

1) Are you concerned about the amount of money in politics and what would you do to promote policies to limit its influence in elections and governing?

A. Yes. I have long been concerned with a culture in which political contributions are made in exchange for special access or special treatment before legislatures and regulatory bodies. The problem is that good ideas and policies – ones that are even handed, apply to everyone equally, and in the best interest of the people – are crowded out by narrow special interests. This was of concern to James Madison in 1787 and it remains a concern today.

Years ago, I thought that a focus on the amount of dollars donated to specific campaigns could help. Early on, I believe that such limits did help. I now believe we need to work on the other end of the money. Money is the symptom, but it is not the cure.

We need to be open to new information. In reaction to donation limits in specific campaigns, special interests (from right, left, and the middle) have moved UP to larger groups – political parties and political factions. Now, special interests seek (and have gained) even greater access and even more special treatment in exchange for widespread support of parties and factions.

Special interests have stepped UP to seek greater influence in a much bigger pond – political parties and political groups. This is an unintended consequence of the effort to limit dollar contributions in specific elections. The level of public discourse, seat by seat, in state and federal elections has suffered greatly – to the detriment of every citizen.

The problem all Americans face is that small dedicated groups seek the power of government (through law or regulations) to benefit themselves at the expense of the general population. [For example, if a small group of companies can influence laws that raise the price of sugar just 1¢ per pound, most Americans won't even know, but that 1¢ per pound adds up quickly.]

The amount of special interest money contributed to political campaigns is an indicator that special interests in fact believe they influence legislation and regulations.

I believe that Common Cause is well positioned to bring transparency to the other end of the money trail. Common Cause can lead a more robust discussion and public airing of the narrow benefits sought by special interests.

Collectively, we need to strengthen the principle – already found in the Massachusetts Constitution and in the 14th Amendment to the US Constitution – of equal protection of the laws. Our legislatures, governors, attorneys general, and courts should be more sensitive to legislation and regulations that are not of general application to the public.

Do you support public financing of elections? Please be specific about which offices it should cover and any other information about what kind of support should be provided.

B. No, not any longer. See response to 1. A, above.

Do you support a constitutional amendment to allow the government to limit political spending and to clarify that corporations do not have the same rights as people? Why or why not.

C. No and No. See response to 1. A, above. The Massachusetts Constitution and the US Constitution are quite specific with respect to free speech. I don't think it is wise to attempt to divide free speech into two buckets – political and non-political. The Attorney General takes an oath to support both constitutions. This issue is best left to case by case resolution in the courts. As Attorney General, I'll follow the facts, apply the law, and let the politics take care of itself.

The Massachusetts legislature and the legislatures of each of the other states allow individuals to organize into partnerships, corporations, non-profit corporations, associations, and LLC's. Our laws include restrictions on purposes, and include governance requirements. The legislature

might address these issues. As noted above, I don't think it is wise to attempt to divide free speech into buckets – political and non-political.

2) What would you do to bring more transparency to government operations?

I have been involved, throughout my professional life, in bringing transparency and accountability into government interactions with citizens. For example, I have led a national effort for transparency in how state and local governments spend taxpayer money – for personal services, equipment, computers, building space, software, and construction. Virtually every dollar spent in Massachusetts by government – NOT related to employment – is spent by contract.

I was one of two Reporters for an American Bar Association project that brought transparency and accountability to transactions between governments and citizens. This effort, the 2000 ABA Model Procurement Code for State and Local Governments, was developed on-line through collaboration with thousands of stakeholders, and was adopted by the House of Delegates of the American Bar Association for use by 90,000 state and local government entities across the United States.

A version of this code applicable to cities and towns can be found in M.G.L. Chapter 30B.

The principles in the Code are rooted in transparency and value for money. Transparency assures all citizens that the government is acting in the general interest, rather than for special interests. The focus on value for money is essential to assure all citizens that hard-earned tax dollars are being wisely and carefully spent.

As AG, I will act in the same way. Transparency is an important element to build and maintain respect for the Rule of Law – from the most local application of rules and regulations to the basic requirements of the Massachusetts Constitution. Without transparency, we risk a declining respect for the very institutions of self-government.

3) The legislature passed a terrific elections bill earlier this year that will make great steps towards modernizing our elections.

Comment (sentence 1). Lawyers are naturally reluctant to describe a particular piece of legislation as “terrific” or “great”. As Attorney General, I'll stay focused on the job of managing the legal affairs of the Commonwealth on behalf of the people.

Would you support Election Day registration for the commonwealth?

Legislation passed by the General Court and signed by the Governor is entitled to support and respect by the Attorney General. The Attorney General does not have a vote in the legislature, nor the Governor's pen to approve legislation. As Attorney General, if asked by the legislature or the Governor about the enforceability or legality of specific language, the AG's office will respond based on the language and the law, and after careful research by the office.

Is there anything else you think we should do to improve our elections in Massachusetts?

I believe groups like Common Cause are uniquely positioned to fully explore how the process of legislative districting (in the Massachusetts House and the Massachusetts Senate) can be brought into the sunlight for the citizens of this state to better understand.

Transparency is increasingly important because special interests can dictate who “wins” elections irrespective of the candidates. “One person – one vote” is at the core of our democracy. It is the principle that supports basic civil and economic rights.

Special interests have moved to legislative redistricting as an arena in which they can control, rather than influence, legislation for their special benefit. “Gerrymandered” legislative districts guarantee a result. It

may not matter who is running in a general election for a gerrymandered seat. Current remedies – such as limits on cash donated to a particular campaign – arrive too late to protect “one person – one vote”.

4) What do you think should be done, if anything, about the issue of political patronage?

The Attorney General has an obligation, on behalf of all the people, to restore a higher set of standards of conduct regarding political patronage.

One ounce of prevention is worth many pounds of cure.

As Attorney General, I will reinstitute the practice, abandoned eight years ago, of publishing Attorney General Advisory Opinions. The AG will clearly proscribe situations where political interference in: the award of contracts, the hiring of employees, and the integrity of state audits are a violation of the state’s criminal, civil, and ethics laws. As Attorney General, I will actively investigate violations, and will convene a grand jury, if necessary, to thoroughly and independently investigate criminal violations. Citizens may once again rely on the Massachusetts Attorney General to enforce these laws, rather than the U.S. Attorney.

The general law of larceny still applies to every citizen in Massachusetts. This law is well understood. It used to be applied generally to public corruption cases. It will be “re-discovered” when I am elected Attorney General. I will restore the crime of Larceny to the list of potential criminal violations, alongside bribery, gratuities, kickbacks, and bid-rigging. Once clear lines are drawn by an independent, impartial Attorney General, the risks associated with criminal violations will once again outweigh the benefits.

If the Legislature is serious about transparency, as well as cleaning up political patronage, it could take the following three steps:

- a. The Legislature could clearly identify and establish in law those positions in state government that are to be held by purely political appointees. This will provide important transparency to the people of this state, since the dollar value of political patronage will be publicly known.
- b. The Legislature could establish in law a merit-based process for hiring and promoting all other public employees. This will also provide important transparency, since hard-working current and future employees of the state will be secure in their expectation of fair treatment with respect to employment and advancement.
- c. The Legislature could establish in law its own ban on any interference with merit-based hiring and promotions; with administrative award of contracts; and with state auditing processes. The recent convictions by the U.S. Attorney’s Office for federal RICO violations and mail fraud in the probation scandal have caused citizens to ask why the state Attorney General was unable to proceed in this case under state law. The Legislature can remove any doubt with respect to future prosecutions under state law by the Massachusetts Attorney General.