

# **DID MICHELE BROWN QUIT OVER FOIAS NAMING HER PERSONALLY?**

The Corzine campaign is ratcheting up the pressure on the US Attorney's office to release a number of FOIAed documents. They're calling on Christie to support full disclosure before the election.

But there's a detail of their press release I find mighty interesting. The Corzine campaign FOIAed two items relating to Michele Brown just six days before she resigned, on August 19. They FOIAed:

- Any written communications, emails, or any other records of communications since December 2001 between former U.S. Attorney Christopher J. Christie and Michele Brown that address or refer to the personal finances of either party, including, but not limited to, any loan or mortgage provided by Mr. Christie to Ms. Brown.
- A complete history of all promotions and salaries since FY 2000 by Michele Brown, who is currently the First Assistant United States Attorney for the District of New Jersey.

DOJ refused both of those requests—though the Corzine campaign is appealing that decision.

The timing of these FOIAs adds a fascinating wrinkle to the NYT report from a few weeks ago. As the NYT reported, at almost precisely this time, DOJ told Ralph Marra to take Brown off of the FOIA response. And after DOJ insisted Brown be removed from the FOIA process, she quit.

In March, when Gov. Jon S. Corzine's campaign requested public records about Mr. Christie's tenure as prosecutor, Ms. Brown interceded to oversee the responses to the inquiries, taking over for the staff member who normally oversaw Freedom of Information Act requests, according to federal law enforcement officials in Newark and Washington. The requested information included records about Mr. Christie's travel and expenses, along with Ms. Brown's travel records.

[snip]

News of Mr. Christie's loan to Ms. Brown broke in August, dealing a blow to his candidacy, and he apologized for failing to report it on his tax returns and ethics filings.

Less than two weeks later, Justice Department officials told Mr. Christie's interim replacement, Ralph Marra, to remove Ms. Brown from acting as coordinator of the Freedom of Information Act requests about Mr. Christie's tenure because of the obvious conflict of interest, according to a federal law enforcement official briefed on the communications. Ms. Brown resigned from the prosecutor's office the same day, the official said.

[snip]

In August, Mr. Marra defended the office's handling of the Freedom of Information requests and denied that Ms. Brown oversaw the process, saying she only supplied records relating to

herself.

Now, as today's press release reveals, Brown may have been trying to protect more than records of the travel scam she and Christie had going, whereby she approved of Christie's excessive travel costs and he, in turn, approved of hers. In fact, she may have been trying to hide the financial terms of her relationship with Christie—both the mortgage that has been reported, but also bonuses and salary.

Indeed, quitting may have contributed to DOJ's refusal of the Corzine FOIA (I'm checking with the campaign to find out what exemption DOJ claimed for these). After all, an on-going financial relationship with the First AUSA in an office alleged of improprieties is one thing, but it's an entirely different thing as soon as that FAUSA severs her relationship with the office.

So it may be that Brown quit in an attempt to make it easier to refuse this FOIA. That sort of adds a new twist to Brown's explanation for quitting that "I don't want to become a distraction."

Update: Here's DOJ's denial, which was received on August 20. They explain,

You have requested records concerning a third party (or third parties). Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the request records. Since you have not furnished a release, death certificate, or public justification for release, the release of records concerning a third party would result in

an unwarranted invasion of personal privacy and would be in violation of the Privacy Act, 5 USC 552a. These records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 USC 552.

So, uh, I'm guessing that Brown is literally preventing this information from coming out.

But then there's the invocation of the FOIA exemptions, b6 and b7C. Exemption b6 is totally expected—a claim that releasing this information would constitute an unwarranted invasion of Brown's personal privacy. I think you can argue the point, but regardless, I'm not surprised. I am surprised by exemption b7C, protecting personal information in law enforcement records. That is normally used—if I understand FOIA properly—to protect things like names, social security numbers, and phone numbers of those in records pertaining to an investigation. Not personal information in personnel records of law enforcement personnel.

Unless DOJ is honestly arguing that this has become a matter of investigation...