



Attorneys at Law

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## STANDARDS BLOG

### WHAT PRICE PUBLIC SERVICE?

Andrew Updegrave

For the last three and a half months, I have been reporting at the [Standards Blog](#) on the unfolding story of Massachusetts CIO Peter Quinn's effort to adopt and implement a policy that would ensure that important state documents will remain available to the public indefinitely. That policy mandates the use of "open document format" standards by the Executive Agencies of the Commonwealth, and additionally approves two tools for that purpose: the Adobe PDF format, and the OpenDocument OASIS format.

What began as a simple effort by a responsible public servant to perform his job to the best of his ability, unfortunately, degenerated this fall into the launching of political attacks in the Massachusetts Senate on his authority, and to unsubstantiated (and soon disproved) accusations regarding his personal integrity being raised on the front page of the Boston *Globe*.

During this same time period, I have written a total of 52 (to date) lengthy blog entries, some investigative, some analytical, and some informational on this story. The entries that begin and end this article, and the details included in between, document, sadly, what can happen when a dedicated public servant runs afoul of political and commercial interests that might suffer as a result of the implementation of a useful public policy.

The first blog entry below reports on the results of an investigation instigated by inquiries made by the Boston *Globe*, as earlier reported [here](#) in an entry entitled, "City on a Hill or Tammany Hall?"

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**December 10, 2005**

#### Quinn Cleared in Travel Investigation (But Will the *Globe* be Cleared?)

The Boston *Globe* reports today that Peter Quinn has been [cleared](#) in an investigation into whether his travel to trade conferences had received proper approval. The article reads in part as follows:

The Romney administration's chief technology officer did not violate conflict-of-interest standards or other rules when he took 12 out-of-state trips to attend conferences during the past year without obtaining the written approval of his boss, according to a review by the governor's budget chief....

Also, Fehrstrom said that while sponsors of many of the conferences included computer software companies, Quinn had assured Trimarco that none of the firms are currently state vendors or are bidding on state business.

The article also confirms Quinn's statements that his superior, Eric A. Kriss, who was then secretary of administration and finance, had not only verbally approved each of the trips in advance, but had told him that completing any paperwork in connection with the travel was unnecessary, "because he felt that the reason that the regulation had been put in place originally -- the fiscal crisis of the mid-1990s had cut out

all state-funded travel -- had expired." It was the completion of this paperwork (only) that had been called into question, and not the travel itself.

As noted in an [earlier entry](#) entitled "City on a Hill or Tammany Hall?" Massachusetts has an opportunity to showcase its innovation in technology through Quinn's policy proposal, or to attack the messenger as part of an internal squabble. The same point is implied in a quote in today's *Globe*, and has been made in letters to the Commonwealth by both IBM and Sun Microsystems:

"I knew of every trip that Peter was taking, and I approved them all," Kriss said. "He was in demand at most of these [conferences] because of the path towards [open format] that we were taking. People in other states were anxious to hear about the Massachusetts experience."

So ends one sordid little story in the long unseemly saga of Massachusetts politics. But the story does not answer all of the questions that this incident raises, some of which may be much more significant than Peter Quinn's travel documentation: what caused this fruitless inquiry to be launched in the first place, and was the reporting of the *Globe* responsibly conducted?

In fact, the investigation was instigated in response to inquiries to the State Government made by the *Globe* itself, as it reported on [November 26](#). Both articles were written by *Globe* staff writer Steven Kurkjian. As noted in my earlier City on a Hill entry, the inquiries were made by *Globe* staff writer Steve Kurkjian concurrent with moves by Senator Pacheco and others in State Government to curtail Quinn's ability to set rules for proper management of the IT needs of the Executive Agencies for which he is responsible.

The questions that remain are, why did the *Globe* make these inquiries, and did it conduct the degree of investigation prior to reporting the story that is consistent with responsible journalism?

The reason these questions are relevant is because a paper can either be the source of invaluable information that might not otherwise come to light, or it can be used by enemies of a person – or of a policy – that are currently under attack. When a controversy is in process, I believe that it is incumbent upon a journalist to be especially cautious regarding sources that can be expected to have an axe to grind, and to subject those allegations to particular scrutiny before proceeding to make them public.

In this case, what did the *Globe* do before going to press with the story? According to today's story, "phone calls to Kriss's home [in connection with the earlier story] seeking comment at the time were not returned." The story does not say for how long the reporter tried to contact him, or whether it was known whether Kriss was even in town on Thanksgiving weekend, or why the *Globe* felt that it needed to rush the story to print before making further efforts to learn whether it indeed had a story to report at all.

Andy Oram, an O'Reilly Media editor did manage to reach Kriss on the day that the first *Globe* story came out. Here's what the *Globe* reporter [would have learned](#) if he had held his story until he was able to do the same:

I managed to reach Quinn's former boss, Eric Kriss, which the *Globe* did not. (Choosing to break a story over Thanksgiving weekend, when protagonists are on vacation and government offices that could answer questions are closed, definitely does not contribute to clarity.) Kriss, whom I know because he's contacted me with a book idea earlier, pointed out that:

- Most of Quinn's trips occurred after Massachusetts made the decision to adopt OpenDocument. There is no possibility that the trips would influence the decision that had already been made.
- While some two-way communication occurs at any conference--and is beneficial to the public--the primary purpose of the trips were to let Massachusetts government tell the rest of the world what it was doing.
- Far from being junkets, these trips were normally squeezed in on weekends around his normal duties and represented a contribution of his free time to the community.

In other words, the reporter would have learned exactly what the investigation would learn: that there had been no impropriety, and that there was no story to report.

The more troubling question is, why did Kurkjian wake up one morning and decide to look into Quinn's travel documentation at all, among all of the other stories and areas of inquiry available to him at that time?

That's something I'd very much like to know. As it happens, the *Globe*, like a number of other papers, has an ombudsman, and his name is [Richard Chacón](#). His email address is [ombud@globe.com](mailto:ombud@globe.com), and his number is (617)929-3020; he also has a separate voicemail number: (617)939-3022.

Today I sent him the following questions by email:

Dear Mr. Chacón:

I refer you to two stories by Steve Kurkjian, one appearing on November 26 and one on December 9, relating to the travel documentation of Peter Quinn, the CIO of the Commonwealth. Currently, as reported by the *Globe* in several stories, Mr. Quinn, and a policy that his department, the Information Technology Division, are being criticized by Senator Pacheco, Secretary Galvin and Microsoft, among others. They are also being applauded by a large number of people, companies and governments around the world.

In the first of the two stories I refer to above, titled [Romney administration reviewing trips made by technology chief](#), Mr. Kurkjian reports that he made inquiries into the travel of Peter Quinn which resulted in an investigation being launched by the State into the same topic.

In the second story, titled [Review backs trips by technology chief No conflict found for aide](#), also by Mr. Kurkjian, Mr. Quinn is reported to have been cleared. The article also reports that he was cleared through the testimony of a person, Eric Kriss, who Mr. Quinn had told Mr. Kurkjian prior to November 26 could substantiate his story.

Mr. Kurkjian, however, went to press over the Thanksgiving weekend with a story that was damaging to Mr. Quinn's reputation before meeting with success in reaching Mr. Kriss. Had he done so, as indicated by today's story, he would have found that there was no need for an investigation, and indeed, no story to report at all.

Given the controversy surrounding the possible displacement of Microsoft products by the policy that Mr. Quinn proposed, I believe that it is important for you to address the following questions, in order to determine whether the *Globe* was used by opponents of Mr. Quinn or his policy to pursue the ends of any such opponents, and if so, whether the *Globe* followed appropriate journalistic practices in order to avoid this outcome:

1. Did Mr. Kurkjian decide to look into Mr. Quinn's travel on his own, or was this suggested to him by someone?
2. If there was a source, who was that source?
3. If there was a source, was that source inside the Massachusetts government or outside?
4. If the source was inside the government, were the disclosures made to Mr. Kurkjian made in violation of any State policy?
5. If the source was outside the government, did the source have any affiliations that would lead him or her to have an interest in the disparagement of Mr. Quinn?

6. Why did Mr. Kurkjian not wait to run the story until he was able to reach Mr. Kriss, who Mr. Kurkjian knew could confirm or disprove the basis for the story?

7. Was this story, and the investigation behind it, in compliance with the *Globe's* policies?

Given the importance of the information technology policy that underlies this story, which is literally being watched from around the world and has generated hundreds of articles in the world press, I hope that you will undertake to answer these questions.

By way of disclosure, I have been reporting on this story for several months at my blog, and have reproduced this letter there in an entry that will be read by thousands of visitors over the next several days. The address of that entry is: <http://www.consortiuminfo.org/newsblog/blog.php?ID=1805>

I am also an attorney, and one of my clients is the Organization for the Advancement of Structured Information Systems (OASIS), which developed the OpenDocument standard that lies at the heart of the discussions that are going on within the State House. However, I am neither authorized nor acting for, nor am I being compensated by, that organization in connection with this email or any of the entries at my blog.

Thank you for your time and consideration.

Andrew Updegrove, Editor  
ConsortiumInfo.org

On December 12, Robert Chacon responded to me as follows:

Mr. Updegrove,

Greetings and many thanks for your detailed note. I think you raise some reasonable questions about the *Globe's* stories concerning Peter Quinn (I had many of the same ones when I read Saturday's story that he was cleared in the investigation).

I don't have immediate answers for you (or your blog readers, many of whom have sent their own similar notes after having read your page). I can tell you at the outset that Stephen Kurkjian is one of the most experienced, professional and ethical journalists that I have ever known. Nevertheless, I do believe that some of these questions deserve answers - from Steve and his editors.

I have already sent a note to Steve asking for a chance to talk about the stories. I will offer a more detailed reply when I have some answers.

Regards,  
Richard Chacon

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On Christmas Eve, Peter Quinn sent an email to all of his employees, telling them that he would resign as the CIO of Massachusetts, effective January 9, 2006. His email read in part as follows:

Over the last several months, we have been through some very difficult and tumultuous times. Many of these events have been very disruptive and harmful to my personal well being, my family and many of my closest friends. This is a burden I will no longer carry.

It is also readily apparent that I have become a lightning rod with regard to any IT initiative. Even the smallest initiatives are being mitigated or stopped by some of the most unlikely and often unformed parties. I view these circumstances quite troubling because the good work laid out by the IT Commission

is slowly being strangled and brought to a halt. And the last thing I can let happen is my presence be the major contributing factor in marginalizing the good work of ITD and the entire IT Community.

News of Peter's resignation was first reported on December 27 by me at the [Standards Blog](#) and by Pamela Jones at [Groklaw](#). In my entry, I reported:

According to Kriss, who met with Quinn on December 21st, the personal attacks, and especially the unfounded (and quickly disproven) charges publicized by the Boston *Globe*, played a major part in reaching his decision.

The articles in the press that followed largely focused on the impact that Peter Quinn's resignation would have on the fortunes of the OpenDocument format and its proponents, and whether or not Governor Romney, widely assumed to be grooming himself for a run for the presidency, would withdraw his support for ODF in favor of the XML Reference Schema that Microsoft had offered to ECMA, a European standards body, in response to the success of ODF.

In response, I posted the following entry at my blog.

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**December 29, 2005**

### **THANKS, PETER; HAIL AND FAREWELL**

*The best way to predict the future is to invent it.*  
- Computer scientist and visionary Alan Kay

For the last three and a half months I've been covering the ongoing debate and, for want of a better phrase, "related events" surrounding the decision by the Information Technology Division of Massachusetts (ITD) to mandate use of the OpenDocument format (ODF) for archiving Executive Agency documents. The architect and public spokesperson for that policy has been Peter Quinn, the head of the ITD, and the CIO of the Commonwealth.

Like everyone else who has been covering this story, whether on one side or the other, I've felt free to use Peter's name and report on his actions as if they were public property. Which, in a way, is what one's name and actions become – even legally, as regards the threshold for proving libel -- when one accepts a public position. And while I have invariably been complimentary, and even protective (in the case of the *Globe* article questioning his travel records), I've never asked Peter's permission to keep putting his name out there, day after day and week after week, thereby doing my small bit to help keep him pinned down at the center of a controversy.

Now, as you know, Peter has decided to resign his position, in part to permit the work of the ITD to move on unhindered, and in part to allow his and his family's life to do the same thing. I can't begrudge him the decision, but I'm very sorry to see him go, especially as a result of the reasons that led to that decision.

I can't say that I know Peter. I've interviewed him once, heard him speak or testify three times, and exchanged a few brief emails with him over the past several months. But I have admired him, and I'd like to take a few minutes to say why.

First of all, I've been working with standards organizations for 18 years, and those organizations have created hundreds of ITC standards during that period. But most of those standards, while important, were not significant in any larger sense. Most were simply the cleverly created tools that were needed to take the next incremental step in the march of technical progress.

ODF, though, is a standard that *matters*, even though very few people yet appreciate it. Unless ODF (or another mechanism capable of achieving the same end) becomes universally adopted, much of the information of today's world will not only fade from view as time passes – it may literally disappear for all

practical purposes, leaving little or no trace. Peter not only realized this, but he committed to do something about it.

Second, I've always admired the leaders and visionaries that see things before the rest of us, and have the courage to show the way. It's both risky and lonely to be out in front. The enemies, doubters and flaks always outnumber the friends and those that "get it," and too often it's those that follow that get the credit rather than those that took the heat.

And finally, I've always admired people who did the right thing simply because it was the right thing to do, regardless of whether it would be easy or hard, popular or controversial, personally beneficial or costly to one's career. There are all too few of us that ever rise to that challenge, especially (it seems) in public life.

Unfortunately, I and others in the blogosphere and the traditional media will need to mention Peter a bit longer, as the consequences of his resignation play out. I hope that he will understand and not begrudge our actions too much, in hopes that his goals will be more likely to be achieved as a result.

But we should keep it short. It's the least we can do for someone who expected no personal benefit from doing something that needed to be done for the benefit of all, and who took the fall for doing so – not because what he wanted to do was wrong, but because what was good for all was threatening to a few, and because those few were powerful.

So as Peter steps back from the spotlight, I'd like to express my gratitude to him, and wish him well.

To everyone else, I'd like to suggest that the best thing we can do for Peter is to give him some peace and privacy. And we should do everything we can to achieve what he set in motion - for our benefit as well as in recognition of his efforts. It's the least we can do for someone who tried to make a difference – and did.

So thanks, Peter. Hail and farewell.

\* \* \* \* \*

**Epilogue:** As of this writing, the Globe's ombudsman, Robert Chacon, has not yet publicized the results of his investigation. Hopefully, that will happen soon. But happily, on January 3, I was able to report in an [exclusive story](#) that the Massachusetts administration, at least for now, remains committed to perpetuating Peter's hard-won effort to protect the history of a government that could have supported him far better than it did.

*[To browse all prior and later blog entries on this story, click [here](#)]*

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Comments? [updegrove@consortiuminfo.org](mailto:updegrove@consortiuminfo.org)

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