

Rutledge case damages public trust

The District Attorney's Office has done a commendable job investigating Traffic Commissioner Richard Rutledge — finding that he broke the public trust even if he didn't quite break the law by dismissing tickets for friends and friends of friends. But while Rutledge has resigned, the job isn't done.

Among other things, the judicial system needs to rebuild public confidence, something it can do only if it opens the rest of the process to public scrutiny. Traffic court may be the lowest level of the system, but it's the level the general public deals with more than any other. If traffic court is about who you know, what does that say about the higher reaches of the courts?

Recipients of Rutledge's judicial generosity included a traffic court employee, a former employee, husbands of two employees, the husband of a district attorney's employee and a judge. The District Attorney's Office hasn't named names, though, and hasn't made it clear how much of a role some of them played in seeking favor.

Also unanswered is why it took a spurned lover to make it public, and why someone else in the system didn't sense that something was wrong in Rutledge's Marina courtroom.

District Attorney Dean Flippo concluded that Rutledge hadn't committed a prosecutable crime. A California appellate court ruled in 1987 that judges, unlike other officeholders, can't be prosecuted for failing to disqualify themselves when they should. If Rutledge had taken money or plotted with others, he could have been charged with obstruction of justice. Sue Stryker, a tenacious investigator for the district attorney, found no such evidence.

Appropriately, Flippo announced Thursday that he would pack up Stryker's reports and send them on to Stephen Sillman, presiding judge of the Monterey County Superior Court, for further investigation. He also said the names wouldn't be released because of the court's investigation and because state judicial rules require that such details remain confidential "until disciplinary action is ordered by the court."

But with Rutledge already resigned, it isn't likely there will be any disciplinary action, at least against him. So does that mean the paperwork stays in a locked file forever?

And who will decide whether to release the information? The same court system that hired Rutledge and supervised some of the others mentioned in the reports? The judge whose speeding ticket was dismissed by Rutledge?

For various reasons, some legal and some political, the system won't be eager to air any more dirty laundry by making the paperwork public. The decision-makers may cite state law that allows law enforcement investigations to remain private — *allows*, but not *mandates*. The court system also might try to say, as it did Friday when asked for a copy of Rutledge's resignation letter, that "all personnel matters are confidential."

But that isn't really the case, and it shouldn't be the case, especially if they are personnel matters that involve public employees and the public trust.