

“Separation of Powers”

Rarely does a drama unfold of such import to Rhode Island that it harkens back to the founding principles of our Nation and a time when we were amongst just a handful of colonies to declare independence from a King. While our State’s Constitution has seen other amendments since it’s signing in 1843, at no time have we wrestled with something as fundamental as “Separation of Powers.” This vestige from our colonial past, directly descended from the Royal Charter under which Britain ruled the colonies, has long since outlived any logic that may have once been persuasive.

Thankfully, our former Governor, Lincoln Almond, though he himself was ensnared by the arcane manner in which we govern ourselves, nonetheless took the initiative to help raise this issue for a statewide referendum. And Rhode Islanders overwhelmingly heard the call. We now have a new Governor who, in his first official act of State, has declared that amending our Constitution to provide “Separation of Powers” – a structure enjoyed by all 49 other States and the Federal Government – is the single most important thing we can do for the future of Rhode Island.

All that stands in the way is our General Assembly – perennial beneficiaries and keepers of the laws that so much need amending. While the vast majority of our Senators have signed the amendment as proposed by Governor Carcieri, barely half of our Representatives have seen fit to do so. Though compelled by the issue, many seem reluctant to sign away perks they’ve so long been accustomed to. And while others may think the General Assembly is boxed in, we cannot rest on that assumption. Those with the most to lose often see things differently. Banking on the voters’ tendency towards memory lapse, the entrenched powers may try to eschew debate, to sidetrack imperatives, and ultimately to pass a diluted version of “Separation of Powers,” thus preserving their fiefdom. We cannot let that happen lest we condemn Rhode Island to the continuing status of a second-rate state.

Our amendment must be impeccable – able to withstand scrutiny from a “blue ribbon” panel of impartial Constitutional scholars. If we succeed, then Rhode Island can trumpet, “We’ve claimed our full Independence; it’s no longer ‘business as usual’ in our State,” as opposed to claiming the national spotlight with such tawdry topics as “Plunder Dome.” Nothing could have a more profound impact on our State’s reputation, and hence our future fortunes, than this one simple change.

To forestall passage of a sham amendment, we must engage public interest and participation in the forthcoming debate. The more ‘We the People’ are involved, the less likely are special interests to derail the process. To this end, the press needs to carry detailed accounts of the official debate – all points and counter-points and the tradeoffs therein – and the message must be delivered in plain English for the public to weigh. This is the highest role – as envisioned by our Founding Fathers – which the press needs to play. Every Rhode Islander must be engaged, just as the colonists were engaged in declaring independence. If we could free ourselves then from a King, surely we can free ourselves now from a system of government grown too lop-sided and self-interested to merit further tolerance.

Dean Fachon
East Greenwich, RI
884-8505