



OPERATION CLEAN GOVERNMENT

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N E W S L E T T E R

Judge Arrigan is Subject of OCG Lawsuit

Operation Clean Government filed, on April 17, a suit in Superior Court against Judge Robert Arrigan, Chief Judge of the Workers' Compensation Court and Dennis Revens, Administrator of the Court for their denial of access to public records concerning Arrigan's attendance at the court.

OCG ran into a stone wall erected by Arrigan. He is refusing a public records request asking for records of his work attendance at the court. We are seeking the records as an initial phase of a review into the workings of the court. Individuals very knowledgeable about the inner workings of the court have alerted OCG of Arrigan's poor attendance and other irregularities at the court.

OCG did not begin this initiative lightly. We knew that, even though the requested records were in the public domain, we would have to fight for access. Having both the resolve and pro-bono legal resources, we filed the suit. The recalcitrance encountered by OCG at the court is typical of other RI government units when citizens request

public records. For the appreciation of our readers we are listing below the abbreviated sequence of documents exchanged between OCG and Judge Arrigan's court, which finally led to OCG filing in Superior Court.

In a letter dated February 13, 2001, OCG requested of Dennis Revens to examine and possibly copy "*All records in your care, custody and/or control which document, memorialize or otherwise record the attendance of Judge Arrigan at the Workers' Compensation Court including but not limited to dockets, time sheets, memoranda, spread sheets, ledgers, lists, attendance sheets, electronic entries in any form as defined by the statute for the period January 1, 1999 to the present.*"

On February 21, 2001, Revens responded in writing stating: "I have been directed by the Chief Judge, that all communications relative to your request shall emanate (sic) from his office or that of the State Court Administrator." By seizing control of OCG's request for access to records regarding his own conduct in the discharge of his official

duties, Arrigan acted in substantial conflict with his official duties in violation of *R.I. Gen. Laws §36-14-5(a)*. This conduct by Judge Arrigan is the subject of a separate OCG complaint filed April 17 with the Rhode Island Ethics Commission.

On February 22, 2001 Arrigan responded in writing by offering the availability of court dockets. However, in this letter he failed to mention or disclose the existence of documents kept and prepared by Revens and Theresa Healy, secretary to Arrigan, which document vacation taken and days of attendance at court by Judge Arrigan.

On February 23, 2001 Judge Arrigan again responded in writing attaching an administrative memorandum claiming the cost of docket retrieval and copying to be \$3137.40. This amount was demanded despite OCG's express request to examine and "possibly copy" the records. The statute only permits the assessment of costs to copy documents.

On March 8, 2001, OCG again wrote to

Revens and Arrigan, declining Arrigan's offer to produce and copy dockets at an exorbitant cost and specifically demanded that they produce for examination the records kept by Revens and Healy.

On March 9, 2001, Arrigan responded claiming that "attendance records are not discoverable...regardless who keeps them and how they are maintained" citing *R.I. Gen. Laws §38-2-2(4)(1)(A)(D)*. However this law specifically provides for release to the public of records relating to "total cost of fringe benefits" and "remuneration in addition to salary". Time off granted to Judge Arrigan by himself or others clearly falls within the scope of the relevant statute.

Subpoenas for depositions have been served to Dennis Revens, Theresa Healy, and Judges Robert Arrigan, George Healy and John Rotondi.

OCG will not be put off by the arrogant recalcitrance of Judge Arrigan, who is sworn to uphold the law. We will not give up investigating what appear to be major violations of public trust and finances at the court.

A Victory for the People OCG Wins in Supreme Court

On April 3, 2001, the Rhode Island Supreme Court came down on the side of OCG ruling against the Commission on Judicial Tenure and Discipline in the Judge Lallo Case. The commission had conducted an unlawfully closed mitigation hearing to dispose of a complaint brought by OCG in February 1998, against Judge Lallo for judicial misconduct in the Traffic Court scandal.

The commission had the Lallo complaint for more than two and a half years, during which time they were mute. The commission conducted the hearing and sealed the transcript without even notifying the complainants. It was only by happenstance that OCG learned that the commission had concluded its investigation and had made its findings.

On January 30, 2001 OCG Attorney Robert Senville, appearing before the Supreme Court, argued that the transcript of the Lallo hearing was a public document and that the hearing should have been open. Attorney Senville's argument was based on the statutes that govern the commission and also of the citizens' First Amendment right to attend hearings when their judges are disciplined. While the court did not decide the First Amendment issue, it declared that

under state law the hearing ought not to have been closed to the public without the prior approval of the Supreme Court, and that the transcript was a public document.

The court's ruling also clarified the parameters by which the commission must conduct disciplinary hearings while maintaining both the privacy rights of judges under investigation when probable cause is not found, and the public's right to an open hearing if there is probable cause. Moreover, the court made it clear that in the absence of prior approval by the Supreme Court and the judge's consent to the commission's recommended sanctions, that the Commission on Judicial Tenure and Discipline is not at liberty to conduct a private hearing in mitigation of any recommended or suggested sanctions.

Operation Clean Government is reviewing the transcript and, now that we have access to the evidence, we intend to speak out on whether or not the discipline imposed upon Judge Lallo was adequate and just.

This is a major victory for the public's right of access to commission proceedings. The RI Supreme Court is to be commended for this ruling. At the same time, OCG's persistence and Attorney Rob Senville's ability played an important role in this victory.

OCG Files Supreme Court Brief

RI House Withdraws Advisory Opinion Request

House Speaker John Harwood, acting as an attorney for compensation, has represented clients before at least two state agencies over which he has fiscal and jurisdictional control. Therefore, Operation Clean Government has filed an ethics complaint against Speaker Harwood for his alleged violation of Ethics Regulation 5008, which states:

"No state appointed or elected official or employee, who exercises fiscal or jurisdictional control over any state agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the state has an interest or is a party, unless... (4) the particular matter before the state agency requires only ministerial acts, duties, or functions..."

In response to adverse publicity on this issue, the Rhode Island House of Representatives requested an advisory opinion of

the RI Supreme Court on the constitutionality of a proposed bill pending in the house that would nullify the above ethics regulation. It was introduced without regard to a 1992 advisory issued by the court, which stated that the General Assembly is not prohibited from enacting ethics laws, it is merely limited to enacting laws that are not inconsistent with, or contradictory to, the code of ethics adopted by the commission.

On April 13, OCG Attorney Sara Quinn filed an Amicus Brief in the RI Supreme Court asking that the court deny the RI House request. Her argument is based upon the fact that the Court has consistently avoided involvement when the matter is before a lower court or other jurisdiction (in this case, the OCG ethics complaint already filed against Speaker Harwood).

The logic of Attorney Quinn's brief prompted the RI House to vote by resolution on April 24th to withdraw its advisory opinion request. This is another win for OCG.

You can become a member of OCG
See back page for details

Janice Carlson Joins OCG Board

Janice Carlson was recently appointed to the OCG Board of Directors and to Chair the OCG Ethics Committee. She is also on the staff of the OCG newsletter and serves on the Issues/Research committee.

Janice is a resident of Charlestown. As a registered nurse, Janice worked on the Jane Brown Unit of Rhode Island Hospital caring for medical/surgical patients and then for the last twenty years before retiring, she cared for postoperative open heart and cardiac patients.

Janice holds a BA in English from Rhode Island College and a M.F.A. in Creative Writing from Emerson College in Boston. She volunteers at the Watch Hill Manor (nursing home) and leads a group there in poetry writing. She is also the vice president of the Hill Pasture Improvement Association, a member of the Charlestown Republican Town Committee and a member of the Flat Sundays creative writing group. In her spare time she writes fiction and enjoys gardening.



In February of last year, Operation Clean Government's Chairman, Robert P. Arruda requested to examine all credit card expenditures for 1997, 1998, and 1999 for officials and employees of the Governor's Office, and the rules and regulations pertaining to credit card expenditures. After several months of review and copying requests, OCG received copies of documents for a portion of the time requested. Included were monthly statements, individual credit card receipts, some transaction justifications, copies of personal checks to reimburse the State for personal charges, and miscellaneous documentations. Records were requested for: Governor Lincoln C. Almond, Chief of Staff Michael DiBiase, Special Assistant David Darlington, Assistant to the Chief of Staff Joseph V. Pomposelli, former chief of Staff Ed Morabito, and State Police Officers of the Governor's security detail, James Manni, David Tikoian, and Scott Hemingway.

In many instances there were irregularities in the way the credit cards were used and the documentation of expenditures was vague or insufficient to explain the amount of the transaction or the need for such an expense. Examples are:

Michael DiBiase—Each written justification contained the reason for a lunch or dinner meeting, but the justification did

not contain adequate detail for a certifying official to determine that the expense was justified and of benefit to the state. One example was a dinner with the Department of Transportation Director, William Ankner at Spain Restaurant for \$80.85. There are many charges for meals and meetings involving other state or local government officials. As a result, there is an appearance of abuse of his state credit card, as he does not indicate why the meetings could not have taken place either in his office or in other state officials' offices.

David Darlington—A frequent pattern of abuse through neglect and personal use was noted. Credit card records for April-December of 1998 and June-November of 1999 were missing. The total amount of charges made by Darlington from the documentation available for review is \$12,207. Darlington's justifications for luncheons with state government officials are referenced by notations like, "discussions of state related issues relating to [a particular city or town.]" The cost of these meals, more often than not, appears to be excessive and questionable.

Joseph Pomposelli—Credit card charges were used exclusively for luncheons and dinners. Justifications for such meetings lacked detail and were often illegible.

Trooper Scott Hemingway—Credit card expenditures show flagrant use of the card for personal expenses, with reimbursement for these expenditures coming by personal check months later, subjecting the card to interest charges for late payments. Such uses include spa facilities while in Las Vegas, high-priced meals, \$50.00 for flowers, \$70.00 at a tobacco shop and a number of gift shop purchases. The documentation for these purchases is negligible, and reimbursement checks do not appear to match any of the records available to the OCG investigator, a certified fraud investigator with national credentials.

In conclusion, in a report issued by OCG in March, (delayed due to scheduling meetings with the governor's staff), there is noted a lack of management oversight and controls which allowed officials from the governor's office to use credit cards without restraint and for personal use. There is a need for strict supervision for credit card use that would require prohibiting any cards being used for personal items, regardless of whether they were later reimbursed.

The use of these cards for meals with government officials at expensive restaurants is by federal government standards unacceptable, but is practiced by Rhode Island officials all too often with little accountability.

OCG's Beverly Clay Jefferson Award Recipient

Operation Clean Government's First Vice Chair, Beverly Clay, was selected for the 2001 Jefferson Award that is sponsored by NBC10 WJAR and the American Institute for Public Service. Awards were presented on April 6 to five Rhode Island citizens honored for greatest public service benefiting a local community.

Beverly avoids the limelight, but behind the scenes she organizes many OCG activities which include the newsletter, the website, public forums, press releases, opinion pieces for the print media, ethics complaints, court cases and legislative committee testimony. She is the glue that holds OCG together.

With her passion for good, ethical government, Bev has devoted her considerable energy to OCG as a board member and research chair since the group was formed in October 1993. She can take much credit for the growth of OCG into a 2100 member all volunteer citizen group that is making a difference. Attorney Robert Senville, who nominated Bev for the Jefferson Award,



wrote in depth about Bev's contributions and accomplishments on behalf of OCG. Bev, however, maintains that the award is in recognition of OCG's achievements and the work of all OCG volunteers.

Amidst the Harwood dilemma, an ethics complaint against the commission's legal counsel, and a crisis self-inflicted by alleged ethics violations of three of its members, the Ethics Commission fired Martin Healey, its executive director and chief prosecutor. Healey was doing his job, aggressively pursuing the alleged misconduct of the three commissioners. Now, without Healey to guide and advise, the commissioners are floundering in their own regulations.

On April 3rd the commission met in closed session to hear the Zurier complaint. OCG Chairman Robert Arruda (the complainant of record against the three commissioners) was denied attendance at the closed session. This denial was in violation of Ethics Regulation 1006(b), which states: "Any Complainant in the Complaint at issue may also attend the hearing regarding the existence of probable cause." Ignoring their own regulation, the commission met in closed session and dismissed the Zurier complaint.

The commission reconvened on April 12th to discuss the Main complaint. This time OCG Attorney Sara Quinn, citing Regulation 1006(b), demanded that Robert Arruda and she be allowed into the closed session. Quinn further insisted on obtaining all records of the April 3rd Zurier hearing. Arruda and Attorney Quinn were allowed to attend, but not participate in the April 12th closed session at which time the commission dismissed the Main complaint.

At the next meeting on April 27th the commission voted to permit Arruda to review the records of the Zurier hearing. This time only Arruda was allowed to attend the closed session for the Goldberg hearing at which time the commission voted five to one to dismiss the Goldberg complaint.

The Floundering Ethics Commission

By William H. Clay

The findings of the commission's independent counsel, Daniel Small, showed there was probable cause that commissioners Main and Goldberg had violated the code of ethics and that commissioner Zurier had not. The commission dismissed the Zurier complaint, as recommended by Small, but rejected Small's findings in the Main and Goldberg complaints. At the hearings, attorneys for Main and Goldberg maintained there was no conflict of interest when their clients voted to allow gifts of up to \$450 value to public officials, since the vote affected a "large definable class" (i.e., lobbyists) and not only the lobbyists of the Main and Goldberg law firms. This argument lumps all lobbyists together to form a "large definable class" while in fact there is only a small specific class of paid lobbyists whose clients provide money to be spread around the state house. Nevertheless, the commission voted to allow its own members to hide behind this flawed argument.

In another breach of ethical conduct and common decency at the hearings, Vice Chairman Kirby, during the last two closed sessions, attacked Operation Clean Government and its Chairman Robert Arruda—while he was admonished to remain silent—for harassing the commission with complaints without merit.

What was the logic for Kirby's harangue? The OCG complaints had survived the commission's own initial investigation before the commission authorized their executive director to hire independent counsel Daniel Small to investigate the complaints. Furthermore it is inconceivable that even this dysfunctional commission could have proceeded with complaints without merit against its own members.

Another pending OCG complaint against the commissions' own counsel, William Conley, is for Conley holding the dual positions of employee of the Ethics Commission and City Solicitor for the city of East Providence, in violation of the commission's enabling statute.

The Ethics Commission also has on file OCG's complaint against House Speaker John Harwood for representing clients before various state agencies over which he has budgetary influence. (Talk about influence, during one hearing at the Department of Business Regulation, Mr. Harwood was even addressed as "Mr. Speaker" by a State Representative who was a witness at the hearing.) However, the Harwood complaint is stalled because five of the nine commissioners have recused and two others are considering recusal.

Chairman Zurier, one of the recused, is scrambling to form a quorum by determining which commissioners among the recused have the least and most distant association with Harwood.

The problem the commission has with the Harwood complaint illustrates the incestuous relationship between the commissioners and state house leaders who make the appointments. The commission has hired legal counsel, why does it also need six attorneys appointed as commissioners? These members are more likely to have a conflict of interest when high profile officials request advisory opinions or are before the commission on a complaint. This type of problem will end only when commissioners are appointed from the broader cadre of qualified citizens who are willing to serve and who have no ties with anyone subject to the code of ethics.

An Inspector General for Rhode Island

By Beverly Clay

Operation Clean Government has proposed legislation that would establish an office of Inspector General (IG) in Rhode Island. This office should be an independent administrative agency charged with preventing and detecting fraud, waste, abuse, and mismanagement in the expenditure of public funds by state and local governments.

The IG would be empowered to conduct audits; criminal, civil and administrative investigations; and inspections of oversight reviews. The IG would also recommend policies to government agencies, which would assist in the prevention or detection of fraud, waste, abuse or mismanagement. The primary focus would be on procurement of materials and services, including major construction projects, such as the I-195 realignment, NBC's underground storm water storage tunnels and the expansions at URI and Greene Airport.

The reader might ask whether we already have agencies within RI government that do the work of an IG. By comparison, the State Bureau of Audits and the Auditor General are not independent agencies. The State Auditor reports to the Director of Administration and the Auditor General reports to the House Speaker and the Senate Majority Leader. Fraud, waste and abuse are not their focus. The State Auditor performs internal audits, focusing on effectiveness and efficiency. The Auditor General focuses on the annual post audit of the state and the annual audit of federally funded programs.

The Attorney General prosecutes criminal and civil cases. The AG investigators are few in number and generally avoid issues of mismanagement, and/or malfeasance. They don't get involved in white-collar fraud unless it is a high profile case. An example of this is the lack of attention to the problems in Providence city government.

The IG would be appointed by a majority vote of the Governor, Attorney General and General Treasurer. To maintain the IG's independence, appointment would be for one five-year term to begin July 1 and end June 30 five years later, so as to not coincide with any election cycle.

The IG could be removed for cause by a unanimous vote of the Governor, Lieutenant Governor and the Secretary of State. At his discretion, the IG may submit a written appeal and have a public hearing, after which a 2/3 vote of the senate would be required to dismiss the IG.

High School Researcher

Scott Field, a Barrington High School Senior, did the inspector general research. He worked for the past year with OCG on his senior project to research other states with Inspector Generals, and then worked with OCG members to prepare the legislation that

has been introduced this year. Scott also participated in promoting the legislation.

Scott found that nine states and the District of Columbia have an Inspector General. Massachusetts, in 1981, was the first state to set up an IG office. Budgets vary from \$370,000 to \$6.8 million. Maryland allows a budget equal to ¼ of the amount the state saves due to the IG's work. Scott found that in every case, the money the state saved was more than the money spent to run the office. Examples of savings include: Pennsylvania saved over \$129 million from welfare fraud; Maryland saved \$2 million in jail reimbursements; The District of Columbia recovered \$28 million from audits and

over \$1 million from 16 criminal convictions; and Illinois saved taxpayers \$12 for every \$1 spent to maintain the IG. Currently, Massachusetts IG Robert Cerasoli, has received national recognition for uncovering mismanagement in the Big Dig project, identifying \$38 million wasted.

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Promoting the Legislation

On February 27, the IG legislation was unveiled, at a press conference in the state house rotunda. Participating were OCG Legislative Committee Chairman Rod Driver, Scott Field, OCG Chairman Robert Arruda, and legislative sponsors Senator Kevin Breene and Representative Michael Pisaturo.

On April 1, OCG presented a well-attended forum/breakfast at the Radisson Airport Hotel. The forum, moderated by Rod Driver, included panelists:

Robert A. Cerasoli, *Massachusetts Inspector General*

John L. Gudavich, Jr., *Retired Associate Inspector General for Investigations Office of the Inspector General, Washington, DC*

Lee Blais, *Certified Fraud Examiner, former Director of Investigations in the Department of the RI Attorney General*

Senator Kevin Breene, *Senate Sponsor of the legislation*

Representative Michael Pisaturo, *House Sponsor of the legislation*

Scott Field, *Barrington High School Senior, researched Inspector Generals for Senior Project*

On April 11, Scott Field, Rod Driver and William Clay appeared with Representative Pisaturo before the House Finance committee, where the testimony for the IG legislation was broadcast on Capitol TV.

On April 13,14 and 15, Scott Field, Rod Driver and Lee Blais appeared on State of the State with host, John Carlevale for a very informative hour of discussion.

To date, there has been no hearing scheduled by the Senate Judiciary.

Inspector General Legislation
2001-S 639, sponsored by Senators Kevin Breene, David Bates and Mary Parella.
2001-H 6171, sponsored by Representatives Michael Pisaturo, Steven Smith, John DeSimone, Frank Montanaro, Brian Kennedy, Anastasia Williams, Richard Fleury, Carol Mumford, Brock Bierman and Peter Wasyluk.

OCG Participates in International Forum

Achieving Accountability, Controlling Corruption

Operation Clean Government was honored to be invited to send representatives to a forum at Florida International University (FIU) in Miami on February 9, at no expense other than transportation. This forum was sponsored by national and international business, ethics, education and management organizations. OCG selected Attorney Robert Senville and board member William Clay to represent our group.

Two of the six panels addressed anti-corruption initiatives by municipal and state governments in the United States. OCG representatives were on a panel for citizen's initiatives with a representative from the Miami-Dade chapter of the League of Women Voters and Mr. Daniel Ricker, a representative from Citizens Watch Report-Miami.

Clay and Senville described OCG's purpose, how we are governed, what we do, and the depth of commitment of our volunteers. The fact that a grassroots reform group could endure and have impact was consid-

ered unique among the panelists and audience. There we were, the only out-of-town citizen group, at the prestigious forum, participating in discussions and presentations on government corruption and accountability with experts from the breadth of the United States and from such countries as Brazil and Israel.

We had been invited because Mr. Mike Lippe, US representative for Transparency International, (a government watch group funded by international corporations with chapters in eighty countries) was alerted to OCG's work in a *Washington Post* article and further by logging onto the OCG website. He was working with moderator Dr. Karen Paul, Professor at FIU Business College, in planning the forum at FIU and had recommended that OCG be invited.

In her post forum remarks Dr. Paul wrote, "The conference evaluations indicated [OCG's] presentation was particularly well received."

Remembering John Hazen White, Sr.

By Gladys L. Cok

The man who was called a "dreamer" went to sleep. The people who knew him and loved him hope that he continues dreaming, while all of us pray that his dreams come true.

Besides Mr. White's love for his family, he was a businessman who never forgot that his employees were part of his family. He was always there for them, encouraging and acknowledging their good work.

Mr. White was politically involved, not with the intention to run for any government seat, but to watch the political process and get involved to help straighten the convoluted road toward a better Rhode Island. He helped the citizens of Rhode Island to

know and become involved in playing a role in the political process. The people were always Mr. White's agenda.

It is not possible to enumerate all of his involvement with and donations to buildings, organizations, projects and the arts. Mr. White, you are not alone, you have a permanent place in our memories, as God will give you one in your new world! Thank you, Mr. White, and God be with you.

Editor's note: *Mr. John Hazen White was a true friend, advisor and benefactor to OCG.*

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Supreme Court Contradictions

By Robert P. Arruda

On March 1, 2001 the Rhode Island Supreme Court, without explanation, denied the petition of Daniel Small to be admitted to practice law in this state *pro hac vice* (for the individual case). Small, a Boston attorney who had been a federal prosecutor and a lecturer at Harvard Law School, was hired by the Ethics Commission to investigate complaints filed by Operation Clean Government against three members of the commission. The crucial allegations in the complaint were that these commissioners violated the Code of Ethics by voting to repeal the rule prohibiting lobbyists from giving gifts to public officials, and that they should not have voted on this issue because their law firms lobby in the General Assembly.

Compare the court's treatment of Attorney Geoffrey Hazard, Jr. to their treatment of Attorney Small. Hazard, an out of state attorney, was hired to give an opinion on the legal question of whether the Commission had authority to adopt the so called separation of powers regulation, which would have prohibited legislators from serving on RI Boards and Commissions.

Rather than publicly censure Professor Hazard for "engaging in criminal activity" for giving this legal opinion and declaring that he had practiced law in this State without Supreme Court permission, the Justices engaged in the following panegyric to Professor Hazard's legal acumen: "Professor Hazard is perhaps the most outstanding expert in the field of ethics. He has not only written copiously on this subject, but has recently completed a term as Director of the American Law Institute... He is currently serving as a Professor of Law at the University of Pennsylvania. It is rare that one has the benefit of a specific opinion of such a persuasive secondary source that is directly applicable to the question at hand... [H]is commentary is eloquent and persuasive."

While the Supreme Court heaped praise upon Attorney Hazard, the Providence Journal reported (March 23, 2001 "Ethics panel lawyer practiced illegally, justice contends"), that Justice Bourcier lambasted Attorney Small for "engaging in criminal activity" without indictment or trial by a jury. This intemperate declaration of guilt with-

out due process by a Supreme Court Justice in the face of the requirement of constitutional law that a person be presumed innocent until proven guilty has rendered it impossible for Attorney Small to receive a fair trial in this State, should he be charged with a crime.

Justice Lederberg, in her opinion piece in the *Providence Journal*, March 23, 2001, "In defense of R.I. Supreme Court," also vigorously denied any wrongdoing by the court as she blames the imbroglio on the media and on Attorney Small. Justice Lederberg insists that the court only looked at the law. Professor Hazard appears to have had no more authority to practice law in this state than Attorney Small, but Justice Lederberg treats one as a criminal and the other as a brilliant out-of-state attorney.

Similarly, Chief Justice Williams, in his opinion piece in the *Providence Journal*, March 25, 2001, "Ethics flap is Mr. Healey's Fault", writes "It is clear and fundamental that a lawyer from another state must first obtain permission to practice in this state before commencing to provide legal services here." But, the Supreme Court never required this of Attorney Hazard

In fact, according to the Rules of the Rhode Island Human Rights Commission, attorneys practicing before that commission may be licensed in another state, so long as RI attorneys are permitted to appear in administrative capacities before the administrative agencies of such other states.

A comparison of the Court's disparate treatment of Attorney Small and Attorney Hazard and the Court's disparate treatment of the Ethics Commission and the Human Rights Commission, leads the public to question why these matters are treated differently.

The Court should be aware that these accusations against Small and Healey have not and will never bring dishonor to these attorneys. The people of this state know better. Wrongful, premature accusation coupled with judicial power to impose punishment is the horrifying spectacle to which Rhode Islanders may now apparently be subjected.

Typesetting and Layout
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Martin Healey's Firing

A Perspective You Won't See on Television

By Janice Carlson

On April 3rd, three members (out of nine who serve) of the Ethics Commission fired their executive director and chief prosecutor, Martin Healey. Fortunately, Mr. Healey bravely opted for an open session rather than closed, thus giving the public a chance to view the fiasco.

But, while the session was well-covered by the print media and radio station WRNI, there were no television cameras present. Unfortunately, the TV stations chose to expend their resources on the glitzy story of Buddy Cianci's indictment. Too bad, because the Cianci story, scandalous as it may be, involves only *one* mayor from our 39 cities and towns, while the firing of our state Ethics Commission's executive director affects all Rhode Islanders.

Had the firing been taped you might have seen and heard Commissioners Lynch and Verrecchia, who voted to retain Mr. Healey, demonstrate the only voices of reason in a cauldron of verbal muck served up by the other commissioners. (Only six of the nine commission members participated in the discussion. Three others, Zurier, Main and Goldberg recused themselves since Mr. Healey was involved in complaints brought against them by OCG.)

First, the newest member of the commission, Mrs. Monti-Markowski chose to castigate Mr. Healey as arrogant. Seemingly, she took umbrage at the fact that the director refused to spoon feed commission members information readily accessible to them regarding lawyer Dan Small's fees. After she finished her pout, Mr. Flanagan rehashed a couple of old cases lost by the commission and irrelevant to the proceedings. Flanagan also spoke of his own Naval training and "righting the course" of the commission in an odd "Captain Queeg" like mumbling. Mr. Murray for the most part remained silent.

However, the acting chair, Mr. Kirby spoke at length about his friendship with and affection for Mr. Healey in a disingenuous display of pap. With friends like Mr. Kirby, who needs enemies? Also of interest, two resplendently uniformed State Troopers and two plain clothes officers stood guard

over the proceedings at Mr. Kirby's request. Did he expect a possible violent reaction to the commission's actions by those attending?

Much was made over the fact that all members of the commission received a *personal* letter from Supreme Court Justice Frank Williams which included his public lambasting of Mr. Healey printed in the Providence Journal. And if the session had been video taped you would have witnessed a few members physically raise the *Journal Opinion Piece* from the Chief Justice as if it were the Holy Grail, instead of what it really was... a pink slip for Mr. Healey.

So, in the end, what you didn't see if you didn't attend the firing were three lawyers who practice before the Rhode Island bar, Kirby, Murray and Flanagan with a personal letter and the opinion piece from the Supreme Court Chief Justice blaming the Ethics Commission's director Martin Healey for the flap at the commission over the firing of their independent counsel, Daniel Small. Gee, do you think that letter affected their vote? Of course, they were the three who voted to fire Mr. Healey. And, unfortunately, in the end Mrs. Monti-Markowski opted to abstain. What seemed obvious from the start of the meeting was that Mr. Healey's firing was fated before the public was allowed to witness the formality.

Listening to the rhetoric of the three who spoke against Mr. Healey: Kirby, Flanagan and Monti-Markowski one couldn't help but think of that old saying: "It is better to be silent and be thought a fool, than to speak out and remove all doubt."

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Karen Rosenberg, Cranston

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 court suits and ethics complaints and alert the public to government wrongdoing via OCG newsletters, press releases, opinion pieces on editorial pages 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, court filing fees, 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 _____

Street _____ Business Phone _____

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 _____

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