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For release September 12, 2004

## **ACTIVISTS SEEK CONSTITUTIONAL CONVENTION**

Seven Operation Clean Government forums urge passage of ballot Question 2  
Governor Carcieri, Justice Flanders, other leaders support convention idea

Six local forums and a dinner forum supporting the need for a Constitutional Convention to revise Rhode Island's Constitution will be conducted by Operation Clean Government (OCG) in September and October. The forums will urge voters to approve Question 2 on the November ballot which asks: "Shall there be a convention to amend or revise the Constitution?"

According to OCG Chairman Robert Arruda, "The 'Revise RI Constitution NOW!' forums will bring voters up to date on issues which have arisen since the last constitutional review in 1986." Arruda points out that OCG's campaign is supported by Governor Don Carcieri, retired Supreme Court Justice Robert Flanders, several current and former members of the legislature and numerous reform-minded citizens.

"We have the full backing of leading experts from the Executive, Judicial and Legislative branches of government," Arruda said, "as well as a blue-ribbon cast of reform-minded citizens. They have jointly presented a full menu of critical issues that should be discussed in a convention to help Rhode Island deal more effectively with the challenges of the 21<sup>st</sup> Century."

"OCG's Fall forums," Arruda says, "will override the hasty and poorly publicized hearings held between July 22 and August 11 by the legislature's Preparatory Commission. Despite short notice and poor attendance, the overwhelming majority of opinions offered favored having a convention. The Commission ignored the testimony it heard in order to produce a biased report arguing that the legislature itself can more effectively bring constitutional amendments to the voters as needed. That argument is rendered senseless by the 10 year battle citizen activists conducted to get the General Assembly to place the Separation of Powers referendum on the ballot this November."

"The need to revise Rhode Island's Constitution is similar to that in many other states," Arruda explained. "We are part of a nationwide movement in state constitutional reform. Our

forums will inform and structure a debate with highly qualified panelists focused on the issues unique to our local problems. We will be assisted by The Center for State Constitutional Studies at Rutgers University, through its national initiative called "State Constitutions For the 21<sup>st</sup> Century."

#### **Forum schedule**

OCG will conduct six regional forums starting at 7 PM, lasting one and one-half hours, as follows:

- September 22: (Wednesday) at the Westerly Library, co-sponsored by the *Westerly Sun*, with panelists Ray Lamont, Rod Driver, Senator Dennis Algiere, Rob Senville and Harry Staley;
- September 27: (Monday) at the Hall Library in Cranston, co-sponsored by *Beacon Publications*, with panelists: Justice Robert Flanders, Rob Senville, John Howell, Representative Nick Gorham and Senator J. Michael Lenihan;
- September 30: (Thursday) at the Cumberland Library, co-sponsored by the *Valley Breeze* and the Cumberland Library, with panelists Tom Ward, Rob Senville, Senator Marc Cote, Joe Larisa and Deborah Perry;
- October 4: (Monday) at the Roger Williams Conference Center, co-sponsored by the *East Bay Newspapers* with panelists Arlene Violet, Rob Senville, Representative Susan Story, Robert Healey and Mike Kehew;
- October 14: (Thursday) at South Kingstown High School Cafeteria , co-sponsored by the *Narragansett Times* and the SK High School chapter of 'Habitat For Humanity' with panelists Rod Driver, Rob Senville, Harry Staley, Donna Walsh, and Marcia O'Brien;
- October 19: (Tuesday) at the Warwick Library on Sandy Lane, co-sponsored by Beacon Publications with panelists John Howell, Rod Driver, Rob Senville, Senator J. Michael Lenihan and Senator Lou Raptakis;
- October 25: (Monday) A dinner forum will be held at the Crowne Plaza Hotel in Warwick with panelists: Governor Don Carcieri; Justice Robert Flanders; Professor Robert Williams of Rutgers, Senator Marc Cote, Rod Driver, and Joe Larisa. The moderator will be Arlene Violet.

#### **Expected issues**

Issues which Rhode Island citizens have brought up in recent months for possible study by a Constitutional Convention fall into four categories: Executive, Judicial and Legislative branch issues, and citizen concerns.

Executive branch issues:

- Governor's Line item veto for the budget
- Increase Percentage of Vote needed for veto override
- Restore Governor's Constitutional Responsibility for the Judiciary budget
- Review of Lt. Governor's position and method of election
- Regular review of boards and commissions to assure they are still needed.

Judiciary branch issues:

- Should the RI Constitution be aligned with federal practice regarding self-incrimination with new ID technologies using blood, hair, urine and DNA samples?
- Should the RI Constitution be enforceable by the Judiciary without need for the Legislature to pass a law?
- Do citizens have the right to bear arms for personal security without being in the military?
- Who enforces the ban on state office holders taking positions in other jurisdictions? Does it apply to military posts?
- Does the Ethics Commission have the power to ban dual office holding?
- Can crime victims go to court to enforce their right to address a court? If so, what's the remedy?
- Should there be a judicial review process to evaluate judges? Should they stand for retention elections?
- How can judges be held accountable?
- Should the secrecy of the judicial discipline process be continued?
- Should magistrates be appointed the way judges are named?
- Term limits for judges.

Legislative branch issues:

- A required date of adjournment for regular sessions of the legislature
- Term limits for legislators;
- More financial accountability of the General Assembly;
- Require General Assembly to abide by open-meeting laws;
- A full-time legislature of paid professionals;
- A "Sunset Law" review process would re-examine laws every few years to check on whether they are working as intended;

#### Citizen concerns:

- A voter initiative and referendum process to assure that government is responding to the voters' will.
- The ability to recall elected or appointed officials;
- A state Inspector General – common in many other states – who could pursue or prevent corruption and mismanagement;

Many other issues are expected to arise as citizens are given the opportunity to cogitate on the way in which they are being governed.

#### **How the system works**

“Many state constitutions,” according to Robert Arruda, “contain provisions calling for periodic review of their constitution – usually every 10 years. Rhode Island’s last review was voted in 1984, with a Convention held in 1986. Those issues approved at the convention were presented to the voters at the 1986 general election. In 1994, both the legislature and the governor failed to appoint a bi-partisan preparatory commission as required by the constitution. With no discussion of issues, the voters voted to not have a convention. “That is why the 2004 constitutional review process is so critical,” Arruda said.

Question 2 on the November ballot will ask the question “Shall there be a Convention to amend or revise the Constitution?” If approved by voters, delegates will be elected in 2005 and a Convention will take place in 2006. Issues emerging from the convention will be presented to voters for approval or rejection on the November 2006 ballot.

“A Constitutional Convention is a long and tedious process,” Arruda explains, “which assures that it will not produce frivolous or hastily drawn ideas.”

#### **Political obstacles to constitutional reform**

According the experts at the Center for State Constitutional Studies, the most common political obstacle to constitutional reform is the existing power structure seeking to maintain the status quo. “This is easily observed in Rhode Island,” Arruda points out, “by the no-action 1994 experience, and by the 2004 experience where the General Assembly Preparatory Commission held hearings in a three-week mid-summer period with virtually no public notice or media attention.”

#### **The Center For State Constitutional Studies**

Operation Clean Government’s assistant in the upcoming “Revise RI Constitution NOW!” program is The Center For State Constitutional Studies, based at Rutgers, the State University of New Jersey at Camden. It is partially funded by the Ford Foundation.

According to its web site, "The project brings together a nationwide collaboration of scholars, public officials, civic-society groups and other experts to devise and disseminate materials to guide the revision of American state constitutions and to provide assistance to constitutional reformers." Its Director, Professor Robert Williams of Rutgers, will participate as a panelist in OCG's final forum, a dinner forum, on October 25.

**Biographies of panelists**

Dennis Algiere, Senate Minority Leader, representing Charlestown and Westerly  
Donald Carcieri, Governor of Rhode Island.

Marc Cote, Senator representing North Smithfield and Woonsocket

Rodney Driver, former Representative from Richmond

Robert Flanders, recently retired Supreme Court Justice.

Nicholas Gorham, Representative of Coventry, Glocester and Foster

Robert Healey, lawyer and former Cool Moose candidate for Governor

John Howell, publisher of the Beacon Publications

Mike Kehew, talk show host

Raymond Lamont, Vice President and Editor of the *Westerly Sun*

Joe Larisa, former Chief Legal Counsel to Governor Almond

J. Michael Lenihan, Senator representing East Greenwich, North Kingstown and Warwick

Marcia O'Brien, Editor of the *Narragansett Times*

Deborah Perry, Executive Director of the YWCA of Northern Rhode Island;

Leonidas P. Raptakis, Senator representing Coventry, East Greenwich, West Warwick and  
Warwick

Rob Senville, lawyer who often deals with constitutional affairs

Harry Staley, founder of the Rhode Island Shoreline Coalition

Susan Story, Representative of Barrington and East Providence

Arlene Violet, popular talk show host and former Attorney General

Donna Walsh, former Senator representing Charlestown, Westerly, Richmond,  
Hopkinton

Tom Ward, publisher of the *Valley Breeze*.

Professor Robert Williams, Director of the Center For State Constitutional Studies at Rutgers  
University in Camden N.J.

**Further information** on the "Revise RI Constitution NOW!" program can be obtained by  
contacting Robert Arruda at 225-7965.

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