

BAT AT 'EM

SIZEMORE, GOMES HOMER TO LEAD SOX PAST YANKEES

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GRIM SEARCH FOR ANSWERS

FEDS PROBING FATAL CALIF. BUS CRASH

NATION — PAGE 2



VAN LIEW FILES SUIT

RIGHTS 'IMPAIRED' IN CHELMSFORD

LOCAL — PAGE 3

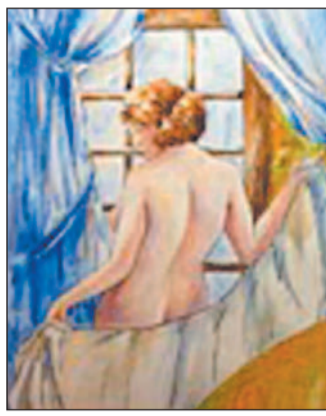
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FROM WHAT WAS STOLEN: Eighteen artists from the Western Avenue Studios in Lowell contributed works for a new exhibit at Chelmsford Public Library, including, from left, *Chrysanthemums* by Denise Rainis, *After Degas* by Paula Mingolelli and *Back Bay, Boston* by Deb Bretton Robinson.

Sharing visions of treasures lost

Gardner Museum art heist, novel inspired artists for Chelmsford show

By Grant Welker gwelker@lowellsun.com

CHELMSFORD — The Isabella Stewart Gardner Museum art heist in 1990 was one of the worst crimes to hit the art world. Works by Degas, Rembrandt, Vermeer and others valued at \$500 million have never been recovered.

But the famous Boston heist can also serve as an inspiration for Lowell's art scene. For a new exhibit at the Chelmsford Public Library, 18 artists from the Western Avenue Studios in Lowell read *The Art Forger*, a novel based in part on the Gardner heist.

Their job was to come up with artwork inspired by the book — but they had only six weeks to do it, as a late choice for the April exhibit when an earlier choice backed out.

"It was perfect for us," said Maxine Farkas, director of the Western Avenue Studios.

Artists responded in different ways. Some did reproductions of famous paintings or depicted the Gardner Museum. Bethany Peck, one artist, did an oil painting of Boston Harbor, which she said was inspired by the setting of the book. Another artist, Stephan Anstey, wrote a poem



OPENING EYES: "For an artist, the whole subject matter is really inspiring, really exciting," said Western Avenue Studios artist Bethany Peck of Chelmsford, shown at the Chelmsford Public Library with her painting *Night Harbor*. The new exhibit is inspired by *The Art Forger*, a novel based in part on the 1990 Isabella Stewart Gardner Museum heist.

and created a poster featuring three of the stolen works. "It runs the whole gamut,"

Farkas said. "Anyway you wanted to respond to the book is there."

The artists found the topic fascinating. They usually would have about a year to prepare for an exhibit, but Western Avenue Studios committed to doing the Chelmsford exhibit after getting a phone call from the library at the end of January.

"For an artist, the whole subject matter is really inspiring, really exciting," said Peck, a Western Avenue Studios artist for more than two years who shares a studio with her husband, Peter Kalabokis, an illustrator.



JUST IMAGINE: *Unveiling at the Gardner*, by David Drinon, envisions the return of the long-lost Degas.

Please see EXHIBIT/6

Unclear if attacks could be prevented

Marathon report finds no missed opportunities

By Eileen Sullivan Associated Press

WASHINGTON — A review of how the government's intelligence agencies handled information they had before the Boston Marathon bombings last year concluded that it was impossible to know whether anything could have been done differently to prevent the attack.

Whether information withheld by Russia until after the bombings could have made a difference was not addressed in the unclassified version of the report. Even if the FBI had received details from the Russian wire-taps involving one of the bombing suspects, it's not clear that the U.S. government could have stopped him.

Three people died and more than 200 others were injured in two explosions during the Boston Marathon on April 15, 2013. Two ethnic Chechen brothers are accused of carrying out the attacks. The oldest, Tamerlan Tsarnaev, died in a police chase and his

TWICE AS STRONG

Father-son team Dick and Rick Hoyt set for their final marathon.

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Please see MARATHON/6

PANHANDLING SUIT ACLU: Lowell bylaw violates homeless rights

By Lyle Moran lmoran@lowellsun.com

LOWELL — The American Civil Liberties Union of Massachusetts and its cooperating counsel have sued the city in federal court, alleging its ordinance banning panhandling in the downtown historic district is unconstitutional.

The ACLU and Goodwin Procter LLP of Boston filed the suit in U.S. District Court on behalf of three plaintiffs, all homeless Lowell residents.

The attorneys for the plaintiffs argue that the city's ordinance — originally passed by the City Council in November and amended in February — violates the first and 14th amendments to the constitution by restricting peaceful, nonthreatening and constitutionally protected speech.

A hearing on the plaintiffs' request for a preliminary injunction, which prevents the

Please see PANHANDLING/6

Plan to resolve Chelmsford deficit draws opposition

By Grant Welker gwelker@lowellsun.com

CHELMSFORD — The proposed town-wide budget for next fiscal year will be about \$560,000 in the red as the town seeks to properly account for town employees' retirement costs by including them directly in the operating budget.

The deficit won't likely last, Town Man-

ager Paul Cohen said Monday at the Board of Selectmen meeting. At Town Meeting next fall, representatives will be able to devote free cash, which is money left over at the end of a budget year, toward closing the gap.

"I don't foresee I'm putting the town in any kind of peril by this action," Cohen said.

The proposal attracted opponents who said the town shouldn't go into the red to

start fiscal 2015.

"It's the first time I can remember going to Town Meeting with an unbalanced budget," said Selectmen Bob Joyce, who was elected to the board last week. "I have some problems with it."

Selectman Janet Askenburg said she is

Please see DEFICIT/6

SPORTS



Bubba's in form

Keeping it simple, Watson leads the way at the Masters. Page 11

ON THE WEB

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TODAY'S QUESTION

How late should bars be allowed to stay open?

- 1 a.m.
- 2 a.m.
- 3 a.m.

Vote at lowellsun.com
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YESTERDAY'S QUESTION RESULTS

How many times do you see a doctor in a year?



Total votes: 483

LIFESTYLE



Golden vibe

California casts a spell as *Mad Men* makes its final flight. Page 7

LOCAL

Girl Scout's top honor

Chelmsford's Samantha Lee will receive the Gold Award for her art-display project. Page 3

TOMORROW'S WEATHER

Basking robins; high of 72°
DETAILS ON PAGE 2

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Report: No missed opportunities in Boston attack

MARATHON/From Page 1

brother, Dzhokhar, has pleaded not guilty to 30 federal charges, including using a weapon of mass destruction.

The Obama administration briefed Congress on Thursday on the intelligence community inspectors general's investigation into whether there were any missed opportunities to share information.

•We will always ask ourselves what more we could have done to prevent this or another tragedy. What we may never understand is why the Russians didn't share more with us to aid in the FBI's investigation, said Rep. C.A. Dutch Ruppberger, the top Democrat on the House Intelligence Committee.

Highlighting Russia's role in potential intelligence failures comes as relations between the two countries are the worst they've been since

the Cold War, the deterioration coming over the past year. Russia's reluctance to share information with the U.S. government that might have helped prevent a terror attack on American soil was one of the first major cracks in the relationship.

Also in the last year, Russia gave asylum to former National Security Agency systems analyst Edward Snowden, who leaked millions of documents to journalists. President Barack Obama canceled a planned security summit with Russian President Vladimir Putin. Most recently, Russia ignored warnings from the U.S. and its allies and annexed the Crimean Peninsula from Ukraine.

Members of Congress have grown increasingly skeptical about the effectiveness of U.S.-Russian cooperation on law enforcement or other matters.

In 2011, Russian authorities



Edward Davis, former Boston police commissioner and current fellow at Harvard University, testifies on Capitol Hill Wednesday on the marathon bombings. Davis, former Lowell police superintendent, earned widespread praise for his leadership in the wake of the attacks.

AP PHOTO

told the FBI they were worried that one of the suspected bombers, Tamerlan Tsarnaev, and his mother were religious extremists. The Russians were unresponsive when pressed by

the FBI for more details. It was only after the 2013 attack that the U.S. intelligence community learned that the Russians withheld some details that might have led to a more thor-

ough FBI investigation.

The Russians told U.S. officials that they secretly recorded a telephone conversation in 2011 in which Tsarnaev vaguely discussed jihad with his mother, which The Associated Press first reported weeks after the attack. In another conversation, the mother was recorded talking to someone in southern Russia who is under FBI investigation in an unrelated case, officials have said.

Rep. William Keating, a Massachusetts Democrat and member of the House Homeland Security Committee, said that the Russian government did or did not do is less critical to analyze than any missed opportunities by U.S. law enforcement.

•The U.S. should not be reliant on Russia to provide domestic security, said Keating. •We should not depend on Russia for the information to make the U.S. safe.

The inspectors general focused on Tsarnaev's travel to Russia in 2012 and whether U.S. agencies shared all the appropriate information about his comings and goings. They believe had this information about his travels been shared more widely among U.S. intelligence agencies, it might have prompted further investigation into Tsarnaev.

Russia has been inconsistent in how much information it shares with the U.S. on counterterrorism issues, said David Rubincam, the FBI's legal attaché in Moscow from May 2011 through October 2012. Rubincam has since retired from the bureau. He was interviewed by the intelligence community's inspectors general over the past year.

•There were things that they would be more forthcoming on and things that they would just not respond to, Rubincam said of Russian intelligence officials.

It runs the whole gamut. Anyway you wanted to respond to the book is there.

Maxine Farkas, director of Lowell's Western Avenue Studios, on the Chelmsford Public Library exhibit

Artworks lost inspire new visions

EXHIBIT/From Page 1

Anstey, a prolific poet who said he writes three to five poems a day, quickly came up with one called *I Am the Art Forger*.

B.A. Shapiro, author of *The Art Forger*, was very moved to hear about the exhibit based on the book, said Kathy Cryan-Hicks, the library's director for programs and community relations.

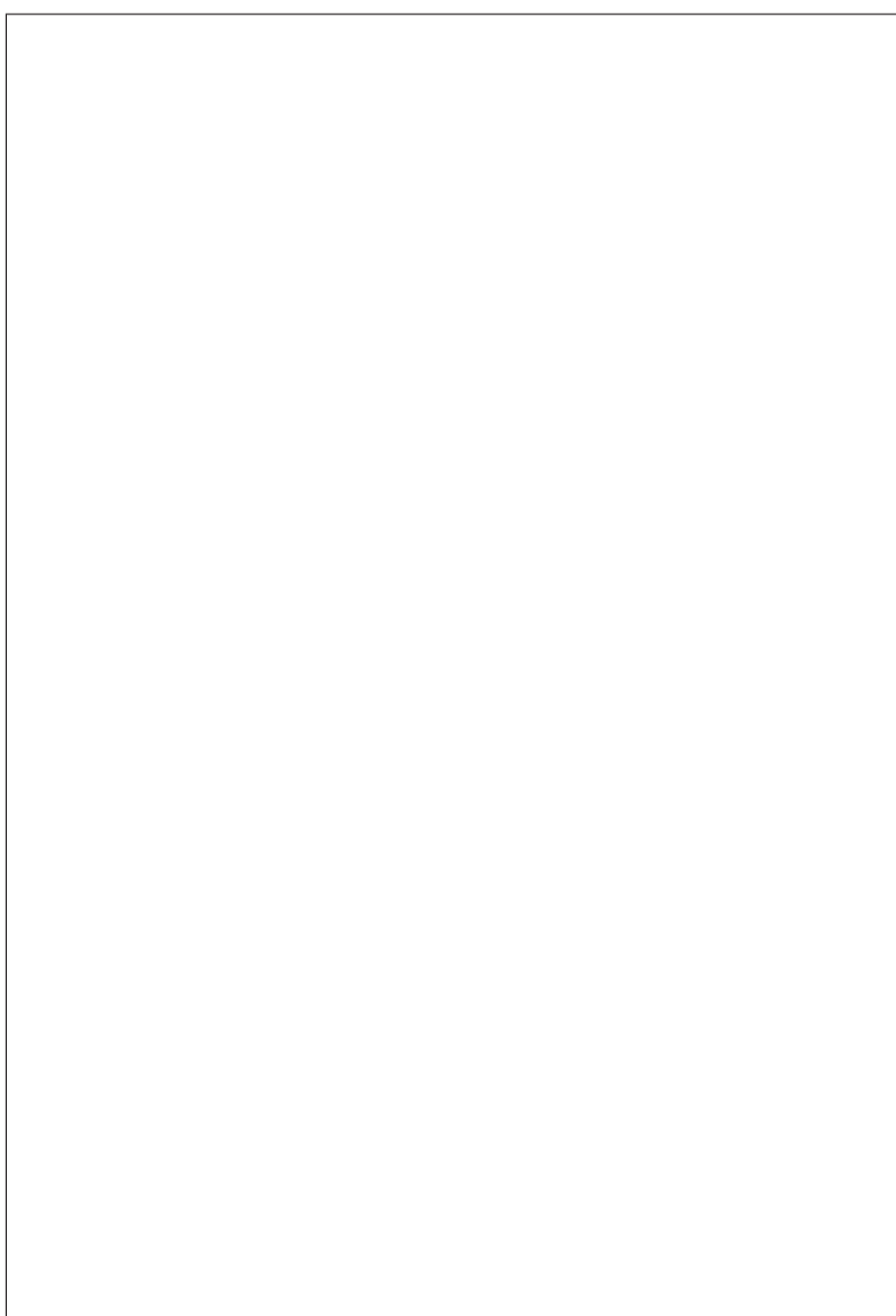
Shapiro will speak about the book Sunday at the McCarthy Middle School auditorium. The event, at 2 p.m., was moved to McCarthy from the library because the expected crowd would be too large for the library, library trustee Peggy Dunn said.

The Western Avenue Studios, which has 300 or more artists, is not always well known to the general public, and members said shows like those at the Chelmsford library can get the public to know more about them.

•This is the first time we've taken Western Avenue Studios on the road, but I have a feeling it won't be the last, Farkas said.

Anstey said it was pretty amazing how many artists got on board so quickly to do the exhibit. He also hoped the exhibit could reap benefits for the studios, recalling the show's opening on April 6.

•It was a whole new crowd of people



MISSING MASTERPIECES: Bethany Peck, one of 18 artists at the Western Avenue Studios in Lowell, visits the new Chelmsford Public Library exhibit paying tribute to works stolen in the 1990 Isabella Stewart Gardner Museum heist. The show runs through April 29.

SUN / DAVID H. BROW

hearing about it, he said, and that's real nice.

The show runs through April 29. The

library is located at 25 Boston Road.

Follow Grant Welker on Twitter and Tout @SunGrantWelker.

ACLU: Panhandling bylaw violates rights

PANHANDLING/From Page 1

city from enforcing its panhandling ordinance while the case proceeds, is scheduled for Monday at 2:30 p.m. in U.S. District Court in Boston.

The plaintiffs also want the court to permanently halt the city from enforcing the ordinance.

•There is no need for the ordinance, said Sarah Wunsch, an attorney for the ACLU. •It is an attempt to hide from the public sphere people who are needy or have other problems from asking for help.

The plaintiffs also argue the ordinance discriminates

against the homeless and that Lowell city councilors wanted to ban panhandling to remove the homeless from Lowell.

City Solicitor Christine O'Connor said in a brief written Friday that once the city was put on notice of the legal claims, the city did not enforce the ordi-

nance. The city is defending its ordinance in court.

•Plaintiffs seek to impute nefarious intent to the city's charting of a course that recognized the rights of panhandlers while also seeking to address issues that were having a strongly adverse impact on the city and its citizens, the city wrote in its opposition to the motion for a preliminary injunction.

•The city freely acknowledges that it employed research into case law, in order to identify solutions pursued by other communities that had proven effective, and indeed, had been upheld by the courts.

The city denied an intent to discriminate against the homeless.

There have been no arrests for panhandling since the ordinance was approved by the City Council last November.

The City Council voted 6-2 to approve the ordinance, with then-Councilors Vesna Nuon and Joseph Mendonca opposed. Then-Councilor Marty Lorrey had suggested the ordinance.

During the first 11 months of 2013, Lowell police received 237 calls related to panhandling, and Lorrey and others had said panhandling was becoming a growing problem in the city.

Police observing anyone aggressively panhandling in the downtown historic district could arrest them under the ordinance.

The original ordinance also included exemptions to the law for nonprofits, civic

or benevolent organizations described in Section 501(c) of the Internal Revenue Code.

The ordinance stipulated that violators could be found guilty for each day during which the violation is committed, continued or permitted. Upon conviction, each offense can be punishable by a \$50 fine.

The ACLU and Goodwin Procter contacted the city to express concerns about the ordinance and indicate they were considering suing the city.

The revised law eliminated the exemptions for nonprofits and added a section on aggressive panhandling.

Panhandling in an aggressive manner is defined in the amended ordinance in a variety of different ways, including: € Continuing to engage in panhandling toward a person after the person has given a negative response to such soliciting. € Intentionally touching or causing physical contact with another person

or their property without that person's consent. Police observing anyone aggressively panhandling in the downtown historic district can arrest them.

Attorneys for the plaintiffs suing the city argued in seeking a preliminary injunction that the amended ordinance made things worse by banning all solicitation downtown.

In May 2013, the ACLU and Goodwin Procter filed suit in federal court in Worcester on behalf of three Worcester residents to block two anti-panhandling ordinances enacted by the city of Worcester.

The suit alleged the ordinances violated the constitutional right to peacefully solicit donations in public and to engage in political and other speech.

The federal district court denied the plaintiffs' motion for a preliminary injunction to halt enforcement of the ordinances while the suit proceeded, a decision that was appealed to the U.S. Court of Appeals for the First Circuit.

The U.S. Court of Appeals for the First Circuit did grant an injunction against the part of a Worcester ordinance that banned soliciting any person in public after dark, which shall mean the time from one-half hour before sunset to one-half hour after sunrise.

Lowell's amended ordinance with language concerning aggressive panhandling is almost entirely derived from one of two anti-panhandling ordinances in Worcester.

Follow Lyle Moran on Twitter and Tout @lylemoran.

Selectmen differ on Cohen plan to resolve deficit

DEFICIT/From Page 1

very uncomfortable with an unbalanced budget.

•I don't think it sets a good precedent or tone to bring an unbalanced budget to Town

Meeting, she said. •I wouldn't over-budget my family's budget and I wouldn't over-budget the taxpayers' budget, she added later.

Askenburg suggested balancing the budget now, and then taking free cash available later this year to pay down employee retirement costs known as OPEB costs, or other post-employment benefits.

•My way works as well, Cohen said. •We're really incurring a deficit.

Both Askenburg and Joyce voted against Cohen's proposal but the other three board members supported it.

Matt Hanson said he didn't have a major issue with the proposal because free cash, an estimated \$2 million, will be available in the coming months.

Free cash would be certified in time to cover the deficit at Town Meeting in the fall, Cohen said. Towns are

required to have balanced budgets only when tax rates are set, which takes place late in the calendar year.

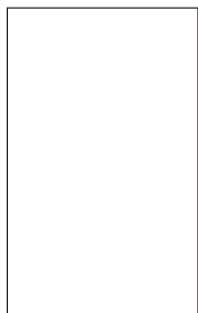
The point of including OPEB costs in the operating budget, Cohen said, is to properly account for the true cost to the town. The town's credit rating would not be affected, he said.

•We have to recognize the OPEB costs, he said.

The budget will go before a vote at Town Meeting April 28. The Finance Committee previously supported the budget proposal 6-1.

The proposed fiscal 2015 budget of nearly \$115 million includes \$1 million for retirement costs, which include health care. Overall spending would rise by more than \$2.6 million, or nearly 2.4 percent.

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•I don't think it sets a good precedent or tone to bring an unbalanced budget to Town Meeting.

Selectman Janet Askenburg