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Founded 1872

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LETTERS TO THE EDITOR

Winn's fall elevates need to fix broken political system

RE "DEVELOPER to admit campaign fraud" (Page A1, Oct. 29): The fall from grace of Boston developer Arthur Winn for doing what so many others when launching a major public project — buying the support of politicians — reminds us once again of the vital need for change in our political system. It should recall the lessons we've learned from the disastrous so-called war on drugs: As long as there is demand, suppliers will always find ways to fill it.

The demand in this case is our politicians' insatiable thirst for money. It has become such an integral ingredient of our government as to make one wonder — ironically, of course — why we don't just dispense with voting and simply designate as our leaders those who raise the most money.

Letters should be written exclusively to the Globe and include name, address, and daytime number. They should be 200 words or fewer; all are subject to editing. Letters to the Editor, The Boston Globe, PO Box 55819, Boston, MA 02205-5819; letter@globe.com; fax: 617-929-2098.

We must view the Winn case as the tip of an enormous and formidable iceberg. With the Supreme Court's unconscionable Citizens United decision opening the floodgates for corporate dollars to dominate our elections, the forthcoming year will see money talking like never before. But it will talk only for those rich enough to write the checks.

We individual voters are paying an awful price for a broken system. Meanwhile, there are fixes afoot, starting with efforts to reverse the Citizens United decision by way of a constitutional amendment. It's a start.

MARK HOPKINS
Lincoln

'Noncompete' clauses serve protective purpose

RE "MASSACHUSETTS should ease up protecting 'noncompete' clauses" (Editorial, Oct. 30): The purpose of noncompete clauses is to reduce or eliminate the actual or possible appropriation of a company's trade secrets and other confidential business information. Massachusetts courts have enforced these agreements for hundreds of years, and this legal reality has not hindered the state's business growth. And

unemployment figures for Silicon Valley for the past two years do not support the notion that eliminating noncompetes somehow improves employment.

By allowing a complete yet time-limited ban on competition from some former employees, noncompetes work more effectively than nondisclosure and nonsolicitation agreements in ensuring that proprietary information remains protected.

Many companies (and often their owners) are forced to put all their assets on the line to obtain adequate funding for their ventures, and spend significant time and money developing proprietary and confidential information. Companies should be allowed some measure of assurance that the fruits of their labors enjoy adequate legal protection.

ANDREW P. BOTTI
Woburn

The bargain hunter wore black

REGARDING THE bankruptcy filing of Filene's Basement (Page A1, Nov. 3): I will be in mourning over the closing of this legendary store — wearing a still-fabulous black Prada dress purchased at 75 percent off in "The Vault."

MARIA GALVAGNA MESINGER
North Andover

Boston Sunday Globe

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EDITORIALS

Massachusetts should ease up protecting 'noncompete' clauses

ONE MEASURE of economic security is whether workers can pick up a new job after leaving an old one. And there is strong evidence that, for some skilled workers, Massachusetts law is making that task much harder than necessary.

A legal dispute involving a former salesman for Boston Beer Co. sheds new light on a long-standing problem for workers in competitive industries: The Commonwealth's laws that enforce "noncompete" clauses in employment contracts can impede specialized workers' ability to find new jobs — and may make them less likely to stay in Massachusetts, or even settle here in the first place.

As the Globe's Steven Syre reported this month, the Boston Beer Co., maker of Sam Adams, recently filed suit in federal court in Boston after Judd Hausner, its former district sales manager for the San Francisco area, jumped ship to Anchor Brewing Co. Hausner had signed an agreement stipulating that he wouldn't go work for Boston Beer's competitors. California law generally doesn't enforce such agreements, but Massachusetts does in many industries — to the disadvantage of the Commonwealth's workers. Now the company wants the court to order an injunction against Hausner under Massachusetts law. And Hausner isn't the only one whose fate hangs in the balance.

The main area in which West Coast competition should concern Massachusetts isn't beer but high tech. It isn't just the mild California weather that draws graduates of top Massachusetts universities to Silicon Valley. The business culture there, as the film "The

Social Network" famously intimated, is much more free-wheeling than in Massachusetts. One upside is that an area where people and ideas move freely offers fertile soil for innovation. The more practical benefit is that — at least in normal economic times — discontented or laid-off tech workers in California can find work elsewhere without too much sweat.

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In Massachusetts, established tech firms say the enforcement of noncompete clauses makes it easier to protect trade secrets and promote stability at small startup firms where individual employees have invaluable expertise. Yet some companies ask even workers without such expertise to sign noncompetes.

Many workers are asked to sign the agreements only after accepting job offers. Some agreements are defined so broadly that workers who leave a company have difficulty discerning where they're allowed to work. And fear of being sued by a new employee's old company makes some companies reluctant to hire workers they'd otherwise want.

What's odd about the Boston Beer case is that Hausner doesn't appear to have specialized insight into proprietary beer technologies; he's a salesman who wants to work for a different company.

Even if the typical computer-science graduate from MIT isn't factoring noncompete clauses into decisions about where to work, the agreements reflect a buttoned-down culture where the law protects the immediate interests of current companies — but makes it harder to recruit the talented people whole industries need to thrive in the long term.