

## ***THE RHODE ISLAND ACLU “TOP 50” CASES***

Although founded in 1959, the Rhode Island ACLU only began keeping a formal case docket in 1973. Since then, the Affiliate has been involved in almost 600 cases. Thus, attempting to choose the “Top 50” cases the Affiliate has handled is a daunting, and ultimately arbitrary, task. But the 50 cases below should offer a good idea of the scope, breadth and impact of the R.I. ACLU’s work in the past five decades on a wide range of civil liberties issues, large and small. The cases are listed in chronological order, and include the names of the ACLU attorneys who handled them.

***Quince and Ward v. Langlois. (1959)*** The Affiliate’s first formal case was a successful lawsuit resulting in the release from prison of, and award of damages to, two migrant workers who had been jailed for five months as material witnesses in a murder case. Milton Stanzler.

***Murray v. Vaughn. (1969)*** In this nationally-watched case, the Affiliate successfully represented a Peace Corps volunteer terminated and threatened with induction for writing a letter to the editor opposing the government’s Vietnam War policy. Marvin Karpatkin, Milton Stanzler, Richard Zacks.

***DiCenso v. Robinson. (1971)*** In the first of a trio of RI ACLU church-state cases to be heard by the U.S. Supreme Court, the Court ruled unconstitutional a state law providing salary supplements to parochial school teachers. Milton Stanzler, Leo Pfeffer, Richard Zacks.

***Gardner v. Cumberland School Committee. (1971)*** In this student rights case still cited today, the R.I. Commissioner of Education ruled that schools can adopt dress codes only to address issues of health, safety or disruption. Milton Stanzler.

***Coalition of Black Leadership v. Doorley. (1973)*** This class-action lawsuit, challenging brutality against racial minorities by the Providence police, resulted in the entry of a comprehensive consent decree, including the establishment of an internal complaint review process. Alton Wiley, John Roney, Drew Days.

***Doe v. Israel. (1973)*** In the first of many RI ACLU challenges to state-enacted anti-abortion laws, a court struck down a statute, enacted immediately after Roe v. Wade, declaring that “life begins at conception.” Charles Edwards, Richard Zacks.

***Fortin v. Darlington Little League. (1975)*** A favorable court decision held that the Little League could not exclude girls from participation. Stephen Fortunato, Jr.

***Reilly v. Noel. (1975)*** A federal court ruled that the State House rotunda was a “public forum,” and barred the Governor from prohibiting its use for a peaceful protest. Edward St. Onge, Amato DeLuca

***Palmigiano v. Baxter. (1976)*** The U.S. Supreme Court heard this RI ACLU case dealing with the due process rights of inmates in prison disciplinary proceedings. Stephen Fortunato, Jr.

***Toward a Gayer Bicentennial Committee v. McQueeney. (1976)*** After a permit was denied by Providence police, a federal judge issued a restraining order allowing the state’s first gay pride parade to proceed. Stephen Fortunato, Jr.

***McCarthy v. Noel. (1976)*** The federal court struck down a state election statute that had the effect of preventing independent Presidential candidate Eugene McCarthy from appearing on the ballot. Amato DeLuca.

***Palmigiano v. Garrahy. (1977)*** The federal courts found that conditions at the ACI constituted “cruel and unusual punishment” in this long-running prison lawsuit that led to comprehensive changes at the state prison. Alvin J. Bronstein.

*Driver v. Helms.* (1978) This class-action suit against various officials of the CIA, FBI and Post Office led to an award of damages to the plaintiffs for the illegal opening of their first-class mail without a warrant. Richard Zacks, Melvin Wulf, Burt Neuborne.

*Wisner v. Ricci.* (1978) This successful federal court suit permitted the display of a controversial art exhibit that had been raided by Providence police as “obscene.” John Roney, Guy Bissonnette.

*Traugott v. Petit.* (1979) In a case epitomizing the struggle for equality still being faced by women, the state Supreme Court reversed a lower court ruling and held that married women have a common law right to use the name of their choice on their driver’s license. Sheila Cabral Sousa.

*The Independent Press v. Brunelle.* (1981) Calling the plaintiff a “modern John Peter Zenger,” a federal court ruled that the Charho School Committee could not bar a student from distributing an alternative school newspaper on school premises. Stephen Fortunato Jr., Robert Rossi.

*The Rake v. Gorodetsky.* (1983) Issuing its first interpretation of the state’s “open records” law, the R.I. Supreme Court ordered the Providence Police Department to release to a community group reports of civilian complaints of police abuse. R. Kelly Sheridan.

*Exeter-West Greenwich School District v. Pontarelli.* (1983) This case successfully challenged a state Department of Education ruling requiring a public school district to pay tuition for students attending parochial schools. Amy R. Tabor.

*Planned Parenthood v. Board of Medical Review.* (1984) This lawsuit successfully challenged a state law requiring husband notification before a married woman could obtain an abortion. Lynette Labinger.

*Donnelly v. Lynch.* (1984) In upholding the legality of a nativity scene display sponsored and maintained by the city of Pawtucket, a divided U.S. Supreme Court ruling set the outer boundaries for government sponsorship of religious symbols. Amato DeLuca, Sandra Blanding.

*Puerto Rican Political Action Committee v. DiStefano.* (1984) This federal lawsuit successfully challenged, as an illegal literacy test, a complex state “verification procedure” for newly registered voters. Lynette Labinger.

*Deleiris v. Scott.* (1986) This was a successful federal challenge to a Health Department policy withholding birth certificates from parents who refused to answer various intimate questions contained on a “hospital birth worksheet.” Thomas Kelly.

*Pimental v. Department of Transportation.* (1989) The Affiliate filed a “friend of the court” brief in this major case which held that drunk driving roadblocks violated the state constitution’s ban against unreasonable searches and seizures. John A. MacFadyen.

*Kass v. Newton.* (1989) This case successfully challenged a state “gag rule” that barred people from publicizing complaints filed with the R.I. Ethics Commission against public officials. Stephen Fortunato, Jr.

*Yang v. Sturner.* (1990) This federal lawsuit on behalf of a Hmong family whose son was autopsied against their religious beliefs helped lead to passage of the federal Religious Freedom Restoration Act. Amato DeLuca, Sandra Blanding.

*Atlantic Beach Casino v. Morenzoni.* (1990) In this classic censorship battle, the Affiliate successfully represented a nightclub threatened with revocation of its entertainment license after booking the rap group “2 Live Crew.” Stephen Fortunato, Jr.

*In re Lucille Riccitelli*. (1990) Highlighting the principle that no civil liberties battle ever stays won, it took an ACLU suit to reverse a Probate Court judge's ruling which had denied a married woman the right to change her name back to her birth-name unless she got her husband's consent. A. Gregory Frazier.

*Weisman v. Lee*. (1992) The U.S. Supreme Court ruled unconstitutional the practice of having prayers at public school graduation ceremonies. Sandra Blanding.

*Duke v. Connell*. (1992) Vindicating the indivisibility of civil liberties, this suit successfully challenged the Secretary of State's decision not to place Presidential primary contender David Duke on the ballot. Michael DiBiase.

*Cook v. Department of Mental Health, Retardation and Hospitals*. (1993) In this precedent-setting anti-discrimination lawsuit, the Affiliate successfully challenged the state's denial of employment to the plaintiff solely on the basis of her obesity. Lynette Labinger.

*Sammataro v. Sammataro*. (1993) A favorable ruling was issued in this state court appeal on behalf of a mother who lost custody of her daughter solely because she was receiving welfare assistance. John Dineen.

*Hometown Properties v. Fleming*. (1996) In the first major case involving the state's SLAPP suit law, the ACLU successfully defended a North Kingstown woman who was sued for defamation based on a letter she sent to the DEM expressing environmental concerns about a local landfill. Amelia Edwards.

*Barense v. Town of Barrington*. (1996) This federal lawsuit successfully challenged a Town's practice of providing free snow-plowing services to churches, but to no other private facilities. John Dineen.

*League of Women Voters of Rhode Island v. R.I. State Board of Elections*. (1996) As a result of this class-action lawsuit, the state was required to engage in a variety of outreach activities to help register more voters in response to its substantial non-compliance with the National Voter Registration Act, the "motor voter" law. John A. Glasson.

*Goncalves and Lee v. Pawtucket School Committee*. (1997) In a memorable example of "zero tolerance" gone amok, the Affiliate helped overturn the 10-day suspensions imposed on two Pawtucket first grade students for having a toy ray gun in school. Jennifer Wood.

*Westenfelder v. Ferguson*. (1998) A state law providing reduced welfare benefits to residents if they had not lived in Rhode Island for the immediately preceding twelve months was overturned by this lawsuit. David Cicilline, Dianne Izzo.

*Dickerson v. Vose*. (1998) A habeas corpus petition filed by the Affiliate led to the immediate release of a woman who, without any legal representation, had been incarcerated for over two years for failing to pay child support. Thomas Mirza, Mark Lopez

*Fernandes v. Immigration and Naturalization Service*. (1999) The Affiliate successfully challenged an INS practice of indefinitely jailing lawful permanent residents who were awaiting deportation. Judy Rabinovitz, Randy Olen.

*Doeg v. Ferguson*. (2000) This class-action suit led to significant changes in Department of Human Services' procedures, including the questionable use of a handwriting analysis "expert," in conducting food stamp fraud hearings. Thomas W. Lyons III.

*Parent v. School Committee of the Town of Johnston*. (2000) This post-Columbine federal lawsuit challenged the summary suspension of a high school student based solely on the content of a "free write" composition he wrote for his English class. John W. Dineen

*R.I. ACLU v. Providence Police Department*. (2001) This lawsuit led to the imposition of numerous

obligations on the Providence Police Department to ensure accurate and thorough compliance with the state's new racial profiling prevention law, requiring collection of traffic stop data for the purpose of determining the prevalence of racial profiling. Carolyn Mannis.

*Lanoue v. City of Woonsocket.* (2003) The Affiliate obtained damages on behalf of a woman who was strip-searched by police and left naked in a holding cell for over five hours after she was arrested for "driving under the influence." V. Edward Formisano.

*Melendez v. Town of North Smithfield.* (2003) This was a successful federal lawsuit, on behalf of a female Hispanic firefighter applicant, challenging an unprecedented state law that gave a town a one-time exemption from the Fair Employment Practices Act in order to allow its acquisition of an all white, all male private fire and rescue service. Lynette Labinger, John Dineen.

*Tiverton School Committee v. McCullough.* (2005) The ACLU successfully represented a married lesbian couple living in Massachusetts, one of whom was a retired Tiverton teacher, when the school district sought a ruling that it need not provide health insurance benefits to the spouse because Rhode Island does not recognize same-sex marriages solemnized outside of the state. Lynette Labinger.

*Spratt v. Wall.* (2006) In an important decision under a federal law protecting religious freedom, the RI ACLU successfully challenged a warden's decision to bar an inmate from supervised preaching at religious services. Lynette Labinger.

*Women's Studies Organization of Rhode Island College v. Rhode Island College.* (2006) This lawsuit successfully challenged a college's censorship of a campus sign display, sponsored by a student women's rights group, supporting reproductive freedom. Jennifer Azevedo.

*Estrada v. R.I. State Police.* (2007) In a classic case of racial profiling, this lawsuit challenges the legality of the stop, hour-long detention, and transporting to immigration officials of fourteen Guatemalans by state police, based solely on the ethnicity of the driver and passengers. V. Edward Formisano.

*R.I. ACLU v. Moran.* (2007) This successful open records lawsuit challenged a police department's refusal to release the report regarding the fatal shooting of a local resident by police. Howard Merten.

*Block v. Mollis.* (2009) Affiliate litigation obtained a significant election law victory, overturning a statute that made it extremely difficult for newly-formed political parties to obtain the signatures necessary for official party status. Mark W. Freel, Robert Coulter

*Qu v. Central Falls Detention Facility Corporation.* (2009) This lawsuit is on behalf of the family of a 34-year-old Chinese detainee whose medical needs were blatantly ignored, resulting in his death while in the custody of immigration officials at the Wyatt Detention Center. John McConnell, Jr., Robert McConnell, Aileen Sprague.