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# OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

## Judicial Wampum

*By Robert Senville*

IN FEBRUARY 1998 the Providence Journal published its expose of the Rhode Island Traffic Court. Shortly thereafter Operation Clean Government and former Attorney General Arlene Violet filed a complaint with the Commission on Judicial Tenure and Discipline based on the information contained in the Providence Journal articles. The complaint asked the Commission on Judicial Tenure and Discipline to suspend the judges who had filed false judicial opinions, who had failed to work full time, and who had brought disrepute to our courts. The commission has dismissed the complaint against Judges Almeida, Cerilli, Ciullo, and Parker. On May 11, 1999 the commission dismissed the complaint against Judge Pallozzi, issuing him a private reprimand. While OCG has publicly stated that it believes the private reprimand of Judge Pallozzi was a farce, a far more serious matter remains unresolved.

Although well over a year has elapsed since the filing of OCG's complaint with the commission, there has been no decision issued and no public hearing held regarding the conduct of former Traffic Court Judge John F. Lallo. Under law, the commission is required to make a preliminary investigation of a complaint and if there exists substantial evidence supporting a charge of unfitness, the commission is required to hold a public hearing on the charge.

Operation Clean Government contends that a year and a half is more than adequate to do a preliminary investigation. This is particularly true in the case of Judge Lallo because over a year ago Providence Journal reporters Christopher Rowland and Jonathan Saltzman, in an excellent piece of investigative reporting, went beyond describing Judge Lallo's failure to work a 40-hour workweek. These Providence Journal reporters described in detail Judge Lallo's bankruptcy and its relation to the 35,347 wampum points he had earned at the Foxwoods Casino.

Of course, there is no longer any need for Judge Lallo to gamble at the Foxwoods Casino because he hit the real jackpot with a judicial pension at 100% of his \$93,965 a year salary. Rhode Island taxpayers will pay Judge Lallo this pension every year with an annual three percent COLA for the rest of his life. And the federal bankruptcy court like a helpful croupier, aided Judge Lallo in the collection of these proceeds free from any creditor claims.

Operation Clean Government believes that this filing of bankruptcy and the discharge of his over one hundred thousand dollar DEPCO claim, while Judge Lallo was making a salary of \$93,965 a year from the state was in itself enough to bring his judicial office into serious disrepute. OCG believes that a Judge earning \$93,965 a year should figure a way to pay his lawful debts. However, OCG maintains that a far more serious matter is at stake: **if the investigative report is true, Judge Lallo made a false statement in his bankruptcy filing.** The Providence Journal article describes in detail Judge Lallo's extensive record of gambling at the Foxwoods Casino be-

tween 1992 and 1997, including estimated losses of \$143,530 in 1995. On March 5, 1996 Judge Lallo declared under penalty of perjury that he had suffered no losses from gambling within one year immediately preceding the commencement of the bankruptcy. As the bankruptcy was granted, it is likely that, at the Section 341 meeting, Judge Lallo testified under oath that his statement of financial affairs was accurate. It is the law that every person under oath who knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be deemed guilty of perjury.

Despite the seriousness of the allegation that Judge Lallo made a false statement under oath in his bankruptcy filing, no government official appears to have done a single thing about it. It appears as if neither the Bankruptcy Court, nor the United States Attorney, nor the Rhode Island Attorney General, nor the Commission on Judicial Tenure and Discipline have done anything regarding this public allegation of a judge making a false court filing.

It is well over a year since Operation Clean

Government's complaint against Judge Lallo and over a year since the publication of the Rowland and Saltzman investigative report on Judge Lallo's gambling losses at the Foxwoods Casino. For so long as this issue remains unresolved, Rhode Islanders will continue to lose confidence in their state judiciary, in law enforcement and in the federal bankruptcy court. So long as the cloud of perjury hangs over these vital institutions, they remain in disrepute.

It seems certain to OCG that the allegation of a false statement under oath is serious enough to warrant a public hearing before the Commission on Judicial Tenure and Discipline and, should the allegation be sustained, OCG believes that the Commission should make a prompt recommendation that Judge Lallo's judicial pension be revoked. Of course, it is equally important to OCG that if the allegations against Judge Lallo are false, that the Commission on Judicial Tenure and Discipline promptly clear Judge Lallo's reputation. **The citizens of this state simply cannot understand why, when over a year has elapsed since public disclosure of serious allegations against a judge, the Commission on Judicial Tenure and Disci-**

**pline apparently cannot even complete a preliminary investigation of the matter.**

And Rhode Islanders may never know the answer to this because, unless the commission chooses to open a case to the public, the commission's proceedings are conducted in secret. Whatever happens to Judge Lallo the evidence is clear on one issue: it is time for Rhode Islanders to join Operation Clean Government in demanding that all proceedings of the commission be open to the public so that citizens may begin to review its workings.

**Members of the Commission on Judicial Tenure and Discipline** as of November 16, 1998: E. Jerome Batty, Esquire; Honorable Alice B. Gibney, Superior Court; Rep. Donald J. Lally, Jr. Attorney; Deming E. Sherman, Esquire; Richard S. Humphrey, Esquire; Jeanne E. La Frazia, Attorney; Honorable Henry Gemma, Jr., Kent Superior Court; Honorable John J. Cappelli, District Court; Honorable George E. Healy, Workers Compensation Court; George L. Santopietro, Esquire; Rep. Robert A. Watson, Attorney; Deborah M. Tate, Attorney; Honorable Kathleen A. Voccola, Family Court; Senator M. Teresa Paiva-Weed, Attorney.

## The Unanswered Questions at Quonset Point

*By Alan F. Clarke*

THE DIALOGUE on Channel 10's Sunday 1-hour program (June 13) on Quonset Point covered many facets of the proposed port. But one glaring omission I noticed is manpower for the port. Quonset Point Partners, the proponents of the plan, estimate (perhaps optimistically) that between 10-20,000 new jobs will be opened with 13,000 jobs being directly tied to port activities including dock workers, crane operators, truckers, railroad workers and laborers. The big floating question mark over my head is where will these people come from? Do we have enough people in Rhode Island to satisfy these needs? How many crane operators live here? Are the stevedores who manned the Port of Providence still here?

Quonset Point Partners has big plans for our Quonset property but they themselves are from out of state. With the plethora of houses being built and the new people already moving into the area, how much more will our resources be taxed as new workers move into Rhode Island?

When Electric Boat moved part of their facilities into Quonset Point 25 years ago, they moved into an area that had just lost a major employer: the U. S. Navy. Most of those workers were still here and ready to work for EB. Additionally, the State worked with EB to train local people to fill jobs in fields such as pipefitting, shipfitting, and welding.

Are Quonset Point Partners and the state ready

to guarantee that every possible position at the new port will be staffed first by a Rhode Islander and then by someone from out of state? Will every unemployed or under-employed native of this state be given first dibs at every job when it comes up? Or will we be "serving new masters" when they bring in the executives for high-paying jobs from elsewhere? Will our present workforce of mostly non-union or small-union positions be hidden in the shadows of the mighty International Longshoremen's Union - brought in from other ports to augment our inadequate ability to staff our new port? Where will they live? Are we going to face even more overcrowding on our roads and highways, more suburban sprawl gobbling up our woods and fields, even more highways, commercial development, and population-related pollution? More 4-corner stops? More police? More schools? More government?

These are the questions that are not answered in all the debates. Other, more knowledgeable people, are handling the other questions, the damage potential to the environment, the impact upon Narragansett Bay fishing, tourism, and recreation. But when I say "more knowledgeable people," I wince a little. The Channel 10 program went into a filmed segment showing a shellfisherman plying his trade in a workskiff on the bay. The voice over began her sentence with, "This bullraker is..." The man was tonging, which is the other traditional method of fishing for quahaugs. It's apparent to me that many of the

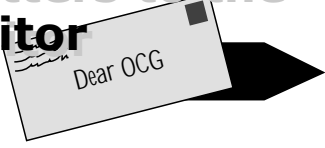
people who are siding one way or the other on this issue just don't know what the heck they're talking about.

From the Bay, Quonset is a pretty ugly place now. When the Navy had it, it was maintained beautifully. But 25 years of typical State of Rhode Island neglect has taken its toll on Quonset and it's pretty decrepit. If they knocked down all the ugliness and put in lawns, woods and vineyards again, plotted out some of the nice beaches there for public use, sold off some acreage to commercial and residential use, allowed the air museum and possibly a retired aircraft carrier to be berthed and on display permanently there, I can't see anyone having a complaint or environmental concerns, and it would again be a beautiful place.

But that's not going to happen. Rhode Island is a beautiful but troubled place. On one hand, we have the beautiful Narragansett Bay - on the other hand, we have our government. With that in mind, it behooves every Rhode Islander to see that he or she gets a piece of the pie if the port progresses. And by piece of the pie, I don't mean a bribe or payoff, I mean a job! First dibs at a good job BEFORE anyone from out-of-state grabs it.

**Editor's note:** *This is an opinion piece. Due to the lack of consensus on the issues of economic value versus environmental impact, the Operation Clean Government Board has not taken a position on Quonset Point Development.*

## Letters to the Editor



### Make the Tobacco Companies Pay

Bruce Lang's article, Solving the Tobacco Money Dilemma, in the April/May issue is interesting but it does not address the real problem with the recent tobacco settlement. The problem is that it punishes the innocent users or tobacco products and lets the real culprits, the tobacco companies, off without any punishment.

These unscrupulous companies will simply pass on any settlement costs directly to the users of tobacco products. In fact, a \$.45 increase has already been imposed and Rhode Island hasn't received one red cent. The tobacco companies will suffer no real punishment. In fact, they probably will make money on the deal and their stock prices will probably increase. Some punishment!

The users of tobacco products are being treated as second class citizens. They are being taxed an extra five to ten dollars per week just because of this tobacco settlement. This is in addition to the federal and state taxes on cigarettes and of course the sales taxes that Rhode Island also collects. The users of tobacco products pay more in tobacco taxes than they do in gasoline taxes and they get little in return. The Attorney General should realize that this settlement is punishing the wrong group of people.

There is a simple solution to this problem. Rhode Island's Attorney General should call for the General Assembly to reject the tobacco settlement and go after the tobacco companies in court. Other states have won in court, so why not Rhode Island? Most of the legal work has already been done. However, I would make one restriction in the punitive damages received. Raising prices to pay these damages would not be allowed. Unless profits are reduced, there is no real punishment.

To reduce the use of tobacco products by teens and young children, I would have the state take over the sale of tobacco products. All sales would be by the carton, by vending machine and require the use of a credit card. Vending machines, similar to the ATM machines used by banks, would be located at convenient locations around the state. Teens and young children would have to come up with 30 to 40 dollars and then find an adult with a credit card to buy their cigarettes. This would be very difficult for them and because tobacco products are not found in most homes, teens and young children would find it very difficult even to experiment with cigarettes.

Incidentally, the profits the state would receive from the sale of tobacco products should be over \$100 million a year and the \$.45 increase would not be needed. The present tobacco settlement is less than \$60 million a year. If the state used my method, the guilty would be punished and teen smoking would be reduced without spending any tax dollars.

**Kenneth Berwick**  
OCG member

**EDITOR'S NOTE:** Mr. Lang's article did not conflict with the above. He proposed establishing an endowment with 100% of the tobacco windfall money and then using the annual investment proceeds for antismoking and other health maintenance programs.

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# OCG Welcomes Three New Board Members

• **Don Koehn** retired to Rhode Island in 1993 after having been a Professor of Philosophy at the University of Maine, Southern Methodist University and Illinois Wesleyan University. He and his wife Sally had just settled into their Mt. Pleasant home and were discovering the state's lovely beaches when the Providence Journal carried stories of the chicanery of Chief Justice Fay and Chief Administrator Smith. Don states "we were discovering that the corruption at the top of the state judiciary was but one part of the continuously unfolding corruption in state government. Nothing, however, has equaled the prolonged and pervasive malfeasance of the judiciary than that revealed by the Rowland/Saltzman series on the traffic court. When the present Chief Justice responded by preempting any effort to hold anyone at the court accountable, I sought out OCG and became active."

• **Sandy Mellen** owns and operates a bookkeeping service. She has been a Rhode Island resident most of her life, residing in Pawtucket with her husband Joe. She has always been active in her community as well as on a statewide level. Currently, Sandy serves as a volunteer spokesperson for the New England Organ Donor Bank and the National Kidney Foundation. On

a political level her background includes, candidacy for state representative and city council, state chair of United We Stand America and a previous board member of Operation Clean Government. Her major role in OCG has been spokesperson and lobbyist on the issue of voter initiative. At the request of OCG, Sandy helped organize and form the Voter Initiative Alliance, a statewide organization linking reform groups who support voter initiative. She was elected chair of the VIA. Sandy said upon her return to the OCG Board, "My heart swells with pride when I think of serving again with the quality of individuals on the board." We are fortunate to have recaptured Sandy.

• **Pauline Ricci** was raised in a very political home in a small Connecticut town where her father was a selectman and town prosecutor. She has studied at Manhattanville College, UConn, RIC and CCRI. Pauline has been a volunteer at Kent County Hospital Outpatient Surgery and Kent County Nursing Home. She has been active with Operation Clean Government for the past eighteen months attending and participating in board meetings and two of our subcommittees. Additionally, she monitors state ethics committee meetings and testifies on behalf of OCG at various state boards and commissions. Pauline is an active member who will be a valuable asset on the OCG Board.

## Alternate Political Solutions

A Book Review: "The Natural Law Party - A REASON TO VOTE"  
By Robert Roth, Published by St. Martin's Press - New York - Sept. 1998

**By Stephanie Rivera**

**IN THE FORWARD** of this very illuminating book of what is wrong with the two-party system and why it has become dysfunctional, John Hagelin, the Presidential candidate for the Natural Law Party, points out that "America is in the midst of a great awakening. Tens of millions of citizens are realizing the perils of the path we are treading and are striving hard to change that direction." The Natural Law Party is the political entity that has emerged from this realization, because the people who formed it did so out of a deep respect and veneration for the laws of nature upon which this country was founded. In one of his many fascinating chapters, "The Roots of Natural Law in American History," Robert Roth traces the enlightened thinking of our founding fathers that encouraged them to attempt the great experiment—a true democracy, and illustrated how such men as Adams, Jefferson, and Franklin endeavored to provide a universal basis for a strong and yet flexible system of government which would allow for individual liberty and the well-being of the whole populace together; a system based on scientific evidence that there were fundamental laws of the universe which governed not only the natural world, but the affairs of human beings as well, such as the right to self-government.

The Natural Law Party is attempting to invigorate the nation's commitment to the vision of its founders by revealing the way in which our present government has drifted away from its principles. The revelations begin at the core of the political process: access to the ballot. **The United States has the most repressive system of ballot access by far than any of the western democracies. In order to run a slate of candidates for national office in all of the fifty states, it requires over 5 million signatures - but only for an independent party. The Republicans and Democrats have no such requirements.** Such impediments to independent parties have been put in place by the two main parties over a period of many years and correlate with the increasing lack of voter participation. The fact that independent parties flourished eighty years ago and were a fertile source of new ideas and solutions to problems made them essential to a healthy and evolving political process. The party of Lincoln, the newly formed Republicans, was such an independent party.

The basis for solutions to the problems that continue to haunt us and rob us of the precious dollars we need to take care of our families is that of prevention. Our present leaders have a crisis-oriented approach to the nation's long-standing and unabating issues of health-care, education, environmental pollution, and crime, as well as a fundamentally flawed way in which they respond to the flow of money from the special interests which seek to control our country's institutions. These are factors which over the years have dis-

couraged voters from going to the polls—they realize the system has either ignored their concerns or failed to fix them.

Roth's book outlines the steps that the Natural Law Party is already addressing to correct these crucial issues, such as promoting proven technologies like that of the Transcendental Meditation technique to reduce the prison population, after years of pilot programs have shown it to be highly effective in reducing the recidivism rate and the tension and stress of prison life. The Natural Law Party is actively involved in requiring the government to label genetically-engineered (GE) food which is already making its way from the farmer's fields to our dinner tables, without being tested responsibly for its effects on the health of humans and animals and the impact on agriculture. The Party endorses sustainable agriculture by encouraging the use of organic farming methods; as well as renewable energy, which has already taken root in California where citizens have a choice of energy sources to supply their

needs. These are just a few of the ways in which the Natural Law Party seeks change, not to mention its unflinching challenges to the laws enacted to keep independent parties from participating in election and debates.

The book is a fascinating compendium of anecdotes from the campaign trail, interviews with economic, medical, and political experts, and an inside look at the candidates themselves, John Hagelin and Mike Tompkins, the latter a descendant of John Adams and the vice-presidential candidate of the Natural Law Party. But above all, it is a statement of the current state of affairs in American life and politics, and an urgent message that we citizens must act to effect change by first opening up the political process.

**Editor's note:** The above expresses the opinion of the author. While OCG does not endorse political parties, we do seek commentary on the lack of diversity in our state political structure. Stephanie Rivera is a member of OCG and a frequent contributor to the Providence Journal Opinion Page.

### As the Editor Sees It

## Senators Iglizzi and Roney Discuss Public Cynicism

**Speaking on the Senate floor to second the nomination of former Senator Dominic DeSandro to traffic court magistrate, Senators Iglizzi and Roney, without naming OCG, criticized our testimony before the Senate Judiciary Committee in opposition to the appointment of three politically connected attorneys to the newly created high paying (\$77,000) magistrate positions.**

Senator Iglizzi called the opposition to considering former legislators absurd. Senator Roney thought that being in politics and legislative bodies were excellent training grounds for the judiciary and that it is dangerously ignorant to think that anyone serving in elective office is not qualified.

At the committee hearing, OCG took no position on the qualifications of the three appointees. The traffic court bill requires that magistrates be "duly qualified members of the bar." Our opposition centered on the process that allowed selection of the magistrates from political sources, while ignoring the larger pool of candidates. There are approximately 6000 attorneys in Rhode Island. This process heightens public cynicism. We maintain that too many times when political selection prevails, less qualified persons get the state jobs. At the traffic court, Judge Pallozzi and Administrator Skenyon are prime examples of this process.

The public knows there are many fine qualified persons who have held elected office. They just don't trust the General Assembly to select them. The public remembers the disgrace brought to the state when other senators stood to praise the appointment of their own Bevilacqua, Fay and Smith directly from the legislature to high positions in the judiciary. Senator Iglizzi's tender years may excuse his lack of understanding the roots of this public cynicism, but there is no excuse for Senator Roney.



Rob Richie, Bruce Lang and Marsha Pripstein-Posusney at the forum.

## Breakfast Forum

By Bruce Lang

**MORE FREQUENTLY**, political candidates are being elected with less than 50% of the vote (Lincoln Almond in 1994, Bill Clinton in 1992). In legislative races, which are "winner take all" elections, those people who vote for the non-winners end up with no direct representation.

At the same time, fewer people vote, more people feel alienated from the process, fewer people run for office, more people register as independents (in Rhode Island, it's over 60%) and there is growing interest in "third" parties (Reform, Green, Libertarian, Cool Moose, Independent, etc.).

On Sunday, May 16, Operation Clean Government held a breakfast forum at Chelo's in Warwick. The heart of the varied program dealt with some specific potential solutions to the above problems. The subject was "Alternative Voting Systems" and the audience of almost 200 OCG members and guests were treated to an informative and stimulating presentation by two national experts:

**Rob Richie**—Executive Director of the Center for Voting and Democracy, Washington, D.C., a non profit organization that researches and distributes information on election reforms that promote voter participation, accountable governance and fair representation,

**Marsha Pripstein-Posusney**—Associate Professor of Political Science at Bryant College and Visiting Associate Professor at Brown University.

The following two primary examples of Alternative Voting Systems were explained and reviewed by the speakers:

**MAJORITY PREFERENCE VOTING**—Also called Instant Runoff Voting (IRV). In elections with more than two candidates, many people may want to vote for the third candidate (e.g. Bob Healy for Governor or Ross Perot for President), but either do not vote at all or do not vote for their first choice because they become convinced that their vote would be "wasted." Majority Preference Voting is more equitable because it allows people to consciously vote for whom they truly prefer. Computers make it possible for each voter to select a second and third choice. Then if no one gets more than 50% of the vote, the candidate with the fewest votes is eliminated and the second choices of voters of that candidate are redistributed and that process continues until someone wins a majority. The states of Vermont and New Mexico are seriously considering this method which makes every vote count.

**PROPORTIONAL REPRESENTATION (PR)**—Presently, in legislative races, which are "winner take all", one party can completely dominate (e.g. in Rhode Island, Democrats have 88% of the Legislative seats) even though they don't get anywhere near that proportion of the total votes. Instead of electing one member of the Legislature in each local district, PR uses larger districts that elect several members at once. For example, in the case of the Rhode Island Senate, which has 50 seats, there could be 5 ten-member districts. If in one of those ten-member districts, the Democratic candidates won 60% of the vote, Republicans 30%, Independents 10%, then they would get six, three and one of those seats respectively. Obviously, this is fairer to minority parties and

provides representation of more voters. All western democracies except Great Britain, Canada, France and the United States use the PR system, and Great Britain plans to hold a national referendum to consider changing to PR.

The audience left educated and inspired by new information, which has the genuine potential of getting Rhode Island citizens more involved in government and making government more responsive to the people.

The morning program also featured a review by Chairman Bob Arruda of OCG's continuing work to bring about effective overhaul and accountability of the Traffic Court. There was also a long-standing ovation for OCG Board member Anthony Freitas, who gave a brief talk about the developments in the FBI's Operation Plunder Dome involving the City of Providence.

## DEM Due Diligence Needed

**ON MAY 19 AT THE PUBLIC HEARING** called by Department of Environmental Management's office of Water Resources, Operation Clean Government opposed DEM's decision not to provide an Environmental Impact Statement for the Narragansett Bay Commission Combined Sewer Overflow project. DEM's decision NOT to conduct a full study of the project is based on an environmental assessment prepared by Louis Berger & Associates for NBC.

**Operation Clean Government's representatives compared DEM's strict adherence to oversight of citizens' small projects with DEM acquiescently accepting NBC's environmental study and issuing a draft "Finding of No Significant Impact" for a \$500 million project.**

Pauline Ricci, board member of Operation Clean Government presented the following testimony: • If a rural landowner constructs an individual septic disposal system, there must be DEM review and approval. • If the landowner drills a well, there must be DEM review and approval. • If there are any wetlands, even on the back corner of the property, the DEM review and approval of the well and ISDS may take months at considerable cost to the landowner. • If a rural town wants to replace/repair a wood-deck on a bridge over a small stream, do it in the exact original design, and use the same stone foundation that has been in place for over 200 years, DEM's review and approval will take months and the DEM permitting process may cost the town more than the construction phase.

The Department of Environmental Management treats these mini projects in a serious manner. But, here we have the Narragansett Bay Commission with plans to remove millions of cubic yards of material from below the earth's surface; construct huge underground rain run-

## Traffic Court Wrap-up

By William H. Clay

**THE ENACTMENT** of the Traffic Tribunal legislation officially wraps up the so-called reforms of the AAC. The court will be under the supervision of the Chief Judge of the District Court. There are new safeguards and friendly procedures for motorists. However, the accountability issues remain unresolved.

Operation Clean Government had lobbied for a commission with a majority of public members to study the court and report its findings to the General Assembly. There is instead a commission of legislators. We had also lobbied for a sunset provision to force the General Assembly to review the court in year 2002. Representative Steven Smith introduced this as a floor amendment to the legislation. It failed 7 to 73.

The state budget passed with a provision to authorize 15 new full time Traffic Tribunal employees to work down the court's backlog. We had testified for contracted temporary employees to do this short-term task.

**Hats Off to Rep. Steven Smith**

Representative Smith (District 12, Providence and Johnston) has made a valiant effort to get a fraud examination of the AAC. He successfully amended the 1998 legislation to authorize an audit, forensic or otherwise. Not getting the audit he expected, he introduced a 1999 house resolution calling for a fraud examination. OCG members testified in support of the resolution before House Finance. The committee took no action.

Representative Smith then introduced a floor amendment to the Traffic Tribunal legislation for a fraud examination. He and Representatives Charles Levesque and Aram Garabedian spoke passionately in support of the amendment citing the citizens' unrequited concern for the unresolved scandal. They maintained that the fraud examination is needed to restore public confidence in the

judiciary. The amendment failed 28 to 51.

**Voting in favor of the amendment (28):** Representatives Edith Ajello, Joseph Amaral, Mabel Anderson, Barbara Burlingame, Mary Ann Carroll, Elizabeth Dennigan, John DeSimone, Aram Garabedian, Myrna George, Nicholas Gorham, Mark Heffner, Robert Jacquard, Leona Kelley, Beatrice Lanzi, Charles Levesque, George Levesque, Bruce Long, Frank Montanaro, Roger Picard, Michael Pisaturo, Henry Rose, Joseph Scott, John Simonian, Steven Smith, Robert Sullivan, William Vieira, Robert Watson, Anastasia Williams.

**Present, but not voting**, some leaving the chamber for just this vote (15): Representatives Kenneth Carter, David Cicilline, Steven Costantino, Lawrence Ferguson, Donald Lally, Peter Lewiss, Robert Lowe, Peter Palumbo, Antonio Pires, Joan Quick, Alfred Russo, Thomas Slater, Joseph Voccola, Peter Wasyluk, Timothy Williamson.

**Absent for the day (5):** Representatives Russell Bramley, Christine Callahan, Charlene Lima, Charles Millard, William Murphy.

If your representative is not listed above, he/she voted against the amendment.

At our press deadline, the revised legislation was pending in the Senate.

**Judge DeRobbio Attacks OCG**

Judge DeRobbio accused OCG of making false and misleading statements in our radio advertisements. The OCG ad, running in early June, had alerted citizens to the body attachment provisions in the Traffic Tribunal legislation. This could have landed motorists in jail on charges that could not be verified by court records. The judge stated that this was misleading and such arrest could not happen. Yet Andrew Horwitz, law professor at Roger Williams University School of Law and speaking on behalf of the ACLU, recommended that if the body attachments remained in the legislation, at least it should be made prospective due to: the poor record keeping of the past; hearings that were held with a person not present; fines that were imposed with a person not present; many tickets that were issued in error; and significant procedural defects. As a result, the House amended the legislation to make body attachments prospective and added other safeguards.

In another round with Judge DeRobbio, we are accused of misquoting him in our testimony on his appointment of three politically connected persons to be AAC magistrates. We stated that his position a year ago was in sharp contrast to such appointments. We referred to his remark that the AAC was an inefficient patronage laden institution. He has publicly denied making any such remark, but this remark was heard not only by three OCG board members, but also by Jonathan Saltzman, a reporter for the Providence Journal. (see page A-1, May 31, 1998)

### Notice of Nominations for OCG Officers/Directors

Elections for Operation Clean Government Officers and five Directors will be held at the annual meeting in October. The organization committee is requesting that OCG members submit their nominations by July 15, listing:

- The position for nomination
- The name, address and telephone number of the person nominated
- Whether that person is willing to serve
- Length of time as member of OCG
- Current and past activities within OCG
- All civic, community and political activities within the last three years.

The Organization Committee will screen the nominations for eligibility under the By-laws. The names of all eligible nominees will be on the ballot at the annual meeting. The recommended nominations by the organization committee will be presented to the Board two months before the annual meeting.

Please send with your name, address and telephone number to: Operation Clean Government P.O. Box 8683 Warwick, RI 02888

# How the Traffic Court Abused Money, Power and You —A True Story

**By Bruce Lang**

**THE TRAFFIC COURT FIASCO** has probably heaped more abuse on the people of Rhode Island than any government involved activity since the banking crisis of the early 90's. Just take a look at the highlights and you decide.

First, in January 1998 when the scandal broke, Rhode Island probably had the most expensive per capita state traffic court system in the entire United States. And secondly, we were the only state that had the bright idea of using expensive, full-fledged judges for traffic court (seven of them).

These judges were averaging \$91,000 per year salary plus state benefits and - are you ready for this - upon retirement, they receive a lifetime pension of 100 percent of their last salary with three percent annual COLAs. To put this in a real world context, that's roughly half the pension that the President of the United States receives.

But that's not nearly the worst of it. For the extraordinary compensation mentioned above, these "judges" allegedly were only holding court an unthinkable six to twelve hours per week! Yes, per WEEK. And to add insult to injury, they were issuing boilerplate decisions, which is clearly against the law, and the court officials pushed citizens through the system with an arrogance and belligerence unthinkable in anywhere but the public sector.

Hopefully, you're a bit upset by now, or at least shaking your head. But wait, here's the real whopper: record-keeping and cash controls were so totally inadequate that the unthinkable amount of \$39 million could not be accounted for! Insiders say that 100 percent is from unpaid fines. The majority may be from uncollected fines, but what does that say about management? Will someone please explain how this quantity of money is "unaccounted for" and our government is silent about it?

Can you imagine any organization more inefficient, more irresponsible, more poorly managed and out of control than this?

## No Accountability

With as dismal a situation as just described, when all of this was revealed by the Providence Journal in early 1998, what does it say that not one single member of any one of the three branches of our government—executive, legislative, or judicial—spoke out against what was going on?

"We are not really concerned with the past, but with straightening out the system for the future" is essentially what we've been told by Judge DeRobbio and even by Attorney General Whitehouse who refused the Operation Clean Government request for an investigation. They're not concerned with the past? Well we are!

We are left with the following:

1. Together, Operation Clean Government and Arlene Violet filed an official complaint with the Commission on Judicial Tenure and Discipline against six of the seven traffic court judges. The commission, which is made up of fourteen lawyers and judges, took about nine months of secret meetings to completely clear four of the judges. Then about six months later, that commission, again in secret meetings, gave the chief judge, Vincent Pallozzi, a private reprimand (whatever that is) and simultaneously closed his file. Is there any coincidence to this happening right after Vincent Pallozzi retired? *Judges do a terrible job, but no one's to blame.*

2. No one has taken any action against the traffic court's head administrator, Leo Skenyon.

Instead Mr. Skenyon has been allowed to retain his job, pay and benefits, while someone has been brought in to do his job. *To avoid firing the manager, do not blame him, and then pay two people for one job.*

3. The state spent \$180,000 to have KPMG Peat Marwick (one of the top accounting firms in the nation) do an audit of the traffic court. At Operation Clean Government's strong urging this audit was supposed to be a fraud audit, which would have uncovered exactly what happened to the \$39 million. Chief Justice Weisberger and other high-level state officials agreed to the fraud audit. Then in one of the more audacious acts of this whole tragedy, the audit committee, headed by Ernest Almonte, did not instruct KPMG to perform a fraud audit. *I think on TV cop shows they call it "a cover up."*

In spite of Almonte's instructions, KPMG, in their March 1999 report, stated that they "found a system so bereft of controls that it carried a substantial risk of theft, fraud, and ticket-fixing." Yet, in a daring and intentional misinterpretation, State Auditor General Almonte reported to the General Assembly and to the media that no fraud had been found. Of course KPMG did not find actual fraud because they were not instructed to look for it. For any private company, the results of this audit would have been a signal to start an investigation.

## The Deck Was Stacked Against Us

Governor Almond had called for the creation of a Traffic Court Task Force. This task force was formed, with 17 members, with only one non-government member (Robert Murray, head of RI AAA). The 1998 legislation was written by Task Force Chair Chief Justice Weisberger and Vice Chair Senator Teresa Paiva-Weed. She also happens to be the Chair of the Senate Judiciary Committee and one of the 14 members of the Commission on Judicial Tenure and Discipline - the commission that has to date not punished even one of the traffic court judges.

## The New Traffic Court

Now, let's see what's happened so far in the "reform camp." The 1998 legislation ended the traffic court, as we knew it. In 1999 it was rewritten and after much prodding, District Court Chief Judge DeRobbio agreed to head up a new Traffic

Tribunal on his own terms with the following provisions:

- Retiring judges will be replaced by magistrates and, as a result, can be selected by Judge DeRobbio without going through the judicial selection and review process. Three judges have retired. Not surprisingly, the four remaining judges were adequately handling the workload now that they are working a full workweek. In spite of that, on May 27, three new magistrates were selected and rushed through the approval process. The magistrates will have eight-year appointments and a \$77,500 base salary plus benefits. Other New England States use hearing officers at lower compensation. Connecticut uses per diem attorneys at a lower cost.

- Judge DeRobbio and Court Administrator Robert Harrall have said that they need about 20 new clerical and recorder employees to cover the backlog. Operation Clean Government recommended that the state hire temporary employees, rather than permanent employees with expensive benefits.

## Ignoring Due Diligence

Unfortunately, from the beginning, sponsors of this legislation have sought to shoehorn the troubled traffic court into the District Court. No objective studies have been conducted to determine if there is a better solution. Perhaps we don't need traffic judges or even a court. Get this:

District Court Judge Pirraglia, in his verbal and written testimony before the Senate Judiciary Committee, included the following: "Is it necessary that the matters handled at the AAC (traffic court) be performed by judges at all? Should the Traffic Tribunal be a court at all? My answer to both of these questions is: it should not. And let me point out that this is not an opinion I alone hold. Many members of Rhode Island's bench and bar believe this... The people of this state have a right to know not only that the problem at the AAC has been fixed but that it has been dealt with effectively and at the lowest possible cost to the taxpayers as well."

On May 5, 1999, Judge Joseph Altieri, president of Association of the Municipal Court Judges of Rhode Island sent a powerful two page letter to Supreme Court Chief Justice Weisberger, with copies to Governor Almond, Judge DeRobbio

and legislative leaders. In this letter, Judge Altieri stated that the consensus of his Association was that the new law would not ensure a more efficient system, treat citizens more equitably, or gain the confidence of the public. They suggested that they could assist the state in reducing the backlog by increasing its jurisdiction. In addition, the Municipal Court, with increased jurisdiction, could reduce the state caseload resulting in less need for personnel and facilities. The State would receive money on each ticket at no cost to the State!

Then in a shocking development on May 27 at the Senate Judiciary hearing on the review of three proposed magistrates, Operation Clean Government Chair Robert Arruda, as part of his testimony, attempted to read Judge Altieri's letter into the record. Judiciary Chair Senator Theresa Paiva-Weed, in a highly unusual move, would not allow this! *Whatever happened to "government for the people and by the people?"*

Over the last 18 months, about the only consistency to this whole traffic court fiasco has been the lack of forthrightness and true interest on the part of our government officials in what is best for the citizens of Rhode Island. The officials no doubt will strongly disagree with this accusation. If so, Operation Clean Government would be willing to debate any number of them before a live audience of taxpayers.

## A final Footnote

Chief Justice Weisberger said that he had no idea what the traffic court would be like in two years. And yet, in spite of this, three new magistrates have been appointed, 15 new employees are in the budget and the state is going to build a brand new \$15 million building to house the new Traffic Tribunal! *Why should they care, it's not their money?*

**Have you seen the  
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Check it out at  
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\$12 INDIVIDUAL  \$15 FAMILY  \$25  \$50  \$100  \$\_\_\_\_\_ Other

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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.

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Send this form to:

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### WHO WE ARE...

OPERATION CLEAN GOVERNMENT is a grassroots organization working to bring about positive changes in Rhode Island state government. We advocate the passage of legislation which will provide Honest, Responsible and Responsive state government. We file ethics complaints and alert the public to government wrongdoing via OCG newsletters, press releases and appearances in the electronic media.

Dues are \$12 for an individual membership and \$15 for a family membership. Donations of any amount are also welcome. As an all volunteer organization, there are no salaries or compensation other than the satisfaction that we are giving our best effort to make a positive difference in Rhode Island. Our costs include newsletters, mailings, office materials and supplies, publicity and public forums.

### OCG BOARD MEETINGS

First Thursday of every month - 7:00 PM  
Bickford's Restaurant meeting room  
Jefferson Blvd., Warwick  
For more information, call 1-877-SWEEP-RI  
OCG members are invited to attend