

Ethics Bill Draws Mixed Reaction At R.I. Assembly Hearing

By Randal Edgar

PROVIDENCE — A bill that would restore Ethics Commission jurisdiction over the actions of state lawmakers drew support from familiar quarters Tuesday, but not everyone agreed the bill would be a good step for representative government.

Senate Bill 634, sponsored by Sen. Edward J. O'Neill, an independent from Lincoln, would put a binding question before voters, asking if they support a constitutional amendment that gives the Ethics Commission the authority to prosecute ethics violations by state lawmakers.

The commission had long assumed it had that authority, until a June 2009 Supreme Court decision involving former Senate President William V. Irons essentially exempted lawmakers from prosecution by the commission for their official acts. In its decision, the court ruled that the so-called speech-and-debate clause in the state Constitution insulates lawmakers from Ethics Commission scrutiny for any core act, including “proposing, passing or voting upon a particular piece of legislation.”

Since then, good-government groups have urged lawmakers to let voters decide if the commission’s jurisdiction should be restored.

“This bill, we introduced to help restore public confidence in the members of the legislature, the General Assembly,” O’Neill told the Senate Judiciary Committee. “It would go a long way down that road.”

The ballot question, if approved, would allow the commission to “investigate and adjudicate all alleged violations of the code of ethics,” including those protected by the speech-and-debate clause, which allows public officials to speak in public forums without fear of civil suit.

Speakers from Common Cause, Operation Clean Government and the Ethics Commission said restoring the authority, or at least giving voters their say, would honor the intent voters had when they created the commission in 1986.

“Our legislature should be setting the example for all other state officials and workers by embracing the notion that no official should be able to use the power of their office to violate a code of ethics,” said Margaret Kane, president of Operation Clean Government and one of six people who testified in support of the bill.

Voicing opposition was Steven Brown, president of the Rhode Island Affiliate of the American Civil Liberties Union, who said the proposed amendment would give the unelected Ethics Commission the ability to “tell legislators you cannot speak, you cannot vote on a whole range of issues because there might be some direct or indirect connection with how” the commission defines conflict of interest.

The committee ultimately held the bill for further study, over objections from freshman Republican Senators Dawson Tucker Hodgson and Glenford J. Shibley, who support it. The House Judiciary Committee is scheduled to take up an identical bill, sponsored by Rep. Michael J. Marcello, D-Scituate, on Wednesday.

Last year, the House passed a bill sponsored by Speaker Gordon D. Fox that gave voters a chance to restore Ethics Commission jurisdiction over lawmakers, but Senate leaders did not take it up. A spokesman for Senate President M. Teresa Paiva Weed said this week that she believes lawmakers should be subject to the Ethics Commission and is committed to supporting that cause.