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March 13, 2017

The Honorable Charles D. Baker, Jr.
State House
Office of the Governor
Room 280
Boston, MA 02113

Dear Governor Baker,

In the spirit of “Sunshine Week,” a celebration of access to public information promoted nationally by the American Society of News Editors and the Reporters’ Committee for Freedom of the Press, Pioneer Institute is following up on its September 21, 2016 letter (a copy of which is included), requesting that you extend your administration’s public records reform initiative to the Governor’s Office through formal means such as an executive order or gubernatorial memorandum.

The Governor’s Office in Massachusetts remains one of only a handful nationwide to claim a blanket exemption from public records laws.

The lineage of this exemption traces back to the Supreme Judicial Court’s 1997 ruling in *Lambert v. Judicial Nominating Council*. As has been well-documented, the unfortunate progeny of that opinion is that every governor since that time has asserted that the commonwealth’s public records law did not apply to their respective offices. This reliance on a broad interpretation of *Lambert* has devolved into a practice that discourages transparent and accountable government.

Pioneer believes that you have the authority to suspend *Lambert’s* application to your office and that such an act would be consistent with your administration’s practices thus far, including the 2015 Memorandum to Cabinet Secretaries and accompanying guidance on “best practices from around the country” and enacting the first public records reform law in Massachusetts since 1973.

Pioneer reiterates our appreciation for your administration’s work on this effort.

Yet, the Institute also wishes to express its disappointment that it has not received any form of response to its original letter during the six-month period since the document was hand-delivered to your office.

Pioneer Institute believes the proposal contained in the original letter reasonably balances the noble goal of enhancing government transparency with a practical approach – including both a prospective application and recourse to ample, appropriate exceptions (referencing M.G.L. c. 4, § 7 (26),

which contains twenty categories of exceptions) – that is cognizant of the realities of developing state policy.

Pioneer emphasizes that you still have a unique opportunity to set a high bar for transparency and to serve as a model for future governors and, more immediately, the state Legislature, consistent with the commonwealth's long and proud history of efforts to make its government transparent to its residents.

Pioneer remains willing and able to assist your administration in developing any guidelines for the enforcement of an executive action.

Respectfully,



Mary Connaughton
Director of Government Transparency



John Sivoletta
Senior Fellow, Law and Policy