

Justin Silverman: Again, thank you for being here. We appreciate your support. In a moment, Tom Fiedler, dean of the BU College of Communication, and a board member of ours will take to the podium and provide some opening remarks as well as introduce you to our emcee for this afternoon. But before we do, I would like to recognize Tom because in addition to being one of our long-standing board members, he's also served as president of our coalition for the last four years.

Justin Silverman: He stepped down from the presidency in January, replacing him will be Karen Bordeleau, former executive editor of the Providence Journal, but Tom has served in this role for four years. And our organization, has really grown underneath his leadership. I wanted to take a moment if we could all recognize Tom for the work that he's done to grow NEFAC and turn it into the organization that it is today.

Justin Silverman: Thank you very much, Tom. On behalf of NEFAC, everyone in this room and throughout New England we appreciate the work that you've done. Without further delay, to introduce our emcee and to kick off our program — and we have a great program for you today — Tom Fielder.

Tom Fielder: Thank you very much. That was not on the program. I think what I'm trying to do is start a trend is it, no president should be in office for more than four years, right? No matter what level, so we'll see, maybe less in some cases but let me just add to Justin's comment there. I do want to welcome everybody here. This is our 7th Annual Stephen Hamblett Award Luncheon, First Amendment Awards Luncheon and it's named for a man, his family is here, whose work I think a epitomizes what this is really all about.

Tom Fielder: A man who started in journalism on the production side, became a reporter, ultimately the publisher, editor and publisher of the Providence Journal and led the Journal to a Pulitzer Prize for investigative reporting. So it's perfectly appropriate that we recognize our current awardees with Stephen Hamblett's name and thank them for being here. Once again, I want to thank our hosts, the New England Newspaper and Press Association.

Tom Fielder: You see examples of the work being done by journalists throughout New England, outside and other programs that are going on and again, for several years, they have allowed us to share with them this gathering. Special thanks to our many sponsors, all of the sponsors that have purchased tickets and tables here, it means a great deal to the work that we do at the coalition.

Tom Fielder: Some of them, I think have really stepped up as WCVB, which has a table and is providing us with our emcee today at Harding who I'll introduce shortly, the Boston Globe and WBUR, and we have joined with WBUR recently in a lawsuit that they are pushing to open up court records, so appreciate that.

Tom Fielder: I want to also welcome our special guests later. You will hear from our honorees, Todd Wallack of the Globe, Jane Mayer of New Yorker Magazine and

also some of the enterprising students from the Hyde Square Task Force, the youth volunteers. You'll hear their fascinating story about how using public records, they were able to persuade the city that TD bank owed them, I think something on the order of \$14 million owed the city to build recreational facilities, including in Hyde Park and they've gotten a little over a million, but I keep an eye on that or they'll work toward that 14 million. I want to thank also, many of you who provided tickets to students from all over from schools in this area.

Tom Fielder: There are students here from Northeastern, from Suffolk and Emerson, Roger Williams, my own College of Communication at Boston University, University of Rhode Island. There you go. See, they work for me. They have to clap. Saint Michael's, UMass, UNH and Central Connecticut. I hope I didn't forget anyone, but welcome to all the students and thanks to those of you who provided an opportunity for them to attend.

Tom Fielder: Most of all, I want to thank all of you for coming. Your presence here today matters a great deal both for the support that this does for the First Amendment Coalition and for the work that we do. Those of you who may not to have engaged with us before, the mission of the New England First Amendment coalition is really based on the five freedoms that are articulated in the First Amendment, but particularly our mission is to hold government to account and we believe that the best way to do that is to ensure transparency, to make sure that citizens can see what government is doing, so that we can truly have an informed electorate.

Tom Fielder: I don't know if there's a more important time in which this kind of public access, public transparency could be more important than now. It's again, I think I so appreciate, we so appreciate the support that you've given us for the last seven years. Now, I'm going to invite all of you to finish eating and then I will come back in a few minutes, introduce our emcee and we'll get on with the program. So please go ahead, enjoy the lunch and we'll talk in a few minutes.

Tom Fielder: It's a, you know, you do these kinds of introductions and you say, this is, I'm introducing a guy who needs no introduction. In this particular case, it's quite true. I'm sure many of you welcome Ed into your homes just about every evening. He has been on the air with WCVB now for 25 years, starting in sports and then moving over to news, and now anchoring the news.

Tom Fielder: I think what, 4:00, 5:00, 6:00, 7:00, 11:00. If I've missed anything Ed, I don't know how, but he's a quite, quite a presence and he has also been awarded multiple times for his work on air both in the studio and on scene, and including on the award of being that Boston's best anchor. I also am just delighted that he's agreed to join us here and I'll introduce Ed and from there he'll take the program on. So Ed Harding. Thank you.

Ed Harding: Thanks. I'm sorry. It takes me awhile to get up stairs. As I told Tom and I walked in the room, just this getting old thing stinks. I threw out my L5, so standing up

isn't the easiest thing to do. Then on top of that, you've got to deal with all the blood pressure and all kinds of things as you reach the age that have reached but I am thrilled to be here today and Tom, I'm honored to share the microphone with you. How about a round of applause for Tom? He's done such a wonderful job. And Justin, how many of you have met Justin? Right?

Ed Harding: Justin is a pistol. He gets a hold of me and he says, "You're a reporter, right?" And I said, "Well, I've been called worse, but yeah." He says, "You believe in the First Amendment, don't you?" And I said, "Yes," "And you believe in a free press, don't you?" And I said, "Yes." "And you believe in free speech, don't you?" And I said, "Absolutely." He said, "Good, because you're giving one February 23rd at noon time." So thank you Justin, I appreciate it.

Ed Harding: When Justin invited me, I went to look at the First Amendment because you know, every day we live it, every day we practice it, every day we apply it, but do we actually know the words of it? I'll just read it to you because it's only like 40 some odd words. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or of the right of the people to peacefully assemble and to petition the government for a redress of grievances just 40 ... Just go ahead.

Ed Harding: Here it is, 2018, that's the way it was written in 1791. Freedom of religion, freedom of speech, freedom of press, right to assemble, to petition to the government. It's the first amendment, not the second amendment, it's not the 10th amendment, the 27th amendment, the 953rd amendment. It's the first one and as Thomas Jefferson so famously said, "An educated citizenry is a vital requisite for our survival as a free people."

Ed Harding: Real information apply to our application, real information based on real facts. However, as we all know in this room, and as you no doubt heard before, obstacles are in the way, it's popped up on the road to getting that information. Trying to shut down reporters and for the young reporters in this room, the to-be reporters in this room, don't ever take no for an answer. No doesn't exist. Can't, doesn't exist. Don't ever take no for an answer.

Ed Harding: It's fostered an air of mistrust for reporters in times and of journalism as well, and we're called too liberal and we're called, we're out to get conservatives. All kinds of attacks come from all kinds of angles and let me just give you a couple of examples. At Channel Five, we've run into a number of, and there are many of you out here who have run in the same thing, but at Channel Five we've run into a number of our own obstacles.

Ed Harding: For example, we have a unit at Channel Five called Five Investigates and just this week Five Investigates revealed the existence of a tiny half bath and a kitchenette that MassDOT, and the MBTA had built for \$100,000 in taxpayer money. A half bath. I'm doing a bathroom in my house and it's costing \$20,000. This is 100,000 for a half bath in the State House. We first began investigating in the store a few months ago. We requested documents for all renovations to the

office area and specifically wanted any bathroom renovations or projects thereof.

Ed Harding: The documents that we got seem to include everything except that bathroom that we were specifically focused on. A couple of months later we finally received the info ... a couple of months later, we finally received the information on the document of the bathroom, but only after giving MassDOT the contract number and letting know that we had seen some of the documents ourselves thanks to a source. So then they figure, "We'll give you the information." In another example, we're trying to get videos recorded by Boston police during the body camera.

Ed Harding: Remember the body camera movement in the Boston police, they're going to wear the body cameras for a period of time, they're going to conduct a pilot program and they're going to analyze the pilot program. Five Investigates received an initial bill for more than a \$157,000 for the videos, and we were told the request would take a number of years to fulfill, a number of years and a \$157,000.

Ed Harding: Another instance, for example, Worcester tried billing us \$275,000 to get use-of-force reports on its city police officers. Five Investigates discovered a massive backlog in criminal background checks at the state's Department of Children and Families, which was delaying the approval process of foster homes. We fought DCF for five months to find out how many cases were in the backlog and we didn't receive that information until we told them how they could go into their own computer system and then locate the number.

Ed Harding: Then a couple of years ago, Five Investigates tried to obtain the full after action report on the marathon bombing. With all the details of all the law enforcement actions following the bombing and during and then after the shootout in Watertown, and state police agreed to release that report, which we paid a couple of hundred dollars for.

Ed Harding: Now, I want to show you just a portion of it. We ended up getting the actual report, was 440 pages and this is what we received here. The actual report is over 400 pages and nearly every single page has redactions in it, but some of them look like this. Some of them look like this. So the fight continues, the fight goes on. The fight is a worthy fight. For everyone in this room who was conducting the fight, keep fighting.

Ed Harding: For everyone in this room who was about to enter into the fray, keep doing it. Our founding father, John Adams once famously said that facts are stubborn things. During these dark side of the moon days, we as journalists must be stubborn things now more than ever, so I want to empower you with that. We are here to honor wonderful accomplishments and I want to break a little bit with tradition. The Hyde Square Task Force. Are you guys there? Would you come up here with me, please? Would you do the honor of standing next to me while I introduce you? Come on up.

- Ed Harding: Thank you. Yes. As they come up, it's a team of youth volunteers at the Hyde Square Task Force that last year found a 1993 state mandate that required the owners of the Garden to hold fundraisers every year to benefit the city's recreational facilities. Under the supervision of the director at the Hyde Square Task Force, the group of teenagers were investigating ways to pay for a new recreation center and ice skating rink in their neighborhood. Through public records, the teens found that the state mandate had been ignored for more than 20 years.
- Ed Harding: The city they determined was owed \$14 million, enough money to cover the cost of building a new rec center and a rink. The Garden eventually agreed to pay not the 14 but 1.65 million to the State Department of Conservation and Recreation and the state contributed a million to a new center and the city committed another two million. The Hyde Square Task Force volunteers are continuing to call for additional funding and it's our honor this afternoon to present them with the Antonia Orfield Citizenship Award. I give them a round of applause.
- Celina Miranda: Good afternoon everyone. My name is Celina Miranda and I am the executive director of Hyde Square Task Force. It's been a privilege working with our young people as they had been working on this campaign. I'm very, very proud of them. But first, let me thank the New England First Amendment Coalition for this recognition.
- Celina Miranda: We are honored to be receiving today the Antonia Orfield Citizenship Award. It gives me just great joy to be here and introduce... My job is actually quite simple this afternoon. My job is to introduce two of our youth organizers who were intimately involved in the TD Garden campaign, Shayne Clinton and Mabel Gondres is here with me, they're here with me up here on the stage and I'll turn it over to them very soon.
- Celina Miranda: Both of them are seniors at Boston Latin Academy and they had been with Hyde Square Task Force for four years, so they've been with us since they were in 9th grade. Currently Mabel and Shayne are getting ready for their next steps, those college applications are coming and they're beginning to prepare for the fall.
- Celina Miranda: Mabel and Shayne are not only youth organizers at Hyde Square Task Force, they are also actors in our theater program. They have both had lead roles in some of our major productions including our Latin American spectacle, which was a recent production in which Hyde Square Task Force collaborated with Double Edge Theatre on the streets of Boston Latin quarter, which if you don't know, you should know that the Boston's Latin Quarter is located in Jamaica Plain. They actually led a campaign to get the city to recognize that particular area of Jamaica Plain as Boston's Latin Quarter.
- Celina Miranda: Mabel and Shayne started on this campaign exactly a year ago when they were simply advocating for a long overdue recreation center on the border of Jamaica Plain and Roxbury. I often like to tell people that most of our youth organizers

that got involved in this campaign either had not been born or they were in diapers when this promise was made.

Celina Miranda: Then after they discovered that TD Garden had not complied with the state law for the past 24 years, Mabel, Shayne and other youth organizers were thrust into the media spotlight. Suddenly, these teens had to rise to the challenge of holding state officials and a billionaire accountable while simultaneously telling their story to a local and national audience.

Celina Miranda: I personally witnessed how both of them found their voices, they exercise their power even while enduring patronizing attitudes from state and corporate leaders. I could go on and on because that's you can tell I'm very proud of their work, but I'm sure that you would rather hear their story directly. Here to give a short overview of their saga are Mabel and Shayne. Mabel is going to start.

Mabel Gondres: Good afternoon everyone and thank you for this great award. When we first started this journey a year ago, it was to raise money for the proposed Jackson Recreational Center. Since the state had previously closed rinks in JP and Roxbury. We needed a raise \$30 million for the new facility, which will have two levels, one an ice rink and the other turf field.

Mabel Gondres: Interesting that all the predominantly white neighborhoods in Boston have great rinks and rec centers, but the neighborhoods where most of the kids are black and Latino had been neglected for decades. We were looking for different organizations that would help contribute money to the project and we thought of TD Garden since they have an ice rink for hockey. It was then that a community activist came to us and told us about the 1993 Massachusetts law that required TD Garden to raise money for youth recreational facilities.

Mabel Gondres: We read the law over and over again and realized that the law had been broken, but we wanted to double check, so we sent letters to TD Garden and the state. For weeks they ignored us. Then state rep Jeffrey Sanchez suggested that we use a public records request and that is how we found out that TD Garden had not held one fundraiser and they had not raised one penny for 24 years.

Mabel Gondres: The state officials still refuse to meet with us, but on the day that the first Boston Globe article came out, they were calling us for a meeting. The state officials promised that we would be involved in the negotiations, but TD Garden, so with TD Garden so we were satisfied, but they lied to us. They went ahead and made it a terrible deal behind our backs. Then dozens of media outlets were coming to us. I was nervous since I get shy easily, but I felt empowered that people were going to find out the truth and what was happening within justice.

Mabel Gondres: Looking at comments from the public is what really made me happy since I realized that a lot of people were on our side. The developer of the facility, Urban Edge, has raised almost \$20 million from our advocacy. So far we got 1.65 million from TD Garden. 1 million from the state, two million from the city,

500,000 from TD Bank for a total of over \$5 million. But we still have a long way to go.

Mabel Gondres: Through all of this, I still don't understand how Jeremy Jacobs and TD Garden got away with ignoring the law for 24 years. No one seemed to care. What if I didn't pay our state taxes for 24 years? Then we definitely would be facing some sort of punishment.

Mabel Gondres: To conclude, what I learned from this experience is that state government and business are still intertwined. It doesn't matter if big business owners are giving back to the public as long as they invest money in political campaigns. I learned that people like us really need to step up and fight for our cause and continue to make noise for justice. Thank you. Now, I'll hand the mic over to Shayne.

Shayne Clinton: Let me adjust this a little bit. I'm a little bit nervous, so bear with me. Good afternoon and thank you so much for this award. Mabel talked about what we have already done and I'm going to talk about what our future actions may be. We are now \$6 million short of our \$30 million goal, so we still have more work to do. We still feel that the TD Garden owes state a lot of money and we will continue to pressure them through the media and by our voices.

Shayne Clinton: Right now, we are doing another public records request with the state of Massachusetts to examine how the state and TD Garden negotiated behind closed doors last summer. As far as we know, TD Garden has still not even had one fundraiser, but we do know that Jeremy Jacobs had a major fundraising event for Donald Trump just before the election in 2016.

Shayne Clinton: As Mabel said, we started out in this campaign just trying to get funding for our neighborhood recreation center, but after seeing how TD Garden was allowed to ignore the law, we are now looking into another project that TD Garden owner, Jeremy Jacobs has. The billion dollar Hub on Causeway Development in front of TD Garden.

Shayne Clinton: We know that Jacob is receiving a 121A tax break from the city of Boston. For those who do not know what the 121A is, it's a urban redevelopment excise tax return. It seems to be a way for big developers to avoid paying taxes that could be used for the youth of Boston. We followed the public records request with Boston Planning and Development Agency to get information about this mega development. We want to take a close look at the tax breaks Jacobs received and see whether he is complying with his commitments.

Shayne Clinton: We also want to better understand how developers are making billions of dollars in Boston, while our city still has the highest rate of income inequality in the United States. To keep all of our options open, we are examining litigation strategies with our legal team and we're also talking to Boston city councilors about having a hearing at City Hall on TD Garden.

Shayne Clinton: From all this work that we have been doing, I've learned so many things such as how important the media is. If it wasn't for the media, no one would know about the TD Garden issue. Also learned how to deal with government officials who just say things to make them look good and aren't really held accountable for what they actually say.

Shayne Clinton: Finally, I've learned that if we do our research and keep to the facts, we can expose even some of the most powerful people in the country. Thanks again for this award. We really appreciate it.

Ed Harding: I'm putting your name on this award. Which brings us now to Todd Wallack, the graduate of Northwestern University, Todd has worked for the Globe since 2007. Currently, an investigative reporter for the Globe Spotlight team specializing in data journalism, public records and financial reporting. He's won national awards from Scripps Howard and the Sigma Delta Chi Foundation for his work on public records, and he's been a finalist for The Pulitzer Prize three times. Prior to this time at the Globe, he spent much of his career as a business reporter and worked for the San Francisco Chronicle, the Boston Herald, the Boston Business Journal, Network World and the Dayton, Ohio Daily News, which by the way is a wonderful newspaper if you haven't worked on it, read it, worked on and experienced it.

Ed Harding: When I lived in Indianapolis, it was a must read every day. Wallack will be honored for his body of work from 2017 and included stories about online accessibility to criminal records, transparency within the MBTA, and the overuse of certain public law exemptions to keep information secret. Ladies and gentlemen, let me present the Donoghue FOI, the Freedom of Information Act recipient, Todd Wallack. Todd? He's a little shy. He wants to run right to the microphone and then run off. Pose for the pictures.

Todd Wallack: All right. Thanks for the award and really warm welcome. I'm especially happy that there are no names redacted from this award. I thought this would be a place where I didn't see any reductions until Ed showed off some documents but Ed's speech and remarks are really true because everybody was filed the public records request in Massachusetts has a story to tell, everybody and I have more than a few.

Todd Wallack: There's a time when the state police charged me more than \$62,000 for records of crashes involving police cruisers. There's a time that the state comptroller's office refused to tell me how much money state employees and others receive from the state settlement funds, including the names of law firms and companies, government agencies, like the IRS, and at least one former employee who is dead. It took several years in court but we ultimately won a lawsuit making government settlements public in Massachusetts.

Todd Wallack: Then there's a time I got a tip that the Board of Pharmacy failed to do anything about a compounding pharmacy that mistakenly gave a 19-year-old boy a dose of thyroid medication a thousand times too strong, sending them into the



hospital with a heart attack. Then they fail to tell the state about it. The board initially voted to take action and then a week later reversed it at a meeting where there weren't enough board members and it was an illegal vote.

Todd Wallack: When I asked for the records, the board tried to cover up the incident by blacking out all the details of what happened to the teenager calling it confidential medical information. Even though the detail, even though the name of the boy wasn't listed and it was on a slide that they showed at a public meeting.

Todd Wallack: Fortunately, they did the redactions so poorly with a magic marker that I was just able to hold up the piece of paper to the light and see the information, and we've all been there. Every journalist has done that and it's a little crazy that journalists have to rely on poor redactions to be able to see information. I have lots more stories but everybody in the room who's filed a public records request, has stories. I know there are problems in Vermont where Mike is from and other states and federal FOIA is a complete disaster, but I want to talk a little bit about Massachusetts since it affects so many people in the room and we're here in Boston.

Todd Wallack: A lot of people thought it was fixed because Massachusetts recently overhauled the public records law, a little over a year ago. Despite that overhaul, the state law in Massachusetts remains one of the weakest in the country in many ways, and that's mainly because the law covers so few records. Large parts of the government aren't covered at all and even when they are covered, they can cite countless exemptions to withhold records. The new law didn't address exemptions, it even added a new exemption for cybersecurity.

Todd Wallack: How bad is it? You've probably heard we're the only state in the country where the legislature, judiciary and governor's office all claim to be completely exempt. We're also the only state in the U.S., if you can believe it, where police can arrest an adult for a serious crime like rape, lock him in a holding cell and keep it completely secret.

Todd Wallack: I'm not making this up. Under the law, arrest for sexual and domestic violence are supposed to be kept in a secret confidential law log that the public cannot see. We're the only state that has an appeals process split between two different agencies. If you file an appeal, if you get rejected for a public records request or you get one of those crazy fee estimates, you file with the secretary of state's office. But even if you win — and that can take months — it's then up to the attorney general to actually enforce that ruling.

Todd Wallack: Unless both agencies agree, nothing happens. It's sort of like requiring two people to turn the keys to launch a nuclear missile because apparently our legislature believes in forcing the public records law is an action so serious that we need two separate constitutional officers to turn the key before it happens. It's that awful, and not surprisingly, there's only been one case that I know of where the attorney general's office had to sue to enforce the public record's law

and I don't know of a single case where anybody has ever been prosecuted for violating the law criminally.

Todd Wallack: What can we do about all this? Well, one option is to write about it, something I've been doing and not just our own problems getting records, but the problems of everyday citizens. Like the time I wrote about Tom Workman who was a top lawyer, who tried to get a list of breathalyzer tasks from the State Department of Police because he suspected there were problems with the machines and he was signed a bill for \$2.7 million, which I think even tops the numbers that Ed quoted, or when dig Boston journalists wrote about how a Quincy resident couldn't get a hold of a copy of a police report she had filed.

Todd Wallack: Police told her if they release the report, it would reveal the name of a confidential witness, even though she was a confidential witness. Writing about public records is harder and [inaudible] than you might think. I've had a lot of editors over the years refuse to let me write about the issue because they said it's too arcane, it's inside baseball and nobody cares that you had trouble getting into records. Just write about the records when you eventually get them or if you get them.

Todd Wallack: I have to give tremendous credit to my editors at the Globe, Brian McGrory, Scott Allen and Patty Wen for encouraging me to write about these issues. Not everybody would. Another option that people in the room including NEFAC board members still need to think about is ways to change the law.

Todd Wallack: I mean, right now, we have a law riddled with more holes on the Patriot defense this past Super Bowl Sunday. I hope that's not too soon. Really, I mean the law is just rife with exemptions. Nobody can even count them all because in addition to the couple of dozen stated in the law, there are exemptions riddled throughout other laws.

Todd Wallack: Until we deal with all these exceptions, we're going to have a law that's really weak because it doesn't cover anything. So it's worth asking First Amendment organizations and law makers and people running for office what they can do to change it going forward.

Todd Wallack: For decades, we also have the problem that the law has been so weak that government agencies routinely denied requests, sent laughably high fee estimates are simply ignored requests all together. The main option to force agencies to comply with the law is to file a lawsuit, and I've been really lucky to have the Globe take on several lawsuits with help from outside attorneys like Jon Albano and Emma Hall who are here to get today, including that ruling that made government settlements public, which is something that affects journalists all the time.

Todd Wallack: Right now, we're fighting in a battle for access to reports when public officials are charged with breaking the law. We filed a lawsuit in 2015 after police

refused to give me a rest reports and mugshots and other documents when officers were caught drunk driving and the judge was accused of stealing a \$4,000 watch, even though those same agencies routinely post items on their blog and Twitter and Facebook, when ordinary citizens are arrested.

Todd Wallack: I'll bet you anything, if I were arrested, the news would quickly get out there. We won the lawsuit at the Superior Court level, but the attorney general and city of Boston just announced that they're appealing and fighting to keep those records secret and fighting to keep for the discretion to reject public records requests.

Todd Wallack: It's just another indication of how difficult it remains to get records in Massachusetts. Ultimately, this is a case that's going to affect everybody because journalists and news stations are always trying to hold government agencies accountable and getting basic criminal records has become difficult. Despite some of the shortcomings of the law, it does contain some important changes that can help. One of the biggest is that for the first time, it includes a provision that entitles people to recoup their legal fees if they win a public records lawsuit under some circumstances.

Todd Wallack: In fact, I've already had a half dozen lawyers contact me saying that they will gladly represent journalists with a good case for free in the hopes that they can recover their fees later after they win and that is a big change. If you run into an issue, give me a shout or give NEFAC a shout and I'll send you the names of people I know, because filing a lawsuit remains one of the best ways to hold agencies accountable and change the culture, change that decades of tradition where agencies didn't have to release records because nothing bad would happen.

Todd Wallack: The Globe shouldn't be the only news organization filing public records lawsuits. I'm glad that BUR and others have fought court challenges to try to get access to judicial rulings, but it's also important to file public records lawsuits. Thanks again for the honor and the unredacted award and the chance to speak, because as big as the problems are with the state public records law, I firmly believe we can all do things to make it better. Thank you again.

Ed Harding: Thanks. Great job, Todd. It's almost a little still too early because at this moment Malcolm Butler is still on the Patriots and JD Martinez is not on the Red Sox, so that's still incomplete. As lovely as your award is, maybe we should make the award like this. Maybe this is what the award should look like in the future as we go forward.

Ed Harding: If you don't mind, I shared this document with you and I read the words, but it is the hard work of the Five Investigative team, which is over here to my right and to your left. Could you give him a big round of applause because I'll tell you what. There are 24 hours in the day. There are 168 hours in a week and I swear each one of them works every one of them every year so I'm very impressed and humbled to be in their presence every night.

Ed Harding: It brings us to the Stephen Hamblett and the First Amendment Award right, there over there, they're all like, you guys can take a bow and you don't have to be embarrassed. Brings us to the Stephen Hamblett Award today and the First Amendment Award. It goes to Jane Mayer. Jane and I were chatting a few minutes ago. Where are you? Where did you go? There you are. You're over there. Come on, come on up here. Would you mind coming up here with me please? I would be honored to have her stand next to me. I would love it. This is Jane, by the way. Say hi to Jane, everybody.

Ed Harding: This is what she's done. She's a writer for the New Yorker since 1995, covers politics, culture, national security for the magazine, perhaps best known for her accountability journalism and her ability to expose the underpinnings of powerful institutions. She's written a book, her most recent one is Dark Money. It's about the Koch brothers' deep influence on conservative politics.

Ed Harding: She previously worked in the Wall Street Journal where she covered the bombing of the US Marine barracks in Beirut, the Persian Gulf War, the fall of the Berlin Wall. In 1984, she became the paper's first female White House correspondent. I thought spending a week in Minneapolis when it was 22 degrees below zero for the Super Bowl was hazardous duty pay and what has she done? It's just amazing.

Ed Harding: A Yale University alumni, she worked as a journalist for two small weekly newspapers in Vermont, the Weathersfield weekly and the Black River Tribune, which is where Rutland?

Jane Mayer: Ludlow.

Ed Harding: Ludlow, Vermont. Very good. You also worked at the Rutland Herald. Speaks frequently about the value of investigative journalism and news organizations of all sizes and the need for a watchdog press. You've heard enough from me, ladies and gentlemen, let me present Jane Mayer, the Stephen Hamblett First Amendment Award winner.

Jane Mayer: It looks like a bullet shield, I think I might need that. So thank you.

Ed Harding: Super girl.

Jane Mayer: Super girl. Thank you so much. I'm so honored and pleased to be here with you today though, I have to say when Walter Robinson called and told me about this award, he saved for the very end and kind of rushed through. It's in Boston in February. Nobody usually comes to the Boston in February as a sort of a weekend getaway place, but I'm very, very happy to be with you and thank you to the Hamblett family for this wonderful honor.

Jane Mayer: I'm especially pleased that, this is a New England organization because I got my start in journalism in Vermont and I still love the state and when things get to be

too much in Washington where I now live, I often dream of somehow getting away and coming back there again. My first journalism job was not exactly big time, I was a student in high school and it was a summer job. I worked on what was supposed to be the smallest weekly newspaper in Vermont. It was the Weathersfield weekly with the circulation of 700 in a town where my family had a little summer house.

Jane Mayer: It was the summer of the Watergate hearings, which we listened to on a radio as we printed and collated the paper before driving it to our readers' houses. I was inspired by Woodward and Bernstein, and so I too wanted to blow the lid off something but in a quiet rural town of 3000 people there didn't seem to be a lot of Pulitzer Prize level scandals.

Jane Mayer: The closest I came was an attempted expose of how unnecessarily greasy the cooking was at a local fried clam bar. After I turned in the story very proudly, the newspapers owner who's a very thoughtful, upstanding former minister, took me aside and explained that I couldn't really just say that in print that it was a subjective opinion and not fact.

Jane Mayer: That without some kind of evidence it could hurt the business, not to mention the feelings of the restaurant owner. My visions of becoming a latter day Upton Sinclair and exposing the deep fryers of New England were dashed. Thank goodness because the lesson to consider the consequences of what we write and to be fair and more than anything, that there is a difference between opinion and fact was a lesson that reporter can learn too early or too often.

Jane Mayer: In retrospect, the other most important thing I learned that summer was about Watergate. When President Trump attacks the press these days as the enemies of the American people, those of us who were old enough to have lived through Watergate know that we've seen this play before. As the stain of Watergate spread President Nixon too try to stigmatize the press and destroy its legitimacy.

Jane Mayer: I always envied my colleague at the Washington Star, Brian McGrory's very formidable aunt Mary McGrory for her place of honor on Nixon's enemies list, along with a number of other eminent brave Washington truth tellers like Daniel Schorr. Like Nixon, Trump is using his considerable First Amendment platform that comes with the presidency to try to turn the country against reporters who are exercising their own First Amendment right to speak and do their jobs.

Jane Mayer: He's dangerously trying to delegitimize the press by talking about it as fake news media and repeatedly demeaning phrases that he uses, such as the New York Times, the failing New York Times, as he calls it. I've had a very small firsthand brush with Trump on this myself. When I was doing a story for the New Yorker in the summer before the election about Tony Schwartz, the ghost writer, who actually wrote the Art of the Deal, the book that made Trump famous.

Jane Mayer: I called to interview Trump and not long after my phone rang and there was a familiar kind of purring voice on the phone and it was Trump and he said to me, "How long have you been at the New Yorker?" And I said, "A few years." And he says "I love The New Yorker, great magazine." He told me, he also loved Tony Schwartz until I told him that I didn't think Schwartz was going to be voting for him, which was the understatement of the year.

Jane Mayer: At that point he said that that's so disloyal, he probably thinks that it's going to good for him, but he's going to find out it is not going to be good for him. After we got off the phone, a few minutes later, my phone rang again and this time it was Tony Schwartz and he said, "Jane, did you tell Donald Trump I'm not voting for him?" I said, "Well, yes, it's true, right?" He said, Trump, who we hadn't spoken to in decades had tracked him down separate him and had told him that some reporter from the New Yorker had called and then he said, "And by the way, the New Yorker, it's a failing magazine full of lies that nobody reads."

Jane Mayer: So we had a little taste of that early on, but actually by attacking many news organizations and reporters by name the president is actually in many ways he has helped our business. I've got to say that the New Yorker has, our readership is soaring as the New York Times and as the Washington Post. It's just been startling though to see the president using the kind of language these had.

Jane Mayer: He's called the New York Times's Star Washington reporter Maggie Haberman who covers the White House "stupid" and he has try to tell people that they should be fired from various news organizations. He's done everything he can to really discredit the press and intimidate the reporters who cover him. He saw not only to marginalize us, but also dehumanize us. He's relegating reporters to caged off areas at rallies and as we saw during the campaign, he's directed crowds to jeer at us and he's called us, "disgusting, scum, the lowest form of humanity and the lowest form of life."

Jane Mayer: He's also questioned our patriotism saying at one point, I really don't think they like our country. At another point, he called the news media a stain on America. These weren't an isolated outbursts, this has been sustained assault. Trump's tweets tell the story as Marty Baron, the editor of the Washington Post, and my predecessor in winning this wonderful award has noted, as a candidate Trump posted more than a thousand tweets critical of the press and during his first year as president measuring from December to December, he tweeted about fake news more than 150 times.

Jane Mayer: Chris Wallace of Fox News with whom I served in the White House press corps covering Reagan is not known for his liberalism, but he's a smart reporter who calls things as he sees them, and even he's said that President Trump is "engaged in the most direct sustained assault on the free press in our history." Wallace said that he thought Trump's purpose was clear, he said he's waging a concerted campaign to raise doubts when we report critically about his administration that we can't be trusted.

- Jane Mayer: At the same time that President Trump has been doing this, he's also threatened to "open up US libel laws," whatever that means, and called them a sham and a disgrace. He doesn't seem to understand that the president as president, he has no power to prevent the press from publishing.
- Jane Mayer: He seems unaware of the Pentagon Papers case, despite the fact that the White House requested and received permission to screen the recent movie on it, The Post, at the White House. If you he did watch it, the president must have missed the part about the Supreme Court's 6-3 landmark ruling in favor of the press's right to publish the Pentagon papers without prior restraint.
- Jane Mayer: Maybe he also dozed off about the part where justice Hugo Black was quoted saying, in the First Amendment, the founding fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors.
- Jane Mayer: The press was protected so that it could bear the secrets of government and inform the people. Only a free press and an unrestrained press can effectively expose deception in government. Instead, Trump has called for more leak investigations and has proposed putting reporters in jail.
- Jane Mayer: Attorney General Jeff Sessions has played to his boss and in case the message wasn't already clear to our potential sources, he's announced that the Justice Department is currently conducting 27 different leak investigations, and we thought Obama's administration was bad with its seven cases going on during his administration.
- Jane Mayer: A former justice department official in the division handling many of these leak investigation cases talked to some reporters in Washington very recently and warned us to watch out. "Be careful," he said, "because these threats of prosecution are not hollow." Now, I think probably some of Trump's bluster is just that, but it's also a strategy. It's the same strategy he's employed to undermine respect for the rule of law by attacking the FBI and the Justice Department as well as the independent counsel and judges whose rulings he doesn't like and attacking the intelligence community too.
- Jane Mayer: What these institutions share in common with the press is that they're all designed to be apolitical and independent. Trump's strategy is to demean and even criminalize his enemies. We've never elected a president before who continues to campaign to jail his vanquished opponent. "Lock her up" is still his rally and it was the chant at a gathering yesterday in Washington of his supporters.
- Jane Mayer: Usually, you think of this kind of behavior as what happens in cheesy banana republics where reporters are in fact put in jail, but the strategy did not work for Nixon and it will not work for Trump. We're still a nation of laws with a powerful and independent press that still makes our democracy the envy of the world. It

would be naive though to suggest that the road ahead is not going to be bumpy. In this war against the press and the First Amendment Trump does have considerable weapons on his side.

Jane Mayer: One, is the high level of distrust for the news media, though interestingly, trust in the press has ticked up a bit since the election. Second, is that in the age of social media, the old filters of responsible editors like the ones I had at the Weathersfield Weekly and the Rutland Herald and every place since have been replaced by an unfiltered free for all that has its virtues but creates a confusing cacophony in which it's increasingly hard for readers to discern what's true.

Jane Mayer: As we've seen in Robert Muller's recent indictment of 13 Russian nationals who tried to manipulate our last presidential election, this new media scape is completely vulnerable even to laughable lies. I'll never forget in the last campaign I was interviewing a woman and I asked her who she was gonna vote for and she said, "I can't vote for Hillary Clinton because she's up to 46."

Jane Mayer: I said, "Well, what do you mean 46? What?" She said, "Well, she's killed 46 people now." Some of these things are obviously risible, but some of these falsehoods are really not so funny, such as the ones that were spread this last week about the students protesting against the mass shooting in their school who are described as paid actors rather than real students.

Jane Mayer: Falsehoods uttered by politicians are of course nothing new, but what is new is that there's now the amplification of these lies by new forms of social media. Overtly partisan, frequently false, and often viciously personal attacks are now spread virally and unfiltered by countless waves of trolls and bots and phony think tanks and bloggers and junk scientists and even for-hire opposition researchers.

Jane Mayer: It's apparently apocryphal, an early form of fake news, that Mark Twain ever said, that a lie goes halfway around the world before the truth pulls its boots up. Whatever the derivation of that today, a lie can spread now, not just halfway around the world, but around the entire globe in minutes. Often the truth stands almost no chance of completely catching up.

Jane Mayer: As a result, large swaths of the population are being purposefully and constantly misled, making it hard for serious reporters to distinguish themselves. Social media, especially Facebook, can circulate false information to two billion people in one day. The hard scrupulous investigative work of journalists can be overpowered by handful of keyboard clicks.

Jane Mayer: Humanity has never seen anything like this before. An instant information distribution technology of such force that it's been compared to the seismic impact of Gutenberg. Our profession is reeling from the blow. Charlie Sykes, the former right wing radio talk show host, has described the fallout well, he said the cumulative effect of the attacks on fact-based media has been to



delegitimize those outlets and essentially destroy much of the rights immunity to false information.

Jane Mayer: He said, "All administrations lie, but what we are seeing here is an attack on credibility itself." At an upbeat occasion like this one, I don't want to end on such a downer of a note, but I would like to say that I have one inchoate action plan, which is derived from my own experience in the media trenches.

Jane Mayer: In 2010, after the New Yorker published my long and carefully researched investigative report on the outsized political influence exerted by two billionaire brothers Charles and David Koch, they were unable to identify any errors, but nonetheless hired a private investigator to dig up dirt on me personally in hopes of undermining my credibility.

Jane Mayer: It was, in other words, a page out of the current playbook of attacking the press that we're seeing all too often. If anyone had believed them, it could've been professionally devastating to me, but instead what happened was that several colleagues of mine jumped into the fray and publicly defended my work and my integrity.

Jane Mayer: They did so quickly and generously even though this wasn't their fight, but they did it I think partly because they sensed that this is all of our fight. I think what we all need to do now is to keep doing and honoring each other's astonishingly fine work and when honest, evidence-based truth or those who tell it are attacked, I hope that all of you too will jump into the fray, speak up, defend the First Amendment, have each other's backs because whether we're at a tiny weekly newspaper in Vermont, or at the largest media conglomerate in the world, this is actually all of our fight.

Ed Harding: Do you want to go one more time for Jane? Do you want to go around one more time? Thank you. Jane will continue to champion the First Amendment. Todd will continue to find all the information that is important and the kids from Hyde Square will continue to dig. You get that money out of the Garden. You go knock on Jeremy Jacobs door and say, "Pay up!"

Ed Harding: The last thing that I'd like to share with you is it, at the very beginning Tom mentioned that there are students in here and that's where I'd like to go now. If I've forgotten to school, please let me know. I know there are students from BU, there are students from Northeastern, students from Roger Williams, students from Saint Michael's, students from UMass, students from URI, students from UNH. I know there are students from Emerson and Suffolk as well. Did I miss one? I don't hear ...

Audience Member: Connecticut.

Ed Harding: Connecticut. Thank you. Central Connecticut? Wonderful. Thank you for being here. You know what, I hate to keep using this, but this is not a stop sign. This is

a go sign. This is a green light. This is a continue. So don't be stopped by this. When you start out in this business, you're not going to make a heck of a lot of money.

Ed Harding: My first job, I made 75 bucks a week in Plattsburgh, New York and Bill Fine that's the absolute truth. I know, you too, with 75 bucks a week in Plattsburgh, New York. Fortunately, I make a little more than that right now but that's neither here nor there. It didn't stop and it should never stop you.

Ed Harding: I'd like to leave you with one final story because I'm a storyteller and I am fortunate enough and lucky enough to have worked in the market that I grew up in and I'm very happy for all of that but I'm most happy with my lovely family, my wife and my two children.

Ed Harding: If you asked me what I am, I'm a dad and then a husband and then, oh, by the way, I'm a TV person sometimes. When my wife and I had our daughter, obviously her teeth grew in. So we're very, this is the daughter, was our first child, so we're very conscientious to take her to the dentist. The dentist looks at her teeth, everything's doing fine, everything is doing fine.

Ed Harding: One day I go to the dentist and he says to me, "You have any problems?" I said, "No, no, I don't have any problems. But she sucks her thumb. How can I start ... should I put the schmootz on the thumb? Should I say, da, la, la, la, la. He said, it's very easy.

Ed Harding: You climb into bed with her, you read the story to her, you'll tell you love her a thousand times, you'd give her a million kisses, and then the last thing you tell her is don't suck your thumb. I said, "What?" He said, "That simple." He said, "Yeah, because the last thing that you tell her is what she will remember." I said, "Good." So would you please watch News Center Five at 11:00 tonight?

Ed Harding: Have a great day. Thank you very much.