

Pataki's Secrets

By Andrea Bernstein

Shortly after taking office, Gov. George Pataki closed off the second floor of the State Capitol where he and his aides have their offices. The act frustrated a press corps and public used to wandering freely around the floor. Worse, it has become the symbol of an administration that shuts itself from view.

In the first 15 months of the Pataki administration, the Governor's aides have withheld public records, made policy in secret and ducked requests to testify before legislative panels.

In the best-known example, Pataki minions have gone to extraordinary lengths to keep secret the list of donors to the Governor's inaugural fund, estimated at \$1.4 million. After initially promising to disclose the list, Pataki aides later said they would not. Faced now with a subpoena from the Assembly, they claimed that the donors had been promised anonymity — a claim that donors, some of whose names were made public at the inaugural, contradict.

The inaugural fund controversy is but one example. Consider:

- Last spring, Health Commission-

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er Barbara DeBuono declared there was an increase in Lyme disease cases and used emergency powers to repeal a regulation limiting the use of DEET, a potentially dangerous chemical found in insect repellents. The use of emergency powers allowed the rule change to go through without public review. The commissioner's move came shortly after lobbyists representing manufacturers of DEET met with Pataki officials. Later, news reports disclosed that no health emergency existed; Lyme disease was dropping in key areas of the state.

• Earlier this year, Richard Brodsky, chairman of the Assembly's environmental committee, was promised documents concerning a State Department of Environmental Conservation agreement with General Electric. The agreement resolved what Gregory A. Caito, director of environmental enforcement for the agency, called "the second largest hazardous-waste disaster since Kodak in the mid-70's."

No documents were forthcoming, however, until Mr. Brodsky issued a subpoena. The department made public some, but not all, documents, until a State Supreme Court justice finally ordered it to do so.

• David Gantt, chairman of the Assembly's Transportation Committee, invited the Transportation Commissioner, John Daly, to testify at hearings on where the transportation department intended to mount road and

bridge projects — information not contained in any public document. This is a key issue in an administration that rewards supporters, as when it tried to move state jobs from New York City to Binghamton. Mr. Daly refused to attend the hearings. He did say he would meet with the committee at a regular meeting — where there is less chance to fully probe issues.

- Governor Pataki has made his

A pattern of evading scrutiny in Albany.

campaign contribution lists complicated to track. Unlike his predecessor Mario Cuomo, who listed donations by last name, Mr. Pataki's donations are alphabetized by first name, making it time-consuming and difficult to trace contributions to a single family or fund-raiser.

When, after public pressure is applied, the Pataki administration divulges its secrets, the results suggest that favoritism and influence peddling are alive and well in Albany.

In the G.E. case, for example, internal memos from the Department of Environmental Conservation re-

vealed that the company had been given an unusually lenient deal over the loud objections of senior staff, and that the Commissioner of Environmental Conservation, Michael Zagata, had personally intervened. Under a policy in which perpetrators of environmental violations can mitigate fines by financing "environmental benefit programs," G.E. paid for a boat launch 40 miles from the site of its violation — but just minutes from Mr. Zagata's Valatie home in Columbia County. Mr. Zagata, who said a top aide suggested the boat launch, defended the deal, saying that it benefits the state.

This week, it emerged that Saul Steinberg, a financier who raised more than \$50,000 for the Pataki campaign, apparently pressured the administration to influence the outcome of an environmental investigation. He had initially been cited by the department for unauthorized construction of a steel bulkhead — which can promote beach erosion — at his Quogue, L.I., estate. But after Mr. Steinberg made his displeasure known, the department dropped its opposition. The department has not denied that influence was wielded but said the case was decided on the facts.

In this atmosphere, it is crucial that the Pataki camp be more forthcoming. The Governor pooh-poohs talk of special favors. But based on history, there's plenty more to learn. □

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