

# RI Republican Party

*via hand delivery*

October 14, 2008

The Honorable Robert C. Corrente  
United States Attorney  
30 Kennedy Plaza  
Providence, 02903

Dear Mr. Corrente:

I write to request that you investigate eight candidates for the Rhode Island Senate and House of Representatives for potential violations of the Hatch Act, 5 U.S.C. §§ 1501-1508, 7321-7326. As I'm sure you are aware, the Hatch Act restricts political activities of federal, state and local employees, as well as employees of certain private, nonprofit organizations. In passing the Act, Congress determined that partisan political activity by employees such as these must be limited for public institutions to function fairly and effectively. Additionally, anecdotal evidence suggests that some of these eight Rhode Island candidates have been actively engaged in the solicitation of political contributions from co-workers. Therefore, I write to request as well that you investigate their fundraising practices for potential criminal violations of 18 U.S.C. § 602.

The individuals in question are as follows:

- 1) Elaine A. Coderre, 15 Angle Street, Pawtucket, a Democrat running for the Rhode Island House of Representatives from the 60<sup>th</sup> district. She lists her occupation as "Executive Director of the Westminster Senior Center."
- 2) Grace Diaz, 45 Adelaide Avenue, Providence, a Democrat running for the Rhode Island House of Representatives from the 11<sup>th</sup> district. She lists her occupation as a "child care consultant."
- 3) Arthur Handy, 26 Welfare Avenue, Cranston, a Democrat running for the Rhode Island House of Representatives from the 18<sup>th</sup> district. He lists his occupation as "Analysis Coordinator, Mayor's Council on Drug and Alcohol Abuse."

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4) Beatrice A. Lanzi, 70 Scituate Farms Drive, Cranston, a Democrat running of the Rhode Island Senate from the 26<sup>th</sup> district. She lists her occupation as “Vice-President, Director of Community Services – United Way.”

5) MaryAnn Shallcross, 6 Twin River Road, Lincoln, a Democrat running for the Rhode Island House of Representatives from the 46<sup>th</sup> district. She lists her occupation as “President, Kids Klub, Inc.”

6) Anastasia P. Williams, 32 Hammond Street, Providence, a Democrat running for the Rhode Island House of Representatives from the 9<sup>th</sup> district. She lists her occupation as a “HUD Home Housing Specialist.”

As you know, the Hatch Act prohibits executive branch employee of the federal government from being a candidate for public office in partisan elections. 5 U.S.C. § 7323(a)(4). Likewise, an employee whose principal employment is with a state, county or municipal executive agency, and whose duties are “in connection with” programs financed in whole or in part by loans or grants made by the United States or a federal agency cannot be a candidate for public office in partisan elections. 5 U.S.C. §§ 1501(4) and 1502 (a)(3). Even an employee of a private, nonprofit organization is banned from being a candidate if the statute through which the nonprofit derives its federal funding contains a provision stating that recipient organizations shall be considered to be state or local government agencies for purposes of the Hatch Act. To date, the statutes containing such a provision are those authorizing Head Start funds and Community Service Block Grant (“CSBG”). *See* 42 U.S.C. §§ 9851, 9918(b).

State and local employees are subject to the Act if, as a normal and foreseeable incident of their principal employment with a state, county or municipal executive agency, they perform duties in connection with the federally financed activities. *In re Hutchins*, 2 P.A.R. 160, 164 (1944); *Special Counsel v. Gallagher*, MSPB 1990, 44 M.S.P.R. 57 (1990). Coverage is not dependent on the source of the employee’s salary, nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them. *Special Counsel v. Williams*, 56 M.S.P.R. 277, 283-84 (1993), *aff’d*, *Williams v. M.S.P.B.*, 55 F.3d 917 (4<sup>th</sup> Cir. 1995), *cert. denied*, 516 U.S. 1071 (1996) (unreported decision).

Examples of the types of state and local programs which frequently receive financial assistance from the federal government include public health, public welfare, housing, urban renewal and area redevelopment, employment security, labor and industry training, public works, conservation, agricultural, civil defense, transportation, anti-poverty, and law enforcement programs. It would appear from the occupations and employers listed by these particular Rhode Island candidates that their employment duties are “in connection with” programs financed in whole or in part by loans or grants from the United States or a federal agency.

It thus appears that these candidates are among the employees the Hatch Act restricts from running as candidates for partisan office. Moreover, if soliciting political contributions from co-workers, these candidates would be engaging in criminal conduct in violation of 18 U.S.C. § 602. Fairness in our elections process is the foundation of our freedom. Congress' enactment of the Hatch Act and criminal sanctions for wrongful solicitation of political contributions was meant to ensure the integrity of our elections. Therefore, I respectfully request that you investigate the afore-mentioned eight candidates. Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'G. Cicione', with a stylized flourish at the end.

Giovanni D. Cicione  
Chair  
Rhode Island Republican Party

cc. Hatch Act Unit  
United States Office of Special Counsel  
Disclosure Unit  
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