part of this -- this long -- this long kind of pattern of real hardball politics by the governor.

And he has in any number of ways kind of played retribution politics. And I think this is a -- this, the Hunterdon case is a real good example. And, of course, the George Washington Bridge is a -- perhaps a spectacular example of the same.

MATTHEWS: Well, if you look at it in just cartoon terms, a governor`s person gets indicted for 43 counts. He sends in his attorney general, or his attorney general jumps in, frees the person from indictment, exonerates them.

And then now, not only exonerates them, goes after the people who went

after him in the first place and fires all of them. It is pretty complete a story here of politics, not just -- if justice at all, certainly politics.

POWELL: Oh, yes.

I mean, I think that, look, you have three really top-notch career prosecutors, Republican, Democrat, independent. They are all -- they all get essentially their careers trashed for doing their job, for bringing an indictment. And I talked to the grand jurors. I talked to four or five of the grand jurors. They all spoke.

And they said, you know, this really seemed like a pretty simple case. And it was a simple case, it looks like, until the attorney general, who is appointed by the governor, intervened.

MATTHEWS: Well, in your piece, you showed reaction from several, several of the jurors in the abrupt dismissal of the indictments against the sheriff`s office.

In fact, one juror said: "The prosecutor was meticulous, and so were we. Really, the case felt like a no-brainer until the state killed it."

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Another juror said -- quote -- "We had no real disagreements."

And still another juror said -- quote -- "I still get angry. It was shameful. And I keep trying to put it behind me because it was so obvious that this was about politics."

Mr. Barlyn, come in. And thank you.

BENNETT BARLYN, FORMER NEW JERSEY PROSECUTOR: My pleasure.

MATTHEWS: I know you have got a case against the governor. But you were bringing a case. You got 43 counts approved by a grand jury. You had a case. The grand jurors thought it was good case. When did you first sense politics was afoot when the governor`s attorney general jumped in and pulled it out from under you?

BARLYN: Chris, we first became aware that this case was somewhat out of the ordinary when, after the indictments were unsealed, it was reported in a local paper that one of the defendants, the undersheriff, Michael Russo, claimed to subordinates that Governor Christie himself, and not the attorney general, not the lieutenant governor, but the governor himself was going to -- quote -- "step in and kill the case."

And subsequent events proved him correct. That`s exactly what happened, not the governor, but the attorney general, who in New Jersey is an appointed official and really is an -- is basically a subordinate of the governor.

MATTHEWS: When did you know you were going to be big-footed by the A.G.?

BARLYN: Well, what happened is, after the indictments were dismissed -- and I wasn`t the prosecutor who presented the case. That was a very experienced trial attorney by the name of Bill McGovern.

But what happened is, after the indictment was dismissed, and based on all of the suspicious events that preceded the dismissal, I encountered the acting prosecutor, the person who was installed by the attorney general during this period. And I said, look, this is -- this is clearly wrong. There is no justification. There can`t be any justification for the dismissal of all 43 counts. There is a very high legal standard that has to be met to justify the dismissal.

And I was the next day suspended without explanation. I asked for an explanation. I was told I wasn`t entitled to one, had to turn in my badge, access keys, so on. My Internet connection to the office was severed immediately. And for three weeks, I was in limbo, until I received a one-sentence fax dismissal letter from the director of the Division of Criminal Justice.

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MATTHEWS: Did you feel all this time that you were under the punishing hand of Chris Christie at the time?

BARLYN: I felt -- whether it was Christie or the administration in general, I clearly felt that the actions taken against me were vindictive, retaliatory, and, most importantly, Chris, were intended to send a message to my colleagues in the office that, if anybody spoke out, there was going to be serious, serious consequences.

MATTHEWS: Well, what do you think of Christie?

BARLYN: Well, it`s difficult to think of him in positive terms after my experience.

What`s very interesting is that when I was a prosecutor for the state in the mid-`90s, I was blogging on a Web site that was focused on criminal justice issues. And my blog posts are still accessible. I was effusive in my praise of the governor when he was a federal prosecutor, specifically

because of his effectiveness in combating pervasive corruption in New Jersey.

So I was frankly just stunned that this administration came in and did what it did.

MATTHEWS: Well, let me go back to Michael Powell, reporting this.

This Michael Russo guy, who was one of the defendants in the original 43-count indictments, he comes forward and tells somebody -- he gets quoted telling a colleague, "Don`t worry, the governor is going to save us." And then, subsequently, the attorney general steps in, as I said, used the term big-footed the prosecution, knocked out the indictments, all 43 of them.

It sure looks like somebody has a friend in Trenton.

POWELL: It certainly feels like that, Chris.

You look at the -- you look at the sheriff, that is the one who hired Russo, was relatively -- exchanged a lot of e-mails with the lieutenant governor. One of the fund raisers for the governor was also questioned in this case, because he had gotten sort of an illegal I.D. from the sheriff. And that fund raiser was -- actually was a pretty big friend of the governor`s, political friend of the governor`s.

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Yes. It`s one of these things. It`s kind of like you put your hand all around the foot of the elephant, and it sure looks like an elephant.

MATTHEWS: Yes.

It sure looks like a lot of material for the vetters if this guy ever runs for president.

Anyway, thank you, Ben Barlyn, with your case.

BARLYN: Pleasure.

MATTHEWS: And thank you for bringing us up to date.

BARLYN: You`re very welcome.

MATTHEWS: And, Michael Powell, great reporting, as always, for the great "New York Times."

POWELL: Thank you.

MATTHEWS: And tomorrow morning on "UP WITH STEVE KORNACKI," the mayor

of Hoboken, New Jersey -- there`s a famous place, the home of Frank Sinatra -- who says that she too was politically targeted by the Christie crowd. And that`s "UP WITH STEVE KORNACKI," who has done a hell of a job this week. That`s tomorrow at 8:00 in the morning.

Up next: Stay out of the bushes. That`s what Jesse Jackson famously once said. But now Barbara Bush is saying the same thing, with a somewhat different vocabulary, maybe.

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And this is HARDBALL, the place for politics.

(COMMERCIAL BREAK)

MATTHEWS: Back to HARDBALL. Time for the "Sideshow."

They say two out of three ain`t bad. But after the presidencies of his father and his brother, Jeb Bush may be wondering if his time will ever come. He has got a lot of support within his own party. But when it comes to his own family, it`s a different story.

In a C-SPAN interview aired yesterday, his mother, former first lady Barbara Bush, said again she hopes he doesn`t.

(BEGIN VIDEO CLIP)

BARBARA BUSH, FORMER FIRST LADY: I think this is a great American country, great country.

And if we can`t find more than two or three families to run for high office, that`s silly. And I think that the Kennedys, Clintons, Bushes, there are just more families than that. I would hope that someone else would run, although there is no question in my mind that Jeb is the best qualified person to run for president. But I hope he won`t, because I think he will get all my enemies.

(END VIDEO CLIP)

MATTHEWS: "Get all my enemies." I don`t know that she has any.

Anyway, it`s not the first time the outspoken matriarch has downplayed a third Bush presidency. She made a similar statement last April. But who knows if Jeb is feeling left out of the family tradition, if you will? After all, it was he, they say, who had his sights set on the White House long before his brother, George W., decided to run in 2000.

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Well, we dug deep into the NBC archives and found some clips from Jeb`s younger days. And, as it turns out, politics wasn`t always in his blood. Here he was campaigning in Puerto Rico during his father`s first presidential bid back in 1980. That`s 34 years ago. And, as you will see, he was lot more apprehensive in those days.

(BEGIN VIDEO CLIP)

QUESTION: What`s it like being the professional son of the candidate down here?

JEB BUSH, SON OF GEORGE H.W. BUSH: It`s not something that I would like to do the rest of my life, no. I get nervous at first. Just -- I`m not a politician.

(END VIDEO CLIP)

MATTHEWS: But Jeb evolved by the time his father was in his second term as vice president. In 1985, Jeb was a lot less apprehensive and a lot more coy when asked about his political ambitions.

(BEGIN VIDEO CLIP)

BRYANT GUMBEL, NBC NEWS: Jeb, you`re GOP county chairman in Florida, right, Dade County. Are you looking to a career in politics? Is that where your future lies, long-range ambitions? What?

BUSH: If I can get about half the income that you make, then I can get into politics afterwards.

(LAUGHTER)

BUSH: Until I attain that, then I can`t talk about it.

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GUMBEL: I wind up doing this for free. Are you kidding?

(LAUGHTER)

(END VIDEO CLIP)

MATTHEWS: Bryant Gumbel.

Of course, Jeb went on to become Florida`s secretary of commerce and then governor of Florida. But the question remains, how many Bushes are too many Bushes?

In other news today, it`s Michelle Obama`s 50th birthday today. And

to celebrate the milestone, the first lady of the country tweeted out this photograph of herself showing off her newly minted AARP card. "Excited to join Barack in the 50-plus club today," she wrote. I wonder if that`s true.

Well, I hope she is spending it tonight watching HARDBALL this evening, of course.

And, happy birthday, Michelle.

I`m a big Michelle fan.

Up next: the right to privacy vs. national security, the old fight again, President Obama`s delicate balancing act on domestic surveillance. He`s going to talk about Snowden, too, here.

You`re watching HARDBALL, the place for politics.

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(COMMERCIAL BREAK)

MILISSA REHBERGER, MSNBC CORRESPONDENT: I`m Milissa Rehberger. Here`s what`s happening.

The worst dry spell in more than a century forces California Governor Jerry Brown to declare a drought emergency. To help cope, residents are being asked to cut their water us.

Meanwhile, in Southern California, fire crews are battling a wildfire that has forced thousands of people from their homes. It`s charred more than 1,700 acres and is about 30 percent contained.

And the CDC says the flu is continuing its spread across the U.S. It is now widespread in 40 states -- back to HARDBALL.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF THE UNITED STATES: The Snowden disclosures have identified some areas of legitimate concern. Some of it has also been highly sensationalized. Part of what we`re trying to do over the next month or so is, having done an independent review and brought a whole bunch of folks, civil libertarians and lawyers and others to examine what is being done, I will be proposing some self-restraint on the NSA and to initiate some reforms that can give people more confidence.

(END VIDEO CLIP)

MATTHEWS: Welcome back to HARDBALL.

That was President Obama in my interview with him last month, speaking on an issue that has been certainly concerning him and the whole country since the Snowden disclosures began last May, government surveillance of us.

Now he is taking steps to make good on his promise. In a speech this morning, the president outlined the steps he plans to take to reform the NSA`s approach to intelligence gathering. He struck a very careful balance today, stressing the need for surveillance, while recognizing the privacy concerns of citizens.

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Here are some of the reforms the president laid out: the establishment of a panel of privacy advocates who will be permitted to argue before the FISA court on certain cases, in other words, making the case against the intelligence community in many cases, a reduction of the range of phone numbers that can be targeted when mapping potential terrorist communications, and most significant perhaps, that the government should no longer hold the metadata that they have collected.

That, of course, is the record of phone calls associated with any particular phone number. Here is what the president had to say about that.

(BEGIN VIDEO CLIP)

OBAMA: I believe we need a new approach. I am therefore ordering a transition that will end the Section 215 bulk metadata program as it currently exists and establish a mechanism that preserves the capabilities we need without the government holding this bulk metadata.

(END VIDEO CLIP)

MATTHEWS: However, the specifics of that new approach he mentioned have not -- yet to be determined and questions still linger about exactly where that data should be kept.

David Corn, my friend, is Washington bureau chief for "Mother Jones" and an MSNBC political analyst. Same goes for Joy Reid, my friend, managing editor of TheGrio and an MSNBC contributor.

I want to start with Joy, and then I want to go quickly to David. Two questions I got in mind. It`s all we`re going get to probably.

One, do you have a clear notion? Is the government going to keep this metadata? In other words, phone calls made, not necessarily tape

recordings of the phones, but phone calls made from you to me, from him to her, whatever, should they keep that, or keep it in some third-party locale, if not Verizon or one of the telecommunications companies, somebody, besides the government?

And what good does that do if they can reach it quickly? I don`t know. Why it is important?

JOY REID, MSNBC CONTRIBUTOR: Yes.

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And, Chris, that was sort of the question I had as well, because, number one, if it is that we`re going to have private company -- a private third party keep the data, I`m not sure that that would make at least me feel any more secure. I mean, we have had Target, we have had major companies have -- had their data breached.

Is the data more secure at a private company? I`m not so sure about that. Number two, let`s say a government contractor keeps it. Well, the only time that I can think of that the NSA`s proprietary information and data was stolen was by Edward Snowden, who worked for a contractor of the National Security Agency.

MATTHEWS: Right.

REID: So I`m not sure how secure that is either.

So, I really have never been that compelled by the argument that somehow the data is safer with a private company. We definitely have this weird level of comfort with private entities like Google and Facebook --

MATTHEWS: Well, maybe, maybe --

(CROSSTALK)

REID: But not the government?

MATTHEWS: Maybe, David, you can answer that I heard her skepticism, Joy. But maybe if that`s their only job is to keep it secret, maybe they can handle that job. They don`t have any other functions except hold it like a safe deposit box. And when you go with your combination and your key and you get it out and take it back. But I still don`t think that protects us.

DAVID CORN, MOTHER JONES: With the judge`s order, too.

MATTHEWS: The FISA judge.

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CORN: Yes, the FISA judge. If you want to dip into that data, you need this. I too --

MATTHEWS: But today you don`t need that FISA judgment?

CORN: The NSA doesn`t need that. They have their own protocols. They can decide on their own to do this. I think -- you know, who holds the data really isn`t that important, because you can make the argument. You can trust the government, or you can trust the private contractor or you can trust Verizon or not trust them.

The question is whether the government should be doing this or not. And to me, there has been so much focus on the metadata plan, program, that I think we have lost sight of a lot of the other Snowden revelations, particularly how the NSA has been getting into the Internet, through back doors and doing with encryption. Very little of that in the president`s speech tonight.

And just personally, I care more about that, about surveillance programs that may affect the Internet and online communications, more than I care about a gigantic phone book and records and whoever holds on it.

MATTHEWS: But wait a minute, let me go back to Joy on this. It seems to me the United States government has so much potential. Well tracked bin Laden, for example, I don`t think he could go anywhere near a cell phone for all the years he was on the lam.

My question is that shows the system is working. They`re keeping people from using state-of-the-art communications for terrorist purposes because they can hear everything, or at least track it?

REID: Right. And I think the -- so, the challenge has always been that those on the libertarian side, left and right, who want to stop collecting data period, no more big data at all, sort of the government should be blind to this data, haven`t answered the question what happens if, let`s say, there is a terror attack and we find out that this suspect was calling into or out of the United States, and now the government really can`t backtrack their communications because now there is no data in this data dump at all.

Nobody is really answered how that`s supposed to work. I think a lot on the libertarian side would say that`s just too bad. It`s just going to have to be old-fashioned gumshoe work to find out what this suspect was up to.

MATTHEWS: That doesn`t sound too good after a building has been blown up and a couple of thousand people are dead. Yes.

REID: That`s the problem.

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MATTHEWS: And I think this is the whole question is what happens afterwards if you say you had the capability, but didn`t use it because you were squeamish about civil liberties, legitimately squeamish. But that isn`t going to sell. Will it sell?

CORN: I thought the president`s speech today was great, much better than the actual proposals --

MATTHEWS: OK.

CORN: -- because he talked about the dilemmas and these tensions to try to get it right.

MATTHEWS: Honestly.

CORN: And the biggest problem -- he talked about it honestly. He talked about abuses in the past and potential abuses in the future. And, you know, ultimately, if you`re going to do anything secret via the government, there has to be a certain amount of oversight that you can trust. And up to now for decades we`ve had congresses and often presidents that aren`t trustworthy when you come to this.

How the president can find a way to restore that trust in a highly polarized environment, I don`t know.

MATTHEWS: Don`t you create a culture? --

CORN: Yes.

MATTHEWS: Quickly, how do you react to Snowden today? How did he read that? If you`re Snowden sitting over there in Soviet Union, I keep saying Soviet, over there in Moscow, how do you react to it? Was he pro or anti-Snowden?

CORN: I bet Snowden was absolutely delighted. Not by the changes, but if you look what the president said thematically, it was all about the importance, the debate, and all these issues, big issues.

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MATTHEWS: He legitimized the concerns.

CORN: He legitimized the concerns, totally.

MATTHEWS: Yes, Joy, your thought. It wasn`t anti-Snowden, I didn`t think. But certainly he might be in that position of saying, OK, he did the right thing morally, like John Brown did the right thing morally. But he got hanged anyway.

So, maybe it`s like that. If you`re going commit civil disobedience, you have to pay the price, even though you are the good guy. I`m not sure where he came down on this. What do you think?

REID: I thought he was still expressing the same annoyance that Snowden go flew the channels that were appropriate, and that there was hyperbole in --

MATTHEWS: You mean go to Bob Woodward?

REID: Yes, because also look --

MATTHEWS: You mean give it to Bob Woodward? That`s the right channel, isn`t it?

REID: No, I don`t think this White House gives anything to Bob Woodward. I think that`s why Bob Woodward is so annoyed at them.

But, no, I think that it was interesting that he did still speak as the boss of those guys at the NSA and defended their work. I still think he was speaking from that perspective, not being pro-Snowden. But really those guys are not happy with what Snowden did. I think he was speaking on their side.

But what was really fascinating is how Ron Wyden, who has been one of the fiercest critics of these programs rushed right out to declare victory. I thought that was interesting and to really sort of declare total victory and say bulk data collection has been ended, which I`m not sure the president is doing. It was interesting, the politics of the Hill.

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MATTHEWS: All right. You`re as old as me.

Anyway, Joy, you`re going to be arguing this. It`s a good, healthy --

REID: It`s a good debate.

CORN: Yes.

MATTHEWS: This is what Americans should argue about all the time,

rights versus security is the argument.

CORN: It is. And the president did a good job of laying out the groundwork.

MATTHEWS: Thank you so much, guys. Have a nice weekend, David Cornyn and Joy Reid.

Up next, a judge in Pennsylvania, yay, strikes down that state`s voter ID law. Again, the courts are on the good guys` side. And one Republican -- the one the Republicans passed and they said so, the leaders up there, to make it harder for Democrats to vote. Boy, is that malicious?

And this is HARDBALL, the place for politics.

(COMMERCIAL BREAK)

MATTHEWS: Well, here is some news. U.S. Senator Tom Coburn of Oklahoma has announced he is quitting. He is retiring. He won`t serve out the rest of his term.

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Coburn who is battling prostate cancer will step down at the end of this year. Meanwhile he acknowledged his health troubles, in his announcement he said he never intended to serve more than two terms altogether and views public service as calling, not a career. Coburn`s exit will set up a special election in very red Oklahoma to fill out the remaining two years of his term.

We`ll be right back.

(COMMERCIAL BREAK)

MATTHEWS: We`re back.

Today, a big victory in Pennsylvania for voting rights that provides a sign to push back to the Republican-led voter suppression effort that swept through more than 35 states in 2013 alone. A Pennsylvania judge struck down the state`s voter ID law, writing in his opinion, I love these words, voting laws are designed to assure a free and fair election. The voter ID law does not further this goal. Well, that`s simple English.

In a map, we`ve shown you many times, you can see here that Republicans, and it is Republicans in this case, it is a partisan problem, in 36 states, advanced legislation just last year to suppress the voting rights of those who vote Democrat. Often they happen to be African-Americans, minorities, and also young people and older people.

According to the Advancement Project, every one of those bills was introduced, as I said, by partisan Republicans. Pennsylvania may buck that trend because of the court ruling today.

Joining me right now is Judith Browne Dianis, who`s co-director of the Advancement Project, and Ryan Haygood, he`s with the NAACP. Great legal defense and what an institution that`s been over the years.

So, I want to start with Judith.

I`ve been talking to you a lot about this. It`s almost like an unstoppable force meets an unmovable object. You know, it just keeps coming. They don`t get the message. We`ve got these Pennsylvania people that just openly say it`s for political gain. They don`t B.S. us, they just say, fewer black votes, fewer big city votes, more chances our guys win.

JUDITH BROWNE DIANIS, ADVANCEMENT PROJECT: Right. It`s total manipulation for their own gain. But today, we had a huge victory for democracy. You showed several times last year, Representative Turzai, who said, vote for Romney, check.

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MATTHEWS: We can do that right now. Let`s look at Mr. Turzai, the leader of the Republican legislature out there, admitting it`s all about politics.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Voter ID, which is going to allow Governor Romney to win the state of Pennsylvania, done.

(END VIDEO CLIP)

MATTHEWS: Done.

DIANIS: Done! That`s right.

Well, today, we say, check for democracy.

MATTHEWS: And let me show you another guy, chairman of the Republican Party, not a bad guy, Robert Gleason, I met him at the Pennsylvania society, last month. Here he is doing the same thing, openly and transparently cheering the votes of Democrats.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Do you think all the attention drown to voter ID affected last year`s elections?

ROBERT GLEASON: Yes, I think a little bit. I think we probably had a better election. Think about this, we cut Obama by 5 percent, which was big. A lot of people lost sight of that. He beat McCain by 10 percent. He only beat Romney by 5 percent. I think that probably photo ID helped a bit in that.

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(END VIDEO CLIP)

MATTHEWS: And that`s the mere intimidation factor of people being afraid there was a new voter ID law after the courts had banned it.

DIANIS: That`s right. Because they tried to mislead the voters, after we got a preliminary injunction. But today --

MATTHEWS: What do you make of this bare-faced admission on the part of the Republicans in Pennsylvania. They do this to make sure that people who look like you can`t vote. They just do it.

DIANIS: That`s right. Because they believe that people are going to vote a certain way. This is the way they try to steal the election.

MATTHEWS: Unbelievable.

Let`s go to the NAACP. Ryan Haygood, thank you, sir.

How does this fit into the history of voting rights. Literacy tests, spell this in Greek, all the old games, poll taxes, and outright, you can`t vote here, you`re black. And now we have states that fought for the union in the civil war, that all their leaders have been for civil rights, Hugh Scott and Bill Scranton (ph), all the good guys, and Ridge (ph), and yet the rank and file leaders in the Senate and the House up there are openly against black voting as a political imperative.

RYAN HAYGOOD, NAACP: Sure, Chris. Thanks for having me on your show, as always.

I mean, I think you`re right. I think these photo ID laws are a bygone area of poll taxes and other impediments to the ballot box. I think what`s most striking about today`s opinion, though, Chris, is that the commonwealth of Pennsylvania spent millions and millions of taxpayer dollars, promoting a photo ID measure that they said they needed the to protect against this-person voter fraud. And what is striking here is that the result of this case really is that the only evidence of fraud at the

end of the day is the photo ID measure itself.

The court found that by conservative estimates, a half a million registered voters and up to 1.3 million voters in Pennsylvania, don`t have access to the type of ID that the commonwealth was requiring, and Pennsylvania only was table to provide 17,000 IDs to the class of folk who is didn`t have the photo ID.

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So I think what this case today stands for is a proposition that where we really should be going, to your point about the history of our democracy, is toward greater expansion of the franchise. And we`ve seen the last several elections, historic turnout by a broad class of folks, people of color, women, young voters, disabled voters. And that is a trend that we really should be seeking to harness the momentum of, rather than making voting more difficult for people, as Pennsylvania`s photo ID measure sought to do.

MATTHEWS: Judith, do you think this is a result of a fear on the part of older, white Republicans, that they`re losing demographically?

DIANIS: This is definitely about changing demographics. This is kind of their last stand.

But at the end of the day, Advancement Project and the ACLU teamed up with the Public Interest Center and we won in Pennsylvania, we won for voters. We now have a new Voting Rights Act that has been introduced. And so we`re going to make sure that they don`t get to this.

MATTHEWS: And you`ve got some friends out there like Bernard McGinley (ph), a good Irish guy.

Anyway, thank you, Judith Brown and Ryan Haygood, just kidding. A little ethnic there.

By the way, you`re watching HARDBALL, the place for politics.

Thank you for joining us, Mr. Haygood.

HAYGOOD: Thanks for having me.

(COMMERCIAL BREAK)

MATTHEWS: Let me finish tonight with that Pennsylvania judge`s decision to strike down the new voter law, the new voter law in Pennsylvania.

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Conservatives, we should recall, pay a great deal of attention to what`s called original intent in the U.S. Constitution. What did those men meeting in Philadelphia back then intend when they wrote the Declaration of Independence and the U.S. Constitution? So let me ask a question about the new voter law in Pennsylvania. What is the intention of requiring that voters present a state-issued photo identification card? What`s the purpose?

Well, fortunately, we know that intention because the leaders who pushed the law to enactment have told us. They have told us that its purpose is to reduce the number of Democratic votes. They have told us this. They have made it crystal clear. It`s not that they don`t like minorities per se, is they don`t like minorities showing up and voting Democrat on Election Day.

I salute Judge Bernard McKinley (ph) because of what he did striking down the new voter law, but also because of why he said he did it. Quote, "Voter laws", he said, "are designed to assure a fair and free election. The voter ID law does not further this goal."

What leaves pending appeal, the tool box of voter suppression, now contains one less tool. To people who believe in democracy, this is good news, indeed.

And that`s HARDBALL for now. Thanks for being us.

"ALL IN WITH CHRIS HAYES" starts right now.

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Guesst: Kendall Coffey; Bonnie Watson Coleman; Loretta Weinberg, Krystal Ball, Joan Walsh, Martin Luther King III, Karen Bass

REVEREND AL SHARPTON, MSNBC ANCHOR: Good evening, Ed.

And thanks to you for tuning in. Tonight`s lead, a major development in the Chris Christie administration probes. There are new allegations of political corruption involving money for hurricane Sandy recovery, allegations that have escalated into a federal criminal investigation.

Dawn Zimmer, the mayor of Hoboken, New Jersey, says she met yesterday for more than two hours with the U.S. attorney. This comes after she made the explosive claim that Christie`s lieutenant governor threatened to withhold hurricane Sandy relief money unless she approved a real estate project favored by the governor. Mayor Zimmer first told the story on "Up with Steve Kornacki."

(BEGIN VIDEO CLIP)

MAYOR DAWN ZIMMER (D), HOBOKEN: The fact is the lieutenant governor came to Hoboken. She pulled me aside in the parking lot and said I know it`s not right. I know this thing should not be connected. But they are and if you tell anyone, I`ll deny it. And so these imminent -- the bottom line is it`s not fair for the governor to hold Sandy funds hostage for the city of Hoboken, because he wants me to give back to one private developer.

(END VIDEO CLIP)

SHARPTON: And Mayor Zimmer showed what she said, her hand-written entries in her diary as proof of her veracity.

These are serious allegations after hurricane Sandy, Hoboken was submerged, a city in crisis. Eighty percent of Hoboken was under water. The state had more than $2 billion to disperse. Mayor Zimmer says Hoboken asked for $100 million in help and got just 342,000 because she refused to play ball.

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Today, the Christie administration fought back. The governor`s office says Hoboken has received $70 million and lieutenant governor Kim Guadagno denied the accusations.

(BEGIN VIDEO CLIP)

LT. GOV. KIM GUADAGNO (R), NEW JERSEY: Mayor Zimmer`s version of our conversation in May of 2013 is not only false, but is illogical, and does not withstand scrutiny when all of the facts are examined. Any suggestion, any suggestion that Sandy funds were tied to the approval of any project in New Jersey is completely false.

(END VIDEO CLIP)

SHARPTON: A spokesman for the governor called Mayor Zimmer`s allegations, quote, "categorically false."

Richard Constable, another Christie official who Mayor Zimmer also says made threats over Sandy aid said in a statement quote "Mayor Zimmer`s allegations are patently false a absurd on their face. I welcome a full and thorough law enforcement review of her libelous claims.

That full and thorough law enforcement review is already under way, including the mayor`s diary which she says is a contemporaneous account that corroborates her story. She has shared that diary with federal investigators.

Joining me now is assemblywoman Bonnie Watson Coleman, a member of the new committee investigating the Christie administration, and former U.S. attorney Kendall Coffey.

Thank you both for being here.

ST. REP. BONNIE COLEMAN (D), NEW JERSEY: Thank you for having me, Reverend.

KENDALL COFFEY, FORMER U.S. ATTORNEY: Thank you.

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SHARPTON: Assemblywoman, these are some explosive aches from the mayor of Hoboken, and a strong denial from the lieutenant governor. Now they both can`t be telling the truth. Who do you believe?

COLEMAN: I don`t have any reason to believe that the mayor had any reason to tell anything other than what she believes to be the truth under the circumstances.

SHARPTON: Now, she made the allegations or statements first here on MSNBC. MSNBC, Steve Kornacki first reported on the mayor`s diaries. He read it, an entry, Zimmer was says is right after the alleged threat from Kim Guadagno. Listen to this.

(BEGIN VIDEO CLIP)

STEVE KORNACKI, MSNBC HOST, UP WITH STEVE KORNACKI: She says when it happened, she was so shocked that she wrote it down in her personal diary, which she has shared with us. And here is how she describes the threat Guadagno made in an entry in that diary dated May 17th.

Quoting from it, "at the end of the big tour of Shoprite and meeting, she pulls me aside with no one else around and says that I need to move forward with the Rockefeller project. It is very important to the governor. The word is that you are against it, and you need to move it forward, or we are not going to be able to help you.

(END VIDEO CLIP)

SHARPTON: Now, Assemblywoman, there is a project here with a lot of money that she is claiming they wanted her to support. There was also a project in Fort Lee. Are we looking here that there is a possibility that this is not about all that we thought and with this great reporting by Steve Kornacki, that we`re beginning to see that there is some possible real corruption around developments, something that we`ve heard before in New Jersey, more than just some political retribution?

COLEMAN: As member of the committee, I don`t want to prejudge anything. I can simply say that as one thing unfolds, it seems something else is peeled away. So we`re looking into all of it. We`re looking at the issue with the bridge gate. We`re now just recently being advised or being informed of the issues with Hoboken. We will be meeting as a committee to discuss where we go from here.

But I think that what we`re looking at, what we`re seeing is the unfolding of issues as it relates to how governance has taken place. I don`t want to categorize it. I don`t want to assume anything. I don`t want to presume anything. I think that we`re looking at this comprehensively, Reverend. And have information coming in. You know, we serve subpoenas, and we`re looking forward to see where does the information take us?

SHARPTON: You know, Kendall Coffey, you were a U.S. attorney. Does the fact that she met with someone in the us U.S. attorney`s office for a couple of hours on a Sunday, the day before a holiday, am I reading too much into that, or is this significant?

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COFFEY: Well, of course it`s significant. And it`s much too early to know how this is going to turn out. This could be a case where at the end of the day, what you end up with is the mayor`s version, perhaps with some diary entries that support it. And other people categorically deny it, as they`re saying, and it may be very, very hard to get further documentation.

But there is one thing we can be confident about. When somebody such as the mayor meets with the federal authorities, there will be FBI agents there, she`s got to know going in that if she lies to them, that`s a crime. False report isn`t a prank. It`s a federal felony if you make specific allegations to the FBI when you`re being interviewed.

SHARPTON: Wouldn`t the same be true, Kendall, if the Lieutenant Governor Guadagno who has denied this and the other party, Mr. Constable, who has also denied it, wouldn`t they have to be interviewed? And wouldn`t they be subject to the same perjury charge if members of the FBI or others were there?

COFFEY: Anybody who makes false statements in interviews with the FBI can be subject to a federal felony. Now, so far the lieutenant governor and Mr. Constable have not met with the FBI. And it`s not a crime, like it or not, to lie to the media. So it remains to be seen whether and when they will give statements to federal investigators. But you`ve got to think that at this point, what the feds want to do is there anything that is going to corroborate the mayor`s version or discredit the mayor`s version in terms of e-mails, in terms of text messages.

SHARPTON: So it`s preliminary now. I mean, take us inside. You were in the U.S. attorney`s office. What stage would they be at now?

COFFEY: Well, they`re not typically looking to interview either the lieutenant governor or the commerce commissioner at this point because they assume that when they interview them, they`re going to deny the whole thing. So what they`re trying to do is find out are there other witnesses, are there other documents, e-mails or texts that could help decide when what we see at the end of the day may be a she said versus he and she said. How do you get some documentation to carry the balance.

Remember, that prosecutors have to prove things beyond a reasonable doubt. And I`m not sure you`re ever going to see an e-mail in this scenario, Reverend, that says something like time for some funding problems in Hoboken.

SHARPTON: Would that be the lieutenant governor`s documents they would be subpoenaing?

COFFEY: They would be looking for e-mails and text messages from the lieutenant governor, from anyone else that they have reason to believe might have been in communication about it. But be prepared, because this could very well be the situation where no one was e-mailing or texting, that there were some words said, if anything wrong happened. And sometimes even though there is obviously considerable concerns, some particular situations become very, very difficult to prove or disprove.

SHARPTON: Assemblywoman, Governor Christie`s allies are accusing New Jersey Democrats of playing politics. I mean, here is former New York city mayor, Rudy Giuliani. Listen to this.

(BEGIN VIDEO CLIP)

RUDY GIULIANI, FORMER NEW YORK CITY MAYOR: It clearly is a partisan witch-hunt. Clearly this is a very well orchestrated democratic kind of organizational effort to try to hurt Governor Christie.

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(END VIDEO CLIP)

SHARPTON: Your response?

COLEMAN: Well, just a couple of weeks ago, the governor was talking about the bipartisanship in New Jersey. And Democrats have been talking about working with this governor. We didn`t create this problem. We didn`t generate that e-mail. We didn`t cause any traffic jam. So I think that that is just an unfair statement on the part of the former mayor to suggest that we`re on a witch-hunt.

We have responsibility here. Information has come to us. And as we tried to isolate the information and get some answers on what happens, more stuff opens up. We`ve got to follow the trail of the information. That`s simply what we`re doing. And to suggest that Wisniewski has been anything other than fair, even the Republicans on the committee have praised him for being fair and for the committee to be judicious in the way it`s been carrying out its business.

SHARPTON: Mr. Coffey, is what Mayor Zimmer saying, is it illegal? Is there a law being broken just on the face of what she has accused the governor and his people of?

COFFEY: Well, if we take her accusations, and there is a presumption of innocence, as we remind ourselves, if her accusation is she was told that funding -- federal funding, hurricane relief is not going to come to your city unless you play ball with a private developer, those allegations, if proven, could certainly lead to a federal crime. The test would be whether or not that kind of demand was done corruptly. And from the standpoint of prosecutors, there are federal statutes would make those kind of allegations potentially indictable.

SHARPTON: Well, assembly woman, it looks like this case is evolving rather than coming to some resolution.

Assemblywoman Bonnie Watson Coleman and Kendall Coffey, thank you both for

your time.

COLEMAN: Thanks for having me.

COFFEY: Thanks, Reverend.

SHARPTON: Coming up, with a federal investigation, we`re starting to see real pushback from Governor Christie`s office.

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And five years ago to the day, our first black president was sworn in. Today, President Obama`s candid comments about race and his presidency.

And honoring the dream of Martin Luther King day, Martin Luther King III will be my special guest. Stay with us.

(BEGIN VIDEO CLIP)

MARTIN LUTHER KING, ACTIVIST: And I`ve seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

SHARPTON: Ahead, the federal government starts to investigate explosive claims by the mayor of Hoboken, New jersey. But meantime, another investigation continue to look into the mystery of bridge gate. The head of the Senate investigation joins me, next.

(COMMERCIAL BREAK)

SHARPTON: Back now with more on the investigations into Governor Chris Christie and his administration.

Joining me now, New Jersey state Senate majority leader Loretta Weinberg. Loretta Weinberg chairs the Senate committee investigation.

Senator, thanks for being here tonight.

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STATE SENATE LORETTA WEINBERG, NEW JERSEY: Thank you, Reverend Sharpton.

SHARPTON: I want to start by asking you about this latest allegations by the mayor of Hoboken. She says relief money to her city was held up because she did not approve a real estate deal with the Christie

administration and what it wanted. Today the attorney general of the state denied the allegations. Who do you believe?

WEINBERG: Well, since I am on the committee actually chair of the Senate committee that will be investigating some of these charges, some of the allegations, we're going to go wherever the evidence leads us. As you correctly pointed out, these are right now allegations. .

SHARPTON: I said attorney general. I said the lieutenant governor.

WEINBERG: The lieutenant governor Kim Guadagno went on TV earlier today and denied the allegations. Mayor Zimmer has visited with the U.S. attorney, apparently spent several hours in his office yesterday, has said she would answer these questions in the same way under oath and would be willing to take a lie detector test.

We will now see exactly where this evidence leads us. And whether or not it is indication of kind of a pattern we're seeing, or maybe seeing of public money, public infrastructure being used to punish people if they don't do what the administration wants. And I guess it first came to light with the George Washington bridge issue.

SHARPTON: Does it sound credit to believe you? I mean, when you think, Senator, this is a mayor coming forward, some say late, but there seems to be no reason for her to come and put herself in legal jeopardy and make some very serious charges.

WEINBERG: Well, she certainly has made very serious charges. And as I said, the lieutenant governor has denied them. But it would be difficult for somebody to come forth with a story that they might have just made up. I can't really judge that. But I know Mayor Zimmer has been a big support over the governors, even though she is a Democrat, a known Democrat. She supported the governor the last couple of years in many of his endeavors. So I would find it very strange for her to be putting herself out there right now.

SHARPTON: Now, you use, and I want to get to your investigation. But you use the term pattern. Do you see a pattern with this, governor?

WEINBERG: I think 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. If in fact he has created an environment that make his top appointees, his employees, his chiefs of staff or deputy chief of staff think that this kind of behavior is appropriate. He looked in the camera at one point and said I asked myself what did I do wrong that my staff lied to me. I would say the

question should be what did I do wrong to make my staff think this was OK?.

SHARPTON: Right.

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Now, you talk about a pattern, but your committee has subpoenaed documents from three people, David Samson, who is the chairman of the agency that runs the bridge, William Pat Schuber, commissioner of that agency and Regina Egea, who is Christie`s incoming chief of staff. What exactly are you hoping to find out from these documents?

WEINBERG: Well, that`s a beginning for us. And it reflects my very early involvement with this. I wrote to Commissioner Schuber back on September 19th. He promised me that he was going to get to the bottom of it. I chose him because he is a former Bergen county executive. He is somebody from the other side of the aisle, by the way, whom I voted for so that he could become a commissioner. And I knew he knew Bergen county well.

SHARPTON: So you wrote Schuber about the traffic jam.

WEINBERG: Yes, on September 19th. With copies to chairman Samson and to the governor himself. And when commissioner Schuber called and promised he would get to the bottom of this in some of the subpoena documents I`ve seen, what he did is go to the very same David Wildstein to ask him to compose a reply to me. And I want to know what all of these people did from the time it became public, from the time they found out about it, and I know they found out about it in September, because I was responsible --

SHARPTON: The letter you wrote Shuber in September, you copied the governor?

WEINBERG: I did.

SHARPTON: Which means if the governor read the letter or someone in his office, they had to know then about the bridge closing problem.

WEINBERG: Absolutely.

SHARPTON: Which is a complete contradiction to what he has said?

WEINBERG: Which -- you are absolutely right, Reverend Sharpton. And I said maybe I`m on that do not reply list that I wrote a letter, obviously on Senate stationary. I represent the barrel of Fort Lee. This created a huge traffic jam in the entire geographic area that I represent. And I said I want to know the answer. What happened here? Why weren`t local officials informed. I have not gotten a reply yet.

SHARPTON: It would be hard to imagine even if you were on the do not reply list, the governor not reading a letter from the majority leader of the Senate in his state. I think that would be irresponsible.

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WEINBERG: I would hope that that you're not right. But in fact I know what I did, and I know I didn't get a reply.

SHARPTON: I'm going to leave it there. New jersey state Senate majority Leader Loretta Weinberg.

Thank you very much for your time.

WEINBERG: Thank you, Reverend Sharpton.

SHARPTON: Coming up, why is President Obama the target of so many personal attacks? He is getting personal in a new interview.

Plus, Chris Christie breaks his silence to the press. What did he say about his anger?

Plus, Rush Limbaugh is weighing in on the scandal, and it may surprise you. Stay with us.

(COMMERCIAL BREAK)

SHARPTON: With the exception of his lengthy press conference 11 days ago, Chris Christie has steered clear of the media. But he is now giving his first interview to Yahoo! news. He says, quote, "I'm trying to get my arms around an awful situation." When asked if he was ready to be president, he said he was, quote, "readier." He also said this about his style. Quote, "I'm not growing a new personality at 51." He said the reporter reminded him that politicians do it all the time. Not me, man, he laughed. This is it. I like who I am.

More on governor Christie and the growing investigations, next.

(COMMERCIAL BREAK)

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(BEGIN VIDEO CLIP)

UNIDENTIFIED WOMAN: Don't forget, when the lieutenant governor of the state of New Jersey pulls you aside in a parking lot and says I know it's not right. I know these things should not be connected, but they are, and if you tell anyone, I'll deny it, you remember it.

(END VIDEO CLIP)

SHARPTON: And that bombshell has now launched a federal investigation into the Christie administration. The New Jersey U.S. attorney is looking into the claim that Sandy relief money would be withheld from the city of Hoboken, New Jersey, unless the mayor there approved a real estate project. And the bridge scandal. Eighteen people were subpoenaed, including the governor`s office itself. And even with all this, Governor Christie is trying to move forward.

He was in Florida over the weekend, fundraising for Florida Governor Rick Scott. But there were no photo ops, no cameras, no press. Only small glimpses of him. Tomorrow is his inauguration. It was supposed to be a day of celebration, a day to showcase a Republican star in the 2016 hopes. Instead, he is fighting for his political life.

Joining me now is MSNBC`s Krystal Ball and Salon.com`s Joan Walsh. Thank you for joining us.

KRYSTAL BALL, MSNBC CO-HOST, "THE CYCLE": Thanks for having us, Reverend.

JOAN WALSH, SALON.COM: Thanks, Rev.

SHARPTON: You know, Joan, this Hoboken story is very different -- it`s a very different thing altogether. What is your reaction?

WALSH: Well, if the mayor is making this up, you know, she`s got a real problem there is nothing, you know, in my gut or there is nothing from the evidence that says to me that she is not telling the truth. She has gone to the U.S. attorney`s office. If for some reason this were not true, she is getting herself in a world of trouble.

BALL: Why? For what?

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WALSH: And why? Exactly. What does she gain from this? She`s got nothing to gain except trying to help her constituents and help her city. And she is obviously been very pained about this, because she was trying to play ball in a difficult situation.

SHARPTON: And this is a mayor, Krystal, that has said favorable things about him. This is not someone that has been a vociferous critic of his. So, even though some questions the timing, and that she said positive things, in my opinion in fact that she`s has been positive takes away from people saying that it is political.

BALL: I totally agree with that. You know, now they`re trying to paint

this as some sort of partisan hack job where she wanted to take him out when she saw the opening. But she even said with that interview with our own Steve Kornacki that she thinks he is a good governor.

SHARPTON: Right.

BALL: You know, she is very disappointed obviously in the corruption and the way that he has handled himself. But the tax cuts she said helped Hoboken. She listed a few other things that he had done that helped her city. So she has obviously been deeply conflicted about this. And I just I don`t understand why she would lie in this situation. What does she possibly have to gain? And this is someone, again, who had a good working relationship with Christie. So why would she now turn around if it wasn`t true and say these things?

SHARPTON: Well, she has talked to federal investigators now. She knows she could be in a lot of trouble if she misled them.

WALSH: Right. She would have to be having some kind of break with reality in which she concocted this idea.

BALL: And wrote out the whole journal --

WALSH: And wrote out and went back and wrote out of journal.

SHARPTON: Which I`m sure will be tested to make sure that with the ink, you can determine if the date is what it says.

WALSH: Right.

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SHARPTON: And why would somebody just put themselves in the middle of this?

WALSH: OK, let`s go for it. Let`s imagine she is making this up. If you`re going to fantasize, why not make it about Christie himself? You know? I mean --

SHARPTON: Right.

WALSH: It`s so -- it has the ring of truth. And the lieutenant governor has denied it and we should say that. But she also didn`t take any questions today. You know, she talked tough in a statement and then she walked away. You know, the U.S. attorney is looking into this.

SHARPTON: Well, she and the other of the gentleman that was named by the mayor also have denied it. And then Krystal they said this is politics.

They`re pushing back hard in the governor`s office. One said this station, MSNBC. And you know, I know as a preacher, if you preach a bad sermon, blame the microphone.

BALL: That`s right. Talking to microphone.

SHARPTON: But I mean, this situation is very serious.

BALL: It is very serious. And I think, you know, any one of these stories maybe individually would be survivable. Right? You could say it was an aberrant event. You could say I dealt with the aides. I really apologize and you can move forward. But what you`re seeing now what is developing is a picture of an administration that was bent on punishing political enemies in a completely unacceptable way. And I thought, you know, the quote from the mayor that was in her journal was absolutely devastating where she said that he was cut from the same corrupt cloth as the people that she has been fighting against for four years.

SHARPTON: Joan, is it taking a toll? I mean, Chuck Todd was on morning Joe this morning, talking about what he is hearing from big donors in Florida.

WALSH: Right.

SHARPTON: Let me play what he said and get your reaction.

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(BEGIN VIDEO CLIP)

CHUCK TODD, NBC NEWS CHIEF WHITE HOUSE CORRESPONDENT: They say that the guy they met this weekend was the shell of his former self. He was not himself. If that is the guy that is going to be nationally, his 2016 hopes are done. As for what is going on in New Jersey, I think he is finding out that -- you know, he is finding out he made some enemies maybe he didn`t know that he had made.

SHARPTON: Is it taking its toll do you think, Joan?

WALSH: Oh, I think it`s absolutely taken its toll. I mean, just that little montage that you ran earlier, Rev, of him sort of in a town car looking like a suspect, he should be down there. This should be his glory days as the head of the Republican Governor`s Association, right? Launching this year where he is going to work for all these candidates and where he is going to be a national leader, if not the national leader of this party. Instead, he is slipping into town cars and being driven away like there is something wrong. It`s not what anyone expected from this coming out party this weekend in Florida.

SHARPTON: Now, Krystal, the governor did talk to Yahoo news, and the reporter said Christie went out of his way to say he was not an angry person. I`m quoting the governor.

WALSH: He is not a bully either.

SHARPTON: "It doesn`t mean I don`t get angry. Everybody gets angry. But they confuse sometimes if you`re blunt and you`re direct and you just say things the way you see them, that that`s anger. More times than not it`s not anger with me, it`s just my personality."

BALL: Well, you know, he and his staff have cultivated this image. They have intentionally recorded his interactions with constituents where he yells at them, where he chases them down the boardwalk. So, you know, if he is not feeling anger, that`s what I typically see as an angry response. But more broadly speaking here, I think the question around Sandy aid and Hoboken impersonator goes to the core of who he has been representing himself as, right? The truth teller, the person who would put his own state and his citizens above all else, particularly where Sandy is concerned. And someone who reaches out with an open hand to people on the other side of the aisle. Now we`re seeing him in a very, very different light.

SHARPTON: Now, also, another reporter who was in one of the closed door sessions in Florida, Joan, according to this strategist, he is not a reporter, a strategist said that Christie said the answer to any 2016 question is, come see me next year.

WALSH: Yes. That`s not what he was saying even a few weeks ago, Rev. So he is clearly chasing. And he is also, you know, he and his associates are continuing this strategy of blaming other people, blaming his aides. He said something about 65,000 state employees might have access to his stationary. He is making all -- everything is about him. He has been treated badly. He has been betrayed, rather than getting to the bottom of what really happened in each of these scandals, and how can we make sure nothing like this happens again.

SHARPTON: Now, Krystal, this extortion allegation is already bringing out some ugly talk on the right wing media. Listen to this.

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(BEGIN VIDEO CLIP)

RUSH LIMBAUGH, RADIO TALK SHOW HOST: I don`t know. This is tough trying to figure out which one of these women is lying. One of them has to be. So the lieutenant governor is blond and the mayor is brunette. Is that

relevant in determining which one of them is telling the truth? I don`t know. Just asking. The lieutenant governor seems a little bit more at home with makeup than the mayor. Is there anything to learn from that? I`m just asking.

(END VIDEO CLIP)

SHARPTON: I mean, he is not exactly sticking up for Christie.

BALL: No.

SHARPTON: And he is not exactly ingratiating himself with women.

BALL: Well, and that is part of the problem here, right? For Christie, he has always had a bit more trouble appealing to women because of his whole bullying attitude. In this case you do have, you know, instances where it is women who are making the accusations, and you`ve seen some ugliness from Republicans. You had Haley Barbour, former governor is calling the mayor of Hoboken a, quote, "lady mayor."

WALSH: The lady mayor. As though it`s so weird to have --

BALL: A woman be mayor of a city.

WALSH: Yes. Whoever heard of that?

SHARPTON: Yes, lady mayor. Not mayor, lady mayor.

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BALL: Right.

WALSH: Lady mayor. And they wonder why they have problems with women voters. I don`t get it.

SHARPTON: Yes. But the bottom line here is you`re dealing with some very, very serious allegations.

BALL: Yes.

SHARPTON: And you`re dealing with them from what we can make of it, no one that has a motive, even a political motive to make something like this. And I think that where we thought this was very, very bad is getting worser and worser, at least it appears to be. We`re going to see. Krystal Ball and Joan Walsh, thank you both for joining us.

WALSH: Thanks for having us, Rev.

SHARPTON: Ahead, honoring the dream on Martin Luther King Day. His son

Martin Luther King III joins me live on the challenges ahead.

And President Obama speaking personally about race in America. Stay with us.

(BEGIN VIDEO CLIP)

MARTIN LUTHER KING, JR., (JANUARY, 1929-APRIL, 1968) AFRICAN-AMERICAN CIVIL RIGHTS: There may be some tear gas ahead.

UNIDENTIFIED MAN: Yes.

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KING: I say to you this afternoon that I would rather die on the highways of Alabama than make a butcher wear my conscience.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: There can be no gain saying the fact that the Negro has been extremely patient. We have waited for well, now 345 years for our basic constitutional and God-given rights. And we still confront the fact that we are at the bottom of the economic ladder.

(END VIDEO CLIP)

SHARPTON: Reverend Dr. Martin Luther King, Jr. Just days before his "I Have a Dream" speech, calling for economic justice. And on this King Day, while we come together for service, we remember Dr. King`s fight to extend the economic ladder to all Americans. Today over 50 years later, many challenges lie ahead. And while many on both sides of the political aisle rightly celebrate Dr. King this day, we should not overlook the policies and positions that are right now keeping his dream from becoming a reality.

Republicans in Congress continue to block an agenda for more fairness at every turn, raising the minimum wage, extending unemployment benefits, protecting food stamps. All of this obstruction comes as income inequality continues to rise. In the past 50 years, the top one percent has seen its income skyrocket 270 percent while the vast majority of Americans have barely made any gains. It`s a national disgrace that President Obama`s tackling head-on.

(BEGIN VIDEO CLIP)

PRES. BARACK OBAMA (D), UNITED STATES: A dangerous and growing inequality and lack of upward mobility that has jeopardized middle class America`s

basic bargain, that if you work hard, you have a chance to get ahead. I believe this is the defining challenge of our time. The idea that a child may never be able to escape that poverty because she lacks a decent education or health care, or a community that views her future as their own, that should offend all of us, and it should compel us to action. We are a better country than this.

(END VIDEO CLIP)

SHARPTON: We are a better country than this. And today, as we remember Dr. King, we must dedicate ourselves to keeping his dream alive and his fight moving forward.

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Joining me now is Dr. King`s elder son Martin Luther King III, and Congresswoman Karen Bass. Thank you both for being here to honor Dr. King with us and his legacy.

REP. KAREN BASS (D), CALIFORNIA: Absolutely.

SHARPTON: Martin, I don`t know anyone that has fought more to keep the policies and philosophies of your father front and center and not just have this as a day with just ceremonial things. What is your assessment today?

MARTIN LUTHER KING III, PRESIDENT, KING CENTER: Well, very quickly, one of the most important issues, we`re approaching an election. We have gone all over the world to fight for democracy for other nations. And yet right here at home we are restricting democracy by the new voter laws.

SHARPTON: Right.

KING III: So if dad was here, he would be certainly working with Congress, trying to get an adequate voting rights bill. He would be working with Congress, just as the president has said about how do we raise up the quality of life. The nation will not do well if we continue to keep creating more and more poor people. There is a better way. Dad would call it probably redistributing wealth. And that is probably what got him killed, quite frankly.

SHARPTON: Now, when you look at the income inequality that we talked about, and when you look at the attack on voter rights, which you call the march that we all rallied with you last year, a couple 100,000 of us marched on voter ID and on the economic inequality, there are many data being hypocritical today, celebrating your father`s birthday, but not being evasive about what your father stood for.

KING III: Well, that`s absolutely correct. I think many try to make

Martin Luther King relevant to themselves. And yet they come to ceremonies that are birthdays, but they don`t actually work with the sacrament and do the work to bring about the change. That can change, but it`s a matter of participating in the political process. We got to find a way to get more people to vote than ever before in this upcoming election.

SHARPTON: Now, Congresswoman Bass, as you listen to Martin Luther King III, Dr. King and -- talking about this, is there a mood in Congress to deal with this? I know that Congressman Sensenbrenner and Congressman John Lewis have proposed a voters bill that would in many ways deal with the Supreme Court decision. And this is what martin and I hoped for last year, with the march that there be some bill in Congress. But there is no guarantee that they would even bring it up to vote, let alone pass.

BASS: You know, that`s right, Rev. But actually, I am encouraged. And I do think it`s going to come up for a vote. I have to tell you that I was very skeptical. But my colleagues who are my elders, Mr. Conyers, Mr. Lewis, they told us that they were going to be able to bring Republican support, and they`ve done exactly that. Now, it`s not the bill we would have written --

SHARPTON: Right.

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BASS: But it is certainly a start. And I actually am hopeful that it`s going to move and it`s going to move both in the Senate and the House.

SHARPTON: Now, Martin, a lot of younger people, she talked about her elders and they`re ours too. But then we`re older than some of younger people that work with all of us. And they don`t understand even today, this holiday came about after a fight. Your mother had to mobilize all over this country to even get this holiday. And a lot of young people wake up today and think this holiday was automatic.

KING III: Well, you`re absolutely correct. We know that nothing comes without struggle, work.

SHARPTON: Right.

KING III: And the fact that mom, Stevie Wonder, you so, many others around our nation were working to get this holiday. And it`s wonderful that we have a holiday. But the holiday is different than what we normally do for a holiday. The holiday is about rededicating our lives to finishing or helping to realize the dream. Because we`ve not realized it yet. We just talked about poverty. Militarism and violence and racism still in our nation.

SHARPTON: Congresswoman Bass, do you think that America has a sense of shifting to deal with this problem of income inequality?

BASS: Well, you know, I definitely think the mood is out there. All of the polling certainly says that there is support for raising the minimum wage. And obviously, that`s to address income inequality. So I think the mood is there. But I do think we have to constantly educate people, even about what the holiday is about. It`s not a holiday to do nothing. It`s a holiday to rededicate yourself. It`s not a holiday to have a department store sale. It`s a holiday to reflect on the history of struggle and to continue to move that forward.

SHARPTON: You know, Martin, you have a daughter, Dr. King and Mrs. King`s only grandchild is your daughter that he never, of course, got to see. How does she deal with King Day? I`m getting a little personal. But what does King Day mean to Dr. King`s granddaughter, and what do you hope it will mean to her as she grows up?

KING III: Well, I think she is getting more of an understanding. This year for the first time she watched a cartoon called "Our Friend Martin" which is a whole experience teaching.

SHARPTON: You wrote a children`s book.

KING III: And I wrote a children`s book. And I`ve read the book to her. In fact, I`m speaking at her school tomorrow. I want to get back to Atlanta. And of course she is here in New York, she and my wife are here in New York with me as well. So they observed the holiday with me. We`re teaching her so that she understands and appreciates who her grandfather is. And she does know.

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SHARPTON: I remember when the memorial was being dedicated, the monument to your father, the only one in that area, and you and your wife took your daughter there. And she, for whatever reason looked at her grandfather and said I won`t cry, I won`t cry. And you were amaze because she was too young to even know and understand what was going on.

KING III: It was the most incredible experience because as we walked up, when we got to the statue, she said, "I`m not going to cry." And I said Andrea. She said it again. Then she looked up at the statue and she said, this is awesome. And she is 3-years-old.

SHARPTON: It is awesome, and it`s an awesome day if we don`t forget the dream that the dreamer stood for. Thank you so much, Martin Luther King III.

KING III: Thank you.

SHARPTON: Thank you, Congresswoman Karen Bass.

BASS: Thank you.

SHARPTON: Thank you for joining us.

Ahead, history was made five years ago today. Our first black president was sworn in. Today he is opening up about race. That`s next.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

OBAMA: This is the meaning of our liberty and our creed. Why men and women and children of every race and every faith can join in celebration across this magnificent mall. And why a man whose father less than 60 years ago might not have been served at a local restaurant can now stand before you to take a most sacred oath.

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(END VIDEO CLIP)

SHARPTON: Five years ago today, President Obama was inaugurated as the 44th president of the United States and the country`s first black president. In an interview out today, President Obama reflected on several issues, including race in America. Quote, "There is no doubt that some folks who just really dislike me because they don`t like the idea of a black president. Now, the flip side is that there are some black folks and maybe some white folks who really like me and give me the benefit of the doubt precisely because I`m the black president." So we celebrate how far we`ve come, but also realize a lot of work still is yet to be done.

(COMMERCIAL BREAK)

SHARPTON: Today the first family took part in a community service project at Central Kitchen in Washington, D.C.

(BEGIN VIDEO CLIP)

OBAMA: We are noting the 25th anniversary of this outstanding institution. And very proud to be a part of it. And we just want to thank everybody who is here for all the great work they do.

(END VIDEO CLIP)

SHARPTON: This morning, the National Action Network, my civil rights

organization held our annual Martin Luther King Day breakfast. Vice President Biden was the guest speaker, and he got specific about a challenge we must fight.

(BEGIN VIDEO CLIP)

VICE PRES. JOE BIDEN (D), UNITED STATES: I never thought we`d be fighting the fight again on voting rights. I never believed -- I really didn`t. I really didn`t. This has been the ultimate fight because our opponents know, they know the single most dangerous thing to give us is the right to vote. They know what that is.

(END VIDEO CLIP)

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SHARPTON: Dr. King Day ought to be a day that we commit ourselves to continue to fight. You and I must decide what part we`re going to play, not in the struggles that have been fought and won, but in today`s struggle, the fight to keep voting rights, to stop those efforts to suppress voting rights. The dealing with economic and income inequality. Let us not act like the civil rights movement was something back then there is still a civil rights movement needed now, and you and I must help lead it.

Thanks for watching. I`m Al Sharpton. "HARDBALL" starts right now.

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EXHIBIT 120

Bridgegate investigation committee member says Chris Christie should resign

BWC.JPG

Assemblywoman Bonnie Watson Coleman *(Ed Murray/The Star-Ledger)*

Darryl Isherwood/NJ.com By **Darryl Isherwood/NJ.com**

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on February 27, 2014 at 8:56 PM, updated February 28, 2014 at 8:33 AM

Assemblywoman Bonnie Watson Coleman, a 12th District congressional candidate and a member of the committee investigating the George Washington Bridge scandal, tonight called on the governor to consider resigning over his staff's role in the controversy.

Watson Coleman was discussing **newly released text messages** between former Port Authority of New York and New Jersey official David Wildstein and Bridget Kelly, former deputy chief of staff to Gov. Chris Christie, in which the pair disparage a rabbi and jokingly discuss creating traffic problems outside his house.

"And this really is what they're all about, transactional deals, dismissiveness, remarks that are totally, totally unacceptable in a civilized society," Watson Coleman said during an appearance on MSNBC. "And you know what? The governor needs to think about resigning, and he needs to take all his friends with him because this is sickening."

Asked by host Al Sharpton why the governor should go when there has so far been no smoking gun to implicate him in the scandal, Watson Coleman said the governor is responsible for the actions of his staff.

"Because he is responsible for everybody that is in the middle of all of this mess, not just this -- this is irrespective of just bridgegate," she said. "This is all the stuff that we're hearing about all the transactions that are taking place. This is abusiveness. This is bullying. This is disrespectfulness. That's the way he has been governing. And the one connecting theme here is that he has hired or caused the hiring of each and every one of them. I'm not saying he has done anything illegal. I'm saying it's unethical and it is not worthy of New Jersey's citizens."

Watson Coleman is the first member of the committee to call for the governor's resignation. Earlier this year, Assemblyman John Wisniewski openly discussed the possible impeachment of the governor during an MSNBC appearance, but later walked back the comments and acknowledged that no evidence as of yet points to the governor's direct involvement.

A spokesman for the governor could not immediately be reached for comment.

In addition to her role with the committee, Watson Coleman also is a candidate for Congress in the 12th district. She is vying to replace U.S. Rep. Rush Holt, who announced earlier this month he will not run for reelection.

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EXHIBIT 121

nj.com True Jersey

Christie bridge scandal: Top lawmaker questions investigation done by governor's lawyer

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Jason Grant/The Star-Ledger By **Jason Grant/The Star-Ledger**

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on March 24, 2014 at 12:38 PM, updated March 24, 2014 at 2:35 PM

State Assemblyman John Wisniewski, a co-chairman of the legislative committee investigating the George Washington Bridge lane closings, today sharply questioned how outside lawyers for Gov. Chris Christie's office could have cleared the governor of wrongdoing based on what he called incomplete information.

In a study prepared by the prominent law firm Gibson, Dunn & Crutcher and first **reported by The New York Times,** lawyers hired by Christie's office found that the governor had no involvement in the politically charged lane closings.

UPDATE: Christie confirms cooperation on Bridgegate review by his chosen attorney

But Wisniewski (D-Middlesex) insisted that without speaking to three crucial sources — Bridget Anne Kelly, a former deputy chief of staff; Bill Stepien, a two-time campaign manager for Christie; and David Wildstein, a high-ranking official of the Port of New York and New Jersey — the report, which reportedly cost more than $1 million at the taxpayers' expense, was flawed and inconsequential.

"It does not include information from Ms. Kelly," he said. "It can't be a complete investigation."

Wisniewski said the investigation, which was conducted by a team of lawyers headed by Randy Mastro, a litigation partner at Gibson Dunn and a former assistant U.S. Attorney, must be questioned.

"If we don't hear from the person who put the lane closures into motion, Bridget Kelly, who we know sent the email 'Time for some traffic problems in Fort Lee' ... if we don't know why she sent that email, if we don't know who gave her the authority to send that email, if we don't know what she thought she may be accomplishing by sending that email, then we can't have a complete picture of what happened here," he said.

Wisniewski also complained that his special committee had apparently received very little, if any, of the information relied upon by Mastro's team, as described in The Times' article.

Wisniewski said his bi-partisan committee had issued a broad subpoena to Christie's office, but had largely received summaries of media reports possessed by the governor's office.

"It certainly sounds like he (Mastro) has had more thorough access and complete access to the records than the records that he himself has turned over to the legislature," Wisniewski said, adding "A vast majority of the

pages consists of press summaries."

Wisniewski continued, "I hope that he (Mastro) has more information than he has provided us ... If he has more information, than why hasn't he responded and shared the information per the subpoena issued to the office of the governor."

Mastro did not respond to phone calls and emails seeking comment about The Times' article.

The article, which The Times posted on its website Sunday night, cited unidentified sources with "firsthand knowledge" of the law firm's review, which it said included interviews more than 70 people in recent months .

The lawyers reportedly examined mounds of text messages and emails from people in the administration, and reviewed phone records of current and former Christie staffers.

Mastro told The Times that the investigation was a "comprehensive and exhaustive" review.

The article said Mastro's legal team also looked into allegations made by Mayor Dawn Zimmer of Hoboken that high-ranking members of the Christie administration threatened to withhold Hurricane Sandy aid last spring if she did not approve a real estate development project at the city's north end.

"Randy Mastro was hired by the governor," Wisniewski also said. "That in itself has to raise serious questions about the thoroughness of this report. I've got to call it like I see it."

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EXHIBIT 122

Effective September 15, 2014, The Huffington Post privacy policy will be updated.
To learn more about this update, please review our frequently asked questions
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Christie Report Finds A Culprit: A Scorned, 'Emotional' Woman

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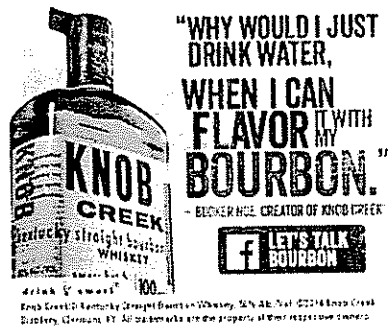


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A report on Thursday distancing New Jersey Gov. Chris Christie (http://www.huffingtonpost.com/2014/03/27/christie-internal-report-bridgegate_n_5042911.html) from George Washington Bridge lane closures concluded his former deputy chief of staff, Bridget Anne Kelly, was behind the political payback scheme.

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also suggested Kelly's actions in ordering the lane closures were emotionally charged, because her boyfriend had just broken up with her.

According to the review, Kelly had grown dependent on Bill Stepien, her predecessor as Christie's deputy chief of staff. The report claimed Stepien broke up with Kelly right around the time she contacted then-Port Authority official David Wildstein, saying, "Time for some traffic problems in Fort Lee":

> Kelly had become Deputy Chief of Staff, assuming the post left vacant by her predecessor, Stepien, who had departed in April 2013 to run the Governor's re-election campaign. Because Stepien was her "benefactor," Kelly relied heavily on him during this transition. And at some point after Stepien's departure to run the campaign, Kelly and Stepien became personally involved, although, by early August 2013, their personal relationship had cooled, apparently at Stepien's choice, and they largely stopped speaking. Around that same time, Wildstein started pressing Port Authority engineers to assess the traffic effects resulting from the dedicated Fort Lee toll lanes leading onto the George Washington Bridge.

The word "emotional" was used five times in the report. Three times, the word described the Jan. 8, 2014, session in which Kelly was fired. Those instances highlight Christie's sensitivity, noting he was "welling up with tears." A fourth time, the word was used to describe the "heartfelt" manner in which Christie begged his staff to come forward with information on the lane closings.

The fifth time, "emotional" was ascribed to Kelly. Of the four individuals classified as "involved in the lane realignment" -- Wildstein, Stepien, Kelly and then-Port Authority official Bill Baroni -- Kelly was the only one described as "emotional."

> During the senior staff meeting, most attendees looked only at the Governor or down; they did not observe other attendees' demeanor. Orsen was sitting directly next to Kelly in the back of the room, however, and observed that Kelly seemed emotional during the meeting.

According to a statement obtained by MSNBC's Rachel Maddow, Stepien called the inclusion of Kelly's love life "a regrettable distraction."

The statement said: "The report's inclusion of a gratuitous reference to Mr. Stepien's brief dating relationship with Bridget Anne Kelly -- which began after he left the Governor's office, ended before the lane closure debacle began and took place at a time when both he and Ms. Kelly were single -- is a regrettable distraction that has no place in this report."

State Sen. Loretta Weinberg (D) scorned the report's characterization of Kelly in an MSNBC appearance, saying it was "so gratuitous and so inappropriate" for the report to allege Stepien ended the relationship, when neither Stepien nor Kelly were interviewed for the review.

"The kindest thing I can say about this report is it's pretty premature," Weinberg said. "They draw certain conclusions without ever having a discussion with any of the main characters in this drama."

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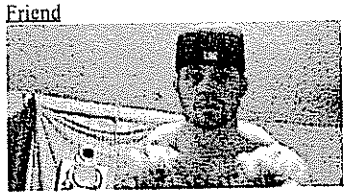
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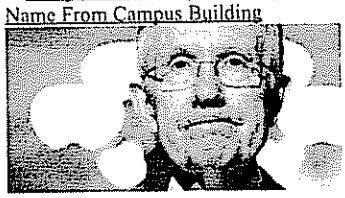
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EXHIBIT 123

REPORT OF GIBSON, DUNN & CRUTCHER LLP CONCERNING ITS INVESTIGATION ON BEHALF OF THE OFFICE OF THE GOVERNOR OF NEW JERSEY INTO ALLEGATIONS REGARDING THE GEORGE WASHINGTON BRIDGE LANE REALIGNMENT AND SUPERSTORM SANDY AID TO THE CITY OF HOBOKEN

March 26, 2014

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ACRONYMS AND ABREVIATIONS

Abbreviation	Department / Agency / Organization
BPU	New Jersey Board of Public Utilities
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant – Disaster Recovery
DCA	New Jersey Department of Community Affairs
DEP	New Jersey Department of Environmental Protection
DOE	U.S. Department of Energy
FEMA	Federal Emergency Management Agency
GORR	Governor's Office of Recovery and Rebuilding
GWB	George Washington Bridge
HMGP	Hazard Mitigation Grant Program
HUD	U.S. Department of Housing and Urban Development
NJT	New Jersey Transit
OEM	Office of Emergency Management
PSE&G	Public Service Electric and Gas Company
RBD or RbD	Rebuild by Design

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I. EXECUTIVE SUMMARY

What follows is the product of interviews with more than 70 witnesses and the review of more than 250,000 documents, including the personal texts and emails of the Governor, the Lieutenant Governor, and their senior staffers, over the past two months. We were tasked by the Office of the Governor to investigate (i) allegations concerning the George Washington Bridge toll lane realignment at Fort Lee, and (ii) Mayor Zimmer's allegations concerning Superstorm Sandy aid allocations to Hoboken. Based on our investigation, we are now in a position to address most but not all of these allegations, as several key witnesses have refused to cooperate with our investigation or asserted their Fifth Amendment rights. But we have had the cooperation of all current members of the Governor's Office, former members of that Office, and other independent witnesses as well. We are therefore confident that, based on our thorough review, we have a clear understanding of what happened here, even if the participants' precise motives remain to be determined. We were also tasked by the Governor's Office to make recommendations, as warranted by our findings, to promote best practices going forward. Here is a summary of our findings and recommendations.

A. George Washington Bridge Toll Lane Realignment At Fort Lee

From September 9 to 13, 2013, the Port Authority realigned two of the three George Washington Bridge toll lanes dedicated to local access from Fort Lee, thereby causing massive local traffic congestion for those trying to access the bridge from Fort Lee.[1] There was no apparent forewarning to the Fort Lee Mayor's Office, the local police force, or local emergency services.[2] Some Port Authority officials claimed this was just a study to assess a longstanding traffic issue,[3] but it soon thereafter emerged that, even within the Port Authority, this traffic study was so closely held that its Executive Director complained he did not know about it at the

time and therefore put a stop to it on September 13, 2013.[4] Rumors started to swirl that this toll lane realignment may have been done to target Fort Lee Mayor Mark Sokolich, a Democrat, because he did not endorse Governor Christie for re-election.[5] And questions remained in any event about what ulterior motives there may have been for conducting such a traffic study at that point in time, what role the Governor and/or anyone on his staff may have played in that decision, and whether anyone tried to cover up the truth after it became a public controversy.

1. The Participants In This Act

Our investigation found that David Wildstein (then of the Port Authority) and Bridget Kelly (then one of the Deputy Chiefs of Staff in the Governor's Office) knowingly participated in this plan to realign toll lanes leading onto the George Washington Bridge at Fort Lee, at least in part, for some ulterior motive to target Mayor Sokolich. Our investigation also found that Bill Stepien (then the Governor's campaign manager) and Bill Baroni (then the Deputy Executive Director of the Port Authority) knew of this idea in advance, but we found no evidence that they knew of the ulterior motive here, besides the claimed purpose of conducting a traffic study.[6] As to whether anyone else may have knowingly participated in this plan to target Mayor Sokolich, our investigation has not found any evidence of anyone else's involvement.

What motivated this act is not yet clear. The common speculation that this was an act of political retaliation because Mayor Sokolich failed to endorse the Governor for re-election[7] is not established by the evidence that we have seen. By his own account, Mayor Sokolich had a "good relationship" with the Christie Administration.[8] He was therefore considered a Democrat who might cross party lines to endorse the Governor's re-election.[9] But by late March 2013, both the Governor's Office and his campaign knew that Mayor Sokolich would not be endorsing,[10] yet that had no apparent effect upon his working relationship with the Christie Administration over the next several months. Indeed, by April 2013, Sokolich was no longer on

the list of Mayors whose endorsement the campaign would be seeking; yet in mid-May 2013, he remained on a list of Mayors being considered for honorary appointments by the Governor.[11] And when speculation of political retaliation surfaced as a reason for this lane realignment, Mayor Sokolich said he found it "incomprehensible that there's any truth whatsoever to these rumors."[12]

Something happened to change this dynamic dramatically, however, in August 2013. By that time, Kelly had become Deputy Chief of Staff,[13] assuming the post left vacant by her predecessor, Stepien, who had departed in April 2013 to run the Governor's re-election campaign.[14] Because Stepien was her "benefactor," Kelly relied heavily on him during this transition.[15] And at some point after Stepien's departure to run the campaign, Kelly and Stepien became personally involved, although, by early August 2013, their personal relationship had cooled, apparently at Stepien's choice, and they largely stopped speaking.

Around that same time, Wildstein started pressing Port Authority engineers to assess the traffic effects resulting from the dedicated Fort Lee toll lanes leading onto the George Washington Bridge.[16] That Fort Lee was favored with these dedicated toll lanes was an issue periodically raised within the Port Authority. Indeed, Wildstein himself first raised the issue in late 2010.[17] For some reason yet to be determined, Wildstein seemed to be driving this issue again in 2013. It was Wildstein's "idea," like so many other "crazy" ones he'd had before that never got off the ground.

Among his political friends, Wildstein first approached Stepien about this idea to realign the Fort Lee toll lanes. Stepien, who was no longer a State employee at the time, sidestepped the question, telling Wildstein he would have to go to "Trenton." Wildstein then began communicating with Kelly about that subject using their personal email accounts.[18] On August

12, 2013, Kelly reconfirmed that Mayor Sokolich would not be endorsing the Governor for re-election. Then, on August 13, 2013, she sent Wildstein her now-infamous email: "Time for some traffic problems in Fort Lee."[19] To which Wildstein knowingly responded: "Got it."[20]

We found no evidence up until that point in time of any hostility toward Mayor Sokolich. But when Kelly learned that one of her staffers, Evan Ridley, apparently met with Mayor Sokolich a few days later on August 16, 2013, she lashed out about it in a series of emails, saying "I am on fire," "I am irate," "[W]hy did he think it was ok to meet with Sokolich?," and "He should not have met with Fort Lee without approval. I am really upset with him."[21]

Meanwhile, by late August 2013, Wildstein had received from Port Authority engineers a "suggested modification" to the Fort Lee lanes in contemplation of an imminent traffic study there.[22] On August 28, 2013, he exchanged emails with Kelly on their personal accounts about having a "call" that evening "re: Ft. Lee."[23]

On September 6, 2013, Wildstein instructed Port Authority employees to reduce Fort Lee's toll access from three lanes to one,[24] apparently giving the impression this was "to do a quick assessment on Fort Lee impacts to be used for a discussion with the Fort Lee Mayor next week."[25] In internal emails at the time, Port Authority employees expressed concern: "A single toll lane operation invites potential disaster."[26] But Wildstein nevertheless forged ahead, privately emailing Kelly: "I will call you Monday AM to let you know how Fort Lee goes."[27]

Unbeknownst to Fort Lee officials, who apparently received no prior notice,[28] the Port Authority's traffic study was implemented during the rush hour starting on the morning of September 9, 2013.[29] Wildstein showed up personally at the George Washington Bridge to witness what he had wrought.[30] The complaints started coming that very morning from Fort Lee officials, including Mayor Sokolich, who phoned Wildstein's Port Authority boss, Bill Baroni,[31]

about an "urgent matter of public safety in Fort Lee."[32] Instead of returning the call, Baroni forwarded the message to Wildstein's personal email account.[33] Wildstein responded: "radio silence,"[34] and then forwarded that exchange to Kelly, joking that Mayor Sokolich's "name comes right after mayor Fulop"[35]—an apparent reference to Jersey City Mayor Steven Fulop, whose meetings with Christie Administration officials were cancelled by Kelly the month before. Kelly responded by thanking Wildstein: "Ty."[36]

Later that same day, September 9, 2013, Kelly checked in with her staff to inquire: "Have you spoken to the Fort Lee Mayor?"[37] They had not.[38]

The very next morning, on September 10, 2013, Kelly and Wildstein gloated over the problems they were causing Mayor Sokolich. Kelly texted Wildstein: "Is it wrong that I am smiling?"[39] To which Wildstein responded, "No,"[40] derisively calling the affected Fort Lee residents "Buono voters"[41]—a reference to Governor Christie's Democratic opponent, State Senator Barbara Buono.[42]

On September 12, 2013, Mayor Sokolich emailed Baroni a letter that "this decision has negatively impacted public safety here in Fort Lee,"[43] which Baroni then passed on to Wildstein.[44] This time, Wildstein forwarded the letter to both Kelly and Stepien on their personal email accounts.[45] And when Kelly learned later from her staff that Mayor Sokolich had also called to say he was "extremely upset,"[46] she responded by personal email: "Good."[47]

That same day, September 12, 2013, Wildstein advised Michael Drewniak, the Governor's Press Secretary, of a press inquiry to the Port Authority about the Fort Lee traffic congestion.[48] Wildstein also sent Drewniak a draft response to the inquiry: "The Port Authority is reviewing traffic safety patterns at the George Washington Bridge to ensure proper placement of toll lanes. The PAPD has been in contact with Fort Lee police throughout this transition."[49]

That evening, Baroni texted Wildstein a message from "Serbia"[50]—an apparent reference to Mayor Sokolich, who is actually Croatian[51]—that the Mayor said his "frustration is now trying to figure out who is mad at me."[52]

Meanwhile, at the Port Authority, Executive Director Patrick Foye, a Cuomo Administration appointee, complained he had not been made aware of this land realignment decision beforehand and, on the morning of September 13, 2013, emailed that he found this "very troubling"[53] and was "going to fix this fiasco" by immediately reversing the decision.[54] Wildstein then wrote Kelly a private email: "The New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts."[55] Around the same time, Baroni emailed Foye that "[t]here can be no public discourse" about the reversal.[56]

Days later, though, the controversy had not died down. On September 17, 2013, Mayor Sokolich again texted Baroni wanting assurances "the recent traffic debacle was not punitive in nature."[57] Baroni forwarded the text to Wildstein,[58] who forwarded it to Kelly.[59] And later that same day, a *Wall Street Journal* reporter called Wildstein, who urgently texted Kelly for "instructions" and wrote, "I need to speak with you."[60]

On September 17, 2013, *The Wall Street Journal*'s story reported "speculation that the closures could be retribution for Mr. Sokolich's decision not to endorse Mr. Christie in his re-election bid in November," but quoted Mayor Sokolich as saying, "I find it incomprehensible that there's any truth whatsoever to these rumors."[61] On the morning of September 18, 2013, Wildstein forwarded it to Stepien at his personal email account.[62] Stepien responded: "It's fine. The mayor is an idiot, though. W[in] some, lose some."[63] Admitting too much, Wildstein replied: "I had empty boxes ready to take to work today, just in case."[64] He added: "It will be a tough November for this little Serbian."[65] Wildstein also reached out to Drewniak, admitting he

was "unusually nervous over this one."[66] Drewniak, unaware of any ulterior motive behind this traffic study, said that the story was "[n]ot so bad. At least it doesn't run wild with that crazy allegation it was done as political retaliation. That was a nutty suggestion."[67]

On October 1, 2013, *The Wall Street Journal* broke another story, this time reporting on Foye's internal September 13, 2013 email sharply criticizing the traffic study and pulling the plug on it.[68] Stepien texted Wildstein: "Holy shit, who does he [Foye] think he is, Capt. America?"[69] And Wildstein replied: "Bad guy. Welcome to our world."[70] The next morning, on October 2, 2013, Wildstein forwarded this article to Stepien at his private email account, and Stepien responded to Wildstein: "For what it's worth, I like you more on October 2, 2013 than I did on October 2, 2009[.]"[71]

As the controversy grew, Wildstein and Kelly attempted to cover it up. Others in the Governor's Office were being told by Wildstein and Baroni that this was a legitimate traffic study and an operational issue best left to the Port Authority to handle. With Assembly Committee hearings looming in late November 2013, Wildstein helped prepare Baroni for his testimony. Baroni told the Committee this was a legitimate traffic study long under consideration and long overdue because Fort Lee had received favored treatment in the past.[72] He even described the study's limited but inconclusive results, showing there was improvement in I-95 traffic flow as a result of this toll lane realignment.[73] Baroni also publicly identified Wildstein as the Port Authority employee responsible for orchestrating the lane realignment.[74]

By early December 2013, Wildstein was feeling vulnerable, knew he would have to resign, and then did.[75] While he continued to insist to the Governor's Office that this was a legitimate traffic study, even if flawed in its execution, and admitted that this was his "idea," he tried to deflect blame, telling Drewniak that he had not acted alone, identifying Kelly and

Stepien as others who knew, and claiming he had emails to prove it. Wildstein even suggested he mentioned the traffic issue in Fort Lee to the Governor at a public event during the lane realignment—a reference that the Governor does not recall and, even if actually made, would not have registered with the Governor in any event because he knew nothing about this decision in advance and would not have considered another traffic issue at one of the bridges or tunnels to be memorable. Drewniak passed on Wildstein's claims to others in the Governor's Office. Others also heard the Kelly email rumors and reported them back to the Governor's Office around that time.

On December 9, 2013, Port Authority officials testified before the Assembly Committee that Wildstein was behind the lane realignment decision and told them "not to worry" about notifying Foye or Fort Lee officials in advance.[76] Foye also testified, saying he was not aware of any actual traffic study.[77]

The Governor became concerned about what he was hearing and demanded straight answers from his senior staff. On December 12, 2013, he had further inquiries made of Kelly and Stepien. Both denied any involvement in the decision to close these lanes. Kelly even claimed to have searched her emails, showing a couple to the Governor's Chief of Staff, Kevin O'Dowd, a former federal prosecutor, but none of the damning private ones proving her advance knowledge and participation. But Kelly was nevertheless panicked by what she considered to be O'Dowd's "grilling." She called her staffer, Christina Renna, that same night to make a desperate request: delete the email that Kelly sent to Renna on September 12, 2013, where Kelly, upon learning Mayor Sokolich was "extremely upset,"[78] responded: "Good."[79] Despite Kelly's attempt to cover her tracks, Renna preserved a copy of that email.[80]

The very next morning, on December 13, 2013, the Governor convened a special meeting of his senior staff and also invited Drewniak.[81] He stood the entire time and raised his voice. He told them he was concerned they were all suffering from "senioritis" following the election. He said the national attention was a double-edged sword: "The spotlight can turn to a searchlight real quick." He mentioned a number of miscues but then focused on the George Washington Bridge lane realignment fiasco. He said words to the effect of: "This is a mess, and now I have to clean it up." He demanded to know from each of them in that room whether they had any prior knowledge or involvement in the lane realignment. He said he was going to hold a press conference later that day to set the record straight. He told them to come forward with the truth that morning, to go tell O'Dowd or Charles McKenna, then the Governor's Chief Counsel. "The confessionals are open," he said. But Kelly did not come forward. To the contrary, when questioned for a second time by O'Dowd that morning, Kelly continued to deny any involvement. Later that morning, the Governor held his press conference, saying he had been "assured" by his senior staff and Stepien that they were not involved. He also announced at the press conference that Baroni would be replaced at the Port Authority by Deborah Gramiccioni, one of the Governor's senior staffers and also a former federal prosecutor.[82]

The "assurances" that the Governor had received proved to be inaccurate. When, on the morning of January 8, 2014, documents subpoenaed by the Assembly Committee surfaced publicly in the press, they showed Kelly and Stepien communicating with Wildstein about the Fort Lee lane realignment issue using their personal email accounts.[83] Kelly's email exchanges with Wildstein were particularly damning because she seemed to be blessing the decision beforehand for some ulterior motive. Stepien's showed awareness, but not approval.

That afternoon, on January 8, 2014, the Governor called together his top aides and advisors at Drumthwacket. It was an emotional session, in which the Governor, welling up with tears, expressed shock at the revelations, directed Kelly's immediate firing for lying to him, and also decided to sever ties with Stepien.

The next morning, on January 9, 2014, the Governor held a press conference for nearly two hours in which he acknowledged this breach by some close to him, took responsibility for it happening on his watch, and answered the press's questions.[84] That same morning, Kelly texted her then-former staffer, Renna, admitting her transgression: "I'm sorry to tarnish IGA."[85]

Since then, Wildstein, Kelly, and Stepien have asserted their Fifth Amendment rights against self-incrimination,[86] from which adverse inferences can appropriately be drawn.[87] No one else has done so.[88] Indeed, we have had the cooperation of every current member of the Governor's Office, including the Governor himself, former members of that Office, and other independent witnesses as well.

2. The Role Of The Governor

Our investigation found that Governor Christie did not know of the lane realignment beforehand and had no involvement in the decision to realign the lanes. He does not recall becoming aware of the lane realignment during the period the lanes were closed, but would not have considered a traffic issue memorable in any event.[89] After the fact, he at first accepted the explanation being offered by New Jersey's representatives at the Port Authority that this was simply a traffic study, an operational issue to be handled there, and the resulting controversy just typical in-fighting between the New York and New Jersey contingents. But once the Governor became aware of Port Authority officials publicly questioning whether this was a legitimate traffic study and rumors of others' involvement, he made appropriate inquiries and even convened a special meeting of his senior staff on December 13, 2013, demanding to know

whether any of them were involved in this decision, only to be lied to by Kelly. When documents were then publicly released on January 8, 2014, confirming Kelly's participation in the decision to close these lanes and Stepien's apparent awareness, Governor Christie called together his top advisors that same day and, in an emotional session, expressed shock at the revelations, directed Kelly's firing immediately for lying to him, and also decided to sever ties with Stepien. The very next day, the Governor held a nearly two-hour press conference to acknowledge this transgression by some close to him, to take responsibility for it, and to answer questions from the press.[90] Then, his Office commissioned this investigation.

Governor Christie's account of these events rings true. It is corroborated by many witnesses, and he has conducted himself at every turn as someone who has nothing to hide. Moreover, in all the documents we reviewed (including the personal texts and emails of the Governor and his senior staff) and from all the witnesses we interviewed, we uncovered nothing contradicting the Governor's account.

3. The Role Of The Governor's Senior Staff, Besides Bridget Kelly

We have not found any evidence of any other member of the Governor's staff, besides Bridget Kelly, being involved in the decision to realign these George Washington Bridge toll lanes at Fort Lee. And we have not found any evidence of any other member of the Governor's staff, besides Bridget Kelly, doing anything to cover up what happened here after the fact. There were members of the Governor's staff who became aware of the lane realignment during or after the fact, but they understood from Wildstein or Baroni, apparently relying on information provided him by Wildstein, that this was a legitimate traffic study, no matter how misguided the Port Authority's execution of it, and therefore an operational issue for the Port Authority to deal with, not the Governor's Office. And by December 2013, as hearsay and rumors filtered back to

some in the Governor's Office about Kelly's possible involvement, there was follow-up and questioning of Kelly, who denied it.

4. Conclusion

In sum, we have not found any evidence of anyone in the Governor's Office knowing about the lane realignment beforehand or otherwise being involved, besides Bridget Kelly. Whatever motivated Wildstein and Kelly to act as they did, it was not at the behest of Governor Christie, who knew nothing about it.[91] The Governor and his senior staff gave Kelly the benefit of the doubt—a decision that was both understandable under the circumstances and reasonable based on the evidence available to the Governor's Office at that time. Importantly, the evidence exposing this operation was not to be found in government files; rather, it was hidden in the personal email accounts and personal texts of those participating in order to conceal their act. As other investigations progress, they may uncover, through their subpoena powers, more about the questions that remain unanswered, including what really motivated this plan. And consistent with our mandate, we will continue to facilitate the Governor's Office's cooperation.

B. Hoboken Mayor Dawn Zimmer's Allegations Concerning Sandy Aid

In allegations made publicly for the first time on a national cable news program on January 18, 2014, Hoboken Mayor Dawn Zimmer accused the Christie Administration of a conspiracy at the highest levels to coerce her into advancing a stalled real estate project being pursued by a private developer (the Rockefeller Group) in exchange for Sandy aid. Mayor Zimmer has claimed that, starting in May 2013, she repeatedly received threats from high-ranking State officials, including Lieutenant Governor Kimberly Guadagno, Department of Community Affairs ("DCA") Commissioner Richard Constable, and Governor's Office of Recovery and Rebuilding ("GORR") Executive Director Marc Ferzan, as a "direct message"[92] from Governor Christie. In handwritten notes purportedly made "a few days"[93] after these May

2013 exchanges, Mayor Zimmer described them as "corrupt"[94] and wrote that they showed a "direct connection b/t the Rockefeller p + Sandy funding."[95]

Our investigation found that Mayor Zimmer's allegations are, in material respects, demonstrably false. They are contradicted by contemporaneous documents, other witnesses' accounts, and her own prior statements. In sum, the subjective perceptions she may have do not match objective reality, as reflected in the hard evidence uncovered during our investigation.

We note at the outset Mayor Zimmer's claim that the Christie Administration held Hoboken's Sandy aid hostage for ulterior political motives is contradicted by Mayor Zimmer's own public statements as recently as a week before she went public with these accusations. Indeed, on January 11, 2014—one week before first making her allegations—Mayor Zimmer told the press that, while disappointed with Hoboken's Sandy aid, "I don't think it was retaliation and I don't have any reason to think it's retaliation."[96] In fact, after she alleged these threats were first made in mid-May 2013, she repeatedly heaped praise on Governor Christie for having "done a great job for NJ & Hoboken."[97] Indeed, on May 24, 2013, she wrote to the Governor: "Thank you for your continued advocacy for New Jersey and efforts to rebuild our communities."[98] Moreover, in October 2013, her Chief of Staff offered in writing to provide Governor Christie's re-election campaign with a letter of "support" from Mayor Zimmer, saying she was "proud to stand with" the Governor because he "was there for us when we needed him most, responding to the crisis of Superstorm Sandy."[99] Mayor Zimmer's statements since mid-May 2013 do not square with her allegations now that she was supposedly being threatened by the Christie Administration at that time.

1. Mayor Zimmer's Specific Allegations

Taking Mayor Zimmer's allegations in turn, she has claimed she received threats from three different Christie Administration officials on three separate occasions:

a. Mayor Zimmer's Exchange With Lieutenant Governor Guadagno

Mayor Zimmer has alleged that, two days after she sent a May 8, 2013 letter to Governor Christie requesting more Sandy aid, the Lieutenant Governor, having met "w/ the Gov.,"[100] "created"[101] a public event at a ShopRite in Hoboken, invited Mayor Zimmer to attend, and then, after the May 13, 2013 event, "pulled [her] aside in the parking lot"[102] to deliver "a direct message from the governor"[103] that "if you don't move ahead"[104] with the Rockefeller Group's project, "we're not going to be able to help you"[105] with more Sandy aid. Mayor Zimmer further alleged that the Lieutenant Governor said to her at that time: "I know it's not right. I know these things should not be connected, but they are and if you tell anyone, I'll deny it."[106] In other words, to credit Mayor Zimmer's account, one would have to believe that Guadagno, a former federal prosecutor and county sheriff, made a full confession—right there, out in the open, in the supermarket's parking lot, immediately after that public event, with press and staff nearby—that she was doing something wrong, knew it was wrong, and was doing it anyway.

Our investigation found that Mayor Zimmer's account of this exchange is, in material respects, demonstrably false:

(i) Guadagno did not meet with the Governor and then create this event to deliver his message to Mayor Zimmer. In fact, the decision to invite Mayor Zimmer to the event occurred midday on Friday, May 10, 2013—*before* Guadagno met with the Governor at a senior staff retreat later that day, as contemporaneous documents show.[107]

(ii) This was not a "created"[108] event. It was weeks in the planning, as contemporaneous documents show.

(iii) It was not the Lieutenant Governor who "pulled" Mayor Zimmer "aside" to have this private meeting.[109] It was actually Mayor Zimmer who requested the meeting, as

contemporaneous documents show.[110] And she requested that meeting to pitch her "[i]mportant idea" to fund a sweeping, post-Sandy flood mitigation plan for Hoboken.[111]

(iv) It was Mayor Zimmer who had the Rockefeller Group on her mind, not Guadagno, as contemporaneous documents show. That is because the Rockefeller Group designed Hoboken's flood mitigation plan—the same one that Mayor Zimmer was seeking Sandy aid to fund—but its development project, backed by lawyers she perceived as close to the Governor, had just suffered a setback before Hoboken's Planning Board five days earlier when its application for redevelopment benefits was voted down. Mayor Zimmer was anxious about its status, having recently written the Governor complaining that "the solution to Hoboken's flooding challenges cannot be dependent on future development."[112]

(v) Guadagno had to be firm with Mayor Zimmer during their private meeting, pushing back on Mayor Zimmer's funding demands and unwarranted assumption that the stalled Rockefeller Group project was why Hoboken was not getting more Sandy aid. And we know what Guadagno said because she repeated it to the press that same day: "[While] the mayor is a great advocate for Hoboken, . . . the governor has to be an advocate for the entire state. We are trying to [do] the best we can with the resources we have."[113]

(vi) Guadagno has had no role in the Sandy aid decision-making process, which is formula-driven, based on objective criteria, and subject to federal oversight. Therefore, she personally could not have affected Hoboken's Sandy aid allocations at all. Moreover, even though the Rockefeller Group project did not "move ahead,"[114] Hoboken nevertheless then got all of the CDGB funding it applied for ($200,000),[115] and its allocation for hazard mitigation funding is roughly equivalent to what other applying municipalities received ($142,080),[116] and is likely to change when all the grant applications are rescored.[117]

Both the Lieutenant Governor and Governor deny Mayor Zimmer's allegations. And the Lieutenant Governor's account of what transpired is corroborated by hard evidence, contemporaneous with the events in question. Mayor Zimmer's isn't.

b. Mayor Zimmer's Exchange With DCA Commissioner Constable

Mayor Zimmer has alleged that, just three days after she claimed the Lieutenant Governor delivered this "direct message from the governor,"[118] Commissioner Constable delivered the same message as they were both about to appear on a PBS television panel discussing Sandy's aftermath on May 16, 2013.

According to Mayor Zimmer's account: "We are mic'd up w/other panelists all around us – + probably the sound team listening + he [Commissioner Constable] says – I hear you are against the R project[.] I reply – I am not against the Rockefeller p – in fact I want more commercial dev. in Hob."[119] To which Constable purportedly replied that "everyone in the statehouse believes u r against it," and then said: "'[I]f you move that forward the $ would start flowing to u.'"[120] From that, Mayor Zimmer surmised: "it is pretty clear what he means by '$ will flow.' Nice to know there is a direct connection b/t the Rockefeller p & Sandy funding."[121] In other words, to credit Mayor Zimmer's account, one would have to believe that Constable, who is also a former federal prosecutor and registered Democrat, was part of this conspiracy to deliver this "direct message"[122] from the Governor to Mayor Zimmer, that he managed to place himself in a position to do so, and then proceeded to threaten Mayor Zimmer, while "mic'd up"[123] in a public setting surrounded by other panelists as they were just about to go live on the air.

Our investigation found that, in material respects, Mayor Zimmer's account of this exchange is demonstrably false:

(i) Constable did not seek out Mayor Zimmer to deliver any message from the Governor, nor did he have any message to deliver. Rather, the panelists were assigned their seats at the time they arrived for the broadcast. And Constable had not spoken to the Governor or Lieutenant Governor beforehand about this event, did not attend the Governor's senior staff retreat (as he was not part of the Governor's senior staff), and did not work in the "statehouse."[124]

(ii) An independent witness, Belmar Mayor Matthew Doherty, a Democrat, who was seated next to Mayor Zimmer, reported that Constable never said anything to the effect of, "If you move forward" with that private development project, "the money would start flowing to you." In fact, Doherty said he did not hear any quid pro quos discussed or threats made that evening.

(iii) Real time photographs of Constable and Mayor Zimmer talking as they were "mic'd up" on the eve of the broadcast show Mayor Zimmer starting the conversation and doing most of the talking during it, yawning about midway through, and then smiling at the end—hardly the demeanor one would expect of someone who had just been threatened.[125]

(iv) Mayor Zimmer is right that Constable used the words, "move forward," and "money" will "start flowing," that evening. But not in his pre-show conversation with Mayor Zimmer. He said them on the air during the broadcast: "[W]e're *starting* to get the federal monies to *flow*. . . . You're going to see businesses with capital *start to move forward*."[126]

(v) As DCA Commissioner, Constable has no responsibility for advancing commercial real estate developments unless they have an affordable housing component, which the Rockefeller Group's project doesn't. Therefore, he would have had no reason to raise the Rockefeller Group's project with Mayor Zimmer in the first instance.

(vi) Even though the Rockefeller Group's project did not "move forward," Hoboken still got the entire amount it sought in CDGB funding—$200,000[127]—which was the only Sandy aid program administered at the time that directly provided funding to municipalities. In other words, Constable, having supposedly threatened Mayor Zimmer to no avail, then nevertheless gave her the entire amount he could of Sandy aid requested by Hoboken from the CDGB program.

Both Commissioner Constable and the Governor deny Mayor Zimmer's allegations. And Commissioner Constable's account of what transpired is corroborated by hard evidence, contemporaneous with the events in question, and an independent witness's account. Mayor Zimmer's is not.

c. Mayor Zimmer's Exchange With GORR Executive Director Ferzan

Mayor Zimmer has further claimed that, "a month ago," in December 2013, before she made these allegations, she met with GORR Executive Director Marc Ferzan, who oversees the State's Sandy rebuilding effort, and asked him to "put some support" behind Hoboken's "Rebuild by Design" proposal to HUD.[128] According to Mayor Zimmer, Ferzan replied: "[Y]ou need to let me know how much development you're willing to do."[129] She considered this to be another example of the "pressure" the Christie Administration was placing on her to support private development in exchange for Sandy aid.[130] In other words, to credit Mayor Zimmer's account, one would have to believe that Ferzan, another former federal prosecutor and registered Independent who left a lucrative private sector job at PricewaterhouseCoopers to do this public service, joined in the conspiracy to threaten Mayor Zimmer and then made these statements to her in furtherance of the conspiracy.

Our investigation found that, in material respects, Mayor Zimmer's account of this exchange is demonstrably false:

(i) Mayor Zimmer last met with Ferzan not "a month ago," but rather, on November 25, 2013, at a briefing attended by many other mayors, staffers and State officials.[131] In other words, Ferzan made whatever statements he did to Mayor Zimmer in a public setting in a room crowded with other people.

(ii) It was not Mayor Zimmer who brought up "Rebuild by Design." It was Ferzan, without tying it in any way to support for private economic development, as contemporaneous documents show. Indeed, a State official kept copious notes of that briefing and captured, in words or substance, Ferzan's exchange with Mayor Zimmer that day: "Hoboken Mayor Zimmer asked how the State is going to help urban areas with the second tranche of CDGB-DR funds. . . . She said . . . the city needs some help for things like elevating utilities and elevators. Marc Ferzan said the State asked [FEMA] about raising utilities and [it] said no. He said Rebuild by Design is one avenue to consider."[132]

(iii) By that time, Hoboken was already one of 10 finalists (three of which were from New Jersey) in HUD's "Rebuild by Design" competition, likely worth many millions of dollars in federal Sandy aid to the eventual winner.[133] And Mayor Zimmer should have known that HUD was using an expert jury to pick the winner, that New Jersey officials are not on that jury, and that there was therefore no real value in New Jersey officials "support[ing]" Hoboken alone,[134] as opposed to continuing to facilitate all three New Jersey contenders, which earned them "thanks" from HUD for "extraordinary cooperation"[135] "digging in with the RDB teams."[136] Yet that misconception seems to be motivating Mayor Zimmer's allegations now. Indeed, she told a national news show on January 19, 2014, of her "concern" that "the governor

ultimately will not support" Hoboken's "Rebuild by Design" proposal, and "if I don't have his support on this plan, then we're not in a good position to win this competition."[137]

(iv) As Mayor Zimmer also should have known, HUD's "Rebuild by Design" competition has expressly encouraged public-private partnerships, advising competitors it would "implement selected proposals with both public and private funding dedicated to this effort."[138] Indeed, the President's Hurricane Rebuilding Task Force, on whose advisory group Mayor Zimmer serves, expressly provides in its rebuilding strategy for "using public-private partnerships to lower project costs" and "leverage Federal funding."[139] Thus, even had Ferzan mentioned private development in this context, Mayor Zimmer should have realized that would have been perfectly appropriate and consistent with the "Rebuild by Design" competition's mandate.

(v) Mayor Zimmer never mentioned Ferzan's supposed role in this conspiracy before January 20, 2014, and only did so that day *after* Ferzan held a morning press call describing the State's "objective process," calling Mayor Zimmer's claim of unfair treatment for Hoboken a "mischaracterization," and saying "I'm scratching my head a little bit about any community that's getting the short end of the stick."[140] Only later that day did Mayor Zimmer go on a national cable news program and name Ferzan as a co-conspirator for the first time.[141]

(vi) A central premise of Mayor Zimmer's conspiracy theory is that Hoboken's Sandy aid has been "held hostage."[142] But in reality, as dozens of witnesses from State government familiar with the Sandy aid decision-making process confirmed, there has been no politicization of that process whatsoever. Not with regard to Hoboken or anyone else. Decisions are made on the merits, formula-driven, and based on objective criteria, under federal oversight.[143] And while the Rockefeller Group project remains stalled, Hoboken has received multiple Sandy aid

allocations in recent months and stands to get many millions of dollars more if it wins the "Rebuild by Design" competition.[144] Moreover, Hoboken-affiliated parties have thus far collectively received nearly $70 million in Sandy funding.

Both Ferzan and the Governor deny Mayor Zimmer's allegations. And Ferzan's account is corroborated by hard evidence, contemporaneous with the events in question, and many other witnesses' accounts. Mayor Zimmer's isn't.

2. Other Factors Bearing On Mayor Zimmer's Allegations

There are other factors considered during our investigation that inform our conclusions, including but not limited to the following:

a. Scope Of The Conspiracy Alleged And Inability To Carry It Out

The conspiracy that Mayor Zimmer has alleged would necessarily have had to include many actors within various departments of the Christie Administration. That is because she has claimed that Hoboken's Sandy aid was being affected by this conspiracy. In order for that to have happened, the many individuals responsible for the management and execution of Sandy aid programs would necessarily have had to become involved in this alleged plot. The top aides to the Governor, Lieutenant Governor, DCA Commissioner, and GORR Executive Director—who include other former federal prosecutors, a former State Deputy Attorney General, a former senior counsel in the State Attorney General's Office, private sector lawyers recruited to help administer the program, and even an out-of-stater recruited because of her extensive experience in helping New Orleans in the aftermath of Hurricane Katrina—would have had to know if such a thing ever happened. And to a person, they all say, "No, it didn't happen."

Nor could it have. Our investigation found that the Christie Administration has implemented an objective and transparent process for allocating Sandy aid. It is formula-driven.[145] And it is subject to federal oversight.[146] Moreover, our investigation found that

Hoboken has been treated fairly, compared to other New Jersey municipalities, given the scarce resources available. Indeed, even Mayor Zimmer's press secretary has conceded "the fact that Hoboken is about on par with other towns in getting a modest amount of aid from state-run programs," saying only that it "deserves" more.[147] In other words, the threats that Mayor Zimmer has alleged were neither carried out, nor could they have been.

b. Mayor Zimmer's Changing Account Over Time

Mayor Zimmer's story is also suspect because it keeps changing. By her own account, she sat on these allegations for more than eight months (despite her public duty to remedy them),[148] continued to praise the Governor publicly in the interim,[149] and then, chose to air them publicly for the first time on a national cable news program, rather than timely report them to law enforcement authorities.[150] Then, over three successive days of television interviews in January 2014, she altered her story each time she retold it. For example, at first, she said this message came from the "Christie Administration,"[151] but then, the next day, called it a "direct message from the governor."[152] And she never mentioned Marc Ferzan until after he publicly questioned her accusations,[153] at which point she then named him as a co-conspirator.[154] In essence, her allegations have been a moving target.

c. Mayor Zimmer's Mischaracterization Of The Rockefeller Group's Role

Mayor Zimmer now casts the Rockefeller Group in a negative light, but that appears to be revisionist history on her part. A year ago, she was "thank[ing]" the Rockefeller Group in her "State of the City" speech for designing Hoboken's flood mitigation plan.[155] She embraced that plan and tried to convince State officials to fund its implementation.[156] But the Rockefeller Group's development project was a different story. She is now essentially claiming that the Rockefeller Group, through its lawyer-lobbyists at Wolff & Samson, unduly influenced the

Christie Administration. Our investigation found no evidence of anything untoward in those dealings. For example, Mayor Zimmer appears to have mischaracterized a May 9, 2013 meeting with Christie Administration officials, to which Hoboken officials were invited by Wolff & Samson, as being about the Rockefeller Group's development project,[157] when contemporaneous documents show that meeting was really about Hoboken's flood mitigation plan—the one supported by Mayor Zimmer and designed by the Rockefeller Group's engineers.[158] Moreover, contemporaneous documents show that the Port Authority's decision to fund an economic development study of Hoboken's North End in 2010 actually came about at Mayor Zimmer's request before Wolff & Samson partner and Christie appointee David Samson even began serving as the Port Authority's Chair.[159] Hence, Mayor Zimmer's mischaracterization of the Rockefeller Group's role further undermines her allegations.

d. Lack Of Substantiation For Mayor Zimmer's Claims

We were unable to substantiate Mayor Zimmer's allegations during our investigation. Through counsel retained for her after she had already gone public with her accusations and spoken with investigators, Mayor Zimmer declined our request for an interview. Other Hoboken officials similarly declined our requests for interviews, although we were able to obtain Hoboken documents through a formal public records request. Nevertheless, even without Mayor Zimmer's cooperation, we have had the benefit of reviewing her several lengthy television interviews, and were also able to obtain from media websites copies of handwritten notebook entries that she provided the press. As a result, we are aware of her account and what she has claimed corroborates it.

Mayor Zimmer's handwritten notebook, offered as corroboration for her account, is suspect. It is not a contemporaneously written document. Rather, on its face, and by Mayor Zimmer's own admission, it was written "a few days" after the events it purports to chronicle.[160]

And its most inflammatory statements appear to have been added even later, written across the top and down the side of pages.[161] Even crediting this notebook's contents as genuine, however, they are only as accurate as the perceptions of the writer. And based on the hard evidence, Mayor Zimmer's perceptions have not proven to be accurate. Therefore, what other witnesses say she then told them is not corroboration either because it is as unreliable as the perceptions she recounts in her handwritten notebook. All of this proffered "corroboration" is, in reality, hearsay, from which no credible conclusions can be drawn.

3. Conclusion

In sum, our investigation has concluded that Mayor Zimmer's allegations are unsubstantiated and, in material respects, demonstrably false. Whatever subjective perceptions she may have do not match objective reality, as reflected in the hard evidence uncovered during our investigation. Moreover, her allegations are contradicted by contemporaneous documents, other witnesses' accounts, and her own prior statements. Mayor Zimmer herself has called the sequence of events that she has alleged "unbelievable."[162] Based on our investigation, we would have to agree.

C. Recommendations

The George Washington Bridge toll lane realignment and the ensuing gridlock resulting from it, while the actions of a few, are simply unacceptable. Whether in their implementation, their motivation, or both, they amounted to a breach of public trust that never should have happened. And never should happen again. With that aim in mind, we make these recommendations.

1. Governor's Office

Within the Governor's Office, we recommend the following:

(a) Restrict the Use Of Personal Email Accounts For Conducting Official State Business – The individuals responsible for these acts used their personal email accounts to communicate about this plan. That practice has to end. Absent extraordinary circumstances, public employees working in trusted positions should use their official state email accounts when conducting state business. As a matter of transparency, accountability, and public access, that is the prudent and responsible thing to do. The Governor's Office should also make State employees aware of the implications, pursuant to public record disclosure and retention requirements, of text messaging to conduct official state business. This will further promote transparency, accountability and public access.

(b) Eliminate IGA – This is the office that Bridget Kelly ran as the Governor's Deputy Chief of Staff, and Bill Stepien ran before her. Its primary function is constituent service and intergovernmental affairs, liaising and responding to elected officials and others as problem solvers and troubleshooters for constituents and locals officials alike. It appeared to have functioned very effectively during the first three years of the Governor's first term, both in terms of responsiveness and non-partisanship. But then, during the Governor's re-election year, under Kelly's stewardship, there was aberrational behavior at Kelly's direction. While this aberrational conduct was isolated, it has led to misunderstandings that have created appearance issues for IGA going forward. We therefore recommend disbanding IGA and reorganizing its functions within a new and expanded Governor's Office of Constituent and Legislative Services, combining the current IGA and Constituent Relations functions. And the mission of that office should be made crystal clear: responsiveness in a non-partisan manner that makes it a model for good government, responsive to all.

(c) Appoint An Ombudsperson Within The Governor's Office Who Would Report Directly To The Governor And Issue Periodic Public Reports – While what occurred here were the actions of a few and not reflective of the whole, it is nevertheless concerning that they occurred at all. To assist the Governor's Office going forward, and to restore public trust in the many honorable, dedicated public servants who work there, we propose that the Governor appoint an Ombudsperson—a senior statesperson of unquestioned integrity and independence—to serve as a sounding board and resource readily available for receiving complaints within the Governor's Office and seeing that they get appropriately responded to. We envision that this Ombudsperson would report directly to the Governor and issue periodic public reports, at least annually, on his or her activities. We would also expect the Ombudsperson to help establish the duties and responsibilities of the new Chief Ethics Officer, described below, who would report to both the Ombudsperson and the Chief Counsel.

(d) Appoint A Chief Ethics Officer Responsible For Ethics Enforcement, Conflicts And Training Within the Governor's Office – As a prophylactic measure going forward, the Governor should appoint a Chief Ethics Officer for the Office of the Governor dedicated to (i) addressing any ethics or conflicts issues as they arise, and (ii) overseeing training within that office to ensure that all who work there are aware of and sensitive to their obligations. The Chief Ethics Officer would report to the Chief Counsel, also report to and work closely with the Ombudsperson, and have direct access to the Governor.

2. Port Authority

Regarding the Port Authority, we recommend the following:

(a) Coordinate With New York's Governor To Restructure the Port Authority By Appointing A Bi-State Commission To Recommend Reforms – This Bi-State Commission should be tasked to formulate a reform agenda to restructure the Port Authority to ensure its

independence and professionalism going forward. As the George Washington Bridge incident demonstrates, divisions between the Port Authority's New Jersey and New York counterparts have historically resulted in communication failures, rivalries, and duplication. And the current appointments structure—whereby one Governor appoints the Chair (and Deputy Executive Director) and the other Governor appoints the Executive Director (and Vice Chair)—only exacerbates that division and, at times, leads to dysfunction. In the first instance, this Bi-State Commission should address whether there should be a fundamental restructuring of the Port Authority, either by recognizing separate New York and New Jersey divisions going forward to permit each State to have primary responsibility for completing projects within their jurisdictions, or otherwise reorganizing to ensure independence and professionalism. Moreover, this Bi-State Commission should address, among other things, potential changes to the terms and method of appointment of top Port Authority officials. For example, set periods of tenure, staggered terms of more than four years, and joint approval by both Governors should all be considered for senior executive positions. This is not to say, however, that both States' Governors should necessarily have to await the Commission's recommendations. If the Governors were to reach agreement on fundamental changes, they could go to their respective State legislatures immediately to enact the same reform package.

We appreciate that the Port Authority has already taken the constructive step in response to recent events of establishing a special oversight committee within its own ranks, but an independent Bi-State Commission is the better vehicle for achieving long-term systemic reform. This Bi-State Commission should consist entirely of persons independent of the Port Authority; it should not include any current Port Authority Commissioners or executives. The reform agenda that it considers should address systemic operational, structural, and management issues

at the Port Authority that will ultimately require the approval of both States' legislatures, going well beyond internal matters within the current scope of its authority. And that is a reform agenda that should be set by an independent "blue-ribbon" panel or else the Governors themselves working together.

(b) Propose Legislative Reforms To Promote Transparency – There are legislative proposals pending, and may be more to come, that could advance reform, assuming both states' legislatures agreed. In 2012, both Governor Christie and the New Jersey Legislature advanced legislation pertaining to transparency, accountability, and oversight of New Jersey's public authorities; the Governor's legislation applied across the region's public authorities, while the Legislature's bill focused on the Port Authority. Neither of these reform efforts became law. We therefore recommend that the Governor's Office propose new or modified public authorities reform legislation now, in light of past and pending legislative proposals, and with the recognition that transparency provisions already enacted in New York would automatically apply to the Port Authority once passed in New Jersey.

3. Other Related Proposals

Finally, regarding both the George Washington Bridge toll lane realignment and Hoboken Mayor Zimmer's claims, there were private allegations, contemporaneous with or closer in time to the events, of violations of law that apparently went unreported to law enforcement authorities at the time. In particular, Mayor Zimmer has alleged that in May 2013 she was first threatened by the Christie Administration and wrote in her notebook she considered those threats to be "corrupt."[163] Yet her allegations were not reported at the time to law enforcement authorities. Instead, she waited until eight months later in January 2014 to first air them publicly on a national cable television broadcast.

The Governor should consider taking steps to require all State and local elected officials, and perhaps their most senior staffers or cabinet-level appointees, to timely report to law enforcement authorities, or the inspectors general or chief ethics officers responsible for such oversight, any conduct that they believe may constitute crimes being committed on their watch, and imposing appropriate remedies on those public officials who fail to timely report such allegations. This would ensure timely reporting and investigation of any such allegations. And it would address the questions that necessarily arise about the motivations and veracity behind allegations such as Mayor Zimmer's that are only first publicly made long after the fact.

II. SCOPE AND METHODOLOGY OF THE INVESTIGATION

Our mandate, and scope of work, has expanded as allegations asserted have evolved and multiplied. Below we briefly outline the issues at the heart of our investigation, as well as the retention of Gibson, Dunn & Crutcher LLP ("Gibson Dunn") and a description of our key team members.

A. Issues

1. Allegations Regarding The George Washington Bridge Lane Realignment

From September 9 to 13, 2013, the access lanes leading to the eastbound toll lanes and booths on the George Washington Bridge from Fort Lee, New Jersey, were realigned by the Port Authority of New York and New Jersey (the "Port Authority"). This lane realignment caused significant traffic delays in Fort Lee. Specifically, the three Fort Lee access lanes were realigned to feed into one toll booth—the southernmost tollbooth— rather than the three southernmost toll booths previously dedicated to the Fort Lee access lanes.

In the morning hours of September 13, 2013, Port Authority Executive Director Patrick Foye directed Port Authority managers, engineering staff, and other executives, by internal email, to immediately reverse the lane realignment and restore the prior alignment of the three access lanes from Fort Lee.[164] That day, *The Bergen Record*, a New Jersey newspaper, published a column titled "Closed tollbooths a commuting disaster," which reported on the lane realignment and quoted a Port Authority spokesman's explanation that the lane realignment was the result of a "review[] [of] traffic safety patterns" at the Bridge.[165] The column criticized the Port Authority's leadership for not having warned motorists about the study, quoted the Fort Lee police chief stating that Fort Lee officials had not gotten "any answers" from the Port Authority, and stated that the publication had received numerous phone calls speculating that the traffic was some form of political retribution.[166] This theory was repeated in a September 17, 2013 *Wall*

Street Journal article, which reported "speculation that the closures could be retribution for Mr. Sokolich's decision not to endorse Mr. Christie in his re-election bid in November."[167] The *Wall Street Journal* article also reported, however, that Mayor Sokolich disputed this speculation, stating: "I've always been incredibly supportive of Gov. Christie even in the face of people criticizing me for it. I find it incomprehensible that there's any truth whatsoever to these rumors."[168]

On October 1, 2013, *The Wall Street Journal* published an article discussing and also making available a leaked copy of Foye's September 13, 2013 internal Port Authority email.[169] The article again cited speculation that the lane realignment was "seen . . . as retribution from surrogates of Republican Gov. Chris Christie . . . at Fort Lee Mayor Mark Sokolich, a Democrat who hasn't endorsed Mr. Christie for re-election," and again noted that Mayor Sokolich himself rejected any such "rumors" and "said he was a supporter of many of Mr. Christie's policies."[170]

a. Inquiries Concerning The Bridge Lane Realignment

The Bridge lane realignment and ensuing media attention prompted legislative inquiries. On September 19, 2013, New Jersey State Senator Loretta Weinberg (D-Bergen) wrote a letter to the Port Authority criticizing its decision to realign the Fort Lee access lanes for causing significant traffic congestion and inconveniencing area residents.[171] Two weeks later, on October 2, 2013, New Jersey Assemblyman John S. Wisniewski (D-Middlesex) announced that the New Jersey Assembly Transportation, Public Works, and Independent Authorities Committee (the "Assembly Transportation Committee")—which was empowered in March 2012 to investigate "all aspects" of the Port Authority's finances[172]—would convene a hearing to investigate who ordered the lane realignment, and whether it was politically motivated.[173] At two different hearings, the Assembly Transportation Committee received testimony from four Port Authority employees: William Baroni, on November 25, 2013,[174] and Cedrick Fulton,[175]

Robert Durando,[176] and Patrick Foye on December 9, 2013.[177] On or about December 12, 2013, the Assembly Transportation Committee issued subpoenas to seven Port Authority employees for documents relating to the Bridge lane realignment.[178]

On January 8, 2014, news organizations obtained certain documents produced by those Port Authority employees pursuant to those subpoenas.[179] On January 9, 2014, the Assembly Transportation Committee made available on its website more than 2,000 pages of documents that it obtained in response to its subpoenas to Port Authority employees;[180] a number of media organizations subsequently reported on the documents and disclosed them to the public.[181] The Assembly Transportation Committee's authority under Assembly Resolution 91, which continued the Committee's operation and subpoena power, expired at noon on January 14, 2014.[182]

b. Creation Of The New Jersey Select Committees Of Investigation

In January 2014, the New Jersey Legislature formed three new Select Committees to investigate the lane realignment, empowering each to hold hearings, to interview witnesses, to take testimony, to exercise all other investigative powers conferred under state law, and to "report possible violations of any law, rule, regulation, or code to appropriate federal, State, or local authorities."[183]

First, on January 16, 2014, the General Assembly passed Resolution 10, continuing the Assembly Transportation Committee's mandate, and forming the Assembly Select Committee on Investigation.[184] Comprised of 12 members, this Committee was empowered with a broad mandate: to "investigate all aspects of the finances, operations, and management of the Port Authority . . . and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge."[185] Assemblyman

Wisniewski was named chairperson of the Assembly Select Committee.[186] As authorized by Assembly Resolution 10, eight members of the Assembly Select Committee were Democrats and four were Republicans.[187]

That same day, Chairman Wisniewski issued a statement that the Select Committee had issued 20 subpoenas.[188] The media reported that 11 of these subpoenas were issued to the Office of the Governor or its current or former employees.[189] The return date for the subpoenas was February 3, 2014, 12 business days later.[190]

Second, also on January 16, 2014, the New Jersey Senate passed Resolution 1, creating the Senate Select Committee on Investigation.[191] That committee was comprised of seven members, four Democrats and three Republicans.[192] The Senate Select Committee's mandate was as broad as the Assembly Select Committee's mandate.[193] The appointed chairperson of the Senate Select Committee was Senator Loretta Weinberg, who also announced the issuance of subpoenas.[194]

Third, on January 27, 2014, the New Jersey Assembly passed Assembly Concurrent Resolution 10 and the New Jersey Senate passed Concurrent Resolution 49, which together dissolved the Assembly and Senate Select Committees of Investigation and formed the twelve-member joint Special Committee of Investigation (the "SCI").[195] Of those twelve members, eight are from the Assembly and four are from the Senate; eight are Democrats and four are Republicans.[196] The mandate of the SCI is substantially similar to that of the dissolved Assembly Select Committee.[197] Senator Weinberg and Assemblyman Wisniewski serve as Co-Chairs of the SCI.[198]

That same day, Chairman Wisniewski announced that the SCI had issued the same 20 subpoenas previously issued by the Assembly Select Committee, with the same return date of

February 3, 2014, five business days later.[199] These subpoenas were all focused on the lane realignment.[200]

c. The U.S. Attorney's Office For The District Of New Jersey

On January 8, 2014, in response to press inquiries about whether it had opened an investigation into the Bridge lane realignment, the U.S. Attorney's Office for the District of New Jersey (the "U.S. Attorney's Office") provided a statement to reporters: "It is the policy of our office to neither confirm nor deny the existence of investigations."[201] The following day, in response to the same or similar questions, a spokesperson for the U.S. Attorney's Office confirmed publicly that the Inspector General for the Port Authority "has referred the matter to us, and our office is reviewing the matter to determine whether a federal law was implicated."[202]

The U.S. Attorney's Office has since subpoenaed the Governor's Office regarding the lane realignment.[203]

2. Mayor Dawn Zimmer's Allegations Regarding Superstorm Sandy Aid For Hoboken, New Jersey

In the wake of media coverage regarding the Bridge lane realignment and beginning on January 18, 2014, Hoboken Mayor Dawn Zimmer made several media appearances in which she accused the Christie Administration of conspiring at the highest levels to coerce her into advancing a stalled development project in exchange for Sandy relief aid. Specifically, Mayor Zimmer alleged that, starting in May 2013, three senior officials—Lieutenant Governor Kimberly Guadagno, Executive Director of GORR Marc Ferzan, and Commissioner of DCA Richard Constable—linked Hoboken's receipt of Superstorm Sandy aid to the approval of a commercial development in Hoboken's North End sponsored by the Rockefeller Group, a private real estate investment management corporation. Beginning on January 18, 2014, Mayor Zimmer released copies of her notebook in which she claimed she entered contemporaneous

memorializations of her assertions. Incomplete copies of this notebook were released to the public through the media. In addition, Mayor Zimmer appeared in television interviews over the next three days with MSNBC's Steve Kornacki,[204] CNN's Candy Crowley,[205] and CNN's Anderson Cooper,[206] asserting these allegations to the media and public. Mayor Zimmer's allegations were repeated in numerous news reports,[207] and are discussed in greater detail in Section V.

On January 19, 2014, one day after she first aired her allegations, Mayor Zimmer released a statement saying: "This afternoon I met with the U.S. Attorney's Office for several hours at their request and provided them with my journal and other documents."[208] A few days later, Mayor Zimmer released a letter stating, once again, that she had "met with and spoken at length with the U.S. Attorney's office regarding this situation," and that the U.S. Attorney's Office had requested that she not speak publicly about the matter any further.[209] On January 31, 2014, Mayor Zimmer's Office issued a statement confirming that "[t]he City of Hoboken has received a subpoena for documents" from the U.S. Attorney's Office.[210]

B. Retention Of Gibson, Dunn & Crutcher LLP

1. Purpose And Scope

On January 16, 2014, the Office of the Governor retained the law firm of Gibson Dunn to facilitate cooperation with the U.S. Attorney's Office's investigation and other relevant inquiries, conduct an internal investigation of the George Washington Bridge lane realignment allegations, and advise the Governor's Office on best practices and make recommendations for improvements going forward.[211] Two days later, on January 18, 2014, Mayor Zimmer made public allegations regarding Superstorm Sandy aid,[212] which resulted in an expansion of the scope of Gibson Dunn's retention to investigate Mayor Zimmer's allegations as well.

Gibson Dunn's representation of the Governor's Office has specifically included: (1) the review and production of documents in connection with the U.S. Attorney's Office's and New Jersey Legislature's inquiries; (2) a thorough investigation of the facts relating to both the George Washington Bridge lane realignment and Mayor Zimmer's allegations regarding Superstorm Sandy relief; and (3) the preparation of a report discussing our findings and recommendations. Our report was provided to the U.S. Attorney's Office on {March 26}, 2014, consistent with our mandate to facilitate cooperation with that Office's investigation. Indeed, we have periodically briefed the U.S. Attorney's Office on our findings as our review progressed.

The principal objective of Gibson Dunn's investigation has been to determine the facts regarding both the Bridge lane realignment and Mayor Zimmer's allegations regarding Superstorm Sandy aid. In pursuit of that objective, we have interviewed more than 70 witnesses and reviewed more than 250,000 documents. We received the full and voluntary cooperation of the Governor and everyone currently in the Governor's Office. Our access to these witnesses was unfettered: we were able to interview whomever we wanted as often as we wanted, including the Governor and the Lieutenant Governor. We were also permitted access to personal emails, and texts, including those of the Governor and Lieutenant Governor, as well as personal phone records.

We also received cooperation from former members of the Governor's Office and many independent witnesses as well. Many of those individuals provided documents from both their work and personal email accounts. We have also reviewed internal Port Authority documents voluntarily produced to us, which included relevant documents from numerous employees' files, including Wildstein and Baroni. And we had the benefit of several Port Authority officials' sworn testimony before the Assembly Transportation Committee. Moreover, we requested and

received responsive documents from Fort Lee and Hoboken, pursuant to the New Jersey Open Public Records Act ("OPRA").

To be sure, we did not have access to every potentially relevant witness and document, but we did have ample evidence—documentary and testimonial, direct and circumstantial—from which to draw the findings set forth in this report. We analyzed each piece of evidence alongside all other direct and circumstantial proof of knowledge and intent—including the participants' outward manifestations, words, actions, conduct, and all the surrounding circumstances disclosed by the evidence. Based upon our experience and common sense, we then drew logical inferences from the available evidence, as is commonly done to establish the ultimate facts of knowledge and intent.

Although the four figures central to the lane realignment allegations declined to cooperate with our investigation, we had access to documents that Wildstein and Baroni produced to the legislative committees—and that the legislative committees then publicly released—from both their cell phones and email accounts. Moreover, those documents produced by Wildstein and Baroni included emails and text message exchanges with Stepien and Kelly as well, thus providing additional evidence of their respective knowledge of or involvement in the lane realignment. These and the many other documents we were able to review provide ample basis to thoroughly investigate these allegations, notwithstanding our inability to determine conclusively these individuals' subjective motivations. And where we are unable to draw inferences and conclusions from the evidence presented, we have endeavored to say so here, noting plausible theories and alternative explanations as appropriate.

Needless to say, we would have preferred to interview Wildstein, Kelly, Stepien, and Baroni, had we been afforded that opportunity, along with the more than 70 other witnesses we

were able to interview. Three of those individuals have asserted their Fifth Amendment rights and, therefore, are refusing to answer anyone's questions at present. There may come a time when they choose to come forward, for whatever reason. Of course, any subsequent claims they may make will have to be evaluated in light of the extensive evidentiary record from which we draw our conclusions. It is that hard evidence—contemporaneous emails and text message exchanges harvested from both the Governor's Office and personal email accounts and devices, including many from these four central figures—on which we primarily rely, and which assures the reliability of our investigation.

Similarly, although Mayor Zimmer declined to cooperate with our investigation,[213] we obtained records from her office, and various departments within the City of Hoboken, such as the Hoboken Planning Board. We also already had the benefit of Mayor Zimmer's national television interviews, as well as copies of her handwritten notebook entries she distributed to the press, recounting her allegations. Along with the extensive additional evidence that we independently gathered during our investigation, these materials enabled us to thoroughly investigate Mayor Zimmer's allegations. In short, all of our findings are amply supported by the evidence available to us, and all common-sense inferences to be drawn from them.

2. Work Performed

Since Gibson Dunn's retention on January 16, 2014, we have conducted more than 70 interviews, the substantial majority in person. Interviewees included current and former employees of the Governor's Office, the Lieutenant Governor's Office, and GORR—the executive-branch entity within the Administration responsible for the distribution of Superstorm Sandy relief aid—as well as commissioners and employees in several state agencies. We interviewed, among many others, Charles McKenna, the Governor's then-Chief Counsel; Kevin O'Dowd, the Governor's Chief of Staff; Regina Egea, Director of the Authorities Unit; GORR

Executive Director Marc Ferzan; Lieutenant Governor Kimberly Guadagno; and Governor Christopher J. Christie.

Our review of hard-copy and electronic materials was similarly comprehensive. We reviewed hundreds of thousands of emails collected from both the Office and individual employees—both work and personal webmail accounts. We reviewed electronic documents collected from employees' local hard drives, the Office's central server, user directories, and shared drives, as well as hard copy documents collected from individual employees of the Office. We reviewed text and chat messages harvested from both work and personal mobile phones. Our review of electronic items included users' mailboxes, sent mail, draft messages, and deleted files. We reviewed employees' phone records and electronic calendars, as well as the State House's visitor logs.

C. Key Members Of Gibson Dunn's Investigation Team

The Gibson Dunn investigation team has included five former federal prosecutors with distinguished careers in public service.

Randy M. Mastro is a Partner in Gibson Dunn's New York Office and Co-Chair of the Firm's Litigation Practice and Crisis Management Groups. Mr. Mastro is one of the nation's leading litigators. Last year, the *National Law Journal* named him among "The 100 Most Influential Lawyers in America." He has tried dozens of cases and argued more than 100 appeals in federal and state appellate courts throughout the country. His practice includes complex civil and transnational litigation, government-related and internal investigations, and white collar matters. From 1994 to 1998, Mr. Mastro served as Chief of Staff to Mayor Rudolph Giuliani and then as New York City's Deputy Mayor for Operations. From 1985 to 1989, Mr. Mastro served as an Assistant U.S. Attorney for the Southern District of New York, where he focused on organized crime racketeering cases. He also served as Deputy Chief of the Civil

Division in that U.S. Attorney's Office. Mr. Mastro is an Adjunct Professor at the University of Pennsylvania Law School, and he formerly taught complex civil litigation at Fordham Law School. He received his J.D. from the University of Pennsylvania Law School and his B.A. from Yale University. He served as a Law Clerk to Justice Alan B. Handler of the New Jersey Supreme Court.

Debra Wong Yang is a Partner in Gibson Dunn's Los Angeles Office and Co-Chair of the Firm's White Collar Defense and Investigations, Information Technology and Data Privacy, and Crisis Management Practice Groups. Her practice focuses on corporate crime and compliance, with a particular emphasis on internal investigations. Last year, Ethisphere Institute named her one of the "Top Guns" among "Attorneys Who Matter." She has led teams of attorneys conducting internal investigations and reviewing compliance programs across a variety of industries. From 2002 to 2006, Ms. Yang served as the U.S. Attorney for the Central District of California, the largest U.S. Attorney's Office outside Washington, D.C. She also served as an Assistant U.S. Attorney for seven years, investigating and prosecuting white-collar and computer crimes. From 1997 to 2002, Ms. Yang served as a California State Judge on the Los Angeles Superior and Municipal Courts. In 2009, Ms. Yang was selected by Los Angeles Mayor Antonio Villaraigosa to serve on the Los Angeles Police Commission, part of the civilian oversight committee of the Los Angeles Police Department. Ms. Yang is an Adjunct Professor at the University of Southern California School of Law. She received her J.D. from Boston College Law School and her B.A. from Pitzer College. She served as a Law Clerk to U.S. District Judge Ronald S.W. Lew of the Central District of California.

Alexander H. Southwell is a Partner in Gibson Dunn's New York Office. His practice focuses on white collar and regulatory defense, internal investigations, compliance monitoring,

and complex civil litigation. From 2001 to 2007, Mr. Southwell served as an Assistant U.S. Attorney for the Southern District of New York, where he focused on public corruption cases, securities and commodities fraud matters, and computer hacking and intellectual property crimes. Mr. Southwell is an Adjunct Professor at Fordham University School of Law where he teaches a seminar on cyber-crimes, the Fourth Amendment, and information security. He received his J.D. from New York University School of Law and his B.A. from Princeton University. He served as a Law Clerk for U.S. District Judge Naomi Reice Buchwald of the Southern District of New York.

Reed Brodsky is a Partner in Gibson Dunn's New York Office. From 2004 to 2013, Mr. Brodsky served as an Assistant U.S. Attorney for the Southern District of New York where he successfully served as lead trial counsel for two of that office's most high-profile white collar criminal prosecutions: *United States v. Raj Rajaratnam* and *United States v. Rajat Gupta*. Mr. Brodsky received his J.D. from Vanderbilt University School of Law and his B.A. from Duke University. He served as a Law Clerk for U.S. District Judge Hector M. Laffitte of the District of Puerto Rico.

Avi Weitzman is Of Counsel in Gibson Dunn's New York Office. From 2005 to 2012, Mr. Weitzman served as an Assistant U.S. Attorney for the Southern District of New York, where he focused on complex white collar crime cases, securities fraud cases, and international and domestic organized crime prosecutions. Mr. Weitzman received his J.D. from Harvard Law School and his B.A. from the University of Kentucky. He served as a Law Clerk for Justice Dalia Dorner of the Israeli Supreme Court and U.S. District Judge Shira A. Scheindlin of the Southern District of New York.[214]

III. OVERVIEW OF THE OFFICE OF THE GOVERNOR

On January 19, 2010, following popular election, Christopher J. Christie was sworn into office as the Governor of New Jersey. From 2002 through 2008, Governor Christie served as the U.S. Attorney for the District of New Jersey—the chief federal law enforcement officer in the State. In that position, Governor Christie earned praise from both Republicans and Democrats and earned a national reputation as a tough and fair-minded prosecutor battling political corruption, corporate crime, gang, and terrorism cases.[215] Under his leadership, the U.S. Attorney's Office amassed a record of 130 convictions of public officials without losing a single case.[216]

Alongside Governor Christie, Kimberly Guadagno, Governor Christie's running mate, was sworn in as the State's first Lieutenant Governor. She also serves concurrently as the Secretary of State of New Jersey. Prior to her election, Lieutenant Governor Guadagno served as an Assistant U.S. Attorney for both the Eastern District of New York and the District of New Jersey, and she served as Deputy Chief of the Public Corruption Unit for the U.S. Attorney's Office for the District of New Jersey.[217] Lieutenant Governor Guadagno also previously served as an Assistant Attorney General in New Jersey, and was elected the Monmouth County Sheriff in 2007.[218]

The Office of the Governor of New Jersey is currently composed of the following key departments that assist in the Office's implementation of state laws, oversight of the state executive branch, and execution of the Governor's policy objectives on behalf of the people of New Jersey.

A. Chief Of Staff

The Chief of Staff oversees the following direct reports: the Governor's Deputy Chief of Staff, Deputy Chief of Staff for Policy and Cabinet Liaison, Deputy Chief of Staff for

Communications and Planning, and Deputy Chief of Staff for Legislative and Intergovernmental Affairs.[219] Until recently, Planning was part of the Policy Office; it is now part of the Communications Office.[220]

B. Counsel's Office

The Office of Counsel to the Governor ("Counsel's Office") is led by the Chief Counsel.[221] The Chief Counsel oversees the following direct reports: the Deputy Chief Counsel, Director of the Authorities Unit, and the Appointments Director.[222] The Authorities Unit—which oversees state commissions and authorities and monitors the respective action items for legal appropriateness and consistency with the Governor's Office's policies—reports to the Chief Counsel. The Counsel's Office also includes a Deputy Chief Counsel and Senior and Assistant Counsels.[223] The Counsel's Office is authorized by N.J.S.A. § 52:15-8, which broadly empowers the Chief Counsel to act as legal advisor to the Governor.[224]

C. Office Of Legislative And Intergovernmental Affairs

The Office of Legislative and Intergovernmental Affairs ("IGA") is responsible for building and strengthening nonpartisan relationships with local elected officials and communities on behalf of the Executive Branch, including all state departments.[225] The senior employee within IGA is the Deputy Chief of Staff for Legislative and Intergovernmental Affairs ("IGA Deputy Chief of Staff"), who reports to the Governor's Chief of Staff.[226] Reporting to the IGA Deputy Chief of Staff are the Director of Intergovernmental Affairs ("Director of IGA"), Director of Constituencies, and Director of Legislative & Departmental Relations. On the ground, IGA employs regional directors as liaisons between local officials and the Executive Branch.

IGA staffers facilitate communication between mayors, commissioners, and officials within the Governor's Office, thereby ensuring that the Executive Branch remains apprised of

issues of local concern. After Superstorm Sandy, IGA restructured its regional outreach by creating a team of specialized regional directors focused on the sixteen municipalities most severely affected by the storm. These "Sandy regional directors" facilitate communication and liaise between local municipalities and the Governor's Office of Recovery and Rebuilding. The Director of IGA previously managed one team of regional directors. Around June 2013, Sandy regional directors were added to the Director of IGA's oversight responsibilities. Both teams of regional staffers travel to meet with local elected officials and constituencies and then briefing IGA senior staff.

Governor Christie's former campaign manager Bill Stepien served as IGA Deputy Chief of Staff for the majority of the Governor's first term in office.[227] Bridget Kelly joined the Governor's Office in 2010 as Director of Legislative Relations.[228] Kelly then served as Director of IGA under Stepien. After Stepien left the Governor's Office in late April 2013 to manage Governor Christie's re-election campaign, Kelly was promoted to IGA Deputy Chief of Staff.[229]

D. Governor's Office Of Recovery And Rebuilding

Shortly after Superstorm Sandy hit, Governor Christie initiated a comprehensive recovery effort to rebuild New Jersey's communities. To that end, Governor Christie created the Governor's Office of Recovery and Rebuilding ("GORR"), which was tasked with coordinating the recovery activities of New Jersey State departments and agencies and interacting with the various federal agencies that control federal aid.[230] On November 28, 2012, Governor Christie appointed Marc Ferzan to manage the Office of the Governor's Superstorm Sandy recovery efforts. Ferzan, Executive Director of GORR, assembled a team with different focus areas, such as energy infrastructure restoration and resiliency, recovery assistance for disaster-affected homeowners, and social services program support.

IV. FINDINGS OF FACT: THE GEORGE WASHINGTON BRIDGE LANE REALIGNMENT

Based on our review and analysis of numerous documents collected from multiple sources and extensive witness interviews, we provide below our factual findings concerning the George Washington Bridge lane realignment. Our factual findings are presented in four sections: first, we present background information on the George Washington Bridge and the Port Authority of New York and New Jersey; second, we provide background on the Governor's campaign for re-election; third, we detail our findings in chronological fashion; and fourth, we provide an analysis of our findings. We have sought interviews and documents from additional sources regarding the Bridge lane realignment. To obtain additional information, we requested documents from Fort Lee pursuant to OPRA, and received certain documents in response thereto. We also requested interviews with Bridget Kelly, David Wildstein, Bill Stepien, Bill Baroni, and Fort Lee Mayor Mark Sokolich, as well as documents related to the lane realignment from each of these five individuals. Through counsel, all five have declined to cooperate with our investigation.[231]

Our findings are based on all information currently available and the witnesses' best recollections at the time of their interviews. Those individuals and entities who have not cooperated with our requests may or may not possess relevant information and materials, which we have not had the benefit of reviewing. Accordingly, our findings are subject to change if further information is made available to us.

A. Background On The George Washington Bridge And The Port Authority Of New York And New Jersey

The George Washington Bridge is operated and maintained by the Port Authority.[232] The Port Authority was established in 1921 by a compact between New York and New Jersey, as consented to by Congress, in order to promote the economic growth and trade and transportation

network within the Port of New York District, which includes New York Harbor and parts of New York and New Jersey.[233] In addition to operating the George Washington Bridge, the Port Authority operates three other bridges (Bayonne, Goethals, and Outerbridge Crossing), two vehicular tunnels (Holland and Lincoln), the Port Authority Trans-Hudson or PATH rail system, three bus terminals, the Trans-Hudson Ferry Services, marine terminals and ports, the region's airport system (John F. Kennedy International Airport, LaGuardia Airport, Newark Liberty International Airport, Stewart International Airport, and Teterboro Airport), and the World Trade Center.[234]

The Port Authority was conceived as a financially independent entity; its funds derive primarily from private investors and from tolls and fees collected.[235] The Port Authority does not receive tax revenue from either New York or New Jersey or from any local jurisdiction, and it has no power to tax.[236]

A twelve-member Board of Commissioners governs the Port Authority; each Governor appoints six Commissioners.[237] Since 1995, the Governor of New York has appointed the Executive Director and the Governor of New Jersey has appointed the Chairman and the Deputy Executive Director.[238] By statute, the Governors of New York and New Jersey have the right to veto the actions of the Commissioners from their respective states.[239] The power-sharing arrangement between the two states has long been criticized as inefficient and dysfunctional—criticisms which are compounded by Governors from both states reportedly appointing political loyalists to the Port Authority's leadership.[240]

The George Washington Bridge, construction of which began in 1927, connects the borough of Manhattan, New York, and the City of Fort Lee, New Jersey, over the Hudson River.[241] The Bridge is part of Interstate 95 and U.S. Route 1/9, and it is one of three trans-

Hudson vehicular crossings connecting New York and New Jersey.[242] Upon completion in 1931, the Bridge was the longest suspension bridge in the world.[243] To this day, the Bridge is one of the most celebrated, well-recognized, and iconic bridges in the world. In its first year of operation, the Bridge offered six lanes of traffic and carried approximately 5.5 million vehicles.[244] As of 2013, the Bridge, which now contains 14 lanes (eight on the upper level and six on the lower) carried more than 102 million vehicles a year, making it the busiest bridge in the world.[245] During a typical morning rush hour, over 37,000 cars and trucks pass through the Bridge toll plaza traveling east from New Jersey to New York, and drivers spend an estimated six days in traffic on the bridge each year.[246]

From Fort Lee, the Bridge can be accessed via local approach roads, including Martha Washington Way (recently renamed Park Avenue) and Bruce Reynolds Boulevard.[247] During peak morning hours, three of the twelve total upper level toll lanes and booths are typically reserved for local traffic originating from these Fort Lee approach roads by using traffic cones to segregate these dedicated traffic lanes.[248] The exact date of origin of this practice is unclear; during his testimony before the Assembly Committee, Bridge General Manager Durando estimated that the dedicated Fort Lee lanes were first implemented 30-35 years ago.[249]

An image of the dedicated Fort Lee local access roads, appears below:

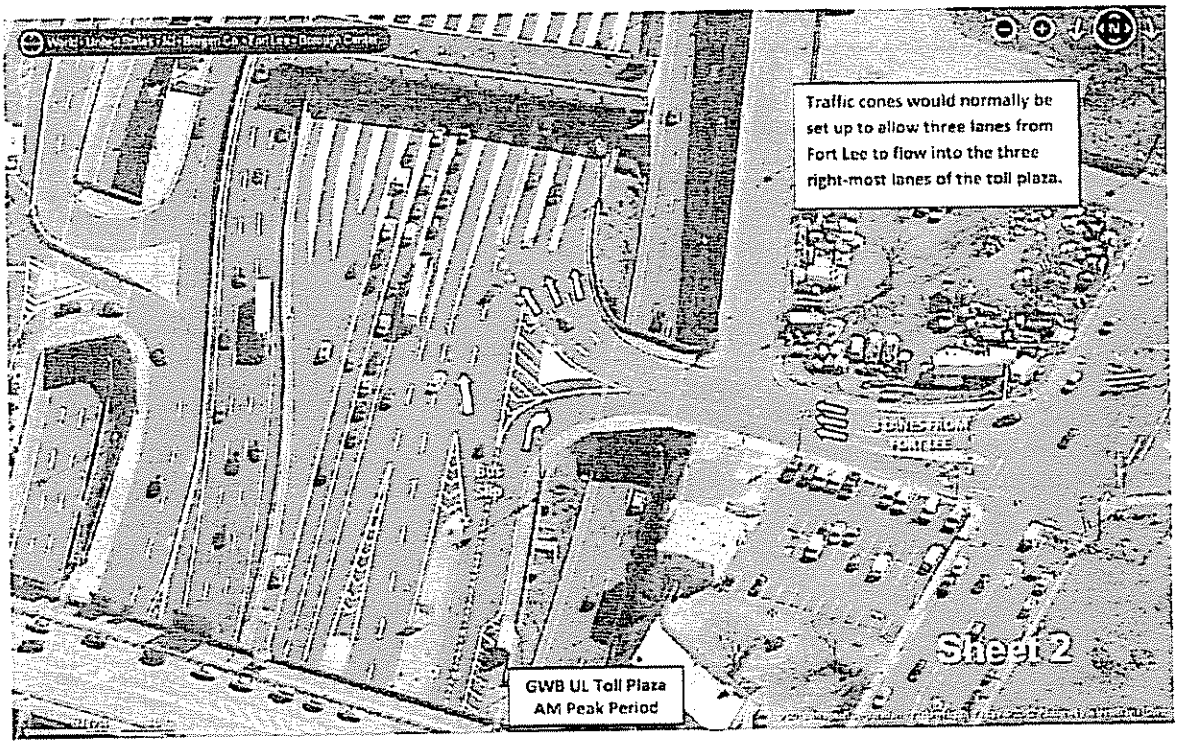


FIGURE 1.[250]

These dedicated local access lanes increase congestion in the other nine toll lanes, through which the substantial majority of the Bridge's eastbound traffic from Interstate 95 flows.[251] Additionally, the dedicated local access lanes in Fort Lee are a known short-cut to avoid eastbound traffic back-ups emanating from the toll plaza.[252] This short-cut, in turn, increases traffic congestion on local roads and traffic-related concerns for the communities around the Bridge, including Fort Lee, Leonia, Edgewater, and Englewood Cliffs. Fort Lee officials themselves have consistently raised concerns regarding public safety and additional expenses for Fort Lee and local communities—including police, courts, emergency services, and local road maintenance and clean-up expenses—resulting from the proximity of the Bridge and the existence of the access lanes. Fort Lee officials also appear to have a history of considering

and attempting traffic pattern modifications to mitigate these concerns several years before the Port Authority realigned the Fort Lee access lanes.

For example, during the administration of Fort Lee Mayor Jack Alter from 1992 to 2007, Fort Lee challenged the Bridge's tax-exempt status and set up roadblocks on local streets.[253] According to a July 1997 *New York Times* account, Fort Lee police had "standing orders to set up roadblocks at Fort Lee's borders when traffic back-ups on the bridge created absolute gridlock on local streets"—a tactic that Fort Lee officials had used at least twice before between 1994 and 1997.[254] In 2003, the Port Authority and Fort Lee—under the leadership of then-Mayor Alter, then-Governor James E. McGreevey, and then-Port Authority Chairman Anthony R. Coscia—agreed to commit $30 million to alleviate congestion around the Bridge for the benefit of Fort Lee residents and the commuting public through various roadway improvement projects.[255]

Similarly, in September 2010, Mayor Sokolich met with Bill Baroni to discuss traffic congestion in Fort Lee resulting from the Bridge.[256] Addressing that "crippling traffic gridlock" in a follow-up November 9, 2010 letter, Mayor Sokolich explained that "Fort Lee has always had to deal with the extraordinary traffic burdens caused by the George Washington Bridge" and that on approximately "20 occasions over the last forty days, our Borough has been completely gridlocked."[257] Mayor Sokolich identified as one of the causes of this "regular" traffic gridlock the fact that "many vehicles exit the major approach roads and utilize [Fort Lee's] local thoroughfares as a 'short-cut' in search of available toll booths," particularly on weekends when there are fewer available toll booths open.[258] "Absent some form of relief" from the Port Authority, Mayor Sokolich concluded: "[W]e find ourselves with no other alternative other than to direct the Chief of Police to completely close off our local roads . . . and thereby require all

vehicles to remain on the major approach thoroughfares (*i.e.*, Route 46, Route 4, Route 80, I-95, etc.) and not otherwise meander through our local thoroughfares which causes safety concerns (especially for children) and complete traffic shut-down for all of our residents."[259]

B. Background On The Christie Re-Election Campaign, IGA, And Mayor Sokolich's March 2013 Decision Not To Endorse Governor Christie

On November 26, 2012, Governor Christie announced his re-election bid for Governor.[260] At the time, Bill Stepien, who had managed the Governor's first gubernatorial election campaign, was serving as the IGA Deputy Chief of Staff, a position he had held for the majority of the Governor's first term in office.[261] In late April 2013, Stepien resigned from his IGA position to manage the Governor's re-election campaign.[262] Upon Stepien's departure from the Governor's Office, Bridget Kelly—then Director of IGA under Stepien—was elevated to IGA Deputy Chief of Staff, though she lacked Stepien's expertise and background.[263]

Part of the re-election campaign's strategy was to leverage and showcase Governor Christie's "crossover appeal"—that is, his widely recognized reputation for working with Democrats and Republicans alike. Specifically, Governor Christie's re-election campaign aimed to obtain broad support from Democrats and Independents, with a special focus on endorsements from New Jersey Democratic Mayors.

There were IGA regional directors who volunteered during their personal time to help Governor Christie's re-election campaign. These regional directors typically worked as campaign volunteers during off-hours: in the morning before work, in the evening after work, and during weekends. The general practice was to use personal rather than government email accounts for campaign work.[264]

* * * * *

While the Governor was running for re-election in 2013, Mayor Sokolich had two principal points of contact within the Governor's Office: Matt Mowers and Evan Ridley. Initially, Mowers was the IGA Regional Director responsible for Bergen County, which includes Fort Lee. When Mowers left the Governor's Office to work for the re-election campaign full-time on April 19, 2013, Ridley took over his responsibilities for Bergen County. Both Mowers and Ridley thus had periodic communication with Mayor Sokolich during the period when a potential endorsement would have been discussed (January through November 2013).

In January 2013, Mayor Sokolich's name appeared on a list of 21 Democratic Mayors from whom the re-election campaign intended to seek endorsements.[265] According to Mayor Sokolich, neither Mowers nor Ridley ever "asked directly" for Sokolich to endorse Governor Christie.[266] In fact, the first time that Mowers and Mayor Sokolich discussed a potential endorsement, in February 2013, it was Sokolich, not Mowers, who raised the possibility.[267] Subsequently, in March 2013, Mowers and Mayor Sokolich casually discussed other Democrats who had recently endorsed Governor Christie; in that context, according to Mayor Sokolich, Mowers would reportedly ask, "[w]hat's on your mind?" or "[i]s that something, you, mayor, would consider?"[268]

Consistent with Mayor Sokolich's recollection, according to Mowers, he and Sokolich generally discussed a potential endorsement of Governor Christie on two occasions. First, on February 5, 2013, Mowers met with Mayor Sokolich; during that lunch meeting, Sokolich first brought up the possibility that he might endorse Governor Christie. Indeed, in a contemporaneous email summary of the meeting sent to Sheridan, Mowers wrote that "the topic of endorsement" was "one he [Sokolich] raised."[269]

Second, on March 26, 2013, Mowers had dinner with Mayor Sokolich in Fort Lee, at which time Mowers and Sokolich again discussed a potential endorsement. Mowers recalled that Mayor Sokolich said he was supportive of Governor Christie, but could not publicly endorse the Governor because it might jeopardize his private law practice and ongoing business relationships with local Democratic municipalities. Specifically, Mayor Sokolich suggested that those municipalities—governed by Democrats who would object to his endorsing a Republican—might retaliate against him by withdrawing their business, were he to endorse Governor Christie. That night, Mowers confirmed Mayor Sokolich's decision not to endorse in writing, texting Sheridan that Mayor Sokolich "is going to be a no. It's a shame too-I really like the guy[.]"[270]

When Mayor Sokolich decided not to endorse, his name was removed from the Christie re-election campaign's internal target list. Mayor Sokolich's name did not appear on several internal endorsement status memoranda prepared by Sheridan and Renna in April and June, 2013. And Ridley's contemporaneous summaries of his meetings with Mayor Sokolich confirm that Mayor Sokolich's position on endorsement did not change throughout that summer.

Mayor Sokolich's decision not to publicly endorse Governor Christie, conveyed to Mowers on March 26, 2013, does not appear to have affected Mayor Sokolich's standing with respect to the Administration. To the contrary, Mayor Sokolich was included on an appointment list of Mayors considered for potential appointments. And more broadly, numerous other Democratic municipal officials whose endorsement the campaign targeted ultimately declined to endorse Governor Christie publicly,[271] yet were typically treated no differently.

C. In-Depth Fact Chronology

The central focus of our investigation was to determine who at the Office of the Governor may have had knowledge of, or involvement in, the Bridge lane realignment. We describe below the available materials concerning the Port Authority's preparation for the lane realignment, the

implementation of the lane realignment, and the events that followed the reversal of the lane realignment.

1. July–September 2013: Events Preceding The Lane Realignment

a. Summer 2013: Port Authority Preparation For The Lane Realignment

According to former Port Authority Deputy Executive Director Bill Baroni's November 25, 2013 testimony before the Assembly Committee, in late July 2013, the Port Authority Police Department approached David Wildstein, then-Director of Interstate Capital Projects at the Port Authority, about the Bridge's traffic lanes and conditions.[272] Wildstein appears to have had a prior interest in studying the optimal alignment of these toll lanes. Fulton and Durando testified that Wildstein had inquired about the cone line for the Fort Lee entrance when he and Baroni had visited the Bridge in late 2010 or 2011.[273] After being "told that it was long-time practice based on [an] old agreement with the Mayor of Ft. Lee," Wildstein reportedly commented to Durando that "'he wasn't crazy about the favoritism' for certain commuters, 'including lots of New York plates' as a result of the cone line."[274] Wildstein had also communicated this perception of unfairness about Fort Lee's dedicated toll lanes to at least one IGA staffer, who recounted a meeting with Wildstein at the Port Authority in May or June 2011, during which Wildstein referred to Fort Lee's three dedicated access lanes as the unnecessary result of a "political deal."

According to Baroni's testimony, in early August 2013, Wildstein met with Port Authority staff in Engineering, Traffic Engineering, and the Department of Tunnels, Bridges, and Terminals ("TBT") to review traffic conditions on the Bridge.[275] Following these meetings, Wildstein reportedly asked the Office of the Chief Engineer "to formulate options to determine whether the Fort Lee lanes were causing a clear and marked increase in Bridge traffic for the 95 percent of drivers who live in other areas of the Bergen and Passaic counties, and across the

state."[276] Durando testified that he had a conversation with Wildstein on August 21, 2013, during which Wildstein asked whether there was any documentation in place, such as a memorandum of understanding, with the Borough of Fort Lee creating the dedicated access lanes.[277] Durando later stated that, at that meeting, Wildstein told him that "he'd like to run a test of reducing the number of lanes to the GWB at the Ft. Lee entrance."[278] After Durando warned Wildstein of "severe traffic consequences," Wildstein responded, in sum or substance, "that's why you run a test."[279]

On August 28 and 29, 2013, in response to Wildstein's request, Port Authority traffic engineers Jose Rivera and Peter Zipf emailed Wildstein four potential scenarios for modification of the Bridge's upper level toll plazas.[280] Scenario 4 involved restricting Fort Lee traffic "to two lanes then merged into one lane to feed the right-most lane of the toll plaza."[281]

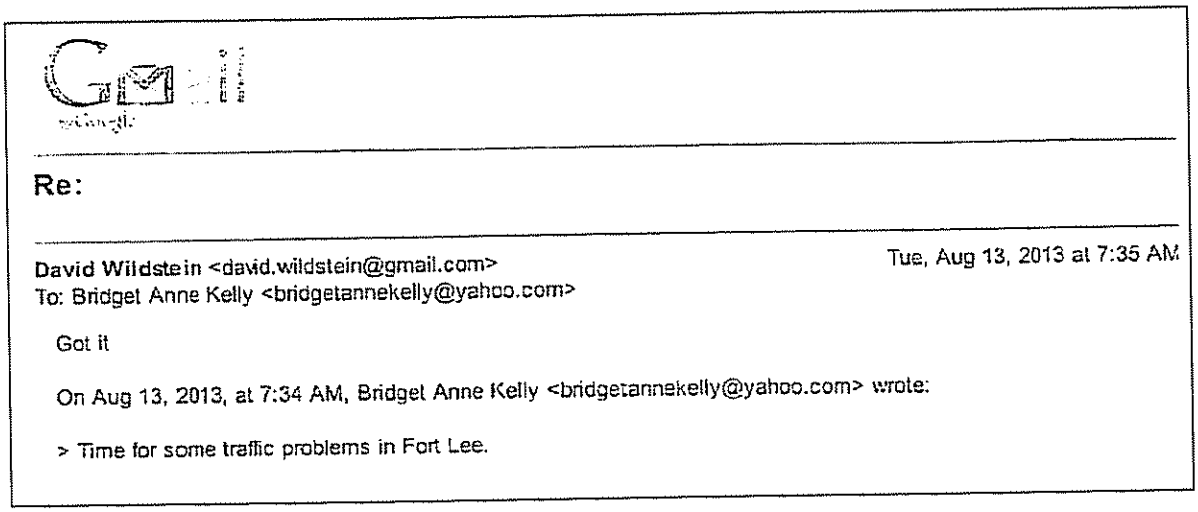
b. August 2013: Wildstein And Kelly Communicate About The Lane Realignment

On August 12, 2013, Kelly and Wildstein exchanged emails regarding New Jersey ferry service for family members of victims of the September 11 terrorist attacks.[282] At 5:25 p.m. on August 12, 2013, Kelly told Wildstein to call her in "15 minutes," at approximately 5:40 p.m.[283]

On the evening of August 12, 2013, between 7:00 and 7:30 p.m., Kelly called Mowers, who was with Peter Sheridan at a diner in Jersey City, about the status of Mayor Sokolich's potential endorsement. Kelly asked whether Mayor Sokolich was going to endorse Governor Christie, and Mowers responded that he was not. Kelly responded, in sum or substance, that that was all she needed to know.

On August 13, 2013, at 7:34 a.m., Kelly, from her personal email account, wrote to Wildstein, on his personal email account: "Time for some traffic problems in Fort Lee."[284] One

minute later, Wildstein responded: "Got it."[285] An image of this email, produced by Wildstein to the Assembly Transportation Committee, appears below:



Re:

David Wildstein <david.wildstein@gmail.com> Tue, Aug 13, 2013 at 7:35 AM
To: Bridget Anne Kelly <bridgetannekelly@yahoo.com>

Got it

On Aug 13, 2013, at 7:34 AM, Bridget Anne Kelly <bridgetannekelly@yahoo.com> wrote:

> Time for some traffic problems in Fort Lee.

FIGURE 2.[286]

With causing "traffic problems" apparently still on their minds, on August 19, 2013, Wildstein texted Kelly a photograph of Rabbi Mendy Carlebach, a Port Authority chaplain and Orthodox rabbi, with U.S. House Speaker John Boehner.[287] Kelly responded: "I think this qualifies as some sort of stalking[.] You are too much[.]"[288] Wildstein responded: "He is Jewish Cid Wilson[,]"[289] referring to "a leader in the state's Afro-Latino community and a Democrat who twice considered running for the state Assembly."[290] Kelly responded: "You are really so funny[.] He is. No doubt[.]"[291] After Wildstein told Kelly that "he"—referring to Rabbi Carlebach—"has officially pissed me off[,]"[292] Kelly wrote, "We cannot cause traffic problems in front of his house, can we?"[293] Wildstein responded: "Flights to Tel Aviv all mysteriously delayed."[294] Kelly responded: "Perfect[]."[295]

Around this same time, Kelly became aware that Ridley had apparently met with Mayor Sokolich, on August 16, 2013. Kelly wrote to Renna that same day, asking, "why did he [Ridley] think it was ok to meet with Sokolich?"[296] Kelly—who described herself as "irate" and

"on fire"—wrote that Ridley "should not have met with Fort Lee without approval . . . I'm really upset with him."[297] Days later, on or about August 21, 2013, Kelly confronted Ridley and told him that they would need to talk. Ridley followed up with an email later that afternoon to ask Kelly when they should meet and Kelly responded "[t]omorrow."[298] But for reasons unknown, that meeting never occurred. And neither Renna nor Ridley fully knew why Kelly was so angry about Ridley's reported meeting with Mayor Sokolich.

On August 22, 2013, Renna received an invitation for Lieutenant Governor Guadagno to address the Fort Lee Regional Chamber of Commerce later that October.[299] Renna then forwarded the invitation to Kelly.[300] Kelly then asked: "Should we do this in light of the Mayor?"[301] Renna responded: "I guess not. It's a good Chamber, though."[302] Kelly asked: "I assume the Mayor would go, no?"[303] Renna responded: "Not necessarily if we don't tell him. He works [at a private law practice], right?"[304] Kelly agreed with Renna's suggestion—"Correct. Good call"—and ultimately confirmed the Lieutenant Governor's participation in the event.[305]

On August 28, 2013, Wildstein, using his personal email account, emailed Kelly's personal email account: "Call when you have a chance re: Ft. Lee – can wait for tomorrow[.]"[306] At the time, Kelly was on vacation with her family. Wildstein informed her that it was important that they talk by Tuesday, September 3, 2013.[307]

c. September 6–8, 2013: Weekend Before The Lane Realignment

On Friday, September 6, 2013, Wildstein directed the Bridge lane realignment to occur the following Monday morning.[308] Specifically, Wildstein instructed Durando to reduce the number of toll lanes and booths dedicated to the Fort Lee local access lanes from three to one, effective at 6:00 a.m. on Monday morning, September 9, 2013, thereby increasing the number of toll lanes and booths accessible to mainline eastbound commuters.[309] Durando relayed

Wildstein's directive to his "chain of command": to Cedrick Fulton, TBT Director; Durando's operations and maintenance staff; and the Port Authority Police Department Police Captain.[310] Indeed, Darcy Licorish, Deputy Inspector for the Port Authority Police Department, wrote to then-PAPD Inspector Norma Hardy later that day, September 6, 2013:

> On this date the undersigned was informed by the general manager Robert Durando that he was instructed by Wildstein to change the traffic pattern entering upper toll plaza specifically involving toll lanes 20, 22 and 24. Currently these toll lanes are set up to accommodate traffic from Fort Lee streets at Martha Washington way and Bruce Reynolds Blvd. The new pattern will only allow one toll lane #24 to accept that traffic from the local streets. Just to give you an idea which toll lane [is] being referenced, it is the extreme right toll lane of the upper plaza. This measure could impact the volume of traffic from the local streets. I was informed that Mr. Wildstein is scheduled to visit the facility on the initiating date 9/9/13.[311]

Durando later testified that he did not inform anyone outside the Port Authority, including the Office of the Governor, and that Wildstein directed him "not to speak to anyone in Fort Lee" during the course of the operation because it would purportedly "impact the study."[312] According to Fulton, Fulton asked Wildstein "whether or not he had communicated his intent to the Executive Director [Foye]."[313] Wildstein's response, according to Fulton, was: "'Don't worry about that. We will take care of it.'"[314]

Following Wildstein's directive, Port Authority analysts began preparations to assess the traffic impact of the lane realignment. On September 6, 2013, Mark Muriello, Assistant TBT Director, forwarded the August 28 to 29, 2013 lane modification scenarios designed by Port Authority traffic engineers to his team—Jacobs, Chung, and Quelch—and informed them that they would be implementing Scenario 4: a two-lane reduction of the Fort Lee access lanes from three to one.[315] He enlisted their assistance in assessing the impact of the lane realignment, stating: "Cedrick [Fulton] will be looking for us to do a quick assessment on Fort Lee impacts to be used for a discussion with the Fort Lee Mayor next week. I think what we need is an analysis

of traffic by toll by hour for this past week, and some estimates of what we think might be likely next week with the new toll plaza configuration that is planned."[316] It is unknown what "discussion with the Fort Lee Mayor" Muriello anticipated. Muriello further explained: "Presumably[,] the impact [of the lane realignment] may be having more people stay on the main I80/95 approach rather than getting off and find[ing] their way into Fort Lee. However, there are likely to be increased delays and queuing on the local approach roads."[317] The team discussed examining recent traffic counts, "Skycomp" base conditions, and turning movements on approach roads.[318] Muriello noted that the change would significantly affect the peak hour traffic and the local approach from Fort Lee.[319]

There was some concern within the Port Authority about the anticipated effects of the traffic study. Quelch, in a September 6, 2013 email, asked "what is driving" the reduction to one access lane, noting: "A single toll lane operation invites potential disaster. Even with a three lane operation, motorists experience 5–10 min each morning. It seems like we are punishing all for the sake of a few. Very confused."[320] And two days later, on September 8, 2013, Lieutenant Thomas "Chip" Michaels, a police lieutenant assigned to the George Washington Bridge, asked Licorish whether the new traffic pattern would "affect our normal rush hour operation?"[321] Licorish responded: "Most likely. Concerns were made to no aval [sic] locally."[322]

On Saturday, September 7, 2013 at 9:43 a.m., Wildstein emailed Kelly through their personal accounts: "I will call you Monday A.M. to let you know how Fort Lee goes."[323] Kelly responded: "Great. I called you yesterday to talk PATH."[324] Wildstein responded that he would call Kelly in five minutes.[325]

On Sunday, September 8, 2013, the day before the planned lane realignment, Wildstein emailed Durando to let him know that Wildstein would be at the bridge early on September 9,

2013, to observe the lane realignment.[326] Durando confirmed that he too would be at the Bridge and that "[p]olice are aware that they will be controlling traffic in the intersections for the extended rush."[327] Durando further informed Wildstein that "[w]e've also brought a toll collector in on overtime to keep toll lane 24 (the extreme right hand toll lane Upper level) in the event the collector assigned to TL needs a personal. See you in the morning."[328] Wildstein forwarded this response to Baroni.[329] In a separate chain, Durando forwarded to Fulton his prior response to Wildstein, commenting: "Took a shot. He didn't bite."[330]

2. September 9–13, 2013: Implementation Of The Lane Realignment

a. Day One: Monday, September 9, 2013

On Monday, September 9, 2013, the Port Authority reduced from three to one the number of lanes and booths at the Bridge toll plaza available to those accessing the Bridge from Fort Lee access roads.[331] Specifically, the three Fort Lee access lanes were realigned to feed into the one southernmost toll booth—a Cash and E-Z Pass lane—rather than the three southernmost toll booths that had been previously dedicated to traffic from the Fort Lee access lanes, which included one E-Z Pass only lane. The cones effectuating the lane realignment were put into place overnight and were effective at approximately 6:00 a.m., the typical start of morning rush hour traffic on the Bridge.[332]

Wildstein planned to arrive at the Bridge at approximately 6:00 a.m.[333] and confirmed to Durando at approximately 7:28 a.m. that he was "[g]oing to take a ride" and "see how it looks."[334] Wildstein "stood at the communications desk for a little while—it's an area with cameras to look out at the various roadways—limited view, albeit."[335] Wildstein then "left the communications desk with [Michaels],[336] to ride around the facility for some period of time to see the impact on traffic."[337] Specifically, at 7:09 a.m., Michaels texted Wildstein: "Want me to pik u [sic] up? Its fkd [sic] up here."[338] Wildstein responded: "Around 7:30."[339] At 8:46 a.m.,

Michaels texted Wildstein: "I may hav idea to mak ths beter [sic]."[340] At 9:33 a.m., Michaels then texted Fort Lee Police Chief Bendul, proposing a modification to local traffic patterns in order to mitigate congestion. Bendul responded: "Can't center ave[nue] gridlocked. Suggestion open up 3 toll lanes."[341]

Slightly before 9:10 a.m., Police Chief Bendul called the Port Authority to express his serious concerns about the lane realignment.[342] Durando emailed Wildstein, noting complaints from Bendul:

> Just got off the phone with the FLPD Chief who's not happy about our new traffic pattern. He's particularly upset that no one from the GWB, either civilian or PAPD had the courtesy or the "neighborly" intent to call either the Mayor's Office or FLPD about testing a new traffic pattern. The Chief asked how he goes about ending this "miserable failure." I advised him to have the[] Mayor call Bill Baroni. I also, at their request, met with them at the facility and advised them of same in person. They advised that the mayor would be calling Bill this morning.[343]

Bendul also apparently met with Fulton around 10:30 a.m. or 11:00 a.m., "angrily demand[ing] to know why Port Authority has changed traffic pattern and caused gridlock in Ft. Lee."[344]

Around 9:29 a.m., Mayor Sokolich called Baroni to discuss the lane realignment. Baroni apparently did not speak with Sokolich when he called, and Baroni received an email message whose subject line stated: "Phone call: Mayor Sokolich [] re: urgent matter of public safety in Fort Lee."[345] Baroni forwarded the message from his iPhone to Wildstein at his personal email address.[346] Wildstein responded: "radio silence."[347] Baroni apparently did not return Mayor Sokolich's phone call.

From his personal email account, Wildstein re-forwarded Baroni's forwarded email to Kelly at her personal email address.[348] Kelly asked: "Did [Baroni] call him back?"[349] Wildstein responded: "Radio silence. His name comes right after mayor Fulop"—an apparent reference to Jersey City Mayor Steven Fulop, whose meetings with Christie Administration officials were

cancelled by Kelly months before. Kelly responded: "Ty."[350] We did not identify any other communications between Kelly and Wildstein in this chain or any evidence that these emails were received by others.

At 11:24 a.m., Tina Lado, the Port Authority's New Jersey Director of Government and Community Relations,[351] emailed Baroni, Wildstein, and Fulton to inform them of a phone call from Peggy Thomas, Fort Lee Borough Administrator.[352] Thomas called the Port Authority "regarding the increased volume and congestion of AM rush traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred."[353] Lado stated that Thomas informed the Port Authority that "there were 2 incidents that Ft Lee PD and EMS had difficulty responding to: a missing child (later found) and a cardiac arrest. She stated additionally that the Borough and PD had no advance notice of the planned change."[354] Lado also informed Baroni that Mayor Sokolich had placed calls to his office.[355]

By approximately 11:45 a.m., traffic had cleared in Fort Lee.[356] On the first day of the Bridge lane realignment, traffic lasted a total of three hours longer than traffic prior to the lane realignment.[357] Frustrated and angry commuters called the Port Authority with complaints throughout the day. Some of these complaints were forwarded to Fulton, Muriello, and others at the Port Authority.[358] Traffic congestion was exacerbated by an accident on the Cross Bronx Expressway—an accident which, according to the Port Authority, undermined the utility of the traffic data collected that day.[359]

At 1:13 p.m., Durando emailed Fulton about the "plan for tomorrow."[360] He noted:

> DW [Wildstein] is supposed to call [m]e later today to discuss. Mark and his staff are working on comparative look at traffic numbers. I was advised that . . . the FLPD Chief would be calling Bill Baroni to discuss today's operation. Specifically, traffic conditions required Ft Lee officers to remain out on corners, managing traffic instead of attending to public safety issues. He also expressed

> grave concern about the inability of emergency response vehicles, ambulance, FLFD to traverse the borough while responding to emergencies.[361]

At 1:50 p.m., Kelly emailed the IGA staffer who covered Northern New Jersey, Ridley, copying Renna: "Have you spoken to the Fort Lee Mayor?"[362] Ridley responded: "No, not in a while."[363] At 1:56 p.m., Kelly sent a similar inquiry to Mowers, the former IGA staffer who had Ridley's territory before moving to the campaign: "Have you heard from Sokolich in a while," to which Mowers responded, "I haven't."[364]

At around 2:00 p.m., Fulton called Wildstein to reiterate his reservations about the lane realignment, saying, in sum or substance, "this can't end well."[365] In response to Fulton's concerns about Fort Lee's response to the lane realignment, Wildstein directed Fulton to "go silent on Ft. Lee" and that "Bill Baroni will talk to Pat Foye," according to Fulton.[366]

At 2:05 p.m., Durando informed Fulton and Muriello that Wildstein had told him "that Mayor Sokolich called Baroni. BB [Baroni] will get back to the Mayor 'at some point.' I've been directed by DW [Wildstein] to continue the operation so that we can make a business decision with regard to how to proceed. Mark's folks are looking at numbers."[367] Durando later informed Rivera that, per Wildstein's directive, the operation would continue "through tomorrow at a minimum."[368]

At 5:24 p.m., Durando asked Fulton if Wildstein had advised Fort Lee that the lane realignment would continue on September 10, 2013.[369] Fulton responded that Durando should make "the necessary notifications . . . just to [Durando's] staff."[370]

At 8:46 p.m., Wildstein texted Baroni: "911[.] Call me."[371]

b. Day Two: Tuesday, September 10, 2013

On Tuesday, September 10, 2013, the lane realignment continued, beginning again at approximately 6:00 a.m.[372] According to Durando, traffic was "[a] little better than [September

9] but still not good. I-95 approaches were free and clear by 0830 and the Ft lee approaches were packed."[373]

At 8:04 a.m., Wildstein forwarded to Kelly a text message apparently sent by Mayor Sokolich to Baroni, which stated: "Presently we have four very busy traffic lanes merging into only one toll booth. . . . The bigger problem is getting kids to school. Help please. It's maddening."[374] Kelly and Wildstein then exchanged the following text messages:

Bridget Kelly:	Is it wrong that I am smiling?
David Wildstein:	No
Bridget Kelly:	I feel badly about the kids I guess
David Wildstein:	They are the children of Buono voters Bottom line is he didn't say safety[375]

[*Intervening Text Redacted by Wildstein*]

David Wildstein:	So I-95 traffic broke about 5 minutes ago, about 45 minutes earlier than usual, because there are 2 additional lanes to handle morning rush.
Bridget Kelly:	That is good, no?
David Wildstein:	Very good
Bridget Kelly:	Small favors[376]

At 8:39 a.m., Michaels texted Wildstein: "Local ft lee traf[f]ic disaster."[377]

At 11:25 a.m., Durando emailed Fulton and informed him that Wildstein would "like to continue the test of tl [toll lane] 24 through tomorrow."[378]

That morning, Mayor Sokolich again attempted to contact Baroni.[379] At 11:30 a.m., Lado relayed a message from Mayor Sokolich to Baroni via email. She wrote:

> The Mayor would like to talk to you as soon as possible, regarding the traffic congestion due to the change in GWB toll booths configuration. He remains concerned, doesn't understand the purpose/need of the traffic test and doesn't understand why the borough was not alerted. Additionally, he said that he is

> trying to 'keep a lid on this' (politically) and is getting pressure from members of the Borough Council who want to take some action. He feels this is a 'life/safety' issue. One example that occurred on Monday 9/9 was Fort Lee volunteer ambulance attendants had to respond on foot, leaving their vehicle, to an emergency call.[380]

c. Day Three: Wednesday, September 11, 2013

The lane realignment remained in place on Wednesday, September 11, 2013 for a third consecutive day. According to Durando, the traffic congestion in Fort Lee was the "[s]ame as the last two days. The mainline on I-95 is running very well. The borough continues to be congested, but it is [8:00 a.m.]."[381] According to analysis by the Port Authority's Traffic Engineering group, on this date, traffic originating on the I-95 Express Lanes experienced an average reduction of 4.12 minutes in travel time and traffic originating on the I-95 Local Lanes experienced an average reduction of 2.72 minutes.[382]

On September 11, 2013, Governor Christie—along with his wife and approximately 4,000 others, including New York Governor Andrew Cuomo, then-New York City Mayor Michael Bloomberg, then-Mayoral candidate and now New York City Mayor Bill de Blasio, former Mayor Rudolph Giuliani, and FBI Director James Comey—attended a 9/11 Memorial event at the World Trade Center in Lower Manhattan to honor the fallen heroes of 9/11 and commemorate the 12th anniversary of the terrorist attacks.[383] As reflected in a series of photographs, Governor Christie met with dozens of politicians, dignitaries, and victims' families that day. Governor Christie, Baroni, Wildstein, and others from the Port Authority, according to Governor Christie, exchanged pleasantries at the 9/11 Memorial event.[384] Dozens of people approached the Governor to shake his hand and take photographs with him.[385]

Following the 9/11 Memorial event, Governor Christie took a helicopter from the West 30th Street Heliport in Manhattan and headed south directly to Trenton, New Jersey.[386]

d. Day Four: Thursday, September 12, 2013

The lane realignment remained in place on the morning of Thursday, September 12, 2013, but there had not yet been any press inquiries about it. That same day, at approximately 2:30 p.m., a fire broke out on the boardwalk in Seaside Park, New Jersey, ultimately engulfing the boardwalk rebuilt there after Superstorm Sandy and destroying more than 50 businesses.[387] In response to that disaster, Governor Christie immediately traveled to Seaside Park, arriving around 5:30 p.m.; by 7:00 p.m., he had declared a state of emergency and addressed the Seaside Park community.[388] Governor Christie brought a number of cabinet officials and senior staff with him to Seaside Park, including Kelly, who was there to liaise with local elected officials.[389] Throughout this period, Governor Christie did not have any discussions with Kelly regarding Mayor Sokolich or the Bridge lane realignment.

As the lane realignment continued to cause significant traffic congestion in Fort Lee, Mayor Sokolich again contacted Baroni—this time, by emailed letter.[390] At 12:44 p.m., Mayor Sokolich sent a letter to Baroni "in the hopes that a recent decision by the Port Authority will be reversed quietly, uneventfully and without political fanfare."[391] Mayor Sokolich stated that the Port Authority's decision to reduce available toll booths for traffic flowing through Fort Lee from three to one had "wreaked havoc upon [the Fort Lee] community during the morning rush hour" and "negatively impacted public safety here in Fort Lee."[392] Mayor Sokolich noted that "members of the public" had stated "that the Port Authority Police Officers are advising commuters in response to their complaints that this recent traffic debacle is the result of a decision that I, as the Mayor, recently made."[393] Mayor Sokolich emphasized that he had "incessantly attempted to contact Port Authority representatives to no avail" and requested that someone from the Port Authority call him or Fort Lee Police Chief Bendul to resolve the issue.[394]

Three minutes later, at 12:47 p.m., Baroni forwarded Mayor Sokolich's letter from his work email address to Wildstein at his personal email address.[395] At 12:52 p.m., Wildstein forwarded the letter to both Stepien and Kelly at their personal email addresses.[396] At 12:53 p.m., Baroni forwarded the letter from his personal email address to Stepien at his personal email address with a note: "Following up."[397] Nineteen minutes later, Stepien responded to Baroni: "Thanks."[398] We have not identified any written response from Kelly to Baroni. Later that evening, at 6:03 p.m., Baroni texted Wildstein a message he received from "Serbia," referring to Mayor Sokolich.[399] In the message to Baroni, Mayor Sokolich stated: "My frustration is now trying to figure out who is mad at me."[400]

On the afternoon of September 12, 2013, Mayor Sokolich attempted to reach his primary contact in the Governor's Office, Evan Ridley.[401] At the time, Ridley was at a meeting outside the office and returned Mayor Sokolich's call from Ridley's car following his meeting. During their call, Mayor Sokolich complained about the lane realignment and stated that members of the Fort Lee City Council had suggested that it could have been retaliatory. Following their conversation, Ridley returned to the State House, where he reported the substance of the call to his superior, Renna. During their conversation, Ridley asked Renna about Mayor Sokolich's speculation that the Office of the Governor might have had involvement in the lane realignment; Renna responded that she did not know one way or the other. Then, at 3:36 p.m., after unsuccessfully trying to speak to Kelly in person, Renna emailed Kelly, through their personal email accounts, summarizing Ridley's report of his phone call with Mayor Sokolich. Renna explained:

> The Mayor is extremely upset about the reduction of toll lanes from 3 to 1. Not only is [it] causing a horrendous traffic back up in town, First Responders are having a terrible time maneuvering the traffic because the back up is so severe. The Mayor told Evan that he has no idea why Port Authority decided to do this,

> but there is a feeling in town that it is government retribution for something. He simply can't understand why that would be the case, however, because he has always been so supportive of the Governor. [. . .] Evan told the fine Mayor he was unaware that the toll lanes were closed, but he would see what he could find out.[402]

Ten minutes later, Kelly forwarded Renna's email to Wildstein, through their personal email accounts.[403] Earlier in the day, Wildstein had asked Kelly to call him; she said she would call him later because she was en route to Seaside.[404] Eight hours after Renna's initial email, at 11:44 p.m., Kelly responded to Renna: "Good."[405]

At 5:14 p.m., consistent with Muriello's September 6, 2013 request for "a quick assessment on Fort Lee [traffic] impacts to be used for a discussion with the Fort Lee Mayor,"[406] Jacobs emailed Muriello a PowerPoint document entitled "Reallocation of Toll Lanes at the GWB: An EARLY assessment of the benefits of the trial."[407] The document outlined the Port Authority's preliminary analyses of the lane realignment and explained that the "trial result[ed] in a trade-off between travel time savings for mainline traffic and substantial delays for 'local' traffic."[408]

e. Night Four And Into Day Five: Friday, September 13, 2013 – Foye Reverses Lane Realignment

The Port Authority received its first known press inquiry regarding the lane realignment at approximately 1:17 p.m. on September 12, 2013. John Cichowski, a journalist for *The Bergen Record*, *Herald News*, and NorthJersey.com, and author of the "Road Warrior" column in *The Bergen Record*, emailed Chris Valens of the Port Authority Media Relations Department, requesting responses to complaints and questions about the lane realignment.[409] Cichowski's email included a message from one of his readers, and was accompanied by a letter, postdated September 13, 2013, from U.S. Congressman Bill Pascrell, Jr., to Baroni, requesting information and assistance regarding the lane realignment.[410] Cichowski's email was then forwarded to

various Port Authority personnel, including Durando, Ramirez, Fulton, Lado, Baroni, and Wildstein.[411] Wildstein separately forwarded Cichowski's email from his personal email address to Kelly at her personal email address and to Drewniak, whose press responsibilities typically included matters involving the Port Authority, at his work email address.[412] We have not identified any written response from Kelly or Drewniak to Wildstein.

At 3:18 p.m., Wildstein sent Kelly and Drewniak, at her personal email address and at his work email address, the following draft press response: "The Port Authority is reviewing traffic safety patterns at the George Washington Bridge to ensure proper placement of toll lanes. The PAPD has been in contact with Fort Lee police throughout this transition."[413]

At 6:27 p.m., Port Authority Assistant Director of Media Relations Ron Marsico circulated a "Port Authority Nightly Media Activity Report" listing various press inquiries—commonly known as "media pendings"—for September 12, 2013.[414] This report was sent to various Port Authority personnel on the New York and New Jersey "sides," including Baroni, Wildstein, Lado, and Vice Chairman Scott Rechler, as well as Drewniak.[415] Marsico's email listed seven press inquiries that Port Authority had received on September 12, 2013, and the Port Authority's response to each inquiry.[416] It noted specifically: "John Cichowski of the Bergen Record inquired about a change in the amount of toll lanes available to Ft. Lee residents at the GWB. We told the reporter that the Port Authority is reviewing traffic safety patterns at the GWB and that PAPD has been in contact with Fort Lee PD throughout the transition"—a statement essentially identical to the draft press response sent by Wildstein to Kelly and Drewniak three hours earlier.[417]

Marsico's circulation of the media pendings prompted an immediate response from Port Authority officials. At 8:39 p.m., Rechler forwarded Marsico's email to Foye and David Garten,

stating: "We need to get to the bottom of this."[418] Foye responded three minutes later: "Agree. Very troubling."[419] The following morning, September 13, 2013, at 6:01 a.m., Foye asked Durando to call him.[420] Three minutes later, at 6:04 a.m., Durando forwarded Foye's message to Wildstein, who requested a post-call update.[421]

Durando and Foye spoke at some time between 6:04 a.m. and 6:47 a.m.[422] According to Durando's December 9, 2013 testimony to the Assembly Transportation Committee, Foye asked Durando if he "was told not to tell" Foye about the lane realignment, and Durando told Foye that he had been.[423] Durando then reported the substance of his call with Foye to Wildstein, writing that Foye "asked about the test" and "why he wasn't told."[424] Wildstein responded to Durando: "His staff knows, but bb [Baroni] will to [sic] him."[425]

Around this time, at 6:33 a.m., Kelly emailed Wildstein: "Let's talk on my way in," to which Wildstein responded "Ok" eight minutes later.[426]

At 7:14 a.m., Foye wrote again to Rechler, expressing his concerns: "Scott I have inquired about this and what I have been told is very troubling. I will keep you posted. Given possible loss of life from delay of emergency vehicles and other factors I am reversing this immediately."[427]

At 7:44 a.m., Foye ordered the reversal of the lane realignment.[428] Foye's directive was sent by email to Fulton and Durando, copying Baroni, Rechler, and others.[429] Foye wrote: "I am appalled by the lack of process, failure to inform our customers and Fort Lee[,] and most of all by the dangers created to the public interest, so I am reversing this decision now effective as soon as TBT and PAPD tell me it is safe to do so today."[430] Foye further explained that he would "get to the bottom of this abusive decision which violates everything this agency stands for," and that he intended "to learn how PA process was wrongfully subverted and the public

interest damaged to say nothing of the credibility of this agency."[431] Foye asserted that the lane realignment, which he repeatedly characterized as "hasty and ill-advised," "violates Federal Laws and the laws of both States."[432] In separate emails, Baroni forwarded Foye's directive to Wildstein at his personal email address, as well as to Regina Egea, Director of the Authorities Unit, which works with and monitors the State's public authorities.[433] Egea later forwarded the email to Nicole Crifo, then-Senior Counsel in the Authorities Unit, at 11:07 a.m.[434] Foye later forwarded the email to New York Director of State Operations Howard Glaser, at 12:20 p.m.[435]

At 8:04 a.m., the Bridge's toll lanes were realigned and the three toll lanes and booths formerly dedicated for Fort Lee traffic were restored.[436] Foye emailed Baroni and Lisa MacSpadden soon after, asking how the Port Authority could publicize the lane restoration.[437] The following email conversation between Baroni and Foye ensued:

Bill Baroni: Pat we need to discuss prior to any communications.

Pat Foye: Bill we are going to fix this fiasco.

Bill Baroni: I am on my way to office to discuss. There can be no public discourse.

Pat Foye: Bill that's precisely the problem: there has been no public discourse on this.[438]

A few hours later, around 10:30 a.m., Governor Christie, having returned to Seaside, New Jersey, held a media briefing regarding the Seaside Boardwalk fire.[439]

At 11:44 a.m., in response to the news of the lane restoration, Wildstein emailed Kelly on their personal email accounts: "The New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts. Samson helping us to retaliate."[440] Kelly responded: "What??"[441] Wildstein responded: "Yes, unreal. Fixed now."[442]

In response to press inquiries, the Port Authority released the following comment, provided by Baroni and approved by Foye: "The Port Authority has conducted a week of study

at the George Washington Bridge of traffic safety patterns. We will now review those results and determine the best traffic patterns at the GWB. We will continue to work with our local law enforcement partners."[443]

As Baroni had already forwarded Foye's email to Egea by 10:44 a.m. on September 13, 2013,[444] Egea and Baroni spoke that day by phone about Foye's email. During their phone conversation, Egea asked Baroni about Foye's email. In response, Baroni explained to Egea that the Port Authority was simply doing a traffic study to investigate potential inefficiencies in the current lane alignment. Because Foye's email was laced with accusations, Egea asked if the Port Authority had done anything wrong, and Baroni responded that nothing inappropriate had occurred. Egea was reassured by Baroni's explanation.

At or around this time, Jeanne Ashmore, Director of Constituent Relations in the Governor's Office, recalled speaking with Wildstein and Crifo by phone to discuss various constituent complaints the Office had received regarding the lane realignment and resulting traffic congestion.[445] When asked about the traffic congestion, Wildstein told Ashmore, in sum or substance, that this was not an issue concerning the Governor's Office.

3. September 14, 2013–January 8, 2014: Aftermath Of The Lane Realignment

a. September 14–19, 2013: Outside Scrutiny And Communications With Mayor Sokolich

At 8:42 a.m., on September 14, 2013, the lane realignment—specifically, Cichowski's September 13, 2013 "Road Warrior" column, "Closed tollbooths a commuting disaster"—was mentioned for the first time in the Office's "Must Reads," daily press clips circulated throughout the Office.[446] Earlier that morning, at 8:18 a.m., Kelly wrote to Wildstein through their personal email accounts: "Check out the Road Warrior. I'm confused."[447] Meanwhile, having cancelled

a planned trip to Florida with his wife for her birthday, Governor Christie returned to Seaside Park, New Jersey, to meet with business owners affected by the boardwalk fire.[448]

On September 16, 2013, *Wall Street Journal* reporter Ted Mann called Port Authority media relations "looking to do a story on the Fort Lee toll booth issue."[449] Mann's inquiry was reported to Foye, Baroni, Wildstein, and others.[450] Wildstein then emailed Baroni at his personal email account: "I call bullshit on this."[451]

One day later, at 2:16 p.m. on September 17, 2013, in connection with the same story, *Wall Street Journal* reporter Heather Haddon emailed Drewniak and Colin Reed, Deputy Communications Director at the Governor's Office, requesting comment on the lane realignment.[452] At 4:03 p.m., Drewniak forwarded Haddon's inquiry to Kelly: "Coming to chat."[453] At 4:08 p.m., Kelly asked Drewniak to "[c]ome soon[.] Have to go get my kids."[454] Twenty-six minutes later, at 4:34 p.m., Drewniak responded to Haddon:

> Pardon? It's an independent agency, and I'll refer you to the Port Authority. Traffic studies or pilots are done all the time. They're temporary, and if they're not done, how can the effectiveness of a new approach be tested? (Between you and me, please: I could be wrong, but I think they don't warn of traffic studies in advance because it would ruin the data. I heard that somewhere – in [sic] think when DOT did something similar in Princeton. But I'm not sure on this).[455]

At 5:13 p.m., Kelly texted Wildstein: "I spoke to Mike."[456] At 11:12 p.m., *The Wall Street Journal* published its first article regarding the lane realignment, "Bridge Jam's Cause a Mystery."[457]

Very early the next morning, on September 18, 2013, Wildstein had separate email exchanges about the *Wall Street Journal* article with Stepien and Drewniak. At 4:54 a.m., Wildstein forwarded the article to Stepien's personal email account.[458] At 5:16 a.m., Stepien responded: "It's fine. The mayor is an idiot, though. When [sic] some, lose some."[459] At 5:30

a.m., Wildstein responded to Stepien: "I had empty boxes ready to take to work today, just in case. It will be a tough November for this little Serbian."[460]

Separately, also at 4:54 a.m., Wildstein forwarded the article to Drewniak's work email.[461] At 7:35 a.m., Drewniak responded: "Not so bad. At least it doesn't run wild with that crazy allegation it was done as political retaliation. That was a nutty suggestion."[462] At 9:24 a.m., Wildstein responded: "I was unusually nervous over this one."[463]

The *Wall Street Journal* article appears to have provoked conflict within the Port Authority. The night before the article's publication, at 8:02 p.m. on September 17, 2013, Samson wrote Rechler: "I am told the ED [Foye] leaked to the WSJ his story about Fort Lee issues—very unfortunate for NY/NJ relations."[464] Rechler responded: "After my initial calls I don't think this is correct. I also called Baroni who didn't think this was the case."[465] Samson forwarded this email chain to Baroni, who responded: "General, I shall again make my concern known to the vice chairman."[466]

Samson then wrote to Rechler: "For whatever reason, he's [Baroni] not telling you the facts."[467] Rechler responded: "Seems strange based on my inquiries."[468] After the *Wall Street Journal* article was published, at 5:34 a.m. on September 18, 2013, Samson, apparently believing Foye responsible for instigating, responded: "More evidence of reckless, counter-productive behavior."[469] Rechler responded: "Again . . . I don't think Pat spoke to anyone at the WSJ particularly after reading the article this morning."[470] Samson responded: "I just read it and it confirms evidence of Foye's being the leak, stirring up trouble—this is yet another example of a story, we've seen it before, where he distances himself from an issue in the press and rides in on a white horse to save the day . . . . [I]n this case, he's playing in traffic, made a big mistake."[471] Rechler told Samson that he did not "agree with your assessment of Pat's involvement . . . . Let's

not escalate this unless there is clear evidence that he truly spoke to the WSJ."[472] Samson then forwarded this email chain to Baroni.[473]

* * * * *

During this same period, Mayor Sokolich continued to try to communicate with Baroni. On September 17, 2013, at 1:33 p.m., Baroni forwarded Wildstein a message from Mayor Sokolich, and the following text messages ensued:

Bill Baroni:	From Serbia
	We should talk. Someone needs to tell me that the recent traffic debacle was not punitive in nature. The last four reporters that contacted me suggest that the people they are speaking with absolutely believe it to be punishment. Try as I may to dispel these rumors I am having a tough time. A private face-to-face would be important to me. Perhaps someone can enlighten me as to the errors of my ways. Let me know if you'll give me 10 minutes. Regards Mark
	[. . .]
	Serbia???
David Wildstein:	Have not heard back fr Bridget
Bill Baroni:	Fck
David Wildstein:	Bridget; Just finishing a meeting So we will speak soon.
Bill Baroni:	We could sched a meeting to stave off reporters then pull a faps
David Wildstein:	Like for Monday?
Bill Baroni:	Too cute. Tuesday or later next week.
David Wildstein:	Ok
	[. . .]
	Ted Mann just called my cell

Bill Baroni: Jesus.
Call Drewniak.

David Wildstein: Can you step put [sic], I'll meet you in board room.[474]

Wildstein then sent to Kelly, by text message, Mayor Sokolich's message to Baroni, and asked her to "[p]lease let me know instructions."[475] Wildstein informed Kelly that Baroni was "crazed"; Wildstein also noted that *The Wall Street Journal* had just called his cell phone, "so I need to speak with you."[476] At 2:42 p.m., Kelly texted Wildstein: "I am calling your office. No answer."[477] At 5:13 p.m., Kelly texted Wildstein: "I spoke to Mike."[478]

On September 23, 2013, Ashmore received a letter from Senator Weinberg, dated September 19, 2013, to Port Authority Commissioner William "Pat" Schuber regarding the lane realignment.[479] Senator Weinberg expressed her "loss for words regarding the Authority's sudden change in the traffic flow pattern," which "caused a significant hardship for many in the area."[480] That same day, Ashmore forwarded Senator Weinberg's letter to Kelly and Crifo.[481] Kelly forwarded the letter to her personal email account and then re-forwarded the letter to Wildstein on his personal email account.[482] Six minutes later, Wildstein responded: "Call me during your drive home."[483]

b. October 1, 2013: Second *Wall Street Journal* Article

On October 1, 2013, *Wall Street Journal* reporter Ted Mann was working on a second article about the lane realignment. That afternoon, Mann called the Port Authority press office "questioning [Port Authority's] prior statement on this issue that said the toll lanes were closed because of a test when he [Mann] has a copy of an email that Pat sent at 7:44 a.m. on September 13 . . . that says otherwise."[484] Wildstein received a report of Mann's inquiry at 1:12 p.m., which Wildstein then forwarded to Drewniak at 1:19 p.m.[485]

Two minutes later, at 1:21 p.m., Mann emailed Drewniak directly to request comment.[486] Mann wrote: "We've confirmed that many of the stakeholders were not told this was being done, including police, local officials and the Port Authority's executive director."[487] Requesting comment, Mann asked "whether these closures were in some way intended as retribution for Mayor Sokolich's failure to endorse Gov. Christie's re-election bid."[488]

At 1:40 p.m., Drewniak forwarded Mann's inquiry to his supervisor, Deputy Chief of Staff for Communications and Planning Maria Comella, copying Reed, and wrote: "I think we should talk about this below from Ted Mann, WSJ. I will forward you an earlier email I had sent to Heather when they did their first story on this."[489] Two minutes later, at 1:42 p.m., Drewniak forwarded Comella and Reed a copy of his September 17, 2013 email to Haddon regarding the first *Wall Street Journal* article about the lane realignment.[490] At 1:45 p.m., Wildstein forwarded to Drewniak Foye's September 13, 2013 email reversing the lane realignment; Drewniak then forwarded Foye's email to Comella; Comella forwarded it to Reed.[491]

About an hour later, at 2:49 p.m., Drewniak provided a response to Mann: "I answered this a couple of weeks ago. The Port Authority is an independent agency, and I would refer you there about its traffic studies."[492]

At 5:48 p.m., Stepien texted Wildstein: "Holy shit, who does he think he is, Capt. America?", apparently referring to Foye.[493] Wildstein responded: "Bad guy. Welcome to our world[.]"[494]

At 10:40 p.m., *The Wall Street Journal* published its second article regarding the lane realignment, "Port Chief Fumed Over Bridge Jam." That article was based on Foye's September 13, 2013 email, which was leaked to the *Journal* and reproduced at the time.[495]

Early the next morning, at 7:11 a.m. on October 2, 2013, Wildstein forwarded the *Wall Street Journal* article to Stepien.[496] At 7:15 a.m., Stepien responded: "I saw. Ultimately, not an awful story. Whatever."[497] At 7:36 a.m., Wildstein replied:

> Yeah, but we need to address leaks from Foye and his messing with us 5 weeks before election. Baroni and I are at statehouse this afternoon – need to be sure all understand that a trash train bringing NYC garbage by rail through Westfield, east Brunswick, etc is a very bad idea – and will talk to Drewniak and Bridget while there. I feel terrible that I'm causing you so much stress this close to November.[498]

At 7:43 a.m., Stepien responded: "For what it's worth, I like you more on October 2, 2013 than I did on October 2, 2009."[499] At that latter time, Wildstein was an anonymous political blogger.

That afternoon, Wildstein and Baroni visited the State House in Trenton, New Jersey. It appears that they were scheduled to meet with Egea and Crifo at 3:00 p.m., but Egea had to cancel the meeting because another more significant meeting about pending legislation arose.[500] Wildstein and Baroni met with Kelly and possibly Drewniak at around 3:15 p.m.[501]

At 3:45 p.m., Baroni texted Wildstein: "Comella didn't think much of the story. Said nobody paying attention."[502] Wildstein responded: "Bridget same. What did general want?"[503] Later that night, Wildstein asked Baroni by email: "Did you hear from Charlie?"[504]

The October 1, 2013 *Wall Street Journal* article prompted a number of conversations within the Office of the Governor. At around this time, Crifo spoke to Wildstein regarding Foye's September 13, 2013 email. In that conversation, Wildstein told her—as he had others at the Port Authority and within IGA years earlier—that it had "always bothered us" that Fort Lee had three dedicated lanes and that the traffic study was designed to determine the effect of a realignment of those lanes.

The day after the October 1, 2013 *Wall Street Journal* article, Drewniak spoke to Kelly about it. Drewniak went to Kelly because of Kelly's position dealing with local elected officials

and also her inclusion on the September 12, 2013 email from Wildstein. Drewniak recalled that when he asked Kelly about the October 1, 2013 *Wall Street Journal* article, Kelly brushed off the inquiry, rolling her eyes, and did not acknowledge knowing anything about the lane realignment.

Finally, the Governor recalled seeing an article about the internal Foye email—in all likelihood, the October 1, 2013 *Wall Street Journal* article—and the email itself. The accusations there concerned the Governor: he wanted to know what really happened, particularly because the Foye email claimed violations of law. The Governor recalled McKenna thereafter telling him that McKenna had spoken with Baroni, who told McKenna that the Port Authority was simply doing a traffic study and that Foye was making a big deal about nothing.

c. October–November 2013: Ongoing Legislative And Media Inquiries

On the very next day after this second *Wall Street Journal* article, October 2, 2013, in the month prior to the election, Assemblyman Wisniewski announced that he would convene a hearing to determine who ordered the lane realignment and if they were politically motivated.[505] During the next few days, Wildstein and Kelly continued to communicate by private text and email, forwarding one another articles about the lane realignment and commenting on the articles.[506] On October 3, 2013, for example, Kelly texted Wildstein that Mayor Sokolich had referred to the lane realignment as a "dumb mistake" in an October 2, 2013 *Bergen Record* article.[507] That article also referenced Mayor Sokolich's statement that "he doesn't believe the closures had anything to do with him."[508]

In early October, Senator Weinberg asked the Port Authority that she be afforded the opportunity to make a statement at a Port Authority Governance and Ethics Committee meeting scheduled for October 7, 2013.[509] Baroni contacted Egea to discuss Senator Weinberg's request as public comments are generally only allowed during Port Authority Board meetings, not

Committee meetings. Egea discussed the issue with Crifo and concluded that there was no guidance one way or another as to whether allowing public comment was required or permissible. Egea therefore deferred to McKenna to advise Baroni. On October 5, 2013, McKenna advised Baroni that because Senator Weinberg was a sitting legislator, she should be afforded the courtesy of addressing the Committee meeting.[510] One day later, October 6, 2013, Kelly forwarded to Wildstein an article regarding Senator Weinberg's upcoming appearance at the Port Authority committee meeting.[511] Wildstein responded: "Baroni spoke to McKenna over weekend, Loretta will speak at start of committee meeting (even though there is no public comment at this meeting) and Schuber is chairing."[512] After Weinberg had addressed the committee, on the afternoon of October 7, 2013, Steve Strunsky of *The Star-Ledger* sought comment from Drewniak, asking "whether Port Authority 'Frat Boys' had orchestrated the closures as retrobution [sic] for Mayor Sokolich's refusal to endorse Gov. Christie."[513] Drewniak then forwarded Strunsky's inquiry to O'Dowd.[514]

On October 16, 2013, the Port Authority held a monthly board meeting, after which Foye announced that the Port Authority was conducting an internal review to determine why the lanes were realigned and whether proper procedures were followed.[515] Senator Weinberg attended the Port Authority meeting and announced her intent to introduce a Senate resolution to grant subpoena power to a special committee to investigate the Bridge lane realignment.[516] Afterward, Egea sent O'Dowd, McKenna, and Drewniak a report on the meeting:

> Sen Weinberg attended bd mtg but did not speak. Had a hallway conv w Strunsky and Ted Mann before bd mtg. After Bd mtg, she was admitted into ante room where the press gaggle is held. Typically only press and PANYNJ exec team. Questions ensued on ft lee but holding to script of "all under review." She held post interview in hallway.[517]

On October 17, 2013, at 7:53 p.m., Wildstein forwarded Drewniak an email chain regarding a press inquiry from *Wall Street Journal* reporter Ted Mann.[518] In this email chain,

Coleman forwarded a summary of Mann's inquiry to Foye, Baroni, Wildstein, and others, stating that: "Ted said he was told by sources that David [Wildstein] was in Fort Lee directing the lane closure operation on Sept 9 and Ted is asking why he was there. He plans to include this information in his story tomorrow."[519] To Coleman's summary, Foye responded: "Defer to Bill."[520] While forwarding this email chain to Drewniak, Wildstein commented: "DIRECTING lane closures would be grossly inaccurate. Foye is a piece of crap."[521] Two hours later, at 9:48 p.m., Drewniak, using his personal cellphone, texted O'Dowd on his personal cellphone: "A new high level of shit is hitting the fan tonight on the Ft Lee/GWB issue. Maybe you should know about it."[522] *The Wall Street Journal* did not publish an article on the lane realignment on October 18, 2013.

Twelve days later, on October 28, 2013, Strunsky of *The Star-Ledger* emailed Drewniak to inquire about the lane realignment.[523] Strunsky cited Mayor Sokolich's September 12, 2013 letter to Baroni, as well as speculation that Mayor Sokolich's decision not to endorse Governor Christie for re-election was the reason for the lane realignment.[524] Specifically, Strunsky asked whether the Governor was aware of any plan "to close GWB access lanes in retrobution [sic] for Mayor Sokolich's failure to endorse the governor for re-election."[525] Drewniak responded: "No, for goodness sake. The Governor of the State of New Jersey does not involve himself in traffic studies."[526]

Eight days after the *Star-Ledger* inquiry, on November 6, 2013, *Wall Street Journal* reporter Mann emailed Drewniak again to ask about the lane realignment.[527] Drewniak forwarded Mann's inquiry to Reed and Comella, commenting: "It's back."[528] He also forwarded the email to his personal email account and re-forwarded it to Wildstein at his personal email address; they agreed to speak "within the next hour."[529] That afternoon, Drewniak responded to

Mann's email: "For goodness sake, the Governor of the State of New Jersey does not involve himself in traffic surveys."[530] The following day, on November 7, 2013, *The Wall Street Journal* identified Wildstein as having "called two bridge officials and [having] ordered them to shut off two local access toll lanes for drivers headed across the bridge from Fort Lee, N.J., into New York City . . . without notice to police, emergency officials or officials on the New York side of the Port Authority's leadership."[531]

On November 7, 2013, New Jersey State Senators Weinberg and Raymond J. Lesniak introduced New Jersey Senate Resolution 127—which would have constituted the Senate State Government, Wagering, Tourism, and Historic Preservation Committee (the "Senate State Government Committee") as a special committee of the New Jersey Senate—to "investigate all aspects of lane closures implemented by the Port Authority of New York and New Jersey, including, but not limited to, the recent closure of two access lanes from Fort Lee to the George Washington Bridge, the internal process followed by the Port Authority in implementing lane closures, and the use of lane closures as a tool to conduct traffic safety studies."[532] For these purposes, Resolution 127 would have granted subpoena power to the Senate State Government Committee.[533] Lado forwarded Resolution 127 to Samson, Baroni, and Wildstein.[534]

At 7:24 p.m. on November 12, 2013, Baroni texted Wildstein: "Are we being fired?"[535] The following day, November 13, 2013, there was a Port Authority Board meeting in Jersey City, which Baroni and Wildstein attended. That morning, Baroni texted Wildstein: "He really wants to intro gov first[.] Wisniewski coming to board[.] Another reason nj meetings are great[.]"[536] Wildstein responded: "Yep."[537] Wildstein responded: "Update on tomorr[o]w??"[538] At 12:03 p.m., Wildstein texted Baroni: "Instructions for gaggle . . . Do we let Weinberg and wiz attend? Can we stop them?"[539] Baroni responded: "How do we stop them? It just creates

an issue[.]"[540] Wildstein responded: "I don't see how but need to ask you[.]"[541] Baroni responded: "Yeah they will beat us up either way."[542]

That same day, November 13, 2013, *The Star-Ledger* published an article about the lane realignment, "Fort Lee mayor asserts GWB bridge closures had 'punitive overtones,'" which suggested that the lane realignment "might have had to do with the mayor's failure to support Gov. Chris Christie's re-election campaign."[543] In response, Mayor Sokolich wrote a letter to the editor, stating that he had read the article "with disappointment" and that the article's suggestion "is simply not true."[544] Mayor Sokolich wrote: "I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor. In fact, I advised you that I was never asked to either support or endorse the governor."[545]

Also on November 13, 2013, Senator Weinberg filed a public records request with the Port Authority seeking information and documents relating to the lane realignment.[546] Weinberg followed up a few days letter with an open letter to the Port Authority asking if the lane realignment was "someone's idea of a really bad joke or for some petty political payback."[547]

d. November 25, 2013: Baroni Testifies Before The Assembly Committee

On November 20, 2013, the Assembly Transportation Committee invited Baroni to testify on November 25, 2013, at 10:00 a.m.[548] Leading up to the hearing, a draft of Baroni's opening statement was provided to Egea and Crifo for review because of the Authorities Unit's role in monitoring the Port Authority. They reviewed a draft of his opening statement and provided comments, primarily in a November 19, 2013 conference call among Egea, Crifo, Baroni, Wildstein, and Philippe Danielides, Senior Advisor to Port Authority Chairman David Samson. The comments, conveyed by Egea, mainly suggested that Baroni's opening statement

be shorter and simpler, and that he should confine his remarks to the portions of his draft statement focused on how the Port Authority was studying optimization of traffic through the realignment of a set number of toll lanes. Egea also suggested that Baroni focus on the traffic study results, which were in the prepared opening statement that Egea had reviewed; Egea recalled the traffic study results for Tuesday and Wednesday, September 10 and 11, 2013, showed improvements in I-95 traffic flow. Egea also encouraged Baroni to acknowledge error in failing to follow the Port Authority's normal protocols for communicating the Port Authority's operational decisions.[549]

Crifo also participated in reviewing Baroni's draft opening statement. Crifo shared Egea's view that Baroni's testimony should focus on the concrete underlying facts as Egea and Crifo understood them from what Wildstein and Baroni had told them: that the Port Authority had conducted a poorly communicated traffic study. In addition, Crifo understood it would have been counterintuitive for the Port Authority to tell people about the study beforehand because it might have skewed the data.

Egea advised McKenna that Baroni would be testifying, as she would normally do whenever any senior official was addressing a legislative committee, and that she was advising him to be clearer and more concise in his opening statement.[550] McKenna also spoke to Baroni about his testimony. After Baroni provided McKenna with a brief report on his intended testimony, McKenna made two recommendations to Baroni: first, not to be combative with the Committee; and second, to apologize to the people of Fort Lee who were stuck in traffic, regardless of the merits of the traffic study. Around this time, the Governor heard that there was an issue as to whether Baroni should appear before the Committee without a subpoena; the Governor's reaction was that Baroni should appear and testify before the committee.

On November 21, 2013, Baroni asked Wildstein to provide the "exact upper level number of lanes from tomorrw" [sic].[551] Wildstein responded: "Will take gw bridge to work."[552] On the morning of November 25, 2013, Wildstein sent Kelly, through their personal email accounts, E-Z Pass Registration statistics for eastbound traffic on the George Washington Bridge, which stated that 4.5 percent of eastbound vehicles were registered from Fort Lee.[553] Wildstein also wrote that committing "25% of all lanes (3 of 12) out of circulation for Fort Lee backs up truck traffic from Route 4, 46, 80 and 95, causing delays."[554]

On November 25, 2013, Baroni addressed the Assembly Transportation Committee.[555] Given the increased media and legislative scrutiny of the lane realignment, certain employees of the Governor's Office listened to Baroni's November 25 testimony. For example, Egea and Crifo listened to the testimony live-streamed through their computers, while McKenna had the testimony streaming in the background.

According to Egea, Baroni's opening remarks diverged from the remarks he had earlier drafted and he did not follow Egea's advice. In his testimony, Baroni provided traffic statistics and explained that Wildstein requested the lane realignment as part of a traffic study "to determine whether the Fort Lee lanes were causing a clear and marked increase in Bridge traffic for the 95 percent of drivers who" do not reside in Fort Lee.[556] Baroni stated that Wildstein had been approached by Port Authority Police in late July 2013 and met with Port Authority officials in the TBT and Traffic Engineering Departments in August 2013 to review information relating to the Fort Lee access lanes.[557] This was the first time that a Port Authority representative publicly held Wildstein responsible for having ordered the lane realignment. Baroni further stated that "[a]t all times during the week of the study, the Port Authority Police Department monitored traffic on the George Washington Bridge. They were alert for emergency vehicles in

the area, and prepared to further alter traffic patterns in the event of an emergency."[558] Baroni acknowledged that the Port Authority's communication with Fort Lee officials with respect to the lane realignment had been flawed: "[T]he Port Authority did not provide timely notice of the lane closure to the Fort Lee Police Department, nor secure the complete buy-in from the entire agency before proceeding. These communications breakdowns are not consistent with the Port Authority's commitment to transparency, and we must—and we will—do better."[559] Baroni also proposed policy changes to the Port Authority to ensure that traffic studies and other non-emergency changes are properly reviewed and that proper notice is provided prior to implementation.[560]

At 12:45 p.m., based on reading real-time news reports, Drewniak sent Wildstein an email with subject line: "Seems to be going okay overall." In the email, Drewniak wrote: "With the question raised: how to justify 3 lanes for a relatively small number of commuters. Even [Wisniewski] had to acknowledge that, right?"[561] Fifteen minutes later, Wildstein responded: "Most importantly Gov was not brought in to this."[562]

After the hearing, Baroni asked Wildstein for feedback.[563] Wildstein responded: "PAPD said all was fine[.] You did great[.]" Baroni asked, "Trenton feedback"? Wildstein responded: "Good[.] O'Toole statement ready." Baroni responded: "Just good? Shit." Wildstein responded: "I have only texted brudget [sic] and Nicole they were VERY happy. . . . Both said you are doing great[.] Charlie said you did GREAT[.]"[564] Crifo told Wildstein she thought Baroni's testimony went well, but in fact, she was frustrated that Baroni had not said that the purpose of a traffic study is to assess the actual impact on existing traffic flows, and that publicizing the traffic study beforehand might have skewed the data. The Governor asked McKenna how the testimony went and McKenna told the Governor that it went fine. McKenna

advised the Governor that Baroni shared the evidence of the traffic study and apologized for not having discussed the plan with Foye. Contrary to what Wildstein reported to Baroni, though, McKenna did not tell Wildstein or anyone else that Baroni did "great." In fact, McKenna thought Baroni was too combative.

On November 26, 2013, at 9:15 a.m., Stepien texted Baroni: "Hey, great job yesterday. I know it's not a fun topic, and not nearly as fun as beating up on [the late U.S. Senator] Frank Lautenberg, but you did great, and I wanted to thank you."[565] Thirty-six minutes later, Baroni responded: "Thanks William. Loretta and wis will keep their nonsense but at least we have explained the counter narrative."[566]

Two days after Baroni's testimony, on November 27, 2013, Assemblyman Wisniewski described Baroni's testimony as "unprofessional" and having "created many more unanswered questions."[567] The Assembly Transportation Committee then subpoenaed Foye to testify at a special hearing scheduled for December 9, 2013.[568]

e. December 2, 2013: Governor's First Press Conference

On December 2, 2013, Governor Christie held a press conference to nominate O'Dowd as the State's next Attorney General and to appoint Egea as his next Chief of Staff to replace O'Dowd.[569] During the Q&A at the press conference, the Governor was asked about the lane realignment and, consistent with his understanding at the time that this was an insignificant and irrelevant event, he joked: "Unbeknownst to everybody. . . I actually was the guy working the cones out there."[570] Later in his response, the Governor stated: "I didn't work the cones, just so we're clear on that. That was sarcastic."[571] He also stated that he did not know that three toll lanes were dedicated to local traffic from Fort Lee "until all this stuff happened" and that he would encourage the Port Authority to review that policy.[572] With respect to Mayor Sokolich, Governor Christie commented: "To the best of my knowledge I don't know if I've ever met the

mayor of Fort Lee. I may have met him once. So the fact that he didn't endorse me came as no, you know, wild shock to me."[573]

The December 2, 2013 press conference occasioned increased media attention. For example, in a December 4, 2013 *Associated Press* report, the head of the Port Authority police union, Nunziato, commented to the press that "he [had] suggested to David Wildstein . . . that traffic patterns at the bridge be studied. He characterized as 'a load of garbage' an internal email from [Foye] . . . in which Foye harshly criticized the closures."[574] Nunziato stated that there was no "ambulance delay" or "police service delay," and that the Port Authority had not, in his 26 years' experience, "communicate[d] to Fort Lee what we do up there."[575]

Following a Port Authority board meeting on December 4, 2013 Crifo met with Samson, Foye, Baroni, and Danielides. Samson confirmed that Foye would testify at the December 9 Assembly Committee hearing.

f. December 4, 2013: Wildstein And Drewniak Have Dinner

On December 3, 2013, at 10:51 p.m., Wildstein, who was socially friendly with Drewniak, wrote Drewniak that he needed "to talk to you soon, in person, once you get caught up and have some time."[576] The following morning, at 8:15 a.m. on December 4, 2013, Drewniak asked Wildstein if he wanted to meet for dinner that evening in New Brunswick, New Jersey. Wildstein and Drewniak agreed to meet that evening.[577]

McKenna recalled Drewniak telling him about this planned dinner later that day. Specifically, McKenna recalled that Drewniak sought McKenna's guidance as to how Drewniak should approach the subject of Wildstein's continued employment. By that time, it was apparent Wildstein would be asked to step down at the Port Authority. It had already been contemplated by the Christie Administration that the Governor would replace his team for his second term, and the lane realignment issue, for which Wildstein was admittedly responsible, simply accelerated

that time table. McKenna counseled Drewniak to use his best judgment and, if appropriate, preview that Wildstein would likely be asked to resign his employment.

Drewniak and Wildstein had dinner on the night of December 4, 2013. The majority of the dinner was social, with discussion focusing on family and politics. Wildstein expressed his concerns about his future, his position at the Port Authority, and how he was viewed in the Governor's Office (something with which Wildstein was preoccupied). Drewniak believed that Wildstein would not remain in his role for much longer, and he endeavored to primarily listen to Wildstein. Drewniak observed that Wildstein seemed anxious during the dinner. During the dinner, Wildstein repeated to Drewniak that Kelly and Stepien had some knowledge of the traffic study, and, for the first time, Wildstein claimed that he had mentioned the traffic study to the Governor at a public event during the period of the lane realignment. Wildstein said this as he reiterated that the lane realignment was his idea and a legitimate traffic study, and he never admitted or even suggested to Drewniak that he or anyone else had any ulterior motive.

Toward the end of the dinner, Wildstein took out a packet of papers, said that these papers were the "traffic study," and described them. Drewniak listened to Wildstein but did not ask questions about the study or review the documents Wildstein displayed. Drewniak did not recall providing any particular advice to Wildstein that night, other than to sit tight and wait for things to play out. Drewniak tried to keep the conversation light because he believed that Wildstein would soon be asked to resign and that nothing that Wildstein said about the lane realignment could change that.

The following morning, on December 5, 2013, at 8:26 a.m., Wildstein emailed Drewniak to thank him for "all of your sound advice last night. I always appreciate your friendship. Spoke with O'Toole this morning and he will talk with you later today."[578]

g. December 5–6, 2013: Wildstein's Resignation

Later that same day, December 5, 2013, Drewniak recalled going to O'Dowd's office where the two of them discussed the Governor's second term and their futures in the Administration. The conversation then moved to Drewniak's dinner with Wildstein from the night before. At around this point, the Governor entered O'Dowd's office, as he often would. Drewniak informed O'Dowd and the Governor that Wildstein claimed he mentioned the traffic issue to the Governor at a public event during the period of the lane realignment. The Governor responded that he did not recall any such comment. Drewniak asked about Stepien and Kelly. The Governor responded that he wondered whether Stepien had disclosed everything he knew about the lane realignment. As the conversation continued, Drewniak recalled that Governor Christie said that Wildstein and Baroni "had to go," and would be asked to resign soon. According to Drewniak, the Governor also said that Gramiccioni would be replacing Baroni at the Port Authority and that McKenna would set up meetings with Baroni and Wildstein to inform them of their resignations. O'Dowd recalled a similar conversation at around the same time, although he cannot recall the specific date. O'Dowd recalled Drewniak conveying some vague information that Wildstein had told him about mentioning a traffic issue to the Governor at the 9/11 Memorial event. O'Dowd recalled the Governor acknowledging that he spoke briefly with Wildstein at the event, but did not recall any mention of a traffic study, lane realignment, or traffic problems. O'Dowd also recalled Drewniak commenting that Wildstein said he also told Stepien and Kelly about this supposed exchange. The Governor recalled speaking briefly with O'Dowd and Drewniak about Drewniak's dinner with Wildstein, which the Governor found surprising because he had not realized that Drewniak and Wildstein socialized in that manner.

Thereafter, also on December 5, 2013, Drewniak was informed that McKenna would be seeking Wildstein's resignation the next day. At 8:00 p.m. on December 5, 2013, Drewniak

texted McKenna: "Charlie, it's Mike. Did you make the calls with Wildstein and Baroni? I was with the Gov and discussing around 5."[579] At 9:25 p.m., McKenna responded: "I will talk to Wildstein tomorrow morning and Bill next week."[580]

On December 6, 2013, McKenna drove to the Governor's Office in Newark, New Jersey, to meet with Wildstein at 10:00 a.m. At the beginning of the meeting, McKenna told Wildstein, "You know where this is going," and that he had until 2:00 p.m. to resign. Wildstein did not seem surprised by the news. Wildstein told McKenna that the lane realignment was his "idea."

On the afternoon of December 6, 2013, Drewniak sent Wildstein two versions of a draft statement from the Governor's Office regarding Wildstein's resignation.[581] Drewniak explained that he was "trying to balance interests here and the fact that Maria and Charlie gave approval to the earlier one. I don't intend to bring it back to them, so I can't go much further."[582] Drewniak forwarded a draft statement to Governor Christie; at 3:51 p.m., Governor Christie sent a slightly revised statement back to Drewniak, adding a phrase thanking Wildstein for his service.[583] At 5:14 p.m., Drewniak sent *Bergen Record* reporter Shawn Boburg a revised statement, "attributable to me." Drewniak then forwarded his email to Boburg to Drewniak's own personal email account, and then re-forwarded the email to Wildstein, explaining "[t]his was my revised – which I sent to the Gov and he approved (no Maria or Charlie)."[584]

In his December 6, 2013 resignation letter to Baroni, Wildstein wrote: "My plan was to leave the agency at some point next year, but the Fort Lee issue has been a distraction, and I think it's better to move on earlier."[585] At this time, Wildstein's resignation was to be effective on or about December 31, 2013.

h. December 9, 2013: Foye And Other Port Authority Officials Testify Before The Assembly Committee

On December 9, 2013, Fulton, Durando, and Foye testified at a special hearing before the Assembly Transportation Committee.[586] Individuals in the Governor's Office were aware of the scheduled testimony, and a number listened to the hearing, in whole or in part. Egea and Crifo listened to most of the hearing; Gramiccioni and McKenna listened to portions of the testimony, as did the Governor while eating lunch.

Fulton, Director of Tunnels, Bridges, and Terminals, testified that Wildstein informed him on the morning of September 6, 2013, by telephone that Wildstein had given Durando a "directive" to commence a traffic "study" and "implement the closure" on Monday, September 9, 2013.[587] Asked whether such a directive was "unprecedented," Fulton responded: "I've never participated in a process like that before."[588] Fulton testified that he urged Wildstein to tell Foye and Fort Lee officials about the lane realignment on September 6, 2013, and again on September 9, 2013.[589] Regarding notification to Foye, Fulton stated that Wildstein told him: "Don't worry about it; we'll take care of that"; regarding notification to Mayor Sokolich and Fort Lee Police Chief Bendul, Fulton stated that Wildstein told him "[n]ot to worry about that."[590] Fulton testified that he told Wildstein in a second telephone conversation on September 6, 2013, that the lane realignment "will not end well" because of likely traffic congestion, to which Wildstein responded that it was appropriate to conduct a "test to understand" the potential benefits to all motorists from the realignment.[591]

Durando, General Manager of the George Washington Bridge, testified that Wildstein called him on the morning of September 6, 2013, to direct the lane realignment, which Wildstein presented as a "traffic study."[592] Durando said that Wildstein instructed him not to "speak to anyone in Fort Lee" because it would ostensibly "impact the study," and that he complied with

this directive because he was "concerned about . . . Mr. Wildstein's reaction."[593] Durando testified that if there was a traffic study, it had not resulted in any report of which he was aware.[594]

Foye testified that he deemed the lane realignment "an ill-advised operation" that did not meet the "standards we employ when a traffic alteration is contemplated at any of our facilities," and "bypassed normal operating procedures, without proper transparency and openness."[595] Foye testified that Wildstein "made the decision on or about September 5" to realign the Fort Lee access lanes, but "failed to provide notice" to Port Authority leadership or Fort Lee officials.[596] Foye testified that he was "not aware of any traffic study" and did not know "why" the lane realignment "was done."[597] Foye also noted that "procedures have been put in place to prevent future solitary employees making arbitrary decisions. . . . I am confident that what occurred that week cannot recur."[598] Foye did not identify specific procedural safeguards that have since been implemented.[599]

i. The Week Of December 9–13, 2013: Investigations Of The Lane Realignment Expand

On December 10, 2013, Port Authority Inspector General Robert Van Etten commenced an investigation of the lane realignment at the letter request of New Jersey State Senator Richard Codey, dated November 27, 2013.[600] Foye forwarded Senator Codey's letter to Governor Cuomo's Director of Operations Howard Glaser, Governor Cuomo's Chief of Staff Joshua Vlasto, and Governor Cuomo's Communications Director Melissa DeRosa; Glaser then forwarded the letter to Larry Schwartz, Secretary to Governor Cuomo.[601]

On December 12, 2013, the Assembly Transportation Committee issued seven additional subpoenas requesting documents and communications from the following Port Authority officials: Baroni, Foye, Wildstein, Fulton, Durando, Licorish, and Nunziato.[602]

In addition, at some point between December 9 and 11, 2013, the Governor spoke on the telephone to Michael DuHaime, a political consultant who worked on the re-election campaign, about the growing controversy surrounding the lane realignment issue. DuHaime mentioned that he had recently spoken to Wildstein, who told him that the traffic study was Wildstein's idea and that Wildstein would take responsibility for it. Wildstein also told DuHaime that Wildstein would not have proceeded with this traffic study without approval, and that Kelly and Stepien had known about it. DuHaime, who had no prior knowledge or involvement in this lane realignment decision, found what Wildstein said to be surprising. In response, the Governor told DuHaime that he would talk to Stepien.

j. December 12, 2013: Gramiccioni Communicates With Baroni

In the days leading up to December 12, 2013, Gramiccioni was in regular contact with Baroni in order to prepare for her transition to the Port Authority. Although not yet publicly announced, Gramiccioni had been asked by Governor Christie just after Election Day, November 5, 2013, to replace Baroni as Deputy Executive Director of the Port Authority for the second term. Because Gramiccioni was friendly with Baroni since their days as law students together at the University of Virginia Law School, she advised him late in November that she would be replacing him at the Port Authority. In one of their conversations about her transition, on or shortly before December 12, 2013, Baroni mentioned the Fort Lee traffic issue as one Gramiccioni would inherit when she succeeded Baroni. During that conversation, Baroni told Gramiccioni that Kelly might be on emails reflecting knowledge of the lane realignment, although Baroni had not seen the emails. Gramiccioni understood, based on her conversation with Baroni, that the knowledge about the lane realignment Baroni referenced was in connection with a traffic study, not political retribution or any other ulterior motive for the lane realignment. Gramiccioni told Baroni that he should convey this information directly to O'Dowd and

McKenna. After her conversation with Baroni, Gramiccioni conveyed what Baroni had told her to O'Dowd, McKenna, and Comella.

k. December 12, 2013: The Governor And O'Dowd Make Further Inquiries

On the morning of December 12, 2013, Governor Christie hosted a breakfast for New Jersey labor leaders and members of the Port Authority police union at Drumthwacket; four representatives from the Port Authority police union attended the breakfast, at which Kelly was the assigned staffer and Stepien was also present. During the breakfast meeting, the Governor did not discuss issues relating to the lane realignment with Kelly, Stepien, or any other person attending the breakfast.

The Governor asked Stepien to meet with him after the breakfast to discuss a few issues, and they met in the dining room following breakfast. During that meeting, Governor Christie asked Stepien what, if anything, he knew about the lane realignment. Stepien denied having any involvement in the lane realignment decision or its implementation. Rather, Stepien told the Governor that Wildstein would come to him with "50 crazy ideas a week," and that Stepien would remind Wildstein that Stepien was not in the Governor's Office anymore, so Wildstein would have to run his ideas through the normal channels at the Governor's Office.

As the Governor was finishing his meeting with Stepien in the dining room, O'Dowd arrived at Drumthwacket for a meeting with the Governor on issues unrelated to the lane realignment. O'Dowd entered the dining room while Stepien was still there, at which point the Governor raised the press focus on the lane realignment. The Governor commented that the issues had been a distraction and asked O'Dowd to talk to Kelly to determine whether she had any knowledge of the lane realignment. O'Dowd then went upstairs and, at some point outside of Stepien's presence, the Governor told O'Dowd that he had been questioning Stepien about his

involvement in the lane realignment decision, and that Stepien explicitly denied any such involvement. After their meeting, the Governor and O'Dowd each returned to the State House.

Back at the State House in Trenton, O'Dowd tried to meet with Kelly in person in order to talk to her. He learned that she was out of the office with a hospitalized family member.[603] Later that day, O'Dowd and McKenna were detailed by the Governor to meet with Baroni in the Governor's Newark office to discuss his departure from the Port Authority. On the way, O'Dowd called Kelly. After friendly preliminaries, O'Dowd asked Kelly if she knew anything about the lane realignment before it went into effect. Kelly unequivocally denied any contemporaneous knowledge of the lane realignment. Kelly also asked O'Dowd why he was asking. O'Dowd responded that the Governor had directed him to talk to her. O'Dowd inquired further whether she had any text messages or emails on the subject, and Kelly responded that she did not think so. Nonetheless, O'Dowd directed Kelly to review her text messages and emails and check if she had any evidence on the question. O'Dowd further instructed Kelly that she should let him know right away if she found anything. O'Dowd then informed Governor Christie of Kelly's denial of any contemporaneous knowledge of the lane realignment.

After arriving at the Governor's Office in Newark, O'Dowd and McKenna met with Baroni. At the outset of the meeting, O'Dowd informed Baroni that he had to resign the following day, December 13, 2013, and that Gramiccioni would be replacing him. Baroni apologized that the traffic study had become such a distraction. Baroni reiterated that his testimony before the Assembly Transportation Committee was truthful and that the traffic study was legitimate, but acknowledged that mistakes were made in its implementation.

At the end of the meeting, McKenna asked Baroni to send in Wildstein, who had also been asked to meet with McKenna and O'Dowd in the Governor's Newark Office. While

Wildstein was entering the room, O'Dowd stepped out and called the Governor to confirm the conversation with Baroni. O'Dowd rejoined the meeting with Wildstein and McKenna, introducing himself to Wildstein, whom O'Dowd did not believe he had previously met. McKenna and O'Dowd then informed Wildstein that his resignation, which had been announced on December 6, 2013 and at that time was to be effective at year's end, would be accelerated to the following day, December 13, 2013.

In the late-afternoon or early-evening hours of December 12, 2013, Gramiccioni saw the Governor at the State House and advised the Governor of the information that Baroni had conveyed to her—specifically, that Baroni had referenced the existence of emails reflecting knowledge by Kelly of the lane realignment.

After her exchange with the Governor, Gramiccioni called O'Dowd while driving home to advise him about the conversation. Gramiccioni informed O'Dowd that she had told the Governor about Baroni's comment to her. O'Dowd confirmed that he had spoken to Baroni, who had denied having seen any emails reflecting senior staff knowledge of the lane realignment.

l. December 12, 2013: Kelly Calls Renna And Asks Her To Delete A Relevant Email

On the evening of December 12, 2013, while driving home from dinner with her family, Renna received a call from Kelly on her cell phone. Kelly started the call by asking Renna to walk Kelly through the timeline of the Fort Lee traffic events, specifically asking Renna about the timing of Mowers's request for Sokolich's endorsement. When Renna responded that Mowers's request would have been made in the spring of 2013, Kelly said something to the effect of that timing not making sense with respect to the lane realignment. Renna commented to Kelly that Ridley continued to have a great relationship with Mayor Sokolich, which was also

inconsistent with allegations of political retribution. Kelly told Renna that she had conveyed similar thoughts to O'Dowd earlier that day, and that she had told O'Dowd that she had no contemporaneous knowledge of the lane realignment. In response, Renna reminded Kelly that she had known about Mayor Sokolich's angry call to Ridley during the period when the lanes were realigned. At that point, Kelly immediately changed her tone on the call and responded, in sum or substance: "Oh right, the email you sent me that I responded to with 'good.' Do me a favor and get rid of that." The cell phone call then dropped.

When Kelly called back a moment later, she explained to Renna that O'Dowd had "grilled" her earlier that day about Wildstein and her knowledge of the lane realignment. Kelly paused, then said, in sum or substance: "You know Christina, if someone tells me something is okay, who am I to question them?" Renna started to say that if "David" or "Bill" [Stepien] told Kelly something, it was understandable for Kelly to listen to them, but Kelly summarily cut off Renna in the middle of her sentence, saying that she did not need Renna's "vindication." Kelly then concluded the call by saying, in sum or substance: "All I know is that if David said there was a traffic study, I have no doubt there was a traffic study."

On the morning of December 13, 2013, Renna forwarded the September 12, 2013 email chain containing Kelly's response ("Good.") to a different personal email account in order to preserve it.[604] She then deleted it from the Gmail account to which it had originally been sent.

m. December 13, 2013: The Governor Convenes A Special Morning Senior Staff Meeting

Early on the morning of December 13, 2013, Governor Christie called Gramiccioni to tell her that she would be announced as Baroni's successor later that day at a press conference. When arriving at the office, Gramiccioni and O'Dowd talked briefly and Gramiccioni mentioned that Baroni had told her that there were emails that might show Kelly had knowledge of the lane

realignment beforehand. At some point that morning, the Governor instructed O'Dowd to convene a senior staff meeting for 10:00 a.m., which O'Dowd did.[605] The Governor planned to address his concern that senior staff was suffering from "senioritis" following the election, and planned to demand straight answers regarding the lane realignment, which he believed he would be questioned about when he announced Baroni's resignation at the upcoming press conference.

The meeting occurred in the Governor's personal office, where the senior staff were seated around and adjacent to the Governor's conference table, with O'Dowd sitting on one side of the Governor and McKenna sitting on the other. Attendees included O'Dowd, McKenna, Gramiccioni, Egea, Comella, Kelly, Deputy Chief Counsel Paul Matey, Appointments Director Matt McDermott, Deputy Chief of Staff Louis Goetting, Director of Operations Rosemary Iannacone, and the Lieutenant Governor's Chief of Staff Melissa Orsen. Although not a member of senior staff, Drewniak was also invited to and attended the meeting, in light of the subsequent press conference and its press implications.

Governor Christie began the meeting by entering his office, slamming the door, and then standing at the head of the table. The Governor was visibly upset. He told the group that he was displeased with his staff's performance since the election and felt the group was not working hard enough or responding well to issues, essentially suffering from "senioritis." By way of example, the Governor criticized recent responses to the press and the handling of several recent matters. The Governor warned that the national attention the Administration was receiving was a double-edged sword and that the "spotlight" could quickly turn into a "searchlight."

The Governor pivoted to address the "Port Authority issue." He said he thought he had put the lane realignment story "to bed" after addressing it on December 2, 2013, but that the controversy remained a "mess" that he was now going to have to "clean up" in a press

conference he would be holding later that day. Before doing so, the Governor demanded to know from each of his senior staff if there was any additional information he needed to know about the lane realignment. "The confessionals are open," he said. The Governor directed each employee present at that meeting to immediately disclose any knowledge of the lane realignment to him, O'Dowd, or McKenna. The Governor told his staff that they had until the press conference to come forward with any information they had about the lane realignment, and now was the time to speak up if they had anything to say. The Governor said he would state publicly whatever the facts were and wanted to make sure he was right.

Members of senior staff separately recalled that, when Governor Christie delivered this instruction, he slowly scanned the room, making eye contact with each person, in order to convey the gravity of his direction. Some of the attendees noted that this was the first time the Governor had ever questioned his staff about whether any information was being withheld from him. The Governor spent substantial time reiterating that if anyone in the room had knowledge of the lane realignment or the reasons for it, they needed to come forward immediately. No one responded. As they exited quietly, everyone appeared to be shocked by what had just happened.

Members of senior staff commented that it seemed clear from the Governor's words and demeanor that he had no involvement in or knowledge of the lane realignment. Senior staff observed that the Governor wanted to know whether anyone in his Administration might have had involvement in the situation, and he wanted to confirm this one way or the other before the press conference. During the senior staff meeting, most attendees looked only at the Governor or down; they did not observe other attendees' demeanor. Orsen was sitting directly next to Kelly in the back of the room, however, and observed that Kelly seemed emotional during the meeting.

Following the meeting, McKenna went to Egea's office to ask if she knew anything more about the lane realignment; Egea told McKenna she did not. McKenna then returned to his office. Drewniak recalled asking McKenna whether "everyone," including Stepien and Kelly, had been spoken with, and McKenna stating that they had been.

Shortly after the senior staff meeting, O'Dowd went to Kelly's office and asked whether she had reviewed her Office and personal email and texts, as they had discussed the prior day. Kelly responded that she had, but that she found only one email about the lane realignment—specifically, the September 12, 2013 email report of the Ridley-Sokolich phone call from Renna to Kelly and then forwarded by Kelly to Wildstein, but not Kelly's later separate response to Renna ("Good."). Kelly further explained to O'Dowd that it was typical for her to relay such messages about a local official to the appropriate individual or entity involved within the Administration, and that Wildstein was the appropriate contact in that instance. Kelly had a hard-copy of the email and O'Dowd recalled focusing on the fact that it showed Kelly had been informed of the lane realignment while it was occurring, but did not show any advance knowledge or role in the planning. O'Dowd asked if Kelly had any other knowledge about, or involvement in, the lane realignment beforehand, and Kelly responded that she did not. Before leaving, O'Dowd instructed Kelly to continue looking through her emails and informed her that he would be in his office if she had anything further to tell him. O'Dowd observed that Kelly seemed nervous during the meeting. Stepien may have also been present in or around Kelly's office for some portion of O'Dowd's meeting with Kelly. At around that time, Stepien called DuHaime to ask what, if anything, Wildstein had told him about Kelly's knowledge of the lane realignment, and whether Wildstein had emails reflecting her knowledge. DuHaime then called

Wildstein, who confirmed that he was certain Kelly had prior knowledge and that there were emails to prove it. DuHaime recalls calling Stepien back to confirm this information.[606]

A short while after this meeting, Kelly came to O'Dowd's office. Kelly said she was concerned about what the Governor thought of her and asked O'Dowd whether the Governor had lost confidence in her. She asked O'Dowd if she needed to talk to the Governor. O'Dowd responded that it was her decision—a response prompted, in part, by the fact that Kelly was habitually concerned about how she was perceived by the Governor and O'Dowd was anticipating soon leaving the Governor's Office.

Other than Kelly, no one else approached O'Dowd following the Governor's senior staff meeting. Before the press conference, O'Dowd reported to the Governor that no one had disclosed any prior knowledge regarding the lane realignment. O'Dowd told the Governor about his discussions with Kelly, said that she appeared nervous but denied any prior involvement, and showed the Governor the sole September 12, 2013 email that Kelly had turned over. McKenna also reported to the Governor that no one had disclosed any knowledge of or involvement with the lane realignment. Having had O'Dowd and McKenna look into the issue and having heard nothing to the contrary after his earlier directive, the Governor concluded that no one on senior staff had any prior knowledge or involvement with the lane realignment.

n. December 13, 2013: Governor Christie's Press Conference

Starting around or a little after 11:00 a.m., on December 13, 2013, Governor Christie held his press conference.[607] He announced Baroni's resignation and Gramiccioni's appointment as the Deputy Executive Director of the Port Authority. During the Q&A session, the Governor was asked whether anyone on his staff or in his Administration had participated in the lane realignment "for political retribution."[608] The Governor explained that he had "made it very clear to everybody on my senior staff that if anyone had any knowledge about this that they

needed to come forward to me and tell me about it and they've all assured me that they don't."[609] Asked about Stepien, the Governor stated that he had spoken to Stepien and that Stepien had "assured" him "the same thing."[610] The press conference lasted approximately one hour.

Shortly after the press conference, Gramiccioni passed by Kelly's office and noticed that Kelly was seated alone and looked as if she had been crying. Gramiccioni entered Kelly's office and asked her what was wrong. Kelly said she had spent the morning going through her emails for O'Dowd, was unable to find any emails discussing the lane realignment, and did not remember whether she had any emails relevant to the lane realignment issue. Gramiccioni asked Kelly how she could not remember whether she had any such emails, to which Kelly responded that her practice was to delete her emails to prevent her children from reading any communications she had with her ex-husband. Gramiccioni recalled thinking that this was an odd, non-responsive answer. Gramiccioni then advised Kelly that if she had anything else to share, she needed to talk to O'Dowd again or else she would be in serious trouble. Gramiccioni told O'Dowd about her conversation with Kelly, noting that Kelly had looked upset and had continued to deny having any emails reflecting her knowledge of the lane realignment.

Around this point, Kelly went to O'Dowd's office. She gave O'Dowd one additional email that she said she had uncovered: a September 23, 2013 email from Ashmore to Kelly and Crifo attaching Senator Weinberg's September 19, 2013 letter to Commissioner Schuber, which Kelly had forwarded to Wildstein.[611] Although this email also did not show any advance knowledge by Kelly, O'Dowd expressed frustration with Kelly for only now providing it, asking aloud how she was not able to locate it earlier. O'Dowd again asked Kelly whether she had any involvement in, or knowledge of, the lane realignment. Kelly said again that she did not. O'Dowd noted that, during this exchange, Kelly seemed even more upset than she had been

during their meeting earlier that morning. She specifically expressed concern that O'Dowd did not believe her.[612]

Both Crifo and Orsen recalled seeing Kelly looking upset as she left O'Dowd's office at some point during the afternoon of December 13, 2013, after the press conference.

o. January 8, 2014: Revelation Of Kelly's Involvement

On December 31, 2013, the Assembly Transportation Committee subpoenaed Wildstein to produce documents and to testify at a hearing scheduled for January 9, 2014, five days before the Committee's authority was scheduled to end pursuant to Resolution 91.[613]

One day before the scheduled hearing, on January 8, 2014, several newspapers, including *The Bergen Record* and *The New York Times*, published emails produced to the Assembly Transportation Committee demonstrating that Kelly was aware of the lane realignment and its potential traffic impacts as early as August 2013.[614] Among others, the media published the August 13, 2013 email from Kelly to Wildstein, using their personal email accounts: "Time for some traffic problems in Fort Lee."[615]

In response to the documents being made public, Governor Christie issued a statement saying he had been misled by a member of his staff and that he had no prior knowledge of the lane realignment.[616]

Starting around mid-day on January 8, 2014, the Governor gathered at Drumthwacket with senior staff and other advisors (but not Kelly or Stepien). The Governor was emotional and, with tears in his eyes, he asked if any other of his senior staff had anything to do with the lane realignment; each reassured the Governor that they did not. Together, the group reviewed the information that had been released in the press and tried to understand what it meant and how to respond. Ultimately, the Governor decided that Kelly would be fired and that Stepien would not serve as the State's Republican Party Chair or as a consultant for the Republican Governors

Association. The Governor also decided to hold a press conference the following day, and he worked with his advisors and staff to prepare for the press conference.

DuHaime was among the senior advisors who gathered at Drumthwacket that afternoon. The Governor, prepared to sever ties with Stepien in light of the newly disclosed emails, asked DuHaime to meet with Stepien. DuHaime considered the newly disclosed emails to be consistent with what Stepien had told him earlier: that Stepien had sidestepped the traffic study issue when Wildstein first mentioned it. When DuHaime later met with Stepien, DuHaime communicated the gravity of the situation. Stepien reiterated to DuHaime what he had previously told him: he had not been involved in the decision to realign the lanes. To the extent he used loose language in emails after the lane realignment, Stepien explained to DuHaime that he was only trying to comfort his friend, Wildstein. Stepien stated that he had not done anything wrong and was upset to be thrown under the bus, but understood the gravity of the situation and would accept the consequences.

p. January 9, 2014: Governor Christie's Press Conference

On the morning of January 9, 2014, the Governor's Office terminated Kelly's employment. Later that morning, Governor Christie held a press conference lasting nearly two hours.[617] He apologized to Fort Lee and reiterated that he did not authorize or know about the lane realignment until it was publicly reported.[618] The Governor announced that he would be traveling to Fort Lee later that day to apologize personally to Mayor Sokolich and the people of Fort Lee. He announced that Kelly had been fired. Specifically, he stated: "This morning I've terminated the employment of Bridget Kelly, effective immediately. I've terminated her employment because she lied to me."[619] The Governor also announced that Stepien would not serve as the state's Republican Party Chair or as a consultant for the Republican Governors Association.[620] In contrast to Kelly, the Governor made clear that the severance of his

relationship with Stepien was not based on whether Stepien was involved in this lane realignment decision; rather, it was "the tone and behavior and attitude of callous indifference that was displayed" in Stepien's emails "after the fact" that made the Governor "lose [his] confidence in Bill's judgment."[621] Governor Christie pledged that his staff would cooperate with all appropriate investigations.[622]

That same day, the U.S. Attorney's Office for the District of New Jersey announced that the Port Authority Office of Inspector General had "referred the matter to us, and our office is reviewing it to determine whether a federal law was implicated."[623]

q. January 9, 2014: Wildstein's Testimony

At the scheduled Assembly Transportation Committee hearing on the afternoon of January 9, 2014, Wildstein asserted his Fifth Amendment right to remain silent and refused to answer questions from the Committee.[624]

D. Factual Analysis of the Bridge Lane Realignment: Findings Regarding Participation, Knowledge, and Motive

The evidence shows that this lane realignment plan was ordered by Wildstein, with the knowledge, consent, and authorization of Kelly, and that these individuals tried to cover up the operation after the fact. The evidence with respect to Stepien and Baroni is inconclusive: we found no evidence that they were aware of any ulterior motive behind the decision to effectuate the lane realignment, but they engaged in conduct during or after the lane realignment that is concerning. Finally, we found no evidence that anyone else in the Office of the Governor, besides Kelly, had any advance knowledge of the lane realignment or was otherwise involved in orchestrating or approving it. And the participants in this plan were not authorized by Governor Christie or anyone else in the Office of the Governor to realign or alter the George Washington Bridge Fort Lee access lanes.

Why did these individuals effectuate and attempt to conceal the lane realignment? The speculation most common in the media has been that that the Bridge lane realignment was politically motivated retaliation against Mayor Sokolich for not endorsing Governor Christie's re-election.[625] Of course, any inquiry of subjective motive is always challenging. It is even more so here because key individuals whose motives are being examined—Wildstein, Kelly, and Stepien—have asserted their Fifth Amendment rights and refused to cooperate with our investigation. Moreover, from our review of both government and personal email accounts, Wildstein, Kelly, and Stepien often communicated about the lane realignment using their personal email accounts and sometimes in a cryptic fashion, exacerbating the difficulty of determining those individuals' true motives for the lane realignment.

That said, there are persuasive reasons to believe that the lane realignment was, in fact, motivated to target Mayor Sokolich for some reason. The specific reason or reasons that Wildstein and Kelly wanted to target him—whether Sokolich's unwillingness to endorse or some other conduct that they found objectionable—is, however, more difficult to determine. The evidence we have seen does not establish that this was an act of political retaliation motivated by Mayor Sokolich's decision not to endorse the Governor's re-election. Rather, there are other credible theories that this could have been motivated, in part, by other personal or political animus, unrelated to the Governor or his re-election. But this is a question we are unable to answer, even after a thorough investigation. Nor is the validity of the traffic study conducted by the Port Authority central to our findings. There was likely some studying of traffic patterns being conducted here. But that is almost beside the point because even a "legitimate" traffic study done for ulterior motives and intended to inflict damage on blameless commuters would

unquestionably constitute an abuse of public trust, in violation of, among other things, the Office of the Governor and Port Authority policies.[626]

The evidence supporting our findings with respect to Wildstein, Kelly, Stepien, and Baroni's conduct, knowledge, and motives is presented in greater detail below. We also address our findings regarding the contemporaneous conduct and knowledge of employees within the Office of the Governor. Finally, we review the evidence establishing that Governor Christie did not authorize or know about the lane realignment before it was implemented. Nor did he come to know that Kelly was involved in the lane realignment decision until January 2014. When, in December 2013, he heard of speculation that Kelly may have been involved, the Governor made further inquiries and personally directed his entire senior staff to come forward immediately if any of them had any prior knowledge of the lane realignment. But instead of coming forward, Kelly lied and continued to cover up her role, only to be caught later when private emails and texts she had sent to and received from Wildstein were released to the public in January 2014.

1. Individuals Involved In The Lane Realignment: Wildstein, Kelly, Stepien, And Baroni

a. Wildstein's Conduct, Knowledge, And Motive

The evidence establishes that David Wildstein originated, effectuated, and oversaw the September 2013 George Washington Bridge lane realignment operation. The Port Authority itself has acknowledged that Wildstein "directed" each and every aspect of the lane realignment, including his preparatory communications with Durando and Port Authority traffic engineers in August 2013, his instruction to Durando to reduce the Fort Lee access lanes on September 9, 2013, and his continuing oversight and direction of the lane realignment operation "on a daily basis" through September 13, 2013.[627] Indeed, although Wildstein refused to cooperate with our

investigation and has asserted his Fifth Amendment rights, he admitted to McKenna and others that the lane realignment was his "idea."

Our review of the evidence is consistent with the Port Authority's conclusion and Wildstein's admissions. For example, on September 9, 2013—after Wildstein arrived at the George Washington Bridge in the early morning hours to observe the lane realignment—Durando advised Fulton that he had been "directed by DW [Wildstein] to continue the operation."[628] The evidence also reflects that Wildstein—the second-ranking official on the New Jersey "side" of the Port Authority[629]—was perceived by Port Authority personnel to have control of both the lane realignment operation and communications with other public officials, both within and outside the Port Authority.[630] According to Fulton, Wildstein even "directed that calls regarding the [lane realignment] coming into TB&T and GWB staff be directed to the Port Authority's general" phone number, in order to restrict information flow.[631]

Additionally, Wildstein had been focused for some time on studying the dedicated access lanes from Fort Lee to the Bridge toll plaza as a matter of traffic policy. Wildstein mentioned to several Governor's Office employees his perception of the "unfairness" regarding the three dedicated Fort Lee access lanes. Moreover, two Port Authority witnesses, Fulton and Durando, testified that Wildstein had communicated his desire to study and potentially modify the Fort Lee access lanes as early as 2010.[632] Indeed, when Baroni and Wildstein visited the Bridge in 2011, they apparently were "told that it was long-time practice based on old agreement with the Mayor of Ft. Lee. David Wildstein made comments at that time about 'he wasn't crazy about the favoritism' for certain commuters, 'including lots of New York plates' as a result of the cone line."[633] Finally, Nunziato claimed to have discussed with Wildstein, in the summer of 2013, the possibility of the Port Authority studying the proper allocation of approach lanes. Wildstein's

longstanding attention to the Fort Lee access lanes—corroborated by the sworn testimony of two Port Authority career employees—reinforces our conclusion that he had primary operational and decisional responsibility for the lane realignment.

Wildstein's conception and direction of the lane realignment operation, then, appears to have reflected, at least in part, his genuine policy reservations regarding giving Fort Lee three dedicated access lanes. But he also appears to have had an ulterior motive for targeting Mayor Sokolich. That motive is not yet clear, and without access to Wildstein or all of his communications, we are unable to reach clear conclusions about Wildstein's ulterior motives.

Notwithstanding our inability to determine the specific proximate cause of Wildstein's apparent animus toward Mayor Sokolich, the evidence that he acted for some ulterior motive in targeting Sokolich is considerable. First, Wildstein came to the Port Authority with a deep background in state and municipal politics. Wildstein had previously served as Mayor of Livingston, New Jersey, and as a political strategist. And for years leading into 2010, he anonymously authored a popular political blog, PolitickerNJ (formerly, PoliticsNJ), under the pseudonym "Wally Edge."[634] During that period, Wildstein cultivated close working relationships with political operatives and state employees, including Kelly, Stepien, and Baroni.

Moreover, during and after the lane realignment, many of Wildstein's communications with both Stepien—the Governor's campaign manager at the time and a close friend of Wildstein's[635]—and Kelly were overtly political in nature. Whether expressing disdain for Fort Lee school kids as the "children of Buono voters,"[636] suggesting that Mayor Sokolich's name came "right after mayor Fulop,"[637] or apologizing to Stepien for causing him and the campaign "so much stress this close to November,"[638] Wildstein appears to have acted, at least in part, for ulterior motives. Indeed, on September 13, 2013, after Foye reversed the lane realignment,

Wildstein emailed Kelly about "going nuts" as a result of the reversal and wanting "to retaliate."[639] And after *The Wall Street Journal* reported on the lane realignment as a potential act of political retaliation against Mayor Sokolich, Wildstein wrote in a September 18, 2013 email that "[i]t will be a tough November for this little Serbian."[640]

Finally, Wildstein's Fifth Amendment invocation and refusal to answer relevant questions regarding his motivation for directing the lane realignment[641] leads to a reasonable inference that his motives and actions were, in whole or in part, improper—an inference that corroborates the substantial evidence discussed above.[642]

Thus, the evidence shows that Wildstein directed the lane realignment. And it shows that Wildstein acted, at least in part, for ulterior motives yet to be determined, to target Mayor Sokolich.

b. Kelly's Conduct, Knowledge, And Motive

Like Wildstein, Bridget Kelly appears to have had a central role in carrying out this lane realignment plan. To be sure, Kelly, unlike Wildstein, did not have any operational responsibilities at the Port Authority. But it was Kelly whom Wildstein called for her buy-in on this operation. In other words, Wildstein appears to have proposed this lane realignment, and then Kelly appears to have blessed it. Without the ability to interview Wildstein or Kelly, however, we are unable to determine conclusively what the ulterior motive was that compelled the operation.

Wildstein and Kelly communicated about the lane realignment in writing on August 13, 2013—Kelly's "Time for some traffic problems in Fort Lee" message, to which Wildstein responded, "Got it"[643]—showing Kelly approving the operation and apparently aware of the ulterior motive behind this plan.

After that first known communication, Wildstein kept Kelly informed throughout the operational planning of the lane realignment. For example, he asked her to call "re: Ft. Lee" on August 28, 2013[644]—the same day on which Wildstein received suggested modifications to the access lanes from Port Authority traffic engineers[645]—and wrote her on September 7, 2013, that he would call on "Monday AM to let you know how Fort Lee goes."[646] And after the lane realignment was terminated, Wildstein wrote Kelly on September 17, 2013, seeking her "instructions" on how Baroni should respond to Mayor Sokolich.[647] In short, the evidence shows that Wildstein effectuated and oversaw the lane realignment with Kelly's knowledge, consent, and approval.

Kelly's participation in the lane realignment operation appears to have been motivated primarily by a desire to send some sort of message to Mayor Sokolich. The precise reason for either Kelly's or Wildstein's animus toward Mayor Sokolich, however, remains unclear.

Some have speculated that the ulterior motive here was to punish Mayor Sokolich for not endorsing Governor Christie.[648] It is true that Kelly was focused in part, in August 2013, on determining the status of Mayor Sokolich's potential endorsement. Importantly, the night before Kelly sent Wildstein her infamous August 13, 2013 email, Kelly called Mowers, who was working at the Christie campaign at the time, to ask him about the state of Mayor Sokolich's potential endorsement. After Mowers reconfirmed to Kelly that it was still the case that Sokolich would not be endorsing the Governor, Kelly responded, in sum or substance, that that was all she needed to know. The timing and substance of this communication between Kelly and Mowers—corroborated by another campaign staffer, who was with Mowers at the time—might suggest that the lane realignment could have been motivated, at least in part, by Mayor Sokolich's unwillingness to endorse Governor Christie's re-election.

On the other hand, campaign staff appear to have known for several months, since the spring of 2013, that Sokolich would not be endorsing the Governor for re-election. Indeed, by March 26, 2013, Mayor Sokolich had already conveyed to Mowers, then at IGA, that while Mayor Sokolich supported the Governor, he could not publicly endorse the Governor's re-election, which Mowers confirmed in writing to Sheridan.[649] Thus, although Mayor Sokolich's name appeared on a list of "target" Democratic endorsements prepared by Sheridan on January 24, 2013, it did not appear on similar lists prepared by Sheridan and Renna thereafter. And, in May 2013, Sokolich remained on a list of Mayors considered to receive potential appointments by the Governor.

Indeed, it seems unlikely that political retaliation for Sokolich's unwillingness to endorse could have been the true objective of the lane realignment. After all, Mayor Sokolich made that decision known five months earlier—without any apparent effect on his working relationship with the Governor's Office thereafter. And, engineered traffic congestion fewer than two months before the November election was likely to be blamed on the Governor himself, not Mayor Sokolich. In fact, the lane realignment burdened thousands of commuters far beyond Fort Lee. Similarly, it seems unlikely that Mayor Sokolich would have been specifically targeted for political retaliation at this late date when he was not expected to endorse the Governor anyway and his endorsement was inconsequential at the time, given the Governor's 24-point lead in the polls and dozens of Democratic elected officials' endorsements.[650] Finally, many other Democratic officials declined to endorse Governor Christie's re-election yet continued to enjoy constructive working relationships with the Governor's Office afterward.

Other evidence also reflects a focus and animus toward Sokolich at the time that was not explicitly tied to his decision not to endorse the Governor. For example, on August 16, 2013,

after Kelly learned that Ridley had met with Sokolich, an "irate" Kelly wrote Renna, "why did he [Ridley] think it was ok to meet with Sokolich?"[651] She added that Ridley "should not have met with Fort Lee without approval . . . I'm really upset with him."[652] On August 22, 2013, Kelly asked Renna whether the Lieutenant Governor should accept an invitation to address the Fort Lee Regional Chamber of Commerce "in light of the Mayor."[653] After Renna suggested that they need not inform Mayor Sokolich about the event, noting that he works as a practicing lawyer, Kelly responded, "Correct. Good call."[654] Ultimately, the Lieutenant Governor participated in the event.[655] And on September 9, 2013, about eight hours after the lane realignment began, Kelly separately emailed both Ridley and Mowers to ask whether either had communicated with Mayor Sokolich.[656] These contemporaneous communications show that Kelly was focused on Mayor Sokolich, but not the reasons for her attention.

Accordingly, we are able to conclude only that Kelly's participation in the lane realignment was likely borne out of some ulterior motive to target Mayor Sokolich. In addition to the strong evidence of an ulterior motive reflected in these contemporaneous emails, Kelly's subsequent cover-up and lies reinforce that conclusion. Indeed, if this were simply a legitimate Port Authority traffic study, Kelly would have had no reason to lie about her role in it. Moreover, during the lane realignment itself, Kelly was fully aware that key individuals at the Port Authority, including Baroni and Wildstein, were not responding to Mayor Sokolich's concerns. On the morning of September 9, 2013, after she learned of Mayor Sokolich's outreach to Baroni regarding an "urgent matter of public safety in Fort Lee," Kelly asked only whether Baroni had "call[ed] him back?"[657] Wildstein responded: "Radio silence[.] His name comes right after [M]ayor Fulop."[658] On September 10, 2013, the second day of the lane realignment, Kelly responded to Sokolich's report about problems "getting kids to school" by asking, "Is it

wrong that I am smiling?"[659] And when informed by Renna two days later on September 12, 2013, that an "extremely upset" Mayor Sokolich had informed Ridley of "horrendous traffic" causing problems for "First Responders," Kelly later responded to Renna: "Good."[660]

Indeed, it was this very email that Kelly asked Renna to delete three months later on December 12, 2013, just after being "grilled" by O'Dowd about what she knew at the time of the lane realignment. Kelly's request that her subordinate, Renna, delete evidence—in particular, an email reflecting Kelly's contemporaneous knowledge of the lane realignment—at a time of increasing media and internal scrutiny constitutes significant evidence of Kelly's consciousness of guilt.[661] Indeed, Kelly's deletion request to Renna came in the middle of a phone conversation in which Kelly was effectively testing whether Renna had a recollection that would potentially expose Kelly's false account to O'Dowd. Moreover, on December 12 and 13, 2013, Kelly was twice asked directly by O'Dowd whether she had any knowledge of or involvement in the lane realignment, and twice, she lied to him. On December 13, 2013, Kelly also deceived Gramiccioni, claiming that she could not recall whether she had received any email about the lane realignment because, Kelly said, she generally deleted most of her email for personal reasons. That explanation was evasive and implausible.

Like the others involved in the lane realignment, events in Kelly's personal life may have had some bearing on her subjective motivations and state of mind. Her deletion request to Renna and her denial to O'Dowd on December 12, 2013, for example, occurred on a date when Kelly was out of the office attending to a hospitalized family member. And her first known communication to Wildstein about the lane realignment in mid-August 2013, for example, occurred around the time that her personal relationship with Stepien had cooled, apparently at Stepien's behest and Stepien and Kelly had largely stopped speaking. Indeed, that fact may have

affected how Kelly and Stepien conducted themselves and whether they communicated about the lane realignment. Finally, Kelly's invocation of the Fifth Amendment rights in refusing to provide documents in response to a lawfully issued subpoena leads to a reasonable inference that her motives and actions here were, in whole or in part, improper.[662] Such an inference corroborates the significant evidence described above.

In sum, we find that Kelly approved the lane realignment plan, stayed involved throughout, and then participated in a cover up of it afterward. Mayor Sokolich also appears to have been targeted for some reason yet to be determined. Whether Kelly had her own ulterior motive for doing so or was simply supporting her friend, Wildstein, is also yet to be determined. Furthermore, we find that Kelly deliberately deceived Governor Christie and the rest of the Governor's Office senior staff about her participation in this plan.

c. Stepien's Conduct, Knowledge, And Motive

We conclude that Stepien had prior knowledge of Wildstein's idea to do a traffic study, but we found no conclusive evidence that he knew of any ulterior motive for it. And unlike Wildstein or Kelly, he does not appear to have been involved in the decision to implement it. We did not have access to Stepien's personal email from the relevant time period. He left the Governor's Office in April 2013 to join the re-election campaign,[663] and he has since asserted a Fifth Amendment defense to producing documents in response to a lawfully issued subpoena.[664] Therefore, our findings with respect to his conduct, knowledge, and motives are based on all the surrounding circumstances and the documents produced by others in which he is conversing with them about this subject. All that said, while our investigation did not uncover evidence of Stepien's direct participation in the decision to close these lanes, his email communications during and after the lane realignment are concerning.

First of all, Stepien had prior knowledge of the lane realignment idea before it was implemented by Wildstein and Kelly. To be clear, the precise nature of Stepien's prior knowledge is undetermined. Wildstein communicated the concept of a traffic study, which Stepien apparently dismissed as one of Wildstein's "50 crazy ideas." We found no evidence that Stepien was apprised of any ulterior motives underlying Wildstein's traffic study idea, nor any specifics, though Stepien's prior knowledge must be viewed alongside his subsequent communications with Wildstein, Kelly, and Baroni during and after the lane realignment.

During the lane realignment, Stepien was in communication with Wildstein, Kelly, and Baroni. On the fourth day of the lane realignment, September 12, 2013, Stepien was forwarded a letter sent by Mayor Sokolich to Baroni, which stated that the lane realignment had "negatively impacted public safety here in Fort Lee" and had "punitive overtones."[665] Baroni received the letter from Sokolich's office at 12:44 p.m. and then forwarded it to Wildstein's personal email account three minutes later at 12:47 p.m.[666] Stepien and Kelly then received the letter from Wildstein on their personal emails accounts five minutes later at 12:52 p.m.[667] Separately, one minute later at 12:53 p.m., Stepien received the letter from Baroni, who had forwarded the letter to his own personal email account before sending it to Stepien's personal email account.[668] Baroni's message to Stepien, "Following up," suggests a prior telephone call or other communication with Stepien.[669] The close sequence and absence of any express messages explaining the communication suggests familiarity with the lane realignment.

Wildstein next contemporaneously forwarded to Stepien's personal email account without comment the September 17, 2013 *Wall Street Journal* article about the lane realignment[670]—again, suggesting familiarity. Stepien then responded to Wildstein about the article: "It's fine. The mayor is an idiot, though. W[i]n some, lose some."[671] And Wildstein

replied: "I had empty boxes ready to take to work today, just in case."[672] In other words, Wildstein was likely acknowledging to Stepien that he knew he could get fired over what occurred here. And Wildstein again referenced Sokolich: "It will be a tough November for this little Serbian."[673]

Next, on the late afternoon of October 1, 2013, apparently aware of Foye's September 13, 2013 email leaked to *The Wall Street Journal*, Stepien texted Wildstein: "Holy shit, who does he [Foye] think he is, Capt. America?"[674] The next morning, Wildstein sent Stepien that *Wall Street Journal* article, to which Stepien replied: "For what it's worth, I like you more on October 2, 2013 than I did on October 2, 2009."[675] In other words, Stepien was likely expressing support for Wildstein as a political ally and friend, as compared to what Wildstein was doing four years earlier as a political blogger.

The morning after Baroni's testimony before the Assembly Transportation Committee on November 25, 2013, Stepien texted his appreciation to Baroni: "Hey, great job yesterday. I know it's not a fun topic, and not nearly as fun as beating up on [the late U.S. Senator] Frank Lautenberg, but you did great, and I wanted to thank you."[676] This exchange—which occurred three weeks after the Governor's successful re-election, and, therefore, after Stepien's role as campaign manager had ended—reflects a supportive tone on Stepien's part, but it is not clear why Stepien would be "thanking" Baroni at that point.

Given that Stepien's personal relationship with Kelly had apparently cooled by early August 2013, that turn of events may have affected the extent and content of their communications throughout the relevant time period. Stepien, Wildstein, and Baroni enjoyed a longstanding friendship, dating back to their work together on the 2000 Franks campaign for U.S. Senate.[677] And Stepien also managed Baroni's successful 2003 campaign for State

Assembly.[678] These personal relationships may account for the apparent familiarity reflected in these communications.

Finally, Stepien's invocation of his Fifth Amendment rights in refusing to provide documents in response to a lawfully issued subpoena permits an adverse inference to be drawn against him.[679] Nevertheless, while we find Stepien engaged in conduct regarding this lane realignment that is concerning, warranting further investigation, we have not found conclusive evidence that he knew of any ulterior motive here or was otherwise involved in the decision to realign these lanes.

d. Baroni's Conduct, Knowledge, And Motive

We also find the evidence relating to Baroni's role to be inconclusive. Baroni, a lawyer, law professor, and former New Jersey State Senator,[680] was the Christie Administration's highest-ranking Port Authority executive at the time of this incident. He has acknowledged that he received prior notice of the lane realignment operation, but we saw no conclusive evidence that he actually knew of any ulterior motive behind it. According to Baroni, he first learned "at some point th[e] weekend" prior, on September 7 or 8, 2013, that there would be such a lane realignment.[681] Once Baroni first learned of the lane realignment plan, he apparently did not inform anyone within the Port Authority or any Fort Lee officials about it.[682]

Throughout the lane realignment, between September 9 and 13, 2013, Baroni refused to respond to persistent communications from Fort Lee officials, including Mayor Sokolich, Police Chief Bendul, and Borough Administrator Thomas. Those communications—telephone calls, emails, and letters sent directly to Baroni's attention—described the severity of the traffic impacts and asserted that the matter was an "urgent" one of "public safety."[683] Yet for several days, Baroni apparently did not answer any of these entreaties for assistance, all the while

texting, calling, and emailing Wildstein, Kelly, and Stepien, who were all within the same circle of friends.[684]

Baroni's failure to respond to Fort Lee officials was surprising, given his self-described "good relationship with Mark" Sokolich and his typical accessibility to Mayor Sokolich.[685] Indeed, Baroni and Mayor Sokolich had met in person three years earlier, in September 2010, to "discuss various issues regarding the Port Authority, the Borough of Fort Lee and the promotion of an open-line communication."[686] And in October 2012, Sokolich called Baroni to request the "favor" of a "personal tour" of the 9/11 Memorial Plaza for visiting family—a tour led a few days later by Wildstein.[687] Indeed, in early June 2013, Mayor Sokolich described his good working relationship with Baroni to an IGA contact; Mayor Sokolich said that Baroni had helped Sokolich obtain crank radios for Hoboken residents at Sokolich's request. Moreover, it was surprising that Baroni apparently referred to Mayor Sokolich as "Serbia" in some of his contemporaneous communications at the time of the lane realignment.[688]

During and after the lane realignment, Baroni also expressed concerns about public disclosure. After Foye reversed the lane realignment on the early morning of September 13, 2013, Baroni's immediate concern was to request "no public discourse."[689] And on September 17, 2013, when *The Wall Street Journal* was inquiring in advance of its first article about the lane realignment, Baroni suggested to Wildstein that they "sched[ule] a meeting to stave off reporters."[690]

Unlike Wildstein, Kelly, and Stepien, however, Baroni did not communicate in an overtly partisan or political manner regarding the lane realignment.[691] Moreover, Baroni's desire to restrict communications may have reflected his basic desire to avoid outside scrutiny of a humiliating operational "fiasco" directed by Wildstein and known to Baroni, the two highest-

ranking officials on the New Jersey "side" of the Port Authority,[692] and to avoid embarrassment with their New York counterparts at the Port Authority. Even Baroni's New York counterpart, Foye, who was openly critical of the manner in which the lane realignment was implemented, declined to criticize Baroni for those failures. Repeatedly questioned by the Assembly Transportation Committee about Baroni's role in the lane realignment, Foye explained that, with respect to Baroni, "there had been a communication failure" that was "an aberration."[693] Foye said he had previously worked with Baroni "together closely, collaboratively, and well on [several] projects" without incident.[694] He concluded: "There is no question . . . that David Wildstein was the culprit" for the lane realignment plan, not Baroni.[695]

In sum, we did not uncover evidence that Baroni was the driving force behind this decision to realign these Fort Lee lanes or aware of any ulterior motives for it. Indeed, he gave testimony before the Assembly Transportation Committee in late November 2013—for which he appears to have relied on Wildstein to help prepare him—vehemently defending this Port Authority action as a legitimate traffic study.[696] And while we find that Baroni engaged in conduct regarding the lane realignment that is concerning, warranting further investigation, we have not found conclusive evidence that he knew of any ulterior motive for it.

2. No One In The Office Of The Governor Other Than Kelly Had Any Advance Knowledge Of The Lane Realignment Or Was Otherwise Involved In Approving It

a. Before September 9, 2013, No One Else In The Governor's Office Besides Kelly Knew About the Lane Realignment

We interviewed dozens of witnesses inside and outside the Governor's Office, and reviewed hundreds of thousands of documents, including personal emails, calendar entries, hard-copy documents, business and personal telephone records, and personal text and chat messages to investigate who knew what and when within the Governor's Office about this lane

realignment plan. After thorough investigation, we have not found any evidence that anyone in the Governor's Office, besides Kelly, approved of or had any other advance knowledge of the lane realignment before it was implemented on the morning of September 9, 2013.

b. Between September 9 And 13, 2013, Some Governor's Office Employees Became Aware Of The Lane Realignment But Understood It To Be A Port Authority Traffic Study

Between September 9 and 13, 2013, some employees in the Governor's Office became aware that the Port Authority had realigned the Fort Lee access lanes to the George Washington Bridge. These employees learned about the lane realignment in the ordinary course of their duties, which involved external communication with constituents, elected officials, and the media—in other words, through outside third-parties. All of these employees understood the lane realignment to be a Port Authority traffic study for which the Port Authority held operational and communications responsibility. None of these employees understood the situation as requiring involvement or intervention from the Office of the Governor. None of these employees had any awareness of Kelly's prior involvement in the lane realignment or any ulterior motive behind the operation.

During the week of September 9 to 13, 2013, the Governor's Office of Constituent Relations received a handful of constituent complaints about the traffic congestion resulting from the lane realignment. In response, Ashmore and Crifo contacted Wildstein, Crifo's regular contact at the Port Authority.[697] Wildstein's response—"this isn't the Governor's problem"—reinforced Ashmore and Crifo's understanding that the lane realignment was a matter for the Port Authority to handle.

Wildstein's communications with the Governor's Office's Press Secretary Michael Drewniak similarly presented the lane realignment as a straightforward Port Authority operation. On the afternoon of September 12, 2013, Wildstein forwarded to Drewniak—a personal friend of

Wildstein's whose portfolio included Port Authority matters—a media inquiry from *The Bergen Record*'s "Road Warrior" columnist, Cichowski, asking about "the Port Authority's decision" to realign the Fort Lee access lanes;[698] seven minutes later, Wildstein sent to Drewniak a draft press response from the Port Authority, stating that the "Port Authority is reviewing traffic safety patterns" and that the "PAPD has been in contact with Fort Lee police throughout this transition."[699] Both of Wildstein's emails to Drewniak, as well as the Media Activity Report sent by Marsico later that night, were received by Drewniak in the ordinary course of his employment,[700] and did not contain any indication that the lane realignment might have involved others beyond the Port Authority. Drewniak did not review Wildstein's emails that day, as he was preoccupied with the Seaside Park fire. But when Drewniak reviewed these emails the following day, he considered the issue to be so insignificant that he did not even bother to inform his supervisor, Comella, about the lane realignment press inquiry.

Also on the afternoon of September 12, 2013, Mayor Sokolich called his primary contact in the Governor's Office, Ridley, who promptly reported the substance of that call to his supervisor Renna.[701] Renna's written summary of the Sokolich-Ridley call, emailed to Kelly shortly afterward, reflects Mayor Sokolich's questions about "why [the] Port Authority decided to do this" and Ridley's "unaware[ness] that the toll lanes were closed."[702] Kelly sent a one-word response to Renna—"Good."—close to midnight eight hours later.[703] While incriminating in hindsight—especially since Kelly later asked Renna to delete it—at the time, Kelly's one-word response could also have been interpreted as meaning she thought Ridley had handled the phone call properly or that Kelly appreciated Renna keeping her apprised.

Egea became aware of the issue by week's end. On September 13, 2013, Baroni forwarded to Egea, without comment, Foye's September 13, 2013 email reversing the lane

realignment.[704] When Egea spoke to Baroni about Foye's email shortly thereafter, Baroni explicitly told her that the Port Authority was conducting a "traffic study" to analyze inefficiencies in the existing lane alignment. Baroni's explanation, as well as his assurance that the Port Authority had acted appropriately at all times before and during the lane realignment, led Egea to view Foye's email as the product of recurring tensions between New York and New Jersey Port Authority officials. She also came away believing the lane realignment to be an internal Port Authority matter that did not necessitate intervention by the Office of the Governor. Egea therefore did not mention Foye's email to the Governor, McKenna, or O'Dowd.

c. After September 13, 2013, Governor's Office Employees Continued To Understand The Lane Realignment To Be A Port Authority Traffic Study

When the Governor's Office began to receive direct media requests for comment, Drewniak's official responses reflected his contemporaneous understanding of the lane realignment as a legitimate Port Authority traffic study. On September 17, 2013, Drewniak declined to provide a formal statement on behalf of the Governor's Office, instead referring a *Wall Street Journal* reporter to the Port Authority as "an independent agency."[705] Though Drewniak was aware of speculation that the lane realignment had been some form of political retaliation, he described those allegations in an email to Wildstein at the time as "crazy."[706] Drewniak handled *The Wall Street Journal*'s October 1, 2013 inquiry in similar fashion, again referring the reporter to the Port Authority as "an independent agency" about "its traffic studies."[707] That said, by this time, Drewniak appreciated that the lane realignment was attracting increased press attention, and he therefore elevated the issue to Comella.[708] And as the Governor's Office received more press inquiries throughout October and November 2013, Drewniak's responses emphasized that the Governor had no involvement in the Port Authority's "traffic studies" in Fort Lee.[709] In sum, all of Drewniak's official and off-the-record responses to

press inquiries reflected his understanding of the lane realignment as a Port Authority traffic study independent of the Governor's Office.

Furthermore, throughout this period, Wildstein and Baroni continued to reassure Governor's Office employees—McKenna, Crifo, and Drewniak, in particular—that the lane realignment had been a legitimate and long-planned Port Authority traffic study. After the publication of the October 1 *Wall Street Journal* article, at the Governor's direction, McKenna questioned Baroni, who assured McKenna that the lane realignment had been a legitimate Port Authority traffic study; McKenna communicated Baroni's assurances to the Governor. In addition, Wildstein reiterated to Crifo that the lane realignment had been designed to study potential modification of the three Fort Lee access lanes—an arrangement that Wildstein claimed had "always bothered us." After the November 13, 2013 Port Authority Board of Commissioners monthly meeting, Baroni told Crifo that there was nothing else she "needed to know" about the lane realignment, which he reiterated had been a legitimate Port Authority traffic study. Neither Crifo nor Drewniak had any reason to doubt Wildstein and Baroni's consistent refrain.

In November 2013, Egea and Crifo reviewed Baroni's draft testimony before the Assembly Transportation Committee. Their review of Baroni's draft testimony demonstrates that they genuinely believed what Wildstein and Baroni had been telling them—namely, that the lane realignment had been a legitimate Port Authority traffic study to re-evaluate a policy (related to the three Fort Lee access lanes) that had long warranted scrutiny. Egea encouraged Baroni to focus his testimony on the reasons for the traffic study and the data collected from the study, and to acknowledge the Port Authority's communication failures. Her specific suggested revisions—most of which consisted of removing extraneous detail—sought to streamline and

clarify Baroni's testimony. In short, Egea and Crifo's comments on Baroni's draft testimony reflect their understanding of the lane realignment as a flawed but legitimate Port Authority operation—an understanding shaped by Wildstein and Baroni and, at that time, shared by everyone in the Governor's Office, except for Kelly.

d. By Early December 2013, Some Learned Of Rumors That Kelly And Stepien May Have Known About The Lane Realignment

Rather than heed Egea's advice to provide a simple and straightforward account of the lane realignment and related communication failures, Baroni repeatedly argued to the Assembly Transportation Committee about the merits of the existing Fort Lee access lanes.[710] While certain employees in the Governor's Office politely said Baroni did well, they privately agreed with the public assessment that his testimony was too argumentative and left "more questions than answers."[711]

Baroni's appearance marked the first time that a Port Authority representative publicly held Wildstein responsible for having ordered the lane realignment, and it intensified public scrutiny of both men. By early December 2013, Wildstein and Baroni were under mounting pressure to answer for the failed Port Authority operation. It was at that point that Wildstein began to allege that individuals within the Governor's Office knew about the lane realignment.

Specifically, around this time, Wildstein alleged to Drewniak that Kelly and Stepien had known about the lane realignment. Although this allegation was vague and Wildstein never suggested to Drewniak that the lane realignment was anything other than a traffic study or done for any retaliatory or other ulterior motive, Drewniak believed that, soon thereafter, he conveyed this allegation to McKenna.[712] Subsequently, on December 4, 2013, Wildstein repeated his allegation to Drewniak and, for the first time, alleged that Wildstein had mentioned the Fort Lee traffic study to the Governor at a public event during the lane realignment.

The following day, Drewniak mentioned Wildstein's allegations regarding Kelly, Stepien, and the Governor to O'Dowd and the Governor. These allegations are described and assessed in greater detail below. Follow-up inquiries were then made. On December 12, 2013, the Governor spoke personally with Stepien. And on the morning of December 13, 2013, the Governor called a special meeting of his senior staff and personally directed every one of them to disclose immediately any knowledge they had of the lane realignment. No one came forward. At that time Bridget Kelly was specifically questioned by O'Dowd at the Governor's direction and denied any involvement, which turned out to be a lie.

* * * * *

The Governor held a press conference later on December 13, 2013. At the press conference, the Governor, having been "assured" that his senior staff and Stepien had no involvement, told the press that day that none of them had any prior knowledge of the lane realignment.[713] The Governor and his senior staff accepted Kelly's and Stepien's assurances, which were later revealed to be false.

The question of the Governor's specific knowledge before, during, and after the lane realignment is one we have examined particularly closely. We now turn to examine the evidence related to this question.

3. The Governor Did Not Know In Advance And Was Not Involved In This Bridge Lane Realignment Decision

a. Before September 9, 2013, The Governor Had No Knowledge Of The Bridge Lane Realignment

We reviewed electronic records from the Office of the Governor, including Kelly's and Stepien's emails while they were employed in the Governor's Office, as well as the personal emails, phone records, and text messages of Governor Christie himself and others in the Governor's Office. From our examination of these records, other available documents, and our

interviews of Governor Christie and others who corroborated his account, we conclude that Governor Christie had no knowledge of the lane realignment before September 9, 2013, and no role in the lane realignment decision. Indeed, in our comprehensive examination of hundreds of thousands of documents and dozens of interviews, we have not found any evidence suggesting otherwise.

From what we reviewed, there were no emails or phone calls between Governor Christie and Wildstein in the month preceding the lane realignment. The visitor logs do not indicate any visits from Wildstein to the Governor's Office during August and September 2013. Of course, the Governor spoke regularly with Stepien as his campaign manager, and less frequently with Kelly and Baroni, during August and September 2013, but the Governor stated that he does not recall ever discussing the lane realignment, the Port Authority, or Mayor Sokolich during any of these conversations, and there is no evidence to the contrary. Indeed, the Governor was traveling or out of the office during key periods of time preceding and during the lane realignment, including on August 2 to 4, August 5 to 11, August 24 and 25, September 8 to 9, and September 12 to 13, 2013.

b. From September 9–13, 2013, The Governor Had No Knowledge Of The Bridge Lane Realignment's Implementation

Nor did we find any credible evidence that the Governor had knowledge of the lane realignment while it was occurring from September 9 to 13, 2013. The Governor has stated that, at the time of the lane realignment, he has no recollection of being aware of the Fort Lee traffic caused by the lane realignment. This response is not surprising, given the otherwise routine nature of traffic problems in and around the region's bridges and tunnels and the Governor's full schedule during that week, which included out-of-state and in-state travel on September 8 to 9 (Texas) and September 12 to 14 (Seaside Park, New Jersey), to respond to a fire that devastated

the Seaside Park community.[714] Our examination of emails, text messages, phone records, and other documents found no evidence that the Governor had knowledge of the lane realignment during its implementation. Indeed, the lane realignment was not even included in the weekly list of "top incoming issues" compiled by the Governor's Office of Constituent Relations for the period of September 6 to 12, 2013.[715]

We are aware that Wildstein's counsel alleged in a January 31, 2014 letter seeking indemnification from the Port Authority for attorney's fees that "evidence exists . . . tying Mr. Christie to having knowledge of the lane closures, during the period when the lanes were closed."[716] In other words, Wildstein's lawyer is acknowledging his client has no evidence that Governor Christie knew of this lane realignment beforehand but claims "evidence exists . . . tying Mr. Christie to having knowledge of the lane closures, during the period when the lanes were closed."[717] Wildstein's counsel's letter, thus, refers to evidence "tying" Governor Christie to "knowledge" rather than establishing knowledge, and he has yet to identify what that "evidence" supposedly is, although presumably his client has already produced any relevant documents that he may have in response to the Assembly Transportation Committee's earlier subpoena covering this subject matter.

We are also aware that Drewniak recalled Wildstein claiming he mentioned a traffic issue to the Governor at a public event during the lane realignment. Because there are photographs establishing that both Wildstein and the Governor attended the 9/11 Memorial event on September 11, 2013,[718] it appears that Wildstein must have been referring to an exchange between Wildstein and the Governor at that event. There is, however, no evidence we have seen that the Governor and Wildstein actually had any substantive discussion of the Fort Lee lane realignment at that public event.

To begin with, it seems incredible that, in a public setting leading up to a 9/11 Memorial event, surrounded by other government officials and scores of constituents seeking photographs and handshakes, anything substantive or inculpatory would have been discussed. Moreover, the context of Wildstein's counsel's claim that "evidence exists" of the Governor's alleged knowledge of the lane realignment is critically important. First, it is a tacit admission that the Governor did not know of the lane realignment decision beforehand, and Wildstein apparently claims no such evidence. Second, Wildstein's counsel made that claim in a letter to the Port Authority seeking indemnification for counsel's legal fees, and only after he publicly requested immunity for his client.[719] In other words, Wildstein's counsel's letter was a not-too-subtle attempt to press the Port Authority into granting Wildstein indemnification while, at the same time, to induce federal authorities to grant Wildstein immunity in exchange for Wildstein's information here. Either way, such an account by Wildstein would not prove the Governor had any substantive knowledge, awareness and involvement in the lane realignment at the time.

In any event, even if credited, any passing reference by Wildstein—made in a social, public setting at the time of a public 9/11 Memorial event—to a traffic issue in Fort Lee would not have been meaningful or memorable to the Governor. Indeed, it seems highly unlikely such a brief mention, even if made by Wildstein to the Governor, would have registered with the Governor at all. Only a more substantive conversation about the ulterior motive behind the Port Authority's traffic study would have registered, and in that public setting, any claim that such a conversation occurred would lack credibility. In any event, the Governor recalls no such exchange.

c. After Learning In December 2013 Of Kelly's And Stepien's Potential Involvement In The Lane Realignment, The Governor Personally Directed An Inquiry And Full Disclosure By Senior Staff

When the Governor first learned of Foye's September 13, 2013 email in or around October 2013, he raised the issue with senior staff. The Governor recalled McKenna thereafter telling him that he spoke to Baroni, who assured McKenna that the lane realignment was a legitimate Port Authority traffic study and that Foye was being contentious, as he often was with his New Jersey counterparts. During his December 2, 2013 press conference, the Governor was asked one question about the lane realignment, which he answered in an irreverent manner, consistent with his view at the time that the lane realignment was a legitimate traffic study within the province of the Port Authority.[720]

Later, in early December 2013, the Governor first heard rumors that Wildstein was claiming Kelly and Stepien had knowledge of the lane realignment. The information was speculative, vague, and hearsay: it was unclear exactly what Kelly and Stepien "knew" about the lane realignment or when they allegedly knew it. Moreover, all reports of Kelly's and Stepien's alleged knowledge at the time were consistent with the Governor's Office's prior understanding that the lane realignment was a legitimate, though flawed, Port Authority traffic study. And when confronted later in December 2013, both Kelly and Stepien denied any involvement. This is what the Governor has consistently stated, to the public and to us, and we credit the Governor's account. It is corroborated by multiple other witnesses, and it is consistent with the way the Governor carried himself.

Nevertheless, the Governor appreciated that the allegations were sufficiently serious to warrant follow-up. Thus, in the days that followed, the Governor directed Kevin O'Dowd, his Chief of Staff and a former federal prosecutor, to question Kelly. The Governor himself also

questioned Stepien. Then, on December 13, 2013, the Governor personally convened a special morning meeting of his senior staff and directed them to immediately disclose any knowledge of or involvement any of them had in the lane realignment. The many witnesses to the meeting whom we interviewed were unanimous: the Governor was upset and concerned that the issue had become a distraction; and he insisted that anyone with any knowledge about the lane realignment or the traffic study come forward and report that information to the Governor, O'Dowd, or McKenna immediately.

The Governor's reactions at various points during this period of intensified media scrutiny, from December 2013 through January 2014, reflect the words and actions of someone telling the truth.

- When asked about the lane realignment in his December 2, 2013 press conference, Governor Christie found the subject so ludicrous that he joked that he "was . . . the guy working the cones out there."[721]

- During the December 13, 2013 senior staff meeting, as all who attended described, the Governor ordered his staff in a heartfelt, emotional and, at times, agitated manner to come forward with any information about the lane realignment.

- During the press conference that followed later that day on December 13, 2013, having been "assured" that none of his senior staff and Stepien were involved, Governor Christie committed to the public he was confident that no Governor's Office employee played any role in the lane realignment. [722]

- On January 8, 2014, when documents were publicly released reflecting Kelly's involvement in the lane realignment and Stepien's apparent awareness, Governor Christie called together top aides and, in an emotional session, directed Kelly's immediate firing for lying to him and decided to sever ties with Stepien.

- On January 9, 2014, Governor Christie held a lengthy, two-hour press conference, during which he apologized to Fort Lee, announced that he had fired Kelly and severed ties with Stepien, reiterated that he did not know of or authorize the lane realignment in advance, and following that, answered press questions.[723]

- On January 16, 2014, the Governor's Office hired Gibson Dunn to facilitate full cooperation with the U.S. Attorney's Office's investigation and other appropriate inquiries, conduct an internal investigation of the lane realignment allegations (and later, the Hoboken allegations too), and make recommendations to the Governor's Office on best practices. And the Governor's Office has since given us unfettered access to documents, witnesses, and to the Governor himself.

- On February 3, 2014, Governor Christie appeared on his radio show on NJ 101.5 FM and reiterated that he did not know about Kelly's involvement in the lane realignment: "The answer is unequivocally 'no.'" The Governor also reaffirmed the Office's commitment to a full and transparent investigation.[724]

The course of conduct by Governor Christie is consistent with how someone would have been expected to act who was unaware of Kelly's and Stepien's knowledge or involvement in the lane realignment. Indeed, when he finally learned the truth, Governor Christie was genuinely shocked and disappointed—welling up with emotion—as numerous members of his senior staff have confirmed. And he then immediately decided to fire Kelly and sever ties with Stepien. Moreover, by all accounts, the Governor appeared genuinely saddened and remorseful at his January 9, 2014 press conference. In short, we find this course of conduct further corroborates our findings.

Furthermore, the Office of the Governor, with the Governor's support, retained Gibson Dunn to conduct a thorough internal investigation to determine what occurred. This course of conduct similarly corroborates our findings.

E. Other Allegations And Issues

As stated above, the principal objective of our investigation was to determine the facts regarding both the Bridge lane realignment allegations and Mayor Zimmer's allegations regarding Superstorm Sandy aid. With respect to the lane realignment, we focused on who knew what and when within the Governor's Office. The lane realignment allegations, however, have

snowballed to include additional allegations and issues, some tangential. Here, we address four of these issues, about which we had ample evidence to draw conclusions.

1. There Is No Evidence Of Any Cover-Up Within The Governor's Office

Our investigation has concluded that no one in the Governor's Office, besides Kelly, was involved in the planning or execution of the lane realignment. Indeed, Kelly repeatedly deceived Governor Christie, his senior staff, and her own staff. And the Governor fired her immediately upon discovering her involvement in this matter.

While Kelly's motives are not entirely clear, what is clear is that her actions were unauthorized and improper. Still, Kelly's conduct, including a request to a staffer to delete an email that she realized would prove incriminating, inevitably leads to the question: Did any other member of the Governor's Office, besides Kelly, knowingly attempt to conceal, destroy, or otherwise cover up evidence relevant to the lane realignment? We find no such evidence. To the contrary, when, by early December 2013, allegations of Kelly's involvement surfaced—however vague and speculative those allegations were at the time—the Governor personally had further inquiry made and demanded full disclosure by his senior staff.

Under all of the surrounding circumstances, the Governor's Office understandably accepted the explanation given to them by their Port Authority representatives (Wildstein and Baroni) that this was a legitimate traffic study, even if flawed in its execution. And they then trusted their colleague, Kelly, when she told them that she had no prior knowledge and involvement, giving her the benefit of the doubt. And of course, the evidence of her participation in this plan was not to be found in government files; it was kept hidden in private text messages and personal email accounts to cover up her communications, making it difficult to uncover in any event.

2. Accusations That The Governor Created A "Culture" That Encouraged Aides To Target Political Enemies Are Not Substantiated

Following the lane realignment, several New Jersey legislators have claimed that Governor Christie created a "culture" of "abuse of power" condoning retaliation against political adversaries.[725] Specifically, Senator Weinberg has made this accusation: "No matter what we find in terms of Chris Christie's knowledge or lack of knowledge before or after, he set the atmosphere that this kind of behavior is acceptable."[726]

In response to these allegations, we have endeavored to determine whether or not Governor Christie condoned, encouraged, or directed those working in his Office to engage in partisan retaliation. Our investigation found such speculation to be unsubstantiated.

First, we interviewed dozens of former and current staff members of the Office of the Governor. No one said that Governor Christie created or encouraged a culture of partisan retaliation. Indeed, many of them commented that they had never even been asked about their political affiliation.

Second, in the course of investigating the Bridge lane realignment and the Hoboken allegations, we reviewed more than 250,000 documents. During the course of this review, we found no pattern or practice of partisan retaliation.

Third, we assessed the allegations of some New Jersey legislators that Democratic Mayors who declined to endorse the Governor were then "punished."[727] Our investigation found that allegation to be unsubstantiated. In fact, the majority of the Democratic Mayors whose endorsements were sought starting in January 2013 ended up never endorsing Governor Christie's re-election campaign[728]—including Democratic Mayors from municipalities much larger than Fort Lee. Yet they typically perceived no difference in their treatment by the Christie Administration afterward.[729]

Indeed, the only serious allegation of partisan retaliation that has been raised is this George Washington Bridge incident involving Mayor Sokolich.[730] Of course, soon after the lane realignment, Mayor Sokolich told the press that he found it "incomprehensible" that the lane alignment could be have been an act of political retaliation, given the "good relationship" he continued to have with the Christie Administration.[731] And on November 14, 2013, in response to an article in *The Star-Ledger* on the issue, Mayor Sokolich submitted a letter to the editor complaining: "I have read with disappointment your article . . . indicat[ing] that I stated that the lane closures are the result of 'punishment for refusal to support Governor Christie's re-election campaign.' This is simply not true. I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor. In fact, I advised you that I was never asked to either support or endorse the Governor."[732]

Fourth, we recognize that, over the course of his first term, Governor Christie has been criticized for being blunt. Some have even gone so far to use the term "bully."[733] Frankness alone, however, does not equate to encouraging acts of political retaliation. And we found no evidence to support such a leap.

During our investigation, we also examined Governor Christie's track record in office to see if there was any other evidence of political retaliation as a modus operandi of his Administration. What we found was to the contrary. From the outset, Governor Christie emphasized that "partisanship and acrimony ha[ve] not served the people well" and that he would be pursuing bipartisan outreach and alliances across party lines.[734] While bipartisanship alone does not eliminate the possibility of a retaliatory culture, it indicates how the Governor, a Republican, committed himself publicly, and indeed had to build working relationships with

Democratic elected officials to govern in a state dominated by Democrats—even when at a cost within his own party.[735] How successful he has been in that regard is a matter for others to debate. But that he pledged to pursue bipartisanship is clear from the public record, and it would be antithetical to that approach to engage in systematic retaliation.

Thus, based on our examination of the record, we find that allegations accusing Governor Christie of creating a "culture" of political retaliation are unsubstantiated and, indeed, contradicted by substantial other evidence.

3. The Governor's Helicopter Travel During The Week Of September 9–13, 2013

On Monday, February 10, 2014, it was reported that the Joint Committee was preparing to vote to issue later that day a subpoena for State Police aviation records, called "Aviation Unit Activity Reports."[736] The subpoena was supposedly being issued to determine whether Governor Christie flew over the George Washington Bridge and Fort Lee areas during the period when the lanes were realigned from September 9 to 13, 2013.[737] There was no witness, no document, and no evidence to even suggest that the Governor engaged in any such fly-over. To the contrary, it was already a matter of public record that the Governor traveled by helicopter on September 11, 2013 from the 9/11 Memorial in downtown Manhattan to Trenton,[738] which is south of the 9/11 Memorial, via a 30th Street helipad. Hence, there was no reason to believe that he would have gone out of his way to fly north of 30th Street in Manhattan over the Fort Lee and George Washington Bridge areas on his way south to Trenton.

The reality is that the Governor did not fly over the Fort Lee and George Washington Bridge areas on that day or any other day that week. Indeed, on February 11, 2014, the New Jersey State Police confirmed in a public statement that "[n]one of the three flights transporting the governor during that week [of September 8, 2013] flew over, or close to either the George

Washington Bridge or Fort Lee, including the flight on 9/11."[739] The Governor's Office has since released records, which we have reviewed, confirming his helicopter travel that week.[740]

4. No Evidence Of Death Or Bodily Injury Resulting From Fort Lee Traffic

The SCI's authorizing resolution asserted that the lane realignment "impaired public safety," and that this was a basis for its investigation.[741] Politicians and the press have continued to repeat that claim.[742] To be sure, the lane realignment caused significant traffic delays that inconvenienced commuters and emergency services alike.[743]

There is no credible evidence that anyone suffered any bodily injury as a result of the increased traffic congestion. The *Associated Press* conducted its own independent study of 911 records to determine whether there is any truth to these allegations.[744] Over the course of several weeks, the *Associated Press* obtained records through public records requests, examined over five hours of emergency dispatch audio, conducted interviews, and reviewed dozens of pages of call logs to identify any emergency situations within a roughly 5-mile radius of the Bridge, focusing on any situation where a person's life or urgent medical care appeared to have been directly implicated as a result of the Fort Lee traffic congestion.[745] On February 14, 2014, the *Associated Press* published its analysis confirming the absence of evidence of any physical harms resulting from the Bridge traffic congestion.[746] As the *Associated Press*'s analysis concluded, the "gridlock" from the lane realignment "appeared not to lead to anyone's death or seriously compromise their medical care."[747] While the *Associated Press* noted that "police and emergency medical workers warned of 'total gridlock' and pleaded for patience responding to 911 calls around Fort Lee," there was nothing to suggest that medical care was compromised or anyone harmed as a result.[748]

V. FACTUAL FINDINGS: MAYOR DAWN ZIMMER'S ALLEGATIONS CONCERNING SUPERSTORM SANDY AID TO HOBOKEN

We now turn to address the allegations by Hoboken Mayor Dawn Zimmer regarding Superstorm Sandy aid to Hoboken. The principal objective of our investigation was to determine the facts regarding both the Bridge lane realignment and Mayor Zimmer's allegations concerning Superstorm Sandy aid. We note, however, that these two investigative tasks are considerably different in kind. With respect to the lane realignment, we endeavored to determine who ordered, participated in, or had knowledge of the plan, and whether there were any ulterior motives for the act. We accordingly developed a detailed factual chronology and drew conclusions from the substantial evidence available to us. In contrast, Mayor Zimmer's allegations are more pointed in detail and direction. We approached our investigation—and this section of the report—in a manner directly responsive to the specific allegations.

Starting on January 10, 2014—the day after Governor Christie's press conference regarding the George Washington Bridge lane realignment—and continuing for the next ten days, until January 20, 2014, Mayor Zimmer conducted a series of media interviews complaining about Hoboken's Sandy aid allocations and attributing the blame to several Christie Administration officials by name. The crux of Mayor Zimmer's shifting allegations are that Lieutenant Governor Kimberly Guadagno, Commissioner Richard Constable of the New Jersey Department of Community Affairs ("DCA"), and Marc Ferzan, Executive Director of the Governor's Office of Recovery and Rebuilding, conspired to threaten and directly threatened her with holding back Sandy aid for Hoboken unless she supported the Rockefeller Group's private development project, and that these individuals were delivering a "direct message from the governor."[749] These allegations were made eight months after the events in question, their

breadth expanded from two to four individuals, and they involved a purported chronicling of public events in a personal notebook.

In response to Mayor Zimmer's allegations, we interviewed Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan, dozens of others involved in making Sandy aid determinations within the Christie Administration, and Governor Christie. We also reviewed reams of documents, including personal emails and texts. We also interviewed, and reviewed documents from, the senior staff for Governor Christie, Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan, all of whom cooperated with our investigation. We have also sought interviews and documents from Mayor Zimmer; Mayor Zimmer's Chief of Staff Daniel Bryan; Hoboken Communications Director Juan Melli; Hoboken Councilmen David Mello and Ravi Bhalla; Rockefeller Group executives involved in the Hoboken development; and partners at the law firm of Wolff & Samson PC, former counsel for the Rockefeller Group, involved in that representation. Counsel for Mayor Zimmer, Bryan, Mello, Bhalla, and Melli collectively declined our invitation to cooperate with this investigation or provide us with any documents relating to Mayor Zimmer's allegations, although she has given several media interviews about her allegations and turned over to the press pages from her handwritten notebook. Hoboken officials to whom she allegedly told her story after the fact also declined our invitation to cooperate with this investigation. Despite non-cooperation from Mayor Zimmer and other Hoboken officials, we were able to obtain documents from Mayor Zimmer's office, pursuant to New Jersey's Open Public Records Act ("OPRA"), including documents she and her staff released to the media during the relevant time period. From Mayor Zimmer's many statements to the media, we have been able to determine the substance and nature of her allegations, and we have been able to obtain copies of her handwritten notebook pages that she

gave to the media. The Rockefeller Group and Wolff & Samson declined our request for interviews and documents.

Our factual findings regarding Mayor Zimmer's allegations concerning Sandy aid to Hoboken are presented in four sections: first, we outline Mayor Zimmer's allegations; second, we provide background information regarding Sandy funding and the context of Mayor Zimmer's allegations; third, we detail our findings in a chronological fashion; and fourth, we provide an analysis of our factual findings and, based on the ample evidence examined, we expressly address each of Mayor Zimmer's allegations.

A. Mayor Zimmer's Allegations

From January 10 to January 20, 2014, Mayor Zimmer's statements wound their way from: (1) saying that she "hope[d]" that the amount Sandy aid Hoboken received did not reflect "retribution" for her decision not to endorse Governor Christie;[750] to (2) affirming that "I don't think it was retaliation and I don't have any reason to think it's retaliation;"[751] to (3) asserting that the Lieutenant Governor (a former federal prosecutor) "created"[752] a joint public appearance with her in May 2013 at a ShopRite store for the purpose of "pull[ing]" her "aside" afterward to deliver "a direct message" from the Governor to Mayor Zimmer tying Hoboken's receipt of Superstorm Sandy aid to Mayor Zimmer's support for a private commercial development in Hoboken's North End sponsored by the Rockefeller Group;[753] to (4) claiming Commissioner Constable (also a former federal prosecutor) in May 2013 made a similar threat, telling Mayor Zimmer as they were both "mic'd up," about to go live on a television panel discussion about post-Sandy recovery, that if the Rockefeller Group's project "move[s] . . . forward," Hoboken's Sandy aid "will flow";[754] to (5) alleging Ferzan (also a former federal prosecutor) pressured her as well in late 2013 to support private development in exchange for Sandy aid—a charge she made for the first time hours after Ferzan gave a press conference refuting Mayor Zimmer's

accusations.[755] Mayor Zimmer also claimed that the Lieutenant Governor confessed at the time of their May 2013 encounter that "'I know it's not right. I know these things should not be connected, but they are and if you tell anyone, I'll deny it.'"[756]

Below, we outline Mayor Zimmer's principal allegations regarding Sandy aid to Hoboken.

1. Mayor Zimmer Did Not Have "Any Reason" To Think "Retaliation" Played Any Role In Hoboken's Sandy Aid Allocations

On January 10, 2014, in an interview with WNYC and New Jersey Public Radio, Mayor Zimmer said that Governor Christie had asked her to endorse him for re-election in the spring of 2013, and that she told him that she would remain neutral.[757] Mayor Zimmer said that she had applied for $100 million from the State in hazard mitigation grants—that is, federal funds administered by New Jersey's DCA to prevent future flooding in Hoboken—but received only $300,000.[758] Mayor Zimmer then wondered aloud whether the reason Hoboken received only a fraction of the funds it requested was "retribution" for her not endorsing Governor Christie for re-election: "With 20/20 hindsight, in the context we're in right now, we can always look back and say, 'Okay, was it retribution? . . . I think probably all Mayors are reflecting right now and thinking about it, but I really hope that that's not the case."[759] Mayor Zimmer also stated that when she received "a lot less" than she had asked for in grants, she "was angry because [she] felt like the focus was on the [New Jersey] shore."[760]

The next day, January 11, 2014, Mayor Zimmer told CNN that she did not think that Sandy aid was being withheld by Governor Christie as "retaliation." She said: "I don't think it was retaliation and I don't have any reason to think it's retaliation, but I'm not satisfied with the amount of money I've gotten so far."[761]

2. Mayor Zimmer's Allegations Regarding Lieutenant Governor Guadagno

Just one week later, however, starting on January 18, 2014, Mayor Zimmer made a series of allegations that, if true, are in direct conflict with her earlier statements that she did not have knowledge of any "retribution" or "retaliation" by the Christie Administration.

On the morning of January 18, 2014, Mayor Zimmer appeared on MSNBC's television program *Up with Steve Kornacki*, and alleged for the first time that, on May 13, 2013, Lieutenant Governor Guadagno sent her a "direct message" from the Christie Administration that Sandy funds were connected to her support for the Rockefeller Group's North End development project.[762] According to Mayor Zimmer, "the lieutenant governor came to Hoboken, she pulled me aside in the parking lot, and she said, 'I know it's not right. I know these things should not be connected, but they are and if you tell anyone, I'll deny it.'"[763] Mayor Zimmer alleged that the Lieutenant Governor had said "very clearly" that "[t]he Sandy funding, it's being held hostage for the city of Hoboken" and it was "connected to the Rockefeller Group project" and that if Mayor Zimmer did not "move ahead, we're not going to be able to help you."[764] Mayor Zimmer further alleged that she asked the Lieutenant Governor if "any other town [was] being required to do development in exchange for help of the flooding," and that "her answer was, 'well, the shore brings in $38 billion in revenue.'"[765] Mayor Zimmer asserted "that the Christie Administration is connecting the Sandy funds to this Rockefeller project," and claimed that Hoboken had "barely gotten any money."[766]

Later that same day, January 18, 2014, Mayor Zimmer was interviewed by the *Hoboken Reporter*.[767] Mayor Zimmer speculated for the first time about whether Governor Christie was personally involved: "I went with the facts of what I experienced, and that was that [Lieutenant Governor Guadagno] pulled me aside in ShopRite and told me to move forward with [the

Rockefeller Group's] project. . . . I don't think she would have done that without the governor's approval, but I guess it's possible."[768]

On January 19, 2014, Mayor Zimmer appeared on CNN's *State of the Union* hosted by Candy Crowley.[769] Mayor Zimmer again alleged that the Lieutenant Governor had pulled her aside and linked Sandy aid to the Rockefeller Group's project: "I think we really got shortchanged on the funding. We've been saying from the very start that we have severe needs and that we need to look at this comprehensively and we've been asking them again and again. Now the fact is that she came, lieutenant governor pulled me aside and said essentially, you got to move forward with the Rockefeller project."[770] Although the previous day Mayor Zimmer claimed that she did not know whether the Lieutenant Governor was acting with the "governor's approval" and acknowledged it was "possible" she was not,[771] in her interview with Crowley, Mayor Zimmer claimed for the first time that the Lieutenant Governor was delivering a "direct message from the governor."[772] Mayor Zimmer claimed that the Lieutenant Governor stated "that she had been with him on Friday night and that this was a direct message from the governor" and that the "project is really important to the governor."[773]

The next day, January 20, 2014, Mayor Zimmer appeared on CNN's Anderson Cooper 360 Degrees.[774] Mayor Zimmer reiterated her claim that the Lieutenant Governor had told her at the ShopRite that she had "to move ahead with the Rockefeller project" and again claimed in response to Mayor Zimmer's question whether "any other town [was] being asked to do development in exchange for help with the flooding," that the Lieutenant Governor stated, "the shore brings in $38 billion."[775] Mayor Zimmer then alleged for the first time that the ShopRite event was specifically "created" to allow the Lieutenant Governor to send "a very clear message" in response to a May 8, 2013 letter to Governor Christie about flooding in Hoboken and the need

for Sandy aid.[776] According to Mayor Zimmer, "two days" after Mayor Zimmer sent that letter, the Governor's "office calls Friday afternoon [May 10, 2013] and says, we want to do a Sandy business event on Monday" and that "the timing seemed a little bit strange."[777] When asked whether she believed that the Lieutenant Governor's "coming down" was "specifically in response to this letter of May 8th," Mayor Zimmer replied "I do believe it. It's related. Yes. I do believe that it was related. I think that she – you know, that event was created so that she could come and have the opportunity to make a very clear message to me."[778]

3. Mayor Zimmer's Allegations Regarding DCA Commissioner Constable

Mayor Zimmer has alleged that on May 16, 2013, three days after the Lieutenant Governor purportedly delivered a message to her at the ShopRite event, Commissioner Constable, a registered Democrat,[779] delivered the same message—that Mayor Zimmer had to go forward with the Rockefeller Group's North End project if she wanted Sandy aid for Hoboken.[780] Although Mayor Zimmer never expressly discussed this charge in any of her media interviews, she purported to memorialize it in handwritten notes she provided to the media.[781] Mayor Zimmer alleged that at a televised forum related to Superstorm Sandy, while wearing live microphones, with other panelists surrounding them, and with the sound team able to listen in as the show was about to start, Commissioner Constable delivered another similar message to her linking Sandy aid to the Rockefeller Group's development project:

> Then I go speak on a panel afterward again on tv w/ Comm. Constable (Richard) of the DCA. On that night) . . . We are mic'd up w/ other panelists all around us— + probably the sound team listening + he says—I hear you are against the R project[.] I reply—I am not against the Rockefeller p—in fact I want more commercial dev. in Hob—oh really—everyone in the statehouse believes u r against it—the buzz is that u r against it—'if you move that forward the $ would start flowing to u' he tells me. he says—considering we r @ Sandy conference & I have been doing nothing but hounding the Gov. office for help) w/ grant $—it is pretty clear what he means by '$ will flow.' [...] Nice to know there really is a direct connection b/t the Rockefeller p + Sandy funding.[782]

4. Mayor Zimmer's Allegations Regarding GORR Executive Director Ferzan

On the morning of January 20, 2014, GORR Executive Director Marc Ferzan, a registered Independent,[783] held a press conference call refuting Mayor Zimmer's claims that Sandy aid was linked to the Rockefeller Group project.[784] Ferzan's statements to the press refuting Mayor Zimmer's claims were reported publicly by approximately 10:20 a.m. that morning.[785]

Later that same day, Mayor Zimmer alleged for the first time that Ferzan was also part of the conspiracy to hold Hoboken's Sandy aid hostage.[786] Towards the end of her January 20, 2014 evening appearance on CNN's Anderson Cooper 360 Degrees, Mayor Zimmer claimed for the first time that Ferzan had recently tied Sandy aid for Hoboken to private development:

> ZIMMER: All I'm asking for Christie is for, one, support my Rebuild by Design competition, it's an excellent opportunity. I was down in a meeting a month ago, and I said to Mark Ferzan, they, you know, invited me down for a briefing, and I said, Mark, can you put some support for Rebuild by Design into the second tranche of funding? And he said, well, Mayor, you need to let me know how much development you're willing to do. That was the answer that I got back. So—I mean, that pressure is there. And the writing's on the wall, and that's part of my thinking of coming forward. It's like, you know, it's—that threat is there and we're not going to get more funding if I don't—you know, I'm really—
>
> . . .
>
> COOPER: So you're saying the head of the Sandy redevelopment process was also talking to you about development?
>
> ZIMMER: I mean, he said that like a month ago. Right. So the lieutenant governor gave a message. I didn't do exactly what they want, you know, and so the pressure continues.[787]

* * * * *

Thus, Mayor Zimmer has publicly accused multiple Christie Administration officials of being part of a conspiracy to coerce her to approve the Rockefeller Group's development project in exchange for Hoboken receiving Sandy aid. Her alleged conspiracy is supposedly being

perpetrated by former federal prosecutors who have had distinguished careers in public service and some of whom left lucrative jobs in the private sector to help in the Sandy recovery effort. As described in detail below, Mayor Zimmer's latest allegations conflict with her own contemporaneous expressions of support for the Governor and thanks to the Christie Administration for its leadership and accomplishments on Sandy relief.[788] Based on the contemporaneous hard evidence we have uncovered in our investigation, we find that Mayor Zimmer's allegations do not withstand scrutiny and that her subjective perceptions do not match objective reality.

B. Background On The Parties

The following section provides brief biographies of the parties implicated by Mayor Zimmer's allegations: Mayor Zimmer, Governor Christie, Lieutenant Governor Guadagno, DCA Commissioner Constable, and GORR Executive Director Ferzan.

Mayor Dawn Zimmer. In 1990, Mayor Zimmer graduated from the University of New Hampshire.[789] From 1990 to 1993, Mayor Zimmer taught English in Japan.[790] From approximately 1993 to 2001, she worked in communications at Sumitomo Corporation of America in Manhattan and then Edelman Public Relations Worldwide.[791] In or about 2006, Mayor Zimmer became involved in Hoboken civic life when she became a member of the steering Committee of the Southwest Parks Coalition. Around that same time, she was one of five named plaintiffs who successfully sued to block a redevelopment project in Southwest Hoboken that would have added high-rise condominium units to the area.[792] Prior to becoming Mayor, from approximately 2007 to 2009, Zimmer was Hoboken's Fourth Ward Councilwoman.[793] In the summer of 2009, she became the Acting Mayor, and the first female Mayor, of Hoboken, when Mayor Peter Cammarano stepped down after his arrest on political corruption charges, caught in an undercover FBI bribery sting operation by someone pretending

to be a developer.[794] Mayor Zimmer then won a full mayoral term in November 2009 and was re-elected in November 2013.[795]

Governor Christopher J. Christie. In 1984, Governor Christie graduated from the University of Delaware.[796] In 1987, he obtained his J.D. from Seton Hall University School of Law.[797] After graduating, he began practicing law for Dughi, Hewit & Palatucci, PC, a law firm in Cranford, New Jersey, where he ultimately became a partner in 1993.[798] He remained at the firm through 2001; from 1999 to 2001, he worked as a registered lobbyist for the firm.[799] In 1994, the Governor was elected a Freeholder in Morris County and served as Director of the Board in 1997.[800] From 2002 to 2008, Governor Christie was the U.S. Attorney for the District of New Jersey.[801] During his tenure as U.S. Attorney, he oversaw the successful prosecutions of more than 130 public officials for corruption, among other notable accomplishments. On January 19, 2010, Governor Christie was sworn in as the Governor of New Jersey.[802]

Lieutenant Governor Kimberly Guadagno. In 1980, Lieutenant Governor Guadagno graduated from Ursinus College in Collegeville, Pennsylvania. In 1983, she received her J.D. from the American University Washington College of Law in Washington, D.C. From 1988 to 1991, the Lieutenant Governor served as an Assistant United States Attorney in the Eastern District of New York.[803] From 1991 to 1998, the Lieutenant Governor served as an Assistant United States Attorney in the District of New Jersey, where, from 1994 to 1998, she was the Deputy Chief in the Special Prosecutions Division (prosecuting public corruption cases).[804] Among other things, Lieutenant Governor Guadagno was awarded one of the U.S. Department of Justice's highest honors—the Director's Award—as well as the U.S. Attorney's Office Special Achievement Award, for two separate prosecutions of corrupt public officials.[805] From 1998 to 2001, she served as Deputy Director of the Division of Criminal Justice in the New Jersey Office

of the Attorney General.[806] From 2001 to 2007, she practiced law, taught at Rutgers University School of Law-Newark, served as an appointed member of the Monmouth Beach Planning Board, and was elected as a Monmouth Beach Commissioner.[807] In 2007, the Lieutenant Governor was the first woman ever elected as the Sheriff of Monmouth County.[808] As Sheriff, she managed a 650-member law enforcement agency.[809] In November 2009, she was elected New Jersey's first Lieutenant Governor and was sworn into office on January 19, 2010.[810] In addition to serving as the Lieutenant Governor, she serves as the 33rd Secretary of State.[811] As Lieutenant Governor and Secretary of State, she spearheads the Christie Administration's efforts to promote business and economic development.[812] She also oversees the New Jersey Partnership for Action, including: (1) the Business Action Center, which reports directly to the Lieutenant Governor and serves as the point of contact for the business community; (2) the New Jersey Economic Development Authority, which serves as the State's "bank for business"; and (3) Choose New Jersey, an independently-funded and operated not-for-profit corporation that promotes economic growth in New Jersey.[813]

DCA Commissioner Richard Constable. In 1994, Commissioner Constable graduated from the University of Michigan.[814] In 1997, he graduated with a J.D. and a Masters in Government Administration from the University of Pennsylvania (the Law School and the Fels Institute of Government, respectively), having completed both degrees in three years.[815] After graduating from the University of Pennsylvania, Commissioner Constable clerked for one year for Justice Alan C. Page of the Minnesota Supreme Court.[816] He then worked for four years as a litigation associate in the New York office of Sullivan & Cromwell LLP.[817] From 2002 to 2010, Commissioner Constable served as an Assistant United States Attorney in the District of New Jersey, working for four years in the Public Corruption Unit.[818] During his tenure in the U.S.

Attorney's Office, Commissioner Constable oversaw hundreds of investigations and tried ten cases, the last five of which were public corruption cases involving bribery and extortion. In 2010, Commissioner Constable became the Deputy Commissioner of the New Jersey Department of Labor and Workforce Development.[819] In January 2012, he became Commissioner of the DCA.[820]

As head of the DCA, Constable is in charge of DCA's programs to support local and county governments, to oversee municipal land use laws, to enforce building and fire safety code, to assist community planning and development, and to provide financial support and technical assistance to local governments, community development organizations, businesses, and individuals in New Jersey.[821] After Superstorm Sandy, at Governor Christie's request, Commissioner Constable led the DCA's efforts to assist displaced families in obtaining temporary and permanent housing.[822] Commissioner Constable also led DCA's administration of federal funds to rebuild homes, businesses, and infrastructure impacted by Superstorm Sandy.[823] Finally, Commissioner Constable serves as the Chair of the New Jersey Housing and Mortgage Finance Agency, the New Jersey Redevelopment Authority, and the New Jersey Meadowlands Commission.[824]

GORR Executive Director Marc Ferzan. In 1989, Ferzan graduated from Rutgers College.[825] In 1992, he received his J.D. from Fordham University School of Law.[826] From 1992 to 1997, Ferzan served as a Staff Attorney, and ultimately Senior Counsel, in the Division of Enforcement at the United States Securities and Exchange Commission, working in both Los Angeles, California, and Washington, D.C. From 1997 to 2000, Ferzan was a Trial Attorney with the United States Department of Justice's Tax Division. From 2001 to 2010, Ferzan was an Assistant United States Attorney in the District of New Jersey,[827] where he served under four

U.S. Attorneys. In his supervisory role there, he oversaw, among other things, public corruption cases. Ferzan held various leadership positions in the U.S. Attorney's Office, including Chief of the Commercial Crimes Unit, Deputy Chief of the Criminal Division, and Acting Deputy and Executive Assistant U.S. Attorney.[828] Between January 2010 and June of 2012, Ferzan served as the Executive Assistant Attorney General in the New Jersey Office of the Attorney General.[829] In that position, he was responsible for managing a staff of more than 8,000 employees and providing legal and policy guidance on a wide range of civil and regulatory matters to the Attorney General, the Governor, the Lieutenant Governor, and senior staff and executive-level members of all departments of the New Jersey State government.[830] From July 2012 to November 2012, Ferzan worked for PricewaterhouseCoopers Advisory, where he was the Managing Director of the firm's investigative consulting practice.[831] In November 2012, Ferzan accepted Governor Christie's offer to lead New Jersey's Superstorm Sandy recovery efforts as the Executive Director of GORR. GORR is tasked with "overseeing and coordinating long-term recovery efforts for New Jersey in cooperation with all federal, state, local, private, and non-governmental partners."[832]

C. Background On The Christie Administration's Response To Superstorm Sandy And Overview Of Relevant Sandy Aid Programs

Mayor Zimmer's allegations here rest on certain assumptions relating to the allocation and distribution of Sandy aid to Hoboken. Her allegations assume that, among other things, Hoboken did not receive its fair share of Sandy aid; that the Governor, the Lieutenant Governor, Commissioner Constable, and Ferzan had the ability and discretion to alter the allocated funds to Hoboken; and that there was something improper about Hoboken's receipt of only "a fraction" of the $100 million in grants Mayor Zimmer said she requested for her City. Here, for background

and context, we review the damage caused by Superstorm Sandy and the federal and New Jersey State responses.

1. Superstorm Sandy

Superstorm Sandy hit New Jersey on October 29, 2012. The storm originated as a tropical wave off the western coast of Africa on or about October 11, 2012.[833] Sandy developed into a tropical storm in the Caribbean Sea on or about October 22, 2012, a category 1 hurricane on or about October 24, 2012, and a category 3 hurricane on or about October 25, 2012, tearing through Jamaica, Cuba, Haiti, and the Bahamas, before making its way north through the Atlantic Ocean and towards the coast of New Jersey.[834] On October 29, 2012, Sandy hit landfall as a post-tropical cyclone outside of Atlantic City, New Jersey, bringing with it excessive rains, high-velocity winds, destructive waves, and a storm surge measuring over 8.5 feet, inundating the coast of New Jersey.[835] Among other horrific consequences, rivers overflowed, towns were flooded, homes were destroyed and washed away, boardwalks were torn down, and fires started, causing unprecedented damage across the state, as well as in other states.[836] On October 30, 2012, President Obama declared all 21 counties in New Jersey major disaster areas.[837]

2. Sandy's Devastating Financial Consequences

The destruction caused by Superstorm Sandy was catastrophic, causing at least approximately $37 billion in damages and needs across the state of New Jersey to a maximum of approximately $60 billion in damages and resiliency measures.[838] Immediately after the storm, Governor Christie called the damage "incalculable."[839] Approximately five million residences in New Jersey lost power, many for several weeks; approximately 346,000 homes were damaged or destroyed; critical power and utility repairs were expected to cost approximately $4 billion; and New Jersey businesses lost an estimated $8.3 billion.[840] According to the National Hurricane Center Sandy Tropical Cyclone Report, issued by the National Weather Service, and an

independent study conducted by the Rutgers School of Public Affairs and Communication, towns in Monmouth and Ocean counties were hit the hardest.[841]

According to the Rutgers study, Hoboken, located in Hudson County, was the 131st hardest hit municipality in New Jersey, experiencing flooding in half the city and suffering over $100 million in damages.[842] Due to its topology, Hoboken has historically experienced flooding from high intensity rainfall occurring during periods of high tide.[843] But this was Hoboken's worst flooding in history due to the tidal surge entering from low lying areas in the North End and the South End of the City.[844]

3. President Obama's And Governor Christie's Responses To Superstorm Sandy

On January 29, 2013, President Obama signed into law the Disaster Relief Appropriations Act of 2013, providing approximately $50.38 billion to assist areas impacted by Superstorm Sandy.[845] Those areas included New York, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, and Pennsylvania. The Disaster Relief Appropriations Act did not provide any funds directly to the New Jersey State government but, instead, allocated funds to more than ten different federal agencies and cabinet-level departments.[846] In turn, those federal agencies were tasked with determining how much of the allocated money would go to New Jersey and other states, and the guidelines under which New Jersey and other states would be required to distribute the funds.[847]

Shortly after Superstorm Sandy hit, Governor Christie initiated a comprehensive recovery effort to rebuild New Jersey's communities. To that end, Governor Christie created GORR. GORR's principal function was to coordinate the recovery and rebuilding activities of New Jersey State agencies and to interact with the federal agencies controlling federal aid, as well as other local and private entities involved.[848] GORR Executive Director Marc Ferzan, has

explained that, in coordinating the distribution of Sandy aid, the Christie Administration has "tried to have an objective process. [The Administration has] tried to design programs with application criteria that are objective, that prioritize the communities most in need with the least financial resources."[849]

4. Sandy Aid Programs

Sandy aid programs are primarily funded with federal government funds and thus governed by federal regulations and federal oversight, with inherent limits as to how the funds can be distributed. The primary executive federal agencies disbursing the aid relevant to Mayor Zimmer's allegations are the Federal Emergency Management Agency ("FEMA") and the Department of Housing and Urban Development ("HUD"). All allocations of FEMA and HUD must satisfy these agencies' strict requirements, including guidelines about what types of projects are eligible for funding.[850]

Every person we interviewed involved in allocating and administering Sandy aid programs confirmed that politics played no role whatsoever in the allocation of these funds, and that Sandy aid has never been tied to any political favor, such as an endorsement or support for a favored private development project. Rather, all involved have reported that Sandy aid has been based solely on objective criteria in a transparent process, and the evidences shows this has been the directive from Governor Christie himself.

Mayor Zimmer's allegations are focused on Hoboken's requests for funding from two federal programs—HUD's Community Development Block Grant-Disaster Recovery Program and FEMA's Hazard Mitigation Grant Program. Her allegations also concern HUD's "Rebuild by Design" competition, which is related to the Community Development Block Grant-Disaster Recovery Program. These programs are discussed below.

5. HUD's Community Development Block Grant-Disaster Recovery Program

Through the Community Development Block Grant-Disaster Recovery Program ("CDBG-DR"), HUD provides "flexible grants" to aid recovery "from Presidentially declared disasters, especially in low-income areas."[851] DCA is charged with administering the Sandy-related CDBG-DR funds that HUD has awarded to New Jersey.[852]

CDBG-DR funds are allocated to New Jersey in three tranches. On or about March 5, 2013, HUD posted a notice in the Federal Register making New Jersey eligible for the first tranche, totaling approximately $1.83 billion in grants.[853] Pursuant to HUD requirements, New Jersey submitted to HUD an Action Plan, developed by DCA, on or about March 27, 2013, that laid out how it planned to use the first tranche of CDBG-DR funds.[854] Prior to submitting this Action Plan to HUD for final approval, DCA posted its proposed Action Plan for public comment.[855] New Jersey prioritized assisting families with rebuilding their homes, helping small businesses to get back on their feet, and addressing the immediate needs of the community to finance and operate in the aftermath of Superstorm Sandy. Accordingly, the DCA's Action Plan for the first tranche of CDBG-DR funding was aimed at individuals and businesses.[856]

Commissioner Constable directed his staff to calculate funding based on the extent of the damages. For example, because at the time "affordable housing [was] the State's top priority," the DCA allocated approximately $1.2 billion, equal to around "66% of the programmatic funding from this initial tranche of CDBG-DR funds to housing programs."[857] Another $460 million, the bulk of the remaining funds, were allocated to "economic revitalization activities" that were focused on "satisfying many of the unmet needs of the small business sector."[858]

On April 29, 2013, HUD approved the DCA's proposed Action Plan, and on May 13, 2013, HUD signed a Funding Approval/Agreement, which made the first allotment of CDBG-

DR funding available to New Jersey.[859] The Funding Approval/Agreement provides a high-level breakdown of how the funds must be spent, and Commissioner Constable certified that the DCA would comply with various federal rules and regulations when allocating the funds.[860] As a result of the Action Plan and certification, the first tranche of CDBG-DR funds had to be spent as laid out in the HUD-approved Action Plan (and formal amendments thereafter), and neither the DCA nor Commissioner Constable had further flexibility with respect to allocation of those funds without seeking HUD approval. Only a small fraction of the money was allocated for distribution directly to governmental entities, including municipalities like Hoboken.[861] Municipalities were eligible for only six of the twenty-one programs funded by the first tranche of CDBG-DR funds.[862] And the first tranche programs focused on homeowners and businesses, rather than infrastructure projects. This is important because almost all of Mayor Zimmer's funding requests for Hoboken in 2013 were for infrastructure projects and thus, most of Mayor Zimmer's requests could not be funded with the first tranche of CDBG-DR funds.

HUD's Office of Inspector General has received approximately $10 million in federal funds to conduct audits of New Jersey's distribution of CDBG-DR funds.[863] In connection with the first tranche of CDBG-DR funding, the Office of Inspector General conducted on-site audits at the DCA in May 2013, September 2013, and November 2013.[864] In addition, HUD conducted an on-site risk analysis monitoring visits at the DCA in July 2013 and, most recently, in March 2014.[865]

On October 28, 2013, HUD announced the availability of the second tranche of approximately $1.4 billion in CDBG-DR funds for New Jersey.[866] HUD stated that this "second round of recovery funds . . . will assist impacted communities to meet remaining housing, economic development and infrastructure needs" and will potentially fund "major infrastructure

projects."[867] The DCA posted its Action Plan for the second tranche for public comment in February 2014.[868] The Action Plan emphasizes that "[s]ignificant needs remain unmet in all infrastructure sectors," and proposes allocating $535 million to infrastructure-related programs, including $100 million specifically for a Flood Hazard Risk Reduction & Resiliency Measures Program that includes municipalities and other government agencies as eligible applicants.[869]

6. FEMA's Hazard Mitigation Grant Program

FEMA's Hazard Mitigation Grant Program ("HMGP") "provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration."[870] The program is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (codified at 42 U.S.C. § 5170C), and the amount of funds available under the program are limited by statute.[871] After Superstorm Sandy hit, FEMA determined the amount of available funds for New Jersey by applying a percentage set forth in the statute (7.5 percent) to the total estimated amount of disaster aid that New Jersey would receive through FEMA.[872] That calculation resulted in a cap of approximately $290 million in HMGP funds for New Jersey.[873]

FEMA is the ultimate decision maker with respect to determining which projects are eligible for hazard mitigation funds and which projects will receive the funds. FEMA has final approval that the funds allocated to New Jersey are spent on projects that satisfy FEMA's requirements. New Jersey determines where to invest the money within the confines of FEMA's rules and regulations. FEMA will only reimburse New Jersey if the money is spent within those confines. In short, FEMA sets the rules, and the State helps applicants follow them. For example, the State has worked closely with municipalities on their applications to increase the chances that FEMA authorizes and funds the projects. Multiple New Jersey agencies, including the New Jersey Office of Emergency Management ("OEM"), the New Jersey Department of

Environmental Protection ("DEP"), the New Jersey Office of Homeland Security and Preparedness, the New Jersey Board of Public Utilities, and the New Jersey Economic Development Authority ("EDA"), have been charged with administering and distributing the Sandy-related HPMG funds from FEMA.[874] GORR works closely with them to plan the Sandy aid policies and programs, but the agencies are responsible for implementing the programs and related operations.[875]

More than 500 municipalities and community organizations across New Jersey submitted more than 1,500 requests for hazard mitigation funding.[876] The requests sought funding for projects totaling more than $14 billion, and the median request sought approximately $732,500 in hazard mitigation funding.[877] Hoboken alone sought approximately $95 million in HMGP funding. In short, with a cap of approximately $290 million at the time, less than 2 percent of all funding requests could be satisfied. Indeed, this is a harsh example of the Christie Administration's greatest challenge after Superstorm Sandy—namely, determining how to allocate a limited amount of federal money to damages that far exceed the amount of federal funds available. And, given that the needs of the many are so great as compared to what will be distributed, it is inevitable that there will be criticism and disappointment in the Administration's allocation decisions.

Given the large disparity between the multi-billion dollar requests made and the multi-million dollar funds available, GORR worked with the relevant agencies to develop six programs that relied on objective criteria to determine how best to distribute New Jersey's approximately $290 million in HMGP funds at the time. These six programs are:

1. The HMGP Elevation Program: $100 million was allocated directly to homeowners to elevate their homes in flood-prone areas.[878]

2. The HMGP Buyout Program: $300 million was announced and the initial $100 million was allocated directly to homeowners to buy out their properties in areas subject to repetitive flooding.[879]

3. The HMGP Local Resiliency Projects Program: $50 million was allocated to counties to help them pursue regional and local resiliency projects to protect communities from future storms and disasters.[880]

4. The Planning Grant Program: $2.8 million was allocated to county emergency management agencies to prepare comprehensive hazard mitigation plans.[881]

5. The HMGP Liquid Fuel Resilience Program: $7 million was allocated to support the purchase of generators for fuel stations located along key thoroughfares in the State.[882]

6. The HMGP Energy Allocation Initiative: $25 million was allocated to municipalities, counties, and other governmental entities to pursue energy resiliency measures.[883]

The HMGP Energy Allocation Initiative was the only one that awarded funds directly to municipalities like Hoboken to date. A cross-agency working group, in conjunction with GORR, created this program in response to hundreds of hazard mitigation funding requests for emergency generators and other energy projects.[884] The cross-agency working group calculated who received the awards and how much by applying objective criteria into a formula. That working group included representatives from OEM, DEP, the New Jersey Board of Public Utilities ("BPU"), and the New Jersey Office of Homeland Security and Preparedness. They evaluated proposed energy projects with a set of objective criteria, including population size, population density, indicators of risk (history of receiving aid under FEMA's Public Assistance Grant Program and participation in the National Flood Insurance Program), and whether the project would benefit entities involved in life safety (*e.g.*, police departments, hospitals, and

shelters).[885] The results were then ranked and scored based on the number of calculated points and those above a certain minimum threshold were allocated funds. For the above-the-threshold projects, applications must be submitted to FEMA for approval, and then, ultimately, OEM distributes the funds in accordance with FEMA's approvals. Ferzan and Commissioner Constable were not members of the cross-agency working group.[886] In fact, no one from GORR or the DCA participated in the working group's deliberations or decisions.[887]

D. In-Depth Fact Chronology

1. Mayor Zimmer Adopted And Promoted The Rockefeller Group's Flood Mitigation Plan

Mayor Zimmer has alleged that, starting in May 2013, top Christie Administration officials threatened her to move forward with the Rockefeller Group's private development project in Hoboken. Accordingly, below, we outline the facts regarding how the Rockefeller Group came up in discussions between the Mayor and various officials in the Christie Administration between January 2013 and May 2013, and the nature of those discussions.

2. January–May 2013: Mayor Zimmer Introduced The Rockefeller Group's Flood Mitigation Plan To The Christie Administration

In January and February 2013, Mayor Zimmer introduced a flood mitigation plan to protect the entire city of Hoboken from future flooding. She got the plan for free from the Rockefeller Group, which presumably presented the plan to incentivize Mayor Zimmer and others to move forward with its private development project.

Before we discuss what the evidence shows as to when and how Mayor Zimmer introduced that plan to the Christie Administration, we pause briefly to discuss the context of the Rockefeller Group's involvement here. The Rockefeller Group is a private corporation focused on acquiring, developing, and managing urban and industrial properties.[888] It owns commercial property that it wants to develop on the North End of Hoboken, and it has been attempting to

obtain the necessary approvals to develop that property for several years.[889] To represent its interests, the Rockefeller Group hired lobbyists, others of whom are former members of Democratic administrations (*e.g.*, Kay LiCausi of the Hoboken Strategy Group, who formerly served as Vice Chair of the Hudson County Democratic Organization from 2002 to 2005 and as a staff member to then-Congressman Robert Menendez from 1998 to 2002),[890] and others of whom are former members of the Christie Administration (*e.g.*, Lori Grifa of Wolff & Samson, who served as DCA Commissioner from 2010 to 2012).[891]

During late 2011 and early 2012, before Superstorm Sandy, the Christie Administration offered assistance to Mayor Zimmer in facilitating dialogue concerning private development proposals in Hoboken. There were meetings with Mayor Zimmer and her staff, including a lunch meeting in February 2012 with the Lieutenant Governor when they may have discussed two proposals: (1) the Rockefeller Group's development project on the North End, and (2) a development project directly involving NJ Transit and its private development partner, LCOR, on the South End. After Superstorm Sandy, the Administration's focus shifted to the recovery effort, although it continued to try to advance the NJ Transit/LCOR project.

In early 2013, the Rockefeller Group and its engineers from Dresdner Robin proposed a flood mitigation plan intended to protect the entire city of Hoboken (the "Rockefeller Group's Flood Mitigation Plan").[892] Dresdner Robin started the plan as a "flood control application for a number of buildings for [its] client, The Rockefeller Group, [and] then the idea grew into a city-wide concept."[893] This plan included flood walls on the North End and the South End of Hoboken, roadway flood gates, and additional pumps to drain water from any floods.[894] The designers believed that the proposed dry flood walls, in combination with the city's natural topography and the roadway gates, would result in "protect[ing] the total of Hoboken residences

that may be subject to significant damage/isolation by flooding."[895] And the additional pumps would "allow streets to drain during periods of intense rainfall and high tide conditions."[896]

Mayor Zimmer was so pleased with the Rockefeller Group's Flood Mitigation Plan that she adopted it as her own, asked the Christie Administration to help her obtain federal funds for it, and promised her constituents that she would pursue it.

There is evidence that as early as January 29, 2013, Mayor Zimmer and her Chief of Staff Dan Bryan were seeking the Christie Administration's support for the Rockefeller Group's Flood Mitigation Plan. During a meeting that day to introduce Mayor Zimmer and her staff to IGA's new Regional Director for Sandy recovery, Richard Rebisz,[897] Mayor Zimmer herself raised this plan. Rebisz reported that Mayor Zimmer wanted "to lobby for a pumping system for the city as well as some sort of removable 'sea wall' to prevent water from inundating the city in the future."[898] Mayor Zimmer also said she wanted "to come up with a consensus between NJ Transit, the PANYNJ, the State of NJ, and the Federal Government on a flood mitigation plan to prevent future catastrophic flooding[.]"[899]

Two weeks later, on February 13, 2013, Mayor Zimmer announced her support for the Rockefeller Group's Flood Mitigation Plan in her State of the City address and thanked the Rockefeller Group by name for their idea, stating: "[W]e must pursue a comprehensive, integrated approach to fully protect all of Hoboken. . . . The plan under consideration involves using Hoboken's natural topography and elevation as a barrier to flooding. I want to thank the Rockefeller Group's engineering team for introducing this simple design concept to me."[900] Mayor Zimmer also promised to seek "federal funding" for this plan.[901]

Mayor Zimmer's flood mitigation plan was not without its critics. For example, an editorial in the *NJ Spotlight* criticized the plan: "Even if these gates could protect Hoboken, they

will divert the storm surge to nearby unprotected communities. Hello Jersey City. Sorry about all that water, Weehawken."[902] The editorial also said "rising sea levels caused by global warming may make sea walls obsolete before they can be built."[903] And NPR quoted Paul Gallay, the President of the conservation group Riverkeeper, making similar criticisms: "Trying to wall off storm surges in densely populated areas like Hoboken is not the way to go. In the short run, it pushes water off onto surrounding communities, like Weehawken, Jersey City, and of course, the river to Manhattan. And in the long run, you end up overwhelmed by ever-rising waters."[904]

On the day of her State of the City address, Mayor Zimmer asked Rebisz for a meeting with Ferzan the next day "to discuss how to protect Hoboken from future flooding (sea walls, flood gates, etc.)."[905] Mayor Zimmer was scheduled to attend a meeting with FEMA and other elected officials from various municipalities to discuss FEMA's new Advisory Base Flood Elevation ("ABFE") maps.[906] Rebisz stated in an email that Mayor Zimmer and her staff would "also bring an engineer with them from the Rockefeller Group" and explained that the Rockefeller Group was "their consultant who developed ideas on how to protect the city from future flooding[.]"[907]

When Ferzan learned that Mayor Zimmer invited the Rockefeller Group to a meeting with him, FEMA, and representatives from other towns to discuss flood mitigation, he thought it was "odd"[908] and "[w]eird"[909] that Mayor Zimmer was bringing a private developer who was promoting its flood mitigation plans to this type of meeting. Grifa contacted Ferzan by email to let him know that Mayor Zimmer had "asked Rockefeller to accompany her to a mtg w/ you tomorrow."[910] Grifa wrote that the Rockefeller Group's senior vice president of business development (Clark Machemer), Dresdner Robin's engineering consultant (Fred Worstell), and

Grifa would attend.[911] Ferzan emailed back that, due to "the context" of the meeting, he thought their attendance "will be a bit odd," noting that "the meeting includes FEMA and several towns (including Hoboken)."[912] Grifa responded that she agreed that "[a] separate mtg is far more appropriate" and that she would "work on details" for that meeting with David Reiner, a Senior Policy Advisor in the Governor's Office.[913]

Within a week of her State of the City address, Mayor Zimmer was sitting down in a private one-on-one meeting with Governor Christie. Although Governor Christie rarely met one-on-one with Mayors, he agreed to meet with Mayor Zimmer because they had developed a good working relationship. The meeting was scheduled for one hour. During the meeting, Mayor Zimmer introduced and sought the Governor's support for the Rockefeller Group's Flood Mitigation Plan. Mayor Zimmer showed Governor Christie a presentation that outlined her plan for flood control for Hoboken, including rolling out large maps with proposed flood walls and pumps. Governor Christie "promised" Mayor Zimmer a "sit down with [DEP] Commissioner[] Martin[914] and [DCA Commissioner] Constable" to discuss the Rockefeller Group's design.[915]

a. Mayor Zimmer Asked Many Christie Administration Officials And State Agencies To Fund The Rockefeller Group's Flood Mitigation Plan

The Christie Administration had multiple meetings with Mayor Zimmer and her staff in March and April 2013 relating to funding for the Rockefeller Group's Flood Mitigation Plan. During this period, Mayor Zimmer met with both Commissioners Constable and Martin to discuss the Rockefeller Group's Flood Mitigation Plan, and she wrote a letter to Governor Christie, complaining that "the solution to Hoboken's flooding challenges cannot be dependent on future development."[916] The Christie Administration responded with a series of meetings and steps to evaluate her plan. In her January 20, 2014 interview on Anderson Cooper 360, Mayor Zimmer described her meetings with the Christie Administration during this period. She said,

"there's always a lot of discussion about development," "there was not a direct connection made" between development and Sandy aid, but that "there was pressure."[917]

b. Mayor Zimmer's March 5, 2013 Meeting With DEP And DCA

On March 5, 2013, as a result of Governor Christie's directive, Commissioner Constable, Commissioner Martin, David Glass (DEP Deputy Chief of Staff), Cindy Randazzo (DEP Director of Local Government Assistance), and Matt Mowers (IGA Regional Director) met with Mayor Zimmer, Hoboken's Planning Director and Division Chief (Stephen Marks), Hoboken's City Engineer (Joseph Pomante), and the Assistant Project Director for North Hudson Sewerage Authority ("NHSA")(Donald Conger) to learn about Mayor Zimmer's Flood Mitigation Plan.[918]

Mayor Zimmer presented the Rockefeller Group's Flood Mitigation Plan at a cost of approximately $90 million as her own: She discussed the plan's design of flood walls and flood breaks, and she and her staff informed the Commissioners that the "Rockefeller Group, a developer in Hoboken, designed the plans in order to assist the city with its mitigation requests."[919] Mayor Zimmer brought a large map of Hoboken to showcase the plan, and she brought up the Rockefeller Group's development project. She said that the Rockefeller Group could potentially play a role investing money into the build out of the project as well. Mayor Zimmer wanted the Commissioners to support the project and the State's assistance paying for it.

Commissioner Martin told Mayor Zimmer that there would be limited hazard mitigation funding available in the coming months. He knew at the time that there were letters of intent requesting a total of approximately $14 billion in funds,[920] but that the State would only have a small fraction of that amount available for hazard mitigation. Commissioner Martin and Mayor Zimmer discussed the possibility of Hoboken engaging the Army Corps of Engineers, and both Commissioners noted that Hoboken should consider applying for public assistance funding from

FEMA to assist with the project.[921] The Commissioners "agreed that the best route was to 'package all the projects' together from a variety of sources in order to potentially best suit the desire of the Mayor and the needs of the City."[922]

Commissioner Martin told Mayor Zimmer that he wanted DEP's engineers, headed by Dave Rosenblatt, to meet with her team and see whether the plan made sense. Mayor Zimmer agreed. Commissioner Martin also said he would be happy to work with the Mayor to try to find funding for the project. The Christie Administration's takeaway was that, "[o]verall the Mayor was very pleased with the result of the meeting and appreciative, again, of the administration's efforts."[923] All of the attendees with whom we spoke, including Commissioners Martin and Constable, stated that no one said, or even suggested, that Sandy aid was tied to private development. And we found no evidence that they were ever tied together at that meeting. Indeed, the meeting notes confirm that fact: they do not reflect any discussion of the Rockefeller Group's North End project.[924]

Following the March 5, 2013 meeting, Commissioner Martin directed his engineers at the DEP to evaluate the design of the Rockefeller Group's Flood Mitigation Plan from an engineering perspective. Commissioner Martin wanted his principal coastal engineer, Dave Rosenblatt, who worked at the DEP for approximately 35 years during the administrations of both Democratic and Republican governors alike, to evaluate the feasibility of the project. To that end, the DEP's Chief of Staff, Magdalena Padilla, emailed Grifa that "Commissioner Martin requests that Dave Rosenblatt, from our Coastal Engineer program, meet with you and your client to discuss their proposal. Dave may be joined by other members of his team who are working on flood control issues concerning that area."[925] Padilla further stated that "[t]he Commissioner requests that this meeting take place next week."[926] Rosenblatt and his team of

DEP engineers wanted to speak with the engineers who designed the Rockefeller Group's Flood Mitigation Plan and did not think about inviting Mayor Zimmer and her staff. That meeting was postponed, Mayor Zimmer and her staff were then invited, and the meeting took place on May 9, 2013.[927]

c. March 11–19, 2013: Mayor Zimmer's Additional Meetings With The Christie Administration To Promote The Rockefeller Group Flood Mitigation Plan

On or about February 20, 2013, in the midst of Mayor Zimmer bringing in the Rockefeller Group and Dresdner Robin to push Hoboken's Flood Mitigation Plan, Lori Grifa from Wolff & Samson sought a meeting with the Governor's Office.[928] That meeting took place on March 11, 2013.[929] Reiner, a Senior Policy Advisor, informed colleagues in advance that this meeting "has to do with a development in north Hoboken being undertaken by the Rockefeller Group that may be able to assist with recovery related infrastructure improvements. I don't know much more than that, but it's probably worth hearing them out."[930] Prior to the meeting, Grifa sent a letter to Reiner stating that "this letter [is] confirmation of" the meeting on March 11, 2013, and advising that she "will be accompanied by representatives from Rockefeller: Mr. Clark Machemer, Vice President and Regional Director and Mr. Ronel Borner, Manager, Real Estate Development; as well as Mr. Fred Worstell, a professional engineering consultant to our client from the Dresdner Robin firm."[931] Reiner's notes from the meeting reflect that the Rockefeller Group's representatives discussed the North End development project in the context of anti-flood mitigation plans for all of Hoboken.[932]

On March 12, 2013, Mayor Zimmer, accompanied by other Hoboken officials, proposed her flood mitigation plan at another meeting with representatives of the Governor's Office, GORR, New Jersey Transit ("NJ Transit"), the New Jersey Turnpike, the New Jersey Department of Transportation, and the Port Authority.[933] These stakeholders are the same ones

that Mayor Zimmer—in her January 22, 2013 letter to Governor Christie— had requested to meet.[934], "The purpose . . . was to bring the various stakeholders in the region's transportation infrastructure together in order to better understand current mitigation plans to prevent future flooding and damage in a similar way to what was experienced during Superstorm Sandy."[935] Mayor Zimmer "started the meeting by reviewing the plans proposed by the Rockefeller Group and noting that she would like to work with NJ Transit, PATH and other entities to develop a holistic flood prevention program that includes a variety of mitigation projects."[936] Witnesses recalled Mayor Zimmer presenting a map of Hoboken with the schematic drawing of sea walls and flood gates. Reiner's contemporaneous handwritten notes of the meeting reflect that GORR's Deputy Director, Terrence Brody, told Mayor Zimmer that he was "happy to work [with] you but there are many needs out there," and that Mayor Zimmer consider FEMA's Section 406 ("406") grant program.[937] Witnesses who attended the meeting said that no one ever stated, or even implied, that Sandy aid was tied to political affiliation, an endorsement of the Governor, or private development projects.

Although Mayor Zimmer spent a lot of time and energy advocating for funding for the Rockefeller Group's Flood Mitigation Plan, she was sometimes lax about follow up. For example, she failed to return NJ Transit's then-Executive Director Jim Weinstein's call concerning the proposed redesign of the NJ Transit/LCOR development project in the South End of Hoboken that would cover a large portion of Mayor Zimmer's flood wall design plans and "actually elevate the proposed buildings and include an 8 foot wall beneath the building along the southern end of Hoboken."[938] Members of Governor Christie's staff were confused by Mayor Zimmer's failure to respond.[939]

On March 19, 2013, IGA's Matt Mowers emailed Mayor Zimmer and her Chief of Staff, Dan Bryan, the contact information of a high-ranking official of the New Jersey State Police Office of Emergency Management in case Mayor Zimmer needed help with "any public assistance applications and any additional issues."[940] The following week IGA met with Mayor Zimmer's Chief of Staff Bryan and Joel Mestre, the Deputy Coordinator of Hoboken's Office of Emergency Management, to discuss Hoboken's proposed portable flood wall project.

d. April 2013: More Meetings With The Christie Administration

On April 4, 2013, Mowers met with Mayor Zimmer. They discussed, among other things, that "the Rockefeller Group designed plans that the Mayor has advocated for in regards to flood mitigation."[941] Mowers "informed her that the Governor was supportive of the Army [C]orps conducting a study on the [flood mitigation] project and he has made that clear to the [C]orps."[942] Mayor Zimmer "appeared to be elated to hear" the news.[943] Mowers reported that Mayor Zimmer was "very pleased with the administration and the Governor's commitment to assisting Hoboken in its numerous endeavors and issues."[944]

On April 9, 2013, Commissioner Martin spoke by phone with Mayor Zimmer for approximately 20 minutes, including about the DEP's process to evaluate the Rockefeller Group's Flood Mitigation Plan before discussions with the U.S. Army Corps of Engineers about an engineering study for the plan. During this call, Mayor Zimmer learned from Commissioner Martin of DEP's plans to meet with the Rockefeller Group the following week to discuss the plan. Commissioner Martin asked Mayor Zimmer for a point of contact so DEP could be sure that Hoboken was always kept apprised of developments. The meeting was originally scheduled for April 15, 2013, but Commissioner Martin then directed his staff at DEP to ensure that Hoboken was represented at the meeting.[945] As a result, DEP rescheduled the meeting, Mayor Zimmer and her staff were invited, and the meeting occurred on May 9, 2013.[946]

e. April 23, 2013: Mayor Zimmer Wrote To The Christie Administration And Received A Response

On April 23, 2013, at 2:13 p.m., Juan Melli, the communications manager for the City of Hoboken, sent a letter from Mayor Zimmer by email to Commissioner Martin, Commissioner Constable, and Ferzan.[947] Commissioner Martin's executive secretary forwarded Mayor Zimmer's letter to sixteen people at DEP. In the letter, Mayor Zimmer thanked Governor Christie for meeting with her "to discuss Hoboken's severe flooding problems."[948] The letter addressed multiple issues relating to Superstorm Sandy: the devastation to Hoboken; the lack of insurance coverage for residents and businesses; the threat of further flooding; the "comprehensive plan . . . at a cost of $22 million" to address Hoboken's flood risks; Hoboken's plans to purchase "new lands for parks" and "build underground detention systems" to collect rainwater; and "a conceptual plan for building a series of berms, flood walls, and implementing an innovative flood break system."[949]

Mayor Zimmer seemed to believe there was some connection between obtaining funding for the flood mitigation plans and "future development."[950] She alluded to what was in her own mind when she wrote: "In the immediate term regarding funding for the pumps, Hoboken should receive unconditional support in the same manner as the rest of the State. . . . Just as shore towns are not being asked for development in exchange for protecting them from future storms, *the solution to Hoboken's flooding challenges cannot be dependent on future development.*"[951] Mayor Zimmer was not claiming during this period that anyone in the Christie Administration with whom she discussed the Rockefeller Group's Flood Mitigation Plan—including GORR, DEP, DCA, or the Governor—directly tied Sandy funding to a private development project.[952]

In her April 23, 2013 letter, Mayor Zimmer stated that she understood federal policies appeared to preclude her from getting federal funding to pay for the Rockefeller Group's

mitigation plan. Mayor Zimmer wrote: "I have met with numerous members of your Administration to discuss these concerns including Marc Ferzan, Commissioner Martin, Commissioner Constable, and others. Unfortunately, federal policies, including FEMA regulations, are stacked against urban areas, and none of their suggestions have been possible to get help for Hoboken."[953] As a result, Mayor Zimmer asked the Christie Administration to fund her flood mitigation plan: "I hope your Administration will fully fund these incredibly important pumps since they are already fully designed and represent a shovel ready project that could immediately help to protect Hoboken."[954]

Upon receipt of Mayor Zimmer's letter, the Christie Administration held a cross-agency meeting that included DEP, BPU, DOT, NJ Transit, and GORR on April 25, 2013. The goal of this meeting was "to map critical infrastructure in the Hoboken are[a] and brainstorm synergies for energy resiliency" and "also discuss flood protection."[955]

Afterward, also on April 25, 2013, Commissioner Martin emailed Mayor Zimmer a letter in response to her April 23, 2013 letter, copying Commissioner Constable and Ferzan. Commissioner Martin outlined steps that DEP was taking in response to her request.[956] Those steps included: (1) a meeting, which took place on April 26, 2013,[957] between Commissioner Martin's Chief Advisor, Ray Cantor, the Assistant Commissioner for Land Use, Marilyn Lennon, and the Mayor of Jersey City "to discuss some of the challenges unique to urban areas;"[958] (2) an invitation to Mayor Zimmer's business administrator, Stephen Marks, to attend a meeting among DEP, the NHSA, FEMA, and New Jersey Environmental Infrastructure Trust ("NJEIT"), "to discuss options to advance a flood mitigation project for Hoboken,"[959] which took place on April 26, 2013;[960] and (3) a meeting that Commissioner Martin and Ferzan had with the U.S. Army Corps of Engineers to include Hoboken's proposed project in its North Coast Comprehensive

Study, which took place on April 22, 2013.[961] In addition, Commissioner Martin stated that "DEP's Office of Engineering and Construction will meet with the Rockefeller Group to discuss Hoboken's proposed long-term flood risk reduction project."[962] Commissioner Martin stated that this meeting, initially scheduled for May 8, 2013, but moved to May 9, 2013,[963] "with DEP engineers is in follow-up to your separate meetings with Governor Christie and with Commissioner Constable and myself" and that "Stephen Marks has been invited to this meeting as well."[964] Commissioner Martin concluded that "the State is equally committed to recovery and rebuilding in all areas of New Jersey that were affected by Superstorm Sandy, including Hoboken" and that "the Christie Administration . . . look[s] forward to continuing to work with [the Mayor] as we recover and rebuild New Jersey."[965]

Less than two hours after Commissioner Martin emailed this April 25, 2013 letter, Mayor Zimmer emailed back: "Thank you for your prompt response to my letter. Stephen Marks will be representing me at the meeting tomorrow, as I want to make sure that I am here to meet Governor Christie for an event in Hoboken tomorrow afternoon."[966]

f. Christie Administration Officials Searched For Funding For Mayor Zimmer's Flood Mitigation Plan Designed By The Rockefeller Group

Below, we present the facts leading up to Mayor Zimmer's allegations concerning the May 13, 2013 ShopRite event with Lieutenant Governor Guadagno. In particular, we discuss what steps the Christie Administration took to assist Mayor Zimmer in 2013 and the critical events that took place the week before the May 13, 2013 ShopRite event.

g. Late April/Early May 2013: Steps Taken To Assist Hoboken

Both GORR and DEP took steps to assist Hoboken in late April and early May 2013. For example, both Ferzan and his deputy, Terrence Brody, made efforts to help Hoboken pursue and

obtain federal funding from FEMA. On April 26, 2013, Ferzan emailed FEMA's highest-ranking official responsible for Sandy recovery in New Jersey to thank her for "taking an aggressive look at" federal funding programs for Hoboken's mitigation plan.[967] A few days later, Brody emailed Mayor Zimmer to "encourage Hoboken to explore resiliency projects" using one of FEMA's federal programs.[968] Then, on May 2, 2013, DEP officials met with the NHSA—which was located on the North End of Hoboken—to "discuss funding options for Projects including stormwater pumping stations in Hoboken."[969]

In addition, on or about May 3, 2013, Commissioner Martin and Ferzan submitted written comments to the U.S. Army Corps of Engineers regarding its Draft Project Management Plan and Draft Scope of Work for the North Atlantic Coast Comprehensive Study.[970] Their comments were designed, in part, to ask the U.S. Army Corps to focus their efforts on identifying long-term mitigation measures to help urban communities like Hoboken. Commissioner Martin and Ferzan told the U.S. Army Corps that the State had been "engaged in extensive discussions with communities, environmental groups, and thought leaders in the State to identify short- and long-term measures to better protect repetitive loss areas in extreme weather events."[971] And they explained that the State was "partnering with universities across the State to study potential mitigation measures in particularly vulnerable northern New Jersey communities such as Hoboken . . . and other coastal areas which lack existing Corps-built protective measures."[972] They asked the U.S. Army Corps of Engineers to "incorporate a concrete process for the State to share its existing analyses and ongoing work product" with the Corps.[973]

h. May 8, 2013: Mayor Zimmer Wrote To Governor Christie Seeking Funds For Water Pumps For Hoboken

On May 8, 2013, Mayor Zimmer wrote to Governor Christie that Hoboken faced "severe flooding" that day due to a rain storm.[974] Mayor Zimmer asked for the Governor's help to fund

the building of three additional storm-water pumps.[975] Among other things, Mayor Zimmer stated in her letter that she "was stunned to hear that 'there will be no Hazard Mitigation funding for Hoboken' and that the only assistance being provided for critical pump infrastructure is a low interest loan."[976] We have been unable to find any evidence of anyone in the Christie Administration telling Mayor Zimmer anything like that at this time, and her statement is inaccurate and inconsistent with the Administration's subsequent communications.[977]

Upon receipt of Mayor Zimmer's letter, the Christie Administration took additional actions to help her find funds for storm-water pumps and other aspects of her flood mitigation plan. For example, upon receipt of the letter by email, Michele N. Siekerka, the DEP's Assistant Commissioner of Water Resource Management, informed DEP employees that the pumps Mayor Zimmer wrote about were "the topic of our meeting last week in addition to a flood wall," that there would be a "more comprehensive meeting" with DEP engineers the next day to evaluate Mayor Zimmer's Flood Mitigation Plan (with the Rockefeller Group's engineers), that it would be "tough" and "probably impossible" to get federal funding from FEMA for the pumps and flood walls, but that they would look at other funding options.[978] Despite these obstacles, Siekerka, GORR, and their colleagues brought creative proposals to FEMA in an effort to help Mayor Zimmer find the funds for her Flood Mitigation Plan.

3. May 8, 2013: Hoboken's Planning Board Rejected The Rockefeller Group's Request That Its Land Be Designated For "Redevelopment"

On May 8, 2013, Hoboken's Planning Board, consisting of Mayor Zimmer's appointees and supporters, voted down the Rockefeller Group's application to have its North End property declared in need of "redevelopment."[979] At the Planning Board Committee meeting, a representative from Clarke Caton Hintz ("Clarke Caton"), an architecture, planning, and landscape firm based in Trenton, gave a presentation in favor of the Rockefeller Group's

"redevelopment" application. In late 2010, at Mayor Zimmer's request, the Port Authority paid Clarke Çaton $75,000 to conduct a study of the North End area. Clark Caton then found that, within the North End area, the Rockefeller Group's property should be designated for "redevelopment."[980] During the meeting, Clarke Caton explained the circumstances under which a property warrants classification for "redevelopment" versus "rehabilitation."[981] Redevelopment has much better tax consequences than rehabilitation.[982] Since Clarke Caton issued its study, however, the Rockefeller Group demolished certain buildings on its North End property, seemingly rendering two of the three Rockefeller Group blocks no longer eligible for "redevelopment" status.[983] By a 4–3 vote, the Planning Board voted down the Rockefeller Group's application, meaning it would not be receiving its desired "redevelopment" tax benefits.[984]

In Mayor Zimmer's public allegations, she claimed that the Hoboken Planning Board meeting on May 8, 2013, led directly to Lieutenant Governor Guadagno's threat days later at the ShopRite tour. We found no evidence, however, that there was any discussion, concern or knowledge within the Governor's Office of the Hoboken Planning Board's vote. And we found no evidence that the Planning Board's decision had any impact whatsoever on the Christie Administration's attempts to assist Mayor Zimmer in seeking funding for the Rockefeller Group's Flood Mitigation Plan.

4. May 9–13, 2013: Additional Efforts To Assist Mayor Zimmer

On May 9, 2013, the meeting that Commissioner Martin had proposed between DEP's engineers and the Rockefeller Group engineers who designed Mayor Zimmer's flood mitigation plan took place at DEP.[985] The meeting was attended by representatives from DEP (Linda Coles, Matthew Klewin, John Moyle, Michele Siekerka, David Rosenblatt, Michele Putnam, and Eugene Chebra), Mayor Zimmer, Joseph Maraziti (counsel for Hoboken), Fredrick Worstell of

Dresdner Robin, Clark Machemer of the Rockefeller Group, Lori Grifa of Wolff & Samson, and Kay LaÇausi of Hoboken Strategy Group.[986] All seven DEP representatives who attended this meeting recalled with certainty that no one from DEP proposed or suggested in any way that Sandy aid was tied to support for the Rockefeller Group's North End redevelopment project.

All seven DEP representatives who attended the meeting also said the meeting was about Hoboken's Flood Mitigation Plan, as promoted by Mayor Zimmer and designed by the Rockefeller Group and its engineers. It was not about the Rockefeller Group's development. While the Rockefeller Group representatives mentioned their property and their goal of finding solutions to the flooding problem in Hoboken,[987] Mayor Zimmer took out a map of Hoboken to explain the Rockefeller Group's schematic design of sea walls and pumps. Mayor Zimmer said she wanted to discuss public-private partnerships to fund the flood mitigation plan. Although Mayor Zimmer's appointees had not supported the Rockefeller Group's attempt to get the most advantageous tax designation the day before, no one observed any tension between Mayor Zimmer, her staff, and the Rockefeller Group's representatives. They appeared to be a team working together to find a solution to the flooding problem. Contemporaneous handwritten notes by both Assistant Commissioners Siekerka and Putnam, the Director of the Division of Water Quality, reflect that sea walls, additional pumps, and funding for the Hoboken's Flood Mitigation Plan were the focus of the meeting.[988] Following the meeting, Siekerka was tasked with looking for funding sources to pay for a comprehensive flood mitigation project in Hoboken.

That same day, on May 9, 2013, Ferzan met with Mayor Zimmer to "talk[] through some of the strategic alternatives that we've been working on to address repetitive flooding concerns in Hoboken."[989] After the meeting, Ferzan emailed Mayor Zimmer and several members of her

staff to "let [them] know that [they] have requested that FEMA's Federal Coordinating Officer . . . meet with all of [them] collectively" to further discuss the funding requests.[990] The very next day, on May 10, 2013, Eric Daleo, a Special Advisor in GORR, met with NJ Transit's then-Executive Director Weinstein to discuss, among other things, Mayor Zimmer's proposal "to build 3 new pump stations for North Hudson Sewerage at a cost of $29 million."[991]

Also on May 10, 2013, Mayor Zimmer emailed Ferzan under the subject heading, "Thank you/Important idea for discussion from Mayor Zimmer."[992] Mayor Zimmer said that she wanted to let Ferzan know what she was "thinking as next steps for Hoboken," and that she might be "making an announcement next week," although she did not disclose those next steps.[993] She further stated: "I understand I will be seeing the Lieutenant Governor on Monday, but it would be great to discuss my idea briefly with you if you have time."[994] Thus, it appears that Mayor Zimmer intended to speak with the Lieutenant Governor about the "important idea"—Hoboken's Flood Mitigation Plan, designed by the Rockefeller Group—when the two were to be together on May 13, 2013.[995] There is no evidence, however, that the Lieutenant Governor had any prior involvement with Hoboken's plan or efforts to obtain funding for it.

In response to Mayor Zimmer's May 10, 2013 letter, and at her invitation, Ferzan spoke by phone with Mayor Zimmer on Saturday, May 11, 2013, "for a good twenty minutes, or so."[996] Ferzan concluded that, "[i]t sounds like [Mayor Zimmer] will proceed with a plan to coordinate payment for 3 pumping stations with the local authority to combat short-term concerns over repetitive flooding through debt financing."[997] Ferzan wrote in an email dated May 12, 2013:

> If FEMA approves pending project worksheets to cover these pump station costs -- that would theoretically wipe out the debt obligations. (FYI -- we are arranging to have FEMA leadership meet with her (and us) in the short term to advocate.)
>
> If FEMA does not pick up the costs, we talked through other options, including possible HMGP funding and/or CDBG dollars, as well as private developers

> picking up some of the tab and/or other hazard mitigation projects in Hoboken. I assured her that we would continue to work with her to help find solutions.
>
> I explained to her that we needed to be methodical in our approach, and our preference would be for FEMA to pay, but that we will simultaneously explore other alternatives with her.
>
> She also had an 'outside the box' suggestion to combat repetitive flooding via the use [o]f Oyster beds based on a discussion she had with Stevens. . . .
>
> She seemed appreciative.[998]

This conversation between Mayor Zimmer and Ferzan occurred two days before, according to Mayor Zimmer, the Lieutenant Governor allegedly delivered a message that Mayor Zimmer had to move forward with the Rockefeller Group's private development project. Notably, the day after the Lieutenant Governor allegedly threatened her, in a May 14, 2013 email to a Stevens Institute of Technology professor in Hoboken, Mayor Zimmer did not mention that exchange and, instead, focused on Ferzan, describing him as someone "interested and open" to new strategies.[999] And she stated that Ferzan "recognized that post-Sandy anything and everything has to be considered, even if it means changing policy and laws in order to move forward with innovative solutions."[1000]

5. May 13, 2013: What Occurred Before, During, And After The ShopRite Event

Mayor Zimmer has alleged that the Christie Administration directly linked Sandy aid to the Rockefeller Group's private land development for the first time at the end of the ShopRite tour in Hoboken on May 13, 2013. Mayor Zimmer has alleged that this event was "created" so that the Lieutenant Governor could "pull [her] aside" to deliver a "direct message from the governor."[1001] This is an event of critical importance. For the reasons explained here, Mayor Zimmer's account is demonstrably false in material respects.

a. The Event Was Part Of The Business Action Center's "Open For Business" Tours

The May 13, 2013 ShopRite tour was not an event "created" at the last minute. It was part of a series of long-planned "Open for Business" events for the Lieutenant Governor. From January 2013 through May 2013, the Lieutenant Governor visited numerous businesses throughout New Jersey to draw public attention to those that had reopened in communities heavily impacted by Superstorm Sandy.

The State's Business Action Center ("BAC") organized and implemented the "Open for Business" tours. In or about August 2010, the Christie Administration formed the BAC to retain, expand, and create jobs in New Jersey. Under the BAC's standard operating procedure, the BAC, in conjunction with others in the Christie Administration, identified businesses that were open following Superstorm Sandy and in "good standing," *i.e.*, they had paid their taxes and otherwise complied with their legal and regulatory obligations. The BAC then prepared a tentative schedule of the tour and sought the consent and approval of the business owners. If the owners consented to host the event and have local elected officials in attendance, the BAC informed IGA personnel, who then invited the local mayor to attend. The BAC's Director of State Marketing, Catherine Scangarella, who also worked in Governor Jon Corzine's administration, said that the locations of "Open for Business" events had nothing to do with the political party or endorsement of the local mayors and the events occurred regardless of whether the local mayor supported or opposed the Christie Administration and regardless of whether the local mayor agreed to attend or declined.

b. April 23, 2013: The Hoboken ShopRite Makes The List For A Tour

The ShopRite tour was not "created" the Friday before the event, as Mayor Zimmer has alleged, but rather, proposed three weeks before the tour. On April 23, 2013, IGA's Christina

Renna emailed the BAC a list of 17 businesses in five municipalities that had reopened after Sandy for potential tours by the Lieutenant Governor. Three businesses on the list were in Hoboken, including the ShopRite, which was described as a "huge relief to residents when it re-opened."[1002] Rebisz put ShopRite on the list because of something that Mayor Zimmer's Chief of Staff Bryan said that struck a chord with Rebisz during a tour in early 2013 of the devastation caused by Sandy to Hoboken. Bryan said Hoboken had suffered when the ShopRite store closed right after Sandy hit and the city's residents had no place to go for basic groceries locally so they had to travel outside the city to get them. Bryan said it was a great relief to residents when the store reopened.

Once ShopRite was on the list, BAC followed its standard operating procedures in scheduling the Lieutenant Governor's tour of ShopRite in Hoboken. The first step, of course, was to contact ShopRite's owners. But the BAC had difficulty reaching them. On May 8, 2013, a BAC employee wrote Scangarella that she had spoken to a ShopRite manager, who then directed her to the corporate office, but she had not yet heard back from the corporate office.[1003] On May 9, 2013, the BAC employee updated Scangarella that she had not heard back from ShopRite and identified three additional potential businesses to visit if ShopRite did not work out.[1004] Concerned that they might not hear back from ShopRite in time for the scheduled date of the tour, Scangarella asked Melissa Orsen, the Lieutenant Governor's Chief of Staff to contact the ShopRite corporate office, explaining that a call from the Lieutenant Governor's office might result in a quicker response than a call from the BAC.

c. May 10, 2013: Mayor Zimmer Was Invited To Attend The ShopRite Tour Midday, *After* The ShopRite Venue Was Confirmed

It was not uncommon to confirm one of the Lieutenant Governor's business tours within a few days of the scheduled event. As a result, it was not uncommon for the local elected official to be contacted once the venue was confirmed, and that is what happened in scheduling the ShopRite tour. On May 10, 2013, at 12:07 p.m.—approximately three days before the scheduled tour—a BAC employee emailed Bridget Kelly that they were "confirmed for the [Lieutenant Governor's] visit to Shop Rite of Hoboken . . . on Monday from 12:00PM – 1:15PM."[1005] Following standard protocols, BAC then asked IGA to find out whether the Mayor would attend.[1006] Within an hour, at 1:02 p.m., Renna emailed the BAC employee to inform her that IGA had reached out to Mayor Zimmer "to invite her, but it is currently unclear if she will attend."[1007] At 2:26 p.m., Ridley emailed that "the mayor is on board for the [Lieutenant Governor's] stop on Monday."[1008]

d. May 10–11, 2013: The Governor's Senior Staff Retreat Began After Mayor Zimmer Was Invited To Attend the ShopRite Event

Starting on the afternoon of May 10, 2013, there was a senior staff "retreat" with the Governor at Drumthwacket. It started on the afternoon of May 10, 2013—after the decision to invite Mayor Zimmer to the ShopRite event had already been made—and ended on May 11, 2013, shortly before lunch. According to contemporaneous emails, the Governor's senior staff retreat started at 12:30 p.m. on May 10, 2013—about a half hour after confirmation of the Hoboken ShopRite event to which Mayor Zimmer was then invited.[1009] During the retreat, Ferzan gave a 45-minute PowerPoint presentation entitled "New Jersey Recovery Strategies."[1010]

The people who had some material involvement in identifying, scheduling, and communicating about the ShopRite tour did not attend the senior staff retreat. We have seen no

evidence that anyone at the senior staff retreat discussed or mentioned Mayor Zimmer, the Rockefeller Group, or the upcoming the ShopRite event. Indeed, the five attendees with whom we spoke—including the Governor and the Lieutenant Governor—do not recall discussing or mentioning any of these topics at all. The Governor did not recall having any substantive conversations with the Lieutenant Governor at the retreat.

Given Mayor Zimmer's allegation that the Lieutenant Governor delivered a "direct message" from Governor Christie at the ShopRite tour, we briefly address what the Governor knew about the Rockefeller Group's project in Hoboken, Mayor Zimmer's view of the project, and Wolff & Samson's relationship with the Rockefeller Group. Governor Christie said that he had only a very general awareness of the Rockefeller Group and that they were attempting to do some development in Hoboken. The Governor was aware of the Rockefeller Group from other projects around the State, including ground-breakings and ribbon cuttings that he recalled attending. Governor Christie said that he was not aware that Mayor Zimmer had taken a position adverse to the Rockefeller Group's development project in Hoboken and did not know whether that was, in fact, the case. The Governor also stated that, prior to Mayor Zimmer's allegations, he was not aware that Wolff & Samson represented the Rockefeller Group. The Governor has not met with Lori Grifa of Wolff & Samson since she left the DCA in 2012.

e. May 13, 2013: The ShopRite Event In Hoboken

Just as the agenda provided for the ShopRite event reflects, the Lieutenant Governor arrived at approximately noon, met and took photographs with the owners and other officials, viewed pictures of the damage to business from Superstorm Sandy, toured the business, and departed at approximately 1:15 p.m., when the event concluded.[1011] During the tour, the Lieutenant Governor was accompanied by her aide, Luciana DiMaggio, a staff member of the BAC, Anthony Szymelewicz, and IGA's Ridley.[1012]

Mayor Zimmer and her Chief of Staff Bryan also attended this ShopRite event. Just prior to the start of the tour, at approximately 11:22 a.m., Kelly forwarded to Ridley the May 10, 2013 email from Mayor Zimmer to Ferzan, thanking Ferzan for taking time to meet with her, saying she had an "[i]mportant idea" to discuss, and stating that she understood that she would "be seeing the Lieutenant Governor on Monday, but it would be great to discuss my idea briefly with you if you have time."[1013] Ridley forwarded the email to DiMaggio at 12:02 p.m.[1014]

At some point prior to the start of the event, Bryan asked Ridley if Mayor Zimmer could speak with the Lieutenant Governor for a few minutes. In other words, it was not the Lieutenant Governor who wanted to meet with Mayor Zimmer, it was the other way around—Mayor Zimmer wanted to have this meeting. Ridley asked DiMaggio, and DiMaggio emailed Orsen at 12:06 p.m., that "[t]he mayor of hoboken wants a few min[utes] after the event about Sandy. Evan [Ridley] said she met with Marc [Ferzan] last week. What do you think? Should we grant the meeting?"[1015] Orsen responded at 12:48 p.m.: "If LG [the Lieutenant Governor] wants to."[1016] Toward the end of the tour, Ridley followed up with an email at 1:01 p.m. with the subject heading "Meeting w/Zimmer": "Any word on getting the mayor a few minutes after this meeting?"[1017] DiMaggio later responded after the tour concluded at 1:19 p.m.: "Sorry. Melissa [Orsen] said it was up to the LG and she wanted to do it. All good."[1018]

After the tour, Mayor Zimmer got the meeting that she requested with the Lieutenant Governor. They spoke outside the ShopRite store in a public parking lot as they walked towards the Lieutenant Governor's vehicle. The Lieutenant Governor said that they met outside because she had to leave for a 2 p.m. meeting immediately thereafter. It was a private conversation, but it happened in public. Ridley and DiMaggio were standing on opposite sides of the vehicle,

approximately 15 to 20 feet away from the Lieutenant Governor and the Mayor. Others, including the press, were also nearby. Neither Ridley nor DiMaggio overheard the conversation.

The Lieutenant Governor and Mayor Zimmer have different recollections of their meeting. While Mayor Zimmer said the event was "created"[1019] to deliver a message to her, the Lieutenant Governor said it was scheduled in the ordinary course of business and planned in advance of the senior staff retreat. While Mayor Zimmer said the Lieutenant Governor "pull[ed]" Mayor Zimmer "aside,"[1020] the Lieutenant Governor said it was Mayor Zimmer who asked the Lieutenant Governor for the meeting.[1021] And while Mayor Zimmer said the Lieutenant Governor was given a "direct message from the governor" to deliver before inviting Mayor Zimmer to the event, the Lieutenant Governor said the decision to invite Mayor Zimmer was made before she even saw the Governor at the senior staff retreat.

As for the conversation itself, the Lieutenant Governor recalled that it was Mayor Zimmer, having requested the meeting, who launched into a discussion about wanting more Sandy aid for Hoboken and claimed that she was not getting the valves that she wanted for Hoboken because of stalled development in Hoboken. The Lieutenant Governor did not recall Mayor Zimmer specifically referring to the Rockefeller Group or its development project by name. The Lieutenant Governor stated that Mayor Zimmer was the one who connected Sandy aid to the development project. The Lieutenant Governor said in response that development and Sandy aid were not related and that, if Mayor Zimmer claimed that the Lieutenant Governor was connecting the two, Mayor Zimmer would be wrong and the Lieutenant Governor would say so. The Lieutenant Governor recalled saying that she had nothing to do with the allocation of Sandy aid, that Hoboken would receive Sandy aid when it was entitled to that aid, and that Mayor Zimmer should speak with Ferzan about such Sandy-related issues.[1022] The Lieutenant Governor

said that she also reminded Mayor Zimmer that the Governor's Office had to address the post-Sandy needs of the entire State, not just Hoboken.

The Lieutenant Governor recalled that her conversation with Mayor Zimmer was tense. They had a good relationship before this exchange; the Lieutenant Governor even had a photo of herself with Mayor Zimmer in her office. But on this occasion, the Lieutenant Governor recalled having to be firm with Mayor Zimmer and being frustrated with Mayor Zimmer's single-minded focus on Hoboken, as Mayor Zimmer was failing to recognize the needs of the State as a whole, especially when many communities on the New Jersey shore (including Monmouth Beach, the Lieutenant Governor's own shore community home) had experienced immense destruction.

After this exchange, the Lieutenant Governor entered her SUV, as did Lucy DiMaggio. The Lieutenant Governor always sat in the front passenger seat of the car while DiMaggio sat in the back. The Lieutenant Governor did not recall what she said about her conversation with Mayor Zimmer upon getting into the vehicle but said the context would have been that Mayor Zimmer was not being a team player in failing to recognize the profound needs of the entire state. DiMaggio recalled observing that the Lieutenant Governor and Mayor Zimmer were having a serious conversation, and then when the Lieutenant Governor got into the vehicle, the Lieutenant Governor expressed her frustration with Mayor Zimmer. In general, she recalled the Lieutenant Governor saying words to the effect that Mayor Zimmer was not playing ball or playing well with others, the context of which DiMaggio did not understand.

The Lieutenant Governor denied Mayor Zimmer's allegation that she (the Lieutenant Governor) said, in words or in substance, "I know it's not right – these things should not be connected – but they [are]" and "if you tell anyone I said that I will deny it."[1023] The Lieutenant

Governor stated that she did not say—and, as a former federal prosecutor of public corruption cases, would not have said—what Mayor Zimmer claimed.

On May 13, 2013, at approximately 3:56 p.m., several hours after the ShopRite event, *The Jersey Journal* published an article by Charles Hack about that event.[1024] Hack paraphrased Mayor Zimmer's remarks, and then quoted the statements that the Lieutenant Governor had made to the press during the ShopRite event, when she was touring the business.[1025] Hack stated that Mayor Zimmer said, among other things, that "an application has been made for $29 million in flood mitigation funding to install three more pumps along the waterfront."[1026] Hack further stated that "[t]he mayor said the pumps have been designed, are ready for construction and North Hudson Sewerage Authority is ready to build them as soon as funding has been approved."[1027] Hack then quoted Lieutenant Governor Guadagno as saying: "To her credit, the mayor is a great advocate for Hoboken, but the governor has to be an advocate for the entire state . . . . We are trying to [do] the best we can with the resources we have."[1028] In addition to saying this to the press during the ShopRite event, the Lieutenant Governor recalled reiterating the same point, in sum or in substance, to Mayor Zimmer during their meeting following the event.

6. May 16, 2013 Event: Commissioner Constable Appeared With Mayor Zimmer And Others On A Televised Broadcast Of A Town Hall Meeting

Mayor Zimmer has alleged that she was threatened again three days after the ShopRite event at a May 16, 2013 televised town hall broadcast. She asserts that Commissioner Constable delivered the same message—that Mayor Zimmer had to move forward with the Rockefeller Group's private development project if she wanted Sandy money to flow to Hoboken.[1029] And she said that the message was delivered while she and Commissioner Constable were "mic'd up," seated next to each other on stage, and waiting for the televised broadcast to begin. Given

the significance of the event as a result of Mayor Zimmer's allegations about it, we review it in detail.

On May 16, 2013, Commissioner Constable and Mayor Zimmer, along with seven other panelists comprised of government officials, corporate and non-profit executives, journalists, and professors, participated as panelists in a two-hour PBS-TV town hall discussion about Superstorm Sandy's aftermath.[1030] The discussion was broadcast live from two locations, the campus of Monmouth University in West Long Branch, New Jersey, and Lincoln Center Studios in New York City.[1031]

Commissioner Constable was accompanied to the town hall by his deputy chief of staff, Arif Welcher. When Constable arrived at Monmouth University, he recalled going to the "green room" where the panelists took turns having make-up applied. Constable did not recall Mayor Zimmer being present when he was in the green room, and we found no evidence that Mayor Zimmer was, in fact, there. After visiting the restroom to review his notes, Constable was ushered on stage to an assigned seat next to Mayor Zimmer. Constable and Mayor Zimmer were in the first row, surrounded by the other panelists.



FIGURE 3.[1032]

Sitting inches away to Commissioner Constable's right was Patrick Murphy, director of Monmouth University's polling institute. Sitting to Mayor Zimmer's immediate left was Mayor Matthew Doherty of Belmar, a Democrat. Sitting in the second row—also within a few feet of Commissioner Constable and Mayor Zimmer—were Nicole Gelinas (Searle Freedom Trust Fellow, Manhattan Institute); Peter Reinhart (Director, Kislak Real Estate Institute, Monmouth University); Bill Ulfelder (Executive Director, Nature Conservancy, New York); Ralph LaRossa (President & COO, Public Service Electric & Gas Co.); and Vivien Gornitz (Special Research Scientist, Columbia University). Each of the panelists—including Commissioner Constable and Mayor Zimmer—wore a live microphone, and there were dozens in the audience sitting nearby.

While seated next to each other and wearing live microphones, Commissioner Constable and Mayor Zimmer engaged in a brief conversation prior to the start of the town hall broadcast at 8:00 p.m. According to Commissioner Constable, this conversation lasted for a very brief period and the show then started within minutes. Commissioner Constable and Mayor Zimmer have

very different recollections of that conversation. Commissioner Constable recalled that the conversation began when he asked Mayor Zimmer how things were in Hoboken, but he did not recall the specific words he used. Commissioner Constable did not recall Mayor Zimmer's response but said he recalled, in general, her bringing up the Rockefeller Group project.

The conversation between Commissioner Constable and Mayor Zimmer occurred next to another panelist, Belmar Mayor Matthew Doherty, an independent witness who happens to be a Democrat. Mayor Doherty said that Commissioner Constable did not tie Sandy aid to a development project in his conversation with Mayor Zimmer or say anything like the words now being attributed to him by Mayor Zimmer: "if you move that forward, the $ would start flowing to u."[1033] Mayor Doherty said there was no "quid pro quo" discussion or threats of any kind made that evening. He said Mayor Zimmer may have associated the two topics in her own mind, but Commissioner Constable did not tie them together.

Toward the end of the PBS-TV town hall broadcast, Commissioner Constable responded to a question asking "where do we go from here?" by stating "Yeah, I mean, we're at a good place now finally, in that we're starting to get the federal monies to flow. It's been too slow candidly but it's, the faucet's about to open so hopefully, in the next few weeks over the summer, you're going to see homes starting to be rebuilt. You're going to see businesses with capital to start to move forward."[1034]

7. Post-May 13, 2013: Christie Administration Officials Continued To Help Mayor Zimmer And Hoboken Seek And Obtain Sandy Aid

In evaluating Mayor Zimmer's allegations, we reviewed Mayor Zimmer's interactions with the Christie Administration following the ShopRite tour on May 13, 2013, and looked for any evidence of how State officials responded to Mayor Zimmer's requests for assistance and Sandy aid funding after that. What we found was evidence that various officials in the Christie

Administration continued to try to help Mayor Zimmer and Hoboken. And we found that the Christie Administration was more responsive and proactive in trying to help Mayor Zimmer than the Mayor was in responding to those efforts.

a. Immediate Aftermath Of The May 13, 2013 ShopRite Tour: Seeking FEMA Funds For Mayor Zimmer's Flood Mitigation Plan

In the immediate aftermath of the May 13, 2013 ShopRite event, various officials in the Christie Administration were looking for sources of funding for Mayor Zimmer's flood mitigation plan.

One potential source of funding was FEMA. On the evening of May 13, 2013, the same day of the ShopRite event, Ferzan was organizing "a meeting for Mayor Zimmer in Hoboken" to explore the possibility of obtaining public assistance and FEMA federal funds for her flood mitigation plan.[1035] On May 15, 2013, that meeting took place. And Mayor Zimmer and her staff met with Ferzan, Siekerka, FEMA's highest ranking recovery official in New Jersey, and "key folks from her FEMA hazard mitigation team to further discuss the pending requests" to fund "the pump station costs."[1036] GORR's deputy director said that GORR and FEMA officials were excited and energized to find ways to help Hoboken with their mitigation plans and secure FEMA mitigation funding. Hoboken "verbally presented FEMA with a citywide protection mitigation plan" that "called for floodwalls to be placed at the north and south ends of the city at an estimated cost of $50M [meaning $50 million], and the installation of 3 storm-water pumping stations at a cost of $30M [meaning $30 million]."[1037] GORR's Deputy Director said that they were hoping to expand FEMA's mitigation funding to cover Mayor Zimmer's plan.

Another possible source of funding was low-cost financing from the EIT. The NJEIT is an "independent State financing authority" that finances the "construction of environmental infrastructure projects that enhance and protect ground and surface water resources."[1038] Every

year, the U.S. Environmental Protection Agency ("EPA") allocates tens of millions of dollars to the DEP for the New Jersey Clean Water State Revolving Fund ("CWSRF").[1039] The CWSRF awards low-interest loans, which is 0 percent on the DEP portion of the loan, to municipalities, counties, and utility authorities for water quality construction projects.[1040] To receive funding, however, local entities must submit a letter of intent, a subsequent application, and certain documents. If the DEP approves, it certifies the project and, after additional review by NJEIT, the proposed project is submitted to the New Jersey Legislature for consideration in that year's CWSRF legislation. In addition, if the DEP approves, the municipality can apply to NJEIT for interim financing pending receipt of the CWSRF funds.

In the spring of 2013, DEP asked David Zimmer, NJEIT's Executive Director, to determine whether NJEIT could assist Hoboken in connection with Mayor Zimmer's flood mitigation plan. On May 15, 2013, David Zimmer spoke with the Mayor and Marks about low-interest financing for Hoboken's flood pumps.[1041] After the discussion, David Zimmer emailed the Mayor, Marks, and Fredric Pocci (Executive Director of the NHSA), and copied various representatives from the DEP, including Assistant Commissioner Siekerka.[1042] David Zimmer wrote that they were ready to "break off into respective groups to start teeing up the necessary processes and information requirements in order to move on this loan/project request as soon as possible."[1043]

David Zimmer also stated that "[w]hether or not this is a project that might be available for a federal grant or reimbursement program[] is a question that needs to be explored and discussed internally first," but noted that "at a minimum, it would appear that this project should qualify for a short-term bridge loan under the Disaster Emergency Financing (DEF) Program."[1044] Shortly thereafter, DEP Assistant Commissioner Siekerka responded that she had

"a meeting at North Hudson [Sewerage Authority] tomorrow at 10am with FEMA mitigation experts for the express purpose of reviewing how the pumps could fit" under FEMA's hazard mitigation funding program.[1045]

The next day, May 16, 2013, Siekerka and FEMA officials met with the NHSA and then emailed Marks about the meeting.[1046] Their purpose was to see whether they could merge the NHSA's need for hazard mitigation funds to protect its facility and Mayor Zimmer's request for water pumps. Siekerka wrote that the meeting "went well" but that the Sewerage Authority "need[ed] to do some further homework to see if the pumps" could attach to a hazard mitigation application for FEMA funds and then submit a written proposal to FEMA's 406 Hazard Mitigation Crew Leader ("Crew Leader") for his review.[1047] Subsequently, NJEIT and David Zimmer reached out to and communicated with Mayor Zimmer and her staff on a number of occasions in 2013 regarding the financing of Hoboken's proposed pump stations and other funding opportunities. David Zimmer said that Hoboken was frequently unresponsive to NJEIT's and DEP's inquiries and efforts. On multiple occasions, David Zimmer and/or the NJEIT and DEP employees obtained information for Hoboken, but the Mayor and her staff did not respond to their communications.

On or about May 31, 2013, Mayor Zimmer's Administration submitted a Clean Water Sandy Pre-Letter of Intent to be included in the CWSRF legislation in 2014 for a wet weather pump station estimated to cost approximately $11 million.[1048] However, the deadline had already passed to be considered for financing in fiscal year 2014, so Hoboken's proposal could not be included in that fiscal year's legislation.[1049] Subsequently, on or about October 7, 2013, Hoboken submitted a letter of intent for an H-5 wet weather pump station[1050] and then an application on or about March 4, 2014 for the CWSRF legislation for 2015. Only in March 2014

did Mayor Zimmer's Administration submit the required documentation for DEP and the NJEIT to consider Hoboken's submission for financing in fiscal year 2015. This review is ongoing, consistent with all other loan submissions and the agency's review processes.

b. June 2013: Continued Efforts To Obtain FEMA Funding For Mayor Zimmer's Flood Mitigation Plan

On June 11, 2013, after the NHSA decided that it was not going to "pursu[e]" the pump stations as a mitigation measure,"[1051] Siekerka emailed the Crew Leader at FEMA, regarding a "comprehensive" plan for Hoboken's flooding issues.[1052] The Crew Leader had met with Mayor Zimmer's staff the prior week regarding their proposal for sea walls and was waiting to hear back from them.[1053] FEMA's Crew Leader responded to Siekerka that he did not know whether FEMA would "be able to move forward with the comprehensive plan at this point," but suggested that they could potentially "do something comprehensive . . . with the City of Hoboken" and noted that "the cost of the pumps would have to be added to their proposal for the floodwall."[1054] FEMA's Crew Leader stated that "[his is one of the challenges with trying to make these large scale mitigation efforts eligible with 406 funding – when the additional information starts to come in sometimes it just doesn't work."[1055]

FEMA's Crew Leader then stated that he thought "that the Hoboken 'comprehensive' mitigation should be looked at by another group" and specifically mentioned "the FDRC [Federal Disaster Recovery Coordinator] folks" and copied a FEMA employee who was "more connected to them."[1056] Siekerka responded that she looked forward to a follow up from Foley and noted that it was one of the Governor's priorities.

That same day, Siekerka forwarded the Crew Leader's email to GORR's Eric Daleo and wrote "we need to catch up on this once I get some more info on a better path forward for a comprehensive plan for Hoboken."[1057] Three days later, on June 14, 2013, Siekerka emailed

Marks, copying David Zimmer and Assistant Commissioner Putnam, stating: "Steven – we should follow up this coming week. We need to also revisit the entire comprehensive plan for resiliency that was previously discussed and how FEMA funding works or not."[1058]

c. June 27, 2013: Commissioner Constable Visited Mayor Zimmer

On June 27, 2013, Commissioner Constable and Rebisz visited Mayor Zimmer and Bryan in Hoboken. Their purpose was to update Mayor Zimmer on DCA's recovery programs. They asked Mayor Zimmer to encourage people in her community to apply for funds. Commissioner Constable made similar visits to other elected officials. Both Commissioner Constable and Rebisz described the meeting as friendly. Neither observed any tension with Mayor Zimmer. In a subsequent briefing a few weeks later, Rebisz wrote that "since February, there have been no issues to report in dealing with the Mayor or her staff."[1059]

d. July 2013: Mayor Zimmer Became Non-Responsive

On June 27, 2013—the same day that Commissioner Constable visited Mayor Zimmer—Siekerka emailed Mayor Zimmer and Marks under the subject heading "Hoboken Sandy Recovery," copying representatives from FEMA (Michael Foley and Leroy Horwedel), GORR (Eric Daleo), the Environmental Trust (David Zimmer), and DEP (Cindy Randazzo and Michele Putnam).[1060] Siekerka wrote that she "would like to circle back for a discussion re Hoboken's resiliency measures."[1061] Siekerka explained that "[a]fter some very in depth work, it was realized that attaching the pump stations to the project worksheets for NHSA would not be acceptable to FEMA" for funding and "[b]asically[,] the project cannot stand on its own as providing the most effective measure for protection to the facility."[1062] Siekerka stated that "we need to revisit our dialogue on a comprehensive plan for the City and how to incorporate the pump stations in a city project worksheet."[1063] Siekerka added that "our next step is to regroup and include all projects such as NJT, NYNJPA, the City, NHSA and any others that we may

know about."[1064] Siekerka concluded her email: "Perhaps you or Stephen [Marks] can give me a call to discuss further."[1065]

Neither Mayor Zimmer nor Marks called, emailed, or otherwise tried to contact Siekerka about her request to discuss Hoboken's comprehensive flood mitigation plan. Siekerka said that Mayor Zimmer and Marks also did not respond to phone calls. Despite the lack of responsiveness, DEP and GORR continued to approach FEMA about obtaining public assistance for flood mitigation in Hoboken. For example, on July 2, 2013, Siekerka sent an email to FEMA's Jack Malone and wrote that she "want[ed] to talk with" him about "[i]deas for Hoboken."[1066] On July 17, 2013, Ferzan emailed Siekerka that he had just spoken by phone with FEMA's Federal Coordinating Officer (Szczech), who "raised some issues with respect to Hoboken's responsiveness in connection with FEMA's evaluation of potential [public assistance] projects."[1067] Ferzan stated that the FEMA official was "very appreciative of all your efforts in facilitating, but thought you may be awaiting response as well."[1068] Siekerka responded: "Correct Mark. Hoboken is non-responsive. Sent an email around June 23 [which was actually June 27] to both Mayor and BA [Stephen Marks]. No response."[1069] As a result, on July 24, 2013, Ferzan spoke with Mayor Zimmer "about the need to be responsive to FEMA and the State."[1070] Mayor Zimmer identified Marks as the point of contact and "assured he would be responsive."[1071] A few weeks later, Ferzan emailed Siekerka to "stay on top of Hoboken to be responsive" to FEMA.[1072]

e. Late July 2013: FEMA Declined To Fund Mayor Zimmer's Plan

In a July 18, 2013 memorandum, FEMA independently concluded that Mayor Zimmer's flood mitigation proposal did not meet FEMA's requirements for what is called Section 406 funding.[1073] "In order to use 406 funding for this mitigation it would have to be shown that the mitigation would protect public property with eligible disaster related damages from a future

event," as per FEMA recovery policy.[1074] Mayor Zimmer's proposal had two interconnected parts; the floodwalls at a cost of $50 million, which the city of Hoboken would pursue, and three storm-water pumping stations at a cost of $30 million, which the NHSA would pursue.[1075] However, the proposal for the pumping stations did not meet FEMA's requirements because they would not withstand storm-water damage over the necessary period of time. As a result, NHSA modified its approach and sought funding for a different method to protect its facilities from future flooding.[1076] Therefore, FEMA concluded: "Due to this change in direction, the entire [$80 million] for the proposed mitigation for the floodwalls and 3 storm-water pump stations is not being considered at this time."[1077]

Siekerka tried to go back to Marks to discuss other potential funding options for Hoboken's Flood Mitigation Project. However, Marks did not respond. Eventually, Marks told Siekerka that, because Mayor Zimmer and her staff believed there was a one percent chance that the project would be funded by FEMA, they were going to have to find another way to get the money for the additional water pumps.

After FEMA denied funding for Mayor Zimmer's flood mitigation measures, the Christie Administration took other steps to address the disaster recovery needs of Hoboken and other urban communities impacted by Sandy. In early August 2013, Rebisz informed Mayor Zimmer's Chief of Staff, Dan Bryan, that the Christie Administration was in the process of retaining six universities at a cost of $400,000, which would be paid entirely by the State, "to study the Hudson river area, including flood adaptation strategies and urban storm drainage systems."[1078] Rebisz informed Bryan that "[t]he Stevens study will focus on modeling potential flood impacts and assessing alternatives for hard structures (gates, berms, etc.) to provide flood protection."[1079] The Stevens study focused on Hoboken and addressed the very type of flood

mitigation plan that Mayor Zimmer had been advocating for with the Rockefeller Group's design. In October 2013, following up on DEP's advice during the May 9, 2013 meeting, Hoboken submitted a letter of intent seeking a loan for a wet weather pump station. Because DEP had designated Hoboken's flood mitigation plan as 1 of 17 projects "in dire need," DEP prioritized Hoboken's plan over others.[1080] Everyone with whom we spoke in the Christie Administration, including employees at GORR, DEP, DCA, and IGA, never stopped trying to assist Hoboken throughout 2013.

8. Hoboken Received Funding From Both The Community Development Block Grant-Disaster Recovery Program And The Hazard Mitigation Grant Program

In the Fall of 2013, Hoboken received funding from both the federal programs through which it had sought aid—HUD's Community Development Block Grant-Disaster Recovery Program and FEMA's Hazard Mitigation Grant Program. On September 19, 2013, Hoboken was awarded the entirety of the $200,000 of CDBG-DR funding it requested.[1081] On or about October 9, 2013, Hoboken was also allocated $142,080 in funding through the HMGP Energy Allocation Initiative for emergency back-up generators or other energy resiliency projects—roughly the average allocated to applying municipalities throughout the State.[1082]

9. By The Second Half Of 2013, Mayor Zimmer Shifted Her Focus To Winning HUD's "Rebuild by Design" Competition And Wanted The Christie Administration To Support Hoboken's Candidacy Alone To The Exclusion Of Other Finalists

Rebuild by Design ("RBD") is a federally funded competition arising out of the Presidential Hurricane Sandy Rebuilding Task Force (the "Presidential Task Force") led by HUD Secretary Shaun Donovan.[1083] The competition is "aimed at addressing structural and environmental vulnerabilities that Hurricane Sandy exposed in communities throughout the region and developing fundable solutions to better protect residents from future climate

events."[1084] The competition's goal "is two-fold: to promote innovation by developing regionally-scalable but locally-contextual solutions that increase resilience in the region, and to implement selected proposals with both public and private funding dedicated to this effort."[1085] RBD encourages opportunities for public-private partnerships, and it requires teams to work collaboratively with all relevant stakeholders.

RBD consists of four stages, two of which have been completed. During Stage One, applicants submitted short proposals, and the Presidential Task Force selected those who were able to proceed to the next stage.[1086] During Stage Two, each team was given $100,000 for research expenses and required to identify three to five design "opportunities," or "projects that have the potential for maximum impact on the region's strengths and vulnerabilities."[1087] By the end of Stage Two, each design team had to select one design "opportunity" to develop assuming they got to Stage Three.[1088] In August 2013, the Presidential Task Force, in consultation with the "Competition Jury," selected 10 finalists who made it to Stage Three.[1089] In the third stage, which is currently ongoing, each design team received an additional $100,000 to design site-specific proposals for their chosen projects.[1090] The 10 teams have to "transform their chosen design opportunities to implementable and fundable design solutions."[1091] This phase requires community engagement and work with local political leadership.[1092] Finally, in the third stage, the "Competition Jury" selects one or more winning designs, and the winners implement the projects in close collaboration with state and local government authorities in the final and fourth stage.[1093]

No member of the Christie Administration—not the Governor, the Lieutenant Governor, Commissioner Constable, or Executive Director Ferzan—is a member of the "Competition Jury."[1094] As a result, no one from the Christie Administration was involved in selecting the 10

finalists who made it to Stage Three, and none of them will be involved in determining the ultimate winning designs. Rather, the winners of the competition will be determined by the following people who make up the "Competition Jury": HUD Secretary Shaun Donovan (Chair of the Jury), Henk Ovink (Co-Chair and former senior official in the Netherlands' Ministry of Infrastructure & the Environment), Dr. Lauren Alexander Augustine (National Academy of Sciences), Julie Bargmann (Associate Professor at the University of Virginia School of Architecture), Ricky Burdett (Professor at the London School of Economics and Political Science), Dr. Susan Cutter (Professor at University of South Carolina), Jeanne Gang (Architect and Founder of Studio Gang Architects), Bruce Katz (Vice President and Director at The Brookings Institution), Eric Klinenberg (Director and Professor of Sociology of the Institute for Public Knowledge at New York University), Guy Nordenson (Structural Engineer and Professor of Architecture and Structural Engineering at Princeton University), Mitchell J. Silver (Chief Planning and Development Officer of City Planning in Raleigh, North Carolina), and Mark Tercek (President and CEO of The Nature Conservancy).[1095]

Three of the 10 finalists that made it to Stage Three are New Jersey projects, and two of the 10 are regional projects that cover both New York and New Jersey.[1096] A flood mitigation project for Hoboken created by a design team known as OMA is one of the RBD finalists.[1097] Somewhat similar to the Rockefeller Group's Flood Mitigation Plan, OMA's approach to flood mitigation for Hoboken involves, among other things, the construction of flood walls and additional flood pumps.[1098] Even though there are similarities between OMA's approach and the Rockefeller Group's Flood Mitigation Plan, we found no evidence that Mayor Zimmer asked the Rockefeller Group for its assistance in the RBD competition.

In April 2014, a "Competition Jury" will evaluate the proposals and select the winners.[1099] There will be at least one winner.[1100] The funding for any winning project is expected to come from the third tranche of CDBG funding, but HUD has not said how much money a winning project will receive.[1101]

Mayor Zimmer strongly backs Hoboken's RBD proposal and has asked the Christie Administration repeatedly to intercede and support its proposal alone over the other New Jersey and regional finalists. For example, on October 28, 2013, during an event at New York University in which the RBD finalists were announced, Mayor Zimmer approached GORR Deputy Executive Director Brody on the street outside of the meeting. Brody and others were present to show the Governor's support for RBD. Mayor Zimmer was with Marks. The Mayor told Brody that she really wanted the Governor to endorse Hoboken's RBD plan. Because GORR had only seen a one-paragraph synopsis of the plan and the Governor was not prepared to support any particular entrant in the competition over another, Brody responded that the teams were coming up with interesting concepts but they wanted to understand all of the implications before supporting any particular one. Brody started to explain that, although there were limited resources at the State's disposal, GORR was committed to working with the Mayor on Hoboken's flooding issues. At this point, Mayor Zimmer got very upset. She raised her voice and started yelling that she was not getting enough money for Sandy recovery. When Brody tried to respond, Mayor Zimmer walked away.

Initially, the Christie Administration had raised questions and concerns about RBD funding relative to the significant unmet needs identified throughout the State and limited available federal funds. Secretary Donovan, however, requested the Governor's support, and Governor Christie then agreed to support the competition and facilitate assistance to participants.

Among other things, the Christie Administration facilitated assistance to the New Jersey participants in the competition, including Hoboken.[1102] The Christie Administration expressed positive views about Hoboken's RBD proposal as early as November 13, 2013, when the Governor requested that GORR's Ferzan and New Jersey Economic Development Authority CEO Michele Brown schedule a meeting with Mayor Zimmer to discuss the project.[1103]

Hoboken's design team, led by OMA, raised with GORR its need to partner with private developments. In response, David Morris, GORR's principal member responsible for providing assistance to RBD participants, provided them with contact information of at least two private developers who had expressed interest in pursuing public-private partnerships with Hoboken. On January 2, 2014, Morris suggested that LCOR connect with OMA to help Hoboken's team obtain the information necessary for the competition.[1104] On January 13, 2014, Morris emailed OMA that he "tracked down some contact info[rmation] for another developer working in Hoboken, the Rockefeller Group. I believe they are working near Weehawken Cove in the north, and may be another opportunity for collaboration with regard to your design."[1105]

Moreover, during discussions with Mayor Zimmer, GORR discussed generally that Hoboken could work with private developers and brought up LCOR's development project with NJ Transit in the South End of Hoboken. According to the people we spoke with, no pressure was imposed on Mayor Zimmer to move forward with any particular development and the subject of working with private developers was raised only in the context of maximizing the funds available to implement her Flood Mitigation Plan.

10. The Governor's Re-Election Campaign's And IGA's Responsiveness To Mayor Zimmer Months Before And After The Alleged First Threat On May 13, 2013

Throughout 2013, the Governor's campaign periodically sought Mayor Zimmer's endorsement of the Governor for re-election.[1106] Moreover, IGA continued to respond promptly

to Mayor Zimmer's concerns.[1107] Evidence that the Governor's campaign staff courted Mayor Zimmer through 2013, and that IGA responded to the Mayor's requests, is important in assessing the validity of Mayor Zimmer's allegations. Such evidence would make it less likely that top Christie Administration officials threatened her about a private development project, in the way she has alleged, starting in May 2013.

We found numerous examples of Mayor Zimmer receiving favorable treatment. One example is Mayor Zimmer's February 21, 2013 one-on-one private meeting with the Governor.[1108] This was rare for mayors. During the meeting, the Governor had a brief discussion with Mayor Zimmer about a potential endorsement, but sensing her hesitation as a Democrat seeking re-election herself, he did not pursue the subject. Most of the meeting entailed the Mayor presenting her flood mitigation plan and seeking the Governor's assistance. In response, the Governor directed Commissioner Martin and Constable to meet with her about the Rockefeller Group's Flood Mitigation Plan, and this set in motion a series of meetings with the DEP to explore ways in which they could help Mayor Zimmer accomplish her goal of getting funds for that plan.[1109]

Moreover, within weeks of Mayor Zimmer seeking her January 22, 2013 written request for a joint meeting with the Port Authority of New York and New Jersey, New Jersey Transit, the New Jersey Turnpike Authority, and the New Jersey Department of Transportation, Kelly followed up. She forwarded the letter to Amy Cradic, then Senior Policy Advisor to the Governor, and said "[w]e'd like to accommodate and get this meeting done for the Mayor."[1110] And the joint transportation meeting was then arranged.[1111]

Likewise, on May 13, 2013—the very day Mayor Zimmer claimed she was supposedly first being threatened—Mayor Zimmer was included on an "Appointment Roster" of Mayors

considered to receive honorary appointments. And, two days later, on May 15, 2013, Renna recommended Hoboken as first on a list of non-shore towns to benefit from meetings to explain what mitigation resources were available to them.[1112] (That meeting was ultimately held in Hoboken on August 1, 2013.[1113]) And both Stepien and Kelly received regular updates about, among other things, meetings and assistance provided to Mayor Zimmer.

By July 2013, the Christie campaign decided to approach Mayor Zimmer again about potentially endorsing the Governor. On July 16, 2013, Stepien said "[w]e're approaching a point in time where we have the 'so what's it gonna be?' conversation with Zimmer and Fulop. Are you with us, or against us? We're never going to be in a better position than right now to have that conversation."[1114] On August 20, 2013, Mayor Zimmer and her Chief of Staff, Dan Bryan showed up unexpectedly at an event in Little Ferry.[1115] Rebisz and others were surprised because the event did not relate to Hoboken.[1116] During the event, Mayor Zimmer told a reporter with *The Star Ledger*, who then posted it on Twitter, that she was staying out of the gubernatorial election and did not "expect to be endorsing" anyone.[1117] That came as a surprise to Stepien.[1118] But that same day, Mayor Zimmer went out of her way to post messages of praise for the Governor, such as "I am very glad Governor Christie has been our Gov," and Governor Christie has "done a great job for NJ & Hoboken."[1119] Her Chief of Staff, Dan Bryan, then emailed the Christie campaign, stating that "[a]lthough she's still not planning on endorsing, she's trying to say and do what she can."[1120]

On August 21, 2013, Mayor Zimmer asked if she could appear at the Governor's campaign stop the next day at Hoboken's Carlo's Bakery.[1121] Mayor Zimmer stated: "I would be more than happy to come and say a quick hello and welcome to Governor Christie when he comes to Hoboken tomorrow."[1122] Mayor Zimmer also told them that a reporter asked "why

Brick township is getting $40 million for a temporary comprehensive steel wall to protect their community and Hoboken has not received any funding for comprehensive resiliency measures to protect our City. This particular reporter asked if this had anything to do with the fact that I have not endorsed."[1123] Mayor Zimmer said she "very clearly stated that it does not."[1124] Mayor Zimmer also stated that she was "going to try to reach out to the Governor's office to try to understand the differences in the funding sources between Brick and Hoboken so that I can better respond going forward."[1125] The campaign declined Mayor Zimmer's offer to appear at the event, deciding her appearance could be a "distraction."[1126] Because Mayor Zimmer kept publicly praising the Governor, the Christie campaign continued to hope that Mayor Zimmer might endorse the Governor at a later date.

By early October 2013, Mayor Zimmer, through her chief of staff, Dan Bryan, reached out to the Christie campaign by telephone, suggesting a statement to the press praising Governor Christie.[1127] A draft of the statement that Mayor Zimmer proposed to make stated, in part:

> Over the past three and a half years, *I have been proud to stand with Governor Christie and support him on important initiatives . . . . Here in Hoboken, Governor Christie was there for us when we needed him most, responding to the crisis of Superstorm Sandy* and stepping up to work with us to save Hoboken University Medical Center – and its 1,300 jobs – from potential closure. I am truly grateful to have had the opportunity to serve alongside Governor Christie.[1128]

The campaign considered Mayor Zimmer's proposal "different from what the Mayor communicated" previously, in which "she stated her comfort with a statement of political support for the Governor's re-election."[1129] As a result, the Christie campaign declined Mayor Zimmer's offer, considering it a distraction to have an expression of support but not an endorsement at that late date.

11. November 25, 2013: Ferzan Introduced The Action Plan For The Second Tranche Of CDBG-DR Funds To Mayors, Including Mayor Zimmer

Mayor Zimmer's allegations against Ferzan appear to arise out of a November 25, 2013 "Stakeholder Meeting" at the State House in Trenton.[1130] Mayor Zimmer attended the meeting with several North and Central New Jersey Mayors at which GORR Executive Director Marc Ferzan and others introduced New Jersey's proposed Action Plan for the second tranche of Sandy CDBG-DR funding.[1131] This meeting was held less than one month after HUD announced that New Jersey was eligible for approximately $1.4 billion under the second tranche of CDBG-DR funding,[1132] in an effort to get feedback from mayors and stakeholders and to comply with HUD's requirement that the State hold outreach meetings. Ferzan and the other State officials wanted to give the Mayors a sense of what the second allotment of CDBG-DR funding would consist of and to solicit feedback from the Mayors on how to utilize the funds.

Along with Mayor Zimmer and Stephen Marks from Hoboken, Mayors and officials from Little Ferry, South Amboy, Lyndhurst, Old Bridge Township, South River, Sayreville, and Moonachie also attended that meeting.[1133] Commissioner Constable and Commissioner Martin attended as well, as did DCA Director Lisa Ryan and DCA Assistant Commissioner Stacy Bonnaffons.[1134] Approximately 20 to 30 people attended. Mayor Zimmer sat approximately four to five feet from Ferzan, who stood at the front of the room while he gave a PowerPoint presentation.

Ferzan's presentation covered New Jersey's application of CDBG-DR funds thus far, and the limitations on funding and substantial needs for future funding. According to Ryan's contemporaneous notes, "Mayor Zimmer asked how the State [was] going to help urban areas with the second tranche of CDBG-DR funds" and inquired about funding "for things like elevating utilities and elevators."[1135] In response, Ferzan explained that HUD had already

determined the allocation of the second tranche of CDBG-DR funds that would benefit New Jersey. New Jersey recently posted for public comment its proposed Action Plan and was planning to file its Action Plan with HUD shortly for its consideration. In addition, Ferzan said the State had asked FEMA "about raising utilities" and they had said no, and that "Rebuild by Design is one avenue to consider." Contrary to Mayor Zimmer's claim to Anderson Cooper on CNN on January 20, 2014, Ferzan did not recall Mayor Zimmer raising RBD at the meeting, and he denies linking Sandy aid to private development. All of the people with whom we spoke to who attended this meeting said that Ferzan did not link Sandy aid to private development.[1136]

After the meeting, Commissioner Constable introduced Assistant Commissioner Bonnaffons to Mayor Zimmer, and they spoke briefly. Mayor Zimmer said Hoboken was not receiving enough funds, and mentioned HMGP funds. Bonnaffons responded that the DCA did not administer the HMGP program, but acknowledged Mayor Zimmer's concerns. Among other things, Bonnaffons and Mayor Zimmer also discussed Bonnaffons' experience working in Louisiana after Hurricane Katrina to elevate utilities. Bonnaffons invited Mayor Zimmer to contact her to explore ways in which she might assist the Mayor in connection with funding for the elevation of utilities, but Mayor Zimmer never followed up. Mayor Zimmer also spoke with Commissioner Martin and Assistant Commissioner Siekerka. Mayor Zimmer asked if Hoboken could get funding for water pumps from the NJEIT bridge loan program, and they told her that they would try to expedite the process. Assistant Commissioner Siekerka subsequently called David Zimmer to expedite the application process.

12. Christie Administration Officials Tried To Help Hoboken In Other Ways

Once again, in evaluating Mayor Zimmer's allegations that the Christie Administration linked Sandy assistance to the Rockefeller Group's private development, we analyzed whether the Administration provided assistance to Hoboken in general (and outside the strict confines of

Sandy aid programs) throughout 2013. We found several examples of Administration officials in various departments and agencies extending help to Mayor Zimmer and Hoboken. We have listed examples not mentioned in this Report in a chart as Appendix H.

Two examples stood out, and we discuss them briefly here. The first was David Zimmer's work in discovering and then facilitating a grant of several hundred thousand dollars to Hoboken. In early 2013, David Zimmer read that the Rockefeller Foundation (unrelated to the Rockefeller Group) created a $3 million grant program to help U.S. cities finance and build storm-water infrastructure systems.[1137] Under the program called the RE.invest Initiative ("RE"), the Rockefeller Foundation connects cities with engineering firms, law firms, and financial advisors who develop infrastructure plans at the foundation's expense.[1138] The initiative facilitates public-private partnerships between cities and private firms to reduce the burden on governments, mobilize private investment, improve resiliency, and build integrated planning at the local level.[1139] After reading about the program in early 2013, David Zimmer informed Mayor Zimmer and elected officials in several other New Jersey municipalities. With David Zimmer's assistance, Hoboken was one of eight cities in the U.S. awarded a portion of the $3 million grant.[1140]

The second example related to efforts made by the Executive Director of the New Jersey Housing and Mortgage Finance Agency ("HMFA"), Anthony Marchetta, to assist Hoboken in obtaining Sandy aid for the construction of 44 affordable family housing units. On or about May 15, 2013, HMFA agreed to fund the Hoboken Housing Authority's $3 million affordable housing project, subject to the condition that Hoboken submit a "Resolution of Need."[1141] On or about May 1, 2013, however, Mayor Zimmer submitted a letter to the Hoboken Housing Authority and HFMA opposing the project.[1142] She stated that the Authority's Executive Director, Carmelo

Garcia, had "failed to properly brief [her] Administration, the City Council or the public with respect to this project," and listed specific reasons for opposing it.[1143] Marchetta said that all of these issues were resolvable, but Mayor Zimmer nonetheless refused to support the project. Marchetta recalled that Mayor Zimmer contacted him from Europe in May 2013 to personally express her opposition to the project. Ultimately, on or about May 22 or 23, 2013, the Hoboken City Council failed to pass the Resolution of Need by a 4–4 vote, and the $3 million in low-interest financing was never provided.

E. Factual Analysis: Mayor Zimmer's Allegations Are Unsubstantiated And Contradicted By Contemporaneous Documentary Evidence

After interviewing dozens of witnesses inside and outside the Christie Administration, and reviewing reams of documents, we have found no support for Mayor Zimmer's allegations. Indeed, Mayor Zimmer's allegations are directly contradicted in material respects by contemporaneous documentary evidence, including emails, documents, photographs, eyewitness accounts, and publicly recorded statements. Whether intentional or not, it appears that Mayor Zimmer's subjective perception of the events she has described do not reflect objective reality, and that she has drawn connections between Sandy aid and the Rockefeller Group project that simply do not exist.

1. Mayor Zimmer's Allegations About The Lieutenant Governor Do Not Withstand Scrutiny

Mayor Zimmer's televised interviews and her handwritten notes focused largely on her allegation that the Lieutenant Governor threatened to hold Hoboken's Sandy aid hostage unless Mayor Zimmer moved forward with the Rockefeller Group's private development project. But her account is demonstrably false in material respects. And her subjective perceptions do not match objective reality.

a. The ShopRite Tour Was Not A "Created" Event

Mayor Zimmer's claim that the ShopRite tour was "created" on May 10, 2013, as a vehicle to give the Lieutenant Governor a forum to send "a direct message"[1144] from the Governor to Mayor Zimmer is false. Contemporaneous emails demonstrate that ShopRite was added to the list of potential businesses to visit in Hoboken as part of the Lieutenant Governor's post-Sandy "Open For Business" tour at least 21 days before the May 13, 2013 event.[1145] Contemporaneous emails further demonstrate that the ShopRite location was not final until corporate headquarters consented to the tour on or about May 10, 2013.[1146] Mayor Zimmer's speculation, therefore, that the ShopRite tour was "created"[1147] at the eleventh hour to deliver such a message to her is belied by the contemporaneous documents.

Indeed, there was nothing unusual about the Lieutenant Governor doing an event such as this one touring the Hoboken ShopRite. A significant part of the Lieutenant Governor's job has been to retain, grow, and attract new business to New Jersey because jobs bring stability, growth, and prosperity. Since being sworn in as Lieutenant Governor in January 2010, she has toured hundreds of businesses to meet with their owners, managers, and workers, listen to their concerns and issues, and promote New Jersey business. In 2013 alone, the Lieutenant Governor toured nearly 100 businesses. After Superstorm Sandy, the Lieutenant Governor decided to tour businesses in those communities devastated by the storm to show people inside and outside New Jersey that businesses were reopening and ready for customers.[1148] The ShopRite tour was "part of a series of visits to New Jersey businesses affected by Hurricane Sandy" that had been reopened to the public.[1149]

In addition, based on our interviews and review of relevant documents, Mayor Zimmer's claim that the ShopRite tour was "created"[1150] so that the Lieutenant Governor could deliver a message makes no sense. Lauren Moore, the Deputy Executive Director of the BAC who has

worked for business development in six administrations, and Catherine Scangarella, the Director of State Marketing for the BAC, described the hard work and resources that go into these business tours. And they described a process in which the Lieutenant Governor might not know about which business would be toured until the prior evening. Had the Lieutenant Governor wanted to deliver a message to Mayor Zimmer—and we found no evidence of that—there were far easier, less costly, and less challenging ways for the Lieutenant Governor to do so than taking the time and energy of multiple people to schedule a tour, obtain consent of the owners, contact Mayor Zimmer, and then organize and take the actual tour. Furthermore, pursuant to standard protocols, the tour was scheduled with the consent of the owner and would have proceeded even if Mayor Zimmer had subsequently decided not to attend.

b. Lieutenant Governor Guadagno's ShopRite Tour Followed Standard Protocol, And Mayor Zimmer Should Have Known That

The BAC and IGA followed standard operating procedure when scheduling the ShopRite tour and communicating with Mayor Zimmer about it. Pursuant to that standard procedure, BAC staff first obtained the consent of ShopRite's owners.[1151] BAC informed IGA of that consent on May 10, 2013 at 12:07 p.m.[1152] Pursuant to the standard protocol, that was the earliest point the local elected official—Mayor Zimmer—could be invited. Numerous witnesses said that other elected officials were invited to the Lieutenant Governor's business tours at the last minute on multiple occasions. Based on the evidence, we find that there was nothing unusual or improper about the timing and manner of the BAC's and IGA's invitation to Mayor Zimmer to attend the ShopRite event.

Indeed, we found multiple instances when the same people at the BAC and the IGA followed the same procedure with other "Open for Business" events, including in Hoboken. The BAC obtained the consent of the business owners shortly before the scheduled business tour, the

BAC informed IGA, and IGA then invited the local elected official. We describe three additional examples, including two with Mayor Zimmer herself.

First, on January 16, 2013, BAC's Robertson emailed IGA's Kelly to inform her that they were able to confirm an "Open for Business" tour at a certain restaurant in Hoboken on January 17, 2013.[1153] Kelly then emailed her IGA colleague, Mowers, asking him to find out if Mayor Zimmer was available to join the Lieutenant Governor.[1154] And the Mayor agreed to attend and joined the Lieutenant Governor for the tour the next day. Here, the only difference with the ShopRite event is that Mayor Zimmer was invited to the January 2013 business tour less than thirty-six hours before the event whereas she was invited to the ShopRite tour three days before.

Second, during the same month as the ShopRite tour, the BAC first obtained the consent of the owners of a certain business in Moonachie for an "Open for Business" tour scheduled on May 7.[1155] Only then did IGA then invite the mayor of Moonachie to join the Lieutenant Governor at the event.[1156]

Third, on August 9, 2013, at 3:35 p.m., BAC's Robertson emailed IGA's Kelly to inform her that the tour of Hoboken's Farmer's Market on August 13, 2013, was confirmed.[1157] Kelly then emailed Renna to ask Rebisz to invite Mayor Zimmer to the event.[1158] At 3:55 p.m., Rebisz emailed Bryan, stating that he had left a voicemail message, that the "LG will be in Hoboken this Tuesday, August 13th," and that the Lieutenant Governor "would love to have the Mayor to [sic] join her."[1159] At 4:23 p.m., Bryan responded that "the Mayor is available" and asked the administrative assistant to add the event to the Mayor's calendar.[1160]

That Mayor Zimmer was aware that she was invited just days before two other tours with the Lieutenant Governor, just as she was for the Hoboken tour, undermines her claim that the timing of her invitation to the ShopRite tour was "created"[1161] to send a message. Mayor

Zimmer's subjective perception that there was something wrong with being invited the Friday before the ShopRite tour does not match her own experiences in January 2013 and August 2013.

c. The Lieutenant Governor Did Not "Pull Aside" Mayor Zimmer

Mayor Zimmer's claim that the Lieutenant Governor "pulled" her "aside"[1162] to send her a message from Governor Christie is demonstrably false. The contemporaneous documentary evidence shows that it was Mayor Zimmer who asked to speak privately one-on-one with the Lieutenant Governor after the ShopRite tour ended, not the other way around.

First, Mayor Zimmer's account is disproven by the email that DiMaggio sent to the Lieutenant Governor's Chief of Staff, Melissa Orsen, on May 13, 2013 at 12:06 p.m.[1163] In that email, DiMaggio confirmed that Mayor Zimmer requested to speak with the Lieutenant Governor for a few minutes after the tour ended.[1164] Second, the response from Orsen reflected that there was no agenda or expectation that the Lieutenant Governor would be meeting with Mayor Zimmer in a private meeting.[1165] Third, less than an hour later, at 1:01 p.m., Ridley emailed DiMaggio asking whether there was "[a]ny word on getting the mayor a few minutes after this meeting?"[1166] Finally, the BAC's agenda for the ShopRite tour made clear that there was no meeting envisioned between Mayor Zimmer and the Lieutenant Governor, and had there been a scheduled meeting between them, it would have been included within the BAC's agenda.

In addition to the contemporaneous records, the witness accounts of Ridley, DiMaggio, and Orsen substantiate the Lieutenant Governor's account, not Mayor Zimmer's claim that the Lieutenant Governor "pulled her aside" at the ShopRite tour. Ridley recalled that Mayor Zimmer's Chief of Staff, Dan Bryan, requested the private meeting with the Lieutenant Governor on Mayor Zimmer's behalf. Ridley recalled that he informed DiMaggio, learned that the Lieutenant Governor granted Mayor Zimmer's request, and observed them meeting at the end of the tour. DiMaggio recalled that, when the event ended, the Lieutenant Governor said to Mayor

Zimmer that she understood that Mayor Zimmer wanted to meet with her. Orsen said that the Lieutenant Governor's business tours are so common that there was no reason to remember the ShopRite tour. However, on Orsen's review of her email communications with DiMaggio, Orsen recalled that Mayor Zimmer had requested the private meeting with the Lieutenant Governor.[1167]

Once again, Mayor Zimmer's perception does not match the objective reality of the contemporaneous documents. That mistake calls into question the rest of Mayor Zimmer's account because it is premised on the notion that the Lieutenant Governor "created"[1168] this event to ambush Mayor Zimmer by "pull[ing]" her "aside" to "deliver" a "direct message from the governor."[1169] But no such thing happened.

d. The Lieutenant Governor Could Not Have "Created" This Event To Deliver A "Direct Message" from the Governor Because She Met With The Governor Only After Mayor Zimmer Was Invited To The Event

Mayor Zimmer's allegation that the ShopRite tour was "created"[1170] to deliver a "direct message" from the Governor is belied by the fact that Mayor Zimmer herself was invited prior to the senior staff retreat when the Governor and the Lieutenant Governor saw each other. By 12:07 p.m. on May 10, 2013, the BAC had secured the consent of the ShopRite owners to proceed with the tour on May 13, 2013, and thus there was no turning back.[1171] The event was on schedule and going to take place, regardless of whether anyone was able to reach Mayor Zimmer to invite her and regardless of whether Mayor Zimmer agreed to attend. Moreover, the decision to invite Mayor Zimmer was, in fact, made prior to the senior staff retreat. That Mayor Zimmer did not accept the invitation until mid-afternoon does not alter that important fact.

e. It Was Mayor Zimmer Who Had The Rockefeller Group On Her Mind, Not the Lieutenant Governor

From the contemporaneous documents and interviews we conducted, it seems apparent that the Rockefeller Group's development project was on Mayor Zimmer's mind on May 13, 2013, not the Lieutenant Governor's. Therefore, it seems much more likely that Mayor Zimmer was the one who raised the Rockefeller Group's private development project and tied it to Sandy aid in her conversation with the Lieutenant Governor, not the other way around.

Mayor Zimmer likely associated private development in general as having the support of the Christie Administration. She knew that, prior to Superstorm Sandy in late 2011 and early 2012—officials in the Christie Administration had offered her assistance and encouraged her to advance the LCOR and Rockefeller Group projects. And while the Christie Administration continued to facilitate discussions about the NJ Transit/LCOR development project in Hoboken in 2013 (as opposed to the Rockefeller Group's project), Mayor Zimmer may not have recognized that distinction.

Then, during the first half of 2013, Mayor Zimmer advocated for the flood mitigation plan that the Rockefeller Group designed for Hoboken. That plan was clearly on her mind, as the evidence shows that she passionately believed in sea walls, flood gates, and water pumps called for in this plan to address Hoboken's continuing flood problems. From February 2013 through May 13, 2013, the date of the ShopRite tour, Mayor Zimmer showcased the Rockefeller Group's schematic drawings of its Flood Mitigation Plan to Christie Administration officials on multiple occasions, including in meetings with the Governor, Commissioner Constable, Commissioner Martin, Ferzan, and others. The first of those meetings was on the Hoboken Flood Mitigation Plan developed by the Rockefeller Group, not its North End development

project. Indeed, in her February 13, 2013 State of the City speech, Mayor Zimmer even thanked the Rockefeller Group for designing this flood mitigation plan.[1172]

Then, during April 2013, in the weeks leading up to the ShopRite tour, Mayor Zimmer and her staff viewed the Rockefeller Group as putting on "the full court press" to get meetings with Hoboken officials to permit its North End development project to move forward with advantageous tax benefits.[1173] The Rockefeller Group's representatives at the Wolff & Samson law firm, including Lori Grifa (the former DCA Commissioner in the Christie Administration), were lobbying Mayor Zimmer's Office to transition from studying development on the North End of Hoboken to permitting them to move forward with their redevelopment project.[1174] Furthermore, Mayor Zimmer may have been misattributing statements by Grifa as being from the Christie Administration, even though she had long since left the Administration.[1175] This misimpression may have been further reinforced by the fact that David Samson, Governor Christie's appointed Chairman of the Port Authority Board of Commissioners, was a named partner in Grifa's law firm.[1176] Grifa, however, did not work in the Christie Administration at the time and did not represent the Christie Administration.

Moreover, while Mayor Zimmer has claimed that the Lieutenant Governor was linking Sandy aid to the Rockefeller Group project, the evidence shows that Mayor Zimmer herself linked Sandy aid to private development in correspondence even before the ShopRite event. Just three weeks before on April 23, 2013, Mayor Zimmer wrote to Governor Christie that "[j]ust as shore towns are not being asked for development in exchange for protecting them from future storms, *the solution to Hoboken's flooding challenges cannot be dependent on future development.*"[1177] But we have found no evidence that anyone in the Christie Administration ever tied Sandy aid to private development. Indeed, with respect to the Rockefeller Group, we

found that it was Mayor Zimmer who introduced the Rockefeller Group's Flood Mitigation Plan to the Christie Administration and invited the Rockefeller Group[1178]—to the surprise of Ferzan, who found it "odd"—to an initial meeting with other elected officials to discuss the proposed plan.[1179] In addition, we found that it was Mayor Zimmer who told engineers and others at DEP on May 9, 2013, that she wanted a public-private partnership to obtain the funding for Hoboken to build the Rockefeller Group's Flood Mitigation Plan.

Indeed, just five days before the ShopRite tour, on May 8, 2013, two events occured that, although entirely unrelated, seem to have been connected in Mayor Zimmer's mind. Mayor Zimmer's allies on the Hoboken Planning Board, by a 4 to 3 vote, rejected the Rockefeller Group's request for a recommendation that its properties should be designated as in need of "redevelopment," which would have resulted in significant tax breaks.[1180] Mayor Zimmer herself has acknowledged recently that the Planning Board's decision was one of the "important things" that happened before the ShopRite tour.[1181] Mayor Zimmer apparently believed—incorrectly—that the Christie Administration cared about the Planning Board's vote. And at the same time, Mayor Zimmer apparently believed—again, incorrectly—that "there will be no Hazard Mitigation funding for Hoboken." Thus, in her own mind, Mayor Zimmer apparently misperceived that the Planning Board's vote against the Rockefeller Group's project and what she thought she had learned about there supposedly being no hazard mitigation funding in store for Hoboken were somehow linked. Finally, just four days before the ShopRite tour, Mayor Zimmer attended a meeting with the Rockefeller Group's representatives at the DEP.[1182] Evidence suggests that Mayor Zimmer's staff may have initially misperceived this meeting as being about the Rockefeller Group's North End property, when, in reality, the DEP viewed it as a meeting to evaluate the Rockefeller Group's Flood Mitigation Plan for Hoboken. But Mayor

Zimmer herself should not have misunderstood the purpose of this meeting. Commissioner Martin's April 25, 2013 letter to the Mayor described the purpose accurately as a meeting "with the Rockefeller Group to discuss Hoboken's proposed long-term flood risk reduction project."[1183] We know that Mayor Zimmer read Commissioner Martin's April 25, 2013 letter because she thanked him in writing for sending it.[1184] And based on her attendance at the May 9, 2013 meeting, Mayor Zimmer should have realized that the discussion centered on the feasibility of the Rockefeller Group's Flood Mitigation Plan for Hoboken and that the Rockefeller Group's private development was only mentioned in passing.

Nevertheless, whatever misperception occurred here seems to have simply been the result of a miscommunication. DEP engineers Rosenblatt and Moyle had originally scheduled the meeting with the Rockefeller Group and its engineers—without Mayor Zimmer or her staff—because they understood their mandate from Commissioner Martin was to evaluate the feasibility of the Flood Mitigation Plan and they wanted to speak engineer-to-engineer about it. Long-time engineers with decades of experience working at the DEP for both Democratic and Republic administrations, neither Rosenblatt nor Moyle were tying Sandy aid to anything other than an objective evaluation of the proposed plan from an engineering perspective. After Commissioner Martin directed Rosenblatt and Moyle not to proceed without Mayor Zimmer's participation, they left it to the Rockefeller Group's representatives at Wolff & Samson to invite Mayor Zimmer, instead of inviting her themselves.[1185] And when Mayor Zimmer's Chief of Staff, Dan Bryan, inquired as to the purpose of the meeting, the Rockefeller Group's representatives at Wolff & Samson sent an agenda characterizing it as a "[r]eview of concepts for flood control measures at Rockefeller property in Hoboken previously presented to Governor's office."[1186] Thus, Wolff & Samson's agenda may not have been as clearly written as it could have been, but

DEP, which had no role in drafting it, understood the meeting to be about Hoboken's Flood Mitigation Plan—the one designed by the Rockefeller Group.

As opposed to Mayor Zimmer, who clearly had the Rockefeller Group's North End development project on her mind in May 2013, we have seen no such evidence in the Lieutenant Governor's case. A key part of her job was generally to encourage business and economic development and public-private partnerships and, to that end, the Christie Administration offered Mayor Zimmer assistance in late 2011 and early 2012 to navigate economic development issues in connection with private development projects in Hoboken. Prior to Superstorm Sandy, LCOR and the Rockefeller Group representatives had complained separately to the then-Deputy Chief of Staff for Policy and Planning (Wayne Hasenbalg) and the Lieutenant Governor about Mayor Zimmer's disinterest and objections to their development projects in Hoboken.[1187] And the Governor's Office of Policy and Planning met with Mayor Zimmer on several occasions during 2011 to try to facilitate a dialogue with LCOR and the Rockefeller Group on their respective projects. In or about January 2012, the Rockefeller Group executives and their then-representative, LiCausi (a Democrat) of the Hoboken Strategy Group, complained to Hasenbalg, the Lieutenant Governor, and others from the Christie Administration that they had been unable to get in touch with Mayor Zimmer for approximately two years to discuss their development project.[1188] On or about February 7, 2012, the Lieutenant Governor had lunch with Mayor Zimmer and offered to work with her and her office to help mediate Hoboken's concerns about the LCOR and the Rockefeller Group development projects.[1189] This appears to have been when the Lieutenant Governor discussed these projects with Mayor Zimmer, and the Governor's Office's principal concern was over the LCOR project, which was on a NJ Transit site. The Lieutenant Governor recalled telling Mayor Zimmer that Hoboken offered a lot of incentives to

attract developers and offered to help Mayor Zimmer find an economic development staff member to help her navigate the issues. But Mayor Zimmer did not take the Lieutenant Governor up on her offer.

The evidence shows that, after this lunch meeting with Mayor Zimmer, the Lieutenant Governor rejected multiple requests by the Rockefeller Group for her further assistance.[1190] First, in May 2012, an Executive Vice President of the Rockefeller Group, Leslie Smith, approached the Lieutenant Governor at an event and pressed her to meet with him about its Hoboken project.[1191] The Lieutenant Governor rebuffed him, as documented by internal contemporaneous emails.[1192] Second, over a year later, in August 2013, the Rockefeller Group's representatives wrote the Lieutenant Governor asking her to appear in a video promoting their Hoboken project.[1193] Once again, the Lieutenant Governor rebuffed the Rockefeller Group's request, declining to appear in the video.[1194] Finally, in January 2014, prior to Mayor Zimmer's public allegations, the Lieutenant Governor turned down a request from the Chairman of the Morris County Republican Party to meet about the Rockefeller Group. Her Chief of Staff, Melissa Orsen, responded that the Morris County Chairman should deal with the Business Action Center, not the Lieutenant Governor. While the Lieutenant Governor knew generally about the Rockefeller Group's Hoboken project, as several witnesses observed, it was not something on the Lieutenant Governor's mind. Indeed, she even misidentified the company's name, calling it "Black Rock." Thus, given the Lieutenant Governor's lack of involvement with the Rockefeller Group since discussing the status of its project and LCOR's with Mayor Zimmer in early February 2012, it seems inconceivable that she went to that May 13, 2013 meeting with the Rockefeller Group on her mind.

f. Mayor Zimmer Tried To Connect Private Development With Sandy Aid, And The Lieutenant Governor Firmly Rejected That Contention

As for the substance of the conversation between Mayor Zimmer and the Lieutenant Governor, we find the Lieutenant Governor's account more credible and supported by contemporaneous evidence. The Lieutenant Governor has unequivocally denied Mayor Zimmer's account.[1195] According to the Lieutenant Governor, it was Mayor Zimmer who brought up Sandy aid and flood mitigation funding, and tied it to the stalled Rockefeller Group's North End project, suggesting that was why she believed Hoboken had not gotten more Sandy aid.

The Lieutenant Governor's account is supported by contemporaneous statements she and Mayor Zimmer made to the media on May 13, 2013. Mayor Zimmer told the media covering the ShopRite tour that she was pushing for $29 million in federal money for three additional storm-water pumps.[1196] The Lieutenant Governor was reported afterward to have said: "To her credit, the mayor is a great advocate for Hoboken, but the governor has to be an advocate for the entire state. We are trying to [do] the best we can with the resources we have."[1197] The Lieutenant Governor's pointed public comments to the media about Mayor Zimmer were consistent with what she recalls saying when she met privately with Mayor Zimmer.

The Lieutenant Governor's account is also corroborated by her aide's general impression that the Lieutenant Governor had a tense exchange with Mayor Zimmer and said something afterward to the effect of, Mayor Zimmer was not "playing ball" or "playing well with others." While DiMaggio did not recall the exact words the Lieutenant Governor used, DiMaggio's recollection is consistent with the Lieutenant Governor's recollection of pushing back against the Mayor's insistence on getting more Sandy aid for Hoboken without regard to the profound needs of the entire State.

g. The Lieutenant Governor Had No Decision-Making Role On Sandy Aid

Based on our interviews of the Lieutenant Governor, her Chief of Staff, GORR officials, and DCA officials, as well as our review of documents, we learned that the Lieutenant Governor did not have a decision-making role in evaluating applications for Sandy aid and allocating funds for Sandy-related projects. Accordingly, she was not in a position to make any funding decisions favorable or unfavorable to Hoboken. Moreover, we learned that, even though Mayor Zimmer did not move ahead with the Rockefeller Group's private development project, Hoboken's applications for Sandy aid were analyzed using objective criteria and that Hoboken received aid equivalent to what other applying municipalities received.

Finally, even though Mayor Zimmer did not take any steps to move forward with the Rockefeller Group's private development project, Hoboken did not suffer any negative consequences in Sandy aid outcomes. Hoboken applied for $200,000 in CDBG-DR funds, and it received the entire $200,000 it sought.[1198] Hoboken also applied for HMGP funds in the amount of approximately $95 million.[1199] Municipalities collectively applied for approximately $14 billion in HMGP funds. Only $25 million was available for direct distribution to municipalities.[1200] Of the approximately 145 municipalities and entities initially allocated funds, Hoboken received $142,080, which was roughly the average award per municipality.[1201] And all applications are being recalculated statewide, with many municipalities, including Hoboken, poised to get even more money.

h. There Is No Evidence Of Any Discussion Of The Rockefeller Group's Development During The May 10–11, 2013 Senior Staff Retreat

After interviewing many people who attended the senior staff retreat and reviewing documents relating to the retreat on May 10 and 11, 2013, we found no evidence that the

Rockefeller Group's North End project was ever discussed during that retreat. All of those with whom we spoke who attended the retreat stated in unequivocal terms that they do not recall anyone discussing the Rockefeller Group, Hoboken, Mayor Zimmer, or Hoboken's Sandy aid. In addition, we found no contemporaneous documents relating to the retreat that mention any of these subjects. Moreover, Ferzan's 45-minute presentation relating to Sandy aid at the retreat was consistent with the Lieutenant Governor's public message on May 13, 2013, that the Governor's Office had to focus on the needs of the entire State and there was not enough funding to address all of the State's needs.[1202] Indeed, his presentation explained that New Jersey's estimated share of disaster recovery funds fell short of the initial assessment of recovery needs by many billions of dollars.[1203]

i. There Is No Evidence That The Lieutenant Governor Learned About, Attempted To Learn About, Or Followed Developments Relating To The Rockefeller Group's Hoboken Property

If Mayor Zimmer's account were to be credited, one would expect to see the Lieutenant Governor keeping track of developments relating to the Rockefeller Group's Hoboken property in order to follow through on her alleged Sandy aid threat to the Mayor. We have reviewed the Lieutenant Governor's personal and government email, text messages, and cell phone records, and we have found no such evidence. There are no emails or phone records suggesting that the Lieutenant Governor was communicating with the Rockefeller Group or Grifa about the North End development in 2013. Indeed, as previously explained, the Lieutenant Governor has denied requests from the Rockefeller Group.[1204]

2. Mayor Zimmer's Allegations About Commissioner Constable Do Not Withstand Scrutiny

Mayor Zimmer's allegations regarding her discussion with Commissioner Constable, while "mic'd up"[1205] at a TV town hall event, surrounded by other panelists and just about to go

live on the air, are contradicted by documentary evidence and eyewitness accounts. Moreover, we have seen no evidence that Commissioner Constable went to the town hall meeting to deliver any kind of message from the Governor to Mayor Zimmer, that he had any such message to deliver to Mayor Zimmer, that he actually delivered any message to her, or that he knew enough about the Rockefeller Group's North End development project to deliver any message about it at all.

a. Commissioner Constable Did Not Seek Out Mayor Zimmer

The evidence shows that Commissioner Constable did not seek out Mayor Zimmer to deliver a message to her about private development. At the time of the TV town hall broadcast on May 16, 2013, Commissioner Constable, Mayor Zimmer, and the other invited speakers were assigned their seats on the stage. Commissioner Constable and Mayor Zimmer happened to be assigned seats next to each other in the first row. Commissioner Constable did not intentionally sit next to Mayor Zimmer or seek her out.

We did not find any evidence that the Governor, the Lieutenant Governor, or anyone in the Christie Administration asked Commissioner Constable to convey a message to Mayor Zimmer at the TV town hall broadcast. As Commissioner Constable was not a member of the Governor's senior staff, he did not attend the senior staff retreat on May 10 and 11, 2013. Commissioner Constable also did not work in the State House—he worked at DCA's headquarters in a different building in Trenton. And he did not have a relationship with the Rockefeller Group.

We further find that it strains credulity to think that a threat tying Sandy aid to a private development project would be made while on a public stage, "mic'd up"[1206] so that others could listen to the conversation, and surrounded by seven other people within a few feet. It makes even less sense that Commissioner Constable, a former federal prosecutor who successfully

prosecuted public corruption cases, would do so.[1207] There is simply no reason why he would send such a message to Mayor Zimmer in this public setting or any other.

b. An Independent Eyewitness Contradicts Mayor Zimmer's Account

Commissioner Constable's account is supported by an independent eyewitness, Mayor Matt Doherty of Belmar. Mayor Doherty was sitting to the left of Mayor Zimmer, and within a few feet of both Mayor Zimmer and Commissioner Constable.[1208] Mayor Doherty heard the conversation between Mayor Zimmer and Commissioner Constable and was with them on the stage both before the start of the show and throughout the broadcast. Mayor Doherty had spoken with both Commissioner Constable and Mayor Zimmer that evening. Photographic evidence shows that Mayor Zimmer and Mayor Doherty were speaking with each other while seated on the stage at approximately 7:30 p.m. before the show began while a member of the television crew "mic'd up" Commissioner Constable.[1209] Because Mayor Doherty was the last person seated on the first row, the only person he was sitting next to was Mayor Zimmer.[1210] Photographic evidence further shows that Mayor Doherty was well-positioned to hear the conversation between Mayor Zimmer and Commissioner Constable—he was at the end of the first row and therefore not speaking with anyone else while Mayor Zimmer spoke with Commissioner Constable.[1211]

Mayor Doherty said that he never heard Commissioner Constable say anything to Mayor Zimmer in words or substance along the lines of Mayor Zimmer's allegation: "If you move that [the Rockefeller Group's North End project] forward, the $ would start flowing to u."[1212] Mayor Doherty said that he did not hear Commissioner Constable say anything about any quid pro quos or make any threats to anyone. Mayor Doherty observed that Mayor Zimmer may have been associating these subjects in her own mind, but that is not what Constable said. Mayor Doherty

also said that in all of his experiences working with the DCA, he always found Commissioner Constable to be positive and constructive. Mayor Doherty stated that he had never seen Commissioner Constable threaten anyone and, knowing him, did not believe that Commissioner Constable would ever threaten anyone.

We credit Mayor Doherty's account of the conversation between Commissioner Constable and Mayor Zimmer. Mayor Doherty is a Democrat.[1213] He earned a Master's Degree in Public Policy and a Bachelor's Degree from Georgetown University.[1214] He does not appear to have any motive to contradict Mayor Zimmer or to credit Commissioner Constable. Rather, he simply appears to be telling the truth, as he recalls it. And his recollection corroborates Commissioner Constable, not Mayor Zimmer.

c. Contemporaneous Photographs Capturing The Conversation Between Commissioner Constable And Mayor Zimmer Undermine Mayor Zimmer's Allegations

We have obtained 11 real-time photographs in sequence, covering a span of 46 seconds, of what appears to cover most, if not all, of the period of the conversation between Commissioner Constable and Mayor Zimmer while they were "mic'd up" waiting for the TV town hall event to begin.[1215] The photos, taken at the time by Commissioner Constable's Chief of Staff, Arif Welcher, directly contradict Mayor Zimmer's allegations in three significant ways.

First, for most of the time depicted in the photographs, it appears that Mayor Zimmer was talking, and Commissioner Constable listening. That is not what Mayor Zimmer conveyed in her handwritten account of this conversation. This is the first photograph of their conversation at 7:36 p.m. and 58 seconds:



FIGURE 4.[1216]

It shows Mayor Zimmer with her mouth open, and her right hand is moving in a manner that reflects she is speaking.[1217] Commissioner Constable, by contrast, appeared to be listening, with his mouth closed and his hands interlocked together.[1218]

The next photograph at 7:37 p.m. and one second is a little blurry but appears to show Mayor Zimmer talking with her mouth open and both of her hands lifted in the air.[1219] The photograph at 7:37 p.m. and 15 seconds shows Commissioner Constable's mouth closed and his left hand reaching into his suit jacket for his cell phone, while Mayor Zimmer continues to speak.[1220] The photograph at 7:37 p.m. and 18 seconds shows Commissioner Constable looking down at his cell phone in his hands, while Mayor Zimmer continues to speak.[1221] The

photographs at 7:37 p.m. and 24 seconds and 7:37 p.m. and 26 seconds both show Commissioner Constable's left hand touching his suit jacket again, while Mayor Zimmer continues to speak.[1222] The photograph at 7:37 p.m. and 29 seconds shows Commissioner Constable's mouth open and him speaking for the first time while Mayor Zimmer listens.[1223] So for three-quarters or more of the period depicted in these photos, Mayor Zimmer is doing the talking, including at the outset. And, once again, the photographs show that the eyewitness Mayor Doherty sat silently next to Mayor Zimmer and was not talking to anyone.

Second, when Commissioner Constable finally started to speak, Mayor Zimmer did not appear upset, angry, or shocked by any part of the conversation at any time.[1224] If Mayor Zimmer's allegations are to be believed, she would surely have been shocked and outraged by Commissioner Constable's statements, which came just three days after what she now claims to have been a "direct threat" delivered by the Lieutenant Governor at the end of the ShopRite tour. These photographs, however, show that she did not appear to be shocked, outraged, or upset by anything that Commissioner Constable said to her. Accordingly, they directly undermine her claims.

Indeed, during the last 15 seconds of the conversation, Commissioner Constable appears to be talking, and Mayor Zimmer's expressions belie any claim of a threat or inappropriate conduct. In fact, six seconds after Commissioner Constable was talking, Mayor Zimmer started yawning:



FIGURE 5.[1225]

A person does not normally yawn when being threatened, coerced, or spoken to improperly.

Finally, the very last photograph we have in the sequence at 7:37 and 44 seconds shows Mayor Zimmer actually smiling at Commissioner Constable:



FIGURE 6.[1226]

Yawning during the middle of Commissioner Constable's statements and then smiling toward the end of his statements is hardly the demeanor one would expect of someone who is actually being threatened.[1227]

d. Mayor Zimmer Misattributed Commissioner Constable's Public Statements To Her Private Conversation With Him

Our investigation found that while Mayor Zimmer has accurately recalled certain words said by Commissioner Constable that night, she is recalling words he said live on the air during the television broadcast. Mayor Zimmer's handwritten notes reflect that Commissioner

Constable said, "if you move that forward, $ would start flowing to u."[1228] The key words—"move", "forward", "$", and "start flowing"—were certainly said by Commissioner Constable, but they were actually said on air during the town hall meeting itself. Asked by the moderator "where do we go from here," Commissioner Constable responded:

> Yeah, I mean, we're at a good place now finally, in that we're ***starting*** to get the federal ***monies to flow***. It's been too slow candidly but it's, the faucet's about to open so hopefully in the next few weeks over the summer, you're going to see homes starting to be built. You're going to see businesses with capital start to ***move forward*** . . . .[1229]

Commissioner Constable said live on the air that "we're starting to get the federal monies to flow" because he had submitted the necessary paperwork and was waiting for authorization to draw down on the federal funds in the near term.

Moreover, these were the last statements made by Commissioner Constable during the TV town hall broadcast, and he made them right at the tail end of the program.[1230] These would have been the last words that Mayor Zimmer heard from Commissioner Constable before she later wrote her handwritten notes. Given the similarity in words between what Mayor Zimmer has alleged and what Commissioner Constable stated publicly during the TV broadcast, we find that Mayor Zimmer likely misattributed Commissioner Constable's public statements to her one-on-one conversation with him.

e. Commissioner Constable Would Not Have Raised Commercial Real Estate Development Because His Government Responsibilities Do Not Cover That Area

Mayor Zimmer's allegation that Commissioner Constable tied the receipt of Sandy aid funds to the Rockefeller Group's development project makes no sense given his role. As head of the DCA, Commissioner Constable is not responsible for real estate development without an affordable housing component. We found no evidence that the Rockefeller Group's project on the North End of Hoboken had an affordable housing component. We also found no evidence

that Commissioner Constable had any role or interest in the Rockefeller Group's project. While Commissioner Constable heard Mayor Zimmer advocate for the Rockefeller Group's Flood Mitigation Plan at the March 5, 2013 meeting and mention the Rockefeller Group's development project,[1231] Commissioner Constable did not take any further steps or participate in any further discussions about the Rockefeller Group's Flood Mitigation Plan or its development project. Contemporaneous notes of the March 5, 2013 meeting reflect that Commissioner Constable did not comment about the Rockefeller Group's project, but instead "noted that the state can advocate on behalf of the city to FEMA once the assistance requests are submitted."[1232] Accordingly, we find that Commissioner Constable would have had no reason to raise the Rockefeller Group's development project with Mayor Zimmer. It is not something that would have been on the Commissioner's mind when speaking with Mayor Zimmer. However, as previously explained, it would have been on Mayor Zimmer's mind both because the Rockefeller Group was putting on a "full court press" to promote its development, and because it had just suffered a setback when the Hoboken Planning Board denied its request for a "redevelopment" designation.

f. The Spending Plan For The First Tranche Of CDBG-DR Funding Was Already Set Before The Town Hall Meeting

By the date of the town hall, May 16, 2013, New Jersey's Action Plan for allocating the first tranche of CDBG-DR funding from HUD was already finalized and was not subject to further modification.[1233] HUD had approved the Action Plan on April 29, 2013, and Commissioner Constable had certified to HUD on May 13, 2013, that the DCA would spend the CDBG-DR funding as described in the Action Plan.[1234] Thus, at the time when Mayor Zimmer claimed Commissioner Constable threatened to tie Sandy aid to the Rockefeller Group development, both he and the DCA lacked discretion to deviate from the HUD-approved Action

Plan. And it was not until October 28, 2013, that HUD began the process of awarding the second tranche of CDBG-DR funds to New Jersey—a process that continues to the present.[1235]

g. Hoboken Received Every Dollar It Sought Under The CDBG-DR Program

We have also found no evidence that Commissioner Constable took any steps to deny aid to Hoboken, or that DCA denied any applications for Sandy aid from Hoboken, either prior to or after the May 16, 2013 town hall. On the contrary, Commissioner Constable sent a letter to Mayor Zimmer on September 19, 2013, informing her that Hoboken's only request for grants under the first tranche of CDBG-DR funding—a $200,000 grant from the Post-Sandy Planning Assistance Grant Program—had been granted in full.[1236]

3. Mayor Zimmer's Allegations About Executive Director Ferzan Do Not Withstand Scrutiny

Mayor Zimmer's allegations of her discussion with Executive Director Ferzan, in which she has claimed that he linked Sandy aid and "Rebuild by Design" to "how much development [she was] willing to do,"[1237] are likewise unsupported by the contemporaneous documentary evidence and eyewitness accounts.

a. Mayor Zimmer's Recollection Of The Timeline Is Inaccurate

Mayor Zimmer's account of the timeline of her last conversation with Ferzan is inaccurate. Mayor Zimmer alleged to the media on January 20, 2014, that Ferzan's comments were made during a meeting "a month ago."[1238] However, documents reflect that the last time Ferzan and Mayor Zimmer had a meeting was on November 25, 2013.[1239] At that meeting, Ferzan briefed approximately 20 to 30 or more mayors and staffers simultaneously to inform them about the second allotment of CDBG-DR funds from HUD.[1240]

Ferzan has unequivocally denied raising private development with Mayor Zimmer, or tying Sandy aid to anything other than the objective, transparent criteria. We have spoken with

at least 10 eyewitnesses to Ferzan's briefing, and not one supported Mayor Zimmer's account. In fact, all of them said that Ferzan never tied Sandy aid to private development or anything other than the objective criteria of the programs at the November 25, 2013 briefing, and has never done so at any other meeting he has held relating to Sandy aid programs.[1241] Indeed, many witnesses that we spoke with in the Governor's Office, the DEP, the DCA, and OEM said consistently and uniformly that Ferzan emphasized objectivity and transparency in allocating Sandy aid.

b. Ferzan Raised The "Rebuild By Design" Competition, Not Mayor Zimmer

Contemporaneous notes of the November 25, 2013 meeting by DCA Director of Communications for the Sandy Recovery Division Lisa Ryan also contradict Mayor Zimmer's account. According to these notes, when Mayor Zimmer brought up the RBD competition, Ferzan did not mention private development, and Ferzan never told Mayor Zimmer that Sandy funding was tied to private development:

> Hoboken Mayor Zimmer asked how the State is going to help urban areas with the second tranche of CDBG-DR funds. She estimates there are more than 1,700 severely damaged housing units in Hoboken and said Hoboken is very exposed to flooding from the Hudson River and from high tide. She said there are ways to protect the city that at the end of the day won't cost a lot of money compared to disaster recovery costs, but that the city needs some help[ ] for things like elevating utilities and elevators.
>
> Marc Ferzan said the State asked [FEMA] about raising utilities and [FEMA] said no. He said Rebuild by Design is one avenue to consider. . . .
>
> Hoboken Mayor Zimmer said properties in the city cannot elevate on pilings, but the city is still beholden to the National Flood Insurance Program which will price people out of the market and put a halt on home sales in Hoboken.
>
> Marc Ferzan said the State is approaching this issue by trying to come up with community fixes for urban communities such as Hoboken and Jersey City, and even Little Ferry and Moonachie."[1242]

Notably, when Mayor Zimmer focused on Hoboken's needs, Ferzan responded that the State was trying to find a solution for urban communities in general.[1243] Mayor Zimmer's questions and Ferzan's answers reflected their different perspectives. As the Mayor of Hoboken, Mayor Zimmer focused on Hoboken; as the head of GORR for the entire State, Ferzan focused on the entire State.

c. Mayor Zimmer's Perception That She Needs The Christie Administration's Backing To Win The "Rebuild By Design" Competition Is Inaccurate

Mayor Zimmer's perception that the Christie Administration has withheld its support for Hoboken's entry into the RBD competition because she has not moved forward with the Rockefeller Group's development project is flawed.

Based on her statements to the national television media, Mayor Zimmer appears to find it problematic that Governor Christie has not given "his support"[1244] for or "direct endorsement"[1245] of Hoboken's design plan in the RBD competition. To the extent Mayor Zimmer is speculating that the Christie Administration has not endorsed Hoboken's RBD candidacy because of the status of the Rockefeller Group's project, her speculation would be unwarranted for several reasons. First, the Christie Administration has no representative on the Competition Jury that will select the winner of the RBD competition.[1246] It does not have control over the funding for the competition.[1247] That alone is sufficient reason to find that it would be impossible for the Christie Administration to use the RBD competition as leverage to gain Mayor Zimmer's support for a private development. Second, the Christie Administration is providing help to all three finalists from New Jersey in the competition, not singling out one to the exclusion of the others. Although Mayor Zimmer is focused on Hoboken's submission, there are other submissions from New Jersey that the Governor of the State might reasonably conclude also merit his support.[1248] Indeed, the Competition Jury might select more than one winner.[1249]

Third, we understand that the ten finalists in the competition, including Hoboken's project, have not submitted detailed engineering plans for their designs, or a cost analyses of the projects, including seeking additional sources of capital.[1250] Before making any decisions, it is entirely reasonable for the Christie Administration to wait until these designs and cost analyses are submitted.

Mayor Zimmer's criticism of the Christie Administration's lack of endorsement of the Hoboken entry in the competition must be contrasted with HUD's compliments. In a January 10, 2014, email from Marrion McFadden of HUD to David Morris, the member of the GORR team principally responsible for assisting and facilitating the entrants, McFadden said "thank[ed him] for digging in with the RBD teams."[1251] In a January 16, 2014 email from a different HUD employee, HUD thanked Ferzan "for all the extraordinary cooperation that Dave [Morris] and your other State colleagues have provided to RBD. The presence of each State agency at yesterday's RBD workshop was greatly appreciated by the teams and they found the conversations hugely valuable. Thanks, in particular, to Dave. He has been great to work with and very responsive."[1252] These compliments from the federal agency responsible for allocating the disaster relief funds for the competition are evidence that the Christie Administration has acted properly by not agreeing to Mayor Zimmer's request to endorse the Hoboken entry.

Finally, even though Governor Christie has not endorsed the Hoboken entry alone in the RBD competition, the evidence shows that (1) GORR emphasized to HUD the significance of designs focused on a regional solution to flooding problems in certain urban communities, drawing special attention to Hoboken, and (2) the Governor offered his Administration's assistance to Hoboken's design plan and directed GORR and EDA to meet with Mayor Zimmer to discuss the project in November 2013. For example, as part of the state-funded study by

Stevens University, GORR asked Stevens to assist OMA in preparing its designs for the RBD. That assistance is inconsistent with the proposition that Governor Christie was withholding support to Hoboken in the competition to extract Mayor Zimmer's support for the Rockefeller Group's development.

d. "Rebuild By Design" Encourages Public-Private Partnerships

GORR was backing and providing support for Hoboken's RBD project by attempting to get Hoboken additional private partnership funding. The evidence that GORR provided OMA, the engineers who designed Hoboken's entry in the RBD competition, with contact information of multiple private developers is consistent with the stated goals of the President's Hurricane Sandy Rebuilding Task Force and RBD, not unwarranted pressure on moving forward with the Rockefeller Group's private development.[1253]

Multiple recommendations in the Presidential Task Force's rebuilding strategy emphasized public-private partnerships. Recommendation #12 stated, in relevant part: "The region, assisted by the Federal Government, will launch programs later this year using public-private partnerships to lower project costs and increase the value of energy resilient infrastructure."[1254] Recommendation #32 stated, in relevant part: "Help identify opportunities for State and local housing programs to leverage funds and create public-private partnerships."[1255] Recommendation #61 stated, in relevant part: "[D]evelop and disseminate guidance and sample public-private partnerships for state and local governments to leverage Federal funding . . . ."[1256] We find that Mayor Zimmer knew or should have known about these recommendations because she served on the Presidential Task Force's advisory group.[1257] Similarly, the RBD competition itself emphasizes the significance of public-private partnerships: "The goal of the competition is two-fold: to promote innovation by developing regionally-

scalable but locally-contextual solutions that increase resistance in the region, and to implement selected proposals with both public and private funding dedicated to this effort."[1258]

Given Mayor Zimmer's statements supporting public-private partnerships, it could not have been a real surprise or raised any concerns to her that GORR, led by Ferzan, sought to similarly leverage such partnerships. In her February 2013 State of the City address, Mayor Zimmer stated: "I will advocate as hard as I can for the money and resources Hoboken needs to rebuild. But I know the federal government won't be able to solve all our problems, so I am also working to help fill the gaps with private funds."[1259] In May 2013, Mayor Zimmer announced that she was entering into two public-private partnerships.[1260] One of them was "with North Hudson Sewerage Authority (NHSA) to build Hoboken's second wet weather flood pump in order to further alleviate Hoboken's 200 year flooding problem."[1261] And, in July 2013, Mayor Zimmer wrote to GORR and posted the letter on her website stating that "we need to protect our communities comprehensively. . . . We have developed those plans and are pursuing all options[,] including FEMA grants, loans from the state, and public-private partnerships to implement these initiatives."[1262]

e. The Timing Of Mayor Zimmer's Allegations Against Ferzan Raises Questions

Mayor Zimmer first alleged Ferzan's involvement in holding Sandy aid hostage to the Rockefeller Group's private development after Ferzan questioned the fairness and accuracy of Mayor Zimmer's allegations. Her timing raises questions about whether she included Ferzan in alleged improper acts in direct response to Ferzan's criticisms of her claims.

On January 18 and 19, 2014, Mayor Zimmer gave multiple national and local interviews about her allegations and never mentioned Ferzan.[1263] On January 20, 2014, Ferzan held a conference call with reporters during which he stated, in relevant part: "We've tried to have an

objective process. We've tried to design programs with application criteria that are objective, that prioritize the communities most in need with the least financial resources."[1264] Ferzan also labeled Mayor Zimmer's claims that Hoboken received less than its fair share of disaster aid a "mischaracterization" and said, "[i]f you look at our recovery programs in totality, I'm scratching my head a little bit about any community that's getting the short end of the stick."[1265]

It was only after Ferzan made those statements that Mayor Zimmer later that same evening on CNN's "AC 360" with Anderson Cooper accused Ferzan for the first time of being involved in the alleged conspiracy.[1266] The timing of her allegations against Ferzan is telling. Having found no evidence to support her allegations against Ferzan—but, rather, evidence undermining them—we have serious questions about whether Mayor Zimmer raised these newfound allegations against Ferzan in an effort to try to shut down or retaliate against him for criticizing her Sandy aid claims.

4. Mayor Zimmer's Allegations That Hoboken Was Denied Sandy Aid Are Untrue And Likely Could Not Be True

Mayor Zimmer's claims that the Christie Administration threatened to deny Hoboken Sandy aid unless she supported a private development project is undermined for an additional, critical reason: the Christie Administration has not been singling out Hoboken to deprive it of Sandy aid to which it is entitled, and likely could not do so in any event.

First, the Governor, Lieutenant Governor Guadagno, Commissioner Constable, and Executive Director Ferzan could not unilaterally influence the distribution of Sandy aid to Hoboken's detriment. The evidence shows that Governor Christie made policy decisions relating to Sandy aid. GORR and senior department leadership conferred with the Governor concerning program design and allocations to programs, but the Governor did not make individual grant decisions for particular municipalities. Those determinations were the

responsibilities of the departments and agencies administering the programs. Lieutenant Governor Guadagno has no involvement whatsoever in the Sandy aid distribution process. And while Commissioner Constable is head of DCA, he was not involved in reviewing and awarding the CDBG grants. Furthermore, in connection with the $95 million that Hoboken sought in HMGP funding from FEMA, Governor Christie, Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan were not members of the cross-agency working group that evaluated Hoboken's submission; indeed, no one from GORR or DCA participated in working group deliberations or calculations of the score for each applicant. The $142,080 in HMGP funding that was allocated to Hoboken was provided based on the application of a formula, without input from the Governor, the Lieutenant Governor, Commissioner Constable, or Ferzan.

Second, Sandy aid to municipalities is highly regulated and scrutinized by the federal government and often times formulaic, which would make it very difficult to intentionally discriminate against one municipality. For example, DCA submitted to HUD a lengthy action plan (over 100 pages long) describing how DCA would administer and distribute each tranche of CDBG funding.[1267] As a result of these action plans, CDBG funds had to be spent precisely as described in the HUD-approved action plan (and formal amendments), and DCA simply had no further flexibility to deviate from the plan.[1268] Indeed, any such deviation would have been captured in HUD's regular audits and monitoring visits,[1269] yet HUD never suggested that DCA ever deviated from its Action Plan.

Third, assuming Hoboken's $95 million Hazard Mitigation application was meritorious, there was no Sandy aid program in the summer of 2013 that could have granted Hoboken such a substantial award. For example, the majority of the first tranche of CDBG-DR funding, approved by HUD in May 2013, was allocated for distribution to Sandy-impacted homeowners

and businesses, not to governmental entities.[1270] While there were approximately six programs in the first tranche of CDBG-DR funding that authorized some funding to municipalities (total allocable funding of approximately $211 million), none of those programs authorized funding for infrastructure or hazard mitigation. And while the second tranche of CDBG-DR funding does contemplate funding major infrastructure projects, such funding has not yet been allocated to DCA and DCA's Action Plan and awaits submission and approval.[1271] Furthermore, the only HMGP grant program available to municipalities around that time was the Energy Allocation Initiative,[1272] which only had $25 million for distribution throughout the State, and as explained below, Hoboken received its share from that program based on the application of objective criteria (although flawed) by the cross-agency working group.

In short, the fact that Hoboken did not receive the amount of hazard mitigation funding it sought in the Summer of 2013 has absolutely nothing to do with Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan, and everything to do with the fact that there was no program at the time that could fund Mayor Zimmer's comprehensive flood mitigation proposal.

Mayor Zimmer's allegations centered on the disparity between a $100 million figure she cites as Hoboken's requests for Sandy aid, and the $342,000 in funding that Hoboken directly received from HUD's CDBG-DR and FEMA's HMGP.[1273] However, she overlooks the nature of those programs,[1274] and the full scope of Sandy aid received by Hoboken and its residents. Evidence shows that Hoboken received the entirety of its request for CDBG-DR funding, and received roughly the average amount given to other municipalities that were allocated HMGP funding (albeit the cross-agency working group is recalculating awards in an ongoing process).[1275] Moreover, both of these awards were made after the ShopRite meeting with the Lieutenant Governor in May 2013.[1276]

In addition, the bulk of Hoboken's requests for Sandy aid were for infrastructure projects that are the focus of the second tranche of CDBG-DR, which has yet to be distributed.[1277] That New Jersey and the federal government prioritized assistance to individuals and small businesses in the aftermath of Superstorm Sandy, rather than municipal infrastructure projects, does not mean that Hoboken has been treated unfairly.

To the extent Mayor Zimmer has suggested that Hoboken has received very little Sandy aid, evidence shows that Hoboken and its residents have received nearly $70 million in federal and state aid for post-Sandy recovery and rebuilding efforts, from a wide variety of sources, including novel funding streams obtained through the efforts of the Christie Administration.[1278]

MONEY ALLOCATED OR RECEIVED BY HOBOKEN-RELATED PARTIES

Program	Description	Money Allocated
FEMA Public Assistance Grant	Provides funds to State and local governments and certain non-profit organizations for rebuilding efforts.	$5,679,103[1279]
Individual Assistance Grant Program	Provides funds to individual residents for home repair costs, rental assistance, and other needs.	$6,130,281[1280]
FEMA National Flood Insurance Program	Provides insurance funds to homeowners and businesses.	$43,000,000[1281]
Small Business Administration Loans	Provides loans to home and business owners in New Jersey.	$8,500,000[1282]
Homeowner Resettlement Program (CDBG-DR)	Grants to residents who remain committed to living in the impacted communities.	$1,650,000[1283]
Stronger NJ Business Grant Program	Grants for small businesses or non-profit organizations that sustained physical damage.	$145,850[1284]
Federal Transit Administration Public Transportation Emergency Relief	Funding to assist NJ Transit's comprehensive cleanup and recovery plan.	$2,141,000[1285]
HMGP Energy Allocation Initiative	Funds for municipalities, counties, and other governmental entities to pursue energy resiliency measures.	$142,080[1286]
Post-Sandy Planning Assistance Grant Program (CBDG-DR Funds)	Funds to assist counties and municipalities in hiring licensed planners to facilitate long-term planning and rebuilding efforts.	$200,000[1287]
Rehabilitation, Reconstruction, Elevation and Mitigation Program Grants (RREM)	Funds for primary home owners to aid with reconstruction, rehabilitation, elevation, and mitigation of damaged homes.	$543,740[1288]
TOTAL AMOUNT:		**$68,132,054**

As reflected in Appendix C, the City of Hoboken itself received more than two-thirds—nearly $4 million—of the $5,679,103 awarded to Hoboken-related parties in FEMA Public Assistance ("PA") funds.[1289] Of the 28 municipalities receiving more PA funds than Hoboken, 25 were towns located in counties on the shore in New Jersey, and/or farther south than Hudson

County, where Hoboken is located, in the areas hardest hit by Superstorm Sandy ("shore towns").[1290] The other three municipalities that received more money were Newark, Jersey City, and Elizabeth, all of which are significantly larger municipalities than Hoboken. For example, Newark has a population of 277,727 people, as compared to Hoboken's population of 52,034,[1291] and Newark is approximately 12 times larger in terms of the area.[1292] Yet, Newark is just one position ahead of Hoboken on the list of municipalities organized by grant amount.[1293] Additionally, three PA recipients receiving more funding than Hoboken were counties, rather than municipalities, including Ocean, Middlesex, and Monmouth counties, encompassing multiple municipalities and more property. Finally, Hoboken received more money than many shore towns, such as Longport and Monmouth Beach, other, larger cities such as Edison, whose population outnumbers Hoboken's by approximately double, and counties, such as Essex and Bergen counties.[1294]

Additionally, as reflected in Appendix D, renters in Hoboken received $2,690,984 in FEMA Individual Assistance ("IA") funds, which was the eighth-highest amount received as compared to the total IA funds distributed to renters in other municipalities. Six of the seven municipalities whose renters received more IA funds were shore towns located in the areas most impacted by Superstorm Sandy.[1295] The only non-shore town to receive more money was Jersey City, which is located on the water south of Hoboken and has five times the number of residents as Hoboken, explaining why the sum of its IA funding to residents was larger.[1296] In addition, Hoboken renters received more money than numerous shore towns, such as Ocean City and Sea Bright, as well as other, larger cities, including Newark, and renters in 237 municipalities received no IA funds whatsoever.

As reflected in Appendix E, Hoboken's resident homeowners received $3,439,297.00 in FEMA IA funds. Nearly all municipalities whose residents received more money than Hoboken's residents were shore towns, including Toms River and Brick, which were completely devastated by Superstorm Sandy.[1297] Only four non-shore town municipalities received more IA funds for their residents than Hoboken, three of which were Moonachie, Little Ferry and Bayonne, which were also particularly hard-hit by the storm.[1298] And, Jersey City, the third municipality to receive more money for its residents, is located on the water south of Hoboken and has a substantially larger population, as mentioned above.[1299] Finally, as with IA funding for renters, Hoboken homeowners received more funding than the homeowners of a number of shore towns and larger cities, again including Newark, and the homeowners in 125 municipalities received no IA funds at all.[1300]

In an interview with the media in January 2014, Mayor Zimmer's own communications director, Juan Melli, acknowledged that the Sandy aid that Hoboken received was on par with what others have received from state-run programs, and claimed only that the programs did not make sense for urban areas like Hoboken: "We're a densely populated urban environment. . . . (The programs) make sense in other places, but they don't make much sense here."[1301]

Even though Mayor Zimmer did not "move forward" with the Rockefeller Group's project or take steps to advance it in any manner, Hoboken was not subsequently denied Sandy aid. On the contrary, contemporaneous evidence shows that many New Jersey government officials went out of their way to assist Hoboken and Mayor Zimmer in obtaining Sandy aid. For example, on May 13, 2013—the same day that Mayor Zimmer alleged that the Lieutenant Governor acted inappropriately—GORR Senior Policy Liaison Timothy Cunningham wrote to Mayor Zimmer about Governor Christie's efforts to assist Hoboken:

> At our meeting last Thursday, Marc [Ferzan] referenced legislation . . . that would delay the phase-in of flood insurance premium increases resulting from the Biggert-Waters Act. Attached, please find a copy of a letter that the Governor submitted to Congressional leadership supporting such legislation. Additionally, and likely of particular interest to Hoboken, the Governor's letter also asks that Congress consider legislative changes with respect to historic and urban properties. He acknowledges that many historical/urban properties cannot be elevated without compromising their structure or character. . . . Also, you had mentioned that you might have suggestions on how better [to] address insurance and/or codes & standards issues. Please feel free to send me any input that you'd like to share. I participate in internal working group meetings where such matters are discussed and would be happy to present your suggestions.[1302]

Two days later, on May 15, 2013, a member of the Governor's staff emailed members of GORR to set up meetings with "non-shore towns" affected by Sandy to exchange ideas and explain what resources are available to them, and Hoboken is the first town recommended for these meetings.[1303] In addition, two DCA employees (Joyce Paul, Senior Policy Advisor, and Stacy Bonnaffons, Assistant Commissioner of the Department of Community Affairs) have said that Commissioner Constable directed both of them in the Fall 2013 to see whether federal funds could be used to help Hoboken, including whether the funds could be used to elevate utilities. And as discussed further above, various New Jersey government officials attempted to assist Mayor Zimmer obtain funding for her flood mitigation plan throughout 2013.

After Mayor Zimmer's allegation that Hoboken had not received its fair share of Sandy aid, GORR Executive Director Marc Ferzan labeled her claim a "mischaracterization"[1304] and explained that "[i]f you look at our recovery programs in totality, I'm scratching my head a little bit about any community that's [claiming they're] getting the short end of the stick," given the limited resources available.[1305] As explained below, Ferzan's assessment of the distribution of Sandy aid to Hoboken is confirmed by the facts.

a. Hoboken's Sandy Aid From HUD's Community Development Block Grant-Disaster Recovery Program

In June 2013, Hoboken submitted an application to DCA for a grant from the first tranche of CDBG-DR funding from HUD.[1306] Hoboken applied for a $200,000 grant from the Post-Sandy Planning Assistance Grant Program, a CDBG-DR funded program, and Hoboken received exactly what it asked for: $200,000.[1307] On September 19, 2013, Commissioner Constable wrote Mayor Zimmer that Hoboken had received grants "in the total amount not to exceed $200,000."[1308] This amount was the fourth highest award to a governmental entity under the Post-Sandy Planning Assistance Grant Program.[1309]

b. Hoboken's Sandy Aid From FEMA's Hazard Mitigation Grant Program

On March 22, 2013, Hoboken submitted seven separate requests for hazard mitigation funding, seeking a combined total of approximately $95 million in grants.[1310] Hoboken sought funding for (1) the flood mitigation plan designed by the Rockefeller Group and Dresdner Robin ($33.1 million), (2) acquiring and developing open space property to be utilized for parks and recreation, as well as flood reduction and storage ($60 million), (3) emergency back-up generators ($1.33 million), (4) flood-proofing the Hoboken public library ($600,000), (5) a sustainable stormwater management system for Hoboken's city hall ($160,875), (6) an impending water warning system ($93,975), and (7) a public awareness campaign regarding disaster mitigation ($75,000).[1311] Of Hoboken's seven funding requests, only one—its request for the funding of generators—fell within one of the available HMGP-funded programs (the Energy Allocation Initiative).[1312]

Hoboken's proposed generator project was one of close to 800 projects seeking part of the $25 million allocated to the Energy Allocation Initiative.[1313] As noted above, a cross-agency working group evaluated and assigned each energy-related project a score based on objective

criteria.[1314] Hoboken's proposed project was assigned a score of 80, the minimum score necessary to receive funding.[1315] Hoboken's project was one of approximately 145 projects that achieved a score of 80 or higher and thus received funding under the Energy Allocation Initiative.[1316] Based on this score, Hoboken was allocated $142,080 in funding on or about October 9, 2013.[1317] This amount was the maximum amount allocated to any project with a score of 80—in fact, more than 20 other projects also received exactly $142,080 from the Energy Allocation Initiative.[1318] Furthermore, over three-fourths of proposed projects received no funding at all, and of those projects that were allocated funds, the average allocation was approximately $170,000.

In early February 2014, questions were raised regarding the HMGP scoring.[1319] Any anomalies in the scoring were across the board and not isolated to Hoboken's HMGP grant. As a result, GORR asked the cross-agency working group to reexamine the Energy Allocation initiative process and scores for all applicants. In connection with that review, the cross-agency working group notified all participants in the Hazard Mitigation Grant Program Energy Allocation Initiative, by letter, that it would "continu[e] to review each data point, confirm accuracy, make any needed adjustments, and ensure that the data is correct before finalizing and submitting project applications to FEMA (no projects have yet been submitted.").[1320] That review remains ongoing. Continued review of these applications may result in changes to the Energy Allocation Initiative allocations to many municipalities, including Hoboken.

F. Mayor Zimmer's Expressions Of Support For Governor Christie And Interactions With Those She Has Accused After The ShopRite Tour Are Inconsistent With Her Allegations

Mayor Zimmer's allegations are centered on alleged threats from the Lieutenant Governor and Commissioner Constable in May 2013. But her conduct since May 2013 is inconsistent with those allegations. For months after May 13, 2013, Mayor Zimmer repeatedly

praised Governor Christie and his Administration, sometimes going out of her way to do so. Moreover, her subsequent interactions with both Lieutenant Governor Guadagno and Commissioner Constable were friendly.

1. Mayor Zimmer's Expressions of Support For Governor Christie

On May 24, 2013, less than two weeks after Mayor Zimmer alleged that the Lieutenant Governor "pulled her aside" to send her "a direct message" at the end of the ShopRite tour, Mayor Zimmer sent a letter to Governor Christie in which she wrote "[t]hank you for your continued advocacy for New Jersey and efforts to rebuild our communities."[1321] Mayor Zimmer also stated that she "would be honored" if Governor Christie were to attend "a signing ceremony with the U.S. Department of Energy Sandia National Labs, PSE&G and the City of Hoboken."[1322] The next month, on June 13, 2013, Mayor Zimmer gave a "huge thank you to Governor Christie" during this signing ceremony (which concerned a "smart grid" project that the Christie Administration supported).[1323]

Two months later, on August 20, 2013, Mayor Zimmer stated publicly that she would not endorse Governor Christie for the November 2013 election. However, at the same time, she praised Governor Christie on Twitter, stating that "[h]e has done a great job for NJ & Hoboken."[1324] Then, Mayor Zimmer added in a separate tweet: "To be clear I am very glad Governor Christie has been our Gov."[1325]

And in October 2013, right before the November election, Mayor Zimmer reached out to the Christie campaign about issuing a political statement in support of Governor Christie's re-election.[1326] On October 2, 2013, Mayor Zimmer's Chief of Staff, Daniel Bryan, circulated a statement of "support" that she was prepared to release jointly with Governor Christie.[1327] With respect to the Christie Administration's post-Sandy relief efforts, the draft statement stated: "Over the past three and a half years, I have been proud to stand with Governor Christie and

support him on important initiatives . . . . Here in Hoboken, Governor Christie was there for us when we needed him the most, responding to the crises of Superstorm Sandy . . . . I am truly grateful to have had the opportunity to serve alongside Governor Christie."[1328] Because Mayor Zimmer's proposed statement of support did not expressly state that she was endorsing the Governor, the Christie campaign declined Mayor Zimmer's offer to go public with a general statement of support.[1329]

In a subsequent October 28, 2013 letter to Governor Christie, Mayor Zimmer stated: "I want to first thank you and your Administration for your support of Hoboken's microgrid project. This support will be crucial to making this innovative energy resiliency project a success that can serve as a model for other communities across New Jersey."[1330]

Moreover, even in the midst of advancing her allegations, Mayor Zimmer praised the Christie Administration for saving HobokenUniversity Medical Center: "And his administration helped us tremendously with saving our hospital, Hoboken Medical Center. It was going bankrupt and the governor was there for us."[1331]

Finally, when confronted with these inconsistencies, even Mayor Zimmer had to admit the allegations she is now making seem "unbelievable."[1332] In any event, they are hard to square with her repeated praise of the Governor and his administration after she was supposedly threatened.

2. Mayor Zimmer's Subsequent Interactions With The Lieutenant Governor Are Inconsistent With Her Allegations

Mayor Zimmer's subsequent interactions with the Lieutenant Governor are inconsistent with being threatened by her at the ShopRite. In August 2013, the Lieutenant Governor toured a farmer's market in Hoboken.[1333] Mayor Zimmer was invited and attended this event. Photographs capture her smiling alongside the Lieutenant Governor.[1334] Richard Rebisz, who

attended this tour with the Lieutenant Governor and Mayor Zimmer, remembered that the Lieutenant Governor and Mayor Zimmer were friendly with each other. Rebisz did not detect or observe any tension or awkwardness in the relationship between the Lieutenant Governor and Mayor Zimmer. And neither did the Lieutenant Governor's aide who also attended this event in Hoboken. DiMaggio said that she did not observe any friction between the Lieutenant Governor and the Mayor. In fact, after the event was over, Lieutenant Governor Guadagno and Mayor Zimmer, along with the State's Secretary of Agriculture, made an impromptu stop at Carlo's Bakery in Hoboken to spend time together. The Lieutenant Governor and the Mayor were friendly and got along very well. Finally, the Lieutenant Governor's chief of staff, Melissa Orsen, said that the Lieutenant Governor's relationship with Mayor Zimmer remained friendly and did not change after the ShopRite event.

3. Mayor Zimmer's Subsequent Interactions With Commissioner Constable Are Inconsistent With Her Allegations

Mayor Zimmer's subsequent interactions with Commissioner Constable are inconsistent with being threatened by him at the May 16, 2013 town hall television broadcast. On June 14, 2013, Commissioner Constable and Mayor Zimmer stood together before the cameras to announce the DCA's opening of a housing recovery center in Hudson County.[1335] Both Mayor Zimmer and former Jersey City Mayor Jerramiah Healy were invited to attend the event, but only Mayor Zimmer attended. Commissioner Constable recalled that Mayor Zimmer was very friendly with him at the event, and the photographs of the event are consistent with his recollection. Mayor Zimmer said that she was happy that the Christie Administration was opening housing centers in the nine most impacted counties.

On June 27, 2013, Commissioner Constable visited Mayor Zimmer's office to encourage her to get out the word to Hoboken residents that they should apply for grants before the

approaching deadlines. Rebisz observed that the Commissioner and the Mayor engaged in lighthearted small talk and laughing together before the meeting started, and did not observe any tension between them during the discussion of Sandy aid. A few months later, on November 25, 2013, Commissioner Constable attended a briefing for Mayors, including Mayor Zimmer, about the next allotment of CDBG-DR funds.[1336] Based on our interviews of numerous attendees at these meetings, we found no evidence there was any discernible tension or awkwardness between Commissioner Constable and Mayor Zimmer. In fact, Assistant Commissioner Bonnaffons participated in a pleasant conversation with Commissioner Constable and Mayor Zimmer following the meeting. The fact that Mayor Zimmer did not avoid contact with Commissioner Constable after he allegedly threatened her on May 16, 2013, is evidence that her perceptions do not match objective reality.

G. Other Factors Bearing On The Validity Of Mayor Zimmer's Allegations

During our investigation, we found additional factors that informed our conclusion that Mayor Zimmer's allegations do not withstand scrutiny. Those additional factors include that Mayor Zimmer's allegations are against former federal prosecutors of distinguished backgrounds who investigated and charged numerous public corruption cases themselves; that the allegations would necessarily have had to include many other people in various departments and agencies within the Christie Administration, and it seems highly unlikely that such a vast conspiracy could take place without leaving a shred of documentary evidence to support it; that Mayor Zimmer's public accounts of her allegations have changed daily until she was told by the U.S. Attorney's Office to stop talking to the press; that Mayor Zimmer has mischaracterized the Rockefeller Group's role; that there is no evidentiary or eyewitness support for Mayor Zimmer's allegations; and that Mayor Zimmer's handwritten notes are not a contemporaneous account of events and raise serious questions about her credibility.

1. The Scope Of And Participants In The Alleged Conspiracy

It seems unlikely that the alleged conspiracy to hold Sandy aid hostage unless Mayor Zimmer moved forward with the Rockefeller Group's private development in Hoboken could have taken place without the participation of many other people in the Administration's management, execution, and allocation of Sandy aid programs. And it seems unlikely that so many former federal prosecutors who have spent most of their careers in law enforcement and public service would have been involved in the alleged conspiracy.

Lieutenant Governor Guadagno, Commissioner Constable, and Ferzan could not have pulled off their alleged threats, supposedly at the behest of the Governor, of withholding Sandy aid without the support of their top aides. The Governor's top aides, Chief of Staff Kevin O'Dowd and Chief Counsel Charles McKenna, are both former federal prosecutors.[1337] Both attended the weekly Sandy aid meetings overseen by the Governor and organized by Ferzan. The Lieutenant Governor's top aide during the relevant period, Orsen, previously an Assistant Attorney General in the New Jersey Attorney General's Office.[1338] She attended the Governor's weekly Sandy aid meetings more frequently than the Lieutenant Governor. Commissioner Constable's Assistant Commissioner in charge of CDBG-DR programs, Stacy Bonnaffons, is from New Orleans and joined the Christie Administration after Superstorm Sandy because of her extensive experience in helping the local New Orleans government post-Hurricane Katrina.[1339] Commissioner Constable's Senior Policy Advisor, Joyce Paul, has worked for the DCA during several administrations. It would have been nearly impossible for Commissioner Constable to effect CDBG-DR allocations arbitrarily without the support and assistance of Assistant Commissioner Bonnaffons and Paul. A number of the members of Ferzan's team in charge of the HMGP and CDBG-DR funds joined Ferzan from law firms in private practice.[1340] Without their support, it would have been nearly impossible for Ferzan to alter the objective criteria for

allocating HMGPs and CDBG-DR funds to municipalities. Finally, Commissioner Martin and his Assistant Commissioner of Water Conservation, Siekerka, played significant roles in evaluating hazard mitigation plans, including the Rockefeller Group's Flood Mitigation Plan. Without their involvement, it would have been nearly impossible to arbitrarily alter Sandy aid to Hoboken.

In addition, Mayor Zimmer's allegations take aim at three highly accomplished and dedicated former law enforcement officers and public servants. The backgrounds, achievements, and financial sacrifices that these individuals have made in the interests of serving the public must be taken into account in evaluating the Mayor's claims. All of them graduated from law school. All of them served for years as federal prosecutors. All of them prosecuted, or oversaw the prosecution of, public corruption cases while serving in the United States Attorney's Office for the District of New Jersey. All of them have made significant financial sacrifices to work as public servants. And all of them came from diverse political backgrounds, one Republican, one Democrat, and one Independent. Putting aside the strong evidence calling into question Mayor Zimmer's claims, it seems unlikely that these three individuals would have taken the actions that Mayor Zimmer has alleged.

2. Mayor Zimmer's Changing Account Over Time

Over a 10-day period from January 10 to 20, 2014, Mayor Zimmer's allegations changed repeatedly and significantly. Until she stopped speaking with the media, which she said was at the request of the United States Attorney's Office for the District of New Jersey,[1341] Mayor Zimmer's statements about events which occurred eight months earlier changed on a daily, interview-by-interview basis. Her lack of a consistent recollection of relatively recent events raises questions about the clarity and precision of her recollection and her perception of past events.

Although there are many inconsistencies and contradictions in Mayor Zimmer's accounts, we focus on three of them here.

First, Mayor Zimmer initially claimed that she did not think the purportedly low Sandy aid amounts to Hoboken were the result of retaliation by the Christie Administration. On WNYC radio, on January 10, 2014, she said that Hoboken's receipt of "$300,000" was a "fraction of one percent" of the "$100 million in grants" requested, and that "[w]ith 20/20 hindsight," they could always look back and ask if it was retribution, "but [she] really hope[d] that that's not the case."[1342] And on January 11, 2014, in an interview with CNN, Mayor Zimmer was even more certain that Sandy funds were not withheld as retaliation: "I don't think it was retaliation and I don't have any reason to think it's retaliation, but I'm not satisfied with the amount of money I've gotten so far."[1343] Yet, one week later, Mayor Zimmer said something very different. She claimed that Sandy funds were withheld as a result of retaliation for not moving forward with the Rockefeller Group's private development project.[1344] She claimed, "the bottom line is [the Lieutenant Governor] said, you know, basically, it's connected. The Sandy funding, it's being held hostage for the city of Hoboken. It's connected to the Rockefeller Group project."[1345]

It is hard to comprehend how Mayor Zimmer went from voluntarily telling the media that she did not think that the purported lack of Sandy funds for Hoboken was the result of retaliation to claiming one week later that it was retaliation for her not moving the Rockefeller Group's development project forward. These seem to be irreconcilable positions.

Second, Mayor Zimmer contradicted herself about whether the Lieutenant Governor said her statements were a "direct message" from Governor Christie. On January 18, 2014, on MSNBC, Mayor Zimmer recounted what the Lieutenant Governor allegedly told her, and never

said that the Lieutenant Governor had said this was a message from the Governor.[1346] In another interview that day with the Hoboken Reporter, Mayor Zimmer speculated for the first time about Governor Christie's personal involvement, but she admitted "it's possible" he had none.[1347] She said: "I went with the facts of what I experienced, and that was that [Lieutenant Governor Guadagno] pulled me aside in ShopRite and told me to move forward with this project. I don't think she would have done that without the governor's approval, but I guess it's possible."[1348] Yet one day later, on January 19, 2014, Mayor Zimmer claimed that the Lieutenant Governor had said it was a "direct message" from the Governor.[1349] On CNN's "State of the Union" with Candy Crowley, Mayor Zimmer said that the Lieutenant Governor told her: "This project is really important to the governor. And she said she had been with him on Friday night and that this is a direct message from the governor."[1350] Therefore, her allegations appeared to have moved from initially stating that she did not know whether the Governor had directed the Lieutenant Governor to threaten her to recalling that the Lieutenant Governor told her it was a "direct message"[1351] from the Governor.

Third, Mayor Zimmer did not accuse Ferzan of doing anything improper until after he publicly rejected her claim that Hoboken has been treated unfairly in terms of Sandy aid allocations.[1352] If this were one interview, that would be one thing. But Mayor Zimmer gave several media interviews—some of them quite extensive—from January 18 through January 20, 2014, prior to her CNN interview that last day, and she never mentioned Ferzan in any of them. It was only after Ferzan questioned her claims that Mayor Zimmer accused him on national television of being part of a conspiracy to hold Hoboken's Sandy aid hostage for a private development project.[1353] Moreover, given that she provided her handwritten notes to the media and none of those notes apparently mentioned Ferzan's name, it seems unlikely that she ever

mentioned Ferzan in her notes. And if she never did after having written about the Lieutenant Governor and Commissioner Constable, it raises serious questions of why she did not write about Ferzan's alleged threat if it had actually occurred.

3. The Extensive Assistance That Christie Administration Officials Have Provided To Hoboken Throughout 2013 And In Early 2014

Christie Administration officials and State agencies, including the Governor's Office, assisted Hoboken recover from Superstorm Sandy in a variety of ways throughout 2013 and in early 2014. We have attached an appendix setting forth an extensive list of 28 examples of that assistance. Example after example of assistance to Hoboken suggests that there was no conspiracy at all. Given the totality of evidence, therefore, we find that the examples of assistance to Hoboken after the Lieutenant Governor's May 13, 2013 ShopRite event and Commissioner Constable's May 16, 2013 TV town hall appearance are further proof that no one in the Christie Administration actually tied Sandy aid to a private development project.

Moreover, we find Mayor Zimmer's allegations of threats in May 2013 at odds with the Christie campaign's interest in securing an endorsement from Mayor Zimmer. Indeed, the Christie campaign was going out of their way to court Mayor Zimmer from at least February 2013 through October 2013 in hopes that she would endorse the Governor. It would have made no sense to threaten Mayor Zimmer to move forward with a private development project while at the same time seeking her endorsement of the Governor.

4. Mayor Zimmer Has Omitted Significant Facts Relating To Her Relationship With The Rockefeller Group

Mayor Zimmer's allegations that the Christie Administration threatened her to support the Rockefeller Group's North End development do not square with the actual events from February 2013 through May 2013. Rather, Mayor Zimmer has omitted significant facts relating

to her relationship with the Rockefeller Group and its flood mitigation plan from her public accounts.

The Christie Administration did not bring the Rockefeller Group into the discussions about Mayor Zimmer's flood mitigation plan. Mayor Zimmer did. The Christie Administration did not adopt the Rockefeller Group's Flood Mitigation Plan, which included building sea walls on the North End of Hoboken where the Rockefeller Group wanted to develop its land. Mayor Zimmer did. The Christie Administration did not showcase a map of Hoboken containing engineering designs of the Rockefeller Group for sea walls, flood gates, and water pumps. Mayor Zimmer did. The Christie Administration did not invite the Rockefeller Group to the initial meeting requested by Mayor Zimmer to present her flood mitigation plan to Commissioner Martin and Commissioner Constable. Mayor Zimmer did.[1354]

Having adopted the Rockefeller Group's Flood Mitigation Plan as her own, invited the Rockefeller Group into the meetings with the Governor's Office about the plan, and advocated repeatedly for funding for their plan, Mayor Zimmer has left out significant facts about her relationship with the Rockefeller Group. Those facts shed light on GORR's meeting with the Rockefeller Group and its representatives on March 11, 2013, the initial outreach by DEP engineers Rosenblatt and Moyle to the Rockefeller Group's representatives to discuss its flood mitigation plan without Mayor Zimmer's involvement, and questions at meetings about the Rockefeller Group's development in the larger context of discussing its flood mitigation plan. These additional facts suggest that Mayor Zimmer's portrayal of the relationship between the Governor's Office and the Rockefeller Group in the context of discussions relating to Sandy aid has been misleading.

5. The Lack Of Corroboration For Mayor Zimmer's Claims

While we were unable to interview Mayor Zimmer (or any of the Hoboken officials to whom she supposedly recounted her claims after the events in question), we have the benefit of her many media interviews recounting her allegations, pages from her handwritten notebook given to the media, and documents obtained from the City of Hoboken through public records disclosure requests. Moreover, the accounts of these other Hoboken witnesses depend entirely on the reliability of Mayor Zimmer herself because they are merely recounting what she told them after-the-fact. Hence, we have been able to understand and assess her allegations. We have interviewed dozens of witnesses and reviewed reams of documents relevant to them. Based on those interviews and documents, we have found no substantiation for Mayor Zimmer's claims in the media. We have found no documents or witnesses supporting her account of the May 13, 2013 ShopRite event exchange with the Lieutenant Governor, the May 16, 2013 pre-broadcast TV Town Hall exchange with Commissioner Constable, the November 25, 2013 exchange during Ferzan's briefing of Mayors, or many of the other events in-between that are inconsistent with her claim.

6. Mayor Zimmer's Handwritten Notes Raise Questions

Mayor Zimmer has provided a set of handwritten notes from a journal to the media. Although we have not been given access to the notes and thus have been unable to perform a full forensic and analytical examination of them, from what we have obtained through media reports, the notes appear to contain certain anomalies. And those anomalies raise questions.

According to Mayor Zimmer, she wrote the notes in a notebook "a few days later," after the May 13, 2013 ShopRite meeting. She told CNN that she was "very upset" about what the Lieutenant Governor told her and "I did a journal entry, you know, a few days later."[1355] Mayor Zimmer did not say exactly when she wrote them. And although the notes apparently purport to

document what Mayor Zimmer has claimed to be misconduct, they are not dated. Given that one would normally record the date on a journal entry, it raises questions about why there are no dates. From their content, it is apparent that they were written, at a minimum, several days after the May 16, 2013 television broadcast with Commissioner Constable and after Mayor Zimmer apparently took a long-distance airplane flight on which she watched a movie.[1356]

Moreover, the most accusatory entries in the notebook may have been added after the fact. A glaring example is the addition of the words "but I was w/ the Gov on Friday night," which appears in the unlined white space at top of the page where one would not normally take notes:

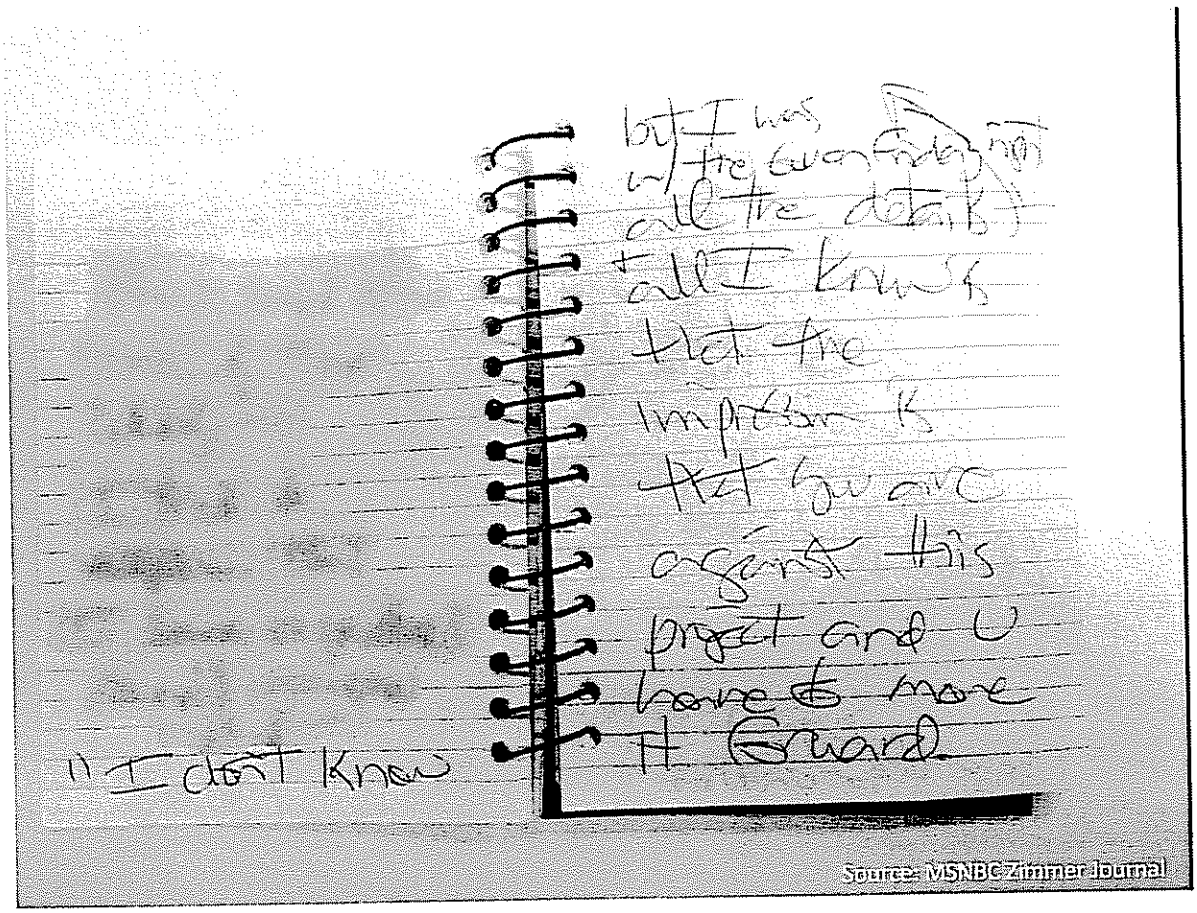


FIGURE 7.[1357]

These words do not make sense when they follow the words "I don't know" on the first page: "I don't know ***but I was w/ the Gov on Friday night*** all the details + all I know is that the impression is that you are against this project and u have to move it forward."[1358] Rather, the words "I don't know" appear to precede the words below the unlined white space at the top of the second page as follows: "I don't know all the details + all I know is that the impression is that you are against this project and u have to move it forward."[1359] In addition, the arrow drawn at the top of the page further suggests that Mayor Zimmer added words after the fact and was rearranging the sentence with the arrow to make sense of them.[1360] Accordingly, we find that Mayor Zimmer added the words "but I was w/ the Gov on Friday night" after the fact. Because Mayor Zimmer has not agreed to speak with us and we do not have access to the original notes to commission a forensic examination of them, we can only speculate as to why and when those words were added. But adding them alone raises important questions about Mayor Zimmer's recollection, and whether she added those words days, weeks, or months after the fact to "gild the lily" or for some other motivation.

Similarly, Mayor Zimmer's notes contain two different versions of the Lieutenant Governor's alleged confession that what she was telling Mayor Zimmer was improper and that she would deny it. And in both versions they are written on the top of the page and down the side, as if added later. The notes thus contain indications that Mayor Zimmer may have been using this writing to try to script out a formulation of the Lieutenant Governor's statement to her at the ShopRite. On one page, she writes only on the top white part of the page and running down to the side of the page: "'I know it's not right – these things should not be connected – but they r' she says – if u tell anyone I sd that I will deny it."[1361] Then, what appears to be pages later, she writes at the top of the page and down the side a slightly different formulation with

different meaning, "'I know it shouldn't be connected but it is if you tell anyone I will deny it – she told me."[1362] Moreover, both seem to be additions to pages that had already been written on, and squeezed into the top and sides of the pages.[1363] These appear to be locations where Mayor Zimmer does not normally write. That suggests that Mayor Zimmer took notes and then went back to add this content.

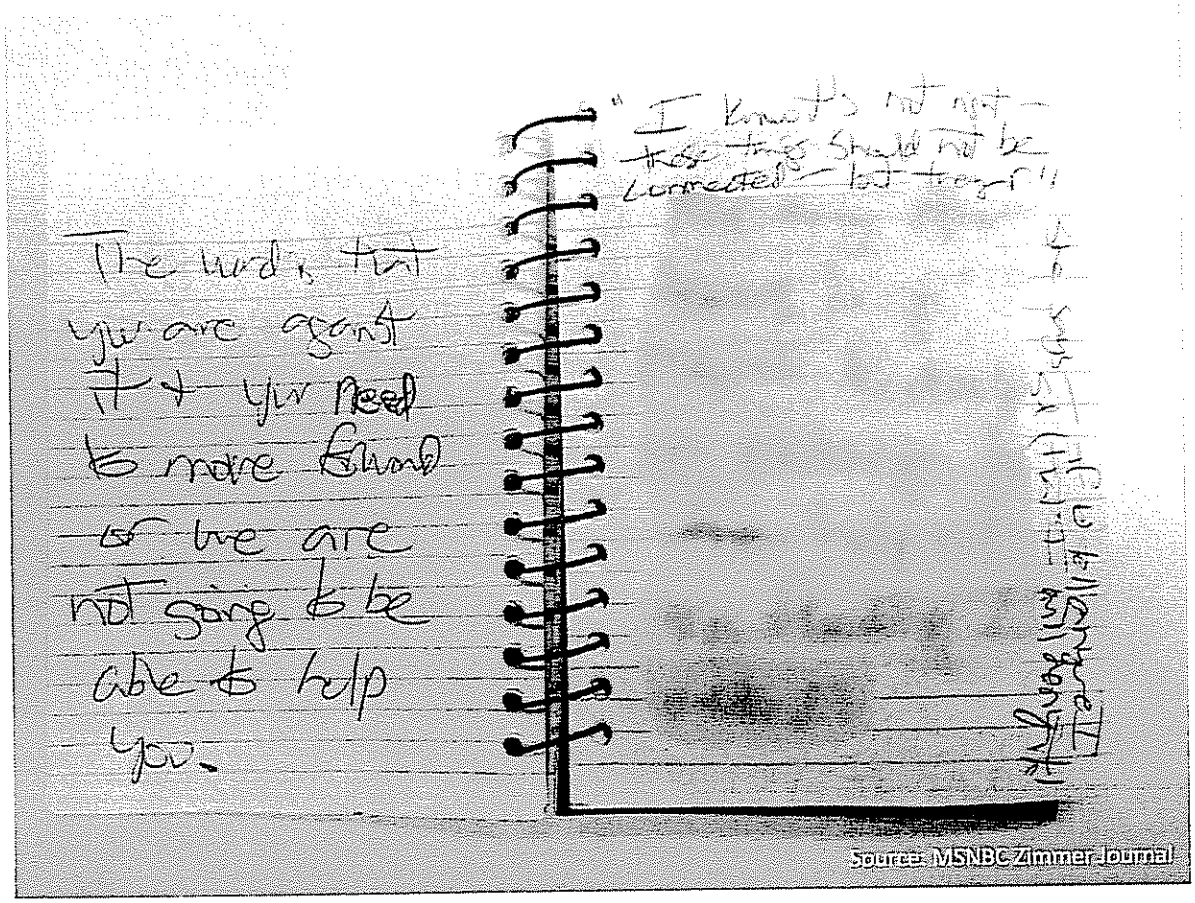


FIGURE 8.[1364]

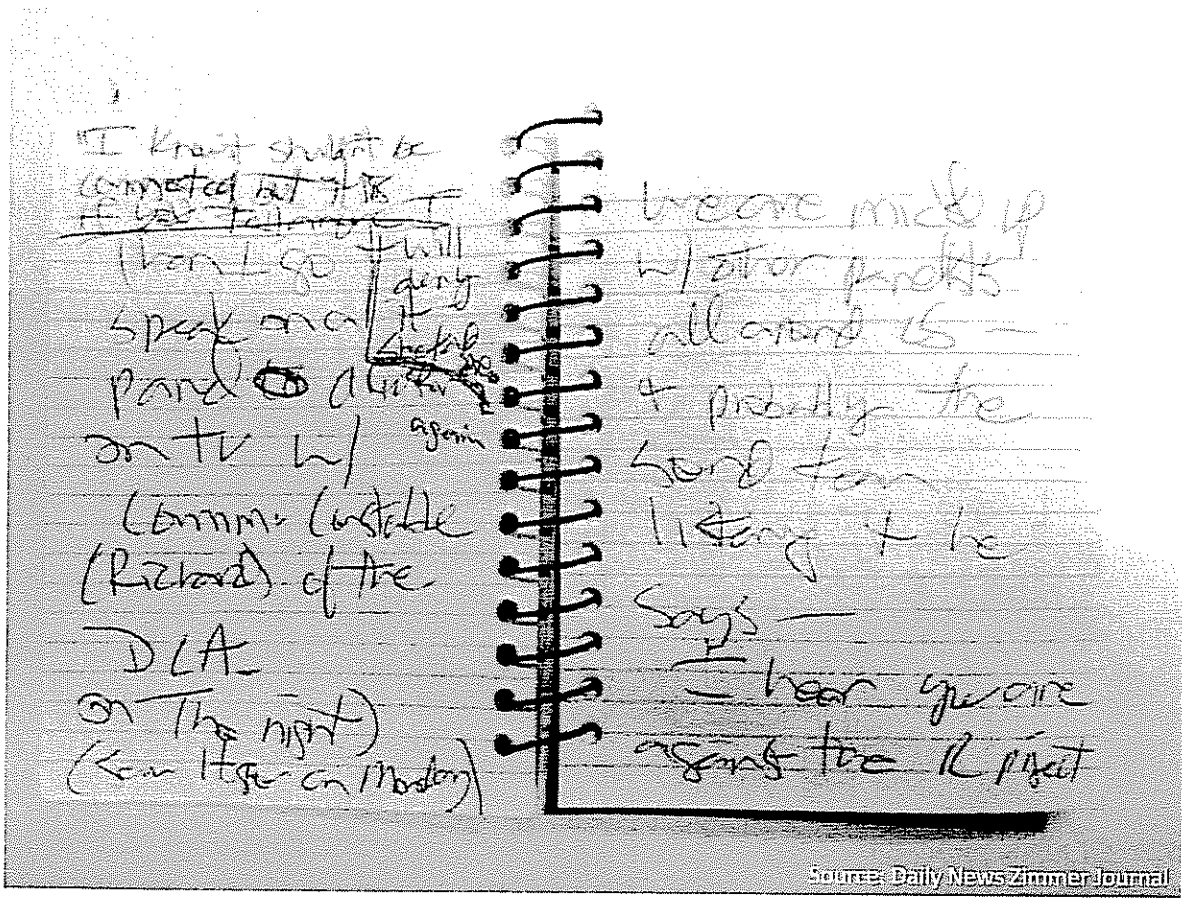


FIGURE 9.[1365]

It is also odd that Mayor Zimmer seems to begin the notebook with the statement that "I prefer typing on computer – but maybe it is time to get back to journal writing,"[1366] and then launches into allegations of past misconduct. Again, this suggests that Mayor Zimmer started these handwritten notes for the express purpose of writing down her allegations, at some undated time after the fact.

7. Mayor Zimmer's Failure To Contact Law Enforcement At The Time Of The Alleged Threats In May 2013 Raises Questions

As an elected official, Mayor Zimmer has a fiduciary responsibility to the public she serves.[1367] According to her handwritten notes, after the alleged threats from the Lieutenant Governor on May 13, 2013 and Commissioner Constable on May 16, 2013, she believed that

Governor Christie was "cut from the same corrupt cloth that [she had] been fighting for the last 4 yrs."[1368] With that perception, and having observed first-hand that the FBI conducted a highly successful sting operation that recorded conversations with her predecessor engaged in public corruption and resulted in her becoming Mayor of Hoboken,[1369] it is unclear why Mayor Zimmer did not contact law enforcement about her allegations of improper conduct for the next eight months, instead choosing to first go public with her allegations on a national cable show in January 2014. The United States Attorney's Office for the District of New Jersey and the FBI have a long and successful track record of rooting out and obtaining overwhelming evidence of public corruption through consensually recorded conversations and undercover sting operations.

Mayor Zimmer certainly had multiple opportunities to inform law enforcement and the ability to get an immediate audience given her position. Mayor Zimmer's explanation during televised interviews that she worried that the public would not believe her if she came forward with the allegations[1370] overlooks that she could have sought the confidential assistance of law enforcement or counsel. Her failure to have come forward with her allegations sooner therefore raises questions about her motivations and credibility. And in any event, her subjective perceptions do not match objective reality, as reflected in the hard evidence uncovered during our investigation.

VI. RECOMMENDATIONS

In light of our factual findings, we make the following recommendations intended to systematically improve operations at the Office of the Governor and the Port Authority. We also offer one additional related proposal.

A. Office Of The Governor

We recommend that the Office of the Governor consider the following institutional and structural improvements: (1) revising and formalizing the Office's rules and policies to restrict the use of personal email accounts for official government business, with limited articulated exceptions, and to clarify the applicability of OPRA to other forms of electronic communication about official government business; (2) restructuring the Office to create a new and expanded Office of Constituent and Legislative Services, which would include the "good government" functions performed by the Office of Constituent Relations and the Office of Legislative and Intergovernmental Affairs; (3) appointing an Ombudsperson to receive complaints from within the Governor's Office who issues public reports and has direct access to the Governor; and (4) expanding the role of the Office's Chief Ethics Officer, strengthening existing policies, and enhancing employee training on permitted activity.

1. Revise And Formalize The Office's Rules And Policies With Respect To The Use Of Personal Email Accounts And Electronic Communications

Our investigation shows that the use of personal email accounts to conduct and discuss official government business was fairly routine in both the Office of the Governor and the Port Authority. This is an issue with which corporations and governments around the country struggle.[1371] The Office of the Governor is no exception. In particular, here, the technological limitations or absence of government-issued mobile devices[1372] and the ability to access personal and government email accounts on personal mobile devices often resulted in the preferential use

of personal mobile devices. Our investigation also shows that text messages were routinely exchanged by employees within the Office and the Port Authority on their personal devices.

The use of personal email accounts and electronic communications (*e.g.*, text messages via personal mobile devices) to communicate or conduct State business presents a host of legal and practical challenges. For example, in New Jersey, use of personal emails or personal text messages to conduct State business could circumvent OPRA, which provides that "government records"—including emails received from or sent to State or personal email accounts in the course of official State business—"shall be readily accessible for inspection, copying, or examination by the citizens of this State."[1373] In addition, substantive electronic communications regarding State business, for instance, personal emails or text messages, present serious concerns regarding the security and confidentiality of the communications, as well as compliance efforts by the Office of the Governor. For instance, as discussed above, because personal email accounts were used by former employees of the Office of the Governor, including Stepien and Kelly, we could not obtain and review these communications even though they may fall under OPRA.

Electronic communications by employees of the State of New Jersey are currently subject to the State's Electronic Mail/Messaging Policy (the "Email Policy").[1374] This policy provides: "State employees should not expect their e-mail/messaging communications to be private, and should not use State-provided e-mail/messaging systems for confidential matters that are not intended for public disclosure."[1375] Neither this Email Policy nor the New Jersey Department of State's "Guidelines and Best Practices" on managing electronic mail, however, discuss the use of personal email accounts or text messages to conduct State business.[1376] Federal agencies generally prohibit the use of personal email for government business, while recognizing that

some limited uses may be unavoidable.[1377] In these unavoidable circumstances—for instance, when personal email has been used inadvertently or in an emergency, or when an employee is initially contacted through a personal account—federal agencies have adopted a "forwarding rule" that requires federal employees to forward emails regarding official government business from their personal email accounts to their government email accounts or to copy their government email addresses on such emails.[1378] While federal practice does not govern State rules on record-keeping and management, the federal forwarding rule is informative and may be an appropriate measure for the Office.

To systematically address these concerns moving forward and in light of best practices and evolving technology, we recommend that the Office of the Governor explore revising the Email Policy and the New Jersey Department of State's Guidelines to include express restrictions on the use of personal email accounts to conduct State business, with reasonable limited exceptions.[1379] We recommend that the Office of the Governor consider adopting a rule providing that should the Office's employees use their personal email accounts in the course of official business—whether inadvertently or under exigent circumstances—they must forward all emails containing official business to their government email accounts or copy their government email addresses on such emails so that electronic communications regarding official business can be preserved in accordance with the Office's record-keeping practices.

We also recommend that the Governor's Office make State employees aware of the implications, pursuant to public record disclosure and retention requirements, of text messaging to conduct official State business.

Finally, we recommend increased employee training within the Office with respect to OPRA and the implications of using various forms of electronic communication, including

personal email and text messages, to communicate official government business. These initiatives would enable the Office to establish a clear and institutional policy regarding electronic communication of official government business as well as adherence to such policies.

2. Restructure The Office Of The Governor To Create A New And Expanded Office of Constituent and Legislative Services That Combines The Current Office Of Legislative And Intergovernmental Affairs With The Office Of Constituent Relations

The Office of the Governor currently has both an Office of Legislative and Intergovernmental Affairs ("IGA") and the Office of Constituent Relations ("OCR"). IGA is responsible for communicating and building collaborative working relationships with local elected officials and interest groups across the State of New Jersey. It existed to function as a problem solver or troubleshooter for local government officials to ensure that all New Jersey constituents had a point of contact within the Governor's Office. IGA consists of a Director of IGA, Director of Constituencies Outreach, and a Director of Legislative and Departmental Relations, all of whom are managed by the Deputy Chief of Staff for Legislative and Intergovernmental Affairs. Separately, OCR is responsible for communicating with and responding to the needs and inquiries of individual members of the public.

We recommend that the Office of the Governor consider restructuring to combine IGA and OCR into one office—it may be called the Office of Constituent and Legislative Services—whose mission should be to address the needs of all New Jersey constituents. This new office should be a model of nonpartisan service and responsiveness. Establishing one Office of Constituent and Legislative Services would reinforce the Governor's Office's commitment to serve the needs and interests of all its constituents. While the evidence shows that IGA earlier functioned in that mode, under Kelly's leadership and direction, there was aberrational behavior. To eliminate any misconceptions going forward, we make this recommendation in large part to

restore the public's trust in this mission being served. And this recommendation is particularly timely given that IGA's leadership is in transition.

3. Appoint An Ombudsperson To Receive Complaints From Within The Governor's Office Who Issues Public Reports And Has Direct Access To The Governor

We recommend that the Office of the Governor consider appointing an Ombudsperson to respond to, refer, and address serious allegations regarding the conduct of employees from within the Governor's Office. The Ombudsperson would act as an independent and impartial resource to the Office, and he or she would be empowered to investigate or refer allegations regarding improper conduct or maladministration by those within the Office. The Ombudsperson would report directly to the Governor, timely communicate public concerns of significant import to the Governor and other appropriate senior staff, communicate with complainants, and issue public reports on his or her work. Finally, the Ombudsperson would work closely with the Office's new Chief Ethics Officer, as discussed below, and he or she would assist in defining and developing the role of the Chief Ethics Officer.

4. Expand The Role Of The Chief Ethics Officer, Strengthen Existing Policies, And Enhance Employee Training On Permitted Activity

The Office of the Governor has adopted the New Jersey Uniform Ethics Code[1380] as well as a Code of Conduct for the Office's employees.[1381] In addition, the Office of the Governor has an appointed "Chief Ethics Officer" within the Counsel's Office, an "Ethics Liaison Officer" who assists the New Jersey State Ethics Commission (the "Ethics Commission") in implementing and enforcing New Jersey Conflicts Law (the "Conflicts Law") and related ethics codes,[1382] and an "Advisory Ethics Panel" that "advise[s] the Governor and Lieutenant Governor regarding conflicts issues, application of the Governor's Code of Conduct, and other related matters."[1383] While we believe that these ethics-related roles have been served effectively, we

recommend that the Office of the Governor appoint an officer dedicated to the position of Chief Ethics Officer and to more clearly define and expand the duties and responsibilities of that position.

The Chief Ethics Officer would subsume and expand the duties of the Office's current Ethics Liaison Officer. Among other things, the Chief Ethics Officer would be primarily dedicated to all ethics-related matters in the Office, and would serve as an in-house expert on applicable ethics rules and codes of conduct, including New Jersey Conflict of Interest Law, the New Jersey Uniform Ethics Code, and the Office of the Governor's Code of Conduct.[1384] The Chief Ethics Officer would be familiar with the Office's operations and staff, and he or she would serve as a resource for employees within the Office, confidentially receiving information and offering formal and informal advice to employees within the Office on ethics-related issues, concerns, and questions. Additionally, the Chief Ethics Officer would be responsible for systematically: developing and implementing department-specific ethics policies within the Office of the Governor; filing any disclosures required under applicable ethics policies; facilitating regular employee ethics trainings; ensuring enforcement of all applicable ethics laws and codes; ensuring proper training for all employees regarding participation in political activities; responding to public ethics inquiries pertaining to the Office; and communicating regularly and directly with the Governor with respect to the Office's ethics compliance.[1385] He or she would have direct access to the Governor, report to the Chief Counsel, and also report to and work closely with the Ombudsperson and the Advisory Ethics Panel.[1386]

We also recommend that the Office of the Governor, through the Chief Ethics Officer, implement enhanced training programs regarding permitted political activity and ensure that employees in the Office certify compliance with such policies on an annual basis. This would

ensure that the prohibitions are understood and followed by all Office of the Governor employees.

Finally, our factual investigation establishes that only one individual within the Office of the Governor was involved with the lane realignment and, from the evidence available to us, we cannot discern with precision what motivated her involvement. Apart from Kelly's undetermined motivations, we did not find any evidence of a retaliatory conduct or culture, or encouragement thereof, within the Office. Even so, the Office of the Governor should adopt an express policy and formally communicate it to all employees within the Office to make clear that political retaliation or threats thereof are unacceptable, prohibited, and will result in immediate discharge from the Office. While, in the minds of most, this prohibition is assumed, the lessons learned from this unfortunate incident and the speculation that followed should be incorporated into the Office's policies and institutional memory.

B. The Port Authority

With respect to the Port Authority, we recommend that the Office of the Governor consider: (1) coordinating with the Office of the Governor of New York to establish an independent Bi-State Commission to recommend reforms to the Port Authority; and (2) proposing legislation to reform the Port Authority, including transparency laws.[1387]

1. Coordinate With The Office Of The Governor Of New York To Restructure The Port Authority By Appointing A Bi-State Commission To Recommend Reforms

It is time to consider a fundamental restructuring of the Port Authority, which operates and maintains infrastructure critical to the region's trade, transportation, and economy, including four bridges, two vehicular tunnels, a rail system, three bus terminals, ferry services, marine terminals and ports, five airports, and the World Trade Center.[1388] As the George Washington Bridge incident demonstrates, divisions between the Port Authority's New Jersey and New York

counterparts can result, and have historically resulted, in communication failures, rivalries, duplication, and dysfunction.[1389] And the current appointments structure—whereby one Governor appoints the Chairman (and Deputy Executive Director) and the other Governor appoints the Executive Director (and Vice Chairman)—only exacerbates that division and, at times, leads to dysfunction.[1390] By all accounts, the September 2013 lane realignment highlights the need for reform at the Port Authority—reform that many New York and New Jersey administrations have called for over the course of many years but never fully accomplished.[1391]

We recommend that the Governor work with the Governor of New York to establish a Bi-State Commission to independently evaluate and make recommendations concerning reforms to the Port Authority in order to ensure the highest standard of professionalism, independence, and transparency moving forward. The Bi-State Commission's mandate should be to address divisions between the Port Authority's New York and New Jersey counterparts and other operational, structural, and management issues at the Port Authority. In our view, a Bi-State Commission is the appropriate vehicle for achieving reform because of the complex issues at stake and because any legislation enforceable on the Port Authority must be identically passed by the New York and New Jersey Legislatures.[1392] That is not to say, however, that both States' Governors should necessarily have to await the Commission's recommendations. If the Governors were to reach agreement on fundamental changes, they could go to their respective State legislatures immediately to take such reforms.[1393]

In the first instance, we recommend that a Bi-State Commission consider fundamentally restructuring the Port Authority in a manner that would resolve the core friction inherent in an organization run by two constituents—New York and New Jersey—that often have divergent goals and objectives. The lane realignment has highlighted the magnitude of this discord, its

detrimental effects on the Port Authority's functions, and the present need for immediate change. To resolve this inherent friction, the Bi-State Commission should consider reforms of the basic organization of the Port Authority, as legally and functionally feasible. For example, consideration should be given to restructuring to permit each State to have primary operational and oversight responsibility for completing specific projects and specific sites within their jurisdiction.

The Bi-State Commission should also examine and make recommendations regarding the terms and method of appointment for Port Authority officials. For example, the Port Authority is currently governed by a twelve-member Board of Commissioners. The Governors of New York and New Jersey each appoint six Commissioners and retain the power to veto the actions of the Commissioners from their respective State. The Governor of New York appoints the Port Authority's Executive Director and Vice Chair, and the Governor of New Jersey appoints its Chairman and Deputy Executive Director. The Port Authority's leadership structure and appointments process should be re-examined by the Bi-State Commission and reformed.[1394] The Bi-State Commission could consider, among others, the following potential reforms to the appointments process: implementing set periods of tenure; requiring staggered terms so that Port Authority senior leadership is not tied to a particular gubernatorial administration; establishing an appointments committee that recommends or proposes candidates for senior Port Authority positions; requiring both Governors to agree on the individuals to be appointed or to have an option to veto a candidate; and initiating national searches for senior leadership appointments to the Port Authority.

We also recommend that the Governor advise the Bi-State Commission to consider the reforms implemented through New York's Public Authorities Reform Act of 2009. These

reforms were enacted to "recapture[] its out-of-control public authorities," and were thought to have had a substantial positive impact on New York's public authorities.[1395] They include: placing a "fiduciary duty" on each member of the governing board to fulfill and prioritize the mission of the public authority to reduce the role of partisan politics and conflicts of interest across the organization; establishing an external monitor to investigate public complaints; establishing an annual, independent audit of the public authority's budget and performance to enable relevant local actors, agencies, and the public to review, monitor, oversee, and ensure the public authority's effective and legitimate use and management of its resources to best serve the needs of the public; creating a whistle-blower program for employees of public authorities to encourage the reporting of transgressions within the agency; and publicizing the public authority's activities and policies.[1396]

We recommend that the Bi-State Commission examine the Port Authority's decision-making procedures to ensure that more formal and transparent decision-making processes for substantial, non-emergency operational changes at the Port Authority are established—for instance, with respect to any studies (traffic or other), pilot programs, lane realignment, and construction and maintenance work that risks a substantial impact on motorists. Among other procedures, the Bi-State Commission could consider requiring express approval for all such changes from key Port Authority leadership, including manager(s) of operations of the relevant divisions; the Board's Committee on Operations; the Executive Director of the Port Authority; and the Deputy Executive Director of the Port Authority.[1397] The Port Authority could also consider requiring assessments of potential impacts, the creation of mitigation measures, advance reporting to emergency services before any projects or studies are approved or pursued, and interim reporting once changes are implemented. Adopting more formal and protective decision-

making procedures would enable the Port Authority to: strategically consider and evaluate substantial operational changes in an informed manner and with input and coordination from appropriate actors and agencies; timely notify local and other authorities and emergency services personnel; efficiently and effectively execute operational changes; timely review, monitor, and modify operational changes; and build internal and public confidence in the Port Authority's competence and services.[1398]

We appreciate that the Port Authority's Board of Commissioners has already taken steps in response to recent events by establishing an internal oversight committee to, among other things, "provid[e] policy guidance to, and develop[] a proactive and prospective agenda for consideration by, the Board to enhance the Board's oversight of any governance or operations items identified by the Committee."[1399] The Port Authority's internal oversight committee consists of 5 current Port Authority Commissioners: Scott Rechler (Committee Chair and Vice Chairman of the Port Authority's Board of Commissioners, NY), Richard Bagger (Committee Vice Chairman (NJ), Jeffrey Lynford (NY), Basil Paterson (NY), and Raymond Pocino (NJ).[1400]

We continue to believe, however, that an independent Bi-State Commission is the appropriate vehicle for achieving long-term systemic reform to the Port Authority. The Bi-State Commission would be sanctioned by both Governors and work directly with the Offices of the Governors of New York and New Jersey and with the New York and New Jersey Legislatures, rather than reporting to the Port Authority's Board of Commissioners. It would have the freedom and independence to examine and make recommendations concerning all potential reforms to the Port Authority. Its reform agenda should be set by an independent "blue-ribbon" panel, or by the Governors working together, and it would include major structural reforms to the Port Authority that would then be institutionalized and ultimately require the approval of both

States' legislatures, going well beyond reforms regarding Board oversight and internal matters that are already within the scope of the agency's authority. And the Bi-State Commission would consist of independent public administration and transportation experts, policymakers, and practitioners, not current Port Authority Commissioners or executives.

2. Propose Legislation To Reform The Port Authority, Including Transparency Laws

While the Bi-State Commission completes its analysis and recommendations, we recommend that the Office of the Governor work with the New Jersey Legislature to prioritize legislative reforms at the Port Authority. In 2011 and 2012, Governor Christie was working to advance "Shadow Government Reform," which included comprehensive legislation to "bring accountability and oversight to . . . so-called 'independent' authorities . . . that for too long have engaged in conduct without oversight, often at the public's expense, and with a blind eye from members of both political parties."[1401] Specifically, the Governor's "Shadow Government Reform" sought to establish the following reforms across all State and regional public authorities: "gubernatorial oversight through veto within a 15-day window," "mandatory service of agendas and minutes," "board member service without compensation," for-cause removal of regional authority leadership, financial disclosure statements, the applicability of State ethics requirements, New Jersey Conflicts of Interest Law, and Executive Orders to all regional authorities, and Comptroller authority to inquire into the financials of all regional authorities.[1402] In addition, Governor Christie and Governor Cuomo ordered "a comprehensive audit of the Port Authority's 10-year capital plan as well as a top-to-bottom management review of the Authority's finances and operations."[1403]

Also at that time, the New Jersey Legislature passed the "PANYNJ Transparency and Accountability Act" (the "PANYNJ Act"), which sought, among other things, to require the Port

Authority's Board of Commissioners to "provide direct oversight of the authority's chief executive and senior management; oversee the implementation of financial and management controls and operational decisions; establish policies concerning the compensation of officers and employees; require each board member to execute a statement declaring an understanding of the member's independence, fiduciary duties, and commitment to the Port Authority's mission; require that a needs assessment be conducted prior to any fee, toll, charge, or fare increase; require an annual efficiency study to identify waste or abuse; and establish audit, governance and finance committees."[1404] Governor Christie conditionally vetoed the PANYNJ Act as "premature" and "insufficiently broad."[1405] Specifically, Governor Christie stated that the Act "[fell] short of applying the same transparency and accountability . . . [to] all multi-jurisdictional authorities, including the Port Authority" and failed to incorporate "Shadow Government Reform" designed to attack "secretive governance and spending."[1406] He recommended and said he would sign into law the PANYNJ Act if it were "amended to incorporate 'Shadow Government Reform'" applicable to "multi-jurisdictional and regional authorities throughout the State, including the Passaic Valley Sewerage Commission, the North Jersey District Water Supply Commission, the New Jersey Meadowlands Commission, and the Passaic Valley Water Commission."[1407] Governor Christie added that because a full audit of the Port Authority was pending, "enacting statutory changes prior to the release and review of the final report is premature and may be counterproductive."[1408] The Legislature did not enact Governor Christie's conditional veto.

In light of recent events and past and pending legislative proposals, we recommend that the Office of the Governor redouble its efforts to propose new or modified public authorities reform legislation now. Short of that, we recommend that the Governor's Office prioritize

reform legislation pertaining to the Port Authority, keeping in mind that any transparency provisions similar to those already enacted in New York[1409] would automatically become applicable to the Port Authority if also passed in New Jersey.

C. Other Related Proposals

We recommend that the Office of the Governor consider taking steps to require all State and local elected officials, and perhaps their most senior staffers or cabinet-level appointees, to timely report to law enforcement authorities, the inspectors general, chief ethics officers, or their equivalents, any conduct that they believe may constitute crimes being committed on their watch, and imposing appropriate remedies on those public officials who fail to timely report such allegations. For both situations investigated in this report—the allegations regarding the George Washington Bridge lane realignment and Mayor Zimmer's allegations regarding Superstorm Sandy Aid for Hoboken—there was an 8-month delay between the events underlying the respective allegations and the reporting of the allegations to State or federal law enforcement authorities. In particular, Mayor Zimmer has alleged that she was threatened by public officials in May 2013, but her allegations were not reported to law enforcement authorities until January 2014. Such delays in the reporting of potential misconduct are problematic for several reasons. The passage of time can impede the integrity of investigations and can allow for the alleged wrongful conduct to continue unchecked and without remedy. And the consequences of delayed reporting are magnified when the purported improper conduct involves public servants acting in their official capacities.

We therefore recommend that the Office of the Governor pursue legislation that requires all State and local officials, including Port Authority officials, and perhaps their most senior staffers, to timely report criminal conduct related to their offices to law enforcement authorities, or to the appropriate agency inspectors general or chief ethics officers (or their equivalents)

responsible for such oversight, as soon as reasonably practicable.[1410] The New Jersey Senate considered similar legislation in 2010, which would have required "school officials, local government officers and employees, State officers and employees, and members of the Legislature who have actual knowledge that another public official committed a criminal offense involving or touching upon his office to report the name of the official who allegedly committed the offense, and the facts and circumstances of the alleged offense, to the Attorney General."[1411] Further, five states have enacted mandatory reporting statutes requiring public servants to report crimes of bribery or improper influence to law enforcement.[1412] Governor Cuomo also proposed such mandatory bribery reporting legislation last year and introduced it to the New York Legislature on January 21, 2014 as part of the "Public Trust Act"; the draft bill is currently in committee.[1413] Legislation requiring local and State officials to timely and affirmatively report criminal conduct related to their public offices would compel the prompt and effective investigation and resolution of potential wrongdoing across public offices.[1414]

VII. ENDNOTES

[1] Ex. 1 (John Cichowski, *Road Warrior: Closed tollbooths a commuting disaster*, The Bergen Record (Sept. 13, 2013) *available at* http://www.northjersey.com/news/new-york-tri-state-area/road-warrior-closed-tollbooths-a-commuting-disaster-1.639923).

[2] *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013) (David Wildstein directed Port Authority colleagues "not to speak to anyone in Fort Lee" during the course of the operation because it would "impact the study")) at 93-94; *see also* Ex. 3 (2013.09.09 9:10 AM Email from Durando to Wildstein, et al. (quoting Fort Lee's Chief of Police as saying he was not informed of the lane realignment)); Ex. 4 (2013.09.09 11:24 AM Email from Lado to Baroni, et al. (quoting Fort Lee Borough Administrator Peggy Thomas as saying the Borough had no advance warning of the lane realignment)); Ex. 5 (2013.09.12 12:44 PM Email from Leodoni to Baroni (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

[3] Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

[4] Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.); *see also* Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam: Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) *available at* http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326).

[5] *See, e.g.*, Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[6] These four individuals were long-time friends. Baroni, Wildstein, and Stepien knew each other going back to when they all worked together on Bob Franks' unsuccessful U.S. Senate campaign. Kelly became friendly with Wildstein when he ran a political blog in the late 2000s, and Kelly was a source of his at the time. *See* Ex. 10 (Kate Zernike, *On Blog, An Ex-Christie Ally Showed Approach to Politics*, The New York Times (Feb. 6, 2014) *available at* http://www.nytimes.com/2014/02/07/nyregion/on-blog-an-ex-christie-ally-showed-approach-to-politics.html). All four of them bonded even more while working together during Governor Christie's first term.

[7] *See, e.g.*, Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[8] *Id.*

[9] Ex. 11 (2013.01.24 9:04 AM Email from Sheridan to Mowers, et al.).

[10] Ex. 12 (2013.03.26 10:48 PM Email from Mowers to Sheridan).

[11] Ex. 590 (2013.05.13 5:49 PM Email from Ridley to Stark, et al.).

[12] Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774); *see also* Ex. 14 (Mayor Mark Sokolich, Letter to the Editor, *Fort Lee Mayor: Not true*, The Star-Ledger (Nov. 14, 2013) (Mayor Sokolich: "I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor. In fact, I advised you that I was never asked to either support or endorse the governor.") *available at* http://blog.nj.com/ledgerletters/2013/11/letters_fort_lee_jim_mcgreevey.html).

[13] *See* Ex. 15 (Angela Delli Santi, *Bridget Anne Kelly, fired Christie aide, was on team from the start*, Associated Press (Jan. 10, 2014) (noting Kelly was promoted in April) *available at* http://news.yahoo.com/messages-tie-christie-aide-nj-traffic-jam-230034650.html).

[14] Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) *available at* http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager).

Before joining the Office of the Governor, Kelly worked as an aide and Chief of Staff to Assemblyman David Russo (R-Bergen/Essex/Morris/Passaic). In 2009, Kelly "volunteered to help run Mr. Christie's phone-bank effort in Bergen [County]." Ex. 17 (David W. Chen, *Aide Fired by Christie Is Called Loyal Team Player, Not Rogue Operative*, The New York Times (Jan. 13, 2014) *available at* http://www.nytimes.com/2014/01/14/nyregion/aide-fired-by-christie-is-called-loyal-team-player-not-rogue-operative.html). Public reports have stated that Kelly joined the Christie Administration in 2009 "because Stepien trusted her based on her work in Bergen," a "very difficult political environment dominated by factions." Ex. 18 (Max Pizarro, *Sources: Bergen politico Kelly landed in administration because of trust of Stepien*, PolitickerNJ (Jan. 8, 2014) *available at* http://www.politickernj.com/70660/sources-bergen-politico-kelly-landed-administration-because-trust-stepien). Sources have described Stepien as Kelly's "benefactor," to whom he was reportedly "joined at the hip." *Id.*

15 Ex. 18 (Max Pizarro, *Sources: Bergen politico Kelly landed in administration because of trust of Stepien*, PolitickerNJ (Jan. 8, 2014) *available at* http://www.politickernj.com/70660/sources-bergen-politico-kelly-landed-administration-because-trust-stepien).

16 *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5.

17 Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

18 *See, e.g.*, Ex. 20 (2013.08.13 Email Exchange between Kelly and Wildstein).

19 *Id.*

20 *Id.* That Wildstein and Kelly were abusing their positions at the time to pursue personal vendettas, like causing "traffic problems" for persons who had "pissed" them "off," is confirmed in contemporaneous texts. *Id.*; Ex. 21 (2013.08.19 Text Messages between Wildstein and Kelly). For example, around that same time, on August 19, 2013, Wildstein and Kelly were apparently irritated with Rabbi Mendy Carlebach for some unknown reason. *See* Ex. 22 (Shawn Boburg, Abbott Koloff and Stephanie Akin, *New GWB files, same callous jokes*, The Bergen Record (Feb. 27, 2014)); *see also* Ex. 23 (Serge F. Kovaleski and Matt Flegenheimer, *Christie Allies Joked of Disrupting Traffic at a Rabbi's House*, The New York Times (Feb. 27, 2014) (discussing Rabbi Carlebach's positive working relationship with the Christie Administration) *available at* http://www.nytimes.com/2014/02/28/nyregion/documents-show-christie-allies-discussed-another-traffic-jam.html). Wildstein texted Kelly that the Rabbi had "officially pissed me off," to which Kelly replied: "We cannot cause traffic problems in front of his house, can we?" Ex. 21 (2013.08.19 Text Messages between Wildstein and Kelly). While there is no evidence any such "traffic problems" then occurred, the mention of such a possibility by Wildstein and Kelly at the very time they were also intending to target Mayor Sokolich in this way is telling.

21 Ex. 24 (2013.08.16 Email Exchange between Renna and Kelly).

22 Ex. 25 (2013.08.29 Email Exchange between Zipf and Rivera).

23 Ex. 26 (2013.08.30 Email Exchange between Wildstein and Kelly).

24 *See* Ex. 27 (2014.01.15 Letter from The Port Authority of New York & New Jersey to Senator John D. Rockefeller IV) at 7; *see* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 82; *id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013) (testifying that David Wildstein called him to inform him that he had directed Robert Durando to start the traffic study on September 9)) at 15-16, 20, 22, 27-28, 67. Baroni testified that Wildstein made the request for the traffic study to be conducted the following week on Thursday, September 5, 2013, and that "[o]n September 6, the [Port Authority] Director of [TBT] and the General Manager of the Bridge were informed of the study and instructed to coordinate their respective traffic staffs' efforts to analyze the resultant traffic flow. . . . George Washington Bridge staff also notified the Port Authority Police Department, whose officers moved the traffic cones on the morning of September 9." Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 6.

25 Ex. 28 (2013.09.06 8:51 AM Email from Muriello to Jacobs, et al.).

26 Ex. 29 (2013.09.06 4:37 PM Email from Quelch to Jacobs, et al.).

27 Ex. 30 (2013.09.07 Email Exchange between Wildstein and Kelly).

[28] See Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 93; Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[29] *See* Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[30] Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 102.

[31] It was Baroni who recommended and was responsible for hiring Wildstein, his long-time friend, at the Port Authority. *See* Ex. 31 (Matthew Arco, *5 things dredged up in the wake of Bridgegate*, PolitickerNJ (Feb. 3, 2014) *available at* http://www.politickernj.com/71244/5-things-dredged-wake-bridgegate).

[32] Ex. 32 (2013.09.09 9:29 AM Email from Bell to Baroni, et al.).

[33] *Id.* (2013.09.09 9:41 AM Email from Baroni to Wildstein).

[34] *Id.* (2013.09.09 9:48 AM Email from Wildstein to Baroni).

[35] Ex. 192 (2013.09.09 Kelly and Wildstein Email Exchange).

[36] *Id.* (2013.09.09 Kelly and Wildstein Email Exchange).

[37] Ex. 33 (2013.09.09 1:50 PM Email from Kelly to Ridley, et al.).

[38] *Id.* (2013.09.09 1:58 PM Email from Ridley to Kelly, et al.).

[39] Ex. 34 (2013.09.10 8:05 AM Text Message from Kelly to Wildstein).

[40] *Id.* (2013.09.10 8:05 AM Text Message from Wildstein to Kelly).

[41] *Id.* (2013.09.10 8:11 AM Text Message from Wildstein to Kelly).

[42] *See* Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[43] Ex. 5 (2013.09.12 12:44 PM Email from Leodori to Baroni) (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni).

[44] *Id.* (2013.09.12 12:47 PM Email from Baroni to Wildstein (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

[45] *Id.* (2013.09.12 12:52 PM Email from Baroni to Stepien, et al.) (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

[46] Ex. 35 (2013.09.12 3:36 PM Email from Renna to Kelly).

[47] *Id.* (2013.09.12 11:44 PM Email from Kelly to Renna).

[48] *See* Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Kelly, et al.).

[49] Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Kelly, et al.).

[50] Ex. 38 (2013.09.12 6:03 PM Text Message from Baroni to Wildstein).

[51] Ex. 39 (Ariel Kaminer, *In Bridge Scandal, a Slight Heard Around the World*, The New York Times (Jan. 11, 2014) *available at* http://www.nytimes.com/2014/01/11/nyregion/in-bridge-scandal-a-slight-heard-around-the-world.html).

[52] Ex. 38 (2013.09.12 6:03 PM Text Message from Baroni to Wildstein).

[53] Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.).

[54] Ex. 40 (2013.09.13 8:55 AM Email from Foye to Baroni, et al.).

[55] Ex. 41 (2013.09.13 11:44 PM Email from Wildstein to Kelly).

[56] Ex. 40 (2013.09.13 9:03 AM Email from Baroni to Foye, et al.).

[57] Ex. 42 (2013.09.17 1:33 PM Text Message from Baroni to Wildstein).

[58] *See id.*

[59] *See* Ex. 43 (2013.09.17 1:34 PM Text Message from Wildstein to Kelly).

[60] *Id.* (2013.09.17 Text Messages from Kelly Wildstein).

[61] Ex. 9 (Ted Mann, *Bridge Jam's Cause a Mystery; New Jersey Officials Say They Weren't Warned That Local Lanes Would be Closed,* The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[62] Ex. 44 (2013.09.18 4:54 AM Email from Wildstein to Stepien).

[63] *Id.* (2013.09.18 5:16 AM Email from Stepien to Wildstein).

[64] *Id.* (2013.09.18 5:30 AM Email from Wildstein to Stepien).

[65] *Id.*

[66] Ex. 45 (2013.09.18 9:24 AM Email from Wildstein to Drewniak).

[67] *Id.* (2013.09.18 7:35 AM Email from Drewniak to Wildstein).

[68] *See* Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam: Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) *available at* http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326).

[69] Ex. 46 (2013.10.01 5:48 PM Text Message from Stepien to Wildstein).

[70] *Id.* (2013.10.01 5:48 PM Text Message from Wildstein to Stepien).

[71] Ex. 47 (2013.10.02 Email Exchange between Wildstein and Stepien).

[72] Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5; *see also* Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

[73] *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 7-8.

[74] *Id.* at 5-6.

[75] Ex. 48 (Alex Napoliello, *David Wildstein resigns amid GW Bridge lane closure controversy*, The Star-Ledger (Dec. 6, 2013) *available at* http://www.nj.com/politics/index.ssf/2013/12/port_authority_official_with_christie_ties_resigns_amid_george_washington_bridge_lane_closure_contro.html).

[76] *See, e.g.*, Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 19.

[77] *Id.* (Assembly Committee Meeting (Testimony of Patrick Foye) (Dec. 9, 2013)) at 167.

[78] Ex. 35 (2013.09.12 3:36 PM Email from Renna to Kelly).

[79] *Id.* (2013.09.12 11:44 PM Email from Kelly to Renna).

[80] *See id.* (2013.12.13 11:38 AM Email from Renna to Renna (forwarding to different email account)).

[81] *See* Ex. 49 (2013.12.13 9:31 AM Email from O'Brien to undisclosed recipients).

[82] The decision to have Gramiccioni replace Baroni at the Port Authority had been made many weeks earlier. Indeed, Gramiccioni was offered the position just after Election Day in early November 2013.

[83] *See* Ex. 50 (Kate Zernike, *Christie Faces Scandal on Traffic Jam Aides Ordered*, The New York Times (Jan. 8, 2014) *available at* http://www.nytimes.com/2014/01/09/nyregion/christie-aide-tied-to-bridge-lane-closings.html).

[84] *See* Ex. 51 (Kate Zernicke & March Santora, *'Very Sad' Chris Christie Extends Apology in Bridge Scandal*, The New York Times (Jan. 9, 2014) *available at* http://www.nytimes.com/2014/01/10/nyregion/christie-controversy-bridge-lane-closings.html).

[85] Ex. 52 (2014.01.09 9:57 AM Text Message from Kelly to Renna).

[86] *See* Ex. 53 (David W. Chen & William K. Rashbaum, *Former Aide to Christie Invokes Fifth Amendment Right*, The New York Times (Feb. 3, 2014) *available at* http://www.nytimes.com/2014/02/04/nyregion/former-aide-to-christie-invokes-fifth-amendment html).

[87] *See S.E.C. v. Graystone Nash, Inc.*, 25 F.3d 187, 190 (3d Cir. 1994) ("We have held that 'reliance on the Fifth Amendment in civil cases may give rise to an adverse inference against the party claiming its benefits.'" (citing *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976))); *In re Grand Jury*, 286 F. Supp. 153, 160-61 (3d Cir. 2002).

[88] *See* Ex. 53 (David W. Chen & William K. Rashbaum, *Former Aide to Christie Invokes Fifth Amendment Right*, The New York Times (Feb. 3, 2014) *available at* http://www.nytimes.com/2014/02/04/nyregion/former-aide-to-christie-invokes-fifth-amendment html).

[89] In seeking indemnification for attorneys' fees, Wildstein's lawyer wrote in a January 31, 2014 letter to the Port Authority that "evidence exists" of the Governor knowing of this situation during the period the lanes were closed. Ex. 54 (2014.01.31 Letter from Zegas to Buchbinder). This was likely a reference to a 9/11 Memorial event at which Port Authority officials, including Wildstein, were together with the Governor on Wednesday, September 11, 2013. Published photographs depicted them all together that day. Ex. 55 (*Sept. 11th Memorial Service*, The Herald Record (Sept. 11, 2013), *available at* http://www recordonline.com/apps/pbcs.dll/gallery?Site=TH&Date=20130911&Category=NEWS&ArtNo=911009999&Ref=PH&Presentation=desktop). It will apparently be Wildstein's contention—as he alleged in early December 2013 to Drewniak—that he mentioned the traffic issue to the Governor on that occasion. Whatever brief exchange they had occurred in a public setting where they were surrounded by many, including other Port Authority officials, the Governor's wife, and a steady stream of spectators requesting photographs and handshakes with the Governor. Not surprisingly, the Governor has no recollection of such an exchange.

[90] *See* Ex. 51 (Kate Zernicke and March Santora, *'Very Sad' Chris Christie Extends Apology in Bridge Scandal*, The New York Times (Jan. 9, 2014) *available at* http://www.nytimes.com/2014/01/10/nyregion/christie-controversy-bridge-lane-closings.html).

[91] The source of Wildstein or Kelly's personal or political animus toward Mayor Sokolich is not clear from the evidence we have reviewed. As previously explained, Wildstein himself seemed to have had a personal or professional interest in studying these dedicated Fort Lee toll lanes as a policy matter. Moreover, the lane realignment, based on all the available evidence, does not appear to have been based on Mayor Sokolich's decision not to endorse the Governor.

[92] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[93] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01 html) at 2.

[94] Ex. 58 (Collecting for reference the images of the journal by Mayor Zimmer in the order in which they appear in the article, *Christie camp held Sandy relief money hostage, mayor alleges*, MSNBC (Jan. 18, 2014) (embedded version available at http://www.scribd.com/document_downloads/200600851?extension=pdf&from=embed&source=embed) ("MSNBC Zimmer Journal")) at 8.

[95] *See* Ex. 59 (Collecting for reference the images of the journal by Mayor Zimmer in the order in which they appear in the article, Erin Durkin, *New Jersey mayor's diary: Chris Christie held Hurricane Sandy aid 'hostage'*, New York Daily News (Jan. 20, 2014) *available at* http://www.nydailynews.com/news/politics/n-mayor-christie-held-sandy-aid-hostage-article-1.1584658?print ("Daily News Zimmer Journal")) at 2.

[96] Ex. 60 (Chris Frates, *First on CNN: Mayor behind Christie allegations full of contradictions*, CNN (Feb. 3, 2014) *available at* http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/).

[97] Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, *available at* https://twitter.com/dawnzimmernj/status/369877512895356928).

[98] Ex. 62 (2013.05.24 Letter from Mayor Zimmer to Governor Christie (attached to 2013.05.24 2:13 PM Email from Melli to Marks, et al.)).

[99] Ex. 63 (2013.10.02 4:31 PM Email from Bryan to Mowers).

[100] Ex. 58 (MSNBC Zimmer Journal) at 4.

[101] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[102] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 13.

[103] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[104] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 15.

[105] *Id.* at 9.

[106] *Id.*

[107] Ex. 65 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.); Ex. 66 (2013.05.10 11:42 AM Email from Larkin to Orsen).

[108] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[109] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 9.

[110] Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

[111] Ex. 68 (2013.05.10 5:00 PM Email from Mayor Zimmer to Ferzan).

[112] Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie).

[113] Ex. 70 (Charles Hack, *Lt. Gov Guadagno: No rush on Hoboken's "emergency" $29M request*, The Jersey Journal (May 13, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/05/lt_gov_kim_guadano_says_that_2.html).

[114] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 15.

[115] Ex. 71 (2013.09.19 Letter from Commissioner Constable to Mayor Zimmer); Ex. 72 (City of Hoboken, Office of the Business Administrator, *Request for Proposals (RFP): Professional Services – Professional Planning and Engineering for Post Hurricane Sandy Disaster Recovery Plan* (Oct. 24, 2013)) at 19.

[116] There were approximately 145 municipalities and entities initially allocated funds from the $25 million in total funding for this program, meaning they averaged about $170,000. *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

[117] *See* Ex. 74 (Erin O'Neill, *Sandy grant revisions leave some towns winners, some losers*, The Star-Ledger (Mar. 6, 2014) *available at* http://www.nj.com/news/index.ssf/2014/03/energy_grants_revised_by_nj.html); Ex. 75 (Scott Gurian, *Investigation reveals Sandy energy grant program riddled with errors*, NJ Spotlight (Mar. 6, 2014) *available at* http://www.njspotlight.com/stories/14/03/05/sandy-energy-grant-program-riddled-with-errors/?p=all); Ex. 76 (Kathryn Brenzel, *Christie Administration criticizes WNYC Sandy report, says Hoboken aid figures not finalized*, NJ.com (Mar. 5, 2014) *available at* http://www.nj.com/hudson/index.ssf/2014/03/state_says_reports_of_bias_in_hoboken_sandy_aid_awards_ridiculous_1.html);Ex. 77 (Dean DeChario, *Fuzzy math? Christie could owe Hoboken $700K in Sandy funding due to faulty*

calculations, report says, Hudson Reporter (Mar. 5, 2014) *available at* http://hudsonreporter.com/view/full_story/24694083/article-Fuzzy-math--Christie-could-owe-Hoboken-$700K-in-Sandy-funding-due-to-faulty-calculations--report-says).

[118] Ex. 56 (State of the Union with Candy Crowley, Interview with Mayor Zimmer, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[119] *See* Ex. 59 (Daily News Zimmer Journal at 3–4).

[120] *Id.* at 4.

[121] *Id.* at 2.

[122] Ex. 56 (State of the Union" with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[123] Ex. 59 (Daily News Zimmer Journal) at 3.

[124] *Id.*

[125] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

[126] Ex. 79 (Transcript of NJTV Superstorm Sandy Live Town Hall (May 16, 2013) (emphases added)) at 46.

[127] *See* Ex. 71 (2013.09.19 Letter from Constable to Zimmer).

[128] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01 html) at 5.

[129] *Id.*

[130] *Id.*

[131] Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-in).

[132] Ex. 81 (2013.11.25 Notes of Ryan from Meeting with Northern-Central Jersey Mayors).

[133] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 4–6.

[134] Ex. 69 (2013.05.08 Letter from Mayor Zimmer to Governor Christie).

[135] Ex. 83 (2014.01.16 3:04 PM Email from Davis to Ferzan).

[136] Ex. 84 (2014.01.10 7:37 PM Email from McFadden to Morris).

[137] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 4.

[138] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 1.

[139] Ex. 85 (Hurricane Sandy Rebuilding Taskforce, *Hurricane Sandy Rebuilding Strategy* (2013)) at 62, 65.

[140] Ex. 86 (Scott Curian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC News (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

[141] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01 html) 9-10.

[142] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 15.

[143] Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative: Factors Considered in Allocating Funds); Ex. 88 (U.S. Department of Housing and Urban Development, *CDBG Disaster Recovery Assistance*, *available at* http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment

/programs/drsi); Ex. 89 (Certification Checklist for Community Development Block Grant Disaster Recovery (CDBG-DR) Grantees Under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) (Mar. 25, 2013)); Ex. 90 (*Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 14,329, 14,330 at Table 1, (Mar. 15, 2013)); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)).

[144] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 4-6.

[145] Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative: Factors Considered in Allocating Funds).

[146] *See, e.g.*, Ex. 88 (U.S. Department of Housing and Urban Development, *CDBG Disaster Recovery Assistance, available at* http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/drsi); Ex. 89 (Certification Checklist for Community Development Block Grant Disaster Recovery (CDBG-DR) Grantees Under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) (Mar. 25, 2013)); Ex. 90 (*Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 14,329, 14,330 at Table 1, (Mar. 15, 2013)); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)).

[147] Ex. 92 (Geoff Mulvihill, *Sandy aid to Hoboken on par with other NJ towns*, Associated Press (Jan. 25, 2014) *available at* http://bigstory.ap.org/article/sandy-aid-hoboken-par-other-nj-towns).

[148] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 13; *see also* Ex. 93 (City of Hoboken Municipal Code, *available at* http://ecode360.com/15965716) § 29-8(B) (requiring that any employee of the City of Hoboken who "believes he or she has been subjected to offensive and/or insulting behavior by a . . . member of the public [or] elected official . . . has an obligation to directly inform the offending person that the conduct is offensive. . . . If this direct communication with the offending person is not successful, the employee should promptly report the incident(s) . . . to his or her supervisor or, in the alternative, to the Business Administrator ."); *see also Township of Wayne v. Messercola*, 789 F. Supp. 1305, 1309 n.7 (D.N.J. 1992) ("As mayor, Messercola was a public official with a fiduciary duty of trust, honesty and loyalty to Wayne.").

[149] Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) *available at* http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/) at 2; Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, *available at* https://twitter.com/dawnzimmernj/status/369877512895356928).

[150] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 12–17.

[151] *Id.* at 14.

[152] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[153] Ex. 86 (Scott Curian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014)) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

[154] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 5.

[155] Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) *available at* http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/) at 3.

[156] Ex. 95 (2013.05.08 Letter from Mayor Zimmer to Governor Christie); Ex. 96 (2013.10.16 Letter from Mayor Zimmer to Weinstein).

[157] *See* Ex. 97 (Patrick McGeehan & Charles Bagli. *How Pressure Mounted for Development in Hoboken*, The New York Times (Jan. 29, 2014) *available at* http://www.nytimes.com/2014/01/30/nyregion/powerful-allies-pushed-a-project-in-new-jersey.html).

[158] *See* Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer); Ex. 99 (2013.04.11 2:38 PM Email from Moyle to Rosenblatt, et al.); Ex. 100 (2013.03.15 12:15 PM Email from Padilla to Grifa, et al.).

[159] *See* Ex. 101 (2010.12.28 Letter from DiMola to Mayor Zimmer).

[160] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 2.

[161] Ex. 58 (MSNBC Zimmer Journal) at 3.

[162] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[163] Ex. 58 (MSNBC Zimmer Journal) at 8.

[164] Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.).

[165] Ex. 1 (John Cichowski, *Road Warrior: Closed tollbooths a commuting disaster*, The Bergen Record (Sept. 13, 2013) *available at* http://www.northjersey.com/news/new-york-tri-state-area/road-warrior-closed-tollbooths-a-commuting-disaster-1.639923).

[166] *Id.*

[167] Ex. 9 (Ted Mann & Heather Haddon, *Bridge Jam's Cause a Mystery; New Jersey Officials Say They Weren't Warned That Local Lanes Would be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[168] *Id.*

[169] Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam; Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) *available at* http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326).

[170] Ex. 102 (N.J. Assembly Res. 61, 215th Leg. (N.J. 2012) (introduced on February 21, 2012 and sponsored by Assemblyman Wisniewski, among others on February 21, 2012)) ¶ 2; Ex. 103 (N.J. Legislature, Bills 2012-2013: AR61 (showing passage of the resolution)).

[171] Ex. 104 (2013.09.19 Letter from Senator Weinberg to Commissioner Schuber).

[172] Ex. 102 (N.J. Assembly Res. 61, 215th Leg. (N.J. 2012) (introduced by Assemblyman Wisniewski on February 21, 2012)).

[173] Ex. 105 (Christopher Baxter, *UPDATED: Timeline of Port Authority's George Washington Bridge Controversy*, The Star-Ledger (Jan. 14, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/03/timeline_of_the_port_authoritys_george_washington_bridge_lane_closure_controversy.html).

[174] Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5.

[175] Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 3.

[176] *Id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 77.

[177] *Id.* (Assembly Committee Meeting (Testimony of Patrick Foye) (Dec. 9, 2013)) at 140.

[178] Ex. 106 (Subpoena Duces Tecum to Bill Baroni (Dec. 12, 2013)); Ex. 107 (Subpoena Duces Tecum to Robert Durando (Dec. 12, 2013)); Ex. 108 (Subpoena Duces Tecum to Patrick Foye (Dec. 12, 2013)); Ex. 109 (Subpoena Duces Tecum to Cedrick Fulton (Dec. 12, 2013)); Ex. 110 (Subpoena Duces Tecum to Darcy Licorish

(Dec. 12, 2013)); Ex. 111 (Subpoena Duces Tecum to Paul Nunziato (Dec. 12, 2013)); Ex. 112 (Subpoena Duces Tecum to David Wildstein (Dec. 12, 2013)).

[179] Ex. 113 (Angela Delli Santi & David Porter, *Messages tie Christie aide to NJ traffic jam*, Associated Press (Jan. 8, 2014) *available at* http://news.yahoo.com/messages-tie-christie-aide-nj-traffic-jam-230034650.html).

[180] Ex. 114 (New Jersey Legislature, *Public Hearing Transcripts 2014* (Jan. 9, 2014), *available at* http://www.njleg.state.nj.us/legislativepub/pubhearings2014.asp#ATR (providing Assembly Transportation Committee exhibits containing documents submitted to the committee)) at 1–2.

[181] *See, e.g.*, Ex. 115 (Marc Santora & Kate Zernike, *Bridge Scandal Papers Point to Cover-Up by Chris Christie Allies*, The New York Times (Jan. 10, 2014) *available at* http://www.nytimes.com/2014/01/11/nyregion/hundreds-of-pages-on-bridge-scandal-released.html); Ex. 116 (Ryan Hutchins, *Thousands of pages of Chris Christie bridge scandal documents released*, The Star-Ledger (Jan. 10, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/908_pages_of_chris_christie_bridge_scandal_documents_released.html); Ex. 117 (Ted Mann & Heather Haddon, *Christie Cabinet Member Told of Bridge Lane Closures; Regina Egea, a Top Official in Gov. Christie's Administration, Received Word of Traffic Chaos, Records Show*, The Wall Street Journal (Jan. 12, 2014) *available at* http://online.wsj.com/news/articles/SB10001424052702303393804579314500006896102).

[182] Ex. 118 (N.J. Assembly Res. 91, 215th Leg. (N.J. 2013) (introduced by Assemblyman Wisniewski on February 7, 2013 and continuing the Assembly Transportation Committee) ("AR-91")).

[183] Ex. 119 (N.J. Assembly Res. 10, 216th Leg. (N.J. 2014) (introduced on Jan. 16, 2014 and sponsored by Assemblymen Prieto, Greenwald, and Wisniewski ("AR-10")) ¶ 3(a)(8); Ex. 120 (N.J. Senate Res. 1, 216th Leg. (N.J. 2014) (introduced on Jan. 16, 2014 and sponsored by Sens. Sweeney and Weinberg) ("SR-1")) ¶ 3(h); Ex. 121 (N.J. Assembly Concurrent Res. 10, 216th Leg. (N.J. 2014) (introduced on Jan. 27, 2014 and sponsored by Assemblymen Prieto, Greenwald, and Wisniewski) ("ACR-10")); Ex. 122 (N.J. Senate Concurrent Res. 49, 216th Leg. (N.J. 2014) (introduced on Jan. 27, 2014 and sponsored by Sens. Sweeney and Weinberg) ("SCR-49")).

[184] Ex. 119 (AR-10); Ex. 123 (N.J. Legislature, Bills 2014-2015: AR10 (showing passage of the resolution on Jan. 16, 2014)).

[185] *Id.* ¶ 2.

[186] Ex. 124 (New Jersey Assembly Democrats, *Wisniewski Issues 20 Subpoenas as Part of Investigation into George Washington Bridge Lane Closings & Abuse of Government Power Concerns* (Jan. 16, 2014) *available at* http://www.assemblydems.com/Article.asp?ArticleID=7724).

[187] *Id.*; Ex. 119 (AR-10 (providing that the Select Committee "compris[e] 12 members to be appointed by the Speaker of the General Assembly, not more than eight of whom shall be of the same political party")) ¶ 1.

[188] Ex. 124 (New Jersey Assembly Democrats, *Wisniewski Issues 20 Subpoenas as Part of Investigation into George Washington Bridge Lane Closings & Abuse of Government Power Concerns* (Jan. 16, 2014) *available at* http://www.assemblydems.com/Article.asp?ArticleID=7724).

[189] *See, e.g.*, Ex. 125 (John Reitmeyer, *Christie GWB Scandal: Names of 18 served with subpoenas*, The Bergen Record (Jan. 17, 2014) *available at* http://www.northjersey.com/news/christie-gwb-scandal-names-of-18-served-with-subpoenas-1.699859). In addition, many of the subpoenas themselves were publicly disclosed on media websites. *See, e.g.*, *id.*

[190] *See, e.g.*, Ex. 126 (Christopher Baxter, *Bridge scandal subpoenas will be reissued by new joint NJ Legislature investigatory panel*, The Star-Ledger (Jan. 27, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/nj_legislature_forms_new_panel_to_investigation_george_washington_bridge_scandal.html).

[191] Ex. 120 (SR-1); Ex. 127 (N.J. Legislature, Bills 2014-2015: SR1 (showing passage of the resolution on Jan. 16, 2014)).

[192] Ex. 128 (New Jersey Senate Democrats, *Senate Creates Special Committee to Investigate Lane Closings* (Jan. 16, 2014) *available at* http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/)!

[193] The Senate Select Committee's mandate was to "investigate the organizational structure and management of the Port Authority; all aspects of the finances, operations, and management of the Port Authority; and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power including but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge." Ex. 120 (SR-1) ¶ 2.

[194] Ex. 128 (New Jersey Senate Democrats, *Senate Creates Special Committee to Investigate Lane Closings* (Jan. 16, 2014) *available at* http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/).

[195] Ex. 122 (SCR-49); Ex. 129 (N.J. Legislature, Bills 2014-2015: SCR49 (showing passage of the resolution on Jan. 27, 2014)); Ex. 121 (N.J. Legislature, Bills 2014-2015: ACR10 (showing passage of the resolution on Jan. 27, 2014) *available at* http://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=SCR49).

[196] Ex. 128 (New Jersey Assembly Democrats, *NJ Assembly Approves Creation of Special Joint Committee on Investigations to Continue Inquiry Surrounding GWB Lane Closures* (Jan. 27, 2014) *available at* http://www.njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/).

[197] The SCI's mandate is to "investigate all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge." Ex. 122 (SCR-49) ¶ 2.

[198] The Assembly and Senate Concurrent Resolutions authorized two co-chairs of the New Jersey Legislative Select Committee on Investigation: one to be appointed by the Senate President and one to be appointed by the Speaker from among the appointed members. Ex. 121 (ACR-10) ¶ 1; Ex. 122 (SCR-49) ¶ 1. The SCI members are Senator Loretta Weinberg (co-chair, D-Bergen), Assemblyman John S. Wisniewski (co-chair, D-Middlesex), Assemblywoman Marlene Caride (D-Bergen/Passaic), Assemblyman Michael Patrick Carroll (R-Morris/Somerset), Senator Nia H. Gill (D-Essex/Passaic), Senator Linda R. Greenstein (D-Middlesex/Mercer), Assemblyman Louis D. Greenwald (D-Camden/Burlington), Assemblywoman Amy H. Handlin (R-Monmouth), Senator Kevin J. O'Toole (R-Bergen/Essex/Morris/Passaic), Assemblywoman Holly Schepisi (R-Bergen/Passaic), and Assemblywoman Valerie Vainieri Huttle (D-Bergen). Ex. 128 (New Jersey Assembly Democrats, *NJ Assembly Approves Creation of Special Joint Committee on Investigations to Continue Inquiry Surrounding GWB Lane Closures* (Jan. 27, 2014) *available at* http://www njsendems.org/senate-creates-special-committee-to-investigate-lane-closings/). Assemblywoman Bonnie Watson Coleman (D-Mercer/Hunterdon) was a member of the SCI, but she has since stepped down from the committee. Ex. 130 (Darryl Isherwood, *Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign*, The Star-Ledger (Feb. 28, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigation_committee_after_calling_for_gov_chris_christi.html). She was replaced by Assemblyman Paul Moriarty (D-4) on March 20, 2014. Ex. 131 (Max Pizarro, *Source: Moriarty to replace Watson Coleman on Bridgegate Investigative Committee*, PolitickerNJ (Mar. 20, 2014) *available at* http://www.politickernj.com/72157/source-moriarty-replace-watson-coleman-bridgegate-investigative-committee).

[199] Ex. 132 (New Jersey Assembly Democrats, *Wisniewski & Weinberg Statement on First Meeting of NJ Legislative Select Committee on Investigation* (Jan. 27, 2014) *available at* http://www.assemblydems.com/Article.asp?ArticleID=7773).

[200] On January 22, 2014, in response to Mayor Zimmer's public allegations regarding Sandy relief aid, Assemblyman Wisniewski explained that the SCI would "follow the trail wherever it leads," but would not "switch gears now and start following another investigation." Ex. 133 (Mark Mueller, *N.J. committee probing Christie bridge scandal won't immediately look into Hoboken Sandy aid*, The Star-Ledger (Jan. 22, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/committee_probing_bridge_scandal_wont_immediately_look_into_hoboken_sandy_aid.html).

[201] Ex. 134 (Jason Grant, *U.S. Attorney reviewing Chris Christie bridge scandal for potential violation*, The Star-Ledger (Jan. 9, 2014) *available at* http://www.nj.com/essex/index.ssf/2014/01/us_attorney_open_to_federal_criminal_probe_of_lane_closure_scandal.html).

[202] *Id.*

[203] *See, e.g.*, Ex. 135 (David Matthau, *Christie: Subpoenaed by Feds and Cooperating*, N.J. 101.5 (Feb. 3, 2014) *available at* http://nj1015.com/christie-cooperating-with-feds-probing-bridgegate-audio/).

[204] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage).

[205] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html).

[206] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html).

[207] *See, e.g.* Ex. 136 (Terrence T. McDonald, *Center of the storm: five acres of undeveloped hoboken land at heart of Zimmer allegations against Christie Administration*, The Star-Ledger (Jan. 21, 2014) *available at* http://www.nj.com/jjournal-news/index.ssf/2014/01/five_acres_of_undeveloped_hobo.html); Ex. 15 (Angella Delli Santi, *NJ Mayor: Sandy aid ultimatum came from Christie*, Associated Press (Jan. 19, 2014) *available at* http://news.yahoo.com/fired-aide-christie-39-team-start-222158730.html).

[208] Ex. 137 (Gillian Mahoney, *NJ Legislator Will Investigate Allegations Christie's Office Withheld Sandy Aid*, ABC News (Jan. 19, 2014) *available at* http://abcnews.go.com/Politics/nj-legislator-investigate-allegations-christies-office-withheld-sandy/story?id=21592004).

[209] Ex. 138 (2014.01.22 Letter from Mayor Zimmer to Hoboken City Council).

[210] Ex. 139 (Melissa Hayes, *Christie scandal: Hoboken documents subpoenaed by U.S. attorney*, NorthJersey.com (Jan. 31, 2014) *available at* http://www.northjersey.com/news/christie-scandal-hoboken-documents-subpoenaed-by-u-s-attorney-1.654264).

[211] Ex. 140 (Press Release, Office of the Governor, *Christie Administration Takes Steps to Conduct Internal Review And Further Cooperate With U.S. Attorney Inquiry* (Jan. 16, 2014) *available at* http://www.state.nj.us/governor/news/news/552014/approved/20140116a.html).

[212] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage).

[213] Counsel for Hoboken and Fort Lee officials whom we requested to interview responded that they considered it "inappropriate" for their clients to be interviewed. Ex. 141 (2014.02.06 Letter from Krovatin to Mastro). To be clear, there is nothing inappropriate about conducting an internal investigation on behalf of an entity (such as a public office or a corporation) and seeking to interview those who have made public allegations about the conduct of individuals working for that entity. Indeed, it is standard operating procedure in investigations to try to interview those making the allegations being investigated. That our review is an "internal investigation" in that we are to report to the Governor's Office in the first instance makes it no less appropriate in a search for the truth to try to interview the accuser, even if that person is outside the Governor's Office. But, fortunately, in this instance, the local officials involved—and particularly, Mayor Zimmer—gave extensive media interviews laying out their allegations, so we were able to understand and assess them, even without their cooperation.

[214] Gibson Dunn has one of the nation's leading corporate governance practices, which is regularly highlighted in the *International Who's Who of Corporate Governance Lawyers* and the *Guide to the World's Leading Corporate Governance Lawyers*. This report has also benefited from Gibson Dunn's corporate governance expertise.

[215] *See* Ex. 142 (The Star-Ledger Editorial Board, *An Impressive Resume*, The Star-Ledger (Nov. 17, 2008) *available at* http://blog.nj.com/njv_editorial_page/2008/11/an_impressive_resume.html); Ex. 143 (David Kocieniewski, *Guilty Plea Expected from Former Senate Leader in Trenton*, The New York Times (Sept. 15, 2006) *available at* http://www.nytimes.com/2006/09/15/nyregion/15lynch.html?_r=0).

[216] Ex. 142 (The Star-Ledger Editorial Board, *An Impressive Resume*, The Star-Ledger (Nov. 17, 2008) *available at* http://blog.nj.com/njv_editorial_page/2008/11/an_impressive_resume.html).

[217] Ex. 144 (David M. Halbfinger, *New Jersey G.O.P. Candidate Picks Woman as His No. 2*, The New York Times (July 20, 2009) *available at* http://www.nytimes.com/2009/07/21/nyregion/21ltgov.html).

[218] Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*).

[219] *See* Ex. 146 (*Final Report of The Transition Subcommittee on The Governor's Office*, Prepared for Governor-elect Chris Christie (Jan.5, 2010) *available at* http://www.state.nj.us/governor/news/reports/Governors'%20Office.pdf) at 6.

[220] *Id.* at 2.

[221] *Id.* at 12.

[222] *Id.* at 6.

[223] *Id.*

[224] N.J.S.A. § 52:15-8.

[225] Ex. 146 (*Final Report of The Transition Subcommittee on The Governor's Office*, Prepared for Governor-elect Chris Christie (Jan.5, 2010) *available at* http://www.state.nj.us/governor/news/reports/Governors'%20Office.pdf) at 3, 8.

[226] *Id.* at 8.

[227] Ex. 147 (Michael Symons, *Key players in the bridge controversy*, Asbury Park Press (Jan. 9, 2014) *available at* http://www.app.com/article/20140108/NJNEWS1002/301080154/Chris-Christie-George-Washington-Bridge).

[228] Ex. 148 (Star-Ledger Staff, *Chris Christie aide tied to 'Bridgegate' is a longtime government worker*, The Star-Ledger (Jan. 8, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/chris_christie_aid_tied_to_bridgegate_is_a_longtime_government_worker.html).

[229] *Id.*; Ex. 149 (John Reitmeyer, *Ex-Ramsey GOP chief Bridget Kelly tangled in furor over GWB lane closures*, NorthJersey.com (Jan. 9, 2014) *available at* http://www.northjersey.com/news/ex-ramsey-gop-chief-bridget-kelly-tangled-in-furor-over-gwb-lane-closures-1.652005).

[230] Ex. 150 (Press Release, Office of the Governor, *Governor Chris Christie Names Former Executive Assistant Attorney General Marc Ferzan to Manage Hurricane Sandy Storm Recovery* (Nov. 28, 2012)).

[231] Counsel for these individuals have denied our requests for interviews and documents by telephone and/or written correspondence. Additionally, apart from our investigation, Kelly and Stepien have asserted their Fifth Amendment rights in declining to produce documents responsive to the SCI subpoenas. Wildstein has asserted his Fifth Amendment rights in declining to answer questions before the Assembly Transportation Committee.

[232] Ex. 151 (Port Authority of New York & New Jersey, *George Washington Bridge, History*).

[233] N.J. Stat. § 32:1-1, 1-3; N.Y. Unconsol. Law §§ 6401, 6403.

[234] Ex. 152 (Port Authority of New York & New Jersey, *Overview of Facilities and Services, About the Port Authority*).

[235] *See United States Trust Co. of N.Y. v. New Jersey*, 431 U.S. 1, 4 (1977). According to the Port Authority's 2013 Operating Budget Schedules, the projected 2013 gross operating revenue from tolls and fares was $1,499,000,000. Ex. 13 (Port Authority of New York & New Jersey, *2013 Operating Budget Schedules*) at 5. In addition, the Port Authority's bridge and tunnel facilities are tax-exempt.

[236] *See United States Trust Co. of N.Y.*, 431 U.S. at 39 n.5 (discussing statutory power of Port Authority).

[237] N.J. Stat. § 32:1-5; N.Y. Unconsol. Laws § 6405; N.J. Stat. § 32:2-9; N.Y. Unconsol. Laws § 7151.

[238] Ex. 153 (Richard Roper and Linda Bentz, *Politics running roughshod over the Port Authority of NY/NJ*, The Star-Ledger (Mar. 15, 2012) *available at* http://blog.nj.com/njv_guest_blog/2012/03/politics_running_roughshod_ove.html).

[239] N.J. Stat. § 32:1-5; N.Y. Unconsol. Laws § 6405; N.J. Stat. § 32:2-9; N.Y. Unconsol. Laws § 7151.

[240] *See, e.g.*, Ex. 154 (Jameson Doig, *Restore Integrity at the Port Authority*, The New York Times (Feb. 20, 2012) *available at* http://www.nytimes.com/2012/02/21/opinion/restore-integrity-at-the-port-authority.html?pagewanted=all&_r=0); Ex. 155 (Editorial, *Dredging for Dollars*, The Star-Ledger (Apr. 28, 2008) *available at* http://blog.nj.com/njv_editorial_page/2008/04/dredging_for_dollars.html); Ex. 156 (Joe Malinconico, *P.A. dredges up millions for cargo firm: Agency Oks channel-clearing funds for back rent and other uses*, The Star-Ledger (Apr. 25, 2008) *available at* http://www.newarktalk.com/talk2/viewtopic.php?f=37&t=964).

[241] Ex. 151 (Port Authority of New York & New Jersey, *George Washington Bridge, History*).

[242] Ex. 157 (Port Authority of New York & New Jersey, Bridges & Tunnels).

[243] Ex. 151 (Port Authority of New York & New Jersey, *George Washington Bridge, History*).

[244] *Id.*

[245] Ex. 157 (Port Authority of New York & New Jersey, *Bridges & Tunnels*).

[246] Ex. 158 (New York City Department of Transportation, *2011 New York City Bridge Traffic Volumes* (2013) (showing total vehicle traffic of 37,451 between 6 a.m. and 10 a.m.) *available at* http://www.nyc.gov/html/dot/downloads/pdf/bridge-traffic-report-11.pdf) at 214; Ex. 159 (Steve James, *The George Washington Bridge can be a motorist's nightmare*, NBC News (Jan. 9, 2014) *available at* http://www.cnbc.com/id/101324175).

[247] *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 6.

[248] *See id.* at 5.

[249] *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 86. The local approach to the eastbound toll booths appears to have been added in 1953 (prior to the addition of the lower level of the Bridge in 1962) "in order to help speed rush-hour and week-end traffic over the big span to Manhattan." Ex. 160 (*2d Access Road Opened at Fort Lee to Speed City-Bound Bridge Traffic*, The New York Times (Apr. 15, 1953) available at http://select.nytimes.com/gst/abstract.html?res=F60E13F73E55107B93C7A8178FD85F478585F9).

[250] Ex. 25 (2013.08.29 12:43 PM Email attachment to 12:54 PM Email from Rivera to Zipf, et al.).

[251] *See, e.g.*, Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 8.

[252] *See, e.g.*, *id.* at 18; Ex. 161 (2010.11.09 Letter from Mayor Sokolich to Baroni).

[253] *See id.* at 73; Ex. 162 (Robert Hanley, *Fort Lee Mayor Girds for a Showdown Over Bridge Traffic*, The New York Times (July 7, 1997) (noting that roadblocks were erected twice since 1994) *available at* http://www.nytimes.com/1997/07/07/nyregion/fort-lee-mayor-girds-for-a-showdown-over-bridge-traffic.html).

[254] *Id.*

[255] Ex. 163 (Press Release, The Port Authority of New York & New Jersey, *Port Authority and Fort Lee Commit $30 Million to Alleviate Congestion Around George Washington Bridge* (Sept. 15, 2003)).

[256] Ex. 161 (2010.11.09 Letter from Mayor Sokolich to Baroni).

[257] *Id.* (emphasis in original).

[258] *Id.*

[259] *Id.*

[260] *See* Ex. 164 (Joe Coscarelli, *Chris Christie Riding Hurricane Approval Into Reelection Bid*, New York Magazine (Nov. 26, 2012) *available at* http://nymag.com/daily/intelligencer/2012/11/chris-christie-announces-reelection-bid.html).

[261] *See* Ex. 165 (Kate Zernike & David Chen, *For Christie, Politics Team Kept a Focus on Two Races*, The New York Times (Jan 29, 2014) *available at* http://www.nytimes.com/2014/01/29/nyregion/for-christie-politics-team-kept-a-focus-on-two-bids.html).

In December 2013, Stepien was tapped as an advisor to the Republican Governors Association in Washington, D.C., and on January 7, 2014, he was asked by Governor Christie to be New Jersey's Republican Party Chairman. Both of these roles were later rescinded, as discussed *infra*. *See* Ex. 166 (Jenna Portnoy, *Chris Christie campaign manager tapped to lead N.J. Republican party*, The Star-Ledger (Jan. 7, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/chris_christie_campaign_manager_tapped.html).

[262] *See* Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) *available at* http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager).

[263] *See* Ex. 15 (Angela Delli Santi, *Bridget Anne Kelly, fired Christie aide, was on team from the start*, Associated Press (Jan. 10, 2014)) (noting Kelly was promoted quickly in April 2013) *available at* http://news.yahoo.com/fired-aide-christie-39-team-start-222158730.html); Ex. 148 (Star-Ledger Staff, *Chris Christie aide tied to 'Bridgegate' is a longtime government worker*, The Star-Ledger (Jan. 8, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/chris_christie_aid_tied_to_bridgegate_is_a_longtime_government_worker.html).

[264] Ex. 11 (2013.01.24 9:04 AM Email from Sheridan to Mowers, et al. ("Again, your participation is voluntary and should be done at appropriate times (morning, evenings & weekends).")).

[265] *Id.*

[266] Ex. 167 (David Voreacos, *Christie Relationship with Fort Lee Mayor Began Over Meal*, Bloomberg (Feb. 8, 2014) *available at* http://www.bloomberg.com/news/2014-02-07/christie-relationship-with-fort-lee-mayor-began-over-tenderloin.html); Ex. 168 (Mike Kelly, *GWB scandal: Fort Lee mayor now says Christie campaign courted him for endorsement*, The Bergen Record (Feb. 7, 2014) *available at* http://www.northjersey.com/news/nj-state-news/gwb-scandal-fort-lee-mayor-now-says-christie-campaign-courted-him-for-endorsement-1.667541).

[267] Ex. 169 (2013.02.07 4:42 PM Email from Mowers to Sheridan).

[268] Ex. 167 (David Voreacos, *Christie Relationship with Fort Lee Mayor Began Over Meal*, Bloomberg (Feb. 8, 2014) *available at* http://www.bloomberg.com/news/2014-02-07/christie-relationship-with-fort-lee-mayor-began-over-tenderloin.html).

[269] Ex. 169 (2013.02.07 4:42 PM Email from Mowers to Sheridan).

[270] Ex. 12 (2013.03.26 10:48 PM Text Message from Mowers to Sheridan). In the same February 7, 2014 press interview in which he said that he was never directly asked for an endorsement, Mayor Sokolich also suggested that he never said he would not endorse Governor Christie: "I never gave it a definite no. I didn't want to tempt fate. I needed things out of the governor." Ex. 168 (Mike Kelly, *GWB scandal: Fort Lee mayor now says Christie campaign courted him for endorsement*, The Bergen Record (Feb. 7, 2014) *available at* http://www.northjersey.com/news/nj-state-news/gwb-scandal-fort-lee-mayor-now-says-christie-campaign-courted-him-for-endorsement-1.667541). But contemporaneous documents, including Mowers' March 26, 2013 email to Peter Sheridan, confirm that Mayor Sokolich conveyed a clear impression he was not going to endorse the Governor, and that was the understanding of both the campaign and IGA from that point forward.

[271] In a January 16, 2014 article, *The Washington Times* reported the results of its outreach to "Democratic municipal officials across the state, several of whom were courted by the Christie campaign. None of these officials described suffering any retribution for declining to endorse the governor, but interviews suggest a concentrated effort by Mr. Christie's political operation to get Democrats to defect during his re-election bid." Ex. 170 (Jim McElhatton, *Charm Offensive: Christie actively wooed Democrats in 2013 race*, The Washington Times (Jan. 16, 2014) *available at* http://www.washingtontimes.com/news/2014/jan/16/new-jerseys-democratic-mayors-recall-christies-out/?page=all). Many Democratic Mayors whose endorsements were sought ultimately declined to publicly endorse Governor Christie, but they appear not to have suffered any political retaliation based on endorsement decisions. *See, e.g.*, Ex. 171 (Kate Zernike and Matt Flegenheimer, *Even Before Fort Lee Lane Closings, Port Authority Was a Christie Tool*, The New York Times (Mar. 11, 2014) (noting that Paramus Mayor Richard LaBarbiera described how "when he informed the campaign that he would not endorse the governor, his

relationship with the administration did not change") *available at* http://www.nytimes.com/2014/03/11/nyregion/even-before-fort-lee-lane-closings-port-authority-was-a-christie-tool.html). Of course, there were various Mayors out of favor from time to time, but we found no evidence that was tied to endorsement status.

272 *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 22.

On December 4, 2013, Paul Nunziato, the President of the Port Authority police union, publicly stated that, prior to the lane realignment, he mentioned his concerns about traffic to Wildstein "over breakfast," during one of the "hundreds" of conversations they had about operational issues such as public safety, traffic, and police staffing. Ex. 172 (Shawn Boburg, *Port Authority official from N.Y. to testify in controversy over lane closures at George Washington Bridge*, The Bergen Record (Dec. 4, 2013) *available at* http://www.northjersey.com/news/port-authority-police-union-wades-into-gwb-lane-closure-tiff-1.659327). Nunziato appears to have now qualified or clarified that public statement. According to a March 4, 2014 *New York Times* article, Nunziato's lawyer stated that "his client had talked to Mr. Wildstein in the middle of 2012 about an unrelated traffic problem near the Fort Lee access lanes at that time. That problem arose after tolls were raised, when car-pooling motorists were stopping to pick up passengers to go through a discounted high-occupancy-vehicle lane, he said, citing published reports about the practice at that time." Ex. 173 (William K. Rashbaum, *Head of Port Authority Police Union Questioned in Bridge Inquiry*, The New York Times (Mar. 4, 2014) *available at* http://www.nytimes.com/2014/03/05/nyregion/head-of-port-authority-police-union-questioned-in-bridge-inquiry.html). According to his lawyer, Nunziato specifically informed Baroni, before Baroni's November 25, 2013 testimony, "that the only suggestion Mr. Nunziato had ever made to Mr. Wildstein about the access lanes concerned those issues in 2012." *Id.* But, again, according to his lawyer, Nunziato's later comments taking responsibility for having proposed a traffic study of the lane realignment "grew out of loyalty to his political allies." *Id.* In any event, it is undisputed that Wildstein had expressed prior interest in studying the Fort Lee access lanes, irrespective of potential encouragement by Nunziato.

273 Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 20-21; *id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 83.

274 Ex. 174 (2013.10.17 Notes by Ma of Meeting with Foye, et al.).

275 *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 5.

276 *Id.* at 5-6.

277 Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 85.

278 Ex. 174 (2013.10.17 Notes by Ma of Meeting with Foye, et al.).

279 *Id.*

280 Ex. 25 (2013.08.29 12:54 PM Email from Rivera to Wildstein, et al.).

281 *Id.*

282 Ex. 175 (2013.08.12 Email Exchange between Kelly and Wildstein).

283 *Id.* (2013.08.12 5:25 PM Email from Kelly to Wildstein).

284 Ex. 20 (2013.08.13 7:34 AM Email from Kelly to Wildstein).

285 *Id.* (2013.08.13 7:35 AM Email from Wildstein to Kelly).

286 *See* Ex. 176 (*Documents: GWB emails between Port Authority and Christie Administration*, The Bergen Record (Jan. 8, 2014) *available at* http://www.northjersey.com/news/documents-gwb-emails-between-port-authority-and-christie-administration-1.741480, *embedded version available at* http://www.scribd.com/doc/197315597/Emails-George-Washington-Bridge-lane-closures).

287 Ex. 21 (2013.08.19 Text Messages between Wildstein and Kelly).

288 *Id.* (2013.08.19 7:23 PM Text Messages from Kelly to Wildstein).

289 *Id.* (2013.08.19 7:25 PM Text Message from Wildstein to Kelly).

[290] Ex. 177 (Christopher Baxter, *Bridge scandal: Newly uncensored texts show Wildstein, Kelly mocked rabbi*, The Star-Ledger (Feb. 28, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/02/bridge_scandal_david_wildstein_uncensored_documents.html).

[291] Ex. 21 (2013.08.19 Text Messages from Kelly to Wildstein).

[292] *Id.* (2013.08.19 7:26 PM Text Message from Wildstein to Kelly).

[293] *Id.* (2013.08.19 7:33 PM Text Message from Kelly to Wildstein).

[294] *Id.* (2013.08.19 7:35 PM Text Message from Wildstein to Kelly).

[295] *Id.* (2013.08.19 7:35 PM Text Message from Kelly to Wildstein).

[296] Ex. 24 (2013.08.16 10:54 PM Email from Kelly to Renna)).

[297] *Id.* (2013.08.16 7:17 PM Email from Kelly to Renna); *id.* (2013.08.16 (2013.08.16 6:32 PM Email from Kelly to Renna); *id.* (2013.08.17 7:43 AM Email from Kelly to Renna).

[298] Ex. 178 (2013.08.21 Email Exchange between Ridley and Kelly).

[299] Ex. 179 (2013.08.22 12:58 PM Email from Maclay to Renna).

[300] *Id.* (2013.08.22 1:31 PM Email from Renna to Kelly).

[301] *Id.* (2013.08.22 1:52 PM Email from Kelly to Renna).

[302] *Id.* (2013.08.22 1:57 PM Email from Renna to Kelly).

[303] *Id.* (2013.08.22 2:01 PM Email from Kelly to Renna).

[304] *Id.* (2013.08.22 2:01 PM Email from Renna to Kelly).

[305] *Id.* (2013.08.22 2:01 PM Email from Kelly to Renna); Ex. 180 (2013.08.22 2:07 PM Email from Kelly to Renna).

[306] Ex. 26 (2013.08.28 5:08 PM Email from Wildstein to Kelly).

[307] *Id.* (2013.08.28 7:46 PM Email from Wildstein to Kelly).

[308] Ex. 27 (2014.01.15 Letter from Port Authority of New York and New Jersey to Senator John D. Rockefeller IV) at 7; *see* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 86; *id.*(Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16 (testifying that David Wildstein called him on September 6 to inform Fulton that he had directed Robert Durando to start the traffic study on September 9)). Baroni testified that Wildstein made the request for the traffic study to be conducted the following week on Thursday, September 5, and that "[o]n September 6, the [Port Authority] Director of [TBT] and the General Manager of the Bridge were informed of the study and instructed to coordinate their respective traffic staffs' efforts to analyze the resultant traffic flow. . . . George Washington Bridge staff also notified the Port Authority Police Department, whose officers moved the traffic cones on the morning of September 9." Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013) at 6.

[309] *See* Ex. 27 (2014.01.15 Letter from Port Authority of NY and NJ to Senator John D. Rockefeller IV) at 7; *see* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 91–92 ; *id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16.

[310] *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 92–93; *see also* Ex. 181 (2013.09.06 8:31 AM Email from Fulton to Zipf, et al. (noting communication from Durando to Fulton)); Ex. 29 (2013.09.06 3:44 PM Email from Chung to Muriello, et al. (noting communication from Durando to Jose Rivera to Raheel Shabih to Victor Chung)).

[311] Ex. 182 (2013.09.06 3:59 PM Email from Licorish to Hardy, et al.).

[312] *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 93–94.

[313] *See id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16.

[314] *Id.* According to Ma's October 18, 2013 notes of his meeting with Fulton, Wildstein told Fulton: "[T]his is a New Jersey issue, New York has nothing to say about this, and [] Pat Foye only has 50% authority in the Agency. Wildstein says not to worry about Media, and that he will take care of it. Wildstein says 'we'll take care of Pat Foye.'" Ex. 174 (2013.10.17 Notes by Ma of Meeting with Foye, et al.).

[315] Ex. 181 (2013.09.06 8:51 PM Email from Muriello to Jacobs, et al.).

[316] *Id.*

[317] *Id.*

[318] *Id.* (2013.09.06 Email Exchange between Quelch and Muriello, et al.).

[319] *Id.* (2013.09.06 10:00 AM Email from Muriello to Quelch, et al.).

[320] Ex. 29 (2013.09.06 4:37 PM Email from Quelch to Jacobs, et al.).

[321] Ex. 183 (2013.09.08 12:23 PM Email from Michaels to Licorish). Michaels is from Livingston, New Jersey, where Governor Christie and David Wildstein are from. *See* Ex. 189 (Steve Strunsky, *Chris Christie's office says governor never talked to PAPD lieutenant about GWB lane closures*, The Star-Ledger (Feb. 17, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/02/christie_downplays_ties_to_papd_lieutenant_probed_in_bridgegate.html). Michaels also previously coached the Governor's son in little league hockey. *Id.* The Governor has publicly stated that he did not speak to Michaels about the lane realignment. *Id.*

[322] *Id.* (2013.09.08 12:26 PM Email from Licorish to Michaels).

[323] Ex. 30 (2013.09.07 9:43 AM Email from Wildstein to Kelly).

[324] *Id.* (2013.09.07 10:00 AM Email from Kelly to Wildstein).

[325] *Id.* (2013.09.07 10:09 AM Email from Wildstein to Kelly). An earlier exchange within this email chain referenced a "traffic study" for the Township of Springfield. *Id.* (2013.09.06 2:50 PM Email from Wildstein to Kelly). Media reports have described this study as a "grant from the Port Authority, which gave the township $60,000 to conduct a traffic study relating to the redevelopment of the downtown area along Morris Avenue." Ex. 184 (Tom Wright-Piersanti, *Chris Christie bridge scandal: Why is Springfield mentioned in controversial emails?*, The Star-Ledger (Jan. 10, 2014) *available at* http://www.nj.com/union/index.ssf/2014/01/christie_bridge_scandal_why_was_springfield_mentioned_in_emails.html). Former Springfield Mayor David Amlen stated that he did not learn of the Port Authority grant until November 2013. *Id.* It is unclear what connection, if any, this exchange had to the Bridge lane realignment, or whether it referenced an unrelated traffic issue.

[326] Ex. 185 (2013.09.08 10:09 AM Email from Wildstein to Durando).

[327] *Id.* (2013.09.08 10:21 AM Email from Durando to Wildstein).

[328] *Id.*

[329] *Id.* (2013.09.08 10:48 AM Email from Wildstein to Baroni).

[330] Ex. 186 (2013.09.08 10:53 AM Email from Durando to Fulton).

[331] *See* Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Told That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[332] Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 91–92.

[333] *See id.*

[334] Ex. 187 (2013.09.09 7:31 AM Email from Wildstein to Durando).

[335] Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 102.

[336] Ex. 188 (Erin O'Neill, *Bridge scandal: Cop who toured lane closures with Wildstein knew Chris Christie, report says*, The Star-Ledger (Feb. 16, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/02/bridge_scandal_port.html)

[337] Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 102.

[338] Ex. 190 (2013.09.09 7:09 AM Text Message from Michaels to Wildstein).

[339] *Id.* (2013.09.09 7:09 AM Text Message from Wildstein to Michaels).

[340] *Id.* (2013.09.09 8:46 AM Test Message from Michaels to Wildstein).

[341] Ex. 191 (2013.09.09 9:33 AM Text Message from Michaels to Bendul).

[342] Ex. 3 (2013.09.09 9:10 AM Email from Durando to Wildstein, et al.).

[343] *Id.*

[344] Ex. 174 (2013.10.17 Notes by Ma of Meeting with Durando, et al.).

[345] Ex. 32 (2013.09.09 9:29 AM Email from Bell to Baroni).

[346] *Id.* (2013.09.09 9:41 AM Email from Baroni to Wildstein).

[347] *Id.* (2013.09.09 9:48 AM Email from Wildstein to Baroni).

[348] Ex. 192 (2013.09.09 9:48 AM Email from Wildstein to Kelly).

[349] *Id.* (2013.09.09 10:06 AM Email from Kelly to Wildstein).

[350] *Id.* (2013.09.09 Email Exchange between Wildstein and Kelly).

[351] *See* Ex. 193 (2013.09.10 11:30 AM Email from Lado to Baroni).

[352] Ex. 4 (2013.09.09 11:24 AM Email from Lado to Baroni, et al.).

[353] *Id.*

[354] *Id.*

[355] *Id.*

[356] Ex. 194 (2013.09.09 1:56 PM Text Message From Wildstein to Michaels); Ex. 195 (Richard Rabinowitz, *Coverup of Purposeful Traffic Jam at George Washington Bridge Deals a Blow to Governor Christie*, New Brunswick Today (Jan. 9, 2014) *available at* http://newbrunswicktoday.com/article/coverup-purposeful-traffic-jam-george-washington-bridge-deals-blow-governor-christie).

[357] Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 133.

[358] *See* Ex. 196 (2013.09.09 12:08 PM Email from Durando to Fulton, et al.); Ex. 197 (2013.09.09 12:35 PM Email from Durando to Rivera).

[359] Port Authority engineers confirmed that an accident on the Cross Bronx Expressway caused a back-up across the span of the Bridge, which caused longer delays on the approaches to the toll plaza. That incident started at 7:45 a.m. and was cleared by 9:52 a.m. *See* Ex. 198 (2013.09.10 7:25 AM Email from Durando to Diculescu); Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 7.

[360] *See* Ex. 196 (2013.09.09 1:13 PM Email from Durando to Fulton).

[361] *Id.*

[362] Ex. 33 (2013.09.09 1:50 PM Email from Kelly to Ridley, et al.).

[363] *Id.* (2013.09.09 1:58 PM Email from Ridley to Kelly, et al.).

[364] Ex. 199 (2013.09.09 1:56 AM Email from Kelly to Mowers).

[365] Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

366 *Id.*

367 Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton, et al.).

368 Ex. 201 (2013.09.09 2:28 PM Email from Durando to Rivera).

369 Ex. 202 (2013.09.09 5:24 PM Email from Durando to Fulton).

370 *Id.* (2013.09.09 Email Exchange between Durando and Fulton).

371 Ex. 203 (2013.09.09 8:46 PM Text Messages from Wildstein to Baroni).

372 *See* Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013) ("Typically that's when traffic starts to build—in many instances, a little bit before 6:00 a m.")) at 102.

373 Ex. 204 (2013.09.11 11:05 AM Email from Durando to Rivera). According to analysis by the Port Authority's Traffic Engineering group, on Tuesday, September 10, 2013, traffic originating on the I-95 Express Lanes experienced an average reduction of 4 minutes in travel time and traffic originating on the I-95 Local Lanes experienced an average reduction of 2.76 minutes. *Id.* (2013.09.11 5:10 PM Email from Rivera to Zipf, et al.).

374 Ex. 34 (2013.09.10 8:04 AM Text Message from Wildstein to Kelly).

375 By this time, Wildstein had already received and responded to the email message sent to Baroni at 9:29 a.m. on September 9, 2013, in which Baroni was advised that Mayor Sokolich had called regarding an "urgent matter of public safety in Fort Lee." *See* Ex. 32 (2013.09.09 9:29 AM Email from Bell to Baroni, et al.). It therefore appears that Wildstein's September 10, 2013 text to Kelly—"Bottom line is he didn't say safety," likely referring to Mayor Sokolich—was misleading.

376 Ex. 34 (2013.09.10 Text Messages between Wildstein and Kelly).

377 Ex. 205 (2013.09.10 8:39 AM Text Message from Michaels to Wildstein).

378 Ex. 206 (2013.09.10 11:25 AM Email from Durando to Fulton).

379 Ex. 193 (2013.09.10 11:30 AM Email from Lado to Baroni).

380 *Id.*

381 Ex. 207 (2013.09.11 8:01 AM Email from Durando to Lado, et al.).

382 Ex. 208 (2013.09.12 1:29 PM Email from Patel to Rivera, et al.).

383 *See* Ex. 55 (*Sept. 11th Memorial Service*, The Herald Record (Sept. 11, 2013), *available at* http://www recordonline.com/apps/pbcs.dll/gallery?Site=TH&Date=20130911&Category=NEWS&ArtNo=911009999&Ref=PH&Presentation=desktop).

384 *See id.* The *Wall Street Journal* reported that "[i]t isn't known what, if anything, Mr. Christie discussed with David Wildstein that day." Ex. 209 (Ted Mann, *Christie, Official Who Arranged Bridge Closures Were Together During Fiasco*, The Wall Street Journal (Jan. 14, 2014)).

385 *See* Ex. 55 (*Sept. 11th Memorial Service*, The Herald Record (Sept. 11, 2013), *available at* http://www recordonline.com/apps/pbcs.dll/gallery?Site=TH&Date=20130911&Category=NEWS&ArtNo=911009999&Ref=PH&Presentation=desktop).

386 *See* Ex. 210 (2013.09.11 New Jersey State Police Aviation Unit Activity Report).

387 Ex. 211 (Bruce Shipkowski & Wayne Parry, *Raging fire strikes at heart of Sandy-hit NJ town*, Associated Press (Sept. 13, 2013) *available at* http://news.yahoo.com/raging-fire-strikes-heart-sandy-hit-nj-town-231840677.html).

388 *See* Ex. 212 (Dustin Racioppi, Kristi Funderburk & Larry Higgs, *Fire Consumes N.J. Boardwalk Rebuilt After Sandy*, USA Today (Sept. 13, 2013) *available at* http://www.usatoday.com/story/news/nation/2013/09/12/seaside-nj-boardwalk-fire/2806627/); Ex. 213 (David Giambusso, *Seaside Boardwalk fire: Christie meets with business owners affected by blaze*, The Star-Ledger (Sept. 14, 2013) *available at*

http://www.nj.com/news/index.ssf/2013/09/seaside_boardwalk_fire_christie_meets_with_small_business_owners_affected_by_the_blaze.html).

389 *See* Ex. 214 (Jenna Portnoy, *Once again, Christie thrives amid crisis as Seaside fire reminiscent of Sandy*, The Star-Ledger (Sept. 17, 2013) *available at* http://www.nj.com/politics/index.ssf/2013/09/christie_sandy_response.html); Ex. 215 (Matthew McGrath, *Christie aide Bridget Kelly was messaging about GWB lane closures on day she accompanied Christie to Seaside fire, documents show*, The Bergen Record (Jan. 10, 2014) *available at* http://www.northjersey.com/news/nj-state-news/christie-aide-bridget-kelly-was-messaging-about-gwb-lane-closures-on-day-she-accompanied-christie-to-seaside-fire-documents-show-1.741479).

390 *See* Ex. 5 (2013.09.12 Letter from Mayor Sokolich to Baroni (attached to 2013.09 12:52 PM Email from Wildstein to Stepien, et al.).

391 *Id.*

392 *Id.*

393 *Id.*

394 *Id.*

395 Ex. 5 (2013.09.12.1247 PM Email from Baroni to Wildstein).

396 *Id.* (2013.09.12.1252 PM Email from Wildstein to Stepien, et al.).

397 Ex. 216 (2013.09.12 12:53 PM Email from Baroni to Stepien (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

398 Ex. 217 (2013.09.12 1:12 PM Email from Stepien to Baroni).

399 Ex. 38 (2013.09.12 6:03 PM Text message from Baroni to Wildstein).

400 *Id.*

401 Ex. 218 (2013.09.12 3:36 PM Email from Renna to Kelly).

402 *Id.*

403 *Id.* (2013.09.12 3:46 PM Email from Kelly to Wildstein).

404 *Id.* (2013.09.12 Email Exchange between Kelly and Wildstein).

405 Ex. 35 (2013.09.12 11:44 PM Email from Kelly to Renna). Renna stated that, on December 12, 2013, Kelly asked her to delete this email chain from Renna's mailbox. Because Renna felt uncomfortable with Kelly's request, Renna forwarded the email chain to a different personal email account before deleting it from her Gmail account.

406 Ex. 28 (2013.09.06 8:51 AM Email from Muriello to Jacobs, et al.).

407 Ex. 219 (2013.09.12 5:14 PM Email from Jacobs to Muriello).

408 We have identified at least three versions of this PowerPoint presentation, dated September 12, 2013, which were circulated among Port Authority employees. The first two versions are six slides long and contain the same slides, but in a different order. Ex. 220 (2013.09.12 5:14 PM Email from Jacobs to Muriello) (attaching a PowerPoint presentation entitled "Fort Lee Trial Review"); Ex. 221 (2013.09.12 5:14 PM Email from Jacobs to Muriello) (attaching a PowerPoint presentation entitled "Fort Lee Trial Review"). The third version, produced by Foye, is fifteen slides long. Ex. 222 (Port Authority of NY & NJ, *Reallocation of Toll Lanes at the GWB*, Power Point Presentation (Sept. 12, 2013)). The traffic data also appears to be modified across the versions, though the conclusions appear to remain consistent, all finding that, "Even if queues are half those estimated, the additional delay [to local traffic] would still far exceed the savings of mainline traffic . . . ." For example, the version produced by Baroni, circulated on September 12, calculates revenue loss differently than the version Foye produced, circulated on December 9. Baroni's version states, "Based on estimated Fort Lee queues of approximately 550 vehicles at 10 AM, many of these vehicles will pay the off-peak toll. At an E-ZPass market share of 46%, this

works out to a revenue loss of $550 per day or $137K per year." Ex. 220 (2013.09.12 5:14 PM Email from Jacobs to Muriello) (attaching a PowerPoint presentation entitled "Fort Lee Trial Review"). Foye's version states, "Based on estimated Fort Lee queues of approximately 550 vehicles at 10 AM, many of these vehicles will pay the off-peak toll. At an E-ZPass market share of 84% during the 9 o'clock hour, this works out to a revenue loss of around $1000 per day or $250K per year." Ex. 222 (Port Authority of NY & NJ, *Reallocation of Toll Lanes at the GWB*, Power Point Presentation (Sept. 12, 2013)).

409 Ex. 223 (2013.09.12 1:17 PM Email from Cichowski to Valens).

410 *Id.* (2013.09.13 Letter from Representative Pascrell to Baroni). Wildstein forwarded Congressman Pascrell's letter to Kelly on September 13. *See* Ex. 224 (2013.09.13 5:03 PM Email from Wildstein to Kelly (attaching 2013.09.13 Letter from Representative Pascrell to Baroni)).

411 Ex. 223 (2013.09.12 1:40 PM Email from Valens to Durando, et al.)

412 Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Kelly, et al.).

413 Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Kelly, et al.).

414 Ex. 225 (2013.09.12. 6:27 PM Email from Marsico to Rechler, et al.).

415 *Id.*

416 *Id.*

417 *Compare id.*, *with* Ex. 37 (2013.09.12 3:18 PM Email from Wildstein to Kelly, et al.).

418 Ex. 226 (2013.09.12 8:39 PM Email from Rechler to Garten, et al.).

419 *Id.* (2013.09.12 8:42 PM Email from Foye to Rechler, et al.).

420 Ex. 227 (2013.09.13 6:01 AM Email from Foye to Durando)

421 *Id.* (2013.09.13 Email Exchange between Wildstein and Durando).

422 *Id.* (2013.09.13 6:47 AM Email from Durando to Wildstein).

423 Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 115.

424 Ex. 227 (2013.09.13 6:46 AM Email from Durando to Wildstein); Ex. 174 (2013.10.17 Notes by Ma of Meeting with Durando, et al.).

425 Ex. 227 (2013.09.13 7:01 AM Email from Wildstein to Durando).

426 Ex. 228 (2013.09.13 6:41 AM Email Exchange between Wildstein and Kelly).

427 Ex. 229 (2013.09.13 7:14 AM Email from Foye to Rechler, et al.).

428 Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.).

429 *Id.*

430 *Id.*

431 *Id.*

432 *Id.*

433 *Id.* (2013.09.13 7:45 AM Email from Baroni to Wildstein); Ex. 230 (2013.09.13 10:43 AM Email from Baroni to Egea).

434 *Id.* (2013.09.13 11:07 AM Email from Egea to Crifo).

435 Ex. 231 (2013.09.13 12:20 PM Email from Foye to Glaser).

436 Ex. 206 (2013.09.13 8:04 AM Email from Durando to Foye, et al.).

437 *Id.* (2013.09.13 8:28 AM Email from Foye to Baroni, et al.).

[438] Ex. 40 (2013.09.13 Email Exchange between Foye and Baroni).

[439] Ex. 232 (Melissa Hayes, *Christie says 95 percent of Seaside fire is contained*, The Bergen Record (Sept. 13, 2013) *available at* http://www.northjersey.com/news/2.642/christie-says-95-percent-of-seaside-fire-is-contained-1.716182).

[440] Ex. 41 (2013.09.13 11:44 AM Email from Wildstein to Kelly). In our view, after thorough investigation, we believe Wildstein's reference to "retaliation" most likely refers to potential actions taken within the Port Authority. In any event, our investigation has not identified any evidence of retaliation arising from Foye's reversal, by Samson or anyone else within the Port Authority or beyond it.

[441] *Id.* (2013.09.13 11:47 AM Email from Kelly to Wildstein).

[442] *Id.* (2013.09.13 12:07 PM Email from Wildstein to Kelly).

[443] Ex. 233 (2013.09.13 3:10 PM Email from Baroni to Coleman, et al.).

[444] Ex. 230 (2013.09.13.10:43 AM Email from Baroni to Egea).

[445] Two of these complaints were received on September 11, 2013, and an additional complaint was received on September 13, 2013. *See* Ex. 234 (2013.09.11 11:43 AM Automated Email Inquiry); Ex. 235 (2013.09.11 10:12 AM Automated Email Inquiry); Ex. 236 (2013.09.13 11:21 AM Automated Email Inquiry). Ashmore did not recall whether the call to Wildstein occurred on September 11 or September 13, 2013. Crifo did not recall being on the call with Ashmore and Wildstein.

[446] Ex. 237 (2013.09.14 7:01 AM Email from Sarah Dolan).

[447] Ex. 238 (2013.09.14 8:18 AM Email from Kelly to Wildstein).

[448] *See* Ex. 213 (David Giambusso, *Seaside Boardwalk fire: Christie meets with business owners affected by blaze*, The Star-Ledger (Sept. 14, 2013) *available at* http://www.nj.com/news/index.ssf/2013/09/seaside_boardwalk_fire_christie_meets_with_small_business_owners_affected_by_the_blaze.html).

[449] Ex. 239 (2013.09.16 12:19 PM Email from Coleman to Foye, et al.).

[450] *Id.*

[451] *Id.* (2013.09.16 12:19 PM Email from Wildstein to Baroni).

[452] Ex. 240 (2013.09.17 2:16 PM Email from Haddon to Drewniak, et al.).

[453] *Id.* (2013.09.17 4:03 PM Email from Drewniak to Kelly).

[454] *Id.* (2013.09.17 4:08 PM Email from Kelly to Drewniak).

[455] Ex. 241 (2013.09.17 4:34 PM Email from Drewniak to Haddon, et al.).

[456] Ex. 43 (2013.09.17 5:13 PM Text Message from Kelly to Wildstein).

[457] *See* Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[458] Ex. 44 (2013.09.18 4:54 AM Email from Wildstein to Stepien).

[459] *Id.* (2013.09.18 5:16 AM Email from Stepien to Wildstein).

[460] *Id.* (2013.09.18 5:30 AM Email from Wildstein to Stepien).

[461] Ex. 45 (2013.09.18 4:54 AM Email from Wildstein to Drewniak).

[462] *Id.* (2013.09.18 7:25 AM Email from Drewniak to Wildstein).

[463] *Id.* (2013.09.18 9:24 AM Email from Wildstein to Drewniak).

[464] Ex. 242 (2013.09.17 8:02 PM Email from Samson to Rechler).

[465] *Id.* (2013.09.17 8:40 PM Email from Rechler to Samson).

[466] Ex. 243 (2013.09.17 10:17 PM Email from Baroni to Samson).

[467] Ex. 242 (2013.09.17 8:59 PM Email from Samson to Rechler).

[468] *Id.* (2013.09.17 9:36 PM Email from Rechler to Samson).

[469] *Id.* (2013.09.18 5:34 AM Email from Samson to Rechler).

[470] *Id.* (2013.09.18 5:37 AM Email from Rechler to Samson).

[471] *Id.* (2013.09.18 5:45 AM Email from Samson to Rechler).

[472] *Id.* (2013.09.18 5:54 AM Email from Rechler to Samson).

[473] *Id.* (2013.09.18 7:38 AM Email from Samson to Baroni).

[474] Ex. 42 (2013.09.17 Text Messages between Baroni and Wildstein).

[475] Ex. 43 (2013.09.17 1:57 PM Text Messages from Wildstein to Kelly).

[476] *Id.* (2013.09.17 2:28 PM Text Message from Wildstein to Kelly); *id.* (2013.09.17.1436 Text Message from Wildstein to Kelly).

[477] *Id.* (2013.09.17 2:42 PM Text message from Kelly to Wildstein).

[478] *Id.* (2013.09.17 5:13 PM Text message from Kelly to Wildstein).

[479] Ex. 244 (2013.09.23 3:20 PM Email from Rozenberg to Ashmore). The letter indicated a "cc" to "The Honorable Governor Chris Christie," "Assemblywoman Valerie Vainieri Huttle," "Assemblyman Gordon M. Johnson," "The Honorable Mark Sokolich," and "Chairman David Samson." *Id.*

[480] *Id.*

[481] Ex. 245 (2013.09.23 5:17 PM Email from Ashmore to Kelly, et al.).

[482] *Id.* (2013.09.23 Email Exchange between Kelly and Wildstein).

[483] *Id.* (2013.09.23 5:59 PM Email from Wildstein to Kelly).

[484] Ex. 246 (2013.10.01 1:12 PM Email from Coleman to Baroni, et al.).

[485] *Id.* (2013.10.01 1:19 Email from Wildstein to Drewniak).

[486] Ex. 247 (2013.10.01 1:21 PM Email from Mann to Drewniak).

[487] *Id.*

[488] *Id.* Mann also requested comment from Kevin Roberts, spokesman for the Governor's re-election campaign. Ex. 248 (2013.10.01 Email Exchange between Stepien and Roberts). At 2:48 p.m., Roberts forwarded Mann's inquiry to Stepien: "Coordinating with Drewniak on this, but heads up. I'll let you know when I hear back from him on the conversations on his side of things." Three minutes later, Stepien responded: "Awesome." At 4:35 p.m., Roberts wrote Stepien: "We're staying out and saying only as much as we did for the first piece." Three minutes later, Stepien responded, "Ok." *Id.* (2013.10.01 4:38 PM Email from Stepien to Roberts). At 5:04 p.m., Stepien asked Roberts: "Who is writing the follow-up story on Fort Lee?" Ex. 249 (2013.10.01 5:04 Email from Stepien to Roberts). Two minutes later, Roberts responded: "Ted[] Mann from the WSJ. I believe he shared the byline with heather o[n] theyr [sic] first story but can check." *Id.* (2013.10.01 5:06 PM Email from Roberts to Stepien).

[489] *Id.* (2013.10.01 1:40 PM Email from Drewniak to Cornella, et al.).

[490] Ex. 250 (2013.10.01 1:42 PM Email from Drewniak to Comella, et al.).

[491] Ex. 251 (2013.10.01 1:45 PM Email from Wildstein to Drewniak); *id.* (2013.10.01 2:06 PM Email from Drewniak to Comella); *id.* (2013.10.01 2:13 PM Email from Comella to Reed).

[492] Ex. 252 (2013.10.01 2:49 PM Email from Drewniak to Mann).

[493] Ex. 46 (2013.10.01 5:48 PM Text Message from Stepien to Wildstein).

[494] *Id.* (2013.10.01 5:48 PM Text Message from Wildstein to Stepien).

[495] *See* Ex. 8 (Ted Mann. *Port Chief Fumed Over Bridge Jam: Patrick Foye Fired Off an Email Message After Learning of Lane Closure*, The Wall Street Journal (Oct. 1, 2013) *available at* http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326).

[496] Ex. 47 (2013.10.02 7:11 AM Email from Wildstein to Stepien).

[497] *Id.* (2013.10.02 7:15 AM Email from Stepien to Wildstein).

[498] *Id.* (2013.10.02 7:28 AM Email from Wildstein to Stepien).

[499] *Id.* (2013.10.02 7:36 AM Email from Stepien to Wildstein).

[500] Ex. 253 (2013.10.01 Email Exchange between Kelly and Wildstein); Ex. 254 (2013.10.02 Email Exchange between Crifo and Wildstein); Ex. 255 (2013.10.02 4:00 PM Kelly Calendar Meeting Invite re David Wildstein).

[501] Ex. 256 (2013.10.02 Text Messages between Wildstein and Kelly).

[502] Ex. 257 (2013.10.02 3:45 PM Text Message from Wildstein to Baroni).

[503] *Id.* (2013.10.02 3:46 PM Text Message from Baroni to Wildstein).

[504] Ex. 238 (2013.10.02 7:25 PM Text from Baroni to Wildstein).

[505] *See* Ex. 105 (Christopher Baxter, *UPDATED: Timeline of Port Authority's George Washington Bridge controversy*, The Star-Ledger (Jan. 14, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/03/timeline_of_the_port_authoritys_george_washington_bridge_lane_closure_controversy.html).

[506] Ex. 259 (2013.10.03 10:24 AM Text from Wildstein to Kelly); Ex. 260 (2013.10.03 Email Exchange between Kelly and Wildstein); Ex. 261 (2013.10.06 Email Exchange between Kelly and Wildstein).

[507] *See* Ex. 259 (2013.10.03 10:23 AM Text Message from Kelly to Wildstein); Ex. 262 (Abbot Koloff, *Port Authority chief's email demands answers to closing of lanes leading to George Washington Bridge*, The Bergen Record (Oct. 2, 2013) *available at* http://www.northjersey.com/news/new-york-tri-state-area/port-authority-chief-s-email-demands-answers-to-closing-of-lanes-leading-to-george-washington-bridge-1.714336).

[508] Ex. 262 (Abbot Koloff, *Port Authority chief's email demands answers to closing of lanes leading to George Washington Bridge*, The Bergen Record (Oct. 2, 2013) *available at* http://www.northjersey.com/news/new-york-tri-state-area/port-authority-chief-s-email-demands-answers-to-closing-of-lanes-leading-to-george-washington-bridge-1.714336).

[509] Ex. 263 (Shawn Boburg, *State Senator Weinberg presses Port Authority on GWB lane closures*, The Bergen Record (Oct. 7, 2013) *available at* http://www.northjersey.com/news/nj-state-news/state-senator-weinberg-presses-port-authority-on-gwb-lane-closures-1.624534).

[510] *See* Ex. 264 (2013.10.06 9:14 AM Email from Baroni to Egea).

[511] *See* Ex. 261 (2013.10.06 5:52 PM Email from Kelly to Wildstein).

[512] *Id.* (2013.10.06 6:49 PM Email from Wildstein to Kelly).

[513] Ex. 265 (2013.10.07 5:07 PM Email from Strunsky to Drewniak, et al.).

[514] *Id.* (2013.10.07 5:41 PM Email from Drewniak to O'Dowd).

[515] Ex. 266 (Steve Strunsky, *George Washington Bridge land closures prompt internal review, lawmaker outrage*, The Star-Ledger (Oct. 16, 2013) *available at* http://www.nj.com/news/index.ssf/2013/10/george_washington_bridge_lane_closures_prompt_internal_review_lawmaker_outrage.html).

[516] *Id.*

[517] Ex. 267 (2013.10.16 2:34 PM Email from Egea to O'Dowd, et al.).

[518] Ex. 268 (2013.10.17 7:37 PM Email from Wildstein to Drewniak, et al.)

[519] *Id.*

[520] *Id.* (2013.10.17 7:45 PM Email from Foye to Coleman, et al.)

[521] *Id.* (2013.10.17 7:53 PM Email from Wildstein to Drewniak).

[522] Ex. 269 (2013.10.18 1:48 AM GMT Text Message from Drewniak to O'Dowd).

[523] Ex. 270 (2013.10.28 1:41 PM Email from Strunsky to Drewniak, et al.).

[524] *Id.*

[525] *Id.*

[526] *Id.* (2013.10.28 4:37 PM Email from Drewniak to Strunsky, et al.).

[527] Ex. 271 (2013.11.06 10:49 AM Email from Mann to Drewniak).

[528] *Id.* (2013.11.06 1:15 AM Email from Drewniak to Reed, et al.).

[529] *Id.* (2013.11.06 11:36 AM Email from Drewniak to Wildstein).

[530] Ex. 272 (2013.11.06 1:05 PM Email from Drewniak to Mann).

[531] Ex. 273 (Ted Mann, *George Washington Bridge Jam Began With Phone Call: People Familiar With the Matter Pinpoint a Cause for Traffic Tie-up*, The Wall Street Journal (Nov. 7, 2013) *available at* http://online.wsj.com/news/articles/SB10001424052702304448204579184030525950894).

[532] N.J. Senate Res. 127, 215th Leg. (N.J. 2013).

[533] *Id.* (citing 52 N.J. Stat. 13 (legislative investigations)).

[534] Ex. 274 (2013.11.08 9:42 AM Email from Lado to Samson, et al.).

[535] Ex. 275 (2013.11.12 7:24 PM Text Message from Baroni to Wildstein).

[536] *Id.* (2013.11.13 Text Messages from Baroni to Wildstein).

[537] *Id.* (2013.11.13 10:10 AM Text Message from Wildstein to Baroni).

[538] *Id.* (2013.11.13 10:37 AM Text Message from Baroni to Wildstein).

[539] *Id.* (2013.11.13 12:03 PM Text Message from Wildstein to Baroni).

[540] *Id.* (2013.11.13 12:04 PM Text Messages from Baroni to Wildstein).

[541] *Id.* (2013.11.13 12:04 PM Text Message from Wildstein to Baroni).

[542] *Id.* (2013.11.13 12:05 PM Text Message from Baroni to Wildstein).

[543] Ex. 276 (Steve Strunsky, *Fort Lee mayor asserts GWB bridge closures had 'punitive overtones'*, The Star-Ledger (Nov. 13, 2013) *available at* http://www.nj.com/news/index.ssf/2013/11/letter_mayor_gwb_closures_port.html).

[544] Ex. 14 (Mark J. Sokolich, *Fort Lee mayor: Not true*, The Star-Ledger (Nov. 14, 2013) *available at* http://blog.nj.com/ledgerletters/2013/11/letters_fort_lee_jim_mcgreevey.html).

[545] *Id.*

[546] Ex. 277 (Shawn Boburg, *Port Authority: At least 2 months to produce documents on controversial GWB lane closures*, The Bergen Record (Dec. 26, 2013) *available at* http://www.northjersey.com/news/port-authority-at-least-2-months-to-produce-documents-on-controversial-gwb-lane-closures-1.646830).

[547] Ex. 278 (Senator Loretta Weinberg, *Another Open Letter: This Time to the Port Authority* (Nov. 16, 2013) *available at* http://www.bluejersey.com/diary/24215/another-open-letter-this-time-to-the-port-authority).

[548] *See* Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)).

[549] Egea and Crifo have identified their hand-written comments on a copy of the draft Baroni testimony produced to the Assembly Transportation Committee by Baroni's counsel. Attached as Ex. 279 is a copy of that draft testimony with handwritten edits annotated by Gibson Dunn to note who provided which suggestions, all of which are consistent with Egea and Crifo's recollections.

[550] Egea also provided a copy of Baroni's draft testimony to Kelly at Kelly's request.

[551] Ex. 280 (2013.11.21 8:14 PM Text Message from Baroni to Wildstein).

[552] *Id.* (2013.11.21 8:14 PM Text Message from Wildstein to Baroni).

[553] Ex. 281 (2013.11.25 8:00 AM Email from Wildstein to Kelly).

[554] *Id.*

[555] Ex. 19 (Assembly Committee Meeting (Testimony of William Baroni) (Nov. 25, 2013)).

[556] *Id.* at 6.

[557] *Id.* at 5–6, 22.

[558] *Id.* at 6.

[559] *Id.* at 7.

[560] *Id.*

[561] Ex. 282 (2013.11.25 12:45 PM Email from Drewniak to Wildstein).

[562] Ex. 283 (2013.11.25 1:00 PM Email from Wildstein to Drewniak).

[563] Ex. 280 (2013.11.25 11:58 AM Text Message from Baroni to Wildstein).

[564] *Id.* (2013.11.25 Text Messages between Baroni and Wildstein).

[565] Ex. 284 (2013.10.01 9:15 AM Text Message from Stepien to Baroni).

[566] *Id.* (2013.10.01 9:51 AM Text Message from Baroni to Stepien).

[567] Ex. 285 (Press Release, Assembly Democrats, *Wisniewski Subpoenas Port Authority of NY & NJ Executive Director to Explain George Washington Bridge Lane Closures* (Nov. 27, 2013) *available at* http://www.assemblydems.com/Article.asp?ArticleID=7452).

[568] *Id.* Wisniewski also stated in the press release that "the impact on emergency services from the inexplicable lack of notification [regarding the lane realignment] could have resulted in the loss of life."

[569] Ex. 286 (Andrew George, *Christie to nominate O'Dowd to be attorney general; to appoint Egea to be new chief of staff*, NJBiz.com (Dec. 2, 2013) *available at* http://www.njbiz.com/article/20131202/NJBIZ01/131209973/Christie-to-nominate-O'Dowd-to-be-attorney-general;-to-appoint-Egea-to-be-new-chief-of-staff).

[570] Ex. 287 (Transcript, *Chief of Staff Changes Press Conference*, Office of the Governor (Dec. 2, 2013)) at 8.

[571] *Id.*

[572] *Id.*

[573] *Id.* at 9. The following day, Wildstein requested excerpts of the transcript from the Governor's press conference, which Drewniak provided. Ex. 288 (2013.12.03 Email Exchange between Wildstein, Drewniak, et al.).

[574] Ex. 289 (*NY-NJ port police union chief wades into GWB tiff*, Associated Press (Dec. 4, 2013) *available at* http://online.wsj.com/article/AP6d7d54d5ec174932a2d63eb666ca89cb.html). In addition, Nunziato commented at that time that he did not believe the lane realignment was an act of "political retribution." *Id.* However, in March 2014, Nunziato's lawyer sought to clarify Nunziato's previous statements, stressing that "Paul Nunziato had nothing to do with nor knowledge of the planning, implementation or execution" of the realignment and that the only time

Nunziato spoke to Wildstein about access lanes was about an unrelated traffic problem near Fort Lee. *See* Ex. 173 (William K. Rashbaum, *Head of Port Authority Police Union Questioned in Bridge Inquiry*, The New York Times (Mar. 4, 2014) (quoting statement from Nunziato's lawyer) *available at* http://www.nytimes.com/2014/03/05/nyregion/head-of-port-authority-police-union-questioned-in-bridge-inquiry.html).

575 Ex. 289 (*NY-NJ port police union chief wades into GWB tiff*, Associated Press (Dec. 4, 2013) *available at* http://online.wsj.com/article/AP6d7d54d5ec174932a2d63eb666ca89cb.html).

576 Ex. 290 (2013.12.03 10:51 PM Email from Wildstein to Drewniak).

577 *Id.* (2013.12.04 Email Exchange between Drewniak and Wildstein).

Two minutes after he proposed that he and Wildstein have dinner in New Brunswick that evening, at 8:17 a.m., Drewniak emailed Kelly to ask if she was available "to go over something with you of some importance." Kelly responded: "Yes. Want me to call you now?" Ex. 291 (2013.12.04 9:18 AM Email from Kelly to Drewniak). That exchange was about a press inquiry unrelated to the lane realignment. Specifically, on December 2, 2013, Ted Sherman, a reporter from *The Star-Ledger* followed up on a previous inquiry relating to the Department of Education's criteria for distributing a $4.5 million donation from the United Arab Emirates to New Jersey schools affected by Superstorm Sandy. Ex. 292 (2013.12.02 6:08 PM Email from Yaple to Reed, et al.). Over the next couple of days, Drewniak and his colleagues discussed the issue. *Id.* (2013.12.03 10:41 AM Email from Dolan to Drewniak, et al.). Drewniak and Kelly's conversation on December 3, 2013, following Drewniak's 8:17 a.m. email to Kelly, was on this issue.

578 Ex. 293 (2013.12.05 8:26 AM Email from Wildstein to Drewniak).

579 Ex. 294 (2013.12.05 8:00 PM Text Message from Drewniak and McKenna).

580 *Id.* (2013.12.05 9:25 PM Text Message from McKenna to Drewniak).

581 Ex. 296 (2013.12.06 2:29 PM Email from Drewniak to Wildstein).

582 *Id.*

583 Ex. 297 (2013.12.06 3:51 PM Email from Governor Christie to Drewniak).

584 Ex. 298 (2013.12.06 5:19 PM Email from Drewniak to Wildstein).

585 Ex. 48 (Alex Napoliello, *David Wildstein resigns amid GW Bridge lane closure controversy*, The Star-Ledger (Dec. 6, 2013) *available at* http://www.nj.com/politics/index.ssf/2013/12/port_authority_official_with_christie_ties_resigns_amid_george_washington_bridge_lane_closure_contro.html).

586 *See* Ex. 19 (Assembly Committee Meeting (Dec. 9, 2013)).

587 *See id.* (Assembly Committee Meeting (Testimony of Cedrick Fulton (Dec. 9, 2013)) at 16.

588 *Id.* at 17, 19. In conversation with Foye and Ma, Durando similarly referred to the lane realignment as "the most screwed up thing he has been involved with in his career." Ex. 174 (2013.10.17 Notes by Ma of Meeting with Durando, et al.).

589 *See* Ex. 19 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16, 67–68.

590 *Id.* at 17, 19.

591 *Id.* at 28.

592 *Id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 82, 87.

593 *Id.* at 93, 94, 96.

594 *Id.* at 120.

595 *Id.* (Assembly Committee Meeting (Testimony of Patrick Foye (Dec. 9, 2013) at 144–145.

596 *Id.*

597 *Id.* at 167.

598 *Id.* at 155.

599 During a December 2, 2013 Port Authority "New York Commissioners Pre-Call," Foye apparently briefed the New York Commissioners about his scheduled December 9 testimony. Foye noted that the lane realignment was "a really sensitive issue for the Agency, and for the NJ Governor's office." On a personal level, Foye noted: "From my end, let me just say this: I welcome the subpoena and the opportunity to testify. I'm going to appear, and tell them what I know. I'll leave it at that." Ex. 299 (New York Commissioners Pre-Call (Dec. 2, 2013)).

600 *See* Ex. 300 (Steve Strunsky, *Port Authority's inspector general launches probe of GWB lane closures*, The Star-Ledger (Dec. 10, 2013) *available at* http://www.nj.com/news/index.ssf/2013/12/port_authority_inspector_general_gwb.html).

601 Ex. 301 (2013.11.27 2:23 PM Email from Foye to Glaser, et al.); *id.* (2013.11.27 3:19 PM Email from Glaser to Schwartz).

602 Ex. 302 (Jenna Portnoy, *N.J. lawmaker issues more subpoenas in George Washington Bridge closure controversy*, The Star-Ledger (Dec. 12, 2013) *available at* http://www.nj.com/politics/index.ssf/2013/12/nj_lawmaker_issues_subpoenas_in_george_washington_bridge_closure_controversy.html).

603 Ex. 303 (2013.12.12 9:02 PM GMT Text Message from Kelly to O'Dowd).

604 *See* Ex. 35 (2013.12.13 11:38 AM Email from Renna to Renna).

605 Ex. 49 (2013.12.13 9:31 AM Email from O'Brien to Panebianco, et al.).

606 At some point during December 2013, Stepien told DuHaime that Wildstein had also come to him beforehand with this idea to do a traffic study, but Wildstein was constantly coming to Stepien with "crazy ideas," and Stepien sidestepped Wildstein's idea, telling Wildstein that Stepien was no longer in the Governor's Office, so Wildstein would have to take his idea to "Trenton." DuHaime came away from that conversation believing that Stepien had not done anything wrong, and that Stepien was not involved in the lane realignment decision. DuHaime believes that he eventually conveyed this information to the Governor, although he was unsure when.

607 Ex. 304 (Revised Public Schedule for Governor Chris Christie and Lt. Governor Kim Guadagno for December 13 (Dec. 13, 2013)).

608 Ex. 305 (Transcript, *Port Authority Press Conference*, Office of the Governor (Dec. 13, 2013)) at 5.

609 *Id.*

610 *Id.*

611 Ex. 245 (2013.09.23 519 PM Email from Ashmore to Kelly, et al.).

612 During the December 13, 2013 press conference and apparently following up on her concern with whether she should talk directly to the Governor, Kelly texted O'Dowd: "Let me know what you want me to do." Ex. 306 (2013.12.13 4:38 PM GMT Text Message from Kelly to O'Dowd). Later that day, as Kelly followed up with O'Dowd, she texted him that she was trying to connect with him and also that she needed to leave the office early due to a childcare issue. Ex. 307 (2013.12.13 6:59 PM GMT Text Message from Kelly to O'Dowd); Ex. 308 (2013.12.13 7:48 PM GMT Text Message from Kelly to O'Dowd); Ex. 309 (2013.12.13 8:02 PM GMT Text Message from O'Dowd to Kelly); Ex. 310 (2013.12.13 3:08 PM Email from Panebianco to O'Dowd).

613 Ex. 311 (Assembly Transportation, Public Works and Independent Authorities Committee Subpoena to David Wildstein (Dec. 30, 2013) (served on December 31, 2013)); Ex. 118 (N.J. Assembly Res. 91, 215th Leg. (N.J. 2013) (introduced on Feb. 7, 2013 and sponsored by AssemblymenWisniewski, Huttle, and Mosquera)).

614 *See* Ex. 50 (Kate Zernike, *Christie Faces Scandal on Traffic Jam Aides Ordered*, The New York Times, (Jan. 8, 2014) *available at* http://www.nytimes.com/2014/01/09/nyregion/christie-aide-tied-to-bridge-lane-closings.html); Ex. 312 (Shawn Boburg, *Christie stuck in a jam over GWB lane closings*, The Bergen Record (Jan. 8, 2014) *available at* http://www.northjersey.com/news/christie-says-he-was-misled-on-gwb-lane-closures-1.705813?page=all).

615 *See* Ex. 50 (Kate Zernike, *Christie Faces Scandal on Traffic Jam Aides Ordered*, The New York Times, (Jan. 8, 2014) *available at* http://www.nytimes.com/2014/01/09/nyregion/christie-aide-tied-to-bridge-lane-closings.html).

As a result of the release of the emails produced to the Assembly Transportation Committee, Drewniak's cell phone number and personal e-mail address were posted online, including on CNN, and thus released to the public. Ex. 313 (2014.01.08 9:30 GMT Text Message from +1252241___ to Drewniak). That evening and over the following days, he received a series of unsolicited text messages and emails from total strangers, including hate messages calling Drewniak and others a "disgrace to public service," a "bunch of sleezebags," and "hop[ing] u Yankee's [sic] burn for what u did" and blaming them for the "mess with the bridge." Ex. 314 (2014.01.09 8:42 PM GMT Text Message from +1972529___ to Drewniak); Ex. 315 (2014.01.09 11:00 GMT Text Message from +1205208___ to Drewniak); Ex. 316 (2014.01.08 8:31 PM GMT Text Message from +1940337__ to Drewniak); Ex. 317 (2014.01.11 6:46 PM Email from Alex to Drewniak); Ex. 318 (2014.01.11 2:42 AM Email from Ver Berkmoes to Drewniak); Ex. 319 (2014.01.08 10:58 PM GMT Text Message from +1917669__ to Drewniak). Some strangers apparently thought it would be amusing to send Drewniak text messages or emails suggesting, without knowledge, that Drewniak or others may have been involved in the Bridge lane realignment. *Id.*; Ex. 320 (2014.01.09 4:09 GMT Text Message from +1917669___ to Drewniak); Ex. 317 (2014.01.11 6:46 PM Email from Alex to Drewniak).

616 Ex. 321 (Angela Delli Santi & David Porter, *Messages tie Christie aid to NJ traffic jam*, Associated Press (Jan. 8, 2014) *available at* http://news.yahoo.com/messages-tie-christie-aide-nj-traffic-jam-230034650.html).

617 Ex. 322 (*Full transcript NJ Gov. Chris Christie's Jan. 9 news conference on GWB scandal*, The Washington Post (Jan. 9, 2014) *available at* http://www.washingtonpost.com/politics/transcript-chris-christies-news-conference-on-george-washington-bridge-scandal/2014/01/09/d0f4711c-7944-11e3-8963-b4b654bcc9b2_story.html).

618 *Id.*

619 *Id.*

620 *Id.*

621 *Id.*

622 *Id.*

623 Ex. 323 (Eric Lach, *U.S. Attorney's Office Confirms It Is Looking Into Bridge Scandal*, Talking Points Memo (Jan. 9, 2014) *available at* http://talkingpointsmemo.com/livewire/federal-investigation-christie).

624 Ex. 324 (Assembly Committee Hearing (Testimony of David Wildstein) (Jan. 9, 2014)) at 14.

625 On September 13, 2013, *The Bergen Record* published Mayor Sokolich's initial musings about why he had not received a response to his requests that the Port Authority explain the traffic congestion: "I thought we had a good relationship. Now I'm beginning to wonder if there's something I did wrong. Am I being sent some sort of message?" Ex. 1 (John Cichowski, *Road Warrior: Closed Tollbooths a Commuting Disaster*, The Bergen Record (Sept. 13, 2013) *available at* http://www.northjersey.com/news/new-york-tri-state-area/road-warrior-closed-tollbooths-a-commuting-disaster-1.639923). Soon after, however, Mayor Sokolich definitively rejected these musings. On September 17, 2013, *The Wall Street Journal* article was the first to report the media's speculation that the lane realignment "could be retribution for Mr. Sokolich's decision not to endorse Mr. Christie in his re-election bid in November." Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774). The article then quoted Mayor Sokolich's reaction to the speculation of political retribution: "Mr. Sokolich said he had a good relationship with the Christie Administration and couldn't imagine he would be important enough for the campaign to punish him for not publicly endorsing Mr. Christie." *Id.* On November 14, 2013, in response to an article in *The Star-Ledger* on the issue, Mayor Sokolich submitted a letter to the editor stating: "I have read with disappointment your article . . . . [,] indicat[ing] that I stated that the lane closures are the result of 'punishment for refusal to support Governor Christie's re-election campaign.' This is simply not true. I have consistently and without deviation stated on the record that in no way do I believe that these lane closures are a result of my refusal to support the governor.

In fact, I advised you that I was never asked to either support or endorse the Governor." Ex. 276 (Mayor Mark Sokolich, Letter to the Editor, *Fort Lee Mayor: Not true*, The Star-Ledger (Nov. 14, 2013) (responding to Steve Strunsky, *Fort Lee mayor asserts GWB bridge closures had 'punitive overtones'*, The Star-Ledger (Nov. 13, 2013) *available at* http://www.nj.com/news/index.ssf/2013/11/letter_mayor_gwb_closures_port.html). Mayor Sokolich has since changed his mind, reportedly telling the press that "the tie-ups were payback," but the basis for his shift is not apparent. *See, e.g.*, Ex. 167 (David Voreacos, *Christie Relationship with Fort Lee Mayor Began Over Meal*, Bloomberg (Feb. 8, 2014) *available at* http://www.bloomberg.com/news/2014-02-07/christie-relationship-with-fort-lee-mayor-began-over-tenderloin.html).

626 Section II of the Code of Conduct For Employees of the Office of the Governor states: "All employees of the Governor's Office must . . . conduct themselves in the course of their duties in a manner that fosters the respect, trust and confidence of the public. Employees must avoid any activity or association that is, or appears to be, a violation of the public trust." Ex. 325 (Office of the Governor, *Code of Conduct For Employees of the Office of the Governor* (Feb. 2002)) § II. Similarly, the Guide to Port Authority Ethical Standards provides, "you should not, by your conduct, give the appearance that anyone can improperly influence you, nor should you act in a way that might reasonably lead to the conclusion that you are engaged in acts which are in violation of the public trust." Ex. 326 (The Port Authority of New York & New Jersey, *The Guide to Port Authority Ethical Standards, Introduction*).

627 Ex. 27 (2014.01.15 Letter from the Port Authority of New York & New Jersey to John D. Rockefeller IV, Chairman of the U.S. Senate Committee on Commerce, Science and Transportation) at 7.

628 Ex. 187 (2013.09.09 7:28 AM Email from Wildstein to Durando); Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton et al.); Ex. 2 (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 91–92.

629 Ex. 327 (Michael Phillis, *Port Authority breaks silence on George Washington Bridge delays*, The Bergen Record (Nov. 25, 2013) *available at* http://www.northjersey.com/news/port-authority-breaks-silence-on-george-washington-bridge-delays-1.599390).

630 *See* Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton, et al.); *see also* Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 16.

631 Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

632 *See* Ex. 2 (Assembly Committee Meeting (Testimony of Cedrick Fulton) (Dec. 9, 2013)) at 20-22; *see also id.* (Assembly Committee Meeting (Testimony of Robert Durando) (Dec. 9, 2013)) at 83.

633 Ex. 174 (2013.10.17 Notes by Ma of Meeting with Fulton, et al.); Ex. 6 (2013.10.18 Notes by Ma of Meeting with Fulton, et al.).

634 Ex. 328 (Josh Margolin, *PolitickerNJ's tightly guarded secret is out*, The Star-Ledger (June 5, 2010) *available at* http://www.nj.com/news/index.ssf/2010/06/politickernjs_secret_is_out_ed.html).

635 Ex. 10 (Kate Zernike, *On Blog, an Ex-Christie Ally Showed Approach To Politics*, The New York Times (Feb. 6, 2014) *available at* http://www.nytimes.com/2014/02/07/nyregion/on-blog-an-ex-christie-ally-showed-approach-to-politics.html).

636 Ex. 43 (2013.09.10 8:11 AM Text Message from Wildstein to Kelly).

637 Ex. 192 (2013.09.09 10:13 AM Email from Wildstein to Kelly).

638 Ex. 47 (2013.10.02 728 AM Email from Wildstein to Stepien).

639 Ex. 41 (2013.09.13 1144 AM Email from Wildstein to Kelly).

640 Ex. 44 (2013.09.18 5:30 AM Email from Wildstein to Stepien).

641 Ex. 324 (Assembly Committee Meeting (Testimony of David Wildstein) (Jan. 9, 2014)) at 14.

642 *See Graystone Nash*, 25 F.3d at 190; *In re Grand Jury*, 286 F. Supp. at 160–161.

643 Ex. 20 (2013.08.13 Kelly and Wildstein Email Exchange).

644 Ex. 26 (2013.08.28 5:08 PM Email from Wildstein to Kelly).

[645] Ex. 25 (2013.08.29 12:54 PM Email from Rivera to Wildstein, et al.).

[646] Ex. 30 (2013.09.07 9:43 AM Email from Wildstein to Kelly).

[647] Ex. 43 (2013.09.17 1:57 PM Text Message from Wildstein to Kelly).

[648] Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*, The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[649] Ex. 12 (2013.03.26 10:48 PM Text Message from Mowers to Sheridan).

[650] Two independent polls taken between August 15–21, 2013 gave Governor Christie 20- to 28-point leads over Democratic gubernatorial candidate State Senator Barbara Buono. Ex. 329 (*2013 New Jersey Governor – Christie 56%, Buono 36% (Monmouth University 8/15-8/18/13*, HuffPost Pollster, *available at* http://elections.huffingtonpost.com/pollster/polls/monmouth-university-17838); Ex. 330 (*2013 New Jersey Senate – Booker 50%, Lonegan 22% (Fairleigh Dickenson Public Mind 8/21-8/27/13*, HuffPost Pollster, *available at* http://elections.huffingtonpost.com/pollster/polls/fairleigh-dickinson-17872).

[651] Ex. 24 (2013.08.16 Email Exchange between Kelly and Renna).

[652] *Id.* (2013.08.16 7:43 AM Email from Kelly to Renna). Renna did not inquire and did not know for certain the specific reason that Kelly was "really upset" about Ridley's conduct and/or meeting with Mayor Sokolich.

[653] Ex. 179 (2013.08.22 152 PM Email from Kelly to Renna).

[654] *See id.* (2013.08.22 Kelly and Renna Email Exchange).

[655] *See* Ex. 180 (2013.08.22 2:07 PM Email from Kelly to Renna).

[656] Ex. 33 (2013.09.09 1:50 PM Email from Kelly to Ridley, et al.); Ex. 199 (2013.09.09 1:56 PM Email from Kelly to Mowers).

[657] Ex. 192 (2013.09.09 10:06 AM Email from Kelly to Wildstein).

[658] *Id.* (2013.09.09 10:13 AM Email from Wildstein to Kelly).

[659] Ex. 34 (2013.09.10 Text Messages Between Wildenstein and Kelly).

[660] Ex. 35 (2013.09.12 Email Exchange between Renna and Kelly).

[661] When Kelly ultimately disclosed to O'Dowd Renna's September 12, 2013 report of the Sokolich-Ridley call, she provided a version of that email that did not include Kelly's response to Renna "Good." That action is consistent with Kelly's consciousness of guilt.

[662] *See In re Grand Jury*, 286 F.3d at 160–61; *Graystone Nash*, 25 F.3d at 190.

[663] Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) *available at* http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager).

[664] Ex. 53 (David W. Chen & William K. Rashbaum, *Former Aide to Christie Invokes Fifth Amendment Right*, The New York Times (Feb. 3, 2014) *available at* http://www.nytimes.com/2014/02/04/nyregion/former-aide-to-christie-invokes-fifth-amendment.html).

[665] Ex. 5 (2013.09.12 12:52 PM Email from Wildstein to Stepien, et al. (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni) (emphasis removed)).

[666] *Id.* (2013.09.12 12:44 PM Email from Leodori to Baroni (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

[667] *Id.*

[668] *Id.* (2013.09.12 Baroni and Stepien Email Exchange (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

669 Ex. 216 (2013.09.12 12:53 PM Email from Baroni to Stepien (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)).

670 Ex. 44 (2013.09.18 4:54 AM Email from Wildstein to Stepien).

671 *Id.* (2013.09.18 5:15 AM Email from Stepien to Wildstein).

672 *Id.* (2013.09.18 5:30 AM Email from Wildstein to Stepien).

673 *Id.*

674 Ex. 46 (2013.10.01 5:48 PM Text Message from Stepien to Wildstein).

675 Ex. 47 (2013.10.02 Email Exchange between Wildstein and Stepien).

676 Ex. 284 (2013.10.01 9:15 AM Text Message from Stepien to Baroni).

677 *See* Ex. 10 (Kate Zernike, *On Blog, an Ex-Christie Ally Showed Approach To Politics*, The New York Times (Feb. 6, 2014) *available at* http://www.nytimes.com/2014/02/07/nyregion/on-blog-an-ex-christie-ally-showed-approach-to-politics.html).

678 Ex. 16 (Darryl R. Isherwood, *Stepien to take over as Christie campaign manager*, PolitickerNJ (Apr. 29, 2013) *available at* http://www.politickernj.com/65003/stepien-take-over-christie-campaign-manager).

679 *Graystone Nash*, 25 F.3d at 190; *In re Grand Jury*, 286 F. Supp. at 160-61.

680 Ex. 331 (Kim Lueddeke, *Former Port Authority official Bill Baroni lands job with law firm*, The Bergen Record (Mar. 6, 2014) *available at* http://www.northjersey.com/news/nj-state-news/former-port-authority-official-bill-baroni-lands-job-with-law-firm-1.731872).

681 Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 59-60.

682 *Id.* at 60.

683 *See* Ex. 32 (2013.09.09 Email Exchange between Wildstein and Kelly (Wildstein tells Kelly "[r]adio silence" in response to Kelly asking if Baroni called Mayor Sokolich back)); Ex. 3 (2013.09.09 9:10 AM Email from Durando to Wildstein, et al.) (Durando notes that the Fort Lee Police Chief called and was "not happy about our new traffic pattern")); Ex. 200 (2013.09.09 2:05 PM Email from Durando to Fulton, et al. (Durando relays Wildstein's message that Baroni will get back to the Mayor "at some point")); Ex 4 (2013.09.09 11:24 AM Email from Lado to Baroni, et al.) (Lado tells Baroni that "Peggy Thomas, Borough Administrator called . . . regarding the increased volume and congestion of AM rush traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred")); Ex. 193 (2013.09.10 11:31 AM Email between Lado and Baroni) (Baroni is told Mayor Sokolich would like to talk "as soon as possible"); Ex. 5 (2013.09.12 Email from Baroni to Wildstein, et al. (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni) (Baroni forwards to Wildstein correspondence from Mayor Sokolich in which Mayor Sokolich complains that he "incessantly attempted to contact Port Authority representatives to no avail")).

684 *See, e.g.*, Ex. 5 (2013.09.12 Email from Baroni to Wildstein, et al. (attaching 2013.09.12 Letter from Mayor Sokolich to Baroni)); Ex. 38 (2013.09.12 6:03 PM Text Messages from Baroni to Wildstein); Ex. 34 (2013.09.10 1:34 PM Text Messages between Wildenstein and Kelly (Kelly forwards Wildstein a text that Baroni received from Mayor Sokolich)).

685 Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013) at 21).

686 Ex. 161 (2010.11.09 Letter from Mayor Sokolich to Baroni) at 1.

687 Ex. 168 (Mike Kelly, *GWB scandal: Fort Lee mayor now says Christie campaign courted him for endorsement*, The Bergen Record (Feb. 7, 2014) *available at* http://www.northjersey.com/news/nj-state-news/gwb-scandal-fort-lee-mayor-now-says-christie-campaign-courted-him-for-endorsement-1.667541).

688 *See* Ex. 38 (2013.09.17 6:03 PM Text Message from Baroni to Wildstein).

689 Ex. 40 (2013.09.13 9:03 AM Email from Baroni to Foye, et al.).

690 Ex. 42 (2013.09.17 1:59 PM Text from Baroni to Wildstein).

691 Of note, repeated references by Baroni and Wildstein to Mayor Sokolich as "Serbia" and "Serbian" are offensive. Ex. 38 (2013.09.12 6:03 PM Text Message from Baroni to Wildstein); Ex. 42 (2013.09.17 1:33 PM, 1:56 PM Text Messages from Baroni to Wildstein); Ex. 44 (2013.09.18 5:30 AM Email From Wildstein to Stepien); Ex. 39 (Ariel Kaminer, *In Bridge Scandal, a Slight Heard Around the World*, The New York Times (Jan. 11, 2014) (noting Mayor Sokolich is Croatian) *available at* http://www.nytimes.com/2014/01/11/nyregion/in-bridge-scandal-a-slight-heard-around-the-world.html).

692 *See* Ex. 40 (2013.09.13. 8:55 AM Email from Foye to Baroni, et al.).

693 Ex. 2 (Assembly Committee Meeting (Testimony of Patrick Foye) (Dec. 9, 2013)) at 161, 163.

694 *Id.* at 173.

695 *Id.* at 154.

696 *See* Ex. 19 (Assembly Committee Meeting (Testimony of William Baroni) (Nov. 25, 2013)).

697 Ex. 332 (2013.09.13 2:11 PM Email from Crifo to Wildstein).

698 Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Drewniak, et al.).

699 Ex. 37 (2013.09.12 318 PM Email from Wildstein to Drewniak, et al.).

700 Ex. 225 (2013.09.12 6:27 PM Email from Marsico to Rechler, et al.).

701 *See* Ex. 218 (2013.09.12 3:36 PM Email from Renna to Kelly).

702 *Id.*

703 Ex. 35 (2013.09.12 11:44 PM Email from Kelly to Renna).

704 Ex. 230 (2013.09.13.10:43 AM Email from Baroni to Egea).

705 Ex. 241 (2013.09.17 4:34 PM Email from Drewniak to Haddon).

706 Ex. 45 (2013.09.18 7:35 AM Email from Drewniak to Wildstein).

707 Ex. 252 (2013.10.01 2:49 PM Email from Drewniak to Mann).

708 Ex. 250 (2013.10.01 1:40 PM Email from Drewniak to Comella, et al.); *Id.* (2013.10.01 1:42 PM Email from Drewniak to Comella, et al.).

709 *See* Ex. 270 (2013.10.28 Email Exchange between Strunsky, a reporter for *The Star-Ledger*, and Drewniak); Ex. 272 (2013.11.06 Email Exchange between Drewniak and Mann).

710 *See, e.g.*, Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 4–5, 8–10, 14–16, 19–20.

711 *See* Ex. 327 (Michael Phillis, *Port Authority Breaks Silence on George Washington Bridge Delays*, The Bergen Record (Nov. 25, 2013) *available at* http://www.northjersey.com/news/port-authority-breaks-silence-on-george-washington-bridge-delays-1.599390).

712 On or about December 12, 2013, Baroni also mentioned to his Port Authority successor in the Governor's Office, Gramiccioni, that he heard there were emails reflecting some Governor's staff knowledge of the lane realignment, mentioned Kelly by name in that context, but said he had not seen any such emails himself. Gramiccioni believes she conveyed this information to others, including the Governor, on December 12, 2013.

713 Ex. 322 (*Full transcript: NJ Gov. Chris Christie's Jan. 9 news conference on George Washington Bridge scandal*, The Washington Post (Jan. 9, 2014) *available at* http://www.washingtonpost.com/politics/transcript-chris-christies-news-conference-on-george-washington-bridge-scandal/2014/01/09/d0f4711c-7944-11e3-8963-b4b654bcc9b2_story.html).

714 Ex. 212 (Dustin Racioppi, Kristi Funderburk and Larry Higgs, *Fire consumes N.J. boardwalk rebuilt after Sandy*, USA Today (Sept. 13. 2013) *available at* http://www.usatoday.com/story/news/nation/2013/09/12/seaside-nj-boardwalk-fire/2806627/).

[715] Ex. 333 (Office of Constituent Relations Mail and Telephone Issues (Sept. 6–9, 2013)).

[716] Ex. 54 (2014.01.31 Letter from Zegas to Buchbinder) at 2.

[717] *Id.*

[718] Ex. 209 (Ted Mann, *Christie, Official Who Arranged Bridge Closures Were Together During Fiasco,* The Wall Street Journal (Jan. 14, 2014) *available at* http://blogs.wsj.com/metropolis/2014/01/14/christie-official-who-arranged-bridge-closures-together-during-fiasco/).

[719] Ex. 324 (Assembly Committee Meeting (Testimony of David Wildstein) (Jan. 9, 2014)) at 54.

[720] *See* Ex. 287 (Transcript, *Chief of Staff Changes Press Conference,* Office of the Governor (Dec. 2, 2013)) at 9.

[721] *See id.*

[722] Ex. 305 (Transcript, *Port Authority Press Conference,* Office of the Governor (Dec. 13, 2013)) at 5.

[723] Ex. 322 (*Full transcript: NJ Gov. Chris Christie's Jan. 9 news conference on George Washington Bridge scandal,* The Washington Post (Jan. 9, 2014) *available at* http://www.washingtonpost.com/politics/transcript-chris-christies-news-conference-on-george-washington-bridge-scandal/2014/01/09/d0f4711c-7944-11e3-8963-b4b654bcc9b2_story.html).

[724] Ex 135 (David Matthau, *Christie: Subpoenaed by Feds and Cooperating* New Jersey 101.5 (Feb. 3, 2014) *available at* http://nj1015.com/christie-cooperating-with-feds-probing-bridgegate-audio/).

[725] *See, e.g.*, Ex. 130 (Darryl Isherwood, *Watson Coleman steps down from bridgegate investigation committee after calling for Gov. Chris Christie to resign,* The Star-Ledger (Feb. 28, 2014) (Assemblywoman Bonnie Watson Coleman (D-Mercer/Hunterdon) was a member of the SCI, but resigned one day after calling for the Governor's resignation) *available at* http://www.nj.com/politics/index.ssf/2014/02/watson_coleman_steps_down_from_bridgegate_investigation_commitee_after_calling_for_gov_chris_christi.html); Ex. 22 (Shawn Boburg, Abbott Koloff and Stephanie Akin, *New GWB files, same callous jokes,* The Bergen Record (Feb. 27, 2014) (Senator Weinberg's statement)).

[726] Ex. 22 (Shawn Boburg, Abbott Koloff and Stephanie Akin, *New GWB files, same callous jokes,* The Bergen Record (Feb. 27, 2014) *available at* http://www.northjersey.com/news/gwb-scandal-release-of-previously-redacted-messages-reveals-new-information-1.731391).

[727] *See, e.g.*, Ex. 9 (Ted Mann and Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed,* The Wall Street Journal (Sept. 17, 2013) *available at* http://online.wsj.com/news/articles/SB10001424127887324665604579081630876156774).

[728] For example, of the 21 Democratic mayors and elected officials whom IGA initially listed as potential endorsements in January 2013, *see* Ex. 11 (2013.01.24-9:04 AM Email from Sheridan to Mowers, et al.), only eight ultimately endorsed the Governor. According to another estimate, "90 percent" of Democratic mayors chose not to endorse the Governor's re-election. Ex. 334 (Melissa Hayes, *Jersey City mayor calls out 'petty Christie-crats',* The Bergen Record, (Jan. 6, 2014) *available at* http://www.northjersey.com/news/jersey-city-mayor-calls-out-petty-christie-crats-1.711796).

[729] *See, e.g.*, Ex. 170 (Jim McElhatton, *Charm Offensive: Christie actively wooed Democrats in 2013 race,* The Washington Times (Jan. 16, 2014) *available at* http://www.washingtontimes.com/news/2014/jan/16/new-jerseys-democratic-mayors-recall-christies-out/?page=all (reporting the results of its outreach to "Democratic municipal officials across the state, several of whom were courted by the Christie campaign. None of these officials described suffering any retribution for declining to endorse the governor . . . .")); Ex. 171 (Kate Zernike and Matt Flegenheimer, *Even Before Fort Lee Lane Closings, Port Authority Was a Christie Tool,* The New York Times (Mar. 11, 2014) (noting that Mayor LaBarbiera described how "when he informed the campaign that he would not endorse the governor, his relationship with the administration did not change") *available at* http://www.nytimes.com/2014/03/11/nyregion/even-before-fort-lee-lane-closings-port-authority-was-a-christie-tool.html).

730 There has been at least one other public allegation made of a mayor's meetings being cancelled supposedly over a failure to endorse, but the withdrawal of such a courtesy is simply not comparable to this serious allegation involving Mayor Sokolich. And there is a big difference between not going out of one's way to extend courtesies and what is alleged to have occurred in the Fort Lee incident.

731 Ex. 9 (Ted Mann & Heather Haddon, *Bridge Jam's Cause a Mystery: New Jersey Official Say They Weren't Warned That Local Lanes Would Be Closed,* The Wall Street Journal (Sep. 17, 2013)).

732 Ex. 14 (Mayor Mark Sokolich, Letter to the Editor, *Fort Lee Mayor: Not true*, The Star-Ledger (Nov. 14, 2013) (responding to Steve Strunsky, *Fort Lee mayor asserts GWB bridge closures had 'punitive overtones'*, The Star-Ledger (Nov. 13, 2013)).

733 *See* Ex. 335 (Kate Zernike, *Stories Add Up as Bully Image Trails Christie*, The New York Times (Dec. 24, 2013) *available at* http://www.nytimes.com/2013/12/25/nyregion/accounts-of-petty-retribution-reinforce-christies-bullying-image.html).

734 Ex. 336 (*Governor Chris Christie's inauguration speech*, The Star-Ledger (Jan. 19, 2010) *available at* http://www.nj.com/politics/index.ssf/2014/01/chris_christies_2014_inaugration_read_the_governors_speech.html).

735 For example, Governor Christie reached across the aisle to get bipartisan legislation passed on wide-ranging issues, including public pension reform, property tax relief, medical marijuana, a ban on gay conversion therapy, and the "Dream Act." *See, e.g.*, Ex. 337 (*N.J. Gov. Chris Christie signs pension, benefits changes for state employees*, The Star-Ledger (Mar. 22, 2010) *available at* http://www.nj.com/news/index.ssf/2010/03/nj_assembly_passes_pension_bil.html); Ex. 338 (Terrence Dopp, *Christie Signs 2% Annual Property-Tax Cap on New Jersey Towns and Schools*, Bloomberg, (July 13, 2010) *available at* http://www.bloomberg.com/news/2010-07-13/christie-signs-2-annual-property-tax-cap-on-new-jersey-towns-and-schools.html); Ex. 339 (Ginger Gibson, *Gov. Chris Christie signs N.J. public worker pension overhaul bill*, The Star-Ledger (June 28, 2011) *available at* http://www.nj.com/news/index.ssf/2011/06/gov_chris_christie_signs_nj_pu.html); Ex. 340 (Kate Zernike, *Christie Signs Bill Overhauling Job Guarantees for Teachers*, The New York Times (Aug. 6, 2012) *available at* http://www.nytimes.com/2012/08/07/nyregion/christie-signs-bill-overhauling-teacher-tenure.html?_r=0); Ex. 341 (Salvador Rizzo, *Christie's $33 billion budget sails through Legislature*, The Star-Ledger (June 24, 2013) *available at* http://www.nj.com/politics/index.ssf/2013/06/christies_329_billion_budget_sails_through_legislature.html); Ex. 342 (Lorenzo Ferrigno, *Christie seeks changes in New Jersey medical marijuana bill*, CNN (Aug. 16, 2013) *available at* http://www.cnn.com/2013/08/16/politics/new-jersey-medical-marijuana/); Ex. 343 (Associated Press, *Chris Christie signs New Jersey ban on gay conversion therapy*, Politico (Aug. 19, 2013) *available at* http://www.politico.com/story/2013/08/chris-christie-gay-conversion-therapy-new-jersey-95666.html); Ex. 344 (Jose DelReal, *Chris Christie signs, lauds N.J. DREAM Act*, Politico (Jan. 7, 2014) *available at* http://www.politico.com/story/2014/01/chris-christie-new-jersey-dream-act-101856.html). His bipartisan approach to Sandy aid, including his policy decision to support a needs-based approach in allocating it, has also been recognized. Ex. 345 (Kate Zernike, *One Result of Hurricane: Bipartisanship Flows*, The New York Times (Oct. 31, 2012) *available at* http://www.nytimes.com/2012/11/01/nyregion/in-stunning-about-face-chris-christie-heaps-praise-on-obama.html). And in the aftermath of Superstorm Sandy, he toured the devastation with President Obama and at one point embraced him—a powerful symbol of national unity but a controversial move within his own party on the eve of the November 2012 general election. *See e.g.*, Ex. 346 (Michael Crowley, *The Boss*, Time Magazine (Jan. 9, 2013)) *available at* http://swampland.time.com/2013/01/09/the-boss/. Moreover, unlike some of his fellow Republican Governors, he accepted expanded federal Medicaid funding for New Jersey under the Affordable Care Act, which was one of President Obama's signature achievements during his first term. Ex. 347 (Rick Ungar, *Chris Christie Says Yes To Obamacare Medicaid Expansion*, Forbes.com (Feb. 26, 2013) *available at* http://www.forbes.com/sites/rickungar/2013/02/26/chris-christie-says-yes-to-obamacare-medicaid-expansion/).

736 Ex. 348 (Christopher Baxter, *Christie bridge scandal: Recipients of 18 new subpoenas revealed*, The Star-Ledger (Feb. 10, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/02/christie_bridge_scandal_nj_committee_issues_more_subpoenas.html).

737 Ex. 349 (Brent Johnson, *Chris Christie's helicopter did not fly over GWB last September, State Police says*, The Star-Ledger (Feb. 11, 2014) *available at*

http://www.nj.com/politics/index.ssf/2014/02/chris_christies_helicopter_did_not_fly_over_gwb_last_september_state_police_says.html).

738 *Id.*

739 *Id.*

740 Ex. 350 (New Jersey State Police Aviation Unit Activity Reports from 2013.09.08-2013.09.13).

741 Ex. 121 (N.J. Assembly Concurrent Res. No. 10, 216th Leg. (N.J. 2014) (introduced on Jan. 27, 2014 and sponsored by Assemblymen Prieto, Greenwald, and Wisniewski)) ("ACR-10").

742 *See, e.g.*, Ex. 278 (Senator Loretta Weinberg, *Another Open Letter: This Time to the Port Authority* (Nov. 16, 2013) *available at* http://www.bluejersey.com/diary/24215/another-open-letter-this-time-to-the-port-authority); Ex. 124 (Press Release, Assembly Democrats, *Wisniewski Issues 20 Subpoenas as Part of Investigation into George Washington Bridge Lane Closings & Abuse of Government Power Concerns* (Jan. 16, 2014) *available at* http://www.assemblydems.com/Article.asp?ArticleID=7724); Ex. 105 (Christopher Baxter, *UPDATED: Timeline of Port Authority's George Washington Bridge controversy*, The Star-Ledger (Jan. 14, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/03/timeline_of_the_port_authoritys_george_washington_bridge_lane_closure_controversy.html).

743 *See, e.g.*, Ex. 36 (2013.09.12 3:11 PM Email from Wildstein to Kelly, et al.).

744 Ex. 351 (Jack Gillum & Katie Zezima, *No medical issues from lane closures: Emergency data show good fortune in N. Jersey*, Associated Press (Feb. 14, 2014) *available at* http://www.philly.com/philly/news/20140214_No_medical_issues_from_lane_closures.html).

745 *Id.*

746 *Id.*

747 *Id.*

748 *Id.*

749 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5; Ex. 352 (Dean DeChiaro, *City to determine future of Rockefeller property*, Hoboken Reporter (Feb. 2, 2014) *available at* http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

750 Ex. 353 (Sarah Gonzalez, *NJ Mayors: Was Christie Getting Revenge on Me, Too?*, WNYC & NJPR (Jan. 10, 2014) *available at* http://www.wnyc.org/story/nj-mayors-was-christie-getting-revenge-me-too/).

751 Ex. 60 (Chris Frates, *First on CNN: Mayor behind Christie allegations full of contradictions*, CNN (Feb. 3, 2014) *available at* http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/).

752 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

753 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5; Ex. 352 (Dean DeChiaro, *City to determine future of Rockefeller property*, Hoboken Reporter (Feb. 2, 2014) *available at* http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

754 Ex. 354 (Erin Durkin, *New Jersey mayor's diary: Chris Christie held Hurricane Sandy aid 'hostage'*, New York Daily News (Jan. 19, 2014), *available at* http://www.nydailynews.com/news/politics/n-mayor-christie-held-sandy-aid-hostage-article-1.1584658?print); *see also* Ex. 79 (Transcript of NJTV Superstorm Sandy A Live Town Hall (May 16, 2013)).

755 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html); Ex. 86

(Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

[756] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 13.

[757] Ex. 353 (Sarah Gonzalez, *NJ Mayors: Was Christie Getting Revenge on Me, Too?*, WNYC & NJPR (Jan. 10, 2014) *available at* http://www.wnyc.org/story/nj-mayors-was-christie-getting-revenge-me-too/).

[758] *Id.*

[759] *Id.*

[760] *Id.*

[761] Ex. 60 (Chris Frates, *First on CNN: Mayor behind Christie allegations full of contradictions*, CNN (Feb. 3, 2014) *available at* http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/).

[762] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 14, 4.

[763] *Id.* at 13.

[764] *Id.* at 15.

[765] *Id.*at 14.

[766] *Id.* at 14–15.

[767] Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie know?*, Hoboken Reporter (Jan. 19, 2014) *available at* http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

[768] *Id.*

[769] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html).

[770] *Id.* at 2.

[771] Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie know?*, Hoboken Reporter (Jan. 19, 2014) *available at* http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know-).

[772] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[773] *Id.*

[774] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html).

[775] *Id.* at 3.

[776] *Id.* at 5.

[777] *Id.*

[778] *Id.*

[779] Ex. 355 (Office of the Governor, *Administration,* Cabinet, *Richard E. Constable III, Esq.*).

[780] *See* Ex. 59 (Daily News Zimmer Journal) at 2–4.

[781] *See id.*

782 *Id.* at 2, 3–4.

783 Ex. 150 (Press Release, Office of the Governor, *Governor Chris Christie Names Former Executive Assistant Attorney General Marc Ferzan to Manage Hurricane Sandy Storm Recovery* (Nov. 28, 2012)).

784 Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

785 *See* Ex. 356 (*Chris Christie's office denies linking Sandy funds to project*, CBC News (Jan. 20, 2014) *available at* http://www.cbc.ca/news/world/chris-christie-s-office-denies-linking-sandy-funds-to-project-1.2503408).

786 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 5.

787 *Id.* at 9–10.

788 *See, e.g.*, Ex. 357 (2013.10.02 12:30 PM Email from Bryan to Mowers (offering to provide Governor Christie's re-election campaign with a letter of "support" from Mayor Zimmer, saying she was "proud to stand with" the Governor because he "was there for us when we needed him most, responding to the crisis of Superstorm Sandy")); Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) (thanking Governor Christie, stating "[h]is leadership helped pull our state through, and his bipartisanship showed us all the need to put people before politics") *available at* http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/) at 2; Ex. 61 (2013.08.20 Tweets from Mayor Zimmer (stating that Governor Christie "has done a great job for NJ & Hoboken" and that she is "very glad Governor Christie has been our Gov.") *available at* https://twitter.com/dawnzimmernj/status/369877512895356928).

789 Ex. 358 (Michael D. Mullins, *Meet Your 3rd and 4th Ward Candidates Council Hopefuls Want to Represent West Side of Town*, Hudson Reporter (May 1, 2007) *available at* http://www.hudsonreporter.com/view/full_story/2411924/article-Meet-your-3rd-and-4th-Ward-candidates-Council-hopefuls-want-to-represent-west-side-of-town).

790 Ex. 359 (Amy Clark, *Hoboken Mayoral Candidate Profiles: Dawn Zimmer*, The Jersey Journal (Oct. 29, 2009) *available at* http://www.nj.com/hobokennow/index.ssf/2009/10/hoboken_mayoral_profiles_dawn.html).

791 *Id.*; Ex. 360 (Ryan Hutchins, *Even before accusing Christie, Hoboken mayor was no pushover*, The Star-Ledger (Mar. 9, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/03/even_before_accusing_chris_christie_hoboken_mayor_dawn_zimmer_was_no_pushover.html). Edelman Public Relations Worldwide states on its website that it is the largest PR firm in the world. Ex. 361 (Edelman, Who We Are, *News & Press*, *available at* http://www.edelman.com/who-we-are/news-press/).

792 Ex. 362 (Our Mayor Dawn Zimmer: Leading Hoboken Forward, *About Mayor Dawn Zimmer*, *available at* http://www.dawnzimmer.com/about).

793 *Id.*

794 *Id.*

795 *Id.*

796 Ex. 363 (Office of the Governor, *Administration, Governor Chris Christie*).

797 *Id.*

798 Ex. 364 (CNN Library, Chris Christie Fast Facts, CNN (Jan. 9, 2014) *available at* http://www.cnn.com/2013/02/17/us/chris-christie-fast-facts/).

799 Ex. 365 (Michael Rispoli, *Gov. Corzine, Chris Christie Trade Barbs About Lobbying Histories*, The Star-Ledger (Aug. 26, 2009) *available at* http://www.nj.com/news/index.ssf/2009/08/gov_corzine_chris_christie_tra.html).

[800] *Id.*

[801] *Id.*

[802] *Id.*

[803] Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*); Ex. 384 (David Wald, *Next In Line: Lt. Gov Kim Guadagno*, New Jersey Monthly (Jan. 21, 2014) *available at* http://njmonthly.com/articles/lifestyle/people/next-in-line-lt-gov-kim-guadagno.html).

[804] Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*); Ex. 384 (David Wald, *Next In Line: Lt. Gov Kim Guadagno*, New Jersey Monthly (Jan. 21, 2014) *available at* http://njmonthly.com/articles/lifestyle/people/next-in-line-lt-gov-kim-guadagno.html).

[805] Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*); Ex. 366 (The United Republican Club of Howell Township, *Kim Guadagno, available at* http://howellrepublican.com/elected-officials/kim-guadagno).

[806] Ex. 367 (Josh Margolin, *UPDATE: Chris Christie Picks Monmouth County Sheriff Kim Guadagno as running mate*, The Bergen Record (July 20, 2009) *available at* http://www.nj.com/news/index.ssf/2009/07/chris_christie_picks_monmouth.html).

[807] Ex. 145 (Office of the Governor, *Administration, Lt. Governor and Secretary of State Kim Guadagno*).

[808] *Id.*

[809] *Id.*

[810] *Id.*

[811] *Id.*

[812] *Id.*

[813] *Id.*

[814] Ex. 368 (Brent Johnson, *Hoboken Sandy allegations DCA Commissioner had reputation for fighting corruption under Christie*, The Star-Ledger (Jan. 18, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/hoboken_sandy_allegations_dca_commissioner_had_reputation_for_fighting_corruption_under_christie.html).

[815] Ex. 355 (Office of the Governor, *Administration,* Cabinet, *Richard E. Constable III, Esq.*).

[816] *Id.*

[817] *Id.*

[818] Ex. 370 (Department of Community Affairs, *About the Commissioner*).

[819] *Id.*

[820] Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011)).

[821] *Id.*; Ex. 372 (Department of Community Affairs, *About DCA*).

[822] Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011)).

[823] *Id.*

[824] *Id.*

[825] Ex. 150 (Press Release, Office of the Governor, *Governor Chris Christie Names Former Executive Assistant Attorney General Marc Ferzan to Manage Hurricane Sandy Storm Recovery* (Nov. 28, 2012)).

826 *Id.*

827 *Id.*

828 *Id.*

829 *Id.*

830 *Id.*

831 *Id.*

832 *Id.*

833 Ex. 373 (Eric S. Blake, et. al., *Tropical Cyclone Report, Hurricane Sandy* (Feb. 12, 2013) *available at* http://www.nhc.noaa.gov/data/tcr/AL182012_Sandy.pdf) at 1.

834 *Id.* at 2-3.

835 *Id.* at 3-4, 10.

836 *Id.* at 10.

837 Ex. 374 (Press Release, The White House, Office of the Press Secretary, *President Obama Signs New Jersey Disaster Declaration* (Oct. 20, 2013) *available at* http://www.whitehouse.gov/the-press-office/2012/10/30/president-obama-signs-new-jersey-disaster-declaration).

838 Ex. 375 (Stephanie Hoopes Halpin, School of Public Affairs and Administration, Rutgers-Newark, *The Impact of Superstorm Sandy on New Jersey Towns and Households*) at 5.

839 Ex. 376 (James Barron, *After the Devastation, a Daunting Recovery*, The New York Times (Oct. 30, 2012) *available at* http://www.nytimes.com/2012/10/31/us/hurricane-sandy-barrels-region-leaving-battered-path.html?pagewanted=all) at 5.

840 Ex. 373 (Eric S. Blake, et. al., *Tropical Cyclone Report, Hurricane Sandy* (Feb. 12, 2013) *available at* http://www.nhc.noaa.gov/data/tcr/AL182012_Sandy.pdf) at 17.

841 *Id.*; Ex. 375 (Stephanie Hoopes Halpin, School of Public Affairs and Administration, Rutgers-Newark, *The Impact of Superstorm Sandy on New Jersey Towns and Households*) at 4.

842 Ex. 375 (Stephanie Hoopes Halpin, School of Public Affairs and Administration, Rutgers-Newark, *The Impact of Superstorm Sandy on New Jersey Towns and Households*) at 91.

843 Ex. 377 (The Rockefeller Group & Dresdner Robin, *Hoboken Flood Mitigation Plan* (attached to 2013.03.05 9:54 AM Email from Reimer to Brody, et al.)) at 2.

844 *Id.*

845 Disaster Relief Appropriations Act of 2013, Pub. L. 113–2, 127 Stat. 4 (2013).

846 Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*).

847 *Id.*

848 *Id.*

849 Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

850 Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*). FEMA is part of the U.S. Department of Homeland Security, and its "mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards." Ex. 379 (Federal Emergency Management Agency, *About the Agency*, *available at* http://www.fema.gov/about-agency). HUD is a Cabinet-level agency Ex. 380 (United States Department of Housing and Urban Development, *History*, *available at* http://portal.hud.gov/hudportal/HUD?src=/about/hud_history), and its "mission is to create strong, sustainable,

inclusive communities and quality affordable homes for all." Ex. 381 (United States Department of Housing and Urban Development, *Mission*, *available at* http://portal.hud.gov/hudportal/HUD?src=/about/mission).

851 Ex. 88 (U.S. Department of Housing and Urban Development, *CDBG Disaster Recovery Assistance*, *available at* http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/drsi).

852 Ex. 382 (Department of Community Affairs, *Divisions*).

853 Ex. 90 (*Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 14,329, 14,330 at Table 1, (Mar. 15, 2013)).

854 Ex. 383 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*).

855 *Id.*

856 Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*); Ex. 383 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*). On March 19, 2013, Mayor Zimmer submitted a comment on the DCA's proposed Action Plan for the first tranche of federal money in the CDBG-DR program. She stated that she was "very concerned that it does not seem to include any funding for resiliency and planning studies for municipalities on the local or regional level." Ex. 385 (2013.03.19 6:24 PM Email from Mayor Zimmer to Sandy.Recovery, et al.).

857 Ex. 383 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan*) at Section 4-2.

858 *Id.* at Section 4–17.

859 Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*); Ex. 386 (Funding Approval/Agreement for the State of New Jersey (Mar. 17, 2013)).

860 Ex. 387 (Department of Community Affairs, *Grantee Certifications*); Ex. 89 (Certification Checklist for Community Development Block Grant Disaster Recovery (CDBG-DR) Grantees Under the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) (Mar. 25, 2013)).

861 Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*).

862 *Id.*

863 Ex. 388 (2013.08.14 United States Department of Housing and Urban Development Office of Inspector General, *Hurricane Sandy Disaster Recovery Audit Planning - State of New Jersey*, PowerPoint Presentation).

864 Ex. 389 (2013.05.02 Letter from Buck, HUD Regional Inspector General for Audit, to Constable); Ex. 390 (2013.09.05 Letter from Buck to Constable); Ex. 391 (2013.11.08 Letter from Tekpetey to Constable).

865 Ex. 392 (2013.06.26 Letter from Gimont, Director of HUD's Office of Block Grant Assistance, to Constable); Ex. 393 (2014.02.24 Letter from Gimont to Constable).

866 Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional $5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) *available at* http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)).

867 Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional $5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) *available at* http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153).

868 Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*).

869 *Id.* at §§ 2–14, 3–25, 3–36, 3–39.

870 Ex. 396 (Federal Emergency Management Agency, *Hazard Mitigation Grant Program, available at* http://www.fema.gov/hazard-mitigation-grant-program).

871 42 U.S.C. § 5170C(a) (2013).

872 *See id.*

873 Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*).

874 Ex. 397 (Press Release, Department of Community Affairs, *Christie Administration Announces $100 Million Home Elevation Program to Protect Homeowners from Future Flood and Storm Damage* (July 22, 2013)).

875 *Id.*

876 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

877 *Id.*

878 Ex. 398 (Governor's Office of Recovery and Rebuilding, *Resiliency*); Ex. 397 (Press Release, Department of Community Affairs, *Christie Administration Announces $100 Million Home Elevation Program to Protect Homeowners from Future Flood and Storm Damage* (July 22, 2013)).

879 Ex. 398 (Governor's Office of Recovery and Rebuilding, *Resiliency*).

880 The award for each county was determined using objective criteria based on 15 years of FEMA Public Assistance data from 23 presidentially declared disasters, including Superstorm Sandy. Ex. 399 (Press Release, Office of the Governor, *Christie Administration Announces $50 Million in Federal Hazard Mitigation Program Grants to Help Protect Communities Against Future Disasters* (Oct. 8, 2013)). OEM allocated the money directly to the county government, which had to devise a spending plan for their amount. *Id.* The counties could distribute money to their municipalities, but the county made that decision, not the State. *Id.* OEM is responsible for reviewing the spending plans to ensure they were following objective criteria pre-determined by GORR and OEM, and is in the process of approving those plans now.

881 Ex. 398 (Governor's Office of Recovery and Rebuilding, *Resiliency*).

882 *Id.*

883 Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative, Factors Considered in Allocating Funds); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

884 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

885 Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative: Factors Considered in Allocating Funds).

886 *Id.*

887 *Id.*

888 Ex. 400 (The Rockefeller Group, *About the Rockefeller Group, available at* http://www.rockefellergroup.com/about-us/). According to its website, the Rockefeller Group was incorporated more than 80 years ago and participated in the development of Rockefeller Center. Ex. 401 (The Rockefeller Group, *A Proud History of Real Estate Development, Ownership, and Management, available at* http://www.rockefellergroup.com/about-us/history/).

889 *See, e.g.*, Ex. 402 (Josh Margolin, *Rockefeller Center construction firm finishes Hoboken development plans*, The Star-Ledger (July 6, 2010) *available at* http://www.nj.com/news/index.ssf/2010/07/rockefeller_center_constructio.html).

890 Ex. 403 (Hoboken Strategy Group, *Seasoned Professionals, Kay Elizabeth LiCausi – President & CEO, available at* http://www.hobokenstrategy.com/about.html).

[891] Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011); Ex. 404 (Press Release, Wolff & Samson, *Grifa Rejoins Wolff & Samson* (Mar. 1, 2012) *available at* http://www.wolffsamson.com/news_events/437-grifa-rejoins-wolff-samson).

[892] *See* Ex. 377 (The Rockefeller Group & Dresdner Robin, *Hoboken Flood Mitigation Plan* (attached to 2013.03.05 9:54 AM Email from Reimer to Brody, et al.)).

[893] Ex. 405 (2013.02.14 8:12 PM Email from Ianuale to "DR All").

[894] Ex. 377 (The Rockefeller Group & Dresdner Robin, *Hoboken Flood Mitigation Plan* (attached to 2013.03.05 9:54 AM Email from Reimer to Brody, et al.)) at 3.

[895] *Id.*

[896] *Id.*

[897] Ex. 406 (2013.01.29 5:59 PM Email from Rebisz to Renna, et al.).

[898] *Id.*

[899] *Id.*

[900] Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) *available at* http://www hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/) at 3.

[901] *Id.*

[902] Ex. 407 (R. William Potter, *Opinion: Hoboken's Flood Walls Could Drown the Rest of Hudson County*, NJ Spotlight (Feb. 19, 2013) *available at* http://www njspotlight.com/stories/13/02/18/opinion-hoboken-s-flood-walls-could-drown-the-rest-of-hudson-county/).

[903] *Id.*

[904] Ex. 408 (Joel Rose, *Hoboken Mayor Proposes "Universal Solution" to Flooding*, NPR (Feb. 25, 2013) *available at* http://www npr.org/2013/02/25/172858141/hoboken-mayor-proposes-universal-solution-to-flooding).

[905] Ex. 409 (2013.02.13 1:38 PM Email from Rebisz to Renna).

[906] *Id.* After Superstorm Sandy, FEMA accelerated its process of creating new flood maps which are more onerous. The effect of the proposed changes was significant in many ways. For example, if homeowners did not comply with the new flood maps, their flood insurance premiums could skyrocket.

[907] *Id.*

[908] Ex. 410 (2013.02.13 5:54 PM Email from Ferzan to Grifa).

[909] Ex. 411 (2013.02.13 5:56 PM Email from Ferzan to Kelly).

[910] *Id.* (2013.02.13 4:47 PM Email from Grifa to Ferzan).

[911] *Id.*

[912] *Id.* (2013.02.13 5:54 PM Email from Ferzan to Grifa).

[913] Ex. 410 (2013.02.13 8:45 PM Email from Grifa to Ferzan).

[914] Robert Martin has been the Commissioner of the DEP from 2010 through the present. Ex. 412 (*Martin will be state environmental commissioner*, PolitickerNJ (Jan. 13, 2010) *available at* http://www.politickernj.com/editor/36062/martin-will-be-state-environmental-commissioner).

[915] Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass, et al.). In her email to the staff members of Commissioners Martin and Constable for purposes of scheduling the meeting, Renna stated: "One thing that the Governor promised was a sit down with Commissioners Martin and Constable to discuss an economic development project in town," and then included a link to a news report preceding Mayor Zimmer's State of the City address and

announcement of the Rockefeller Group's flood mitigation plan. *Id.* Based on our interviews and the link to the news report about Mayor Zimmer's announcement, as well as the substance of the subsequent meeting with the Commissioners, we find that Renna's reference to an "economic development project" was, in fact, a reference to the Rockefeller Group's flood mitigation plan for the entire city of Hoboken.

916 Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie) at 1.

917 Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) available at http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01 html) at 2.

918 Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass); Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

919 Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

920 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMPG) Energy Allocation Initiative (Jan. 23, 2014)).

921 Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

922 *Id.*

923 Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 2.

924 *See id.*

925 Ex. 100 (2013.03.15 12:15 PM Email from Padilla to Grifa, et al.).

926 *Id.*

927 Ex. 415 (2013.05.09 N.J. Dep't of Environ. Protection, Hoboken Meeting Sign-In Sheet).

928 *See* Ex. 416 (2013.02.20 10:09 AM Email from Reiner to Flores, et al.).

929 *See id.* (2013.02.27 9:58 AM Email from Arena to Daleo).

930 *Id.* (2013.02.20 10:09 AM Email from Reiner to Flores).

931 Ex. 417 (2013.03.07 Letter from Grifa to Reiner).

932 *See* Ex. 418 (2013.03.11 Handwritten Notes by Mowers).

933 Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

934 Ex. 420 (2013.01.22 Letter from Mayor Zimmer to Governor Christie) (erroneously dated January 22, 2012)). Mayor Zimmer asked for Governor Christie's support to "bring together stakeholders that have a vested interest in protecting this region's transportation infrastructure for a series of meetings to discuss possible solutions to the storm surge and flooding and try to develop consensus and funding alternatives." *Id.*

935 Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

936 *Id.*

937 Ex. 421 (2013.03.12 Handwritten Notes by Reiner from Hoboken Meeting with Transportation Agencies) at 2.

938 Ex. 419 (2013.03.13 5:24 Email from Sheridan to Renna). *See* Ex. 422 (Charles Hack, *NJ Transit and Developer LCOR Says Hoboken Terminal & Rail Yard Redevelopment Will Include Flood Wall to Protect Hoboken*, The Jersey Journal (Feb. 22, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/02/nj_transit_and_developer_lcor.html); Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

939 *See* Ex. 419 (2013.03.13 5:24 PM Email from Sheridan to Renna).

940 Ex. 423 (2013.03.19 11:15 AM Email from Mowers to Mayor Zimmer, et al.).

941 *Id.* at 4.

942 *Id.*

943 *Id.*

944 *Id.*

945 Ex. 99 (2013.04.11 2:38 PM Email from Moyle to Rosenblatt, et al.); Ex. 425 (2013.04.12 12:13 PM Email from Grifa to Moyle); Ex. 426 (2013.04.12 3:41 PM Email from Grifa to Rosenblatt, et al.).

946 Ex. 415 (2013.05.09 N.J. Dep't of Environ. Protection, Hoboken Meeting Sign-in Sheet).

947 Ex. 427 (2013.04.23 2:13 PM Email from Melli to Martin, et al.). Melli also sent it to Evan Ridley, who replaced Matt Mowers as the point of contact for the issue at IGA. Ex. 428 (2013.04.23 2:10 PM Email from Melli to Ridley, et al.). Ferzan forwarded Melli's email to three members of his staff and two IGA staff members. Ex. 429 (2013.04.23 3:29 PM Email from Ferzan to Daleo, et al.); Ex. 430 (2013.04.24 6:36 AM Email from Ferzan to Kelly, et al.). Commissioner Martin's executive secretary forwarded Mayor Zimmer's letter to 16 people at DEP. *See* Ex. 431 (2013.04.23 2:39 PM Email from Marchitelli to Cantor, et al.).

948 Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie) at 1.

949 *Id.*at 1-2.

950 *Id.* at 2.

951 *Id.* (emphasis added).

952 Nevertheless, during this period, April 2013, Mayor Zimmer's office believed that the Rockefeller Group and its representatives were making a "full court press" to promote its private development project. Ex. 432 (2013.04.05 10:52 AM Email from Maraziti to Forbes); *see also* Ex. 433 (2013.04.19 1:35 PM Email from Grifa to Maraziti).

953 Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) *available at* http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/).

954 *Id.* (underlining removed).

955 Ex. 434 (2013.04.24 6:48 PM Email from Siekerka to Martin, et al.).

956 Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer).

957 *See* Ex. 435 (2013.04.26 Sheppard Calendar Entry).

958 *Id.* at 1.

959 *Id.*

960 *Id.*

961 *Id.*

962 *Id.* at 2.

963 Ex. 415 (2013.05.09 N.J. Dep't of Environ. Protection, Hoboken Meeting Sign-In Sheet).

964 Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer) at 2.

965 *Id.* at 1-2.

966 Ex. 436 (2013.04.25 7:06 PM Email from Mayor Zimmer to Martin, et al.).

967 Ex. 437 (2013.04.26 8:29 PM Email from Ferzan to Szczech, et al.).

968 Ex. 438 (2013.04.29 8:33 PM Email from Brody to Mayor Zimmer, et al.).

969 Ex. 439 (2013.05.10 9:48 AM Email from Chebra to Tang-Smith, NJ DEP Communications Associate et al.). We note that we came across an email dated May 1, 2013, from Panebianco, an administrative assistant in the Governor's Office, to Deborah Gramiccioni, stating that Commissioner Martin had requested a phone call

"regarding Hoboken and development by the Rockefeller Group." Ex. 440 (2013.05.01 3:13 PM Email from Panebianco to Gramiccioni). Although on first blush the email appeared to be about the Rockefeller Group's project in Hoboken, Gramiccioni said the call occurred on May 6, 2013, and Commissioner Martin wanted an update on a pre-Sandy meeting relating to LCOR's development project with the NJ Transit in the South End of Hoboken.

970 Ex. 441 (2013.05.03 Letter from Ferzan to Vietri, Director of USACE's National Planning Center of Expertise for Storm Damage) at 1. Several Government officials said that the U.S. Army Corps is in the best position to realize projects that will reduce risk in vulnerable communities like Hoboken. The State is collaborating with the Army Corps on its Comprehensive Study of the Coastal North Atlantic Region by providing information and support, and assisting the Army Corps in identifying areas to study. Ex. 98 (2013.04.25. Letter from Martin to Mayor Zimmer) The study is scheduled to be completed by January 2015. Ex. 442 (United States Army Corps of Engineers, North Atlantic Coast Comprehensive Study – Study Synopsis (Dec. 2013)) at 1.

971 Ex. 441 (2013.05.03 Letter from Ferzan to Vietri, Director of USACE's National Planning Center of Expertise for Storm Damage) at 2.

972 *Id.* New Jersey retained experts in civil and environmental engineering, stormwater management, watershed and water environment restoration, and hydrology from six of the State's universities: Monmouth University; Montclair State University; New Jersey Institute of Technology; Richard Stockton College of New Jersey; Rutgers, the State University of New Jersey; and Stevens Institute of Technology. Ex. 443 (New Jersey Department of Environmental Protection, *Christie Administration Announces Post-Superstorm Sandy Flood Mitigation Studies by New Jersey Universities* (Sept. 12, 2013)). The experts are focused on analyzing regions that remain vulnerable to future loss, including Hoboken. *Id.*

973 Ex. 441 (2013.05.03 Letter from Ferzan to Vietri, Director of USACE's National Planning Center of Expertise for Storm Damage) at 2.

974 Ex. 95 (2013.05.08 Letter from Mayor Zimmer to Governor Christie) at 1.

975 *Id.*

976 *Id.*

977 *See, e.g.*, Ex. 444 (2013.05.15 4:22 PM Email from Siekerka to D. Zimmer, et al.); Ex. 445 (2013.05.17 Email Exchange between Siekerka and Marks); Ex. 446 (2013.06.11 Email Exchange between Siekerka and Malone); Ex. 447 (2013.07.02 9:19 AM Email from Siekerka to Malone).

978 Ex. 448 (2013.05.08 2:43 PM Email from Siekerka to Marchitelli, et al.).

979 *See* Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)).

980 Ex. 101 (2010.12.28 Letter from DiMola, Deputy Director of the Development Department of the Port Authority, to Mayor Zimmer). The Port Authority approved Mayor Zimmer's request to fund the Hoboken North End study in 2010. *Id.* At that time, the Chairman of the Port Authority was Anthony R. Coscia; David Samson was elected Chairman of the Port Authority in early February 2011. Ex. 450 (Press Release, The Port Authority of NY & NJ, *New Jersey Public Servant David Samson Elected Chairman of the Port Authority* (Feb. 3, 2011)).

981 Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)) at 32–33.

982 *Id.*

983 *Id.* at 11, 35, 98–99, 104–06, 109–12; *see also* Ex. 97 (Patrick McGeehan & Charles V. Bagli, *How Pressure Mounted for Development in Hoboken*, The New York Times (Jan. 29, 2014) *available at* http://www.nytimes.com/2014/01/30/nyregion/powerful-allies-pushed-a-project-in-new-jersey.html).

984 Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)) at 106.

985 Ex. 415 (2013.05.09 N.J. Dep't of Environ. Protection, Hoboken Meeting Sign-In Sheet).

986 *Id.*

[987] The Rockefeller Group representatives said that they wanted to have a dry city for development purposes and thus were pursuing flood control measures.

[988] Ex. 451 (2013.05.09 Handwritten Notes by Siekerka); Ex. 452 (2013.05.09 Handwritten Notes by Putnam).

[989] Ex. 453 (2013.05.09 8:19 PM Email from Ferzan to Melli, et al.).

[990] *Id.*

[991] Ex. 454 (2013.05.10 9:36 AM Email from Daleo to Siekerka, et al.).

[992] Ex. 455 (2013.05.10 5:00 Email from Mayor Zimmer to Ferzan).

[993] *Id.*

[994] *Id.*

[995] *Id.*

[996] Ex. 456 (2013.05.12 3:04 PM Email from Ferzan to Kelly, et al.).

[997] *Id.*

[998] *Id.* Mayor Zimmer's proposal for the creation of "oyster beds," which are defined in Merriam Webster's dictionary as places where oysters grow or are cultivated, was based on her conversation with people at Stevens Institute of Technology as to options available to protect Hoboken from flooding. *See* Ex. 457 (2013.05.14 11:40 AM Email from Mayor Zimmer to Miller). Professor Blumberg, however, wrote Mayor Zimmer that "there was a miscommunication" during their conversation with Mayor Zimmer and, despite the Mayor's perception of what was said, "about what they were doing in general and what was possible for Hoboken," and that "[o]yster beds are not an option to protect Hoboken from the next extreme event." *Id.* (2013.05.14 5:51 PM Email from Blumberg to Mayor Zimmer).

[999] Ex. 457 (2013.05.14 11:40 AM Email from Mayor Zimmer to Miller).

[1000] *Id.*

[1001] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3; Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[1002] Ex. 458 (2013.04.23 3:47 PM Email from Renna to Scangarella).

[1003] Ex. 460 (2013.05.08 4:04 PM Email from Robertson to Scangarella).

[1004] Ex. 461 (2013.05.09 12:26 PM Email from Robertson to Scangarella).

[1005] Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

[1006] *Id.* ("Will the Mayor attend?").

[1007] *Id.* (2013.05.10 1:02 PM Email from Renna to Robertson).

[1008] Ex. 463 (2013.05.10 2:26 PM Email from Ridley to Sheridan, et al.).

[1009] Ex. 66 (2013.05.10 Email from Larkin to Orsen); Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

[1010] Ex. 464 (2013.05.10 Governor's Office of Recovery and Rebuilding, *New Jersey Recovery Strategies*, PowerPoint Presentation). Among other things, Ferzan's presentation discussed that the initial assessment of recovery needs was approximately $37 billion and New Jersey's estimated share of disaster recovery funds was less than $20 billion. *Id.* at 13. In addressing this funding gap, Ferzan's presentation discussed obtaining additional federal funds, leveraging the existing funds, public-private partnerships, and private foundations and charitable organizations. *Id.* at 14. Further, Ferzan's presentation stated that there was $25.4 billion in "unmet needs" for infrastructure. *Id.* at 16.

[1011] Ex. 465 (2013.05.13 Governor's Office Briefing on Sandy Business Visit – Shop Rite) at 2.

[1012] *Id.* at 1, 2, 5.

[1013] Ex. 68 (2013.05.13 11:22 AM Email from Kelly to Ridley, et al.).

[1014] *Id.* (2013.05.13 12:02 PM Email from Ridley to DiMaggio).

[1015] Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

[1016] *Id.* (2013.05.13 12:48 PM Email from Orsen to DiMaggio).

[1017] Ex. 466 (2013.05.13 1:01 PM Email from Ridley to DiMaggio).

[1018] *Id.* (2013.05.13 1:19 PM Email from DiMaggio to Ridley). The Lieutenant Governor said that she had accommodated the Mayor's request to meet, in part, because they enjoyed a cordial relationship. The Lieutenant Governor stated that she had met Mayor Zimmer's family and kept a photograph of the two of them together in her office.

[1019] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3

[1020] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[1021] Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

[1022] Ironically, Mayor Zimmer had spoken with Ferzan about Sandy aid on May 11, 2013, and she complimented Ferzan on May 14, 2013, as being "interested and open" to new ideas. Ex. 457 (2013.05.14 11:40 AM Email from Mayor Zimmer to Miller).

[1023] Ex. 58 (Collecting for reference the images of the journal by Mayor Zimmer in the order in which they appear in the article, *Christie camp held Sandy relief money hostage, mayor alleges*, MSNBC (Jan. 18, 2014) (embedded version available at http://www.scribd.com/document_downloads/200600851?extension=pdf&from=embed&source=embed) ("MSNBC Zimmer Journal").

[1024] Ex. 70 (Charles Hack, *Lt. Gov. Guadagno: No rush on Hoboken's "emergency" $29M request*, The Jersey Journal (May 13, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/05/lt_gov_kim_guadano_says_that_2.html).

[1025] *Id.*

[1026] *Id.*

[1027] *Id.*

[1028] *Id.*

[1029] Ex. 368 (Brent Johnson, *Hoboken Sandy allegations: DCA commissioner had reputation for fighting corruption under Christie*, The Star-Ledger (Jan. 18, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/hoboken_sandy_allegations_dca_commissioner_had_reputation_for_fighting_corruption_under_christie.html); Ex. 59 (Daily News Zimmer Journal).

[1030] *See* Ex. 79 (Transcript of NJTV Superstorm Sandy A Live Town Hall (May 16, 2013)).

[1031] *Id.* at 1.

[1032] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58).

[1033] Ex. 59 (Daily News Zimmer Journal) at 4.

[1034] Ex. 78 (Transcript of NJTV Superstorm Sandy A Live Town Hall (May 16, 2013)) at 40.

[1035] Ex. 467 (2013.05.13 7:02 PM Email from Ferzan to Mottley, Sergeant First Class at the New Jersey State Police Office of Emergency Management, et al.).

[1036] Ex. 468 (2013.05.12 4:25 PM Email from Ferzan to Mayor Zimmer, et al.).

[1037] *See* Ex. 469 (2013.07.19 12:28 PM Email from Szczech to Ferzan, with attachment).

[1038] Ex. 483 (New Jersey Environmental Infrastructure Trust, *About Us, available at* http://www.njeit.org/general-information/general/about-us).

[1039] Ex. 484 (U.S. Environmental Protection Agency, *Clean Water State Revolving Fund, available at* http://water.epa.gov/grants_funding/cwsrf/cwsrf_index.cfm).

[1040] Ex. 485 (State of New Jersey Recovery and Reinvestment Plan, *Clean Water State Revolving Fund, available at* http://www.nj.gov/recovery/infrastructure/cwsrf.html).

[1041] Ex. 444 (2013.05.15 2:14 PM Email from D. Zimmer to Mayor Zimmer, et al.).

[1042] *Id.*

[1043] *Id.*

[1044] *Id.*

[1045] *Id.* (2013.05.15 4:22 PM Email from Siekerka to D. Zimmer, et al.).

[1046] *See* Ex. 445 (2013.05.16 7:16 PM Email from Siekerka to Marks).

[1047] Ex. 445 (2013.05.16 7:16 PM Email from Siekerka to Marks).

[1048] Ex. 486 (2013.07.18 Email Exchange between Siekerka and D. Zimmer).

[1049] Ex. 487 (2013.09.16 12:14 PM Email from Zimmer to Siekerka, et al.).

[1050] Ex. 488 (2013.12.11 Email from David Zimmer to Siekerka); Ex. 489 (2013.11.13 11:39 AM Email from Coles to Marks).

[1051] Ex. 447 (2013.06.11 8:13 AM Email from Malone to Aloi, et al.).

[1052] *Id.* (2013.06.11 9:06 AM Email from Siekerka to Malone).

[1053] *Id.* (2013.06.11 9:16 AM Email from Malone to Siekerka, et al.).

[1054] *Id.*

[1055] *Id.*

[1056] *Id.*

[1057] Ex. 447 (2013.06.11 9:19 AM Email from Siekerka to Daleo).

[1058] Ex. 490 (2013.06.14 5:05 PM Email from Siekerka to Marks, et al.).

[1059] Ex. 491 (Hoboken Briefing for After Action Meeting with Hoboken Officials (Aug. 1, 2013)).

[1060] Ex. 492 (2013.06.27 10:30 AM Email from Siekerka to Mayor Zimmer, et al.).

[1061] *Id.*

[1062] *Id.*

[1063] *Id.*

[1064] *Id.*

[1065] *Id.*

[1066] Ex. 464 (2013.07.02 1:18 PM Email from Siekerka to Malone).

[1067] Ex. 494 (2013.07.17 8:20 PM Email from Ferzan to Siekerka, et al.).

[1068] *Id.*

[1069] *Id.* (2013.07.17 10:52 PM Email from Siekerka to Ferzan, et al.).

[1070] Ex. 495 (2013.07.24 10:22 AM Email from Ferzan to Siekerka, et al.)

[1071] *Id.*

[1072] Ex. 496 (2013.08.19 5:51 PM Email from Ferzan to Siekerka).

[1073] Ex. 469 (Memorandum from FEMA regarding Public Assistance and 406 Status of the City of Hoboken (July 18, 2013) (attached to 2013.07.19 12:28 PM Email from Szczech to Ferzan)).

[1074] *Id.*

[1075] *Id.*

[1076] *Id.*

[1077] *Id.*

[1078] *See* Ex. 470 (2013.08.05 1:55 PM Email from Rebisz to Renna).

[1079] *See id.*

[1080] DEP told Mayor Zimmer's team that the loan for Hoboken's pump station project required a public hearing and notice-and-comment period because, among other reasons, it would have an impact on the public.

[1081] Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer) at 1.

[1082] Ex. 471 (2013.10.09 Letter from Gallagher to Mayor Zimmer) at 1. There were approximately 145 applying municipalities and entities allocated funds from the $25 million in total funding for this program, meaning they averaged about $170,000. *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

[1083] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 1, 10.

[1084] Ex. 471B (Rebuild by Design, *What is Rebuild by Design?, available at* http://www rebuildbydesign.org/what-is-rebuild-by-design/).

[1085] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 2.

[1086] *Id.* at 3.

[1087] *Id.* at 4.

[1088] *Id.* at 5.

[1089] *Id.*; Ex. 472 (Jessica Dailey, *HUD-Sponsored Sandy Design Competition Selects 10 Finalists*, Curbed (Aug. 9, 2013) *available at* http://ny.curbed.com/archives/2013/08/09/hudsponsored_sandy_design_competition_selects_10_finalists.php).

[1090] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 6.

[1091] Ex. 471B (Rebuild by Design, *What is Rebuild by Design?, available at* http://www rebuildbydesign.org/what-is-rebuild-by-design/).

[1092] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 6.

[1093] *Id.* at 6–7.

[1094] *Id.* at 7.

[1095] Ex. 473 (Rebuild by Design, *About, available at* http://www.rebuildbydesign.org/about).

[1096] The three New Jersey finalists are: (1) Sasaki/Rutgers University/ARUP team's project to adapt the pier, boardwalk, and marina on the New Jersey shore for a sea level rise; (2) the MIT CAU, ZUS, and Urbanisten team's project to convert substantial parts of the Meadowlands into a park that protects against floods; and (3) OMA's anti-flooding and storm surge protection project for Hoboken. *See* Ex. 472 (Jessica Dailey, *HUD-Sponsored Sandy Design Competition Selects 10 Finalists*, Curbed (Aug. 9, 2013) *available at* http://ny.curbed.com/archives/2013/08/09/hudsponsored_sandy_design_competition_selects_10_finalists.php).

[1097] Ex. 474 (Rebuild by Design, OMA, *available at* http://www.rebuildbydesign.org/teams/oma/).

[1098] *Id.*

[1099] Ex. 471B (Rebuild by Design, *What is Rebuild by Design?*, *available at* http://www.rebuildbydesign.org/what-is-rebuild-by-design/).

[1100] Ex. 82 (Rebuild by Design, *Hurricane Sandy Regional Planning and Design Competition, Design Brief* (June 21, 2013)) at 6.

[1101] *Id.*

[1102] *See, e.g.*, Ex. 84 (2014.01.10 7:37 PM Email from McFadden to Morris ("Just want to thank you for digging in with the RBD teams.")); Ex. 83 (2014.01.16 3:04 PM Email from Davis to Ferzan, et al. ("Just wanted to pass a note of thanks for all the extraordinary cooperation that Dave and your other State colleagues have provided to RBD. The presence of each State agency at yesterday's RBD workshop was greatly appreciated by the teams and they found the conversations hugely invaluable. Thanks, in particular, to Dave. He has been great to work with and very responsive.")); Ex. 475 (2014.01.16 7:03 PM Email from Lane, Regional Plan Association Senior Fellow for Urban Design, to Morris ("Btw – there is a pretty strong consensus emerging that you are really doing a good job as the liaison between Trenton and RxD. We appreciate it.")).

[1103] This meeting was postponed due to scheduling issues and has not yet occurred.

[1104] Ex. 476 (2014.01.02 4:01 PM Email from Morris to Wyckoff, et al.).

[1105] Ex. 477 (2014.01.10 4:46 PM Email from Morris to Pittman).

[1106] Ex. 478 (2013.07.16 4:43 PM Email from Stepien to DuHaime).

[1107] *See* Ex. 479 (2013.08.21 5:53 PM Email from Stepien to DuHaime).

[1108] *See* Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass, et al.).

[1109] Ex. 413 (2013.02.25 8:35 PM Email from Renna to Glass).

[1110] Ex. 480 (2013.02.05 3:11 PM Email from Kelly to Cradic).

[1111] *See* Ex. 481 (2013.03.12 4:00 PM Cradic Calendar Meeting Invite re fyi: HOLD Mtg w/Mayor Zimmer and North Hudson Sewage Authority).

[1112] Ex. 482 (2013.05.15 9:41 AM Email from Renna to Mekles, et al.).

[1113] Ex. 491 (2013.08.01 Hoboken Briefing for After Action Meeting with Hoboken Officials).

[1114] Ex. 478 (2013.07.16 4:43 PM Email from Stepien to DuHaime).

[1115] Ex. 497 (2013.08.20 12:04 PM Email from Rebisz to Renna).

[1116] *See id.* (2013.08.20 12:07 PM Email from Rebisz to Renna).

[1117] Ex. 498 (2013.08.20 9:56 AM Tweet from Jenna Portnoy).

[1118] *See* Ex. 499 (2013.08.22 5:53 PM Email from Stepien to DuHaime).

[1119] Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, *available at* https://twitter.com/dawnzimmernj/status/369877512895356928).

[1120] Ex. 500 (2013.08.21 1:18 PM Email from Bryan to DuHaime, et al.).

[1121] Ex. 479 (2013.08.21 5:14 PM Email from Mayor Zimmer to DuHaime).

[1122] *Id.*

[1123] *Id.* We do not know whether Mayor Zimmer sought an explanation. However, our understanding is that Brick and another community received the money because the federal government wanted to protect Route 35, a significant federal highway running through those communities, and the Christie Administration worked to make sure this project protected neighboring communities. *See* Ex. 501 (Press Release, New Jersey Department of Environmental Protection, *Christie Administration Moves Ahead on Protective Sheet Piling Project in Mantokoling and Brick* (Jan. 2, 2014)).

[1124] Ex. 479 (2013.08.21 5:14 PM Email from Mayor Zimmer to DuHaime).

[1125] *Id.*

[1126] *Id.* (2013.08.22 8:54 AM Email from DuHaime to Stepien).

[1127] *See* Ex. 502 (2013.09.28 1:12 PM Email from Bryan to Mowers, et al.); Ex. 357 (2013.10.02 Email Exchange between Bryan and Mowers).

[1128] Ex. 63 (2013.10.02 4:31 PM Email from Bryan to Mowers (emphasis added)).

[1129] *Id.* (2013.10.02 5:10 PM Email from Mowers to Bryan).

[1130] *See* Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

[1131] Ex. 81 (2013.11.25 Notes by Ryan from Meeting with Northern/Central Jersey Mayors); Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

[1132] Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional $5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) *available at* http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)); Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*).

[1133] *See* Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

[1134] Ex. 81 (2013.11.25 Notes of Ryan from Meeting with Northern/Central Jersey Mayors) at 1–2.

[1135] *Id.* at 2.

[1136] As we explain further below, under HUD's guidelines for the RBD competition, public-private partnerships that leverage federal dollars are to be encouraged, so it would have been appropriate for Ferzan to mention that in any event. Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief*) at 2. And Mayor Zimmer, a member of the Presidential Task Force Advisory Board, should have realized that too. Ex. 85 (Hurricane Sandy Rebuilding Task Force, *Hurricane Sandy Rebuilding Strategy* (Aug. 2013)) at 8.

[1137] *See* Ex. 503 (Press Release, The Rockefeller Foundation, *Rockefeller Foundation Announces support for RE.invest Initiatives* (Jan. 18, 2013) *available at* http://www.rockefellerfoundation.org/newsroom/rockefeller-foundation-announces-support).

[1138] Ex. 505 (Charles Hack, *Rockefeller Foundation funds study to help solve Hoboken's flooding problem*, The Jersey Journal (May 22, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/05/rockefeller_foundation_funds_s.html).

[1139] Ex. 503 (Press Release, *The Rockefeller Foundation, Rockefeller Foundation Announces support for RE.invest Initiative* (Jan. 18, 2013) *available at* http://www.rockefellerfoundation.org/newsroom/rockefeller-foundation-announces-support).

[1140] Ex. 504 (2013.06.06 8:29 AM Email from Ouied to Daleo, et al.); Ex. 505 (Charles Hack, *Rockefeller Foundation funds study to help solve Hoboken's flooding problem*, The Jersey Journal (May 22, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/05/rockefeller_foundation_funds_s.html).

[1141] Ex. 506 (2013.05.15 Letter from Marchetta to Martoglio); Ex. 507 (*Request for Action by Members of the New Jersey Housing and Mortgage Finance Agency* (May 15, 2013)) at 7.

[1142] Ex. 508 (2013.05.01 Letter from Mayor Zimmer to C. Garcia, et al.).

[1143] Mayor Zimmer asserted that the project did not provide for back-up generators in every building, that the project was not sufficiently accessible for seniors, that ground-floor parking was a safety hazard, and that the waiting list process for housing was not transparent. *Id.* at 1.

[1144] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 1.

[1145] Ex. 458 (2013.04.23 3:47 PM Email from Renna to Scangarella).

[1146] Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

[1147] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[1148] Ex. 465 (2013.05.13 Governor's Office Briefing on Sandy Business Visit – Shop Rite) at 1.

[1149] *Id.*

[1150] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[1151] Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

[1152] *Id.*

[1153] Ex. 509 (2013.01.16 3:39 PM Email from Robertson to Kelly, et al.).

[1154] *Id.* (2013.01.16 3:43 PM Email from Kelly to Mowers).

[1155] Ex. 511 (2013.05.02 1:09 PM Email from Kelly to Renna).

[1156] *See id.* (2013.05.03 9:33 AM Email from Renna to Kelly).

[1157] Ex. 512 (2013.08.09 3:35 PM Email from Robertson to Kelly, et al.).

[1158] *Id.* (2013.08.09 3:43 PM Email from Kelly to Renna).

[1159] Ex. 513 (2013.08.09 3:55 PM Email from Rebisz to Bryan).

[1160] *Id.* (2013.08.09 4:23 PM Email from Bryan to Rebisz, et al.)

[1161] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[1162] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 2.

[1163] Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

[1164] *Id.*

[1165] *Id.* (2013.05.13 12:48 PM Email from Orsen to DiMaggio).

[1166] Ex. 466 (2013.05.13 1:01 PM Email from Ridley to DiMaggio).

[1167] *See* Ex. 67 (2013.05.13 12:06 PM Email from DiMaggio to Orsen).

[1168] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[1169] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[1170] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[1171] Ex. 462 (2013.05.10 12:07 PM Email from Robertson to Kelly, et al.).

[1172] Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) *available at* http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/) at 3.

[1173] Ex. 432 (2013.04.05 10:52 AM Email from Maraziti to Forbes); *see also* Ex. 433 (2013.04.19 1:35 PM Email from Grifa to Maraziti).

[1174] Ex. 433 (2013.04.20 4:58 PM Email from Maraziti to Mayor Zimmer).

[1175] In or about late 2011 or early 2012, Lori Grifa, as DCA Commissioner, and others in the Christie Administration met with Mayor Zimmer to discuss private development proposals in Hoboken, including the Rockefeller Group's project, that had stalled. Mayor Zimmer told them that she did not want Hoboken to become another Jersey City. Grifa and the other State officials offered to assist Mayor Zimmer by helping to facilitate dialogue on these development proposals.

[1176] Ex. 514 (Wolff & Samson, *David Samson*, *available at* http://www.wolffsamson.com/biographies/david-samson).

[1177] Ex. 69 (2013.04.23 Letter from Mayor Zimmer to Governor Christie (emphasis added)) at 2 .

[1178] Ex. 411 (2013.02.13 4:47 PM Email from Grifa to Ferzan).

[1179] Ex. 410 (2013.02.13 5:54 PM Email from Ferzan to Grifa); *see also* Ex. 411 (2013.02.13 5:56 PM Email from Ferzan to Kelly, et al.).

[1180] Ex. 449 (Transcript, Hoboken Planning Board Special Meeting, *In the Matter of: North End Redevelopment Study* (May 8, 2013)) at 106. Of note, Mayor Zimmer had appointed six of the seven Planning Board members, and the seventh was a City Council member also supportive of Mayor Zimmer who voted with the majority in rejecting the Rockefeller Group's application for redevelopment status. *See* Ex. 515 (Hoboken Municipal Code § 44-1(A)-(C)); Ex. 516 (City of Hoboken, Planning Board, *available at* http://www.hobokennj.org/boards/planning-board/); Ex. 517 (Our Mayor Dawn Zimmer: Leading Hoboken Forward, *Ravi Bhalla* (stating that he is a member of the "Zimmer Team" and listing the "Zimmer Team's accomplishments") *available at* http://www.dawnzimmer.com/ravibhalla).

[1181] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 2.

[1182] Ex. 415 (2013.05.09 New Jersey Department of Environmental Protection, Hoboken Meeting Sign-in Sheet).

[1183] Ex. 98 (2013.04.25 Letter from Martin to Mayor Zimmer).

[1184] Ex. 436 (2013.04.25 7:06 PM Email from Mayor Zimmer to Martin, et al.).

[1185] *See* Ex. 518 (2013.04.25 4:40 PM Email from Marks to Mayor Zimmer, et al.).

[1186] *Id.* (2013.04.25 11:12 AM Email from Toft to Marks).

[1187] *See* Ex. 519 (2013.08.14 Letter from Grifa to Lieutenant Governor Guadagno); This initial meeting with Hasenbalg and the Lieutenant Governor was before Wolff & Samson represented the Rockefeller Group in connection with its development in Hoboken.

[1188] Ex. 519 (2013.08.14 Letter from Grifa to Lieutenant Governor Guadagno).

[1189] *See* Ex. 520 (2012.02.06 12:47 PM Email from Lieutenant Governor Guadagno to McDermott, et al.); Ex. 521 (2012.02.06 Email Exchange between Lieutenant Governor Guadagno and Stepien, et al.).

[1190] *See, e.g.*, Ex. 522 (2012.05.04 6:45 PM Email from Orsen to McDermott, et al.); Ex. 519 (2013.08.14 Letter from Grifa to Guadagno, et al.).

[1191] Ex. 522 (2012.05.04 6:45 PM Email from Orsen to McDermott, et al.).

[1192] *Id.* (noting in reacting to Guadagno's rejection of the meeting, "Good for her").

[1193] Ex. 519 (2013.08.14 Letter from Grifa to Guadagno, et al.).

[1194] *See* Ex. 523 (2013.09.14 1:39 PM Email from Orsen to Scangarella, et al.).

[1195] The Lieutenant Governor said publicly at the time: "Mayor Zimmer's version of our conversation in May of 2013 is not only false, but is illogical and does not withstand scrutiny when all of the facts are examined. Any suggestion that Sandy funds were tied to the approval of any project in New Jersey is completely false." Ex. 524 (Transcript, Office of the Governor, *Lt. Governor Guadagno: Allegations Are False and Offensive* (Jan. 20, 2014)).

[1196] Ex. 70 (Charles Hack, *Lt. Gov. Guadagno: No Rush on Hoboken's "Emergency" $29M Request*, The Jersey Journal (May 13, 2013) *available at* http://www.nj.com/hudson/index.ssf/2013/05/lt_gov_kim_guadano_says_that_2.html).

[1197] *Id.*

[1198] Ex. 71 (2013.09.19 Letter from Commissioner Constable to Mayor Zimmer); *see also* Ex. 72 (City of Hoboken, Office of the Business Administrator. *Request for Proposals (RFP): Professional Services – Professional Planning and Engineering for Post Hurricane Sandy Disaster Recovery Plan* (Oct. 24, 2013)) at 19.

[1199] Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program).

[1200] *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

[1201] *See id.*

[1202] *See* Ex. 464 (2013.05.10 Governor's Office of Recovery and Rebuilding, *New Jersey Recovery Strategies*, PowerPoint Presentation).

[1203] *Id.* at 12–14.

[1204] Ex. 523 (2013.09.14 1:39 PM Email from Orsen to Scangarella); Ex. 522 (2012.05.04 6:45 PM Email from Orsen to McDermott, et al.); Ex. 519 (2013.08.14 Letter from Grifa to Guadagno, et al.).

[1205] Ex. 59 (Daily News Zimmer Journal) at 3.

[1206] *Id.*

[1207] Ex. 371 (Press Release, Office of the Governor, *Governor Christie Announces Deputy Labor Commissioner Richard E. Constable, III as His Nominee for Commissioner of the Department of Community Affairs* (Nov. 21, 2011)).

[1208] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

[1209] Ex. 532 (Superstorm Sandy: A Live Town Hall Photograph 7:29:48); Ex. 533 (Superstorm Sandy: A Live Town Hall Photograph 7:29:57); Ex. 534 (Superstorm Sandy: A Live Town Hall Photograph 7:29:59); Ex. 535 (Superstorm Sandy: A Live Town Hall Photograph 7:30:04).

[1210] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

[1211] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

[1212] Ex. 59 (Daily News Zimmer Journal) at 4.

[1213] Ex. 536 (Monmouth County Democrats, *Belmar Democrats*, *available at* http://www.monmouthdems.org/belmar).

[1214] Ex. 537 (Belmar New Jersey, *Matt Doherty – Mayor, available at* http://belmar.com/content.php?npid=43&npid1=44&pid=44&menu_id=20).

[1215] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44).

[1216] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:36:58).

[1217] *Id.*

[1218] Mayor Doherty sat next to Mayor Zimmer while she spoke. Patrick Murray, Director of the Monmouth University Polling Institute, sat next to Commissioner Constable. He did not recall the conversation between Mayor Zimmer and Commissioner Constable. But he did recall that Mayor Zimmer started the conversation, and he did not sense that the tone was threatening or that Mayor Zimmer was upset in any way.

[1219] Ex. 78 (Superstorm Sandy: A Live Town Hall Photographs at 7:37:01).

[1220] *Id.* at 7:37:15.

[1221] *Id.* at 7:37:18.

[1222] *Id.* at 7:37:24, 7:37:26.

[1223] *Id.* at 7:37:29.

[1224] *Id.* at 7:36:58, 7:37:01, 7:37:12, 7:37:15, 7:37:18, 7:37:24, 7:37:26, 7:37:29, 7:37:35, 7:37:38, 7:37:44.

[1225] *Id.* at 7:37:35.

[1226] *Id.* at 7:37:44.

[1227] The photographic evidence shows that, barely 30 seconds later (by 7:38:21), Commissioner Constable, Mayor Zimmer, and the other panelists were no longer talking to each other but, instead, listening to someone from the broadcast team who was briefing them for the start of the live town hall television broadcast a few minutes later. *See* Appendix A, at 12.

[1228] Ex. 58 (MSNBC Zimmer Journal) (emphases added).

[1229] Ex. 78 (Transcript of NJTV Superstorm Sandy Live Town Hall (May 16, 2013) (emphases added)) at 40.

[1230] Ex. 79 (Transcript of NJTV Superstorm Sandy Live Town Hall (May 16, 2013)) at 40. Constable has no recollection of them speaking afterward because a line of audience members formed immediately to speak with him.

[1231] Ex. 414 (2013.03.05 Notes by Mowers from Meeting with Mayor Dawn Zimmer with DEP & DCA) at 1.

[1232] *Id.*

[1233] Ex. 538 (Department of Community Affairs; *Community Development Block Grant Disaster Recovery Action Plan*) at 2.

[1234] Ex. 378 (Governor's Office of Recovery and Rebuilding, *Recovery Initiatives*); Ex. 386 (Funding Approval/Agreement for the State of New Jersey (Mar. 17, 2013)) at 2–3.

[1235] *See* Ex. 394 (Press Release, U.S. Department of Housing and Urban Development, *HUD Announces Additional $5.1 Billion in Recovery Funds for Communities Impacted by Hurricane Sandy* (Oct. 28, 2013) *available at* http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-153); Ex. 91 (*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy*, 78 Fed. Reg. 69104 (Nov. 18, 2013)); Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*).

[1236] Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 72 (City of Hoboken, New Jersey, Office of the Business Administrator, *Request for Proposals (RFP): Professional Services – Professional Planning and Engineering for Post Hurricane Sandy Disaster Recovery Plan* (Oct. 24, 2013)) at 19.

[1237] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 5.

[1238] *Id.* at 9.

[1239] Ex. 80 (2013.11.25 Superstorm Sandy CDBG-DR Action Plan II: Stakeholder Meeting Sign-In).

[1240] Ex. 81 (2013.11.25 Notes by Ryan from Meeting with Northern/Central Jersey Mayors).

[1241] *Id.*

[1242] Ex. 81 (2013.11.25 Notes by Ryan from Meeting with Northern/Central Jersey Mayors) at 2.

[1243] *Id.*

[1244] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 6.

[1245] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage).

[1246] Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)) at 8.

[1247] *See id.* at 1.

[1248] Ex. 472 (Jessica Dailey, *HUD-Sponsored Sandy Design Competition Selects 10 Finalists*, Curbed (Aug. 9, 2013) *available at* http://ny.curbed.com/archives/2013/08/09/hudsponsored_sandy_design_competition_selects_10_finalists.php).

[1249] Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)) at 2.

[1250] It is our understanding that the RBD finalists will be submitting their high-level implementation plans, including a cost-benefit analysis, at the end of March 2014. *See* Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)).

[1251] Ex. 84 (2014.01.10 7:37 PM Email from McFadden to Morris).

[1252] Ex. 83 (2014.01.16 3:04 PM Email from Davis to Ferzan, et al.).

[1253] *See* Ex. 476 (2014.01.02 4:01 PM Email from Morris to Wyckoff, et al.); Ex. 477 (2014.01.10 4:46 PM Email from Morris to Pittman). *See also* Ex. 476 (Urban Coastal Defense Consortium, *Urban Coastal Defense Plan* (May 24, 2013) (representing a third private development firm that GORR contacted regarding Hoboken's RBD proposal)).

[1254] Ex. 85 (Hurricane Sandy Rebuilding Task Force, *Hurricane Sandy Rebuilding Strategy* (Aug. 2013)) at 65.

[1255] *Id.* at 95.

[1256] *Id.* at 14.

[1257] *Id.* at 8.

[1258] Ex. 82 (Rebuild by Design, *Promoting Resilience Post-Sandy Through Innovative Planning and Design, Design Brief* (June 21, 2013)) at 1.

[1259] Ex. 94 (City of Hoboken, *Mayor Zimmer Delivers 3rd State of the City Address; Announces Plans for Making Hoboken More Resilient* (Feb. 13, 2013) *available at* http://www.hobokennj.org/2013/02/mayor-zimmer-delivers-3rd-state-of-the-city-address-announces-plans-for-making-hoboken-more-resilient/) at 3.

[1260] Ex. 539A (City of Hoboken, *Mayor Zimmer Announces Infrastructure Initiatives to Address Flooding, Water & Power Systems* (May 15, 2013) *available at* http://www.hobokennj.org/2013/05/mayor-zimmer-announces-infrastructure-initiatives-to-address-flooding-water-power-systems/).

[1261] *Id.*

[1262] Ex. 540 (2013.07.22 3:49 PM Email from City of Hoboken to Daleo).

[1263] *See, e.g.*, Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage); Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html); Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie Know?*, Hoboken Reporter (Jan. 19, 2014) *available at* http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know).

[1264] Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

[1265] *Id.*; Ex. 539A (Darryl Isherwood, *Zimmer adds Sandy recovery czar to list of people she says pressured her on development project*, The Star-Ledger (Jan. 20, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/zimmer_adds_sandy_recover_czar_to_list_of_people_she_says_pressured_her_on_development_project.html).

[1266] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 5.

[1267] Ex. 81 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan* (Mar. 27, 2013)).

[1268] *Id.* (noting that the plan was approved by HUD on April 29, 2013).

[1269] Ex. 389 (2013.05.02 Letter from Buck to Constable); Ex. 390 (2013.09.05 Letter from Buck to Constable); Ex. 391 (2013.11.08 Letter from Tekpetey to Constable); Ex. 392 (2013.06.26 Letter from Gimont to Constable); Ex. 393 (2014.02.24 Letter from Gimont to Constable).

[1270] Ex. 538A (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan* (Mar. 27, 1993)) at Section 2.4.

[1271] Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Funds*) at Section 2.4.

[1272] Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)); Ex. 538B (Press Release, Office of the Governor, *Christie Administration Allocates $25 Million for Energy Projects in 146 New Jersey Municipalities, Counties and Other Government Units* (Oct. 9, 2013)).

[1273] Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

[1274] Appendix B details the various Sandy aid programs, the amount of money to be allocated under each program, the eligibility of municipalities under each program, whether Hoboken applied to each program for which it was eligible, and if Hoboken applied, the amount of funds it requested and received.

[1275] Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

[1276] Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer); Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

[1277] Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program); Ex. 395 (Department of Community Affairs, *Community Development Block Grant Disaster Recovery Action Plan, Substantial Amendment for the Second Allocation of CDBG-DR Fund*).

[1278] In addition, Hoboken residents and business owners have received $80,000,000 from private insurance companies. Ex. 542 (Press Release, Office of the Governor, *The Facts on Hoboken's Sandy Recovery Aid* (Jan. 20, 2014)). The Christie Administration helped facilitate the insurance company payments by, among other things, pushing insurance companies to expedite their decisions and distribute the funds. In assessing the unmet needs of

New Jersey's communities, the Christie Administration takes into account the monies they have received from private and federal programs.

1279 *See* Appendix C (Federal Public Assistance (PA) Funds by Applicant).

1280 *See* Appendices D (Federal Individual Assistance (IA) Funds Approved for Renters Under FEMA's Individuals & Households Program (IHP) By Municipality) & E (Federal Individual Assistance (IA) Funds Approved for Homeowners Under FEMA's Individuals & Households Program (IHP) By Municipality). Note this number includes funds obtained by both homeowners and renters in Hoboken.

1281 Ex. 542 (Press Release, Office of the Governor, *The Facts on Hoboken's Sandy Recovery Aid* (Jan. 20, 2014)).

1282 *Id.*

1283 Appendix F (CDBG-DR Homeowner Resettlement Program Funded Applications by Municipality (as of March 24, 2014)); Ex. 543 (NJ Sandy Transparency, Sandy Federal Funds Tracker, *Hoboken City (Hudson County), available at* http://nj.gov/comptroller/sandytransparency/funds/) (funds approved for 165 Hoboken families).

1284 Ex. 543 (NJ Sandy Transparency, Sandy Federal Funds Tracker, *Hoboken City (Hudson County), available at* http://nj.gov/comptroller/sandytransparency/funds/) (funds given to seven Hoboken businesses).

1285 *Id.* (funds used to rebuild Hoboken City Yard & Terminal).

1286 Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)). Hoboken has been allocated, but not received, $142,080. As discussed, the cross-agency working group has discovered several mistakes in connection with the HMGP Energy Allocation Initiative. The amount of money Hoboken will be allocated in the Energy Allocation Initiative is likely to change once these errors are corrected.

1287 Ex. 71 (2013.09.19 Letter from Commissioner Constable to Mayor Zimmer); Ex. 544 (Office of the Governor, Christie Administration Announces More Than $1.8 Million in Post-Sandy Planning Grants (Oct. 1, 2013)).

1288 This figure represents the total amount of RREM funding that Hoboken has received to date. However, Hoboken has 42 other applications that have been funded but not yet signed, with potential future allocations totaling $6,300,000 (maximum of $150,000 per grantee). Appendix G (CDBG-DR Homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program Funded Applications by City (as of March 24, 2014)).

1289 Note that this number contains only the amount given to the City of Hoboken itself and not the funds going to other Hoboken entities. If all amounts were included, the total would equal $5,679,103.34, as shown in the table above.

1290 Appendix C (Federal Public Assistance (PA) Funds by Applicant).

1291 *Compare* Ex. 545 (United States Census Bureau, *State & County QuickFacts: Newark (city), New Jersey*), *with* Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1292 *Compare* Ex. 545 (United States Census Bureau, *State & County QuickFacts: Newark (city), New Jersey*), *with* Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1293 Appendix C (Federal Public Assistance (PA) Funds by Applicant).

1294 Appendix C (Federal Public Assistance (PA) Funds by Applicant); *compare* Ex. 547 (Edison Chamber of Commerce, *Edison, NJ Demographics*), *with* Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1295 Appendix D (Federal Individual Assistance (IA) Funds Approved for Renters Under FEMA's Individuals & Households Program (IHP) by Municipality).

1296 *Compare* Ex. 548 (United States Census Bureau, *State & County QuickFacts: Jersey City (city), New Jersey*), *with* Ex. 546 (United States Census Bureau, *State & County QuickFacts: Hoboken (city), New Jersey*).

1297 Appendix E (Federal Individual Assistance (IA) Funds Approved for Homeowners Under FEMA's Individuals & Households Program (IHP) by Municipality).

[1298] *Id.*

[1299] *Compare* Ex. 548 (United States Census Bureau, State & County QuickFacts. *Jersey City (City), New Jersey*), *with* Ex. 546 (United States Census Bureau, State & County QuickFacts. *Hoboken (City), New Jersey*).

[1300] Appendix E (Federal Individual Assistance (IA) Funds Approved for Homeowners Under FEMA's Individuals & Households Program (IHP) by Municipality).

[1301] Ex. 92 (Geoff Mulvihill, *Sandy aid to Hoboken on par with other NJ towns*, Associated Press (Jan. 25, 2014) *available at* http://bigstory.ap.org/article/sandy-aid-hoboken-par-other-nj-towns).

[1302] Ex. 369 (2013.05.13 5:12 PM Email from Cunningham to Mayor Zimmer, et al.).

[1303] Ex. 482 (2013.05.15 9:41 AM Email from Renna to Mekles, et al.).

[1304] Ex. 539B (Darryl Isherwood, *Zimmer adds Sandy recovery czar to list of people she says pressured her on development project*, The Bergen Record (Jan. 20, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/01/zimmer_adds_sandy_recover_czar_to_list_of_people_she_says_pressured_her_on_development_project.html).

[1305] Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/).

[1306] Ex. 549 (2013.07.09 Letter from Mayor Zimmer to Constable (attaching Hoboken's CDBG-DR Planning Grant Program application)).

[1307] *Id.*; Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer).

[1308] Ex. 71 (2013.09.19 Letter from Constable to Mayor Zimmer).

[1309] Ex. 544 (Press Release, Office of the Governor, *Christie Administration Announces More Than $1.8 Million in Post-Sandy Planning Grants* (Oct. 1, 2013)).

[1310] Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program).

[1311] Exs. 525–531 (2013.03.22 Letters of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program).

[1312] Ex. 526 (2013.03.22 Letter of Intent from the City of Hoboken to the New Jersey Hazard Mitigation Grant Program, *Purchase and Installation of Emergency Back-up Generators (5% Initiative)*).

[1313] Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

[1314] *See* Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)); Ex. 87 (Hazard Mitigation Grant Program – Energy Allocation Initiative, Factors Considered in Allocating Funds).

[1315] Ex. 550 (2013.10.07 11:33 AM Email from Smith to Mason, et al.) (attaching breakdown of municipality applicants and their respective scores and awards).

[1316] Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiatives (Jan. 23, 2014)).

[1317] Ex. 471A (2013.10.09 Letter from Gallagher to Mayor Zimmer).

[1318] Ex. 73 (New Jersey Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative (Jan. 23, 2014)).

[1319] *See generally* Ex. 74 (Erin O'Neill, *Sandy grant revisions leave some towns winners, some losers*, The Star-Ledger (Mar. 6, 2014) *available at* http://www.nj.com/news/index.ssf/2014/03/energy_grants_revised_by_nj.html); Ex. 75 (Scott Gurian, *Investigation reveals Sandy energy grant program riddled with errors*, NJ Spotlight (Mar. 5, 2014) *available at* http://www.njspotlight.com/stories/14/03/05/sandy-energy-grant-program-riddled-with-errors/?p=all); Ex. 76

(Kathryn Brenzel, *Christie Administration criticizes WNYC Sandy report, says Hoboken aid figures not finalized*, NJ.com (Mar. 5, 2014) *available at* http://www.nj.com/hudson/index.ssf/2014/03/state_says_reports_of_bias_in_hoboken_sandy_aid_awards_ridiculous_1.html); Ex. 77 (Dean DeChario, *Fuzzy math? Christie could owe Hoboken $700K in Sandy funding due to faulty calculations, report says*, Hudson Reporter (Mar. 5, 2014) *available at* http://hudsonreporter.com/view/full_story/24694083/article-Fuzzy-math--Christie-could-owe-Hoboken-$700K-in-Sandy-funding-due-to-faulty-calculations--report-says).

1320 Ex. 551 (2014.02.06 Letter from Gallagher to Hazard Mitigation Grant Program Energy Allocation Initiative Participants).

1321 Ex. 62 (2013.05.24 Letter from Mayor Zimmer to Governor Christie).

1322 *Id.*

1323 Ex. 552 (Press Release, City of Hoboken, *City of Hoboken, US Department of Energy, NJ Board of Public Utilities & PSE&G Partner to Develop Resilient Electric Grid* (June 13, 2013) *available at* http://www.hobokennj.org/2013/06/city-of-hoboken-us-department-of-energy-nj-board-of-public-utilities-pseg-partner-to-develop-resilient-electric-grid/).

1324 Ex. 61 (2013.08.20 Tweets from Mayor Zimmer, *available at* https://twitter.com/dawnzimmernj/status/369877512895356928).

1325 *Id.*

1326 Ex. 357 (2013.10.02 12:31 PM Email from Bryan to Mowers).

1327 *Id.*

1328 *Id.*

1329 *Id.*

1330 Ex. 63 (2013.10.02 1:06 PM Email from Mowers to Bryan).

1331 Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 11.

1332 Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

1333 Ex. 553 (2013.08.12 4:32 PM Email from Ragonese to Rogers).

1334 Ex. 554 (2013.08.13 Photograph from Agri-Business Tour, *Hoboken Farmer's Market*, *available at* http://www.nj.gov/governor/media/photos/2013/eventphotos/20130813b/DSC_0923.jpg).

1335 Ex. 555 (2013.06.14 7:24 AM Tweet from Daniel Bryan, *available at* https://twitter.com/danieljohnbryan/status/345547250820329472).

1336 Ex. 81 (2013.11.25 Notes of Ryan from Meeting with Northern/Central Jersey Mayors).

1337 Ex. 556 (Office of the Governor, *Administration, Senior Staff*); Ex. 557 (Office of the Governor, Administration, Cabinet, *Charles B. McKenna*).

1338 Ex. 558 (Department of Community Affairs, *Melissa Orsen Named Chief of Staff at DCA* (Mar. 3, 2013)).

1339 Ex. 559 (State of Louisiana, Office of Community Development Disaster Recovery Unit, *Louisiana Specialists Lend Disaster Recovery Expertise to Hurricane Sandy Rebuilding Efforts* (Mar. 22, 2013) *available at* http://doa.louisiana.gov/cdbg/dr/News%20Items/NJtrip_3-22-13.htm).

1340 For example, Daleo and Mekles came from lucrative private practices to assist with Sandy aid efforts. Mekles was living in Hoboken at the time of Sandy (and through September 2013), and he joined GORR in January 2013, to help his community and others in New Jersey. Mekles' main role was to make sure that CDBG programs made sense. It belies common sense that Mekles would participate in taking actions against his hometown. Indeed,

Mekles made it very clear that if funds were allocated based on inappropriate factors, he would quit his job immediately.

[1341] *See* Ex. 560 (William K. Rashbaum, *Hoboken Mayor is Said to Have Told of Threat*, The New York Times (Jan. 23, 2014) *available at* http://www.nytimes.com/2014/01/23/nyregion/hoboken-mayor-is-said-to-have-told-of-threat.html).

[1342] *See* Ex. 353 (Sarah Gonzalez, *NJ Mayors: Was Christie Getting Revenge on Me, Too?*, WNYC & NJPR (Jan. 10, 2014) *available at* http://www.wnyc.org/story/nj-mayors-was-christie-getting-revenge-me-too/).

[1343] Ex. 60 (Chris Frates, *First on CNN: Mayor Behind Christie Allegations Full of Contradictions*, CNN (Feb. 3, 2014) *available at* http://www.cnn.com/2014/02/03/politics/christie-hoboken-mayor-zimmer-accusations/).

[1344] Ex. 64 (Up with Steve Kornacki, *Interview with Mayor Zimmer*, MSNBC (Jan. 18, 2014) *available at* http://www.msnbc.com/msnbc/mayor-christie-camp-held-sandy-money-hostage) at 15.

[1345] *Id.*

[1346] *Id.*

[1347] Ex. 541 (Dean DeChiaro, *Hoboken Reporter Exclusive: Mayor Dawn Zimmer responds to the big question: Did Christie know?*, Hoboken Reporter (Jan. 19, 2014) *available at* http://hudsonreporter.com/view/full_story/24416769/article-HOBOKEN-REPORTER-EXCLUSIVE--Mayor-Dawn-Zimmer-responds-to-big-question--Did-Christie-know).

[1348] *Id.*

[1349] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[1350] *Id.*

[1351] *Id.*

[1352] *See* Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/); Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 5.

[1353] *See* Ex. 86 (Scott Gurian, *NJ 'Storm Czar' Refutes Claim Hoboken was Shortchanged*, WNYC (Jan. 20, 2014) *available at* http://www.wnyc.org/story/nj-storm-czar-refutes-claim-hoboken-was-shortchanged/); Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 5.

[1354] Ex. 410 (2013.02.13 5:54 PM Email from Ferzan to Grifa).

[1355] Ex. 57 (Anderson Cooper 360 Degrees, *New Jersey Payback Politics?; Interview with Mayor Dawn Zimmer*, CNN (Jan. 20, 2014) *available at* http://edition.cnn.com/TRANSCRIPTS/1401/20/acd.01.html) at 3.

[1356] Ex. 59 (Daily News Zimmer Journal) at 6.

[1357] Ex. 58 (MSNBC Zimmer Journal).

[1358] Ex. 58 (MSNBC Zimmer Journal) at 4. We present these two pages of Mayor Zimmer's notes as they appeared on television and published online. We did not redact the handwritten notes on the left-hand side of the page.

[1359] *Id.*

[1360] *Id.*

[1361] *Id.* at 3.

[1362] Ex. 59 (Daily News Zimmer Journal) at 3.

[1363] *Id.* at 3; Ex. 58 (MSNBC Zimmer Journal) at 3.

[1364] Ex. 58 (MSNBC Zimmer Journal).

[1365] Ex. 58 (MSNBC Zimmer Journal).

[1366] Ex. 58 (Daily News Zimmer Journal) at 6.

[1367] *Township of Wayne v. Messercola*, 789 F. Supp. 1305, 1309 n.7 (D.N.J. 1992) ("As mayor, Messercola was a public official with a fiduciary duty of trust, honesty and loyalty to Wayne.")

[1368] Ex. 58 (MSNBC Zimmer Journal) at 8.

[1369] Ex. 561 (Ken Thorbourne, *Eye of the Storm: Hoboken Mayor Dawn Zimmer – an "Accidental Politician" – Has Survived Wave After Wave of Controversy*, The Jersey Journal (Feb. 11, 2014) *available at* http://www.nj.com/hudson/index.ssf/2014/02/eye_of_the_storm_hoboken_mayor_dawn_zimmer_-_an_accidental_politician_-_has_survived_wave_after_wa.html).

[1370] Ex. 56 (State of the Union with Candy Crowley, *Interview with Mayor Zimmer*, CNN (Jan. 19, 2014) *available at* http://transcripts.cnn.com/TRANSCRIPTS/1401/19/sotu.01.html) at 5.

[1371] *See, e.g.*, Ex. 562 (Gov't Accountability Office, Rep. No. GAO-08-742, *National Archives and Selected Agencies Need to Strengthen E-Mail Management* (June 2008) (describing "e-mail message from a former Acting Administrator instructing a private consultant not to use the Administrator's EPA e-mail account to discuss a sensitive government issue (World Trade Center issues) but to use a personal e-mail account")) at 38–39.

[1372] The current constraints of government-issued mobile devices include the inability to view or open certain emails and attachments, and, oftentimes, the inability to text message and make phone calls. Additionally, most staff at the Office of the Governor have not been issued a government mobile device.

[1373] N.J. Stat. Ann. § 47:1A-1 (West 2013).

[1374] Ex. 563 (State of New Jersey Information Technology, *Electronic Mail/Messaging Policy* (Sept. 1, 1998)).

[1375] *Id.*

[1376] *See id.*; Ex. 564 (New Jersey Department of State, *Managing Electronic Mail: Guidelines and Best Practices* (July 11, 2002)).

[1377] *See* Ex. 565 (U.S. National Archives, and Records Administration, *Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal*, NARA Bulletin 2013-03 (Sept. 9, 2013)).

[1378] *See, e.g., id.* ("While agency employees should not generally use personal email accounts to conduct official agency business, there may be times when agencies authorize the use of personal email accounts," and in these situations, "agency employees must ensure that all [f]ederal records sent or received on personal email systems are captured and managed in accordance with agency record-keeping practices."); Ex. 566 (The White House, Office of the Press Secretary, *Press Gaggle by Press Secretary Jay Carney en Route Mansfield, OH* (Aug. 1, 2012) (describing record-keeping practice of Jim Messina, Deputy Chief of Staff: "Mr. Messina had a longstanding personal email account in which he got traffic. In an effort to comply with all the regulations pertaining to emails, he would forward emails to his White House account or copy his White House account so that those emails would be part of presidential record. And that is per guidance provided by counsel.") *available at* http://www.whitehouse.gov/the-press-office/2012/08/01/press-gaggle-press-secretary-jay-carney-en-route-mansfield-oh-8112); Ex. 567 (H. Comm. on Oversight & Gov't Reform, Interim Report, Investigation of Possible Presidential Records Act Violations (June 2007) ("[E]-mail is no different from other kinds of documents. Any e-mail relating to official business therefore qualifies as a Presidential record . . . . [I]f you happen to receive an e-mail on a personal e-mail account that otherwise qualifies as a Presidential record, it is your duty to ensure that it is preserved and filed as such by printing it out and saving it or by forwarding it to your White House e-mail account.")).

[1379] Should policy revisions be pursued, we recommend that all New Jersey State employers formally circulate the revised policy to all State employees and require their employees to acknowledge receipt and review of the revised policy and guidance.

[1380] *See* Ex. 568 (New Jersey State Ethics Commission, *Uniform Ethics Code* (Feb. 2011) (noting Ethics Code's applicability to the Executive Branch)) at 1.

[1381] Ex. 569 (New Jersey Office of the Governor, *Code of Conduct for Employees of the Office of the Governor* (Feb. 2002)).

[1382] Ex. 570 (New Jersey State Ethics Commission, *Agency Ethics Liaison Officers*). The Ethics Commission administers and enforces the Conflicts Law. *See* Ex. 571 (New Jersey State Ethics Commission, *About Us*). The Ethics Commission "has the power to undertake investigations and hold hearings regarding alleged violations of the Conflicts Law" and issue advisory opinions regarding whether a certain set of facts could, in the Commission's opinion, constitute possible violations of the Conflicts Law or any other code, rule, or regulation. *See also* N.J. Stat. Ann. §§ 52: 13D-12 *et seq.* (West 2013). It also conducts compliance reviews of State agencies, including the Office of the Governor, "to ensure that State agencies are meeting reporting, training and other requirements of the State's ethics laws and regulations." Ex. 572 (New Jersey State Ethics Commission, *Compliance Review Program*).

[1383] Ex. 573 (Governor Chris Christie Executive Order No. 24 (Apr. 27, 2010)) at 19. The Advisory Ethics Panel includes two public members who are appointed for three-year terms, one of which cannot be from the same party as the Governor. *Id.*

[1384] *See* N.J. Stat. Ann. §§ 52: 13D-12 *et seq.* (West 2013) (regulating, among other things, conduct of State officers or employees or members of the Legislature with respect to the acceptance of things of value, representations, post-employment, conflicts of interest, contracts, nepotism, and penalties for persons found guilty of ethics violations by the Ethics Commission); Ex. 568 (New Jersey State Ethics Commission, *Uniform Ethics Code* (Feb. 2011)); Ex. 569 (New Jersey, Office of the Governor, *Code of Conduct for Employees of the Office of the Governor* (Feb. 2002)).

[1385] The State of Connecticut has an Office of State Ethics and Ethics Liaisons who are tasked with some of these responsibilities. *See* Ex. 574 (State of Connecticut Office of State Ethics, *Agency Ethics Guide: Ethics Liaisons and Compliance Officers* (Sept. 2013)) at 3, 19.

[1386] For example, the Chief Ethics Officer can report matters to the Governor that should not be reported to the Chief Counsel in the first instance.

[1387] These recommendations build on: recommendations that Governor Christie pursued in July 2010 with respect to the Delaware River Port Authority; 2014 reforms proposed by the New Jersey Legislative Select Committee on Investigation; New Jersey's 2012 "PANYNJ Transparency and Accountability Act" (the "PANYNJ Act") and the Governor's respective conditional veto; proposed reforms suggested in testimony by Port Authority leadership before the New Jersey Assembly Transportation Committee; and New York's Public Authorities Reform Act of 2009. *See, e.g.*, Ex. 575 (Press Release, Office of the Governor, *Governor Christie Calls for Additional, Critical Reform Measures to Overhaul Delaware River Port Authority* (July 29, 2010)); Ex. 576 (Press Release, New Jersey Assembly Republicans, *Republican SCI Members Offer Solutions to Oversee Authorities* (Feb. 20, 2014) *available at* http://www.njassemblyrepublicans.com/?p=13008); Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)); Ex. 19 (Assembly Committee Meeting (Testimony of Bill Baroni) (Nov. 25, 2013)) at 7, 26; Ex. 578 (New York Public Authorities Reform Act of 2009; Amendments to the New York Public Authorities Law (2005), *available at* http://www.abo.ny.gov/abo/Chapter766of2005.pdf).

[1388] Ex. 152 (Port Authority of New York & New Jersey, *Overview of Facilities and Services, About the Port Authority*).

[1389] *See, e.g.*, Ex. 154 (Jameson Doig, *Restore Integrity at the Port Authority*, The New York Times (Feb. 20, 2012) *available at* http://www.nytimes.com/2012/02/21/opinion/restore-integrity-at-the-port-authority.html?pagewanted=all&_r=0); Ex. 155 (Editorial, *Dredging for Dollars*, The Star-Ledger (Apr. 28, 2008) *available at* http://blog.nj.com/njv_editorial_page/2008/04/dredging_for_dollars.html); Ex. 156 (Joe Malinconico & Ron Marisco, *P.A. dredges up millions for cargo firm: Agency Oks channel-clearing funds for back rent and other uses*, The Star-Ledger (Apr. 25, 2008) *available at* http://www.newarktalk.com/talk2/viewtopic.php?f=37&t=964).

[1390] This dysfunction has become even more apparent in the wake of the George Washington Bridge lane realignment incident. For instance, once the Port Authority's Executive Director was apprised of the lane realignment situation by September 13, 2013, he conferred with the Port Authority's Vice Chairman (NY), and then

sent an internal agency email—later disclosed to the press—complaining that he had not been made aware of the lane realignment beforehand and was putting an immediate stop to it, and claiming it was a "hasty and ill-advised decision" that "violates Federal Law and the law of both States." Ex. 7 (2013.09.13 7:44 AM Email from Foye to Fulton, et al.); Ex. 8 (Ted Mann, *Port Chief Fumed Over Bridge Jam; Patrick Foye Fired Off an Email Message After Learning of Lane Closures*, The Wall Street Journal (Oct. 1, 2013) *available at* http://online.wsj.com/news/articles/SB10001424052702304373104579109860563887326). Following the lane realignment, the Port Authority's Chairman then responded, not directly to the Executive Director but through the Vice Chair, reflecting the communication problems within the agency. Ex. 242 (2013.09.17 8:02 PM Email from Samson to Rechler). And recently, on February 25, 2014, the Executive Director publicly stated his opinion that his Chairman "lacks the moral authority to run the agency." Ex. 579 (Christopher Baxter, *David Samson lacks moral authority to run Port Authority, top official says*, The Star-Ledger (Feb. 25, 2014) *available at* http://www.nj.com/politics/index.ssf/2014/02/david_samson_lacks_moral_authority_to_run_port_authority_top_official_says.html). *See also* Ex. 339 (Ginger Gibson, *Gov. Chris Christie signs N.J. public worker pension overhaul bill*, The Star-Ledger (June 28, 2011) *available at* http://www.nj.com/news/index.ssf/2011/06/gov_chris_christie_signs_nj_pu.html).

1391 *See, e.g.*, Ex. 580 (The Editorial Board, *The Port Authority Loses Its Way*, The New York Times (Feb. 17, 2014) *available at* http://www.nytimes.com/2014/02/18/opinion/the-port-authority-loses-its-way.html); Ex. 581 (Ted Mann, *New Panel Will Consider Port Authority Reforms*, The Wall Street Journal (Mar. 16, 2014) *available at* http://online.wsj.com/news/articles/SB10001424052702303824204579421440862740478#printMode).

1392 N.J. Stat. § 32:1-1, 1-4; McKinney's Unconsol. Laws §§ 6401, 6404.

1393 *See, e.g.*, Ex. 580 (The Editorial Board, *The Port Authority Loses Its Way*, The New York Times (Feb. 17, 2014) *available at* http://www.nytimes.com/2014/02/18/opinion/the-port-authority-loses-its-way.html).

1394 *See, e.g.*, Ex. 580 (The Editorial Board, *The Port Authority Loses Its Way*, The New York Times (Feb. 17, 2014) *available at* http://www.nytimes.com/2014/02/18/opinion/the-port-authority-loses-its-way.html).

1395 *See id.*; Ex. 582 (Richard Brodsky, *How to get the Port Authority under control: Opinion*, The Star-Ledger (Feb. 16, 2014) *available at* http://www.nj.com/opinion/index.ssf/2014/02/get_the_port_authority_under_control_opinion.html).

1396 *See* New York Public Authorities Reform Act of 2009.

1397 Indeed, the checks and balances created by formal approval procedures are important to any organization or entity—private or public. *See, e.g.*, *Preliminary Report of the American Bar Association Task Force on Corporate Responsibility*, 58 Bus. Law. 189, 194 (July 16, 2002).

1398 The parameters of what constitutes a "substantial, non-routine, non-emergency operational change" would need to be assessed and defined with some particularity.

1399 *See* Ex. 583 (Minutes of Meeting of Port Authority of New York & New Jersey (Feb. 19, 2014)) at 9. *See also* Ex. 584 (Ted Mann, *Port Committee Apologizes for George Washington Bridge Lane Closures*, The Wall Street Journal (Feb. 19, 2014) *available at* http://blogs.wsj.com/metropolis/2014/02/19/port-committee-apologizes-for-george-washington-bridge-lane-closures/).

1400 *See* Ex. 583 (Minutes of Meeting of Port Authority of New York & New Jersey (Feb. 19, 2014)) at 9.

1401 Ex. 585 (Press Release, Office of the Governor, *Governor Chris Christie Introduces "Shadow Government Reform" Legislation to Protect New Jersey Taxpayers* (Mar. 30, 2011)); *see also* Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

1402 *Id.*

1403 Ex. 586 (Press Release, Office of the Governor, *Governor Chris Christie Takes Action on Pending Legislation* (July 26, 2012)).

1404 *See id.*

1405 Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

[1406] *Id.*

[1407] Ex. 585 (Press Release, Office of the Governor, *Governor Chris Christie Introduces "Shadow Government Reform" Legislation to Protect New Jersey Taxpayers* (Mar. 30, 2011)); *see also* Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

[1408] Ex. 577 (N.J. Senate Bill 1761, 215th Leg., 1st Ann. Sess. (N.J. 2012-13) (Conditional Veto)).

[1409] *See* New York Public Authorities Reform Act of 2009.

[1410] To pursue this preliminary recommendation, the Office of the Governor should work together with legislators in New Jersey and New York so that parallel legislation affecting Port Authority officials can be adopted in both states.

[1411] *See* Ex. 587 (N.J. Senate Bill 1479, 214th Leg. (N.J. 2010)).

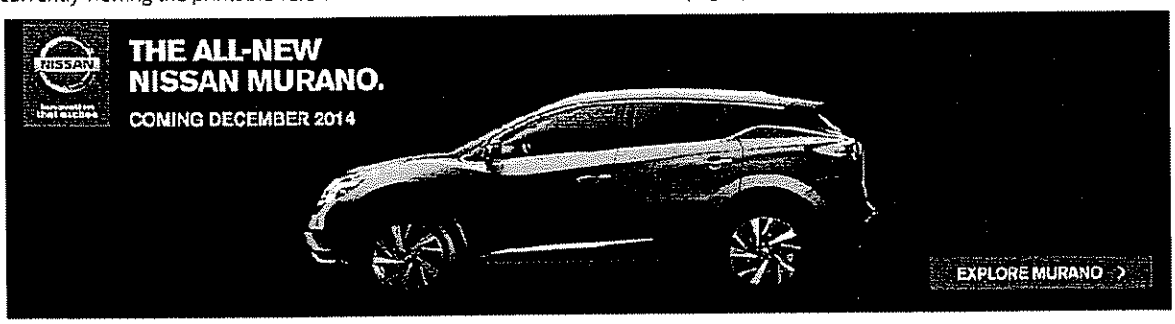
[1412] Alaska Stat. § 11.56.124 (Alaska); Conn. Gen. Stat. Ann. § 53a-148a (Connecticut); Ill. Comp. Stat. 5/33-1, 2 (Illinois); Me. Rev. Stat. Ann. tit. 17, §§ 602, 603 (Maine); N.H. Rev. Stat. Ann. §§ 640:2, 3 (New Hampshire).

[1413] *See* Ex. 588 (Press Release, Office of the Governor of New York, *Governor Cuomo Proposes New Class of Public Corruption Crimes* (Apr. 9, 2013) *available at* https://www.governor.ny.gov/press/04092013New-Class-of-Public-Corruption-Crimes); Ex. 589 (N.Y. Senate-Assembly Bill S06355-C (Jan. 21, 2014), *available at* http://assembly.state.ny.us/leg/?default_fld=&bn=S06355&term=2013&Summary=Y&Actions=Y&Text=Y&Votes=Y (submitted by Governor Cuomo to the New York Senate and Assembly on January 21, 2014, currently pending before the Senate Finance Committee)).

[1414] We are mindful that any legislation in this regard would need to carefully balance the desire for prompt disclosure against a potential for allegations to be made that do not warrant further investigation. Therefore, the Governor's Office should work with the Legislature, to strike the appropriate balance to ensure that the complaints required to be referred merit further investigation.

EXHIBIT 124

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Internalinves tigationclears C hris Christie of wrongdoingin Bridgegatesca ndal

By Seth McLaughlin - *The Washington Times - Thursday, March 27, 2014*

The lawyers tapped by New Jersey Gov. Chris Christie to investigate the George Washington Bridge scandal released their findings Thursday, saying there is no evidence that the Republican governor knew about or had a hand in the lane closures that snarled local traffic for days.

Randy M. Mastro, the lawyer leading the investigation, rolled out the 344-page report at a news conference and said it concluded that Mr. Christie's then-Deputy Chief of Staff Bridget Anne Kelly was the only person in the governor's inner circle to know about the plan, which he said was driven by David Wildstein, a Port Authority official.

Mr. Wildstein resigned last year, and Ms. Kelly was fired in the wake of the scandal.

"This is a vindication of Gov. Christie in that we found what he has been saying all along is true," Mr. Mastro, of the law firm Gibson Dunn & Crutcher, told reporters. "He had no prior knowledge of this lane realignment idea and no role whatsoever in the decision or the implementation of it."

However, Democrats quickly dismissed the report as incomplete and/or accused Mr. Mastro of having conflicts of interest.

Mr. Christie has been operating under a cloud since a cache of emails was released in January that suggested his administration orchestrated the September traffic jams in Fort Lee, causing backups on the heavily traveled George Washington Bridge, in order to exact political payback against Fort Lee Mayor Mark Sokolich for not endorsing his re-election bid.

The new report dismissed the non-endorsement payback theory, saying there is no evidence of that. But investigators were unable to determine the motive.

"Whatever motivated Wildstein and Kelly to act as they did, it was not at the behest of Governor Christie, who knew nothing about it," the taxpayer-funded report said.

It also said, "The common speculation that this was an act of political retaliation because Mayor Sokolich failed to endorse the Governor for re-election is not established by the evidence that we have seen."

The report said that in addition to Mr. Wildstein and Ms. Kelly, the lane closures were known to Bill Stepien, the governor's 2013 campaign manager, and Bill Baroni, who was deputy executive director of the Port Authority. But the report said those two didn't know the ulterior political motive.

Mr. Christie has apologized and denied knowing about the scheme to close entry lanes to the bridge. He fired Ms. Kelly. He also withdrew his nomination of Mr. Stepien to be chairman of New Jersey's Republican Party and canceled any business Mr. Stepien had with the Republican Governors Association, of which Mr. Christie is now chairman.

This report is the first of several inquiries into the "bridgegate" saga, which has tarnished Mr. Christie's national image as he ponders a bid for the GOP presidential nomination in 2016.

The Democratic National Committee panned the report, calling it "nothing more than an expensive sham" because Ms. Kelly, Mr. Wildstein and Mr. Stepien, three of the people at the center of the scandal, refused to talk to investigators.

"What we didn't get for that hefty price tag to New Jersey taxpayers were any interviews with the key figures who executed the plan or any insight into why this happened," DNC spokesman Mo Elleithee said. "There was no real evidence, no real findings, no real answers, and definitely no exoneration."

State Assemblyman John S. Wisniewski, Democrat and co-chairman of the bipartisan legislative panel probing the incident, has raised similar concerns and questioned the report's objectivity, based on Mr. Mastro being, like Mr. Christie, a former federal prosecutor and also his having served as chief of staff to former New York Mayor Rudolph Giuliani, a staunch Christie supporter.

On Thursday, Mr. Mastro brushed aside the criticism at the news conference, saying he has a track record of being "fiercely independent."

"It serves no one's interest — not ours, not the governor's, not the governor's office and not the constituency the governor's office serves, the people of New Jersey — for us to have tried to do anything other than uncover the truth and report the truth," he said. "Because we are going to be judged on whether we got it right."

The report, which included interviews with more than 70 witnesses and the review of 250,000 documents, also said that Hoboken Mayor Dawn Zimmer's accusations that the Christie administration threatened to withhold funds if she did not back a billion-dollar development project were "unsubstantiated and, in material respects, demonstrably false."

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