



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

**STATE OF NEW JERSEY**  
**OFFICE OF THE PUBLIC DEFENDER**  
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Dear Governor Christie:

Over the last several months you have violated New Jersey law as well as the State and Federal Constitutions. Because I have insisted on a lawful transition and resisted your illegal conduct, I have been summoned to your office, suffered veiled threats, been pressured to resign, have had interference with my agency's operations and now fear being physically removed from my office. Your bullying tactics amount to violations of the law which include, but are not limited the following:

1. You have repeatedly tried to force me to resign while claiming that I serve "at your pleasure." I do not. I hold a statutory position which is rooted in our Constitution. I serve as the Public Defender "until the appointment and qualification of [my] successor." N.J.S.A. 2A:158A-4. I possess the same level of authority that I did the day I was sworn into office in 2002. To insure continuity in government the Courts have uniformly interpreted this kind of provision to mean what it says. Creque v. Luis, 803 F.2d 92 (3d Cir. 1986); Wilson v. Dist. Court of First Judicial Dist., 93 N.J.L. 103 (Sup. Ct. 1919).

2. While trying to force me out of my position, you initially told me that my ability to continue to serve within the Office of the Public Defender was completely and utterly out of the question and unacceptable. You repeatedly claimed that I could not return to a staff position in the Office of the Public Defender, although the bulk of my legal career has been spent here. Despite your attempts to "place" me in a job for which I was not qualified or to "create" a job in another department, I continued to ask one simple question – "why can't I return to my previous position?" It was only after I pointed out that it is illegal and unconstitutional for you to interfere in the staffing of the Office of the Public Defender ( Branti v. Finkel, 445 U.S. 507 (1980)) did you "relent" and claim that I could return to a position similar to the one I had when I became the Public Defender nine years ago, but even then you insisted that in order to return as a staff member, I needed to "voluntarily resign" in short order because you intended to announce your nominee. Despite this bullying tactic I refused to do so.

3. However, in a stunning abuse of power you stopped 3 critical personnel actions that were budgeted, approved and signed by the Commissioner of Personnel. The Public Defender has the sole power to make hiring decisions and promotions according to law. N.J.S.A 2A:158A. Your power is limited to the nomination of The Public Defender. The Senate has the power to confirm or refuse to confirm that appointment. You do not have the power to interfere in the operations or staffing of the Office of the Public Defender. Such political interference is unconstitutional. ( *See eg. Branti, supra* )

4. You have directed my public information officer to direct inquiries made to the Office of the Public Defender to your press office.

You are treating my career as expendable and state government as if you are a unitary executive with unbridled power. You do not have the power to force me out of office. Nor do you have the power to decide what position I will hold when my successor is named and qualified. Nor does my successor have the right to do your bidding and make staffing decisions based upon your political agenda.

You have no right to treat me like a pawn on a chess board. I have served four Governors honorably, including you, and I have been a vigilant and professional executive. I refuse to allow you to damage, disrespect or in any way tarnish my career. I am a respected lawyer in this State and I am a nationally recognized Chief defender and expert. Furthermore, by obstructing my management decisions and by impeding the filling of constitutionally mandated positions with the qualified candidates that I chose, you undermine the constitutional rights of indigent clients.

Now that you have named my successor, I will assist in any way with his transition once he is qualified by the Senate. Then I will return to a position on the Office of the Public Defender which is commensurate with my qualifications and experience. Until then, I am the Public Defender and remain undaunted. I will operate my office and make staffing decisions under the law. I request that you release the personnel actions that you have blocked and refrain from interfering in the day to day operations of the Office of the Public Defender. I am prepared to go to court in order to fully serve the public until my last minute in this position. I will not bow to your political interference. The Constitution and the law require my vigilance and ethical courage.

Very truly yours,

*Yvonne Smith Segars*

YVONNE SMITH SEGARS  
Public Defender