

Fixing the Irons decision aftermath

New candidates for public office learn how to run at OCG School

Operation Clean Government is sponsoring its **5th biennial non-partisan Candidate School**, a day-long event designed to give candidates, campaign workers and campaign volunteers the tools they need to launch, manage and participate in a winning campaign for federal, state and local office.

**Date: Saturday, March 6, 2010
7:15 AM – 5:15 PM**

**Location: Quonset 'O' Club
North Kingstown**

Registration Fee: \$95.00 per person
(includes breakfast, lunch, snacks and printed materials)

Register online via PayPal
www.ocgri.org

or send check with name, address, telephone, email address to:
OCG Candidate School
PO Box 8683
Warwick, RI 02888

See full program and registration form on page 4

Arlene says unions "steal workers' souls"

BY WILL BARBEAU

"I really know what is wrong in the state of Rhode Island," Arlene Violet said at the beginning of her speech at the 16th Annual Meeting of Operation Clean Government,

be replaced with a giant hand reaching for a handout."

"We have become a state dominated by a spirit of entitlement," she exclaimed.

Rhode Island's former Attorney General



November 6th. "The spirit of Rhode Island has been stolen by unions."

"The Independent Man" she said, "that statue on top of the State House dome that symbolizes the spirit of Rhode Island should

said she was not referring to the "entitlement" aid given to poor people. She was referring to recent harmful actions by people who

see Arlene, page 3

Common Cause and OCG push for Constitutional Amendment

BY LARRY VALENCIA

The initial complaint against former Senate President William Irons was filed for Operation Clean Government by former Chairman Robert Arruda and Beverly Clay. So it was with tremendous regret and some surprise that we read the June 29 decision handed down in "William V. Irons vs. The Rhode Island Ethics Commission."

This decision makes it harder for that body to enforce the code of ethics. However, it removed only the General Assembly from the Commission's jurisdiction, and only specific acts of members of that body – "core legislative acts," that is "proposing, passing, or voting upon a particular piece of legislation," according to the court's definition.

The commission can still prosecute all other elected officials for code of ethics violations. And the commission can still prosecute assembly members for actions not protected as "core legislative acts," including (in the Supreme Court's text) "speeches delivered outside of the legislature; political activities of legislators; undertakings for constituents; assistance in securing government contracts; republication of defamatory material in press releases and newsletters; solicitation and acceptance of bribes, and even criminal activities committed to further legislative activity."

We feel that when the voters passed the Ethics Amendment in 1986 that created the Ethics Commission and saw in that amendment the language "All elected and appointed officials and employees of state and local government, of boards, commissions and agencies, shall be subject to the code of ethics," they were including all General

Assembly members. The voters in 1986 would never have believed that members of the General Assembly would get even limited immunity from that code due to the "speech in debate" clause in Article III of the Rhode Island Constitution.

Let the voters decide

That is why we are pushing legislation in the 2010 session of the General Assembly to put an amendment on the ballot that would let the voters decide whether legislators should enjoy immunity that no other public officials receive.

We worked with John Marion, Executive Director of Common Cause to develop the exact wording needed (it is available on their web site: commoncauseri.org). Thanks, John!

John has secured sponsors: House Majority Leader Gordon Fox and Senator J. Michael Lenihan. When bill numbers become available, they will be on our website ocgri.org. And we've polled many members of the General Assembly (thanks especially to Sandra Thompson and Robert "Al" Benson) and have found that many of them support such a constitutional amendment. We're hopeful that all General Assembly members will grab this opportunity to remove the cloud that is currently over them.

NOTE: the R. I. Senate is considering policing itself as our U.S. Senate does. ("Panel weighing proposal for Senate to police itself," Providence Journal, Jan. 18, 2010). Policing itself hasn't worked in the U.S. Senate. It took the U.S. Justice Department indictments to bring down Alaska Senator Ted Stevens. Why would policing itself work in the RI Senate?

"Hold for further study"

Usually when a committee approves a motion to "hold a bill for further study," the bill will never surface again. The House Judiciary Chairman, at the start of most hearings, moves that all bills to be heard that day be held for further study. Only Representative Rod Driver votes "no." Then committee members proceed to leave the hearing, sometimes only 3 or 4 remain to hear testimony from citizens who have taken the time to testify at the State House.

On the House floor on January 19, Driver tried to amend the House Rules to allow a sponsor to request an "up or down" vote on a bill. Although the amendment did not pass, it was encouraging that 30 representatives supported it. Congratulations to the 30 representatives.

Yeas - 30: Azzinaro, Corvese, DaSilva, Driver, Duffy Messier, Edwards, Ehrhardt, Flaherty, Gemma, Giannini, Guthrie, Hearn, Lima, Loughlin, MacBeth, Malik, Marcello, Menard, Newberry, Pollard, A. Rice, Savage, Schadone, Trillo, Ucci, Walsh, Wasyluk, Watson, Williams, Winfield.

Nays - 33: Ajello, Baldelli-Hunt, Caprio, Carnevale, Carter, Coderre, Costantino, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Handy, Kilmartin, Martin, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, M. Rice, Ruggiero, Segal, Serpa, Shallcross-Smith, Silva, Slater, Vaudreuil, Speaker Murphy.

Not Voting - 12: Almeida, Brien, DeSimone, Diaz, Jackson, Jacquard, Kennedy, Lally, Palumbo, Santento, Sullivan, Williamson

President's Corner...

In June 2009 I was offered the terrific opportunity to lead Operation Clean Government. I'm following in the footsteps of bright, motivated, steady and entrepreneurial leaders like our founding Chairman, Bruce Lang, our longest serving chair, Bob Arruda, and most recently Arthur "Chuck" Barton, who guided us for nearly three years.

The first thing I did was reach out to all three gentlemen to "pick their brains."



Larry Valencia
OCG President

I consulted with them on how to best go forward and advance our cause. I'm happy to report that all three men were gracious, generous with their time, and all offered outstanding advice. Any success I've had so far is directly attributable to these fine leaders.

A common recommendation was to strengthen our Board. And we have! We've added some outstanding folks – former Rep. Carol Mumford of Scituate, attorney Jeff Techentin and auditing pro Jim McGwin of North Kingstown, and the effervescent Margaret Kane of the American Lung Association.

We began planning our next two big events. First up, our Annual Meeting in November, which was a great success, thanks to our guest speaker, the energizing and marvelous Arlene Violet. Then we began developing our most recent edition of the Candidate School, which will be held on Saturday March 6th, 2010 at the 'O' Club in North Kingstown.

In the meantime, I've also reached out to other good government groups and activist

organizations. I've worked very closely with John Marion, Executive Director of Common Cause RI, and Harry Staley and Jim Beale of the Rhode Island Statewide Coalition (RISC). Where we have overlapping interests, we will work with these groups to achieve our main mission: to promote honest, responsible and responsive state government.

Our 2010 goals include:

- Aggressively lobby and testify on behalf of our good government legislative agenda, working with the leadership to improve our state government
- Conduct the best edition of the Candidate School to date
- Attend biweekly Ethics Commission hearings to ensure that the people of Rhode Island are represented
- Organize a forum for later in the year related to the budget, the economy, and how to fix the systemic problems our government faces
- Continue to support and improve our fine public access TV show, State of the State, which just won an award this past December. Co-founder, Host and Producer John Carlevalle and his fine staff need all the help we can muster
- Increase our membership through expanded outreach and better integration of social networking applications like Facebook and Twitter

If you are not a member of OCG, please consider joining our group. If you have ever considered running for office or helping someone to run, think about attending our Candidate School in March. And if you can't run yourself, but would still like to help, consider a tax-deductible donation via the Hebb Foundation (you can make your check out to The OCG Institute, PO Box 8283, Warwick, RI 02888).

2010 is shaping up to be an exciting year for the state and for our organization. Let's pull together and make it the best year yet!

New TV shows will bite deeper into political scene

BY JOHN CARLEVALE

State of the State will continue some important programs as it transitions into the 2010 election year. It will continue three series: (1) prominent and influential Rhode Islanders with Bruce Lang; (2) freshmen legislators with Ian Lonngren; (3) energy and greening with Spencer Dickinson.

New programming for 2010 will include the following:

- Each chairman of the three officially recognized political parties will be interviewed by Bob Arruda beginning in January. These interviews will find out how each political party will use its influence to shape the political discussion, to promote their candidates and to address and to solve the very significant structural and political problems facing Rhode Island.
- Larry Valencia will host two programs to promote the 2010 Candidate School. He also will interview the leaders of the major reform groups; the thrust of these interviews is the same as for party chairmen.
- Throughout this election year, various guests will appear to discuss how we can correct the wrongs and make RI right for a

new series, Make it Right. In March, Barry Schiller begins this series with an interview with Scott Wolf of Grow-Smart RI.

- Our candidate interview series of General Assembly and statewide office candidates will begin in April.

OCG's weekly television show received a special recognition award at the 2009 PEG Awards ceremony in November. PEG stands for Public, Education and Government access. The award reads: 2008-2009; Rhode Island PEG Awards; Best Political/Community Issues Program; Special Recognition; "State of the State: Freshmen Legislators;" Producers: John M. Carlevalle & Ian Lonngren. The freshmen legislators in this edition were Rod Driver and Louis DiPalma.

Thanks and congratulations to the State of the State production team, to OCG, Board of Directors for its sponsorship and support, year after year; and especially to Bob Arruda, Chuck Barton and Larry Valencia – State of the State boosters extraordinaire; to Rick Dorman, studio coordinator; and to PEG RI-TV, the public access provider.

John Carlevalle is Executive Producer of State of the State

Schedule for State of the State programs

Saturday at 11:00 PM on Cox Channel 13, Verizon 32 and Full Channel 9

Sunday at 8:00 AM on Cox Channel 13, Verizon 32 and Full Channel 9

Monday at 9:00 PM on Cox Channel 18, Verizon 31 and Full Channel 9

Thursday at 9:00 PM on Cox Channel 18, Verizon 31 and Full Channel 9

Note: Cox channel 18, local Public Access in Kent County, includes Coventry, East Greenwich, Exeter, North Kingstown, Warwick, West Greenwich, and West Warwick.

**You can help reform Rhode Island
Join OCG today!!
See page 4 for details**

New OCG board members add vital skills

Elected at Annual Meeting in November

Margaret Kane Barrington

Margaret served 34 years at the American Lung Association of RI, with the last 16 years as its Executive Director. Most notable was her leadership in urging passage of landmark



legislation to ban smoking in all public places, worksites, restaurants and bars. Currently, she works as a realtor at Harper, Ramos & Sheridan in Bristol. She spent this past year chairing an informal coalition to eliminate the straight party vote from the RI ballot.

James McGwin North Kingstown

Jim has over 30 years of international industry experience including senior positions at KPMG, Brown & Sharpe and several successful startups including a medical device



company that was acquired by Johnson & Johnson. Currently he is the founder and president of Collaboration Catalyst Corp., which was recently granted an Internet software patent. Jim is President of the North Kingstown Taxpayers Association.

Carol Mumford Scituate

Carol was the English Department Chair at Scituate High School and adjunct faculty at Rhode Island College, retiring from both in 1997. In 1998, she was elected to the



Rhode Island House of Representatives and served on the House Finance Committee and many subcommittees for 10 years, retiring in 2009. Carol is a member of the Board of Blue Cross Blue Shield Rhode Island.

Jeffrey Techentin North Kingstown

Jeff is an attorney at Adler, Pollock & Sheehan, P.C. After serving as a prosecutor and legal assistance attorney for the U.S. Army Judge Advocate General's Corps, Jeff



continued to practice law in the private sector. Since moving to Rhode Island in 2002 his practice encompasses all forms of complex litigation, from constitutional challenges to patent infringement litigation.

Bills promoted by OCG seek cleaner government

Legislation in the General Assembly is being introduced through early February. The text of these bills can be viewed at

www.ocgri.org/legislation.html.

As the 2010 bill numbers become available they will be posted on the OCG website.

Inspector General – An independent office for investigating and prosecuting waste, fraud and abuse. The state may have saved the \$75 M of questionable activities at the Central Landfill if there had been a RI Inspector General. Seventeen other states have an Office of Inspector General. The monies saved or recovered by these states is more than the cost of running their respective offices. With the current budget crisis, it is more important than ever to save the state money by rooting out corruption.

Sponsors: Senator Leonidas Raptakis and Representative Laurence Ehrhardt

Voter Handbook – Allow pro and con arguments in the Voter Information Handbook on Referendum questions. At least 15 states allow such arguments. Last year Senator O'Neill's bill passed out of the Senate and both bills came onto the house floor, only to get sent back to committee. With a few amendments, we have hopes of this bill passing this year.

Sponsors: Senator Edward O'Neill and Representative Michael Marcello

Publish legislator roll call committee votes – Citizens should be able to go to the General Assembly website and view the votes of their legislator, including committee votes. There is no cost associated with this. Simply scan in the voting sheets from each committee and place them on the General Assembly website.

Sponsor: Representative Deborah Ruggiero

Eliminate straight-ticket voting – This is a question at the top of the ballot asking the voter if he/she wants to vote for all members of a particular party with one vote. This does not encourage voters to choose their candidates, one at a time, or to not vote for a candidate he/she may not know. There is also a problem with how this works. In local elections, if a voter makes any mark on a local slate, all of the straight party votes in that race are discarded and the voter will not know it. Only 13 other states have straight-party voting.

Sponsors: Senator David Bates and Representative Brian Newberry

Public financing of elections – To provide public financing of General Assembly and General Office candidates. OCG is one of nineteen groups in the coalition "Rhode Islanders for Fair Elections." See www.fairelectionsri.org for more information and to sign a petition supporting this legislation. This bill has been endorsed by nine city/town councils.

Sponsors: Senator Rhoda Perry and Representative Edith Ajello

Voter Initiative – To place a question on the ballot for the voters to decide if they want for themselves a process to place on a General Election ballot a statutory question or an amendment to the RI Constitution. These bills have been before the General Assembly since 1994. Twenty one thousand (21,000) petition signatures were collected and presented in 2006 to House and Senate leadership, asking that they place this question on the ballot and let the voters decide.

Sponsors: Senator Marc Cote and Representative Rod Driver

In addition, OCG will support a constitutional amendment to reverse the Supreme Court decision that allows legislators to hide behind the 'speech in debate' clause in the R.I. Constitution.

Sponsors: Senator J. Michael Lenihan and Representative Gordon Fox

OCG will continue to oppose any bills introduced to extend teacher contracts or have binding arbitration for teacher contracts.

Arlene, from page 1

have traditionally been "pillars of society" – teachers and firefighters.

She illustrated the point with examples of recent union-dictated events such as teachers picketing the State House and refusing to accept changes in healthcare plans; or teachers who insist on 'bumping' younger teachers during cut-backs. "Other professions don't do that!" she protested.

Violet's greatest scorn, however, was laid on Providence firefighters who refused to postpone a strike during a recent mayors' convention which was scheduled to be visited by President Obama. "The President's visit would have attracted more than a 1000 press and security people to the city!" she complained. The firefighters' actions caused revenue losses to local restaurants and hotels

"who pay the taxes from which come firefighters' salaries!"

"They just don't get it!" she exclaimed in wonderment.

Other targets addressed included:

- The legislature for wasting two days in session last fall passing 196 "nonsense bills" to help Gordon Fox become the next Speaker,
- Failure of the state to work toward "centralization" of services,
- The absence of "civics" as a subject taught in local schools.

The feisty former nun begged members of her audience to do "penance" for a couple years by winning public office and serving in the legislature.

Ethics Commission ponders

Should teachers serving on school committees negotiate contracts?

BY SANDRA THOMPSON

Should a member of a teacher union in one community serving on the school committee in another municipality, negotiate contracts with a union that belongs to the same umbrella union of which the teacher is a member? In other words should a representative of a union be sitting on both sides of the negotiating table? Rhode Island Ethics Commission (RIEC) Chairman Barbara Binder raised this question early last summer and the commission has been trying to work out an answer ever since.

Until now the Commission has determined that a member of a union in one town is not a business associate of members of a union in another town. The Rhode Island Code of Ethics defines a business associate as a person joined together with another person to achieve a common financial objective. Operation Clean Government along with other good government groups testified quite vociferously that the objective of the unions is to band together to secure higher wages and benefits for their members. In fact that is the major reason for a union to exist.

Therefore, OCG argued that union members are business associates who seek improved wages and benefits through organizing. We also contend that unions use comparables to other union contracts to achieve generous settlements.

The State Labor Relations Board (SLRB) arbitration cases show examples of teacher unions using other community contracts to make their case for wage and benefit packages in collective bargaining. A recent example is the complaint filed by the East Providence Teachers Association with the SLRB.

It was also pointed out to the commission that a percentage of dues paid by union members is forwarded to state and national organizations which makes all union members in either the American Federation

of Teachers or the National Education Association business associates united to achieve higher wages and increased benefits for their members.

According to Esme DeVault, a RIEC staff attorney who has done extensive research on this issue, this topic is one of the most frequent requests for advisory opinions that RIEC receives. But it is proving to be a difficult controversy for the commissioners. Leaders of RI unions are fighting this change tooth and nail, claiming that it disenfranchises teachers from serving the community as elected officials. They have been joined by the ACLU in their attempt to keep the status quo.

A big stumbling block amongst the commissioners appears to be the form the policy change should take. Some commissioners favor a General Advisory Opinion which would state the commission policy and could help cut down on the number of advisory opinions. Other commissioners would like the policy change to be in the form of a rule that would be written into the code.

Commissioner John D. Lynch, Jr., recently appointed from a list provided by House Speaker William Murphy, presented a political view at the last RIEC meeting when he stated that those who favor the change are trying to use the ethics code to change something that they are unable to change at the ballot box.

Commissioner Edward A. Magro, recently appointed by Governor Carcieri, strongly urged the Commission to resume discussion with the idea that it lead to a vote at the next meeting on January 26.

If the policy change language is agreed to, the Commission will be required to hold a hearing and request comments from the public before they take a final vote. OCG will continue to support this change since it is our belief that the current policy favors a special interest group in the state and is not in the best interest of the public.

Secret grants still wasting millions It's time to eliminate legislative grants

Disregarding the current budget crisis, legislative grants are still being doled out.

OCG's research shows the following:

- Approximately \$ 2.0 M was awarded for FY 2008
- Approximately \$ 1.6 M was awarded for FY 2009
- On the General Assembly website for FY 2010:

The House as of December 1 has doled out \$63,000

The Senate as of October 1 has doled out \$346,500

(These figures are periodically updated on the General Assembly website <http://www.rilin.state.ri.us/LegGrants/>)

There is no process for legislators to vote on these grants. There is no explanation of the award process, for example why the Senate awarded the North Providence West Little League a grant, but not the North Providence East Little League or why one library, boy scout troop, fire district or senior center gets a grant and another does not.

The selection process for awarding these grants remains a mystery, other than that they are awarded by the Senate President and the House Speaker.

In light of the secret process, OCG and the public can reasonably believe the Assembly Leadership is doling out legislative grants for friends and favored organizations to help control the rank and file legislators and to help some incumbents get re-elected with a photo-op of the sponsor announcing the grant.

For a review of the 2009 grants including totals received by each legislator go to:

www.ocgri.org

House <http://www.ocgri.org/docs/HouseGrants-FY2009.pdf>

Senate <http://www.ocgri.org/docs/SenateGrants-FY2009.pdf>

OCG's Candidate School Program

MORNING PROGRAM

- 7:15 Full Buffet Breakfast** – Welcome: Larry Valencia, OCG President
Candidate School Founder: Bruce Lang
Speaker: John DePetro, WPRO 630 Morning News
- 8:30 Deadlines; filing requirements, campaign finance & reports** – The Honorable A. Ralph Mollis, Secretary of State
- 9:10 Ethics Commission rules** – Jason Gramitt, Education Coordinator/Staff Attorney for the Rhode Island Ethics Commission
- 9:50 Structuring Your Campaign/Making the decision to run; brief overview of what you need to run an effective campaign including selecting a Campaign Manager** – Professor Victor Profughi, Adjunct Professor at University of Rhode Island, Owner at Quest Research, CEO at Quest Research Public Opinion, Public Policy Surveys
- 10:30 Fundraising, Wise Campaign Spending and Pay Pal** – Seth Klaiman, SMK Enterprises
- 11:10 Print, Radio and Other Media/Press Releases & effective print advertising** Tom Ward, Publisher of The Valley Breeze and Dave Layman, Layman Communications

AFTERNOON PROGRAM

- 12:00 Lunch - Speaker: The Honorable Donald L. Carcieri, Governor**

BREAKOUT SESSIONS

Choose the session that will be most important to your campaign

1:10 Session #1

- A. **State Issues – for candidates for State offices & General Assembly**
The Honorable Donald L. Carcieri, Governor
- B. **Municipal Issues – for candidates for local office** – The Honorable Joseph Larisa, Mayor of East Providence
- C. **Strategy – Targeting potential votes – Identifying the votes you can win – Don't waste your time!** – Presenter: Richard Foley, The Prince Group

1:50 Session #2

- A. **How to beat an entrenched incumbent** – Moderator: Dave Layman, Layman Communications. Panel: The Honorable Ed O'Neill, Senator (I); The Honorable Deborah Ruggiero, Representative (D); The Honorable Brian Newberry, Representative (R)
- B. **Know the Issues and How to answer questions honestly while not alienating half the room!** – The Honorable Arlene Violet, former RI Attorney General
- C. **How to Get Out The Vote (GOTV), targeted for campaign Staffers.** – Ernest Carlucci, Campaign Chairman for Secretary of State A. Ralph Mollis

2:30 Session #3

- A. **Women candidates/Getting the women's vote** – The Honorable Arlene Violet and Deborah Perry, Executive Director of the Northern RI YWCA
- B. **Minority candidates/getting the minority's vote** – Angel Tavares, Esq., specializing in election law, and Sandy Riojas, political advocate, political commentator, & educator
- C. **Branding yourself/What do you stand for/Campaign Theme/Image**
Gregg Perry, The Perry Group, Reputation Management & Strategic Communications

3:10 – 3:25 BREAK

SPECIAL PRESENTATIONS FOR ALL

- 3:25 Using the Internet – Webmedia; YouTube, Twitter, Facebook. Etc.** Gregg Perry, The Perry Group, Reputation Management & Strategic Communications
- 4:15 Education Roundtable -- an issue for every campaign** Moderator: Dave Layman, Panelists: Bob Walsh, RI NEA; The Honorable Dan McKee, Mayor; Anthony Carcieri, President, East Providence School Committee; Harry Staley, Chairman, Rhode Island Statewide Coalition (RISC).

5:15 End of Program

Register for Candidate School 2010

via PayPal at <http://www.ocgri.org/candidate.html>

or send check with form below to:
OCG Candidate School
PO Box 8683
Warwick, RI 02888

Name: _____
Street _____
City/town _____
City/State/Zip _____
Email: _____
Tel. #: _____

Help promote OCG's Candidate School with a tax-free donation

The Hebb Foundation for Governmental Research and Education was founded in 2003. Named after former OCG Chairman Gus Hebb, the Hebb Foundation's mission is to fund government research and education that help improve state government in Rhode Island.

The Hebb Foundation recently created an entity, The OCG Institute, specifically for donations intended to support Operation Clean Government's Candidate School and other educational forums.

If you would like to help us promote Operation Clean Government's Candidate School this year, please consider a tax-deductible donation via the Hebb Foundation.

Send a check made out to **The OCG Institute** and mail to:
The OCG Institute
PO Box 8283
Warwick, RI 02888

Had enough? You CAN help change Rhode Island – Join OCG

Since 1993, OCG has had a simple straightforward agenda: to promote honest, responsible and responsive state government. By reading the contents of this newspaper you will have learned a little about what this **all-volunteer** organization is doing. Every penny goes to combating and working to reform state government. Please help us to continue the fight for a corruption free Rhode Island state government by joining OCG.

OCG MEMBERSHIP FORM

YES, I want to join other Rhode Island citizens and help to promote Honest, Responsible and Responsive State Government.

New member Renewal
 \$25 \$35 \$50 \$100 \$250 \$____ Other
Individual Family (list all names to be included)

Name(s) _____ Home Phone _____
Business Phone _____
Street _____ Email Address _____
City/Town _____ State _____ Zip _____

OCG is a non-profit organization, however contributions are not tax deductible because our activities include lobbying.

Yes, I would like to volunteer some time or participate on one or more of the OCG committees. Please call me.

I heard about OCG from _____ February/March 2010

OPERATION CLEAN GOVERNMENT • PO BOX 8683 • WARWICK, RI 02888

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OCG holds public servants to the highest levels of ethical conduct