

## ACLU OF RI SUES GOVERNOR MCKEE TO PROTECT FREE SPEECH, PROTESTERS' RIGHTS

In a case seeking to vindicate the right to free speech and assembly at the state's quintessential public forum for free speech activity — the Rhode Island State House — attorneys for the ACLU of Rhode Island filed a lawsuit in October against Governor Daniel McKee on behalf of activists who were intentionally denied access to the State House for a rally and threatened with arrest prior to the annual gubernatorial State of the State address in January 2025.

On the same evening as the Governor's speech, a "People's State of the State" rally to raise awareness about the housing and homelessness crisis in Rhode Island was planned by local groups, including the Rhode Island Homeless Advocacy Project, and by Harrison Tuttle, who at the time was President of the Rhode Island Black Lives Matter PAC (which has since dissolved). The rally was supposed to take place in the State House rotunda an hour before the Governor's State of the State address in the House of Representatives chamber. But upon arriving at the State House, Tuttle and others were advised that the Governor's office had instructed State Police and Capitol Police to prevent them from accessing the Rotunda and the upper floors of the State House. *Continued on p. 2*

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Press conference announcing the lawsuit against the National Endowment for the Arts in March.



Madalyn presents at the Banned Books Week event in Cranston in October.

# 2025



Barbara tables at a statewide Back to School event in August.



Zoe and Heather table at the No Kings rally in Providence in July.

*in photos*



Madalyn, Policy Associate, testifying during the 2025 RI Legislative Session in February.



Cumberland event where attendees wrote postcards to their legislators in April.



Marta V. Martínez receives the Civil Libertarian of the Year Award at the Annual Meeting in November.

## FROM THE DESK OF THE EXECUTIVE DIRECTOR

We've just about made it to the end of 2025.

I'd like to take a moment to highlight the need to pause and appreciate the victories we've made happen, even while we've faced more blows to democracy than many of us could have imagined in the past year. But we cannot continue our tireless work if we're not taking the time to acknowledge the importance and tangible difference each day's effort is making.

I invite you to look at pages 4 and 5, where we detail our 2025 year in review, and the case docket insert — which has more cases than ever before.

From cases to legislative victories, educational events to outreach and community-building, every victory and new case will directly benefit Rhode Islanders living their lives — and exercising their rights — in our state.

We're not giving up on any of our civil liberties. We're keeping a watchful eye on what's happening at the local and state levels, and contributing to the defense of civil liberties at the national level where we can.

And — as always — you make a difference. Your voice matters, your support to the ACLU matters, and your belief in a more just and fair future Rhode Island matters. Thank you.

— Steven Brown

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## CASE UPDATES

### Federal Court Blocks Trump Administration's Unlawful Restrictions on Health and Housing Grants

A federal judge in Rhode Island has blocked sweeping and unlawful restrictions the Trump administration imposed on federal grants administered by the U.S. Departments of Health and Human Services and Housing and Urban Development in *Rhode Island Coalition Against Domestic Violence v. Kennedy*. This decision, which follows an earlier granting of a temporary restraining order, safeguards critical services for survivors of domestic and sexual violence, LGBTQ+ youth, and unhoused communities.

Created and authorized by Congress, grants from the affected programs — such as the McKinney-Vento Homeless Assistance Act and the Violence Against Women Act — have long provided critical support to organizations that serve survivors, families, youth, and people experiencing homelessness. Through politically motivated funding conditions, the suit argues, the Trump administration is undermining Congress's clear intent, threatening the effectiveness of these programs, and jeopardizing services that vulnerable communities across the country depend on.

The Court found that the challenged conditions were arbitrary and capricious under the Administrative Procedure Act, and that some of the conditions likely violated the First Amendment. Plaintiffs are represented by Democracy Forward, Jacobson Lawyers Group, National Women's Law Center, Lawyers' Committee for Rhode Island, and the ACLU Foundation of Rhode Island.

### ACLU of RI Sues Gov. McKee *Continued from p. 1*

At the same time, other people were permitted free access to the same areas.

The rotunda is a well-known public space regularly used for protests and demonstrations, and the public areas of the State House have historically been open to the public before and during the annual State of the State address. For this year's address, however, entrance to the rotunda was blocked off by police with a sign stating that it was reserved from 4:30 pm to 10 pm, although records indicate that the Governor's staff didn't formally "reserve" the space until 4:39 pm. Unable to hold their rally in the rotunda, the protesters were instead shunted by police to a recessed area in the back of the State House located away from the building's main entrance and elevators, and in a much less visible and accessible location than the rotunda.

The lawsuit, filed in U.S. District Court by ACLU of RI cooperating attorneys Lynette Labinger and Sonja Deyoe, seeks a declaratory judgment that the plaintiffs' constitutional rights were violated; an injunction prohibiting the Governor and others from restricting the right of the people to peacefully gather in the State House rotunda based on the content of their speech; and an award of damages and attorneys' fees. To prevent a recurrence, the lawsuit will seek judicial relief before next January's State of the State address.





## DEVELOPMENT CORNER

Dear Friends,

You are the reason we can keep fighting these battles. Through our **Annual Meeting Pledge Campaign**, you can play a vital role in equipping us in this fight. Our hope for the campaign is to increase the number of pledgers who give through monthly or quarterly donations to our Affiliate, but we welcome one-time gifts as well.

### In January, we set out a roadmap of what our upcoming year would look like:

- Calling on legislators to pass laws to protect libraries and librarians from censorship; to enact comprehensive reform to the state's open records law; and to address the continuing problem of racial profiling.
- Working on numerous fronts to protect immigrants in Rhode Island from the xenophobic tsunami that the Trump Administration had promised to unleash.
- Hosting more trainings to help civil liberties supporters successfully advocate for their rights.
- Continuing to pursue litigation fighting for the rights of children with disabilities in state care, protecting individuals from discriminatory and retaliatory arrests and harassment by law enforcement, and safeguarding the right to privacy in a variety of contexts.

### In 2025, we did indeed accomplish much:

- We passed the Freedom to Read Act in partnership with our community coalition partners.
- Also in partnership with our National office and other allied groups, we filed — and fully or preliminarily won — six lawsuits against the Trump Administration over xenophobic and discriminatory policies that are challenging long-held constitutional rights.
- We held numerous events throughout the state aimed at educating people on how to advocate.
- We favorably settled a number of major lawsuits, including an egregious false arrest case against the Woonsocket Police Department; our class-action suit on behalf of thousands of Rhode Islanders who were victims of the unsettling RIPTA database breach in 2021; and a suit on behalf of hundreds of young children in Providence who were being denied the special educational services they were entitled to under the law. This newsletter includes our annual docket which shows the incredible breadth of our legal program.

All civil liberties are under constant threat, and the new year looks even more ominous than the last. ***Can we count on you to step up and stand together with us in 2026?*** Every donation — whether through a pledge or a one-time gift — goes to work immediately, helping to protect rights and freedoms in your community and helping to prevent some of the grievous losses and abuses that we have seen elsewhere. You can check the back page of the newsletter to see how you can contribute.



Thank you so much for your support.

– Monica Smith, Development Coordinator

*Photo by Maddie Van Wylene*

### UPCOMING EVENT: Legislative Advocacy Training

The 2026 Legislative Session starts at the beginning of January, and you know what that means: we'll be hosting our yearly advocacy training! Learn how to make change at the state level through advocacy, including how to contact your legislators, how to testify at the State House, and how to read and track bills. In our 2-hour training, you'll be able to ask questions of our guest legislators and ACLU lobbyists. Plus, the skills you learn can be applied to advocacy at every level of government! Keep an eye out for details in the mail and in your email inbox.



2025 Legislative Advocacy Training

## ACLU of RI Year in Review – 2025

The Trump Administration's actions have presented some of the most serious threats to civil rights and civil liberties in recent memory. In response, the Affiliate has mounted a vigorous and effective defense, thus far participating in six lawsuits against the administration, and all resulting in favorable rulings. However, this focus did not deter the Affiliate from pursuing and winning numerous other impactful cases against state and local officials on a broad range of civil liberties issues.

In addition to managing a docket of more than **40 cases**, the Affiliate actively lobbied on more than **350 bills** during the 2025 General Assembly session, leading to passage of some important proactive measures and the defeat of many anti-civil liberties bills. Below is a sample of highlights from this year's work.

### First Amendment Rights

**LEGAL VICTORY** – The Affiliate and National ACLU successfully challenged a National Endowment for the Arts grant condition requiring applicants to certify they would not use funds to “promote gender ideology.”

**NEW CASE** – The Affiliate sued the Governor for prohibiting protesters from gathering in the State House rotunda before his annual “State of the State” address.

**LEGAL VICTORY** – Following an ACLU lawsuit, Smithfield school officials agreed to cease blocking criticism of the district on its social media platforms.



**LOBBYING VICTORY** – The ACLU of RI and a coalition of organizations secured passage of the “Freedom to Read Act,” safeguarding public libraries and public school libraries from censorship.

### Open Government

**NEW CASE** – The ACLU of RI filed suit against the Brown University Police Department for claiming a blanket exemption from compliance with the state's Access to Public Records Act.

**ADVOCACY** – The ACLU of RI and other open government groups submitted detailed testimony to the RI Supreme Court urging that steps be taken to make its public court records system more accessible online. The request is pending.

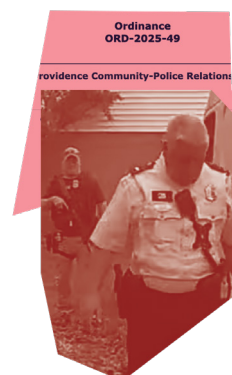


### Rights of Immigrants

**LEGAL VICTORY** – In partnership with the National ACLU, the Affiliate successfully defended in court a Venezuelan national who faced unjust deportation under the federal Alien Enemies Act.

**LEGAL VICTORY** – The Affiliate joined other New England ACLU branches in successfully challenging the Trump Administration's abrupt revocation of student visas at local colleges and universities, including RISD and Brown University.

**SUCCESSFUL ADVOCACY** – The Affiliate helped draft, and assisted in the passage of, a Providence ordinance prohibiting the use of city resources to support questionable federal immigration enforcement activities.



### Right to Privacy

**LEGAL VICTORY** – A judge approved a settlement awarding damages to individuals affected by a major data breach involving personal and health care information maintained by RIPTA and UnitedHealthcare.

**NEW ADVOCACY** – The Affiliate submitted testimony opposing proposed Department of Health regulations that would severely weaken privacy protections for the state's database that houses the medical records of hundreds of thousands of Rhode Islanders.



**CONTINUING ADVOCACY** – The Affiliate continued its public education campaign warning residents about the privacy risks posed by the purchase by municipalities of Flock Safety automated license plate readers.

## Trump Administration Grant Certifications

**LEGAL VICTORIES** – The ACLU of RI collaborated with national and local litigators in four cases to overturn unlawful certification requirements imposed on nonprofit organizations — including the RI Coalition Against Domestic Violence, the RI Coalition Against Homelessness, and the Women’s Development Corporation — in seeking federal grants.

## Equal Protection of the Laws

**LEGAL VICTORY** – The Affiliate settled a lawsuit benefiting hundreds of young children who had been denied federally mandated special education services.

**LOBBYING VICTORY** – The Affiliate worked for the passage of the nation’s first law requiring employers to provide reasonable accommodations to employees experiencing menopause.

**LOBBYING VICTORY** – The General Assembly enacted legislation prohibiting hairstyle-based discrimination in schools and employment.

**LEGAL BRIEF** – The ACLU of RI submitted a “friend of the court” brief backing RI Department of Education regulations that protect the rights of transgender students.



**LEGAL BRIEF** – The Affiliate filed a brief in the RI Supreme Court challenging the Attorney General’s troubling assertion that the state’s Civil Rights Act does not permit lawsuits against the state in federal court.

## Criminal Justice

**LEGAL VICTORY** – The ACLU of RI won substantial monetary damages for a Black man unlawfully arrested and jailed twice by Woonsocket police based on a knowingly false warrant affidavit.



**LOBBYING VICTORY** – The ACLU of RI successfully opposed an Attorney General-backed bill that would have transferred control of the independent crime laboratory to his office.

**LEGAL BRIEF** – The ACLU of RI filed a “friend of the court” brief challenging a federal law that prohibits marijuana users from possessing firearms.

## Rights of the Incarcerated

**LEGAL VICTORY** – The ACLU of RI reached a favorable settlement with the Department of Corrections that addressed the agency’s failure to accommodate the religious practices of a Native American prisoner.



**LEGAL VICTORY** – A federal judge declined to dismiss lawsuits filed by the ACLU of RI, alleging negligence by prison officials, on behalf of the families of two individuals who died by suicide at the ACI within three months of each other.

## EVENT RECAP: Annual Meeting

We gathered in early November to celebrate our wins and honor the 2025 Civil Libertarian of the Year, Marta V. Martínez and Rhode Island Latino Arts. The evening included food, socializing, speeches by two volunteers about how they became invested in the ACLU of RI’s work, a portrait exhibit about the power and process of successful advocacy, and some wise words from our executive director. Thank you to our sponsors, and everyone who joined us!

*Special thanks to this year’s **Constitutional Champion** sponsor of our annual meeting:*



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Attendees at the Annual Meeting (L); Monica, Development Coordinator, speaking during the program (R).



## SETTLED CLASS-ACTION LAWSUITS

### Closure Reached in Suit Over Lack of Special Education Services to Preschool Children

A federal class-action lawsuit against the Providence school district and the RI Department of Education, alleging that hundreds of children with disabilities between the ages of three and five were routinely not receiving critical and legally required special education services, has been closed with the defendants' compliance with a detailed consent decree. The suit was filed by the ACLU of RI and the RI Center for Justice.

A federal law provides for early intervention services for infants and toddlers with disabilities from birth to their third birthday, followed by a "free appropriate public education" after that. For many children in Providence, however, those services were not being provided, leading to the lawsuit. The consent decree, entered in 2023, required timely evaluations of children for their eligibility for special education services, timely placement of children in appropriate programs, and added personnel to speed up the evaluation process. It took two years, but all the conditions of the agreement were met this fall, leading to voluntary dismissal of the case.

### Settlement of RIPTA Data Breach Class-Action Lawsuit Approved by Judge

A Superior Court judge has approved a settlement agreement in the ACLU of RI's class-action lawsuit against the Rhode Island Public Transit Authority (RIPTA) and UnitedHealthcare New England over an August 2021 RIPTA data breach that compromised the Social Security numbers and other personal and health care information of thousands of individuals, including many with no connection to RIPTA. Under the settlement, participating class members will receive free credit monitoring for five years and various levels of financial compensation.

The lawsuit, filed by ACLU cooperating attorneys Peter Wasylyk and Carlin Phillips, argued that the defendants were negligent in failing to properly maintain, protect, purge, and safely destroy the data, violating state laws designed to preserve healthcare confidentiality and protect against identity theft.

## "FRIEND OF THE COURT" BRIEFS

### ACLU Files Brief in Support of Gun Owners Criminally Charged for Using Medical Marijuana

The ACLU of RI has filed a brief supporting a challenge to a federal law that completely bars users of unlawful controlled substances — including medical marijuana, which, though legal in Rhode Island, remains illegal at the federal level — from possessing firearms.

After the government appealed a lower court ruling that the law's application to the defendants violated the Second Amendment, ACLU of RI cooperating attorneys Thomas W. Lyons and Rhiannon Huffman filed a brief arguing that it is unconstitutional to disarm all users of marijuana "regardless of whether their use of marijuana renders their possession of firearms dangerous." For decades, the ACLU has contested both the criminalization of marijuana possession and arbitrary restrictions imposed on its use. The appeal in this case has been put on hold, as the U.S. Supreme Court has agreed to hear a similar legal challenge from another jurisdiction.

### Brief Challenges RI Attorney General's Position Undermining Civil Rights Law

An ACLU of RI brief filed in the state Supreme Court challenges the RI Attorney General's troubling position that state officials are immune from suit in federal court under one of RI's key anti-discrimination civil rights statutes.

The lawsuit involves two men incarcerated at the RI Adult Correctional Institutions who allege that the state Department of Corrections discriminated against them based on their disabilities, in violation of federal law and the Rhode Island Civil Rights Act (RICRA), by deliberately ignoring and exacerbating their preexisting medical conditions. In response, the AG argued that the State has sovereign immunity from suit and therefore can discriminate based on disability without being sued for damages under RICRA. The ACLU's brief contests that position, arguing that "shielding state actors from RICRA liability would undermine the statute's broad purpose" and "leave individuals discriminated against by state officials without a remedy." The case is awaiting oral argument.



## RECENT ACLU OF RI ADVOCACY

**PRIVACY IN HEALTH CARE** The ACLU of RI submitted testimony urging the Department of Health (DOH) to withdraw proposed regulations that would eliminate critical privacy protections governing the Health Information Exchange (HIE), the state's vast database that stores the healthcare information of hundreds of thousands of Rhode Islanders. Many of the protections were added a decade ago as the result of an ACLU lawsuit challenging the broad expansion of the HIE. The Department's proposal remains under advisement.

**ACCESS TO CONTRACEPTIVES** The Affiliate raised concerns about another set of proposed DOH regulations, these dealing with pharmacists who refuse to fill prescriptions on religious or moral grounds. While the proposal generally would obligate pharmacy owners to find an alternative method to ensure that prescriptions get filled without interruption in those circumstances, the regulation contains an exception for contraceptives, requiring only that pharmacies "make every reasonable effort" to find a pharmacist to accommodate a patient. The ACLU of RI testimony calls on the DOH to treat contraceptive prescriptions like all others in order to ensure timely patient access.

**PROTECTION FOR IMMIGRANTS** The Affiliate assisted with the drafting and successful passage of an ordinance by the Providence City Council that significantly restricts police and city officials from collaborating with Immigration and Customs Enforcement (ICE) agents. At a time when ICE is terrorizing the immigrant community in the state, this much-needed enactment will help ensure that the city remains a safer haven, to the extent possible, for both documented and undocumented residents.



Screenshot of a recent Providence City Council meeting live stream.

**HOUSING DISCRIMINATION** The ACLU of RI sent a letter urging the Providence City Council to reject an ordinance that would impose a surcharge of \$300 per student per year on landlords who rent apartments that house only students, and would further require detailed personal data about students living off-campus to be shared with the City. The ACLU called the proposal "discriminatory and offensive" and urged its defeat.

### PRIVACY AND SURVEILLANCE

Flock Safety Cameras are a brand of so-called automated license plate readers that have extensive surveillance capabilities, and whose data is often shared with other law enforcement agencies across the country. Recent news reports have documented ICE's use of this surveillance tool to target and track immigrants. Various cities and towns — and the RI State Police — have been installing them in Rhode Island, and the ACLU of RI and local community groups are pushing back. As this newsletter went to press, the ACLU and residents in Bristol and Warren were urging those towns to resist entreaties from the State Police to install the surveillance devices in their communities.



A Flock camera on South Main St. in Providence.

Meanwhile, the ACLU of RI wrote a letter to Rhode Island Energy, calling on them to adopt clear privacy standards as they install "smart meters" across the state. Unlike traditional meters, smart meters collect highly granular usage data that can reveal intimate details about a household, such as when residents are home, when they typically return from work or school, and other household-specific activities. The ACLU is awaiting a response from the company before considering next steps.

The ACLU's letters and testimony on the items that are described above — and many others — can be found on our website at [www.riaclu.org/letters-testimony](http://www.riaclu.org/letters-testimony).

### WE'RE HIRING! Outreach & Engagement Coordinator

We're hiring an Outreach and Engagement Coordinator to help develop and implement advocacy campaign organizing strategies to help advance our mission, build relationships with community partners, and mobilize ACLU supporters across Rhode Island. If you, or someone you know, is interested in working for the ACLU of RI, take a look at the job description on our website at [www.riaclu.org/jobs](http://www.riaclu.org/jobs) or by scanning the QR code.





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**It's the end of 2025.**

**Not the end of the fight to protect civil liberties.**

Thank you for being with us. Your support enables us to remain constantly in action to protect your rights at the local, state, and federal level. If you'd like to help us continue our work of protecting and defending civil liberties across Rhode Island, consider making a special end-of-year tax-deductible gift:

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**IN THIS ISSUE:**

Check out our new job  
posting on page 7, and  
our 2025 legal docket,  
listing the dozens of  
cases the Affiliate was  
involved in this year.