

ANALYSIS

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Nixon's E. coli controversy mirrors Blunt e-mail woes

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JEFFERSON CITY — First, information was withheld from the public. Then the official explanations raised more questions. Ultimately, the governor sought to replace negative headlines with positive ones by announcing bold, sweeping action.

That was Republican Gov. Matt Blunt as controversy arose two years ago over e-mail deletions in his office.

Now it is Democratic Gov. Jay Nixon as the controversy intensifies over his administration's delayed release of test results showing high levels of E. coli bacteria in the Lake of the Ozarks.

There are differences in the details, for sure. But there are several parallels between the problems facing Nixon and his predecessor.

Blunt's controversy began in September 2007, when the Springfield News-Leader published a column saying the governor's office had told it that e-mails sought under an open-records request did not exist. But they should have still existed because the newspaper said it had obtained one of the e-mails from another source.

Blunt and his staff then offered evolving explanations about why they delete some e-mails, suggesting there was no requirement they be saved as public records. The controversy intensified as former Blunt legal counsel Scott Eckersley went public with assertions that he was fired after informing colleagues about the requirements of the state Sunshine Law.

About two months after Blunt's controversy began, then-Attorney General Nixon announced an investigation into whether the governor's office was complying with public records laws. Hours before



Matt Blunt Jay Nixon

Nixon's news conference, Blunt announced a sweeping plan to develop a permanent e-mail retention system for state offices that he said went well beyond legal requirements.

In the E. coli case, the controversy began this July when The Kansas City Star reported that the Department of Natural Resources had waited until late June to publicly release test results from a month earlier showing high bacteria levels at the Lake of the Ozarks.

Nixon spokesman Jack Cardetti explained in the following days that the first time "anyone in the governor's office" became aware of the E. coli results was June 23. He said the governor's staff then directed the information to quickly be released.

But questions have continued about that explanation, and the Senate opened an investigation. Last Tuesday, former Department of Natural Resources communications director Susanne Medley told Senate investigators she had informed Nixon aide Jeff Mazur that E. coli "results appear high." She said that conversation occurred May 29 — nearly a month earlier than Nixon's office had said it became aware of the problem.

On Wednesday, Nixon traveled to the Lake of the Ozarks to announce a sweeping plan to improve water quality, beginning with the testing of 400 sites near the lake that have wastewater permits.

Like Blunt's big announcement, Nixon's news conference came after two months of negative headlines. Cardetti said Friday that the timing was coincidental. He said the policy announcement was prompted by separate test results that forced the summer closure of some Lake of the Ozarks beaches — not the simmering controversy over the delayed release of the May E. coli tests.

"It always takes time to formulate a policy," Cardetti said.

Although not judging the motives in Nixon's and Blunt's announcements, University of Missouri political scientist David Webber noted that elected officials often resort to similar tactics when bad news hits. "The strategy is to get the event behind them. One good way to do that is to convert it into a positive," he said.

In Blunt's case, his announcement of an improved e-mail retention system failed to put an end to the story. Instead, he later was sued both by Eckersley and the attorney general's investigator, who was seeking access to thousands of e-mails from the governor's office. Both cases were settled.

Cardetti said Friday that although Mazur was informed of general problems with the lake test results in May, Mazur did not share that information with others in the governor's office. Cardetti insisted it was not until June 23 that Nixon's office received a full report on the results from the department.

But that does not figure to be the last word. Senate investigators have scheduled an interview this week with a longtime employee of the Department of Natural Resources. They also want to interview the department director and a former deputy director who has shouldered the blame for delaying the E. coli test results.

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