

# RHODE ISLAND CIVIL LIBERTIES

NEWSLETTER OF THE ACLU FOUNDATION OF RI

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ISSUE 2

## THE FEDERAL-LEVEL FIGHT FOR RHODE ISLANDERS' RIGHTS

### *Major ACLU of RI Successes in Ongoing Lawsuits Against the Trump Administration*

In the past two months, the ACLU of Rhode Island has scored a string of important victories in lawsuits we are participating in that challenge a variety of assaults on our rights by the Trump administration. The cases cover a wide range of issues and affect a broad array of Rhode Islanders and local organizations working to support some of the most vulnerable members of our community. While these cases have been filed in Rhode Island, many will have a nationwide impact!

- Agreeing with arguments made by the ACLU and the Rhode Island Secretary of State, U.S. District Judge Mary McElroy dismissed a U.S. Department of Justice lawsuit seeking access to private personal information contained in the state's voter files. *U.S. v. Amore*.
- In a case in which the ACLU of RI filed a "friend of the court" brief, U.S. District Judge Melissa DuBose refused to dismiss a lawsuit filed against the U.S. Department of Health and Human Services, challenging its effort to unilaterally eliminate various agencies in the Department, including its Division of Reproductive Health. *State of New York v. Kennedy*.
- ACLU of RI intervention obtained the release of an immigrant picked up by ICE agents and held at the Wyatt Detention Facility after they refused to bring him before an immigration judge for a bond hearing. *J.E. v. Nessinger*.
- Courts issued favorable decisions in three separate cases filed jointly by the ACLU of RI, Democracy Forward, and the Lawyers Committee of RI, challenging unconstitutional conditions imposed by the Trump administration on non-profit organizations applying for housing and anti-domestic violence grants. [Read more about all these cases on p. 2!](#)



Attorneys, plaintiffs, and staff after the March 26 hearing in *United States v. Amore*

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### POLICE TRANSPARENCY CASE TO CONTINUE

A Superior Court Judge has rejected Brown University's attempt to dismiss an ACLU lawsuit contesting the university police department's refusal to disclose its arrest reports.

The lawsuit, filed by ACLU of RI cooperating attorney Fausto Anguilla, centers on whether Brown's police department is subject to the state's Access to Public Records Act (APRA). The lawsuit was filed last June against Brown University's Department of Public Safety (BDPS) on behalf of two journalists after BDPS refused to provide them reports of arrests made by BDPS officers. *Cont'd on p. 6*

**"We believe it is clear that the Brown University Police, with the power that they wield, should be as transparent and open as any other police department."**

- Steven Brown, ACLU of RI executive director

## FROM THE DESK OF THE EXECUTIVE DIRECTOR

Spring has arrived with a shower of good news in some major cases, summarized on this page. These court victories against the Trump administration have cleared the path to support some of our community's most vulnerable members.

At the same time, our activity at the state and local level continues unabated, and you can get some idea of its scope in the article on page 3.

We had great success in 401Gives, raising nearly \$10,000 from 93 generous donors! You are seeing that funding at work in the stories filling these pages.

Meanwhile, the legislative session is gaining momentum. Hundreds of bills will live or die in the next two months, for good and bad (like the ones on p. 4!) and we're working overtime to address them.

That means now is the time to pick up the phone and call or email your state legislators and let them know what issues matter the most to you. We have a Legislative Dashboard on our website if you want more ideas of what bills we support and oppose this session! To read more, go to [www.riaclu.org/LegDashboard](http://www.riaclu.org/LegDashboard).

I say it every newsletter, but your support and actions matter — now more than ever. Thanks for being with us in this fight.

— Steven Brown

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## ACLU OF RI FEDERAL-LEVEL VICTORIES

Below is a brief synopsis of six cases in which we are involved locally against the Trump administration that had favorable rulings in March and April. We're waiting to hear whether the government plans to appeal any of them.

**Protecting Voters' Privacy:** On behalf of Common Cause, we asked the court to dismiss this US DOJ lawsuit demanding access to the Social Security and drivers' license numbers of voters contained in the state's voting files. At a court hearing, the DOJ attorney could not articulate why the government needed this private data, but confirmed that it would be shared with the Dept. of Homeland Security and potentially other agencies. The court agreed the DOJ had no authority to make this demand and dismissed the suit. *U.S. v. Amore*.

**Protecting Maternal Health:** With the national Lawyering Project, we filed a brief on behalf of four organizations that work to reduce maternal and infant mortality, challenging administration efforts to eliminate the Division of Reproductive Health, a federal agency that works specifically to improve maternal outcomes. Judge Melissa DuBose rejected the federal government's request to dismiss the lawsuit. *State of New York v. Kennedy*.

**Protecting the Rights of Immigrants:** ACLU of RI cooperating attorney Elise McCaffrey obtained the release of an immigrant from the Wyatt Detention Facility after he was picked up by ICE and denied the opportunity for a bond hearing. ICE argued that they could subject him to mandatory detention, but a federal judge disagreed. This is just one of dozens of cases where judges in Rhode Island have rejected ICE's attempt to hold people indefinitely without a hearing. *J.E. v. Nessinger*.

**Protecting Funding for Housing Organizations:** Judge Mary McElroy blocked federal funding restrictions on non-profit housing organizations, including the Women's Development Corporation, that are located in "sanctuary jurisdictions" — states that protect immigrants' rights, respect transgender people, and provide harm reduction services. The judge agreed that the federal government had failed to follow proper procedures in imposing these grant restrictions without justification or any relevance to the nature of the grants. *National Alliance to End Homelessness v. Turner*.

**Protecting Funding for Housing Organizations (2):** A federal appeals court turned down the U.S. Housing and Urban Development's appeal of a preliminary injunction issued in December that blocked the agency's implementation of new restrictions on housing grants that help veterans, people with disabilities, and individuals and families with children experiencing homelessness. The restrictions included rejecting any grant applicant that uses "a definition of sex other than as binary in humans." Plaintiffs in the case include Crossroads Rhode Island. *National Alliance to End Homelessness v. H.U.D.*

**Protecting Funding to Support Domestic Violence Survivors:** After a court victory blocked the DOJ's attempt to set various unconstitutional restrictions on applicants seeking grant funds from the Office on Violence Against Women, the federal government came up with additional conditions, including barring funding to organizations that aid noncitizen domestic violence survivors. In April, a federal judge issued a preliminary injunction against the new restrictions. *Rhode Island Coalition Against Domestic Violence v. Blanche*.

# ACLU OF RI WORK AT THE STATE AND LOCAL LEVEL

While we are fighting many high-level legal battles against the Trump administration, most of the ACLU of Rhode Island's advocacy takes place against state and local actors and outside the spotlight of a courtroom. Here's a selection of some recent day-to-day work performed by the Affiliate staff in seeking to protect civil liberties across the state.

## PRIVACY

In an important victory for healthcare privacy, the **Rhode Island Department of Health** has withdrawn proposed regulations that would have substantially reduced privacy protections governing the Health Information Exchange, the state's centralized database of patient health records. In detailed testimony, the ACLU had argued that the proposal inappropriately weakened confidentiality, security, and informed consent protections for patients.

After learning of implementation of a facial recognition system at the **state's courthouses**, we raised numerous privacy concerns. The court has since adopted a policy governing the program, but we consider it inadequate in addressing the privacy issues the technology raises, and plan to follow up and call for stronger protections.

The Affiliate has continued its work opposing the installation of Flock Safety automated license plate reader (ALPR) cameras across the state. Responding to pressure from the ACLU and local members, the **Middletown Town Council** tabled a proposal in March to install six cameras in the town.

## RIGHTS OF THE UNHOUSED

The **Warwick Town Council** considered and put on hold an anti-homeless ordinance in late March. Joined by the R.I. Homeless Advocacy Project, we raised numerous objections to the proposal, which would impose fines on people living in encampments on City-owned property and authorize the removal of their personal property with minimal notice. The Council agreed to table the proposal until June.

## VOTING RIGHTS

We joined with Common Cause Rhode Island to urge the **Rhode Island Board of Elections** to reject proposed regulations that would largely bar third parties from collecting and submitting completed mail ballots from voters. The draft regulations, similar to pending state legislation we are also opposing, have been put on hold for now.

## GOVERNMENT TRANSPARENCY

After receiving a complaint that the **Judicial Nominating Commission**, which screens candidates for judicial positions, requires members of the public to sign up two weeks in advance if they wish to speak at a meeting, we have called on the Commission to revise this unnecessarily lengthy sign-up deadline for public comment.

Agreeing with ACLU suggestions, the **Providence City Council** sponsors of a controversial rent stabilization ordinance amended it to ensure that a Residential Rent Regulation Board set up to implement the law would follow procedures that would allow for meaningful public input. The Mayor has vetoed the ordinance, and its fate is uncertain.

The Affiliate has testified against proposed **Rhode Island Supreme Court** rules that would allow the court to charge the public for downloading and printing files from the court's new electronic filing system, significantly deterring public access to court records. The proposed rules remain under advisement.



# BILLS OF CONCERN IN THE RI LEGISLATIVE SESSION

This is our annual non-exhaustive mid-session list of some of the “bad” bills introduced in the General Assembly so far — bills that will adversely impact civil liberties in our state if enacted into law. We outlined some “good” bills in our last newsletter, which is available on our website.

We encourage you to pick a bill (or two), send an email or make a phone call to your state legislators, and express your views! Your words as a constituent hold weight. For more information about these bills and many others we are tracking, check the legislative section of our website and our legislative dashboard weekly for information about bills that are coming up for a hearing that week. Go to [www.riaclu.org/legdashboard](http://www.riaclu.org/legdashboard).

## FREE SPEECH

### Expansion of Electioneering Ban (H 7572, S 2131)

State law currently bans “electioneering” within 50 feet of a polling place on Election Day. This bill would extend that ban to the three weeks before election day at the places where early voting occurs — city and town halls. We believe that stifling political speech for such a long period of time in front of the buildings that are core forums for free speech activity undermines First Amendment rights.

### Social Media Bans (H 7953, H 7746, S 2968)

While we appreciate concerns about the effect of social media on minors, we oppose these bills that would either require express parental consent for minors to access social media platforms or completely ban their access. These bills impose privacy-invading age verification obligations on all users, including adults, and make it challenging for young people to find community in these spaces and to explore with peers sensitive matters like LGBTQ+ issues and family relations.



### Threats to School Officials (H 7552, S 2957)

This bill would authorize a five-year prison sentence for threatening a school employee. It would add school workers to a growing list of jobs where the punishment for making verbal threats is increased substantially from less severe misdemeanor penalties. This bill is particularly problematic since the “threats” need not be credible or require an actual intent to harm, thus potentially turning parents engaged in rhetorical excess into felons.

### Disorderly Conduct (H 7550, S 2296)

We oppose this legislation which would make felons of individuals who “loiter” on a highway and “distract” drivers. In simpler terms, this bill targets individuals who panhandle at intersections or engage in rallies on roadways — activities that, absent true disruption, represent a core exercise of free speech rights.

## ECONOMIC JUSTICE

### Criminalizing the Homeless (H 8066, S 2481)

Rhode Island’s serious homelessness crisis cannot be solved by punishing those affected. As such, we object to this legislation which would make it a crime punishable by a year in prison for a person to “occupy a dwelling unit or other structure,” even if abandoned, without permission. Aimed at “squatters,” this criminalization is ineffective and lacks compassion for the plight of the hundreds in our state experiencing homelessness.

## VOTING RIGHTS

### Limit Early Voting (H 7669)

One of the few positive impacts from the Covid-19 pandemic was the spotlight it shone on the need for modern, updated, and more accessible voting procedures. Currently, Rhode Island voters may vote early during the twenty days preceding Election Day. For no compelling reason, this legislation would shorten that time frame to a maximum of ten days even though early voting has proven to be a huge success in the state.

### Limit Mail Ballot Returns (H 7979, S 3114)

We are opposing these bills that seek to strictly limit third parties from possessing or returning mail ballots, and would also set new limits on how voters themselves could return their mail ballots. In many cases, third party assistance serves a beneficial purpose for some voters, including the elderly or individuals with varying levels of English proficiency. The restrictions proposed by these bills would likely have the effect of unfairly disenfranchising some of those voters.



## CRIMINAL JUSTICE

### Increased Penalties for Driving Offenses (H 8100, S 3102)

This Attorney General-sponsored bill would double and triple the already lengthy prison penalties for various driving offenses. Sending offenders to prison for longer periods of time will not deter reckless driving nor assist in the rehabilitation of offenders, but instead will only divert limited financial resources away from approaches that could better address dangerous driving behavior.



### “Super Speeder” Sentencing (H 8098, S 2942)

This bill would require drivers sentenced for certain speeding and other traffic violations to have installed at their own expense an “intelligent speed assistant” device that would regulate the car’s speed to prevent exceeding the speed limit. Because the car’s whereabouts would always be tracked, we have raised privacy concerns about the collection and retention of this data, as well as the bill’s adverse financial impact on lower-income individuals.

### Assaults on Referees and Railroad Workers (H 7549, S 2316; H 8432, S 3164)

(H 7549, S 2316; H 8432, S 3164)

We oppose these bills that would separately designate assaults on sports officials and railroad workers as felonies, even though assaults are already a misdemeanor, and serious assaults are already felonies. We noted that the legislation would turn more offenders into felons, with all the consequences that entails, and continue an unfortunate trend of arbitrarily singling out assaults on people in particular occupations for especially harsh punishment.



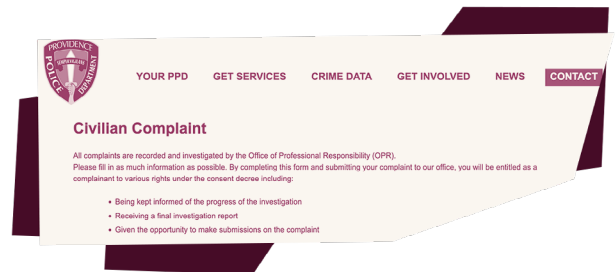
## POLICE POWERS

### Expand Attorney General Powers (H 7993, S 3104)

This bill would exponentially expand the authority and powers of the Department of Attorney General to conduct intrusive civil investigations against anybody engaged in what that office believes to be “repeated illegal acts.” We argued that the bill would inappropriately allow the AG to supersede, and interfere with, the jurisdiction of numerous other executive agencies that, with more appropriate guardrails, enforce statutes and regulations over a wide array of business and personal conduct.

### False Reporting of Police Misconduct (S 2302)

Individuals often do not file misconduct complaints against police for fear of retaliation. This legislation, which would make it a crime to file a false report of misconduct against a law enforcement officer, would place a dangerous retaliatory tool in the hands of police and further chill victims from filing legitimate complaints of misconduct.



### School Security Measures (H 7731, S 2209)

This legislation, requiring a police officer in every school, would have the effect of turning all schools, from kindergarten up, into armed campuses and require the expenditure of enormous amounts of money for security purposes that could be much better spent addressing the social, emotional, and behavioral support services that students need.



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Special thanks to last year’s **Constitutional Champion** sponsor of our 2025 Annual Meeting! If you want to be a 2026 Annual Meeting sponsor, contact Monica at [development@riaclu.org](mailto:development@riaclu.org).

## POLICE TRANSPARENCY CASE

*Cont'd from p. 1* In one instance, Noble Brigham, who was then a *Brown Daily Herald* reporter, was denied access to the arrest reports of a man who had been charged multiple times by BDPS with trespassing and breaking and entering on the Brown campus. Separately, *Motif Magazine* reporter Michael Bilow was denied BDPS police reports on 41 students who were arrested for trespassing after protesting university investment practices and refusing to leave a university building after hours.

Noting that APRA explicitly applies to private agencies that are “acting on behalf of and/or in place of any public agency,” the suit claims that BDPS clearly meets that definition. The officers are hired by the State Police and, in Brown’s own words on its website, they “have police jurisdiction on campus and upon the streets and highways adjacent to the campus.” Nonetheless, the university argued both that the case was moot because the journalists ultimately obtained the reports from other sources and that APRA did not apply to a police department like BDPS, but Judge Shannon Signore rejected those arguments and ordered that the case continue.

## MARCHING FOR DEMOCRACY

We tabled at the third “No Kings” protest on March 28 to hand out Know Your Rights materials, merch, and information about our work.

Shout out to our amazing Board members and volunteers who helped us table and joined us in the march!



## UPCOMING EVENTS

### WRITING POSTCARDS TO LEGISLATORS

*Attendance is free for all, but advance registration is required to ensure we have enough materials.*

**Monday, May 18, 6pm-7:30pm**

*Cranston – exact location to be announced. Check our website soon!*

Join us for a free workshop where we’ll give a quick explanation of two of our priority bills in this state legislative session, and then you’ll have time to write postcards to your state legislators advocating for them. All materials are provided — you just need to show up ready to listen and write.



**To register:** Scan the QR code with a smart phone or go to [www.riaclu.org/events](http://www.riaclu.org/events). Alternatively, email us at [communications@riaclu.org](mailto:communications@riaclu.org) or call our office at 401-831-7171.

### FIND US AT PRIDEFEST

We’ll be tabling at the 50th anniversary PrideFest in downtown Providence on Saturday, June 20!

Stop by our table to learn about your rights, pick up some of our best merch, or just to say hello to our staff, board members, and volunteers.

## DEVELOPMENT CORNER

What a wonderful 401Gives Day! We are in awe of Rhode Islanders' generosity. This year, we leaned into our community with more peer-to-peer campaigns than ever before, and we saw support from many longtime members while also welcoming new donors along the way. It was a powerful reminder of what's possible when people come together in support of civil liberties.

At the same time, what stands out most isn't just a single day of giving — it's the broader community that continues to show up for this work in so many ways. Whether through donations, volunteering, advocacy, or simply staying informed, this work is never done in isolation.

I want to take a moment to say a special thank you to those who choose to give anonymously—both during 401Gives and throughout the year. Your quiet, consistent support does not go unnoticed. Whether your gift was \$5, \$500, or \$5,000, each one gives me pause and deep gratitude. You are part of the foundation that allows us to respond, advocate, and show up when it matters most.

We have also seen a meaningful increase in support through corporate giving and employee matching programs. Contributions connected to companies like Bank of America, Raytheon Technologies, Progressive Insurance Foundation, General Dynamics, Dell Technologies,

Amgen, CVS, Amica, Amgen, PWC, AT&T, Simons Foundation, Enact, Santander Holdings USA, Husch Blackwell, and Johnson & Johnson reflect something important — this work resonates not just individually, but across workplaces and professional communities as well. We are grateful to both the companies and the employees who choose to support this work. Check with your employer to see what donation matching programs they have available!

If you couldn't participate in 401Gives — or are looking for other ways to support — there are many ways to do so. You can return the enclosed envelope with a contribution, make a donation when registering for an upcoming event, or give online at <https://riaclu.networkforgood.com>.

If you've been looking for ways to stay connected, I would love to hear from you. Whether it's attending an event, volunteering, hosting a conversation, or simply learning more about the work, there are many ways to be part of this community.



Thank you for showing up — for this organization, and for each other.

Warmly,

- Monica Smith  
Development Coordinator  
401-831-7171, [development@riaclu.org](mailto:development@riaclu.org)

*Photo by Maddie Van Wylen*

## BLOG POST: EXPLAINING A CRITICAL IMMIGRATION BILL

One of our (good!) priority bills would protect immigrants in Rhode Island. Colloquially known as the "364 day bill," it provides a very simple fix to a legal loophole that exists between state and federal law.

That's why we wrote a blog post to explain the bill, and how it would work in practice.

Now, more than ever, it's important we use all the tools at our disposal to protect our immigrant neighbors, including permanent residents, from automatic deportation.

Go to [www.riaclu.org/364day](http://www.riaclu.org/364day) to read the full blog, and learn how you can advocate for the bill's passage.



## OPINION PIECE: FALSE CHOICE BETWEEN PRIVACY AND SAFETY

In an op-ed in the *Rhode Island Current*, ACLU of RI staffers Zoe Chakoian and Madalyn McGunagle make the case that automated license plate reader (ALPR) cameras offer a false choice between privacy and community safety.

We encourage you to read it and share it with friends and family that live in Rhode Island, as these intrusive cameras continue to be installed across our state — often without public meetings or public input.

The op-ed is free to read at [www.rhodeislandcurrent.com/commentary](http://www.rhodeislandcurrent.com/commentary).



A Flock Safety ALPR camera on South Main Street in Providence

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The fight to protect our rights and liberties is ongoing. **Read about some of the major victories that your support makes possible.**

**IN THIS ISSUE:**

Read about the wins in Trump cases on the front page, and a few of the bills we're fighting in the RI legislative session on p. 4!

If you'd like to help us continue our work of protecting and defending civil liberties across Rhode Island, consider making a special tax-deductible gift:

**MAIL A DONATION**

Mail a check made out to  
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Scan the QR code with your phone camera to make a one-time gift or set up a recurring donation, or go to: [www.riaclu.org/donate](http://www.riaclu.org/donate)

