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Michael Jonas, Robert David Sullivan

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DESIGN CONSULTANT

Ken Silvia

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Mary Carey, Christopher Daly, Ray Hainer,
Richard A. Hogarty, Dan Kennedy,
Jeffrey Klineman, Neil Miller, Laura Pappano,
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PUBLISHER

Ian Bowles

SPONSORSHIP AND ADVERTISING

Rob Zaccardi

CIRCULATION

Emily Wood

INTERNS

Catherine Watkins, Catherine Williams

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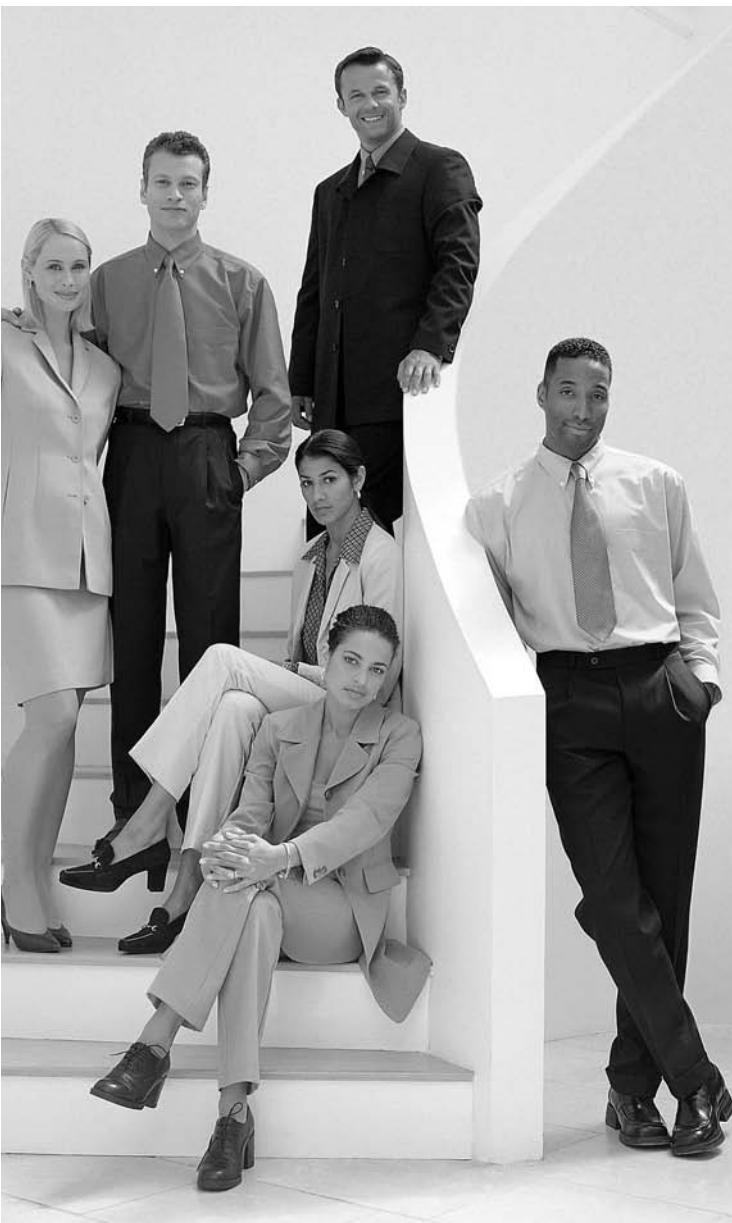
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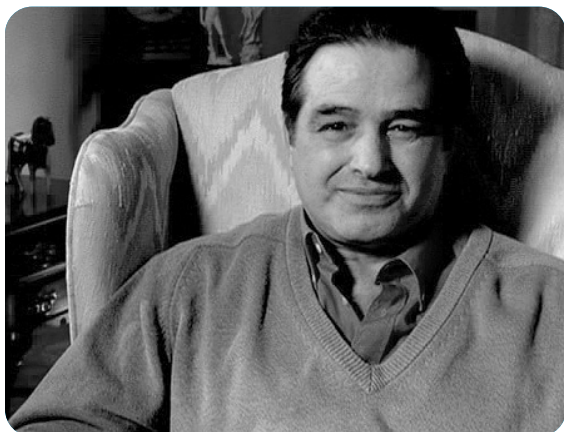
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Jose Bilotta, West Newton, MA

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MINOR-LEAGUE BASEBALL TEAMS DESERVE SUPPORT

Loved Mark Murphy's article ("Rooting for the Home Team," CW, Fall '05) about minor-league and indy-league ballclubs in Massachusetts. I'm a fan of the North Shore Spirit, who play at Fraser Field in Lynn. I look forward to opening day every year. I pay \$5 for a bleacher seat along the first base line and watch the sunset over the right field wall, and I feel like my soul has been through a car wash. It's a real struggle for these teams to survive. I try to support mine by buying blocks of tickets, promo merchandise, and bringing all my friends to games.

Another great thing is how family-friendly many of the parks are. Tickets are inexpensive, and at Fraser Field, the rowdiest portion of the crowd is usually under four feet tall. None of the adults in the park give parents dirty looks when their kids make happy noises, the way I'm sure they certainly would at a Red Sox game, where the expense of the tickets gives fans a sense of entitlement about enjoying the game undisturbed by anyone too young to drink beer. There's even a beautiful, brand-new playground staffed with park employees.

I've been to Worcester, too, where

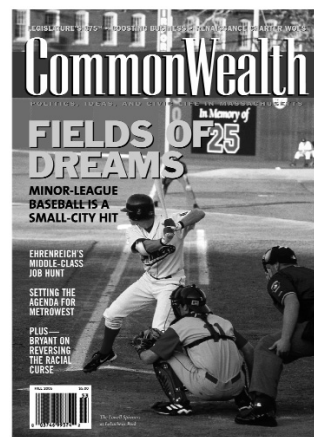
the experience is quite different. Much of the crowd is local college kids, many of whom are drinking as many beers as they can manage; at a game I saw last season, a player from a visiting team was ejected for protesting a call by the umpire, and rowdy fans ran to the railing near the pathway leading to the locker room and attempted to pour beer on him as he walked by. I have to say, I had a great time anyway. How can you not love fans that wave back at cars beeping on the elevated highway that overlooks left field? However, the combination of the crowd and the very steep metal stands means I wouldn't bring my kids until they were much older, and then I'd sit in the family-oriented area directly behind home plate.

*Lisa Williams
Watertown*

The writer is host of H2otown, a local news and events Web site described in this issue's Mass.Media article, page 33.

LIVING ALONE IS NOT ALWAYS A MATTER OF LIFESTYLE CHOICE

I thought you did a stretch of precept in your item on people living alone as the largest household cohort



(Statistically Significant). Since you include roommates in the figure, it's not even right on technicality.

Statistics watchers are looking at that figure very closely in its significance as a nontraditional trend, so lumping several categories provides a useless conclusion.

Widowed women were previously from conventional families and don't mark a lifestyle shift of choice. At the same time, college and post-college adults are in transition; many or most on their way to conventional arrangements. Some of the "choice" to live outside a traditional household may be due to financial constraints. That is a whole different issue, not a determined lifestyle aspiration.

*Dave Bernard
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Turning 10

In 1996, the Dow Jones Industrial Average was at about 4,000 and just beginning its dizzying five-year runup to more than 11,000. The United States was in the midst of the longest period of sustained economic growth on record. Wealth was being created on a scale not seen in our history. In politics, Bill Weld and John Kerry were the story, jousting in no less than seven televised face-offs. Regardless of which side you were on, it was rich and substantive political debate.

That year also marked the founding of MassINC. In its first 10 years, MassINC has sought to use its independent research and civic voice to build a new agenda for Massachusetts, one that focuses on the challenge of living the American Dream in our Commonwealth. Our work has focused on the meat and potatoes of daily life—family incomes, education, skills, and economic opportunity; cost of living; demographic change; and quality of life.

MassINC started out with a benchmark examination of income, *The State of the American Dream in New England*, and found that family income growth is tied to educational achievement more than ever before. The result is a growing divide in economic opportunity between those with higher education and skills and those without. In 2000, our research revealed that a stunning 1.1 million workers lacked the skills to get ahead in today's economy. This in turn launched our New Skills for a New Economy campaign, which focuses attention on the need to create opportunities for workers to acquire these skills.

At the same time, we began to examine the cost side of the equation. In *The Road Ahead*, in 1998, we identified the rising cost of housing as a strategic threat to our ability to attract and retain the most skilled workforce in the nation. More recently, our work on cost of living led us to examine the finances of a graying population. We found that many families have yet to adapt to the new rules of retirement, under which personal savings and 401(k)-style plans have largely replaced traditional pensions.

We at MassINC have also sought to understand the three major demographic forces shaping our state's future: out-migration to other states, international immigration, and the aging of our population. Of the three, only immigration is sustaining our workforce. Our work on migration in 2003, *Mass.Migration*, foreshadowed the last two years of overall population loss reported for the Bay State—a troubling dynamic that makes preparing for the impending Baby Boomer retirement wave all the more urgent.

All this raises questions about the quality of life in Massachusetts, and we put those questions to 1,000 residents in our 2003 survey, *The Pursuit of Happiness*. We found that people like living in the Commonwealth and appreciate their communities. But the cost of living is forcing many of them to make difficult decisions—whether leaving the state for somewhere less costly, or putting up with a long commute from a town where they can afford to live.

Taken as a whole, MassINC's research over 10 years points to three key challenges for our state. First, we need to redouble efforts to build, attract, and retain the most skilled workforce in the nation—it is our fundamental comparative advantage and we risk losing it at our economic peril. Second, the affordability challenge looms large. Skilled workers cannot be lured here, and those already here cannot afford to stay. Third, the state needs to factor in cost of living as a component of its strategy for future growth and development. All our efforts to attract and nurture new industries will be for naught if the economics—and politics—of growth make it impossible for employers to expand here and employees to live here. Skills, affordability, and growth—these are the challenges before us.

In 2006, we have the opportunity to engage in the dialogue that naturally flows from the process of picking a new governor. With an open seat, all cards are tossed in the air. But even a wide-open race is no guarantee that vital issues will be addressed in a way that illuminates, rather than obscures. Matching the standard set 10 years ago by the Kerry-Weld debates will not happen by itself.

At MassINC, we have decided to mark our 10th anniversary by doing our part, with partners in the media and with other civic-minded leaders, to push for a substantive discussion about the future of our state in this election year. Rather than mark the occasion with a gala dinner, we think our efforts will be put to better use by focusing greater attention on the issues that make the American Dream more accessible to the people of Massachusetts. We thank the many organizations and individuals who have already agreed to help us in this endeavor. Our Commonwealth needs it—and we hope you will join in as well.



Ian Bowles

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Pressure mounts for tougher school turnaround plans

BY GABRIELLE GURLEY

F is for failing, and some Massachusetts public schools have the dubious distinction of doing just that. But school turnarounds have not taken place as fast as education officials had hoped. A sizable cohort of students, especially in city schools, continues to be held back by poor academic performance, posting dismal MCAS results.

From spring 2000 to spring 2005, Department of Education-guided fact-finding teams evaluated 77 low-performing schools with some 42,000 students. DOE later designated 32 of those schools, with about 18,600 students, as underperforming after showing little or no improvement on the MCAS. (Only two schools have been removed from those ranks since their initial classification.) A Fall River school was the first one taken over by the state, while three more schools have been designated as “chronically underperforming.” Under No Child Left Behind federal mandates, 67 schools were declared in need of restructuring or corrective action in 2005. Now pressure is building for a more aggressive approach to doing something about schools that aren’t making the grade.

“I think MCAS created very serious consequences for children who fail. We need to create serious consequences for institutions that fail and are incapable of turning themselves around,” says Boston Foundation president Paul Grogan, who chaired the Governor’s Task Force on State Intervention in Under-Performing Districts. Grogan now co-chairs the Great Schools Campaign, an initiative of the standards-based education reform group Mass Insight Education that is pushing for more aggressive state intervention in failing schools.

After 12 years of effort under the Education Reform Act of 1993, this is no time for a wait-and-see attitude, say some observers. “One class has already graduated on their watch from kindergarten through 12th grade, and, in the cities, I would say half of a class has graduated and half of a class has been lost,” says Robert Peterkin, director of the Harvard Graduate School of Education’s Urban Superintendents Program and a former superintendent of the Cambridge



Board of Education chair James Peyser is pushing his own plan.

and Milwaukee school systems.

That sentiment has spread to the state Board of Education, which, at its November meeting, stunned observers by failing to approve Department of Education-recommended turnaround plans for another trio of schools, one in New Bedford and two in Springfield. The deadlocked vote of 4-4—a majority was needed for approval—sent the plans back to the department for reworking. But not before board chairman James Peyser made a dramatic call for wholesale

‘WE NEED TO CREATE SERIOUS CONSEQUENCES [FOR FAILURE].’

overhaul of the intervention process.

Just what a more aggressive, and effective, school turnaround process would look like, however, is still very much up for grabs. Currently, the DOE’s accountability system assesses low-performing schools and districts with biennial ratings based primarily on MCAS scores. Five years ago, No Child Left Behind added another layer of school and district accountability, ordering Adequate Yearly Progress determinations and the identification of schools and districts based on need for improvement, corrective action, and restructuring.

"I think the state's been slow to get into these schools and these school systems because they know they can't do anything about it," says Peterkin. "People at the state level are too far removed, and their resources really are thin."

The DOE has inaugurated a top-to-bottom review of its school and district accountability system, which is scheduled to be reported to the board in April. But at the December meeting chairman Peyser once again displayed his impatience by presenting his own plan, which would set a goal of 50 percent proficiency in English language arts (ELA) and math within three years for all grades and subgroups. Struggling schools would be grouped into three categories. "Needs improvement" schools would craft state-supervised improvement plans, allowing principals to bypass seniority and other union-contract constraints on staff changes. Among other features, the plans would mandate coaching-style support for teachers and a minimum of 90 minutes per day of after-school tutoring and homework help for students. "Turnaround" schools would receive leadership, teaching, and assessment guidance from an outside partner, such as a university or other public or private education manager. "Restructuring schools" would be subject to contracting or chartering by outside entities.

Both Massachusetts Federation of Teachers president Kathleen Kelley and Massachusetts Teachers Association president Catherine Boudreau were in the audience at the December meeting, and afterward they dismissed the Peyser plan. Kelley termed it "unrealistic," while Boudreau complained that the Peyser-led board isn't engaging teachers in a wider conversation about how to make schools improve. State board members, Boudreau says, think "they have a better perspective and a better view" than those in the classroom.

But Peyser's plan is just one among many. Gov. Mitt Romney's recently announced school turnaround proposal would halve the intervention timetable in underperforming schools from six years to three and give superintendents broad powers to hire, fire, and test teachers. New management could be placed in schools that do not improve within two years, or those schools could be reconfigured as charter schools.

Meanwhile, Mass Insight's Great Schools Campaign is pushing a plan that would place underperforming schools in something called the Commonwealth Turnaround Collaborative. The \$35 million undertaking, with \$30 million projected to go directly to the school level, would start off by designating 50 of the state's 108 worst performing schools as "turnaround schools," linking them together in a "virtual administrative district."

"It's really a generational issue now. Kids who are going



Mass Insight's William Guenther: "Limited efforts" don't work.

through schools, they can't pass the MCAS in math and English," says Sen. Steven Baddour, a Methuen Democrat who, along with Rep. Stephen LeDuc, a Marlborough Democrat, is sponsoring legislation to establish the collaborative.

The plan is modeled on the Miami-Dade County Public School District's School Improvement Zone which, established in early 2005, comprises 39 schools with 44,000 students. Statewide testing occurred six weeks later, and third-grade students in the new zone scoring at the lowest

SUPERINTENDENTS MAY GET NEW POWER TO FIRE TEACHERS.

level in reading dropped 10 percentage points, from 51 percent in 2004 to 41 percent in 2005. In math, 33 percent of third-graders scored at the lowest level, down from 42 percent in 2004.

"What got us a good part of the way last year was simply the symbolic value of grabbing hold of these 39 schools and saying essentially that we weren't going to stand for them to be poorly performing any longer," says Miami-Dade spokesman Joseph Garcia.

Working with an outside management partner, Commonwealth Turnaround Collaborative schools would focus on the 50 percent or more of students who have failed math or English language arts in any single grade for two years or more. As under the governor's proposal, superintendents

would gain extraordinary powers to hire, fire, and reassign teachers. Teachers would receive performance incentives, and an alternative collective bargaining unit would be linked to each local bargaining agreement. Students would see longer school days, revamped curricula, and social support systems. Turnaround schools would remain in the CTC for five years. Schools not demonstrating significant improvement within three years would be subject to state takeover, restructuring, or outright closure.

"This is a problem that nobody has solved around the country, [and] that clearly will not get solved with the kind of marginal and very limited efforts that we have engaged in the past," says Mass Insight Education president William Guenther.

But the Commonwealth Turnaround Collaborative has its share of skeptics as well, starting with Peyser. "I think it's an interesting and creative approach," says Peyser. "Whether it's the right one remains to be seen." The MFT's Kelley is not persuaded either. "I don't know what turnaround partners are going to do other than dictate [from the] top down," she says.

The MTA has its own approach to guiding teachers and administrators in struggling schools: the Priority Schools Initiative, which relies on invigorating a school's culture by bolstering educators' teaching and learning efforts. Launched at the end of 2003, the program is in place at more than 10 elementary and secondary schools that have failed to meet state or federal performance benchmarks. In one school, the Athol-Royalston Middle School, students met or exceeded all of its 2005 MCAS and Composite Performance Index (a measure of progress toward ELA and math proficiency) improvement targets.

All parties agree that the Legislature will have to ante up additional financial resources to ramp up school turnarounds. "I think clearly we will be looking at some targeted funds, but we may even be asking for more significant funding if it calls for it," says Driscoll.

The more difficult task will be getting all the education stakeholders on the same page. "We need to find a way to march forward together," says Driscoll. "That's the tricky part for us."

But CTC backer Grogan says it's time to take action. The continued failure of urban schools is not only the civil rights issue of our time, he says, but a threat to the state's future economic growth and prosperity.

"We're not in a position, with a declining and an aging population, to waste people," says Grogan. "It's really all about the talent pool. That's really all that we have in Massachusetts to power our economy." ■



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Want to give away that old jalopy? Here's Good News

BY PHIL PRIMACK

After many years and many miles of steady service, the trusty old station wagon still starts up every morning, but the body is dinged up, repair bills loom and, worst of all, the cup holder is broken. Time for a new car—but what to do with the old one? It's worth little if anything as a trade-in, and trying to sell it privately involves a lot of hassle, with not necessarily much of a return. For many, this is when appeals to "donate your car to charity" start to sound good.

While some 1-800-number car donation operations do get some money into charitable coffers, they generally don't give old cars new homes. They mostly sell off donated cars, including roadworthy ones, at low wholesale auction prices

or even for scrap. What gets given to charity is the little that's left over after expenses and overhead for running these outfits, which are often, in fact, for-profit entities.

But there is at least one program that actually does turn roadworthy older cars over to drivers who desperately need them—namely, low-income people who are ready to get off welfare but cannot afford the car they need to get to work. The Good News Garage, operated by Lutheran Social Services of New England, accepts donated cars that are drivable, repairs them if necessary, and gets their steering wheels into the hands of people who would otherwise miss out on jobs, often because they can't get to training sessions or drop the

**OLD CARS GO TO PEOPLE
READY TO GET OFF WELFARE.**

kids off at day care. Recipients pay back some of the repair costs, often with financial assistance. Donated cars that are too expensive to fix are kept for parts or sold at auction, with the proceeds used to underwrite repair of vehicles that will get new owners.

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Though Vermont-based Good News runs welfare-to-work programs across New England, it is not currently doing so in Massachusetts. “The bulk of people who need but cannot afford cars are those coming off welfare,” says Good News president and CEO Chris Hendrickson. “We’d love to work with a social services agency to do more welfare-to-work programs in Massachusetts.”

Good News lost its toehold in the Bay State in 2003, when the Romney administration cut about \$120,000 in funding for Good News to match cars to people through the Department of Transitional Assistance’s Access to Jobs program. But after a successful demonstration program with the Massachusetts Rehabilitation Commission last year, DTA may reinstate its donated car component, according to DTA spokesman Brigitte Walsh.

During the six-month Mass Rehab program, Good News matched cars to about 20 people who had finished rehabilitation and had lined up jobs but had no way to get to them. “People who could get to their jobs with public transportation were not eligible, and car recipients were responsible to pay for registration and six months of insurance,” says Hendrickson. “The goal was to get them working and back into society.”

Founded in 1996 and now with locations in four New England states, Good News Garage—the name is used with permission of the Cambridge repair shop of the same name run by the Magliozzi brothers of *Car Talk* fame—has assisted more than 2,000 individuals and families in the move from welfare to work, says Hendrickson. A University of Vermont study found that 75 percent of those who received Good News cars were off welfare within six months. But as a small nonprofit, Good News has a hard time getting out its own good news.

“People are just simply not aware of the unique opportunity they have to give a roadworthy vehicle to Good News Garage,” says Tom Langdon, director of development in the Wellesley office of Lutheran Social Services of New England. “We suffer because these other used-car brokers overwhelm the market with advertising.”

But a change in the federal tax code may give programs like Good News Garage a leg up in the car donation game. Donors have been able to deduct full book value of their cars, or even more, but beginning this year, the Internal Revenue Service allows deductions only for what the car sells for. So if a donated car is sold wholesale or at auction for \$200, that’s the extent of the donor’s tax break. However, if the car is donated to an organization that uses it as a working vehicle in its charitable programs, donors can still deduct the vehicle’s fair market value.

“Initially, the press made it sound like the deduction was going away altogether,” says Hendrickson. “The new rules are complicated to explain, and we don’t have the big advertising funds” of the for-profit car-donation hawkers, he says. “But we think the new IRS rules will help.”

Good News Garage (www.goodnewsgarage.org) can be reached at 1-877-448-3288; donation of useable cars can be made at Good News’s Manchester, NH, location. ■

Wetlands dispute bogs down MWRA water tank project

BY MICHAEL JONAS

The Massachusetts Water Resources Authority calls its Blue Hills storage tank project crucial to protecting the water supply of thousands of residents in Quincy, Milton, and Brookline, as well as Boston neighborhoods along the city’s southern tier. But environmental advocates say it is anything but a water protection project, charging that the plans will damage a wildlife-rich body of water—and strike a dangerous blow to a longstanding state policy designed to preserve wetlands.

The water war has broken out over the MWRA’s plans to build two huge underground storage tanks on the site of a 16-acre reservoir in the Blue Hills Reservation in Quincy. The authority, which supplies water to 2.5 million residents in 61 Boston area communities, says the twin 10-million-gallon tanks are needed to comply with federal and state regulations banning open-air storage of treated drinking water. The tanks would serve as an emergency backup for drinking water and fire protection in the event of a breach or any other interruption of flow in the authority’s main supply lines serving the area.

But environmental groups charge that the \$31 million project violates the state’s Wetlands Protection Act and skirts a state policy dating to 1990, which calls for the replacement of any wetlands destroyed by a development project. After unsuccessfully petitioning the state’s Department of Environmental Protection to block the variance for the project, a local advocacy group, Friends of the Blue Hills, filed suit in December in Norfolk Superior Court against both the MWRA

and DEP. (Meanwhile, Quincy state Rep. Bruce Ayers has filed legislation that would compel the MWRA to replace any lost wetlands.)

"This permit is an unprecedented break from the state's history of requiring public agencies to replace wetlands when they have no alternatives to filling them," says Thomas Palmer, president of Friends of the Blue Hills.

The MWRA has already drained the reservoir, but \$8 million of the project cost is earmarked for mitigation efforts, including a pond the authority has committed to build on half the site, restoring about eight of the 16 acres of water surface lost by draining the reservoir. The storage tanks will occupy the other half of the site, and will be buried, with meadowland planted above them.

The new site will be an improvement, according to the MWRA. In place of an unsightly chain-link fence that kept people away from the old reservoir, the new smaller pond, which will be stocked with fish, will feature a perimeter walkway as well as a peninsula built out into the water. And instead of burying the tanks under a new landscape, the authority could have simply "built two above-ground metal tanks that look like spaceships," says Frederick Laskey, the

agency's executive director. "The MWRA and its ratepayers have been exceedingly generous in negotiating this mitigation package."

Not generous enough, says Michael Vhay, the attorney for the Blue Hills advocacy group. Vhay argues that state environmental regulations require full replacement of wetlands in the case of a large-scale project such as the MWRA's, which will alter more than 5,000 square feet of "land under water" that serves as a wildlife habitat.

DEP Commissioner Robert Golledge, who gave final written approval to the MWRA project in September, maintains there is no regulatory mandate that wetlands be replaced in this case. This stance infuriates environmental advocates, who point to a series of policy documents from 1990 and 1991 committing the state to a policy of "no net loss of wetlands in Massachusetts," all the more ironic because Golledge was director of the state wetlands protection program at the time the policy was developed.

But Golledge says that regulations, not policy edicts, govern the application of wetland protection laws. "Agencies are rightly criticized, and their decisions struck down, for improper reliance on policies as opposed to properly pro-

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mulgated regulations,” wrote Golledge in his decision. In an interview, Golledge says current regulations establish a framework for review of cases that supports the overall goal of no net loss of wetlands—a goal to which the state remains fully committed, he says—but the regs do not require wetlands replacement in each and every project.

Heidi Ricci, senior policy specialist at Mass Audubon, one of 16 environmental groups that signed a letter to Golledge objecting to the variance he issued to the Blue Hills project, says that of the several dozen wetlands variances granted by DEP since 1990 for large-scale projects, this is the first one in which the state has not required full replacement of lost wetland area. And she worries that it might not be the last.

“The concern is that this might represent some sort of trend,” says Ricci.

Golledge calls the Blue Hills Reservoir a “unique case,” pointing out that the surrounding topography was not suitable for replacement wetlands to be created. But environmentalists say he could have ordered MWRA to create new wetlands elsewhere; they have identified an area at the opposite end of the 7,000-acre Blue Hills Reservation, near the intersection of Interstates 93 and 95 in Canton, that they say would be particularly suitable.

Palmer, president of the Friends of the Blue Hills, wonders whether, since it was DEP drinking-water regulations that forced MWRA to undertake the costly water-tank project, the state environmental agency simply decided to cut the water authority some slack when it came to the wetlands. “In other words, two agencies in the government are being kissy-faced at the expense of the people and the environment,” says Palmer.

Golledge simply says that “it’s important to remember that this project is required under state and federal law in order to protect the water supply system,” and on that basis it clearly met the standard of “overriding public interest,” one of the statutory criteria for the granting of a wetlands variance. And he insists that the MWRA exception should not be taken as evidence of a new, weaker commitment to wetlands protection overall.

“People should not look at this as a precedent that DEP is now heading down the road of not requiring one-for-one replication [of wetlands] in any future variance,” says Golledge. “In fact our intention is to exceed one-for-one.”

Vhay, the attorney handling the suit against DEP and the MWRA, says the best way to ensure that would be for a court to overturn Golledge’s decision. Friends of the Blue Hills, he says, are “fighting to make sure mistakes like this don’t happen again.” ■



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STATISTICALLY SIGNIFICANT

BY ROBERT DAVID SULLIVAN

ILLUSTRATIONS BY TRAVIS FOSTER

WHERE ARE WE LOSING?

Massachusetts made headlines in late December as the only state in the US to lose population two years in a row, according to estimates by the Census Bureau. The 2004 decreases—2005 estimates for individual cities and towns have not been released yet—were greatest in Boston and in the Berkshires, but those two areas have lost people even when the state as a whole has gained. Are there local bellwethers of population growth (or loss) in Massachusetts?

Using formulas too complicated to explain here, the Census Bureau identified six communities with populations of more than 20,000 that, in its estimation, hit a wall in 2004 and, like the state as a whole, lost residents after six decades of steady growth: Acton, Barnstable, Leominster, Mansfield, Taunton, and Yarmouth. Think of them as canaries in the population-count coal mine.

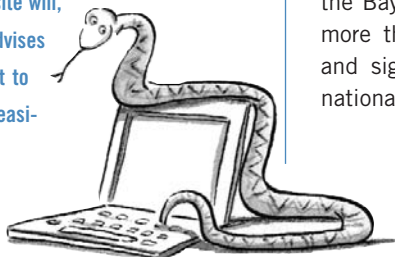
Sticking with harder numbers from the decennial censuses, the towns of Hanson, Hudson, and Wareham make the best population bellwethers. They are the only three communities that came within one percentage point of the statewide population growth in the 10 years leading up to 1990 and 2000 (4.9 percent and 5.5 percent, respectively). Looking over a longer period, Hatfield was the only community to mirror the state with a jump of more than 10 percent in 1970 and single-digit increases in 1960, 1980, 1990, and 2000.

As for anti-bellwethers, one strong candidate is Chelsea, whose population dropped 30 percent from 1940 through 1990 (when the state as a whole rose by 39 percent), then jumped by 22 percent during the '90s (when the state rose by only 6 percent). Similarly, the cities of Everett, Haverhill, and Lynn suffered losses during the state's last double-digit boom, during the '60s, and rebounded to outpace the state's anemic growth three decades later. Urban renewal, it seems, has many benefits, but presaging statewide growth is not one of them.

SERPENTINE LOGIC

Perusing the list of most-Google'd Web sites in 2005 turned up by the search word "Massachusetts," we noticed the Massachusetts Snake Page (www.umass.edu/nrec/snake_pit/) in eighth place, not far below more obvious winners such as www.mass.gov and the Registry of Motor Vehicles. Presumably, many of the site's visitors have encountered the creatures (snakes, not state employees) in their yards or houses—often around March, when snakes come out of hibernation to mate and loll around in the sun. Well, the UMass-Amherst faculty who run the site want everyone to calm down.

"The regularity with which people kill a snake first and ask questions later might lead you to believe that the world is overrun with poisonous snakes," they write. But only two of the state's 14 species are venomous (the timber rattlesnake and northern copperhead), the Snake Page reports, and both are "rare" and "reclusive." The most populous is the common garter snake, which likes shrubbery and sidewalks but is generally "harmless." The site will, rather grudgingly, tell you how to keep it out of your house, but advises against a zero-tolerance policy outside: "Unless you really want to surround yourself with a boring, uninviting landscape, it is much easier to live with an occasional snake in the yard."



WAITING TO WED

It appears that most Massachusetts residents need at least six years of drinking (legally) before they take a spouse. Census data released last fall show that the median age of Bay State residents getting married for the first time was 27.4 for women and 29.1 for men (when their hair begins to thin?) during the four-year period from 2000 through 2003. For both categories, those figures were the highest in the US; the national average is 25.1 for women and 26.7 for men.

That Bay Staters wait so long to get married may have something to do with our annual divorce rate, which is the lowest in the country—2.4 breakups per 1,000 people, according to 2001 Census data. *Divorce* magazine reports that in 1997 the median age of a first divorce in the US was 29 for women and 31 for men. So maybe we're just more likely to skip that first, ill-advised marriage.

Or maybe it's that people who marry in Massachusetts split up after they move elsewhere. The divorce rate in New Hampshire—which attracts thousands of young families who can't afford a home in the Bay State—is 5.0 per 1,000, more than twice as high as ours and significantly higher than the national rate of 3.9.

SMOKING OUT POT OFFENDERS

Presumably their intent was not to make the jobs of narcotics investigators easier, but NORML (the National Organization for the Reform of Marijuana Laws) recently released data showing that Martha's Vineyard leads the state in arrests for possessing or selling marijuana. With a weed-related arrest rate of 310 per 100,000 people in 2002 (the last year that national FBI data are available), Dukes County easily beat Boston's Suffolk County, which had an arrest rate of 225, for first place. Oddly, the state's other big island, Nantucket County, reported no marijuana arrests at all in 2002. Sprawling Middlesex County was last among jurisdictions in pinching pot-users, with an arrest rate of 102.

Among age and gender groups, 18-year-old men were on top, with an arrest rate of 387, far above the statewide rate of 20 per 100,000. Women over 60 were either abstemious or discreet, with no arrests at all from that demographic group.



DUBIOUS HONORS: BEST BUSINESS CLIMATES

For the second consecutive year, Massachusetts has finished first in the Beacon Hill Institute's annual State Competitiveness Report. The Suffolk University-based research organization concluded in December that we are "the state best poised for economic growth," due to such factors as a highly skilled workforce, the availability of venture capital for new businesses, and high levels of research-and-development spending—offsetting such disadvantages as high energy costs and long commuting times.

Still, the Economic Policy Institute, a Washington, DC-based think tank focused on "research and ideas for working people," last year released a report blasting all the think tanks that rank the 50 states by business climate. *Grading Places* concludes: "It is precisely because the competitiveness indexes produced by the ideological think tanks are aimed at promoting particular kinds of legislation that they do a poor job of predicting state economic growth: The measures used must pass an ideology screen, so the validity and relevance criteria go by the wayside."

The EPI cites Massachusetts as a prime example of how the same state can get wildly different marks—generally positive from organizations that stress education levels and negative from those that focus on the costs of living and doing business. In 2004-05, in addition to ranking first in the Beacon Hill Institute survey, Massachusetts ranked 13th on the Cato Institute's Fiscal Policy Report Card; 33rd on the Tax Foundation's State Business Tax Climate Index; and 41st on both the Small Business Entrepreneurial Council's Survival Index and the Pacific Research Institute's Economic Freedom Index.

BRAIN EXCHANGE

Our population of students from abroad continued to drop slightly last year as well. According to the Institute of International Education, there were 27,985 foreign students enrolled at area colleges and universities in the 2004-05 school year, a drop of 2.3 percent from the year before. That was not as dramatic as the 4.7 percent drop in 2003-04, but we still fell faster than the US as a whole. Nationwide, there was a drop of only 1.3 percent, compared with a 2.4 percent decrease in 2003-04. The IEE estimates that foreign students spend \$868 million per year in the Bay State.

Boston University had the largest contingent of foreign students (4,541), followed by Harvard University and MIT. Statewide, the number of foreign students from Japan more than doubled (from 1,781 to 4,187)—pushing that country ahead of China and India, both of which sent significantly fewer students to study here last year.

Though the IEE does not yet have figures for last year, it estimated that 8,284 Bay State residents were studying abroad in 2003-04.

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Off-peak condition

Increases in the infectious disease rate and the percentage of people without health insurance, along with a drop in per-capita public health spending, caused Massachusetts to slip three notches, to ninth place, in the United Health Foundation's annual ranking of health status in the 50 states, released in December. The Bay State peaked at third place in 2002, below only New Hampshire and Minnesota in healthiness, but has lost ground since then in just about every criterion. One reason is that the rest of the nation is slowly catching up to us in healthy habits. For example, the smoking rate in Massachusetts dropped from 19.5 percent of the adult population in the 2002 report to 18.4 percent this time; nationally, however, it dropped even more steeply, from 22.9 percent to 20.8 percent over the same period. Similarly, the percentage of pregnant women receiving "adequate" prenatal care dropped here, from 83.9 percent to 83.4 percent of all pregnant women, while rising ever so slightly at the national level from 76.0 to 76.2 percent.

Massachusetts still gets a lot of points when it comes to "risk factors," thanks to consistently low numbers in motor-vehicle deaths, workplace fatalities, and the incidence of obesity—which, combined with a low smoking rate, may help to explain a low rate of heart-attack deaths. According to the latest data, the rate is 279 deaths per 100,000 residents, as opposed to 333 deaths at the national level. (New Mexico, in contrast, has among the lowest rates of deaths from health causes but has extraordinarily high numbers of auto-accident fatalities and homicides.) But the Bay State has consistently been slightly above the national average in cancer deaths—208 deaths per 100,000 people, compared with 204 nationally. Like most urban states, it has also had trouble keeping down its rate of infectious diseases (defined by the UHF as including AIDS, tuberculosis, and hepatitis). In the latest index Massachusetts fell from 29th to 37th in that category, with a rate of 24.3 cases per 100,000 residents, versus 21.3 the previous year.

Finally, while the poverty rate in Massachusetts remains low, the state lost points with the UHF because of an uptick in the number of people without health insurance (from 10.7 percent of the population in 2003 to 11.7 percent in 2004) and a cut in public health spending (from \$170 per person in 2002 to \$150 in 2003).

—ROBERT DAVID SULLIVAN

AMERICA'S HEALTH RANKINGS

OVERALL RANK/STATE	CARDIOVASCULAR DEATH RATE (REVERSE RANK)*	CANCER DEATH RATE (REVERSE RANK)*	INFECTIOUS DISEASE RATE (REVERSE RANK)**
1. Minnesota	1	15	14
2. Vermont	22	24	7
3. New Hampshire	13	23	10
4. Utah	5	1	13
5. Hawaii	2	2	34
6. North Dakota	17	8	1
7. Connecticut	10	11	38
8. Maine	8	45	5
9. Massachusetts	7	33	37
10. Iowa	24	21	6
11. Nebraska	14	13	12
12. Rhode Island	21	31	29
13. Wisconsin	23	19	8
14. Washington	16	18	22
15. New Jersey	28	35	44
16. Idaho	10	6	4
17. Colorado	4	4	19
18. Oregon	13	28	25
19. Wyoming	18	14	9
20. South Dakota	20	12	2
21. Montana	12	22	3
22. California	30	7	41
23. Kansas	26	20	11
24. Virginia	25	29	30
25. Pennsylvania	33	36	35
26. New York	36	10	50
27. Ohio	40	43	16
28. Illinois	31	38	32
29. Michigan	42	27	23
30. Alaska	5	16	24
31. Arizona	9	5	39
32. Indiana	38	47	17
33. Delaware	27	34	45
34. Maryland	29	32	48
35. Missouri	43	39	28
36. North Carolina	32	26	31
37. Nevada	35	42	33
38. New Mexico	3	3	21
39. Texas	37	17	42
40. Florida	19	9	49
41. West Virginia	46	49	15
42. Kentucky	47	50	18
43. Georgia	41	25	47
44. Oklahoma	50	44	20
45. Alabama	44	37	26
46. South Carolina	34	30	43
47. Arkansas	45	41	27
48. Tennessee	48	46	36
49. Louisiana	39	48	46
50. Mississippi	49	39	40

*Based on 2000-02 data from the Centers for Disease Control and Prevention.

** Based on 2002-04 data from the Centers for Disease Control and Prevention.

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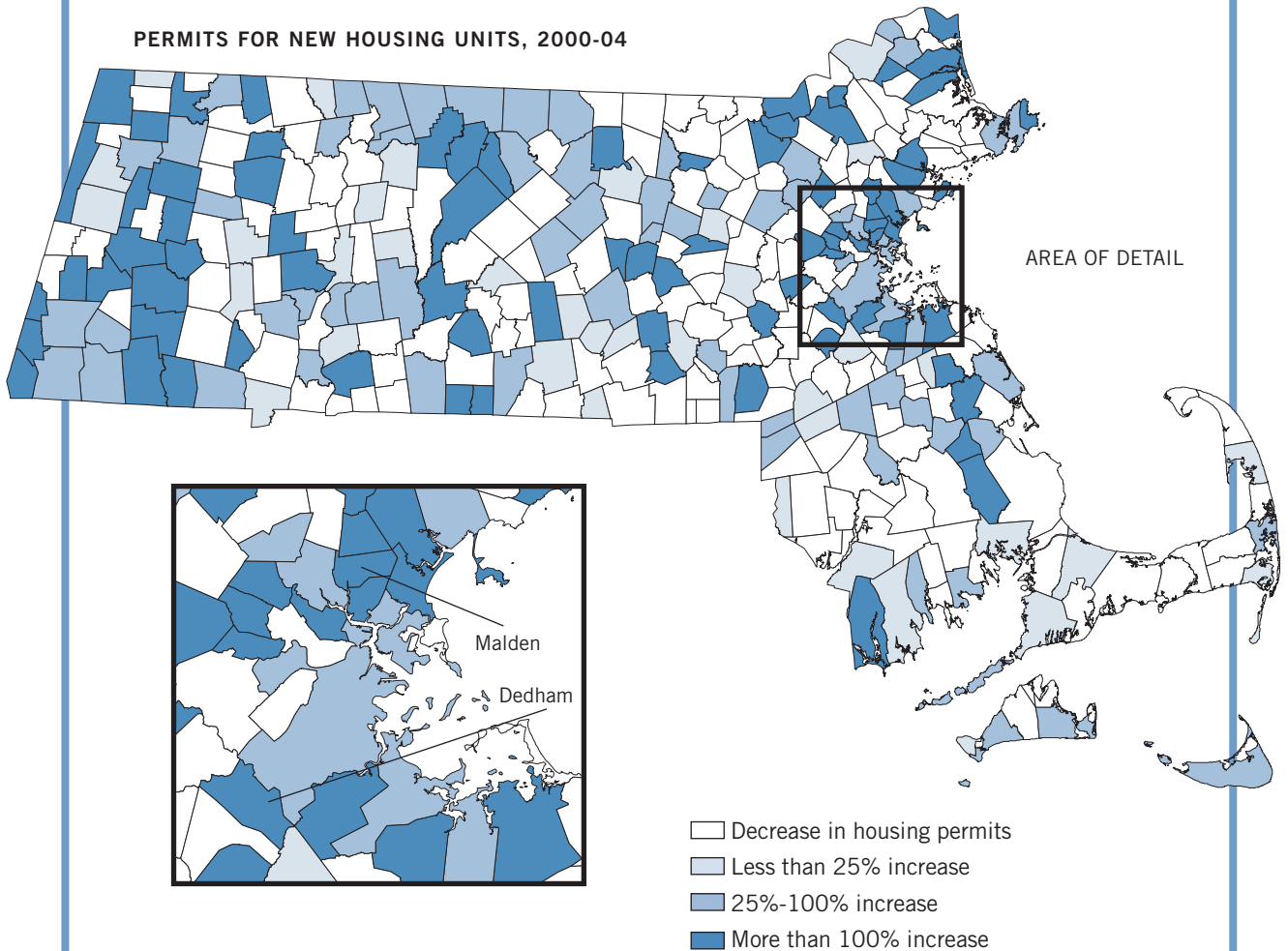
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HEAD COUNT

PERMITS FOR NEW HOUSING UNITS, 2000-04



Growth spurts

The 21st century has brought more choices to people looking for apartments and condos just outside Boston or spacious homes in the Berkshires, but the construction spurt hasn't been so great in most of the bedroom communities near I-495. Overall, the number of permits for new homes in Massachusetts jumped by 25 percent between 2000 and 2004 (see State of the States, "Flat Growth," CW, Growth and Development Extra), but that increase was not evenly distributed. At one extreme, the number of permits in Dedham was 14 times greater in 2004 (316) than in 2000 (22); and in Malden the number was 13 times greater (498 new homes, up from 37). Almost all of this growth was the result of apartment complexes: Detached single-family homes accounted for less than 6 percent of the permits in each community. Still, there were scattered communities where total permits almost doubled and almost all of them went to single-family homes, including the exurbs

of Northbridge and Salisbury and the older cities of Fitchburg and Lowell—as well as many far western towns.

The number of permits in Boston increased by 90 percent, from 567 to 1,079, with less than one-tenth for single-family homes. That doesn't mean our largest city was getting much larger, however. Even in 2004, there were 527 existing residents for every new home, a ratio far higher than that of most communities in the state. Chilmark, on Martha's Vineyard, takes the prize for increasing its housing stock at the fastest rate in proportion to its existing population: 51 new homes, all single-family, were permitted in 2004 for a community of only 934 people. That's a mere 18 current residents per new home. And most of Cape Cod and southeastern Massachusetts, despite drops or small increases in the actual number of housing permits, nevertheless continued to rank high in new homes per capita during 2004.

—ROBERT DAVID SULLIVAN

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A taxing situation

Would the Bay State win or lose from tax-code overhaul?

BY SHAWN ZELLER

When President Bush's Advisory Panel on Federal Tax Reform issued its report in November after 10 months of study and debate, US Sen. John Kerry wasn't impressed. A fairer, simpler tax code will never come about, Kerry said, "so long as this process is driven by politics and special interests."

That's hard to argue with. Even as Bush's appointed panel, which included conservatives and moderate Democrats, recommended reform that would, to a degree, simplify the tax code, it also stirred up a firestorm of protest from a variety of groups, particularly those in real estate and health care.

Even conservatives long eager for radical tax reform complain that the proposals don't go nearly far enough, failing to further their goal of a national sales or flat tax, while mostly preserving the basic outlines of the current income-based system. "I've stopped allowing myself to get excited," says Barbara Anderson, the long-time executive director of Citizens for Limited Taxation. "I get the impression they are throwing things out there but aren't really serious."

Serious or not—the administration has put tax reform on hold, at least until next year—the proposals are prompting a good deal of debate, not only in Washington but also in the states, where local impacts could vary and are still uncertain. In Massachusetts, some claim the proposed tax revisions would devastate the real

estate and health care sectors, but others say that reduced income tax rates might be a boon to our high-cost, but high-wage, state.

"It looks regressive overall, but it might actually bring more dollars into Massachusetts because we're a high-income state," says Noah Berger, executive director of the Massachusetts Budget and Policy Center, a liberal think tank. "But that doesn't mean it's good public policy."

The Bush panel actually forwarded two proposals, one that simplifies the current income tax and one that would replace it with what the panel called "a progressive consumption tax" because it would exempt earnings from savings and investment. The two plans, though, are nearly identical on individual income taxes, with the major differences falling on the business side.

Both plans take aim at the granddaddy of tax breaks, the home mortgage interest deduction—a loss that



of the current six, and lower the top marginal rate from 35 percent to 33 percent. The proposed consumption tax would establish four brackets, as well, but keep the top rate at 35 percent. Under both plans, the mortgage interest deduction would be replaced by a tax credit equivalent to 15 percent of the interest paid, but only on mortgages up to \$312,000. In some areas of the country, where home prices are lower, the cap would be \$172,000.

Both plans eliminate the alternative minimum tax, a 1960s creation aimed at cracking down on excessive deductions claimed by well-to-do taxpayers but, because it was not indexed to inflation, is now ensnaring a growing portion of the middle class. They

Some claim the proposals could devastate real estate and health care.

could hit hard in the Bay State, where high property values translate into big mortgages. The plans also call for reducing deductions for state and local taxes—a worry in a place widely known, fairly or not, as "Taxachusetts"—and cutting back the tax exemption companies receive for employer-provided health insurance.

The simplified income-tax proposal would make four brackets out

would also both cap the tax exemption for health insurance provided by employers tax-free at \$11,000 for families, \$5,000 for individuals.

For businesses, the simplified tax plan would reduce the top corporate rate from 35 percent to 32 percent, and it would also eliminate taxes on overseas business operations, as well as the corporate alternative minimum tax. The consumption tax plan would

also reduce the top rate to 32 percent, but replace the existing system, under which businesses depreciate assets over time, with immediate write-offs of capital investments.

There's big money at stake. According to Congress's Joint Committee on Taxation, the existing tax breaks for these items are projected at \$600 billion for health insurance between 2004 and 2008; the mortgage deduction, \$380 billion; and state and local income and property taxes, almost \$200 billion. The tax-reform advisory panel says the shift wouldn't raise taxes overall. Inevitably, however, there would be winners and losers.

Which would Massachusetts be? Nobody really knows for sure, at least not yet. As Berger says, high-income earners in the Bay State would benefit from a reduced top rate, and there are more of them here than in other states. Massachusetts residents would

also benefit disproportionately by the elimination of the alternative minimum tax, as it marches inexorably toward middle-class income levels. According to a March 2005 report by the Congressional Research Service, nearly 3 percent of Massachusetts taxpayers were hit with the AMT in 2003. Only five other states had a higher percentage of taxpayers paying the tax.

But the loss of interest deductions would hurt in the Bay State. In 2005, the average sale price of homes in the Boston area, including condominiums, was about \$420,000, double the national average. Reducing the mortgage interest write-off and deduction for local taxes would "suck equity away from the American middle class," says David Drinkwater, a Scituate real estate agent and a regional vice president of the National Association of Realtors.

Massachusetts residents could also be slammed by the cap on the health care exemption. According to a study by Hewitt Associates, a human resources consulting firm, health insurance in the Bay State cost nearly \$8,000 per employee in 2005, compared with \$7,500 nationwide. Under the tax-reform proposals, employees would have to pay taxes on everything above \$5,000 for an individual plan.

"This is going to pass on more of the cost of insurance to the employee," says Michael Doonan, a Brandeis University professor and executive director of the Massachusetts Health Policy Forum. "If the employee feels the pain of the cost, the thinking is that they might be a more knowledgeable consumer." But that's not the only possible result, Doonan says. "If you increase the cost to the employee, then some of them will drop coverage and it will increase the number



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of uninsured.”

Losing the state and local tax exemption might not hurt the Bay State as much as expected. According to the Tax Foundation, a conservative research group in Washington, DC, the burden of state and local taxes as a percentage of personal income in Massachusetts is 9.8 percent, placing the state 32nd in the nation.

In Washington, the proposals have not divided cleanly along party lines. Conservatives such as Phil Kerpen, policy director for the Free Enterprise Fund, worry that the panel’s proposals could leave tax overhaul advocates with nothing to build on. The recommendations “should be in the context of pro-growth reform, not tinkering,” he says. Moderate tax revisions like those proposed by the president’s panel, he adds, are “going to take the same political hits without a lot of the benefits” of a more radical sales- or flat-tax proposal.

But liberals like Jason Furman of the Center for Budget and Policy Priorities see something to like in the plan to reduce mortgage interest deductions. “In effect, it would pay for a working-family tax cut by raising taxes on some high-income families,” he recently wrote.

Still, when it comes to big changes in the tax code—considering that the lawmakers are preparing to face voters this fall—the operative thinking seems to be, “don’t just do something, stand there.”

NO CHICKEN LITTLE

It’s flu season, but hardly the usual one. Just before members returned to their districts for the Christmas break, Congress passed legislation appropriating \$3.8 billion—about half what the Bush Administration requested—to stockpile vaccine to combat the deadly avian influenza, or bird flu, which has sparked fear of a pandemic in southeast Asia.

But US Sen. Edward Kennedy, who has been among the most vocal on

Capitol Hill about the bird flu threat, says the administration’s plan, even if fully funded, is woefully inadequate. “We need to strengthen the capacity of hospitals and health care facilities to respond and react to a pandemic,” he said at a recent press briefing.

No one disputes that the stakes are high. “If we are facing a pandemic flu, it’ll make Hurricane Katrina look like a very small thing,” Julie Gerberding, director of the Centers for Disease Control and Prevention, recently told *Congressional Quarterly*. Indeed, the National Institutes of Health estimates that 40 million to 50 million people worldwide could die unless the illness is contained.

So far, avian flu has killed about 150 people, mostly in Vietnam and Thailand, but recent cases in Turkey have widened fears of a westward migration, and experts worry that the disease could easily mutate into a more virulent strain.

Legislation filed by Kennedy would go beyond the Bush proposal, requiring that federal regulators design “a national flu plan” and set forth “a set of guidelines to stockpile enough vaccine to inoculate half the population.” The bill also requires regulators to expand global surveillance and international cooperation, and to work with hospitals so that they are better equipped to handle a “surge” of flu cases.

And with Kennedy, never rule out the local angle: Among those that could help in the avian flu fight are the new University of Massachusetts biological laboratories in Mattapan, where Kennedy announced his plan. Kennedy said the facility could be a key player in manufacturing supplies of the flu vaccine.

But don’t count your chickens just yet. The Republicans in control of Congress aren’t exactly leaping to embrace Kennedy’s bill. He has nine fellow Democrats as cosponsors, but no one from across the aisle has signed on. ■

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Text taboos

Town officials find that e-mail, chat rooms may violate Open Meeting Law

BY RAY HAINER

ROWLEY—The Internet has made shopping, paying bills, reading the newspaper, and, it turns out, breaking the state's Open Meeting Law more convenient than ever. Fifteen years ago, if town officials wanted to circumvent the law, which prohibits a majority of a municipal governing body from discussing public business in private, they would have to meet in secret or talk over the phone. These days, they don't even have to coordinate their schedules. They can simply send out an e-mail message at their leisure and wait for a reply—a relatively recent development that is worrying, and in some cases annoying, town officials.

When the Open Meeting Law was passed nearly five decades ago, improper executive (or closed-door) sessions and clandestine meetings were its primary target, as they are today. In Rowley, a coastal North Shore town of about 6,000 people, some town officials have been mindful of this fact almost to the point of absurdity. Until a few years ago, when the board of selectmen expanded from three to five members, Stephen White and Richard Curran, a pair of selectmen who have been friends for 35 years, would not eat in a restaurant together. An informal get-together between two selectmen—which constituted a quorum—could be viewed as a violation of the law.

"If you have three selectmen, two selectmen in a diner is illegal," says White, a selectman and town government veteran who has lived in Rowley

for more than 40 years. "Most of the time I served with people who were good friends of mine. Technically, we couldn't even go out together."

But the "deliberation" prohibited by the Open Meeting Law can occur just as easily over the Internet as it can over a cup of coffee, some of the state's district attorneys have maintained. Last year alone, boards or committees in at least six Bay State towns were determined by prosecutors to have violated the Open Meeting Law after discussing public

In November, at the urging of Curran, Rowley's board of selectmen unanimously approved a new policy concerning the use of e-mail between town officials. Although not a bylaw, the policy warns town officials not to discuss "matters of substance pending before a board" via e-mail.

Never mind that, as far back as anyone can remember, no one in Rowley has ever even been accused of violating the Open Meeting Law, whether through e-mail or any other method. Instead, town officials were jolted into action by a lawsuit in nearby Amesbury. As part of a fierce dispute over expanding the town's library, a group of residents filed a civil action in Essex Superior Court in 2004, charging that the Amesbury municipal council had violated the Open Meeting Law through e-mail exchanges. According to the court complaint, the plaintiffs obtained the e-mails "only by chance," with no further explanation offered.

Rowley's new policy has not brought about a sea change in the way the town does business. One of the selectmen, Thomas Moses, knows the e-mail address of just one other board member. And White, who is in

The law's ambiguity is disconcerting.

business by e-mail. (The Sandwich school committee got its scolding just before Christmas.) Other towns and regional school districts have taken note and have begun adopting written e-mail policies that spell out what types of communication are and are not allowed.

his mid-60s, has never bothered to learn how to use a computer. Even if he wanted to violate the Open Meeting Law using e-mail, White says, "I wouldn't know how to." (Although some people of White's generation use e-mail regularly—Curran, for instance—older people who did not

grow up with the technology tend not to rely on it for everyday communication.)

Although he can't say for sure, Moses doubts that the various boards and commissions in town use e-mail much more than the selectmen do. "I know some of the folks on the Board of Health," he says, "and I doubt they would be serious users of e-mail. Possibly they use it on the Planning Board, the Conservation Commission. I can't see any member of the Zoning Board—and I'm just going by personality here—being a heavy user of e-mail. I would be surprised if any of them had e-mail accounts, or computers at home."

That a town like Rowley, whose officials are not exactly Web-addicted, would feel compelled to adopt an e-mail policy points to the uneasiness felt by many over the ambiguity in the state's Open Meeting Law and the potential for inadvertent violations. "I could be breaking the rules because I don't

slip into illegal activity and not even know it," says Benson. Disgruntled citizens, he adds, can take advantage of this uncertainty, as he feels they did in Amesbury. "[E-mail] does become a convenient thing for someone with a vendetta to use against you," he says.

A good number of the town officials found to have violated the Open Meeting Law via e-mail in recent years claimed not to have known that they were breaking the law, a claim that is not implausible. The law, which was enacted in 1958, does not explicitly address electronic communication and is therefore open to some interpretation.

The only direction provided to cities and towns on e-mail use are written guidelines from the offices of the attorney general and local district attorneys, who also offer public seminars to explain their interpreta-

Open Meeting Law on the municipal level, largely follow the attorney general's lead on e-mail use but have not adopted a uniform stance. Some DAs make no mention of e-mail in their Open Meeting Law guidelines, while at least one, Middlesex County District Attorney Martha Coakley, seems to interpret the Open Meeting Law more strictly than the state attorney general does. That county's guidelines caution that an illegal quorum can be reached over e-mail even without every official's knowledge or intent, as a result of forwarded messages or a chain of one-on-one exchanges. In such instances, it might take days or weeks for a majority of members to receive the e-mail, but in the eyes of the district attorney, a quorum has still been reached, just as if the individuals had conferred in the back of a restaurant.

These guidelines are the only readily available models for town e-mail policies such as Rowley's, but legally speaking they are just an opinion.

"This is something that's begging for clarification," says Jim Lampke, secretary-treasurer of the City Solicitors & Town Counsel Association, the bar association of municipal attorneys in Massachusetts. "You have a government that has been around for 400 years, and has evolved certain practices and certain regulations by law. Now, all of a sudden, you have this fast-paced technology that is trying to fit in." There needs to be a balance, Lampke suggests, between the public's right to know and the ability of officials to do their jobs efficiently. "You can't operate a government, or any enterprise, without embracing the new technology, yet on the other hand you have to be mindful of the regulations that ensure openness in government and public participation," he says. "There has to be some adjustment on both ends."

Although Rowley's new policy has yet to be tested, Benson says that restrictions on e-mail "handicaps"

ROWLEY

Incorporated: 1639
Population: 5,720
Town Meeting: Open

FACTS:

- ◆ Covering a little more than 20 square miles, Rowley is bordered by Newbury to the north, Ipswich to the south, Boxford and Georgetown to the west, and the Plum Island River to the east. It is approximately 28 miles north of Boston.
- ◆ The median sale price of a single-family home in 2005 was \$392,500, according to the Warren Group. In 2000, the median household income was \$62,130.
- ◆ Rowley, the 16th town settled in the Massachusetts Bay Colony, is home to the oldest stone arch bridge in the nation, and the second oldest continuously owned and occupied farm in the country.

know how e-mail works," says White, "and if somebody doesn't like me, they can come after me and attack me based on that."

That was the situation that unfolded in Amesbury, according to Roger Benson, a member of the municipal council who worked on the council's new e-mail policy. "It's awfully easy to

tions of the law. The attorney general's guidelines, which are posted on the office's Web site, allow e-mail exchanges for so-called housekeeping matters (scheduling meetings, setting agendas, circulating documents), but prohibit "conversations" relating to public business.

District attorneys, who enforce the

the municipal council in Amesbury. "There's got to be a way for us to communicate," he says. "Stuff comes up in between meetings, and meetings are only a couple hours long, so it's difficult to fit everything in." The e-mail housekeeping required under the new policy is also cumbersome, he says. Benson estimates that he receives 40 to 50 e-mails a day related to town business, and the new policy requires him to forward every single message he sends or receives to the town clerk. "It's just an amazing amount of work, and I don't think people realize that," he says.

Everyone agrees that the problems in the Open Meeting Law exposed by the growing use of e-mail will be resolved one way or another. Opinions differ as to whether the courts or the Legislature will finally step in to clarify matters.

One factor that inhibits a resolu-

tion is that lawsuits concerning open meeting laws almost never make it to court, in Massachusetts or anywhere else. (It's likely that most violations of the law go undiscovered anyway, unless one of the e-mail correspondents goes public with the exchange or leaks it to someone else.) Complaints lodged with local district attorneys generally result in quick compliance with the law, as towns simply release disputed e-mail correspondence to the public—or, in the case of improper executive sessions, make public the minutes of the meeting. As a result, a Massachusetts court has yet to tackle the application of the Open Meeting Law to e-mail use. (Significantly, in the Amesbury case, the Essex Superior Court did not rule on whether the contested e-mail exchanges constituted a violation, and merely ordered that the city council "consider" adopting a written e-mail policy at its next

meeting.) The few rulings from courts in other states are of little help, as they appear to contradict each other.

On the other hand, legislators have been only slightly quicker than the courts to address the issue of electronic communication and open meeting laws. Several states have expanded their open meeting laws in recent years to include e-mail and other technology—in some cases, simply by inserting a phrase or two—but Massachusetts is not one of them.

The ambiguity in the Open Meeting Law regarding electronic communications may only get worse, as existing technologies find their way into wider use. E-mail is by now a ubiquitous feature of life, but other technology that could be used to discuss public business, such as online bulletin boards, instant

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messaging, and (smoke-filled?) chat rooms, threaten to make interpreting and enforcing the law increasingly difficult.

The possibility of violating the Open Meeting Law through an online forum has already been raised in Massachusetts. In Amesbury, some town officials, including Benson, frequently post their opinions on a community forum, which led the council to explicitly prohibit communication among a quorum of members through Internet forums and chat rooms, in addition to e-mail.

The relevance of the Open Meeting Law to online forums has also been raised in the town of Westford. Over the past two years, a Westford selectman, Jim Silva, has become a frequent contributor to an online forum hosted on a privately owned community Web site. Last fall, some of Silva's fellow selectmen asked him

to stop posting. Among the reasons they gave for their request was the possibility that a quorum of board members reading a fellow board member's posted opinion on a public matter could be considered a violation of the Open Meeting Law. Silva refused to stop, however, citing his First Amendment rights.

The town attempted to settle the issue in November, at an Open Meeting Law seminar hosted by two Middlesex County assistant district attorneys, Kerry Kilcoyne and Lillian Cheng. Silva and other residents asked the assistant DAs about the online forum, but the attorneys had few answers. "I definitely came away with the impression that the DA's office really doesn't have a good idea on how to react to public officials posting on a public online forum," Silva wrote on the forum later that evening. "It was frustrating to hear so much

ambiguity from them."

At least for now, the legality of a selectman posting on an online forum—let alone using a chat room or instant messaging—would not seem to be a pressing issue in Rowley. For one thing, the town's state-issue Web site hasn't been updated since February 2004.

Then again, somebody could set up an online forum or chat room on Rowley's Web site, or a private site, in a matter of hours. Modern technology is fast and flexible by nature—more so than the law, at any rate. It is not hard to imagine a district attorney sometime in the near future trying to determine if, say, a discussion in a public chat room that includes a quorum of selectmen and several other citizens is a violation of the Open Meeting Law. When that day comes, as it surely will, e-mail may suddenly seem very old-fashioned. ■



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Watertown's Net gain

H2otown is at the vanguard of citizen journalism

BY DAN KENNEDY

On an early-October evening at Watertown High School, Lisa Williams is in full schmooze mode. Williams, a 35-year-old mother of two, is the force behind H2otown, a weblog that combines news, photos, quirky commentary, and, above all, a running conversation about the place where she's lived for the past decade. Tonight's occasion is the opening of a new cable-television studio for the Watertown Community Access Center.

Wearing jeans, a black T-shirt, and a baseball cap emblazoned with a coffee cup and the inscription "Life Is Good," Williams shoots the breeze with Peter Zawadzki, the executive director of the center. She pulls out her digital camera and takes a picture of an electronics-laden room that may one day house a low-power, nonprofit radio station. ("I like anything with buttons," she quips.) Town council president Pam Piantedosi, who, a month later, would lose her reelection bid, effusively greets Williams as "the H2otown lady." They discuss the relative merits of Irish and Italian food, with Williams concluding, "Everything is an offshoot of dinner as far as I'm concerned." After Williams rides her bicycle home, she'll post some observations and photos, including one of a big plate of brownies that had been set out on the goodies table.

H2otown (www.h2otown.info), launched in February 2005, hardly looks like it's at the heart of a revolution. And the self-effacing Williams, who readily jokes about covering town council meetings by recording them on TiVo and watching them after her kids have gone to bed, is an unlikely revolutionary. Yet H2otown has emerged as a nationally recognized example of a nascent movement known as citizen journalism. Definitions vary. At root, though, citizen journalism melds cheap, easy-to-use

Internet technology with the energy of community activism to create an independent alternative to the established media.

Most citizen journalists, including Williams, do not have a background in journalism and are not paid for their labors. But at a moment when the twin pressures of corporate consolidation and a shrinking advertising base are forcing newspaper companies to eliminate jobs and skimp on coverage, sites such as H2otown could emerge as an indispensable community resource.

"I don't see H2otown as a newspaper, but it's impor-



Citizen journalist Lisa Williams wants to add to, not replace, the media mainstream.

'Volunteer media is a heck of a lot better than no media.'

tant to me that it add up to something," Williams says in an interview at a local Starbucks, one of her regular blogging hangouts. "I'm not a professionally trained journalist. My coverage is limited by my babysitting coverage. I'm perfectly willing to be humble about that. But volunteer

media is a heck of a lot better than no media. I'm angry at the economic realities of media consolidation. This is an extremely widespread problem."

So what is H2otown? The answer is that it's community, it's conversation, and—yes—it's journalism, even if it's not the sort to which we're accustomed. Posts from late November and early December included a Google map of Watertown restaurants, a couple of updates on recounts that were still taking place following the November 8 town election, an announcement about the annual winter parking ban, and lots of links: to the site of a local blogger whose grandmother was celebrating her 100th birthday; to a photo of a vintage Watertown fire truck being sold on eBay; to a new blog-based newspaper started at the middle school; to a *Boston Business Journal* profile of a local tire magnate; even to something called the Pencil Olympics. "H2otown finally has a shot at the gold!" wrote Williams in the third-person/first-person style that's typical among bloggers. "She's flexing her fingers now. Is blogging an Olympic event yet?"

Several months ago Williams was a guest on Christopher Lydon's public-radio program, *Open Source* (heard locally on WGBH, 89.7 FM, and WUML, 91.5 FM), which often looks at how the Internet is being used to empower

ordinary people. "Lisa is a sort of open-source ideal," says Lydon via e-mail. "For me she's an embodiment of hyper-local journalism and in that sense a perfect match for the Internet zeitgeist. There's so much funny, generous connectivity in Lisa. She'd be a star in any world. In ours, she's demonstrating how electronic links can remake the village and then, who knows, the country."

DO-IT-YOURSELF JOURNALISM

If citizen journalism has an intellectual godfather, it is Dan Gillmor, a former San Jose *Mercury News* technology reporter whose 2004 book, *We the Media: Grassroots Journalism by the People, for the People* is something of a manifesto. "What it's about in the most fundamental sense is replacing the old idea that news is a lecture with the emerging and, I think, accurate idea that news is something like a conversation or seminar or combination of those two," Gillmor says in an interview. "What we know collectively is vastly more than any one individual or any one organization."

It's a philosophy that animates H2otown. Though Lisa Williams's voice is clearly predominant, she allows people to comment on posts and she often links to other bloggers, some of whom have taken up residence on H2otown.

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(Among her newer contributors: the aforementioned Pam Piantedosi.) It's this model of interconnectedness that gives citizen journalism the potential for considerable reach and depth.

A former technology consultant and analyst who took up blogging as an escape from 24/7 motherhood, Williams points to two very different models: Universal Hub (www.universalhub.com), which tracks and publishes highlights from hundreds of Boston area blogs, and Baristanet (www.baristanet.com), which covers part of Essex County, NJ.

Coming up with an accurate number of citizen-jour-

Though unpaid, passionate amateurs such as Williams are the current paradigm for citizen journalism, that could change. Take, for instance, Baristanet, Williams's other favorite site. Debbie Galant started it in May 2004 after *The New York Times* discontinued the freelance column she'd been writing for one of the Sunday suburban sections. Galant says it never occurred to her not to try to turn Baristanet into a viable business. Thanks to advertising, Baristanet now pays Galant and each of her two staff members \$1,000 a month—a number they would like to see rise as Baristanet continues to grow.

'I want to do the kinds of things that newspapers have traditionally done to promote social cohesion.'



Universal Hub blogger Adam Gaffin says, "You don't have to be a geek anymore."

nalism sites is difficult—impossible, says Dan Gillmor—but Adam Gaffin, who runs both Universal Hub and Boston Online (www.boston-online.com), estimates there are about a dozen in Greater Boston. A couple of the better-established ones: Live from Arlington (www.livefromarlington.com) and the Cambridge Civic Journal (www.rwinters.com).

"You don't have to be a geek anymore to do this stuff. That is actually a critical thing," says Gaffin, a Web professional and former community-newspaper reporter who writes a best-of-the-blogs column for *The Boston Globe's* City Weekly section. "People were putting out mimeographed stuff and alternative papers 30 years ago. The concept is not much different. It's just that you can reach a potentially much larger audience for very little money."

"What we're trying to do is figure out a way that we can make money as writers and not have to work too hard. I don't think we have the high-mindedness that somebody like Lisa Williams has," Galant says, laughing.

High-minded though Williams may be, she wouldn't mind finding a way to make H2otown pay something more than the income she now receives from Google Ads, which covers the costs of hosting the site and of making trips to Starbucks. If nothing else, a self-sustaining model would enable H2otown to survive well into the future. It's an important consideration, given the economic pressures with which the mainstream

media now find themselves contending.

MEDIA OLD AND NEW

Watertown's media experience is typical of what has happened across the state and the nation. A densely packed suburb with a population of about 33,000, the town at one time was the home of two competing weekly newspapers, the locally owned *Sun* and the *Press*, which was part of a small regional group. During the 1990s, both papers were acquired by Fidelity Capital as it was building Community Newspaper Co. (CNC), which now comprises more than 100 papers, most of them weeklies, in eastern Massachusetts. In 1997 CNC combined the two papers into one weekly, the *Watertown Tab & Press*. Today CNC

is owned by Herald Media, the parent company of the *Boston Herald*. And the vast majority of the *Tab*'s news coverage is written by the paper's one staff reporter.

Among those lamenting these developments is Bill Oates, a veteran Watertown community leader currently serving on the school committee. "When you would read the stories, you would get the context," he says of the *Sun* and the *Press*. In contrast, he says, reporters at the *Tab* tend to be young and unfamiliar with Watertown—and they

The *Tab*'s Web site, WatertownTab.com, attracted about 24,000 visits in October, says Herald Interactive executive vice president Erin Purcell Gallo. That amounts to a rough average of 800 a day. H2otown, according to Williams, receives about 1,000 "page views" per day, which, she estimates, translates to about 750 or 800 visits; the site also has about 100 registered users.)

In addition, the missions of a weekly newspaper and of a citizen journalism blog are very different. H2otown

Though H2otown sometimes provides more background than the *Tab* & *Press*, original reporting is practically nonexistent.

quickly move on. "I think a lot of them do a nice job, but they never get the depth of understanding," Oates says.

Yet perusing the pages of the *Tab*, it becomes clear that, even with just one reporter, the paper covers Watertown reasonably well, and that it's not about to be supplanted by H2otown anytime soon. For one thing, the *Tab* reaches more people. According to Herald Media, the paper's audited paid circulation is about 3,800, a number that makes it Watertown's news source of record. (The *Tab* and H2otown compete more or less evenly online, however.

is conversational, even humorous, in tone, with lots of little items about local businesses, restaurant reviews written by readers, and announcements of upcoming events. Since its only organizational scheme is chronological, it lacks coherence; there's no reliable way to tell what's important and what isn't. And though H2otown will sometimes provide more background on an important issue than the *Tab* & *Press* can—long quotes from participants at town council meetings would be one example; running commentary on a months-long controversy over



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plans to build a new police station, complete with links to the architectural firms involved, would be another—tough, original reporting is practically nonexistent.

“Citizen blogs add a great deal to the dialogue. But papers like ours contribute many things that most of these sites never will,” Greg Reibman, editor in chief of CNC’s Metro Unit, says by e-mail. Among those things, in Reibman’s view: aggressive reporting of crime news “that the police aren’t always eager to disclose,” covering “dull meetings,” and holding local officials accountable when they violate the state’s Open Meeting Law.

Watertown Tab reporter Dan Atkinson (he has since moved on to CNC’s *Newton Tab*) says of H2otown, “It’s a good site because it gives news, but it’s also a little playful in tone, which a newspaper can’t be. By not being playful, I would I hope give a little bit of a sense of authority and impartiality, which is another tick in our favor to get people to talk to us.”

Indeed, even enthusiastic proponents of citizen media argue that such efforts are no substitute for professional journalism. “A newspaper speaks with a single corporate voice, and it may—this isn’t actually guaranteed—aspire to standards of professionalism in journalism that blogs may not actually subscribe to,” says Jonathan Zittrain, co-

founder of the Berkman Center for Internet & Society at Harvard Law School. “I don’t think those things are quaint, even though newspapers themselves may not respect them as much as they should.”

Adds Steve Outing, an outspoken advocate of citizen journalism who’s a senior editor for the Poynter Institute, a journalism training center in St. Petersburg, Fla.: “This is really something that you can add on top of the traditional journalism model, and, at least in theory, [combine the two into] something better. I certainly hope that no professional journalists lose their jobs over this, and I don’t think citizen journalism replaces it in every way. I think that would be a bad thing.”

‘I WANT TO PLAY TOO.’

At its best, H2otown demonstrates a fine eye for Watertown as “a comic opera with real estate taxes,” as Williams wrote in an essay for PressThink.org, the online home of New York University journalism professor and citizen journalism proponent Jay Rosen. Williams’s observations are often flip and breezy in a way that she acknowledges wouldn’t pass muster in print. To wit:

- “It’s bad, people: H2otown has got the Town Clerk’s office programmed into her cell phone’s speed dial, waiting

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for news on the District A recount.”

• “Today is Veteran’s Day. Be sure to hug a veteran! No veterans nearby to put the squeeze on? How about writing your congresscritter to oppose the \$600 million cut in Veterans Administration benefits proposed by the House leadership?”

• “My word! H2otown has become...The Media! H2otown is reeling with the idea that this newfound role might involve free parking, a free donut, or perhaps even a free junket to West Watertown!”

A self-described newspaper junkie who, as a child growing up in Woburn, considered becoming a journalist in order to impress her mother, Williams sees H2otown as providing a supplement to the mainstream media, not a substitute. As unhappy as she is over cuts and consolidation in the newspaper business, her attitude is very different from that of what might be called the blog triumphalists—the critics who gleefully predict that millions of laptop-wielding, pajama-clad (to invoke a memorable if clueless putdown once invoked by CNN president Jonathan Klein) amateurs will soon kill off the mainstream media once and for all, good riddance, thank you very much.

“I think there’s a fake, marketed genre of stories about how bad the media is,” she says. “And, in part, that created an appetite for stories about alternatives to the media. I enjoy newspapers. It’s a uniquely interesting profession. I definitely don’t want newspapers to go away. I want to play too. I want to help. I want to do the kinds of things that newspapers have traditionally done to promote social cohesion.”

Williams likes to cite *Bowling Alone*, the classic book by Robert Putnam that charts our cultural regression from bowling leagues, civic associations, and front-porch stoops to television-watching and backyard decks. At their best, citizen journalists like Williams can help provide the cultural glue needed for people to reconnect with each other.

The Internet is neutral technology—that is, it can serve to isolate the isolation-minded even more than they already are, or it can be a powerful tool for those looking to rebuild community ties. It’s the latter idea that animates citizen journalism in general and H2otown in particular. It’s no substitute for traditional journalism, but Williams doesn’t want it to be. Rather, it’s a town crier, a connector, a conversation, a bridge between the gentrified “New Watertown” of which Williams is part and the blue-collar “Old Watertown” with which it co-exists. It’s a way for Watertown residents to understand each other better—and perhaps to arrive at a different and better understanding of themselves. ■

Dan Kennedy is a visiting assistant professor at Northeastern University’s School of Journalism. His weblog, Media Nation, is online at medianation.blogspot.com. Send tips about innovative ways by which media are connecting with their communities to da.kennedy@neu.edu.

View from the Corner Office:

Four former governors on the
American Dream in Massachusetts



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CRIME and puzzlement

As Boston's crime-fighting miracle fades,
questions arise about a tactic abandoned,
and a youth culture seen as toxic

BY MICHAEL JONAS

When four young men were killed, execution-style, in mid-December in the makeshift basement music studio of a Dorchester home, Boston convulsed in horror over the city's worst multiple murder in a decade. While the killings—which took place in a quiet, middle-class neighborhood—sent shock waves across the city, they were only a grisly coda to an already bloody year in which violence made a big comeback in Boston.

If the killings of the four young men, three of whom were part of a fledgling rap group, served as a loud wake-up call on the return of youth violence, they also put a harsh spotlight on elements of rap and hip-hop culture that don't simply capture the rough edges of urban life, but glorify the bravado and violence that are too often part of it. By year's end, tactics for waging peace were being rethought at Boston Police Department headquarters, while at City Hall leaders were turning their attention to T-shirts and hip-hop lyrics.

Grim statistics tell the tale: The number of murders in Boston climbed from 61 in 2004 to 75 in 2005, a 23 percent rise, while total shootings jumped from 267 to 341, an in-

crease of 28 percent. These numbers are a far cry from just seven years ago, in 1999, when there were only 31 homicides in Boston, the lowest number recorded by the city in nearly 40 years. Violence has been on a steady march back since the city garnered national headlines for its success in quelling youth violence in the 1990s, a joint effort by law enforcement and community organizations that became known as "The Boston Miracle."

But now, Boston's miracle has become another casualty of renewed violence. Following the quadruple homicide, the Rev. Bruce Wall, a veteran anticrime leader among the city's black clergy, told the *Boston Herald*, "We have to start all over again. We need a new miracle. The other one is dead."

For several years now, Boston police have taken note of the upward creep of violent incidents, in response launching a series of military-sounding initiatives. Two years ago, it was Operation Neighborhood Shield, a muscular clamp-down that teamed Boston police with state troopers and agents from the FBI, Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms, and Explo-



Boston Police Commissioner Kathleen O'Toole wants to use proven programs "but apply them to the current situation."

sives. Last summer, the department unveiled Operation Rolling Thunder, a show of force in which officers on foot, bicycle, and even horseback fanned out in troubled neighborhoods for several days of intensive patrol. And in January, riding under the banner Operation Home Safe, law enforcement agencies conducted warrant sweeps of violence-prone neighborhoods, arresting scores of offenders wanted on outstanding charges.

Unclear in this series of campaigns, however, is what happened to an earlier initiative with a proven track record of stemming youth violence—one that seems to have faded from the crime-fighting scene, even though no one ever formally pulled the plug on it.

Operation Ceasefire was the centerpiece of Boston's acclaimed crime-stopping efforts of the 1990s, an approach that brought together the combined force of law enforcement, street outreach workers, and clergy to deliver a firm message to perpetrators that the gang violence dragging down Boston's predominantly minority neighborhoods had to stop. Under Ceasefire, police, probation officers, and youth

outreach workers put gang members on notice—usually by gathering them together at local courthouses, other times through more informal street encounters—that a shooting committed by a member of their group would result in the full force of the law coming down on all members. That tactic, described as pulling all available “levers,” could include swift arrest for outstanding warrants, heightened probation checks, and increased enforcement of “disorder” laws gang-bangers might be violating.

Ceasefire consisted of both carrot and stick. To those who wanted it, city-paid youth workers and faith-based activists were there to help with a job search or education. But to those who failed to heed the anti-violence warnings, heavy prosecutorial muscle, sometimes under federal statutes carrying long sentences in prisons far from home, was applied.

In the 12 months following the first Ceasefire intervention in May 1996, Boston's homicide count among those 24 years old and younger fell to a level not seen in more than 20 years. The city's total murder count dropped from 96 the previous year to 59 in 1996. In 1997, the body count was down

to 43, and by 1999 homicides bottomed out at 31.

For several years, police refuted the idea that the Ceasefire model and the partnerships that made it work had been jettisoned or weakened ("Scene of the Crime," *CW*, Winter '03), and in fact argued that the principles behind it were being applied even more widely. They pointed to the inmate reentry program started several years ago at the South Bay House of Correction, where soon-to-be-released prisoners deemed at high risk for re-offending were given the Ceasefire promise of help for those who want it and swift justice for those who return to their old ways.

But critics say the reentry program was no substitute for the street work of the 1990s, when police and street workers had a firm handle on what was happening block by block and were able to deliver the Ceasefire message in a timely fashion to groups involved in recent incidents or seemingly poised for retaliation against a rival gang.

Boston police "lost control of the streets," says David Kennedy, a former Harvard researcher who was part of the team that designed the Ceasefire program. "The deep tragedy here is that 10 years ago Boston showed everybody else how

to do this, and for whatever internal reason it has turned its back on it," says Kennedy, who now directs the Center for Crime Prevention and Control at John Jay College of Criminal Justice in New York.

Superintendent Paul Joyce now acknowledges it's been

IN THE 1990s, POLICE HAD A FIRM HANDLE ON THE STREETS, BLOCK BY BLOCK.

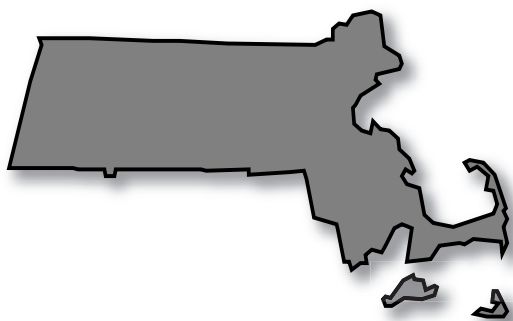
years since the department conducted Ceasefire panels with gangs active on the city streets. But with the violence continuing unabated, in December, law enforcement officials began to talk openly of a return to the Ceasefire model.

US Attorney Michael Sullivan says Boston has "drifted away" from the core approach of delivering the carrot-and-stick message to groups of young offenders. "Hopefully we can get back to delivering that message to groups in a targeted way," he says.

Joyce vows to make the Ceasefire approach part of an effort to target the 10 small areas where as many as a quarter

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of all gun crimes occur. "We are going to look to go back and institute some kind of dialogue" between street gang members and "street workers, clergy, and the police," he says.

Still, despite the national recognition the crime-busting model received in the '90s, Boston officials seem curiously reluctant to make the approach the centerpiece of current efforts—or to even invoke the Ceasefire name in discussing strategies for tackling youth violence.

"We're trying to take the pieces of programs that have worked in the past, but apply them to the current situation," says Commissioner Kathleen O'Toole. "We're focusing on key impact players. [But] we're focusing more on individuals than we are on groups," she says, pointing to an effort last spring to enlist clergy and community partners to conduct home visits with 1,000 Boston youth identified as key figures in youth crime and violence.

While police say their focus has turned toward individuals more than groups, the other front in the war against youth violence opened in the wake of the Bournside Street quadruple homicide—popular culture—has a decidedly group dynamic.

The violence now plaguing the city that is broadly characterized as "gang-related" is not principally a function of large, hierarchically organized criminal enterprises focused on drug sales or other illegal commerce, police and youth workers say. It is, rather, the product of perhaps a hundred loosely organized groups of youth, rooted largely in neighborhood turf. These "gangs" may be involved in low-level drug dealing and other petty crimes, but shootings are as apt to stem from an accidental bump on the subway, competition over a girl, or an off-the-cuff epithet tossed at a member of another crew.

"It's as much about madness as it is about money," says Emmett Folgert, the longtime director of the Dorchester Youth Collaborative, a youth center for at-risk teens. "The youth culture is just too freakin' violent, and we have to cool that down. We have a real issue of cultural norms here, of violent norms. We have to start branding what the norms should be."

From the sale of STOP SNITCHIN' T-shirts, whose message seemed calculated to discourage cooperation with law enforcement, to reports of the gratuitously violent lyrics of Graveside (the amateur rap group that victims of the Dorchester killing belonged to), the year of mounting violence ended with increased attention to the ways popular culture reinforces the worst of what's going on in urban neighborhoods.

"We need a no-holds-barred counteroffensive to the messages that come from media to youth," says Larry Mayes, the city's chief of human services, who was part of the potent anticrime partnerships of the 1990s as a youth outreach

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columnist Bob Herbert, who issued a similar call to arms in the urban culture wars.

"It is time to blow the whistle on the nitwits who have so successfully promoted a values system that embraces murder, drug-dealing, gang membership, misogyny, child abandonment and a sense of self so diseased that it teaches children to view the men in their orbit as niggaz and the women as hoers," Herbert wrote in response to the Boston killings.

Hip-hop artists are not ready to take the rap for the crime on Boston's streets, but some acknowledge that music carries a message, whether positive or negative.

"I'm not going to sit here and blame hip-hop for the violence," says Derrick Ashong of the Boston-based group Soulfege, whose music is a blend of hip-hop, reggae, and funk. "But I'm also not going to say if you're feeding your children a daily diet of misogyny, violence, and ignorance it's not going to affect the way they see the world."

Anticrime veteran Larry Mayes: "It's a battle for the hearts and minds of these kids."

worker at the Ella J. Baker House in Dorchester. "It's a battle for the hearts and minds of these kids."

The glorification of violence in lyrics pumped out by Graveside—young men with no history of such behavior themselves—even drew the attention of *New York Times*

hip-hop for the violence," says Derrick Ashong of the Boston-based group Soulfege, whose music is a blend of hip-hop, reggae, and funk. "But I'm also not going to say if you're feeding your children a daily diet of misogyny, violence, and ignorance it's not going to affect the way they see the world."

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Ashong, a native of Ghana whose music eschews the now almost-routinized rap focus on guns and gangs in favor of a message of empowerment and pride directed toward the "African diaspora," blames the corporate honchos who control the nation's music industry and profit from peddling

SOME BLAME THE MUSIC INDUSTRY FOR PEDDLING 'THUG LIFE' NIHILISM.

"thug life" nihilism to hip-hop wannabes in the suburbs.

Ernesto Arroyo, of the Boston hip-hop duo The Foundation, says, "there's a thin line between storytelling and glorification." In his music, Arroyo, who uses the stage name "Eroc," says he tries to "reflect the positivity we'd like to see."

The Foundation and Soulfege have teamed up to form a group they've dubbed Diaspora Funk Movement, whose music is focused, Arroyo says, on "poverty, racism, and the pursuit of social justice."

Mayes, who several years ago helped to launch a community-based Dorchester radio station run by teenage

girls—a group more often denigrated than celebrated in rap music—says a media strategy is needed to "encourage voices that don't get heard."

In mid-January, Mayor Thomas Menino announced a series of new anticrime initiatives, including plans for an antigun and antiviolence advertising campaign and a "hip-hop roundtable," which will gather local hip-hop artists monthly to strategize on ways to use their musical platform to promote peace. The same week, Menino joined the Dorchester storeowner who sold the controversial STOP SNITCHIN' shirts for the unveiling of a new line of shirts trumpeting a decidedly different message: START PEACE.

Can a war on crime be won with positive-message fashions and rap songs? Mayes sees these efforts as an extension of the foreign policy thinking of Joseph Nye, former dean of Harvard's Kennedy School of Government. The resurgence of youth violence, says Mayes, has to be attacked with both the "hard power" of law enforcement and the "soft power" of culture and ideas.

Whether it's the hard-power battle between gangs and grown-ups for control of the streets or the competition of messages delivered to the soft-power beat of popular culture, a lot is riding on the outcome. ■

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Sink or Swim

Immersion is now the way non-English-speaking students are taught. But are they learning the language—or other subjects—any better?

BY LAURA PAPPANO

PHOTOGRAPHS BY FRANK CURRAN

Eunji Gloria Cho Mantzouranis—Ms. Cho to her students—uses a green marker to put on the whiteboard what should be a simple math problem for fifth- and sixth-graders: Find other ways to express 8×7 . You could, for example, say $(4 \times 7) + (4 \times 7)$, which might lead you to 4×14 or 2×28 . The beauty of factoring is that the different combinations all yield the same result.

Numbers may be a universal language, but in Cho's "sheltered English immersion" classroom, that cliché does not ring true. Some students understand the assignment, but others are lost. Cho crosses her index fingers, forming an "X" to remind students this is multiplication. She tries to clarify factor "pairs" by gesturing to her black platform heels.

"How many pieces of shoes do you need to make a pair?" asks Cho, a native of Korea with long, jet-black hair, whose darting among students to provide help leaves her nearly breathless. She glances at her aide, "Can you translate?"

Yes, the aide can translate—but only into Portuguese. In a classroom in which students speak six different languages, that leaves many stranded, including the new boy from Greece named Jason. He set foot in the Louis Angelo School in Brockton for the first time today. He's sitting beside the aide, but all he can do is lift his paper and point.

Downstairs from Cho, in second-grade teacher Silvana Resendes's class of 15, all but three speak Portuguese. Resendes, herself a bilingual success story who speaks Portuguese and English with no accent, is teaching a lesson on counting money. She easily clarifies "one cent" with a quick "un centavo."

Cho, on the other hand, has 24 students who are at two grade levels (fifth and sixth), at three reading levels (all below the fifth grade), and with backgrounds in six languages (none of which she speaks). Some are progressing quickly. Cho singles out a Portuguese-speaking boy who is "willing





English immersion students in Brockton: Seyla Nou and Elisia Heak (above), and Gabriel Teixeira and Aliane Farou (right), with teacher Silvana Resendes.

to learn English as fast as he can.” But she takes note of another child who “is not opening his mouth after months of being here. He doesn’t understand what is going on.” And there’s only so much she can do to get through, she says.

“I use a lot of gestures and facial expressions,” says Cho, “but there is a limit.”

More than three years after nearly 70 percent of Massachusetts voters approved Question 2, which did away with 31 years of bilingual education in favor of California businessman Ron Unz’s “English for the Children” proposal, confusion reigns.

The confusion is not over the broad mandate, which is refreshingly clear: Teach kids English by teaching them *in* English. Rather, the challenge is in making it happen, given a growing non-English-speaking population, high-pressure accountability, and the same old six-hour school day.



The simple demand that kids learn English—and quickly—is complicated by real-life factors, including a dearth of qualified teachers, uncertainty over who should be classified as an “English Language Learner,” and tests that, in many cases, cannot differentiate between a kid who doesn’t understand the question and a kid who simply doesn’t know the answer.

It doesn’t help that some non-English-speaking students arrive with no previous schooling of any kind, or with no understanding that one must sit down during class and not run full-out down to the cafeteria when the lunch bell rings.

Then there is the uncertainty among some teachers about what they are—and aren't—allowed to do under the new law. Is pointing at the soles of your shoes a good way to explain “pairs,” or is it an act of desperation?

“People still don’t know what sheltered English immersion is,” says Kathryn Riley, who heads the state Department of Education’s Office of Language Acquisition, referring to the teaching model mandated by the 2002 law. “People can’t run the video in their mind about the type of classroom [they] are trying to create. If you can’t envision the classroom, it is very hard to make.”

A VOLATILE ISSUE

Few educational issues attract as much passion as the debate over teaching students classified as limited English proficient (LEP) or English language learners (ELL), terms that are used interchangeably.

That’s partly because the number of LEP students has risen nationwide following a historic burst of immigration in the 1990s. According to a 2005 Urban Institute report, American public school pupils whose parents are immigrants rose from 6 percent in 1970 to nearly 20 percent of students today. A few learn English quickly, but many more—along with some whose parents were born here but don’t speak English—comprise the LEP population.

Most live in a few states (Arizona, California, New Mexico, and Texas), but nearly all states are finding themselves with more LEP students. In Vermont, for example, the LEP school population rose 185 percent from 1990 to 2000. In Massachusetts, 5 percent of public school students, or nearly 50,000, are English language learners, as of March 2005. They speak 112 different languages, but for nearly 55 percent, Spanish is their first language.

Nationally, such students are concentrated in urban areas, and within those areas, in particular schools. More than half of these students attend schools in which more than 30 percent of their classmates are also LEP, according to the Urban Institute. Half of LEP children have parents with less than a high school education; 51 percent of children whose parents are immigrants live in low-income households.

The case is much the same here. In Lawrence, for example, where Census Bureau figures show a per-capita income of \$13,360 (about half the state average), Superintendent Wilfredo Laboy says 90 percent of public school children speak Spanish at home and nearly a quarter are LEP.

While Question 2 was ostensibly about educational policy, it triggered an emotionally charged debate (see “Lost in the Translation,” *CW*, Education Reform Extra 2002). The English for the Children campaign seemed to tap into a “you’re in America, so speak English” attitude among voters statewide, most of whom had little contact with immigrant communities. On the other side, Question 2 opponents included those who believed transitional bilin-



Eunji Cho teaches children who speak six different languages.

gual education, even if poorly executed, represented a basic civil right, but they campaigned under the puzzling slogan “Don’t Sue Teachers,” focusing on an obscure enforcement provision in the ballot question.

There were also advocates for language minorities who saw that, politically correct and culturally sensitive as it was, transitional bilingual education wasn’t working. Laboy, for one, called the old bilingual approach “educational apartheid” for its segregation of language-minority children from their English-speaking peers.

Similarly heated debates played out in California, Arizona, and Colorado, with only Colorado rejecting the English-only approach. Jack Jennings, president of the Center on Educational Policy in Washington, DC, says these battles have pushed mainstream practice toward English immersion in recent years. An August 2005 report by the center notes that LEP students receiving all regular-curriculum instruction in English rose from 19 percent in 1993 to nearly 25 percent in 2003.

Jennings says English immersion is also growing for pragmatic reasons. As communities—including small towns—experience influxes of non-English-speaking students from far-flung places, instruction in English is the default approach for teachers who don't speak 20 or 30 different languages.

THE MORE THINGS CHANGE

In Massachusetts, the text of Question 2 was pointed, asserting that “the public schools of Massachusetts have done an inadequate job of educating many immigrant children.” The solution? “All children in Massachusetts public schools shall be taught English by being taught in English and all children shall be placed in English language classrooms.”

This language—now part of the Massachusetts General Laws, Chapter 71A, Section 4—states that children “who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one school year.”

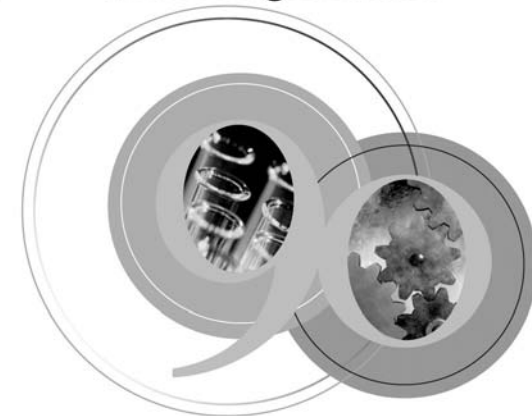
The turnabout in educational approach could not have been more extreme. Under the old law, which dated from 1971, local school districts with 20 or more students who

**In some classrooms,
it's hard to see much
difference under the
new law: 'I've never had
a history book to use in
their native language.'**

spoke the same non-English language were required to “establish, for each classification, a program in transitional bilingual education for the children therein.” These children were mandated to receive “a full-time program of instruction,” which included “all those courses or subjects which a child is required by law to receive,” taught “in the native language of the children” and “also in English.” They were to be instructed “in reading and writing of the native language” and “in the history and culture of the country, territory or geographic area which is the native land of the parents of the children of limited English-speaking ability.”

While the program was called “transitional” and normally provided up to three years of instruction before students moved into mainstream classrooms, the law also allowed a child to “continue in that program for a period longer than three years,” and many did. Critics echoed a 2001 report by the Lexington Institute, an Arlington, Va.-based

A Proud Past and A Bright Future



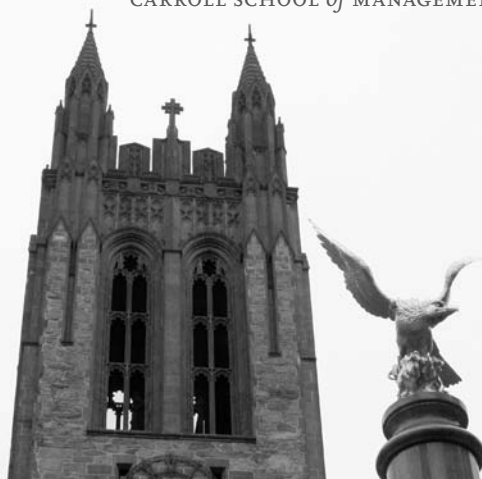
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conservative think tank, charging that bilingual education in the US was transitional “in name alone.”

On its face, Question 2 brought about a reversal in the way LEP children are taught. Instead of learning subjects like math, science, and social studies in their native tongue while studying English separately, students now study all subjects in English. In theory, at least, children are supposed to spend one year studying English intensively so that they can move into mainstream classrooms.

But “supposed to” is key. “We don’t have enough [English as a Second Language] teachers in the state to do sheltered English immersion,” says Riley, the DOE official in charge of language acquisition. “It is a real puzzle as to how to implement this in a way that follows the law and gives children access to learning English and learning the curriculum.”

Critics of the old bilingual education system say that problem is nothing new. Christine Rossell, professor of political

Many students ‘were staying six to eight years in separate classes without being integrated and without learning English.’

science at Boston University and former co-chair of the Massachusetts campaign to pass Question 2, notes that only 23 percent of LEP students were getting true bilingual education. All Question 2 did, she says, was end “all this lying and cheating.” In most districts, she says, it was impossible to provide native-language instruction for all LEP students.

“The Chinese kids never were getting bilingual education,” says Rossell. “And now they can call it what it was: sheltered English immersion.”

Indeed, in some formerly bilingual-education classrooms, it’s hard to see much difference under sheltered immersion. At Dearborn Middle School in Roxbury, for example, 25-year veteran bilingual education teacher Maria Leite says that not all that much has changed in how she instructs her students, who speak Portuguese Creole. After finishing a lesson on forms of government—monarchy, dictatorship, democracy—she notes, “I’ve never had a history book to use in their native language.”

According to Riley, the “sheltered” part of sheltered English immersion refers to teaching strategies that include language goals, time for students to practice speaking, and techniques to help students pick up English from the con-



Principal Suzanne Lee faces tougher goals and new pupils each year.

of English she uses in place of the children's native language.

In classrooms like Cho's, in which students speak a variety of languages, sheltering techniques—such as developing word lists for students to draw on, talking aloud with students to help them generate useful words before writing, incorporating visual symbols into instructions (such as a picture of a notebook as a reminder to “get out your notebook”), and repetition of phrases—are more critical.

Still, many teachers are not trained to teach this way. And even when they are, some students find themselves in classes without a clue about what's being taught or how to begin learning it. In the past, of course, you had a different problem: Students lingered for years in classrooms stewarded by well-meaning but underqualified native language teachers with no incentive to make sure kids learned English.

The new law tries to be—at least on the surface—everything the old law wasn't. But reality is muddier, beginning with the law itself. “The definition of sheltered English immersion is a very small part of the law,” says Riley. That's why, she says,

“implementation has been so difficult. It's not specific.” She says some schools “do a terrific job and some do things they would not do with their own children.”


And, much as critics of bilingual ed charged under the old system, poor programs generate little parental outrage. “The parents of these children do not speak English and do not know what they should expect,” says Riley. “Districts do what they wish.” While Riley says the state requires beginning- and intermediate-level LEP students to receive at least 2.5 hours of English as a Second Language instruction each day, she suspects many are not getting even that.

“The abuses of the past were that kids were left in bilingual education too long,” says Jennings. “The abuses of the present are that kids are not being adequately taught English and they are sitting in English classes not knowing what is going on. It would be nice to find some middle ground.”

text of the lesson. For example, Leite discusses the roots of words like “dictatorship” as part of her lesson. One learning objective spelled out on the whiteboard focuses on language: “Students will be able to write sentences with new vocabulary.” She sets aside time in class for students to discuss in groups and write down the different forms of government.

Similarly, Resendes's second-grade math lesson is about counting money, but it's just as much about language. She has children copy “Ways to make 15 cents” on their papers, including columns for “dimes,” “nickels,” and “pennies.” She takes note of spelling, telling one child, “Look at your word ‘dimes’ and look at my word ‘dimes.’” He cranes his neck, studies, and then works his eraser.

The lesson is in English, but peppered with Portuguese. Leite, too, uses Creole to clarify and emphasize directions. She says the biggest difference from the past is the amount



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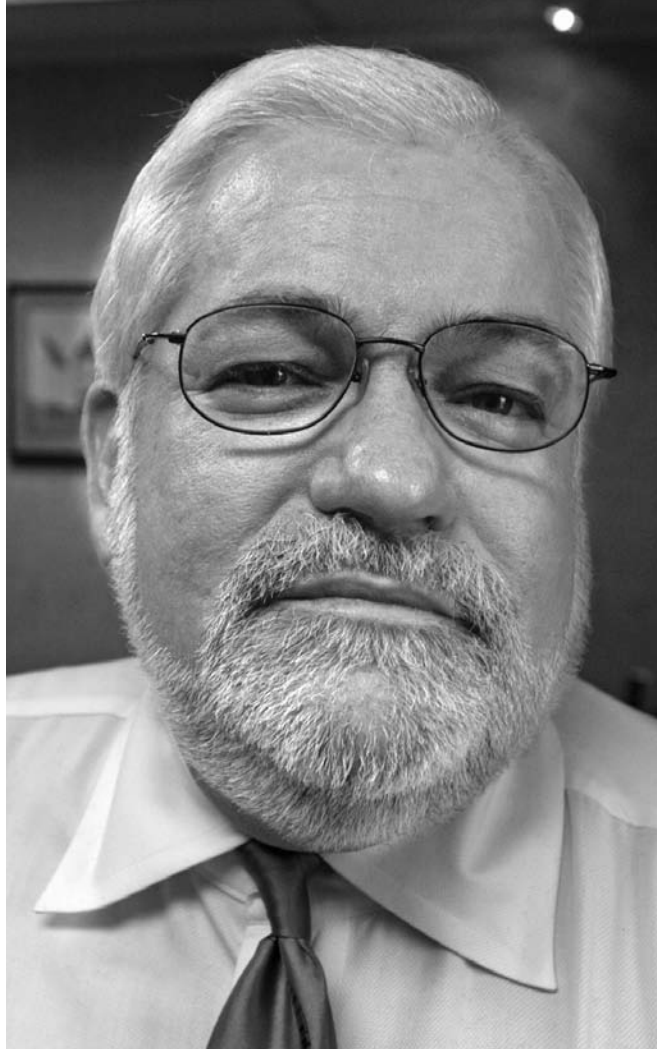


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Wilfredo Laboy called the old approach “educational apartheid.”

GOOD INTENTIONS RUN AMOK

One true difference between the old era of bilingual education and the new era of English immersion is not related to language learning at all, but to the changed educational environment of MCAS and No Child Left Behind. “Accountability” is the buzzword. Translated, that means data. One pointed criticism of the old bilingual education was the lack of information about how well (or if) kids were learning English or other subjects, and whether they were really “transitioning” into English-language classrooms.

This was a problem not just in Massachusetts. The Urban Institute reports that 18 percent of LEP children in pre-kindergarten through the fifth grade, and 29 percent in the sixth through 12th grades, are American-born children whose parents were also born in this country, suggesting that the parents themselves never learned English adequately. More than half of LEP children in secondary schools are US natives who have not mastered English even after attending American schools for seven or eight years.

This situation horrifies at least one early champion of bilingual education. Charles Glenn was director of what was then the Bureau of Equal Educational Opportunity at the state DOE when he pushed for passage of Massachusetts’s bilingual education law, the first in the nation. “I was

pressing for bilingual education as part of a general strategy to improve equity,” says Glenn. He saw the measure as a way to ensure the rights of non-English-speaking students to receive the same education as their English-speaking peers. But once the law was enacted, he says, the state created a separate bilingual education office staffed by language educators—not individuals focused on educational equity.

Glenn—who sent his own five children to the two-way bilingual education program at the Rafael Hernandez School in Roxbury, a model exempted from the English immersion requirement by the Legislature soon after Question 2 was approved—insists that he is not a foe of bilingual education, when it’s done right. But in bilingual education as it was actually practiced, Glenn says, he saw good intentions run amok.

“I can’t tell you how many meetings I had with my colleagues in the bilingual office, asking them to do what the law required: To adopt a test to be given to kids in the bilingual program to ensure they learned English,” recalls Glenn, now a professor of educational policy at Boston University. “This was met with, ‘That would be hard on the self-esteem of minority-language students.’”

In the meantime, LEP students were exempted from basic skills tests for years after entering school. As a result,

there was little pressure to make sure they learned English—or anything else, for that matter.

In the 1980s, federal District Court Judge W. Arthur Garrity, overseeing Boston school desegregation orders, asked why pupils remained so long in bilingual education. When Glenn analyzed the careers of bilingual-education pupils, he says, he found that “hundreds and hundreds of them were staying six to eight years in separate classes without being integrated and without learning English.”

He remembers a visit he made to a bilingual-ed classroom in the basement of a Lynn school. The teacher was “a very nice Cambodian gentleman whose training was as an engineer,” Glenn says. The teacher’s English was very limited and he had been given “no direction about what to teach or how to teach.” The man seemed to care a lot about the kids. But, recalls Glenn, “He was doing make-work things.”

Over time, bilingual education ossified further, becoming almost a parallel educational establishment, with its own institutional interests. Jennings, of the Center for Educational Policy, blames bilingual educators of the past for not focusing enough on student progress, instead turning “the movement more into a job protection program” than an approach to teaching children English.

By the 1990s, time was running out. When Glenn, who

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left DOE in 1991, was appointed to Gov. William Weld's commission on bilingual education, he said he had no choice but to report that "there wasn't any data to tell whether bilingual education had been a success or a failure." In 1997, Weld proposed allowing the state to take over any school district that failed to move students out of bilingual education after three years. The idea died in the Legislature's Education Committee, but it served as a pre-Question 2 shot across the bow.

PUTTING IMMERSION TO THE TEST

There is no longer a dearth of data. Credit, in part, Question 2, which required that English language learners in the second grade and above take a "nationally normed written test of academic matter given in English" and a "nationally normed test of English proficiency." LEP students now take state English speaking-and-listening tests at least once a year and an English reading-and-writing skills test in the fall and spring. They also now take MCAS.

This sea change, however, is not the result of Question 2 alone. The passage of No Child Left Behind in 2002 heightened accountability of schools to federal standards, raising the bar on work begun in Massachusetts under the Education Reform Act of 1993.

When it comes to accountability for educating English language learners, however, two sets of legal roots apply. One is education law, which aims to include LEP students in all aspects of accountability. The second is civil rights law, which mandates access to services. This second strand was asserted in the landmark 1974 Supreme Court decision *Lau v. Nichols*. The court ruled that the San Francisco school system's "failure to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English" effectively "denies them a meaningful opportunity to participate in the public educational program" in violation of the Civil Rights Act of 1964, which barred discrimination "on the grounds of race, color, or national origin." The important part of this law as it stands today is that an LEP child's services can't be limited to one year of instruction in sheltered English immersion. So even though Question 2 pushes for the one-year transition, it can't legally require it to happen.

There is, however, more to scrutinizing education than looking at compliance. Schools may provide services, but that doesn't mean they are the right services or that children are learning. NCLB aims to address this gap by requiring that teachers be "certified as English language proficient" and that all states "set standards and benchmarks for raising the level of English proficiency." NCLB demands that states hold schools accountable for making "adequate yearly progress" toward the federal goal of having all students score "proficient" on state standardized tests by 2014.

All these provisions also require the generation of data,



Teacher Maria Leite says she just uses a little less Creole in her classes now.

ficient enough in English to score “proficient” or “advanced.” If they were, they wouldn’t be LEP students.

This doesn’t excuse students from learning English or from being tested on their progress toward meeting state subject matter goals. But Rossell argues that the state’s expectations under NCLB are so unrealistic as to be useless. Instead, she advocates exempting LEP students from meeting proficiency standards for five years and, instead, she says, “progress should be assessed for *individual* students.”

The state is just now beginning to do some of that, for the first time charting the scores of individual students on twice-yearly English proficiency tests. Unfortunately, the results are no advertisement for sheltered English immersion, and scarcely better than the critics’ worst imaginings about the old bilingual education system. Posted without fanfare (no press release or press conference) on the DOE Web site in late December were results from the Massachusetts English Proficiency Assessment in the 53 school districts statewide with large concentrations of English language learners. These results showed that 57 percent of LEP students in third through 12th grades made at least two steps of progress on a seven-step proficiency scale between fall 2004 and spring 2005, exceeding the modest state goal of 50 percent. Among LEP students with three or more years in US schools, 48 percent reached the highest level (“transitioning”), more than meeting the state goal of 40 percent.

Of course, those results mean that 43 percent of LEP students spent last school year in classes in which they made only one step of progress, no progress, or, as Riley observed, “they may have regressed.” And 52 percent of LEP students were not ready to join mainstream classrooms even after three or more years of bilingual and sheltered English education.

The news is even grimmer in many individual districts (see table, next page). In Lawrence, for instance, just 46 percent of students made two steps of progress last year, and only 26 percent had reached “transitioning” after three or more years in US schools (though Lawrence did meet its NCLB Adequate Yearly Progress goal in English for LEP students). In Holyoke, 44 percent made two steps of progress, while 30 percent reached “transitioning” after three or more years. At 48 percent, Boston nearly reached the state benchmark of half of LEP students making two steps of progress, but only 34 percent of students made it to the “transition-

where once there was none. The problem is that the numbers aren’t very encouraging.

Statewide, 90 percent of LEP students were scored as “needs improvement” or “failing” on the 2005 MCAS for 10th-grade English, as opposed to “proficient.” In 10th-grade math, 76 percent were in the bottom two categories. In the fourth grade, 86 percent of LEP students were scored as “needs improvement” or “warning” in English, compared with only 39 percent of other students. In math, 86 percent of LEP students and 53 percent of other students earned scores below “proficient.” Similar results play out across subjects and grades.

Most telling, perhaps, is that LEP students made state goals for improvement in English and math MCAS scores—also known as Annual Yearly Progress—in only 34 percent of schools in English, and only 38 percent of schools in math.

MCAS scores make plain the gap between regular and LEP students. But, asks Rossell of BU, isn’t that the point? In her September 2005 study, *Making Uneven Strides*, which looks at seven states’ efforts to get LEP students to proficiency under NCLB, Rossell notes that “limited English proficient” means, by definition, student who are *not* pro-

PROGRESS IN LEARNING ENGLISH, FALL 2004 TO SPRING 2005, DISTRICTS WITH LARGEST LEP ENROLLMENTS

SCHOOL DISTRICT	NUMBER OF LIMITED ENGLISH PROFICIENCY STUDENTS	% MAKING "PROGRESS TOWARD ENGLISH-LANGUAGE PROFICIENCY" (TARGET: 50%)	TARGET MET?	% ACHIEVING "ATTAINMENT OF ENGLISH-LANGUAGE PROFICIENCY" (TARGET: 40%)*	TARGET MET?
STATEWIDE (53 districts)	49,923	57	YES	48	YES
1. Boston	9,042	48	NO	34	NO
2. Springfield	3,612	52	YES	44	NO**
3. Worcester	3,539	48	NO	36	NO
4. Lowell	3,355	60	YES	51	YES
5. Lynn	2,681	54	YES	48	NO**
6. Lawrence	2,498	46	NO	26	NO
7. Holyoke	1,939	44	NO	30	NO
8. Brockton	1,454	57	YES	50	NO**
9. Framingham	1,298	68	YES	69	NO**
10. Fitchburg	1,256	67	YES	64	NO**

*Figure includes only students with at least three years in US schools.

**Although the district met the attainment target for students with at least three years in US schools, it fell short of one or both of the targets for students with one and two years in US schools (10 percent and 25 percent, respectively).

SOURCE: Annual Measurable Achievement Objective (AMAO) reports, Massachusetts Department of Education (www.doe.mass.edu/ell/amao/).

ing" level. While New Bedford met state standards in progress (53 percent moving up at least two steps), it fell just short of the three-year "transitioning" goal, with 39 percent.

Of the 15 districts with the largest numbers of English language learners, Lowell and Quincy reported the best results, exceeding state goals and statewide averages in both progress and attainment. (Some other districts, including Springfield, Lynn, Brockton, Framingham, Fitchburg, Chelsea, and Somerville, met state targets for progress and attainment after three years, but missed the lower "transitioning" goals of 10 percent for first-year LEP students and 25 percent for second-year students.) But even in these higher-performing districts, at least 30 percent of LEP students failed to make two steps of progress, and a third or more (32 percent in Quincy; 49 percent in Lowell) were still not ready for mainstream classrooms after three years or more.

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ENGLISH EXPOSURE

On a late October morning, Suzanne Lee, principal of the Josiah Quincy School in Boston's Chinatown, thrusts her hands deep into the pockets of a green parka as a cold wind cuts across the concrete playdecks atop the school. She hardly notices a soccer ball skitter across her path. It is recess for the children, but Lee's not having fun. In fact, her body language is transparent: She's ticked off.

The *South End News* has published the school's MCAS scores along with the state's assertion that her students—80 percent of whom are low-income and 67 percent of whom do not speak English as a first language—had barely missed the NCLB-required Adequate Yearly Progress target for improvement in English.

What bothers Lee—besides the fact that parents are upset—is that her school has never before missed Adequate Yearly Progress goals. Despite the palpable economic and language disadvantages her students face, they consistently perform near the state average. On the 2005 English MCAS, for example, 15 percent of fourth-graders earned “advanced” and 34 percent “proficient” scores. The state average was 10 percent “advanced” and 40 percent “proficient.”

The pressure on Lee is clear. And yet, with new non-English speaking students arriving in the school each year, how will she ever get all students to “proficient?”

Question 2 may have put a halt to kids being warehoused in bilingual education programs that failed to teach them English. But it left behind a new question: How fast can a kid who doesn't speak English get in synch with English-speaking peers?

In overcoming the language barrier, Quincy School students suffer from the same deficit as children from other close-knit immigrant communities, and one that schools alone have a tough time compensating for. Third-grade sheltered English immersion teacher Lai Lai Sheung puts it simply: “Exposure to the language.”

“If you live in Chinatown, you don't need to speak English to survive,” says Sheung. “You wake up, you hear the news in Chinese, you go to school for six hours, you go home and speak Chinese.” In that respect, she says, things are getting harder, not easier. “Before, children would go home and watch *Sesame Street* in English. Now, with cable and VCR, it's all in Chinese.”

There might be no better argument for English immersion than this phenomenon. And Sheung, an immigrant from Hong Kong who spends summers doing volunteer lab work for Earthwatch Institute and sends students home with English-language story tapes, likes the new approach. She knows her kids must learn English.

But she also knows that there is not enough time in the school day to get the results she is expected to get. When third-graders take the MCAS reading test in the spring, Sheung estimates that only half of her 24 pupils will score

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"proficient."

Several miles away, but still in Boston, is the Paul A. Dever School. There, the 2005 MCAS shows 75 percent of fourth-grade students scoring "Needs Improvement" or "Warning" in math while 72 percent earned similar scores in English. In the third grade, 80 percent failed to earn "proficient." The school did make Annual Yearly Progress goals in math in 2004 and 2005—the only times since 1999. It has never met these goals in English.

Like the Josiah Quincy School, the Dever has a student body that is poor—nearly 90 percent come from low-income households. Some 36 percent of the students are LEP, and nearly half speak English as a second language. Most are Hispanic.

In a second-grade classroom, the benefits, and challenges, of the new law are apparent as teacher Christine Cronin calls a reading group to the back table and passes out a slim book about things people like to do "alone" and "together." After children offer examples from their own lives, she asks them to "read in your brains"—that is, silently.

A boy named Luis, who is wearing a Hawaiian shirt, inadvertently demonstrates why it is more difficult for a child from a different language background to learn English than for those born into English-speaking households. As he moves his fingers along the text, some words make no sense to him; he can't even guess at them. One that stumps him is "enjoy."

Luis looks at the "j" over and over, each time making an "h" sound—the way "j" is pronounced in Spanish. An English native learning to read would make a hard "j" and might easily figure out that "en-j" might be "enjoy," in part from the context. Luis doesn't make the same connection and, frustrated, just turns the page.

"Things don't sound wrong to these kids," observes Cronin, who has taught bilingual education for nine years and has degrees from University of Vermont and Harvard Graduate School of Education. Cronin was disappointed when Question 2 passed, but concedes that "there were a number of classrooms where too much of the native language was being spoken."

The new law, says Cronin, has brought more English exposure. She says that helps about two-thirds of her 18 students. The other six, she says, are new to the country and, some of them, new to schooling. These students, she says, need more than "clarification" in Spanish, their native language.

"They have no English vocabulary skills, and of those six, I have three who have no literacy skills. They don't know letters, don't know sounds. They don't know that letters make sounds," she says. Cronin tries to teach them letters in English, but they look at an apple for "A" and say "manzana." She has a set of flash cards with English and Spanish words corresponding to the same letters and sounds—like "leon" and "lion" for "L" and "tortuga" and "turtle" for "T"—but

the supply of such examples barely covers the alphabet.

"They are not learning-disabled," says Cronin of these students. But they might as well be. "These are six kids who don't know what they are doing." How much Spanish can she use in class, under the law? Cronin doesn't know.

EDUCATION POST-IMMERSION

Cronin is not the only teacher who is confused. "There is a general lack of understanding of what the law actually did," says Kathy Kelley, president of the Massachusetts Federation of Teachers, which represents teachers in mostly urban districts, including Boston, Lawrence, Lowell, and Lynn. "After it passed, there was very little done in terms of preparing teachers. Now they have students mainstreamed into their classrooms."

DOE has issued guidelines and provides on its Web site lists of resources and how-to documents like the one titled



Eighth-grader Nuria Teixeira is a model student but still struggles with English.

"Identifying Limited English Proficient (LEP) Students," issued in October 2004. But other things have not been as clear.

Some school districts, for example, were initially confused about whether or not they had to provide services to



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LEP students who didn't choose to attend a school that already had an English immersion class. In a few districts, large numbers of LEP students were effectively categorized as having "opted out" of any language support whatsoever. The Department of Education has since explained that LEP students have a right to English immersion, regardless of which school they choose to attend. Confusion has also arisen, for example, over teacher qualifications and how to decide when a student is no longer LEP.

It is also a challenge to dovetail English immersion rules with common sense, notes James Crawford, executive director of the National Association of Bilingual Education in Washington, DC. Crawford says research shows it takes years—not months—to learn English, especially for academic purposes. Immersion, he says, does nothing to change that fact.

"This approach has not had the effect of speeding up the acquisition of English," says Crawford. A 2005 University of Arizona study examining that state's stringent English-only law showed that more than 70 percent of LEP students tracked during the 2003-04 school year made no gain in English acquisition; some even lost ground.

What happens to kids who have had a year of English immersion and are now expected to keep up, academically,

in the language of their new country? Students in the US for six months may speak English in the hallways, and be able "to navigate our city," says Guadalupe Guerrero, principal of the Dever School. "But when it comes to academic language, they need more time."

At Dearborn Middle School in Roxbury, Leite says most of her eighth-grade sheltered English immersion pupils

Students may speak English in the hallways, but 'they need more time' to get it in class.

aren't ready to move on after one year.

"Even at this grade, we have students who come in with a second-grade education, third-grade reading," she says. The task is not just to teach them English, but also to catch them up.

One of her top students, Nuria Teixeira, arrived from Cape Verde in September 2004. A 14-year-old with a wide

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smile and wavy black hair pulled back into a ponytail, Nuria decided to be a doctor when she was six. She practices English with her brother and uncle and displays all the marks of an academically driven student: Her hand is always raised and she cares a lot about her grades. But even as she works hard at school, Nuria concedes, "Sometimes I don't understand."

That's a worry shared by Chris Coxon, Boston Public Schools deputy superintendent for teaching and learning, who oversees bilingual education and professional development. Coxon sees LEP students struggling with test scores "much worse than other years," leading him to pinpoint a distressing new problem in the post-bilingual education era: the large number of students who are English language learners but are not in sheltered English immersion classrooms.

Since Boston places students in school by choice, not mandatory assignment, Coxon believes nearly all the district's 4,000 classrooms must become, in effect, sheltered English immersion, or SEI, classes.

"Every classroom that has at least one ELL child is entitled to SEI instruction," he says. Coxon says LEP students who have completed a year of English immersion, or even more, still may not be capable of functioning in a mainstream English-speaking classroom. All Boston classrooms must be ready to serve LEP kids, says Coxon, but that's easier said than done.

"If you walk around our schools, there are still [teachers] who are not sure about how to develop good content objectives" for their regular lessons, he says. "Then, if you ask them to plan a good language objective [required for SEI classes], that is a challenge."

Coxon says the confusion has been at many levels. He says the state "did not define a program" for sheltered English immersion, leaving districts to search for one. And until last summer, he says, districts didn't know what the state meant by the requirement that they have a "qualified teacher" in every sheltered English immersion classroom. Only later did Coxon learn that a "qualified" teacher is one who uses SEI pedagogical approaches and has 75 hours of specific training. But that did not solve his problem.

"I control 18 hours a year of my teachers' professional development," says Coxon. "You can imagine how long it will take me to get everyone trained."

Meanwhile, Coxon is also looking for better ways to track LEP students. How much and what kind of support do they need as they enter mainstream classes? Then there is the matter of definitions. "We are in the process now of trying to clarify, 'How do we figure out when a child is no longer an English language learner?'" observes Coxon.

But more to the point: Are kids learning English any better now than before? Coxon doesn't know. "The fact that I can't answer that," he says, "is part of the challenge." ■

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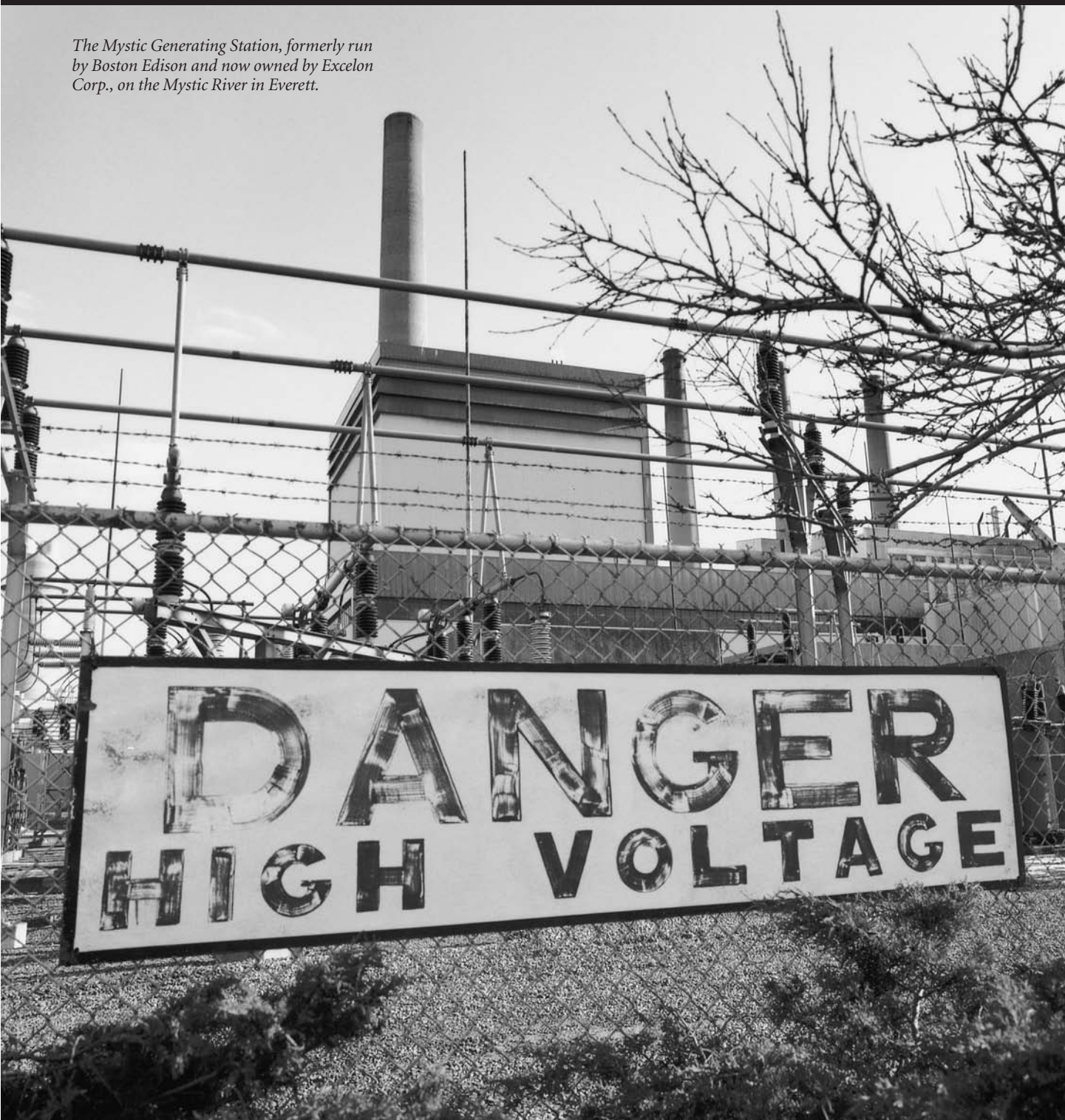
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The Mystic Generating Station, formerly run by Boston Edison and now owned by Exelon Corp., on the Mystic River in Everett.



PHOTOGRAPHS BY MARK MORELLI

POWER FAILURE

Restrictions on price in an otherwise deregulated market leave electricity producers with no reason to invest in new power plants. Unless they are given one, it could be lights out.

BY MATT KELLY

IF SOMETIME THIS WINTER you flip a light switch and nothing happens, think back to where you were on May 8, 2000—the day the electricity industry in Massachusetts started down a road that may now be leading toward rolling blackouts.

The day started normally enough. Predawn temperatures hovered in the low 70s, warm but not unprecedented. As Bay Staters went through their Monday morning routines, however, those temperatures climbed to a humid, uncomfortable 85 degrees by noon. Air conditioners across Massachusetts hummed to life.

As demand rose, the price of electricity began to climb—and climb, and climb. At 1 a.m. the cost of generating one megawatt-hour of electricity had been at \$30. By mid-afternoon, the price had shot up to \$6,000. Only when rain clouds rolled through that evening and cooled off the state did prices return to normal.

That day, three years after Massachusetts embarked on its pioneering effort to deregulate—or, as the industry prefers to say, restructure—the electricity market, those in charge of that market learned a costly lesson: If this was what a free market for electricity meant, then a free market was not such a good idea.

Efforts to fine-tune New England's energy markets trace their origins to that fateful price spike nearly six years ago. Price caps have been imposed, rate hikes proposed, lawsuits filed. All the while, the threat of power shortages looms larger and larger, casting lengthening shadows over the state's future safety and prosperity.

Those shadows may overtake us sooner rather than later. In early January, state officials warned that residents could be asked to conserve electricity during cold snaps this winter. During an official "power watch," people would be encouraged to turn down thermostats one to three degrees, turn off unused appliances and lights in unoccupied rooms, and avoid running washers, dryers, and dishwashers between the hours of 4 p.m. and 8 p.m. "Power saving hours" posters would be distributed, and state officials would ask television and radio broadcasters to incorporate the conservation message into newscasts and weather reports.

Days later, Nora Mead Brownell, a commissioner of the Federal Energy Regulatory Commission (FERC), told an Associated Industries of Massachusetts forum that economic development regionally and nationally hinges on solving the coming energy crunch. "We really haven't put in the context of our [energy] discussion what we need to grow our economy in our country," she said. "We are making decisions that will affect us for the next 20 to 30 years."

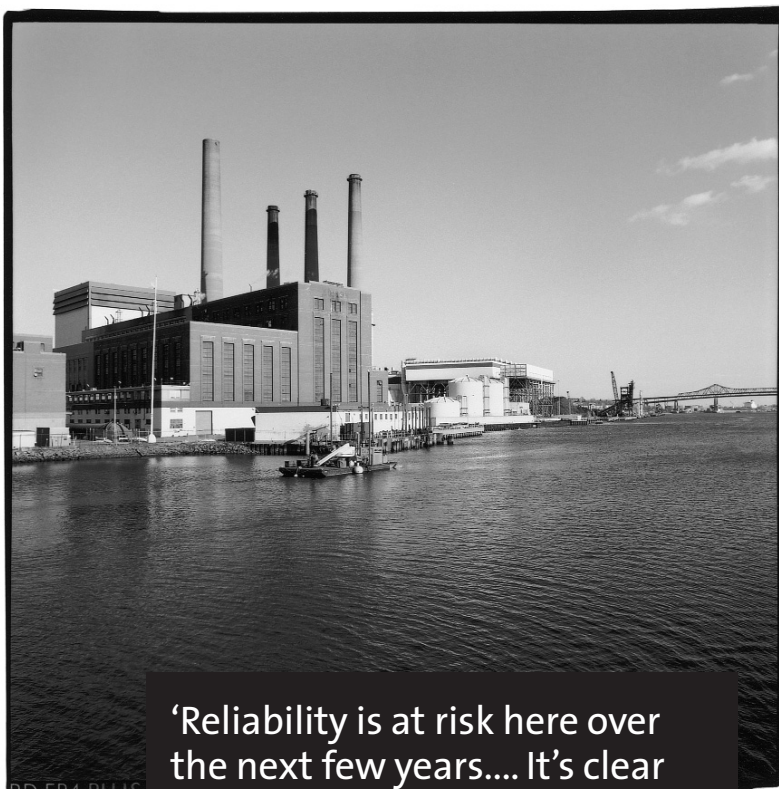
That could be especially true here in New England. "These are challenging times, for sure. Reliability is at risk here over the next few years," says Angela O'Connor, director of the New England Power Generators Association. "It's clear that demand is growing, and supply simply isn't."

Most informed observers say the risk of rolling blackouts in New England this particular winter remains low; we're close to our limit for generating electricity, but not likely to surpass it just yet. But everyone also agrees that New England will have electricity shortages at some point, unless the region finds some way out of its deregulation maze.

Unfortunately, as Douglas Horan, a senior vice president at Boston-area power distributor NStar Corp., notes, "We're nowhere near the end of deregulation."

The irony is that deregulation itself has worked, for the

most part. After Massachusetts deregulated the electricity industry in 1998, power-generating companies added more than 10,000 megawatts of capacity in New England, an increase of nearly 50 percent. Indeed, when California was rocked by rolling blackouts in 2000, the energy industry and



'Reliability is at risk here over the next few years.... It's clear that demand is growing, and supply simply isn't.'

its regulatory overseers held press conferences proclaiming that such power shortages were no danger here, given the robust expansion of generating capacity. Deregulation has also caused inflation-adjusted residential electricity rates to fall by roughly 10 percent, according to the consulting firm Cambridge Energy Research Associates.

That's because the state didn't truly go to a California-like, market-based system, says Robert Ruddock, general counsel for Associated Industries of Massachusetts. "We were criticized at the time for being too timid and yet, at the end of the day, for consumers and businesses in Massachusetts, the right decisions were made," says Ruddock.

When it comes to reliability, competition, and price stability, restructuring has been very positive, says Rep. Brian Dempsey, a Haverhill Democrat and co-chairman of the Legislature's Joint Committee on Telecommunications, Utilities, and Energy.

But now, cracks are appearing in the industry's new struc-

ture. After an initial burst of enthusiasm, power generators have stopped trying to expand capacity. Only another 1,500 megawatts of generating capacity are in the pipeline for New England through 2009. Meanwhile, electricity demand is expected to soar from 131,000 megawatt-hours in 2004 to 152,000 megawatt-hours in 2014, a spike of 16 percent and much more than New England's electricity grid can produce. ("Megawatt-hour" is the unit of measurement in the electricity business; it is the demand that will keep a one-megawatt generator running for one hour.)

"The problem isn't whether we gave *enough* incentive," says Steve Cowell, president of Conservation Services Group, an energy-efficiency firm in Westborough. "The problem is whether we gave the right *kind* of incentive, for long-term investments."

At the same time, there is no public recognition of the standstill in energy investment as an impending problem, says Jack Alexander of the Massachusetts Affordable Reliable Electricity Alliance, a new group of business, labor, environment, academic, and community leaders aiming to raise that awareness. Alexander—who is also the government relations manager for Entergy, operator of the Pilgrim nuclear power plant in Plymouth—argues that the state isn't constructing new electrical power plants, pursuing a sufficiently aggressive

efficiency program, or developing renewable energy sources to meet its power needs going forward. Nor, he says, has there been enough dialogue about electricity's social and economic importance, or its limited availability.

Dempsey agrees. "People assume that when you flip the switch, everything's OK," he says. But don't expect him and his fellow lawmakers to ride to the rescue. "I think [the Legislature] needs to let the market sort some things out and monitor that and continue to review," says Dempsey.

FERC Commissioner Brownell argues that the role for states in the new energy order has simply changed, not disappeared. Government is better able to define energy issues in ways real people understand, balance available resources with energy efficiency strategies, and coordinate regional planning. But beyond that, she says, politics and energy don't mix.

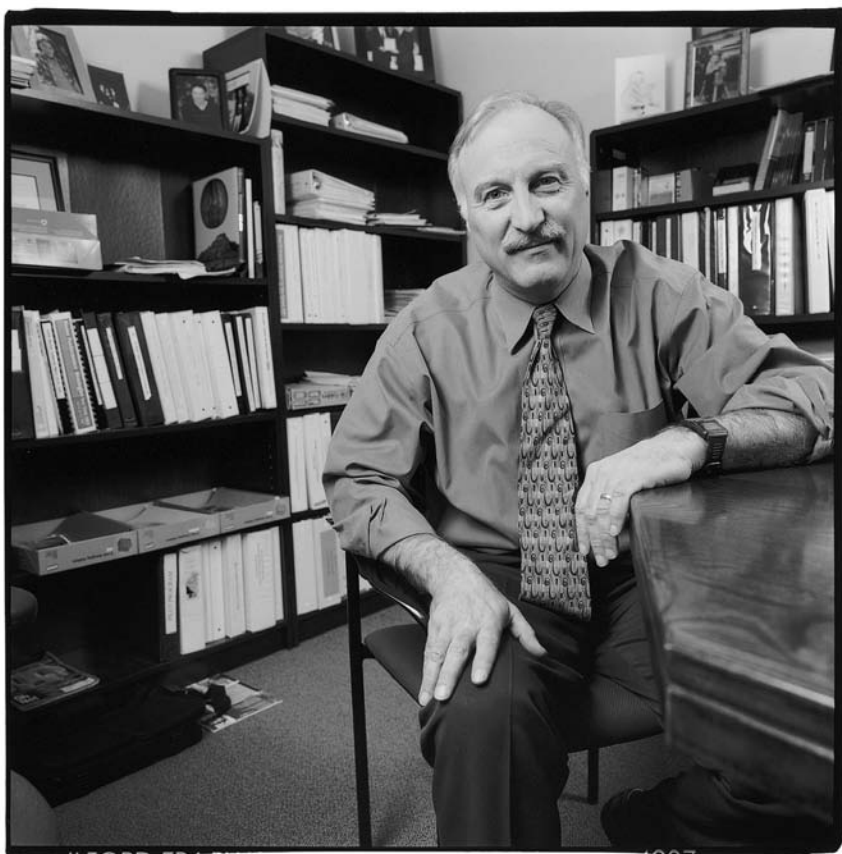
"This is harsh, but if you put political solutions on economic problems, you end up with California," says Brownell.

DEREGULATION, UP TO A POINT

For nearly 100 years, electricity was considered such a unique commodity—so vital, and so difficult to create and deliver—that government simply regulated the whole thing. Locally based utilities owned power plants, transmission wires, and substations connected to customers' homes. They charged rates set by government regulators and reaped profits at fixed levels.

Since 1998, however, Massachusetts has broken up the electricity supply chain, with privately owned power generators now selling electricity wholesale to transmission companies, which then vie for customer dollars, in a process overseen by New England Independent System Operator Inc., known as ISO New England. That entity is responsible for maintaining the region's power grid and for administering the electricity marketplace, subject to regulation by FERC. Gordon van Welie, chief executive of ISO New England, readily admits that deregulation "is still an evolving process" and involves some trial-and-error.

The price spike of May 8, 2000, was one of the errors. Up until then, power generators sold electricity wholesale to power distributors at prices that changed by the hour. Distributors then recouped those costs from consumers. After the \$6,000 price spike, NStar complained that any deregulation plan allowing such wild gyrations in price was flawed.



Energy-efficiency expert Cowell fears a lack of incentive for long-term investments.

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Under orders from federal energy regulators, ISO New England remedied the situation later that year by capping the wholesale price of electricity at \$1,000 per megawatt hour — regardless of the real cost.

One problem: Price caps give the maker of a product less incentive to invest and expand. Price caps almost always lead to shortages, which is especially problematic with respect to electricity. Since electric power cannot be stored (at least not on a large scale and at a reasonable cost), sufficient capacity to meet peak demand must be in place all the time, even if much of that capacity is underutilized most of the time. That makes expansion a risky venture for power generators: Why build new plants, at great expense, when the additional capacity is needed only from time to time, and when the price is capped even at the times of greatest market demand?

By imposing a price cap, van Welie admits, “there’s now a recognition that we’re not allowing units to recover revenues through shortage conditions.” That is why power generators are less and less willing to expand capacity, and why forecasts of rolling blackouts are in the headlines today.

Why a price cap? Imagine a world without one: Electricity prices fluctuate hourly, and are the highest precisely when consumers need electricity the most. Consumers have never paid electric rates that change by the hour, and most likely would not want to start. “The political consequences of living that close to the edge, along with the price volatility that would occur, are so severe that I personally don’t think that is a viable strategy,” says van Welie.

Neither do any of the other players in the electricity market, who almost universally agree that insulating ratepayers from wild price changes makes political and economic sense. The real question, then, is how to compensate power generators for that lost revenue created by the price cap.

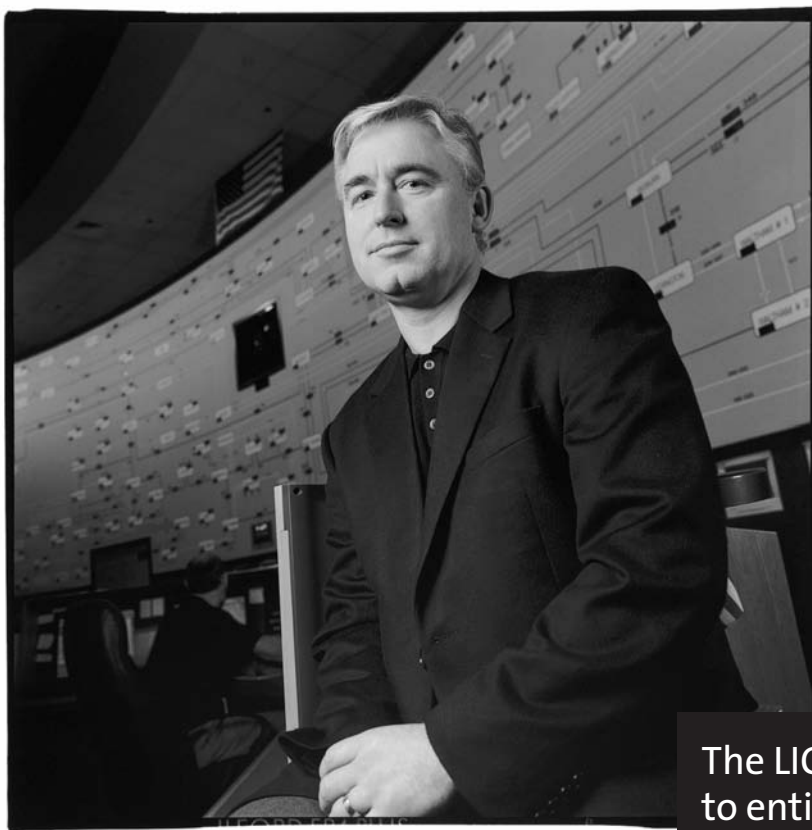
“We have not achieved a balance of risks and incentives to providers and users of electricity,” says O’Connor. “That’s become very clear.”

Right now, ISO New England forecasts what the region’s peak electricity demand will be for the next month, then tells each generator how much spare capacity it should maintain. When generating companies want to retire old plants, ISO New England pays them to keep the plants online.

That approach has worked well enough to keep the lights on today, when there is still capacity to spare, but it is starting to fray. The cost of contracts to keep older plants in service, known as “reliability must-run” contracts, ballooned from \$30 million in 2002 to \$426 million in 2004. And this approach gives generators no incentive to build more capacity to meet greater demand tomorrow.

Even now, profit margins are razor-thin in the power industry, says Alexander. PG&E, Mirant, and some other firms that invested in Massachusetts plants in the early rush of deregulation eventually filed for bankruptcy.

“When you look back at the history of generation over



ISO New England's van Welie: no free lunch in energy.

the last five years, most of the people who have come up and risked funds have lost," says Alexander. "So what is the incentive for somebody to come into this market, the New England market, and build new [generating capacity]?"

CURE WORSE THAN THE DISEASE?

What the electricity industry needs is a way to give value to that surplus capacity—at least enough value to convince power generators to build more of it. "Everyone agrees that you have to get these markets right, and that means you

need some form of a capacity market," O'Connor says.

Creating such a market will not be painless, however. The plan put forward by ISO New England, known as "locational installed capacity," or LICAP, would raise electricity rates to entice generators to build in high-demand zones like Boston and southern Connecticut. When ISO first proposed LICAP in 2004, opponents denounced the plan as too costly. Just how costly is a matter of dispute. Critics—including NStar, the business community, Gov. Mitt Romney, Attorney General Thomas Reilly, and other elected officials across New England—peg the number at \$13.6 billion, an amount they say would

The LICAP plan would raise rates to entice generators to build in high-demand zones like Boston and southern Connecticut.

drive up Boston-area residential electricity bills by 20 percent. Van Welie contends that figure is grossly overstated; he says the real cost would be around \$2 billion over the next five years, while the New England Power Generators Association says residential bills would rise by 3 percent.

In statements earlier this year, Reilly called LICAP a "radical and experimental" plan that only claims, but does not guarantee, to bring new blocks of generating capacity

POWERSPEAK: A GLOSSARY

ISO New England: Formally known as the New England Independent System Operator; a regional regulatory body that is charged with monitoring New England's electricity industry to ensure that sufficient electricity is always available for public need.

FERC: Federal Energy Regulatory Commission, charged with regulating the US energy industry as a whole.

Capacity market: The market for electricity-generating ability—that is, the market for delivering energy when it is needed most. Capacity generators typically sit unused for long periods when demand is low; they can do so because, in theory, the price for at-capacity electricity is high.

Energy market: The "regular" electricity market, with power sold through fixed contracts arrived at in an unregulated wholesale marketplace, as well as the more volatile "spot" market, in which prices are now capped at \$1,000 per megawatt-hour.

LICAP: "Locational installed capacity," a plan to pay power generators more money to produce greater power-generating capacity in high-demand areas, such as Boston.

RMR: "Reliability must-run" contracts, established between ISO and power generators, guaranteeing that an inefficient power plant that a utility might like to retire will still run to meet electricity demand.

Forward-procurement market: An alternative to LICAP that would have ISO estimate electricity demand three years out, and then bid for generators to deliver that capacity in a reverse auction, offering a high price to begin with and gradually lowering it to the lowest price sellers will agree to.

Megawatt-hour: The unit of measurement for electricity demand, equal to demand that would keep a one-megawatt generator running for one hour. Most generators are large enough to produce hundreds, if not thousands, of megawatts per hour.



Romney labeled LICAP a 'broader, more costly approach than is necessary.'

LICAP would be the most detrimental proposal for consumers because it has such a huge price tag without any specific return for consumers."

Similarly, Romney, in a June 2005 letter to then-FERC chairman Patrick Wood, labeled LICAP a "broader, more costly approach than is necessary," and warned that the resulting "rate shock will have a detrimental effect on Massachusetts and the region's economy."

NStar vice president Horan likens LICAP to a "giant battleship of a structure," disproportionate to New England's need for a few additional small power plants to meet demand peaks. Planning for long-term capacity can move at a more deliberate pace, he says. (Such peak-use power plants, such as the 96-megawatt facility recently proposed to sit next to the existing L'Energia power plant in Lowell, are less difficult to site and less costly to build than larger power plants, and they can go online or offline in response to demand.) Power-

NEEP's Susan Coakley asks how much "pain" will prompt action.

to market.

"There are a number of different things happening here with energy," says Assistant Attorney General Alice Moore, chief of the AG's public protection bureau. "But certainly the

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delivery companies such as NStar favor another approach, a “forward-procurement market” that estimates needed capacity and pays generators to meet that goal with prices set in a reverse auction. Essentially, ISO would offer a high price to attract an oversupply of generators eager to provide electricity, then keep cutting that price (thus pushing generators out of the bidding). Eventually ISO would have only the electricity it needs at the lowest cost.

“It’s painting with too broad a stroke to say we’ll need more power in 2008,” Horan says. More capacity will be needed ultimately, he acknowledges, “but it is a very small need to start.”

However, when Reilly offered a forward-procurement alternative built around such peak-use plants—one providing guarantees that new capacity would get built, not just encouraged by higher prices—FERC refused to accept it for filing as part of the public record, says Moore.

Still, FERC was persuaded to slow down the process. LICAP was scheduled for January 1 implementation, but FERC has put off a final ruling until October. If FERC goes forward with LICAP, the attorney general would likely pursue further legal action, Moore says.

For their part, power generators say the time for talking is over. The region can’t afford to squabble over regulatory plans any longer, says O’Connor.

“We don’t need any new laws right now,” she says. “We don’t need legislators. What we really need is regulators and generators and users to roll up their sleeves and get the job done.”

All the parties are now in talks to settle upon some middle ground. Suffice it to say that whatever regulatory scheme survives, the ratepayer will pay more.

“There’s no way to avoid the long-run cost of making the investment,” says van Welie. “There’s no free lunch when it comes to having to pay for all this.”

CONSERVATION AND DIVERSIFICATION

Another reason ratepayers will ultimately have to pay more is because of New England’s dependence on natural gas. Power generators built a flock of gas-fired plants in the 1990s, when gas cost a paltry 50 cents per million BTUs. According to the Energy Information Administration, by 2003 natural gas accounted for 47 percent of Massachusetts’s electricity generation, and the state’s power plants nearly doubled their gas consumption, from 88.1 billion cubic feet in 2000 to 163.6 billion cubic feet in 2004.

That made perfect economic sense—until the price of natural gas started to soar in this decade. Today prices routinely hit \$5 per million BTUs, and can reach \$10 or more after supply disruptions like Hurricane Katrina; in December, the price hit \$15. Generators are left struggling with higher costs to make electricity, and unable to pass them along, thanks to the wholesale price cap.



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“There is no question that we haven’t gotten out of the conundrum of having both high prices and events such as Katrina, [which] show how precarious our energy system is,” warns Cowell, of the Conservation Services Group. New England’s energy infrastructure “is stretched so thin,” he says, that even modest increases in gas costs could wreck the region’s capacity to produce electricity.

Cowell and other conservation advocates say a coherent energy strategy is needed to alleviate that strain and reduce the costs consumers will need to pay in the future. Their suggestions: a more diverse supply of energy sources, especially green alternatives such as wind or solar power; tougher energy-efficiency standards, to make better use of electricity; “demand response” policies that encourage consumers to use less electricity at peak times; and streamlined approval processes so that new plants, gas pipelines, and transmission wires can be built more quickly.

Energy conservation and energy efficiency are the best ways to solve New England’s energy problems, agrees energy advocate Frank Gorke of MassPIRG. But Gorke isn’t a fan of building more power plants. “If the starting point is, ‘How do we build more capacity?’ then we’ve already lost the race,” says Gorke.

Dempsey says that isn’t the case and that the tide has

turned, at least as far as energy standards are concerned. In November, the Legislature passed new efficiency standards for certain household appliances, like furnaces and boilers, as well as AC/DC transformers, metal halide lamps, and state-regulated incandescent reflector lamps. The legislation also offered tax credits for the purchase of

Conservation advocates suggest a more diverse supply of power sources and better energy efficiency.

products to boost home heating efficiency, such as new windows, weather stripping, insulation, and programmable thermostats.

Conservation advocates say there’s more to be done, however. The Northeast Energy Efficiency Partnership in Lexington, for example, estimates that rigorous energy-efficiency standards could reduce electricity consumption in New England by more than 17,000 gigawatt hours by 2013, equivalent to more than a dozen mid-sized power plants and enough to forestall a capacity crisis for years.

Sue Coakley, NEEP’s executive director, says that those

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gains would require strong leadership at the political or regulatory levels to impose more exacting building codes or efficiency standards for a variety of household appliances. "The question is how painful things will have to be" to prod legislative action, she says.

A HARSH CLIMATE

When it comes to new power plants, things might have to get pretty painful. The Romney administration and members of Congress have repeatedly tried to block Cape Wind, the proposed wind farm off Nantucket that would generate nearly 200 megawatts of electricity for Cape Cod. The administration also opposes a liquefied natural gas terminal proposed for Brewster Island. Boston Mayor Thomas Menino wants all LNG shipments coming through Boston Harbor to stop completely, citing terrorist concerns. Whether or not they have merit, those stances impede the creation of new generating capacity—and reinforce Massachusetts's reputation as a difficult place to do business.

"People have moved to address our need, but infrastructure cannot be built so quickly. There are a lot of issues with siting and rights-of-way," says utility consultant Wang. "You know how things are in New England. That's a very real issue."

"If you are an investor coming in here," says Alexander,


of the power generators' association, "you have to say, 'How much aggravation [do I want to put up with], how long do I want to commit myself to a long licensing process, when I can go to Ohio and get almost guaranteed profit, where they'll welcome me with almost open arms?'"

How to restructure the electricity market to spur investment in generating capacity is a secondary question, conservation expert Cowell insists. Foremost, he says, the region must decide how much it wants to diversify its power base and lean on reliable, safe, clean energy sources. "That should be the bedrock of where you start from," he insists.

Van Welie disagrees, insisting that, sooner or later, the bill to increase New England's electricity capacity will need to be paid. Conservation and diverse energy resources are important, he says, but only to keep that bill a little bit lower or to keep it from coming due a little while longer. His bottom line: Fix the market to give generators reason to build more capacity, and the lights will stay on.

"If you choose to build nothing and do nothing, you are going to jeopardize your economy and your well-being," warns FERC Commissioner Brownell. ■

Matt Kelly is a freelance writer in Somerville. Additional reporting by Gabrielle Gurley.



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the Young *and the* Penniless

For author and advocate Tamara Draut,
the financial pressures on young adults
aren't just professional, they're personal

In her new book, *Strapped: Why America's 20- and 30-Somethings Can't Get Ahead*, Tamara Draut crunches numbers and interviews young adults across the country to show how, for the generations following the Baby Boomers, the transition to full-fledged adulthood—living on your own, launching a career, starting a family—has become difficult to accomplish without going broke. Today, she writes, non-college-educated young people can't find decent-paying jobs, while those who do graduate from college are burdened by student loans their Baby Boom forebears largely avoided. Living in the places that are best for starting careers—places like Boston—has become so expensive that sharing the rent with roommates is not enough to avoid mounting credit card debt, and buying a home is possible only in the hinterlands. Starting a family only compounds financial difficulties, as couples combine debts as well as resources, and having children brings not only joy but, in a two-paycheck-minimum economy, mounting child care expenses.

Unlike the children of the 1950s, who manned the barricades in the social movements of the 1960s and '70s, the post-Baby Boom generations have not rebelled against their increasingly difficult circumstances, but have suffered in politically disengaged silence. "Their biggest character flaw," writes Draut, "is that they expect too little from our society—and too much of themselves."

This pairing of economic analysis and political call-to-arms reflects Draut's position as a staff member, since 2001, of Demos, a national think



PHOTOGRAPHS BY WILLIAM MOREE

tank and advocacy group based in New York City. Founded in 2000, Demos engages in research and agitation to close what it calls a “prosperity gap” resulting from inequities in economic opportunity and a “democracy deficit” that leaves politics to insiders while most Americans stand helpless on the sidelines. As director of Demos’s Economic Opportunity Program, Draut has authored or co-authored such reports as *Millions to the Middle: Three Strategies to Expand the Middle Class*, *Retiring in the Red: The Growth of Debt Among Older Americans*, and *Borrowing to Make Ends Meet: The Growth of Credit Card Debt in the ’90s*.

Focusing *Strapped* on the particular financial struggles of younger adults is a function not only of professional duty but also personal experience. The daughter of a machinist and an office manager and the first—and still

only—member of her family to go to college, Draut got her bachelor’s degree (from Ohio University) debt free. But graduate school—she got a master’s degree in public administration from Columbia—left her with “enormous amounts of student loan debt,” she says by phone from her Demos office. Living in New York City on what she calls, in the book, “unstable incomes from shoestring salaries and three bouts of unemployment,” she and her also-college-educated husband found themselves entering their 30s saddled with \$57,000 in student loans and \$19,000 in credit card debt, and, at one point, without two dimes to rub together. Draut opens her book describing their coping strategy:

“They say music feeds the soul. When you’re flat broke, it can also feed your stomach. Several years ago, my husband and I found ourselves sitting in the middle of our living

room floor, our entire CD collection spread out before us. We had not a dollar between us and payday was three long days away. It wasn't the first time we'd been strapped for cash, but we never imagined we'd be peddling our wares for food money at the age of 30."

"We didn't know whether to laugh or to cry," says Draut, now 34, of her own dark financial days. "It was so ridiculously absurd, because in many ways—I had an advanced degree, he had a college degree, we lived in New York City—we should [have been] doing fine. But we were far from getting ahead, that's for sure."

What follows is an edited transcript of my conversation with Draut about her book and why so many in her age cohort are, like her 30-year-old self, so far from getting ahead.

— ROBERT KEOUGH

CommonWealth: The main thesis of the book is that, for the generations who have followed the Baby Boom, the transition to adulthood—moving out of the parents' home, get-

'YOUNG PEOPLE TODAY ARE, CONTRARY TO POPULAR OPINION, ACTUALLY QUITE MATURE.'

ting a job, starting a family—has become more arduous and fraught with financial peril. Some are having a tough time making the transition at all. You report that, in 1960, 77 percent of women and 65 percent of men had reached those milestones by age 30, but in 2000, only 46 percent of women and 31 percent of men had done the same. Financial pressures, you say, are causing young adults to delay leaving home, delay getting married, and delay having children of their own. Are you suggesting that the economics of life today are, in essence, arresting human development?

Draut: Wow, that's a tough one. I think that the delaying of the traditional markers of adulthood, whether it is child rearing or getting married, in some cases is a good thing. It is when that doesn't line up with what people want to have happen in their life at that time that it's a problem. There are certainly some 30-year-olds out there who are living together and want to get married but aren't getting married because they can't afford the engagement ring and the wedding and all of that stuff. Child rearing is a little more serious because I do think people are waiting a little longer because of the financial crunch, the impending cost of child care and knowing that it is going to be necessary to stockpile savings to deal with the birth of a new baby. [There's] the new expenses and the drop in income that happens afterward. I don't know about arresting human development, be-

cause I think young people today are, contrary to popular opinion, actually quite mature, particularly those who are working their way through college, or are not on a bachelor's degree path. These are young people who have been working since age 16 and are responsible and pay their bills on time and are looking for any way to get the education they need, and often are falling very short of that goal. They are facing tremendous odds and understand the reality and the need to get more education and are working [while] going to school. So I think that this generation is actually quite developed, from a maturity standpoint. In many ways, they have their lives together more than the previous generation.

CommonWealth: Yes, it struck me that you said how frequently young people today are working more than one job and that the highest rate of holding two jobs was actually among young women.

Draut: Yes. It is young women. This generation is working more hours than any generation before them. They are more likely to hold two jobs. There is a lot of responsibility underlying the flapping around, and what we call trying to find themselves, and trying to get established and on some secure financial footing.

There has been a lot made about the new "exploration" of adulthood. I think there definitely is a new freedom for young people, particularly young people who come from well-educated backgrounds, from families that can provide them with the cushion needed to do the backpacking across Europe, do the self-exploration of themselves in terms of their professional lives. That is all very true. There has been an increase in freedom and independence for those who can take advantage of it. At the same time, there has just been an enormous shutdown in economic opportunity for young people who don't have those advantages from the outset.

CommonWealth: Let's be clear who we are talking about. You talk about two distinct generations post-Baby Boom. One is "Generation X," born in 1965 to 1981, who are now in their mid-20s up to about age 40, and the other is "Millennials," born since 1981, the oldest of them now in college or a little older—the kind of group that I think of as "echo boomers," actual children of the Boomers. But a lot of your data are about Generation X, because this is the group that has gone through that transition to adulthood, or tried to. You write a couple of times in the book that "Generation X will be the first generation who won't match the prosperity of their parents." And that is a comment that I remember hearing before.

Draut: Right.

CommonWealth: When Generation X first came on the scene, and was given that name in the early '90s, that observation was made as well, again in a context of tough economic times. People were unclear about where the economic future was for that generation as they went into the workplace. But then that sort of hand wringing passed out of fashion in the go-go years of the '90s.



Draut: Yup. Right.

CommonWealth: I find it striking that we are back to hearing that same assessment of future prospects for Generation X. Didn't this group catch that economic wave of the '90s? What did it do for them—or not?

Draut: Well, the boom of the 1990s really diverted our attention from the major economic shifts that had happened and continued to happen even during the go-go '90s. Gen X certainly saw some gains, and there were definitely some very wealthy young people who came out of the tech boom, as well as those who earned good wages for young people without college degrees. But the reality is, compared with a generation ago, and particularly for people without college degrees, [Gen Xers] are making much less than the previous generation was. And when we look at how college grads are doing, in this age group, we have also seen a drop in median earnings. The reality is that this generation is having a very

hard time catching up with the prosperity of their parents—particularly those who don't have college degrees, which is about 70 percent of the young adult population.

CommonWealth: You identify a number of challenges for young people today as they strive to transition into adult lives. One is the cost of higher education, which, as you point out, is going through the roof at the very time that a bachelor's degree has become a minimum requirement for earning a middle-class income. In what ways is paying for higher education a bigger burden on young people than it used to be?

Draut: The moment of crystallization for me was when I [discovered that] 30 years ago the cost of going to private college, in inflation-adjusted dollars, was what it now costs to go to public college, a four-year state university. That, I think, really captures the growth in the economic burden of paying for a bachelor's degree. It is an enormously difficult burden, both for young people and for their families, but increasingly for young people because the Baby Boom generation is also squeezed. The middle class has been squeezed, and [parents] are having a hard time saving to pay for their children's education costs. As a result, young people have to take out student loan debt in order to afford tuition, as well as room and board. Today, nearly two-thirds of all students graduate with student loan debt—on average, \$20,000.

CommonWealth: But isn't college still a good investment? Shouldn't it be worth borrowing for? *New York Times* columnist David Brooks has been writing about "cultural capital" in explaining social stratification, which he says is increasingly linked to education levels. He argues that poorer students are less willing to take out loans and are quicker to quit school and go to work. As a result, they underinvest in their education, and that opens up the divide even further. I take it that you would disagree that the problem in the educational divide is the risk aversion of the poor.

Draut: Oh, no. I don't disagree with that. There is definitely risk aversion. Graduating, as the first person in your family to go to college, with \$20,000 in debt is a risky proposition, particularly because these are students who can't fall back on parental income when they graduate, in terms of setting up their apartment or if they get laid off. In addition to being risk averse, in terms of taking out student loans—and not being able to get enough student loans to even pay for a four-year college, because that is the other issue here—they end up going to community college and working, usually close to full time if not full time. What happens is the pull of work ends up winning over studying. I think David Brooks is right. People are underinvesting in their education and also underachieving according to their ability and their desires. The reason I focus on public policy is because we

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know that, when we offer grants to lower-income students, they will take them and go to four-year colleges and do just as well [as higher-income students]. And that is the best ladder of opportunity in the country, particularly in the new service sector economy. What I call the "debt for diploma" system is so pernicious because it not only straps the young adults who manage to make it through the system but it keeps a lot of bright, lower-income students from either enrolling in college to begin with or finishing college.

CommonWealth: Now, for those who do make use of them and leave college with a pile of debt on their backs, student loans turn out to be just a start of the debt problem plaguing young adults today. The other piece of it is credit card debt. How do young people get over their heads so far and so fast?

Draut: Well, debt tends to beget more debt. When you graduate from college [with student loans of \$20,000], six months later you are on the hook for a \$200-a-month payment that you have to scrape together in addition to the rent, the car payment, and the utility bill. Whenever anything happens—the car breaks down, you need a new suit to interview for a new job—those are expenses that young people put on their credit cards. So, in this period of the early 20s to the mid-20s, there tends to be a pretty rapid accumulation of credit card debt.

CommonWealth: Some of this, as you say, is the cost of starting out in life. You have to set up a household and you have to have those suits for job interviews and all that sort of thing, and these are expenses you have to pay out first, even if it means running up a credit card balance. But, once established, shouldn't you be able to pay off those initial debts with what you're earning? After all, this generation of young people is the best educated in US history, they show no aversion to living with roommates as they start out, and, when they do get married and settle down, both husband and wife stay in the workforce. Why aren't they rolling in dough?

Draut: Good question. One of the things about debt is, we now have "until debt do us part." When we get married, not only are we joining financial resources, we are now joining debt. A lot of married couples actually end up worse off because one ends up taking on their partner's debt. One usually has more debt than the other, whether it is student loans or credit card debt, and you are still paying those things down. And the late 20s, which is about the average age that people are getting married, is also about the average age when people are going to graduate school. There is even more pressure to get an advanced degree today, in the fields of business, social work, teaching, all sorts of professions. In order to get ahead, you need to get another degree, another

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credential. Then, adding to that, this is also the time when people are starting families. It's a collision course, because oftentimes those student loan debts haven't gone away by the time people get married and start a family. It doesn't magically disappear, unfortunately, and while there are now two incomes that can chip away at it—and it definitely helps to have somebody to share the rent or share a mortgage with—the debt still takes a while to go away.

'A LOT OF MARRIED COUPLES END UP WORSE OFF BECAUSE ONE TAKES ON THE OTHER'S DEBT.'

CommonWealth: Housing is certainly one of the biggest-ticket items for young adults, especially in a place like Boston. And, as you point out in the book, many of the most expensive places in the country to live are also the ones that offer young people the best opportunities to get a start in their careers, so the Boston experience is not unusual. Of course, as the parent of a couple of Millennials myself, I was also stunned by the numbers you report of young people moving back home with their parents: four of 10 returning to the nest at

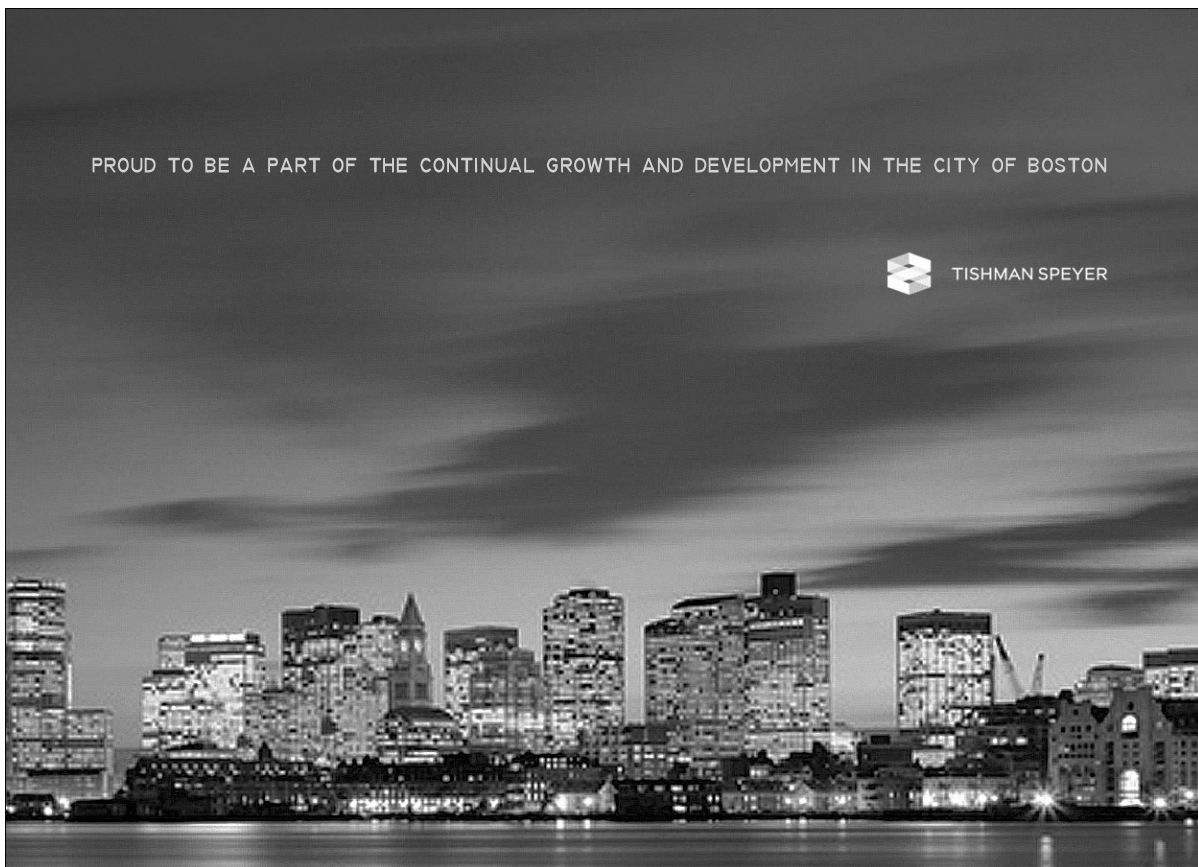
least once after they have left home seemingly for good. What's making it so hard for young people to keep a roof over their heads?

Draut: Well, the housing crunch just adds to the overall financial crunch. Remember, when we are looking to put a roof over our heads and hopefully move into homeownership at some point, we still are dealing with the student loan debt, the lower-than-30-years-ago starting salaries for college grads, all those things. So we have to keep it in that context. Then we have this enormous explosion in the housing market, in terms of what has happened to the price of housing in major metropolitan areas. And it is not surprising that young people are moving home after college, or end up moving when they get divorced or when they lose a job, because oftentimes there is no cushion to draw down on when something like a layoff happens. So it's back to mom and dad's house they go. And, all kidding aside, for people who are graduating from college now, if they are lucky enough to have parents who live near a major metropolitan area where the jobs are, the best thing they can do is stay at home for a year

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TISHMAN SPEYER



or two and really try to get ahead before they go out on their own.

CommonWealth: There has been a lot of concern expressed in Boston about the “brain drain” of recent college graduates leaving the region. But what we have discovered, in both MassINC research (*Mass.Migration*) and reporting in *CommonWealth* (“Moving In—or Moving On?” CW, Winter ’04), is that it is really families that Massachusetts is losing, young people who have aged out of living with three roommates in an apartment in Allston and want to settle down in real homes of their own and start to raise families. This is where the real crunch comes for people in making a decision about whether the Boston area is really a place where they can lead their lives. Is this whole area, like other expensive metropolitan areas, pricing itself out of reach for the coming generations?

Draut: Absolutely. America’s major cities are becoming middle-class-free zones. It is happening in Long Island, which gave birth to America’s first affordable suburb, Levittown. The prices of homes in Levittown are now almost half a million dollars, which is about as far away from the concept of a starter home for a young family with children

as you can get. So, what is happening in Boston is happening in New York and is happening in San Francisco. [Another aspect of] the economic reality of people needing to buy homes farther and farther away from the city, which leads to longer commute times and all of those time pressures, is that a lot of young people are put in the position of having to move far away from their family networks at a time when they need their family networks more than ever, when they are having kids. The idea of not being able to buy a house one town, two towns, even three towns over from grandma and grandpa’s is painful not only to grandma and grandpa but to this generation. A lot of people have grown up in middle-class homes that their parents could not afford to buy today, and that they certainly can’t afford to buy. The other thing that has happened is there has been a definite exodus from the Northeastern cities of non-college-educated young people, who are flocking to Denver, to Atlanta, to Las Vegas. But college grads are still coming to the major metropolitan cities because again that is where the jobs are.

CommonWealth: It’s true. MassINC research has shown that Florida is quite the destination for people who leave Massachusetts, and not just retirees.

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Draut: Yes, that is interesting. I just did an interview about the crunch of young adulthood in Miami, and I have to say I was a little surprised. Yes, the South is really booming with young people. And Texas is also drawing a lot of new young people because the cost of living is so low.

CommonWealth: Another area of cost that you identify is children themselves. What makes it tougher for Gen Xers to raise children than it was for Baby Boomers?

Draut: I think it started with the Baby Boomers; definitely the younger tail of the Baby Boomers experienced this. It takes two incomes to buy a house in a place with decent schools. Therefore, you have to deal with the issue of child care, and that is a big new expense that 30 or 40 years ago was not nearly as needed as it is today. The unfortunate thing is that child care in this country is not publicly subsidized, for the most part, and it is not greatly regulated either. So finding child care that is affordable and high quality is very difficult. What many young parents find themselves doing is settling for one or the other. But getting both, something that is affordable and good, is very, very difficult. Are we depressed yet?

CommonWealth: We certainly should be—or at least today's younger adults should be. Why aren't they making more noise about the economic crunch they're in?

Draut: That's really the million-dollar question. I think there are a couple of reasons. Politically, this generation came of age at a time, in the Reagan years, when being materially successful was taken not only as a sign of hard work but as of having a strong character. They also came of age at a time when most young people could grow up never hearing one good word about the role of government in our society. So I think this generation tends to individualize their problems and only look internally to solve them. If they are not getting ahead, it is because instead of majoring in education they should have majored in business and gone to work on Wall Street. They don't politicize their economic issues the way that previous generations have. The Baby Boomers invented the idea that the personal is political, but that has really been lost on this generation. When I interviewed people, I always asked them what, if anything, they thought government could do to help their situation, and I got a lot of long pauses. There is a real disconnect in this generation about how public policy and the decisions made by elected officials concretely impact their lives. That is one of the things I hope to do with this book, to show that because we have checked out, because we don't vote dependably, the rug has been pulled out from under us. We need to start paying attention, because what happens in Washington, DC, and what happens in state capitals absolutely impacts our lives.

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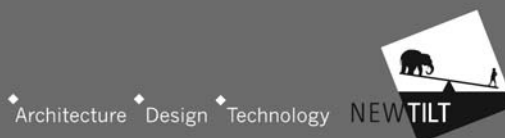
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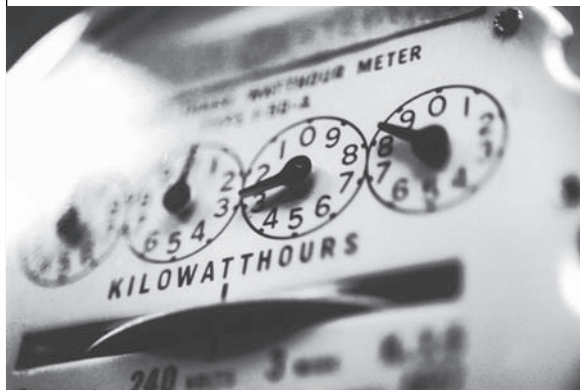


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CommonWealth: What should be happening? What would be the solution to some of these challenges in making the transition to adulthood? What should be done to make higher education more affordable, or jobs more supportive financially and personally, or savings easier to accrue and debt easier to avoid? Can any of this be done on the state level?

Draut: Absolutely. There is a lot that can be done at the state level. First thing is, states need to stabilize their funding of higher education. This up-and-down that is often timed with economic cycles has resulted in the spiraling of tuition, particularly over the last five years. So, when states have surpluses, they need to hang onto them knowing that the rainy day will come and hold off on doing things like tax cuts, because the first place that gets cut [when the budget gets tight] is always appropriations to higher ed, and then schools have to raise tuition.

At the state level, there are lots of interesting things happening—with a boost from the federal government in terms of funding to do these things. [For example, there is] much more career development in the sectors where jobs are going to explode, mostly health care services and education. There is going to be an increased demand for both the lower end of those professions, paraprofessionals, and increased demand for teachers and for registered nurses. What we need to get much better at doing is moving people up those ladders. And while it falls on the government in terms of allowing people who want to organize to do so, it's become very difficult for workers to exercise what is supposed to be their right to from a union in this country. So we need better enforcement of labor laws. Finally, where the federal government could play a really big role is in financial aid for college, because the majority of students get financial aid from the federal government. Without any public dialogue, without any public debate, there has been an enormous sea change in how that financial aid is given out. It has shifted from grants, which don't have to be repaid, to loans, which have to be repaid with interest. We need to get back to better funding of college for young people, so that anybody who wants to get a college degree and is able to do the work can do so, and that is not happening. We know that funding education is just about the surest bet you can get, in terms of return on investment. Those are dollars we will recoup many times over. Now, easier said than done. We are at record [federal] deficits, with essentially no end in sight. This is a much larger conversation about the priorities of the nation, and it is not going to happen overnight. And it's not going to happen unless young people really start standing up for themselves, for the people who are coming up behind them, and for their parents as well, who are mortgaging the home three times to help put them through college. ■

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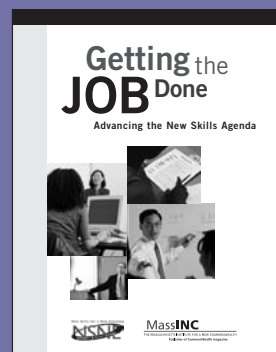
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Where did the workers go?

Off-payroll and under-the-table work changes the employment equation

BY PAUL E. HARRINGTON AND ANDREW M. SUM

The economic recovery from the recession of 2001, both nationally and in Massachusetts, has been not only mixed, but also puzzling in a number of key respects. Nationally, growth has been fairly robust in Gross Domestic Product and corporate profits, and housing prices have risen rapidly in both the state and the nation through the end of 2005. The September 11 terrorist attacks, the war in Iraq, surging oil prices, and weather-related disasters have done little to diminish economic growth nationally since the recession ended in the fourth quarter of 2001. Yet labor markets, both in the nation and especially in our state, continue to lag behind other key economic variables, at least by some key employment measures.

Payroll job growth has been weak, but there are some indications that employment has changed in character more than it has stagnated, with more people working for themselves, as independent contractors, or in the underground economy. And there are troubling signs that immigration, both nationally and in Massachusetts, has gone from a boon to an economic challenge, especially for unskilled and younger workers, including minorities, who are being crowded out of vital first steps in the job market.

The mixed picture of national employment developments comes from the two monthly surveys that the US Bureau of Labor Statistics conducts to provide data on job growth. One of these surveys is the Current Employment Statistics program (CES), which measures the number of wage and salary jobs on the formal payrolls of private and public employers in the nation. Similar surveys take place at the state level. Known informally as the “payroll survey,” the CES measures employment in traditional jobs in the non-farm sector of the nation’s and the state’s economy.

The rate of new job creation as measured by the payroll survey over the past four years has been slow by

historical standards. Table 1 shows that the nation averaged a 10.4 percent rate of new job creation during the first 15 quarters of recovery from the five recessions that occurred from the 1960s through the 1990s. During the current recovery, however, payroll employment levels have increased by just a little over 3 million, or 2.3 percent, since the trough of the recession in the fourth quarter of 2001. This represents a rate of new job creation less than one-fourth that of the historical average for a recovery of this length.

Some labor market analysts have speculated that offshoring has been a chief reason for this slow rate of growth in payroll employment levels over the past few years (see “Offshore Leave,” *CW*, Summer ’04). Offshoring refers to

There’s little evidence of outsourcing as a job threat.

US firms—especially in the manufacturing and information technology sectors—that purchase goods and, increasingly, services from abroad, in place of inputs formerly provided by in-house staff or by employees of other firms located in the US. Offshoring results in a shift of employment from US business establishments to firms overseas. Low-cost communications, an emerging high-quality labor supply abroad, and low foreign labor costs all combine to shift even highly sophisticated production and business

TABLE 1:
US Non-Agricultural Wage and Salary Jobs, 15 Quarters From the Ends of the Last Six Recessions (Thousands, seasonally adjusted)

TIME PERIOD		TROUGH	15 QUARTERS AFTER TROUGH	CHANGE	PERCENT
1961 Q1	1964 Q4	53,633	59,144	5,511	10.3%
1970 Q4	1974 Q3	70,573	78,181	7,608	10.8%
1975 Q1	1978 Q4	76,955	88,340	11,385	14.8%
1982 Q4	1986 Q3	90,510	99,638	9,128	10.1%
1991 Q1	1994 Q4	108,746	115,734	6,988	6.4%
2001 Q4	2005 Q3	130,918	133,969	3,051	2.3%

Source: US Bureau of Labor Statistics, Current Employment Statistics survey, www.bls.gov, December 2005.

processes overseas.

While there have been substantial reductions in information technology employment levels in the US and Massachusetts over the past few years, the limited research available provides little evidence of offshoring as the major cause of employment stagnation. During 2003, the US Department of Labor's Mass Layoff Statistics survey found 1.5 million reported layoffs, but only 13,000 of these were attributed to offshoring. In the *Monthly Labor Review*, Robert Bednarzik reviewed a number of private studies of outsourcing in the IT sector and found an estimated impact on the nation's information technology sector ranging from 34,000 to 72,000 jobs a year.

Other analysts say that the fundamental reason why GDP has grown far more rapidly than new jobs is accelerated labor productivity growth. Researchers at the Federal Reserve Bank of Boston have asserted that "productivity essentially has been the dominant engine of growth in nonfarm business output during the current recovery." Still, the authors of this Boston Fed study were themselves somewhat puzzled by the surge in productivity growth. They hypothesized that employers were relying on rising worker productivity to expand output because they were unsure about the long-term strength of the economic

recovery and, thus, were reluctant to expand payroll employment levels.

OFF-PAYROLL EMPLOYMENT

But there is another possible explanation for the gap between economic expansion and payroll job growth: that aggregate employment levels have in fact grown faster than the payroll survey shows. This employment growth has occurred primarily outside of the nation's traditional employer-employee relationships, including self-employment, independent contractor employment, and off-the-books employment, and is not captured by the monthly payroll survey. Indeed, we find that much of the new employment generated in the US and in Massachusetts since the end of the recession has been in off-payroll and under-the-table jobs.

Clues to this phenomenon can be found in a second source of national monthly employment data, the Current Population Survey (CPS), a survey of approximately 60,000 households conducted each month by the Census Bureau for the Bureau of Labor Statistics. The "household survey," as it is commonly called, counts the number of persons ages 16 and over who are working. Included in this employment count are not only workers in traditional employer-

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employee jobs, but also self-employed, independent contractors, independent consultants, unpaid family workers, family household workers, and workers, both native-born and immigrant, who hold under-the-table jobs.

Historically, the payroll and household employment surveys have tracked fairly closely over the course of the business cycle. During the recession of 2001, for instance, both surveys generated very similar findings about the magnitude of job losses. The payroll survey found that the number of nonfarm payroll jobs in the US had declined by slightly over 1.7 million between the first and fourth quarters of 2001. The CPS household survey found an employment drop of almost the same magnitude, with the estimated number of employed persons declining by 1.58 million over the same time period.

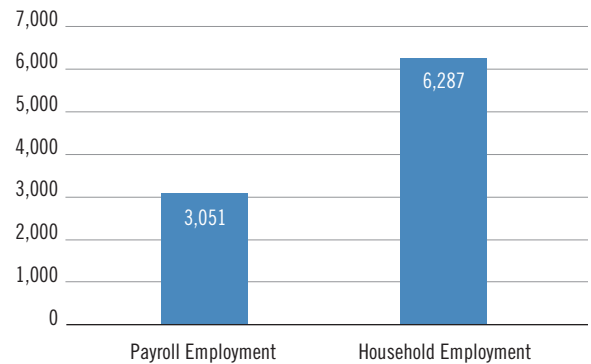
Since the end of 2001, however, the two surveys' estimates of employment change have diverged considerably. The payroll survey estimated that the nation added only 3.05 million wage and salary jobs from the fourth quarter of 2001 to the third quarter of 2005. But the household survey reported double the employment gain, nearly 6.3 million more people working, over the same time period (Chart 1). With strong growth in employment outstripping growth of the nation's civilian labor force, the national unemployment rate declined from a high of 6.3 percent in the summer of 2003 to 5.0 percent in recent months, which some economic analysts consider to be the equivalent of full employment.

A number of national financial and economic analysts have been quick to dismiss the household survey's findings on employment growth, claiming that only the payroll job numbers are to be given credence. Ironically, these same analysts frequently cite the unemployment rate estimates from the CPS survey as a measure of underlying labor market strength. But one cannot reject the employment estimates from the CPS survey while at the same time accepting the unemployment estimates from the same survey. Indeed, the underlying arithmetic of the unemployment rate says that, if only 3.05 million new jobs had been created over the past four years instead of the 6.3 million revealed in the CPS survey, the nation's unemployment rate would today be about 7.0 percent, two points above its current 5.0 percent level.

Whether measured by the household survey or the payroll survey, the job market recovery has been much weaker in Massachusetts than in the nation as a whole, but there is still a substantial gap between the two indicators of employment change. Since the national economic recovery began in late 2001, state payroll employment has fallen by 70,600 jobs; the household survey estimates that state employment levels declined by only 40,200 over that time period. Between the peak of employment in the first quarter of 2001 and the first quarter of 2005, payroll

CHART 1

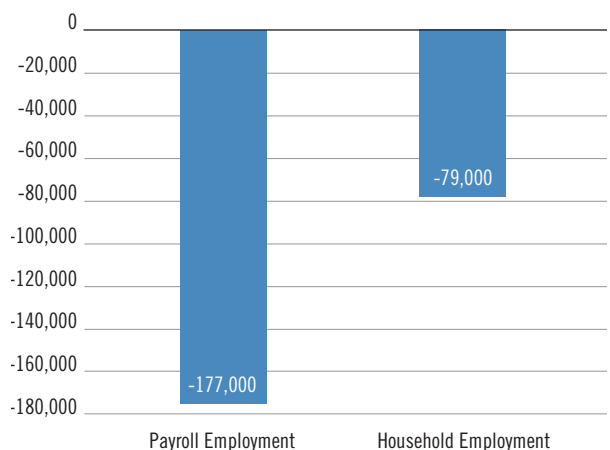
Changes in US Payroll Employment and Household Employment, 2001 Q4-2005 Q3 (in Thousands)



Sources: US Bureau of Labor Statistics, Current Employment Statistics survey and Current Population Survey, www.bls.gov, December 2005.

CHART 2:

Changes in Massachusetts Payroll Employment and Household Employment, 2001 Q1-2005 Q3



Sources: US Bureau of Labor Statistics, Current Employment Statistics survey and Current Population Survey, www.bls.gov, December 2005.

employment in Massachusetts declined by 177,000 while household survey employment fell by only 79,000, a gap of nearly 100,000 (Chart 2).

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The best evidence suggests that both the household and payroll surveys provide valid measures of labor market activity. Differences between the findings of the two surveys with respect to employment growth have arisen in part because they measure different kinds of employment activities in the job market. The simple fact is that much of the recent employment growth in American labor mar-

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kets has occurred off the nation's traditional employer payrolls in labor market segments not counted in the payroll survey but covered by the household survey.

In our view, a major source of the gap between the two surveys' employment estimates, in both the nation and the state, is attributable to a rise in independent contractor employment and off-the-books workers, along with a sharp increase in the number of foreign immigrant workers. We found in Massachusetts that over the 2000-04 period the number of persons reporting themselves as self-employed increased by 43,000 even as payroll employment levels plunged. Some of these self-employed individuals represent the classic entrepreneur who sees a business opportunity and strikes out on his or her own, engaging in all of the risk-taking, selling, and decision-making that creating a new business requires. However, others in this category are second-option self-employed. These individuals became self-employed after a permanent layoff from their former jobs. Examples abound, including tech workers who offer programming services from home after finding themselves unable to become re-employed in the

Immigrants are crowding teens out of first jobs.

state's ailing information technology industry; a physicist who, after losing his job in a research lab, begins a handyman service on the Cape; and high-tech workers starting catering businesses or landscaping firms. The hallmark of these second-option self-employed is their desire to find a permanent wage-and-salary job that utilizes their skills and abilities, rather than stay in business for themselves.

In addition to the growth in the number of self-employed in the state, we find an increase of more than 60,000 workers who are employed either as contract workers or who work in under-the-table, cash-payment jobs. Contract workers, including construction workers, engineers, journalists, MIS analysts, and some health professionals, are employed by firms in jobs that are characterized by an employer-employee relationship, but in which firms treat the workers as self-employed for tax and benefit-eligibility purposes. Research in this area has found that payroll and independent contractor workers are virtually indistinguishable from one another with respect to job duties, supervision, and other work governance issues. Under-the-table workers are simply those who work for cash payments—frequently those in daily labor pools, but also landscapers, construction workers, restaurant workers, and security guards.

More is known about recent immigration inflows and the changing role of new immigrants in the country, especially in Massachusetts. Despite a national economic recession, slow payroll employment growth, and half-hearted

attempts to curtail the flow of illegal immigrants in the nation, the number of foreign-born persons who have settled in the US since the beginning of the decade has reached nearly 8 million, making this the highest five-year period of immigration in the nation's history. About 3.7 million of these new immigrants are estimated to reside in the country illegally.

Our analysis of the most recent CPS survey data for 2005 reveals that more than 4 million of these recent immigrants were employed during the first 10 months of 2005. Over the entire period 2000 to 2005, civilian employment as measured by the household survey increased by slightly less than 4.6 million. Thus, these new immigrants have accounted for nearly 90 percent of new employment growth and well over 100 percent of employment growth among males. At the same time, employment rates of most groups of native-born workers, especially males and those under 30 years old, have declined. During 2000, the share of the native-born civilian, non-institutional, working-age population who were classified as employed was 64.5 percent. This proportion declined by about 2 percentage points to 62.6 percent, by 2005.

It is important to note that the decline in the native-born employment rate was modest among the popula-

TABLE 2

Employment Rates for the Native-Born Population in Selected Age Groups, US and Massachusetts, 2000 and 2005

	US		MASSACHUSETTS	
	2000	2005	2000	2005
16-19 Years Old	46.3%	38.2%	48.1%	42.2%
20-24 Years Old	73.3%	68.7%	71.0%	63.6%
25-29 Years Old	83.1%	78.6%	86.8%	81.2%
30+ Years Old	63.4%	62.7%	65.0%	64.2%
Total	64.5%	62.6%	66.1%	63.7%

Sources: US Bureau of Labor Statistics, Current Population Survey, www.bls.gov, December 2005.

tion ages 30 and older, and the employment rate actually increased among persons 55 and older. Most of the decline in job finding for native-born persons over the last five years, both nationally and in Massachusetts, was concentrated among teens and young adults under the age of 30, especially males without college degrees (Table 2).

Among the native born, teen employment levels fell sharply, with their employment-to-population ratio dropping from 46.3 percent to 38.2 percent nationally over

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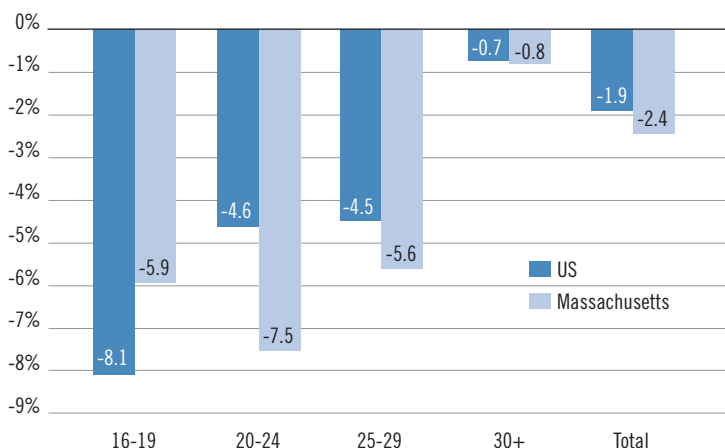
this five-year period, a decline of 8.1 percentage points—the lowest employment rate for teens post–World War II. In Massachusetts, employment rates for native-born teens fell by nearly 6 percentage points over the same time period, from 48 percent to 42 percent. Nationally, employment rates for native-born persons ages 20 to 24 declined from 73.3 percent to 68.7 percent during this time period, while in Massachusetts the decline for this age group was even larger, falling from 71 percent to 64 percent (Chart 3). Even among native-born 25-to-29-year-olds, employment rates have fallen considerably over the last five years. Only persons 55 and older have seen their employment rates rise in both the nation and the state since the end of the labor market boom in 2000. Young black males have experienced disproportionate losses in their employment rates, but declines in employment-to-population ratios were also large among young white male high school graduates and dropouts.

These findings suggest that immigrants are playing a very different role in the job market, both nationally and

locally, since 2001. During the 1990s, immigration helped to fuel the strong growth in employment that occurred in the nation and our state. Indeed, during the 1990s economic expansion, payroll employment outpaced employ-

CHART 3

Percentage Point Changes in Employment Rates for Native-Born Population in Selected Age Groups, US and Massachusetts, 2000 to 2005



Sources: US Bureau of Labor Statistics, Current Population Survey, www.bls.gov, December 2005.

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ment growth as measured through the household survey. For both new immigrants and the native born, employment was largely “on the books,” as workers of both types primarily held regular wage-and-salary jobs. Importantly, there was little evidence of foreign-born workers displacing native-born workers, even among the young. Teen and young-adult employment rates increased over the decade as the expanding job market absorbed entrants from both groups.

But now there is reason to believe that the work obtained by new immigrants is coming in part at the expense of native-born workers, especially young adults with low education and skill levels. Multivariate analyses by the Center for Labor Market Studies reveal an adverse effect of rising immigrant employment on teen and young-adults employment-to-population rates since 2000. These results hold true across states, including Massachusetts. Even during the 1990s boom, there was evidence that immigrants contributed to real wage declines among high school dropouts and young workers with limited schooling and experience. Now, it appears that these marginally employable young people are losing whatever job prospects they might have to foreign immigrants.

The loss of early work experience among teens and young adults isn’t just about spending money for kids. Early work experience contributes to long-term employment and earnings gains for young people over time. Moreover, some researchers have found that early work experience among minority males, especially blacks, helps bolster the post-secondary enrollment rates of recent high school graduates.

At the same time that the number of employed new immigrants has increased sharply both in the state and nation, new forms of work have emerged, including independent contractors, temporary consultants, and off-the-books workers. Groups of immigrant workers stand in front of convenience stores and gas stations every morning, waiting to be picked up by would-be employers in landscaping, hotels, restaurants, and construction industries, among others.

Public policy-makers have failed to address the changing structure of these employment relationships and their adverse economic and fiscal consequences. Lax enforcement of basic employer-employee relationship requirements under the Social Security Act and the IRS codes, failure to enforce wage-and-hour laws, and inability to halt the flow of illegal workers into the nation’s labor markets have all contributed to this deterioration of labor standards in the state and the nation. ■

Paul E. Harrington and Andrew M. Sum are associate director and director, respectively, of the Center for Labor Market Studies at Northeastern University.



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A 40 percent solution for local aid

BY MICHAEL J. WIDMER AND E. CAMERON HUFF

For the vast majority of citizens, municipal government is the most visible, and arguably most important, level of government, the one closest to home and the primary provider of the basic services on which our quality of life depends. However, the state fiscal crisis in 2002 painfully revealed the vulnerability of local services to the state's revenue sharing policies. Budget cuts reduced state aid to cities and towns in 2003 and 2004 by almost \$1 billion, or 14 percent after adjusting for inflation, a shortfall that remains essentially unchanged today despite the modest aid increases of the last two years.

In response, local leaders raised property taxes and hiked fees to shore up local finances that were already being overwhelmed by double-digit increases in the cost of providing health coverage to municipal employees. However, even those efforts were not enough to maintain fiscal balance: Communities were forced to reduce the number of police, firefighters, teachers, and other municipal workers by more than 14,000—the sharpest decline in the nation between 2001 and 2005, according to *Economy.com*—and to cut a wide range of services from libraries and public health to maintenance of local roads and bridges.

The aid cuts had another important consequence. In the 1990s, local reliance on the property tax fell as the state took on a greater role in funding poorer school districts; now, that progress has been reversed as the burden of funding shifts back from the state income tax to the local property tax. As a result, property taxes as a percentage of total local receipts climbed to 53.8 percent in 2005, the highest level since 1982.

Like other observers, the Massachusetts Taxpayers Foundation traces the recent difficulties of our cities and towns to longer-term, structural problems in the underpinnings of local finances. Municipalities are constrained in raising revenues by the requirements of Proposition 2½ and by state laws that confer on them little authority to develop other local revenue sources. Cities and towns face major cost pressures in areas such as health care, which by statute they have minimal ability to manage effectively. And with local governments heavily dependent on state aid—roughly one quarter of municipal revenues comes from the Commonwealth—erratic levels of state assistance periodically wreak havoc on their budgets and the services they can provide. During the 1989-92

recession, for instance, cities and towns were left reeling as the Commonwealth slashed local aid by a staggering 35 percent in order to balance the state budget.

In order to address one of the structural problems in municipal finance—the inconstancy of state aid—the Massachusetts Taxpayers Foundation proposes that the Commonwealth set aside 40 percent of annual tax revenues for local aid. Under this proposal, 40 percent of revenues from the income, sales, and corporate taxes (the state's three main taxes) would be dedicated to Chapter 70 education aid and to non-school aid now financed in part by Lottery revenues, which have been flat in recent years. Currently, total local aid comprises less than 30 percent of tax receipts. While the 40 percent commitment would require roughly \$1 billion more in aid, that increase would simply bring state assistance back to inflation-adjusted 2002 levels, plus a modest increase of roughly 5 percent, or about \$275 million.

Dedicating a fixed percentage of state tax revenues to localities would have a profound impact on municipal finances. First proposed by the Municipal Finance Task Force chaired by Sovereign Bank New England chairman John Hamill, this earmarking of state revenues would remove the annual local aid allocation from the roller coaster of the state budget process, ensuring that local aid accounts—and local services—would remain one of the state's top priorities during bad fiscal times. If constructed appropriately, it would provide certainty to local officials about the level of aid that could be counted on as they

**It would provide certainty
to cities and towns.**

develop their annual budgets. Given the magnitude of dollars involved and the state's continued tight finances, the new revenue-sharing policy would need to be implemented over several years. But a similar approach—dedicating a fixed percentage of sales tax revenue—has been successfully used in recent years to stabilize state funding for the MBTA and school building assistance.

Local governments would still need some protection against sharp swings in aid levels during economic downturns. Had a 40 percent revenue-sharing policy been in place during the recent recession, in fact, local aid would

have declined more than twice as much as it actually did. That's because the state built up a large stabilization fund in the 1990s, and was able to partially buffer cities and towns from the severe drop in state revenues in 2002. But in the absence of such reserves, a guaranteed 40 percent of state tax revenues could make a big difference in local budgets. Indeed, if such a revenue-sharing plan had been in force in 1989-92, cities and towns would have faced state aid cuts only about one-fourth as large, in inflation-adjusted terms, as the ones they had to absorb.

Some might argue that the present pinch on local budgets is essentially of cities' and towns' own making—the product of overly generous salaries, excessive staffing, and other profligate spending. But in its recent comprehensive review of local finances, the Municipal Finance Task Force found no evidence of a spending spree: In 2003, the average annual wages of municipal employees in the state were 6 percent below those of state workers and almost 13 percent below those of private sector employees, while as recently as 1990 the average wages of all three groups were essentially the same. Researchers at the Federal Reserve Bank of Boston have found that the number

of municipal employees per 10,000 residents in Massachusetts is 10 percent below the average for the 50 states.

Others might point to the doubling of Chapter 70 school aid in the 1990s as evidence that municipalities are well provided for. However, most of that additional aid went to the state's poorest school districts in order to meet the constitutional mandate that all districts be funded at a level sufficient to provide an adequate education for every child. And the added aid came with an important string attached: Local contributions to schools had to rise at least at the same rate as local revenues. In fact, communities have contributed significantly more to education than the law required—about \$875 million, or 11 percent, more in 2005, according to the state Department of Education. Since the enactment of education reform in 1993, local school spending (excluding state aid) has grown more rapidly than non-school spending—an increase of 81 percent for schools versus 70 percent for other purposes. Cities and towns have hardly taken advantage of the increase in school aid to fatten their non-school operations.

One other potential objection to more local aid bears examination—that the additional property taxes generated by new construction have been more than enough to pay for increases in local budgets. It is true that cities and

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towns have benefited from substantial new construction over the last seven years, adding an average 2.7 percent a year to local tax bases, more than the growth in tax revenues from existing properties allowed by Prop. 2½. What must be recognized, however, is that new construction brings new demands for local services. In fact, roughly two-thirds of the new construction has been residential, the kind of development that places the greatest strain on local budgets.

In order to ensure that dedicated income, sales, and corporate tax dollars go where they are most needed, aid reform should go hand-in-hand with a thorough reworking of the state's formulas for allocating assistance to individual cities and towns. At the same time, local officials should be given the tools to manage their costs—and be required to demonstrate that they have used those tools to deliver services more cost-effectively.

One area—health insurance for municipal employees—must be addressed as soon as possible. It makes little sense for the Commonwealth to provide major increases in local aid only to have the additional dollars soaked up by local health care costs that are rising twice as rapidly as the state's.

At present, cities and towns are extraordinarily constrained in their ability to manage health care expenses, largely because of strictures imposed by state government. A host of cost-management strategies—ranging from changes in cost-sharing arrangements with employees to the introduction of innovative and efficient health plan designs—are difficult, sometimes almost impossible, for local officials to implement. While it is unreasonable to expect that Massachusetts cities and towns—or any other single group of employers—can turn back the nationwide tide of health care inflation, state officials can give cities and towns modest tools to cope with the cost pressures they face.

Meanwhile, both lawmakers and taxpayers have the right to demand that tax dollars be managed effectively at the municipal level. While the evidence suggests that most communities are using their resources wisely, it is striking that the basic financial data needed to make apples-to-apples comparisons of spending between those communities simply do not exist. Accountability for the use of the newly dedicated tax revenues must be built in from the beginning, by developing a Commonwealth-wide system for benchmarking the costs of delivering basic services in each city and town.

Dedicating 40 percent of tax revenues to municipalities will be an extraordinary commitment of the state's resources. But given the deep-rooted structural problems in the fiscal relationship between the Commonwealth and its cities and towns—problems more than two decades in the making—such a commitment is essential if we are to

have any hope of stabilizing local finances and preserving both our quality of life and our potential for future economic success. ■

Michael J. Widmer is president and E. Cameron Huff senior research associate of Massachusetts Taxpayers Foundation.

COUNTERPOINT

The real problem is a shrinking pie

BY NOAH BERGER

Michael Widmer and Cameron Huff accurately document the damaging cuts that have been inflicted on cities and towns over the past five years. When we reduce spending on education, public safety, and other basic government services, we not only reduce the quality of life in our communities today, we also threaten the economic future of our state. When we weaken our schools by cutting education aid, we make it less likely that our children will receive the education they need to become the highly skilled workers that attract employers to Massachusetts. When the state cuts the local aid that pays for police and fire and other basic services, we make it less likely that our communities will remain the types of places where companies will want to locate.

There is no doubt that local aid cuts are causing real pain today and could cause greater harm in the future. But the same could be said for many other cuts enacted during the fiscal crisis (all numbers adjusted for inflation):

- Public higher education funding has been cut by 23 percent since 2001. This not only harms the 180,000 students attending the Commonwealth's public university and state and community colleges, but it also strikes at the very core of our economic strength: a well-educated workforce.

- Spending in the Department of Housing and Community Development has declined by nearly 50 percent since 2001. Even with increases in other forms of public funding for housing, it hardly seems wise to reduce the budget of DHCD, considering that the lack of affordable housing is widely cited as a leading cause of our economic troubles.

• The Department of Public Health budget has declined by 27 percent since 2001. All of our communities could suffer from the long-term implications of cutting the type of health protections that are at the core of our state's public health efforts.

• The Executive Office of Environmental Affairs budget has been cut 25 percent since 2001. In February 2005, *The Boston Globe* reported an internal Department of Environmental Protection memo that described the cuts to the department and warned: "Over the long term... these budget and staffing cuts cannot be maintained without significantly increasing risks to public health and the environment."

These are just a few examples of the cuts implemented during the fiscal crisis, but they help to illustrate a problem with the Massachusetts Taxpayers Foundation proposal to dedicate 40 percent of the state's principal taxes to local aid. Virtually every major sector of the state budget—local aid included—has been cut during the fiscal crisis. Yet cuts to these other critical sectors would have to be much more severe if the share of the budgetary pie going to local aid were increased dramatically.

Was local aid cut more than the rest of the budget during the fiscal crisis? No. During the 1990s, local aid con-

sumed, on average, 27 percent of total tax revenue; in 2005, 29 percent, though there was a shift from unrestricted aid to education aid. If we were to look at only personal income, corporate excise, and sales taxes—the base against which MTF's 40 percent local aid allocation is applied—the numbers would be a little different, but the trend would be the same.

If the slice of state taxes going to local aid isn't getting smaller, then what's the cause of the local aid crisis?

State tax revenue is now a significantly smaller share of our overall economy than it was a decade ago. During the 1990s all state taxes combined accounted for, on average, 6.73 percent of personal income earned in Massachusetts, as measured by the US Bureau of Economic Analysis. But during the late 1990s Massachusetts was one of the most aggressive tax-cutting states in the nation. By 2005, tax cuts had reduced state taxes to 6.16 percent of personal income. This doesn't sound like a lot, but since \$277 billion of personal income is earned in Massachusetts each year, reducing state taxes by 0.57 percent means that the state has \$1.5 billion less in revenue to provide essential services.

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to what it was in the 1990s and 40 percent of the resulting revenue were dedicated to local aid, that would generate \$600 million for new local aid each year. It would also allow the Commonwealth to restore hundreds of millions of dollars cut from higher education, health and public health, environmental protection, and other critical areas.

Is it realistic to think that the tax cuts of the 1990s could be reversed? I don't know. But as our local officials see every day, the budget cuts that are paying for those tax cuts are hurting our communities in severe and dangerous ways, impairing the ability of cities and towns to fund public safety, education, and other vital services. The same is true when we look at the critical services provided by state government, like health care and higher education. Consequently, it is important to consider all possible options.

It is true that in the 1980s local aid was a significantly larger share of the state budget than it is today. But simply returning the local aid share to what it was 20 years ago would require cutting close to a billion dollars out of other areas of the state budget. There is no evidence that such cuts could be implemented without causing severe pain to people in local communities who rely on state, as well as local, government services.

We could also hope that the economy keeps growing fast enough to allow hundreds of millions of dollars in new local aid without new taxes or budget cuts elsewhere. That might be a temporary solution. But, as we learn time and time again, economic booms are followed by economic busts. Local aid increases that are not financed by permanent new revenue sources are reversed when a slowdown wipes out the temporary revenue surpluses generated during economic growth spurts. If, as some have proposed, the state were to cut taxes again this year, fixing the local aid problem would become even harder.

The Massachusetts Taxpayers Foundation is absolutely right to emphasize that the local aid crisis is a problem the state should not ignore. When our local governments have the resources they need, they play a vital role in making Massachusetts a great place in which to do business and to live—a place with strong communities, good schools, quality services, and safe neighborhoods. But so, too, do public services delivered at the state level. In either case, slashing vital services affects not only the quality of life in our communities, but the future of our economy as well.

When asked one time whether he wanted his pizza cut into six pieces or eight, Yogi Berra said, "Better make it eight. I'm feeling hungry." Over the past decade, Massachusetts has greatly reduced the share of its resources devoted to essential public-sector services. This harm can't be reversed by a new way of cutting the pie. ■

Noah Berger is executive director of the Massachusetts Budget and Policy Center.

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Justice that's not entirely blind

Good Courts: The Case for Problem Solving Justice

By Greg Berman and John Feinblatt, with Sarah Glazer
New York, The New Press, 237 pages

REVIEWED BY MARC G. PERLIN

During their required course in criminal law, first-year law students study not merely the elements of crimes, but also the purposes of the criminal justice system. They learn that the lawyers who have key roles in the trial courts where criminal cases are tried—the prosecutor, the defense lawyer, and the judge—all have certain roles they are expected to play.

The loftiest role, they learn, is that of the judge, who sits higher than everyone else in the courtroom and is dressed in a black robe symbolic of authority. In trials with or without a jury, the judge frames the legal principles upon which guilt or innocence will be determined. If there is no jury in the case, the judge will decide the facts as well. If the defendant is found guilty, it is the judge who has the awesome task of deciding what sentence to impose.

Though a towering figure with sweeping authority over what goes on in the courtroom, the judge is passive, responding to requests and motions and deciding whether evidence is admissible only when the opposing attorney objects. While the prosecutor and defense attorney are advocates, pressing their respective sides in the case, the judge is supposedly a neutral arbiter, with no stake in who wins and who loses.

As those students progress through law school, however, their professors prod them to question this traditional pattern. This questioning takes place not only in their criminal law course, but also in electives such as law and social policy, and in clinical programs where students accompany lawyers to the courtroom. Eventually, students discover an ongoing debate over the proper role of judges. They find themselves asking whether the social problems caused by drugs and alcohol, which tear at the fabric of our communities, require that judges be more than neutral decision-makers. The students debate whether judges should take an active role in trying to address these problems, which in the past has been the province of the executive and legislative branches of government. In short, should judges become problem solvers?

In some jurisdictions, not only judges but entire courts have taken on the role of problem solver. In *Good Courts*, authors Greg Berman and John Feinblatt tell us about three

of them, and argue that problem-solving courts are helping to make their communities safer and better places to live. The authors describe the judges of the problem-solving courts as they work with prosecutors and defense lawyers, with



social service agencies, and with community officials to find ways to reduce criminal defendants' dependency on drugs and alcohol—and to improve life for all who reside in communities where drugs and alcohol abound. The positive results described in *Good Courts* should provide incentive for future law students, here and around the country, to question the tradi-

tional role of judges and to lobby for the resources that will allow these experiments to become part of the fabric of the day-to-day functioning of criminal courts in the United States.

On the civil side of the courts, specialized trial courts have long been recognized as serving a valuable function. Specialization allows judges and support personnel to acquire expertise in handling particular types of disputes. For example, divorce and custody cases in Massachusetts are tried in the Probate and Family Court. The Housing Court is available to resolve residential landlord-tenant disputes in many parts of the Bay State. Delinquency hearings and care and protection proceedings are heard in the state's Juvenile Court.

But only recently has this development of specialized courts spread to the criminal courts in the United States. The authors of *Good Courts* refer to this development as “a quiet revolution,” one that has occurred not through new legislation but through the initiative and hard work of individual judges, acting with the support of prosecutors, police, and community activists.

These judges, tired of overcrowded criminal dockets that lead to an emphasis on plea bargains and moving cases (a system that the authors refer to as “McJustice”), are search-

ing for solutions as much as justice, in the settling-of-accounts sense. They are demanding that individual attention be given to the defendant, the victims of the defendant's crime, and the effect of crime on the people living in the community. And they are finding significant support for new approaches in a public disillusioned with the criminal-justice system.

Out of the chaos has come the idea of "community courts," where the judge, the prosecutor, and the defense attorney collaborate in an attempt to end the cycle of recidivism. In

Specialization can lead to more expert judges.

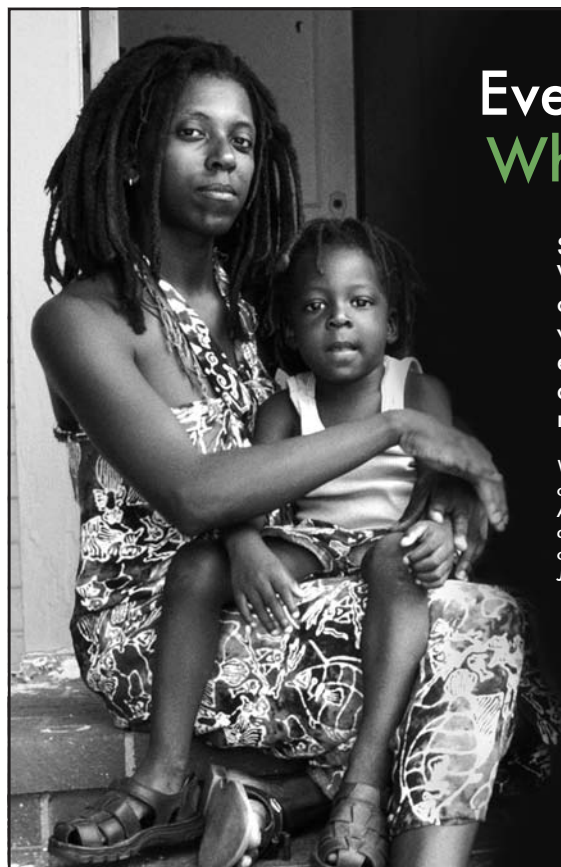
Massachusetts, District Courts, which handle a variety of civil and criminal cases, have often been described as "community courts" because of their local nature. The authors are using the term more narrowly, however, to describe courts that deal specifically with the type of crimes adversely affecting the quality of life in a city, crimes often associated with drugs, alcohol, prostitution, and domestic violence.

Good Courts focuses on courts in three communities: **Midtown Manhattan.** In Times Square in the early

1990s, prostitution, drug use, shoplifting, and vandalism scared away local residents and tourists alike. Not anymore. Though little known, the Midtown Community Court played an invaluable role in reducing criminal activity in the area, particularly prostitution. The court found educational and employment opportunities for women who had been working the streets to earn money that would often be used to purchase illegal drugs. It also offered counseling on the dangers of prostitution. With reduced crime in the area, business development improved, and the Times Square area began to thrive once again.

Red Hook, Brooklyn. Despite its beautiful views of the Statue of Liberty, Red Hook had become the center of a drug trade and street violence that drove away legitimate business and all those residents who could afford to leave. In the mid-1990s, with the support of the chief judge of the state of New York and the local district attorney, a community justice center was established to focus on local criminal matters—drugs, domestic violence, and street crime. Today, residents can walk the streets and feel safe.

Portland, Oregon. In 1998, Portland established its community court, which worked with police and prosecutors to focus on anticipating and preventing crime, rather than arresting and prosecuting criminals. With help from judges,



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who committed the resources of their court and their individual attention, community service jobs were created to provide offenders with a sense of accomplishment. With a reduction in crime, residents of the area could walk the streets after dark and patronize local businesses.

The authors provide a number of success stories involving people “saved” by a problem-solving court. For example, at the age of 20, Kim had been studying accounting for three years in college, but she was unable to find a summer job after her junior year. To earn money, she began work as a stripper, starting down a path that led to 17 years of prostitution on the streets of New York. The fees she earned by selling her body would be spent on alluring clothing and drugs. She gave birth to a son, but could not care for him, and later had her daughter taken away from her. After 18 arrests for prostitution over five years, she showed up in the Midtown Community Court. The judge gave her a choice: six months behind bars or 10 days on the work crew cleaning the courthouse building. She chose the latter. Encouraged by court counselors who saw a spark of hope in her, Kim found the strength to give up drugs and prostitution. She joined a job-training program sponsored by the Midtown Community

Problem-solving courts target drugs and prostitution.

Court. Showing herself to be a model student, she acquired basic office and computer skills, learned how to interview for jobs, and obtained gainful employment. Kim credits the Manhattan Community Court with turning her life around.

These crusading courts may be solving problems, but they are also raising eyebrows. In our criminal-justice system, the defendant is presumed innocent, and it is up to the prosecutor to prove guilt beyond a reasonable doubt. If a judge is too quick to jump in with a “solution” to a criminal problem not yet proved by the evidence, that’s not justice. In a problem-solving court, a defendant may feel pressure to give up all of the rights that he or she would have in a criminal trial in order to avoid a possible conviction and jail time.

But the authors remind the reader that the “revolving door” justice that has been practiced in the criminal courts of the US has done little to slow down the cycle of recidivism commonly associated with crimes involving drugs, alcohol, and prostitution. Where a traditional adversarial model of criminal prosecution may be appropriate for major felonies, the authors urge us to consider the problem-solving model as an alternative, particularly for those lesser crimes that so often determine whether a city or location is one where good people are willing to live and work.

Although there are problem-solving courts in Massachusetts whose focus is on problems other than drugs (for example, domestic violence), it is the drug court that is the

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most prevalent example of the model as described in *Good Courts*. The state's District Court, Boston Municipal Court, and Juvenile Court have established drug courts in more than 20 different locations, according to the Web site of the Massachusetts court system (www.mass.gov/courts/admin/planning/drugcourtslist.html), with the first one established in 1996. But experimentation with the community court model could be seen prior to that time in Franklin County, where in the mid-1990s a task force of judges, attorneys, government officials, and community leaders sought to increase community involvement in the local courts.

Still, there are no Massachusetts courts that are exclusively devoted to drug cases. In all instances, the drug courts are simply separate sessions scheduled in the court in question. But they are run differently than the typical criminal session. In drug sessions, defendants may avoid jail sentences if they enroll in drug rehabilitation programs and report back to court on a regular basis on their progress. (In an effort to combat the escalating drug problem in downtown Boston, the Central Division of the Boston Municipal Court opened a drug court during the fall of 2005, requiring drug testing and treatment to avoid jail time.)

After the first drug courts proved their utility on a pilot basis, the Massachusetts Trial Court promulgated a policy for the establishment of drug courts, seeking "to allow for innovation and flexibility in the establishment and operation of drug court sessions...while simultaneously providing guidelines for their consistent administration..." The policy notes that the presiding justice of a court considering establishment of a drug court "should evaluate the needs of the community served by the court, the availability of resources within the community and the support for a drug court session..." The policy requires an assessment of the program and the keeping of data and statistics.

Good Courts concludes by asserting that "problem-solving courts...offer a rare beacon of hope within the criminal-justice system." It exhorts those interested in justice to pursue the vision of the community courts that has worked so well in Manhattan, Portland, and Brooklyn. This is a message that should be heeded by all who seek to improve the courts here, particularly at a time when the public has become so skeptical of the Massachusetts judicial system. After almost 10 years of experimentation in Massachusetts, the time has come to have a close look at the existing drug courts to learn about their success stories and to determine whether these indeed have a legitimate place in the Massachusetts criminal justice system. At a time when so many have been critical of government, of politicians, and of judges, we could use a few success stories from the courts of Massachusetts. ■

Marc G. Perlin, Esq., is associate dean and professor of law at Suffolk University Law School.

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Solidarity forever?

Bread and Roses: Mills, Migrants, and the Struggle for the American Dream

By Bruce Watson

New York, Viking, 352 pages

REVIEWED BY LAURENCE GROSS

Bruce Watson, a journalist and author of *The Man Who Changed How Boys and Toys Were Made*, turns an event, the 1912 “Bread and Roses” mill strike in Lawrence, into an opportunity to examine the times, the people, and the conflicts that precipitated and evolved from it. The event itself is well known. It’s featured in accounts of the history of labor, industry, the Industrial Workers of the World (IWW, known as the Wobblies), and in textbooks. There are popular treatments, academic accounts, movies, plays, and songs about it. In the 1960s Donald B. Cole treated it as a paradigm of melting pot America in his Cold War version of the tale, *Immigrant City*. In *Radicals of the Worst Sort*, Ardis Cameron examined gender and ethnicity and described a much more nuanced event in the 1990s.

Watson tells a thorough but lively story of the players and their times, an embodiment of early 20th-century America. It was a period of burgeoning conflict between capital and labor, Social Darwinists and Progressives, and newer and older immigrants, and Watson embeds the strike in the broader picture, to good effect. He has consulted the academic accounts bearing directly on the strike and done exhaustive research in contemporary periodical literature. The innumerable details bring the story to life, as callous plutocrats and wretched immigrants, blue-blooded militia men and hard-bitten Wobblies, emerge to do battle with one another.

When the state Legislature mandated a cut in the work week from 56 hours to 54, factory owners cut wages as well, reducing them from meager to infuriating. Thirty thousand workers left the giant mills of Lawrence and began a long and bitter struggle. Wobbly organizers, including Joseph Ettor, Big Bill Haywood, and Elizabeth Gurley Flynn, came to help the many ethnic groups organize and manage this enormous effort. National attention focused on the battle between the intransigent mill-owners and the mysterious, even frightening, foreigners who rejected their assigned place as disposable workers and demanded

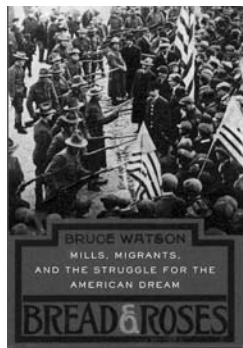
something better. The “Wool Trust” headed by William Wood and his American Woolen Company, a Horatio Algeresque immigrant himself, pitted itself against anarchists, syndicalists, socialists, and impoverished immigrants. Dynamite was planted to implicate the strikers; children were sent from the city to escape the hunger and deprivation the strike exacerbated; shootings, beatings, murder charges, and wild accusations filled the newspapers.

The strength of Watson’s account lies in the detailed view he culled from his voluminous sources. He not only recounts a fascinating story, but reaches into the surrounding environment for connections that inform the strike’s larger significance. Characters take shape, emerging as individuals from the cast of thousands. Watson also places the event in its time, a period of unbridled capitalism that

governments had just begun to think about restraining. The mills paid vast sums in dividends while Lawrence workers lived and, as Watson shows, died prematurely in some of the most crowded tenement housing in the country.

If the details drawn from rich sources makes the story of the strike come to life, Watson’s reliance on some of those sources, with their exaggerations and contradictions, is the book’s undoing. At times, Watson seems to mimic the newspapers he quotes from, describing his strikers as “a vengeful mob” and Lawrence as “designed to be a utopia.” As for the context he tries to put the strike in, Watson often betrays the limits of his knowledge. Competition, not the arrival of cheap help as a result of Ireland’s famine, led to the replacement of paternalism by neglect. Mill owners didn’t “flee to mansions in nearby Andover”; they had lived in Boston’s Back Bay from the start, with only the lesser lights and supervisors on scene. He labels anarchists as bombthrowers and Wobblies as violent, although his own evidence shows otherwise. Relying on newspaper accounts leads him to exaggerate the machine breaking of the strikers, of which there was little.

In his desire to glorify the multiethnic character of the strike, Watson fails to distinguish between the situations—and the actions—of the various immigrant groups. Irish, English, French Canadian, and German workers did



not all join the strike at first, as he suggests. The English occupied the highest positions in textiles, with only a few working even as highly skilled workers, while the Irish still in the mills had, over 60 years, risen to the next step below; Germans were generally also skilled (many were dyers), and the French Canadians considered the work temporary, holding them over until they could make their way back to Quebec. Each group had their reasons for resisting association with the other “ethnics,” though they did ultimately join in the strike.


Watson fails to distinguish among immigrant groups.

None of this stops Watson from ascribing questionable—and contradictory—motivations to people whose minds and hearts he has no way of knowing. Thus, he portrays immigrant workers as seeing America’s promise in a “life of individual freedom” even as he roots their actions as strikers in the communal traditions of village, church, and work. When referring to the workers, Watson’s language is often harsh, as they are said to grow “dangerously brazen” and their strike “bitter and vindictive”

(though given “a human heart” by the women), but he makes no connection between these feelings and the mill owners’ dividend giveaways. In one place, Watson asserts that “pay was only a pretense” for the strike, with the true causes of rebellion to be found in mistreatment, infant mortality, and short life spans; in another, Watson describes a “city of loyal immigrants whose cause was not revolution but two hours pay.”

Watson’s confusion extends to life in the mills, as well. Contrary to his description, most of the rooms weren’t very noisy; people could talk, and did so even in the weave rooms. Though some mills were immense, there were no hundred-yard vistas; firewalls prevented that. “Speedup” refers to running machines faster and faster, not the morning’s starting bell, as he so often repeats. (“Then each gate was unlocked. Final whistles signaled the morning ‘speed-up.’ And with a great groan and surge of muscle, steam, and turbine, thousands of machines all over the city started up at once. Another workday had begun.”) Mistakes such as these, which are repeated throughout the text, and a lack of understanding of how the machines he refers to operated, make it difficult to understand the workers’ true situation.


The book comes across as having conflicting loyalties.




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His account aims to be sympathetic to the workers, it appears to me, but he too often disparages them, forgets the wrongs he has described, and muddles his account. When the author quotes the distorted reporting on either side, it is easy to see how contemporary observers both described events and revealed their prejudices. But when he assigns feelings and beliefs himself, Watson seems to have absorbed the views of the local opposition to the strike. *Bread and Roses* is a readable book, but it does not always provide the broader view it aspires to.

The tumultuous events of 1912 drew national attention to the dissatisfaction and rebelliousness that the unskilled immigrants were capable of. But Watson finds the legacy of the strike in a more conciliatory William Wood and a city desperate to redeem its image through a "God and country" campaign—the civic rejoinder to an anarchist's placard—of parades and other festivities that persisted for decades.

The *Bread and Roses* strike remains an archetypal event of the American labor movement. It demonstrated the potential for joint action by the new immigrants, unity among skilled and unskilled, men and women, and for industrial unionism. But it did not initiate a path soon to be followed. The owners' power did not diminish, nor did

wages continue to improve. The textile industry's move south, already begun, did not slow. The patterns of industry, a moveable feast for the owners, did not change.

Labor was buoyed by government recognition during World War I, but soon fell before the power of wartime propaganda, the Red Scare, and the inability to build on

The strike did not initiate a path soon to be followed.

successes such as Lawrence's in that climate. When unskilled immigrants again demonstrated their cohesiveness in the Great Steel Strike of 1919, they were defeated. Success would not come until government gave labor a "bill of rights," the Wagner Act, during the New Deal. Perhaps the greatest significance of 1912 is its life in labor's memory, an inspiring story of the triumph of the weakest over the most powerful. ■

Laurence Gross is associate professor of regional economic and social development at University of Massachusetts—Lowell and author of The Course of Industrial Decline: The Boott Cotton Mills of Lowell, Massachusetts, 1835–1955.



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Garden of disturbing memories

BY JAMES V. HARRIGAN

It's unfortunate that the Garden of Peace, a little-known memorial to homicide victims, got its 15 minutes of fame for a nasty squabble between the families of those memorialized and administrators of Suffolk University. As *The Boston Globe* reported last fall, Suffolk plans to build a 31-floor dormitory just yards from the 7,000-square-foot park designed to ease grief and inspire quiet contemplation.

Suffolk promises to buffer the park from the noise of students, but even today a walk there can be anything but peaceful, at least for the attentive. The central feature of the Garden of Peace—adjacent to the plaza at 100 Somerset Street, just a few steps from the State House—is a winding, dry streambed of about 1,000 smooth river stones, 400 of which are engraved with the name, along with the birth and death dates, of a murder victim.

The football-sized stones are similar in shape, but like the victims they honor, no two are identical. They were pulled from a river on the New Hampshire property belonging to the family of Chris Maki, one of the victims whose memory is preserved in the garden. His sister, Amy Maki, is president of the nonprofit corporation that maintains the park and raises money to perpetuate its upkeep. (All of the people commemorated here either lived in Massachusetts or had loved ones here.)

The inscription on the polished dark granite pillar at the entrance to the Garden of Peace calls it “a living reminder of the impact of violence.” Two of the first stones to greet you are those for John and Robert Kennedy, men whose lives and deaths will never be forgotten. Not far from the Kennedy brothers are stones for people whose lives we know nothing about, but with nicknames like Fifty Cents, Biggie, and Hiz Skiz Tru etched into stone, it's painfully easy to speculate about their deaths.

Many of the stones bring up immediate and sometimes graphic memories of the victims. They never made it to adulthood, and their killers have never been caught, but who doesn't remember the names and all-too-similar fates of Molly Bish, Sarah Pryor, and Holly Piirainen?

Massachusetts victims of September 11 are also well-represented in the garden. More than 30 stones bear that sad date, including those for Captain John Ogonowski, pilot of one of the hijacked flights, and former Boston Bruin Garnet “Ace” Bailey, one of the passengers.



There are stones for other people whose lives had a lasting impact, owing mostly to circumstances that led to their horrific deaths. Take Jonathan Rizzo, for example. In 2001, Rizzo was one of three people murdered by Gary Lee Sampson—after Sampson, who was wanted in North Carolina for a series of bank robberies, failed in an attempt to turn himself in to the FBI via telephone.

The engraving on Joseph Fournier's stone tells us that he was born on July 6, 1957, and died on October 26, 1974. What it doesn't say is that his death factored into the making of the president in 1988—or the unmaking of then-Gov. Michael Dukakis as a candidate. Fournier was killed by Willie Horton, who was sentenced to life in prison without the possibility of parole but was later convicted in Maryland for a rape and armed robbery he committed while on a weekend furlough.

Some of the stones bring back the saddest memories, like the one for Matthew Eappen, whose English-born nanny, Louise Woodward, was convicted of second-degree murder, later reduced to involuntary manslaughter, for

having shaken poor “Baby Matthew” to death.

There are stones remembering women who died at the hands of strangers, like Alexandra Zapp, who was murdered in a restroom on Route 24, and Melissa Gosule, killed by a stranger who disabled her car while Gosule biked along the Cape Cod Canal and offered her a ride home when the tow truck she called took too long to show up.

There are stones for women who possibly knew their killers. Remember Karina Holmer, the Swedish nanny? What about Susan Taraskiewicz, who worked at Logan Airport and stumbled upon a ring of thieves among her co-workers? Their murderers have never been caught.

Then there are the stones for women who knew their killers all too well, like Janet Downing, who was murdered in 1995 by her son’s best friend, Edward O’Brien Jr., and Carol DiMaiti, who was killed by her husband, Charles Stuart, in 1989.

One of the most disturbing aspects of the Garden of Peace is the realization that some families have lost more than one member to homicide. Charlestown resident Jimmy Boyden IV was killed on March 2, 1992. Ten weeks later, May 14, 1992, his father, Jimmy Boyden III, was murdered. The stones for Hugh and Ruth Mahoney and their 15 year-old son, John, all show the day they were

murdered, December 31, 1975.

Damien Funderburg died on August 13, 1992; a youth program at the Unitarian Universalist Urban Ministry was established the same year in his memory. A leader of the Black Hawks gang, Funderburg convinced his friends and fellow gang-bangers to look to the First Church in Roxbury for help in ending gang violence. Not long after, he was killed by a rival gang member.

The Damien Funderburg Youth Program’s offer of a “safe space and family-like atmosphere” to help inner-city kids “escape violence and find a better way of life” is a living testament to his desire to escape gang life. But it couldn’t save everyone. The stone adjacent to Damien Funderburg is for a man killed in 2000, three days after his 34th birthday. His name was Eric Funderburg.

In the end, it’s not the 400 stones engraved with the names of homicide victims that is the most haunting thing about the Garden of Peace. It’s the chilling thoughts that come to mind when considering how many of the stones in the dry streambed are blank, waiting to be engraved. Could this stone have my name etched on it one day? Might that one there have yours? ■

James V. Horrigan is a freelance writer in Boston.



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