
Business as usual?

By Paul McMorrow

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NO MATTER what the defense lawyers say, the type of dirt that former House Speaker Sal DiMasi, his accountant Richard Vitale, and lobbyist Richard McDonough got into doesn't happen every day. In fact, DiMasi's public shaming is actually helping to bury the cigar-chomping, back-slapping culture that's been on display at the Moakley Courthouse.

Sure, the scenes unfolding at DiMasi's federal corruption trial confirm every ounce of cynicism ever directed at Beacon Hill. Everyone involved in the crooked Cognos software deal, defendants and witnesses alike, looks tainted by some manner of back-room shenanigans.

Trial testimony has revealed a stark disregard for the public's interest. DiMasi rose through the House by cozying up to power and cutting rivals' legs off when need be. But he was like a dog who'd chased after a car bumper, only to catch it unexpectedly; once in the speaker's chair, he didn't know what to do with his new perch. So he sold his office and bought his wife some new clothes, if you believe the prosecutors' highly persuasive witnesses. As for the legislators who were asked to ram through legislation effectively earmarking millions of dollars for one company, they did what they were told and didn't ask questions.

Prosecutors asked how Joseph Lally, the software salesman who was indicted along with DiMasi before turning state's evidence, came up with the \$20 million pricetag he affixed to his product. He pulled the number out of thin air. According to Lally, his golfing buddy DiMasi said he wouldn't be speaker forever, so it was important for everybody to make as much hay as possible. The salesman wasn't going to shy away from that offer.

A pair of state technology officials helped DiMasi push Cognos, his favored software vendor, inside Deval Patrick's administration; one was hoping DiMasi would put in a good word for her with Patrick, while the other leaked inside information on competing software bids in the hopes of getting a plum job inside the MBTA. Leslie Kirwan, the one bureaucrat who had suspicions about the cost of the contract, backed off those concerns and expressed the hope that spending \$13 million on software she didn't need would mollify DiMasi.

Yet amid all this filth, the system worked.

A crooked contract buried deep in a bond bill stood out. It was eventually rescinded. The inspector general found \$1 million in questionable, undisclosed payments to McDonough, Vitale, and DiMasi's law partner. Those payment records have allowed the government to walk into trial relying on Lally, who has been repeatedly painted as a fraud and a liar. Even though Lally oozes sleaze, nobody is claiming he didn't pay off McDonough and Vitale. The check stubs speak for themselves.

The defense is trying to spin the story that what happened between DiMasi, McDonough, Vitale, and Lally was everyday lobbying. It wasn't. In fact, lobbyists are among those cheering the loudest for McDonough's downfall. The lobbying industry isn't exactly held in high regard by the public anyway. By running out a defense that equates bribery and kickback payments business as usual on Beacon Hill, McDonough is implicating the whole lot of them as corrupt creeps.

Here's a dirty secret about Beacon Hill: The back-slapping, favor-trading lobbyist's days are numbered. Lobbyists who live for fundraisers at Pier 4 and prize access above substance — guys like McDonough — are a dying breed. The industry is changing. Businesses are getting smarter about the lobbyists they hire. They're recognizing the benefits of employing someone who can sell a product or an earmark based on its own technical merits. Companies are still paying for access, but it's access to make a sales pitch, not access to insert crooked earmarks into bond deals.

As the state's economy becomes more reliant on tech-heavy industries, earmarks, contracts, and legislation are getting more technical. Lobbyists with specialized backgrounds are stepping into this environment. They can talk software, or discuss biology on a molecular level. This sort of expert pitch makes lawmakers' jobs easier, too. They'd rather not do favors for wiseguys. It doesn't feel good, and it doesn't play well in the press.

Plenty of lobbyists pull favors and trade horses and manipulate the levers of power. But they don't normally take huge kickbacks in the process. When they do, they wind up in front of a judge on Fan Pier, their best hopes for freedom depending on their attorneys' ability to spin the ludicrous argument that there's nothing to see in \$1 million in kickbacks, just business as usual.

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