

ON POLITICS

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Kean Has Some Advice For McGreevey: Just Do It



TRENTON This is it, the time when Governor McGreevey is going to carry through on one of his own favorite projects, keep promises he has made and alienate those who stand in the way. This is really, really it. Unless he finds some other way out.

The project is his bill to limit building in the Highlands, 800,000 acres of hills and streams and lakes that provide, as environmental advocates repeat like the pledge of allegiance, more than half the state's drinking water. His promises to them began earlier, but when the bill failed in a Senate committee 10 days ago, Mr. McGreevey went public and said of the recalcitrant legislators, "If they don't act, I will."

That meant, presumably, an executive order or a moratorium on building from the governor. But the governor has fallen silent. Negotiations are continuing.

But whatever is happening, the governor is stuck.

In the negotiations, he cannot get his showpiece Highlands legislation — and the opportunity to smile for the cameras with one of those ver-lant hills as a backdrop — without giving up something else. If the something else is good for developers, the environmentalists promise to punish him. If the something else does not serve the developers, they, and the powerful county party chairmen on their side, will probably re-ali-ate.

ers, to change the way business is done in Trenton.

* of those things has happened. On the Highlands, Mr. McGreevey can probably salvage his legislation and keep his promise to limit building there by cutting a deal with the opposition. But the environmentalists insist that deal cannot include any concessions that would circumvent the Department of Environmental Protection. If any water-protection rules are sacrificed, the Sierra Club plans a lawsuit claiming a violation of the Clean Water Act, said Jeff Tittel, the director of the state chapter.

"We would rather have the Bush administration in charge of our water than these guys," Mr. Tittel said.

And the builders would still hate the Highlands bill. Patrick J. O'Keefe, the chief executive of the New Jersey Builders Association, said that in its current form, the legislation "does not provide anywhere in 1,250 square miles of the state for places for anybody to live."

Since the Highlands bill met its latest humiliation — State Senator Rob-

Yet another chance to stand up for what he believes in.

If Mr. McGreevey resorts to an executive order, he will get applause from editorial pages and environmental advocates. But he will get the animosity of the pro-development people, obviously, and of legislators who say that his acting by fiat is intolerably heavy-handed.

The governor's aides say he is still willing to act unilaterally anyway. "He's willing to do it and he's willing to pay whatever price it takes," said Kathleen Ellis, the director of communications for Mr. McGreevey. "There's always a price."

Some of the governor's earlier statements to that effect come to mind. In his State of the State address last year, he promised bold measures to attack sprawl: "There will be vested interests lined up across this state and outside that door to oppose us. The pressure will be enormous. But we cannot turn back or postpone this battle."

He followed up with an ambitious scheme to regulate development across the state, but it was withdrawn.

Mr. McGreevey was determined to merge the state's research universities, too, and to squeeze from the Legislature a campaign finance bill that applied at all levels of government. That relates back to his campaign promise, repeated often by oth-

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ert G. Smith, chairman of the Environment Committee chairman could not get anyone to second his motion for it — its supporters are worn down.

"I think the avenue at this point is to get the governor to go with an executive order or moratorium," said Assemblyman Louis M. Manzo, a Democrat who sponsored the measure. "Enough of this."

The governor has at least two precedents on big-scale environmental legislation. Gov. Brendan T. Byrne issued an executive order in 1979 when the Legislature stalled his plan to assert state authority over the Pinelands, and his successor Thomas H. Kean, did the same to protect wetlands. Both they got the bills they wanted.

Just days before the Environment Committee's meeting, Mr. McGreevey bumped into Mr. Kean at a benefit and asked the former governor, as he often does, for his advice.

As Mr. Kean recalls it: "He raised the question, 'What should I do?' told him he should look at my executive order and analyze it. I told him it was an approach he might like to follow."

Mr. Kean said that after lobbying legislators, "I became convinced that even with one more compromise, one more maybe, maybe, maybe, they weren't going to pass it."

Did he use the prospect of an executive order as a threat?

"No," Mr. Kean said. "I just did it." Mr. McGreevey has issued the threat. And he might do it, too, unless he can figure out something else.