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Make the e-mails public

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Gov. Jon Corzine's reason for keeping e-mails between himself and Carla Katz secret goes something like this: A government can operate effectively on behalf of the people only if it keeps them in the dark.

Really. That's the gist of his ill-advised decision to fight last week's court order to release the documents. Rather than appealing Judge Paul Innes' well-reasoned and legally sound ruling, Corzine ought to reaffirm his commitment to the public's right to know exactly how the government operates by making the e-mails public.

The governor's counsel describes the refusal as waging a valiant fight to ensure that Corzine and future governors can communicate with top staffers without worrying that what's said candidly in private will become public.

Shielding certain memos or other communications from public disclosure involves the exercise of what's known as executive privilege. There's no doubt a president or governor must be allowed to do that. But the practice cannot be so all-encompassing that a governor can declare that just about any document falls under the aegis of executive privilege. Traditionally, executive privilege has involved communications between a president or a governor and senior advisers.

Clearly, that's not the case with the Corzine-Katz exchanges. She was not a member of his staff and on the issue of labor negotiations should not have been an adviser. Quite the contrary. At the time the two were swapping e-mails, she was head of a state employees local and he was engaged in contract talks with the unions. Katz was not part of the official negotiating team. It would be hard to find an ethics code -- for either public officials or union leaders -- that would deem such exchanges to be appropriate.

That makes what she had to say to Corzine all the more relevant. It's exactly such communications that the state Supreme Court had in mind when it previously noted that the public has a right to obtain documents that can help it "understand and evaluate the reasonableness of the public body's actions."

Corzine has maintained Katz in no way influenced his decisions on the labor contract. He may be right about that, but he can't expect a skeptical public to take his word for it. Only release of the 72 e-mails that cover 100 pages can prove him right.

The judge's decision arose from a lawsuit filed by Tom Wilson, head of the state Republican Party. He asked only for e-mails and other communications relating to state business, and

that's what the judge has ordered released.

Still, it would be naive not to acknowledge that Wilson's march to the courthouse is colored with political motives. The suspicion is that the e-mails may contain some turns of phrase that could be embarrassing to Corzine during next year's gubernatorial race.

Release of the e-mails in deed may prove painful to the governor, but as a public figure, he has an obligation to be upfront.

The public can put up with a governor who may have done some silly things, especially involving girlfriends. What it can't stand is a governor trying to hide what the public has a right to know.