

Newton — Investigative Briefing Memorandum

PUBLIC RECORDS ANALYSIS · REAL TRUTH MA · RETRIEVED SEPTEMBER 11, 2026

Newton

March 2026 (Revised)

EXECUTIVE SUMMARY

The Newton FOIA return represents a high-value document set that reveals the mechanics of how the Brookline-based NFG advocacy network expanded its campaign into one of Massachusetts' largest cities. The documents capture a coordinated effort spanning April 2024 through January 2025, in which external advocates from Brookline—including a pharmacist, a law professor, and the director of the Public Health Advocacy Institute—were systematically connected to a Newton City Councilor and then guided the ordinance through the legislative process. The central dynamic is clear: Newton City Councilor Susan Albright (Ward 2 At-Large) contacted Brookline's Department of Public Health seeking assistance with an NFG ordinance. Within hours, Wendy Machmuller (Brookline Dept. of Public Health & Human Services) connected her to the core Brookline NFG advocacy team—Anthony Ishak, Kate Silbaugh, and Mark Gottlieb. From that point forward, the Brookline advocates functioned as an external strategy team for Newton's ordinance, attending committee hearings, providing standardized talking points, offering to mobilize Newton-based supporters, soliciting letters of support, and providing real-time cross-municipality status updates to maintain momentum. The most significant finding is the speed and systematization of the advocacy pipeline: a single phone call from a Newton councilor to the Brookline health department triggered an immediate, multi-person response from an established advocacy network that had standardized talking points, cross-municipality intelligence, and a playbook for shepherding NFG ordinances through local legislative bodies.

KEY DOCUMENT EXCERPTS

Brookline Health Department Connects Advocates to Newton Councilor

From: Wendy Machmuller <wmachmuller@brooklinema.gov>

To: Kate Silbaugh; Anthony Ishak

Date: Tuesday, April 9, 2024 at 1:42 PM

Subject: Newton NFG

“Hi Kate & Anthony, I got a call from Susan Albright who is a Newton city council member. She’s looking for some strategies re the NFG warrant article. I gave her your names as resources. Her number is [redacted] and email is salbright@newtonma.gov.””

SIGNIFICANCE: This is the triggering event for the entire Newton NFG campaign. A municipal health department official actively connected a city councilor from another municipality with known advocacy network members. Machmuller did not simply provide information—she shared the councilor’s personal contact information with external advocates, effectively recruiting them into Newton’s legislative process.

Advocate Deploys Standardized Talking Points and Offers to Attend Newton Hearing

From: Anthony Ishak

To: Susan Albright <salbright@newtonma.gov>

Date: Tuesday, April 9, 2024 at 5:40 PM

Subject: Re: Newton NFG

“Thank you so much for reaching out and considering NFG in Newton! I’m a pharmacist by training and a Brookline town meeting member. I was one of the co-petitioners of the Brookline NFG warrant article.”
“The restriction does not affect current users of tobacco or nicotine products. The restriction simply means that going forward, beginning January 1st 2025, retailers will not be able to sell tobacco or nicotine products to any person born on or after January 1, 2000. Brookline’s age was selected so that nobody who was of legal age to purchase products on the date the by-law was passed would be affected.” “We’d be happy to attend a meeting and/or provide testimony.””

SIGNIFICANCE: Within four hours of Machmuller’s connector email, Ishak deployed what appears to be a standardized NFG background briefing to Albright. The language mirrors talking points used across municipalities—addressing the “current users” objection, explaining the birthdate mechanism, and offering testimony. He also blind-copied Machmuller, maintaining the coordination chain while keeping the Brookline health department’s involvement less visible.

Advocate Seeks to Mobilize Newton Residents After Attending Committee Hearing

From: Anthony Ishak

To: Susan Albright <salbright@newtonma.gov>

Date: Wednesday, April 10, 2024 at 10:09 PM

Subject: Re: Newton NFG

"“Thanks for the opportunity to attend your meeting and I’m optimistic about Newton joining the NFG movement!” “Can you let us know: 1. How we can support you? 2. Where can people send in letters of support? I have colleagues and friends who live in Newton--with children--who would be supportive.””

SIGNIFICANCE: Ishak attended the Newton committee hearing (April 10)—one day after being connected to Albright—and immediately began mobilizing support. His offer to activate “colleagues and friends who live in Newton” reveals the network’s strategy of manufacturing the appearance of local support through out-of-town coordination. The phrase “Newton joining the NFG movement” frames this as a coordinated campaign rather than an independent municipal policy decision.

Councilor Shares Opposition Intelligence and Asks Advocates to Review Attorney’s Draft

From: Susan Albright <salbright@newtonma.gov>

To: Anthony Ishak

Date: Thursday, April 11, 2024 at 8:23 AM

Subject: Re: Newton NFG

““Letters can go to the committee chair Josh Krintzman at citycouncil@newtonma.gov and refer to docket #149-24.” “I’ve started hearing from convenience store owners and a statewide lobbying group. If you could review the attorney’s draft ordinance that would be wonderful.” “I’m shocked by some of the questions Alan Lobovitz raised at the hearing - he is a retired pediatrician and I expected him to be a supporter.””

SIGNIFICANCE: This email reveals multiple concerning dynamics. First, Albright is sharing internal legislative intelligence—opposition from retailers, a statewide lobbying group, and a skeptical fellow councilor—with external advocates. Second, she asks non-Newton advocates to review a city attorney’s draft ordinance, giving outside interests direct input into Newton’s lawmaking. Third, her “shock” at a fellow councilor’s questions suggests she viewed the hearing as a formality rather than a genuine deliberative process.

Cross-Municipality Status Updates Used to Maintain Newton Momentum

From: Anthony Ishak

To: Susan Albright <salbright@newtonma.gov>

Date: Tuesday, June 4, 2024 at 11:14 PM

Subject: Re: Newton NFG

““Just checking in... Chelsea Board of Health has expressed interest in NFG. Winchester, Malden, Stoneham, Wakefield, Melrose already approved for Jan 1, 2025. Reading hearing is coming up next week.””

SIGNIFICANCE: Ishak provided Albright with a real-time intelligence briefing on NFG adoption progress across multiple municipalities. This served two purposes: maintaining momentum for the Newton ordinance by demonstrating a “wave” of adoption, and revealing the coordinated nature of the campaign. A single advocate tracking adoption status across seven municipalities is not organic community interest—it is campaign management.

Advocate Provides Live Vote Count to Newton Councilor

From: Kate Silbaugh

To: Susan Albright; Anthony Ishak

Date: Thursday, June 13, 2024 at 8:31 PM

Subject: Re: Newton NFG

“Town of Reading adopted the 1/1/2004 birthdate restriction tonight to go into effect January 1 2025. This is the same restriction adopted in Stoneham, Wakefield, Winchester, Malden, Melrose. Brookline’s birthdate is 1/1/2000.”

SIGNIFICANCE: Silbaugh sent a same-evening update on Reading’s vote directly to the Newton councilor, providing a running tally of municipalities with consistent language about birthdate restrictions. This real-time reporting demonstrates campaign-level coordination—advocates tracking and broadcasting municipal votes as they happen to maintain pressure on municipalities still in process.

Councilor Solicits Letters of Support from External Advocate Network

From: Susan Albright <salbright@newtonma.gov>

To: Anthony Ishak; Kate Silbaugh; Mark Gottlieb

Date: Tuesday, June 18, 2024 at 11:34 AM

Subject: Re: Newton NFG

“This ordinance is coming up for a vote by the Programs and Services Committee on Thursday night - June 20. I did get a letter of support from the Commissioner of Health and Human Services. Would you be interested in sending a letter of support?”

SIGNIFICANCE: Albright directly solicited letters of support from out-of-town advocates for a Newton committee vote. This demonstrates the councilor was actively using the external advocacy network to generate the appearance of broader support for the ordinance. Letters from a Brookline pharmacist, a BU law professor, and a Northeastern law institute director would appear to represent independent expert opinion rather than coordinated advocacy.

Councilor Thanks Advocacy Network After Committee Vote

From: Susan Albright <salbright@newtonma.gov>

To: Anthony Ishak; Kate Silbaugh; Mark Gottlieb

Date: Friday, January 9, 2025 at 8:46 AM

Subject: Re: Newton NFG

"“Thanks to all of you for your help. Next step full council vote. I’ll start calling people we only need a majority ie 13 votes. hope to do better than that. you guys were great.”"

SIGNIFICANCE: This post-committee-vote email confirms the depth of the external advocates’ involvement—Albright thanks them as integral participants in the legislative process. Her sharing of vote-counting strategy (“we only need a majority ie 13 votes”) with non-Newton advocates further demonstrates that outsiders were functioning as her legislative strategy team.

PUBLIC HEARING OBSERVATIONS

The following observations are drawn from observation of public Board of Health and City Council meetings in Massachusetts municipalities considering NFG adoption.

"Talked with 20-year-old son who reiterated how important it is to not have any new users. The data is overwhelming and compelling." — Councilor Leary, City Council Meeting, Newton, January 21, 2025

"The sponsor told me that the goal is to garner support for a statewide ban." — Councilor Block, City Council Meeting, Newton, January 21, 2025

"These products kill. They are like assault rifles and asbestos." — Councilor Krintzman, City Council Meeting, Newton, January 21, 2025

KEY FINDINGS

Brookline Health Department Served as Advocacy Pipeline When Newton City Councilor Susan Albright sought information about NFG policy, she contacted the Brookline Department of Public Health & Human Services. Rather than providing neutral information, Director Wendy Machmuller immediately connected her with known NFG advocates—sharing Albright’s personal contact information with Anthony Ishak and Kate Silbaugh. This demonstrates that the Brookline health department functioned as a recruitment pipeline for the NFG advocacy network, converting municipal inquiries into advocacy engagements. Machmuller’s role mirrors the “identification” function documented in MTCP-connected coordination in other municipalities.

Standardized Talking Points Deployed Across Municipalities Anthony Ishak’s initial response to Albright contained what appears to be a standardized NFG briefing document: a structured explanation of the birthdate mechanism, preemptive responses to the “current users” objection, and the specific framing of NFG as not

affecting existing consumers. This language closely mirrors talking points used across other Massachusetts municipalities, suggesting a centralized messaging strategy distributed through the advocacy network. The standardization is evident in both the content and structure of the communication.

External Advocates Functioned as Legislative Strategy Team The correspondence reveals that Ishak, Silbaugh, and Gottlieb were not simply available as expert witnesses—they served as Albright’s de facto legislative strategy team. Ishak attended the initial committee hearing within one day of first contact. Albright shared opposition intelligence with them (retailer pushback, a skeptical fellow councilor’s questions). She asked them to review the city attorney’s draft ordinance. She solicited their letters of support before a committee vote. And after the vote, she thanked them as integral participants and shared full-council vote-counting strategy. This level of involvement goes far beyond expert testimony—it represents external advocates directing a municipal legislative process.

Cross-Municipality Intelligence Network Maintained Campaign Pressure Throughout the Newton process, advocates provided real-time intelligence on NFG adoption in other municipalities—Chelsea’s interest, Winchester/Malden/Stoneham/Wakefield/Melrose approvals, Reading’s upcoming hearing, and same-evening notification of Reading’s vote. This intelligence served a clear strategic purpose: framing NFG as an unstoppable regional movement to maintain Newton’s momentum. The fact that a single pharmacist (Ishak) and law professor (Silbaugh) were tracking municipal votes across at least seven communities in real time demonstrates campaign-level coordination, not organic community interest.

Advocate Sought to Manufacture Appearance of Local Support Immediately after attending Newton’s committee hearing, Ishak asked Albright where people could “send in letters of support,” noting he had “colleagues and friends who live in Newton—with children—who would be supportive.” This reveals the network’s strategy of identifying Newton-based contacts who could be activated to create the appearance of grassroots local support. Letters arriving from Newton residents would appear organic to other councilors, obscuring the fact that they were mobilized by an out-of-town advocacy network.

NETWORK DATA POINTS AND FUNDING CONNECTIONS

MTCP FY23 Contract: The City of Newton held a signed contract with the Massachusetts Tobacco Cessation and Prevention Program (MTCP) for FY23, establishing a formal state-funded tobacco control program within the municipality. This contract included scope of work deliverables related to tobacco regulation enforcement and community-level tobacco control activities. **MTCP FY26 Signed Agreement:** Newton maintained its MTCP relationship through at least FY26, with a signed agreement on file. The continuity of this state funding relationship provides the institutional framework through which tobacco control initiatives—including NFG—flow from state program priorities to local policy adoption. **Brookline Dept. of Public Health Connection:** Wendy Machmuller’s role as Director of Brookline’s Dept. of Public Health & Human Services places the connector function within a publicly funded health department. Her willingness to share a Newton councilor’s contact information with advocates suggests this referral function may be an understood (if informal) part of the NFG campaign infrastructure. **Commissioner of Health and Human Services:** Albright noted receiving a letter of support from Newton’s Commissioner of Health and Human Services prior to the June 20, 2024 committee vote, indicating the municipal health infrastructure supported the ordinance.

FINANCIAL CONTEXT (IRS FORM 990 ANALYSIS)

The following financial information, derived from IRS Form 990 filings of organizations identified in this municipality's FOIA return, provides context on the institutional funding infrastructure supporting NFG advocacy:

The Public Health Advocacy Institute (PHAI), directed by Mark Gottlieb at Northeastern University School of Law, reported total revenue of \$21.2 million in FY2023—a dramatic increase from approximately \$740,000 in the prior year. Gottlieb's compensation was reported as approximately \$325,000. PHAI provides pro bono legal defense to any municipality adopting NFG.

EVIDENCE SUMMARY

Evidence Category	Status	Summary
PRE-HEARING COORDINATION	CONFIRMED	Machmuller connected advocates to Albright on April 9, 2024; Ishak attended the April 10 hearing the following day, and deployed standardized talking points within hours of first contact.
TEMPLATE USAGE	CONFIRMED	Ishak's initial email to Albright contained standardized NFG background language (birthdate mechanism, "current users" rebuttal, Brookline precedent) consistent with talking points deployed across municipalities.
NETWORK ACTIVITY	CONFIRMED	Ishak, Silbaugh, Gottlieb, and Machmuller—all known NFG network players—coordinated directly with a Newton city councilor throughout the entire legislative process.
CROSS-MUNICIPALITY COORDINATION	CONFIRMED	Brookline-based advocates attended Newton hearings, provided cross-municipality adoption intelligence (7+ communities tracked), and offered to mobilize Newton-based contacts through out-of-town networks.
YOUTH RECRUITMENT	NOT FOUND	No evidence of systematic youth recruitment in the Newton FOIA return. Ishak referenced "colleagues and friends...with children" but this was directed at adult mobilization, not youth testimony.
PREDETERMINED OUTCOME	SUGGESTED	Albright's "shock" at a fellow councilor's questions, her framing of opposition as something to be countered rather than considered, and the 7-0 committee hold on first hearing suggest the outcome was treated as a foregone conclusion. However, no explicit "committed to passing" statement was found. FUNDING CONNECTIONS: Confirmed. MTCP contracts for FY23 and FY26 establish state tobacco control funding flowing to Newton; Brookline health department's connector role links publicly funded infrastructure to advocacy.

What These Documents Demonstrate

A municipal health department (Brookline) functioned as an intake pipeline for the NFG advocacy network, converting a Newton councilor's inquiry into an immediate multi-advocate engagement. External advocates deployed standardized talking points within hours, attended a Newton hearing within one day, and functioned as the councilor's legislative strategy team for the duration of the 9-month process. Advocates maintained a real-time cross-municipality intelligence network tracking NFG adoption across 7+ communities, using this information to create momentum pressure on municipalities still in process. A Newton city councilor shared internal legislative intelligence, opposition information, and the city attorney's draft ordinance with external advocates, and solicited their letters of support for committee votes. The advocate network sought to manufacture the appearance of local grassroots support by identifying and mobilizing Newton-based contacts through out-of-town coordination.

CONCLUSION

The Newton FOIA return provides clear, documentary evidence of how the NFG advocacy network operates when a municipality expresses interest in adopting a Nicotine-Free Generation policy. The documents trace a complete pipeline: a councilor contacts a neighboring municipality's health department; the health department immediately connects her with established advocates; those advocates deploy standardized messaging, attend hearings, provide cross-municipality intelligence, mobilize local contacts for letters of support, review draft ordinances, and function as an external legislative strategy team throughout a 9-month process. The most significant evidence is the Machmuller connector email of April 9, 2024, which demonstrates that a publicly funded health department director shared a city councilor's personal contact information with advocacy network members within hours of receiving her inquiry—triggering an immediate, systematized response that would ultimately guide Newton's ordinance from introduction to passage. This FOIA return supports the investigative thesis that NFG adoption across Massachusetts municipalities is driven by a coordinated advocacy campaign rather than independent municipal policy decisions. Newton's experience demonstrates the network's ability to rapidly activate when a new municipality enters the pipeline, and the documents provide a clean, well-documented case study of the complete advocacy cycle from initial contact through legislative passage. The Newton return is particularly valuable because it captures the advocacy network's operations in one of Massachusetts' largest cities—a significant escalation from the smaller municipalities documented in earlier FOIA returns.

Published by NECSEMA — New England Convenience Store and Energy Marketers Association. All documents analyzed in this memorandum were obtained from the named custodian under the Massachusetts Public Records Law, G.L. c. 66, § 10, and are published in full at realtruthma.com.