

Future Leaders Of Massachusetts? These Are Two Of The Eight New Candidates For State Rep And Senator That We Highlight In This Issue.

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Cheryl Jacques Goofs When Responding to Lawsuit; Reminds Many of Bill Clinton's Questions about 'Is'

When Cheryl Jacques was questioned by the Associated Press about the lawsuit which charges she violated the state Constitution when she fought to keep voters from getting to vote on the Marriage Amendment, she didn't know what to say.

"I'm very confident that the Supreme Judicial Court will recognize that the Legislature in fact did act," she told A.P. "We did convene, we took up the matter, and we chose to adjourn."

But that's a little bit like Bill Clinton discussing the meaning of "is," says Sarah McVay Pawlick, President of Mass. Citizens for Marriage (MCM).

"The legislature did not 'act,'" says Pawlick. "And Cheryl Jacques was one of the main reasons that Tom Birmingham violated the state Constitution.

"They did not 'convene.' They immediately voted to adjourn and not convene because they were afraid to convene. Cheryl knew that if they did, the Amendment would pass as the people wished."

The brief that was filed with the lawsuit against Sen. Birmingham said that Jacques told him to violate the Constitution.

"Sen. Cheryl Jacques told Bay Windows that she was fighting to stop a vote from ever taking place in the Legislature," said Pawlick. "That means she was stopping the Constitutional process. She said, 'I'm fighting...to see that [the Marriage Amendment] never comes up for a vote. I'm happy to throw my body in front of the train to block this question.' She said that Birmingham's acting to stop the rule of law was 'heroic'."



Gov. Jane Swift is Required to Call the Legislature Back

The A.P. story about the lawsuit noted that MCM is reminding the state that Gov. Jane Swift is required to call the Legislature back into session to vote on the Amendment.

"This doesn't affect just us, but anyone who ever brings a constitutional amendment," Pawlick said. "The way this is right now, the whole system is broken."

The state Constitution requires the Governor to call the Legislature back into joint session if the legislators fail to take final action on an amendment before adjourning, Pawlick stated.

She said that Article 48, IV, §2 of the state Constitution says that if the Legislature fails to take "final action ... upon all amendments pending, the Governor shall call such joint session

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SJC Asked to Clarify Duties of Birmingham on Amendment Process

He Will Officiate at Another Vote this Year on Marriage

Referendum Process Important to All Citizens

The Supreme Judicial Court has been asked to clarify the duties of the Senate President regarding Amendments under the Referendum process because he will be officiating at the second vote on the issue later this year.

"We are not looking for damages from Sen. Birmingham or anyone else," said Sarah McVay Pawlick, regarding the suit she filed in Boston as President of Mass. Citizens for Marriage.

"We want to make sure he understands what he should be doing this time," she said.

Pawlick says that MCM will press on with its Amendment regardless of what the SJC does.

"This is important because no one knows

which Referendum will suffer next from illegal conduct by the Legislature. Will those citizens who come after us want a totally lawless process when they petition the government? We must correct this illegal conduct," she commented.

Pawlick believes everyone will follow the law if they know what it is. She continued, "The Court must instruct all of us on the law in this matter."

She pointed out that only two Amendments have reached the voters since the Referendum process was established in 1918. "Something is broken," she said.

Will Vote Again This Year

"Almost no one understands there will be another vote on this issue before January when this legislative session will finally end," she said.

She went on to say it is "cruel" for the Court to keep telling the citizens over and over that the only remedy they have for the illegal conduct of the Legislature is to go out and elect 48 new legislators. "The voters have always had that remedy. If that is still their only remedy, then the referendum process is worthless.

"This Court must make clear to everyone the duties of the Senate President so that when the next vote is taken on our Amendment, Sen. Birmingham can say with certainty to everyone that he must hold a vote as required under the Constitution. That will relieve much of the pressure on him," she says.

She believes that the enemies of the referen-

dum process have returned the state to 1918 when the referendum was first adopted. "We have an unresponsive legislature which is thwarting the will of the people. It is even worse than 1918 because at that time, the people knew they had no chance against a cynical politician. But now they go out with enthusiasm to make a difference, only to find that their efforts are still in vain. If we are attempting to make the citizens cynical, we are doing a good job, but to what end?"

The Court must advise the people whether we still have a referendum process for Amendments to the Constitution or whether it is dead, she says.

If the action of Sen. Birmingham was not a violation of the law, she says, then the citizens will understand that they should never again bring a referendum for a constitutional amendment unless the President of the Senate is on their side — and unless that President will not be replaced by someone else during the next three years.

They will also realize, according to Pawlick, that the procedure under the Constitution as adopted in 1918 has been changed, not by the courts, but by Sen. Birmingham. Instead of obtaining 25% of the legislators, the citizens are now required to obtain more than 50%. This is true because they must have all those votes to defeat a motion to adjourn or a motion for a quo-

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Brief Filed With Lawsuit Explains Why SJC Must Act

In a brief that was filed with the lawsuit against Sen. Birmingham, the SJC was told why it must take action.

I. Clarification of Duties of the President of the Senate.

The plaintiff seeks a clarification of the duties of the President of the Senate in regard to Constitutional initiatives under Article 48. She believes that if these duties are made clear to everyone, the problems that presently exist will cure themselves. Most citizens wish to follow the law but they are now unclear what it is. If they understand, this will lessen any need for litigation.

II. Clarification of Duties of Each Legislator.

The plaintiff seeks a clarification of the duties of each legislator when he or she is deciding whether to send a Constitutional initiative on to the voters.

* * * * *

This Court stated earlier this year, "It is the 'imperative duty' of the judicial branch of government to say what the Constitution requires, when the question is properly presented."¹

It is unlikely this Court will get another chance to clarify these matters, because it is doubtful any lawyer will advise anyone to ever bring another initiative for an Amendment under the present law as it is perceived to be.

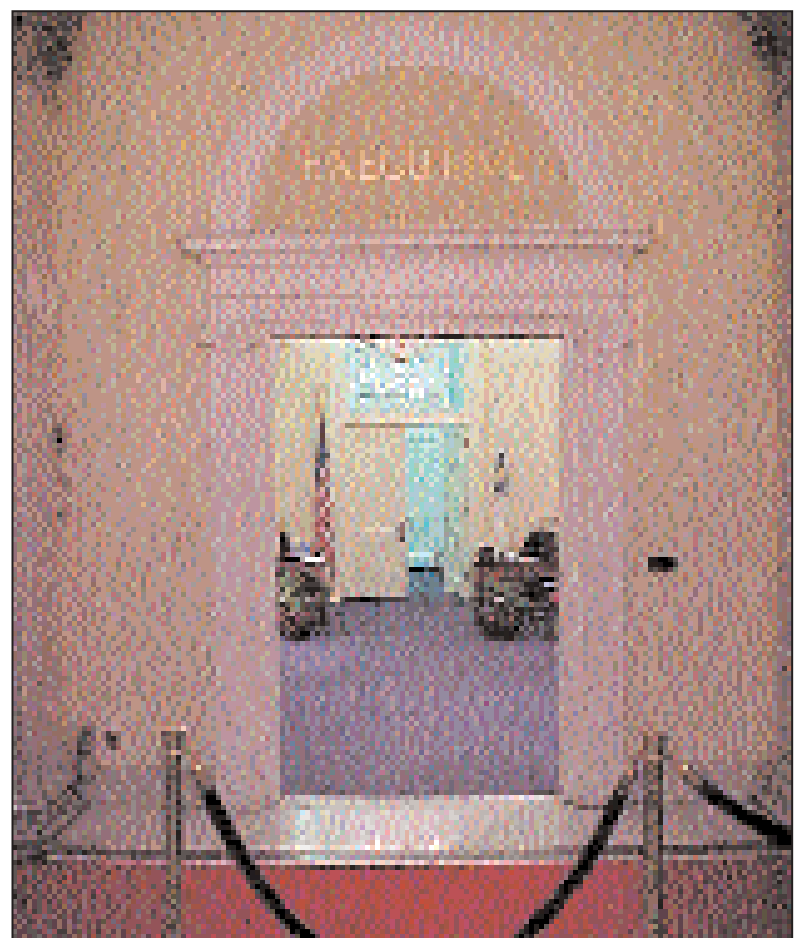
No one doubts that Constitutional initiatives under art. 48 are in serious trouble. Many initiatives for new laws have made it to the ballot since 1918, but only two Constitutional initiatives have done so in that eighty-year period.²

I. Clarification of Duties of the President of the Senate

A. Facts - The citizens were amazed and upset when the process to amend the state Constitution by referendum under Article 48 was, for all practical purposes, destroyed on July

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Obey the Constitution!



Pickets began what will be an ongoing presence in the hallways outside of Jane Swift's office at the State House with stickers on their clothing saying, "Obey the Massachusetts Constitution." The first picketers arrived on Monday, August 26.

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'Ronald Reagan Candidate' From Holden Gives Voters A Choice

By Ed Oliver

Republican Mark Ferguson, of Holden, does not give up easily. This is the third time he has run for state Representative.

The first time he won in a special election where there was a vacancy. But then it was taken away by 13 votes after a recount three weeks later of opponent Democrat David Bunker's home town. Ferguson had some serious questions about the procedure but could not afford the lawyers to challenge it. "Hanging chads, that sort of thing," he says.

He ran again when Bush ran and got 48.4 percent of the vote. "Nonetheless, I didn't win, but I'm determined, I'm persistent, and I believe I have the right agenda for Massachusetts.

"If you want to understand me, just think of Ronald Reagan. That's me," Ferguson tells MassNews. He gives conservatives a real choice in the 1st Worcester District.

He says he simply has old fashioned values, works hard for a living, and stands up for what is right.

A plumber by trade, Ferguson is in charge of all that's necessary to keep the big boilers and other plumbing functioning at Worcester Polytech. He's a veteran of Holden politics, serving on the Board of Selectmen for six years—two of those years as chairman holding the line on property tax increases. "The only time in the town's history property taxes did not go up two and a half percent," said Ferguson.

Why does he want to be elected?

"I'm itching to get elected because I believe that I am a true representative of the people. Sticking with my basic beliefs, I honestly believe that taxation takes people's, and particularly their families' freedoms away. I believe that Massachusetts, in its excessive taxation, has hurt the family unit. The dollars that we're sending in certainly aren't being spent efficiently and it has to stop.

He is challenging Democratic Rep. David Bunker again. But first, he has to defeat Lewis Evangelidis in the primaries.

Ferguson tells MassNews: "I certainly welcome Evangelidis into the Republican Party, being a Democrat as late as February 16, 2000, when he switched. I am amused that he is running in the Republican primary because he boasts and brags that he worked for Janet Reno and also for Scott Harshbarger. Very few Democrats can boast working for two ultra-liberals like that, but, nonetheless, my opponent can."

The District includes Holden, Hubbardston, Oakham, Princeton, Rutland, Sterling (Precinct 1), and Westminster.

Ferguson discussed with MassNews his views on the issues:

Taxes – Got Over 2000 Signatures for Income Tax Rollback - Endorsed by CLT

"I was proud to have carried the petition to roll back the state income tax, the same question that was on the ballot here in November of 2000 that the voters overwhelmingly approved. I gathered over two thousand signatures to see that that was put on the ballot.

"I'm endorsed by Citizens for Limited Taxation. I've always believed, and I'll say it again, that money is better kept in the hands of people who earned it, empowering their families. It's a freedom that is being taken away. Does anybody out there think that government is giving people their money's worth when it comes to spending?

"Are you getting maximum efficiency of your hard earned tax dollars? I think you'll all agree that the answer is no. Why in the world would you want to give them more of your hard-earned money if you know that the money that you've already given them isn't being spent either wisely or efficiently. It makes no sense at all."

Marriage – Signed Protection of Marriage Amendment – Opponent Absent for Vote

"I signed the petition for the Protection of Marriage Amendment, believing that marriage is between one man and one woman. I believe it's a very simple question. It's a very simple answer. And I think what happened to the people, the hundred and thirty thousand people, that put their names on a petition and the way it was just bastardized for lack of a better word by Birmingham and company, and actually Brian Lees who's a Republican, who motioned to adjourn rather than take the tough vote is absolutely shame-



Mark Ferguson promises the voters that he will emulate Ronald Reagan if they elect him as a state Representative. One of his priorities will be to lower taxes.

ful. That's not the way democracy's supposed to work. And it really makes you question, do we have representatives of the people down there?"

"My opponent failed to show for the vote about the Amendment."

Guns – Member of Gun Owners Action League

"I'm a member of the Gun Owners Action League (GOAL). They do great work in protecting our Second Amendment right to own a firearm. I've also been endorsed by them in previous elections, as well as GOPAC, which is the political action league of the National Rifle Association. I'm proud of that.

"I've been steadfast in supporting the Second Amendment. I grew up around firearms all my life from the Boys Club, way back, right here in Worcester at Lincoln square. They taught us three-position shooting with BB guns. They taught us respect for the firearm. I believe in education. That's what you need with fire arms is to educate the people.

"It's not the lawful gun owners that are committing these murders and these shootings that Channel 5, Channel 7 and Channel 4 report as another 'gun murder.' It's absolutely gang-style criminal type activity and I honestly believe that criminals will always, always have guns. It's the law-abiding citizen who may be carrying a firearm that is the best protector at that given point. It's been proven time in and time out. It's absolutely wrong headed that such legislation as Chapter 180 (the 1998 Gun Control Law) — which incidentally never went through a public hearing — actually passed as a law before it was even fully written. That is absolutely wrong.

"There seems to be a big misnomer, whether it's Oprah Winfrey or the different Rosie O'Donnell shows, and I've seen these shows occasionally, that tell America it's somehow the law-abiding citizen that's committing these murders. And it's not the case. It absolutely is not the case. The Second Amendment was put second for a reason. It's because it was that important. It really was. And the beauty of the Second Amendment is that it is short, brief and to the point. So it can't be twisted. Every citizen has the right to carry, period. Unless, of course, they're a convicted felon. If you're a felon of a violent crime, I'm done with you. You forfeited your right. We're not taking another chance.

"Chapter 180, and the legislation thereof that has been amended more times than we can count, should be repealed. We should go through a public hearing process and base our gun laws on fact and on reasoning. Vermont has a law that is very successful that actually encourages gun ownership. The thing with encouraging gun ownership is the bad guy, who is out there, never knows who can defend themselves and who can't. Simply put, if the pilots on September 11th were allowed to carry side arms, there's a good chance that September 11th would have been stopped in its tracks. Imagine a terrorist not knowing which pilot is carrying and which pilot isn't. If you don't want to carry, don't, but the beauty of this is the terrorist or the hijacker doesn't know which pilot has a firearm to protect himself and the human beings on his plane.

"About a month ago there was an incident out in California at LAX Airport where, again, a criminal with a

firearm started on a shooting rampage and I believe killed two individuals. A law abiding citizen, who had a fire arm in his possession, put an end to the rampage. That's what I'm talking about."

Small Business – Must Protect It

"I'm a big advocate of small business. Small business supplies roughly two out of every three new jobs that are out there. I'd like to make this state more conducive for small business to operate. Anything that we can do to help them, whether it's to lower the... oppressive insurance (unemployment insurance) rate schedule that we're on and return to a Schedule A, would do a lot to help small business. We have one of the highest unemployment insurance rates in the country, which prohibits new job growth. I'd rather see people collect pay checks, rather than unemployment checks."

Abortion – Never Stop Being Pro-Life

"I've always been pro life and I'll never stop being pro-life. I see them as babies. I don't see them as a choice. I believe in life, liberty and the pursuit of happiness. That's what the Constitution says and I believe when the founding fathers defined life they meant life for all. I'm proud to say that my wife and I have a nine-month-old baby boy at home. He's the happiest thing in the world to us. I think we all live through our kids. I also had some ultrasounds done just as the medical profession dictated.

Nobody can tell me that that's not a life. At two months there was a heartbeat. Everything was alive and well and yes, indeed, that is a human being. Needless to say, somehow in this equation, my being a protector of life, somehow I get labeled an extremist while the other people are killing babies. Go figure. NARAL, the wackoes that want to kill at all costs, heckle me and do everything they can to see to my defeat. Incidentally, once they asked me what I thought of RU486, and when I told them it was a pesticide, they nearly jumped out the windows. Too bad they didn't.

"I think there's a lot that can be done about abortion. I think it comes with education. I think we have made significant gains in what I've been saying right along— preaching abstinence. We've been very, very successful

with America's youth, getting them away from this free-love mentality and getting them towards a responsible mindset of thinking.

Abstinence works every time it's tried. I also think the state makes adoption so difficult that honest families, such as myself and my wife, who wanted to adopt, have a hard time doing so. We were absolutely badgered when we inquired about adopting two children that my wife had taught in child-care. They were great kids and we have a wonderful family. I was chairman of the board of selectman. My past is rock solid. We have a beautiful new home and I work at WPI where they would have had free education here. And I would have provided that.

"I love kids and, needless to say, we were basically badgered to the point where my wife was in tears and it just makes it so unreasonable that decent families can't get to the adoption process, or get through the adoption process, like you would expect. You'd expect you'd be welcomed with open arms. Instead I was asked questions about why wouldn't I want to adopt an AIDS baby? Why do I want those kids? So on and so forth.

"God is good and he gave us our own child and we're very happy for that. But adoption is something that is too difficult for decent families to work through to give kids, good kids, a good home and a good start in life. I think that's all that they need is a good home and a good start. I look at DSS and I see their difficulties. It's just a bureaucracy and, I think, people. Again, one of my big roads is coming back to people rather than more government. People will adopt if we make it conducive for them to do so.

"I also look at history. I study history. We've gone from Roe vs. Wade, that was sad enough, to late-term abortion, partial-birth abortion. And somehow society and the church, I don't see them putting up a fight like they should on something like that. We've almost, as a society, accepted partial-birth abortion. I really don't see the outrage over it. There's some out there fighting the fight and I give them a tip of the hat. But it's really gone down the slippery slope of sickness and evil to stem-cell research, cloning. We're

continued on next page

almost accepting that. Where's it going to stop? To harvest body parts, that's not too far away. How far will we go on this? How far are we going?"

Health Care – Fighting Universal Health Care

"When we speak about health care, it's absolutely shocking to me that there's approximately six million residents in Massachusetts and approximately one million that are on the public system of health care, be it Medicaid or MassHealth. Do the numbers. For every one person that's out there on the public system of health care, there are five others that are being told to support it. That's got to stop. It's got to stop. We cannot have such numbers as that. Five people having to support one extra person amongst them on top of everything else that's coming down on the working man or working woman.

"I'm also looking at health insurance costs. I honestly believe that government doesn't care about health insurance increases. In fact, I believe that they're welcoming the increases and want the private health insurance or the health care system which we have today to run amuck, so that they can bring in socialized health care. That's why they're doing exactly nothing to combat this."

School Choice – Favors Charter Schools & Vouchers, Not Teachers Union

"I believe in charter schools. I always have. I believe in school choice. I believe parents act in the best interest of their children. They should be able to choose where they want to send their most important asset, their children. And I just honestly believe in charter schools. I go further in belief in vouchers.

"If you do not want to send your child to a school for whatever the reason may be; they don't have enough homework, they're pushing a certain agenda at that school, then you should be able to choose someplace else much like you do your own business at home. If you don't like doing business with a particular insurance company, why should you have to do business with that particular insurance company? I don't believe anybody should have an exclusive franchise on anything. That's why I believe in freedom of choice and I have always believed that parents know what's best for their children, period.

"You know what is a real belly laugh in these elections? It is the rabid MTA, Mass Teachers' Association. In their mailings that they do for their lackey candidates that just support more of the same, they'll send something out that says, 'We've interviewed all of the candidates and we've chosen this person.' even though they never interviewed all the candidates. Somebody needs to ask them have they ever, ever endorsed a Republican?

"What's worse is you've got to look at their oppressive, absolutely oppressive, dues structure, which for the average teacher, they continually cry is living below poverty. They're not afraid to take over \$550 a year in union dues. That's a paycheck gone from the same workers that they say are living in poverty. Unbelievable."

Bi-Lingual Ed

"I've been involved with Senator Guy Glodis who's out of Worcester, who's been pushing the reform of bilingual education, which is going to be on the November ballot. I collected a boatload of signatures for him as well to see that that was put on the ballot, because what we're doing is a disservice to our immigrants by taking this slow approach to English.

"It's actually an optional approach if you ask me because it's taking 5, 6, 7 years to even begin to teach some of these individuals English where frankly it's been too easy for some of the immigrants to give up. We need to follow the California model, which is the same model that our ancestors followed, which is rapid immersion. The sooner the immigrants are surrounded by English, especially the younger they are, it's been proven every time that the mind absorbs it that much faster. That's the way to go. So I ask



Jim Rappaport (left) shares most of the same views as Mark Ferguson and Ronald Reagan. They would like to lower the size of our government and allow us to keep more of our money so that every wife does not need to work and has a choice whether she wishes to do so.

you, why is it that it took 31 years for the state to realize that this program wasn't working? Let's vote for it in November.

"I'm convinced the state legislators can know that something's wrong but their biggest fear is going in and doing the right thing and correcting it. Almost like, if we change it, it's an admission of guilt, that what we did in the first place was wrong. So, instead of doing the right thing and stepping up, we let it fester like we have for the last 31 years.

"Bilingual education isn't done in a mean-spirited kind of way. Many of you business owners know that your employees need to converse in English with the other employees or with your customers. And they may be the best workers in the world. Often they are, but if they aren't able to communicate with your work force or with your patrons, then you can't hire them and that's the disservice that we're doing to these immigrants.

"Make no mistake about it, we've been successful in the aspect of lighting a fire under bilingual education to the point where the legislature and the governor just signed a half-way reform measure that basically, when you look at it, is a sugar pill in the aspect that it doesn't mandate anything. It just basically gives school districts the choice of continuing with the status quo or tweaking it as they see fit, which I think is a half measure. English is not an option. And I'm not against anybody who has two languages, as long as one of them is English, for their own good."

Gay Agenda – It's Out of Control

"I don't believe there should be a rampant, and I do believe it's rampant, absolutely radical gay agenda in our public schools. It is just absolutely out of control. I don't think any parent sends their kids to a public school system to have them indoctrinated into a lifestyle that is questionable at best. It's out of hand. I'd like to see our school systems get back to the basics which are writing, arithmetic, and those type of things, rather than this constant bombardment of this agenda on all sides.

"Frankly as a parent, I wouldn't want my kid being exposed to anything like that. Consequently, I sent my child

to St. Peter Marian, which is a Catholic school in Worcester. That's why I agree with vouchers. If the public schools are going to persist in bringing in controversial, questionable agendas, such as the gay agenda, then that makes my case for vouchers all the easier because I'm not going to sit there and fight it. If that's what they want to offer, then I, as a customer, am going to take my business, which is my child, elsewhere."

DSS – Needs Complete Overhaul

"I think I have a lot more questions of DSS than I do answers. I think there needs to be a complete audit, a complete overhaul. I think they've lost sight of what their true mission is supposed to be. I'm wondering if it's become more bureaucratic in nature. I think their mission was supposed to keep the family unit together as much as possible. I'm seeing too much of taking families apart. I'd really like to take a good, hard look at this organization from the top to the bottom and see what it is we could do to really change it and get it back to focus."

Courts – We Need Conservative Judges

"My biggest disappointment in the courts actually goes to something that many people may not be aware. It works like this. The courts run the country. There's no mistake about it. The courts absolutely run the country because they uphold and administer the laws. People need to understand that. And the joy of winning the governor's office, or the Presidency for that matter, is the appointment of judges. That's a fact. And we've had twelve years of Republican governors. But I ask you to take a look at your courts and tell me, are those conservative judges that you see up there? Because the answer is they're not. Margaret Marshall, is she a conservative judge? Make no mistake about it, friends, the judges that you see, could have been appointed by Mike Dukakis as easily as they were appointed by William Weld, Paul Cellucci or Jane Swift. We need to make sure that the Republican that we elect as governor is going to appoint conservative, well balanced, reasoned judges.

"We think that just by choosing another Republican that

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Mike Franco Has Rappaport Seal of Approval

By Ed Oliver

Mike Franco (R-Holyoke), 39, and a state co-chairman for the Fatherhood Coalition, is challenging first-term incumbent Michael Kane (D-Holyoke) for State Representative.

"I am running to be sort of a hawk, watching out for violations of people's individual rights and to add balance to the legislature. Right now it is a one party system. Absolute power corrupts. We need to have balance," Franco tells MassNews.

Jim Rappaport agrees. He said on the campaign trail recently in western Mass. that people like Mike Franco are needed to restore integrity and accountability to state government. "We need accountability in government. The best way to ensure balance, and to instill honesty and integrity in the process, is by voting in legislators like Mike Franco."

Franco says, "I want to help make a difference in Massachusetts. The state is out of control with too many laws that violate people's Constitutional rights — laws that are built along the lines of political correctness and border on tyranny when implemented. That's got to stop." Franco offered as an example the 209A Restraining Order law.

Franco said he was disturbed recently when watching reserve police officers being sworn in at City Hall. "There was nothing in their oath that made them commit to upholding the Constitution of the Commonwealth or the Constitution of the United States government," he observed.

Knows Hot Issues

Franco said the hot issues in Holyoke for decades have been the economy, and keeping the streets safe and clean. Attracting small businesses and allowing them to thrive would help the economy, he said, because a lot of large manufacturers have moved out of the area.

Franco seems to be on to something. MassNews noticed that soon after Franco stepped out of his office with his election paraphernalia to campaign on the city streets, an Asian tavern owner came outside to enthusiastically greet him and placed a Franco sign in her window. At the same time, a black contractor stopped his truck and crossed the street to ask Franco if he supports small businesses. Franco spoke with him and the man requested a bumper sticker for his truck. "We have to throw the bum out we have now," said the man.

"Forty-three percent of registered voters in Holyoke are Democrats," says Franco. "But they do respond positively to conservative issues most of the time. Also, we have forty-eight percent independents. That's exactly what they are. They comprise a major swing vote toward a candidate like myself. Nine percent are Republicans, and they are very sure where they stand on the issues."



A contractor stopped his truck to request a Franco bumper sticker and to say, "We have to throw the bum out we have now."

Must Take Back the Government

Franco believes government should be limited to basic functions like providing infrastructure such as roads that help create prosperity. He wants to work towards rolling back income taxes until they are eliminated completely. He applauds the efforts of libertarian Carla Howell in that area.

Franco condemns efforts by the legislature to derail ballot initiatives, whether he agrees with the particular issue or not. He believes the Protection of Marriage Amendment is the right way to go. He is a strong supporter of 2nd Amendment rights, along with responsible exercise of those rights. He thinks abortion is a bad choice, and irresponsible. He believes a father should have a say about whether his child can be abort-

ed. He totally objects to partial birth abortion.

On education, Franco wants to encourage competition, spend education funds more wisely and demand more from teachers, but says teachers should be treated more professionally in return.

Court reform and holding judges accountable is high on Franco's agenda. He pointed out that in the family courts, discrimination against men and fathers is rampant. He supports a shared-parenting law in divorce cases involving minors.

Works With Blacks and

Hispanics

Franco wants to work as a team with the mayor, the new police chief, Anthony R. Scott, who he described as a black conservative Republican, and the new school superintendent, Eduardo Carballo, who he said is a Cuban Republican that supports the Unz Initiative of total English immersion.

"I think we should move toward the Unz initiative, but am not sure we should go the whole way," said Franco.

"Bilingual education is a big issue for the Hispanic population," said Franco. He said Hispanics, who comprise 30 to 40 percent of the population in Holyoke, have had community meetings to discuss it and are split on the issue, but some people are undecided.

Franco said he would support a "two-way" bilingual program that all could benefit from, otherwise it is discriminatory.

"One thing that really bothers me is any government program that appears to discriminate against other races and so forth. For instance, I have a daughter named Victoria. She's four-and-a-half and English-speaking. I think if there is going to be bilingual education it should be offered to English-speaking kids too, to learn Spanish. Because Victoria, only knowing one language is going to be at a disadvantage when she goes out into the work force. I know, I have friends who are bilingual. A good

friend from Westfield State College had the advantage because he was bilingual. He had his choice of jobs. He had a larger pool of jobs to choose from than I did because I'm not bilingual."

Opponent Pockets Office Allowance

Franco has been in the Air Force Reserve for twenty years and holds the rank of major. He works as an administrative officer at Westover Air Reserve Base in Chicopee.

"Michael Kane, first off, is not a veteran," says Franco. He has no clue about military service; yet, he has a free office in the basement of the Holyoke Soldiers Home. The Board of Trustees apparently approved it because he is well connected politically in the city of Holyoke.

"Anything that has the appearance of impropriety should be avoided. Apparently he doesn't understand what the appearance of impropriety is. We have some recent examples where Governor Swift was using a state trooper helicopter and was using her aides to watch her kids. Those things have an appearance of impropriety.

"You would think that state officials would have learned from that and reneged on any kind of sweet deal like he's got going at the Soldiers Home. The veterans are outraged because he gets over six hundred dollars a month for a district office here in Holyoke and he takes that office for free,



A tavern owner came outside to enthusiastically greet Franco and place his sign in her window.

which is down in the basement next to the morgue. Who is going to visit him here? He has no office hours.

"Right away I differentiated myself by establishing an office on High Street in Holyoke paid for out of my own pocket. This state has such a high tolerance for corruption. I think we as a people should be more vigilant of that and vote politicians in who will not sink to that level."

Franco was born in Springfield and grew up nearby in East Longmeadow. He has lived in Holyoke for eight years. He has a Bachelor's degree in Business Management from Westfield State College and a Master's in Business Administration from the University of Texas.

People can go on the web to www.franco2002.org for more information.

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Candidate Mary Jane Hillery (R-Sudbury) Wants To Return State House To People

By Ed Oliver

Army-Navy veteran Mary Jane Hillery is on a mission: "I've been wearing a badge that says 'Mission One—Massachusetts,'" said Hillery. "That mission is to return the State House to the people of Massachusetts so their voice is heard and their votes count."

Her first time running for state office, Hillery, who lives in Sudbury, is challenging incumbent Democrat Pamela P. Resor for State Senate in the Middlesex and Worcester District.

"I see the will of the people ignored," said Hillery. "I am referring to the statewide referenda overwhelmingly supported by citizens to reduce state income taxes to 5% and to permit charitable donations as deductions. The Democrat legislature says, 'so what?'"

"I see a state budget presented to the Governor five months after it is due. I see the Democrat leadership maneuvering to adjourn to prevent a vote on the Protection of Marriage Amendment. And this is only the beginning. But it is enough to tell citizens of this state that they have lost the democratic process founded and fought for in the state in which I was born and grew up."

Hillery said she wants to restore two-

party government to Massachusetts to provide healthy debate. She pointed out that the incumbent, Pamela Resor, voted to fund needle exchange programs while voting against reimbursing police officers 50% for their bullet proof vests and against increased funding for the Soldiers Home in Holyoke.

Hillery discussed with MassNews her positions on some other issues:

Protection of Marriage

She supports the Protection of Marriage Amendment. She said there is no question that marriage is a union between one man and one woman. "People can set up house with other arrangements," she said, "just don't call it a marriage."

Taxes

Hillery is on the side of Citizens for Limited Taxation and agrees that taxes should be rolled back. She opposes new tax increases. Regarding Carla Howell's ballot question to eliminate the income tax, Hillery said her immediate reaction is to say yes, but she would like to know more about how it would work. "If New Hampshire can get along without a state income tax, they're right next door to us, I'd be certainly willing to look at what they



Mary Jane Hillery is running for the Senate to return the State House to the people.

are doing and how they are managing."

Abortion

Pro-choice—"It's between a woman, her conscience, and religion," she said. She opposes partial-birth abortion. Supports "right to know" laws where women have to give informed consent before an abortion. She also wants minors to get parental consent.

Second Amendment Rights

Supports the Second Amendment as well as Article 17 of the Massachusetts Constitution guaranteeing the people's right to keep and bear arms. She has a "Good" rating by the Gun Owners Action League. Disagrees with the Massachusetts gun law (Chapter 180) giving police chiefs arbitrary power over licensing. "I do not agree with arbitrary decisions and I think that the law has to be consistent across the state," said Hillery.

Bilingual Education

Hillery said she is well qualified to com-

ment on bilingual education. She is fluent in Spanish and taught English as a second language to migrant farm workers adjusting to life in the states. She also taught Spanish, and handled all travel and visa arrangements for a Cambridge company doing business in South America.

Hillery opposes bilingual education. She favors English immersion. She said she had many classmates who were first generation Americans who had no problem learning English without bilingual education programs. "Kids pick up the language very quickly," she said.

Proven Leadership

Hillery said that in contrast to the incumbent, she has a record of accomplishment and proven leadership. "I bring a background of long time, public and community service, as well as service to country. I have established several woman 'firsts.' I am not afraid to tackle the tough jobs. I was appointed liaison officer to West Point when it first opened its doors to women, first woman appointed military aide to the Governor of Massachusetts, first woman assigned to the Special Forces, first woman on the Massachusetts Committee of the Employer Support of the Guard and Reserve," she said.

A native of Boston, Hillery spent four years in the navy and two in the navy reserves. She later received a commission in the U.S. Army Reserve as a public affairs officer and is now a retired Lt. Colonel. She served on active duty during the Gulf War performing high level public affairs work at the Pentagon for which she was decorated, and served with the Special Forces editing the history of the Green Berets. She also served as a liaison officer for West Point. She edited a Sudbury newspaper, worked for Pan Am and did volunteer work with migrant workers and work as a veterans agent, among other accomplishments.

Hillery has experience on the Sudbury School Committee, Business Advisory Board, Chair of the Town Report Committee, Memorial Day Committee, and Administrator to the Selectmen in Maynard. She is a graduate of Command and General Staff College and studied at Northeastern University.



Mary Jane Hillery is giving the voters in the nine towns in the 7th Middlesex Senate District, which stretches from Sudbury north to Chelmsford and over to Waltham, a real choice this year against incumbent Pamela P. Resor.

SAFE PLACE

Lost a loved one to suicide?
Looking for a free support group?

Safe Place is located at the Beth Israel Deaconess Hospital, 5th floor, Shapiro Building, JCRT Radiation Conference Room.

Facilitated by trained volunteers, the group is offered every second and fourth Tuesday of each month from 7:00 to 9:00pm.

For direction or more information about this support group please call The Samaritans of Boston at:

www.samaritansofboston.org



TELEPHONE NO.: 617-536-2460

N A R T H

The National Association for Research and Therapy of Homosexuality (NARTH) will be holding its annual conference on November 9-10, at The Radisson Plaza Hotel in Orlando, Florida. This year's conference is entitled "The Faces of Healing" and will feature lectures and workshops. This conference will provide a good opportunity for professionals and concerned friends and family to gather as we address the issues surrounding same-sex attraction. Keynote Speaker is Florida State Representative Randy Ball. Cost is \$150.

Call: 818-789-4440 for a detailed brochure.

Polish Native Won't Return To Socialism

By Ed Oliver

Republican Jerzy Jachimczyk, Southbridge, was campaigning door to door when one resident asked him, "Jerzy, shouldn't you be a Democrat?"

Jerzy answered him, "If you went through what I went through in Poland under socialism, you'd never be a Democrat."

That, in a nutshell, are Jerzy's politics.

Jerzy is challenging Incumbent State Representative Mark Carron (D-Southbridge) in the 6th Worcester District. Jerzy ran against him in the last election, but Carron won with a little over fifty percent of the vote.

"My opponent is basically a rubber-stamp liberal," said Jerzy. "He approved every tax that was proposed by the legislature and particularly by Mr. Finneran. I am not going to play that game and say it is the fault of the Speaker of the House. Every Representative including Rep. Mark Carron had his active role in this massive \$1.2 billion tax increase. He needs to get all the credit for increasing all the taxes for this area."

Jerzy said that two days after passing the tax increase, the legislature said they are not done yet and would be coming for more.

"That's shocking when the government can't live within their means, can't control their spending, and can be so bold and arrogant about everything they do," said Jerzy. "I want to be part of a new wave that will affect the outcome. We can't support a massive government that lives on our back. It's too oppressive."

Jerzy, 49, is married with four children. Born and raised in Poland, Jerzy was active in the Solidarity movement in Poland before he moved to the USA in 1981. A machinist by trade, he took advantage of the opportunities that America offered by working two jobs while his wife worked as a nurse. They eventually bought an acre of land with their savings and built their dream home by hand as time and money permitted.

In the mid-nineties, Jerzy started his own business, "IMC Machining," in Southbridge.

Jerzy's first political involvement locally was to organize neighbors into successfully blocking the placement of a medium security prison in their neighborhood.

His next political venture occurred after he "flipped out"



"If you went through what I went through in Poland under socialism, you'd never be a Democrat."

one day when he saw his property tax bill had gone up to \$17.60 per thousand. He decided to run for town councilor in 1995 in order to change things. He served four years working to lower the rates by more than two dollars per thousand, where it still is today. "It's a small success, but also something I'm proud of," he said.

While he was a councilor, Jerzy said he worked to defeat the establishment of an adult entertainment zone in his precinct, something he said his opponent Mark Carron supported while he was also a town councilor.

Jerzy said that in Poland, there was real fear. "You had to look over your shoulder all the time," he said. "Here, I can live an ordinary life and get involved without fear of the government spying on me."

Yet, socialism is creeping in various ways, he said. "The massive government, the bureaucracy, the heavy load, the responsibility of the worker to support that system and the growing control of the government over every aspect of one's life are similarities that are striking in my view," he said.

"I'm absolutely for small government and less interference in ordinary citizens' lives. If you legislate too much in every aspect of someone's life, you literally rob them of their liberty and they will be like a robot," said Jerzy.

"I don't want the government to place restrictions, to limit my dreams and my potential, said Jerzy. "I believe that the government has already to a greater or lesser extent interfered in the process, where they limit, or make it more difficult for the average person for example to start a business, to expand and to prosper. I see those things intuitively in relation to taxes and regulations and so on. I want to make a difference. I want to change things. I want to affect things in a positive way to preserve the noble things that this

country has."

MassNews asked Jerzy where he specifically stands on some issues:

Taxes

Jerzy said he personally collected over 1200 signatures for the CLT petition that voters approved to roll back income taxes to five percent.

Regarding Carla Howell's current ballot question to eliminate the state income tax, he said he needs to study it, but if it is a good proposal, makes sense, and goes through the debate process, he has an open mind.

Second Amendment Rights

"I would support the Second Amendment in any way I can, because it is an American Constitutional right, and should never be taken away," said Jerzy. "It wasn't designed for hunting rabbits. It was designed for protection and to sustain one's liberty and freedom. The founding fathers thought, just in case, in the future there might be an oppressor of some sort, some unjust government or oppressor of liberties."

Jerzy said the Second Amendment would be a positive thing to deter outside invaders as well. "If Poland had a Second Amendment, the Russians would think twice about invading it. Hitler would think twice about invading it, because the nation would have been strong. They would pay dearly for invading the country."

Abortion

"I consider myself a pro-life candidate," said Jerzy. He does allow for exceptions, though, such as rape and the health of the mother. "Not for convenience. Not because I feel like it," he said. He said he definitely opposes partial birth and late term abortions.

Protection of Marriage Amendment

Jerzy said he signed the Marriage petition and would vote in favor of it as a State Rep.

"Every child deserves a mother and a father," said Jerzy. "I support traditional marriage of one man and one woman. I would not support gay marriage."

Bilingual Education

Would limit it to one year.

The 6th Worcester District includes Charlton, East Brookfield, North Oxford 2, Southbridge, Spencer 1 & 4.



Jerzy has a wife and four children.



Jerzy is working hard to lower taxes.

Burbine (R-Abington) Campaigns Against Taxes

Andrew Burbine would like to represent the 7th Plymouth District in the House of Representatives. He's frustrated with the "politics as usual" atmosphere on Beacon Hill and would like to be part of a conservative and Republican resurgence which changes things in the legislature. A resident of Abington, Burbine will face Democrat incumbent Kathleen Teahan of Whitman in November.

One of the issues that frustrates Burbine about on Beacon Hill is taxation. He describes himself as a "wholehearted supporter" of the tax rollback which was approved by the voters through a ballot question. He tells MassNews, "The legislature has been overspending and overtaxing for years now. What they should have been doing is reducing the tax burden on citizens while we had those big surpluses. Then we wouldn't be in the shape we're in now."

While he supports lower taxes, Burbine isn't in favor of the ballot question which would eliminate the state income tax altogether. While there are several reasons for his view on this, one key issue ranks as the

most important for him. He said, he fears "that if it passes we'll then see attempts to change or eliminate Prop 2 1/2 in order to make up lost revenues. This would probably shift all the burden onto homeowners."

Regarding the Second Amendment, Burbine is solidly in favor of individual rights. He believes that the Second Amendment guarantees the rights of citizens to keep and own firearms. He said that he firmly believes that the government should not infringe upon these rights.

Although he says that it really isn't an issue in his own district, Burbine feels the matter of bilingual education is an important one for the Commonwealth. Kids should be fluent in English, he stated, both for their own good and for the good of the economy. "English should not be a second language," in this country he believes.

Burbine was outraged at the actions of

legislators as they adjourned the recent Constitutional Convention without dealing with the matter of the Protection of Marriage Amendment. He tells MassNews, "Folks went out and got more than the

required number of signatures to get the issue on the ballot. The legislators should have voted 'yes' or 'no' on the whether or not to put it before the voters on the ballot." If he had been a legislator at the time, he would have voted to put it on the ballot, he said.

The reason legislators took the action they did, according to Burbine, is that they lacked the courage to be on the record on the matter. He said, "You have to take votes, that's part of being a legislator. You have to

take positions; defend those positions. That's not hard." He noted that when people read his positions in this profile, some people will disagree. That's fine with him. At least people will know where he stands.

Regarding the substance of the Protection of Marriage Amendment, Burbine was succinct. He said, "It calls for marriage to be between a man and a woman, right? I think that's what marriage is."

Solidly pro-life, Andrew Burbine believes that "life starts at conception." This being the case, he's certainly against partial birth abortions. He thinks they should be totally banned.

"The Republican philosophy is in favor of individual rights, self-responsibility, limited government and limited taxes," Burbine explains to MassNews, adding, "and I agree with all of those things."

He's also in favor of responsibility on the part of legislators. "People passed the charitable deduction and the tax rollback, and the legislature says 'the heck with you.' That's wrong." That's what Andrew Burbine hopes to change on Beacon Hill.

*wholehearted
supporter of
the tax
rollback*

Massachusetts Primary Landscape 2002

This issue of MassNews focuses on the primary elections. We have taken to the road to interview conservative candidates from all parties. We have talked to voters, party insiders and conservative groups to identify conservative issues and to highlight the candidates that are viewed as indicative of the future leaders.

The Massachusetts Legislature wound up their "working" sessions on July 31st and headed off to do whatever state politicians do until they come back in election mode in September. Some are attending to the informal sessions, and cleaning up the bits and pieces of legislation that haven't been jettisoned to the dust heap. Others are actively campaigning against primary opponents. Some are girding their campaigns and stockpil-

ing ammunition for the general election. But most incumbents are enjoying the summer and will cruise into autumn secure in the fact that they face no opposition.

According to the primary election ballot listings obtained from the Secretary of State's office, unopposed incumbents total 172. Although the Governor, Lieutenant Governor, and Treasurer contests are likely to be feisty and competitive, Attorney General Tom Reilly is unopposed in the primary and general elections. Senator John Kerry, Secretary of State, Bill Galvin, and State Auditor Joe Denucci have no primary opponents and no serious threats in the general election. Six of eight U.S. Congressmen, 34 of 40 state senators, and 117 of 160 state representatives are running unopposed in the primary. (In the general election on November 5th, there are

148 incumbents without opponents, including 8 U.S. Congressmen, 28 State Senators and 99 State Representatives. We will have more on that next month.)

Overall, the Democrats have fielded an average of 1.5 candidates for every opening on the ballot. The Republicans .3 candidates per opening, the Libertarian party .1 and the Green Party .05 (8 candidates for 260 open slots).

The Democrat Party dominates the landscape with 15 candidates for statewide offices, 12 for the U.S. House of Representatives, 14 candidates for 8 Governor's Councilor positions, 41 candidates for the State Senate and 206 vying for seats in the General Court. The race for Governor will be the dominant race for the Dem's as they seek to reclaim the corner office for the first time in 12 years. To a lesser

degree the Senate and House races will be watched if only to see if the other parties can take seats away from the 800-pound Democrat gorilla.

The Republican Party has been able to field more and better qualified candidates (106) this time around. Mitt Romney is obviously the marquee candidate for Governor. But the Lieutenant Governor primary match-up between Kerry Healey and Jim Rappaport poses a dilemma for the Romney camp. Rappaport's support in the party's grassroots and the Romney camp's attempt to distance itself from the former Republican Party Chairman's campaign has left a large question mark on the potential impact of the Lt. Governor's race – especially if Jim Rappaport wins. Some have speculated that Mitt Romney is taking the conservative component of the

Republican Party for granted. Where else can they go?

The Libertarian Party has also improved their ranks of challengers, fielding 19 candidates, 6 in races for statewide offices and 13 for State Representative. Few believe that the Libertarians will take the corner office or make significant inroads against the incumbent base. They may even be able to lure some conservatives to their candidates with their ardent small government platform. But the big threat they pose to the status quo is the ballot question to repeal the state income tax. Led by their now perennial standard bearer, Carla Howell, and bolstered by a great PR machine, the Libertarians are poised to steal the media limelight in the general election in November with Ballot Question #1, the repeal of the state income tax.

Joe Pascarella (R-Dedham) is Passionate About Taxes

"Working people are paying too many taxes," he says. He seeks to replace four-term incumbent Democrat Maryanne Lewis as state Representative.

Pascarella tells MassNews the legislature has been totally unresponsive to the will of the people regarding taxes. The repeal of the income tax roll-back is a prime example.

Additionally, "The legislature has refused to abide by the will of the people regarding the charitable deduction [on state income taxes] that the people voted for. That was put on the ballot because Massachusetts was 49th or 50th among the states in individual charitable giving. This was an attempt to change that."

The current legislature also repealed the capital gains tax break the people had overwhelmingly approved by means of a ballot question. "They did the same thing with capital gains." He explained that the Democrats like to characterize all capital gains earnings as something only rich people have. Therefore you can tax the rich to take care of the poor. He portrays the

Democrat position as a typical divide and conquer strategy, pitting "the rich against the poor and middle class."

"All students should receive a quality education in a safe school," Pascarella believes. Calling education one of the key issues in the state, he also thinks, "Classroom size must be reduced in order to provide students the attention they deserve." Asked about educational vouchers, Pascarella said that he is in support of issuing vouchers, particularly for inner-city students. He also is in favor of charter schools and would like to see more of them spring up all over the state. Competition in the educational realm, he says, can only help the students. His viewpoint is that he is in favor of "school choice in general."

Regarding a citizen's right to keep and bear arms, Pascarella is squarely conservative. He said that "Massachusetts gun laws are too strict. Law-abiding citizens are being punished while criminals continue to obtain guns illegally." It's just too difficult, he explained, for people, especially women,

to get weapons for self-defense. He told MassNews, "People should be able to walk into a gun shop and purchase a gun." He does believe, however, that a background check is a necessary tool in the interest of public safety.

"I don't like the label pro-choice," Pascarella says. That label, as currently used, however, does fit him. He told MassNews, "I believe that abortion should be legal." He further elucidates by adding, "especially in the case of the woman's life being in danger, or in cases of rape or incest."

Pascarella labels the recent action of the legislature regarding the Protection of Marriage Amendment "disgraceful." The Constitutional Convention, he argues, should never have been adjourned without full discussion of the issue. He puts particular blame at the feet of Senate President Tom Birmingham. "This matter should be before the voters," he contends. In terms of the concept of marriage being a union between one man and one woman,

Pascarella believes that the state should not recognize any other situation as being a legal marriage.

An advocate of personal responsibility and accountability, Pascarella also supports the death penalty. He explained that, "Capital crime deserves capital punishment. Wayward judges must be held accountable for softness on crime."

Running against a four-term incumbent is not easy. When MassNews asked Pascarella why he is in this race, he answered, "It's time we have a two-party government. Because of the current situation we have a lot of government waste. It needs to be eliminated, along with the patronage system."

A graduate of Boston University, Joe Pascarella lives in Dedham and works as an executive with the Boy Scouts of America. He has been a teacher, a union member and has served several volunteer organizations in Dedham and the region. He is also a Dedham Town Meeting Representative.

"Working people are paying too many taxes."

"This matter should be before the voters."

Attorney Who Hates Taxes Challenges Torrissi in N. Andover & Lawrence

Paula Porten (R-N. Andover) is challenging incumbent David Torrissi (D).

An attorney and local activist, she views Torrissi as an insider, too tied to the Democrat leadership to serve the needs of the people in the district.

About taxes, Porten is adamant. "I hate taxes," is her initial response to questions on the subject. She tells MassNews that she will "work with Mitt Romney to get all the recent tax hikes repealed." She is the only candidate in her district to have signed the anti-tax pledge of Citizens for Limited Taxation.

She calls the recent repeal of the capital gains tax break "disgraceful," insisting that it will only hurt investors and ultimately harm the state's economy. She says the same about the repeal of the income tax deduction for charitable giving. She explains, "When people have more money in their pockets, particularly when their taxes are low, then they give more. They've taken that away, and in doing so they've hurt charities."

A self-described supporter of the Second Amendment, Porten believes that citizens have a right to bear arms. "The government should not infringe upon that right," she says.

While opposed to partial birth abortion and other issues about abortion, she does feel that women have a right to

choose whether or not to have an abortion. She explains that a woman has a right to have an abortion right up until the moment of viability. "If medicine can establish that viability begins at conception, then I'll be pro-life," she says.

She does support the need for parental consent and waiting periods before a woman can have an abortion. She tells MassNews, "I find it ironic that the woman's rights movement is against parental consent. For any other kind of surgery, no matter how small, you need consent. Let's be consistent." While holding the belief that a woman should have the right to choose, Porten says that she is against any taxpayer funding of abortions.

Since her district includes Lawrence, a heavily Spanish-populated city, Porten believes that it is important to pass the bilingual education amendment sponsored by Ron Unz. This amendment, similar to the one which has proven successful in California, would revamp bilingual education and force children to learn to function in English sooner. She said, "The compromise passed by the legislature is a weak compromise; we need a major overhaul."

She supports vouchers for education. Given the recent U.S. Supreme Court decision to allow vouchers, she said that she would work in the state legislature to "get our state constitution to allow for the employment of vouchers."

"I hate taxes."

Boardman Wants to Roll Back Taxes

"I am a strong proponent of the tax rollback initiative," says Mark Boardman (R-Orleans) who is running for the State Senate from the Cape and Islands. He believes his district has been poorly served in the Legislature and would like to replace first-term Senator Robert O'Leary (D-Barnstable). He states, "In the Cape and Islands district, voters voted by 2 to 1 to have their income taxes reduced."

He vows he will resist attempts to raise tax rates and "will fight for the people of the Cape and Islands, who pay more in taxes to the state and receive fewer services than other regions."

His passion, however, is not reserved simply for the taxation issue. Regarding the whole budget situation, he says, "The budget for fiscal year 2001 was delivered five months late, with legislators given less than 24 hours to read the entire document. This is not the transparent form of government that I envision for the people of Massachusetts. I believe that money is saved when budgets are prepared, voted on and enacted on time. It allows people to plan appropriately and it ensures that the programs that are meant to help people are implemented on time." He promises, "As a senator for the Cape and Islands, I will never vote for a bill or budget that I have not completely reviewed or studied. I will be a vocal advocate against the backroom deals that are the hallmark of the present system. And I will never support a bill that negatively impacts the Cape and Islands."

Agreeing with most legislators and candidates, Boardman believes education to be one of the key issues for the Commonwealth. He says, "Education provides its recipients with a tremendous return on investment. Education is a priority. I believe in the power of the MCAS test and the accountability that it demands. The results of the MCAS test are back and they are encouraging. As senator, I will back the formation of more charter schools and respect people's demand for choice."

Boardman describes himself as "a believer in the Second Amendment." He told MassNews that, "People have the

right, by means of that amendment, to carry arms, as long as they are registered and trained." Training, he believes is the important element in gun ownership.

Describing himself as "pro-choice," Boardman explains that his viewpoint comes from his background in the medical field. He explained to MassNews that he believes it's "the physician's and the woman's choice. I don't believe it's the government's place to interfere with that." On the other hand, Boardman believes that abortion is usually an inappropriate choice and "would like to work toward the goal of zero abortions in this country." This can only be accomplished, he explained, through a comprehensive system of education.

He was "disappointed," Boardman says, with the legislative tactic of recessing the Constitutional Convention prior to any discussion on the Protection of Marriage Amendment. He said the issue should have been "allowed to go to, at least, a floor debate." He referred to the manner in which the matter was procedurally dismissed as "legislative maneuvering to squash any debate on the floor. And that's undemocratic."

Boardman also thinks the voters' will has been denied in the matter of Clean Elections. He said, "In 1998, the voters of Massachusetts passed by a 2 to 1 margin a referendum that would make available funds for candidates to run their campaigns. I believe the people of Massachusetts have stated their desire for Clean Elections and it is time to implement their desire. Presently, Clean Elections has not been funded. Legislators lack the courage and the will to pass or repeal this bill. Instead they are allowing it to sit and fester in the minds of the electorate. As the Legislature has not acted on the people's mandate, I will not be able to run

as a Clean Elections candidate. When I am elected, I will do everything in my power to ensure that the Clean Election mandate is funded in the spirit of the initiative or repealed."

A local problem that needs fixing, according to Boardman, is housing on the Cape. He says, "The need for affordable housing is an acute and chronic problem. It is vital to the entire economy of the Cape and Islands that we ensure that those who do the work here are able to live here." He vows to support the development of programs that allow communities to work together in providing affordable housing. He explains, "I will work to develop public-private initiatives that provide affordable housing. I will work to ensure that 40b initiatives are not used as threats by developers, but as the mechanism that it was designed to be: one which balances between property rights with the long-term health of the community."

Asked why he's running for the Senate at this time, Boardman replied, "I believe in the system of democracy that our Commonwealth was established under. I don't believe in the system that is in place now. A system that is controlled by a few and routinely disavows and ignores the wishes and votes of the many."

I have always been a believer in hearty debates and the useful ideas that they create. I am not a believer in negative, scare tactics that make people feel that there is no hope. I believe in working hard and finding solutions for the challenges that face us. I believe that the people of Massachusetts are ready for a change. When I am elected Senator, I will work to the best of my ability to ensure the people of the Cape and Islands are fairly represented in the legislature. I will ensure that we are as concerned with our future as we are with our present. And I will be there in the district to hear the concerns of the people."

A veteran of the Air Force, Boardman earned a degree in physics at Northeastern University. He also earned his Master's degree in business administration from Northeastern University's High Technology program. He has worked for several medical technology companies, eventually founding his own business.

The people of the Cape and Islands, pay more in taxes to the state and receive fewer services than other regions.

I believe that the people of Massachusetts are ready for a change.

Charles Choate Wants to Help GOP Ticket

By Ed Oliver

One reason that Charles Choate (R-Gloucester) is running for Representative is to give Mitt Romney and Jim Rappaport some help in the legislature. Choate is a strong supporter of the Lieutenant Governor candidate.

Right now, Choate is a long shot candidate because he is challenging an incumbent Democrat, Anthony J. Verga, who has represented the 5th Essex District for four terms. Choate is unopposed in the primary.

The challenger says that although he is a conservative, he is not an ideologue. "I am a conservative who believes in open door dialogue," he says.

On his chances of winning the election, Choate says, "The Boston Globe tries to perpetuate their own myths, especially that a conservative Republican can't win in Massachusetts. I believe you need honesty, confidence and one guiding principle: Never underestimate the intelligence of the average American citizen."

He grew up on the North Shore. His family has had a continual presence in the district ever since settling on Choate Island in 1648. Several Choates fought in the Revolutionary War. Since 1986, he has worked as an auditor for RGIS, an inventory firm based in Detroit, Michigan. He is 52 and divorced with three boys.

He says he is no Country Club Republican. He is running his campaign on a shoestring and even a five-dollar contribution would go a long way.

The District is comprised of the historic seacoast communities of Gloucester, Rockport and Essex.

Guiding Political Philosophy

"I'm big on citizen government and state rights. The federal government is out of

control. The long term solution to most problems is to drastically reduce federal involvement. We must have greater state autonomy tempered with more accountability and you will see better government," he says.

Fishing industry

Regarding the troubled fishing industry, he would support a variation of the Alaska Salmon Plan, which he says is a bit lengthy to explain, but in short, is the best compromise we have right now between environmentalists and fishermen.

He also wants to help fishermen by calling for enforcement of the Eighth Amendment of the U.S. Constitution. "There have been fines in recent years that have put some fishermen out of business overnight —fines that are disproportionately large for the seriousness of the violation. Laws or regulations are mostly federal, but the state has the right to seek redress in court. I'll be down the hall from the Attorney General and I will actively work to resolve these problems," he says.

Parents & Children

He says Restraining Orders, custody battles, and visitation rights are also a big issue in his district, since many marriage problems occur in the fishing industry. He would support Father's Rights Coalition initiatives that meet his criteria, and even says he would like to see the 209A Restraining Order law repealed, at least piecemeal. "The abuse prevention order has become an instrument of abuse itself."

Education

Choate is against sex education, including the gay agenda, in the schools. "We need to focus on a basic education and on giving kids good vocational skills," he says. "If we are going to cut money from the



Charles Choate wants to help Mitt Romney and Jim Rappaport in the Legislature.

budget we should cut sex education and the gay agenda rather than cutting funding for police or fire departments." He also opposes the MCAS, saying it is a failure and colossal waste of money. "I think we have to admit that MCAS has failed and get out of it as quickly as possible before it becomes a huge bureaucracy with a will of its own." He would prefer to send some kids off with a positive vocational education than to fail them with the MCAS.

Universal Health Care

Opposes Universal Health Care schemes, and says Massachusetts already

pays a huge percentage of the cost of free care for anybody in the world who decides to come here.

Abortion

Choate is pro-life and says he is unequivocally opposed to state funded abortions on demand.

Gun Control

On gun control, Choate says almost all of the gun laws in Massachusetts brazenly violate the Second Amendment, and he would work to repeal them. "If just one person on each of those planes had a gun, the twin towers might still be standing," he says.

Taxes & Spending

Choate opposes higher taxes, but says he will not give a "read my lips" pledge. "I think we should seek other sources of revenue. I think recycling can be profitable for the state," he says. "We have garbage coming out of our ears, and we can turn it into something positive."

On the budget, Choate believes in drastically reducing spending on social services such as DSS, neighborhood legal services, MCAD ("just rename it the Mass. Commission for Discrimination") and women's shelters, ("rename them lesbian recruiting centers").

"These are expensive baubles and trinkets that state legislators have been giving to their core supporters for decades," says Choate.

"The bigger our budget gets, the less we have for roads and bridges and other infrastructure. For example, we have a big problem with the Blynman Drawbridge in Gloucester. It's falling apart. We keep putting Band-Aids on it."

He says unrestrained immigration combined with unbridled socialism is a recipe for "complete and unequivocal financial catastrophe."

McCarthy Campaign in High Gear for Congress

Vietnam Vet Wants to Bring Resources Back to Fifth District

By Curt Lovelace

Chuck McCarthy is seeking to unseat incumbent Democrat Martin Meehan in the Fifth Congressional District and has been taking his message to the streets. According to campaign aide Tim O'Brien, the people of the district have been underrepresented in Washington because Meehan is "more interested in Washington than Main Street."

"The issues Chuck is hearing about from the people in the district are everyday problems that Congress can help to solve," O'Brien explains. These issues include saving Social Security, cutting taxes, unemployment in the district and the affordability of prescription drugs for the elderly.

Meehan is "out of touch" with the district and has done nothing to ease the employment situation of his constituents, the McCarthy campaign claims.

"The 5th District is worse off today than it was in 1995. Clearly, we would have better success with Republican representation in Washington. I will be able to work more closely with the House leadership and the White House to get this district the assistance it needs and deserves.

"Marty's not getting the job done, and the people of the 5th District are paying the price. We are seeing our tax dollars spent in other parts of the nation while Marty is busy with his pet projects that do nothing to protect jobs, save Social Security and improve our schools."

Citing recent research, McCarthy asserts, "The 5th Congressional District's ranking sank 22 spots to 200 among the

nation's congressional districts between 1995 and 2001, according to the Associated Press survey of U.S. Census Bureau data. And the 5th District ranked in the bottom half of the Massachusetts Congressional Districts, placing 6th of 10. In addition, the 5th District received below the average federal funding of \$5.5 billion per district reported by the AP."

As of mid-August, the McCarthy campaign had raised \$150,000. In August, they added Priscilla Ruzzo to the staff as chief fundraiser. Ruzzo was the major fundraiser for Mitt Romney in his Senate run against Sen. Edward Kennedy. According to O'Brien, "Fundraising is still going strong, but we've got a long way to go to get near Meehan's \$2.8 million war chest."

Recently, McCarthy, a former Marine and a decorated Vietnam veteran, formed a Veteran's for McCarthy coalition. It is to be headed by former Marines Jeff Moore and Robert McCann. Congressional Medal of Honor recipient and past Commissioner of Veterans Affairs for the Commonwealth, Thomas J. Hudner, is one of the district veterans who has joined the coalition.

McCarthy wants change for the Fifth District. He believes that the incumbent spends too much time on high-profile Washington issues and national television news programs, to the detriment of his own constituents. McCarthy asserts, "Obviously, my opponent doesn't care about tax dollars. Otherwise, he would not have voted against President Bush's tax cut that returned \$2 billion to Massachusetts families. He does not care that we pay high taxes and he does

not care that we don't get our fair share. This is just another example of why it is time for a change of leadership in this district. I will fight for the views and interests of the people of the 5th, and that includes getting them the assistance they deserve from Washington."

Has a Primary Opponent

His competition in the primary, Thomas Tierney, lives in Framingham which is actually not in the District. According to officials at the headquarters of the Mass. Republican Party, Tierney is considered a "fly in the ointment." Members of the MassGOP staff have tried to convince Tierney to run against Democrat incumbent Edward Markey in the 7th district. No Republican is running against Markey.

Although Tierney has actually spent most of his political life as a Republican, he's actually a Democrat in Republican clothing. But, the candidate is naked. His clothing hides nothing. The last time Tierney ran for the nomination for this seat, in 2000, he ran in the Democrat primary. His party affiliation switch came just before the deadline for candidate applications this year.

Beyond that, Tierney is running on a Democrat platform. His key issue is health care. He'd like to give us socialized (that means socialist) medicine, based upon the model currently used in Canada. One has to wonder, if that's such a good system, why do so many Canadians have their major procedures performed in the U.S.? Tierney also opposes President George W. Bush's

Social Security proposals.

A few years back, I covered the Hillary Clinton presentation of her health care plan when she brought her traveling show to Boston. It was the first stop on her tour – and it ended any chances for her plan. The people came out in droves from all over New England to "just say no" to Hillary-Care. The people are just as likely to reject Tierney's Democrat-flavored views.

Tierney has also shown his true party colors recently when he joined the Democrat challenge against Mitt Romney over his legal residency in Massachusetts. The election board decided that Romney is a resident and qualified to run for governor as a candidate of the party Tierney now claims.

Paul Hoar, Chairman of the Lowell Republican City Committee, which has been honored as the best committee in the state, recently wrote a letter in support of McCarthy. In part, he writes, "A Democrat is trying to hijack the Republican nomination for the 5th Congressional District. Noting the similarities between Tierney's agenda and that of the Democratic National Committee, and the strong Republican support being received by McCarthy, Hoar adds, "Tom Tierney's supporters, upon learning of McCarthy's Republican Party endorsement, have begun the politics of personal destruction. They are attacking his values and morals." That seems like enough indication that Tierney's sentiments still lie with the party affiliation of his recent past.

Fava Seeks To Replace Therese Murray

Christopher Fava believes in balance. This is why he's running for State Senate from the Plymouth and Barnstable District. The Plymouth native is seeking to unseat incumbent Democrat Therese Murray.

A thoroughgoing conservative, Fava is against the tax and spend climate currently holding sway at the State House. He told MassNews, "The taxation level in this state is simply too high." He explained that he's confident the problem is not lack of revenue, but uncontrolled spending. Endorsed by Citizens for Limited Taxation, of which he is a member, Fava worked on behalf of the income tax rollback to 5 percent. He is "disgusted" that politicians took that tax break away from the voters.

Regarding the Libertarian-sponsored ballot question which would eliminate the state income tax altogether, Fava is realistic. He said that he would like to get the rate as low as possible, but with the state's fiscal situation doesn't see that as feasible. The best way to reduce our taxes, he said, is to "give back the voter-approved tax cut, then go about incrementally lowering the rate even further."

"The whole tax package is pathetic," Fava exclaims. Besides raising taxes, he said, "they reduced the personal exemption, increased the term of long-term capital gains, and I'm concerned they're going to try to get rid of Prop. 2^{1/2}." Characterizing the Beacon Hill viewpoint on taxation, Fava said, "The liberals talk about the poor, the hungry, the

"Life is sacred. We have to treat all life, even in the womb, with respect."

"I'm concerned they're going to try to get rid of Prop. 2^{1/2}."



needy, etc. What's the first thing they do? Eliminate the charitable deduction."

Fava is also endorsed by the Gun Owners Action League. He told MassNews, "I believe this is a free country and in a free country a law-abiding citizen should be able to have a gun if he or she chooses." Noting that he had recently been in the United Kingdom for some business, Fava pointed out that the country with the harshest gun restrictions also has a very high crime rate. "While I was there," he said, "there was a headline that said the crime rate was higher in Britain than in the US."

Those who authored the Bill of Rights obviously thought gun ownership was pretty important as a right of the people, Fava claims. "When they framed those amendments, they made this the second most important freedom in the United States, right after freedom of speech."

Fava does not support bilingual education. He believes that English-only is the best way to prepare students for life in the United States, in which the lingua franca is still English. He notes that most businesses still require a good knowledge of English, making it more important for students to learn it as early as possible.

A Eucharistic minister in his church, Fava believes that

marriage is sacred. He explained that "In society we need to draw some lines. We tell people they can't marry their dog, or have multiple marriage partners. Marriage ought to be between a man and a woman." Fava is convinced that it was simple politics that allowed the Constitutional Convention to be adjourned without a vote on the matter. "A lot of them simply didn't want to be on the record," he explained.

Thoroughly pro-life, Fava told MassNews, "I'm just against abortion, period." He obviously opposes partial birth abortion, as well. Regarding parental consent, he says that if it has to be legal then, "Certainly minors should have to have consent to have this done." He summarizes his view on abortion by stating, "Life is sacred. We have to treat all life, even in the womb, with respect."

Christopher Fava is running against what he views as arrogance. He says, "Voters approved a charitable deduction, legislators killed it. Voters approved a tax rollback, same result. They just disregarded the voters' will. That's exactly what they did with the Marriage Amendment, too."

A graduate of UMass, Dartmouth, Christopher Fava is employed by Thomson Financial, in Boston. He is a member of the Republican State Committee and has served as a Town Meeting Member in Plymouth, as well as Chairman of the town Bylaw Review Committee. He is 28, and single.

"The liberals talk about the poor, the hungry, the needy, etc. What's the first thing they do? Eliminate the charitable deduction."

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EDITORIAL

Democracy in Action? or A Breakdown In the Democratic Process?

Stage Has Been Set For A Mass Meltdown

"The body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good."

— John Adams

Is the rule-of-law dead in the Bay State? When our representatives obstruct the people's right to self-government and when they choose to ignore the constitutional requirements of government administration, one has to wonder. Do our elected officials represent the citizens of the Commonwealth? Or do they represent the lobbying, union leaders and legions of state employees at the expense of the taxpayer?

Are they loyal to the concept of God and country or to the secular gods of political correctness and the pagan-left? This year, the legislature and state power-base showed their true colors by repeatedly ignoring and/or repealing the vote of the people and by manipulating the budget process in a way that resulted in a predetermined outcome. If it is true that we, as a people, get the government we deserve, then we have been remiss. The problems with our state government are long standing and we have no one to blame but ourselves.

We watched as Senate President Tom Birmingham avoided taking a stand on the Protection of Marriage Amendment on June 19th by postponing the session without debate. He was surprised when the gallery in the House Chamber erupted in protest. Senator Cheryl Jacques (D-Newton) told Bay Windows, "Tom Birmingham is a hero for the gay community." The Senator added, "I'm fighting...to see that [the Marriage Amendment] never comes up for a vote. I'm happy to throw my body in front of the train to block this question." Should one consider this a statement of support for the "rights" of 3% of the population? Or is it a blatant show of contempt for the remaining 97%? Does she represent the people of her district or the "gay" lobby? It is not unusual in the Massachusetts legislature (or at the federal level for that matter) for many of our elected representatives to work, not for the citizens in their districts, but for interest groups that reflect their ideology.

A second opportunity for the Senate President to do the right thing came up again in July. After gaveling the Constitutional Convention adjourned (without debate) on July 17th, Tom Birmingham was quoted as saying, "What we saw today was democracy in action." This was more than a tacit admission that the outcome of the session had been predetermined, that the fix was in. In effect, Mr. Birmingham was publicly admitting that the Constitutional Convention was a mere formality.

The Democrat Party along with the union bosses and the lobbyists continue to rule. Our political leaders flaunt their power, and by their actions, insult the average citizen of this state. Why do they do it? They do it because they can get away with it. Historically there has been no repercussion from the electorate. Our political "leaders" apparently don't need the voters when they have the cooperation of the special interests and when they have unfettered control of the purse strings of state government.

You'll find few politicians who will openly admit it but it is readily apparent to the casual observer. Even the public interest groups with names like Taxpayers Foundation, Tax Equity Alliance, etc. are front groups for interests that run counter to the welfare of the average citizen. After all, their aim is not to reduce the tax burden on the citizenry or to pare down government spending. They are primarily interested in getting the government to send the money in their direction.

We should evaluate our government's performance by their actions, not by their words. What we see in Massachusetts is the validation of the maxim, "Power corrupts. Absolute power corrupts absolutely." Power is control and right now the Senate President and the House Speaker control most, if not all, of the legislative agenda. The Democrat Party controls most of the bureaucracy with special interest groups and municipal employee unions firmly ensconced in the fabric of fiscal and social agencies. As a result, representative government has become an illusion in Massachusetts. The voice of the people can't be heard over the din of the rabble of lobbyists, social activists, union bosses and hacks.

Public issues are not debated. They're packaged, spun and promoted. Those "voices" that have access cozy up to the power brokers. Their desires and interests are made known directly to the legislative bosses. Their demands are delivered in person and the deals are negotiated in secret. The outcomes are legislated in the halls of the State House rather than in the Senate or House chambers. When our representatives are in session, we get a perfunctory going-through-the-motions. Any item that has not been sanctioned by the lobbyists, or the union bosses, will get lost in committee. On the rare occasion when an issue important to the general public survives the committee process, they let it die on the vine. No need for a vote. Why bother going on record if you don't have to?

Since there is no enforcement of laws and procedures when it comes to our legislative leaders, these issues can be decided by the legislators in favor of their constituent voting blocks. Role call votes are relegated to procedural issues, such as adjournment.

Is it any wonder that we have so many initiative petitions in Massachusetts? If the politicians aren't getting it done then the citizens that believe strongly in an issue have a mechanism by which they can force change – or at least a public debate. Prop 2 1/2 was the last time that the citizens took the power in their own hands and mandated that the state government change. It wouldn't have happened if we had given them a choice.

Today, the situation is worse. The "common" man of the Commonwealth has no voice to be heard on Beacon Hill. The politicians pay lip service to the average citizen, pander to press and listen to their lobbyists and union bosses. After all, these people represent moneyed interest, those groups and associations that feed off of state government contracts. They constantly seek to direct regulation and legislation in their own favor. Couple this with the manpower of the unions and they represent a formidable potential get-out-the-vote machine.

In addition, most of these special interests are aligned with (or at least in collaboration with) a compliant media. Not only do they control the agenda and rig the process but they can influence the media spin in ways that always give the calculating politician a way out. This is all a politician needs when the majority of the citizens are non-voting.

But this is not "democracy." It is plutocracy, with a central government that seeks, above all else, its own continued well-being, rather than the well-being of the citizens. Our state government has become government of the people, by the government, and for the government.

Elected Officials Out of Touch With Citizens

"(T)hat the elected might never form to themselves an interest separate from the electors, prudence will point out the propriety of having elections often; because as the elected might by that means return and mix again with the general body of the electors in a few months, their fidelity to the public will be secured by the prudent reflection of not making a rod for themselves. And as this frequent interchange will establish a common interest with every part of the community, they will mutually and naturally support each other, and on this...depends the strength of government, and the happiness of the governed."

— Thomas Paine

The protection of the constitution, state or federal, is a sacred trust; a trust to be exercised with dignity and honor. How far have we fallen that elected officials now publicly celebrate the denial of the citizens the opportunity to vote on significant issues? How far removed are they from the average citizen of the Commonwealth? They deny the voters while they mollify their special-interest voting blocks. In this way they avoid standing up to be counted.

The longevity of incumbents seems to bear this out. By their actions, they serve to maintain their lifestyle and thus preserve their voting blocks. They don't want the people to vote, they only want "their" people to vote for "them." If they can confuse the issue sufficiently, they know their allies will spend the soft money on television and radio ads to support whichever result will keep the taxpayer money flowing in their direction. It's a parasitic relationship that wreaks havoc on the common wealth of the average citizens.

A look at the recent legislative session reveals the system's dysfunction in glaringly obvious ways. In the last five years, the legislature has been unable to produce a budget on time. This means that any entity which depends on the state government for its financial well-being is unable to properly plan budgets and expenditures. For the cities and towns of Massachusetts, these delays put tremendous pressure on the local finances, school systems and other municipal services. Many are unable to get timely information from the state in order to conduct their annual town meetings. At the very least, we should demand that the legislature complete their work on time and fulfill the basic duties of their offices.

The dreadful condition of our court system is another prime example. Many independent studies have been done and all show that some of the problems with our court system are tied to the Legislature. The Legislature uses the court system as a retirement home for ex-solons and as a patronage haven for friends and family.

This year the legislative leaders focused early on gerrymandering the political districts with the aim of protecting incumbent supporters and weakening the opposition. What deals were made during that process?

At the same time, the revenue projections grew gloomier and gloomier. It was apparent that a budget crisis was looming. In the first act of this year's charade, the House floated budget proposals based on the dollar cuts that would be needed to balance the budget. These first drafts contained large budget cuts. And where were the cuts? Education, social services and Medicare. There was no attempt to look at genuine areas where spending could be cut in the budget or in the structure of state government. There was no credible attempt to

***Our state government
has become government
of the people, by the gov-
ernment, and for the
government.***

Massachusetts News

Established in 1998

A newspaper for inquisitive liberals, moderates, conservatives and libertarians who live or work in Massachusetts

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Who We Are

Publisher: J. Edward Pawlick

The founder/publisher is J. Edward Pawlick, an attorney who started and owned Lawyers Weekly Publications until he sold that company in 1998. When he sold the company in 1998, it was publishing 8 newspapers across the country and reaching 30% of the lawyers in the country. It employed 40 lawyer-editors, 20 lay editors, 45 advertising salespeople and others. When the national edition was started, it was featured in full-length feature stories in the Wall Street Journal and The New York Times.

A successful lawyer in Pennsylvania Dutch Country at York, Pawlick was also an Assistant Professor at Penn State, an elected member of the autonomous, 10,000 pupil school district (and chairman of the committee in charge of teachers and curriculum), and solicitor for the Sheriff of York County.

Director of Operations: Lou Langone

Lou Langone has twenty-five years experience managing accounting, financial and customer service operations. He specializes in business systems, internal controls and operations management. He spent six years in accounting and customer service functions, designing and auditing internal control systems in high tech industry. He also spent ten years managing the implementation, and overseeing operation, of electronic trading systems for financial institutions. Lou has a BS in Business Administration (Finance) from Stonehill College in North Easton. A native of Burlington, he has lived the past twenty years in Townsend.

Editor Emeritus: Paul Moreno

Paul Moreno is Assistant Professor of History at Hillsdale College. He helped launch Massachusetts News in 1998 as editor. Moreno is a Phi Beta Kappa graduate of the State University of New York at Albany and a Ph.D. in American History from the University of Maryland.

Layout Artist/Webmaster: Kelly Levan

Kelly Levan has a B.A. in English from Western New Mexico University. She was editor-in-chief of the university newspaper, The Mustang, which, under her direction, challenged the administrative powers at WNMU and received statewide attention when school officials attempted to repeal one of its issues.

Circulation Coordinator: Jennifer Payer

Jennifer Payer is currently working toward her B.A. in Political Science at Boston College. She is the mother of one child and resides in Needham. She volunteers in her community with various youth organizations and has participated in several political campaigns.

Web & Graphic Assistant: Elizabeth Zavala

Elizabeth Zavala has a Bachelor of Science in Business Management with a minor in International Business from Bentley College. She is currently studying Graphic Design.

Correspondent: J. Curtis Lovelace

Curtis Lovelace comes from the six-weekly newspaper group of Nashoba Publications in Ayer, where he was Managing Editor. He has a Doctor of Ministry from Gordon Conwell Theological Seminary in Hamilton and was a Presbyterian minister for fifteen years, most recently at Grace Presbyterian Church, Braintree, from 1983-1991. He is a native of Providence.

Correspondent: Edward G. Oliver

Edward Oliver is a freelance reporter who resides in Ashburnham. His articles have appeared in the Western Journalism Center's popular Internet news site, WorldNetDaily, and its print edition, *Dispatches*. His May, 1998, WorldNetDaily story on China and the Panama Canal was used by the former Chairman of the Joint Chiefs of staff, Admiral Thomas Moorer, in preparing his June, 1998, Senate testimony on the canal and in subsequent Senate debate with the U.S. Ambassador to Panama.

****FPO****

Please scan cartoon
for this position.

EDITORIAL CONTINUED

cut the rate of spending. They merely targeted the "most vulnerable" and waited for the "advocates" to scream bloody murder – which they did on cue.

There were protest rallies at the state house. The television and radio news people presented a host of activists, social workers and state employees who warned of grave disasters if these cuts were made. By the time they took up the budget, the summer was well underway and the foundation had been laid for the legislators to do what they do best. The legislature believed they could tend to their machinations in the relative quiet of summer on Beacon Hill. They cut the film office (for cooperating with a federal corruption investigation). They repealed the income tax roll-back, they reneged on the voter approved charitable deduction, they increased the capital gains tax, and told the citizens they would not allow a debate or a vote on the Protection of Marriage Amendment.

In the end, they did what they wanted to do from the start. They cut almost nothing out of the budget and increased spending by over \$2 billion. There was no real debate of spending priorities. The debate was how high to raise the taxes and how far back should they make it retroactive.

They managed to preserve their pay, their priorities, and their campaigns.

Runaway Train

"The end of the institution, maintenance, and administration of government is to secure the existence of the body politic; to protect it; and to furnish the individuals who compose it with the power of enjoying, in safety and tranquility, their natural rights and blessings of life; and whenever these great objects are not obtained, the people have the right to alter the government, and to take measures necessary for their safety, happiness and prosperity."

– John Adams

Is there anyone out there who believes that the actions of our elected bodies in Massachusetts reflect fiscal responsibility? Does anyone really believe that this system – as it now exists – reflects government of the people by the people? How about taxation without representation? There has been little representation of the general public in the current session.

Democracy is broken in Massachusetts. The cradle of the American Revolution has become home to spendthrift activists, lobbyists and a protected class of politicians. "The people" couldn't be any more shut out from the democratic process than they are today.

Everyone knew that the economy was in distress and that the state's revenue projections were down when the year began. Everyone was also aware of the added political complexity with this being an election year with a lame-duck Governor. However, the Senate President and the House Speaker controlled the agenda and the forum.

They had no viable opposition in either chamber. They had little to fear from a politically impotent Governor Swift and even less to fear from toothless minority party and a disenfranchised electorate (many of whom have given up on voting). It was the perfect set up. The stage was set for what has become an annual charade of need versus greed.

So they scared the hell out of their constituent voting blocks and contrived a scenario that allowed them to talk about "fiscal responsibility" while raising taxes across the board. Even before the ink had dried on this fiscal albatross, various legislators came forward to admit that they did little to solve any problems with this year's actions. They would need to come back and raise taxes again next year. Still no mention of spending cuts.

Then Senate President Tom Birmingham added insult to injury when he deprived the citizens of Massachusetts an opportunity to vote on the Protection of Marriage Amendment in June and July and with his "democracy in action" statement. But try as he may, Mr. Birmingham cannot turn back the hands of time. No matter how this election season plays out, he is done as Senate President. His legacy will be that he left a mess behind because he (and his peers) failed to take their sacred trust seriously. They did nothing to pare down the size of government and actually worked against such efforts. And they deprived the people of the right to vote on the quality of their lives.

Years of inaction by the legislature and others has left the state on the brink of a serious reckoning. Like the toothache that is ignored, we have polished the exterior while the roots have been rotting. And with this year's massive tax increase and the contempt shown for the initiative petition process, the level of voter frustration should be running high as we enter this election season. If our elected officials continue to listen to their special interest groups and not to the people, this breakdown will become a veritable meltdown of the democratic process in Massachusetts.

Finally, a special note to Senator Cheryl Jacques: That train you were waiting for is barreling down the tracks and headed your way. It is called Ballot Question Number #1: The Small Government Act to End the Income Tax. Human Nature being what it is, the people have once again turned to the initiative petition process because their elected representatives aren't listening to them. The parasitic lobbies are already in a lather over the prospects of having the state budget cut by \$9 billion. Michael Widmer, President of the Massachusetts 'Taxpayers' Foundation is quoted as saying, "This is far and away the most radical tax proposal ever to reach the Massachusetts Ballot and would essentially require the dismantling of most of state government."

That is exactly the point! But these people still don't get it.

— Lou Langone

LETTERS TO THE EDITOR

Reject Irresponsible Democrats

The veto from Acting Governor Jane Swift on the budget was the last best hope to stop the destructive tax increase passed by the state legislature.

Unfortunately, the legislature has since decided that they know what is best for us and overrode Swift's veto. This flies in the face of opinion polls and a referendum passed which required the legislature to rescind the 'temporary' tax increases of years past. Clearly, the legislature is out of touch with the mainstream.

The Democrat led legislature's decision to pass the largest tax increase in state history caps a 76% increase in the state budget over the last 10 years. At a time when we are under stressful economic times, this increase in taxes will not bode well for the average taxpayer who will now pay an additional \$600 in taxes.

It is time for the people of Massachusetts to reject the fiscally irresponsible Democrats and elect Independents and Republicans in order to balance the ideals of liberalism with the fiscal realities the state faces today and into the future.

Bill Dutton
Pembroke

Questions 'Voice of the Faithful'

Although practicing Roman Catholics should unanimously applaud the goal of supporting the victims of sexual abuse as well as "priests of integrity," the Voice of the Faithful's third announced goal of shaping "structural changes" in the Church raises multiple red flags.

With the VOTF leader stating that the group has failed to take a stand on controversial issues, the invitation of Debra Haffner, a Director of Planned Parenthood of Metropolitan Washington, as a speaker on 7/20/02 in Boston should be enough for any committed Roman Catholic to see where VOTF seeks to lead "the faithful." A copy of Ms Haffner's "safe sex" projects, if listed here, would be classified as pornographic.

In the last few decades, a sub-culture of predatory homosexual priests permanently affected the lives of scores of adolescents and children by abusing them sexually. And the Boston Archdiocese egregiously mishandled the situation. These are two horrendous tragedies, but to now attempt to undermine and destroy the Church's fundamental teaching on sexuality and the God-given right to life by VOTF is unconscionable, as well.

As a layman faithful to the Church's teaching on the sanctity of all human life, I take this action by VOTF to be an insult and clear evidence of some of an agenda which they steadfastly have refused to acknowledge.

R.T. Neary
Medfield

Editor's Comment: As we watch the Boston Globe pushing this group with all its might, we realize that the Catholic Church must be very vigilant because they have a lot of power coming against them.

Abortion Laws Control Heartless

When it comes to abortion I often hear, "You can't legislate morality." "Stopping abortion will not happen through changing laws but from changing hearts." This is simply the position of someone who knows that abortion is evil but lacks the courage to take a stand, has a financial or political interest in abortion, or is trying to appease both sides.

The reality is; no one disagrees that the answer to all of humanity's problems lies in changing hearts. But, practically speaking, what would our crime rate look like if we just waited around for that to happen? Should we erase all our laws from the books? Maybe the criminals will change their hearts.

Martin Luther King once pointed out that laws are not intended to change hearts but

to control the heartless. He was right. And in modern society, no one is more heartless than the gang of moral degenerates who work at abortion clinics. Until laws prohibiting abortion are restored, abortionists will be free to kill helpless unborn children, while maiming, raping, and killing many of their moms. Maybe some people think this is acceptable, but I don't. Women and children deserve better.

If abortion is not wrong then why do we need this change of heart? And if it is wrong, why do we allow the heartless to do it? I say, let the law lead and maybe the heartless will follow.

Thomas Messe, M.D.
Groton, CT

Encourage the Legislators Who Stood Up for Your Rights

I was delighted to see so many supporters of the Protection of Marriage Amendment turn out at the State House on July 17 to express support for this important amendment, which is designed to restore some semblance of sanity to this liberal-leaning state. Unfortunately, the homosexual lobby was successful in getting most Senators and Representatives to ignore the will of more than 130,000 people who signed the petition. Rather than get discouraged, I contacted Senator Walsh and voiced my displeasure with her vote for adjournment. I wrote to all of the Representatives and Senators who voted against adjournment, congratulating them for standing up for the people. I urge all residents who signed the petition to do the same. If we permit the well-funded, vocal homosexual lobby to get complete control of this state, there will be no recourse but to start packing our bags and heading for greener pastures.

Jan Stevenson
Norwood

Will Those Responsible Pay For Thrashing Marriage Amendment?

I'd like to say a few things about the broader implications of Senator Birmingham's recent fast-gaveling of the Protection of Marriage Amendment.

Yes, it was an outrage, for a number of reasons. Everybody knows that, especially the readers of MassNews. To repeat that assertion here is to preach to the choir.

But now, I have a simple question. Will the likes of Senators Birmingham, Jacques, et al, be made to answer for this outrage the next time they stand for election?

I already know the answer. The answer is no. I am serenely confident that even though an easy majority of voters supported the Defense of Marriage Act, not one legislator who opposed it will be voted out of office as a consequence. They will have gotten away with their perfidies cost-free. But how can such a thing be?

I think it was John Adams who said that our government was designed for a wise, tolerant, and religious people, and is wholly unsuited for the governance of any other kind. In other words, it only works to the extent that we are virtuous enough to make it work properly.

As old Ben Franklin was exiting Convention Hall in Philadelphia in 1787 after the Constitution had been ratified, someone asked him, "What kind of government do we have?" And old Ben replied, "A Republic, if you can hold it!"

In other words, old Ben was not certain whether this Republic was capable of lasting. Presumably, his uncertainty was at least in part for reasons which he shared with John Adams, an uncertainty that the citizenry had sufficient moral caliber to make it work for a long time. He thought that we could lose it, if we weren't careful or sufficiently vigilant.

Ask yourselves this question: are we a people who are "wise, tolerant, and religious"? I am of the opinion that the answer is a resounding no. But if no, then it follows that our government is no longer suited for us. So the next question becomes, can it

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Please remember the shorter the better. Any letter over 300 words may be edited by us. Please include your name, address and phone number so that we may confirm them. We will not publish street address, email address or phone number. If the Editor comments about a letter, the reader may respond with at least as many words as were used by the Editor. We would like to stimulate a sincere dialogue.

endure much longer?

I want to tell everybody when I knew we were in deep trouble. It was in 1976 when Jimmy Carter was running for President and promised us that he would give us "a government that was as fine and decent as are the American People themselves." When I heard that, I said to myself, "Now I know we are in trouble!"

We are taught that our rights are inalienable, that they come either from Nature or from Nature's God, depending upon one's preference. They cannot by definition be taken away for transient and light cause. The novel innovation of the new United States was our declaration that, unlike all the other countries of the world where despots had the right to tell us what rights we had, where citizens had only those rights which a despot felt moved to grant for his own particular whimsical reasons, in the United States, the government itself did not bestow rights; rather, its purpose was merely to guarantee that we could exercise those rights which Nature or Nature's God, and not the government, had already bestowed upon us, simply by virtue of the fact that we are human beings, formed in the Image and Likeness of God.

I always believed this until recently. Now, my opinion has modified somewhat. I still believe that rights ultimately come either from Nature or from Nature's God - but I no longer believe that they are inalienable. I believe, rather, that our rights are bestowed upon us (by Nature or Nature's God) conditionally. That is to say, we continue to have them only as long as we deserve to have them. In a sense, we have rights on license from the Creator. And just as my "right" to have an automobile license is conditional, and can be removed for cause. So, too, can the Creator remove our rights for Cause. If that time hasn't already come, it will shortly.

To me, the fact that our elected leaders not only fail to pass a legislative act which is steeped in morality, but moreover do it in a parliamentary obscene way, and will not pay any penalty for it, only tells me that time's up. The Great Democratic Experiment is over.

Of course, this isn't the only reason why I think this. Patrick Buchanan has recently published a book called *The Death of the West* which ought to open any reader's eyes as to how far the rot has really gone. For many reasons, but all boiling down to the themes already discussed here, this current governmental system (and its citizenry too, make no mistake) have simply become so morally flabby that we/it can no longer sustain a democratic system of government, because such a system depends upon having a citizenry which is made of sterner stuff than what we have.

It needs to be and will be replaced by some kind of drastic authoritarian police state. If we're lucky, it will be a police state molded along basic values which are held by the last real bastion of morality in the country, the military, where basic values such as honesty, honor, duty, sacrifice are demanded.

We already have vast powers of surveillance of private individuals. We make the old communists of the USSR look like hopeless, incompetent barbarians; we have such advanced abilities to learn everything worthwhile to know about private individuals. Old Joe Stalin or Heinrich Himmler would have been thrilled to have had their hands on such techniques and technologies that we have. The structures of the Coming

Police State are already in place. All that we need now is some kind of threshold event to make it happen. And all we need to help midwife this day into being is more of what we've been doing for far too long.

Go ahead. Prove me wrong. Vote out the rascals. But you won't do it.

James A. Nollet
Billerica

Editor's Comment: Jim Nollet is too feisty to give up this easily. If you don't believe so, see the story about him on page 9 of MassNews for December 2001 where he received \$5,000 from the City of Lawrence for illegally arresting him under a Restraining Order.

He obviously wrote the above letter before hearing the plans of Mass. Citizens for Marriage and the lawsuit against Tom Birmingham. They say there will be another vote a little later in the year.

Drugging Children for Profit

Massachusetts may lose leading state pharmacies due to proposed Medicaid cuts. Why? Because you are listening to mental health lobbyists, including the 'family' groups that the pharmaceutical companies fund, as opposed to really investigating the facts.

1. DSS (Massachusetts Department of Social Services) treats all their foster and residential children as mentally ill 100%. Many of these children are being drugged mindlessly on several dangerous psychiatric drugs at a time. This is an outrageous fraud by the state and federal governments and unfathomable abuse of children. Officials allow this disgusting robbery of approximately \$200 million per year to continue at the children's expense. Sometimes I honestly wonder how state officials can sleep at night or be so oblivious to what is really going on!

2. DMH (Dept. of Mental Health) This is pretty much the same situation as with DSS.

3. DYS (Dept. of Youth Services) ditto.

4. DOE (Dept. of Education) 17% of Massachusetts children are in special education and most of them with mental illness diagnoses wherein they are usually drugged? Can you cut this please?

Raising taxes was simply nonsense when we could have cut into the oppressive businesses of drugging our children for profit.

Kevin Hall, New England Director,
Citizens Commission on Human Rights
Boston

Lexington Resident Snubbed By Minuteman

(On August 12th, the reader submitted this letter for publication in the Lexington Minuteman which refused to publish it.)

This letter is in response to letters written July 18th and July 25th [in the Lexington Minuteman]. While I knew I would get a response to my letter, I was surprised at the vicious responses. My letter was not written to offend Jewish people in our community. That was not my intent. There are many Jewish people in our community that I respect, associate with, and am friends with. Whether you call it anti-Semitism or discrimination, I feel that they are both wrongs.

People opposing the Crèche don't understand why the Crèche should be on the Battle Green. The Free Speech and Free Exercise Clauses of the First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or

continued on page 14

Sen. Antonioni Says Adjourning Without Vote on Marriage Was 'Unfair'

Sen. Robert A. Antonioni (D) has told a group of constituents he voted to adjourn the Constitutional Convention on July 17 without a vote on the Marriage Amendment because he knew that a large majority of the legislature was going to vote that way.

He feared that if he voted differently, it would be widely interpreted as a vote in favor of the Amendment.

It was pointed out to the Senator that that was putting his career and worries about perceptions ahead of the clear right of the people to vote on this issue. It was also pointed out that he pulled the rug out from people who had worked hard for over two long years, who followed the law and the process.

Sen. Antonioni nodded and said, "I know. It's unfair."

Refused to Take Survey

The Senator, who is a Democrat from Leominster, Worcester County, refused to take the Survey from Mass. Citizens for Marriage.

"This is typical of most legislators," said Sarah McVay Pawlick, President of MCM. "They know there is no defense against their violating the state Constitution on July 17 and they are embarrassed."

Antonioni told his constituents he does not feel comfortable filling out surveys. He said that the questions from interest groups are usually "loaded" but he was willing to discuss the issue. He would not say what in the MCM survey was "loaded."

He agreed with the core message in the MCM survey that a child having a mother and a father is the ideal.

He said he had received calls from constituents who favored the Amendment, including his own mother. But he told his mother that this was not a vote he could make.

He is opposed to the Amendment because he thought it went way too far. He insisted the Amendment is poorly worded, saying the courts might interpret it in a way that was probably not intended.

He commented that we probably will never have "gay marriages" in Massachusetts. He said that despite his conservative upbringing and constituency, he has learned not to



Sen. Antonioni tells MassNews that although he voted to do so, adjourning the Constitutional Convention without a vote on marriage was "unfair." This is the feeling of many legislators who say they were forced to do so.

came from Sen. Birmingham and the hierarchy. Sen. Antonioni was not allowed to vote his conscience.

"We do not know why the union quietly did this behind the scenes without the knowledge of their members, who are solidly in favor of the measure. But someone must have profited greatly as a result."

Mrs. Pawlick said she is sending Sen. Antonioni a copy of John F. Kennedy's classic book, *Profiles in Courage*, in which Kennedy wrote about the heroic qualities of eight U.S. Senators. JFK wrote that the book was "about the most admirable of human virtues—courage." Mrs. Pawlick said that Sen. Antonioni appears to be a good person and we should all learn more about the important virtue of courage.

"Perhaps, when the Senator gets a chance later this year to vote again on the issue, he will have the courage to change his vote, as will many of his colleagues," she said.

be "judgmental" of gays, although he was unable to say why he thought this was a gay issue or why the Amendment would be "judgmental" against anyone.

He also did not explain how he could judge the 130,000 citizens, including his own mother, who signed the petition for the Amendment. How could he possibly judge them and say that they were "judgmental?" He will not ask Senator Birmingham to reconsider his illegal actions.

"We know that every legislator on Beacon Hill, including Sen. Antonioni, was visited by lobbyists from the AFL-CIO and pressured to vote illegally and stop the vote on the Amendment," said Mrs. Pawlick. "They were given no choice. This was a pressure vote that

Outraged Letter from Constituent

Dear Sen. Antonioni:

I was present at the State House July 17 and am both saddened and outraged at the conduct of my elected representatives.

Please don't bother giving me your excuses for your vote by explaining how this initiative would remove civil rights for a class of people.

If medical insurance and probate matters, etc. are a concern for the gay community, they can draft legislation and attempt to change the law in the normal fashion.

The correct solution is **not** to redefine marriage, the institution that has been with humanity for centuries and is the cultural expression of facts of nature that were two billion years in the making (that would be sexual reproduction for the survival of the species and the evolution of life).

As you well know, the **courts** in our state are poised to redefine marriage by judicial fiat. There needs to be a statutory or constitutional change to ensure that marriage remains as it has always been.

Unions between homosexuals or any other combination of humans does **not** belong on the same plateau as the biological union of one man one woman. This is something the **people** wish to decide, and they have taken the proper steps as designed by our democratic process to do **exactly that**.

You and your brethren who voted for adjournment have openly defied the people and the democratic process. The good people of the Commonwealth have had all they can take of the political correctness forced upon them. A change is in the wind. Stick your finger in the wind and feel which way the wind is blowing, Senator.

Mark Charalambous
Leominster

Public Policy Questions On Ballot In North Attleboro and Franklin

By Ed Oliver

State Senate Candidate Earl Henry Sholley and other volunteers collected enough signatures at the last minute to place two Public Policy Questions on the ballot in North Attleboro, and one in Franklin.

A Public Policy Question is non-binding and is directed at a particular state Rep. or Senator in the District. The Question on the ballot asks voters if the State Rep. or Senator shall be instructed to vote a certain way on an issue, and is a useful tool to communicate the interests of the voting public.

Full Disclosure On The Budget

The first Question deals with full disclosure on the budget and also addresses unfunded mandates. It will be on the ballot in North Attleboro and Franklin. It is directed at the respective State Reps. Betty Poirier and Jim Vallee.

Sholley told MassNews, "The tax dollar question is in two parts. First, it directs the State Rep. to vote for legislation that would give the average citizen a budget breakdown in layperson's terms so we can all understand it, so we don't need to hire an accounting firm or a battery of lawyers to decipher the budget. I want a full breakdown. I want to know how much the incumbent, my opponent is spending on pizzas, I want to know how much money it takes to run a full-time legislature as opposed to a part-time legislature. I want to know how much money is spent on overtime. I want to know how much money goes to furniture up at the State House.

"For example, if we are in a budget crisis, why are they still remodeling the State House and bringing in new furniture? I want to know all these things. If we have a thirty billion-dollar pension fund, I want to know how much of that money is actually paid out every year. How much of that money goes to pensioners each year and what's left over? It seems

to me that we might have a ton of money there that could be quite a rainy day fund for other things or it should be returned to the taxpayers. We need to know this in layperson's terms. The process has gotten too complicated They hide too much of our money.

"The other part of that Question, which a lot of people really like, is that any mandates that come down from the State House would have to be fully funded by the state. In other words, this business about, say for example Chapter 766 Special Ed. has placed an undue burden, that and many other laws have placed an undue burden on the cities and towns of this Commonwealth."

Shared Parenting

The second Public Policy Question is mirrored after House Bill 2546 dealing with Presumptive Shared Custody, and will only be on the ballot in North Attleboro because of time restraints in gathering signatures.

The Question instructs Rep.Poirier to vote in favor of legislation mandating that in all separation and divorce proceedings involving minor children, both parents have an inalienable right to share temporary and final legal custody of the children, and the children have the right to reside and spend an equal amount of time with each parent. If equal time is not practical or possible, the right to a minimum amount of time per year for one parent shall be established and protected by the courts.

"This is a big issue for fathers and children and families—grandparents as well," said Sholley. "This affects a lot of people. Fathers are routinely discriminated against in the Family Court here in Massachusetts. This would level the playing field. Over thirty-some states have a presumptive shared custody or minimum visitation legislation, plus the District of Columbia. It's high time that Massachusetts gets in line with the rest of the country because it is in the best interest of the children."

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Opinion:

No *Comprende* Bilingual Education

By Izzy Lyman

In liberal Massachusetts, the bilingual education reform debate is turning out to be very caliente topic.

A ballot question in November will ask whether we will do away with bilingual programs which presently enroll about 45,000 students. The initiative's sponsor, English for the Children, favors helping immigrant students learn to speak, read, and write in English as rapidly as possible - a goal that is not achieved when these children are marooned in native-language teaching classes for several years. If the initiative passes, bilingual education would be replaced with a special English-language teaching program for one year or longer.

Supporters cite sobering statistics to make their case. A study was done of the MCAS test scores for children in bilingual programs for the first two years that the test was administered. The first thing they discovered was that, as a group, bilingual children scored the lowest in the state, lower than kids in special education. Bilingual education students, noted Lincoln Tamayo in a Boston Globe opinion piece, have "the highest drop-out rates of all major groups."

Ironically, in some parts of the country that have a large population of Hispanics, reciting those type of statistics would be a meaningless endeavor. My former hometown of Miami, Florida is deeply mired in the quagmire. In the late '90s, the Miami-Dade County Public Schools - largely pushed by the business community - expanded their bilingual education programs for **all** students in grades K-12. The lesson in this metropolis is that you have to read and write in English and Spanish to achieve the American dream. Measures to reform bilingual education won't appear on punch-card ballots in Dade County anytime soon - unlike Massachusetts, California and Arizona.

It's pretty easy to predict the long-term results of Miami's taxpayer-funded adventures in multiculturalism: Scores of foreigners won't achieve a high degree of literacy in the national language of the United States. The social commentator, Camille Paglia has observed, "English is a very difficult language, with a huge vocabulary and many subtleties of diction, which is learned only through total immersion." In that same vein, Attorney Ed Pawlick, the publisher of Massachusetts News, has argued that "one of the greatest gifts you can give a child is a very high vocabulary so he or she can express him or herself very clearly."

After World War I and well into the late 1960s, immigrant schoolchildren typically learned English via the so-called 'sink or swim' method.

Back then it was understood that mama and papa would speak German; that dinner might be *frijoles* and *arroz*; and that Grandpa Wen Hu's tales about the Manchu Dynasty would be encouraged - at home. Meanwhile, American educators would teach little Hans, Carmencita, or Ying Ying that Yankee is spelled with two e's, that a hot dog can be eaten, and that George Washington was a grand leader - in plain English.

No civil rights crusader complained that this approach was "anti-immigrant." No parent railed that school administrators were "racist" for not offering science classes in Italian.

One does not need to resort to palm reading to conclude that bilingual "education" in Massachusetts is a failure.

No student whined about having a "low self-esteem" for having to read about those white-bread kids known as Dick and Jane.

In exchange, millions of youthful newcomers, like myself, received a tremendous gift for being tossed into this linguistic swimming pool. We quickly learned to speak English without sounding like graduates of the Ricky Ricardo Institute of Language. We did not 'splain, we explained.

The Lexington Institute of Virginia has scrutinized federal bilingual education programs in Massachusetts. Among their findings is that, "One program in the Boston Public Schools graduated only 9 percent of its English learners into mainstream classes in 3 years." It reported that Boston educators, however, have plenty of energy to promote goofy projects like translating the Hampton Brown Picture Dictionary into Cape Verdean Creole and offering Chinese yo-yo and palm reading clubs.

One does not need to resort to palm reading to conclude that bilingual "education" in Massachusetts is a failure. Conversely, students enrolled in English immersion classes, like those offered in California public schools, score astronomically higher on standardized tests than those in bilingual ed.

But bilingual education is a billion-dollar, tax-funded gravy train for teachers, attorneys, bureaucrats, publishers, and advocates. And its supporters know how to play political hardball. At a hearing in Boston, Senator Marc Pacheco (D-Taunton) said that the ballot question proponents put forth a proposal "with evident prejudice, bigotry and complete misunderstanding of what bilingual education has done here in Massachusetts."

Hysterical critics aside, the English for the Children campaign deserves the full support of Bay State voters who are concerned about the increasing Balkanization of the United States. Or, think of it this way: Helping an immigrant child learn English well may save him/her from a lifetime of being exploited for cheap labor by unscrupulous employers. Vote si in November for the "English Language Education in Public Schools" ballot question.

Silicon Valley entrepreneur and Harvard University graduate Ron Unz and Massachusetts educators Rosalie Pedalino Porter, Lincoln Tamayo, and Christine Rossell have been spearheading the campaign to challenge the state bilingual law, the oldest one in the nation. It was established in 1971 and requires school districts in every city or town in the Commonwealth, that have twenty children who speak the same non-English language, to create a full bilingual program.

Izzy Lyman is the daughter of Central American immigrants. To read the ballot question, visit: <http://www.onenation.org/article.cfm?ID=7844>.

Republican Primary against Marty Meehan Has One Republican, One Democrat

Tierney's Recent Switch in Affiliation, Not Loyalties

Two "Republicans" have lined up to take on incumbent Democrat Martin Meehan in the general election in November. The decision in the primary should not be too difficult for Republicans, however.

Chuck McCarthy, a high tech businessman and Vietnam veteran has been endorsed by the Republican Party. He enjoys the support of all the Republican leaders in the state. He's running on a standard Republican platform of lower taxes, less government and more family values.

His competition for the nomination is Thomas Tierney, lives in Framingham which is actually not in the District. According to officials at the headquarters of the Mass. Republican Party, Tierney is considered a "fly in the ointment." Members of the MassGOP staff have tried to convince Tierney to run against Democrat incumbent Edward Markey in the 7th district. No Republican is running against Markey.

Although Tierney has actually spent most of his political life as a Republican, he's actually a Democrat in

Republican clothing. But, the candidate is naked. His clothing hides nothing. The last time Tierney ran for the nomination for this seat, in 2000, he ran in the Democrat primary. His party affiliation switch came just before the deadline for candidate applications this year.

Beyond that, Tierney is running on a Democrat platform. His key issue is health care. He'd like to give us socialized (that means socialist) medicine, based upon the model currently used in Canada. One has to wonder, if that's such a good system, why do so many Canadians have their major procedures performed in the U.S.? Tierney also opposes President George W. Bush's Social Security proposals.

A few years back, I covered the Hillary Clinton presentation of her health care plan when she brought her traveling show to Boston. It was the first stop on her tour - and it ended any chances for her plan. The people came out in droves from all over New England to "just say no" to Hillary-Care. The people are just as likely to reject Tierney's Democrat-flavored views.

Tierney has also shown his true party colors recently when he joined the Democrat challenge against Mitt Romney over his legal residency in Massachusetts. The election board decided that Romney is a resident and qualified to run for governor as a candidate of the party Tierney

now claims.

Paul Hoar, Chairman of the Lowell Republican City Committee, which has been honored as the best committee in the state, recently wrote a letter in support of McCarthy. In part, he writes, "A Democrat is trying to hijack the Republican nomination for the 5th Congressional District. Noting the similarities between Tierney's agenda and that of the Democratic National Committee, and the strong Republican support being received by McCarthy, Hoar adds, "Tom Tierney's supporters, upon learning of McCarthy's Republican Party endorsement, have begun the politics of personal destruction. They are attacking his values and morals." That seems like enough indication that Tierney's sentiments still lie with the party affiliation of his recent past.

Voters in the 5th district have three options in September. They can nominate Chuck McCarthy to run against Marty Meehan, or they can select Democrat Tom Tierney or Democrat Marty Meehan. But to call the Republican primary a choice between two Republicans is farcical.

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abridging the freedom of speech." It is our Constitutional right. Regulations denying us that right are not content neutral. While they appear to be neutral in word, they are not in meaning. The only display banned from the Green was the Crèche.

When I went to Rep. Kaufman's (D-Lexington) Open House, I was not sure what I was going to hear. Mr. Andrew Tarsey from the Anti-Defamation League talked about what Christians called Jews. That infuriated me. I asked him why the majority (not all) of the people against the Crèche were Jewish. Mr. Kaufman and his aide treated me very badly. I was humiliated and ignored because I dared to ask such a question. If I were permitted to submit a list of names, I would. The paper policy prohibits me from doing so. I guess for some, when they are wrong, they are right.

Separation of Church and State only applies to Christians in our community. I have had

three sons serve as altar servers at church, of whom I am very proud, and they received community service credit. As I have written in the past, it's nothing but an excuse. At the same time the school changed the community service requirement, they promoted (walking students from school to) the homosexual exhibit at the First Parish Unitarian Church. They couldn't bus the students because of an injunction filed by 5 Lexington residents. This is a double standard or discrimination against Christians.

How many letters have been published in this paper, about Christians over the past couple of years?

I will not be silenced my hecklers.

Lorraine Fournier
Lexington

Middle Class Utahns Fail to Support Romney

Big donors find ways around Mass. campaign laws

By David M. Bresnahan

Mitt Romney is hard at work trying to convince Utahns to donate money to his Mass. bid for governor, and using his creativity to enable people to give more than the \$500 limit set by state law.

Although Utah business and political leaders are jumping on the Romney bandwagon, he has only received a relatively small amount of grass roots support from the state. His lack of donations from conservative Utahns may have something to do with his liberal stands on abortion, homosexuality, and the Boy Scouts.

Romney is a member of The Church of Jesus Christ of Latter-day Saints, to which 73 percent of Utahns belong. LDS members have taken a conservative stand against abortion and homosexuality, and the LDS Church is the number one sponsor of Boy Scout units in the nation.

Romney has publicly announced his support to have the BSA permit homosexuals as leaders for young boys, and he has been a pro-abortion supporter, as reported previously by Massachusetts News. ([linkhttp://www.massnews.com/2002_editions/06_June/061802_mn_romney.shtml](http://www.massnews.com/2002_editions/06_June/061802_mn_romney.shtml))

Despite a personal visit to the state to raise funds, and a direct mail campaign sent to a large mailing list of Republican leaders and activists, Romney has only managed to collect about \$6,000 in grass roots donations from Utah.

However, business leaders and Olympic contacts have found ways to donate far more than the \$500 limit imposed by Mass. law.

Romney developed many relationships while in Utah as head of the Salt Lake Olympic Organizing Committee for the 2002 Winter Olympics, but many of those supporters were surprised when they learned they could not give him more than \$500 - a limit imposed by Mass. campaign laws.

"Mitt is an incredible man, and the people of Mass. will benefit greatly with Mitt as governor. I see no reason why individuals and families from Utah shouldn't find every legal way to help that happen," said a Romney supporter and campaigner from Utah who asked not to be identified.

Romney's influential and well-to-do friends in Utah were not stopped by the laws of Mass., which do not permit corporate contributions to candidates. Utah does not have a similar restriction. Individual donations to candidates and to political action committees (PACs) are limited to \$500 by Mass. law, but Utah has no such limitation.

"Supporters who want to give more than \$500 ask how to give more, and they always want to know the way to do it legally. No one wants to do anything wrong," said the campaign worker, who was concerned because he is not an official spokesman for the campaign.

Although Mass. permits PACs to donate to candidates, Romney pledged not to accept any PAC money for his campaign - a pledge he has kept.

Politicians often have favorite PACs lined up to enable individuals and companies to donate first to the PAC, then the PACs give to the candidates - known as "soft money" donations. The arrangement enables larger donations from a single source, and it helps to make the source of donations less public and harder to track.

The abuse of PACs for soft money donations by other politicians in the past caused Romney and his advisors to eliminate that

funding source completely, leaving him with the need for greater creativity. His self-imposed campaign finance restrictions combined with Mass. laws leave Romney with what at first appears to be only one source of funds - individual donations of \$500 or less.

A closer look at his fund-raising efforts in Utah reveals another way to bring in larger contributions.

High-rollers who want to donate to Romney can actually make two donations. They can

contribute a maximum of \$500 directly to Romney's campaign fund, and then they can send up to \$5,000 to the Mass. Republican Party.

In fact, if they really want to give even more, it is quite easy to do. The money is simply given by each adult family member to magnify the total. Companies who want to help a candidate can simply have employees and their families donate in their own personal names rather than in the company name, and it is obvious from a study of campaign finance disclosures that this technique is in use by Romney supporters.

Utah is known for large families, something that is certainly helping Romney in his quest to magnify \$500 donations into something larger. Some families give both to Romney's campaign fund and then also give to the state Republican fund.



Mitt Romney has received a small amount of grass roots support from the state of Utah because they do not believe he is a conservative.

Money received by the Mass. state GOP can easily be used to benefit Romney without actually giving the money directly to him. The state party can use such donations to fund get-out-the-vote telephone campaigns, as well as campaign ads. It is also used for political polling to help Romney develop and revise campaign strategy and tactics.

So, what has Romney accomplished so far?

The most current campaign donation reports filed by candidates with the Mass. Office of

Campaign and Political Finance only show contributions received as of the end of July.

Romney held campaign fund-raising events in Utah during May, and has either met personally or phoned his contacts with the deepest pockets in the early part of his campaign.

Between July and August, at least two different letters have been sent to grass roots Republicans throughout Utah. The results of the first letter, sent in July, cannot be considered impressive with only about \$6,000 collected. A second letter with the exact same wording went out recently, the results of which will show up on future financial reports.

"We turned a \$379 million debt into a \$55 million surplus. We inspired our country and uplifted the world," said Romney in both letters.

"Massachusetts has big problems," said Romney, "problems similar to the ones we faced in Salt Lake City. The state is in debt and not everyone is working together to fix

the problems. Yet they instinctively raise taxes at the drop of a hat," he added, trying to appeal to conservative Utahns' hatred of taxes and big government.

As of July, Romney has received more than \$41,000 for his campaign fund from influential Utahns, and over \$130,000 has gone to the Mass. Republican Party, according to the Mass. Office of Campaign and Political Finance. Those numbers are expected to be much larger, but the totals from Utah will not be known until final reports are filed. The amounts and proportions do indicate how Romney is getting large donations for his campaign, and the trend is expected to continue.

A number of Utah husbands joined with their wives to donate a combined \$1,000 to Romney's campaign fund, but even more teamed up to donate to the state party, official records reveal.

Kem Gardner of The Boyer Co. is a good example of the way large donations are being funneled to benefit the Romney campaign. Gardner developed The Gateway shopping center, which was the beneficiary of having a major Olympic plaza located there. Gardner and his wife each donated \$500 to the Romney for Governor campaign fund (\$1,000 total), and the Mass. state GOP received a total of \$15,000 from Gardner family members. Other Boyer officials donated a total of \$7,500 to the party coffers so far.

Romney's second in command at SLOC was Fraser Bullock who combined efforts with his wife to give \$10,000 to the Mass. GOP.

Officials from Olympic sponsor, multi-level marketing giant Nu Skin, gave \$15,000 to the GOP, according to records filed with the state.

Billionaire Jon Huntsman and his family members donated \$17,000 to the state party so far. Huntsman was once a major critic of hosting the Olympics in Utah, but turned supporter after Romney came to town. Huntsman is perhaps more well known as a philanthropist than as the international industrialist who built Huntsman Chemical.

Long-time Olympic supporter, and one of the key people instrumental in getting Romney to take on his Olympic role, Spencer Eccles and family have paid \$20,000 to the Mass. GOP so far. Eccles was once the chairman of First Security Bank chairman.

The gold, silver, and bronze Olympic medals were designed and minted by the O.C. Tanner Co. Don Ostler, a now-retired executive from that company, did not have his family join in donating. He gave \$2,500 to the state party fund, leaving room for an added donation near the end of the campaign.

Although money from Utah is only a small portion of the approximately \$2 million collected by Romney so far, it is a good indicator of the strategy of the Romney campaign.

Romney's campaign workers are following "GOP campaign 101." Find supporters, stay in contact with them, strengthen that support, and get those voters to the polls on election day. It's not a new strategy. In effect the campaign that accomplishes this task wins.

It takes money to win, and Romney is expected to spend \$6 to \$8 million before the campaign ends.

Efforts to raise funds through Utah Republican grass roots sources were not as successful as the appeal that tapped into deeper pockets. A fund-raising letter sent to a general Utah Republican party mailing list brought in small donations that were mostly in the \$2 to \$50 range with only a few that were \$100 or more for a total of only about \$6,000 coming from average Utah Republicans, according to donation reports.

"You and I share many of the same values," said Romney in his letter to Utah Republicans. Apparently the low results

Rumors about Kerry Healey

When rumors persisted that Kerry Healey favors liberal social issues, we asked her if she would clarify her position on some of them.

1. **Partial birth abortion.** She opposes it.

2. **Lowering age-of-consent for abortion from 18 to 16.** She supports lowering it.

3. **Domestic partnership benefits.** She "supports recognizing nontraditional relationships in a way that makes possible domestic partnership benefits, such as rights of survivorship and hospital visitation." It is unclear exactly what she means by this, because most lawyers say everyone already has these rights. But she is undoubtedly opposed to the Protection of Marriage Amendment, probably because she does not understand it. She replied to our questions two weeks after we first asked them, just as we were going to press, and it was impossible to question her further.

4. **Civil unions for homosexuals.** She "opposes civil unions for gays," although how she believes that civil unions differ from domestic partnerships was not explained.

show that recipients of the letter disagree.

Utah is not the only state giving to Romney's campaign war chest. More than 1,200 individuals with residential addresses in states other than Mass. gave small amounts to the campaign.

Despite his Utah and LDS contacts, Romney's greatest financial support has come directly from individuals who live in Mass., records show. Romney has lived in Mass. for three decades.

Early in the campaign Mass. Democrats unsuccessfully challenged Romney's residence and eligibility to run for governor.

In addition to looking at the names of individuals who donated to Romney and the GOP state party, it is interesting to note the names of employers listed by individual donors. Mass. Law requires that donors who give \$200 or more must disclose their employer.

When Romney began his campaign in March he said he would not accept donations from PACs, and would not ask Olympic sponsors to donate to his campaign. His campaign officials have told the media that lists of Olympic sponsors do not exist in the campaign offices.

Many executives from past Olympic sponsors are apparently deciding to send individual donations to the campaign anyway, financial reports filed recently show.

Hundreds of top officials from Olympic sponsors and large firms such as John Hancock, General Mills, Staples, Marriott International, KSL, Fidelity Investments, and EMC teamed up to make donations of \$500 each.

David M. Bresnahan is an award-winning investigative journalist and author who lives in Utah and was formerly with WorldNetDaily.

An archive of his work can be found at <http://InvestigativeJournal.com>. He can be contacted at David@InvestigativeJournal.com. His current book on the 9-11 attack can be obtained at <http://911TerrorInAmerica.com>.

1**State Primary — September 17, 2002****STATEWIDE OFFICES**

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|------------------------------|---|--------------------------------|-----------------------------|---------------------|
| UNITED STATES SENATOR | JOHN F. KERRY (Boston) | No Nomination | MICHAEL E. CLOUD (Wayland) | No Nomination |
| GOVERNOR | THOMAS F. BIRMINGHAM (Chelsea) SHANNON P. O'BRIEN (Whitman) ROBERT B. REICH (Cambridge) WARREN E. TOLMAN (Watertown) | MITT ROMNEY (Belmont) | CARLA A. HOWELL (Wayland) | JILL E. STEIN |
| LIEUTENANT GOVERNOR | CHRISTOPHER F. GABRIELI (Boston) | KERRY MURPHY HEALEY | RICHARD P. AUCOIN (Waltham) | ANTHONY F. LORENZEN |
| | LOIS G. PINES (Newton) | JIM RAPPAPORT (Concord) | | |
| ATTORNEY GENERAL | JOHN P. SLATTERY (Peabody) | No Nomination | No Nomination | No Nomination |
| SECRETARY OF STATE | THOMAS F. REILLY (Watertown) | JACK E. ROBINSON III (Boston) | No Nomination | No Nomination |
| TREASURER & RECEIVER GENERAL | WILLIAM FRANCIS GALVIN (Boston) | DANIEL A. GRABAUSKAS (Ipswich) | No Nomination | JAMES O'KEEFE |
| | MICHAEL P. CAHILL (Beverly) TIMOTHY P. CAHILL (Quincy) STEPHEN J. MURPHY (Boston) JAMES W. SEGEL (Needham) | BRUCE A. HERZFELDER (Cohasset) | | |
| AUDITOR | A. JOSEPH DeNUCCI (Newton) | No Nomination | KAMAL JAIN (Littleton) | No Nomination |

UNITED STATES REPRESENTATIVE

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|------------------|--|--|----------------------------|---------------|
| FIRST DISTRICT | JOHN W. OLVER (Amherst) | MATTHEW W. KINNAMAN (Lee) | No Nomination | No Nomination |
| SECOND DISTRICT | RICHARD E. NEAL (Springfield) | No Nomination | No Nomination | No Nomination |
| THIRD DISTRICT | JAMES P. McGOVERN (Worcester) | No Nomination | No Nomination | No Nomination |
| FOURTH DISTRICT | BARNEY FRANK (Newton) | No Nomination | No Nomination | No Nomination |
| FIFTH DISTRICT | MARTIN T. MEEHAN (Lowell) | CHARLES McCARTHY (Dunstable) THOMAS P. TIERNEY (Framingham) | ILANA FREEDMAN (Billerica) | No Nomination |
| SIXTH DISTRICT | JOHN F. TIERNEY (Salem) | MARK C. SMITH (Burlington) | No Nomination | No Nomination |
| SEVENTH DISTRICT | EDWARD J. MARKEY (Malden) JAMES O. HALL (Arlington) | No Nomination | No Nomination | No Nomination |
| EIGHTH DISTRICT | MICHAEL E. CAPUANO (Somerville) | No Nomination | No Nomination | No Nomination |
| NINTH DISTRICT | STEPHEN F. LYNCH (Boston) | No Nomination | No Nomination | No Nomination |
| TENTH DISTRICT | WILLIAM A. FERGUSON (Milton) WILLIAM D. DELAHUNT (Quincy) | LUIZ GONZAGA (Barnstable) | No Nomination | No Nomination |

SENATOR IN GENERAL COURT

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|---|--|---|-----------------------------|---------------|
| BERKSHIRE, HAMPSHIRE & FRANKLIN DISTRICT | ANDREA F. NUCIFORO (Piitsfield) | No Nomination | No Nomination | No Nomination |
| BRISTOL & NORFOLK DISTRICT | No Nomination | JO ANN SPRAGUE (Walpole) | No Nomination | No Nomination |
| FIRST BRISTOL & PLYMOUTH DISTRICT | JOAN M. MENARD (Somerset) | No Nomination | No Nomination | No Nomination |
| SECOND BRISTOL & PLYMOUTH DISTRICT | MARK C. MONTIGNY (New Bedford) | No Nomination | No Nomination | No Nomination |
| CAPE & ISLANDS DISTRICT | ROBERT A. O'LEARY (Barnstable) | MARK C. BOARDMAN (Orleans) | No Nomination | No Nomination |
| FIRST ESSEX DISTRICT | STEVEN A. BADDOUR (Methuen) | No Nomination | No Nomination | No Nomination |
| SECOND ESSEX DISTRICT | FREDERICK E. BERRY (Peabody) | No Nomination | No Nomination | No Nomination |
| FIRST ESSEX & MIDDLESEX DISTRICT | ANDREW F. ARMATA (North Reading) MARK J.T. CAGGIANO (North Andover) | BRUCE E. TARR (Gloucester) | No Nomination | No Nomination |
| SECOND ESSEX & MIDDLESEX DISTRICT | SUSAN C. TUCKER (Andover) | No Nomination | No Nomination | No Nomination |
| THIRD ESSEX & MIDDLESEX DISTRICT | THOMAS M. McGEE (Lynn) | No Nomination | No Nomination | No Nomination |
| HAMPDEN DISTRICT | LINDA J. MELCONIAN (Springfield) | No Nomination | No Nomination | No Nomination |
| FIRST HAMPDEN & HAMPSHIRE DISTRICT | No Nomination | BRIAN P. LEES (E. Longmeadow) | No Nomination | No Nomination |
| SECOND HAMPDEN & HAMPSHIRE DISTRICT | DANIEL J. SZOSTKIEWICZ (Holyoke) | MICHAEL R. KNAPIK (Westfield) | No Nomination | No Nomination |
| HAMPSHIRE & FRANKLIN DISTRICT | STANLEY C. ROSENBERG (Amherst) | No Nomination | No Nomination | No Nomination |
| FIRST MIDDLESEX DISTRICT | STEVEN C. PANAGIOTAKOS (Lowell) | BROOKS T. LYMAN (Groton) | No Nomination | No Nomination |
| SECOND MIDDLESEX DISTRICT | CHARLES E. SHANNON (Winchester) | No Nomination | No Nomination | No Nomination |
| THIRD MIDDLESEX DISTRICT | SUSAN C. FARGO (Lincoln) | No Nomination | No Nomination | No Nomination |
| FOURTH MIDDLESEX DISTRICT | ROBERT A. HAVERN (Arlington) | No Nomination | No Nomination | No Nomination |
| MIDDLESEX & ESSEX DISTRICT | No Nomination | RICHARD R. TISEI (Wakefield) | No Nomination | No Nomination |
| FIRST MIDDLESEX & NORFOLK DISTRICT | CYNTHIA STONE CREEM (Newton) | No Nomination | No Nomination | No Nomination |
| SECOND MIDDLESEX & NORFOLK DISTRICT | No Nomination | No Nomination | No Nomination | No Nomination |
| MIDDLESEX SUFFOLK & ESSEX DISTRICT | JARRETT BARRIOS (Cambridge) CARLO DeMARIA (Everett) ANTHONY D. GALLUCCIO (Cambridge) | No Nomination | No Nomination | No Nomination |
| MIDDLESEX & WORCESTER DISTRICT | PAMELA P. RESOR (Acton) | MARY JANE HILLERY (Sudbury) | No Nomination | No Nomination |
| NORFOLK BRISTOL & MIDDLESEX DISTRICT | CHERYL ANN JACQUES (Needham) | EARL H. SHOLLEY (N. Attleborough) | No Nomination | No Nomination |
| NORFOLK BRISTOL & PLYMOUTH DISTRICT | BRIAN A. JOYCE (Milton) PERI J. O'CONNOR (Stoughton) | No Nomination | No Nomination | No Nomination |
| NORFOLK & PLYMOUTH DISTRICT | MICHAELW. MORRISSEY (Quincy) | No Nomination | No Nomination | No Nomination |
| PLYMOUTH & BARNSTABLE DISTRICT | THERESE MURRAY (Plymouth) | CHRISTOPHER L. FAVA (Plymouth) | No Nomination | No Nomination |
| FIRST PLYMOUTH & BRISTOL DISTRICT | MARC R. PACHECO (Taunton) | No Nomination | No Nomination | No Nomination |
| SECOND PLYMOUTH & BRISTOL DISTRICT | ROBERT S. CREEDON (Brockton) | No Nomination | No Nomination | No Nomination |
| PLYMOUTH & NORFOLK DISTRICT | TED LeCLAIR (Marshfield) | ROBERT L. HEDLUND (Weymouth) | No Nomination | No Nomination |
| FIRST SUFFOLK DISTRICT | JOHN A. HART (Boston) CAROL Y. MALLORY-CAUSEY (Boston) | WALTER R. CAMPBELL (Boston) ALTHEA GARRISON (Boston) | No Nomination | No Nomination |
| SECOND SUFFOLK DISTRICT | DIANNE WILKERSON (Boston) | No Nomination | No Nomination | No Nomination |
| FIRST SUFFOLK & MIDDLESEX DISTRICT | ROBERT E. TRAVAGLINI (Boston) | VINCENT J. MANGANELLO (Boston) | No Nomination | No Nomination |
| SECOND SUFFOLK & MIDDLESEX DISTRICT | STEVEN A. TOLMAN (Boston) | No Nomination | No Nomination | No Nomination |
| SUFFOLK & NORFOLK DISTRICT | MARIAN WALSH (Boston) | No Nomination | No Nomination | No Nomination |
| FIRST WORCESTER DISTRICT | HARRIETTE L. CHANDLER (Worcester) | No Nomination | No Nomination | No Nomination |
| SECOND WORCESTER DISTRICT | GUY WILLIAM GLODIS (Worcester) | No Nomination | No Nomination | No Nomination |
| WORCESTER HAMDEN HAMPSHIRE & FRANKLIN DIST. | STEPHEN M. BREWER (Barre) | No Nomination | CAROLYN J. McMAHON (Monson) | No Nomination |
| WORCESTER & MIDDLESEX DISTRICT | ROBERT A. ANTONIONI (Leominster) | No Nomination | No Nomination | No Nomination |
| WORCESTER & NORFOLK DISTRICT | RICHARD T. MOORE (Uxbridge) | RALPH PEREZ (Southbridge) | No Nomination | No Nomination |

State Primary — September 17, 2002

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GOVERNOR'S COUNCILLOR

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|------------------|--|---------------|---------------|---------------|
| FIRST DISTRICT | CAROLE A. FIOLA (Fall River) | No Nomination | No Nomination | No Nomination |
| SECOND DISTRICT | KELLY A. TIMILTY (Boston) CHESLEY ORIEL (Framingham) KERBY ROBERSON (Milton) | No Nomination | No Nomination | No Nomination |
| THIRD DISTRICT | MARILYN M. PETITTO DEVANEY (Watertown) | No Nomination | No Nomination | No Nomination |
| FOURTH DISTRICT | CHRISTOPHER A. IANNELLA (Boston) STEPHEN F. FLYNN (Hull) | No Nomination | No Nomination | No Nomination |
| FIFTH DISTRICT | MARY-ELLEN MANNING (Peabody) LOUIS JAMES CONNOLLY (Tewksbury) MARK E. TUTTLE (Salem) | No Nomination | No Nomination | No Nomination |
| SIXTH DISTRICT | MICHAEL J. CALLAHAN (Medford) | No Nomination | No Nomination | No Nomination |
| SEVENTH DISTRICT | DENNIS P. McMANUS (Worcester) | No Nomination | No Nomination | No Nomination |
| EIGHTH DISTRICT | EDWARD M. O'BRIEN (Easthampton) AARON R. WILSON (Hatfield) | No Nomination | No Nomination | No Nomination |

DISTRICT ATTORNEY

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|-------------------------|--|--|---------------|---------------|
| BERKSHIRE DISTRICT | GERARD D. DOWNING (Pittsfield) | No Nomination | No Nomination | No Nomination |
| BRISTOL DISTRICT | PAUL F. WALSH (New Bedford) | No Nomination | No Nomination | No Nomination |
| CAPE & ISLANDS DISTRICT | KEVIN D. CALLAHAN (Falmouth) | JOHN F. MEADE (Barnstable) MICHAEL O'KEEFE (Barnstable) | No Nomination | No Nomination |
| EASTERN DISTRICT | JONATHAN W. BLODGETT (Peabody) JOHN J. BURKE (North Andover) RICK GRUNDY (Salem) | No Nomination | No Nomination | No Nomination |
| HAMPDEN DISTRICT | WILLIAM M. BENNETT (Springfield) | No Nomination | No Nomination | No Nomination |
| MIDDLE DISTRICT | JOHN J. CONTE (Worcester) | GREGORY J. WHITE (Boylston) | No Nomination | No Nomination |
| NORFOLK DISTRICT | WILLIAM R. KEATING (Sharon) | No Nomination | No Nomination | No Nomination |
| NORTHERN DISTRICT | MARTHA COAKLEY (Medford) | No Nomination | No Nomination | No Nomination |
| NORTHWESTERN DISTRICT | No Nomination | ELIZABETH D. SCHEIBEL (South Hadley) | No Nomination | No Nomination |
| PLYMOUTH DISTRICT | TIMOTHY H. WHITE (Hingham) | TIMOTHY J. CRUZ (Marshfield) | No Nomination | No Nomination |
| SUFFOLK DISTRICT | DANIEL F. CONLEY (Boston) BRIAN J. HONAN (Boston) | No Nomination | No Nomination | No Nomination |

CLERK OF COURTS (VAC)

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|------------------|-------------------------|---------------|---------------|---------------|
| WORCESTER COUNTY | FRANCIS A FORD (Paxton) | No Nomination | No Nomination | No Nomination |

REGISTER OF PROBATE

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|-------------------|---|--|---------------|---------------|
| BARNSTABLE COUNTY | No Nomination | FREDERIC P. CLAUSSEN (Barnstable) PRISCILLA J. YOUNG (Bourne) | No Nomination | No Nomination |
| BERKSHIRE COUNTY | FRANCIS B. MARINARO (Pittsfield) | No Nomination | No Nomination | No Nomination |
| BRISTOL COUNTY | ROBERT E. PECK (Dartmouth) | No Nomination | No Nomination | No Nomination |
| DUKES COUNTY | No Nomination | ELIZABETH J. HERRMANN (Edgartown) | No Nomination | No Nomination |
| ESSEX COUNTY | PAMELA CASEY O'BRIEN (Saugus) | No Nomination | No Nomination | No Nomination |
| FRANKLIN COUNTY | JOHN A. BARRETT (Greenfield) JOHN F. MERRIGAN (Greenfield) | No Nomination | No Nomination | No Nomination |
| HAMPDEN COUNTY | THOMAS P. MORIARTY (Wilbraham) | No Nomination | No Nomination | No Nomination |
| HAMPSHIRE COUNTY | JOHANNA COLLINS (Northampton) MARY L. FORD (Northampton) DAVID E. SULLIVAN (Easthampton) THOMAS F. SULLIVAN (South Hadley) | No Nomination | No Nomination | No Nomination |
| MIDDLESEX COUNTY | JOHN R. BUONOMO (Somerville) DIANE POULOS HARPELL (Acton) ED McMAHON (Lowell) | JOHN W. LAMBERT (Shrewsbury) | No Nomination | No Nomination |
| NANTUCKET COUNTY | SYLVIA D. HOWARD (Nantucket) | No Nomination | No Nomination | No Nomination |
| NORFOLK COUNTY | PATRICK W. McDERMOTT (Quincy) MARK H. TOBIN (Quincy) | RICHARD P. SCHMIDT (Weymouth) | No Nomination | No Nomination |
| PLYMOUTH COUNTY | ROBERT E. McCARTHY (Bridgewater) | No Nomination | No Nomination | No Nomination |
| SUFFOLK COUNTY | RICHARD P. IANNELLA (Boston) | No Nomination | No Nomination | No Nomination |
| WORCESTER COUNTY | STEPHEN G. ABRAHAM (Worcester) | PETER M. LUKES (Worcester) | No Nomination | No Nomination |

REGISTER OF DEEDS (VAC)

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|----------------|--|---------------|---------------|---------------|
| SUFFOLK COUNTY | MICHAEL B. MACKAN (Boston) MICKEY ROACHE (Boston) | No Nomination | No Nomination | No Nomination |

COUNTY TREASURER

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|---------------------|--|------------------------------|---------------|---------------|
| BRISTOL COUNTY | KEVIN J. FINNERTY (New Bedford) M. EARLE GAUDETTE (Fall River) | No Nomination | No Nomination | No Nomination |
| DUKES COUNTY | No Nomination | No Nomination | No Nomination | No Nomination |
| NORFOLK COUNTY | JOSEPH A. CONNOLLY (Weymouth) MICHAEL J. JOYCE (Braintree) THOMAS P. KOCH (Quincy) | No Nomination | No Nomination | No Nomination |
| PLYMOUTH COUNTY | JOHN F. McLELLAN (Abington) JAMES E. HARRINGTON (Brockton) | No Nomination | No Nomination | No Nomination |
| COUNTY COMMISSIONER | Democrat | Republican | Libertarian | Green |
| BARNSTABLE COUNTY | ROLAND J. DUPONT (Bourne) | WILLIAM DOHERTY (Harwich) | No Nomination | No Nomination |
| BRISTOL COUNTY | MARIA F. LOPES (Taunton) GREGORY DeMELO (Dartmouth) | No Nomination | No Nomination | No Nomination |
| DUKES COUNTY | ROBERT M. SAWYER (Tisbury) WILLIAM J. SHAY (Oak Bluffs) PAUL A. STRAUSS (Oak Bluffs) | No Nomination | No Nomination | No Nomination |
| NORFOLK COUNTY | PETER H. COLLINS (Milton) | No Nomination | No Nomination | No Nomination |
| PLYMOUTH COUNTY | TIMOTHY J. McMULLEN (Pembroke) | OLAVO B. DEMACEDO (Kingston) | No Nomination | No Nomination |

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State Primary — September 17, 2002

REPRESENTATIVES IN GENERAL COURT

| | DEMOCRAT | REPUBLICAN | LIBERTARIAN | GREEN |
|---------------------------------------|--|-------------------------------------|-----------------------------------|-----------------------------|
| FIRST BARNSTABLE DISTRICT | CLEON H. TURNER (Dennis) | THOMAS N. GEORGE (Yarmouth) | No Nomination | No Nomination |
| SECOND BARNSTABLE DISTRICT | DEMETRIUS J. ATSAIS (Barnstable) | ANN B. CANEDY (Barnstable) | No Nomination | PETER A. WHITE |
| THIRD BARNSTABLE DISTRICT | MATTHEW C. PATRICK (Falmouth) | LARRY F. WHEATLEY (Barnstable) | No Nomination | No Nomination |
| | GEORGE R. COSTA (Mashpee) | | | |
| FOURTH BARNSTABLE DISTRICT | No Nomination | SHIRLEY A. GOMES (Harwich) | No Nomination | No Nomination |
| FIFTH BARNSTABLE DISTRICT | RUTH W. PROVOST (Sandwich) | JEFFREY DAVIS PERRY (Sandwich) | No Nomination | No Nomination |
| BARNSTABLE DUKES & NANTUCKET DISTRICT | ERIC T. TURKINGTON (Falmouth) | No Nomination | No Nomination | No Nomination |
| FIRST BERKSHIRE DISTRICT | DANIEL E. BOSLEY (North Adams) | No Nomination | No Nomination | No Nomination |
| SECOND BERKSHIRE DISTRICT | No Nomination | SHAUN P. KELLY (Dalton) | No Nomination | No Nomination |
| THIRD BERKSHIRE DISTRICT | PETER J. LARKIN (Pittsfield) | No Nomination | No Nomination | No Nomination |
| | ERIC GUTTORMSEN (Pittsfield) | | | |
| FOURTH BERKSHIRE DISTRICT | WILLIAM SMITTY PIGNATELLI (Lenox) | J. CRISTOPHER IRSFELD (Stockbridge) | No Nomination | No Nomination |
| | KEVIN J. SHERMAN (Lenox) | | | |
| FIRST BRISTOL DISTRICT | No Nomination | MICHAEL J. COPPOLA (Foxborough) | No Nomination | No Nomination |
| SECOND BRISTOL DISTRICT | No Nomination | JOHN A. LEPPER (Attleboro) | No Nomination | No Nomination |
| THIRD BRISTOL DISTRICT | JAMES H. FAGAN (Taunton) | No Nomination | No Nomination | No Nomination |
| FOURTH BRISTOL DISTRICT | PHILIP TRAVIS (Rehoboth) | No Nomination | No Nomination | No Nomination |
| FIFTH BRISTOL DISTRICT | PATRICIA A. HADDAD (Somerset) | No Nomination | No Nomination | No Nomination |
| SIXTH BRISTOL DISTRICT | DAVID B. SULLIVAN (Fall River) | No Nomination | No Nomination | No Nomination |
| | JOSEPH (JOE) D. CAMARA (Fall River) | | | |
| SEVENTH BRISTOL DISTRICT | ROBERT CORREIA (Fall River) | No Nomination | RAYMOND P. LEARY (Fall River) | No Nomination |
| EIGHTH BRISTOL DISTRICT | MICHAEL J. RODRIGUES (Westport) | No Nomination | No Nomination | No Nomination |
| NINTH BRISTOL DISTRICT | JOHN F. QUINN (Dartmouth) | No Nomination | No Nomination | No Nomination |
| TENTH BRISTOL DISTRICT | WILLIAM M. STRAUS (Mattapoisett) | No Nomination | No Nomination | No Nomination |
| ELEVENTH BRISTOL DISTRICT | ROBERT M. KOCZERA (New Bedford) | No Nomination | No Nomination | No Nomination |
| TWELFTH BRISTOL DISTRICT | GEORGE ROGERS (New Bedford) | No Nomination | No Nomination | No Nomination |
| | MARK A. HOWLAND (Freetown) | | | |
| THIRTEENTH BRISTOL DISTRICT | ANTONIO F.D. CABRAL (New Bedford) | No Nomination | No Nomination | No Nomination |
| | DUARTE D. SILVA (New Bedford) | | | |
| FOURTEENTH BRISTOL DISTRICT | No Nomination | ELIZABETH A. POIRIER (Attleborough) | No Nomination | No Nomination |
| FIRST ESSEX DISTRICT | PAUL E. TIRONE (Amesbury) | No Nomination | No Nomination | No Nomination |
| | MICHAEL A. COSTELLO (Newburyport) | | | |
| SECOND ESSEX DISTRICT | HARRIETT LARI STANLEY (W. Newbury) | JAMES E. CASSIDY (Haverhill) | No Nomination | No Nomination |
| | | ROBERT V. "BOB" FINNERAN (Newbury) | | |
| THIRD ESSEX DISTRICT | BRIAN S. DEMPSEY (Haverhill) | No Nomination | No Nomination | No Nomination |
| FOURTH ESSEX DISTRICT | No Nomination | BRADFORD R. HILL (Ipswich) | No Nomination | No Nomination |
| FIFTH ESSEX DISTRICT | ANTHONY J. VERGA (Gloucester) | CHARLES F. CHOATE (Gloucester) | No Nomination | No Nomination |
| SIXTH ESSEX DISTRICT | RONALD F. COSTA (Beverly) | JOHN W. MURRAY (Beverly) | No Nomination | No Nomination |
| | MARY E. GRANT (Beverly) | | | |
| | F. JOHN MONAHAN (Beverly) | | | |
| SEVENTH ESSEX DISTRICT | ROBERT A. MUNROE (Beverly) | No Nomination | No Nomination | No Nomination |
| | J. MICHAEL RUANE (Salem) | | | |
| | HEATHER B. PICKARD (Salem) | | | |
| EIGHTH ESSEX DISTRICT | DOUGLAS PETERSEN (Marblehead) | No Nomination | No Nomination | No Nomination |
| NINTH ESSEX DISTRICT | MARK V. FALZONE (Saugus) | No Nomination | No Nomination | No Nomination |
| | STEPHEN P. MAIO (Wakefield) | | | |
| TENTH ESSEX DISTRICT | ROBERT F. FENNELL (Lynn) | No Nomination | No Nomination | No Nomination |
| ELEVENTH ESSEX DISTRICT | DONNA M. COPPOLA (Lynn) | No Nomination | No Nomination | No Nomination |
| | RICHARD W. COSTIN (Lynn) | | | |
| | JOHN E. FORD (Lynn) | | | |
| TWELFTH ESSEX DISTRICT | STEVEN MYLES WALSH (Lynn) | JOHN F. McCARTHY Jr. (Peabody) | No Nomination | No Nomination |
| | ANNE M. MANNING (Peabody) | | | |
| | PETER C. McCARTHY (Peabody) | | | |
| | JOYCE A. SPILIOTIS (Peabody) | | | |
| | ROBERT J. WOOD (Peabody) | | | |
| THIRTEENTH ESSEX DISTRICT | THEODORE C. SPELIOTIS (Danvers) | STEPHEN S. CLARK (Topsfield) | No Nomination | No Nomination |
| FOURTEENTH ESSEX DISTRICT | DAVID M. TORRISI (North Andover) | PAULA L. PORTEN (North Andover) | No Nomination | JONATHAN A. |
| LEAVITT | | | | |
| | GRAYDON McCORMICK (North Andover) | | | |
| FIFTEENTH ESSEX DISTRICT | ARTHUR J. BROADHURST (Methuen) | No Nomination | No Nomination | No Nomination |
| SIXTEENTH ESSEX DISTRICT | JOSE L. SANTIAGO (Lawrence) | No Nomination | No Nomination | No Nomination |
| | PATRICK J. BLANCHETTE (Lawrence) | | | |
| | ALFONSO GARCIA (Lawrence) | | | |
| SEVENTEENTH ESSEX DISTRICT | BARRY R. FINEGOLD (Andover) | No Nomination | No Nomination | No Nomination |
| | MICHAEL A. FRISHMAN (Andover) | | | |
| EIGHTEENTH ESSEX DISTRICT | BARBARA A. L'ITALIEN (Andover) | KATHLEEN R. SACHS (Georgetown) | No Nomination | No Nomination |
| | KEVIN BRYAN SHEA (Georgetown) | | | |
| FIRST FRANKLIN DISTRICT | STEPHEN KULIK (Worthington) | JAMES A. GAGNÉ (Sunderland) | No Nomination | No Nomination |
| SECOND FRANKLIN DISTRICT | CHRISTOPHER J. DONELAN (Orange) | No Nomination | No Nomination | No Nomination |
| | PETER A. RUGGERI (Greenfield) | | | |
| FIRST HAMPDEN DISTRICT | No Nomination | REED V. HILLMAN (Sturbridge) | No Nomination | No Nomination |
| SECOND HAMPDEN DISTRICT | KATHLEEN E. GRADY (Longmeadow) | MARY S. ROGENESS (Longmeadow) | ALAN L. WILCOX (Monson) | No Nomination |
| THIRD HAMPDEN DISTRICT | DANIEL F. KEENAN (Southwick) | No Nomination | No Nomination | No Nomination |
| FOURTH HAMPDEN DISTRICT | BO SULLIVAN (Westfield) | LYNN F. BOSCHER (Westfield) | No Nomination | No Nomination |
| | | DONALD F. HUMASON Jr. (Westfield) | | |
| FIFTH HAMPDEN DISTRICT | MICHAEL F. KANE (Holyoke) | MICHAEL FRANCO (Holyoke) | No Nomination | No Nomination |
| SIXTH HAMPDEN DISTRICT | STEPHEN J. BUONICONTI (W. Springfield) | No Nomination | No Nomination | No Nomination |
| SEVENTH HAMPDEN DISTRICT | THOMAS M. PETROLATI (Ludlow) | No Nomination | No Nomination | No Nomination |
| EIGHTH HAMPDEN DISTRICT | JOSEPH F. WAGNER (Chicopee) | No Nomination | No Nomination | No Nomination |
| NINTH HAMPDEN DISTRICT | CHRISTOPHER P. ASSELIN (Springfield) | No Nomination | No Nomination | No Nomination |
| TENTH HAMPDEN DISTRICT | CHERYL RIVERA (Springfield) | No Nomination | No Nomination | No Nomination |
| ELEVENTH HAMPDEN DISTRICT | BENJAMIN SWAN (Springfield) | No Nomination | No Nomination | No Nomination |
| | LARRY LAWSON (Springfield) | | | |
| | BUD L. WILLIAMS (Springfield) | | | |
| TWELFTH HAMPDEN DISTRICT | GALE D. CANDARAS (Wilbraham) | BOB COLLAMORE (Springfield) | No Nomination | No Nomination |
| | | CHRISTOPHER R. LEISEY (Wilbraham) | | |
| FIRST HAMPSHIRE DISTRICT | PETER V. KOCOT (Northampton) | No Nomination | No Nomination | MICHAEL E. ALEO |
| SECOND HAMPSHIRE DISTRICT | PATRICIA A. DUFFY (South Hadley) | No Nomination | No Nomination | SUE BARTONE |
| | CARLENE C. HAMLIN (South Hadley) | | | |
| THIRD HAMPSHIRE DISTRICT | ELLEN STORY (Amherst) | No Nomination | No Nomination | No Nomination |
| FIRST MIDDLESEX DISTRICT | No Nomination | ROBERT S. HARGRAVES (Groton) | No Nomination | No Nomination |
| SECOND MIDDLESEX DISTRICT | GEOFFREY D. HALL (Westford) | No Nomination | No Nomination | No Nomination |
| THIRD MIDDLESEX DISTRICT | PATRICIA A. WALRATH (Stow) | No Nomination | No Nomination | No Nomination |
| FOURTH MIDDLESEX DISTRICT | STEPHEN P. LeDUC (Marlborough) | No Nomination | MARK P. TESTAGROSSA (Marlb.) | No Nomination |
| FIFTH MIDDLESEX DISTRICT | DAVID PAUL LINSKY (Natick) | No Nomination | No Nomination | No Nomination |
| SIXTH MIDDLESEX DISTRICT | DEBORAH D. BLUMER (Framingham) | No Nomination | JAMES M. PILLSBURY (Framin.) | No Nomination |
| SEVENTH MIDDLESEX DISTRICT | KAREN E. SPILKA (Ashland) | No Nomination | GREGORY DOHERTY (Framin.) | No Nomination |
| EIGHTH MIDDLESEX DISTRICT | JAMES P. CARBONEAU (Holliston) | PAUL J.P. LOSCOCCO (Holliston) | No Nomination | No Nomination |
| NINTH MIDDLESEX DISTRICT | THOMAS M. STANLEY (Waltham) | No Nomination | No Nomination | No Nomination |
| TENTH MIDDLESEX DISTRICT | PETER J. KOUTOUJIAN (Newton) | No Nomination | No Nomination | No Nomination |
| ELEVENTH MIDDLESEX DISTRICT | KAY S. KHAN (Newton) | No Nomination | DANNY FAIN | No Nomination |
| | ZYGMUNT P. CHOROSZY (Newton) | | | |
| TWELFTH MIDDLESEX DISTRICT | RUTH B. BALSER (Newton) | No Nomination | No Nomination | No Nomination |
| THIRTEENTH MIDDLESEX DISTRICT | No Nomination | SUSAN W. POPE (Wayland) | No Nomination | No Nomination |
| FOURTEENTH MIDDLESEX DISTRICT | CORY ATKINS (Concord) | RICHARD P. McCLURE (Chelmsford) | No Nomination | No Nomination |
| | | PETER J. UNITT III (Concord) | | |
| FIFTEENTH MIDDLESEX DISTRICT | JAY R. KAUFMAN (Lexington) | No Nomination | No Nomination | No Nomination |
| SIXTEENTH MIDDLESEX DISTRICT | THOMAS A. GOLDEN (Lowell) | No Nomination | HARRY H. GARAVANIAN (Lowell) | No Nomination |
| SEVENTEENTH MIDDLESEX DISTRICT | DAVID M. NANGLE (Lowell) | No Nomination | CLIFFORD R. KRIEGER (Lowell) | ERYK C. BOSTON (Chelmsford) |
| EIGHTEENTH MIDDLESEX DISTRICT | KEVIN J. MURPHY (Lowell) | No Nomination | JOHN W. CHAROW Jr. (Lowell) | No Nomination |
| NINETEENTH MIDDLESEX DISTRICT | JAMES R. MICELI (Wilmington) | No Nomination | DANIEL H. BALLOU Jr. (Wilmington) | No Nomination |

State Primary — September 17, 2002

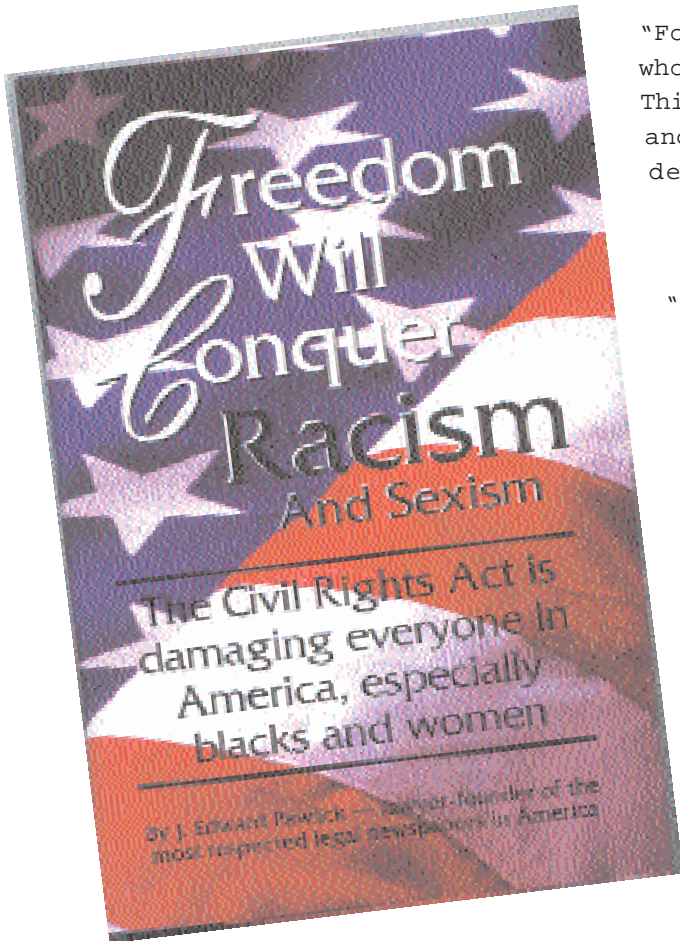
4

| | | | | |
|-----------------------------------|-------------------------------------|-----------------------------------|-------------------------------------|----------------|
| TWENTIETH MIDDLESEX DISTRICT | No Nomination | BRADLEY H. JONES Jr. (N. Reading) | No Nomination | No Nomination |
| TWENTY-FIRST MIDDLESEX DISTRICT | CHARLES A. MURPHY (Burlington) | No Nomination | ELIAS ISRAEL (Burlington) | No Nomination |
| TWENTY-SECOND MIDDLESEX DISTRICT | TERRENCE L. PARKER (Bedford) | No Nomination | No Nomination | No Nomination |
| TWENTY-THIRD MIDDLESEX DISTRICT | WILLIAM G. GREENE (Billerica) | No Nomination | No Nomination | No Nomination |
| TWENTY-FOURTH MIDDLESEX DISTRICT | JIM MARZILLI (Arlington) | No Nomination | No Nomination | No Nomination |
| TWENTY-FIFTH MIDDLESEX DISTRICT | RICHARD ARENA (Arlington) | No Nomination | No Nomination | No Nomination |
| TWENTY-SIXTH MIDDLESEX DISTRICT | ANNE MARIE PAULSEN (Belmont) | No Nomination | No Nomination | No Nomination |
| TWENTY-SEVENTH MIDDLESEX DISTRICT | ALICE K. WOLF (Cambridge) | No Nomination | No Nomination | PAUL LACHELIER |
| TWENTY-EIGHTH MIDDLESEX DISTRICT | TIMOTHY J. TOOMEY (Cambridge) | No Nomination | JOHN A. RODERICK (Somerville) | No Nomination |
| TWENTY-NINTH MIDDLESEX DISTRICT | PATRICIA D. JEHLEN (Somerville) | No Nomination | ANTHONY F. RANIERI (Everett) | No Nomination |
| THIRTIETH MIDDLESEX DISTRICT | EDWARD G. CONNOLLY (Everett) | No Nomination | RACHEL KAPRIELIAN (Watertown) | No Nomination |
| THIRTY-FIRST MIDDLESEX DISTRICT | BARBARA J. AUGER COLLINS (Everett) | No Nomination | CAROL A. DONOVAN (Woburn) | No Nomination |
| THIRTY-SECOND MIDDLESEX DISTRICT | RACHEL KAPRIELIAN (Watertown) | No Nomination | PAUL C. CASEY (Winchester) | No Nomination |
| THIRTY-THIRD MIDDLESEX DISTRICT | CAROL A. DONOVAN (Woburn) | No Nomination | MICHAEL E. FESTA (Melrose) | No Nomination |
| THIRTY-FOURTH MIDDLESEX DISTRICT | PAUL C. CASEY (Winchester) | No Nomination | ARTHUR E. HITCHMAN Jr. (Melrose) | No Nomination |
| THIRTY-FIFTH MIDDLESEX DISTRICT | MICHAEL E. FESTA (Melrose) | No Nomination | CHRISTOPHER G. FALLON (Malden) | No Nomination |
| THIRTY-SIXTH MIDDLESEX DISTRICT | CHRISTOPHER G. FALLON (Malden) | No Nomination | VINCENT PAUL CIAMPA (Somerville) | No Nomination |
| THIRTY-SEVENTH MIDDLESEX DISTRICT | VINCENT PAUL CIAMPA (Somerville) | No Nomination | PAUL J. DONATO (Medford) | No Nomination |
| FIRST NORFOLK DISTRICT | PAUL J. DONATO (Medford) | No Nomination | COLLEEN M. GARRY (Dracut) | No Nomination |
| SECOND NORFOLK DISTRICT | COLLEEN M. GARRY (Dracut) | No Nomination | JAMES B. ELDRIDGE (Acton) | No Nomination |
| THIRD NORFOLK DISTRICT | JAMES B. ELDRIDGE (Acton) | No Nomination | RONALD LAMOTHE (Lunenburg) | No Nomination |
| FOURTH NORFOLK DISTRICT | RONALD LAMOTHE (Lunenburg) | No Nomination | PAUL E. LINET (Boxborough) | No Nomination |
| FIFTH NORFOLK DISTRICT | PAUL E. LINET (Boxborough) | No Nomination | DAVID "DOC" L. WESTERLING (Harvard) | No Nomination |
| SIXTH NORFOLK DISTRICT | DAVID "DOC" L. WESTERLING (Harvard) | No Nomination | BRUCE J. AYERS (Quincy) | No Nomination |
| SEVENTH NORFOLK DISTRICT | BRUCE J. AYERS (Quincy) | No Nomination | ARTHUR STEPHEN TOBIN (Quincy) | No Nomination |
| EIGHTH NORFOLK DISTRICT | ARTHUR STEPHEN TOBIN (Quincy) | No Nomination | RONALD MARIANO (Quincy) | No Nomination |
| NINTH NORFOLK DISTRICT | RONALD MARIANO (Quincy) | No Nomination | JAMES M. MURPHY (Weymouth) | No Nomination |
| TENTH NORFOLK DISTRICT | JAMES M. MURPHY (Weymouth) | No Nomination | JOSEPH C. SULLIVAN (Braintree) | No Nomination |
| ELEVENTH NORFOLK DISTRICT | JOSEPH C. SULLIVAN (Braintree) | No Nomination | WILLIAM C. GALVIN (Canton) | No Nomination |
| TWELFTH NORFOLK DISTRICT | WILLIAM C. GALVIN (Canton) | No Nomination | WALTER F. TIMILTY (Milton) | No Nomination |
| THIRTEENTH NORFOLK DISTRICT | WALTER F. TIMILTY (Milton) | No Nomination | JOSEPH P. McETTRICK (Milton) | No Nomination |
| FOURTEENTH NORFOLK DISTRICT | JOSEPH P. McETTRICK (Milton) | No Nomination | LOUIS L. KAFKA (Sharon) | No Nomination |
| FIFTEENTH NORFOLK DISTRICT | LOUIS L. KAFKA (Sharon) | No Nomination | No Nomination | No Nomination |
| FIRST PLYMOUTH DISTRICT | JAMES E. VALLEE (Franklin) | No Nomination | JOSEPH A. PASCARELLA (Dedham) | No Nomination |
| SECOND PLYMOUTH DISTRICT | MARYANNE LEWIS (Dedham) | No Nomination | DANIEL SMITH (Dedham) | No Nomination |
| THIRD PLYMOUTH DISTRICT | ROBERT K. COUGHLIN (Dedham) | No Nomination | JOHN H. ROGERS (Norwood) | No Nomination |
| FOURTH PLYMOUTH DISTRICT | JOHN H. ROGERS (Norwood) | No Nomination | LIDA E. HARKINS (Needham) | No Nomination |
| FIFTH PLYMOUTH DISTRICT | LIDA E. HARKINS (Needham) | No Nomination | LAWRENCE R. KAPLAN (Wellesley) | No Nomination |
| SIXTH PLYMOUTH DISTRICT | LAWRENCE R. KAPLAN (Wellesley) | No Nomination | ALICE HANLON PEISCH (Wellesley) | No Nomination |
| SEVENTH PLYMOUTH DISTRICT | ALICE HANLON PEISCH (Wellesley) | No Nomination | FRANK ISRAEL SMIZIK (Brookline) | No Nomination |
| EIGHTH PLYMOUTH DISTRICT | FRANK ISRAEL SMIZIK (Brookline) | No Nomination | LORING TRIPP III (Plymouth) | No Nomination |
| NINTH PLYMOUTH DISTRICT | LORING TRIPP III (Plymouth) | No Nomination | JOHN T. DONAHUE (Wareham) | No Nomination |
| TENTH PLYMOUTH DISTRICT | JOHN T. DONAHUE (Wareham) | No Nomination | RICHARD A. MUSIOL (Bourne) | No Nomination |
| ELEVENTH PLYMOUTH DISTRICT | RICHARD A. MUSIOL (Bourne) | No Nomination | GARRETT J. BRADLEY (Hingham) | No Nomination |
| TWELFTH PLYMOUTH DISTRICT | GARRETT J. BRADLEY (Hingham) | No Nomination | FRANK M. HYNES (Marshfield) | No Nomination |
| FIRST SUFFOLK DISTRICT | FRANK M. HYNES (Marshfield) | No Nomination | ROBERT J. NYMAN (Hanover) | No Nomination |
| SECOND SUFFOLK DISTRICT | ROBERT J. NYMAN (Hanover) | No Nomination | WILLIAM CULLITY (Pembroke) | No Nomination |
| THIRD SUFFOLK DISTRICT | WILLIAM CULLITY (Pembroke) | No Nomination | BRIDGET A. SIMMONS (Pembroke) | No Nomination |
| FOURTH SUFFOLK DISTRICT | BRIDGET A. SIMMONS (Pembroke) | No Nomination | KATHLEEN M. TEAHAN (Whitman) | No Nomination |
| FIFTH SUFFOLK DISTRICT | KATHLEEN M. TEAHAN (Whitman) | No Nomination | DAVID L. FLYNN (Bridgewater) | No Nomination |
| SIXTH SUFFOLK DISTRICT | DAVID L. FLYNN (Bridgewater) | No Nomination | THOMAS P. KENNEDY (Brockton) | No Nomination |
| SEVENTH SUFFOLK DISTRICT | THOMAS P. KENNEDY (Brockton) | No Nomination | CHRISTINE E. CANAVAN (Brockton) | No Nomination |
| EIGHTH SUFFOLK DISTRICT | CHRISTINE E. CANAVAN (Brockton) | No Nomination | GERALDINE CREEDON (Brockton) | No Nomination |
| NINTH SUFFOLK DISTRICT | GERALDINE CREEDON (Brockton) | No Nomination | THOMAS J. O'BRIEN (Kingston) | No Nomination |
| TENTH SUFFOLK DISTRICT | THOMAS J. O'BRIEN (Kingston) | No Nomination | ANTHONYW. PETRUCCCELLI (Boston) | No Nomination |
| ELEVENTH SUFFOLK DISTRICT | ANTHONYW. PETRUCCCELLI (Boston) | No Nomination | EUGENE L. O'FLAHERTY (Chelsea) | No Nomination |
| TWELFTH SUFFOLK DISTRICT | EUGENE L. O'FLAHERTY (Chelsea) | No Nomination | SALVATORE F. DiMASI (Boston) | No Nomination |
| THIRTEENTH SUFFOLK DISTRICT | SALVATORE F. DiMASI (Boston) | No Nomination | SHAWN P. MURPHY (Boston) | No Nomination |
| FOURTEENTH SUFFOLK DISTRICT | SHAWN P. MURPHY (Boston) | No Nomination | ROBERT O'SHEA (Boston) | No Nomination |
| FIFTEENTH SUFFOLK DISTRICT | ROBERT O'SHEA (Boston) | No Nomination | BRIAN P. WALLACE (Boston) | No Nomination |
| SIXTEENTH SUFFOLK DISTRICT | BRIAN P. WALLACE (Boston) | No Nomination | MARIE ST. FLEUR (Boston) | No Nomination |
| SEVENTEENTH SUFFOLK DISTRICT | MARIE ST. FLEUR (Boston) | No Nomination | SHIRLEY OWENS-HICKS (Boston) | No Nomination |
| EIGHTEENTH SUFFOLK DISTRICT | SHIRLEY OWENS-HICKS (Boston) | No Nomination | GLORIA L. FOX (Boston) | No Nomination |
| NINETEENTH SUFFOLK DISTRICT | GLORIA L. FOX (Boston) | No Nomination | PAUL C. DEMAKIS (Boston) | No Nomination |
| FIRST WORCESTER DISTRICT | PAUL C. DEMAKIS (Boston) | No Nomination | MARJORIE C. DECKER (Cambridge) | No Nomination |
| SECOND WORCESTER DISTRICT | MARJORIE C. DECKER (Cambridge) | No Nomination | BYRON RUSHING (Boston) | No Nomination |
| THIRD WORCESTER DISTRICT | BYRON RUSHING (Boston) | No Nomination | SARA HAMLEN (Boston) | No Nomination |
| FOURTH WORCESTER DISTRICT | SARA HAMLEN (Boston) | No Nomination | JOHN M. HICKEY (Boston) | No Nomination |
| FIFTH WORCESTER DISTRICT | JOHN M. HICKEY (Boston) | No Nomination | BRIAN J. KENNEALLY (Boston) | No Nomination |
| SIXTH WORCESTER DISTRICT | BRIAN J. KENNEALLY (Boston) | No Nomination | MICHAEL F. RUSH (Boston) | No Nomination |
| SEVENTH WORCESTER DISTRICT | MICHAEL F. RUSH (Boston) | No Nomination | ELIZABETH A. MALIA (Boston) | No Nomination |
| EIGHTH WORCESTER DISTRICT | ELIZABETH A. MALIA (Boston) | No Nomination | RAFAEL P. McLAUGHLIN (Boston) | No Nomination |
| NINTH WORCESTER DISTRICT | RAFAEL P. McLAUGHLIN (Boston) | No Nomination | JACQUELYNE PAYNE-THOMPSON (Boston) | No Nomination |
| TENTH WORCESTER DISTRICT | JACQUELYNE PAYNE-THOMPSON (Boston) | No Nomination | THOMAS M. FINNERAN (Boston) | No Nomination |
| ELEVENTH WORCESTER DISTRICT | THOMAS M. FINNERAN (Boston) | No Nomination | MARTIN J. WALSH (Boston) | No Nomination |
| TWELFTH WORCESTER DISTRICT | MARTIN J. WALSH (Boston) | No Nomination | EDWARD L. GEARY (Boston) | No Nomination |
| THIRTEENTH WORCESTER DISTRICT | EDWARD L. GEARY (Boston) | No Nomination | ANGELO M. SCACCIA (Boston) | No Nomination |
| FOURTEENTH WORCESTER DISTRICT | ANGELO M. SCACCIA (Boston) | No Nomination | WILLIAM F. ALLAN (Boston) | No Nomination |
| FIFTEENTH WORCESTER DISTRICT | WILLIAM F. ALLAN (Boston) | No Nomination | KATHRYN J. BROOKINS (Boston) | No Nomination |
| SIXTEENTH WORCESTER DISTRICT | KATHRYN J. BROOKINS (Boston) | No Nomination | RICHARD J. GIORDANO (Boston) | No Nomination |
| SEVENTEENTH WORCESTER DISTRICT | RICHARD J. GIORDANO (Boston) | No Nomination | JUAN LOPEZ (Boston) | No Nomination |
| EIGHTEENTH WORCESTER DISTRICT | JUAN LOPEZ (Boston) | No Nomination | D. EVAN RUDALL (Boston) | No Nomination |
| NINETEENTH WORCESTER DISTRICT | D. EVAN RUDALL (Boston) | No Nomination | JEFFREY SANCHEZ (Boston) | No Nomination |
| FIRST WORCESTER DISTRICT | JEFFREY SANCHEZ (Boston) | No Nomination | KATHI-ANNE REINSTEIN (Revere) | No Nomination |
| SECOND WORCESTER DISTRICT | KATHI-ANNE REINSTEIN (Revere) | No Nomination | KEVIN G. HONAN (Boston) | No Nomination |
| THIRD WORCESTER DISTRICT | KEVIN G. HONAN (Boston) | No Nomination | BRIAN PAUL GOLDEN (Boston) | No Nomination |
| FOURTH WORCESTER DISTRICT | BRIAN PAUL GOLDEN (Boston) | No Nomination | PAUL WILLIAM FELKER (Boston) | No Nomination |
| FIFTH WORCESTER DISTRICT | PAUL WILLIAM FELKER (Boston) | No Nomination | DAVID SAMUEL FRIEDMAN (Boston) | No Nomination |
| SIXTH WORCESTER DISTRICT | DAVID SAMUEL FRIEDMAN (Boston) | No Nomination | ROBERT A. DeLEO (Winthrop) | No Nomination |
| SEVENTH WORCESTER DISTRICT | ROBERT A. DeLEO (Winthrop) | No Nomination | DAVID C. BUNKER (Rutland) | No Nomination |
| EIGHTH WORCESTER DISTRICT | DAVID C. BUNKER (Rutland) | No Nomination | PAUL J. RONUKAITUS (Winthrop) | No Nomination |
| NINTH WORCESTER DISTRICT | PAUL J. RONUKAITUS (Winthrop) | No Nomination | LEWIS G. EVANGELIDIS (Holden) | No Nomination |
| TENTH WORCESTER DISTRICT | LEWIS G. EVANGELIDIS (Holden) | No Nomination | MARK S. FERGUSON (Holden) | No Nomination |
| ELEVENTH WORCESTER DISTRICT | MARK S. FERGUSON (Holden) | No Nomination | WILLIAM A. HUNT (Gardner) | No Nomination |
| TWELFTH WORCESTER DISTRICT | WILLIAM A. HUNT (Gardner) | No Nomination | No Nomination | No Nomination |
| THIRTEENTH WORCESTER DISTRICT | No Nomination | No Nomination | RYAN J. WITKOS (Hardwick) | No Nomination |
| FOURTEENTH WORCESTER DISTRICT | RYAN J. WITKOS (Hardwick) | No Nomination | JERZY J. JACHIMCZYK (Southbridge) | No Nomination |
| FIFTEENTH WORCESTER DISTRICT | JERZY J. JACHIMCZYK (Southbridge) | No Nomination | PAUL K. FROST (Auburn) | No Nomination |
| SIXTEENTH WORCESTER DISTRICT | PAUL K. FROST (Auburn) | No Nomination | No Nomination | No Nomination |
| SEVENTEENTH WORCESTER DISTRICT | No Nomination | No Nomination | GEORGE N. PETERSON Jr. (Grafton) | No Nomination |
| EIGHTEENTH WORCESTER DISTRICT | GEORGE N. PETERSON Jr. (Grafton) | No Nomination | No Nomination | No Nomination |
| NINETEENTH WORCESTER DISTRICT | No Nomination | No Nomination | KARYN E. POLITO (Shrewsbury) | No Nomination |
| FIRST WORCESTER DISTRICT | No Nomination | No Nomination | WILLIAM D. PACHECO (Clinton) | No Nomination |
| SECOND WORCESTER DISTRICT | No Nomination | No Nomination | ROBERT P. SPELLANE (Worcester) | No Nomination |
| THIRD WORCESTER DISTRICT | ROBERT P. SPELLANE (Worcester) | No Nomination | JAMES B. LEARY (Worcester) | No Nomination |
| FOURTH WORCESTER DISTRICT | JAMES B. LEARY (Worcester) | No Nomination | VINCENT A. PEDONE (Worcester) | No Nomination |
| FIFTH WORCESTER DISTRICT | VINCENT A. PEDONE (Worcester) | No Nomination | JOHN P. FRESOLO (Worcester) | No Nomination |
| SIXTH WORCESTER DISTRICT | JOHN P. FRESOLO (Worcester) | No Nomination | JOHN J. BINIENDA (Worcester) | No Nomination |
| SEVENTH WORCESTER DISTRICT | JOHN J. BINIENDA (Worcester) | No Nomination | JENNIFER M. CALLAHAN (Sutton) | No Nomination |
| EIGHTH WORCESTER DISTRICT | JENNIFER M. CALLAHAN (Sutton) | No Nomination | PETER A. AMORELLO (Sutton) | No Nomination |
| NINTH WORCESTER DISTRICT | PETER A. AMORELLO (Sutton) | No Nomination | ROBERT J. DUBOIS (Blackstone) | No Nomination |
| TENTH WORCESTER DISTRICT | ROBERT J. DUBOIS (Blackstone) | No Nomination | | |

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SJC Asked to Clarify Sen. Birmingham's Duties

1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

SARAH McVAY PAWLICK
Plaintiff

v.

THOMAS BIRMINGHAM
Defendant
and

SECRETARY OF THE COMMONWEALTH
Defendant

COMPLAINT FOR DECLARATORY RELIEF

Parties

1. Plaintiff Sarah McVay Pawlick is President of Massachusetts Citizens for Marriage, a Massachusetts corporation which was organized for the purpose of passing an amendment, known as the Protection of Marriage Amendment, to the state Constitution under the referendum procedure of Article 48, with offices at 1277 Main Street, Waltham, MA 02451.

2. Plaintiff is bringing this action as a private citizen who has suffered money damages because of her monetary support of the aforesaid Amendment.

3. Defendant William Galvin is Secretary of the Commonwealth, One Ashburton Place, Boston, Massachusetts 02108

4. Defendant Thomas Birmingham, is President of the Massachusetts Senate, Room 332, State House, Boston, MA 02133 but this action lies against him as a private citizen.

Facts

5. As a result of the failure of Senate President Birmingham to call for a vote on the Protection of Marriage Amendment as mandated by the Constitution, an actual controversy has arisen between Plaintiff and the Senator as to his duties under art. 48 of the state Constitution and she has suffered extensive money damages.

6. As a result of her experience with the article 48 procedure over the past two years and her resultant knowledge of the frustration of many citizens with this referendum procedure, which has become a shambles because of a misreading by lawyers and the public of the Court's opinions, she requests the Court to clarify for the entire state, the duties of the Legislature, including whether the action by a President of the Senate in refusing to call a vote of the legislators sitting in a Constitutional Convention is a "political" decision that is allowable under the law or whether it is an illegal or *ultra vires* action.

Jurisdiction – Secretary of State

7. The constitutional and statutory duties of the Secretary of State include administering the Massachusetts election laws, including art. 48 referendums.

Jurisdiction - Senator Birmingham

8. If the action of the Senate President in failing to call for a vote is illegal and he was *ultra vires*, he was not acting in his capacity as the President of the Senate at the time and would not have the protection of legislative immunity. Therefore, this personal action will lie.

Claim for Relief

9. Plaintiff seeks a clarification from the Court as to the duties of the Senate President in an art. 48 initiative for a Constitutional Amendment.

10. Plaintiff seeks a clarification as to the duties of each legislator when they vote upon whether to pass an Amendment on to the people for their vote at the ballot under an art. 48 initiative for a Constitutional Amendment.

Respectfully submitted, Sarah McVay Pawlick, Plaintiff,

By Her Attorney,

J. Edward Pawlick
BBO No.392160

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SJC Asked to Clarify Sen. Birmingham's Duties

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rum call. If the drafters of Art. 48 had that intent in 1918, they would have said so. This is clearly a violation of the state Constitution, she believes.

Gov. Required to Call Them Back

Although it is true that Sen. Birmingham has no power to call the legislature back for this purpose, Gov. Swift does, says Pawlick.

"She is not a lawyer. She has been getting bad advice from someone if she thinks she has a choice in this matter. If the SJC will end the confusion that has resulted from two of those opinions in 1992 and 1997, we believe the matter will cure itself.

"Gov. Swift is an honorable person and will call the Legislature back once she realizes that the Constitution says she 'shall' call them back if they do not vote on the Amendment. Sen. Birmingham and the Legislature voted to adjourn in July without a vote on the Amendment itself. Therefore, the Governor has no choice but to call them back."

Pawlick said she also expects that Sen. Birmingham will faithfully perform his duties when he is called back.

"He was under tremendous pressure from the extreme feminists at the Globe and NOW who have teamed up with the Mass. AFL-CIO, and with homosexual activists, straight people who want the benefits of marriage without the responsibilities of children, bigamists, polyamorists who want group sex, and others to defeat the Amendment. If he can just tell all those groups he has no choice in the matter, he will also follow the law.

"Then we can get on with the real intent of the Amendment which is that every child deserves a mother and a father. We will never achieve that goal but it should always be our guiding star, because that is what every child deserves.

Pawlick says that, "Every person understands that the purpose of marriage is *not* about 'partners.' It is about children and their need for *a mother and a father*. That is what the debate should be about.

"We challenge anyone to name a better *or cheaper* system of raising children than having their parents do it. It may not be perfect, but it beats anything else.

"No one can deny the serious problems that are arising because so many children today do not have a mother and a father. Because the number of families has decreased and our children are suffering as a result, this is no reason to increase those numbers of children in distress as some people wish to do."

'Imperative Duty' of SJC to Interpret Constitution

In a brief which was filed with her Complaint, Pawlick noted that the SJC said earlier this year in the Clean Elections case that, "It is the 'imperative duty' of the judicial branch of government to say what the Constitution requires." She reminded them that it is unlikely they will ever get another chance to clarify this matter, because no lawyer would advise anyone to ever begin another referendum for an Amendment under the present law as everyone believes it to be.

She told the judges that the citizens were greatly amazed and upset when it appeared to them that the process to amend the state Constitution by referendum was, for all practical purposes, destroyed on July 17 by Thomas Birmingham, the President of the Massachusetts Senate.

Of course, she said, the people don't yet realize that the

process is not over. The Boston Globe, the most powerful information source in the Commonwealth, is reporting to its readers that the process is over and the Amendment is dead. The other media are following their lead and the opponents also keep repeating that mantra.

Pawlick agrees the Amendment is dead as far as the Senate President is concerned, because the Legislature went home on July 31 and he cannot now recall it himself.

The citizens are troubled, according to Pawlick. They wonder, she says, if we have become a society without law. This is damaging the image of both the courts and the legislature.

She says the Governor is following the Senate President's lead and is presently saying that she will not recall the Legislature, despite the clear requirement of the Constitution.

This confusion is in large part due, she believes, to the fact that the extraneous information, called "dicta" by the courts, from the SJC in 1992 and 1997 has been misinterpreted and misreported. This is too bad because the Court has shown many times that it enthusiastically supports the referendum process.

Pawlick notes that the Court has written that Article 48 was created as a "people's process" to circumvent an unresponsive legislature. It has said many times that this is a means by which the people can move forward on 1) statutes and 2) constitutional amendments without being thwarted by the legislature.

She believes the entire state is looking to the Court for leadership on this issue.

Pawlick says she is not seeking any relief except a clear statement about the duties and responsibilities of the Senate President. She is seeking to avoid any unnecessary litigation and believes that if everyone knows what the law is, they will follow it.

What They Are Saying

Pawlick's brief cited the Globe as part of the problem. She noted that the newspaper has enormous influence and power in this state and it staunchly opposes the Amendment. It wrote in its news columns on May 2, 2002, "As Senate president, Birmingham could choose to not schedule a proposed amendment for a vote, which would scuttle the measure." That is not true, says her brief. If Sen. Birmingham did as they suggested, this would violate the law. This is not just another political decision he can "choose," says the brief.

The Globe gave public advice on its news pages that if Sen. Birmingham were to see that no vote is taken on the measure, it would "potentially generate some needed excitement about his campaign [for Governor]." The paper did not say anything about whether this would be moral, ethical or legal, according to the brief. According to the Globe, this was strictly a political question for the Senator.

The Globe also indicated that the Senator could use more "subtle" means of avoiding a vote. It said, "He could use more subtle means of squashing it, rallying allies behind the scenes and then putting it up for a vote when he knows it wouldn't get the support it needs to pass." While such a tactic may not be "nice," says Pawlick's brief, it is usually expected in politics. But the question about which many want an answer is whether *not* calling for a vote despite the mandate by the Constitution is merely a "political trick" or is it a violation of our state laws?

Pawlick said in her brief that Senator Birmingham did not attempt to hide what he was doing. His spokesperson, Alison Franklin, openly told the Globe that he might never allow the measure to come to a vote. When he followed

through on that threat, this allowed one man to nullify every effort that had been made by thousands of voters for two years to put the Amendment on the ballot for a decision at the elections in 2004.

In a story in the Boston Globe the day before the July 17 vote, the Globe said that "... Birmingham said he is seeking ways to defeat the measure ... Birmingham said he is strategizing with other opponents on ways to block the question from advancing tomorrow, but he would not detail their plans." He told the paper, "I'm going to do what I can to defeat it. Our options are open."

He told the press on July 17 after the Amendment was not allowed to come to a vote: "Today we saw democracy in action. They may not like it but they lost two to one."

He also admitted that a vote on the merits was not allowed and a Motion to Adjourn was allowed so that the legislators could deny that they voted against the Amendment. Birmingham told the press, "Everybody [i.e., the legislators] recognizes a vote to adjourn was a vote up or down [on the Amendment]."

The Globe reported that the measure appeared to have the necessary support "and more," and that is the reason that Birmingham did not allow the legislators to vote on it.

Sen. Birmingham was afraid the Amendment would pass, according to an article in Bay Windows. Sen. Cheryl Jacques told Bay Windows that she was fighting to stop a vote from *ever* taking place in the Legislature: "I'm fighting...to see that [the Marriage Amendment] never comes up for a vote. I'm happy to throw my body in front of the train to block this question." She says Sen. Birmingham's delay of the vote was heroic: "Tom Birmingham is a hero for the gay community." The article said he may *never* allow a vote. "Birmingham, who opposes the measure, has not committed to bringing it up for a vote at the upcoming Constitutional Convention [on July 17], leaving open the possibility that the amendment could be dead and buried by the end of this legislative session."

Jacques said it is *not* undemocratic to defy the state Constitution and break the law. But the public disagrees.

After the vote, Bay Windows unhappily reported there was criticism of the process from all sides. "Hardly a day has passed without reading or hearing criticism over the way Massachusetts Senate President Tom Birmingham handled the legislative process."

Even Robert Reich said he disapproved of the way it was handled, saying, "We should have had a vote on this issue and all issues."

The *MetroWest Daily News*, which strongly opposed the Amendment, was upset that the law was so blatantly violated: "We elect senators and representatives to debate and vote on the issues of the day. Most people who run for office expect to be called on to take a stand on tough questions. Birmingham should get out of the way and let elected legislators do what they are paid to do."

The State House News Service had this to say from its offices at the State House: "Another power play was pulled on Wednesday. The Legislature voted 137-53 to adjourn its Constitutional Convention for the year rather than debate and vote on a controversial measure put before them by a campaign that had garnered more than 130,000 signatures. Senate President Thomas Birmingham, who orchestrated the proceedings, said it was better to kill a measure defining marriage as between a man and a woman by adjourning than risk taking it up and having it pass, which would have moved the measure one step closer to a ballot vote two years from now."

According to Pawlick, most people are outraged at what they see as this breakdown in our government.

Brief Filed With Lawsuit Explains Why SJC Must Act

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17, 2002, by Thomas Birmingham, the President of the Massachusetts Senate.

Of course, the people don't yet realize that the process is not over. The Governor is required under the Constitution to call the Legislature back into session until they vote. But the Boston Globe, the most powerful information source in the Commonwealth, is reporting to its readers that the process is over and the Amendment is dead.³ The other media are following their lead and the opponents also keep repeating that mantra.

The Amendment is dead as far as the power of the Senate President to recall the Legislature is concerned. He adjourned the Convention under Joint Rule 12A and cannot now recall it himself. He did this even though the Constitution clearly states that the

Senate President "shall preside" to ensure that the Amendment is debated and voted upon.⁴ But Thomas Birmingham, nevertheless, planned and plotted, instead, to not follow the Constitution.

As a result, there has not yet been a debate nor a vote held on the Protection of Marriage Amendment as required by the Constitution.

The citizens are troubled. They wonder if we have become a lawless society. This is damaging the image of both the courts and the legislature.

The Governor has followed the Senate President's lead and is presently saying that she will not recall the Legislature, despite the clear requirement of the Constitution.

This confusion is in large part due to the fact that dicta from this Court in 1992 and 1997 has been misinterpreted and misreported. This is too bad because the Court has

shown many times that it enthusiastically supports the referendum process.

The Court has written many times that Article 48 was created as a "people's process" to circumvent an unresponsive legislature.⁵ You have also said many times that this is a means by which the people can move forward on 1) statutes and 2) constitutional amendments without being thwarted by the legislature.

The entire state is looking to you for leadership at this time.

Although the plaintiff has money damages because of the illegal actions of the Senate President and others, she is not seeking any relief except a clear statement about the duties and responsibilities of the Senate President. She is seeking to avoid any unnecessary litigation and believes that if everyone knows what the law is, they will follow it.

B. SJC Dicta in 1992 Caused the Confusion

There were two crucial cases in 1992 involving Article 48, one concerned an Initiative for a new statute and one for an Amendment to the state Constitution.

You had written earlier, in 1976, about the art. 48 process:

There can be no doubt that it [Art. 48] created a people's process. It was intended to provide both a check on legislative action and a means of circumventing an unresponsive General Court. It presented to the people the direct opportunity to enact statutes regardless of legislative opposition. It projected a means by which the people could move forward on measures which they deemed necessary and desirable without the

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SJC Asked to Clarify Sen. Birmingham's Duties

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danger of their will being thwarted by legislative action. As Mr. Joseph Walker of Brookline stated in the Constitutional Convention, "The principle of the initiative and referendum in its purity means that the people of this Commonwealth may have such laws and may have such a Constitution as they see fit themselves to adopt."⁶

On July 6, 1992, Justice Greaney reiterated those words when writing about a law initiative. The initiative had been assigned to a legislative committee that failed to act. A different group of citizens, who opposed the art. 48 measure, brought an action for declaratory relief against the Secretary of State, seeking to prohibit him from putting the measure on the ballot because it had not yet been acted upon by the legislature. The lead attorney in that suit was Margaret Marshall.

Justice Greaney rebuffed the suit with the following words.

We cannot endorse a result that would permit the Legislature, by failing or refusing to comply with a mandatory provision of art. 48, to frustrate the right of the people to place a proposed law on the ballot. [citation] The cases cited by the plaintiffs in which this court required adherence to mandatory provisions of art. 48 [citation] involved the failure of the proponents of the initiative measure or of the Attorney General to comply with those provisions. This case, by contrast, involves the failure of the Legislature to comply. Because the purpose of art. 48 is to allow the people "to enact laws directly without being thwarted by an unresponsive Legislature," [citation] ... a different result is required.⁷

Justice Greaney and the Court clearly held that the Secretary of State must look at the process of the Legislature and determine whether or not the Legislature had obeyed the Constitution. In that case, the Court held that the solons had clearly not done so.

In that case, you resolved the problems of procedure under Art. 48 that exist when citizens face an "unresponsive" Legislature where a statute is involved. However, when a Constitutional amendment is involved, the result was a different matter.

The problems which are faced today by amendments under Art. 48 arise from an apparent misreading by lawyers and laymen of the 1992 opinion issued on December 23, 1992.⁸

In that case, a Constitutional initiative, which had been certified by the Secretary of State, had not yet been voted upon by the legislature when you wrote your opinion on December 23, 1992. The proponents of the Constitutional initiative were seeking mandamus and declaratory judgment. The term for that legislature was due to end on January 5, 1993.⁹

Justice Wilkins correctly stated that the legislature had not yet failed to act and it could still do so at any time up until January 5. He wrote: "The joint session has not yet failed to comply with the direction of Art. 48 that it take final action."¹⁰

But Justice Wilkins then slipped into dicta which included many all-inclusive phrases that went way beyond the subject of the specific case he was deciding. The over-arching sound bites which were made that day have been included in every book published by West and Lexis for the past ten years:

— "Article 48 does not require final action by any specific time."¹¹

— "These principles call for the judiciary to refrain from intruding into the power and function of another branch of government, in this case, the joint session of the Legislature held under art. 48."¹²

— "It follows that a judicial remedy is not available whenever a joint session fails to perform a duty that the Constitution assigns to it."¹³

— "When the purpose of art. 48 has been frustrated, the only remedy may come from the influence of public opinion, expressed ultimately at the ballot box." [emphasis

added]¹⁴

— "Just as a judicial order directing the joint session to act is not appropriate, declaratory relief is not available to the plaintiffs as a remedy."¹⁵

Perhaps, the most damaging statements are in the third and fourth quotes above. In response to the third quote, we have seen, to the contrary, that a judicial remedy has been used many times to help art. 48 against an unresponsive, hostile legislature. One would hesitate to say that "a judicial remedy" of any sort is never available.

In the fourth quote, the opinion went further and opined that the only remedy was at the ballot box. "When the purpose of art. 48 has been frustrated, the only remedy may come from the influence of public opinion, expressed ultimately at the ballot box."¹⁶

Justice Wilkins wrote about this again, this time as Chief Justice in 1997, after the Limits people had bounded back in 1994 with a successful effort to enact a law which accomplished the same purpose as the 1992 failed Amendment. This time, the League of Women Voters challenged the statute as an invasion of the powers of the Constitution in stating the qualifications of legislators. Justice Wilkins agreed and the citizens were denied once again.¹⁷

The Justice could have stopped there but he went into dicta again, this time scolding the citizens for not listening carefully in 1992. Then he repeated the same dicta.

The proponents of term limits ... have cause for discouragement. It appears from our conclusion in this action that they cannot achieve their goal through a statutory initiative. Efforts to obtain term limits by a constitutional amendment foundered in 1992 because of the refusal of the Legislature in joint session to take final action on such a proposal as the Constitution of the Commonwealth directed. [citation] We concluded in *LIMITS v. President of the Senate*, supra, that this court should not direct the Legislature to exercise its mandated function. We did so based on principles of separation of powers. [citation] We noted also that art. 48 "gives the Governor a role in seeing that a joint session carries out its constitutional obligations, but gives to the courts no enforcement role." [citation]

Article 48's provisions concerning an initiative proposal for a statutory change and an initiative proposal for constitutional change differ significantly with respect to legislative inaction. [citation] Upon the Legislature's failure to enact a proposed statutory change (assuming sufficient additional signatures are obtained), 'the secretary of the commonwealth shall submit such proposed law to the people at the next state election.' [citation] On the other hand, if a joint session held under art. 48, The Initiative, IV, § 2, fails to act on a proposed constitutional amendment, the only remedy set forth in art. 48 'is a direction to the Governor to call a joint session or a continuance of a joint session if the joint session fails in its duty.' [citation] The distinction that the 1917-1918 Constitutional Convention made was intentional. [Justice Wilkins cited his writing from 1992 as proof of this statement.]

Justice Wilkins then went on to repeat his unsolicited advice that the people must remove at least 48 legislators if they wish to amend the Constitution.

We suggested in *LIMITS v. President of the Senate*, [citation] that, when the Legislature fails to act in joint session on a proposed initiative to amend the Constitution, and thus frustrates the purpose of art. 48, 'the only remedy may come from the influence of public opinion, expressed ultimately at the ballot box.' This statement may have had a Delphic quality. The suggestion was not to propose use of the statutory initiative approach but rather to point to the power of the people to elect a sufficient number of legislators who would not defy the requirements of the Constitution so that a joint session would be required to perform

its duty.¹⁸

But the advice is poor because that is exactly why art. 48 was enacted in the first place. Everyone knew in 1918 that there are times when the people are unable to accomplish their goals through an "unresponsive" legislature. That is why the "people's process" of art. 48 was established in 1918, to allow them to move forward without being "thwarted" by the legislature.

That is why it is so cruel to tell the people over and over that the only remedy they have is to go out and elect 48 or more new legislators. They have always had that remedy. If that is still their only remedy, then art. 48 is worthless.

The Court must make clear to everyone the duties of the Senate President so that this political officer can clearly tell everyone, "I must hold an election as required under the Constitution. I have no other choice." That will relieve much of the pressure on him.

C. Mischief Did Not Begin in 1992

The mischief against the Constitutional initiative did not begin in 1992, but that case gave it legs and soundbites.

Throughout prior years, the Court kept saying it did not have the power to force the Legislature to act. So it abandoned the field without using its bully-pulpit to let the citizens know that an "unresponsive" Legislature was "thwarting" them by using unfair and illegal tricks to stop the referendum process.

The two cases that did this were in 1935 and 1956. In the 1935 case, an Amendment received seventy-one votes, which was much more than the necessary 25%, but an immediate Motion to Reconsider was passed by the majority and the Amendment was doomed even though it had received the necessary 25% of the legislators. Because this was a question raised by the Legislature, apparently no one appeared before the Court to argue the case.¹⁹

In the 1956 case, the Governor and the Council sent some questions to the Court, apparently without anyone arguing the case for the citizens. This Amendment also passed the Legislature but was immediately hit by a Motion to Reconsider. The Court cited the 1935 case and said, "Unless we are to repudiate what was said in that opinion, we must answer question 2 'No.' We so answer it."²⁰

D. Article 48 Is Now a Shambles for Constitutional Amendments

The opponents of Art. 48 have jumped upon the gratuitous advice of Justice Wilkins. They are twisting that advice in order to destroy the vision of Art. 48 as a device for a people's process to amend the Constitution.

They interpret his words to mean that even though the Constitution says that the President of the Senate "shall" preside at a joint session of the legislature to debate and vote on the issue, whether the President actually follows the mandate is his choice.

According to the standard mantra, no ethical, moral or legal values are involved. Under this standard, even though thousands upon thousands of citizens toil over a two-year period to get a vote by the people, one person, the President of the Senate, may throw all those signatures into the trashcan at his whim — depending upon his political desire at the moment.

The enemies of the referendum process have returned us to 1918. We have an unresponsive legislature which is thwarting the will of the people. It is even worse than 1918 because at that time, the people knew they had no chance against a cynical politician, but now they go out with enthusiasm to make a difference, only to find that their efforts are still in vain. If we are attempting to also make the citizens cynical, we are doing a good job, but to what end?

E. Effect of Clean Elections Dispute

You stated the importance of art. 48 again

this year in the dispute about clean elections, when you wrote:

The debate over whether to add initiative and referendum provisions to the Massachusetts Constitution was the focal point of much of the 1917-1918 constitutional convention, and the subject of widespread press attention and public interest.²¹

You also stated clearly that the Secretary of State does more than print booklets for the voters. His duties include "administering the Massachusetts election law."

The office of Secretary, also a part of the executive branch, was created by the Massachusetts Constitution. See Part II 2, c. 2, arts. 1 and 2, of the Massachusetts Constitution, and art. 17 of the Amendments to the Constitution. The constitutional and statutory duties of the Secretary include administering the Massachusetts election laws. E.g., art. 48, General Provisions, IV, as amended by art. 74, of the Amendments (Information for Voters) (printing and distribution to voters of initiative or referendum petition and related documents); G. L. c. 53, (promulgation of regulations designed to achieve and maintain accuracy, uniformity, and security from forgery and fraud in the nomination certification process).²²

You had already made it clear in the 1992 case that you will judge the Legislature. In that case against the Secretary, you looked behind the Legislature's actions and determined that the Joint Committee on Taxation had not yet filed a report on an Art. 48 initiative for a new statute. Even though the Legislature had not finished its process, you brushed that aside and ordered the Secretary to put the measure on the ballot.

F. What They Are Saying

The Boston Globe, which has enormous influence and power in this state and which staunchly opposes the Amendment, wrote in its news columns on May 2, 2002, "As Senate president, Birmingham could choose to not schedule a proposed amendment for a vote, which would scuttle the measure."²³ That is not true. If Sen. Birmingham did as they suggested, this would violate the law. This is not just another political decision he can "choose."

The paper gave public advice on its news pages that if Sen. Birmingham were to see that no vote is taken on the measure, it would "potentially generate some needed excitement about his campaign [for Governor]."²⁴ The paper did not say anything about whether this would be moral, ethical or legal. According to the Globe, this was strictly a political question for the Senator.

The Globe also indicated that the Senator could use more "subtle" means of avoiding a vote. It said, "He could use more subtle means of squashing it, rallying allies behind the scenes and then putting it up for a vote when he knows it wouldn't get the support it needs to pass." While such a tactic may not be "nice," it is usually expected in politics. But the question about which many want an answer is whether not calling for a vote despite the mandate by the Constitution is merely a "political trick" or is it a violation of our state laws?²⁵

Senator Birmingham did not attempt to hide what he was doing. His spokesperson, Alison Franklin, openly told the Globe that he might never allow the measure to come to a vote. When he followed through on that threat, this allowed one man to nullify every effort that had been made by thousands of voters for two years to put the Amendment on the ballot for a decision at the elections in 2004.²⁶

In a story in the Boston Globe the day before the July 17 vote, the Globe said that "... Birmingham said he is seeking ways to defeat the measure ... Birmingham said he is strategizing with other opponents on ways to block the question from advancing tomorrow, but he would not detail their plans." He told the paper, "I'm going to do what I can to

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defeat it. Our options are open."²⁷

He told the press on July 17 after the Amendment was not allowed to come to a vote: "Today we saw democracy in action. They may not like it but they lost two to one."²⁸

He also admitted that a vote on the merits was not allowed and a Motion to Adjourn was allowed so that the legislators could deny that they voted against the Amendment. Birmingham told the press, "Everybody [i.e., the legislators] recognizes a vote to adjourn was a vote up or down [on the Amendment]."²⁹

The Globe reported that the measure appeared to have the necessary support "and more," and that is the reason that Birmingham did not allow the legislators to vote on it.³⁰

Sen. Birmingham was afraid the Amendment would pass, according to an article in Bay Windows. Sen. Cheryl Jacques told Bay Windows that she was fighting to stop a vote from ever taking place in the Legislature: "I'm fighting...to see that [the Marriage Amendment] never comes up for a vote. I'm happy to throw my body in front of the train to block this question." She says Sen. Birmingham's delay of the vote was heroic: "Tom Birmingham is a hero for the gay community." The article said he may never allow a vote. "Birmingham, who opposes the measure, has not committed to bringing it up for a vote at the upcoming Constitutional Convention [on July 17], leaving open the possibility that the amendment could be dead and buried by the end of this legislative session."³¹

Jacques said it is not undemocratic to defy the state Constitution and break the law. But the public disagrees.³²

After the vote, Bay Windows unhappily reported there was criticism of the process from all sides.³³ "[H]ardly a day has passed without reading or hearing criticism over the way Massachusetts Senate President Tom Birmingham handled the legislative process."

Even Robert Reich said he disapproved of the way it was handled, saying, "We should have had a vote on this issue and all issues."³⁴

Even the MetroWest Daily News, which strongly opposed the Amendment, was upset that the law was so blatantly violated: "We elect senators and representatives to debate and vote on the issues of the day. Most people who run for office expect to be called on to take a stand on tough questions. Birmingham should get out of the way and let elected legislators do what they are paid to do."³⁵

The State House News Service had this to say from its offices at the State House: "Another power play was pulled on Wednesday. The Legislature voted 137-53 to adjourn its Constitutional Convention for the year rather than debate and vote on a controversial measure put before them by a campaign that had garnered more than 130,000 signatures. Senate President Thomas Birmingham, who orchestrated the proceedings, said it was better to kill a measure defining marriage as between a man and a woman by adjourning than risk taking it up and having it pass, which would have moved the measure one step closer to a ballot vote two years from now."³⁶

Most people are outraged at what they see as this breakdown in our government.

G. Does the Court Have Jurisdiction over Thomas Birmingham?

M.G.L. 231A sect. 2, says that declaratory judgment may not be used against the "legislative department." This is a codification of "legislative immunity" which has always been a part of common law since its inception.

The answer to the question whether the Court has jurisdiction depends upon whether or not this action of Sen. Birmingham violated the state Constitution or was it merely a

political trick?

If he violated the Constitution when he planned to not allow a vote as required by the Constitution, this was an ultra vires act and he is not entitled to legislative immunity.

If the action of Sen. Birmingham was not a violation of the law, then the citizens will understand that they should never again bring an initiative for a constitutional amendment under Art. 48 unless the President of the Senate is on their side — and unless he will not be replaced by someone else during the next three years.

They will also realize that the procedure under the Constitution as adopted in 1918 has been changed, not by the courts, but by Sen. Birmingham. Instead of obtaining 25% of the legislators, they are now required to obtain more than 50%. This is true because they must have all those votes to defeat a motion to adjourn or to defeat a motion for a quorum call. If the drafters of Art. 48 had that intent in 1918, they would have said so. This is clearly a violation of the state Constitution.

II. Clarification of Duties of Each Legislator

Some Legislators keep saying it is their prerogative when they do get to vote on the merits of the Amendment to vote as they wish.

But that is not what the Court has said in the past. What standard must a legislator use when deciding whether to send an Article 48 Constitutional Amendment to the voters after it has been certified by the Secretary of State? Is a legislator merely to vote his own opinion about the merits of a proposed Amendment?

There have, unfortunately, been very few initiative petitions for Constitutional Amendments. Therefore, many legislators have become confused and do not understand the difference between enacting a new law and amending the Constitution. The process for a new law under Art. 48 requires the legislators to vote their own beliefs about the proposed legislation. But in the case of an Amendment the process is totally different.

The Court has said the Art. 48 process is a "people's process," which was added to provide a "check on legislative action" and to give the people a method of "circumventing an unresponsive General Court."

There are three decisions from the SJC giving guidance on this process. Two of those decisions concerned a proposed statute.

In the 1976 Buckley case, the Court said: "It [art. 48] presented to the people the direct opportunity to enact statutes regardless of legislative opposition. It projected a means by which the people could move forward on measures which they deemed necessary and desirable without the danger of their will being thwarted by legislative action."³⁷

In 1992, the Court quoted the above statement from the Buckley case with approval. It continued, "Our interpretations have been guided by the 'firmly established principle that art. 48 is to be construed to support the people's prerogative to initiate and adopt laws.' . . . We cannot endorse a result that would permit the Legislature, by failing or refusing to comply with a mandatory provision of art. 48, to frustrate the right of the people to place a proposed law on the ballot. . . . Because the purpose of art. 48 is to allow the people 'to enact laws directly without being thwarted by an unresponsive Legislature,' . . . a different result is required."³⁸

The reasoning behind both the initiative for a new law under Art. 48 or for a constitutional Amendment are the same. Both were adopted in 1918. The purpose of both is to allow the citizens to enact "laws" and amendments without being "thwarted" by an "unresponsive legislature."

The statutory initiative requires the Legislature to enact the proposed "law" or else the citizens may return with 1/6 the

number of signatures originally submitted and the measure will definitely go on the ballot for the voters to decide.³⁹

The constitutional initiative requires no additional signatures from the citizens if the legislature votes against it, but the process is longer and more arduous and requires a 25% vote in two Constitutional Conventions before going on the ballot.⁴⁰

You have articulated that the purpose of the 25% rule is to ensure that the Amendment has "at least a reasonable amount of public support." But no one — not even the opponents — denies that the "Protection of Marriage" Amendment has the support of over 60% of the citizens. The opponents have clearly stated that many times and have also said that is why they don't want it to go to the people — they (and everyone else) know that the people overwhelmingly support the measure.

Therefore, a legislator cannot in good conscience vote against the Amendment simply because he does not favor it. The level that is required for him to reject it is much higher. As you say, it is not his prerogative to thwart the people — regardless of his or her personal beliefs.

You stated it this way, "The 'one-fourth vote' requirement applicable to initiative amendments was intended as a 'legislative minority check' on initiative amendments to the Constitution. Its purpose is to ensure that initiative amendments submitted to the people for approval have at least a reasonable amount of public support, as reflected by the favorable votes of at least one-fourth of the legislators elected to the General Court. See 2 Debates in the Massachusetts Constitutional Convention, 1917-1918, at 680, 688 (1918)."⁴¹

III. People Seek Leadership

Are we to have a lawless society because the courts evince no shock or disappointment when the state Constitution is manipulated by those in the Legislature seeking their own selfish goals? Is this Constitution to have no meaning?

Does anyone really expect to see a change in 83 legislators this year? What a sad event to see the citizens mocked in this manner.

The citizens look to this Court for help in finally accomplishing the process that was begun in 1918.

1 Bates v. Director of the Office of Campaign, February 25, 2002, Slip opinion at sect. III A.

2 Stewart, The Law of Initiative Referendum in Massachusetts, 12 New England L. Rev. 455 (1977).

3 Boston Globe, "Gay marriage ban thwarted, Legislators kill ballot question," July 18, 2002, pg. 1

4 Art. 48, The Initiative, IV, as amended by art. 81, §1, of the Amendments.

5 Citizens for a Competitive Massachusetts & others v. Secretary of the Commonwealth, 413 Mass. 25 (1992)

6 John J. Buckley & others v. Secretary of the Commonwealth, 371 Mass. 195, 199 (1976).

7 Citizens for a Competitive Massachusetts & others v. Secretary of the Commonwealth, 413 Mass. 25, 31 (1992)

8 Limits & others v. President of the Senate & others, 414 Mass. 31 (1992).

9 Ibid

10 Limits, supra, at 34.

11 Ibid at 34

12 Ibid at 35

13 Ibid

14 Ibid

15 Ibid

16 Ibid

17 Ibid at 35

18 Limits, Supra at 432.

19 Opinion of the Justices to the Senate and the House of Representatives, 291 Mass 578 (1935)

20 Opinion of the Justices to the Governor and Council, 334 Mass 745, 756 (1956)

21 Bates v. Director of the Office of Campaign, February 25, 2002, Slip opinion at sect. II A.

22 Bates v. Director of the Office of Campaign, February 25, 2002, Slip opinion at sect. I.

23 Boston Globe, "Birmingham pressured to block same-sex ban," May 2, 2002, p. B8.

24 Ibid

25 Ibid

26 Ibid

27 Boston Globe, "Birmingham looking to block gay marriage ban," July 16, 2002, p. B1.

28 Boston Globe, "Gay marriage ban thwarted, Legislators kill ballot question," July 18, 2002, p. 1.

29 Ibid

30 Ibid

31 Bay Windows, "Massachusetts anti-gay marriage amendment's future uncertain," July 4, 2002.

32 Ibid

33 Bay Windows, "MA Legislature's defeat of amendment draws praise and criticism," July 25, 2002.

34 Ibid

35 MetroWest Daily News, "Editorial, Bring marriage bill to a vote," July 7, 2002.

36 State House News Service, "Weekly Roundup - Week of July 15, 2002."

37 Buckley v. Secretary of the Commonwealth, 371 Mass. 195, 199 (1976)

38 Citizens for a Competitive Mass. v. Secretary of the Commonwealth, 413 Mass. 25, 31 (1992)

39 40 Art. 48, The Initiative, IV, as amended by art. 81, §1, of the Amendments.

41 Ibid

42 Opinion of the Justices to the Senate, 386 Mass. 1201, 1212 (1982).

SIGHTINGS

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..."

Pawlick notes that the Constitution says the Governor "shall" call the Legislature back.

"When the Legislature never debated or voted on the Amendment but only adjourned without taking any action at all, it's pretty difficult for anyone to say that any 'action' was taken.

"This is certainly a repeat of the 'is' question that Bill Clinton had. Maybe some third grader can explain to Sen. Jacques how she broke the law and why the Legislature will be recalled for another vote as a result."

Pennsylvania Miners All Safe

We were all thrilled when the nine Pa. men come out of their coal mine alive. But the Boston Globe couldn't bear to remind us that the brave miners — and their rescuers were all men. Not a woman in the bunch.

The Globe kept referring to the men yesterday as "miners" over and over, not once using the word "men" to change the boring prose. They used the word "miners" in 19 of the 35 paragraphs, never once using "men" in any paragraph.

We all know that men and women are

equally strong and necessary in any society, but only the extreme feminists believe the sexes are fungible and interchangeable. We all know that women don't belong in a mine, and the women also agree because you don't see any of them applying there. (There probably is *one* somewhere that someone will tell us about.)

It's just another example that men and women are different. They are not the same. And children do better when they have both — a mother and a father to raise them.



Solving a Boston Housing Crisis

Only in Boston would we solve the housing crisis by driving even more investors out of the business. But that's what the Globe wants to do.

It thinks we should bring back rent control which forces the investors to price their apartments below their costs. Will that help the crisis or worsen it? Will we see more people putting their money into building new apartments or will we see less of it?

It's almost as though the Globe wishes to stop all private ownership of buildings and have everyone in public housing. Is that what they really want? Is that how socialism will arrive?