



'Persepolis' draws a picture of fighting the power in Iran

'Bucket List' looks for life at end of the road

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The Boston Globe

FRIDAY, JANUARY 11, 2008

GALE TALK

TODAY: Rain and gusty winds.
High 45-50. Low 37-42.
TOMORROW: Sun and clouds.
High 44-49. Low 28-33.
HIGH TIDE: 12:51 a.m. 12:57 p.m.
SUNRISE: 7:13 a.m. SUNSET: 4:32 p.m.
FULL REPORT: PAGE B10

In the news

Boston took the first step on banning trans fat from restaurants and corner stores, with preliminary approval of a restriction that would take effect late this year. **B1.**

President Bush predicted a Mideast pact could be reached within a year as he spelled out US conditions. **A3.**

A dramatically improved technique for creating human embryonic stem cells without destroying embryos was announced by Massachusetts researchers. **A10.**

Sir Edmund Hillary, the first man to reach the summit of Mount Everest, died at age 88. His feat in 1953, achieved along with Sherpa mountaineer Tenzing Norgay, captured the world's imagination. **C8.**

The conviction of the only officer court-martialed in the Abu Ghraib scandal was thrown out, bringing an end to the four-year investigation and drawing criticism. **A2.**

Governor Deval Patrick was considering bypassing the Legislature to clear the way for illegal immigrants to pay in-state tuition rates. **B1.**

Federal Reserve chairman Ben Bernanke said the economy has deteriorated rapidly and indicated interest rates will be cut aggressively. **C1.**



Two hostages held for six years and freed by Colombian rebels in the jungle were picked up by helicopters sent by Venezuela's president. **A8.**

POINT OF VIEW:
ELLEN GOODMAN

"How many women had a change of, well, heart? How many women-of-a-certain-age who've lived through vast social change remembered being told they could lead or be liked? How many had their wrinkles and cleavage and cackles and feelings dissected at every move?" **Opinion, A15.**

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Deaths **C6-8** Notices & more **J**
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Lottery **B2** TV/Radio, Comics,
Weather **B10** Crossword,
Movie times **D12** Sudoku,
Horoscope

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boston.com



PLAYOFF PREVIEW



SPECIAL SECTION, E1

At top of their game — like it or not



MATTHEW J. LEE/GLOBE STAFF/FILE

New England will continue to chase history when it takes the field tomorrow night against Jacksonville.

A perfect regular season has made the Patriots the most admired — and hated — team in America

By John Powers
GLOBE STAFF

The NFL's official cinematographers already have shot well over a half-million feet of 16-millimeter film on this football team this season. "More than any team ever," reckons NFL Films president Steve Sabol. "And you thought 'Lord of the Rings' was expensive?"

Every play of all 16 games has been captured from four or five angles, and coach Bill Belichick and quarterback Tom Brady have been miked for sound — and posterity. As the P-as-in-perfect Patriots continue their historic march with tomorrow night's playoff opener in Foxborough against the Jacksonville Jaguars, they've become America's Team, both for better and worse.

"I call them America's Fascination," says Sabol, whose company bestowed the original America's Team label upon the Dallas Cowboys in 1979. "The Patriots are too good to have to use somebody else's nickname. They deserve their own."

The Brady Bunch, lopsided favorites to win their fourth Super Bowl in seven years next month, have become even more popular and more controversial than the Cowboys were in their heyday. Patriots games were the most-watched programs on TV this season. Sales of their merchandise are up sharply and Brady's Q rating, measuring likability for marketing purposes, is on the rise.

"The Pats at last are getting a grip on America's PATRIOTS, Page A16



JIM DAVIS/GLOBE STAFF/FILE

The signal-stealing scandal didn't help the Patriots' cause with fans around the country.

Fire Dept. disability backlog costs city

Delays in decisions add up to millions

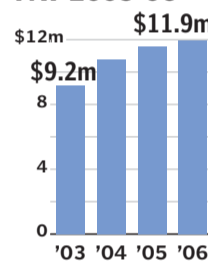
By Walter V. Robinson
and Nikki Gloudeaman

GLOBE CORRESPONDENTS

The epidemic of Boston firefighters claiming tax-free disability pensions rather than regular retirement has left the city with the added burden of paying their full salaries while firefighters sit idle — in some cases, for several years — waiting for their claims to be approved.

Between 2003 and 2006, the city paid \$43.5 million to hundreds of firefighters on injury leave — all of it tax-free. Among the recipients: 132 firefighters who collected more than \$100,000 each during that period. Of those, 20 received between \$200,000 and \$337,000, according to a Globe analysis of city payroll records.

INJURED-LEAVE PAY 2003-06



SOURCE: City of Boston payroll records
GLOBE STAFF

In an average week in 2007, an estimated 200 firefighters were on injured leave — more than one in eight uniformed members of the department, according to the payroll records. Those leaves, combined with people out on sick days and on vacation, have meant that the department has been paying overtime to about 500 firefighters — a third of the department — each week to fill the open spots. The annual cost of overtime has **FIRE DEPT., Page A9**

Jurors testify about claims of racism

By Jonathan Saltzman
GLOBE STAFF

BARNSTABLE — Jurors who convicted a black trash collector in 2006 of raping and murdering a white fashion writer on Cape Cod hurled allegations yesterday of racism and inappropriate behavior in an extraordinary court hearing held to determine whether bias tainted the verdict.

In the same courtroom where Christopher M. McCowen was convicted, three jurors took the witness stand and said that another jury member referred to the defendant during deliberations as a "big black man" who would no doubt leave the bruises that were found on the much smaller Christa Worthington.

The accused juror, Marlo George, later took the stand and said that she had referred to McCowen as a "200-pound black man" but said she merely "meant it as descriptive."

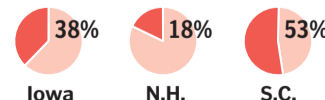
As juror after juror took the stand yesterday, seven in all, a picture was painted of a jury in one **WORTHINGTON, Page A10**

S.C. a battleground for GOP core constituency

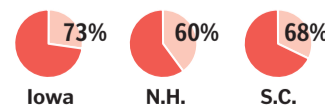
By Michael Levenson
GLOBE STAFF

The makeup of primary voters in South Carolina appears to favor Mike Huckabee, who fares better among evangelicals.

White evangelicals



Conservatives



Margin of error: +/- 5.5 percentage pts.
SOURCE: Pew Research Center for the People & the Press
GLOBE STAFF

MYRTLE BEACH, S.C. — South Carolina is called the gateway to the Republican nomination because since 1980 no candidate has become the nominee without winning here first.

This year, the first-in-the-South primary has shaped up as a crucial test of how well the candidates can appeal to some of the party's core constituencies — evangelicals, military families, and budget-cutters. More so than Iowa, where Christian conservatives dominate, and New Hampshire, where fiscal conservatives rule, South Carolina's primary on Jan. 19 could

unite the fractured party behind one candidate — and force others to drop out.

"We're a pretty good little test tube for them," said Chip Felkel, a veteran South Carolina political consultant who is unaffiliated with any of the candidates. "To be a state this small, we have a mix of fiscal conservatives, social conservatives, and transplanted Northerners. We have a real interesting mix here for them to get a taste of what sells and what doesn't in terms of Republican politics."

Two new polls conducted Wednesday and released yesterday suggest that John McCain, a Vietnam War hero who is counting on

support from veterans, is edging ahead of Mike Huckabee, a former Baptist preacher who is courting evangelical Christians. The primary electorate, however, is more heavily weighted to Huckabee's base. According to the Pew Research Center for the People & the Press, 53 percent of likely primary voters are white evangelical Protestants, while only 29 percent are active or retired service members.

While McCain, who won in New Hampshire on Tuesday, and Huckabee, who won in Iowa last week, battle to be the front-runner, former senator Fred Thompson of Tennessee says

SOUTH CAROLINA, Page A12



Kerry backs Obama

The Mass. senator brings a fund-raising list of 3 million supporters from 2004. **A12.**

No sparks in debate

The six Republican contenders save most of their criticism for the Democrats. **A13.**

Annan will lead efforts to broker a truce in Kenya

Ex-UN chief enters violent election dispute

By Jeffrey Gettleman
NEW YORK TIMES NEWS SERVICE

NAIROBI — With no sign of a breakthrough in the Kenya political crisis, it appears that a high-profile mediator may be flying in to help: Kofi Annan.

The African Union announced yesterday that Annan, the former secretary general of the United Nations, is taking over the role played by John Kufuor, the chairman of the African Union and president of Ghana. Kufuor spent the past two days in Kenya trying to broker a truce between the government and opposition leaders to end the crisis here, which erupted after flawed elections last month and went on to claim hundreds of lives. Kufuor failed to get the two sides to even meet, but he insisted all was not lost.

“Both sides agreed there should be an end to the violence

and they also agreed there should be dialogue,” Kufuor said.

Annan will lead a panel of African dignitaries who will arrive in the coming days to try to bring the two sides together, Kufuor said.

There was no immediate comment from Annan about the new role. Many diplomats here are pessimistic that a solution will be found anytime soon because neither Mwai Kibaki, Kenya's president, nor Raila Odinga, the top opposition leader, is budging. Both say they won the presidential election on Dec. 27. Western observers have said that there was widespread evidence that the president's party interfered with the vote tallying process and rigged the results to stay in power.

Kibaki has moved ahead with unilaterally naming Cabinet members, which opposition leaders called a “slap in the face” and which American officials called disappointing.

Yesterday, opposition leaders said Kibaki refused to sign an agreement that had been approved by the World Bank that



The chairman of the African Union, Ghanaian President John Kufuor (left), talked with Kenyan President Mwai Kibaki before his departure from Nairobi yesterday.

recommended a transitional government and an investigation into the election results. World Bank officials in Kenya did not return phone calls. Alfred Mutua, a Kenyan government spokesman,

said that the document had been prepared by World Bank officials and that the president rejected it because it was “meant to favor certain groups.”

Both the government and op-

position leaders, who have blamed each other for the surprise burst of bloodletting in such a stable country as Kenya, are now blaming each other for the lack of progress in negotiations. “The government

had offered dialogue which was to be facilitated by President John Kufuor but Orange Democratic Movement leaders have not been responsive,” a government statement said, referring to Odinga's political movement.

Salim Lone, a spokesman for Odinga, said, “the government was obviously never serious about negotiations. To tell you the truth, we're getting discouraged.”

Tensions are still running high in some places in Kenya. Yesterday, police tear-gassed dozens of women protesting in Nairobi, the capital. They shouted “Kibaki is a thief!” and “Shame on you!”

On Wednesday, Kibaki toured a charred swath of western Kenya where ethnic fighting has killed more than 150 people and driven tens of thousands from their homes. Most victims were Kikuyu, the ethnic group of the president. As the president stood at a podium in a place called Burnt Forest, blame smoke curled up from more houses that had just been set on fire.

Disability backlog by Fire Dept. costs city

► FIRE DEPT.
Continued from Page A1

mushroomed from \$10.4 million in 2003 to \$17.4 million last year.

Taken together, nearly 20 percent of the department's payroll goes to fund injured leave and overtime pay.

Many of the injured men return to duty. But a substantial number do not. For example, at least 60 of the 200 men on injured leave during the first week of November have applied for disability pensions, and many others among the remaining 140 are expected to.

Injured-leave pay is full wages, tax-free. Disability pensions are 72 percent of pay, also tax-free.

Fire Commissioner Roderick L. Fraser, who took the post 13 months ago, said he was astonished to learn recently about what he describes as an abuse of the system — that scores of men remained on injured leave status for two, three, or four years before department officials and then the Boston Retirement Board processed their disability retirement applications. Other than Fraser, a former Navy commander with no prior experience in municipal fire departments, all the department's uniformed officers, including the fire chief, belong to the same powerful union.

Last month, Fraser directed his human resources director to clear the backlog, reminding him that state law requires that disability applications be acted on by the Boston Retirement Board within 180 days.

“All of our accounts have been raided to pay for these abuses. It is sad that a few people who are abusing the system are allowing the entire department to be tarnished,” Fraser said in an interview Wednesday. Fraser plans to hire a civilian deputy commissioner to bring tighter management controls to the department.

The Globe first reported an initial upward spike in injured-leave pay in 1999. And in 2000, the O'Toole Commission, which was appointed by Mayor Thomas M. Menino after the Globe articles, cited the growth in the numbers of firefighters on injured leave as an issue the city should address. But the rapid growth in the rate of disability applications has made the problem much worse — and much more expensive.

So far, city attempts to reduce the incidence of injury leave have proved fruitless. The city can order injured firefighters to light duty only in limited circumstances, because of a provision in the firefighters' contract. And delays within the department in process-

ing disability claims have been matched by delays by the Boston Retirement Board, whose president is a high-ranking member of the firefighters union.

On Monday, the Globe reported that between 2001 and 2007, 102 firefighters had been granted tax-free and substantially higher accidental disability pensions after reporting that they sustained on-the-job injuries while substituting for their superiors at higher pay grades. Many of those who got the higher pensions were superior officers, including eight district chiefs who said their injuries occurred while they were filling in, mostly at desk jobs, when deputy fire chiefs were out ill or on vacation. Fraser, in the story, challenged the legitimacy of some of the claims by high-ranking officers.

One of the district chiefs, Fraser said, asserted that he had hurt his back while moving a filing cabinet at Fire Department headquarters.

Between 2005 and 2007, nearly 75 percent of all Fire Department retirements — 123 out of 166 retirees — were based on accidental disabilities, a substantially greater rate than other state public safety agencies in Massachusetts and comparable cities around the country.

Added to that, so-called “above-grade” disabilities — resulting in firefighters receiving enhanced pensions — have accounted for a sharply increasing percentage of all disability retirements within the department, from 13.5 percent in 2001 to nearly 53 percent of disability retirements last year.

In the 102 cases, the Globe obtained the date of the disabling injuries for 58. Among those, the average amount of time spent on injured-leave pay before retirement was 23 months. One firefighter, Daniel M. Polvere, was on injured leave for 48 months before he retired in 2006.

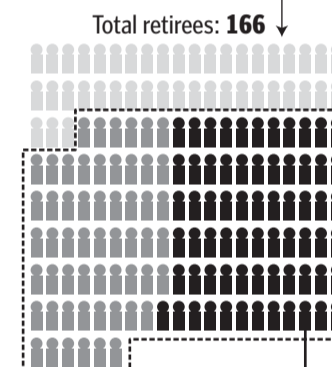
During that time, he received tax-free injury pay of \$243,839. The top recipient during the four years was Captain Joseph M. Gilmore. He collected \$337,363 in injury leave pay over 38 months — at the rank of district chief, the grade he temporarily occupied — before he left on a disability retirement last February, according to records the Globe obtained from the city in response to a series of requests made under the state public records law.

In the Monday story, Fraser suggested that many of the high-ranking officers who have reported being injured while work-

Boston firefighter retirement



RETIREMENTS BETWEEN 2005-2007



SOURCES: Boston Retirement Board, city payroll records

PREPARED BY BOSTON MUNICIPAL RESEARCH BUREAU
DAIGO FUJIWARA/GLOBE STAFF

‘It is sad that a few people who are abusing the system are allowing the entire department to be tarnished.’

RODERICK FRASER
Fire commissioner

ing at a higher grade have set a poor example for other firefighters who in turn took advantage of the system to do the same thing. That phenomenon has boosted the average annual pension of the 102 firefighters who filed similar claims by \$10,000 a year — and at a cost to the city of more than \$25 million over the lifetimes of the 101 men and one woman who received the added benefits.

The same pattern also holds

true for injury-leave pay. An analysis of year-by-year city payroll data shows, for instance, that 23 of 57 district chiefs in 2003 and 34 of 62 district chiefs in 2004 collected injured-leave pay for at least part of the year. During the first week of November 2007, eight of the department's 61 district chiefs were on extended injury leave.

The tax-free injury pay is the product of legislation that applies to police and firefighters. The law, according to several officials, has had predictable consequences: For example, if a fire lieutenant is injured, tax-free status is immediately applied to his regular pay, about \$100,000 a year. A disability retirement is 72 percent of his regular pay, also tax-free. So there has long been an incentive to delay the retirement as long as possible. And in a department where many senior officers have done the same thing, there has been little pressure for the practice to change.

Fraser, asked about having so many on injured-leave status for so long, said: “Was it ill will? I don't know. I'd like to say it was something that was overlooked.”

What mystifies Fraser is why firefighters are so intent on extra money. Firefighters make close to \$60,000 a year with built-in overtime. Senior lieutenants, according to payroll records, top \$100,000 a year. And most district and deputy chiefs are paid more than \$130,000 and \$150,000, respectively.

Edward A. Kelly, president of the Boston Firefighters Union, said he was unaware of the costs of the injured-leave pay. But he brushed aside the notion that there have been any abuses. If the city restored to the firefighting force the 100 or more positions cut in the last two decades.

Samuel R. Tyler, president of the Boston Municipal Research Bureau, a business-funded watchdog group, said yesterday that the Fire Department culture is resistant to change.

“For the first time, there is an outside fire commissioner with a mandate to bring change,” Tyler said. “But it will be extraordinarily difficult to accomplish.”

Globe correspondent Jesse Nankin and Globe staff reporter Matt Carroll contributed to this report. Walter Robinson can be reached at wrobinson@globe.com. Confidential messages can be left at 617-929-3334.

10 injured after Air Canada jet hits turbulence

ASSOCIATED PRESS

CALGARY, Alberta — An Air Canada jetliner made an emergency landing in Calgary yesterday after 10 people were injured when the Airbus A319 hit turbulence during a cross-country flight, tossing passengers around the cabin.

None of the injuries was life-threatening, said Bryce Paton of the Calgary Airport Authority.

Passenger Jayne Harvey said the plane dropped sharply, then rolled left and right as the pilots fought to bring it under control.

The pilots came on the intercom “and said they were flying manually and that the computer had been knocked out,” she said. “I thought that that was it for me.”

Air Canada did not immediately confirm the cause of the problem.

The jet, carrying 88 people from Victoria, British Columbia, to Toronto, was diverted to Calgary for the emergency landing, officials said.

The plane landed safely at 8:30 a.m. with a request for medical units to meet the aircraft because

of injuries on board, Paton said. Ambulances surrounded the jet and paramedics tended to the injured.

Stuart Brideaux of Calgary Emergency Medical Services said 10 people were taken to a hospital.

Andrew Evans said he was seated near the cockpit when a calm flight turned to heart-pounding chaos.

“All of a sudden there were three big drops,” Evans said.

“One major drop and then two more that went ‘Oomph! Oomph!’

And the plane rolled a bit after that. I was in the very, very front seat of the plane and was watching dishes fly through the air,” Evans said.

“There was a crash. The cart tipped over and there was a lot of squealing. It was over and done with in 10 or 15 seconds.”

The rough flight was the second in Canada in recent months. In September, nine people were hurt and three sent to the hospital after a Halifax-bound WestJet flight hit turbulence with little warning.

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