



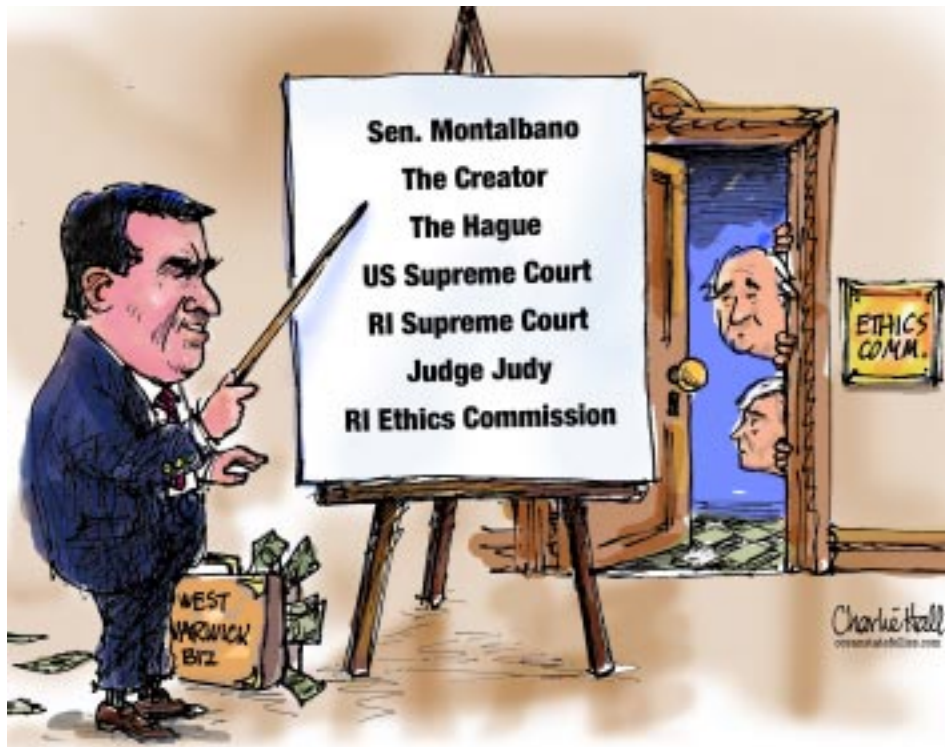
Citizen Alert

A report on the state of Rhode Island government

Sept/Oct 2007

Volume 15, Number 2

Accused Senators seek to trash ethics law!



Sen. Montalbano explains the order of authorities that he will accept.

BY BEVERLY CLAY

Operation Clean Government has filed three separate ethics complaints against Senate President Joseph A. Montalbano, former Senate President William V. Irons, and Senator Frank A. Ciccone, III. Senators Irons and Ciccone are watching for the outcome of Senator Montalbano's challenge of the constitutional authority of the Ethics Commission, since all three are making the same arguments to have their complaints dismissed.

The complaint against Montalbano alleges he voted twice in favor of a constitutional amendment to allow a West Warwick casino while doing legal work for the town of West Warwick involving land abutting the proposed casino. In addition, the Senate President failed to report on his financial disclosure forms that he was employed by the town of West Warwick.

Montalbano's attorney, Max Wistow, claims that because of the "Speech in Debate" clause of the RI Constitution and the US Constitution, there can be no challenge or questioning of any legislator's votes under any circumstances. The RI Constitution states, "For any speech in debate in either house, no member shall be questioned in any other place."

Below, on this page, is an op-ed by OCG President Chuck Barton, printed in the Providence Journal on June 20, explaining the defects in Montalbano's argument. The

Ethics Commission staff used these same arguments on August 21 in rebuttal to Montalbano's legal brief, that the citizens of Rhode Island amended the state constitution in 1986 to create the Ethics Commission to address corruption and conflicts of interest among elected officials, including legislators.

On August 21, 2007, Wistow presented the Ethics Commission with several motions for dismissal. He also asked for a jury trial if the case was not dismissed. There is no provision in the law for a jury trial and the law is clear that Commission members act on charges following a hearing.

Fortunately, the Ethics Commission denied all of the motions and stated it will proceed to the adjudicative hearing in about six weeks. Wistow stated he will appeal the Commission rulings in Superior Court and attempt to stop any further adjudication.

The op-ed on page one asks where the rest of the General Assembly stands on these issues. At its September meeting, the OCG Board will discuss calling on the Governor, the Attorney General and the General Assembly to intervene in any Superior Court action opposing the Montalbano/Irons/Ciccone arguments against the Ethics Commission.

Meanwhile, Senator Irons' complaint is on hold, awaiting the outcome of the

see **Accused Senators**, page 2

R.I. Constitution winks at corruption?

BY ARTHUR "CHUCK" BARTON

Providence Journal Op-ed, 6-20-07

Operation Clean Government believes deeply, as do the people of Rhode Island, in the values expressed in our state constitution – that "public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage."

Moreover, Operation Clean Government will vigorously defend the constitutional mandate requiring an independent Ethics Commission with constitutional power to establish a code of ethics that regulates "conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure," and with constitutional power "to investigate violations of the code of ethics and to impose penalties" on public officials who violate the code.

Senate President Joseph Montalbano has proven that he does not believe in any of these constitutional principles.

Operation Clean Government filed a complaint against Senate President Montalbano, claiming that he surreptitiously received money from the Town of West Warwick to clear title of land in the footprint

of the proposed Harrah's casino while he was voting for legislation supporting that proposed casino.

Operation Clean Government believes that Mr. Montalbano had a conflict of interest because he voted on legislation that benefited his private law practice. Of equal importance, Mr. Montalbano hid the conflict of interest from the public and from the Ethics Commission by failing to disclose his income from the Town of West Warwick on his annual financial statement.

Mr. Montalbano has presented his defense to the Ethics Commission. He has asked the commission to dismiss the complaint on the grounds that under the speech-and-debate clause of the Rhode Island Constitution, he is free to vote corruptly – or, more precisely, the Senate president claims that he cannot be questioned, investigated or punished for voting for a bill that will result in a personal monetary gain. His defense is that his vote on bills in the Senate, even if for personal monetary gain, cannot be questioned by the Ethics Commission.

Operation Clean Government understands that the members of the General Assembly must have the right to speak about and debate legislation. Unlike the Senate president, we also know that this right stops well short of permitting a member of the

see **RI Constitution**, page 4

Legislature defies the citizens' 80% vote for SOP

BY WILL BARBEAU

Millions of dollars swirl around the Coastal Resources Management Council. CRMC decisions range from small – such as putting a dock out in front of your house – to as large as adding a boathouse to a multi-million dollar condominium complex. Example: the battle for more docks at Champlin's Marina on Block Island.

CRMC deals with green issues – that's not seaweed – it's money. Little wonder, then, that the legislature has for three years defied the Rhode Island Constitution. The General Assembly is fighting tooth and claw to hang on to control of CRMC. The Separation of Powers Amendment states that CRMC is a part of the executive branch, but the legislature does not want to give up control of that powerful agency.

The legislature's delaying tactic is to seek clarification of alleged loopholes in the Constitution. That is, ask the R.I. Supreme

Court for an "Advisory Opinion."

But the legislature didn't just send the question to the Supreme Court for an answer. It also sent to the court funding for a brand new \$70 million dollar courthouse, as requested by the Chief Justice and over the objections of the Governor – at a time when the projected state budget deficit each year until 2012 is almost \$400 million. Oh, now that's subtle.

And it's all done with a straight face, of course. Subtlety went out the same window with pride and the ideals of democracy and public service.

Seldom has the legislature been more soundly thrashed in the public press than what has been printed on this issue. Providence Journal's Ed Achorn has accused the legislature of "dishonor and betrayal" and of violating their oath of office. Not a peep of objection has come from the accused.

see **Legislature defies**, page 3

President's Corner...

Recently, I was with a friend who has served on a prestigious board for a non-profit in Rhode Island. Unfortunately, he said that board is a disaster, with no direction and no cohesiveness. Clearly his feelings have changed how I view that venture, about which I had only good feelings.



Arthur "Chuck" Barton

Our conversation took place as I was trying to gather my thoughts about my first year as head of the Operation Clean Government board. I realized that my feelings about serving with this fine group of men and women are the opposite of my friend's experience. The leadership of OCG, starting at the top, is not perfect, but we clearly are a dedicated group trying to do the right thing for the citizens of Rhode Island.

Remarkably, this all volunteer cadre of citizens takes positions that expose the group, the board and the individuals to negative repercussions. However, we remain thoughtful, concerned and committed despite the possible negative consequences.

What is equally remarkable is the spectrum of political ideology that spans the

group. The common denominator of board members is the desire to further OCG's mission that state government be open, responsive and responsible. Our mission does not adhere to a liberal or conservative label, nor do we use Republican, Democrat, Green or Cool Moose labels. The mission adheres to a desire that our state government should be one that all citizens of Rhode Island can be proud of, regardless of political party or political philosophy.

This past year has been interesting for OCG. Our May forum on political corruption with a remarkable panel of distinguished guests was well attended. The fact we were able to attract US Attorney Robert Corrente, Providence Mayor David Cicilline, former state Attorney General Arlene Violet, Mike Stanton from the *Providence Journal*, Jim Hummel from ABC6 and Dave Layman, a former Providence news anchor, as moderator, speaks to our credibility among respected leaders in our state.

At the same time, ethics complaints filed by OCG against former Senate President Irons, current Senate President Montalbano and current Senator Frank Ciccone brought an interesting and alarming defense of corrupt behavior and a concurrent attack on the Ethics Commission by these putative state leaders. On page one of this newsletter is an op-ed column regarding Senate President Montalbano's attitude toward corruption and his attack on the Ethics Commission.

The juxtaposition of the panel at OCG's May forum and the legal briefs of the Senate leaders highlights why OCG is so important. OCG challenges the vested interests in the state. No one group can do everything, but with the continued support of our members, the continued commitment, and courage to act by the board of the directors, OCG will be a spirited voice for open, responsive and responsible government in Rhode Island for many years to come.

Arthur "Chuck" Barton

Check out OCG's new website
www.ocgri.org
sign up for OCG's email alerts

Accused Senators, from page 1

Montalbano challenge. The Ethics Commission found probable cause for a substantial conflict of interest against Irons for his participation in the Pharmacy Freedom of Choice legislation in 1999 and 2000 and for using his office to obtain financial gain for CVS, his business associate. Irons proposed a settlement to this complaint in April 2007, which the Ethics Commission rejected.

On May 14, 2007, OCG filed a complaint against Senator Ciccone for participating and voting on matters that affected his employer and for failing to name his employers on his financial disclosure form.

Senator Ciccone's votes seem to be in direct defiance of an Ethics Commission advisory opinion in 2002 specifically prohibiting union official Ciccone from "participating in matters that would directly affect his employers, The Rhode Island Laborers' District Council and the Rhode Island Judicial, Professional and Technical Employees' Local Union 808."

Mr. Ciccone very quickly revealed how high above the law he believes he stands in his reply of May 25. Following the pattern of the Montalbano motions, he is seeking dismissal of OCG's complaint by stating that the laws and regulations of the Commission are "illegal and unenforceable, and the Commission is not a legally constituted body, and is not lawfully empowered to enact laws and promulgate regulations..." He quoted articles in the RI Constitution and the US Constitution that relate to equal protection, legislative immunity, due process, speech in debate, free speech, jury trial and more.

As a backup argument, if it is determined that his votes can be questioned, then he claims his votes are allowed under the 'Class Exemption' section of the RI General Laws.

There have previously been fines levied on legislators for conflicts of interest with their votes, such as Senator Celona and Representative Fox, both as a result of OCG complaints. This is the first time that the "Speech

Inspectors General stop corruption in other states

BY ROY PRUETT

During the General Assembly's 2007 legislative session, a very important proposal fell on deaf ears. Two pieces of legislation, H-5453 sponsored by Rep. Victor Moffitt and S-248 sponsored by Sen. Lou Raptakis, would have created the Office of Inspector General (OIG) in Rhode Island.

This was the seventh year this legislation has been before the General Assembly, written and introduced at the request of Operation Clean Government. OIG's are entrusted with promoting and assuring accountability and integrity in government. Rhode Island news stories of waste, fraud and abuse illustrate the need for an Inspector General.

Most recently, the Rhode Island Department of Transportation (DOT) has come under close scrutiny for the agency's contracting practices. DOT chief engineer Edmund T. Parker has been placed on paid leave during a widening state and federal probe. The agencies investigating potential wrongdoing at DOT include the Rhode Island State Police, U.S. Attorney Robert Corrente and the Federal Highway Administration.

In one DOT contract, an employment agency was paid \$102,858 to provide a typist for the DOT traffic monitoring center. This charge included a 146% "overhead" rate and a 10% guaranteed "profit" for the contractor. Governor Carcieri saw that the overhead charges were outrageous and called for a review of all DOT contracts.

Also uncovered, as reported by the *Providence Journal*, in August 2005, chief engineer Parker recommended Plexus Corp. for a \$9 million contract to perform construction-schedule monitoring, a job neighboring states perform in-house. Plexus Corp. just happens to be owned by David A. Giardino, the son of Parker's brother-in-law Nicholas Giardino. Completing this cozy arrangement, Nicholas Giardino is the contract administrator for Cardi Corp., the company working on the Rt. 195 relocation project.

The extent of contracting irregularities

at DOT went unnoticed until a recent audit performed by the General Assembly's Auditor General. As an employee of the Joint Committee on Legislative Services (JCLS), the Auditor General's budget is controlled by the JCLS. He focuses on the annual post audit of the state and the annual audit of federally-funded programs (a single audit, rather than numerous individual audits.) He reports errors, unusual practices or any other compliance discrepancies to the House Speaker and the Senate President. Fraud, waste and abuse are not the main focus of the Auditor General.

In the District of Columbia, the local OIG achieved monetary benefits/recoveries of approximately \$178.4 million over the 2000-2003 period. When compared to the \$40 million cost of operating the OIG over the same four year period, the benefit to the District is easily seen in the more than 4 to 1 return on investment.

With an annual budget of less than \$2 million, the Massachusetts Inspector General's office has saved taxpayers much more than the cost to maintain the office. According to Inspector General Gregory Sullivan, in 2002 the office was responsible for saving \$4 million on the disposition of North Hampton State Hospital, \$2 million on the sale of biologic products in a state laboratory, and \$700,000 on the rebid of city-owned property in Haverhill. "Sullivan estimates that his office has generated roughly \$1 billion in cost recoveries and savings in its 23-year history." (*Boston Globe editorial March 12, 2003*)

It is time for Rhode Island to join 19 other states in successfully creating an independent, non-partisan Office of Inspector General, charged with the proactive responsibility to investigate and audit any state or municipal agency to root out fraud, waste and abuse.

OIG's have a proven track record of holding government officials accountable for efficient, cost-effective government operations and preventing, detecting, exposing and eliminating fraud, waste and abuse.

in Debate" clause has been presented as an argument before the Ethics Commission to defend the legislators right to vote in any manner for any reason, without fear of prosecution.

The Ethics Commission prosecutors have argued that the constitutional amendment to form an Ethics Commission in 1986 carved out an exception to the "Speech in Debate" clause and further stated that one's elected office would not be used for personal gain, as Senator Celona admitted he did in voting on and controlling legislation involving CVS and Roger Williams Hospital.

The prosecutors further argued that the framers of the amendment at the 1986 Constitutional Convention felt that the citizens were tired of corruption and cronyism and therefore presented an amendment to the voters for a strong Ethics Commission that would monitor all elected officials. Legislators were not to be exempt from rules and regulations addressing cronyism and cor-

ruption, as Senate President Montalbano argues, along with former Senator Irons and Senator Ciccone.

If Senator Montalbano's arguments prevail in the courts, the Ethics Commission would be reduced to irrelevance. No longer would the Ethics Commission be able to prosecute allegations of legislators' votes to benefit themselves, their family or a business associate. Legislators will be able to blatantly vote in any manner they wish, knowing there will be no repercussions.

Unlimited jobs and fees for services would flow constantly to those holding power in the General Assembly, and taxpayer-funded favors for friends, relatives and business associates would all be acceptable behavior and above the law.

And Rhode Island corruption will flourish if leaders in the General Assembly, the Executive Branch and the courts ignore the logical consequences of Senator Montalbano's arguments.

Chet Ham recognized for Service to OCG

BY JOHN CARLEVALE

At the August OCG Board meeting, Chet Ham received a recognition award for his time, effort and devotion to the production of OCG's weekly television program, State of the State.

produced. At this critical moment Chet came forward to try directing. He quickly learned enough of switcher management to direct his first production of State of the State and the next scheduled production was finished on time. He has been performing this vital



Congratulating Chet Ham from left: Chuck Barton, Chet, John Carlevale

When OCG assumed sponsorship of the cable television program, Chet volunteered to become part of the original production team. Understanding the purpose and potential of this endeavor as a benefit not only to OCG but also to the citizens of Rhode Island, Chet eagerly undertook learning the many different aspects of television production. In the control room, he spent time observing switcher board management, perhaps the key technical function of producing the show.

Chet's interest and keen learning ability is a gift. When the original switcher board director quit the production team without notice, the show's production came to a temporary halt. Without a director, no show gets

role for State of the State almost exclusively since then.

Chet is a team player, often helping with different aspects of the production before and after directing. On one occasion when he was hospitalized, plans were made for a substitute director. Chet was discharged from the hospital a few hours before the production and he showed up at the studio to be sure all was able to proceed as planned.

Because of health issues, Chet shall reduce his role in the production of State of the State to assume the more important role of directing and managing his personal health care. We all support this crucial decision and wish Chet the very best that is possible.

Legislature defies, from page 1

So, now the citizenry can hold its breath. The drama builds:

Will the Supreme Court dare to defy voters – 80 percent of whom said they wanted Separation of Powers implemented in the Constitution?

Or, will the Supreme Court dare to defy the Legislature and perhaps place its new courthouse in jeopardy?

Meanwhile, CRMC must make decisions affecting some four billion dollars of waterfront activity – any of which could be challenged in the future as unconstitutional by a losing party if this standoff is not resolved. CRMC is trying to function with five of sixteen seats vacant for the past three years. Quorums have failed in recent months

Chaos looms.

Save The Bay's Curt Spalding pinned the issue down with clarity in his recent op ed in the *Providence Journal*. He pointed out that it is the legislature that must determine the shape of the future CRMC – not the court. The issues the legislature should be resolving include:

- What skills and knowledge should CRMC

members have?

- What representation of stakeholder interests should be included on CRMC?
- Which state agencies should be represented on CRMC?
- What geographic areas should be represented?
- What should be CRMC's appropriate size?

These are proper issues for the General Assembly. The CRMC should function as part of the Executive Branch not act as an executive arm of the legislature in violation of the Separation of Powers amendment.

There are many dark holes of impending disaster drifting along from one legislative session to the next. The fate of Separation of Powers and the Coastal Resources Management Council is certainly one of the darkest.

Founder John Lyons would not be pleased. He had high hopes for CRMC resolving complex issues facing the future of the state. Instead, the legislature is creating problems with CRMC by not recognizing its proper role as one of three branches of state government.

Corruption forum was eye-opening Review of current investigations

BY WILL BARBEAU

One way to stay up to date in the fight against Rhode Island corruption is to hear the region's most active crime fighters talk about what's going on. Operation Clean Government brought six experts together on May 5 in a forum called: "RI Corruption. . . Can we stop it?" The six were: former Providence news anchor Dave Layman as moderator; U.S. Attorney Robert Corrente; Providence Mayor David Cicilline; former Attorney General Arlene Violet; Pulitzer Prize winning investigative reporter for the *Providence Journal* Mike Stanton and award-winning ABC6 investigative reporter Jim Hummel.

What they had to say kept a sold-out audience of 240 area citizens glued to their chairs for 90 minutes.

Layman lays out questions

Moderator Layman launched right into U.S. Attorney Corrente by asking about the "seven political figures and seven corporations" allegedly being investigated after the Cianci "Plunder Dome" convictions. Corrente's guarded reply indicated that "seven" was a number that fluctuated according to the flow of information.

Mayor Cicilline was then asked to comment on whether ending corruption had any effect on Providence growth. Cicilline responded that there has been a positive effect, referring to recent projects in Providence by such companies as G-Tech, Fidelity Investments and Procaccianti Group.

Arlene Violet was asked to comment on whether corruption could be decreased with a full time assembly and/or term limits. She thought not, indicating that either way, it was the personal quality of the individuals involved that ultimately determined the outcome.

Projo reporter Mike Stanton was asked, "Why is RI so corrupt?" He offered some history with RI's participation in the slave trade, privateering and the entrepreneurial industrial revolution – then referred to the state's small size, which led to so many people knowing each other by "growing up in the same pew in church."

Jim Hummel was then given the tough question of explaining how democracy can function under the effect of dominant political parties and influential lobbyists. His reply referred the audience to the counterbalancing effect of citizen activism which played a strong role in his reporting on recent events in the North Kingstown School Department.

Arlene Violet next took issue with David Cicilline's report on industrial development returning to Providence, noting that the industrialists involved "paid to play" and were given big tax breaks to relocate. Mayor Cicilline defended his administration's per-

formance, noting that the recent big moves into Providence would not have taken place under the previous regime, notorious for its corruption.

Fill in the blanks

Moderator Layman then fed his panel a series of sentences that they were invited to finish. The responses tended to explain what would and would not work in the battle against corruption. For example, US Attorney Corrente explained that the limited resources of his office were kept focused on investigating what was "provable."

Asked if he thought an Inspector General would keep a lid on corruption, Mike Stanton expressed doubt, indicating that the job was best done by journalists. In his turn, Jim Hummel thought that continued prosecution would not top corruption. Corrente offered enthusiasm for citizen participation, that it was leads and clues from people on the street that led to many investigations.

Arlene Violet was asked the loaded question on why most state corruption cases are pursued by federal officials, rather than by the state's Attorney General office. She noted that the AG's office actually has more resources for this work than the US Attorney's office but that the AG office was part of the state's political system – being a step on a career path for higher political positions. A politically motivated Attorney General will not antagonize potential sources of support for higher office by investigating those sources of support and their allies.

Mike Stanton explained that most journalistic 'scoops' came from people offering tips. He commented that seeing tips being investigated and commented on inspired others to report events they observed.

And finally, Jim Hummel – asked why perpetrators kept going in the face of so many active investigations – commented that ego and arrogance played a key role. He said most of these people just don't think the system will ever have time to find them.

The forum ended with a series of tough questions from the audience on a wide variety of topics and issues. . . but the forum seemed to come down to a question finally made by OCG founder Bruce Lang, "What's the best way to get rid of corruption?" On this point various comments by panelists seemed to agree that concerned, active citizens are the key to progress.

Moderator Dave Layman finished the forum with a quote from Edmund Burke more than 200 years ago: "All that's needed for evil to succeed in this world is for good people to stand by and do nothing."

A DVD of the forum can be obtained by joining OCG at a level of \$35 or more through its web site: www.ocgri.org or by mailing -a check for \$10.00 to "OCG – Forum DVD", PO Box 8683, Warwick, RI 02888.

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

One party control turns Assembly into a dictatorship

BY ROD DRIVER

When a legislature has a lopsided majority of members from one party, that majority can do what it pleases. In the General Assembly, Democrats dominate the House 62-13 and the Senate 33-5. To make matters worse, most of the majority legislators simply follow their leaders. They want to be "team players."

So lobbyists, instead of trying to convince 113 legislators, just have to give regular "campaign contributions" to half a dozen legislative leaders.

In the House, if the Speaker doesn't endorse a bill it dies in committee. If he approves a bill, it passes easily. And this has pretty much been the case at least since I first served in the House in 1987.

My 1988 bill to ban smoking in schools died in committee. Two of the bill's cosponsors were members of the committee and could have moved for approval. But without permission from the leaders they sat quietly.

On the other hand, the House passed a bill eliminating a liquidity-reserve requirement for credit unions. The bill was alleged to increase the reserve requirement. But even after the deception was pointed out, on instructions from the leadership, the bill passed. It contributed to the credit-union disaster of 1991.

One thing legislative leaders don't ever want is citizens petitioning to put a question on the ballot via "voter initiative." So bills to

permit voter initiative routinely die in committee. Last year 20,000 Rhode Islanders asked for the opportunity to vote on the matter. But their request was trashed in committee. According to legislative leaders, the people can't be trusted to make laws. This requires a "deliberative body."

So consider some recent work of our "deliberative body." On June 15, the House took up the state budget. During the first nine hours of the session amendments endorsed by the leaders passed easily. Those proposed by Republican members were soundly defeated, including Rep. Nick Gorham's move to end the Assembly leaders' personal control over millions of dollars for "legislative grants." So far, nothing surprising.

But a truly astonishing thing happened at 11:40 PM. Those of us still watching saw Rep. Charlene Lima (D, Cranston) introduce a major new bill designed to make it almost impossible for the state to ever again privatize state work. This was a surprise to almost everyone.

In view of recent problems about state contracts with private vendors, it would be appropriate to study potential remedies. And a bill to do this was scheduled for a public hearing four days later.

But suddenly the hearing was cancelled. The bill was now bypassing the rules and arriving on the floor of the House with-

out a public hearing, without the required 48 hours notice for such a hearing, without committee scrutiny. Representative Lima didn't even bother with the simple formality of suspending the rules.

She said she was bypassing the prescribed process, with the Speaker's permission of course, and putting it in the budget "because the governor will probably veto privatization (sic), and it's easier to override a budget veto."

The Journal of the House for June 15 (page 151) says the new bill was moved by "unanimous consent." What nonsense! Reps. Mumford, Trillo, Watson, Ehrhardt, Long and Gorham promptly objected.

Representatives Watson and Gorham challenged the legitimacy of taking up major new legislation, not available in advance. Speaker Murphy announced that the Parliamentarian found it OK. (The duty of the "Parliamentarian," employed at the pleasure of the Speaker, is to tell the Speaker what the Speaker wants to hear.)

No amendments were allowed. Representative Trillo was told that if he wanted to amend a bill he hadn't seen he should have drafted the amendment and distributed it to the members two days ago.

After no substantive deliberation, the new section was approved 61-13. Only one Democrat, Rep. David Caprio, had the cour-

age to consistently vote against this outrageous abuse of power.

The absurdities weren't over yet. Rep. Gorham gave the entire House a chance to let the voters decide on voter initiative. The "deliberative body" rejected it 47-17 without a moment's deliberation.

In the remaining four days of the session this "deliberative body" passed hundreds of bills which few had read. On June 22 the House passed 200 bills, practically none of which experienced a moment's deliberation. (House rules call for a maximum of 50 bills per day.)

You might think legislators who just follow the leader would be voted out of office. But it rarely happens. John and Jane Q. Public may have a dim view of the General Assembly (and of Congress), but they are unaware of how their own representative and senator are voting. "My representative is doing a good job," they think. So they re-elect the incumbents.

The solution: If your representative or senator routinely follows the leader, including opposing any consideration of voter initiative, support and elect someone more responsible. And if you don't see such a candidate in your district, become one yourself.

Rod Driver is Chairman of the Operation Clean Government Legislative Committee.

RI Constitution, from page 1

General Assembly to use his vote for his personal enrichment or to carry out a bribe.

The Senate president's twisted view of the values underlying our constitution create the inevitable result: His argument is frivolous, perverse and utterly devoid of merit.

Regarding his failure, under oath, to disclose his source of income, Mr. Montalbano has publicly stated that this error was inadvertent. Operation Clean Government believes that it is up to the Ethics Commission to determine whether this failure to report was error, willful non-disclosure, or perjury.

Operation Clean Government believes strongly that someone else, some elected representative, ought to speak out and tell

Mr. Montalbano that our constitution requires members of the General Assembly to act ethically and without conflict of interest.

There must be at least one state senator who views the Senate as an institution meant to serve the public good, and who understands that this institution will not be respected if it is used as a tool for private gain. Some state senator must view his or her position as one that is a sacred trust with the citizens of Rhode Island. Some state senator must want the Senate to be and to appear to be free of corruption.

But Operation Clean Government has not heard or read of one state senator of either party who is outraged by the Senate president's unwarranted defense against the

ethics complaint filed against him.

Mr. Montalbano apparently believes to the victor go the spoils. Join my Senate, he says in his brief, and rake in the rewards of having a vote in this chamber. And the good news, according to Mr. Montalbano, is that no one can do anything about it.

The Senate president's brief is a guide to selling a vote in the General Assembly and avoiding prosecution.

Mr. Montalbano, in essence, argues that his conflicts of interest are not the business of the Ethics Commission and not the business of the public. In a perverse way, he seems to be saying it is only the business of the Senate president. Operation Clean Government believes that he is simply wrong.

Mr. Montalbano must be answered. Operation Clean Government is waiting for a courageous elected official of either party, in either house, to stand up and be counted as opposing Mr. Montalbano's vision for the Rhode Island legislature.

As for the Rhode Island Ethics Commission and the courts, Operation Clean Government predicts that these institutions will read what our state constitution says about the importance of ethical government in Rhode Island, and they will not countenance the Senate president's offensive defense.

Arthur "Chuck" Barton is president of Operation Clean Government.

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 Individual \$35 Family (list all names to be included) \$50 \$100 \$250 \$_____ Other

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 _____

Sept/Oct 2007

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