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CommonWealth (ISSN pending) is published quarterly by the Massachusetts Institute for a New Commonwealth (MassINC), 11 Beacon St., Suite 500, Boston, MA 02108. Telephone: 617-742-6800 ext. 109, fax: 617-589-0929. Volume 21, Number 3, Summer 2016. Third Class postage paid at Holliston, MA. To subscribe to *CommonWealth*, become a Friend of MassINC for \$75 per year and receive discounts on MassINC research reports and invitations to MassINC forums and events. Postmaster: Send address changes to Circulation Director, MassINC, 11 Beacon St., Suite 500, Boston, MA 02108. Letters to the editor accepted by email at editor@massinc.org. The views expressed in this publication are those of the authors and not necessarily those of MassINC's directors, advisors, or staff. *CommonWealth* is a registered federal trademark.

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Harvard's blank canvas

I WAS STANDING on the roof of the Doubletree Hotel along Soldiers Field Road, looking down at what could easily be described as a whole lot of nothing. But that was sort of the point. Harvard University has bought up an enormous amount of the land surrounding the hotel on the Boston side of the Charles River and is now starting to get serious about turning that nothing into something. The plan is to build a neighborhood where innovation can flourish, where Harvard students and faculty can blend with folks from other educational institutions and companies to produce businesses, jobs, and research that can make a difference.

The land surrounding the Doubletree is a blank canvas and Harvard is just about to start painting. Construction will begin later this year on a new School of Engineering and Applied Sciences along Western Avenue. There are plans for a hotel and conference center. Roads are penciled in with names like Cattle Drive and Stadium Way. Real estate executive Steven Fessler has been hired to lead development of what Harvard is calling its enterprise research campus.

After years of delay and planning, Katie Lapp, Harvard's executive vice president, says the project is finally taking shape. "To some people, it may look like the early stages," she says. "To us, we feel like we're in the third, fourth, or fifth inning."

Off to the left from my vantage point atop the Doubletree, looking out toward the Massachusetts Turnpike, longer-range plans are being developed. There is talk of straightening the Turnpike, moving it further south, and simplifying the spaghetti network of access roads that lead on and off it. There's also talk of building a transportation hub there. If all that happens, the neighborhood Harvard is starting to build could end up extending all the way to Boston University.

Harvard being Harvard, there are lots of smart people working on the Allston expansion. The university has

invested a lot of time, money, and effort preparing and planning. Officials sweat the details.

Here's a very small example. We wanted to do a photo shoot out on the property itself, and I wanted to feature Fessler in the photo. Harvard didn't say no to the idea, but it was clear that wasn't what they wanted. So they offered instead a bunch of students who are trying to launch startups out of the Harvard Innovation Lab. It sounded like a good idea and it was fun talking to the students, who were buzzing about their fledgling businesses.

But when it came time to take pictures, Harvard officials pulled out hardhats and construction vests for the students to wear with the Harvard emblem on them. It seemed a bit



Harvard iLab participants, from left to right, Jean Luo, Gerardo Torres, Miriam Huntley, and Rahkeem Morris.

contrived, but it was an example of how Harvard leaves very little to chance.

That penchant for control has some people nervous. They wonder if Harvard can set the stage for this new neighborhood and then get out of the way. Harvard President Drew Faust assures me the university won't smother the enterprise. "You asked the question, what's it going to look like in 5 to 10 years," she says. "I don't know, but it's going to be a lot of fun to find out." **CW**

Bruce Mohl

BRUCE MOHL



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On December 1, 2016, MassINC and *CommonWealth* magazine will bring together the stars of Massachusetts politics and civic life for Serious Fun II, a bipartisan celebration of nonpartisan politics and independent journalism. In 2011, MassINC debuted Serious Fun with Mayor Tom Menino's very funny take on Marlon Brando in *The Godfather*, as well as a string of skits and videos poking fun at politics and the press. Now it's time to do it again.

All proceeds will support MassINC's 20th Anniversary Campaign. The campaign was launched to sustain three activities key to the future of the Commonwealth:

- Identify and advocate for policies that strengthen our economy and create pathways to opportunity — particularly in our Gateway Cities
- Engage and support diverse, emerging leaders in every region of Massachusetts
- Broaden the impact and reach of *CommonWealth* magazine's independent journalism in digital media

The celebration will include a cocktail party with some seriously great food, and a program featuring special guests from Massachusetts political leadership and other good sports who will pay tribute to the seriously funny world of Massachusetts politics and media.

For more information about Serious Fun II sponsorship, please contact: Lauren Louison, 617.224.1613, llouison@massinc.org

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Southbridge schools get fresh start

The news was not unexpected when the state Board of Elementary and Secondary Education voted in January to put the Southbridge schools into receivership. The small central Massachusetts district of 2,100 students struggled with low academic achievement for years, a challenge state officials said was made harder by a revolving door in the superintendent's office that saw seven district leaders in six years (see "Musical chairs," p. 36).

Using the authority of a 2010 reform law designed to address chronically underperforming schools, Southbridge became the third district to be put into receivership, following Lawrence in 2011 and Holyoke last year.

In late June, the state education department unveiled its turnaround plan for Southbridge. Like the Lawrence model, the plan calls for an extended school day or school year and grants broad leeway to the state-appointed receiver, former Cambridge schools administrator Jessica Huizenga, over teacher hiring and dismissal of teachers deemed to be ineffective.

The state has put down a big marker nationally with its vow to turnaround entire low-performing districts, something few reform efforts have had sustained success with.

"This plan is designed to transform Southbridge from a school district where a strong education is the exception to one where an excellent education is the rule," wrote Mitchell Chester, the state education commissioner, and Huizenga, in their announcement of the plan. "We have every reason to believe that we can and will succeed in this vision."

► MICHAEL JONAS

Sandwich shop struggling on Boston Common

► COLMAN M. HERMAN

THE EARL OF SANDWICH is struggling financially at its Boston Common restaurant location, with losses mounting and revenues declining.

The city of Boston hasn't taken a hit—rental payments to the city are a flat \$50,000 a year, not a percentage of sales—but the deteriorating financial situation raises concerns about whether the restaurant chain will stick it out for the entire 15-year lease. The Earl of Sandwich kiosk on the Boston Common has lost close to \$800,000 over the last three years.

"I'd be lying to you if I didn't say I was concerned about the economic viability of the operation," says Christopher Cook, the commissioner of Boston Parks and Recreation, which leases the property to the Earl of Sandwich.

Amy Sadowsky, a spokeswoman for the Florida-based restaurant chain, blames the losses on the weather and the \$1 million cost of restoring the rundown, 660-square-foot former men's restroom in the middle of the Common. The crumbling toilet, built in the 1920s, was known as the Pink Palace because of its pink-hued stony masonry.

CHAIN REMAINS COMMITTED.

"We invested a lot of money in the restoration of the Pink Palace," says Sadowsky. "And it's a very seasonal business, given the Boston weather. We remain committed to being on the Boston Common and growing the business."

The rehabilitation of the long-closed Pink Palace grew partly out of a trip by former Boston city councilor Michael Ross to New York City in 2008 to explore creative uses of public park spaces. He says he appreciates the money the Earl of Sandwich invested in the site, but doesn't know whether the sandwich chain is a good fit for Boston Common.

"It might not be the right concept for what is America's first public park," Ross says. "What I think needs to happen on the Common is for something of great originality and great interest to people be put there. And that just will never be a chain restaurant. There needs to be some rethinking of the type of use that should go there. Mark my words, one day this will be a destination that no trip to Boston will be complete without."

The Earl of Sandwich took a risk locating in the middle of Boston Common, which had been somewhat of a food desert. The company promised to restore the Pink Palace and pay annual rent of \$50,000. Another chain that showed interest in the site, the b.good restaurant company, proposed a total rent of \$117,695 over the life of the lease, and the firm didn't want to start payments until year 12 of the 15-year lease.



The Earl of Sandwich has only outdoor seating, so business is seasonal.

The Earl of Sandwich opened on the Common in 2012, serving food out of the kiosk and offering outdoor seating. According to financial documents filed with the city, gross

two months late. Sadowsky says that won't happen again. "Going forward, we will be sending in the rent on time," she says.

revenue was \$465,793 in 2013, but has been declining steadily ever since, falling to \$337,283 last year.

The restaurant reported a net loss of \$255,965 in its first full year on the Common, reduced that number to \$209,898 in 2014, and then saw its losses rise to \$332,002 last year.

The chain has also been late paying its annual \$50,000 rent for the past four years. This year, for example, the company's rent was paid

MICROPHILANTHROPY

Addressing hunger at Bunker Hill CC ► EDWARD M. MURPHY

Microphilanthropy is an occasional feature that calls attention to small acts of generosity that people do for the benefit of others and highlights little-known needs that could benefit from generosity, even on a small scale.

THE CHARACTERISTICS OF the student body at Bunker Hill Community College in Charlestown are not surprising for a large urban institution with more than 14,000 enrollees. More than two-thirds are students of color, 57 percent are women, and a significant number are foreign-born, representing 107 home countries. Many come from lower socio-economic backgrounds and are the first generation to attend college. The average age is 27 and a majority work full or part-time.

Massachusetts and other states have created such institutions as po-

tentials to higher education and as potential vehicles for social mobility serving exactly the population where such opportunities are rare. The faculty and administration at Bunker Hill understand and adjust to the challenges facing their students. Low costs, flexible schedules, and job-oriented programs are aimed at the needs of this population. Part of the college's mission is to find ways to help non-traditional students adapt and to stay in school long enough to graduate. Nearly 70 percent of the student body survives on income well below federal poverty

guidelines, a fact that presents unusual problems on a college campus. One such problem is hunger.

Teachers and others at Bunker Hill observed that some students simply do not have enough to eat. The students are working hard to improve their lives but they start with few resources and live day to day. The need to juggle school, housing, work, children, and transportation sometimes leaves too little money to feed themselves adequately. Some 825 students at Bunker Hill received food stamps in 2015. Even so, there are gaps in eligibility and periods when the money runs out; there are no "school lunch" programs at the college level, so any response to the problem is thus far

Boston garage sale stirs worries

► COLMAN M. HERMAN

THE CITY OF Boston used to sell off rundown municipal garages for development all the time by itself, but it's taking a different tack with the old Winthrop Square Garage, one of the city's most coveted parcels of land in the heart of the Financial District.

Mayor Marty Walsh wants to transfer the property to the Boston Redevelopment Authority, which would then sell it and remit any proceeds, minus expenses, to the city. The BRA is a quasi-public agency that is a separate legal entity from the city, but controlled by Walsh through his appointment of the director and four of the five members of the board.

Brian Golden, the director of the BRA, says his agency's involvement makes sense because it is more attuned to the real estate process. "I think, generally speaking, there's greater comfort with the BRA having sort of comprehen-

sive control of the site," he says. Pressed to be more specific, Golden says the BRA could more easily clear the title.

Sam Tyler, the president of the Boston Municipal Research Bureau, a business-backed watchdog group that monitors city finances, doesn't see the need for the BRA to take ownership of the Winthrop Square Garage. "We believe that the city should retain ownership of the property and the BRA should serve as disposition agent to manage the development process," he says.

Tyler says he never received a "good solid explanation" as to why the city can't sell the property itself with help from the BRA. He says that's what happened when the city sold municipal garages at 75 State Street, 500 Boylston Street, and International Place.

A veteran title examiner, who does not want to be identified, calls the issue of title clearance a "red herring." "It's a bunch of bull crap," she says. "It would be no big deal to do a title search for the garage property."

Boston City Councilor Tito Jackson is opposed to transferring the Winthrop Square property to the BRA. "The city of Boston is perfectly capable of marketing and selling its own property," he says. "That way all of the

WALSH PUTS TRUST IN AGENCY.

informal and reliant on the generosity of others.

The staff of Bunker Hill's Single Stop office, the purpose of which is to help students overcome economic barriers and continue their education, has worked to find ways to address the problem. Once a month, the Greater Boston Food Bank drops off approximately 7,000 pounds of produce, bread, and prepackaged items which are made available to students who have signed up in advance. Normally, around 150 students, who have been screened to ensure their need is real, participate. They are allowed to take one of each available product. Almost everything is gone in an hour.

A second informal effort, funded

mostly by one friend of the college who was stunned by the problem, allows the Single Stop office to give students a \$25 food card redeemable at Stop & Shop. Eighty cards a month are distributed. One student applied for a food card saying that she "cannot afford the food for my mom's renal diet and have enough for me as well."

Because there are not enough cards or food distributions, the office keeps peanut butter and jelly for students who want to make a sandwich. Staples like pasta, rice, and beans are also available. Panera donates approximately 20 loaves of bread a day.

Bunker Hill administrators hope eventually to have a more comprehensive program to address the problem

of hunger on campus. They estimate that it would cost \$1 million a year to provide each needy student with one meal a day. Such a formal, fully funded program is a hope and a dream. For now, there is only the occasional food pantry, a limited number of Stop & Shop cards, and peanut butter and jelly. There is not enough of any of it and the need to ease hunger among the poorest students at Bunker Hill creates an opportunity to give.

Tax deductible donations can be made online at www.bhcc.mass.edu/foundation/opportunitiesforgiving/ or via the mail to Bunker Hill Community College Foundation, 250 New Rutherford Ave., Boston, MA 02129 with a notation of "Food Support."

proceeds, not just the so-called net proceeds, would go to the people of the city. I also don't like turning the property over to the BRA because it is an agency run by people who are not elected and accountable to the people."

Katherine Craven, who is the head of the Public Facilities Commission, the city entity that would be responsible for conveying the garage to the BRA, stays out of the debate. "I don't have an opinion," she says. "I see our role as procedural and rely on others to do the due diligence."

Several other city officials did not want to discuss the BRA's role. A Walsh spokeswoman wouldn't let David Sweeney, the city's chief financial officer, comment about the BRA other than to say the city will remain heavily involved in the disposition of the garage.

"The city will retain a very large amount of control over what happens to the property," he says. Sweeney also notes that the city has hired the firm of Ernst & Young to help in analyzing the developer proposals for the project.

City Councilor Salvatore LaMattina, who chaired the council committee reviewing a memorandum of agreement on the Winthrop Square Garage parcel between the BRA and the city, declined, through a spokeswoman, a request for an interview. Councilor Bill Linehan, whose district contains the Winthrop Square Garage and

who supports the transfer, did not respond to repeated requests for an interview.

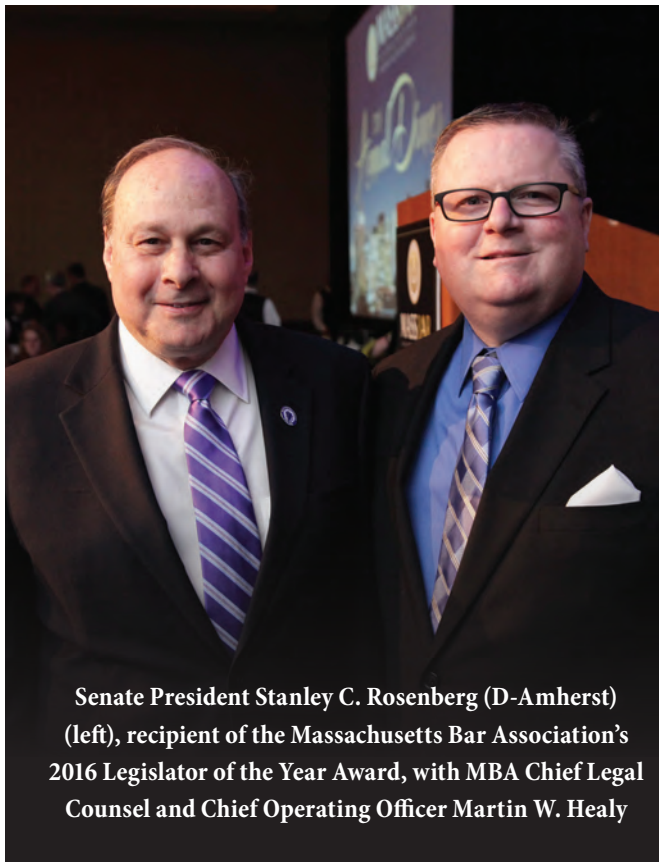
Long-time BRA critic Shirley Kressel, who has argued through the years that the BRA ignores and circumvents laws, calls attention to what she calls "huge loopholes" in the memorandum of agreement that gives the net proceeds to the city.

The agreement provides a laundry list of expenses that the BRA can subtract out to arrive at the net proceeds it must turn over to the city. "That's where the real damage can be done," says Kressel. "It's so open-ended with expressions like 'including, but no limited to' and 'any other necessary costs and expenses.' It amounts to giving the BRA a blank check. We may even end up owing the developer money for this deal."

Kressel also says that many of the expenses enumerated should be paid by the developer and not the city, including environmental remediation, demolition, and site and structure investigation. "Why should the city be stuck with paying these expenses?" she asks. "Those should come out of the developer's pocket, not the taxpayers."

So far, the city has been unsuccessful in its efforts to

A BLANK CHECK.



Senate President Stanley C. Rosenberg (D-Amherst) (left), recipient of the Massachusetts Bar Association's 2016 Legislator of the Year Award, with MBA Chief Legal Counsel and Chief Operating Officer Martin W. Healy



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convey ownership of the Winthrop Square Garage to the BRA. A number of steps are required, including the approval of the City Council. First time out, that step was left out, voiding the conveyance vote cast by the Public Facilities Commission. Last December, the council finally voted to approve the transfer to the commission.

But then Kressel alleged that the council's voting process violated the Open Meeting Law, and filed a complaint with Attorney General Maura Healey, who has yet to render a decision. Until that complaint is resolved and the council vote validated, the commission cannot convey the property to the BRA.

To caucus or not to caucus

► JACK SULLIVAN

CAUCUSES ARE NOT clandestine cabals requiring a secret handshake and special door knock to get into the room, except perhaps for the Democratic and Republican legislative caucuses. In Massachusetts, in fact, most caucuses in the Legislature don't even have doors. Or offices.

"Because they're not official, it's up to the people who join [to decide] how they organize themselves and how they're structured," says Senate President Stan Rosenberg. "It is bipartisan, bicameral. There's a value to that. People form caucuses because they're looking to connect with other people with similar interests."

Unlike formal legislative committees, members share a common interest and legislative leaders have no say on who can join. Power within a caucus is not based on party affiliation. Indeed, caucuses operate within the legislative framework while remaining apart from it. Neither the Senate or House clerks or the offices of the Senate president or House Speaker maintain lists of legislative caucuses.

Caucuses aren't unique to Massachusetts, though not all state legislatures have them and some are set up more formally than others. A 2013 survey by the National Conference of State Legislatures found roughly one-third of the states had no caucuses beyond the majority and minority caucuses; the remainder had anywhere from one to more than 20.

At least 35 states have black caucuses, 23 have women's caucuses, and 19 have Hispanic caucuses. A growing number of states have ethnic caucuses, including those focused on people of Asian, Jewish, Irish, and Italian-American heritage. The most fun ones look like they're in Illinois, which has the White Sox Caucus, and Pennsylvania,

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where lawmakers have formed a Karaoke Caucus, which is required by statute to sing at least once a year.

There are at least 15 caucuses that are loosely active in the Massachusetts Legislature, not including the majority and minority party caucuses. The only two bipartisan caucuses that get office space are the Caucus of Women Legislators and the Black and Latino Legislative Caucus.

Some of the others include the Oral Health Caucus; the TechHub Caucus; the Children's Caucus; the Caucus on Older Citizens' Concerns; the Rural Caucus; the Tobacco Control Caucus; the Gateway Cities Caucus; the Boating Caucus; the Parkinson's Disease Caucus; the Public Higher Education Caucus; and the Nonprofit Legislative Caucus.

One of the more effective and durable caucuses on Beacon Hill is the Oral Health Caucus, launched as the first of its kind in the nation 10 years ago.

Sen. Harriette Chandler, the co-chair of the Oral Health Caucus, says the bipartisan nature of the group has aided in getting bills through the Legislature regarding dental health coverage for low-income people, billing practices, insurance mandates, and increased reimbursements for dentists who take Medicaid.

"So much of oral health has a direct impact on general health," says Chandler. "The mouth is the window to the

body."

In Rosenberg's case, he came to form the Foster Children's Caucus nearly 30 years ago when he was in the House. Rosenberg says he, Rep. Gloria Fox, and two other lawmakers who had been foster children formed the caucus more for "inspiration and motivation" for other foster kids. But several deaths and reports of abuse of foster children led the caucus to draft and push legislation to change the state's oversight of foster children. With Fox's retirement at the end of this term, Rosenberg will be the last remaining former foster child from the original caucus. He says at least four of the new members are adoptees who have a stake in the issue.

Rosenberg also started the Regional Transit Authority Caucus because of the lack of funding and attention for transportation agencies not named the MBTA.

"RTAs were battling for years to get recognition. They are doing the same jobs as the MBTA but getting no traction," says Rosenberg. "Regional transit authorities finally got enough support through creation of a caucus that they were able to get the people making the decisions at Ways and Means to see that the RTAs needed to get support. Now you don't have a conversation about increasing the T's budget without saying, 'How about RTAs?'" **CW**



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To serve and elect

Emily Cherniack got Seth Moulton to run for Congress, and her nonprofit wants to get more people with military or civilian service backgrounds into public office.

BY MICHAEL JONAS | PHOTOGRAPH BY FRANK CURRAN

The organization you founded, New Politics, is committed to finding and helping elect candidates for office who have backgrounds in the military or civilian service organizations such as AmeriCorps or the Peace Corps. Why is it important to have people with those backgrounds in public office? We're about people who are country first, community first. People who have done service, they've learned how to work with diverse people. They know how to bring people together to solve problems. We think those are the kind of leaders we desperately need in political life.

Where did the idea for this come from?

I never was in politics before. I did City Year, which changed my life, in 2007, and then I was chief of staff for [City Year co-founder] Alan Khazei. Then Ted Kennedy died and Alan ran for the US Senate. He said, I want you on the campaign. That experience was really eye-opening. I talk about it like *The Matrix*, where you swallowed the blue pill or the red pill and there's this entire parallel world I never knew existed. There's the campaign electoral world and there's everybody else. I was an educated, engaged community member and I never did politics because I was about social impact. And most of us are like that. We don't engage in the electoral space. That was how I came up with the idea for New Politics, because I just saw the mistakes that were made on the campaign. Alan is one of the best social entrepreneurs in the country, and he could not figure out how to run a campaign. None of us could because it's so counterintuitive. The second thing is that the

culture of politics is just so much the antithesis of the service culture. It really does not engage people like me to naturally get involved in it. I thought, no wonder people aren't getting involved in politics. And these are the kind of leaders we need because of their experiences and success.

Seth Moulton, a decorated Iraq War veteran who defeated a longtime congressman, John Tierney, in 2014 is certainly the most well-known example of your efforts so far. He says you're responsible for him running. How did that happen? It was very karmic. I did a

meeting with David Gergen. He's a big fan of this idea. He served [in the Navy in the Vietnam War era] and has advised four presidents, and he talks a lot about an earlier time when a majority of people in Congress had served. Even if they didn't get along or agree on everything, their attitude was, we're all patriots and we served together. He said, Seth Moulton should run for office one day. I have no idea if he's a Republican or a Democrat, but he's amazing. He's the kind of person you're talking about. Seth was a fellow in one of Gergen's programs [at Harvard's Kennedy School]. I called him. He said no. A few weeks later, I said, can we sit down and talk about it. If you're going to tell me no, at least look me in the eye and tell me. People like him want to serve their country again; they just have to be asked. I just think he never would have thought, oh, I'm going to run for Congress.

How high was the percentage of members of Congress who had served in the military during earlier times? 75 or 80 percent in the 1970s. That wasn't that long ago. I don't think it's coincidental that we now have the




lowest number of people in Congress who have served in the military in history—less than 18 percent—and we also have the least productive Congress. You have to have leaders to do big things. If we don't change the kind of leaders that we have, I just don't think we can solve the most pressing problems in our country.

I've thought for a long time that City Year and AmeriCorps and these service efforts seem closely related to politics or public issues, but it seems like a lot of people who have gravitated toward those kinds of things have shunned politics. Maybe it's because it looks impossibly gridlocked, but politics hasn't been seen by some as a place to make a difference or to make change. People have felt instead, I'm going to make a difference by working with a group of kids and by directly impacting people. So there's been this sort of divide. Are you trying to break down that divide? I think it's a false choice that you have to do one or the other. But the political world is a closed ecosystem, let's be honest. I mean, no one is actually inviting anyone to join into this ecosystem because it's about power. If you actually invite new people in, you say, well, this person might run against me. So no one is actually recruiting or thinking about engaging these communities in the political space.

That was certainly the case with Congressman Moulton, who was not exactly welcomed when he challenged an incumbent in a Democratic primary. No, he certainly wasn't. They told him to wait his turn.

What sort of impact has New Politics had in recruiting or working with candidates? We beta-tested it in 2014. We had five candidates. We had three wins, two losses. This year we have about 22 candidates. We have city council, we have state leg, and we have Congress. And we have one governor's race. So we do all the pipeline.

You have the sort of background in service work that your group is looking for. Could you ever be a candidate yourself? People ask me all the time: Aren't you going to run one day? And I say never. It's just not my jam. I'm more like a Bayard Rustin, who made the [1963] March on Washington happen, the logistics of it: The buses are going to drop people off here. Don't bring tuna fish, bring peanut butter and jelly because it's going to be hot out. He created the infrastructure so that Martin Luther King could have a dream and set that vision. That's my strength. That's my role. To support people like the Seths of the world and others to help them run for office. **CW**



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Mass. chiefs approve most gun permits

Only 1.8% of applicants denied, suggesting discretion is not abused.

BY JACK SULLIVAN

ONLY A TINY fraction of Massachusetts residents who apply for firearms licenses or identification cards are turned down, suggesting the state's reputation for restricting gun use may be overstated.

Just 1.8 percent of those who applied for Firearms Identification Cards (FID) and licenses to carry concealed weapons between 2010 and 2015 were rejected, according to state data. Monson in western Massachusetts is the strictest community in issuing licenses. Between 2010 and 2015, the town issued 1,502 FID cards and licenses to carry. It denied 121, a rate of more than 7.5 percent. On the other end of the scale, Duxbury issued nearly 1,100 permits while rejecting just two, none since 2013.

The state's low rejection rate runs contrary to the narrative of gun rights advocates, who allege that police chiefs in Massachusetts regularly abuse their discretion in denying licenses.

Under state law, police chiefs in cities and towns issue licenses within parameters that include statutory reasons for denial, including a felony conviction, a domestic violence restraining order, and a history of drug abuse. Applicants must also be US citizens. The chiefs also have broad discretion to refuse licenses. For example, chiefs can reject applicants if they deem them a risk to public safety, if their reason for needing a gun is not acceptable, or if they are homeless.

In Massachusetts, FID cards and Class A licenses for large capacity guns, which also allow the holder to carry a concealed weapon, are good for six years. The state used to issue Class B licenses to carry for non-large capacity guns such as handguns, shotguns, and single-shot rifles, but a 2014 law eliminated that category. The data requested by *CommonWealth* from the state Firearms Records Bureau covers all six-year licenses issued by communities between 2010 and 2015.

Jim Wallace, executive director of the Gun Owners Action League in Northborough, says

the state's numbers are misleading. He says police chiefs regularly abuse their discretion and make it more difficult for people to obtain licenses they should be allowed to have. Wallace says some chiefs require applicants to write an essay on the state's gun laws and state law sets the fee at \$100 for a permit, much higher than most other states.

The fact that so many residents are awarded licenses is testament to the perseverance of the applicants not the ease of the permitting process, Wallace says. "All it shows is that people are very determined to get past any hurdles they have to get past in order to exercise their constitutional right," he says.

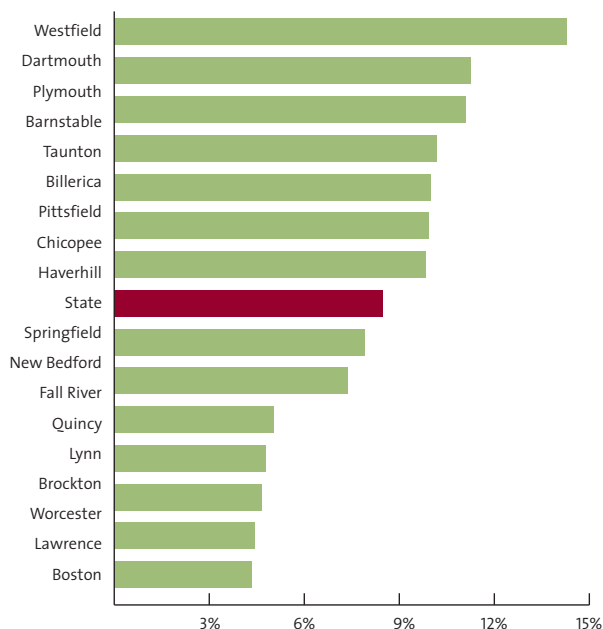
Wallace also claims the state's denial rate is low because the information on the denial is never sent to the state. "It's one of the things we continue to face. A lot of people get denied before the information even gets to EOPSS [Executive Office of Public Safety and Security]," says Wallace. "What we see is the demand for training has been very high for years now. That's where we see the anecdotal evidence. We really don't have a good idea of denials because some of it happens before they're in the system."

Officials dismiss Wallace's claim. While there may be isolated incidents of chiefs telling applicants they will likely be denied, the officials say the numbers are so small they probably wouldn't move the needle.

"People do make mistakes in life. Maybe they have a disqualifier in the past and I'll give them time to consider whether they want to appeal," says Westfield Police Chief John Camerota. "Eventually, it gets entered into the system."

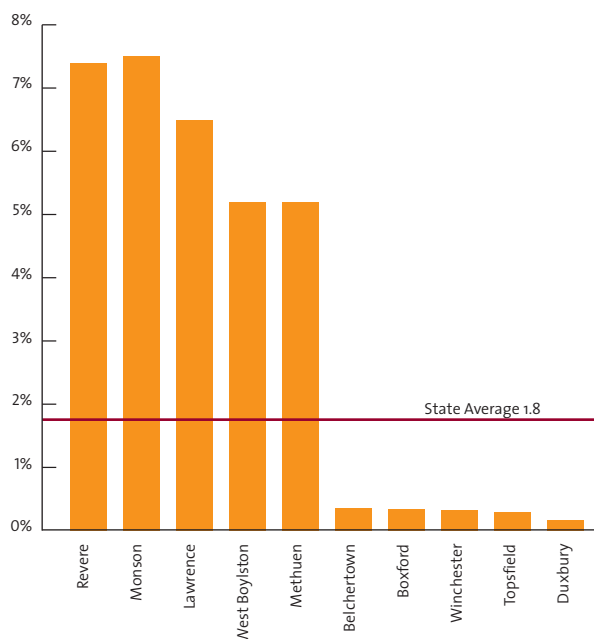
Camerota has among the lowest rates of denials in the state, turning down about one-half of 1 percent of the nearly 4,700 license applications in the past six years. Camerota says he's "probably more liberal" in issuing licenses than many of his colleagues around the state because he prefers not to use his discretion outside of the statutory restrictions for

TOP 15 CITIES AND TOWNS IN MA FOR ACTIVE GUN PERMITS AND PERCENT OF ADULT POPULATION IN EACH COMMUNITY THAT HOLDS LICENSES



SOURCE: Massachusetts Firearms Records Bureau, US Census Bureau

THE FIVE CITIES AND TOWNS WITH THE HIGHEST AND LOWEST RATE OF DENIALS OF GUN PERMITS AND FIREARMS IDENTIFICATION CARDS



SOURCE: Firearms Records Bureau

disqualifying someone. It's not a part of the job he relishes.

"I'd actually like the state to handle all the licenses," he says, though acknowledging he's in the minority among his peers. "Sometimes it's a gut feeling [to deny a license], sometimes it's based on fact. I don't have the wisdom of Solomon. At times, it's frustrating."

Dr. Sandro Galea, dean of the Boston University School of Public Health, recently co-authored a study of the prevalence of guns in the United States. The report, considered one of the most comprehensive studies yet done on gun ownership, found 22.6 percent of households in Massachusetts have a gun, a number he said was "quite low" compared to the rest of the country. Galea said between the results of his study and the data obtained by *CommonWealth*, it is a "manufactured narrative" that law-abiding citizens are being denied a permit for a gun even if they qualify.

"Most people are not denied," says Galea. "It's just not borne out by the data. There's been a well-orchestrated, well-financed effort creating a particular narrative around guns that there is a general sense of being denied guns. Frankly, gun checks don't work so far. I think our numbers are probably accurate."

John Rosenthal, a gun owner who is the founder of Stop Handgun Violence, says the state's laws are not intended to prevent qualified people from owning guns but rather to stop guns from falling into the hands of the wrong people. He points out that since Massachusetts passed its groundbreaking gun control law in 1994 and updated it twice since, gun-related deaths have dropped by 60 percent in the state.

"GOAL [Gun Owners Action League] and the NRA continually misrepresent the truth and sell fear in order to sell more guns," says Rosenthal. "Very few people are denied in Massachusetts and the system is working. Massachusetts has common sense gun laws that make it harder for criminals, terrorists, and dangerously mentally ill people to legally buy guns."

Rosenthal says the discretion granted to police chiefs under Massachusetts law can prevent tragedies. He says Omar Mateen bought a semi-automatic rifle and handgun just days before slaughtering 49 people at a gay nightclub in Orlando, Florida, even though he had been interviewed and followed by the FBI. Under Florida law, the licensing authorities can only reject applicants for gun permits based on strict exemptions. The fact that a person is on the terrorist watchlist or a federal no-fly list would not prevent him or her from obtaining a permit in Florida. In Massachusetts, by contrast, police chiefs can subjectively take more factors into account when granting a license.

"Thankfully, police chiefs in Massachusetts have discretion in licensing," says Rosenthal. "Omar Mateen would have a much more difficult time buying handguns. There's no question in my mind he would have been denied in Massachusetts." **CW**

Preoccupied with panhandling

Towns say beggars are bad for business, public safety.

BY TED SIEFER

IN NEW BEDFORD, the City Council considered requiring panhandlers to get licenses to ask for money in the city. Manchester, New Hampshire, banned the exchange of items of value between motorists and pedestrians. And Worcester and Lowell enacted ordinances aimed at cracking down on “aggressive panhandling,” which, among other things, banned soliciting in close proximity to ATMs and outdoor seating areas.

Cities in New England are hardly alone in trying to devise novel ways to clamp down on the age-old practice of public begging. A study by the National Law Center on Homelessness and Poverty found panhandling bans increased by 25 percent between 2011 and 2014—a reaction, some have argued, to more people being forced onto the streets as a result of the Great Recession.

The panhandling restrictions have proliferated despite the fact that the Supreme Court held more than three decades ago that asking for money in public is fundamentally protected by the First Amendment. Last year, the court went even further, finding that nearly any “content-based” restriction on public speech was unconstitutional.

That ruling doomed the Worcester and Lowell ordinances, and now the cities are battling an attempt by the American Civil Liberties Union to recover nearly \$2 million in legal fees. The ACLU spearheaded the challenges to the anti-panhandling measures in Worcester and Lowell and others around the country.

All of this raises a question: Why are communities so intent on marching panhandlers out of town?

The idea of taking a tough line toward panhandlers isn’t a new one. In 1879, the secretary of the Massachusetts Board of State Charities weighed in on what to do about “tramps.” He said: “Doubtless he chuckles in his ragged sleeve at the credulity of those from whom he receives aid. But if citizens

everywhere would close their doors against him, and if the law were so amended as to shut him up for two years, this would deprive Massachusetts of its charms to him.”

The Commonwealth once had a “tramp law” that could send those who “rove about from place to place begging...without labor or visible means of support” to prison for up to six months.

While such draconian laws have fallen by the wayside, today’s debate hinges on a fundamentally similar question: whether panhandlers are deserving of compassion and charity or whether they’re dissolute scammers.

It’s the latter view that today seems to hold sway among many downtown business owners, the constituency that is often the most vocal in calling for crackdowns on panhandling.

“It’s had a drastic effect on my business. People tell me they don’t want to go to downtown Lowell because they’re being harassed by these people,” said Richard Rourke, the owner of Ricardo’s Cafe Trattoria, a cozy little restaurant on the edge of downtown Lowell. “I see them every single day. I live in downtown Lowell. To me it appears to be a ring of people; they get together in the morning, meet at the end of day, and gather the money in a pot and share it.”

These are the kinds of concerns city councilors cite when they propose anti-panhandling measures. “The ACLU is talking about the rights of panhandlers—what about the rights of a small businessperson?” says Lowell City Councilor Bill Samaras. “They’re fighting to survive.”

It’s likely not a coincidence that panhandling has emerged as such a vexing issue in smaller cities such as Lowell, Worcester, and Manchester, where officials have sought to bring tourists to revitalized downtowns, in part to make up for lost industry.

“It’s probably more noticeable because we’re smaller. Boston is such a big city, they sort of blend

in,” Worcester Mayor Joseph Petty said, referring to panhandlers. “We get calls about it; it’s something we have to address.”

Petty also noted that Boston has had a rule on its books for years barring soliciting in an “aggressive manner.” (The ordinance, however, appears to be rarely enforced.)

City officials often cite another compelling interest in crafting panhandling bans: public safety, particularly when it comes to soliciting along roadways and on medians, which have become popular turf in recent years.

One of Worcester’s two panhandling-related ordinances, which were adopted in early 2013, banned any person or group from standing in medians, except to cross the street. “I just don’t want anyone getting hurt or killed,” Petty said, a concern he said was underscored when a panhandler was struck and killed by a car last year. By then, Worcester’s ordinances were tangled up in the courts, and six months later they would be declared unconstitutional.

For the ACLU, the panhandling issue goes to the heart of its mission, championing free speech even when it discomfites the general public. “A request for money expresses a view, which is a need for help, and it sometimes expresses that in profound ways,” says Matthew Segal, the legal director for the Massachusetts chapter of ACLU. “Compare it to campaign finance. If you’re a wealthy person and you want to express yourself by spending millions of dollars, the law is clear: that is speech. But if you’re a homeless person and want to express yourself by asking for one dollar, that’s not speech.”

Worcester won the early rounds in its battle with the ACLU, with a federal judge finding that the city had a “legitimate interest” in enacting its ordinances and that they fell within reasonable “time, place, and manner” restrictions on public speech.

Then came the Supreme Court’s June 2015 ruling in *Reed vs. the Town of Gilbert, Arizona*, which focused on a church cited for violating a local zoning code that distinguished between political, ideological, and directional signs. When it comes to restricting speech in the public sphere, the court ruled, any laws that “target speech based on its communicative content are presumptively unconstitutional and may be justified only if the gov-



ernment proves that they are narrowly tailored to serve compelling state interests.” In other words, if a police officer or government bureaucrat has to study a sign in order to determine whether it’s permissible, it’s probably unconstitutional. (This excludes longstanding limits on obscenity and “fighting words.”)

In light of the Reed ruling, Worcester’s ordinances were overturned, as was Lowell’s substantially similar ban on aggressive panhandling, which was enacted in early 2014.

In Lowell’s case, the judge zeroed in on a legal brief filed by an assistant city solicitor that may have been more notable for its colorful prose than legal soundness. The solicitor described panhandling as “a raucous alternative culture that for reasons of economic dependence—or in a different view,

Courts have repeatedly sided with panhandlers.

parasitism—must occupy the same geographic space as those mainstream souls who lack the ‘need’—or perhaps the chutzpah—to importune strangers for money.”

The judge was blunt: the “raucous presentation of the visions of alternative cultures in the public sphere is at the heart of the First Amendment.”

In May, city officials in Lowell convened a meeting of business owners, social service agency heads, and civic leaders to discuss next steps in dealing with the panhandling issue.

Some of the social service advocates said more needed to be done to reach out to panhandlers, to connect them to shelters and drug-treatment programs. (Such outreach

has been a part of Worcester's efforts since it enacted the panhandling ordinances.) But the nonprofit heads also cautioned against assuming that all panhandlers were homeless or were necessarily interested in signing up for assistance programs.

"I think there's a lot of confusion about panhandlers versus people who go to a shelter, who may not have a place to go. For some, it's a business," said Yun-Ju Choi, the executive director of the Coalition for a Better Acre, which provides housing and other services in one of Lowell's poorest neighborhoods. Choi, who was among the leaders who attended the May meeting at Lowell City Hall, added, "I think a lot of panhandlers use the money for drugs and alcohol."

Lowell officials, for their part, aren't ready to sit down and sing Kumbaya with the panhandlers. City Manager Kevin Murphy suggested that panhandlers could be cited for littering, and that surveillance cameras could be deployed to catch them in the act. Several councilors liked the idea of posting notices downtown discouraging people from giving to panhandlers and directing donations to collection boxes that could be set up near parking meters; the money would go to assistance programs.

Even without an ordinance, police have still been able to exert pressure on panhandlers. After a spike in complaints earlier this year, Lowell Police Deputy Superintendent Jonathan Webb said officers were able to use existing laws to encourage panhandlers to leave busy intersections. "We've had some major success," Webb said at the May meeting.

The legal decisions against Lowell and Worcester have largely stopped in their tracks other communities that had been considering panhandling bans, including New Bedford and Lawrence. But this doesn't mean police and city officials have made peace with the panhandlers.

On a recent day, a young man named Josh Evans stood on a median strip of a busy intersection in Worcester, holding a sign describing himself as homeless. Even after the court rulings, of which he was aware, he says he still gets harassed and threatened with arrest. One officer, he says, recently told him to "piss off." As for those who questioned how needy he really was, Evans gestured to his sign. "I don't make this stuff up," he said. **CW**

Ted Siefer is a New England-based journalist who has covered state and local government for a wide range of outlets. He currently resides in Lowell.

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Slow, steady on military sex assaults

Tsongas is having an impact by focusing on incremental change.

BY SHAWN ZELLER

SHORTLY AFTER TAKING her seat in the House in 2007, US Rep. Niki Tsongas of Lowell attended a luncheon for soldiers wounded in combat. Tsongas approached some women at the luncheon and mentioned a recent hearing she'd attended on sexual assault in the military. One of the women, a military nurse, told her that she was more afraid of her fellow soldiers than of the enemy, so much so that she carried a knife at all times.

Tsongas was intrigued. She says she was aware of past instances of sexual assault, such as the Tailhook scandal of 1991, in which scores of Navy and Marine Corps personnel were sexually harassed or assaulted by fellow officers at a Las Vegas convention. But Tsongas says she had no idea sexual assault in the military was such a pressing problem. She had inherited the seat her predecessor, Martin Meehan, held on the Armed Services Committee. Like him, she was somewhat miscast, having never served in the military. She was looking for a niche where a junior member could make an impact and the nurse's story presented an avenue.

Nine years later, Tsongas is widely regarded as the principal advocate in the House for women and men who have been sexually assaulted in the military. She's done it by adopting a methodical, slow-but-steady approach focused on changing the military culture. Rather than pursuing a major, comprehensive bill, she's built the case each year for more modest reforms, then convinced colleagues to include them in the annual defense authorization law, the only major measure besides spending bills that Congress enacts every year.

The reason for the go-slow approach is the deference representatives and senators give the military and the still-prevalent view that military commanders must control the military criminal

justice system. To change the system, Tsongas has had to work piece by piece, bolstering her case with data and the testimony of the assaulted.

"It behooves us in Congress to deal with it in pieces as we better understand it," says Tsongas. "That's also led to success, that every year we try to take another look at it, rather than trying to come forth with one large piece of legislation that may not get it right."

Tsongas, by taking what's possible in a conservative, military-friendly Congress, can point to results. And her incremental approach forestalls the argument that would surely meet any attempt to pass follow-up legislation to a major bill: "Didn't we already address this?"

In May, the House included her latest sexual assault provision to criminalize retaliation against victims and witnesses of crimes, a major concern of victims that Tsongas believes has prevented them from coming forward. If history is any guide, it will be enacted into law by the end of the year.

Every year since 2011, in fact, Tsongas has convinced colleagues to include new provisions in the defense authorization bill aimed at curtailing sexual assault in the military. She's succeeded during a period when Republicans have ruled the House and benefitted from the fact that the Armed Services Committee operates in a more bipartisan way than most, given the pressure members feel to prove they are attuned to the country's defense needs.

The committee markup process, in which the defense authorization bill is prepared for the House floor, offers members of the minority party a chance to offer amendments, but Democratic amendments are often defeated on party lines. So Tsongas has teamed with Ohio Republican Michael R. Turner, who became concerned about sexual assault in the

military after he learned that a constituent was raped by a fellow Marine and later murdered. She and Turner formed the Military Sexual Assault Prevention Caucus to help bolster their annual amendments four years ago.

“Their leadership brought this issue to the fore on the Armed Services Committee and in the entire Congress,” says Greg Jacob, a former Marine officer who worked as policy director with the Service Women’s Action Network from 2010-2015.

The military has at times resisted their efforts, as have defense hawks in Congress. “They were not taking this issue seriously and victims’ lives were being ruined,” says Turner.

Still, by building a case and working slowly and methodically, they’ve won over colleagues and the generals. In 2011, Congress enacted their amendment ensuring victims the right to legal assistance and to request a transfer to a unit away from the alleged assailant. The legal provision has since prompted all the services to create special victims counsels to represent survivors.

The following year, Congress took up their call again, requiring the military to study its handling of sexual assault claims. In 2013, the two lawmakers began chipping away at commanders’ authority over sexual assault cases, which has been extraordinarily broad. Tsongas and Turner convinced

colleagues to remove a commander’s power to change or dismiss a court-martial conviction, except in the case of minor offenses. The law enacted that year also blocked commanders from reducing a sentence.

Last year, the duo wrote provisions requiring the Pentagon to examine sexual assaults of men. Congress also required that a military judge sign off before a sexual assault survivor’s mental health records could be released.

The 2012 documentary film *The Invisible War*, which detailed the stories of women who say they were raped while serving, deeply affected both Tsongas and Turner. Stacy Malone, executive director of the Victim Rights Law Center in Boston, recalls going around Tsongas’s district with her for screenings and panel discussions after the movie came out. “It was so powerful to see a congresswoman standing up on an issue like this,” she says.

Both Turner and Tsongas are featured in the film, Turner castigating the military brass and Tsongas listening as a sexual assault survivor describes the incredible power military commanders have to decide whether sexual assault cases go forward.

On that issue, Tsongas and Turner disagree. Tsongas would like to eliminate commanders’ authority over whether cases go to court martial, allowing military prosecutors to

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decide. Turner supports limits on that authority but doesn't want to eliminate it.

Tsongas says "there's too much else at stake" to blow up a productive partnership over the dispute.

In the Senate, by contrast, proponents of reform have become bitterly divided. Just consider the failed 2014 Senate vote to advance a bill by Kirsten Gillibrand of New York that would have taken away military commanders' authority.

Gillibrand described the defeat as tragic and rebuked her colleagues. "The deck is stacked against victims of sexual assault in the military, and today we saw the same in the halls of Congress," she said in a statement at the time.

The vote drove a wedge between Gillibrand and a fellow Democrat, Claire McCaskill of Missouri, who proposed a rival Senate bill that passed the same day. That bill left commanders in charge, but eliminated the "good soldier defense" that had allowed more senior officers to plea for reduced penalties.

Tsongas tried to play peacemaker. "They may take different routes but their goal is the same: to stop these crimes from occurring and to support the men, women, and families impacted by them," she said of the two senators in a statement released after the votes.

Tsongas supported McCaskill's bill, which went on to become law that year. Congress also required that commanders be assessed on their handling of sexual assault cases and that the military examine whether the rules of evidence in court martials were hurting accusers. Turner believes that is enough, at least for now, and Tsongas says that the senior level commanders who make the decisions are not impeding many cases now.

In May, the Pentagon reported that it had received 6,083 reports of sexual assault in 2015, a figure that is little changed from 2014 (48 fewer reports), but this also occurred during a time when the military is trying to make it easier for victims to come forward.

Towards the end of *The Invisible War*, the women who've told their stories say that, if they had to do it over again, they would not have joined the military and would discourage others from doing so.

There's a scene in which former Coast Guard seaman Kori Cioca is eating in a Bob Evans restaurant. She overhears a waitress saying she's planning to enlist. Cioca, who says she was raped and beaten by an officer while stationed in Michigan in 2005, tries to dissuade the waitress. "You try to take care, okay? You can still back out. You can be a civilian worker," Cioca says.

Tsongas doesn't see the situation the same way. "There are women who want to and can do those jobs," she says. "But also it sends a strong message that women are not second-class citizens within the services. That, as much as anything, goes a long way to changing the culture." **CW**

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The next Kendall



Square?

Harvard tries its hand at innovation
on the Boston side of the Charles

BY BRUCE MOHL | PHOTOGRAPH BY MEGHAN MOORE

After years of delays and then years of planning, something big is starting to happen on the Boston side of the Harvard University campus. Out behind the stately Harvard Business School, across Western Avenue, is a big, sprawling space filled with gravel, dirt, and crumbling pavement. It's not much to look at right now, but the potential is enormous. The folks at Harvard are laying plans to extend the Allston portion of the campus in the direction of the Massachusetts Turnpike and launch a new neighborhood featuring an enterprise research zone. There are no architectural drawings of the zone yet, but the plan is for Harvard to develop a funky neighborhood where companies and institutes can put down roots to take advantage of research going on at Harvard, MIT, Boston University, the Longwood Medical Area, and other area institutions.

Nithin Nohria, the dean of the Harvard Business School, attended MIT from 1984 to 1988. He says the empty stretch of land out the back door of the business school isn't all that different from the vacant properties between Kendall Square and Lechmere back when he was working toward his doctorate in management. "Look at what it's become today," he says of Kendall Square. He'd like to see Harvard foster something similar, but with more green space, more retail, and more buildings on a human scale. "I'm hopeful we'll get it right from the very first days," he says.

Universities across the country are trying to create innovation zones, places where groundbreaking research or just clever ideas can be turned into startups. There's no standard approach to innovation, but the policy experts at the Brookings Institution have spent a lot of time studying the phenomenon and concluded the recipe includes a mix of firms, research institutions, and organizations; a built environment that promotes connectivity and collaboration; and networking assets that bring it all together. Urban areas seem to be the blender where all these ingredients can be mixed together successfully.

Harvard didn't start out looking to replicate Kendall Square in Allston. It bought land there stealthily, with the goal of expanding its campus southward. Then the

Great Recession hit and even Harvard, with its massive endowment, pressed the pause button. The delay was embarrassing, but it gave Harvard officials time to think, and the more they thought about it, the more they wanted to move in a different direction. They looked down the street at Kendall Square and decided they wanted a piece of that action. But could they do it?

Gerald Autler, a senior program manager and planner at the Boston Redevelopment Authority, says it will be a challenge for Harvard. "MIT has always been much more actively engaged with the private sector than Harvard has been," Autler says. "That model of encouraging spinoff activity, seeding the entrepreneurial ground around you, engaging very deliberately in attracting private enterprise that wants to locate near university researchers, that's something that MIT has done very actively and very successfully. That's not something that Harvard has done well, and really not even tried to do."

Harvard began testing the waters in 2011 when it launched the Harvard Innovation Lab, a building next to the business school where students and faculty from across the university could get all sorts of help in launching a company. The response was so strong (80 companies, \$250 million in venture capital funding) that Harvard expanded the concept in 2014 with the Launch Lab, which supports



Architectural renderings of Harvard's proposed building for the School of Engineering and Applied Sciences.



Harvard alumni startup ventures (40 companies so far). The Life Lab is coming this fall, targeting life sciences and biotech startups launched by members of the Harvard community.

Harvard later this year plans to begin construction on a massive new building to house the fast-growing School of Engineering and Applied Sciences, which is currently scattered around the campus. That will be followed by a hotel and conference center, and then the big test, the enterprise zone. The name makes it sound like an industrial park, but Harvard officials talk about office buildings, residences, bike paths, restaurants, coffee shops, streets, and green space. Steven Fessler, an experienced real estate executive, has been hired to handle development of the area.

The real question is whether Harvard, a buttoned-down institution known for trying to control everything, can stand the chaos that innovation entails. Those who have studied innovation clusters say there is no guidebook, that Harvard is setting in motion a process it cannot control.

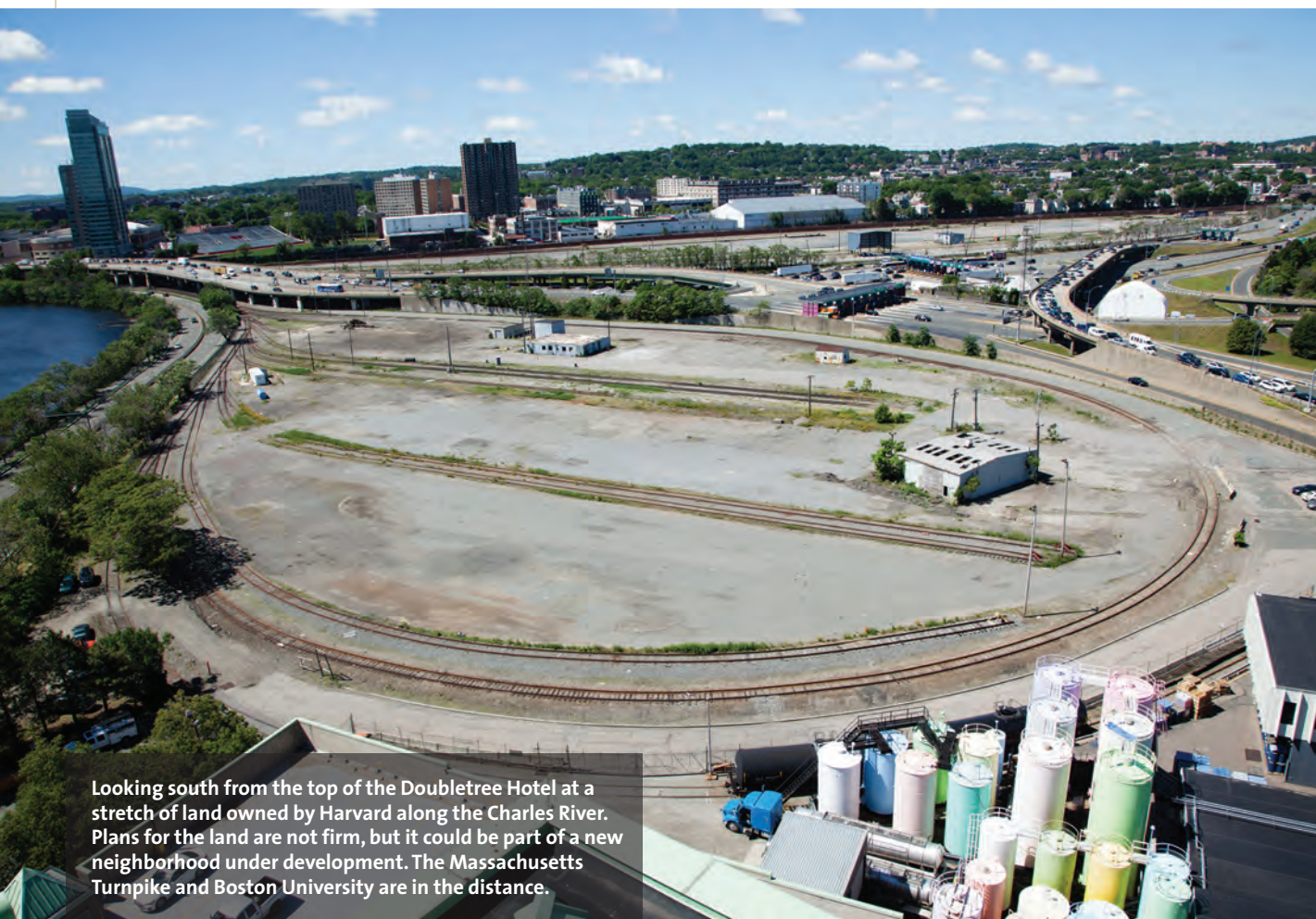
Harvard President Drew Faust says the university is ready. "We need to be nimble enough to take advantage of opportunities we would not have imagined perhaps even three months before they appear before us," she says. "The

enterprise research zone is really a way of reaching beyond the boundaries of the university to think about how our knowledge and our discoveries can connect with other organizations, be they companies, foundations, or other research units. It's about attracting the kinds of synergistic partnerships that make us greater than we are and make us more than a university, that make us a force."

NEW GEOGRAPHY OF INNOVATION

In 2010, then-Boston mayor Thomas Menino dubbed the South Boston waterfront the city's Innovation District, and vowed to transform 1,000 acres into an urban environment that fosters innovation, collaboration, and entrepreneurship. District Hall, which calls itself a gathering space for Boston's innovation community, was one of the more visible manifestations of the effort. Over time, however, the area has become less about startups and more about the expansion of Boston itself. Big law and consulting firms are moving into the area, which has become one of the hottest real estate markets in the city. The administration of Boston Mayor Marty Walsh doesn't call the area the Innovation District anymore. There's innovation going on there, but that's no longer the primary focus.

What happened on the South Boston waterfront is



Looking south from the top of the Doubletree Hotel at a stretch of land owned by Harvard along the Charles River. Plans for the land are not firm, but it could be part of a new neighborhood under development. The Massachusetts Turnpike and Boston University are in the distance.

good example of how innovation is difficult to create and channel. A powerful mayor can decree that innovation should take place in one part of the city, but that doesn't mean it's actually going to happen.

The Brookings Institution has done a lot of research on the new geography of innovation. The research suggests a shift away from innovation centers such as Silicon Valley in California and the Research Triangle in North Carolina, which are fairly isolated and accessible primarily by car. Increasingly, innovative firms are choosing to locate in urban areas where companies, institutions, and entrepreneurs can cluster together in a setting that combines housing, offices, retail, and transit.

"Innovation districts constitute the ultimate mash up of entrepreneurs and educational institutions, start-ups and schools, mixed-use development and medical innovations, bike-sharing and bankable investments—all connected by transit, powered by clean energy, wired for digital technology, and fueled by caffeine," says the 2014 Brookings report, "The Rise of Innovation Districts: A New Geography of Innovation in America."

Jennifer Vey, a fellow and codirector of the Bass Initiative on Innovation and Placemaking at Brookings, who last year

did a followup to the 2014 report, says a research-business-innovation ecosystem is spurred by creating an environment that promotes collaboration. "You want places where people want to be and feel comfortable," she says. "These are not small issues."

There are three general models for the new innovation districts, according to Brookings. One is called anchor-

Innovation firms are increasingly choosing to locate in mixed-use, urban areas.

plus, which is the model for Kendall Square, where MIT and nearby institutions are the anchor for startup companies and related businesses. Brookings says innovation districts can also rise from "re-imagined urban areas," places



Looking north from the roof of the Doubletree Hotel, Genzyme is on the right and the Harvard Business School and Harvard Stadium are in the distance. The red and white building in front of the stadium is the Harvard Innovation Lab. To the left of the Innovation Lab is an old WGBH building now owned by Harvard and to the left and beyond that is the site of the School of Engineering and Applied Sciences. The open area just beyond the road loop is the site for the enterprise research zone.

where low rents and proximity to a downtown can combine to attract research institutions and companies. Then there is the “urbanized science park,” which is basically converting a suburban office development into more of a self-contained community. Instead of commuting to and from the park each day, workers would live there. Research Triangle Park is trying to reinvent itself in this way.

Universities are leading the innovation effort across the country and the world. Some are doing it on their own campuses, while others are building satellite facilities in urban areas that have a better chance of providing the mix of assets that an innovation district needs. The best example may be the Cornell-Technion campus on Roosevelt Island in New York City, where the Ithaca, New York-based university and an Israeli institute are promoting technology transfer.

Vey says students and faculty increasingly want to see their ideas become businesses, and universities are recognizing they need to provide a supportive startup environment to keep attracting the best students and faculty. Vey says startups are a way for academic institutions to justify the federal and private research dollars they are receiving.

Frank Doyle, the dean of Harvard’s School of

Engineering and Applied Sciences, says campuses are ideal startup incubators because there are many academic disciplines in close proximity to one another. Innovation may be something that can be taught, he says. “What are the fundamental skills that cut across multiple disciplines and lead to innovation?” he asks.

Vey says Harvard, with its land, resources, and access to a host of academic institutions, seems well-positioned to be a catalyst for an innovation district. “It sounds like a pretty smart play,” she says. “It sounds like all the right ingredients are there.”

Like many other academic institutions across the country, Harvard is trying to speed up the commercialization of research, Vey says. “Schools are trying to make that pivot,” she says. “These are big ships to turn, but when they do, people think the waves could be pretty enormous.”

ON PAPER, IT LOOKS SOLID

Katie Lapp, the executive vice president at Harvard, pushes a map across the table in the conference room down the hall from her office located just off Harvard Yard. The title of the map is “regional assets,” and there’s a circle on

the left side of the map with Harvard's proposed enterprise research zone in the center, and then concentric circles going out from there. One mile away is Central Square. Two miles away is Kendall Square in one direction and the Longwood Medical Area in another. Just under three miles away is Massachusetts General Hospital. Four miles away is the South Boston waterfront.

"I don't think there's too many places in the world where within a five-mile radius you have all that," says Lapp, quickly adding that the area is a 10-minute ride to the airport, a 10-minute walk to Harvard Square, and one day may have a transit station offering access to the Greater Boston area.

"It's an amazing opportunity," she says. "Our focus is on creating an ecosystem of innovation and dynamism. We want to connect to BU and MIT and to all the other institutions in the area, including the hospitals. This is what makes Boston an amazing place. We're going to tap into that and support it."

Fessler, Harvard's head of enterprise real estate, doesn't have drawings yet of what the enterprise research zone will look like, but he promises an "open, porous environment" with green space, bike-ways, walkways, and buildings of different shapes and sizes. There won't be any gates like those over in Harvard Yard, he says.

"What we're creating here is a place where people want to live and work," he says. Adds Lapp: "We don't have a cookie cutter approach to this."

The enterprise research zone represents about 36 acres of the 100 acres that Harvard owns between Western Avenue and the Massachusetts Turnpike. The area immediately behind Harvard Business School, dubbed Allston Landing North, will include the School of Engineering and Applied Sciences, a hotel and conference center, and the enterprise research zone. Plans for the Harvard land bordering the Turnpike, called Allston Landing South, are still being developed and could involve a reconfiguration of the Turnpike itself.

Sara Myerson, the director of planning at the Boston Redevelopment Authority, says Harvard is saying all the right things. She also says there is room for another Kendall Square. "The demand is certainly there. The demand is driving up rents and resulting in very low vacancies in Kendall. We have the demand side. We need to work on the supply side. We see this as being a huge opportunity, but it's early days," she says.

One of the biggest question marks is whether Harvard and its students and faculty have an entrepreneurial spirit. During some of the early discussions about the enterprise

**Harvard President
Drew Faust: "You don't
plan innovation."**



**"We don't have a cookie
cutter approach," says
Katie Lapp, Harvard's
executive vice president.**



research zone among faculty and administration, that issue came up, says Lapp. She says Peter Tufano, who was then at the Harvard Business School and is now dean of the Said Business School at Oxford University in England, came up with the idea of testing the appetite for innovation on the

A big question mark is whether Harvard students and faculty have a spirit of entrepreneurialism.

Harvard campus. "He, too, challenged the perception that we weren't innovative, that we weren't displaying the type of activity that many people assign to our peer institutions but not to Harvard," Lapp says.



Harvard Business School Dean Nithin Nohria (left) and Frank Doyle, dean of the School of Engineering and Applied Sciences, have developed a close working relationship.



Within a year, the Harvard Innovation Lab was launched on Western Avenue near the business school. “It’s been an unbelievable success,” Lapp says. “It tapped into something that we knew intuitively existed. We just created the place where you could go and see it. It was always happening in dorm rooms and elsewhere all the time. Look at Bill Gates. Look at Mark Zuckerberg.”

Talking to a group of Harvard students working on Innovation Lab startups reinforces the idea that there is pent-up entrepreneurial energy on campus. In brief interviews at a photo shoot for this story, the students talked excitedly about their fledgling business ideas. Jean Luo, a Harvard Business School student from Long Island, is working on Outdoor Pass, which markets curated outdoor activities to members. Miriam Huntley, who has a doctorate in applied math from Harvard’s School of Engineering and Applied Sciences, is working on DayZero Diagnostics, a company showing promise at speeding up the process of diagnosing bacterial infections. Raj Vista, a rising junior at Harvard from Ann Arbor, Michigan, won’t tell me what

he’s working on; it’s confidential, he says. Rahkeem Morris, a Harvard Business School student from Albany, New York, says he is working on Atemp.today, which he describes as a web-based marketplace offering on-demand labor. Atemp’s website says the company will match workers and companies participating in the “informal economy;” the launch is this summer with the restaurant services industry as the first target market.

The students—all of them focused on their own start-up projects—don’t have a lot of details about Harvard’s broader plans for an enterprise research zone. But they all eagerly attest that there is a lot of interest on the Harvard campus in technology transfer. Morris says he is convinced Harvard students can be major contributors to the innovation zone. As for Harvard’s ability to pull off such a project, Morris is equally confident. “Absolutely,” he says. “They have the money for it.”

BREAKING DOWN THE BARRIERS

Shortly after she took over as Harvard’s president in 2007, Drew Faust began to concentrate on what she saw as one of the university’s weaknesses. The school has top-notch graduate schools in law, business, education, medicine, and public health, but they were run like fiefdoms with little interaction among them.

“I felt we weren’t taking advantage of ourselves,” she says. “So from the time I became president I committed myself to trying to break down the barriers. Sometimes they were just barriers of ignorance. Sometimes they were administrative structures. Sometimes they were cultural assumptions. The goal was to really make Harvard more than its separate parts and to also meet the increasingly interdisciplinary nature of knowledge.” Faust even gave a name to the new philosophy she’s trying to imbue the university with: One Harvard.

Doyle, one year on the job as dean of the fast-growing School of Engineering and Applied Sciences, says Faust’s One Harvard mantra has taken hold. He says all of the school deans are now Faust appointments and all of them have spent a lot of time breaking down barriers between the schools with joint research projects, co-teaching opportunities, and co-faculty appointments. “The vision of One Harvard has emerged in quite a powerful way,” he says.

Doyle says Harvard’s engineering program, which in the past was very academic-focused, is now stressing commercial applications. He says many companies are interested in working with students and faculty. Doyle and his soon-to-be campus neighbor, Nohria of the Harvard Business School, have developed a close working relationship.

Those sorts of relationships are a big deal because innovation is increasingly all about people from different disciplines talking to one another and approaching problems from different perspectives. Harvard has not been known for that.

Travis McCready, the CEO of the Massachusetts Life Sciences Center, says, “the potential at Harvard is crazy,” but he’s not sure whether the university can pull it off. McCready has a unique perspective on Harvard’s bid to create an innovation district. Someone who follows research on innovation closely, McCready is the former executive director of the Kendall Square Association, which represents companies and institutions promoting the area, and the former director of community relations at Harvard.

“Part of what makes Kendall Square successful is that it starts with the mentality of MIT. They take tech transfer very seriously. It’s part of their DNA. It’s an institution built on the premise of getting technology into the private sector,” McCready says. “That is not Harvard’s genetic code. I don’t know if Harvard has that mentality. The missions of the two institutions are just different.”

McCready says Harvard can’t try to replicate Kendall

Square on the Boston side of the Charles River. He says Harvard needs to pursue an innovation district that is a reflection of its own identity. He also says Harvard, which is known for micromanaging everything, has to set the stage for innovation and then get out of the way. “It won’t happen on a timetable,” he says of an innovation district.

Travis McCready says tech transfer is part of MIT’s DNA, but not part of Harvard’s genetic code.

“It’s not a planned community. It evolves. It adapts and it does so fairly rapidly.”

McCready was concerned that the Innovation Lab was restricted to Harvard faculty and students. “Even in their attempt to spur innovation, they did it in a way that’s classic Harvard. It’s all for Harvard students,” he says. When

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it's suggested that Harvard wanted to test the entrepreneurial appetite of Harvard students, he acknowledges that might be the case. But he says building an innovation district is not for control freaks. "You have to be willing to lose control," he says.

Faust says she thinks Harvard can do that. "What we recognize is that you don't plan innovation. You plan the conditions that can nurture innovation. We're well aware of that. We're also well aware of how fast everything is changing in the world right now. To give you a specific example, four years ago we recognized that we wanted to and needed to get into the digital education space. We wanted to do it in partnership with MIT. And so we founded edX and jumped in," she says, referring to the online learning venture Harvard is part of.

HarvardX and edX are examples of Harvard not trying to control everything, Faust says. "We did not know where it was going," she says. "People would ask us questions about X and Y and we could answer a lot of ques-

A close-up of the future site of Harvard's proposed enterprise zone.



tions about our purposes, but we knew we were going to be in the middle of a river trying to adapt as the current changed and new developments emerged. Our experience in edX and HarvardX has been very much a matter of recognizing we weren't in total control, but recognizing that we wanted to be in the mix and to see things unfold as a participant rather than as an observer." **CW**

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Musical chairs

Constant turnover
among school superintendents
roils state districts

BY JACK SULLIVAN | PHOTOGRAPHS BY MICHAEL MANNING

STATE EDUCATION OFFICIALS placed the Southbridge schools into receivership earlier this year, citing continual underperformance in all testing areas, high suspensions and disciplinary problems, and unacceptable graduation rates.

A key reason why state officials decided enough

was enough was the void at the top of the school system. Since 2011, Southbridge has had seven superintendents. While officials lay part of the blame for high turnover on the School Committee, the message is clear: Without stability in the buck-stopping office, the rest of the system is rudderless





Meg Mayo-Brown wrapped up her tenure as superintendent of the Fall River schools and moved on to Barnstable.

3.2 years
Avg tenure of
superintendents

and unable to deliver on the key mission of educating children.

"Leadership in the Southbridge Public Schools is currently in a state of disarray," says a report earlier this year from the Department of Elementary and Secondary Education recommending receive-

ership. "Since 2010, the district has been unable to sustain consistent leadership at any level. Seven individuals have held the position of superintendent, and five individuals have held the position of assistant superintendent....Stakeholders within the school community agreed that the con-

\$161,655
Avg salary of
Massachusetts
superintendents

stant change in leadership has been detrimental to district improvement.”

Southbridge may be an extreme example, but turnover in the superintendent’s office is a problem for school districts across the state. In a job where tenure used to be measured in terms of decades, the average time on the job for a Massachusetts public school superintendent is now a little over three years. The high turnover means more disruptive change in school systems, as superintendents with different priorities and personnel come and go with greater frequency. Just when they’ve begun to put their stamp on a system, they’re often hired away and go elsewhere.

The market for school superintendents is out of whack. Superintendents are often the highest-paid official in a municipality, yet the top salaries are not attracting more people to the profession. Officials say the job is so demanding that fewer and fewer educators are aspiring to be superintendents. Demand for someone who can do the job is much greater than the supply.

“There aren’t enough candidates,” says Fitchburg Superintendent Andre Ravenelle, president of the Massachusetts Association of School Superintendents. “Not a lot of people are going into this work.”

The result is a game of musical chairs. One superintendent leaves his post for a position in another community, which creates a vacancy that is often filled by someone from another municipality, which creates another vacancy, and so on. The game destabilizes the state’s educational system and is tilted in favor of wealthier communities, which are often able to attract and retain superintendents because they can afford to pay higher salaries.

Scott Lazo, the chairman of the Southbridge School Committee and a lifelong resident of the hardscrabble town, has watched the game play out in his community with devastating results. “You build a revolving door, it’s the kiss of death when it comes to schools,” he says. “The only time our district was successful was when we had longtime sitting superintendents.”

TURNOVER MORE FREQUENT

The Malden School Committee went looking for a new superintendent after David DeRuosi, who held the post for the last five years, left early in May to become superintendent of schools in next-door Saugus.

The vacancy is something the Malden School Committee is grudgingly getting used to. Leonard Iovino, the vice chairman of the committee, said he served with two superintendents over the course of three decades when he worked as a teacher in the Malden school system. Since he retired and won a seat on the school committee in 2005, the district has gone through four superintendents, including DeRuosi.

Malden is not alone. Nearby Swampscott has seen six superintendents come and go since 2000, while Marblehead has had five in the last decade. Iovino says the quicker pace of change is a concern. “It certainly costs time and there’s a disruption,” he says. “It does cause problems.”

In interviewing candidates for the superintendent’s job, Iovino says, he looks for people who are likely to stay for the long run. “I’ll look to see how many times they changed their positions,” he says. “I’m a dinosaur. I look for people that sink roots and stay in one place.”

But finding that type of superintendent is getting more and more difficult. Nearly a third of the 240 public schools superintendents in the state have been replaced in the past two years, and that doesn’t include about 10 that are serving in interim or part-time positions, according to data from a variety of sources. Of the 76 new hires, 52 came following an outside search and 24 were promoted from within without a search for external candidates.

The average tenure of school superintendents across the state is 3.2 years—5.2 years if the superintendents

Superintendents willing to sink roots and stay in one place are getting harder to find.

hired over the past two years are not included.

As Malden’s search process came to an end, two candidates emerged as finalists. The favored choice was 33-year-old Charles Grandson IV, the associate director of leadership development at the Harvard Kennedy School. Grandson’s educational experience includes one year as deputy superintendent in Poughkeepsie, New York, and stints as a principal in the Springfield schools and a teacher in the Boston public schools.

The Malden School Committee offered Grandson the position of interim superintendent on June 20. He said he needed time to think it over, but he really needed time to see if he could land the superintendent’s job in Fall River, where he was also a finalist. The Fall River job went to someone else on June 22 so Grandson accepted the Malden post, but not without grumbling from members of the school committee who felt he wasn’t fully committed to the job and feared he was just using Malden as a pit



Framingham superintendent Stacy Scott has been applying for other posts inside and outside the state, straining his relationship with the town.

stop on the way up the career ladder.

The Malden School Committee is likely to begin the search for a permanent superintendent later this year.

NO SUPPLY

It's rare for someone to be a finalist for two superintendent positions at the same time, but the fact that Grandson was in the running in both Malden and Fall River reflects a shortage of qualified candidates for the positions. Education officials say the bruising nature of the superintendent's job is discouraging potential candidates from applying for the post, which means those with expe-

rience are in high demand.

Superintendents overall appear to be getting older. The average age of school chiefs in the state is just over 55, according to a survey last year to which 192 superintendents responded. The median age was 57 and more than 36 percent of those surveyed were over 60. Despite the older age of most superintendents, experience is in short supply. The average total experience of superintendents as superintendents is 7.3 years.

Glenn Koocher, executive director of the Massachusetts Association of School Committees, which represents all but two municipal committees in the state and conducts superintendent searches for many, says selecting a superintendent today is much harder than it once was because the selection is limited.

"The pools are much smaller than they were a generation ago and significantly smaller than they were two generations ago," Koocher says. "They can always find three or four top-drawer people to apply, but not dozens like they used to. The job is far more difficult."

The superintendent's job is one of the highest-paid positions in most cities and towns in the state. The average salary

is just above \$160,000, with at least 20 superintendents making in excess of \$200,000. Still, officials say current salary levels are failing to draw large numbers of recruits into the profession.

"Most of my friends who are in the private sector would never work for what I get paid," says Fitchburg's Ravenelle, who earned \$165,984 last year, just a little above the state-wide average. "People who choose this work don't choose it because of compensation. These are high-stakes jobs. If you do a lousy job, that child has lost fourth grade. She's not getting it back."

Records indicate there is a pecking order with communities and superintendent salaries. Wealthier communities

tend to pay higher salaries and as a result tend to employ superintendents with more experience who are likely to remain in their jobs longer.

While some urban districts pay salaries near or above \$200,000, the top 20 include many of the state's wealthiest communities, such as Newton, Brookline, Concord-Carlisle, Wellesley, Weston, and Needham. Not coincidentally, these districts consistently spend 50 percent or more above the net school spending level, the minimum mandated by the state through a formula of state and local money.

At the other end, many of the state's smaller, blue-collar communities, such as North Adams, Gardner, Hopedale, and Winthrop—three of which recently had to replace superintendents—pay well below the average salary and spend little, if at all, above the net school spending formula.

Communities with less resources are at a disadvantage. "You're going to get what you pay for," says Iovino, the Malden official. "We can't compete with a Dover-Sherborn. We can't compete with Newton. You want to keep [a superintendent], but you can't give them the stars, the sun, and the moon, though they might request that."

The nature of the market means superintendents are often looking for the next opportunity, which creates awkward situations as the superintendent in one community goes looking for a job in another. Since all finalist interviews are done in public, school committees know when their superintendent is looking for a new job. Koocher likens the situation to someone getting caught cheating on a spouse.

Acushnet Superintendent Stephen Donovan has become somewhat of an expert in finalist interviews. In the past two years, Donovan has been a finalist for three positions in western and central Massachusetts—North Adams, Palmer, and the Narragansett Regional School District, which consists of the small towns of Templeton and Phillipston.

Donovan, who is paid \$111,000 as overseer of his K-8 district, holds one of the lowest paid full-time positions in the state. He says he began looking at other jobs after



Matthew Malone, who is taking over as superintendent in Fall River, has a very different style than his predecessor.

being in Acushnet 10 years as superintendent and 18 years overall. He has two years remaining on his contract and says he is just exploring other options.

"It is what it is," says Donovan, voicing both his and most districts' view of hiring superintendents. "That's what the landscape is that's out there. We both go through the process to see if it's a fit."

Christopher Green, chairman of the Acushnet School Committee and a former teacher in the system who now teaches in the Freetown-Lakeville regional district, says the board understands Donovan's desire to move and doesn't hold it against him.

"I think pay is a huge factor," says Green. "Acushnet is the lowest-paid district on the South Coast. I don't think

he wants to go elsewhere, but if he does, I'll miss him. I fully support his right to look. He's open and honest [about his intentions] as much as he needs to be. He'd be a fool not to look elsewhere."

RIPPLE EFFECTS IN THE POOL

The game of musical chairs for school superintendents in Massachusetts shows no sign of slowing down. It's a game where districts throw more and more money at the relatively few candidates available; meanwhile, the disrupting effect of departures spreads across the state. There is no movement in education circles to change the game. Indeed, the rules of the game practically promote defections, since nearly all superintendent contracts come with clauses allowing them to leave for other jobs after giving notice.

Mary Czajkowski set one game in motion in July 2015 when she jumped from the superintendent's post in Barnstable, where she had been working for four years, to the same position in Lexington. At \$255,000 a year, the Lexington job is one of the highest-paid superintendent positions in the state. Only Boston Superintendent Tommy Chang, at \$257,000, is paid more.

Meg Mayo-Brown, the superintendent in Fall River, applied to replace Czajkowski in Barnstable. According to local observers, Mayo-Brown thought her days were numbered when 23-year-old Jasiel Correia was elected mayor last fall. Her contract was expiring at the end of the school year, and she was getting mixed signals from

encened staff, experienced district leadership, and it challenges somebody with proven leadership."

Webster wasn't concerned that Barnstable was luring its superintendent away from Fall River. "I guess that's always the case," she says. "You need to look at what's best for your district."

Fall River quickly moved to find a replacement for Mayo-Brown, offering a salary of \$175,000 to \$200,000 a year, which was above what Mayo-Brown had been making in a district strapped for cash. One school committee member, Joseph Martins, said he would be more comfortable offering a \$125,000 annual salary, but he was outvoted because that level of pay would not have drawn the kind of candidates Fall River was searching for.

Three candidates made it into the Fall River finals, all with very different leadership styles. Grandson, who had never been a superintendent before, was one of the finalists, along with Stacy Scott, the Framingham superintendent, and Matthew Malone, who had previously served as superintendent in Brockton and Winchester and worked as the state secretary of education under former governor Deval Patrick.

Scott has a fractious relationship with Framingham's town officials and has been the target of a no-confidence vote by the teachers union there. He has been blanketing communities in and out of Massachusetts with his resume to find another job. A published author and licensed clinical psychologist, Scott had been a finalist for the superintendent's post in Cambridge, where he lost out to Kenneth Salime, who was spirited away from Weymouth schools where he was superintendent.

Malone, a finalist for the superintendent's post in Saugus, was the Fall River School Committee's ultimate choice for the job. He will bring a decidedly different style to the Fall River schools, which have undergone a turnaround under the cerebral Mayo-Brown, whose approach to education is similar to Scott's. By contrast, Malone, a former Marine, likens public education to "being on a battlefield." He refers to principals as "battalion commanders" and calls teachers "warriors."

Malone championed his ability to garner grants and deal with state officials for needed funds, a big selling point with the board. But his most impassioned pitch came in talking about his desire to return to dealing with children, noting his favorite professional experience was at another cash-strapped system.

"Brockton, that was the best job I ever had," he said. "I need this job to feel value as a man. This, to me, is what I was born to do." **CW**

\$81
Avg cost per pupil
for superintendent
salaries

An opening in Lexington led to superintendent changes in Fall River and Barnstable.

the incoming administration about whether there would be an extension. For Mayo-Brown, the timing was perfect for her to apply and be selected as the new superintendent in the Cape's biggest town.

Mayo-Brown left the \$180,000-a-year post in Fall River and signed a four-year contract with Barnstable with a starting salary of \$200,000, the top end for what the town advertised the position for. For some Barnstable school committee members, Mayo-Brown's status as a sitting superintendent was the clincher.

"It was for me," says Margeaux Webster, the chair of the Barnstable School Committee. "We have an experi-



Leaks, leaks, and more leaks

US Attorney Carmen Ortiz says her office isn't the source, but many are skeptical. The Justice Department unit charged with ferreting out wrongdoing appears to be a toothless tiger

BY BRUCE MOHL | ILLUSTRATIONS BY ANTHONY FREDA

THE HEADLINES KEEP coming. “Mayor Walsh is drawn into federal labor probe”... “Prosecutors investigate fees collected by Joyce on Randolph projects”... “Joyce’s role in solar project probed”... “Everett mayor focus of inquiry”... “O’Brien pressed by US anew”... “Everett casino plan under new scrutiny”... “Lawmakers targeted in inquiry.”

All these stories have three things in common. They all appeared on page one in the *Boston Globe*. They all relied on inside information about ongoing federal investigations. And each story carried the byline of Shelley Murphy and Andrea Estes, either individually, together, or in combination with other *Globe* reporters.

The *Globe* reporters in each case were just doing their job pursuing major stories.

Yet the inside information contained in the stories raises troubling questions. Federal investigators are bound by strict confidentiality rules not to disclose information about grand jury proceedings, wiretaps, or other evidence they are gathering in advance of an indictment. The *Globe* stories don't identify where their inside information came from, but there has been plenty of speculation that US Attorney Carmen Ortiz's office is the source.

"This is an office that has lived on leaks," says Nancy Gertner, a retired US District Court judge who has been highly critical of the way in which confidential information from federal investigations has been splashed across the front page of the newspaper.

US Attorney Carmen Ortiz, in an interview in a ninth-floor conference room at the Moakley federal courthouse in Boston, says she is confident her office is not the source of leaks. "I know people think that, and I know that they're wrong," she says.

Ortiz says she suspects leaks come from the people who are subpoenaed during the course of an investigation to provide testimony or records. She says those individuals, and the lawyers, friends, and family members with whom they share the information, are not bound by the same confidentiality rules and laws as prosecutors and federal investigators. She says her staff members are well aware of the confidentiality rules and would not run the risk of losing their jobs or being prosecuted for leaking information to the press. "I don't believe that any of these leaks have come from any of our prosecutors or this office," she says.

Stories about the inner workings of federal investigations pack enormous punch, casting a cloud of suspicion over the target or targets of the probe. Few people read the articles with the understanding that they represent just the prosecutor's version of events and in some cases may not even lead to a prosecution. What the public sees is a politician in the crosshairs of the US attorney's office; the assumption is that the office wouldn't be investigating if the pol hadn't done something wrong.

The impact on political careers from investigatory leaks can be devastating. Former Boston mayor Kevin White is perhaps the most famous local example. News reports in 1982 indicated he and members of his administration were the target of a federal grand jury investigation. Many believe the intense media coverage of the federal investigation undermined White's administration even though no charges were ever brought against the mayor by then-US Attorney William Weld. Years later, White tried to describe how the leaks affected him. "I realized that this was a killing and I couldn't control what was going on," he said.

As of press time, state Sen. Brian Joyce of Milton had not been charged with any crime, but a steady diet of stories in the *Globe* about a federal investigation of his busi-

ness and legislative dealings prompted him to announce he would not be seeking reelection this year. Boston Mayor Marty Walsh's administration has been under siege since the *Globe* reported that his voice showed up on a 2012 federal wiretap; two employees in his administration, Ken Brissette, the director of tourism and sports, and senior advisor Timothy Sullivan have already been indicted.

Defense attorneys say they fully expect the US attorney's office to aggressively pursue wrongdoing; what they object to is leaking confidential information to gain an advantage. Michael Kendall, who worked as an assistant US attorney from 1989 to 1996 and is now a partner at White & Case, says he has witnessed leaks at the federal and local level of law enforcement. "Lots of people leak," he says.

Kendall says leaks occur for three main reasons. One is personal. "If you don't like the person, you can leak information to hurt them," he says. Second, leaks put elements of what is being investigated before the public and can attract witnesses with additional information. Third,

Investigatory leaks can be devastating for political careers. Kevin White is maybe the most famous local example.

and most troubling to him, he says leaks can "infect witnesses," coloring how they view an incident.

Gertner says leaks and the ripple effect they have on news coverage can prompt targets of an investigation to be more cooperative. "The thinking is, what can we do to stop the bleeding," she says. Leaks can also spur potential witnesses to be more cooperative or frame their testimony in a way to avoid being drawn into the fray, she says. For some, Gertner says, the damage from investigatory leaks is more profound than an actual court case because there is no way to fight back. "It is not a trial where your story will come out," she says.

Ortiz acknowledges the damage leaks can do. "Some people out there think we get some degree of satisfaction when you smudge someone's reputation. Not so. Not so," she says. "I don't draw any satisfaction when someone is held up in that fashion and we haven't completed our investigation."

Ortiz also insists leaks hamper and impede her office's investigations by discouraging witnesses from coming



forward. “If people think that your appearance before a grand jury is going to get out and your name is going to get out and your information is going to get out there, how comfortable are you going to feel about coming to the grand jury or talking to the US attorney’s office?” she asks. “We don’t want people out there to be afraid, to become intimidated.”

SMOKE DOESN’T ALWAYS MEAN FIRE

Leaks about federal investigations grab headlines, and the investigations often lead to indictments, prosecutions, and convictions. But that’s not always the case, which is why federal investigators are barred from disclosing details of a probe until the case moves into court. The goal is to ferret out wrongdoing, but do it in a way that doesn’t cause collateral damage.

The name of William Lantigua, the former mayor of Lawrence, is almost synonymous with corruption. During his time in office, federal and state investigations spun off all sorts of headlines suggesting wrongdoing by his administration, everything from shipping city vehicles to the Dominican Republic to paving city roads in a way that would maximize turnout of his supporters. In the end, three members of Lantigua’s administration and one police officer were indicted. Two were convicted, one was acquitted, and one is still awaiting trial. Lantigua himself was never charged. The coverage dealt a major blow to his 2013 bid for reelection, which he lost by 60 votes.

Globe reporters Estes, Murphy, and Mark Arsenault reported in November 2013 that a federal grand jury was investigating the involvement of a convicted felon in a group

of investors selling land in Everett to Wynn Resorts for a casino. The story, mirroring a theme espoused by federal investigators, indicated a felon’s involvement in the land deal could result in the Wynn project being rejected by regulators. A follow-up *Globe* story in June 2014 was even more emphatic. “It is illegal in Massachusetts for felons to have a financial stake in a casino, which regulators have interpreted to include an indirect stake such as owning a casino site,” the *Globe* reported.

The US attorney’s office subsequently indicted the felon, Charles Lightbody, and two members of the Everett investor group. During the trial, defense attorneys demonstrated through witness testimony that there is no legal prohibition on a convicted felon selling land to a casino operator.

The case ended up hinging on whether Lightbody and the two members of the Everett investor group lied to federal investigators in an effort to conceal Lightbody’s involvement. A jury found the three men not guilty in late April.

Even those with prosecutorial backgrounds can find themselves the target of leaks. Michael O’Keefe, the district attorney for the Cape and Islands, came into the crosshairs of the US attorney’s office in 2010. A *Boston Globe* story in April of that year said a federal grand jury was investigating allegations of public corruption against O’Keefe. The story, written by Murphy and Jonathan Saltzman, cited as its source several people with direct knowledge of the investigation. It also quoted O’Keefe’s attorney, J.W. Carney Jr., who cautioned that grand juries often look into rumors that turn out to be untrue.

No charges were brought against O’Keefe, who remains in office today.

In May 2005, Murphy and Estes reported that federal prosecutors were investigating whether Andrea Cabral, a former Suffolk County prosecutor who at the time was the Suffolk County sheriff, had lied to a grand jury. The story, citing two sources with direct knowledge of the investigation, said prosecutors, led by then-US Attorney Michael Sullivan, were considering bringing perjury or obstruction of justice charges against her.

Cabral at the time demanded that Sullivan investigate how details of a grand jury probe ended up in the *Globe*. She says to her knowledge no investigation of the leak was ever conducted; the grand jury probe itself never led to a prosecution. “It’s harmful because it never gets taken back,” she says of leaks. “There is no recourse that I know of for people who are victimized by the people who are

supposed to be enforcing the law. The problem is [federal investigators] watch themselves.

Cabral says it's a crime to lie to a federal investigator and a crime for a federal agent to disclose information from an investigation. "One is enforced," she says. "The other isn't."

LITTLE RECOURSE

David Ganek, a wealthy New York hedge fund manager, is suing Preet Bharara, the US Attorney for the Southern District of New York, which includes Manhattan. Ganek alleges that Bharara and his team of prosecutors fabricated evidence to obtain a search warrant in November 2010 for the offices of Ganek's hedge fund and then tipped off the *Wall Street Journal* about the raid. No charges were ever filed against Ganek, but the raid and the subsequent news coverage led to the collapse of his hedge fund, which employed 60 people overseeing more than \$4 billion in assets. Gertner, who is one of the attorneys representing Ganek, says a lawsuit is one of the few ways to hold federal prosecutors accountable.

The standard approach is to file a complaint with the Office of Professional Responsibility, or OPR, a unit inside the Justice Department that investigates prosecu-

torial misconduct. Ortiz, in fact, lists OPR as one of the watchdog agencies that could discipline attorneys who violate confidentiality rules regarding investigations.

The available evidence, however, suggests the Office of Professional Responsibility is a toothless tiger when it comes to investigating leaks to the media. Records available on the office's website don't provide a complete picture, but it appears the agency investigated about 20 complaints of unauthorized disclosures to the media around the country over the 10-year period from 2005 to 2014. Most of the cases were dropped at the preliminary inquiry stage, but even those that warranted further investigation resulted in only minor disciplinary actions. The annual reports of the agency include brief summaries of some of the investigations; they are written in a way that conceals the identities of those involved and the location of where the incidents occurred.

In its 2012 annual report, the office identified two cases where prosecutors engaged in "intentional professional misconduct" by leaking materials to the media. In one case, the prosecutor resigned before the conclusion of the investigation so no disciplinary action was taken against him other than a referral of the findings to the local bar organization.

REBUILDING RENEWAL

An Analysis of State Investment in Gateway Cities and a Work Plan for Delivering Transformative Development



GATEWAY CITIES INNOVATION INSTITUTE

The MassINC Gateway Cities Innovation Institute is pleased to present *Rebuilding Renewal: An Analysis of State Investment in Gateway Cities and a Work Plan for Delivering Transformative Development*. Read the report online at www.massinc.org/research, or call 617-224-1645 to purchase a hard copy.

In the other case, the office found that a Justice Department attorney “acted in reckless disregard of department policy” by leaking investigatory materials to the media. The matter was referred to a disciplinary arm within the OPR, which concluded the prosecutor did not commit “professional misconduct” because “contacts with the media were condoned and actively encouraged by the DOJ attorney’s office, and that the DOJ attorney had not received training on department policy regarding communications with the media.”

Shown the write-up of the 2012 OPR investigation, Ortiz says her office does not allow prosecutors to speak directly to the media unless given approval by her or her press officer. She said policies on talking to the media differ from agency to agency within the federal government and among the 94 US attorney offices around the country.

In a number of other cases involving leaks to the media, the OPR decided not to pursue the matter because it would be too difficult to track down the culprit. In 2008, for example, an attorney complained that Justice Department officials were leaking grand jury information about his client to the media. The OPR conducted a preliminary inquiry and concluded the “universe of individuals” with access to information on the grand jury was too large to warrant further investigation.

House Speaker Robert DeLeo encountered this same “universe-of-individuals” dilemma when he tried to track down who leaked to the *Globe* a sealed deposition the Speaker gave in 2010 to an independent counsel investigating corrupt hiring practices at the state Probation Department. DeLeo declined to talk to *CommonWealth*, but it’s a good bet he suspected Ortiz’s office as the source of the leak since her lieutenants labeled the Speaker an unindicted coconspirator in 2014 during the trial of three top Probation officials. DeLeo called the tactic “unconscionable and unfair,” but there was little he could do about it.

On October 28, 2015, the *Globe* ran a front-page story by Estes and federal court report Milton Valencia that suggested the Speaker was less than truthful in his 2010 deposition. That conclusion was reached by comparing his sealed testimony in 2010 to testimony delivered by witnesses at the Probation trial in 2014. DeLeo insisted his testimony was taken out of context by the *Globe*, and asked how the *Globe* had access to a document that was supposed to be sealed from public view. He said he didn’t even have a copy.

DeLeo called for an investigation into the leak, and followed up two days later with a formal request to Ralph Gants, the chief justice of the Supreme Judicial Court. Gants subsequently asked the Department of Justice, the state attorney general’s office, and the State Ethics Commission to hunt for the source of the leak.

Seven months later, Gants reported back that none of

the law enforcement agencies said they were the source of the leak. He also filed in court a letter from Robin Ashton, counsel for the OPR, who said her agency interviewed the DOJ attorneys who had access to the deposition transcript and each one denied providing it to the *Globe*. Ashton noted the deposition had also been provided to defense attorneys and their staff as part of discovery.

“Because the universe of individuals outside the Department of Justice who had authorized access to Speaker DeLeo’s transcript is so vast,” wrote Ashton, “and because the Department of Justice attorneys emphatically and credibly denied providing the transcript to the *Boston Globe*, the Office of Professional Responsibility has determined that further investigation of this matter is not likely to lead to a finding that any Department of Justice attorney was the source of the unauthorized disclosure of the DeLeo transcript to the *Boston Globe*. Accordingly, OPR has closed its inquiry in this matter.”

Gants meekly went along. In a letter to DeLeo, he said: “After considering the responses, the Justices have concluded that there would be no likely benefit from any further inquiry, so at this point we deem the matter closed.”

O’Keefe, the district attorney for the Cape and Islands, was astounded at the Justice Department’s lackadaisical investigation and Gants’s response. “This situation would be akin to a district attorney saying in the investigation of a bank robbery or murder that we asked the suspects if they did it, they said no, so we deemed the matter closed,” he wrote in June in an op-ed in *CommonWealth*.

In its own criminal investigations, the US Attorney’s office often subpoenas phone and email records of suspects, wiretaps their phones, and trails them. The Office of Professional Responsibility doesn’t appear to do any of that.

“The larger question is what is going to be done about this issue of leaking and what’s going to be done by journalists, who are complicit in the crime,” O’Keefe says in an interview. He says reporters can’t say they are just doing their jobs, likening that argument to the getaway driver who complains he had nothing to do with a person killed during the course of a robbery.

Speaker DeLeo, who tried and failed to track down the source of the leak about him, is now saying nothing. His office ignored repeated requests for comment. One person close to the Speaker says fear is keeping him silent. Despite being one of the most powerful people on Beacon Hill, DeLeo is wary of pushing too hard against the US Attorney’s office. A speaker serves at the pleasure of the members of the House, the person points out, but increasingly he also serves at the pleasure of the US Attorney’s office. The last three speakers prior to DeLeo all left their jobs under the cloud of federal investigations that ultimately led to convictions. **CW**

Building a government agency from scratch

At the Massachusetts Gaming Commission, we heard two refrains: ‘Don’t do it’ and ‘You’re making it up as you go along.’ Our job was to do it, and in some instances we were making it up as we went along.

BY JAMES MCHUGH | PHOTOGRAPHS BY MARK MORELLI

I’VE ALWAYS HAD mixed feelings about gambling. I had no moral concerns about it; indeed, for years my wife and I had enjoyed a day or two at the Saratoga racetrack each summer. Moreover, I had occasionally visited casinos throughout my life, actually becoming pretty good at blackjack when I was in the Navy many years ago. Nevertheless, I did not think that expanded gambling was a

good way to boost jobs and revenues in a struggling economy. Dependent on disposable income, I thought the industry would not be recession resistant. For the same reason, I also thought of it as a zero-sum industry, with its revenues reduced if new gambling venues opened in nearby states. Gambling also had the potential to feed or create compulsive gambling problems.



I made my views clear in preliminary discussions with state officials about becoming a member of the Massachusetts Gaming Commission. So I didn't know what to expect when I walked into a conference room in March 2012 to meet with then-Gov. Deval Patrick, Attorney General Martha Coakley, and Treasurer Steven Grossman, who were spending the day interviewing candidates for two positions on the commission. Surprisingly, my views on gambling never came up during the hour-long meeting. But we did discuss approaches to building the new commission, how to ensure that it became a first-rate public body, how I would approach functions and responsibilities far different from those I had spent most of my professional life performing, and how I saw myself blending with others from very different backgrounds to build a cohesive institution.

We also talked about the Commonwealth's Open Meeting Law and how it might impact the speed with which the new commission could move forward and about my belief that the commission—brand new, dealing with an often extremely divisive subject, and perhaps composed of people unfamiliar to most residents of the Commonwealth—sometimes would need their public support, at least until it had had a chance to establish a reputation strong enough to carry it through inevitably choppy waters on its own.

That day's conversation resolved whatever doubts I had about signing up for what had the potential to be a pretty tumultuous mission. Initially, those doubts had been substantial. I had just retired after 27 years as a judge on the Massachusetts Superior Court and the Appeals Court and when the subject of joining the commission was first broached it was not on my chart of post-retirement possibilities.

The more I thought about it, however, the more I began to think that very few people are given an opportunity to build a completely new public agency, with all of the complexities and challenges that entails, particularly in an area as filled with suspicion as this one was. I decided to apply. As I went through the process, I was deeply impressed that everyone involved focused solely on how to build a first-rate and independent regulatory body. No one offered the slightest hint or suggestion about whom the commission should hire or how it should go about issuing casino licenses. In fact, that hands-off approach pervaded the commission's relationship with elected and appointed officials throughout my tenure. In any event, when the attorney general's offer to join the commission arrived shortly after the final interview, I signed on.

In doing so, I joined four other commissioners whose backgrounds were far different from mine and from each other. Steve Crosby's experience was the most varied. Among other things, he had been an entrepreneur; campaign manager for Kevin White, Donald Dwight, and Frank

Sargent; the secretary of administration and finance for former governor Paul Cellucci; the chief of staff to former governor Jane Swift; and founding dean of the McCormack Graduate School of Policy and Global Studies at UMass Boston. One of the three founders of the Commonwealth Compact, he also brought to the commission a relentless drive to ensure that the economic benefits promised by the gambling legislation were shared by a diverse array of Massachusetts residents, including those who were often left out when the economic benefits of new legislation were distributed. Assertive, impatient, plain spoken, and creative, he was someone whom I respected greatly and, on a personal level, liked a great deal.

Bruce Stebbins was the other commissioner who had had a political background. He had served for two terms on the Springfield City Council, several years as the Springfield business development administrator, and in a similar position at the state level. A White House fellow during the presidency of George H.W. Bush, he had also been the New England point person for the National Association of Manufacturers for more than 10 years. He had had extensive business development experience along with deep knowledge of the economic needs of the western part of the Commonwealth.

The legislation gave the commission significant law-enforcement responsibilities and Gayle Cameron's appointment gave it the expertise needed to carry them out. One of the most remarkable people I have ever met, Cameron began her career in the New Jersey State Police by patrolling on the New Jersey Turnpike and rose through the ranks before retiring as a lieutenant colonel, second in command of the entire force. Along the way, she had spent several years investigating organized crime and in State Police units that oversaw gambling activities in Atlantic City. She has that rare

Hands-off approach pervaded relations with elected and appointed officials during my tenure.

ability to walk into a room filled with strangers and come out with three new friends, an ability that proved particularly useful to all of us during the commission's early months.

Finally, Enrique Zuniga, who had been the executive director of a Massachusetts agency that provides loans to cities and towns for pollution control facilities, and whose background included a degree in civil engineering, a Yale



"The first refrain was that we were giving insufficient weight to the views of gambling opponents who thought that the Legislature and the governor had made a huge mistake."

MBA and a stint at Ernst & Young, provided business and finance experience that none of us possessed. He also brought with him an organizational instinct and drive that proved invaluable as we began to move forward.

GETTING STARTED

The five of us were sworn in on March 21, 2012. The next day, accompanied by Janice Reilly, who later became the commission's chief of staff, and two administrative assistants, we arrived at what seemed like a cavernous empty office suite at 84 State Street to begin putting the commission together. Our immediate tasks were to acquire the substantive knowledge we needed to award the authorized casino and slots parlor licenses, move forward with the licensing process, and identify the key staff positions we needed to fill immediately.

Five weeks later, we were in the middle of a firestorm that erupted when we offered the position of interim executive director to a man who was then working in the governor's office and who had acquired substantial contacts and expertise in the area of expanded gaming through his work on the gaming legislation. Years earlier, though, he had been accused of sexual assault on a minor and, while no criminal charge resulted, he had paid money to settle a

Massachusetts civil action arising out of the accusations. The media reaction to our offer was immediate, explosive, and sustained. Indeed, it amplified with each passing day as legislators, treasurer Grossman, other public officials, and citizen groups voiced their increasingly heated dissatisfaction with our decision. After nine days of sustained outcry, he declined the offer and withdrew.

On a personal and institutional level, the incident was enormously painful for everyone involved. But it also revealed how closely, energetically, and, in many cases, distrustfully our activities were being watched by the media and likely by the population at large. Perhaps that revelation should not have been as surprising as it was, at least to me. With the exception of Crosby, none of us was a known quantity. Gambling, the business we were regulating, was brand new and many in the Commonwealth viewed it as unsavory. Moreover, enormous sums of money were at stake in the license awards and the combination of big money and licensing had created a toxic mix on many occasions in the Commonwealth's history.

After regrouping, we decided on a parallel process of trying to assemble the key personnel we needed to begin operations while at the same time beginning what proved to be a lengthy and thorough search for a permanent executive director. The quality, the talent, and, perhaps

above all, the collaborative instincts of the experienced leaders who joined us from other state agencies, from the State Police and from private industry gave us the ability to move forward on the operational front without waiting for an executive director to join us.

While we were assembling key staff and looking for our director, we also were visiting with and talking to gaming regulators in other states. I personally visited or talked with counterparts in Maryland, Louisiana, Mississippi, New Jersey, Pennsylvania, and Nevada to learn of their operations and approaches to regulation. Some of those approaches were dramatically different, so those discussions provided us with a rich menu of regulatory alternatives. Initially, I was surprised about how open and helpful the other commissions were, for I assumed that they would think of us as competitors and would be unwilling to share with us the keys to their success. It turned out, however, that, as in many other areas, there is a robust network of professional regulators eager and willing to share experiences and trade advice regarding new approaches to solving common problems.

As we hired key staff members and advisors and acquired knowledge and advice from our counterparts around the country, we began to draft and adopt our initial regulations. We sought public comment, much of

it required and some we thought would be valuable even though it was not required. Two refrains recurred again and again as we issued regulations and undertook the licensing process.

TWO REFRAINS

Distilled, the first refrain was that we were giving insufficient weight to the views of gambling opponents who thought that the Legislature and the governor had made a huge mistake by enacting the legislation. These opponents seemed to think that the commission should not facilitate any rollout activity. Some of their comments were heated. I distinctly recall sitting at dinner one night with a group that included a local broadcast figure whom I had met fleetingly on prior occasions and to whose program I listened as often as I could. After learning through conversation that I was one of the gaming commissioners, he expressed strong displeasure at the thought of casino gambling coming to Massachusetts, displeasure he personalized as the conversation progressed. When I finally suggested that I understood his feeling but that we as a commission were trying to create a first-class, best-in-nation regulatory group so we could deal effectively with the perceived ills he



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thought would accompany the new industry, he paused for a minute before saying “Terrific. And if you’re successful you’ll have built a beautiful little whorehouse.” With that showstopper, the conversation moved elsewhere.

The problem with the “don’t do it” refrain was that the commission had been created to implement the legislation, not to examine its wisdom. The Legislature had made the basic decision that expanded gambling was right for Massachusetts. Our job was to implement that decision, not to rethink whether it was a good idea.

To be sure, we did ask gambling opponents for their thoughts on how we could mitigate specific harms they feared gambling would produce, harms like addiction, increased crime, adverse impact on housing prices, and the need for increased public services. We took those concerns seriously in the regulations we adopted and, in

We were created to implement the gambling law, not to examine its wisdom.

some cases, in license conditions we imposed. Some of those regulations and license conditions, such as allowing slot machine players to insert temporal or monetary limits on the slot machines they are playing, exist nowhere else in the country. But reexamining the wisdom of expanded Massachusetts gambling was not part of our portfolio.

The second refrain was that we were often “making it up as we went.” That refrain was particularly prevalent when one group or another thought they had secured a debate-ending victory only to discover that they had not. An example was the vote in East Boston and Revere on a proposed casino that straddled the border between both cities. Because part of the proposed facility would be located in each city, the legislation gave voters in both cities veto power over it. When East Boston voters exercised that veto, opponents of the project believed that that was the end of efforts to place a casino either on the Revere or on the East Boston side of the dividing line. Consequently, they were outraged by our decision to allow a later proposal for a casino located only in Revere to go forward after Revere voters alone exercised their right to approve it.

Stripped of its snarky pejorative, the claim that we were “making it up as we went” contained at least a grain of truth. Indeed, the same claim can be made about the way most administrative agencies proceed from time to

time. We were implementing a new, expansive, and highly complex statute. In certain areas, the Legislature had left explicit blanks in the legislation and wanted the commission to fill them in. For example, the legislation says that applicants for a casino license must make a minimum capital investment of \$500 million but allows the commission to require a higher capital investment and to decide whether some cost elements, such as the purchase price of land, should be included in the required investment.

The first step in implementation, therefore, was to think through issues and potential problems that might arise in the licensing and later regulatory processes and create regulations to address them. Identifying the problems and issues and choosing what seemed the best of a variety of ways to address them was not always easy. But it was an essential task, just as it is an essential task for any agency charged with implementing a new legislative program.

After regulations were promulgated, we had to apply them to specific issues and questions arising out of actions by cities and towns, applications by those who sought licenses, requests by interest groups to participate in hearings, and so on. In most cases, one or more of our regulations clearly dictated how the issue or question should be resolved. In some cases, though, the regulations turned out to be ambiguous when applied to a specific problem. In those cases, we had to interpret and apply our regulations in a way that was most consistent with their text and the text of the statute. In some rare cases, it turned out that we had never anticipated the precise issue or question that arose and, as a result, our regulations did not clearly provide a solution. In those cases, the commission had to find a solution in the statutory and regulatory framework as a whole and, perhaps, adopt a new regulation to govern future like cases.

All of that can be viewed as “making it up as you go.” Implementing the Legislature’s handiwork is sometimes difficult and messy, but it is the only way to advance complex policy objectives in a complex environment, particularly an environment that was new and filled with unmarked pathways. It was the only way, that is, to effectively introduce expanded gaming to Massachusetts.

The transparency with which we tried to conduct our decision-making undoubtedly contributed to the “making it up as you go” complaint, for our public discussions may well have led observers to conclude, at least from time to time, that we had no idea where we were going. Like watching “turtles on Ambien” is how *Boston Globe* columnist Joan Vennoch once described our proceedings. The sausage-making quality of those early discussions is undoubtedly part of the reason that one seasoned Massachusetts politician told me early on, in what I’m certain he felt was helpful advice, that “transparency can get you in an awful lot of trouble.”

But those public discussions were critical to making sound decisions and it was important for those affected by the decisions to see how we made them. The discussions sometimes went on for so long because we had very different initial approaches to the same issue. We also were pretty strong-willed and came from environments where our decisions were often the last word. At the same time, we all were trying very hard to do as much as we could by consensus.

The transparency of our licensing proceedings had a particularly powerful impact on those directly affected by them. No other commission in the country makes licensing decisions in fully open proceedings the way we do. The effect of that openness was visible in the faces of those in the audience who were positively or negatively affected by the direction in which our discussion trended at given points. I had presided over a variety of very high stakes cases, civil and criminal, while I was on the Superior Court but I had never seen anything like the tension that gripped the more than 200 people who filled the meeting room at the Boston Teachers Union Hall while we discussed awarding the Boston casino license.

The license contestants were not the only ones immediately affected by our discussions. All of our meetings were live-streamed so anyone with access to the Internet could see them in real time. Obviously, many were watching. I learned after conclusion of the slots-license hearing that the price of Penn National's stock ticked slightly up or slightly down over the three days of our public deliberations as those of us who favored Penn National or The Cordish Companies, the other principal contestant, made our points.

In the main, the kind and degree of scrutiny our activities engendered was somewhat more intense than I anticipated. Totally unexpected, however, was the degree of personalization that accompanied some of that scrutiny.

The personalization began with Crosby's arguably belated disclosure of a non-disqualifying relationship he had had with one of the owners of a piece of land in Everett where the casino proposed by Steve Wynn was to be built. Along with the disclosure, he voluntarily removed himself from all commission decisions regarding that land. Months later, he attended the opening day celebration at the Suffolk Downs racetrack we all had attended the previous year in our capacity as racing commissioners, albeit before Suffolk Downs had filed its casino license application. In both cases, and even though he had taken himself out of decision-making about the land before the commission made any decisions about it, the reaction was ferocious. Indeed, so sustained and ferocious was that reaction that Crosby decided that he was distracting from the licensing work the commission was performing and stepped away from all aspects of that work insofar as it affected the Boston-area casino. Shortly

after he stepped down, I was met with fiery accusations of bias from the city of Boston's legal team.

It was deeply unpleasant to watch the pummeling Crosby took for months before he removed himself. By the time he did, I had worked with him on a daily basis for more than two years and knew, saw, and felt that he was dedicated exclusively to the best interests of the commission and the Commonwealth. It was likewise unpleasant to be the focus of bias claims regarding an approach to licensing all of the commissioners and staff had worked so hard to make fair and transparent. On reflection, though, two principles emerged, at least for me.

TWO PRINCIPLES

The first is that, having adopted and publicly articulated high standards for transparency and zero tolerance for conflicts of interest, the commission sometimes had an obligation to do more than the law or its own standards required to create a buffer zone between appearances and requirements. The public expected perfection and was not keen on nuance or subtle distinctions, particularly from a body set up to govern activity it already viewed with great suspicion. Doing more than the law and standards required was necessary to prevent a perception that the commission was doing less.

The second principle embraces three rules that Elaine Driscoll, our public information officer, repeatedly stressed in one form or another. First, when faced with claims and allegations that seemed to suck all of the air out of the room, the commission had an obligation to keep moving forward with the hope and expectation that its conduct and accomplishments would show that the claims were baseless. Second, the commission's responses to those claims had to remain at all times on the high road. Third, the commission had to avoid personalized responses that likely would fuel a series of entertaining but hugely unproductive volleys in the public square.

I broke the second rule in late July 2014, when, at a public meeting after the city of Boston announced that it would not participate in any of the commission's procedures for determining mitigation measures, I said that the city, and inferentially the mayor, had "abandoned" the residents of Charlestown. For a host of reasons, that characterization was a mistake. Accurate or inaccurate, it did nothing helpful to resolve the difficult problems that then existed and clearly increased the temperature of an already overheated environment. Moreover, it was a step in the direction of the hugely combative approach the Boston legal team had taken to every aspect of the licensing process from the time the team appeared on the scene in January 2014, through the very end.

That hugely combative approach, coupled with the

implacable opposition to any form of expanded gambling from Somerville Mayor Joseph Curtatone, gave me grave doubts about whether, regardless of its merit, the proposal for a casino in Everett could ever get off of the ground. Those doubts were reflected in my lone vote in favor of a casino in Revere instead of Everett. In the end, and to their credit, deliberate and protracted discussions

Commission is shifting from startup to mature body in full regulatory mode.

between Mayor Walsh and Steve Wynn revealed and built upon areas of common interest and a resolution both could enthusiastically support. Nevertheless, I can't help wondering whether resolution might have come a little earlier if I had kept that characterization to myself.

At this point, the commission is a little over four years old and is well into a transformation from a startup

focused primarily on licensing and formulation of policy to a mature body in full regulatory mode. Remaining issues from the licensing process are in the hands of courts and administrative agencies; until those issues are resolved, I won't discuss them. However they are resolved, the commission's structure, key policies, and key personnel are in place, fully ready to face the numerous regulatory tasks and challenges that lie ahead.

Some of my initial feelings about expanded gambling have not changed over the last four years. They have been leavened, though, by the quality of the three companies the commission has licensed, the people who run them, the commitment to diversity each has displayed, and the energy each expends on building and maintaining an enthusiastic, team-oriented workforce filled with the potential for upward mobility. With those licensees and with the regulatory structure we created, I believe that Massachusetts will have the best gambling environment possible. I am delighted to have had the opportunity to participate with energetic and talented colleagues in its creation. **CW**

James McHugh, a retired state Appeals Court judge, served on the Massachusetts Gaming Commission from 2012 to 2015.

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A nation divided

Alan Wolfe, who optimistically told us two decades ago we were *One Nation, After All*, isn't so sure anymore

PHOTOGRAPHS BY FRANK CURRAN

ALAN WOLFE HAS had a long interest in American democracy and in Americans' attitudes toward it and toward issues related to religion and morality. But the longtime sociology professor at Boston College is a restless inquirer, having also authored books on topics as diverse as gambling, school choice, political evil, and, most recently, the Jewish diaspora.

An abiding interest of Wolfe's, however, has been the general health of the American polity. Are we a deeply fractured society, or a place of healthy pluralism,

where there is much more, in the end, that unites us than divides us? That was the focus of one of his most well-known books, *One Nation, After All*, published nearly 20 years ago, in 1998.

In it, Wolfe set out to explore the idea of America as a place riven by all sorts of fault lines—on race, religion, family life, immigration, and more. He sought to test that idea through in-depth interviews with 200 Americans of various backgrounds living in four representative regions across the country. The conclusion he came away with—as telegraphed by the book’s title—was that the great divide supposedly separating Americans was not nearly as great as many were saying.

Americans are, he wrote, “above all moderate in their outlook on the world, they believe in the importance of leading a virtuous life but are reluctant to impose values they understand as virtuous for themselves on others; strong believers in morality, they do not want to be considered moralists.”

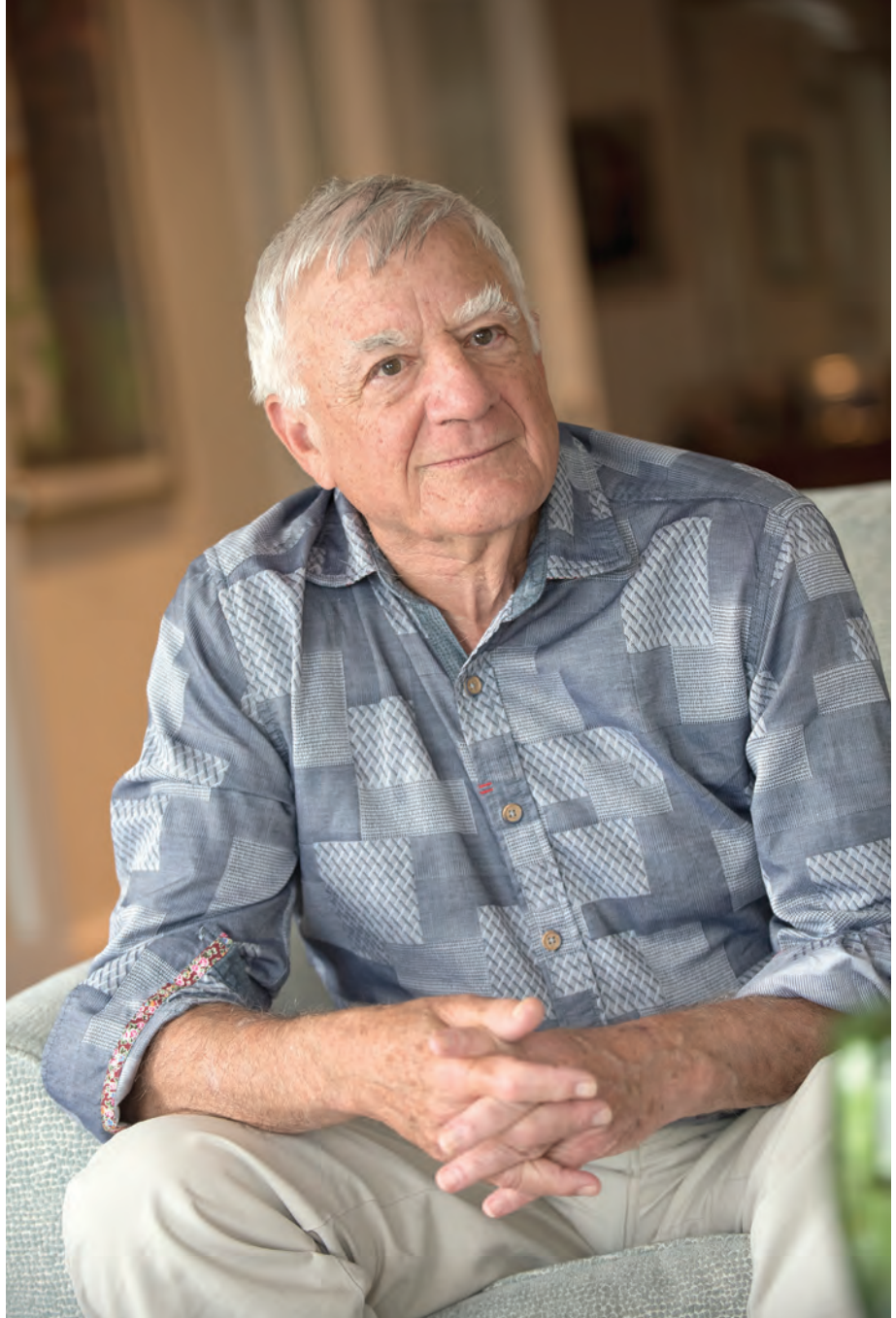
If there are tensions between different beliefs, he said, these are often a push and pull that each person wrestles with him or herself, balancing interest in the ballast of traditional faith, for example, with a wish for the freedom to fashion one’s own sense of morality and of right and wrong. “The two sides presumed to be fighting the culture war do not so much represent a divide between one group of Americans and another as a divide between two sets of values important to everyone,” Wolfe wrote.

In this season of political upheaval, it seemed like a good time to check in with him on the state of American cohesion. While he argued two decades ago that we were much more united than many believed, Wolfe is not nearly as sanguine today. Indeed, the current degree of

political polarization causes him to worry about the basic health and functioning of our democracy.

Wolfe is not only a productive scholar who has authored two dozen books, he also manages to weigh into public debate more regularly as a frequent essayist in *The New Republic* and other publications—including, on a couple of occasions over the years, in *CommonWealth*. A man of the political left in his younger years, Wolfe’s views have evolved considerably, but did not land him, as was the case with some of his contemporaries, on the right. He migrated to the middle—“center left,” he says. His take on many issues today is measured—though that does not extend to Donald Trump, whose rise he recoils at.

For the last 18 years, Wolfe served as founding director of the Boisi Center for Religion and American Public Life at Boston College. That would seem an unlikely perch



for him—a non-believing Jew running a center examining religion and public issues at a Jesuit university. But Wolfe—who retired this spring—became fascinated with religion and public issues four decades ago, and his time at BC served as a perfect capstone to a long career as one of the country's leading public intellectuals.

With his new spare time, the 74-year-old Wolfe says he plans to try his hand at golf. While his backswing may need work, it's hard to keep someone this prolific from doing what seems to come naturally to him. Only weeks into formal retirement, Wolfe already has a proposal in the works for a book taking on some longstanding sacred cows in higher education.

Campus life these days was one topic I raised when we sat down in mid-June in his airy Cambridge apartment overlooking the Charles River. But I was interested first in what he thought of the crazy election season we're in, and the turbulent times it seems to have sprung from. What follows is an edited transcript of our conversation.

—MICHAEL JONAS

COMMONWEALTH: You've spent several decades studying what Americans think, asking them about it, and trying to put it all in some context. What do you make of the moment we're in and this election?

ALAN WOLFE: I wrote a book called *One Nation, After All*, which essentially argued that we were much more a united people than you'd think if you listened to all the talk about the culture war. I couldn't have been more wrong. I actually think it was right for the time—the late 1980s. I think the country's really changed since then. I'm sure if I did the book today I would come up with very different findings and I would find that we have a real division in the country. I think there's been really big changes in the last 20 years in terms of increased partisanship, increased polarization.

CW: At the time that you wrote it you were pushing back at the idea that there was this division. You were arguing it was more apparent than real.

WOLFE: Right. The American people themselves were less divided than the party elites and the journalists. There's still an element of truth to that today. You turn on any station and they immediately want to find two different groups and give voice to it—the he said/she said form of journalism is just embedded in the way the conventional media operate. But I think the country definitely has become more divided since then. I didn't account at that time for something like Fox News, which I think has had a major impact on American public opinion with the daily reinforcement of a particular point of view.

CW: So how do you characterize the division today?

WOLFE: Well, until the exact current moment with the apparent nomination of Donald Trump, it was pretty much along the culture war lines. Back then the divide was between believers in some kind of traditional morality—the solid marriage, children, religious church-going or synagogue-going person—and the more urban, cosmopolitan, in some cases gay or sympathetic-to-gay lifestyle, sort of person. Trump has changed all that. He's a thrice married guy. The evangelicals who are supporting him, I think, are proving to us that they care much more about politics than religion, that they are political people with faith rather than people of faith with politics, because they're throwing all that to the wind.

CW: It strikes me that on gay rights issues—one area where even back then you were skeptical about how far we'd come—it seems today that, although the far right may not be that accepting, middle America, broadly speaking, is pretty accepting of gay marriage. If that's not the nature of the fissure that you see now dividing us, then what is it?

WOLFE: It's other things. And I don't really think it's religion that much.

CW: So what is the division?

WOLFE: That's actually not so easy an answer. In a sense we've dispensed with some of the fringe culture war issues and started talking about the nature of America itself, and there are just radically different visions about what kind of country we should be, just as there were during the Civil War. I do wonder about our future as a democracy and what it means to be an American. When you're disagreeing over that, it's pretty deep. Trump has raised the whole issue of authoritarianism: Do you need democracy itself, or is our security more important? Is the survival of something called America more important than what America actually is? The fact that he got the nomination is a big deal, whatever happens in the election.

CW: What does it say that a guy like Trump could emerge at this time?

WOLFE: We're not the only place where this has happened. There are comparisons made between Trump and Mussolini, but the appropriate Italian comparison is with Silvio Berlusconi, who's a media figure and a seducer of women and was a corrupt prime minister. I think the best explanation is that white nationalism is becoming stronger

and stronger, whether it's Marine Le Pen in France, various people in Austria, or Donald Trump in the United States.

CW: In the *New York Times* yesterday, there was a piece that used the term “European-style ethnic nationalism” in discussing Trump. I think everybody's trying to find a term or a way to describe the political bearings he is projecting. I also saw the term “proto-fascist” used in a recent piece referencing him. I know you take issue with those kinds of characterizations.

WOLFE: Well, I've always been reluctant to use them. I had a debate several years ago in print with [feminist and author] Naomi Wolf when she was calling [Dick] Cheney and those people fascists and Nazis. And I was saying no, no, no, those are very special words and they just cannot be applied to an American situation which is so different. Let's say Trump comes awfully close. I would still be reluctant. But if [Hewlett Packard CEO] Meg Whitman can say things like that, God bless her.

CW: There's also been some talk about Trump and Bernie Sanders as two sides of the same coin, or maybe different coins—that they both reflect a certain discontent from the left and the right.

WOLFE: I tend to resist those comparisons. I wouldn't say that it's a populism of the left and a populism of the right. There's nothing populist about Trump. He's a wealthy man. It just makes no sense for me to use that language. But I wouldn't even say that they're both mobilizing discontent. What really strikes me unbelievably is how similar they are in personality. They're both narcissists. Trump is a narcissist in extreme, but the way that Bernie Sanders just kept going and going and going, at one level it's to get a better bargain. But I just felt that he got carried away and so did Trump. I think it's pretty clear that Trump never thought he'd get this far. With Bernie Sanders, he never thought he would get this far. So it went to their heads, both of them.

CW: Is Trump a unique figure? There's always a temptation to say we've never seen anything like that. Or is he part of a long cast of characters of a certain ilk?

WOLFE: I lean toward the latter. Because we've had our share of demagogues and some of them came pretty close to the presidency—Huey Long from Louisiana. The South, in particular, has given to our politics an extraordinary rich history of demagoguery and shenanigans. We've had our Northern cranks as well. I teach at a Catholic university, so Father Coughlin is very much a familiar figure to me. I see Trump as being in that line of demagogues. But it's

an unusual situation. The Huey Long types never got the nomination. Trump is a man who you would think could have turned out in a different world to be a patrician kind of politician, a John Lindsay type. Rather than appealing to the better angels of our nature as the patrician Republicans did, he's appealing to the lowest. You'd have to be his psychotherapist to figure out why.

CW: Ten years ago you wrote a book called *Does American Democracy Still Work?* I wonder if that question is even more timely today.

WOLFE: I think it works even less so than it did 10 years ago. I really do worry about the procedural aspects of democracy.

CW: Meaning what?

WOLFE: Well, I was struck when the Republican Party moved pretty far to the right that people I viewed as basically very centrist were much more freaked out than people who were very leftist. It was like the left-wing people said, that's capitalism, that's the Republicans, what do you expect? Whereas my view of the Brookings Institution centrist person—E.J. Dionne, or Bill Galston, or Norm Ornstein—they're the ones who totally freaked out because they had a real understanding of the informal agreements that make politics possible. And that's just been totally lost. I mean, are you a democracy when a president duly elected twice cannot appoint a judge to the US Supreme Court? You're not really. This is very dangerous stuff. Some people, when they talk about the right-wing and the Republicans,

Huey Long, Father
Coughlin. I see
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they focus on their opposition to the Affordable Care Act. No, that's what a party is supposed to do. The real issue is these procedural things that get much less attention.

CW: Is part of what's happened then, in your view, that the Republican Party has just lost its bearings?

WOLFE: Put Trump aside for the moment. If you look back at the history of conservatism in America—and the Republican Party is now the conservative party—they disagreed furiously. The anti-communists vs. the isolation-



ists. The libertarians versus the statist. William Buckley, I think, played a big role in what one of the earlier conservatives, Frank Meyer, called fusionism—that these various elements were fused together. And it worked for 20, 30 years, maybe. But the fusionism was never solid, because what it was was hatred of liberalism. Everyone had their reasons for hating liberalism, but you can't keep it together that long by strictly being negative. Even without Trump appearing on the scene I think the Republican Party would have been in crisis right now. Would Ted Cruz have unified the party and run a successful campaign for the majority? I really doubt it. When all the members of this so-called strong bench are weak there must be a structural reason for that and I think it is that Republicans really have nothing on which to sound coherent.

CW: So you think Trump is more a reflection of it than a cause of the thing that is cleaving the party?

WOLFE: Yes. Exactly.

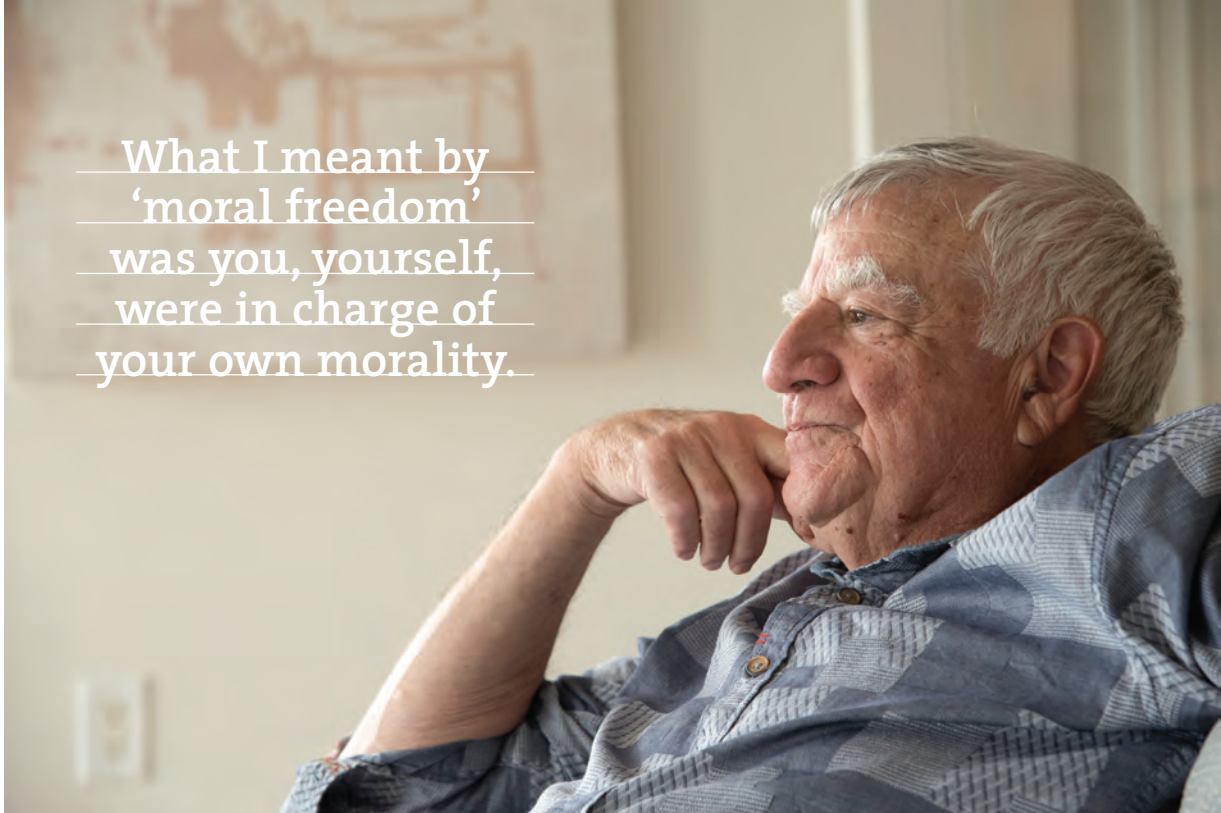
CW: With all the attention Trump is getting, it seems we've almost lost sight of this historic first of a woman as a major party nominee. Does that have to do with Hillary Clinton—that she is already so well-known, or

that people have such mixed feelings about her, or that it would have been more of a thing 15 years ago? For some younger women, they are almost blasé about it. They seem to have taken for granted that of course a woman could be nominated.

WOLFE: We have a country where the men lean toward pretty significant sexism. We have never had—like France, like Chile, like Israel—a woman leader. I think it's a big, big thing and I think some of the hostility toward Hillary really comes down to just a generalized hostility to that idea.

CW: When you wrote *One Nation, After All* you said that you were trying to find out what it means to be middle class in America and you wrote that it's more important to find out how many people there are in this country who hold certain opinions than it is to find out how many have annual incomes within a certain range. Yet, especially since the economic crash in 2008 and 2009, the issue of the middle class has a lot to do with income and with all the issues around inequality.

WOLFE: I would never write about it that way today. It just seemed that middle-class aspirations were incredibly strong then and people don't feel that way now. I'm not



What I meant by
'moral freedom'
was you, yourself,
were in charge of
your own morality.

an economist, but many people have documented the growing inequality of wealth and income. I think if you combine that with the structural problems facing democracy, it is really a very tough time for this country.

CW: After *One Nation After All*, your next book, *Moral Freedom*, picked up on and continued exploring some of the same themes about what Americans believe. You wrote, “the 21st century will be the century of moral freedom.” A decade and a half later do you still feel that that’s true?

WOLFE: Absolutely. Yes. Maybe it was [neoconservative historian] Gertrude Himmelfarb who said that the left won the culture war and the Republicans won on economics. Look at the gay marriage thing. I continue to be astonished. I thought it was the one big exception to the idea that we were not in a culture war. I described—and this was 20 years ago—talking to people in Oklahoma and they seemed like very reasonable, tolerant people and then they would denounce gays using words like abomination and disgusting. That has really gone away.

CW: What exactly did you mean by “moral freedom?”

WOLFE: What I meant was that you, yourself, were in charge of your own morality. And that if you were gay, rather than say I’m going to adopt the morality of the

majority, you created your own life. I used this example sometimes: I interviewed gay people and I would hear people say things like, I was living a totally false life. I wasn’t honest with myself. I felt alienated from everyone. And then I discovered I was gay and it was like a flash of light and I saw how I should live. And then I’d interview a conservative in the South and they’d say, you know, I felt I wasn’t living a real authentic life, but Jesus entered my life and a light went on. If you listen to them, it’s identical language. That’s what I meant by moral freedom.

CW: I was also going to ask you to take stock of your years in the academic world and at universities. I wondered what you make of the whole current debate around speech on campus and trigger warnings and all those things. You’ve done a lot of survey research and interviews with people, but this is one topic where you don’t have to leave the ivory tower; this is a fight taking place within it.

WOLFE: I have very strong views. I’m one of those people who would sound like a conservative if I talked at length about these things. I’m an old civil libertarian, free speech kind of person.

CW: Is it strange that that now casts you as a conservative? Doesn’t that tell us something in and of itself?

WOLFE: It does tell us something. I've changed some of my views about the academic world. I was never comfortable with affirmative action when it came in. I come from a Jewish background. For a lot of Jewish intellectuals, affirmative action reminded them of quotas and an attack on merit. And I felt all of those discomforts. There was a period when some people were even calling me a neoconservative. But from actual experience I've come to appreciate the need for diversity in higher education and I've changed positions [on affirmative action]. But not on the trigger warnings, political correctness thing. I just find that enormously disturbing.

CW: You were the founding director of the Boisi Center at BC. I've always been struck that it's called the Center for Religion and American Public Life, it's at a Jesuit institution, yet you are not particularly religious. I wonder how you came to that interest.

WOLFE: I'm not religious at all. I actually got started in this business when Jimmy Carter got elected president, and I had no idea what this man was talking about. What's a born-again Christian? At that point in time it looked like I was going to learn about Democrats if I learned about evangelicals.

CW: So it was Jimmy Carter who piqued your interest in religion and public life?

WOLFE: Yes. But I would also credit one other person, and that is the very distinguished sociologist Peter Berger, who actually taught at BC before going over to BU. When I wrote *Whose Keeper* [in 1989], he reviewed the book in the *New York Times*. He actually wrote a nice review, but he said, how can this guy Wolfe write a book about morality and never mention religion? I read that and said, my God, this guy is right, he's absolutely right. I need to know more about this thing called religion. So there was at the time a lot of money being spent on religious scholarship by the Eli Lilly Foundation and they included me in this three-year project with all of the leading historians and sociologists of religion in the country and the president of the Fuller Seminary in California, which is the largest evangelical seminary in the country, and some people from Notre Dame and so on. I got very, very interested in this world, so when I came to BC [in 1999] I started talking about an institute on values. They said, why not call it a center on religion? I said, why not? So that's what I did. I learned that in scholarship on religion you get a lot of advocacy. Jews write about Jews. Catholics write

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about Catholics. But it's even worse than that. Orthodox Jews write about Orthodox Jews. Liberal Catholics write about liberal Catholics. I didn't really have a stake, and I felt that I could be relatively open-minded.

CW: There was a review of another one of your books, *The Future of Liberalism*, by Kwame Appiah, a well-known philosophy professor. He said that if there was a Wolfe coat of arms, the motto on it would be, "On the one hand, on the other." He was saying there is a certain measuredness to your way of seeing things. Is that fair?

WOLFE: I think it is. I would like to say of myself that I can see both sides. It doesn't mean that I agree with both sides, but I think you should at least try to understand, in my case, why conservatives feel the way they do.

CW: You get put in this group of people known as public intellectuals. I read somewhere where you described what that is by saying writing short pieces for *Time* magazine doesn't quite let you unspool ideas enough, but only talking to fellow academics through professional journals wasn't completely satisfying, either. It was that place in the middle

I would like to say
I can see both sides.
It doesn't mean I
agree with both sides.

where you could expound at some length and in depth on issues, whether in *The New Republic* or elsewhere, but have it be part of the broader public conversation that has been very appealing to you along with your academic work.

WOLFE: It has been. I just see public intellectual as kind of a descriptive term. I'm glad we still have space in our society for this kind of way of thinking.

CW: Do we? Or is it becoming a little bit endangered?

WOLFE: There was a forum once at the American Academy of Arts and Sciences in Cambridge, and it was a showing of that movie called *Arguing the World*, which is about Irving Howe and Daniel Bell and Nathan Glazer and these people who were indisputably public intellectuals of their time. In the panel discussion afterwards, Dan Bell, who I loved, said, oh, there are no more, we were the last ones. And I said to myself that whenever I got to this age I would never say that I was part of the golden age. I think it's a great time to be a public intellectual, and I think there are lots of younger people that are writing terrific stuff. **CW**



Fusion: The next big thing

A Q&A with a remarkably optimistic Dennis Whyte from MIT.

BY EDWARD M. MURPHY

GREATER BOSTON IS on a roll, propelled by innovation. The US Chamber of Commerce recently named the region number one in the nation for “fostering entrepreneurial growth and innovation.” Our universities, medical institutions, research labs, and venture capitalists have combined to develop enterprises on the spearhead of biotech and high technology, producing whole industries that barely existed two decades ago. There is a lot of runway ahead in these new fields but it is worth asking, in an economy largely dependent on continuous innovation, what is The Next Big Thing? The answer to that question may lie in an undistinguished, recycled industrial building not far from Kendall Square.

There, working in MIT’s Plasma Science and Fusion Center, a group of physicists, engineers, and graduate students routinely turn on their favorite device, called a tokamak, and achieve temperatures approaching 100 million degrees Celsius, which is many times the temperature at the center of the sun. The physicists’ improving ability to achieve and contain such temperatures is generating optimism that science is getting much closer to an elusive goal: generating significant amounts of electric power through the use of fusion.

Fusion occurs when two or more atoms collide at very high speed to form a new “fused” nucleus, resulting in the release of significant excess energy. By contrast, fission is the “splitting” of atoms into smaller parts, a process that also releases energy. All existing commercial nuclear plants use fission to create power, but they come with well-documented disadvantages associated with their complex fuels, operational risks, radioactive waste, and security threats.

Electricity generated by fusion would effectively eliminate those disadvantages. The fuel is an abundant and inexpensive form of hydrogen; there is no risk of a meltdown; the byproducts present minimal radiation problems; and there is

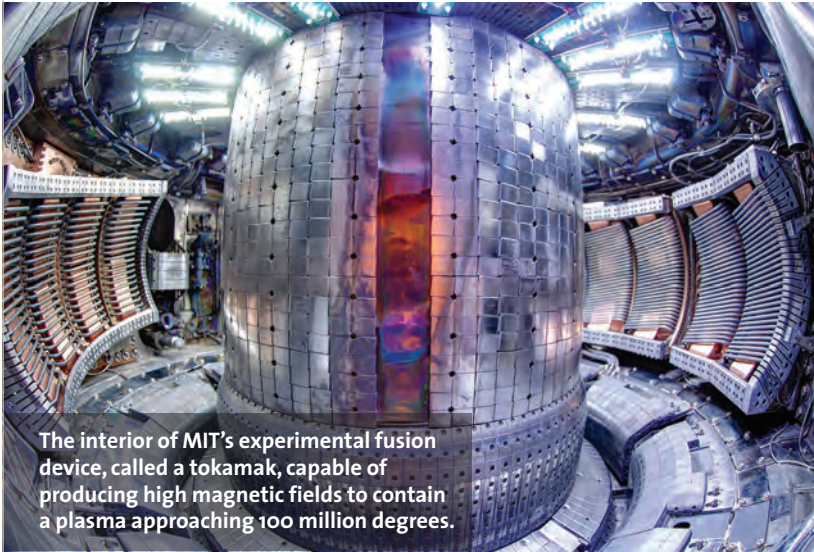


no material a terrorist could steal for a dirty bomb. Best of all, fusion offers the possibility of replacing a large portion of the world’s fossil fuel consumption with a carbon-free supply of power.

The dream of fusion power has propelled physicists to pursue it for more than half a century. While the basic science was understood, the design, engineering, and materials necessary for a controlled fusion reaction took decades of trial and error to grasp. But the consequences of success are so revolutionary that governments and research institutions around the world have kept at it.

In recent years, the progress in fusion research has generated an increasing level of buzz among those who follow the field. Perhaps the most telling sign of this is the emergence of private companies in a field traditionally dominated by publicly funded research labs. Venture capitalists and prominent billionaires such as Paul Allen and Jeff Bezos have invested in firms dedicated to creating practical fusion energy.

The accelerating knowledge base is also raising questions about whether an expensive international research project in France, which is based on 1990s technology, should continue. The United States is currently providing 9.1 percent of the \$20 billion-plus in funding for the International Thermonuclear Experimental Reactor in southern



The interior of MIT's experimental fusion device, called a tokamak, capable of producing high magnetic fields to contain a plasma approaching 100 million degrees.



Dennis Whyte of MIT

France that is behind schedule and over budget. Even if the reactor gets built, it's a research project that will not supply power to the grid. Some analysts think the US funding would be better spent on projects taking advantage of contemporary technology.

In an effort to gauge where things stand in the development of fusion energy, I sought out MIT Professor Dennis Whyte, one of the world's foremost experts on the topic. Whyte is head of MIT's Department of Nuclear Science and Engineering and is also Director of the Plasma Science and Fusion Center. We spoke in his office in Cambridge.

EDWARD M. MURPHY: Some people think of fusion as a form of French-Asian cuisine. Is that a useful metaphor for what you do?

DENNIS WHYTE: Up to a point, it is. Fusion is a blending together of different elements to create something new. Our kind of fusion is very spicy. At a hundred million degrees, it might burn your tongue.

MURPHY: There is a perception in some quarters that the reality of fusion power is getting closer. Is that perception accurate?

WHYTE: Yes. In the last few years there has been an increasing realization of the dramatic progress of fusion science. There is a lot of hard work ahead of us but the conditions necessary to make fusion power are in hand. We see clear opportunities on both the technical and science side to accelerate fusion's development. There are also some invigorating changes in the support of fusion in that the private sector is starting to invest. For a long time, this work relied solely on government support.

MURPHY: What has happened in recent years to create this momentum?

WHYTE: I'd point to three things. First, we have established the scientific credibility of fusion research and this has led to the realization that maybe we have it better in hand than we thought before. Second, the really big

one, is the advent of new superconducting technology. Improved superconductors have a lot of implications, but the main one for us is the ability to create magnetic fields of unprecedented strength. Third, improved computational resources, essentially supercomputing, have allowed us to understand the fusion environment better because we can analyze and model the complex energy systems that we are trying to create.

MURPHY: Let's back up a bit. What is the significance of a strong magnetic field in a fusion reaction?

WHYTE: In fusion, we are duplicating the process that powers the sun by heating up heavy forms of hydrogen to the point where the atoms fuse together and release enormous amounts of energy. We routinely achieve 100 million degrees to create this reaction in what we call a plasma. In order to create net energy from fusion, we have to hold this plasma inside a very strong magnetic field. The more force you can exert with the magnetic field, the more stable it becomes and also the smaller the device becomes.

MURPHY: Have stronger magnetic fields and improved superconductors allowed you to think in new ways about how to develop a practical fusion device?

WHYTE: We've done more than think about it. We have actually scoped out a conceptual design of how these new technologies combine together to develop what appears to be a much more attractive product for making fusion energy.

MURPHY: What are the characteristics of your new design?

WHYTE: We call it ARC, an acronym for Affordable, Robust, and Compact. The basic idea was to ask the question: What would be the minimum-size fusion device that would produce significant amounts of net electrical power? The capacity to make the magnetic field much stronger significantly reduced the size of the device com-

pared to what previous studies had shown. We did the engineering calculations and found a surprising result: a rather compact device can make 250 million watts of net electricity.

MURPHY: Can you put 250 million watts in context?

WHYTE: That's sufficient to power Cambridge. And the fuel is basically free, derived from water. I did the calculation and the yearly cost of fuel per resident of Cambridge is around 20 cents.

MURPHY: You said the ARC device is designed to be compact. How big is it compared to conventional power plants?

WHYTE: The plasma, where the fusion occurs, has an outside diameter of about 26 feet. The entire device, which will include the "blanket" that surrounds the plasma to capture the fusion energy and make electricity plus the magnetic coils, has an outside diameter of about 40 feet. To be more parochial, the device easily fits under the dome at MIT.

MURPHY: So a small fusion plant could power Cambridge inexpensively?

WHYTE: There's more. Fusion is complicated but, when you make it work economically, it's the home run for energy. You don't have any carbon emissions. It's intrinsi-

cally safe and it produces continuous power. It's not intermittent, which is the challenge with renewables.

MURPHY: It hasn't actually happened yet. How could fusion power become a real energy source?

WHYTE: I have no doubt that we can make fusion energy. The harder path in front of us is making it commercially and economically competitive. Fusion is just more complex than other energy sources. There are going to be hits and misses. It seems to me to be a ripe opportunity for a new kind of partnership between the public and private sector to move things forward.

MURPHY: Do we need to have a Manhattan Project or an Apollo Project to make this happen?

WHYTE: I'm not convinced of that actually. More resources are essential but what we need is a scaled and evolving pathway towards fusion energy. The Human Genome Project is a good example of the kind of process needed—public and private with a wide variety of approaches. At the beginning of the Human Genome Project 25 years ago, I don't think anyone could have conceived that you would have small private companies doing sequencing of your DNA when you mail it in. We can accelerate the development of fusion by trying out many smaller different kinds of configurations to find out which ones



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work best. We need to throw some cold water on the long, slow R&D projects. We're recognizing that it's time for the technology development and innovation cycles that come from the private sector. We need rapid innovation cycles that fail or succeed quickly. There will be spinoff benefits that we can't imagine yet. By the way, Massachusetts has a chance to be at the forefront of this because we have the right combination of ideas and capabilities to lead the way.

MURPHY: What is a realistic timeframe for getting fusion power into the energy grid?

WHYTE: That's the classic question. I'll start with the joke: Fusion is the perfect energy source that's 30 years away and will always be 30 years away. I hate that joke. I want to eliminate that joke from the English language. The conditions necessary to make fusion energy have been known since the 1950s and those have not changed because they are based on the fundamental laws of nature. It's very complex but I think the technology that exists now, while it's no guarantee of success, will let us accelerate the development cycle so that it's much faster. I see a pathway that would make fusion energy in under 15 years.

MURPHY: Actually on the grid?

WHYTE: On the grid, what I'd call a fusion pilot plant. A demonstration that you could make electricity. I think

it's really important that we hold ourselves to an aggressive timeline and meet it using these new technologies.

MURPHY: There are amazing implications if that can happen.

WHYTE: Yes, 85 percent of our energy now comes from burning fossil fuels and there is very serious science saying that you cannot keep doing that. Renewables have some attractive features but the idea of trying to replace 85 percent with renewables presents risks which are probably not acceptable. It's not even clear if it's technically possible at this point. Fusion is the ultimate choice. The problem is it can't take forever because, by the numbers that are coming out, we need to start deploying it in the next 20 years. That's why I really believe it's worth a crack to see if we can get there in 15. If we create the perfect system 50 or 100 years from now, it could be just too late. That's the urgency of this.

Edward M. Murphy worked in state government from 1979-1995, serving as commissioner of the Department of Youth Services, commissioner of the Department of Mental Health, and executive director of the Health and Educational Facilities Authority. He recently retired as CEO and chairman of one of the country's largest providers of services to people with disabilities.



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The art of the non-deal deal

Health care ballot showdown averted, but pricing issue remains.

BY JOHN E. MCDONOUGH

ON MAY 31, Gov. Charlie Baker signed a new law to avert a proposed 2016 state ballot initiative that would have redistributed as much as \$450 million annually from Partners HealthCare hospitals to most of the state's other hospitals by establishing stringent limits on hospital price variation. The new law, "Chapter 115, An act relative to equitable health care pricing," is less than a shadow of the ballot petition advanced by the state's health care workers union known as Local 1199 of the Service Employees International Union (SEIU). Is the new law progress? Is it enough?

The clear winners are SEIU and Partners because both got what they most wanted, as well as Baker, Senate President Stan Rosenberg, and House Speaker Robert DeLeo who deflected the ballot question. If anyone else wins, that is a matter of dispute. Less disputable are lessons about the state of Massachusetts health care politics and policy in the Baker era.

The core issue is the long-recognized disparities in pricing power among the states' acute care hospitals, focused particularly between the pricing power of Partners' two flagship hospitals, Massachusetts General and Brigham and Women's, and nearly everyone else. State reports since 2010 have documented the price differences, citing market power, not quality, as the cause. Reports suggest that unregulated price increases explain much of the excessive health care cost inflation between 2000 and 2010. A non-binding state cap on total health care spending, established in 2012, is also believed to have exacerbated the gap.

Last fall, SEIU launched a ballot question effort for the November 2016 election to limit hospital price variation to no more than 20 percent above or 10 percent below the "carrier-specific average relative price for that service," which would have drained an estimated \$450 million from Partners and rewarded most other hospitals. The measure also was supposed to lead to "reduced premiums, copays, and deductibles" for consumers. Everyone, including SEIU, saw the initiative as a "blunt instrument" approach to a problem that would be better addressed legislatively.

Chapter 115 includes three main provisions:

1. Re-establishing a "Special Commission to Review Variation in Prices among Providers," with a March 15, 2017, deadline to recommend policy changes "if...necessary."

2. Creating a new \$45 million "Community Hospital Reinvestment Trust Fund" to provide money over five

years to financially disadvantaged hospitals, diverted from the hospital assessment that finances the state's Center for Health Information and Analysis (CHIA).

3. Adding an additional \$15 million to a new \$250 million hospital tax created in the 2017 state budget for relief to hospitals with high levels of MassHealth patients.

The re-energized special commission is the third such body enacted into existence since 2010. An earlier 2011 commission recommended action to minimize price variation; a second, enacted in 2012, was never filled with appointees



by then-Gov. Deval Patrick. This latest version has a hefty 23 members and is led by the Legislature's Health Care Financing Committee co-chairs, Rep. Jeff Sanchez of Boston and Sen. Jim Welch of Springfield. The commission has a reporting deadline of March 15, 2017, less than a year away.

State sources with whom I spoke emphasize a determination for real policy recommendations. Skeptics observe that the large cast of 23 (with no consumer representative) guarantees a show-panel, not a meaningful one. The jury is out.

The five-year, \$45 million commitment for financially disadvantaged hospitals (\$5 million in 2017 and \$10 million each in 2018, 2019, 2020, and 2021) is real, although the amount is "about enough to keep the lights on for five minutes," according to one hospital leader. The amount is a fraction of the \$450 million that the SEIU initiative would have generated. Disadvantaged hospital leaders worry that the \$45 million will be regarded as a permanent solution, not a Band-Aid. CHIA was hit because Baker insisted on no new net state spending and the data agency was vulnerable—now its mission to monitor state health spending is more doubtful.

Sources also suggest that the likelihood of obtaining federal approval for the \$15 million in additional MassHealth rate relief is unlikely.

How did Chapter 115 happen? Since January, state officials have been convening hospitals and other stakeholders to avert conflict and problems associated with the SEIU initiative. From the start, SEIU leaders proclaimed "let's make a deal," although they were rebuffed by community hospital leaders who mistrusted the union's motives and feared state control over hospital finances.

Partners was ready to deal. Throughout the winter and spring, SEIU and Partners leaders negotiated about price variation *and* about an agreement to allow unobstructed unionization of the hospital system's non-clinical workforce. In early May, SEIU and Partners officials informed state leaders of a unionization deal and willingness to negotiate on price variation. That motivated Baker, DeLeo, and Rosenberg to instruct their respective chiefs of staff (Steve Kadish, Jim Eisenberg, and Natasha Perez) to craft a legislative deal. Within three weeks, a bill was on Baker's desk.

So who won and who lost?

SEIU won big by negotiating a non-public deal enabling them to organize staff at Massachusetts General, Brigham and Women's, and other Partners hospitals. The SEIU was willing to agree to far less for financially vulnerable hospitals once a labor deal was in hand. SEIU officials note that community hospitals left them standing at the altar until Partners offered a ring, and that Chapter 115 sets a path for a comprehensive solution if community hospitals can get their act together. In other words, Chapter 115 represents progress over what existed prior to SEIU's involvement.

After big losses in their efforts to acquire South Shore and Hallmark hospitals, Partners has scored an impressive win. The new law kills the threat of the ballot initiative with zero pricing changes. Partners was ready to spend \$12 million to defeat the initiative. Yes, the new commission might produce damaging recommendations, but it's far less worrisome a threat than the ballot question.

Gov. Baker and legislative leaders won by averting a messy, confrontational ballot initiative that could have created chaos. When the moment was right, they acted

with speed and ease to move legislation in yet another example of bipartisan cooperation.

Most non-Partners hospitals were big losers, evidenced by their inability to coalesce on a viable alternative to the ballot initiative. The for-profit Steward chain, the only hospital group to endorse the SEIU initiative, got left with nothing. Non-hospital stakeholders such as insurers and businesses wanted action on price variation, but they were more concerned about avoiding any new financial hits on them.

The public, including the 120,000 people who signed SEIU's ballot petition, had little clue about this now-

Partners HealthCare and the SEIU both won big.

settled fracas. Consumers represented by the Greater Boston Interfaith Organization were among the few to publicly criticize the deal: "GBIO is disappointed...The deal ignores the consumer and leaders have punted on an opportunity to make significant progress," said the group's president, Rev. Burns Stanfield.

How does it all add up? Partners has demonstrated renewed clout and savvy, staying first among unequals. SEIU wins. The Baker administration and legislative leaders get the job done. The Special Commission will have difficulty exceeding its low expectations. Open conflict has been contained, and health care policy and politics have become boring again in the Baker era.

John E. McDonough is a professor of practice at the Harvard TH Chan School of Public Health and blogs at healthstew.com.

The income-growth challenge in Gateway Cities

Wage stagnation has hit mid-sized cities particularly hard. Is there a path back to broadly shared prosperity? **BY NOAH BERGER AND LUC SCHUSTER**

IT'S POSSIBLE FOR an economy to grow in ways that expand opportunity and promote broadly shared prosperity. We know that's possible because it's exactly what happened in the United States in the three decades after World War II. Each year, the economy grew at a strong clip and incomes grew for low-, middle-, and high-income people at roughly the same rates. Wages for most workers grew in line with

productivity growth (see left-hand side of graph at right). In those decades, we built the American middle class and created a nation where more and more working people could make ends meet and provide for their families.

But in the mid-1970s the pattern changed—across America, in Massachusetts, and particularly in our Gateway cities. Productivity growth continued, but wages

stopped growing with productivity (right-hand side of graph). While new wealth and income was still being created each year, income growth slowed to less than half a percent a year for most of the population and grew rapidly only for the highest-income 1 percent of the population (where incomes have grown 10 times as fast as for the bottom 90 percent since 1979). Families across the Commonwealth continue working as hard as ever but they are not seeing progress like they did in prior generations.

Why did the economy stop working well for working people? There are a lot of explanations: the decline of unions and changes in world trade laws and patterns that led to the loss of good paying jobs, particularly in manufacturing; the growth of the financial sector; the decline of the value of the minimum wage. While many of these issues are national (and global) in nature, there are things that we can do at the state level to help more of our people prosper in the modern economy.

We can provide all of our children, in all of our communities, with a great education—starting when they are three or four years old and continuing through college. We can also take steps to make sure that all jobs provide decent wages and working conditions, so that everyone who works hard can make ends meet.

What might our state look like today if over the past few decades wages for most workers had continued increasing with growth in the overall economy, as

they did from the late 1940s to the late 1970s? Median income in Massachusetts (the income of the household at the midpoint of the income distribution) has barely budged since 1979—growing only 18 percent over 33 years—and it hasn't grown at all over the past decade. If

income had grown with the overall economy—as it did in the post-war years—it would have grown 69 percent since 1979. Rather than being \$66,000 a year, the median household income



would be \$94,000.

As stark as the state averages are, the picture in our Gateway Cities—mid-sized cities with below-average incomes and education levels—is even more striking. How would life in our Gateway Cities be different today if median wages in those cities had grown at the same rate as the overall economy? Actual median incomes grew very little, if at all, for most Gateway Cities over the past few decades. The graph on the next page compares median income in a few representative Gateway Cities with what it would be if the older pattern of all incomes rising at similar rates had continued. Orange bars show what incomes would be today if incomes had grown with the overall economy and light blue bars show actual median incomes today. In Brockton, for instance, had the median income grown

in line with increases in the overall economy, it would be roughly \$82,000 a year today instead of \$47,000 a year.

In 23 of the state's 26 Gateway Cities, median income growth was lower than the statewide rate of 18 percent. In some communities, such as Fall River and Springfield, the real value of incomes actually fell over this timeframe. There is certainly no guarantee that if median wages had grown in line with the economy overall that the same would have happened in Gateway Cities. But if we had maintained a pattern where wages and incomes across the economic spectrum grew with the economy, we certainly would have seen a very different pattern of change in our Gateway Cities over the past 35 years.

Other than wishing that we still had an economy in which

PRODUCTIVITY CONTINUES TO RISE, BUT WAGES HAVE NOT KEPT PACE

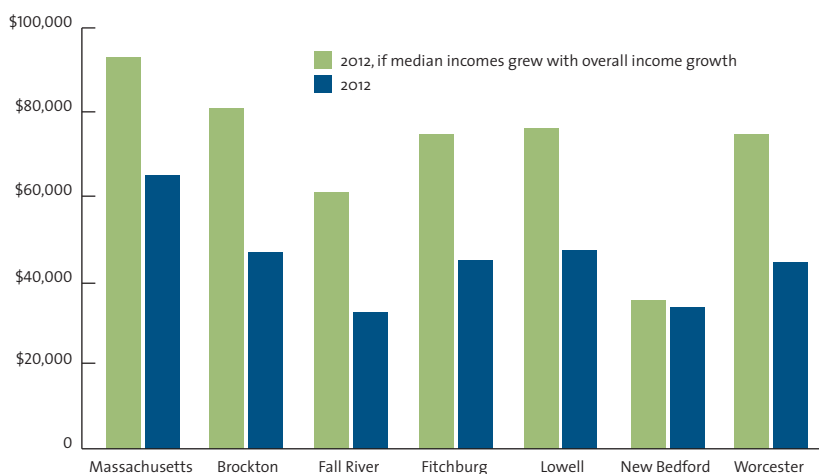
Cumulative percent changes since 1973



SOURCE: Economic Policy Institute analysis of data from the Bureau of Economic Analysis and the Bureau of Labor Statistics. "Data are for average hourly compensation of production/nonsupervisory workers in the private sector and net productivity of the total economy. 'Net productivity' is the growth of output of goods and services minus depreciation per hour worked."

INCOMES WOULD HAVE BEEN MUCH HIGHER IN GATEWAY CITIES IF PATTERN OF INCOMES RISING TOGETHER HAD CONTINUED

Median household income in sampl Gateway Cities, US Census Bureau.
Adjusted for inflation, 2012



[NOTE: 1979 incomes are from the 1980 decennial Census and 2012 incomes are from the American Community Survey. Census Bureau officials confirm that due to slight timing differences in data collection, these data sources are comparable, although not perfectly identical.]

productivity growth led to wage growth for most of our workers, what can we do looking forward?

There are direct strategies that can raise wages for lower-wage workers. For instance, Massachusetts is increasing our minimum wage to \$11 an hour by 2017. While this will bring our minimum wage to among the highest in the country, it will still be well below the \$18 an hour that the minimum wage would be if it had grown at the same rate as economic productivity since 1979. (If the minimum wage had grown in line with CEO compensation since 1979, it would be roughly \$120 an hour today.) The minimum wage affects not only very low-wage households, but also a number of middle-income households—because when two parents are working to support a family one may be in a low-wage job while the other is making a little more.

In Massachusetts, we also implemented an earned paid sick time law in 2015, providing workers with the ability to earn paid time off in order to care for themselves or a sick family member. And for 2016, the state's Earned Income Tax Credit was increased from 15 percent of the federal credit to 23 percent, helping boost the incomes of roughly 440,000 working people in Massachusetts.

While these policy initiatives provide meaningful support for working families, long-term success is increasingly tied to education in the modern economy. There is a powerful correlation between education levels and income. An individual with a college degree earns \$21,100 more per year than someone with just a high school diploma.

ma. The same pattern holds true at the state level. The states that have strong high-wage economies are the states that have well-educated workers. When we look at cities across Massachusetts, we see the same pattern: Cities with a larger share of college-educated workers also have higher median incomes. Thus, economic conditions in our Gateway Cities reflect not only the national trend of stagnant wages, but also the results of a state education system that—though far better than most states—has not done enough to provide all children in all of our communities with the opportunities that can allow them to reach their full potential. That, fortunately, is a problem we can address.

A number of strategies have been proven effective, across the state and across the country, for helping kids—particularly in lower-income communities—to succeed in school. Among these strategies are high-quality early education; smaller classes, particularly in the lower grades; and wrap-around services to support the health and social emotional development of kids. We know that great teachers, and great school leaders, working with parents and the community are at the heart of school success. Providing schools in our Gateway Cities with the resources and tools they need to deliver great education to every child would not only reduce obstacles and expand opportunity for young people, but in the long run it could significantly strengthen these local economies—and our entire Commonwealth.

The challenges faced by Gateway cities are deeply connected to problems in our national economy: Since the late 1970s wages for most working people have not been growing with the economy. As a result, while incomes are growing rapidly for those with the highest incomes, working people across the Commonwealth and across the country are falling further behind. Ultimately, it will require national solutions to build an economy like we had in the post-World War II years, where wages for most people rise with productivity. But we don't have to wait to improve the economic security of families in our Commonwealth, and particularly in Gateway cities. **CW**

Noah Berger is president of the Massachusetts Budget and Policy Center. Luc Schuster is a senior fellow there.

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