



# OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

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## OCG Launches Two Attacks on the Ethics Commission

By William H. Clay

In rapid succession, Operation Clean Government on July 10 filed ethics complaints against three ethics commissioners, and on July 11, filed in Superior Court against the Ethics Commission for an order enjoining implementation of the amended gift regulation 5009, which was to be effective July 12, 2000.

The ethics complaints are against Ethics Commission Chairman Melvin Zurier and Commissioners Robin Main and Thomas Goldberg for participating in the discussion and voting on the amended gift regulation 5009 for elected and appointed officials, knowing that they might benefit financially as partners in law firms that have lobbyist activities at the state house. Their law firm affiliations are confirmed by their Financial Disclosure statements. Such participation totally violates the principles of ethics on which the commission is founded.

The court declined to issue an emer-

gency injunction, but the case was continued until August 3 for a hearing on a preliminary and permanent injunction before Judge Frank Williams. Before the hearing the judge met in his chambers with the attorneys to clarify the legal issues and discuss how the case would proceed. At the hearing, which was relatively brief, the judge admitted into evidence 32 sets of documents, which had been subpoenaed from the Ethics Commission and the Secretary of State by OCG's Attorney Sara M. Quinn. The judge, recognizing the need for a quick resolution, continued the case to Thursday, August 17 at 10 A.M.

This amended regulation 5009 allows elected and appointed state and municipal officials to accept up to \$450 in cash or an equivalent in gifts annually from a single individual such as lobbyists. It replaces the "zero gift tolerance" regulation that went into effect only two years earlier in June 1998.

No evidence presented at the public

hearings indicated any problem with zero tolerance. At the hearings, individuals, business owners, state and municipal elected and appointed officials, and citizens groups including OCG, testified against the amended regulation 5009. They maintained it would legalize bribery, and that "zero tolerance" had worked well and is successful policy in many other jurisdictions including such diverse entities as the Warwick Police Department and the Federal government.

Ignoring this ground swell of grassroots opposition and the advice of their own Executive Director, Attorney Martin Healey and their Legal Counsel, Attorney Amelia Edwards that it was violating the Administrative Procedures Act, the commission voted 5 to 4 to adopt the amended regulation 5009.

Plaintiffs in the suit are OCG Chairman Robert P. Arruda and this writer, represented pro bono by Attorney Quinn, a former Executive Director of the Ethics Commission. The suit maintains that the Ethics Com-

mission did not and could not have adopted amended regulation 5009 in compliance with the Administrative Procedures Act, which binds the commission.

The alleged violations of the APA are that the commission failed to:

- Demonstrate the need to adopt the amended regulation 5009
- Show that there was no alternative which would be as effective and less burdensome to affected persons
- Determine whether the amended 5009 would have significant adverse impact on small business or any city or town.

**Operation Clean Government will award its Golden Broom to Arlene Violet, at a dinner/forum, September 13. For reservations, see page 3**

## Traffic Tribunal Rip-offs and Negligence in the Law Revision Office

By Robert Senville

Did you receive a speeding ticket in the summer of 1999? If you did you may have been overcharged by the police. The Municipal Court and the Traffic Tribunal may have taken your money without advising you that their authority to collect a \$30 substance abuse prevention assessment had been repealed. Here is what appears to have happened.

In the wake of the scandal that resulted in the abolition of the Administrative Adjudication Court, the General Assembly passed the Rhode Island Traffic Safety and Accountability Act of 1999. That Act repealed in its entirety the Administrative Adjudication Court, and it established in its place a Traffic Tribunal under the administration of the Chief Judge of the District Court, Albert E. DeRobbio.

The Act also contained a new fine schedule for motor vehicle violations. Some of the fines prescribed by the new law were less than the fines under the repealed law. For example, the total fine for speeding 1 - 15 miles per hour in excess of the posted speed limit was less under the new fine schedule than under the repealed law, which contained fees and assessments not included in the new schedule. Under the law as originally published the new fine schedule was to take effect July 1, 1999.

On April 10, 2000, Operation Clean Government's (OCG) April/May newsletter describing this traffic tribunal rip-off was

printed and ready for mailing. Also, on April 10, 2000, OCG issued a press release describing the problem. Upon issuance of the press release, OCG was informed by a reporter that Senator Teresa Paiva-Weed claimed that there existed a law that affected the accuracy of this press release and of our lead newsletter article.

Our research quickly determined that the law referred to by the senator was "un-

published." Of course, all laws must be published. However, due to the possibility that our incompetent General Assembly failed

in its most important function to accurately inform the citizenry of the laws it enacts, OCG decided that to maintain the integrity of our newsletter we would scrap the 60,000 copies we had printed. We redid the newsletter, causing a three-week delay in mailing and a drain on our treasury.

On April 10, 2000, OCG went to the State House and requested a certified copy of this purported "unpublished law." The Secretary of State, who is the custodian of all Rhode Island Laws in their original forms, did not have possession of the law, and claimed that the Law Revision Office had taken posses-

sion of the law that very day.

Unbelievably, the Law Revision Office would not provide OCG with a certified copy of the law. In light of OCG's press release exposing the rip-off, the Law Revision Office was apparently busy altering the law by substituting the version of the law that it had published, with its unpublished version.

Magically, on the day after OCG's press release informing the public of the traffic tribunal rip-off,

the Law Revision Office altered the law they had previously published so that now the new fine schedule would not

take affect until October 1, 2000. However, even this revision was still not made available to the Secretary of State's office, until one month later.

Apparently the General Assembly's Law Revision Office, which is responsible for accurately publishing Rhode Island Laws, failed to accurately publish the law as enacted by the General Assembly. This gross negligence misinformed lawyers, judges and motorists throughout this state and other states, regarding the true fine schedule for motor vehicle violations in the summer of 1999.

Furthermore, the Law Revision Office

refused and continues to refuse to provide OCG with a certified copy of the law, and the different versions of the law that they promulgated for publication. OCG's appeal to House Speaker John Harwood asking him to disclose to Rhode Island citizens the true law and how it was altered by Law Revision has been ignored.

On June 12, 2000, OCG asked the Attorney General to investigate this matter and to order the Law Revision Office and the Speaker of the House to provide us with the public records we requested. The Attorney General has yet to do anything as his office is apparently studying whether or not Rhode Island citizens are entitled to see their laws and how the Law Revision Office has altered their laws.

In any event, if you received a speeding ticket between July 1, 1999 and October 1, 1999, let us know. Operation Clean Government is still assessing whether or not there has been a massive Traffic Tribunal rip-off of Rhode Island motorists. Even the law as altered by Law Revision Office does not change the fact that the Traffic Tribunal's authority to collect a \$30 substance abuse prevention assessment had been repealed on July 1, 1999.

OCG has asked the Chairs of Senate and House Judiciary Committees to sponsor legislation that would remedy this rip-off, but so far Senator Teresa Paiva-Weed and Representative Robert Flaherty have not responded to OCG's request.

## RI's Quintessential Parliamentary System

By Will Barbeau

Not long ago the Arizona legislature refused to recognize Martin Luther King's birthday as a holiday. But when a few famous black athletes decided to boycott the state, the legislature's turnaround was breathtaking.

Well, Rhode Island needs a similar turnaround. But, outsiders can't do it. Only one thing will—some serious new anger down in our collective guts.

We should each be personally outraged that our legislature is thumbing their noses at the heroic American Revolution and the near-sacred United States Constitution. Our legislators, supported by the RI Supreme Court Justices with whom they have close political ties, insist on having autocratic powers they claim were given to them in 1663 by King Charles of England!

Can you imagine?

The General Assembly has won two recent victories over this. In June, 1999, the RI Supreme Court called this state's government "the quintessential parliamentary system" as it approved the practice of legislators serving on boards and commissions. No one ever explained what that phrase means.

Then, on July 27, 2000, the Supreme Court ruled that the Lottery Commission could expand video gambling despite the Governor's opposition. Supervising video gaming is the Governor's job. Yet, our state constitution in Article V says plainly enough that "The powers of the government shall be distributed into three departments: the legislative, executive and judicial."

The legislators interpret these words in their own self-serving way. They claim nothing has changed in 337 years, they are still the kings of the state government. They say there is no "balance of power" here as in the 49 other states and in the Federal Government.

What's truly amazing is that this ruckus really goes right back to the post-Revolutionary War period. When the other 12 states got together at the Constitutional Conven-

tion, Rhode Island refused to send delegates. Then, when the new Constitution was sent to all the states for ratification, Rhode Island refused to ratify.

This state finally did ratify the new Constitution in 1790 after facing threats of being taxed as a foreign country.

But the legislators of that day continued to reject the idea of sharing power. They refused to create a state constitution for their own citizens. They liked being kings.

So things stood still for 60 years. Then, in 1842, a brave young lawyer named Thomas Wilson Dorr launched a rebellion called Dorr's War. That war forced the power brokers of that time to create the state Constitution we now have.

Lord Acton's famous phrase: "Power tends to corrupt and absolute power corrupts absolutely" is working fine here today.

Our state's reputation for corruption is legendary. We stand unchallenged today as the nation's most corrupt city/state. By many comparisons, we citizens have the worst government in the nation.

Do we have less fire in our gut than Tom Dorr? Can we rebel? Of course we can!

1. We can demand that candidates for the legislature in November commit themselves to place a Separation of Powers question on the ballot in 2002;
2. We can help the Governor and citizen activists push for a Constitutional Convention in 2002;
3. Support the OCG lawsuit for a Constitutional Convention in 2002.

One of the biggest ironies in Rhode Island is that the nation's oldest display of patriotic Revolutionary fervor—our great Bristol Fourth of July parade—takes place in a state that operates as if the event never took place! King Charles' Charter still reigns.

The standout heroic figure in this sad saga is Associate Supreme Court Justice Robert G. Flanders. His dissenting opinions have attacked these recent court positions as a "catastrophe" for the future of the state.

## Is the CJTD Out to Lunch?

By Beverly Clay

In yet another issue with the judiciary, Operation clean government (OCG) has been waiting, since February 1998, for a response from the RI Commission on Judicial Tenure and Discipline on a complaint filed against Traffic Court Judge John F. Lallo [now retired].

We had filed against six of the Traffic Court Judges. The commission dismissed four complaints, issued a private reprimand to Chief Judge Vincent Pallozi, but has remained mute on the Judge Lallo complaint. OCG has tried every avenue available to a citizen's group including letters which the commission does not answer, editorials in the print media, and even an appeal to the Supreme Court, which decided we had no standing.

Nevertheless, the commission, although required to notify complainants of its disposition of complaints, will not move on the Lallo case. It has taken over two years to get through the probable cause stage, at which time if there is a finding of probable cause, the commissioners must conduct public

hearings. It is unimaginable that after two years, the commission can't determine whether or not there is probable cause.

Interesting that, of the fourteen commission members at the time of the filing of this complaint, three have been replaced. The remaining 11 commissioners with the expiration dates of their terms are:

- Hon. Alice B. Gibney, Chair, 3/15/03
- Hon. John J. Cappelli, 4/1/02
- Hon. George E. Healy 4/1/01
- Richard S. Humphrey, Esq., 4/1/01
- Jeanne E. LeFazia, Esq., 4/1/03
- Rep. Donald J. Lally, Jr., 12/31/00
- Sen. M. Teresa Paiva Weed, 12/31/00
- George L. Santopietro, Esq., 4/1/02
- Deborah M. Tate, esq., 4/1/01
- Hon. Kathleen A. Voccola, 3/15/03
- Rep. Robert A. Watson, 12/31/00

The delays in resolving this investigation increases the risk that commission members initially involved in the investigation, will no longer be seated. Then what? Can the commission legally proceed with the Lallo complaint?

## Tenacious Senator Patterson

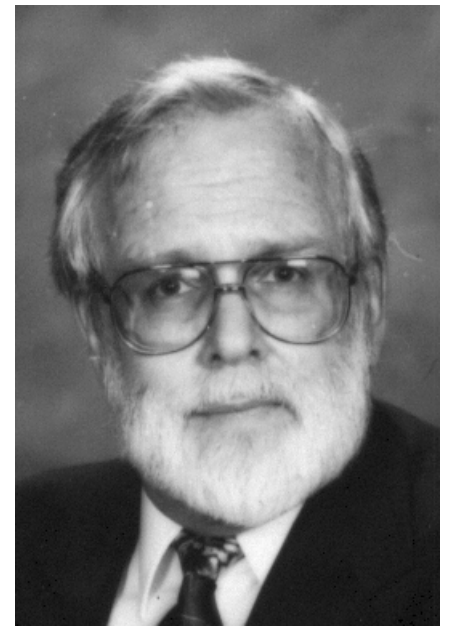
Senator John A. Patterson from North Kingstown is serving his second term in the RI Senate. He retired from the U.S. Foreign Service where he served as an international economic development consultant. He was instrumental in negotiating private and public economic development programs in sub-Saharan Africa and the Philippines. Senator Patterson also has impressive education credentials in public administration, political sciences and economics, and government history. He remains active in international, state and local civic organizations.

Senator Patterson brings mature wisdom and broad life experience to his office. He knows what his constituents expect of him. He leaves his self-interest at home and comes to the senate forum aligned with the RI people who long for a state government rid of scandal.

Senator Patterson consistently introduces and actively supports reform legislation such as:

- Auditing campaign expenditures when they exceed \$30,000 in a given year
- Voter initiative which was voted by the people in 1996
- Requiring the state's quasi-public agencies to comply with the Administrative Procedures Act
- Calling for a constitutional convention question to be placed on the ballot
- Denying public matching funds to candidates for contributions from political action committees
- Unveiling the secret proceedings of the RI Commission on Judicial Tenure and Discipline and changing the membership of the commission to include citizens at large who are not attorneys.

Senator Patterson's reform activities place him at odds with senate leaders, who pigeon hole his reform legislation. The senator, calling on his negotiating experience with shrewd foreign emissaries to understand the recalcitrance of the RI General



Assembly, persists with his agenda for accountability in government

Examples of this are:

- His attempts, in the 1999 session, to get a fraud examination of the traffic court
- Testimony at the Ethics Commission on May 23 against the commission's amended regulation that repeals the zero-tolerance gift ban and now allow gifts or cash up to \$450 annually to elected and appointed officials from each interested person
- His repeated introduction of legislation that would make it a criminal offense for state and municipal employees to misappropriate [steal] services from their employers.

This last one is a "no-brainer" that stalled in Senator Paiva-Weed's Judiciary Committee. Senator Patterson is not intimidated; he tenaciously hangs on to his ideals. There would be no need for Operation Clean Government if the General Assembly was infested with Senator Pattersons.

*Editor's note: The above is the second in our on-going series that recognizes RI legislators who do outstanding work for RI citizens.*

## Analyze This—Part II

In the recent decision by the RI Supreme Court that the General Assembly is granted the right not only to create commissions, but to appoint their own members to sit on them, the two attorneys who argued against this interpretation of the RI Constitution were Attorney General Sheldon Whitehouse and the Governor's Chief Legal Counsel, Joseph R. Larisa. Their arguments against such an interpretation of the RI Constitution rested on the centerpiece of the Constitution of the United States, as well as the constitution of every other state in the union, that of separation of powers.

It would seem at this point that the only remedy for such practices now is a Constitutional Convention. The governor has expressed the need for this remedy, and has signed on in support of the OCG suit in Superior to force a referendum onto the 2002 ballot to allow the voters to decide whether or not to call a constitutional convention. What is particularly confusing is that Attorney General Whitehouse while arguing for separation of powers on the one hand, has intervened against the OCG suit and is arguing against the Constitutional Convention. Once again, Whitehouse seems to be on both side of this issue.

### **VOLUNTEERS NEEDED!!!**

**Program Chair**—to help create and implement OCG forums similar to the Sept. 13 program advertised in this issue

**Publicity Chair**—write press releases, deal with the media throughout the state and generally be facile in areas related to publicity and promotion

Please call Bruce Lang at 848-0772 for the above two positions.

**Membership Committee**—call Jan Girouard for details at 849-9393

For **other volunteer activities**, call Ron Galipeau at 944-6778

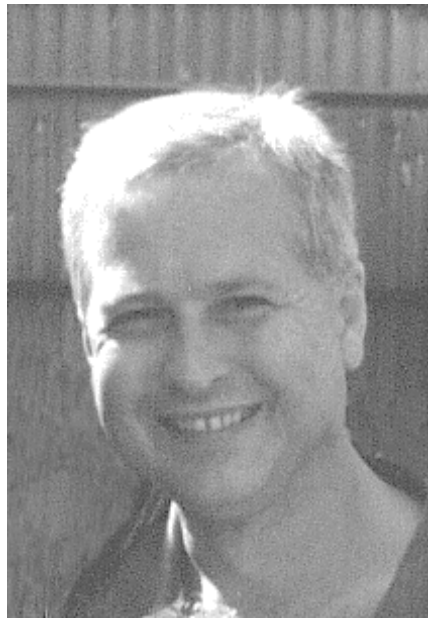
## Tony Freitas False Arrest and Incarceration

By Ralph Greco

Anthony Freitas, the FBI's star witness in the Operation Plunder Dome investigation and an OCG board member, was arrested at his residence on July 19. Dressed in summer shorts and shirt, he was handcuffed and taken to the ACI. He had been arrested on a bench warrant, signed not by a judge, but Magistrate Raymond E. Ricci when Freitas allegedly failed to appear in court on June 28, 2000 to pay court costs of about \$237.

The next morning, after spending the night in a shared cold cell without bedding, Tony with his attorney appeared before District Court Judge Madeline Quirk and soon established that neither Tony nor his attorney had received notice from the court requiring his appearance on June 28 to pay court costs. And furthermore, on April 26 at a previous appearance he had posted \$1,000 cash bail for release on charges of violating a court restraining order related to his separation and impending divorce from his wife. At the time of posting cash bail, Tony and the court agreed that court costs would be paid from the cash deposited with the court. After hearing this evidence, an embarrassed Judge Quirk apologized for the unwarranted court action and dismissed the charges.

With Tony being a high profile Plunder Dome witness, it would appear prudent that the court would review its records and carefully consider its options before proceeding in such a reckless manner. This has a chilling effect on any citizen considering



undercover witnessing against an entrenched political regime. No citizen should be so treated. There is no indication that District Court Chief Judge Albert DeRobbio has investigated the foul treatment of Tony, whose trouble with the court began when he emerged as the FBI's undercover witness.

Was this latest contemptuous judicial escapade court incompetence or intimidation of the FBI's witness? The lack of clarification by the court of what happened in Tony's false arrest and incarceration further lowers public confidence in the state's judicial system. OCG is requesting an explanation from the court. Hopefully the FBI will investigate the mistreatment of their witness. The irony of all this is that Tony is the only Plunder Dome figure who has spent any time in jail.

## Building Public Confidence in Our Legal System?

By Stephanie Rivera

Last month, the RI Supreme Court took their show on the road. In their annual Law Day observance, the judiciary in conjunction with the RI Bar Association selects schools throughout the state to visit. For some time, the legal community has been at work to enhance their public image. At the Annual Meeting of the RI Bar Association this month, there was a workshop titled: "Winning the Public's Trust and Confidence." One of the questions to be addressed is "What can be done to restore the people's faith in this state's judges and lawyers?" Easier said than done.

It will certainly take more than the session which was held at URI for area high school students, URI students, and professors. In a display of pomp and ceremony, the Supreme Court reviewed the appeals of three separate cases, all of whom were examples of life on the bottom rung of the social ladder: a mother with a drug problem, a man convicted of violent assault, and a man convicted of vehicular homicide and a stabbing death. Obviously, these cases provided the audience with enough spectacle to hold their interest and allow them a sense of participation. Those who attended probably felt privileged to have witnessed firsthand the complexities of judicial decision-making.

Of course, what this all amounts to is window-dressing; because if the legal community was really interested in touching base with the citizenry concerning their public

image, they would have made an effort to reach out to community groups across the state and open themselves up for real questions about the way they perform their duties.

For instance, they might have held a session in Smithfield and explained why the suit against a developer who had improperly been granted a zoning change, was thrown out so hastily by the Supreme Court, even after a superior court judge ruled in favor of Smithfield Voters for Responsible Development.

Or the justices might have met in Warwick and explained to the board of directors of Operation Clean Government why they were considered to have "no legal standing" when they petitioned the Supreme Court to investigate the traffic court scandal, ignored by every legal body in the state, including the Commission on Judicial Tenure and Discipline.

The legal community seems bothered by the prevalence of lawyer jokes, according to an editorial last year in the Journal of the RI Bar Association by then-president Deborah Tate, which informs her fellow attorneys that programs are underway to combat such unflattering images.

An educational agenda to address criticisms leveled at the judiciary has been designed for kindergarten through high school. Perhaps, if the law educators start with the very young, (and certainly it would be fascinating to see the lesson plan for the

*continued on page 4*

## Pending OCG Actions at Court

In addition to the suit in Superior Court against the Ethics commission (page 1), Operation Clean Government currently has three other suits (as described below) in Superior Court. Evidentiary discovery proceedings have been completed and have been argued before Superior Court Judges. Decisions are expected within a few weeks.

**Constitutional Convention**—This case stemmed from OCG's Sandra Mellen's discovery, in 1998, that Governor Sundlun failed to properly appoint a preparatory commission (as required by the RI Constitution) to advise the electorate prior to their 1994 vote on whether or not to convene a constitutional convention. The OCG suit, presented by Attorney Robert Senville, seeks to have Governor Almond appoint a preparatory commission and the Secretary of State to place the constitutional convention question on the ballot in 2002. Governor Almond is strongly supporting the OCG suit; the Secretary of State has mounted a token defense.

However, General Assembly leaders and the Attorney General, who are not named, have intervened and mounted stiff opposition. The General Assembly leaders have hired the law firm of Lauren Jones and Associates and are using taxpayer money to deny the people their right to decide at the voting booth if they want a constitutional convention.

**Beacon Mutual Insurance**—OCG's Lee Blais is seeking access to certain records held by BMI. The company maintains that it is a private firm and therefore not subject to RI public records laws. The state, to fill a void in workers compensation insurance

underwriting during the early nineties, enticed BMI to become the major underwriter by granting them special tax status. Now BMI, while reporting to the IRS and the RI taxing authority as an agency of the state, wants the court to rule they are a private concern and therefore not subject to the "Access to Public Records Act."

**Traffic Court Uncollected Fines**—This suit also involves access to public records. The records being sought are held by the Municipal Collection Agency, a private bill collector, contracted by the state to collect the backlog of unpaid traffic fines amassed by the former traffic court. OCG has determined that hundreds of these records show that the state is trying to collect from motorists who have proof that they have already paid.

The Department of Administration has delayed release of these documents and has only partly complied with court orders to do so. There have been numerous court appearances on this issue over the past 18 months. Contempt of court orders against two state officials were issued 10 months ago by Judge Silverstein. At that time, State Court Administrator, Robert Harrall was ordered to see that Mr. Blais received all of the records and Mr. Harrall was to verify with an affidavit that this had been done. After Mr. Harrall signed the affidavit, more records were produced on three separate occasions. Mr. Blais is seeking proof that this is, in fact, all of the records and is seeking sanctions against state officials for failure to comply with the "Access to Public Records Act."

### Operation Clean Government

presents a

### Dinner, Forum, and Golden Broom Award

Wednesday ♦ September 13, 2000 ♦ 5:15 P.M.

Radisson Airport Hotel, 2081 Post Rd., Warwick  
I-95 to Exit 13 to Post Rd. left onto Post Rd.,  
1/10 mile on the left, ample parking in the rear

#### Program

### The Rhode Island Economy and Good Government

#### All Star Panel

Leonard Lardaro, URI Professor, Economist  
Peter Phipps, Providence Journal Financial Editor  
Frank Prosnitz, Providence Business News Editor  
Gary Sasse, RI Public Expenditure Council

OCG's Golden Broom Award  
will be presented to  
Arlene Violet

5:15 – 6:30 Registration, social hour (cash bar)

6:30 – 7:30 Dinner

7:30 – 9:30 Program and Golden Broom Award

Reserve early, seating limited to 300, public is invited  
\$20 per ticket, 4 course dinner, \$200 to reserve a table for 10  
Reservations must be paid by September 6, 2000

Send Check to: Operation Clean Government  
September Forum  
P.O. Box 8683, Warwick, RI 02888  
For more information, call: 1-877-793-3774



*continued from page 3*

kindergarten set), they can impress a whole generation of would-be critics with the impartiality of the legal system. Because if there is ever a question in the mind of an innocent child about fairness or justice as it applies to insiders and outsiders, he or she can be told from a very early age that "you don't know the law." Thus encouraged, they can as citizens later in life bow to the legal strategems designed to disenfranchise them.

Perhaps the legal experts might tell the cautionary tale of Jennifer Rivera, the fifteen-year old daughter of an immigrant mother who was pinpointed to be a murder witness against an acknowledged drug dealer. Despite the girl's fears and the threats to her life, her mother contends she was literally taken from her bed, and forced to dress and go with prosecutors to testify downtown. A short time later she was shot to death in front of her own house. In a crossfire of accusations concerning her death, on one side a mother who is convinced her daughter's danger was communicated to those in power, and on the other, the prosecutors and police who declare they were not warned, the inevitable question arises: why is the legal community at a loss to know why the public has ceased to trust

them?

It is obvious to the citizens of this state that our legal system is broken, chaotic, and rudderless. The problem is not with the public's perception, it is with the blindness of the courts and those that do business before them. A blindness that has its roots in "collusion." One part of the legal community is virtually in bed with the other. We have lawyers who become legislators, commission members or legislative legal counsels and inevitably members of the judiciary. This has conveniently been called "the old boy (and girl) network," and no matter what system is used to select judges, very few make it through that do not have friends in government.

As a result, we have an attorney general and a court and legislative system that must constantly circumvent the most glaring instances of criminality within its own enclave. In apparent disregard of illegal acts among themselves, they make a show of enforcing the law among the denizens of the inner city and others who are considered useful subjects for their disdain and sanctimony. After the shooting of Cornel Young, it was the attorney general's office which announced that Aldrin Diaz, unarmed and already in police custody at the time of Young's ap-

pearance on the scene, would be charged with felony murder.

To the system, Diaz was a perfect scapegoat. Already saddled with a criminal record, he could be used to take the rap for the whole incident and silence the uproar. The minority community refused the bait, and Attorney General Whitehouse had to back down from his proposed indictment. Crisis management had to seek another outlet; so there was the "investigation"—members of the police community appointed to scrutinize other members. (If there is one truth about the legal community, it is that those outside of that close-knit group are not welcome.)

And so, shortly after the tragedy of two policemen killing another in the line of duty, there is yet another one to take its place—a girl who fell through the cracks because the cracks keep getting wider and deeper. The attorney general once again seeks to deflect public outrage by organizing an all-out manhunt for "the killer."

The guilty party is always "the other," in our legal system. We read how public figures, politicians, state workers, members of the judiciary, lawyers, and business interests are tapped lightly on the knuckles for their transgressions; how most manage to

avoid the prison terms that would necessarily match their crimes; how they end up being able to keep all or a part of their pensions, or how their connivance in silencing their critics is seen as a mere peccadillo, pathetic but understandable.

The public stores these away in a collective file, and the disillusionment grows into frustration and disgust. The courts become ever more remote, and the possibility of being treated fairly or justly by our legal system becomes a toss-up. When a litigant manages to get a favorable jury award, it is frequently thrown out on appeal, or a judge will use the option of throwing out charges before a jury can even hear the evidence.

No better illustration of this double standard exists than a case recently decided by the RI Supreme Court in a civil suit against former Associate Justice Antonio Almeida. In March of 1987, a jury awarded a severely disabled man a sum of \$1,007,000, for the purpose of paying his medical bills and assisting him through a lifetime of necessary medical care. Judge Almeida awarded the man's attorney a sum of \$435,100, a sum of 76% of the net verdict of \$595, 527, the amount available after the payment of medical expenses to the State of Rhode Island. How did this happen? Judge Almeida had taken a bribe of \$18,000 from the man's attorney.

However, this March, the RI Supreme Court ruled that a corrupt judge, former Associate Justice Almeida, in his official capacity, (a man who after being apprehended and charged with accepting bribes refused to cooperate with authorities) enjoyed absolute judicial immunity from civil suit. By issuing this ruling the high court unjustly denied a disabled man restitution and punitive damages that would have remedied the harm caused by such criminal judicial conduct.

Despite the fact that the RI Constitution, Article 1, Section 5, prohibits the purchase or sale of justice, the high court insists on using old English law to uphold its claim to complete judicial immunity, no matter how criminal the act. For in fact, there is no Constitutional provision and no statute that grants judges judicial immunity. Rather, it is they who have granted such immunity to themselves.

Ultimately, Jennifer Rivera is a symbol of the colossal indifference within the legal community. The witness protection program which no one knows about; the failure of the court to protect a witness by releasing the accused murderer against whom she was to testify; police and prosecutors who took advantage of a helpless girl and her mother by steering them into a dangerous situation; and the endless wringing of hands over the ultimate result of these failures. Yet, with all their money, resources, and authority, they are never at fault. Rhode Island does not have a justice system—it has a legal system, and that *is* the problem.

Typesetting and Layout  
Jill Padelford

### OCG Board Meetings

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

## OPERATION CLEAN GOVERNMENT—BOARD OF DIRECTORS

Tel 1-877-SWEEP-RI (1-877-793-3774)

Website: <http://www.ocg.to>

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Marcia Gerstein, Riverside	437-0985
John L. Gudavich, Jr., West Warwick	822-5183
Joe Mellen, Pawtucket	723-3777
Karen Rosenberg, Cranston	461-4348

### One-year Directors:

Andy Galli, Providence	942-0432
Ralph Greco, Warwick	463-1887
Sidney M. Green, Providence	331-0039
Robert Senville, Barrington	435-5610

## 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 MEMBERSHIP FORM

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

New member  Renewal

My membership contribution to OPERATION CLEAN GOVERNMENT is enclosed:

\$12 Individual  \$15 Family (list all names to be included)  \$25  \$50  \$100  \$\_\_\_\_ 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 \_\_\_\_\_

OPERATIONCLEANGOVERNMENT  
POBOX 8683  
WARWICK, RI 02888

**To promote HONEST, RESPONSIBLE and RESPONSIVE STATE GOVERNMENT in RHODE ISLAND**