

THE RHODE ISLAND ACLU “TOP 40” CASES

Although established in 1959, the Rhode Island ACLU only began keeping a formal case docket in 1973. Since then, the Affiliate has been involved in more than 400 cases. Thus, attempting to choose the “Top 40” cases the Affiliate has handled is a daunting, and ultimately somewhat arbitrary, task. But the 40 cases below, compiled for the Affiliate’s 40th Anniversary celebration in 1999, should give readers a good idea of the scope and breadth of the R.I. ACLU’s work in the past four decades on a wide range of civil liberties issues. The cases are listed in chronological order, and include the names of the ACLU attorneys who handled them. We hope you find this listing informative.

Quince and Ward v. Langlois. (1959) 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) Successful lawsuit on behalf of 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.

DiCenso v. Robinson. (1971) The U.S. Supreme 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) The Commissioner of Education ruled that schools can adopt dress codes only to address problems of health, safety or disruption in this successful administrative appeal on behalf of a girl barred from wearing a maxi-coat to school. Milton Stanzler.

Coalition of Black Leadership v. Doorley. (1973) This class-action lawsuit, challenging brutality against racial minorities by 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) Successful challenge to state anti-abortion law, declaring that “life begins at conception,” enacted in response to the Roe v. Wade decision. Charles Edwards, Richard Zacks.

Fortin v. Darlington Little League. (1975) Favorable court decision which held that the Little League could not exclude girls from the League. Stephen Fortunato, Jr.

Reilly v. Noel. (1975) Successful challenge in federal court to attempt by Governor to prohibit peaceful singing by protesters in the State House. Edward St. Onge, Amato DeLuca

Gluckman v. Sheehan. (1975) Successful federal suit on behalf of a student wishing to remain quietly seated while the Pledge of Allegiance was recited in class. Stephen Fortunato, Jr.

Palmigiano v. Baxter. (1976) The U.S. Supreme Court issued an unfavorable decision in this case dealing with the due process rights of inmates in prison disciplinary proceedings. Stephen Fortunato, Jr.

Toward a Gayer Bicentennial Committee v. R.I. Bicentennial Commission. (1976) Successful federal court suit on behalf of a group arbitrarily denied official endorsement of a gay pride parade as a Bicentennial event. Stephen Fortunato, Jr.

McCarthy v. Noel. (1976) Federal court struck down a state election law statute requiring independent candidates for President to submit nominating petitions before the major parties were required to do so. 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. Alvin J. Bronstein.

Driver v. Helms. (1978) Class-action suit against various officials of the CIA, FBI and Post Office awarding damages for opening of first-class mail without a warrant. Richard Zacks, Melvin Wulf, Burt Neuborne.

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

Traugott v. Petit. (1979) Favorable state Supreme Court decision holding 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) Successful federal court challenge to Chariho School Committee decision prohibiting a student from distributing and selling an alternative school newspaper on school premises. Stephen Fortunato Jr., Robert Rossi.

Planned Parenthood v. Roberts. (1982) Successful federal court challenge to state “informed consent” and “parental consent” abortion statutes. Lynette Labinger, John Roney.

The Rake v. Gorodetsky. (1983) Favorable “open records” decision by state Supreme Court in challenge to Providence Police Department’s refusal to release reports of civilian complaints of police abuse. R. Kelly Sheridan.

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

Bruyere v. Deery. (1983) The federal court approved a detailed consent agreement in response to this Eighth Amendment lawsuit on behalf of an ACI inmate who was straitjacketed and handcuffed in his cell for lengthy periods of time. Edward Gerstein.

Donnelly v. Lynch. (1984) Challenge in federal court to a nativity scene display sponsored and maintained by the city of Pawtucket. After favorable lower court decisions, the display was upheld by the U.S. Supreme Court. Amato DeLuca, Sandra Blanding.

Puerto Rican Political Action Committee v. DiStefano. (1984) A restraining order was issued in this federal lawsuit challenging, as an illegal literacy test, a complex state “verification procedure” for newly registered voters. Lynette Labinger.

Deleiris v. Scott. (1986) Successful federal challenge to a Health Department policy withholding birth certificates from parents who refused to answer personal questions on the “hospital birth worksheet.” Thomas Kelly.

Pimental v. Department of Transportation. (1989) The Affiliate filed a “friend of the court” brief in this 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) Successful challenge to a state law barring persons from publicizing complaints filed with the R.I. Ethics Commission against public officials. Stephen Fortunato, Jr.

Yang v. Sturner. (1990) Favorably-settled federal lawsuit on behalf of a Hmong family whose son was autopsied against their religious beliefs. Amato DeLuca, Sandra Blanding.

Atlantic Beach Casino v. Morenzoni. (1990) Successful federal lawsuit on behalf of 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) The Superior Court reversed 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 a public school’s practice of having an invocation and benediction delivered at a graduation ceremony. Sandra Blanding.

Duke v. Connell. (1992) Successful federal lawsuit challenging 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) Successful federal lawsuit challenging 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) Successful defense representation of a SLAPP suit victim who was sued for defamation based on a letter she sent to the DEM expressing environmental concerns about a local landfill. Amelia Edwards.

Barese v. Town of Barrington. (1996) Successful federal lawsuit challenging 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) Federal lawsuit challenging the state's non-compliance with the National Voter Registration Act, the "motor voter" law, resulting in the entry of a comprehensive consent decree. John A. Glasson.

Goncalves and Lee v. Pawtucket School Committee. (1997) Favorably-settled administrative appeal overturning the 10-day "zero tolerance" suspensions imposed on two Pawtucket first grade students for having a toy ray gun in school. Jennifer Wood

Westenfelder v. Ferguson. (1998) Successful federal lawsuit challenging a state law providing reduced welfare benefits to residents who had not lived in Rhode Island for the immediately preceding twelve months. David Cicilline, Dianne Izzo.

Dickerson v. Vose. (1998) Successful habeas corpus petition filed on behalf of a person who, without legal representation or other due process, was found in contempt of court and incarcerated for over 2 ½ years for failing to pay child support. Thomas Mirza, Mark Lopez.

Fernandes v. Immigration and Naturalization Service. (1999) Successful challenge to an INS practice of indefinitely jailing lawful permanent residents while awaiting deportation. Judy Rabinovitz, Randy Olen.