

OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

Ethics—Rhode Island Style

By Beverly Clay

This was not about a cup of coffee or a bologna sandwich. This was a blatant move by five members of the Ethics Commission to allow bribery of our elected and appointed officials. On May 23, this commission adopted a new regulation to allow gifts valued up to \$150 with an aggregate of \$450 per year from each "interested person." This applies not only to legislators, but also to all

only guess where this is going. The General Assembly has refused to appropriate funds for the commission to monitor its existing program of "annual financial disclosures" where approximately 700 of our elected and appointed officials have not yet filed their 1998 disclosure forms.

In two public hearings to replace the "zero tolerance" policy currently in place, a roster of citizens testified against changing the policy. Some indicated that if zero tolerance were to be abolished, then much smaller and more realistic limits should be imposed. No one believed that a working lunch would cost \$150. Only one of forty-two witnesses testified on behalf of the new limits; yet Commissioner Richard Kirby stated that he was voting for the \$450 limit in re-

sponse to public opinion. Robert Sumner-Mack, a retired physician, testified he had petitioned his hometown of Cumberland. His results also dispute Commissioner Kirby's assertion. Ninety percent of those Dr. Sumner-Mack approached (107 in all), signed the petition to keep the zero toler-

ance policy. Only nine did not agree with zero tolerance, three refused to sign for religious reasons and one would not sign because he needed to keep his handicap sticker. (That tells you how it works in Rhode Island.)

In addition to testimony from Common Cause, Operation Clean Government, the League of Women Voters, RI State Council of Churches, American Association of University Women, Silver Haired Legislature, Fund for Community Progress, and the Green Party, others who testified in opposition to the new gift policy include:

Paul Dutra, Warwick Police Department Inspector, stated that the Warwick Police department has a "zero gift policy." They treat all gratuities, including a cup of coffee, as unacceptable. They settle for nothing less than excellence of character for their police officers.

Kevin McAllister, lawyer and President of the Cranston City Council said "The present regulations make my job easier to maintain my neutrality."
Senator J. Michael Lenihan, Chair of the Senate Finance Committee, stated that during his 29 years in elected positions, he has never had or intends to have occasion to receive such gifts. He stated that the proposed regulation would diminish the reputation of the commission and those it seeks to regulate.

Senator John Patterson stated that he

has not been impaired by the "no gift policy." It works for the U.S. Government. **John L. Gudavich, Jr.**, retired Associate Inspector General for Investigations, Washington, D.C., testified as to how the federal no-gift policy works.

Keven A. McKenna, attorney and President of the 1986 RI Constitutional Convention, reminded the commission that Article 3 Section 7 of the RI Constitution calls for public officials and employees to adhere to the highest standards of ethical conduct...and to avoid the appearance of impropriety. He stated this highest standard is outlined in the judicial code of ethics. You can't buy a judge a cup of coffee, and therefore you shouldn't buy a legislator a cup of coffee. **Nancy Gewirtz**, Director of the Poverty Institute of Rhode Island College stated "we can't even afford to offer a bologna sandwich,...the real issue is equality of access to government..."

Richard Frechette, Associate Director of Financial Resources at the Department of Corrections, and **Robert Cox**, civil engineer and former Director of Planning in the town of Cumberland, both testified to keep the existing regulation.

Kenneth Walker, former member of the Zoning Board of Review in East Providence stated, "It's uncomfortable to receive a gift, it's insulting."

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state and municipal elected and appointed officials, including your town or city councilors, tax collector, tax appeal board members, zoning board members and inspector, local police, fire and rescue. What is worse—the Ethics Commission has no funds to monitor these limits, so you can

response to public opinion. Robert Sumner-Mack, a retired physician, testified he had petitioned his hometown of Cumberland. His results also dispute Commissioner Kirby's assertion. Ninety percent of those Dr. Sumner-Mack approached (107 in all), signed the petition to keep the zero toler-

ABSOLUTE JUDICIAL IMMUNITY—LET'S GET RID OF IT

By William H. Clay
and Robert Senville

On **March 22, 2000** the Rhode Island Supreme Court ruled that a corrupt judge, former Associate Justice Antonio S. Almeida, in his official capacity, enjoyed absolute judicial immunity from civil suit. On March 13, 1987 a jury had awarded a severely disabled man \$1,007,000, and after payment of medical expenses owed to the State of Rhode Island, a net verdict of approximately \$595,527.

The purpose of the jury award was to pay the disabled man's medical bills, to pay for necessary medical care, and to pay for durable medical equipment that would alleviate his pain and suffering. However, some of this money was diverted to Judge Almeida, who accepted a payment of \$18,000 from the disabled man's attorney. In return Judge Almeida ruled that the attorney was entitled to \$435,150 an amount equivalent to 76 percent of the net verdict.

The judge who later served a prison term

for his misdeeds in office, not only harmed the litigant by issuing an unethical decision which awarded this disabled man's attorney an outrageously disproportionate share of the jury award, but he also took the disabled man's money to pay for this corrupt decision.

By applying the doctrine of judicial immunity to protect a judge who, in his official capacity, issued a spurious decision in return for obtaining a portion of the money that a jury had awarded to a man who was in a persistent vegetative state, the Rhode Island Supreme Court extended the doctrine of absolute immunity beyond reasonable bounds. The high Court's ruling unjustly denied a disabled man restitution and punitive damages that would have remedied that harm caused by this outrageous, despicable judicial conduct.

The Rhode Island Supreme Court stated that it was not condoning Judge Almeida's appalling criminal conduct. Nonetheless, the Court ruled that no possible set of facts—no matter how monstrous the facts

and no matter how unjust the result—could "permeate the barrier of judicial immunity."

The issue in the case was whether or not Judge Almeida, in his official capacity, had violated a provision in the Rhode Island Constitution, Article 1, Section 5, that prohibits the purchase or sale of justice. The Court's ruling renders this fundamental Constitutional right meaningless. **Under the Court's reasoning, despite the specific Constitutional prohibition, judges may use their judicial office to sell justice without fear of civil liability.**

While the Rhode Island Constitution expressly prohibits the purchase and sale of justice, there is no statute or Constitutional provision that grants judges judicial immunity. Rather, judges have granted themselves judicial immunity, based on English Common Law that precedes colonial times.

Operation Clean Government understands that judicial immunity is an important tool for ensuring judicial independence.

OCG also believes that all sound legal doctrines have rational limits. Accordingly, OCG disagrees completely with the Rhode Island Supreme Court's opinion that no possible set of facts can permeate the barrier of judicial immunity, and that no rational limits may be placed on absolute judicial immunity.

It is time for Rhode Islanders, and not their government officials, to discuss limits that should be placed on the doctrine of judicial immunity and, for that matter, the immunity that courts have granted to other government officials. Rhode Islanders do not want judges to be immune from suit when a judge has stolen a litigant's money or when a judge has otherwise violated a citizen's Constitutional rights.

At the next Constitutional Convention, Rhode Islanders should consider amending the Constitution to limit judicial immunity. Let's get rid of judicial immunity which absolutely prohibits a citizen from seeking damages against a Judge who has misused his office.

Voting Uninformed

By William H. Clay

On Tuesday, May 9, there was a floor debate in the House on 2000-H 7647, a bill that would amend the insurance statute to provide for confidentiality of certain business records submitted to DBR (Department of Business Administration) by captive insurance companies. Captive insurance companies are established by businesses to provide self-insurance. Self-insured businesses are regulated by DBR to ensure the public is fully protected against calamitous business failures like the collapse of RISDIC.

The debate on H-7647 ensued when Representative Wasylyk tried unsuccessfully to amend the bill to define "certain business records." Representatives C. Levesque, G. Levesque, Bramley, Burlingame and Wasylyk wanted to know:

what records would be withheld from the public

were regulations put in place as promised by DBR in the 1999 session when the original captive insurance bill was being considered

what tax revenues had the state received from the captive insurance companies

what public risks were being insured?

Neither the sponsor, Representative Watson nor Representative Kennedy, chairman of house corporations could answer any of the dissenters' questions. Nor could it be agreed to postpone the vote on the bill to clarify these issues. Representative C. Levesque called the bill a "pig in a poke." Nevertheless, Representative Kennedy and Majority Leader Martineau recommended passage and the bill passed 70-16.

Remembering RISDIC was self-insured, Operation Clean Government is very concerned that 70 of the peoples' representatives would pass this legislation without fully exploring potential public risk. Simply voting passage based on the leaders' recommendation is irresponsible, uninformed voting. This flawed process leads to errors and omissions and the need for future amendments. Case in point, H-7647 was introduced to correct last session's legislation.

Senator Lenihan—People's Advocate

Senator J. Michael Lenihan came to the RI Senate holding high his mantle of office, a three-foot length of 2x4 with VOTER written on it. This symbolically reminded his colleagues what he was about. Whenever there was legislation before the Senate that

est, responsible and responsive government. We presented him with the OCG Golden Broom Award in March 1994.

Six years have passed since the award. Meanwhile Senator Lenihan's power and prestige has grown. He leaves his voter stick in the office, since his colleagues know what he is about. He is now in his third term as Chairman of the Senate Finance Committee. Under his Chairmanship, the committee has become a bulwark against special interest legislation.

In January, Senator Lenihan headed up a commission investigating the use [or misuse] of state credit cards that were issued to employees of the state's quasi-public boards.

On May 23, he was one of only two legislators who testified before the Ethics Commission to keep the "zero-tolerance gift policy." (See article on page 1.)

More recently his committee set off a political fire-storm, by attaching amendments to a House budget bill that would: 1. cause an audit of the legislature's books and 2. allocate \$4 million of the legislature's squirreled away treasury to a General Assembly office building project. None of this sat well with House members, who consider the legislature's finances to be their business.

Senator Lenihan steadfastly stands out among his colleagues as a model people's representative. He frequently reaffirms our Golden Broom Award.



would either adversely or beneficially affect RI citizens the Senator would brandish his "voter stick," as he debated the opposing view point of the Bevilacqua Senators, who, at that time were in control of the Senate.

Senator Lenihan spoke eloquently and effectively on behalf of his constituents and all Rhode Islanders. Operation Clean Government determined that Senator Lenihan was a consistently sincere advocate of hon-

Nominations for OCG Officers/Directors

Elections for officers and five directors will be held at the annual meeting in October/November. The Organization Committee is requesting that OCG members submit their nominations by July 31, listing:

- The name, address and telephone number of the person nominated
- Whether the person is willing to serve
- Current and past activities with OCG
- Recent civic, community and political activities.

The Organization Committee will screen the nominations for eligibility under the by-laws and present their recommendations to the board at the September board meeting. All eligible nominees will be on the ballot at the annual meeting.

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

Letters To The Editor:

Sign up a New OCG Member

Having attended the latest meeting of the Ethics Commission wherein bribery was officially legalized, I felt compelled to re-examine the objective of Operation Clean Government. In light of this most recent assault on the public trust, are we wasting our time? What really is the potential for us to generate meaningful reform here in R.I.?

Obviously our strongest weapon in the ongoing struggle for honesty and accountability is this publication. With the underlying financial support of an anonymous supporter, 60,000 households receive the OCG newsletter which serves to enlighten perhaps 25 percent of the RI population as to the deeds and misdeeds of the elected, anointed and appointed.

The all volunteer OCG board of directors (22 strong), supported by mission oriented committees, does the yeoman work associated with this drive towards exposure. This is the focus! Craft a clean government by spotlighting the daily workings of our legislative bodies and their appointees utilizing the power of the press.

But in the final analysis, we the people, representing the full spectrum of RI citizens, in hot pursuit of responsible government, are the primary catalyst. Without our unselfish commitment towards this utopian goal, special interest groups would continually dictate the work products of our state government. As members of OCG, we help to provide this needed illumination

This recent pilferage of the public confidence by the so-called ethics commission underscores the need for us to press on. Most importantly, we need to enlarge our organization. We need more members and more volunteer workers. If each of us signed up one or two more families, we could double or triple our membership. This would serve to enhance the credibility of our organization and increase our effectiveness.

from page 1

At these hearings, it was not the apathetic public that you often hear about. It was the best public participation I have witnessed during nine years of working with government reform groups.

Chairperson Melvin Zurier suggested that a motion was in order for this commission to revisit this regulation and look at several issues including: coffee, working lunches and dinners; lower dollar limits; an overall cap on the amount any elected or appointed official could receive from all sources in a calendar year; and the funding necessary to monitor a lift of the gift ban. I was naively convinced that there would be such a motion.

Instead, Commissioner Francis J. Flanagan moved that they adopt the regulation in front of them, and reduce the \$750 limit from a single source in a calendar year to \$450. Commissioner Richard Kirby seconded the motion and amended the motion to eliminate the wording "accept or demand." I caught my breath in shock. I thought this will never pass, there are only two bold commissioners considering such a move. But as the discussion evolved, it became apparent that five of the nine commissioners had decided before the hearing began that they would approve this motion.

Chairperson Melvin Zurier and Commis-

When we consider the unpleasant alternatives, can any of us afford to do nothing?

Tom West, OCG Membership Committee

Nursing Home Tax

Recently, a friend told me about having to put her husband, suffering from Alzheimer's Disease, into a long-term care facility. Her sadness at putting a loved one into a nursing home was compounded by the anxiety of meeting the nursing home fees of \$5000 per month. Her sadness and anxiety were suddenly mixed with anger when, on paying the first monthly bill, she discovered that she has to pay the state a tax on the monthly fees. Perhaps naively, I was dumbfounded that our state would use the unconscionably high nursing home provider fees as a source of increasing its own revenues. Is there no shame in our state legislature?

I learned that in 1993, during a fiscal crisis, the "nursing home tax" was enacted to make it possible for the state to realize additional money from the federal government for its share of state nursing home payments funded by Medicaid. However, in enacting this "provider tax," it was established that it must be applied to all residents in nursing homes—80% who are on Medicaid and 20% who pay out of their own funds. Thus my friend, whose husband does not qualify for Medicaid, must pay 3.75% tax on the nursing home fees.

The tax is projected to generate about \$16.3 million in the current fiscal year. Inquiries about why such an unjust tax remains on the books were met by statements about how difficult it would be to find alternative funding sources to make up for such a revenue shortfall.

I urge you to contact your state legislators to discuss the repeal of this tax.

Dan Callahan, East Greenwich

sioners Paul V. Verrecchia, David McCahan, and James Lynch, Sr., gave impassioned arguments for redrafting the regulation and scheduling new public hearings.

When Chairperson Zurier asked for any comments from the remaining five, they had no comment. They knew they had the vote and the public be damned. Visibly upset, Chairperson Zurier stated "...this was not the right way to conduct the people's business." He expressed his profound sorrow and said he really regretted what was happening.

General Assembly leaders and the Governor have stacked the nine member Ethics Commission with six attorneys, several with lobbyist ties. The five attorneys voting to replace the gift-ban with the \$450 limit were Francis J. Flanagan, Richard Kirby, Thomas D. Goldberg, Robin L. Main and James V. Murray. They did the job they were appointed to do. The public has finally realized that the will of the people means nothing to those in power, no matter how vocal or impassioned.

This is an issue, however, that goes to the heart of honest government. We as citizens must do whatever it takes to insist on an Ethics Commission that will perform its constitutionally mandated duty to demand of our elected and appointed officials the highest standard of ethical conduct.

April Forum a Success

On Sunday, April 30th, Operation Clean Government sponsored a breakfast forum at the Providence Marriott, titled "RI Constitutional Convention—A Vehicle for Reform." Guest speakers included Steve Kass, the host for the Channel 36 weekly show,

"The Lively Experiment," and the morning talk show on WPRO; Joseph S. Larisa, Jr., the governor's executive counsel and the mayor of East Providence; Sandy Mellen, OCG board member and chair of the OCG Constitutional Convention Committee; and Attorney Robert Senville, OCG board member, currently prosecuting the lawsuit to place the Constitutional Convention question on the ballot in November.

An audience of approximately 160 listened as each speaker presented a different perspective on the value of a Constitutional Convention. The first speaker, Robert Senville, defined the purpose of a Convention. He stated that constitutional reform should occur if the people wish to change: 1. the magnitude or distribution of political power granted to government officials; 2. the nature or degree of rights held by the people, or 3. the societal values or place different emphasis on particular societal values.

Attorney Senville also pointed out how to amend the present Constitution to allow citizens greater participation in the government by providing for a sharing of legislative power between the people and the General Assembly through the use of voter initiative and referendum. In addition, he suggested amendments that would limit the powers of the judiciary, giving people a direct say in the selection, retention and removal of judges.

Sandy Mellen gave an historical perspective by calling attention to the nature of the lawsuit currently being litigated by OCG. She discovered that, in 1994 when the question of whether or not to have a Convention appeared on the ballot, the Constitutionally mandated preparation committee to precede this vote was not properly appointed by Governor Bruce Sundlun. As the public had not been properly informed of the reasons for a convention, they voted against having one.

While Governor Almond has agreed to join in the suit on the side of OCG to place the question on the ballot in 2000, *the general assembly, who is not named in the suit, has chosen to intervene, hiring the law firm of Lauren Jones and Associates to represent them at taxpayer expense.* "By using such tactics to delay the case beyond a reasonable date for the appointment of a bi-partisan commission, which can complete its work before the November 2000 election," she pointed out, "once again denies the citizens an opportunity to fully participate in their government."

Joseph Larisa spoke on the issue of separation of powers and the need for a Convention to set up specific parameters for each of the three branches of govern-

ment: executive, legislative, and judicial. He emphasized that the Constitution at present placed the major responsibility of governing in the hands of the General Assembly. Although he feels that the Constitution has been clear, he sees the need for greater clarifi-



Front: Sandy Mellen, Rear: left to right, Steve Kass, Stephanie Rivera, Joseph S. Larisa, Jr., Robert Senville

fication in the language which defines the powers of all three branches.

Mr. Larisa offered, as an example, how the legislature has abused its power in the creation of quasi-public agencies. "Before 1955 there were almost none," he stated, "but we have seen the number of quasi-public agencies gradually increasing until now there are over 75 such agencies with over 200 spots on their boards for legislative appointments." In this way the General Assembly has compromised the integrity of the commissions they create by taking part in the decision-making process through appointments made to these boards.

The final speaker, Steve Kass, who was a delegate to the 1986 Constitutional Convention, spoke of his personal experiences as a delegate and his high hopes for change as he took part in the initial stage of the Convention. But as the proceedings got underway, he realized that there was an underlying agenda already in place, which was that many delegates had connections to powerful political figures and were already trying to limit debate on issues in order to insure that "neither side (Republican or Democrat) would lose anything."

He warned of the pitfalls inherent in the delegate selection process which could undermine the integrity of the Convention, and proposed that citizens should run for elective office to change the system. Apathy and unwillingness to take part in the political system bring about abuse of power.

Afterwards, the moderator, Stephanie Rivera, accepted questions from the audience. All those who attended received a folder of reference material to take with them.

On June 5, oral arguments on a Constitutional Convention were presented before Superior Court Presiding Justice Joseph E. Rodgers, Jr. After the two hour session, Judge Rodgers announced that he would review the briefs and make a decision by the end of the summer.

Downsizing on the Ballot Again

By Stephanie Rivera

This November, voters will most likely be asked to vote once more on an issue they thought had been resolved in 1994 when they went to the polls and cast the majority of their ballots to decrease the size of the legislature. Pretty tame stuff really—when you think about it. Trimming the House of Representatives down by 25 and the Senate down by 12 is hardly cutting edge—especially when compared to corporate downsizing.

In reality, reducing the size of the legislature could be done with an eye in the future to creating a unicameral body of 30 to 50 representatives, paid to work full-time and to stand for reelection every four years. In tandem with that arrangement could be the use of proportional representation to allow larger districts, perhaps 10 in all, to elect three to five representatives from a pool of candidates. This is the kind of downsizing that would work well in a small state like Rhode Island.

The argument has been made that larger districts make the relationship between voters and their elected representatives impersonal because the reps are less accessible to their constituents. If that is true, why is it that many voters feel a greater connection to their congressmen and U.S. senators than to their own state legislators? I have certainly had more success in dealing with former Senator John Chaffee's and Senator Reed's offices than with any of my local office holders, most of whom have made no effort to assist me when I have needed their intervention. Yet, the congressional districts are far larger than those of our local representatives, and their offices far busier and further away. So the issue of district size really has nothing to do with the voters' sense of connection to those they elect to office.

Certainly, those in power in the General Assembly, like Speaker John Harwood and Senate Majority Leader Paul Kelly and their deputies have carried favor with many voters in their own districts because they control the finances and the legislation to grant favors. But once this cozy arrangement is disrupted ever so slightly, as it will be when the new downsizing takes place in 2003, the equation shifts. More people demanding more favors in return for their support at election time becomes somewhat more difficult to manage.

The fear of the incumbents is that dissatisfaction will bring about competition for the legislative seat, especially if there are a wider range of interest groups to court. So the benefit of larger districts goes to the pub-

lic, not especially to those who are used to getting reelected easily from smaller, more easily protected districts.

The public gains because larger districts generate more competition for office and therefore more choices for the voter; especially as the remuneration for serving in the legislature has been enhanced to provide an annual salary of \$10,000, with a yearly cost-of-living increase.

It is interesting that in attempting to put the downsizing question on the ballot yet again, there is no mention of withdrawing the salary increase that was part and parcel of the original referenda.

The leadership has masked their own uneasiness about downsizing by couching the argument in terms of a loss of representation for the minorities in the legislature, including the incredibly outnumbered Republicans. Apparently, they have succeeded in their efforts to alarm certain minority representatives into thinking that they will be the losers. Taking a rational view, however, they are no more at risk than anyone else for their seats. First of all, they are incumbents and that gives them state-wide recognition. Secondly, they have the experience in office that can help them, depending upon their support for community issues.

Representing aggregate voting interests such as the African-American and Hispanic communities gives them blocks of voters who are more likely to go to the polls on election day. As far as the loss of women representatives or Republican office holders, the size of a district has nothing to do with these candidacies. The freedom with which voters cross party lines to cast their ballot is so far-reaching that no one's seat is safe in any election if there are enough candidates. And that is precisely why downsizing now and in the future will raise the level of political debate and the quality of the candidates themselves.

So it is important to see this ballot question for what it is—a fear of change and the fact that change always reshuffles the existing order.

It is clear that our present system of representation has not worked for the majority of Rhode Island citizens, but for the special interests. Therefore, the voter has everything to gain and nothing to lose from reducing the number of legislators.

Downsizing Status as of June 6

On May 31, the House voted 84 to 15 to put the question for downsizing the General Assembly back on the ballot. Democrats Heffner and Bramley, along with the 13 House Republicans voted against the resolution. The resolution is now on the fast-track in the Senate where leaders are known to favor asking the voters to reconsider their 1994 vote. In the House, 19 Democrats who had voted for downsizing in 1994, ironically voted for the reconsideration resolution. House proponents characterized those for downsizing as the "la-de-da" suburban "bluebloods" trying to take power from in-

ner city minorities, women and "blue collar workers." Representative Heffner argued that with downsizing, [minority] districts could be preserved in the redistricting process. He was referring to General Assembly gerrymandering district lines.

Operation Clean Government supports downsizing, both on its merits as well as the will of the people who voted in 1994. Therefore, if the resolution appears on the ballot, we will urge voters to uphold their 1994 vote. If downsizing occurs, we will oppose gerrymandering to either include or exclude any segment of the population.

RI's Education Funding Dilemma

By Robert A. Hicks

Rhode Island is stuck in a school finance dilemma. How did it get there and what's the way out? For many years, the Ocean State was on the forefront of school finance, implementing a progressive system that took into account need and ability to pay. Over the last decade, that system collapsed and has been replaced by one that reflects a combination of politics, ability to pay, and the desire to put resources where they are most needed, the urban agenda. That system, however, is neither clear nor predictable and leaves all parties feeling unfairly treated and subject to the vagaries of legislative action.

Until recently, the state's school finance system reimbursed districts for moneyspent. The wealthier the community, the less reimbursement. But there was a minimum floor of reimbursement regardless of ability to pay. When the state budget hit the skids a decade ago, reimbursement rates were reduced. Poorer districts with a heavier reliance on state funds were less able to spend in the face of cuts so were caught in a downward spiral where reduced spending meant reduced reimbursements. What had been a

generally equitable system fell apart in the face of declining urban property values and reduced state funds.

Stopgap measures were implemented. The minimum floor for reimbursement to wealthier communities was reduced. The regional bonus given to entice small towns to create joint school systems was cut. Special funding categories designed to get funds to cities were added. In the end, the reimbursement formula was abandoned and replaced with funding categories that are increased in response to legislative priorities. The legislature now finds itself caught between cities calling for additional funds to address issues of poverty and language in their school systems and suburban communities faced with unrest over the added property taxes that are levied to support the urban agenda.

What's needed is a clear, predictable system of funding the state's schools so that everyone understands why they get what they get. This requires agreement over a set of principles that underlie a school funding formula. Rather than reimburse districts for spending, which promotes spending to gather funds, the formula would fix a district's

aid based on a set of agreed upon factors that include how much is needed and how much can be raised by the community. Seems easy, so what's the holdup?

The holdup is a simple one. If a formula is implemented several things can happen. One is that everyone gets what they get now. Why bother? Another scenario is that the total amount of aid remains about the same and is redistributed. Here, winners and losers are created, and the losers, those getting less money, won't be happy and won't support the new system. A third option is that the overall amount of state aid is significantly raised so that there are only winners. Everyone gets at least what they get now and those with greater need and less ability to pay get more. A great idea if you've got the money to do it.

One potential system under discussion is a statewide property tax for education. There would be one tax rate for education paid by every property tax payer in Rhode Island. These funds would go into a pool that would be supplemented by state funds and distributed to local school districts based on a need-driven formula. This assures every taxpayer the same burden for

education and every school system fair access to funds. It removes control over the size of school budgets from local authorities to the state legislature.

If this type of finance system is put into place, it will force changes in the state's schools. Under the old, reimbursement system, locals controlled spending and the legislature was in a reactive position, sending out funds in response to what locals did. Under a formula that provides fixed funds, the legislature has much greater influence over school funding. Collective bargaining agreements will look more and more alike as the money to fund them becomes less flexible. The spread in spending will shrink and districts will look fiscally and contractually very similar.

Rhode Island is not unique in facing this dilemma. States across the nation are struggling with their school finance systems, many under the pressure of court orders. Challenges to school finance systems are typically based on the argument that they do not provide equal educational access to education, that students in wealthy communities have better opportunities than those in poor areas. New Hampshire and Ohio being the two most recent examples of states under court-ordered pressure to restructure school finance. Rhode Island differs from other states, however, in that the courts, which held that school finance was the province of the state legislature, did not order changes in its finance system.

Robert A. Hicks Ph.D., is Superintendent of the Exeter-West Greenwich Regional School District. He has written extensively on education funding for the Rhode Island Association of School Administrators.

Editor's note: We have included Dr. Hick's article to enlighten our readers about the problems with education funding and the property tax. Debate on these very sensitive political issues is on going in the General Assembly and can be expected to intensify after the election. Operation Clean Government has taken no position on the evolving debate, but will be watchful of the process as it plays out in the near future.

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WHO WE ARE...

OPERATION CLEAN GOVERNMENT is a grassroots organization working to bring about positive changes in Rhode Island state government. We advocate the passage of legislation which will provide Honest, Responsible and Responsive state government. We file ethics complaints and alert the public to government wrongdoing via OCG newsletters, press releases and appearances in the electronic media. Dues are \$12 for an individual membership and \$15 for a family membership. Donations of any amount are also welcome. As an all volunteer organization, there are no salaries or compensation other than the satisfaction that we are giving our best effort to make a positive difference in Rhode Island. Our costs include newsletters, mailings, office materials and supplies, publicity and public forums.

OCG MEMBERSHIP FORM

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

New member Renewal

My membership contribution to OPERATION CLEAN GOVERNMENT is enclosed:

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

Name(s) _____ Home Phone _____

Business Phone _____

Street _____ Email Address _____

City/Town _____ State _____ Zip _____

OCG is a non-profit organization, however contributions are not tax deductible because our activities include lobbying.

Yes, I would like to volunteer some time or participate on one or more of the OCG committees. Please call me.

I heard about OCG from _____

Send this form to:

OPERATIONCLEANGOVERNMENT
POBOX 8683
WARWICK, RI 02888

tel: 1-877-SWEEPRI
1-877-793-3774

Newsletter

Editorial Review Board

William H. Clay, Editor
Bruce Lang
Sanford Miller
Stephanie Rivera
Beverly Clay

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

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

Typesetting and Layout
Jill Padelford

OCG Board Meetings

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

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