

Does "Public Interest" Exist?
A Case Study of the Rhode Island Solid Waste
Management Corporation

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Environmental Studies

May 1980

I. INTRODUCTION

In recent years there has been considerable debate in the United States about the increasing size and power of government. Although the necessity of government is almost unquestioned, there is disagreement about the extent of government regulation and the degree to which government, particularly national and state government, should be involved in the day to day lives of its citizens. At the present time, the Rhode Island Solid Waste Management Corporation (S.W.M.C.), a quasi-public corporation empowered by the R.I. state government, is developing and implementing a statewide resource recovery plan for Rhode Island. Upon implementation, this plan, which includes the construction of a 1200 ton/day waste to energy facility, will transfer responsibility for the collection and disposal of solid waste from local communities and private businesses to state agencies and businesses which contract with the state. Before it is possible to render a judgment on whether the encroachment of state authority on the private and local sectors is justified and/or beneficial in this instance, or in general, it is necessary to examine why there is agreement that government should exist and to examine what the proper function of government is believed to be.

Constituted by men who envisioned a virtuous Republic, this country's government was created to promote the general good and safety of the community.¹ Most people still feel that is the proper function of government. Politicians and leaders constantly

¹Gordon Wood, The Creation of the New Republic.

use terms such as "general good," "general welfare" and "public interest" when describing their proposed courses of action. The search for leadership which has dominated U.S. politics in the last year has centered around finding someone who can preserve our "national interests." Solutions to the energy crisis involve asking individuals to sacrifice for the "general interest."²

If our government actually carried out its designated function of always promoting the general good and safety of the community, government action would have to be considered unambiguously beneficial. The fact that people disagree about whether certain government actions (e.g. state government control of solid waste disposal) are desirable, implies that at least in some instances, government is incapable of acting in the general good, or "public interest". Three possible explanations for such an inability are: (1) "public interest" does not exist in any real sense, (2) "public interest" does exist but government does not formulate policies which embody it; and (3) government does formulate policies embodying the "public interest," but is incapable of implementing them. This paper will concentrate on the first explanation and will examine whether the "public interest" actually exists.

Although the term "public interest" is widely used, it has no clear or obvious meaning. It is usually employed ambiguously, and often contradictorily. As J. Ronald Pennock writes: "The question

²President Carter's Energy Address July 1979, Senator Kennedy's Georgetown Address, Feb. 1980.