

CENSUS: POVERTY ON INCREASE in Rhode Island, A-3

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ELECTION 2014: QUESTION 3

Case made for constitutional convention

Advocates say the convention would restore faith in government and make it fairer, more accountable and more effective.

By Sean Flynn

The local constitutional convention in Rhode Island would restore changes that were passed in 1986, according to H. Philip West Jr., former executive director of Common Cause Rhode Island and a leader of the current drive for a new constitutional convention. West, a member of RenewRI, a nonpartisan group of individuals and organizations that is encouraging voters to approve Question 3 on the Nov. 4 ballot, "Should there be a convention to amend or revise the Constitution?"

The convention's 75 delegates, from each of the state representative districts, would not be paid, but they would have lawyers and staff to help them draft sound constitutional language. A constitutional convention would restore confidence in governmental institutions, protect basic rights and ensure fairer, more accountable and effective government, West and Larry Girouard, president of Rhode Island Taxpayers and also a member of RenewRI, said during an editorial board meeting Thursday at The Daily News.

"A constitutional convention will educate the electorate on what has happened in the past 30 years," Girouard said. "Government can be a hell of a lot more efficient. At a constitutional convention, you address change. If we don't get change, how do we dig ourselves out of this mess?"

The state has close to the highest unemployment rate among all 50 states, and remained at 7.7 percent in August. In many other measurements of economic and business-friendly

the former, Girouard said. "The General Assembly should be prepared to address issues that would result in meaningful change. What would that be?"

CONVENTION AT

Case made for constitutional convention

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By Sean Flynn - Staff writer

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The 1986 constitutional convention in Rhode Island unleashed historic changes that reverberated for decades, according to H. Philip West Jr., former executive director of Common Cause Rhode Island and a leader of the current drive for a new constitutional convention.

West is a member of RenewRI, a nonpartisan group of individuals and organizations that is encouraging voters to approve Question 3 on the Nov. 4 ballot: "Should there be a convention to amend or revise the Constitution?"

The convention's 75 delegates, from each of the state representative districts, would be elected to carry out one duty: to consider possible amendments to the state constitution. Delegates would not be paid, but they would have lawyers and staff to help them draft sound constitutional language.

A constitutional convention would restore confidence in governmental institutions, protect basic rights and ensure fairer, more accountable and effective government, West and Larry Girouard, president of Rhode Island Taxpayers and also a member of RenewRI, said during an editorial board meeting Thursday at The Daily News.

"A constitutional convention will educate the electorate on what has happened in the past 30 years," Girouard said. "Government can be a hell of a lot more efficient. At a constitutional convention, you address change. If we don't get change, how do we dig ourselves out of this mess?"

The state has close to the highest unemployment rate among all 50 states, and remained at 7.7 percent in August. In many other measurements of economic and business-friendly

achievement, the state consistently ranks near the bottom, Girouard said.

The General Assembly cannot be depended upon to take actions that would mean far-reaching change, West said.

“The legislature has become a very successful self-perpetuating machine,” he said. “The legislature instinctively resists things that will restrict their powers.”

For example, legislative leaders commonly gerrymander legislative districts to protect political allies and punish mavericks and reformers, he said. Factional one-party rule in the General Assembly, now wielded by the Democrats, can stifle debate and public trust, he said.

Instead, West would like the proposed constitutional convention to require an independent, nonpartisan redistricting commission that would establish clear standards and a public process for establishing legislative districts.

“I don’t believe the legislature would do this until hell freezes over,” he said.

The political redistricting process first ensured the Republicans maintained unbroken control of the General Assembly from the 1840s through the 1930s, when the Democrats took control and have kept it since then, he said.

West also said he would like a constitutional convention to revisit the merit selection of state judges, which was established as a result of the 1986 convention. He argues the legislature has gutted the merit selection process, among other ways, by “creating magistrates’ positions willy-nilly.” Judges in the past have been chosen for their political connections rather than their qualifications, he said.

Minor correction here. While I told them the 1986 convention grappled with judicial selection, the battle went on until 1994.

A new convention could create a more open process and set high standards for judicial nomination and selection that would reduce opportunities for political interference, through a constitutional amendment, he said.

A constitutional convention only would propose amendments that would be placed on the 2016 statewide ballot. No amendment could take effect until the voters approved it.

Although changes to the constitution have been made over the years through the use of statewide ballot questions, there has not been a constitutional convention in Rhode Island since 1986.

From that convention, 14 amendments to the constitution were put on the ballot and the voters rejected six of them. They approved Question 6 at the time, which established the strongest Ethics Commission in the nation.

However, the state Supreme Court in 2009 largely exempted members of the General Assembly from Ethics Commission oversight. The convention could propose an amendment to restore the commission’s jurisdiction over the General Assembly.

West is the author of a new book called “Secrets & Scandals: Reforming Rhode Island 1986-2006.” In the book, he makes the case for how effective the 1986 convention was. Chicago’s Better Government Association has scored state laws that promote integrity, accountability and government transparency three times. In 2002 and 2008, the association ranked Rhode Island second in the nation.

“In BGA’s 2013 report, Rhode Island topped all other states, largely because of reforms that began with the constitutional convention of 1986,” he wrote.

He and Girouard talked Thursday about a series of other improvements in government that could be explored by a new convention.

They would like to see a constitutional amendment that gives the governor the right to veto line items in the budget, in order to improve fiscal accountability. They said too many items are approved in the closing hours of the legislative session, when everything seems to be up for trade.

“A line-item veto could avoid last-minute surprises,” West said.

“Forty-four states have a line-item veto,” Girouard said.

A constitutional amendment also could guarantee equal opportunities for the education of all children. West said Massachusetts and Rhode Island’s educational systems were about equal 20 years ago, until the Massachusetts Supreme Judicial Court ruled that every child must have the educational opportunities enjoyed by other children in the state. Now, Massachusetts’ educational system is ranked first in the nation and Rhode Island is ranked 27th, Girouard said.

Currently, rights that are in the constitution must be codified through enabling legislation of the General Assembly. A constitutional amendment could guarantee those rights without depending on the General Assembly for legislation, West argued.

Some people have concerns that out-of-state interests or special interests could influence the outcome of the convention with a major infusion of cash into delegates’ campaigns and advertising to sway public opinion.

The U.S. Supreme Court in its *Citizens United vs. Federal Election Commission* threw out campaign finance restrictions that dated back to the Tillman Act of 1907, the post-Watergate reforms of 1974, and the Bipartisan Campaign Reform Act of 2002, also known as the McCain-Feingold Act.

However, Rhode Island has laws in place that outlaw efforts to disguise the true origin of funds and require disclosure of independent expenditures, West said. The names of the top five donors paying for any commercial must be revealed.

“The voters are not stupid,” he said. “Rhode Island voters have shown remarkable wisdom through the years.”

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