



OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

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Supreme Court Upholds Disciplinary Proceedings Involving Traffic Court Judges

Operation Clean Government's Petition Dismissed by the Rhode Island Supreme Court

In an opinion dated November 19, 1999 the Rhode Island Supreme Court, without the benefit of full briefing or oral argument, denied an Operation Clean Government petition which had requested that the Supreme Court review the Commission on Judicial Tenure and Discipline's decision not to discipline the Traffic Court Judges, and to issue Chief Judge Pallozzi a private reprimand.

The court summarily held that the request for review was without merit. Ironically the petition had been filed in response to a letter from Chief Justice Joseph Weisberger to OCG Chairman Robert Arruda. The Chief Justice gave procedural advice to OCG in his letter on how to seek an extraordinary remedy through the Supreme Court.

We believe it is incomprehensible that on the one hand the Chief Justice would give OCG advice on how to seek a remedy through the Supreme Court, and on the other hand, rule that OCG has no standing to question the Commission on Judicial Tenure and Discipline in the Supreme Court.

Operation Clean Government also finds it odd that the high court never mentions in its decision the nature of the public allegations made against the Traffic Court Judges. Reading the Supreme Court's Opinion one might think that we were asking the court to review the commission's decision regarding a frivolous or an unfounded complaint.

Our complaint focused on the allegations contained in the *Providence Journal* exposé on the traffic court. Those articles showed the traffic court to be rife with cronyism and patronage, a system so out of control that judges worked part-time for full time pay, and where judges issued judicial decisions that had no basis in fact or law.

While the Rhode Island Supreme Court has ruled that OCG's request to the Court "borders upon the frivolous," OCG respectfully disagrees. We do not think that anything about this matter of extreme public importance is frivolous. And apparently neither did the General Assembly, since that body abolished the traffic court.

Furthermore, we cannot ignore the attack on OCG made by the commission's attorney, John A. MacFayden. His comments were contained in his court brief and were quoted in the November 24, 1999, *Providence Journal* story by Christopher Rowland on the court's dismissal of the case. Speaking metaphorically about Operation Clean Government, Mr. MacFayden said "Like Napoleon at Notre Dame, it has crowned itself as protector of the public interest, guaran-

teeing its legitimacy with a one line assertion that its purpose is 'to promote accountable, responsible government within the State of Rhode Island.'"

In attacking a group of citizens who merely seek clean government in Rhode Island, Attorney MacFayden manifested the arrogance of the State's Commission on Judicial Tenure & Discipline. OCG believes that on behalf of its citizen members, OCG has the right to demand open government and to speak out when the citizenry is denied open government. The government, including the judiciary, belongs to the citizenry even if the Commission on Judicial Tenure & Discipline thinks that the citizenry should suffer an in-

competent and unethical group of Traffic Court Judges in silence.

Albeit the Rhode Island Supreme Court dismissed our case, it and the Commission on Judicial Tenure & Discipline now know that OCG will never accept incompetent and unethical judges in silence. OCG will never accept secret proceedings as vindication of the Traffic Court Judges. Our members have seen the evidence produced by the *Providence Journal* condemning these judges, but have not seen the evidence that the Commission supposedly has which it claims vindicates these judges.

The Rhode Island Supreme Court has confidence in the commission's secret pro-

ceedings. Our members do not. Mr. MacFayden's attack on OCG is the kind we have come to expect from attorney "mouth pieces" of government entities that OCG has criticized for not conducting the people's business in an open fashion. Mr. MacFayden's attack indicates that OCG was a threat to the commission because we drew public attention to the commission and we dared to criticize its secret proceedings. Because the Supreme Court has refused to review this matter and has refused to speak to the public about the traffic court scandal, it is tragic but true that OCG is now the only entity in the state demanding that the judiciary be accountable to the citizenry.

State Salary Increases, Are They Excessive?

By Ron Santa

In the May 1994 issue of the Operation Clean Government Newsletter, an article titled "Rhode Island Ranks #1 - Can We Afford the Luxury?" detailed the high salaries earned by Rhode Island State employees. One of the sources for that article was "The Widening of the Public-Private Pay Gap" a study by the American Legislative Exchange Council, published in January 1993. This study ranked Rhode Island number one over all other states by giving state and local government employees wages and benefits that are 36.1% higher than those of the private sector.

Five years later while conducting a study of Quasi-Public Agencies, Operation Clean Government discovered that the problem is growing. While inflation (based on the CPI) has accumulated a 11.23% increase over the period 1995-1999, the average salary paid to state employees has risen 26.5%, more than twice the rate of inflation.

These salary increases tend to mask the improvement in efficiencies and reduction in

private sector is becoming more productive and efficient, it is appropriate to see the public sector able to downsize and do more with fewer people. However, downsizing in the private sector usually results in increased profitability for the company; but the downsizing experienced in the State of Rhode Island did NOT result in reduced expenditures but actually resulted in an 11.9% increase in total payroll.

It is easy to get lost in the numbers and not appreciate the magnitude of percentages, but what do you say about pay raises ranging from \$20,000 to \$62,000? These salary INCREASES are more money than many, maybe most, Rhode Islanders receive as an annual salary. As illustrated in the table on page 2, 431 state employees have received such salary increases over the last five years!

Salary increases greater than \$20,000 include:

- a legal counsel in Education who earned \$39,485 in 1994 and \$80,832 in 1999;

and \$86,156 in 1999

- a clerk in the Judicial Department who earned \$43,127 in 1994 at Washington County and \$70,613 in 1999 at Providence County
- an academic teacher in DCYF who earned \$28,577 in 1994 and \$54,752 in 1999.

There are numerous other examples of state employees who seem to have received excessive five-year pay increases for what appears to be essentially the same job.

The State Colleges is the Department with the largest number (90) of pay raises in excess of \$20,000. Unfortunately, since all job titles are simply listed as non-classified (both in the 1994 and 1999 databases), it is impossible to identify significant promotions. Operation Clean Government will recommend that the State update its database so as to provide a more descriptive job title for State College employees.

Of interest are the top five salary increases that follow. Some may say these increases are commensurate with significant promotions to management positions. In the private sector such rapid raises in pay even with promotions would be unusual.

- a staff attorney in the Attorney General's office earning \$48,815 in 1994, is now an Associate Judge in District Court earning \$111,286
- a Corporal in the State Police earning \$38,763 in 1994, is now a Major earning \$96,930
- a Sergeant in the State Police earning \$44,934 in 1994, is now a Major earn-

TABLE 1
Comparison of State Salary Data

	1994	1999	Increase
# Employees	19,376	17,146	-11.5%
Total Payroll	\$589,204,223	\$659,605,954	+11.9%
Average Salary	\$30,409	\$38,470	+26.5%

size that state government has apparently experienced. In these same five years with 2230 fewer state employees—an 11.5% reduction—the State remains able to perform its functions in 1999. In an age where the pri-

- a legal counsel in the Legislature who earned \$59,774 in 1994 and \$96,690 in 1999;
- a non-classified employee of State Colleges who earned \$47,051 in 1994

continued on page 2

Eulogy for John Chafee

By Bruce Lang

When we heard about the death of Senator John Chafee, all Rhode Islanders were shocked and saddened by the suddenness and reality of it. We were so used to having John Chafee as one of our leaders. Then in the following week, with an outpouring of stories, we learned so much more about the life of this accomplished, but modest man. His career from youth to death: as a twelve year old boy scout who saved Bruce Sundlun's life; a young man who risked his life fighting for our country as a Marine on Guadalcanal and then as an officer of a rifle company in Korea; a state legislator; our governor for six years; US Secretary of the Navy under President Nixon; and a US Senator for almost a quarter of a century. On top of those accomplishments, a wonderful father, husband and a man who truly cared—and showed it in so many ways—about his constituents, his employees and his congressional compatriots. The many stories revealed that his enthusiasm was contagious, he was a team player who got people working together, he was spirited and spiritual.

When someone passes away, people say, "may he rest in peace." Because John Chafee was such a uniquely great man, we know that he WILL rest in peace.

No Quonset Agreement at OCG's Annual Meeting

The annual meeting was held on October 31 at the Scottish Rites Masonic Center in Cranston. The program consisted of election of OCG Officers and Directors, recognition of retiring Directors, adoption of by-law changes, a eulogy to the late Senator John Chafee by Bruce Lang, master of ceremonies, and an address by OCG Chairman Robert Arruda. This was followed by the main event, a Quonset Point Development Forum.

The forum panel included: former Governor Bruce Sundlun; Caroline Karp, Sierra Club; John Torgan, Save the Bay; State Senator John Patterson, representing his North Kingstown constituency; and Arlene Violet, panel moderator. We chose this panel to bring together very diverse viewpoints on this important issue. We were not disappointed.

The sharply opposing views of the panelists were a true reflection of the polarized

opinions among the public ranging from a mega-port to no development.

Mr. Sundlun—Quonset Point is the best container port location on the east coast, but if the large container port cannot be built, then maximum use should be made of the present facility with emphasis on importing materials to which the on-site manufacturing facilities can provide "added value."

Ms. Karp—There should be no port at all, the shoreline should be restored. Quonset Point should be developed as a mixed use area of environmentally friendly business, a modern industrial park, with no government subsidiaries.

Mr. Torgan—There should be a small port tied to rail and road, with attention to environmental protection.

Senator Patterson—He supports the North Kingstown plan for a small port with no subsidies; we should take advantage of the rail, air and sea synergy, but not ruin the bay.

In a final round, the moderator asked each panelist to project the status of Quonset development 10 years hence. The panelists, except for Mr. Sundlun, reiterated their earlier positions for the development. Mr. Sundlun stated that he knew of no development of any kind that was not vigorously opposed by the public. He summarized that due to public opposition, there would not be appreciable development at Quonset over the next 10 years.

A poll of the audience verified Mr. Sundlun's hypothesis. A raising of hands among the 200 or so present showed only two for a mega-port, the majority for a small port and a scattering of hands for no port.

Letter to the Editor

Concerning the advent of a smaller legislature in RI in 2003

Smaller legislatures make elections more hostage to the influence of money. In the resulting larger districts, seats can be bought before they are "won." Requirements for contributions are greater, further compromising already financially disadvantaged candidates, whereas smaller districts compensate for a candidate's lack of cash.

The argument that demographic changes, as in Providence, with realignment to larger districts, will increase minority representation is specious. Minority candidates and their constituents are poorest. Minorities have low voting rates, the reasons for

which are already known. The real problem is the refusal for those in power to alleviate them.

The presumption that each candidate elected in a smaller legislature has more clout ignores some realities of the legislative process. The ebb and flow of legislation can be hostage to the legislative leadership and committee systems, not legislative size. Why not eliminate the legislature and just elect the leadership, if that is what it amounts to?

Our plurality voting systems, where the winning candidate often does not have a majority, have been discarded in most of the

other democracies in the world. When majority interests and votes go unrepresented, the majority could just as well have stayed home and not voted. A system, any system where votes are viewed as wasted is no system.

Observe attorneys, selecting jurors, choosing those that will deliver the verdict they want. Similar activities transpire with redistricting, which provides the golden opportunity for redistricters to decide: who they want for constituents; who they want to see reelected; and who to "get rid of" or in other words, creating the voting result they want. The redistricting process can be manipulated to curtail public participation, and under the disguise of progress, get endorsed by the voters in the subsequent election.

The pending reduction in legislative size is not a good idea until several more substantive changes in the political process occur. Under the disguise of efficiency, progress, etc., it looks like its just another nail in the coffin of enhanced public participation.

—George Bunnewith
OCG Member
Newport

State Salary Increases, from page 1

- ing \$103,231
 - a Coordinator in MHRH earning \$48,815 in 1994, is now the Executive Director of MHRH earning \$105,889
 - two Corporals in the State Police earning \$38,763 in 1994, are now both Captains earning \$86,332.
- The State Police in the Executive Depart-

ment had 46 employees receiving over \$20,000 pay increases. In addition to the promotions listed in the top five increases, four Troopers earning \$33,409 to \$35,000 in 1994 are now Lieutenants earning \$75,595 to \$79,031 and seven corporals earning \$38,763 to \$40,525 in 1994 are now Lieutenants earning \$79,031 to \$80,749. The remaining pay increases were less dramatic

promotions at the lower ranks.

However, there were two curious pay increases. According to the state salary database, two Troopers in 1994 are listed as Troopers in 1999, with salary increases of from \$28,285 to \$55,194 for Trooper A and from \$29,700 to \$60,407 for Trooper B. The Rhode Island State Police is one of the finest law enforcement agencies in the country. Providing promotional opportunities within the department is surely one means of ensuring such quality and an *esprit de corps* to be envied. The question becomes; however, can Rhode Island continue to afford pay increases of these magnitudes?

In conclusion, over the last five years, the rise in the cost of living remained relatively low. While the number of state employees was reduced by 2230 (11.5%), there is an 11.9% increase in total payroll. Surely there is a limit to the downsizing that state government can accomplish while maintaining the level of services needed and desired; however, increasing the total payroll and giving pay raises of twice and triple the size of inflation will break the backs (and bank) of the Rhode Island taxpayers. The Rhode Island State Employees Unions must be made to understand this and must be willing to accept pay raises more in line with the rate of inflation.

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

Letters to the Editor

We invite letters to the editor. We reserve the right to determine the appropriateness of letters for inclusion in the newsletter. Send letters to:

Operation Clean Government
PO Box 8683
Warwick, RI 02888
or e-mail to WmHClay@aol.com

TABLE 2

Employees Receiving More than \$20K Increase Over Last 5 Years

	# employees	Increase
All Records	431	\$26,175
Executive - State Police	46	33,792
Corrections	14	28,998
Attorney General	7	27,530
Legislative	11	26,525
Labor	3	26,470
MHRH	31	25,976
Children, Youth & Family	27	25,906
Employment & Training	5	25,891
Judicial	29	25,301
Higher Education	2	25,118
Other Boards & Agencies	13	24,944
Administration	23	24,670
State Colleges	90	24,669
Human Services	25	24,251
Transportation	12	24,224
Environmental Management	7	23,888
Education	12	23,819
Narragansett Bay Commission	3	23,720
Health	13	22,596
Business Regulation	10	22,331
Moved to Different Departments	48	26,855

It's Broke — So Fix It!

By Bruce Lang

All the people I know on the Rhode Island Board of Governors of Higher Education are good, well meaning people. So why was the recent situation with University of Rhode Island President Robert Carothers so messed up?

The problem is not the people on the Board or at the Office of Higher Education, it's the system. The very concept of a Board and Office of Higher Education that oversees three institutions—URI, Rhode Island College and the Community College of RI—is flawed. Among many negatives, it is an unnecessary level of expensive bureaucracy that drags down rather than builds up. The bottom line proof is that over the years many good people have served on the oversight Board, yet at least four of the last five URI presidents (Francis Horn, Werner Baum, Edward Eddy and now Robert Carothers) have experienced serious conflicts with the Board. Obviously, this system is complicated and intrinsically fraught with dissension. The simple fact is that the present arrangement does not, and never will, maximize URI's potential. Let's back up a bit. Rhode Island has eleven universities and colleges, with three of them—URI, RIC and CCRI—being state subsidized institutions. Why should the state even be contributing financially to higher education? The only purpose is to reduce tuitions so young people can have an affordable institution to attend in order to become skilled and educated. If you're better skilled and educated, you can make a good living, be a better citizen, add value to a RI business or organization, and in essence, help the quality and economy of the state. Economists and most lay people recognize that in the long run, there is a direct relationship between state funding of higher education and the success of a state's job growth and economy.

Of the three RI funded institutions, URI, as the state's premier public institution of higher learning, has the greatest needs and expenses because it offers so many undergraduate and graduate programs, is a major national research institution and attracts out of state students. Because of all this, it needs the biggest faculty, staff, infrastructure and soft dollars (research funds etc).

How does RI's land grant institution, the University of Rhode Island, stand nationally in state funding of higher education? Unfortunately, our grade probably would be F. Out of 50 states; RI is close to the bottom. Not coincidentally, RI's job growth potential also is near the very bottom.

Well, how has the RI Board of Higher Education done on this incredibly vital issue of funding? This Board was created in 1981 and since then, unfortunately, the state's appropriation to URI has dropped steeply from about 39% of its operating budget to about 27%, or a decline of about 31%. In these 19 years, URI's operating budget has gone up about 127%, but state support for URI has gone up only about 56%.

It is truly sad that the State of RI has done such a poor job of funding its premier public institution of higher learning. There was a time when the state provided more than 50% of URI's financial needs. Especially in the last ten years, there were many people who believed that the embarrassingly low level of state support for URI was destroying

this genuinely fine university. If there is a culprit in this whole recent "Carothers situation," it has been the State of Rhode Island for not adequately funding URI.

By its very nature, the present governance of URI by a State Board and an Office of Higher Education is expensive (about \$2.3 million this year), inefficient, adversarial and, worst of all, antithetical to URI's purpose and potential. It must be ended and a new system put in place.

So what should be done instead? I believe that RIC, CCRI and URI should each have its own Board of Trustees. These trustees should be selected primarily by the institutions themselves and should be men and women who truly understand and support the mission and needs of the respective institutions (and URI, RIC and CCRI do have dis-

tinct differences.) About 20% of the trustees should be appointed by the governor and legislature. An appropriate committee of trustees and institution members can deal with the state legislature for state appropriations and any need to pay a small number of additional people for this purpose would be the responsibility of the institutions.

The goal in trustee development should be to attract a variety of visionaries, cutting edge educators, captains of industry and leaders who can work creatively and cooperatively with the institution's president and administration and who are passionately committed to the fidelity of the institution's mission and maximum progress. The selection of trustees, including those selected by the government, should be based on strict standards. Among the key criteria should be:

1) relevant success in education and/or business—both in and out of Rhode Island; 2) experience in the management of complex organizations; 3) an entrepreneurial spirit; 4) ability to attract major funds and other needed assets to the institution; and 5) a good number of key alumni.

We need trustees who can raise the institutions to a new level. When these boards are established, and along with proper state funding, they can lead the way to excellent education at low tuitions. This will be great for everyone—especially the students, the institutions, and the whole state of Rhode Island. We should begin this new process as soon as possible.

Bruce Lang, from Newport, is a URI alumnus, a businessman and a Board member of Operation Clean Government.

Have you visited our website lately?
Check out the latest press releases, position papers,
and OCG activities at www.ocg.to
Our thanks to webmaster Richard Wayne!

Comparing State Employee and Quasi-Public Employee Salaries and Benefits

During the past few years there have been headlines reporting political patronage hiring, misappropriated funds, excessive travel expenses and the misuse of credit cards among the state's quasi-public agencies. In light of these alleged wrong-doings and with the knowledge that these semi-autonomous agencies are mostly self audited, Operation Clean Government decided to research the salaries of agency employees and to compare their pay and benefits with that of state employees.

We obtained personnel records from the state and nine of the highest profile agencies. The report does not include the politically appointed commissioners and board directors who govern the quasi-publics. They have term appointments and generally serve without compensation or benefits, except for the

Turnpike and Bridge Authority where the commissioners are paid \$40 for each meeting attended.

The study revealed that the quasi-publics were not overly staffed with political patronage appointees and that the average of employee salaries is lower than that of state employees as shown in TABLE 1.

The nine agencies studied are listed in TABLE 2 showing the total payroll and the average salary of each agency and also that of state employees. There are five agencies that average higher than the state and four that average lower.

For those interested in receiving the 27-page report, please send \$5.00 to cover printing and mailing costs. Send to Operation Clean Government, P.O. Box 8683, Warwick, RI 02888

TABLE 1
1999 Statistics

	State	Quasi-Public
# Employees	17,146	1,201
Total Salary	\$659,605,954	\$44,047,220
Average Salary	\$38,470	\$36,675

TABLE 2
Comparison of 1999 State Salary and Quasi-Public Salary Data

	# of employees	Total Payroll	Average Salary
RI Economic Development Corp	131	\$5,602,757	\$42,769
RI Resource Recovery Corp	78	\$3,216,112	\$41,232
RI Student Loan	12	\$489,361	\$40,780
RI Clean Water Finance	5	\$196,505	\$39,301
RI Housing	149	\$5,771,528	\$38,735
State Employees	17,146	\$659,605,954	\$38,470
RI Lottery	55	\$2,061,874	\$37,489
RI Airport Corporation	134	\$4,924,874	\$36,753
RIPTA	607	\$20,778,318	\$34,231
RI Turnpike & Bridge Authority	30	\$1,005,890	\$33,530

Annual Meeting 1999 News

Officers and Directors elected at the OCG Annual Meeting on October 31

Officers

Robert P. Arruda, Chair
Beverly M. Clay, 1st Vice Chair
Roger St. Germain, 2nd Vice Chair
Nolan Byrne-Simpson, Treasurer
Donald W. Cottle, Secretary

3-year Directors

Lee Blais
Anthony Freitas
Donald Koehn
Sandy Mellen
Ronald G. Santa

2-year Director

Joe Mellen

Remaining directors whose terms are not up until 2000 and 2001 are listed on page 4 along with the Committee Chairs and Ex-officio.

Resigning Directors Gerald Donovan and Sanford Miller were recognized for their long meritorious service on the OCG Board.

Jerry chaired the important organization committee through which all board policy has to pass before being recommended to the board. Additionally he chaired the OCG transportation subcommittee, implemented the intern program with URI, and is completing a study comparing retirement benefits of the private sector with that of state employees. We will miss his calm, consistent, gentlemanly manner. He well deserves the time for the new projects and traveling that he plans.

Sanford has served on the board since OCG's inception in 1993. Before that he was active with Operation Clean Sweep, representing his long-term commitment to honest, responsible and responsive state government. He has indicated that this may be a temporary leave from the board. We certainly hope that is true. Meanwhile, we will miss the unequaled ethical standards and courage that he brought to board meetings. He spoke out, even when expressing an unpopular view. Many times he has swayed the board to see another viewpoint. We have learned a great deal from him and have the greatest respect for his wisdom. Fortunately, Sanford has agreed to continue to manage the membership database, the OCG telephone and Post Office Box.

Rhode Island's Political David and Goliath Story

By Sandra J. Mellen

In June 1998, Robert Arruda, Chairman of Operation Clean Government, Senator Marc Cote (D-Dist. 31, Woonsocket) the Senate sponsor of voter initiative legislation, and I, as Chair of the Voter Initiative Alliance, filed the Constitutional Convention Court case. In this case, we are asking the Superior Court to order the Secretary of State to place the question of convening a constitutional convention on the ballot at the November, 2000 election and to order the Governor to establish a bipartisan preparatory commission to assemble information on constitutional questions for the electors prior to that critical vote.

Since June 1998 the State of Rhode Island's interests have been fully protected by attorneys who have represented the Governor and the Secretary of State. Moreover, the General Assembly and the Attorney General have known of the Constitutional Convention Court Case since June of 1998. Despite the fact that the interests of the state have been fully protected, and despite the fact that the Attorney General and the General Assembly have long known of the importance of this case, each of them have just now filed a motion with the Superior Court to intervene.

The decision by the General Assembly to intervene would have to be approved by either the General Assembly or the Joint Committee on Legislative Services. Since the General Assembly as a whole did not make this decision, it must have been made by the Joint Committee on Legislative Services consisting of the Speaker along with the majority and minority leaders of both houses. So, apparently, Speaker John Harwood, Senator Paul Kelly, Senator Dennis Algieri, Representative Gerard Martineau, and Representative Robert Watson made this decision.

What is the goal of these Legislative Leaders and Attorney General Sheldon Whitehouse? Is this simply a delay tactic to deprive the citizens the opportunity to vote on the question of a constitutional convention in the year 2000? The General Assembly had already denied the citizens their rights in 1994 when they chose not to appoint a constitutionally mandated preparatory commission before the vote on the ballot question "Shall there be a convention to amend or revise the constitution?"

This commission's responsibility would have been to assemble information on issues that could be addressed at a constitutional

convention. That information was to be publicized before the citizens voted on whether or not to have a convention. This did not happen and as a result, the uninformed voters unequivocally voted "no."

According to our Constitution, when the General Assembly neglected to appoint the commission, the duty fell on Governor Sundlun. He did not appoint the commission until the day before the citizens voted on the question. The commissioners were never informed of their appointments, and because it was literally impossible for them to do so, the Commission never convened, never met and never fulfilled its responsibility to inform Rhode Island citizens.

The remedy we are seeking, to require our present Governor to appoint a new, bona fide preparatory commission, and the Secretary of State to resubmit the question to the voters at the next general election to be held in November of 2000, is exactly what is needed to redress this violation of our Constitution.

We must stay focused on our goal and do everything possible to obtain an expedited hearing, eliminate unnecessary delays, and allow the vote on the question to take place

at the next general election in the year 2000. For this to happen, adequate time is necessary for a constitutionally mandated commission to be appointed and do its work.

In conclusion, the General Assembly and the Attorney General have intervened in the case against us. However, in our right hand we hold the overwhelming evidence, in our left the merits of our case. We will not back down and intend to face Goliath in court.

The above article first appeared on November 11, 1999 on the editorial page of the Providence Journal. Sandra J. Mellen is a member of the OCG Board and it was her research that revealed the named but non-functional preparatory commission.

Editor Addition: Since filing the lawsuit in June 1998, the plaintiffs have obtained statements under oath from former Governor Sundlun, former Secretary of State Leonard, and all but one of the commission members. These statements make it clear that all but one of the commission members did not know they had been appointed and that the commission never met.

On November 18, 1999, the attorneys from all sides met with Superior Court Associate Justice Patricia A. Hurst to decide the proper manner in which the case should proceed. According to the plaintiffs' attorney and OCG Board Member, Robert Senville, Judge Hurst believed that there were questions of fact that needed to be tried before the matter could properly be decided by the Court. Attorney Senville has also advised that the lawsuit may be reviewed by Presiding Justice Joseph F. Rodgers to see if it would be helpful to assign a Judge to manage the case.

Attorney Senville has also informed us that to expedite matters the parties will attempt to enter an agreed statement of facts. However, if material facts remain in dispute, a trial will be needed.

As of November 23, it appears that Governor Almond is seeking to expedite the decision in this case and wants the case decided on the merits of the plaintiff's claims.

While the plaintiffs will do everything they can to seek a speedy trial, it appears certain that the General Assembly and Attorney General will do whatever they can to delay or stop the case to assure that the constitutional question will not appear on the November 2000 ballot.

The General Assembly stands to lose much of its power should the citizens amend the constitution to require separation of executive and legislative powers and grant the right of voter initiative to the citizens. The motives of the Attorney General in opposing the plaintiffs are less clear. We can only speculate that as Governor Sundlun's former Executive Counsel, Mr. Whitehouse wants to avoid the embarrassment to his friend, ally, and political mentor.

The state's judiciary may also be concerned about convening a constitutional convention. In light of numerous scandals involving the judiciary, the citizens might impose more accountability upon that branch of government.

With these powerful forces gathering to oppose the case, the plaintiffs are seeking a jury trial, as they strongly believe that citizens should decide the facts necessary to determine whether or not Governor Sundlun violated the Constitution, and abridged their Constitutional right to alter the Constitution of state government.

OPERATION CLEAN GOVERNMENT—BOARD OF DIRECTORS

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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 _____

Send this form to:

OPERATION CLEAN GOVERNMENT
PO BOX 8683
WARWICK, RI 02888

tel: 1-877-SWEEP RI
1-877-793-3774

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