

# Governor won't release completed studies on casinos

Two weeks after being briefed on the benefits and pitfalls of casinos in Massachusetts, Governor Deval Patrick and his administration are fighting to keep secret the completed studies that the governor is reviewing.

On July 25, Patrick received a stack of studies on gambling to help him decide whether to support casinos.

But in a sign that Patrick is treating the casino question with political caution, the administration declined Monday to provide copies of the records to the Globe, which filed a formal request for them July 26.

„We are not releasing anything, to protect the integrity of the process,“ said Kofi Jones, spokeswoman for Daniel O'Connell, secretary of economic development, who headed a study group that assembled the reports.

In a letter to the Globe this week, O'Connell's general counsel, Gregory P. Bialecki, cited an exception to the state Public Records Law to justify withholding the records. In a written statement last evening, the governor's office reasserted the exemption and said the reports were being withheld to „protect the governor's ability to get candid, confidential briefings on matters pending before him.“

The so-called „deliberative process“ exception to the public records law has limited application, according to state Secretary of State William F. Galvin's website. The exception applies to „interagency or intra-agency memoranda or letters relating to policy positions being developed by the agency, but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based,“ according to „A

Guide to the Massachusetts Public Records Law," published by Galvin's office.

„Purely factual matters used in the development of government policy are always subject to disclosure," the guide continues.

Rob Bertsche, counsel to the New England Press Association, said, „It's very clear that the exception to the public records law does not cover a compilation of reports that were apparently created at another time, in another place, for another purpose." Bertsche represented the Globe in a 2004 suit seeking Big Dig documents.

The Globe appealed the denial to the secretary of state's office. The law provides no timetable for deciding such an appeal.