
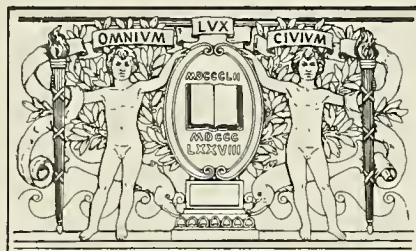


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THE FINANCE COMMISSION OF THE CITY OF BOSTON

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FINAL REPORT  
OF  
INVESTIGATION INTO THE  
ADMINISTRATION, OPERATIONS AND FINANCES  
OF THE  
SCHOOL COMMITTEE OF THE CITY OF BOSTON

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February 1975

Finance Commission of the City of Boston  
Ralph I. Fine, Chairman  
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Percy Wilson  
Frederick R. H. Witherby  
Henry B. Wynn

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Plate only



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The Finance Commission is indebted to its Special Counsel, Allan van Gestel, without whose help, provided on a pro bono basis, the investigation of School Committee testimonials could not have been conducted. In addition, the Finance Commission wishes to express its gratitude to those numerous School Committee employees who cooperated with its investigation, and who have maintained their dedication to the education of Boston's children despite the conditions described in this report.



## SUMMARY OF INVESTIGATION

On May 24, 1973 the Finance Commission of the City of Boston ("Finance Commission") voted to conduct an investigation into the operations, administration, and finances of the Boston School Committee ("School Committee"). The investigation was designed (1) to ascertain the extent to which political dealings influence the cost, quality, and methods of administration of public education in the City of Boston; (2) to determine methods of improving School Committee administrative practices, (3) to suggest ways of stabilizing School Committee expenditures, and (4) to outline alternative structures for the provision of educational services in order to minimize political influence in School Committee operations and to maximize the quality of education at minimum cost.

The Finance Commission and its staff actively pursued the investigation from May 1973 through August 1974.

As part of the investigation, on June 11, 1973 the Finance Commission conducted the first of a series of public hearings to determine the veracity of numerous complaints received by its Chairman concerning the effect of "testimonials" on the cost and quality of education in Boston. The Finance Commission received sworn testimony regarding the frequency of testimonials, the cost of tickets, the methods used to sell tickets, the extent to which School Committee property and personnel were involved in the sale of tickets, the reasons for the purchase and sale of tickets by School Committee employees and others, and the attitude of these employees toward testimonials.



On June 22, 1973, four members of the School Committee brought suit challenging the statutory authority of the Finance Commission to investigate testimonials. A full hearing on the merits of the case took place before Judge Samuel Adams in the Suffolk County Superior Court. On August 10, 1973, Judge Adams entered a final decree holding that:

"the Finance Commission of the City of Boston has the right and authority to publicly investigate by all appropriate means the effect of testimonials and other fund raising activities held by or for members of the School Committee of the City of Boston on the administrative, operational and financial practices and methods of the School Committee of Boston and the School Department of the City of Boston."

Public hearings resumed on September 5, 1973. The Finance Commission voluntarily suspended its hearings on September 19, 1973 in order to avoid influencing the preliminary municipal election held six days later and subsequently because of the School Committee's unsuccessful appeal of Judge Adams' decision to the Massachusetts Supreme Judicial Court. At private hearings held on November 8 and 29, 1973, the Finance Commission received subpoenaed bank records for the following accounts:

Friendship Reception Committee for Paul R. Tierney

Reception Committee for Paul J. Ellison

James F. Hennigan for Congress Committee

Kerrigan Friendship Dinner

John McDonough Friendship Reception Committee

Committee to Re-elect Paul J. Ellison





The Finance Commission conducted additional private hearings during November 1973, and February and March 1974. At these hearings twenty-one witnesses testified under oath regarding the effect of testimonials on the operations and financial practices of the School Committee.

In total, the Finance Commission received sworn testimony, comprising over 2,600 pages, from 58 witnessess. In addition, the Finance Commission interviewed on an informal basis countless other persons in connection with its investigation of the School Committee, and, in particular, testimonials. Appendix A to this report contains a list of all witnesses subpoenaed to appear before the Finance Commission.

Between March 1973 and May 1974 the Finance Commission publicly released the following reports in connection with its investigation of the School Committee:

Utilization of School Swimming Pools (3/8/73)

Transportation of Handicapped Children to and from School (3/20/73)

Paul J. Ellison - Automobile Repairs at Brighton High School (6/1/73)

Paul J. Ellison - Purchase of Stationery, Stamps and other Supplies  
(6/22/73)

Resource Distribution in Elementary Schools (6/26/73)

School Committee Contracts Awarded without Public Advertising (9/5/73)

Legal Considerations in the Award of School Committee Contracts (9/12/73)

School Health Services (9/2/73)

Resource Distribution in Elementary Schools (12/4/73)

Testimonial for Paul R. Tierney (1/30/74)

School Committee Meetings (2/7/74)

Testimonial for John J. McDonough (2/25/74)



Contributions of Businesses to Testimonials (3/28/74)

Resource Distribution in High Schools (3/25/74)

Testimonial for Paul J. Ellison (3/29/74)

Receipt and Expenditure of School Funds at Boston Latin School  
(5/1/74)

Testimonial for John J. Kerrigan (5/21/74)

1973 Re-election Campaign of John J. Kerrigan (5/21/74)

In addition to the reports described above, the Finance Commission studied various other aspects of the School Committee's administrative and financial practices. In particular, the Finance Commission conducted a thorough investigation of the duties of custodians and attendance officers and the costs relating to their functions. Since these have been studied in the past not only by the Finance Commission but also by the Boston Municipal Research Bureau, the Finance Commission did not prepare or release formal reports on them. However, the information so gathered shaped certain of the conclusions set forth in this report.

The Finance Commission turned over pertinent material to various law enforcement agencies, including the Internal Revenue Service, United States Attorney, and the Suffolk County District Attorney. This report will refrain from comment on all matters submitted to these bodies for further investigation.



## SUMMARY OF FINDINGS

The education of 90,000 school children in the City of Boston rests in the hands of a School Committee composed of five unpaid officials elected at large biennially. The School Committee controls a system comprising nearly 200 schools. It spends over \$110,000,000 per year, an amount approximating one-third of the total city budget, and it employs more than 5,500 teachers and over 3,000 non-academic employees. Because school committees in Massachusetts are not legally constituted as city departments answerable to the Mayor or City Council, controls over their activities are few and the scope of their discretion is broad.

Unfortunately, the School Committee has not set its priorities and used its powers with the interests of public education in mind. It has failed to fulfill its primary responsibilities: establishing policy and dealing with the significant issues of allocating resources and formulating educational objectives. Unlike other school committees in the Commonwealth, the Boston School Committee has not restrained its impulse to turn public office to private gain. The School Committee has responded to the pressing need for curriculum modernization, equality of services, and efficiency of operation with foot-dragging and disinterest. It has usurped the function of professional educators by dominating even routine personnel decisions. It has not conducted its business in an open, public manner but rather favors secret deliberations resulting in little or no accountability to the public. The School Committee has stressed loyalty rather than competence among its employees and has created an atmosphere which discourages creative dissent and experimentation.



All too often members of the School Committee have not sought the office for the sake of contributing to the quality of education in Boston. Rather, they have shown themselves preoccupied by personal ambition, a desire to exercise control over the employment of large numbers of people, and by the presumption that a School Committee seat can serve as a springboard to higher elective office. While the Finance Commission has no quarrel with the ambitions of School Committee members for higher office, definite grounds for criticism exist when School Committee members use their positions primarily to enhance their own political status, to collect campaign war chests, and to win political allies by their acts in office. Their attempts to justify such behavior by pointing to their unpaid status are unconscionable.

An analysis of the way in which the School Committee conducts its official business confirms these conclusions. In 1972, only 189 of the 1,341 official votes taken by the School Committee concerned educational policy,\* and nearly one-half of these 189 votes involved routine non-policy matters such as the use of buildings for summer schedules, the naming of new schools, or the granting of permission to collect funds for charity within Boston public schools. The official votes demonstrate that the School Committee's interest focuses almost exclusively on the hiring, firing, promotion, demotion, and assignment of individual school employees.

\*In this report, issues of "educational policy" refer principally to non-personnel matters. These include allocating financial resources, building or closing schools, establishing district lines, awarding contracts, dealing with bargaining groups, setting up guidelines for hiring and promoting employees, and establishing special education programs. Another category included in issues of "educational policy" is desegregation.





Nine hundred and ninety-four, or 74% of School Committee votes in 1972 concerned personnel matters better left, in the opinion of the Finance Commission, to professional administrators. Preoccupation with individual personnel decisions instead of educational policy is the hallmark of a patronage system.

The Finance Commission investigation reveals that while the School Committee has lavished time and attention on personnel decisions, it has neglected pressing policy questions. It has done nothing to remedy waste and inefficiency in the school health program, which in 1972 paid most of its \$1,633,602 budget to doctors and nurses who do little more than refer students to existing health services outside the schools. Furthermore, it allows abuses in the receipt and expenditure of school funds to continue.

The School Committee has wasted hundreds of thousands of tax dollars by failing to consolidate student bodies as population shifts leave schools under or overpopulated. It has sat idly by while serious inequities in per pupil expenditures and student/teacher ratios have developed. In several of these areas it has refused to act because to eliminate unnecessary jobs, close underpopulated schools or reassign pupils from overcrowded schools would prove politically damaging, however educationally sound.

The School Committee has also failed to take any action to curtail the enormous waste of taxpayer dollars stemming from inefficient maintenance of school buildings and the non-productivity of attendance officers.

And, of course, Judge Arthur Garrity has found that the School Committee "took many actions in their official capacities with the purpose and intent to segregate the Boston public schools."



Furthermore, the School Committee has performed its functions in a manner designed to stifle educational debate and community concerns. It meets during hours when interested members of the public are least able to attend. Over the years it has dramatically decreased the number of its public meetings: in the first half of 1973 the School Committee spent 42% less time in meetings than it did in the comparable period for 1971.

Increasingly, the School Committee conducts its business and makes its decisions in secret. During the period from January 1971 through June 1973 the School Committee held executive sessions in 96 of its 117 meetings, often for discussion of matters for which secrecy was neither legal nor appropriate. Even in public sessions, formal votes often merely echo decisions made in private: twelve hundred fifty-four, or 94%, of the thirteen hundred forty-one votes taken in 1972 meetings were unanimous. This clearly suggests that differences of opinion are ironed out behind the scenes.

The politicization of the School Committee cripples any possibility of coordinating programs with other City departments. A body intent on maintaining maximum political power resists sharing functions with other agencies or working to eliminate duplication. An examination of the relationship between the School Committee and City Departments such as Parks and Recreation, Health and Hospitals, and Library, and between the School Committee and other educational resources in Boston, demonstrates that the public schools have been sealed off from valuable sources of outside assistance.



The testimonial process used by School Committee members to collect thousands of dollars from those whose employment they control constitutes the most blatant illustration of the politicization which has pervaded Boston public schools. The School Committee's intimate involvement in personnel decisions creates the perception that political support of School Committee members is related to advancement and favorable treatment in the school system. Hundreds of teachers feel that their positions depend on making contributions to friendship testimonials for School Committee members they have never met and whose achievements in office they do not admire. School Committee members themselves view employees whose jobs they control as a ready source of personal and political funds and have actually retaliated against those who oppose the testimonial process. Large numbers of administrators and teachers have been made to feel that they must make financial contributions to School Committee members in order to preserve their rank, enhance their chances for promotion, and to ensure fair treatment for themselves and for their programs. Teachers have voiced complaints to union officials about pressure to make such contributions. Highly competent administrators and teachers have been demoted or transferred, and at least two educational programs have been disrupted as part of the School Committee's efforts to compel support for their personal or political ambitions. Associations of teachers and other school personnel have felt it necessary to make identifiable and sizable contributions to testimonials in order to ensure the School Committee's good will toward their schools or professional groups.

Politics also affects the School Committee's dealings with outside contractors who have regularly received unrequested testimonial tickets from an employee influential in the awarding of unadvertised contracts.





Many contractors have paid for these tickets in the belief that contributions are required if they are to obtain further School Committee business.

Some of the practices of present School Committee members have been in clear violation and subversion of the laws of the Commonwealth, and others have explored the outer edges of the law.

Even under ideal circumstances, the problems of public education in Boston would not yield easily to solution. However, when political considerations, private aspirations, and patronage preoccupy the schools' directing body, and when this body neglects major policy questions, discounts public accountability, shuts out sources of help, and hamstringing its own administrators, it is almost impossible for solutions to emerge. The Finance Commission is impressed that many highly competent, independent administrators and teachers have managed to carry on the proper tasks of education despite the pervasive discouraging atmosphere of politics and neglect created by the School Committee. The Finance Commission feels strongly that, freed from inappropriate pressure and distractions, the quality of public education in Boston can be greatly improved.

Education is a slow, experimental, complicated process in which the results of mismanagement and neglect surface slowly and work their baleful influence only over a long period of time. A public works department or a fire department which conducted its duties in as political and negligent a manner as has the School Committee would meet with public uproar over the physical and easily identifiable results of its dereliction. The officials charged with public education must be equally accountable to the public. In this report, the Finance Commission recommends approaches to the problems it has identified. It trusts that the public and elected officials will join in formulating solutions.





## OUTLINE OF THE ORGANIZATION, DUTIES AND CONDUCT OF THE BOSTON SCHOOL COMMITTEE

The five members of the School Committee are elected at the biennial municipal elections. Current School Committee members, elected in 1973, are John J. Kerrigan, Paul Ellison, John J. McDonough, Paul R. Tierney, and Kathleen Sullivan.

The School Committee elects a Secretary, Business Manager and Chief Schoolhouse Custodian who serve during "good behavior and efficiency." The Superintendent, the chief administrator, is elected by the School Committee for a term of three years. Five Associate Superintendents in charge of personnel, curriculum and staff development, educational policy, supportive services, and special services and a Deputy Superintendent of School Operations are also elected by the School Committee for three year terms.

Under the Associate Superintendent are six Assistant Superintendents in charge of geographical areas selected by the School Committee. In addition, the School Committee elects a Chief Structural Engineer, Senior Structural Engineer and a staff of three structural engineers.

The chart on the following page illustrates the organization and lines of authority of the School Committee.



Boston School Committee

Paul J. Ellison  
John J. Kerrigan  
John J. McDonough  
Kathleen Sullivan  
Paul R. Tierney

Chief Plant Engineer  
John J. Doherty

Secretary to the  
School Committee  
Edward J. Winter

Superintendent  
William J. Leary

Chief Structural Engineer  
Anthony L. Galeota

Deputy

|                                 |   |   |   |  |   |                                  |
|---------------------------------|---|---|---|--|---|----------------------------------|
| Superintendent<br>John J. Kelly | Associate Superintendent<br>Charles W. Leftwich | Associate Superintendent<br>Paul A. Kennedy | Associate Superintendent<br>Marion J. Fahey | Associate Superintendent<br>Alice F. Casey | Associate Superintendent<br>William J. Harrison | Business Manager<br>Leo J. Burke |
|---------------------------------|---|---|---|--|---|----------------------------------|

|   |  |  |   |  |  |
|---|--|--|---|--|--|
| Assistant Superintendent<br>Peter J. Ingeneri | Assistant Superintendent<br>Bernard H. Skulman | Assistant Superintendent<br>Rollins Griffith | Assistant Superintendent<br>Leo M. Howard | Assistant Superintendent<br>Mary E. Martin | Assistant Superintendent<br>John J. McGourty |
|---|--|--|---|--|--|



Boston's first School Committee dates from 1789. The Committee grew in size during the next century to 116 members. In 1875 legislation reduced the membership to 24. In 1877 the School Committee of Boston was incorporated, and in 1905 it was reduced to its present size of five members elected at large.

The statutes of the Commonwealth grant school committees broad powers and impose few restrictions on their conduct. Massachusetts sets minimum requirements for the length of the academic year and provides a formula for school budget appropriations. Chapter 150 of the Acts of 1972 provides that academic personnel cannot be appointed by the School Committee except after nomination by the Superintendent, a measure meant to ensure that appointments would follow academic standards.

An outline of certain activities of the School Committee follows:

1. Personnel Decisions - Individual

The Superintendent at regularly scheduled meetings of the School Committee presents his recommendations for academic personnel changes to the School Committee for their approval. He formulates these recommendations in multi-page documents divided according to the type of action to be taken. Even the most routine personnel changes are included for deliberation by the School Committee, including transfers, assignment to special programs, promotions, demotions, leaves of absence, approval of temporary teachers, initial appointments, and withdrawal of appointments. A typical agenda indicates that personnel matters are subdivided between academic and non-academic personnel, with non-academic personnel recommendations originating from the appropriate department head, such as the business manager or chief schoolhouse custodian. The information presented to the School Committee lists individuals and the proposed changes in their status.



## 2. Personnel Decisions - Employee Groups

The School Committee deals directly with representatives of employee groups such as the Boston Teachers Union and the Boston Association of School Administrators and Supervisors in negotiating contracts which establish among other things, salary schedules, procedures for grievances and sick leave.

## 3. Contracts

In discharging its duties to maintain school buildings and provide educational services, the School Committee enters into contracts with outside businesses and professionals. Contracts for professional services, generally awarded without public advertising, are approved first by the Board of Superintendents and then by the School Committee. Generally, the Business Manager recommends and approves contracts for non-professional services to the Chairman of the School Committee.

## 4. Authorization of Curricula and Texts

The School Committee controls the curriculum for Boston's public schools. It adopts curriculum guidelines written by committees of teachers for the various subject areas and prints a number of these guides as school documents. The Committee also approves special educational programs such as tutoring and vocational training. The School Committee approves the textbooks used in all schools.

## 5. School Committee Budget

Two budgets are submitted by the School Committee to the Mayor, one for general school purposes prepared by the Business Manager, and one for alterations and repairs, prepared by the Department of Planning and Engineering.





## 6. Logistical and Geographical Policies

Until the Federal Court order on desegregation, the School Committee had total responsibility for establishing district lines, determining feeder schools and setting up special programs and magnet schools. The School Committee also determined admission standards for the Latin and Technical Schools and set tuition for non-residents. All these decisions determined where the children of Boston go to school.

One example of abuse by the School Committee in this area involved the new English High School. After construction of a new building for the predominantly black English High School, the School Committee changed its mind and voted to give the building to the predominantly white Girls Latin School. A subsequent court order directed the School Committee to use the building for English High School.

### Priorities of the School Committee

An analysis of votes taken by the School Committee in 1972 reveals that the School Committee spends most of its time on individual personnel decisions, and only a small portion of its time on educational policy matters.

Seventy-four percent (994) of the 1341 votes recorded in 1972 meetings concerned the details of personnel placement such as hiring (29% of the personnel votes), leaves of absence (19%), transfers (7%) and other personnel decisions (45%).

More of the Committee's votes concerned leaves of absence than issues of educational policy, since these issues accounted for only 14% (189) of the total votes.

Of the votes on educational policy, nearly half dealt with rather routine administrative matters which were not, in fact, policy decisions,



but rather votes approving administrative decisions made by others. This category included votes on closing schools for half days or for the summer, renaming schools, authorizing fund-raising drives or the use of school buildings for evening, summer and other classes, amending the student disciplinary code, and approving the selection process for the Latin and Technical High Schools.

Fourteen percent of the 189 educational policy votes dealt with union matters, i.e., approving collective bargaining agreements and handling grievances. Another fifteen percent related to racial imbalance. This classification included votes on determining school districts.

Nine percent of the 189 educational policy votes involved approval of grant applications for federal funds and another seven percent approval of formal budgetary matters. The final twelve percent of the policy votes concerned choice of textbooks, curricula and course guidelines, all of which matters the Finance Commission believes should be left in the hands of professional administrators.



## Secrecy and Avoidance of Public Accountability by the School Committee

Studies by the Finance Commission reveal that the time spent by the School Committee in meetings declined at an accelerated rate from 1971 to the first half of 1973. During the first six months of 1973 the School Committee spent 42% less time in meetings than during the comparable period of 1971. There were 53 meetings in 1971 compared with 41 meetings in 1972. During the first six months of 1973, the School Committee held 22 meetings.

Scheduled meeting times vary and lack consistency as to day or hour. Meetings are most often held during working hours, making attendance by the public difficult. Notice of the date and time of these meetings gets very little publicity; generally nothing more than a bulletin posted on the ground floor of the administrative building at 15 Beacon Street.

To an increasing extent, secrecy has marked the deliberations of the School Committee. There is evidence that most decisions are not made in public meetings at all. In 1972, 1254 or an astounding 94% of the 1341 recorded votes were unanimous, suggesting resolution of issues prior to the meeting. The striking unanimity of the School Committee creates the impression that public meetings are a mere formality and that at these meetings members do not exercise independent judgment.

While time spent in meetings has decreased, the frequency and duration of executive sessions from which the public is excluded have increased. From January 1971 through June 1973 the School Committee held executive sessions in 96 of its 117 meetings. In addition to conducting executive sessions in 82% of its meetings, the School Committee spent an average of 41% of its total meeting time in executive session. According to



Chapter 39, Section 23A of the Massachusetts General Laws executive sessions may be held

"only for the purpose of discussing, deliberating, or voting on those matters which by general or specific statute, or federal grant-in-aid requirements cannot be made public and those matters which if made public might adversely affect the public security, the financial interest of the district, city, or town or local housing authority, or the reputation of any person..."

By holding executive sessions when it dealt with such issues as making an Assistant Director an Associate Director of Safety or transferring a clerk from one school to another, the School Committee has clearly failed to follow the provisions of this statute.





## Findings of Finance Commission

### MECHANICS OF TESTIMONIALS

(1) THE IDEA THAT SCHOOL COMMITTEE MEMBERS CAN EXPECT SUBSTANTIAL DONATIONS BY VIRTUE OF THEIR OFFICE HAS BECOME SO ENTRENCHED THAT THE SIGNIFICANT LEGAL AND ETHICAL IMPLICATIONS OF SUCH CONDUCT HAVE BEEN IGNORED BY THE DONORS AND THE SCHOOL COMMITTEE MEMBERS THEMSELVES.

(2) WHILE THE APPELLATION "TESTIMONIALS" OR "FRIENDSHIP RECEPTION" MIGHT SUGGEST AN UNSOLICITED GATHERING TO HONOR AN INDIVIDUAL, FUNDRAISERS HELD FOR SCHOOL COMMITTEE MEMBERS ARE ORGANIZED BY THE MEMBERS THEMSELVES AND PERHAPS ONE ASSISTANT. FURTHERMORE, FEW OF THE INDIVIDUALS WHO PURCHASE TICKETS PERSONALLY KNOW THE SCHOOL COMMITTEE MEMBERS.

(3) THE SUGGESTION THAT TESTIMONIALS ARE HELD TO HONOR AN UNPAID OFFICIAL AND TO EXPRESS GRATITUDE FOR HIS DEDICATED PUBLIC SERVICE IS A FICTION. THE SOLE PURPOSE OF TESTIMONIALS IS TO RAISE MONEY FOR SCHOOL COMMITTEE MEMBERS. COMMITTEE MEMBERS FEEL ENTITLED TO SPEND THE FUNDS IN ANY WAY THEY DETERMINE.

(4) PRIOR TO JUNE 1973, COMMITTEE MEMBERS HELD TESTIMONIALS AT LEAST BIENNIALLY AND OFTEN ANNUALLY, SCHEDULING THEM FAR ENOUGH IN ADVANCE OF THEIR RE-ELECTION CAMPAIGNS TO AVOID THE APPEARANCE OF RAISING FUNDS FOR POLITICAL PURPOSES AND, THUS, THE REPORTING REQUIREMENTS OF CHAPTER 55 OF THE MASSACHUSETTS GENERAL LAWS.

(5) SCHOOL COMMITTEE MEMBERS ARE DELIBERATELY VAGUE ABOUT THE PURPOSES FOR WHICH MONEY IS RAISED, BE THEY POLITICAL OR PERSONAL.

(6) BETWEEN MAY 1972 AND FEBRUARY 1973, EACH OF FOUR SCHOOL COMMITTEE MEMBERS HELD ONE TESTIMONIAL. FROM THESE FOUR FUNCTIONS, PAUL J. ELLISON, JOHN J. KERRIGAN, JOHN J. McDONOUGH AND PAUL R. TIERNEY RAISED A MINIMUM TOTAL OF \$88,773.16 OR AN AVERAGE OF \$22,193.29. OF THAT TOTAL, A MINIMUM OF \$26,430.22 AND A MAXIMUM OF \$44,430.22 WAS SPENT FOR PERSONAL EXPENSES AND A MINIMUM OF \$22,286.75 AND A MAXIMUM OF \$25,686.75 WAS SPENT FOR CAMPAIGN EXPENSES.

(7) MOST SCHOOL EMPLOYEES WHO CONTRIBUTE TO SCHOOL COMMITTEE MEMBERS DO SO WITH THE EXPECTATION THAT THEIR CONTRIBUTION WILL BE USED FOR CAMPAIGN EXPENSES.

(8) BY ENCOURAGING THE PERSISTENCE OF THE MYTH THAT THE MONEY RAISED IS APPLIED TO CAMPAIGN EXPENSES, SCHOOL COMMITTEE MEMBERS FRAUDULENTLY ENTICE CONTRIBUTIONS FROM PERSONS WHO BELIEVE THEY ARE GIVING TO A POLITICAL CAMPAIGN.

(9) MOST CONTRIBUTORS WOULD REFUSE TO CONTRIBUTE TO TESTIMONIALS IF THEY KNEW THAT THE PROCEEDS WERE TO BE USED FOR PERSONAL PURPOSES BY THE SCHOOL COMMITTEE MEMBERS.



(10) THE SUGGESTION THAT CONTRIBUTIONS FROM THEIR OWN EMPLOYEES FORMS A SUITABLE SOURCE OF COMPENSATION FOR UNPAID SCHOOL COMMITTEE MEMBERS IS UNETHICAL.

(11) GENERALLY, TICKETS ARE MAILED DIRECTLY TO POTENTIAL CONTRIBUTORS, OR AN INVITATION TO PURCHASE TICKETS IS SENT WITH A RETURN ENVELOPE.

(12) IN CERTAIN INSTANCES, ACTIVITIES RELATING TO THE DISTRIBUTION AND SALE OF TICKETS TAKE PLACE AT THE ADMINISTRATION BUILDING, 15 BEACON STREET. TICKETS FOR SCHOOL ADMINISTRATORS AT TIMES ARE PERSONALLY DELIVERED TO THEM AT 15 BEACON STREET.

(13) IT HAS BECOME A MATTER OF TACIT UNDERSTANDING THAT THE SALE AND DISTRIBUTION OF TESTIMONIAL TICKETS ARE EXPECTED OF CERTAIN INDIVIDUALS IN ADDITION TO THEIR OFFICIAL DUTIES OR BECAUSE OF THEIR POSITIONS.

(14) TICKETS ARE MAILED OR DELIVERED TO SUPERINTENDENT, SUPERVISORS, DEPARTMENT HEADS, HEADMASTERS AND OTHER ADMINISTRATIVE PERSONNEL FOR THEIR INDIVIDUAL PURCHASE OR DISTRIBUTION. NON-ADMINISTRATIVE PERSONNEL, ON THE OTHER HAND, USUALLY PURCHASE THEIR TICKETS INDIRECTLY, BY MEANS OF A RAFFLE, OR THROUGH THEIR UNION, ASSOCIATION, SCHOOL OR DEPARTMENT.

(15) RELIANCE UPON ORGANIZATIONS AND ASSOCIATIONS OF SCHOOL DEPARTMENT EMPLOYEES TO PURCHASE BLOCKS OF TICKETS HAS BECOME AN INCREASINGLY COMMON PHENOMENON.

(16) ESSENTIALLY SCHOOL EMPLOYEES SELL ALL TESTIMONIAL TICKETS TO SCHOOL DEPARTMENT EMPLOYEES, THEIR ORGANIZATIONS AND ASSOCIATIONS, AND TO CONTRACTORS DOING BUSINESS WITH THE SCHOOL DEPARTMENT.

(17) ALTHOUGH TICKETS ARE SOLD FOR \$25, DONATIONS FROM INDIVIDUAL SCHOOL DEPARTMENT EMPLOYEES RANGE FROM \$10 to \$625. DONATIONS FROM EMPLOYEE GROUPS RANGE FROM \$50 TO \$3,625. DONATIONS FROM BUSINESSES AND BUSINESS-RELATED INDIVIDUALS RANGE FROM \$25 to \$250.

(18) ALL TICKETS ARE NUMBERED AND LISTS OF TICKET NUMBERS ARE KEPT. MOST TICKETS ARE PURCHASED WITH CHECKS WHICH OFTEN IDENTIFY THE DONOR'S DEPARTMENT AND/OR TICKET NUMBER IN ORDER TO ENSURE THAT CREDIT IS GIVEN THE DONOR BY THE RECIPIENT.



Each of the four candidates for re-election to the School Committee in November 1973 had at least one testimonial between their assumption of office in January 1972 and the election. Paul J. Ellison held a testimonial in May 1972 at the New England Aquarium after less than five months on the School Committee. John J. McDonough held one in June 1972 and a second one less than a year later in May 1973 both at the Aquarium. In October 1972, John J. Kerrigan also had his testimonial at the Aquarium while Paul R. Tierney chose the Parker House for his in February 1973.

The reasons for having a testimonial vary, according to the person. A letter from Theodore Bakas, Chairman of the John McDonough Friendship Reception Committee, to potential contributors spoke of honoring John, "an unpaid member of the Boston School Committee." James Crecco, a close associate of Paul J. Ellison, told of supporters and teachers wanting to get together to "celebrate the fact that... a teacher... was now in a policy making position as a committeeman." Ellison testified that the purpose was to pay off campaign debts and to recover personal expenses. John O'Leary, the Administrative Assistant to Paul R. Tierney, testified that Tierney gave his Friendship Reception to raise funds. Mr. O'Leary also testified that the "times" as these testimonials are colloquially called give teachers' "a chance to meet other teachers (and that they give a chance for some of the single people to meet each other)." In fact, he said, "a lot of teachers have been calling me recently asking me when I'm going to run another testimonial."

The testimonial committee usually has one or two members, often including the School Committee member himself. Because testimonials never took place after the member announced his candidacy, School Committee members avoided the reporting requirements of Chapter 55 of the Massachusetts General





Laws. This loophole has been closed by the recent amendments to Chapter 55 which are discussed in detail later in this report.

Bank records subpoenaed by the Finance Commission reveal the volume and disposition of funds raised at certain testimonials. These facts, summarized below, have been published in greater detail in preliminary reports issued by the Finance Commission:

| Testimonial<br>Held for      | Testimonial<br>Receipts | Testimonial<br>Expenses | Amount<br>Spent on<br>Campaign | Amount turned<br>Over to Bene-<br>ficiary or<br>Spent for Per-<br>sonal Purposes | Other<br>Payments |
|------------------------------|-------------------------|-------------------------|--------------------------------|--|-------------------|
| Paul J. Ellison<br>5/11/72   | \$24,053.16             | \$3,509.25              | \$11,561.87<br>(minimum)       | \$5,450.00<br>(minimum)  | _____             |
|                              |                         |                         | \$14,561.87<br>(maximum)       | \$8,450.00<br>(maximum)  | _____             |
| John J. Kerrigan<br>10/18/72 | \$22,790.00             | \$4,672.00              | \$ 170.50                      | \$16,075.00*   | \$1,872.50        |
| Paul R. Tierney<br>2/9/73    | \$29,010.00             | \$6,709.18              | \$ 0                           | \$22,155.22  | \$ 145.60         |
| John J. McDonough<br>5/17/73 | \$12,970.00             | \$1,775.12              | \$10,954.38                    | \$ 0   | \$ 240.50         |

Neither Paul R. Tierney nor John J. McDonough made cash deposits into their testimonial accounts. The Kerrigan Friendship Dinner account had cash deposits of \$2,025.

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\* A \$15,000 check to John J. Kerrigan was endorsed by him and deposited in South Boston Savings Bank. The bank book was used as collateral by Mr. Kerrigan for a series of loans totalling \$10,000 from South Boston Savings Bank. The loans were repaid by Mr. Kerrigan from unidentified funds after disclosure of the loans in the Boston press.





The receipts listed for Messrs. Tierney and McDonough are undoubtedly understated because of undeposited cash receipts. The Finance Commission knows that certain cash was not deposited because the following individuals testified that they regularly bought tickets to testimonials held for School Committee members, yet their names did not appear on the checks deposited into the testimonial accounts:

Elmo P. Boari  
Leo J. Burke  
Herbert C. Hambleton  
William J. Leary  
Robert V. McCabe  
George E. Murphy

Moreover, John O'Leary, Mr. Tierney's Administrative Assistant, testified that Mr. Tierney did indeed receive cash donations which he used for personal and not political purposes.

A review of the bank records subpoenaed by the Finance Commission also reveals that the following checks passed between School Committee members:

|          |   |         |
|----------|---|---------|
| 5/5/72   | Paul Ellison to Paul Tierney                      | \$1,256 |
| 5/9/72   | Paul Ellison to O'Leary and Tierney,<br>Attorneys | 900     |
| 5/16/72  | Paul Ellison to James Hennigan                    | 500     |
| 6/2/72   | Paul Ellison to John Kerrigan                     | 100     |
| 10/25/72 | John Kerrigan to Paul Tierney                     | 3,000   |
| 10/26/72 | Paul Tierney to John Kerrigan                     | 3,000   |
| 10/26/72 | John Kerrigan to Paul Ellison                     | 1,000   |

These financial transactions raise serious questions concerning the independence of School Committee members in performing their official duties.

Virtually all the witnesses believed that funds raised at testimonials would be used for political expenses. James A. Kelley, Safety Officer, and Kenneth M. Calvagne, President of C & C Fence, Inc., both testified that they would not have bought tickets if they thought the proceeds would



be used for personal expenses. Theodore S. Bakas testified that he would not have allowed the organization of John McDonough's testimonial to use his name if he had thought the money would be used for anything besides campaign costs. Thomas F. Cavanaugh indicated that it would "bother" him if testimonial receipts were used for personal purposes, and John A. Arcadipane testified that he probably would not have purchased tickets if he thought the proceeds would be used for personal expenses.

Despite this evidence that the purpose of the proceeds decisively interests the contributors, the cover letters and testimonial tickets do not assure purchasers that contributions will be used for political expenses. Indeed, they obscure the purpose of the testimonial and the proposed use of contributions. (See sample cover letter, Appendix B).

Furthermore, the purchasers of testimonial tickets do not usually know that School Committee members receive compensation for expenses of office, nor do they know that the members have other sources of income. Instead, the candidates and their testimonial committees continually characterize School Committee members as unpaid public officials who must forego all other employment and pay for their own expenses of office.

In fact, Business Manager Leo Burke testified that between \$7,000 and \$15,000 per year goes to pay for dinners and taxicabs for School Committee members on the days of meetings and other school functions, such as graduations. The appropriation also covers the expenses of stationery and postage used by members.

In addition, each member of the School Committee receives approximately \$250 per week for administrative and secretarial assistance.

One or two people manage the organization and timing of testimonials,



and certain rules govern the staging of these events. Paul Ellison, testifying before the Finance Commission, engaged in the following dialogue with Mr. van Gestel, the Commission's Special Counsel:

"Q"                Now you indicated that there was a rumor that one of the other members might be having a testimonial in the spring of '72?

A                It seems to me right after I came aboard the School Committee, there was some talk, I don't remember who or what but there is a reason why I didn't have right at that time and as I recollect it was because somebody else was going to have one.

Q                Has it been your experience while you have been on the School Committee that the various School Committeemen discussed the schedule of their testimonials so that they wouldn't conflict?

A                Yes.

Q                How frequently do these discussions occur?

A                Not often, we didn't sit down and discuss that but if somebody is in the case of mine having it in May I remembered coming up, I don't know which member, I don't believe actually as it turned out, I don't know if anyone had one at that time but that was the reason why I didn't have one in February or March. There is no question there was the need to have one and to pay these debts."

James Crecco, who helped Mr. Ellison organize his testimonial spoke of the "custom" and the "system" of arranging a testimonial:



Crecco "There isn't any . . . formal organization that informs me of anything. It is by word of mouth. This group (organization or association of School Department employees) does this, does that etc. and it really is a custom that they come down and do what they do."

and again:

"The system, the way it works was to write a letter stating whether we stated, unpaid committeemen work, tried to defray expenses, we would mail these out to many people, hundreds of people, we put an order card in there if they wanted one ticket or ten tickets, whatever, and we would put a return envelope in there also showing where they would mail their check or any monies, and the system was to get these out and let them know. Now, they would get the tickets and get them back to us, indeed there are blocks of tickets that are sold in the school department, as a novice first found out that certain groups buy blocks, you mentioned one before, the headmasters association, there are other groups that just come in and buy blocks of tickets and that is the sum and substance of it."

For Mr. McDonough's reception, Theodore Bakas allowed his name to be used on a letter that was sent out inviting the purchase of tickets by a return form and envelope. Mr. Bakas was the chairman of the "committee"





in name only and as an accommodation to a friend who wanted "someone removed from the political arena . . . not involved in politics (who) had nothing to do with the School Committee . . ." Mr. Bakas did not know positively, but he assumed that John McDonough himself actually ran the testimonial. Paul J. Ellison organized his testimonial with the help of his associate, James Crecco, by using the School Committee directory of employees to put together a list of "friends" invited. On at least one occasion, Mr. Crecco called an administrator into his office and gave him tickets for distribution. John O'Leary, Mr. Tierney's administrative assistant, acknowledged that he had organized Mr. Tierney's "time" himself. At an open bar meeting of 25 to 50 people at the Parker House, Mr. O'Leary individually spoke to each person present and asked them to help sell tickets for Mr. Tierney's reception.

In addition to these more formal methods of soliciting contributions, another predetermined pattern for distributing tickets exists. Mr. Crecco testified that once the "rumor" is out that a testimonial is to be held, "it is better than UPI, within 60 minutes . . . many people dropped in and picked up their tickets." Robert B. McCabe, the administrative assistant to the Deputy Superintendent, testified, that as soon as he discovered that a testimonial was planned, he would go to the Committee member's office and pick up 60 to 80 tickets to mail to legislators and upper-level administrators. For instance, Elmo P. Boari, a structural engineer with the Department of Planning and Engineering, testified that when he found out about a testimonial, he went to the person in charge and picked up twenty to thirty tickets which he then mailed to contractors with whom he dealt in his official capacity.

In virtually all instances, the recipients do not request the letters



of solicitation and the delivery of testimonial tickets. Several administrators testified that they received the tickets at their offices at 15 Beacon Street. Besides direct sales to individuals, many teachers and other employees contribute \$5 or \$10 toward the purchase of a ticket, and whatever tickets are purchased by such pooling are then raffled off to contributors. Another indirect method of sale consists of the purchase of blocks of tickets by organizations and associations representing employees. In the testimonials studied in detail by the Finance Commission, twelve such groups purchased from two to one hundred forty-five tickets. Often, people denied this practice. John O'Leary, for example, testified under oath that blocks of tickets had not been sold to Mr. Tierney's testimonial. Subsequent investigation by the Finance Commission revealed, however, that in addition to several other group contributions, a \$3,000 contribution from the 120 member Boston Association of School Administrators and Supervisors ("BASAS") was made to Mr. Tierney. Moreover, Mr. O'Leary himself returned a check for \$3,000 to the treasurer of BASAS. He insisted that the contribution be made in sixty \$50 money orders to hide the magnitude of the contribution and to create the impression that sixty persons had individually purchased tickets. Later, Mr. O'Leary acknowledged that he personally signed the names of 60 different persons (most fictitious) to the money orders.

Evidence received by the Finance Commission demonstrates that the holders of testimonials keep records of those who purchase and those who do not purchase tickets. John O'Leary, Mr. Tierney's administrative assistant, testified that when he receives cash donations he notes down the identity of the donor. People have been questioned personally about



their failure to purchase tickets; lists have been kept at schools recording those who purchased tickets (supposedly so that "thank you" notes could be sent, although the Finance Commission found no person who actually received such a note); ticket numbers are recorded; and as already stated many checks identify the donor's school or department. The following list indicates a sample of the notations found on checks given to Mr. Tierney:

- "Data Processing"
- "Dept. Music Ed."
- "Boston MDTA Skill Center - East Boston"
- "Boston Guidance"
- "Guidance Counselor - Roslindale High"
- "EB-MDT Skill Center"
- "Dept. Planning & Engineering"
- "Title I Programs"
- "DE - Roslindale High"
- "Boys Trade"
- "South Boston High"
- "Boston Technical High School"
- "Music Dept."
- "Boston High School"
- "Higginson School"
- "Copley Sq. High"
- "English High"
- "Trade High"
- "Jamaica Plain High"
- "DE Dept. Hyde Park"

Evidently many contributors want their contribution to be recorded, and these additional notations are means of ensuring that credit is properly given.

Finally, an analysis of the checks written for tickets to testimonials for Messrs. Kerrigan, McDonough and Tierney reveals that a core of permanent employees regularly attend testimonials. Approximately sixty-eight people attended all three of the testimonials, and a little less than one-half of the permanent employees who contributed to each "time" also contributed to at least one other. The chart below illustrates the breakdown of the contributors to the three testimonials for which the Finance Commission was able to identify most of the donors.



| Committee Member | Permanent School Dept. Employees |    | Temporary School Dept. Employees |   | Unions Organiz. Assoc. |   | Business |    | Other |    | Totals |     |
|------------------|----------------------------------|----|----------------------------------|---|------------------------|---|----------|----|-------|----|--------|-----|
|                  | #                                | %  | #                                | % | #                      | % | #        | %  | #     | %  | #      | %   |
| Kerrigan         | 390                              | 76 | 19                               | 4 | 7                      | 1 | 65       | 13 | 31    | 6  | 512    | 100 |
| Tierney          | 421                              | 64 | 23                               | 3 | 10                     | 2 | 94       | 14 | 114   | 17 | 662    | 100 |
| McDonough        | 186                              | 70 | 2                                | 1 | 5                      | 2 | 50       | 19 | 22    | 8  | 265    | 100 |
| Totals           | 997                              | 69 | 44                               | 3 | 22                     | 2 | 209      | 14 | 167   | 12 | 1439   | 100 |

The total number of contributors affiliated with the School Committee (permanent and temporary employees and employee organizations) to the three testimonials listed above amounted to 1063: 74% of the total number of contributors identified by the Finance Commission.





## Findings of Finance Commission

### EFFECT OF TESTIMONIALS ON INDIVIDUAL PERSONNEL

#### I. Administrative Employees

- (1) ADMINISTRATORS OF THE BOSTON SCHOOL COMMITTEE GENERALLY BELIEVE THAT A CONNECTION EXISTS BETWEEN THE PURCHASE OF TESTIMONIAL TICKETS AND THE SCHOOL COMMITTEE'S HIRING AND PROMOTION PRACTICES.
- (2) MANY TOP LEVEL ADMINISTRATORS, EVEN THOSE WHO PERSONALLY OBJECT TO THE SOLICITATION OF TESTIMONIAL CONTRIBUTIONS FROM EMPLOYEES, FEEL THEY MUST PAY FOR TICKETS THEY RECEIVE IN THE MAIL IN ORDER TO RETAIN THEIR POSITIONS OR BECAUSE IT IS "THE NAME OF THE GAME", OR TO ENSURE "FAIR TREATMENT".
- (3) ADMINISTRATORS WHO DECLINE TO BUY OR SELL TICKETS OFTEN DO SO ON THE GROUNDS THAT THEIR SALE REPRESENTS AN APPLICATION OF PRESSURE OR THAT SUCH SALE IS INAPPROPRIATE.
- (4) IN MAILING UNREQUESTED TESTIMONIAL TICKETS TO UPPER LEVEL ADMINISTRATORS, TESTIMONIAL COMMITTEES EMPLOY A QUOTA SYSTEM BY WHICH THE NUMBER OF TICKETS SENT OUT VARIES ACCORDING TO THE ADMINISTRATOR'S RANK.
- (5) THE SALE AND PURCHASE OF TESTIMONIAL TICKETS HAS BEEN A POINT OF CONTROVERSY AND DIVISIVENESS AMONG SCHOOL ADMINISTRATORS.
- (6) THE DECISION BY SUPERINTENDENT WILLIAM LEARY NOT TO RENOMINATE INCUMBENT DAVID ROSENGARD AS AN ASSISTANT SUPERINTENDENT RESULTED AT LEAST IN PART FROM MR. ROSENGARD'S OUTSPOKEN OPPOSITION TO THE PRACTICE OF SOLICITING TESTIMONIAL CONTRIBUTIONS FROM SCHOOL DEPARTMENT EMPLOYEES.
- (7) THE DECISION NOT TO ELEVATE JOHN COAKLEY TO THE POSITION OF PRINCIPAL OF A DAY SCHOOL AND TO REMOVE HIM AFTER A YEAR FROM HIS POSITION AS PRINCIPAL OF AN EVENING SCHOOL EVEN THOUGH HE WAS FIRST ON THE RATING LIST FOR THE FORMER POSITION AND HAD RECEIVED NO ADVERSE COMMENT ON HIS PERFORMANCE IN THE LATTER POSITION, RESULTED AT LEAST IN PART FROM HIS REFUSAL TO PURCHASE TESTIMONIAL TICKETS WHEN APPROACHED DIRECTLY BY REPRESENTATIVES OF SCHOOL COMMITTEE MEMBERS.



The solicitation of testimonial contributions from school employees has created an atmosphere of politicization and pressure in the City's school system. The Finance Commission has found widespread evidence that personnel policies, staff morale, educational planning and intra-professional relationships have been intruded upon and adversely affected by the testimonial process.

Within the area of personnel policies, top level administrators in the school system believe that decisions to promote or retain individual administrators are affected to a significant degree by their participation in and attitude toward testimonials. Several witnesses testified that administrators are expected to contribute, without regard to the esteem in which they hold any individual School Committee member. Herbert Hambleton, Executive Assistant to the Superintendent, noted that political expediency was one reason for purchasing tickets to testimonials. He also stated that some administrators suffered because of their refusal to participate. William Harrison, an Area Superintendent, called testimonials "the name of the game" and testified that as he rose in rank in the school system, he purchased more testimonial tickets. Paul Kennedy, Associate Superintendent in Charge of Personnel, testified that he thought testimonials should be banned but that he bought all tickets mailed to him because it was the customary thing to do. Rollins Griffith, an Assistant Superintendent, bought four tickets to each testimonial, totalling \$500 per year, because it was "the customary thing to do." Wilfred O'Leary, the Headmaster of Boston Latin School and an officer of Boston Association of School Administrators and Supervisors ("BASAS"), said BASAS made large contributions to testimonials in order to insure the "good will" of the School Committee.



Evidence that top level administrators are expected to purchase testimonial tickets exists in the procedure by which they receive tickets. Robert B. McCabe, Administrative Assistant to the Deputy Superintendent, uniformly mails out tickets to administrators above a certain echelon. A quota system exists in the mailing out of these unrequested tickets: Mr. Harrison and Mr. John Kelley, Associate Superintendent, testified that after they received promotions to the superintendent level, they began to receive and pay for four tickets to testimonials rather than two. An analysis of contributions to the testimonials of School Committee members Kerrigan, McDonough and Tierney indicates that teachers and lower level personnel purchase one ticket or contribute less than \$25 for part of a ticket. Upper level administrators generally purchase one or two tickets; and top level administrators at the superintendent level purchase four tickets. The level of participation expected at a given rank is clearly suggested by the number of tickets mailed to the recipient. The Finance Commission believes that this quota system and its link to the administrative hierarchy constitutes a form of pressure to respond to a promotion with a higher level of contributions. None of the top personnel who testified stated as their reason for purchasing tickets or attending "times" that they liked, admired or held in esteem particular School Committee members.

Within the ranks of administrators are a number of employees who have refused to participate in the testimonial process either by selling or buying tickets. The reasons they give for their refusal to take part in this "customary" activity include the conviction that it is inappropriate





for School Committee members to ask employees for money, a general distaste for the activity, or a belief that the testimonial process constitutes a form of pressure or coercion. Mr. Kennedy said he believed all political testimonials should be banned because "political fund-raising and campaigning should be put on a different level." Leo Burke, School Department Business Manager, testified that while he purchases four tickets to most testimonials, he has never been asked to sell tickets because "they know better and no one has ever offered them to sell, either." He explained that he found the idea that the head of a department would sell tickets to his employees "distasteful". Elmo Boari, a Planning and Engineering Department employee who mails out tickets to contractors doing business with the School Committee, does so in secret because he is aware that the head of his department would not approve of the action. Joseph Carey, Director of the Educational Planning Center, testified that he has not purchased tickets to testimonials because he believes they open an avenue for abuse by public officials with enormous power.

In 1970 the then Principals and Headmasters Association (the predecessor to BASAS) voted to assess each of its members \$150 for contributions by the organization to three testimonials for School Committee members. At that time, the Association was negotiating salary increases for its members with the School Committee. David Rosengard, then Secretary Treasurer, spoke out against the assessment and decried the group's support of testimonials. Letters received by Mr. Rosengard from other members expressed some of the concern of administrators to the pressure and political overtones of testimonials:





"Enclosed is my check. I admire your courage for saying what we all felt."

"With reluctant concessions to our bright new world."

"Am enclosing check in the amount of \$50 for annual dues in the Joint Association. The group can do anything they want with it. My conscience stops me there."

"However I try to rationalize the action taken by the membership, I cannot avoid the conclusion that by their vote our members have authorized the executive board to seek a satisfactory salary schedule by the bribery of public officials. The fact that other groups have allegedly acted in the past in similar fashion does not justify our adoption of the principle that the end justifies the means. I am not happy to disagree on this issue with the obviously overwhelming majority of our associates, I should be much less happy if I agreed."

The Finance Commission has concluded that many administrators view testimonial solicitations as a form of coercion and that they participate out of fear. To oppose the practice would endanger their careers or their groups' interests, and they know that.

As indicated by Mr. Rosengard in his testimony:

"A person would have to be extremely naive if he were to say that there does not exist and does probably not exist today a very definite pressure on members of the School Department to purchase tickets."

and again:

"I have attended testimonial dinners myself, I attended one a couple of weeks ago given for the retiring deputy superintendent of schools. I attended one given in honor of retiring superintendent of schools



William Ohrenberger. I attended those testimonial dinners because they were testimonial dinners. They were dinners run in testimony of the work performed by the men who they were run for. This to me is not the same as a testimonial dinner which is run for a member of the School Committee who has just become a School Committeeman and hasn't actually done anything for the School Department or for the citizens of the City of Boston or for the children of the City of Boston but for whom a testimonial dinner is run. I believe that the problem of raising funds for candidates is a very complex and difficult one and I can understand the predicament of a man who is running for the School Committee which is an unpaid job or even for the mayoralty or governorship which is a paid job, I know that the salary they earn cannot possibly cover the expenses of running for the office. Nevertheless, nobody twists the arms of these people to run for these offices and if they wish to run for an office and solicit funds to help them do so in a proper way I suppose there is no other alternative but when a School Committeeman has money to run two testimonial dinners a year at fifty dollars a plate and send me tickets, two tickets for each testimonial dinner and I am sitting in my office and wondering is anyone keeping score, do I have to buy all of these tickets, would it be judicial for me to buy them, am I jeopardizing my career by not buying them, it isn't a matter of people twisting my arm and saying like you want to hold this job, by implications there and I am not naive and neither are the people who are claiming that you have to have direct concrete evidence, the threat is hanging over your head and when a man runs two fifty dollar testimonial dinners a year and in one case as I was given to understand not for any other reason except for the reason that he was celebrating the first



anniversary of his marriage or birthday, it was something equally inane, I see no reason why I should have to buy two fifty dollar tickets for such an affair.

If you want to send me a letter and say a testimonial dinner is being run for someone because he is running for an office, he does have enormous expenses and his friends want to help him, please participate, fine but don't send somebody down to my office with two tickets and make me feel that I have to buy those tickets because if I don't maybe I won't be the assistant superintendent come September 1, 1972 . . . and I know what I hear and I know how I feel and I know my feeling is shared with so many other people of whom I have identified just a few and I am not altogether wrong in my judgment so I say if they have to raise money for campaigns let's see if we can find some better way of doing it but don't put the entire School Department in a box where people are afraid to stand up and be counted and they feel they have got to buy tickets and this is what is happening."

The fears of administrators are borne out by the fact that at least two opponents of the testimonial process have been forced out of the school system or denied promotions for which they were eligible. David E. Rosengard is a case in point. After his promotion to the balance of a term as an Assistant Superintendent by the then Superintendent William Ohrenberger, he continued to refuse to purchase the four tickets mailed to him in advance of each testimonial. Several colleagues warned him that his refusal was unwise. Before being rejected for another term as Superintendent, Mr. Ohrenberger advised Mr. Rosengard that he intended to





nominate Mr. Rosengard for another term as Assistant Superintendent. But he cautioned Mr. Rosengard that several School Committee members might oppose him. Everyone recognized that Mr. Rosengard's performance of his official duties had been outstanding. Yet, at the same time, School Committee member Ellison told Mr. Rosengard that the School Committee would not vote for him unless the Superintendent submitted his name. When Dr. William Leary became Superintendent, he informed Mr. Rosengard that only John McDonough supported his nomination and that consequently Dr. Leary would not nominate Rosengard for the position. As a result, rather than accept a demotion, Mr. Rosengard retired in September 1972. Dr. Leary testified to the Finance Commission that he had not nominated Mr. Rosengard because he wanted to appoint new administrators of his own choosing. Based on the overwhelming evidence, the Finance Commission does not believe that desire to be the principal reason for Dr. Leary's actions.

In 1972 the General Court enacted legislation attempting to foster the independence of the Superintendent of Schools in making decisions affecting personnel. Chapter 150 requires nomination by the Superintendent as a prerequisite to any School Committee academic appointment. By refusing to nominate an administrator whom he knew the School Committee disliked partially at least because of his opposition to testimonials, Dr. Leary relinquished the independent role accorded to him by the General Court and subverted the purpose of that legislation. This sign of the Superintendent's willingness to limit his nominations to those of whom the School Committee approves, indicates that the Superintendent does not guard against the politicization of school





personnel policies. Mr. Ohrenberger, who was rejected for a second term as Superintendent by the School Committee, had refused to poll the Committee before making nominations. An interview with education writers which appeared in the May 4, 1972 Boston Herald Traveler, noted:

"Questioned about school board complaints that he never gave it advance notice of pending appointments, including major ones, the superintendent said: 'That was to protect the nominees and keep appointments on the highest level.'"

Formal rating systems or customary school personnel practices are not immune from politically-inspired interference and alteration. John Coakley of the Educational Planning Center was first on a list of employees eligible to fill the next opening as a principal at a day school. Although Mr. Coakley had never received any adverse comment regarding his administrative abilities, he had consistently refused to buy or sell testimonial tickets. Normally, an administrator first on a rating list for an opening will get the next available position. However, when Mr. Coakley's name reached the head of the principal list, the list unaccountably ended. Similarly, contrary to custom, Mr. Coakley was not asked to serve a second year as principal of an evening school. Again, Mr. Coakley did not hear any evidence or mention that his performance, which pays an extra stipend, was in any way unsatisfactory.

Such incidents as those involving Messrs. Rosengard and Coakley confirm the impression among administrators that sanctions may be applied by the School Committee against those who step out of line in political matters.



## Findings of Finance Commission

### II. Teachers and Non-Academic Employees

- (1) MANY EMPLOYEES OF THE SCHOOL COMMITTEE BELIEVE THAT THE PURCHASE OF TESTIMONIAL TICKETS AND PROMOTIONS AND DEMOTIONS IN THE SCHOOL SYSTEM ARE RELATED.
- (2) FOR MANY REASONS, INCLUDING THE MEANS OF DISTRIBUTING TESTIMONIAL TICKETS, MANY SCHOOL EMPLOYEES FEEL THEY HAVE BEEN DIRECTLY OR INDIRECTLY PRESSURED TO PURCHASE TESTIMONIAL TICKETS.
- (3) ON AT LEAST ONE SPECIFIC OCCASION, A SCHOOL COMMITTEE MEMBER HAS EXPRESSED PERSONAL DISPLEASURE TO AN EMPLOYEE WHO SPOKE OUT AGAINST THE PURCHASE OF TICKETS TO HIS TESTIMONIAL BY A TEACHERS' ASSOCIATION.
- (4) A TEACHER'S REQUEST FOR AUTHORIZATION OF A CUSTOMARY TRIP TO A PROFESSIONAL MEETING WAS DENIED AT LEAST IN PART BECAUSE OF THE TEACHER'S OPPOSITION TO THE PURCHASE OF TESTIMONIAL TICKETS.



Many teachers see the purchase of testimonial tickets as necessary or at least related to promotions, demotions and favorable treatment in the school system. Boston High School teacher Lawrence K. Foti testified that he bought a ticket to Paul Ellison's testimonial because he was a member of a select faculty with a one year appointment. Boston Teachers Union President John Doherty reported that he had received "hundreds" of complaints from teachers about testimonials, and credited the Union's approval of a motion to file legislation banning testimonials to "a general feeling that there were too many testimonials and that people believe that they should attend those if they want to advance in the system." Thomas J. Feenan, a teacher at Boston High School at the time of the Finance Commission's hearings, testified that he opposed testimonials held on behalf of people who control the employment of those to whom most of the tickets are sold because the practice "smacks of blackmail and bribery." Boston High School teachers, Henry L. Dionisio and Mark Crehan pointed to the transfer of William Maher from his special, higher paid assignment at Boston High to a lower paid position at another City high school as an instance of the repercussions that attend speaking out against the way School Committee members conduct their testimonials.

Teachers testified that they have felt pressure to buy or sell testimonial tickets. Some pointed to unwillingness to violate a "custom" of the School Committee. Others complained to union officials that names were taken of those who had bought tickets; and some teachers objected to having been asked to sell tickets by persons above them in the school hierarchy, often by administrators who had power to decide their rating. Cesare Yannetty, a teacher at Boston Trade High School, testified that the



teachers' association was afraid of offending candidates by unequal contributions to testimonials, and moreover, that many Trade teachers believed their extra \$1080 stipend would be jeopardized if they refused to buy tickets.

In addition to advancement, special assignments, and extra stipends, authorization by the School Committee of trips to professional meetings may be affected by a teacher's participation in or opposition to testimonials. One teacher testified that after he opposed a donation by the Boston Trade High School Teachers' Association to the testimonial of John J. Kerrigan, the School Committee refused him authorization to attend a convention that he had attended for the previous four years. The Finance Commission believes with Mr. Pirrone that this denial proceeded at least in part from his position on testimonials.

The Finance Commission notes that teachers and administrators who testified exhibited considerable anxiety about commenting on School Committee members or their fund-raising tactics. Teachers believed that testifying to this Commission might have adverse consequences on their careers. Experience proved them right. Several of the Boston High School teachers who described the pressure applied by Mr. Ellison and their principal, Mr. Ippolito, were transferred to other schools where salary scales are lower. Myron Croteau, a Boston Trade High School teacher who testified that he felt pressured to buy a testimonial ticket, lost his job after testifying. Though other explanations have been given, the Finance Commission believes that criticism of the testimonial process caused these changes.

Extreme nervousness, reluctance to provide more than minimal answers to questions, and, on some occasions, lack of candor to the point of apparent perjury, marked the testimony of several witnesses. Frank Laquidara, for





instance, the principal of the evening session at Boston Trade School, lied. He claimed that he occasionally purchased one or two tickets. Recalled to the hearings and confronted with records showing that he had made out checks for \$625 to Mr. Tierney's testimonial and \$250 to Mr. Kerrigan's testimonial, he acknowledged these contributions.

The apprehension of employees about speaking out against practices of which they disapprove, the hesitancy with which they responded to even the most innocuous questions of fact, and the occurrence of several transfers and dismissals after comments about testimonials were made, whether at faculty meetings or to the Finance Commission, are in themselves indications of the alarming degree to which politics rules the conduct and fortunes of employees of the School Committee.



## FINDINGS OF THE FINANCE COMMISSION

### EFFECT OF TESTIMONIALS ON EDUCATIONAL PERSONNEL AND ADMINISTRATIVE POLICIES.

- (1) HEADS OF AT LEAST TWO PROGRAMS HAVE SUGGESTED TO MEMBERS OF THEIR FACULTIES THAT THE SCHOOL COMMITTEE MIGHT DECIDE WHETHER OR NOT TO CONTINUE A PROGRAM OR RETAIN PERSONNEL ON THE BASIS OF VOLUME OF SALES OF TESTIMONIAL TICKETS.
- (2) THE DECISION TO DISMISS THE ENTIRE STAFF OF BOSTON HIGH SCHOOL AND TO REASSIGN ONLY CERTAIN TEACHERS TO THAT SCHOOL, WHERE SALARIES ARE HIGHER THAN IN OTHER SCHOOLS, RESULTED AT LEAST IN PART FROM FACULTY CONTROVERSIES OVER TESTIMONIALS AND FROM TESTIMONY TO THE FINANCE COMMISSION CONCERNING THE SOLICITATION OF CONTRIBUTIONS FOR TESTIMONIALS.
- (3) THE SALE OF TESTIMONIAL TICKETS HAS HAD A DISRUPTIVE INFLUENCE ON THE FACULTIES OF BOSTON HIGH SCHOOL AND BOSTON TRADE SCHOOL AND HAS CAUSED ANIMOSITY AND DIVISIVENESS WITHIN TEACHERS' PROFESSIONAL ASSOCIATIONS.
- (4) THE SALE OF TESTIMONIAL TICKETS IN SCHOOLS BY TEACHERS' COLLEAGUES AND SUPERIORS IS FRAUGHT WITH RISKS OF REAL OR PERCEIVED EXERCISE OF PRESSURE, PRODUCES INTRA-FACULTY CONTROVERSY AND DISRUPTS THE EDUCATIONAL FUNCTIONS OF SCHOOLS.
- (5) ON ONE OCCASION, A DISCUSSION OF TESTIMONIALS DOMINATED A FACULTY'S MONTHLY IN-SERVICE MEETING, A SERIOUS OCCURRENCE BECAUSE THE FACULTY MEETS INFREQUENTLY.



Administrators and teachers in the Boston school system realize that testimonials affect not only individual personnel, but also entire programs. The Finance Commission received contradictory testimony concerning incidents at Boston High School, a special work/study school having salary levels several thousands of dollars above those in other schools. On the basis of all the evidence, it has concluded that the following summary correctly sets forth the events at Boston High School in 1972.

In the Spring of 1972, Director Joseph Ippolito announced to the faculty that the previous evening School Committee member Paul Ellison had called him. In his phone call, Ellison urged the faculty to buy tickets to Ellison's testimonial and stated that he expected to see the Director and his wife at the "time". Mr. Ippolito openly stated to the faculty that the special program and the teachers' assignment to it could be jeopardized if they did not comply.

Controversy followed this announcement, resulting in the dismissal of two teachers. Several opponents of testimonials got lower rating marks than they had ever previously received. One of the teachers dismissed was William Maher, who had cautioned the faculty to buy tickets because Mr. Ellison could be "vindictive". John Doherty, President of the Boston Teachers' Union, who received twelve formal complaints from Boston High teachers, characterized the faculty as having felt pressured.

The Boston High incident is not an isolated example. Teachers and administrators at Boston Trade School, for instance, felt that their failure to contribute generously to testimonials might cause the elimination of their additional \$1080 stipend and an evening session.



Myron Croteau, a teacher in the evening session at Boston Trade who subsequently lost his position, testified that his Director, Frank Laquidara, approached him and other employees on one occasion with his paycheck in one hand and testimonial tickets in the other. Mr. Laquidara warned that the School Committee could very well decide to close the night school. Since paychecks for the evening session were customarily delivered by mail in envelopes stamped and self-addressed by employees to their homes, Mr. Croteau felt this method of delivery was chosen to pressure him to buy a ticket. Teachers Union President John Doherty testified that he received complaints concerning hand delivery of paychecks.

Trade teacher Cesere Yannetty and BASAS officer Wilfred O'Leary also believed that purchase of testimonial tickets would make the School Committee look favorably on requests from specific schools.

The apprehension of teachers is correct: School Committee members do make decisions on the basis of support of testimonials and political loyalty. Following the outspoken controversy at Boston High, the School Committee voted to dismiss the entire staff of the school and to reassign only some of the existing faculty. The Finance Commission believes that this decision partially resulted from School Committee members' desire to punish those who criticized testimonials.

Teachers from Boston High and Boston Trade testified that disagreements over testimonials divided the faculties of the two schools for a substantial period of time, diverting attention from the educational programs. Petitions and counter-petitions, criminal charges against Mr. Ippolito filed by several teachers, and letters of condemnation and support of administrators split the faculties and created an atmosphere of strife, disruption and division in the schools. The devotion at Boston High School of an entire monthly





in-service meeting, one of the relatively few times in the academic year when an entire faculty customarily gathers to discuss school policy, to the topic of testimonials was only one instance of the intrusion of testimonials on the primary purposes of a school system. Thomas Feenan and Henry L. Dionisio, teachers at Boston High School, testified that morale among teachers at Boston High suffered because of the controversy over the purchase and sale of testimonial tickets. Mr. Feenan testified that the controversy even affected students. When they became aware of the split in the faculty, some of them expressed disillusionment with the mixing of politics and education in Boston. "They feel that one must pay his way", Mr. Feenan commented.



FINDINGS OF THE FINANCE COMMISSION

EFFECT OF TESTIMONIALS ON COLLECTIVE BARGAINING UNITS AND OTHER SCHOOL  
EMPLOYEE ORGANIZATIONS.

- (1) ASSOCIATIONS REPRESENTING JOB CATEGORIES UNDER THE DIRECT CONTROL OF THE SCHOOL COMMITTEE, NOT SUBJECT TO THE SUPERINTENDENT'S NOMINATION, HAVE MADE SUBSTANTIAL CONTRIBUTIONS TO TESTIMONIALS.
- (2) PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS ACT AS VEHICLES FOR DONATIONS TO SCHOOL COMMITTEE TESTIMONIALS. THE ASSOCIATIONS, NOT INDIVIDUALS, MAKE THE DONATIONS.
- (3) UNIONS AND ASSOCIATIONS OF SCHOOL EMPLOYEES BELIEVE IT NECESSARY TO DONATE TO TESTIMONIALS IN ORDER TO PRESERVE OR ESTABLISH THE "GOOD WILL" OF THE SCHOOL COMMITTEE OR TO GAIN FAVORABLE TREATMENT.
- (4) THE BASAS ORGANIZATION WAS FORMED AT LEAST IN PART TO RELIEVE ITS MEMBERS FROM THE NEED TO VIE AGAINST EACH OTHER IN PURCHASES OF TESTIMONIAL TICKETS.
- (5) THE BOSTON TEACHERS' UNION PASSED A RESOLUTION BANNING UNION PARTICIPATION IN TESTIMONIAL FUND-RAISING AND URGING AMENDMENT OF CHAPTER 55 TO COVER ALL SCHOOL COMMITTEE FUND-RAISING ACTIVITIES, INCLUDING TESTIMONIALS.



The School Committee does not just vote on individual appointments, promotions and transfers of teachers and administrators in the Boston school system. It also oversees all personnel. These include school custodians, cafeteria workers, clerical employees, supervisors of attendance, school physicians and nurses. Many of the employment classifications have formed unions or professional associations which bargain with the School Committee over such matters as salary schedules, fringe benefits and working conditions. The School Committee thus controls overall personnel policies affecting groups or categories of employees as well as details of personnel placement and promotion for particular members of those groups.

For some school employees, such decisions filter through the Superintendent, who, under Section 58 of the Rules and Regulations of the School Committee, has the authority to appoint, reappoint, designate, assign, promote, transfer and remove teachers, supervisors, librarians, nurses, principal clerks, etc., subject to the approval of the School Committee. As previously stated, Chapter 150 of the Acts of 1972 attempted to increase the Superintendent's independent power over academic employees. Despite these provisions, the School Committee still controls all appointments. The Superintendent cannot nominate employees such as custodians and secretaries. Moreover, the Superintendent makes only nominations. The School Committee approves these nominations and thus, it, not the Superintendent, controls all personnel decisions.

The Chief Schoolhouse Custodian makes recommendations on personnel decisions affecting custodians and the Secretary of the School Committee makes recommendations concerning clerical personnel. But in both categories the School Committee ultimately decides.



As this summary suggests, few limits exist on the School Committee's power over personnel matters for large numbers of employees. These limits consist of nothing more than the assertiveness and independence of the Superintendent, the Chief Schoolhouse Custodian and the Secretary. In other areas, such as cafeteria employees and school physicians, the School Committee has virtually absolute control over personnel matters affecting both groups and individuals.

Unions and associations representing employees have made substantial contributions to School Committee testimonials. Mr. Tierney received checks amounting to \$4700 from employee organizations; Mr. McDonough received checks totalling \$4000; and Mr. Kerrigan received checks totalling \$1100. Further contributions from employee groups may have come in cash, since fifteen tickets (\$375) to Mr. McDonough's testimonial recorded in the newsletter of the Administrative Guild Local 398 do not appear in the checks obtained by subpoena. (See Appendix C for a listing of contributions by check from employee unions and professional organizations). The officers or membership customarily decide the number of testimonial tickets the group will purchase. The organization's treasury, derived from membership dues, then pays for the tickets.

Individual School Committee members do not like to admit that they accept contributions from employee associations. Mr. John O'Leary, for instance, who directed School Committee member Tierney's testimonial, testified that checks bearing the name of employee groups were actually individual contributions from members of the groups. According to him, they had merely used their organizations as a convenient way of buying a few tickets at one time. The Finance Commission found no evidence to support this contention.





It should be noted however, that recipients do not always accept large single contributions from employee organizations. Robert Buck, treasurer of BASAS, testified that Mr. O'Leary asked that BASAS' contribution to Mr. Tierney's testimonial be made in small amounts. He refused to accept a single check from BASAS for \$3000. As requested, Mr. Buck delivered the contribution in the form of unsigned money orders for \$50 each and Mr. O'Leary signed 60 different names (most fictitious) before depositing them. Likewise, Mr. McDonough refused a payment of \$3625 from BASAS for testimonial tickets for his May "time" until October. Apparently, Mr. McDonough feared that disclosure of such a large contribution might adversely affect his November 1973 re-election campaign.

Testimony from BASAS officers Wilfred O'Leary and Frank Power, Jr. supports the conclusion that groups wish their contributions to be known to the School Committee members as group contributions. Mr. Power testified that one of the purposes for the formation of BASAS was to make testimonial contributions. Individual administrators felt the formation of a group organization would eliminate competition against one another in purchasing tickets. "So rather than having anyone go up individually purchasing tickets, the general feeling of the group was that it would be far better for there to be a collectivism about it and we would purchase the tickets and the people who received the tickets would be anonymous from our point of view," he testified. BASAS contributed \$3625 to Mr. McDonough's testimonial and \$3000 to Mr. Tierney's testimonial. Mr. Power acknowledged that some of BASAS' members wanted to purchase tickets to insure a favorable collective bargaining position with the School Committee. Wilfred O'Leary stated that the organization purchased tickets to create good will - important when requests were made of the School Committee by administrators or for particular



schools.

Substantial evidence exists to support the conclusion that all employee groups are approached for the purchase of tickets and are expected to purchase substantial numbers of tickets according to their total membership. Ralph Vozella, a guidance counselor at English High School provided such evidence. He testified that he was asked to attend an organizational meeting before Mr. Tierney's testimonial in February of 1972. He indicated that he did not know Mr. Tierney and denied ever having sold tickets. Although the two did not know one another, Mr. Tierney had a good reason for calling upon Mr. Vozella. For several months before the meeting, Mr. Vozella was actively attempting to organize guidance counselors in the Boston school system into a bargaining group. At the organizational meeting he was asked "how much can you handle," to which Mr. Vozella responded, "I will send the tickets out to the guidance counselors, which is what I did." He recalled that he then received approximately 50 or 60 tickets which he mailed to each of the guidance counselors in the school system.

Frank Laquidara, who was also present at the meeting, provided more evidence. He testified that many of those present represented employee groups.

Since March 1973 the Boston Teachers' Union has refused to purchase testimonial tickets in this manner. According to Union President John Doherty, the Union resolved to ban all participation in School Committee fund raising activities. The Union further resolved to sponsor legislation amending Chapter 55 of the Massachusetts General Laws to cover all School Committee fund raising activities, including testimonials. The Union thereby declared itself in favor of prohibiting any contribution to testimonials by public employees.



Witnesses who testified concerning contributions by employee unions and professional associations at no time mentioned any group enthusiasm about the achievements of a particular School Committee member. Rather, the link between contributions and favorable treatment for their group or its individuals motivated their participation in the testimonial process.

The practice of collective bargaining units making contributions directly to members of the School Committee raises serious questions. The School Committee has the obligation to negotiate labor contracts with its employees solely in the interests of the citizens of Boston. These contract negotiations should not be influenced by the extent of contributions made by unions to School Committee members.



## FINDINGS OF THE FINANCE COMMISSION

### EFFECT OF TESTIMONIALS ON CONTRACTING PROCEDURES OF THE SCHOOL COMMITTEE

(1) THE SCHOOL COMMITTEE'S PLANNING AND ENGINEERING DEPARTMENT AWARDS SUBSTANTIAL NO-BID CONTRACTS AND SERVICE ORDERS.

(2) THE SCHOOL COMMITTEE HAS NOT PROVIDED ADEQUATE GUIDELINES FOR THE AWARDING OF NO-BID CONTRACTS AND SERVICE ORDERS; GREAT LATITUDE FOR ABUSE EXISTS.

(3) AN EMPLOYEE WHO PARTICIPATES IN THE AWARDING OF NO-BID CONTRACTS AND SERVICE ORDERS REGULARLY SENDS OUT TESTIMONIAL TICKETS, SOMETIMES WITH PERSONAL NOTES FROM HIMSELF, TO CONTRACTORS WITH WHOM THE SCHOOL COMMITTEE DOES BUSINESS.

(4) A PLANNING AND ENGINEERING DEPARTMENT EMPLOYEE SOLICITS TESTIMONIAL CONTRIBUTIONS FROM CONTRACTORS IN SECRET CLAIMING THAT HIS DEPARTMENT HEAD WOULD NOT APPROVE OF THE PRACTICE. HOWEVER, SCHOOL COMMITTEE MEMBERS KNOW THAT THIS EMPLOYEE SOLICITS FROM BUSINESSES WHICH PERFORM SCHOOL CONTRACTS.

(5) MANY CONTRACTORS CONTRIBUTE IN EQUAL AMOUNTS TO ALL SCHOOL COMMITTEE MEMBERS AND DO NOT LIMIT CONTRIBUTIONS TO THEIR FRIENDS. SUCH BEHAVIOR INDICATES THAT CONTRACTORS BUY TICKETS SENT TO THEM IN ORDER TO OBTAIN FURTHER BUSINESS FROM THE SCHOOL COMMITTEE.





On September 5, 1973, the Finance Commission issued a comprehensive report on contracts awarded by the School Committee without public advertising. On September 12, 1973, the Finance Commission issued another report dealing with legal requirements for the awarding of School Committee contracts.

These reports revealed the following:

1. Most contracts awarded by the School Committee were illegal. They lacked two requirements of State law: the Mayor's signature and the Mayor's approval of contracts over \$2000 without public advertising.
2. The School Committee awards a substantial amount of no-bid business. In 1972, for instance, the School Committee awarded 112 no-bid contracts in excess of \$2000 each, totalling \$2,132,597.
3. The awarding of contracts by the School Committee is under the general control of the Business Manager, who has broad discretionary powers under section 1, Chapter 318 of the Acts of 1906 and section 1, Chapter 231 of the Acts of 1932. The only rules and regulations which the Finance Commission located concerning the awarding of contracts for the purchase of equipment and supplies consisted of sections 116 and 117 of Chapter VI of the School Committee Rules and Regulations (adopted in 1935), which reads as follows:

116. "He [the Business Manager] shall annually, and from time to time, advertise in the City Record, published in the City of Boston, for proposals to furnish any supplies or equipment except text and reference books, film and film strips, the estimated cost of which shall be in excess of two thousand (\$2000) dollars unless the preparation of such proposals would cause delay in the furnishing of supplies or equipment needed promptly in the schools. In such cases competitive bids showing detailed costs of the various items in each schedule shall be obtained." (as amended 7/16/62)



4. The Board of Superintendents approves contracts for professional services. Such contracts are then approved by the entire School Committee. The Business Manager and the Chairman of the School Committee execute contracts for non-professional services.

5. There are no procedures regulating the awarding of non-advertised contracts. In purchasing supplies and equipment, the Business Manager determines whether to have public advertising as well as the procedures followed in awarding no-bid contracts. In contracts awarded without public advertising to professionals, the Finance Commission did not find any written rules or regulations.

After the reports were released, the Mayor insisted that the School Committee comply with State law regarding contracts. As a result, the Mayor now signs all contracts of the School Committee in excess of \$2000. In addition, no-bid contracts in excess of \$2000 are handled in the same manner as those of other City departments. The School Committee sends a letter to the Mayor requesting his approval to the awarding of each contract. The Mayor then sends the letter to the Finance Commission for its review. In all instances, the Mayor approves the contract before its award.

With the exception of this new procedure, the School Committee has not taken any action on a voluntary basis to improve its procedure for awarding contracts.

The investigation of the Finance Commission into the effect of testimonials on the operations of the School Committee demonstrates clearly the need for the adoption of stricter rules and regulations regarding the awarding of contracts by the School Committee.



A full-time employee of the School Committee who plays a substantial role in the awarding of no-bid contracts regularly mails testimonial tickets to contractors with whom the School Committee does no-bid business. Because he is under the impression that "you must do something for these people," Elmo Boari, a structural engineer in charge of alterations and repairs in the Department of Planning and Engineering, mails out up to 200 testimonial tickets on behalf of School Committee members to contractors. He often encloses a personal note saying, "your contributions will be greatly appreciated, please make the check payable to ...." Mr. Boari claims that he conceals these solicitations from the head of his department, whom he knows would disapprove. However, members of the School Committee know full well what happens because Mr. Boari obtains the tickets from their assistants. And the School Committee has done nothing to stop or discourage it.

In the course of analyzing contributions to testimonials for School Committee members Kerrigan, Tierney and McDonough, the Finance Commission found that businesses contributed a total of \$7,075, and that forty-five contractors doing business with the School Committee, often on a no-bid basis, contributed to two or more testimonials. (See Appendix D). The uniformity of the contributions suggests that these contractors contributed not because of friendship with an individual School Committee member. Instead, they believed that buying tickets was necessary to obtain business from the Department of Planning and Engineering. In other words, contractors view the purchase of tickets to testimonials as an "entrance fee".

The sworn testimony of Kenneth M. Calvagne, President of C & C Fence Company, Incorporated, supports this conclusion. Mr. Calvagne's



corporation erects chain link and wood fences and since 1971 has averaged between \$12,000 and \$25,000 of business a year from the School Committee. During 1973, C & C Fence obtained contracts from Mr. Boari and from two other employees of the Department of Planning and Engineering. On at least six occasions Mr. Calvagne received two tickets for testimonials in his office mail. He testified that he associated the buying of tickets with "being in business" and stated that the reason he buys tickets for School Committee members and not for other testimonials is simple. He does business only with the School Committee.





TESTIMONIALS AND VIOLATIONS OF  
MASSACHUSETTS GENERAL LAWS,  
CHAPTERS 55 and 268A

School Committee members have consistently violated the letter and spirit of Massachusetts law in connection with their testimonials. On the one hand, they have ignored those provisions of Chapter 55 of the Massachusetts General Laws regulating the receipt and expenditure of contributions by candidates for public office. Perhaps even more importantly, School Committee members have flaunted the safeguards contained in Chapters 55 and 268A, which attempt to insure that employees are not coerced to support candidates in return for the continuation of jobs and programs.

Provisions of Chapter 55 Regulating Campaign Contributions and Expenditures

Section 11 of Chapter 55 prohibits any public employee from "directly or indirectly" soliciting any contribution "for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever". Section 12 prohibits the solicitation of contributions in any state, county, or municipal building; and Section 13 provides that no public employee may "directly or indirectly, give or deliver" to another public employee "any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever."

While Section 13 of Chapter 55 appears to prohibit public employees from making political contributions of any kind, in 1964, then Attorney General Edward W. Brooke interpreted the law to permit contributions by public employees to legally constituted political committees. Mr. Brooke



acknowledged that Section 13 was written into law "to protect public employees from political exploitation including coercion, intimidation, political blackmail or 'kickbacks.'" However, he pointed to Section 6 of Chapter 55 which states that any individual may contribute to candidates or to legally constituted political committees. He argued that despite the words "directly or indirectly", Section 13 prohibits only contributions to "an officer, clerk or person" in the service of the Commonwealth or of any county, city or town, not to political committees legally organized under Chapter 55.

Mr. Brooke's interpretation of the law has never been tested in court. However, this interpretation has been relied upon by all elected officials in the raising of funds for political campaigns even though it nullifies the explicit prohibition in Section 13 of Chapter 55 against political contributions by public employees.

In addition to the provisions of Chapter 55 designed to protect public employees (Section 11 through 15), the law requires the scrupulous reporting of the sources and amounts of all political contributions and expenditures.

School Committee members claimed that two loopholes existed in Chapter 55. First, they claimed that the funds raised at their testimonials were not "contributions" within the meaning of Chapter 55. Contributions are defined as gifts of money "for the purpose of influencing the nomination or election" of any person. School Committee members never stated that funds received at testimonials would be used for campaign purposes. Rather, they were deliberately vague about the purposes for which the money was raised. Even though most contributors believed they were giving for political purposes, and even though funds raised at testimonials were actually used



for campaign purposes, School Committee members argued that such funds were not raised for that purpose. Consequently, they claimed that their testimonials were not covered by the restrictions and requirements of Chapter 55.

Second, School Committee members asserted that they were not "candidates" when funds were collected at testimonials. Thus, they maintained they were not required to report testimonial contributions and expenditures. Prior to the amendments to Chapter 55 effective January 1, 1974, no definition of "candidate" appeared in the statute. As a result, School Committee members alleged that even though they held elective office, they did not have to report testimonial receipts or expenditures or otherwise comply with the restrictions imposed by Chapter 55 until they publicly announced their candidacies or until they filed nomination papers. School Committee members uniformly attempted to evade Chapter 55 by holding testimonials prior to the filing of nomination papers and prior to announcing their re-election intentions. \*

The Finance Commission considers these excuses for non-compliance with the provisions of Chapter 55 frivolous. In fact, Section 11 is not limited to "contributions" as defined in the Chapter, but instead specifically includes any gift, payment, assessment, subscription, or promise of money for any political purpose whatever. Section 13 prohibits public employees

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\* In its 1973 Session, the General Court attempted to tighten the requirements of Chapter 55 and eliminate some of the abuses and evasions commonly committed by School Committee members and others. The amendment to Chapter 55, effective January 1, 1974, provides that contributions to testimonials and disbursements of the proceeds must be disclosed in reports filed at the same intervals as candidates' reports. The amended version defines a candidate as all elected officials and persons who declare candidacy after holding a testimonial or disbursing funds. As a result, School Committee members will no longer be able to dodge the disclosure requirements of Chapter 55 by holding a testimonial prior to declaring their candidacies.





from giving or delivering "any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever". With respect to the reliance by School Committee members on the claimed loophole in Chapter 55 concerning the meaning of "candidates", although the Finance Commission believes this claim to be without legal merit, the question has become moot. The amendment to Chapter 55, effective January 1, 1974, defines candidates to include any elected official.

Moreover, the opinion of Mr. Brooke did not make legal the contributions to testimonials of School Committee members by public employees. Such contributions were not made to committees organized under Chapter 55, but rather to School Committee members themselves or to loosely organized committees. Thus, even assuming the validity of Mr. Brooke's opinion, contributions to testimonials by School employees violated Section 13 of Chapter 55.

Regardless of the arguments of the School Committee, one thing is clear. By circumventing the law, School Committee members achieved the result which Chapter 55 sought to prevent: they have politicized the workings of the School Department and weakened morale by spreading the impression that personnel policies rest on a system of patronage and quasi-political contributions rather than on merit.





Violations by School Committee Members of the Donation, Receipt, Expenditure and Reporting Requirements of Chapter 55.

School Committee members violated the letter and spirit of Chapter 55 in the following ways:

John J. Kerrigan

John J. Kerrigan accepted direct political campaign contributions from five School employees for his 1973 campaign. These contributions clearly violated Section 13 of Chapter 55, which forbids any person in the service of the City of Boston from directly or indirectly giving or delivering to any other person in the service of the City anything of value to be applied to the promotion of any political object whatever. He further violated Section 2 of Chapter 55 by commingling funds from his testimonial and his campaign. Mr. Kerrigan violated the reporting requirements of Section 16 by failing to disclose all contributions and by omitting himself from his contributors' list.

Between January 1973 and June 1973, John J. Kerrigan paid for campaign expenses from the proceeds of a testimonial held in October 1972. The Kerrigan Friendship Dinner checking account issued checks to cover Mr. Kerrigan's primary campaign months before any of the campaign contributions appeared in the candidate's report. However, no contributor to the testimonial was reported as a contributor to the Kerrigan campaign even though the money was used for political purposes. Since 81% of the \$19,715 in checks received for the testimonial came from School Department employees, and since employees were engaged in selling testimonial tickets to their colleagues within school buildings, Mr. Kerrigan violated the spirit and purpose of Sections 11, 12 and 13 of Chapter 55.



Mr. Kerrigan violated the purpose of Section 16 by failing to report donations to his testimonial as campaign contributions even though he used these funds for political purposes. Mr. Kerrigan thus received indirect campaign contributions from public employees over whose employment he had control. The proceeds from this circumvention of the law amounted to an average contribution of \$33.48 from 409 permanent and temporary employees, and an average of \$171.43 from seven employee groups or professional associations. No record is available of cash contributions to Mr. Kerrigan from employees or employee organizations.

Paul J. Ellison

Paul Ellison evaded the provisions of Sections 11, 12 and 13 of Chapter 55 by using a minimum of \$11,561.87 or a maximum of \$14,561.87 of the \$24,053.13 collected for his May 1972 testimonial for campaign expenses and the repayment of loans applied to political expenses. Some loans repaid by Mr. Ellison from testimonial proceeds may have been personal loans; thus the exact amount of funds used for political purposes in evasion of Chapter 55 is uncertain. Because the State Street Bank and Trust Company, where Mr. Ellison deposited his testimonial proceeds, did not retain copies of contributor's checks, it is impossible to calculate precisely the percentage of contributions received from public employees. However, both Mr. Ellison and his testimonial chairman, James Crecco, admitted in testimony before the Finance Commission that many of the donors were School employees. The solicitation and use of monies collected from public employees to pay off campaign loans constituted violations of the purposes of Sections 11, 12 and 13 of Chapter 55. Failure to report contributors to the testimonial violated the purpose of Section 16. From his own Reception Committee, Mr. Ellison



disbursed money for campaign expenditures, personal purposes and testimonial expenses. These payments violated Section 2 of Chapter 55 which requires that political accounts be kept separate from all other funds.

John J. McDonough

John J. McDonough even more blatantly evaded the purposes of Chapter 55 by transferring \$10,711.27, or 83 per cent of the total proceeds of his May 1973 testimonial, to the Committee to Re-elect John McDonough. In some cases, the exact amount of deposits to the bank account of the McDonough Friendship Reception were withdrawn in the form of checks to the McDonough campaign account. Laundering these contributions through a testimonial account should not make them legal. School employees and organizations representing employees gave seventy-eight per cent of the testimonial proceeds collected.

The average contribution from 188 employees amounted to \$31.45. Contribution from 188 employees averaged \$800, including a \$3,625 contribution from BASAS. Since Mr. McDonough used the same methods of soliciting contributions as did other School Committee members, and since he also received testimonial contributions from corporations, he violated the purposes of Sections 7, 11, 12 and 13 of Chapter 55. His failure to report testimonial contributors on his candidate's report constituted a clear evasion of the purpose of Section 16.

Paul R. Tierney

Paul R. Tierney similarly committed direct violations of Section 16 of Chapter 55 by failing to list a \$5,000 loan from himself to his campaign as a contribution.





## Legal Restrictions on the Conduct of Public Officials

Chapter 268A of the General Laws forbids conduct by public officials and by members of the public which would create conflicts of interest or would lead to abuses of official duties. Section 2 forbids, upon pain of criminal penalty, any municipal employee from corruptly asking for, soliciting or accepting money for himself or for any other person or entity in return for being influenced in his performance of any act within his official responsibility. Section 2 also forbids, upon pain of criminal penalty, the corrupt giving of money, directly or indirectly, to anyone or to any entity with intent to influence any act within the official responsibility of a municipal employee. In addition, to criminal action Section 21 permits a city to bring a civil action against any person who has acted to his economic advantage in violation of Sections 2 or 3, and to recover damages in the amount of such economic advantage, or \$500, whichever is greater.

In addition, Chapter 55 of the General laws seeks to prevent misuse by elected officials of their powers in the hiring, firing, promotion and demotion of personnel. Section 14 provides that a public servant cannot be forced to contribute to any political fund or to work in any political campaign and that he "shall not be removed or otherwise prejudiced for refusing to do so". Section 15 provides that no public official "shall discharge, promote or degrade an officer or employee or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose".





In addition to the provisions of Chapters 55 and 268A of the General Laws which provide criminal penalties, Section 3 of Chapter 268A contains a standard of conduct for public officials. This standard forbids public officials from engaging in conduct which would "give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is unduly affected by the...influence of any party or person". This Section also forbids any public official from pursuing "a course of conduct which will raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust".

Based on the findings contained in this report, the Finance Commission believes that School Committee members have violated Sections 14 and 15 of Chapter 55 and Sections 2, 3 and 23 of Chapter 268A. These probable violations are numerous and include the following serious examples:

1. The refusal of Superintendent William Leary to renominate David Rosengard as an Assistant Superintendent of Schools (see Page 31).

2. The decision not to promote John Coakley to principal of a day school and to remove him from his position as principal of an evening school (see Page 31).

3. The dismissal of the entire staff of Boston High School (see Page 44).

4. The attempts by faculty members at Boston Trade High School to maintain their "\$1,040 stipend" by making testimonial contributions (see Page 45).

5. The contributions made to testimonials by unions and associations



of school employees to preserve or establish the goodwill of the School Committee or to gain favorable treatment (see Page 48).

6. The collection of testimonial contributions from contractors doing business with the School Committee by an employee who participates in the awarding of no-bid contracts (see Page 54).

The Finance Commission believes that testimonials are fraught with the constant risk of violation of Chapters 55 and 268A. Sworn testimony received by the Finance Commission demonstrates that persons contribute out of fear and with the expectation of favorable treatment. Whether actual proof sufficient for indictment and conviction under these laws can be obtained is irrelevant. The entire testimonial process creates an avenue for abuse by public officials in the performance of their official duties and permits elected officials to entice or coerce persons under their control to evade or violate the law.

#### Future Testimonials by School Committee Members

If School Committee members continue to hold testimonials or other fund raising events, they must comply with all applicable provisions of Chapters 55 and 268A. In soliciting contributions for testimonials, School Committee members and those who participate run the continual risk of violating the criminal sanctions of these laws. Because of the recent amendment to Chapter 55, the requirements of this Chapter apply to testimonials, whenever they are held. It is true that so long as Mr. Brooke's 1964 opinion remains in effect, elected officials will continue to rely on it to permit public employees to make contributions. However, it is the view of the Finance Commission that even if solicitations of School employees for testimonials do not violate criminal provisions, School Committee members cannot do so without violating the standards of conduct contained in Section 23 of Chapter 268A.



## RECOMMENDATIONS

The Finance Commission investigation demonstrates that the School Committee does not conduct itself in a manner calculated to improve public education in Boston. Instead, it has presided over a system riddled with politics and patronage in which glaring abuses of power in office have prevailed.

Prior to the preparation of this report, the Finance Commission made numerous recommendations for changing various aspects of the School Committee's administration of public education. Among other things, the Finance Commission urged the School Committee to:

1. Eliminate the Department of School Health Services and transfer responsibility for child health care to the Department of Health and Hospitals.
2. Investigate the receipt and expenditure of school funds in the public schools and formulate policies regarding them.
3. Establish guidelines for awarding contracts without public advertising based upon procedures followed by all other city departments.
4. Take steps to eliminate the gross inequities in the distribution of financial resources among the various elementary, middle and high schools in Boston.
5. Comply with the laws of the Commonwealth of Massachusetts in the awarding of all contracts.
6. Comply with the open meeting law of the Commonwealth of Massachusetts in connection with meetings of the School Committee by holding executive sessions only where permitted and in the manner provided by such law.

Regrettably, the School Committee has failed to act voluntarily on any



of the recommendations made by the Finance Commission. Despite the refusal of the School Committee to implement changes recommended not only by the Finance Commission but by numerous other professional and civic organizations, in at least one instance, substantial change has taken place. Immediately after the issuance of the report of the Finance Commission on the illegality of school contracts, Mayor Kevin H. White informed the School Committee that he would refuse to make payment on any School Committee contract unless it complied in form and substance with applicable State law. Faced with the prospect of non-payment of its contractors, the School Committee has complied with the applicable laws, but not voluntarily so; the Mayor forced the School Committee to obey.

The School Committee has demonstrated time and again its contempt for change and innovation. To a large extent, the continued growth of the City depends upon the quality of education provided in its public schools. Residents leave the City in order to obtain a better education for their children in suburban areas. Non-residents who might otherwise move to Boston fail to do so because of the poor quality of education in Boston.

Based on the information gathered in its twenty-two month investigation of the School Committee, the Commission recommends the following:

1. The abolition of the School Committee. The City's schools should be operated by a department answerable to the Mayor and City Council with maximum community participation.

The Finance Commission is keenly aware that Boston's citizens defeated such a proposed change in a referendum held last November. The Finance Commission is convinced, however, that because of the circumstances under which this referendum took place, namely, the controversy surrounding the Federal Court's school desegregation order, the vote was not an expression of opinion on the most effective system of school administration, but rather a referendum







on court ordered busing.

The Finance Commission strongly believes that structural changes are the only way to improve the quality of education in Boston. The School Committee has consistently demonstrated unwillingness to respond to community needs, to comply with the laws of the Commonwealth and of the United States, and to provide quality education in Boston. Such a body should not be permitted to continue.

The Finance Commission realizes that the abolition of the School Committee cannot be achieved at the present time. The problems of integration currently consume the time and energy of all public officials and absorb the emotions of most of Boston's citizens. On the other hand, the Finance Commission strongly believes that at the appropriate time, when the present integration and busing controversy subsides, the structure of the School Committee must be changed.

The replacement of the School Committee by a City Department answerable to the Mayor and City Council and with maximum community participation would offer the following advantages:

(a) Subject to community approval, the Mayor would appoint a Superintendent of Schools with total responsibility for the administration of public education, including the hiring of personnel. Unlike the present situation where the School Committee approves on an individual basis the hiring, firing, transferring and promoting of all personnel, with the results set forth in this report, the Superintendent of Schools would have authority to hire persons solely based on merit and not on politics and patronage. The Finance Commission is not naive enough to believe that politics and patronage can ever be totally eliminated from government. On the other hand, the outrageous nature of the School Committee's actions on personnel matters can and must be altered. The Finance Commission believes that a Superintendent of Schools charged



with the responsibility for hiring personnel without the obligation to obtain the approval of the Mayor would greatly reduce the problems existing under the present system.

(b) The Mayor would have a far greater influence on the budget of the School Committee. Currently, the Mayor is responsible to and held accountable by the citizens of Boston for the City's tax rate; yet he exercises minimal control over the School Committee budget. The largest single expenditure in the City budget is for education. The Finance Commission has no doubt that a Mayor held accountable for the tax rate could find significant expenditures for the School Committee budget to cut without in any way adversely affecting the quality of education in the public schools.

(c) Any proposal involving the creation of a City Department in place of the School Committee would involve guaranteed maximum community participation. This participation must include such matters as financial expenditures, hiring of personnel and program development. The School Committee has taken few, if any, steps to involve parents in decision-making roles. In fact, it has, directly and indirectly, discouraged this essential process. The citizens of Boston need an opportunity to participate actively in the education of their children.

(d) The Mayor has the responsibility for all other city departments. Placing the administration of the schools under his control would greatly enhance cooperation among city departments. As indicated in this report, the School Committee has consistently refused to work with other city departments to the detriment of Boston's children. Obviously, the possibility of abolishing the Department of School Health Services and transferring health care responsibility to the Department of Health and



Hospitals, as recommended by the Finance Commission (as well as by the Boston Municipal Research Bureau and other professionals) would be greatly enhanced if the administration of Boston's schools lay in the hands of a City Department answerable to the Mayor. Likewise, cooperation between school administrators and the Library Department, Youth Activities Department and Parks Department, would be significantly easier.

The Finance Commission believes that abolishing the School Committee would greatly contribute to quality education in Boston. However, this is not the only solution. Others with expertise in the field may recommend the continued existence of an independent school committee. Whatever the change may be, since the Boston School Committee has failed to respond to the needs of Boston's children, the Finance Commission feels that structural changes of some kind in the administration of Boston's schools is critical.

The Finance Commission trusts that responsible officials and community leaders will revive this issue when the emotions surrounding busing have abated.

2. The Finance Commission strongly recommends that the School Committee discontinue its intense preoccupation with personnel matters. For too long the members of the School Committee have acted as surrogate administrators within the school system dealing with matters which clearly should be left in the hands of professionals. At the same time, the School Committee has neglected important fiscal, administrative and operational matters.

The Finance Commission believes that all personnel decisions regarding the hiring, firing, transferring and promoting of personnel should be made by the Committee's staff of professional administrators. The reasons for this recommendation are obvious. The School Committee has based its decisions more on politics and patronage than on merit. It has used its power over the hiring and promotion of personnel to obtain substantial monetary contributions



from school employees.

3. The Finance Commission recommends the legal prohibition of all elected and appointed public officials from raising funds from any person, firm or corporation for any non-political purpose. The practice of raising funds through testimonials and other devices for their own personal use is unconscionable and should be stopped.

The Finance Commission strongly recommends that the Massachusetts Legislature and/or the Boston City Council take action promptly to eliminate this obvious violation of trust.

4. The Finance Commission recommends that the 1964 Attorney General's opinion permitting public employees to contribute to political committees be reconsidered by the Attorney General. If this opinion is not overruled and if the prohibitions against political contributions by public employees contained in Section 13 are not made effective then the Finance Commission recommends that the law be amended to prohibit employees from contributing to their appointing authorities.

The Finance Commission recognizes that the bar of political contributions by public employees contained in Section 13 touches upon individual rights. On the other hand, the abuses described in this report relating to pressures brought to bear on School Committee employees to contribute to testimonials for their employers must be eliminated. To prevent such abuses, the public interest dictates some limitations on the freedom of public employees to contribute. The Finance Commission believes that a prohibition against contributions by public employees to their appointing authorities is the fairest way to guarantee the rights of public employees while at the same time protecting them from pressure.

Therefore, if existing law must be amended to prevent the type of abuses described in this report the Finance Commission recommends that such amendment





prohibit public employees and their immediate families from making contributions of any kind to their appointing authorities. Under this proposal School Committee employees and members of their immediate families would be prohibited from contributing to School Committee members. They could, however, contribute to other elected officials. Employees of other city departments would be prohibited from contributing to the Mayor or members of the City Council, but would be permitted to make contributions to other elected officials. Likewise, State employees would be prohibited from contributing to their immediate employees but could contribute to other elected officials.

Unless and until public financing of campaigns eliminates the legitimate needs of persons running for office to raise funds, the Finance Commission urges the Massachusetts Legislature and the Boston City Council to take steps to eliminate the problems raised in this report regarding contributions to elected officials by public employees.

5. The Finance Commission recommends that all elected officials in the City of Boston be required to divulge information regarding sources of income on a yearly basis. The fact that School Committee members for years have conducted testimonials and raised large sums of money as an adjunct to their offices, without disclosure to the public, argues strongly for prompt implementation of this recommendation.

There is precedent for such income reporting requirements in Massachusetts and elsewhere. Massachusetts state officials are required by law to report annually under oath, all compensation received from any source for services performed. And in New York the City Council has recently passed an ordinance requiring disclosure of the kind recommended by the Finance Commission. This action has been favorably viewed by the media in New York and in Boston. There is no reason why elected officials in Boston should not be held to the same standard. Accordingly, the Finance Commission urges the City Council to enact



an ordinance requiring yearly disclosure of the sources of income of all elected officials.

6. The Finance Commission recommends that the existing laws regulating the conduct of public officials, political fund raising and public meetings be vigorously enforced. It is a matter of public knowledge that these laws are widely ignored. One common excuse for inaction in the enforcement of political fund raising requirements has been that the laws are filled with "loopholes". However, it is notable that these alleged "loopholes" have not been subjected to judicial test. Moreover, the recent amendments strengthening Chapter 55 offer even less excuse for inaction. The Finance Commission also urges that the Mayor act under Section 21 of Chapter 268A of the General Laws to recover on behalf of the City the funds raised at the testimonials of School Committee members in probable violation of the provisions of the Chapter.

The Finance Commission recognizes that the political financing laws are detailed and complex. It is inevitable that there will be unintentional technical infractions of some of these requirements, and it certainly is not the intent of the Finance Commission to recommend that the laws be used to harass candidates for public office. Nevertheless, where, as this report has demonstrated, elected officials have systematically and consciously acted in direct violation of their public trust and duties there can be no substitute for the application of existing laws.

The recommendations set forth above are intentionally limited. The Finance Commission strongly believes that testimonials in the form conducted by School Committee members in the past should be immediately terminated. However, the Finance Commission believes that stopping testimonials will not result in substantial change in the quality of education in Boston's schools. Such



improvement requires drastic change in the way in which Boston's schools are administered. The Finance Commission trusts that this report will assist in accomplishing that end.









LIST OF WITNESSES

The Finance Commission received sworn testimony and documents from the following witnesses identified below as to position and the date of their appearance.

June 11, 1973

Edward C. Winter, Secretary to the School Committee  
Carol D. Gold, Assistant to Ralph I. Fine, Chairman  
of the Boston Finance Commission  
Leo J. Burke, Business Manager of the School Committee

June 12, 1973

John Doherty, President of the Boston Teachers' Union  
Frank G. Power, Jr., Headmaster, Charlestown High School  
and President of BASAS  
Philip Pirrone, Teacher, Boston Trade High School  
Myron C. Croteau, Teacher, Boston Trade High School

June 13, 1973

Rollins Griffith, Assistant Superintendent, Boston  
School Committee  
John Doherty, resumed  
David Rosengard, retired Assistant Superintendent,  
Boston School Committee

June 19, 1973

Jeffrey Conley, Investigator, Boston Finance Commission  
Lorraine Ash, Teacher, Boston High School  
Henry L. Dionisio, Teacher, Boston High School  
Thomas Feenan, Teacher, Boston High School  
Mark Crehan, Teacher, Boston High School  
Timothy O'Connell, Teacher, Boston High School



September 5, 1973

Frank A. Laquidara, Project Director, Occupational  
Resource Center; Headmaster, Boston Evening Trade  
High School

Thomas F. Cavanaugh, Teacher, Boston High School

William J. Harrison, Associate Superintendent, Boston  
School Committee

September 6, 1973

John R. Coakley, Associate Director, Educational Planning  
Center

Paul A. Kennedy, Associate Superintendent, Boston  
School Committee

Joseph F. Carey, Director, Educational Planning Center

Wilfred L. O'Leary, Headmaster, Boston Latin School

September 10, 1973

Herbert Hambleton, Executive Assistant to Superintendent  
William Leary

James A. Crecco, Educational Specialist, Educational  
Planning Center

John J. Kelly, Associate Superintendent, Boston School  
Committee

Leo M. Howard, Assistant Superintendent, Boston School  
Committee

September 11, 1973

William J. Leary, Superintendent, Boston School Schools

September 17, 1973

Robert McCabe, Administrative Assistant to the Deputy  
Superintendent

James A. Kelley, Coordinator, Department of Safety

George E. Murphy, Assistant Director, Staff Development

September 18, 1973

Theodore S. Bakas, Attorney

Francis X. Shiels, Administrative Assistant to James Hennigan

John A. O'Leary, Administrative Assistant to Paul R. Tierney

November 8, 1973

Drew G. Doty, Employee, City Bank & Trust Company

John Smolinsky, Employee, State Street Bank & Trust Company

Oscar H. Nickerson, Employee, First National Bank

Richard Crosby, Employee, Commonwealth Bank & Trust Company



November 21, 1973

Carol Belanger, former secretary to Paul Ellison

November 29, 1973

David Shulman, Employee, Liberty Bank & Trust Company

Raymond Abdella, Employee, National Shawmut Bank

February 7, 1974

Salvatore J. Messina, Assistant Director, Department of  
Informational Services

February 11, 1974

Elmo P. Boari, Structural Engineer, Department of  
Planning & Engineering

Kenneth Calvagne, C&C Fence Company

February 12, 1974

Robert F. Buck, Director, Business Education; Treasurer  
of BASAS

Ralph Vozella, Guidance Counselor, English High School

Anthony Olivieri, Teacher, Boston High School

Joseph L. Ippolito, Director, Boston High School

February 15, 1974

Frank A. Laquidara (second appearance)

March 4, 1974

James Crecco (second appearance)

J. Michael Freedberg, Field Director, Ellison campaign 1971

March 5, 1974

Paul J. Ellison, School Committee of the City of Boston

March 11, 1974

Emil J. Dow, Teacher, Timilty Junior High School

Cesare J. Yannetty, Teacher, Boston Trade High School

March 13, 1974

Francis E. Casey, Teacher, Boston High School

Lawrence K. Foti, Teacher, Boston High School

Francis J. Sullivan, Teacher, Boston High School

March 22, 1974

John Arcadipane, Teacher, Boston Trade High School

Richard R. Viscarello, Teacher, Boston Trade High School

Joseph T. Flanagan, Teacher, Boston Trade High School

March 29, 1974

John A. O'Leary (second appearance)



APPENDIX B

BOSTON SCHOOL COMMITTEEMAN  
JOHN McDONOUGH  
FRIENDSHIP RECEPTION COMMITTEE

Dear Friend:

Friends of Boston School Committeeman John M. Donough are planning to honor him with a reception and Cocktail party at the New England Aquarium on Thursday evening, May 17, 1973, from 5:30 to 7:30 P.M.

John, as an unpaid member of the Boston School Committee, has devoted much of his time and effort on behalf of the children of Boston. As you know, John has been involved in many civic endeavors over the years.

So, we are writing to you as a friend of our honored guest to invite you to join with us in making this reception a success.

Enclosed will be an order form with a return envelope. We would be most grateful for an early reply.

Sincerely yours,

Theodore Bakas,  
Chairman

Enclosures





APPENDIX C

CONTRIBUTIONS BY CHECK TO SCHOOL COMMITTEE  
TESTIMONIALS BY EMPLOYEE ORGANIZATIONS

|   | <u>Tierney</u> | <u>Kerrigan</u> | <u>McDonough</u> |
|---|----------------|-----------------|------------------|
| BASAS   | \$ 3000.       | \$              | \$ 3625.         |
| Boston School Nurses' Association                     | 200.           | 250.            | 100.             |
| Boston School Physicians' Association                 | 200.           |                 |                  |
| United City Employees Local 285                       | 50.            | 200.            | 100.             |
| Association of Heads of Departments                   | 250.           | 250.            |                  |
| Assistant Principals' Association                     | 250.           |                 |                  |
| Boston District Council 45 - AFL-CIO                  | 250.           | 100.            |                  |
| Boston High School Coaches' Association               | 50.            | 50.             | 50.              |
| Boston Home Economics Teachers' Association           | 50.            |                 |                  |
| Boston Public School Building Custodians' Association | 250.           |                 |                  |
| Boston School Cafeteria Association, Local 230        | <u>150.</u>    | <u>150.</u>     | <u>125.</u>      |
| Totals.....   | \$ 4700.       | \$ 400.         | \$4000.          |



APPENDIX D

CONTRACTORS' CONTRIBUTIONS TO  
TWO OR MORE TESTIMONIALS

| <u>Company</u>                                     | <u>Amounts Paid by School Committee<br/>During Periods Indicated</u> | <u>McDonough</u> | <u>Tierney</u> | <u>Kerrigan</u> | <u>Period</u> |
|--|--|------------------|----------------|-----------------|---------------|
| Aborn Lock Co.                                     | \$ 6,400.23  | \$25             | \$75           |                 | 2             |
| Ace Service Co.<br>(Restr. supplier)               | 7,640.81<br>(serv. ord.)   | 25               | 25             |                 | 2             |
| John J. Appel                                      | 4,602.45   | 25               |                | \$50            | 1             |
| Atlas Roofing & Skylight Co.                       | 14,172.81  | 50               | 50             | 50              | 1             |
| B&C Service Systems, Inc.<br>(janitorial services) | 97,119.96<br>(serv. ord.)  | 50               | 75             | 75              | 2             |
| Bailey-Stewart Co.<br>(water heaters)              | 15,523.82  | 25               | 50             | 50              | 1             |
| Joseph & Nicholas Bello<br>(painting contractors)  | 12,143.16  | 25               | 50             | 50              | 1             |
| Brown Electric Motor Service                       | 5,839.58   | 25               | 25             | 25              | 1             |
| C&C Fence Company                                  | 20,463.45  |                  | 75             | 75              | 2             |
| D&F Company (plumbing)                             | 54,146.46  | 50               | 50             |                 | 1             |

PERIOD -  
 1 = 11-1-72 - 10-31-73  
 2 = 12-1-72 - 11-30-73  
 3 = 8-1-72 - 7-31-73



| <u>Company</u>                           | <u>Amounts Paid by School Committee<br/>During Periods Indicated</u> | <u>McDonough</u> | <u>Tierney</u> | <u>Kerrigan</u> | <u>Period</u> |
|--|--|------------------|----------------|-----------------|---------------|
| Dorchester Plate & Window<br>Glass Co.   | \$42,834.72  | \$50             | \$75           | \$75            | 2             |
| J.F. Dunnigan Co.<br>(gen'l contractor)  | 33,941.87  | 50               | 50             | 50              | 1             |
| Gittel & Flanagan<br>(plasterers)        | 5,125.71<br>(serv. ord.)   | 25               | 75             | 25              | 2             |
| Griffin Electric Co.                     | 14,495.47  | 25               | 75             | 75              | 2             |
| Francis J. Hammill Co.<br>(door closers) | 4,352.60   | 25               | 25             | 25              | 2             |
| S. J. Hingston<br>(gen'l contractor)     | 8,443.57   | 50               | 50             | 50              | 2             |
| John F. Hynes Co.<br>(gen'l contractor)  | 24,431.95<br>(serv. ord.)<br>8,600.00<br>(contracts)                 | 25               | 25             | 25              | 2             |
| L.H. & J.J. Jacobs                       | 20,615.00<br>(serv. ord.)<br>5,500.00<br>(contracts)                 | 25               | 50             | 50              | 2             |



| <u>Company</u>                                  | <u>Amounts Paid by School Committee<br/>During Periods Indicated</u> | <u>McDonough</u> | <u>Tierney</u> | <u>Kerrigan</u> | <u>Period</u> |
|---|--|------------------|----------------|-----------------|---------------|
| John E. Kelley<br>(plumb. & heating)            | \$14,508.70  | \$25             | \$50           |                 | 1             |
| Joseph Lavigne<br>(carpenter)                   | 28,342.87  | 25               | 25             | 25              | 2             |
| Lentine Electrical<br>Service, Inc.             | 15,682.10<br>(serv. ord.)  | 25               | 50             | 50              | 2             |
| MacKinley Electric Co.                          | 41,163.95  | 75               | 100            | 50              | 2             |
| D. J. McCarthy Construction                     | 41,800.00  | 50               |                | 50              | 1             |
| Joseph L. McKeen Co.<br>(electrical contractor) | 51,021.93<br>(serv. ord.)<br>35,113.90<br>(contracts)                | 50               | 100            | 100             | 3             |
| J. E. Morin Roofing & Sheet<br>Metal Co.        | 19,199.30  | 50               | 50             | 50              | 1             |
| R&L Construction Co.                            | 84,714.07<br>(serv. ord.)<br>78,419.35<br>(contracts)                | 50               | 75             |                 | 2             |
| Patrick Russo<br>(plumber)                      | 46,396.10<br>(contracts)   | 25               | 75             | 100             | 2             |





| <u>Company</u>                                  | <u>Amounts Paid by School Committee<br/>During Periods Indicated</u> | <u>McDonough</u> | <u>Tierney</u> | <u>Kerrigan</u> | <u>Period</u> |
|---|--|------------------|----------------|-----------------|---------------|
| H. A. Smith Roofing &<br>Sheet Metal            | \$16,922.13  | \$50             | \$50           | \$50            | 1             |
| Trethewey Brothers<br>(plumbers)                | 2,799.03<br>(serv. ord.)   |                  | 25             | 25              | 2             |
| Gerald Vallati Co.<br>(plumb., hetg., gas ftg.) | 20,697.14  | 50               | 50             | 75              | 1             |
| Roeloff Vanputtin<br>(gen'l contractors)        | 17,724.00  | 50               | 50             | 75              | 2             |
| Peter Veneto & Sons<br>(gen'l contractors)      | 18,833.76<br>(serv. ord.)  | 50               | 75             | 75              | 2             |
| John M. Walker Co.<br>(draperies)               | 58,800.90<br>(serv. ord.)  | 50               | 50             | 75              | 2             |
|   | 126,756.05<br>(contracts)  |                  |                |                 |               |
| Washington Contracting Co., Inc.                | 10,516.60<br>(serv. ord.)  | 50               |                | 50              | 2             |
|   | 9,376.50<br>(contracts)  |                  |                |                 |               |
| McCarthy Bros. Furniture Co.                    | 19,652.05  |                  | 25             | 25              | 2             |



| <u>Company</u>                        | <u>Amounts Paid by School Committee<br/>During Periods Indicated</u> | <u>McDonough</u> | <u>Tierney</u> | <u>Kerrigan</u> | <u>Period</u> |
|---------------------------------------|--|------------------|----------------|-----------------|---------------|
| Northeast Elevator Co.                | \$16,309.51  |                  | \$50           | \$50            | 2             |
| Risti Brothers<br>(gen'l contractors) | 10,979.30  | 25               |                | 25              | 2             |















