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Thank you for joining the brainstorm!

In October, IDEAS UMass Boston celebrated 10 years of big ideas by hosting 11 of the brawniest brains in the region.

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BOSTON ACTIVISTS DID A LOT

I'm grateful to *CommonWealth* for reviewing my book, *A People's History of the New Boston*, and to Don Gillis for his favorable reaction to it. But I was disappointed at what seemed to be his "half empty" assessment of how much local activists were able to accomplish in the 1960s and 1970s.

Gillis was correct to call the book an attempt to give "voice to those activists who worked hard every day and were ignored at City Hall and the State House until they organized and fought back." But it was also an attempt to celebrate the many victories won by those activists, victories which I was dismayed to find described as "limited, but still notable" and "short-lived."

In fact, after losing the New York Streets and the West End, organizing by residents was responsible for either stopping or vastly improving urban renewal in neighborhoods throughout the city. Residents also ran successful campaigns for civil rights, welfare reform, and improvements to public housing and against highway construction and airport expansion. They also helped establish community development corporations, affordable housing, and resident jobs policies that continue to benefit the city today.

The review began by saying, "History is replete with the stories of the mighty and powerful." If we want to encourage activism, we need to pay more attention to the stories of people who were able to seize some of that power to bend history, in the words of Dr. Martin Luther King, "toward justice."

Jim Vrabel

UPDATES FROM LAST ISSUE

Sen. **Stanley Rosenberg** hit a rough patch since we profiled him in the Fall issue as the "Senate president-in-waiting." His 27-year-old domestic partner, Bryon Hefner, got caught making snarky social media comments about the outgoing Senate president, Therese Murray, and boasting about the clout he'll wield under Rosenberg's reign as the Senate's new leader. The *Globe* let loose a string of articles about the couple. Rosenberg, 65, promised a firewall between his personal and public life and Hefner wound up quitting his job at politically connected Regan Communications.

John Henry promised he would hold on to the *Telegram & Gazette* if he couldn't find a local buyer, but then sold the newspaper to Halifax Media Group, which is located 1,200 miles away in Daytona Beach, Florida. Since our story, "The man who lied to Worcester," the T&G has been sold again, this time as part of the purchase of Halifax by New Media Investment Group, the parent of GateHouse Media, which owns the *Patriot Ledger* of Quincy, the *Cape Cod Times* and the *Enterprise* of Brockton.

State Transportation Commissioner **Frank DePaola** flip-flopped after our story documenting the controversy swirling around an asphalt additive that many said led to premature road degradation. Massachusetts had initially banned the use of recycled engine oil as a binder in asphalt, but DePaola overruled his engineers just before the ban was scheduled to take



effect and let the asphalt flow. After highway engineers ran a cursory test showing the asphalt breaks down prematurely, DePaola changed his mind again and reinstituted the ban, but only after tens of thousands of tons of the sketchy stuff were laid down.

The 1968 Summer Olympics featured the Fosbury flop (named for US high jumper Dick Fosbury's novel maneuver). The Boston Olympics bid can now claim the Yunits flip-flop. **Conor Yunits**, a senior vice president at Liberty Square Group and the three other co-chairs of No Boston Olympics argued in our last issue against hosting the games, while Suffolk Construction chief John Fish argued for throwing down the welcome mat. Yunits has now joined the Fish camp but he insists to the *Boston Globe's* Shirley Leung that nobody got to him. "Boston can do this," he said.

Sovaldi, which costs \$1,000 a pill, may be a wonder drug for people with the hepatitis C virus, but it remains a nightmare for health insurers. Neighborhood Health Plan, a subsidiary of Partners HealthCare, said its tab for Sovaldi ran to \$20 million in fiscal 2014, none of which could be recovered in the state-set rates for Medicaid patients. The Sovaldi losses were part of the reason Partners incurred its first operating loss in 15 years. **CW**

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A juggling act and news media hypocrisy

THIS ISSUE WAS one of the toughest we've ever had to pull together. Two feature stories failed to jell, one of them shortly before we went to press, which required us to do some last-minute juggling. But as I look back at the issue we've assembled, I'm very pleased. It's a provocative combination of stories about policy, politics, and people.

The cover story on trash grew out of the debate over the unsuccessful November ballot question expanding the reach of the bottle deposit law to most noncarbonated beverage containers. It struck me that the state's environmental and business communities have been locked in mortal combat over the bottle deposit law for so long that they (and the rest of us, too) have lost sight of the bigger issue: we're running out of places to dump our trash and we don't have a solid plan to deal with the problem.

Jack Sullivan investigates how one Lottery agent seemed to lead a charmed life, assembling license after license despite a very checkered financial record. Sullivan's story suggests the fact that the agent's brother worked at the Lottery, rising to the post of executive director under Treasurer Steve Grossman, may have had something to do with it.

Michael Jonas examines law enforcement's rising use of surveillance cameras, a timely topic as chilling images from the Boston Marathon finish line figure in the trial of Dzhokhar Tsarnaev. As anyone who watches crime dramas — or the nightly news — knows, surveillance cameras have become the go-to resource for catching bad guys. The hope that cameras will deter criminals is proving to be another matter.

Colman M. Herman reports on one woman's horrific experience with an assisted living facility where her mother was staying. The case illustrates how these complexes, designed to be apartment complexes where the elderly can age in place, are being asked to do much more than serve as landlords. The case also illustrates how regulators of assisted living facilities are falling down on the job.

For political junkies, we have a get-to-know-you conversation with Seth Moulton, the new congressman from the North Shore who took on the Democratic establishment in Massachusetts, including the head of the party, and won. Steve Koczela, president of the MassINC Polling Group, explores why men were so crucial to Charlie Baker's victory in the race for governor. Shawn Zeller explains why Democrats are likely to win the presidency, despite the Republican gains in 2014. And we have advice for Beacon Hill from John E. McDonough, a professor at the Harvard School of Public Health; Chris Martes, the

'No comment' from media becoming all too common.

CEO of Strategies for Children, and Carol Rose, executive director of the American Civil Liberties Union of Massachusetts.

On the environmental front, we have a One on One interview with John Bullard, the regional administrator for NOAA Fisheries, who has shut down cod fishing off the coast of Massachusetts for at least six months. We also try to explain how high-priced solar power is saving cities and towns so much money.

Gabrielle Gurley reports on MassLive, a Springfield-based news website that is attempting to branch out across the entire state. It's an interesting story, but unfortunately it doesn't contain any insights from the folks at MassLive. MassLive President Allison Werder asked Gurley for questions to be submitted to her in writing and then chose not to answer them. "We are a private company and are not comfortable discussing strategy or business models in a consumer publication," she says.

That's a troubling stance for someone who runs a news organization, yet no-comment responses are becoming a fairly common occurrence as we write more about the press. The same people whose businesses rely on exchanges between reporters and sources often see no need to engage in those exchanges themselves.

Bruce Mohl
BRUCE MOHL

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Bridging the digital divide

Princeton is one of 45 municipalities across the state that do not have access to high-speed Internet service. The town's broadband committee tried to get Charter, Comcast, or Verizon to take a look at building a network, but none of the companies was interested. The town wasn't dense enough to make the project worthwhile: Big Cable wanted more than 25 buildings per mile of road; Princeton averages 15.

Last winter, when a state-funded institute completed a fiber-optic network crisscrossing central and western Massachusetts, the committee decided to connect to it by plugging into the Matrix — the Matrix Design group, that is. In December, voters overwhelmingly approved a \$1.2 million borrowing plan to have the New Jersey-based company build and operate fiber-optic network for Princeton. Matrix would own the network for 20 years while a part of the subscribers' fees go toward paying off the investment; the town can renew its contract or buy the network from Matrix for \$1 afterwards.

The public/private project is expected to be completed in 2016 and Matrix estimates residents would be charged \$95 a month for Internet service and \$115 a month for phone and Internet. The price seems high at a time when some consumers are paying \$79 a month for phone, Internet, and video. But few in the rural town are complaining. John Kowaleski, the broadband committee chairman, says, "When we talk about getting high-speed broadband in town, people don't ask anything other than, 'When can I get it?'"

► GABRIELLE GURLEY

Naming rites: Pols as pals

► MICHAEL JONAS

CHARLIE BAKER AND Marty Walsh don't have a lot in common. One is a Harvard-educated Republican with blue-blooded ancestry here dating back to colonial days. The other is a Democratic son of Irish immigrants with a blue-collar background as a union leader. But they share this: Both are known almost universally not by their given first name, but by its diminutive form.

In Boston, "Marty" is all you need to say to make clear you're speaking of the city's 54th mayor, Martin J. Walsh. The same goes for "Charlie," which is clear shorthand for the state's new governor. When it comes to referencing the new governor and the still-recently-minted mayor of the state's capital city, welcome to the era of the regular guy.

The names certainly lend a "common appeal" to the leaders, says Grant W. Smith, a professor of English at Eastern Washington University who has extensively studied the names of political leaders and how they can affect public perceptions — and their electoral fortunes.

SEEKING COMMON APPEAL

Though he is almost universally known as Marty, the one place where Walsh hears his given first name, somewhat ironically, is from those closest to him. "My mother's never called me Marty in her life," he says. Walsh says his brother and relatives in Ireland also call him Martin, as did his late father.

In a nod to his mother, despite his down-to-earth persona and background, Walsh prefers that newspapers and official documents use his proper name, including his middle initial, which stands for Joseph, in honor of his maternal grandfather.

Baker, too, had always been cited in newspaper stories by his proper, full name, Charles D. Baker Jr. But at the start of last year's run for governor, says spokesman Tim Buckley, newspaper reporters asked what Baker preferred to be called. The word from the campaign was "Charlie," setting in motion a moniker migration that saw newspaper references change from "Charles D. Baker Jr." during his 2010 campaign for governor to "Charlie Baker" during last year's run.

Not every outlet has gone along. The *Telegram & Gazette* has stuck with Charles D. Baker Jr., though the Worcester daily is also one of a vanishing number of papers that still use honorifics — so in the governor's case, "Mr. Baker" — rather than just last names after the initial reference in a story.

But both Boston dailies have honored the Charlie call. "If public officials have a preference on what name they wish to be called, we generally defer," *Globe* editor Brian McGrory said in an email. McGrory points to the long history of that practice, citing the examples of Jimmy Carter and Mitt Romney



Boston's mayor:
Marty to all (but
his mother and
family).



Charles D.
Baker IV: Just
call me Charlie.

(who, understandably, eschews use of his first name, Willard, in favor of his middle name).

Veteran *Globe* columnist Scot Lehigh, however, has been a holdout. He suggests there is some principle here, not wanting to abet what some saw as a conscious Baker makeover meant to soften him following his 2010 run, in which he came off as angry and overbearing.

"Well, during the campaign, I generally did Charles D. Baker Jr. because I saw the incessant 'Charlie'-ing as part of their effort at image-crafting," Lehigh said by email. He continued to use the formal form of address during the December transition.

The shift from Charles to Charlie was "a smart move," says Smith, the Eastern Washington University professor, a past president of the American Name Society and vice president of the International Council of Onomastic Sciences (from the Greek word for name).

Smith looks at both the meaning and "musicality" of names in assessing their appeal. He says Charlie is musically more pleasing than Charles. "It flows free," says Smith. "If you analyze the airflow at the end of the word Charles,

it has a buzz sound, creating turbulence in the air."

Baker certainly had a less turbulent run for governor last year as Charlie than when Charles was in play four years earlier. (Smith says Marty and Martin both have high appeal, and points to the large number of US presidents — 16 out of 43 — with last names ending in "n".)

"Charlie" makes Baker seem "less upper class, less Ivy League, and less Republican," says former Boston city councilor Lawrence DiCara (known universally as Larry). "I think it is all part of the softening of the image, which may have made 40,000 votes of difference," says DiCara, referring to the margin of Baker's win over Martha Coakley.

For his part, the new governor says simply, "Everybody who knows me calls me Charlie." (That includes his mother.) He says he was known for a brief time in high school as "Bakes," but that didn't stick.

If there is some political benefit to a more everyman moniker, especially for a candidate not eager to trumpet his well-heeled pedigree, that may go double for Baker. His Wikipedia page lists Baker's great-grandfather as Charles D. Baker and his grandfather as Charles D. Baker Jr. But the family appears to have reset the naming clock with his father, who is known simply as Charles D. Baker, with the governor then taking the Jr. suffix.

All of which would actually seem to make the state's chief executive, formally speaking, of course, Charles D. Baker IV. "I am the fourth, technically," he says. "But no one pays attention."

Not that he has exactly advertised that fact.

Tea Party ship off to slow start

► BRUCE MOHL

THE BOSTON TEA Party Ships and Museum, which reopened in 2012 with the help of a first-of-its-kind \$18 million loan from the Massachusetts Convention Center Authority, is off to a much slower-than-expected start.

The financial statements of the museum's parent company indicate the Boston attraction has lost more than \$9 million in its first two years of operation, primarily because its expenses are running way ahead of revenues. The museum reported revenues of \$5.6 million and expenses of \$13.2 million over its first two years of operation. The company had forecast net operating income of \$1.5 million to \$1.8 million a year.

A spokeswoman for the Convention Center Authority



The Boston Tea Party Ships and Museum has lost more than \$9 million in its first two years of operation.

says the museum is up-to-date on its loan payments and its reporting requirements. “There is no indication that this will change at any time in the future,” says Katie Hauser, the spokeswoman.

Shawn Ford, executive director and vice president of the museum, chalks the losses up to growing pains. He says he expects another loss during the current fiscal year but says the facility should become profitable the following year.

“It’s going to take another year to get it to where we need it to be,” he says. “It takes three to five years to be totally solid.”

Ford says the museum is in good standing on all of its financial commitments. He says the museum’s parent company, a privately-held Florida company called Historic Tours of America, stands behind the museum. Historic Tours operates Old Town Trolley Tours in Boston and similar operations in five other cities.

The Tea Party Ships and Museum, which sits on the Congress Street Bridge over the Fort Point Channel, commemorates the 1773 protest engineered by the Sons of Liberty protesting British taxation of tea and other items. The museum features historic artifacts as well as live actors, interactive exhibits, a film documentary, and authentically restored ships to tour.

Historic Tours has been the operator of the Tea Party Museum since 1993. In August 2001, a lightning strike caused a fire at the facility that necessitated its complete demolition. Historic Tours spent \$4 million trying to rebuild on the site, but it needed more funds to finish the job.

The Boston Redevelopment Authority gave the company a grant of \$3 million, money the agency had received from the developer of the Atlantic Wharf office and apartment project near the Congress Street Bridge.

The Convention Center Authority loaned Historic Tours \$18 million to complete the project at a rate of 4.5 percent over a 23-year period. The loan terms called for

Historic Tours to make payments totaling \$28.9 million over the life of the loan, pay 5 percent of ticket proceeds annually into the convention center fund, and provide about \$150,000 in annual marketing and facility-usage benefits. The ticket proceeds requirement was later dropped when officials discovered state law barred such assessments on museums. Convention Center Authority officials said in 2010 that the loan terms were based on the assumption that the museum would attract 300,000 visitors annually, with adults paying \$18 and children \$9. Annual revenues

MCCA LOAN WAS \$18M

were forecast at about \$6.8 million.

Revenues haven't measured up. They were nearly \$2.3 million in the fiscal year ending March 31, 2013, and nearly \$3.4 million the following year. According to the museum's website, tickets are now priced at \$25 for adults and \$15 for children; purchases via the website are slightly less, \$22.50 for adults and \$13.50 for children.

Ford says he thinks ticket sales have been lower than expected because visitors, looking at the facility from the outside, are not sure what to expect. "They don't understand it until they get inside," he says. "It's more of an experience than it is a museum."

Ford says he is optimistic about the future because the Tea Party Museum is routinely listed on Trip Advisor, a website that relies on tourist feedback, as one of the top attractions in Boston. At press time, the museum was ranked 10th out of 196 attractions in the city.

Should incumbents get top ballot billing?

► BY JACK SULLIVAN

THE POWER OF incumbency is a time-tested benefit in contested elections. Studies have shown over and over that officials seeking to hold onto their seats at all levels are successful more than 90 percent of the time, with name recognition and money flowing to incumbents at a rate that challengers rarely can overcome.

With all these advantages, you might think incumbents wouldn't need any other edge. But in Massachusetts you would be wrong. State law puts one more arrow in the quiver of sitting officeholders, requiring that incumbents be listed first on the ballot. (Municipalities can override this requirement in local elections.) Massachusetts is the only state in the country with such a law.

"There's an argument to be made that incumbents pass statutes that benefit incumbents," says George Serra, a professor of political science at Bridgewater State University who studies electoral politics. "It is not uncommon. Many things happen in Massachusetts that don't particularly surprise me."

The law is not new. It was passed in 1948 after decades in which names were placed on the ballots in Massachusetts alphabetically regardless of whether there was a candidate for reelection or not. Other states list candidates differently, some alphabetically, some by random drawings, and some based on the number of votes a party's candidates receive

in previous elections for certain offices. Some leave it to the secretary of state to determine through his or her discretion. But nowhere is an incumbent given a mandated boost like here in Massachusetts.

The issue received some attention in the recent Fall River recall election when a judge ruled that Mayor Will Flanagan, the target of the recall, had a constitutional right to run in the recall election but he also ruled that state law required Flanagan to be listed first as the incumbent. The decision was a blow to the recall organizers as well as the seven people on the ballot below him. Flanagan ultimately lost, but proponents of a change are not satisfied.

Senate Minority Leader Bruce Tarr of Gloucester, has offered a bill to allow random ballot placement every legislative session since 2005, but each time it has been sent to committee to die. Tarr plans to file the measure again this session.

"I think it ought to be a level playing field," says Tarr. "I think it would be hard to argue it isn't an unfair advantage to be first on the ballot."

Indeed, numerous studies have shown there is a slight advantage to being the first name voters see in a race. A 2004 study in the *Journal of Politics* co-authored by two political science professors from Boston College and Yale University looked at the results of the 1998 Democratic primaries in New York City. The study analyzed voting in 79 districts, wards, and precincts where the names of the candidates were rotated and found that, in 71 of the contests, the person listed first had a greater share of votes than when they were listed elsewhere on the ballot in other districts.

"In seven of those 71 contests, the advantage to first position exceeded the winner's margin of victory, suggesting that ballot position would have determined the election outcomes if one candidate had held the top spot in all precincts," the authors wrote.

Serra, the Bridgewater State professor, says there is a "warm feeling" that goes with name recognition of incumbents despite the overall derision with which politics is

LAW PASSED IN 1948

viewed these days. Serra says the ability to deliver constituent services and the greater visibility that accompanies incumbency create a built-in advantage for candidates running for reelection. Putting their names at the top just makes it easier, he says.

Tarr says he hopes his colleagues will come around to seeing the error of their ways and back the change simply as a matter of decency and integrity.

"It has not affected me personally, but it is an issue that affects the integrity of the process generally," he says. "I would hope that the compelling nature of creating a fair approach to ballot access will carry the day." **CW**

Net loss

John Bullard, the Northeast administrator for NOAA Fisheries, shut down cod fishing in the region for at least six months. It's not making him any friends.

BY MICHAEL JONAS | PHOTOGRAPH BY FRANK CURRAN

You served three terms as mayor of New Bedford, which made you one of the chief advocates for one of the biggest fishing ports in the country. Now, with the cod fishing ban that you ordered, you're being called the guy who's killing the fishing industry. When I left City Hall, I was actually hired by the fishing industry. I worked for New Bedford Seafood Co-op for six months, and my job was to organize fishermen to lobby the federal government. When I took my current job, I saw the mission as doing what we can to preserve working waterfronts. If you look at groundfish, we have, over many decades, gotten ourselves in a position where there's very few fish and very few fishermen, so there's very little margin for error. One way to look at it is as a balancing act between fish and fishermen. Another way to look at it is as a balancing act between today and tomorrow. Can people think about tomorrow when they have needs today?

Some criticism has come in the form of claims that boats are landing huge amounts of cod. Is there a parallel to climate change debates where people talk about cold spells as proof that global warming is nonsense? Scientists say there aren't any cod. Fishermen say there are a lot. How can they both be right? The reason is when cod stocks plummet, cod congregate. And fishermen are smart. They know where the cod are concentrating, and that's where they go to fish.

Charlie Baker, whose empathy for fishermen gained some notoriety in the recent campaign, is among those who have questioned your ruling and pointed to the large cod hauls. Have you talked to him? No. He hasn't called.

Do you have any doubt that these drastic steps were necessary if there's any chance of sav-

ing cod? There's always doubt in science. The Magnuson Act [passed by Congress in 1976], which is the law we work under, says you must use the best available science. It doesn't say use perfect science — there is no such thing. Nothing is easy in fishing. Fishery management is like Winston Churchill's definition of democracy: It's the worst form of government there is except for everything else.

But you're convinced that to do nothing would lead to a pretty certain outcome that nobody wants? Absolutely. Extinction. The trajectory that cod is on right now, where we're at 3 to 4 percent of what's needed for a healthy stock, is heading to zero. And we're not the only ones fishing for cod. Dogfish are fishing for cod. Seals are fishing for cod. Lobsters are fishing for cod. There's all sorts of folks fishing for cod, and we don't manage them.

Does this draw so much attention because we have an iconic association with cod? There's the wood carving of the Sacred Cod hanging in the State House, and of course the name of our most famous shoreline. That is surely part of it. Fishing here is dominated economically by scallops and lobster, each of them this past year in the neighborhood of \$400 to \$500 million. Groundfish [which includes cod] is \$60 million or so. It's not in the same ballpark as either lobster or scallops. But cod defines us. And if we lose cod on our watch, it's an indictment against all of us. We're assuming that there aren't changes going on — changing water temperatures, changing chemistry with an acidifying ocean — that will defeat us no matter what sacrifices fishermen make. We are being optimistic here that we can rebuild cod, but I don't think there's anyone who absolutely knows the answer to this. **CW**



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U.S. News & World Report recently recognized two Partners HealthCare hospitals as being among the very best in the nation: Mass General (ranked #2) and Brigham and Women's (ranked #9). Additionally, for excellence in specialized medicine, McLean ranked nationally for psychiatry and Spaulding Rehab for rehabilitation. Regionally, Newton-Wellesley Hospital and North Shore Medical Center each earned top marks.

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The solar disconnect

If sun power is expensive, why is it saving municipalities money?

BY BRUCE MOHL

THE US ENERGY Information Administration says solar power is expensive relative to other types of electricity generation, yet cities, towns, and schools across Massachusetts are finding that solar can save them lots of money.

The federal agency, which tries to compare the cost of electricity produced from various sources, says solar is one of the most expensive types of electricity generation. The average cost nationally is estimated at 13 cents per kilowatt hour, but it would probably be much higher in New England where sunlight and land for solar farms are more limited.

Yet local headlines suggest solar is a money saver for many municipalities. The *Telegram & Gazette* recently reported that a solar deal may cut Southbridge's electricity bills in half. Westford estimates a deal it negotiated with a solar developer will cut its annual electric bill by more than 20 percent. Sixteen public housing authorities expect to save \$60 million over the next 20 years by signing solar deals.

How can these towns and housing authorities be saving money by tapping into what the federal government says is a high-priced form of power? The cost of solar panels has fallen dramatically in recent years and the price of electricity is hitting all-time highs this winter. Yet despite these favorable conditions, solar in the Northeast is not cheap. Cities and towns are saving money on solar because of a complex system of state and federal subsidies.

Here's how one fairly typical deal works:

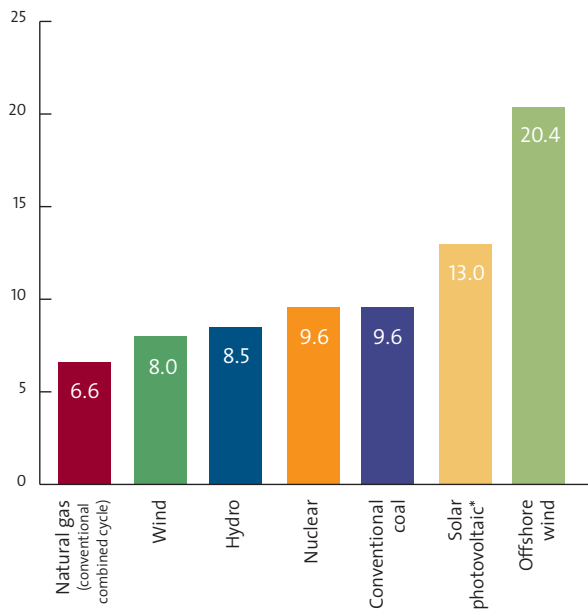
Nexamp, a solar developer based in Boston, built a 3.2 megawatt solar farm on private land in Hubbardston, a town located south of Route 2 in Worcester County. After completing the project, Nexamp sold the facility to California-based SunEdison, which manufactures solar components and develops solar projects around the world. Nexamp declined to comment for this story, but Nexamp's customers and SunEdison did provide details.

The solar farm in Hubbardston, which has three virtual net metering deals.



STATISTICALLY SIGNIFICANT

ESTIMATED COST OF ELECTRICITY GENERATION (CENTS PER KILOWATT HOUR)



SOURCE: US Energy Information Administration, estimated levelized cost of electricity for new utility-scale generation resources, 2019. (May 2014)

*Solar costs likely higher in New England because of limited sunlight and land availability. EIA says price range nationally is 10.1 to 20.1 cents.

“Massachusetts happens to be one of the more complicated markets to finance solar,” says Jarryd Comerford, a sales director for SunEdison in the Northeast.

The solar farm in Hubbardston took advantage of three main subsidies: a 30 percent tax credit from the federal government and two types of credits paid for by Massachusetts electricity ratepayers. The federal tax credit is based on the total cost of the project, which was not disclosed. Typically, the tax credit is sold at a discount to a financial institution that uses the credit to reduce its tax liability, while the cash raised from the sale of the tax credit is used by the solar developer to defray the cost of the project.

Solar farms in Massachusetts don’t operate like most power generating facilities, which receive cash for the power they deliver to the grid while competing on price with other generators. Instead, solar farms in Massachusetts sell power into the grid and receive back two types of credits, both paid for by electric ratepayers.

One is called a net metering credit. To understand the concept of net metering, think of a homeowner with solar panels on his roof. The homeowner generates power during the day and feeds it into the electric grid, generating credits. At night, after the sun goes down, the homeowner may have to draw power from the grid to power his appliances. At the end of the month, the homeowner’s utility

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uses the customer's meter readings to net out his credits and his power purchases, thus the term net metering.

It's worth noting that net metering credits directly offset utility charges. On a customer electric bill, power is just a portion of the total charge; there are also fees for transmission, distribution, and regulation. A net metering credit, which includes all these charges, is equivalent to the retail price of electricity instead of just the power cost.

Because the Hubbardston solar farm doesn't use electricity on-site, it negotiated host customer agreements with Middlesex Community College in Bedford and the towns of Webster and Westford. All three host customers are more than 30 miles from Hubbardston, which is why the billing arrangement has been dubbed virtual net metering.

The 20-year deal with Westford calls for the municipality to buy net metering credits generated by the solar farm at an initial price of 8.6 cents a kilowatt hour, rising 1.75 percent each year over the life of the contract. John Mangiaratti, the assistant town manager in Westford, says the deal is attractive because the community is paying 8.6 cents for a credit that can be used to offset a utility charge that was 16.8 cents this past fall and rose to 24 cents this winter.

Mangiaratti says savings for Westford should total at least \$300,000, reducing the municipality's annual elec-

tric bill from \$1.4 million to \$1.1 million.

The solar farm also receives solar renewable energy credits, or SRECs, for the power it feeds into the grid. State regulators require companies that sell electricity in Massachusetts to purchase SRECs to comply with renewable energy requirements. The price of SRECs varies with supply and demand, but the credits currently sell for about 27 cents per kilowatt hour, according to the website SREC Trade.

Adding the two credits together, SunEdison should receive about 40 cents per kilowatt hour for the solar power it generates — roughly 15 cents per kilowatt hour from the sale of net metering credits to Westford and about 25 cents per kilowatt hour on the sale of SRECs.

Tim Roughan, director of distributed resources at National Grid, says the cost of the credits paid to solar developers is passed along to ratepayers. In a sense, all of the utility's ratepayers pay a little more on their bills so solar developers and their host customers can profit from the sale of solar power.

Roughan says he believes the costs could be better calibrated. He estimates a solar developer needs to make 18 to 25 cents per kilowatt hour to cover its costs and make a 15 percent return on investment. "They're getting all of that and more," he says of the Hubbardston solar farm and others like it. **CW**

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INQUIRY | CREATIVITY | DISCOVERY | OPPORTUNITY | TRANSFORMATION

MassLive's statewide strategy

Digital-first Springfield news outlet is trying to expand its brand across the state to Worcester and Boston. **BY GABRIELLE GURLEY**

A SPRINGFIELD-BASED news outlet is taking a run at being the go-to source for state news in Massachusetts. MassLive, a website affiliated with the Springfield *Republican*, is trying to expand its brand beyond western Massachusetts by offering coverage across the state, with a special emphasis on Worcester and Boston.

Newspaper websites traditionally piggyback on their print counterparts, with stories going up on the website slightly before or after they have first appeared in the print edition of the newspaper. MassLive, by contrast, has adopted a digital-first strategy: Using a variety of elements, including print, video, audio, and interactive charts and graphs, stories are published first on MassLive's web and mobile platforms and then later in the *Republican*. Indeed, the newspaper's slogan is "The *Republican* Powering MassLive."

MassLive President Allison Werder declined a request to talk about the news website and directed her staff not to talk to a reporter. But Randy Siegel, the president of Advance Local, the company that operates MassLive, told a New England newspaper conference in 2013 that the one of the company's long-term objectives is to prepare for the end of newspapers.

"Our...overreaching goal is to capitalize on opportunities to accelerate our digital audience and digital revenue growth so they can help offset what we believe is an irreversible print decline," he said.

Joshua Benton, the director of Harvard University's Neiman Journalism Lab, describes the Advance Local approach as unusual. "In most of these markets, they are making the assumption that print is going away [and] rather than having it go away drip by drip, year after year, they've said we need to do what we can to ensure that we're going to get to a digital future," he says. "[They] completely orient [content] around these websites and make that the priority of everything editori-

ally; print gets produced as the afterthought of the digital."

MassLive's strategy appears to be two-fold: It wants to maintain its western Massachusetts base of readers while expanding into the Worcester and Boston metro areas. It also covers northern Connecticut and the rest of New England, according to its website.

MassLive has three (soon to be four) dedicated digital news reporters in Worcester and one in Boston. Reports from a *Republican* reporter in Boston also get posted on MassLive first.

The digital content remains heavily geared toward western Massachusetts, but news and sports coverage originating in the Boston and Worcester areas is gaining ground. Boston Mayor Marty Walsh and Gov. Charlie Baker get plenty of attention, as do statewide issues such as casino gambling, health care, immigration, and the push for the 2024 Olympics. Last summer, MassLive provided daily coverage of the state Probation Department federal corruption trial in Boston because the case had implications for Beacon Hill and one of the defendants hailed from Hatfield, a small Hampshire County town west of Amherst.

High school varsity sports from around the state, including football, basketball, soccer, and volleyball, occupy prime chunks of digital real estate and help bring in the clicks, especially from the next generation of news consumers. Sports fans can download apps, share links, take part in live chats, and post comments that can get pride of place alongside reporters' stories and commentary.

Crime, entertainment, celebrity comings and goings, and, of course, photo galleries also get big play. Readers can also do more on MassLive than on comparable news sites, posting videos, photos, short bios, link to their blogs, and following other readers.

MassLive has completely taken over coverage of high school sports from the *Republican*.

A staff listing on the MassLive website indicates it has seven regular reporters, seven high school sports reporters, and three reporters assigned to cover the New England Patriots, the Boston Celtics, and the Boston Red Sox.

Most Springfield residents still view MassLive as the web incarnation of the nearly 200 year-old *Republican* and aren't sure what to make of the push statewide. "The locals here don't want to read Boston or Worcester news, but I think people are getting used to it," says Mary Ellen Lowney, a former *Republican* reporter who heads the communications department at American International College in Springfield.

Other media observers find the digital-first strategy a tough sell for fans of the *Republican*. "For the public, it's sort of you want us to go to MassLive first, read the content there, then you want us to buy the paper because now it's deemed [to have] the most significant stories from MassLive for the print market," says G. Michael Dobbs, the long-time managing editor of the *Reminder*, a weekly Springfield area newspaper. "I'm not tossing stones, but that is sort of a clumsy way to describe what you do."

MassLive does not have a paywall: Anyone can access the content without charge or without being restricted to a few articles. MassLive describes itself as "the most popular news and entertainment website in western Massachusetts and the third-largest news website in the state," but it's unclear what those claims are based on.

ComScore, an Internet analytics firm, reports that MassLive attracted about 1.7 million unique visitors last October, although MassLive's listings on Journalismjobs.com indicate the news site averages 2.75 million unique visitors each month as tracked by Omniture, another web analytics source (May 2014). By comparison, Boston.com, which has no paywall, had 8.3 million unique visitors last October, according to ComScore.

BostonHerald.com, which also has no paywall, had roughly 2.1 million unique visitors. BostonGlobe.com, which offers 10 free stories before a subscription is required, had 6.3 million unique visitors. Telegram.com, the paywall-protected website of the *Telegram & Gazette* in Worcester, had about 193,000 uniques.

The MassLive website says Worcester represents its fastest growing market, with 2.7 million monthly pageviews on average. The *Republican* has traditionally attracted central Massachusetts readers, especially in the towns that border Hampden County. The website's major competitors in Worcester are the *Telegram & Gazette*, which changed hands twice last year, and *Worcester* magazine, which bills itself as a "progressive local weekly."

John Hill, a former MassLive reporter based in Worcester who now works as the communications specialist for the city of Worcester, says the website has earned the trust of the municipal officials. "When MassLive wants to come to see the city manager or city departments, it's not 'who is this and why should we bother with these people.' They are treated the same as the *Telegram* and *Worcester* magazine," Hill says.

MassLive and the *Republican* are part of the same corporate empire and they share content, but they operate as two separate companies. Advance is trying to create a purely digital workplace culture at MassLive, separate and distinct from the *Republican*. The two news organizations have their own staffs and managers and they are housed in two separate buildings in two different Springfield neighborhoods. For the most part, the *Republican's* reporters and editors are older and unionized; MassLive staff members are younger

MassLive has taken over coverage of high school sports from the *Republican*.

and non-union. Last September, Gov. Deval Patrick and Springfield Mayor Domenic Sarno were on hand to celebrate MassLive's move into a downtown Springfield office building crowned with the site's logo.

Advance Publications runs the *Republican*. Founded by S.I. Newhouse, the newspaper and publishing magnate, Advance, an \$8 billion company, is still owned by his descendants. The company also owns Condé Nast Publications, Parade Publications, Fairchild Publications, American City Business Journals, the Golf Digest Companies, and newspapers in more than 25 cities, including Cleveland, New Orleans, Newark, and Portland, Oregon.

Advance Local, a subsidiary of Advance Publications, owns MassLive as well as 11 other digital local news operations in cities such as New Orleans and Cleveland. "Digital is the focus of the operation," says Rick Edmonds, a business journalism analyst for Poynter.org.

Advance generated controversy in 2012 when the company eliminated the New Orleans *Times-Picayune* print editions and shifted news coverage to Nola.com. In response to protests in the digitally divided city, Advance resurrected the *Times-Picayune*, which is back to publishing seven days a week, with home delivery available on Sundays, Wednesdays, and Fridays only.

Advance has yet to make any moves to shutter the *Republican*. "Advance papers are usually in newspaper-loyal cities," says Benton. The company may be "feeling burnt" by the *Times-Picayune*/Nola debacle, he adds. **CW**

Bromancing the vote

Male voters put Baker in the corner office. Now what?

BY STEVE KOCZELA

CHARLIE BAKER SQUEAKED into the governor's office by such a narrow margin that pretty much any demographic group can claim to be responsible for the last few votes that pushed him over the line. A shift of a few points in the vote among women, unenrolled voters, young people, urban dwellers, first-time homeowners, upper-income Democratic men, or even second-generation Freedonian immigrants in Berkshire County, and we would be admiring the Martha Coakley comeback story.

Amid these competing claims, men were the one group that was key in the sense of being a major departure from the norm. Typically, when pollsters discussed the gender gap, they meant the distance between the victory margins for men and women, so if the Republican wins men by 5 points and the Democrat wins women by 6, the gender gap is 11 points. If the same candidate wins both genders by 2 points, the distance between them is 0, so there is no gender gap. Recently, however, the vote among women has become so important that the gender gap is often used only to refer to women's preference for Democrats.

Democrats have not been shy about exploiting the gender gap to their advantage, to wit the "war on women" messaging that Democrats have used over the last few election cycles against Republicans. This past election was different, however, with men playing an unusually large role in choosing the winner. Charlie Baker's 19-point victory among men was the largest margin among men of any candidate in a competitive Massachusetts election since at least 2002, which is as far back as public polling or exit polling data is freely available. The margin of victory among males is made more notable by the shift in support among men over the course of the campaign. When the campaign started heating up in late August, men preferred Baker by a 5-point margin. But as the campaign progressed, Baker gained 14 points among men

and picked up only 3 points among women, improving from an 18 point deficit among women in August to a final deficit of 15 points. The idea of overcoming a large deficit among women by running up an even larger lead among men is unique in recent Massachusetts elections.

So to an appreciable extent, men propelled Charlie Baker to victory, even in the face of a major preference among women for Martha Coakley. Scott Brown, who also ran against Coakley in 2010, pulled the second-largest recent margin among men, though in that case women were not pulled as hard in the other direction. Of some comfort to Democrats trying to plot strategy for future elections, Coakley was the losing candidate in both cases, and thus may be to blame for the size of the deficits. Because she has been on the receiving end of the two biggest wipeouts among men in recent competitive elections, taking her out of the equation makes the Democrats' recent performance among men look less problematic.

One competing explanation we can eliminate is that men in Massachusetts have a problem voting for women, and that Coakley did as well as any woman could have done. This does not hold up to scrutiny. Senator Elizabeth Warren showed that a woman can win a ticket-topping race in Massachusetts, and run competitively among men. She lost to Scott Brown by just 6 points among men; Deval Patrick, by contrast, lost men by 13 points in his 2010 race against Baker.

Indeed, the size of the gender gap appears largely unrelated to the presence of a woman candidate on the ballot. The Patrick-Baker election in 2010 produced the largest gender gap in recent memory, a 37-point split. Two of the three smallest gender gaps featured women candidates on the Democratic side, including the Coakley-Brown contest in 2010.

It's not that men never liked Martha Coakley. They liked her just fine earlier in the campaign, when her favorability was a sparkling 50 percent

favorable, to 29 percent unfavorable, among men. Even by the end, her favorable rating was about even (42/45). But by the end, men saw Baker as a better manager with a better plan for the economy, and the vote margins showed it.

For Republicans, the issue for the future is whether relying on huge margins among men is a legitimate electoral strategy. Without Coakley on the ballot in four years, can Baker (and a Republican Senate candidate, should one materialize) try to run up huge margins among male voters again? Given the general preference of women for Democratic candidates, they may have no choice but to try.

If women are going to vote for Democrats by double digits, Republicans need to make up the ground somewhere. And margins for Democrats among women have been robust in recent years, with the exception being Martha Coakley’s performance in 2010. But for that outlier, women have tended to prefer Democrats by 15 to 25 points in recent years in close races. Baker showed that a 15-point loss among women is not a death sentence. But can it be reliably overcome by focusing on men?

It may be that treating men as an afterthought is good strategy. Baker set a new record in terms of the margin among men for a Republican, and did it while appearing to focus on closing the gap among women. The idea of focusing a Massachusetts campaign on running up the score among male voters invites the contemplation of

surprising realities.

It’s not immediately obvious what policies Baker could pursue that would be more likely to appeal to men. On most issues, men and women actually polled quite similarly during the past election. They rated the candidates very differently, but few few opinion-oriented questions showed meaningful differences between the sexes. Turning the focus away from women risks alienating the slightly larger female electoral bloc and further

It may be that treating men as an afterthought is a good strategy.

exacerbating the record-setting gender gaps that Charlie Baker’s last two elections have featured. With such a small margin of victory in 2014, even a minimal increase in women’s support for Democrats would be plenty to reverse the outcome Baker achieved this time around.

Baker was aware of the power of the female vote, and made appealing to women a major focus of his campaign. He was, ironically, not very successful in the later stages of the campaign, picking up just 3 more points among women than he already had when the campaign heated up in August. Instead, it was men, afterthought though they were, whose major shift toward Baker ultimately pushed him over the finish line. So despite propelling Baker to victory, Massachusetts men may gain neither policy focus nor political advantage. **CW**

BAKER’S 19 POINT VICTORY AMONG MEN WAS A RECORD AMONG RECENT CONTESTS

Election		Candidates		Margins for Democrats			GENDER GAP
YEAR	OFFICE	DEMOCRAT	REPUBLICAN	OVERALL	MEN	WOMEN	
2002	Governor	Shannon O’Brien	Mitt Romney	-5	-12	7	19
2004	President	John Kerry	George W Bush	25	16	33	17
2006	Senate	Ted Kennedy	Kenneth Chase	39	34	45	11
2006	Governor	Deval Patrick	Kerry Healey	20	13	29	16
2008	Senate	John Kerry	Jeff Beatty	35	26	44	18
2008	President	Barack Obama	John McCain	26	14	38	24
2010	Governor	Deval Patrick	Charlie Baker	6	-13	24	37
2010	Senate	Martha Coakley	Scott Brown	-5	-14	3	17
2012	President	Barack Obama	Mitt Romney	23	12	31	19
2012	Senate	Elizabeth Warren	Scott Brown	8	-6	18	24
2013	Senate	Ed Markey	Gabriel Gomez	10	0	22	22
2014	Governor	Martha Coakley	Charlie Baker	-2	-19	15	34

Sources: Exit polls, MPG post election polls, pre-election polls, MassNumbers



Advantage Democrats

Despite recent gains by the GOP, Democrats have a nearly insurmountable advantage in retaining the White House in 2016. **BY SHAWN ZELLER**

THIRTY YEARS AGO this month marked the last time a Republican assumed the presidency with the approval of Massachusetts voters. Ronald Reagan won 49 states in the previous November's election, including every state in New England. Four years before, he won all of them but Rhode Island.

This month, a new Republican governor, Charlie Baker, takes charge on Beacon Hill along with an expanded Republican minority in the state Legislature. Baker and his colleagues represent a small part of a GOP wave that shifted the Senate majority in Washington to the Republicans and helped return New England Republicans (Frank Guinta of New Hampshire and Bruce Poliquin of Maine) to the House.

But the results of the 2014 campaign are misleading if Republicans believe they give them a shot to win over Massachusetts in 2016 as Reagan did in 1984. "I would bet everything I own that there's no way," says Erin O'Brien, the chairwoman of the political science department at the University of Massachusetts Boston. Indeed, the dynamics of presidential elections have so changed in the intervening years that the Bay State, along with as many as 18 other states, are practically locks for the Democrats in presidential elections, even though that Democratic tilt is clearly not the case in other years and other races. And the state's evolution from persuadable to partisan-lock mirrors a shift that's occurring across the country.

This may sound funny, given November's election results, but the evolving presidential map, which once so favored Republicans, now gives the Democratic candidate a nearly insurmountable advantage in 2016.

Eighteen states and the District of Columbia, accounting for 242 of the 270 electoral votes needed

to become president, have gone Democratic in each of the six presidential elections since 1988. Another state, New Hampshire, has gone Democratic in five of them. Republicans have a similarly powerful lock on 20 states, but those states only account for 165 electoral votes. The 11 states that will decide the election have mostly trended Democratic. Obama, for instance, won Florida and its 29 electoral votes in each of his campaigns, along with Ohio with its 18, and Virginia, which offers 13.

The Republican landslide majorities of the 1980s grew out of the seeds that ultimately destroyed them. At the time of Reagan's rise in 1980, Republican moderates were still well represented in Congress. Massachusetts sent two moderate Republicans to the House that year, Silvio Conte and Margaret Heckler, and the other New England states sent five more. Both Massachusetts senators were Democrats, but each of the other five New England states sent one Republican and one Democrat to the Senate.

In the 1950s and 1960s, political scientists say, the parties agreed on key issues and were dominated by party moderates. That started to shift with conservative Republican Barry Goldwater's 1964 presidential run and the rise of Reagan. But the moderate wing of the Republican Party was strong enough to give Reagan credibility in the Northeast in 1980, even as his conservative credentials made him the favorite in the South and West. "Republicans used to be a very different party, a party that had tremendous strength in the Northeast," says Robert Boatright, who teaches political science at Clark University in Worcester.

But the growing strength of that conservative wing of the Republican Party eventually crowded out party moderates. New Englanders weren't as receptive to the socially conservative message that

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Republicans increasingly touted elsewhere, or to their ambitious plans to downsize the government. In the 113th Congress of 2013-2014, New England sent only two Republicans to the Senate, Kelly Ayotte of New Hampshire and Susan Collins of Maine, and none to the House.

The Republican moderates who remain in other parts of the country have hardly distinguished themselves from their conservative colleagues. In a study of partisan voting in 2014 conducted by *Congressional Quarterly*, House conservatives voted against President Obama's wishes on 89 percent of votes in 2014. Republican moderates in the House disagreed with Obama 86 percent of the time. By contrast, the split in the Democratic Party, between moderates and liberals, is much wider.

The other problem for the GOP is demographics. Republicans have long had a problem attracting non-white voters, but the party's rightward shift hasn't helped any. If white voters were as large a constituency as they were in the 1980s, Republican presidential candidates wouldn't have to worry. But whites' share of the presidential election electorate is steadily eroding, declining from 87 percent in 1984 to 72 percent in 2012. The downturn means once solidly Republican states like California are turning reliably Democrat.

A gender gap is also emerging. Before the 1980s, white women voted Republican at nearly the same rate as white men. But the socially conservative bent of the current Republican Party has opened up a gap between them that has gotten as wide as 11 percentage points (in 2000) and settled in at 8 points in 2012. The result: 62 percent of white men voted for Mitt Romney in 2012 but only 54 percent of women did so. With white women voting at a greater rate than white men, the shift is bad news for Republicans. In 1984, white men and white women each formed an equal part of the electorate, but in 2012 white women made up 38 percent of total voters, and white men only 34 percent. "Mitt Romney would have won if the electorate looked like it did when George [H.W.] Bush was running or Reagan," says O'Brien.

White voters tend to turn out at higher rates than other ethnic groups, but the gap narrows during presidential election years, helping Democrats. In 2012, black voters, for the first time, voted at a higher rate than whites. Two in three registered blacks, or 67 percent, voted. For whites, it was 64 percent. But in the 2010 midterm election, when Republicans took back control of the House, 49 percent of registered whites voted, while only 44 percent of blacks cast ballots. With the exception of the increasing rate of black participation in the two most recent presidential elections, the pattern has remained consistent for decades. The same trend holds true for Hispanic and Asian-Americans, about a third of whom vote in midterm elections and half of whom vote in presidential years.

Research by University of Maryland government professor James Gimpel indicates that, for every 1 percentage point increase in the immigrant share of the population, the Republican share of the vote drops by 0.6 percentage points.

The electorate also gets younger in presidential years, another plus for Democratic candidates, since younger voters prefer them and older voters tend to prefer Republican candidates. Half of registered voters under 30 voted in 2008, compared to two-thirds of voters older than that. But in the 2010 midterm election, only a quarter of the under-30 crowd voted, while half of voters older than that turned out.

The 2014 campaign followed the same pattern. Nearly two-thirds of voters were over the age of 44, compared to a bit more than half in 2012. Three in four voters were white in 2014, compared to 72 percent in 2012. These shifts occur in Massachusetts as well, helping Republican candidates in non-presidential election years, such as Charlie Baker last year and Scott Brown five years ago.

Baker was elected in November with slightly more than a million votes, just a hair more than his opponent, Democrat Martha Coakley. But in 2012, Massachusetts voters cast more votes for both Obama and for Romney than they did for Baker. Obama won the state with 1.9 million votes to Romney's 1.2 million. In the 2010 special election that sent Brown to the Senate, Brown won with 1.2 million votes to Coakley's 1.1 million.

Hahrie Han, a political scientist at Wellesley College, says the lower turnouts in midterm and special elections help Republicans. "It's a lot easier for small groups of highly motivated voters to have greater influence," Han says. In Massachusetts gubernatorial races, it's also harder to pin GOP candidates with any baggage voters associate with the national Republican Party. Coakley, for instance, tried to convince voters to reject Baker simply because he is a Republican, but Baker successfully made the case that he's not like the Republicans that run Congress. Brown made a similar case to win his 2010 special election, but had a harder time in 2012 against Elizabeth Warren when he had a Senate voting record to defend.

Han agrees that Democrats have an advantage both in Massachusetts and nationwide going into the 2016 race, but she argues that the Democratic advantage is not insurmountable for the Republicans. "The fundamentals, things like the state of the economy or the number of casualties in a war, are incredibly predictive of elections since the beginning of the 20th century," she says. If the economy fails to gain steam, or goes back into recession, Republicans may sweep all the swing states and gain an easy victory. They also may surprise people, Han argues, by going after undecided voters in states outside their comfort zone. "It depends on the extent to which you believe that political parties and the work that campaigns do can have transformative potential," she says. **CW**

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A large landfill of trash under a blue sky with birds. The trash is piled high, with various colors of plastic and debris visible. Birds are flying in the sky above the trash. In the background, there are some trees and a small structure on the horizon.

The landfill operated by the Greater New Bedford Regional Refuse District is regarded as a well-run facility, but even so it's a foreboding sight.

Seriously, is this the best we can do?

BY BRUCE MOHL | PHOTOGRAPHS BY WEBB CHAPPELL

A skewed mindset about trash as well as a political stalemate are undercutting the state's efforts to reduce its wasteful practices.

For years, homeowners in Lynn faced no restrictions on their trash output. Technically, their weekly allotment was six barrels of trash, yet if additional barrels were put out at the curb they were always picked up. Mattresses, couches, and other large items were collected at no cost. But in December new regulations took effect limiting each household to one 64-gallon cart of trash per week. If homeowners need to throw away more, they now have to use special purple bags costing \$3 apiece. Disposing of a mattress or a couch costs \$20.

In a city with one of the lowest recycling rates in the state, Lynn officials are hoping the new trash regulations will make people think twice before they throw items that can be recycled into the trash. The goal is to reduce the amount of trash that has to be burned at a Saugus waste-to-energy plant at a cost of \$64 a ton. Last year, Lynn spent more than \$2 million burning its trash, and city officials say as much as 80 percent of that trash could have been recycled.

Julia Greene, the city's recycling coordinator, says the new regulations recognize that business-as-usual trash policies cannot continue. "Lynn can't afford it," she says. "No one can."

Trash is one of those problems that stares Massachusetts residents in the face on a daily basis. Yet it gets almost no attention because few people are exposed to the ick factor of landfills and trash incinerators. We put our trash out at the curb and it goes away. But now we are starting to run out of places to put it. Landfills, where trash is dumped on the ground and buried, are filling to capacity and shutting down. No new trash incinerators are being built. Exports are the lone growth area; the state currently projects that trash shipments out of state will double over the next six years. Many experts are betting that trash disposal costs will rise sharply as our dumping options become more limited.

What's most alarming about the state's trash problem is that it's so preventable. We know how to cut trash output and we know to turn recycled materials into money and jobs. We just don't do it. "What we've done for the last 30 years hasn't done much at all," says Stephen Lissauskas,

the vice president of government affairs at WasteZero, a North Andover company that works with municipalities to reduce their trash output and increase recycling. "We're throwing away a lot of money we shouldn't be."

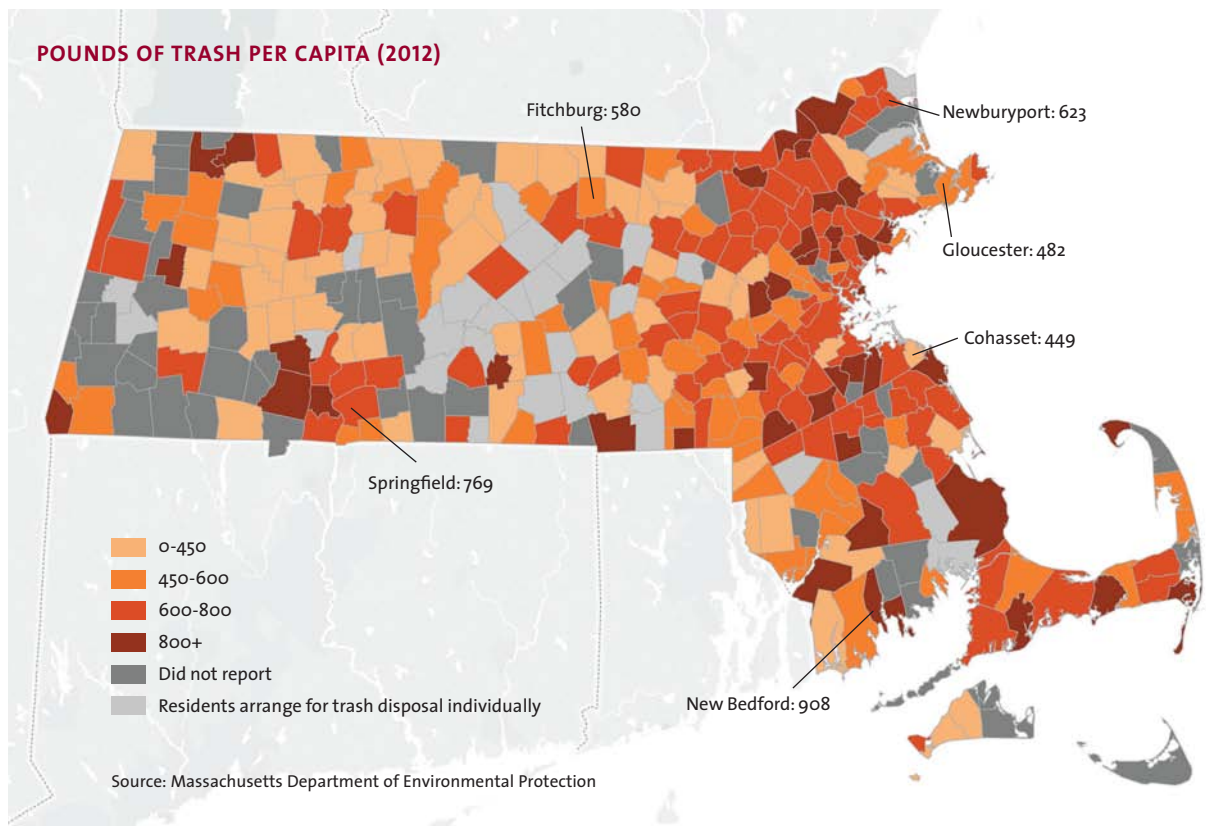
Part of the problem is political. The state's environmental and business communities have been locked in a struggle over the bottle deposit law for most of the last 30 years, first to pass the bill and then to expand its reach. The struggle has tended to overshadow the state's larger trash problems. Voters in November overwhelmingly rejected a ballot question that would have expanded bottle deposits, and there have been some attempts since then to find common ground, but the fight goes on.

The other challenge is the mindset of most state residents. They don't think of trash disposal like other municipal services. Cities and towns charge on a metered basis for water and sewer services — the more you use the more you pay. But only about a third of the state's 351 cities and towns charge for trash the same way. Most municipalities let their residents think there's no limit on the amount of trash they can put out at the curb. As a result, those communities on average throw away about

Part of the problem is political. The other challenge is the mindset of most state residents.

55 percent more trash than communities that charge residents a per-bag fee.

Even Lynn officials acknowledge their recent move to limit trash output to one, 64-gallon cart a week is a baby step along the path to trash reduction. The new carts are designed as much to automate the trash pickup process as they are to limit trash disposal. A family putting out one cart of trash per week could still generate an estimated 2,330 pounds of trash per year, or about 863 pounds for each person in a typical Lynn home. That's 45 percent more trash



than the average Massachusetts resident generates.

Andrew Hall, the head of Lynn's Department of Public Works, says the city's approach is a realistic one. There was pretty strong resistance to the new 64-gallon-a-week trash cap, so he says he never seriously considered going with a program that would have charged residents based on the amount of trash they put out at the curb. "People would show up here with knives and pitchforks if I did that," he says.

UNMET GOALS

State environmental officials dutifully publish 10-year plans, complete with detailed trash reduction goals, but they always seem to come up short. In 1990, the 10-year plan called for 54 percent of the state's trash to be buried or burned and 46 percent recycled. When 2000 rolled around, the state was burning or burying 66 percent of its trash and recycling 34 percent. By 2010, we were supposed to be burning or burying 2.1 million tons of trash per year. Instead, we did more than twice that amount — 4.7 million tons. By 2020, the current plan calls for getting that number down to nearly 3.8 million tons, and then to 1 million by 2050.

No one is putting much stock in the numbers. Even the Department of Environmental Protection, which develops the 10-year plans, outlines two scenarios for

2020 — a baseline recycling scenario, where recycling keeps pace with trash generation, and an increased recycling scenario, where recycling grows at a much faster pace. The dual scenarios typify a bureaucracy sending out mixed signals.

State environmental officials have the tools to curb the burial and burning of trash, but they lack the money and the clout to put those tools to good use. The budget of the state's environmental protection agency, which has responsibilities that go way beyond trash, was cut 25 percent during the Great Recession and never bounced back. The number of employees working at the agency is down 30 percent from a decade ago, and their absence is reflected in ways big and small. One small example: the state's data on trash and recycling at the municipal level are full of holes; many cities and towns don't even both to file reports with the state anymore.

Waste bans are one of the tools at the disposal of state officials, but they aren't enforced aggressively. In 1990, the state started banning easily recyclable items from landfills and incinerators and the list of banned items has grown over time to include paper, textiles, plastic, metal, glass, and food waste. Yet for years the state enforced the bans with what might be called an honor system. Finally, three full-time inspectors were hired in October 2013, but they seem to spend most of their time educating people about the bans. If a truck drop-

ping trash off at a landfill or an incinerator contains banned items, state officials say the inspectors trace the banned materials back to the source and work with the generator to remove them. A request to accompany an inspector on the job was turned down.

State data indicate nearly half of the trash being burned or buried in Massachusetts could be recycled, which means residents are paying millions of dollars to dispose of valuable commodities. WasteZero estimates municipalities and businesses spent nearly \$163 million in 2013 disposing of just seven types of recyclables — including plastics, textiles, metals, and paper — that could have been sold for \$217 million.

Janet Domenitz, the executive director of the Massachusetts Public Interest Research Group, says the state's trash problems need a lot more visibility. She worked as part of an enforcement committee that helped craft the state's master plan for 2020, and came away thinking that it's time for a highly visible crackdown on trash scofflaws that would make waste disposal a front-burner issue. "I don't want to hear about education anymore. I want someone to pay a fine that hurts," she says. "We need to ratchet it up big time."

Many believe the state's trash issues will gain greater visibility if the cost of disposal rises. Trash generation fell during the recession and disposal prices fell, too. Now that the economy is beginning to recover, the expectation is that people will buy more and throw more things away. But this trash growth is coming at a time when landfills are closing and no new incinerators are being built. An estimated 1.5 million tons of landfill capacity in Massachusetts is expected to be lost by 2020. The only place for the trash to go is out of state to more garbage-friendly locales such as New Hampshire, Maine, Ohio, and North Carolina.

Kurt Macnamara of the Devens Recycling Center, which processes construction and demolition debris and ships a lot of it out of state by train to Ohio, predicts waste disposal costs are going to jump 20 percent this year as waste volumes increase and the space available for trash disposal shrinks. "It's a very quiet, slow-moving storm, but when it hits it's going to be bad," he says.

Others are not so sure. Wheelabrator, which runs a waste-to-energy plant in Millbury, just cut the prices it charges many of its municipal clients from \$76 to \$64 per ton. Thomas Cipolla, the business manager who works for the Covanta SEMASS waste-to-energy plant in Rochester, says disposal costs are down significantly from where they were four to five years ago. "I don't know that there's going to be an increase in the future, but it's possible," he says. "It's all supply and demand."

The supply of trash could be affected by a major new recycling initiative, as well as a new technology to turn waste into a fuel that could replace coal in coal-fired

power plants. The new technology is unfolding at a \$34 million, 100,000-square-foot facility under construction in Rochester that would take as much as 2,000 tons of trash per day and compress it into charcoal-like briquettes. Michael Camara, a waste hauler from New Bedford and an investor in the project, says the briquettes would burn cleaner than coal. The briquettes could only be sold to power plants outside Massachusetts because of a cap on burning trash inside the state.

Meanwhile, state officials are counting on an ambitious new food waste recycling program to reduce the state's trash volume. The program requires any institution generating more than one ton of food waste each week (think restaurants and supermarkets) to divert it to food banks, composting facilities, and anaerobic digesters, which convert food scraps into methane gas that can be used to generate electricity. Officials estimate the pro-

More than half of the trash being burned or buried in Massachusetts could be recycled.

gram could remove 300,000 tons of organics from the state's waste stream, enough to fill the equivalent of about seven Fenway Parks.

David Cash, the commissioner of the Department of Environmental Protection, says the new food waste initiative, along with other state efforts to boost recycling, should be able to curb trash generation and keep disposal costs in check. He acknowledges solid waste is a difficult nut to crack, but he says the state is not facing a sky-is-falling situation. "I would not say the situation is of crisis proportions," he says. "I would say it's serious."

PAY-AS-YOU-THROW

Newton, a well-to-do Boston suburb with 85,000 residents, generates nearly the same amount of trash as Worcester, a gritty municipality in the heart of the state with more than twice as many residents. On a per capita basis, Worcester residents generated 323 pounds of trash in 2012, compared to Newton's 576. Worcester residents aren't more environmentally conscious than those in Newton, but they are more conscious of trash — or at least its cost. Worcester residents pay \$1.50 for each bag of trash they put out at the curb, while Newton residents,



Gerry Duggan holds some of the trash-compacted briquettes at a waste facility in New Bedford.



"I would not say the situation is of crisis proportions," says David Cash, the commissioner of the Department of Environmental Protection under former governor Deval Patrick.

out less and save the municipality on disposal costs.

Nearly a third of the state's cities and towns charge their residents a bag fee. Their average trash output is 432 pounds per person. For the state's other cities and towns, the average is 670 pounds per person. Natick shifted to pay-as-you-throw in the middle of 2003. Its trash tonnage over time has dropped from 9,800 tons a year to 5,923 tons, and its savings on disposal have totaled \$3.1 million over the last 11 years. Sandwich made its move to pay-as-you-throw in the middle of 2011 and has seen its trash tonnage drop 48 percent, generating disposal savings of \$425,000.

Fall River moved to pay-as-you-throw last year, and trash output went from an average of 816 pounds per person to an estimated 450 pound. Nevertheless, voters in Fall River recalled the mayor, in part because he pushed through a pay-as-you-throw program.

Moylan, the former Worcester official, acknowledges the political risks in moving to a bag fee, but he says the program works and can work in any community. "What they're doing

like those in Lynn under its new rules, are allowed to fill a 64-gallon cart each week. The difference may not sound like much, but the small bag fee is enough to change the mindset of most homeowners, turning them into big-time recyclers.

"Solid waste, like water and sewer, should be based on usage," says Robert Moylan, who ran the Public Works Department in Worcester in 1993, when the city's pay-as-you-throw program was launched. At the time, the city was facing a financial crisis and Moylan was trying to choose between cutting services or increasing taxes. In the end, he chose pay-as-you-throw. The results were head-turning. The city's trash shipments to the Wheelabrator waste-to-energy plant in Millbury dropped from 45,000 tons a year to 22,500.

There are all sorts of pay-as-you-throw approaches. Some communities require residents to purchase special bags. Others use bag stickers. There is even an approach that utilizes debit cards. Some programs generate money for the city or town; others are revenue neutral. The goal is to put a dollar value on trash, giving residents an incentive to put

now is wasteful," Moylan says of communities without bag fees, "but they've been doing it so long that they don't realize how wasteful it is."

Moylan could be talking about Boston, a city that

A small bag fee may not sound like much, but it turns most homeowners into big-time recyclers.

generates an average of 674 pounds of trash per person. Some of the city's trash goes to a waste-to-energy facility in Saugus. The rest goes to a transfer station in Lynn, where it is typically trucked to another incinerator or out of state.

Boston officials are trying to bring the trash volume

down by promoting recycling through a number of innovative programs. All recycling materials in Boston are taken to a facility in Charlestown owned by Kti Recycling of New England. City officials say the city used to receive some money back for its recyclables, but currently is paying Kti \$2 a ton to take them because the value of paper, plastics, and glass is so depressed.

Michael Dennehy, the interim commissioner of public works in Boston, currently lives in Milton, which has a pay-as-you-throw program that charges \$3 for stickers. He doesn't have a problem with the Milton program — "there's not much we can't recycle in my house," says the father of five — but he nevertheless opposes moving Boston to a pay-as-you-throw system.

Dennehy, like all of his predecessors, believes a pay-as-you-throw program would never work in Boston, where renters make up two-thirds of the population. His biggest concern is that pay as you throw would lead to illegal dumping by people seeking to avoid a trash fee. "It would take an army of code enforcement officers to police that," he says.

Dennehy's concerns about dumping and cleanliness are typical of officials in communities that don't assess bag fees, but communities that do assess the fees say the concerns are unwarranted. "These questions have all been answered," says Bill Fiore, assistant to the commissioner of public works in Worcester, a regular stop for any community researching bag fees.

Lisauskas of WasteZero, which advises municipalities on pay-as-you-throw programs, says the available evidence indicates dumping is a problem that can be managed. "It's something people are concerned about when they are considering a pay-as-you-throw program, but it doesn't turn out to be a problem," he says.

THE POLITICS OF TRASH

George Bachrach, the president of the Environmental League of Massachusetts, is searching for common ground with the supermarket and beverage industries. Bachrach and his fellow environmentalists got their heads handed to them in November, when voters defeated a ballot measure to expand the reach of the bottle deposit law by a margin of nearly 3-1.

Environmentalists had argued the existing bottle deposit law works, and expanding it to most noncarbonated beverage containers would reduce litter and improve recycling. The beverage industry countered that it made no sense to operate two recycling systems, one for beverage containers and one for everything else. The beverage industry, backed by a \$7 million spending advantage, prevailed at the ballot box, and now Bachrach is reaching out to his long-time opponents,



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trying to find common ground. “I’m not interested in fighting old fights,” he says.

No one is tipping their hand yet, but reading between the lines, it seems as if the fight over the bottle deposit law is not going to go away, and common ground will be difficult to find. Chris Flynn, the president of the Massachusetts Food Association, which represents the state’s supermarket chains, says voters made a clear statement in November that they do not want two approaches on recycling, one for containers and one for everything else.

“We should be looking at a more comprehensive approach,” Flynn says. He favors legislation that would do away with the bottle deposit law entirely and replace it with a 1-cent fee on every container, which would provide the revenue to move recycling efforts into high gear. Think of it as a grand bargain: More money for recycling efforts in return for scrapping the bottle deposit law.

“It’s fair to say that there’s a group of us who feel that’s the direction we should head,” he says. “There’s no need for a bifurcated system.”

Bachrach is not in favor of doing away with the bottle deposit law unless a proven alternative is in place and working. He says the bottle deposit law has been suc-



cessful in recycling 80 percent of the covered containers, while the recycling rate for those containers not covered is about 24 percent. If a comprehensive recycling system can be developed that matches the 80 percent figure, Bachrach says then, and only then, would he consider getting rid of the bottle deposit law.

MassPIRG’s Domenitz, the bottle deposit law’s biggest supporter, says a comprehensive approach to the state’s

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trash problem should include the bottle deposit law along with a host of other measures, including enforcement of the waste bans, organics recycling, and pay as you throw. “The big picture is almost always made up of a 100 different things,” she says. “There is no silver bullet here.”

Proposed legislation would set benchmark goals for municipal trash per capita.

Sen. Marc Pacheco of Taunton, who has served as Senate chairman of the Legislature’s Committee on Environment, Natural Resources, and Agriculture, says he wants to hold hearings statewide this year on trash, which he calls a “ticking time bomb” for municipalities across the state. With landfills closing, no new incinerators being built, and the cost of trash exports rising, Pacheco says the state needs to deal with its waste problem for both environmental and economic reasons.

Pacheco favors legislation that would set trash performance standards for municipalities, similar in some respects to standards for education, affordable housing, and other state priorities. His bill would require every municipality to reach an average of 600 pounds of trash per capita per year quickly and then ratchet that number down over five years to 450 pounds per capita. The numbers could be a challenge for some communities, but the average pay-as-you-throw municipality is already below the five-year target.

The senator is cautious about how his proposed standards would be enforced. His bill leaves that up to the same Department of Environmental Protection that has had difficulty enforcing the state’s waste bans. Hitting cities and towns where it hurts, by tying some part of state aid to compliance with trash-reducing benchmarks, would be one way of getting their attention, but would be politically difficult to push through the Legislature. A weaker enforcement regime that’s more politically palatable, however, might do little to alter the unsustainable trash-tossing track the state is on. Either way, Pacheco says, it’s time to address the state’s trash system. “The more you find out about it,” he says, “the more you say what a mess the system is.” **CW**

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Scott Sternburg may not have been a successful businessman, but with his brother Paul as a top Lottery official, he was successful in skirting agency rules and regulations for his own benefit.

BY JACK SULLIVAN | ILLUSTRATION BY POLLY BECKER

One of the keys to the success

of the Massachusetts Lottery is its agents. There are more than 7,600 of them scattered across the state, doling out instant games tickets, Keno, pull tabs, and big money drawing tickets from behind counters in gas stations, convenience stores, supermarkets, pubs, and through vending machines. The agents generate \$4.9 billion in annual sales, of which about \$900 million goes to cities and towns in the form of local aid.

The agents themselves have a pretty sweet deal, the equivalent of hitting one of the Lottery's million-dollar

jackpots. The average Lottery agent earns \$37,000 a year in commissions and bonuses from game sales — nearly the same amount a \$1 million winner gets each year if he takes his winnings in the form of an annuity — and there is little heavy lifting. The sales terminals, signage, and tickets are all provided to the agent at no cost. All the agent has to do is man the terminal and make sales. Lottery customers often purchase other items while they're picking up their tickets, sales that add to the agent's bottom line.

All the Lottery demands in return is stringent compliance with several laws, rules, and regulations. Agents must have pristine credit backgrounds and no history of criminal activity. They can't hold government jobs or be related to someone who has a government job. Most importantly, they have to comply with Lottery money-handling procedures. Agents have to maintain a separate bank account for all Lottery proceeds and allow the Lottery to remove the money at periodic intervals. Failure to have the Lottery's money available triggers automatic compliance measures. Under Lottery regulations, three instances of noncompliance typically lead to revocation of the agent's license and, in many instances, the revocation of any other Lottery licenses held by the agent.

The rules sound black and white, but they weren't applied in a black-and-white manner for Scott Sternburg, the owner through numerous companies of eight lottery licenses and the older brother of former Lottery executive director Paul Sternburg. All eight of Scott Sternburg's licenses are now terminated, and he owes the Lottery \$50,000.

Scott Sternburg obtained his first two Lottery licenses in 1995 and 1996, before his brother started working at the Lottery. But once Paul Sternburg joined the Lottery in 1997, first as a regional manager, then director of sales, and later executive director, Scott Sternburg landed and kept six more Lottery licenses, despite deteriorating personal finances and repeated failures to comply with Lottery money-handling procedures that would have normally led to automatic license revocations. The Lottery's lawyers determined the ban on family members acting as agents didn't apply to Scott Sternburg because he assigned each of his licenses to a separate corporation, even though he was the only officer listed for each company.

Steve Grossman, who oversaw the Lottery as state treasurer until he left office in January, says he was aware of Scott Sternburg's financial problems as an agent, but felt Paul Sternburg and other Lottery officials showed him no favoritism. He also says Scott's financial problems were not the trigger for Paul's departure from the executive director's post in March 2014.

Paul Sternburg vehemently denies intervening on his

brother's behalf or asking him to be treated any differently than other agents with financial problems. "I was unaware of any of that. I never had anything to do with anything that ever went on in my brother's stations," he says from Long Island, where he was on tour as manager for the J. Geils Band. "I don't think anybody gave my brother preferential treatment....I know they did not treat my brother deferentially. If they did treat him differently, there's probably a business reason for it."

Scott Sternburg, reached by phone, initially told the caller he had the wrong number. But after admitting who he was, Sternburg said he didn't have anything to say. "I'm not going to waste my money and have you call my lawyers," he said. "I have more important things to worry about. Now that I have your number on my caller ID, I'll make sure I don't answer my phone if you call again."

SPECIAL TREATMENT

Scott Sternburg is, by all accounts, a smart and ambitious guy. He graduated from Boston College with a degree in marketing in 1977 and for the next 17 years worked his way up the ladder to vice president of the dairy division of Morris Alper Inc., a longtime food broker in Framingham that is no longer in business.

In June of 1995, Sternburg took over a Mobil gas sta-

Lottery agents have a pretty sweet deal, the equivalent of hitting one of the Lottery's million-dollar jackpots.

tion on Route 2 in Fitchburg and successfully applied to have the Lottery license issued in his name. One year later, he did the same thing with a Mobil station on Montvale Avenue in Stoneham. The businesses apparently did well enough that, in 2000, he and his wife moved from a condo in Milford to a home they purchased in a secluded neighborhood in Sudbury that is now valued at more than \$1 million, according to the real estate website Zillow.

Paul Sternburg also went into the lottery business, but came at it from a different direction. After graduating from the University of Rhode Island with a degree in management in 1983, he worked in a variety of marketing and business administration capacities in the private sector. He was hired by the Massachusetts Lottery in September 1997 as a regional manager in charge of the Braintree office.

A brother in trouble

A summary of Scott Sternburg's six locations that had problematic financial dealings with the Lottery, where his brother Paul was director of sales in charge of Lottery agents and later executive director. A "missed sweep" is an unsuccessful collection effort by the Lottery to withdraw funds from an agent's account for Lottery sales.

128 LEXINGTON GAS, ROUTE 128 NORTH, LEXINGTON

Owner: A&E 128 North Corp.

Lottery license activated 6/27/02

9 missed sweeps in 2007 and 3 in 2012 totaling \$159,681

License suspended 1/08/08 pending three-strikes hearing on 4/4/08. License reinstated, one year probation both times.

Files bankruptcy for company on 11/3/13. Lottery shuts down terminal on 11/7/13 and sweeps \$9,645 from the account, leaving a balance of \$26,300 uncollected.

LEXINGTON MOBIL MART, WALTHAM STREET, LEXINGTON

Owner: SNF Corp.

Lottery license activated 6/27/02

1 missed sweep in 2005, 3 between September, 2007, and March, 2008 totaling \$22,608

License suspended 3/18/08 pending three-strikes hearing 4/4/08.

License reinstated, one year probation

License voluntarily terminated 8/12/09

HESS MART, MAIN STREET, FITCHBURG

Owner: A&E Fitchburg, Inc.

Lottery license activated 6/1/11

2 missed sweeps in September and October, 2012 totaling \$5,624. Also, 5 missed sweeps in 2012 and 2013 with no amount reported Scott Sternburg withdrew \$2,500 on 10/28/13, three days ahead of a scheduled sweep.

Lottery shuts location down 11/7/13 because of financial instability. Account swept for \$5,038, balance of \$10,911 paid by check 45 days later. Hearing held on 12/16/13. License involuntarily terminated 3/27/14

BOYLSTON MOBIL, BOYLSTON

Owner: A&E Enterprises Boylston

Lottery license activated 3/28/06

4 missed sweeps between July, 2007 and February, 2008 totaling \$36,998.

License suspended 3/6/08 pending three-strikes hearing on 4/4/08. License reinstated, one year probation

License voluntarily terminated 4/9/09

128 NEWTON GAS, ROUTE 128 SOUTH, NEWTON

Owner: A&E 128 South

Lottery license activated 6/27/02

8 missed sweeps between June, 2007, and January, 2008 totaling \$104,671

License suspended 1/19/08 pending three-strikes hearing 4/4/08. License reinstated, one year probation

Files bankruptcy for company on 11/3/13. Lottery shuts down terminal on 11/7/13 and sweeps \$11,707 from the account, leaving a balance of \$23,692 uncollected.

License involuntarily terminated 4/16/14

MONTVALE MOBIL, MONTVALE AVE., STONEHAM

Owner: Simantov, Inc.

Lottery license activated 6/20/96

No reported issues but store owed \$30,187 at closing with only \$10,209 available in the account.

Balance of \$19,977 paid by check

License voluntarily terminated 10/29/08

In 2003, he moved up to director of sales, in charge of all Lottery agents. He left at the end of 2007 to become vice president of sales at the Connecticut lottery, but returned to the Massachusetts Lottery three years later as executive director.

The business lives of the two brothers began to intersect in June 2002. The Lottery granted two agent licenses in Lexington and one in Newton to three separate corporations controlled by Scott Sternburg. The licenses were all at gas stations Scott leased, including high-traffic locations on Route 128 in Lexington and Newton. In 2006, corporations owned by Scott were granted two more Lottery licenses at gas stations with convenience stores in Boylston and Peabody, bringing his total at that time to seven.

But as Scott's Lottery business grew, he began having problems remitting game proceeds to the state on a timely basis. Under Lottery regulations, an agent is supposed to deposit Lottery sales proceeds in a separate account that is periodically swept by Lottery officials. The sweeps are designed to make sure the Lottery gets its money in a timely manner and avoid situations where debts mount. Agents are notified three or four days before a sweep occurs so they can make sure sufficient funds are in the account.

The first time an agent has a rejected sweep — an occasion when the agent has insufficient funds in the account to pay the Lottery — he or she has to pay up using a certified check. The second time, the agent not only has to pay by certified check but is also subject to sales and inventory restrictions. On the third violation, standard procedure is for the agent's license to be revoked pending a three-strikes hearing where he is allowed to make the case for retaining his license. Few agents get another chance and, if they do, they are put on an extremely short leash. They must make payments more quickly and their supply of scratch tickets is rationed. Indeed, the norm is for an agent to lose other licenses he holds, even if those licenses are held by separate corporations and those corporations have no financial issues with the Lottery.

For instance, the Cohasset Mobil station did not have the required \$4,700 available when the Lottery swept its account in September of last year. Because it was the station's third missed sweep, officials shut down the Lottery terminal at the station and revoked the agent's license. The officials also revoked the agent's license for Ray's Service Center in Hingham, which was timely with all its Lottery payments but shared the same corporate officer with the Cohasset Mobil station. The whole process took two months.

Similarly, the Buck Island Country Store in South

Yarmouth missed a sweep of more than \$19,000 in November 2013, its third violation. The Lottery shut down Buck Island's operation and five days later suspended the agent's license of another store in Hanover that shared a corporate officer, even though that location had never missed a payment.

"It is our goal to keep them as viable agents whenever possible," Beth Bresnahan, the Lottery's current executive director, wrote in one response to questions. "However, when the financial risk becomes too great, we must take swift and appropriate action to protect the Lottery/state's assets."

That same sense of urgency, however, was not apparent in dealing with Scott Sternburg's licenses. Between 2007 and 2013, Lottery records indicate Scott had insufficient funds in his accounts 35 times, all but four of

At his Lexington station, Scott Sternburg missed Lottery payments nine times in 2007 for amounts from \$898 to \$21,000.

them during periods when his brother was working at the Lottery. The missed payments triggered six "three-strikes" hearings involving five locations owned by companies Scott controlled. At five of the three-strikes hearings, Scott's license was suspended until he made good on his debts. The only time his license was revoked was in 2014, after his company that owned the location had filed for bankruptcy.

The saga of the Lottery license at his Lexington station on Route 128 illustrates his lenient treatment. Between May and December of 2007, he had insufficient funds in his account nine times for amounts ranging from \$898 to more than \$21,000. No three-strikes hearing was called until January of 2008, a month after Paul left to take a job as vice president of sales at the Connecticut lottery. His Lottery license at the Lexington stations was suspended until April, when three-strikes hearings on that license and licenses at three other locations were held. At the hearing, Scott's licenses at the four locations were all placed on probation for a year, which allowed him to keep operating. None of the Lottery licenses at his other three locations were affected.

While Paul was working at the Connecticut lottery, Scott voluntarily gave up four of his licenses, two of them in 2008 and two others in 2009. Two of the licenses

were relinquished after a year of probation. The other two were given up despite no apparent financial issues, although insufficient funds were in the account at one of the locations when it was shutting down. Scott had to pay the balance of what he owed the Lottery by certified check.

In January 2011, Paul returned to the Massachusetts Lottery, this time as executive director. He was appointed by Grossman, then the newly elected state treasurer, who belonged to the same synagogue as Paul. Grossman says he did not have a social relationship or friendship with Paul; he says he hired Paul based on recommendations and his resume.

Perhaps the most puzzling Lottery decision regarding Scott Sternburg came in June 2011, six months after his brother's return to the agency. Paul was awarded a Lottery license at a second gas station in Fitchburg despite four previous three-strikes hearings, the involuntary dissolution of two of his corporations holding agent licenses, and a 2010 IRS lien against him and his wife for \$153,000 that was still outstanding. Lottery officials offered no explanation for how someone with such a troubled financial history could land a license other than to say the license was granted to a new corporation independent of others owned by Scott Sternburg.

"The application submitted in 2011 met the licensing requirements," Christian Teja, director of communications for the Lottery, wrote in an email response. "The applicant passed a credit check, CORI check, and owed no money to the Lottery."

About a month after receiving the new Fitchburg license, Scott terminated the very first license he had received in 1995 for another Fitchburg gas station and mini-mart, leaving him with licenses for the new Fitchburg location and his two locations on Route 128.

In November 2013, his two corporations owning the gas stations on Route 128, in Lexington and Newton, filed for bankruptcy. At the same time, Scott shut down the Fitchburg station he had acquired just two years earlier, a move that resulted in a suit by Hess Corp., his fuel supplier, for breach of contract.

The Lottery managed to obtain the \$16,000 it was owed under the Fitchburg license, though there were insufficient funds in the account when the officials initially went to withdraw it. The Lottery recovered only \$15,000 of the \$65,000 owed by the two companies that filed for bankruptcy. The licenses at all three locations were terminated, but not until March 2014 in the case of the Fitchburg license, and April 2014 for the two Route 128 licenses. Paul Sternburg resigned from his position as executive director of the Lottery in February 2014.

As he was leaving, Paul Sternburg filed a conflict of interest disclosure with the State Ethics Commission,



informing that office he would be acting as a consultant with the state of Michigan in a position paid for by one of that state's vendors, GTECH Corporation of Rhode Island, which is also a major supplier of equipment and tickets to the Massachusetts Lottery.

As luck would have it, Paul also tried his hand at a Lottery game, which he had been prohibited from doing while he was working at the agency. On March 10, 2014, less than a month after his resignation, he walked into the Lottery's Boston office in the basement of Ashburton Place and cashed a \$1,000 winning \$10 ticket he had purchased at a Stop & Shop in Watertown.

FAMILY TIES

When the Legislature first debated the creation of a state-run lottery in 1971, there was concern about ensuring the operations would be above reproach and free of scandal. Several provisions were inserted in the legislation to protect against favoritism. One provision barred any individual from holding more than one agent's license. Another measure stated that "no federal employee and no state, county, or municipal employee, or member of the immediate family... shall sell or be issued a license to sell lottery tickets."

The laws were designed to prevent licenses from being concentrated in the hands of a few and to prevent people from using government connections to land agent licenses. Both provisions were fairly extreme. For example, it's

hard to see how the public would benefit by prohibiting the brother of a park ranger in Alaska from owning a Lottery agent's license in Massachusetts.

David Bartley, who was the House speaker in 1971, says the language was "standard boilerplate" inserted into most bills at the time but was especially central to assuring the public that the Lottery would be a clean operation. "You don't want them saying you created the organization so only connected people could make money off it," says Bartley, now 79.

Lottery officials say Scott Sternburg avoided the reach of both provisions by setting up separate corporations for each of his businesses that held lottery licenses. Each corporation had Scott Sternburg as its only officer, but each corporation was a separate legal entity. As a result, the corporations satisfied the letter of the law since no individual owned more than one license and the license holder, a corporation, was not related to anyone working at the Lottery.

"These decisions to operate in that manner existed long before Paul ever worked here," says Bresnahan, referring to her former boss at the Lottery. She says about 1 percent of people granted licenses through corporations — which account for more than 87 percent of the Lottery's agents — have an immediate family member who is a public employee, though not necessarily a Lottery employee.

The Lottery license application has contained questions about public employees and their relatives from the beginning. But since 2006, every owner, partner, member, manager or officer of a business applying for a Lottery agent's license has had to sign a separate form stating whether they have an immediate family member working for the government. The Lottery couldn't locate Scott Sternburg's records from 2002 to 2006, when his brother rose from regional manager to director of sales. But on the forms filed in connection with license applications in 2006 and 2007, Scott Sternburg checked "no" when asked whether he had an immediate family member working as a public employee. At the time, Paul Sternburg was director of sales at the Lottery.

"We can't speak on behalf of Scott Sternburg and if he may have misinterpreted what constitutes an immediate family member (though there is a reference to the statute should there be any questions)," Lottery spokesman Teja wrote in an email. "However, there has never been any question as to whether or not Scott Sternburg and Paul Sternburg were immediate family members during the licensing process."

Scott Sternburg also checked "no" on the forms between 2008 and 2010, when Paul Sternburg was working for the Connecticut lottery. Lottery officials say they can't find the

form for Scott Sternburg's agent application in 2011, when Paul Sternburg was the agency's executive director.

In November 2011, 11 months after he was named executive director and six months after his brother was awarded his eighth agent's license, Paul Sternburg filed a letter with Grossman disclosing a potential conflict of interest regarding his brother and recusing himself from any dealings with his brother's corporations. At the time of the recusal, Scott Sternburg had divested himself of all but his last three licenses.

"It has been my practice, and it will continue to be my practice, to make no inquiries and take no positions or actions regarding [Scott Sternburg's] business with the Lottery," he wrote. "If any issue regarding any of these three named agents comes to my attention, I will direct

William Egan, the Lottery legal counsel, says it's well established that corporations are not individuals under the law.

such issue to the Lottery's General Counsel, William J. Egan Jr., who will assume all responsibility for resolving the issue in accord with the policies and procedures of the Lottery."

Paul Sternburg says his brother's use of a corporation to obtain Lottery sales licenses is a practice that a stream of the agency's general counsels have upheld. He says he and his brother followed the letter of the law.

"It's not an approach I invented," he says. "It's a practice that has been going on since day 1 of the Lottery."

INTERPRETING THE LAW

Gregory Sullivan, the former state inspector general who now works as research director at the Pioneer Institute, a Boston public policy organization, says the Lottery's oversight of Scott Sternburg's licenses and the corporate shell game it allows to bypass nepotism rules undermine the scandal-free reputation of the agency.

"It's an absurdity to suggest you can get around this immediate-family rule by establishing a corporation," he says. "It would make the law meaningless. It's a transparent, outrageous abuse of a law that was established to prevent brothers and sisters of state employees from getting Lottery licenses. They're very valuable."

Sullivan says he is also troubled by the Lottery's

loose oversight of Scott Sternburg's financial problems, particularly for failing to crack down on him for failing to pay the agency the money it was owed in a timely fashion. When he was inspector general, Sullivan says his office issued a report on the Lottery that focused on the importance of regularly sweeping money from an agent's account. He says the sweeping process not only allows the state to get the money into its own account to earn interest, it also minimizes losses by not letting any agent build up arrears.

"It's really a critical safeguard. That's the backbone of the anti-fraud system, designed precisely to prevent this from happening," he says. "What compounds it and makes it 10 times worse is the Lottery did not sweep and close down the accounts of the brother. Those two safeguards were just ignored and not implemented. The purpose is to minimize the losses for the Lottery and that didn't happen. This should be investigated."

Yet former treasurer Grossman and officials at the Lottery insist proper procedures were followed.

Egan, the Lottery legal counsel to whom Paul Sternburg assigned oversight of his brother's licenses in November 2011, says it's well established at the Lottery that corporations are not individuals under the law. "The process

largely works fine," says Egan. "This part of the statute's been there since the beginning."

Grossman says none of the Lottery problems associated with Scott Sternburg could be laid at Paul Sternburg's feet because of the letter Paul filed disclosing his conflict of interest as executive director and recusing himself from any dealings with his brother's corporations.

"I was aware that Scott had serious financial issues," Grossman says. "I was satisfied that Paul had no involvement in any aspect of his brother's relationship with the Lottery. [Paul Sternburg] created a very clear firewall. We were well aware of his [financial issues] before Paul resigned."

Paul Sternburg says the Lottery treated his brother like any other agent, shutting him off when he failed to pay and turning him back on when the debts were satisfied. He says there were other businesses that likely had similar issues but, when pressed, like Lottery officials, he was unable to name any. He defends his brother's performance as a lottery agent and said everyone made out.

"Everything he owed them, he paid back," he says. "The state right now is only out the bankruptcy money. He may have had (missed sweeps) for a couple thousand dollars but they made millions and millions off my brother." **CW**

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P27472



Surveillance cameras are everywhere.
Can we tap technology to tackle crime
without giving up all our privacy?

Big Brother is watching

BY MICHAEL JONAS

ON THE DAY of the Boston Marathon two years ago, before the bombs and the blood, Ed Davis was taking in the race from the viewing stand at the Copley Square finish line. Being a cop as well as a spectator, however, he couldn't help but ponder things cops think about these days, especially if they are the top police official in a city holding a major international sporting event.

"I was sitting in the bleachers that morning watching all the people with cameras," says Davis. "And it occurred to me: If anything happens here, there's going to be a record of it. You can't walk three feet without somebody picking you up in the background of a still shot that they're taking or video they're taking."

Something, of course, did happen. And within 20 minutes of the bomb blasts on that Monday two Aprils ago, says Davis, who was then the city's police commissioner, the order went out to try to locate and secure any photo or video evidence showing the area during the time leading up to the explosions.

Along with canvassing businesses along

Boylston Street that may have had surveillance video cameras in operation, officials decided to crowd-source their hunt for leads by asking people to submit any digital photos or video they had from the finish line area. "People were so responsive that it crashed the FBI computers that we had set up to do it," says Davis.

By Wednesday, authorities had images from cameras of nearby businesses showing the two men they believed were responsible for the blasts that killed three people and wounded 260. After an internal debate among local and federal law enforcement officials, the decision was made on Thursday to publicly release the images. Within hours, Tamerlan and Dzhokhar Tsarnaev began what would be the bloody denouement to the region's week of terror, allegedly shooting to death MIT police officer Sean Collier, carjacking a man and his Mercedes SUV, and leading police on a chase to Watertown that ended in a wild shootout that left Tamerlan Tsarnaev dead and his brother, who was found hiding several hours later, badly wounded.



Surveillance video shows suspects with backpacks on Boylston Street sidewalk.



Although the suspects were not identified from the surveillance video, its release is clearly what “activated” them, says Davis. “They realized it would just be a matter of time before they were caught.”

The images that were released that week — along with graphic scenes recorded on a camera right in front of one of the blast sites that have not been shared publicly — are sure to figure in Dzhokhar Tsarnaev’s trial, which is now playing out in federal court in Boston. The Marathon may be the highest-profile crime in recent years in which video surveillance played a crucial role. But it is by no means the only one.

Hardly a day goes by without a news report of a crime, from the mundane to the murderous, for which there is a surveillance image, with police often seeking public assistance in identifying suspects. It all has the effect of making it seem like technology is helping us get the upper hand on the bad guys, and often it is.

Its role in helping to solve cases after a crime occurs seems evident. Rigorous evidence of video surveillance’s crime prevention powers, however, isn’t overwhelming, where it exists at all. Meanwhile, civil liberties advocates say the unchecked proliferation of surveillance video, like the potential to poke into our online practices, is yet another way we are being tracked and our privacy is disappearing.

It’s a sometimes uneasy balance that we’re constantly seeking today, trying to harness the upside of technology without getting overrun by it.

EYES ON LONDON

When it comes to video surveillance of public spaces, England is the undisputed king of cameras. London’s

“Ring of Steel” surveillance network includes thousands of cameras as well as a license plate reading system that records every vehicle entering the central part of the city. Set up in the late 1990s to combat terrorist bombings by the Irish Republican Army, the surveillance system has grown to include nearly 500,000 cameras in London alone and more than 4 million across the country.

The network of cameras was regarded as crucial to identifying the suicide bombers responsible for four explosions set off on London’s transit system in July 2005, and with helping to thwart a planned follow-up attack several weeks later. The bombings killed 52 and injured more than 700.

Davis, the former Boston police commissioner, was doing consulting work in London just after the bombings and met with the head of the city’s metropolitan police. “He said unequivocally that if it was not for the cameras they never would have solved that bombing,” says Davis. That lesson stayed with Davis. When he found himself in the same shoes eight years later, Davis says he had one immediate thought: “If we’re going to solve this Marathon bombing, we’ve got to concentrate on the video.”

While its role in combating major terror attacks was the initial rationale for England’s all-in plunge into the world of surveillance video, the 1993 kidnapping of 2-year-old James Bulger, caught on surveillance video at a British shopping mall, may have done more than anything to solidify the country’s embrace of cameras on every corner.

Paul Evans, another former Boston police commissioner, got to see the UK fervor for surveillance video up-close. From 2003 to 2007, Evans ran England’s Police and Crime Standards Directorate. Whenever he visited a local police department, Evans says, a look at their closed-circuit television monitoring system was invariably the



first thing on the tour.

“Every time I’d visit a force, they’d insist that I had to go see their CCTV,” he says. “Big Brother was there, and Big Brother was there in a big way,” says Evans, citing an estimate that the typical Londoner was captured on video 220 times each day.

“They saw CCTV as a panacea,” says Evans, who says he wasn’t convinced. “Was it incredibly valuable in solving high-profile crimes? Absolutely. It’s probably debatable as to whether it reduced crime.”

Brandon Welsh, a Northeastern University criminologist, has carried out what may be the broadest examination of surveillance video and crime prevention. Welsh coauthored

Davis was convinced that to solve the bombing, ‘we’ve got to concentrate on the video.’

a 2009 book, *Making Public Places Safer: Surveillance and Crime Prevention*, that pooled the results from all available, rigorously conducted studies of the question.

“On aggregate, we found that there is a modest, significant effect of cameras in reducing crime,” says Welsh. However, much of the overall 16 percent reduction in crime from the combined results of 41 studies came from prevention of vehicle crime in parking lots and garages. There was less evidence of its effect on violent crime.

The book examined several crime-fighting interventions. It turned out that enhanced street lighting “on aggregate was slightly more effective in public places than cameras,” says Welsh, with lighting credited with reducing

crime by 21 percent.

Welsh and his coauthor, David Farrington of Cambridge University, were commissioned in 2000 by Britain’s Home Office to carry out the research. When their initial 2002 report found that something as basic as enhanced street lighting appeared to be more effective in reducing crime than surveillance video, “the British government was not keen to release the studies,” says Welsh.

“I have all the clippings from newspapers that were lambasting the British government, because at that point they had spent hundreds of millions of pounds on cameras,” he says. The government “had these two criminologists — I’m sure they had other choice words for us — and we were causing a fuss. We wanted to know, what does the evidence say?”

Nancy La Vigne, a researcher at the Urban Institute in Washington, led one of the most detailed examinations of surveillance video in the US in a 2009 study for the Department of Justice. The report examined the use of surveillance cameras in three cities that have made extensive use of the technology: Baltimore, Chicago, and Washington, DC.

In Baltimore, where extensive arrays of cameras were installed in a 50-block downtown area and in three high-crime neighborhoods, property and violent crime appeared to be reduced in the downtown area and in two of the three neighborhoods, with reductions ranging from 8 percent in one neighborhood to 25 percent in the downtown area.

In Chicago, the research found a significant 38 percent crime reduction in one neighborhood targeted with cameras, but little to show for the effort in a second area, though the study notes that the concentration of cameras was much less in the latter. The study of cameras in Washington, DC, did not show any pronounced effects.

So do surveillance cameras prevent crime? “My answer would be a definitive it depends,” says La Vigne. “It depends on how they’re deployed, it depends on how they’re used.” She says they have to be in areas where there is a significant crime problem, deployed in great enough numbers to provide a real deterrence, and there have to be resources allotted for monitoring them and following-up incidents picked up on camera.

Police in Fall River think they put together the right ingredients to make a difference. In response to an increase in store robberies in recent years, cameras were installed at 20 small businesses as part of a two-year, \$165,000 federal grant. Storeowners were also given tips on other safety measures they could take like clearing things from

windows to give an unobstructed view into the store from the street. Police Chief Daniel Racine says the city has seen a 30 percent decrease in robberies of small businesses. “We thought that was pretty significant,” he says.

VIDEO SLEUTHING

While deploying video surveillance in a way that yields a reduction in crime can be tricky, it is becoming a mainstay of criminal investigations after an incident occurs.

As the Boston Police Department’s superintendent of investigative services, Bobby Merner oversees all criminal investigations by the department. The seen-it-all son of Mission Hill has worked the streets in the city’s toughest neighborhoods, including time over his 28-year career in the gang unit, the drug unit, and as the head of homicide. Merner knows the human side of how to work a case as well as any cop in the city. But he says surveillance video has become an invaluable aid to those efforts.

“There isn’t an incident that happens at any time of any day, any night that the first thing we ask isn’t, any cameras?” says Merner. “Because there are so many now. It enhances our investigative abilities greatly.”

He says the proliferation of video surveillance, both government and private cameras, has changed the procedures that are followed as soon as officers arrive at a serious crime scene. “One of the first things we do is we conduct something called the canvas,” he says. “And the canvas is for witnesses. Who was present at the time? Well, part of the canvas now is to have someone, whether it’s a patrol officer or a detective, assigned immediately to check for cameras.”

Surveillance cameras have become law enforcement’s most reliable witnesses — unflappable observers with photographic memory.

In Boston, the canvas involves determining whether any of the hundreds of city-owned cameras may have had a view of the scene, but it more often means going to area businesses, whose arsenal of private surveillance cameras greatly outnumbers those the city has deployed.

Three Boston detectives who received training from the US Secret Service work under Merner in a special video recovery team that deals with private cameras, while police are also able to download images from the city-operated cameras.

Merner says the department is presently using surveillance video evidence as part of several active murder investigations. “We have some great footage,” he says.

Video has played a role in several recent murder cases, including the 2010 conviction of Xzenijeju Chukwuezi for fatally shooting Solheil Turner in Roxbury in 2007. The early morning shooting of the 15-year-old high school stu-

dent, who was waiting for a bus to school, shocked the city and seemed all the more chilling because it was captured on surveillance cameras from two nearby stores.

“We’re looking for it all the time, and we’re getting it in many instances,” says Suffolk County district attorney Dan Conley about video evidence.

Surveillance video proved vital in the quick arrest of a suspect in the shooting in November of Chang Ly, a hard-working Vietnamese refugee who was shot while behind the counter of his Dorchester convenience store.

Sometimes cameras provide leads that outfox even more enterprising criminals. In a March 2013 shooting in a Blue Hill Avenue convenience store, the gunman sought to foil any ability to ID him by wearing a mask, but a camera captured the spot where he propped the door to the store open with a bare hand while firing at the clerk with the other. A palm print obtained from that spot on the door proved crucial in making an ID and ultimately securing a guilty plea in the case.

Video can also sometimes make up for reluctant witnesses. “The more we can gain from video surveillance or DNA or those sorts of things, the easier it is for us to solve cases without human beings stepping forward,” says Conley.

But there is a flipside to that. As Nancy La Vigne and her colleagues wrote in their Department of Justice report: “Prosecutors cited the ‘CSI effect’ whereby juries assume that advanced forensic and technological evidence is pres-

‘There isn’t an incident that happens that first thing we ask isn’t, any cameras?’

ent at all crime scenes and don’t deliver guilty [verdicts] in the absence of camera footage.”

Several shootings at or near MBTA stations last fall were quickly followed by arrests aided by surveillance video. “We like to say it’s the wave of the future, but the future is here,” says Lt. Richard Sullivan of the Transit Police.

Nowhere may the future be more here than across the MBTA’s 145 subway stations and its fleet of buses. The T has more than 5,000 cameras deployed throughout its system, giving its facilities by far the most concentrated surveillance-camera presence in the state. The T says it has invested “tens of millions of dollars” in the camera system, almost all of it federal funding, primarily from the Department of Homeland Security.

Sullivan says Transit Police make use of surveillance video “on a daily basis.” That includes everything from pursuing leads following violent incidents such as last fall’s



Ed Davis at the scene following the Watertown shootout.

shootings at T stations to much more low-level offenses that can nonetheless pique public outrage.

Such was the case in November with a video image showing a man pocketing the cellphone of a woman that dropped onto a subway platform as she leapt to her death in front of a Red Line train. By the following day, with the image appearing on television newscasts, news websites, and in newspapers, 26-year-old Josue Gonzalez turned himself — and the phone — in to police.

Jake Wark, a spokesman for Conley, the Suffolk County DA, says surveillance video “plays a part in almost every investigation and prosecution of a crime inside an MBTA bus or station.”

While cities like Baltimore and Chicago have set up extensive camera networks in certain areas, Boston has not gone that route apart from the T’s extensive camera network. There are 122 cameras operated by police using grant funding from the federal Department of Homeland Security, with another 190 cameras spread across eight immediately surrounding communities. The police department also has several dozen “quick-deploy” cameras that can be set up for special events or easily shifted to areas experiencing crime problems.

Boston also has about 380 cameras along major thoroughfares, designed primarily to aid the city and state transportation departments in traffic monitoring and management, but which can also be viewed from

the police information nerve-center in the department’s Roxbury headquarters.

Lots of the evidence used to investigate cases, however, comes from private cameras installed by businesses. All of the surveillance video obtained from the Marathon bombing came from private cameras in the area, says Davis.

Boston Police Capt. Richard Sexton says the Dorchester district he’s in charge of was hit a couple of years ago by a series of 13 armed robberies of businesses. Once police finally had a video image from one business with a camera and released it publicly, “within a day we had people calling with an identification,” says Sexton. He says the perpetrator is now serving a 15-year sentence.

“It definitely has made cases that we wouldn’t have had otherwise,” Sexton says of the widespread availability of video images.

THE RATIONAL OFFENDER

Though there are lots of examples to support Sexton’s view, the research world has yet to carry out rigorous studies that provide evidence of a crime-solving effect of surveillance video, says Welsh, the Northeastern University criminologist. The MBTA clearance rates for crimes — the rate at which incidents result in an arrest — are slightly higher than the national average for all police departments, but not by a big margin.

Major crime is down more than 20 percent on the T from levels of a decade ago, but rates have also decreased in Boston as well as nationally over this period.

Sullivan, the Transit Police lieutenant, says he thinks the T's heavy presence of cameras will lead to further reduction beyond any overall decline in crime rates that may occur otherwise. "Eventually, when we have enough time under our belt, I think you will see that this will aid in the overall reduction of crime," he says. "We're hopeful."

The belief that surveillance cameras can have a preventive effect is rooted in a theory of deterrence based on the idea of the "rational offender." "There's this premise that most offenders are acting rationally, there's a weighing of the costs and benefits," says Welsh, the Northeastern criminology professor. "That is good news for all of us — it's not the random spontaneous criminal event that so often makes the front pages. And what that really gets at is the ability to impede or put in place barriers to increase the risks for crime commission," says Welsh.

The T hopes its saturation of stations and buses with cameras is becoming just that barrier. Part of that deterrence effort includes prominently displayed video screens showing passengers on subway platforms or on buses. The hope is that the displays deter "all who may possess nefarious intent while traveling on the MBTA," says Sullivan. He says the T also wants it clear that there is nothing covert about its camera surveillance. "They're not positioned surreptitiously," he says.

The rational offender theory suggests we can appeal to a would-be criminal's sense of reason, and there may be some who think better of their "nefarious intent" once they're aware of the presence of cameras. The population inclined toward crime, however, does not universally think at that higher plane.

"I don't know that they are preventing crime," says Merner, the Boston police superintendent, about video cameras, "because obviously we're still catching a lot of bad guys on video doing a lot of bad things. All you've got to do is watch the evening news to see the latest brain surgeon-criminal doing something on camera."

When police are able to quickly access video surveillance images of a crime, it can help them in looking for fleeing suspects in the immediate area. For investigations after an incident, before releasing an image and seeking public tips, they often share the image within law enforcement circles, looking for leads to a suspect's identify from other officers, probation officials, guards at the South Bay House of Correction, and others who are well-acquainted with the repeat offenders who account for a good portion

of those committing crimes.

While that combines technology with old-fashioned street knowledge of offenders among cops and others in law enforcement, the Massachusetts State Police bring the use of surveillance video into the realm of NCIS and other popular culture portrayals of crime fighting using cutting-edge technology. Since 2006, the department has operated a unit that uses facial recognition software to tap the Registry of Motor Vehicles database of drivers' license photographs to aid crime investigations. The specialized unit works with State Police detectives, federal law enforcement, and local police departments to try to match suspect's captured on surveillance video with the RMV database.

In 2013, the unit ran the software program for 441 cases requested by law enforcement agencies and got 123 "hits" that appeared to ID a person in the surveillance image. Through October of last year, the most recent data available from the State Police, the unit had processed 253 requests, with 59 "hits."

PRIVACY WORRIES

The use of facial recognition software is just the sort of once-futuristic capability that has arrived, and that makes civil liberties advocates uneasy.

Government has "created, largely in the shadows with zero public debate and very little external oversight, if any, very advanced camera networks that are able to track people throughout the city as they go about their daily lives, and that is a huge problem," says Kade Crockford, director of the technology for liberty program at the American Civil Liberties Union of Massachusetts.

In a series of articles last year, the alternative news-

Some residents of high-crime areas are among the biggest supporters of surveillance video.

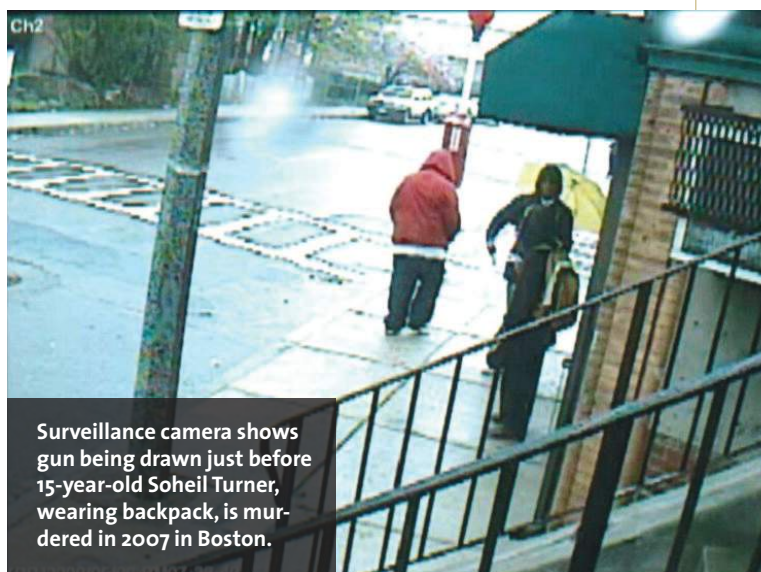
weekly *Dig Boston* reported that Boston engaged in an ambitious snooping exercise during two 2013 concerts held on City Hall Plaza. The paper reported that a city contract with IBM to develop elaborate information systems for municipal government had been extended to include something termed an Intelligent Operations Center. At the two concerts, the center was used to record video of concertgoers that could then be analyzed using advanced biometric techniques to detect not only facial and body features but also "panic levels and crowd sentiment."

Boston officials say the exercise was a pilot program





Before pocketing it, suspect steps on cellphone of woman who had just jumped to her death in front of Red Line train.



Surveillance camera shows gun being drawn just before 15-year-old Soheil Turner, wearing backpack, is murdered in 2007 in Boston.

that has not been continued.

“Under the previous administration, the city of Boston engaged in a pilot program with IBM, testing situational awareness software,” Kate Norton, a spokeswoman for Mayor Marty Walsh, said in a statement. She said the city did not see “practical value” in the system and “did not pursue a long-term use of this software or enter into a contract to utilize this software on a permanent basis.” She added, however, that as the city “explores new technology and new public safety tools, it may not necessarily be practical or appropriate to disclose every test or demonstration.”

As for the State Police facial recognition software unit, officials say it is used only in pursuing crime leads. “We do not use facial recognition software to identify images of persons recorded outside of an ongoing investigation into a specific crime,” spokesman David Procopio said in a statement. “For instance, we would not use it to identify random images of people photographed in a crowd or a demonstration.”

While police departments hear from those concerned about privacy issues and the potential for video surveillance to be used to gather information on law-abiding citizens, they also hear from those eager to see cameras installed in the hope that they will bring some added measure of safety to an area.

In Worcester, the City Council voted in December to install 20 to 30 cameras in two neighborhoods experiencing crime problems. They will be tied in to the city’s police headquarters. Some residents appeared at a December hearing and raised concerns about the cameras, but none of them were from the neighborhoods where they are to be installed, says Ed Augustus, the Worcester city manager. People in the affected neighborhoods, who said, “Hey, I don’t feel safe on the streets and worry about my kids walking here’ — they were interested in the cameras,” says Augustus.

Last year, Boston Mayor Marty Walsh established an

initiative to allow young people aged 12 to 25 to weigh in on how to spend \$1 million out of the city’s capital budget. More than 1,500 people cast ballots in the process. One of the projects selected was the installation of surveillance cameras at Dr. Loesch Family Park in Dorchester, a park with a tortured history of problems, including violent encounters, that residents are committed to turning around.

“In the end, people up there wanted them,” says Sexton, the local police commander, about the cameras being installed.

Emmett Folgert has spent more than three decades working with young people in Dorchester, trying to steer them away from trouble and pull those who have already found their way to it back toward more productive pursuits.

Folgert, director of the Dorchester Youth Collaborative, thinks the presence of surveillance cameras is, on balance, a helpful development, pointing out that it’s urban youth who are most often the ones who are victims of violence. “They’re really scared, and with the cameras, that gives them some safety,” he says. “So many people who are commenting on this don’t live in these neighborhoods and they are not young. They don’t understand the terror that happens in unsupervised spaces when you have organized gangs.”

The newest wrinkle in the debate over surveillance video is the rising call for police officers to wear body cameras that capture their activity and interactions with the public. The demands for body cameras have come in the wake of the deaths at the hands of police of unarmed black men in Ferguson, Missouri, and Staten Island, New York. President Obama announced in early December that he was requesting \$75 million in funding for 50,000 police body cameras.

The evidence, to date, on their impact is limited, but bodycams are likely here to stay. “I think that clearly is going to be a trend here in the United States,” says Davis,

who thinks the wearable tiny cameras are, on balance, a plus. “It improves the conduct of the police. It also improves the conduct of the people interacting with the police,” he says. “I think it helps both sides.”

Mayor Walsh reacted coolly to the idea. “My answer was I think the problem goes a lot deeper than body cameras,” says Walsh. “A camera’s not going to build a relationship between a police officer and young person on the street. That’s still my answer, but we will still be open to body cameras in pilot programs.”

Segun Idowu, cofounder of a Boston group pushing for police body cameras that formed following the Ferguson shooting, says he and the roughly 50 members of the Boston Police Camera Action Team are determined to drive concrete change. “We were tired of just sitting around and complaining,” says Idowu, a 26-year-old Morehouse College graduate. “We’ve been having conversations on race. All we ever do when things happen is we talk.”

Many have pointed to the Eric Garner case in New York as evidence of the limits to what body cameras might achieve. Garner died after being put in a chokehold by a New York police officer, an episode that was captured on a bystander’s cellphone, but a grand jury voted not to bring any charges.

“All of us were very let down at the decision, given that

there was video evidence,” says Idowu. “We don’t have all the answers. But I am not ready to concede the notion that body cameras are not going to work simply because of this one high-profile case.”

For his part, Merner, the Boston police superintendent, takes a cautious approach to the technology. “Look, I think it’s something that should be explored,” says Merner. “But I think folks think this is a be-all, end-all.”

There are all sorts of details to be worked out around the use of body cameras — when are they on, how long is information stored. Merner is quick to highlight ways that the use of body cameras could set things back. “I’ve been doing this for ages — drugs, gangs, homicide,” he says, ticking off the various units he’s worked and sometimes directed, developing contacts and trust in city neighborhoods. “People talk to me all the time. ‘Hey, Bobby, you might want to take a look down the street. There’s a blue van. Or shoot up by Orchard Park.’ Those days will be gone if you have a bodycam on.”

MAINTAINING BALANCE

The fact that some of the same civil liberties advocates pushing for wider use of police body cameras are also raising questions about the proliferation of surveillance



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cameras under the guise of crime prevention or control underscores a dimension to the issue that is often overlooked in discussing this or any other new technology.

"It's a tool like any other tool," says Gary Marx, emeritus professor of sociology at MIT who has written extensively about surveillance. "It's not inherently good or bad." Marx says it's "important not to get swept off one's cultural or ideological feet by the various claims" about video surveillance, whether they are touting its wonders or sounding the alarm over the dangers it poses. "The key is a little humility and skepticism," he says.

The discussion, at this point, is hardly one centered only on government and how far it goes in watching us.

"We've definitely given up a bit of our privacy, but it's not so much due to government. It's more due to technology," says Davis. "The cat is out of the bag. Whether the city of Boston decides to buy a thousand cameras tomorrow or they don't makes no difference, because there's 10,000 cameras out there in the private sector."

Surveillance video is surely not a magic bullet that will eradicate crime, let alone eliminate the social factors that are often behind it. But it may, when well-publicized and heavily deployed, help to reset norms in places like transit systems. And it's hard to argue that it's not valuable in

investigating and solving crime given the steady stream of cases in which video evidence appears to help crack a case or strengthen it.

The question we'll have to grapple with is whether there's a point at which we have too much of a good thing.

"There is a level of intrusion of video into our lives that, as a society, we've yet to figure out where the limits are and where they should be," says Jerry Ratcliffe, director of the Center for Security and Crime Science at Temple University in Philadelphia. "Civil liberties groups, on the other hand, tend to be concerned about civil rights and ignore the ability to reduce or solve crime. We need a mature conversation as a society. There's a great deal of benefit potentially from these systems, but nothing's for free."

Even Davis, offering an example that is a little surprising coming from Boston's former top cop, is a bit wistful about how much technology has changed things. "I have a little nostalgia for the old days, when if you were a teenager you might be able to drink a beer without somebody watching you do it," he says. "But I think that the cost-benefit analysis weighs heavily that this is a good thing." **CW**

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Aging in place

As assisted living residents grow older and more frail, the facilities where they reside and the regulators who monitor them are struggling to keep up.

BY COLMAN M. HERMAN | PHOTOGRAPHS BY KATHLEEN DOOHER

Laura Shufelt vividly remembers the February 2013 call from the assisted living facility in Centerville where her mother was living. A nurse at the facility told Shufelt her mother, who was suffering from Alzheimer's disease, was being transported to Cape Cod Hospital because of unexplained bruises on her buttocks and wrist, pain in her shoulder, and an "altered mental state."



Laura Shufelt holds a picture of her mother.

Shufelt raced to the hospital and was shocked at what she found. “My mother was barely conscious,” she says. “I found her all curled up in the fetal position sobbing with the covers over her head. She didn’t know who I was. She didn’t know anything. She was saying things like, ‘Why did they do this to me? Don’t let him do it to me again. Why did this happen to me?’ It was horrible! Absolutely horrible!”

Doctors told Shufelt that her 5’2”, 95-pound mother, Rita Meuse, had a broken shoulder and was severely dehydrated. A nurse discovered bruising around her anus. Shufelt noticed her mother’s engagement and wedding rings were missing. A psychiatrist diagnosed Meuse with post-traumatic stress disorder. To calm the 83-year old, he posted signs in her room saying, “Rita, you are safe here.”

What happened to Rita Meuse highlights why there is growing concern about assisted living facilities in Massachusetts. The apartment-like residences cater to elderly people who need assistance to live independently, yet as residents age and their physical and mental faculties deteriorate, their need for assistance sometimes outstrips the ability of the facilities to provide it.

State regulators are also coming under fire for not regulating assisted living facilities more closely. Operating under a state law passed in 1994 and regulations promulgated in 1995, 1996, and 2006, state officials continue to view assisted living facilities as residential communities where tenants can pretty much fend for themselves. Yet advocates for the elderly say this type of walk-softly regulation is not suited for facilities housing a very frail population in which cognitive impairment is common. They say regulators need to do a better job of making sure the staff at assisted living facilities is properly trained and any complaints or concerns from residents are addressed promptly.

Shufelt’s experience with her mother provides a window into the challenges assisted living facilities face in caring for the elderly and the regulation of those facilities by the state. Shufelt was concerned that others at her mother’s assisted living facility might be in danger, so she called the state Elder Affairs office to urge the agency to investigate. It took two weeks of steady calling to get an agency ombudsman to call her back, she says. When she finally did get an ombudsman on the phone, she says she was promised there would be an investigation, but nothing was ever done. Shufelt discovered there are only two ombudsmen charged with monitoring 224 assisted living facilities housing nearly 14,000 residents.

Ann Hartstein, the secretary of Elder Affairs, says she cannot discuss specific cases. But she insists the assisted living ombudsman program is operating properly. “All complaints are responded to,” she says. “I don’t believe that we need to make any improvements at this point.”

Peter Antonellis, a former long-time employee at Elder

Affairs who was fired after speaking out publicly about the agency’s lax oversight of assisted living facilities, says Hartstein is just flat-out wrong. “Having only two ombudsmen to cover over 200 facilities throughout the state is absurd,” he says. “There is no way that just two people can do the job the way it needs to be done.”

A BOOMING INDUSTRY

The assisted living industry is booming, fueled by the graying of America and the desire of seniors to retain some level of independence in their twilight years. Assisted living facilities offer apartment-style accommodations along with meals, social activities, and assistance with personal care needs and medications. The facilities are designed for seniors who can no longer live safely by themselves, but who do not need the intensive, 24/7 medical care available in nursing homes. The intent of assisted living is to allow seniors to “age in place.”

Nationally, there are about 39,500 assisted living facilities providing housing for an estimated 900,000 seniors. Demand keeps growing as the population ages. Here in

Demand for assisted living keeps rising as the population 60 and older keeps growing rapidly.

Massachusetts, the proportion of the population that is 60 and older is growing more rapidly than any other age cohort. More than 25 percent of the Massachusetts population will be 60 and older by 2030, a 33 percent increase from 2012.

In Massachusetts, since assisted living facilities are not considered to be medical facilities, the seniors who live in them are referred to as residents, not patients, and the residency agreements they sign are similar in nature to landlord-tenant leases. Monthly rents generally run from \$3,000 to \$6,500 and can go as high as \$13,000, depending on factors such as resident needs, unit size, and location. Entering residents must also pay upfront a one-time, usually non-refundable, administrative fee (also called a community fee) that can run as much as \$5,000. The overwhelming majority of assisted living in Massachusetts is paid for with private funds.

When the Massachusetts assisted living law was passed in 1994, assisted living was intended to be an intermedi-

ary step between seniors remaining in their homes and going into nursing homes. It was never anticipated that assisted living facilities would grow into entities that take care of people who are increasingly frail, often with serious medical conditions.

Elder Affairs officials are amending the state's assisted living regulations to, among other things, make sure those living in the facilities are not too frail or sick. The regulations would prohibit assisted living operators from accepting or retaining residents who require skilled nursing care for more than 90 consecutive days. The regulations would also require a nurse to conduct an initial screening to determine whether a senior is appropriate for assisted living and mandate at least two staff members in special care units, which house assisted living residents with cognitive and other impairments.

But even as regulators are trying to make sure those living in the residences belong there, questions are being raised about whether their regulation of the facilities is tough enough. The most vocal critic, Antonellis, has come from inside the agency.

Antonellis says he had expressed concerns internally about the agency's oversight of assisted living facilities for years. When he did not see any changes come about, he

sent a memorandum in 2013 detailing his concerns to the state secretary of health and human services and the Elder Affairs general counsel.

In the seven-page memorandum, Antonellis said he believed poor management at Elder Affairs was endangering the safety of residents living in assisted living facilities. He noted, for example, that there are no procedures in place for how to handle incident reports from assisted living facilities dealing with such matters as falls, residents wandering off, abuse, and adverse medications. Antonellis said the agency does almost no analysis of the data it collects, which means any pattern of problems at a particular facility are likely to go undetected.

When Antonellis's assertions were rebuffed, he went public in a story published on the *CommonWealth* website in September. After he continued to speak out, he was fired in November. The Patrick administration declined to comment on why he was fired, citing the confidentiality of personnel matters. Antonellis declined to release his termination letter on the advice of his attorneys.

Like Antonellis, many attorneys who focus on elder issues have raised concerns about poor oversight of assisted living facilities. Rebecca Benson, a Boston elder law attorney, says she supports the efforts of Elder Affairs



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to improve protections for residents of assisted living facilities, but she says the problem starts with the agency's enforcement of current regulations.

"Its current regulations are quite solid, but the agency does not do a very good job of enforcing them. So why would anything be different with new regulations?" Benson asks. "What needs to happen is for Elder Affairs to vigorously enforce whatever the regulations are. Perhaps with a new administration that will happen."

FEDERAL REVIEW

The federal agency that provides some of the funding for the state Elder Affairs office has spent a year reviewing the agency's assisted living ombudsman program, questioning whether two employees are enough to cover 224 facilities.

The federal review came to light in documents obtained under the Freedom of Information Act from the federal Administration for Community Living, whose mission is to maximize the independence and health of older adults and people with disabilities.

The agency supports ombudsman programs across the country and provides about \$333,000 to Massachusetts,

which is used for the state's ombudsman program for nursing homes. That program has 24 ombudsman offices across the state.

In most states, money provided by the Administration for Community Living goes for ombudsman programs for both nursing homes and assisted living facilities. In Massachusetts, however, the money is used only for the nursing home ombudsman program. The state's assisted living ombudsman program does not clearly fall under federal jurisdiction because it is part of a so-called residential assisted living model, according to Elder Affairs.

Massachusetts law requires a statewide ombudsman program for assisted living financed through assessments on the operators of the residences. State officials say fewer ombudsmen are needed for assisted living residences than nursing homes because the facilities are run more like apartment complexes catering to seniors.

Hartstein, the Elder Affairs secretary, says two ombudsmen are sufficient. Residents of assisted living facilities "have access to an ombudsman whenever they need it, and it provides the support that people need," she says.

An official with the Administration for Community Living, who asked not to be identified, says the agency is considering revising its rules to give it jurisdiction over



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Laura Shufelt quotes a state ombudsman as saying: "There's only two of us here that cover the whole state, and we have 200 assisted living places we have to oversee. We're very busy."

assisted living ombudsmen in Massachusetts and any other states that have residential programs.

"This is something we are obviously taking very seriously," says the official. "We obviously want to make sure that assisted living residents in Massachusetts have access to high quality ombudsman services."

The official says the federal agency is hopeful the administration of Gov. Charlie Baker will be more cooperative.

David Hoey, an attorney who specializes in nursing home and assisted living litigation, says state officials seem to be ignoring the intent of the state law requiring a state-

wide ombudsman program. "So the one that's supposed to be enforcing the law is ignoring the law," he says. "That sucks. It jeopardizes the care and the protection and the safety of residents in assisted living facilities."

RITA MEUSE

Laura Shufelt says the 2013 attack on her mother has convinced her that some assisted living facilities may not be up to the task of caring for elderly residents and state regulators are not interested in making sure they are.

Her mother, Rita Meuse, lived in a locked unit at the Brookside at Regency assisted living facility in Centerville. She moved there in 2011 after her husband, her primary care giver, died. The initial rent was \$9,000 a month and rose to \$9,900 two years later.

Shufelt says her mother's Alzheimer's worsened during her stay at Brookside. "She knew I was Laura, she didn't always know I was her daughter," she says. "She also didn't remember that my dad had passed. It was always, 'Where is he? Where's your father?' It was hard on her. It was hard on all of us."

Even harder were the injuries sustained during the February 2013 attack. The injuries suggest someone had forcibly stolen Meuse's rings off one of her swollen arthritic fingers. Shufelt

says she believes the bruising around her mother's anus indicates she was raped, possibly with a broom that was in her room, although the results of a rape kit test came back inconclusive.

The police investigated, but were unable to identify who was responsible. Two employees at Brookside were given polygraphs, but no arrests resulted. "The only way we're likely to break this case is if the perpetrator tries to pawn the rings," says Jason Laber, the Barnstable police detective who worked the case.

Meuse was moved to a nursing home and died in May 2013.



Peter Antonellis was fired by Elder Affairs after speaking out publicly about lax oversight of assisted living facilities.

Steven Colarusso, the administrator at Brookside, declined to discuss the Meuse case, citing the need for confidentiality.

Shufelt says she is in the process of filing a lawsuit against Brookside, which is owned by Athena Health Care

Systems of Connecticut. “We paid \$9,900 a month for the facility to provide care to my mother — care that we learned the hard way was far from adequate,” she says.

Shufelt also believes assisted living facilities may be housing people they are not equipped to care for. “Assisted living facilities, especially those that market to dementia patients, should be licensed and staffed for what they are — medical facilities — and regulated by the Department of Public Health, not Elder Affairs,” she says.

Shufelt still can’t believe the indifference shown by Elder Affairs when she tried to alert the office to what was going on at Brookside. “I thought it was totally bizarre that my calls were being ignored,” Shufelt says. “After all, this was something very serious that had happened to my mom, and there were other people living at Brookside who were just as vulnerable as she was. So I escalated my messages to the point where I said, ‘Look, I need you to call me back. I need your help.’”

Finally, after about two weeks of calling, Pauline Edmonds, one of the two ombudsmen, called back. According to Shufelt, Edmonds, a nurse, told her, “There’s only two of us here that cover the whole state, and we have 200 assisted living places we have to oversee. We’re

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very busy.”

Shufelt says she laid out in detail for Edmonds what had happened to her mother. “She seemed very empathetic and sympathetic and promised that they would be in contact with Brookside, and come down here to

Shufelt says state officials promised to investigate what happened to her mother but never did.

investigate within the next week,” Shufelt says.

When she would periodically call the two ombudsmen for an update, Shufelt says they would assure her that the investigation was ongoing. But then they stopped calling her back, she says.

Through the intervention of then-Senate President Therese Murray’s office, Shufelt was eventually able to get

a meeting with Stanley Eichner, the Elder Affairs general counsel at the time, and Duamarius Stukes, the agency’s then-director of housing and assisted living.

Eichner told her that “someone dropped the ball,” according to Shufelt. She was stunned. “What about the investigation that your ombudsmen have been saying they’re doing?” she asked. “What about the site visit they said they would do?” Eichner and Stukes admitted it never happened, Shufelt says.

Eichner and Stukes promised that they would now start up the investigation, but they admonished her to stop having Murray’s office call them, Shufelt says.

When Shufelt subsequently made a public records request of Elder Affairs for information involving her mother’s case, she says she was told by assistant general counsel Siobhan Coyle that there were no records because there was no investigation.

“I was appalled that these people, these public servants, would lie to me and lie to me multiple times about investigating my mom’s case,” Shufelt says. “It’s their job to investigate these things. You know, all the empathy or compassion that they seemed to express over the phone, was, it turns out, just words. They talked the talk, but they didn’t walk the walk. They just walked away.” **CW**



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Not your typical congressman

Seth Moulton ousted incumbent John Tierney even though the state's Democratic establishment was against him. Now he's headed to Washington, determined to work hard, support fellow veterans, and do what he can to bridge the partisan divide.

PHOTOGRAPHS BY FRANK CURRAN

Politicians don't typically jump at the chance to mix it up in public with the chair of their state party. That should be doubly true for a young, no-name, first-time candidate making a run for Congress. But Seth Moulton didn't hold back last year. He was locked in a primary fight against an entrenched Democratic incumbent, John Tierney,

for a congressional seat representing the suburbs north of Boston. Moulton spied Tom McGee, a state senator from Lynn and the state Democratic Party chairman, at an event wearing a Tierney campaign sticker. Moulton couldn't help himself. He buttonholed McGee, and insisted that the party chair shouldn't be taking sides in a Democratic primary.

The confrontation might have seemed like an act of political self-immolation to some. But Moulton, a decorated combat veteran and political newcomer, doesn't show much deference to political etiquette, whether it's deference to a longtime incumbent, or caution around party officials. It's one of the qualities that helped Moulton dispatch Tierney in September, and capture a congressional seat in November. It's helped Moulton become one of the most intriguing new voices in Massachusetts politics. And, if Moulton falls on his face in Washington, it'll likely be the fault of the same impulse that led him to buttonhole McGee about his Tierney sticker last year: Seth Moulton is not a political creature, and he's now charging into the center of American politics.

Moulton, 36, is a vocal critic of the Iraq war who served four tours in Iraq. He's intense, hard-charging, and unfailingly polite. He harbors no small ambitions. Moulton ran for office on promises to mend a dysfunctional legislative culture in Washington, and to spread a culture of service around the country. He's also a rising political star who only reluctantly concedes that he's a politician. "I don't feel like it, no," he says, when asked whether he counts himself as a politician. "I don't. I guess I have to now. I guess I'm faced with the reality that everyone else seems to think I am. But I didn't grow up wanting to be a politician. I don't come at this job because I want to be a politician."

Moulton pulled off a rare feat last fall, knocking Tierney out of his North Shore congressional seat. But two years ago, a run for Congress wasn't even on Moulton's radar. The Marblehead native was living in Texas, and working on a project to link Dallas and Houston with a high-speed rail line. Moulton was recruited to challenge Tierney because of what he did before landing in Texas: He collected three degrees from Harvard (undergraduate, Harvard Business School, and the Kennedy School of Government), and served four tours in Iraq as a Marine, despite being a critic of the war. Moulton's unit stormed Baghdad in 2003, and he saw heavy combat in Najaf in 2004; he also served two tours as a special assistant to Gen. David Petraeus. Moulton came to politics through Emily Cherniak, who runs a group that recruits military veterans and individuals with strong service backgrounds to run for office, and Alan Khazei, the founder of Boston-based City Year. (Moulton and Cherniak both worked on Khazei's 2009 US Senate campaign.)

The Moulton campaign attracted support from national figures like Petraeus, Gen. Stanley McChrystal, and former presidential advisor David Gergen. But in challenging Tierney for the state's Sixth Congressional seat, Moulton essentially picked a fight with the entire leadership of the Massachusetts Democratic Party. Incumbent congressmen in Massachusetts rarely lose re-election fights, especially in primaries, but Tierney had been deeply wounded by a family gambling scandal, and he only narrowly survived

a 2012 challenge by Richard Tisei, a well-liked, moderate Republican. Even so, the state's political establishment lined up strongly behind Tierney. Moulton spent much of 2014 running into the teeth of the state's Democratic machinery, with Tierney backers trying to muscle off potential Moulton staffers, donors, and volunteers. "A 19-year old staffer was told she'd never have a future in politics if she worked for me," Moulton recalls. But he appeared to relish the uphill run. Moulton wound up toppling Tierney by 11 points in the September primary and then, with the backing of party regulars like McGee and Sen. Elizabeth Warren, sailed past Tisei by 15 in the November general election.

Both Moulton's parents vigorously opposed the Vietnam war. His mother, Lynn, famously told *Boston* magazine six years ago that her first reaction when Moulton decided to enlist in the Marines was, "There was no career choice he could have made that would have made me more unhappy, except if he had chosen a life of crime." Now, that career choice has given Moulton a legislative platform most freshman lawmakers don't enjoy. He has honed a sharp critique of both the war he spent years fighting, and of the treatment of returning veterans by the US Department of Veterans Affairs. And he's already a prominent voice against the lurch back toward military engagement in Syria and northern Iraq.

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I don't come at this job
because I want to
be a politician.

In late November, I sat down with Moulton at the Ugly Mug Diner in Salem, where he downed a double cheeseburger, a glass of milk, and several handfuls of French fries he pilfered from an aide's plate, while parsing Washington gridlock, dysfunction at the VA, and the federal fishing regulations now crippling his new district's fishing fleet. What follows is an edited transcript of our conversation.

— PAUL McMORROW

COMMONWEALTH: You just got back to town from Washington, right?

SETH MOULTON: Yeah, freshman orientation. It's not unlike freshman orientation in college: We spent a lot of time in a room, learning all the rules, and then you go socialize with your new friends. It was a great experience. It's exciting. But it's also humbling. I recognize that it's a tremendous honor to get elected, and it's a tremendous responsibility.



CW: How many of you are there?

MOULTON: About 50 to 55. The number still hasn't been decided. [Recounts were still underway.] There are about 15 Democrats right now. A lot of the orientation was divided between Democrats and Republicans, which was disappointing. I was hoping they would treat us as a class. We had some events we did as a class. But, unfortunately, we were mostly separated by party. But I still made an effort to reach out to people on the Republican side of the aisle and get to know them, as well as Democrats.

CW: How would you describe the mood down in Washington right now?

MOULTON: You know, I hear talk about how the American people have said loud and clear, we've got to break out of this bitter partisanship. I'm not seeing enough done at a practical level to really change that. Here's a perfect opportunity, with freshman orientation, to really let this freshman class break down that barrier. And yet, most of our events are separate.

CW: When you did get the chance to mix, who did you talk to?

MOULTON: I talked to Lee Zeldin. He's a Republican. He's a veteran. He and I were on NPR together on a show for Veteran's Day. So I was happy to meet him, I sat next to him during the office lottery. I know he's going to be in the same office building as me. He's someone who wants to do work on veterans' affairs. But we didn't have many opportunities to really get to know each other, because we were all doing our separate things.

CW: Is that by design, or is it just the way it's always worked?

MOULTON: Regardless of whether it's by design, or whether it's the way it's always worked, the reality is that system is not working. So we should, by design, try to move past it.

CW: How does somebody in your position, a freshman in the minority party, start to turn the ship around?

MOULTON: One thing you do is, you pick an issue or an area where you can have an impact. With me, that's veterans. It's one reason I'm trying to get on the Armed Services Committee. I bring some credibility to the Congress, even as a freshman, that many other members don't have when it comes to veterans and the military. I get my health care from the VA. I've been on the ground in Iraq. That perspective matters, especially at a time when veterans are not getting the care they need at home, and we're talking about going into another war abroad.

CW: What's wrong with the VA? You would think, if there's one thing the government should make sure they do right, it's taking care of veterans. Why is this so hard to get right?

MOULTON: It hasn't been prioritized. We've never had fewer veterans in Congress. There just aren't as many people who get this, as there were before. I think Washington is disconnected. They're in their own little bubble down there. They're not in touch with the realities of what veterans face every day. One of the questions I was asked this week was, are you going to keep getting your health care from the VA, or are you going to go through the congressional system? It's a lot more convenient for me to go through the congressional system, but I'm going to keep getting my health care from the VA, because it's critical to stay in touch with the people I've been sent to represent.

CW: What have your own experiences with the VA been like?

MOULTON: It's mixed. There are areas where the VA has very good care. The VA in Bedford has gotten a lot of awards in the past couple years. They were terrible four or five years ago, but they've really turned it around and they're doing

great now. I went and visited them, and one of the questions I asked was, what are you doing to share your best practices with other VAs around the country? They said, no one ever comes to visit.

I happen to have a very good primary care physician. He went to a good medical school, he wants to serve veterans, he's at the VA for the right reasons. But he'll refer me to another specialist, and I'll wait for months to get an appointment. Or, he'll send me across the hall to get blood drawn and I could stand in line for two hours, and then get treated like dirt when I finally get to the front of the line. It's very much a mixed bag. I think that points out that you need to have a management system that's much more dynamic in being able to respond, to fire people who shouldn't be there, to develop systems geared toward taking care of today's veterans. The VA needs to have the flexibility to determine, gee, we need a lot more mental health resources right now. It seems pretty obvious. But traumatic brain injury wasn't a diagnosis that existed 20 years ago, because if you got a traumatic brain injury, you died. Now, kids are surviving it, and we need to take care of them.

CW: What's it been like to go from the grind of the campaign, to immediately transitioning to getting an office set up in a few weeks, and ramping up to do the job?

MOULTON: I haven't taken a day off in a year and a half. So that would be nice. I would love to just get up to the mountains for a day, get up to New Hampshire. It's been a grind. But, look, it's not as hard as being in the war. I think it's important to keep that perspective. But it was a hard campaign, we worked very hard, we all did. The whole team did. So it would be nice to get away for a day.

CW: It's funny you said that, because you were the guy who was up shaking hands at the Salem train station at 6:30 in the morning the day after the election, the one day when most politicians can afford to sleep in.

MOULTON: I wanted everybody to know I'm going to work incredibly hard to represent them. Maybe that will be something that sets me apart. But I never got any favors in life. I didn't grow up in a wealthy family. I didn't



come from a famous political name or anything like that. I didn't have any family that served in the Marines. I didn't have any family that went to Harvard. I didn't have the money to go to Harvard. I'm still paying my college loans every month. I guess I've learned that hard work pays off. I'm going to take that view to this job, as well.

CW: What kinds of reactions did you get from people at the train platform that morning?

MOULTON: They were wonderful. People appreciated the fact that I was willing to get up and hit the ground running, that I wasn't taking anything for granted. People realize there are a lot of people in government who don't work that hard, who don't get enough done. That's part of why we have a dysfunctional government. It's not the only reason, but it's part of why we have a dysfunctional government. It would be good to get people who are going to work just as hard in government as they work to make a million dollars in the private sector or, to simply

make ends meet in the private sector. People get up every single day and work from dawn until dusk, just to feed their families. Our public servants in Washington ought to work just as hard as them.

CW: Who are your political role models?

MOULTON: Senator Kennedy. Look, he was known as the liberal lion of the Senate, but he always worked across the aisle to get things done. He was so good at finding common ground. He never lost touch with the people he was there to represent, or the values and principles he held.

CW: Do you consider yourself to be a politician?

MOULTON: [Laughs] I don't feel like it, no. I don't. I guess I have to now. I guess I'm faced with the reality that everyone else seems to think I am. But I didn't grow up wanting to be a politician. I don't come at this job because I want to be a politician. This is the way I think I can serve. I miss serving. I miss that, from the Marines.

CW: How would you describe the state of service in the country right now?

MOULTON: It could be a lot better. The good thing is, there

**We ought to go back to
a place in this country
where everyone feels
an obligation to serve.**

are a lot of young people who want to serve. It used to be everyone who graduated from places like Harvard just went to Wall Street, and now a lot of them go into Teach for America. That's a good sign. But we can do a lot more as a country to capture that interest. Right now, only one of five AmeriCorps applicants actually gets a spot. So a lot of people who want to serve their country never have the opportunity. It's one of the reasons why I'm such an advocate of national service. Not a mandatory program, but a program where, it's so widespread, so good, not just for the country but for the people who take part in it, that it becomes almost a social expectation, that you do some sort of service. Gen. McChrystal is a big advocate for this, he was a big supporter of my campaign because of that. People assume I met Gen. McChrystal in Iraq. We met because of our shared interest in national service, after the war. He talks about getting to a point where everyone who applies to a job when he or she is 30, one of the first questions you're asked is, where did you serve? I think we'd have a stronger country, if that were the case. It would be

stronger from a sense of shared purpose.

CW: Why did you enlist in the Marines, as opposed to the Peace Corps, or Teach for America, or...

MOULTON: I looked at teaching overseas. I looked at the Peace Corps. But I just had so much respect for the 18- to 19-year-old kids who put their lives on the line for this country, that I decided...someone who had had the opportunities I had worked hard to earn, like going to a great school, we should do our part, too. There was a time when that was the case.

I also would not have joined the military without the influence of Peter Gomes at Harvard [the late chaplain at Harvard's Memorial Church and a theology professor there]. He was a mentor and a friend. He was a minister, but I also took his course. He talked about the importance of service, how it's not enough to believe in service and support those who serve, you also have to find a way, yourself, to serve. The most striking thing you see when you walk into that church in Harvard Yard, on the wall, the names of all the Harvard men who died in World War II, it's a long, long list. Then you look across on the other side of the church, on the bronze plaque, and see the names of those who died in Vietnam, and it's very short. We ought to go back to a place in this country where everyone feels an obligation to serve.

CW: So you enlisted right after graduation?

MOULTON: I graduated June 2001, and made the decision then to join. The fall [Marine Corps officer candidate] class was full. So I didn't actually start my training until January. In the interim, September 11 happens. So I had no idea going into this that I would be...

CW: Did you ever have second thoughts?

MOULTON: No. So many people thought I was crazy for wanting to join the military, and then after September 11, there were lines outside the recruiting stations. I thought it was validating.

CW: I came across your Harvard graduation speech. You said, "We live in a Western world dominated by contentment, and threatened by mediocrity." Do you still feel that way?

MOULTON: Yes. Yes, I do. I think there are a lot of people who are just content with the way things are. We talk a lot about inspiration in America. We hope people are inspired to do things, we hope young people are inspired, and whatnot. There's a real important place for aspira-

tion, too. People ought to aspire to do great things, not just do the minimum. That's what I mean by mediocrity.

CW: Is it fair to say you're a hard-charging person?

MOULTON: I think that's fair.

CW: I heard this story on the campaign, where you ran into Tom McGee, the chair of the party, and he was wearing a Tierney sticker, and you confronted him about it. Is that story true?

MOULTON: In broad outlines, yes. He's the chair of the Democratic party. He shouldn't have taken a side in a primary. And, to his credit, he took the sticker off. One of the hardest things in public life is admitting you're wrong, and I think he was wrong. You can ask him what his opinion of the story is. We haven't talked about it since. But I have tremendous respect for Senator McGee. I consider him to be someone who will be one of my closest partners for getting things done in the district, especially for Lynn. My take is, he recognized he was wrong, and he was willing to admit it.

CW: It's a telling anecdote. There aren't a lot of candidates who would walk up and confront the chair of their party.

MOULTON: But, see, I'm not a typical candidate. If I'm someone who got to run for Congress because he worked his way up the party infrastructure, did all the party favors along the way or whatever, of course not, I would never have said that. We've had enough of that in politics. We need people who will ask the tough questions, and tell people when we need to do things differently.

CW: Take me back to when you first decided to get into this race.

MOULTON: I was happily running this high-speed rail project in Texas when I received a call from Emily Cherniak, the founder of this group New Politics, who's recruiting service alums to run for office. She said, you ought to think about running for Congress. Look, this was not on my radar screen at all. I was living in Dallas. My initial answer was no. Thank you very much, but I'm not interested. But it's an honor to be asked, and I thought about it, and, look, so much of my life in the past 15 years has been defined by this war that I think was largely a mistake of Washington. It's a consequence of a Congress that didn't know what they were doing when they got us into the war, and then didn't have our backs while we were there. And, fundamentally, that's not going to change unless new people run. Most of the guys

I served with will never have the opportunity to run for Congress, but some of us need to step up and do that, so that the mistakes we saw in the war don't happen again, and so that we can build a stronger country here at home.

CW: At what point in the campaign did it dawn on you that this was actually going to happen?

MOULTON: I would not have started this campaign if I didn't think I could win. I knew it would be very hard, and I knew there would be a good chance I could lose. David Bernstein wrote this column, saying, oh, I thought Seth Moulton had this great plan to come in second place. I saw him a day or two later, and I said, I cannot believe you thought I would do this to come in second place.

CW: But among all the professional political talkers, that was the assumption.

MOULTON: Well, they don't know me. Obviously.

CW: Take me through primary night.

MOULTON: I didn't answer your question. I never knew I would win until election results came in. But you could feel it out on the trail. As I went around the district, I kept hearing this message, we need new leadership, we need change, passing one bill in 18 years isn't enough. It was resonating.

CW: On primary night, was it a surprise things came to a conclusion as quickly as they did? The race was over by 9:30 pm.

MOULTON: That was a complete surprise. On election day, there's not much you can do. You think, if we lose this race by 10 votes, I want to make sure I shake those 10 hands. But after the polls close, there's nothing you can do, so I went for a run. I'm not going to waste my time, sitting and brooding about it. I go for a run, I come back and I'm folding my laundry. I have my phone plugged in, because it's way too early, and I have to get the phone charged, because people are going to be calling later. And then I went to check on it and see if it was charged, and there's a voicemail from a DC number. I listened to the voicemail, and it sounded like John Tierney, calling to say I won. I went and played it to [campaign aides] Aaron [Bartnick] and Scott [Ferson], and Scott starts to give me a big hug, and I shoved him off, saying, it's too early. We're not going to start celebrating until we know that we won.

CW: The version Scott told me was, you said, what do you think this means, and he said, it means you won.

MOULTON: Joe Trippi [the national Democratic consultant who also worked on the Moulton campaign] called, and I told him the same thing. I said, Joe, I just don't think we can really make the call right now. I mean, I hear all the time about people who concede and then they have to go back on it. And he just said, Seth, you're an idiot. You won. Again, I wasn't surprised by winning, but I wanted to be sure.

CW: Charlie Baker won your district by a margin that's similar to yours. What lesson do you draw from the number of people who split the ticket between the two of you?

MOULTON: I ran on a message of bipartisanship. I ran on a principle that you have to be willing to work with the other side of the aisle. From a political science perspective, that's probably the most remarkable thing about this victory, because every primary these days is won by people going to the extremes. I met David Brat down in Washington this week. He defeated Eric Cantor. His was a typical primary win. Not typical in terms of who he had defeated, but Cantor was, uh, comparatively moderate, and Brat's not. I ran to the center. That's how I beat Congressman Tierney. Those people expect me

to follow through. I met so many people who came up to me, sometimes they'd get in your face when they'd say, I am a lifelong Republican, I have never voted for a Democrat in my entire life, but I'm voting for you. And they'd say, make me proud. And I'm going to work hard to do that.

CW: What's David Brat like?

MOULTON: He's like any of the rest of us. We happened to be in the same group going through the White House tour, so we were always handing our phones off to each other. I'd take pictures of him and his wife, and he'd take pictures of me.

CW: Is he a guy you could work with?

MOULTON: I don't know. That remains to be seen. But I'll tell you what. He's certainly a guy I could talk to. And if Seth Moulton can talk to David Brat, there's certainly a lot more dialogue that could be happening in Washington.

CW: What do you hear from the folks in Gloucester on fishing?

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MOULTON: I know these guys. I'm getting to know them better. I'm going out with Joe Orlando on his boat Tuesday. Joe's whole family history has been fishing. He had to sell his boat when codfish collapsed 10 years ago. Then NOAA said it would be restored in 2014, so he bought a new boat, and he just had to sell that. His family has been devastated by this. A lot of people have heard these stories. It's very serious.

There's another piece that's important to understand, too: At the end of the day, the vast majority of the environmentalists and fishermen want a sustainable fishery. It's silly to think the fishermen want to just go around and fish all the fish until there's none left. Then they're going to lose their jobs as well, right? I think there's a lot of commonality around the goal of having a sustainable fishery. It's just a lot of debate about how to get there. And there are some serious issues with the science. I hear this from the fishermen and the environmentalists — the science is not good. The regulations, as a result, are not responsive. The fishermen go out today, they're catching a lot of flounder and redfish. The NOAA prediction five years ago was that there would not be a lot of flounder right now. So they're not able to take it. It's just insane. Everybody seems to agree, there's not much cod right

now. That doesn't mean there aren't other species they could be catching.

CW: So it's more about getting the regulations to meet the reality?

MOULTON: How do you get the regulations to be responsive to the conditions out there now? It's not just about catching the fish that are in abundance. It's also making sure we're not catching the fish that aren't in abundance, even though some five-year old prediction said they would be.

CW: What's your long-term plan? Is this something you want to do for 20 years, or just a few?

MOULTON: If you had asked me three years ago whether I'd be running for Congress, let alone sitting here as a congressman-elect, I would have said you're nuts. The long term plan is, I know what's important in my life is feeling that I've helped serve other people. Right now, the best way I can do that is to be a good congressman, a great representative for the people of this district. And that's what I'm going to focus on. That's what I am focused on. **CW**

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Baker's health care moment

The state's new leader has deeper background in health policy than any governor in Massachusetts history — and he'll need to tap every bit of it.

BY JOHN E. MCDONOUGH

THOUGH THE 2014 gubernatorial campaign lacked any real discussion of health care policy, this will soon be forgotten because Massachusetts has never had a new chief executive as steeped in health policy and politics as is Charlie Baker. Baker's legacies affecting the Massachusetts health policy landscape span 25 years and provide clues to the directions in which he may go. Based on his history, inside and outside state government, one direction in which I am sure he will want to go is big.

What are some markers of his prior impact?

In the mid-1990s, as a state official, Baker reinvented Massachusetts Medicaid into today's MassHealth, laying the fiscal, structural, and policy groundwork without which the state's landmark 2006 universal health care law (aka "RomneyCare") never would have happened.

In the early 1990s, also in state government, Baker spearheaded deregulation of the Massachusetts hospital rate-setting program through which state government tightly controlled hospital budgets for 15 years. Baker ushered in an ongoing era of competition and consolidation that included, with his blessing, the creation of Partners HealthCare in 1994.

Throughout the 1990s, Baker accelerated the closing and consolidation of state hospitals and institutions, expanding the reach and role of the now-massive privatized community health and human service system.

In the early 2000s, as CEO of Harvard Pilgrim Health Care, Baker spared the insurer from imminent bankruptcy, helping to maintain a more competitive health insurance market in Massachusetts.

Baker is unafraid of big ideas and moves. The next four to eight years will be an exciting and different era in Massachusetts health and human services, following a staggeringly innovative previous nine years highlighted by passage of the state's 2006 health law and the 2010 federal Affordable

Care Act. Today's challenges include the need to:

- Reshape a cluttered, complex health policy environment badly in need of rationalizing;
- Address a tightened fiscal landscape even as Medicaid health plans scream about exploding costs;
- Confront intertwined challenges of hospital consolidation and cost control;
- Fix our unstable and dysfunctional behavioral health systems.

These are four key challenges for the Baker era. Let's explore them.

TAKING CHARGE

Baker's first and telling move came in mid-November when he named Mary Lou Sudders as his secretary of health and human services. From her stints as state commissioner of mental health



(1996-2003) and as executive director of the Massachusetts Society for the Prevention of Cruelty to Children (2003-2012), Sudders has shown management chops. She also is a social worker and advocate who relishes framing, passing, and implementing new public policies such as the state's mental health parity law. Baker and Sudders have disagreements — she loves the same Affordable Care Act that Baker claims to despise. It's an interesting tension, and bully for Baker for not allowing it to prevent this compelling partnership.

Into his second term, Deval Patrick's administration ran into serious lapses highlighted by scandals and management failures at key agencies such as the Department of Public Health, the Department of Children & Families, and the Massachusetts Health Connector. Unlike Baker's

mentor, former Gov. Bill Weld, whose primary governing agenda was privatization, our new governor likes to sweat small stuff while keeping his eyes on the bigger picture. His choices to run these agencies will matter. Beyond filling positions, though, is the opportunity to reimagine and reshape a cluttered health policy landscape where multiple agencies and commissions compete. Here, the all-important MassHealth, despite its size, is actually least among equals.

THE BUDGET AND MASSHEALTH

In November, Patrick announced a \$330 million funding shortfall for the current \$39.6 billion FY2015 state budget. The Massachusetts Taxpayers Foundation says that the gap could run to \$750 million. Of the total budget, MassHealth and related health expansions will cost \$14.7 billion this year, or 37 percent of all state spending, according to the Massachusetts Budget and Policy Center (though \$8.6 billion of those dollars are federal reimbursements). MassHealth matters most to its 1.7 million low- and moderate-income enrollees, nearly one out of every four of Massachusetts' 6.7 million residents, a figure that includes 40 percent of all children and half

the state's population with disabilities.

MassHealth is the house that Charlie Baker built in the mid-1990s, and since has ballooned in size, scope, cost, and complexity. Its 2015 budget is 45 percent higher than in 2010, a 9 percent annual growth rate over that span. The agency has tackled ambitious, high-stakes ventures, including a nationally watched initiative called One Care that provides comprehensive coordinated care for needy disabled residents covered by both Medicare and Medicaid. Though providing valuable services to a chronically ignored population, One Care has had a rocky financial launch.

Indeed, the full set of Medicaid managed care organizations that service 37 percent, or 522,000, of MassHealth members are shouting about a flood of red ink filling their coffers. Much of that ink can be tied to the introduction of expensive new medicines such as Sovaldi, which cures hepatitis C in about 12 weeks, but at a cost of \$84,000 per patient. Reconfiguring MassHealth is the kind of challenge at which Baker thrives. But its repair will not be achieved with a magic bullet — and will take a thorough diagnosis and multiple interventions, such as those advanced in December by the Massachusetts Medicaid Policy Institute.

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THE HEALTH POLICY COMMISSION AND PARTNERS

If MassHealth is the 800-pound gorilla on the state side, on the private side it's Partners HealthCare. After passage of the 2006 coverage law, Patrick and the Legislature approved three multi-pronged laws, in 2008, 2010, and 2012, to address cost control and quality improvement. The 2012 law got the most attention, creating a new Health Policy Commission (HPC) and setting a benchmark for future health system cost growth. While the record low national rate of health care inflation since 2009 — seen also in Massachusetts — has kept that issue off the agenda, the commission's ancillary charge to evaluate the cost impact of health sector mergers and consolidations has generated controversy.

The commission's 2014 evaluation of the proposed takeover by Partners HealthCare of South Shore Hospital in Weymouth and two Hallmark hospitals north of the city triggered a unanimous thumbs-down by the 11-member HPC board, legitimizing guerilla opposition from rivals Lahey Clinic, Beth Israel Deaconess Medical Center, and the Atrius physician organization. After producing a series of hard hitting reports on Partners' outsized prices and revenues, then-Attorney General Martha Coakley surprised observers last May by approving the acquisitions in exchange for seven years of price-increase restraints by Partners.

Though Baker initially endorsed the deal brokered by Coakley, his Democratic opponent in last year's governor's race, he switched to opposition in July. Meanwhile, Sudders was one of the 11 Health Policy Commission members who urged the takeover's rejection. Will Gov. Baker and Secretary Sudders be silent as Superior Court Judge Janet Sanders pleads for input from the new governor and attorney general on whether to permit the takeover? For Baker, Partners' market power is more than hypothetical. In 2001, he felt the sharp end of Partners' clout when they refused to ease their payment demands on nearly bankrupt Harvard Pilgrim Health Care, which Baker was then leading. This current case is a moment-of-truth in Massachusetts health policy and the outcome will matter.

Also, at some point in the next four years, health care costs likely will begin rising faster than state economic growth, triggering the 2012 cost containment law's mandate for unspecified remedies. Whether the state will have the political will to act will depend much on Baker's response.

BEHAVIORAL HEALTH CARE

Right after his election, Baker announced that an early priority would be to attack the epidemic of opioid and other prescription painkiller abuse now killing more Massachusetts residents than car accidents. Sudders has

long identified physical and behavioral health integration as an urgent health system priority. Has behavioral health's moment in the sun arrived? Baker might start by reviewing results from Patrick's \$20 million anti-opioid initiative announced last June in collaboration with five other New England governors, promising upgraded and expanded treatment facilities and beds, expanded health insurance coverage, and multi-state collaboration.

Achieving meaningful integration of behavioral and physical health is the tougher challenge. Progress will require addressing funding shortfalls, lack of access to services, inadequate capacity, and fragmentation. While MassHealth is a large part of the solution, the problems are bigger. Low provider payments make capacity expansion difficult and incentivize more and more providers to abandon third-party payment altogether. Unavailable or limited community-based services prevent residents from accessing care. And the most seriously ill residents face the greatest obstacles.

Ironically, MassHealth's new One Care program is a shining national model for integrated care. Yet it faces major financial obstacles servicing a chronically underserved and needy population. A 12-year-old parallel program called Senior Care Options has never had a thorough evaluation. Such an assessment might yield some valuable answers on the integration obstacles.

The health and human services part of Massachusetts government is where some of the most important and difficult challenges for the new administration reside. This is also the place where our expectations for our new governor should be the highest. Here's hoping he and his team can meet them.

John E. McDonough is a professor at the Harvard School of Public Health and the author of Inside National Health Reform.

A chance to lead on early education

Gov. Baker should make high-quality preschool part of his education agenda

BY CHRIS MARTES

"SUDDENLY, THE WORLD is waking up [to the fact] that it matters what you do with young children," Abigail Adams Eliot told the *Boston Globe* in 1965. A Boston

native who lived to be 100, Eliot was, as the *Globe* called her, an “indomitable” teacher and champion of nursery schools.

If she were alive today, I wonder if she’d agree with me that the country is now fully awake.

We’re awake and we’ve started to build a 21st century early care and education system that offers children the tools they’ll need for lifelong success. From the White House to business boardrooms to the offices of scores of Republican and Democratic mayors, governors, and members of Congress, we’re seeing historic momentum on expanding and improving preschool programs.



As the country moves forward, Massachusetts has a chance to lead. Standing on the shoulders of Eliot and other pioneers, the Commonwealth is poised to build a preschool system whose graduates will grow up to transform our families, workplaces, and communities.

We’ve already seen how innovative, high-quality models like the Perry Preschool program in Michigan and the Abecedarian Project in North Carolina, two controlled trials of the long-term impact of preschool, promote high school graduation and employment and lower the likelihood of incarceration. State-funded models that target the neediest communities, like New Jersey’s Abbott Preschool Program, are helping to narrow the achievement gap in K-12. And Nobel Prize-winning economist James Heckman and Federal Reserve officials have already told us that every dollar invested in high-quality preschool produces a return on investment that can range from \$3 to \$10.

It is in this spirit of historic potential that we welcome Gov. Charlie Baker to the State House. He and his team have the opportunity to break new ground.

During a gubernatorial debate, Baker acknowledged Massachusetts’s progress on preschool, adding, “we have to make sure when we make that investment we have kids going into schools where they continue to benefit from the gain that they received as a result of being in that program.”

I whole-heartedly agree. The Commonwealth needs strong K-12 schools. But having served for nearly two decades as a school superintendent and as an interim superintendent in five Massachusetts communities, I can tell you that K-12 schools cannot reform education on their own. There’s too much work to do. Too many achievement gaps are already in place on the first day that children walk into kindergarten.

That’s why we need high-quality early education and care programs that start from birth and prepare children to become proficient readers by the third grade.

WHAT ARE WE UP AGAINST?

Research from Stanford University found gaps in language proficiency among 18-month-old toddlers from disadvantaged families. At that young age, they were already months behind children from more advantaged families. Letting these early gaps fester and grow dooms children to falling further behind in the early grades, a crushing and unnecessary experience.

In Massachusetts, achievement gaps are even wider by third grade. The 2013 MCAS scores revealed that 43 percent of our third graders are not proficient readers. Among children from low-income families, a heart-breaking 65 percent lag in reading. In our Gateway Cities — including Attleboro, Pittsfield, Salem, Taunton, and Westfield — 58 percent of third graders are not proficient readers. In Boston, it’s 68 percent.

I’d like to say that there has been progress, that scores have nudged upwards, but in fact the scores have remained stagnant for more than a decade.

Schools try to catch children up, relying on tutoring, remedial classes, and repeating a grade. But these are costly approaches that come late. It is easier, less expensive, more effective, and more just to give children the strong start they need before they get to grade school.

HOW DO WE DO THAT?

Prenatal and home-visiting programs prepare parents to become their children’s first teachers.

Talk, read, sing — that’s the sound advice from the national nonprofit Too Small to Fail. Talk about the colors on and shapes in the grocery store. Read Dr. Seuss or *The Hungry Caterpillar*. Sing nursery rhymes or lullabies. These activities engage families in the joyful work of helping their children thrive.

We have to follow up with high-quality preschool programs, led by skilled teachers with bachelor’s degrees or higher, using proven curriculum in language-rich classrooms where play and learning are the same, where building towers or castles in the block area simultaneously builds motor skills, teamwork, and early math.

Researchers are also chiming in with definitive and growing evidence of what works.

Findings from the University of Iowa encourage parents to try and figure out what their babbling babies might be saying because doing so could help these babies learn to communicate sooner.

Harvard Graduate School of Education professor Nonie Lesaux argues that what she calls high-quality “teacher talk,” the number of complex words that teachers use, helps promote children’s reading success.

For Arthur Reynolds, a University of Minnesota early childhood development professor, the question is no lon-

ger whether preschool is valuable, but rather how much preschool do children need? His answer: More is better. After studying nearly 1,000 predominantly low-income, minority children in Chicago preschool programs during the 2012-13 school year, Reynolds found that children in full-day programs were better prepared for school than those in half-day programs.

Baker and others have questioned whether the benefits of preschool fade as children grow older.

The answer, as Timothy Bartik explains in his new book, *From Preschool to Prosperity: The Economic Payoff to Early Childhood Education*, is that while “many early childhood programs have fading test score impacts,” these programs still “significantly improve adult outcomes,” including higher lifetime earnings.

An economist at the Upjohn Institute, Bartik writes that employability and productivity “depend upon social skills such as how a worker relates to supervisors, coworkers, and customers, and upon character skills such as reliability in showing up at work on time and being persistent in finishing work assignments.” Cognitive skills also matter, Bartik says, “but these cognitive skills must be applied effectively, which depends on character skills and social skills.”

HOW DO WE MOVE FORWARD?

Massachusetts can learn from and build on its own successes.

Boston’s preschool program has won national praise for a curriculum that combines play, hands-on activities, and projects, as well as individual, small-group, and whole-group work. Children learn about math, science, and art, and they participate in writing and story-telling workshops. And, the district is currently partnering with high-quality community-based preschools to pilot an expansion of this model, thus leveraging what we call the “mixed delivery system” of early education and care providers.

At my organization, Strategies for Children, we’re partnering with several communities that are committed to aligning research, policy, and practice to create high-quality early education programs and promote third-grade reading proficiency. We have seen incredible leadership in these communities — superintendents, mayors, librarians, business leaders, funders, and community leaders coming together to leverage resources and develop strategies such as high-quality pre-kindergarten — to close the achievement gap.

In the years ahead, state support in the form of policy, guidance, and resources will help ensure that this local momentum remains strong and stays focused on improving outcomes for children.



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In December, Massachusetts made public policy headlines by winning a federal Preschool Development Grant. Announced during the White House Summit on Early Education, the award will bring \$15 million to the Commonwealth in the first year to expand preschool programs. The state stands to get a total of \$60 million over four years.

For Baker, these funds will provide a running start that builds on the crucial federal funding that Massachusetts was awarded in 2011, when the state won a \$50 million Race to the Top-Early Learning Challenge grant.

Federal funding, however, only goes so far. As Georgia, New Jersey, New York, and Oklahoma have all shown, state governments can improve preschool outcomes by boosting their own preschool budgets.

It will be up to Baker and the Legislature to make additional investments in our children. Fortunately, they can do so knowing that they will save money in the long run by avoiding expensive remediation and helping to develop a highly skilled workforce.

Back in 1965, when the *Globe* wrote about Abigail Adams Eliot, the country was rushing to make Project Head Start, an eight-week program, into a success. That meant struggling to involve parents, train teachers, and serve disadvantaged children — much of the work that we're doing today.

The difference, I'm happy to say, is that 50 years later we have decades of concrete evidence and an even broader coalition of supporters who are echoing and elaborating on Eliot's 50-year-old declaration that children's teaching "needs to be the best possible teaching, and they will learn." **CW**

Chris Martes is president and CEO of Strategies for Children.

Fix the broken Public Records Law

Award attorney fees if documents are unjustly withheld

BY CAROL ROSE

WE IN THE cradle of liberty think of ourselves as national leaders when it comes to government openness and democracy. After all, Massachusetts colonists used public "broadsheets" to inform people about tyrannical acts by the British crown, sparking the American independence

movement. And early on in the founding of our nation, lawmakers recognized that an informed citizenry was an essential element of a democracy.

Given this proud history, it is ironic, and not a little sad, that Massachusetts is now ranked among the worst in the nation when it comes to government transparency. The Center for Public Integrity gives Massachusetts an "F" grade in its most recent 50-state survey of public access to information. Journalists, concerned citizens, and others with a need — and right — to know how our government is working are being shut out by a law that hasn't been meaningfully updated in more than 40 years.

Simply put: our public records law is broken.

Municipal and executive branch records in Massachusetts are meant to be public unless specifically exempt



by the law. In practice, however, agencies routinely deny access to public records with impunity. They get away with it because of a gaping hole in the law. In all but three other states, courts can award attorney fees to people who are forced to go to court to obtain public records.

Attorney fees provide incentives for government agencies to take the law seriously, yet such fees are not authorized in Massachusetts. As a result, government agencies face no consequences for being public records scofflaws. Indeed, without the enforcement mechanism of attorney fees, bureaucrats have every incentive to simply ignore records requests, and do so regularly in ways that undermine the public's trust in government.

Deval Patrick's administration and the Massachusetts Port Authority, for example, fought the *Boston Globe* for four years in an effort to withhold information on scores of people who had received secret payments from the state to settle lawsuits and employment disputes. The state finally released the information, but only after a judge ordered the administration to do so. Still, administration officials suffered no consequences for dragging out the process and running up the legal bills at taxpayer expense. Few ordinary citizens and media outlets have the deep financial pockets needed to battle such blatant refusals by government officials to comply with the law, particularly absent any prospect of recouping attorney fees.

Sometimes, it's hard to fathom why officials keep records secret. Consider the case of writer Craig Shibley. In January 2014, he was reflexively denied access to records about a 1951 murder on the grounds that an investigation was ongoing, even though the suspect had died decades before, and a State Police spokesman admitted the case was not under active investigation. Last September, one day after the *Boston Globe* ran a story critical of the Secretary of

State's handling of public record appeals, the State Police were ordered to run over the requested records. To date, however, the police have produced only one document, leaving both Shibley and the public in the dark about this 63-year-old cold case.

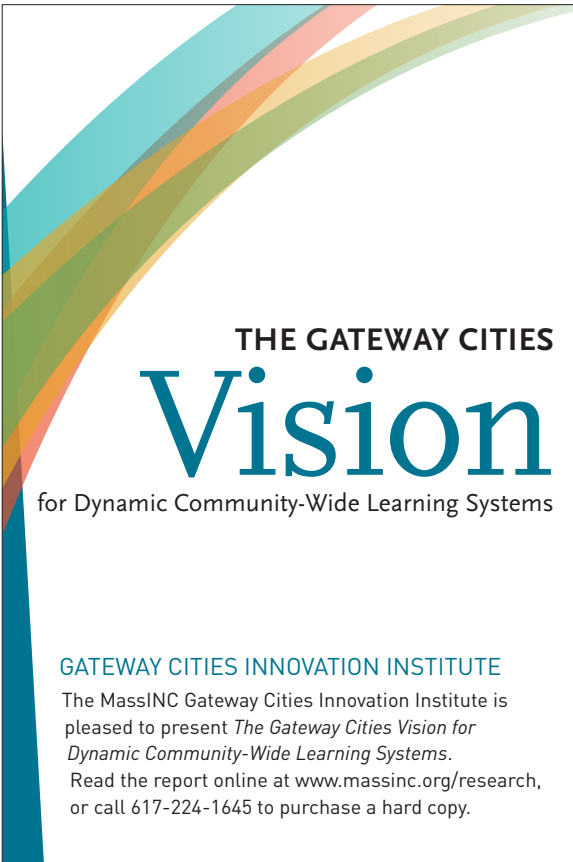
Other times, excessive government secrecy may actually endanger lives. When the Massachusetts Department of Children and Families came under public scrutiny after losing track of a young Fitch-burg boy, Jeremiah Oliver, who was later found dead, the public demanded answers. Rather than shining a light on what led to Oliver's death and how similar deaths could be prevented, DCF officials doubled-down and stopped responding to public records requests.

Similarly, the *Boston Globe* in December reported that Massachusetts police departments, including Boston's and the State Police, often hide from public scrutiny details of the drunken driving incidents involving their officers. The *Globe* reported that at least 30 law enforcement officials have been charged with drunk driving while off-duty since the start of 2012. Three people and more than a half-dozen others were injured in crashes involving officers. Rather than shining sunlight on this obvious threat to public safety, "police put up roadblocks

to getting information," the *Globe* reported. The State Police, for example, refused to respond to a request for reports on eight officers suspected of drunken driving, except to indicate they may demand more than \$1,000 for the records. The Boston Police Department, meanwhile, withheld the names of five officers arrested since 2012 for drunk driving, asserting that the information is "protected," although the BPD regularly identifies civilians arrested for drunk driving on its public blog.


Unfortunately, while the Commonwealth never pays for its failure to abide by the law, the public always pays a price — either in secrecy or in hefty fees for public information. Charging exorbitant amounts for records requests is yet another way that Massachusetts agencies hide their actions from public view.

In 2013, for example, the Massachusetts Executive Office of Health and Human Services demanded \$70,000 for records showing how many newly-hired state employees had immediate relatives on the state payroll. Requiring new hires to fill out so-called "sunshine disclosures" was supposed to limit nepotism in state government. Instead, the agency managed to hide possible backroom hiring deals by making it too expensive for anyone to actually review the sunshine disclosures.



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Similarly, when *CommonWealth* magazine and Fox News tried to document whether Boston city employees and their relatives were winning the affordable housing lottery more often than members of the general public, the Boston Redevelopment Authority demanded \$47,000 to produce documents that BRA officials admitted were public records.

Too often, stories of public agencies over-charging regular citizens border on the absurd. In this category is the blogger who sought records of parking tickets in the city of Somerville and was told it would cost him \$200,000 for the city to fill his request.

To run up costs, agencies frequently provide records in paper or other non-searchable form, even when digital records, which are cheaper and more useful, already exist. This includes printing out records obviously created in electronic form, such as spreadsheets or emails, and charging the requester for the printing costs.

In 2014, for example, the Springfield Police Department demanded that the American Civil Liberties Union, a public interest organization, pay nearly \$18,000 for computer printouts of emails regarding an experimental and controversial police program. And in 2013, the Boston Police refused to give a reporter a spreadsheet in its original format. Instead, they insisted on converting it to a PDF file, which cannot be easily searched and analyzed.

It's time to update the Massachusetts Public Records Law. Fortunately, Massachusetts has three immensely capable leaders positioned to do this: House Speaker Robert DeLeo, incoming Senate President Stanley Rosenberg, and Gov. Charlie Baker.

DeLeo already is a proven government reformer. He has led efforts to modernize our election systems and bolster campaign finance disclosure laws. Fixing the Massachusetts Public Records Law would cement DeLeo's legacy as a champion of good government and democracy.

Rosenberg, similarly, has shown both an ability and an inclination to tackle tough government reforms. Together with partners in the House, Rosenberg led what has been widely lauded as the Commonwealth's most transparent and equitable redistricting process, instilling confidence in fair elections going forward. Rosenberg's experience and good-government instincts make him uniquely poised to make Public Records Law reform a priority.

Baker also has the right stuff when it comes to updating the Public Records Law. In the late 1980s, he led the Pioneer Institute, a think tank that prizes government accountability. The institute recently called for Massachusetts to adopt a public records law similar to one in Florida, which is cited as the gold standard for freedom of information. Fixing the Massachusetts Public

Records Law thus is a bipartisan cause.

Given the Commonwealth's history as a model for open and accountable government, Massachusetts can stop this slide into secrecy. The reforms necessary to turn around our state's shameful failing grade are eminently achievable. Solid legislation sponsored by Northampton Rep. Peter Kocot and others contains the essential building blocks.

First, and foremost, Massachusetts should join the overwhelming majority of states that have evened the scales of justice by giving courts the power to award attorney fees when public information is withheld from the public. On some issues, there's pride in being an outlier, but not when it comes to keeping public information under wraps.

Second, there's no reason ordinary people should have to pay excessive fees for freedom of information requests. There are many ways to bring costs down, including providing files in electronic form, doing away with the cynical practice of deploying lawyers to censor information that may embarrass an agency, and simply lowering outdated per-page fees for printing and copying.

Finally, streamlining the public records system would save both time and money. Each state agency could assign a point person to respond to public records requests and keep a general index of the kinds of records the agency holds. This would enable people to make more tailored requests, and the point person would have the requisite

There's no reason to pay excessive fees.

know-how and experience to respond quickly and efficiently. Simple improvements to modernize the process would save money and help to restore public trust in government.

Our founders believed in a transparent government. They knew, as we do today, that democracy dies behind closed doors. The people have a right to know how we are being governed, but this can only happen if we fix our broken public records system.

It's time to restore the legacy of government transparency necessary to ensure democracy for future generations. DeLeo, Rosenberg, and Baker have an opportunity to work across the political aisle to rebuild the public's faith in government, while upholding the trust that the voters of Massachusetts have placed in them. Reforming the public records law is the place to start. **CW**

Carol Rose is executive director of the American Civil Liberties Union of Massachusetts.



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