

Carl T. Bogus

*The Battle for Separation of Powers in Rhode Island*

56 Admin. L. Rev. 77

Abstract by Melissa Sutton

The author discusses one of the most fundamental principles of American government, the doctrine of separation of powers and Rhode Island's rejection of it over two centuries. The article begins with a discussion of separation of powers as the core principles of American ideology. It explores the proposition that the American people see separation of powers as part of their heritage and guaranteed to the people of every state.

Rhode Island's rejection of separation of powers for more than two centuries has never been sanctioned by the people. In fact, two revolutions were required to bring separation of powers into Rhode Island government. The people of Rhode Island undertook a modern revolution not principally because they found separation of powers appealing in theory, but because they thought it would make a critical difference in practice. This article deals with specific episodes in recent Rhode Island history and how the people perceived them to be relevant to separation of powers.

Part I of the article details the history of the doctrine of separation of powers. Part II describes the author's theoretical and historical basis for his argument that separation of powers is a central feature of American ideology. Part III of the article describes the relevant Rhode Island history, including, in broad terms, how and why Rhode Island came to reject separation of powers and, perhaps most importantly, the problems that resulted from that rejection. Finally, Part IV describes the culmination of the battle for separation of powers in Rhode Island, which ended in a constitutional amendment providing for separation of powers to be ratified by the voters in the fall of 2004.