

South Shore towns reach out to Japan sister cities

Area residents desperate for news from friends, family

By Kaitlin Keane
THE PATRIOT LEDGER

Marge Burgess awoke Friday to news scenes of utter devastation in the Japanese town she knows almost as well as her own.

Images of splintered homes, flattened buildings and rushing flood waters replaced her memories of Shichigahama, the calm, coastal town where she has traveled with students eight times on cultural exchanges.

The town of 21,000, Plymouth's designated sister city since 1990, is located on Japan's northern coast about an hour from hard-hit Sendai, where video footage of sweeping tsunami waves pulling buildings, homes and cars into the sea has dominated news coverage.

Burgess, who has run a thriving

QUAKE/PAGE 2

WEB EXTRA & INSIDE

For links to help and information on the earthquake, go to Patriot Ledger.com. Fundraising for Japan disaster relief under way Page 2 Businesses wait for word from quake-torn region Page 3



AIRLINE IS ON A BLUE STREAK AT LOGAN

JetBlue Airways became the No. 1 airline in Boston after arriving here seven years ago. But the company still has bold plans for continued expansion, with a goal of eventually increasing the number of daily flights here by 50 percent from its current levels.

DETAILS, BUSINESS | PAGE 23

RIGHT TO KNOW still a struggle

Intimidation, confusion often add to frustrations for those seeking public records

It's hard enough for people to find the time and gumption to ask for public documents that they have every right to see, but the task is often further complicated by records custodians who are either unaware of, or appear uninterested in following, the law.

A nationwide examination by The Patriot Ledger found that residents who seek information covered by the state's Public Record Law face a good chance of being met by staff who are unfamiliar with its provisions and in some cases residents may even be scolded for asking. In both Braintree and Canton, police responded to requests for the police log by saying, "You can't just walk in and ask to see the police log."

As part of a special report marking Sunshine Week, which begins Sunday, this weekend's Ledger provides some of the tools residents need to request public documents and chronicles town by town what they might experience when they ask.

DETAILS, LEDGERLAND | PAGE 11

INSIDE

EDITORIAL: Intimidation, stonewalls an unacceptable response to public records requests. Page 8

COLUMN: Greater effort at posting records on Web would save taxpayer money, public officials time. Page 9

PUBLIC RECORDS JOURNAL: A town-by-town diary of what it's like seeking information at town halls and police departments. Page 13

TOOLS OF THE TRADE: Sample letters for requesting information and appealing denials along with tips and Web resources. Page 12

ON THE WEB

Find a downloadable proclamation requesting community leaders make public records more readily available.



THEIR SHIP HAS COME IN

Two comic book nerds, Simon Pegg and Nick Frost, are visiting alien hot spots in the American West when they come across an alien being who's stranded on Earth in "Paul."

DETAILS, ENTERTAINMENT | PAGE 28

SPORTS

LEDGERLAND TEAMS AIMING FOR GARDEN

Four South Shore high school basketball teams – Cohasset boys, Hull girls, Archbishop Williams girls and Scituate girls – will try to win South Sectional titles Saturday at UMass-Boston and earn tickets to TD Garden next week.

DETAILS, SPORTS | PAGE 35

Quiet retreats on the home front

Get away from the hot hues and wild colors. Atmospheric decor can create a mood of quietude and retreat in the bedroom or elsewhere in your house. It is characterized by soft textures, transparency and colors that tend to be lightweight and sheer. Designers see it as an antidote to an increasingly jarring and sped-up world.

DETAILS, LIVING ROOM | PAGE 45

EXTRA in YOUR Ledger

Every day, The Patriot Ledger publishes stories you can only find in our print edition. In today's paper:

LOCAL NEWS
Area legislators set their agendas for the coming session
PAGE 17

YOUR MONEY
Finding the right salon can save you the trauma and embarrassment of a bad haircut
PAGE 25

LIVING ROOM
Progress engenders excitement... and nostalgia
PAGE 45

SINGING THE BLUES WITH INSURER'S CEO

Andrew Dreyfus, the new CEO at Blue Cross Blue Shield of Massachusetts, has long been known for his efforts to reduce health care costs. But that ongoing mission could be jeopardized by the recent disclosure of payouts to the insurer's former CEO and its board members.

DETAILS, MASS. MARKET | PAGE 23

DON'T FORGET Turn your clock forward

Clocks around the country will "spring forward" at 2 a.m. Sunday as daylight saving time begins. It ends this year on Sunday, Nov. 6



FORECAST



SATURDAY
Partly sunny
High: 53
Low: 37



SUNDAY
Some sun
High: 52
Low: 28

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Public records out of reach

Despite spotlight on importance of transparency, government documents still hard to get

By John B. Murphy
THE PATRIOT LEDGER

Candidates for public office spent the last election season serenading voters with promises of more transparency in government, but a recent test of that notion suggests there are many in public service who may know the song but choose not to sing along.

Reporters for The Patriot Ledger who recently fanned out across the region seeking public records met a wide variety of responses. Some officials simply handed over what was requested. Others were confused as to how to handle such inquiries and some were sorely misinformed. In Canton, a police officer who was asked for the police log said, "You can't just walk in and ask to see the police log."

An officer in Braintree had an almost identical response and in other cases reporters were asked for money or a driver's license.

"That's utterly absurd," said Alan Cote, Massachusetts supervisor of public records, who said he would address such responses with police officials. "That is a record that the law makes very clear needs to be available upon request."

YOUR RIGHT TO KNOW

Sunshine Week

Sunday marks the start of Sunshine Week, a national initiative to promote a dialogue about the importance of open government and freedom of information.

It is an issue with which the state continues to grapple. This year it launched a new transparency website that acts as a clearinghouse for reams of state reports and statistics.

Yet significant barriers remain. Despite steady and sweeping criticism, the governor's office, the Legislature and the state judiciary are still largely exempt from public records and open meeting laws.

"I would hope there is more public awareness about the need for all of us to push harder for access to public records," said Walter Robinson, director of the First Amendment Center at Northeastern University. "But most of the time I think we're butting our heads up against a pretty solid brick wall."

PUBLIC RECORDS

BY THE NUMBERS

10

Calendar days a government has to respond to a written request for public records

20

Cost, in cents, a person can be charged per page for photocopies of public records

90

Number of days a person has to file an appeal with the Secretary of State's Office after a records request is denied

50

Cost, in cents, police can charge per page for copies of any public records it maintains

1,920

Amount, in dollars, West Bridgewater officials originally wanted for 475 pages of transcripts from closed-door meetings that dealt with alleged misconduct by former police Lt. Raymund Rogers

18

Number of "strictly and narrowly construed exemptions" to the state's Public Records Law



Just how damaging such barriers can be was demonstrated last year when a secret jobs mill at the state Probation Department imploded.

Watchdogs had requested department hiring records for years but were stymied because it is part of the judiciary and therefore exempt from rules that could have forced it to turn over such documents.

In addition to exemptions that shield the upper echelons of government, there are also frustrations related to acquiring records that aren't exempt. Reporters participating in this project found many cases where government employees didn't know the law's provisions.

Cote, who works in the Secretary of State's Office, said the problem is often lack of training and understaffing.

He scoffs at the notion that there is a conspiracy in government to keep information from people. "I think that the people who go into public service generally do it because they want to help people. They're trying to do the best they can."

RECORDS/PAGE 12

Two dozen bills are pending to increase access to public meetings and documents

By Nancy Reardon Stewart
PATRIOT LEDGER STATE HOUSE BUREAU

In Massachusetts, local officials work under strict state laws to make sure municipal business is conducted openly. But the state lawmakers who enacted these laws included a notable exemption: The laws don't apply to them. The Senate and the House of Representatives can deliberate behind closed doors and freely deny access to its records.

"A whole lot of things that would not fly in town government are perfectly legal and standard practice in the Legislature," said Pam Wilmot, president of Common Cause Massachusetts.

This year, close to two dozen bills have been filed to try to change that. It's a bipartisan push from senators and representatives who have proposed lifting the exemption altogether.

Some want to improve access to

public records, making sure they go online whenever feasible, and require that videos of public hearings and meetings get posted on public websites.

These proposals show there's interest in making changes, but some first passes have already been shot down.

In January, lawmakers voted on their procedural rules for the two-year session, a legislative process that allows lawmakers to suggest changes to how they conduct business outside of the usual bill-to-law route.

Republicans proposed amendments to post committee roll call votes online and require 24-hour notice that a bill is up for debate and a vote. A Democratic senator asked that one-week notice be given for public hearings. All three efforts failed, with opponents arguing they were too costly or labor intensive.

But the fight is not over. Senate Minority Leader Bruce Tarr, R-Gloucester;

state Rep. Daniel Webster, R-Pembroke; and state Rep. Thomas Stanley, D-Waltham, among others, have sponsored legislation to lift the Legislature's exemption from open meeting and public record laws.

Tarr's bill goes even further, saying all public meetings and hearings should be videotaped and posted online and remain there for at least two years, then archived in a state library. He also wants anyone looking to tape a meeting to get priority seating.

State Rep. Antonio F.D. Cabral, D-New Bedford, has filed nearly a half dozen bills attempting to increase access to records, with many of them addressing the new challenges of electronic or digital data storage.

One bill would prohibit electronic records from being stored in any way that restricts the public's access to them. And any database used must be able to provide records in a common format.

These bills and many similar ones have been assigned to the Joint Committee on State Regulation and Oversight, which may offer some or all at a public hearing this year or next.

Nancy Reardon Stewart may be reached at nstewart@ledger.com. Associated Press contributed to this report.



A whole lot of things that would not fly in town government are perfectly legal and standard practice in the Legislature"

— Pam Wilmot, president of Common Cause Massachusetts

Public records research at work

Cases where requests help uncover key information

Mystery payout

West Bridgewater wanted to sever ties with police Lt. Raymond Rogers after receiving reports about alleged misconduct. Selectmen signed a settlement agreement in 2008 that allowed Rogers to retire early, receive an undisclosed annual payment and collect his \$67,000 annual pension.

The Enterprise in Brockton asked to see records related to the agreement but was denied. The paper appealed to the state and in June the town was told it must hand them over, albeit redacted. The paper three weeks ago paid \$810 for the documents but has still not received them.

Secret selection

When the Weymouth Housing Authority hired a new executive director last July, it did so without any public discussion of the candidate's qualifications. As a result, The Patriot Ledger asked to see resumes of those who were considered for the job. Authority Chairman Victor Pap refused and his decision was appealed to the state, which ordered the documents released. But there were still other issues of concern. The paper contended the board's hiring process violated the state's Open Meeting Law and requested that it vacate its decision to hire Michael Flaherty, director of the Somerville Housing Authority. The board voted to rescind the offer, held public hearings and then reoffered the job to Flaherty.

EMT scandal

In a scandal last year, the licenses of hundreds of emergency medical technicians were deemed invalid because of falsified training records.

The case raised concerns throughout the state that other EMTs were cheating on tests and not qualified for their jobs.

EMTs are required by the state to take refresher courses every two years covering basic skills and new procedures.

The Associated Press filed a public records request in June that found Massachusetts health officials suspended the licenses of 207 EMTs for falsifying training records.

The state Department of Public Health said the emergency workers claimed they completed recertification training they never attended. In all, 14 municipalities and 10 private ambulance companies were affected.

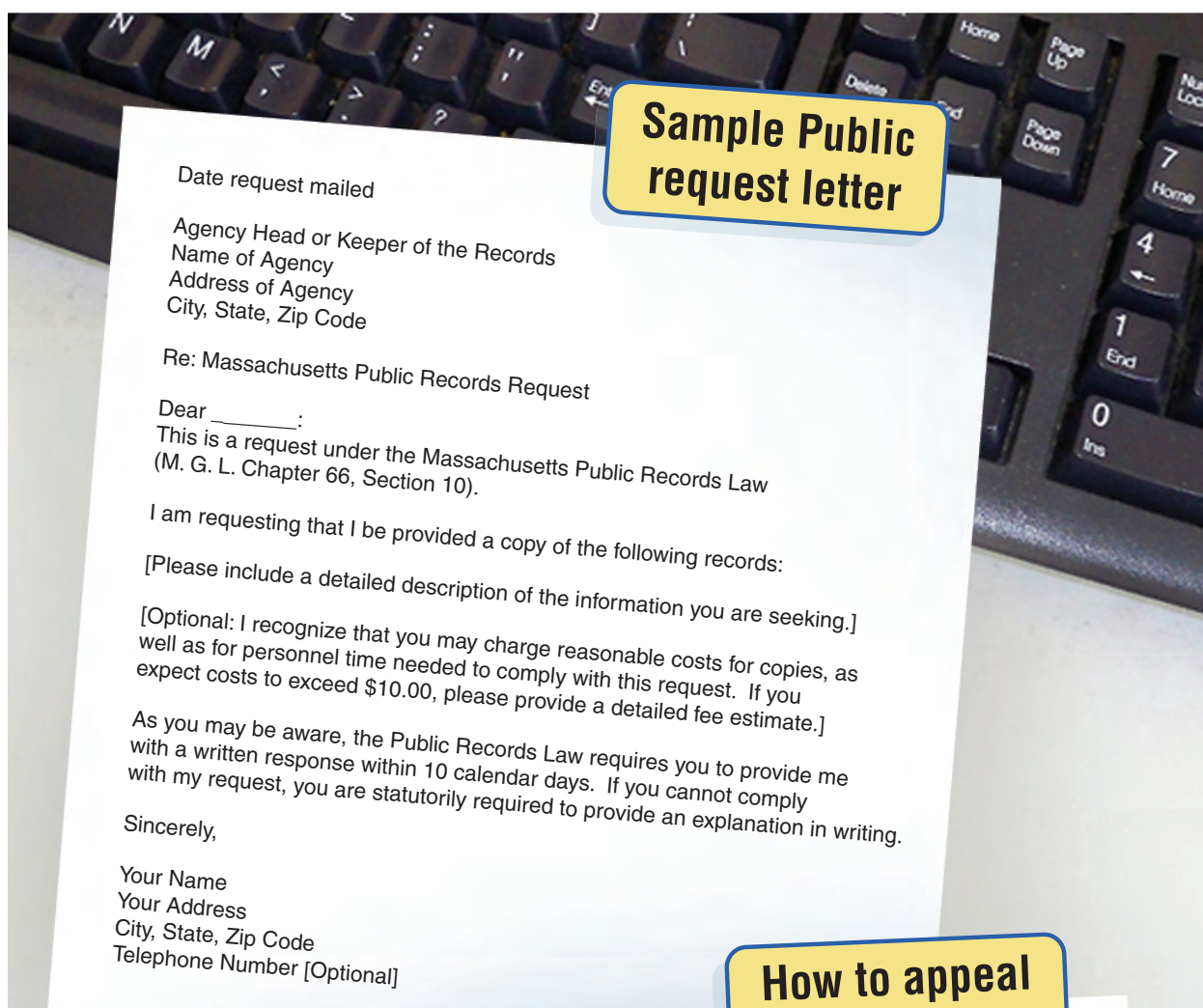
The resulting awareness continues to uncover training scandals. Just last month the Eagle Tribune in Lawrence reported that in a plea bargain deal, 20 firefighters in Haverhill admitted falsifying training records to obtain EMT certification.

Shot in the dark

Neighbors of the Scituate Rod and Gun Club who were concerned about stray bullets striking nearby homes were able to use the Public Records Law in 2009 to gather police records that showed four bullets had struck homes since 2004.

Residents of the Heritage Trail neighborhood used the information to push the club to make changes that would prevent such incidents from happening again.

HOW TO WRITE THE LETTERS



How to appeal a denial

Supervisor of Records
Office of the Secretary of the Commonwealth
McCormack Building, Room 1719
One Ashburton Place
Boston, MA 02108

To the Supervisor of Records,
I hereby appeal the denial of access regarding my request, which was made on _____ (date) and sent to _____ (records keeper name and address of agency).

The records that were denied or not provided include: _____ (provide details from original request).

As required by the Massachusetts Public Record Law, I am including:
1. The written request originally made to the records custodian. (The request must be over ten (10) days and under ninety (90) days old);
2. and the written response, if any, that was received from the records custodian.

If this appeal is denied, please explain the reasons for the denial in writing.

Sincerely,

Signature
Name
Address
City, State, ZIP code

PUBLIC RECORDS TIPS

- Be specific. Both in your original request and any appeals, be sure to clearly identify the records you are seeking. This decreases the likelihood of delays and of receiving the wrong records.
- Go with letter in hand. Not all records requests will require a letter. Your best bet is to first go to the records keeper in person and make an oral request. Have your written request with you so that if one is required you don't have to make a second trip.
- Follow up. There will be times when you must leave your request with someone who is not the official records keeper. If you are asked to leave your request, ask the person there when the records keeper is likely to receive it and follow up with a phone call to make sure that happened.
- Don't quit. If your records request is denied or the records keeper does not respond within 10 calendar days, you have the right to appeal to the state. You must do so in writing.

Public records are hard to reach

RECORDS/FROM PAGE 11

When that isn't the case, Cote said the first symptom his office sees is an increase in public records appeals from a particular community.

"When there are a series of appeals in a community we will get on the phone and tell them we're coming," he said, referring to seminars his office does to educate public officials on the state's Public Records Law.

Meanwhile, those who have been stymied in their efforts to get public records say the key is perseverance.

"If you go to the government, they're not going to tell you when they're doing something wrong," said Robert Thomas of Weymouth.

Thomas, a perennial candidate for mayor and a wickedlocal.com blogger, has for two years been gathering public records pertaining to former Mayor David Madden, who sought enhanced retirement benefits based on his years



PHOTOS.COM
■ Reporters seeking public records got mixed responses from officials.

as a firefighter. Madden appealed a decision denying him those benefits and Thomas has been tracking the case.

To aid people like Thomas in their quest for public records, the New England First Amendment Coalition this past week announced a collaboration with Suffolk University Law School to provide legal advice in cases where people feel they are being wrongly denied such documents.

"The goal is to form a bank of students who will interact with the public, field phone calls and Internet inquiries," said Gregory V. Sullivan of Hingham, a lawyer and a member of the Suffolk Law faculty. "The students will do the research and their work will be reviewed by faculty advisers."

Even with such support, many who have experience in pursuing public documents say perseverance will remain essential.

"A person has to be dogged in their pursuit of the facts in any (public records) matter," said Thomas.

WHAT IS SUNSHINE WEEK?



Sunshine Week is a national initiative that aims to draw attention to the importance of open government and freedom of information.

It seeks to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger.

The tools people can use to keep the light shining on their government include the federal Freedom of Information Act as well as state open meeting and public records laws.

Today we're focusing on the state's public records law, both how to use it and how it's changing.

More companies see records request as part of doing business

Reflecting a growing trend in the business world, a company proposing to build a power plant in Brockton has filed an official request with the city to see public records related to municipal meetings held in relation to the proposal.

"The city council and other boards have really stifled discussion on the matter, and that's kind of the root of the (request)," Advanced Power Development Director Jonathan Winslow said in January.

The company has requested a trove of documents dating back to 2006, including all documents, e-mails, voice messages, text messages, instant messages and phone records related to Advanced Power's proposed 350-megawatt natural-gas plant, and older records for another plant project proposed for the same site more than a decade ago. It also asks city employees and officials to preserve all relevant voice messages, e-mails, text messages, Twitter messages, instant messages and Internet browsing histories on city-issued and personal devices "from which city business is conducted." City Solicitor Philip Nessralla said some of the material will be exempt from public-records law because it would reveal legal strategy for active cases involving the plant and the city.

Not every corporate request comes as a result of a contentious battle with a municipality. Nationwide, public records keepers report an increase in requests from companies as they realize the information received can help them better compete for government contracts.

The (Binghamton, N.Y.) Press & Sun Bulletin last year reported that a textbook company in the Binghamton area had requested requisition records from a local community college that it said would help it better calculate bids for future textbook contracts.

A PUBLIC RECORDS JOURNAL



The state's Public Records Law is supposed to be a tool available to everyone. To give readers a better sense of what the experience of seeking such records might be like, we sent reporters to every town in the region to request two items: The previous day's police log and last year's expense budget for the community's chief administrative official. State law

requires a response within 10 calendar days of a written public records request.

The idea was to see how the average person would be treated. So the reporters did not identify themselves unless specifically asked. Here, town by town, is a journal of their experience.

ABINGTON

■ **EXPENSE RECORDS:** Town manager's secretary, Nancy Hurst, said she didn't have his expense report readily available but if I filed a written report, I could get it. Received a call Tuesday saying it was ready at no charge.

■ **POLICE LOG:** Printed out, handed over with no problem.

— ERIN SHANNON

AVON

■ **EXPENSE RECORDS:** Was told I needed to submit request in writing. I asked if there was any record I could look at today, that I didn't need to make copies. She said she didn't know and that the town administrator, who would know, wasn't in. My written request was given to the selectmen's secretary, who said she would respond "in the appropriate amount of time."

Status: Received 11 days after request.

■ **POLICE LOG:** During unpleasant encounter with the deputy police chief, I was told I couldn't view the log but was charged \$10 for a five-page printout.

Status: Received upon verbal request.

— ERIK POTTER

BRAINTREE

■ **EXPENSE RECORDS:** The woman at the town manager's office said she was new on the job and didn't know about expense records.

■ **POLICE LOG:** Officer greeted me this way: "What do you want that for?" I just want to view the log for yesterday, I said. "You can't just do that." I told him it's a public record, and I'd like to see it. Received it after two more visits.

— CHRIS BURRELL

CANTON

■ **EXPENSE RECORDS:** Went to the selectmen/manager's office but secretary did not know how to compile those and said she would find out. After asking if I was a college student doing a project or a reporter, I told her I was a reporter. She took my number and promised to get back to me.

Status: No response.

■ **POLICE LOG:** I walked in and asked to see the previous day's police log. The officer asked who I was, I told him my name, and he said "You can't just walk in and ask to see the police log." He told me police reports were private but that he would show me the "press log" if I gave him my name. He then printed out a single sheet of paper with one arrest.

Status: Received upon verbal request.

— KAITLIN KEANE

COHASSET

■ **EXPENSE RECORDS:** The town had me fill out a form. Was told my request would be "extensive and expensive" and I would hear back in 10 days. Several days later, the town sent me a copy of fiscal 2009 figures.

Status: Wrong records provided.

■ **POLICE LOG:** Provided upon verbal request.

— FRED HANSON

DUXBURY

■ **EXPENSE RECORDS:** Spoke to a secretary in the selectmen/town manager's office. She asked for a written request but did not ask who I was. Town Manager Richard MacDonald called my cell phone several hours later and said he would get back to me.

Status: Written request submitted. No response within 10 days.

■ **POLICE LOG:** Asked officer at the window for a copy of the previous day's log. He seemed confused and asked if I worked for a newspaper. I said I was a Ledger reporter. Lt. Lewis Chubb then came out to the lobby and said, "We don't do them daily." He told me the previous week's logs are



FILE PHOTO

■ Brockton police officer Peter Spillane, left, works at one of two dispatch stations as Lt. Wayne Sargo, right, checks a log in the communications area.

posted every Thursday or Friday on the department's website. I later went to the website and did not find current logs.

Status: Records provided upon written request.

— CHRISTIAN SCHIAVONE

HANOVER

■ **EXPENSE RECORDS:** Spoke to town manager's assistant, who said I would have to put my request in writing. She said the request would have to go to the finance office.

Status: Available upon written request.

■ **POLICE LOG:** Asked a dispatcher to see the previous day's log. He pointed out that it was on the counter.

Status: Received upon verbal request.

— JACK ENCARNACAO

HINGHAM

■ **EXPENSE RECORDS:** Spoke with the administrator's assistant. She said my request would have to be in writing. I gave her the written request.

Status: Made available upon written request.

■ **POLICE LOG:** Went to the dispatch desk and asked for the log. The dispatcher asked me who I was, and I told him my name. He asked me what day I wanted and I told him yesterday. He came out about five minutes later with the prior day's log.

Status: Received upon verbal request.

— JACK ENCARNACAO

HOLBROOK

■ **EXPENSE RECORDS:** Selectmen secretary Marjorie Godfrey provided a break-out of the town administrator's income and work expenses instantly upon request, with no questions or hesitation.

■ **POLICE LOG:** Officer Thomas Gainey pointed to a book in the department lobby. Logs were up to date. He also asked if I needed help reading the log.

— MARIBETH CONWAY

HULL

■ **EXPENSE RECORDS:** Spoke to town manager's assistant. I made the verbal request and she said the town accountant's office could help me. The accountant sat with me and outlined the town manager expense budget. She never requested anything in writing or asked me to identify myself.

Status: Received upon verbal

request.

■ **POLICE LOG:** Asked the dispatcher to see the previous day's log. She asked, "Who are you with?" I told her my name. Then she said, "From The Ledger?" I said yes. She gave me the log book.

Status: Received upon verbal request.

— JACK ENCARNACAO

KINGSTON

■ **EXPENSE RECORDS:** Spoke to Lynn Cook in the town administrator's office. She asked that I submit a written request. I did so and left. She didn't ask who I was or why I wanted to look at the information. She called me about an hour later and said that the information was ready.

Status: Received after written request.

■ **POLICE LOG:** I walked into the station and found an up-to-date log book on a table in the lobby.

Status: Received upon verbal request.

— CHRISTIAN SCHIAVONE

MARSHFIELD

■ **EXPENSE RECORDS:** The treasurer/collector called the day after my written request and said the information was ready.

Status: Available upon written request.

■ **POLICE LOG:** Marshfield told me I had to come back the next day and talk with the records clerk.

Status: Not readily available.

— FRED HANSON

MILTON

■ **EXPENSE RECORDS:** I went to town hall and spoke with the woman in the town administrator's office, who said she was new and didn't know how that information was recorded or kept. Records were provided later.

Status: Made available.

■ **POLICE LOG:** I went to the dispatcher and asked for the prior day's log, which she printed out and handed to me. They did not have a log out for the public, but were quick to provide print-outs of the prior day.

Status: Available upon verbal request.

— KAITLIN KEANE

NORWELL

■ **EXPENSE RECORDS:** I was asked to submit a written request. Subsequently, the town sent me a letter saying I could have the two

later, a plain-clothed police officer (with gun on holster) emerged from a door and asked me what I needed. I said the police log. That costs \$5, he said. I said I didn't want a copy, just to view it. So they printed out a copy and gave it to me.

Status: Provided upon verbal request.

— CHRIS BURRELL

RANDOLPH

■ **EXPENSE RECORDS:** The town administrator's office was manned by the animal control officer, who said the secretary would be the one to answer any records-related questions, but she was out that day. An administrative assistant later explained the town manager does not claim expenses.

Status: Request not applicable.

■ **POLICE LOG:** I asked the dispatcher for the log from the previous day, and an officer immediately brought the log book, which was up to date.

Status: Received upon verbal request.

— KAITLIN KEANE

ROCKLAND

■ **EXPENSE RECORDS:** I went to the town manager/selectmen's office and spoke to the woman behind the desk. She said I'd need to put my request in writing. I gave her the written request, and she gave me an additional form to explain what specifically I wanted. She said they would call me if it would cost more than \$10.

Status: Record available for fee.

■ **POLICE LOG:** I asked a dispatcher to see the previous day's log. He pointed to the log books on the counter across the room, which went back several months and were nearly up to date, but didn't have yesterday's logs. I told him, and he printed it for me, said someone must have forgotten to do it last night. He then added it to the book.

Status: Available upon verbal request.

— KAITLIN KEANE

SCITUATE

■ **EXPENSE RECORDS:** I got a letter from the town administrator's assistant asking for more specific information on expenses.

I was told the town administrator receives a monthly mileage stipend and reimbursement for any meetings or conferences she attends on behalf of the town. The monthly mileage stipend for 2009-2010 was \$250 per month. Conferences and meeting attendance was budgeted for \$1,200 for fiscal 2010.

Status: Received upon verbal request.

■ **POLICE LOG:** Provided upon verbal request.

— FRED HANSON

STOUGHTON

■ **EXPENSE RECORDS:** Spoke with the secretary of the town accountant. She seemed nervous about giving me the expense report without her boss' approval and asked that I come back in one-half hour, when he would be back from lunch. When I got back a half-hour later, the report was printed and ready for me to take. The town accountant invited me into his office and showed me what he was printing and how to read the report.

■ **POLICE LOG:** Provided without any questions.

— ERIN SHANNON

WEYMOUTH

■ **EXPENSE RECORDS:** I was told that the mayor's office files no expenses because the mayor and staff all pay their own mileage or other expenses themselves, not billing the town a penny.

Status: Request not applicable.

■ **POLICE LOG:** I requested the log verbally and was given it immediately.

— CHRIS BURRELL

WEB EXTRA

- State Public Records Division, Office of the Secretary of State: www.sec.state.ma.us/pre/
- Sunshine Review: Includes report card on municipal, county and state transparency www.sunshinereview.org
- Massachusetts School & District Reports/Ratings: www.massreportcards.org
- Full Disclosure:

- Public records database run by Commonwealth magazine www.tinyurl.com/CWdisclosure
- First Amendment Center, Northeastern University: www.northeastern.edu/firstamendmentcenter/
 - Massachusetts Campaign of Open Government: www.maopengov.org/
 - New England Center for investigative reporting: www.necir-bu.org/wp/

FREE HELP

The New England First Amendment Coalition recently announced it will provide individuals and groups with help accessing public records through a newly established collaboration with Suffolk University Law School.

NEFAC is a nonprofit organization with a mission to expand public access to government and the work it does. Its board includes

journalists, educators and First Amendment lawyers from the six New England states.

For more information or to seek support from Suffolk Law School's New England First Amendment Coalition chapter, contact Chau Trinh at ctrin51@gmail.com or Jereme Geller at jeremegeller@gmail.com.



COMMENTARY

JOANN FITZPATRICK

Memo to unions: That was then; this is now

The national debate over public-employee wages and benefits is the culmination of deep-seated changes that have taken place in American society since the 1980s.

Workplace guarantees – or traditions, at least – that men and women once depended on have been disappearing. Sad to say, the good old days are not coming back.

This is what union leaders fail to understand. The proposal this week from Massachusetts union leaders is predicated on the belief that the battles raging from Wisconsin to New Jersey and in numerous other states are the result of budget shortfalls and are therefore temporary.

The budget deficits are real but the dilemma is not temporary, not at all.

A snapshot of the 1960s and '70s: A middle-class couple could buy a nice home for \$60,000 and count on its value steadily appreciating. At retirement, they would reap a ten-fold payout, providing they hadn't traded up or mortgaged the future on home equity loans. They also could afford to save for their children's college education and take a nice vacation.

That's how my generation started out. Most important, we knew we could get a job. And if we stayed with a good company, we'd likely have a pension.

None of that is true today. The great middle class has been squeezed and shrunk. For most workers, real wages have been flat for the past decade.

I don't like this situation any more than teachers or police officers or middle management employees do. In my view, it is immoral and a dangerous distortion of the hallowed American principle that those who work hard will be rewarded and have a chance at the brass ring. Today, while middling success is getting harder to achieve, the richest 1 percent take home 24 percent of income. Disparity of this magnitude stokes anger; it's one of the reasons Americans are so riled up.

Who doesn't want to blame the super-rich? Outside of Republican politicians, I mean.

But the titans of Wall Street cannot be brought to heel. That piece of American custom hasn't changed; the rich will always have theirs and they aren't about to bail out this or any other state.

The focus, then, is on what can be controlled – public employee wages and benefits. We taxpayers are paying their salaries.

Drastic changes in the private sector workplace have left American workers feeling they are on shaky foundation. The amount they pay toward health care keeps rising, their likelihood of a pension is diminishing and for millions since the Great Recession began, their job is gone. If a worker is 50 or older, prospects of regaining a decent job with benefits are slim.

Is it any wonder public employees have come to be regarded as a protected class?

The bedrock union argument is that workers gave up higher pay in exchange for benefits. But that argument is obsolete. In union strongholds – and that includes Massachusetts – public sector wages correspond to those in the private sector. There are variations, depending on education levels, especially. But one thing that's not debatable is the level of benefits public employees receive compared to those in the private sector. Public employees fare better, by a wide margin.

Hence the focus on pension and health care costs and the need to revise them so they are more reasonable and affordable. That means contributing more toward health insurance and getting rid of the age 55 minimum for full pension benefits.

This is primarily a local issue since most public workers are paid by municipalities. And local budgets are supported by property taxes. Yet union leaders choose to ignore the burden they are placing on their neighbors. This week, state labor leaders said they would agree to a compromise that could save cities and towns \$120 million this year but half the savings would go back to workers. That is fiscal nonsense.

To underline how out of touch these people are, Ed Kelly of the Boston Firefighters Union declared, "We're not going back on the soup lines." What soup line? Boston firefighters start at \$52,000 and last year received a 19 percent raise over four years. Can you match that?

I don't want to see a war on labor unions or an end to collective bargaining. There is plenty of evidence to show what happens to workers, especially those in the lowest-paying jobs, when protections do not exist.

But public employee unions must understand the public cannot afford to subsidize benefits or dained in a different time.

JoAnn Fitzpatrick can be reached at joann-fitzpatrick@yahoo.com.

FREEDOM OF INFORMATION



PHOTO ILLUSTRATION BY PHOTOS.COM

LET THE RECORDS SHOW

It's time for Massachusetts to pursue greater online access to public information



COMMENTARY

ROSANNA CAVANAGH

The computer has become the first stop for many of us when looking for the answers to a question. We turn to the Internet to find a store or a restaurant, a phone number, directions and updates from friends.

Yet, when it comes to finding information about our own government, public records are commonly not available online except, of course, if they are coming from WikiLeaks. Often, to access documents from state agencies, we must go in person, submit a records request by hand or mail, and wait 10 days or longer for a reply.

Meanwhile, the agency must pay someone to sift through the records requests, respond to them, photocopy the requested material and send it to the proper recipient. This made sense, historically, when all the records were kept in hard copy but no longer makes sense now that most everything is created electronically in the first instance.

Why not spend the money instead to have state employees post relevant information from

each agency online in a searchable format so that interested citizens, reporters and academics can find what they are looking for without having to make a records request?

This would surely cut down on the number of public records requests and allow agencies to pay better attention to the requests that are still made and to other pressing government business.

The Sunlight Foundation, a nonprofit organization devoted to increasing government transparency, has adopted the ethos that "public equals online" and has been working on legislative initiatives to require the federal government to move documents onto the Internet.

State governments should take this approach as well. Massachusetts, in particular, could pay some attention to this issue. A study by U.S. Public Interest Research Groups published in April 2010 ranked all 50 states in providing online access to government spending data and gave Massachusetts an "F" for online access. Gov. Deval Patrick has launched a Massachusetts transparency website to ameliorate this problem, yet we have a long way to go before every state agency has its most relevant information online.

This is the goal of a bill sponsored by state Rep. Antonio Cabral, H.01736 ("An Act to Enhance Access to Electronic Public Records") would make public records routinely available

in electronic form and those of significant import available online. Specifically, agencies would have to make available in searchable format final opinions, decisions, orders or votes from agency proceedings, all annual reports or reports to the General Court, notices of proposed regulations, notices of hearings, winning bids for public contracts, and any public record information "of significant interest to the general public," including public record information that is the subject of "multiple public record requests."

The searchability requirement is a critical element of this reform. It would allow much more efficient analysis by interested parties. How much easier is it to hit "control F" to find something than to read 125 pages of a report looking for a single reference or bit of information?

Rep. Cabral's bill was filed Jan. 20 and was referred to the Joint Committee on State Administration and Regulatory Oversight on Feb. 16. Will it make it out of committee and see the light of day? Let us hope so. Perhaps the sunshine of the weeks ahead will bring action on this and other legislative initiatives to make our government truly more transparent.

Rosanna Cavanagh is executive director of the New England First Amendment Coalition Inc. Reach her at rosecavanagh.ne-fac@gmail.com.

**YOUR
RIGHT TO
KNOW**

Sunshine Week

FEDERAL BUDGET

Now is time to shore up support

Too many local initiatives depend on federal aid for Washington to abandon ship



COMMENTARY

JOHN KERRY

The budget the House of Representatives sent to the Senate this week, which we defeated, would have stifled innovation, and effectively turned our back on the needs of communities such as Marshfield.

Among other things, the House Republican budget would have eviscerated the Community Development Block Grant Program, a lifeline to cities of all sizes all across America. Cities have used grants in a variety of ways – creating jobs, leveraging private economic development, promoting home ownership, providing social services, improving energy efficiency and building infrastructure. But the House budget would have cut the program by 62.5 percent, from \$4 billion a year to \$1.5 billion.

Every community has issues that are uniquely its own. In Marshfield, the sea wall nearly collapsed last May. Then, last December, there were breaches of the Scituate sea wall, flooding homes within 200 yards of the wall. Federal agencies have been slow to help, because they claim that residents along the sea wall

own 30 feet out to the ocean, including the sea wall.

However, much of the town infrastructure, including sewer and water lines, is located within 200 yards of the sea wall. Flooding could compromise the town's drinking water and sewer systems, affecting not only the sea-side residents but the whole community.

Repairing the sea wall in Marshfield could cost \$2.5 million; in Scituate, at least that much more. In fact, there are estimates that the cost of repairing sea wall breaches up and down the entire Massachusetts coast could top \$1 billion.

What's more, the burden of updating water and sewer systems is crippling our cities and towns. I hear from mayors all the time that are facing court orders to put in new systems or clean up old ones that simply don't have the budget for it. They are forced to pass along soaring water bills to their communities to comply.

Our cities and state simply do not have the room in their budgets for this kind of expense. But there are things we at the federal level can do. I'm already looking at how we can address the issue of flooding when we take up the Water Resources Development Act in the Senate in the coming months. This legislation will authorize Army Corps of Engineers projects across the country to help communities deal with flood damage, water resource problems and aquatic systems.

Now is not the time to abandon our cities. Mayors and city managers throughout the

country are reporting the largest spending cuts and revenue losses in the last 25 years, according to the latest survey by the National League of Cities. They are being forced to make difficult decisions that are impacting the social and economic fabrics of their communities.

But they are fighting back.

In Quincy, for example, Mayor Tom Koch has begun a downtown redevelopment project that will cost \$1.3 billion. The project is seeking to attract more retail businesses, a new medical facility and apartments and condominiums. It would create thousands of new permanent jobs, as well as temporary construction jobs. I have been fighting for federal support for this project which will be a huge economic boost for Quincy and the region.

Federal investments like these are critical, and cities and towns cannot be left to foot the bill all alone.

I take a back seat to no one on fiscal responsibility. As a freshman senator I was there fighting for the Gramm-Rudman Hollings deficit reduction, and I cast the tough votes of the 1990s that balanced the budget and created surpluses as far as the eye could see. But the Republican budget was a disaster for Massachusetts and our economy, and it had to be defeated. Now let's get real. Let's begin an overdue adult conversation so we get our fiscal house in order without threatening our recovery today and our competitiveness tomorrow.

Democrat John Kerry is the senior senator from Massachusetts.

The Patriot Ledger

The Quincy Patriot, 1837 Quincy Daily Ledger, 1890 Consolidated Jan. 1, 1916
 John B. Murphy Editorial Page Editor Richard Daniels Publisher Chazy Dowaliby Editor
 Vol. 174 No. 61 68 Pages Sat/Sun, March 12-13, 2011 Page 8
 Published by the George W. Prescott Publishing Company, 400 Crown Colony Drive, Quincy, MA 02169
 A GateHouse Media publication
 Classified Advertising 617-786-7100 News 617-786-7026
 Retail-National Advertising 617-786-7180 All Other Departments 617-786-7000
 Home Delivery 617-786-7200

OUR OPINION

Police intimidation, interrogation unacceptable

Some of the frustrations people experience when seeking public records can be chalked up to overwhelmed or undertrained public employees, but the aggressive interrogations and intimidation at some local police stations are indefensible.

Reporters who canvassed police and municipal departments throughout the South Shore recently found that staff in several cases were poorly informed about the state's Public Records Law and that some seem to take offense to it.

In two instances, in Canton and Braintree, reporters acting as private citizens who wanted to see the police log (the most basic of public documents) were told, "You can't just walk in and ask to see the police log." Others were told they had to provide a driver's license. One reporter was interrogated at the Avon Police Department and then charged the exorbitant fee of \$10 to see the log.

This weekend marks the beginning of Sunshine Week, a national initiative that aims to draw attention to the importance of open government and freedom of information.

In the past we've used this week to rail against the exemptions to the law, which include the governor's office, the Legislature and the judiciary. Those exemptions continue to strike us as indefensible, but today we focus on the importance of making the records that are public more accessible.

Avon Police Chief Warren Phillips says he tries to impress upon his staff the importance of good public relations with people who come to the police station, noting that often it's their only exposure to the department.

Likewise, Canton police spokesperson Lt. Helena Findlen said our reporter's experience in her depart-

ment can likely be chalked up to inexperience on the officer's part.

Obviously, more needs to be done. Nobody should fear being bullied when they request to see a police log. Public officials – and police officials in particular – must ensure their front-line staff understand the Public Records Law and treat residents with respect, not suspicion and defensiveness.

We urge public officials to do more to make the experience of seeking public records less intimidating. We also encourage residents to seek from their elected officials not just broad

statements of support for greater transparency but specific pledges and plans of action to enhance the public's right to know.

On our website, patriot-ledger.com, you will find a downloadable proclamation that can be customized to give to your community leaders.

In addition, new resources are available to help you in your quest. The New England First Amendment Coalition this past week announced it will collaborate with Suffolk University Law School to provide legal advice to people navigating public access laws.

Dire economic times have put a squeeze on everyone's money and there's never been a time when it has been more important to know how your tax dollars are being spent.

When you see something going on at city or town hall that confuses you or doesn't seem right, take a deep breath and ask to see related records. The process is certainly flawed but perseverance usually wins the day. As it has for years, The Patriot Ledger reaffirms its commitment to shine strong light into dark corners on your behalf. But nobody is in a better position to pick up the scent of trouble than people like you.

YOUR RIGHT TO KNOW

Sunshine Week

Striking out easier than self examination

Given the alarming perception about drugs and violence in Weymouth schools, it is troubling the district's leaders would expend so much valuable meeting time on blaming the messenger for repeating news they had already made public.

School administrators on Feb. 24 posted results of a survey of parents and teachers in which concerns about bullying, drugs and alcohol were pronounced. Asked whether they agreed that Weymouth High School was safe from gang activity, 77 percent of teachers and 54 percent of parents said yes.

That means that more than one in five teachers and 46 percent of parents declined to say the building was safe from gangs.

Yet rather address what Weymouth's own mayor described as "alarming" results, the first comment school officials made – two weeks after the survey was made public – was on what they saw as sensational coverage of the issue.

"The (Ledger's) headline and front-page headline was far more important than allowing the committee sufficient time to review the survey results and present those publicly instead of allowing the broad data to be twisted into a headline," said committee Chairman Sean Guilfoyle.

The paper in fact did contact every school committee member along with school superintendent

Mary Jo Livingstone for comment before publishing the story but was met with silence. Livingstone said she didn't comment because she hadn't yet read the results, despite the fact that the survey was posted on the schools' website with a summary note signed by her.

The Ledger's March 1 story reflected information that had been on the school's public website for more than a week.

This is a survey that found a majority of parents and teachers could not agree with the statement "Students do not threaten or bully each other at this school."

The problem in this case wasn't press coverage of information already available to the public. The problem was the school board's and superintendent's failure to give the survey's results their highest priority.

Forty-one percent of high school teachers and 51 percent of high school parents did not agree with the statement "This school is free of weapons."

How can you post such frightening results and not expect parents and the public to want immediate reactions from those best in a position to address these problems.

School officials in this case should focus on the perceptions among teachers and parents of significant bullying and drug problems in school and less time on shooting the messenger.



HEARD IN THE HALLS

WILD KINGDOM ON SOUTH SHORE

Recent pig, seal sightings send people running for the phone

It's that time of year again. Oh boy, is it. The sight of a healthy harp seal resting awhile in the marsh along the Squantum causeway Tuesday prompted dozens of calls – some of them downright frantic – to the New England Aquarium, Quincy police, state Environmental Police and a certain local newspaper.

Adam Kennedy, a biologist at the aquarium, spent most of the day returning calls to people, reassuring them that the visitor was alright. The seal was most likely just taking a breather on its way north to Canadian waters, he explained. Nothing to worry about unless the gawkers got too close and spooked the animal.

Back on Feb. 24, The Patriot Ledger ran an above-the-fold story on the front page with a headline that read: "Leave the seals alone."

The subhead: "Ones seen locally are just resting, not stranded, expert says."

Still goes, folks.

BOLO for Porky

The sight of any animal other than a cat or dog in Quincy might send people scurrying for their cameras but in Halifax, a rural town of cranberry bogs and woodlands, even a pig in the road doesn't startle the locals.

A driver called Halifax police Thursday morning reporting that a "large pig" was wandering in the road at Walnut and Summit streets. The woman said she was worried the pig might cause an accident. An officer checked the area, but the pig had apparently gone home.

No drink before ink

Tattoo artist Keith White of Abington, who is set to open Hanover's first tattoo business in the Hanover Mall, told planning board



FILE PHOTOS

■ A dog or cat in the neighborhood is one thing. But when people see pigs and seals, they take note.

members Monday night that he, like most tattoo parlor owners, shuns intoxicated customers. They're tough to deal with, he explained. And one more thing: "People bleed more when they've been drinking."

Good to know.

Professor Shaq

Shaquille O'Neal says his battle cry for 2011 is "18-25".

That's 18 titles for the Celtics, two for Doc Rivers, Paul Pierce, Kevin Garnett, Rajon Rondo and Ray Allen, and 5 for himself.

He also mentioned that 1825 was the year John Quincy Adams of the Quincy Adamses was inaugurated as president.

Ka-ching!

Former U.S. Rep. William DeLaunt, D-Quincy, continues to stack up an impressive, well-paying group of clients for his new lobbying firm. Two months after retiring – with

two public pensions, one state, one federal totaling about \$150,000 a year – the former Norfolk County District Attorney has announced that the firm he founded in February, the Delahunt Group, will lobby on behalf of the Mashpee Wampanoag tribe.

The potential casino developer joins the city of Quincy, which recently hired Delahunt, a Marina Bay resident, to open doors in Washington.

Under federal law, a former U.S. representative cannot lobby members of Congress for one year after leaving office. But Delahunt told the Ledger recently that that won't hamper his advocacy of his clients.

"I'm prohibited from lobbying Congress for a year, but that doesn't mean I can't be an advocate at the White House and with federal agencies as well as state agencies," he said.

File under the rich get richer.

Lots of company

As Gov. Deval Patrick traveled around Israel this week, he was certainly not lacking for company. In addition to the 24 members of the business community and eight members of the official government delegation accompanying him on the trade mission, 11 state government staff members made the trip over the Atlantic to make sure the mission runs smoothly.

At the time Patrick announced the 10-day trip to Israel and Great Britain, the administration said "limited staff" would be joining him at a cost of roughly \$300,000 for airfare, accommodations and other expenses.

If that's what he thinks is limited, wonder what he considers a crowd?

Patriot Ledger staff members Chris Burrell, Brian Badzmerowski, Robert Sears and Ken Johnson contributed to and material from State House News Service was used in this report.

READERS' OPINIONS

Donovan plan puts him in bad spot

Regarding Kevin Donovan's possible run for Abington selectman: the chief executive officer of the South Shore Tri-Town Development Corporation should not be an elected official from any one of the three municipalities involved with the Southfield project.

Lots are being sold, mitigation checks have been written and development is set to begin.

However, the Navy still controls two-thirds of the land, and there is still a lot of work that needs to be done.

People are uncertain about the project, and I understand their frustrations.

This project is a tremendous undertaking with many complicated steps; however, if done correctly with strict oversight, it can be something special.

This project is too important to the future quality of life of our communities for there to be even a slight appearance of conflict.

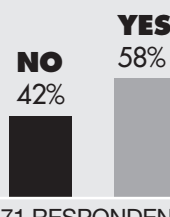
Simply put, the chief executive officer should never have to recuse themselves from any aspect of this project.

They should be independent, and the people deserve it.

PATRICK O'CONNOR
 Vice President
 Weymouth Town Council

LEDGER LINE RESULTS

Should the U.S. Department of Justice reopen its investigation of the April 19, 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City?



271 RESPONDENTS

You will find a daily poll question in the paper and at PatriotLedger.com. On Friday, we asked about the 1995 bombing of the Alfred P. Murrah federal building. The results will appear online and on tomorrow's Editorial page.

Visit www.patriotledger.com to vote in today's poll.