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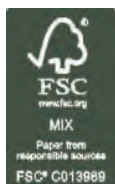
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Polls with **IMPACT**

Fifty-eight percent of those polled said they think the next generation will be worse off financially than the current generation. It's the fourth time the MassINC Polling Group, which conducted the survey for WBUR, has asked the poll question in 15 months — and the first time a majority of respondents have indicated such pessimism.

WBUR

Patrick also cited a [MPG] poll claiming 77 percent of the public supports an expansion of the bottle bill.

Boston Herald

“It’s been clear to me for ages that my district wholeheartedly supports the bill, and I believe this [MPG] poll will help persuade legislators to enact this update in 2011,” remarked Senator Creem.

Spark a conversation

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MUSEUM DEFENDS \$1 PER YEAR LEASE

Your article, “Freeloading” (Winter ’12) raised concerns over a number of state Department of Conservation and Recreation (DCR) leases, including one with the Museum of Science.

Colman Herman correctly points out that the Museum of Science has a 99-year, \$1 dollar-per-year lease for the property on which it is sited. There are, however, several important facts that the article does not mention.

First, when the museum’s founding director, Brad Washburn, entered into this lease with the state, the property was an abandoned park. The lot, which was marred by unkempt lawns and overgrown bushes, was littered with debris and empty whiskey bottles.

Second, over the 60-plus years since the museum first signed this lease, the museum has invested millions of dollars in its facilities and the exhibits and programs presented in its halls, Hayden Planetarium, and Mugar Omni Theater. Further, the museum is recognized world-wide as a leader in both informal and formal science and technology education. It attracts over 1.5 million visitors annually to its Science Park location, the largest number of visitors to any Boston or New England attraction other than Fenway Park.

An economic impact study done for the museum in 2007 estimated that the museum’s direct and indirect economic impact on the Massachusetts economy was approximately \$90 million annually. Additionally, while the lease does not require free public programming, the museum is committed to its role as an important community resource, providing a variety of free and discounted programs to the public.

For 25 years, the museum has offered a program that brings all second graders from Boston Public Schools into the museum to experience hands-on science exploration, with different groups of students visiting the museum every Tuesday throughout the school year. While the second graders receive a volunteer-led tour of the museum, their teachers attend a professional development workshop. In addition, an annual Eye-Opener Family Night in the spring offers students and their families an opportunity to explore the museum’s exhibits, special activities, and Omni and planetarium presentations at no charge. Approximately 3,000 students participate in the Eye-Opener program annually. The annual cost to the museum for this important outreach program is \$85,000.

Last year, almost 35,000 Boston students visited the museum (these figures exclude the Eye-Opener participants noted above). School field trip admission fees are substantially discounted from the museum’s general admission price. Additionally, the museum offers an even-further discounted admission of \$2 at different times of the year. Thirteen percent of the 34,583 Boston field trip participants took advantage of the \$2 offer. The cost to the museum for this field trip initiative was \$47,000.

Over 10,000 Boston residents took advantage of free admissions provided through memberships, sponsored by the Lowell Institute, which are avail-



able at every branch of the Boston Public Library. The museum also participates in Countdown to Kindergarten, a program where families with pre-K children can receive four free tickets to visit the museum any day during the summer. Approximately 250 families took advantage of this opportunity this year. The value of these free admissions was \$187,000.

Every year 35 to 50 high school students participate in the Fenway High School/Boston Day and Evening partnership with the museum. These partnerships offer structured academic science curriculum in conjunction with volunteer and summer employment opportunities, mentoring, and college application guidance.

Finally, through its SciCAP (Community Access Program), the museum offers free or reduced admissions to approximately 20,000 visitors annually who are served by after-school programs, community-based organizations, homeless shelters, and other

We welcome letters to the editor. Send your comments to editor@massinc.org, or to Editor, *CommonWealth* magazine, 18 Tremont Street, Suite 1120, Boston, MA 02108. Please include a city or town, as well as a daytime phone number. Letters may be edited for clarity and length.

agencies. A substantial proportion of the agencies receiving these passes are Boston-based. The value of these free and reduced admissions each year is \$340,000.

The museum undertakes and funds all these programs annually as we consider them essential to our mission. We are pleased to be a resource to Boston students, teachers, and families.

*Ioannis N. Miaoulis
President and Director
Museum of Science, Boston*

COLMAN HERMAN RESPONDS

Mr. Miaoulis implies that the money for the activities he cites comes out of the museum's own pocket. But the reality is the activities are funded by outside grants.

For example, Mr. Miaoulis notes that the museum for 25 years has offered a program for second graders from the Boston Public Schools and

about 3,000 students participate in the Eye-Opener program annually. He says the annual cost to the museum is \$85,000. Yet the website of the Germeshausen Foundation says: "At the Museum of Science, the foundation funded the Eye Opener program, which gives Boston students a full-day, guided tour of the museum. Every year since 1986, about 3,000 second grade students from more than 40 Boston public schools participate in this hands-on educational program."

Money for the museum's Community Access Program comes from corporate donations, according to the museum's own website. And the free passes the museum gives out are paid for by the Lowell Institute.

Also, the museum, where adult admission is \$22 and children's admission is \$19, has refused to make its payment in lieu of taxes—only \$7,723—to the City of Boston.

MORE REVIEW NEEDED

"Historical roadblock" (Winter '12) is a very good article. As a developer and a preservationist, I appreciate the frustrations many have with the Massachusetts Historical Commission, which apparently is working despite severe staff cuts. However, there needs to be a review of developments impacting historic resources, and, coming from a predominantly minority community, I have to say that in many cases there should be more review, particularly of state-funded projects. Far from being obstructionists, in many cases Mass Historical reviewers have failed to stop very questionable projects. Prior community consultation and collaboration early in the project might be a big improvement.

*Dave Gaby
Springfield*

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OCCUPY WASN'T SENSIBLE

Carol Rose's article on the sensible process of protest by Occupy Boston ("Rule of law triumphs in resolution to Occupy Boston," Winter '12) omits the \$200,000 site restoration it required. She doesn't comment on the justice of that falling onto Boston's budget. Occupy Boston was fundamentally a juvenile act of public nuisance. The interminable disruption wasn't intelligent engagement of discourse by any stretch of definition.

*Dave Bernard
Framingham*

IT'S CLASS WAR

I lived at Dewey Square for the last seven weeks of its existence. I did not sign the affidavit to agree to leave. I do not hold the court and the justice system as valid in the current state. I have seen far too much evidence to the

contrary, and even in the very words of Judge McIntyre herself in this case, serious breaches of logic and ethics.

However, I did help the denouement of the encampment to be orderly, and to avoid the kinds of scenes that happened in other cities. I resented the way that the police and authorities took all the credit for that, and for that reason, I am very happy to see this article. When Mayor Thomas Menino gave the eviction notice, it was inevitable that within a few days the camp would be raided. I was one of several people clearing the space, helping people find places to stay (many had no place to fall back to, being homeless), and starting dialog with the police.

I went to the police, gave them my cell phone number, told them what I expected would happen, and how they could avoid violence. I told them that violence was not necessary, and

that if they waited a few days, we would be nearly moved out in an orderly way, because it's inevitable. But not because it is wrong for Dewey Square to have an Occupy encampment. I think it was the most right thing in the world. I do not agree with the premise of the judgment handed down by a single judge, within a limited hearing, and in which she accepted the b.s. statements of the Fire Marshall, and did not condemn the way the city blocked all efforts to improve fire safety in the camp, while condemning the camp to go away because it is unsafe. That is a completely barbarian type of action for the authorities to have taken, and it's without justification. It's clearly a class war and the authorities used their powers to do this in a sneaky and underhanded way.

*Sage Radachowsky
Roslindale*

THERE'S A DIFFERENCE BETWEEN BEING IN A COMMUNITY AND BEING PART OF IT.

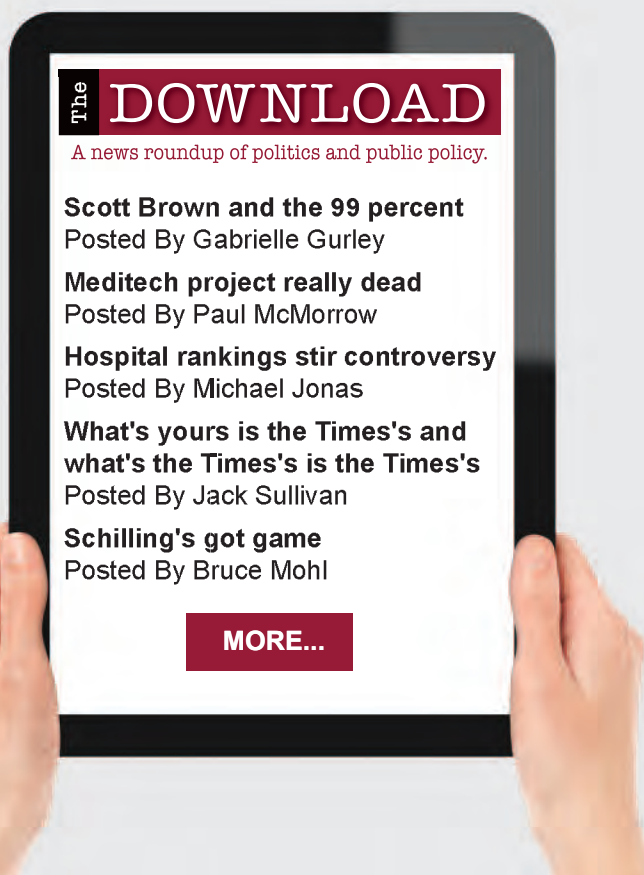
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Closed-door government

THE MACHINERY OF government, whether it's a regulatory proceeding or the route a bill takes to become law, is designed to give members of the public the chance to voice their opinions, to let them evaluate the positions taken by their elected officials, and to give elected officials the chance to reach consensus through the give-and-take of ideas. If everything is negotiated behind closed doors, what's the point?

The proposed \$17.5 billion merger of NStar and Northeast Utilities is a good example. The state's Department of Public Utilities launched a very public review of the merger after it was proposed in October 2010. There were public hearings, endless regulatory filings, and lots of discussion over the course of more than a year.

But unknown to the public there was a separate, parallel proceeding going on behind closed doors. Patrick administration officials began meeting with the utility officials in January 2011, dangling their support for the merger in return for an agreement from NStar to pursue projects advancing the administration's green energy goals. Officials from Attorney General Martha Coakley's office met with the utility officials separately on rate issues.

The private and the public deliberations chugged along separately for more than a year before the participants in the private negotiations announced a deal had been reached. Coakley's part of the deal calls for fairly standard concessions: a \$21 million ratepayer rebate and a four-year freeze in basic electricity distribution rates.

Patrick's deal with the utilities requires NStar to purchase nearly a third of Cape Wind's power output, to increase its energy efficiency savings, to build new solar projects, and to not push for changes in state law that would let utilities use large-scale hydropower to satisfy their renewable energy obligations.

Patrick played some brilliant power politics during the negotiations, using the leverage created by the utilities' desire to consummate a merger to extract green energy concessions from the companies. But the private negotiations that yielded those concessions made a charade of the public process. Indeed, the Patrick administration never formally said during the public proceedings that it

wanted NStar to buy Cape Wind's power, so that issue was never fully debated until after it was presented as nearly a *fait accompli* to the DPU.

The legislative process on Beacon Hill is also moving more and more behind closed doors. The Big Three—the governor, the Senate president, and the House speaker—meet almost on a weekly basis to chart legislative action.

The meetings began under Gov. Michael Dukakis as an attempt by Massachusetts leaders to provide a united front to bond-rating agencies at a time when the state's rating was near junk bond status. Over time, however, the meetings have morphed into a three-way game of legislative chess, where broad policy is set by the leaders of each branch

If everything is negotiated behind closed doors, what's the point?

and the public machinery of government—the committee hearings, the floor debates, and the roll calls—becomes less and less important.

As Gabrielle Gurley reports in this issue ("Time out," p. 50), the result is a Legislature that meets, debates, and takes votes far less frequently than it did 25 years ago. Since the mid-1980s, the amount of time both the Senate and House spend in session has declined by roughly 50 percent. The number of roll calls has fallen about 70 percent in the House and about 50 percent in the Senate.

I'd be the first to admit that, while covering the State House for the *Boston Globe* back in the late 1980s, I wasn't that fond of all of those endless debates, some of which would last through the night. The lengthy proceedings made it hard to meet deadlines and rarely seemed to change many votes. But those drawn-out debates and frequent roll calls reflected a democracy in action, even if it was slow, messy, and sometimes divisive. Now that the business of Beacon Hill is increasingly being done behind closed doors, the wheels of government turn more quickly and efficiently but our democracy is the worse for it. **CW**

Bruce Mohl

BRUCE MOHL

The CITIZENS' CIRCLE



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Eat your greens

The latest gamble by one of the country's most successful, but aging, state lotteries is to use lifetime payouts to attract a new breed of bettors. While the Lottery has had select games that have had lifetime grand prizes, the newest approach is a family of instant tickets ranging from \$1 to \$10 paying off with up to \$5,000 a week for life.

The big daddy of this new family is an all-New England game that promises \$1,000 a day for the rest of your life. "It's a concept that really resonates in the market," says Lottery spokeswoman Beth Bresnahan.

The first drawing in the New England game, on March 15, produced a winner from Hanover. Paul Sternburg, the executive director of the Lottery, says ticket sales were brisk but not necessarily big enough to cover 39-year-old Bruce Campbell, who could conceivably collect daily payments for 40 years or more.

Sternburg says research indicates sales over time will more than cover those weeks where sales lag in the week where there is a winner. And because the jackpot never escalates, the extra money from those weeks when there is no winner will be divided among the states based on percentage of sales.

An annuity is purchased to cover the lifetime payouts and the size of the annuity is drawn from actuarial tables based on the winner's age. According to Sternburg, the average age of a lifetime lottery winner is 49.

Live long and prosper.

► JACK SULLIVAN

What's up with the sales tax?

► PAUL MCMORROW

SALES TAX RECEIPTS normally behave like you'd expect them to: They rise when the economy is expanding, and fall when unemployment spikes. Data from across the country show that, historically, sales taxes track the business cycle closely. Over the past decade, though, the Massachusetts sales tax became decoupled from the state's economy. Some revenue has been lost to Internet-based retailers, but state-specific factors like sluggish employment growth and steep housing prices deserve a far greater share of the blame.

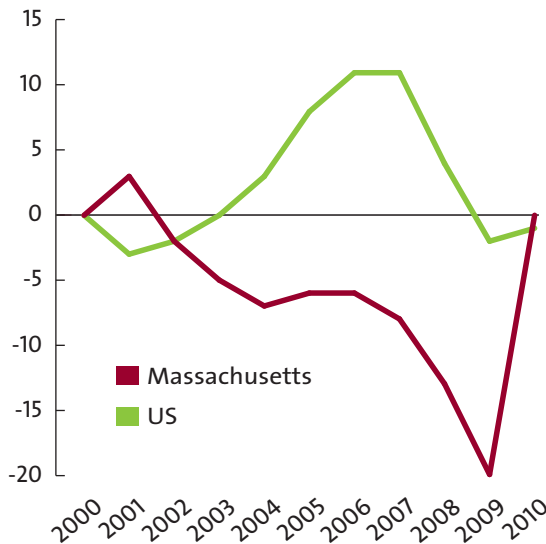
In Massachusetts, sales tax receipts grew in concert with wages during the 1990s, and then fell during the recession of 2001 and 2002. Sales tax receipts across the country rebounded with the business cycle, but that didn't happen in Massachusetts. The state economy expanded and unemployment dipped, but sales taxes stayed flat. This flattening coincided with the shift to forward-funding of the MBTA. The sales tax represents the T's biggest dedicated revenue stream, and the failure of the sales tax to even keep up with inflation has exacerbated the agency's financial woes.

The pamphlet the T handed out at fare hike hearings this spring devoted a page to what the T called the "chronic underperformance" of the sales tax in the forward-funding era. It has grown at 1 percent per year since 2000, after rising at a 6.5 percent annual clip the decade before. The numbers get ugly when adjusted for inflation: Between 1992 and 2000, the real growth of sales taxes in Massachusetts outpaced the country at large by more than 20 percentage points. But from 2000 until 2008, the year before the Legislature hiked the sales tax rate by 25 percent, real sales tax receipts in the state shrunk by 13 percent, compared to a 22 percent growth rate across the country. Except for 2010, when a higher rate drove higher receipts, real sales tax revenues in Massachusetts peaked in 2001.

The state's slow population growth accounts for some of this disparity. But even after controlling for population growth, Massachusetts sales tax receipts still trend downward, and lag the rest of the country. Between 2000 and 2008, state and local sales tax receipts in the US rose 4 percent on an inflation-adjusted, per capita basis; in Massachusetts, they dropped by 12 percent.

Internet spending isn't a major culprit, either. According to the US Census Bureau, just 4 percent of US retail sales in 2009, the last year for which data is available, occurred online. A 2009 University of Tennessee study estimated that Massachusetts loses 2 to 3 percent of its potential sales tax revenues to Internet sales. Between 2000 and 2008, California, Illinois, and North Carolina all saw their sales tax receipts jump on an inflation-adjusted, per capita basis. None of those states were collecting sales taxes on Internet sales, but their sales tax was growing, while in Massachusetts it was shrinking.

MASS. SALES TAX LOSING GROUND



Inflation adjusted, per capita sales tax growth
Source: US Census Bureau

Northeastern University economist Alan Clayton-Matthews puts some blame on high housing prices and slow population growth. “Housing prices here were way out of line with the rest of the country, and a lot of discretionary sales are tied to the real estate market,” he says. High housing prices constrained families’ disposable income. Housing prices also constrained new household formation in the state, and when new households don’t form, they don’t buy furniture and hardware and other taxable items.

Andrew Bagley, director of research at the Massachusetts Taxpayers Foundation, believes the sales tax has suffered because Massachusetts never regained all the jobs it lost in the 2001 recession. When the economy was on the upswing, he says, the state saw no real job growth; the most recent recession, he says, has “decimated consumer spending, and consumers are deleveraging.” Bagley says the sales tax will continue to “lag in growth,” making the state budget more dependent on income taxes. That also means the T shouldn’t expect a big revenue bump any time soon.

Build it, they will come

► CHRISTINA PRIGNANO

JAMES ROONEY is telling lawmakers that if they build an addition on to the Boston Convention and Exhibition

Center, convention groups will come. Now he’s got proof.

Four groups have signed contracts to hold six future events at the Boston convention center, but only if the facility is expanded. A fifth group says it will come to Boston if hotel space is expanded. All told, the events would attract an estimated 131,500 conventioners to Boston, resulting in 266,467 hotel room nights and \$180 million of economic activity, convention officials say.

“These organizations wanted to lock in and be here, and make sure they got the dates they wanted,” says Rooney, the executive director of the Massachusetts Convention Center Authority. “The language in the contracts essentially obligates us to the dates if we do expand, but it gives them plenty of time to relocate their events if we tell them it’s not going to happen.”

The bookings give Rooney a dollars-and-cents argument for expanding the convention facility and a response to critics who say the convention center has failed to deliver economic benefits promised in the past. “There’s a lot of analysis done about what could happen, or what might happen, but they are just that, they’re just projections,” says Rooney. “Many people use the ‘if we build it, they will come’ phrase to describe a set of expectations. Well in this case, I think you can underline and bold the words ‘will come.’”

BIO, the Biotechnology Industry Organization, is coming to Boston this June with more than 15,500 attendees. It is expected to spill out of the convention center and use space at the Seaport World Trade Center, the Hynes Convention Center, and the Westin Boston Waterfront.

Robbi Lycett, vice president of conventions for BIO, says even if the annual event grows only a little in the coming years, it will likely run out of space in Boston. But Lycett says she would like to return to Boston, in part because 25 percent of convention attendance comes from the region.

“Boston, especially, is a town that we want to rotate back into regularly because so many companies have their offices there,” says Lycett. “Not only does it help our show attendance, it’s also important to biotech companies across the country and globe to come to Boston regularly.”

BIO signed a contingency contract, pledging to return to Boston in 2018, but only if the expansion is completed by then.

“There’s a lot at stake here in terms of Boston positioning itself as a global leader in biotech. It wouldn’t serve us well to make that claim while at the same time not being able to host that industry’s biggest event,” says Rooney, noting that he could tell similar stories of other events.

Expansion of the convention center is part of a plan dubbed T5, an effort to make Boston a “top 5” convention destination. Rooney says he hopes to receive approval for

portions of the project this legislative session, and says he thinks the contingency contracts will help to quantify the case for lawmakers. Current proposals include adding a second ballroom to the convention center and enlarging exhibit space to accommodate events that currently go elsewhere due to the facility's size.

The Convention Partnership, a group convened to consider expansion, issued a report last year which laid out options for financing the project but did not endorse any specific proposals. *CommonWealth* reported last year that the state would need to come up with between \$78 million and \$117 million in new annual revenue to support financing for the BCEC portion of the project. Possible options for raising that revenue include increases in existing taxes on hotel rooms, car rentals, and other tourism-related activities.

The other groups that have signed contingency contracts related to convention expansion include the American Heart Association, for 2017 and 2021; the American Society of Microbiology, for 2017; and ASIS International, an industry organization for security professionals, for 2017 and 2024. The American Psychiatric Association has pledged to come in 2022 if hotel facilities are expanded.

Groups promote walking to school

► WILDER FLEMING

OVER THE PAST 30 years, the number of overweight children in the United States has soared while the number of kids walking to school has plummeted. The two trends, and the potential link between them, have prompted a national effort to get children walking to school again.

In Massachusetts, the Safe Routes to School initiative was first piloted in Arlington in 2001 and has since spread to more than 460 elementary and middle schools in 138 communities. But until recently, there was no systematic effort to identify which communities would benefit the most from a walk-to-school program.

Now the nonprofit group WalkBoston is teaming up with the Metropolitan Area Planning Council to develop a methodology for identifying communities where walking to school could potentially make a real difference in children's lives. The two groups analyze a community's sidewalk system, calculate its risk for obesity, and use online



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surveys to tabulate the percentage of children who live close to school but are nevertheless driven by their parents. (Low income is used as a proxy for obesity, on the theory that healthy foods like fruits, vegetables, and whole grains are relatively expensive and poorer neighborhoods have fewer full-service grocers.)

Revere and Malden are the first two communities to be targeted using the new methodology. Both have safe sidewalk networks, at least two-thirds of their students qualify for free or reduced-price lunches, and online surveys indicate over half of those students who live within a

OBESITY IS UP, WALKING IS DOWN

mile of school are driven there. Now the focus is shifting toward convincing students (and their parents) to get out of cars and on to sidewalks.

Reducing obesity isn't the program's only goal. Safe Routes to School also wants to reduce vehicle trips and curb auto emissions. A 2011 study in the *American Journal of Preventive Medicine* suggests that transportation to school accounts for 10 to 14 percent of all vehicles on the road during the morning commute. Increased traffic congestion poses a danger to pedestrians and a 2008 study in the *Journal of Environmental Planning and Management* indicated nearly a third of schools in nine metropolitan areas were located in close proximity to major roadways, putting children at "a potentially increased risk for asthma and other chronic respiratory problems."

Wendy Landman, WalkBoston's executive director, says getting more children to walk to school offers dividends on a variety of fronts. "It sits at a nexus of different issues: health, air quality, safety, and quality of life in general," she says.

The Safe Routes to School initiative, financed primarily by the federal government, is now active in more than 40

states. It is a loose coalition of parents, teachers, schools, community leaders, and nonprofit organizations that educates children about the benefits of walking, conducts safety courses, implements pedestrian infrastructure projects, and convinces parents to let their children walk to school, in organized groups or independently where possible.

According to the Centers for Disease Control and Prevention, 17 percent of children age 2 to 19 are obese, triple the level in 1980. Meanwhile, the percentage of children who walk to school regularly has been declining, falling from 50 percent in 1969 to just 13 percent in 2009. The decline in walking is attributed to a number of factors, including parental concerns over speeding traffic, distracted drivers, inadequate walking infrastructure, and worries about inappropriate attention from strangers.

Maria DiMaggio, parent of a student at Northeast Elementary School in Waltham and project coordinator at the nonprofit Healthy Waltham, says the main reasons parents drive their children to school are convenience and safety. "People are more and more pressed for time. For many people, the easiest thing is to drop the kids at school on the way to work ... [and] with so many cars around, we don't feel safe," she says.

In Arlington, the program at Dallin Elementary School is still going strong, despite the pilot project having ended years ago. According to WalkBoston, only 38 percent of Dallin students walked to school before the Safe Routes program was launched in 2000, while 56 percent walked by the end of the 2002-2003 school year.

Lawmaker using exile as platform

► MICHAEL JONAS

NO ONE HAD to put Charley Murphy's desk out in the hall, but they might as well have.

In December, Murphy resigned as House majority whip, one step ahead of the political firing squad that was about to follow Speaker Robert DeLeo's marching orders and remove him from the post. It was a steep fall for the eight-term Burlington lawmaker, who had served two years as chairman of the powerful Ways and Means Committee before his stint as majority whip.

But the hard-charging ex-Marine is trying to turn his exile to State House Siberia into a platform for stirring

things up in a House where dissent is as rare as a Friday session in August. Murphy, who angered DeLeo by discussing with colleagues his own designs on the speaker's post, has joined with Republicans (and only two other Democrats) in signing a pledge to allow more bills to be debated and not kept bottled up by House leaders.

"There appears to be an aversion to taking up bills in the House, and I'm not sure why," he says. "There will be some bills that people on the other side of the aisle will move that I'm not going to vote for, but I have no trouble debating them and voting."

He has called for consideration of a gas tax or regional income tax to address the fiscal crisis of the teetering MBTA, a sharp contrast to the wait-and-see posture DeLeo has struck. And in perhaps the biggest shot at the Beacon Hill status quo, Murphy has called for a sweeping reform of the state's Public Records Law to remove the exemption currently enjoyed by the Legislature, the governor's office, and the judiciary.

"I think that just breeds contempt of the residents," he says of the exemption legislators have from the law. "Other states don't exempt anybody and let citizens get whatever information they want, and they get along fine. There's no reason Massachusetts can't do the same."

In the mid-1970s, Ed Markey was a 20-something-year-old state rep from Malden when he angered Speaker Tom McGee by pushing a judicial reform bill the speaker opposed. Markey promptly found his desk moved to the hallway. It provided him with political gold for his successful 1976 run for Congress, when he proclaimed defiantly in a campaign television ad, "They may tell me where to sit, but nobody tells me where to stand."

In Murphy's case, the sudden shift from leadership insider to cage-rattling reformer recalls another political adage: Where you stand depends on where you sit.

Murphy insists he has always spoken his mind, saying he is simply free to do so publicly now that he's out of the House inner circle. The appropriate place for speaking out when you're in leadership, he says, is in private meetings with the speaker and other House leaders. "We hooked and jabbed behind closed doors," he says.

Murphy has come full circle. In his early days in the House, Murphy was part of a band of Democratic lawmakers who spoke up regularly against the iron-fisted rule of then-speaker Tom Finneran.

His banishment over the winter was prompted not just by Murphy's jockeying for a possible speaker's bid, but because of comments he reportedly made to colleagues suggesting that an ongoing probe of the state Probation Department could ensnare and topple DeLeo. "I never once said to colleagues that I thought Bob DeLeo was going to be indicted or implicated," Murphy insists. "I did speak to

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members and talk about the future of the House.“

Murphy says he's still interested in the speaker's post—whenever it becomes open. “Things change quickly in the building,” he says. “Depending on the circumstances, if the opportunity presents itself where I can pursue the next level, I'll certainly do that.”

Lowell teens lobby for the 17-year-old vote

► WILDER FLEMING

WHEN IT COMES to ranking the interests of teenagers, political activism would presumably come low on the list, somewhere between heeding good advice and doing the laundry. But teens in Lowell are defying such thinking, as they campaign to lower the voting age from 18 to 17 in their city's municipal elections.

The idea was hatched three years ago. In preparation for a teen-led public forum with city council candidates in 2009, high school students from Lowell's United Teen

Equality Center identified civic disengagement among the city's youth as a critical issue. They felt that lowering the voting age to 17 would help address the problem. When they presented their idea to the 18 candidates, all but one agreed.

Carline Kirksey, 17, one of the leaders of the effort, says lowering the voting age makes sense. “When you're 18, you're going away to college or working full-time,” she says. “You're starting your life away from home and have to vote by absentee ballot.” By contrast, 17 is a more grounded time in a teenager's life, Kirksey says. And she says it's an opportune time to learn about the voting process from parents and teachers, and get involved in local politics.

Peter Levine, director of the Center for Information & Research on Civic Learning and Engagement at Tufts University, says American 17-year-olds score roughly the same as 21-year-olds on questions of political knowledge. He says voting is a habitual behavior best learned young and thinks the Lowell school system's strong civics curriculum makes the city an ideal location for experimenting with 17-year-old voting.

In Lowell, the United Teen Equality Center serves as an alternative to gang involvement, a place where youths can become involved in their community. More than 50 teens

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from the center have spearheaded the Vote 17 campaign, holding fundraisers, petitioning the State House, and knocking on more than 3,000 doors in the city. They claim that more than 60 percent of the residents they have talked to support their cause.

Going door to door, Corinne Plaisir, 17, found that many people were skeptical at first. "But when we explain it to them, they usually listen and realize that it makes sense," she says.

Everyday citizens aren't the only ones changing their minds. The Lowell *Sun's* editorial board initially opposed the petition, but was persuaded to write an endorsement of Vote 17 after a meeting with campaign leaders.

As popular support for lowering the voting age has grown, so has political support. In late 2010, the Lowell City Council voted 7-1 in favor of drafting a home rule petition to send to the state Legislature, which would allow the city to lower the voting age if a citywide referendum on the issue passes. Last summer, the home rule petition was approved by the Joint Committee on Election Laws, but then got stuck, failing to clear the Legislature in time for Lowell's November elections.

Secretary of State William Galvin's office came out against the bill, arguing that lowering the voting age to 17

in Lowell would be inconsistent with the Massachusetts Constitution's 18-year-old voting requirements and could lead to confusion, since separate voting lists would need to be maintained for municipal elections and state and federal contests.

Lowell officials think their proposal is constitutional. City Solicitor Christine O'Connor, in a letter to the City Council, noted that the state Constitution specifically prohibits persons under the age of 18 from voting for state offices, but is silent on the question of municipal elections.

The teens are hoping their bill will clear the Legislature in time for the referendum to be placed on the ballot in Lowell's next municipal election in 2013. In response to concerns from state legislators, the teens say they are willing to add an amendment to their petition stating that 17-year-olds will not be allowed to run for office. They also hope to meet with officials in Galvin's office to address his concerns.

For now, the teens make their presence felt every Wednesday at the State House, passing out copies of their bill to lawmakers. On March 13, the Lowell City Council voted 8-0 in favor of sending a resolution of support to the Legislature. **CW**

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Beacon Hill's army of influence

BY BRUCE MOHL AND ANDREW FARNITANO

SPECIAL INTERESTS SPENT more than \$67 million last year lobbying on Beacon Hill, the equivalent of about \$335,000 per lawmaker, according to state records.

The Massachusetts Teachers Association was the top spender at \$964,000, followed closely by Partners HealthCare at \$913,000. There was a sharp drop-off in spending after the top two, but the group of top 20 spenders consisted primarily of teachers' unions, business groups, and firms involved with health care and education.

Despite the high-profile push for the approval of casino gambling last year, no would-be casino operator cracked the top 20. The closest was KG Urban Advisors, a developer seeking to build a casino in New Bedford. KG came in at No. 22, spending \$289,000 on lobbying. Several other casino interests followed close behind, including Development Associates LLC (\$285,000), which wants to put up a casino in Foxborough; the Mashpee Wampanoag Tribe (\$278,000), which wants to build in Taunton; and Sterling Suffolk Racecourse LLC (\$257,000), the company behind a proposal for Suffolk Downs

in East Boston.

Records show 1,572 individuals registered as lobbyists last year. Many of them work for companies or organizations and do lobbying as part of their job. But there are also a significant number of contract lobbyists, hired guns who represent the interests of multiple clients on Beacon Hill.

The 136 top lobbyists, those who reported earning more than \$100,000 in lobbying fees, tend to be contract lobbyists. They accounted for just under 9 percent of all registered lobbyists but collected 41 percent of all the money spent on lobbying. About 10 percent of all registered lobbyists reported earning between \$50,000 and \$100,000, 65 percent earned less than \$50,000, and 17 percent earned nothing at all, meaning they registered but didn't end up doing any lobbying.

Robert Rodophele, of Ferriter Scobbo & Rodophele, was the highest-paid lobbyist last year. He reported earning nearly \$663,000 in lobbying fees. His two biggest clients were the Alliance of American Automobile Manufacturers (\$96,000) and R.J. Reynolds Tobacco Co (\$79,300).

TOP MASSACHUSETTS LOBBYING CLIENTS IN 2011

NAME	DESCRIPTION	TOTAL SPENT
1. Massachusetts Teachers Association	Public teacher's union	\$964,257
2. Partners HealthCare	Non-profit healthcare provider	\$913,269
3. Massachusetts Hospital Association	Hospital and healthcare system trade association	\$613,840
4. The College of the Holy Cross	Undergraduate liberal arts college	\$479,000
5. Associated Industries of Massachusetts	Business trade association	\$478,000
6. Blue Cross Blue Shield of Massachusetts	Private health insurance company	\$466,315
7. Massachusetts Association of Health Plans	Health plan trade association	\$450,505
8. American Petroleum Institute	Oil and natural gas industry trade association	\$441,100
9. Northeast Utilities System	Energy company and public utility	\$375,919
10. AFT Massachusetts	Public teacher's union	\$365,196

SOURCE: Massachusetts Secretary of State.

State law defines lobbying as any effort “to promote, oppose, influence, or attempt to influence” officials in the executive and legislative branches concerning legislation or standards, rates, and rules. The definition also includes strategizing, planning, and research in conjunction with efforts to influence officials.

Lobbying activities are self-reported, which can sometimes lead to problems. Richard Vitale, a close friend and financial advisor to former House speaker Sal DiMasi, didn’t register as a lobbyist in 2006 when he accepted payments to help a group of ticket brokers attempt to eliminate the state’s cap on the price of resold tickets. But last year, after Vitale’s relationship with the ticket brokers was disclosed in the press, he was charged with failing to register as a lobbyist. He was sentenced to two years probation and required to pay \$92,000 in fines.

The College of the Holy Cross initially reported that it paid its president, Michael McFarland, \$646,000 in lobbying fees last year, plus another \$141,000 to two other employees. In its filings, the college did not list any activities McFarland performed or bills on which he lobbied. After inquiries

from *CommonWealth*, the college lowered McFarland’s lobbying compensation for 2011 to \$338,000, making him the 15th highest-paid lobbyist. A college official says the earlier payment information was based on a misunderstanding of lobbying disclosure rules. McFarland stepped down in January of this year.

Companies seeking to influence Beacon Hill typically hire individual lobbyists themselves or retain firms that do lobbying along with other services, including legal, consulting, polling, or public relations work. The lobbying fees paid to the firms are often passed straight through to the individual lobbyists the firm retains, but sometimes a significant portion of the lobbying fees is retained by the firm as profit or to cover overhead.

O’Neill & Associates reported receiving just over \$2 million in lobbying fees during 2011 and paying all but \$404 of that to a fleet of individual lobbyists. By contrast, Rasky Baerlein Strategic Communications reported receiving a total of \$1.6 million in lobbying fees and paying out only \$297,000 to individual lobbyists, retaining \$1.3 million for profit and overhead. **CW**

TOP MASSACHUSETTS LOBBYISTS IN 2011

NAME	LOBBYING INCOME	TOP CLIENTS
1. Robert P. Rodophele	\$662,500	Alliance of Automobile Manufacturers, Inc. (\$96,000) R.J. Reynolds Tobacco Company (\$79,300)
2. William Francis Kennedy	\$594,150	Partners HealthCare (\$111,150) CeltiCare Health Plan of Massachusetts (\$95,000)
3. William Patrick McDermott	\$530,492	Clear Channel Airports (\$120,000) Massachusetts Biotechnology Council, Inc. (\$109,600)
4. Matthew Irish	\$507,537	Novo Nordisk, Inc (\$37,500) PepsiCo, Inc. (\$33,750)
5. Robert E. Travaglini	\$497,260	Cambridge Health Alliance (\$73,380) Verus Financial LLC (\$52,500)
6. Henri S. Rauschenbach	\$487,034	Partners HealthCare (\$140,719) Northeast Utilities System (\$48,000)
7. Thomas M. Joyce, Jr.	\$450,000	Entergy Corporation (\$142,500) National Grid (\$120,000)
8. Brian S. Hickey	\$400,000	FUJIFILM Pharmaceuticals USA Inc. (\$240,000)* Automotive Aftermarket Industry Association (\$194,500)* Coalition for Auto Repair Equality (\$194,500)*
9. Paul M. Pezzella	\$366,141	1199 SEIU (\$90,000) Crossroads Massachusetts, LLC (\$57,500)
10. William F. Cass	\$361,000	American Medical Response (\$90,000) Harris Corporation (\$43,194)

*Amount paid to lobbyist’s firm. Payments to the individual lobbyist are not broken out separately.
SOURCE: Massachusetts Secretary of State.

THE SECRETARY OF STATE oversees lobbyists, collects information on their activities, and posts the information on its website. Unfortunately, the data is not provided in a way that is conducive to analysis. *CommonWealth* assembled its own database using information from the Secretary of State’s website. The database is available at CommonWealthmagazine.org. Those interested in learning more about what specific bills lobbyists are working on and their political donations should consult the Secretary of State’s website.



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Chasing the middle class

Brown and Warren campaign as defenders of the middle class

BY STEVE KOCZELA

THE 2012 MASSACHUSETTS Senate election is shaping up as a competition for the hearts and minds (and votes) of the Bay State middle class. Both US Sen. Scott Brown and his leading Democratic challenger, Elizabeth Warren, are furiously spinning themselves as both members of and advocates for the middle class, while disparaging the other's middle-class credentials.

Listen to the competing narratives offered by the campaigns, and one candidate either grew up clinging by her fingernails to the ragged edge of the middle class or rode a gilded yacht to her Harvard professorship. The other is either a truck-driving, barn-jacket-wearing everyman or Wall Street's favorite senator.

Our polling helps explain the candidates' relentless focus on the middle class. A substantial majority (about 85 percent) of Bay State residents think of themselves as members of the middle class. With this many self-described members, it is clear that middle-class membership is as much a state of mind as it is a socioeconomic status packaged between the upper and lower classes.

This widespread identification with the middle class holds political ramifications for the Senate candidates. Our polls show voters holding a strong affinity for whichever candidate they think has the greater understanding of the needs of the middle class, and the greater willingness to give voice to these needs while in the Senate.

A recent poll we conducted for WBUR indicates Massachusetts voters, by a small margin, think Brown comes from a more middle-class upbringing than Warren. But a closer look at these numbers indicates the candidate's upbringing is less important to voters than their perception of who would best understand and represent middle-class interests.

Our polling shows the Bay State middle class carrying deep anxieties about rapidly rising costs for everything from health care to higher educa-

tion. They are worried about the lack of good paying jobs to keep up with these cost increases. Just over half of Massachusetts residents (54 percent) say it is now harder than it was 10 years ago to afford the kind of life they want, compared to 11 percent who say it is easier now.

Combine these concerns with years of wage stagnation and other economic challenges, and one in three who count themselves as members of the middle class now say they are in danger of falling out of it. Among the lower middle class, nearly half (47 percent) perceive this danger. Even if the current generation manages to march in place, residents are more concerned about the prospects for the next generation, with six in 10 fearful the next generation will be worse off. No wonder then that voters are looking for a candi-



date who understands the recent struggles of maintaining a middle-class lifestyle.

The same middle-class dynamic playing out in the Senate race in Massachusetts is also influencing the race for president. Beaten down by decades of well-documented stagnation, the American middle class is seeking someone, anyone, who might have an idea about how to turn things around. Neither party will allow the other an easy path to claim the mantle of middle-class defenders.

Should former Massachusetts governor Mitt

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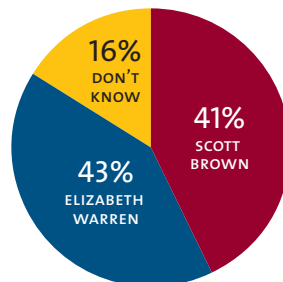
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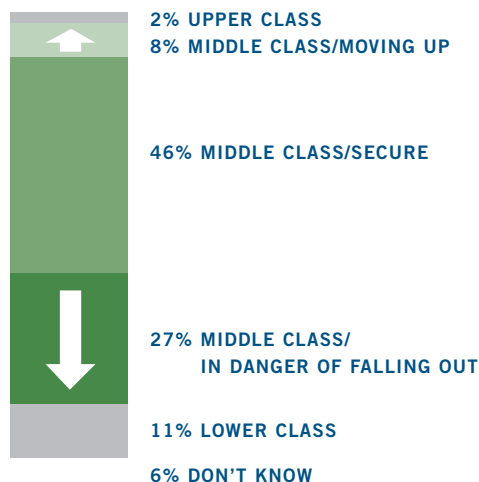
POLL VAULT

WHO DO YOU THINK WILL BEST REPRESENT THE INTERESTS OF THE MIDDLE CLASS?
SCOTT BROWN OR ELIZABETH WARREN



SOURCE: MassINC Polling Group/*CommonWealth* January 2012

SELF DESCRIBED MEMBERSHIP IN SOCIO-ECONOMIC CLASSES



SOURCE: MassINC Polling Group quarterly poll October 2011

Romney receive the GOP nomination, he will be drawn by Democrats as a job-destroying one percenter, woefully out of touch with the needs of everyday people. Romney, by contrast, will paint Team Obama as big-government, ivory-tower intellectuals without a clue about how to bring jobs back to the American middle class. If the current signs of economic recovery continue, this argument will likely morph into how much stronger the recovery could have been if the Obama autocrats had not been fumbling about.

Here at home, neither Senate candidate has yet gained a decisive advantage on middle-class issues. A January poll we did for *CommonWealth* shows voters divided on the question of who will best represent the middle class. Should one side gain a decisive advantage on this front, it will go a long way to determining the outcome of the election. **CW**

Steve Koczela is the president of the MassINC Polling Group.



Political repurposing

The White House Middle Class Task Force was set up to shape policy, but now its work is part of election-year politics **BY SHAWN ZELLER**

TWO WEEKS AFTER his inauguration, President Obama invited supporters of his 2008 campaign to the White House to lay out his plan for a Middle Class Task Force. The idea behind the task force was that research and public outreach could break through the partisan gridlock on Capitol Hill and help create good-paying jobs in growing fields and make sure that workplaces are safe and fair.

For the first year and a half of Obama's administration, under the direction of Vice President Joe Biden, the task force developed policy ideas and promoted major initiatives, such as the stimulus legislation of February 2009 and the health care law that was enacted a year later.

But the partisan gridlock not only didn't end, it intensified. The Middle Class Task Force failed to make headway with moderates on Capitol Hill, in part because they were a vanishing breed. Republican moderates were wiped out in the 2006 and 2008 elections, in which Democrats took control of the House and Senate. In the 2010 election, Democratic moderates were clobbered. The ranks of the House Blue Dogs—moderate Democrats—were cut in half, from 54 to 26.

The result is a Washington where political arguments rule and where compromise is virtually non-existent.

Not surprisingly, the Middle Class Task Force stopped issuing reports in 2010 and went out of business. (White House officials declined to provide information on staffing and spending at the task force.) The task force's executive director, Jared Bernstein, Biden's former chief economic advisor, left the White House to become a senior fellow at the Center on Budget and Policy Priorities, a left-leaning think tank. Obama himself seemed to forget the task force's work as he spent most of a year pursuing a debt deal with the Republicans.

But now the task force's work is being repurposed. The president is incorporating the task force's policy reports, research, and data into a political message designed to convince voters that he and other Democrats are more likely than Republicans to pursue policies that benefit the middle class. The goal now is a Democratic victory in November that will either force Republican moderates to work with the president on his middle-class agenda or elect enough congressional Democrats to enact legislation without them.

"I think what he hopes now is that electoral politics can put an end to the vicious partisanship," Bernstein says of the president.

Obama's speeches on the middle class are now laced with populist appeals, pitting the virtuous middle class against the wealthy and their advocates on the right. The 2012 State of the Union address was filled with ideas to help the middle class, ideas that have no chance of passage in the current Congress. The proposals are meant only to frame the debate during the election campaign this year. It's a shift that Obama's liberal supporters have heartily embraced, and a final transition, perhaps, from idealist and accommodation-oriented compromiser to hardened politician desperate to win another term.

"His heart of hearts doesn't want to talk in populist ways. He's someone who likes to feel like he's a conciliator who can bring people together and find common ground," says Michael Kazin, a history professor at Georgetown University. "But when you are attacked, you have to find ways to counterattack."

When Biden released the administration's first, and ultimately last, annual report for the task force in February 2010, it was full of ideas that the administration hoped to turn into reality, and quickly.



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WASHINGTON NOTEBOOK

The report laid out a case to pass health care reform, for example, on the grounds that private health insurance was eating up an increasing share of middle-class family budgets. It called for investments in green jobs since they tended to pay better and offer better benefits.

The report also suggested increasing aid to families putting their children through college to cope with ballooning tuition rates and to increase government research and development spending to bolster domestic manufacturing.

To help Americans save for retirement, the task force proposed a tax credit for workers who put money into an IRA. To help Americans balance their lives at work and home, it suggested a requirement that employers offer paid leave for new parents.

Everything in the report was backed up by statistics. College tuition, the report said, was up 60 percent since 1990 while middle-class incomes had only increased by 20 percent. Child care costs were out of control: an average of \$15,895 a year for infants in Massachusetts, for example, the highest rate in the country. Nearly one in four middle-class families were spending at least 10 percent of their incomes on health care.

"Our job was to try to elevate issues of the middle class, to go to every meeting, and when we were talking about anything, from health care to financial regulation, make sure the middle class was in the room," says Bernstein. But while the task force was having success at generating ideas, its political advice was not as sound.

Bernstein says he "always viewed health care reform as pretty central to loosening the middle-class squeeze," and he says the data backed that up. But the political choice to tackle the issue in 2010 played a big role in the huge Democratic losses in the mid-term congressional elections that year.

"Health care didn't directly enough target the middle class," says Barry Bluestone, who directs the Dukakis Center for Urban and Regional Policy at Northeastern University. "Obama's advisors felt he had to make good on it, and he used a tremendous amount of political energy and diverted attention from the real key issue, which was economic security."

Other task force ideas proved just as politically dangerous. Loans to green energy firms like the California solar panel maker Solyndra were painted by the GOP as wasteful after Solyndra declared bankruptcy. Republicans argued that the financial regulatory reform that Obama signed in 2010, another key piece of Biden's middle-class strategy, actually hurt the middle class by making it more difficult for people to get loans.

And what did get done was the result more of brute political force than compromise built on the task force's research. All of Obama's achievements in 2009 and 2010

—the stimulus legislation, the health care law, and the financial regulatory overhaul—were passed with little or no Republican support.

When the politics of the situation turned in the 2010 elections and Republicans took back control of the House, Obama again took a stab at compromise, this time flatly contradicting the Middle Class Task Force's advice by signing legislation cutting Pell grants to lower-middle-class

'Health care didn't directly enough target the middle class.'

families sending their children to college.

Obama also offered a "grand bargain" to reduce the deficit by \$4 trillion, in part, by cutting future Social Security payments. The task force had promised that Social Security would remain a dependable source of income for middle-class retirees. The deal was ultimately scuttled because Republicans rejected new tax increases.

Other task force ideas, such as expanded tax credits for retirement saving and for child care, as well as legislation

to make it easier for employees to unionize, went nowhere in the GOP-controlled House.

The administration's discordant policy making was troubling even to many of the president's most loyal supporters. "We were playing by their rules, the Republican rules," says Rep. Jim McGovern, a Worcester Democrat who says Obama shouldn't have been so willing to deal. "The notion that in order to balance our budget and reduce debt we need to go after programs like Social Security and Medicare or programs that help middle-class families send kids to college, those aren't the problems."

Now the economy is slowly improving, but the administration isn't getting much of the credit. Economic insecurity remains pervasive. "People are more at risk of falling out of the middle class now than even before the recession started," says Tatjana Meschede, a lecturer at Brandeis University's Heller School for Social Policy and Management. "There needs to be much more done to see significant change."

But with the election year here, Obama has concluded that the best course for pursuing his middle-class agenda now lies not with the task force's reports as much as a big political victory in November. **CV**

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Calling for backup

Mental health clinicians work with police officers in Framingham to make referrals instead of arrests **BY WILDER FLEMING**

THE FRAMINGHAM POLICE officer called for a different sort of backup. He was at a department store in a local mall where a woman suspected of shoplifting was acting strangely. She was visibly upset and didn't seem to be a sophisticated criminal, so the officer called in the department's mental health clinician.

By the time the clinician arrived, the woman was in the mall's parking lot, surrounded by the responding officer and mall security. She was screaming and crying, alternately shoving stolen shoes under parked cars and searching frantically for an escape route. Eventually she was ushered back into the store, where the mental health clinician was able to calm her down. The woman claimed to suffer from anxiety and depression and the clinician took note of her incoherent speech patterns and unstable mood; a security tape revealed that she had been sporadically pulling items from the shelves for more than three hours.

The clinician recommended treatment instead of arrest. The store manager and the policeman agreed, and the woman was directed to a mental health treatment program. She received the care she needed and taxpayers avoided the cost of an arrest and court proceedings that would have benefited no one.

The mall incident illustrates how a program run by the Framingham Police Department is steering non-violent offenders with mental health issues away from the criminal justice system and into treatment. The so-called Ride-Along program, funded by the state Department of Mental Health, pairs a mental health clinician with a patrol officer five nights a week. The clinician is licensed to do mental health assessments and treatment referrals at the scene, cutting down on unnecessary arrests and trips to the emergency room.

Craig Davis, Framingham's deputy chief of police, says he recognized the need to change how his police department dealt with the mentally ill a decade ago. "We were handling these folks in the

wrong manner. We were arresting them continually for minor offenses. We weren't providing any service to them, or the community," he says. "It was a cost to the police department and it was also a cost to the local emergency room where we were taking these folks when we weren't arresting them."

In 2011, Ride-Along teams in Framingham responded to 683 calls involving a mentally ill person and made decisions that saved an estimated \$544,000 in booking, jail, or emergency room costs, far exceeding the program's annual operating budget of \$120,000.

Records indicate 150 of the 683 calls involved the commission of a crime, of which 124 were nonviolent, such as trespassing or disturbing the peace, and 26 were violent. The 26 individuals who allegedly committed violent crimes were arrested, but the 124 nonviolent offenders were referred to treatment instead of jail. The other 533 incidents didn't involve a crime, and the individual was typically referred to treatment. In 58 of those cases, the clinician's onsite assessment saved a needless trip to the emergency room, according to Framingham officials.

Officials at the Department of Mental Health say that, in the short term, a Ride-Along program diverts costs that would normally be incurred by the criminal justice system on to the mental health system. Over the long run, they say, money will be saved as the conditions of the mentally ill are stabilized and their contacts with the justice system dissipate.

The 10-year-old Framingham program is the outgrowth of a growing recognition that people with mental illness all too often become entangled with law enforcement and the justice system in ways that could be avoided. A majority of the crimes committed by those with a mental illness in Massachusetts are nonviolent. But oftentimes their first arrest is the beginning of a self-destructive odyssey that sees them cycling between the courts, prisons, and probation system. Rather

than receiving the psychiatric treatment they need to take control of their disorder, they are punished in a manner that only serves to perpetuate their situation.

Framingham's Ride-Along program isn't the only working model for diverting the mentally ill from the criminal justice system. Communities in Tennessee, Florida, and Ohio rely on crisis intervention teams consisting of volunteers from local police departments who undergo an intensive, 40-hour course on handling situations with the mentally ill. (Police academies typically offer only four hours of training.)

In Taunton, a variation of this program has been operating for more than 10 years. Some courts in Massachusetts also set up special sessions to steer offenders with mental health issues to treatment programs, much as they do for offenders with drug problems.

Vic DiGravio, president and CEO of the Association for Behavioral Healthcare in Massachusetts, a nonprofit advocating for community-based mental health services, says, "There is no 'best' program or practice" and communities need to decide what works for them.

Framingham's program has demonstrated how cooperation between law enforcement and mental health organizations can create a more efficient delivery of services to those in need, while lessening the burden on police departments, emergency rooms and, ultimately, the Department of Correction.

Framingham's Ride-Along program eases the burden on police, emergency rooms.

"Our officers are dealing with people in all walks of life," Davis says, "from kids who are out of control in school to elderly people who live alone hearing voices and everything in between. We don't have the resources or training to deal with it, which is why the embedded clinician has been so successful. These habitual contacts with profound mental illness will now shift over to the mental health system, and sometimes we never see them again, which is exactly what we want."

Framingham's Ride-Along clinicians come from Advocates Inc., a nonprofit agency based in Framingham



that provides services for people with intellectual, developmental, and mental health needs.

Sarah Abbott, an Advocates employee who coordinates the Ride-Along program, says clinicians have a number of options when dealing with the mentally ill. “Some people just need de-escalation and stabilization in the moment. Some need more,” she says. “It can be outpatient treatment, say, meeting with a therapist once a week, all the way up to hospitalization, with a number of options in between.”

With near-universal healthcare coverage in Massachusetts, Abbott says diversion teams rarely encounter a person who is unable to afford some level of treatment. But for the few who are uninsured, there are organizations that will provide basic mental health services free of charge.

Abbott says the program works because police officers have a lot of discretion in responding to criminal behavior. In an email, she says, “There are a few circumstances under which a police officer has to make an arrest (e.g. felony or domestic violence), but for these low-level offenses, where there is typically no victim, they can choose to divert to a more appropriate treatment outcome.”

She says the police come into contact with people on a daily basis who mental health organizations would never see ordinarily, even though they are often the people who most need their help. “It’s a great way to get them into the mental health system and out of the criminal justice system,” she says.

Davis and Abbot say their program has helped build a stronger relationship between police officers and mental health workers.

“When a clinician isn’t available, we contact Advocates’ psychiatric emergency service, which is a 24-hour information network,” says Davis. “It’s just second nature for us to reach out to them. Whereas before, it was a distrustful, cold relationship. We would only call them when we really had to. But when we got the program running, we realized we were dealing with the same folks and we have more in common than we thought.”

In recent years, Framingham’s Ride-Along program has been replicated in Marlborough and Watertown with promising results. Massachusetts legislators such as Rep. James O’Day of West Boylston and Sens. John Keenan of Quincy and Karen Spilka of Ashland have joined advocacy groups in calling for a statewide effort to implement jail diversion programs, not just on the street but in the courts as well.

“We need a more professional and appropriate response and we need to be willing to spend some additional dollars,” says O’Day, who worked as a social worker for 24 years before taking office. **CW**



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The stimulus

Where did it go?
What did we get?

BY JACK SULLIVAN | PHOTOGRAPHS BY J. CAPPUCCIO



STATE OFFICIALS PROMISED to build a pedestrian bridge linking Charlestown and East Cambridge as part of environmental mitigation for the Big Dig, but what came back from the architect was more than a bridge. It was an architectural marvel, a series of steel rails that undulate along the sides of a 700-foot walkway, gently curving up and down and giving the impression of a roller coaster.

The bridge design and some ground and electrical work on the surrounding greenspace also came with a \$29.6 million price tag, the equivalent of roughly \$43,000 a foot. That was nearly a third of what it cost to build the much larger

Leonard P. Zakim Bunker Hill Memorial Bridge, the world's largest cable-stayed bridge and the Big Dig's crown jewel. The Zakim not only looks distinctive but also carries 10 lanes of traffic.

Matt Amorello, who was chairman of Massachusetts Turnpike Authority from 2002 to 2006, which put him in charge of all Big Dig mitigation projects, vetoed the so-called North Bank pedestrian bridge in 2005. "It was way out of whack," he says. "It was untenable at that price."

But four years later, when the housing bubble burst and the national economy tanked in the worst recession in 80 years, the federal government rolled out an \$840 billion economic stim-

State officials gave a green light to the \$29.6 million North Bank pedestrian bridge because it was shovel ready. The bridge, which looks like a roller-coaster, runs underneath the Zakim Bridge and over a commuter rail line.



ulus package known as the American Recovery and Reinvestment Act (ARRA). The stimulus included at least \$16.6 billion for Massachusetts over two years. As Patrick administration and federal officials sifted through proposals for what to do with the money, the North Bank bridge surfaced once again.

The North Bank's high cost remained a concern, but environmental officials, led by Energy and Environmental Affairs Secretary Ian Bowles, argued that building the bridge would fulfill a longstanding promise. It was also "shovel ready," the two magic words that moved projects to the front of the stimulus queue.

Now, as the bridge is nearing completion, it's as good a place as any to begin asking what we got with all that stimulus money. The bridge yielded 36 construction jobs and a very attractive pedestrian walkway that is unlikely to spur additional development or even see much use because it's tucked out of the way under the Zakim bridge connecting two underutilized parks. It fulfills a promise, but little more.

The overall impact of the stimulus in Massachusetts is harder to gauge. Slightly over half of the money was used to plug budget holes at the state and local level and sustain people going through tough times. The rest went for so-called

brick-and-mortar projects, things like wastewater treatment facilities, wind turbines, parking garages, roads, and university research. The spending created jobs, but the reporting is such that it's difficult to say how many—certainly not enough to make a major dent in the unemployment rate.

Part of the problem was the design of the stimulus. It was envisioned as a shot of adrenaline directly into the heart of a national economy on life support. Rather than creating a new layer of bureaucracy, Congress purposely allocated the money to go through existing government programs to get it out the door faster. The driving mandate was to spend the money and to spend it fast.

Yet that approach meant only projects that were “shovel ready” were approved. There was no time for long-range planning or to assemble a package of truly transformative investments. There are many stimulus projects that will yield big payoffs in the form of private development, reduced energy consumption, and important research discoveries. But there are others, like the North Bank Bridge, that were sitting on a shelf gathering dust and happened to be in the right place at the right time when the stimulus money came along.

John Ballantine, an economics professor at Brandeis University, says he believes the stimulus kept the bottom from falling out of the economy but “that argument is not a very strong argument when unemployment is 10 percent.” At the local level, he says, some of the stimulus investments were insufficient.

“The infrastructure needs in this state are very significant. I’ve seen the impact [of stimulus spending] but I drive all over the state and I do notice, gee, there are lots of roads and bridges in complete disrepair that could have been fixed,” he says.

Jeffrey Simon, a former real estate developer tapped by Gov. Deval Patrick to serve as the state’s stimulus overseer, says the federal money is still working its way through the local economy more than two years after it started flowing. It’s done some good, but he concedes the pressure to move quickly had an impact.

“Could we have done it differently? Should we have done it differently? The focus was in getting the funds out quickly,” Simon says. “We had to deal with the hand that was dealt to us. The vast majority [of projects] didn’t qualify because they weren’t ready to go and we had deadlines for awarding and completing. They’d come to us with a

Stimulus money helped build a parking garage in Revere that should spur nearby development.



design and say, ‘All we need is the permitting,’ and I’d say, ‘Well, that’s not shovel ready.’”

WHERE DID THE MONEY GO?

Before President Obama took office in 2009, Congress began working on a stimulus package. The idea reflected standard Keynesian economic theory: During a recession, private spending tends to dry up and government must step in with public spending to save jobs and revive the economy. Congress, at that point controlled by Democrats, hammered out a bill that placed an emphasis on tax incentives, state and local fiscal relief, and federal investments in transportation, infrastructure, energy efficiency, and scientific research. The stimulus bill passed the House 246-183 and the Senate by a margin of 60-38. No Republicans supported the measure in the House and only three backed it in the Senate. Obama signed the bill into law on February 17, 2009, less than a month after he took office.

At \$787 billion, later revised upward to \$840 billion, the stimulus is the largest since Franklin Roosevelt’s New Deal. Politicians and economists argued for and against the measure, but there was a consensus that the government needed to do something. The question was what.

Republicans and some economists wanted more tax breaks and less public works spending. US Rep. Eric Cantor of Virginia, the second-ranking House Republican, called the House stimulus bill “a spending bill beyond anyone’s imagination.” Yet many Democrats thought the package was too small and contained too many tax breaks. Paul Krugman, an economist and *New York Times* columnist, wrote after the bill’s passage that Obama didn’t ask for enough stimulus.

“We’re probably facing the worst slump since the Great

State stimulus czar Jeffrey Simon (left) and Somerville Mayor Joseph Curtatone, above, at the main access road for the Assembly Row development and discussing a model of what the area will look like.



Depression,” he wrote. “The Congressional Budget Office, not usually given to hyperbole, predicts that over the next three years there will be a \$2.9 trillion gap between what the economy could produce and what it will actually produce. And \$800 billion, while it sounds like a lot of money, isn’t nearly enough to bridge that chasm.”

The act offered three major streams of money to Massachusetts residents: tax breaks (\$4.1 billion), safety net and entitlement funds (\$4.6 billion), and project money (\$7.9 billion) doled out in the form of contracts, loans, and grants. Some of the money was distributed directly by the federal government and some was funneled through the state.

Nearly all workers received a tax break, called the Making Work Pay credit, which reduced federal tax payments by \$400 for individuals and \$800 for couples. In Massachusetts, the credit allowed workers to hang on to an extra \$1.2 billion. There were also tax credits for students in college and payroll tax reductions.

One of the more high-profile programs was the first-time homebuyers tax credit of \$8,000 to try to get the stagnant housing market moving once again. In Massachusetts, about 29,000 people claimed the credit for a total of \$232 million. Some of them borrowed from a state-

bankrolled line of credit at the front end of the purchase to help with closing costs.

The \$4.6 billion in safety net programs Massachusetts received was intended to help people through one of the toughest economic periods in the country’s history. The money flowed primarily through existing pipelines, including unemployment insurance, Social Security, Medicaid, and housing assistance. Medicaid, the health insurance program for the poor, received \$3.4 billion. The \$7.9 billion in contracts, loans, and grants—what many call “recovery funding”—is what most people think of when they think of the stimulus. Some 12,000 projects and programs were funded in Massachusetts.

Nationally, 40 percent of the contract funds went to education, but in Massachusetts the figure was only 25 percent. The money supported special education, bolstered student aid, and plugged budget holes in local school districts for items like health insurance. For instance, Massachusetts communities paid \$42.3 million to Blue Cross Blue Shield of Massachusetts and \$33.1 million to Harvard Pilgrim out of the stimulus funds. The state’s Group Insurance Commission, which oversees health insurance for state and some municipal workers, received \$4.4 million.

Massachusetts received about \$1.1 billion for transportation projects, including \$374.7 million for the MBTA, \$17.4 million for Massport, and \$384.5 million for bridge construction.

There was \$789.5 million for energy projects, including \$125.1 million for weatherization of homes, an amount that was 25 times what the state spent the year before the stimulus money became available. There was \$238.5 million for public safety, including \$2.9 million for programs to reduce violence against women. There was \$79 million for family services, much of it earmarked for programs such as child support enforcement, foster care and adoption services, and food stamps.

The area where Massachusetts led all states was in research and development and science. A whopping \$2.1 billion—more than 27 percent of the state’s total contract funding—went to R&D. Moreover, that amount is more than 18 percent of the total \$12.1 billion the federal government made available to all states for R&D and science.

Hundreds of millions of dollars were awarded to Massachusetts colleges, universities, and hospitals for energy, medical, and physics research, some with immediate returns, others with results that may not be seen for decades.

The University of Massachusetts Medical School in Worcester received a total of 129 direct grants and contracts, not including money funneled through the university system’s main administration for education. The money

ranged from a \$5,000 grant to participate in a study of an HIV vaccine used in children and pregnant women to \$5.2 million to renovate the upper floors of the school's medical center research wing.

Several Massachusetts institutions received grants worth a total of \$4.5 million to study herpes simplex virus looking for the cause and cure. More than \$250 million was earmarked for cancer research, with the Dana-Farber Cancer Institute alone receiving \$44.9 million.

"We talk about building bridges and roads, and I got nothing against bridges and roads, but a principal investigator usually hires seven colleagues to work on a grant at very nice pay levels, like \$60,000," says Michael Collins, chancellor of the UMass Medical School in Worcester. "So if you look at the economic stimulative effect of research, not to mention the result of what the research will be, it's extraordinary."

Harvard University was one of the state's biggest recipients of stimulus monies, receiving \$236.8 million for a variety of research including medical, data, technology and scientific studies. Its school of public health launched scores of studies with \$47.8 million in new-found money. Some of the research involved studying health issues overseas, such as a \$367,000 grant for the PROMISE

(Promoting Maternal & Infant Survival Everywhere) program. While the grant funded training for a researcher at Baystate Medical Center in Springfield and data collection with a Lexington company to study AIDS in women and children, the study involved training and gathering data in countries where HIV rates are higher than here.

David Hunter, associate dean of academic affairs at the Harvard School of Public Health, says over the last few years, research funding from the National Institutes of Health has been flat, meaning with inflation, researchers have had to do more with less. He says if not for the stimulus money, numerous worthwhile and essential studies would not be undertaken, especially in Massachusetts, which thrives on research. He also wonders what will happen when stimulus money dries up.

"Absolutely the work wouldn't have happened without the stimulus finds," says Hunter. "There is a mix of very, very worthy projects that were not going to be funded otherwise, new projects that were only possible to do because of the ARRA infusion of funds...Some of the ARRA funds were to save jobs that were going to be eliminated and some were to create jobs in new areas. We are all very worried as ARRA winds down, there is no second stimulus, there is no replacement."

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MURKY JOBS PICTURE

The stimulus was supposed to put America back to work, but its impact during the Great Recession didn't live up to expectations. When the bill was being debated in Washington, President Obama pointed to a graph showing the nation's unemployment rate with and without the stimulus. The rate without the stimulus was projected to rise above 9 percent. With the stimulus, the rate was projected to not exceed 8 percent. But those projections turned out to be way off, with the unemployment rate hitting 10 percent in October 2009 and remaining above 8 percent as of February.

Massachusetts fared better. The state's unemployment rate topped out at 8.7 percent in October 2009 and declined to 6.9 percent by January. At the stimulus's peak in 2010, federal records indicate there were a little over 15,700 people in Massachusetts—less than one-half of 1 percent of the state's workforce—whose paycheck came from stimulus funds. In the latest quarterly report, just 6,100 workers were receiving a stimulus-funded paycheck.

Of the \$7.5 billion that flowed through Massachusetts

The stimulus was supposed to put America back to work, but its impact during the Great Recession didn't live up to expectations.

agencies for distribution to projects and safety net programs, the state's best guess is that 952 full-time equivalency positions were created and another 2,895 full-time equivalent positions retained, the vast majority in public education. Overall, state officials estimate a total of 10,000 people—full- and part-time—received a stimulus-funded paycheck with money that came through the state, whether it was for one hour or a 40-hour work week.

"The economists have all sorts of multipliers they use to measure secondary impact, jobs that are ancillary to those directly created or retained by stimulus, using multipliers that range from about 1.5 on the low end to 3.5 on the high end. We take the low end in our projections," says Simon, the state's stimulus czar. Asked to estimate how many jobs the stimulus retained or created in Massachusetts, Simon says there is no clear answer.

Not all of the stimulus money flowing into Massachusetts led to jobs here, in part because the money stopped here only briefly before heading on to another state. Nearly \$800 million in stimulus funds credited to Massachusetts

was spent elsewhere.

SCS Energy LLC in Concord, for example, received a \$275 million grant from the Department of Energy for a \$4 billion hydrogen energy project. But while the federal government credits the \$275 million to the Massachusetts stimulus bottom line, making SCS the fourth-largest recipient of stimulus money in the state, the money is actually being spent in California, where the facility will provide the benefits and jobs.

Tiffany Rau, a spokeswoman for Hydrogen Energy California, the SCS project, says the award was originally made to BP and Rio Tinto, the proposed plant's first owners, and was credited to Massachusetts after SCS bought it last fall.

There are other energy projects being developed around the country with money that flowed through Massachusetts. First Wind, based in Boston, recently completed a 12-turbine project in Hawaii funded by a \$117.3 million low-cost loan from the Energy Department. Five jobs were funded in Boston; an estimated 200 jobs are in Hawaii.

Quincy-based Myriant Technologies received \$100 million in a grant and a contract from the Energy Department to build a demonstration facility in Louisiana to develop an alternative biochemical fuel using succinic acid, a sugar byproduct, as a clean energy source. The project is expected to create more than 150 jobs, five of them in Quincy, the rest out-of-state.

1366 Technologies Inc. in Lexington obtained a \$143.2 million low-cost loan from the Treasury Department to develop thinner and cheaper photovoltaic wafers

that will be used to power solar arrays. The company makes the unsubstantiated claim that the project will "spawn a multimillion-job domestic PV (photovoltaic) manufacturing and installation industry." The initial design and development is occurring in Massachusetts, the company's application says, but "Phase 2 and Phase 3 will be executed in another jurisdiction to be determined."

While some stimulus money credited to Massachusetts will be spent elsewhere, the opposite is also true. Some of the money directed to other states for research and health care spending ended up in Massachusetts. All told, it appears Massachusetts received roughly its fair share of stimulus funds. Federal officials tried to distribute the funds among states based on population. Massachusetts ranks 13th in population and 12th overall in recovery funding.

HIT OR MISS

Somerville Mayor Joseph Curtatone takes pride in the planned Assembly Row development in Assembly Square.

With mixed-use housing, a planned Orange Line T stop, retail, restaurants, a movie theater and a major tenant in IKEA at the entry, the \$350 million development will change the face of Somerville, he says. He says the projections are that there will be 18,000 construction jobs and another 23,000 permanent jobs “at full build-out.”

None of it, he says, would have happened without the \$14.9 million in stimulus money to build the main access road and put in utilities including water and sewer through the middle of the development.

“It meant everything,” says Curtatone. “The most valuable dollar in any real estate deal is the first dollar. This is one of those 100-year investments in the city of Somerville. It’s a perfect example of a public-private partnership and an investment that shows it’s not going to be all on the back of the developers.”

In Revere, the MBTA is building a \$46 million parking garage using \$22 million in stimulus money and a separate platform and pedestrian bridge financed by a \$20 million grant from the federal Department of Transportation. The 1,500-space garage will permit the redevelopment of nearby surface parking lots by a developer who is planning a \$500 million waterfront project that will contain mixed housing, retail, and office space.

Paul Rupp, the CEO of Community Reinvestment Associates and the liaison for Revere with the MBTA and the developer, says without the stimulus money the project would still be in the planning stages and perhaps in jeopardy.

“We would be still looking for MBTA money to design and then build,” says Rupp. “The stimulus came along at just the right time and it’s been fantastic, it made this project happen. It was something talked about for decades but when the money was there, we seized the day.”

But for every stimulus dollar that helps transform a community, there are other projects that come with some questions. The Internal Revenue Service processing center in Andover is undergoing an \$83 million renovation with funds credited to the state’s overall stimulus spending pot. The project is expected to create more than 66 “full time equivalency” temporary jobs.

But tucked inside that contract is an expenditure of \$450,000 for a two-piece work of art called *Reforestation/Fossil* by Brooklyn, NY, artist Ellen Harvey. The work, approved by the government’s Art in Architecture program, will be a stone sculpture in the entry foyer with a large mirrored piece hanging on the wall. Massachusetts received \$9.4 million in grants from the National Endowment for the Arts, awards that critics are sure to question as to their value in economic stimulus.

“I think that happens in just the nature of any construc-

tion project,” says Brandeis’ Ballantine. “Is this the most efficient utilitarian use of stimulus funds? Probably not, but we want aesthetic values in some of our public projects, like the Greenway. Yes, this [art] is a part of the economy, and yes, it is utilitarian versus aesthetics. Fifty years from now we’ll look at it and say ‘I can see why it is here,’ but right now we’re not sure why we did it that way.”

Some other projects, while they may be worthwhile, can cast doubts on just what taxpayer money was supposed to be used to stimulate. The Mashpee Wampanoag tribe received a \$12.7 million low-cost loan from the federal government to build a tribal government and health center on the Cape, a construction project that is expected to create 10 full-time equivalency jobs. The stimulus loan comes as the tribe received a \$16 million loan from investors and as it seeks a permit to build a \$500 million casino in Taunton. Wampanoag officials did not return calls or emails for comment.

UMass Amherst won a \$191,600 grant to train a Ph.D. student to go to Saskatchewan, Canada, to study the lower continental crust, one of the few places it can be reached. The grant application said the purpose was for “intellectual merit” and would enhance the school’s undergraduate mineralogy, geology, and petrology courses.

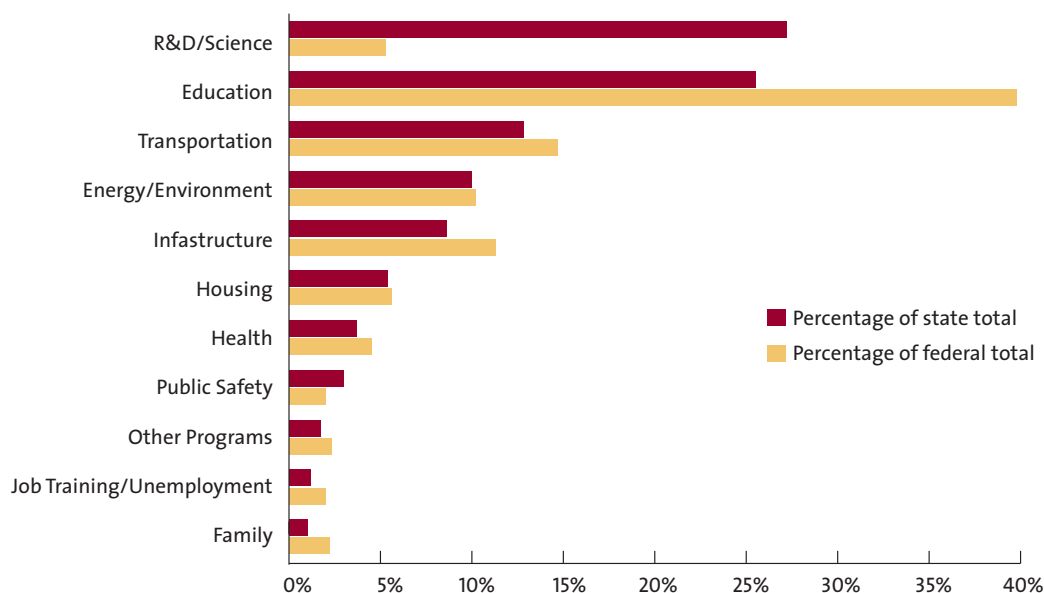
The Mashpee Wampanoag received a \$12.7 million low-cost stimulus loan to build a government and health center.

“In addition,” the grant application states, “the field work will provide an opportunity for outreach, through presentations and discussions, to a people who live in a very remote area, but whose livelihoods are generally based on the natural resources of the area.”

The town of Chatham was under pressure to build a new wastewater treatment facility and upgrade its limited and aging sewer system as many of the town’s older septic systems begin to fail. Robert Duncanson, the town’s director of health and environment who is overseeing the \$52 million project, says it never would have happened without a \$21 million low-cost loan and grant stimulus package from the federal Department of Agriculture.

Once completed, every homeowner will be required to hook up to the system whether they want to or not at a cost of \$3,000 to \$10,000 out of their own pocket. Duncanson says it’s a small price to pay for fixing a potentially

WHERE THE STIMULUS MONEY WENT



SOURCE: State and federal recovery offices.

disastrous problem. “We were able to do it at less impact to the [local] taxpayer,” he says.

One thing the stimulus money appears not to have stimulated was fraud or scandal. Simon attributes that to the 85 people the state employed—paid for with \$14.8 million in stimulus funds—to oversee and administer the flow of funds.

“I haven’t been to every single stimulus project, maybe 200 of them,” says Simon. “Most of the programs I’ve seen, I can’t even think of one that I’d put in the category of ‘this is a silly thing to do.’”

DIFFERING DEFINITIONS

Dartmouth College economist James Feyrer says many people are confused about stimulus spending. They think it should go for projects that will transform the economy or put vast numbers of people to work. But stimulus money is more like a firefighter spraying water on a burning house—there to keep it from burning down, not to add on an extra room off the back.

“Fiscal stimulus is something to get us out of a hole,” Feyrer says, adding that one of the goals of a stimulus is to reassure consumers and businesses about the future of the economy and make them feel it’s safe to resume their spending. “Stimulus will only be effective if somebody’s behavior is changed,” he says.

Given the nation’s slow economic recovery, the growing consensus appears to be that the stimulus did not convince enough people and businesses to change their

behavior. It’s difficult to pinpoint why the stimulus didn’t turn around the economy faster. Was the stimulus poorly designed? Was it too small? Or was the Great Recession far more severe than most people expected?

In Massachusetts, public perceptions of the impact of the stimulus are mixed. A survey of the state’s residents in January by the MassINC Polling Group indicates 48 percent didn’t believe the stimulus improved roads, bridges, and other infrastructure in their area, while 45 percent say it has. Exactly half of those in the survey say the stimulus did not prevent the Massachusetts unemployment rate from getting worse, while 40 percent think it did. And 51 percent of respondents said the stimulus did not help the national economy recover, while 42 percent said it did.

Simon says most residents don’t realize the far-reaching nature of the stimulus. He tells stories of sitting with small groups of teachers, asking if they see the impact of stimulus in their communities. He says the answer is usually “not much.” He then tells them that everyone in the room was funded by the stimulus. The response, he says, is usually muted surprise, a reaction that tells him the state and federal governments didn’t do enough to sell the benefits of the stimulus.

“One of the things we didn’t do a good job of was letting people know where that benefit is coming from,” he says. “We frankly weren’t concerned with touting the program and I think that was a mistake, not letting people who were benefitting from the program know that they were benefitting. We didn’t put a note in everyone’s paycheck saying, ‘By the way, this is from stimulus money.’” **CW**

Finding her voice

After her devastating Senate defeat,
Martha Coakley is back

BY PAUL McMORROW | PHOTOGRAPHS BY MARK OSTOW

Martha Coakley has a cold.

The attorney general apologized for this fact as she took the stage to address a group of Boston business honchos, popped a couple cough drops into her mouth, and joked that if the audience hit her with a particularly difficult question, her voice might give out altogether. It didn't. But that's not really the point. Coakley isn't a speaker who's going to be hobbled by a cold virus, because Coakley's voice, even at full strength, will seldom set a room on fire.

The state's top lawyer works in an industry where the facts of what she says matter, not how they're delivered. And besides, the Chamber of Commerce audience listening to Coakley on this windy January morning was unlikely to get whipped up into a religious

fervor, scratchy voice or no. Coakley was delivering a stubborn message to a room full of suits, forcefully defending her decision to sue Bank of America, which was sponsoring her speech.

In December, Coakley took five of the country's largest mortgage banks to court, alleging that they'd illegally foreclosed on some Massachusetts homeowners, and wrongfully deprived others of the chance to modify their home loans. Coakley had already distanced herself from a group of attorneys general negotiating a nationwide foreclosure settlement with Bank of America, Citigroup, JP Morgan, Wells Fargo, and Ally Financial. The lawsuit marked a sharp escalation in Coakley's standoff with the banks.

Publicly, Bank of America insisted that



Attorney General Martha Coakley at a financial literacy workshop at East Boston High School.

Coakley's lawsuit would hold back an economic recovery. Ally made a show of shuttering its business in Massachusetts. A *Wall Street Journal* editorial accused Coakley of using the lawsuit to grab a national spotlight and rehabilitate her public image, which had been badly tarnished during her disastrous 2010 run for the US Senate. The reaction at the business breakfast was lukewarm.

Popular or not, the lawsuit shifted the balance of power in the nationwide foreclosure talks. The day the suit was filed in Suffolk Superior Court, calls from other state attorneys general came pouring into Coakley's office. Other states had been voicing skepticism about the foreclosure settlement, but before Coakley filed suit, the states had no leverage to fight the banks' demands. The Massachusetts lawsuit gave states a template for filing their own complaints. Faced with the prospect of fighting off dozens of different state foreclosure lawsuits, the banks began yielding at the negotiating table. Three weeks after her Chamber of Commerce speech, Coakley joined 48 other states in signing on to a \$25 billion foreclosure settlement.

It's telling that the *Wall Street Journal* saw Coakley's foreclosure lawsuit as a tool for advancing her political career, since that implies Coakley has a political career to advance. Two years ago, it didn't appear that would be the case. The Attorney General had stumbled badly in her bid to fill Ted Kennedy's Senate seat. She blew a 31-point lead over a no-name state legislator, and cost her party its filibuster-proof majority in the Senate. Her advisers feared intense criticism from her fellow Democrats would destroy her politically.

Coakley responded to defeat by going back to her work. In so doing, she has become a national force on housing policy, health care, and gay rights. And that has Beacon Hill observers wondering aloud about Coakley's next move, speculating that she may be a contender to run for governor. For her part, Coakley says she hasn't given any thought to her next move, if she has one at all. But the fact that the Corner Office is even up for discussion shows how far she's come from her January 2010 lows.

"She has been able to accomplish much more in the past two years as attorney general than anyone could as a US Senator," says Democratic fundraiser Cheryl Cronin. "I'm not surprised at how she handled defeat, but I'm impressed. A lot of us don't have that same type of resilience. I would've gone and sat in a closet for months. She picked herself right up."

A "GUARDED POLITRON"

The public recrimination began weeks before Election Day. It started with whispers—on background, no names attached—that Martha Coakley had lost her grip on the Senate race. The tighter the race got, the louder the complaints became. They called her complacent and incom-



petent. *Boston Globe* columnist Joan Vennochi chided "a campaign lacking in soul and a candidate lacking in heart." *Boston* magazine described her as a "guarded politron."

Things were not supposed to go this way. Not for Martha Coakley. The 58-year old North Adams native had been ticketed as a rising political star since her days as a Middlesex County prosecutor. She followed a well-worn path from Middlesex to Beacon Hill, rising from prosecutor to district attorney to attorney general, and all the wise guys said she was destined for bigger things. The August 2009 death of Ted Kennedy opened a path to one such bigger thing: a shot at a coveted US Senate seat. Coakley never had to sweat the Democratic primary, topping her closest competitor, US Rep. Michael Capuano, by 19 points. She racked up endorsements from editorial boards, labor unions, and local politicians. Everything went right—until it didn't.

"She ran a great campaign for five and a half months, and then she had a horrible two weeks," says Kevin Conroy, Coakley's Senate campaign manager, and a former top aide in the attorney general's office.

Coakley's opponent, Scott Brown, a little known Republican state senator, thoroughly outhustled her. She didn't challenge Brown when he turned himself into the second coming of JFK. And she could never match the populist everyman persona he projected with his barn coat and pick-up truck. Brown tapped into a vein of anger at the political establishment that Coakley's handlers never anticipated. The intense scrutiny surrounding the campaign—it was the only race in the country, and the White House's health care agenda hung in the balance—magnified every misstep. And in the campaign's last weeks, there were sev-

Coakley's foreclosure lawsuit shifted the balance of power in the talks with banks.



Coakley joins Rev. Liz Walker at Roxbury Presbyterian Church.



eral missteps. Coakley's campaign huddled in their Charlestown headquarters every night, staring at polling data that showed the race slipping away.

Democrats met certain defeat with their knives drawn. From the state's all-Democratic congressional delegation, Barney Frank and Richard Neal called Coakley out publicly. Larry Rasky, the prominent Democratic fundraiser and public relations executive, labeled her a "bad candidate" who'd committed "political malpractice." Coakley's campaign and the White House were shooting at each other in the national press before the polls even closed.

"The public doesn't see the AG smiling and laughing often. What the public sees is how they evaluate you."

"You don't run for office unless you understand that you can lose," Coakley says, sitting in her offices high above Beacon Hill. "I was surprised at the level of animosity after the race. Whether I should have been or shouldn't have been, I don't know. But I was surprised by that. I'm not going to pretend it was easy. But I think I'm pretty tough."

When Coakley's friends talk about the Senate race, they invariably complain that Coakley's private persona

didn't translate in a campaign setting. Cheryl Cronin talks about a woman who is "warm, lovely, and gracious." Barbara Lee, the Cambridge philanthropist and political activist, recalls an event when, as a gag, Coakley grabbed a lampshade off a table, climbed on stage, and shouted into it like a megaphone. That wasn't the candidate voters saw. They didn't see the woman who hands out off-color limericks as birthday presents and gifts to departing staff members. State Sen. Katherine Clark still has hers. "What didn't come across was how warm a person she is, how funny she is," Clark says.

"The public doesn't see the AG smiling and laughing often," says former attorney general Scott Harshbarger. "When people do see you, it's announcing indictments or settlements. People don't get to see your more human side. And what the public sees is how they evaluate you."

On election night, Coakley sat in a Boston hotel room, watching returns roll in with a small group of friends and advisers. By that point, though, they knew where the night was headed. Coakley conceded defeat, pronounced herself "heartbroken," thanked her supporters, and wished Scott Brown well. She was back at work the next day; the day after that, she was at Gov. Deval Patrick's State of the State address, surrounded by politicians and reporters who were still dumbfounded by her collapse.

"She came to peace with it," says Beth Boland, an attorney at Bingham McCutchen who served on the Coakley campaign's finance committee. "There was sadness and disappointment, but she never once blamed her staff or lashed out at all. She was a total class act. She just went back to work. And she got her sea legs in a really, really strong way."

"After any loss, people can take one of two routes," Coakley reasons. "Mine was to say, OK, I lost the race. I didn't lose my husband. I didn't lose my leg in the war. I lost a race. Losing didn't mean that I wouldn't be a good attorney general, that I couldn't do my job still. I knew I had to prove that to people, though. That's the big difference. It wasn't me, so much—it's what I knew I had to prove."

WHAT COMES AROUND

National health care reform helped sink Martha Coakley's Senate campaign. Money and volunteers from across the country flooded into Scott Brown's campaign offices when Brown pledged to block health care legislation in the Senate. Coakley's staffers never thought that Brown would be able to turn health care into a legitimate campaign issue, since Massachusetts already mandates universal coverage. That miscalculation imperiled a health care bill that was Ted Kennedy's legacy.

So when the attorney general arrived at the National Press Club in February of this year to defend the constitutionality of health care reform, she did so with several layers of subtext hanging overhead. Brown failed to derail the legislation on Capitol Hill. Now, two years later, here was Coakley, standing a mile and-a-half from Brown's new office, acting as the face of the country's pro-health care reform establishment.

Coakley sat with *CommonWealth* for two wide-ranging interviews, and both times she drew bright lines between the "dysfunctional" atmosphere in Washington and the broad leeway she enjoys as attorney general. "I'm glad I'm here, I'm glad I'm attorney general," she says. "The real reason I run for office is to do the job, to govern, and I get to do that now. I see people in Washington who don't get to do anything."

As attorney general, Coakley has broadened her office's focus. It still plays a traditional role enforcing environmental and wage laws, and prosecuting Medicaid fraud. But the office has also become a serious player in public

"Losing didn't mean that I wouldn't be a good attorney general, that I couldn't do my job still," Coakley says.



policy. It used its investigatory arm to compile a report alleging that powerful health care providers have distorted the state's health care market, netting higher payments for themselves, and driving statewide insurance prices high in the process. The office is employing a similar approach now in the energy arena, using its power to challenge utility rates and to launch a reassessment of the state's green energy agenda. In both instances, Coakley's office is using its narrow enforcement authority as a tool for opening up wider, data-driven policy discussions.

Coakley's activism around the national health care reform law is grounded in a similar approach. At the Press Club, Coakley debated the constitutionality of health care reform with Ken Cuccinelli, the Tea Party-aligned attorney general of Virginia. Coakley filed a Supreme Court brief defending health care reform in January. In it, Coakley

echoed the same constitutional arguments—saying that Congress may regulate interstate commerce and pass laws necessary to implement its policy aims—as the health care law’s other advocates. But she went further, arguing that Massachusetts’s experience with overhauling health care, and mandating insurance coverage, proves Congress had a rational reason for passing a nationwide health care mandate. Because Massachusetts’s individual insurance mandate illustrates the outcome Congress was seeking and quantifies its impact, Coakley believes, the Supreme Court will have to uphold health care reform’s constitutionality.

“Our key is to say, it’s not just a theoretical thing,” Coakley says. “Look at Massachusetts. We have 98 percent of our people covered, our free rider care is down 33 percent. You can get up and talk about economic liberty, but what does that mean? Here’s Congress passing a statute, and they’re going to try to overturn it on totally novel, and frankly undocumented, reasons. Which is why the stuff we’ve been able to say about how it works in Massachusetts is important.”

Coakley’s office has also played a large part in pushing the White House to abandon the federal Defense of Marriage Act. Coakley sued the federal government in July 2009, claiming that DOMA, which defines marriage as the union of one man and one woman, violates the Constitution. DOMA attaches itself to any federal regulation dealing with marriage, meaning gay couples who are legally married under Massachusetts laws aren’t married when it comes to federal taxes, Medicare and Medicaid, Social Security, and veterans’ benefits.

Coakley’s DOMA lawsuit followed one filed by Gay and Lesbian Advocates and Defenders, but it challenged DOMA on different grounds. GLAD sued on equal protection grounds, as it did when it forced the legalization of same-sex marriage in Massachusetts. By contrast, Coakley argued that DOMA infringes upon state sovereignty, and said the law forces the state to discriminate against its own citizens when spending federal funds. (In one instance, the Department of Veterans Affairs threatened to rescind funding for a veterans cemetery if the state allowed a gay man to be buried next to his spouse.)

A federal judge in Boston struck down DOMA in both the GLAD case and in the state’s challenge. The two cases are being appealed jointly. Last February, the Department of Justice made a dramatic reversal and said it wouldn’t continue defending DOMA. Justice adopted the arguments advanced by GLAD and by Coakley’s office: It said GLAD’s married plaintiffs were being discriminated against, and that Massachusetts was being required to discriminate against its married citizens. Coakley’s DOMA challenge has been a lonely one: Eight states, along with the District of Columbia, have legalized same-sex marriage, but Massachusetts was the only one to bring its own challenge to

DOMA. While Indiana, Michigan, South Carolina, Colorado, and Utah have filed briefs urging the appeals court to reverse the Boston court’s DOMA ruling, no other state has gone on record as supporting Massachusetts’s case.

FORECLOSURE FIGHTER

The day after she sued Bank of America, Citigroup, JP Morgan, Wells Fargo, and Ally, Coakley and her staff traveled to East Boston. Foreclosures have wreaked havoc with the neighborhood’s real estate market. More than 750 families have lost their homes since the beginning of 2007. Home values in the neighborhood have fallen by a third. Last year, East Boston home sales were off their 2005 highs by nearly two-thirds. It’s the sort of neighborhood—working class, and heavily populated by immigrants—that subprime mortgage lenders feasted on. Coakley met with housing advocates who had been trying to secure mortgage modifications from the banks she’d just sued. They were often unable to get anyone on the phone, and when they did, they were told to fax, not email, loan modification paperwork. That paperwork had a habit of getting lost. The longer this runaround lasted, the deeper troubled homeowners sank.

“The banks were just not focused on modifications,” says Conroy, the former aide who helped lead the attorney general office’s foreclosure settlement efforts. “She’s upset the banks were so sloppy, because she’s such a thorough person. But she also now feels a lot of it was deliberate.”

“If any one of those five defendants wants to find you, or find your paperwork, to increase your interest rate on your credit card, or to tell you that you have a \$10 fee for checking overdraft, they will find you,” Coakley says. “The banks were saying, sorry, what we do is foreclose—it wasn’t good enough.”

Coakley took office in 2007, just as the housing bubble was coming apart and foreclosures were spiking. Since that time, she’s led “without question the best attorney general’s office on the issues of predatory lending and fighting foreclosures,” argues Max Weinstein, a clinical instructor at Harvard Law School’s Legal Services Center.

Over the past few years, a handful of attorneys general offices have helped steer thorny post-bubble housing policy debates. New York has regulatory leverage over Wall Street. Delaware’s laws govern many of the financial instruments that financed the housing boom. The size of California’s housing market, and the severity of the crash there, make that state part of any discussion. Massachusetts isn’t an obvious candidate to steer national housing policy. The state isn’t large, it’s not a corporate capital, and it has weathered the foreclosure wave better than most states. Massachusetts litigated its way into a leadership position on housing. Coakley brought the first subprime law-

suits in the country, against Fremont Investment & Loan and Option One, and she extracted settlements from Goldman Sachs and Morgan Stanley, investment banks that financed subprime lending. These cases came after the housing bubble had burst, so prohibitions against subprime lending weren't real remedies; instead, Coakley forced the mortgage companies to modify homeowners' mortgages. Banks and mortgage lenders committed to foreclosing only as a last resort.

"A lot of other states look at paperwork issues, chain of title issues, and isolated issues of very basic fraud," Weinstein says. "Faulty paperwork is not what caused the foreclosure crisis. The fact that subprime was designed at the outset to fail, that's what's really offensive. She really got it in a way that no other office did."

In the fall of 2010, the nation's biggest mortgage banks began suspending foreclosures amid revelations that employees had been signing foreclosure affidavits without reading them first, a practice that's become known as robo-signing. This was especially problematic in states where judges have to approve banks' foreclosure requests. Judicial foreclosure states began a joint investigation; their talks with Bank of America, Citigroup, JP Morgan, Wells Fargo, and Ally evolved into settlement talks covering questionable foreclosures across the country. Massachusetts wasn't part of the initial negotiating group. However, as settlement talks broadened past robo-signing, Coakley became concerned that the banks were offering the states too little relief, while demanding sweeping legal releases related to their conduct during the housing bust. Coakley returned from a briefing on the settlement talks convinced that she needed a seat at the negotiating table, and instructing her mortgage unit to find a way to sue.

"From the initial negotiations, there was no investigation, no discussion of lawsuits," Conroy says. "When there's no leverage on your side, you're really negotiating on thin air. The banks were pushing the AGs to give in. They didn't have the tools to say, we won't give in because we'll sue you."

As the multi-state talks progressed, the state Supreme Judicial Court handed down a pair of foreclosure rulings that hardened Coakley's negotiating stance. The SJC said banks couldn't foreclose on homes without first holding the mortgages tied to the homes, making any foreclosure executed before the proper paperwork was in place invalid. The rulings threw a cloud over the title of tens of thousands of foreclosed homes, including properties that had been subsequently re-sold. Coakley, who was growing wary of the protracted foreclosure settlement talks, made it clear that she couldn't legally forgive these Massachusetts-specific title defects in the settlement; when the banks tried striking language preserving the state's right to sue over

clouded foreclosure titles, Coakley decided she had to take the banks to court.

"They weren't sure we had the goods," Conroy says. "They also thought a Massachusetts lawsuit wouldn't be a game changer. But it woke people up." Coakley's lawsuit emboldened other states critical of the foreclosure settlement. The White House stepped in and knuckled the banks into softening some of their hard-line stances before a year's worth of settlement negotiations disintegrated. In the end, Massachusetts netted \$318 million from the settlement, including \$257 million in mortgage modifications, while keeping half of its December lawsuit alive.

The day after joining the settlement, Coakley began

Like Ted Kennedy, who lost a bid for president, Coakley may be realizing that the job she wants is the job she already has.

beating the drum on Fannie Mae and Freddie Mac, urging the two government-owned mortgage giants to commit to similar mortgage modification regimes. "They can't just sit on their hands and say, 'We can't do anything because of our investors,'" she says. "I don't think that's an adequate answer." Coakley is also serving on a new state and federal task force charged with investigating the packaging and sale of bubble-era mortgage bonds—an area the banks unsuccessfully sought immunity in during the foreclosure settlement talks.

"She didn't let up," says Kathleen Engel, a professor at Suffolk Law School who specializes in mortgage finance. "She has her foot on gas pedal, and it's going to stay there."

THE KENNEDY LINK

"The work begins anew, the hope rises again, and the dream lives on."

Martha Coakley closed her Senate campaign by quoting Ted Kennedy. She pumped her fist before a roomful of somber supporters on election night and sounded upbeat. If you didn't know any better, you'd think she'd just won. Coakley was channeling Ted Kennedy from 2008, an aging lion uttering a triumphant roar at the Democratic National Convention. It's notable that Coakley wasn't quoting Ted Kennedy from 1980, when he issued a similarly-worded, but distinct, declaration. That Kennedy had just been routed in his ill-fated primary challenge to President Jimmy

Carter, and he was promising his partisans that there would be hope at the other end of the wilderness they were about to enter together.

Coakley and Kennedy will be linked forever. It comes with turning the Kennedy Seat into the People's Seat, as Brown renamed it. At the same time, it's possible that Kennedy's career in the Senate is informing the career of a woman whose moment of political prominence came when she failed to grab the Senate baton he left behind. Kennedy broke the primal rule of politics—move up or move out. After failing in his 1980 bid for president, Kennedy realized the job he wanted was the one he already had. Coakley has rebounded from her Senate defeat and established herself as a national figure. In doing so, she has caught the attention of the chattering classes. They wonder what her next move will be. Many assume she's setting herself up for a run at governor, or another bid at the Senate, should John Kerry's seat open up after November's presidential election. Coakley may be in the midst of a ferocious political comeback. Or she may be having her Ted Kennedy moment, when, freed of the constant political pressure to position herself for her next move up the ladder, she finds peace with the job she already has.

"She doesn't have the same natural campaign skills as

Scott Brown or Deval Patrick do, but that's OK, because she has immense talent in the business of government," says Dan Winslow, the state rep who serves as Brown's campaign counsel. "To do the job right, you have to make enemies, and I thought she'd pull punches. Now, she's using the office in ways that, if she'd done five years ago, she might be a US senator."

"The great thing about the office is, the best politics is doing the right thing," Harshbarger says. "My hope is, with the albatross of people's expectations off her back, she has been freed to be the kind of AG she wanted to be. She handled defeat with grace. It has freed her up to be a really, really good AG."

Coakley hears the whispers, the questions, and the speculation about her political future. It's impossible not to. "It's the equivalent, in the political world, of let's have lunch, or how's it going—what are you going to do next?" Coakley says. "It's just what people say. I think to the extent that politics is a bloodsport here in Massachusetts, there's a lot of interest in it. It's a natural question."

It's a question Coakley insists she hasn't asked herself yet. "The thing I try to stress to people is, I couldn't be happier than doing what I'm doing here. This is a great office. We're running on all cylinders. We've done a lot, and

"One of the hallmarks of the carpenters union is the professionalism. This gives me, as a developer, a great deal of comfort."

Jim Keefe, President
Trinity Financial, Boston, MA



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Time out

With power concentrated at the top and most outcomes preordained, legislators spend little time in formal sessions and take far fewer roll call votes than a generation ago

BY GABRIELLE GURLEY | ILLUSTRATION BY EVA VAZQUEZ

DEAN WILLIAMSON, A high school senior from Worcester, came to the State House in late February hoping to see a debate in the House of Representatives. Lawmakers opened the session with routine business: applauding students and teachers from a Nashoba Valley high school who prevented a school shooting, congratulating an Afghanistan veteran, and moving along home rule petitions.

The lone bill on the agenda was legislation to streamline community services for people looking for affordable



housing. Three legislators spoke in support of the non-controversial bill while their colleagues ignored them, chatting loudly in small groups or studying their electronic devices before taking a unanimous vote to approve the measure. Everything got wrapped up in an hour. Williamson was amazed. “It was more political show than getting things done,” he said.

“Political show” is an apt description, since legislative sessions are becoming more and more scripted. Legislators still vote on bills and there is the occasional debate, but both occur infrequently. A review of House and Senate records indicates the amount of time the General Court spends in session has dropped by roughly half since the mid-1980s. The number of roll calls has declined by about 70 percent in the House and 50 percent in the Senate over that same time period.

Lawmakers and political observers say the drop-off in legislative action is a reflection of a culture that has taken hold on Beacon Hill in recent decades that emphasizes efficiency over debate. House Speaker Robert DeLeo and Senate President Therese Murray have largely maintained that course, preferring wherever possible to work out differences behind closed doors and use public legislative sessions to execute those decisions.

Maurice Cunningham, a University of Massachusetts Boston political science professor, is concerned about the trend. “You want [lawmakers] to be doing their job legislating, getting things out of committee,” he says. “Some of those things aren’t really happening. You don’t want to sacrifice a vibrant democracy for efficiency.”

TALLYING THE TALE

House Minority Leader Brad Jones says debate is becoming a rarity on Beacon Hill. “A couple of times, when we’ve had debates for two hours, people walk out of [the chamber] like they just [went to] a triple-overtime sporting event,” Jones says. “When debate breaks out, it’s newsworthy.”

To confirm just how unusual debate is anymore, *CommonWealth* analyzed House and Senate journals from three different two-year legislative sessions over a 25-year period. The amount of time spent in session and the number of roll calls taken were tallied. So were the number of formal legislative sessions, when substantive issues are discussed, and informal sessions, when routine, noncontroversial matters are handled. Informal sessions are often used to satisfy the requirement that the two branches meet every 72 hours, year-round. When information in the journals was unclear, coverage by State House News Service was consulted.

The records reveal a similar pattern in both branches. The amount of time spent deliberating and the number

of roll call votes and formal sessions were all high during 1985-1986, plummeted during the 1999-2000 session, and then rebounded slightly in 2009-2010, but remained nowhere near the activity level of 25 years earlier. There has also been a general shift away from formal sessions to informal sessions, more so in the House than in the Senate.

The House spent 1,030 hours, or roughly 10 hours a week, in session during the 1985-1986 period, when George Keverian was speaker. Records indicate the House took

The drop-off in legislative action on Beacon Hill reflects a culture that emphasizes efficiency over debate.

1,655 roll calls and met in formal session nearly 200 times and informal session 130 times.

The 1999-2000 session, with Tom Finneran presiding as speaker, was a dramatic change. The House met only four hours a week on average, held about 70 formal sessions, and took 607 roll calls.

During the 2009-2010 session, with Robert DeLeo as speaker, the House’s time in session rose to an average of five hours a week but the number of roll calls continued to decline, falling to 513. The House held close to 75 formal sessions and 200 informal ones over the two-year period.

The Senate followed a similar pattern. During the 1985-1986 period, when William Bulger was Senate president, the chamber spent 650 hours, or about six hours a week, in session, took 851 roll calls, and held more than 100 formal and 160 informal sessions. The numbers dipped to just two hours a week in session, with about 50 formal sessions and 299 roll calls during 1999-2000, when Thomas Birmingham was president.

Under Therese Murray during the 2009-2010 session, the Senate met roughly three hours a week, took 412 roll calls, and held more than 80 formal and more than 200 informal sessions.

The Legislature is required to pass a state budget each year, and those deliberations illustrate how attitudes toward debate have changed over time. Under Keverian, House members would debate each amendment to the spending bill and debates would often stretch over several weeks and occasionally last through the night.

While Keverian was comfortable letting the rank and file have more freedom to operate, Finneran wanted more order and control. He moved to wrap up House

budget debate in a week. The Ways and Means Committee consolidated amendments into bundles and negotiations about them took place in Room 348, a side room off the main House chamber, and not on the House floor. Lawmakers voted on the groups of amendments after the discussions in Room 348.

Rep Charles Murphy of Burlington, DeLeo's choice as Ways and Means Committee chairman in 2009, moved the deliberations over budget amendments from Room 348 to a table in front of the rostrum on the House floor. Murphy acknowledges any debate over amendments could not be heard by the public, but he says his approach was an improvement over the old way. "You can't argue the fact that it wasn't in a back room anymore," he says.

But after DeLeo ousted Murphy as budget chief last year for making noises about his interest in becoming speaker, the deliberations on amendments were moved back out of sight to Room 348. "We are in the mindset in this building currently... that the budget has to be done by Friday," Murphy says. "Don't debate anything, just move forward. It's a bad trend."

Senate budget debates are also scripted. Amendments



**House Speaker
Robert DeLeo:
maintaining a firm grip.**

deed, although any member can request that an amendment come to the floor for debate, lists are often kept of which amendments should pass and fail.

Jones says the legislative branches need to carve out a middle ground between the all-nighters of the mid-1980s and the streamlined sessions of today. "I'm not advocating that we go back to the Keeverian model," says Jones. "But it seems to me that we should do something more than where we have gotten to now."

DeLeo and Murray both declined to comment for this article, and nearly a dozen other lawmakers in

the House and Senate did not respond to requests for interviews.

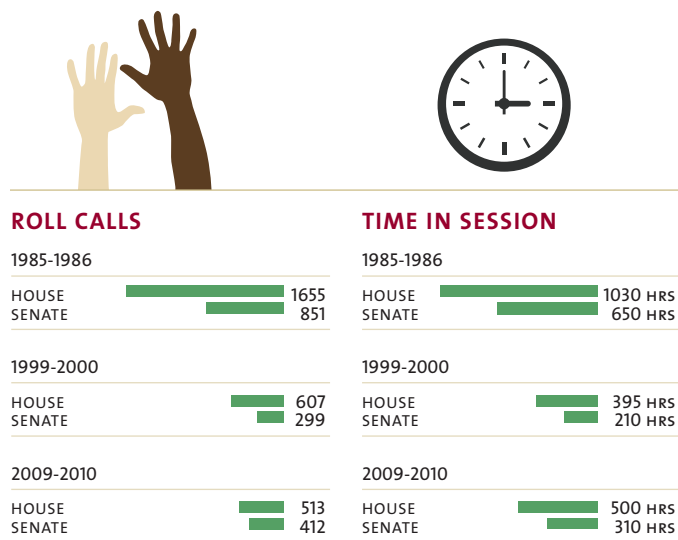
CONCENTRATED POWER

The House speaker and the Senate president tightly control when and how their branches deliberate on legislation. Both leaders have the power to appoint committee chairmen and they have the power to remove them when they don't toe the line on legislation and other issues.

Shannon Jenkins, a political science professor at the University of Massachusetts Dartmouth who is writing a book about state legislatures, says the speaker of the Massachusetts House is one of the most powerful in the country. "Some speakers are fine with allowing more debate, some speakers aren't," Jenkins says. "But because the speaker of the House is so powerful in Massachusetts, he can allow debate to the extent that he wants. In some other states, the speaker's powers are much more limited." Jenkins points out that in the late 1980s, Colorado voters approved a ballot initiative to curb the powers of their legislative leaders.

Susan Tucker, a Democrat from Andover who served 10 years in the House and a little over a decade in the Senate, says the power structure in the Legislature is such that most rank-and-file members prefer to go along to get along. "The Legislature is full of caring and talented people," she says. "However, there is way too much power concentrated in way too few hands, and the culture

makes things very unpleasant for those who disagree." Last year, Rep. Harriett Stanley, a West Newbury Democrat who had voted against key bills supported by the House leadership, was unceremoniously reassigned to a



are often bundled into groups and then voted on collectively. Sometimes amendments are voted on separately, but the decision about whether an amendment will pass or fail is decided ahead of time out of the public eye. In-

basement office despite her request for an office closer to the House chamber due to a medical condition.

When House members voted on establishing casino gambling in 2011, dozens of lawmakers who had previously voted “no” under former speaker Salvatore DiMasi, a casino opponent, changed their minds and voted “yes” under DeLeo. In a moment of rare candor for a Bay State lawmaker, Rep. Ellen Story, an Amherst Democrat and member of DeLeo’s inner circle, told the State House News Service that there would be “consequences” for casino opponents, especially if they were in “his inner circle.”

Murphy says DeLeo is not a crack-the-whip type of guy. “It’s not in his nature to be autocratic, but he has allowed that paradigm to continue,” Murphy says.

Some lawmakers don’t mind the absence of debate and votes. It speeds up the legislative process and means there are fewer votes that can be used against them in the future when they run for re-election or seek higher office.

During the Senate debate on pension reform last year, Frederick Berry, a Peabody Democrat, worried about just that. “Let’s be honest... we know what we are going to do for perhaps the next 27 roll calls,” he said, according to a State House News Service summary. “Do we want to have all these on the record?”

Tucker says rank-and-file lawmakers quickly figure out how the system works and what legislative leaders want from them. “There are no rewards or incentives for spending more time in session, and there are no penalties for doing business by phone or in small meetings instead of in messy public debate,” she says.

Sen. Will Brownsberger, a Belmont Democrat who moved from the House to the Senate earlier this year when he won a special election to fill a vacant seat, says the amount of time spent in session may be down in both branches, but he says the quality of debate is different in the 40-member Senate than it is in the 160-member House. “By definition, you only have a certain amount of air time,” he says. “If 40 people are sharing that air time, it’s a very different experience than if 160 people are sharing that airtime.”

Brownsberger also says lawmakers who complain about how the Legislature operates are really reacting to how their legislative priorities are being handled by the leadership. “I think it’s about particular issues,” he says. “Do you agree with the direction that’s being taken? If you don’t, and you are having difficulty in adjusting that direction, then it’s natural to become disappointed with the process. At the end of the day, the important questions are substantive questions more than procedural questions.”

Michael Widmer, president of the Massachusetts Tax -

payers Foundation, says the Legislature may be spending less time debating, but it’s still getting plenty done. During the 2009-2010 session, lawmakers passed major transportation initiatives and last year they approved municipal health care and pension reforms and set up a casino gambling framework. Widmer says legislators should be judged by the quality of the legislation they approve and not the quantity of their debate.

Still, Widmer says the process could be improved. “Given where we are now, I think it would be helpful to move a few paces back toward having more public debate and roll call votes,” he says.

OPEN HOUSE

Lawmakers occasionally push for more transparency in the legislative process on Beacon Hill, but the efforts generally have attracted little support and gone nowhere. The public has shown little interest as well.

Franklin resident Maxwell Morrongiello launched a group called Voters for Legislative Reform to push for more openness on Beacon Hill, but after making little headway he decided to abandon the effort and, as his website says, “focus my efforts on other issues in Massachusetts politics.”

Still, Morrongiello, who briefly interned for Rep. James Vallee, a Franklin Democrat, remains interested in the

Lawmakers occasionally push for change in the legislative process, but the efforts generally attract little support.

issue. “It bugs me that the principle of a democracy is that each representative should have equal say,” he says. “I feel like that’s not happening.”

In 2010, eight reform-minded Democratic House lawmakers sent an email to their colleagues, complaining about what they called the “larger problem in the Massachusetts House,” which was their way of describing the speaker’s dominance of the lawmaking process.

“The most important power a Speaker has is setting the legislative agenda and conducting debate on the floor of the House,” the email said. “With the power of setting the agenda, a Speaker can decide if a bill gets to the floor for a vote and how it is debated. To a large degree, it has made the committee process irrelevant. Bills no longer reach the floor for debate and a vote because the com-

mittee believes they have merit. Bills get debated because a Speaker wants them to reach the floor for any number of reasons.

“This power inhibits debate and that’s a problem,” the lawmakers continued. “The predetermined outcome renders the floor debate meaningless. Members come here from their communities and different deliberative bodies like town meetings, school committees, boards of selectman, and city councils where they were accustomed to debating policy. They walk into the House chamber and are stunned to find out that debate is less essential to the outcome of the policy.”

The email caused a momentary stir but was quickly forgotten. Only two of the email’s signers are still in the Legislature, Brownsberger and Rep. Thomas Stanley, a Waltham Democrat. Brownsberger says he signed on not because of any concerns about the speaker’s power, but because he favored more openness about the internal finances of the House.

Yet other lawmakers refuse to give up and have taken up the crusade. In February, House Republicans organized the Rule 28 Coalition. The coalition sought support for a House rule that allows a majority of members to discharge bills from two committees where many pieces of

legislation go to die—the Committee on Bills in Third Reading and the Ways and Means Committee. The goal was to encourage debates and votes on more legislation on the theory, as the coalition’s petition stated, that “debate enhances the democratic process and the stature of the House of Representatives, advances transparency and accountability in the legislative process, and empowers members to represent the interests of their constituents.”

The coalition hasn’t gained much support outside of the Republican Party. Only three Democrats (Murphy, Harriett Stanley, and John Rogers of Norwood) signed on, all of them dissidents who have had high-profile conflicts with DeLeo.

But the news media has noticed: *The Boston Globe*, *The MetroWest Daily News*, the *Taunton Daily Gazette*, and the *Sun-Chronicle* all have run glowing editorials saluting the effort.

Jones, the Republican leader, says while legislative leaders have a good deal of power, they only have that power because the rank-and-file members give it to them. “If you—pardon my language—want to be part of the bitch-and-moan club, you’ve got to realize that some of what happens isn’t simply because somebody has power and you have no power yourselves,” he says. **CW**

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Brynn Wetherbee, an eighth grader from Clinton, is a student at the Massachusetts Virtual Academy, the state's first full-time online school.

Log-on learning

Could online education help transform American schools? There are plenty of believers, but also lots of questions about its quality and concerns about companies that see big dollars in digital lessons.

BY MICHAEL JONAS | PHOTOGRAPHS BY BRIAN McDERMOTT

SCHOOL BOOKS, PAPERS, and two laptop computers are spread out on the dining room table of the Wetherbee family home in Clinton, a small town 15 miles northeast of Worcester. Taryn and Brynn, twin 14-year-olds, are hard at work on grammar exercises for their English class. It looks like the eighth graders are diligently tending to homework they received that day in school. But it's 1:30 on Tuesday afternoon, and the teens haven't come home from school—they are at school.

The sisters are students at the Massachusetts Virtual Academy at Greenfield, the state's first foray into the world of online public schools. Each morning, Taryn and Brynn log on to their computers, check their schedule for assignments, plan out their day, and do all their school work from home. They can email questions to teachers and set up times to talk to them on the phone or through an online connection in which a teacher can use a “virtual blackboard” to write out

a problem that they see on their laptop screen.

Now in its second year, the school is operated by the Greenfield school district but enrolls students from throughout the state. Full-time “virtual” schools form just a small part of the burgeoning field of online education, but they are experiencing enormous growth, with schools now operating in 30 states plus the District of Columbia and about 250,000 students enrolled. Proponents say virtual schools represent a valuable new option for the small number of students who, for reasons ranging from health issues to bullying, are not well served by traditional schools.

Full-time virtual schools have become a flashpoint for controversy over the quality of online education. Much of their growth is being driven by huge for-profit companies that critics say are more focused on returns to shareholders than student achievement. Student outcomes at many schools have been poor, and some educators recoil at the idea of children as

young as kindergarten missing out on the social development that comes from attending a school with peers.

The much bigger frontier in online learning, however, involves tapping innovation to better serve students in traditional schools. Students are complementing standard in-school course loads with classes taught online. Meanwhile, classroom-based courses are integrating online technology into the face-to-face instruction provided by teachers. More than 1.8 million K-12 students nationwide are estimated to be involved in this so-called “blended learning.”

Figuring out ways to take full advantage of online technology, say leaders in the field, can allow students to work at their own pace and give teachers more one-on-one time with individual students. They say it represents more than just a tool to improve schools. Online learning, some boldly proclaim, has the potential to transform education in a way that lets schools actually make good on the goal of figuring out how to help all students succeed.

“If you look at the variation in the human brain and the capacities kids enter school with, it’s really impossible to think of a standard school calendar and curriculum that can possibly meet all those needs,” says Cathy Cavanaugh, editor of the book *What Works in K-12 Online Learning*. “So it just makes sense to think about using technology that enhances a student’s ability to access education in a way that works for him or her.”

CLASS DISRUPTION

Jenna Perlmutter and Alvina Jiang are classmates in Beth Ferns’s AP psychology course. But the two high school seniors have never met. Neither have they ever met Ferns—at least not in person. Perlmutter, who attends Burlington High School, and Jiang, a student at Doherty Memorial High School in Worcester, are taking the class through Virtual High School, an online learning consortium based in Maynard.

Founded in 1996, Virtual High School was one of the first providers of online high school classes in the country. It developed from a pilot project funded by an education technology grant from the US Department of Education. Under its membership-based model, high schools join the nonprofit consortium and pay a fee for their students to take online courses. The schools can lower the fee by having a teacher in their school receive training in online instruction and teach one of Virtual High’s classes. High schools in nearly half of Massachusetts school districts are members, as are schools in 32 other states and 34 countries.

Elizabeth Pape, the school’s founder and president, says the idea was to make Advanced Placement classes and other electives that aren’t taught at every high school accessible to students anywhere. “It was all about leveling the playing field for all students, so that the quality of your education

should not be dependent on the zip code of your school,” she says.

That straightforward rationale for online learning—to fill gaps in the course offerings at schools—fits squarely within a theory developed by Harvard Business School professor Clayton Christensen, which he calls “disruptive innovation.” Christensen has pioneered the idea that the right kind of innovation can radically reshape—or “disrupt”—almost any sector, from health care to retail sales.

A classic example of disruptive innovation is the mini-computer industry, led in the 1970s and 1980s by Massachusetts powerhouse companies like Digital Equipment Corp. Minicomputers, which often cost more than \$200,000—and the firms that made them—were done in by low-cost personal computers, which eventually delivered the same computing power at a fraction of the cost. The earliest personal computers, however, did not have to be better than minicomputers, because the market for PCs was people who previously had no access to computers at all.

Online learning, Christensen and coauthors Michael Horn and Curtis Johnson argue in *Disrupting Class: How Disruptive Innovation Will Change the Way the World Learns*, represents the disruptive innovation that will remake education. “It bears the classic hallmarks of a disruptive innovation,” says Horn. “It started in areas of what we call ‘non-consumption,’ where the alternative is literally nothing at all.”

The initial rationale for things like the classes offered by Virtual High School was the fact that they were not available at all at schools attended by students enrolling in them. Continued innovation and advances in technology, however, are making these online classes more than just passable substitutes for face-to-face courses.

In the AP psychology class Alvina Jiang and Jenna Perlmutter are taking, students follow a weekly schedule of assignments, which can involve everything from readings and online exercises to watching a video. There is an online discussion board where they must post a response to class readings and also comment on at least two of their classmates’ postings.

“The discussions are of substance,” says Ferns, a veteran Virtual High School instructor who teaches at Hudson High School. “They’re not, ‘Oh, I agree.’”

Students can pose questions for Ferns, either on an open page that everyone in the class has access to or through a private message. Ferns says she gets to know some students as well as those in her classes at Hudson High. “I can tell you whose parents are getting divorced, and who’s been in and out of the hospital for various things.” And, though it seems counterintuitive at first, she and others say it’s harder for online students to remain anonymous because everyone has to contribute to the discussion sessions, including, says Ferns, “that kid who would never



Alvina Jiang, in the library at Doherty High School in Worcester, checks her assignments for the AP psychology class she takes online through Maynard-based Virtual High School.

think of raising their hand in a classroom.”

“It was strange at first,” Jiang says of the online class experience. “I like a lot of student-teacher interaction, but you get used to it. You can still ask questions to a teacher, and she’s really good at getting back to you.”

Virtual High School boasts impressive results, with a pass rate on the AP exam of 62 percent for its students versus 58 percent for all students nationally who take AP exams. What’s more, says Pape, a higher proportion of those taking the school’s online AP courses opt to take the AP exam (about 80 percent) than the roughly 70 percent of AP students nationally who do so. “So we have a larger percentage of kids taking the exam, and we have a larger percentage of them scoring higher,” she says. “It’s a great answer to, ‘Can kids learn online?’”

FLIPPING THE CLASSROOM

While online courses can fill the gap in “non-consumption” Christensen and Horn write about, they and others say the even bolder promise of online education is not simply to fill in gaps in what’s available in standard school settings, but to transform traditional schooling in fundamental ways.

Sal Khan, a 35-year-old former hedge fund analyst, has become the unlikely face of that new frontier. In 2004, Khan, who holds three degrees from MIT and a Harvard MBA, was working in financial services in Boston when a young cousin of his in New Orleans asked him for help with her seventh grade algebra. He eventually started

videotaping tutorials and posting them on YouTube for her to watch. Before long the videos started getting comments from strangers who said they were a huge help to them or to a child who had been struggling with math. Khan started making more video lessons and, in 2009, quit his job to devote himself full-time to the nonprofit Khan Academy he started. Its website now hosts more than 3,000 video lessons on everything from history to physics, and it receives more than 4 million visits each month.

With \$15 million in funding, including money from the Gates Foundation and Google, the California-based Khan Academy now employs a team of engineers who have developed platforms that allow teachers to integrate the lessons into their classes. Students using Khan Academy’s free videos and software can view the lessons at home and then work on problems in class, while the teacher is there to help them work through areas they get stuck on. Using a “dashboard” system the Khan website has developed, students log-in and a teacher can see what everyone in a class is working on, how long they are taking on problems, and how well they are doing with online assessments.

Having students watch lectures at home and do the sort of assignments usually given as homework while in school has been dubbed “the flipped classroom.” The idea is to use technology to minimize the time at school that students spend passively taking in instruction and maximize the time available for interaction with a teacher, including one-on-one time to focus on an individual student’s question or difficulty grasping a concept.

Though Khan has become the flipped classroom’s most

well-known exponent, others have hit on the same idea. Two Colorado high school science teachers came up with the idea after they started videotaping their classes for students who were absent. Before long, Jonathan Bergmann and Aaron Sams were “flipping” their classes by having all their students watch the videotaped lessons at home and come in to class ready to work on problems or engage in discussions.

“What’s the best use of your face-to-face class time? I would argue that it’s not standing up yakking in front of your kids,” says Bergmann, who has just completed a book with Sams on the flipped classroom strategy. “This doesn’t replace the teacher; it actually makes the teacher more valuable,” says Bergmann. “It’s not about the videos. It’s about what the videos allow you to do in that face-to-face class time.”

In their book, Christensen, Horn, and Johnson say online courses will experience explosive growth in coming years. They project that, driven by steady improvements in online education, a looming teacher shortage, and falling costs as the market scales up, half of all US high school classes will be taught online by 2019.

School districts often vow to try to meet each student’s individual learning needs—“differentiated instruction” it’s called in the argot of the education world. But it’s a lot easier said than done. “We all talk about differentiated instruction,” says Andre Ravenelle, superintendent of the Fitchburg public schools. “A teacher with 30 kids in front of them has a hard time doing that.”

Fitchburg’s Longsjo Middle School, which has an extended school day under a state-funded initiative, is taking some small steps toward being able to do that. The school is using some of that extra time to pilot the use of Khan Academy and other online tools that allow students to work at their own pace. “It’s being able to accelerate learning for those who are ready to move on and it’s being able to remediate the lessons for students who are still trying to grasp something,” says Craig Chalifoux, the school’s principal. As for the Khan Academy lessons that students watch outside of school time, Tammy Chandler, the school’s math coach, says, “You can pause the video; you can’t really pause a teacher.”

GREENFIELD’S GAMBIT

Blended learning strategies, which harness online technology to improve classroom learning or to fill in a course that a student can’t take at his or her school, will account for the overwhelming share of online learning, say educa-



Taryn (left) and Brynn Wetherbee at work in their Clinton home as their mother, Debbie, looks on.

tion policy experts. But a lot of the attention these days is being paid to full-time virtual schools, where the promise of online learning is colliding with questions about the big-business focus of online education technology and curriculum companies.

Supporters say the schools are an innovative way to accommodate students who, for a range of reasons, are not well served by traditional brick-and-mortar schools. Students with serious health issues, those who have faced traumatic bullying, and competitive athletes on a rigorous training schedule are some of the typical student profiles. Virtual schools also draw a lot of students who had been home-schooled.

The Massachusetts Virtual Academy opened in 2010 under a provision of the sweeping new education reform law passed in January of that year, which authorized school districts to open “innovation schools.” These are district schools, which can be operated in partnership with a local college, museum, or a community nonprofit, and which enjoy many of the budgeting and staffing autonomies accorded to charter schools.

The virtual school is technically a part of the Greenfield public schools, but the district contracts the operation of it to K12 Inc., a Virginia-based company that is the largest operator of full-time virtual schools in the country.

K12, whose schools enroll some 95,000 students nationwide, had been looking for a toehold in Massachusetts and had discussions with Greenfield school leaders in 2009 about opening a virtual school, but state education officials said there was no provision in Massachusetts law to permit an all-online public school. State Rep. Marty Walz, who was the House chair of the Legislature’s education committee during the crafting of the 2010 reform



law, inserted language into the bill that specifically included online schools as one form of innovation school that districts could implement.

Walz says full-time virtual schools can serve an important role for the small number of students for whom a traditional school doesn't work, and she was determined to get the ball rolling in the face of a state education establishment that showed little interest in joining the virtual school movement.

"I was enormously frustrated that we, as a state, were not moving forward with changes in the law to open the door to this for parents and students who wanted it," says Walz, a Boston Democrat. "There was nothing happening at the state level."

The Massachusetts Virtual Academy has approximately 475 students, from kindergarten to ninth grade, who live in 138 different school districts throughout the state. School districts where virtual school students live are billed \$5,000 per year by Greenfield, the reimbursement rate that districts pay through the state's school choice program.

Debbie and Patrick Wetherbee say the school has been a godsend. The decision to enroll their daughters was driven by severe behavioral tics Taryn developed in seventh grade that seemed to be related to stress she experienced in a traditional setting at the Clinton middle school. Brynn opted to join her sister in the home-based virtual school.

The Wetherbees were hardly a family inclined toward home-schooling. Debbie Wetherbee has been heavily involved in the Clinton school system, going from president of the school PTA to an elected member of the local school committee in 2009. "I shocked the town when they found out I was pulling the kids out, but a lot of them didn't know what we'd been going through for a year," she says of the debilitating symptoms Taryn was having.

Students enrolled in the virtual school need to have an adult—almost always a parent—who serves as their "learning coach," someone who makes sure they are logged in to their lessons, tries to help them with questions on homework, and is even charged with reviewing essays using a K12 teaching guide. To do that, Debbie Wetherbee left a job in regional sales and now works part-time from home doing sales work for Yankee Candle and helps her husband with the painting contracting business they operate.

Taryn and Brynn start their school day promptly at 9 o'clock and work until 3:30 or 4, taking a half-hour break for lunch and a half hour to do some form of exercise,

whether it's using the family's Wii game or taking a brisk walk when the weather is nice.

"She just had a problem in math and the math teacher scheduled time for her today," Debbie Wetherbee says of the online session Taryn will have with a teacher.

Along with textbooks and a desktop computer provided by K12 when Taryn and Brynn enrolled, a box showed up at their house filled with test tubes, goggles, and other equipment they use, under their mother's supervision, for science lab projects. "It's pretty neat," says Debbie Wetherbee. "The boys up the street like to come and watch."

Contrary to the image of virtual school students sitting glued to a screen all day, the girls say most of the time they are not working at the computer. "The only thing that's online is the assessments and the schedule," says Taryn. "Everything else is book work."

Taryn's symptoms have improved dramatically, and her parents say she and Brynn are making steady academic progress. "It's done nothing but change my daughters' lives around for the better," Debbie Wetherbee says of the virtual school.

It did not do the same for Jo-Ann Konieczny's son, Joseph, a Hadley teen who left after the school's initial 2010-11 school year. "I forget the last count of how many math teachers he had," says his mother. She says constant turnover in the math teacher he was assigned for seventh grade forced her family to spend thousands of dollars for private tutoring. "We had little to no contact with any of them," she says of the school teaching staff.

How the Massachusetts Virtual Academy is working for other families is hard to know. Despite repeated requests, Greenfield school officials did not connect *CommonWealth* with any families at the school besides the Wetherbees. The school department also wouldn't make any teachers available to speak about the school.

Susan Hollins, the Greenfield superintendent behind the idea of bringing in K12 to operate a virtual school, initially spoke on two occasions for this story, explaining the rationale for the school. But she expressed unease from the start about a story examining the school, and then turned down a request to schedule a subsequent interview, insisting that any questions be put to her in writing. She provided vague or incomplete answers to several questions sent to her by email, including those on student attrition, teacher staffing levels, test scores, and how much of the \$5,000 in per pupil funding flows to K12. Hollins did not respond to a follow-up email asking her to clarify her answers.

The chairman of the Greenfield School Committee, John Lunt, did not return several messages asking to speak with him about the district's decision to open an online school.

Lengthy articles have appeared in recent months in the

Washington Post and the *New York Times* questioning the track record of virtual schools. In December, a front-page *New York Times* story raised serious questions about K12, the company operating the Greenfield-based virtual school.

The story said K12, an \$833 million publicly-traded company, engages in aggressive recruitment practices that don't filter out students who lack the parental support necessary for full-time online schooling, with K12 employees receiving bonuses based on enrollment numbers. The story reported on teachers complaining of high student loads. It also reported that the company's CEO, Ronald Packard, who was paid \$5 million last year, boasted at a conference early last year that K12 students "are doing as well or better than the average child in a brick-and-mortar school," a claim the story said could not be supported. K12 stock dropped more than 30 percent following publication of the *Times* story, and the company is now facing a shareholder lawsuit alleging that it artificially boosted its stock price by misrepresenting achievement levels for K12 students.

A 2009 report from the US Department of Education concluded that there was not yet enough evidence from studies to draw firm conclusions on how students perform in online classes versus traditional school settings. A recent Stanford University study on charter schools in Pennsylvania and a state education department report in Colorado found that full-time virtual schools in those states underperform their brick-and-mortar counterparts.

It's too early to know how students in the first Massachusetts virtual school are performing, though there is good reason to worry. In the virtual academy's first year of operation, the school's student growth score, which measures the progress students make based on the level at which they started the year, was among the lowest of any school in the state. It was based on the small number of students for whom there were test scores from the previous year at a public school. Horn, the coauthor of *Disrupting Class*, says virtual schools shouldn't be judged on student scores from their first year of operation. Once students have a year under their belt, however, virtual schools "absolutely should have individual growth data and be held accountable for that," he says.

NO LAUREL REST

As online education continues to grow, says Bill Tucker, the managing director of Education Sector, a Washington, DC, think tank, we need to strike a balance that encourages innovation while also holding schools and companies accountable for results. "I want the sector to have the space to grow," says Tucker, who specializes in education technology and virtual school issues. "At the same time, it would be foolish or naïve just to think, 'OK, let everybody

do what they want and it will just naturally get better.'"

When it comes to full-time virtual schools, the state is now trying to figure out how to strike that balance. Mitchell Chester, the state's education commissioner, says he thinks there is "a small percentage of the population for whom this mode of learning would be beneficial." But he says he is "very uncomfortable" with the provision of the 2010 reform law that allows districts to decide on their own to open virtual schools that enroll students statewide. The Greenfield-based school is "a statewide school with no role for the state," he says

At Chester's urging, the state board of education forced a state role by adopting regulations that gave it leverage over virtual schools. The board used those powers to block the Hadley school district from pursuing plans to follow Greenfield's lead and open a second Massachusetts virtual school.

Meanwhile, Chester urged the Legislature to revise the education law to require virtual schools to be authorized

Virtual school students don't spend most of their time staring into a computer screen.

at the state level, much as Massachusetts does with charter schools. The Legislature's education committee has advanced a bill that would do that. The measure would allow up to 10 virtual schools to open, with a total enrollment cap of no more than 2 percent of the state's K-12 public school population, or about 19,000 students. The bill "is designed to encourage the provision of that kind of education in the Commonwealth, but within a structure that allows for some accountability and quality control," says state Rep. Alice Peisch, cochair of the Legislature's education committee.

Maryelen Calderwood is one of two Greenfield School Committee members who voted against the virtual school plan two years ago. She thinks districts should be working to accommodate students who have had difficulty in traditional schools rather than setting up virtual schools that isolate them from the socialization and give-and-take that are also valuable parts of the school experience.

"This is a business plan, it's not an education plan," she says of the drive to open full-time virtual schools. "This is all about lining the pockets of very wealthy corporations."

Tucker, who thinks online education could play a big role in improving American education, does not put it in those terms. But he says it is always important to be mindful

of motives that may be at play. "Money is a big incentive anywhere," he says. "We have to find a way to make this as transparent as possible," he says of the involvement of for-profit companies in online learning, and make sure decisions are "based on educational outcomes for kids, not the biggest lobbying budget."

State Sen. Will Brownsberger was one of the leading voices urging the inclusion of full-time virtual schools under the "innovation school" banner in the 2010 education reform law. Brownsberger, a Belmont Democrat who was a state representative at that time, thinks the state's high overall achievement levels in K-12 education have made Massachusetts slower than other states to pursue online learning innovations. "We're very proud of our education system and we take credit for the high test scores we have," he says. "In fact, we're resting on our laurels and a bit resistant to new approaches to education."

That resistance seems to extend to blended learning models as well. The Maynard-based Virtual High School operates its program of online AP high school classes with no state funding. Despite the school's goal of equalizing the opportunities students have regardless of where they live, the fees it must charge to districts mean there remains a digital divide shutting out students in communities without the resources to join the consortium. In 1997, a year after Virtual High School was founded, Florida launched a state-run virtual school. More than 120,000 students took online courses through the Florida school last year, compared with about 5,000 Massachusetts students who took classes through Virtual High School.

Patrick Larkin, the principal at Burlington High School, which is in its third year as a member of the Virtual High School consortium, points even closer to home, to New Hampshire, where students in any high school can take a class through a state-funded online charter school. "I wish we could do that here," he says of the universal access New Hampshire students have.

The question isn't whether online technology will impact education, but how it will affect schooling and whether school districts and the state seize on opportunities to make the most of promising innovations that seem to make a difference.

"People in every other endeavor of human society use technology to help improve their work," says Tucker, and education will prove to be no different. "There is tremendous potential, there is a lot excitement around thinking about how technology can be a tool to improve student achievement and help teachers do their work better or more efficiently," he says. At the same time, he says, we have to be clear-eyed about what's working and what isn't, and not get caught up in the novelty of the technology. "It's not magic, and unfortunately we're really good at fads in education." **CW**



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Peter Blute at Christopher Columbus Park, with the Nauticus encased in shrinkwrap in the background.

Exposed



As Peter Blute returns to politics, Gidget talks about that fateful day 13 years ago aboard the Nauticus that scuttled his tenure as head of Massport

BY JACK SULLIVAN | PHOTOGRAPHS BY J. CAPPUCCIO

The story was tailor-made for a tabloid: A booze cruise on Boston Harbor skippered by the head of Massport; a fun-loving crew of hangers-on, including lobbyists and a woman named Gidget, who struck a “Girls Gone Wild” pose for a photographer as the boat pulled into dock.

The *Boston Herald* story on that sunny day in August 1999 is legend. The article, and especially the *Herald*’s accompanying picture of a bare-breasted woman—a black strip inserted by the newspaper across her chest—were so devastating that Massport Director Peter Blute stepped down the very next day. Only now, nearly 13 years later, is Blute making a tentative return to politics serving as the deputy chairman of the state Republican Party.

Over the years, rumors have persisted that there was more to the story than what the *Herald* reported. Blute insists he was set up. There was talk of a second non-*Herald* photographer, a grand jury investigation, and rumors of a conspiracy by Blute’s enemies to bring him down.

A *CommonWealth* investigation suggests Blute was, indeed, targeted. Sources say a private investigator was checking out Blute weeks before the booze cruise and followed him and his boating entourage around Boston Harbor that day. *CommonWealth* has also learned details about a grand jury investigation of the cruise, including the fact that Gidget Churchill was called to testify. *CommonWealth* tracked down Churchill, who reluctantly agreed to provide her version of events for the first time as long as no details of her current life were reported. Through her attorney, who asked to remain anonymous to avoid being inundated with interview requests, Churchill tells the somewhat improbable story that she simply just got carried away that day on the M/V Nauticus.

Churchill was 34 at the time. Her lawyer says it was a spontaneous decision to pull up her tank top and expose her breasts. She was chatting with people on the boat, most of whom she had never met before, when one of them mentioned that a photographer was taking pictures of them. The attorney says Churchill had never exposed herself before, but decided at that moment to turn toward the camera and flash. “It just happened,” says her lawyer, who adds that Churchill told the same story to a grand jury.

Blute doesn’t buy it. Noting that Churchill used to work as a stunt actress in films, Blute thinks she was in on what he believes was a conspiracy against him.

“She was a stunt actress pulling a stunt,” he says. “Without the breasts, this is a one-day story.”

PRIVATE INVESTIGATOR

About a month before the infamous cruise, Michael Taylor, a private security consultant with a checkered past, walked over to the desk of one of his investigators in Boston and handed him a Post-it note with the words “Peter Blute” written on it, according to a source with knowledge of the investigator’s testimony before the federal grand jury. The investigator was working for Taylor’s firm, American International Security of Boston, and was told to find out everything he could about the Massport boss and former Republican congressman, but given no explanation why.

A few weeks later, the source says the investigator was given the name and registration number of the Nauticus and told to find a comparable boat that could keep pace with the yacht. The source says the investigator was told the date of the cruise and ordered to take pictures “of everybody coming off board.”

Blute says the idea for the booze cruise came originally from George Cashman, who at the time was president of Teamsters Local 25 and a member of the Massport board. It was the second try at a harbor cruise; one had been scheduled a month earlier but was canceled. Interviews with those familiar with the timing indicate the first scheduled cruise was around the time Taylor first asked his investigator to gather information on Blute.

Blute, then 44, says Cashman had been pushing him to organize the cruise to scope out Massport property. He says Cashman also urged him to invite Alexander “Sandy” Tennant, a lobbyist and political advisor to then-Gov. Paul Cellucci, who might be helpful in convincing the governor to support a controversial runway expansion at Logan

Blute haltingly admits he wasn’t averse to taking a summer cruise on a work day with a cooler of champagne and beer.

Airport, which is managed by Massport.

“I saw it as an opportunity to placate one of my board members, who was my boss,” Blute says. “When your boss asks you to do something, you do it.”

But Blute haltingly admits he wasn’t averse to taking a summer cruise around Boston Harbor on a work day with a cooler of champagne and beer aboard. “Let me be clear,” he says. “I wasn’t not for it.”

On the morning of the cruise, Cashman begged out, saying he had to attend to some union business on Cape

Cod, Blute says.

That same morning, Churchill's lawyer says she was working at the now-defunct Chancellor Transportation Inc. in Boston, a company owned by her father that was trying to land a consulting contract with Massport. Her father was a neighbor of Tennant's in Swampscott, which may explain why the firm received an invitation to the booze cruise.

According to Churchill's lawyer, her immediate boss at the company was planning to go on the cruise but couldn't make it, so he asked Churchill to stand in for him. Churchill's lawyer says she went with David McCool, a lobbyist and minor political operative who had been doing work for Cashman's Local 25. The lawyer says McCool just happened to be in Chancellor's office that morning, adding that his client did not know who invited either her boss or McCool on the cruise.

Boarding the Nauticus at Commercial Wharf, Blute says he recognized Churchill. He says he saw her with McCool about a week earlier at a Cellucci fundraiser organized by Cashman. Churchill's lawyer confirms she was at the fundraiser with McCool, but adds that she barely knew him. "They weren't dating or anything like that," he says.

Blute says he did not know and does not remember others on board, saying Tennant and Cashman invited most of them. Churchill's attorney says she knew no one except McCool.

As the Nauticus prepared to shove off, according to the source familiar with the testimony of Taylor's investigator, another similar-size boat carrying three men, two who appeared to be fishermen plus a boat captain, chugged out of the Commercial Wharf area. The source says the two "fishermen" were employees of Taylor and their gear included still and video cameras to record the Nauticus on its voyage.

Someone tipped off the *Herald* about the cruise and the newspaper dispatched several reporters and photographers to follow the boat. The group included political editor Joe Sciacca, now the paper's chief editor, political reporter Joe Battenfeld, investigative reporter Jack Meyers, and staff photographer Matt Stone.

The Nauticus toured the harbor, making its way to a restaurant called Tavern on the Water in Charlestown, where Tennant's friend, Maureen Stenberg, the ex-wife of Staples founder Tom Stenberg, was lunching with friends. Tennant



invited her on board for the remainder of the trip.

As the boat continued around the harbor on the last leg of what was getting to be a six-hour ride, Blute says people on the Nauticus became aware that another boat was following them. Worried about possible media coverage, Blute went below and called his Massport communications director, Jeremy Crockford, to do "damage control."

As the Nauticus began its return just outside Commercial Wharf, Churchill says some of the people on board noticed a photographer taking pictures of them. Her lawyer says she decided to "give them something to snap" and pulled up her shirt, which became the defining moment of the trip.

Blute says he heard a ruckus on deck and, when he came up, asked what had happened. "A boat went by with all kinds of photographers and all of a sudden she gets up and does this," Blute says, pretending to lift his shirt over his head. "They told me what had happened and I said, 'Oh, [expletive].'"

After the boat docked, Blute, clad in nylon shorts, short-sleeved crew shirt, and sneakers, commandeered a couple tables at Joe's American Bar & Grill for the cruise guests. Churchill's lawyer says she didn't join them and took off. It was the last time she ever saw Blute, her lawyer says.



Peter Blute resigned his Massport post the day after the *Herald* story appeared.

TWO SETS OF PICTURES

As the group was drinking and eating, the *Herald* reporters and photographers raced back to the newspaper to prepare their story. The source familiar with the Taylor investigator's grand jury testimony says the investigator took his film of the booze cruise to a one-hour developing store in Downtown Crossing and then returned to Taylor's State Street office with double prints. A short while later, the source says, a man who the investigator recognized as a driver for Cashman from Local 25 arrived and went into Taylor's office and then left with the envelope containing the photos.

The *Herald's* next-day story included a number of pictures taken by staff photographer Stone, but a picture that accompanied a story later in the week carried the credit line of "Special to the *Herald*," which is used to designate photos from freelance photographers. There was no name in the credit line, but the source says the picture was taken by the Taylor investigator.

Blute resigned the next day, saying he did not want to become a distraction to Massport or the governor, although he insists now he could have weathered the storm.

He says he thought right away he was set up "but I didn't know who." He says his suspicions were confirmed several years later by officials from the federal Department of

Labor who were investigating Cashman for defrauding the Teamsters health and pension fund. Cashman was also reportedly being investigated for allegations that he and other Teamster members were shaking down movie producers for jobs, guaranteed pay, and side contracts.

Blute says the federal investigators questioned him extensively about the circumstances surrounding the booze cruise. He also testified in 2002 before a federal grand jury in Worcester.

Churchill was also called before the grand jury. Her attorney says she was asked about possible links between her and Cashman and Taylor. The attorney says Churchill told him the federal prosecutor "got mad" when she denied she was part of any plot.

The grand jury eventually indicted Cashman for pension fraud, but there were no charges related to the booze cruise. Cashman later pleaded guilty and served 34 months in jail.

Blute says he was told that no charges were filed in connection with the booze cruise because the prosecutor agreed not to in order to secure the cooperation of some witnesses against Cashman. Cashman and Taylor did not return repeated phone calls. Federal prosecutor Fred Wyshak declined to comment.

TAYLOR'S ROLE

Thirteen years later, the booze cruise remains a mystery. Was it just a case of politicians partying on the public dime, or was something else going on? Cashman helped organize the booze cruise and had ties to Taylor, but why would he

Churchill says prosecutors got mad when she told the grand jury she was not part of any plot to oust Blute.

want to hurt Blute?

Churchill's story that she was just along for the ride is hard to believe, but there is no clear link between Cashman and Churchill or Taylor and Churchill. Cashman's Local 25 worked with movie productions in Boston, and Churchill appeared as a stunt woman in two Boston-based

movies, *The Proposition* and *Celtic Pride*. Both of those movies were shot a couple years before the booze cruise and Churchill's attorney says she didn't know Cashman or Taylor.

Taylor is at the center of the mystery. Blute says Taylor may have wanted to hurt him. Taylor had sought a half-million dollar contract for security consulting at Massport, a contract Blute says was aggressively championed by Cashman, but Blute says he refused to hire him because of his controversial past.

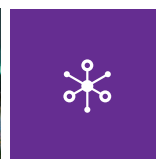
Taylor, a former consultant for the CIA and an occasional expert who appears on cable news networks talking about security, was the focus of a Boston *Phoenix* article in 1996 entitled "The Untouchable." The story depicted a number of times Taylor was given a pass on possible criminal violations allegedly because of his ties to government agencies.

In 1998, one year before the booze cruise, Taylor was arrested and charged with intercepting phone calls and planting marijuana in the car of a woman whom he had investigated years earlier on behalf of her estranged husband, a client of Taylor's. The man wanted custody of their children and police were notified there was marijuana in her car, which would have harmed her efforts in court to retain custody. An investigation found Taylor complicit, though the charges were later reduced to misdemeanor possession.

As a *Herald* reporter working on the story of the federal investigation of the Teamsters and Cashman, I learned of the grand jury in 2002 and I received information that investigators and prosecutors were looking into the involvement of Taylor and Cashman with the booze cruise. The name of disgraced FBI agent John Connolly, who was a friend and employee of Taylor's, also popped up in the investigation. Sources said Connolly was suspected of trying to sidetrack the investigation of Cashman and Taylor because of his connections to a low-level snitch who falsely accused two of the federal investigators working on the case of accepting bribes. The investigators were pulled off the case for several months until they could clear themselves.

George Regan, the public relations honcho who back then was a spokesman for both Taylor and Cashman, denied either was involved with the booze cruise. Regan, who did not return a call for this article, scoffed at the suggestion there was a set-up. He said at the time it sounded more like a Hollywood storyline made up by somebody "who watched too many movies."

The *Herald* showed little interest in the conspiracy story even though editors were aware there was a second photographer taking pictures that day. The *Herald* only ran a story about the Connolly and Taylor connections with minimal references to the booze cruise after *Boston Globe*



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The Nauticus, scene of the booze cruise.

columnist Steve Bailey wrote a couple of columns speculating about a possible Blute setup. The *Herald's* editors said that running a story about Blute being setup could denigrate the work the paper had done in exposing Blute and possibly reveal a source.

Churchill's attorney says she isn't proud of what she did that day, but he insists she was not part of any plot to bring Blute down. The lawyer says she does not feel responsible for Blute's ouster nor would she apologize if she ever met him again.

Blute is now working as a consultant for education software provider Jenzabar, which is owned by state GOP

chairman Robert Maginn. Blute's deputy chairman position with the Republican Party is unpaid. He admits the episode caused a "rough patch" in his marriage but he and his wife stayed together and they celebrated their 25th anniversary last year.

As he sits inside Joe's American Bar & Grill on the waterfront on a sunny March day, with the Nauticus tied up nearby under white shrink wrap—the same table he sat at on that fateful day in 1999—Blute says his focus now is on getting more Massachusetts Republicans elected to the State House and Congress. But he looks and acts like a man ready to

return to the ballot himself.

"I wouldn't preclude it," he says. Reminded that the episode with Churchill and the Nauticus is never far from people's minds when they think of him, Blute says he doesn't see it as a problem. "I don't think it's something I couldn't overcome."

Blute, who lost his congressional seat in the 1996 election but had been harboring ambitions of a comeback and possible run for governor at the time of the cruise, says the whole incident changed his life. "It appeared to be a political assassination, and politically, it was successful," he says. "I would have been a good candidate for governor." **CW**

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At right, photos of 12
of the state's 2,400
Level 3 sex offenders,
from the Sex
Offender Registry
Board website.

Society's lepers

The state classifies 2,400 sex offenders as dangerous and likely to reoffend, but some question the accuracy of the label and say posting the information on the Internet does little to promote public safety

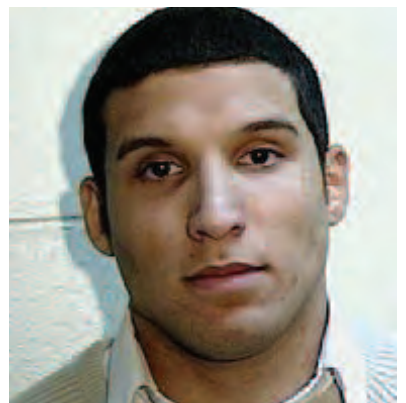
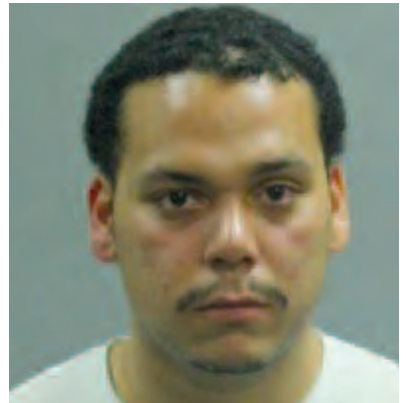
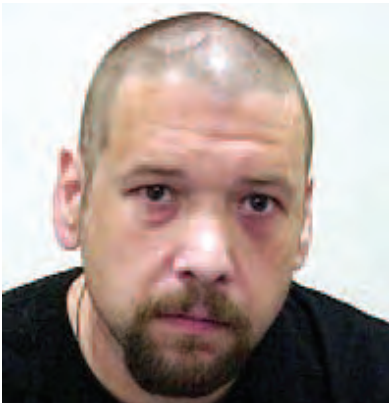
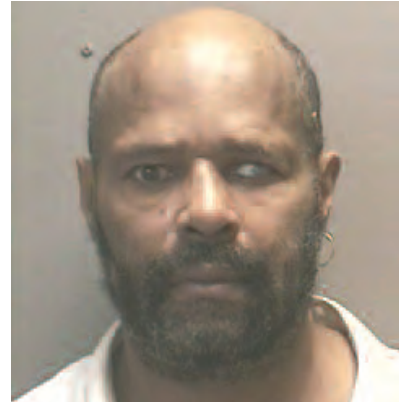
BY BRUCE MOHL AND CHRISTINA PRIGNANO

ON A CHILLY night in early February, the Massachusetts website that informs the public where the state's most dangerous sex offenders are living indicates 41 of them are staying at Boston's Pine Street Inn. The homeless shelter's guests, according to their website profiles, include men who have raped and abused children, committed indecent assault and battery on children, raped women, and engaged in incestuous intercourse.

But the state website's tally is wrong. Most of the sex offenders are not at the Pine Street Inn that night, and it's unclear where they are. At the

request of *CommonWealth*, the homeless shelter checked its guest list against the 41 names from the state website and found only 10 were actually at the homeless shelter or an affiliated facility that night. Some of the others had stayed at Pine Street Inn in the previous 30 days, but quite a few hadn't been there in more than a month and one had never been there, according to the shelter's records.

Officials at other homeless shelters across the state report similar experiences. They say homeless sex offenders often register with the state as living at a shelter, but then move on after



staying there for a day or two.

"Where are they?" asks Lyndia Downie, executive director of the Pine Street Inn. "This whole system of monitoring sex offenders seems to be creating a false sense of security. It represents that we know where these people are and we're watching them. But if you don't know where half or more of them are, then you're not really watching them."

Sex offenders are the lepers of 21st century American society. Their crimes are so repulsive that states not only prosecute them and put them in jail but track them after they get out. Massachusetts posts the descriptions and locations of the most dangerous sex offenders on the Internet. A growing number of Massachusetts communities are passing ordinances restricting where sex offenders can live. Sex offenders are also barred from federally subsidized housing and state law prohibits them from staying at nursing, convalescent, and rest homes.

But a small yet influential group of researchers, treatment providers, and attorneys is questioning whether the shunning of sex offenders is doing anything to enhance public safety. They say the system Massachusetts uses to identify the most dangerous sex offenders is dated and flawed, and they claim the growing restrictions on where sex offenders can live is having the effect of driving them underground where they are more likely to reoffend.

Fred Smith, the director of program development, research, and evaluation at St. Francis House in Boston, has made outreach to sex offenders a part of his organization's mission to offer shelter and training to poor and homeless people. He says he doesn't want to be portrayed as a sex offender sympathizer, but he pulls no punches in his assessment of the way the state classifies sex offenders. He says the system "borders on voodoo" and questions the value of posting an offender's picture and information on the web.

For those who discover a sex offender living in their neighborhood, he asks: "What do you do with that information? Most people just become anxious or discriminate. It does nothing to enhance public safety. In fact, it may be doing just the opposite."

REGULATING INDIVIDUALS

Unlike most criminal justice systems, which regulate behavior, the state's Sex Offender Registry Board regulates individuals.

The board classifies sex offenders—those convicted of any one of more than 25 sex crimes—based on their dangerousness. Level 3s are considered the most dangerous and at high risk to reoffend, Level 2s are at moderate risk, and Level 1s are at low risk. Pictures and personal information about Level 3s are available on the board's website, searchable by name and community. Information on Level 2s in a community can be obtained through the local police

Saundra Edwards, a former prosecutor, is the chair of the Sex Offender Registry Board.



department, while Level 1 data is not released to the public.

Sex offenders are supposed to register annually with their local police department, or every 30 days if they are homeless. In Boston, registrations are handled by the sex offender unit, which consists of five officers and a supervisor. A Boston Police spokeswoman says the unit handles registrations by appointment (4,192 of them last year) and also verifies where offenders are living by visiting them twice a year.

State records indicate the number of Level 3 offenders, those considered most dangerous, has been steadily increasing, in part because the Sex Offender Registry Board has been whittling down a backlog of unclassified offenders. There were 1,565 Level 3 offenders in June 2008, 2,296 in November 2011, and 2,400 as of late February.

The board has a lot of information about Level 3 sex offenders in its database, but does almost no analysis of it. To conduct its own analysis, *CommonWealth* built a database of Level 3 offenders by transcribing information from the board's website. Since the state website is constantly being updated, *CommonWealth's* database offers only a snapshot in time, based on data collected in late February.

The snapshot shows all but nine of the 2,400 Level 3 offenders are men, with eight women and one person listed as male who changed his name from David to Debbie Moccia. The offenders range in age from 19 to 90, with the

average age being 48. Those 60 or older, a group considered far less likely to reoffend, make up 16 percent of Level 3s.

In terms of racial makeup, 77 percent are white, 22 percent are black, and the remaining 1 percent are Asian-Pacific islanders or American Indians. (None are listed as Hispanic because that designation is not included in most law enforcement databases.) The racial makeup of the state as a whole is 80 percent white, 9.6 percent Hispanic, 6.6 percent black, and 5.3 percent Asian, according to Census data.

An overwhelming majority of Level 3s—77 percent—report no work address, an indication they have no job. Nearly 20 percent of those who do report a work address live at the same address, an indication they are working from home.

CommonWealth's database indicates 12 percent of Level 3 offenders either identify themselves as homeless or list a homeless shelter as their address. Another 5 percent are listed as being in violation of the state's reporting laws, with their whereabouts unknown.

In percentage terms, the homelessness problem is most severe in Cambridge and Hyannis, where half of Level 3 offenders have no homes. The largest number of homeless

LEVEL 3 SEX OFFENDERS

A Level 3 designation is issued when the risk of reoffense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination of information about the person.



TOTAL	2,400	OFFENDERS WITH ONE CONVICTION DATE	68%
MEN	99.7%	NO WORK ADDRESS	77%
AVERAGE AGE	48	HOMELESS/LIVING IN SHELTER	12%
AGE RANGE	19 TO 90	LIVING IN BOSTON	19.5%
TOTAL 60-PLUS	16%	LIVING IN GATEWAY CITIES	38%
WHITE	77%	COMMUNITIES WITH NO SEX OFFENDERS	143
BLACK	22%		
AVERAGE NUMBER OF CONVICTION DATES	1.4		

SOURCE: *CommonWealth* obtained its data from the website maintained by the Sex Offender Registry Board during the period Feb. 7 to Feb. 24. Information on the state website is constantly changing so the *CommonWealth* analysis can only be viewed as a snapshot in time.

Level 3 offenders. The 11 Gateway Cities, which include Springfield, Worcester, New Bedford, Fall River, Lawrence, and Lowell, are home to 15 percent of the state's population but 38 percent of its Level 3s.

Thirty-three cities and towns have ordinances restricting where Level 3 sex offenders can live and in some cases where they can go. The ordinances typically prohibit Level 3 sex offenders from living within 1,000 feet of schools, churches, parks, beaches, elderly facilities, and day care centers. Some communities also bar sex offenders from the public library.

Lynn recently forced a Level 3 offender to vacate his home because it was within 1,000 feet of an elementary school and a park. The state's website indicates he moved to Peabody, which doesn't have an ordinance.

Two sex offenders, who asked not to be identified, said they thought their situations are fairly typical. One was convicted of rape and abuse of a child and the other was arrested multiple times for indecent exposure. Both live with their elderly mothers and are unemployed. The two men said they found jobs—one doing auto detailing and the other restaurant work—but were fired after customers learned of their backgrounds and complained.

Both offenders expressed remorse for their actions and said they are in treatment, which they said is the best way to keep people like them from reoffending. One of the men said he thinks only about 10 percent of Level 3 offenders are hard core, while the rest are unlikely to reoffend as long as they receive treatment. "Someone hears sex offender and they lump everyone into the same category," he says.

The other man says he lives in a town with an ordinance restricting where he can live and where he can go. He said he understands the motivation behind the ordinance. "The concern is understandable," he says. "If I had a kid, I wouldn't want him living next to a sex offender."

77 percent of Level 3s report no work address. 12 percent are homeless or living at a homeless shelter.

Level 3 offenders are in Boston, where 34 percent, or 159, of the 467 sex offenders identify themselves as homeless or living in a shelter. About a dozen homeless offenders in Boston who wear GPS devices issued by the state Probation Department exchange them daily because they don't have access to electricity for recharging the units.

Level 3 sex offenders congregate in urban areas. Nearly 80 percent live in one of the state's 55 cities, which account for 51 percent of the state's population. Boston has the most Level 3 offenders; the state capital is home to 9 percent of the state's population but nearly 20 percent of the

THE 24 FACTORS

Saundra Edwards grew up in Roxbury and attended school in Framingham under the METCO program. She studied at Wellesley College, went on to Suffolk Law, and then worked 13 years as a prosecutor at the Plymouth County district attorney's office, the last seven handling sexual assault cases. "I had a very good conviction rate—a whole lot more guilty's than not, a whole lot more pedophiles in jail than not," she says. "I would pour my heart into it."

Now she is pouring her heart into the decade-old Sex Offender Registry Board in Salem. Gov. Deval Patrick appointed Edwards chair in late 2007, putting her in charge of six other board members, 46 employees, and a \$3.5 million budget. She brings a folksy prosecutor's attitude to the job.

A mother of two sons, Edwards says she resides on a street with sex offenders. (She asked that her hometown not be identified.) Even so, she is not a fan of ordinances that restrict where sex offenders can live. "I don't think I, as a mom, would push for it, but as the chair of the SORB, I wouldn't comment on it," she says.

During a lengthy interview, the one area where she thought the board could do a much better job was distinguishing between those Level 3 offenders who are white and

those who are Hispanic. She says she worries that someone might fail to identify a person as an offender because they are obviously Hispanic but identified as white.

"It's a problem. I'm being honest with you," she says. "We want our information to be as accurate as possible. It's not and that bothers me."

As for the missing sex offenders at the Pine Street Inn, Edwards says: "That is concerning, but the SORB is doing what it can with the police and if we find out that individuals are not properly registering, of course they would be subject to being brought in for prosecution."

Edwards is very comfortable with the work the board does and brushes aside complaints by some psychologists and attorneys who criticize the board's classification criteria. She says she constantly receives positive feedback from the "community of moms." She adds: "They'll approach me in the supermarket and say, 'Right on. I feel comfortable with what you do and the information you provide.'"

Edwards says the board attempts to gauge sex offenders' dangerousness and their likelihood to reoffend. The system the board uses is qualitative and quantitative, relying primarily on 24 factors that have been approved by the Supreme Judicial Court. The factors include evidence of substance abuse, response to treatment, the victim impact



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statement, the age of the offender when the offense occurred, the relationship between the offender and victim, and whether the victim was a child. Edwards says most, but not all, psychologists agree the factors help predict whether an offender is likely to commit another sex crime.

"I have to say, in these past four years, we have had, I

The Sex Offender Board attempts to gauge sex offenders' dangerousness and their likelihood to reoffend.

don't know how many, but a whole lot of Levels 3s who have reoffended," she says. "So these factors are tried and true. We're comfortable with what we have."

Edwards has no data supporting her claim that large numbers of Level 3s—those consider the most dangerous and likely to reoffend—actually do reoffend.

CommonWealth's database indicates 32 percent of Level 3 offenders have more than one conviction date, but many of those convictions occurred before the board started operating in 2001.

David Medoff, a forensic psychologist who served on the Sex Offender Registry Board when it was first created, says he resigned because of the way the agency weighs the factors it uses to evaluate the dangerousness of offenders. "The Supreme Judicial Court has approved the legality of what they do, but that is separate and unrelated to the accuracy of what they do," he says.

Laurie Guidry, a psychologist from Montague who is president of the Massachusetts Association for the Treatment of Sexual Abusers, says most other states use a quantitative system that is scientifically validated to gauge an offender's likelihood of reoffending. "We absolutely need to be tough on high-risk offenders, but we also need to be smart," she says. "There's been an explosion of changes in the field, but Massachusetts hasn't kept up."

Eric Tennen, an attorney with Swomley & Tennen in Boston, says the Sex Offender Registry Board hasn't up-

What's in a number?

97.4

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dated its factors since 2002, and even then they were based largely on data from the 1990s. Current age, for example, is not included among the board's 24 factors, but Tennen says research initially released in 2002 indicates the likelihood of someone reoffending after turning 60 falls dramatically. The board refused to take an offender's age into account in classifications until 2010, when the Supreme Judicial Court ruled the board's actions were arbitrary and capricious. The board says it now considers age when classifying an offender, but current age is still not included among the listed factors.

JOHN DOE

The case of John Doe, the pseudonym given to a sex offender in legal proceedings before the Supreme Judicial Court last year, offers an inside look at how classifications are done at the Sex Offender Registry Board and reveals the growing concern of the state's top court about restrictions on where sex offenders can live.

In 1992, Doe was involved in two separate sexual offenses involving young male children. He was tried, found guilty, and sent to jail. After leaving prison, he violated his parole for reasons unrelated to any sex offense and was sent

back to jail. He emerged from prison in 2008 suffering from glaucoma, a seizure disorder, and heart problems. He also had Asperger's disorder, which caused him to misperceive social cues and impaired his social behavior.

SORB classified him as Level 3, but he never got the paperwork because he spent most of his first year out of prison living in a homeless shelter. According to court documents, he was mugged several times and ended up with a cracked eye socket that sent him to the hospital. He was subsequently transferred to a nursing home and, in February 2009, to a small rest home in Boston.

By all accounts, Doe did well at the rest home, but the Boston police ordered him to leave because a state law bars Level 3 sex offenders from staying at a convalescent or nursing home, a rest home, a charitable home for the aged, or an intermediate care facility for the intellectually disabled. The law was passed in 2006 after John Enos, a Level 3 offender staying at a nursing home in Norwood, allegedly raped his 90-year-old roommate. Enos had previously served 15 years in prison for sexually assaulting his 9-year-old daughter.

With the help of a public defender, Doe challenged his eviction. He also convinced the Sex Offender Registry Board to take a fresh look at his classification and make a

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determination about his level of dangerousness. Fred Davis, of St. Francis House, says Doe, whom he knew, was not dangerous at all. He was 65, frail, and, as Davis says, “a shuffler” who walked unsteadily.

Deliberations of the Sex Offender Registry Board are confidential, but the SJC decision provides a glimpse into Doe’s evaluation. The decision indicates the board felt the rest home was good for Doe and described him as “well liked and well adjusted there.” His advanced age also made him less likely to reoffend, the board said. But Doe presented less well on other factors, including the young age and sex of his victims, the brevity of his time in the community, and his lack of sex offender treatment and counseling.

The board concluded in January 2011 that Doe presented a high risk to reoffend and a high degree of danger. The board acknowledged that “such a finding may in fact lead to a decrease in his support and stability,” but nonetheless found that the facts “warrant broad community notification for the protection of children” and ordered him to register as a Level 3 sex offender.

The Supreme Judicial Court did not rule on Doe’s classification, but held that his removal from the rest home was unconstitutional because it restricted his freedom to

live where he wanted without first giving him the opportunity to prove that he was no danger to the other elders at the rest home. “A restriction on the right to choose where one lives is a further imposition on the liberty interests protected by our state constitution,” the court’s decision said.

The SJC decision applied only to Doe’s situation, so nursing and rest homes in Massachusetts continue to deny entrance to Level 3 sex offenders.

The court’s ruling that Doe was entitled to live where he wants suggests the state’s nursing home ban—as well as the municipal ordinances restricting where sex offenders can live—could be subject to broader legal challenge. Research indicates such ordinances do little to promote public safety, since most sex offenders prey on people they know and not strangers.

Despite winning his case, Doe himself did not benefit from the court’s decision. During the court’s deliberations last summer, his health deteriorated and he was moved to a hospital and then a hospice. He died shortly after the decision was handed down, eight months after he was classified as a Level 3 sex offender. **CW**

CommonWealth intern Andrew Farnitano contributed to this report.



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Craig Mello and UMass
Medical School Chancellor
Michael Collins, with the
Albert B. Sherman Center
in the background.

Rock star science

Nobel Prize winner Craig Mello is about to step on to a new stage

PHOTOGRAPHS BY FRANK CURRAN

CRAIG MELLO IS sitting in a chair outside the office of UMass Medical School Chancellor Michael Collins. Mello is dressed casually, his hair stylishly long. I introduce myself and within seconds the famed biologist is talking enthusiastically about two of his greatest passions.

One is kiteboarding, an extreme sport where the participant races across the water riding a board while hanging on to a large kite. Mello is just back from a trip to the Bahamas, where he spent a lot of time on the water. The conditions were fairly calm for most of the trip, he says, but then the wind reversed and the waves picked up. His eyes light up as he recalls the combination of speed and danger he experienced flying across the water. "You should have seen the waves," he says.

His other passion is his research on the inner workings of the cell. He says he's never been more excited about his lab results, and that's saying quite a bit considering he won a Nobel Prize for his work in 2006.

Mello won the Nobel along with his colleague Andrew Fire (then of the Carnegie Institution of Washington) just eight years after their discovery of how genes are controlled within living cells. Their work centered on ribonucleic acid, or RNA, which, along with its cousin DNA, orchestrates many cell activities. Mello and Fire injected a round worm with double-stranded RNA that had the same chemical sequence as the gene they were targeting. The gene responded by switching off, a discovery that suggested genes responsible for a multitude of diseases could also be switched off. A new field of RNA interference, or RNAi, was born.

What made Mello's Nobel so special for the University of Massachusetts Medical School in Worcester was that he had done all the work there. The prize helped put the school on the map, and transformed Mello into a valuable state resource. How valuable became clear two years later when Gov. Deval Patrick and the Legislature approved legislation steering \$1 billion over 10 years into the life sciences. Nearly a tenth of the money, or \$90 million, went to the UMass Medical School to help build a new stage for the state's rock star scientist.

The new \$400 million stage, called the Albert B. Sherman Center, for the former vice chancellor of university relations who retired in 2010, is a nine-floor building with 480,000 square feet of labs and classrooms, a fitness center, and dining hall. The impressive band of scientists moving into this new facility will focus on three areas: RNA biology, stem cell biology, and gene therapy.

The university is paying for the building with \$280 million in borrowed funds, \$30 million from campus funds, and the \$90 million grant from the state's Life Sciences Center. The campus wants to raise another \$50 million to \$100 million to fund recruiting efforts.

With the Sherman Center scheduled to open in October,

Mello and Collins are sending a message to Beacon Hill that the state's big bet on UMass Medical School will pay off. Collins is promising that the new center will yield \$1 billion in economic impact, and both Collins and Mello are saying the research done there will not only unlock the mysteries of the cell but vanquish some of the diseases that plague mankind.

I talked with Mello and Collins inside Collins's office on the UMass Medical School campus. Here is an edited version of our conversation.

—BRUCE MOHL

COMMONWEALTH: What's the importance of the Albert Sherman Center?

CRAIG MELLO: We think of it as a new hub for the campus that's going to connect researchers on the basic science and clinical side and get them working even more closely together. We already have a very collaborative research environment here. The key to developing new medicines now in the post-genomic era is to move back and forth between the bench and the bedside. It's not a one-way street either way. We have so much potential now to understand disease at the very basic level of the genes, and yet that understanding doesn't always translate to therapy. The goal now is to take that knowledge of the human genetics

We're taking it
to another level.
We've exhausted
all the available
space we have.

underlying disease and translate that into new discoveries that will lead to new therapies.

CW: How do you go about making those discoveries?

MELLO: My chair in molecular medicine, Michael Czech, who recruited me here to UMass, has this vision for molecular medicine which I think is kind of a foundation on which we're building the Sherman Center. Basically, get the best athletes you can get is what Mike always says. Try to bring together a community of people who think about different problems. Get them together in the same room and get the ideas bouncing around. For me, the Sherman Center is the realization of that vision. We're taking it to another level. Without the Sherman Center we couldn't do that. We needed this new infrastructure in order to con-



"Institutions have moments, and I think this is a moment for ours," says UMass Medical School Chancellor Michael Collins.

tinue the trajectory of growth that we've been on. We've exhausted all the available space we have.

CW: Is it hard to attract top-notch scientists to Worcester?

MELLO: When I came here originally in October 1994, I didn't have a lot of other opportunities. But after 1998, when we were publishing on RNAi, I had people asking me: "Why are you staying in Worcester? Come to Harvard. Come here." All through 2000 I kept getting that question. When the Lazare Research Building [at UMass Medical School] came online in 2000 and we started recruiting new faculty, then the question stopped being, "Come here," and changed to, "Can I come there?" I kid you not. We can recruit anybody. We are getting fantastic applicants from all over the country and the world. They're not coming here because it's like San Francisco. They're not expecting that. The reason they're coming is for the research. I could go anywhere I want, practically, if I wanted to shop myself around, but this is a great place to be.

MICHAEL COLLINS: When we recruited Victor Ambros [a professor of molecular medicine], I sat down with him

before we did some press. I asked him, "Victor, why are you coming here? What is it about UMass that you want to come to?" And he said: "Very simple, Michael. We owe it to the world." And I said, "What do you mean?" He said: "We are making these discoveries as scientists. We're making them in our individual labs. Look at what Craig discovered. Look what I discovered. And look at what Melissa Moore has discovered and Phillip Zamore is doing. [Mello, Ambros, Moore, and Zamore are codirectors of the RNA Therapeutics Institute at UMass Medical.] If we come together as the finest RNA biology community that could exist anywhere in the world, then our discoveries will multiply. We owe it to the world to make these discoveries and make a difference for mankind."

Here's another example. Bob Brown was a senior neurologist at the Mass General, and he made a discovery of the SOD 1 gene in ALS [often called Lou Gehrig's disease]. His life's commitment is to cure the disease. He wakes up and goes to bed thinking about ALS. So he becomes our chief of neurology. I told him I had been trying to recruit someone like him my whole life. So I asked him why he was leaving Harvard to come here, and he said: "I'm 58 years old. I've made this discovery of the gene that's defec-



"We have a tremendous opportunity now" based on our understanding of "the basic biology of information flow in the cell," says Mello .

tive in the familial cases of ALS, and I don't know if it's going to be RNA interference or gene therapy or stem cell therapy that I'll be able to use to cure the disease. But I do know that the finest place in the world I can go to make the discovery is the University of Massachusetts Medical School." That's a quote.

CW: Those are powerful testimonials, so why aren't more people aware of what's going on at UMass Medical.

COLLINS: Institutions have moments, and I think this is a moment for ours. If you go back to 2006, when Craig won his Nobel, there was a tremendous amount of enthusiasm in the state for that discovery, for a home-grown scientist. Massachusetts is very fortunate in that we have a lot of Nobels, but none captured the imagination of the Commonwealth like Craig.

CW: How did the state's investment in the Sherman Center come about?

COLLINS: The governor was conceiving of a life science

fund. You have to remember this is in the context of California putting up \$3 billion. Maryland, Illinois, and Texas were putting up these major amounts of money around the notion of science and stem cell research. When Craig won the Nobel, he had some conversations with the governor about what could be done to further his science. At that point, we began a conversation about what the campus might need and what the Commonwealth might do. There was this desire to invest in something that could make Craig's discovery be more exponential in its impact.

CW: Dr. Mello, what did you say to the governor?

MELLO: There was such an obvious need to increase investment, not only here in the state but in the nation and the world in order to develop new therapies. No one was listening. Funding was completely flat during the Bush administration. I wrote a letter to President Bush telling him there is a revolution going on and it was happening during his administration. I told him this was an opportunity for him to get out in front of major discoveries in biomedical science that can have a tremendous impact on

the lives of Americans. I got no response. He never even wrote me back. I did get a response from his office, but not a personal response from the president. I wrote the same letter to the governor and I got an unbelievable response from him. Many of the people on Beacon Hill wrote me back as well. We have a tremendous opportunity now to begin to take advantage of these insights into the nature of the basic biology of information flow in the cell.

CW: Do you think there is widespread public support for these types of investments?

MELLO: In the two years after the Nobel, I spoke to hundreds of audiences, especially lay audiences. They love science. I think there's a disconnect between the political bodies where decisions are made and the people who I think would vote for more funding. Nobody wants more taxes, but we could be missing an opportunity unless we all step up. So philanthropy is one way, but the heart of the scientific enterprise in this country is the federal government. To our credit, we've invested in research in this country, especially since the Sputnik era. That's what made us great. We've done it in a really good way. We're probably the best in the world at assigning priority to research based on peer review. If you go elsewhere in the world, they just don't have the infrastructure in place to make those hard decisions.

CW: Why is this so important to you?

MELLO: I have a child with Type 1 diabetes who has had it since she was one-and-a-half. She's now 11. I can tell you, you really appreciate molecular medicine when someone you love depends on it every day for their very survival. She has to have insulin or she would die. There's so much suffering going on out there. I feel fortunate that the worst in my family is Type 1 diabetes. It's bad but there's much worse and we need to do more. I think it's really possible to lick some of the diseases that have been around with mankind throughout our history.

CW: What is the economic argument for the Sherman Center?

COLLINS: There was money to support Craig and his discovery, but we had to make a different argument to get \$90 million for a new building. I can remember the first phone call I had about this idea. The person laughed, absolutely laughed. They said we wouldn't get \$90 million. I don't know if you know, but less than 4 percent of the money that runs this institution comes from the state, so getting a lot of money from the state for this place is not in the cards. I initially went to the Legislature and said

we're running out of research space, we won the Nobel Prize, and we could have a greater impact if we got more money. But I was getting blank stares. Then I made the case that we have this great scientist, Craig Mello, and we have this opportunity to get other great scientists. They loved Craig and all that, but I still was getting blank stares. Then I had this idea to have the Donahue Institute at UMass look at the economic impact of the Lazare building [which opened in 2000]. They looked at all the bricks and mortar and the fixtures we bought and the impact of

You appreciate
molecular medicine
when someone you
loves depends on it
for their survival.

having \$100 million of science running through that building each year. And it made somewhere between a \$400 and \$500 million impact. So then we began studying what would happen if we create a new building that would be about \$400 million in size, with another \$100 million worth of people in it, and then run \$130 million of research through that building every year. And the impact was about \$1 billion. So I went to the state and told them we could have \$1 billion of economic impact, and all of a sudden they came right to the table and said: "Let's talk."

MELLO: There's a science side to this moment as well. In so many ways, this truly is the life science moment not just in this state but on this planet. For 3.8 billion years, life has been evolving here, right? And now we have entered the information age as a species. We understand super computers and all this stuff. That's what so cool about the convergence between the genomics revolution and RNAi and the potential for unlocking the secrets of the genome and understanding disease. One of the reasons RNAi was such a big splash scientifically had nothing to do with what Andrew Fire and I did. It was more a realization that RNAi is a search engine, like the type you use on your laptop to search the Internet. It uses short pieces of genetic code to search for information that matches that information. And then we can do stuff to it. We can regulate it or permanently turn it off. We know how to trigger the search engine of the cell. We can use this approach to directly control the information that's flowing in the cell. Sometimes the information is flowing in the wrong direction because the cell is out of whack and you've got a disease state. We could potentially interfere with that adverse flow and maybe in the future we could learn to manipu-

late the flow in a positive way.

CW: It sounds promising, but it's a lot of money at a time when state funds are short.

MELLO: One good analogy is striking oil and how much it's going to cost you to build the pipeline and everything else to deliver the oil to market. Yeah, it's going to cost you a lot, but what do you get when you do that? That's where we're at right now. We're at this really incredible moment in the history of biology where we've begun to understand living things in a new way. I'm so happy the state has made this investment. It's good economics, I'm sure of that. We'll attract a lot of new National Institutes of Health funding for this building, but it's also really good science to grow our research enterprise at a time when the body of knowledge we're researching is growing astronomically.

COLLINS: We took a risk expanding when we did because nobody else was doing it. But we're probably getting much more building because no one was building buildings when we were building ours. And we got it built faster and better because we got people's attention. We made the decision that it was absolutely prudent to do it now. When the econ-

omy gets better and the dollars start to flow, our building will be ready to go.

CW: Should the state be doing more?

COLLINS: I think the state's doing what it can right now. I think our president [Robert Caret] has talked about getting the university back to 50-50 [50 percent funding from the state for the entire UMass general education budget and 50 percent from tuition and fees; currently the split is 45-55] and I certainly would endorse that.

MELLO: We're talking very lean funding times right now, which is why a lot of institutions have stopped building. It's not because there's not a great opportunity to do science. It's because funding has not kept pace due to the economy. I think that's just wrong. It's a way to stimulate the economy and also generate new knowledge that will lead to new therapies, new drugs, new income, great jobs. Ultimately, what are we here for anyway?

CW: Is there anything different about the building itself?

COLLINS: In the past, much of science was individual

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PhDs. They'd do the work, write their dissertation, and then publish it. Today it's much more about a team.

The RNA Therapeutics Institute is a perfect example. We have four outstanding investigators here. You have Craig Mello, Victor Ambros, Melissa Moore, and Phillip Zamore. We went looking for a typical lead to that department, but then Craig came down with his colleagues and

**In the past, much
of science was
individual PhDs.
Today it's much more
about a team.**

said they had an idea. They suggested the four of them take on this responsibility rather than have one department chair. So we've done that. We now have four co-directors of the RNA Therapeutics Center, any one of whom could be the lead in any of the major universities of the world. Think of that being the pebble in the pond. You have the RNA Therapeutics Center and we're going to surround

those wet lab scientists with the dry lab scientists who are going to support their initiatives. So we designed the building with the wet labs here and then all of the dry lab scientists enveloping them. We worked with each of the scientists to talk about the adjacencies. Who are the people you work most closely with? Let's put them together. We've created these innovative stairways from four to five, five to six, and six to seven, so that actually you have adjacencies this way [he motions horizontally] and that way [he motions vertically].

CW: Dr. Mello, you're one of the centerpieces of this effort, yet you don't show up as an employee of UMass. I understand you actually work for the Howard Hughes Institute. Why is that?

MELLO: Howard Hughes was an interesting guy. When he died, he left a lot of money. I think it's somewhere in the neighborhood of \$15 billion that funds the Howard Hughes Institute. Their mechanism of dispersing the money has been to fund investigators at their home institutions. In order to do that, they essentially take over your salary and they pay rent for your space so they can call it the Howard Hughes Institute at the UMass Medical School. Almost



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every major medical school has one or two. We have seven Howard Hughes investigators. [Moore and Zamore are also Howard Hughes investigators.] It's small money compared to the NIH, but it's an important source of private funding for medical research in this country and it's helped to keep us as a nation in a position of leadership in this area.

CW: Are you too busy now doing the political work related to science that you don't have enough time to get your own scientific work done?

MELLO: I'm definitely torn in a lot of directions. I've learned to say no more often. It's important to stay focused on the research. We have some really exciting stuff going on in the lab right now. Frankly, I've never been more excited about our scientific results, and that includes the double-stranded RNA stuff. Not that it's going to be a Nobel Prize or anything like that. It's just really, really cool biology. In a way, it's more cool than the double-stranded RNA discovery because that was more just phenomenological. We're beginning to understand that the cell, at least in this worm, is keeping track of everything that's being expressed and can tell its own nucleic acids from those that are coming from a transgene, for example, that is experimentally put in. I've got a lab of about 20 people and that's my main job. I have to keep that lab going, keep the research going, keep the papers coming out, keep it funded.

CW: What's left to do for you, Chancellor Collins?

COLLINS: We have the transformative science. We need the transformative gift. That's the one thing this medical school needs. It's something we spend a lot of time thinking about and talking to people about, and hopefully someday we'll find that person. If there's an Achilles heel for the medical school, it's the lack of an endowment that the institutions we want to be like have.

CW: Do you agree, Dr. Mello?

MELLO: If we were in any other state, we would be the gem of the state. Being in Massachusetts, we're very under-appreciated and we've felt that for years, even though we've known we're on track and we've got this great trajectory. It's a little hard sometimes when you see the type of philanthropy that goes to institutions in Boston. I won't name any names and they deserve it, they're doing great stuff. But if just a fraction of that philanthropy would come here it would have a bigger impact. It's hard to get that message out. There's really, really great stuff going on here. It's not as much of a secret as it used to be, but it's still too much of a secret. We really want this story to get out there so we can cure diseases. **CW**

The Haiti-Boston connection

Union workers from Massachusetts help build a new teaching hospital in impoverished country **BY MARK ERLICH**

JIM ANSARA LOOKS out over the sprawling 180,000-square-foot National Teaching Hospital under construction in Mirebalais, a town in the central plateau of Haiti. Audacious in conception, innovative in execution, the hospital is a joint effort of the Haitian Ministry of Health and Partners In Health, the Boston-based global health organization founded by Paul Farmer.

Ansara, the founder of Shawmut Design & Construction in Boston, is working as the director of construction for Partners In Health. A staunchly pro-union employer, Ansara is using his connections back home to recruit dozens of skilled volunteers from Boston-area building trades unions to help a large local workforce of local Haitians and Dominicans construct the hospital. The Boston workers are also training Haitian workers so that they will have the skills to continue the work after the volunteers leave.

As Haitian Kreyol and Boston accents mingle on the construction site, Ansara says: “Mirebalais has become a suburb of Boston.”

The project is a model of how determination, creativity, and an innovative use of cross-cultural resources can produce a transformative facility in a country that has been plagued by devastating hurricanes, earthquakes, the onset of a cholera epidemic, and a series of frustratingly disappointing recovery programs. In Mirebalais, workers from Haiti and America are building a hospital and changing their own lives in the process. Local workers are gaining much needed employment and the Massachusetts volunteers have found a remarkable outlet for their craft skills.

As an example, apprentices at the New England Carpenters Training Center in central Massachusetts retrofitted 300 doors and union carpenter volunteers hung the doors in their frames 1,600 miles away. Union electricians from Massachusetts have been installing electrical panels and light fixtures and union plumbers have been hooking up the medical gas systems in the wards.

“The work was the same that I do at home,”

says Carpenters Local 40 member Mike Biasella, who lives in Revere. “But I got to see a country and culture I never saw before.”

Leo Purcell, a retired labor leader and IBEW Local 103 member from Whitman, has worked with a Haitian crew of electricians on his two visits. “By the time the hospital opens,” he says, “they should be able to deal with the ongoing maintenance of the generators and electrical systems.”

Bonds have been built across language and cultural barriers. Iguenson Joseph, a young electrician from Mirebalais, named his newborn son after one of his Boston counterparts.

I visited Mirebalais in early February, driving on Route Nationale #3 from Port-au-Prince into some of the poorest communities in the western hemisphere. An hour from the coast, the road leads through the town’s central square, over a rutted detour, and opens onto the construction site.

Zanmi Lasante’s (“Partners In Health” in Kreyol) footprint in Haiti dates back to 1983 with the creation of a small clinic in the village of Cange; a dozen more health care facilities followed. In 2008, the Ministry of Health asked the organization to build a new 110-bed community hospital in Mirebalais, a town that is the hub of a population of 140,000 in the highlands. However, in the wake of the January 12, 2010 earthquake’s destruction of much of the nation’s medical infrastructure, the ministry suggested replacing the original proposal with a far more ambitious program that would represent a quantum leap in medical delivery systems.

“The earthquake changed everything,” says David Walton, the 35-year old director of the Mirebalais project. “The Ministry of Health said build it bigger and faster.” Walton has been working in Haiti with Partners In Health since 1999 when he was a first-year medical student. Now a physician at Brigham and Women’s Hospital and an instructor at Harvard Medical School, he divides his time between Boston and Haiti.

Walton is largely responsible for the reconception of the 320-bed facility, with outpatient and



inpatient care, an emergency ward, six operating rooms with modern sterilization procedures, an intensive care unit, a neo-natal intensive care unit, ante-natal and post-partum facilities, spacious wards, mental health services, dentistry, radiography, CT scans, electronic medical records, and all the other characteristics of a contemporary comprehensive care center. In addition, there are conference and seminar rooms with high-speed Internet and video-conferencing capabilities to provide medical and nursing education that can be linked to Harvard Medical School and other teaching institutions around the world.

Cutting edge it may be, the hospital is unmistakably Haitian, surrounded by rice paddies and mountains. The front entrance is a wall of medallions crafted by local metalworkers out of 55-gallon steel drums. The design fosters a light and airy environment with open-air courtyards, corridors, and waiting areas. Air-conditioning is limited to rooms requiring strict temperature control, as ceiling fans provide comfort and air flow in areas open to the outdoors.

The attention to air movement serves both a design and an infection-control function by limiting the spread of hospital-acquired tuberculosis and other infectious diseases. Ultraviolet lights are installed seven feet above the floor in all the open areas to create a “kill zone” for TB bacteria. Similarly, patient flow from one area to the next follows a common sense design that moves ambulatory patients through sequential steps and limits contact between the sick and well, inpatient and outpatient.

The demands of the design exceeded the capacity of Haiti’s building industry. No project had ever incorporated the plan’s level of construction sophistication, let alone the medical technology, and the earthquake had destroyed the country’s already limited construction infrastructure.



Walton enlisted Ansara to inject additional expertise. Ansara opened Shawmut in 1982, signed a union agreement three years later, and quickly expanded the firm’s business, which ultimately allowed him to sell the then-\$600 million company to his employees in 2006. While staying on as chairman of the board, he stepped back from the company’s day-to-day activities, setting up a foundation with a focus on international philanthropy.

Walton and Ansara first connected on the original concept for Mirebalais in 2009. Both went to Haiti immediately after the earthquake, knee-deep in what Ansara describes as “battlefield medicine.” Returning with a new

The hospital’s front entrance is a wall of medallions made out of 55-gallon steel drums.

expansive mandate from the ministry, they threw out the original drawings and began to redesign the hospital.

Ansara drew on his years in the Massachusetts industry, soliciting donations of services from local companies he had worked with. J.C. Cannistraro of Watertown designed, pre-fabricated, and donated the mechanical and medical gas systems. John Penney Co. of Cambridge designed the electrical system. Sullivan & McLaughlin of Dorchester designed and built the photovoltaic system, installed the IT infrastructure, and directed the Haitian electrical team. Mark Richey Woodworking of Newburyport designed, manufactured, and donated the architectural millwork.



Far left: Dr. David Walton and Jim Ansara of Partners In Health with former President Bill Clinton. Near left: Volunteer Kevin Pewitt from Maine demonstrates drill press. Above: Assistant site supervisor Aaron Noble. Right top: People bring vetiver grass and bamboo to plant near hospital to prevent erosion. Right: Volunteer and Haitian electrical workers.



Construction began in July of 2010 with site contractors from the neighboring Dominican Republic. With unemployment over 80 percent in and around Mirebalais, the hospital project has served as the primary economic development engine in the region. Hundreds of hopeful workers lined up at the project gates when the structural, foundation, and block work began. So far, over 600 have found employment. “There is a very strong work ethic and a high level of consciousness about worker solidarity,” says Ansara, “but a limited exposure to high-level trade skills.”

In post-earthquake Haiti, there were few heavy equipment machines, earth movers, or large concrete mixers, particularly in rural communities. The quality of the available concrete could not support the plan’s demanding earthquake and hurricane resistant specifications. Ansara and his team built a batch plant on site to produce their own concrete.

The site includes its own wastewater treatment plant, an essential response to the recent and ongoing cholera epidemic. Walton and Ansara recognized that in order to provide uninterrupted electricity to the hospital, they would need to supplement the unreliable grid generated by the nearby Peligre Dam. The hospital will rely on 1,800 solar panels to power the building during the day. Three large generators will seamlessly back up any breakdowns in service from the grid at night.

The issue of permanent staffing for the hospital will present an even bigger challenge. “The ministry’s mandate to be bold pushed us to consider how far we could go without going too far,” says Walton. “There’s no point in creating a white elephant that can’t be sustained or maintained.”

The newly trained tradesmen can be the core of a maintenance staff, but the hospital will need more than 800 doctors, nurses, technicians, aides, orderlies, and custodians when fully operational. On the first day applications were accepted in February, 300 people applied, but Walton worries about matching positions with training. There has also been a tradition of out-migration of skills from Haiti, a problem that was only exacerbated by the earthquake.

“Haiti has hemorrhaged medical and other allied health professionals,” says Walton.

“Fully 80 to 85 percent of the recent graduates of Haiti’s medical schools are no longer in Haiti.”

Zanmi Lasante has a long and effective history of recruiting and training local community health workers, but the Mirebalais hospital could also serve as a beacon for the Haitian diaspora in the US and Canada. According to former Massachusetts state representative Marie St. Fleur, the first Haitian-American to hold public office in Massachusetts, one of the side-effects of the earthquake has been to heal old political and social wounds and to re-energize a commitment to providing assistance.

“There are associations of Haitian physicians and nurses in Boston, Miami, New York, and Montreal,” St.Fleur says. “The quality of care at Mirebalais could draw some of them back.”


The Ministry of Health and Partners In Health have signed a 10-year agreement to jointly manage the new

Haitian doctors and nurses may be drawn back to the country by the hospital’s high quality.


facility after it opens this summer. St. Fleur marveled at the effort after a visit in early February. “There’s been plenty of money pledged to Haiti since the earthquake,” she points out, “but a lack of leadership and excessive bureaucracy has limited the impact. The sheer will to drive the Mirebalais project forward in the face of massive hurdles is nothing short of amazing.” **CW**

Mark Erlich is the executive secretary-treasurer of the New England Regional Council of Carpenters and a frequent writer on labor and political issues.

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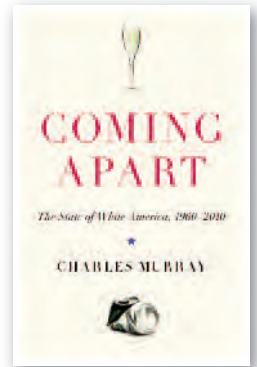
Charles Murray spotlights an important gap,
but goes looking in all the wrong places to explain it

Coming Apart: The State of White America, 1960-2010

By Charles Murray

New York, Crown Forum, 407 pages

REVIEWED BY RALPH WHITEHEAD



IN THE AMERICA of 1960, writes Charles Murray in *Coming Apart*, the lives of white people with a bachelor's degree or better and the lives of white people with a high school diploma or less were similar in several important respects. Almost all of the prime-age college men worked full-time, as did almost all of the prime-age high school men. Marriage was widespread among college whites—and also among high school whites. Single parents were rare in both groups. The rates of crime and of imprisonment were low for both. Rates of attendance at religious services were fairly similar for both.

Since then, however, writes Murray, the groups have diverged. It's not because there have been notable changes among college whites. The patterns that hold for them today are close to the ones that held for them in 1960. It is chiefly because of changes among high school whites. Today, almost 40 percent of the prime-age men with no more than a high school diploma either work only part-time or are jobless or are outside the labor force altogether. Marriage isn't widespread among this group. Single parenthood has become much more common. Rates of crime and of imprisonment are higher. Religious observance is off. It is this divergence that is the coming apart of the book's title.

As for its subtitle, Murray has chosen to focus solely on how white America has been coming apart, he says, the better to avoid creating the impression that this divergence "can be remedied by attacking the legacy of racism." (Avoiding race is something that Murray didn't do as coauthor of the controversial 1994 book *The Bell Curve*. It argued that some races are genetically disposed to be more intelligent than other races, and it turned Murray into something of a lightning rod.)

To some degree, of course, Murray's story so far is a familiar one. Ever since the 1980s, economists, journalists, and elected officials have paid heed to the growing earnings gap between those with a bachelor's degree or better and those with a high school diploma or less. This gap has variously been called the education gap, the skills gap, or the college gap.

The size of this gap expanded on both sides. The earnings of white high school workers fell after the late 1970s, and the earnings of white college workers rose. White high school workers lost ground for the familiar reason: Because of automation and offshoring and the decline of union representation in the private sector, high school workers suffered a loss of their bargaining power in the labor market. White college workers gained bargaining power because the supply of such workers in the US didn't grow as quickly as the demand for them.

Thus, Murray isn't breaking news by reporting that white college men are more likely to be working than are white high school men. Nor is he breaking news about marriage. It has been clear for some time that the decline in marriage is much less pronounced among college whites than among high school whites, and that the same is true of single parenthood. He adds to this data on crime and imprisonment and his claim (more about this later) about the trend in religious observance.

What is new in all this is how he explains the origin of the plight of the high school whites.

The conventional view of its origin goes something like this: The decline in the earnings of white male high school workers made these men less acceptable to women as marriage partners, and made the men more wary of entering into a mar-



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BOOK REVIEW

riage contract and thus taking on economic responsibilities that they couldn't be sure of fulfilling. As marriage became less common, single parenthood became more so. As architects of the GI Bill knew, men who don't have the moorings of a decent-paying job and a set of family responsibilities can be more likely to get into trouble than the men who do, and trouble can lead to jail. (As for a decline in religious observance, the conventional view doesn't account for it, but Murray's own figures on a growing "God gap" are not particularly persuasive: a 16 percent decline in religious observance among college whites and an only slightly larger 18 percent decline among high school whites.)

Murray rejects the conventional view. In its place, he argues that the plight exists because too few of today's high school whites adhere to what he calls the founding virtues. He calls them founding virtues because, he contends, the Founding Fathers believed that the new republic wouldn't thrive unless almost all of its citizens practiced them. He identifies four such virtues: industriousness, marriage, honesty, and religiosity. (Some might classify marriage as an institution; Murray deems it a virtue.)

For a very long time, says Murray, virtually all Americans practiced the virtues, and did so because the effort to inculcate them was so intense and widespread. "Until well into the twentieth century, all four of the founding virtues were seen much as they were in the first half century of the nation's existence," he writes. "In effect, American children were taught a civil religion consisting largely of the virtues... The main vehicle for nineteenth-century socialization was the reading textbook used in elementary school, the variants of which were modeled on the overwhelmingly most popular series, the McGuffey Readers."

But, shortly after 1960, argues Murray, efforts to transmit the founding virtues broke down. "[T]he belief that being a good American involved behaving in certain kinds of ways, and that the nation itself relied upon a certain kind of people in order to succeed, had begun to fade and has not revived," he writes. As a result, says Murray, the practice of these virtues by the high school whites is much spottier today than it was back in 1960.

In Murray's view, the breakdown in the transmission of the virtue of industriousness is why fewer white high school men work full-time. Yes, he notes, the jobs that exist for such men today don't offer as much in pay, benefits, and job security as the jobs that existed for their fathers. But there are jobs, he states, or at least there were before the Great Recession, and these men should have embraced them. To the extent that they didn't, it's a sign not of the state of the job market, he says, but that these men haven't been inculcated with the virtue of industriousness.

In his view, the breakdown in the transmission of the virtue of marriage is why high school whites are abandoning marriage and thus why single parenthood is ris-

ing. The breakdown in the transmission of the virtue of honesty is why the rates of crime and imprisonment have increased for the high school whites, and a similar breakdown in the transmission of the virtue of religiosity is why the 50-year decline in religious observance by high school whites has exceeded the decline among college whites.

In drawing contrasts with college whites, however,

Murray never explains the breakdown in transmission of virtues.

Murray takes the flaw in his explanation and makes it even more obvious than it otherwise might be. The flaw is that Murray doesn't provide even a hypothesis, let alone evidence, for why, if transmission of the virtues has broken down, college whites still follow them while high school whites do not.

Is it because the part of the transmission belt that used to reach the high school whites no longer works, but the part that reaches the college whites still does? Perhaps high

schools have ceased to inculcate these values but four-year colleges continue to do so. Or, if the transmission belt no longer exists at all, perhaps college whites acquire these virtues in a way that high school whites don't. If so, Murray doesn't identify what that way might be. If he wants to overturn the conventional explanation of the plight of high school whites, he needs a more solid alternative to it than what he comes up with here.

Murray has been criticized for failing to offer a solution to the problem that he describes in this book. If the problem is the plight of high school whites, the criticism is unfair. He does offer a solution to it. What he doesn't do, however, is spell out how his solution might be implemented. His solution involves a particular group of college whites, the ones who form what Murray calls the new upper class. It consists, he estimates, of 2.4 million adults. In a book of 17 chapters, Murray devotes five of them to describing it.

He wants us to know that it consists of the smartest white people in the country. They stand at the pinnacles of their respective professions. He also wants us to know that they are isolated from the rest of the country. They tend to be products of only a small number of highly-



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selective schools. They are geographically concentrated in just a few zip codes. They are wealthy, and their wealth forms a barrier between them and the rest of America. Though some of them help to create the popular culture of the rest of white America, few of them are versed in it themselves.

He also wants us to know that a majority of them, though by no means all, are liberal in their politics. (Murray includes himself in the new upper class, and he is a conservative, of course, and proud of it.) Even though many of the liberal members of the new upper class practice the founding virtues, he says, they refuse to preach them. Because, he says, they prefer what he calls nonjudgmentalism.

“The members of the new upper class are industrious to the point of obsession, but there are no derogatory labels for adults who are not industrious,” he writes. “The young women of the new upper class hardly ever have babies out of wedlock, but it is impermissible to use a derogatory label for nonmarital births. You will probably raise a few eyebrows even if you use a derogatory label for criminals.”

He continues: “The new upper class doesn’t want to push

its own way of living onto the less fortunate, for who are they to say that their way of living is really better? It works for them, but who is to say that it will work for others? Who are they to say that their way of behaving is virtuous and others’ ways of behaving are not?”

Liberal elites practice founding virtues, but don’t preach them, he says.

His solution is to revive the effort to provide the intensive and far-reaching transmission of the founding virtues. And he wants the members of the new upper class to initiate this revival and commit themselves to making a large contribution to it. However, he doesn’t describe what form the revival might take. It will be interesting to see if Murray ever supplies a detailed description of what he envisions, so that we can decide if it seems sound or merely silly. **CW**

Ralph Whitehead is a professor of journalism at the University of Massachusetts Amherst.

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