

# Amending the Constitution for a casino, an unprecedented question

By Guy J. Settipane

On Nov. 7, Question 1 will ask voters to approve "A Resort Casino in West Warwick to be Privately Owned and Operated by a Private business, in association with the Narragansett Indian Tribe."

Whether you support casino gambling or oppose it, the General Assembly's Constitutional amendment fails to provide citizens with a clear and fair choice on casino gambling. The question does not ask citizens to authorize private casino operations in Rhode Island subject to regulations and laws of the state. Rather, the question is limited and seeks to grant a non-competitive, constitutionally-empowered single monopolistic casino business venture to Harrah's Casino.

Historically, Rhode Islanders have exercised great reluctance toward constitutional changes. Our state was founded on independent democratic principles and a representative form of self government. Rhode Island and Providence Plantations was first established by King Charles II under England's Royal Charter of 1663. Our Constitution was not adopted until 1842. For nearly 350 years, our public officials have shunned any amendment to include a private business entity within the state's governmental framework. Rhode Island's Constitution, Article I, Section 2, directs that laws shall be made for the good of the whole citizenry, not to ensure private rights for only the few. Our

## • Viewpoint •

Constitution is a living document guaranteeing a non-discriminating equal playing field for all businesses, protection of liberty, property and due process rights, and to promote the general health, safety and welfare of all of the people. Unlike laws and regulations that can be changed as public interest so requires, once granted, a Constitutional amendment is very difficult to rescind.

Not withstanding the debate over a casino's benefits or detriment to society, Rhode Islanders should be suspect of any proposal conferring special rights and entitlement to a single private corporation. The amendment may unwittingly create a very powerful political player, financially capable of impacting state elections, policy and laws. The ability to influence is readily witnessed in the recently disclosed agreement with the town of West Warwick. Harrah requires approval from West Warwick contemporaneous with a yes vote from the general electorate. The pre-election financial package offered to the town includes a one-time payment totaling \$5 million, plus up to 2 percent of casino revenue after 10 years of operation, a projected \$20 million a year in town property tax revenue, \$1 million in public safety donation and a non-refundable \$300,000 along with other incentives. The town's revenue package is in stark contrast to the state's anticipated share of gam-

bling revenues, which remains undetermined and is subject to payments as approved by executives of Harrah's Corporation. Underscoring political concerns further is the fact that house bills to restrict state representatives from future employment/ financial dealings with the private casino were rejected by the legislative branch.

One can only speculate why leadership of Rhode Island's General Assembly failed to seek a non-binding referendum on the casino gambling question. Our legislature can place non-binding questions on the ballot to accurately assess voter sentiment. A road map to addressing such important government issues has precedent in the celebrated Constitutional "Separation of Powers Amendment" (passed in November of 2004).

The Narragansett Indian's gambling rights are worthy of public consideration. There are legitimate questions under federal and state laws as to whether they were wrongfully disenfranchised from partaking in gambling operations on tribal lands. It is ironic that the tribe was not originally included in state controlled gambling operations. Now with Harrah's as a new partner, the legislature seems all too willing to place this Constitutional amendment before the people.

This ballot question is unprec-

edented. Citizens deserve better than the circus type rallies, sound bites, and the waste of millions of dollars spent on the recent propaganda campaigns. In October 2006, the Rhode Island Public Expenditure Board (RIPEC), has raised a red flag by announcing that approval of Question 1 will cost taxpayers \$1.1 Billion over the next 10 years.

A NO VOTE will not end the gambling debate but will serve

notice to the General Assembly that citizens expect and deserve better from their government. In its current form, the legislatively sponsored Casino Referendum not only robs citizens of their right to express an opinion on casino gambling, but forever threatens to privatize our state Constitution.

Editor's note: the author is an attorney and former town councilman in Jamestown.



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Pending Town Council approval, Rhode Island Department of Environmental Management (DEM) will close Beavertail State Park for bow hunting. Public access will be denied to ALL passive recreational use such as hiking, biking, walking, fishing etc. for the duration of the hunt.

The Humane Society of Jamestown is concerned with public safety issues and accessibility of our state park. For more information come to the next Town Council meeting on Monday, October 23, 7 pm at the Jamestown Library.