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FOIA Number:

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FOIA MARKER

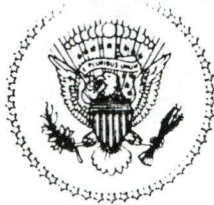
This is not a textual record. This is used as an administrative marker by the George Bush Presidential Library Staff.

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Speechwriting, White House Office of
Series: Speech File Backup Files
Subseries: Chron File, 1989-1993

OA/ID Number: 13735
Folder ID Number: 13735-007

Folder Title:
[William] Weld for Governor Fundraiser 11/1/90 [OA 8318] [1]

Stack:	Row:	Section:	Shelf:	Position:
G	26	21	1	2



10/19/90

OFFICE OF PRESIDENTIAL ADVANCE CONTACT SHEET

Name	Office	Phone Number
Presidential Advance Office		202/456-7565
Presidential Advance Fax Number		202/456-2820
Judd Swift	WH-Advance	202/456-7565
Kelley Gannon	" (Press)	"
Larry Muckerman	" (tr. co. brd.)	"
Patrick Davis	WH-Political	202/456/7730
Stephan Silveira	Weld/Celucci	617-523-4333
ANDY FOSTER	WH POLITICAL AFFAIRS	202 456 6510
JENNIFER GROSSMAN	WH SPEECHWRITING	(202)456-7750
DALE JENKINS	WH ADVANCE	202-456-7565
CINDY GRAF	MASS GOP	(617)924-8688 x604
PRISCILLA RUZZO	MASS GOP	617-924-8683 x609
LARRY LANDRUM	WH COMM AGENCY	(202)395-4040
Robert Schmeck	Resident mgr (Hotel)	617-2296565
LARRY SPERL	U.S.S.S.	202-395-4112
Major Dave Bonwit	Marine Corps Aide to the President	202-395-1747
Pamela Nicastro	Sales Manager	617 229 6565 x6614
BRIAN FAJER	FRONT OFFICE MANAGER	617 229 6565 X6717
ANDREW D. PETERS	FOOD + BEV Director	ext 6603
Richard Pappano	Chief Engineer	ext 6661
Amanda ANTHONY	Director of Marketing	ext 6605
Jim Durrell	Gen. Mgr.	x6600
Pam Carey	Banquet Captain	ext 6694 or 6649
JENNINE COBE	SECURITY SUPERVISOR	EXT 6645
BOB DONNELLY	HOTEL CONTROLLER	EXT 6726
BRAID WEBBER	DIRECTOR OF CATERING	6613

Bruce Stebbins
is Pol Affairs for MASSACHUSETTS
ALL HOTEL STAFF 617-229-6565

To Jennifer

Date _____ Time _____

WHILE YOU WERE OUT

M ~~Dede Mary Ann Carter~~

of Mary Ann Carter

Phone Appaport -
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message _____

If you need any
more help - she's
the NRSC researcher
up there _____
Operator

that's
your

For the benefit of Bill Weld & Paul Blazer

Ray will intro Weld, Weld intros Shamie Pres

- Pres might say that Ray built the party

→ but

also ~~there~~ where Repubs are in MA

fact that GOP didn't pick Weld
* NOT A TABOO SUBJECT

- Steve Pierce in new campaign chairman
- a lot of top pierce staffers have gone to Weld camp
- will be Pierce & Weld peop in the crew

- Repub state committee pulling event together

believers
the Pres
does know
was

ack - Silvio Conti US congress man
- also know John... 66-70

②
→ Nancy Bush Ellis will be
at head table, she's Pres sist

- 9/28/ thru 9/30 Red Socks
plays Toronto Blue Jays

- if socks win it
might be approp for

pres to mention it
with the good luck
w- to Lennart
w- Seiver

→ last game of season is Wed Oct 3rd
so well know it they win
the division

* Wellsley

- Turner reconstruction
Central Artery & Tunnel Project

- Rats all over the place
- but MA demo always get
excited when there's pub
spending involves

BOSTON

1) Primery has not occurred yet, so we don't have a candidate yet (Tues 18 is primary) will be after 10/2 party
see #9

Oct 4 Luncheon
Pao arrives 12:00 Noon

- Two needed
→ Reception, photos
→ Gen Luncheon

- someone to intro gub cand
- gub cand to intro pres

10 to 15 min speeches

3) Most of ideas will come from candida comparison

(830 people held by room, but we don't have a figure yet

of attendees

4) locate: within hotel
- might meet at the old public library

Bill Fucir
John
led

612 924 8683 x 607
x 650

6) ~~environment~~ - new hotel, 7 yrs old, in the heart(?) of Boston

hotel
descrip

- near historic Beacon Hill

- near ritzy shopping on Newbury

Redsox are 5 or 6 games ahead right now, right wait that is, Fenway park not far

local
issues

7) Lighthearted Dukakis jokes

-- don't sure there's precedents for this kind of visit

8) ~~room~~: B. J. modern

room
descrip

* ask man + Dad about local issues

9) ~~Steve Pierce vs. Bill Weld~~

- Polls close

Pierce → focuses on economic disaster of the Commonwealth

- has been working on this for years
- while Dukakis was bragging about econ. miracle, Pierce was saying it's a disaster

Primer

JORDAN ST. JOHN (from Pierce for Gov) or
fill me in
← he has the info

- sullen visage

- * If we want to talk about edue.,
there's a lot to go on
- 1st of all: Boston & Mass are home of some of our country's greatest learning instts
 - MA is site of some edue. experiments (see notes from Parker's briefing)
 - Pub Library is right next to hotel

suggested theme
↓
obviously
economy
is an
obvious
choice

Big in Globe this week

- That the judicial system in state is a joke

- A lot of the Dem reps in the state house preach on law, they have 88% vic in front of a select group of judges
- They so home at 12

- joke about judiciary judges do take care of MA budget problems
IS BECOMING A BIG CAMP ISSUE

* Let's elect a governor

US Athlms for MA +

Asst Athlms Gen under Ed

Mease, because we don't need judges or keep out the wheel, we put in and present ->

of/ Would you'll no
and judges are behind
the bench instead of
behind the wheel at
2:00

- I know you have
traffic probs in
Boston, creative way

- Phil will be at Belknap
Campaign ~~will~~ on Monday
Ted Fryer will replace
him, he's at 1607

53
62
71
85

(Hinchliffe/Grossman)
October 17, 1990 12:30 p.m.
MASS

PRESIDENTIAL REMARKS: MASSACHUSETTS GOP FUNDRAISER
November 1, 1990

Thanks Bill -- I'm glad to be here today -- and I want to tell you there's no truth to the rumor that I was afraid to leave Washington. Dan Quayle does not own a copy of Evelyn Murphy's autobiography. \\ However, there is some sense of betrayal on the home front. Who would have thought my own dog would write a "lick and tell" book. \\ \\ And maybe, with her writing ambitions, maybe she'll be the next Redskins locker room correspondent. \\ \\

It is great to be back in Boston, down the road from where I ^{??} was born -- and with my sister, Nancy, here to keep an eye on me. \\ You know, on my way over here, I was tempted to stop off at Wellesley College to say a few words. But I was afraid they'd ^{needs work} think I was only there because I'm Barbara's husband. \\ \\ I see lots of old friends here: Congressman (Silvio) Conte; Governor (John) Volpe; Senator (Dave) Locke. Also, Andy Card and Ron Kaufman, sons of Massachusetts now in Washington with me. \\

And congratulations to the terrific team that's going to bring victory and a clean house to Massachusetts Tuesday: Bill Weld, your next Governor; Paul Cellucci, Lt. Governor; Jim Rappaport, US Senate; Joe Malone, Treasurer; Bill Sawyer, Attorney General; Paul McCarthy, Secretary of State; Doug Murray, Auditor; and all the other great Republicans running for Congress and for offices in the Massachusetts State House, which Oliver Wendell Holmes called "the hub of the solar system". \\ And Ray Shamie -- your vision has forged a forceful new definition of

Republican strength as you lead our party in the '90s. \\

And Steve (Pierce) -- a true gentleman -- you've earned our greatest respect. You've set a terrific example of putting party unity first -- a legacy of honorable leadership for this state. \\

You know, it's good we're getting together over breakfast -- I don't have to worry about broccoli on the menu, and Bill doesn't have to worry about finding chicken there. \\ Attila the Hen will make a much better First Pet than First Course. \\

I'd told some of my aides they should take time to look around while we're here -- but when they signed up for a tour to the site of the Boston Massacre, they ended up at Fenway Park. \\ It was a memorable series, though -- Roger Clemens has been sent to the showers before, but this was the first time he had his mouth washed out with soap while he was there. \\ Kind of harsh punishment, though, for saying to the umpire "read my lips." \\

So, today I know you're all thinking about the team that's had rough times and has fallen from grace in this state -- that's lost its first place status -- that just couldn't seem to get the job done. \\ But enough about the Massachusetts Democrats. \\

And enough of the Massachusetts Democrats. Of the angry alienation and distrust Massachusetts voters have felt for too long. In their place comes a lanky redhead with a wry wit; with a voracious appetite for cheeseburgers and literature; with unblemished integrity; and with a vision of a state without corruption. Bill Weld will turn Massachusetts into a place where strength means strength of character, not strength of old-boy connections. \\

5000's
transcript

He's the leader for the '90s -- Bill, we're behind you 100% -- for the future of this state, you've got to win, and you're going to win. And you'll make a great Governor...for a Harvard man. \\

Bill's record shows a tough but fair leader who holds firm to his ideals. A no-nonsense prosecutor who won't tolerate leniency toward those who violate our safety, our homes and our lives. A man of intellectual brilliance and moral strength whose calling has been to enforce government ethics and stalk political corruption. And a man who, along with your State Treasurer candidate Joe Malone, knows what's needed to pull your economy out of its nosedive. \\ Though I had an idea for a creative solution to your budget mess. Just start paying the judges by the hour. \\

And my friend Paul (Cellucci) will be a great partner. You know, 11 years ago, Paul was the first elected official here to endorse the candidacy of another tall Republican -- this one from Yale, this one running for President. My Massachusetts campaign then consisted of the two of us driving from town to town across this state. Nine years later, Paul was still with me -- this time as my campaign manager and one of my Four Horsemen -- along with the two Andys (Card and Natsios), and Leon (Lombardi). \\ I treasure and admire Paul's loyalty, dedication, and ability. \\

You know, a few years ago a Democratic teenager had a summer job here working for the state government. At the end of his project, he tried to give back the money that was left over. No, he was told, spend it all anyway, or else we won't get more added-on next year. It was at that moment Jim Rappaport decided he'd have

more than a few, we don't want to make him send two guys as much

Texas

nothing more to do with the tax-and-spend policies of the state Democrats -- and he became a Republican. And we're glad he did.

I've heard more ideas from Jim in an hour than from his ^{opponent} opponent in six years in the Senate. I was especially impressed by his thoughts on earned income tax credit for child care and nursing homes. \\ Jim must join me in Washington. He may be the vote in the Senate that guarantees us a majority. We're that close. \\ How different the entire budget process would have been with Bob Dole as Majority Leader. How different this entire country will be with a Republican-controlled Senate. \\ \\

And with these Republicans in leadership roles, it will no longer be said of Massachusetts, as it was said of a similar land in Biblical times: "Where there is no vision, the people perish." \\ \\ The vision of the reborn Republican party in this state will bring back hope and optimism and the future itself to people badly in need of political salvation. \\ \\ Bill, Paul, Jim, Joe and the rest of the ticket -- we're strongly in your corner.

And all of you here today -- and everyone across the nation -- need to be in America's corner on ... (BUDGET INSERT TO COME)

And there is one special place where our thoughts -- and our hearts -- must be: in the Persian Gulf, with our servicemen and women who wait with heroism made of quiet steel. They are there for principles -- holding fast to a deep and honorable morality.

They know the atrocities Saddam Hussein is inflicting on the innocent. They know the threat Saddam Hussein is posing to the world. They do not believe -- as does Jim's opponent -- in

giving this brutal tyrant diplomatic "wiggle room." They do not believe -- as does Jim's opponent -- that the U.S. should signal what he calls "a willingness to see Iraq's claim on specific Kuwaiti territory argued in some international forum." Hearing a sitting U.S. Senator make these statements denigrates the sacrifices of our youth -- and diminishes the lives lost and the suffering endured by our Kuwaiti brothers and sisters.

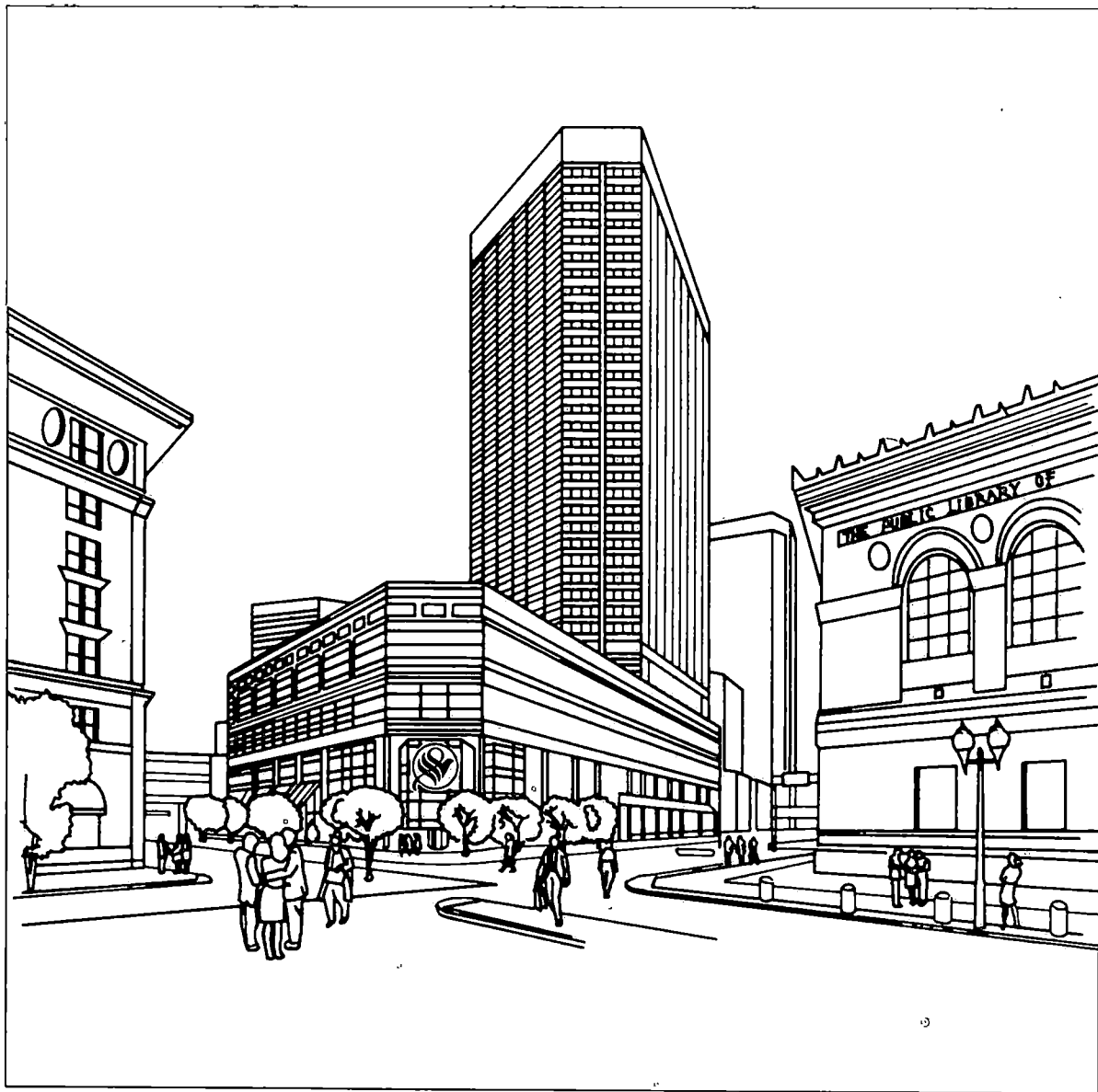
We can give back something to these servicemen and women by making a statement next Tuesday -- by voting. By using this precious privilege of democracy -- and by doing it to honor them. And by assuring that here in Massachusetts -- and across the country -- we elect the candidates who stand for what we believe.

You know, 370 years ago next week the crew of the Mayflower sighted land, and stepped upon ^{not till later?} this shore inspired by the vision of creating the finest and fairest place on earth. Their Governor, William Bradford, said of their community: "as one small candle may light a thousand, so the light here kindled hath gone unto...our whole Nation." I know that the integrity and strength of character of the Republican candidates and leaders here today will at last return Massachusetts to its place as the center of the very best moral and intellectual and human possibilities. \\

Thank you for being here -- for supporting Massachusetts Republicans and our country's most important goals. God bless all of you, and the United States of America.

#

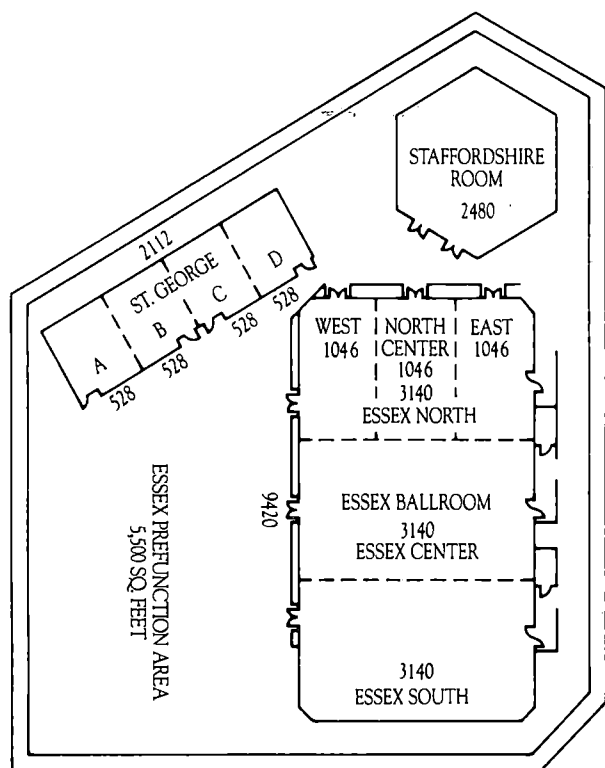
FACILITIES GUIDE



THE WESTIN HOTEL
Copley Place Boston

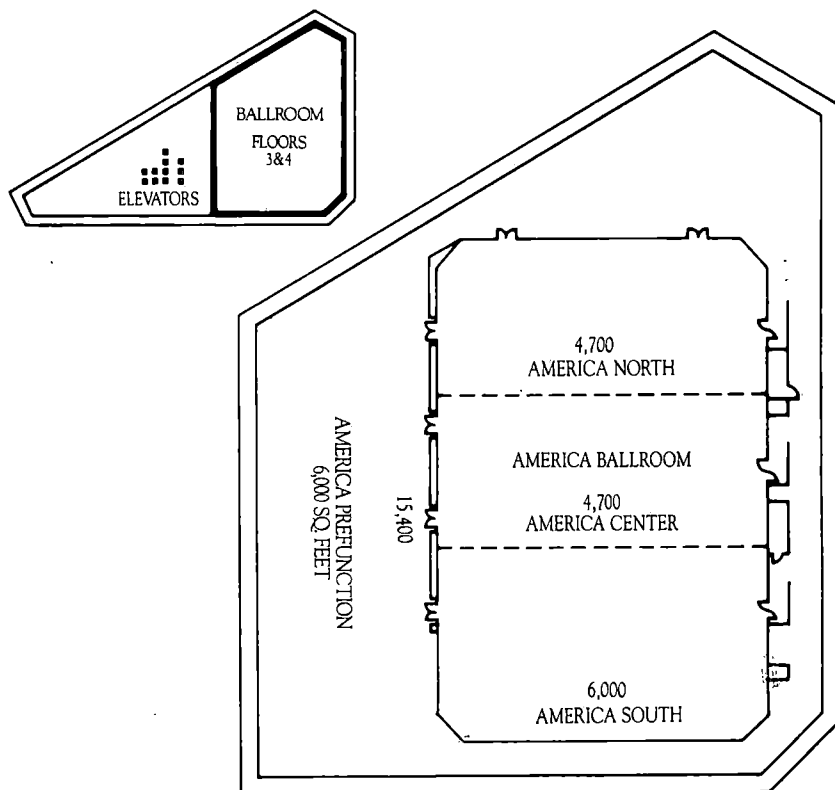
ESSEX BALLROOM

3rd FLOOR



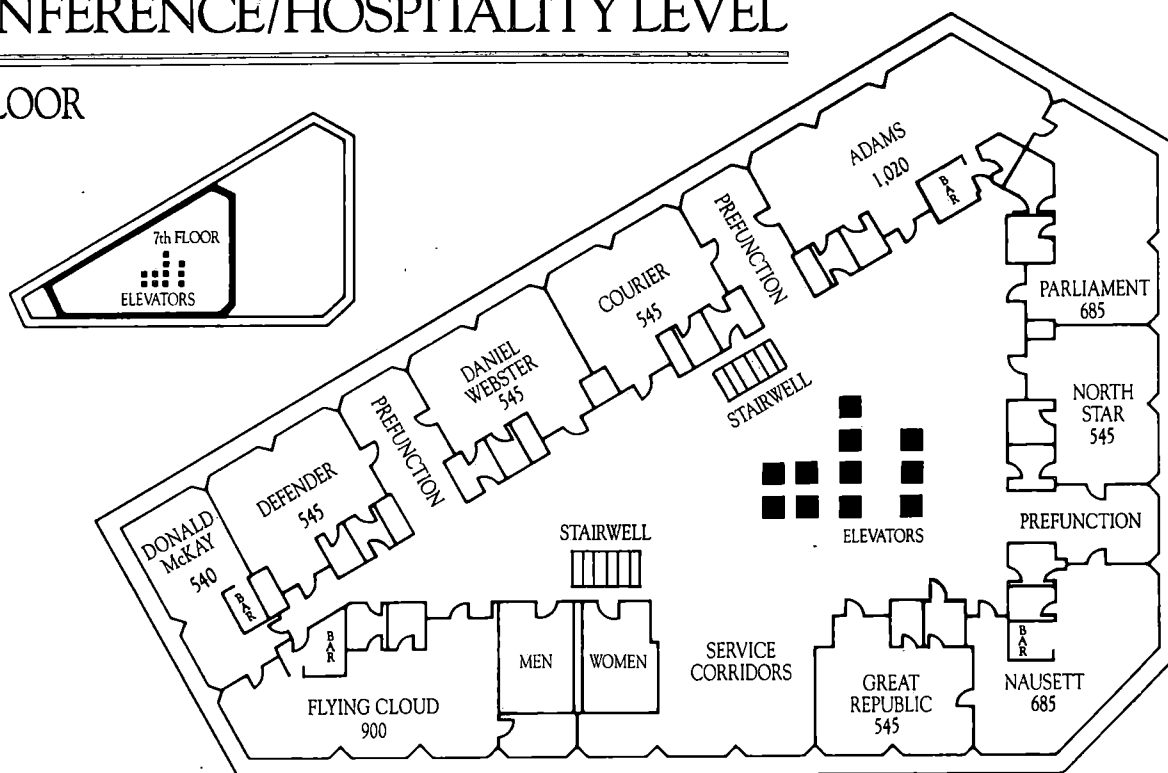
AMERICA BALLROOM

4th FLOOR



CONFERENCE/HOSPITALITY LEVEL

7th FLOOR



820-SEATS

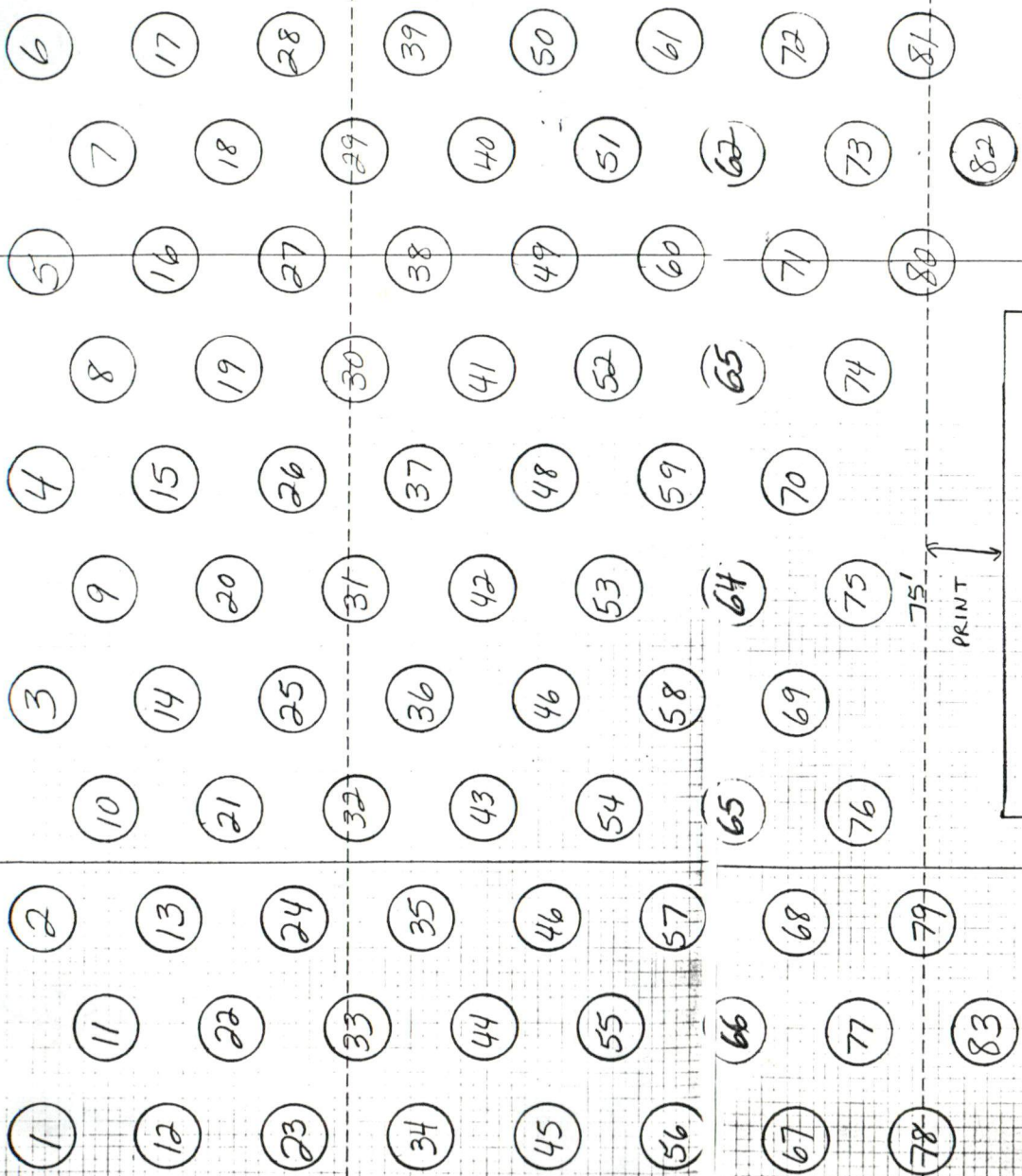
MASSACHUSETTS
REPUBLICAN
COMMITTEE
OCTOBER 4, 1990
WESTIN HOTEL, COPLEY
SQUARE
BOSTON

30' x 8' x 16'

75'
PRINT

40' x 8' x 24"

40' x 8' x 32"
ELECTRICAL



America Foyer

America Foyer



THE WESTIN HOTEL
Copley Place Boston

Mark H. Beaudry
Director of Security

10 Huntington Avenue, Boston, MA 02116
(617) 262-9600



THE WESTIN HOTEL
Copley Place Boston

Mark Hellrung
Executive Assistant Manager

10 Huntington Avenue, Boston, MA 02116
(617) 262-9600 FAX: (617) 424-8957



THE WESTIN HOTEL
Copley Place Boston

Roberta M. Annis
Director of Catering

10 Huntington Avenue, Boston, MA 02116
(617) 424-7407, (617) 262-9600, Fax (617) 424-8957



THE WESTIN HOTEL
Copley Place Boston

Michael D. Sherck
Senior Assistant Manager

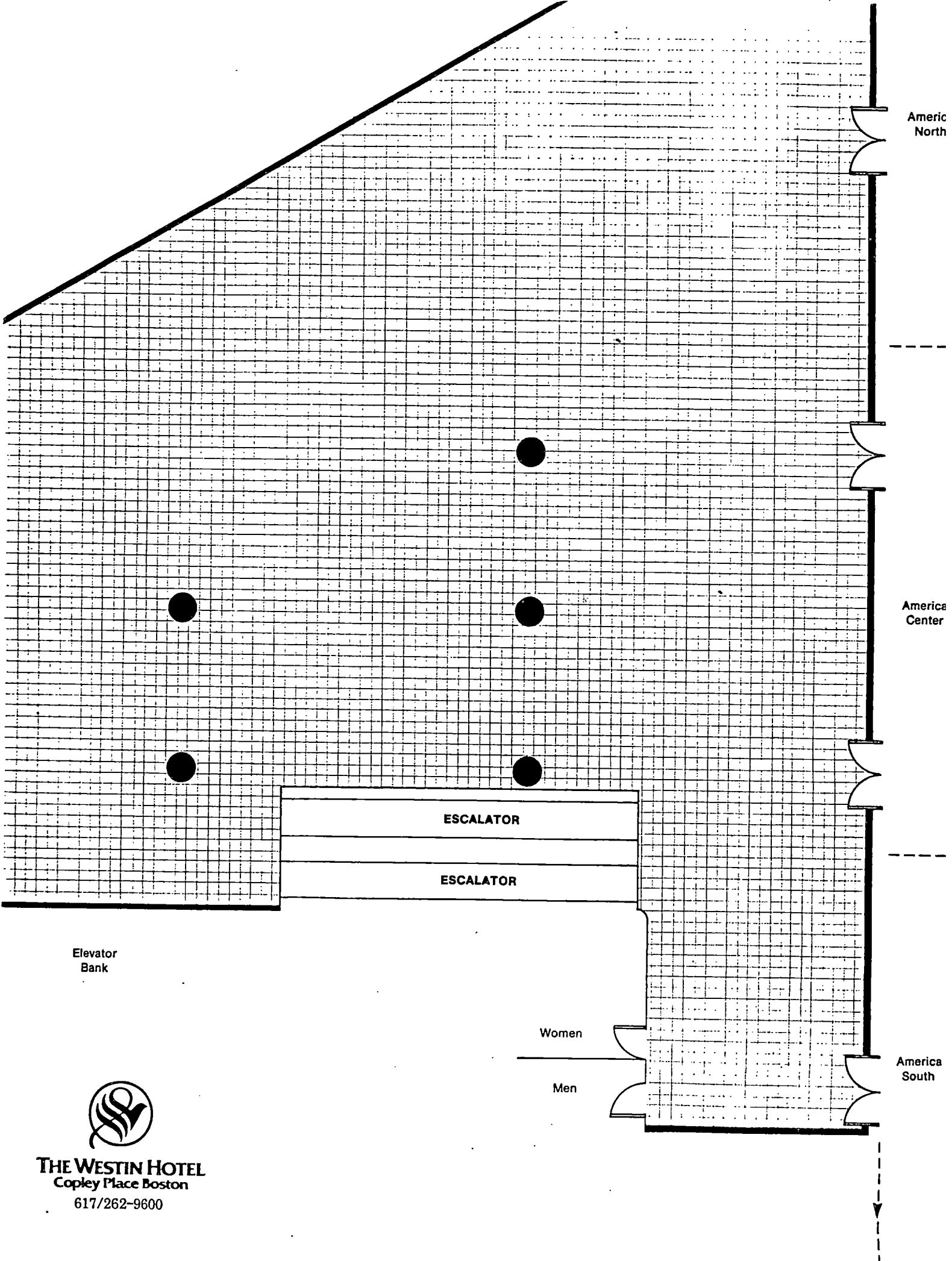
10 Huntington Avenue, Boston, MA 02116
(617) 262-9600



THE WESTIN HOTEL
Copley Place Boston

Karen J. Collins
Director of Sales

10 Huntington Avenue, Boston, MA 02116
(617) 262-9600 Direct: (617) 424-7415
FAX: (617) 424-8957



Elevator
Bank

ESCALATOR

ESCALATOR

Women

Men

Americ
North

America
Center

America
South



THE WESTIN HOTEL
Copley Place Boston
617/262-9600

SPECIFICS

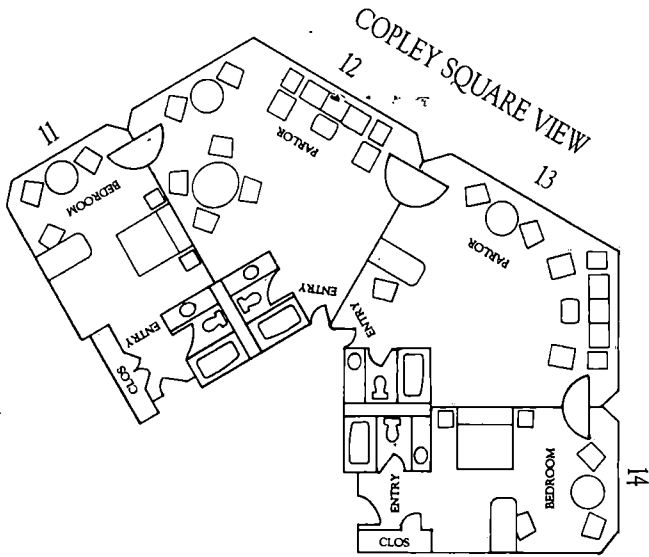
	ST. GEORGE	ST. GEORGE A	ST. GEORGE B	ST. GEORGE C	ST. GEORGE D	STAFFORDSHIRE	ESSEX	ESSEX SOUTH	ESSEX CENTER	ESSEX NORTH	ESSEX WEST	ESSEX NORTH CENTER	ESSEX EAST
THEATRE STYLE	240	55	55	55	55	280	1100	330	330	330	100	100	100
SCHOOLROOM STYLE	110	25	25	25	25	140	520	180	180	180	60	60	60
CONFERENCE STYLE	—	20	20	20	20	—	—	—	—	—	34	34	34
RECEPTION	240	65	65	65	65	300	1175	380	380	380	120	120	120
DINING	170	40	40	40	40	220	850	260	260	260	80	80	80
DINNER DANCE	100	—	—	—	—	150	675	225	225	225	—	—	—
WIDTH FEET	22	22	22	22	22	*	74'2"	74'2"	74'2"	74'2"	24'7"	24'7"	24'7"
LENGTH FEET	96	24	24	24	24	*	126'9"	42'3"	42'3"	42'3"	42'3"	42'3"	42'3"
CEILING HEIGHT FEET	10	10	10	10	10	12'6"	11'6"	11'6"	11'6"	11'6"	11'6"	11'6"	11'6"
TOTAL SQ. FEET	2112	528	528	528	528	2480	9420	3138	3138	3138	1045	1045	1045

* STAFFORDSHIRE 42' x 59' x 42'

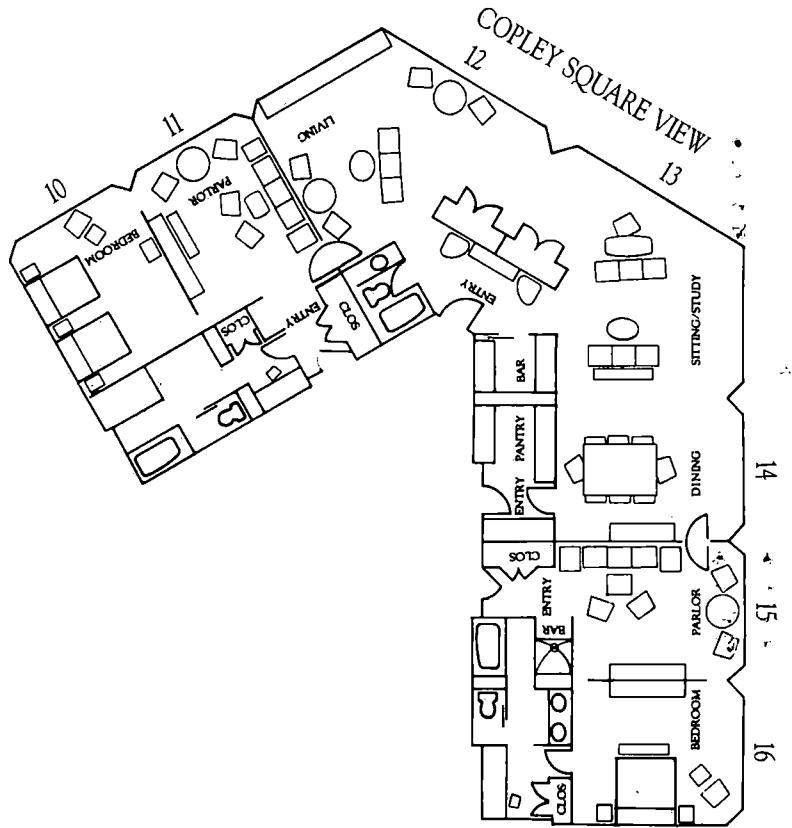
	AMERICA BALLROOM	AMERICA SOUTH	AMERICA CENTER	AMERICA NORTH	GREAT REPUBLIC	DANIEL WEBSTER	COURIER	ADAMS	PARLIAMENT	NORTH STAR	NAUSETT	DEFENDER	FLYING CLOUD	DONALD MCKAY
THEATRE STYLE	1960	750	520	520	50	50	50	80	70	—	30	—	75	25
SCHOOLROOM STYLE	970	360	280	280	30	30	30	50	40	—	20	—	45	15
CONFERENCE STYLE	—	—	—	—	20	20	20	35	25	20	15	20	25	12
RECEPTION	2150	800	600	600	60	60	60	100	70	—	60	—	90	30
DINING	1400	500	380	380	40	40	40	60	50	20	40	20	50	12
DINNER DANCE	1000	400	300	300	—	—	—	30	—	—	—	—	—	—
WIDTH FEET	101	101	101	101	28'7"	28'7"	28'7"	52	36	28'7"	36	28'7"	47'3"	13
LENGTH FEET	152'2"	59	46'6"	46'6"	19	19	19	19'6"	19	19	19	19	19	16
CEILING HEIGHT FEET	16	16	16	16	9	9	9	9	9	9	9	9	9	16
TOTAL SQ. FEET	15,400	6,000	4,700	4,700	545	545	545	1,020	685	545	685	545	900	520

SUITES

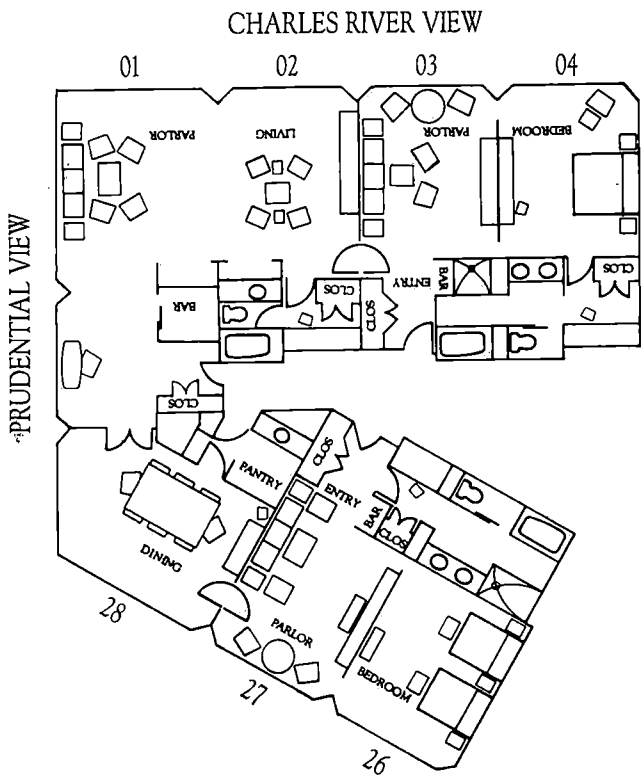
GOVERNOR'S SUITE



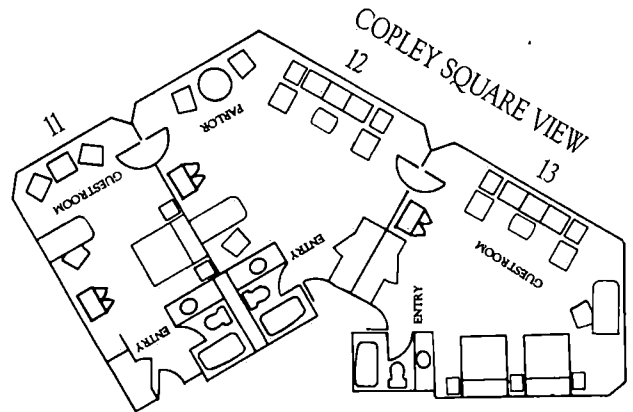
PRESIDENTIAL SUITE



IMPERIAL SUITE

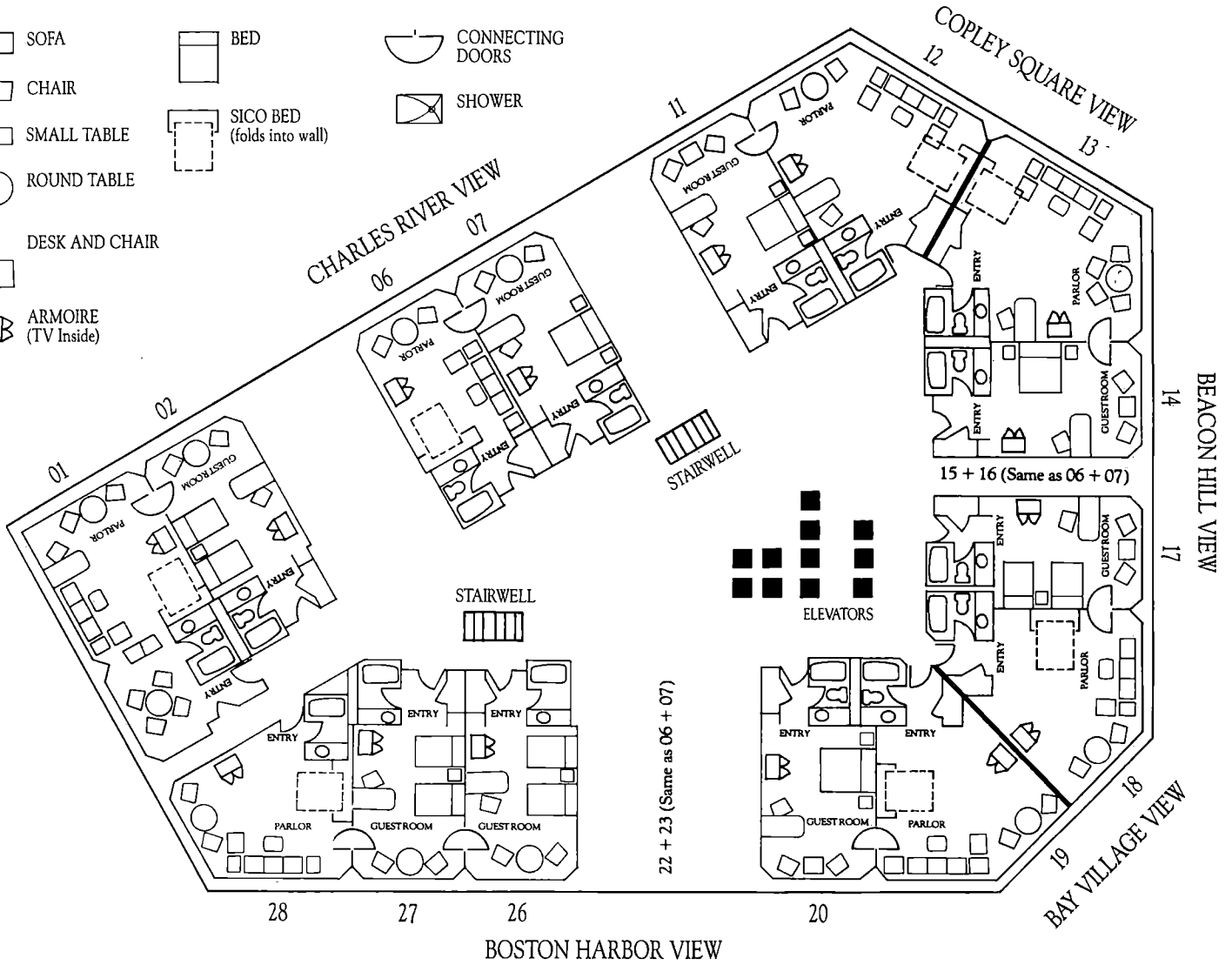
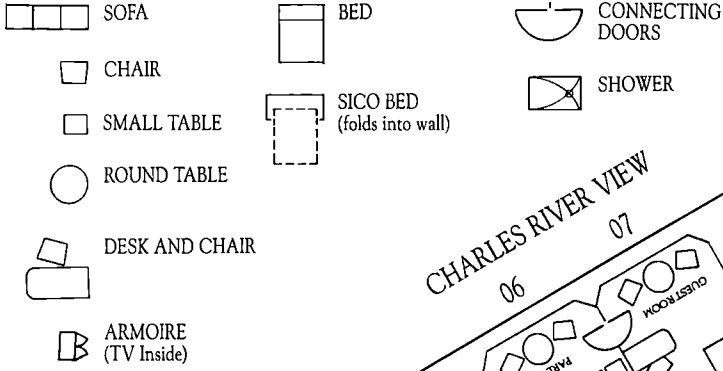


SENATOR'S SUITE

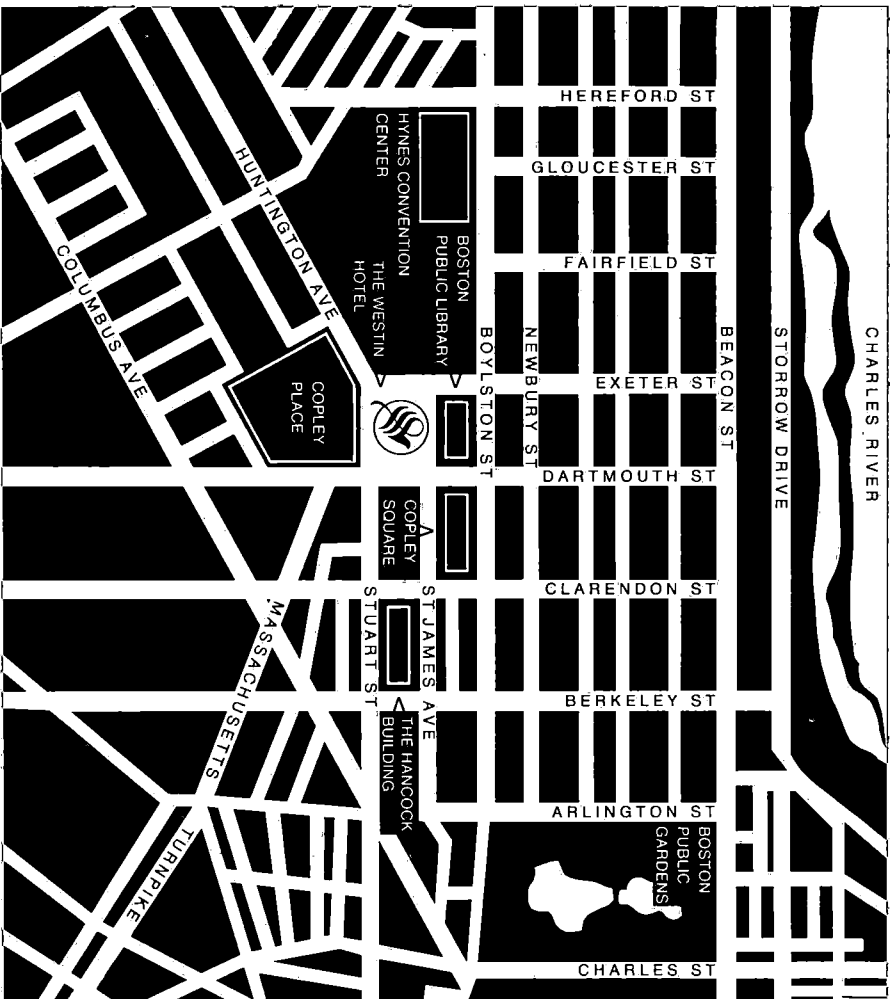


GENERAL HOTEL FLOOR PLAN

KEY



NOTES



THE WESTIN HOTEL
Copley Place Boston

10 Huntington Avenue, Boston, MA 02116 (617) 262-9600 (800) 228-3000 Cable: WEST IN BOST, Telex: 94-8286
 FAX # 617-424-7483

City/State: Boston, MAEvent: GOP FundraiserDate: Sept. 14, 1990

**OFFICE OF PRESIDENTIAL ADVANCE
CONTACT SHEET**

Name	Office	Phone Number
Presidential Advance Office		202/456-7565
Presidential Advance Fax Number		202/456-2820
Judd Swift	WH Advance	202/456-7565
Spencer Geissinger	"	"
Lucy Muckerman	"	"
JENNIFER GROSSMAN	WH SPEECHWRITING	202/456-7750
Bruce Stebbins	WH Political Affairs	202/456-6510
Kim Riley	WH Intergovernmental	202/456-6697
DALE JENKINS	WH ADVANCE	202-456-7565 617-387-7537 BOSTON
PHIL PUCCIA	STATE PARTY COMMUNICATIONS / EVENTS	617 924-8683
BOB RISNEY	WH Comm AGENCY	202 395-4040
Doug Adair	WH Cabinet Affairs	202 456-2800
SEAN BYRNE	ARMY AIDE	(202) 395-1747
Lee Viverette	MARINE ONE	703-640-2364
Beth Lindstrom	State GOP	617 924 8683
JAMES E. MANDREY	PIERCE FOR GOV.	617-920-1990
ROBERTA ANNIS	WESTIN HOTEL	617-424-7407
MARK H. BEAUDRY	WESTIN HOTEL	(617) 262-9600
Laren Collins	Westin Hotel	(617) 424-7415
MARK HELLRUNG	WESTIN HOTEL	617-424-7402
MICHAEL STORUK	WESTIN HOTEL	(617) 424-7432
Charlie DeVita	USSS - PPD	202 395-4011
Bill Cotter	USSS - Boston	(617) 565-5640

THE WHITE HOUSE

WASHINGTON

September 19, 1990

MEMORANDUM FOR CHRISS WINSTON
RELEVANT SPEECHWRITER
RELEVANT RESEARCHER

FROM: JENNIFER GROSSMAN *JAG*

SUBJECT: AMMENDMENT TO PRE-ADVANCE MEMO; WELD VICTORY IN BOSTON

POTUS is to speak at a Boston, MA fundraiser on October 4th, benefitting the MA GOP and the Republican gubernatorial candidate. The state party had endorsed Steven Pierce, but the primary yesterday (Sept. 18) turned out William F. Weld as the Republican nominee. His opponent in the November 6 general election is John Silber, the president of Boston University.

An issue of certain contention in the election will be the dispute over a citizen-petitioned ballot measure to repeal a \$1.8 billion state tax increase and roll back state fees to '88 levels. Weld says: YES; Silber: NO.

Today's Washington Post notes: "Weld's appeal among independents, who were eligible to vote in either primary, helped him to overtake the summertime front-runner, House Minority Leader Steven Pierce..."
ALSO: "Republicans, who have not won a statewide office here since 1972, believe they have the best chance in a generation to win the governorship by capitalizing on anxiety over the regional economic recession and rage at state government that has raised taxes without solving its deficit problem."

CAMPAIGN CONTACTS:

Ray Howell, Press Secretary at (617) 523-4333
Mitchel Adams, Campaign Mgr, same number.

CANDIDATE:

Weld graduated summa cum laude from Harvard College, received a degree from Oxford University in economics and political science, and graduated cum laude from Harvard Law School.
In '74 he served as associate minority counsel to the U.S. House Judiciary Committee during its Watergate impeachment inquiry.
In '81, Weld was named U.S. Attorney for MA by President Ronald Reagan.
In '85, Weld's fellow U.S. Attorneys elected him chairman of the Attorney General's Advisory Committee of U.S. Attorneys.
Reagan brought Weld to Washington in '86, appointing him Assistant Attorney General in charge of the Criminal Division.
Weld is 45 years old. He lives in Cambridge with his wife Susan Roosevelt, and their five children: David, Ethel, Mary, Quentin, and Frances.
He is running for governor on a ticket with State Sen. Paul Cellucci, a candidate for lieutenant governor.

WELD ON ISSUES:

- 1) BUDGET AND TAXES. Weld opposed the recently passed tax package. Given the state's weak economy, he believes that the tax increase will send the economy into a tailspin. He supports "zero-based" budgeting, and has proposed a number of fiscal restraints. He also supports requiring that revenue surpluses during any fiscal year be appropriated into a special "Rainy Day Fund," which could be used only during fiscal emergencies.
- 2) JOBS AND THE ECONOMY. Weld feels strongly that it is essential to create an environment in the state that is pro-jobs. He will foster such a climate by streamlining the regulatory process and by providing businesses with the incentive to locate and expand in the Bay State.
- 3) WOMEN'S ISSUES AND CHOICES. Weld is a strong advocate of a woman's right to choose.
- 4) CRIME. As a former U.S. Attorney, he understands the importance of a strong criminal justice system. He favors the availability of the death penalty for cases of first degree murder. He wants to reform the parole system, and he supports the so-called "Boot Camp" bill, which, if passed, will establish military-style boot camps for young adult first-time offenders.
- 5) ENVIRONMENT. Weld has a strong environmental protection record as U.S. Attorney. He established an environmental enforcement team and brought numerous cases under the Clean Water Act, Clean Air Act, and the Superfund Law. In '85, he initiated the Federal lawsuits to force the cleanup of Boston Harbor and of New Bedford Harbor.
- 6) EDUCATION. To ensure that our children have the skills they need to succeed, Weld supports the increased use of standardized tests in basic subjects. He also supports a state-wide examination as a prerequisite for high school seniors to graduate.
- 7) HEALTH CARE. Weld believes that the government has a role in assuring that all citizens have access to quality health care.

ARTICLES

- 1) "Things are so bad in Massachusetts that 47 percent of its residents say they would consider moving out of state if the economy got any worse. This is one of the more unexpected findings in a Boston Globe/WBZ-TV poll that shows that Massachusetts voters are intensely gloomy about the state's economic outlook...Fully a third said they are cutting back on groceries because of the economy, and almost as many--30 percent--say they worry about losing their jobs...More than half believe their home has lost value in the last year or so..."

--Boston Globe 9/4/90

2) "The Republicans face some overwhelming odds. According to Tennant (MA GOP Exec. Secretary), in Massachusetts 700,000 people earn at least part of their income from state-related jobs. People tend to vote, not from what's under their hats, but what's in their pocketbooks. The 700,000 who derive some income from the company of Massachusetts are also the most likely to vote. If they can convince at least one other person to vote for their "boss," then the Republicans, who control no state offices to reward their "employees," are holding the short end of a very long stick...

"The Republicans for the first time in years are challenging 100% of the state Senate seats and close to 80% of the House seats this November,...

"The day may come when it will be hard to believe that Massachusetts Republicans were once a species more endangered than the bald eagles at Quabbin Reservoir."

--Adweek "Rare Breed Stages Comeback" 7/30/90

Foe scripts an upset, casts Kerry as 'Dukakis 2'

WT 10/15/90

By Donald Lambro
THE WASHINGTON TIMES

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In a Senate race that has turned into a no-holds-barred brawl, political novice Jim Rappaport has managed to throw Mr. Kerry on the ropes by associating him with Massachusetts' growing economic woes and the policies of Gov. Michael Dukakis, this state's most unpopular politician.

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The Boston Globe

THURSDAY, JULY 12, 1990

The Democrats' tax-and-spend team

ALEXANDER T. TENNANT

Evelyn Murphy is claiming she's on the left; John Silber is claiming he's on the right; and Frank Bellotti is claiming he's in the middle. The Democratic candidates for governor are engaged in a battle to stake out their territory before the September primary. But they have all reached common ground in their mutual belief in greater governmental spending and higher taxes.

Following the Democratic State Convention last month, there was the usual analysis of the winners and losers. But when the Democratic Party put on the ballot its new tax-and-spend team, the real losers were the taxpayers. The only candidate who had common sense and was not part of the insider team was Rep. Jack Flood, and he didn't even make the ballot.

When the Democratic-controlled House passes a \$13.5 billion budget, the public has a right to be angry. When the same Democratic leadership votes for a 35 percent increase in the income tax, citizens realize that the Democrats no longer represent them. Then the Democratic-controlled Senate votes a \$13.7 billion dollar and calls for a higher sales tax. For Democrats, more tax-

es and spending are the first step, rather than an action of last resort. Republicans know that higher taxes are not the way to solve the fiscal crisis. We must cut state government spending, which increased more than 5 percent in the fiscal year that ended June 30.

Endorsed Republican candidate Steven Pierce says he opposes all proposed tax hikes - including the 90 percent gas tax increase - and is also proposing tax breaks for selected businesses to stimulate the economy. Pierce is a supporter of economic enterprise zones, which will encourage businesses to locate in lower-income, inner-city areas to provide job opportunities for the poor.

William Weld, in addition to opposing new taxes, also supports tax breaks for research and development and capital gains, and long-term investment to rejuvenate our sluggish economy.

However, Bellotti supports both the gas tax increase and an income tax increase; Murphy supports the gas tax increase and increasing either the sales or income tax. Silber supports the gas tax increase. All three members of the tax-and-spend team are calling for over \$1 billion in

tax-revenue increases and spending.

The candidates oppose the petition from Citizens for Limited Taxation to roll back the record tax increases imposed last year. Taxpayers are being asked to pay more than \$1 billion more in taxes to meet significant increases in spending since the summer of 1983. Bellotti said that even if the people voted for the CLT petition, he would seek to modify it if elected. Murphy supported an opposing petition supported by the state bureaucracy that would increase the capital gains tax and broaden the sales tax. Silber has said that he would try to repeal the petition.

A few facts are important to keep in mind. Throughout the Dukakis decade of the 1980s, state and local spending increased by 72 percent - an average of 9 percent a year. State spending (without local aid payments) jumped from \$4.3 billion to \$9.6 billion from 1981 to 1989 - 12 percent a year. These figures are reported by the John W. McCormack Institute of Public Affairs.

The refrain heard from the Democrats is that if the taxpayers give them just one more tax increase they will fix the problem - "finally." This is what Democrats call fiscal responsibility and leadership. This is



GEOFFREY MOSS ILLUSTRATION

what Republicans call a tax-and-spend dependence on the part of the Democrats.

The issue in the 1990 election is credibility. Which party do the voters believe will make the kind of fundamental reforms that are needed to rescue this state from its fiscal crisis? Is it the Republican Party, which has been fighting for fiscal responsibility and common sense in government. Or is it the Democratic Party, which has ignored the problem and wants voters to elect a member of the tax-and-spend team.

Alexander T. Tennant is the executive director of the Massachusetts Republican Party.

Foe scripts an upset, casts Kerry as 'Dukakis 2'

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Photo Copy Preservation

Candidate William Weld:

This week, the Sunday Herald takes an in-depth look at Republican gubernatorial candidate William Weld, one of the two major contenders for the state's highest office. Coming next week: a profile of Democratic office-seeker John Silber.

Stories by ROBERT CONNOLLY

When Frank Bellotti's supporters saw the candidate the Republicans were sending into battle in 1978, they rubbed their hands with glee.

Thirty-two-year-old William Weld, rich-kid blue blood from Long Island, with two degrees from Harvard and a degree from Oxford thrown in for good measure.

The assumption was that Weld would run a genteel, pro forma campaign against the popular incumbent attorney general. Offer up his gilt-edged resume, and may the better fellow win.

Although Weld attracted only a few ripples of attention in 1978, his campaign was far from gentle.

The young lawyer came flying out of the box charging that Bellotti was "reluctant, even unwilling, to pursue necessary investigations of public corruption."

Weld also revealed that the FBI was investigating consulting contracts between Essex County and a company that was an offshot of the scandal-ridden McKee-Berger-Manueto. The company, PCM, had hired Bellotti in 1974, while he was in private practice, in part to arrange introductions to Essex County officials.

"He was banging me pretty good," recalls Bellotti, who believes Weld got down and dirty, but never became as "really unfair" as Republican opponents in 1964 and 1966 who, without substantiation, openly suggested ties between Bellotti and organized crime.

John Moffitt, who managed Weld's campaign for attorney general in 1978 and remains at the helm this year, remembers that Weld campaigned doggedly when "the easiest thing to do would have been to back off."

"I was slamm'n' Bellotti," acknowledges Weld, who initially leaned toward a run for the Legislature, but opted for attorney general after being encouraged by then-U.S. Sen. Edward Brooke.

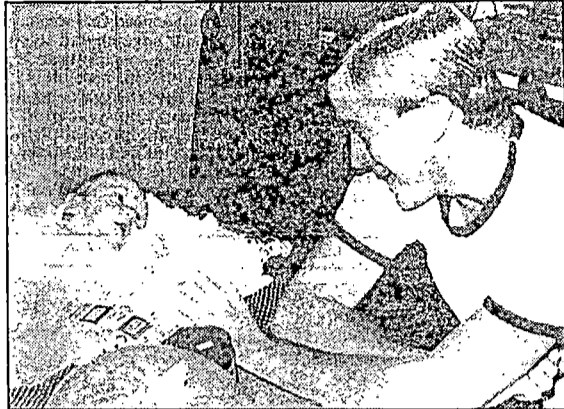
"It was a very aggressive campaign from my point of view," Weld adds, "(but) nobody paid attention and Frank was at the height of his popularity, so it never got close."

To say it never got close is understatement. Bellotti scored one of the most lopsided victories in state history, winning better than 3-1 statewide, with Weld taking only two towns — the Republican bastion of Dover and the western Massachusetts hamlet of Mount Washington.

Fast-forward 12 years. Weld is locked in a tough race with House Minority Leader Steven Pierce for the Republican gubernatorial nomination. Suffice it to say, the Marquis of Queensbury



NEWLYWEDS: Susan and William Weld share a moment at their wedding reception in 1975.



PROUD PAPA: Future GOP gubernatorial candidate William Weld beams at his first-born child, Davy.



MAIL CALL: William Weld, at age 10, waits by the mailbox for the postman's arrival.



EYEING THE FUTURE: Young William pauses for the camera while playing with a toy truck.

rules don't apply.

By the time primary day rolls around, Weld has painted Pierce as an anti-abortion misogynist who has passed fewer bills than an apprentice counterfeiter. And by the way, Pierce — whom Weld patronizes as "my friend the state representative" — just can't seem to file his tax returns on time.

This time, Weld wins.

Bill Weld. Brahmin street-fighter.

Although there are a number of supporters of Bellotti and Pierce who believe that Weld punches below the belt, the candidates themselves seem to hold him in high regard.

Pierce has assumed the chairmanship of Weld's gubernatorial effort, and Bellotti, defeated in his bid for the Democratic nomination for governor this year, offers kind words:

"I have to tell you the truth, I like him. I'm with Silber because I'm a Democrat. But I do like the guy (Weld). You asked me the question, I have to tell you the truth."

To say that William Floyd Weld was born into a world of privilege and advantage only begins to scratch the surface.

The first Weld — Joseph Weld — came to these shores in 1630, and was an early financial backer of Harvard College. West Rox-

bury was part of the Weld family domain. Weld Street remains a major thoroughfare there.

The Republican candidate for governor was named for one of his mother's forebears, William Floyd.

"He was a signer of the Declaration of Independence from New York, and lived in a house in Mastic, Long Island, that stayed in my family until 1965 when we gave it to the federal government. It's now a national park. I often went duck hunting on the Great South Bay from that house as a teen-ager," Weld recalls.

With his father running the family investment firm — White, Weld & Co. — on Wall Street,

Weld and his two brothers and sister grew up in affluent Smithtown, Long Island.

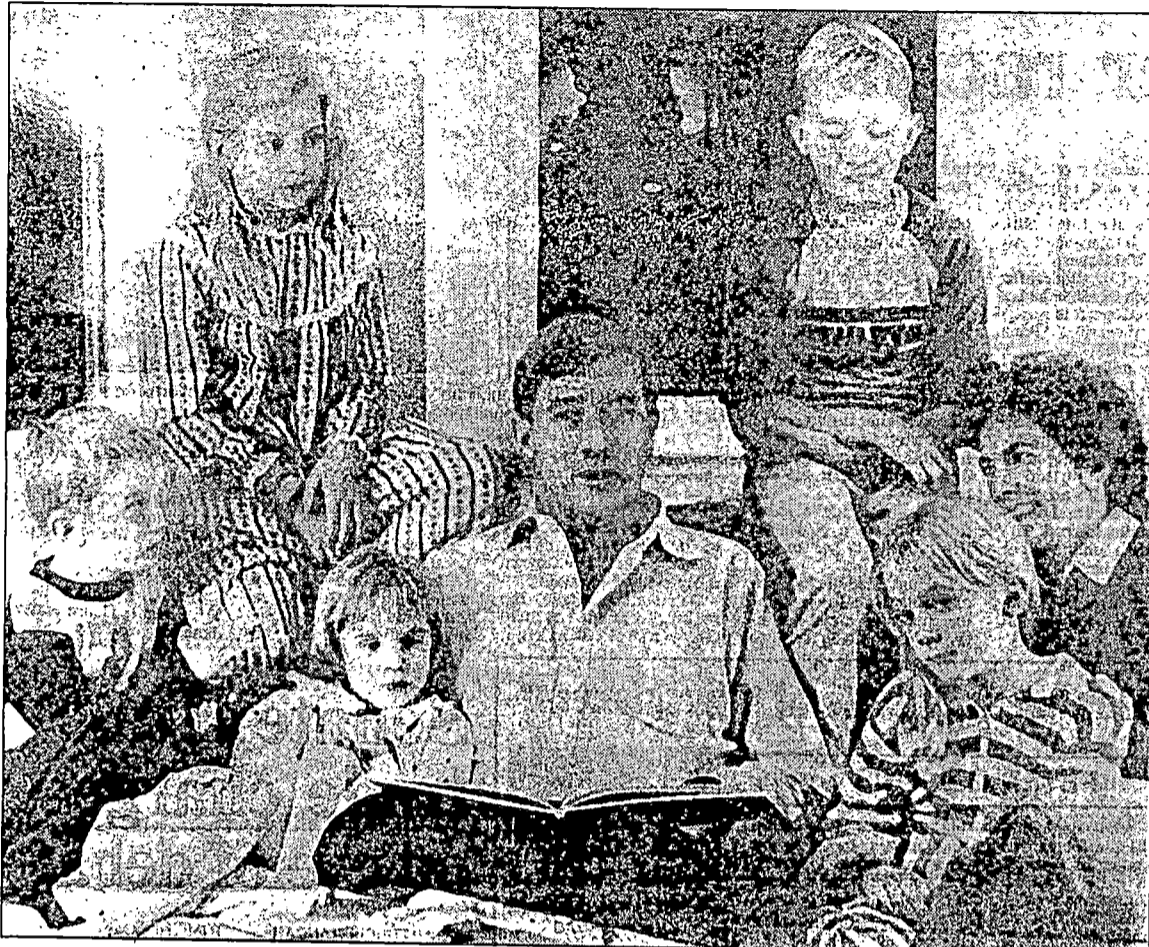
At age 11, he came to Massachusetts to attend the Middlesex School in Concord. From there, Weld went to Harvard College, where he graduated summa cum laude, finishing in the top eight of his class.

Weld, a classics major, delivered the Latin oration at the 1986 commencement. He hesitates when asked to reprise the speech. "I'm not sure it would help the campaign," he demurs.

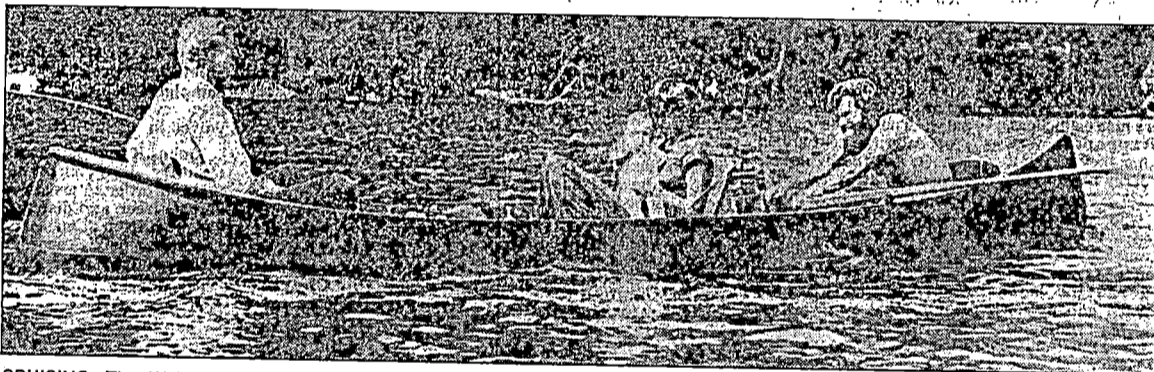
Weld finally relents after being told dusty records show that he wondered, in his Latin address, if Harvard men would lose

Photo Copy Preservation

Up close and personal



FAMILY PORTRAIT: William Weld is surrounded by his family — from left: Quintan, Ethel, Franny, Davey, Mary and wife Susan.



CRUISING: The Weld family (William, Davey and Susan) glide down a river, courtesy of an unidentified oarsman.

their academic concentration if Radcliffe women were allowed into a campus library.

"The words didn't really mean anything — they were all trilingual puns," he jokingly tries to revise.

Weld studied for a year at Oxford University, where he received a degree in economics and political science. Three years later, he graduated cum laude from Harvard Law School.

Weld remains fluent in Latin and French, and retains some German, Spanish, Italian and modern Greek.

Weld, who has since worked for two Boston law firms and served as U.S. Attorney for Mas-

sachusetts as well as head of the Justice Department's Criminal Division, said he was dismayed but not surprised when Pierce's supporters tried to depict him as an out-of-touch Yankee earlier this year.

Weld believes the issue had little effect in the GOP race, and will be even less of a factor in his contest with Democrat John Silber.

"There are some people who are taken into the tent by the waving of the bloody shirt on the issue of 'this fella didn't come up the hard way.' You know, people say, 'Well, he never had to work a day in his life.' But the fact is, I have worked every day in my life,

so I'm not sure that whether or not I had to is all that illuminating. And while I may not have come up the hard way economically, I certainly did come up the hard way politically as a Republican in Massachusetts."

"Personality is much more important to me, and I think it is to most people. We're all cousins if you go back far enough."

Weld, 45, lives with his wife and five children in a sprawling house on Fayerweather Street in Cambridge. Weld's wife, Susan Roosevelt, is the great-granddaughter of President Theodore Roosevelt. She is a lawyer and currently teaches an ancient Chinese law class at Harvard.

Weld says the drive that has fueled his career stems from the belief that Massachusetts government is laced with corruption.

Thinking back to his race against Bellotti, Weld says: "I had been troubled by attitudes toward government in Massachusetts since I was first in the court system. Then I had the year in Washington on the Watergate case, then we had two years reading the Ward Commission reports. I was just fed up for the same reasons, essentially, that led me to make public corruption cases the number-one priority of the U.S. attorney's office three years

'Weldisms' predate 'shockers'

John Silber has his "Silber Shockers" — unvarnished observations that detonate gasps, fits of apoplexy and tons of headlines.

But there is a lesser known name for the unusual utterances unleashed by Bill Weld.

They're known as "Weldisms."

Weldisms have been on the public record since the Republican gubernatorial hopeful made his first run for elective office in 1978.

Then, the political novice opined that if the public took the time to study the charges he was making against incumbent Attorney General Francis Bellotti, "it will be a zinger of a campaign."

The penchant for the off-beat phrase followed Weld into the private sector, where a colleague at the law firm of Hale & Dorr remembers: "At first, his subordinates were asking, 'What planet is this guy from?'"

"Someone would offer an idea at a meeting, and Weld would sit back and say, 'Yes, we're going to have to noodle over that.'"

The race for governor has been replete with Weldisms — with the Cambridge Republican saying he entered the fray because "the long-term hydraulic trend-lines favored a Republican," and branding state government bureaucrats "walruses" while describing Silber as "a tax-and-spend fella."

Someone who's not doing his job? That's someone who is "playing with his food" in Weldspeak.

How should the state budget be cut? It can be shrunk "like squeezing water out of cheese," says Weld.

Weld was in top form at a GOP conference last October, where he promised to "honk the horn for the forgotten motorist" and described Democratic policies as emanating from "cloud cuckoo-land."

Asked about the phrases that often have campaign aides suppressing smiles and staring at their wingtips, Weld rises to an energetic defense.

"Now wait a minute, wait a minute. 'Cloud cuckoo-land' is the place where the birds lived in Aristophanes' play. It's not something that I made up. It's a phrase from literature," the Harvard classics major notes.

Continuing to protest that "I don't think I use Weldisms," the GOP gubernatorial nominee reflects for a moment and then seems to allow the possibility.

"Just like nobody thinks they have an accent," he muses.

Turn-to Page 14

Photo Copy Preservation

Weld's reality goes beyond image

From Page 1

Weld's record as U.S. attorney from 1981 to 1983, where he posted a 98 percent conviction rate, is one of his main calling cards in his race for governor. Weld's case files show that he was reported to have broken up a Boston arson ring and staged an investigation into corruption in Mayor Kevin White's administration. Weld walked away with indictments of lower and mid-level White aides, but never nailed his obvious target.

While his record as a prosecutor remains unchallenged, ex-

cept for a brief and largely unheeded attempt by Pierce to question his conviction rates in certain areas, a veteran of the White administration offers a bit of analysis.

Some guy who couldn't indict Kevin White? Are you kidding? Weld's performance as a federal prosecutor won him a 1983 promotion to a top post in the U.S. Justice Department, where he became assistant attorney general in charge of the department's criminal division.

Weld stayed there two years, leaving in protest over Attorney General Edwin Meese's alleged unethical improprieties.

Soon after Weld's departure, Meese's allies leaked allegations that his successor as U.S. attorney, Frank McNamara, had seen Weld smoking marijuana at a party. Weld, who denies ever having used drugs, was later cleared of the charge. Weld and McNamara reportedly continued to play squash together after the drug issue flared.

McNamara, now practicing law in Boston, declines to talk about Weld other than to say: "I wish he were pro-life."

While some may find Weld to be callous and hard-edged, Weld's political partner, state Sen. Paul Cellucci, says: "He has more genuine caring for people than may generally be perceived."

"You can't spend a year with the guy without recognizing that basic decency, which I think counts for something," adds Cellucci, who signed on as Weld's running mate in September of 1989.

Cellucci recalls that on primary night, as it was clear that Weld had won a massive victory over Pierce, Weld quieted his staff when his rival appeared on television to concede.

He got up, told everyone to be quiet, and said he wanted the telephones taken off the hook. He knew it was a difficult thing Pierce was going to be doing, and he wanted everyone to listen. Contrast that with John Silber barging out and going on television while Frank Bellizzi was still giving his speech.

The people close to Weld talk of his dry, ironic wit, his zeal for recreation, and his taste for music.

"We'll be driving in the car, and someone will say, 'Put on one of the talk shows.' Weld will say, 'No. Put on BCN,' an aide notes.

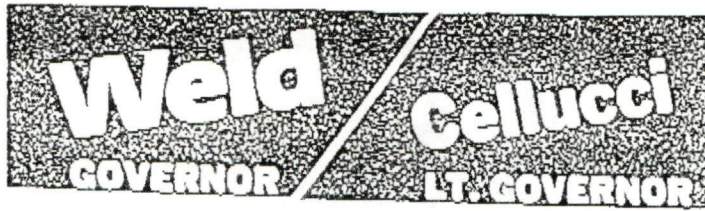
Weld says he loves to listen to music: classical, country, rock. No jazz, he says. What rocks Bill Weld? "The Spencer Davis Group, Stevie Nicks, the Guess Who, the Who—that era. Led Zeppelin. I tell you, who else I love is Creedence. In the mid-60's, I loved the Stones, but nothing after. Exile on Main Street. I thought they lost it after that."

Weld is an avid reader. "I got a good American history at Americana collection at my house. All of which I've read at various points from the Federalist period right on up to."

He also fishes and runs. "I'm around Fresh Pond in Cambridge. I soak up the fresh air. The water smells."

A sports fan, Weld takes in the occasional Red Sox or Bruins game, and enjoys watching professional football on television. Friends also talk about the slender, 6-foot-1-inch Weld's prodigious appetite.

"I've never seen anybody who loves food as much as he does. An associate notes, "It doesn't matter whether it's a greasy cheeseburger or tuna at Look's. He eats anything."



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The Patriot Ledger

WEEKEND

Saturday/Sunday

June 23/24, 1990

Weld: Brahmin by birth, Everyman by nature

Last in a series of profiles

By Jeremy Crockford
Patriot Ledger State House Bureau

William F. Weld, scion of a Brahmin clan and son of Harvard and Oxford, reaches into one of the half-dozen pockets of his dirty old Abercrombie & Fitch fishing vest, scrounges around and pulls out a doughnut.

It is 6:20 a.m. on a foggy Falmouth Harbor dock, and Weld, now sporting a smudge of doughnut sugar on his boyish face, is talking fluke with a trio of Cape fishermen.

If the fishermen know Weld is the direct descendant of Yankees who landed in Boston 10 years after the *Mayflower* touched Plymouth, that a Harvard dorm bears his last name or that Welds once ran clipper ships and captained a Wall Street

investment house, they don't show it.

And, for his part, Weld certainly doesn't act it.

His demeanor is relaxed. There are no cameras, no entourage, no trappings of wealth or celebrity as the one-time GOP gubernatorial front-runner hustles for votes on the Republican-rich Cape.

There are few votes on this dock; three to be exact. But they appear to be Weld's.

One of them is a man who agrees with Weld on gun control. Another is fishing boat owner Michael DeConinck, who sports a black cap and fish-stained sweater. He



Race for GOVERNOR

says he liked Weld for governor after just 15 minutes of talk about fishing.

"I like what I hear," DeConinck says as the *Anne-Marie*, bearing Weld, puts out to sea.

The GOP front-runner of the moment, Rep. Steven Pierce, has tried to tag Weld as an upper-cruiser, a rich man all-but-genetically incapable of understanding the needs and concerns of Everyman. But Weld is natural and at ease in the world of the fishermen. His 6-foot-3-plus frame barely squeezed into the cabin, his red-brown hair grazing the ceiling, he laughs easily, jokes dryly and asks questions about everything — the gear; the catch, the hours, the pay.

It's easy to see why he finds it preposterous, laughable that he's been tagged with



Rosemary Lincoln/The Patriot Ledger

William Weld

Please see WELD — Page 35

Down-to-earth Weld tackling image problem

WELD
Continued from Page 1

the blue-blood stereotype. "Yankee stiff?" he says. "It is a convenient box to put me in."

Fortunately for Weld, he can deflect his irritation at typecasting with a lively sense of the absurd. For instance, on board the *Anne-Marie*, when a net comes in filled only with seaweed, crabs, a Coke bottle and some squid, Weld scans it soberly for the one-dimensional, flounder-like fluke.

"No flat guys," he pronounces. And when Jackson tells him fluke visit these waters only from June to September, Weld stares deep into the pond-flat sea, smiles, then says with self-deprecating humor: "So, they've got summer cottages down there."

In his 44 years, Weld has encountered few obstacles and little disappointment. He was born into a family of old-line aristocrats and raised in Massachusetts and on Long Island. His ancestors were Republicans. His father, David, of Wall Street's White, Weld Co., was what Weld describes as a "backroom" power broker in New York's Suffolk County GOP.

William Weld's early life was a non-stop pageant of academic success.

First came a stint at the Middlesex School in Concord, where he was the scholastic star. Then it was on to a *summa cum laude* degree from Harvard and a degree in economics from Oxford. Then back to Harvard to study law.



William F. Weld

Age: 44
Home: Brattle Street, Cambridge
Profession: Lawyer
1989 income: \$539,000
Political career: Unsuccessful candidate for attorney general, 1978; U.S. attorney, 1981-88; assistant U.S. attorney general, 1986-1988
Family: Wife, Susan; 5 children
Hobbies: Fly fishing, hunting, chess
Favorite movie: Tom Jones
Last book read: "Hollywood" by Gore Vidal
Car: Chevrolet Blazer
Pet peeve: "No-show state jobs"
Personal heroes: Drug Enforcement Agency guys; FBI guys — especially undercover guys

Francis W. Sargent says from his home in Dover. And Sargent, who left the corner office in January 1975, its last Republican occupant, says sniping about Weld's background is off base because Weld does not fit the stereotype.

"I don't think I was ever belted around for being a snoot," Sargent says. "I don't think Leverett Saltonstall was belted around for being a snoot. Bill Weld shouldn't be belted around for it. He is a regular guy. He has a great sense of humor."

Gary Crossen, a prosecutor under Weld and a lifelong Democrat, says one takes the stereotype into a first meeting with Weld and it dies of exposure.

"At first blush he does not seem the type who could go out and shake 1,000 hands," Crossen says. "You get this sense of the patrician Yankee who's tall and has scads of money, and that makes him seem unapproachable. But if you are out traveling with him, out for a beer with him, he's as approachable as anyone."

Weld, seated in Friendly's, a plate of the Skillet Special (ham and eggs, with green peppers) in front of him, says he is tired of hearing that he can't understand the problems of the average working-class family.

"When I want to know what the average guy thinks, I ask myself, 'What do I think?'" Weld says, smiling.

Weld's zest for politics was obvious at Hill & Barlow. In 1974, he took a nine-month leave to act as a counsel to the congressional committee conducting the impeachment proceedings against Republican President Richard Nixon. It was his first crack at enforcing government ethics, a cause that would become an obsession.

Then in 1978, at the urging of former Republican U.S. Sen. Edward Brooke, Weld made his first bid for elected office. He ran for attorney general, but the incumbent, Francis X. Bellotti, crushed him by a 3-1 ratio. Weld winning just two of the state's 351 cities and towns.

Despite the magnitude of the defeat and the nasty tone of the race, he and Bellotti became friends.

And Weld says another good thing came out of that race. With the help of a state Republican Party grateful to him for risking a run against Bellotti, he was appointed to the U.S. attorney's job in Boston.

"I loved it. It was a great job," Weld says of the post, which he held for five years.

Weld seems to love the nuts and bolts of crime and prosecution. He talks admiringly of the "heat" cases put together by the federal Bureau of Alcohol, Tobacco and Firearms and notes at one point there are "1,580 miles of coast in Massachusetts, including the nooks and crannies."

"I recall that from my marijuana-boat chasing days," he says.

But it is not drug cases that Weld is remembered for. Instead, he is recalled for attacking political corruption and for going after Boston's biggest banks.

"I remember having a meeting with bank regulators and asking, 'How can I be helpful?'" Weld recalls. "The answer was, 'Well, we have a number of dishonest tellers who embezzle several hundred dollars at a time.' I said, 'What about upstairs, what about the higher-ups?' Then we developed all the currency-reporting, money-laundering cases on our own."

Weld brought major cases against two "proper Bostonian" banks, the Bank of New England and the Bank of Boston, for currency violations that smacked of organized crime money-laundering.

Crossen, a prosecutor for 10 years, says Weld was the best U.S. attorney he has seen. "He just dove into the work. He was so sharp, so caught up in the details."

Many other law-enforcement observers agree that Weld was a superb and aggressive U.S. attorney. And that leaves some perplexed that the Massachusetts voting public, tired of heckery on Beacon Hill, hasn't thrown more support to the anti-corruption zealot.

One failure clouds Weld's tenure. The big one that got away — Kevin White.

The Boston mayor was 12 years into his 18-year reign when Weld appeared on the scene. Weld went after corruption in city hall, spending more than \$1 million on electronic surveillance, paper chases and prosecutions of city officials. But he never nailed White.

"How did he miss Kevin White?" says one Republican campaign strategist not aligned with either Weld or Pierce. "(Weld) spent one hell of a lot of money going after him, going after him, going after him. What did he get? Small fry."

White agrees. In a recent interview with *The Patriot Ledger*, the former mayor scoffed at the quality of Weld's investigation, calling it "inept," and said Weld had wasted federal money on the chase.

"The prosecutors? They lost out," White said. "They spent millions. If I was guilty of a parking ticket they would have moved. Either they were inept or I was innocent. My administration was run from the top and no one from the top was found guilty."

Weld says now, "We convicted a lot of people in his administration." To get White, "You need a witness who says I saw it, I was there, and we didn't have that."

Weld feels his view of the case was vindicated by White's recent admission that he used a 1981 fund-raising event — as Weld investigators believed at the time but could not prove — as a pretext for supplementing his mayoral salary.

Weld's performance as U.S. attorney won him friends and admirers in Washington, and he was appointed in 1988 to head the Justice Department's criminal division

a high-profile job under a controversial boss, Attorney General Edwin Meese.

He did not enjoy the post nearly as much as the Boston job. He concentrated on white-collar crime, but as allegations about Meese's involvement in a defense contracting scandal began to appear in the press, Weld felt his ability to prosecute was weakened.

"What finally got to me is these lawyers would say, 'Your boss has done more than my client has done and you're toasting the book at him,'" Weld says.

Eventually, Weld made it clear to White House Chief of Staff Howard Baker that, in his view, Meese could be indicted for his involvement in a defense contracting scandal. And Baker seemed to imply that he agreed.

Weld and Deputy U.S. Attorney Arnold Burns then met with President Reagan.

"I just thought Meese should resign," Weld says. "The president expressed full confidence in the attorney general, and at that point I thought I should resign."

Weld and Burns quit, winning praise from Meese critics, who said the men acted from conscience, and criticism from conservative backers of Reagan and Vice President George Bush, who by now was seeking the presidency.

Weld was not out to maintain his clean image or win political kudos for ethics. He says, "I wasn't looking ahead at all."

Weld the candidate is an uncommon blend of the liberal and conservative.

He is pro-choice, favors distribution of contraceptives in public schools, has been vocal and active on environmental issues and is committed to some social-service programs. One book that has influenced him is *The Other America*, a study of skid-row poverty by socialist Michael Harrington, he says.

Yet Weld vehemently opposes gun control, favors the death penalty, backs the petition of the Citizens for Limited Taxation to roll back taxes and fees, and says business must be given a free hand.

Ironically, Weld's diverse positions, which should on paper give him broad appeal among moderate voters, hurt him at the conservative dominated Republican convention and could spoil his chances in September's Republican primary.

GOP consultant Todd Domke says the fact that Weld isn't easily pigeon-holed ideologically has perplexed some potential supporters.

"How big a constituency is out there that identifies with a candidate who . . . is not predictable on issues?" Domke asks.

Weld says he aims to fit no label. He says he weighs each issue carefully and is often surprised at the reactions to his stands.

"Wanting government to stay out of abortion is considered liberal; I consider it conservative," he says. "I am strong on environmental issues and people call it liberal; I call it conservative — as in conservation. I guess it is all in the eye of the beholder."

Beholders are shying away from Weld right now.

He is trailing Pierce by as much as 20 points, according to polls. His campaign has raised and spent \$1.5 million, about \$600,000 of that from the candidate himself, and is now down to \$5,500.

But Weld insists that he's in the campaign to stay. And some observers say he shouldn't be counted out.

"He has two allies, time and money," Domke says.

Weld may have another ally, an unwitting one, in Pierce. The Westfield representative's campaign seems stalled, and those close to Weld have grown almost cocky in their belief that only their candidate has the stature to take on the Democrats. In the Weld campaign, Pierce, as one Weld supporter put it, is viewed as "strictly junior varsity."

Weld plans to campaign hard this summer. And he's working at shattering the Yankee-stiff image that has hurt him politically. This day in Falmouth, for instance, he decides he will wear his soiled fishing vest and blue work shirt to a television interview, rather than a dark suit. He wants voters to see that he's been out on the water with the draggermen.

His sense of humor surfaces quietly again as he looks forward to the long campaign day lying ahead.

"I love to work," he says. "I also love to fish. Work hard, fish hard."

He tells a puzzled aide he has come up with a new campaign motto.

the minimum wage, enacted new regulations that enormously increase the costs of doing business and appropriated huge increases in domestic spending. Still to come, perhaps, are the Clean Air Act, a

Daniel Mitchell is John M. Olin Senior Fellow in Political Economy at The Heritage Foundation.

ment, long-term care, education, homeownership.

And we need to hold the line on federal spending, capping annual spending growth at 4 percent, which would balance the budget by 1997.

In short, we need to do all we can to prevent or cut short the biggest budget-buster of all: a recession. Even a mild recession could push the deficit above \$300 billion.

ers to be excluded from the negotiations. The group now includes only those who are determined to raise taxes.

Americans, no less than the Rus-

Paul Craig Roberts, an economist at the Center for Strategic and International Studies, is a columnist for The Washington Times.

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BEN WATTENBERG

Not just any old outsider

It has been thought that if change ever came to the spavined Democratic Party it would come from the moderate Sunbelt. Perhaps not.

"I am a 'Scoop' Jackson Democrat," says John Silber, the Demo-

Ben J. Wattenberg, a senior fellow at the American Enterprise Institute, is a nationally syndicated columnist.

cratic nominee for governor of Massachusetts, a state far from the Sunbelt.

Mr. Silber agrees that if you call him a "paleo-liberal neo-conservative," you'd be about right.

If that doesn't sum it up, he tells you that the Democratic Party has become "a collection of sects pursuing pet schemes that have undermined personal responsibility."

Mr. Silber says the old-fashioned

Franklin Roosevelt-style liberalism (paleo version) was pointed in the right direction, but that nouveau liberalism "has sought ideological purity instead of common sense."

(When the late Sen. Henry "Scoop" Jackson ran for president, his slogan was "Common Sense for a Change.")

Mr. Silber is a former professor of philosophy, civil-rights activist and a man who makes "outspoken" seem

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Readers: Bewar
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...surtaxes on entrepreneurial income. Everyone whose success creates jobs for others is to be hit with a 20 percent surtax. This is no way to invigorate a declining economy. The last time taxes were raised in a recession, the result was a lengthy depression that created a market for more government.

...man one told in business.

When President Nixon lied to the American people, he was forced to resign. Mr. Bush should be held to the same standard. If Russians can demand the resignation of the government that puts its interests before those of the people, so can Americans.

...agreements with Moscow. And live with them. If Tokyo insists the Japanese cannot support a defense budget higher than 1 percent of its GNP,

see **BUCHANAN**, page G4

Patrick Buchanan is a nationally syndicated columnist.

like a sissy word. As it is developing, he may end up running for far more than governor of Massachusetts. He could re-ignite the battle for the soul of the Democratic Party, and perhaps bring it to a flash point.

(At last! Coming to Your Neighborhood! The Paléos vs. the Nouveaus!)

It is being said, simplistically and theoretically, that Mr. Silber won because there is an "anti-incumbency, pro-outsider" mood, generated by savings-and-loan scandals and things like that.

Readers: Beware of TSO (Theoretical Simplistic Outsiderism).



John Silber

Mr. Silber qualifies as an outsider. But he is also tough on welfare, sharply against reverse discrimination, very tough on crime and for cutting taxes. He is a foreign policy hawk, unafraid to put a finger in the eye of the liberal media, and voted for Ronald Reagan for president twice and George Bush once, so far.

Mr. Silber is not just any old outsider. He's an anti-nouveau-liberal outsider.

Ask this about TSO: Do "outsiders" win if they come out for higher

see **WATTENBERG**, page G4

patriotism, of nationalism, of America First, saying, hell, no, we won't go.

This Gulf war will be the last hurrah of the interventionists.

ARNOLD BEICHMAN

Will the totalitarian hull hold for the transition?

WATTENBERG

From page G1

taxes and more welfare, implore voters to consider the nuances of reverse discrimination and proclaim that the Democratic Party isn't liberal enough? (There is such an outsider, the Rev. Jesse Jackson, a perennial loser.)

Mr. Silber can be an important Democrat for several reasons:

Because he has a precision of mind that one used to associate with professors of philosophy. Because he is articulate, even when committing gaffes so terrible that they gain him votes faster than pollsters can survey them. ("Silber Shockers" often sound like — what's that word? — ah yes, "truth.") Because he is preaching a message that many Americans yearn to hear — that government can be leaner and better when you take off the ideological blinders. And because he is from the liberal Northeast.

Mr. Silber's place of residence can challenge the idea that the way to reform runaway Democratic Party liberalism is from its outer geographical edges, far away from the Northeastern purification wells.

The best response, it has been thought, could come from the moderate South. Alas, the Sun Belter are often intimidated by the media-blessed sanctimony of the superlibs. Too often they buy the hokum that there is a Democratic Party "Liberal Veto." Too often they drift leftward instead of yanking the lefties to reality.

But Mr. Silber is from the Northeast, hotbed of the cuckoo cacophony. Not only that, he is from Massachusetts.

Now, Massachusetts is perceived in the broad strokes of political caricature. Its leaders are superlibs like Sen. Edward Kennedy, Sen. John Kerry and Gov. Michael Dukakis; it was the only state to vote for George McGovern in 1972; it is where Harvard is; it is known as Taxachusetts and as the most liberal state.

But Mr. Silber, coming from the belly of the beast, has shown that the people of Massachusetts have been maligned. Truth be told, Massachusetts voters often vote like the rest of America. They, too, would like common sense, for a change.

If that can be demonstrated in Massachusetts, it may then be easily seen how few nouveau liberal clothes remain on the emperor.

It could happen. The 1976 Massachusetts presidential primary was also won by a "Scoop" Jackson Democrat: Henry "Scoop" Jackson.

One of the most crucial war-or-peace questions before the world is this:

Can a totalitarian state — specifically the Soviet Union — make the transition peacefully to a democratic system?

We know one totalitarian state that made that transition, but not peacefully, only because of its military defeat: from Adolf Hitler's Third Reich to the Federal Republic of Germany.

We know that autocracies and one monarchy have made such relatively peaceful transitions — Franco Spain, Salazar Portugal, Peron Argentina, Greece. The defeated Austro-Hungarian Empire, very much a permissive monarchy, imploded into independent ethnic states after World War I. We have also noted that Soviet-occupied lands in Eastern Europe have moved from totalitarian domination to the plains of freedom. If Soviet power were withdrawn from the three Baltic countries, they would overnight become the democracies they were before 1939. Can the same be said for the Soviet Union itself?

What has yet to be tested is whether the Soviet Union, wallowing as it has for five years in a politico-economic quagmire, will be able to move from its present chaos into a system of political and economic freedom without bloodshed. Since totalitarianism is a 20th-century phenomenon, we have no historical precedent for such a state transformation without war.

A defeated Wilhelmine Germany was able to recreate parliamentary institutions in the Weimar Republic, but they were uprooted by Hitler. Can the Soviet Union create the kind of parliamentary structure that never really existed under the czars? Equally important is whether Soviet President Mikhail Gorbachev's nation can tolerate let alone create voluntary associations, an amplified private sector, religious and press freedom, free trade unions, a constitutional democracy with an imbedded Bill of Rights without which a rule of law is difficult to establish. In other words, can the present or future leadership of the Soviet Union and its constituent republics be hospitable to a

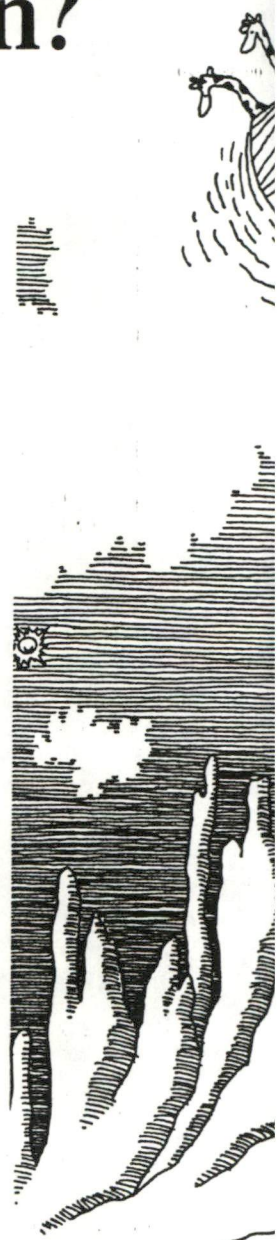
political structure unheard of in the world of the czars — a civil society?

Professor Daniel Bell, writing in a recent issue of the magazine *Society*, has pointed out that the United States has been the "complete civil society, perhaps the only one in political history" informed by these characteristics: It is an open society, with a basic egalitarianism, a passion for liberty and a popular desire for opportunity and advancement. These are extraordinarily high standards that took two centuries and almost 300,000 casualties in a civil war, to achieve. Would a counter-revolutionary Soviet Union, militarily nuclearized, require another civil war to create its version of a civil society?

There are some students of Russian history who are pessimistic about the Russian capacity to create a genuinely democratic system. Walter Laqueur has written in "The Long Road to Freedom," that "No one in his right mind proposes to transfer Western political doctrines and institutions to the Soviet Union. No one believes that parliamentary democracy could work for Russia in the foreseeable future." S. Frederick Starr is quite optimistic. He recently wrote in the *New Republic* that "however weak the civil society that had grown up in late imperial Russia may have been, to suppress it required greater force than any modern government had ever before used against its own people. No regime confident of its own legitimacy would have declared war on its own population as Stalin did and as Lenin had done until he was forced to back up."

Such a sanguine view might be justified in considering the future of Russia and the non-Moslem republics, each with its own national heritage. Whether Moslem polities could make the transition to an open society from bureaucratic totalitarianism can be judged from the fact that the only real pluralist Arab democracy to have existed in modern times was bi-ethnic Lebanon — Moslem and Christian — until its destruction.

There is one reason why hope for a democratized Soviet Union may not be misplaced, and it has little to do with Mr. Gorbachev's intentions. Economic growth depends upon modern electronic technology. Exploitation of such technology precludes monopolization of power and



"Look — the commun

information — unless a government is prepared to give up numbers of its own people to maintain its ideological purity. Totalitarian China is prepared to do that. Mr. Gorbachev dare to do today in Red Square a year ago and would still doing a little less violence.

Modern technology — computers, taping machines, fax machines, cell phones, modems, laptops — quote Albert Wohlstetter, rather than concentration camps. The information revolution made the democratic revolution possible. Mr. Gorbachev points out that in the We

Arnold Beichman, a research fellow at the Hoover Institution, is a columnist for *The Washington Times*.

12:01 PM Is when Judge John D. Sheehan left court in Brockton on April 20. After an afternoon of cards, he leaves his country club.

11 AM Is when Judge Brian Rowe left Martha's Vineyard court March 2 after 20 minutes on bench. At 1:45 (above), he heads for ferry.

12:05 PM Is when Judge Walter J. Hurley leaves Boston Municipal Court on Feb. 7. Here he arrives at his home in Framingham at 1:15.



Despite caseload, many judges work short day

First of five parts

The Spotlight Team consists of editor Gerard O'Neill, reporters Dick Lehr, John Aloysius Farrell and Patricia Wen, photographer John Tlumacki and researcher Ardys J. Kozbial. Today's article was written by John Aloysius Farrell.

Sept 23

One day in April, as the Legislature plodded toward a historic tax hike to balance the swollen state budget, Superior Court Judge John D. Sheehan left work at 12:01 p.m. and drove to a private country club, where he spent the afternoon playing cards.

One day in March, as the state's top judges insisted that the courts need cash to cope with a chronic caseload "crisis," Judge Brian Rowe left District Court on Martha's Vineyard at 11 a.m. after spending just 20 minutes on the bench.

One day in February, as Boston reeled from a surge of gang violence and drug-related killing, Municipal Court Judge Walter J. Hurley went home for the day at 12:20 p.m., leaving a courtroom so silent

and empty that his court officer was able to lie down on a bench and nap the afternoon away.

These are not isolated cases, but rather just a few examples of a half-day work cycle that saps the Massachusetts court system.

During a seven-month probe, The Boston Globe Spotlight Team found a judicial system in which caseloads grow daily, but the workday stays the same, prompting some judges to settle cases quickly for less than they are worth - usually less jail time or no jail time at all.

It's a system with a backlog that has become institutionalized - a system that never catches up because it never really wants to. While the court system's own statistics indicate that the district courts as

a whole don't get to a quarter of their cases every year, many courts stop holding hearings after lunch.

There are horror tales aplenty from judges and lawyers about crumbling courthouse facilities, but needless backlogs and low productivity are rarely mentioned in the plea for public funds. The unspoken motto of the court system might well be: Get it done in the morning or put it off to another day.

While courts in some places, such as Dorchester, Lawrence, Brockton and Somerville, had sessions that ran all day, most courtrooms monitored by the Globe were shut tight every afternoon.

Surveillance showed that the workforce breaks down into two groups -

Despite caseload, many judges work short day

SPOTLIGHT

Continued from Page 1
judges who care enough to work a full day and those who don't - a finding buttressed by dozens of interviews with courthouse sources.

Said one frustrated court official: "Courts in darkness by 2 o'clock. No one in the corridors. Empty parking lots. Where's the crisis? We're told the system's overwhelmed. We're told it's busy, busy, busy. Well, if it's busy, busy, you should be able to see it. I see courts as quiet as libraries."

To pin down the work habits of the Massachusetts judiciary, the Spotlight team kept tabs on 53 judges from around the state, surveying their comings and goings and taking photographs of those who left courthouses early.

Spotlight

Even as Charles B. Swartwood 3d, president of the Massachusetts Bar Association, warned this year in the association's newsletter that demoralized court employees have had to labor "nights and weekends to keep pace" with their work, the Globe found 27 judges from the two trial levels of the judicial system leaving court in the early afternoon.

The half-day schedule was routine for 16 of these judges, each of whom was spotted leaving early on three randomly chosen days of surveillance. The departures were in apparent violation of directives issued by two chief judges in 1982 requiring judges and all other court employees to work until at least 4:30 p.m.

"You either expedite the cases with some diligence or you roll over and the system goes the way of least resistance," said one court official about district court judges, noting that, after a pay hike two years ago, they now earn \$30,350 and get up to 2 1/2 months of paid time off a year.

"It's that passive approach that is so pernicious. It sets the tone for the half-day cycle, and that means more than no heavy lifting for everyone. It means bad justice."

LAX WORK HABITS seem to contribute to heavy backlogs in the Massachusetts superior courts as well, part of the trial court system often overshadowed by more dramatic tales of woe from the district courts, which struggle daily with street crime.

In the state's highest trial courts, which handle major crimes and high stakes civil litigation, the Spotlight team monitored work habits of 12 judges and found four - Sheehan, Peter F. Brady, Sandra L. Hamlin and John M. Xifaras - leaving regularly by early afternoon.

The superior courts can hardly afford the luxury of half-day judges. In each of the last five years, the superior courts disposed of little more than half of their criminal caseload.

The results: an average annual criminal backlog of 4,871 cases. Although the civil backlog has been reduced from about 70,000 cases to 70,000 since 1984, it still takes more than two years on average to litigate a civil case in the commonwealth.

The chief judge of the superior courts, Robert L. Steadman, said he has no knowledge of laxity among the 71 judges under his jurisdiction and has had no occasion to discipline any of them.

The chief judge of the district courts, Samuel E. Zoll, said he has dealt with "perhaps a dozen" of the 148 district court judges on workday problems, issuing a formal order for an eight-hour day in one instance and docking another judge's vacation time for not being at work. While he termed absences from the courthouses an "intolerable condition," he declined to identify the judges he disciplined.

The head of the entire court system, Paul Lincos, chief justice of the Supreme Judicial Court, acknowledged the problem of lax work habits but said it was up to lower-level administrative judges to deal with it.

Former Superior Court Judge Paul Garrity left the bench five years ago discredited about the false face put on problems confronting the Massachusetts court system.

"The system," he said, "tells you this: Judges carry cases in saddlebags, and write opinions by candlelight. It says there's not enough courtrooms, not enough stenographers, not enough law clerks. But it was there. There really is enough of everything you need. It's not a lack of resources; it's a lack of accountability and management. It's people not rolling up the sleeves. Pogo had it right. 'We've met the enemy and it's us.'"

Using the state's largest trial court - Boston Municipal Court - as a microcosm, the Globe also uncovered two little-known but substantive problems stemming from the half-day culture.

Even as Lincos warns of a "horrendous" prospect - that courts may soon be forced to free criminals awaiting trial to ease the crush of cases - the judges in Municipal Court are turning convicted crooks loose with stunning regularity.

Four of every five convicted criminals using the state's antiquated two-trial system to shop for a better deal at the rushed Municipal Court jury sessions won a reduction in sentence or a reversal in a guilty verdict, according to a Globe computer study.

At the same time, the Globe found, six of the 11 Municipal Court judges showed a penchant for early departures.

The fast pace and truncated workday at Municipal Court plays into the hands of politically-connected attorneys who seem able to trade on the favors they perform for judges - such as pushing for pay raises and opposing judicial reform on Beacon Hill - to get better-than-average results for their clients.

Through a computerized study of five years of cases, the Globe found that a handful of politically-prominent attorneys had an extraordinary "win-loss" ratio for their defendants at Municipal Court. Eight out of every 10 defendants who hired these men were acquitted or had their cases closed without any consequences. The typical lawyer won these results only 40 percent of the time, according to a separate in-depth Globe study.

One of the most disconcerting byproducts, observers said, is the toll taken on diligent judges, who bear a disproportionate burden in a system that indulges afternoon doldrums in one court while requiring assembly-line mayhem in another.

Even the most hard-working judges worry about the quality of the justice they dispense.

"You feel like you're processing nameless individuals. Numbers on dockets. Pieces of paper," said District Court Judge Domenico Russo, a troubleshooter who sits in beleaguered courts. "I'd like to give each case proper contemplation and go home and feel justice is being done. But I can't."

It's not that the court system, which currently has an annual budget of about \$250 million, doesn't face real problems.

Caseloads are rising. Budgets have been frozen. There is a desperate need for computers. Plans to save money through cutting jobs in the districts.

"The system is archaic and inefficient, but same for the details," concluded a recent Boston Bar Association task force.

But it's hard to measure the scope of the "crisis" when some judges feel no compunction to fulfill the basic duties of the job.

For the most part, the half-day culture is a problem swept aside by the judiciary as it pleads for more funds to save jobs or add positions.

WHILE MANY JUDGES monitored by the Globe were present in the courthouses for eight hours, more were not.

Judge Xifaras was seen leaving Bristol Superior Court after lunch to browse at Filene's Basement one day and, on another, to shop at Captain Frank's Seafood Market in New Bedford. Municipal Court Judge Charles Johnson used one afternoon to stroll through the shops on Boylston Street. Municipal Court Judge Sally Kelly left work early one day and went grocery shopping in Charlestown.

Members of the Spotlight team got a speeding ticket trying to keep pace with Sheehan - who sped south on Route 140 to his afternoon of cards at 65 miles per hour. Municipal Court Judge John Pino ran a red light on the Rte. 1 on his way home to Jamaica Plain at 3 p.m.

Some judges had no problem defending their questionable work habits. District Court Judge Thomas Fallon, for instance, said, "I'm one of those persons who doesn't take lunch," and insisted that when he leaves work at an outlying court, he always returns to his office in Clinton and stays until 6:45 p.m.

But on March 27 in Winchendon District Court, Fallon sat from 10 a.m. until noon, and then left the courthouse for an hour's lunch, leaving clerks and an attorney playing Nerf basketball as they waited for him to return.

After less than an hour on the bench that afternoon, Fallon left for the day at 1:40 a.m. He wasn't around when a Globe reporter went to the Clinton courthouse at 3 p.m. that afternoon, and a secretary answering a 3:45 p.m. phone call said, "He's not here today."

On March 29, after spending just 37 minutes on the bench in Dedham, Fallon left at 1:28 p.m. When the Globe checked the Clinton courthouse at 3 p.m. that day, Fallon wasn't there.

Half-day justice

Superior Court Judge SANDRA L. HAMLIN



3:20 PM Hamlin leaves Norfolk Superior Court in Dedham for the day on March 1.

Background: A former assistant district attorney and Boston Municipal Court Judge, Hamlin, 45, of Brookline, was appointed a superior court judge in 1982 by Gov. Edward King. A graduate of Suffolk University Law School, she presided over the Twitshell case 1 1/2 years in which a Christian Scientist couple were convicted in the death of their son.

Findings: On Feb. 28 and March 1, Hamlin left the Norfolk Superior Courthouse in Dedham at 3:20 p.m. On March 2, she arrived at about 10 a.m. and left at 1:40 p.m. for her Brookline home. That day, she was on the bench for an hour. On March 26, she worked from 9:55 a.m. to 3:15 p.m.

Response: She did not return phone calls left at her office or respond to a registered letter sent to her home that detailed the Globe's findings about her work habits.

Superior Court Judge JOHN D. SHEEHAN



Background: A former assistant district attorney who became active in local politics, Sheehan, 67, was appointed a Superior Court judge in 1982 by Gov. Edward King. Sheehan is a former chairman of the New Bedford Democratic Party. A graduate of Boston University Law School, he lives in New Bedford.

Findings: While sitting on criminal cases in Superior Court in Brockton, he had a feast or famine schedule in April. On three days, he presided over a busy courtroom in a professional, professional manner - and on as many other days, he was gone for the day by 1 p.m.

On April 6, 6 and 11, Sheehan had solid work days, arriving by 9 a.m. and leaving after 4 p.m.

On April 10, he left by 12:20 p.m. and never returned, despite assertions by the clerk's office that "he's on the bench." On April 13, he left by 12:30 p.m.

On April 20, he left shortly after noon, and sped down the highway at 75 to 85 miles an hour on his way to the Country Club of New Bedford in Dartmouth, about 10 miles from home.

In the men's bar-lounge, the judge settled in for an afternoon of cards, with a beer in front of him on the table. He left at 3:35 p.m.

Response: "I have no comment."

Superior Court Judge JOHN M. XIFARAS



3:33 PM Xifaras leaves Bristol Superior Court in Fall River on April 5 to go shopping.

Background: A former district court judge in New Bedford, Xifaras was appointed to a superior court judgeship in 1985 by Gov. Dukakis. The 54-year-old Marion resident graduated from Suffolk University Law School and was admitted to the bar in 1961. He served on the New Bedford School Committee for six years.

Findings: Xifaras' typical routine was to remain in Superior Court in Fall River for about six hours and sit on the bench for about an hour.

On April 4, he arrived at 9 a.m. and left at 2:40 p.m. After leaving Superior Court, he drove 70 miles per hour north on Route 24 and stopped to shop in the men's clothing store at Filene's Basement in Dedham. He was last seen around 4:30 p.m. heading toward Belmont.

On April 5, he arrived at 8:45 a.m. and left at 3:30 p.m. After spending about an hour on the bench, he stopped at a seafood market on his way home.

On April 6, he arrived at the courthouse at 9 a.m., never took the bench and left at 12:45 p.m.

Response: Xifaras said he leaves early, in part, because of a bad back, and only when the day's cases are completed. He said he spends an average of two or three hours every night working at home.

"I think we are professionals. I would venture to say that I probably spend 50 to 70 hours a week working. I think I'm very productive, hard-working, industrious, energetic."

Boston Municipal Court Judge WALTER J. HURLEY



Background: A former defense attorney in Boston, Hurley, 62, of Framingham, was appointed to a judgeship at Boston Municipal Court by Gov. Dukakis in 1984. A graduate of Boston College Law School, he was admitted to the bar in 1954.

Findings: Hurley's typical workday began at 8 a.m. and ended by 12:30 p.m. These hours were documented on Jan. 26, Feb. 6, 7 and 9. He was usually chauffeured to and from work by a family member. Typically, he spent no more than an hour on the bench and was never seen in the courthouse in the afternoon.

Response: Hurley did not return phone calls to the Boston Municipal Court or respond to a registered letter sent to his home that detailed the Globe's findings about his work habits.

Superior Court Judge PETER F. BRADY



2:55 PM Brady walks to his car as he leaves Salem Superior Court for the day March 22.

Background: Brady, 67, of Lynnfield, worked as an assistant district attorney in Essex County for 14 years. Gov. Edward King appointed him to a judgeship in 1973. A graduate of Boston College Law School, he was admitted to the bar in 1959.

Findings: Brady's typical day at Salem Superior Court in late March started with 9 a.m. and ended by 3 p.m. On March 20, he left work at 2:50 p.m.; on March 22, he left work at 2:55 p.m.; and on March 23, he left at 2:55 p.m.

Response: "I guess I'll have to check it. I just have no recollection at all... I'll give you a call in the middle of the week. I'll have to find out what my schedule was... Goodbye." Brady never called back.

District Court Judge BRIAN ROWE



Background: Rowe, 54, of Falmouth, was appointed a judge in Edgartown by Gov. Edward King in 1981. He graduated from Suffolk University Law School in 1963 and was admitted to the bar the following year. He is the presiding judge in Edgartown District Court.

Findings: At afternoon sessions at Barnstable District Court, Rowe sat for an hour Feb. 20 and for 45 minutes Feb. 21. He left both days by 3:25 p.m.

His workday was conspicuously shorter when he sat in Taunton and on Martha's Vineyard, where he is the presiding judge. On Feb. 23, he left Taunton for the day at 12:57 p.m., and on March 2 in Edgartown, he left at 11 a.m. after sitting for 20 minutes. He boarded the ferry to Woods Hole at 1:45 p.m.

Response: As a circuit judge who spends time traveling to different courthouses, Rowe said he often wraps up his work in the early afternoon to prepare for the long drive home. He said he checks with the presiding judge to see if he can leave. On the days he was observed away from Edgartown by the Globe, Rowe said he was authorized to leave by the presiding judge.

Asked about his 20-minute workday on Martha's Vineyard, he said, "I do what I'm supposed to do. I don't feel I did anything to discredit the bench. I do fast work, efficient work, and I'm proud of it."

the presiding judges of each court.

Of his departure from Taunton at 12:57 p.m. on Feb. 23, Rowe said, "I went there to do a specific case. When I finished up and asked [presiding Judge Andrew Dooley], 'You want me to stick around?' he said, 'No, you've got a way to go.' So that was that."

When asked if he should follow the directive from the chief judge of the district courts and stay until 4:30 p.m., O'Neill said that wasn't necessary. The presiding judge is the "boss of that court," O'Neill said.

"If a civil case collapses or the work is all done for the day, then we go," he said. "You do the last case and you check with the presiding judge and, if there's a commute, you're usually on your way."

The Globe found that the half-day work schedule is a secret that the system struggles to maintain - clerks and secretaries reflexively protect absent judges. The judges were seldom "gone home for the day" when reporters followed them home and then telephoned their empty offices, but rather "on the bench" or "in a meeting" or "down the hall, you just missed him."

And the Globe found that a similar response was used by others in the judicial system as well.

"He's in a meeting right now," said a woman answering a call at 11:10 a.m. on April 10 for Daniel Poksisk, the clerk handling the case.

Continued on next page

The series at a glance

SUNDAY
The half-day court culture saps an overburdened system.

MONDAY
The half-day court culture saps an overburdened system. Boston Municipal Court as a microcosm of why the courts don't work.

TUESDAY & WEDNESDAY
The extraordinary success of politically-connected lawyers in the state's largest district court in Boston.

THURSDAY
A system trapped in a marbled old ruts.

ding superior court criminal cases for Suffolk County.

The call by the Globe was made from a car telephone at an intersection on the Jamaica Way. Pokaski was stopped at the same red light, driving his gray Toyota downtown to work.

When asked about the phone call last week, Pokaski said that his employee was telling the truth, and that he was at a morning meeting with a political acquaintance that day. When told that a member of the Spotlight team had seen him on the road, he said, "I don't know; all I have is that's in my schedule book."

Pokaski's workday on April 10 went like this: He picked up his newspaper from the front steps at 10:11 a.m.; he arrived at the Suffolk County Courthouse at 11:25 a.m., and he was observed outside the courthouse shortly after it closed at 5 p.m. at 7:20 p.m. he was seen driving from the courthouse parking lot.

"I'm in charge, and I'm also an elected official. I'm all over the place. I have different meetings constantly. I'm out at banquets at night. Many nights I don't even leave here until a quarter to 7," Pokaski said. "You know, your typical Suffolk County politician."

IT BOSTON MUNICIPAL COURT, the effects of the half-day work schedule on the administration of justice and the rights of victims became clear during several weeks of surveillance last winter.

Municipal Court is a place where, at 2 p.m., the halls and courtrooms were often empty — even as the court was receiving a rush of drug, drunken driving and gun cases.

The action at the court is at its jury sessions, in which defendants get a second chance — a de novo trial — if they don't like the outcome of their first trial in an outlying district court in Suffolk County.

The frenzy of their demands has run back into the half-day ethos with an inordinate result: Cases get settled on the spot. The Globe found that 80 percent of convicted criminals who appeal de novo at Municipal Court get a reduction in their sentence or a reversal of a guilty verdict.

What can be done? The Globe responded, "What can be done? The answer is to speed up the trial and sentencing process in the rush on judgment and action."

DR ROSA GRIECO, a Malden homemaker injured in a car wreck, justice got it on hold. The half-day cycle at the court and she spent days during her pregnancy on the hard wooden benches outside the courtroom as her case was delayed and missed five times over the course of a year — until the drunken driving charge against the man who struck her was dismissed when the witnesses stopped appearing.

"I don't know where I was there," Grieco said. "I don't know anything about it until an hour after it was over, and my car was in the shop and I was dismissed. It was very bad. This man was on the street driving, and he was drunk and could have killed me... He's probably out there right now, and eventually he'll hit somebody again."

John Grieco, one of the witnesses who are up along the way, said he could have sued the man who hit Grieco "just based into the back of her... at 35 or 40 miles per hour. He was almost in her back seat."

"It seems strange to me how they kept continuing and continuing" the case, Grieco said. "I guess I don't think much of a legal system in cases like this."

Grieco's case was anything but unique, as the Spotlight team found dozens of cases at Municipal Court. On one randomly selected day of surveillance — May 7, 1990 — a Globe reporter attended Judge J. Peter Donovan handle 14 cases in the morning assignment court; 1 were disposed or sent to trial, 29 were postponed or continued for various reasons.

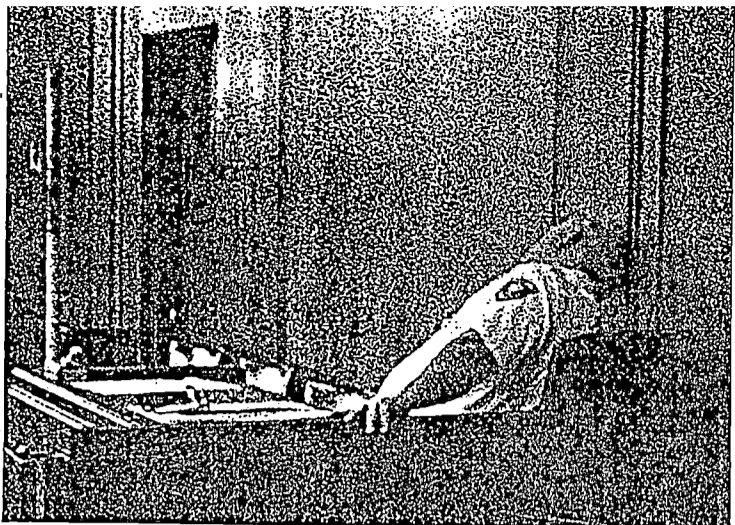
JAMES BRINNING was walking by the residential building at 10:30 on a Saturday night in April 1988 when two men attacked him. One punched him and wrestled him to the ground. The other kissed him after he was down.

"I don't remember much after that," Brinning said. "Just being on the ground one kicked and punched and called a f---. The next thing I remember I was coming up, blood pouring from my face." Brinning's nose was broken. He and one Schneider, the victim in another eye-bashing case, vigilantly pursued their salaried through the courts, hoping to see an increase in such hate crimes.

They won tough sentences for their attackers and precedent-setting victories in district courts, in which judges evaded constitutional civil rights protection homosexuals, only to lose those gains in the new trials at Municipal Court.

"These guys did more than call me mess; they beat me up," Brinning said. He first trial had sort of raised my hopes, at, give, there may be some justice in this or all." But when the second trial took over, "I was obviously disappointed," he said.

Brinning's attackers had originally been sentenced to serve 30 days of a one-



12:50 p.m. A court officer snoozes in the rear of an empty courtroom in Suffolk Superior Court in Boston on Aug. 27.

year jail term. But at a de novo bench trial before Judge Pino, one man walked free and the other got a suspended sentence.

In Schneider's case, his two attackers had been sentenced to 2½ years of probation, fines, 20 hours of community service and attendance at an alcohol counseling session after their convictions in Roxbury District Court. At Municipal Court, the cases were continued without a finding and eventually dismissed.

"A lot of people who try cases in Suffolk County take it... to BMC because they can get a better deal," said attorney Katherine Triantafyllou, who advised Brinning during his ordeal. "It doesn't make sense... There is something insidious about having one judge go through a trial and find them guilty and have another judge throw it out."

A SPECIAL BRAND of justice is available when it comes to the prosecution of the 100,000 cases that are filed at Municipal Court. After having one of these men, only four of 200 clients would go to jail, the Globe learned.

Orlando, the daughter of a Superior Court official, told Tierney that the probation department had no criminal record for this defendant. In fact, probation records requested by the Globe — and easily available to all courts — show convictions in 1977, 1978, 1980 and 1984.

And a flip through the Municipal Court's own case file, which was on Tierney's bench that day, shows the complaint from Dorchester District Court, which lists the date, verdict and sentence of the man's prior drunken driving conviction.

With the most serious part of the charge thus disposed, the prosecutor presented a barely rudimentary case: one witness, who testified for less than two minutes. Flaherty went on to win an easy "not guilty" verdict.

Eighteen months later, on Feb. 17, Lori Merrill was killed in the defendant's Chevy pickup. He is now facing charges of manslaughter, drunken driving and a similar homicide.

"In the pickup was a driver, a woman and a 3-year-old child... there was glass and blood all over the place," said one witness to the accident. "Someone else tried to get the woman out of the truck, but she died. We moved the guy. He was probably drunk. I smelled the beer."

Said the dead woman's mother, Mary Barnes: "I take care of her children, Katie, who's 11... was in the accident... it's doing well. I'm sure it has left scars emotionally and her shoulder was dislocated. But she's doing fantastic. We go to counseling together."

Lori went out to get a couple of videos with Katie and never came back," Barnes said. "So that was the end of Lori."

important. If the judge is away from the building at 2 o'clock, that is an intolerable condition."

But "just because the courtroom is dark at 2 o'clock, that doesn't necessarily mean that the judge isn't working. There are judges who are writing opinions in the lobby," said Zoll, referring to the judges' offices. "There are some who are... very quick. They're finished."



10:11 a.m. Superior Court clerk Daniel Pokaski picks up the newspaper at his West Roxbury home on April 10. He left the house an hour later and drove to work while his secretary said he was at a meeting.

the defendant's prior record was obtained under the state's privacy-for-criminals law with the restriction that his name not be used. He was first convicted of drunken driving in 1981. When he was charged with his second drunken driving offense in 1988 he hired Rep. Michael F. Flaherty, a South Boston lawyer.

Flaherty moved the case to Municipal Court, where the case was heard by the chief judge, William J. Tierney, another old South Boston hand.

In an extraordinary act, the second offense part of the drunken driving charge — which carries a 14-day to two-year jail sentence and could have afforded the defendant some discipline or counseling — was dismissed at the request of Assistant District Attorney Mary Orion.

Barnes: "I take care of her children, Katie, who's 11... was in the accident... it's doing well. I'm sure it has left scars emotionally and her shoulder was dislocated. But she's doing fantastic. We go to counseling together."

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Ed Carroll's workday: back to the future

Some things never change, and Ed Carroll's workday appears to be one of them.

When the Spotlight team pursued "no-show" state and city workers in 1977, Carroll, a lobbyist for the state court system's budget and legislative interests, was featured for starting his workday at 12:20 p.m. on one day in January and arriving at the State House at 4:15 p.m. the next.

Carroll, who is on the payroll of Boston Juvenile Court, has been the State House point man for judges on such issues as pay raises and their fight against beefing up the powers of the Judicial Conduct Commission to enhance judges' accountability.

Last June 5, he arrived at work at 10:30 a.m. and was home shortly after 4. The next day he arrived at the State House at 2:35 p.m. and left for his Brookline apartment 20 minutes later.

After both the 1977 and 1990 surveillance, Carroll's explanation was basically the same: He didn't work a short day, and he could not fathom the Globe's findings.

In 1977, he said it was impossible for the Globe to have seen him begin work that late in the day and that he was proud to follow workdays.

Then, he retreated: "I just don't know. Let me think I'm not going to comment... Maybe it was war, or on my kid, were sick. I just don't know."

Ed Carroll resists, 1990, went over, the same way. "I must have been working late the night before to come in that late," he said about his 20-minute workday on June 6 that began at 2:35 p.m.

Informed he was seen at home early the day before, Carroll said: "What can I say? I say I was working late. I don't ever remember going home that early."

Carroll has been a player on Beacon Hill for decades, starting as a patronage secretary when Edouard (Clint) Peabody was governor from 1962-61. In his lame duck period, Peabody stirred a controversy by naming Carroll to the Government Center Commission just hours after arranging a pardon for him on a 1955 California burglary conviction. Carroll and the other commission members have their names engraved in marble at the base of the Saltonstall state office building.

After Peabody left office, Carroll was appointed court

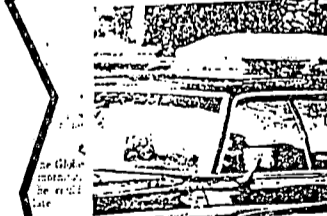
offerer for a Peabody aide — Juvenile Court Chief Judge Francis Portrast. He moved on to his current job in "inter-governmental relations" — lobbyist for the courts — in 1974.

In an interview, Portrast said Carroll's short workdays were "unacceptable" if they were not the result of a late night legislative session. He declined comment on what he would do about it.

"Ed's hours are flexible," Portrast said. "No question about that. He has my permission to follow the hours of the Legislature. If they are in late night session, he can adjust his hours... If he was up all night, that's a different deal. But if he wasn't, he should be here. He told me you called, and I said, 'Come on, you have to be in here during the day... either at the Legislature or in the court.'"

Carroll was asked recently if he believed he put in a fair day's work.

He said: "I'd say I put in more time than anyone else in the court system... All I'm saying is I do my share in the system. We go hard at night when we go nights... I consider myself an excellent worker. I'd tell you if I didn't."



4:15 p.m. — Edward Carroll starts his State House workday. Carroll, who has powerful friends on Beacon Hill and has played a role in several legislative sessions, is seen here at his desk.



1:55 p.m. — Court lobbyist Ed Carroll leaves a gas station in Brookline at 1:55 p.m. June 6 on his way into work at the State House. In 1977, he was photographed starting his workday at 4:15 a.m.

Top judges wrestle with work ethos

Chief Justice Paul Liacos, who heads the Massachusetts court system from his place on the Supreme Judicial Court, said he is aware of problems with the state's judiciary, but can't do much to make it better.

"This system, while a very good one, is not the most efficient system, as I see it," Liacos said in a recent interview. "Although most of our people are very hard-working, there are still a few that don't work, and that includes judges."

"I go down to a court, and I see mobs of people in district court, and by noon-time there's no business. All done."

"You can walk through this courthouse on an afternoon and at 3 o'clock see courtrooms dark. I know it," Liacos said. "Are they in their chambers doing their work? Are they somewhere else doing their work? Is it because a whole series of things were set up and everybody calls in sick — 'I need a continuance, I'm up in the federal court' — and the whole list breaks down?"

"Now the judge on a Friday afternoon says, the hell with it. I'm not going to sit around here at 3 o'clock. There's nothing to do."

"Or is it what happened last Thursday-Friday, when four superior court judges are working here until 8 or 9 or 10 at night because they volunteered to take care of the crisis in the jail?"

"I don't know the answer to all these things and, very frankly, I'm not in a position to monitor it. I'm one person. I have a small staff. And I have some other responsibilities," said Liacos. "I have to rely on a Sam Zoll [chief judge of the district courts] or a Fred Podolski [chief judge of probate and family courts] or an Arthur Mason [chief administrative justice]. If it comes to that, to monitor this thing. And I'm satisfied on the whole."

Judge Samuel Zoll, whose job it is to supervise and discipline the 148 district court judges, said in a separate Spotlight interview: "My feeling is that you have an obligation to put in a full workday and anybody who does not put in a full workday should be disciplined for not doing it."

"I think chronic early exits are unacceptable," Zoll said. But "you have to draw the distinction between the courtroom being dark at 2 o'clock and what is the judge doing at 2 o'clock? That is im-

portant. If the judge is away from the building at 2 o'clock, that is an intolerable condition."

But "just because the courtroom is dark at 2 o'clock, that doesn't necessarily mean that the judge isn't working. There are judges who are writing opinions in the lobby," said Zoll, referring to the judges' offices. "There are some who are... very quick. They're finished."

Photo Copy Preservation

CUT-RATE JUSTICE

The way it works
at Boston court:
rush to judgment
— and the door

The Spotlight team consists of editor Gerard O'Neill, reporters Dick Lehr, John Aloysius Farrell and Patricia Wen, photographer John Thumacki, and researcher Ardys J. Kozbial. Today's article was written by Patricia Wen.



Second of five parts.

Paul Nee, a plucky survivor in the struggle to run a small business in Boston, made his stand against urban crime at the door of his variety store

two years ago.

The lanky man from Dorchester wanted nothing less than a jail term for the petty thief who, in the midst of a crime binge, stole \$170 from Nee's cash register.

Nee got his wish, then had it snatched from him by a judge at Boston Municipal Court.

After the thief, Paul Cipoletta of Quincy, was convicted by a Dorchester District Court judge and given six months in jail, he dragged the case out by demanding a jury trial downtown. He delayed his case for two years, postponing the trial 15 times at Municipal Court before eight different judges.

Then, last March, Cipoletta's lawyer struck a sudden deal with Judge Walter J. Hurley. In a private pretrial conference, Hurley agreed to replace the jail time with probation if Cipoletta would plead guilty.

When Hurley announced the outcome and berated Cipoletta — "You get in trouble the next year . . . I'll send you to jail!" — it seemed a hollow scolding. After all, Hurley had access to records showing that Cipoletta, while delaying his case, had been charged with six



'Why did I show up for two years? There's no justice.'

PAUL NEE

Dorchester store owner holds notices to appear in court.

other break-ins in Brookline, Malden and Boston.

Cipoletta left the courthouse a free man.

And if it was a typical day for Judge Hurley, quick deals like this enabled him to leave for home before 1 o'clock.

Nee remains livid. He was never summoned to the final court date, though he dutifully showed up at the 15 other trial dates to testify against the man caught red-handed stealing the money.

"He admitted to it! And then they let him go," said an outraged Nee at his store on Freeport Street in Dorchester. "Why did I show up for two years? There's no justice."

That's the way it works at Boston Municipal Court.

Many judges indicate they have to race through cases to keep up with their workload, but more than half of them often leave by early afternoon as the backlog builds.

SPOTLIGHT, Page 12

Photo Copy Preservation

At Boston court, rush to judgment — and the door

SPOTLIGHT
Continued from Page 1

They talk tough from the bench, but tolerate an atmosphere of excessive delay that gives defense attorneys ample time to hunt for the right judge to make the right deal.

Judges complain about all the jury trials they have to conduct, but last year at Municipal Court each averaged less than one a month.

The Boston Globe's Spotlight Team found countless examples of rhetoric and reality clashing in trial courts throughout the state, but nowhere was the clash more pronounced than at Boston Municipal Court.



"They have become a law unto themselves," said a court official who has extensive dealings with the Municipal Court judges. "They do what they want, when they want, and it gets to be resented by everyone in the courthouse. It sets a bad tone, but most of them could care less."

William J. Tierney, chief judge of the court, declined repeated requests for interviews about judges' work habits and all other matters related to the court.

Joan Kenney, a spokeswoman for the Supreme Judicial Court, which oversees the entire court system, said Tierney "has his reasons but prefers to keep them private.... He keeps things close to the vest."

IN A SEVEN-MONTH investigation, the Globe focused much attention on Boston Municipal Court, the state's largest and oldest district court, located in downtown Boston. Conducting surveillance and examining five years' worth of criminal case files in this court, the Globe found that many of the court's 11 judges:

- Quit work frequently by 2:45 p.m., leaving a silent courthouse behind.
- Offer cut-rate deals to defendants to avoid lengthy jury trials and to get rid of cases quickly.
- Violate courtroom rules and procedures at will.

See said each time he appeared in court, he had to pay \$80 to hire someone to ring up sales while he wasted time waiting on wooden benches. He also said he sat in the courtroom of eight judges, but not one ever spoke to him or acknowledged his repeated inconveniences.

"It was like we were a piece of trash," he said.

If imperfect justice comes from their bench, in style and substance, judges at Municipal Court are part of a system quick to blame factors outside the courtroom — rising crime, prison overcrowding, budget deficits.

Many of the judges never assume any responsibility for the fact that 1,700 cases are awaiting trial in the Municipal Court jury session, twice the number in any comparable urban district court in the state.

Or that this staggering backlog exists even though the court usually has four of its judges assigned to handle jury trials, twice the number in comparable courts.

Or that it costs taxpayers nearly twice as much — \$595 — for a criminal case to be processed at Boston Municipal Court than at most district courts.

Or that most jury cases drag on for about a year.

Or that defendants fail to appear in Municipal Court at a rate far higher than that at any other court in the state — and virtually nothing is done about it.

In short, many judges have been blaming the court's crisis only on forces beyond their control — as if they had nothing to do with it.

DESPITE A RELENTLESS BACKLOG of jury cases, more than half of the 11 judges at Municipal Court repeatedly leave work early after spending an average of 2 1/2 hours on the bench.

The Spotlight team documented judges' work habits while conducting surveillance of the courthouse.

While some judges routinely put in full days, Judge Hurley was spotted four times being picked up by his wife by 12:30 p.m. and chauffeured to his home in Framingham.

Judges Sally A. Kelly and Charles R. Johnson had irregular work patterns: They either worked until the late afternoon or took off around 1:30 p.m.

On at least three occasions, Kelly was spotted leaving before 1:30 p.m. and driving her Honda Accord to her home in Framingham.

The series at a glance

MONDAY
Boston Municipal Court as a microcosm of why the courts don't work.

TUESDAY & WEDNESDAY
The extraordinary success of politically-connected lawyers in the state's largest district court in Boston.

THURSDAY
A system trapped in garbled old roots.

Charlestown. Johnson was spotted several times leaving around 1:30 p.m. and running personal errands on his way home to Newton.

Judges Theodore S. Bakas, John A. Pino and J. Peter Donovan made a habit of working until mid-afternoon, walking to their cars parked in an underground garage, and heading for home by 2:45 p.m.

The departures were in apparent violation of a 1982 directive issued by Chief Administrative Justice Arthur M. Mason that required judges to work until 5 p.m.

It is easy to leave the court undetected. The court does not have a building of its own, but sprawls along an upper floor of the Suffolk County Courthouse, which has a multitude of elevators and stairways that spill onto the first floor.

And from the first floor, one has at least three major exits to choose from, as well as several private exits.

In almost every instance, these judges departed the courthouse empty-handed, leaving little reason to believe they were going home to write legal opinions or review case files.

These six judges, each of whom earns \$80,560 a year, declined interviews with the Globe about their work habits.

THE JUDGES WHO LEAVE early contrast sharply with some hard-workers. Judge Richard J. Chin and Judge George A. O'Toole Jr. routinely put in long hours, resisting the tide of colleagues sweeping through the doors by mid-afternoon.

Hard-working judges, however, were the exception.

Last winter as the number of violent crimes in Boston soared, court administrators launched a special jury session in Municipal Court to deal with a backlog of gun cases.

A "first-floor room" in the courthouse was renovated with new lights and carpeting and blinds-wood benches, but one opportunity to reduce the backlog faded quickly when a session was cut short on Good Friday. A gun case had just been concluded and charges against an alleged drug dealer rose to the top of the docket.

A long, Pintereseque silence ensued. Judge Herbert Hershlag eyed the prosecutor and defense attorney. They eyed each other. The clerk eyed the court officer. Everyone eyed the clock on the wall.



Worker sweeps quiet lobby of Suffolk County Courthouse early one afternoon.

By 1:04 p.m., a tacit understanding was formalized: The case would be postponed, and court was over for the day.

Meanwhile that same day, upstairs in Room 411, Judge Bakas was obviously annoyed about sitting on a case that was dragging on and on, and involved a defendant who wore a habitual grin.

"Have you ever seen such a shit?" Bakas asked a clerk. "It's one of those days."

The judge's exasperation came not at 4 in the afternoon but at 11:40 a.m. Fifteen minutes later, Bakas was off the bench. At 2, he was gone for the day.

A former employee of the court said it is widely known that judges slide out.

"They say they're going to another floor, or they're going to a meeting," said the former employee. "But we know they're not coming back."

In a sort of trickle-down privilege, some court officers, clerks and other employees are not far behind when the judges exit.

One clerk matter-of-factly explained one day last winter that Hurley was a great judge to work for because he left work early and was willing to cut deals to do so. Down the hall that same day, a court officer griped, "Jesus, it's going to be another 4 o'clock day with this guy," when Judge Chin had the temerity to log a full day's work.

The judges' work habits raise troubling questions about some new proposals in their court.

For instance, while many Municipal Court judges cannot fulfill their public duty to work a full day, they have begun to punish Suffolk County residents who fail to show up for jury duty.

"This is harassment," said Margo Boesl of Brighton, who continues to get warning letters from Judge Tierney, though she keeps calling to tell the court she is a West German citizen and not obligated to perform jury duty in the United States.

Also, in the wake of gang-related shootings a year ago, some public officials proposed that judges at Municipal Court start night sessions to cope with the backlog.

Said one defense attorney: "Night court? Why not first work a full day? Why not come back at 2 p.m.?"

PLUMMETING PRODUCTIVITY and burgeoning backlogs are only some of the casualties at an institution where judges work only a half-day. Justice also appears compromised.

The Globe, for example, found that many Boston Municipal Court judges have transformed a system designed to certify unfair convictions into a fast-paced, sentence-reduction bonanza for defendants.

By doing this, judges can get rid of many cases quickly — in time for their early afternoon departure.

It works like this:

As part of a two-trial or *do novo* system in Massachusetts, convicts found guilty by a district court judge can appeal for a new trial by jury, basically a second chance to be found innocent.

Last year in the district courts of Suffolk County, about 1,600 convicts appealed their guilty verdicts, and all their cases were funneled to Boston Municipal Court.

But the Globe found judges paying scant attention to these appeals. Instead of offering jury trials and reviewing evidence, most judges run a kind of Flene's Basement in which they offer convicts reduced sentences in return for a guilty plea or a quick bench trial.

In a study of 234 appeals of district court convictions in 1988, the Globe found that most were disposed of in an auction atmosphere, with 60 percent of the cases dispatched by giving defendants a lesser penalty than they had received before.

In 29 percent of the cases, the charges were dismissed or the defendants were found not guilty, while in 61 percent, the defendants were again found guilty but received a reduced sentence.

The Globe found that convicts facing a jail sentence stood to gain the most by appealing their case. Three out of four — like petty thief Cipolletta — saw their sentence eliminated or reduced, even though they were found guilty again or pleaded guilty.

When Adrian Morales was sentenced to a three-month jail term for stabbing a South End man, he did what any savvy convict would do: He appealed for a jury trial at Boston Municipal Court.

In a 10-minute, closed-door session with Judge Pino, who was assigned the jury trial, Morales agreed to plead guilty as long as Pino erased all the jail time. It worked — and everyone seemed pleased except Kenneth Ramos.

"I thought it was bullshit," said Ramos, the victim, who tumbled down a set of stairs and was rushed to Boston City Hospital after the stabbing. "I could have died that night. To this day, I have a serious problem with my shoulder and he's walking around."

Ramos had testified in the first trial and was prepared to testify yet again in Pino's courtroom. But before he even took his seat, he heard the deal announced in open court, without any input from him.

"It was real frustrating. A lot of my friends said we should have taken care of this ourselves, but my family told me to do it the right way, to go to court."

Ramos concluded: "I should never have wasted my time in court."

IRONICALLY, in the so-called jury session at Boston Municipal Court, judges rarely hold jury trials.

In 1988, for example, the 11 judges at Municipal Court held a total of 45 jury trials — less than five each year for each judge. Last year, while judges doubled the number of jury trials they conducted to 96, the caseload still amounted to less than one jury trial a month for each judge.

This represents less than 2 percent of the total cases handled in the jury session.

Experienced defense attorneys are

Continued on next page

A judge's wrath over a 'real' trial

By most outward signs, last Jan. 25 began like any other day at Boston Municipal Court. Lawyers and clients huddled in the crowded and smoky hallways, with most courtrooms still empty even at 10 a.m.

It is like this most days, with the court seeming reluctant to get going. Then, once it does, it chugs along for awhile like a high-mileage engine sputtering in need of a tune-up before shutting down altogether by early afternoon.

But on Jan. 25, something remarkable was going on inside Courtroom 413 before Judge Theodore S. Bakas — a bona fide trial was under way at a court where genuine trials are an anathema, a monkey wrench in an assembly line that shuts down abruptly by 2 p.m.

It was a proceeding that plowed forward only by the sheer force of will of the public defender. Throughout the nearly two-hour trial, Bakas was a reluctant arbiter, in effect kicking and screaming all along the way.

"I'll tell you this," said Bakas just before noon, his voice rising as he stared at the public defender. "... There will never, never be a repeat performance before me again, what happened here today. Never!"

The public defender was 28-year-old Debra Shopteese. What she was trying to do was defend her client, a North End teen-ager charged with breaking into and ransacking a van.

But Bakas seemed stunned that someone would dare push a case past the 90-minute mark. More frequently than commercial breaks on network television, he began to cut Shopteese off, harangue her, even suggest that her brethren would ostracize her for trying up the court and slowing down the movement of cases.

"We've already had that counselor Please! Be fair to your fellow attorneys out there.... They want to get their cases over with. Let's not beat a dead horse. I mean you're beating a dead horse. You know it, and I know it."

Shopteese was seeking justice — her client's day in court — in a courtroom where the rush to move cases requires quick deals and few actual trials. It is also a courthouse where half of the 11 judges subscribe to the

half-day culture that the Spotlight team found pervasive during its seven-month probe.

Bakas was among the six found to routinely leave work early. He is also among the sharpest-tongued jurists — sometimes humorous but often denigrating.

Last year in yet another criminal case, Bakas ordered a public defender jailed briefly after deciding the lawyer had acted in contempt by disobeying his order to sit down and cease her argument that he issue a subpoena for a witness.

'I tell you this. ... There will never, never be a repeat performance before me again, what happened here today. Never!'

JUDGE BAKAS
On a nearly two-hour-long trial

In her case, Shopteese would also not back down. And her persistence ultimately paid off. By her stiff challenge to the prosecutor's evidence, she managed to convince Bakas to drop one of the three charges against her client, Mark Toledo.

"You may have a problem with malicious destruction," Bakas said to the prosecutor, conceding that Shopteese's arguments regarding the lack of proof on that charge had been persuasive.

But the hard-won concession came near the end of all the wrangling with the 62-year-old judge. Not long after the trial began, an annoyed Bakas was challenging Shopteese's every move.

He cut Shopteese off as she tried to question a witness about the accused was dressed. She objected to his ruling.

"Step down, step down," the judge told the witness, ignoring Shopteese. "You're all finished as a witness."

Shopteese: I haven't finished cross-examining....

Bakas: It's all over. It's all over.

Cut off later from questioning another witness, Shopteese pushed her

protest further: "Your honor, I'm only attempting to ask questions that I believe are allowed by law."

Bakas paused. "I'd like to know what law you are referring to when you say 'by law' because I guess you and I are on different wavelengths when it comes to the law."

The tension between the two peaked when Bakas, in a comment to the prosecutor, explained why he would permit Shopteese to pursue yet another line of questioning.

Bakas: I am letting her do it... if for no other reason than I have found after 36 years at the bar that the bar has a way, the lawyers out there, the brothers and sisters, have a way of policing themselves, and everyone pays a price in due course. Go ahead, keep on going.

Shopteese: Gee, Your Honor, I'm starting to feel very intimidated by your comments.

Bakas: I don't think anyone could intimidate you.

Shopteese: It sounds almost like a threat.

In the end, Bakas found Toledo guilty of breaking into the van. The judge continued the case for two years, willing to wipe out any record of it if the teen-ager stayed out of trouble and got a high school diploma.

"Every young fellow who at least has no prior record is entitled to one break," said the judge, adding, "he's just young enough, where he might be saved."

Bakas, despite repeated requests, declined to comment about his conduct in this case or his work habits, a position taken by all of the Municipal Court judges with whom the Globe sought interviews.

Shopteese, in a recent interview, said that had she not hung tough, the judge would have swiftly found her client guilty on all charges. She also said it was not unusual at Municipal Court to be hurried along by a judge in trying a case, but added that the grief Bakas subjected her to was "unique."

"Did you notice how many times the judge made references to other lawyers, to the time, to the court schedule and moving the case along?"

"My job is not to consider the schedules of other lawyers or the schedule of the court. My job is to zealously protect the rights of my client, and the judge knows that."

DICK LEHR



Judge Walter J. Hurley, who did not respond to Globe requests for comment, typically starts his workday at 8 a.m. and leaves Boston Municipal Court by 12:30 p.m.

Half-day justice

Boston Municipal Court Judge SALLY A. KELLY



1:15 PM After leaving court in Boston at 1:15 Feb. 9, Kelly arrives home in Charlestown.

Background: Kelly, a graduate of Northeastern Law School, was appointed a judge by Gov. Dukakis in 1986. A 38-year-old resident of Charlestown, Kelly previously worked as an assistant attorney general and as an administrative counsel in the attorney general's office.

Findings: Kelly most commonly departed at 1:30 p.m. or 4 p.m. On several days, she stayed at the courthouse until about 4 p.m. after putting in an average of three hours on the bench. But on Jan. 29, Feb. 9 and March 6, she left work by 1:30 p.m. and did not return to the courthouse.

Response: Kelly did not return phone calls at her office or respond to a letter delivered to the courthouse that detailed the Globe's findings about her work habits.

Boston Municipal Court Judge CHARLES R. JOHNSON



1 PM Johnson leaves court for the day on Feb. 6, walking out the rear exit and down Somerset Street.

Background: Johnson was appointed by Gov. Dukakis in 1984 to a judgeship at Boston Municipal Court. A 1975 graduate of Harvard Law School, he has served as chief counsel to the Hoarby Defenders Committee and was a member of the statewide committee that oversees legal representation of indigents. He is 41 and lives in Newton.

Findings: Johnson had an irregular work schedule. On several days, he worked past 3 p.m., often the only judge on the bench in the afternoon. But on Feb. 1, 2 and 6, Johnson was spotted driving away from the courthouse around 1:30 p.m. On Feb. 6, he arrived at 8:15 a.m. and left at 1 p.m., after spending only 2 1/2 hours on the bench.

Response: Johnson did not return phone messages at his office or respond to a letter delivered to the courthouse that detailed the Globe's findings on his work habits.

Boston Municipal Court Judge THEODORE S. BAKAS



2:30 PM Bakas leaves the courthouse for the day on April 17 and heads for the parking garage.

Background: Bakas, 62, of Westwood, was appointed to a judgeship at Boston Municipal Court in 1986. After graduating from Boston University Law School, he was in private practice for about 20 years. He then worked as an assistant clerk, an assistant trial magistrate and a clerk-magistrate in Suffolk and Norfolk counties before becoming a judge.

Findings: Bakas' routine was to arrive by 8 a.m. and leave around 2:45 p.m. His daily bench time ranged from an hour to four hours. He was never seen working later than 2:50 p.m. And on at least four occasions, Feb. 1 and 6 and April 13 and 17, he left at about 2:30 p.m.

Response: Bakas did not return phone messages left at his office. He also did not respond to a registered letter sent to his home that detailed the Globe's findings about his work habits.

Boston Municipal Court Judge JOHN A. PINO



2:59 PM On March 7, Pino leaves the courthouse for the day, walking down Somerset Street to his car.

Background: Pino, 66, of Jamaica Plain, was appointed by Gov. Dukakis to a judgeship at Boston Municipal Court in 1978. A graduate of Boston College Law School, he previously worked as an assistant district attorney in Suffolk County. He is a former president of the Massachusetts Judges Conference.

Findings: Judge Pino usually arrived at the courthouse by 8 a.m. and left around 2:30 p.m. He averaged about three hours on the bench each day.

On four days, Jan. 31, Feb. 6, March 6 and 13, he left at roughly 2:30 p.m. On March 7, he left at 2:59 p.m.

Response: Pino did not return phone messages or respond to a registered letter sent to his home that specified the Globe's findings about his work habits.

Approached on Aug. 29 at Boston Municipal Court as he was heading into the judge's lobby, Pino brushed off a reporter. "No, you may not ask me questions," Pino said.

Boston Municipal Court Judge J. PETER DONOVAN

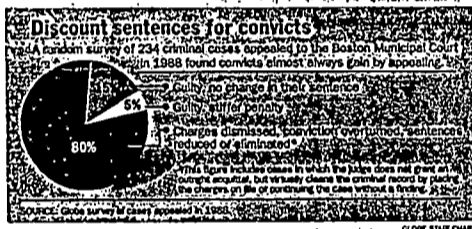


2:43 PM Donovan leaves the courthouse for the day, March 7, and heads for his car.

Background: Donovan, 51, of Framingham, was appointed to a Boston Municipal Court judgeship in 1982 by Gov. Edward King. A graduate of the New England School of Law, he worked as an assistant district attorney in Middlesex County. He was assistant clerk of Boston Municipal Court from 1973 to 1982 before becoming a judge.

Findings: On Feb. 1, 2, 6 and 8, Donovan left at or before 2:30 p.m. On Feb. 2, he left at 1:25 p.m. On March 7, he left at 2:43 p.m. His bench time ranged from 3 1/2 hours to less than one hour on a given day.

Response: Donovan did not answer phone messages left at his office or respond to a registered letter sent to his home that detailed the Globe's findings about his work habits.



Continued from preceding page aware of the unspoken agenda at Municipal Court. Give up the right to a jury trial, save the judge time and get a better sentence.

"When I waive the jury, what is really going on is this: I know... I'm going to get the benefit for waiving, either a reduction in the charge or the judge is going to give me a sentence that is lower than the one my client got in the first trial," said defense attorney Robert Skeletal.

Judge shopping is rampant in the court's jury session. Seasoned defense attorneys know a judge assigned to the jury session one month may be doing small claims or civil work the next. If they have the right judge, they make a deal; if not, they delay and wait for the right judge to show up.

The Globe analysis showed that the bulk of the defendants in the jury session seek to strike their better deal before one of two judges - Pino or Hurley, both of whom routinely leave early and are known to bang out cases.

Pino, by far, is the most popular judge for convicts appealing their conviction. It's easy to see why.

In the 64 appeals handled by Pino in 1988, he offered 60 convicts a better deal and four the same outcome as before. There was not a single example in which he gave a harsher penalty.

It is notable that judges at Municipal Court have turned this appeals process into a spectacular giveaway - and even more notable that many prosecutors and police seemed lulled into docile acceptance.

That is true even when a hard-won case is dismissed on appeal, often because of a bureaucratic glitch.

Two years ago, Esaul Evans, 44, a convicted killer, faced a year in jail after being found guilty by a Roxbury District Court judge of selling crack from his Elm Hill Avenue apartment.

But this conviction was lost when Evans appealed his case to Municipal Court, dragged the case out for six months and got the charges dismissed by Judge Tierney when one of three police witnesses failed to show. The file indicates that the missing officer never received a summons to appear.

Boston police Sgt. Stanley Phibbin, a 29-year veteran who did show up in court to testify against Evans: "When I was a youth, I used to pull my hair out over this. But why get sick over it?"

Leslie O'Brien, Suffolk County assistant district attorney: "Did I feel that strong about this case as opposed to others? No."

Judge Tierney declined comment. The day after Evans' case was dismissed, he was arrested, charged with drunken driving and ultimately convicted.

The only outrage expressed was about 4 miles away from Municipal Court, in the section of Roxbury where Evans lived, a neighborhood trying to bounce back from a wave of drug and gang violence. There, people who knew Evans and his criminal past spoke bitterly of the way the courts have failed them.

"I think they should get one of those islands and throw them all there," said a mother cradling her infant daughter. "They go to the courts and they get out just like that."

IT SEEMS FITTING that a hand-scrawled sign in Courtroom 371 warns newcomers that the power supply here is DC - not AC as in the rest of the country. Indeed, judges here seem to operate in a peculiar world of their own.

It is a world where they not only set their own hours, but seem to make up their own courtroom rules and procedures as they go along. In examining thousands of case files, the Globe found:

On several occasions, Judge Hurley sat on the de novo appeal of a case in which he had handed down the original conviction and sentence, a clear violation of the rules. Following the discount-sentencing pattern, Hurley gave the convicts a lesser sentence in the second trial, even though the evidence remained the same.

When a defendant waives his right to a jury trial, by law he is supposed to stick to that decision and accept the consequences - but that does not always happen at Municipal Court.

Last March, Finbarr Collins, 29, who was accused of drunken driving, waived his right to a jury trial and chose instead a bench trial before Judge Hurley. But when

alcohol rehabilitation program, Collins was not happy.

He wanted back his opportunity to have a jury trial - and a two-paragraph letter from John Galvin, his Brighton attorney, did the trick. Hurley granted a new trial, despite rules stating that that can occur only when an affidavit is filed offering new evidence.

An expert on district court rules described the request by Galvin, brother of Democratic candidate for treasurer and state Rep. William Galvin, as a motion "to gimme a break."

Some judges used a motion to "revise and revoke a sentence" to change a finding from guilty to not guilty, another apparent violation of the rules. In some cases, this was used to clean a person's record, even after he had served his sentence.

For example, on May 17, 1988, Judge Kelly convicted Scott Delaney of West Peabody of assault and imposed one year of probation. On Oct. 4, 1988, long after the probationary period ended, Delaney appeared before Kelly and asked her to revoke the guilty finding.

She then rewrote history: The file was changed to reflect that the case had been continued without a finding and, on Oct. 6, 1988, the assault charge was dismissed.

BUT THE MOST INSIDIOUS aspect of this peculiar world is the half-day work cycle, which dominates much of what goes on in the courtrooms and undermines justice.

For three young men arrested on drug and gun charges, the half-day ethos at Municipal Court seemed to mean the difference between time behind bars and walking free.

Oct. 23, 1988, Chelsea District Court: The three men walked into the courtroom of Judge Ronald D'Avolio. The judge made it clear he would stay until 4:30 p.m. to finish the trial and resume the next morning if necessary.

The prosecution presented evidence about how an anonymous tip led police to follow, then stop a Cadillac that sped off from a Revere bar. Police arrested the driver, four packets of cocaine and a stolen 25-caliber handgun stashed beneath an armrest in the back seat.

The defense attorney called on D'Avolio to acquit the suspects because the drugs and gun were found in the back seat, not in the defendants' physical possession.

But the prosecutor argued that state law allows the government to prove by inference that the drugs and gun belonged to the defendants. When police testified that they had seen a flurry of suspicious activity in the back seat as they pulled the car over, the judge convicted the three men. He sentenced them to a year in jail.

The trial lasted two hours.

May 3, 1990, Boston Municipal Court: The trio embarked on a retrial of their case by appealing for a jury trial.

The case was sent to the courtroom of Judge Pino. The defendants waived their right to a jury trial and agreed to a bench trial before Pino.

The case began routinely enough as Revere police officer James Griffin read the facts of the case. But as soon as Pino heard that the gun and the drugs had been found in the car - but not on any one of the men - he stopped the policeman in midsentence.

"Not guilty!" the judge declared. Before the prosecutor even had a chance to present his entire case, Pino called the next case and the three young men walked free.

The trial lasted 10 minutes.

And if it was a typical day for Judge Pino, he raced through each case with similar speed and left the courthouse by 2:30 p.m.

Many find fault with two-trial system

The transformation of Boston Municipal Court into the Filene's Basement of discount sentencing is one example of how the two-trial system operates far differently today than when it started in colonial times.

Under the system, anyone convicted by a district court judge has the option of appealing for a jury trial - a second chance to be found innocent.

The practice began in the 17th century to smooth out the rough justice in neighborhood courts. Then, local magistrates and justices of the peace, not bound by formal procedures, fulfilled most of the basic peace-keeping functions in communities.

Those who felt wrongly convicted had the option of appealing to a more formal trial court, which convened periodically.

The two-trial system, also referred to as de novo, consequently developed to guarantee the accused's right to a jury trial, and to serve as a check against the broad discretion and potential abuses of local magistrates.

But since the early 1900s, many legal experts have argued that the

two-trial system is archaic, wasteful and redundant. Local magistrates have been replaced by more qualified trial judges at the local level, eliminating any noticeable difference between the first and second trials.

Critics say there is no logic in a system that gives a second bite of the apple to an accused petty thief in district court, but one trial to an accused murderer in superior court.

Detractors also say the two-trial system renders the first trial useless and can often serve as a dry run for defense attorneys searching for weaknesses in the prosecution's case.

For the last 20 years, many prominent judges and legal experts have called for drastic reforms or elimination of the two-trial system.

In 1984, judges on a committee examining the two-trial system said, "the de novo system has its roots in the 17th century, became obsolete in the 19th century and constitutes, in the 20th century, a costly anachronism, frustrating the interests of justice and thwarting the administration of justice."

Such criticisms led to a one-trial system in the district courts of Essex and Hampden counties, which started in 1987 and continues on an experimental basis. Despite some

glitches, the experiment appears to have yielded generally positive results, with lower costs and a more streamlined operation.

A Spotlight study showed that, in Essex and Hampden counties, cases in which a jury trial is requested are concluded in an average of 6 1/2 months, roughly half the time it takes to complete similar cases at Boston Municipal Court.

Nonetheless, the debate about the two-trial system remains largely within legal circles and has never engendered strong public sentiment.

Within legal circles, there is no consensus for reform. Even Paul J. Lacons, chief justice of the Supreme Judicial Court, says he is still on the fence.

However, Samuel Zell, chief judge of the district courts, has filed legislation to expand the one-trial experimental program to other counties and says reform of the de novo system is vital if the heavy misdemeanor caseload is to be reduced.

Most prosecutors also favor some type of reform which would force defendants to choose a bench hearing or a jury trial. Said Paul Leary, first assistant to Suffolk County District Attorney Newman Flanagan: "The system just perpetuates defaults and paperwork."

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Full report: Page 68

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TUESDAY, SEPTEMBER 25, 1990



THE ELITE SIX: Big winners at Boston court

Third of five parts.

To open court one midwinter morning three years ago, Judge Walter J. Hurley gruffly conducted a roll call, requiring criminal defendants to stand up and state their names.

Hurley, a short man who looks rumpled even in his black robe, was presiding in poorly-lit Room 389 of Boston's old municipal courthouse. The judge listened to a fellow named Moriarity, a woman named Kelly, then a man named Leary.

"Walter Steele," said the next man.

"Walter Steele," repeated Hurley that Jan. 30, 1987, pausing to look at the young man from Charlestown.

Hurley might well have said: Walter, this is your lucky day.

In the minutes that followed, Hurley let Steele off the hook by making a ruling that illustrates what life at Boston Municipal Court is all about - politicians and politically-connected attorneys leading charmed lives, earning hundreds of thousands of dollars with the help of judges such as Hurley, who appear to favor them with extraordinary actions in criminal cases.

To represent him, Steele had hired one of six attorneys whose track records the Spotlight team examined during its seven-month probe of the Massachusetts court system.

Analyzing 269 cases, the Globe found that the six attorneys rarely lose, unlike their col-

leagues who lose more often than they win. The six also rarely practice law in the traditional sense - facing juries or arguing constitutional points. Instead, they cut deals, negotiating with judges and prosecutors who are well aware of the lawyers' political clout at the State House, where judges' salaries and working conditions often come to a vote.

The six are the courthouse elite, who have turned the criminal system into their own easy street, turning loose drug dealers and drunken drivers, many of whom go out and get arrested again. In an urban court where the typical defendant is a minority who cannot afford a lawyer, these attorneys' clients are nearly all whites who pay pricey fees.

And the Walter E. Steele Jr. case was all of this.

Following his arrest for drunken driving, Steele turned to Thomas E. Finnerty, a veteran of the Boston court whose professional identity is tied to the powerful president of the state Senate, William M. Bulger. The lifelong friends are law associates. Even though Finnerty was once district attorney of Plymouth County, he is known mainly for his closeness to Bulger.

But the case's political brew gets even thicker.

Steele is the son of a superior court judge,

SPOTLIGHT, Page 10

The Spotlight team consists of editor Gerard O'Neill, reporters Dick Lehr, John Aloysius Farrell and Patricia Wen, photographer John Thumacki, and researcher Ardys J. Kozbial. Today's article was written by Dick Lehr.

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THE BLIT

SPOTLIGHT

Continued from Page 1
 Walker E. Steele, by the end of the next year the prosecutor assigned to the case, Stephen M. Foley, would leave the district attorney's office to join a private law firm located a few blocks away - Finnerty's.

In court, the clerk began by telling Hurley, "This will be an admission to sufficient facts, Your Honor." That meant Steele did not dispute what happened and was admitting his guilt. He was prepared to take what came from the judge for a first offense - usually probation, certainly not jail time.

The police officer who had arrested Steele, his voice thin and taut, then recited the facts: how Steele had run a red light in Dorchester at 12:10 a.m.; how Steele's "eyes were red and glassy;" how Steele

failed a sobriety test, staggering and straying from the straight line he was asked to walk, heel to toe.

Finally, there was a blood-alcohol level of .20 - twice the limit that defines drunkenness by law.

Neither attorney questioned the officer.

Then Hurley ruled: "Not guilty."

There was silence.

"Thank you," Steele said on his way out.

"Alcohol and gasoline don't mix," warned Judge Hurley, informing Steele he'd let him off on a technicality.

The judge's actions stunned legal experts to whom the Globe recently described the case's facts.

"The medical evidence is overwhelming - .20," Stanley Adelman, general counsel at the state Office of Public Safety, noted incredulously. "I'm not into judge-bashing, and I don't know what court this was in, but that is unreal. It seems to me a blatant misreading of the law."

Said a veteran prosecutor, "I find it really hard to believe that a person with that amount of alcohol in his system would not be convicted. .20 is someone who is really intoxicated."

But at the time, prosecutor Foley did not utter a word of protest. Foley, in partnership with Hurley, had responded to repeated requests for interviews by visiting their work at the Massachusetts Superior Court for Finnerty. Access to Boston Municipal Court has become a virtual spin-off. The Steele case was one of 64 Finnerty cases examined by the Globe. Eighty percent of his clients were found not guilty or won a disposition that left their record unblemished. In the 11 cases that went to Hurley, the acquittal rate was higher - 91 percent.

THERE IS NO EASY WAY to isolate the caseloads of the six attorneys targeted by the Globe. No handy list exists showing what cases a particular attorney has. Instead, reporters spent more than a month examining the 80 docket books covering the past five years, reviewing 40,000 criminal cases.

The dig for political cases was part of a larger probe of the courts, particularly of Municipal Court, where the Globe found that a majority of the 11 judges put in less than a full day at work. It is a courthouse dominated by backroom deals and flagrant favoritism. Between the huge caseloads and the pressure to preserve a half-day, a chaotic brand of justice flourishes that plays neatly into the hands of the deal makers.

"To some people it sounds like good old boys sticking together, that it pays to know someone," said Katherine N. Stacey, happy with the way her drunken driving and disorderly cases turned out after she hired Rep. Salvatore F. DiMasi.

"It's true, I saw it. I sat there in court. It does help. He walked me right through this," she said, referring to DiMasi.

Of the six politically-connected attorneys, four are longtime Democratic state legislators. Three are leaders of the Judiciary Committee, the starting gate for any new legislation affecting judges and the courts. And half have strong ties to Bulger.

Besides Finnerty, 65, and DiMasi, a six-term Democrat from Boston's North End, the third politically-connected attorney whose record will be examined today is Michael J. Flaherty. The 54-year-old

The series at a glance

SUNDAY
 The half-day court culture keeps an overburdened system from collapsing.

MONDAY
 Boston Municipal Court as a microcosm of why the courts don't work.

TUESDAY & WEDNESDAY
 The extraordinary success of politically-connected lawyers in the state's largest district court in Boston.

THURSDAY
 A system trapped in a married old man's shoes.

THE SPOTLIGHT TEAM

found that: The six attorneys have twice the success rate of other lawyers in winning their clients a not-guilty ruling or a clean record. They won those outcomes 80 percent of the time.

In a random sample of 698 adjudicated cases in 1988, those outcomes were obtained only 40 percent of the time.

Even when they lost, they kept all but four of their 64 guilty clients out of jail. This converts into a jail rate of 7 percent - a rate three times lower than in the random sample, where 25 percent of the sentences included jail time.

The six look to three judges to preside over their cases; they shop and seek continuances, avoiding the other eight judges at Boston Municipal Court, until they land before either Hurley, Judge John A. Pino or William J. Tierney, the court's chief judge, who grew up in South Boston and is viewed as another Bulger ally.

For every 10 of their cases, seven were disposed of by one of those three judges. Hurley proved to be the most popular and most generous. He handled 71 of these lawyers' cases, and acquitted 68 defendants in 89 percent. Pino handled 68 cases. Tierney showed the politically-connected attorneys special attention by finishing 47 cases, or 17 percent of the six lawyers' cases, while disposing of only 5 percent in the random sample of other cases.

The typical offender at the Boston court is a minority, either black or Hispanic. But in 90 percent of the cases involving the six lawyers, the typical client was a white who could pay the \$3,500 to \$7,000 in fees, especially in drunken driving cases where the stakes are high for the client but the legal preparation is perfunctory. For the four moonlighting legislators, a steady diet of cases has enabled them each year to double, even triple, their State House salaries of \$30,000.

Despite the remarkable track record the politically-connected attorneys have had at Municipal Court, some insiders insist that justice is not compromised. "Politics doesn't play a role in whether a case is won or lost," asserted Paul Leary, Suffolk County's first assistant district attorney.

But to others, the lucrative work of the political lawyers draws on an ugly mix of politics, influence peddling and profiteering. "I think it is a conflict of interest," said one State Police investigator who saw his case fizzle once a political attorney was picked for the defense.

vice chairman of the Judiciary Committee has represented South Boston in the House since 1987. Writing more than 20 years ago, Bulger called Flaherty "my close, longtime friend." The remaining three politically-connected attorneys, whose cases will be examined tomorrow, are: Sen. Michael J. Preston Jr. of East Boston, Senate Counsel George V. (Gigi) Kenneally Jr. of Dorchester and Rep. Alfred E. Saggese Jr. of Winthrop.



THOMAS E. FINNERTY



SALVATORE F. DIMASI

"I know that others disagree with me... [but] these guys are voting on a judge's salary. If a judge can find a way to bend over backward on a technicality, it's human nature that, if they can find something to hang their hat on, they're going to do it."

"It's not right. It's not fair. It's not ethical."

Paul J. Liacos, chief justice of the Supreme Judicial Court of Massachusetts, believes allowing legislators to practice law in state courts "is not a healthy thing."

"It makes it look like somebody's getting an advantage when maybe they're not," Liacos said in an interview last week. "Whether the Legislature sees that it is in its own interest to preclude this sort of thing I have to leave it to them... It's their responsibility. If we find a judge doing something inappropriate we would take care of that situation."

"I haven't heard anything."

FLAHERTY, THE SOUTH BOSTON Democrat who was upset last week in a primary, & by far the busiest of the six political attorneys at the Boston court. He had 112 cases, or 42 percent of those disclosed in the Globe's study. He also had the highest acquittal rate - 83 percent - with only one client receiving a sentence that included time behind bars.

The influence these political attorneys exude at the Boston court is captured by a Flaherty case that began five years ago, when Harry G. Mook was charged with motor vehicle homicide after the Cadillac he was driving hit and killed a man in Brighton.

Mook, a restaurateur and convicted tax cheat who was charged last month with operating a multimillion-dollar money laundering ring, investigators now believe Mook had subterranean contacts all over the city. He reputedly served as the Mafia's link to Chinatown and is under inves-

TEN MONTHS after Mook's troubles began, Flaherty moved the case to the cozier Boston courthouse by filing a request for a jury trial. Like so many other cases, Mook's then began his languid getting continued from the court date to another - the popular defense move that wears down prosecutors and witnesses.

Peculiar to this case, however, was that relatives of the victim were geared up for the long haul. Pamela and Karen Pappas, both dentists, had hired their own attorney and even a private investigator to ensure justice was done.

But they were no match for Flaherty. Pamela Pappas came to this realization when she walked into prosecutor Stephen Foley's office in November 1986. By this time, the case had dragged on for more than a year. Witnesses had grown discouraged after vying days in court; some failed to answer summonses, others had moved away.

Foley gave the dentist something more to worry about as he stopped what he was doing - Pappas remembered that Foley had been humming a song when she arrived - and launched into a frank account of how the game is played at the Boston court.

The prosecutor, recalled Pappas, described Flaherty's high rank on the Legislature's Judiciary Committee and said that the lawmaker wielded extra influence with judges. He said Flaherty had probably moved the case out of the dead man's neighborhood court because he had more clout downtown. And Pappas recalled Foley vowing one more concern: that it would not serve his own career as an up-and-comer to tangle too roughly with Flaherty.

Foley, who was also the prosecutor in the Steele case, did not return telephone calls seeking his view of the dentist's recollections. But Pappas kept a diary of her struggles. It included this entry, written after seeing Foley: "Foley said not too optimistic and that system works against us."

Under the state's two-trial system, a case can first be tried before a judge in the original, outlying court. If convicted, the accused can seek a retrial before a jury at Boston Municipal Court. But the political attorneys rarely bother with two trials. In nine out of 10 cases, they skipped the first court and made a beeline for Boston.

In theory, the move to Boston's jury session is made so that a jury of six people will decide the outcome. In reality, only two of the 269 cases handled by the six attorneys ever went to a jury, according to the Globe study.

Instead, once in Boston, the group moved among the rooms, six attorneys in search of a particular judge - Hurley, Pino or Tierney. They continued the case and shopped around until they got the deal they wanted, then waived a jury trial and watched as the judge alone decided the case, usually their way.

Continued on next page

Lawyers scorecard

Track record of six politically-connected attorneys in criminal cases from 1985-89 at Boston Municipal Court, as measured against a random sample of other lawyers' cases in 1988.

Attorney	Number of cases	Guilty	Acquittal rate	Jail sentences
Thomas E. Finerty	54	10	44	81%
Rep. Salvatore P. DiMasi	26	9	17	65%
Sen. Michael LoPrelli Jr.	22	8	14	64%
Senate Counsel George J. Kennedy Jr.	17	1	17	71%
Rep. Alfred E. Saggese Jr.	31	6	25	81%
TOTALS	140	54	215	80%
Other lawyers	698	418	280	40%

Includes other dispositions that have charges' records unrecorded.
SOURCE: Globe study of jury verdict cases in Boston Municipal Court.
GLOBE STAFF CHART

Judges scorecard

Three of the 11 judges at Boston Municipal Court ruled on the majority of the 269 cases handled by the six politically-connected attorneys from 1985-89.

Judge	Number of cases	Total cases (% of 269)	Guilty	Acquittal rate	Jail sentences
John A. Pino	68	25%	16	52	76%
Walter J. Hurley	71	26%	8	63	89%
William J. Tierney	47	17%	11	36	77%
TOTALS	186	69%	35	151	81%

Includes other dispositions that have charges' records unrecorded.
SOURCE: Globe study of jury verdict cases in Boston Municipal Court.
GLOBE STAFF CHART

Equently, the court

is a revolving-door for those who hire a politically-connected lawyer. The client gets off, goes to work and commits more crimes. Take the case of Patrick G. Joyce, whose violent acts have led to plenty of arrests, but with Flaherty's aid, has managed to stay out of jail.

Four years ago, Joyce ambushed a man in a bar in Jamaica Plain with his girlfriend. The attack was unprovoked - for the victim, who did not know Joyce, is not robbed. He was, however, knocked to the ground. Two days later, Joyce attacked a second man who also had to be hospitalized.

Joyce almost blew it. He did not hire a lawyer right away. Instead, in the first case, he went to trial in 1987 before Judge in West Roxbury who sentenced him to nine months in jail. The judge also ordered him to pay the victim's medical bills.

The call went out for Flaherty, the former chairman and current vice chairman of the Judiciary Committee. He took up Joyce's appeal when the case was transferred for a retrial.

In this regard, the case is atypical of 269 cases examined by the Globe. Most of the time, the six lawyers skip the first trial and go directly to Boston.

But, in 10 percent of their cases, the case went to trial in 1987 before a judge in West Roxbury who sentenced him to nine months in jail. The judge also ordered him to pay the victim's medical bills.

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Boston Municipal Court Judges John A. Pino (left) and William J. Tierney, fathers of politically-connected lawyers, exit the courthouse.

A judge's son beats the system - twice

The gift Walter E. Steele Jr. received from a judge at Boston Municipal Court three years ago - a not-guilty ruling despite Steele's willingness to admit he was driving drunk - is not the only instance in which the court has looked after him.

Judge Walter J. Hurley's ruling was the second break Steele got in the case. Having been convicted of drunken driving in 1982, Steele should have been charged with a second drunken driving offense, which carries a mandatory two weeks in jail or at a treatment facility upon conviction.

But District Attorney Newman Flanagan's office failed to charge him properly in 1987, and Hurley quickly extinguished the single charge before him, blushing aside a blood-alcohol reading twice the legal limit, and letting off Steele, the son of a superior court judge.

Since then, Steele's good fortune has continued. He's been back to Municipal Court twice and twice he's gotten off without any jail time.

Each time, Steele employed a politically-connected lawyer with strong ties to Senate President William M. Bulger.

For a 1988 drunken driving case, Steele chose George (Gigi) V. Kennedy Jr., the Senate counsel. For a 1989 case in which he was charged with driving without a license, Steele hired William M. Bulger Jr., then a 28-year-old lawyer who was two years out of law school.

Steele's cases landed before one of a trio of judges who are the favorites of the politically-connected - Walter J. Hurley, John A. Pino and William J. Tierney, the court's chief administrative judge.

It was the summer of 1988. Steele was a year older but apparently no wiser after the Hurley case the previous year. He was driving a red Oldsmobile Cutless belonging to James J. Bulger, the senate president's son and a longtime friend, when he was arrested at 3 a.m. at Leverett Circle.

This time the 1982 conviction was not forgotten, making the drunken driving charge in the July 30, 1988, arrest a second offense.

Steele went to Kennedy, who had the case transferred to Boston Municipal Court from Charlestown, where Steele lived. Three days before Christmas, Kennedy waived a jury trial and resolved the case before Judge Pino.

Captive to the facts and the law on second drunken driving offenses, Pino ordered Steele held for the minimum 14 days - not in jail but in alcohol rehabilitation treatment at the Middlesex County Hospital.

In addition, Pino placed Steele on probation and yanked his driver's li-

cence. As a final touch, Pino took the unusual action of ordering the case sealed, although it apparently never was. The case file has been made available at the court.

LESS THAN A MONTH after Pino's ruling, Steele was back on the road again - without a license. Just before noon on Jan. 17, 1989, a state trooper pulled Steele over in Charlestown. The Ford pickup he was driving was uninsured and unregistered.

Steele's biggest worry, however, was that he'd been caught behind the wheel after his license was suspended for drunken driving. It is a crime treated harshly under the state's drunken driving laws, requiring a mandatory minimum of 60 days in jail upon conviction.



BULGER JIL

Tierney a loophole and got his client off the hook.

Steele had already waived his right to a jury trial when the state trooper who had nabbed him took the stand to testify. "I have certified copies of the revocation," said Trooper Richard Connelly, a member of the Governor's Auto Theft Strike Force.

The certified papers Connelly referred to constituted the evidence that Steele's license had been revoked for drunken driving - proof that is essential in order to trigger the mandatory 60 days.

But young Bulger seized upon a technical flaw in the complaint. "The complaint does not allege that the defendant's license was taken, was revoked, for operating under the influence," he told Tierney in a plea for leniency. "I suggest, therefore, that there is no requirement that the mandatory 60 days in the House of Correction be applied."

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Steele hired a relative newcomer to the Massachusetts bar, Bill Bulger Jr. At the trial a year ago, Bulger showed Judge Tierney a loophole and got his client off the hook.

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The driver's license of Walter E. Steele Jr. was suspended after a second drunken driving conviction.

It was a good disposition. You can say what you want, Nest case."

Pino declined comment. But in an effort to discern more about why Pino decided to drop the jail time against Joyce, the Spotlight team requested a tape of the dispositions in court.

No tape could be found - just as no tape could be produced for more than half of the 30 cases the Globe requested from the Boston court. By a wide margin, the fewest recordings were available for cases handled by Pino - only one of 11 tapes of his proceedings that were requested could be found.

Many of the 16 cases for which there were no tapes were heard in courtrooms equipped with a second button that a judge can press to turn off the tape. In addition, the Globe witnessed cases come to an end during hushed talk at the bench, which a recorder, even if running, could not have picked up.

REP. SAL DIMASI, the lawmaker from Boston's North End, has been neither as busy nor as successful as Flaherty at Boston Municipal Court. In his 25 cases, DiMasi had an acquittal rate of 65 percent - a rate much better than the 40 percent found in the random sample of cases but not as high as the other political attorneys, who as a group had a rate of 80 percent.

But DiMasi, who did not return repeated calls for an interview, has made many of his clients just as happy.

Take Katherine N. Stacey. Two years ago she got herself into a fracas with the Winthrop police. It was midafternoon. She was drunk and driving a Honda with three kids in it when she backed into a police motorcycle. Instead of handing over her license upon request, she climbed out of the car screaming obscenities. After ripping one officer's shirt, she was arrested.

In all, the Chelsea woman was charged with six offenses.

Stacey, a 38-year-old insurance adjuster, already had been convicted once for drunken driving. She hadn't used DiMasi in that 1987 case, but now she faced a second offense and nearly three years in jail if convicted on all of the criminal charges.

In an interview, Stacey recalled her worries about the case, not just because of the drunken driving charge but because the arresting officer whose shirt she'd ripped was always showing up in court to push the case. It was time for heavier artillery.

She hired DiMasi on the tip of a friend. "There's a great guy named Sal DiMasi," recalled Stacey, quoting the friend. "She said, 'He could probably help get you off, or at least a very fair judgment, because he knows all of the judges.'"

It only took a few visits to court in the company of her new lawyer to make Stacey a firm believer.

"He is influential. Every time we were together in court it was, 'Hi, Joe,' or 'Hi, Jerry.' It was like old home week," she said.

THROUGH THE SPRING and summer of last year the case was continued. Still haunting Stacey was the arresting officer, Sgt. Frank Scarpa, who always showed up.

"It was a real jerk," said Stacey, complaining that the sergeant kept after the prosecutor not to go easy on her.

Then came a court date two weeks before Thanksgiving. DiMasi had suffered a heart attack in late October, so one of the associates in his firm stood in for him. For the first time, the police officer was not there.

"On that day, bingo, we got lucky," said Stacey. The case was called before Judge Tierney, the Boston court's administrative judge. The court records indicate a trial was held that Nov. 10, but it took all of a few minutes to race to the case's conclusion.

"The judge says, would you do two weeks of treatment? and ... I say, OK, sure, that would be fine," said Stacey about the net result of her criminal actions.

DiMasi's firm had cut a deal for her, getting the prosecutor to recommend no jail time. Tierney, who found her guilty of all six charges, went along. He filed most of the charges with no penalty. By law, a second drunken driving conviction requires jail or in-patient treatment of between 14 days and two years. Tierney gave the minimum 14 days.

Was Stacey pleased? "Oh yes, definitely."

Her only regret was not seeing her chief accuser, Sgt. Scarpa. "In a way I wish he had been there, because I wanted to walk past him, say byyyyeee."

Scarpa, however, had not bailed out, as police and other witnesses so often do when a case drags on.

"There is no way I would agree to putting those cases on file," Scarpa said emphatically. "No way. Not without restitution to the department for the damages."

What happened? To this day, the police sergeant feels set up.

"Wasn't her attorney Sal DiMasi? That's cute. That sounds like one of those real cutie moves to me."

The reason he was a no-show at court Nov. 10, he maintained, was that the prosecutor had told him not to come. He even produced police department records for a Globe reporter showing the hearing on Nov. 10 was marked "for status only."

"I was told not to bother coming, and I would be called back either for a trial or for an agreed-upon disposition."

But no one ever called, and the case was run through.

"It's very upsetting to me," he said. Told that records indicate a trial was held, Scarpa wondered, "How could they have a trial without me, the arresting officer?"

Sox lose to Indians, 5-2

Toronto stumbles - Page 75

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Thursday: Ditto

High tide: 11:21 a.m., 11:45 p.m.

Full report: Page 54

WEDNESDAY, SEPTEMBER 26, 1990



The Spotlight team consists of editor Gerard O'Neill, reporters Dick Lehr, John Aloysius Farrell and Patricia Wen, photographer John Thumacki, and researcher Ardys J. Kazbial. Today's article was written by Dick Lehr.

BUILT-IN LOBBY: Court has friends on the Hill

Fourth in a series.

The battle lines were drawn by the end of 1986, after the suspected misconduct of a few judges had kicked up a public outcry. On one side were lawmakers seeking to reform how Massachusetts judges are disciplined. On the other were the judges and their point men on Beacon Hill.

"This was obviously perceived as a huge threat by the judges," recalled Rep. Susan Schur, who sponsored one reform bill, about the momentum building early in 1987 for tougher disciplinary rules and open hearings.

To fight back, the judges tapped a few shoulders at the State House to scuttle the re-

form drive. "Mike Flaherty, working closely with his friends on the bench, began playing hardball," said Schur, referring to the South Boston representative.

Not far behind was Sen. Michael LoPresti Jr.

The pair were well-positioned. Flaherty, who took the lead as the judges' State House representative, was vice chairman of the Judiciary Committee. LoPresti was the committee's cochairman.

The judges could count on the two veteran lawmakers.

Flaherty and LoPresti are among six politically-connected attorneys examined by the

Spotlight team during a seven-month probe of the courts. At Boston Municipal Court, these six rarely lose - 80 percent of their clients were found not guilty or were able to leave court with an unblemished record, according to a computer analysis of 269 criminal cases handled by the six political lawyers from 1985 to 1989.

By comparison, a Globe study of a random sample of 698 cases from 1988 revealed an acquittal rate of 40 percent, half that of the politically-connected attorneys.

For the six, the court has proved to be a kind of Magic Kingdom. And four of them have only a short block to walk from their State

House offices to take the legal system for a ride.

Back in 1987, however, it was the judges' turn to seek help from the lawmakers. The Legislature's Judiciary Committee met on April 28, 1987, to consider the bills seeking to open up the operations of the Judicial Conduct Commission. In a show of force that could only have been orchestrated ahead of time, Flaherty and LoPresti managed to stall the reformers.

"Eight members walked into the room and sat down," recalled Schur, a Newton Democrat. "LoPresti was already there, as chairman."

Quickly, a motion was made to postpone ac-

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BUILT-IN LOBBY: Court has friends on the Hill

SPOTLIGHT
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tion on any of the bills. Recalled Schur: "I asked, why don't we discuss the merits of the proposals?" But no discussion followed. Instead, by a 9-5 vote, the motion to table the bills was passed.

"This was a key moment from the judges' point of view," said Schur. "The committee clearly had options - bills to discuss and consider - and they had to pull out all the stops to table those options and get their bill in."

"Their bill" was one Flaherty had produced and put on the table. Written by the judges, it would have taken the judicial panel in the opposite direction - to greater secrecy.

"It seems that judges in general have come in for more than their fair share of criticism," complained Flaherty in a memorandum he circulated privately to colleagues on May 13, 1987, a copy of which was obtained by the Globe.

Flaherty urged committee members to back his bill, even though he said he expected that his proposal will be hailed as both regressive and Neanderthal in the hoopla surrounding the discipline of judges. But in the same way he got the committee to table the reform bills, he got it to support his own.

Ultimately, each side gave way to a compromise - an agreement reached after House leaders sympathetic to the reformers decided to hold up passage of a proposed pay raise for judges until they softened their hard-line views.

Flaherty, who was upset last week in a Democratic primary, refused to discuss his actions. Four years ago, however, he labeled the notion that judges and political attorneys protect one another in the courtroom and at the State House "absolutely patently wrong on its face. It's ridiculous...."

But critics find denials like Flaherty's self-serving.

"If a legislator does a favor for a judge then the judge won't forget it, and the legislator knows the judge won't forget," said Ernest Winsor of the Massachusetts Law Reform Institute. Winsor termed the treatment judges have bestowed upon political attorneys "a habit of the mind."

"That staff is desperate to me - any kind of special treatment given somebody is a habit of the mind."

Of the six politically-connected attorneys, four are Democrats, three are the leaders of the powerful Judiciary Committee and half have strong ties to Senate President William M. Bulger, who has long viewed the judiciary as a repository for patronage.

"I think I have been pretty good at the patronage," Bulger said during extensive interviews with the Globe in 1988, referring to patronage in government generally. "I would prefer there was nobody around looking for a job, but since they are, and that's their need, I try to help out."

Indeed, Thomas E. Finnerty Jr. and George V. Kenneally III, the sons of two of the six attorneys, have jobs as court officers, charged with maintaining decorum in the courtroom. Flaherty's brother John is also a court officer. They each earn more than \$32,000 annually.

Yesterday, the Globe examined the records of three of the politically-connected attorneys: Finnerty, Bulger's boyhood friend and longtime law associate, Rep. Salvatore F. DiMasi, co-chairman of the Judiciary Committee; and Flaherty.

In addition to LoPresti, the track records of two others will be examined today: George V. Kenneally Jr., 60, a former state senator from Dorchester who for nearly two decades has worked as the counsel to the Bulger-dominated state Senate; and Alfred E. Saggese Jr., 45, a Winthrop representative who is retiring this year after 15 years in the House of Representatives.

THE 1987 BATTLE waged over how to discipline judges was not the first instance in which the political attorneys pushed legislative action that favored judges before whom they practice.

Five years ago, Flaherty led a short-lived effort to clip the power of the trial court's chief judge to set workday rules.

The series at a glance

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- THURSDAY**
A system trapped in garbled old roots.



'I have never noticed any kind of special treatment.'

ALFRED E. SAGGESE JR.
Winthrop state representative



'I don't want to answer anything. God bless you.'

GEORGE V. KENNEALLY JR.
Senate counsel



No comment.

MICHAEL LOPRESTI JR.
Chairman, Judiciary Committee

Flaherty's move came after a 1982 directive stipulating that court employees - including judges - must work until 4:30 p.m.

He filed a bill in 1985 that would have barred the administrative judge from "issuing any administrative order or directive concerning the hours or working conditions of trial judges" unless the judges participated fully in the action.

The bill died in committee.

LoPresti, like Flaherty, has sponsored a slew of bills affecting the judiciary. Many are filed as a courtesy to the proponents, but tucked in among them are a few to benefit Boston Municipal Court directly.

Starting in 1985, LoPresti sought to boost the number of court officers working at the Boston court from 17 to 32. He also wanted to increase the number of probation officers from 25-30 to 43.

He failed that year, so he tried again the next. Failing again, Flaherty tried to keep the ball rolling - seeking up to 32 court officers and 43 probation officers in 1988.

But his bill also died on the vine, in part because Flaherty had gone to the well too many times on behalf of the judges.

The two lawmakers have since abandoned their efforts to beef up the staff of the Boston court. But while LoPresti may have failed the troops, he did manage to satisfy the court's field marshal, William J. Tierney, the chief administrative judge.

In 1988, LoPresti filed a bill intended to tighten Tierney's grip as chief judge. Previously, all 11 judges set the rules for how the court would operate. By changing one paragraph, LoPresti was hoping to bestow that authority solely on Tierney.

The bill was not passed in 1988, so LoPresti refilled the bill. Last November, with the blessing of the state Supreme Judicial Court, the measure was signed into law. It says, "The administrative justice... may make... rules for regulating the practice and conducting of business therein."

ALL THE WHILE, LoPresti, who did not respond to repeated requests for an interview, was going before the judges at Boston Municipal Court, representing drug dealers, drunken drivers and others. The veteran lawmaker had 22 cases there between 1985 and 1989, according to the Globe's study, of which 14, or 64 percent, ended in not-guilty rulings.

The cases of a drug pusher from East Boston show the slack the Boston court has cut LoPresti, leeway that a court in another county would not provide.

In 1986 and 1987, the pusher was busted twice, charged with dealing cocaine in East Boston as part of a ring police said had ties to Mafia associate Frank J. Imbruglia. Both cases went to Superior Court.

But that wasn't the end of it. In March 1987, the pusher was charged with possession of cocaine. Later that spring, he beat up some folks, pounding one man with a hammer. These drug possession and assault cases, covering seven offenses, went to Boston Municipal Court.

Finally, in October 1987, the man, whose criminal record was obtained under the state law governing access to convicts' prior crimes, broke into an apartment in Everett belonging to his former girlfriend. He beat her up and was arrested. Due to

the location, the case went to a district court in Middlesex County.

The pusher did not go right to LoPresti after his cocaine bust in early 1986. His first stop was John Sylvester, who had represented his family in the past. Sylvester was on the case into early 1987, seeking to work out a plea bargain. Then one day,

his client announced that he was switching to LoPresti.

Sylvester, in an interview, said he did not know why he was dropped for the state senator. The switch came after a hustle with his client during which he told the client that the best bargain he had been able to negotiate would require the client to

'If a legislator does a favor for a judge then the judge won't forget it, and the legislator knows the judge won't forget.'

ERNEST WINSOR
Massachusetts Law Reform Institute



JUDGE PINO



JUDGE HURLEY



JUDGE TIERNEY

Attorney	Number of cases	Guilty	Not guilty	Acquittal rate	Jail sentences
Rep. Michael F. Flaherty	112	44	29	88%	0
Thomas E. Finnerty	54	10	44	81%	0
Rep. Salvatore F. DiMasi	26	9	17	76%	0
Sen. Michael LoPresti Jr.	22	8	14	64%	0
Senate Counsel George V. Kenneally Jr.	31	7	24	71%	0
Rep. Alfred E. Saggese Jr.	31	6	25	81%	1
TOTALS	269	54	215	80%	1
Other lawyers	698	418	280	40%	104

Judge	Number of cases	Total cases	Guilty	Not guilty	Acquittal rate	Jail sentences
John A. Pino	68	25%	16	152	76%	0
Walter J. Hurley	71	26%	8	63	89%	0
William J. Tierney	47	17%	31	36	77%	0
TOTALS	186	69%	35	151	81%	1

serve a year in jail. "He didn't say anything to me at the time," said Sylvester. "Then he came back and said he went to another lawyer. I said, 'Hey, if you can do better with someone else, good luck.'"

By hiring LoPresti in early 1987, the pusher did just that. Soon LoPresti was handling not only the two cocaine trafficking cases, but all the others resulting from his client's subsequent crime spree. In February 1988, LoPresti's client had piled up charges for which, if convicted, he faced more than 60 years in jail. The veteran lawmaker managed to negotiate plea bargains for which his client spent 11 months in prison.

The prison time grew out of the two cocaine trafficking cases that were settled in early 1988 in Suffolk Superior Court. The sentence read six to 14 years behind bars, but the court ordered only 14 months of it served. The pusher was out after 11.

THE SAME DAY, Feb. 22, 1988, that the plea bargains were struck in Superior Court, LoPresti went before an amenable Judge John A. Pino in Boston Municipal Court. Pino, as past president of the Massachusetts Judges' Conference, was among a handful of judges who had lobbied hard on Beacon Hill the previous year, with the help of LoPresti and Flaherty, against beefing up judicial accountability.

Pino handled a third of the 22 LoPresti cases in the Globe study. Four clients were found not guilty and three were found guilty. The pusher was among the guilty, but LoPresti got rid of the remaining seven assault and drug cases while avoiding any punishment for his client - an outcome illustrating the lightness of being at Boston Municipal Court.

The drug pusher pleaded guilty. Pino ordered the cases filed, meaning the convictions were recorded without any penalty.

Why Pino filed the cases against the East Boston man remains a mystery. He has refused comment and no taped record of Pino's decision could be found by court officials.

But Pino's decision not to impose any penalty baffled one of the assault victims of the pusher. "I think it's awful," the 53-year-old East Boston woman said. "They get away with murder."

Law enforcement sources contacted by the Globe were also indignant. Often, they explained, prosecutors and judges will soften their view toward a negotiated plea when the offender is already incarcerated or faces incarceration. But, they said, simply filing the case is too soft, a kind of legal disappearing act that treats the crime as if it never happened.

"I can't say it has never been done, but it is not the practice here," said a veteran Middlesex County prosecutor, reacting to Pino's actions. "Nobody resolves a case in Middlesex County by getting it placed on file, just because there is another sentence in another jurisdiction. That's tantamount to saying you get a free pass."

Indeed, there was no free pass for LoPresti's client when it came time to settle the last in the string of criminal cases against him - the assault charge in Middlesex County. The man finally pleaded guilty to beating up his ex-girlfriend, but the best

Continued on next page

A second generation is on the payroll



During a break at West Roxbury District Court, George V. Kenneally 3d (above) walks through the clerk's office. Kenneally, a court officer since 1983, was picked up two years ago on a drunk driving charge. His father, counsel to the state Senate, got him off by transferring the case to Boston Municipal Court, where it was dismissed for want of prosecution. At left is court officer Thomas E. Finnerty Jr., the son of a politically-connected defense attorney of the same name. Finnerty Jr. works in the Suffolk County Courthouse, earning \$31,000 a year. In May, he graduated from New England School of Law, and last spring courthouse sources observed him studying for the state bar examination during working hours.

Continued from preceding page
LaFrosti could get from the Malden District Court in return for the plea was a three-year probationary term with a suspended two-year jail sentence.
For the seven assault and drug possession cases in Boston Municipal Court, the pusher got nothing. But for the single assault case in Malden, he faces two more years in jail if he gets in trouble again between now and September 1991.

UNLIKE THE OTHER political attorneys, George V. (Gig) Kenneally Jr. claims only to dabble in private practice. While the lawmakers earn up to \$100,000 a year in their outside legal work, Kenneally last year reported earning no more than \$20,000. But then, as counsel to the Senate, Kenneally makes \$75,500 annually, while the legislators earn less than half that.
When 60-year-old Kenneally does appear at the Boston court, his performance shows no signs of rust. He had 24 cases at the court from 1985 to 1989, according to the Globe study, with an acquittal rate of 71 percent and only one jail sentence for his seven guilty clients.

No one knows his success better than Kenneally's son George V. Kenneally 3d who, as a court officer, holds a job widely viewed as a repository for patronage. Two weeks before Christmas 1987, the younger Kenneally was arrested at 1:15 a.m. and charged with driving a 1976 Plymouth while drunk. At the time, Kenneally, a former Boston School Department clerk, had been working as a court officer for four years.

He called upon his father, who immediately moved the case to Boston Municipal Court. Judge Pino got the case on March 1, 1988, and dismissed it, noting that "no



This was obviously perceived as a huge threat by the judges.... Mike Flaherty, working closely with his friends on the bench, began playing hardball.
REP. SUSAN SCHUR
Sponsor of a judicial reform bill

ice officer" had shown up. Without a there was no evidence.
What happened?
Metropolitan Police Officer Tim White indeed unable to testify about arrest-Kenneally. The day Pino got the case for the rest of that week White was at police training academy. His boss, Daniel MacLean, told the Globe recently that Boston court was notified of White's availability and for whatever reasons it wouldn't continue it.
Good thing for Kenneally. The next day, he was arrested again on a charge of drunken driving, this time in Marshfield, was found guilty in October 1988. As a repeat offender, he was put on probation for a year and ordered to attend an alcohol education program. Had it been his second conviction, he would have faced a mandatory 14 days to two years in jail or in a treatment facility.

ANOTHER who knows Kenneally's idiom in drunken driving cases is Thomas M. Maguire, who, until last year, worked as an attorney for the city of Boston. Maguire also knows how Boston Municipal Court works; he was employed there as a full-time clerk from 1980 to '83, the same three years he was a full-time law student at nearby Suffolk University.

For the young lawyer, 1986 began roughly. He was picked up in April in Westbury on drunken driving charges. In May the next month, he was caught in, driving with an open beer in his lap. In March 1987, Maguire was hit hard by a judge in West Roxbury District Court. For the second offense, he was sen-

tenced to 30 days in jail, but it was suspended so long as he stayed at a hospital for two weeks of treatment - which he eventually did. For the third offense, Maguire was ordered to spend 60 days in jail.
Kenneally let lie the outcome in the second case. But with a client facing jail, Kenneally sought a retrial of the third case before a jury at Boston Municipal Court.
The appeal was filed March 12. Eight days later, the case landed before Judge Walter J. Hurley, who handled nearly half of Kenneally's cases in the Globe study of Boston Municipal Court. Kenneally had his client waive the jury, a move to put the outcome in Hurley's hands.

Hurley completely undid the work of the original judge. He found Maguire guilty, but only "as to so much that alleges a first offense." He put Maguire on probation and ordered that he attend meetings of Alcoholics Anonymous four times a week.
How Hurley could cut a third offense down to a first offense remains a mystery. No tape of the proceedings could be found, and neither Hurley nor Kenneally would comment. Kenneally, hanging up on a Globe reporter, said: "I don't want to answer anything. God bless you. Goodbye."

The net result is that Maguire, characterized by one probation officer in 1987 as a "high-risk offender who represents a very real threat to the community," has never spent a day in jail, despite get-tough drunk driving laws in Massachusetts requiring the jailing of chronic offenders.

And throughout the history of his drunken driving cases, Maguire, a city attorney, proved recalcitrant. Frequently, the 34-year-old failed to show up for court dates. More significantly, he failed for more than three years to honor the terms of the probationary deal that Hurley gave him.

A warrant for Maguire's arrest went out 18 months ago because he had failed to attend AA meetings as required by the judge. At the time, Maguire still worked as a lawyer for the city, but Maguire was never picked up by police.

Then last June, a few days after the Globe asked Maguire's probation officer in West Roxbury District Court about the case, the arrest warrant was withdrawn. Last week, Maguire paid a \$75 fine and his case was closed. His probation officer, Randall LaPlante, refused to discuss the sudden conclusion of Maguire's case, including whether Maguire ever went to the "AA meetings."

Maguire, who relatives said is currently unemployed, did not return numerous telephone messages seeking an interview.

OF THE SIX politically-connected attorneys, Saggese is probably the most comfortable at the Boston court. He has roots there: He worked in the district attorney's office while attending Suffolk University Law School two decades ago; he joined the prosecutor's office full time once he passed the state bar examination on his second try, in 1972; and he has been practicing politics one block away atop Beacon Hill since his election in 1975 as a Democratic representative from Winthrop.

His practice is also among the most prosperous. Like Mike Flaherty, Saggese earns up to \$100,000 a year as an attorney. He, too, enjoys special success at the jury session of Boston Municipal Court; in his 31 cases reviewed by the Globe, he had an acquittal rate of 61 percent.

In an interview last week, Saggese strongly denied receiving special treatment at the Boston court. "When I'm in court I hesitate to let people know I'm a legislator. I feel it is separate and has nothing to do with my work as an attorney."

"I know I have a very good success rate. I am proud of it. But I attribute it to hard work, competence and preparation."

"I have never noticed any kind of special treatment."
He also denied doing what most other attorneys were quick to admit - moving their cases around the courthouse in hopes of finding a sympathetic judge. "At the BMC, all the judges are very, very fair and don't engage in forum shopping," he said.

Told that he was the first of many interviewed to deny the practice, he said: "Well, hey, do you want to talk on or off the record?"

Nearly half of his 31 criminal cases from 1985 to 1989 were settled by Judge Hurley, almost always to his clients' benefit, according to the Globe study. But it was not as if the joy ride was over when he happened to appear before another of the three judges at the Boston court favored by the politically-connected attorneys.

TAKE THE 1988 CASE that went to Judge Pino. The matter opened with Saggese seemingly in trouble, perhaps facing a rare defeat. But by the end, Pino balked out the veteran lawmaker.

"I chewed Mr. Saggese out, some of the other lawyers ought to hear," Judge Pino noted firmly to begin his remarks.

The tart comments were made to summon attention to the ruling Pino was about to make on a motion from Saggese. Was Pino about to let the chips fall with one of the chosen few?

Not so. If anything, Pino's words couched a ruling that was not only generous but legally questionable.
Here's how it happened.
Saggese's client was a 37-year-old from East Boston who, by the time this case came to Pino, had already had several run-

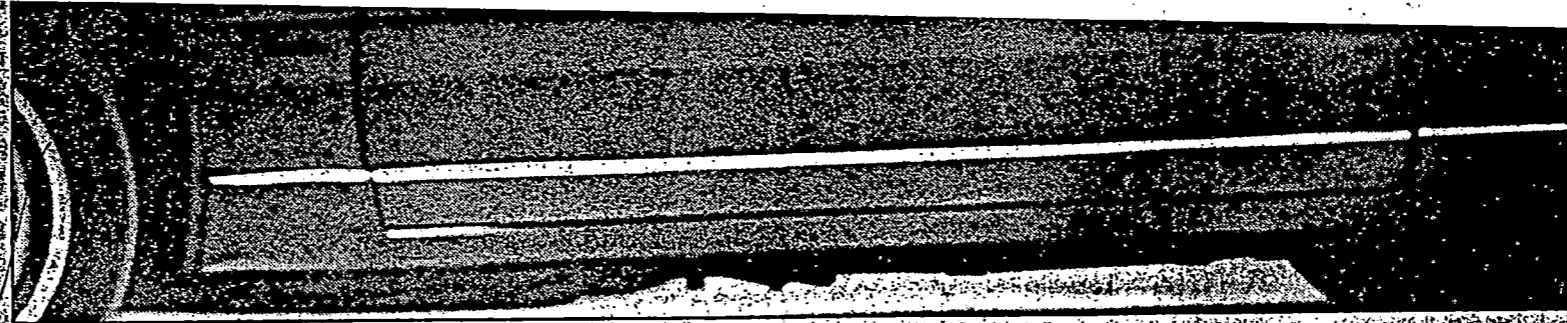
And throughout the history of his drunken driving cases, Maguire, a city attorney, proved recalcitrant.... A warrant for his arrest went out 18 months ago because he had failed to attend AA meetings as required by the judge.



application and did not sign the affidavit, said Pino, wrapping up his lecture to Saggese. "So it's a nothing. That's how quick you make up your mind."
Even though the documents lacked the police officer's signature, Pino's ruling was not clear-cut at all.
The signature is "not essential," ruled the Massachusetts Appellate Court in 1978. In case law that has stood for more than a decade, the court ruled: "The officer's failure to sign the affidavit in support of the application for the search warrant did not render the affidavit invalid."
The prosecutor assigned to the Saggese case, however, did not stand up in protest of Pino's action. Indeed, the prosecutor was not even in the courtroom to hear Pino make his ruling.
"Would you tell Miss Orfanello that I allowed that motion," Pino said, referring to Mary Orfanello, the assistant district attorney who is the daughter of Francis X. Orfanello, executive secretary to the chief justice of the Superior Court. "She's aware of it and aware of the reasons."
If she was, she had no objections. There is no record in the case file that the prosecution appealed Pino's ruling.
So without the weapons, there was no evidence. Without the evidence, Orfanello had no case. By the end of that day, Nov. 3, 1988, Pino dismissed the weapons charges against Saggese's man.
Orfanello recently affirmed that she agreed with Pino's ruling.
"An affidavit in order to be valid has to be signed," the prosecutor said last week. "This one was not."
Have you ever heard of Commonwealth v. Young, she was asked.
"Off the top of my head, no. But it doesn't mean I haven't read it."
Told that the case holds that the absence of a police officer's signature is not necessarily fatal to a warrant, she said: "Oh."

ina with the law. He had been arrested on charges of gun possession and threatening to harm people. The worst penalty he had ever gotten was probation.
Then, in October 1987, between \$50,000 and \$90,000 worth of jewelry was stolen during a break-in at a Lexington home belonging to the man's aunt and uncle. The couple was away at a family wedding and the man, one of the few relatives not at the ceremony, was considered a key suspect by police.
"The agony I went through," recalled the aunt recently about her return from the family celebration. "I opened the door. I saw my things thrown all over the place."
The man's fingerprints were found in the bedroom of the ransacked home. Armed with a search warrant, police raided the East Boston three-decker where he lived. It was 1 p.m. when police broke in and found their suspect asleep. They also found some of the stolen jewelry and, in a new twist, a cache of illegal weapons, including a shotgun, a Beretta handgun, a Korean stun gun and three martial arts throwing weapons.
Because the burglary occurred in Lexington, the man was charged in Middlesex County with larceny and breaking and entering. Because the illegal weapons were seized in East Boston, he was charged in Suffolk County with carrying a dangerous weapon and possession of firearms.

THE REMAINING CASE in Suffolk County had an even happier outcome. The first thing Saggese did was transfer the case out of East Boston to Boston Municipal Court. Once there, he filed a thick motion to suppress the evidence seized from his client.
Judge Pino took up the motion. He may have started by chewing out Saggese, but in the end he gave away the store.
Remarkably, Pino did not even base his ruling to grant the motion on any of the legal points Saggese had raised. Pino found his own reason to rule the search warrant invalid - no police officer had signed it. Pino's dismay was that Saggese had missed this fact altogether and filed thick constitutional claims.
"You have to read the application and the warrant and the affidavit before you even look at the law books," he advised, sounding for a moment like an impatient law professor.
"Here was a case where the person who sought the warrant did not sign the



12:43 PM Judge Robert J. Moran leaves the parking lot at Palmer District Court March 15, ending his workday.



The Spotlight team consists of editor Gerard O'Neill, reporters Dick Lehr, John Aloysius Farrell, and Patricia Wen, photographer John Tlumacki, and researcher Ardys J. Kozbial. Today's article was written by Gerard O'Neill.

Judges ignore orders, come and go at will

Last of five parts.

On a brisk bright day in March, Judge Robert Moran left his courthouse at 12:43 and highballed it along back roads at 70 m.p.h. in his blue Cadillac coupe, pulling into Springfield after a couple of stops and whiling away the afternoon drinking coffee at the Sweets 'n' Stuff restaurant.

He was gone for the day before 3 o'clock on three days of Globe surveillance, and records indicate his daily criminal docket requires only about 2½ hours of work.

Despite a statewide case crunch, Moran's court in Palmer is getting less business now than it did five years ago. It's so slow there in the afternoon that driver education students use the parking lot to practice three-point turns.

Yet, a half-mile away, construction is nearing completion on a \$4 million courthouse to replace a moribund one that does not seem needed anymore — particularly with another underused district court just 8 miles away in Ware.

The new courthouse is going up in Palmer not because a central planning authority for the courts reviewed case-

loads and picked the site to serve a clear-cut geographic region. On the contrary.

It appears the building is going up because presiding Judge Moran has the support of Hampden County politicians who were able to wheedle the money out of the Legislature.

Moran told the Globe that he never leaves the court unless the scheduled cases are done. He attributed any backlog to clerks not being able to keep up with the paper work.

In an interview, he implied he went to other courts when he left Palmer early. Informed he was followed to Springfield on the day of his earliest departure and that he did no work there, Moran said: "Well, OK. All right. Probably seeing my brother or someone like that. . . . But that doesn't mean I didn't do my work. I don't leave cases hanging fire."

Palmer is a prosaic symbol of an unregulated system trapped in gnarled roots that run back decades. The tangle includes legislative dominance over court budgets and jobs, diffused disciplinary authority within the judiciary

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Sept 27

Judges ignore orders, come and go at will

SPOTLIGHT

Continued from Page 1
and a traditionally short workday for judges.

The court in western Massachusetts offers a snapshot of the court crisis — one that captures all the angles. To be sure, it is antiquated and run-down. But the court is also not doing the job.

DURING A SEVEN-MONTH investigation of what some have called the "fiscal crisis" in the courts, the Spotlight Team monitored the workdays of 63 selected judges and found that more than half left early. Despite administrative directives requiring judges in the district courts to work until 4:30 and Superior Court judges to work until 5:00, the Globe found:

- 16 judges leaving work by early afternoon on three randomly-selected days. Six were from Boston Municipal Court, four were Superior Court judges who preside over felony trials and major civil cases and the remainder were from other district courts throughout the system.
- 11 more leaving early on at least one workday.
- 4 present in the courthouses during normal work hours but doing little or no work in the afternoon.
- 22 present during normal work hours and working into the afternoons.

Earlier, this week, the workdays of some judges from Superior Court and Boston Municipal Court, and of the presiding judge in District Court in

Martha's Vineyard were profiled. Globe observations about five district court judges are detailed on the facing page.

Judge John O'Neil, who was seen leaving Taunton District Court early on three consecutive days in February, offered a rationale for his short workday that reflected the sentiments of several judges. He said it was appropriate to leave early because his cases were done for the day and the presiding judge in the court gave his assent.

Asked which took precedence, an informal OK from a presiding judge or a formal directive on work hours from the head of the court system, O'Neil replied, "Oh, the presiding judge. He's the boss of that court. If he says OK and there's a traveling

O'Neil left the courthouse empty-handed. No briefcase, no paper work.

The court system appears uncoordinated when it comes to dealing with judges' short workdays.

Chief Judge Samuel Zoll of the district courts termed early exits an "intolerable condition" but declined to say what he would do about them.

He said judges who are through early should contact regional offices for reassignment to other courts, but he stressed that the best solution would be for regions to schedule enough work to last the entire day in all courts. Yet the regional offices report to him.

Chief Judge Robert Steadman of the superior courts said he knew of no workday problems among his judges.

Chief Justice Paul Lincos of the Supreme Judicial Court, whose court has responsibility for judicial discipline, acknowledged the problem but said it was up to the lower court chiefs to deal with it.

AS PART of its investigation of the judiciary, the Globe conducted the first public review of work sheets for 154 district court judges, including six who were recalled from retirement, and found they each hear an average of 11 misdemeanor cases a day, which take about 2 1/2 hours of bench time.

Some judges at smaller courts averaged as few as four or five cases a day. The data support the observations by Globe reporters that many courts conduct little or no business in the afternoon.

Said a court official about district court proceedings: "What you see is a process without any sense of urgency.... What you hear is lawyers and judges agreeing that everything can be put off for five weeks. 'Not ready today, counselor? When can you be here next?' The question should be, why aren't you ready today... we're going forward. You almost never hear that. It's become a system of mutual convenience."

The series at a glance

SUNDAY

The half-day court culture keeps an overburdened system

MONDAY

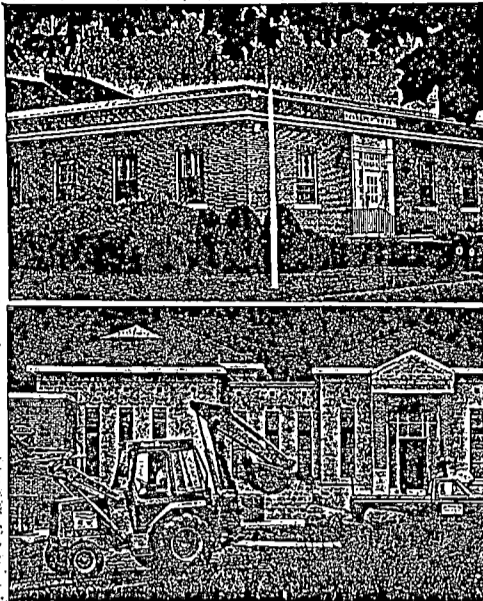
Boston Municipal Court as a microcosm of why the courts don't work

TUESDAY, WEDNESDAY

The extraordinary success of politically-connected lawyers in the state's largest district court located in Boston

THURSDAY

A system trapped in guarded old roots



A \$4 million courthouse is being built in Palmer to replace the underused old one in Gloucester.

An analysis of court business presented in the annual trial court reports underlines the disparate burden on urban courts, where assembly-line justice goes on all day long. Courts in Brockton, Lawrence, Worcester and Dorchester appear to have at least one courtroom active most of the day.

But the statewide statistical picture shapes up this way: Although the data base is uneven, the official trial court reports indicate district courts do not dispose of one-fourth of their criminal business each year. Yet, a newly installed case-flow system indicates that the number of criminal cases judges handle each day could be

Chief Judge Zoll, however, insisted the backlog is not as severe as it seems because much of it is due to defaults by defendants — a matter more for police stations than courthouses.

He also argued that the number of cases handled each day by judges across the state does not translate neatly into a set amount of work time. He noted that it usually takes less time to dispose of cases in smaller courts than it does in a busy urban court such as Dorchester, with its crammed docket book and steady parade of arraignments and motion hearings.

While other judiciary sources agreed that there were wide differences among judges in dispatching cases, they said most routine cases took between 10 and 15 minutes, meaning the average daily workload of 11 cases could be disposed of in two to three hours. Indeed, at one extreme, the Globe witnessed about 12 cases being dispatched in 20 minutes in Milford District Court.

Judge Zoll made this case for giving hurried judges broad discretion in their work schedules: "The nature and volume of the business in the district court, traumatic, emotionally charged and difficult of resolution, can drive a judge to seek a temporary respite from the courtroom as a matter of mental survival. Cases look easy from a distance but they get more complicated up close."

Yet his final assessment was "a full day's pay demands a full day's work."

THE STATISTICS on how much work gets done in courthouses might as well be impounded.

They are religiously compiled each year and put out in a spiffy trial court report.

But many of the bottom lines are either inaccurate or misleading.

The Superior Court's section on its civil and criminal caseloads implies there are no backlogs when, in fact, there are persistent and substantial ones.

The District Court's look at case flow has been flawed for years because some courts have used one method to count cases put on the docket and another to note cases disposed. The first revision to ensure consistent reporting was implemented in January.

The data gets manipulated in two contradictory ways: to argue for more money to combat backlogs and to argue against measuring productivity with flawed data.

Yet, it is the only gauge the system has to measure its most basic function: how many criminal cases are concluded each year.

This much is clear: All the "bad" numbers converge on a modest courthouse in Gloucester, which has the worst backlog, the fewest cases disposed per day, and the highest cost per case in Massachusetts, ac-

Top judge wants control

Chief Judge Samuel Zoll of the district courts, says his ability to turn around the system depends on the Legislature giving him the power to reallocate resources as he sees fit.

The state, he said, must eliminate the current intolerable situation: Some courthouses struggle late into the day to keep up with a heavy workload, while others shut down in early afternoon with little to do.

Zoll is pushing new legislation giving him the power to transfer workers and cases among courts to better distribute the workload. An over-worked court in charge of processing cases from seven towns, for example, might have one town's cases reassigned to a less-used courthouse.

"Many courts are overextended, some courts are underutilized," he

said in an interview in his Salem office. "Yet I have no authority to shift communities from one court to another."

Currently, the Legislature controls the allocation of jobs and cases among courthouses. The tendency has always been for legislators to protect the jobs that have been assigned to their home court, even if the place is not being used to full capacity.

Zoll said he has the perspective to make the decisions needed for the system's overall well-being.

He said his proposed bill, which did not win approval this year, but he expects to refile next year, would help him make the best of the system's limited resources.

"It is inconceivable that in the private sector anyone would be in charge of as large a system as I'm in charge of, and have the limitation of authority that I have," he said.

any scheduled hearings on the afternoon of Feb. 12. In the morning, Fallon did a brisk business. Fallon chided one young man: "Stand up when you talk to me.... Take your hands out of your pockets."

He repeatedly cut off a defendant in mid-sentence with a curt "thank you" when he had heard enough.

Fallon's tone shifted later in the day when, during a civil session, he bawled out a personal attorney who was asking for court approval for legal fees in connection with real estate attachments. Fallon listened patiently and then abruptly set the lawyer back. The lawyer stopped, nodded slowly toward Fallon and then began to summarize the next case.

Shortly before adjourning, Fallon told the lawyer to give his regards to "Mr. Hall back at the office.... Mr. Monte Hall," a reference to the host of the television show "Let's Make a Deal." The lawyer smiled knowingly and nodded toward the judge one more time.

FOR DECADES, courthouse funding has

in which constituents look more toward New York than the State House. It has had to subsist on what's left over from the Boston banquet.

"The workload is barely a factor," said a frustrated court official, noting there is no relationship between budgets and case output in the legislative process. "As city populations have dropped, the workload in some courts has dropped significantly. Not the work force. The only positive aspect of [the budget crunch] is these inequities are clear-cut and plain for all to see. Before, people would shrug...."

Several sources said the legislative process over court budgets was never more transparent than during the 1987-88 session when the Supreme Judicial directed a housing court judge to apologize to Senate President William Bulger within hours after the judge called Bulger a "corrupt midget" for punishing the court with budget cuts following a personal dispute over a patronage job. The same SJC is now in its fourth year of deciding what to do about Judge Paul King's belittling harassment of defendants while he sat in Dorchester District Court.

Legislature is the only way to put the house in order. Judge Arthur Sherman, who sits in Cambridge District Court, told an interviewer on a recent television show on court caseload problems: "There's a cure to all this.... The first is money.... And you're an intelligent man so I'm going to tell you that the second one is indeed money. And the third one I'm going to leave to your imagination."

Others within the system disagree that money is all that's needed to fix what ails the courts. They say there's a real crisis, but it is more a failure of will than a lack of dollars and cents. They complain that the system is addicted to the path of least resistance.

Several officials fingered as the major culprit the propensity either to cut a quick deal during a morning session or put the case off for two months.

"It's all part of what a court official called 'the politics of backlog. No one wants to catch up with what they've got. You can't be beleaguered and have your hand out that way. Instead it's, 'Don't tread on us. Look how far behind we are.'"

A retired judge noted how quickly federal judge not pulling his load on the Boston court is spotted and isolated by his colleagues and, in contrast, how lax work is tolerated or ignored at the state level.

"No one would notice or even care," he said. "Hard workers are resented, even disliked. What's a problem for one court is a way of life for another."

Domenic Russo, an outspoken judge, who is assigned to troubled district courts, with backlog problems, pulls no punches about delinquent colleagues.

"Cutting out? Going to the golf course, at 2 o'clock? You find somebody like that, expose them. That's stealing," he said.

"Ten to 17 Blue Mondays and no Fridays! That's theft."

"I don't know of any judges who do this, but I've heard."

THE BASIC FINDINGS about backlogs and daily case movement run headlong into rhetoric from court leaders. In early August, for example, Robert Steadman, chief judge of the superior courts, focused on the need for more court officers in Suffolk County courts, saying he feared a breakdown of security at the building.

Yet a week after Steadman's statement to the media, the Globe found the Suffolk County Courthouse virtually deserted in the afternoons. Court officers had little to do after 2 p.m. and were observed dozing in chairs, playing cards in closed off courtrooms and hanging around exits smoking and passing the time.

On Aug. 16, one of the Suffolk Superior court officers, James Cushman, was observed at 2:30 p.m. writing out personal

Continued on next page

Courts' record on case flow

Based on a new system of measuring case flow in district courts that began this January, Gloucester District Court appears to be the least productive in processing criminal cases in the commonwealth, followed by 10 other outlying courts.

The number of criminal cases concluded daily by judges at these courts is well below the statewide average of 11. The average cost to dispose of each case in the system is estimated at \$345. All but two of the 11 least productive courts spend above the average.

The judges listed for each court were those assigned there most frequently during the first quarter of the year.

Judge	Court	Average cases per day	Projected costs per case
J. Kilian	Malden	6	\$654
P. Cavanaugh			
E. Doyle	Winchendon	6	\$222
R. Orlando	Ipswich	6	\$444
E. Sped	Orange	6	
R. Connon			
A. Morse			
S. Ruma	Peabody	6	\$269
T. Zito	Sandwich		\$121
	Wareham		\$340
A. Burns	Brighton		\$586
N. Weinberg			
E. Shubow			\$301
B. Martin	Wareham	7	\$340
R. Kane			
I. Curley			
	Wareham		\$345

SOURCE: A comparison of two data bases for the first quarter of 1990: judicial reports, which list when judges were assigned to sit, and the number of cases disposed in each court.

The Boston Globe

Poll: GOP leads for governor

GLOBE 2 SEP 91/p.1

Either Republican bests any Democrat, survey finds

By Scot Lehigh
GLOBE STAFF

The two Republican candidates for governor would beat any of the three possible Democratic nominees if the election were held today, according to a new Boston Globe/WBZ-TV poll of likely general election voters.

In some cases the contest would not even be close. House Minority Leader Steven Pierce and former US Attorney William Weld would trounce Lt. Gov. Evelyn Murphy and Boston University president John Silber by 18 percentage points or more.

Only former Attorney General Francis X. Bellotti runs close to the Republicans, losing to Pierce 41 percent to 44 percent and to Weld 42 percent to 43 percent, according to

the poll of 436 likely general election voters.

In a poll of 421 likely Democratic primary voters, Bellotti led the race with 38 percent to Silber's 27 percent and Murphy's 24 percent. On the Republican side, a poll of 403 likely primary voters found that Pierce leads Weld 44 percent to 28 percent. All three surveys were taken between Aug. 26-30 and carry a margin of error of plus or minus 5 percentage points.

In the general election head-to-head matchups, Pierce beat Silber 48 percent to 30 percent and bested Murphy 54 percent to 34 percent. Weld beat Murphy 52 percent to 33 percent and led Silber 50 percent to 31 percent.

Gerry Chervinsky, president of KRC Communications Research, which conducted the poll, said the

numbers indicate that the Republican Party, whose gubernatorial race has been almost totally eclipsed in media attention by the more vitriolic Democratic contest, nonetheless has a good chance of winning the governorship in November.

"This means the state is very ready to consider voting for a Republican for governor," said Chervinsky. "It also shows that Bellotti is the strongest candidate for the Democrats to run against them."

Chervinsky said a number of other figures in the polls also suggest that voters are receptive to the Republicans, who have not won a statewide office for more than 15 years. For example, fully 36 percent of likely Democratic primary voters answered yes when asked if they

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■ POLL

Continued from Page 1

favored either Pierce or Weld over any of the three Democratic gubernatorial candidates. And strikingly, both Pierce and Weld beat Silber among Democratic voters.

Forty-two percent of voters in the general election sample were independents, 40 percent were Democrats, and 16 percent were Republicans, with 2 percent refusing to say. Sixty-eight percent of the likely voters surveyed for the Democratic primary poll were Democrats, and 32 percent were independents. Twenty percent of the voters in the Republican primary sample were Republicans, while 40 percent were independents.

In two other head-to-head matchups, Joseph Malone, who will be the Republican nominee for treasurer, beat all three of the possible Democratic nominees. Malone bested House Speaker George Keverian 55 percent to 28 percent, bettered Rep. William Galvin of Brighton 49 percent to 21 percent, and trounced state Sen. Richard A. Kraus of Arlington 53 percent to 17 percent.

But US Sen. John F. Kerry, a Democrat, maintained a double-digit lead over both the Republicans seeking their party's senatorial nomination. Kerry beat Hingham businessman Dan Daly 56 percent to 28 percent and Concord real estate developer Jim Rappaport 53 percent to 34 percent.

In the Democratic primary race, the new survey showed that Bellotti's lead comes not because he has picked up strength, but because Silber has lost support. In a similar survey taken at the beginning of August, Bellotti had 38 percent, Silber 30 percent and Murphy 21 percent. Although Bellotti's number has not changed, Silber has dropped to 27 percent in the new poll.

Chervinsky said that questions asking voters whether they view candidates favorably or unfavorably show problems for Silber. Forty-six percent said they viewed Silber unfavorably, while 38 percent viewed him favorably. In the last poll, Silber's ratio was 37 percent positive to 42 percent negative.

"That's a tough place to be," Chervinsky said of Silber's negative rating, currently the highest of any of the candidates included in the survey.

In contrast to Silber's top-heavy negative rating, 54 percent of the Democratic primary sample viewed Bellotti favorably, while 29 percent held an unfavorable view. In the August poll, Bellotti's ratio was 57/27. Murphy's ratio in the new poll was 44 percent favorable to 38 unfavorable, compared with 41/42 in the last survey.

Another problem for Silber is that 52 percent of those surveyed said they thought he was poorly suited by character and temperament to be governor, while only 25 percent thought he was well-suited for the post.

In contrast, 63 percent said Bellotti was well-suited to be governor, compared with only 19 percent who thought him ill-suited. Fifty-one percent saw Murphy as fit for the office, compared with 29 percent who did not.

Chervinsky said he thought the cumulative effect of the controversial comments Silber has made during the course of the campaign is beginning to hurt the iconoclastic educator's candidacy.

Contention on abortion

For example, fully 72 percent of likely Democratic primary voters la-

beled as inappropriate Silber's contention that a proposed abortion rights constitutional amendment would allow a woman to have her baby in the ninth month of pregnancy and then kill it. Only 15 percent said they found some merit in that analysis.

Meanwhile, 55 percent said the comment made them less likely to vote for him, while only 8 percent said they were more likely to vote for Silber as a result. Thirty-four percent said it would have no impact on their votes.

Questions testing the efficacy of the candidates' television advertising suggested that the negative ads Silber has run targeting Bellotti have had only modest effect. Just eight percent said they had seen ads making them less likely to vote for Bellotti, while 17 percent said they had seen ads making them less inclined to support Silber.

"Silber's ads are not necessarily helping him," Chervinsky said. "His negatives are up and Bellotti's are not up much."

Murphy, now at 24 percent, has picked up 3 points since the last survey, contrary to the expectation that her position would erode because her cash-poor campaign has been largely left out of the TV ad war being waged by Bellotti and Silber.

However, the poll showed that Bellotti appears best positioned to pick up Murphy's vote should she fade. Asked whom they would support if it became obvious that Murphy could not win, 47 percent of the lieutenant governor's supporters said they would move to Bellotti. Forty-three percent said they would stay with Murphy regardless. Only 4 percent said they would support Silber.

Weld gains on Pierce

In the survey of likely Republican primary voters, Weld has gained on Pierce since the last survey. In early August, Pierce led 46 percent to 26 percent, compared with 44 percent to 28 percent in this survey. Chervinsky said the key for Weld's campaign will be attracting independents into the Republican primary.

Although Pierce's positive rating has stayed at 51 percent, his negative rating has increased from 7 percent to 17 percent since the last

poll. Chervinsky attributed that rise to the ads Weld has been running hitting Pierce on environmental and women's issues.

Weld's positive-to-negative ratio is 43-16, compared with 41-12 at the time of the last poll.

In the Democratic race for lieutenant governor, Rep. Marjorie A. Clapprod of Sharon led with 21 percent compared with 13 percent for state Rep. Nicholas A. Paleologos of Woburn and 11 percent for Sen. William B. Golden of Weymouth. The last poll showed Clapprod ahead with 19 percent, followed by Golden at 13 percent and Paleologos at 9 percent.

In the Republican race for lieutenant governor, state Sen. Paul Cellucci of Hudson has widened his lead over Rep. Peter C. Torkildsen of Danvers. Cellucci, who led Torkildsen 28 percent to 13 percent a month ago, now holds a 34 percent to 14 percent lead.

Lead widened in GOP race

Republican Senate candidate Rappaport has also widened his lead over rival Daly. A month ago, Rappaport led Daly 40 percent to 18 percent. He now leads 46 percent to 19 percent, an increase Chervinsky attributed to his heavy spending for television advertising.

In the Democratic race for attorney general, incumbent James Shannon holds a 42 percent to 34 percent lead over Middlesex District Attorney Scott Harshbarger. Shannon led by 17 points - 46 percent to 29 percent - in the last Globe poll.

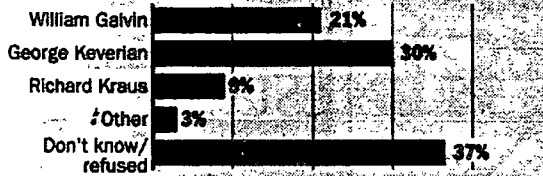
The Republican race for attorney general is a dead heat, with both former Metropolitan District Commission chief Guy Carbone and Acton lawyer William Sawyer each polling 23 percent support. Chervinsky said because 52 percent are undecided in that race, it means that likely Republican voters still are not familiar with the two candidates.

Keverian, who has started television advertising touting his candidacy, has increased his lead in the Democratic treasurer's race by 4 points, the new poll showed. Keverian now leads with 30 percent of the vote, followed by Galvin at 21 percent and Kraus at 9 percent. In early August respective numbers were 25 percent, 20 percent and 9 percent.

If the Democratic primary for attorney general were being held tomorrow, for whom would you vote?



If the Democratic primary for state treasurer were being held tomorrow, for whom would you vote?



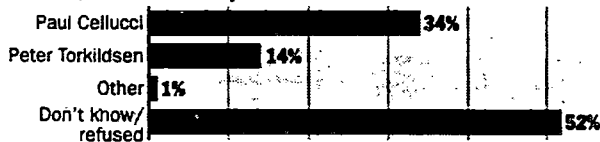
NOTE: 286 Democrats, 135 Independents surveyed by telephone Aug. 26-30, 1990.

REPUBLICANS

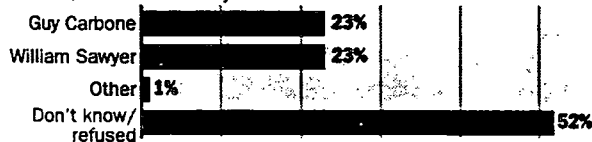
If the Republican primary for governor were being held tomorrow, for whom would you vote?



If the Republican primary for lieutenant governor were being held tomorrow, for whom would you vote?



If the Republican primary for attorney general were being held tomorrow, for whom would you vote?



NOTE: 242 Republicans, 161 Independents surveyed by telephone Aug. 26-30, 1990.

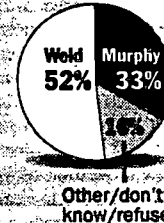
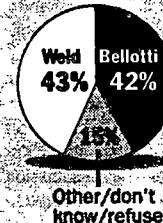
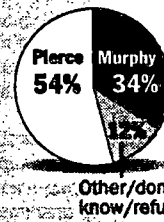
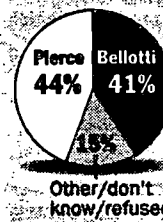
SOURCE: KRC Communications Research

GLOBE STAFF CHART

Trial heats

If the candidates in the 1990 general election for governor were... for whom would you vote?

□ Republican ■ Democrat

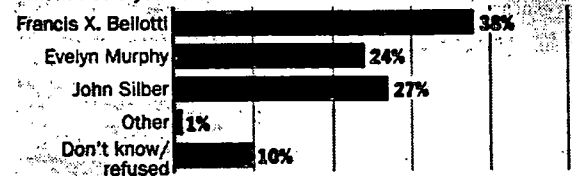


NOTES: Figures may not add to 100 due to rounding. 173 registered Democrats, 183 Independents and 71 Republicans surveyed by telephone Aug. 26-30, 1990.

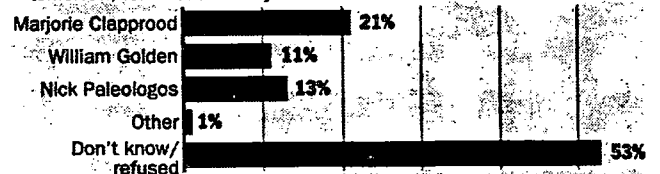
Statewide primary races

DEMOCRATS

If the Democratic primary for governor were being held tomorrow, for whom would you vote?



If the Democratic primary for lieutenant governor were being held tomorrow, for whom would you vote?



4 SEP 90 / p.1

Bay State boom replaced by gloom

GLOBE 4 SEP 90/p.1
47% in poll would consider moving

By Richard Kindleberger
GLOBE STAFF

Things are so bad in Massachusetts that 47 percent of its residents say they would consider moving out of state if the economy got any worse.

This is one of the more unexpected findings in a Boston Globe/WBZ-TV poll that shows that Massachusetts voters are intensely gloomy about the state's economic outlook.

Fully a third say they are cutting back on groceries because of the economy, and almost as many - 30 percent - say they worry about losing their jobs.

"Obviously the people in the state are very concerned about where the economy is headed," said pollster Gerry Chervinsky, who conducted the Aug. 26 to Aug. 30 telephone survey of 436 voters. "They think it's going to get worse."

Other findings include:

- Sixty-one percent think the state's economy is going to get worse over the next six months, compared to only 15 percent who expect improvement.

- Nearly twice as many respondents - 42 percent versus 24 percent - blame state policy makers for the rocky economic situation here as blame national economic conditions.

- More than half believe their home has lost value in the last year or so, and the number saying they

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Poll finds Bay State boom replaced by gloom

■ POLL

Continued from Page 1

plan a major purchase in the coming year is much smaller than those who reported making one in the past year.

The poll, by Chervinsky's KRC Communications Research, has a margin of error of plus or minus 5 percentage points. The questions touching on consumer confidence were among political questions asked of people who said they intend to vote in the Nov. 6 general election.

The results show how badly consumer confidence has soured here since the days of the Massachusetts Miracle a few years ago. They also suggest more trouble ahead as consumer pessimism and diminished plans to spend translate into weaker sales.

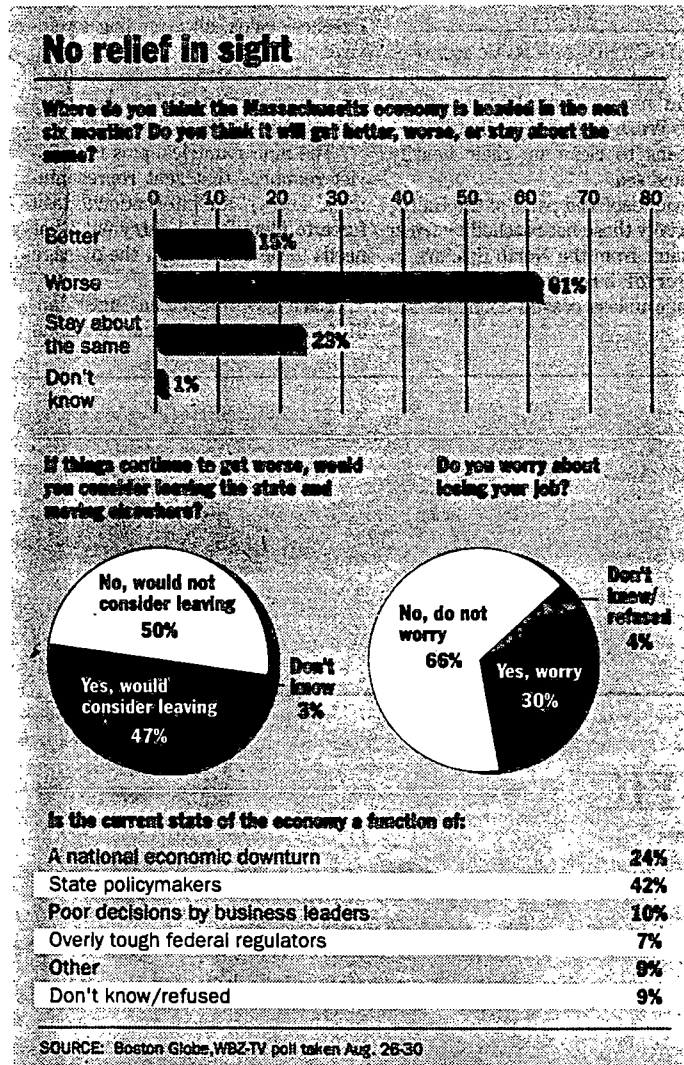
Data reveal job anxiety

Fears about job loss appear connected to the 47 percent who say they would consider leaving if the economy got worse. The largest percentage of those worrying about losing their job are young (18 to 39) and middle-income (making \$30,000 to \$60,000 a year), and the young and middle-income are the leaders in saying they would consider leaving the state as well.

Pessimism and dissatisfaction with life in Massachusetts also showed up in several questions that were less directly tied to the state's economy. Close to half of those responding to a question about the quality of life here said they thought they would be better off somewhere else.

Also, more respondents said they thought the quality of life would decline here than said it would improve, and more thought they would be worse off personally a year from now.

The responses back up attitudes reported last week by the Conference Board in its Consumer Confidence Index. The board, a New York firm that specializes in economic analysis, found in its August survey that consumer sentiment in New England was at the lowest level recorded for any region since the index



The results show how badly consumer confidence has soured here since the days of the Massachusetts Miracle, and suggest more trouble ahead as consumer pessimism and diminished plans to spend translate into weaker sales.

making less than \$30,000 a year reported cutting back on groceries, compared to only 20 percent of those making \$60,000 or more.

Groceries are generally the last expense to be cut back. Larger percentages of respondents reported cutting back on entertainment (57 percent), clothing (51 percent), purchases for the home (52 percent), vacation trips (52 percent) and going out to eat (54 percent). In almost all of these categories a gender and income gap appears, with women and people with less income reporting they have cut back more.

The results appear to be particularly bad news for political incumbents bent on reelection. Men and women of different age groups, income levels and party affiliations almost without exception blame state policy makers over other possible culprits as the primary cause of the state's economic malaise.

Only those identifying themselves as liberals were more inclined to blame the national economic downturn than state policy makers. Poor decisions by business leaders and excessive toughness from federal regulators were dismissed by most voters as explanations for the problem.

began tabulating data regionally in 1981. National consumer confidence was reported at a seven-year low.

Economists say consumers in the state and region have been reacting to a series of economic shocks. Jobs are disappearing in high technology, defense, construction and retail. State taxes are up, and now this oil-dependent state is choking on big increases in energy prices.

Gender, income gap

Chervinsky's results show some interesting variations in the negative

sentiment. Substantially more women than men say they have cut back spending on such items as groceries and clothes. The percentage of respondents who think the economy is going to get worse over the next six months rises with income, reaching 75 percent among those earning \$60,000 or more.

Those with higher income may be paying closer attention to economic conditions or have more at stake, Chervinsky speculated. On the other hand, 39 percent of those

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The Boston Globe

GLOBE 3 SEP 90/p.1

Poll shows rollback would win decisively

By Scot Lehigh
GLOBE STAFF

If the general election were held today, the Citizens for Limited Taxation initiative petition to roll state taxes and fees back to their 1988 levels would win in a landslide, according to a new poll by the Boston Globe and WBZ-TV.

The poll also shows a widespread distrust of, and alienation from, state government and widespread cynicism about elected officials.

The poll of 436 likely general election voters shows 48 percent favoring the CLT petition, 32 percent opposed, and 19 percent undecided. The poll was taken from Aug. 26-30 and has a margin of error of plus or minus 5 percent.

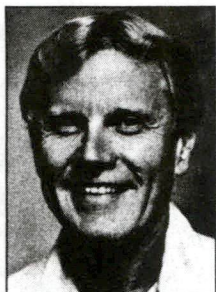
The CLT petition has become a major campaign issue, with the three Democratic gubernatorial candidates contending that it would mean fiscal disaster for the commonwealth, but the two GOP candidates arguing the measure is needed to impose discipline on a government they portray as out of control.

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THE JACKSON REPORT

Rare Breed Stages Comeback

By Charles Jackson



BOSTON—According to a recent report in *The Boston Globe*, the Commonwealth of Massachusetts, with an annual budget of approximately \$13 billion, is the 35th largest business concern in the United States. If Massachusetts is a business, the question is: who's minding the store?

The chief executive officer has announced his resignation and now appears, like Napoleon at Elbe, relegated to brooding over lost opportunities and the hope of eventual return. The state legislators, never a courageous lot even in the best of times, selfishly behave like a group of middle managers in a failing company ripe for takeover. They'll do anything, however ridiculous or irresponsible, to preserve their individual turf and chance for future promotion. Case in point: The legislature just passed a \$1.3-billion tax bill that no one bothered to read. How then can anyone be expected to understand the implications of the new taxes or their potential for solving the financial crisis?

Who will rescue the stockholders of Massachusetts, the citizens, in their hour of frustration and desperation? There is one group eager and willing to take over the Commonwealth. They call themselves Republicans. If you are a citizen of Massachusetts, no doubt you are now asking yourself: what in the world is a Republican? You've read about them. You think you might have seen one or two in a nature series on TV. And you've heard that they roam around the wilds of New Hampshire in considerable numbers. But personally, you haven't met one in years.

I decided to track down a leader of this rare breed of political animal to find out if the Republicans have a rational business plan, based on sound marketing principles, for accomplishing their take-over objective. I discovered first that the top operative of the GOP in Massachusetts does not fit the stereotype of a Republican stuffed-shirt. Executive Secretary Alexander "Sandy" Tennant is an earthy, unpretentious man, pugnacious to be sure, but thankfully excused from the worst adjective that can be applied to a politician, self-righteous.

The Republicans, I learned from Tennant, have in fact organized themselves as a business since 1987 when businessman Ray Shamie became chairman of the party. Shamie and Tennant took over a party in tougher shape than the Republicans in Mississippi after Reconstruction. The Democrats controlled 80% of the legislature and 100% of the statewide offices. The Massachusetts GOP had a staff of three, a severe image problem and a debt of \$140,000.

Shamie, Tennant and a cadre of activists put together a three-stage business plan. The first stage, from 1987 to June 1990, sought to rebuild the party infrastructure in preparation for the 1990 election. The second stage runs from June to Election Day in November of this year. The third stage, from November 1990 to November 1994, is optimistically tagged "Victory Plan for the 1990's".

A business plan is only as good as its results. Judging

the Republicans on stage one of their program forces even a politically jaundiced eye to acknowledge their success. Today, the Republican Party has a staff of 24 full-time professionals headed by Sandy Tennant. The staff is divided into five departments: Administration, Political, Finance, Communications and Research, and Computer. Most impressively, in the past three years the party has raised \$4.2 million to support its goals.

The Republicans face some overwhelming odds. According to Tennant, in Massachusetts 700,000 people earn at least part of their income from state-related jobs. People tend to vote, not from what's under their hats, but from what's in their pocketbooks. The 700,000 who derive some income from the company of Massachusetts are also the most likely to vote. If they can convince at least one other person to vote for their "boss," then the Republicans, who control no state offices to reward their "employees," are holding the short end of a very long stick.

Faced with this formidable challenge, the Republicans believe that of the four elements that constitute a marketing plan—product, price, promotion and place (or distribution)—the key to success in the second stage of their plan is distribution. To have any chance of cutting into the Democratic monopoly on state political power, the GOP has to put its product (candidates) in every available outlet, so that voters will at least have a choice in 1990 of buying Republican.

The prospects for the success of the Republicans' marketing plan appear excellent, at least in the short run.

The Republicans for the first time in years are challenging 100% of the state Senate seats and close to 80% of the House seats this November. Some objective observers may well conclude that the quality of the product (the candidates) leaves something to be desired in some cases. But clearly, the important task of Massachusetts Republicans in 1990—like the character portrayed by Peter Sellers in his last movie—is "Being There."

While promotion will be largely decentralized based on individual candidates' needs, the state GOP will soon launch a \$775,000 generic media advertising campaign designed to highlight Republican candidates as an alternative to the Democratic "monopoly." With taxes going up, the Republicans plan to run ads reminding voters of who has been in charge during this run on their wallets.

The prospects for the success of the Republicans' marketing plan appear excellent, at least in the short run. If they can capture just one of the statewide offices this fall and win enough state Senate seats to affect the Governor's veto power, then they will be on the road toward breaking the Democratic cartel.

Regardless of your political philosophy, it's comforting to know that the Republican renaissance in Massachusetts, if it reaps results, will not be due to some haphazard political grab ball but to intelligent planning by articulate and gritty leaders such as Sandy Tennant. The day may come when it will be hard to believe that Massachusetts Republicans were once a species more endangered than the bald eagles at Quabbin Reservoir.

Poll finds strong sentiment for a rollback in fees, taxes

POLL
Continued from Page 1

The new Globe/WBZ poll showed the tax rollback measure winning overwhelmingly among Republicans and Independents and virtually tied among Democratic voters, who have tended to oppose the measure in public opinion polls in the past.

Fiscal problems seen to be real

Despite the strong support for the CLT ballot measure, 81 percent said they thought the state's fiscal problems were real, compared to only 15 percent who said they thought those problems had been exaggerated. Nevertheless, 59 percent opposed the combination income and sales tax increase the Legislature passed this summer to balance the budget, compared to 36 percent who favored that measure.

Forty-eight percent said they be-

lieved new taxes had been needed to solve the fiscal problems, while 49 percent said those problems could have been addressed without a tax increase.

Meanwhile, 86 percent said they expected the state's budget will prove to be out of balance even with the new tax bill, while only 9 percent expected the budget to be in the black. And 46 percent said they expected the state's fiscal problems to increase in the future, with only 20 percent expecting a decrease.

A ballot measure proposed by the Massachusetts Organization of Scientists and Engineers to restrict the state's use of outside consultants has the support of 76 percent of those surveyed, with only 15 percent opposing the measure.

Meanwhile, a ballot question to require that 40 percent of revenues from the income, sales and corporate

taxes go to local communities also leads in the poll, 67 percent to 15 percent.

Gerry Chervinsky, president of KRC Communications Research, which conducted the poll, said that support for those ballot measures reflects voters' distrust of state government and their desire to limit its leeway.

Mistrust demonstrated

A number of other questions demonstrated that same mistrust. Asked which level of government they had more confidence in, 43 percent cited local government and 31 percent the federal government. Only 6 percent named state government.

Meanwhile, 81 percent said they thought state government was out of touch with the people, while only 12 percent considered it to be in touch.

Asked "who do you think state government serves?" 48 percent volunteered that it served the politicians. Thirteen percent said government served all the people, 10 percent said it served the rich, and 3 percent offered "the poor."

In response to another question, fully 62 percent said state government serves them worse than they would expect it to, with just 4 percent saying they were better served than expected. Thirty-one percent said the level of service met their expectations.

Sixty-five percent of those polled said they were not confident about state government's ability to solve the state's problems, with 29 percent saying they were somewhat confident and only 4 percent declaring themselves very confident.

For example, asked if Boston Harbor - the focus of a \$6 billion cleanup effort - would ever really be clean, 63 percent said no, 31 percent yes.

A plurality of 28 percent said the

cost of government is the biggest problem Massachusetts currently faces. Another 20 percent cited the cost of living, while 21 percent said crime, and 15 percent listed education.

Dukakis campaign blamed

Voters still appear to believe that Gov. Dukakis' 1988 presidential campaign kept the state from facing up to its fiscal problems in time. Sixty-four percent said they thought the state's problems were worse because of that campaign, compared to only 5 percent who thought the fiscal situation was better, and to 28 percent who thought the campaign had made no difference.

Fifty-six percent said the current fiscal situation would be better if Dukakis had resigned as governor during the campaign, compared to only 4 percent who said the state's fiscal affairs were better because of his determination to continue as governor as he ran for the White House.

Dukakis continues to be a political pariah, with only 21 percent holding a favorable impression of the governor, as opposed to 75 percent who view the governor negatively.

But the alienation doesn't stop with Dukakis. Forty-one percent said that in choosing a state legislator they would probably vote to elect someone new, while 42 percent said they would probably vote to reelect the incumbent. Nine percent said their choice depended on who was running.

How a legislator voted on taxes will have some impact, voters said. Forty-four percent said a vote for taxes would make them less likely to support the incumbent - though an equal number said such a vote would have no impact on their own vote. Only 7 percent, however, said a vote in favor of taxes by their legislator would help him win their own vote.

Fully 63 percent of those surveyed said they favored limiting the numbers of terms a state legislator can serve, compared to only 30 percent who oppose such limitations.

The political philosophy of liberalism apparently is blamed for some of the state's problems. Sixty-four percent said government spending is higher when politicians are liberals, compared to 16 percent who attributed higher spending to conservatives. Meanwhile, 73 percent said Massachusetts was more liberal than

the rest of the nation, while 21 percent said it was about the same as most other states.

Forty-seven percent labeled themselves political moderates, while 27 percent called themselves conservative. Only 23 percent said they were liberals.

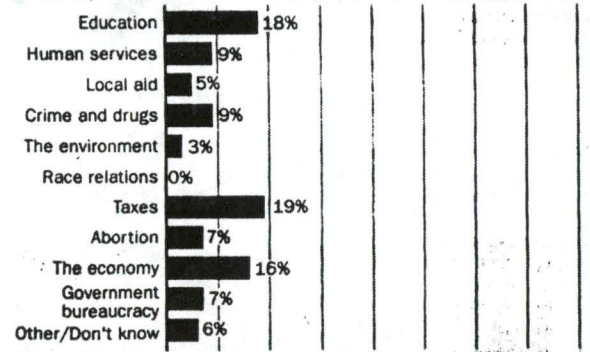
Strong support for abortion

The poll showed continued strong support for abortion rights. Seventy-three percent said that "in

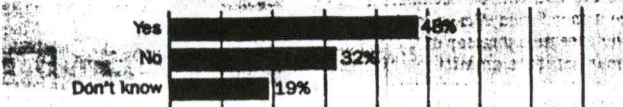
Continued on next page

General Issues

Of the following list of issues facing Massachusetts, when it comes time to vote for governor, on which issue is your candidate's position most important?



Question 3 on the ballot in November is a proposed law that would change the state income tax rate, affect certain other taxes and regulate the setting of fees by state agencies and authorities. It would set the tax rate on earned income at 4.25 percent for 1991 and 4.625 percent in 1992, except for certain income which would be taxed at 5 percent. It also provides that the fee imposed by any state agency or authority be no more than the fee that was in effect on or before June 30, 1988. It provides that after January 1, certain other taxes shall be the same as on Aug. 2, 1989 or the effective date of the proposed law, whichever language yields less tax revenue. If the election were being held today, would you vote yes or no on Question 3?



Now that the new tax bill has become law, do you think the state's budget will be balanced, or do you think the state's budget will still be out of balance?



NOTES: Figures may not add up to 100 due to rounding. 173 registered Democrats, 183 Independents and 71 Republicans surveyed by telephone Aug. 26-30, 1990.
SOURCE: KRC Communications Research

GLOBE STAFF CHART

Voter confidence

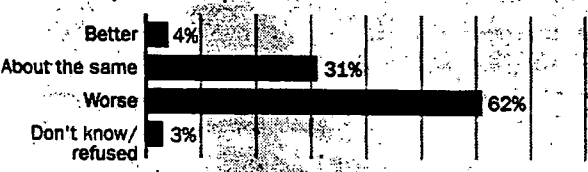
In general, do you have more confidence in the local government, state government or federal government?



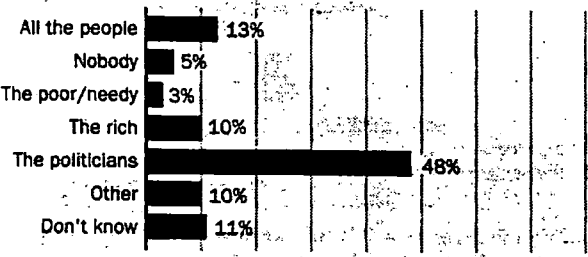
Do you think Massachusetts state government is in touch or out of touch with the state's residents?



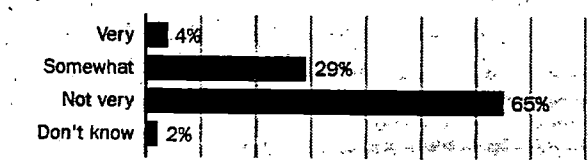
How well do you think Massachusetts state government serves you? Would you say state government serves you better, about the same, or worse than you would expect?



Who do you think state government serves?



How confident are you about the ability of state government to solve the problems facing Massachusetts? Are you very, somewhat, or not very confident?



NOTES: Figures may not add up to 100 due to rounding. 173 registered Democrats, 183 Independents and 71 Republicans surveyed by telephone Aug. 26-30, 1990.
SOURCE: KRC Communications Research

GLOBE STAFF CHART

3 SEP 50/P-3

9/19

Weld and Silber in Fall Face-Off For Governor of Massachusetts

Two Nominated in Come-From-Behind Victories

By Christopher B. Daly
Special to The Washington Post

BOSTON, Sept. 18—A surge of independent voters pushed William F. Weld to victory today as the Republican nominee for governor in Massachusetts, and a revolt against the political establishment lifted Democrat John R. Silber to a stunning upset over Francis X. Bellotti.

Silber, the blunt-spoken president of Boston University, came from behind in late-summer polls to defeat Bellotti, the state's former three-term attorney general and a fixture in Democratic politics for a generation.

The results stemmed from what pollsters described as a wave of anger among voters that grew out of the state's fiscal crisis and toppled incumbents across the political landscape. In both gubernatorial primaries, victory went to the candidates who succeeded in defining themselves as political "outsiders."

Looming in the Nov. 6 general election for Weld and Silber is a certain dispute over a citizen-petitioned ballot measure to repeal a \$1.8 billion state tax increase and roll back state fees to 1988 levels. Weld supports the petition; Silber opposes it.

In his victory speech, Silber, a pro-business, fiscal conservative, promised "an end to patronage and waste in state government" and a solution to the state's chronic budget deficits.

"Men and women who work hard and pay taxes have a right to a government that works," Silber told his cheering and surprised supporters.

Bellotti attributed his loss to "a mood out there" that demanded change. "It was kind of a protest," he said. "It was like a revolt. I accept that."

The results also raised questions about the state parties' role in endorsing candidates. Both Weld and Silber were rejected by their parties' conventions earlier this year.

Weld's appeal among independents, who were eligible to vote in either primary, helped him overtake the summertime front-runner, House

Minority Leader Steven Pierce, who had his party's endorsement.

Weld, the former federal prosecutor in Boston and former head of the Justice Department's Criminal Division, overcame a gap of as much as 35 percentage points in some polls.

Silber, making his first run for public office with an insurgent campaign, attracted many conservative Democrats and independent voters. He tapped a wave of voter anger at the state's Democratic establishment, which is being blamed for raising taxes and running a deficit.

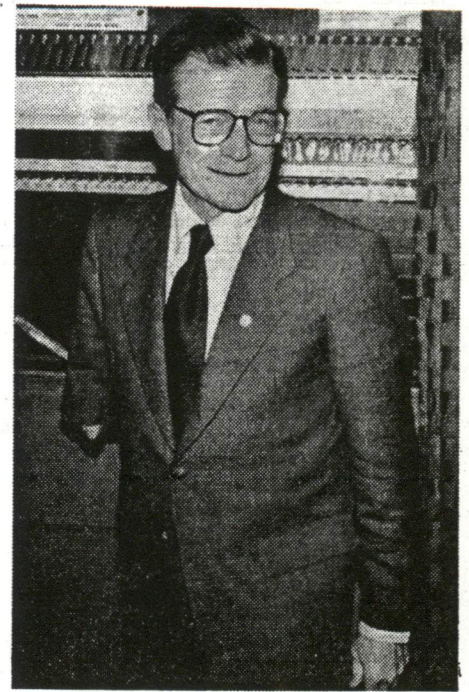
Bellotti, who served three terms as state attorney general and defeated Weld in the 1978 attorney general's race by a landslide, sought the gubernatorial nomination after four years in private law practice and tried to present himself as the candidate of "change."

The race for governor, on which candidates have spent nearly \$9 million so far, drew the most public attention this political season. Gov. Michael S. Dukakis (D), who announced in January 1989 that he would not seek a fourth term, has seen his popularity plummet along with the state's revenues.

The governor's unpopularity has rubbed off. Lt. Gov. Evelyn Murphy (D) withdrew from the race for governor last week, in part because she could not shed her association with Dukakis.

In the race for lieutenant governor, state Rep. Marjorie Clapprood—the only woman in a statewide race—won the Democratic nomination over state Sen. William Golden and state Rep. Nicholas Paleologos. State Sen. Paul Cellucci, who ran the 1988 Bush campaign in Massachusetts, won the GOP nomination over state Rep. Peter Torkildsen.

In the Democratic primary for the third spot on the ticket, Attorney General James Shannon, the only incumbent in a prominent race, lost his bid for reelection to Scott Harshbarger, the Middlesex County prosecutor. "There was a tidal wave coming, and we happened to be standing on the beach when it hit," Shannon said in conceding, referring to the anti-incumbent tide.



Boston University chief Silber leaves voting booth. ASSOCIATED PRESS

Republicans chose Jim Rappaport, a businessman making his political debut, over Dan Daly, another political novice, to challenge first-term Sen. John F. Kerry (D), who had no Democratic opponent.

In the governor's race, Silber gave a voice to the more conservative and disaffected Democrats but wounded himself repeatedly through a series of intemperate remarks, most recently last week when he compared the residents of a predominantly black area of Boston to a "group of drug addicts," then refused to apologize.

Bellotti, a familiar figure after 25 years in politics, presented himself as a more traditional Democrat but one who is not tied to the state-house establishment.

Republicans, who have not won a statewide office here since 1972, believe they have the best chance in a generation to win the governorship by capitalizing on anxiety over the regional economic recession and rage at a state government that has raised taxes without solving its deficit problem.

Oklahoma Votes to Cap State Legislators' Terms at 12 Years

Associated Press

Oklahoma voters gave overwhelming approval last night to a constitutional amendment that would limit state legislators to no more than 12 years in office.

The measure, the first in the nation to curb incumbents' hold on their jobs, won by 2 to 1.

In Washington state, former governor John D. Spellman (R) was hoping to find new political life on

In Oklahoma, both parties also held runoffs to complete the process, begun in an Aug. 28 primary, of nominating a candidate to succeed Gov. Henry Bellmon (R), who is stepping aside.

On the Republican side, businessman Vince Orza had 49 percent and former U.S. attorney Bill Price had 51 percent with 92 percent of the vote counted. Both men are political newcomers from Oklahoma City.

The Democrats' meanwhile gave

Oklahoma City 51 percent to 49 percent and U.S. Rep. Wes Watkins of Ada.

The constitutional amendment bars future Oklahoma House and Senate members from serving more than 12 years. Current members may serve 12 more years after the measure takes effect Jan. 1. Similar measures are on the November ballots in Colorado and California.

The Oklahoma primary campaign was the most expensive in the

Both Watkins and Walters listed more than \$1 million in contributions. The latest reports showed Price nearing \$1 million in expenditures, while Orza reported about \$315,000.

In Washington state, Spellman took a new political path when he challenged Supreme Court Justice Richard Guy. Guy was appointed to fill an unexpired term last fall by

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NOW PETE SAYS, "IF THE VOTERS THINK I'LL BE MORE
USEFUL AS A GOVERNOR THAN AS A MEMBER OF THE U.S.
SENATE, THEN THAT'S WHAT I'LL BE." LADIES AND
GENTLEMEN, THAT IS WHAT HE SHOULD BE -- THAT IS WHAT HE
MUST BE -- GOVERNOR PETE WILSON OF CALIFORNIA.\\

THANK YOU ALL, MAY GOD BLESS YOU AND THE UNITED
STATES OF AMERICA.

#

- Crime bill not good enough
- environment - come to stay of
dem about future duty
- moral stamina demonstrated

SH₁ -
- biggest mistake in the recent
time - Warm Beauty made
"Ashton" -

- his coalition - unity, culture in
polit. & economic interests
demonstrated, they of their agreement -
→ Pres. of U.S. is the leader of this
free world

- extremely human beings - made of great character

- We are, indeed, making progress

- Bill, community & justice firm -

→ We're strongly in your corner, Pete -

DOUG GAMBLE

Sept. 27/90

424 - 36th Place
Manhattan Beach, CA 90266
(213) 546-6409

TO: STEPHANIE LAUDNER
2 Pages

REPUBLICAN EAGLES (Mark Lange)

I FEEL RIGHT AT HOME HERE IN THE PENSION BUILDING. CONSIDERING WHAT'S GONE ON AT THE BUDGET TALKS, I FEEL LIKE WE'VE BEEN THROUGH A SECOND CIVIL WAR.

THIS PLACE IS SO BIG, FOR A MINUTE I THOUGHT I WAS IN JACK KENT COOKE'S REC-ROOM.

IT'S AMAZING TO BE SURROUNDED BY SO MUCH WEALTH, AND TO REALIZE THAT NOT ONE OF YOU IS A PROFESSIONAL BASKETBALL PLAYER.

~~JERRY FORD ESTABLISHED THIS GROUP IN 1976, AND THE FIRST EAGLE MEMBERS WERE NOT ONLY GENEROUS, THEY WERE ALSO BRAVE. SOME NOT ONLY CONTRIBUTED (number of) DOLLARS, THEY ALSO PLAYED GOLF WITH THE PRESIDENT.~~ WHEN I FIRST HEARD IT WAS THE 15TH ANNIVERSARY OF AN ORGANIZATION THAT HAS DONE MORE FOR REPUBLICANS THAN WE CAN EVER EXPRESS IN WORDS, I THOUGHT "ROGER AILES HAS BEEN AROUND LONGER THAN THAT, HASN'T HE?"

JERRY FORD ESTABLISHED THIS GROUP IN 1976, AND THE FIRST EAGLE MEMBERS WERE NOT ONLY GENEROUS, THEY WERE ALSO BRAVE. SOME NOT ONLY CONTRIBUTED (number of) DOLLARS, THEY ALSO PLAYED GOLF WITH THE PRESIDENT.

more...

- 2 -

DOUG GAMBLE

TO: STEPHANIE LAUDNER - EAGLES (CONT'D)

I KNOW MANY OF YOU HAVE FOND MEMORIES OF GOING TO TEXAS TO VISIT THE KING RANCH, WHICH IS BIGGER THAN RHODE ISLAND. OF COURSE, SO IS THE NEW AIR FORCE ONE.

SOMEONE ASKED ME WHAT IT'S LIKE TO LIVE A FISHBOWL EXISTANCE, WHERE EVERY MOVE IS PHOTOGRAPHED AND REPORTED IN THE PRESS, AND THE PUBLIC IS CLAMORING TO LEARN MORE AND MORE ABOUT YOUR PERSONAL LIFE. I DON'T KNOW, BUT NEXT TIME I SEE MILLIE I'LL ASK HER.

I NEVER THOUGHT OUR OWN DOG WOULD WRITE A "LICK & TELL."

JUST IN CASE YOU'RE WONDERING IF LEE ATWATER IS BECOMING HIS OLD SELF AGAIN -- AT A RESTAURANT RECENTLY HE NOT ONLY ATE A RAW MEAT DISH CALLED BUFFALO CARPACCIO, BUT HE KILLED THE BUFFALO PERSONALLY.

OF COURSE WE HAVEN'T MISSED LEE VERY MUCH -- JUST LIKE NOLAN RYAN WOULDN'T MISS HIS FASTBALL. (JUST LIKE THE STATUE OF LIBERTY WOULDN'T MISS HER TORCH.)

COLORADO GOP FUNDRAISER
DENVER, COLORADO
SEPTEMBER 18, 1990
12:00 NOON

THANK YOU, NATALIE [MEYER, COLORADO SECRETARY OF
STATE]. DOING A GREAT JOB AS COLORADO'S TOP ELECTED
REPUBLICAN OFFICIAL. *confident will win big in the future* / IT'S GREAT TO SEE SO MANY
FRIENDS -- AND FAMILY, TOO: MY DAUGHTER-IN-LAW SHARON.

[WHEN BRUCE BENSON {STATE GOP CHAIR} CALLED ME
AND SAID IT WOULD BE A BIG BOOST IF OUR PARTY'S NUMBER
ONE ASSET CAME OUT TO COLORADO, I SAID, "SURE. WHAT
TIME DO YOU WANT BARBARA TO BE THERE?" //]

OF COURSE, TODAY I'M FLYING SOLO. BARBARA SENDS HER
REGRETS, ^{affection} BUT I'M PLEASSED TO BE HERE TO SHOW MY SUPPORT. *Show my appreciation
to Bruce, etc.*
IT'S GREAT TO BE HERE IN THE "MILE HIGH CITY." TODAY THERE'S
ANOTHER CITY THAT'S FEELING A MILE-HIGH: ATLANTA.
CONGRATULATIONS - WE KNOW THEY'RE GOING TO HOST A TERRIFIC
OLYMPICS! *(proud garner will be back in the United States)*

THIS TREMENDOUS TICKET, ^{that was here to support} SHOWS THE GREAT STRENGTH OF
THE COLORADO GOP. WE'VE GOT A STRONG TEAM OF CONGRESSIONAL
CHALLENGERS, READY TO CONTRIBUTE -- READY TO FIGHT FOR WHAT'S
BEST FOR COLORADO AND FOR THIS COUNTRY: BOB ELLIS. /
GLORIA GONZALES ROEMER. / JASON LEWIS. / WAYNE ALLARD. /
// COLORADO'S GOT CAPITOL HILL VETERANS LIKE JOEL HEFLEY
AND DAN SCHAEFER -- BACK AT WORK IN WASHINGTON, AND
REPRESENTED HERE TODAY BY THEIR WIVES, LYNNE AND MARY. / *(good team - new year
support through hard
elected)*

THEN THERE'S A WELL-KNOWN VOICE HERE IN COLORADO --
AND CHAIRMAN OF MY ADVISORY COUNCIL ON EDUCATION:
COLORADO'S CANDIDATE FOR GOVERNOR, JOHN ANDREWS. //

(on Air Force One)

I WANT TO SINGLE OUT THE NATION'S DRUG CZAR, BILL BENNETT
-- WITH US TODAY. A YEAR AGO WE ANNOUNCED A NATIONAL DRUG
STRATEGY. A FEW DAYS AGO, BILL AND I GAVE A ONE YEAR UPDATE
TO THE NATION. IN ~~THE~~^{MANY} WAYS WE ARE MAKING REAL PROGRESS.
BILL BENNETT, WAGING A TIRELESS FIGHT, DESERVES OUR^{or} HEARTFELT
THANKS *from all Americans ...* *Vote!*

AND OF COURSE, THERE'S MY GOOD FRIEND AND YOUR GREAT
SENATOR -- BILL ARMSTRONG. LIKE ALL ^{of his constituents} OF YOU, I REGRET HIS
DECISION TO LEAVE THE SENATE. BILL ARMSTRONG HAS BEEN
COLORADO'S ARTICULATE VOICE FOR LOWER TAXES, BALANCED BUDGETS,
A STRONG NATIONAL DEFENSE AND CLEANER AIR. /

3

BUT COLORADO'S FORTUNATE TO HAVE A STRONG SUCCESSOR WAITING IN THE WINGS -- A MAN WHO'S MADE HIS MARK AS A PROVEN LEADER ON CAPITOL HILL, / HANK BROWN.

(Comparing business kept him on the job)
Practicality

HANK, AS YOU ALL KNOW, WAS SCHEDULED TO FLY OUT WITH ME ON AIR FORCE ONE -- BUT CONGRESSIONAL BUSINESS KEPT HIM BACK IN WASHINGTON, ON THE JOB -- AND THAT'S RIGHT WHERE HANK BROWN BELONGS. / IT'S GREAT TO HAVE MRS. BROWN HERE -- NAN. ALL OF US WHO'VE SEEN HANK AT WORK IN WASHINGTON KNOW HE'S ONE OF A RARE BREED. / PRESIDENT REAGAN AND I LEARNED IN THE '80S WE COULD RELY ON HANK IN THE CONGRESS -- AND NOW IN THE '90S, I KNOW I NEED HANK BROWN IN THE U.S. SENATE. //

need to help business
Practicality
need to
structure

4
Casper ought to move heavy
give this the vote -

NOW THAT CONGRESS IS BACK IN SESSION, WE'VE GOT WORK TO DO. / WE'VE GOT TO PRESERVE THIS PRECIOUS NATURAL LEGACY OF OURS -- PASS THE FIRST PACKAGE OF COMPREHENSIVE AMENDMENTS TO STRENGTHEN THE CLEAN AIR ACT IN A DOZEN YEARS. / I'M CONVINCED THE AMERICAN PEOPLE ARE COMING TO REALIZE THAT THIS PARTY IS A STRONG ADVOCATE FOR A CLEAN ENVIRONMENT. THAT'S AN ISSUE THAT MATTERS TO EVERY ONE OF US -- AN ISSUE CHAMPIONED BY HANK BROWN, A MAN WHOSE ROOTS IN THIS ROCKY MOUNTAIN STATE GO BACK FIVE GENERATIONS -- AND THE OTHER FINE MEMBERS OF THIS COLORADO TICKET. /

WE'VE GOT WORK TO DO -- TO ENHANCE IN ALL OUR CITIES AND TOWNS A STRONG AND SAVING SENSE OF COMMUNITY. // THAT MEANS KEEPING OUR STREETS SAFE, SO THAT YOUNG AND OLD ALIKE ARE FREE FROM FEAR. / YOU HAVE MY WORD: I WILL NOT SIGN A SO-CALLED CRIME BILL THAT MAKES LIFE TOUGHER FOR POLICE THAN IT DOES FOR CRIMINALS. //

AND ABOVE ALL, FOR THE SAKE OF OUR COMMUNITIES AND OUR CHILDREN, WE MUST DRAW THE LINE AGAINST DRUGS: NO MORE FREE RIDE FOR DRUG USERS -- AND NO MORE FREEDOM. PERIOD, FOR THE ILLEGAL DRUG MERCHANTS WHO DEAL DEATH RIGHT ON OUR STREETS. // LITERALLY ON OUR DOORSTEPS.

↑ Think
BUT FOR ALL OF AMERICA, THE KEY ISSUE HERE AT HOME REMAINS THE HEALTH OF OUR NATIONAL ECONOMY -- AND THE CHALLENGE WE FACE TO KEEP THIS RECORD-SETTING ECONOMIC EXPANSION ALIVE. WE CAN'T MEET THIS FUNDAMENTAL CHALLENGE UNTIL WE BREAK FREE OF THE SPEND-NOW, SAVE-LATER MENTALITY THAT HAS DONE SO MUCH TO DRIVE UP THE NATIONAL DEBT. /

JUST 12 DAYS FROM NOW THE FISCAL YEAR ENDS -- AND THE AUTOMATIC SEQUESTER BEGINS. THE CLOCK IS TICKING. THAT'S WHY I ISSUED MY CHALLENGE TO CONGRESS ONE WEEK AGO -- AND WHY I WILL RENEW THAT CHALLENGE TODAY. //

I'VE SET OUT A BUDGET AGENDA THAT GOES BEYOND THE QUICK FIX, AND GETS TO THE HEART OF REAL FISCAL REFORM. //

6

FIRST, I'VE CALLED ON CONGRESS TO ENACT A PACKAGE OF GROWTH-ORIENTED TAX INCENTIVES -- EVERYTHING FROM EXPANDED IRA'S AND FAMILY SAVINGS ACCOUNTS TO ENTERPRISE ZONES AND, YES, A CUT IN THE CAPITAL GAINS TAX. ONCE AGAIN THIS NOT A TAX BREAK FOR THE RICH. THE TREASURY ESTIMATES THAT MY PROPOSAL WILL NOT LOSE REVENUE -- IN FACT IT WILL INCREASE REVENUES TO THE FEDERAL GOVERNMENT. AND IT WILL CREATE JOBS. // THESE ARE THE STEPS WE MUST TAKE -- TO SPUR SAVINGS. ENCOURAGE INVESTMENT. EXPAND JOBS FOR THE MEN AND WOMEN OF AMERICA. INCREASE COMPETITIVENESS. TO GIVE THIS NATIONAL ECONOMY OF OURS MORE OF WHAT IT NEEDS TO KEEP ON GROWING. //

THAT'S JUST ONE REASON I'M COUNTING ON THIS TALENTED COLORADO TEAM. BECAUSE I NEED THE SUPPORT OF THE PEOPLE OF COLORADO -- AND THE VOTES UP ON CAPITOL HILL TO PUT THIS PRO-GROWTH PROGRAM INTO EFFECT. //

SECOND, I'VE CALLED ON THE CONGRESS TO TAKE FORWARD-LOOKING MEASURES TO ENCOURAGE ADDITIONAL ENERGY PRODUCTION -- HERE IN THE UNITED STATES. WE'VE INDULGED A DANGEROUS HABIT FOR FAR TOO LONG. I SAY TO YOU TODAY: WE MUST MOVE NOW TO END AMERICA'S EXCESSIVE DEPENDENCE ON FOREIGN OIL. // THAT MEANS ALTERNATE SOURCES, THAT MEANS MORE INCENTIVES TO INCREASE DOMESTIC DRILLING, AND, YES, THAT MEANS MORE CONSERVATION.

←

(applauding)

←

THIRD, I'VE MADE CLEAR TO CONGRESS: IT'S TIME TO REACH A BINDING BUDGET AGREEMENT THAT SHOWS THE AMERICAN PEOPLE WE'RE SERIOUS ABOUT REAL DEFICIT REDUCTION. //

WE ALL KNOW THE DANGER THAT HIGH DEFICITS CAN DRAG DOWN OUR ECONOMY. IT'S TIME TO PUT OURSELVES TO THE TEST. WHETHER WE'VE REACHED A BUDGET SUMMIT AGREEMENT, OR NOT -- I CALL AGAIN ON THE CONGRESS TO ALLOW A STRAIGHT, UP-OR-DOWN VOTE ON A FIVE-YEAR, \$500 BILLION DOLLAR DEFICIT REDUCTION PACKAGE, NO LATER THAN SEPTEMBER 28. //

*I think
that Congress
over that
to the
American people*



THIS IS A CRITICAL TIME. THERE ARE CHALLENGES WE FACE NOW IN WASHINGTON, AND AROUND THE WORLD -- CHALLENGES THAT WILL AFFECT EACH AND EVERY AMERICAN. I WANT TO SPEAK FOR A MOMENT ABOUT THE MOST MOMENTOUS CHALLENGE OF ALL: THE SITUATION IN THE PERSIAN GULF. //

94

NEVER BEFORE HAS THE WORLD COMMUNITY BEEN SO UNITED. NEVER SINCE THE INVASION BEGAN HAS IRAQ STOOD SO ISOLATED AND ALONE. //

THE KEY IS COLLECTIVE ACTION: SHARING THE RESPONSIBILITIES AND THE RISKS. THE CHALLENGES AND THE COSTS. MEETING SADDAM HUSSEIN'S OUTLAW ACT WITH A COMMON FRONT AGAINST AGGRESSION. // THAT IS WHY FORCES FROM OVER 20 NATIONS -- RICH AND POOR, ARAB, MUSLIM, ASIAN AND AFRICAN -- NOW SERVE SIDE BY SIDE IN THE GULF. THAT'S WHY BRITAIN AND FRANCE ARE SENDING SUBSTANTIAL GROUP FORCES TO SAUDI ARABIA. THAT IS WHY, OUR ARAB FRIENDS, TOGETHER WITH JAPAN AND GERMANY, WILL CONTRIBUTE ALMOST \$20 BILLION DOLLARS TOWARDS THE COSTS OF OPERATIONS AND TO OFFSET THE EFFECT OF BOTH SANCTIONS AND HIGHER OIL PRICES. / THE MESSAGE IS STEADY, STRONG AND CERTAIN: THE WORLD WILL NOT LOOK THE OTHER WAY. IRAQ'S ACT OF AGGRESSION WILL NOT STAND. //

SADDAM'S ILLEGAL ACT HAS MEANT MISERY AND SUFFERING FOR MILLIONS. THE BRAVE PEOPLE OF KUWAIT -- VICTIMIZED, BUT NOT VANQUISHED. // THE HOSTAGES HELD AGAINST THEIR WILL. // ^{more victims} THE REFUGEES FLEEING IRAQ AND KUWAIT -- FLOODING INTO NEIGHBORING NATIONS ILL EQUIPPED TO DEAL WITH THIS HUMAN TIDAL WAVE OF TRAGEDY. // FOR THE IRAQI PEOPLE THEMSELVES: THE PAIN THEY NOW EXPERIENCE IS A DIRECT CONSEQUENCE OF THE PATH SADDAM HAS CHOSEN. // AND LET ME MAKE CLEAR ABOUT ANY HUMANITARIAN AID -- EMERGENCY FOOD AND MEDICAL SUPPLIES -- WE MIGHT SEND TO THE PEOPLE OF IRAQ IN THE FUTURE. SHOULD AID BECOME NECESSARY, IT MUST BE DISTRIBUTED UNDER STRICT INTERNATIONAL SUPERVISION -- TO MAKE CERTAIN THAT EMERGENCY AID REACHES THOSE IRAQIS WHO NEED IT MOST. / WE CANNOT ALLOW SADDAM HUSSEIN TO DIVERT HUMANITARIAN AID TO SUSTAIN HIS ARMY OF OCCUPATION. //

*The poorest of the poor
 has been targeted by
 Saddam's illhumanity.*

WE MEAN TO KEEP THE SANCTIONS IN PLACE -- KEEP THE PRESSURE ON -- AND PROVE TO SADDAM THAT AGGRESSION DOES NOT PAY. //

MUCH IS AT STAKE -- AND THERE IS MUCH THE WORLD STANDS TO GAIN IF WE SUCCEED. EVEN IN THE MIDST OF THE CURRENT CRISIS, I BELIEVE WE CAN ALL SEE THE OUTLINES EMERGING OF A STRONGER, MORE PEACEFUL WORLD ORDER: ONE WHERE OLD ANIMOSITIES GIVE WAY TO A NEW PARTNERSHIP OF NATIONS, ACTING TO UPHOLD INTERNATIONAL ORDER AND THE RULE OF LAW. / AND LET ME BE CLEAR: WITH ALL THAT'S AT STAKE, THE WORLD WILL NOT ALLOW ONE DICTATOR'S AGGRESSIVE AMBITIONS TO STAND IN THE WAY. //

LET ME CLOSE THIS AFTERNOON BY THANKING THE YOUNG MEN AND WOMEN OF COLORADO WHO ARE DOING THEIR PART, OUT IN THE SAND AND HOT SUN HALF A WORLD AWAY. / SOLDIERS LIKE THE ONES FROM THE FITZSIMONS ARMY MEDICAL CENTER IN AURORA, COLORADO. LIKE MAJOR CARMELO OTERO -- DR. OTERO -- WHO'S SHIPPING OUT IN THE NEXT FEW DAYS. IN THE BUSY FINAL DAYS BEFORE HIS DEPARTURE, MAJOR OTERO'S SPENT MOST OF HIS TIME WITH HIS WIFE AND TWO CHILDREN -- AND HE EVEN FOUND TIME TO TAPE RECORD BED-TIME STORIES FOR HIS KIDS TO LISTEN TO UNTIL HE'S BACK HOME AGAIN. //

OR SERGEANT CLIFTON GORDON. AN X-RAY TECHNICIAN,
WHO'S BEEN SERVING IN SAUDI ARABIA SINCE THE END OF
AUGUST -- AND WHO MISSED HIS SON'S FIRST THREE FOOTBALL
GAMES -- THREE WINS -- AS FRESHMAN QUARTERBACK. /

AND I WANT TO PASS ALONG A REQUEST MADE BY SGT.
GORDON'S WIFE, ROBIN, WHO'S HERE WITH US TODAY. SHE'S
NOTICED HOW MANY SUPPORT GROUPS THERE ARE FOR SPOUSES
AND PARENTS -- AND SHE THINKS MAYBE IT'S TIME TO SPREAD
THE WORD THAT WE'VE GOT TO DO ALL WE CAN -- AS INDIVIDUALS,
AND ORGANIZATIONS -- TO HELP THE KIDS OUT THERE WHOSE
MOMS AND DADS ARE ON DUTY IN THE PERSIAN GULF. / ROBIN'S
RIGHT. / AND EVEN AS I ASK -- I KNOW THAT THAT SUPPORT
IS THERE IN AURORA, AND HERE IN DENVER -- AND IN EVERY
COMMUNITY ALL ACROSS THIS COUNTRY. //

← (explain line)

LET'S NOT WAIT UNTIL OUR SERVICEMEN COME HOME TO SHOW
OUR APPRECIATION -- LET'S START RIGHT NOW: BY DOING
SOMETHING SPECIAL FOR THEIR KIDS. ///

ONE FINAL MESSAGE TODAY AS WE FOCUS ON NOVEMBER 6TH. / FROM THE REVOLUTIONS THAT CHANGED THE FACE OF EASTERN EUROPE FROM BUDAPEST TO BERLIN, TO THE YOUNG MEN AND WOMEN IN OUR ARMED SERVICES SERVING NOW IN SAUDI ARABIA: THE WORLD AROUND US REMINDS US EVERY DAY THAT THERE'S NOTHING MORE PRECIOUS THAN FREEDOM. / SO I URGE EVERY CITIZEN OF COLORADO, AND EVERY AMERICAN: GET OUT AND VOTE. DON'T TAKE DEMOCRACY FOR GRANTED.

//

ONCE AGAIN, IT'S A PLEASURE TO BE HERE TODAY TO SHOW MY SUPPORT FOR THIS STRONG TICKET -- FOR CANDIDATES WHO HAVE SO MUCH TO CONTRIBUTE, TO COLORADO, AND TO THIS COUNTRY. // I THANK ALL OF YOU FOR THIS WARM WELCOME -- AND MAY GOD BLESS THIS GREAT STATE.

#