

RI Citizen Alert

A report on the state of Rhode Island government

Join OCG
& make a
difference
see page 4

July/August 2005

Volume 13, Number 2

Are bribers as guilty as bribees?

“You bet!” said former Attorney General Arlene Violet

BY WILL BARBEAU
BEVERLY CLAY

It's been many months since we asked Arlene Violet that question. So, now that John Celona – the former Senator and Chairman of the powerful Senate Committee on Commerce, Housing and Municipal Government – is singing like a good little tweety bird to cut his potential jail time, what happens to CVS, Blue Cross, and Roger Williams Medical Center that allegedly paid him off?

Already we are seeing these good corporate citizens distancing themselves from the so-called ‘government relations’ executives who ran Celona – with predictably righteous claims that top executives didn't know what was going on.

These are astounding events. Who's more culpable? A government relations executive who takes the easy route to success

by buying a senator? Or a company president who somehow allows his executives to put the company's reputation at risk?

Who is kidding who here?

In December 2003 and March 2004, OCG filed ethics complaints against Senator Celona. The decisions to file underwent a rigorous process of scrutiny by OCG's board of directors. The complaints are now in the probable cause stage at the Ethics Commission.

There's no doubt that it was the right thing for OCG to do. But treating Celona as if he were a lone criminal who stuck up a bank gets to only half the problem. He had to conspire with others. And if they are not held as accountable as he is for all this, we are all, frankly, wasting our time fighting corruption.

As Arlene put it in her ever-so-clear way: “The briber is as guilty as the bribee and must be held accountable.”



Flashback: Former Sen. John Celona opens shop.

“Let The People Decide” OCG Spearheads Coalition to get Voter Initiative on the 2006 Ballot



Rod Driver (at left) gets signatures on a petition for Voter Initiative from three Shriners at the Gaspee Day Parade June 11.

BY SANDRA THOMPSON

On April 23rd Operation Clean Government held a spring forum entitled *Citizens Interests vs Special Interests*. Other advocacy and reform groups were invited to attend.

The purpose was to promote Voter Initiative (VI) as a means for the citizens of Rhode Island to counter the influence and power of the well-connected. This will restore balance and serve the people who, after all, pay the bill.

About 200 citizen activists attended and responded enthusiastically to giving the people a greater voice in their government. Out of that forum the Voter Initiative Alliance (VIA) was created.

The Alliance plans to get the attention of our legislators (in an election year) by presenting a petition containing 20,000 signatures of Rhode Island voters asking that we the people be allowed to decide, with a 2006 ballot question, whether or not we want Voter Initiative in Rhode Island.

Twenty Rhode Island cities and towns

already have VI along with 24 other states including nearby Massachusetts and Maine.

If each OCG member obtains only 10 signatures, we would acquire more than 20,000 names. And that does not include the other organizations in the VIA. It will have an even bigger impact if we can produce 40,000 names.

Currently, as we have just begun to bring in members of VIA, members include:

- RI Shoreline Coalition
- League of Women Voters
- RI Manufacturers Association
- Portsmouth Concerned Citizens
- Island Watch Dogs
- North Kingstown Taxpayers Association
- RIGOP
- R.I.G.H.T. (RI Gets Honorable Taxation)
- Operation Clean Government

Every OCG member will soon receive a petition in the mail to sign and we hope to gather other signatures. Also members will be asked to volunteer to help collect signatures at community places (such as super-see **Voter Initiative, page 2**

Dorr Sculpture Exhibited

Thomas Wilson Dorr (1805–54) was a U.S. Attorney who led the popular Rhode Island movement in 1842, that became known as “Dorr’s Rebellion,” brought about because RI was the only state in the nation without universal voting rights for white males.

A man needed to own \$134 worth of land to vote. In those days, Rhode Island was still governed by King Charles’ Charter of 1663 (something we made much of during the fight for Separation of Powers.)

After Slater’s Mill got started in Pawtucket, the Industrial Revolution was booming and brought many new people into the area who felt entitled to vote.

However, the ruling conservatives ignored their pleas for reform. Dorr’s party therefore bypassed the legislature and convened a Peoples’ Convention in October, 1841, where they wrote a “People’s Constitution” giving the vote to all white males with one year’s residence.

The legislature thereupon called its own convention and drafted what they called the “Freeman’s Constitution.” The new Freeman’s Constitution was defeated in the legislature by Dorr supporters and the People’s Constitution passed in a popular referendum vote.

Both groups then held elections, making both Dorr and incumbent Samuel Ward King governors. King used force and intimidation to prevent the implementation of the People’s Constitution. In reply, Dorr resorted to a show of arms with an abortive assault on the Providence Armory. His movement collapsed and he fled the state. Many Dorr supporters were arrested, and he was indicted for high treason.

The conservatives finally got the message and called yet another convention to ratify a new state constitution. Voting rights were given to free white men who could pay a poll tax of \$1.

Dorr returned, was found guilty of trea-

son, and sentenced in 1844 to life at hard labor in solitary confinement. The harshness of this sentence was widely condemned, so Dorr was released the next year – but he was broken in spirit and health.

His civil rights were restored in 1851, and in 1854 the court judgment against him was reversed. He died soon after.

Rhode Island’s constitution owes much to Thomas Wilson Dorr’s heroic efforts.

References:

Wikipedia, The Free Encyclopedia (www.wikipedia.org) and The General Assembly website, Rhode Island History, Chapter IV.

Right: This magnificent sculpture of Thomas Wilson Dorr, carved from one piece of wood by Joe A. Avarista of Johnston, RI, was exhibited at the State House from April to June. It is in storage now and may possibly be displayed at the Heritage Harbor Museum.



Voter Initiative, from page 1

markets and post offices) during our petition drive this fall.

Members of VIA have already started collecting signatures at special events around the state and are getting a favorable and enthusiastic response.

Rhode Islanders love what OCG is doing for our state. We can be proud of our effort to enable citizens to challenge the power of special interest groups in Rhode Island. *Please sign up to help. Call OCG at 861-3900 or email info@ocgri.org.*



VIA meeting at the East Greenwich Public Library June 6. Proceeding clockwise from the head of the table: Bob Arruda, Harry Staley, Rod Driver, Bev Clay, Sheila Silva, Jerry Cook, Larry Fitzmorris, Sandra Thompson, Joe Shansky, Roy Pruet, Antone Viveiros and Jim Beale.



OCG’s Chairman Bob Arruda, collecting petition signatures at the Gaspee Day parade, June 11.

Board of Elections fails to change laws for 2006

Another Year without Ballot Advocacy Legislation

BY BEVERLY CLAY

The Board of Elections has let another year pass without addressing the problems with campaign finance law on advocating for or against a ballot question.

In 1996, after questions raised by Operation Clean Government, the Board of Elections issued an interim policy for the 1996 election year, stating that they would have legislation introduced in the General Assembly in 1997 to address the problems.

This interim policy was not consistent with the vote of the Elections Board on October 16, 1996, and has caused much confusion over the years. Additionally, the Board has since issued advisory opinions that are not consistent with this interim policy.

Rhode Island General Laws state that when two or more individuals come together to advocate for or against a ballot question, they must form a PAC. A PAC can only be made up of individuals, not corporations or groups, and contributions are limited to \$1,000 a person.

RI law banning corporate contributions

and expenditures on ballot questions is not consistent with state and federal court decisions that have struck down such a ban. Therefore, Rhode Island needs to correct 17-25-10.1(j) to carefully spell out campaign finance reporting requirements, so that at least we know who is contributing money and how the money is being spent.

OCG asked for clarification in 2000 and received the answer that the same interim policy was in effect.

Finally, this year, legislation was introduced by Senator Roger Badeau, (05-S-939) at the request of the Elections Board. One hearing was held in April.

Operation Clean Government testified as to the importance of passing legislation on this issue and noted the 8 years it took for the Elections Board to bring this legislation forward. However, no further hearings were held and the bill is dead for this year.

The Elections Board not only could, but should, have requested more hearings and suggested an amended form of this legislation. Had they done so, RI would have sound laws in effect as we come into the 2006 election cycle with more ballot questions for the voters.



Forum, attended by close to 200, promoting Voter Initiative on April 23 at the Quonset O Club.

Tell me again why voter initiative is dangerous

BY ROD DRIVER

On Feb. 17, 2005, the RI House adopted new rules to give the Speaker even more power than he already had. Thereafter the House proceeded to do the Speaker's bidding.

Most of OCG's bills had hearings in committee. Then they were quietly killed.

Representative Robert Flaherty, chair of the House Judiciary Committee, killed our bills for merit selection of magistrates, for voter initiative, to provide both pro and con arguments on referenda questions, to establish a system for the selection of members of the Ethics Commission and to repeal the ability of that commission to intimidate people from filing complaints.

In the Senate our bills on voter initiative introduced by Senator Marc Cote had a hearing in the Committee on Constitutional and Gaming Issues with good testimony by Cote and several OCG members. But when Senator Cote asked for a vote on the bill, committee chair Senator Maryellen Goodwin instead pushed through a vote to table (kill) the motion. **Five senators, Goodwin, DaPonte, Doyle, Tassoni and Alves, voted to kill the Voter Initiative bill. Three senators, Cote, Lenihan and Bates, opposed killing it.**

In 1998 the RI Supreme Court essentially ruled that rights enumerated in the RI Constitution are unenforceable without an act of the legislature. To correct this strange interpretation, retired Supreme Court Justice Robert Flanders drafted OCG's constitutional amendment to make the Constitution "self executing." The proposed amendment was introduced for us by Senator Michael Lenihan and Representative Fausto Anguilla. Anguilla's bill died in Representative Flaherty's committee and Lenihan's died in the Senate Judiciary Committee.

However, another bill by Senator Lenihan attempting to solve the problem by statute was supported by OCG and actually passed the Senate. But this meant little. When it got to the House it too was sent to Flaherty's

committee to die.

Senator Teresa Paiva-Weed introduced an OCG bill to establish a rigorous process for appointments to the Ethics Commission. It passed the Senate on June 9 and went to the House.

There it was actually put on the calendar. But, when it came up on June 30, the House Journal says it was "Read, and by unanimous consent, ordered to be placed on the Calendar for Friday." This common expression is nonsense.

Bills are not "read," and "unanimous consent" simply means that no one was paying attention. They did not "consent."

When the bill came up again on Friday, July 1, Majority Leader Gordon Fox ordered it held until "7/5." He knew there would be no session on July 5. (You must look at the videotape rather than the House Journal to see what actually happened.)

While leaders can easily make an unwanted bill "disappear," they can also defy all deadlines and required committee scrutiny to make a favored bill appear and pass in a heartbeat.

A bill to exempt the "Cranston Police Fraternal Advancement Association" from property tax suddenly appeared in the House on June 30. Within seconds and without the required committee hearings, it passed via "immediate consideration." An equivalent senate bill sailed through both houses on June 30 and July 1.

On July 1 a bill was introduced and immediately sent to the House floor to require that Harbor Masters attend the "Harbor Masters Training Academy." Rep. Larry Ehrhardt complained that no such academy exists — and no one disputed him.

But that did not stop them from passing the bill 41-11. It was promptly hustled over to the Senate where it was "read and passed by unanimous consent."

Will opponents of voter initiative please explain to me one more time how our "deliberative" General Assembly is more responsible than the voters?

Notice of Nominations for OCG Officers/Directors

OCG's 12th Annual Meeting will be held November 3, 2005

OCG members are requested to submit by August 31, nominations of those willing to serve as:
Chair, 1st Vice Chair, 2nd Vice Chair, Secretary, Treasurer and Directors at large, listing:

1. Name, address and tel. # of the person being nominated.
2. The position for nomination.
3. Length of time as member of OCG
4. Current and past activities with OCG.
5. Recent civic, community and political activities.

The Organization Committee will screen the nominees and present their recommendations to the OCG board in September.

All eligible nominees will be on the November 3 ballot.

Please send the above information with your name, address and telephone number to:

Operation Clean Government
P.O. Box 8683 – Warwick, RI 02888
or email: info@ocgri.org



Voter Initiative Senate Hearing in April – note Chairwoman Maryellen Goodwin's empty seat as Beverly Clay testifies for Voter Initiative. Could Goodwin have been calling a representative from the Civil Rights Round Table to come to testify against this bill? Within a few minutes, Joe Foulkes showed up and thanked her for the call telling him about the hearing. The Committee tabled the bill with a 5 to 3 vote. (see story to the left for a list of those voting.)

Child-care law wages war on taxpayers



Governor Don Carcieri vetoing child-care legislation

Unions reveal cynical arrogance – the law does nothing for kids, but enriches unions

BY WILL BARBEAU

There's little doubt now that Rhode Island's powerful union bosses care only to expand their dues-paying ranks and care nothing for the future of the state. And there is also no doubt that legislators, who bowed down before them to pass the child-care provider bill, cherish union support over concerns of the state.

Governor Carcieri vetoed the so-called "Family Child Care Providers Business Opportunity Act" — calling it "the worst piece of legislation" he's ever seen and that it has "got to be stopped." But, will it be stopped?

The big question now is the veto override. Will enough outraged citizens hold their

legislators responsible to vote with their brains instead of their need for continued union support? OCG joined the effort to sustain the Governor's veto with an email alert for members to call their legislators.

Why is it so bad?

The childcare act would force the state to negotiate wages and benefits with childcare workers, many of whom are family, friends or neighbors who baby-sit for working parents. There are an estimated 2600 childcare workers, both certified and uncertified, who are paid with vouchers that working parents receive from the state.

They are independent contractors, regulated by the state, not employees of the state. If they are now unionized, it would set a precedent for every other regulated group of independent contractors to form a union and negotiate with the state. All would become entitled to negotiate for more pay,

health care, pensions and other benefits at the expense of the taxpayers.

A home based child care provider already receives free health insurance from the state, after caring for one child for 12 weeks, costing the state \$2 million annually. State subsidies for this program are higher than those of neighboring states.

Rhode Island runs one of the most generous child-care programs in America. The cost of the program has increased from \$31.4 million in 1999 to \$80.5 million this year.

These 2600 people would be pouring their dues into the union treasury — that's millions of dollars of new found money for the unions to influence the legislature.

Can Carcieri's veto be overridden? As this paper is written, that question is yet to be resolved.

General Assembly Drags Feet Implementing SOP

BY BEVERLY CLAY

As of this writing, the legislature is not even halfway through the task of restructuring more than 80 boards and commissions with executive powers as mandated by the 76 percent vote for the Separation of Powers ballot question last November.

In 2004, anticipating the overwhelming voter approval of the voters on the SOP issue, the Senate began their work, introduced three bills that restructured all Boards and Commissions, held extensive public hearings, passed the amended forms and sent them to the House in May 2004.

However, the House did not hear those bills. Leaders indicated they were researching to create their own legislation. Finally, well into 2005, the House came up with a few bills to address a few of the boards and commissions in April, with more bills following in May and June.

The first bill to become law eliminated about 12 boards and commission that were no longer functioning.

Bills that followed in the House were very restrictive about who the Governor could appoint, naming specific groups that would present lists that the Governor was to appoint from.

After strong objection from Governor Carcieri, it was agreed, at his suggestion, that the wording be: "due consideration would be given" to lists from specified groups.

Even with this improvement, the next six bills to be sent to the Governor named specific position holders to be appointed to certain boards, thus making them legislative appointments, not executive. Not surprisingly, they were vetoed by the governor. In his veto message, the Governor made it clear that if the people they named to a board

had non-voting rights, he could go along with it.

At the last Senate hearing, the Committee on Government Oversight was amending their legislation to make the legislative appointments non-voting members, or in some cases allowing the Governor to select his own appointments.

To date, the house has not amended their bills. A report in the *Providence Journal* on July 8 indicates that the House may meet soon to take up these bills. The amendments would be easy to do, since House and Senate leaders and the Governor have agreed on the amendments needed. Then, along with three other bills recently approved by the Governor, about 75 percent or the boards will have been restructured.

Another problem that has surfaced is whether boards that serve a region are regional boards or state boards. If they are state boards, then the referendum passed last November specifies that the appointments should be executive appointments. The Referendum did not address regional boards. So the question is, is the Narragansett Bay Commission, the Resource Recovery Corporation, and other similar boards regional or state? These boards and the Coastal Resource Management Council have not yet been restructured.

The only major Commission to be finalized was the Lottery Commission. It was abolished, making it an executive function with the Director to go through a vetting process by a newly formed Legislative Oversight Committee and receive advice and consent of the senate.

Will these legislative committees meet during the summer to address the remaining boards and commissions or will they wait until the 2006 legislative session?

So, what IS voter initiative?

BY WILL BARBEAU

Rhode Islanders are not the first to get fed up with being ignored by their elected representatives who become devoted to special interest groups — we've simply got an extra bad case of it. 'Voter Initiative' was developed decades ago to enable frustrated citizens like us do a little lawmaking of our own when our representatives go astray. That's why a book on the subject by David D. Schmidt is called "Citizen Lawmakers."

However, we citizens can't make laws until the state constitution lets us do so. So far, 24 states give citizens that right (as do 20 Rhode Island towns). Many people claim the mere presence of a Voter Initiative law on the books makes representatives pay more attention to constituents.

And that's what OCG, along with the Voter Initiative Alliance, is trying to do — get a constitutional amendment question on the ballot to give the citizens a process for Voter Initiative.

It should be no surprise then, that most elected representatives don't like Voter Initiative. And when our politicians really don't want something, what comes out of their mouths is not reasoned argument. It's rhetoric of the sorriest kind, anything to turn minds against a good thing. They say that Voter Initiative elsewhere has done bad things.

Which brings us back to the question in the headline: what is Voter Initiative?

Voter Initiative is simply a democratic tool; it does nothing by itself. A group of citizens has to work together for months to make anything happen using this tool.

That's why so few initiatives have passed in the whole history of democracy. Just one initiative takes months of work — meanwhile representatives can ram through hundreds of bills, good, bad and indifferent. Voter Initiative is a tool citizens have used to:

- Reform election laws
- Fund education
- Address environmental issues
- Set term limits
- Reduce property taxes

Elected officials have demonstrated a deep fear and loathing of Voter Initiative that goes far beyond any reform laws that might be passed. They fear the process citizens must use to pass these laws.

Citizens must gather thousands of signatures; they must sway the media to their issue; they must use the same political process required to elect someone to office. In other words they must become so politically active they start paying attention to what their elected officials are doing.

Most elected officials will tell you, when citizens pay attention to what's going on, the party is over.

Which is why Voter Initiative — a simple democratic tool that allows citizens to propose laws — is seen by many elected officials as the deadliest of enemies.

Visit www.ocgri.org and subscribe to OCG's Email Alerts

PHOTOS BY WILL BARBEAU

Join the OCG Team

For as little as \$1 a month, you can help fight corruption and unethical behavior in RI state government.

OCG's goal is to promote Honest, Responsible and Responsive state government. OCG has no political affiliation. We have no paid staff. WE ARE ALL VOLUNTEERS. Funds raised are used to file court suits and ethics complaints and to print and distribute newsletters. Other expenses include mailings, office supplies and public forums. Take pride in your state by being a member of this great team. JOIN NOW!

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.

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

I heard about OCG from _____

July/August 2005

RI Citizen Alert is a publication of
Operation Clean Government
PO Box 8683
Warwick, RI 02888
tel: (401) 861-3900
www.ocgri.org

Editorial Review

Beverly M. Clay, Editor
Will Barbeau
Janice F. Carlson
David C. Clarke
Sanford Miller
Sandra L. Thompson

BOARD OF DIRECTORS

OFFICERS:

Chair Robert P. Arruda, East Greenwich
1st Vice Chair Marie Sorman, West Warwick
2nd Vice Chair David C. Clarke, Barrington
Treasurer Nolan Byrne, Cranston
Secretary Marian DeCesaris, Cranston

DIRECTORS:

Will Barbeau, Barrington
John Carlevale, West Greenwich
Beverly M. Clay, West Greenwich
James DeCesaris, Cranston
Rod Driver, Richmond
Andy Galli, Providence
Mary Langhorn, Providence
Linda Meyer, Portsmouth
Al Palazzo, West Warwick
Roy Pruet, Coventry
Sara Quinn, Providence
June Spink, North Kingstown
Sandra L. Thompson, East Greenwich
Nigel Unarie, Providence

Maintaining high standards of ethical conduct