

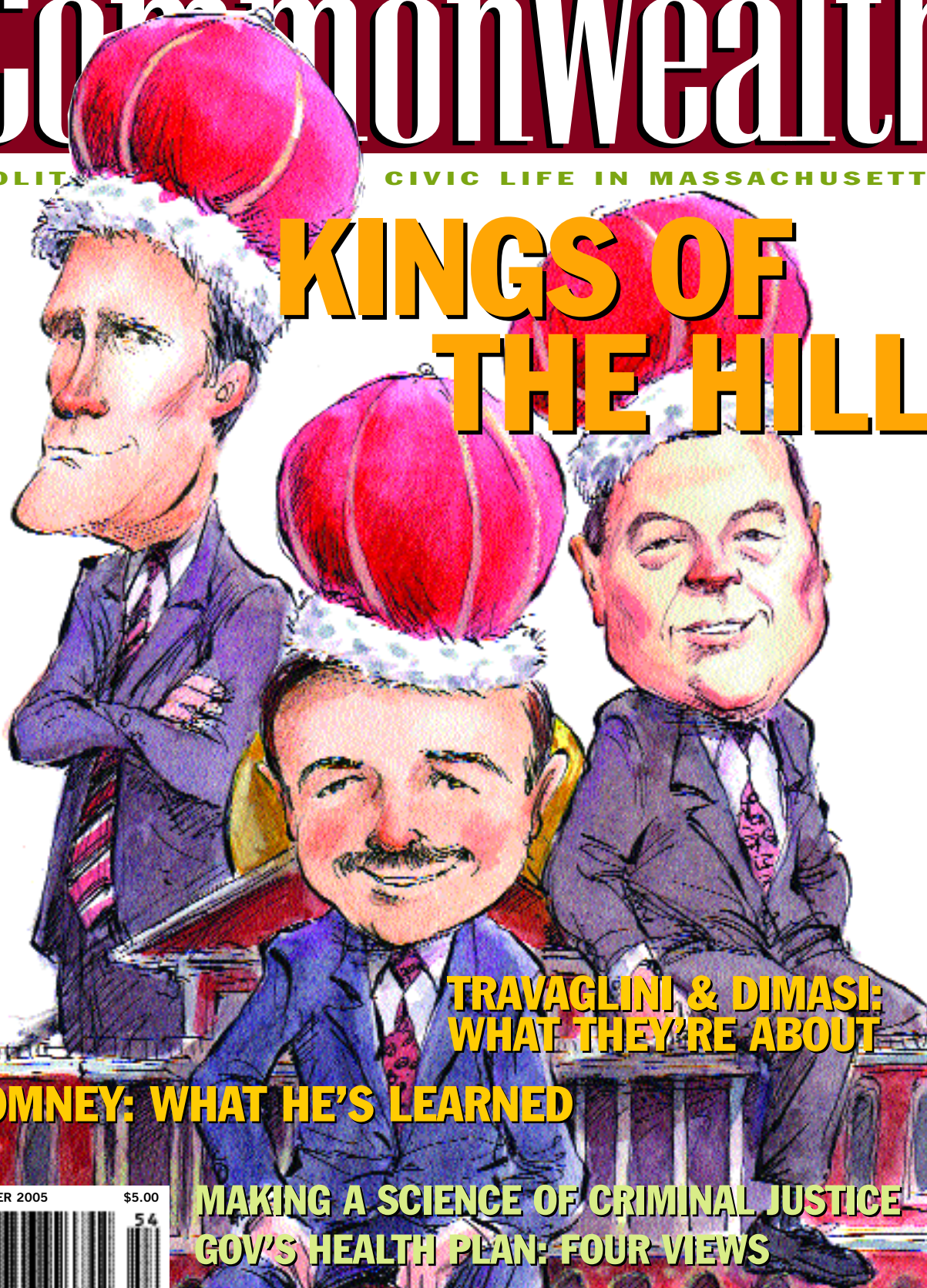
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&



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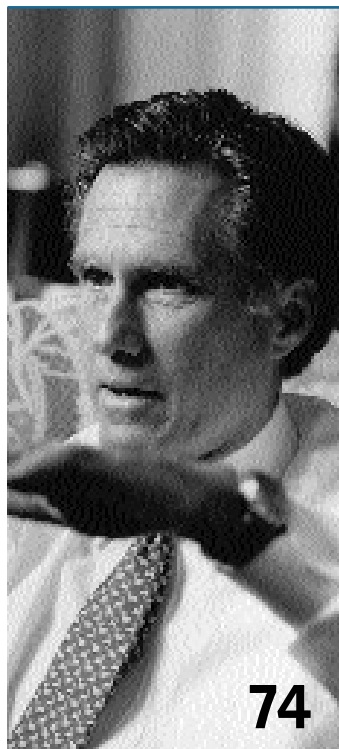
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# CommonWealth

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## FULLER DISCLOSURE IN ORDER FOR HANCOCK COMMENTATORS

I read your article in *The Boston Globe* (Robert Keough, “The School Financing Conundrum,” Ideas, October 3, 2004) this morning, and reviewed the articles you cite from the fall issue of *CommonWealth* (Symposium: The Hancock Case), as well as Edward Moscovitch’s article that appeared in the summer issue of the magazine (“Passing Judgment”). I am the husband of Judge Margot Botsford, and a lawyer myself.

Obviously, the authors of the articles appearing in the symposium, as well as Dr. Moscovitch, are entitled to their opinions about the *Hancock* case and the report authored by Judge Botsford. However, it seems to me to be misleading and an example of very poor journalism for your magazine never to mention that two of these authors, Robert Costrell and Edward Moscovitch, actually testified as expert witnesses for the Commonwealth in the *Hancock* case, and that their testimony and the exhibits they proffered (some of which are reproduced verbatim in their articles) were discussed at some length in the report. This is significant information that your readers are entitled to know.

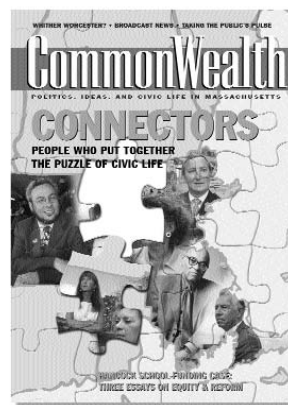
Stephen Rosenfeld  
Brookline

## PUBLIC SCHOOL STUDENTS ARE MORE THAN DOTS ON A CHART

After reading the Fall 2004 Symposium on educational funding and attending the forum sponsored by *CommonWealth* and the Rennie Center (“How Much Is Enough?” December 9), I am saddened by the limited purview offered by Robert Costrell (“Wrong answer on school finances”). He compares the funding in school districts that perform at similar proficiency rates on the math and English MCAS tests, then concludes that the district that spent less represents appropriate funding—and that more money is not needed.

It is shocking that education is reduced to an MCAS number in only two subjects. Lower-spending districts may have to eliminate arts programs, after-school activities, physical education and health programs, and even limit the time spent in social studies and science to produce this data. And the lower-spending district may also have a high percentage of dropouts who don’t take the MCAS—and therefore don’t lower the performance level.

Often, higher-spending districts offer full programming in all areas and additional opportunities, such as a full range of Advanced Placement courses, opportunities for career



development or community service, intramural sports, and debating teams. Certainly, the citizens and school committees of the higher-spending districts do not think these advantages are wasted money. And a look at the percentage of students who go on to four-year college programs will certainly show it to be very high.

Saddest of all, the state has no way of knowing. The only data the state collects and considers is MCAS data. Educational policy should be based on an understanding that behind the dots on Costrell’s charts are children with a full range of human needs and interests. Educational policy must include assessments, but must not be so limited. That is why more comprehensive information was presented and considered by Judge Botsford in the *Hancock* case. Such a limited analysis is a disservice to those who struggle to make public schools work for all students.

Mary Ann Hardenbergh  
Co-chair, Citizens for Public Schools  
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## Connecting the dots

Every once in a while, I come across people who know about *CommonWealth*, but have no idea it is published by MassINC. Others know full well that *CommonWealth* is a MassINC publication, but wonder why the magazine doesn't focus on our research findings. Both sorts of confusion can be explained by the way MassINC does its work. MassINC pursues its mission along parallel tracks—research, journalism, and civic engagement. Each has its own strengths. MassINC's research goes deep, *CommonWealth* goes broad, and public events reach out. For the most part, this is a good thing. Still, this modus operandi provides few opportunities to step back and integrate the three strands of our work. I hope to use this space to do just that.

Opportunity and financial security in the midst of sweeping economic change and major demographic shifts are persistent themes of MassINC's research, journalism, and events. Our *New Skills for a New Economy* research identified a critical skills gap for a third of our workers as they face the more demanding modern workplace. *CommonWealth* fleshed out the human face of a changing economy with "Blue Collar Blues," documenting the decline of manufacturing jobs (Spring '04); "Offshore Currents," which explored the spread of offshoring to higher-end jobs (Summer '04); and "Technology Upgrade" (Summer '04), a look at IT workers as they tried to adapt to the new industries of biotechnology and microelectronics.

These changes in employment are happening at a time of demographic upheaval. MassINC research has shown that our state's workforce is growing only slowly. Indeed, were it not for a steady stream of international immigration, our labor supply would be shrinking. At the same time, our recent research on interstate migration suggests that while Massachusetts continues to attract highly skilled younger workers, we see signs of growing middle-class flight—to other New England states, as well as Florida, Arizona, and Georgia.

One reason for this flight is the cost of housing. Massachusetts has a relatively low rate of homeownership, and *CommonWealth's* "Anti-Family Values" (Spring '02) showed some of the reasons why: Average families can't afford average homes anymore because, increasingly, many cities and towns don't want them. In a series of maps developed and published in cooperation with the *Boston Sunday Globe's* Ideas section, what we see—and our research on commuting bears out—is that families seem to be moving farther and farther away from Boston in order to find

towns with the basket of goods they seek: affordable housing, good schools, and safe neighborhoods. The middle-class frontier is moving steadily outward, with no end in sight.

All this is happening as the biggest demographic change of our time is bearing down on us. Nearly 2 million Bay State baby boomers will start retiring in the next five years. Our recent research report, *The Graying of Massachusetts*, showed that many will reach that milestone unprepared, in part because the rules of retirement are rapidly changing: fewer traditional pensions, more reliance on 401(k)-style plans, and shifts in Social Security eligibility and benefits. With savings rates at historic lows, there is reason to think that individuals will have to remain in the workforce longer than expected. But we don't know how quickly the coming retirement wave will start having its impact on our labor market, which already faces pressure from cost of living, outmigration, and the skills gap.

What does all this mean to the Commonwealth, and to us at MassINC? Are we headed toward calamity? Perhaps, but not necessarily. The Bay State has been in tough straits before and always pulled out of them, with a mix of luck and pluck. Still, we should not leave these things to chance. For starters, we need to understand better the implications of the baby boom generation's impending retirement. In the light of more dramatic change on the way, we need to redouble our efforts to attract and retain—and build the skills of—a thriving workforce. We also need to reach out and draw young people into civic life. As they put down roots and engage in their communities, our Commonwealth grows stronger and better prepared for change.

Massachusetts's competitive advantage lies in having the most highly educated and skilled workforce in the nation. At the same time, we cannot afford to have Massachusetts become a place where the workers we need cannot afford to live. Average families are now faced with difficult choices if they want to achieve the American Dream of homeownership, quality schools, economic opportunity, safe neighborhoods, and quality of life. With a hard-fought election season behind us, a new year brings new opportunity to address these challenges—and prepare ourselves for greater change to come.



Ian Bowles

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# For MCAS passers, demand for remedial courses remains high

BY RESHMA TRENCHIL

**M**ore than a decade after the Education Reform Act, and two years since passing MCAS became a graduation requirement for high school students, few of the grim prophecies of widespread failure have come to pass. In 2004, the number of students who were denied a diploma for not passing MCAS stood at 2,582, while those who cleared the MCAS hurdle in time to graduate numbered 58,756, for a passing rate of 96 percent.

Amid the anxiety over those who were expected to fail MCAS, however, the spotlight never quite reached those who passed. Are students who get over the MCAS bar better prepared for college than their predecessors?

David Hartleb, president of Northern Essex Community College, says they are not. Hartleb examined data from college placement tests at Northern Essex, which has campuses in Lawrence and Haverhill, from 2001 to 2004. He found that students tested at roughly the same levels of ability in math and English in 2003 and 2004 as they did in 2001 and 2002. The percentage of students who needed to be placed into remedial, or “developmental,” courses remained at comparable levels over the four years.

In 2001, before the MCAS graduation requirement took effect, 87 percent of new high school graduates (not counting those who came back to college years later) entering Northern Essex were placed in remedial math, 85 percent in 2002. In 2003, with incoming high school graduates who were all MCAS-certified, a whopping 98 percent required remedial math; in 2004, 86 percent of the entering class placed into developmental math—a portion similar to pre-MCAS years.

A smaller subset of entering Northern Essex students required remedial help in reading and writing, but it remained largely unchanged post-MCAS. In reading, 35 percent of entrants were placed into developmental reading courses in 2001, and 37 percent in 2002. For those who came to Northern Essex after passing MCAS, 33 percent placed in remedial reading in 2003, 37 percent in 2004. In writing, 21 percent were assessed as needing help in 2001; in 2004, the figure was 24 percent.

“It’s sort of disappointing that the students that come after passing MCAS simply aren’t performing any better than the students before,” says Hartleb.

Of the 14 other community colleges in the state, only three could provide similar data. The ones that did also find that students who passed MCAS in receiving their high school diplomas require remedial education at rates little changed from those who came before. For example, at Bristol Community College, the percentage of entrants placing into a remedial algebra course was 92 percent in 2001; by 2004, the percentage had declined just slightly, to 87 percent. In writing, 43 percent required remedial help in 2001, 39 percent in 2004.

Some community college educators say they’ve seen some improvement in reading and writing among students in the post-MCAS era, but that math preparation is as poor as ever.

“Not a lot of years have passed, but I can safely say that our entering students have better English preparation,” says Sandra Kurtinitis, president of Quinsigamond Community College, in Worcester. “In the math area, we have really seen no change.”

Education Commissioner David Driscoll acknowledges that, at the current standard, the MCAS cutoff is no guarantee of college readiness. “It’s a minimal standard,” says Driscoll. “It really brought the bottom up, if you will.”

But up to what level? In determining if a student requires

## THE TEST DOES NOT GUARANTEE READINESS FOR COLLEGE.

developmental education, community colleges in Massachusetts use Accuplacer, one of seven college placement tests approved by the federal government. “We have a long experience with it and we know that if students score the correct scores, they will do well in college, and if they don’t, they won’t do well,” says Hartleb.

Still, Accuplacer is not MCAS, raising questions about whether the two tests are testing the same abilities. “It wouldn’t surprise me if [Accuplacer] was testing for knowledge that might or might not be included in the [state curriculum] frameworks,” which MCAS reflects, observes Andrew Calkins, executive director of MassInsight Education, a nonprofit research and advocacy group. “On the other hand, if the standards in Massachusetts are as good as they are supposed to be and if the tests are as good as they are supposed to be, then the kind of skills that students should have if they do pretty well on the MCAS should show

up on any other test that is worth its salt.”

But it could also be that MCAS, at least at the current passing level, is no evidence of college readiness. “I think it is fair to say we don’t know enough yet about the correlation between MCAS scores and success in college,” says Paul Reville, executive director of the Rennie Center for Education Research & Policy at MassINC.

Driscoll agrees that MCAS and AccuPlacer might be out of alignment. “We should do a correlation between the two.

## ONE REPORT SUGGESTS THE ADDITION OF 12TH-GRADE TESTS.

I think that’s something we ought to do,” he says. “MCAS is minimal, so AccuPlacer would be hopefully requesting a higher standard.”

In June, a study by Achieve Inc., a nonprofit group established by state governors and business leaders to support standards-based education reform, raised questions about that very point. They compared state tests from Massachusetts, Florida, Maryland, New Jersey, Ohio, and Texas with

international and national tests. With respect to MCAS, Achieve concluded that the current passing grade of 220 represents competency on the seventh-to-ninth-grade level.

That MCAS is administered to 10th-grade students may also contribute to a lack of alignment with college-level skills. The Achieve report suggests that states should develop 12th-grade assessments that better predict college-level capabilities. But Calkins disagrees, saying that testing in 12th grade would leave no time to help those students who fail the test.

“The current model is fine,” says Calkins. “We just need to keep raising our expectations.” To him, raising expectations means raising the passing score. “We don’t believe right now that the MCAS 220 is sufficiently high to guarantee that the student will be successful in college,” he says.

Until passing MCAS *does* mean a student is prepared for post-secondary work, community colleges like Hartleb’s will remain in the remedial-education business, even for state-approved high school graduates. For the foreseeable future, he says, “the considerable effort that we put into developmental education will continue unabated.” ■



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# Benefits battle puts civilian firefighters in the spotlight

BY ERIK ARVIDSON

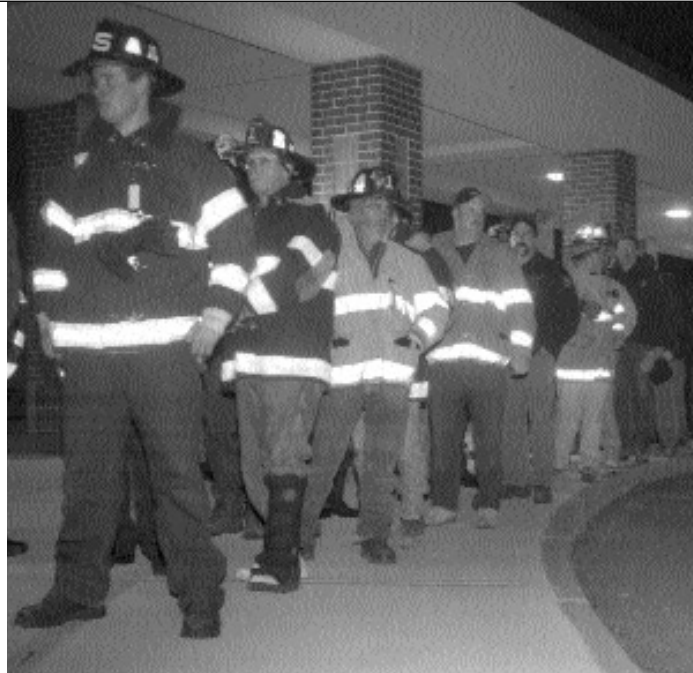
**O**n the day that 31-year-old Martin McNamara died in the basement of a Lancaster apartment blaze, few people on Beacon Hill gave much thought to what happens to a volunteer firefighter's family if he dies in the line of duty. Yet there were 10,000 other volunteer and "call" firefighters across Massachusetts on that November 2003 day ready to respond—and risk life and limb—if the alarm went off.

On November 2, voters in Lancaster rejected, by a 16-vote margin, a 7 percent, one-time property tax override that would have purchased a \$650,000 annuity for McNamara's widow, Claire, and three children. The public outcry that followed gave new life to legislation—shelved for years at the State House—that would grant death benefits to the survivors of fallen volunteer and call firefighters. The family's plight has also put a spotlight on volunteer fire departments in small towns throughout Massachusetts, which are finding it more difficult to recruit people willing to put their lives on the line.

One of the long-stalled bills, filed by Rep. Daniel Bosley, a North Adams Democrat, would provide an annual benefit equal to two-thirds of the average salary of a full-time firefighter or police officer "in the local area," plus \$2,600 for each child under 18 (the same payout schedule that would have been used for the McNamara family annuity rejected by Lancaster voters). Under the bill, the payments would be administered by the state's pension board. Claire McNamara and her children received two one-time death benefits: \$100,000 from the state and \$267,000 from the federal government, in addition to private donations.

Bosley says volunteer firefighters should have certain benefits guaranteed. McNamara, he says, "died in the service of his community." When it comes to these part-time public safety workers—"call" firefighters generally receive a small, per-call stipend as their only payment—"there is an implicit contract between the town and the employees," he says. Bosley thinks communities with volunteer fire departments ought to be able to "opt in" to a pension system, spreading the liability among a group of municipalities.

But Rep. Robert Koczera of New Bedford, House chair-



*Volunteer firefighters respond to a town meeting in Lancaster.*

man of the Public Service Committee, says what Bosley is proposing is an open-ended benefit to surviving families without a funding source. Professional firefighters pay into a local contributory retirement system, and if they die in the line of duty, their family receives an annuity equal to two-thirds of their annual wages, plus \$312 per child each month. But volunteer firefighters don't have any employment benefits and don't have a retirement system to contribute to.

Koczera, whose committee referred Bosley's bill to a study last session, says it would be problematic if Bay State communities—especially smaller towns with limited

## FULL-TIME FIREFIGHTERS MAY BE SOFTENING THEIR STANCE.

financial resources—were mandated to pay death benefits for volunteer firefighters when there is no system set up for them to contribute to a retirement fund.

The Professional Firefighters of Massachusetts, which represents 12,000 firefighters statewide, has in the past opposed legislation expanding benefits for volunteer and call firefighters. However, that position appears to have softened in light of the Lancaster vote.

"Every call and volunteer firefighter killed in the line of duty, their family should receive a pension for their sacrifice," says Robert McCarthy, the union president. "They paid the ultimate sacrifice. That community owes that fire-

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fighter their due.”

McCarthy thinks it should be up to the city or town where the volunteer firefighter works to fund the pension. “The federal government gives money, the state gives money, and the local communities should,” says McCarthy. “It’s all a partnership.”

But some partners may be more equal than others. Sen. Stephen Brewer, a Barre Democrat, says it’s clear that full-time firefighters view themselves as a notch above their volunteer counterparts.

“There is a great dichotomy between the professional firefighters’ union and the volunteer call firefighters,” says Brewer, who represents 29 mostly rural communities. “It’s not a secret that the professional firefighters can be a little protective of their turf.”

Brewer has proposed giving the Massachusetts Call/Volunteer Firefighters Association a seat on the Massachusetts Fire Training Council, but the professional firefighters have objected.

The Fire Chiefs Association of Massachusetts has endorsed a pension system for volunteer and call firefighters. “A firefighter is a firefighter, whether they’re paid or volun-

teer,” says Holyoke Fire Chief David LeFond, head of the fire chiefs association. “If he responds to a call, and he doesn’t come out, someone has to be accountable. If Lancaster doesn’t want to be accountable, we should file legislation.”

Volunteer firefighters have also lobbied for disability benefits, saying that an injury during a call could limit their ability to keep a full-time job.

At year’s end, town officials in Lancaster are working with lawmakers and firefighters to determine how to provide for the McNamaras. A group of central Massachusetts legislators has proposed earmarking \$650,000 from the state’s pension system for the family. And Gov. Mitt Romney has filed legislation to allow the town to provide health insurance coverage to Claire McNamara and the children. If the measure receives the approval of the Legislature, it would then be decided at a special election in Lancaster.

Meanwhile, lawmakers and volunteer firefighter leaders are worried that it will become more difficult for volunteer departments to survive without either accidental death coverage or disability benefits. Lawrence Holmberg, president of the Massachusetts Call/Volunteer Firefighters Association, says recruitment of volunteer firefighters is a

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nationwide problem, reflecting a vanishing way of life.

"The family farms are gone. The local mills are gone. We're also more of a commuter society," Holmberg says. "We still have to be on call 24/7, 52 weeks a year."

And the rural communities that depend on civilian firefighters have nowhere else to turn.

"Where will we be if we can't get young people to join the volunteer fire service to protect our people and property?" wonders Brewer. "What is the wife of one of these young men going to say if we're not going to provide for her if he is killed?" ■

*Erik Arvidson is State House reporter for the Lowell Sun.*

## Somerville counts on wonks-in-training for budget overhaul

BY ROBERT PREER

It was an unlikely scene last fall, as 60 students from a graduate course on budgeting at Harvard's John F. Kennedy School of Government descended on Somerville City Hall and its departmental outposts. Divided into teams of four or five, students sat with firefighters at their station houses and hopped on trucks when calls came in. Some were at the elbows of election officials at polling places on November 2. Others sat with senior police officers going over arrest procedures.

This curious collaboration—all the more striking because of Harvard's rarified reputation and Somerville's sometimes unsavory past—was designed to introduce to the city a new form of financial management known as activity-based budgeting. The student teams were undertaking an exercise known as activity mapping—trying to determine exactly what municipal departments do and how they do it. The information would be used in a new budgeting process meant to direct resources where they are most needed, not just where they've always gone.

"They are a very energetic group of kids," says Fire Chief Kevin Kelleher. "After our first meeting, I came into my office the next day and had five different e-mails from them."

The project came about as a result of a seminar the Kennedy School held more than a year ago for new mayors



from around the country. Professor Linda Bilmes spoke about activity-based budgeting to the group, which included Somerville's Joseph Curtatone. The alderman who had just been elected mayor was so fascinated that he followed Bilmes to her next class. After subsequent talks, the two hit upon the plan to use her students to bring activity-based budgeting to Somerville.

Activity-based budgeting contrasts sharply with the standard line-item method, which typically starts with last year's numbers and goes up or down slightly, depending on projected revenue. Activity-based budgeting starts by identifying functions that organizations perform, then breaking out their cost. For example, if a city picks up roadkill, there are the salary and benefits costs of the employees who do the scooping up, their supervisors, the expense of disposal of the carcasses, plus the cost of vehicles, insurance, fuel, shovels, and so on. When the functions and their costs are determined, more thoughtful choices can be made about how to spend money.

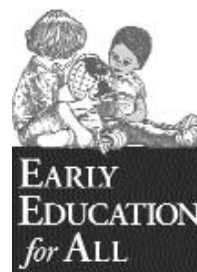
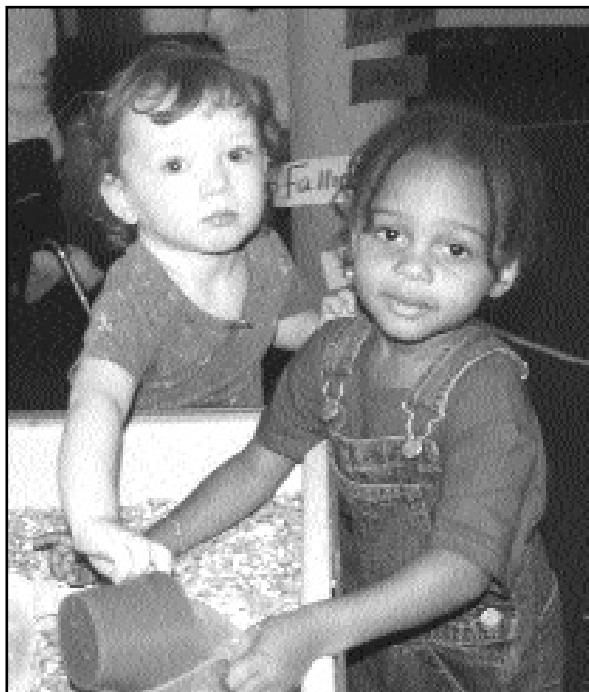
"It gives you a different way of thinking about manag-



*Linda Bilmes and Mayor Joseph Curtatone: unlikely allies for budget reform.*

ing a city," says Bilmes. "It can be a powerful tool."

The first step is to dissect the functions of government and figure out exactly what departments do. This is a very labor-intensive process, which was where the Harvard students came in. To encourage the 97 students in the class to



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participate, Bilmes offered them a choice: Commit to going to Somerville once or twice a week or write a term paper. It was, for many students, a no-brainer.

"I had figured maybe 10 or 15 would show up," says Bilmes. "We had 60. It was overwhelming."

The project did not cost Somerville a dime. The students' labor was free, and a grant from the Kennedy School's Rappaport Institute for Greater Boston covered the cost of the students' transportation.

Curtatone says the students' work has been exemplary, and he is confident his administration will be able to deliver an activity-based budget to the Board of Aldermen in the spring for the next fiscal year.

It helped that the mayor gave strong signals to officials in his administration to cooperate with the students. "It was one of the criteria for being one of my department heads," says Curtatone.

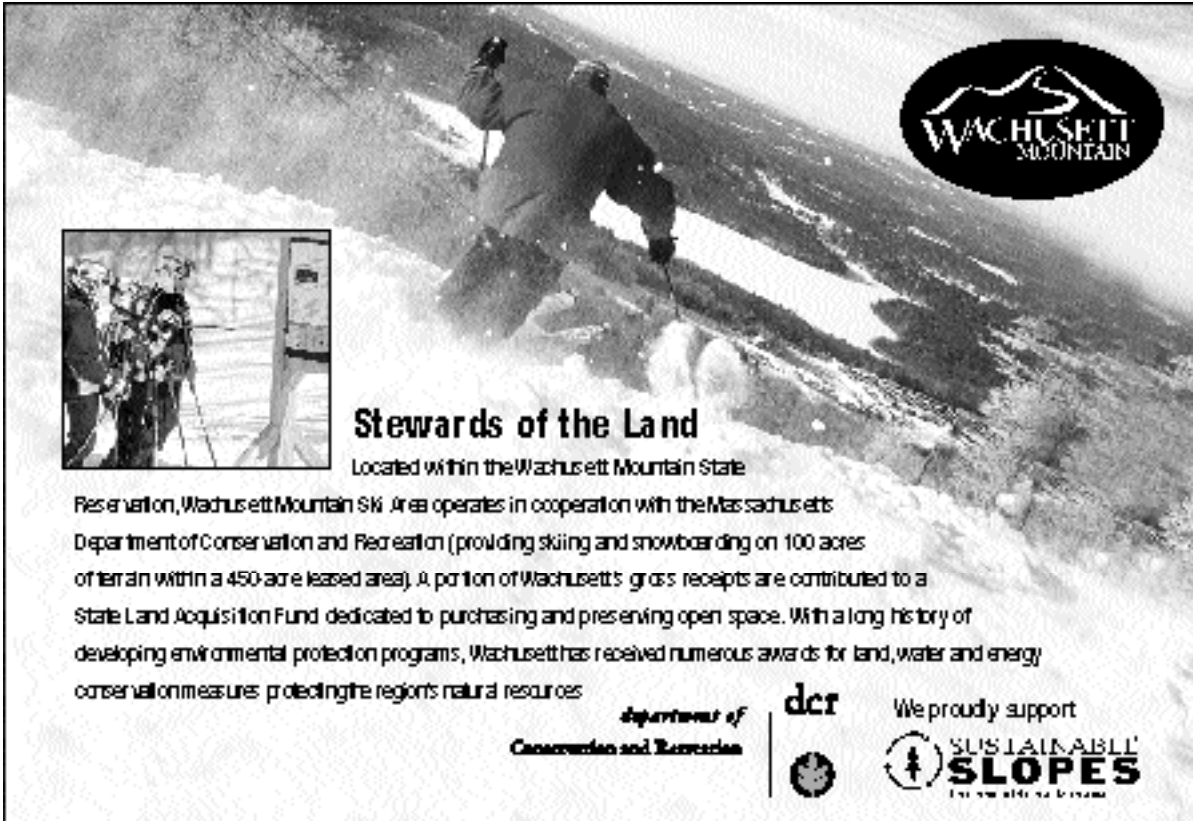
Harvard officials are proud of their students' work and confident they learned plenty on their field trips to Somerville. "You can't give A's to everyone necessarily," says Brendan Dallas, Bilmes's teaching assistant. But "we have 60 students, and we haven't had a single complaint."

"It was a very positive experience," says Dan Black, 27, who was assigned to the police department. "They worked well with us. We really like these guys."

The department heads, in turn, got help from students with plenty of life experience. Most of those at the Kennedy School are mid-career professionals who have spent quality time outside the cloistered walls of academia. The budgeting class included former teachers, doctors, accountants, and Peace Corps volunteers. Some of them had even spent time in municipal government.

Not every city in Massachusetts can find 60 graduate students to overhaul their finances for free, but the Bay State's many colleges and universities should not be overlooked as resources, says Curtatone, who has tapped into the Kennedy School in other ways. Charles Euchner, the former executive director of the Rappaport Institute, served on Curtatone's transition team and got the Somerville mayor hooked on CitiStat, a system of tracking delivery of municipal services developed by the city of Baltimore, which Curtatone wants to adapt for his city.

"Mayors should take advantage of these great institutions," says Curtatone. ■



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## A WALK THROUGH FOUR CENTURIES OF BOSTON POLITICS

Sadly, Boston's Duck Tours do not pass what former House Speaker Thomas Finneran is said to have called "the best goddam bar in the world." To find such landmarks, it helps to have a copy of Clint Richmond's book *Political Places of Boston*, which was published just in time for the Democratic National Convention last summer. Author and publisher Richmond, who has also produced a guidebook to the Mohawk Trail, identifies the Eire Pub in Dorchester's Adams Village not only as Finneran's favorite watering hole but as a favored spot for political appearances, ranging from President Ronald Reagan in 1983 and presidential nominee Bill Clinton in 1992 to Mitt Romney in 2002.

*Political Places* includes concise histories of such downtown sites as Faneuil Hall, the Beacon Hill building that once housed John F. Kennedy's bachelor pad, and the former Pilgrim Theater in Boston's former Combat Zone, but it also directs to you to the James Michael Curley Mansion in Jamaica Plain (with its shamrock shutters, which Curley claimed—falsely—to be the cause of complaints from a Yankee neighbor).

Richmond's book also provides mentionable details about places that Bostonians may not think of as historic sites. If you're having drinks at the upscale Federalist Restaurant and Bar on Beacon Street, you can remark that the building housed the Boston School Committee during the busing crisis of the 1960s and '70s. If you prefer the libations at the nearby Parker House, you can point out that Ho Chi Minh was a "cook's helper" there in 1913, around the time that the hotel was invaded every November by "mattress voters" (non-residents brought into Boston by ward bosses to vote on Election Day), many of whom brought their own bedding.

Richmond also has found some striking art to accompany his text, including photos showing the destruction of the West End in the late 1950s. The entry on Boston's subway shows what would have happened if "streetcar king" Henry M. Whitney had been successful. After seeing this, you may never complain about the Green Line again.

*Political Places of Boston* is in area bookstores, or you can order it online at [www.muddyriverpress.com](http://www.muddyriverpress.com).

—ROBERT DAVID SULLIVAN

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# Waterworld

*Fishing limits and wind farms make for rough seas*

BY SHAWN ZELLER

Whether over wind farms or fishing restrictions, the waters off the Massachusetts coast are roiling with controversy. But the real waves are made in Washington, DC, where these and other ocean-related issues will be decided by a cast of characters with few ties to the Bay State. Among the players to watch: former House majority leader Dick Armey, a conservative Texan who now works for one of the largest lobbying firms in the capital; Sen. Ted Stevens, an Alaska Republican and new chairman of the Senate Commerce, Science, and Transportation Committee; and Tom Allen, a Democratic congressman from Maine.

Stevens is expected to introduce legislation to reauthorize the 1976 Magnuson-Stevens Fishery Conservation and Management Act, the law governing fisheries management in federal waters. Armey will be lobbying on behalf of Cape Wind Associates, the company seeking to build a wind farm in Nantucket Sound. And Allen, co-chairman of the House Ocean Caucus, has introduced a sweeping, if sketchy, bill that could affect everything from fishing regulations to offshore developments such as the proposed wind farm.

"Ocean policy is too uncoordinated and confused," says Allen. "There are too many agencies and, frankly, too many congressional committees that all have a piece of the oceans."

Backing Allen in this assessment is a report issued in September by the US Commission on Ocean Policy,

established by Congress in 2000 and appointed by President George W. Bush. The commission sharply criticized the states' and the federal government's oversight of the oceans, and it called for wide-ranging regulatory reform under the aegis of a National Ocean Council.

There's a lot at stake. Ocean-related businesses contribute more than \$115 billion to the US economy and support more than 2 million jobs, but they are now seriously threatened. According to the commission's report, more than 25 percent of the world's major fish stocks are "overexploited."

The ocean commission wants to improve the governance of federal waters (waters within three miles of the coast are under state control) to cover the siting of offshore enterprises such as wind farms and aquaculture facilities. To that end, the National Ocean Council would appoint a lead federal agency to oversee such pro-

**Both sides of the wind-farm debate say the existing rules come up short.**

jects—likely the National Oceanic and Atmospheric Administration.

Whether this arrangement would thwart or encourage projects such as Cape Wind's is unclear. Both proponents and opponents of the wind farm claim that the commission report favors their cause. Cape Wind spokesman Mark Rodgers notes that the commission urges a speedier regulatory process, rather than the morato-



rium on offshore projects sought by wind-farm opponents. The commission said "there was too much ambiguity in the current system that could slow down commercial interests and development offshore," says Rodgers. "They called for a streamlined approach, which we strongly support."

But Andrew Rosenberg, a professor of natural resources at the University of New Hampshire and a member of the commission, says that the commission agreed with wind farm opponents that the existing regulatory system is not designed for such projects. Currently, the Army Corps of Engineers is the lead federal agency responsible for passing judgment on the wind farm plan. In

November, the corps released a draft environmental impact statement indicating that the project would reduce energy costs in Massachusetts without significant damage to the environment. The public comment period on the lengthy document has been extended to February 24.

The corps' authority over the Cape Wind application stems from the 1899 Rivers and Harbors Act, which

was intended to prevent obstacles to navigation. But with this first-in-the-nation offshore wind farm, “there are a lot of other things to think about” in addition to keeping shipping lanes clear, says Rosenberg. These include the aesthetics of the project and the requirements that should be placed on a company for use of a public resource—such as fees, conditions of use, and length of lease, all issues in which the Army engineers have no expertise. “The current law is not adequate,” Rosenberg says.

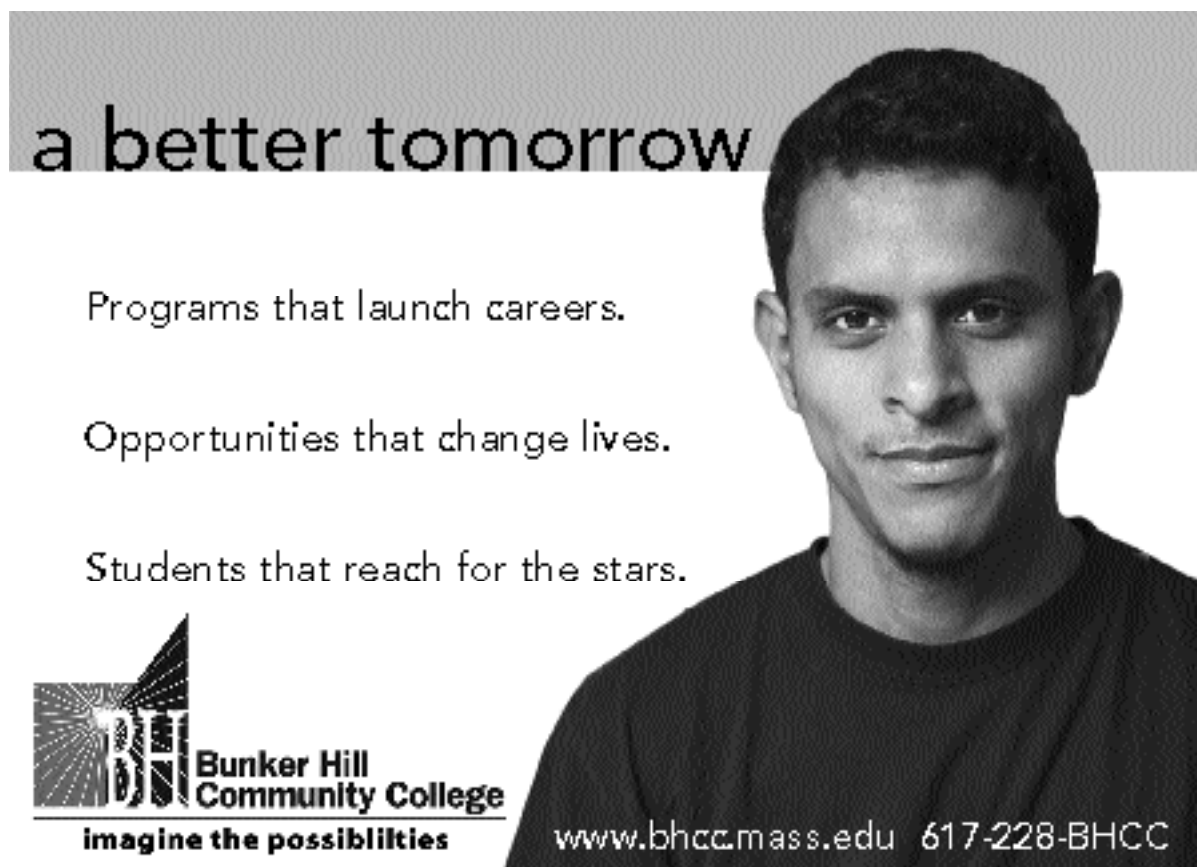
Whether or not it’s because the law is inadequate, the Cape Wind debate has been conducted, at least in part, in the corridors and cloakrooms of Congress. The principal opponent of the project, the Alliance to Protect Nantucket Sound, has hired a team of lobbyists including O’Neill & Associates, the firm run by former House Speaker Tip O’Neill’s son Thomas

O’Neill III; former Texas Republican congressman Thomas Loeffler; and Guy Martin, a former Interior Department official and lawyer with the firm Perkins Coie. Cape Wind has followed suit by retaining Armeý, now with Piper Rudnick, and a team of top-tier advocates.

The behind-the-scenes battle has occasionally spilled out into the open. In October, Sen. Edward Kennedy—who would be able to see the proposed windmills from his family compound in Hyannisport—was joined in his opposition to the wind farm by Senate Armed Services Committee Chairman John Warner, a Virginia Republican. Warner, who has vacationed on the Cape for years, tried to slip an amendment halting the project into a Defense Department spending bill. But Armeý helped convince House Republicans to scuttle the provision.

Susan Nickerson, executive director of the Alliance to Protect Nantucket Sound, says she thinks the wind-farm issue will be back before Congress this year. “Our point is that Nantucket Sound is a proving ground, and national energy policy is starting here,” she says. “It needs to be done right, and it needs to be addressed at the national level.”

Another point of contention in the waters off Massachusetts has to do with fishing, the regulation of which the ocean commission called inadequate as well. The existing framework is governed by the Magnuson-Stevens Act, which has been stringent enough that talk of its “inadequacy” makes fishermen nervous. Where Stevens will come down in reauthorizing the law that bears his name is an open question. In Alaska,




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regulation of fisheries has been less contentious than in Massachusetts, where commercial trawlers have fought bitterly with small-boat fishermen and environmentalists.

The commission had some praise for the regional fishery councils established under Magnuson-Stevens and administered by the National Marine Fisheries Service, but it also charged that the councils have "allowed overexploitation of many fish stocks." The report recommends giving the scientific boards that advise the regional fishery councils more authority to set fishing limits; it also suggests reducing the representation of the fishing industry on regional councils.

Those proposals sound good to environmentalists. Currently, "the fox is guarding the chicken house," says Ted Morton, federal policy director for the environmental group Oceana. He says that fishing interests, through their representation on the fishery councils, "are making science and conservation decisions when they have an inherent conflict of interest."

But commercial fishermen say that the fishing limits imposed last year by the councils show how little influence their industry has now. David Frulla, a Washington, DC, attorney who represents the Trawlers Survival Fund (a coalition of ground-fishermen out of New Bedford) and the Portland-based Associated Fisheries of Maine, argues that the ocean commission's recommendations would further damage already-hurting Massachusetts fishermen. Rather than create a new regulatory structure, he says, "Sometimes it's better to tune up what you have."

In Frulla's view, fishing regulation would be improved by giving fishery councils more authority over the pace of recovery for damaged fish stocks. In Massachusetts, he says, stocks were already bouncing back last year when a federal court ruled that the Magnuson-Stevens Act required sub-

stantial recovery within 10 years, a ruling that forced the council to put in place harsh new restrictions.

"To say that stocks have to recover in 10 years, that's an arbitrary number," says Frulla. "It has no grounding in biology."

Also caught in the debate are small fishermen, such as those represented by the Cape Cod Commercial Hook Fishermen's Association. They're not too small to have a Washington lobbyist, however: Jeffrey Pike, a longtime aide to former congressman Gerry Studds and also a former commercial fisherman out of Chatham. Pike says that his clients have an interest in the strongest possible resurgence of their favored catch before full-scale harvesting is resumed, and he argues that the status quo is just fine.

"The small guys are the first to feel the pinch," he says. "They rely heavily on cod. They don't have the luxury of chasing other fish [species] or traveling wide areas to search for fish.... They want to make sure that the conservation ethic of Magnuson is retained."

Allen's bill is intended to respond to the full range of ocean regulation issues raised by the commission, commercial fishing and offshore development projects alike. But as of now, his "Oceans Conservation, Education, and National Strategy for the 21st Century Act" is short on details. "The whole goal of introducing this legislation was to put something out there and get a reaction because you can't write legislation in a vacuum," says the Maine congressman, who plans to file a more detailed proposal later this year.

In the meantime, various interests with a stake in maritime management will attempt to use the swirling political waters to their advantage. "There is a convergence going on around the need for better ocean management," says wind-farm opponent Nickerson. "The Cape Wind project undermines that." ■

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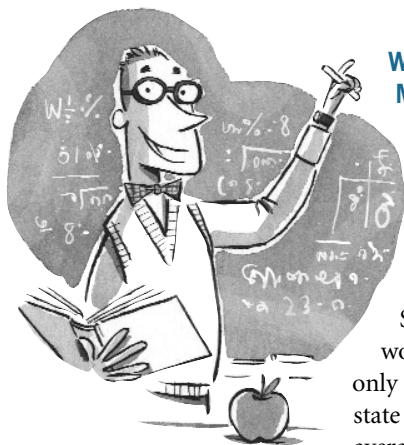
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## STATISTICALLY SIGNIFICANT

BY ROBERT DAVID SULLIVAN



## WOMEN IN THE OFFICE, MEN IN THE CLASSROOM

According to the Institute for Women's Policy Research, Massachusetts ranks second in the percentage of employed women who hold "managerial or professional" jobs. In the Bay State, 38.3 percent of working women are in such positions, second only to Maryland's 41.3 percent. Every state in the Northeast beats the national average of 33.2 percent; Idaho finishes

last with 24.6 percent. Massachusetts also

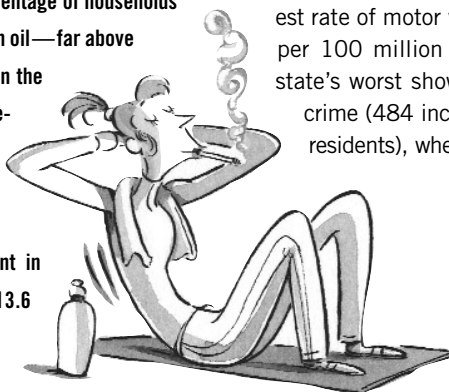
ranks second to Maryland in median annual earnings for women (\$35,800 a year in the Bay State). On other economic measures, there's more room for improvement. Massachusetts ranks 13th in the percentage of businesses that are women-owned (26.6 percent) and 17th in the earnings ratio between full-time female and male workers. (Women make 76.5 percent of what men make, not as good as the 83.4 percent in first-place Hawaii but significantly better than the 69.3 percent in 46th-place New Hampshire.) As for the political arena, Massachusetts is a lowly 34th in the percentage of elected offices held by women—with Washington state and New Jersey holding the top and bottom spots, respectively.

But according to the National Education Association, Massachusetts leads the nation in busting the stereotype of schoolteaching as a profession for women. In the Bay State, 37.9 percent of public school teachers are men—well above second-place Kansas, where 33.6 percent are men. The bottom 13 states are all in the South; in last place South Carolina, only 17.5 percent of public school teachers are men.

## THERMOSTATISTICS

Those long trucks delivering home heating oil, so familiar to New Englanders, have become almost as exotic as candlepin bowling alleys in the rest of the country. According to new Census Bureau figures, all six New England states lead the nation in the percentage of households that use oil heat. In Massachusetts, 38.3 percent of households rely on oil—far above the national average of 8.6 percent, but below the other five states in the region. (In Maine, the figure is a staggering 79.2 percent of households.) Outside of New England, the percentage drops rapidly; in nearby New Jersey, for example, only 17.4 percent of households use oil.

Nationally, 57.0 percent of homes use gas (versus 46.6 percent in Massachusetts), and 31.3 percent use electricity (versus 13.6 percent here).



## LESS FAT, MORE TOBACCO

Massachusetts dropped from fifth to sixth in the United Health Foundation's annual "State Health Rankings," released in November, and the state went against national trends in at least two categories. While the incidence of obesity went up from 22.1 percent of the US population in 2003 to 22.8 percent last year, it went down in the Bay State from 18.3 percent to 16.8 percent—making us the healthiest state in the nation on the fat score. The UHF was less pleased with our record on cigarettes. Nationally, the percentage of adults who smoke dropped from 23.0 percent in 2003 to 22.0 percent last year, but in Massachusetts the rate went up slightly, from 18.9 percent to 19.1 percent. That figure was still the seventh-lowest in the country, but we seem to have hit the ceiling (or floor) while other states are still reducing cigarette use. (In Hawaii, the rate fell from 21.0 percent to 17.2 percent last year.)

The strong showing of Massachusetts overall in the UHF report was helped by the lowest rate of occupational deaths in the country (2.5 per 100,000 workers) and the second lowest rate of motor vehicle deaths (0.9 per 100 million miles driven). The state's worst showing was in violent crime (484 incidents per 100,000 residents), where we placed 33rd.

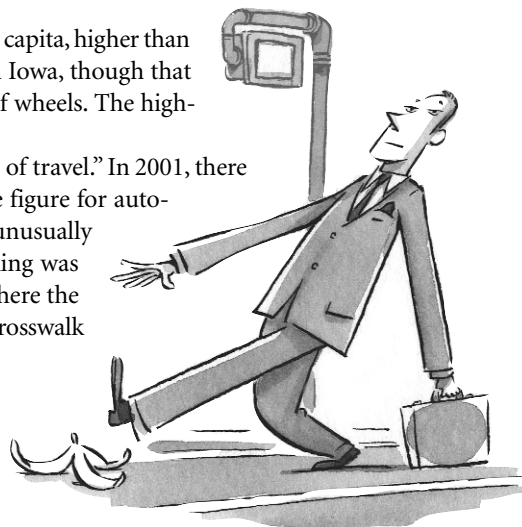


## WALK SIGNALS

The Surface Transportation Policy Project named Boston as the safest large metro area for pedestrians in 2002 and 2003. There were 1.02 pedestrian deaths per 100,000 people over the two-year period. While three cities actually had lower per-capita rates, they also had fewer people traveling by foot. According to 2000 Census figures, 4.0 percent of Boston area workers commute by foot, second only to New York.

At the state level, Massachusetts ranked 35th in pedestrian deaths per capita, higher than any New England state except for Connecticut. The lowest rate was in Iowa, though that may be because relatively few people make trips without the benefit of wheels. The highest fatality rate was in New Mexico.

According to the STPP, "walking is by far the most dangerous mode of travel." In 2001, there were 20.1 deaths for every 100 million miles walked. The comparable figure for automobile travel was 1.3 deaths; for airline travelers, it was 7.3 deaths (an unusually high number because of the 9/11 terrorist attacks that year). Jaywalking was arguably a factor in 22 percent of the pedestrian deaths in 2002-03, where the victim was "not in the crosswalk." But for 40 percent of the victims, "no crosswalk was available."



## A SHOT IN THE ARM FOR PUBLIC HEALTH

People who don't like needles should count themselves lucky they weren't forced to get a flu shot this winter. Thanks to Massachusetts, the US Supreme Court ruled 100 years ago this February that local governments have the right to impose penalties on citizens who don't take their medicine. At issue in the landmark case *Jacobson v. Massachusetts* was a Bay State law allowing cities and towns to institute mandatory smallpox vaccination. Jacobson was a Cambridge resident who refused to get his shot; after being fined \$5, he took his case all the way to the Supreme Court, arguing that the law violated his 14th Amendment right to liberty. The Supremes disagreed, ruling that the mandatory shots were within the state's power to protect the public health.

## BUCKLE DOWN

About one-third of Bay State drivers still don't bother with seat belts, according to the US Department of Transportation. A report released late last year calculated that 63.3 percent of Bay State motorists and front-seat passengers use seat belts. Only Mississippi has a lower rate (63.2 percent), while New Hampshire did not submit data to the Transportation Department at all. Arizona has the highest rate of seat-belt use, with 95.3 percent.

## BETTER JOBS NEXT YEAR?

Thanks in part to meager wage increases in 2003, Boston ranked an unimpressive 144th among the nation's 200 largest metropolitan areas in "Best Performing Cities: Where America's Jobs Are Created and Sustained," a November report from the Milken Institute. The Santa Monica, Calif.-based think tank, which measured economic growth over a five-year period (1998 through 2003), cited "consolidation in the financial services sector," specifically Bank of America's takeover of FleetBoston Financial, as a continuing cause for concern, and noted that the region's high-tech sectors were "hammered" during the most recent economic downturn. Still, Milken concludes that Boston's high-tech economy "appears to be stabilizing" and that the region's ability to raise venture capital bodes well for emerging industries here.

Two other Bay State regions were included on the list, with Barnstable and Cape Cod outranking the Hub, at 51st, and Springfield lagging well behind, at 183rd. The top three New England areas are Portland, Maine (14th); New London, Conn. (38th); and Providence, RI (46th). Fort Myers, Las Vegas, and Phoenix finished at the top nationally.

Among 118 smaller metro areas, Pittsfield finished 81st, with Lewiston, Maine, the highest New England city at 17th. Missoula, Mont., came in first nationwide.

## Classroom cash

It takes a lot of dough for Massachusetts to be nothing special in terms of staffing its public schools, according to the country's largest teachers' union. The National Education Association ranks the Bay State fourth in spending per public school student in the 2003-04 academic year but only 24th in keeping down its student-to-educator ratio. More striking is that Massachusetts had the biggest increase in that ratio—from 13.9 students per educator in 2002-03 to 15.0 students per educator the following academic year. The ratio increased by more than a whole student in only one other state (California); nationally, it stayed level at 15.7 students per educator.

One possible reason for the gap between spending and staffing is teachers' salaries, by which measure Massachusetts ranked seventh in the nation last year. The average public school teacher's salary was \$53,076 here, well above the national average of \$46,726—and an increase of 2.5 percent over the previous year, above the national figure of 2.0 percent. More evidence for this theory comes from California, which had the highest average salary (\$58,287) and one of the biggest increases (3.6 percent), along with the third-highest student-to-educator ratio. Then there's Vermont, which has the lowest student-teacher ratio in the nation and an average teacher's salary (\$42,007) that is slightly below the national norm.

What about New York and New Jersey, where teacher's salaries are slightly higher than in the Bay State but student-to-educator ratios are well below the national average? Their strong showings may have something to do with the fact that the NEA counts all educators, not only classroom teachers, in calculating its ratio. Last year's annual "Quality Counts" report published by *Education Week* instead ranked states according to "average class size for self-contained classes in elementary schools," based on 2000 data from the US Department of Education. By that measure, Massachusetts, New Jersey, and New York were all close to the national average of 21.2 students. (Nebraska had the smallest classes, and Arizona the largest.)

At least Massachusetts doesn't have to cope with more and more students. According to the NEA, public-school enrollment dropped by 0.3 percent in the Bay State last year while rising by 0.7 percent nationally.

—ROBERT DAVID SULLIVAN

### PUBLIC SCHOOL SPENDING, 2003-04

RANK / STATE	SPENDING PER STUDENT*	% CHANGE FROM 2002-03	STUDENT-TEACHER RATIO (RANK)**
1. NEW YORK	\$12,059	4.1	12.5 (4)
2. CONNECTICUT	\$11,773	3.5	13.4 (9)
3. NEW JERSEY	\$11,390	2.6	12.8 (5)
<b>4. MASSACHUSETTS</b>	<b>\$10,772</b>	<b>2.8</b>	<b>15.0 (24)</b>
5. VERMONT	\$10,630	6.7	10.9 (1)
6. DELAWARE	\$10,470	4.8	15.2 (28)
7. RHODE ISLAND	\$10,258	3.7	11.7 (2)
8. MAINE	\$10,145	6.1	12.9 (6)
9. ILLINOIS	\$9,839	4.5	15.4 (29)
10. ALASKA	\$9,808	2.5	17.2 (41)
11. WYOMING	\$9,756	5.5	13.0 (7)
12. WISCONSIN	\$9,483	5.1	14.4 (18)
13. MARYLAND	\$9,186	5.5	15.7 (31)
14. WEST VIRGINIA	\$9,169	3.5	14.1 (16)
15. OHIO	\$9,136	5.8	14.7 (23)
16. NEW HAMPSHIRE	\$8,915	5.1	13.8 (12)
17. MINNESOTA	\$8,821	3.8	16.2 (37)
18. GEORGIA	\$8,703	4.4	15.7 (31)
19. MICHIGAN	\$8,671	4.3	18.5 (44)
20. PENNSYLVANIA	\$8,609	3.3	15.0 (24)
21. INDIANA	\$8,414	4.2	16.9 (39)
22. HAWAII	\$8,220	1.6	16.3 (38)
23. COLORADO	\$8,023	2.1	16.9 (39)
24. CALIFORNIA	\$7,692	6.2	21.2 (48)
25. MONTANA	\$7,688	4.3	14.4 (18)
26. KANSAS	\$7,622	2.0	14.4 (18)
27. OREGON	\$7,587	4.8	20.1 (47)
28. SOUTH CAROLINA	\$7,559	1.2	15.0 (24)
29. KENTUCKY	\$7,474	1.6	16.1 (36)
30. WASHINGTON	\$7,446	5.5	19.3 (46)
31. NEW MEXICO	\$7,370	0.3	15.0 (24)
32. NEBRASKA	\$7,352	3.7	13.7 (10)
33. TEXAS	\$7,335	1.7	14.6 (22)
34. SOUTH DAKOTA	\$7,300	5.4	13.8 (12)
35. LOUISIANA	\$7,179	3.8	14.4 (18)
36. ALABAMA	\$7,163	3.9	13.8 (12)
37. IOWA	\$7,098	1.8	13.8 (12)
38. MISSOURI	\$6,947	-1.5	13.7 (10)
39. NORTH DAKOTA	\$6,835	5.1	13.2 (8)
40. NORTH CAROLINA	\$6,727	2.7	15.6 (30)
41. FLORIDA	\$6,516	2.2	17.5 (42)
42. VIRGINIA	\$6,441	2.0	12.2 (3)
43. OKLAHOMA	\$6,429	4.9	16.0 (35)
44. IDAHO	\$6,372	-1.0	17.7 (43)
45. TENNESSEE	\$6,279	1.1	15.7 (31)
46. NEVADA	\$6,230	1.7	19.2 (45)
47. MISSISSIPPI	\$6,137	5.4	15.9 (34)
48. ARKANSAS	\$6,005	4.7	14.1 (16)
49. ARIZONA	\$5,347	2.4	21.2 (49)
50. UTAH	\$5,091	8.4	22.5 (50)
US TOTAL	\$8,208	3.6	15.7

\*Spending for public schools, not including capital outlays and debt interest.

\*\*The number of students enrolled in the fall divided by classroom teachers and other instructional staff. Average class sizes are presumably higher. Ranking includes ties.

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## After all, it's our home, too.

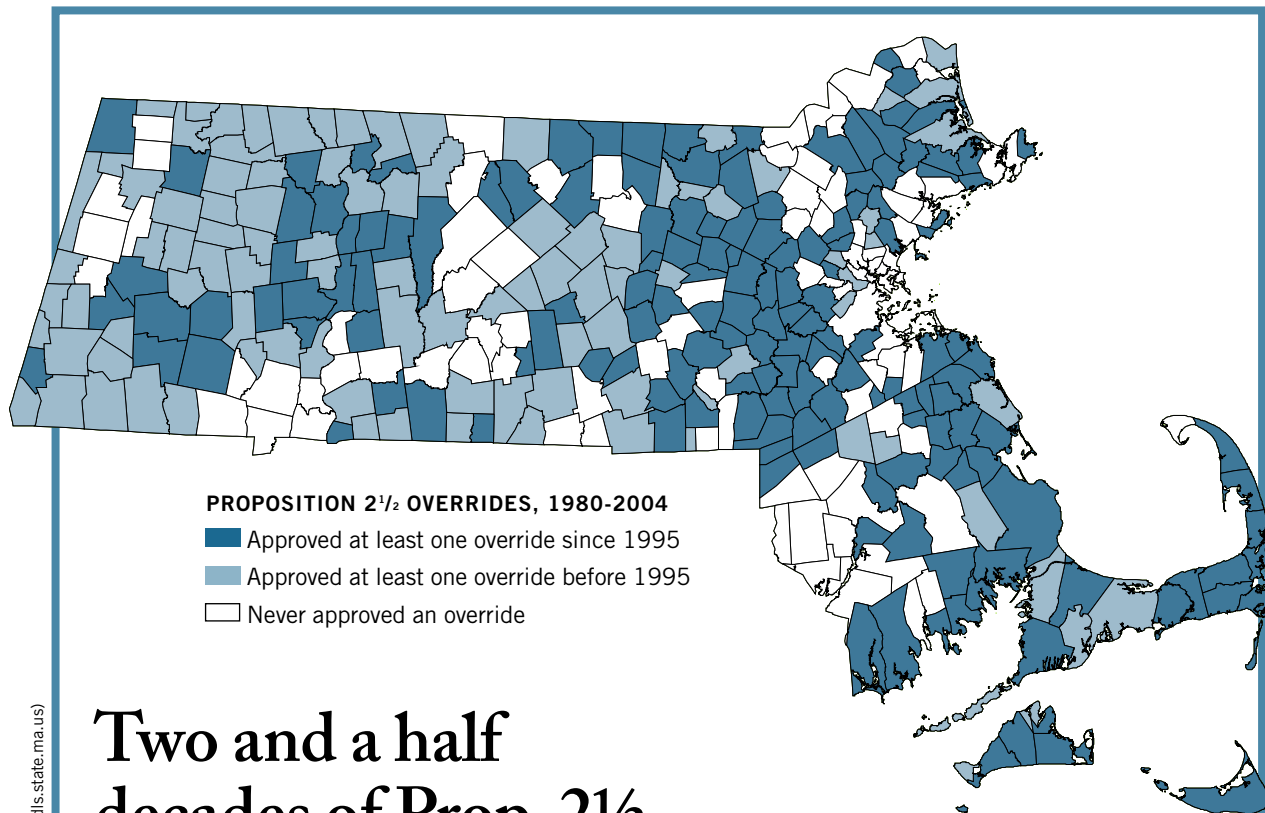
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## Two and a half decades of Prop. 2½

This year marks the silver anniversary of Proposition 2½, the property tax cap passed by voters in 1980. Prop. 2½ essentially limits municipal governments to a 2.5 percent increase in assessed property taxes each year, but officials can bust this cap if—and it’s an increasingly big if—they can get a majority of voters to agree.

Successful overrides, which put additional funds in municipal operating budgets (as distinct from debt exclusions, by which voters approve tax hikes that finance capital projects, such as new schools and firehouses), have been prevalent in high-income suburbs to the west of Boston, along with parts of the north and south shores, Pioneer Valley, and the Cape and Islands. Outside of urban corridors, practically every community west of Worcester passed overrides during the first 15 years of the law, but voters in Berkshire and Franklin counties seem to have taken a tougher line on property taxes recently. Large cities have always been cool toward property tax hikes: Successful overrides in Cambridge, Springfield, and Worcester came many years ago, and officials in Boston, Lowell, and New Bedford have never dared to put an override on the ballot.

The three biggest successful overrides so far have been for “general operating expenditures.” Voters in Newton narrowly approved \$11.5 million in spending in 2002; Cambridge voters approved \$10.2 million in

1982; and Framingham voters approved \$7.2 million in 2002. (Newton and Cambridge, appropriately, were among the handful of communities to vote against Prop. 2½ itself in 1980.) The biggest defeats have come in Needham (\$17.3 million for “infrastructure maintenance” in 2002), Springfield (\$10 million for public safety, health, and schools in 1989), and Plymouth (\$7.0 million in general expenditures in 1988).

But in smaller communities, especially on Cape Cod and the islands, Prop. 2½ has resulted in dozens of votes on tiny, narrowly defined spending requests. Chatham, Tisbury, and West Tisbury have each put more than 90 override questions to voters since the tax cap was enacted. In all three communities, about half the overrides have passed, suggesting a deliberate evenhandedness on the part of voters. Did Chatham voters approve \$2,600 for Christmas lights in 1989 because they could reject \$2,600 for portable radios for the fire department on the same ballot?

The most consistently override-resistant community has been Athol (zero approvals out of 20 requests), followed by Freetown and Raynham (both with 0-19 records), while the most tax-hike tolerant voters seem to be in Orleans (six requests, all successful).

—ROBERT DAVID SULLIVAN

*Additional research by Reshma Trenchil*





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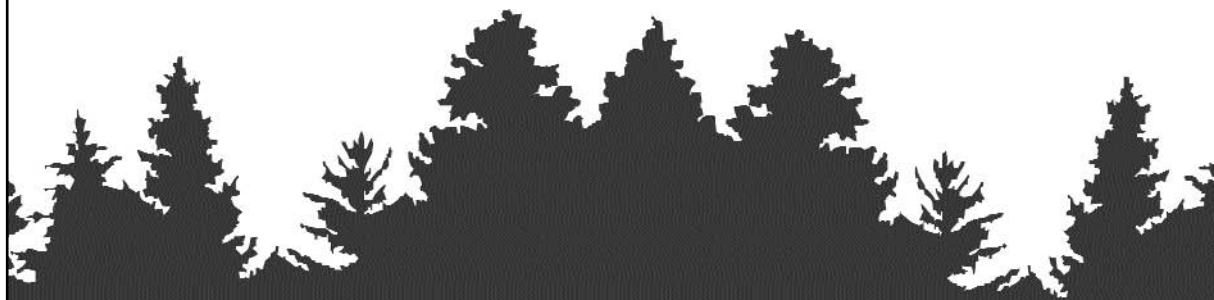


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# Changing tides

*A seaside resort searches for a new—and balanced—identity*

BY JESSE HARDMAN

SALISBURY—On a brisk October weekday, the only deals going down on Broadway are at Christy's, a small pizza stand. At 1 p.m., the lunchtime crowd consists of two construction workers who have made the trip from Dracut, 30 miles away, just for a slice. Jerry and Bob have been coming to Salisbury their whole lives, but one of them gives a tough assessment of the town: "It was hopping 30 years ago. Now it's dead."

Not entirely. Certainly, it's hard to find much sign of life on Broadway, since little else is open around here during the late fall or the winter. On the two-block stretch nearest the beach there is a ghostly row of vacant arcades and fried-food stands, and the beachfront itself is lined with old concrete buildings. One sports a faded painting of a palm tree, a vestige of past summers when it served as a bar and music club.

But just across the Merrimack River, in Newburyport, one can see a

between the decline of Salisbury past (a resort town that draws vacationers of all types) and the potential of Salisbury future (an upscale seaside community) has people here on edge.

Salisbury town planner Lisa Pearson is keeping an eye on the rise in property values in a locality that is still subject to seasonal swings between summertime prosperity and off-season squalor. The average home price in Salisbury has skyrocketed by \$100,000 in the past year, to well above a quarter-million dollars, she notes.

## Salisbury's condo boom is changing what used to be a summer destination.

sign of what is to come. There, tourists are undaunted by the change of seasons. Fleece-clad mothers with babies in strollers check out boutiques, coffee shops, and bistros.

Not all Salisbury residents want to emulate their wealthier neighbor across the water. But the contrast

"Once the [MBTA commuter] train went in to Newburyport, property values rose," says Pearson. "You can't afford anything in the area if you are somebody that grew up here." Besides commuters to Boston, Pearson says there has been an influx of buyers from nearby communities, such

as Methuen, Lawrence, and Lowell, who have traditionally spent part of their summers in Salisbury and now want to live by the beach year-round.

"The south end of the beach is going from primarily a cottage-type atmosphere to condos and year-round rentals," she says. "You'll actually see six or seven new construction developments going on right now."

The condominium boom represents a major change for a community long known as a seasonal destination. During the summer months, Salisbury's population explodes from 8,000 people to 30,000.

The rising real estate market has meant millions of dollars for developers and some local residents, but it has also caused a lot of angst, says Pearson. Some locals want to take advantage of rising values, but they also want to keep a "slice" of old-time Salisbury, a family-oriented entertainment center that once attracted performers like Frank Sinatra—and a place to live for a working-class population now at risk of being priced out of the town.

An October 25 town meeting was supposed to provide some sense of direction, but it didn't work out that way. Residents debated a zoning proposal meant to revitalize the beachfront and also set ground rules for development. The committee of residents and town officials that drafted the plan in May wanted, to quote from an informational packet handed out

to voters, “to preserve a commercial center with offerings that would attract both local residents and visitors.”

“We were motivated to act quickly both to try to help preserve the center and to create a new environment,” says Jerry Klima, a town selectman who headed the zoning review of the beachfront. “[But] business

income housing fund. The plan was supposed to harness the real estate boom while simultaneously adding to what the state regards as Salisbury’s anemic affordable-housing stock.

The zoning review committee held several meetings between May and October to get input from residents. Heading into

weeks before town meeting. We were very surprised by the intensity of the attack on the proposal.”

Beachfront resident Debbie Dastoli was one of those who spoke out against the plan at the October town meeting. She says the proposal and the review process was an “injustice,” complaining that the committee, which she said did not include any actual beachfront residents, failed to hold its meetings at convenient times and ultimately ignored the sentiments of people who would be most affected by the plan.

Dastoli says that the plan would not have directly affected her own property but would have put some of her neighbors’ homes in the new commercial area, where they might have lost their ocean views, their access to the beach, and, ultimately, a good chunk of their property values.

“The people in this new commercial overlay district live in little homes with little yards,” she says. “They don’t want to be a part of the commercial area. I wouldn’t want a 55-foot building next to me.”

What she wants, in part, is old Salisbury. “I don’t want to see another

## SALISBURY

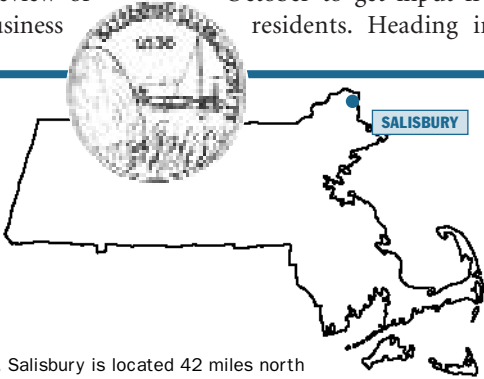
**Incorporated:** 1638  
(as Colchester, changing its name to Salisbury in 1640)

**Population:** 7,827  
(2000 Census)

**Town Meeting:** Open

**FACTS:**

- ◆ Covering 17.8 square miles, Salisbury is located 42 miles north of Boston. It’s bordered on the north by Seabrook, NH, on the east by the Atlantic Ocean, on the south by the Merrimack River and the towns of Newburyport and Newbury, and on the west by Amesbury.
- ◆ About one-third of Salisbury’s area consists of wetlands and an estuary. The town is also home to Salisbury Beach State Reservation, the Commonwealth’s busiest state park.
- ◆ In 2000, town voters rejected a proposal by a Las Vegas-based company to build a \$335 million casino and hotel on the beach.



demand is low, so anyone buying those properties would almost certainly redevelop them as condos.”

The committee’s solution was to rezone the area, dividing it into a larger commercial area and an outlying area reserved for multi-family properties. The commercial area would have been zoned for mixed use, meaning that buildings could house both residential and commercial space. The proposal would have also raised the height limit for buildings in the beachfront district, from 35 feet to 55 feet. That way, developers could squeeze in the same amount of residential space as they could under existing law, while also providing room for ground-floor businesses. But the plan also required developers who took advantage of the rezoning to either build affordable housing units (on the beachfront or elsewhere in town) or contribute thousands of dollars per new condo into a low-

the fall town meeting, Klima says, things looked good for the plan. But a few days before the vote, anonymous fliers started appearing around town, with the headline, YOUR PROPERTY RIGHTS ARE UNDER ATTACK.

At the meeting, a boisterous group of opponents, many of them beachfront residents, brought the fliers to life in emotional fashion. The plan was soundly rejected, 280 to 147.

Klima says he was caught off guard. “We’d had a total of 13 public meetings and many other meetings with beach owners and potential developers,” he recalls. “And we knew that some people were opposed, but a couple of the primary owners had testified in favor of the proposal in front of the planning board just a few

**‘I don’t want another Newburyport.  
I [still] want to see a fried-dough place.’**

Newburyport,” says Dastoli. “I [still] want to see pizza places and arcades and a fried-dough place.”

What Salisbury town manager Neil Harrington wants is a different vision for the beachfront. “We certainly need to promote the area as a three-season destination, as opposed to a one-season destination,” says Harrington. That means more sit-down restaurants instead of sidewalk food stands, plus some retail businesses.

Harrington is still trying to get a grasp on what is happening in

Salisbury himself. A native of Salem and former mayor of that city, Harrington first enjoyed Salisbury as most outsiders do: as a teenager, hitting the beach in the summertime. But the town's atmosphere was not so fun when he took over a year and a half ago.

"We had had a bad relationship with the state Department of Revenue," he says. "We were a year behind on our audits. Just before I came, there were some significant cuts that needed to be made in the budget, including cutting the police department in half, eliminating curbside trash pickup, and closing Town Hall two days a week."

Harrington says he worked hard to get the town back on solid financial footing. He managed to settle labor contracts, complete a town audit, and reorganize the town finance department. He is still trying to restore the police department from 12 to 24 officers and bring back curbside garbage pickup, but he says the town just does not have the money.

Now Harrington says that Salisbury is facing "the ultimate transition," going from a vacation spot to a year-round community. Rezoning plan or not, he says, the town is changing fast: "We're either going to shape it in the sense of creating the right kind of zoning environment, which we hope [allows] a reasonable amount of growth, or else we'll get steam-rolled."

And not just on the beachfront. Large condo developments are being built on both sides of Beach Road, which leads east from Town Hall toward the ocean, creating a stark contrast to the single-family homes that otherwise dot the relatively underdeveloped landscape.

One reason for the condo explosion is Chapter 40-B, a state law that supersedes local zoning laws in order to increase affordable housing. Under 40-B, if less than 10 percent of the housing stock in a city or town is deemed "affordable," developers may

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build as many units as they want—as long as 20 to 25 percent of them are priced as affordable. Under state guidelines, affordable works out to about \$190,000 for a single-family unit in Salisbury, but with new condos going for \$350,000 to \$500,000, new construction was hardly going to take the town past that threshold. Meanwhile, Salisbury's traditional forms of low-income housing, including mobile homes, seasonal motels, and winter rentals, don't count, even though a quarter of the local population makes less than \$25,000 a year—putting the state-approved “affordable” housing well out of reach.

“It's a travesty when a town such as Salisbury, which has one of the lowest per-capita incomes in the state, has to live with a state law that says we have something between 4 [percent] and 5 percent affordable,” says Harrington. “That's ludicrous.”

“The reality is, people are getting paid minimum wage and there's a high cost of housing,” says Deb Smith, executive director of Pettengill House, a nonprofit agency that helps Salisbury residents who are struggling to pay for housing and food. “A great number of our clients live in off-season motels, non-insulated cabins, and winter rentals that are as [expensive] as a mortgage per week. But they can't come up with the security deposit, first and last month's rent [for an apartment].”

Smith says that the high cost of housing is not only affecting the underemployed, but also the families of local schoolteachers and policemen, who, even with salaries around the town's median income of \$49,000, cannot afford to buy a home. She says many longtime residents are being forced to move into nearby cities like Haverhill, or across the state border into New Hampshire.

Harrington says that, based on what he heard from Dastoli and other opponents at the town meeting, the rezoning plan he thinks will help

bring Salisbury's past in line with its current reality was simply not explained well enough.

“You can argue that there were a significant amount of public meetings,” he says, “but if people felt that they weren't included, that's the reality of the situation. That's what they felt. We're not sure whether people were opposed because they don't want anything to change, or because they weren't sure what the impact would be on them.”

**B**ack at the beachfront, local business owner Tim Mulcahy steps into his office just off Broadway, a small room caught between the old (a punch-card time clock) and the new (condominium blueprints). On the walls are faded photographs of the old beachfront, depicting a white roller coaster, a nightclub with an ornate marquee that reads “Ocean Echo,” and a street packed with people and Model T Fords.

Mulcahy's roots here run deep. His forebears were partners in Salisbury Associates, the group of local residents that developed the beachfront more than a century ago. His ancestors ran the famous Frolics Ballroom music venue, and his grandfather

place ride by ride to make way for new condos. He says amusement areas like this have lost out to air-conditioned movie theaters and shopping malls—not to mention easy air travel to behemoth attractions such as Disney World. Instead of fighting change, Mulcahy says, he has decided to embrace development.

“You do want to do something that's good for the town, but people have to do what they got to do,” he says. “We're in one of the best home building booms in this century, and this is what people want. They want to be near the beach.”

Mulcahy argues that the changes can benefit all local residents, not just the ones with the means to buy and build, and that's why he supported the rezoning proposal. He wants to redevelop his property to include both commercial space and affordable housing.

“I've lived here my whole life, my family's lived here their whole life,” Mulcahy says. “I don't want to do a project that, when all is said and done, is going to be a burden on the town. I'd like to do something really nice. I'd like to do something that 10, 20 years from now people will say, ‘Wow, the beach is great, it's so beautiful, the amenities are nice, the people are nice,

## Pirate's Park is a ‘dinosaur,’ killed off by air-conditioned theaters and malls.

invented the “dodgem” car (the precursor to bumper cars), which debuted in Salisbury Beach in 1920 and remained a leading attraction here until the ride was demolished in 1975. Since he was 12, Mulcahy has worked for his family's beachfront businesses—including Pirate's Park, which became the last old-fashioned amusement area on the Essex County coast after high-rise condos took over Revere Beach in the early 1990s.

Now Mulcahy calls Pirate's Park a “dinosaur,” and he's dismantling the

it's a great tax base. The town did really well.”

Members of the zoning review committee hope that more residents, even if they don't have a direct stake in development, will come around to Mulcahy's view. They will spend the next few months talking to voters before proposing a new rezoning plan at town meeting in May. ■

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*Jesse Hardman is a freelance journalist and a regular contributor to National Public Radio. He lives in Somerville.*

# Speaking the same language

*Homeland security has agencies looking to improve communications*

BY PHIL PRIMACK

A savvy technology entrepreneur is always on the lookout for new opportunities, especially in a market as hot as security. So Vanu Bose was ready when the National Institute of Justice (NIJ), which is now part of the Department of Homeland Security, called for proposals to improve “interoperability,” the clunky but apt label for technology that allows police, fire, and other agencies to communicate with each other when responding to acts of terrorism and other emergencies.

“Interoperability means different things to different people,” says Bose, son of stereo-speaker pioneer Amar Bose and CEO of Cambridge-based Vanu, Inc. “But the fundamental problem is that different organizations show up at an incident with different radios, using different bands and different standards. If you have a terrorist attack, police, fire, ambulances, and federal agents are often all over themselves. They can’t talk to each other, or to the governor, who is probably using a commercial cell phone.”

The cost of upgrading or replacing every communications system in a state or region is prohibitive, so NIJ was looking for more efficient solutions. Bose thought he had one in his Virtual Patch System. The size of a personal computer, Bose’s Virtual Patch uses software to link different communications hardware or frequencies, enabling a fire department on analog radios to speak almost instantly to police on digital systems or on different frequencies.

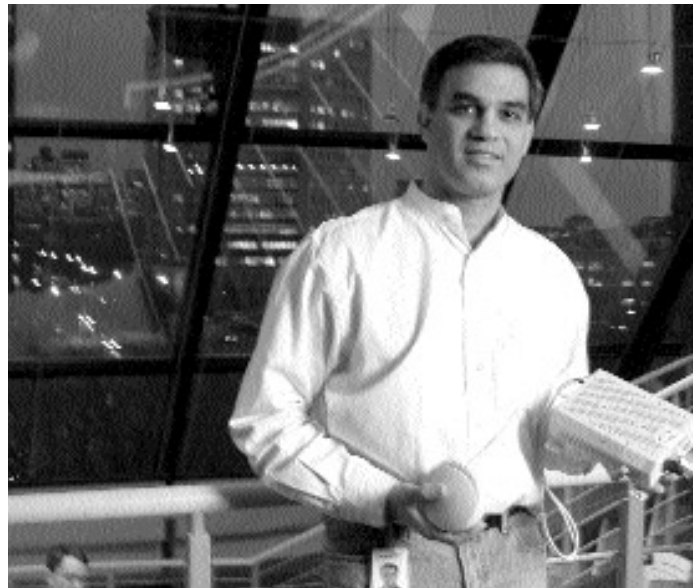
With so much federal homeland security money flowing into the states, business must be pretty good, right? Not exactly, says Bose.

“We have stopped pursuing the Virtual Patch project because we don’t know what to sell” or to whom, says Bose. “We have demonstrated the technology, but where do we go now? What are the requirements and specifications? We can invent the widget, but we need to know what you want the widget to do.”

M/A-COM saw similar opportunity in those homeland-security hills, recalls Rick Hess, former president of the Lowell-based company. “After September 11, everyone was talking about interoperability,” says Hess, who is now CEO and president of Integrated Fuel Cell Technologies

in Burlington. Even before the World Trade Center attacks, M/A-COM had developed an Internet-based system into which first responders could tap in order to communicate, he says.

“We thought everyone would sign up and the interoperability problem would be fixed, especially with [the Department of] Homeland Security devoting enough money to do so,” says Hess. “Then the politics and reality set in. The technology exists to largely solve the interop-



*Vanu Bose: waiting to patch together police and fire radios.*

erability problem, but who pays for it? Who organizes it? Under what circumstances do people get to talk to each other, and which people? Someone has to set the rules.”

## NEED-TO-KNOW MENTALITY

Other states can use strong county governments—which the Commonwealth lacks—to centralize disparate communities and jurisdictions. In Portland, Ore., for example, the Connect & Protect program centralizes all 911 centers in the city and surrounding Multnomah County into a single center that uses Internet-based technology to automatically—no humans involved—send emergency

alerts to state and local public safety agencies, schools, hospitals, and private sector organizations over what the program calls a “centrally managed, highly survivable, highly secure wide-area network.”

In September, Connect & Protect was named one of five finalists for the first Mitretek Innovations Award in Homeland Security, a prize given out jointly by the Ash Institute for Democratic Governance and Innovation at Harvard’s Kennedy School of Government and by Mitretek Systems, a nonprofit scientific research and systems engineering firm.

Connect & Protect’s technology, which was developed by a public-private partnership called Regional Alliances for Infrastructure and Network Security (RAINS-Net), enables each participant in the network to set criteria for the alerts it wishes to receive over the Internet. For instance, the fire department in a particular town may want to know about serious fires only within three miles of its border. But according to RAINS-Net director Fred Granum, technology is not the only thing that makes Connect & Protect work.

“The technology is not magical,” says Granum. “The magic is getting the culture and the socialization to work. Getting jurisdictions to change from a need-to-know to a need-to-share format is a very difficult issue to overcome.”

Federal, state, and local public safety officials here in Massachusetts agree on the need to establish protocols for communications between them, and they have been meeting for years to do so. While progress may appear slow, it is real and steady, says state Secretary of Public Safety Edward Flynn, who as police chief in Arlington County, Va., led the recovery effort at the Pentagon after the September 11 attack.

“You can look at the time between 9/11 and now and say either, ‘I can’t believe how much hasn’t been done’ or ‘I can’t believe how much *has* been done,’” says Flynn. “Government authority is purposely fractured in this country. We have multiple levels of government, all of which have veto powers over each other.”

As if jurisdictional challenges weren’t enough, key players within a single jurisdiction—especially police, firefighters, and emergency services—are often fierce turf fighters. After all, at any major incident, whoever controls communications tends to control the scene. First responders are sometimes not on the same wavelength—literally

or figuratively.

“There’s interoperability, which relates to how the technology works, and then there’s ‘intertalkability,’” says Boston Police Captain William Bradley, the department’s night supervisor for 911 operations. “Each jurisdiction has jargon indigenous to its center. For example, for Boston police, ‘code 10’ means lunch. In Cambridge, it could mean a breaking-and-entering in progress.” Reaching agreement on such codes (and many departments no



*Public Safety Secretary Edward Flynn: riding herd on a “purposely fractured” government.*

longer use codes at all) might seem simple, but it requires intent and a clear direction, says Bradley. He says it took him a year just to get Boston police, fire, and EMS officials to the table to agree. Those three key first responders now have a communications agreement. But Boston’s schools, hospitals, utilities, and other institutions are not plugged into this communications protocol.

## Key players are often fierce turf fighters.

Flynn has used both carrots and sticks to change the prevailing mindset. In early 2004, the state established five homeland security regional planning councils, each of which receives federal Homeland Security money that passes through the state—which last year totaled \$45 million, with 80 percent going directly to localities. Each regional council received \$2 million for interoperability, but Flynn required each to submit a comprehensive plan, including a risk assessment, before that money could be

spent. Those plans were filed in November. "These councils have often brought together people who have never talked to each other before," says Flynn.

Carlo Boccia is director of the homeland security planning council that includes Boston and eight other cities and towns in the metropolitan region. Since March, he has been Mayor Thomas Menino's top advisor on emergency management and homeland security, arriving in Boston after serving as agent-in-charge of the New York office of the US Drug Enforcement Agency. While Bradley has concentrated mainly on communications, Boccia says interoperability involves far more.

"We have to deal with all of the cultures and all of the different disciplines," says Boccia, who has the advantage of reporting directly to the mayor, not to the police or fire departments or emergency services. "Interoperability isn't just about communications. It's about what we need to do so we can function in any event and any discipline, whether it's communications, operational response, detection devices, or alarm and alert systems."

Boccia says Boston's various public safety players have signed a memorandum of understanding on such issues. "It has taken longer than I would like to get to this point, but now we're there," says Boccia. "The difficult job is over.

We have agreement on what we need and how we will implement it. Now we can begin to engage operationally."

Still, not everyone who would be involved in response to a terrorist act or other major incident, including area hospitals, is linked together yet. Emergency medical services communicate with hospitals through their ambulance vendors, but so far the city's medical institutions are not formally tied to an interoperability plan. Again, that reflects the problem of multiple jurisdictions and disparate authority, says Boccia. "In White Plains, [NY,] they have a new commissioner of public safety who can do things that bind police, fire, EMS, and all the environmental, housing, school and other agencies," says Boccia. "I cannot do that here. We have to negotiate with each entity."

#### TEARING DOWN SILOS

Not that he has to start entirely from scratch. Since the 1970s, for instance, more than 100 departments in eastern Massachusetts have had their radio systems linked through the Boston Area Police Emergency Radio Network (BAPEREN), which was formed in the wake of antiwar riots in Cambridge. Homeland Security funds are being used to upgrade that system, which hasn't been overhauled in decades, says Brookline Police Chief Daniel

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O'Leary. He says recent events, such as the Democratic National Convention and the unruly celebrations that broke out after New England Patriots and Boston Red Sox championships, offered local departments real tests of their communications systems and other interoperability plans.

"I don't know how many parts of the country can say they have 122 cities and towns that can talk to each other," says O'Leary.

But fire departments are not linked to BAPERN. Neither are hospitals and schools. So about a year ago, when Brookline ran a test exercise, evacuating Brookline High School ostensibly due to an odor, the emergency management team worked together effectively. That team included representatives from police, fire, ambulance, public works, and other public agencies—but no one from hospitals in the nearby Longwood Medical Area.

That gap is common across the country, says Joe Trella, a senior policy analyst at the National Governors Association. "We have this silo mentality," he says. "Law enforcement has gotten better at providing information across jurisdictions, but the disconnect is in notification to hospitals and schools." Trella notes that the massacre of students taken hostage in the Russian town of Beslan in September may have served as a wake-up call.

Trella adds that while major cities such as Boston have at least moved toward interoperability, progress lags in rural areas. "At the state level, we've seen some fits and starts on progress in interoperability, but for the most part, it's in major metropolitan regions," he says. "States definitely understand the challenge to include non-urban areas in their planning, but major urban areas are just easier to deal with. And the issue is not the technology. A lot of people simply do not want to talk one another."

Technology may not be the issue, but it could *become* the issue if state and local officials are not careful, says Flynn. "We don't want to back into a vendor-driven strategy to spend on new technologies when all these communities have already hemorrhaged money on old technologies," he says. "We need interoperability that builds on old capacity," such as BAPERN. Flynn also says that any spending on interoperability aimed at dealing with terrorism or other major events needs to be applicable to ongoing crime fighting and other obligations.

In the end, says Flynn, it's important not to turn interoperability into an end unto itself. He recalls what happened when police, fire fighters, and other first responders showed up at the Pentagon on September 11, 2001. "Few of our radios were interoperable, but we managed to make things work," says Flynn. "Some level of interoperability will always make things easier, but it is not a cure-all in itself. And the lack of it does not mean we won't succeed in a given situation." ■





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# DRIVEN TO DISTRACTION

The cars that clog our roads  
also drain our wallets.  
Can insurance reform help?



When Cheryl Travis, an account supervisor at Weber Shandwick, a public relations and marketing firm in Cambridge, moved from Winchester to Charlestown two years ago, there was one cost that caught her by surprise: the \$1,500 increase in her auto insurance premium. A call to her insurance company revealed that, because of the theft and accident rates in her new neighborhood, she would have to pay \$2,700 a year—more than double the \$1,200 she paid in Winchester—to insure her 1999 Acura with more than 85,000 miles on it and plenty of dents.

“I could raise or lower my deductible, but the difference is going to be around \$50,” she says. “It’s not going to lower my overall costs by anything important.” The only real option she has for saving money is more drastic. “I’ve thought about dumping the car, but I grew up with a car,” she says. “I’ve never not had one. Now that I’m almost 30, I can’t imagine not having a car. I’m married to it at this point.”

That means she’s married to a high auto-insurance bill, and not just because she moved to Charlestown. In fact, were it not for state-imposed subsidies designed to keep insurance affordable for city-dwellers, Travis would have to pay even more.

The cost of auto insurance in the Bay State is among the highest in the nation. The average premium in Massachusetts in 2001, the latest year for which data are available, was \$1,013.46—fifth highest in the nation, up from 11th in 1997, when the average premium here was \$802.94, according to the National Association of Insurance Commissioners. The state’s rate of increase between 1997 and 2001 is the highest in the nation.

One would think that high rates would make Massachusetts a good place for insurers, but it isn’t. Insurance companies hate doing business in the state, and they are voting with their feet. In 1990, there were 53 underwriters offering auto insurance to drivers in Massachusetts. Today there are 19, with one more recently threatening to pull out, and many of those that are left are small insurers unable to spread their risk over a large pool of customers.

According to a study published in 2002 by the American



*Cheryl Travis: “married” to a high insurance bill.*

Enterprise Institute and the Brookings Center for Regulatory Studies, all 10 of the market leaders in the state’s automobile insurance market in 1982 were national companies that did business in all 50 states. By 1990, this number had fallen to five (with one additional company doing business in 48 states) and in 1998, the number declined to two (with one additional company doing business in 47 states and two others writing policies in two or three). In virtually every departure, the primary motivation for leaving, which required the

companies in question to pay substantial penalties, was the widely unpredictable distribution of high-risk drivers. With rates set by the state, companies can’t charge higher-risk drivers more for their insurance, so companies that end up with a disproportionate share of high-risk drivers lose their shirts, while those with a bigger share of low-risk drivers are virtually guaranteed a profit.

“In the mid-1990s, Massachusetts was one of the most profitable states in the nation for the insurance industry as a whole, and yet we were losing companies,” says Steve D’Amato, executive director of the Center for Insurance Research. “How can that be? The answer is we have this Kafkaesque system of assigning bad risk. Everyone knew the system was unfair.”

Last April, the Romney administration embarked on a campaign to overhaul the automobile insurance market in the state, creating a task force charged with investigating ways to introduce free-market competition into the private passenger automobile insurance market. The task force was scheduled to report to the Legislature by the end of the year.

One obstacle to competition is a complex system of sub-

sides, which drive up the cost of insurance for experienced drivers with clean driving records to keep insurance affordable for inexperienced drivers and those with bad driving histories. Another obstacle—though one the Romney administration insists will remain untouched—is the set of territorial offsets that force car owners in outlying areas with lower rates of collision and theft to pay more to make insurance more affordable for those who live in higher-risk neighborhoods, primarily in Boston and the state's other cities.

"The governor has stated that people wouldn't be penalized for where they live," says Beth Lindstrom, director of consumer affairs for the Romney administration. "Drivers should be paying in relation to the risk they pose to the system."

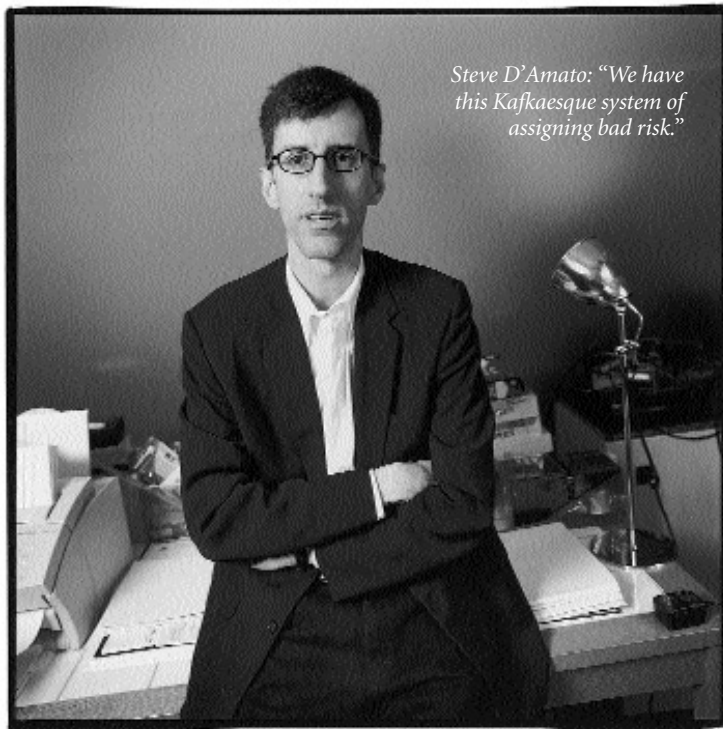
Indeed, the administration has trained its guns on the way we assign risk in our high-cost, high-density state, a method that observers say is driving potential competitors out of the insurance market here. Last year, Insurance Commissioner Julianne Bowler instructed the 13-member governing committee of the Commonwealth Auto Reinsurers (CAR), the state body created to manage the "residual" market (customers no insurance company would take voluntarily), to design a plan that would more fairly distribute high-risk drivers among insurance carriers.

It was an approach that represented a consensus among the Romney administration, the Legislature, and Attorney General Thomas Reilly—a rarity in the fractious climate of Beacon Hill. "Fixing the residual market is an important first step toward reforming the state's auto insurance market," says assistant attorney general Alice Moore, who serves on the task force appointed by the Romney administration.

Still, in November, when Bowler issued new rules for assigning high-risk drivers, she did so after the CAR review process had stirred up consumer concerns about the effect of competition on urban drivers and on group discounts—and threats from at least one insurance company opposed to the shift, which said it might take the insurance commissioner to court for taking action on her own. A group of 18 state senators also chimed in along the way, challenging Bowler's authority to make these changes without legislative approval.

At year's end, however, the controversy seemed to have died down a bit. Is this the calm before the storm? Or is it the sound of a new era in auto-insurance competition getting underway? Rep. Ronald Mariano, a Quincy Democrat who is House chairman of the Legislature's Insurance Committee, says it had better be the latter.

"If we don't get it done now, we won't get anything done for a long, long time," says Mariano.



Steve D'Amato: "We have this Kafkaesque system of assigning bad risk."

## STICKER SHOCK

It's not just insurance that makes cars a drain on our pocketbooks. According to the US Department of Labor, owning a car eats up 19 percent of average household income nationally. At nearly \$7,000 a year, the cost of keeping a private automobile on the road is second only to housing in the family budget and more than three times what a typical

## WHEELS BY THE HOUR

City dwellers overwhelmed by the fixed costs of owning an automobile may find relief in Zipcar, a five-year-old service that allows drivers to rent cars as they need them, on an hourly basis. Besides freeing infrequent drivers from car payments, insurance premiums, repair bills, and parking fees, renting wheels by the hour promises, over the long run, to reduce congestion, says Scott Griffith, Zipcar's CEO. Griffith estimates that for each of the 200 cars the company has deployed in Boston, parked in private and public parking spaces scattered around the area, seven to 10 privately owned cars are kept or taken off the road.

Zipcar was founded in 1999 by Robin Chase, a graduate of MIT's Sloan School of Management, and Antje Danielson, a researcher who currently works at the Harvard Center for the Environment. They got the idea while on vacation in Berlin, where they saw cars parked around the city, available for rent by the hour. They began operations in 2000, outfitting the cars with wireless technology and creating an online reservation system that allows members—access to Zipcars requires a monthly deposit of \$50 or \$75—to reserve cars over the Internet. The cost of renting a car, (\$8.50 an hour or \$65 a day) is subtracted from this amount,



family spends out-of-pocket on health care.

And we're keeping more of them on the road than ever. Between 1992 and 2002, the number of licensed drivers in Massachusetts increased just 12 percent, from 4.2 million to just under 4.7 million. But the number of vehicles registered in the Commonwealth leaped by 47.6 percent, from approximately 3.7 million to 5.4 million. Cars now outnumber drivers in this state by some 700,000.

All these cars cost us, in a variety of ways. Jennifer Morrow, e-commerce director of the Consumer Credit Counseling Service of Southern New England, says that roughly half of the 20,000 Massachusetts, Connecticut, and Rhode Island residents currently getting credit assistance from her company got into financial trouble because of their car payments.

The trouble, she says, starts on the dealer's lot—or the finance office. In the late 1980s, the typical new car cost about \$10,000 and was usually paid off in four or five years, says Morrow; these days, with most new cars costing \$20,000 or more, six-year loans have become prevalent. Those payments take their toll over time.

"People don't sit down and do a budget and ask themselves, 'Can I afford this for 60 or 72 months?'" Morrow says. "A lot of buyers rely on who[ever] is financing the loan to determine whether they can afford the car, thinking, 'If it's approved, it must mean it's within my budget.'"

For many families, it isn't. With a typical car payment of \$400 a month and a monthly insurance bill of \$150 (\$250

if the family includes a young, inexperienced driver), car costs pile up, especially in a two-car family, Morrow says. Then there are excise taxes, which for a car worth \$20,000 to \$25,000 can approach \$500 a year—enough to push some car owners over the financial edge. "We've seen a number of consumers who didn't figure those ramifications in before the purchase and who come to us when their registration is on the verge of being cancelled," says Morrow.

For low-income families, even a used car can be a financial burden. "If you make \$200 a week and your basic living expenses are \$190 a week, owning a car is not an option. You'll end up with a repossessed vehicle," Morrow says. "Still, it happens."

Then there is gasoline, the price of which has been climbing in the past year. But, oddly enough, fuel costs are not as bad as they seem. Adjusting for inflation, the \$1.92 a gallon price in late August was still substantially less than the \$1.35 a gallon charged in 1981, according to the American Petroleum Institute; gas prices would have to rise to \$2.82 to match the 1981 level. In any case, the cost of filling up is a minor factor in auto economics, experts say.

"Your fuel costs are a pittance compared to the overall



*Zipcar: at the curb, at the ready.*

which in the case of the \$75 deposit can be rolled over to the next month like minutes in a cell-phone plan.

The company now has more than 15,000 members nationwide, with an average of 1,500 joining each month. Zipcar has cars-by-the-hour available in 21 cities and metropolitan areas in seven states. These include New York City, Washington, DC, and Arlington County, Va. Revenues were expected to reach \$7 million in 2004, and hit \$15 million this year.

"Fifteen thousand people isn't a lucky hit," says Griffith, who sees a Zipcar payoff that goes beyond business. "We think, based on surveys we have done, that somewhere between 30 to 40 percent of our members have either avoided purchasing a car or disposed of a car because of Zipcar. That frees up a lot of parking spaces."

Maintaining possession of a parking space was one reason Todd Isherwood enrolled in Zipcar in 2002. Isherwood, an architect who lives in the North End with his wife Kristine, saw Zipcar as a way to run errands without having to move their 1994 Ford Probe from its hard-won spot on the street.

"It's so hard to park down here in the North End, especially in the evening hours," says Isherwood. "So instead of using our car, we used Zipcar."

But then Isherwood, who gave up his own car when he married Kristine seven years ago, calculated that it cost them approximately \$2,400 a year to keep Kristine's Probe on the road. Using Zipcar for local trips and renting a car for weekend trips out of town could save them half of that cost, he figured. Still, it was a while before they made Zipcar their only car.

"[The Probe] was my wife's car and she was reluctant to get rid of it," says Isherwood. "Then we had some problems and we knew we had a major repair coming. So we decided to get rid of it before it happened."

In that kind of thinking Griffith sees the start of an incremental revolution.

"Is there a sea change coming?" he asks. "We hope so."

—DEXTER VAN ZILE

cost of an automobile,” says Terry Regan, a senior associate at the Planners Collaborative, a Boston-based consulting firm, and a research partner at the Rappaport Institute for Greater Boston, a public policy center at Harvard’s Kennedy School of Government. “The cost to buy a car, finance it, and insure it is huge, and once you’ve done that, there’s really no reason not to drive.”

## ROAD WARRIORS

And drive we do. In 2003, Massachusetts drivers logged a total of 53.8 billion miles at the wheel, up from 50 billion in 1997. The Boston Metropolitan Planning Organization estimates that in 2025, drivers will travel a total of 143 million miles *a day* in metropolitan Boston, up from 109 million in 1995.

This increased mileage means more time behind the wheel, not all of it moving. The Texas Transportation Institute estimates that traffic congestion in the Boston area (which, for its purposes, reaches north to southern New Hampshire and south to Rhode Island) resulted in travel delays totalling 81 million person-hours in 2002—up from 57 million in 1992—and costing drivers \$1.4 billion, or an average of \$475 per commuter, in time and wasted gasoline (130 million gallons).

In a report released last fall, MassINC and the University of Massachusetts’s Donahue Institute found that, for those who drive alone (three-quarters of all commuters), average commuting time by car jumped 18.1 percent from 1990 to 2000; of the 551,738 commuters who spend 90 minutes a day getting to and from work (18 percent of all commuters, up

well as his wallet.

“During the summer I get them once a week for a dinner visit, and the commute cuts into that,” says Kelliher. “And I’m supposed to pick them up every other week on Friday at 6 p.m., and I’m usually late because of the commute.”

During the Democratic National Convention last summer, Kelliher moved back in with his father in Allston, commuting into South Boston on bike.



Michael Kelliher: “I don’t even want to know” the costs of driving 500 miles a week.

## THE AVERAGE COMMUTE IN MASSACHUSETTS JUMPED 18.1 PERCENT FROM 1990 TO 2000.

from 11 percent in 1990), 79 percent do so alone in their cars. Those lengthening commutes are in part due to road congestion, as traffic counts on Massachusetts roadways increased by almost 14 percent from 1993 to 2001. But it’s also because commuters are traveling farther to get to work, an estimated 10 percent increase from 1990 to 2000, according to the MassINC report, *Mass. Commuting*.

These numbers have real consequences for people like Michael Kelliher, a divorced father of two who moved from Allston to Marshfield in 2001 to be near his children. Kelliher, who tests high-speed data circuits for Verizon in Boston, spends between two-and-a-half and three-and-a-half hours a day on the road. That affects his family life as

“It was a 30-minute ride,” he says. “It was wonderful being in the morning sun.”

Kelliher is bothered more by the wasted commuting time, but he can’t ignore the financial costs, as much as he’d like to. (“You add them up,” he says. “It’s ridiculous. I don’t even want to know the numbers.”) Driving 500 miles a week costs him about \$50 in gas, parking in the mud lot in South Boston \$35 a week. Those costs, plus \$1,000 for insurance and \$450 for new tires (three in the past two years) and four or five oil changes a year at \$30 apiece yields annual commuting costs of close to \$3,600. This doesn’t include the cost of replacing his 2000 Toyota Camry, which he purchased in 2001 and has since paid off.

## GOT YOU COVERED

As one of the few aspects of car costs that the state has some control over, auto insurance has long been a source of controversy in Massachusetts. And no part of auto insurance has been more controversial than the role of market competition. The AEI-Brookings Joint Center for Regulatory Studies has described Massachusetts as having the “most uniquely interventionist automobile insurance system” in the country. In addition to requiring that insurance companies provide coverage to every driver that approaches them (the “take all comers” rule), the state maps out the territories and driver rating classes the companies use to assign premiums, which are also set by the state.

In 1972, the state went to a hybrid version of no-fault insurance, which requires all drivers to obtain liability and uninsured motorist coverage and settles most damage claims without recourse to the courts. Restricting lawsuits to cases of serious bodily injury was supposed to hold down insurance costs, but some critics have recently called for “consumer choice” between a stronger no-fault system, which they claim would provide lower premiums in exchange for giving up all access to the courts, and tort liability, which preserves the right to sue. (See Argument and Counterpoints, CW, Fall '03.)

In 1976, then-Insurance Commissioner Jim Stone attempted to further squeeze premiums by introducing rate competition. Stone convinced the Legislature to allow companies to set their own rates, which had been determined by the state since 1927. But the switch to free-market competition quickly came under fire.

“The rates for a number of urban communities and young male drivers skyrocketed,” says Peter Robertson, a Newton attorney who serves as Massachusetts counsel for the Property Casualty Insurance Association of America. “There were massive protests at the State House, so [Stone] began the process of undoing the competitive system.”

Technically, free-market competition is still the law in the auto insurance market here, but not the reality. Each year since the uproar of the late 1970s, the insurance commissioner has made a pro-forma ruling that conditions are such that the state must intervene to ensure fairness in the market, then presided over the process of setting premium rates by regulatory decree. The “rate case,” as it is called, involves the state attorney general and representatives of the insurance industry in a predictable sequence of events: The industry asks for a substantial increase in rates, the attorney general calls for a rollback, and the insurance commissioner makes a ruling somewhere in the middle. From these state-



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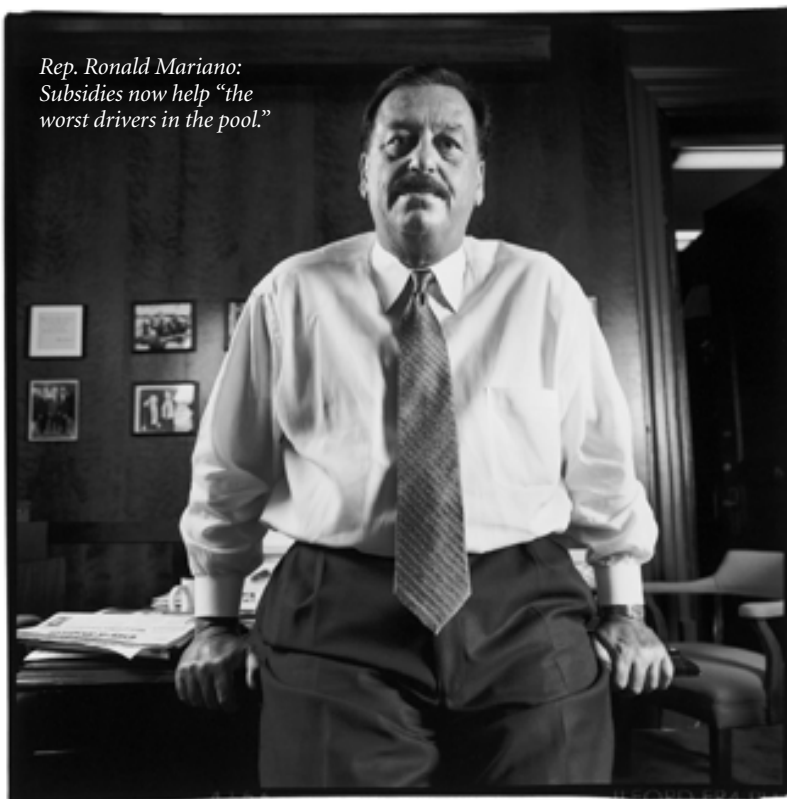
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approved rates, companies can deviate only downward, through discounts—which themselves are subject to approval by the Division of Insurance.

The rate schedule issued by the state includes premiums for drivers in different categories of risk, or experience classes, which are assigned according to a driver's age, number of years driving, and whether or not the driver has taken a safe-driving class. Overlaid on this matrix of categories is the Safe Driver Insurance Program (SDIP), which imposes higher premiums on drivers with bad driving histories and rewards drivers with good records under a system of "steps" numbered nine to 35. Step 9 drivers—those who have the best driving records—are rewarded with discounts, while Step 35 drivers—those with a history of accidents or violations—are charged higher premiums. This safe-driver score is based on a driver's last six years of experience (new drivers are automatically assigned a Step 15 designation, which has a neutral impact on premiums). For each year a driver operates without an accident, his or her step decreases by one until reaching Step 9. A further incentive is given to drivers with high SDIP scores. After operating three years without an accident, they automatically skip to Step 14 under the program's "clean-in-three" regulations.

Rates are also affected by geographic area—27 separate

*Rep. Ronald Mariano:  
Subsidies now help "the  
worst drivers in the pool."*



greatly underpriced (by over \$500)."

The rationale for these subsidies is simple enough. Massachusetts requires all cars to be insured, but policy-makers worry that sky-high premiums might force some of the highest-risk drivers to drive uninsured. Whether because of these subsidies or not, the uninsured-driver rate in Massachusetts is among the five lowest rates in the country,

## DRIVERS IN SUBURBS PAY MORE TO OFFSET THE EXPENSE OF COVERING THOSE IN CITIES.

territories in the state—because, in general, car owners who live and, for the most part, drive in rural and suburban locales present less risk to insurers than urbanites.

While these provisions seek to align the cost of auto insurance with risk and behavior, they are offset by subsidies that reduce the price for high-risk drivers and those who live in urban areas, where collisions are more frequent. In general, older, more experienced drivers subsidize the cost of younger, less experienced drivers, while drivers living in suburban and rural areas pay more for insurance to offset the expense of those who live in cities. Currently, 86 percent of the state's drivers pay more than their risk profile would dictate and 14 percent pay less than they would without subsidies. A recent report commissioned by the Division of Insurance and prepared by the Tillinghast subsidiary of Towers Perrin, an actuarial consulting firm, estimates that "non-urban experienced drivers are slightly overpriced (by less than \$100) while certain inexperienced drivers are

an estimated 7 percent, according to the Insurance Research Council, an industry group.

So far, no one's gunning for these subsidies, but with the insurance system under increased scrutiny, the underwriting of allegedly bad drivers by good is getting attention.

"If you look at the amount of accidents, almost 20 percent of them are caused by people with less than six years of experience, yet they receive the biggest subsidies," Mariano says. "Does that make sense intellectually? Here we are helping out the worst drivers in the pool. If I'm a 20-year-old kid and I'm banging up my car two or three times a year, I should have to pay more."

### BUMPER CARS

But the biggest factor in auto insurance costs, observers say, is not the way we distribute costs but the way we drive. According to the Insurance Research Council, the frequency of property damage claims is higher in Massachusetts than



anywhere else in the US, with 6.88 claims per 100 insured cars in 2000. Washington, DC, comprised entirely of city streets, has 6.16 accidents per 100 insured cars, while Connecticut, which has demographics similar to Massachusetts and a comparable breakdown between city and suburban driving conditions, has 4.37 property damage claims per 100 insured cars. Massachusetts also ranks highest in the number of bodily injury claims, with 2.22 claims per 100. Washington, DC, has 2.07 claims, Connecticut 1.40. Certain parts of Massachusetts have significantly higher levels of bodily injury claims. Boston, for example, has 6.4 injury claims per 100 insured cars, while Lawrence and Chelsea have an astounding 8.7 claims. A number of these cities are thought to be hotbeds of auto-insurance fraud (see “Cracking Down,” opposite).

Deidre Cummings, consumer program director for MassPIRG, says that it’s the high number of accidents that causes high premiums. The way to reduce the cost of insurance, she says, is to improve driving habits.

“Until we get the accident rate down, insurance rates are always going to be high,” says Cummings. “It’s not just about the insurance companies and how we regulate them. Talk to any driver that comes into the state and they know we drive differently. We drive on each others’ tails.”

Driving can be improved, she says, not by raising rates for inexperienced or unsafe drivers, but through a combination of stepped-up enforcement, improvements in road design, and drunk-driving initiatives. She even thinks it would make sense to raise the speed limit in some areas, if it were then strictly enforced. Better that, she says, than setting the speed limit unrealistically low, in the name of safety, but largely ignoring violators.

“People break the traffic laws a number of times a day and know they’ll never get caught,” says Cummings.

Christopher Kenneally, director of author and creator relations for the Copyright Clearance Center, wonders about the lack of enforcement every time he commutes from his home in West Roxbury to his office in Danvers. People seem to do anything they can to pass the car in front of them, regardless of the risks, he observes.

“It’s being aggressive for the sake of being aggressive—to be in front just to be in front,” says Kenneally. “It’s not as if you’re going to have miles of clear driving once you pass the car in front of you.”

Such recklessness is a function of the number of cars on the road, says transportation analyst Regan. “It affects our behavior because it creates more frustration,” he says. “Because of congestion, travel

speeds are much lower. If you’re going slower, you’re going to tend to be more aggressive. Getting through the light means a lot more here than it does in Nevada.”

Proponents of reform maintain that raising premiums for risky drivers would have an impact on driving habits and, ultimately, reduce premiums overall. But not everyone is convinced. D’Amato, of the Center for Insurance Research, says the current system has significant penalties for traffic violations and serious accidents—those “step” increases that take years to work off—that, so far, have not made a dent in driving habits.

## CRACKING DOWN ON PHONY CLAIMS

Fraud has become such an important part of the auto-insurance equation in Massachusetts that one factor in setting premiums is how much companies spend trying to fight it. Just how much phony property-damage and personal-injury claims cost other auto owners in higher premiums is impossible to know, says Dan Johnston, executive director of the Insurance Fraud Bureau of Massachusetts. But there’s no doubt they have an impact on what people pay for collision and liability coverage.

“It varies by community, but the numbers do jump out at us in patterns of claims and the number of people injured in accidents,” says Johnston. “In Lawrence, we had 141 people injured for every 100 accidents,” compared with 43 per 100 statewide. “If you take that 141 figure in Lawrence and cut it in half, you’ll reduce premiums.”

Lawrence is not the only hotbed of auto-insurance fraud; parts of Boston, Brockton, Lynn, Springfield, and Holyoke are others, he says. But contrived auto accidents have gotten particular attention in the Merrimack Valley city. An *Eagle-Tribune* series published in 2004 reported that pain-and-suffering claims in Lawrence cost insurance companies \$32 million in 2002. The paper also discovered that residents of just 25 addresses in Lawrence collected more than \$2 million in claims between 1996 and September 2003.

Lawrence is also one of several cities where Johnston’s fraud bureau has partnered with police chiefs in creating fraud-fighting task forces. A recent crackdown, which consisted of increased scrutiny of claims and the introduction of an anonymous tip line, reduced reported accidents in the city by 40 percent. The Lawrence task force has made 60 arrests in the past year and driven out of business eight chiropractors with dubious practices.

“Typically we find that when people are legitimately injured in an accident, they go to more standard care, whereas in Lawrence, people typically went to chiropractors,” says Johnston. Under the state’s no-fault insurance system, people who are injured in an automobile accident are not allowed to sue for pain and suffering unless their medical bills exceed \$2,000. For traditional outpatient care, that amount is usually sufficient to cover the expenses of minor accident-related injuries, says Johnston, but a course of treatment by a chiropractor can be enough to pass the monetary threshold.

“Three visits a week for five weeks can get you there,” he says.

—DEXTER VAN ZILE





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## RISK AVOIDANCE

But the big push behind auto-insurance reform is not about cross-subsidies or changing driving habits. It's more basic than that. It's about maintaining—if not creating—a viable market for insurance in Massachusetts. Not only does a shrinking pool of carriers undermine any real hope for competition in auto insurance pricing, it has a spillover effect in other forms of coverage, especially homeowners' insurance.

"Most of the national writers who come in here will want to write everything, top to bottom," Mariano says. "When you walk in to get automotive insurance at Allstate, they want to sell you homeowners'. And when they get your homeowners' insurance, they are going to write that policy nationally."

In other words, they will offset the risk of covering a home in Massachusetts, where coastal areas are prone to storm damage, against premiums from other states, where weather is less hazardous, Mariano explains. With national companies scared away from Massachusetts because of its auto insurance anomalies, homeowners have also become increasingly dependent on regional insurers. These underwriters operate with a diminished pool of premiums and capital to cover their risks, making them vulnerable to downgrades from rating companies like A.M. Best and Moody's, which would harm their ability to win commercial clients.

To avoid this fate, some local insurers are ceasing to write homeowners' policies in high-risk areas. Last year, two insurance companies that are part of the Massachusetts-based Andover Companies—Cambridge Mutual and Merrimack Mutual—announced they would no longer provide insurance to 14,000 homes on Cape Cod, forcing their owners to obtain coverage from the state-managed FAIR plan, created in 1968 to serve homeowners unable to get insurance in the voluntary market. As more loss-prone properties get shifted to the FAIR plan, some observers fear that a single severe storm could render the state fund insolvent.

That, says Mariano, means auto insurance reform is about more than how much drivers pay in premiums. "You're talking about the health and the strength of the insurance industry," Mariano says. "It affects everybody in one way, shape, or form."

But why is it that some auto insurers have gotten stuck with more than their share of high-risk drivers, while others get by carrying less than their fair share? Industry critic D'Amato says it's a function of the insurance business's propensity to avoid risk.

"Insurance is a product that has some strange aspects to it," D'Amato says. "It's a product where you don't have any interest in lowering the cost of the product," increasing profits by capturing more market share. "That's too inefficient. You want to limit your costs by picking your customers."

That's been especially true in Massachusetts. With pre-

miums capped by state regulation, insurers with high numbers of bad drivers can't possibly make a profit, while those with few accident-prone customers make out handsomely. So, if there's any way for an insurer to steer clear of high-risk drivers, it would be well advised to do so. And under the system Insurance Commissioner Bowler is now taking apart, shrewd insurance companies found ways to limit their share of the burden.

## PLAYING THE MARKET

The Commonwealth Auto Reinsurers, the state body responsible for making sure drivers whom companies wouldn't insure voluntarily are still able to get coverage, operates an "assigned agent" system. A special class of insurance agents called Exclusive Representative Producers, or ERPs, serves as the primary source of coverage for high-risk drivers in the state. If all 800 ERPs had the same sorts of high-risk drivers, the system would spread the risk among insurance companies evenly. But they don't. The loss ratio for some ERPs, especially those located in urban markets, exceeds 125 percent and even 150 percent, meaning that for every \$1 collected in premiums the company pays out \$1.25 or \$1.50 in claims. Meanwhile, other ERPs, those in suburban and rural markets, enjoy loss ratios as low as 70 percent.

CAR assigns ERPs to insurance companies in proportion to the share of the voluntary market they enjoy in the state. Beyond this initial allocation, however, the system is vulnerable to manip-

this practice, and even questions whether it takes place at all. But in June 2002, Attorney General Reilly wrote to Insurance Commissioner Bowler charging that payments to ERP agencies have added considerable costs to the insurance system in the state—costs that are passed on to consumers.

Not surprisingly, the most sought-after ERPs are located in low-risk rural and suburban territories. Although created



*Deidre Cummings says the way to cut costs is to improve driving habits.*

## COMPANIES THAT HAVE LOW-COST CLIENTS MOVE HEAVEN AND EARTH TO KEEP THEM.

ulation. If, for instance, an ERP has to be reassigned, as when the company the agent sells insurance for exits the market, he will be assigned to the insurer with the highest discrepancy between its share of voluntary and involuntary business. Once any company realizes it is next in line to get a new, potentially undesirable ERP, it will engage in defensive maneuvers. For example, companies can encourage their agents to purchase the business of ERPs with low loss ratios, protecting them from getting additional ERPs assigned by CAR. Another way to fend off the assignment of a high-cost ERP is for a company to terminate its relationship with a non-ERP agent, reducing the company's share of the voluntary market.

Conversely, companies that have ERPs with low-cost client bases move heaven and earth to keep them. One method of doing so amounts to kickbacks: direct, off-the-book payments to preferred agents. The industry condemns

by CAR in 1983 to provide consumers in underserved, high-risk urban markets with a guaranteed source of coverage, ERPs can be found all over the state. Indeed, the Tillinghast report states that 626 of the Commonwealth's 799 ERPs are located in low-risk territories.

"Many ERPs were created in communities where there shouldn't be ERPs," says Frank Mancini, president and CEO of the Massachusetts Association of Insurance Agents, a group pushing for change. "Companies realized they could fulfill their ERP requirements by having an ERP in Wellesley just as well as having one in Mattapan."

The incentive to game the system this way is huge. According to the Tillinghast report, ERP-related loss ratios "range from 71 percent to a high of 195 percent." Once a company is stuck with a bad book of business and realizes it can't make a profit, it's only a matter of time before it leaves the state, as Fireman's Fund threatened to do last year, even

though withdrawal would have cost the company \$5.5 million in penalties.

### CHANGING THE RULES

On November 23, Commissioner Bowler approved a new method for assigning bad risks. Under the plan, which is similar to mechanisms used in 42 other states, drivers who cannot obtain automobile insurance on a voluntary basis would be allocated individually—not in groups, as they are through ERPs—and at random to insurance companies in proportion to their share of the market. Those companies would each be responsible for paying their customers' claims, giving the insurers more incentive to fight fraud.

This would not happen all at once. The switchover would be phased in over three years, becoming final in 2008, in hopes of avoiding the chaos caused by introduction of market competition in 1977. During the transition, ERPs would only be assigned to insurance companies with more than 2 percent of the voluntary market, which currently number 12. It is hoped that allowing companies with less than 2 percent market share to skirt the high-risk customers will encourage companies to come back into the state.

Bowler says the changes will not have any impact on premiums paid by consumers or affect the coverage options

available to them. "It reintroduces healthy market dynamics in order to attract new insurers to our state and ultimately provide agents and their customers a wider array of choices," Bowler said in a press release announcing the new system.

For the most part, the insurance industry is enthusiastic about the new assigned-risk approach, which state officials hope will also draw national insurers like Allstate and Geico into the Massachusetts market. Some 16 Bay State insurers expressed their support all along. But there have been exceptions, notably three of the largest auto-insurance companies in the state: Commerce Insurance of Webster, Arbella Mutual of Quincy, and Plymouth Rock Assurance of Boston.

Commerce, in particular, raised a variety of objections to earlier versions, though some of them were satisfied in the final plan. Long thought to be a principal beneficiary of the state's elaborate regulatory system, Commerce tried to dispel that impression in October by touting an in-house analysis that showed that Commerce would benefit financially from the changes then under consideration. "While the impact of these rules would be favorable for Commerce, they would be terrible for the industry and terrible for consumers," Commerce senior vice president and general counsel James Ermilio told *The Boston Globe*.

The company also threatened to file suit if Bowler im-

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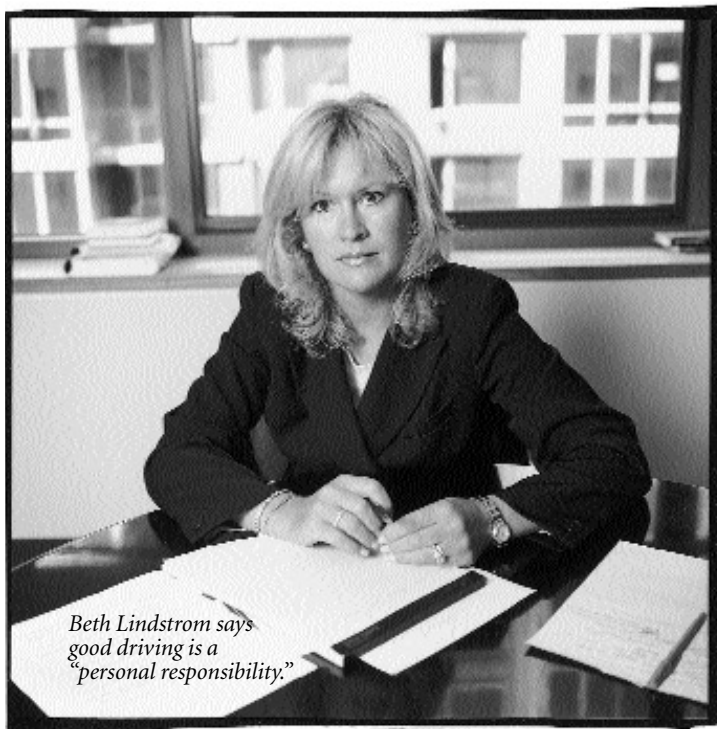
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posed a new method of risk assignment without approval from the Legislature, where Commerce is thought to have considerable influence. Indeed, 18 state senators, all Democrats, signed a letter to Bowler asking her to seek a formal legal opinion as to whether legislative action is required for the change.

When Bowler issued her decree on November 23, reaction was oddly muted. Nearly a month later, Commerce had yet to make a statement about the plan it had long opposed. And the Attorney General's office, which has been supportive of the push toward random assignment, had yet to give

D'Amato is still concerned that, during the switchover, some drivers could be dumped into the involuntary market, despite good driving histories, because of where they live. In addition, he says, getting rid of ERPs won't rid the auto insurance industry of gaming but rather make for new games. "In other states," says D'Amato, insurers "game [the system] by not writing [policies] in certain areas."

Meanwhile, Sen. Joan Menard, the Somerset Democrat who drafted the lawmakers' letter, filed a bill that would prohibit implementation of Bowler's plan until it is approved by the Legislature.



Beth Lindstrom says good driving is a "personal responsibility."

Bowler's plan its endorsement. Possibly at issue are the "clean in three" provisions Reilly favors. Bowler included a provision preventing drivers from being trapped in the high-risk pool once three years have elapsed from their most recent accident or moving violation, but dropped the automatic reduction in safe-driver insurance program "steps" for remaining accident- and violation-free for three years.

But in the wake of Bowler's ruling, a new issue arose: group discounts, including the one Commerce gives to members of the American Automobile Association. Under the new rules, insurance companies would have to carry the costs of high-risk drivers who happen to qualify for such member discounts; previously, insurers could cede these drivers to the high-risk pool, where their losses were shared with other companies. In a December 17 hearing, Arbella chairman John Donohue testified that having to bear these risks could cause companies to reduce their group discounts or discontinue them altogether, according to the *Globe*.

## CHOOSING TO COMPETE

If the random-assignment plan goes through, in some form, it will be just the beginning of a move toward rate competition in the auto-insurance market. But already, the prospects for reform seem to be improving the insurance climate here. Frank Mancini, president of the insurance agent association, says some ERP agencies that used to be treated as pariahs are getting phone calls from insurance companies that want to do business with them. Even better, he says, some companies not doing business in Massachusetts are now considering coming into the state.

And then there's Fireman's Fund, which pulled back from its plan to leave the state next year after meeting with state regulators just weeks before the November deadline for withdrawal. "We came away impressed with the depth and sincerity of the state's commitment to the reform process," Robert Courtemanche, president of the company's personal insurance division, told *The Boston Globe*.

And a process it will be, with relief for premium payers coming, at best, bit by bit. "It won't be a dramatic drop in rates, because that's not how the system operates," says Mariano. "It doesn't react immediately to changes, but I do think over time, as we get national writers in here competing for business, rates will either flatten or go down."

What would really drive down rates, all observers agree, is fewer accidents. Whether insurance reform will do anything about that remains to be seen. But the Romney administration thinks it's a place to start, and a growing number of other state and industry officials agree. After all, state consumer affairs director Beth Lindstrom observes, Massachusetts may be a bad place to drive, but not everyone drives badly.

"Three quarters of our drivers have good driving records," she says. "They navigate the same cow paths as everyone else. If the vast majority of drivers have good driving records using the same roads, then it's personal responsibility." ■

*Dexter Van Zile is a freelance writer in Boston.*



# the courage of their convictions

Can new science and new procedures  
make justice a certainty?

BY MATT KELLY | PHOTOGRAPHS BY FLINT BORN

Eight years ago, Donnell Johnson's fate seemed to be sealed. He was convicted for the Halloween 1994 murder of a 9-year-old boy, then the youngest shooting victim in the history of Boston. Only 16 years old at the time, Johnson had been arrested the day after the shooting, and he remained in jail until his trial in March 1996. Three witnesses placed him at the scene with a gun. Johnson was sentenced to 20 years in prison, where he was to remain until he reached his mid-30s.

In many respects, Johnson's case was unremarkable. An estimated 300,000 criminal cases wind their way through Massachusetts every year. Most criminals are caught. Most criminals are convicted or plead guilty. In courtrooms from Boston to Pittsfield, their sentences are meted out every day. In Donnell Johnson's case, however, the wheels of justice ground past one important fact: He didn't commit the crime.

While Johnson languished in prison, his lawyer argued

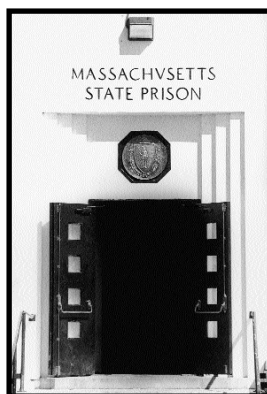
with prosecutors for three years, claiming that the witnesses implicating Johnson were wrong. The Suffolk County District Attorney's office stood its ground until an unrelated inves-

tigation turned up another suspect—someone Johnson had identified as the killer from the beginning. On November 22, 1999, a Superior Court judge ruled that Johnson had been convicted erroneously. He was set free.

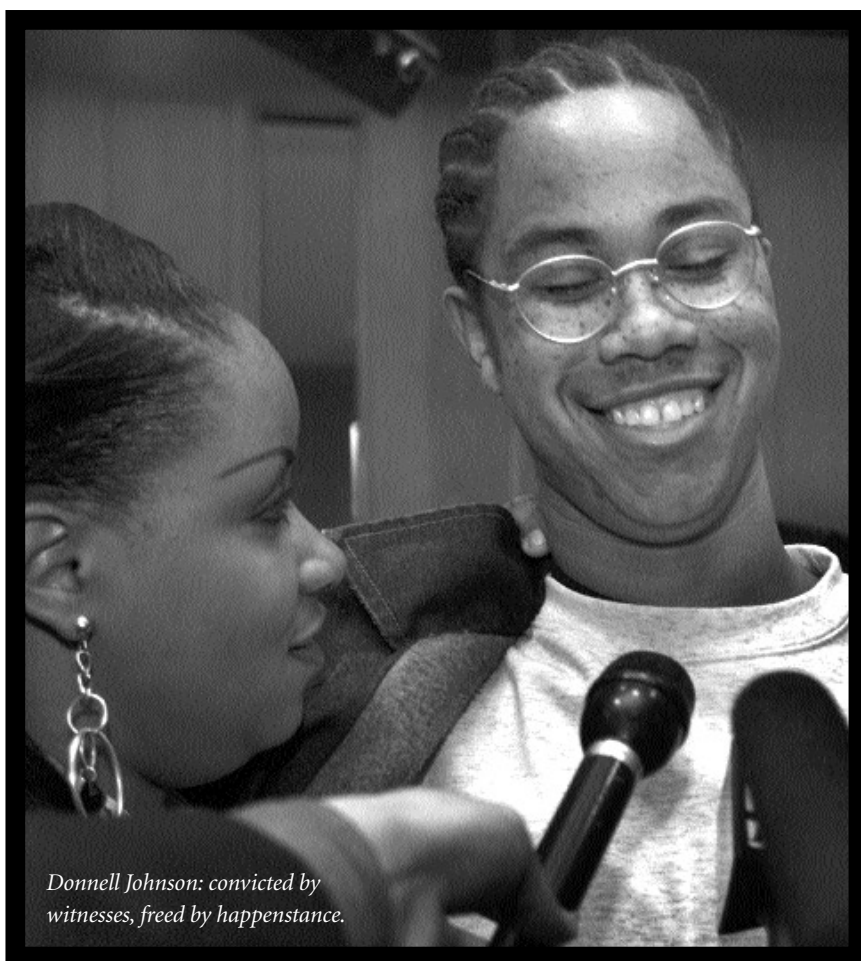
"The jury has spoken, the book has closed—that was the mentality of the district attorney's office," says Johnson's attorney, Stephen Hrones.

Now the book is starting to be reopened. Not that erroneous convictions are necessarily rampant. Massachusetts has exonerated only 36 people convicted of violent crimes in

the past 200 years, though 15 of them have been cleared since 1989. But people are not statistics, and even prosecutors understand that every conviction overturned not on a technicality but on the truth shakes the public's faith in the system of justice.







*Donnell Johnson: convicted by witnesses, freed by happenstance.*

“We have to do everything in our power to stop it from occurring,” says William Keating, district attorney of Norfolk County. Keating had his own near miss in 1999, soon after he took office. His predecessor had arrested a Walpole man, Edmund Burke, for the murder of 75-year-old Irene Kennedy in a Foxborough park on December 1, 1998; 41 days after his arrest, prosecutors freed Burke when a DNA sample taken from Kennedy’s body implicated another man.

Burke is now suing the state, but his was a minor inconvenience compared with other erroneous convictions in Massachusetts:

- Stephan Cowans, freed last year for the shooting of a Boston police officer. A convicted petty thief and shoplifter, Cowans was sentenced in 1998 to 35 years in prison. DNA evidence from a mug and a hat discovered at the scene later implicated someone else.

- Dennis Maher, released in 2003 after 19 years in prison for two rapes in Lowell and Ayer. A volunteer law student discovered in the basement of Middlesex County Courthouse misplaced evidence, which had DNA residue that cleared Maher.

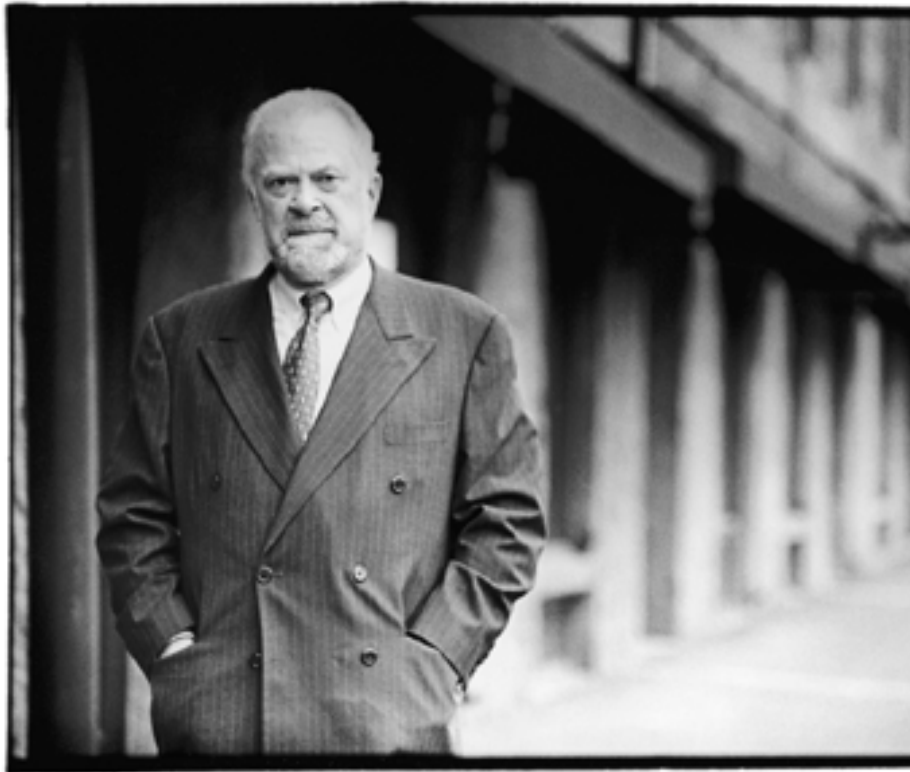
- Kenneth Waters, convicted in 1983 of murdering an Ayer woman and freed 18 years later in 2001. His sister, formerly a waitress, worked her way through law school to press his case. She, too, found discarded evidence in a courthouse that had DNA evidence exonerating Waters, despite numerous witnesses against him.

The common theme in the reversals of the last 15 years has been DNA evidence irrefutably proving innocence—the testimony of eyewitnesses and even outright confessions to the contrary. Records set straight by this scientific tool have called into question the reliability of law enforcement’s standard operating procedures, such as eyewitness testimony, mug shots, and suspect lineups. “Beyond a reasonable doubt” is, all of a sudden, subject to doubt.

“The DNA is a surprise to people,” says Dan Givelber, a Northeastern University law professor and co-founder of the New England Innocence Project. “There is an emerging awareness that many of our traditional practices aren’t as accurate as we’d like to believe.”

Police, prosecutors, and lawmakers are now scrambling to transform these signs of fallibility into a new science of

certainty, translating past foul-ups into new policies and procedures that (it is hoped) will stamp out erroneous convictions forever. Interrogations and confessions are being tape-recorded, witnesses are being shielded from prejudicial comments during suspect identifications, and, in general, the human factor is becoming subordinate to the physical in an attempt to take the guesswork out of justice. In the process, persons convicted of crimes they did not commit are regaining their freedom, and suspects are becoming less likely to be fast-tracked into prison. At the same time, at least if the governor of the Commonwealth is to be believed, the possibility of error is diminishing enough that it is no longer sufficient reason to abstain from the ultimate criminal sanction: the death penalty.



#### TO ERR IS HUMAN

Using DNA samples as evidence in criminal trials first came into vogue in the early 1990s, with Massachusetts courts beginning to accept them in 1994. Since then, prosecutors have embraced the genetic test as a virtually foolproof indicator of guilt or innocence. Mistakes in analysis do sometimes occur, but for the most part DNA and other physical, “scientific” evidence provide the most reliable grounds for conviction.

In contrast, legal scholars say, the most common causes of erroneous convictions are found in “human evidence”: eyewitness testimony, suspect confessions, and tips from informants. People remember facts incorrectly, identify the wrong suspects, even lie in court. Sometimes suspects will confess to crimes they did not do.

These sources of error are now on the criminal-justice agenda, put there by DNA exonerations. Last year, the University of Michigan did an exhaustive study of false convictions overturned since 1989, when DNA evidence first freed someone from behind bars, and documented 328 such cases nationwide. Nearly 320 were for rape or murder, of which 73 had placed someone on death row. And the pace of exonerations is accelerating, from an average of 12 per year in the early 1990s to 43 per year since 2000. As technology—particularly DNA analysis—has advanced, more mistakes are being discovered. What’s unknown is how many more miscarriages of justice remain uncorrected, since most crimes leave no DNA samples to study.

“It’s clear from this data that false convictions are much more common than exonerations, and that the vast majority are never caught,” wrote law professor Samuel Gross, the study’s author.

*Attorney Stephen Hrones didn’t accept that “the book was closed” after a verdict.*


## DNA analysis is uncovering more and more mistakes.

The simple explanation for lapses in human reliability is that the mind does, in fact, play tricks. Mahzarin Banaji, a Harvard University psychologist who studies memory, calls such false recollections “mind bugs.” Typically, she says, a person fills in the gaps surrounding a particular memory with details or assumptions from other memories.

“The recall or misrecall of each little event can affect the next,” says Banaji. “What’s important is that these downstream effects can happen entirely without conscious awareness.”

In the University of Michigan study, nearly 90 percent of false rape convictions stemmed from witnesses, including the victims themselves, misidentifying the suspects. But Gross found that the leading causes of false murder convictions were less innocent: perjury and forced confession.

Massachusetts district attorneys moved to take up the issue of false convictions last year, when “you couldn’t possibly miss” the exonerations reported in the media, says Massachusetts District Attorneys Association director Geline



Williams. The 11 prosecutors spent the latter half of 2004 consulting with forensic experts, psychologists, defense lawyers, and others to develop new procedures for identifying witnesses and interrogating suspects.

"That's where we're looking for sweeping, systemic changes," says Williams. She expects recommendations by spring.

Among the changes under consideration: showing mug shots of suspected criminals one at a time to witnesses, rather than in an array; using such "sequential presentation" for in-person identifications, replacing the traditional group lineups; using a "double-blind" system, where the officer presenting suspects to a witness does not know which person the investigating officers consider the likely criminal; and videotaping

presentation and a stronger taping policy last summer. Other counties have also held training sessions with their local police departments.

"There is no question in my mind that these steps will reduce the number of false convictions," says Suffolk County District Attorney Dan Conley. Conley came into office in 2002, and he commissioned a panel of criminology experts to devise those improved suspect-identification methods unveiled last year. He proudly notes that even famed defense lawyer Barry Scheck, co-founder of the New York-based Innocence Project, endorses the new standards.

Middlesex County District Attorney Martha Coakley personally led four training sessions with her county's police departments last year. Meeting with 40 to 50 officers at a time, she gave them a nine-point checklist to be read to witnesses before asking them to identify a suspect, much like the Miranda warnings read to people placed under arrest. (Item 2: "This

may or may not be the person who committed the crime, so you should not feel compelled to make an identification.")

"We have to improve the way we elicit witness identification," Coakley says. "To me, the most important part is giving them an easy kit to do it."

Last July, Keating met with officers from Norfolk County police departments to review much the same material. One speaker was a rape victim who identified her "attacker" in court but was proven wrong—after the man spent seven years in prison. Banaji also spoke about flaws in human memory.

"We started by saying this is a human issue, not a police issue,"

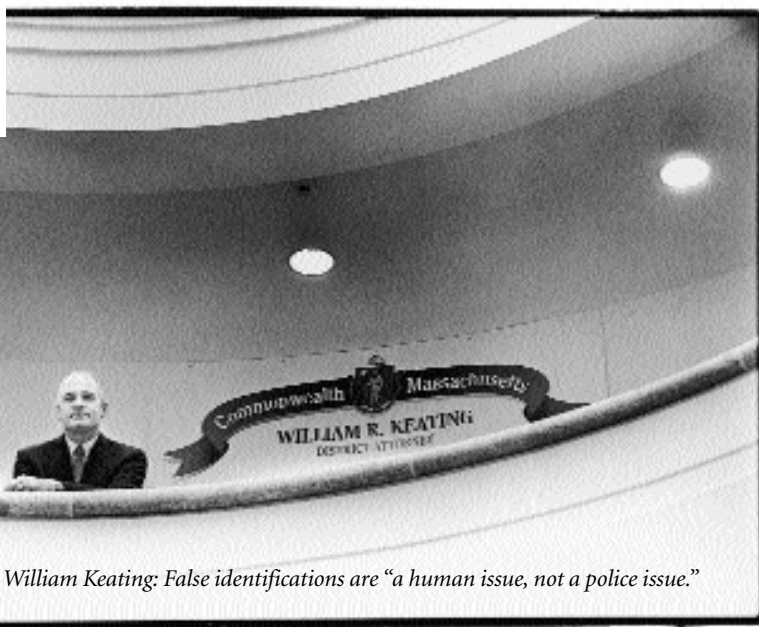
says Keating. "All people have cognitive prejudices that filter in. The presentation [Banaji] gave opened a lot of eyes."

What's at stake for prosecutors is credibility—with the public and with juries. False convictions are rare, says Williams, but it doesn't take many to undermine confidence in the criminal justice system.

"It's minuscule in hard numbers," she says, "but it's devastating in impact."

## BACK FROM THE DEAD

The quest for scientific certainty in criminal prosecution has not been confined to freeing those falsely imprisoned. In Massachusetts, the prospect of an error-free criminal-justice system has given new life—at least in the governor's office—to hopes of restoring the death penalty.



Norfolk DA William Keating: False identifications are "a human issue, not a police issue."

interrogations and confessions.

The Supreme Judicial Court expressed its own dissatisfaction with current interrogation techniques last August. In a 4-3 decision, the SJC ruled that when interrogations are not recorded, a judge must tell the jury that unrecorded confessions give "a woefully incomplete and inherently unreliable version of what everyone recognizes as critical evidence in the case." Police bristle at the implication that they cannot be trusted, but defense lawyers and prosecutors alike agree that such judicial discounting of unrecorded confessions will give police strong incentive to commit their interrogation of defendants to tape.

Some DAs have already tightened up human-evidence procedures on their own. Notably, Suffolk County prosecutors and the Boston Police Department adopted sequential



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To date, exoneration by DNA of death-row inmates around the country has mostly bolstered the cause of capital-punishment opponents, demonstrating as it does the risk of a fallible criminal-justice system sending an innocent person to death. In 2000, Illinois Gov. George Ryan declared a moratorium on executions in the wake of overturned capital convictions. But for Gov. Mitt Romney, the evolution of forensic science has inspired hopes of a foolproof death penalty, and last May a panel of experts appointed by the governor issued recommendations on how to craft one.

Fred Bieber, a Harvard Medical School professor and co-chairman of Romney's commission, concedes "the well-known foibles of human evidence," which is why he says physical evidence should be paramount in the legal matter of life and death. "If you're going to ask a jury to consider the ultimate sanction, we feel they should be armed with a lot more ammunition than a confession or jailhouse testimony," says Bieber.

To that end, in addition to limiting the death penalty to a narrow set of crimes (including murders of law enforcement officers and "torture" murders), the governor's commission insisted on two prerequisites for imposing the death penalty: that the jury be instructed about the perils of human evidence, and that a finding of guilt be based on "conclusive scientific evidence with a high level of certainty." The commission defined such evidence as DNA samples, photographs, videotapes, fingerprints, or similar physical proof.

Bieber's commission also proposed multiple layers of review, to prevent irreversible slip-ups. All physical evidence in death penalty cases would be subject to an independent scientific review, managed by an advisory committee of forensic experts. That committee would also help set standards for forensic expertise at crime labs working for the state.

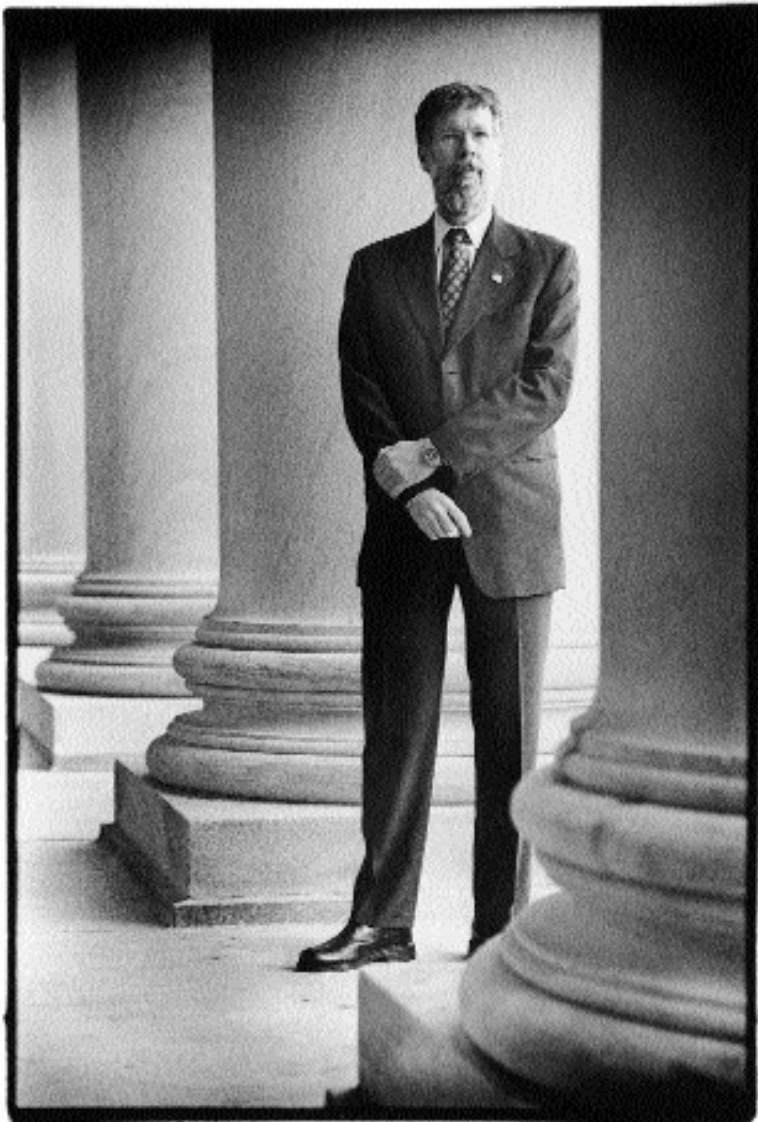
"In the vision we had, there would be so much oversight into the forensics of cases...[with] independent people looking at the case soup-to-nuts, they could point out any errors in commission or omission," Bieber says.

Under such a system, Gov. Romney declared at the time of the report's release, he would "be happy to stake my own life on a process of this nature."

State Rep. James Vallee, a Franklin Democrat and House chairman of the Legislature's criminal justice committee, agrees that the quality of evidence is one factor in judging the merits of any death penalty plan. Though he is a supporter of capital punishment, "a lot of legislators have always had a concern about wrongful conviction," says Vallee. Improved forensics and DNA evidence, he says, could make dispensing the death penalty more defensible.

So far, this new-and-improved approach to capital punishment has yet to demonstrate any political legs. In the Legislature, interest in resurrecting the death penalty, which was abolished in 1984, has waned since 1997—when, in the wake of the murder of 10-year-old Jeffrey Curley, it came with-





*Harvard professor Fred Bieber: "Scientific evidence" is vitally important in death penalty cases.*

## Suspicious were raised about planted prints.

in one procedural vote of becoming law. Last session, in a hearing on perennially refiled bills not a single person testified in favor of restoring capital punishment. (Taking note of Massachusetts's "foolproof death penalty" trial balloon in its annual Year in Ideas issue, *The New York Times Magazine* quoted University of California–Berkeley criminal-law professor Franklin Zimring as declaring Romney's proposal "the first effort to write a solely symbolic criminal statute.")

Givelber, of the New England Innocence Project, believes that Romney's convoluted procedure would result in "a

really strange system," in which death-penalty cases are so narrowly defined and so tightly reviewed that none could be prosecuted. And even some prosecutors find little reassurance in the supposedly airtight proposal.

"Unless they take the human part out of being a human being, I don't think there is a foolproof system," says Keating.

Coakley has a different concern. She previously supported the death penalty, but changed her mind once the wrongful conviction of Joseph Salvati was exposed. Salvati and three other men were sentenced to life in prison in 1965 for a New England organized-crime murder, and the FBI covered up evidence of their innocence until 2000. Salvati and fellow inmate Peter Limone were finally exonerated in 2001, but their other two cohorts had already died behind bars.

For Coakley, better science and better procedure can prevent honest errors. But deliberate sabotage is another matter. "Mistakes can right themselves," Coakley says, "but malfeasance might not be uncovered."

### CHAIN OF EVIDENCE

In a death-penalty (or any other) case, defense lawyers insist that for a conviction to be truly foolproof, all physical samples must be preserved and analyzed in a manner that's open to scrutiny every step of the way. In much the same way corporations audit their finances to monitor cash flow, they say, outsiders must be able to audit a trail of evidence so they can identify possible malfeasance anywhere along the line.

"We have lots of examples, some of them unfortunately right here in Massachusetts, where analysts have given results that turned out to be blatantly false," says Harry Miles, a defense lawyer in Northampton.

One example is the Cowans conviction. As a result of his exoneration, suspicions were raised about whether technicians in the Boston Police Department's crime lab planted Cowans's fingerprints on evidence. Police Commissioner Kathleen O'Toole asked the state attorney general's office to investigate. No charges were filed, but an external review uncovered numerous problems, and O'Toole closed the fingerprint lab in October.

Miles, Bieber, and others say evidence must be tracked from its collection at the crime scene, through its labeling and storage, to its analysis at forensics labs. But district attorneys bristle at the thought of defense attorneys looking over their shoulders as they scrutinize evidence.



"To turn the world upside down because we have a new scientific tool, and say police should not investigate crime scenes unless defense attorneys are right there with them... has never been American jurisprudence, and never should be," says Bristol County District Attorney Paul Walsh, who is president of the National District Attorneys Association.

Prosecutors note that they are legally and ethically required to disclose all evidence to the defense, even when that means acknowledging incompetence or fraud in the handling of it. In addition, they say, law enforcement officials have little motive to manipulate evidence when they're still investigating the crime.

"Sometimes that's lost on the defense bar," says Keating. "Prosecutors shouldn't make that quantum leap, and I don't believe they do make that leap, to a suspect."

Still, it wouldn't hurt to put control of evidence and forensic analysis in the hands of a third party, with its findings available to all parties, Bieber suggests. That could mean shifting oversight of the state crime lab from the State Police to the Department of Public Health, for example. "That would go a long way to putting aside any lingering questions about bias in the system," he says.

While defense lawyers worry about bias, prosecutors worry more about productivity, with underfunding of the crime lab resulting in lengthy delays in analysis. (See "Crime labs failing to make the case," *CW*, Summer '02.)

"For my money, Massachusetts has the worst crime lab in the country," Walsh says. "It's woefully underfunded. It is always a work in progress. I've been here for 15 years, and I've heard it all for 15 years."

So have lawmakers, who are now responding. Funding for the crime lab in Sudbury, run by the State Police, went from \$4.55 million last year to \$6.23 million in fiscal 2005. Funding for the medical examiner's office—long criticized for squandering grants, taking too long with autopsies, and forgetting names on death certificates—had been funded at the \$3 million level for years. Its budget finally went from \$3.66 million last year to \$6.13 million in 2005.

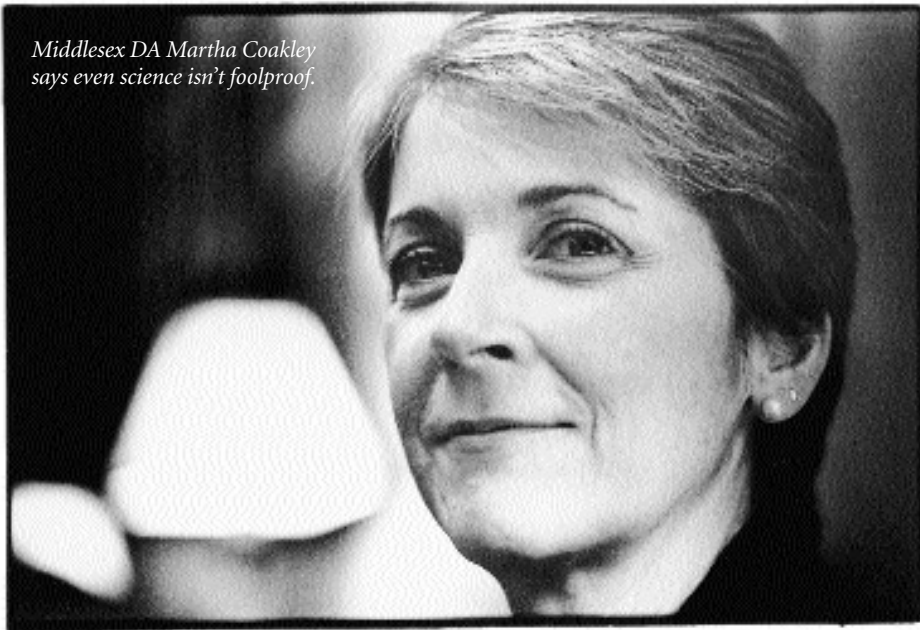
Even with this infusion of funding for state forensics offices, prosecutors still frequently send evidence out of state for speedier analysis. Keating has sent samples to the state crime lab in Maine; Coakley, Walsh, and others use Cellmark Diagnostics in Maryland. "It's a huge issue... in terms of implicating or exonerating people in a timely

fashion," Coakley says.

And it can be a huge expense: \$10,000 to \$20,000 for private testing of a DNA sample, plus more fees for scientists to testify at a trial. Massachusetts's crime lab costs half as much and provides expert testimony for free. That's if prosecutors can afford to wait for the results, which can take several months.

The DAs are willing to fork over the cash from their own budgets because of the ironclad verdicts DNA samples

*Middlesex DA Martha Coakley says even science isn't foolproof.*



can provide, and because if a suspect is still at large, they can't afford to skip. "If there is testing to be done, you do it, because it's the right thing to do," Keating says.

## **BALANCING THE SCALES**

Ultimately, the surge in exonerations may be just that—a surge, the result of a new technology (DNA testing) converging with old suspicions of injustice. Williams, of the Massachusetts District Attorneys Association, believes the system has now "turned a corner," where police and attorneys grasp the scope of the evidentiary problem and lawmakers accept the need for more money to improve the certainty of conviction.

Suffolk County DA Conley compares the current changes in law enforcement to the act of ripping off a bandage: a painful moment that's really a sign of recovery. "As these new standards take hold, I think citizens can have new confidence in what they see and hear," he says.

Still, loose ends remain, some of them significant. For example, in 2001 and 2002 Norfolk County prosecutors searched for erroneous convictions from among more than 200 cases, all at least six years old, where inmates maintained their innocence and physical evidence was available for re-

examination. “We didn’t find any” to reverse, says Keating, “but we thought it was a great process to go through.”

Then there is the question of what to do for those who were sent to prison wrongfully. Some states have a restitution formula that pays damages based on the average state wage or the prior income of the falsely convicted. On December 31, Lt. Gov. Kerry Healey, in Romney’s absence, signed into law a provision allowing those who have been proven innocent after serving a year or more in jail to obtain up to \$500,000 in compensation.

Finally, there is the question of what to do about convictions in cases where physical evidence was destroyed or never existed at all. Givelber notes that all nine Innocence Project exonerations in New England stemmed from re-examination of DNA evidence. When choosing a case to support—his group is studying 25 to 30 cases at a time, he says—“it comes down to whether there is biological evidence that would or would not exonerate.”

That policy would have left Donnell Johnson out of luck. He had no physical evidence to support his claims of innocence. But he had a tenacious defense attorney in Stephen Hrones, who was assigned to his case at random one day in 1994. An equally fortunate twist came when prosecutors stumbled across other suspects who fit both the

facts of the crime and Johnson’s claims of innocence. But that twist didn’t come until Johnson had served five years behind bars.

For his part, Hrones, who has gone on to represent three other men exonerated in Suffolk County, believes police and prosecutors need not just a shift in a few procedures, but a fundamental change in attitude. Law enforcement officials need to be willing to explore every lead and every angle, not just the ones that promise speedy arrest and conviction.

“It’s the whole mentality that needs to change,” he says.

Bristol County DA Walsh admits that the techniques law enforcement is now adopting have been too long in coming. “We all should have been on board for better uses, and more prevalent use, of scientific evidence,” he says, both to reverse erroneous conviction and to ensure correct ones. “It’s a neutral scientific tool we should all embrace.”

And erroneous convictions aren’t solely the fault of law enforcement, Walsh insists. For every prosecutor involved in a false conviction, he says, the case also has a defense attorney, a judge, and a jury. But Walsh also recognizes that the burden of correcting the problem falls on offices like his.

“Right now, we own this issue,” he says. ■

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*Matt Kelly is a freelance writer in Somerville.*

## Judge Botsford is RIGHT

The Commonwealth of Massachusetts responded to the Supreme Judicial Court ruling in the *McDuffy* case in 1993 by establishing seven curriculum frameworks. These are the specifics developed by the state to ensure that all Massachusetts school children are provided with education that permits them to achieve the capabilities that are required by the Constitution. Yet, 12 years later in the *Hancock* case sequel, the Court must again take action.

“In sum, I conclude that contrary to its intended purpose, the foundation budget formula does not presently provide sufficient funds to the focus districts to permit them to implement the curriculum frameworks or to equip their students with the capabilities outlined in *McDuffy*.”

Superior Court Judge Margot Botsford  
Report to the Supreme Judicial Court  
*Hancock v. Driscoll*, April 26, 2004

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# GREAT expectations

Stepping out from behind the scenes,  
legislative leaders Travaglini and DiMasi  
take on doubters—and Romney

**J**ust over two years ago, soon after he secured the votes to become the new president of the Massachusetts state Senate, Robert Travaglini began talking to colleagues about what roles they hoped to play under his leadership. Jack Hart, an affable South Boston lawmaker who spent five years as a House backbencher before winning a special election to the Senate earlier that year, told Travaglini that what he wanted most was a chance to prove himself. “I said to him, ‘I would like to roll my sleeves up and demonstrate to people that, yeah, I might be known as a decent fellow and I might be a person of integrity, but I want to demonstrate that I am a person of substance, too,’” says Hart. “He said to me, ‘Well, you and I, Jack, are in the same boat.’”

The new Senate president did have something to prove. Travaglini had surprised many observers when he emerged from a five-way field to capture the post Tom Birmingham gave up in order to run for governor in 2002. After a decade in the Senate, Travaglini was one of its best-liked members, a behind-the-scenes player with a reputation for dogged advocacy on behalf of his East Boston-based district and an ability to broker compromise among colleagues. But when it came to the big issues, the man known to most simply as

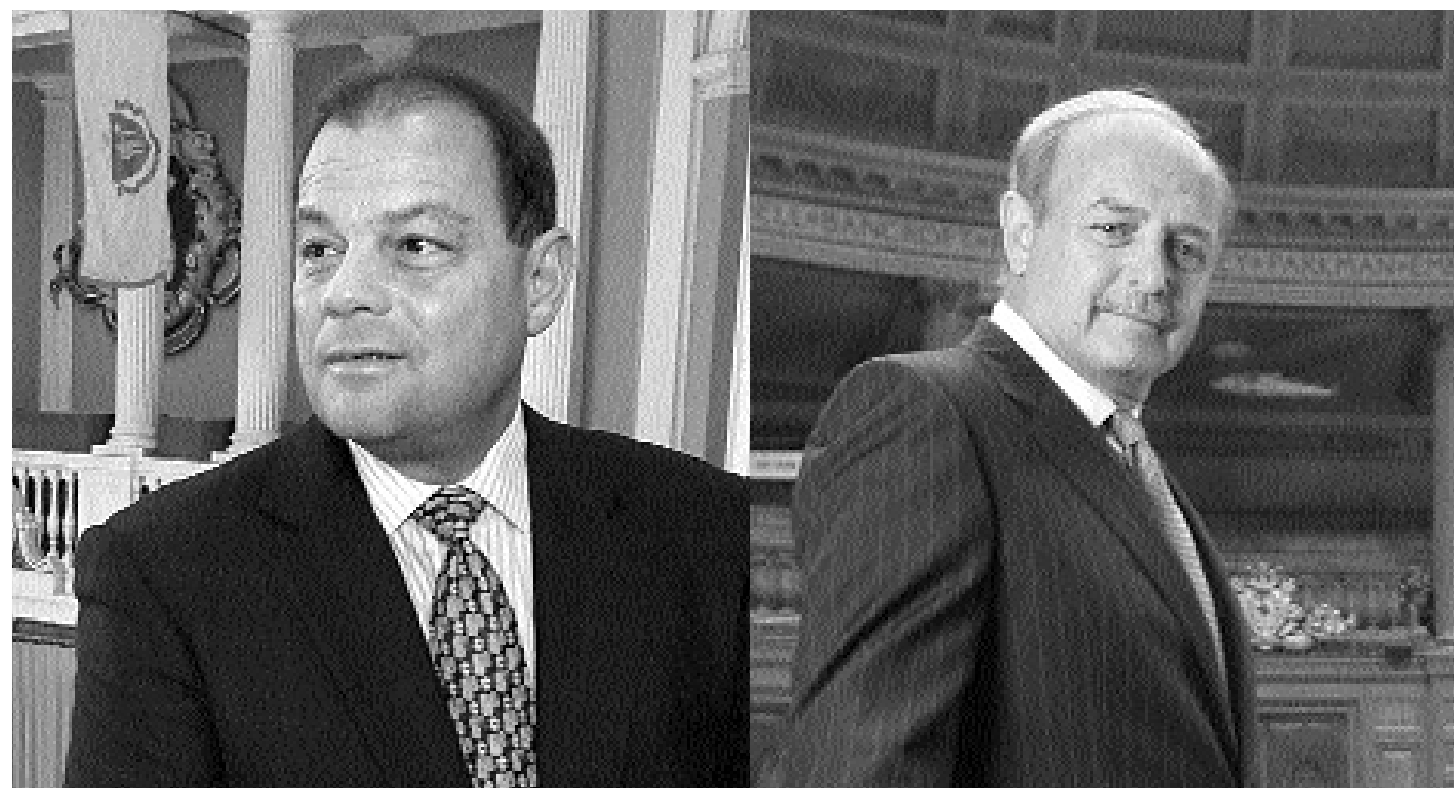
“Trav” was hardly the Senate’s leading light.

“Doubting Thomases”—that’s how Travaglini refers to those who wondered whether he was up to the job, and there were plenty of them when he picked up the gavel in January 2003. But a funny thing happened on the way to a quorum. With a new governor pledging to shake up the status quo with a raft of proposals he labeled “reform” and the state in the throes of its worst budget crisis in more than a decade, Travaglini grabbed the reform bull by the horns. Though known more for patronage than policy, Travaglini proved himself a fair match for the state’s star-powered governor and the swaggering House Speaker, Tom Finneran, who had come to be seen as the most powerful figure on Beacon Hill.

Travaglini took office with some people thinking he didn’t have “what it takes to survive in a pretty heated environment facing Romney and Finneran,” says Lou DiNatale, director of the Center for Economic and Civic Opinion at the University of Massachusetts–Lowell. “And bada boom, the guy shows up and steals everybody’s lunch.”

In the pressure cooker of the past two fiscal-crisis years, Travaglini’s Senate has won praise from advocates for protecting programs while earning plaudits from government watchdogs for embracing a range of reform measures. Trav-

BY MICHAEL JONAS



*Senate President Robert Travaglini, left, and House Speaker Sal DiMasi may have what it takes to make friends—and tackle big issues.*

aglini has also responded to the yearning of his colleagues for a greater role in the workings of the 40-member Senate, which many complained had become top-heavy under Birmingham, a leader who staked out strong positions on every issue and became the driving force behind them.

If Senate members had been quietly bridleing under Birmingham's strong hand, that was nothing compared to the poisonous atmosphere that hung over the House of Representatives under Finneran's reign. A sharp mind who was also known for sharp elbows when it came to keeping his chamber in line, Finneran had become the state's most polarizing political figure by the time he abruptly resigned the Speaker's post in September to become head of a statewide biotechnology trade organization.

In a transition of power that largely occurred over an autumn weekend, House majority leader Salvatore DiMasi, a longtime Finneran lieutenant, captured the Speaker's chair. A 13-term lawmaker from Boston's heavily Italian-American North End, DiMasi immediately pledged to open up the House for more give and take on important issues. The idea struck some as laughable, coming from someone who had been the iron-fisted Finneran's chief enforcer. But others insisted that DiMasi would lead the House on a very different course than the man he had served so loyally.

For lawmakers as well as outside observers, the hope is that the changing of the guard in both houses will signal the revival of a Legislature that has atrophied badly in recent years, with rank-and-file members and even many committee chairmen relegated to the sidelines (See "Beacon Ill," *CW*, Fall '02). If it does, there will be an unlikely pair of leaders to thank. Veteran politicians who have spent much of their careers as backroom dealmakers, Travaglini and DiMasi have never been identified with big legislative initiatives. And they certainly have never been part of the clamoring for reform in the way the legislative branch does business.

But if there is a Nixon-goes-to-China feel to the idea of Travaglini and DiMasi breathing new life into the Legislature, it's because there are reasons to think the two Boston lawmakers could be precisely the leaders to do so. Unburdened by a wandering eye for higher political office—and arriving at their posts without preconceived policy agendas—Travaglini and DiMasi may have exactly what it takes to tackle big issues while simultaneously involving their members to a degree not seen in either branch for years.

The two leaders can do nothing to stop the Thomases from doubting. But they alone have the power to prove them wrong.

PHOTOGRAPHS BY FRANK CURRAN



## ESSENTIALLY EASTIE

To understand Bobby Travaglini, you need to understand East Boston. Travaglini has spent his entire life in the tight-knit neighborhood that is packed onto a peninsula alongside the constant roar of Logan Airport. One of five sons of a working-class family whose father, Albert, died when he was just 16, Travaglini says it was bonds he formed in that overwhelmingly Italian-American neighborhood during his youth that taught him the values of loyalty and friendship. And it was Tony Marmo, a city housing inspector and youth sports leader, who taught him many of those lessons.

“He was the guy, when my father died, who stepped to the plate for me,” says Travaglini. Marmo, now 86 and living in neighboring Winthrop, hired Travaglini to manage a summer youth recreation program he started in the late 1960s, and saw in him a future politician.

“He had a good speaking voice, he had the charm,” says Marmo.

In 1983, Marmo ran Travaglini’s first campaign, which won the young man the district city council seat representing East Boston, the North End, and Charlestown. Referring to the hundreds of East Boston youth who had come through the local rec program but were by then of voting age, Marmo says, “I had a built-in committee of 1,000 or 1,200 people.”

No doubt some of them are present among the more than 100 people at Spinelli’s Function Room in East Boston,

political confidant who grew up with Travaglini and formerly served as general counsel to the Massachusetts Turnpike Authority, says Travaglini, now a 52-year-old father of three, watched his mother struggle to raise five sons and saw many other families eke out a living in East Boston. To Trav, Aloisi says, “the idea that government is there to help people is not only not a foreign idea, it’s a natural idea.”

Though a reliable vote for government programs that help people, Travaglini has mainly put his energy, as senator and, before that, as city councilor, into helping people in more direct ways. Michael McCormack, who served with him on the Boston City Council, says Travaglini and his staff were on the phones all day “dealing with people with problems.” And sometimes, says McCormack, that problem was, “I need a job.”

For East Boston residents and politicians alike, living alongside Logan Airport and at the end of tunnels running under Boston Harbor has been both a curse and a blessing. While Travaglini has stood with residents as they’ve waged battles against airport expansion, Massport, the quasi-public agency that runs the airport, and the Massachusetts Turnpike Authority, which operates the harbor tunnels, have also been a meal ticket for countless East Boston residents. More often than not, Travaglini has been the guy punching that meal ticket.

“I think that these authorities have a responsibility to provide employment opportunities for qualified indi-

To Travaglini, says one friend, ‘the idea that government is there to help people is not only not a foreign idea, it’s a natural idea.’

attending a mid-November Sunday brunch Travaglini is hosting to honor Marmo for his decades of service to the community. When a reporter arrives to take in the event, Travaglini could not be more gracious, inviting him to sit at a table filled with neighborhood leaders. After he reels off introductions, Travaglini adds that the visitor is doing a story on him, “so don’t tell him a goddamn thing.”

Everyone breaks into laughter, but the quip reflects the insular quality of the politics Travaglini has long practiced. Travaglini has never had much use for the press, and even in his new role as legislative leader, he’s hardly courting coverage.

Elected to the Senate in 1992—representing, in addition to East Boston, Winthrop and parts of Revere and Cambridge—Travaglini has, with little fanfare, consistently backed a range of children’s and human service causes, including serving as lead Senate sponsor of a bill to bring a single-payer health insurance system to Massachusetts. Jim Aloisi, a close

viduals who live in impacted communities, and I held them accountable to that, and I’m proud of that,” says Travaglini. “Joe Moakley used to say, if you don’t want to bring home the bacon, give it to me—I’ve got a big family.”

“Some people criticized him,” says McCormack of Travaglini’s job-placement prowess. “I didn’t. I thought, that’s what the expectation is, and nobody does it any better. He probably put more people to work than any three people who served in government.”

Job giveaways notwithstanding, Travaglini tangled with the airport constantly during the 1990s, which meant banging heads with then-Massport director Stephen Tocco, a longtime friend and golfing buddy. Today, Tocco runs ML Strategies, the lobbying arm of Mintz Levin, one of the city’s most high-powered law firms. Although Tocco himself does not do State House lobbying, several ML Strategies employees, including former Worcester state senator Robert Bernstein, are representing gaming interests



*Travaglini on his line of work: "I'm in the delivery business. I don't deliver, I'm out. And I've been able to deliver."*

on Beacon Hill. With two racetracks in his district, Travaglini has been a big booster of efforts to bring slot machines to Massachusetts. But Travaglini insists that these ties in no way compromise his independence.

"I have a lot of friends in this business, but I never lose sight of who I am, and I'm very comfortable with my character," says Travaglini.

His ability to make friends explains a lot about how Travaglini became the state Senate's 93rd president. "Frankly, he has the best people skills I've ever seen," says Sen. Steven Tolman, a Brighton Democrat.

"He wasn't really out there on the forefront of a lot of different issues, but everyone in the building knew if you wanted to get something done, you had to go see Trav," says Sen. Steven Baddour of Methuen.

Even now, as he holds court in the palatial office of the Senate president, Travaglini says that when he's asked his line of work, "I simply say, I'm in the delivery business. I don't deliver, I'm out. And I've been able to deliver."

In electing Travaglini—as with the recent election of DiMasi as House Speaker—the Legislature has, in some ways, reverted to form. While their immediate predecessors

came to the posts with sharply defined views, leadership on issues has not been the usual path to legislative leadership.

"The people who seem to rise are the people who are best at navigating the social environment of the chamber," says former state representative John McDonough. "They aren't people who are overly fixated on one single issue or single set of issues."

If that explains how Travaglini emerged with the president's gavel in hand, it offered little indication of what he would do with the newly gained power.

#### **REFORM THIS**

With a B.A. from Harvard and a Georgetown law degree, Michael Travaglini is the brainy yin to his older brother's streetwise yang. The younger Travaglini, who served as deputy treasurer to Shannon O'Brien and now directs the state pension fund, is one of the Senate president's most trusted advisors. Still, there are plenty of times when big brother knows best. Michael Travaglini says after pulling off a coup of some kind, whether in the Legislature or back in his days on the Boston City Council, his brother would often turn to him and say with a self-satisfied smile, "Mike,



you can't read that on page 12."

"His point was, there is academic intelligence, and there is life intelligence," says Michael Travaglini.

If he came to the Senate president's office with plenty of life intelligence, Travaglini makes no bones about what he was lacking.

"I understood what I was good at and what I wasn't good at," he says. "My interpersonal skills, my political skills, and my character were above the norm," says Travaglini. "[But] I never really involved myself in all of the issues confronting the Commonwealth. I had to get up to speed quickly."

As he did so, Travaglini was hardly hemmed in by public expectations. A *Boston Globe* poll taken three months after he took office found that 84 percent of Massachusetts residents either didn't know him or had no opinion of him. "I found it wonderfully refreshing and very liberating that nobody knew me," he says.

Travaglini says he also felt liberated by life-shaking health threats he faced in the year before becoming Senate president. He underwent thyroid cancer surgery and a heart bypass operation all in a matter of months, experiences he says have given him the perspective to brush off the petty slights of politics and to seize the opportunity to make a difference.

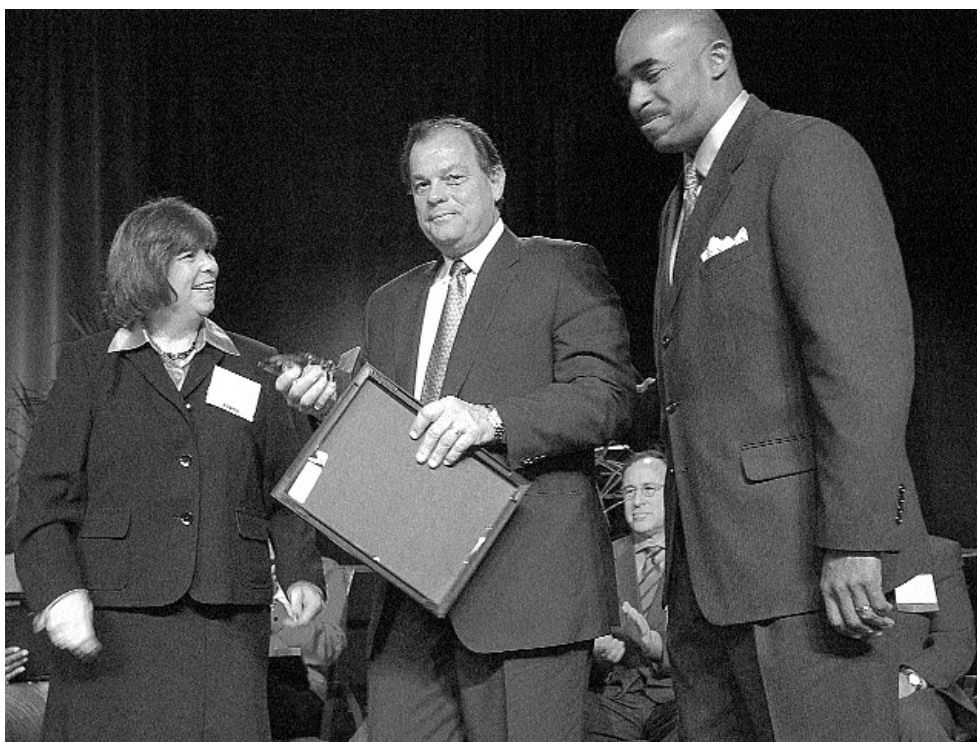
Travaglini indicated from the start that he would vigorously champion many of the social service programs he had supported over the years. But he also made clear that he was ready to engage the debate over reforms to state government that Romney had used as his campaign platform.

"Our policy-making role is not to cripple or eliminate programs of obvious social importance," he said at his swearing in on New Year's Day 2003. "Rather, we should preserve them by taking necessary legislative action to improve operations, eliminate waste, and make certain that the public is getting the maximum return on every dollar spent."

If politics is like poker, Travaglini often managed to call Romney's bet—and then raise him. One of Romney's reform gambits was a proposal to merge the state highway department with the Massachusetts Turnpike Authority, a move the administration claimed would yield \$190 million in one-time savings and reduce state road costs by about \$20 million annually. The proposal received a cool reception on

Beacon Hill, where lawmakers questioned the purported savings. Doubts about the Romney plan deepened when two influential business groups, the Massachusetts Taxpayers Foundation and the Artery Business Committee, issued a report in May that was critical of the proposed asphalt-agencies merger.

But rather than push the idea of transportation reform aside, the Senate one-upped the administration, rolling out a sweeping proposal last spring that called for consolidation of the state's transportation functions and for making the state secretary of transportation chairman of the governing boards of the turnpike authority, Massport, and the Massachusetts Aeronautics Commission, which



*Travaglini's defense of social programs earned him an award from Barbara Brown and Michael Weekes, of the Massachusetts Council of Human Service Providers.*

oversees regional airports.

"He challenged us to come up with reform that was real," Baddour, the Senate transportation committee chairman, says of Travaglini.

Along with the transportation plan, which Romney embraced enthusiastically, the Senate took the lead in efforts to restructure the state's patchwork system of human services and revise public-construction laws—with support of both labor and business leaders as well as Romney—and was a partner in a major restructuring of the state's school building assistance program.

"From a reform point of view, it was one of the most productive years in decades, and I think the Senate deserves

a lot of credit for that," says Michael Widmer, president of the Massachusetts Taxpayers Foundation. "Those are issues that have been around for a long time and have resisted efforts to improve them or address them."

For his part, Travaglini readily admits that the impetus came from Romney, but insists that, in the end, the Legislature outreformed the governor. "I think that the governor was the catalyst that sparked all of this reform movement. But the Legislature did it in a responsible and professional way. It dealt with the details, and it realized the ramifications of the actions," he says.

"He's not a policy wonk," says Steve Tocco of his friend. "[But] he understands how to get policy implemented."

Along with tapping his newfound reform impulse, Travaglini surprised many with his success at battling on behalf of constituencies and programs that were in the budget-cutting crosshairs as the state faced a \$3 billion deficit. In his first budget negotiations, Travaglini managed to preserve funding for the state's senior citizen prescription drug program, which Romney proposed eliminating, and he won restoration of health care benefits to most of the 36,000 adults who had been trimmed from the rolls of MassHealth, the state's Medicaid program for the poor and disabled, despite opposition from the House Speaker.

"Trav was able to keep it focused on the issues and wouldn't give up, despite repeated insistence by Finneran that he would never agree to it," says McDonough, the former legislator, who now heads the advocacy group Health Care for All. "To me that was kind of a spectacular achievement."

## MARRIAGE VOWS

If part of Travaglini's success comes from an ability to stand firm without escalating differences into bitter confrontation, that skill was never more apparent than in last year's debate over a constitutional amendment on same-sex marriage.

Most members of the House and Senate, which deliberate jointly when considering proposed amendments, went into the Constitutional Convention favoring either an outright ban on same-sex marriage or complete acceptance of the Supreme Judicial Court's historic 2003 decree legalizing gay marriage. But when the tension-filled days of debate were over, lawmakers had given initial approval to a compromise amendment sponsored by Travaglini and Senate minority leader Brian Lees that would ban gay marriage but provide for state-sanctioned "civil unions" for same-sex partners with all the rights and privileges of marriage.

It was an outcome that satisfied neither side but nonethe-

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less passed by majority vote, a classic display of Travaglini's brokering skills.

Travaglini also retained his cool in the face of a bold move by Finneran to hijack the proceedings. Finneran introduced a gay-marriage ban at the convention's outset, when Travaglini had recognized him for what the Senate president thought were to be only opening remarks.

"He and I had a private conversation," Travaglini says of the way he and Finneran settled accounts from the episode. "Where I come from, and the way I was brought up, you don't do that. It provoked a passionate response on my behalf—that I will say."

In November, several months after advancing a legal ban on civil marriage for gays, Travaglini delivered a heartfelt toast at the wedding reception of Cambridge state Sen. Jarrett Barrios and his longtime partner, political and media consultant Doug Hattaway. This left observers wondering whether Travaglini truly objected to same-sex marriage at all—and if he would continue to push an amendment banning it. But Arline Isaacson of the Massachusetts Gay and Lesbian Political Caucus says she didn't presume any change in his stance.

"That's treating someone you know in a caring and compassionate way, and that's quintessential Travaglini," Isaacson says of the wedding toast. "He's a man of the heart. But I won't pretend that means he's changed his mind. Different body part."

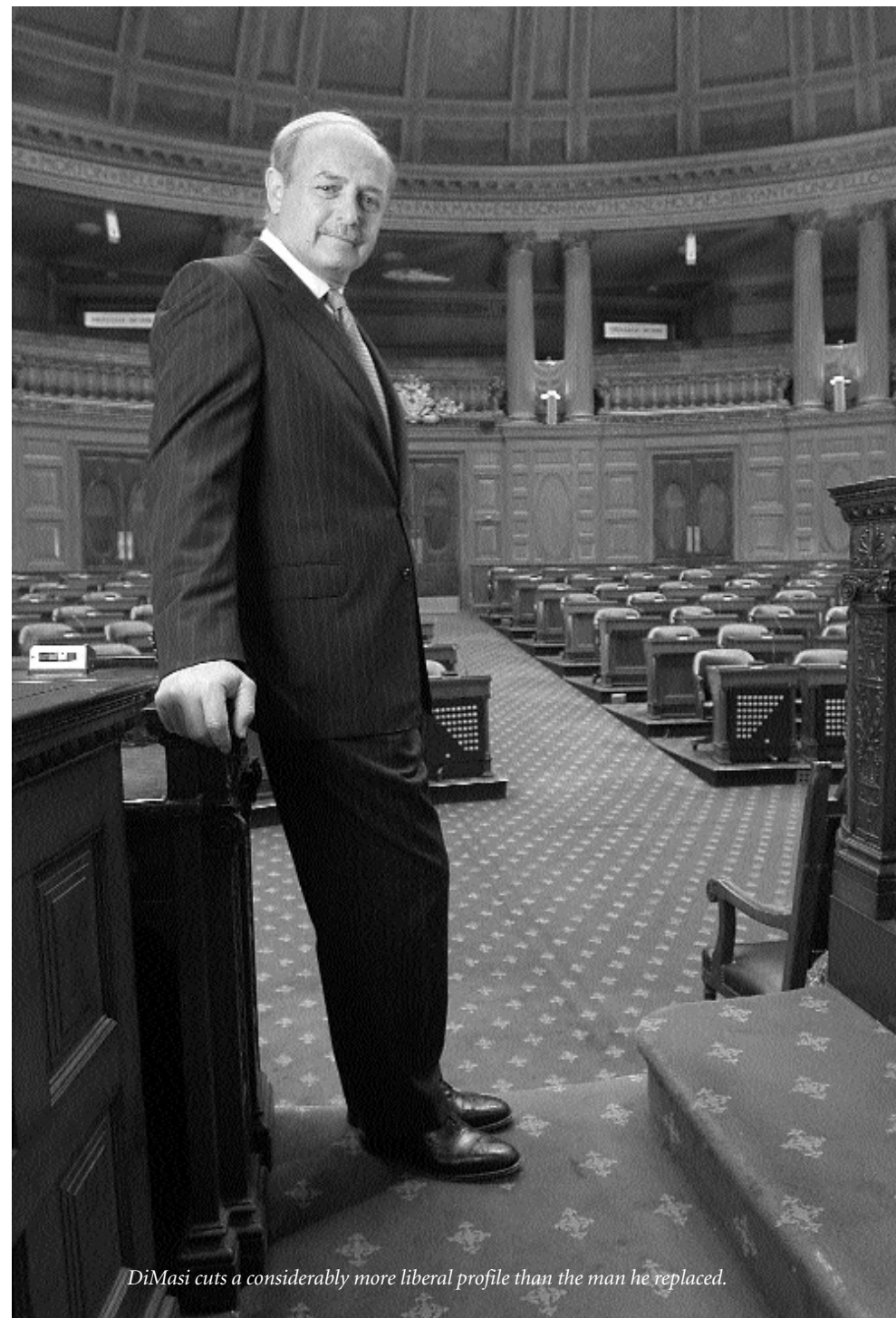
Travaglini, who as Senate president presides over the Constitutional Convention, says he plans to convene the joint session again this year, and that he intends to push for the Legislature to give a second approval to his amendment, which will place the measure on the 2006 statewide ballot.

As for his first two-year term at the Senate helm, Travaglini doesn't hold back his satisfaction in having dazzled the doubters. "All of those questions as to what is the true character and true makeup of Bobby Travaglini—I think they now know," he says. "The business community is very pleased with what I've done. The advocates are very pleased with what I've done. And those who occupy political office are very pleased with what I've done."

### SAL-UTATIONS

On a Thursday afternoon in October, about 70 people are gathered at the Milky Way, a hip Jamaica Plain restaurant and lounge featuring trendy beers and candlepin bowling. The Milky Way is run by a trio of grass-roots activists, and the crowd is thick with liberal stalwarts and Latino leaders who've been invited by the local state representative, Jeffrey Sanchez. The big draw is Sal DiMasi, the newly elected Speaker of the House of Representatives. After Sanchez gives him a warm introduction, peppered with a little Spanish for the bilingual audience, DiMasi takes the microphone.

"*Gracias, amigo*," he says to Sanchez, his awkward Spanish



*DiMasi cuts a considerably more liberal profile than the man he replaced.*

filtered through a thick Boston accent. “My Italian’s not too good, either,” he adds, drawing a laugh. With a mix of self-effacing humor and from-the-heart homily, DiMasi is off and running, charming the crowd with tales of the North End tenement life he was born into and the causes of the little guy that upbringing has led him to champion.

Truth be told, DiMasi probably won over lots of those in the room just by being there. Despite serving as Tom Finneran’s right-hand man as House majority leader, DiMasi cuts a considerably more liberal profile than the man he replaced, and House liberals—as well as advocates for everything from affordable housing to gay marriage and stem-cell research—see in him fresh hope for their causes

on Beacon Hill.

If DiMasi’s liberal views seem a little out of sync with the more conservative values of the narrow North End streets where he grew up, he says it was in that Italian-American enclave that he came to believe in the basic tenets of fairness he often cites in explaining his political views. When he gave a rare floor speech during last year’s Constitutional Convention, DiMasi recalled his Italian immigrant grandfather’s passion for reading the US Constitution as he declared his opposition to any amendment that would restrict marriage rights for same-sex couples.

A strapping 6-foot-2, DiMasi was a standout football player at Christopher Columbus High School. “I thought I was going to get scholarships to some very good schools for football,” he says. But a serious injury in a touch football game when he was 16, which nearly cost him his life and led to the removal of DiMasi’s spleen, ended his athletic career. DiMasi channeled his competitive drive into other pursuits, including chess, for which he was a reigning champion in the North End. “You have to anticipate moves in advance, and that’s what I like to do in politics,” he says.

Also good training for his later pursuits were the bartending jobs he held while working

his way through Suffolk Law School. “I listened up and down to everybody’s problems, and I related the listening with making tips. So it was a good start,” says DiMasi.

After law school, DiMasi, 59, worked as an assistant district attorney in Suffolk County. But his professional career has been defined by the House seat he was first elected to in 1978 and the lucrative criminal defense practice he has maintained throughout his 26 years in office.

In describing the difference between Finneran and DiMasi, one former lawmaker who knows both men well says, “Both are city kids who grew up in rough and tumble Boston. Tommy picked himself up from the bootstraps and thinks anybody could. Sal takes very different lessons from

similar experience—that you’ve got to be there for other people when they need you.”

### UNDER THE SPOTLIGHT

That “be there for other people” credo has shaped DiMasi’s liberal-leaning outlook on everything from social service spending to gay rights, for which he was an early supporter in the Legislature. But DiMasi has also operated under the shadow of charges that he has also been willing to pull the levers of public power for more questionable purposes.

In 1999, a *Boston Globe* “Spotlight” report claimed that DiMasi was behind legislation that removed resale restrictions on 61 units of affordable housing in his North End district. The *Globe* said the change could yield a windfall of \$146,000 for DiMasi’s brother as well as an aunt and niece, who all owned condos in the Lincoln Warf complex.

In the late 1980s, questions were raised about DiMasi’s role in fighting a bill that would have restricted the work of a former law client and business partner who operated as an “heir finder,” locating individuals unaware of property claims they could make on the estate of deceased relatives. The bill, which passed in 1990 over DiMasi’s opposition, limited to 40 years the time in which heirs could step forward to stop a land-taking by a municipality because of

delinquent taxes.

And in 1990, a “Spotlight” series on the state court system charged that DiMasi was one of six politically connected lawyers, four of them state legislators, who enjoyed rates of acquittal and favorable plea agreements far higher than those of other lawyers in Boston Municipal Court. Much of DiMasi’s criminal defense work takes place in the BMC, an anachronism of the state judicial system in which the court serving Boston’s downtown neighborhoods has operated as department distinct from all other district courts across the Commonwealth. The *Globe* series suggested that politically powerful attorneys found favor with judges in the BMC, who depend on lawmakers for the court’s annual operating budget.

DiMasi rejects all the charges as baseless, and on some he has corroboration. A panel chaired by then-Suffolk Law School dean Paul Sugarman reviewed the cases cited in the *Globe* series and concluded that there was no evidence of impropriety in the cases DiMasi handled—although it did recommend that legislator-lawyers be “limited or prohibited” from practicing in the state’s trial courts.

As for the North End condominium project where his relatives live, DiMasi says it was the MBTA, which owned and developed the project, that wanted to cut short the



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# CONGRATULATIONS SPEAKER DIMASI



At “Sal DiMasi Day” in the North End—a tribute to the local boy made good.

affordable housing covenants. “I told them I didn’t want to have anything to do with it because it was in my district,” says DiMasi. While DiMasi did not file the legislation, the 1999 *Globe* report claims the bill was drafted by members of DiMasi’s staff and that he personally took credit for the bill in a letter to an owner in the condo complex. Of the questions about his role, DiMasi says, “I got a letter of exoneration from the ethics committee,” a reference, his office

as Finneran’s top lieutenant to put reps in their place. After watching Travaglini defy expectations in his first two years by showing leadership on serious issues facing the state and bringing a new collegiality to the workings of a dispirited Senate, Meredith says DiMasi seemed determined to do the same.

He will have his work cut out for him. Almost immediately after winning the Speaker’s post in September, DiMasi

## After watching Travaglini defy expectations, DiMasi seems determined to do the same.

says, to correspondence from the state ethics commission. (DiMasi declined to make available a copy of the letter.)

Though he resents the stigma associated with the newspaper exposés, DiMasi says that, for a politician, charges like these come with the territory. He says a favorite cartoon of his shows a man in a doctor’s office complaining about a sharp pain in his back. When the doctor asks him to turn around, there is a huge dagger sticking out. “The doctor says, ‘I told you, if you’re going to be in politics, you have to get used to the pain.’”

formed a committee of legislators to recommend reforms in House rules that critics—Democrats out of favor with leadership and Republicans alike—say were molded by Finneran over the years to tightly control the flow of legislation. But for some, it was hard to believe that DiMasi, who at times seemed to relish the role of enforcer as much as his Speaker relied upon him to play it, will deliver the House from Finneran’s tight grip.

But that is not what they say in the House. To consider DiMasi as Finneran’s leg-breaker is a caricature, they say. As

### A HOUSE UNITED?

On the September weekend that DiMasi—in a late-night meeting in his North End condo with his chief rival, John Rogers, which Finneran reportedly arranged—sealed the deal to become Speaker, the lawmaker took a congratulatory phone call from veteran human services lobbyist Judy Meredith.

“I’m 59 years old, and I want to do a Bobby Travaglini,” DiMasi told her, she says. “And I knew exactly what he meant.”

After nearly 30 years in the Legislature, DiMasi was assuming the reins of power with little in the way of a public profile, and a reputation among State House watchers as a Beacon Hill bon vivant who enjoyed the perks of public office—and was willing to use his power



much as he was part of Finneran's team, DiMasi often tried to play the role of conciliator, the behind-the-scenes peacemaker trying to heal rifts in a House torn by division from the moment Finneran assumed power nine years ago. That experience, they say, will serve him well in the days ahead.

"My sense is that Sal is the right guy at the right time and at the right place in his life to do a really bang-up job," says Rep. Harriet Stanley, a one-time Finneran ally who grew increasingly critical of his leadership, losing her committee chairmanship as a result. Even in his personal life, the one-time high-lifer has settled down. Remarried four years ago, and now a doting father to his wife's two children, DiMasi seems more grounded these days, colleagues say. "That's a

ers by surprise, and with the third-candidate caucus not even able to agree on a standard bearer, most of them jumped into DiMasi's camp, helping to seal his triumph over Rogers, who agreed to serve as majority leader under DiMasi.

It was a far cry from the bruising leadership battle of 1996, when Finneran pulled a stunning end-around by striking a deal with Republican House members to support his bid against then-majority leader Richard Voke, who enjoyed the support of a majority of House Democrats.

"Sal doesn't come in taking the place over under the same circumstances as Finneran," says Rep. Charles Murphy, a Burlington Democrat who entered the House in 1997. "When I came in, there was still blood on the floor."

## While House members are anxious for a bigger role, they're also mindful of the need for a forceful leader who can bring discipline.

different Sal than we've seen in the past," says Stanley.

And it will be a different House, says DiMasi. "My style is going to be inclusive," he says. "It's going to be empowering of the members. I mean that committee work is going to be meaningful, and chairmen will have an obligation or responsibility for decision making."

Rep. Angelo Scaccia, who chaired the powerful House rules committee under Finneran and is one of DiMasi's closest friends in the Legislature, is convinced that DiMasi will be different from Finneran. "Tommy was always involved [in every matter] from Stage One," says Scaccia. "I'm not so sure Sal's going to be involved from Stage One."

Indeed, some members say that, whatever comes out of DiMasi's rules-reform committee, the rules may be less important than the ruler. "I always thought fights over the legislative rules were a surrogate for battles over power," says Rep. James Marzilli of Arlington, who was part of the small group of Democrats who regularly challenged Finneran. "Depending on who's holding the gavel, the system can work either really good or bad. So change will be made in the tone set by Sal."

That tone may be more collegial not only because of who's holding the gavel but how he came to hold it. In the months leading up to Finneran's departure, DiMasi and John Rogers, the more conservative chairman of the House Ways and Means committee, were actively soliciting support for bids to succeed the Mattapan lawmaker. A loosely organized group of 30 to 40 representatives, which included the 18 liberal dissidents who had voted for Byron Rushing in his largely symbolic challenge to Finneran in January 2003, had hoped to back a third candidate when the leadership transition finally came. But Finneran's fast exit caught many lawmak-

ers just as glad that the change won't be so dramatic. "This is not a revolution," says Marzilli. "There's a lot of damage done in revolutions, and the good guys don't always win."

While many House members are anxious to keep DiMasi to his word on giving committee chairmen and rank-and-file members a bigger role, they are also mindful of the need for a forceful leader who can bring discipline, when needed, to the 160-member body, a task often likened to herding cats. House members don't want an autocrat in charge, says Marzilli, but neither do they want the chamber run by "the virgin homecoming queen."

On that score, there is little to worry about. In one of the more notorious episodes of DiMasi hardball politics, in early 2001, DiMasi told Rep. Doug Petersen in a weekend phone call that he couldn't be sure what the consequences would be if Petersen persisted in voting not to weaken the state's controversial "Clean Elections" law, as the leadership was proposing. Petersen voted "off" the leadership line, and was removed the next week as chairman of the Natural Resources and Agriculture Committee when Finneran announced new committee assignments.

Asked now about the episode of arm-twisting-followed-by-retribution, Petersen is willing to chalk it up to a different era. "I'm assuming and hoping that that was loyalty to Tom Finneran," Petersen says.

"If you really knew Sal, that's not his M.O. in life," says Richard Iannella, a former Boston city councilor and longtime friend of DiMasi's. "He's a bridge builder. He's not a bully."

Indeed, many Beacon Hill insiders say DiMasi often worked tirelessly behind the scenes to bridge the gulf

between Finneran and liberal lawmakers on various issues, even if not always successfully. "You would hear from other people in those meetings how hard Sal worked," says Meredith, the longtime human services lobbyist. "He'd joke, he'd fool around," she says, looking for any way to get Finneran to give a little.

Even the badly outnumbered House Republicans, whose ranks are now down to 21 members, see hope for a new chance at least to have their voices heard.

"I have an agenda that I would like to see carry the day," says Brad Jones, the House Republican leader. "But on a more realistic level, I have an agenda that I would like to have *see* the light of day."

#### CHIP SHOTS

At a North End fete in early November celebrating DiMasi's rise to the Speaker's position, Boston Mayor Tom Menino poked some fun at DiMasi's most well-known passion. "I know your golf game will not improve, but our representation in the State House will improve because you'll be there for the folks in our society who need you the most," Menino told DiMasi.

While DiMasi's responsibilities are certainly greater than they've ever been, there's no reason to think his golf

game will suffer. Indeed, for DiMasi, serious business often involves a good bottle of wine or a round of golf.

"Let me tell you, in any business, and in anything that you do, when you socialize and understand and learn things about people, etcetera, I think that's extremely important," says DiMasi, who drops "etcetera" into sentences where others sprinkle "uhs" and "ohs." "There's no barriers. And when you play golf, [when] you go out to dinner, I think that happens."

For DiMasi, that happens a lot. According to campaign finance reports, in 2003, DiMasi was reimbursed from his campaign account \$11,931 for 103 separate credit card charges, many for meals with Beacon Hill colleagues, and he charged his campaign account \$4,982 for golf fees, covering himself and the lawmakers in his company, at the Ipswich Country Club, where he has long been a member.

For Rep. Frank Smizik, a love of golf may prove to be worth more than any elaborate policy pronouncement. A Brookline Democrat, Smizik was elected to office in 2000 by charging that the incumbent Democrat was too cozy with Finneran. It was an effective campaign message in one of the state's most liberal communities, but it meant Smizik was relegated to the margins once he took office. With a leadership change clearly in the offing, last summer he broke



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bread—and hit the links—with Finneran's chief lieutenant, cementing a friendship and an agreement to support DiMasi in his bid to succeed Finneran.

"My feeling was, I didn't want to be a liberal dissident for my entire career," says Smizik, explaining his break from many other House liberals who were hoping for a third candidate to emerge in the Speaker's battle. "I'm the only progressive who plays golf—that helped."

"I recognize that Frank Smizik has an awful lot of talent," says DiMasi. "Frank and I became very good friends, and I respect his opinion."

While Smizik is anxious to assume a more active role in the business of the House, whether everyone will take to the new member-empowerment promised by DiMasi remains to be seen.

"It's a test for them, too," Meredith says of those House members who have squawked the loudest for a larger role. "Imagine, finally being taken seriously. You better come up with something that's pretty good."

The same could be said for DiMasi, whom many are looking to as the kind of leader who will return the House to a place where vigorous debate takes place. DiMasi may be in the unenviable position of having raised expectations among those looking for change, while still drawing skepti-

tical stares from other corners.

"We don't expect to see much difference," says Barbara Anderson, the longtime director of Citizens for Limited Taxation. "Sal DiMasi was in lockstep with the Speaker [Finneran] right from the beginning," says Anderson, who was as critical of Finneran for his short-circuiting of public process in House proceedings as for his embrace of new taxes. In what passes for a charitable welcome from the hard-bitten veteran of Beacon Hill battles, Anderson says of the new Speaker, "You give a guy a chance—until he does the expected."

## MANDATE FOR WHAT?

As the Legislature begins a new session, the dominance of Democrats in both chambers is remarkable even by Massachusetts standards. As a result, there is lots of talk among Democrats of driving straight over a badly weakened governor. It's a view that Travaglini does little to dispel. "I now have a mandate, the Speaker of the House now has a mandate...and we are going to define policy and the direction of the Commonwealth," says Travaglini.

That may be dismissing Romney a little too quickly. As governor, he retains a public stature and ability to draw news coverage far beyond that of any other state official, includ-



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ing Travaglini and DiMasi. What's more, Romney's two-part mantra of no-new-taxes and reform of state government has, in fact, set the terms for much of the activity on Beacon Hill over the past two years.

Even assuming the Democratic Legislature holds most of the political capital on Beacon Hill, exactly how do the leaders plan to spend it? In the run-up to the new session, DiMasi offered little hint of the agenda he would pursue as House leader. He also kept his cards close to the vest on the

the number of Massachusetts residents without health insurance in half within two years. Travaglini vowed to seek out creative, market-based solutions to the plight of the uninsured, disavowing new taxes or employer mandates as ways to increase coverage.

It was an attention-grabbing move that set in motion a flurry of activity in health care unlike anything seen on Beacon Hill in almost a decade. For months, the Romney administration had said it was working on a plan to address

## In fact, Romney's stands against taxes and in favor of government reform have set the terms for much of the activity on Beacon Hill.

most anticipated move of his early tenure—the announcement of committee chairmanships and other leadership positions, appointments that may provide clues to the direction the House will take on a range of issues.

In November, Travaglini outlined one big issue he plans to tackle, announcing at a meeting of health care advocates that he will be rolling out an initiative aimed at cutting

the problem of the uninsured, but Travaglini's foray seemed to spur the governor into action. Within days, the administration, which had said it wouldn't even be releasing the "principles" of its health care plan until the new year, suddenly jumped out of the box, with Romney authoring an op-ed piece in the *Globe*, in which he offered up a sketchy plan to offer coverage to all residents, with a similar reliance

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on market-based approaches. (The governor's plan is elaborated, and accompanied by responses from advocates, business, and insurers, in *Argument and Counterpoints*, page 98.)

Romney aides say they're eager to work with lawmakers to craft a plan all parties can embrace. "With the election over, now it's time for all of us to extend the hand of goodwill to the other side and work together," says Eric Fehrstrom, Romney's communication director.

That was clearly Romney's intent as he mounted a post-election push to curry favor with Democratic legislators he had tried so hard to drive out of office. Romney asked Travaglini and DiMasi to dine with him in the North End, and he invited top Democrats to his Belmont home for some holiday cheer. In November, Jack Hart, the South Boston state senator, suddenly got a call inviting him to meet with the governor. Hart describes their half-hour get-together as an informal get-acquainted session, with some general discussion of state issues.

"I think it's a sound move for him to make, to reach out to people," says Hart, who had little contact with Romney over the previous two years. "I was a little bit surprised, but pleasantly surprised."

Meanwhile, administration officials say they're eager to

work with the new House Speaker, and they have nothing but good things to say about Travaglini's first session presiding over the Senate. "The Senate president, I think, has surprised people with his commitment to reform," says Fehrstrom. "It's a fact of life that people in politics get stereotyped, sometimes unfairly."

Travaglini undoubtedly couldn't agree with him more. It was Fehrstrom's boss who helped introduce Travaglini to statewide view with campaign ads in 2002 that placed the incoming Senate president in the "Gang of Three," a troika made up of Travaglini, Finneran, and Democratic nominee Shannon O'Brien, the lot of them portrayed as responsible for the patronage-soaked "mess on Beacon Hill" Romney vowed to clean up. Last fall, Romney-backed legislative candidates pushed a similar message, branding Democratic incumbents as reform-resistant toadies of the Boston politicians running the Legislature.

"I don't think that's something that's going to be easily forgotten," says Sen. Richard Moore. Lawmakers may not "let it get in the way of what needs to get done, but I don't think they're going to be looking to do the governor any special favors, either," says the Uxbridge Democrat.

"I applaud him for re-energizing incumbents in the Democratic Party," says Travaglini, in a backhanded

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compliment to the governor.

With Travaglini and DiMasi more in sync on issues than Birmingham and Finneran, some Beacon Hill players think the Democrat-controlled House and Senate may be able to pursue a common agenda in a way that was not possible in recent years, when the two chambers often spent as much time battling each other as they did a succession of Republican governors. That could put the Legislature in an unusually strong position in working with the governor—or defying him.

“We have the possibility, for the first time in a long time, of the two branches working together on a Democratic agenda against a Republican administration, and working with a Republican administration for the good of the people when there is common ground,” says Sen. Stanley Rosenberg, an Amherst Democrat.

But that doesn’t necessarily mean the state is off to the races, in programs or spending. “They’re pragmatic people,” Tocco says of Travaglini and DiMasi. “They’re not driven by ideology, and I think that presents real opportunity, because to be pragmatic you have to listen, you have to be inclusive, and you have to realize there are many ways to solve big problems.”

**W**hile both men realize they now carry far weightier responsibilities than in the past, when they were simply sticking up for their districts, it would be foolish to think that two lawmakers who built their careers on going to bat for those they represent won’t be looking out for those who brought them to the pinnacle of power.

A month after his visit with Jamaica Plain activists at the Milky Way, the new House leader is standing on more familiar ground. It’s “Sal DiMasi Day” in the North End, and local leaders have organized a tribute to the local boy made good, the state’s first Italian-American House Speaker. Several hundred residents are gathered on the Prado, a cobblestone pedestrian mall that runs between Hanover Street, the neighborhood’s busy main thoroughfare, and the grounds of the famed Old North Church on Salem Street.

“I am proud to be an Italian-American. I am proud to be Speaker of the House. But I am most proud to be a North End,” DiMasi says to the crowd.

When it’s his turn to honor his new partner on the bridge of the Legislature, Travaglini speaks of their broad commitment to shaping policy on health care, education, and the economy. “I am excited about the responsibilities he and I will share,” Travaglini tells the crowd. “And to all of those who live close by,” he adds, referencing DiMasi’s North End neighborhood, which also happens to sit in Travaglini’s own state Senate district, “I wouldn’t recommend relocation.” ■



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# Meeting him halfway

In a mid-term visit, Gov. Romney talks about what he's learned and what he's got planned for the next two years—and four more after that

Recently, as I contemplated Massachusetts politics, my mind turned to physics. Since science was never my strong suit, this is by no means a common occurrence. But it crossed my mind that one way to think about the lack of staying power among the Republicans who have occupied the State House corner office continuously since 1991 is the phenomenon of exponential decay. Specifically, it struck me that the half-life of our GOP governors has gotten shorter and shorter.

Bill Weld, whose attention span was notoriously short, served a full term, won re-election, and was more than halfway into his second before succumbing to wanderlust. His 1996 challenge of US Sen. John Kerry doesn't really count: Moving up the elected-office food chain is something of a natural instinct for politicians, and Weld can't be faulted for taking a shot. His sudden urge to become a diplomat—something no one would have thought to call him—soon thereafter is another matter. When he resigned from office in 1997, ostensibly to fight the opposition from members of his own party to his nomination to be ambassador to Mexico, it seemed not just a desperate attempt to salvage his nomination but a handy excuse for getting out of the rest of his term as governor.

His successor, Paul Cellucci, bailed out of the corner office soon after his two-year anniversary as governor. But that was after seven years as lieutenant governor and one year as acting governor, not to mention 24 years in the Legislature and, before that, service as selectman in Hudson. The job he seemed to have been angling for his entire political career may not have been all he expected it to be, but when Cellucci accepted President Bush's offer of the ambassadorship to Canada, at least he'd paid his dues.

Cellucci's departure for Ottawa shortly after passing the mid-term mark was much on my mind as I went to see Gov. Mitt Romney in December, just short of his first-term midpoint. I had done the same with Cellucci (see "Hanging Tough," CW, Winter '01) and was starting to wonder whether I was a jinx. I didn't spend much time in the company of governors, but when I did they seemed poised to move on.

Of course, Romney, now just two years into his first term in his first elective office, has not left—yet—and he may not do so for some time to come. Yet the rumor mill grinds away: He won't finish his term; he'll finish this term but not run for re-election. He won't run for re-election because he's running for president in 2008; he *will* run for re-election *because* he's running for president in 2008. He's going

BY ROBERT KEOUGH | PHOTOGRAPHS BY MARK OSTOW





to/not going to run for re-election because he's running for US Senate in 2008—and so it goes, and goes, and goes.

In part, this is just the parlor game that the political hot-stove league plays to keep itself amused in the off-season. Still, I had to wonder whether the restlessness, actual or presumed, now being ascribed to Romney has become an intrinsic part of being a Republican governor presiding over a Democratic state, and especially a Democratic state Legislature. Is there something inherently unsatisfying about governing from a minority position that makes the office something to be left at the first opportunity?

"I think it's the press and the public's infatuation" with national politics and the presumed attraction of national office that fuels the rumor mill, Romney said. That speculation should, in his view, be dampened by the actual track record of Massachusetts politicians who have sought national office, which he noted "has not been particularly stellar." He ticks off the Bay State presidential casualty list: "[Paul] Tsongas, Sen. [Edward] Kennedy, Mike Dukakis, now John Kerry. You have to recognize it's not exactly a path-way paved with success."

When it comes to him specifically, Romney took issue with the idea that the jobs in Washington, DC, hold any attraction over the one he's doing now. "I like the job I've got," said Romney. "I'm able to do things as a governor that [US] senators only dream about. We're able to take on tough issues, build consensus around them, and make extraordinary change that is helpful to the people of the state." In contrast,

**ON HIS BIGGEST DISAPPOINTMENT:**  
'We haven't made more progress in reforming education—yet.'

he said, "I look at our senators there and congressmen, they have to do an awful lot of talk and get very little done.

"We got a lot done here in the last two years," continued Romney. "Frankly, I think we got more done in the last two years than I expected I could get done in the first four years. I'm pretty pleased with what's been done. The Legislature deserves a huge amount of credit for that, of course. I get nothing done without their support. So I like the job and I'm keeping it. I'll serve all four years and hopefully four after that." (A complete transcript of my interview with Gov. Romney is available at [www.massinc.org](http://www.massinc.org).)

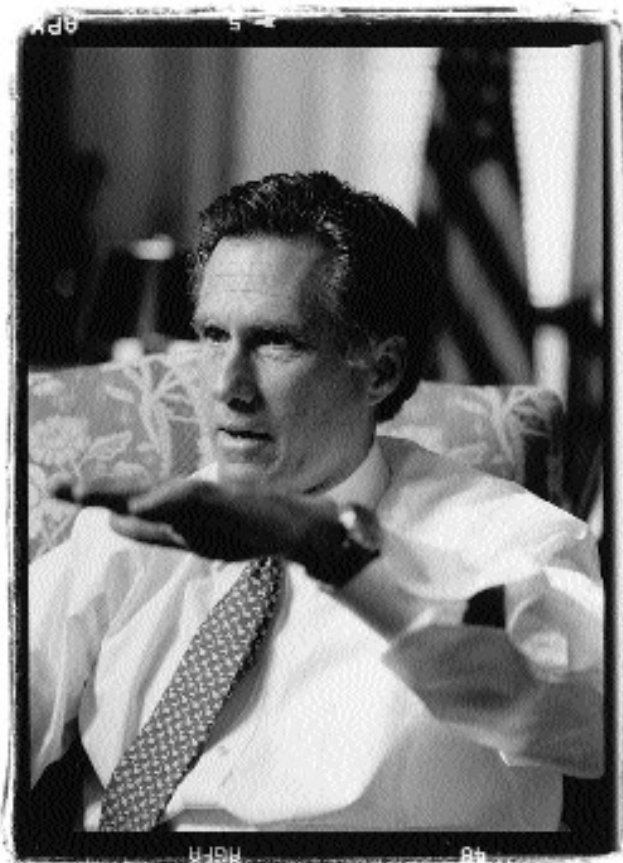
#### LOOKING FOR LEVERAGE

Still, from inauguration day on, Romney has been, like his Republican predecessors, operating without a net in the Legislature. Weld alone enjoyed a veto-sustaining bloc of Republicans in the Senate, and only for his first two years in office. I asked Romney what he has learned about gov-

erning from a minority position. Was there anything he would have done differently, had he known what he knows now?

"I've made, I'm sure, plenty of mistakes and I'd do some things differently if I could go back"—not that he named any—"I'm sure that could be said by anyone. I do feel, though, that [my] approach has worked pretty well in the last couple of years."

And how would he characterize his approach? "Let me tell you how I've worked and what seems to be effective. On



issues where there are not powerful special interests aligned with the Democratic Party, we're able to work on a very collaborative basis between the Legislature and the administration to get things done.

"Then there are those topics where there is an entrenched special interest aligned with one party or another," Romney continued. "When those types of issues arise I've taken much more of a campaign approach, meaning go to the public, call for change, try to create a lot of energy around the issue and overcome the special interests that may be putting pressure on my colleagues across the aisle."

Asked for an example of one of those special-interesting controversies, Romney cited education reform. "Anytime you deal with education you're dealing with the teachers' unions, and they have a very strong view on what

changes they will accept and will not accept. So in education I come out and make more of a campaign, if you will, to try and generate public support, to give the Legislature the cover and the encouragement necessary to make positive change.”

Drunk driving is another issue on which Romney said he used public leverage to his advantage. “We were the last state in America to finally have a *per se* drunk driving law. There were entrenched interests that didn’t want to see that changed.” Romney declined to say so (“Well, I’ll let people surmise who might have been on the opposite side”), but it was the criminal-defense bar that resisted making a 0.8 reading on the Breathalyzer test sufficient evidence of driving “impairment.”

“But there was enough public attention and enough willingness on the part of some extraordinary Democrats”—in this case, he said, it was House Criminal Justice Committee chairman James Vallee—“to go against powerful constituencies, to say, ‘I’m behind this. We’re putting it on the floor.’ We got it out there. We got it to a vote and it passed unanimously, because once it’s in the light of day no one wants to be against tougher drunk-driving sanctions.” That long-pending bill passed in time for July 4th weekend of 2003.

#### MID-TERM GRADE: INCOMPLETE

On education, however, Romney acknowledged that he has by no means overcome the “interests” he has taken on. Indeed, when asked about his greatest disappointment to date, Romney said, “My biggest disappointment is we haven’t made more progress in reforming education—yet.” Of course, he touted the new John and Abigail Adams Scholarships (“The top quarter of our high school graduates will be able to go to a Massachusetts college or university tuition-free. That’s extraordinary. That’s unprecedented in the nation.”) and the school building assistance program, which was restructured to clear the backlog of school construction projects.

In citing these achievements, Romney made no mention of the criticisms leveled at the scholarship program: that a small proportion of poor or minority students qualified, and for those who did the tuition waiver amounted to meager support, given that fees levied at public higher education institutions can be as much as four times as great. And in school building assistance, he took no note of the fact that the refinancing scheme he signed into law was one of Treasurer Tim Cahill’s devising, not his. These two measures nonetheless count as Romney triumphs, a fact that never fails to rankle lawmakers.



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It's the third leg of his "legacy of learning" education-reform stool that Romney is still struggling to secure: what he calls "reforms to help our underperforming school districts—to give the principals and superintendents of schools the ability to hire and fire, to pay merit bonuses, to give additional money to science and math teachers." Said Romney, "These kinds of reforms we made progress on—I got a little success there—but there's a lot more to do."

Chief among the victories on this score was defeating the moratorium on new charter schools—a rare instance of the Legislature falling short in an attempt to override his veto. "One of the things I love about charter schools is, if they're not working, we revoke their charter, so we can, over time, get better and better charter schools," said Romney. "Kids

**ON WORKING WITH THE LEGISLATURE: 'Where there are not powerful special interests aligned with the Democratic Party...we're able to work on a very collaborative basis.'**

have more choice, particularly in our urban settings."

Intriguingly, Romney said his best ally on management reform going forward could be the Supreme Judicial Court, in its much-anticipated *Hancock* ruling. (See Conversation, page 84, and Symposium, CW, Fall '04.) "Adopting these measures is something which I believe will happen this year because the Supreme Judicial Court is watching this issue with great interest."

What made him think so? After all, the trial judge's recommendations in the case suggested more money, possibly in vast amounts, as well as more attention to the "capacity" of schools and districts to spend that money effectively.

"I think the initial observations [of Judge Botsford] will be reviewed with great seriousness by the Supreme Judicial Court," said Romney. "[The justices'] comments and questions in court suggested that money is not the answer. I believe they're right. Look at school districts that have dramatically increased spending in the school and it doesn't change the performance of the students. You have to manage that money differently as opposed to just spending more money. Right now in America 53 percent of the funds we're spending in our schools is being spent on teaching; 47 percent is overhead. That is nuts."

Warming to this theme, Romney continued: "We're spending billions of dollars more today than we were when education reform passed in 1993 and we have not fixed the schools in the inner city. It's time to adopt some of the approaches recommended by people like those that serve on the Grogan Commission...and those experiences of our charter schools."

## NOT SUCH A HEAD START

One education innovation Romney seemed to have his doubts about is early-childhood education. Last year, the Legislature embarked, without objection from the governor, on a process of creating a new Department of Early Education and Care, a single agency devoted to serving the educational and developmental needs of children who are not yet school-aged. It is a project that, if it leads to universal preschool statewide, could ultimately cost up to \$1 billion a year. In December, Romney reacted to the report of an advisory committee charged with recommending the parameters of the new department by stating that he had "serious reservations" about the plan. In particular, he stated, "I am concerned that understandable efforts to increase

the standards and quality of early education and child care programs will increase the cost of child care beyond the economic capacity of working parents, especially low income working parents."

When I asked Romney about early-childhood education, however, his "reservations" seemed to go beyond the price of daycare.

**ON EARLY EDUCATION: 'I would like to see the data...before we start spending that money.'**

For him, the case for early-childhood education had yet to be made.

"You know, I began my career in the consulting industry and in that industry what I learned was you didn't come to a problem with a preconceived answer. You instead gathered information, analyzed the information, and then said, okay, what have we learned from this that would tell us how to make things better? We did the same thing in education. We spend billions of dollars in Massachusetts on education. We have 351 different school districts. We can learn from them. We have charter schools. We can learn from them. We can learn from the think tanks that have been studying education to say: Which changes to the education system will actually produce results for our kids? What things will make them better? Early education is often suggested as one of the things that will help our kids.

"Well," he continued, "let's look. Before we spend a billion dollars, let's look at the data of kids who are currently in Head Start and see. Do we have a higher graduation rate with kids in Head Start than with kids in the same socioeconomic group and neighborhood that did not get Head Start? If so, let's invest in more Head Start. If not, let's not. I don't bring to this a doctrinaire, prepackaged series of answers to how to make our schools better. Instead, I look for

recommendations based on analysis of data. With regards to early education, I would like to see the data to know where we should invest and how much we should invest before we start spending that money.”

I asked him if his need for data was based in questions about early-childhood education itself, or how to do it. “I’d like to see more full analysis, [but] the preliminary information shows that kids that get early education get a real head start for the first two or three years of elementary school,” Romney said. “But by the time kids start dropping out of school—sixth, seventh, eighth grades—early education hasn’t impacted their dropout rate nor their success on the MCAS.... If that’s the case, I’d rather be spending money in after-school programs for sixth-, seventh-, and eighth-graders, spending money on more support in the classroom for teachers, computers in the classroom.”

Once again, Romney saw the principal obstacle to open-minded consideration of the merits—or lack thereof—of preschool education as “special interest groups,” one in particular.

“Let’s put aside the special interest groups,” said Romney. “Let’s put aside the teachers’ union and all the others that have a financial stake in the outcome and instead look at the data and determine what’s the right thing to do for our kids.”

## UNDER CONSTRUCTION

When I asked what accomplishment to date he’s most proud of, Romney distinguished between short-term and long-term. Short-term, he said, closing the budget gap—estimated at \$3 billion when he took office—without raising broad-based taxes was his most important achievement, one that he shared with the Legislature. (“I don’t do these things alone. We do them together.”) The measure he thought would have most long-term payoff for the Commonwealth, on the other hand, was the housing and development package, known in legalistic shorthand as Chapter 40-R, passed last summer as part of the budget. Based in part on the recommendations of the Commonwealth Housing Task Force, an ad hoc group of academic experts, business leaders, and housing advocates (“Can housing plans pass inspection?” *CW*, Winter ’04), the new development rules encourage cities and towns to create “zoning overlay districts” that will allow dense development near municipal centers and transit stops in exchange for certain state incentives.

“It is the quintessential smart-growth strategy,” said Romney, with enthusiasm. “We are applying it. We are adopting it. And I think it’s going to be a huge benefit for generations.”

Romney is one of many state (and business) leaders who have come to see the rising cost of housing not only as a problem for the poor but as a threat to our economic com-

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petitiveness. I pointed out that while housing permits for multifamily housing were up, so were home prices—14 percent in the first half of 2004, the highest rate in four years. I asked him how his housing legislation was going to alleviate that cost pressure and provide more opportunities for affordable, middle-class family housing, and if there is more to be done.

“There will always be more to be done, but we’re making huge strides forward,” said Romney. “As the additional housing that is currently under construction comes into the market, it will continue to bring down prices and open up homes and multifamily homes to our citizens at reasonable prices. I know of no way to bring down price other than by increasing supply. That is the only way you can do it on a permanent basis. We have constricted supply in the Commonwealth for decades, and that’s what’s been driving the price of our housing out of sight.”

I asked what made him believe that cities and towns were going to sign on to his “smart growth” plan—the law, after all, made these new development districts simply a local option, not a state mandate. And of the incentives proposed by the Commonwealth Housing Task Force, those incorporated into the new law were the short-dollar ones, while the big-ticket items—such as subsidizing the educa-

tion costs of children living in the new densely built housing—were left on the cutting room floor.

“Well, we did get one financial incentive and that’s a bounty on each housing permit,” Romney replied. “I wanted a \$6,000 bounty. It’s only a \$3,000 bounty, but that’s the nature of the legislative process.” In addition, municipalities get upfront money at the time of rezoning—\$350,000 for 400 units of housing planned for in the development

**ON HOUSING COSTS: ‘I know of no way to bring down price other than by increasing supply.’**

district, \$600,000 if more than 500 units—but these are all one-time infusions of cash.

But Romney also reminded me of the “stick” he had put in the hands of Doug Foy, his development czar, to reason with local leaders who might not jump to the bait. “We, as an administration, dispense a lot of money from the state to municipalities and localities on a discretionary basis,” said Romney. “We have communicated to cities and towns that we are going to send that money out [largely] based on

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whether they have adopted multifamily housing zones in their cities and towns. Basically, what we're saying is, if you're playing in a smart-growth world, then we're going to be playing with the dollars that you need to help beautify your community and to do the things you want to do. But if you're holding up multifamily housing, if you're not allowing your citizens to enjoy a future in your city or town, then we're going to take our money elsewhere."

Whether it's carrots or sticks doing the trick, are Massachusetts communities getting on board Romney's town-square development bandwagon? He says they are. "We've had a number of cities—Secretary Foy can tell you the number but it's more than a handful, it's more than your fingers and toes combined. We've had a number of cities say we're on board. We're signed up."

Well, maybe not "signed up" exactly. After checking with Foy's office, it turns out that, with Chapter 40-R going into effect in July, regulations were still being drafted for public comment; they would likely be promulgated by the end of February. So far, about a dozen communities have apparently expressed preliminary interest in the overlay district idea, but officials are hoping to see much more activity once regulations come out, with possible action at town meetings as soon as this spring.

## ELECTION RETURNS—AND FALLOUT

I couldn't leave without asking the governor about the election season just past. In an interview during the 2002 gubernatorial campaign, Romney had told *CommonWealth's* editors that he intended to revive two-party politics in the Bay State. Romney certainly tried to do so last fall, recruiting and aiding a bumper crop (by Massachusetts standards, anyway) of Republican candidates for legislative office. But not a single Democratic incumbent was knocked out by a Republican challenger, and not a single open seat went to the GOP. In the end, the party became even a smaller minority in the Legislature, losing two seats in the House and one in the Senate.

I suggested to Romney that things could hardly have turned out worse had he and his handpicked state party chairman, Darrell Crate, done nothing at all. He jumped all over that remark.

"As a matter of fact, things could have turned out much worse," said Romney. "We lost not one incumbent seat. There was a very aggressive effort by the opposition party to knock off a number of our candidates, including Scott Brown," the Wrentham Republican who had won, in a special election last year, the state Senate seat vacated by Cheryl Jacques. Romney also cited "a very aggressive effort by the AFL-CIO" to "knock off" Sen. Richard Tisei of Wakefield. "So things could have been a lot worse."

But Romney readily conceded that things "could also have been a lot better. I was disappointed we didn't pick up




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seats.... It is very difficult for the minority party to be able to pick up seats, particularly when people are generally happy with incumbents in a Democratic state and with John Kerry's name at the top of the ticket."

Isn't it possible, I asked, that all you accomplished was offending Democratic members of the Legislature you're going to have to deal with over the next two years?

"You know, I imagine there are some who feel that an elected position is an entitlement, but they have to be in the distinct minority," said Romney. "The great majority of my Democratic colleagues understand that elections are a good thing, that it builds strength in both parties. It strengthens the muscle of their own campaign teams. From the leadership that I meet with regularly there is a full understanding of how the democratic process works and no hard feelings. I can assure you I had no hard feelings when I took office, even though the leadership and basically the entire Democratic organization was working very hard for my opponent. That's how it works in a democracy. And it should work that way. I have no concerns about that and I recognize that about a year from now my Democratic

**ON RECRUITING REPUBLICAN  
CHALLENGERS: 'My Democratic  
colleagues understand  
that elections are a good thing.'**

colleagues will be beginning to work very hard for my opponent. And that's fine. When the election is over, the campaign ends, we go to work to do what the citizens elected us to do."

Does he feel any need to mend fences with Democratic lawmakers? "Well, it was important for me, in the campaign, that any individual or any campaign I was associated with never made a personal attack on a Democratic colleague in the State House. Instead, the campaigns focused on voting records and issues, not personalities and personal integrity and matters of that nature. I've also expressed respect for the individual members of the opposition party...so I don't feel like any bridges are burned because we have sound personal relationships and respect our differences."

At the same time, Romney allowed that he was making new efforts to reach out to lawmakers. Not long after our meeting, *The Boston Globe* reported on Romney's courtship of legislative leaders, with the governor taking Senate President Robert Travaglini and newly elected House Speaker Salvatore DiMasi to dinner in the North End and hosting DiMasi and his wife at Romney's Belmont home. But in our conversation, the governor indicated that his charm offensive would move ahead on a wider front.

"In the first two years I worked pretty extensively with

leadership and with the chairpersons of the respective committees,” said Romney. “I’m broadening that this year and reaching further into the Legislature with other members. My legislative affairs director, Peter Flaherty, is making sure that we’re seeing more people and touching more bases, particularly in those arenas where I think the agenda is most needful, namely health care, education, [auto] insurance,” in addition to the budget.

Romney said he had no doubt that, whatever wounds were still raw from Election Day, things were looking up in the State House. “I expect that we’ll get a lot done and I really believe, contrary to what some people feel, that once the elections are over, Democrats and Republicans work together pretty well in this building. Just like the first two years. To be honest, I think what we accomplished in the first two years that I’ve been here was an extraordinary record. I know Speaker Finneran said the same thing as he was going out. He was very complimentary of what the Legislature achieved. I think President Travalgini had the same comments to make. I think state government did a pretty good job.”

He paused. “And, by the way, that may be one of the reasons it was so hard to elect new people to replace incumbents.” ■

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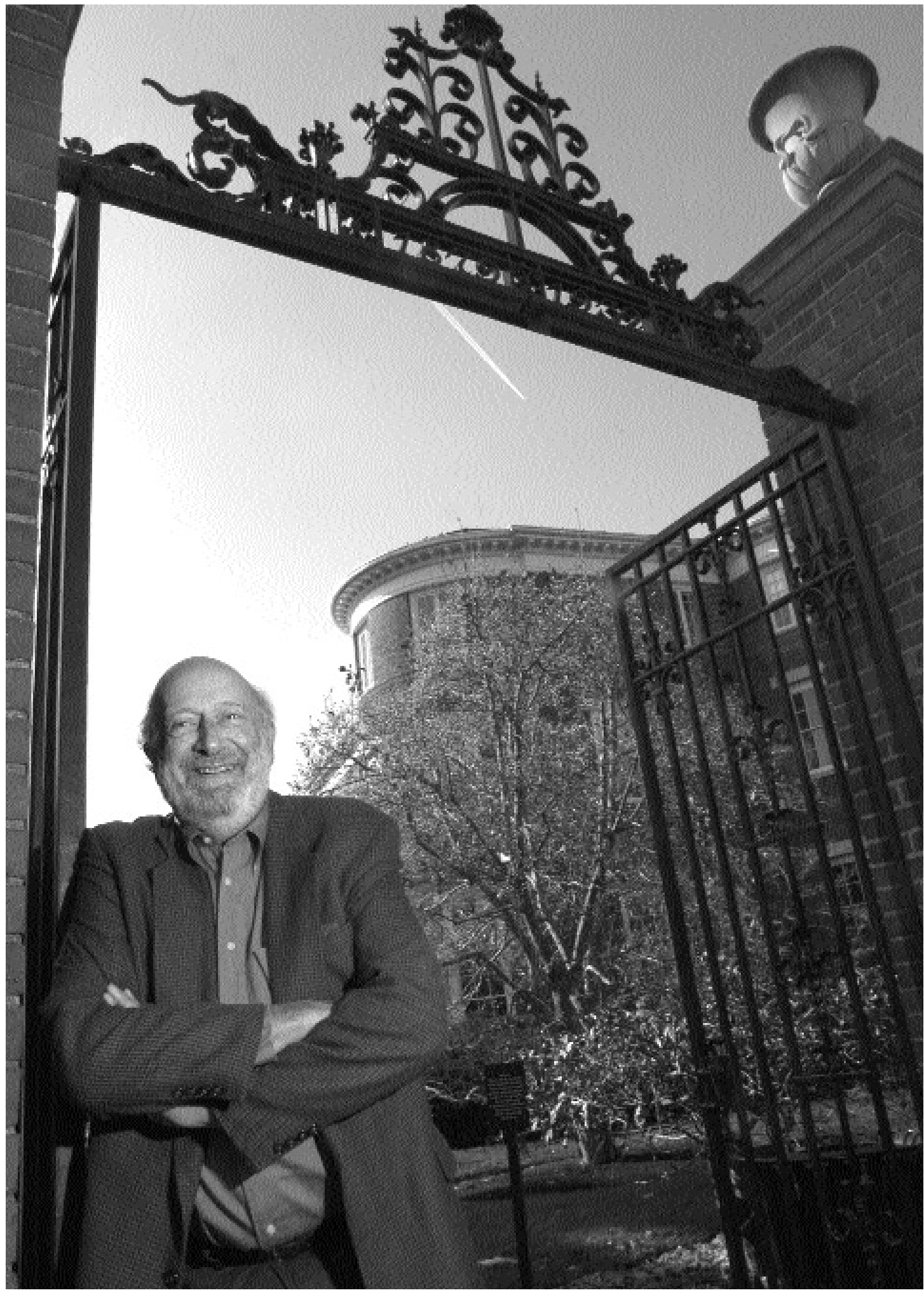


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# In the shadow of *Hancock*

As the Supreme Judicial Court prepares to rule, chronicler of school-finance lawsuits Peter Schrag says adequacy in education is hard to define

AS OF THIS WRITING, THE STATE'S SUPREME JUDICIAL COURT HAS YET TO HAND DOWN A RULING in *Hancock v. Driscoll*, the latest round of educational-equity litigation that has been on the high court's docket for more than 30 years. Not that nothing has come of the long-pending case. In *McDuffy v. Secretary of Education*, the lawsuit's previous incarnation, the SJC declared the state's schools unconstitutional in sweeping fashion, ordering the Commonwealth to reset its educational expectations and its funding mechanism. But the impact of that bold proclamation was blunted by the Education Reform Act of 1993, a piece of legislation signed into law within days of the court's ruling that promised to do just what the SJC demanded: set academic standards consistent with the court's, hold schools accountable to those standards statewide, and provide funding that would enable even the most impoverished communities to educate their students to ambitious levels.

A dozen years later, the case is back before the state's highest court and fingers are crossed—educators' and advocates' in hope, policy-makers' and budget writers' in fear—in anticipation of a ruling that could send education reform and school finance in Massachusetts back to the drawing board. Last issue, *CommonWealth* collected views from a range of interests about the *Hancock* case, what it means, and what should be done about schools that are still not up to snuff. (See Symposium, CW, Fall '04.) Those essays took as their touchstone the seven-month *Hancock* trial and Superior Court Judge Margot Botsford's recommendations to the SJC based on the evidence.

But now the tea leaves, hard enough to read at that time, have been further stirred by the oral arguments that took place before the SJC October 4. In their Socratic questioning of both sides, the justices seemed as skittish about imposing their judicial will in funding—traditionally a legislative prerogative—as Judge Botsford was bold, and as interested in the matter of how the state would ensure that money is well spent as in how much money it should dole out. And no matter how the court rules—and it may indeed have ruled by the time this article appears—the state will be grappling with questions of how much to spend on education, and

how to spend it, for years to come.

It's a riddle Peter Schrag has seen courts and lawmakers wrestle with before—many times, in many places around the country, and in many forms. Schrag is not a lawyer but a journalist, though his interest in schools over more than 40 years has drawn him to courtrooms and legal documents as often as to classrooms. The longtime editorial-page editor of the *Sacramento Bee* may be best known for his 1998 book *Paradise Lost: California's Experience, America's Future*, which was selected as a New York Times Notable Book. But it is his 2003 tome, *Final Test: The Battle for Adequacy in America's Schools*, that is pertinent here—pertinent enough that Harvard's Graduate School of Education brought him east for a series of forums and classes in November. *CommonWealth* caught up with Schrag in Cambridge and asked him to put Massachusetts's still-pending educational “adequacy” case into national perspective. What follows is an edited transcript of our conversation.

—ROBERT KEOUGH

**CommonWealth:** For starters, as a legal concept, how did the notion of adequacy supersede equity? And how is that change, both legally and politically, driving the push for better schools,

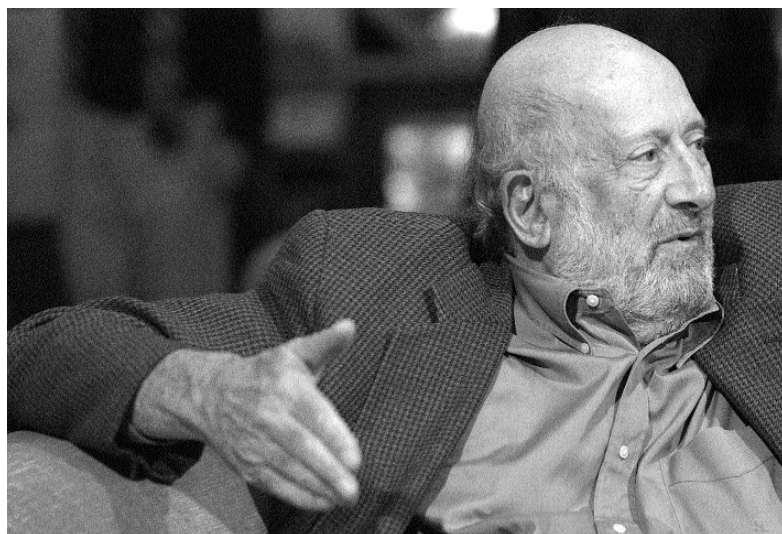
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especially for those serving the disadvantaged?

**Schrag:** Well, adequacy sort of evolved from equity. But in a lot of these cases around the country, equity and adequacy, to some extent, have gotten sort of mooshed together. The idea of equity was that you provided not necessarily equal amounts of money but levels of resources that were commensurate with the needs of the students, or were at least proportional to the needs of the students. Adequacy asks a wholly different question. It's a question that we never asked until 20 years ago in this country. Essentially, we always provided resources through the usual political

**CommonWealth:** As I read through your account of the way these struggles have played out, both in the courts and legislatures around the country in places like Kentucky, Ohio, California, New Jersey, and New York, I started to count Massachusetts as pretty lucky. As opposed to what was, in most states, a succession of court orders followed by response, counter-response, acceptance, resistance, etc., from the political class, in Massachusetts in 1993 we had almost simultaneously the state Supreme Judicial Court ruling that school finance in the state was unconstitutional...

**Schrag:** In the *McDuffy* case.



‘I think what you’ve got in Massachusetts is actually a pretty good situation.’

sausage machine, which involves wheeling and dealing to divvy up the pot, along with money for roads and money for cops, and whatever. Suddenly, we started to ask what is necessary to educate a child. It's a question we've been asking, both in the courts and in the political sphere, now for going on 20 years, but in not a very linear fashion—more of a circular fashion, actually. All of this was driven by the standards movement. Essentially, once the states started to set standards, started to set accountability systems, testing systems with high-stakes tests—“If you, Johnny, don't pass the test, you don't get a diploma; if you don't read adequately in the third grade, you don't get promoted”—then, of course, the commensurate question became: What are you, the state, going to do to provide the resources to enable the schools and the individual students to succeed? That's been a very powerful engine... [and] the state courts have picked up on this all over the place. If I were Gershwin, I'd write a song called “Adequacy Is Sweeping the Country.” But it doesn't scan very well. [Adequacy] is not a very nice word.

**CommonWealth:** It wouldn't quite set your toes a-tapping.

**Schrag:** No, not exactly. It's a terrible word.

**CommonWealth:** Right. In *McDuffy*, the court ruled that the education being provided for children was inadequate from the standpoint of the state constitution and that the means of financing it was unconstitutional, and ordered the state to do something about it. The state did do something, as a matter of fact, having been on a political track parallel to this legal case, and came up with the Education Reform Act of 1993, which essentially did all those things that the Supreme Judicial Court wanted. It defined adequacy financially, by means of a foundation budget, made a commitment over seven years to raise spending in all districts to at least foundation budget level, and began the process of setting state standards and establishing accountability mechanisms, through the MCAS test, to hold students and especially schools accountable for providing that level of constitutionally adequate education. That led to 10 years of steadily increased funding for schools and, though not without controversy, 10 years of standards-based education reform. How unusual was this, what seems now to be a fairly orderly process, compared with what some of these other states have gone through?

**Schrag:** It is somewhat unusual. The most comparable

situation I know of was in Kentucky, in 1989, where the Supreme Court essentially declared the whole state education system unconstitutional—everything, every part and parcel. [The ruling] included standards, it included funding, it included the whole deal. The court said to the Legislature: Start over, create a new system—which the Legislature at that moment happened to be ready to do. The stars were all aligned. The business community had been very restive about the low reputation that Kentucky schools had. The executives obviously wanted schools that were respectable not only for their kids but in terms of [attracting] employees and so on. And the teachers' union was ready to make the deal on standards in return for more money. So Kentucky is the nearest example I know of. The other example is Maryland, where there was never a final court order—there were some trial court orders—and the Legislature passed legislation that addressed a whole lot of problems. [In contrast,] most other states have been engaged in what you would politely call dialogue between the court and the Legislature. In some cases, as in Ohio, the Legislature basically just ignored the court. The court issued four orders saying, "You've got to redo the system; it's unconstitutional." The Legislature put a lot of new money in, but the basic reform, which had to do with reducing the local tax burden and increasing the state share [of school funding], never happened. Finally, the court just gave up. But in a lot of states, now we're going into the second round. We have a new set of lawsuits in Kentucky. We have a new suit in Texas, and a new one in Wyoming, where things seemed to be settled 10 or 15 years ago, and now the same plaintiffs or similar plaintiffs are coming back and saying, "You didn't live up to your commitment." So we're going to have a second round, but still on the same basis. It's not as if we got a new set of principles.

**CommonWealth:** Exactly. We find ourselves in our next phase here in Massachusetts with the *Hancock* case, which is the next iteration of *McDuffy*. Essentially the same matter has been reopened, and a trial judge has now ruled that additional funding and 10 years of standards-based reform notwithstanding, the education provided in poorer districts is still not adequate on the constitutional level and that a lack of resources is still largely to blame. The evidence basically is that students in these districts are not achieving at levels that are up to the state-established standards and that schools in poorer districts are spending at foundation levels or just above, while richer districts are spending well above their foundation levels—which is lower to begin with, but they have the freedom to exceed it by as much as they want.

**Schrag:** There's no cap [on allowable spending] here, the way there is in some states.

**CommonWealth:** So, we're getting back to that equity/adequacy confusion. The fact that richer districts are exercising their option to spend more than foundation and poorer districts are unable to do the same because they don't have the means has been taken by the trial judge as prima-facie evidence that the foundation level must not be adequate in less wealthy districts. We're still waiting for a ruling on this, but based on the kinds of arguments raised in the *Hancock* trial and in the trial judge's recommendations to the SJC, are we in Massachusetts hitting a new level in the adequacy argument? Or are we just catching up to where some of these other states have been, in terms of playing out multiple rounds on the adequacy question?

**Schrag:** It's a good question. I'm not sure I really know the answer to it. I think that what you've got in Massachusetts is actually a pretty good situation. Even though the gaps [in educational achievement] exist, the interesting thing is that the poorer districts in Massachusetts, on average, spend more money than the high-wealth districts. So the classic problem, which is that low-wealth districts were funding the schools at much lower levels because they couldn't afford to spend more, is not true here. Here it's quite the reverse, because of the foundation budget system, and so on. In fact, in Massachusetts, the reverse gap [where spending in low-wealth districts, thanks to state subsidies, is higher than in wealthier districts, which largely fund schools on their own] is larger than it is in any state in the union. Obviously, in these districts, the plaintiff districts of *Hancock*, for various reasons there's still a problem there. But Massachusetts is kind of exemplary in how well it's done, both in terms of its funding structure and in terms of its achievement levels. Massachusetts's achievement scores are good, essentially, compared with the rest of the country. Your MCAS record has been good. So sitting in the depths of California, I'm saying: What are you complaining about?

**CommonWealth:** Putting things in national perspective, in other words, we should be pretty happy.

**Schrag:** We [in California] would trade with you any day. We're now maybe 30th in the country in what we spend per pupil. In California, because for various reasons local districts have no incentive to tax themselves or have no ability to tax themselves additionally for schools, the average level of school spending compared with other states has gone down. Or, let's put it this way, other states have gone up and we've stayed put. And you don't have that problem.

**CommonWealth:** Well, in Massachusetts we have a similar mechanism in terms of limiting local property taxes, Proposition 2½, but it seems to be not nearly as rigid as Proposition 13 in California.



**Schrag:** That's right. We can't raise our local property tax no-how. We're just stuck.

**CommonWealth:** A couple of interesting new issues arose in the *Hancock* initial ruling from Judge Margot Botsford that I'm anxious to have you put in national perspective. One is the difficulty of calculating adequacy. It seems to me that adequacy in school funding has sort of become the equivalent of pornography. You know it when you see it, but defining it beyond that is very difficult. There seems to be a certain level below which reasonable people would agree

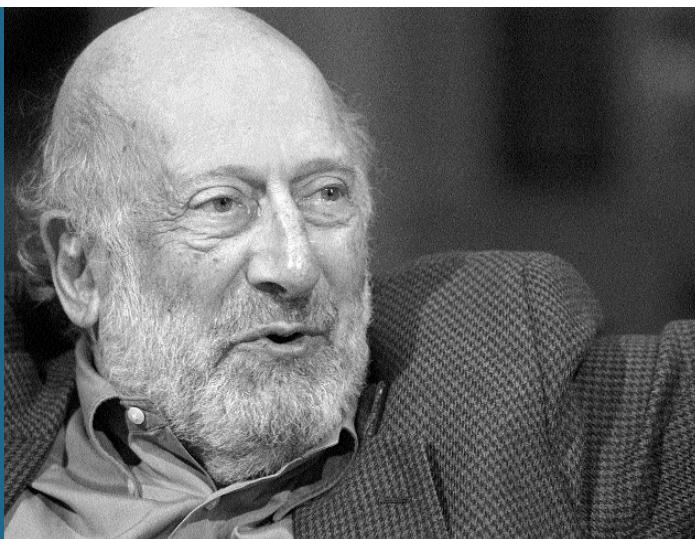
there's no way you can expect schools to provide an adequate education and, at the other end, there seems to be a level at which almost everyone agrees that, with this much money, if you're not providing a good education there's got to be something wrong with the school. But that leaves a huge area in between, where there's disagreement over whether inadequacy

in educational quality is a matter of resources or not. In the *Hancock* case, the judge listened to testimony based on the leading methodologies in calculating adequacy—the professional judgment method and the successful schools method—and basically threw them both out, saying she couldn't make any sense out of either of them. They seem to be either pie-in-the-sky or a laundry list of wishes from local educators without any real evidence that whatever it is they totaled up is both necessary and sufficient for a quality education. This would seem to be a fairly fundamental problem, not only in adequacy litigation but also in the practice of what it means for a state to live up to its promise to its children.

**Schrag:** Absolutely. And you're right, it is a little bit like pornography. Below a certain level you know it's too little. Above a certain level you should be able to do [the job]. Part of the problem is we haven't fine-tuned it enough yet. I think everybody can sort of agree on what's a suitable facility, within certain limits. I don't think that's hard. I don't think materials are hard. Kids should have textbooks. Maybe they should have two sets of textbooks so they keep one at home and use one in school. We can argue about that, but that's not a big thing. The crucial thing is teachers. What is a good

teacher, how do you attract a good teacher, how do you keep good teachers in the schools that you want them in? Those are the questions that have not been addressed yet at the policy level. I don't think they're very esoteric questions. You can create incentives. Politically it's not so easy, but policy-wise, it's easy. Those questions haven't been confronted partly because the policy-makers are afraid of the political repercussions. But it seems to me that [the key], particularly in the low-performing schools, is, you have to find a way to get and keep good teachers. I'm not even sure you have to define what is a good teacher. It seems to me what you have to

‘What you have to do is give [schools] the ability to have choices among teachers.’



do is give the school the ability to have choices among teachers. That means the physical situation ought to be attractive. There ought to be enough support help in those schools—counselors, reading specialists, those kind of folks—so that teachers don't have to be everything to every kid. If you talk to teachers and say, “What is it that you want?” [they will answer], “Well, we want support. We want small classes. Safe parking spaces.” [Parking] is a ridiculous kind of peripheral thing, but it seems to be an important thing.

**CommonWealth:** The other question that arose in this round of *Hancock* is the notion of capacity. If one part of the equation is having adequate resources, the other part is being able to use those resources in ways that will produce better learning outcomes for students. If there's one item that everyone can agree on as being essential to educational success, it's good teachers.

**Schrag:** Absolutely.

**CommonWealth:** But how do you define a good teacher, other than as a teacher whose students are learning?

**Schrag:** If you have a decent principal and the principal has

choices [between candidates for teaching positions], I think more times than not the principal will make the right choice. If he doesn't have choices—if he has to start the first six weeks of school with a substitute because the system is so tight that it doesn't know where the kids are going to be, and he can't hire teachers until the classes are set—then he's going to have to hire people that are less than perfect. He's going to have to pick the first warm body he gets. If you look at good suburban schools, they have all the choices in the world. People want to go there to teach because the conditions are decent. The pay is reasonably good and, of course, the system has to be clean. It can't be patronage-ridden. Maybe we ought to not only look at successful schools; maybe we ought to look at the conditions that create failing schools and see what's to be avoided. We were talking last night [at a Harvard Graduate School of Education forum] about the Cambridge public schools spending huge amounts of money and apparently getting very little for it. My question was: What's the problem? The short answer was the combination of patronage and ideology.

**CommonWealth:** An unholy brew if I ever heard of one.

**Schrag:** Right. That's sort of the implicit compromise. If we

can have our ideology, you can have your patronage, or vice versa. And that is an unholy brew. Personally, I know nothing about the Cambridge schools, but there are other places where that holds as well. In New Jersey, the so-called Abbott districts [named after the *Abbott v. Burke* education-finance case], which are the poor districts—Camden and Newark, Jersey City, Trenton, all the urban districts—are spending a lot more money for kids than the state average and as much as most of the suburban districts. So far the outcomes have not been great. Now that may change, because it's early, but the outcomes have not been great. So just putting in money is obviously not enough. I saw that Bob Costrell had a piece in your most recent issue. [See Symposium, CW, Fall '04.] He made that point again last night, with that wonderful scatter diagram that you ran. There are poor districts that are doing reasonably well and there are poor districts that are doing horribly. So simple cash is not the answer. It comes back to your question: What is adequate?

**CommonWealth:** I wonder about this question of choices. If you are a principal or a superintendent, your choices are limited if you don't have the competition in terms of applicants for teaching jobs, or if you don't have the ability to hire in a timely fashion, so by the time you get around to hiring

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there's nobody left. But there's also the question of the installed base of teachers in your school or district. In the medium-to-large urban districts that seem to be failing their students, you've got teaching workforces in place over which principals and superintendents have no choice whatsoever, and very limited control.

**Schrag:** That's absolutely right, and you have to [deal with] that over time. A new principal can't come in tomorrow morning and run all the old teachers off and hire a whole new group. But he or she can certainly do that over a period of time, if she has the choices. That was part of the idea of reconstitution of schools. If a school is really failing, you clean the whole place out and start with a new crew. But you can do that only in rare instances and even then, it may not work. It seems to me you've got to make schools attractive for people to work in. I'm sure you've been in enough schools—I've been in lots of them—where I'd say, "I couldn't stand being in here for more than five minutes." And other places are very pleasant and wonderful and positive and exciting. There's enormous difference [in conditions] not only between districts; it's also within districts. There are often huge gaps in pay and in resources between School A and School B within the same district—depending on the ex-

perience of the teachers, because that means the salaries are higher, depending on the age of the building, and all of that.

**CommonWealth:** And if the senior, experienced teachers can get out of schools like that, then those schools are going to end up with the least experienced and lowest paid teachers.

**Schrag:** Right. Of course, there's a problem with teachers' contracts and with teachers' unions and all of that, though in the end I don't think that simply getting rid of seniority rights is going to solve that problem. It seems to me, no matter what you do, you're not going to be able to assign a teacher to a school who doesn't want to go there. They don't want to teach there, and if they [are forced to teach there], they're not going to do very well because they're not motivated. So how do you create the incentives for people to want to go to those schools? And how do you create the incentives to do well in those schools? Then you get into value-added kinds of measurements and incentives. The unions go crazy when you raise those issues. But in the long run, that may be what you need to do. Do the children in the class that I'm teaching progress a year [in skills and knowledge] during the year that I'm teaching them? And if they progress less than a year, why is that? I don't mean that you're going to do ter-

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rible things to people [whose students are not progressing at the expected rate], but at least you want to measure that and be able to remediate the situation in some way. “Well, Ms. Jones, your kids only advanced six months while students with Ms. Smith next door did 1.3 years, so let’s figure out what’s going wrong.”

**CommonWealth:** Exactly. I wonder whether the way these lawsuits are playing out have made it almost impossible to entertain that kind of discussion. I was struck, in your account of the New York case [in *Final Test*], by the structural impediment to raising school management issues that was created by the alliance between the Campaign for Fiscal Equity, which filed the suit, and the New York City public schools. Because they were in cahoots, essentially, in prosecuting this case against the state of New York, the last thing they were going to bring up was whether it was mismanagement, patronage, and corruption in the public-schools bureaucracy that failed the children. Certainly people in the Romney administration here in Massachusetts, the defendants in the *Hancock* case, bristle at the role of the teachers’ unions in bankrolling the case. And they take it as no surprise that when Judge Botsford puts out her recommendations about what the Supreme Judicial Court should consider as remedies for failing school districts, it is a litany of proposals that the defenders of traditional public schools think would be good—early childhood education, smaller classes, higher pay for teachers, these sorts of things. You don’t get suggestions like stronger management reforms or variable pay, or more charter schools, or vouchers.

**Schrag:** That’s not part of the conversation. I assume that the administration or the defendants in *Hancock* did raise those issues. I assume that a guy like Mitt Romney would want to raise those issues, and he should raise them. And you’re right about New York. They were in cahoots. Mike Rebell [of the Campaign for Fiscal Equity] is more and more acknowledging that. He never denied it, but it was always sort of *sotto voce*. They were in cahoots—they still are in cahoots—and those are issues that have to be dealt with. The politics of that are certainly difficult. In New York, they certainly made an effort. They got rid of those community [school] boards. Some of them were just patronage machines that were totally corrupt. The two school bureaucracies I really knew well were New York City and Boston, because I did a book on Boston’s schools a long, long time ago [*Village School Downtown*, 1967]. The kind of insularity of those systems was just horrendous. It was about jobs, it was about patronage. It was about taking care of your friends and relatives. It wasn’t about kids. The kids were just sort of the loss leaders. [In New York they have since] created a more centralized command-and-control structure that may be just as bad. I don’t know, I haven’t followed New York lately.

But you’re absolutely right. How do you deal with those institutional issues? On the one side, you have people who simply say that vouchers will get rid of all those terrible systems. I don’t think they will. On the other hand, you have the rigid defenders [of schools as they are now]. I think that’s one of the questions that Democrats, in particular—and I am mostly a Democrat—have to answer for. They say they’re so concerned about kids, but when it comes to the crunch, they’ll go with the unions almost every time.

**CommonWealth:** At this point, we’re waiting for a ruling from the SJC in the *Hancock* case. The only inklings anyone has gotten about what the court is going to do came from the oral arguments. In contrast to Judge Botsford’s recommendation—which seemed to point toward a very expansive remedy that would involve both enormous new spending but also enormous new initiative and responsibility on the part of the state—the justices seemed concerned about not issuing a ruling they could not enforce. More than one justice raised the issue of a “quagmire,” often invoking the case in New Jersey as the kind of situation they want to avoid. In a sense, the SJC got off easy in 1993, when they could make a very sweeping ruling regarding funding and the adequacy issue, but then not tell the state anything other than “fix it.” And the legislators, they went out and did fix it.

**Schrag:** That’s right, the Legislature was willing and ready to do it.

**CommonWealth:** But now what do they do? The justices acknowledged that the state has done a great deal, and in fact Judge Botsford was more than willing to acknowledge the tremendous progress we’ve made in correcting disparities in funding, in setting standards and holding institutions accountable. Yet it’s not enough. So what can the SJC say now?

**Schrag:** That’s a good question. Their diffidence is certainly justified. This court is probably a little bit gun-shy anyway, after the gay marriage thing. But the other thing is, there’s a proportionality issue here. [If the SJC had reason to say], “This is horrible, the state’s education system is going down the tubes, kids aren’t learning, the gaps are enormous between the rich schools and the poor schools, we’ve got to do something drastic”—that would be one thing. But that’s not the case. The question is, how much of a political ruckus do we create in order to solve... a relatively small problem? I’m sure there are going to be lots of people—Norma Shapiro [president of Council for Fair School Finance] and other people—who will say, “You just don’t understand what the problem is,” and maybe I don’t. But looking at it from the national perspective, and unavoidably from the California perspective, I say: There is a problem, but I’ll trade your problem for my problem any day. ■



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# Urban village

*Even in a 'model' community, participation is hard to sustain*

BY MARIO LUIS SMALL

For poor rural Latin Americans with little education and almost no marketable skills, immigration to an American city with a dwindling manufacturing sector is rarely a recipe for success. Even less is to be expected when the immigrants speak no English, when the city has a reputation for antagonism against outsiders, and when the neighborhood to which they are migrating is known as a Skid Row. Yet success came to 2,000 Puerto Ricans living in the late 1960s in Parcel 19 of Boston's South End.

Their success was the creation, against all odds, of a self-managed, aesthetically pleasing, architecturally sophisticated housing complex in the heart of what is now one of the most exclusive sections of Boston. They created a neighborhood and, along with it, the security of a guaranteed home for the rest of their lives and the comfort of a community of compatriots in a foreign land. The neighborhood, Villa Victoria, is now a small treasure among New England Puerto Ricans, a testament to the power of grass-roots mobilization.

Villa Victoria is a community development success story, one worth telling for that reason alone. But while it's important to know how to create such a community, it is also important to know how—and whether—that kind of community can be sustained over time. The experience of 30 years of Villa Victoria suggests that, even under the best of conditions, community participation is unlikely to maintain itself on its own. It requires a stable and functional community organization, maintenance of the landscape, and the continuous nurturing of new cohorts of leaders.

## FROM SLUM TO NEIGHBORHOOD

The creation of “the Villa,” as residents call it, is a textbook case of grass-roots political activism with greater-than-textbook results. The 2,000 people who would one day live in Villa Victoria were at the time housed in dilapidated brownstones and townhouses. The South End in general, and their portion of land in particular, “Parcel 19,” was then known to many as Skid Row. The residents lived among rats and junkyards, in structurally unsound cold-water flats whose Victorian charm had vanished as rust

ate through iron gates and as walls crumbled and rotted. Outsiders rarely ventured into the South End; even the elevated train that rumbled through the neighborhood stopped only at its two borders.

In 1965, the South End, including the 20-acre Parcel 19, was designated an urban renewal area by the Boston Redevelopment Authority. For Parcel 19 residents, this designation meant displacement and relocation to other parts of the city, breaking up a tight ethnic community. That's just what had happened eight years before, in Boston's West End, as chronicled in Herbert Gans's classic book, *Urban Villagers*. Just as the West End was transformed into Charles River Park, the South End would be demolished and rebuilt with luxury apartments or condominiums.

In response, the Puerto Rican residents of Parcel 19 began to assemble a resistance movement with the support of activists, priests and seminarians, architects, and a few professionals, both Latino and of other ethnic backgrounds. Funds from local ministries and ecumenical organizations were funneled to the group, now called the Emergency Tenants' Council, which had as its goal not only resisting displacement but also redeveloping the parcel on its own terms.

## Boston's Villa Victoria was a success against all odds.

It took several years for this resistance movement to succeed. Activists argued with officials, wrote letters, and picketed City Hall until late at night. With the help of young Boston architects, they designed an alternative redevelopment plan that called for low- and middle-income housing, and for allowing original residents to return to the neighborhood after the new units were built. They appealed to local political groups and won the support of other South End organizations.

Meanwhile, pressure had been mounting on the city to be more sensitive in its urban renewal efforts. The clearance of the West End—leaving a shockingly empty 48 acres where a dense Italian-American community once stood—had raised concerns that the city simply wanted to

remove all of its poor residents. What had been relatively uncomplicated for the city in the 1950s was, by the late 1960s, politically dangerous. In 1969, ETC was granted the right to develop the parcel and manage the resulting housing complex. Although ETC still had major fundraising to do, the creation of Villa Victoria had effectively begun.


By 1976 the neighborhood had been constructed. What ETC built was a stunning, architectural award-winning complex of three-story houses with pitched roofs and high stoops, community gardens, small parks, and a central plaza surrounded by a cobblestone-layered *paseo*. The neighborhood was designed, both structurally and socially, to build community. The parks and gathering areas are the most obvious example. But it was also significant that houses were built with large living room windows so residents could easily look out, contributing to the “eyes on the street” that sociologists have argued keep crime down and community interaction up. Several units were built with three or four bedrooms to accommodate large households, keeping families intact and reinforcing the ties that accompany kin-driven immigration.

It was not just the new physical environment that fostered engagement in Villa Victoria. The institutions of Villa Victoria contributed to community participation as

well. ETC became a management agency to administer the complex. A separate agency, Inquilinos Boricuas en Accion (Puerto Rican Tenants in Action, or IBA), was created to foster community participation among residents. Both organizations were (and continue to be) funded from a combination of private and public sources.

By effort and by design, the Villa came to epitomize what researchers have called, among other terms, community social capital. There were music festivals, community gardening, tutoring, dances, and other activities. In the early 1980s, IBA launched a closed-circuit television station for the Villa, staffed by one full-time worker and 20 volunteers. With the help of outside funders, young residents created a tile mural on a large wall facing the plaza; two more murals were later commissioned. More than 20 volunteer residents, including one from each of eight “districts” in the Villa, sat on the IBA board of directors, for which elections were held annually.

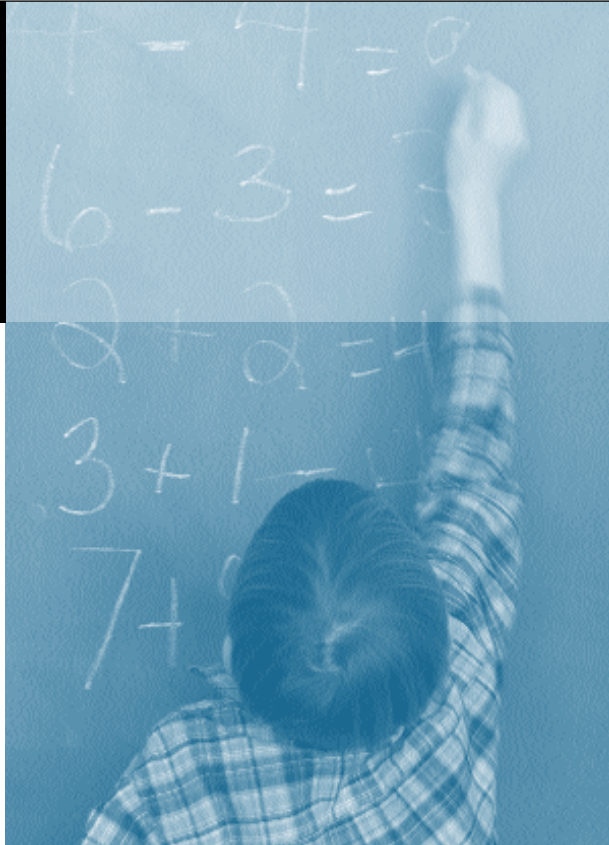
IBA’s archives consist of more than 100 boxes filled with records, meeting minutes, certificates of appreciation, newspaper clippings, newsletters, requests for funds, fliers, brochures, and announcements, attesting to the level of participation between the mid-1970s and the mid-1980s. Just as vivid, if less tangible, are residents’ recollections of



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countless activities and festivals, workshops on everything from gardening and cooking to baton twirling, after-school tutoring and summer field trips, and celebrations of every major holiday of both the US mainland and Puerto Rico. Villa Victoria became a model community.

## LOSING THE MAGIC

If any neighborhood seemed destined to attain lasting success in fostering community participation, Villa Victoria was the one. It was an ethnically homogeneous community with a shared history located in an environment distinguished by a pleasant, community-friendly design. This was not an ethnically heterogeneous community with internal conflicts brewing beneath the surface, nor did it resemble the impersonal high rises of Chicago housing projects with non-working elevators, few places to gather, and a built-in sense of alienation. Villa Victoria was designed the way it was “supposed” to be.

Nevertheless, much of Villa Victoria’s magic did not last, despite concerted efforts. The yearly cultural festival continued. But by the mid-1990s, the IBA board had shrunk to 14 members, the district system had been disbanded, and elections were held sporadically, rather than yearly. The dance classes, the music instruction, the community gardening, and the mural-making ceased. Channel 6 was no longer in operation, its thousands of recorded tapes and video equipment collecting dust in a storage closet.

## New residents saw little point in participation.

Certainly, we must ask why. But a better question is whether it *could* have lasted—or, what would have been necessary for it to last? Some social phenomena are self-regenerating: Without outside intervention, they reproduce themselves or multiply over time, like a sexually transmitted disease among a group of peers, or political rumors on the Internet. Others are self-perpetuating but not self-regenerating: Without external intervention, or in the absence of major crises, they neither rise nor fall over time, continuing by inertia. But other phenomena are degenerative: Without external intervention, they are likely to decline over time.

We tend to treat community engagement as though it were naturally self-perpetuating or self-regenerating; neighborhoods are vibrant and participatory, until something happens that makes them otherwise. I suggest it is a degenerative phenomenon. I do not believe community participation cannot be sustained; only that it is unlikely to sustain itself on its own. In this sense, the decline of engagement in Villa Victoria is less a surprise—or a sign

of failure—than a process to be understood. If we understand why identification and participation declined in a place as conducive to community as Villa Victoria, perhaps we can understand how to reverse that decline, in the Villa and elsewhere.

The process that has taken place at Villa Victoria is easy enough to grasp: As one cohort of residents was replaced by another, the way residents framed the neighborhood in their minds changed. Their image of Villa Victoria shifted from a place where identification and participation seemed meaningful, justified, and worthwhile to a place where such personal investment did not. As the initial cohort of Villa Victoria residents moved out, grew old, or died, fewer residents framed the neighborhood in a way that made being a resident of Villa Victoria something worth a personal investment.

## FRAMING THE PICTURE

Sociologists suggest that we never perceive the world “as it is”; rather, our perceptions are always filtered through categories that highlight some attributes of reality and not others. Suppose all individuals required prescription glasses to see. Without glasses, no one would see anything, only a blurry image. Suppose everyone wore glasses that were tinted—blue, yellow, violet, gray, pink, peach. To each bespectacled person, the world would appear different. This is what some have called “framing.” Furthermore, scholars of social movements have found that framing is a pre-condition for action. With a given lens, I might see a light as green and therefore drive my car through it; someone with a different lens might see it as red and stop.

The framing perspective has implications for community participation in low-income neighborhoods like Villa Victoria. Many people suppose that all residents of a low-income neighborhood perceive the neighborhood the same way—as ugly, deteriorated, crime-ridden, etc. But residents of Villa Victoria framed the neighborhood through at least two very different lenses. Particularly, the way Villa Victoria was viewed—or framed—varied dramatically between cohorts.

Though often thought of as a generation, a cohort is a cohesive group that moves through life together, in some important way. In the case of Villa Victoria, a cohort is simply a collection of residents who, although they are of different ages, entered Villa Victoria at roughly the same time or under similar circumstances. The first cohort of residents of Villa Victoria was composed of many of the people who witnessed or participated in the transformation of a rundown, dilapidated neighborhood into a modern housing complex in the early 1970s. Members of this cohort tend to frame the neighborhood as a beautiful, historically important place. As Ernesto (not his real name),



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an elderly resident, said to me in an interview (in Spanish):

"They used to call this around here 'the trap.' Look—behind [my apartment] there used to be a huge ditch. The little houses used to lean over the water. When it rained hard, a spurt of water ran along [behind here], and the houses—and their balconies—were almost falling over. And people lived in these places! Holy Mary! The houses were falling apart. And I find myself dumbfounded at how beautiful this got afterward!"

This resident believes he is fortunate to live here, in a place transformed from slum to community. Like many members of the first cohort of Villa residents, his perception of the neighborhood is filtered through the experience of the deteriorated brownstones that once occupied that section of the South End. For these residents, participation in the community is more than justified. The concerted effort that gave them Villa Victoria is, to them, something that should not be taken in vain.

Over time this cohort was replaced by a new group of residents with a different set of experiences in the neighborhood. This new cohort—the children of the first cohort plus the new immigrants who inhabited the neighborhood in the late 1980s and 1990s—did not witness the old Skid Row existence of Parcel 19, or the triumph over it.

Moreover, they perceived a radically different neighborhood in its environs. The once-beautiful new townhouses and parks had decayed structurally over their 15 to 20 years of existence. Bushes had grown, paint had peeled, mold had accumulated, iron fences had bent out of shape, and rodents had rediscovered the streets and sidewalks. When compared to the surrounding South End, now one of the city's upper-middle-class neighborhoods—a quaint assortment of brownstones meticulously restored by a new population of young professionals—the Villa hardly resembled the symbol of hope it was in the 1970s. That stark contrast has dominated perceptions of the neighborhood among the new cohort. Melissa, a resident in her 20s, told me about the time when her job in the Back Bay led her to walk through the South End into the Villa: "I'd walk in from Back Bay, and I'd get here and right away I'd know—yep, there's the graffiti, and the men going 'Oye, mami,' and I'd hate it."

Many members of this new cohort see the same neighborhood but, filtered through their own experiences, essentially see a ghetto. Tellingly, residents of this cohort frequently use the word "project" to describe their community. A resident in his 30s who had a nephew with a good pitching arm said to me, "Just wait! This kid's gonna get us out of the projects!"—a phrase indicative not only of his conception of the neighborhood but also of the idea that it is something to escape. (I never heard anyone in the first cohort of residents use that term to describe Villa Victoria; in fact, I heard a few residents take offense

at it.) Struggle, so critical to the first cohort's perception of the neighborhood, plays no role in the new cohort's. For this group, the neighborhood was not something to invest themselves in, but something to leave.

**C**an anything be done? In Villa Victoria, some elements of participation, like the yearly cultural festival, have persevered. They have done so in part because of the continued presence of IBA, which provides support for residents interested in community participation. However, as IBA's institutional viability has suffered, so has its ability to sustain community participation. Similarly, any efforts to sustain participation over the long run must include the continued maintenance of the neighborhood's landscape. Deteriorated places are easier to leave than to get involved in. (Promisingly, a massive renovation campaign was begun in the Villa two years ago.) Finally, community leaders must actively engage newer cohorts' perceptions of their neighborhood. Some of the Villa's original Puerto Rican residents have worked to make their memories of a vital, fighting community last, often mobilizing their own children to participate in a community they would hate to see die. For these stalwarts

to succeed, they will have to find ways to change the way the newer cohorts frame the neighborhood. Otherwise, they will face more young residents like Tommy, who, when I asked him why he did not get involved in neighborhood activities, responded the way many of his cohort members might: "What for?"

The lessons of Villa Victoria, then, depend in part on understanding more clearly what to expect from community participation. Created by ethnic struggle, designed to promote community, and organized in a participatory fashion, a place like Villa Victoria has the foundation it needs for ongoing growth and involvement. In this sense, it is exceptional. But that foundation is, by itself, no guarantee that the community will flourish over the long haul. The place, its institutions, and its continuously refreshing cohorts of residents must each be sustained actively in its own ways. ■

*Mario Luis Small is an assistant professor of sociology at Princeton University and author of Villa Victoria: The Transformation of Social Capital in a Boston Barrio. This article is adapted from a policy brief, "Can Social Capital Last?," published by the Rappaport Institute for Greater Boston at Harvard's Kennedy School of Government.*

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# A plan to control costs and insure thousands

BY MITT ROMNEY

**T**he stars and moon may be aligning, making this the year to fix health care. Employers and employees are finally balking at the high and rising cost of health insurance. State budgets have been squeezed to near breathlessness by ballooning Medicaid costs. And, most fortuitously, Massachusetts is blessed with world-leading public health and medical institutions renowned for pioneering innovative solutions.

Even the political will is building, on both sides of the aisle, and not for the first time. Over the past two years, where other critical issues loomed, we have seen the beneficial effects of cooperation and collaboration: reforming archaic construction rules, accelerating school construction, reforming transportation, expanding scholarships for students, establishing landmark housing policies, and balancing lopsided budgets without higher taxes. Health care may be the biggest challenge of all, but legislative leaders have indicated that they are as eager to work on it as I am.

My proposal for reforming health care, which I call Commonwealth Care, is a starting point. For more than a year, members of my administration and I have been working on Commonwealth Care. We have worked with academics, providers, insurers, advocates, and experts. But much more work is ahead. New legislative proposals, public and institutional perspectives, and further industry input will certainly go into the final legislation.

Commonwealth Care has two primary objectives. First, to help bring health care costs under control. Second, to insure the uninsured.

If our sole objective were to insure the 460,000 Massachusetts residents who are uninsured, the job would be easy: just raise taxes by hundreds of millions of dollars and hand out insurance cards. But that would place a greater burden on our hard-working taxpayers, and it would do nothing to slow the rapid growth in health care costs. I propose instead to balance the cost of insuring more citizens with savings from changes in care, technology, and transparency and with new revenue from the federal government, from employers who will now be able to afford their employees' health insurance, and from the newly insured themselves.

**SAVINGS:** When individuals seek treatment in a setting that is not properly matched with their needs, they may

rightly complain of delays and runaround. But mismatched care is not only inefficient, it is expensive. Providing the appropriate care in the appropriate setting saves money and enhances quality. Managed care, community clinics, and preferred provider networks can improve Medicaid and care for the poor as they do for those with private insurance.

Bringing modern technology to backroom functions such as billing and patient records will save lives as well as millions of dollars. Reforming malpractice will unburden our health system from the wasteful costs of excessively defensive medicine.

Transparency can be another source of savings. Information about the cost and quality of alternative providers leads individuals to the right provider for their needs. And,

## We can balance the cost of coverage with savings.

as co-payments rise, everyone who seeks treatment in our health care system becomes increasingly interested in value: Buyers favor providers where equal or superior quality is available at lower cost.

But nowhere is the need to generate savings through reform more pressing than in Medicaid, which has grown well beyond anything its authors could have imagined. One of every seven people in Massachusetts is on Medicaid, their care costing taxpayers more than \$9 billion annually. With any program of this size, abuse, conflicting incentives, and fraud inevitably arise. We must attack the excess in the current system; it can be an important source of finance to care for the truly needy. Detecting and penalizing fraud, limiting asset transfers, redefining household income, imposing appropriate work requirements, and other measures are overdue. As with welfare reform, "healthfare" reform will be met with dire predictions. But just like welfare reform, people will move from dependency to greater self-sufficiency. And we will be able to do a better job helping those who need help most as a result.

**REVENUE:** Approximately 168,000 people in Massachusetts with household income above \$56,500 per year choose not to buy health insurance; 100,000 of these have incomes above \$75,000. They say insurance is too expensive or too hard to find, and they know they will be able to get

treatment whether they have insurance or not. We need to get these people insured, for their benefit and for the benefit of the rest of us.

I propose that we authorize our health insurance companies to offer a policy called Commonwealth Care Basic. Currently, the state mandates that all policies cover a long list of special treatments, such as in vitro fertilization. These policies cost more than \$500 per month. A basic policy could cost less than half that amount. Other states like New York and California have established similar insurance products.

Commonwealth Care Basic would be attractive for those who are currently uninsured, because it would provide the security of coverage for the most common medical needs at a reasonable price. It would also offer small employers a plan they could afford to offer their employees. Additional carrots and sticks would further encourage participation. As these people become insured, they contribute new revenues to the health care system, freeing resources for the truly needy.

The objection to permitting insurers to offer a basic policy has traditionally been that the coverage would not be as good as the current “all bells and whistles” version. Perhaps, but Commonwealth Care Basic would be far better than what the uninsured have now. And shouldn’t we leave it to citizens to decide whether a policy like this would meet their needs?

There are other ways to bring new revenue to the cause of insuring the uninsured. Some 106,000 of the uninsured actually qualify for Medicaid. Our new one-stop portal and sign-up programs, created in the process of reorganizing human service agencies over the past two years, will move these people into insurance coverage. For these people, the cost will be shared 50-50 with the federal government; every dollar we spend giving these individuals the care they need will draw a matching dollar from the federal government. The state share of this expansion of the Medicaid rolls is included in our proposed ’05 and ’06 budgets.

Other parts of Commonwealth Care will make our health care dollars go further. Another 36,000 people who are unemployed will get coverage by using our current Medical Security Trust to purchase Commonwealth Care Basic rather than today’s high-cost COBRA coverage.

The recommendations above represent solutions that apply to two-thirds of the uninsured. The remaining one-third are those who earn too much to qualify for Medicaid

but less than three times the federal poverty level (\$36,000 for a family of two). For these individuals, I propose that we create a program called Safety Net Care. It includes some of the best features of managed care and requires those covered to pay according to their means. Today’s providers to this population will play a central role in shaping and defining this health care product. Safety Net Care will be financed by the savings and revenues described above and by resources freed up from today’s Uncompensated Care Pool by having two-thirds of the currently uninsured (those who can afford to buy, those eligible for Medicaid, and the unemployed) no longer reliant on it.

The proposals in Commonwealth Care can bring health coverage to all our citizens. Just as important, they will help slow down the rising cost of health care. Commonwealth Care does not call for a tax levy or increase, does not place a mandate on small businesses, and enhances consumer choice. More and better ideas may come forward over the next few months. I welcome them. ■

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*Mitt Romney is governor of Massachusetts.*

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## COUNTERPOINTS

# Any fix requires mandates or money

BY JOHN MCDONOUGH

**D**ear Gov. Romney: First of all, thank you. Your willingness to confront the dual crises of health access and affordability has enhanced prospects for reform. We may now be on the cusp of a “third wave” of Massachusetts health reform, building on gains achieved in 1988 and 1996, progress that has driven our rate of uninsurance to one of the nation’s lowest.

The Massachusetts health care community wants to work with you and the Legislature to achieve reform. Many



of us—consumers, hospitals, physicians, nurses, health centers, business and labor leaders—already have united behind the Health Access and Affordability Act filed by Sen. Richard Moore and Rep. Deborah Blumer. Our approach is different from the one you outline here. We believe our disagreements can be bridged by good faith collaboration.

Our concerns about your statements are based on actual experience in the policy trenches. Like you, we regard discussion of policy differences as helpful in reaching the understanding necessary to develop meaningful, lasting changes. We hope health reform becomes the signal accomplishment of your administration. In that spirit, I offer these comments, beginning with areas of agreement:

First, we fully concur with prioritizing the enrollment of low-income individuals who are eligible and unenrolled in public programs such as MassHealth. An enrollment campaign could be the first stage of an exciting reform process. The health care community identified and enrolled more than 300,000 individuals between 1997 and 2001 until state outreach funding was eliminated. While the new one-stop enrollment portal you mention is welcome, it will not by itself result in enrollment of all 106,000 people you identify as eligible. Full enrollment requires aggressive collaboration between government and the health community. We are eager to participate; you need only ask. To inspire confidence in your commitment, you could report the numbers of new enrollees monthly.

Second, we agree that the cost of health insurance is too high and must be made more affordable. We welcome your commitment to addressing this. One way you could help now is by ending the state's chronic underpayment of MassHealth providers who shift their losses from public payers to private payers, causing higher private health insurance premiums. Last February, you publicly acknowledged this problem. When will state government face its responsibility to provide fair reimbursement to providers for the cost of care?

Third, we endorse your call for transparency. Consumers need accurate, useful, and timely information about costs and quality, and your leadership can help make this happen. We think transparency should also apply to state government. Your administration spent 18 months developing a comprehensive health reform plan—work now laid aside. Health Care for All has filed a Freedom of Information request for documents related to this process. Don't you think, in calling for transparency, your administration should practice what it preaches?

We also have areas of concern:

**First, evidence shows that prospects for pared-down insurance products are poor.** For example, Blue Cross Blue Shield of Massachusetts already offers a high deductible (\$5,000) individual insurance product, and state law since 1991 allows insurers to offer "bare bones" products. The

reason they are not prevalent is because insurers and consumers don't want them—and they're not so affordable either. The major, expensive insurance mandates are for maternity, mental health, and substance abuse. Do you really want to see widespread use of products that leave consumers without coverage for these services?

You mention that New York offers a low-cost basic policy. But New York State has heavily subsidized that product with state tax dollars. Premiums in the New York program are low because the state "reinsures" high cost cases with public dollars. The Moore/Blumer Health Access and Affordability Act proposes this same approach.

**Second, please don't vilify MassHealth clients.** Your comments about "abuse" and "fraud" in Medicaid are worrisome. If you think there are problems in MassHealth along these lines, fix them. If there are MassHealth clients who don't qualify for coverage, don't provide it. You don't need a statute, regulation, or appropriation. You certainly don't need insinuations. Unlike welfare, MassHealth clients receive no cash; they receive medically necessary services authorized by licensed health professionals. Throwing around, without substantiation, charges of fraud simply spreads stigma, which works against your stated desire to sign up people who are eligible but not now enrolled.

## 'Bare bones' products aren't that affordable.

Instead, focus on real abuse. Since 2003, 500,000 adults on MassHealth can only get dental services when their teeth are so rotten they need to be pulled. After they're pulled, the state no longer pays for dentures. And kids? Yes, they're eligible but your dental program is run so poorly that only one in 10 dentists will see a MassHealth kid and only one-third of those 400,000 kids had their teeth cleaned last year. Your Department of Public Health did an oral health survey of Massachusetts third graders—41 percent of MassHealth kids had untreated cavities and 19 percent had urgent dental needs. That's a scandal.

**Third, don't be so hasty to dismiss the need for mandates and new revenues.** Your secretary of health and human services (whom you publicly called "the best in the nation" last February) was right when he told you no significant reform could happen without them. Since the state health reform era began in the 1980s, many states have made dramatic gains in affordable coverage. None did it for free. Hawaii has the nation's highest rate of employer-sponsored health coverage for a reason—it's *mandatory*. Massachusetts has one of the lowest rates of uninsurance because we help many who could never afford employer-based coverage.

One final thought: You have suggested that 2005 will be a good time to get things done because 2006 is an election

year. Remember that the two watershed access reform laws were passed in 1988 and 1996, both election years. The public wants health access and affordability problems fixed, and they will reward public officials who get it done right, not in a hurry. There's a lot of goodwill out here to help you get it right, if you're willing to tap into it. ■

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*John McDonough is executive director of Health Care for All.*

# Health costs are now everyone's problems

BY JANE WALSH AND  
ALAN MACDONALD

Gov. Mitt Romney, legislative leaders, and health care advocates are to be commended for bringing the issue of universal health coverage to the top of this year's public agenda. Business leaders welcome this discussion, as we attempt to simultaneously reduce the increases in health care costs and share in the responsibility to meet the health care needs of our employees.

Business is acutely aware of the importance of this issue for a variety of reasons: 1) Employers provide medical insurance for nearly two-thirds of insured people, and the cost of these benefits is increasing at rates far greater than inflation; 2) health care is one of the largest sectors of the Massachusetts economy; 3) health care cost factors affect the competitiveness of our state's businesses; and 4) access to quality health care is an essential component of quality of life for all our citizens.

Business, however, does not have a monolithic opinion on how to address the issue. In fact, different business leaders could have very different views depending on the size of their business, the wage scale of their industry, and/or the demographics of their employees. Even with potential differences among employers, though, there are common concerns, such as trying to answer the simple question, "Can we afford to pay for out-of-control health care costs that are many times the rate of inflation?"

The answer, of course, is that no enterprise can afford to pay for increases that are persistently above the rate of inflation, whether for health care or any other cost item. Business leaders understand that this is not sustainable, and that some form of government intervention may be necessary to bring health care costs under control, due to the mix of public and private payers for health care services,

and due to the extensive 65-year history of government regulation of the health care field. These facts help to explain business leaders' historic and current interest in the state's health policy debate.

For the past 22 years, the Massachusetts Business Roundtable has had a Health Care Task Force, which has done research and made recommendations on health care policy. The MBR task force includes executives from the state's health care insurers, teaching and community hospitals, and large and small companies that are purchasers of health care services. During the 22-year history, four key points have emerged consistently from the deliberations of the task force:

- Universal access to basic medical care is a public responsibility for a society such as ours;
- A basic health care package must be consistent with the government's ability to fund such care for those without adequate means, and also consistent with the goal of controlling inflation in the cost of medical care;
- Built into the basic health care package must be strong measures that emphasize individual responsibility for health care, including provisions for co-payments, deductibles, and premium incentives to encourage wellness and reward appropriate use of the health care system; and
- The best way to achieve universal access to basic medical care at a reasonable cost is through a system where consumers exercise choice in selecting insurers and providers in a competitive market.

In 2002, MBR's Health Care Task Force released a white paper entitled "Solutions for Massachusetts Health Care," which includes many of the recommendations discussed on these pages. We agree, for example, that individuals should select the lowest cost, most appropriate treatment settings. We agree that technology resources need to be leveraged, not only to assist providers in delivering more efficient, high-quality care, but so that consumers can make informed decisions about their health care. We agree it is essential that, wherever possible, information on both cost and quality is available to support a consumer's selection of health care provider and treatment options. We agree that the Medicaid reimbursement shortfall is significant and that the formula needs review and adjustment. This shared ground gives us optimism that the goals outlined recently by Senate President Travaglini, Gov. Romney, and other public leaders can and will be achieved.

The recommendations in our report are based upon two principles, which we believe will be helpful in guiding the public health care debate in the coming months: 1) All parties—employers, consumers, providers, payers, government, and advocacy groups—have a shared responsibility to address this issue, and their various interests must be bridged so that no one constituency is at a competitive disadvantage by disproportionately bearing the expense

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of providing health care in Massachusetts; and 2) all concerned parties must understand the costs and impact of individual health care decisions.

Consumers currently utilize health care resources without access to data or any objective provider performance comparisons to understand the cost or quality impact of their decisions. It is incumbent upon all responsible parties to commit to developing consistent measures, based upon understandable quantitative data, to increase awareness among consumers and providers and to assist them in decision making.

Employers, insurers, and providers must join together to educate and inform consumers in order to assure them that providing appropriate care in an appropriate setting is not just about cost shifting but about the wiser use of limited resources and greater personal responsibility and well-being. Wherever possible, information on both cost and quality must be made available to support consumers' selection of health care providers and treatment options. By introducing the empowered consumer into the process, employers hope to activate a new element of cost control while meeting their responsibility to contribute to health coverage for their employees.

The goals that have been set by our state leaders can be achieved if all the affected parties work together to achieve them. Such a shared effort and understanding can begin to control escalating health care costs, while meeting the fundamental obligation to provide universal access to affordable health care in Massachusetts. ■

*Jane Walsh is president of Northmark Bank and chairman of the Massachusetts Business Roundtable's Health Care Task Force; Alan Macdonald is executive director of the Massachusetts Business Roundtable.*

## Expanding insurance is a matter of value(s)

BY JON KINGS DALE

Apparently, one of the New Year's resolutions on Beacon Hill is: "health insurance for (almost) all." Gov. Romney and Senate President Travaglini have committed publicly to increasing the number of citizens with health insurance; Sen. Moore, Senate chairman of the Health Care Committee, and a coalition of advocates, led by John McDonough's organization, recently filed legislation that proposes to go further. Health

plans based here in Massachusetts support universal access to insurance and look forward to the opportunity to work with the governor and legislative leaders to fulfill this promise.

Gov. Romney is right to stress cost control as key to reducing the number of uninsured. In doing so, he underscores the core question of *value*: How do we wring more value out of health coverage, so that more individuals, employers, and taxpayers are able to—and will choose to—buy it?

The tie between controlling cost and expanding insurance coverage is inextricable. Very simply, if we cannot afford to do it, we won't. Let's not forget that Massachusetts already enacted universal coverage once, in 1988, only to repeal it as unaffordable, in 1995.

How can we increase the value of health coverage? Here are some of the ways:

- Increase choice in insurance products by reducing mandated benefits;
- Develop comparable information on the cost and quality of competing providers;
- Encourage consumer selection of the most cost-effective providers;
- Develop standards of evidence-based medical practice;
- Reform malpractice liability to encourage reporting of medical errors and stimulate the practice of evidence-based medicine; and
- Reduce reliance on the Uncompensated Care Pool by strictly enforcing eligibility requirements and treating patients in the most appropriate settings.

Gov. Romney endorses many of these reforms. No doubt they will be resisted, but the less we do to reduce the cost of health care, the harder it will be to induce more people to buy it and convince taxpayers to fund it.

If significantly increasing access to affordable health insurance requires controlling medical costs, it also raises a question of *values*: Do we in the Commonwealth care enough to commit additional resources to assuring equal access to mainstream medicine? Doing so requires spending more dollars here, and fewer elsewhere.

It means expanding access to Medicaid, as both the governor and the advocates propose. It also means subsidizing low-wage workers and their employers to purchase private health insurance. The governor refers with enthusiasm to the "Healthy NY" insurance program, which subsidizes access to private insurance and eliminates some mandated benefits for eligible segments of the small-group and non-group (individual) market. The advocates also borrow from Healthy NY, including its most innovative—and expensive—element, state subsidy of catastrophic claims.

Where the governor and the advocates appear to disagree most fundamentally is over the so-called "play or pay" mandate. This requires most employers to finance group insurance for their employees (to "play"), or to pay the state

to cover those workers. Given the high cost of coverage now and the threat of higher costs to come, this is a major disagreement.

While there are substantial benefits to bringing thousands of Massachusetts residents into the mainstream of health care, there is a cost as well. Notwithstanding the recent Urban Institute report of a relatively modest net cost for covering the uninsured in Massachusetts—\$834 per adult per year, after deducting current costs of the uninsured to "the system"—the financial burden on those not now paying cannot be trivialized. Small-group health insurance premiums in Massachusetts are approaching \$5,000 per person per year for comprehensive benefits.

Compelling employers to pay such amounts is partly a matter of values. The advocates argue that we must, as a matter of principle, bear this burden; the governor pledges no new taxes or mandates on private spending. Thus, a primary principle powering expansion—that we assure equal access for all to essential medical care—meets the opposing principle of championing individual over centralized

**If values are translated  
into financial terms, we  
can seek out middle,  
if not common, ground.**

control of personal decisions and private resources.

Value politics are generally the least susceptible to compromise (think abortion, death penalty). Fortunately, in this case, differences in values can be translated into dollars, which are far more amenable to compromise. For example, the employer's cost to "play" could be less than \$5,000 per person if we reduced mandated benefits. As Senate President Travaglini has said, "We can cover everyone, but we can't cover everything." And the employer's penalty for not "playing" could be reduced to less than the average price of health insurance.

If our political leaders translate their differences over values into financial terms, they can seek out middle, if not common, ground. Conversely, if each camp holds true to its own principle—one side refusing to consider any new mandate on employers while the other refuses to consider coverage that costs less than \$5,000 per person—then the perfect will be the death of the good.

The test of our resolve to press forward through this thicket of policy challenges may be the willingness of each camp to compromise its most cherished principle. ■

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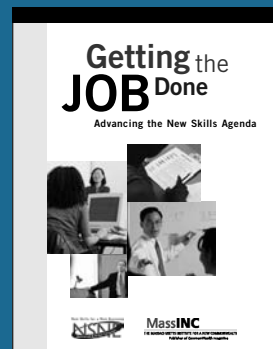
*Jon Kingsdale is senior vice president for planning and development at Tufts Health Plan.*



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By Stephen Kendrick & Paul Kendrick

Boston, Beacon Press, 291 pages

REVIEWED BY ROBERT JOHNSON JR.

In 1850, 46 years before the Supreme Court of the United States ruled in *Plessy v. Ferguson* that separate but equal facilities did not violate the United States Constitution, the Supreme Judicial Court of Massachusetts upheld segregation in its schools on grounds that it did not violate the Massachusetts Constitution. In fact, the majority opinion in *Plessy* relied upon the SJC's decision in *Roberts v. City of Boston* that segregated schools did not violate the rights of African-American children even though African-Americans had been afforded some political rights in the Commonwealth.

While many legal scholars have looked upon the *Roberts* case as an anomaly that helped crystallize the national law on segregation, others have viewed it as a valiant, if unsuccessful, attempt to advance social and political equality in one state that had an unfortunate impact on the entire country. But until this new book by Stephen and Paul Kendrick, novelist and NAACP chapter president, respectively, the human actors behind the *Roberts* case and its movement to change the racial fabric in 19th-century Boston have been ignored. *Sarah's Long Walk* gives the general public an in-depth look at the human dynamics that gripped Boston in the first half of the 1800s and of the individuals (both African- and European-American) who dared to dream of an egalitarian society mandated by law.

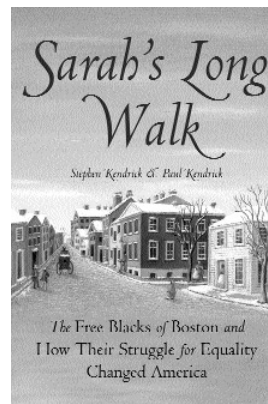
In telling the legal story, the

authors also reveal the complex social relationships between the majority population of Boston and people of color who were freed from slavery and those who had run away from it in the South. Much of this is presented in Part I, where we are introduced to Robert Morris, the first African-American lawyer in the United States to argue a jury case, who was also co-counsel to Charles Sumner in *Roberts*. Morris was just the second African-American to be admitted to practice law in the United States. Macon Allen was the first to hold this honor, having passed the bar in Maine and later in Massachusetts. Morris was trained under Ellis Gray Loring, an incorporator of the New England Anti-Slavery Society, which demonstrates that despite segregation in housing, transportation, and education, several prominent members of the Boston community were willing to cross the color line and lend assistance to Boston's "coloured" population on "Nigger Hill," on the west side of Beacon Hill.

Morris, the lawyer who represented Sarah Roberts and her father, Benjamin, in their efforts to obtain integrated education in Boston, is the focus of the book, but the reader gets introduced to other influential African-Americans in Boston and surrounding areas as well. These include Tituba of Salem, Charles

Lenox Remond (abolitionist), Prince Hall (founder of the Masonic lodge), Crispus Attucks (first person to die in the American Revolution), Rev. Thomas Paul (organizer of the first African church in America), David Walker (writer and abolitionist), John Brown Russwurm (graduate of Bowdoin College and publisher of the first African-American newspaper in America), Maria Stewart (abolitionist), William Cooper Nell (activist and associate of William Lloyd Garrison) and Frederick Douglass (premier abolitionist of the period). Though these individuals appear essentially in sketches, the reader gains an important glimpse into the pre-Civil War African-American community here and the critical role it played in agitating for social equality in Massachusetts.

Integrated education was not always the goal of these community leaders. In 1798, Primus Hall established the first African school in his home because of the abuse that African students received in the public schools. In 1815, Abiel Smith, a wealthy businessman of European background, left a bequest to the Primus Hall School, which prompted the city of Boston to exercise more control over the academy and to provide limited financial support. By 1840, members of the African community, under the leadership of



In Part II of *Sarah's Long Walk*, the Kendricks explain the legal challenge that resulted in the court decision in 1850. In 1847, Benjamin Roberts took his 4-year-old daughter, Sarah, to schools close to her home; she was refused admission to one and ejected by Boston police from another. Roberts, through attorney Morris, brought suit against the city in 1848, citing a state law that allowed students unlawfully excluded from public schools to collect dam-

Following this loss in court, there was a movement in the African community to petition city authorities to integrate Boston's schools. But the community was not exactly united behind this goal. Some, such as Thomas Paul, fought to maintain the segregated Smith School, arguing that the school was a place where African-American students would be "...defended and protected from outrage or indecency." Those who supported segregation believed that the white schools would not treat the African students with respect. At the heart of their opposition was a desire to maintain an important institution

Not that it mattered, in the end. Sumner argued eloquently on the question: "Can any discrimination of color or race be made, under the Constitution and laws of Massachusetts, among the children entitled to the benefit of our common schools?" But the high court ruled that the Boston School Committee possessed

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$$b_1 = b_2 = \dots = b_{n-1} = 1, \quad b_n = 2^n - 1,$$
[illegible]

The long old bridge is an important stone building listed as a monument.  
Below it are all the other buildings in the town of Llanidloes.

the authority to establish separate schools. Therefore, excluding Sarah Roberts from the schools she sought to enter violated no laws nor the Massachusetts Constitution.

In Part III, the authors present Robert Morris as disappointed by the SJC decision but by no means defeated in his determination to secure justice for African people in Massachusetts. In 1851, he and a group of armed Africans from Boston's West End raided the federal courthouse and freed Shadrach Minkin, a fugitive who had been captured in Boston and threatened with return to Virginia. Morris was arrested for aiding Minkin's escape but found not guilty. In 1854, another runaway from Virginia, Anthony Burns, faced a similar deportation hearing under the new Fugitive Slave Law of 1850. A crowd attempted to free him but failed.

Meanwhile, Boston's African-Americans continued their struggle against deportation of escaped slaves and for integrated schools. As a result of their petitions and agitation, on April 28, 1855, a state law was signed making segregated schools in Massachusetts unlawful. Nonetheless, the *Roberts* case remained on the books, providing legal precedent for segregated institutions across the nation, and ultimately for *Plessy v. Ferguson*.

Today, we have gotten used to courts establishing rights that elected lawmakers refuse, or are too scared, to vote for. The Supreme Judicial Court decision on gay marriage is an example. But in 1855, as a result of political pressure from a united abolitionist/integrationist coalition, the Massachusetts Legislature mandated integrated public schools. This seems extraordinary given that it occurred well before the Civil War and remained

in place throughout the backlash against Radical Reconstruction, which plunged America into a period of racial terror (Ku Klux Klan) and even more entrenched segregation.

When it comes to Boston, however, segregated schools would not be the subject of decisive court action again for nearly another century. But this act of the Massachusetts Legislature brought to a triumphant close the long walk Sarah Roberts and her father began a decade earlier. Thanks to *Sarah's Long Walk*, the leadership provided to this struggle by the African-American community can now be given the recognition it deserves in Massachusetts political and social history. ■

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# Beacon Hill bonding

*Legislative careers and friendships begin in the freshman bullpen*

BY JAMES V. HARRIGAN

**T**he first day as a state representative in Massachusetts is memorable. Freshmen are surrounded by family and friends in the House chamber as the governor administers the oath of office. Afterward, the Speaker hosts a lavish reception in honor of the newcomers.

Veteran legislators then file back to their offices and get to work. But what about the new members? Where do they go? Freshmen don't have offices awaiting them. Offices come with committee assignments, and those won't be made for at least a month. At that point, the offices fall like dominoes, doled out according to seniority, with freshmen getting the leftovers. In the meantime, new legislators and their aides are housed in Room 437, a cavernous hearing room known affectionately—and pejoratively—as the “freshman bullpen.”

As a member of the House staff, I drew the assignment of manning the bullpen in January 2003. So I had a unique vantage point from which to watch one class of freshman lawmakers and their staffers go through a State House rite of passage. I soon realized that life in the bullpen could be pleasant and productive—or rude and miserable. Which one depended, in part, on expectations.

“You expect this beautiful office with a dark leather chair, with cherrywood bookcases, and you walk into a room that feels like you're going for your entrance exam in the military,” says Rep. Robert Coughlin, a Dedham Democrat who was a member of the 2003 cohort.

Alayna Van Tassel, one of 22 new legislative aides jammed in with the 22 freshmen legislators, thought she knew what to expect, having worked for another lawmaker previously. But the aide to Rep. Alice Peisch, a Democrat from Wellesley, was shocked to find her new surroundings “almost like a telemarketing room.” Worst of all, adds Van Tassel, “there were only two computers for 44 people.”

“It's organized chaos,” says Westfield Republican Donald Humason. Though a newly elected representative, Humason experienced the bullpen as a case of déjà vu. He inhabited it in 1991, as an aide to then-Rep. (and now Sen.) Mike Knapik. “I'd been through it,” says the sole bullpen veteran in the Class of 2003, who tried to settle his col-

leagues' jitters. “Don't sweat it,” he told them. “It's not going to be this nerve-racking the entire time.”

But nerve-racking it was. “Noise was a problem,” says Taylor White, aide to Republican Rep. Jeffrey Perry of Sandwich. “That was one of the most frustrating things. Everyone's on the phone, everyone's making appointments. That was the biggest nuisance, having a constituent call and say, ‘Where are you, the subway?’”

“It was difficult,” Coughlin agrees. “You can't meet with people. It's difficult to talk on the phone.”

But Sutton Democrat Jennifer Callahan says she didn't mind the racket. “I was a trauma nurse in the ER, and the level of noise there was even greater than in the bullpen,” she explains.

Another drawback is that lobbyists and constituents pop in unannounced. Once situated in offices, lawmakers can rely on receptionists to screen visitors and take messages. But the bullpen is wide open, with no dividers or

**‘When you need to get some business done, people are staring at you.’**

cubes—making legislators and aides easy prey for whoever opens the door.

“When you need to get some business done, make some phone calls, take some phone calls, it's very difficult when people are walking in, staring at you, waiting for you,” says Coughlin.

But there are definite upsides to life in the bullpen, especially the unending supply of goodies. “You never went through a day without someone bringing in some sort of treat,” White recalls. “I was definitely well-fed in the bullpen.”

“There were many days I didn't have to buy lunch,” Van Tassel remembers. “And for somebody on my salary, that certainly helps.”

“Everyone chips in,” says Jamie Hellen, aide to Rep. Jamie Eldredge, an Acton Democrat. “They figure, ‘Hey, I made a banana bread, I'll bring it in.’”

Even in the sharing of treats, however, the new reps represented the folks at home. "It was, 'Okay, this is taffy from the North Shore,'" says Humason. "Well, I brought apples from the Berkshires. Someone else has cranberries from the Cape. Almost like you're staking out your district."

**F**or freshly minted legislators, the most important part of their cramped initial quarters is the bonding. The bullpen is "a fitting place to start," says Callahan. New legislators, she says, "all have the same questions, and some of those questions are best answered collectively." Without that time jammed in Room 437, she says, "we would not have developed the camaraderie we have."

Whether Republican or Democrat, says Coughlin, "you definitely felt that you were freshmen first."

"It's after the [fall] election, and politics is set aside," says Humason. "You're starting a new job. You're all in the same boat."

"I didn't find one lick of partisanship in the bullpen," says Hellen.

Indeed, it's the focus on the mundane that builds bonds over party lines, says Humason. "It's, 'Hey, where do I get

copy paper? Where do I pick up pens? Where do I get ribbon for my citations?'"

"At the end of the day," says Coughlin, "we're all friends."

For the most part, that's true. But even as I watched friendships form, I also saw animus fester. Two years later, friends remain friends and enemies remain enemies.

Callahan, the Sutton Democrat, and Susan Williams Gifford, a Wareham Republican, became pals despite their political differences. "She's very nice," Callahan says of Williams Gifford. "Susan and I took two of the four new seats" created in 2002 as a result of redistricting. "Regard-

## 'I didn't find a lick of partisanship in the bullpen.'

less of what our party is, the two of us have that in common, not only as new legislators but as women colleagues focused on similar districts."

"I think that women have a different perspective when it comes to working together and formulating friendships and relationships," says Williams Gifford. "Females are the true minority in the Legislature. We look at people differently. We're colleagues, not adversaries."

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But in the close confines of the bullpen, even party ties are not enough to overcome bad manners. Two of the frosh, members of the same party, started out as friends; they were about the same age and had similar constituencies. But their relationship turned frosty when one of them developed a habit of leaving his briefcase on the other's chair. Neither wants to talk about it, but bad blood remains.

As with most shared hardships, life in the bullpen was sweetest as it came to an end. "One of the best memories of the bullpen," Humason recalls, took place "when we knew we were going to get out. Rep. Smitty Pignatelli from the Berkshires got a state flag and had us sign it."

Rep. Mike Rush, a Democrat from West Roxbury, collected bumper stickers and made posters of them, which he gave out at Christmas. "I have it hanging up in my office," says Humason.

For her part, Callahan organized a party at the Red Hat, a watering hole in the shadow of the building, to celebrate the committee assignments that signified the end of their time together. "It was called 'Breaking down the Bullpen,'" she laughs. "And then we all went to a Red Sox game and had our picture taken with their bullpen coach."

**N**ow there is a new class of House freshmen—13 new representatives and an equal number of legislative aides—jammed into Room 437. A few of this year's frosh will likely see their first State House office as a lemon. But Coughlin tells them to make lemonade.

"Take advantage of it," the Dedham Democrat says. "Utilize that time and those close quarters to learn from other people, to form relationships."

## '[Use the] close quarters to learn from other people.'

"As much as work is work, relationships require some amount of outside socialization," adds Callahan. "Camaraderie gets built up that way."

And that, she says, has tangible results for lawmakers and their constituents. Relationships are "much more important [in the State House] than anybody gives credence to on the outside," says Callahan. "That's how you become effective in being able to move things forward that are important to your constituents back home. I think it's relationship-building that is most essential to being an effective legislator." ■

*James V. Horrigan is a writer and a staff member of the House of Representatives.*



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## Curses!

*Can Boston survive without feeling star-crossed?*

BY FRANCIS J. CONNOLLY

It's time to find a new curse.

The Bambino certainly held up his end of the deal. As curses go, the Babe's was a thing of beauty: 86 years of tooth-gnashing, self-flagellating frustration, punctuated by occasional moments of pure cosmic whimsy. Think about it—*Bucky Dent*? Talk about a stroke of genius.

But now Ruth's ghost is gone from Fenway—banished by David Ortiz, Curt Schilling, and various others of Mr. Henry's mercenaries. And with the curse now ended, the question arises: Can Boston afford to be curse-less?

Truth be told, the Curse of the Bambino was a handy little hex. It provided the Sox with a ready-made excuse for futility, and it provided the national media with a time-tested story line any time the Olde Towne Team got within spitting distance of the World Series trophy.

It even provided the local press with generations of goofy feature stories about bizarre curse-breaking expeditions. From the high-tech search for a piano that Ruth supposedly threw into a Sudbury pond to the demolition of a Watertown house once occupied by the Babe's ex-wife, Ruthian exorcisms always made for good copy.

The curse made Boston special, at least in our own minds. It set us apart from cities where the baseball teams were simply bad—Chicago comes quickly to mind—and cast our decades of suffering in a different and nobler light. The White Sox and Cubs have each gone more than 86 years without winning the World Series, but that's just a matter of lousy baseball; when the Red Sox lost, there was an irate Hall of Famer raging around in the ectoplasm.

Most of all, the curse provided all of us with an organizing principle for our civic angst. Are we obsessively jealous of New York? Overly eager to avenge past indignities, real and imagined? Too willing to wallow in self-pity? Too self-important? Too defeatist? Too conscious of that gargantuan chip on Boston's municipal shoulder?

Blame the curse. It's all the Bambino's fault—at least until now.

Now that the Red Sox are winners, we need something else to excuse our failures and legitimize our collective crankiness. We need something big, something grand, something completely awash in outrageous bad fortune.

No, no, not the Big Dig—we want a curse, not a catastrophe. Does anybody out there really want to bet that the darn thing won't still be leaking in 86 years?

No, the ideal curse should, like the Curse of the Bambino, involve something that doesn't demand to be taken too seriously. Like, maybe, the Curse of the Casino: The Wampanoag and Nipmuc tribes join forces and spend the next 86 years winning back the land we stole from them, one hand of blackjack at a time.

Or perhaps the Curse of the Ruffino: Frustrated diners wander the North End for eight decades, in futile pursuit of a decent glass of Chianti.

Or, just possibly, the Curse of the Menino: Aided by a toothless City Council and the latest in medical technology, Tom Menino spends the next 86 years running for mayor unopposed.

The curse could have a sporting motif—it certainly looks as though the Celtics might go at least 86 years before winning another championship. Or it could have a corporate focus—the city might spend the next nine decades looking in vain for another major company to make its headquarters in Boston. It could even involve hapless physicists at MIT—the Curse of the Neutrino, anyone?

The again, maybe we don't really need a curse, after all. Maybe with the Red Sox reigning as world champions and the Patriots emerging as the next NFL dynasty, with Boston Harbor cleaned up and the elevated Central Artery torn down, Boston might finally get over its obsession with failure and look to the future with confidence. Maybe we'll get over the fact we're not New York, and realize that we are still a city with world-class universities and hospitals and museums and all the other things that make a city truly great.

Maybe we can even watch as the Red Sox allow a charismatic superstar—who happens to be one of the team's best pitchers—escape to New York, and know that history doesn't have to repeat itself. The Curse of Pedro? Never gonna happen.

At least, let's hope not. See you in 2090. ■

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*Francis J. Connolly is a senior analyst at Kiley & Co., a Boston-based public opinion research firm.*



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