



OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

Financial Disclosure Filings 36 % non-compliance rate

By Ron Santa

Operation Clean Government has filed 46 complaints with the Ethics Commission citing officials who have failed to file financial disclosure forms for 1999, as required by state law. The filings are a result of a 14-month OCG investigation.

From our examination of the database, provided by the Ethics Commission, we found that for the filing year 1999 (due April 30, 2000), of the 6250 officials who should have filed, 2264 failed to do so - a 36% noncompliance rate.

Many of those not filing were minor officials (e.g., 4th of July Committee, Library trustee, Veteran's Advisory Board, etc.), but 99 were more significant. Among these were 15 State Representatives, 2 State Senators, 2 Directors of State Departments, 4 Judges, 4 Probate Judges, 1 Mayor, 2 Town Administrators/Managers, 6 Superintendents of School, and 9 City/Town Solicitors.

Before filing complaints, we looked at late filings that came subsequent to the database. We also eliminated those who had recently filed their year 2000 financial state-

ments, even though they were in violation of the ethics code for not filing in prior years.

After these eliminations, in June of this year OCG filed 46 complaints. One complaint has been dismissed, due to the name being in the ethics commission database with two different spellings.

In addition to not filing in 1999, the remaining 45 delinquents had missed the April 30, 2001 deadline for filing their 2000 statements; 8 failed to file in 1998; 5 failed to file in 1997; 3 failed to file in 1996; and 8 have not ever filed! A list of these 45 indi-

viduals can be found at the OCG website: www.ocg.to.

OCG did not file these ethics complaints seeking media sensationalism. Rather our aim is to emphasize the dismal lack of support by the General Assembly and Governor Almond to provide the Commission with resources to carry out its mandate.

It should not be left to a citizen's group to investigate and report non-compliance in the filing of financial disclosure statements.

Forward to the Past

By Rod Driver

Anyone who served in the General Assembly ten years ago should have felt right at home with this year's proceedings. Bills unwanted by the leaders died without even a vote in committee. Other bills came from nowhere on the last day of the session, bypassed the committees and sailed through the House and Senate. There appeared to be no limit to the number of bills considered in a day. Rules of procedure were ignored and the key predictor of success or failure for a bill was the sponsor's relationship with legislative leaders.

During the first five months of the year only a handful of bills passed. Of the 500 bills which eventually went to the Governor, 300 passed during the final two days of the session. By then, with no air conditioning, lawmakers were hot and tired and wanted to go home. Most didn't know what they were voting on and didn't seem to care.

After 6 PM on the final day, June 28, House leaders introduced two new bills. One would let the Economic Development Corporation sell \$35 million in revenue bonds for a private company's construction project. The other would let the Resource Recovery Corporation sell \$20.7 million in revenue bonds for a new building at the Central Landfill. Neither bill had been voted on in committee. But both passed the House and then the Senate before the 2 AM adjournment.

During the debate on a bill, when a representative said "I don't have a copy of the bill," this usually meant no one had a copy—except perhaps the floor manager for that bill and the leader of the chamber. In the evening of June 28 it probably also meant that none of the dozen bills before or after that one had been distributed to the legislators who were dutifully voting them into law.

At one point on the final day, Representative Frank Montanaro said he didn't have copies of two bills under consideration, so the Speaker gave him a couple of minutes to look at them. While he was looking, another four bills flew by unchallenged. Most representatives seemed unconcerned that they hadn't seen the bills. They just voted for them. When Montanaro suggested that a complicated 20-page bill ought to be distributed to all members, **Speaker John Harwood responded, "I don't know if we're going to have time, Frank, to have a bunch of bills passed out."**

No legislator stood up to say, "This whole process is a sham, let's come back next week and do things properly."

Why does the General Assembly behave this way? Why don't committees vote on bills earlier in the session so that they can be passed or defeated in an orderly manner? And if the leaders are going to delay bills until June 28, why is it then so urgent that the session end on June 28?

Many problems arise from the members' obedience to certain unwritten rules. For example, nothing in the official rules prevents a committee member from moving passage of a bill in his or her committee. But it just isn't done unless the committee chair suggests it. And committee chairs don't suggest it without approval from "upstairs"—i.e., from the leaders of the House or Senate. It may be in those leaders' interest to delay passage of bills to encourage the bills' sponsors to remain "cooperative" on other bills.

Until Rhode Islanders start demanding responsible actions from their legislators, there is little reason to expect improvement.

Editor's note: Rod Driver, chair of OCG's Legislative Committee, was a state representative from 1987 to 1994.

An Unpublished Dissenting Opinion

By Robert P. Arruda

The backlash to President Nixon's firing of Special Prosecutor Archibald Cox demonstrated that Americans would not tolerate obstruction of justice. Ultimately, with the help of an independent investigation, Americans learned the truth about Watergate. Rhode Islanders who have followed the story of the quashing of Special Counsel Daniel Small's investigation of an Operation Clean Government ethics complaint, and the firing of the former Executive Director of the Ethics Commission, Martin Healey, might suspect obstruction of justice. However, we have not yet learned the truth behind these events.

On June 15, 2001, Supreme Court Justice Robert Flanders issued a dissenting opinion in the matter involving the Court's two-to-one decision denying Special Counsel Small the right to practice law in Rhode Island. Justice Flanders' dissenting opinion explains precisely and succinctly why under law Attorney Small should have been permitted to represent the Ethics Commission in its investigation of certain Ethics Commissioners. Justice Flanders makes four key points:

1. Granting Special Counsel Small's motion for admission was completely proper under the Rule that governs admission by nonresident attorneys to Rhode Island Courts. In fact, Justice Flanders was unaware of any instance where the Court denied a motion merely because the attorney involved may have rendered legal services to the client before obtaining court approval to represent the client in the pending or contemplated judicial proceedings.

2. The proper arena to adjudicate unauthorized practice-of-law questions is not in opposing a nonresident attorney's motion for pro hac vice admission, but in a separate proceeding that specifically addresses whether there has been a violation of law.

3. Opposition to a nonresident attorney's admission is usually no more than a transparent ploy to undermine the underlying case.

4. There was no Rule that specifically governed the provision of legal services by nonresident attorneys to clients outside of the courtroom.

Three Supreme Court Justices heard the Small matter, but unlike Justice Flanders, the majority, Justices Lederberg and Bourcier, never issued an opinion explaining its reasons for denying Small's motion to represent the Ethics Commission. Moreover, on June 19, 2001, this majority of two issued an unusual order directing that Justice Flanders' dissenting opinion not be published. Why are Justices Lederberg and Bourcier unwilling to have Justice Flanders' arguments published and why are they unwilling to explain their own reasoning in this case?

There is suspicion that the reason the investigation was quashed had nothing to do with what was being investigated, and everything to do with who was being investigated. One of the Commission members under investigation was Thomas Goldberg, whose brother and law partner is Robert Goldberg, a prominent lobbyist. Robert Goldberg's wife is Maureen McKenna Goldberg, a Justice of the Supreme Court.

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The Ongoing Flap at the Ethics Commission

By Janice Carlson

You see the Ethics Commission in the paper all the time, often on the front page, but why?

For those of you who are not quite sure what the Ethics Commission is and what it is supposed to do, here are a few statistics. In 1986, we the people of Rhode Island voted to adopt a constitutional amendment that the General Assembly "establish an independent, non-partisan ethics commission." Our Rhode Island constitution requires state and municipal officials and employees to "adhere to the highest standards of ethical conduct, respect the public trust...and be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage."

The commission has nine members. Four appointed directly by the Governor and five by the Governor from lists submitted by the majority and minority leaders in the House and Senate and by the House speaker, respectively.

Although, the commission has had difficulty getting funding from the legislature and finding adequate office space, the real effort to undermine the Ethics Commission started in 1998, shortly after the enactment of the no-gift regulation 36-14-5009. Then in 1998-99 five new members joined the commission. They were Richard Kirby (appointed by Speaker of House), Thomas Goldberg (appointed by House Minority Leader), James Murray (House Majority Leader appointment), Robin Main (Governor's appointment) and Francis Flanagan (appointed by the Senate Minority Leader), all lawyers.

Interestingly enough those same five used their majority vote in 2000 to replace the no-gift rule with rule 5009. So now, anyone subject to the code of ethics is allowed to receive \$450 in the form of "gifts, loans, rewards, promise of future employment, favors or services, gratuities or special discounts" from anyone in any one calendar year.

Unfortunately, the Commission continues to make mistakes of ineptitude as was recently demonstrated in the hiring of a new director. By the commissions own edict the ad for the job stated that applicants must have ten years experience. The two final candidates, Mrs. Katherine D'Arezzo the acting director and Mr. Kent Willever were selected from over twenty applicants. At the eleventh

hour it was pointed out to Chairman Melvin Zurier that Mrs. D'Arezzo did not, in fact, have ten years experience, causing the commission to disqualify her. So, through the Commission's bungling the process became tainted. Mr. Willever, who by all appearances is an excellent candidate, as is Mrs. D'Arezzo, appears to have won by default.

On June 20th, in another case where the Ethics Commission looks more and more like the Legislature's own private toady, the Commissioners decided that Edward Inman III was not in violation of the revolving-door rule in the state ethics code. In other words the commissioners and Attorney General Sheldon Whitehouse defended Inman's direct appointment from the legislature to be secretary of state without the mandatory one-year waiting period for post legislative appointments. By issuing this decision the Ethics Commission denied their own regulations, and yet again under cut their credibility.

More recently, the Ethics Commission again spun out of control as they scrambled to find five out of nine Commissioners who might be able to hear the complaint brought against Speaker John Harwood by Operation Clean Government. This complaint was about Harwood representing clients before state agencies over which he has budgetary discretion. Because five of the nine commissioners declared to have a conflict and two other commissioners were considering that they have a conflict, **the commission asked Attorney General Sheldon Whitehouse for an advisory opinion on how to handle the matter. His solution, pick the names out of a hat.**

Since then two commissioners, Melvin Zurier and Diane Monti-Markowski, have resigned and commissioners Goldberg, Lynch and Verrecchia should be replaced by September due to expired terms. Consequently, the ball is now in Governor Almond's court to appoint in a timely fashion five new members to the Ethics Commission without ties to the Speaker.

Still, it seems only a loud public outcry to our government leaders could conceivably return the Ethics Commission into a body which will demand that Rhode Island officials and employees, including their own members, "adhere to the highest standards of ethical conduct" as put forth in our state Constitution.

My Involvement in the Inspector General Project

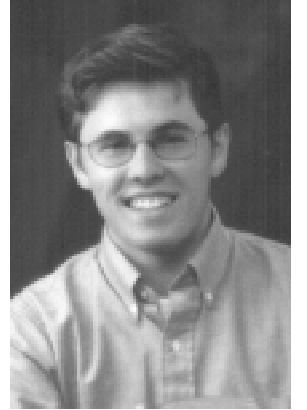
By Scott Field

I became involved with the inspector general project by joining OCG as a volunteer. My beliefs in accountability and ethics in government made OCG a good choice. Beverly Clay, the research committee chairperson, gave me the assignment; exploring the creation of an Inspector General office for RI, which evolved into the basis for my required Senior Project at Barrington High School. Working together with advisors Beverly Clay, John Gudavich, and Rod Driver I gathered and analyzed data from states with IG offices and assisted in the drafting of legislation hoping to establish an Inspector General in Rhode Island.

When it was time to 'go public,' I had the opportunity to present my findings at a State House press conference, on a cable TV program, at the OCG hosted breakfast forum, and before the House Finance Committee. I even got a very short interview with channel 10. WOW! When I began the project over a year ago I never imagined I would be doing press conferences and interviews. In fact, the formal presentation at school was somewhat anti-climatic.

This fall I will enter the University of Rochester as a physics and math major, with

a fascination for political science and politics (especially the Rhode Island variety). While at the University, I'll pursue science and hopefully join a campus political group. My future plans in physics probably won't take me back to RI, but I'll carry with me all the knowledge, insight, and fun I had working with OCG. I especially appreciated their acceptance of me as a peer, treating me with respect and courtesy, and valuing my input. Thanks OCG, for this unique opportunity.



Scott Field

Editor's note: OCG members enjoyed working with Scott. He was self-motivated in his research and he stepped up to the plate to participate in all the public events concerning OCG's Inspector General legislation.

Voter Handbook Legislation

By Beverly Clay

Last November, on Election Day, many of you voted on referenda questions 2 and 3, but unless you read the *Providence Journal*, you did not know what projects were involved. Our taxpayer dollars pay for a Voter Information Handbook, which should describe how the millions of dollars are to be spent. However, the vague descriptions in the handbook provided by the House Finance Committee did not reveal the several projects bundled within each question.

Question 2, titled "Rhode Island Clean Water Finance Agency—Water Quality Management Bonds" for \$60 million will finance the startup costs of phase 1 of the underground storm water storage tunnel in Providence. This will be the largest public works project in the history of Rhode Island, estimated at \$550 million, often referred to as Rhode Island's "Big Dig."

Question 3 titled "Transportation Bonds" for \$62.5 million will fund the startup of the relocation of Interstate 195.

Operation Clean Government became aware of the bundling of several projects into one question last June and sent letters to the house and senate finance committees, requesting that each project be in a separate referendum question. No answer or recognition of these letters was received.

Around election time OCG gained access to a California voter handbook. We were impressed not only with the description for each referendum question given by the state and detailed background and analysis of bond questions, but also with arguments presented for and against each question and the corresponding rebuttals to these arguments. These arguments placed in the voter handbook are presented by elected officials, citizen advocacy groups, and individual citizens.

OCG representatives, using the Califor-

nia handbook as a model, crafted legislation to have arguments for and against referenda questions and rebuttals included in the Rhode Island handbook.

Senator Kevin Breen introduced S 624 and Representative Steven Smith introduced H 6246, identical versions of the OCG legislation. At the first hearing in the Senate Judiciary, a similar bill, introduced by Senator Joseph Polisena on behalf of the Secretary of State, was also heard. Representatives of the Secretary of State's office were interested in combining these two pieces of legislation. They invited OCG, along with the League of Women Voters, to sit and discuss a merger of the two bills.

It was agreed to amend the OCG legislation, eliminating the rebuttal argument language, due to the limited staff and funds available to the Secretary of State. OCG was pleased with the support of the Secretary of State on this issue.

At a second hearing before the Senate Judiciary, on the merged bill S 624, a senator asked, "if a legislator does not write the argument against, then who will?" When the answer was any citizen or advocacy group, the bill was tabled. The Secretary of State's staff felt they could work through any problems with the Senate leadership, but in the end, no agreement could be reached.

Two days before the end of the session, 01 H 6246 was to be voted on in the House Special Legislation committee, but hearing that there could be an amendment coming from the Senate, the committee held their vote so that both house and senate committees would be voting on the identical bill, which did not happen.

It is important that this legislation be introduced and become law early next year in time for the Secretary of State to promulgate rules and regulations for the 2002 general election.

Notice of Nominations for OCG Officers/Directors

Elections for officers and directors will be held at the annual meeting November 4, at 10:00 A.M. at the Crowne Plaza in Warwick. The Organization Committee is requesting that OCG members submit nominations by August 31 of those willing to serve, listing:

- The name, address and telephone number of the person being nominated
- The position for nomination
- Current and past activities with OCG
- Recent civic, community and political activities.

The Organization Committee will screen the nominations and present their recommendations to the OCG board in September. All eligible nominees will be on the November 4 ballot.

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

General Assembly Audit What Happened?

Representative Charles Levesque introduced legislation that would require an independent audit of the legislative department to be conducted annually with a performance audit every third year. When he introduced his bill in January he did not expect the heightened interest, in such audits, that the *Providence Journal* would provide in its three-part article (May 5, 6, and 7) by Reporter Katherine Gregg.

The thrust of Gregg's article was the secretive spending and hiring practices of the General Assembly. She reported how the

But, the storm intensified—something had to be done in the interim while awaiting a solution acceptable to the JCLS that would also appease the public. First, Representative Levesque's bill was given a hearing in the House Finance Committee. Operation Clean Government and the League of Women Voters testified in support of the audit. Finance committee members smiled and nodded as each witness made points. That was the last of Representative Levesque's audit bill.

Second, Senator Irons crafted a bill calling for bi-annual fiscal audits of the General Assembly. Irons omitted performance audits, which might recommend changes in JCLS spending and hiring. The bill was expressed through the Senate and sent to the House. But by then the public had quieted and there was no need to pass the Irons bill.

On June 21, Representative Levesque introduced his audit as an amendment to the budget. He argued that the legislature should undergo the same scrutiny that it requires of every other state agency and town government. Lest this get out of hand, Majority Leader Martineau rose to ap-

pose the amendment and to settle the minions who might stray and vote for the Levesque audit. He soothingly assured that we (the JCLS) wanted to do the right thing and that an audit was the right thing. He said it would be the policy of the JCLS to conduct bi-annual audits of their own accounts. At his final turn to speak, Representative Levesque questioned that since the JCLS policy now called for audits; why not preserve it in statute for future legislatures.

It will take more than audits to correct the problems reported in the Gregg articles. Audits are needed, but what is needed more is for the General Assembly to move towards less centralized control of its operation by diminishing leadership power and insisting on accountability at the JCLS. If this does not happen, the citizens should remove the legislators that continue to tolerate the scandals emanating from the state house.

The vote on the Levesque amendment to audit the General Assembly

YEAS—24: Representatives Ajello, Amaral, Anderson, M., Anguilla, Benson, Cicilline, Dennigan, DeSimone, Gorham, Lanzi, Levesque, Lima, Long, Montanaro, Murphy, W.H., Picard, Pisaturo, Savage, Scott, Shavers, Simonian, Smith, Story, Wasyluk.

NAYS—69: Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Almeida, Barr, Bierman, Brien, Cambio, Caprio, Carroll, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hetherington, Hogan, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lewiss, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munsch, Murphy, W.J., Naughton, Palangio, Palumbo, Pires, Quick, Rabideau, Reilly, Rose, San Bento, Schadone, Shanley, Sherlock, Slater, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Watson, Williamson, Winfield.

PRESENT BUT NOT VOTING—(3) Representatives Callahan, Iwuc, Williams.

The spending and hiring reported in Gregg's article are under control of the JCLS (Joint Committee on Legislative Services.). This five-member committee is comprised of Senate Majority Leader Irons, House Majority Leader Martineau, Senate Minority Leader Algieri, House Minority Leader Watson, and Speaker Harwood, who chairs the committee. The JCLS maintains secrecy of its operations even from its colleagues.

Gregg's article ignited public outrage, outrage that for days became the topic on talk shows, op-ed pieces and letters to the editor. Everyone was yelling audit. **Audit!!!** With this storm brewing over the state house, the majority leaders pulled down the shades and declared, "there is no need for an audit." The Speaker remained mute; he understands that public outrage is like a shooting star – flash and fizzle.

Ultimate Betrayal of Voters

By William H. Clay

"This is the starting point for revolution in Rhode Island Government" observed Representative Nicholas Gorham referring to the General Assembly refusal to acknowledge the sixty-six percent voter approval of Ballot Question 6 last November.

Question 6 was ordered on the ballot by Governor Almond. It called for a Constitutional Convention to expressly establish that Rhode Island government consist of three co-equal legislative, executive and judicial branches similar to the US government and that of the 49 other states.

However, ballot questions ordered by the Governor and approved by the voters are only advisory. The General Assembly may choose to enact the advisory or ignore the citizens, as it has with question 6 and also in the 1996 elections where the voters approved an advisory voter initiative question.

Legislation to begin the constitutional convention process was introduced on February 8, 2001 by Representatives Gorham, Fleury and Mumford. The bill (H 6022) had a hearing in House Judiciary but committee Chairman Representative Robert Flaherty would not allow a committee vote, thus effectively killing the bill and shielding committee members from having their no-vote exposed to their constituency.

This committee inaction was unacceptable to Representative Gorham. He used an obscure rule to circumvent Flaherty and introduced the bill onto the house floor. This rule is seldom used, since it raises the ire of the leaders who will punish the "maverick" by denying a desired committee assignment

and assuring failure of future legislation that the representative may introduce.

When the bill came up on the floor calendar, Flaherty moved to recommit. This parliamentary maneuver is used by the leaders when they are about to loose control of floor proceedings. It shuts off further discussion on the matter to be recommitted and requires an immediate vote by the body.

Flaherty's motion ironically gave Representative Gorham the vote he wanted. All members would have to either stand with the leaders or with their constituents.

What is at stake? It's all about power and money. Before ballot question 6, most Rhode Islanders thought there were three separate and equal branches of RI Government. Not true! The RI Legislature has extra ordinary power, which it has used to encroach on the executive branch by not only making the laws, but also administering and enforcing them.

Since the mid-1950s, the legislature has created dozens of quasi-public agencies to conduct state business. Legislators are appointed to the boards of these agencies, (e.g.: Resource Recovery Corp, EDC, NBC and the Lottery Commission) some of which not only have immense revenue streams, but also have been granted borrowing power without voter approval.

These agencies have been less than forthcoming in the way they conduct business and several have been the source of scandals for abusing their authority. Rep. Gorham's noble attempt to get his colleagues on record for this vote shows a concern for the public that is sadly lacking among the majority of his fellow house members.



Representative Nicholas Gorham stands with his constituents

The motion to recommit the Gorham bill to begin the Constitutional Convention process prevailed with 58 voting with the leaders and 25 upholding their constituents

YEAS—(58): Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Almeida, Anderson, S., Anguilla, Barr, Benson, Brien, Caprio, Carroll, Cerra, Coderre, Coelho, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Jacquard, Knickle, Lally, Lanzi, Lewiss, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Munsch, Murphy, W.J., Palangio, Pires, Reilly, Rose, San Bento, Schadone, Shanley, Shavers, Sherlock, Slater, Sullivan, Tejada, Thompson, Vieira, Williams, Williamson, Winfield.

NAYS—(25): Representatives Ajello, Amaral, Anderson, M., Bierman, Cicilline, Dennigan, DeSimone, Fleury, Gorham, Levesque, Lima, Long, Montanaro, Mumford, Murphy, W.H., Picard, Pisaturo, Rabideau, Savage, Scott, Smith, Story, Trillo, Wasyluk, Watson.

NOT VOTING—(17): Many of these were present, but did not vote.

Dredging the Providence River

Perhaps the most important bill passed by the General Assembly is the Dredging Bill, which was obscured by media attention given to the cell phone, budget and lead paint legislation at the end of the legislative session.

Dredging the river channel will permit entry by deep draft tankers into the Providence and East Providence fuel depots and curtail the practice of having the state fuel supplies being barged-in from tankers in

the lower bay and from New Jersey and New York depots.

The dredging will also relieve heating oil crises such as occurred in the 1999 and 2000 winters when reserves dipped to a one or two day supply. Other benefits will be reductions in consumer prices for heating oil and motor vehicle fuels, as well as the risk of oil spills, like the one occurring in 1996 with the tug Scandia and barge North Cape.

The General Assembly did monumen-

tal work to reach a compromise agreement with the many stakeholders. The commercial fishing industry and environmentalists led by Save the Bay were finally satisfied with the proposed disposal of the dredged silt.

A compromise was worked out to deposit and dry our parts of the silt on state property and to use it as fill in highway construction and to cap the state landfill. There will also be a deposit field in the lower bay, where polluted silt will be buried in the chan-

nel and covered with clean deposits.

The politically charged compromise has been years in the making. In the meantime dredging has been needed for the past 30 years. It will take another two years for final plans, approvals, and funding to be in place for the Army Core of Engineers to actually begin and finish the \$100 million dredging project.

Senator Aram Garabedian Versus the COPs

Senator Aram Garabedian defended Rhode Island voters when the senate passed two bills for state construction projects. It was 28 June, after midnight, the last day of the session. The General Assembly was in chaos as described in our front page article "Forward to the Past."

The two construction bills at issue were introduced by House Finance Committee Chairman and potential gubernatorial candidate, Antonio Pires. One called for construction of a new Youth Training Center and the other a Kent County Court Complex. To complete these new constructions, the state would borrow \$109.61 million, which with interest would incur a total cost to taxpayers of \$173.78 million.

These fast-track bills were introduced on 20 June, placed on the house calendar the same day, passed in the house on 22 June, referred to Senate Finance Committee on 26 June, voted out of committee during

the night of 28 June and placed on the senate calendar for an immediate approval vote. This process by-passed public hearings on these important bills and also violated the rules of both the house and senate.

Before the senate vote, Senator Garabedian protested the proposed \$60 million cost of the Youth Training Center. He said that the state had recently funded two studies, one of which recommended renovation of the present facility, the other recommended a new \$40 million center. But the Senator's main opposition to the projects was the issuance of COPs (Certificates of Participation) to raise funds for these constructions. COPs are quasi-legal obligations of the state.

General obligation bond issues must be approved by voter referendum, and are backed by the full faith and credit of the state. COP issues do not have these requirements. They are assumed to have an ele-

ment of risk, and therefore, pay investors higher interest, even when there are no imaginable circumstances that would cause the state to renege on COP investors. Annual appropriations from the general fund are used to discharge COP debt in the same manner as general obligations bond issues.

Funding these two projects with COPs is reminiscent of Governor DePrete and his PBA era. Again the voters are obligated but had no vote. Outrageously, Governor Almond and the General Assembly knew about the need for these two facilities long before the November 2000 election. Responsible government would have put the two projects on the ballot for the voters to approve or disapprove in accordance with the RI Constitution. These citizen issues were passionately and knowledgeably spoken to by Senator Garabedian. This first-term senator is proving to be an outstanding advocate for the people of Rhode Island.

Unpublished from page 1

Special Counsel Small's preliminary investigation was leading him to the conclusion that there was probable cause that Thomas Goldberg had violated the Ethics Code. Did the Justices of the Rhode Island Supreme Court participating in this matter know this fact when they voted to deny Small the right to practice law in Rhode Island?

There are other areas that cry out for explanation. Lobbyist Robert Goldberg, in a letter dated January 31, 2001 to the Attorney General of Rhode Island accused Small of committing a crime of unauthorized practice of law. A copy of this letter was attached to a Memorandum protesting the request of Dan Small to practice law in Rhode Island that Thomas Goldberg had filed in the Rhode Island Supreme Court. Allegations as transparently inaccurate and irrelevant as these ought to have been summarily dismissed by the court.

Instead, Commissioner Goldberg's arguments apparently moved Justices Lederberg and Bourcier to issue the Order denying Small leave to represent the Ethics Commission in its investigation and denying the Commission the right to appoint counsel of its choice. But, rather than explain their decision in a legal opinion, these Justices went to the press to declare that Small had been denied the right to practice law in this state because he had committed the crime of not first obtaining their permission. This is puzzling because Mr. Small had not been accused of committing a crime by any law enforcement official. The only accusation came from the Goldberg brothers. It is troubling that the Goldberg accusations were echoed in the Court's decision.

Rhode Islanders should thank Justice Flanders for his unpublished dissenting opinion in the matter involving Special Counsel Small. Rhode Island needs Justices with the courage and integrity to follow the rule of law. Despite the majority's Order to ban its publication, Justice Flanders' opinion is the opinion that Rhode Islanders ought to read and remember. It is available on OCG's web site at: www.ocg.to.

Senator Roney's Representative Democracy

On the Senate Floor, after Senate Majority Leader William Irons finished pontificating the merits of the campaign finance bill and blasting the Providence Journal reporter [Katherine Gregg] for her "mischaracterizations" of senate actions on the bill, Senator John Roney rose to mischaracterize the "so called reform groups," saying "...I am increasingly convinced [they] have become dangerous to representative democracy."

Has Senator Roney forgotten that this country was founded by reform groups? Does he think that the General Assembly is an institution of representative democracy? Has not the General Assembly refused to

give citizens the voter initiative they voted for in 1996 and the Constitutional Convention they voted for in 2000?

Whose policies, those of representative democracy or of the General Assembly, have raised the cost of government until Rhode Island citizens pay the highest per individual taxes in the nation? Did representative democracy structure our General Assembly so that leaders can stifle legislators who want to faithfully represent their constituents? Is it representative democracy or the General Assembly who creates and maintains conditions that foster scandal after scandal in state and municipal governments? Is it representative democracy or the General As-

sembly that continually fails to pass lead paint legislation to protect Rhode Island children?

Finally does Senator Roney claim that representative democracy was present in the House and Senate Chambers on June 28 when dozens of bills were passed without discussion, debate, or even read by those who voted for them.

If Senator Roney comes to understand these failings by the General Assembly and the many other frustrations of the citizenry with their government, he will realize it is the General Assembly with its institutionalized power structure that is the real danger to representative democracy.

Fate of OCG Supported Legislation

In addition to other legislation described in this newsletter, OCG supported the following legislation.

Inspector General. One of OCG's major initiatives this year was a bill for the creation of an Office of Inspector General for Rhode Island as described in the May/June issue of this newsletter. In the Senate, this bill introduced by Senator Kevin Breene, never had a hearing. In the House, 4 or 5 members of the 17 member Finance Committee did briefly hear testimony, but took no action, for the same bill introduced by Representative Michael Pisaturo.

Magistrates. Appointment of Speaker Harwood's wife as a court magistrate stimu-

lated interest in a bill by Senator Donna Walsh (S 206). Under that bill the selection of magistrates would have been subject to the same procedures as the selection of judges. Testimony on the bill at a hearing before the Senate Judiciary Committee was positive. But all that came out of the Senate was a commission to "study" the question.

PAC contributions. Most Rhode Islanders can't believe it when you tell them they are involuntarily enhancing campaign contributions from Political Action Committees—just like contributions from individuals. For example, if a PAC gives \$500 to a candidate for general office who is qualified for matching funds, the taxpayers must chip

in an additional \$1,000. A bill by Senator William Walaska to eliminate these matching funds (S 506) was about to be heard before the Senate Judiciary Committee when committee chairman Senator Joseph Montalbano suddenly announced that the hearing was off, and the bill would be sent to a commission on campaign-finance reform. However, that commission busied itself with questions of how candidates spend campaign funds. It did nothing about contributions, and when an OCG member raised the question of taxpayer enhancement of PAC contributions, chairman Roger Begin simply declared that they (or he) had decided not to address that issue.

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

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