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September 17, 2018 (BY EMAIL)

Dear North Smithfield Town Council Members:

We have learned of the scheduled vote at your meeting tonight on a resolution “Requesting the School Committee and all Municipal Departments to Refrain from Purchasing Nike Products.” The ACLU of Rhode Island has one simple request for you in voting on that resolution: Just don’t do it.

There can be no question, of course, as to the motivation behind this resolution. It is an attempt to financially punish Nike for its new ad campaign featuring Colin Kaepernick for his public protest against racial injustice, while a quarterback for the San Francisco 49ers, by kneeling during the singing of the National Anthem.

We recognize that the Town Council is free to express its views, however questionable they may be, on important political issues of the day. We further assume that, since it is only a resolution, the Town Council’s passage of this agenda item will not have any directly binding effect on either the school committee or municipal departments in deciding whether to purchase Nike products.* But to the extent any of the Town’s municipal agencies decide to take action consistent with the resolution, the Town and its taxpayers will face both legal and financial liability for violating the First Amendment. A government agency simply cannot ban the purchase of products from a company based solely on its political views.

Leaving aside any legal issues, passage of the resolution would display a tremendous insensitivity to the demonstrable racial inequality in our society that Kaepernick’s protest sought to highlight. At this point, we have heard of public officials in only two other states – Louisiana and Mississippi – seeking to boycott the purchase of Nike products in response to the company’s new ad campaign. We can only hope that a town as far away from the Mason-Dixon line as North Smithfield, Rhode Island will not be the third.

I thank you in advance for your attention to our views.

Sincerely,

Steven Brown
Executive Director

cc: Gary Ezovski, Town Administrator (By Fax)
Debra Todd, Town Clerk (By Fax)

* The Town Clerk’s office has advised us that an actual copy of the resolution will not be made publicly available until tonight’s meeting, so we can only assume it is not binding in any way. Leaving aside the merits of the resolution, the Town’s policy of barring prior review of the document is a disservice to the Town’s residents and to open government.